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3-14 June 1992

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Agenda item 9

ADOPTION OF AGREEMENTS ON ENVIRONMENT AND DEVELOPMENT

Report of the Main Committee

Rapporteur: Bedrich MOLDAN (Czechoslovakia)

Addendum

Chapter 39

International legal instruments and mechanisms

1. The Main Committee considered chapter 39 of Agenda 21 at its 8th meeting, on 10 June 1992.

2. At the same meeting, the issue coordinator, Mr. Nabil Elaraby (Egypt), introduced amendments to the text of the chapter, which had been agreed upon during informal consultations held in the contact group.

3. The proposed amendments read as follows:

(a) Replace paragraph 39.3 (d) with the following text:

"To promote, through the gradual development of universally and multilaterally negotiated agreements or instruments, international standards for the protection of the environment that take into account the different situations and capabilities of countries. States recognize that environmental policies should deal with the root causes of environmental degradation, thus preventing environmental measures from resulting in unnecessary restrictions to trade. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be

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avoided. Environmental measures addressing international environmental problems should, as far as possible, be based on an international consensus. Domestic measures targeted to achieve certain environmental objectives may need trade measures to render them effective. Should trade policy measures be found necessary for the enforcement of environmental policies, certain principles and rules should apply. These could include, inter alia, the principle of non-discrimination; the principle that the trade measure chosen should be the least trade-restrictive necessary to achieve the objectives; an obligation to ensure transparency in the use of trade measures related to the environment and to provide adequate notification of national regulations; and the need to give consideration to the special conditions and development requirements of developing countries as they move towards internationally agreed environmental objectives";

(b) In paragraph 39.3 (e) the words "and appropriate implementation [and compliance]" should be replaced with the words "full and prompt implementation of legally binding instruments";

(c) Replace paragraph 39.3 (h) with the following text:

"To study and consider the broadening and strengthening of the capacity of mechanisms, inter alia in the United Nations system, to facilitate, where appropriate and agreed by the parties concerned, the identification, avoidance and settlement of international disputes in the field of sustainable development, duly taking into account existing bilateral and multilateral agreements for the settlement of such disputes";

(d) Replace paragraph 39.6 (a) with the following text:

"Measures in accordance with international law should be considered to address, in times of armed conflict, large-scale destruction of the environment that cannot be justified under international law. The General Assembly and its Sixth Committee are the appropriate forums to deal with this subject. The specific competence and role of the International Committee of the Red Cross should be taken into account";

(e) Replace paragraph 39.6 (b) with the following text:

"In view of the vital necessity to ensure safe and environmentally sound nuclear power, and in order to strengthen international cooperation in this field, efforts should be made to conclude the ongoing negotiations for a nuclear safety convention in the framework of the International Atomic Energy Agency";

(f) Remove the brackets in the title of section B;

(g) In paragraph 39.7, the words "implementation [and compliance]" should be replaced with the words "their effective, full and prompt implementation";

/...

(h) In paragraph 39.7 (a), the words "implementation of [and compliance with]" should be replaced with the words "effective, full and prompt implementation of";

(i) In paragraph 39.8 delete text in brackets;

(j) Change the title of sub-section D to "Disputes in the field of sustainable development";

(k) Replace paragraph 39.9 with the following text:

"In the area of avoidance and settlement of disputes, States should further study and consider methods to broaden and make more effective the range of techniques available at present, taking into account, among others, relevant experience under existing international agreements, instruments or institutions and, where appropriate, their implementing mechanisms such as modalities for dispute avoidance and settlement. This may include mechanisms and procedures for the exchange of data and information, notification and consultation regarding situations that might lead to disputes with other States in the field of sustainable development and for effective peaceful means of dispute settlement in accordance with the Charter of the United Nations including, where appropriate, recourse to the International Court of Justice, and their inclusion in treaties relating to sustainable development";

4. The Main Committee approved the amendments and recommended to the Conference the adoption of chapter 39 as amended.

5. A statement was then made by the representative of Iceland.

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ADOPTION OF AGREEMENTS ON ENVIRONMENT AND DEVELOPMENT

Report of the Main Committee

Rapporteur: Mr. Bedrich MOLDAN (Czechoslovakia)

Addendum

Chapter 38

International institutional arrangements

1. The Main Committee considered chapter 38 of Agenda 21 at its 8th meeting, on 10 June 1992.

2. At the same meeting, the representative of Malaysia, on behalf of the issue coordinator, Mr. Razali Ismail (Malaysia), introduced amendments to the text of the chapter, which had been agreed upon during informal consultations held in the contact group.

3. The proposed amendments read as follows:

(a) Add the following sentence to the end of paragraph 38.10:

"The Economic and Social Council should organize a periodic review of the work of the Commission on Sustainable Development envisaged in paragraph 38.11, as well as of system-wide activities to integrate environment and development, making full use of its high-level and coordination segments";

(b) Replace paragraph 38.11 and subparagraphs (a) and (b) with the following text:

"In order to ensure the effective follow-up of the Conference, as well as to enhance international cooperation and rationalize the intergovernmental decision-making capacity for the integration of environment and development issues and to examine the progress of the implementation of Agenda 21 at the national, regional and international levels, a high-level Commission on Sustainable Development should be established in accordance with Article 68 of the Charter of the United Nations. This Commission would report to the Economic and Social Council in the context of the Council's role under the Charter vis-à-vis the General Assembly. It would consist of representatives of States elected as members with due regard to equitable geographical distribution. Representatives of non-member States of the Commission would have observer status. The Commission should provide for the active involvement of organs, programmes and organizations of the United Nations system, international financial institutions and other relevant intergovernmental organizations, and encourage the participation of non-governmental organizations, including industry and the business and scientific communities. The first meeting of the Commission should be convened no later than 1993. The Commission should be supported by the secretariat envisaged in paragraph 38.19. Meanwhile the Secretary-General of the United Nations is requested to ensure adequate interim administrative secretariat arrangements";

(c) Replace paragraph 38.12 with the following text:

"The General Assembly, at its forty-seventh session, should determine specific organizational modalities for the work of this Commission, such as its membership, its relationship with other intergovernmental United Nations bodies dealing with matters related to environment and development, and the frequency, duration and venue of its meetings. These modalities should take into account the ongoing process of revitalization and restructuring of the work of the United Nations in the economic, social and related fields, in particular measures recommended by the General Assembly in resolutions 45/264 of 13 May 1991 and 46/235 of 13 April 1992 and other relevant Assembly resolutions. In this respect, the Secretary-General of the United Nations, with the assistance of the Secretary-General of the United Nations Conference on Environment and Development, is requested to prepare for the Assembly a report with appropriate recommendations and proposals";

(d) Replace the introductory phrase of paragraph 38.13 with the following text:

"The Commission on Sustainable Development should have the following functions";

(e) Replace paragraph 38.13 (b) with the following text:

"To consider information provided by Governments, including, for example, information in the form of periodic communications or

national reports regarding the activities they undertake to implement Agenda 21, the problems they face, such as problems related to financial resources and technology transfer, and other environment and development issues they find relevant";

(f) Replace paragraph 38.13 (f) with the following text:

"To consider, where appropriate, information regarding the progress made in the implementation of environmental conventions, which could be made available by the relevant Conferences of Parties";

(g) In paragraph 38.13 (g), insert the words "through the Economic and Social Council" after the words "the General Assembly";

(h) On page 53, the heading "[N. Legal matters]" should be deleted.

4. The representative of the Programme Planning and Budget Division of the United Nations Secretariat made a statement on programme budget implications related to the chapter.

5. The Main Committee approved the amendments and recommended to the Conference the adoption of chapter 38 as amended.

6. A statement was then made by the representative of Japan.

7. The representative of the United States of America made a statement in which he welcomed the agreement on chapter 38, dealing with the institutional arrangements in the United Nations system for the follow-up to the United Nations Conference on Environment and Development. It was especially significant that the involvement of the United Nations in the implementation of the results of the Conference will be fully integrated into ongoing efforts to revitalize the activities and programmes of the United Nations in economic and social affairs and was fully in consonance with the restructuring and rationalization currently under way in the United Nations Secretariat and throughout the United Nations system.

8. He was particularly pleased that United Nations efforts in response to the Conference were firmly grounded in reliance on existing or planned United Nations budgetary resources. As a result of progress reached so far in United Nations reform, it should be possible to reallocate savings achieved elsewhere in the United Nations system to the important task of supporting the follow-up to the Conference, including, if necessary, the interim secretariat arrangements referred to in paragraph 38.11.

9. The placement squarely within the structure of the Economic and Social Council of the intergovernmental entity formed to deal with the results of the Conference boded well for the prospects for the further consolidation, enhanced coordination and avoidance of wasteful duplication that chiefly characterized the reform and revitalization of the Council that was currently in progress.

10. The Commission's potential would be fully realized only if the States participating in its work sent to its sessions delegations composed of a good combination of responsible policy makers and senior technical experts. The deliberations of the commission should focus as a priority matter on information made available from States regarding their national experiences in carrying out the recommendations of the Conference. That process would also be greatly facilitated by the thoughtful elaboration of a well-focused agenda for the Commission that addressed appropriate portions of Agenda 21 at each of its sessions, leading over the course of an agreed time-frame to sequential consideration of the entire outline for action.

11. The representative of Canada also made a statement in which he drew attention to the establishment of a high-level mechanism for examining the progress in implementing Agenda 21 at the national, regional, and international levels. Countries were encouraged to prepare national sustainable development plans and expected to report to the Commission on their efforts to follow-up the results of the Conference. The Commission would also monitor the progress of United Nations agencies in achieving the commitments made. His Government attached high priority to the principle of accountability and to this end, they were committed to informing the Commission of what Canada was doing to implement the outcomes of the Conference.

12. He also stated that the Commission and its attendant secretariat must bear in mind the need for the best use of existing resources and the ongoing efforts to restructure and revitalize the economic and social sectors of the United Nations. His delegation also believed that the Commission should be supported by a strong, competent, and modest secretariat which would also assist in coordinating the policies and programmes in sustainable development.

13. As with the Rio Conference, the Commission would require the active participation of non-governmental organizations - comprising environment, development, industry, business, labour, women, youth, and indigenous peoples' groups - if it were to have meaningful results. Chapter 38 called for the establishment of procedures for an expanded role for NGOs, with accreditation based on the procedures used for this Conference. Canada strongly endorsed this commitment to NGO participation and would work to this end in setting up the Commission. Strengthening the NGO liaison service would be a key step in enhancing NGO participation.

14. He also stated that his delegation was pleased to note the reference to gender balance in the secretariat support structure envisaged in this chapter. Canada expressed the hope that delegations would also strive for gender balance in their representation to the Commission.

15. Finally, he believed that the Commission had a challenging agenda before it. Already, potential new issues could be examined by this forum. For example, the Commission could explore the related issues of desertification and deforestation with a view to future conventions. It could negotiate an Earth Charter. It could examine the results of the conference on high seas fisheries agreed to earlier in Agenda 21. And it

could receive input from national bodies modelled along its structure; for example, a national committee on sustainable development, involving government and non-governmental representatives.

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ADOPTION OF AGREEMENTS ON ENVIRONMENT AND DEVELOPMENT

Report of the Main Committee

Rapporteur: Mr. Bedrich MOLDAN (Czechoslovakia)

Addendum

Chapter 34

Transfer of environmentally [safe and] sound technology, cooperation and capacity-building

1. The Main Committee considered chapter 34 of Agenda 21 at its 8th meeting, on 10 June 1992.

2. At the same meeting, the issue coordinator, Mr. J. G. M. Alders (Netherlands), introduced amendments to the chapter, which had been agreed upon during informal consultations held in the contact group.

3. The proposed amendments read as follows:

(a) Amend the title of the chapter to read "Transfer of environmentally [safe and] sound technology, cooperation and capacity-building";

(b) Replace paragraph 34.1 with the following text:

"Environmentally [safe and] sound technologies protect the environment, are less polluting, use all resources in a more sustainable manner, recycle more of their wastes and products, and

handle residual wastes in a more acceptable manner than the technologies for which they were substitutes";

(c) Replace paragraph 34.11 with the following text:

"Proprietary technology is available through commercial channels, and international business is an important vehicle for technology transfer. Tapping this pool of knowledge and recombining it with local innovations to generate alternative technologies should be pursued. At the same time that concepts and modalities for assured access to environmentally [safe and] sound technologies, including state-of-the-art technologies, in particular by developing countries, continued to be explored, enhanced access to environmentally [safe and] sound technologies should be promoted, facilitated and financed as appropriate, while providing fair incentives to innovators that promote research and development of new environmentally [safe and] sound technologies";

(d) Remove the brackets from paragraph 34.14 (b), except those around the words "safe and";

(e) Replace paragraph 34.18 (e) (iv) with the following text:

"In compliance with and under the specific circumstances recognized by the relevant international conventions adhered to by States, undertaking measures to prevent the abuse of intellectual property rights, including rules with respect to their acquisition through compulsory licensing, with the provision of equitable and adequate compensation";

(f) Remove the brackets from paragraph 34.18 (e) (v), except those around the words "safe and";

(g) Replace paragraph 34.18 (f) with the following text:

"Develop mechanisms for the access to and transfer of environmentally [safe and] sound technologies, in particular to developing countries, while taking into account development in the process of negotiating an international code of conduct on transfer of technology, as decided by UNCTAD at its eighth session in Cartagena."

4. At the same meeting, the Main Committee approved the amendments and recommended chapter 34 to the Conference for adoption as amended, subject to further consideration of the bracketed phrases.

5. At the same meeting, the Main Committee also approved the following text to replace paragraphs 34.29-34.33:

"The Conference secretariat has estimated the average total annual cost (1993-2000) of implementing the activities of this chapter to be between $450 million and $600 million from the international community on grant or concessional terms. These are indicative and

order of magnitude estimates only and have not been reviewed by Governments. Actual costs and financial terms, including any that are non-concessional, will depend upon, inter alia, the specific strategies and programmes Governments decide upon for implementation."

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REPORT OF THE SECRETARY-GENERAL ON
THE WORK OF THE ORGANIZATION

SECURITY COUNCIL
Forty-seventh year

AN AGENDA FOR PEACE

Preventive diplomacy, peacemaking and peace-keeping

Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992

INTRODUCTION

1. In its statement of 31 January 1992, adopted at the conclusion of the first meeting held by the Security Council at the level of Heads of State and Government, I was invited to prepare, for circulation to the Members of the United Nations by 1 July 1992, an "analysis and recommendations on ways of strengthening and making more efficient within the framework and provisions of the Charter the capacity of the United Nations for preventive diplomacy, for peacemaking and for peace-keeping." 1/

2. The United Nations is a gathering of sovereign States and what it can do depends on the common ground that they create between them. The adversarial decades of the cold war made the original promise of the Organization impossible to fulfil. The January 1992 Summit therefore represented an unprecedented recommitment, at the highest political level, to the Purposes and Principles of the Charter.

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* A/47/50.

3. In these past months a conviction has grown, among nations large and small, that an opportunity has been regained to achieve the great objectives of the Charter - a United Nations capable of maintaining international peace and security, of securing justice and human rights and of promoting, in the words of the Charter, "social progress and better standards of life in larger freedom". This opportunity must not be squandered. The Organization must never again be crippled as it was in the era that has now passed.

4. I welcome the invitation of the Security Council, early in my tenure as Secretary-General, to prepare this report. It draws upon ideas and proposals transmitted to me by Governments, regional agencies, non-governmental organizations, and institutions and individuals from many countries. I am grateful for these, even as I emphasize that the responsibility for this report is my own.

5. The sources of conflict and war are pervasive and deep. To reach them will require our utmost effort to enhance respect for human rights and fundamental freedoms, to promote sustainable economic and social development for wider prosperity, to alleviate distress and to curtail the existence and use of massively destructive weapons. The United Nations Conference on Environment and Development, the largest summit ever held, has just met at Rio de Janeiro. Next year will see the second World Conference on Human Rights. In 1994 Population and Development will be addressed. In 1995 the World Conference on Women will take place, and a World Summit for Social Development has been proposed. Throughout my term as Secretary-General I shall be addressing all these great issues. I bear them all in mind as, in the present report, I turn to the problems that the Council has specifically requested I consider: preventive diplomacy, peacemaking and peace-keeping - to which I have added a closely related concept, post-conflict peace-building.

6. The manifest desire of the membership to work together is a new source of strength in our common endeavour. Success is far from certain, however. While my report deals with ways to improve the Organization's capacity to pursue and preserve peace, it is crucial for all Member States to bear in mind that the search for improved mechanisms and techniques will be of little significance unless this new spirit of commonality is propelled by the will to take the hard decisions demanded by this time of opportunity.

7. It is therefore with a sense of moment, and with gratitude, that I present this report to the Members of the United Nations.

I. THE CHANGING CONTEXT

8. In the course of the past few years the immense ideological barrier that for decades gave rise to distrust and hostility - and the terrible tools of destruction that were their inseparable companions - has collapsed. Even as the issues between States north and south grow more acute, and call for attention at the highest levels of government, the improvement in relations between States east and west affords new possibilities, some already realized, to meet successfully threats to common security.

9. Authoritarian regimes have given way to more democratic forces and responsive Governments. The form, scope and intensity of these processes differ from Latin America to Africa to Europe to Asia, but they are sufficiently similar to indicate a global phenomenon. Parallel to these political changes, many States are seeking more open forms of economic policy, creating a world-wide sense of dynamism and movement.

10. To the hundreds of millions who gained their independence in the surge of decolonization following the creation of the United Nations, have been added millions more who have recently gained freedom. Once again new States are taking their seats in the General Assembly. Their arrival reconfirms the importance and indispensability of the sovereign State as the fundamental entity of the international community.

11. We have entered a time of global transition marked by uniquely contradictory trends. Regional and continental associations of States are evolving ways to deepen cooperation and ease some of the contentious characteristics of sovereign and nationalistic rivalries. National boundaries are blurred by advanced communications and global commerce, and by the decisions of States to yield some sovereign prerogatives to larger, common political associations. At the same time, however, fierce new assertions of nationalism and sovereignty spring up, and the cohesion of States is threatened by brutal ethnic, religious, social, cultural or linguistic strife. Social peace is challenged on the one hand by new assertions of discrimination and exclusion and, on the other, by acts of terrorism seeking to undermine evolution and change through democratic means.

12. The concept of peace is easy to grasp; that of international security is more complex, for a pattern of contradictions has arisen here as well. As major nuclear Powers have begun to negotiate arms reduction agreements, the proliferation of weapons of mass destruction threatens to increase and conventional arms continue to be amassed in many parts of the world. As racism becomes recognized for the destructive force it is and as apartheid is being dismantled, new racial tensions are rising and finding expression in violence. Technological advances are altering the nature and the expectation of life all over the globe. The revolution in communications has united the world in awareness, in aspiration and in greater solidarity against injustice. But progress also brings new risks for stability: ecological damage, disruption of family and community life, greater intrusion into the lives and rights of individuals.

13. This new dimension of insecurity must not be allowed to obscure the continuing and devastating problems of unchecked population growth, crushing debt burdens, barriers to trade, drugs and the growing disparity between rich and poor. Poverty, disease, famine, oppression and despair abound, joining to produce 17 million refugees, 20 million displaced persons and massive migrations of peoples within and beyond national borders. These are both sources and consequences of conflict that require the ceaseless attention and the highest priority in the efforts of the United Nations. A porous ozone shield could pose a greater threat to an exposed population than a hostile

army. Drought and disease can decimate no less mercilessly than the weapons of war. So at this moment of renewed opportunity, the efforts of the Organization to build peace, stability and security must encompass matters beyond military threats in order to break the fetters of strife and warfare that have characterized the past. But armed conflicts today, as they have throughout history, continue to bring fear and horror to humanity, requiring our urgent involvement to try to prevent, contain and bring them to an end.

14. Since the creation of the United Nations in 1945, over 100 major conflicts around the world have left some 20 million dead. The United Nations was rendered powerless to deal with many of these crises because of the vetoes - 279 of them - cast in the Security Council, which were a vivid expression of the divisions of that period.

15. With the end of the cold war there have been no such vetoes since 31 May 1990, and demands on the United Nations have surged. Its security arm, once disabled by circumstances it was not created or equipped to control, has emerged as a central instrument for the prevention and resolution of conflicts and for the preservation of peace. Our aims must be:

- To seek to identify at the earliest possible stage situations that could produce conflict, and to try through diplomacy to remove the sources of danger before violence results;

- Where conflict erupts, to engage in peacemaking aimed at resolving the issues that have led to conflict;

- Through peace-keeping, to work to preserve peace, however fragile, where fighting has been halted and to assist in implementing agreements achieved by the peacemakers;

- To stand ready to assist in peace-building in its differing contexts: rebuilding the institutions and infrastructures of nations torn by civil war and strife; and building bonds of peaceful mutual benefit among nations formerly at war;

- And in the largest sense, to address the deepest causes of conflict: economic despair, social injustice and political oppression. It is possible to discern an increasingly common moral perception that spans the world's nations and peoples, and which is finding expression in international laws, many owing their genesis to the work of this Organization.

16. This wider mission for the world Organization will demand the concerted attention and effort of individual States, of regional and non-governmental organizations and of all of the United Nations system, with each of the principal organs functioning in the balance and harmony that the Charter requires. The Security Council has been assigned by all Member States the primary responsibility for the maintenance of international peace and security under the Charter. In its broadest sense this responsibility must be shared

by the General Assembly and by all the functional elements of the world Organization. Each has a special and indispensable role to play in an integrated approach to human security. The Secretary-General's contribution rests on the pattern of trust and cooperation established between him and the deliberative organs of the United Nations.

17. The foundation-stone of this work is and must remain the State. Respect for its fundamental sovereignty and integrity are crucial to any common international progress. The time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality. It is the task of leaders of States today to understand this and to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world. Commerce, communications and environmental matters transcend administrative borders; but inside those borders is where individuals carry out the first order of their economic, political and social lives. The United Nations has not closed its door. Yet if every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation, and peace, security and economic well-being for all would become ever more difficult to achieve.

18. One requirement for solutions to these problems lies in commitment to human rights with a special sensitivity to those of minorities, whether ethnic, religious, social or linguistic. The League of Nations provided a machinery for the international protection of minorities. The General Assembly soon will have before it a declaration on the rights of minorities. That instrument, together with the increasingly effective machinery of the United Nations dealing with human rights, should enhance the situation of minorities as well as the stability of States.

19. Globalism and nationalism need not be viewed as opposing trends, doomed to spur each other on to extremes of reaction. The healthy globalization of contemporary life requires in the first instance solid identities and fundamental freedoms. The sovereignty, territorial integrity and independence of States within the established international system, and the principle of self-determination for peoples, both of great value and importance, must not be permitted to work against each other in the period ahead. Respect for democratic principles at all levels of social existence is crucial: in communities, within States and within the community of States. Our constant duty should be to maintain the integrity of each while finding a balanced design for all.

II. DEFINITIONS

20. The terms preventive diplomacy, peacemaking and peace-keeping are integrally related and as used in this report are defined as follows:

Preventive diplomacy is action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur.

Peacemaking is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations.

Peace-keeping is the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace.

21. The present report in addition will address the critically related concept of post-conflict peace-building - action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict. Preventive diplomacy seeks to resolve disputes before violence breaks out; peacemaking and peace-keeping are required to halt conflicts and preserve peace once it is attained. If successful, they strengthen the opportunity for post-conflict peace-building, which can prevent the recurrence of violence among nations and peoples.

22. These four areas for action, taken together, and carried out with the backing of all Members, offer a coherent contribution towards securing peace in the spirit of the Charter. The United Nations has extensive experience not only in these fields, but in the wider realm of work for peace in which these four fields are set. Initiatives on decolonization, on the environment and sustainable development, on population, on the eradication of disease, on disarmament and on the growth of international law - these and many others have contributed immeasurably to the foundations for a peaceful world. The world has often been rent by conflict and plagued by massive human suffering and deprivation. Yet it would have been far more so without the continuing efforts of the United Nations. This wide experience must be taken into account in assessing the potential of the United Nations in maintaining international security not only in its traditional sense, but in the new dimensions presented by the era ahead.

III. PREVENTIVE DIPLOMACY

23. The most desirable and efficient employment of diplomacy is to ease tensions before they result in conflict - or, if conflict breaks out, to act swiftly to contain it and resolve its underlying causes. Preventive diplomacy may be performed by the Secretary-General personally or through senior staff or specialized agencies and programmes, by the Security Council or the General Assembly, and by regional organizations in cooperation with the United Nations. Preventive diplomacy requires measures to create confidence; it needs early warning based on information gathering and informal or formal fact-finding; it may also involve preventive deployment and, in some situations, demilitarized zones.

Measures to build confidence

24. Mutual confidence and good faith are essential to reducing the likelihood of conflict between States. Many such measures are available to Governments that have the will to employ them. Systematic exchange of military missions, formation of regional or subregional risk reduction centres, arrangements for the free flow of information, including the monitoring of regional arms agreements, are examples. I ask all regional organizations to consider what further confidence-building measures might be applied in their areas and to inform the United Nations of the results. I will undertake periodic consultations on confidence-building measures with parties to potential, current or past disputes and with regional organizations, offering such advisory assistance as the Secretariat can provide.

Fact-finding

25. Preventive steps must be based upon timely and accurate knowledge of the facts. Beyond this, an understanding of developments and global trends, based on sound analysis, is required. And the willingness to take appropriate preventive action is essential. Given the economic and social roots of many potential conflicts, the information needed by the United Nations now must encompass economic and social trends as well as political developments that may lead to dangerous tensions.

(a) An increased resort to fact-finding is needed, in accordance with the Charter, initiated either by the Secretary-General, to enable him to meet his responsibilities under the Charter, including Article 99, or by the Security Council or the General Assembly. Various forms may be employed selectively as the situation requires. A request by a State for the sending of a United Nations fact-finding mission to its territory should be considered without undue delay.

(b) Contacts with the Governments of Member States can provide the Secretary-General with detailed information on issues of concern. I ask that all Member States be ready to provide the information needed for effective preventive diplomacy. I will supplement my own contacts by regularly sending senior officials on missions for consultations in capitals or other locations. Such contacts are essential to gain insight into a situation and to assess its potential ramifications.

(c) Formal fact-finding can be mandated by the Security Council or by the General Assembly, either of which may elect to send a mission under its immediate authority or may invite the Secretary-General to take the necessary steps, including the designation of a special envoy. In addition to collecting information on which a decision for further action can be taken, such a mission can in some instances help to defuse a dispute by its presence, indicating to the parties that the Organization, and in particular the Security Council, is actively seized of the matter as a present or potential threat to international security.

(d) In exceptional circumstances the Council may meet away from Headquarters as the Charter provides, in order not only to inform itself directly, but also to bring the authority of the Organization to bear on a given situation.

Early warning

26. In recent years the United Nations system has been developing a valuable network of early warning systems concerning environmental threats, the risk of nuclear accident, natural disasters, mass movements of populations, the threat of famine and the spread of disease. There is a need, however, to strengthen arrangements in such a manner that information from these sources can be synthesized with political indicators to assess whether a threat to peace exists and to analyse what action might be taken by the United Nations to alleviate it. This is a process that will continue to require the close cooperation of the various specialized agencies and functional offices of the United Nations. The analyses and recommendations for preventive action that emerge will be made available by me, as appropriate, to the Security Council and other United Nations organs. I recommend in addition that the Security Council invite a reinvigorated and restructured Economic and Social Council to provide reports, in accordance with Article 65 of the Charter, on those economic and social developments that may, unless mitigated, threaten international peace and security.

27. Regional arrangements and organizations have an important role in early warning. I ask regional organizations that have not yet sought observer status at the United Nations to do so and to be linked, through appropriate arrangements, with the security mechanisms of this Organization.

Preventive deployment

28. United Nations operations in areas of crisis have generally been established after conflict has occurred. The time has come to plan for circumstances warranting preventive deployment, which could take place in a variety of instances and ways. For example, in conditions of national crisis there could be preventive deployment at the request of the Government or all parties concerned, or with their consent; in inter-State disputes such deployment could take place when two countries feel that a United Nations presence on both sides of their border can discourage hostilities; furthermore, preventive deployment could take place when a country feels threatened and requests the deployment of an appropriate United Nations presence along its side of the border alone. In each situation, the mandate and composition of the United Nations presence would need to be carefully devised and be clear to all.

29. In conditions of crisis within a country, when the Government requests or all parties consent, preventive deployment could help in a number of ways to alleviate suffering and to limit or control violence. Humanitarian assistance, impartially provided, could be of critical importance; assistance in maintaining security, whether through military, police or civilian

personnel, could save lives and develop conditions of safety in which negotiations can be held; the United Nations could also help in conciliation efforts if this should be the wish of the parties. In certain circumstances, the United Nations may well need to draw upon the specialized skills and resources of various parts of the United Nations system; such operations may also on occasion require the participation of non-governmental organizations.

30. In these situations of internal crisis the United Nations will need to respect the sovereignty of the State; to do otherwise would not be in accordance with the understanding of Member States in accepting the principles of the Charter. The Organization must remain mindful of the carefully negotiated balance of the guiding principles annexed to General Assembly resolution 46/182 of 19 December 1991. Those guidelines stressed, inter alia, that humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality; that the sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations; and that, in this context, humanitarian assistance should be provided with the consent of the affected country and, in principle, on the basis of an appeal by that country. The guidelines also stressed the responsibility of States to take care of the victims of emergencies occurring on their territory and the need for access to those requiring humanitarian assistance. In the light of these guidelines, a Government's request for United Nations involvement, or consent to it, would not be an infringement of that State's sovereignty or be contrary to Article 2, paragraph 7, of the Charter which refers to matters essentially within the domestic jurisdiction of any State.

31. In inter-State disputes, when both parties agree, I recommend that if the Security Council concludes that the likelihood of hostilities between neighbouring countries could be removed by the preventive deployment of a United Nations presence on the territory of each State, such action should be taken. The nature of the tasks to be performed would determine the composition of the United Nations presence.

32. In cases where one nation fears a cross-border attack, if the Security Council concludes that a United Nations presence on one side of the border, with the consent only of the requesting country, would serve to deter conflict, I recommend that preventive deployment take place. Here again, the specific nature of the situation would determine the mandate and the personnel required to fulfil it.

Demilitarized zones

33. In the past, demilitarized zones have been established by agreement of the parties at the conclusion of a conflict. In addition to the deployment of United Nations personnel in such zones as part of peace-keeping operations, consideration should now be given to the usefulness of such zones as a form of preventive deployment, on both sides of a border, with the agreement of the two parties, as a means of separating potential belligerents, or on one side

of the line, at the request of one party, for the purpose of removing any pretext for attack. Demilitarized zones would serve as symbols of the international community's concern that conflict be prevented.

IV. PEACEMAKING

34. Between the tasks of seeking to prevent conflict and keeping the peace lies the responsibility to try to bring hostile parties to agreement by peaceful means. Chapter VI of the Charter sets forth a comprehensive list of such means for the resolution of conflict. These have been amplified in various declarations adopted by the General Assembly, including the Manila Declaration of 1982 on the Peaceful Settlement of International Disputes 2/ and the 1988 Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field. 3/ They have also been the subject of various resolutions of the General Assembly, including resolution 44/21 of 15 November 1989 on enhancing international peace, security and international cooperation in all its aspects in accordance with the Charter of the United Nations. The United Nations has had wide experience in the application of these peaceful means. If conflicts have gone unresolved, it is not because techniques for peaceful settlement were unknown or inadequate. The fault lies first in the lack of political will of parties to seek a solution to their differences through such means as are suggested in Chapter VI of the Charter, and second, in the lack of leverage at the disposal of a third party if this is the procedure chosen. The indifference of the international community to a problem, or the marginalization of it, can also thwart the possibilities of solution. We must look primarily to these areas if we hope to enhance the capacity of the Organization for achieving peaceful settlements.

35. The present determination in the Security Council to resolve international disputes in the manner foreseen in the Charter has opened the way for a more active Council role. With greater unity has come leverage and persuasive power to lead hostile parties towards negotiations. I urge the Council to take full advantage of the provisions of the Charter under which it may recommend appropriate procedures or methods for dispute settlement and, if all the parties to a dispute so request, make recommendations to the parties for a pacific settlement of the dispute.

36. The General Assembly, like the Security Council and the Secretary-General, also has an important role assigned to it under the Charter for the maintenance of international peace and security. As a universal forum, its capacity to consider and recommend appropriate action must be recognized. To that end it is essential to promote its utilization by all Member States so as to bring greater influence to bear in pre-empting or containing situations which are likely to threaten international peace and security.

37. Mediation and negotiation can be undertaken by an individual designated by the Security Council, by the General Assembly or by the Secretary-General. There is a long history of the utilization by the United Nations of distinguished statesmen to facilitate the processes of peace. They can bring a personal prestige that, in addition to their experience, can encourage the parties to enter serious negotiations. There is a wide willingness to serve in this capacity, from which I shall continue to benefit as the need arises. Frequently it is the Secretary-General himself who undertakes the task. While the mediator's effectiveness is enhanced by strong and evident support from the Council, the General Assembly and the relevant Member States acting in their national capacity, the good offices of the Secretary-General may at times be employed most effectively when conducted independently of the deliberative bodies. Close and continuous consultation between the Secretary-General and the Security Council is, however, essential to ensure full awareness of how the Council's influence can best be applied and to develop a common strategy for the peaceful settlement of specific disputes.

The World Court

38. The docket of the International Court of Justice has grown fuller but it remains an under-used resource for the peaceful adjudication of disputes. Greater reliance on the Court would be an important contribution to United Nations peacemaking. In this connection, I call attention to the power of the Security Council under Articles 36 and 37 of the Charter to recommend to Member States the submission of a dispute to the International Court of Justice, arbitration or other dispute-settlement mechanisms. I recommend that the Secretary-General be authorized, pursuant to Article 96, paragraph 2, of the Charter, to take advantage of the advisory competence of the Court and that other United Nations organs that already enjoy such authorization turn to the Court more frequently for advisory opinions.

39. I recommend the following steps to reinforce the role of the International Court of Justice:

(a) All Member States should accept the general jurisdiction of the International Court under Article 36 of its Statute, without any reservation, before the end of the United Nations Decade of International Law in the year 2000. In instances where domestic structures prevent this, States should agree bilaterally or multilaterally to a comprehensive list of matters they are willing to submit to the Court and should withdraw their reservations to its jurisdiction in the dispute settlement clauses of multilateral treaties;

(b) When submission of a dispute to the full Court is not practical, the Chambers jurisdiction should be used;

(c) States should support the Trust Fund established to assist countries unable to afford the cost involved in bringing a dispute to the Court, and such countries should take full advantage of the Fund in order to resolve their disputes.

Amelioration through assistance

40. Peacemaking is at times facilitated by international action to ameliorate circumstances that have contributed to the dispute or conflict. If, for instance, assistance to displaced persons within a society is essential to a solution, then the United Nations should be able to draw upon the resources of all agencies and programmes concerned. At present, there is no adequate mechanism in the United Nations through which the Security Council, the General Assembly or the Secretary-General can mobilize the resources needed for such positive leverage and engage the collective efforts of the United Nations system for the peaceful resolution of a conflict. I have raised this concept in the Administrative Committee on Coordination, which brings together the executive heads of United Nations agencies and programmes; we are exploring methods by which the inter-agency system can improve its contribution to the peaceful resolution of disputes.

Sanctions and special economic problems

41. In circumstances when peacemaking requires the imposition of sanctions under Article 41 of the Charter, it is important that States confronted with special economic problems not only have the right to consult the Security Council regarding such problems, as Article 50 provides, but also have a realistic possibility of having their difficulties addressed. I recommend that the Security Council devise a set of measures involving the financial institutions and other components of the United Nations system that can be put in place to insulate States from such difficulties. Such measures would be a matter of equity and a means of encouraging States to cooperate with decisions of the Council.

Use of military force

42. It is the essence of the concept of collective security as contained in the Charter that if peaceful means fail, the measures provided in Chapter VII should be used, on the decision of the Security Council, to maintain or restore international peace and security in the face of a "threat to the peace, breach of the peace, or act of aggression". The Security Council has not so far made use of the most coercive of these measures - the action by military force foreseen in Article 42. In the situation between Iraq and Kuwait, the Council chose to authorize Member States to take measures on its behalf. The Charter, however, provides a detailed approach which now merits the attention of all Member States.

43. Under Article 42 of the Charter, the Security Council has the authority to take military action to maintain or restore international peace and security. While such action should only be taken when all peaceful means have failed, the option of taking it is essential to the credibility of the United Nations as a guarantor of international security. This will require bringing into being, through negotiations, the special agreements foreseen in Article 43 of the Charter, whereby Member States undertake to make armed forces, assistance and facilities available to the Security Council for the

purposes stated in Article 42, not only on an ad hoc basis but on a permanent basis. Under the political circumstances that now exist for the first time since the Charter was adopted, the long-standing obstacles to the conclusion of such special agreements should no longer prevail. The ready availability of armed forces on call could serve, in itself, as a means of deterring breaches of the peace since a potential aggressor would know that the Council had at its disposal a means of response. Forces under Article 43 may perhaps never be sufficiently large or well enough equipped to deal with a threat from a major army equipped with sophisticated weapons. They would be useful, however, in meeting any threat posed by a military force of a lesser order. I recommend that the Security Council initiate negotiations in accordance with Article 43, supported by the Military Staff Committee, which may be augmented if necessary by others in accordance with Article 47, paragraph 2, of the Charter. It is my view that the role of the Military Staff Committee should be seen in the context of Chapter VII, and not that of the planning or conduct of peace-keeping operations.

Peace-enforcement units

44. The mission of forces under Article 43 would be to respond to outright aggression, imminent or actual. Such forces are not likely to be available for some time to come. Cease-fires have often been agreed to but not complied with, and the United Nations has sometimes been called upon to send forces to restore and maintain the cease-fire. This task can on occasion exceed the mission of peace-keeping forces and the expectations of peace-keeping force contributors. I recommend that the Council consider the utilization of peace-enforcement units in clearly defined circumstances and with their terms of reference specified in advance. Such units from Member States would be available on call and would consist of troops that have volunteered for such service. They would have to be more heavily armed than peace-keeping forces and would need to undergo extensive preparatory training within their national forces. Deployment and operation of such forces would be under the authorization of the Security Council and would, as in the case of peace-keeping forces, be under the command of the Secretary-General. I consider such peace-enforcement units to be warranted as a provisional measure under Article 40 of the Charter. Such peace-enforcement units should not be confused with the forces that may eventually be constituted under Article 43 to deal with acts of aggression or with the military personnel which Governments may agree to keep on stand-by for possible contribution to peace-keeping operations.

45. Just as diplomacy will continue across the span of all the activities dealt with in the present report, so there may not be a dividing line between peacemaking and peace-keeping. Peacemaking is often a prelude to peace-keeping - just as the deployment of a United Nations presence in the field may expand possibilities for the prevention of conflict, facilitate the work of peacemaking and in many cases serve as a prerequisite for peace-building.

V. PEACE-KEEPING

46. Peace-keeping can rightly be called the invention of the United Nations. It has brought a degree of stability to numerous areas of tension around the world.

Increasing demands

47. Thirteen peace-keeping operations were established between the years 1945 and 1987; 13 others since then. An estimated 528,000 military, police and civilian personnel had served under the flag of the United Nations until January 1992. Over 800 of them from 43 countries have died in the service of the Organization. The costs of these operations have aggregated some $8.3 billion till 1992. The unpaid arrears towards them stand at over $800 million, which represent a debt owed by the Organization to the troop-contributing countries. Peace-keeping operations approved at present are estimated to cost close to $3 billion in the current 12-month period, while patterns of payment are unacceptably slow. Against this, global defence expenditures at the end of the last decade had approached $1 trillion a year, or $2 million per minute.

48. The contrast between the costs of United Nations peace-keeping and the costs of the alternative, war - between the demands of the Organization and the means provided to meet them - would be farcical were the consequences not so damaging to global stability and to the credibility of the Organization. At a time when nations and peoples increasingly are looking to the United Nations for assistance in keeping the peace - and holding it responsible when this cannot be so - fundamental decisions must be taken to enhance the capacity of the Organization in this innovative and productive exercise of its function. I am conscious that the present volume and unpredictability of peace-keeping assessments poses real problems for some Member States. For this reason, I strongly support proposals in some Member States for their peace-keeping contributions to be financed from defence, rather than foreign affairs, budgets and I recommend such action to others. I urge the General Assembly to encourage this approach.

49. The demands on the United Nations for peace-keeping, and peace-building, operations will in the coming years continue to challenge the capacity, the political and financial will and the creativity of the Secretariat and Member States. Like the Security Council, I welcome the increase and broadening of the tasks of peace-keeping operations.

New departures in peace-keeping

50. The nature of peace-keeping operations has evolved rapidly in recent years. The established principles and practices of peace-keeping have responded flexibly to new demands of recent years, and the basic conditions for success remain unchanged: a clear and practicable mandate; the cooperation of the parties in implementing that mandate; the continuing support of the Security Council; the readiness of Member States to contribute

the military, police and civilian personnel, including specialists, required; effective United Nations command at Headquarters and in the field; and adequate financial and logistic support. As the international climate has changed and peace-keeping operations are increasingly fielded to help implement settlements that have been negotiated by peacemakers, a new array of demands and problems has emerged regarding logistics, equipment, personnel and finance, all of which could be corrected if Member States so wished and were ready to make the necessary resources available.

Personnel

51. Member States are keen to participate in peace-keeping operations. Military observers and infantry are invariably available in the required numbers, but logistic units present a greater problem, as few armies can afford to spare such units for an extended period. Member States were requested in 1990 to state what military personnel they were in principle prepared to make available; few replied. I reiterate the request to all Member States to reply frankly and promptly. Stand-by arrangements should be confirmed, as appropriate, through exchanges of letters between the Secretariat and Member States concerning the kind and number of skilled personnel they will be prepared to offer the United Nations as the needs of new operations arise.

52. Increasingly, peace-keeping requires that civilian political officers, human rights monitors, electoral officials, refugee and humanitarian aid specialists and police play as central a role as the military. Police personnel have proved increasingly difficult to obtain in the numbers required. I recommend that arrangements be reviewed and improved for training peace-keeping personnel - civilian, police, or military - using the varied capabilities of Member State Governments, of non-governmental organizations and the facilities of the Secretariat. As efforts go forward to include additional States as contributors, some States with considerable potential should focus on language training for police contingents which may serve with the Organization. As for the United Nations itself, special personnel procedures, including incentives, should be instituted to permit the rapid transfer of Secretariat staff members to service with peace-keeping operations. The strength and capability of military staff serving in the Secretariat should be augmented to meet new and heavier requirements.

Logistics

53. Not all Governments can provide their battalions with the equipment they need for service abroad. While some equipment is provided by troop-contributing countries, a great deal has to come from the United Nations, including equipment to fill gaps in under-equipped national units. The United Nations has no standing stock of such equipment. Orders must be placed with manufacturers, which creates a number of difficulties. A pre-positioned stock of basic peace-keeping equipment should be established, so that at least some vehicles, communications equipment, generators, etc., would be immediately available at the start of an operation. Alternatively,

Governments should commit themselves to keeping certain equipment, specified by the Secretary-General, on stand-by for immediate sale, loan or donation to the United Nations when required.

54. Member States in a position to do so should make air- and sea-lift capacity available to the United Nations free of cost or at lower than commercial rates, as was the practice until recently.

VI. POST-CONFLICT PEACE-BUILDING

55. Peacemaking and peace-keeping operations, to be truly successful, must come to include comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people. Through agreements ending civil strife, these may include disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation.

56. In the aftermath of international war, post-conflict peace-building may take the form of concrete cooperative projects which link two or more countries in a mutually beneficial undertaking that can not only contribute to economic and social development but also enhance the confidence that is so fundamental to peace. I have in mind, for example, projects that bring States together to develop agriculture, improve transportation or utilize resources such as water or electricity that they need to share, or joint programmes through which barriers between nations are brought down by means of freer travel, cultural exchanges and mutually beneficial youth and educational projects. Reducing hostile perceptions through educational exchanges and curriculum reform may be essential to forestall a re-emergence of cultural and national tensions which could spark renewed hostilities.

57. In surveying the range of efforts for peace, the concept of peace-building as the construction of a new environment should be viewed as the counterpart of preventive diplomacy, which seeks to avoid the breakdown of peaceful conditions. When conflict breaks out, mutually reinforcing efforts at peacemaking and peace-keeping come into play. Once these have achieved their objectives, only sustained, cooperative work to deal with underlying economic, social, cultural and humanitarian problems can place an achieved peace on a durable foundation. Preventive diplomacy is to avoid a crisis; post-conflict peace-building is to prevent a recurrence.

58. Increasingly it is evident that peace-building after civil or international strife must address the serious problem of land mines, many tens of millions of which remain scattered in present or former combat zones. De-mining should be emphasized in the terms of reference of peace-keeping operations and is crucially important in the restoration of activity when

peace-building is under way: agriculture cannot be revived without de-mining and the restoration of transport may require the laying of hard surface roads to prevent re-mining. In such instances, the link becomes evident between peace-keeping and peace-building. Just as demilitarized zones may serve the cause of preventive diplomacy and preventive deployment to avoid conflict, so may demilitarization assist in keeping the peace or in post-conflict peace-building, as a measure for heightening the sense of security and encouraging the parties to turn their energies to the work of peaceful restoration of their societies.

59. There is a new requirement for technical assistance which the United Nations has an obligation to develop and provide when requested: support for the transformation of deficient national structures and capabilities, and for the strengthening of new democratic institutions. The authority of the United Nations system to act in this field would rest on the consensus that social peace is as important as strategic or political peace. There is an obvious connection between democratic practices - such as the rule of law and transparency in decision-making - and the achievement of true peace and security in any new and stable political order. These elements of good governance need to be promoted at all levels of international and national political communities.

VII. COOPERATION WITH REGIONAL ARRANGEMENTS AND ORGANIZATIONS

60. The Covenant of the League of Nations, in its Article 21, noted the validity of regional understandings for securing the maintenance of peace. The Charter devotes Chapter VIII to regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action and consistent with the Purposes and Principles of the United Nations. The cold war impaired the proper use of Chapter VIII and indeed, in that era, regional arrangements worked on occasion against resolving disputes in the manner foreseen in the Charter.

61. The Charter deliberately provides no precise definition of regional arrangements and agencies, thus allowing useful flexibility for undertakings by a group of States to deal with a matter appropriate for regional action which also could contribute to the maintenance of international peace and security. Such associations or entities could include treaty-based organizations, whether created before or after the founding of the United Nations, regional organizations for mutual security and defence, organizations for general regional development or for cooperation on a particular economic topic or function, and groups created to deal with a specific political, economic or social issue of current concern.

62. In this regard, the United Nations has recently encouraged a rich variety of complementary efforts. Just as no two regions or situations are the same, so the design of cooperative work and its division of labour must adapt to the realities of each case with flexibility and creativity. In Africa, three

different regional groups - the Organization of African Unity, the League of Arab States and the Organization of the Islamic Conference - joined efforts with the United Nations regarding Somalia. In the Asian context, the Association of South-East Asian Nations and individual States from several regions were brought together with the parties to the Cambodian conflict at an international conference in Paris, to work with the United Nations. For El Salvador, a unique arrangement - "The Friends of the Secretary-General" - contributed to agreements reached through the mediation of the Secretary-General. The end of the war in Nicaragua involved a highly complex effort which was initiated by leaders of the region and conducted by individual States, groups of States and the Organization of American States. Efforts undertaken by the European Community and its member States, with the support of States participating in the Conference on Security and Cooperation in Europe, have been of central importance in dealing with the crisis in the Balkans and neighbouring areas.

63. In the past, regional arrangements often were created because of the absence of a universal system for collective security; thus their activities could on occasion work at cross-purposes with the sense of solidarity required for the effectiveness of the world Organization. But in this new era of opportunity, regional arrangements or agencies can render great service if their activities are undertaken in a manner consistent with the Purposes and Principles of the Charter, and if their relationship with the United Nations, and particularly the Security Council, is governed by Chapter VIII.

64. It is not the purpose of the present report to set forth any formal pattern of relationship between regional organizations and the United Nations, or to call for any specific division of labour. What is clear, however, is that regional arrangements or agencies in many cases possess a potential that should be utilized in serving the functions covered in this report: preventive diplomacy, peace-keeping, peacemaking and post-conflict peace-building. Under the Charter, the Security Council has and will continue to have primary responsibility for maintaining international peace and security, but regional action as a matter of decentralization, delegation and cooperation with United Nations efforts could not only lighten the burden of the Council but also contribute to a deeper sense of participation, consensus and democratization in international affairs.

65. Regional arrangements and agencies have not in recent decades been considered in this light, even when originally designed in part for a role in maintaining or restoring peace within their regions of the world. Today a new sense exists that they have contributions to make. Consultations between the United Nations and regional arrangements or agencies could do much to build international consensus on the nature of a problem and the measures required to address it. Regional organizations participating in complementary efforts with the United Nations in joint undertakings would encourage States outside the region to act supportively. And should the Security Council choose specifically to authorize a regional arrangement or organization to take the lead in addressing a crisis within its region, it could serve to lend the weight of the United Nations to the validity of the regional effort. Carried

forward in the spirit of the Charter, and as envisioned in Chapter VIII, the approach outlined here could strengthen a general sense that democratization is being encouraged at all levels in the task of maintaining international peace and security, it being essential to continue to recognize that the primary responsibility will continue to reside in the Security Council.

VIII. SAFETY OF PERSONNEL

66. When United Nations personnel are deployed in conditions of strife, whether for preventive diplomacy, peacemaking, peace-keeping, peace-building or humanitarian purposes, the need arises to ensure their safety. There has been an unconscionable increase in the number of fatalities. Following the conclusion of a cease-fire and in order to prevent further outbreaks of violence, United Nations guards were called upon to assist in volatile conditions in Iraq. Their presence afforded a measure of security to United Nations personnel and supplies and, in addition, introduced an element of reassurance and stability that helped to prevent renewed conflict. Depending upon the nature of the situation, different configurations and compositions of security deployments will need to be considered. As the variety and scale of threat widens, innovative measures will be required to deal with the dangers facing United Nations personnel.

67. Experience has demonstrated that the presence of a United Nations operation has not always been sufficient to deter hostile action. Duty in areas of danger can never be risk-free; United Nations personnel must expect to go in harm's way at times. The courage, commitment and idealism shown by United Nations personnel should be respected by the entire international community. These men and women deserve to be properly recognized and rewarded for the perilous tasks they undertake. Their interests and those of their families must be given due regard and protected.

68. Given the pressing need to afford adequate protection to United Nations personnel engaged in life-endangering circumstances, I recommend that the Security Council, unless it elects immediately to withdraw the United Nations presence in order to preserve the credibility of the Organization, gravely consider what action should be taken towards those who put United Nations personnel in danger. Before deployment takes place, the Council should keep open the option of considering in advance collective measures, possibly including those under Chaptar VII when a threat to international peace and security is also involved, to come into effect should the purpose of the United Nations operation systematically be frustrated and hostilities occur.

IX. FINANCING

69. A chasm has developed between the tasks entrusted to this Organization and the financial means provided to it. The truth of the matter is that our vision cannot really extend to the prospect opening before us as long as our financing remains myopic. There are two main areas of concern: the ability

of the Organization to function over the longer term; and immediate requirements to respond to a crisis.

70. To remedy the financial situation of the United Nations in all its aspects, my distinguished predecessor repeatedly drew the attention of Member States to the increasingly impossible situation that has arisen and, during the forty-sixth session of the General Assembly, made a number of proposals. Those proposals which remain before the Assembly, and with which I am in broad agreement, are the following:

Proposal one. This suggested the adoption of a set of measures to deal with the cash flow problems caused by the exceptionally high level of unpaid contributions as well as with the problem of inadequate working capital reserves:

(a) Charging interest on the amounts of assessed contributions that are not paid on time;

(b) Suspending certain financial regulations of the United Nations to permit the retention of budgetary surpluses;

(c) Increasing the Working Capital Fund to a level of $250 million and endorsing the principle that the level of the Fund should be approximately 25 per cent of the annual assessment under the regular budget;

(d) Establishment of a temporary Peace-keeping Reserve Fund, at a level of $50 million, to meet initial expenses of peace-keeping operations pending receipt of assessed contributions;

(e) Authorization to the Secretary-General to borrow commercially, should other sources of cash be inadequate.

Proposal two. This suggested the creation of a Humanitarian Revolving Fund in the order of $50 million, to be used in emergency humanitarian situations. The proposal has since been implemented.

Proposal three. This suggested the establishment of a United Nations Peace Endowment Fund, with an initial target of $1 billion. The Fund would be created by a combination of assessed and voluntary contributions, with the latter being sought from Governments, the private sector as well as individuals. Once the Fund reached its target level, the proceeds from the investment of its principal would be used to finance the initial costs of authorized peace-keeping operations, other conflict resolution measures and related activities.

71. In addition to these proposals, others have been added in recent months in the course of public discussion. These ideas include: a levy on arms sales that could be related to maintaining an Arms Register by the United Nations; a levy on international air travel, which is dependent on the maintenance of peace; authorization for the United Nations to borrow from the

World Bank and the International Monetary Fund - for peace and development are interdependent; general tax exemption for contributions made to the United Nations by foundations, businesses and individuals; and changes in the formula for calculating the scale of assessments for peace-keeping operations.

72. As such ideas are debated, a stark fact remains: the financial foundations of the Organization daily grow weaker, debilitating its political will and practical capacity to undertake new and essential activities. This state of affairs must not continue. Whatever decisions are taken on financing the Organization, there is one inescapable necessity: Member States must pay their assessed contributions in full and on time. Failure to do so puts them in breach of their obligations under the Charter.

73. In these circumstances and on the assumption that Member States will be ready to finance operations for peace in a manner commensurate with their present, and welcome, readiness to establish them, I recommend the following:

(a) Immediate establishment of a revolving peace-keeping reserve fund of $50 million;

(b) Agreement that one third of the estimated cost of each new peace-keeping operation be appropriated by the General Assembly as soon as the Security Council decides to establish the operation; this would give the Secretary-General the necessary commitment authority and assure an adequate cash flow; the balance of the costs would be appropriated after the General Assembly approved the operation's budget;

(c) Acknowledgement by Member States that, under exceptional circumstances, political and operational considerations may make it necessary for the Secretary-General to employ his authority to place contracts without competitive bidding.

74. Member States wish the Organization to be managed with the utmost efficiency and care. I am in full accord. I have taken important steps to streamline the Secretariat in order to avoid duplication and overlap while increasing its productivity. Additional changes and improvements will take place. As regards the United Nations system more widely, I continue to review the situation in consultation with my colleagues in the Administrative Committee on Coordination. The question of assuring financial security to the Organization over the long term is of such importance and complexity that public awareness and support must be heightened. I have therefore asked a select group of qualified persons of high international repute to examine this entire subject and to report to me. I intend to present their advice, together with my comments, for the consideration of the General Assembly, in full recognition of the special responsibility that the Assembly has, under the Charter, for financial and budgetary matters.

X. AN AGENDA FOR PEACE

75. The nations and peoples of the United Nations are fortunate in a way that those of the League of Nations were not. We have been given a second chance to create the world of our Charter that they were denied. With the cold war ended we have drawn back from the brink of a confrontation that threatened the world and, too often, paralysed our Organization.

76. Even as we celebrate our restored possibilities, there is a need to ensure that the lessons of the past four decades are learned and that the errors, or variations of them, are not repeated. For there may not be a third opportunity for our planet which, now for different reasons, remains endangered.

77. The tasks ahead must engage the energy and attention of all components of the United Nations system - the General Assembly and other principal organs, the agencies and programmes. Each has, in a balanced scheme of things, a role and a responsibility.

78. Never again must the Security Council lose the collegiality that is essential to its proper functioning, an attribute that it has gained after such trial. A genuine sense of consensus deriving from shared interests must govern its work, not the threat of the veto or the power of any group of nations. And it follows that agreement among the permanent members must have the deeper support of the other members of the Council, and the membership more widely, if the Council's decisions are to be effective and endure.

79. The Summit Meeting of the Security Council of 31 January 1992 provided a unique forum for exchanging views and strengthening cooperation. I recommend that the Heads of State and Government of the members of the Council meet in alternate years, just before the general debate commences in the General Assembly. Such sessions would permit exchanges on the challenges and dangers of the moment and stimulate ideas on how the United Nations may best serve to steer change into peaceful courses. I propose in addition that the Security Council continue to meet at the Foreign Minister level, as it has effectively done in recent years, whenever the situation warrants such meetings.

80. Power brings special responsibilities, and temptations. The powerful must resist the dual but opposite calls of unilateralism and isolationism if the United Nations is to succeed. For just as unilateralism at the global or regional level can shake the confidence of others, so can isolationism, whether it results from political choice or constitutional circumstance, enfeeble the global undertaking. Peace at home and the urgency of rebuilding and strengthening our individual societies necessitates peace abroad and cooperation among nations. The endeavours of the United Nations will require the fullest engagement of all of its Members, large and small, if the present renewed opportunity is to be seized.

81. Democracy within nations requires respect for human rights and fundamental freedoms, as set forth in the Charter. It requires as well a

deeper understanding and respect for the rights of minorities and respect for the needs of the more vulnerable groups of society, especially women and children. This is not only a political matter. The social stability needed for productive growth is nurtured by conditions in which people can readily express their will. For this, strong domestic institutions of participation are essential. Promoting such institutions means promoting the empowerment of the unorganized, the poor, the marginalized. To this end, the focus of the United Nations should be on the "field", the locations where economic, social and political decisions take effect. In furtherance of this I am taking steps to rationalize and in certain cases integrate the various programmes and agencies of the United Nations within specific countries. The senior United Nations official in each country should be prepared to serve, when needed, and with the consent of the host authorities, as my Representative on matters of particular concern.

82. Democracy within the family of nations means the application of its principles within the world Organization itself. This requires the fullest consultation, participation and engagement of all States, large and small, in the work of the Organization. All organs of the United Nations must be accorded, and play, their full and proper role so that the trust of all nations and peoples will be retained and deserved. The principles of the Charter must be applied consistently, not selectively, for if the perception should be of the latter, trust will wane and with it the moral authority which is the greatest and most unique quality of that instrument. Democracy at all levels is essential to attain peace for a new era of prosperity and justice.

83. Trust also requires a sense of confidence that the world Organization will react swiftly, surely and impartially and that it will not be debilitated by political opportunism or by administrative or financial inadequacy. This presupposes a strong, efficient and independent international civil service whose integrity is beyond question and an assured financial basis that lifts the Organization, once and for all, out of its present mendicancy.

84. Just as it is vital that each of the organs of the United Nations employ its capabilities in the balanced and harmonious fashion envisioned in the Charter, peace in the largest sense cannot be accomplished by the United Nations system or by Governments alone. Non-governmental organizations, academic institutions, parliamentarians, business and professional communities, the media and the public at large must all be involved. This will strengthen the world Organization's ability to reflect the concerns and interests of its widest constituency, and those who become more involved can carry the word of United Nations initiatives and build a deeper understanding of its work.

85. Reform is a continuing process, and improvement can have no limit. Yet there is an expectation, which I wish to see fulfilled, that the present phase in the renewal of this Organization should be complete by 1995, its fiftieth anniversary. The pace set must therefore be increased if the United Nations is to keep ahead of the acceleration of history that characterizes this age.

We must be guided not by precedents alone, however wise these may be, but by the needs of the future and by the shape and content that we wish to give it.

86. I am committed to broad dialogue between the Member States and the Secretary-General. And I am committed to fostering a full and open interplay between all institutions and elements of the Organization so that the Charter's objectives may not only be better served, but that this Organization may emerge as greater than the sum of its parts. The United Nations was created with a great and couragecus vision. Now is the time, for its nations and peoples, and the men and women who serve it, to seize the moment for the sake of the future.

Notes

1/ See S/23500, statement by the President of the Council, section entitled "Peacemaking and peace-keeping".

2/ General Assembly resolution 37/10, annex.

3/ General Assembly resolution 43/51, annex.

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24. ... "I ask all regional organizations to consider what further confidence-building measures might be applied in their areas and to inform the United Nations of the results." ...

25. (b) ... "I ask that all Member States be ready to provide the information needed for effective preventive diplomacy." ...

26. ... "I recommend in addition that the Security Council invite a reinvigorated and restructured Economic and Social Council to provide reports, in accordance with Article 65 of the Charter, on those economic and social developments that may, unless mitigated, threaten international peace and security."

27. ... "I ask regional organizations that have not yet sought observer status at the United Nations to do so and to be linked, through appropriate arrangements, with the security mechanisms of this Organization."

31. "In inter-State disputes, when both parties agree, I recommend that if the Security Council concludes that the likelihood of hostilities between neighbouring countries could be removed by the preventive deployment of a United Nations presence on the territory of each State, such action should be taken." ...

32. "In cases where one nation fears a cross-border attack, if the Security Council concludes that a United Nations presence on one side of the border, with the consent only of the requesting country, would serve to deter conflict, I recommend that preventive deployment take place." ...

35. ... "I urge the Council to take full advantage of the provisions of the Charter under which it may recommend appropriate procedures or methods for dispute settlement and, if all the parties to a dispute so request, make recommendations to the parties for a pacific settlement of the dispute."

38. ... "I recommend that the Secretary-General be authorized, pursuant to Article 96, paragraph 2, of the Charter, to take advantage of the advisory competence of the Court and that other United Nations organs that already enjoy such authorization turn to the Court more frequently for advisory opinions."

.../

39. "I recommend the following steps to reinforce the role of the International Court of Justice:

(a) All Member States should accept the general jurisdiction of the International Court under Article 36 of its Statute, without any reservation, before the end of the United Nations Decade of International Law in the year 2000. In instances where domestic structures prevent this, States should agree bilaterally or multilaterally to a comprehensive list of matters they are willing to submit to the Court and should withdraw their reservations to its jurisdiction in the dispute settlement clauses of multilateral treaties;

(b) When submission of a dispute to the full Court is not practical, the Chambers jurisdiction should be used;

(c) States should support the Trust Fund established to assist countries unable to afford the cost involved in bringing a dispute to the Court, and such countries should take full advantage of the Fund in order to resolve their disputes."

41. ... "I recommend that the Security devise a set of measures involving the financial institutions and other components of the United Nations system that can be put in place to insulate States from such difficulties." (Article 50) ...

43. ... "I recommend that the Security Council initiate negotiations in accordance with Article 43, supported by the Military Staff Committee, which may be augmented if necessary by others in accordance with Article 47, paragraph 2, of the Charter." ...

44. ... "I recommend that the Council consider the utilization of peace-enforcement units in clearly defined circumstances and with their terms of reference specified in advance." ...

48. ... "For this reason, I strongly support proposals in some Member States for their peace-keeping contributions to be financed from defence, rather than foreign affairs, budgets and I recommend such action to others. I urge the General Assembly to encourage this approach."

51. ... "I reiterate the request to all Member States to reply frankly and promptly. Stand-by arrangements should be confirmed, as appropriate, through exchanges of letters between the Secretariat and Member States concerning the kind and number of skilled personnel they will be prepared to offer the United Nations as the needs of new operations arise."

52. ... "I recommend that arrangements be reviewed and improved for training peace-keeping personnel -- civilian, police, or military -- using the varied capabilities of Member State Governments, of non-governmental organizations and the facilities of the Secretariat." ...

68. "Given the pressing need to afford adequate protection to United Nations personnel engaged in life-endangering circumstances, I recommend that the Security Council, unless it elects immediately to withdraw the United Nations presence in order to preserve the credibility of the Organization, gravely consider what action should be taken towards those who put United Nations personnel in danger." ...

73. "In these circumstances and on the assumption that Member States will be ready to finance operations for peace in a manner commensurate with their present, and welcome, readiness to establish them, I recommend the following:

(a) Immediate establishment of a revolving peace-keeping reserve fund of $50 million;

(b) Agreement that one third of the estimated cost of each new peace-keeping operation be appropriated by the General Assembly as soon as the Security Council decides to establish the operation; this would given the Secretary-General the necessary commitment authority and assure an adequate cash flow; the balance of the costs would be appropriated after the General Assembly approved the operation's budget;

(c) Acknowledgement of Member States that, under exceptional circumstances, political and operational considerations may make it necessary for the Secretary-General to employ his authority to place contracts without competitive bidding."

79. ... "I recommend that the Heads of State and Government of the members of the Council meet in alternate years, just before the general debate commences in the General Assembly." ... "I propose in addition that the Security Council continue to meet at the Foreign Minister level, as it has effectively done in recent years, whenever the situation warrants such meetings."

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ADOPTION OF AGREEMENTS ON ENVIRONMENT AND DEVELOPMENT

The Rio Declaration on Environment and Development

Preamble

The United Nations Conference on Environment and Development,

Having met at Rio de Janeiro from 3 to 14 June 1992,

Reaffirming the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972, and seeking to build upon it,

With the goal of establishing a new and equitable global partnership through the creation of new levels of cooperation among States, key sectors of societies and people,

Working towards international agreements which respect the interests of all and protect the integrity of the global environmental and developmental system,

Recognizing the integral and interdependent nature of the Earth, our home,

Proclaims that:

Principle 1

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

Principle 2

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Principle 3

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

Principle 4

In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.

Principle 5

All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.

Principle 6

The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries.

Principle 7

States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.

Principle 8

To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.

Principle 9

States should cooperate to strengthen endogenous capacity-building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.

Principle 10

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

Principle 11

States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.

Principle 12

States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus.

Principle 13

States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.

Principle 14

States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health.

Principle 15

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Principle 16

National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.

Principle 17

Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.

Principle 18

States shall immediately notify other States of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Every effort shall be made by the international community to help States so afflicted.

Principle 19

States shall provide prior and timely notification and relevant information to potentially affected States on activities that may have a significant adverse transboundary environmental effect and shall consult with those States at an early stage and in good faith.

Principle 20

Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.

Principle 21

The creativity, ideals and courage of the youth of the world should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better future for all.

Principle 22

Indigenous people and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

Principle 23

The environment and natural resources of people under oppression, domination and occupation shall be protected.

Principle 24

Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary.

Principle 25

Peace, development and environmental protection are interdependent and indivisible.

Principle 26

States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations.

Principle 27

States and people shall cooperate in good faith and in a spirit of partnership in the fulfilment of the principles embodied in this Declaration and in the further development of international law in the field of sustainable development.

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ADOPTION OF AGREEMENTS ON ENVIRONMENT AND DEVELOPMENT

Report of the Main Committee

Rapporteur: Mr. Bedrich MOLDAN (Czechoslovakia)

Addendum

Chapter 33

FINANCIAL RESOURCES AND MECHANISMS

1. The Main Committee considered chapter 33 of Agenda 21 at its 8th meeting, on 10 June 1992.

2. At that meeting the issue coordinator, Mr. Rubens Ricupero (Brazil), introduced the text of the chapter, which had been prepared in the contact group on financial resources and mechanisms and which read as follows:

INTRODUCTION

33.1. The General Assembly, in resolution 44/228 of 22 December 1989, inter alia, decided that the Conference on Environment and Development should:

> Identify ways and means of providing new and additional financial resources, particularly to developing countries, for environmentally sound development programmes and projects in accordance with national development objectives, priorities and plans and to consider ways of effectively monitoring the provision of such new and additional financial resources, particularly to developing countries, so as to enable the international community to take further appropriate action on the basis of accurate and reliable data;

Identify ways and means of providing additional financial resources for measures directed towards solving major environmental problems of global concern and especially of supporting those countries, in particular developing countries, for which the implementation of such measures would entail a special or abnormal burden, owing, in particular, to their lack of financial resources, expertise or technical capacity;

Consider various funding mechanisms, including voluntary ones, and to examine the possibility of a special international fund and other innovative approaches, with a view to ensuring, on a favourable basis, the most effective and expeditious transfer of environmentally sound technologies to developing countries;

Quantify the financial requirements for the successful implementation of Conference decisions and recommendations and identify possible sources, including innovative ones, of additional resources.

33.2. This chapter deals with the financing of the implementation of Agenda 21, which reflects a global consensus integrating environmental considerations into an accelerated development process. For each of the other chapters, the secretariat of the Conference has provided indicative estimates of the total costs of implementation for developing countries and the requirements for grant or other concessional financing needed from the international community. These describe the need for a substantially increased effort both by countries themselves and by the international community.

BASIS FOR ACTION

33.3. Economic growth, social development and poverty eradication are the first and overriding priorities in developing countries and are themselves essential to meeting national and global sustainability objectives. In the light of the global benefits to be realized by the implementation of Agenda 21 as a whole, the provision to developing countries of effective means, inter alia, financial resources and technology, without which it will be difficult for them to fully implement their commitments, will serve the common interests of developed and developing countries and of humankind in general, including future generations.

33.4. The cost of inaction could outweigh the financial costs of implementing Agenda 21. Inaction will narrow the choices of future generations.

33.5. For dealing with environmental issues special efforts will be required. Global and local environmental issues are interrelated. The United Nations Framework Convention on Climate Change and the Convention on Biological Diversity address two of the most important global issues.

33.6. Economic conditions, both domestic and international, that encourage free trade and access to markets will help make economic growth and

environmental protection mutually supportive for all countries, particularly for developing countries and countries undergoing the process of transition to a market economy (see chapter 2 for a fuller discussion of these issues).

33.7. International cooperation for sustainable development should also be strengthened in order to support and complement the efforts of developing countries, particularly the least developed countries.

33.8. All countries should assess how to translate Agenda 21 into national policies and programmes through a process that will integrate environment and development considerations. National and local priorities should be established by means that include public participation and community involvement, promoting equal opportunity for men and women.

33.9. For an evolving partnership among all countries of the world, including, in particular, between developed and developing countries, sustainable development strategies and enhanced and predictable levels of funding in support of longer term objectives are required. For that purpose, developing countries should articulate their own priority actions and needs for support and developed countries should commit themselves to addressing these priorities. In this respect, consultative groups and roundtables and other nationally based mechanisms can play a facilitative role.

33.10. The implementation of the huge sustainable development programmes of Agenda 21 will require the provision to developing countries of substantial new and additional financial resources [[including] on grant or concessional terms] and according to sound and equitable criteria and indicators. The progressive implementation of Agenda 21 should be matched by the provision of such necessary financial resources. The initial phase will be accelerated by substantial early commitments of concessional funding.

OBJECTIVES

33.11. To establish measures concerning financial resources and mechanisms for implementation of Agenda 21.

33.12. Provision of new and additional financial resources should be both adequate and predictable.

33.13. Full use and continuing qualitative improvement of funding mechanisms to be utilized for the implementation of Agenda 21 should be sought.

ACTIVITIES

33.14. Fundamentally, the activities of this chapter are related to the implementation of all the other chapters of Agenda 21.

MEANS OF IMPLEMENTATION

33.15. In general, the financing for the implementation of Agenda 21 will come from a country's own public and private sectors. For developing countries, particularly the least developed countries, ODA is a main source of external funding, and substantial new and additional funding for sustainable development and implementation of Agenda 21 will be required. Developed countries reaffirm their commitments to reach the accepted United Nations target of 0.7 per cent of GNP for ODA and, to the extent that they have not yet achieved that target, agree to continue their efforts to achieve that level [by the year 2000], [as soon as possible], [by the year 2000 or as soon as possible thereafter]. [Reserve on possible additional sentence.] Those that have already reached the target are to be commended and encouraged to continue to contribute to the common effort to make available the substantial additional resources that have to be mobilized. Other developed countries, in line with their support for reform efforts in developing countries, agree to make their best efforts to increase their level of ODA. In this context, the importance of equitable burden-sharing among developed countries is recognized. Other countries, including those undergoing the process of transition to a market economy, may voluntarily augment the contributions of the developed countries.

33.16. Funding for Agenda 21 and other outcomes of the Conference should be provided in a way that maximizes the availability of new and additional resources and that uses all available funding sources and mechanisms. These include, among others:

(a) The multilateral development banks and funds:

(i) International Development Association (IDA). In order to help poorer countries meet their sustainable development objectives as contained in Agenda 21, IDA [should be replenished, with a substantial Earth Increment in addition to the volume of resources needed to maintain the IDA-9 funding level in real terms] [should consider a special "Earth Increment" to the tenth replenishment]. This could be used to increase funding for policies and projects which are country driven and consistent with national plans designed to support sustainable development. This increment could be financed in part by a use of funds from the IBRD net income;

(ii) Regional and subregional development banks. The regional and subregional development banks and funds should play an increased and more effective role in providing resources on concessional or other favourable terms needed to implement Agenda 21;

(iii) The Global Environment Facility, whose additional grant and concessional funding is designed to achieve global environmental benefits, should cover the agreed incremental costs of relevant activities under Agenda 21, in particular for developing countries. Therefore, it should be restructured so as to, inter alia:

Encourage universal participation;

Have sufficient flexibility to expand its scope and coverage to relevant programme areas of Agenda 21, with global environmental benefits, as agreed;

[Ensure a governance that is transparent and democratic in nature, including in terms of decision-making and operations, by guaranteeing a balanced and equitable representation of the interests of developing countries, as well as by giving due weight to the funding efforts of donor countries];

[Ensure new and additional financial resources on grant and concessional terms, in particular to developing countries];

[Ensure predictability in the flow of funds by contributions from developed countries, taking into account the importance of equitable burden-sharing];

Ensure access to and disbursement of the funds under mutually agreed criteria [without imposing conditionality];

(b) The relevant specialized agencies, other United Nations bodies and other international organizations, which have designated roles to play in supporting national Governments in implementing Agenda 21;

(c) Multilateral institutions for capacity-building and technical cooperation. Necessary financial resources should be provided to UNDP to use its network of field offices and its broad mandate and experience in the field of technical cooperation for facilitating capacity-building at the country level, making full use of the expertise of the specialized agencies and other United Nations bodies within their respective areas of competence, in particular UNEP and including the multilateral and regional development banks;

(d) Bilateral assistance programmes. These will need to be strengthened in order to promote sustainable development;

(e) Debt relief. It is important to achieve durable solutions to the debt problems of low- and middle-income developing countries in order to provide them with the needed means for sustainable development. All creditors in the Paris Club should promptly implement the agreement of December 1991 to provide debt relief for the poorest heavily indebted countries pursuing structural adjustment; further measures and eligible countries should be kept under review;

(f) Private funding. Voluntary contributions through non-governmental channels, which have been running at about 10 per cent of ODA, might be increased.

33.17. Investment. Mobilization of higher levels of foreign direct investment and technology transfers should be encouraged through national policies that promote investment and through joint ventures and other modalities.

33.18. Innovative financing. New ways of generating new public and private financial resources should be explored, in particular:

(a) Various forms of debt relief, apart from official or Paris Club debt, including greater use of debt swaps;

(b) The use of economic and fiscal incentives and mechanisms;

(c) The feasibility of tradeable permits;

(d) New schemes for fund-raising and voluntary contributions through private channels, including non-governmental organizations;

(e) The reallocation of resources presently committed to military purposes.

33.19. A supportive international and domestic economic climate conducive to sustained economic growth and development is important, particularly for developing countries, in order to achieve sustainability.

33.20. The secretariat of the Conference has estimated the average annual costs (1993-2000) of implementing in developing countries the activities in Agenda 21 to be over $600 billion, including about $125 billion on grant or concessional terms from the international community. These are indicative and order of magnitude estimates only, and have not been reviewed by Governments. Actual costs will depend upon, inter alia, the specific strategies and programmes Governments decide upon for implementation.

33.21. Developed countries and others in a position to do so should make initial financial commitments to give effect to the decisions of the Conference. They should report on such plans and commitments to the United Nations General Assembly in the Fall of 1992 at its forty-seventh session.

33.22. Developing countries should also begin to draw up national plans for sustainable development to give effect to the decisions of the Conference.

33.23. Review and monitoring of the financing of Agenda 21 is essential. Questions related to the effective follow-up of the Conference are discussed in chapter 38. It will be important to review on a regular basis the adequacy of fundinc and mechanisms, including efforts to reach agreed objectives of this char r, including targets where applicable.

* * *

3. At the same meeting, the issue coordinator orally corrected a typographical error contained in paragraph 33.10 by inserting the word "including" between the words "Financial resources" and "on grant and concessional terms".

4. Also at the same meeting, statements were made by the representatives of Nigeria, Pakistan (on behalf of the States Members of the United Nations that are members of the Group of 77), China, Argentina, Antigua and Barbuda, India, Japan, Saudi Arabia, Portugal (on behalf of the States Members of the United Nations that are members of the European Economic Community), Cuba, Mauritania, the Russian Federation, Egypt, the United Republic of Tanzania, Mozambique, Mauritius, Indonesia, Australia, Tunisia and Malaysia.

5. The representative of Nigeria supported by the representative of Cuba made a statement concerning paragraph 16 (a) (iii) and proposed to insert the phrase "jointly managed by the World Bank, UNDP and UNEP" after the words "The Global Environmental Facility".

6. The representative of Antigua and Barbuda made a statement and proposed with regard to paragraph 33.10 to replace the words "according to sound and equitable criteria and indicators" by "according to agreed terms"; with regard to paragraph 33.16 (a) (ii), to replace "in providing resources on concessional or the favourable terms" by "in providing grant resources"; and, with regard to paragraph 33.16 (a) (iii), to replace "encourage" by "provide".

7. The representative of India made a statement concerning paragraph 33.10 and proposed to place brackets around the word "including". The representatives of the United Republic of Tanzania, Indonesia, Tunisia and Malaysia supported the proposal. The representative of the United States of America objected to the placement of brackets around "including", pointing out that that word had been accepted previously in the contact group and that brackets around that word would be inconsistent with the Chairman's earlier procedural ruling. After informal consultations, the Committee agreed to place brackets in the following manner: [[including] on grant or concessional terms and].

8. With regard to paragraph 36.16 (e), the representative of Japan requested the replacement of the phrase "further measures and eligible countries should be kept under review" by the phrase "debt relief measures should be kept under review so as to address the continuing difficulties of those countries", on the basis of consultations it had conducted with some major interested delegations. The representatives of Mozambique and Mauritania expressed their willingness to support the proposed amendment. On the same subject, the representatives of Indonesia and the Philippines made reservations to the proposed change.

9. The representative of Saudi Arabia stated its preference to delete paragraph 33.18 (b). The same representative requested, with regard to paragraph 33.21, to rewrite the phrase "and others in a position to do so"

in line with the similar expression contained in the seventh sentence of paragraph 33.15.

10. The representative of Mauritania proposed to insert the phrase "as well as the commitment arrived at the United Nations Conference on the Least Developed Countries" after "0.7 per cent of GNP for ODA" in paragraph 33.15. The representative of Mauritius proposed to insert the word "innovative" before the word "mechanisms" in the chapeau of paragraph 33.16.

11. Also at the same meeting, the Main Committee approved the text of the chapter with the amendments contained in paragraph 7 above and decided to transmit it to the Conference for further consideration.

12. After the adoption of the chapter, statements were made by Mauritania, the United States of America, Saudi Arabia, the Philippines, Grenada, Kenya, Japan and Indonesia.

13. The representative of Kuwait also made a statement. He expressed the view that paragraph 19 (b) should be deleted as it created a distortion and might be used to discriminate against exports by developing countries. The same representative stated that in paragraph 21 (c), the phrase "and others in a position to do so" should be deleted, and the following sentence should be added at the end of the subparagraph: "This does not exclude other countries from contributing on a voluntary basis."