

UNITED NATIONS ACTIVITIES

UN/GA

The Process of Intergovernmental Negotiation – The Example of General Assembly Resolution 53/242* –

by Bagher Asadi**

Preface

On 14 April 1999, Dr. Didier Operti, President of the 53rd Session of the United Nations General Assembly, appointed me, in my capacity as the Chairman of the Second Committee of the 53rd Session, as the Coordinator of the open-ended informal consultations of the General Assembly on the Report of the Secretary-General on environment and human settlements.*** This Report, which also contained the report of the United Nations Task Force on Environment and Human Settlements – prepared in June 1998 under the chairmanship of Dr. Klaus Töpfer, Executive Director of UNEP – was submitted by the Secretary-General to the 53rd Session of the General Assembly. The report was allocated to the Plenary of the General Assembly under agenda item 30: United Nations reform: proposals and measures. General discussion on item 30 took place at the Plenary in late November 1998. At the end of the first part of the 53rd Session in mid-December 1998, the President informed the delegations that consideration of the Report would resume in a fully open and transparent manner in early 1999. In late March 1999, the President further informed the General Assembly that he intended to hold informal consultations on the Report in April and that he had in mind to propose appointing a coordinator to chair these consultations.

And this is how I found myself in the privileged position of coordinating the informal consultations on this very important Report. The open-ended informal consultations ended – I suppose formally informally – on 28 June 1999, when everybody involved in the consultations – including the Coordinator – decided to consider a certain text that they had worked on up to that time as agreed draft resolution on the Secretary General's report. That draft resolution came up for action by the General Assembly on 28 July 1999 and was adopted by consensus without a hitch – though not unexpectedly. And then there was a sigh of relief from everybody: myself, the negotiators, Dr. Töpfer and his people in UNON, Nairobi, and well, I suppose, the Secretary-General himself.

Once off the hook, sometime in early August, it occurred to me to pull myself together and do a report on the process, which, as I said to the President of the Assembly after the adoption of the resolution, was both interesting and instructive – at least for myself. I also told him that it was fun – which I had promised it would be back in mid-April. The report I have put together below is an attempt at moving with the intergovernmental body – in New York, in Nairobi and then again in New York – along the time continuum between mid-October 1998 and late July 1999.

In producing this report, I have tried to piece together all the relevant information and documentation. The report may appear to be rather formalistic in its approach, which, I submit, is true for the most part, but nevertheless, inevitable from the Coordinator's point of view. I have tried to remain as cool-headed and equanimous as possible – and certainly as expected from the Coordinator, in fact, any coordinator or chair – in dealing with matters of substance which are inevitably subject to differences of opinion if not outright dispute of one sort or another. While I have endeavoured – hopefully with a reasonable degree of success – to remain as procedural as possible in the body of the text, however, ventures at substantive commenting has been reserved for the footnotes, which I personally cherish more than the text.

The first, and certainly the ultimate, objective of the present exercise has been to assemble, put on record, and hopefully to share – to the extent possible and politically plausible – an experience in intergovernmental deliberation/negotiation. It has been, and remains, my sincere hope that the final outcome of this humble effort would be found informative, enlightening and educational, and if I may wish, not dead boring!

I. Introduction

The report of the Secretary-General entitled "Renewing the United Nations: a programme for reform" (A/51/950) addressed, *inter alia*, the area of "Environment, habitat and sustainable development". The report, having reviewed the experience and achievements of the United Nations in this area, considered the attainment of a sustainable equilibrium between economic growth, poverty

* See EPL 29/5 (1999) pp. 250-251.

** Ambassador, Islamic Republic of Iran, Chairman of the Second Committee; Coordinator of the open-ended informal consultations of the UN general assembly.

*** A/53/463.

reduction, social equity and the protection of the Earth's resources as the most formidable or pervasive challenge facing the international community in the next century. The report also noted that the 19th Special Session of the General Assembly (UNGASS) had drawn attention to the difficulties and divisions hampering progress in dealing with these issues and to ensure enforcement of existing agreements.

The report also reviewed developments in this area since the United Nations Conference on Environment and Development (UNCED), including emergence of new actors in the field – e.g., Commission on Sustainable Development – and their expanding participation in United Nations Forum. The report's conclusion was that these developments underscored the need for a more integrated systemic approach to policies and programmes through mainstreaming the Organization's commitment to sustainable development. And that such an approach would entail closer cooperation between the United Nations Environment Programme (UNEP) and the United Nations Centre for Human Settlements (Habitat), and between both entities and other departments, funds and programmes in the economic, social and development areas.

The report reaffirmed the role of UNEP as the environment voice of the United Nations, and that high priority must be given to according it the status, strength and access to resources it required to function as the environmental agency of the world community. The report emphasized the need to strengthen UNEP's role as the focal point for harmonization and coordination of environment-related activities, and noted, in this regard, the Secretary-General's intention to lend his full support to that process.

In order to initiate the reform process, action 12 of the Secretary-General's report provided that the Secretary-General, in consultation with Governments and the Executive Directors of UNEP and Habitat, would develop new measures for strengthening the two organizations, based on General Assembly resolution 2997 (XXVII) and 32/162, and taking into account the decisions of the Governing Council of UNEP and the Commission on Human Settlements, and would make recommendations to the General Assembly at its fifty-third session.

Subsequently, the Secretary-General established the Task Force on Environment and Human Settlements, composed of 21 eminent persons, including ministers, senior government officials, senior United Nations Officials and non-governmental organizations representatives, under the chairmanship of Dr. Klaus Töpfer, the Executive Director of UNEP. The terms of reference of the Task Force included a review of current structures and arrangements through which environment activities are carried out within the United Nations to evaluate the efficacy of those arrange-

ments and make recommendations for such changes and improvements required to optimize the work and effectiveness of the Secretary-General and subsequent submission to the General Assembly.

The report of the Task Force entitled "Report of the United Nations Task Force on Environment and Human Settlements" was delivered to the Secretary-General on 15 June 1998¹ (appears as Annex to the Secretary-General's report as contained in document A/53/463 dated 6 October 1998).²

II. Structure of the Report of the Task Force

The Report of the Task Force is composed of three parts; I. Introduction, II. Historical Background, and III. Needs and Responses, and two Appendices.³ In Part I, the legislative background of the Task Force, its composition and terms of reference, as well as the number of its meetings to discuss and prepare the report are briefly discussed.

In Part II, the development of the United Nations activities in the field of environment and human settlements, beginning with the 1972 Stockholm Conference on the Human Environment and continuing with the 1992 Rio Conference (UNCED) and 1996 Istanbul Conference (HabitatII), are discussed in some greater detail. At one level, this discussion traces the changes between early 1970s and late 1990s in the conceptual/paradigmatic framework of environment, and hence, the emergence and gaining currency of the concept of "sustainable development" in the post-Rio period across the UN organizations and bodies, national governments and many other international and national groups. At a second level, it addresses



the structural changes in the United Nations after UNCED, most notably as regards the establishment of the Commission on Sustainable Development as a high-level policy forum, the Inter-Agency Committee on Sustainable Development (IACSD),⁴ and the Global Environmental Fa-

cility (GEF) as the main UN mechanism for financing activities dealing with global environmental problems. While discussing these structural changes in the field of environment, attention is drawn to the lack of similar institutional changes in the field of human settlements following Habitat II, and hence, lack of institutional capacity for the effective implementation and follow-up of the outcome of that Conference.

Part II of the Report closes with an emphasis on the continual increase in the human demands on the support system in the context of parallel spreading of poverty and affluence throughout the globe, and that the environment continues to deteriorate in many parts of the world. Furthermore, it concludes that much more vigorous and effective coordinated action is needed at all levels, including in the area of monitoring and assessment and provision of effective information to governments. It ends with a reiteration of the essential role international action has to play in meeting the challenges ahead.

Part III of the Report, entitled "Needs and Responses", opens with this Task Force assertion that the ways of the past will not suffice in the new era and that the United Nations and its governmental and non-governmental partners will need reformed structures and new methods in order to optimize their effectiveness. It then sets out the main roles of the United Nations in the field of environment and human settlements as follows:

- (a) Facilitate intergovernmental consensus and international cooperation on environmental components of policies and actions for sustainable development, including legally binding commitments;
- (b) Promote support, especially from developed to developing countries, so as to facilitate the implementation of agreed environmental and human settlements action plans, especially Agenda 21 and the Habitat Agenda;
- (c) Involve, encourage, and support relevant stakeholders so that they make their appropriate contribution at the global, regional, national and local levels;
- (d) Monitor and assess existing and emerging environmental problems, alert policy makers and the world public to them, and advocate and coordinate measures and action to tackle these problems and their causes, thereby reducing future risks;
- (e) Provide support and resources to enable the effective implementation of global and national commitments relating to the environment and human settlements, and to build capacity for environmental action in developing countries.

The report then proceeds, on the basis of its analysis of the past developments, current problems as well as future challenges and with a view to the roles enumerated above, to consider the following, seven areas:

- (a) The linkages at the inter-agency level between the United Nations institutions concerned with environment, sustainable development and human settlements, including environmental and environment-related conventions;
- (b) Linkages among and support to environmental and environment-related conventions;

- (c) The internal needs of the United Nations system, especially those of UNEP and Habitat at Nairobi;
- (d) The United Nations Role (the Earthwatch function) in collecting, evaluating, and disseminating environmental data and information, including the United Nations responsibility for early emergency response in the field of environment and human settlements;
- (e) The intergovernmental structure of the United Nations in the field of environment and human settlements;
- (f) The involvement of civil society and of profit-making enterprises;
- (g) The possible role of a reconstituted United Nations Trusteeship Council.

Finally, the Report discusses each area separately and makes recommendation(s) for each area; making a total of 24 recommendations. The Task Force, however, does not group, or classify, its recommendations according to the level they are addressed to or expected to be implemented by. This approach is distinct from the one adopted by the report of the Secretary-General – to be discussed in the following section.

III. Structure of the Report of the Secretary-General

The Secretary-General's report is composed of five parts. Part I (Introduction) – summarized in paragraphs 1–4 above – briefly discusses the question of reform in the UN activities in the field of environment and human settlements as part of the Secretary-General's reform package (Track II).

Part II provides a brief overview of the establishment, by the Secretary-General, of the UN Task Force on Environment and Human Settlements, and also of its main findings.

In paragraph 10 of Part II, it is stated that the recommendations of the Task Force are designed to enhance coordinated action by the United Nations and begin the process of improving overall policy coherence, and represent the sum of the measures that, in the view of the Task Force, must be taken to revitalize the work of the United Nations in the areas of environment and human settlements in the short term. It is then added that similar to the Secretary-General's initial approach on reform, the recommendations require decisions and measures to be taken at different levels, *i.e.*, both at the Secretariat level and at the intergovernmental level. While noting that the body of the Task Force recommendations, together with their underlying rationale, are contained in the report of the Task Force, it is added that the recommendations are summarized and clustered according to the level at which the decisions have to be taken.⁵

Part III of the Report contains the cluster of the recommendations of the Task Force which are considered to require action at the Secretariat level. They are laid out under the following headings:

- A. Inter-agency coordination
- B. Linkages among and support to environmental and environment-related conventions

- C. United Nations Environment Programme, United Nations Centre for Human Settlements and United Nations Office in Nairobi
- D. Information, monitoring, assessment and early warning
- E. Intergovernmental forums
- F. Involvement of major groups
- G. Future initiatives

Part IV of the report contains the cluster of the recommendations of the Task Force considered to require action by intergovernmental bodies. They appear under the following headings:

- A. Linkages among and support to environmental arid environment-related convention
- B. Intergovernmental forums
- C. Involvement of major groups

The last part of the report (Conclusion) is comprised of two short paragraphs in which it is emphasized that the Secretary-General considers the report of the Task Force an important step, both in the overall process of United Nations reform and in undertaking the urgent adjustments required in the international system to deal with the challenges ahead. While noting that this is the beginning of a process, the report goes on to add that the positive consideration of these recommendations by the General Assembly will allow the commencement of a process with substantial gains to the international community in the future.

IV. Intergovernmental Consideration of the Secretary-General's Report

A. Consideration by the General Assembly

i) *Second Committee Deliberations on agenda item 94: Environment and sustainable development*

The report of the Secretary-General on environment and human settlements, as contained in document A/53/463 of 6 October 1998, was submitted to the 53rd Session of the General Assembly as part of the documentation for the Agenda item 30, entitled "United Nations reform: measures and proposals". The agenda item on the UN reform, as in the 52nd Session, was allocated to the General Assembly without reference to a Main Committee. However, the Report of the Task Force/report of Secretary-General received extensive attention in the course of the Second Committee's deliberations on agenda item 94 dealing with environment and sustainable development and its sub-items. In his opening statement to the Committee on 21 October 1998, Under-Secretary-General Desai emphasized that "at the current session, the discussions would focus on the Secretary-General's proposals for strengthening the work of the United Nations system in the areas of environment and human settlements, which were directly linked to the Committee's consideration of the Secretary-General's report on ways and means of undertaking the review of progress made in implementing conventions related to sustainable development (A/53/477)."⁶ In the same meeting, the Director of the UNEP Office in New York, made a statement on behalf of the Executive Direc-

tor. While emphasizing the importance of the Nairobi Declaration (1997) and the decisions adopted at the fifth special session of the UNEP Governing Council, the UNEP representative expounded on the organization's policies and priorities during the previous one year. He outlined UNEP's policies in the five priority areas of development of an early warning capacity; concentration on industry and technology transfer; information, assessment and monitoring; special support to Africa; and coordination and environmental policy instruments. He also emphasized the importance of a solid financial base for UNEP to carry out its strengthened mandate and meet the growing environmental challenges worldwide. Citing the positive trend in contributions during the previous few months, he expressed the hope that the further focusing and revitalization of UNEP would result in the further strengthening of financial support.⁷

During the Committee's deliberations on item 94 and its sub-items, a total of 47 delegations, including Indonesia (G77), Austria (EU) and Switzerland (observer) made statements. In addition to the representatives of the two major groups, delegates from 9 other countries made specific reference to the Report of the Task Force or that of the Secretary-General. In a general sense, the recommendations of the report(s) were welcomed, considered useful and required in-depth consideration, with some recommendations requiring clarification. The issues of strengthening UNEP's coordinating role, improving inter-agency coordination, and creating greater synergy between the activities undertaken under the various conventions⁸ and those of the national and international institutions in the field of environment and sustainable development, were particularly emphasize.⁹

ii) *General Discussion in the Plenary*

The Plenary's deliberations on this agenda item, as decided in the work programme of the Assembly and announced by the President,¹⁰ took place on 23 and 25 November 1998.¹¹ Representatives of Austria on behalf of the European Union and South Africa on behalf of the Joint Coordinating Committee (JCC) of the Non-Aligned Movement and the Group of 77 and China, made statements on agenda item 30, in which they addressed, *inter alia* the report of the Secretary-General as well as of the Task Force. Similarly, 25 other delegations, both developed and developing, made statements on the same agenda item.

The Austrian representative said that the European Union strongly felt that this stage of our consideration of item 30 should focus on the Secretary-General's report on environment and human settlements since this was the first time we were in a position to address this particular issue in substance. He went on to thank the Secretary General for his report and highly commended the work of the Task Force, adding that the EU considers the report to be a first significant step paving the way for further analysis and reform of the UN-wide activities in the environmental and human settlements areas. He emphasized the great importance the EU attaches to the development of a stronger and better coordinated approach by the UN-sys-

tem in this field, and that the structural integration of the environmental dimension in all UN policies and activities should be further promoted at all levels. He considered the recommendations of the Task Force as a significant step in this direction.

The Austrian delegate then proceeded to pronounce the EU's position on various provisions of the report; both for those requiring action at the Secretariat level as well as on those requiring action at the intergovernmental level. On the group of recommendations, he expressed EU's respect for the Secretary-General's prerogatives and welcomed the fact that the Secretary-General is going to implement many of the recommendations in the report of the Task Force under his own mandate. Furthermore, he went on to add that "we" [EU] would like to see a general endorsement by the General Assembly of those recommendations. Subsequently, the EU representative addressed various provisions of the report and stated the Group's position on each recommendation.

The statement by the representative of the Joint Coordinating Committee (JCC) of the Non-Aligned Movement and the Group of 77, while expressing appreciation for the efforts of the Secretary-General and the members of the Secretariat for preparing the reports regarding particular issues of UN reform, underlined the great importance the JCC attaches to the consideration of the item. In this regard, it was also emphasized that NAM and G77 recognized the importance of reinforcing the United Nations for the challenges of the new Millennium. The JCC representative then added that its members continue to believe that consideration of the item [30] should take place through intergovernmental process. And furthermore, the proposals of the Secretary-General requiring consideration by the General Assembly should be discussed through an open and transparent procedure that allows all delegations to participate effectively in negotiation and not be subjected to any imposed time-frame. On the report of the Secretary-General on environment and human settlements, the statement went on to state that the JCC members strongly believe that its recommendations must be discussed in the manner and mechanism to be decided by the General Assembly.

Of the other 25 delegations who made statements under agenda item 30,¹² 23 addressed the Secretary-General's report, although to varying degrees of detail. In very general terms, a similar approach to that of the EU on the one hand and JCC on the other, was quite discernible. In other words, members of the WEOG,¹³ JUSCANZ¹⁴ and other likeminded States, 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, representatives from the rank of developing countries – members of NAM and G77 – while lending support to the JCC statement, generally echoed the same attitude and generally tended to emphasize the importance of the procedure and mechanism of the report's consideration. Thus, their substantive comments on the report's provisions was left to a later stage pending decision on the procedure and mechanism of consideration.

The General Assembly's general discussion on the report was resumed during the 92nd Meeting of the General Assembly on 17 December 1998. In this meeting, the representative of the United States expressed his delegation's "deep disappointment and grave concern" that the Assembly had failed to address its responsibilities, as set out in the Secretary-General's report. While emphasizing that "full consideration of this agenda item cannot be delayed", the American delegate expressed readiness to "join our partners in regular and transparent consultations aimed at moving the reform process forward. He further added that "...a failure to do so, or to adopt a decision calling for the same in this body, would unnecessarily delay reform efforts undertaken by UNEP and the Commission [on Human Settlements], which would be to the grave detriment of their continuing operation."¹⁵

The President of the General Assembly made the following brief statement immediately after American intervention. "In connection with the report of the Secretary-General on environment and human settlements contained in document A/53/463 and issued under item 30, I should like to assure members that the General Assembly will continue its consideration of the report in a fully open and transparent manner early next year."¹⁶ He then added that the Assembly had thus concluded that stage of [the Assembly's] consideration of agenda item 30.

On 23 March 1999, the President made the following brief statement:

I would like to report to the representatives that, regarding the subject "Environment and Human Settlements", which the Assembly will consider under agenda item 30, "United Nations reform: measures and proposals", it is the intention of the President to convene an informal plenary meeting to be held during the second half of April in order to consider the report of the Secretary-General on this subject (A/53/463). The Presidency hopes that at that informal meeting delegations will be in a position to put forward specific proposals. After hearing from the delegations, if the Assembly believes it fitting, the President could appoint a coordinator who, bearing in mind the proposals that have been put forward, would be entrusted with conducting negotiations with the participation of all interested delegations, with a view to producing a draft resolution that will have universal support. I hope the Assembly will find this proposal acceptable.¹⁷

B. Consideration by the Governing Council of UNEP

The Twentieth Session of the Governing Council of the United Nations Environment Programme (UNEP) took place from 1–5 February 1999 in Nairobi, Kenya. Agenda item 6 of the Session had been assigned to the consideration of the Task Force report. The documentation for the item consisted of the Secretary-General's report and report of the Executive Director of UNEP entitled "Results of the General Assembly's consideration of the Secretary-General's report to the General Assembly at its fifty-third Session on environment and human settlements".¹⁸ The Secretary-General sent a message to the Governing Coun-

cil Session which was delivered by the Executive Director of UNEP at the Session's opening meeting on 1 February 1999. The Secretary-General, while referring to governments' reaffirmation at the GA of UNEP's role as the principal UN body in the environment field, emphasized the importance of the question of reform for the Nairobi meeting. Informing the meeting of the General Assembly's deliberations on his report, the Secretary-General went on in his message to say:

"While the General Assembly has yet to officially pronounce itself on this matter, I am heartened by the positive overall assessment of the proposals so far and I look forward to the Assembly's formal recommendations in the coming months so that the reform process can move forward. My report is before you, and I would welcome your views, especially on those aspects which might directly affect the working of this body.

... It remains abundantly clear that the United Nations of the new millennium will need UNEP to play a strong and well-defined role. I know that the recommendations that emerge from your deliberations this week will make a valuable contribution to that goal."

The report of the Executive Director (Results of the General Assembly's consideration...) ¹⁹ provides a summary of the debate in the General Assembly on various proposals and recommendations of the Secretary-General's report. In paragraph 6 of this report, attention is drawn to the important element in the Assembly's deliberations as regards the delineation by the Secretary-General of recommendations according to the level at which action is required. It is noted in the report that while some delegations welcomed this delineation, other delegations called for a focused and substantive deliberation within the General Assembly on the recommendations. ²⁰ Furthermore, in light of this delineation, the report suggests to the Governing Council that it may wish to give consideration to the recommendations of the Task Force, particularly those put forward by the Secretary-General for action by the intergovernmental bodies. It is further suggested that the Governing Council may wish to provide its views on the recommendations to the resumed session of the General Assembly for its action.

A few days before the Nairobi meeting, the Chairman of the G77 (New York) addressed a letter to the President of the GA and drew his attention to the Governing Council's intention to consider the results of the General Assembly's consideration of the recommendations of the Task Force on environment and human settlements. ²¹ While re-

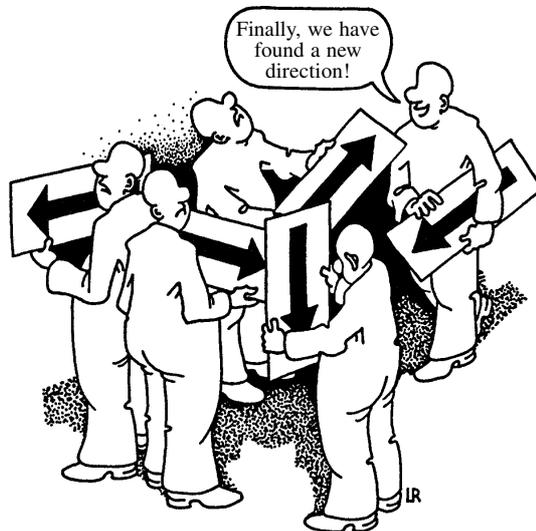
ferring to the GA President's remarks at the 92nd Plenary Meeting (17 December 1998) assuring member States that the Assembly would continue its consideration of the Secretary-General's report "in a fully open and transparent manner early next year," the G77 Chairman asked him to "inform the Governing Council of the United Nations Environment Programme that the General Assembly has not yet concluded its consideration of this item." On the

same date, in a separate letter addressed to the Chairman of the Group of 77, Nairobi Chapter, the G77 Chairman drew the attention of his counterpart to agenda item 6 of the Nairobi meeting and informed him of the status of the General Assembly's consideration of the report. ²² The letter was conveyed to the Executive Director of UNEP by the Under-Secretary-General for General Assembly Affairs and Conference Services and subsequently issued as an official document of the Governing Council session.

Consideration of the Secretary-General's report in the Governing Council's meeting took place against the backdrop

of the GA deliberations, the Secretary-General's message requesting the Council's views, as well as the letters by the Chairman of G77 just mentioned. The crux of the debate in Nairobi at the time revolved around whether and how to approach the report and deal with it at the session. The main point of contention being whether the Governing Council of UNEP – not considered a universal intergovernmental body – was in a position to decide on the provisions of a report still under consideration by the General Assembly – the highest universal intergovernmental body of the United Nations system. The debate, as any other procedural or substantive discussion in the intergovernmental fora, had its proponents and opponents. The G77's position, underlined in very clear terms at the conclusion of their statement, was that the Governing Council should not try to reach decisions that would implement specific recommendations of the Task Force Report, because that could pre-empt the work still being done by the General Assembly on this matter. ²³

In the course of the general discussion, similar to that of the General Assembly, major groups – EU and G77 – and a rather large number of members and observers addressed the report and presented their views on its various provisions. The Group of 77, in an approach quite distinct from the General Assembly deliberations back in November, made substantive comments on the report and presented its views on various parts of it. The same approach was evident in the statements by individual G77 delegations. It should be added, however, that even before the Governing Council meeting the G77, Nairobi Chapter, had – despite dissenting views on some issues – already put



Courtesy: ZfK

out their positions on the provisions of the report.

Subsequently, the President of the Governing Council established an open-ended Negotiating Group, under the chairmanship of the Permanent Representative of South Africa to UNEP, to undertake necessary negotiations towards producing a text containing the views of the Council on the report. The process of the Negotiating Group's informal consultations, which took three days, seven meetings and lasted almost till the very last hours of the Session, finally managed to come to consensus on a draft decision entitled "Results of the General Assembly's consideration of the recommendations of the United Nations Task Force: Views of the Governing Council on the report of the Secretary-General on environment and human settlements." The draft was adopted by consensus by the Governing Council in its closing session. The wording in the first preambular paragraph of the decision is fully reflective of the state of negotiations; it takes account of the fact that the Secretary-General's report is under consideration in the General Assembly²⁴ and also takes account of the Secretary-General's request to the Governing Council for its views thereon. Moreover, in operative paragraph 1(m), the decision expresses the hope that its views will assist in further deliberations and an expeditious resolution of this important matter in the competent forums. In the last operative paragraph (para.2), the Executive Director is requested to convey the views of the Governing Council, as contained in the decision, to the Secretary-General.

The Seventeenth Session of the Commission on Human Settlements (CHS) was held from 5 to 14 May 1999 in Nairobi. The Session also considered the Secretary-General's report and adopted the resolution entitled "Views of the Commission on Human Settlements on the report of the Secretary-General on environment and human settlements" by consensus.²⁵ Similar to the UNEP Governing Council decision, the CHS resolution takes into account, in its first preambular paragraph, that the Secretary-General's report is under consideration by the General Assembly. The last operative paragraph of the resolution requests the Acting Executive Director to convey the views of the Commission to the Secretary-General.

C. Appointment of the Coordinator of the open-ended informal consultations

On April 14, 1999, the President of the General Assembly, as promised at the 95th Plenary meeting on 23 March 1999, convened the 4th meeting of the open-ended informal consultations of the Plenary on Agenda item 30 (United Nations reform: measures and proposals), slated for the consideration of the Secretary-General's report. In his introductory statement, the President drew attention of the Assembly to his remarks at that meeting and further added:

"It is my hope that, with that in mind, members are now in a position to put forward their proposals, so that we can have a useful exchange of ideas today..."

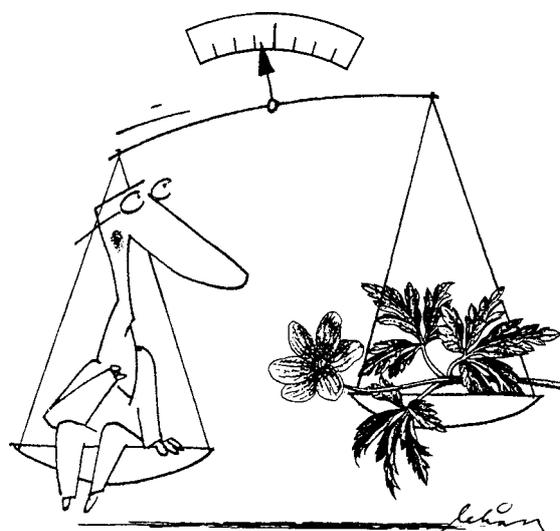
After hearing the views of delegations and with the concurrence of the members, it is my intention to appoint a coordinator to facilitate negotiations with all

interested delegations with a view to producing a draft resolution that will have universal support...

I now wish to propose His Excellency, Bagher Asadi, Ambassador of the Islamic Republic of Iran to the United Nations and Chairman of the Second Committee, to coordinate the future work on this item. I have held a series of consultations regarding this designation and I have concluded that Ambassador Asadi has the general and enthusiastic support of the delegations...

If I hear no objection, Ambassador Asadi, whose willingness I appreciate very much, will be entrusted with consultations in the future."

In the course of the meeting representatives of Guyana (G77) and Germany (EU) as well as the representatives of India, Canada, Norway, Turkey, Russian Federation, United States, Republic of Korea, Japan, Mexico,



Courtesy: Swedenvironment

Uganda, China, and Switzerland made statements. In addition to enunciation of their respective positions on various parts and provisions of the report under consideration, the delegates also thanked the President for resumption of the informal consultations, and supported the appointing of the Chairman of the Second Committee as the Coordinator. Subsequently, the President stated that following consultations with concerned groups and countries he had decided to appoint Ambassador Bagher Asadi (Islamic Republic of Iran), Chairman of the Second Committee, as the Coordinator of the open-ended informal consultations of the General Assembly on the report of the Secretary-General on environment and human settlements.²⁶

Following the President's announcement of the decision, the Coordinator made a short statement. Thanking the President for his personal trust and confidence and expressing appreciation for the support of the two major groups and other individual delegations, the Coordinator expressed his readiness to hold informal consultations on 15 and 16 April before the seventh session of CSD opened

on April 19th, which, as confirmed by Under-Secretary-General Jin, could not be held due to lack of conference facilities. The Coordinator further informed the delegates that due to other engagements during the second half of April and the whole month of May, the open-ended informal consultations could get under way in earnest only at the beginning of June 1999.²⁷ Subsequently, in brief statements, representatives of the United States, G77, EU, Australia and the Russian Federation, supported the appointment of the Coordinator and expressed their readiness to cooperate with him in the course of the open-ended informal consultations. Before adjourning the meeting, the President stated that the informal consultations will continue under the chairmanship of the Coordinator according to the time schedule he had indicated.

D. Commencement of informal consultations

On April 28, 1999, a brief meeting of the informal consultations was organized by the Coordinator with the objective of commencing the process through an early, initial exchange of views. Taking stock of the previous Plenary meetings on the report and the views expressed by all the concerned parties and also on the basis of personal exchanges of views with a number of individuals and delegates, including in particular representatives of G77 and EU, the Coordinator made the following introductory points at the beginning of the meeting:

- Thus far, all delegates have had the opportunity – under the chairmanship of the President of the Assembly – to express their views on the report and its provisions. Therefore, the two major groups – G77 and EU – and other interested and active individual delegations are fully familiar with each other's views on various provisions of the report.
- Since all concerned parties are fully familiar with the contours and parameters of the issue at hand, and on the basis of my consultations since April 14, I would like to say that it is not necessary for us to address and consider all the provisions of the report, from A to Z, and try to reach consensus on all of them. I consider this a central element of our approach to our work.²⁸
- Having listened to the views of the two major groups as well as those of other countries during the meetings, they so far indicate general agreement on a good number of proposals as contained in the report – which is a matter of contentment for me and also for the colleagues here. The fact that we start our work in the informal consultations with a number of agreements does indeed augur well for our future work.
- Therefore, in our work we proceed with the agreements – I mean what is agreeable in principle and not necessarily details, which can be addressed and fine-tuned later. Then we try to expand the area of agreement and gradually go up till we reach the ceiling; of course, with the hope of reaching as high a ceiling as possible or practicable.
- This is my personal impression that in the process of informal consultations, in all the discussions and negotiations that will take place, undoubtedly, all of us will bear in mind the very *raison d'être* of the Task

Force and its establishment by the Secretary-General; that we will pay due attention to the question of reform in the field of environment and human settlements – real need on the ground for reform in this field. And more importantly, that with these overall considerations in mind we will try to reach agreement on the details of various provisions of the report at hand.

- In the course of our informal consultations, the decision of the 20th Session of the Governing Council of UNEP, which has been adopted in response to a request by the Secretary-General, constitutes a very good input. By coincidence, I happened to be present at the Governing Council meeting and I was aware, although in a rather marginal manner, of the very intensive and difficult negotiations that went into the effort to produce that decision.
- On a point of procedure, I suppose everybody prefers to see these consultations being concluded before the end of the current session of the General Assembly; that is, before September 13th. I remain hopeful that we will be able to get there much earlier and not ruin anybody's vacation in August, particularly this year the ECOSOC substantive session meets in Geneva in July.
- As the very last point, I would like to underline this rather obvious point that we are all aware of a fact in multilateral work that, at the end of the day, at long last, we finally settle to agree and arrive at consensus. With this fact in mind, and while I will be away in Geneva dealing with forests in the IFF session, I would like to ask the colleagues here to engage in consultations, on a very, very informal basis, and try to work on the areas of agreement. So we will start our work in early June with a solid base.

Following the introductory statement by the Coordinator, representatives of G77 and EU and a number of individual delegations made brief statements – of a generally procedural – and supported the approach proposed by the Coordinator. The representative of the United States who made a brief statement also drew the Coordinator's attention to the 17th Session of the Commission on Human Settlements – scheduled to take place in early May 1999 in Nairobi – and considered the meeting's outcome as regards the Secretary-General's report also an important input for the informal consultations. The Coordinator thanked the delegate for the information and emphasized the importance of the CHS views for the process of informal consultations.

In response to a number of queries by the delegates, the Coordinator stated that, in view, a consensus resolution is to be considered the sure outcome of the process of informal consultations. In this particular regard, he referred to two "non-papers" circulating around at the time, reflecting – in a very tentative and informal manner – the initial views and preferences of the two major groups. He underlined the importance of the effort by the two major groups, as well as by interested countries, to continue their consultations and exchange of views to elaborate and formulate their positions before the informal consultations

started in early June.²⁹

The next meeting of the open-ended informal consultations on the Secretary-General's report took place on 2 June 1999. The Coordinator, while reiterating the overall approach proposed in the April 281 meeting, made the following points:

- We all share the concern that the UN activities in the field of environment and human settlements need reform. This is the overarching motive in our exercise here in the process of informal consultation, and we all will approach this joint enterprise with a sense of responsibility towards the real needs and requirements of reform, and hence, the report of the Secretary-General in this regard;
- We all agree on the necessity of expeditious progress in the reform process, and therefore, the urgency of our work here in the informal consultations;
- When we met last we did not yet have the views of the Commission on Human Settlements on the report, which we do now;
- Now we have the Secretary-General's report, the views of the Governing Council of UNEP as well as those of the Commission on Human Settlements on the report, the latter two – as I emphasized earlier – constitute very relevant and valuable input for our immediate work here;
- At this stage of our work, I deem it necessary to draw attention to the Terms of Reference of the Task Force, which reads in Paragraph (d) as "To prepare proposals for consideration by the Secretary-General and subsequent submission to the General Assembly on reforming and strengthening United Nations activities in the area of environment and human settlements."
- That is exactly why my emphasis in our work here in the informal consultations is on the Secretary-General's report. However, I should add right here that, given the existence of some differences between the provisions of the SG's report and those of the Task Force, if in the course of our informal consultations it is felt that certain important provisions of the Task Force report are missing in the SG's report, we will certainly take that into account³⁰;
- I am aware that over the past couple of weeks informal / informal consultations have been held on two consecutive occasions – as a JUSCANZ / Canadian initiative – which I am sure have helped enlighten the situation and clarify issues of concern to us all;³¹
- It is my understanding – and expectation – that by the end of today's meeting we will arrive at a much clearer picture of the programme of our work ahead of us. I intend to hold a meeting of the informal consultations once a week, that is every Wednesday morning, for the whole month of June;³²
- I would like to request all the distinguished colleagues here, particularly the representatives of the two major groups, G77 and EU, to formulate and present their respective positions in a manner that would assist the Coordinator in finding the important agreed elements;
- It is the Coordinator's serious hope that once this meeting is over, the Coordinator would be placed in a posi-

tion to prepare, hopefully in the course of the days ahead, and submit as the basis for further consideration the first draft of a "non-paper" containing the main elements of agreement – at least the elements of agreement in principle and in general terms, which certainly needs to be fine-tuned as we move forward;

- Let me close my introductory words with a quote from the Secretary-General that "reform is not an event, but a process". This should say a lot about our process and how we should approach the whole thing.

Following the Coordinator's statement, representatives of G77, Canada, EU, Japan, Russian Federation, United States, Republic of Korea, Switzerland, Australia, China, and Mexico made short statements. Aside from references to certain specific provisions of the report, the relevance and importance of the UNIEP/CHS views as a good basis and starting point for further consideration received general support and emphasis. The imperative of expeditious progress in the work of the informal consultations was also underlined by the delegates. The Coordinator's proposal to prepare and submit a "non-paper" was also strongly supported by the delegates.

The Coordinator then proceeded to enumerate the following elements for the first draft of a "Non-paper":

Preambular part

- Recalling the GA resolution 52/12 of 12 November 1997;
- Reference with appreciation to the SG's report as well as to the Task Force report;
- Reaffirmation of the need to strengthen the UN;
- Recognition of the continued deterioration in the global environment;
- Taking into consideration the views of the UNEP Governing Council as well as of the CHS on the SG's report;
- Consideration of the importance of the strengthening of UNEP and UNCHS, including with reference to the Nairobi Declaration and Istanbul Declaration;

Operative part

- Necessity of strengthening the Nairobi location, with due consideration for the separate identities of UNEP and UNCHS;
- Necessity and utility of increased cooperation, synergy and policy coherence between the two (UNEP/UNCHS);³³
- Establishment of the Environment Management Group (EMG);³⁴
- Necessity/utility of strengthening the linkages between UNEP and environmental and environment-related conventions, with due regard for the autonomy of their COPs;³⁵
- Participation of major groups, with due regard for the relevant precedent and the existing rules and regulations in the UN;³⁶

Furthermore, the Coordinator listed the following elements as the ones requiring further discussion and clear guidance from the floor:

- Strengthening the Earthwatch system;

- The idea of the annual ministerial meeting/global environmental forum;
- Strengthening of the role of UNEP as an implementing agency of GEF;
- Further work on the development of indicators.

E. Presentation of "Non-Paper" by the Coordinator

Pursuant to the 2 June 1999 meeting of the open-ended informal consultations, on June 3rd the Coordinator forwarded the following text to the representatives of G77, EU and JUSCANZ for their information and subsequent distribution among their respective constituencies.³⁷

Report of the Secretary-General on Environment and Human Settlements (A/53/463)

Non-Paper, according to the Coordinator

"The General Assembly,

Recalling its resolution 52/12 of 12 November 1997 entitled "Renewing the United Nations: A Programme for Reform";

Taking note, with appreciation, of the report of the Secretary-General on Environment and Human Settlements (A/53/463) as well as the Report of the United Nations Task Force on Environment and Human Settlements annexed thereto, and also expressing appreciation to the members of the Task Force for their commendable work;

Reaffirming its determination to strengthen the role, capacity, effectiveness and efficiency of the United Nations and thus improve its performance in order to realize the full potential of the Organization;

Conscious of the continued deterioration of the global environment and the state of the human settlements, as well as of the need to strengthen the institutions of the United Nations charged with responsibility for environment and human settlements;

Emphasizing the importance of strengthening the capacity of the United Nations Environment Programme (UNEP) and the United Nations Centre for Human Settlements (UNCHS/Habitat) in their Nairobi location and of ensuring the provision of requisite support and resources to both organizations for the fulfillment of their mandates as contained in General Assembly resolutions 2997/XXVII and 32/162 as well as in the Nairobi Declaration (1997) and the Istanbul Declaration (1996);

Taking into consideration of the views of the Governing Council of UNEP as well as those of the Commission on Human Settlements on the Report of the Secretary-General on Environment and Human Settlements;

1. Requests the Secretary-General to strengthen the United Nations office in Nairobi (UNON), as the only United Nations headquarters located in a developing country, through the provision of requisite support and resources, including additional regular budget resources, with due regard for the separate programmatic and management identities of UNEP and UNCHS, and encourages other agencies, funds and programmes to consider establishing or expanding their activities in Nairobi;
2. Calls on UNEP and UNCHS to increase their cooperation and coordination among their activities, within the framework of their respective mandates, with a view to ensure a higher degree of synergy and policy coherence between the two organizations and in this regard, finds the recommendations in the report of the Secretary-General as well as the report of the Task Force pertaining to the Secretariats of the two organizations relevant and helpful to this end;
3. Endorses the recommendation for the establishment of an Environment Management Group (EMG) for the purpose of enhanc-

ing inter-agency coordination in the field of environment and human settlements, and requests the Secretary-General to develop, in consultation with the Member States and members of the Administrative Committee on Coordination (ACC), the mandate, terms of reference, appropriate criteria for membership and the working methods of the Group, and propose them to the 54th Session of the General Assembly for consideration and approval;

4. Welcomes the proposal on instituting an annual ministerial level, global environmental forum, with due consideration for the need to retain the effective and efficient functioning of the governance mechanisms of the United Nations Environment Programme, as well as possible financial implications and the need to maintain the role of the Commission on Sustainable Development as the main forum for high level policy debate on sustainable development;

5. Welcomes the proposals for the facilitation and support by the United Nations Environment Programme towards enhancing linkages and synergy with environmental and environment-related conventions, with full respect for the status of the respective convention secretariats and the decision-making prerogatives of the Conference of the Parties of the conventions concerned;

6. Also welcomes the proposals for the further promotion of the participation and constructive engagement of civil society and major groups active in the field of environment and human settlements, and emphasizes in this regard the importance of due consideration for the relevant precedent as well as the existing rules, regulations and procedures of the United Nations;

7. Reiterates the importance of strengthening the capacity and capability of UNEP and UNCHS in the areas of information, monitoring, assessment and early warning within the framework of their existing mandates, as well as in the area of capacity, building and technical assistance, with particular emphasis on developing countries, and in this context, emphasizes the importance of strengthening of the systemwide Earthwatch as an effective, accessible and science-based system;³⁸

8. Expresses support for the proposal on enhancing the role of the United Nations Environment Programme as an implementing agency of the Global Environment Facility (GEF);

9. Reaffirms the role of the Commission on Human Settlements in the implementation of the Habitat Agenda and emphasizes the need for it to take steps to prepare for the review of its implementation in 2001;

10. Welcomes the proposal to keep under review the on-going work on the development of indicators, and in this regard stresses the importance of the need to avoid duplication of efforts;

11. Requests the Secretary-General to submit a report on the implementation of this resolution to the 54th Session of the General Assembly for further consideration."

On 9 June 1999 the third meeting of the informal consultations was held. The Coordinator introduced the "Non-Paper" and asked the delegates to reflect on the draft which had been sent to them earlier in the week through their respective group. Underlining the fact that groups and individual delegations had previously made general statements on the SG's report, the Coordinator appealed to delegates to present their amendments, of whatever nature, on the text. Subsequently, the text of the "Non-Paper" was reviewed and amendments were received on all preambular and operative paragraphs, including new paragraphs. Following this exercise, the Coordinator asked the delegates who had presented amendments to send him, in writing, the text of their suggestions by the end of the same day.³⁹

F. Continuation of informal consultations on revised versions of "Non-Paper"

In the course of this meeting, in addition to the specific proposals / amendments submitted by the major groups and individual delegations, delegates also made general comments on the Coordinator's draft. Both G77 and EU, along with other individual delegates, all gave the "Non-Paper" a very favourable rating and considered it a solid and good basis for negotiation and a great leap forward in the work of the informal consultations.⁴⁰

On 10 June 1999, the Coordinator forwarded the following revised version of the "Non-Paper" [Non-Paper/Rev. 1]⁴¹ to the representatives of G77, EU and JUSCANZ for their information and subsequent distribution among their respective constituencies.

Report of the Secretary-General on Environment and Human Settlements (A/53/463) Non-Paper according to the Coordinator Rev. 1/10 June 1999

"The General Assembly,

Recalling its resolution 52/12 of 12 November 1997 entitled "Renewing the United Nations: A Programme for Reform";

Taking note of the report of the Secretary-General on Environment and Human Settlements (A/53/463);

Noting the distinction made by the Secretary-General in his report between recommendations requiring action at the Secretariat level from those requiring decision and measures at the intergovernmental level relating to linkages among and support to environmental and environment-related conventions; intergovernmental forums; and involvement of major groups, as outlined in part IV of the report;

Reaffirming its determination to strengthen the role, capacity, effectiveness and efficiency of the United Nations in the field of environment and human settlements and thus improve its performance in order to realize the full potential of the Organization;

Conscious of the continued deterioration of the global environment and the state of human settlements despite some positive achievements, as well as of the need to strengthen the institutions of the United Nations charged with responsibility for environment and human settlements and to promote the coherent implementation of the environmental and human settlements dimension of the sustainable development within the United Nations system;

Emphasizing the importance of strengthening the capacity of the United Nations Environment Programme (UNEP) and the United Nations Centre for Human Settlements (UNCHS/Habitat) in their Nairobi location and of ensuring the provision of requisite support and stable, adequate and predictable financial resources necessary to both organizations for the fulfillment of their mandates as contained in General Assembly resolutions 2997/XXVII and 32/162 as well as in the Nairobi Declaration (1997) and the Istanbul Declaration (1996);

Taking note of the views of member states, including the views contained in the decision of the Governing Council of UNEP/GC/20/17 as well as the resolution of the Commission on Human Settlements HS/C/17/6 on the report of the Secretary-General on Environment and Human Settlements;

1. Welcomes the report of the Secretary-General on Environment and Human Settlements (A/53/463) submitted to the fifty-third session of the United Nations General Assembly, in which he puts forth the recommendations of the United Nations Task Force on Environment and Human Settlements on reforming and strengthening United Nations activities in the field of environment and human settlements and expresses its appreciation to the Chairman

and members of the Task Force for their commendable work;

2. Takes note of the general thrust of the actions proposed to be taken by the Secretary-General and the Executive Director of the United Nations Environment Programme at the Secretariat level;

3. Requests the Secretary-General to strengthen the United Nations office in Nairobi (UNON), as the only United Nations headquarters currently located in a developing country, through the provision of requisite support and stable, adequate and predictable financial resources, including through the consideration, within the framework of the United Nations biennial budgeting, of the possibility of the provision of additional regular budget resources, with a view to ensure that Nairobi will enjoy equal status with Geneva and Vienna;

4. Calls on UNEP and UNCHS to increase their cooperation, coordination and policy coherence among their activities, within the framework of their respective mandates and separate programmatic and organizational identities;

5. Supports the proposal of the Secretary-General regarding the establishment of an Environment Management Group (EMG) for the purpose of enhancing inter-agency coordination in the field of environment and human settlements, and requests the Secretary-General to develop, in consultation with the Member States and members of the Administrative Committee on Coordination (ACC), the mandate, terms of reference, appropriate criteria for membership and the working methods of the Group in a flexible and cost-effective manner, and submit them to the 54th Session of the General Assembly;

6. Also supports the proposal on instituting an annual ministerial level, global environmental forum, and that regular biennial sessions of the UNEP Governing Council would constitute that forum in the years that it meets and that in alternate years the forum should take the form of the special session of the Governing Council meeting, with due consideration for the need to ensure the effective and efficient functioning of the governance mechanisms of the United Nations Environment Programme, including the future role of the UNEP High-Level Committee of Ministers and Officials, as well as possible financial implications and the need to maintain the role of the Commission on Sustainable Development as the main forum for high level policy debate on sustainable development;

7. Welcomes the proposals towards enhancing linkages and coordination between the United Nations Environment Programme and environmental and environment-related conventions, with full respect for the status of the respective convention secretariats and the autonomous decision-making prerogatives of the Conferences of the Parties of the Conventions concerned and emphasizes in this regard the need to provide UNEP with the adequate resources to perform this task;

8. Also welcomes the proposals for the involvement and constructive engagement of major groups active in the field of environment and human settlements, and emphasizes in this regard the importance of due consideration for the relevant rules, regulations and procedures of the United Nations;

9. Reiterates the importance of strengthening the capacity and capability of UNEP and UNCHS in the areas of information, monitoring, assessment and early warning of global and regional environmental trends and emerging environmental threats, and in this context, emphasizes the importance of strengthening of the system-wide Earthwatch as an effective, accessible and science-based system, emphasizing the necessity of compliance with their respective existing mandates;

10. Stresses the importance of capacity building and technical assistance, particularly with respect to institutional strengthening in developing countries, as well as research and scientific studies, in the field of environment and human settlements, in the work programmes of both UNEP and UNCHS, within the framework of

their existing mandates, and also stresses in this regard the need for adequate financial resources for that purposes while bearing in mind the need to avoid duplication of efforts;

11. Expresses support for the proposal towards strengthening the relationship between the United Nations Environment Programme and the Global Environment Facility (GEF), including through the provision by UNEP of environmental advocacy, analysis and advice in shaping the priorities and programmes of the Global Environment Facility consistent with its envisaged role in the Instrument for the Establishment of the Restructured Global Environment Facility;

12. Reaffirms the role of the Commission on Human Settlements in the implementation of the Habitat Agenda and emphasizes the need for it to take steps to prepare for the review of its implementation in 2001;

13. Supports the proposal to elaborate problem-, and action-, and result-oriented indicators for sustainable development in the field of environment and human settlements and stresses, in this regard, the importance of the need to avoid duplication of efforts;

14. Requests the Secretary-General to submit a report on the implementation of this resolution to the 54th Session of the General Assembly."

On 16 June 1999, the fourth meeting of the informal consultations was held. Similar to the previous meeting, the Coordinator sought the views of delegates on the revised version of his "Non-Paper", which had been prepared, according to his own discretion, on the basis of the original draft and all other amendments received during and after the June 9th meeting. The new text was then reviewed in its entirety, paragraph by paragraph, and delegates made their amendments thereon. The text of presented amendments by all the concerned parties, major groups as well as individual delegations, were subsequently provided to the Coordinator in writing.

On 17 June 1999, the Coordinator forwarded the following revised version of the "Non-Paper" [Non-Paper/Rev. 2] to the representatives of G77, EU and JUSCANZ for their information and subsequent distribution among their respective constituencies. They were as well informed that future meetings of the open-ended informal consultations would be held during 23–25 June 1999.⁴²

Report of the Secretary-General on Environment and Human Settlements (A/53/463)

Non-Paper according to the Coordinator Rev. 2/17 June 1999

"The General Assembly,

Recalling its resolution 52/12 of 12 November 1997 entitled "Renewing the United Nations: A Programme for Reform";

Taking note, [with appreciation/satisfaction/gratitude,] of the report of the Secretary-General on Environment and Human Settlements (A/53/463) and its annex "report of the United Nations Task Force on Environment and Human Settlements", and also expressing appreciation to the Chairman and members of the Task Force for their commendable work;

[Noting the distinction made by the Secretary-General in his report between recommendations requiring action at the Secretariat level from those requiring decisions and measures at the intergovernmental level;]

Reaffirming its determination to strengthen the role, capacity, effectiveness and efficiency of the United Nations, including in the field of environment and human settlements and thus improve its performance in order to realize the full potential of the Organization;

Conscious of the continued deterioration of the global environment and the state of human settlements despite some positive achievements, as well as of the need to strengthen the institutions of the United Nations charged with responsibility for environment and human settlements, to improve their performance *[and to promote the coherent implementation of the environmental and human settlements dimension of the sustainable development within the United Nations system];*

Emphasizing the importance of strengthening the capacity of the United Nations Environment Programme (UNEP) and the United Nations Centre for Human Settlements (UNCHS/Habitat) in their Nairobi location and of ensuring the provision of requisite support and stable, adequate and predictable financial resources necessary to both organizations for the fulfillment of their mandates as contained in General Assembly resolutions 2997/XXVII and 32/162 as well as in the Nairobi Declaration (1997) and the Istanbul Declaration (1996), **[including by broadening the range of sources of funding for both organizations];**

Taking into account of the views of member States, including in particular the views contained in the decision of the Governing Council of UNEP/GC/20/17 and also in the resolution of the Commission on Human Settlements HS/C/17/6 on the Report of the Secretary-General on Environment and Human Settlements/ Taking into account the decision of the Governing Council of UNEP GC/20/17 and also the resolution of the Commission on Human Settlements HS/C/17/6, as well as of the views of member States on the report of the Secretary-General on Environment and Human Settlements;

[1. Expresses appreciation for/Welcomes the report of the Secretary-General on Environment and Human Settlements (A/53/463) submitted to fifty-third session of the United Nations General Assembly, in which he puts forth the recommendations of the United Nations Task Force on Environment and Human Settlements on reforming and strengthening United Nations activities in the field of environment and human settlements;]

[1(bis) Takes note of the recommendations intended for action by the intergovernmental bodies, as outlined in part IV of the Report of the Secretary-General on Environment and Human Settlements;]

[2. Takes note of/Welcomes/Supports the general thrust of the actions proposed to be taken by the Secretary-General and the Executive Director of the United Nations Environment Programme at the Secretarial level;]

3. Requests the Secretary-General to strengthen the United Nations office in Nairobi (UNON), as the currently only United Nations headquarters located in a developing country, through the provision of requisite support and stable, adequate and predictable financial resources, *including through the consideration, with due regard for proper UN budgetary procedures, of the possibility of the provision of additional regular budget resources, particularly through additional regular budget resources, with a view to insure that Nairobi enjoys equal status with Geneva and Vienna/with a view to ensure implementation of their mandated activities, and in this context calls upon the Government of Kenya to address further the problem of physical security as well as to enhance and strengthen the communication possibilities;*⁴³

4. Calls on UNEP and UNCHS to increase their cooperation and strengthen coordination among their activities, within the framework of their respective mandates and separate programmatic and organizational identities as well as their separate Executive Directors;

5. **Supports/Endorses/Welcomes** the proposal of the Secretary-General regarding the establishment of an Environment Management Group (EMG) *for the purpose of enhancing inter-agency coordination in the field of environment and human settlements/*

for the coordination of the environmental and environment-related activities of the United Nations System, and requests the Secretary-General to develop, in consultation with the Member States and members of the Administrative Committee on Coordination (ACC), the mandate, terms of reference, appropriate criteria for membership and the working methods in a flexible and cost-effective manner, and submit them to the 54th Session of the General Assembly for consideration and further action;

6. Also supports the proposal on instituting an annual ministerial level, global environmental forum, and that regular biennial sessions of the UNEP Governing Council would constitute that forum in the years that it meets and that in alternate years the forum should take the form of the special session of the Governing Council meeting [in which participants can gather to review important and emerging policy issues in the field of the environment], with due consideration for the need to ensure the effective and efficient functioning of the governance mechanisms of the United Nations Environment Programme, as well as possible financial implications and the need to maintain the role of the Commission on Sustainable Development as the main forum for high level policy debate on sustainable development;

7. Welcomes/Supports the proposals *towards enhancing linkages and coordination with and between the United Nations Environment Programme and environmental and environment-related conventions/for the facilitation and support by the United Nations Environment Programme towards enhancing linkages and coordination among environmental and environment-related conventions/*, with full respect for the status of the respective convention secretariats and the autonomous decision-making prerogatives of the Conferences of the Parties of the Conventions concerned and emphasizes in this regard the need to provide UNEP with the adequate resources to perform this task;

8. Also welcomes/supports the proposals for the involvement, participation and constructive engagement of major groups active in the field of environment and human settlements, with due consideration for the relevant rules, regulations and procedures of the United Nations;

9. Reiterates the importance of strengthening the capacity and capability of UNEP and UNCHS, within the framework of their existing mandates, in the areas of information, monitoring, assessment and early warning of [global and regional environmental trends and emerging environmental threats/natural disasters], and in this context, emphasizes the importance of strengthening of the system-wide Earthwatch as an effective, accessible and strictly non-political science-based system;

10. Stresses the need to ensure that capacity building and technical assistance, particularly with respect to institutional strengthening in developing countries, as well as research and scientific studies, in the field of environment and human settlements, must remain important components of the work programmes of both UNEP and UNCHS, within their existing mandates, and also stresses in this regard the need for adequate financial resources as well as the need to avoid duplication of efforts;

11. Expresses support for *the proposal towards strengthening the relationship between the United Nations Environment Programme and the Global Environment Facility (GEF), including through the provision by UNEP of environmental advocacy, analysis and advice in shaping the priorities and programmes of the Global Environment Facility consistent with its envisaged role in the Instrument for the Establishment of the Restructured Global Environment Facility/for the need to enhance the role of the United Nations Environment Programme as an implementing agency of the Global Environment Facility (GEF) and requests the Secretary-General to consult closely with governments in formulating suggestions for further consideration by the Governing Council;*

12. *Reaffirms the role of the Commission on Human Settlements in the implementation of the Habitat Agenda and emphasizes the need for it to take steps to prepare for the review of its implementation in 2001/Welcomes the proposals that the Centre for Human Settlements should strengthen its normative core activities and develop into a centre of excellence for sustainable urban development;*

13. *Supports the proposal to elaborate problem-, and action-, and result-oriented indicators for sustainable development in the field of environment and human settlements and stresses, in this regard, the importance of the need to avoid duplication of efforts/Welcomes the proposal to keep under review the on-going work on the development of indicators, and in this regard stresses the importance of the need to avoid duplication of efforts;*

14. Requests the Secretary-General to submit a report on the implementation of this resolution to the 54th Session of the General Assembly.⁷⁴⁴

G. Commencement of informal/informal consultations

In a written message to the representatives of G77 and EU, dated 18 June 1999, the Coordinator informed both major groups that Non-Paper/Rev.2 constituted the basis of all future negotiations in the informal consultations. Furthermore, he asked the two groups to engage in informal/informal consultations as early as possible in order to make the cleaning of the text possible as of the next scheduled meeting; i.e., Wednesday, 23 June 1999. In a bid to further encourage the two groups to proceed with their informal/informal consultations and engage in serious negotiations on the Rev.2 text, the Coordinator informed the representatives of the two major groups that he would chair the Wednesday meeting for a brief period and then leave it to themselves to continue.⁴⁵

On Wednesday, 23 June 1999, the fifth meeting of the open-ended informal consultations was held. The Coordinator briefly introduced the latest revised version of the Non-Paper [Non-Paper/ Rev.2] and explained the status of various provisions in the text [in *italic* or **bold** letters]. He informed the meeting of the scheduled meetings during the rest of the week and emphasized the necessity of serious, direct negotiations by all the concerned parties. Drawing attention to the inevitable impact of the ECOSOC annual substantive session in Geneva during the month of July on the level of participation in New York meetings and prevalence of annual vacationing in August, the Coordinator underlined the imperative of reaching consensus on the text before the end of June. He called on all the concerned parties, particularly the two major groups, to show flexibility and a sense of compromise to make this outcome possible. Following a brief exchange of views on matters of procedure the meeting was adjourned. It was agreed that the informal consultations would meet again the next day at 11:00 a.m. for a brief overall review of progress. Subsequently, delegations engaged in informal/informal consultations on the text.⁴⁶

The sixth meeting of the informal consultations took place, as previously agreed, on Thursday 24 June. The Coordinator asked delegates to inform the meeting of the process and outcome of the informal/informal consulta-

tions since the fifth meeting the day before. A number of delegations took the floor in this connection. The representative of G77 informed the meeting of the Group's latest amendments /wording for various parts and provisions of the text under negotiation. The EU representative also presented his reading of the situation. A number of other delegations, mostly from JUSCANZ, also made statements, which could be seen as generally supportive of the G77 position and wording. Once the meeting was adjourned, further negotiations on the text were resumed. They continued, although intermittently, until the early hours of Friday afternoon, 25 June 1999, when the text of the draft resolution was agreed upon by the negotiating group.⁴⁷

On the afternoon of Friday 25 June, representatives of G77 and EU informed the Coordinator of the outcome of the Negotiations. The G77 representative then forwarded to the Coordinator a copy of the text as agreed among the negotiating group. Subsequently, the Coordinator informed the representatives of G77 and EU that he intended to present the agreed text as the Coordinator's text on Monday, 28 June 1999.

H. Agreement on the draft resolution

The seventh, and last, meeting of the open-ended informal consultations was held on Monday, 28 June 1999. The text of the draft resolution entitled "report of the Secretary-General on Environment and Human Settlements", as agreed previously and presented by the Coordinator, was adopted by consensus.⁴⁸ The Coordinator expressed appreciation to all delegations who had actively participated in the process, particularly representatives of G77, EU and JUSCANZ, for their excellent cooperation and valuable contribution to the achievement of consensus. He also expressed gratitude to the representatives of UNEP, Habitat and the Government of Kenya for their cooperation and assistance all along the process. He informed the meeting that the text of the draft resolution would be forwarded to the President of the General Assembly for his information and further action by the Assembly. Later the same day the Coordinator forwarded the following text, as orally amended and adopted in the informal consultations, to the representatives of G77, EU and JUSCANZ for their information and subsequent distribution among their respective constituencies.

Draft Resolution: Report of the Secretary-General on Environment and Human Settlements

"The General Assembly,

Recalling its resolution 52/12 of 12 November 1997 entitled "Renewing the United Nations: A Programme for Reform;"

Reaffirming its determination to strengthen the role, capacity, effectiveness and efficiency of the United Nations, including in the field of environment and human settlements, and thus improve its performance in order to realize the full potential of the Organization;

Taking note of the Report of the Secretary-General on Environment and Human Settlements (A/53/463) and its annex "report of the United Nations Task Force on Environment and Human Settlements," which contains recommendations on reforming and

strengthening the activities of the United Nations in the field of environment and human settlements;⁴⁹

Expressing its appreciation to the Chairman and members of the Task Force for their commendable work;

Conscious of the continued deterioration of the global environment and the state of human settlements despite some positive achievements, as well as of the need to strengthen the institutions of the United Nations charged with responsibility for environment and human settlements, to improve their performance and to promote coordination in implementation of the environmental and human settlements dimension of sustainable development within the United Nations system;

Emphasizing the importance of strengthening the capacity of the United Nations Environment Programme (UNEP) and the United Nations Centre for Human Settlements (UNCHS/Habitat) in their Nairobi location and of ensuring the provision of requisite support and stable, adequate and predictable financial resources necessary to both organizations for the fulfillment of their mandates as contained in General Assembly resolutions 2997/XXVII and 32/162 as well as in the Nairobi Declaration (1997) and the Istanbul Declaration (1996), including by seeking additional financial resources through broadening the range of sources of funding for both organizations, in accordance with the financial rules and regulations of the United Nations;

Taking into account the views of member States on the Report of the Secretary-General on Environment and Human Settlements;

Taking account the views contained in the decision of the Governing Council of UNEP/GC/20/17 and also in the resolution of the Commission on Human Settlements HS/C/17/6 on the Report of the Secretary-General on Environment and Human Settlements;

1. Welcomes the efforts undertaken to strengthen the United Nations in the field of environment and human settlements and in that context, takes note of the general thrust of recommendations contained in the report of the Secretary-General on Environment and Human Settlements, proposing actions to be taken by the Secretary-General, the Executive Director of UNEP and the Executive Director of UNCHS (Habitat) and also notes the recommendations outlined in Part IV of the report;
2. Requests the Secretary-General to strengthen the United Nations office in Nairobi (UNON), as currently the only United Nations headquarters located in a developing country, through the provision of requisite support and stable, adequate and predictable financial resources, including by proposing additional regular budget resources as envisaged in General Assembly resolution 52/220 for the consideration of the General Assembly, with due regard for proper United Nations budgetary procedures;⁵⁰
3. Encourages the Director-General of UNON to take steps to increase the level of utilization of Nairobi and, in this regard, encourages other agencies, funds and programmes to consider increasing their utilization of UNON facilities for their activities;
4. Calls on UNEP and UNCHS (Habitat) to increase their cooperation and strengthen coordination among their activities, within the framework of their respective mandates and separate programmatic and organizational identities, as well as their separate Executive Directors;
5. Supports the proposal of the Secretary-General regarding the establishment of an Environmental Management Group (EMG) for the purpose of enhancing inter-agency coordination in the field of environment and human settlements and requests the Secretary-General to develop, in consultation with the Member States and members of the Administrative Committee on Coordination (ACC), the mandate, terms of reference, appropriate criteria for membership and the flexible and cost-effective working methods of the EMG, and submit them to the 54th Session of the General Assembly for consideration.⁵¹

6. Welcomes the proposal on instituting an annual ministerial level, global environmental forum, and that regular biennial sessions of the UNEP Governing Council would constitute that forum in the years that it meets and that in alternate years the forum should take the form of the special session of the Governing Council meeting, in which participants can gather to review important and emerging policy issues in the field of the environment, with due consideration for the need to ensure the effective and efficient functioning of the governance mechanisms of the United Nations Environment Programme, as well as possible financial implications and the need to maintain the role of the Commission on Sustainable Development as the main forum for high level policy debate on sustainable development;
7. Also supports the proposals for the facilitation and support, including by the United Nations Environment Programme towards enhancing linkages and coordination within and among environmental and environment-related conventions, with full respect for the status of the respective convention secretariats and the autonomous decision-making prerogatives of the Conferences of the Parties of the conventions concerned and emphasizes in this regard, the need to provide UNEP with the adequate resources to perform this task;
8. Also welcomes the proposals for the involvement, participation and constructive engagement of major groups active in the field of environment and human settlements, with due consideration for the relevant rules, regulations and procedures of the United Nations;
9. Reiterates the importance of strengthening the capacity and capability of UNEP and UNCHS (Habitat), within the framework of their existing mandates, in the areas of information, monitoring and assessment of global and regional environmental and human settlements trends and early warning information on threats, to catalyze and promote international cooperation and action, and in this context, emphasizes the importance of strengthening of the system-wide Earthwatch as an effective, accessible, and strictly non-political science-based system;⁵²
10. Reaffirms that, in accordance with its mandate, UNEP should not become involved in conflict identification, prevention or resolution;⁵³
11. Stresses the need to ensure that capacity building and technical assistance, particularly with respect to institutional strengthening in developing countries, as well as research and scientific studies, in the field of environment and human settlements, must remain important components of the work programmes of both UNEP and UNCHS (Habitat), within their existing mandates, and also stresses in this regard the need for adequate financial resources as well as the need to avoid duplication of efforts;
12. Stresses the need to further enhance the role of the United Nations Environment Programme as an implementing agency of the Global Environment Facility (GEF) consistent with its role as defined in the Instrument for the Establishment of the Restructured Global Environment Facility;
13. Reaffirms the role of the Commission on Human Settlements in the implementation of the Habitat Agenda and emphasizes the need for it to take steps to prepare for the review of its implementation in 2001 and welcomes the proposals that the Centre for Human Settlements should strengthen its core activities and develop into a centre of excellence for human settlements;
14. Welcomes the proposal to continue the on-going work on the development of indicators in the field of environment and human settlements, and in this regard stresses the importance of the need to avoid duplication of efforts;
15. Requests the Secretary-General to submit a report on the implementation of this resolution to the 54th Session of the General Assembly."

I. Adoption of the resolution by the General Assembly

On 1 July 1999, the Coordinator forwarded the text of the draft resolution entitled "Report of the Secretary-General on Environment and Human Settlements," as agreed in the informal consultations on 28 June 1999, to H.E. Dr. Didier Opertti, President of the 53rd Session of the General Assembly, for his information and further action by the Assembly. The Coordinator's letter and its annex were subsequently issued as General Assembly document A/53/1006, dated 2 July 1999.

On 19 July 1999, the President of the General Assembly, through a circular, drew the attention of Permanent Representatives to the United Nations to document A/53/1006 containing the letter from the Coordinator of the Consultations and its annex containing the text of the draft resolution entitled "Report of the Secretary-General on Environment and Human Settlements." The President further stated in the circular that in the absence of comments [on the text of the draft resolution] by Friday, 23 July 1999, he intended to circulate the draft resolution as a "draft resolution submitted by the President of the General Assembly" to be issued as an "L" document of the Assembly with a view to its consideration by the Assembly during the next week. In the absence of any comments from the intergovernmental body, the text of the draft resolution in question was subsequently issued as A/53/L.78, dated 23 July 1999.⁵⁴

On July 28, 1999, the General Assembly in its 105th Plenary meeting took action on the draft resolution entitled "Report of the Secretary-General on Environment and Human Settlements," as contained in document A/53/L.78, under agenda item 30 (United Nations reform: measures and proposals), and adopted it by consensus. Following the Assembly's action, Representatives of Finland on behalf of the European Union, Guyana on behalf of the Group of 77 and China, and the Russian Federation, United States and Republic of Korea, made statements.

Following the Assembly's action on the draft resolution, the Coordinator made a statement, in which he expressed appreciation to the President of the Assembly for his personal trust and confidence and to all those who had assisted him in the process of informal consultations. In the conclusion of his statement, the Coordinator presented the following assessment of the process:

"The process of informal consultations was very interesting and instructive, at least for the Coordinator. Despite the intensity of our work, I do not think anybody left the negotiating table with hurt feelings. There was give and take all around.

The process of informal consultations, and undoubtedly, its outcome – the resolution we just adopted – represent a higher degree of collective understanding and shared concerns – by all of us – of the United Nations activities in the field of environment and human settlements; also a higher understanding of the institutional and policy-making requirements for these activities. The text of this resolution is a step forward in the direction of reform and reflects a balanced rep-

resentation of all the major concerns of both developing and developed countries. Next step is to move forward [with its implementation].”

Post Script: Some personal reflections

Having finished my personal little odyssey of the process of informal consultations on the Report of the Secretary-General on environment and human settlements; and having judged the final outcome as a balanced representation and reflection of the major concerns and interests of all the major actors; and finally, having underlined that the next step ahead is to move forward with the implementation of the General Assembly resolution, well, the Coordinator feels bound – at least morally – to reflect on the wider implications of the process and its outcome.

Given the state of the world environment on the brink of the new millennium – let alone its not so glittering prospect and emerging environmental challenges of global proportions – and taking into consideration the rather dizzying and yet ever-proliferating maze of institutions, arrangements and instruments dealing with the question of environment within the United Nations system, reform was to be considered necessary and equally inevitable. In retrospect, it should not be difficult at all to discern why the Secretary-General did not address it in his reform report back in Summer 1997 and instead opted for the establishment of the Task Force.

Regardless of the composition of the Task Force or its internal politics or how it arrived at the final version of the report it produced, it is now history that its recommendations and those of the Secretary-General's Report soon became the talk of town. The very creation of the Task Force and later, its Report, raised many big expectations in many quarters and capitals and simultaneously caused concern and apprehension in many others. The ebbs and flows in the intergovernmental deliberations on the provisions of the Report, particularly prior to the appointment of the Coordinator, clearly reflect the rather intricate interplay between one set of expectations on the one hand and another set of concerns and expectations on the other. The process of informal consultations managed, in my view, to pair these two parallel sets of concerns and expectations, allay and resolve a good number of them – in fact the major ones – and, finally, bridge the gap between the competing or conflicting views and outlooks. The resolution that the General Assembly adopted by consensus on the Report represents a unified vision – shared by both developed and developing countries – for the future of the UN activities in the field of environment. Fact of the matter is that the major elements in the reform package were adopted by the General Assembly as the highest universal intergovernmental body in the United Nations system.

Still, various provisions of the GA resolution may be interpreted by different actors differently. And it is quite possible that the implementation of these provisions by UNEP, UNCHS and/or other relevant institutions could in itself become a bone of contention and further intergovernmental wrangling. But, what is certain is that the process of reform in this very important, and in fact, critical

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, bumpy as it will inevitably be, the entire United Nations system, and in a wider sense, the international community as a whole, should muster the political will and utilize, enhance and make more coherent the existing institutional arrangements and intergovernmental agreements – including the clear provisions of the General Assembly resolution – to the maximum extent possible to ensure achieving in the years and hopefully decades ahead universally agreed objectives in the field of environment. A sharper focus in 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. Existing and emerging challenges require commensurate response, for which adequate institutions, long-term visionary planning, requisite resources and most certainly, the usual most elusive of all, political will, are the constituent elements.

The very last point I would like to share with the readers of this paper is to repeat a phrase/concept alluded to once somewhere in the paper. If we – and I mean the entire intergovernmental body and the international/multilateral system – bring ourselves to really believe in this rather obvious truism that “reform is not an event, but a process” the immediate credit for which should unmistakably go to the Secretary-General – then we will find ourselves just at the very beginning of a much bigger odyssey, replete as it will unquestionably be with its own particular challenges.

Notes

¹ As the Coordinator gathers, the original idea had been for the report of the Task Force to be issued through a procedural letter of transmittal. However, once considered by the United Nations Steering Committee on Reform, it was decided to issue it under the present format with a substantive assessment by the Secretary-General.

² Paragraphs 1–6 are drawn from paragraphs 1–7 of the Secretary-General's report (A/53/463) with minor change of wording by the author. Dr. Töpfer's article entitled “United Nations Task Force on Environment and Human Settlements” first published on the world wide web by Linkages Journal, 28 July 1998 (Vol. 3, No. 3), provides a useful summary analysis of the *raison d'être* of the establishment of the Task Force, its objectives, and the outcome of its work [the Task Force report], particularly with emphasis on various sets/categories of recommendations.

³ Appendix I containing the membership of the Task Force and Appendix II containing its terms of reference.

⁴ IACSD, a standing committee of the Administrative Committee on Coordination (ACC), is charged with bringing together the UN bodies concerned with sustainable development and helps to coordinate their work.

⁵ Clustering of the Task Force recommendations in the Secretary-General's report is an issue that proved to be a bone of contention, and inevitably of political import, during the intergovernmental deliberations on the provisions of the report. This point will be touched on later in the present report.

⁶ A/C.2/53/SR.19, dated 14 December 1998, p.2.

⁷ A/C.2/53/SR.19, dated 14 December 1998, pp. 3–5.

⁸ It should be mentioned that the question of coordination among environmental conventions was being considered in the Second Committee under agenda item 94(a), for which the Secretary-General's report entitled “Implementation of and the follow-up to the outcome of the United Nations Conference on Environment and Development, including the outcome of the Nineteenth Special Session of the General Assembly for the purpose of an overall review and appraisal of the implementation of Agenda 21 (A/53/477)” was submitted to the 53rd Session of the General Assembly. In this connection, in the course of the Committee's deliberations on agenda item 94, on 23 October 1998 a panel discussion was held on how to achieve better coherence and improved coordination among environmental and environment-related conventions. Hama Arba Diallo (Executive Secretary of the

United Nations Convention to Combat Desertification UNCCD), Michael Zammit Cutajar (Executive Secretary of the United Nations Framework Convention on Climate Change) and Johnson (Convention on Biological Diversity) participated. Various aspects of the question of coordination among conventions, and in particular, the role of UNEP in this regard, were addressed by the panelists as well by delegates. For the summary record of the panel discussion see A/C.2/53/SR.24, dated 12 November 1998. For a typical developing country outlook on the question of coordination among environmental conventions see paragraph 22 of the summary record of the Second Committee meeting on 26 October 1998, as contained in document A/C.2/53/SR.25, dated 14 December 1998.

⁹ The following quotations from the statements by the G77 and EU clearly manifest the rather pronounced difference between their respective approach at the time to the proposals and recommendations contained in the SG's report.

G77: "...considering the number, the importance and the interdependence of the environmental conventions, the coordination of work related to them [is] essential. Furthermore, the reports on the implementation of [these] conventions stressed the need for consistency in policies and actions. Coordination [is] not easy because the conferences of parties to the conventions [are] autonomous bodies, and the secretariats [are] scattered around the world. ...In that regard, the report of the United Nations Task Force on Environment and Human Settlements, which suggested lines of action to be taken to strengthen the United Nations Environment Programme (UNEP) and the United Nations Centre for Human Settlements (Habitat), should be considered by the General Assembly under agenda item 30." (emphasis added by the author)

EU: "...stressed the need for improved coordination among the environmental conventions and their secretariats ... attached great importance to the integration of an environmental dimension into all United Nations policies and activities. In that regard, it [EU] noted with satisfaction the recommendations made by the United Nations Task Force on Environment and Human Settlements, which the Secretary-General [intends] to implement on his authority." (emphasis added by the author).

This is an important point as far as the proposals and recommendations of the report of the Task Force and that of the Secretary-General are concerned. It has been referred to on a number of occasions in the present paper. See, for example, footnote 5 above.

For the summary of both statements see A/C.2/53/SR. 19, dated 14 December 1998, pp. 5–6.

¹⁰ Information circular, dated 17 November 1998, from H.E. Dr. Didier Operti, Minister of Foreign Affairs of Uruguay, President of the 53rd Session of the General Assembly, to all Permanent Representatives to the United Nations. It needed to add, however, that the Secretary-General's report was expected to come up for consideration towards the end of October and early November. Nevertheless, due to a number of factors, including late distribution of the relevant documentation for some of the elements in the reform package (agenda item 30), consideration of the agenda item 30 was rescheduled a number of times. The delay could also be related, at least to a certain degree, to the unofficial soundings and lobbying at the time towards assigning the report to the Second Committee for consideration. The Coordinator recalls having been approached, in his capacity at the time as Chairman of the Second Committee, unofficially though, by representatives of some delegations and UN agencies, to consider positively the new assignment from the President of the Assembly. Apart from the fact that addition of another agenda item to the Committee's frill and heavy work programme would not have been possible at that advanced stage of the Committee's work – let alone such an important and difficult, if not controversial, issue and report – nevertheless, the response to the suggestion, equally unofficial though, was a "non-committal" maybe!

¹¹ For the full text of the Assembly's deliberations see documents A/53/PV.67 dated 23 November 1998; A/53/PV.70 dated 25 November 1998 and A/53/PV.71 dated 25 November 1998.

¹² Group of Western European and Other States.

¹³ For the text of statements of Canada, Croatia, India, Kenya, Japan and Norway see A/53/PV.67 dated 23 November 1998; for Austria (EU), United States of America, Republic of Korea, New Zealand and Algeria see A/53/PV.70 dated 25 November 1998; and for Russian Federation, Philippines, Australia, Mexico, Ukraine, Pakistan, Guyana (on behalf of CARICOM), Cuba, Tunisia, Brazil, Egypt, Cameroon and Switzerland (observer) see A/53/PV.71 dated 25 November 1998. It should be added that on 23 November 1998, the General Assembly, acting on a proposal by the German delegation as the Chairman of the Western European and Other States for the month of September, decided to allow the observer of Switzerland make a statement on agenda item 30.

¹⁴ JUSCANZ, although not a structured group like EU or G77, can be considered a group of like-minded countries on certain issues. It includes Japan, United States, Switzerland, Canada, Australia, Norway and New Zealand.

¹⁵ It should be mentioned, however, that expression of concern on apparent "lack of progress" on the Secretary-General's report at the time and following the end of the first part of the 53rd Session of the General Assembly, was not merely limited to the one raised in this meeting. In fact, the delegations which had favoured a rather speedy resolution of the whole issue seemed unhappy with the situation as it appeared to be moving. Between the second half of December 1998 and late March

1999, when there was little if any movement in this regard, it was not unknown to those directly involved with the report and its consideration by the General Assembly that concerns kept being raised by some developed countries with a number of quarters, including the Office of the GA President and the Office of the UNEP Executive Director and its representation in New York (UNEP/RONA). Even some representations had been made to the Office of Deputy Secretary-General. The President's statement at the 92nd Plenary meeting should be seen as a clear gesture of reassurance vis-à-vis such concerns at the time. His remarks at the 95th Plenary meeting also serve exactly the same purpose. They also indicated that the President had been seized of the matter in the meantime and had been consulting on the idea of appointing a coordinator.

¹⁶ A/53/PV.92 dated 25 November 1998, p. 2. In light of the particular concerns of both developed and developing countries as came to be known in the course of the General Assembly consideration of the report in November 1998, the President's emphasis on "assurance on the continuation of consideration" on the one hand, and "in a fully open and transparent manner" on the other, seem undoubtedly to have been intended for different interlocutors.

¹⁷ See document A/53/PV.95, dated 23 March 1999, pp. 23–24.

¹⁸ UNEP/GC.20/15, dated 28 January 1999.

¹⁹ UNEP/GC.20/15, dated 28 January 1999.

²⁰ In this connection, see footnote 5 and related paragraph.

²¹ Letter dated 25 January 1999 from Ambassador Samuel Insanally of Guyana.

²² Attached to the G77 letter, the preliminary views of the Group in New York were also forwarded to the Nairobi Chapter – which were subsequently distributed by the G77 in Nairobi.

²³ Given this controversy, and the very strong opposition to the idea of Governing Council's decision on any of the provisions of the Task Force/Secretary-General report, the Secretary-General's message to the Session seems to have played a critical catalytic role in helping to ease the situation. Its emphasis on seeking the "views" of the Council was of particular significance in this regard.

²⁴ Dr. Klaus Töpfer, Executive Director of UNEP, while addressing the Secretary-General's report in his opening statement to the Governing Council emphasized that the [General] Assembly had not yet concluded its consideration of the report, and that the President of the GA had the intention that the Assembly consider in an open and transparent manner, as soon as possible, the recommendations contained in the report.

²⁵ Resolution (SH/C/17/6).

²⁶ On April 13, Dr. Felipe Paolillo, Legal and Diplomatic Advisor of the President, had informed the Chairman of the Second Committee of the President's intention in this regard, and subsequently informed the President of his acceptance.

²⁷ In a letter dated 26 April 1999, the Permanent Representative of Kenya to the United Nations informed the Coordinator of the forthcoming meeting of the Commission on Human Settlements (5–14 May 1999, Nairobi) "when the Secretary-General's report (A/53/463) will be discussed *inter alia*." The letter went to read "I would be most grateful if the substantive part of the informal consultations commence after the Commission Meeting in order to enable New York to avail itself of the Commission's views on this issue and also to enable Kenya's effective participation."

²⁸ The Coordinator perceived this particular point to be shared by both G77 and EU in the course of his initial exchange of views with their respective representatives. And he judged it to be of immense value in facilitating speedy progress towards arriving at consensus on other issues. Recommendation 24 in the Task Force report as regards the possibility of a reconstituted Trusteeship Council – which is not even mentioned in the Secretary-General's report, and certainly not by omission or sheer coincidence – was a clear example in this case. The Coordinator does not recall this issue to have been alluded to even once during the entire process of informal consultations. The idea of UNEP acting as an "environmental guardian" or "universalization of the UNEP Governing Council membership" are two other examples in point.

²⁹ Following the appointment by the GA President on April 14th, the Coordinator commenced a series of private/informal exchange of views with the representatives of the two major groups (G77 and EU), a number of other interested delegations as well as the UNEP Office in New York (UNEP/RONA). The objective being to arrive at a closer, better understanding of their respective positions and analyses, and to have a fuller appraisal of the areas of agreement and disagreement. In the course of these consultations, the Coordinator received – on an informal basis – a "non-paper" from each of the two major groups, and viewpoints from others. The two "non-papers", as will be seen later in the report, proved to be very useful in the process and extremely helpful to the Coordinator. The Coordinator has included the text of the two "non-papers" in the Annex to his report (see page 20); and in doing so he hopes that the successful completion of the process would allow him to let the "non-papers" see the light of day and enjoy, albeit posthumously, a certain degree of existence.

³⁰ It was the Coordinator's perception from initial exchange of views with G77 and EU representatives that while developing countries considered the differences between the provisions of the two reports rather substantial and thus very important, EU members, to the contrary, considered those differences rather small and not particularly important. The same general attitude/feeling could be seen in the

statements by members of either of the two major groups.

³¹ The meetings, organized by the JUSCANZ and held on 19 and 25 May 1999 at the Canadian Mission, were comprised of the representatives of JUSCANZ and those of a number of developed and developing countries, including EU and G77. Both meetings were chaired by Denis Chouinard of Canada. The Coordinator was subsequently informed of the very frank and useful exchange of views on the provisions of the Secretary-General's report. Representatives of the Office of Deputy Secretary-General, UNEP and Habitat also participated in the second meeting and responded to the participants' queries.

A number of points seem to have figured prominently in the course of these informal exchange of views:

- Relevance of the UNEP and CHS texts to the possible GA resolution on the SG's report;
- No need to have a one by one (proposals and recommendations) approach;
- Preference for work on the basis of a draft resolution.

With regard to the second point, see footnote 26 and related paragraphs.

Moreover, the following seem to have figured as among the major concerns of G77:

- UNEP and UNCHS should remain separate institutions with separate Executive Directors;
- UNEP has no mandate to function as an "environmental guardian" and should not become involved with conflicts of any nature;
- Overall support for the Environment Management Group (EMG), but its mandate, terms of reference, membership and financial implications needed to be clarified;
- Need for clarification by the SG on the modalities for major groups' participation.

It is also interesting to note that in the course of these informal exchanges of views it had been indicated by some countries that silence in the prospective GA resolution on some issues could indicate agreement with proposals and recommendations in the report, while some others had argued that silence could mean disagreement. Developing countries' insistence, from the very beginning, on the procedure and mechanism discussion of the report can be better understood in light of such concerns.

The G77 concern as regards UNEP's involvement with conflicts, environmental or otherwise, and strong opposition to any suggestion – even implicit – in this direction, proved to be one of the most controversial issues in the process of informal consultations. Although not included in the original version of the Coordinator's Non-paper, simply because of its highly contentious nature, it kept being pursued by the G77 consistently throughout the whole process and flagged as "non-negotiable." It was also a major bone of contention in LTNEP Governing Council deliberations on the report.

³² Subsequently, necessary arrangements were made with the General Assembly Conference Services for the "informal consultations" to be held every Wednesday morning during the rest of the month.

³³ On this particular issue the Coordinator added that quite a large number of recommendations in the Task Force report as well as in the SG report dealt with measures at the level of the Secretariat of the two bodies in Nairobi.

³⁴ It was also emphasized by the Coordinator that the mandate and terms of reference of the Group could be addressed and dealt with later. In this connection, see operative paragraph 5 of the final text of the draft resolution and also footnote 50 below.

³⁵ It was underlined by the Coordinator that the UNGASS had dealt with the issue and contained agreed language. See paragraphs 119 and 123 of the "Programme for the Further Implementation of Agenda 21" adopted at the 19th Special Session of the United Nations General Assembly (23-28 June 1997, New York). In addition to the question of cooperation between UNEP and environmental conventions, paragraph 123 addresses in very clear terms the status, functions and role of UNEP in the UN environmental activities, as well as the need for its reform and strengthening. In this particular regard, paragraph 124 also deals with the question of UNEP's revitalization.

³⁶ The Coordinator emphasized that the outlook and the perspective brought in by the major groups would help the intergovernmental discussions, although it is understood that decision-making remains a prerogative of the intergovernmental body.

³⁷ Previously mention has been made of the G77 and EU "non-papers" (see footnote 30 above). It should be mentioned that in drafting his "Non-Paper" the Coordinator made effective use of the various provisions of the two "non-papers" – each representing the respective preferences of either group, both in terms of ideas and provisions as well as of language and wording.

³⁸ In drafting the reference to the Earthwatch system, due to the very technical nature of the matter, the Coordinator sought the assistance of Adnan Amin, Director of the UNEP Office in New York.

³⁹ The proposed amendments of the Group of 77 and China, following the meeting of 7 June 1999, was distributed among the Group's members the same day and submitted to the Coordinator in the course of the June 91 meeting. Later in the day, the Coordinator received the written comments from Japan, US, Switzerland, Australia, Russian Federation, and EU [Germany], and the next day, from India.

⁴⁰ Representatives of G77, EU, Canada, Australia, Russian Federation, Norway, Mexico, Republic of Korea, Switzerland and Japan made brief general comments on the text. A number of other delegations made general comments while presenting specific amendments to the text.

⁴¹ In drafting this version of the "Non-Paper", the Coordinator sought the assistance of Adnan Amin, Director of UNEP Office in New York, on a number of technical questions, particularly as regards the mandate and functions of UNEP. Moreover, it needs to be added here that the UNEP Office actively participated in the whole process, and Amin's explanatory statements on UNEP-related issues, particularly with a technical nuance, helped to clarify many issues in the course of informal consultations.

⁴² Due to the imminent beginning of the plethora of activities related to the Special Session of the General Assembly on the Review and Appraisal of the Implementation of the Plan of Action of the International Conference on Population and Development (ICPD+5) and as a result, unavailability of conference services, the informal consultations could not be held during the week of June 28th. In view of this situation and also the imperative of continuing the progress given the dynamism at work at the moment, the Coordinator sought the assistance of the General Assembly Conference Services to hold as many meetings as possible before Friday, 25 June. Expecting the process to arrive at consensus by the end of 25 June – not unrealistic altogether at the time – arrangements were made to have access to even a small conference room on June 28th.

The meetings on 23–25 and 28 June were held in Conference Room C.

⁴³ It is the Coordinator's perception that this particular provision – despite plausible concerns on the ground which could be surmised to be generally shared by all the parties concerned – carried obvious sensitive political implications which would have made it very difficult to remain in the text as such. Hence, it can be speculated that its appearance at a certain stage of consultations might have been related to the state of negotiations.

⁴⁴ At the end of the text the following explanation entitled "Explanatory note for pundits" was provided:

- Text in *italic* indicates the text of Rev. 1 still in dispute.
- Text in **bold** indicates the new text as suggested by groups/delegations in the June 16th meeting.

⁴⁵ Following the June 16th meeting during which various delegations, including in particular the representatives of the two major groups, made comments and presented amendments – both new and old – on the Rev. 1 text of the Non-Paper, the Coordinator reached the conclusion that bridging the gap between them required more than his personal endeavours in presenting new versions of the Non-Paper. In his view, the stage had arrived for the protagonists to engage in direct negotiation, in which the real, and the ultimate, give-and-take had to take place between those directly concerned and involved. Recurrence of some of the amendments which had been presented at an earlier stage of the informal consultations, and the insistence thereon by the concerned parties, was instrumental in shaping the Coordinator's judgement.

⁴⁶ The Coordinator was later informed that there was little progress on the text during the consultations that took place the same morning and even in the afternoon.

⁴⁷ It does not take great imagination to assume that some real, hard negotiation, inclusive of even intense byzantine wheeling and dealing and diplomatic pull and push, between and among the directly involved individuals has taken place during these final hours. But this is analysis. The news part of it which some of us may – or may not – hear about here and there in private off-the-record *tete-a-tete*, however, belongs to the realm of internal politics and diplomacy of missions and states, or technically speaking, to the no-no land of "for your eyes only" reports. This part may never see the light of day or may have to wait for the future memoirs of retired diplomats or the publishing of declassified documents by foreign ministries. It takes a lot of patience, and maybe long life, to wait for this part to appear in print.

⁴⁸ Prior to adoption, some minor oral amendments – including some representing discrepancy between the negotiated text and the distributed one and some others of editorial nature – were made to the text.

⁴⁹ It may be found interesting – and even educational – that the inclusion of the phrase "with appreciation" in taking note of the report under consideration in the preambular part of the draft resolution proved to be rather contentious. The Coordinator had included that phrase in his original version of the Non-Paper [see above]. However, it was not included in Rev. 1 due to obvious lack of universal support for it when the Non-Paper came up for discussion and amendment on 9 June. It found its way back into the text in Rev. 2 [dated 17 June], though in brackets and along with two other alternatives, which was in response to support for it from another quarter. The final wording, again the outcome of tough negotiations, and especially when considered in tandem with operative paragraph 1, can be considered the middle ground for all the concerned parties. The problem with it, as discerned by the Coordinator, is that its inclusion seems to have indicated "blanket" endorsement of all the recommendations in the Secretary-General's report, which obviously was not the case.

⁵⁰ This paragraph was also one of the major areas of contention. While the mere idea of increased financial support to the ANON was in general terms acceptable to all delegations, the ways and means to do that was however very much contentious. While "Provision of additional regular budget resources" was the original,

preferred wording of the developing countries, it was opposed generally by the developed countries and particularly by certain members of the latter group. The final wording, as the compromise outcome of intensive negotiations and the inevitable give and take at the eleventh hour, seems to satisfy – at least to a certain degree – one group with emphasis on the necessity of “stable, adequate predictable financial resources” and the other group with emphasis on “due regard for proper United Nations budgetary procedures.”

⁵¹ Despite the fact that the idea/recommendation of the establishment of EMG was generally acceptable to everybody in the course of informal consultations, including the two major groups, yet, certain parts of the paragraph proved very difficult and contentious all along. The questions of the Group’s mandate, terms of reference and composition, were subject to intense negotiation up to the very end of informal/informal consultations. Despite the existence of some differences among the viewpoints of developed countries on this matter, it was clear that the EU would have preferred a more definitive wording in this respect than the final compromise text. Simultaneously, the G77 would have found that rather difficult to accept. The final text, as it appears here, with the clear proviso for the “General Assembly consideration of the Secretary-General’s Report” on the outcome of his consultations, seems to have made it acceptable to the two major protagonists on this particular issue. It is the Coordinator’s impression that agreement on this paragraph was achieved in the context of the overall “give and take” at the last stage of nego-

tiations. And moreover, had agreement eluded the negotiators at that stage on other provisions, the situation would have most probably boomeranged here as well.

⁵² The essence of this paragraph as far as the strengthening of UNEP and its role within the entire UN system-wide environmental activities is concerned, was also a matter of serious debate and negotiation. It has been previously mentioned in the present paper that the idea of “environmental guardian” – as it had been alluded to in the Task Force report – never came up in the course of informal consultations [also see footnote 28 above]. Notwithstanding this, it could be deduced from the general tenor of statements by representatives of various countries that a certain body of developed countries would have preferred to see the UNEP function as the “guardian” in the area of UN environmental activities, and hence, would have preferred a stronger wording in this regard in this paragraph. The final wording, as it appears here, should be seen as the very delicate compromise between what either of the two major protagonists – developed and developing blocks – would have settled for short of the improbable options of “total take” or “total give.” Also see footnote 31 with regard to certain elements in this paragraph which hinges on the UNEP role.

⁵³ In this regard, see the last paragraph in footnote 31 above.

⁵⁴ The resolution A/53/242 entitled “Report of the Secretary-General on environment and human settlements” was subsequently issued in document A/RES/53/242 dated 10 August 1999 (see EPL 29/5 (1999) pp. 250-251).

Annex

Report of the Secretary-General on Environment and Human Settlements

(G-77 Non-Paper, mid-April 1999)*

The General Assembly,

Having considered the report of the Secretary-General on Environment and Human Settlements (A/53/463);

Reaffirming its determination to strengthen the role, capacity, effectiveness and efficiency of the United Nations and thus improve its performance in order to realize the full potential of the Organization;

Recalling its resolution 52/12 of 12 November 1997 entitled “Renewing the United Nations: A Programme of Reform”;

Conscious of the continued deterioration of the global environment and the state of the human settlements, as well as the need to strengthen the institutions of the United Nations charmed with responsibility for environment and human settlements issues;

Stressing the importance of strengthening the capacity of the United Nations Environment Programme (UNEP) and the United Nations Centre for Human Settlements (UNCHS/Habitat) in their Nairobi location and of ensuring the provision of stable, adequate and predictable financial support to both organizations for the fulfillment of their mandates as contained in General Assembly resolution 2997/XXVII and 32/162;

1. *Requests* the Secretary-General to strengthen the United Nations office in Nairobi (UNON), in particular through the provision of additional regular budget resources in the context of the next regular budget programme budget of the United Nations and to ensure that Nairobi will enjoy equal status with Geneva and Vienna and encourages other agencies, funds and programmes to consider establishing or expanding their activities in Nairobi;

2. *Welcomes* the proposal for the establishment of an Environment Management Group (EMG) for the purpose of enhancing inter-agency coordination in the field of environment and human settlements, with due regard to the need to ensure that intergovernmental level process provide the basis for inter-agency coordination and, in this regard, *requests* the Secretary-General to develop the terms of reference and criteria for selection of members of the EMG and to propose them to the 54th General Assembly for its consideration and approval;

3. *Reiterates* the need to ensure that the distinct programmatic identities and management of UNEP and UNCHS/Habitat are preserved while enhancing the complementarity and cooperation between the two organizations;

4. *Stresses* the need to ensure that capacity building and technical assistance, particularly with respect to institution strengthening in de-

veloping countries, as well as research and scientific studies, in the field of environment and human settlements, must remain important components of the work programmes of both organizations, and adequate financial resources be provided for that purpose while bearing in mind the need to avoid duplication of such efforts;

5. *Takes note* of the proposals of the Secretary-General for the facilitation and support by UNEP to environment and environment-related conventions with a view to contributing to coordination, where necessary, while fully respecting the prerogatives of the decision-making bodies of those conventions;

6. *Requests* the Secretary-General to undertake a review of the Earthwatch System and to take necessary steps to transform it into an effective, accessible, well-advertised and science-based system;

7. *Encourages* the Secretary-General to strengthen current information systems, to increase the ability to provide early warning of natural disasters;

8. *Decides* that UNEP should not become involved in conflicts of any nature, including in their identification and prevention;

9. *Noting* the on-going work in ECOSOC on coordination and in the CSD on the development of indicators, stresses the need to avoid duplication of efforts;

10. *Decides* to keep under review the on-going work on indicators for eventual intergovernmental approval;

11. *Requests* the Secretary-General, in light of the experience of other intergovernmental fora, in particular the CSD, to propose, for the consideration of the General Assembly, modalities to promote the participation of civil society and major groups active in the field of environment and human settlements, consistent with the rules, regulations and procedures of the United Nations;

12. *Reaffirms* the role of the Commission on Human Settlements in the implementation of the Habitat Agenda and emphasizes the need for it to take steps to prepare for the review of its implementation in 2001;

13. *Emphasizes* the need to further enhance the role of UNEP as an implementing agency of the Global Environment Facility (GEF), based on its comparative advantage and scientific and technical expertise and requests the Secretary-General to consult closely with Governments in formulating suggestions to that effect for further consideration by the Governing Council;

14. *Decides* to keep under its consideration in the context of on-going reform of the United Nations proposals regarding the Trusteeship Council;

15. *Requests* the Secretary-General to submit a report on the implementation of this resolution to the 54th session of the General Assembly, for its consideration.

* See page 9.

Report of the Secretary-General on Environment and Human Settlements
(EU Non-Paper, mid-April 1999)

The General Assembly,

Recalling its resolution 52/12 of 12 November 1997 entitled "Renewing the United Nations: A Programme for Reform";

Reaffirming its determination to strengthen the role, capacity, effectiveness and efficiency of the United Nations and thus improve its performance in order to realize the full potential of the Organization;

Welcoming the report of the Secretary-General on Environment and Human Settlements (A/53/463), and having considered the recommendations described in the report;

Recalling decision UNEP/GC.20/17 adopted by the Governing Council of the United Nations Environment Programme;

Commending the efforts and initiatives of the Secretary-General aimed at reforming the United Nations, and in particular, strengthening the institutions and the work of the United Nations in the field of environment and human settlements;

Expressing its appreciation to the members of the United Nations Task Force on Environment and Human Settlements established by the Secretary-General pursuant to his proposal as contained in his report on "Renewing the United Nations: A Programme of Reform";

1. Welcomes the report of the Secretary-General on Environment and Human Settlements (A/53/463) in which he puts forth the recommendations of the United Nations Task Force on Environment and Human Settlements on reforming and strengthening United Nations activities in the field of environment and human settlements, and expresses its appreciation for the comprehensive and forward-looking recommendations of the Task Force;
2. Notes the distinction made by the Secretary-General between recommendations requiring action at the Secretariat level from those decisions and measures at the intergovernmental level;
3. Welcomes the general thrust of the actions proposed to be taken by the Secretary-General and the Executive Director of the United Nations Environment Programme at the Secretariat level and calls upon the Secretary-General to undertake actions for the implementation of the measures, outlined in section III of the report, relating to inter-agency coordination, linkages among and support to environmental and environment-related conventions, the United Nations Environment Programme, the United Nations Center for Human Settlements and the United Nations Office at Nairobi, information, monitoring, assessment and early warning, intergovernmental forums, involvement of major

groups and future initiatives.

4. Endorses the proposal of the Secretary-General regarding the establishment of an Environmental Management Group for the coordination of the environmental and human settlements activities of the United Nations system, and encourages the Secretary-General to undertake consultations with the members of the Administrative Committee on Coordination to develop its scope, appropriate criteria for membership and working methods in a flexible and cost-effective manner for its expeditious establishment.

5. Welcomes the proposals for the facilitation and support by the United Nations Environment Programme of enhanced coordination amongst the bureaux and secretariats of environmental and environment-related conventions, taking into account the status of the respective convention secretariats and the autonomy of the conferences of the parties to these conventions.

6. Welcomes the recommendations intended for action by intergovernmental bodies and invites the Governing Council of the United Nations Environment Programme and the Commission on Human Settlements, at their forthcoming sessions, to give further consideration to the recommendations as outlined in part IV of the report relating to linkages among and support to environmental and environment-related conventions, intergovernmental forums and involvement of major groups.

7. Decides that an annual ministerial level, global environmental forum be instituted and that regular biennial sessions of the UNEP Governing Council constitute that forum in the years that it meets, and that in alternate years the forum should take the form of the Special Session of the Governing Council meeting as ministerial-level forum in which participants can gather to review important and emerging policy issues in the field of the environment, and keeping in mind the need to retain the effective and efficient functioning of the governance mechanisms of the United Nations Environment Programme, as well as possible financial implications and the need to maintain the role of the Commission on Sustainable Development as the main forum for the High Level Policy debate on sustainable development.

8. Endorses the proposal of the Secretary-General that, particularly in the light of the recommendation to establish an annual ministerial-level forum, the future role of the United Nations Environment Programme High-level Committee of Ministers and Officials should be considered by the Governing Council of the United Nations Environment Programme.

9. Requests the Secretary-General to submit a report to the 54th session of the General Assembly on the implementation of this resolution. □