

international and regional organizations and financial institutions should consider, explore and make provision for new, additional and adequate financial resources to the developing countries to meet the objectives of sustainable development and the protection and preservation of the environment. The developed countries should also, in the interest of the common future of mankind, seriously consider making available to the developing countries environmentally sound technologies on a preferential and non-commercial basis. Those points of view are also shared by the Group of 77.

During the final Session of the Prepcorn for UNCED held in New York in March 1992, the G-77 renewed its proposal to include into the Rio Declaration the principle which would have provided that in view of their main historical and current responsibility for global environmental degradation and their capability to address this common concern, the developed countries shall provide adequate, new and additional financial resources and environmentally sound technologies on preferential and concessional terms to developing countries to enable them to achieve sustainable development. This proposal was, however, deemed as unacceptable and thus was rejected by some industrialized countries, particularly by the United States. Through intense negotiation, final compromise was reached to the effect that in view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibilities 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 technology and financial resources they command, and thus agree that States should cooperate to strengthen endogenous capacity-building for sustainable development by improving scientific understanding through exchange of scientific and technological knowledge and by enhancing the development, adaptation, diffusion and transfer of technology including new and innovative technology. It seems that the commitment by the developed countries in this respect is quite weak, and the demands of developing countries have not been fully met.

On the other hand, however, some more inspiring and favourable terms have been included in the relevant chapters of Agenda 21. It provides in Chapter 33 dealing with financial resources and mechanism that in 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 interest

of developed and developing countries and of humankind in general, including future generations (para 33.3). It is further stated that 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 (para 33.10). It is further agreed that the provision of new and additional financial resources should be both adequate and predictable (para 33.12). These to some extent go to meet the concern of the developing countries on the important issue of funding mechanism which was a result of very intense negotiations within the Working Group during the Rio Conference under the very able Chairmanship of Ambassador Koh.

With regard to environmentally sound technologies, Chapter 34 of Agenda 21 refers to the need for favourable access to and transfer of such technologies, in particular to developing countries (para 34.4). It also refers to help to ensure the access, in particular of developing countries to scientific and technological information, promote, facilitate and finance, as appropriate, the access to and the transfer of environmentally sound technologies and corresponding know-how, in particular, to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights as well as the special needs of developing countries for the implementation of Agenda 21 (para 34.14). This delicate balance was also arrived at after prolonged negotiations within the Working Group.

It might also be somewhat regrettable that the proposal by the AALCC on the protection of the marine environment has not received appropriate reflection in the Rio Declaration despite every effort made by the Secretariat of the Committee. During the whole period of the preparation for the UNCED, the AALCC had, on quite a few occasions, appealed to the Prepcorn that the protection of the marine environment should be accorded great importance in drafting the Rio Declaration. Emphasis had also been made concerning the critical need for the universal ratification of the 1982 UN Convention on the Law of the Sea. It was pointed out that this was a Convention which had codified many, if not all, concerns with respect to preservation and protection of the marine environment. It was pointed out that nothing that the Rio Conference could do would be complete until the meticulous provisions on the marine environment contained in Part XII of the Convention became legally binding. It was thus suggested that the Prepcorn would come out with a clear recommendation that all States that had not yet done so should ratify or accede to the Convention. Furthermore, at the Fourth Session of the Prepcorn for UNCED, the delegation of the

AALCC further proposed in cooperation with the Prepcom for the International Seabed Authority, to include a new paragraph in the Rio Declaration, which would read as follows:-

"All States and people shall protect and preserve the marine environment. They shall facilitate international communication and shall promote the peaceful use of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study of the marine environment. For doing so a universal adherence to the United Nations Convention on the Law of the Sea, which contains a comprehensive global framework and lays down fundamental rules for all relevant ocean-related activities would solidify those already widely accepted principles."

Unfortunately, this was deemed as unacceptable by some countries, and therefore was not inserted in the Rio Declaration. Nevertheless, the AALCC will resolutely continue its endeavours to promote the universal adherence to the 1982 UN Convention on the Law of the Sea.

In conclusion, the Rio Declaration is a crystallization of political wisdom and diplomatic skill of leaders of States and their negotiators, which has opened a new era in respect of combating global environmental degradation. It is perhaps the best agreement that could be reached at the present stage. In addition, it maintains a fair balance, taking into account the views and interests of different States and State groups. So it should be treated as an integral package. After the Rio Conference, the more important thing is to effectively carry out the principles embodied in the Rio Declaration.

Tribute for the success of the Rio Conference must first and foremost be paid to the inspiring vision of the Secretary-General of UNCED Mr. Maurice Strong whose unwavering vision since the Stockholm Conference twenty years ago has served as an inspiration to the entire international community. At the beginning of the process of negotiations few were convinced that within such a short period of first two years, the conflicting interests of States over such diverse and far reaching issues could be resolved. Even at the conclusion of the fourth and final session of UNCED in April 1992 in New York some fundamental and seemingly intractable issues particularly on funding mechanism and transfer of technology remained outstanding and had the potential of derailing the Rio Conference. That these issues were resolved in time for the adoption of the Agenda 21 on the conclusion of the Rio Conference is first and foremost due to inexorable diplomatic skills of Ambassador Tommy Koh, who with indefatigable perseverance and unfailing wit presided over the Working Group throughout the duration of the Conference, through many lengthy sessions including long night session on each working day and over the

weekend. His contribution was recognized by the Conference during the final session where he was accorded a standing ovation.

Agenda 21

The main principal outcome of the Rio Conference was the adoption of Agenda 21, which addresses the pressing problems of today and also aims at preparing the world for the challenge of the next century. It is thus a century blueprint to save our fragile planet earth. Being a comprehensive and dynamic programme, running to over 800 pages, Agenda 21 consists of a preamble, four sections, and 40 chapters. It covers wide range of programme areas, including social and economic dimensions, conservation and management of resources for development, strengthening of the role of major implementing groups and the means of implementation.

Among the issues addressed by Agenda 21, are the issues related to the legal instruments, institutional arrangements and financial resources as well as transfer of environmentally sound technologies. These issues have also been the main areas of concern and consideration by the AALCC. The discussion below will focus on the legal instruments and institutional arrangements. The financial resources and technology transfer will be separately discussed in connection to the Framework Convention on Climate Change.

International Legal Instruments and Mechanisms

The progressive development and codification of international law in the field of the environmental protection and sustainable development is designated as one of main means of the implementation of Agenda 21, and is the subject of Chapter 39, entitled "International Legal Instruments and Mechanisms".

The programme areas that constitute Chapter 39 are described in terms of the basis for action, objectives and activities.

Basis for Action

Under this rubric, it is recognized that the following vital aspects of the universal, multilateral and bilateral treaty-making process should be taken into account :

- (a) The further development of international law on sustainable development, giving special attention on the delicate balance between environmental and developmental concerns;

- (b) The need to classify and strengthen the relationship between existing international instruments in the field of environment and relevant social and economic instruments, taking into account the special needs of developing countries;
- (c) The essential importance of the participation in and the contribution of all countries, including the developing countries to treaty-making. Many of the existing international legal instruments or agreements in the field of environment have been developed without adequate participation and contribution of developing countries, and thus may require review in order to reflect the concerns and interests of developing countries and to ensure a balanced governance of such instruments or agreements;
- (d) Developing countries should also be provided with technical assistance in their attempts to enhance their national legislative capabilities in the field of environmental law;
- (e) Future projects for the progressive development and codification of international law on sustainable development should take into account the ongoing work of the international Law Commission;
- (f) Any negotiation for the progressive development and codification of international law concerning sustainable development should, in general, be conducted on a universal basis, taking into account special circumstances in the different regions.

Objectives

According to the provisions of Chapter 39, the overall objective of the review and development of international environmental law is to evaluate and promote the efficacy of that law and to promote the integration of environment and development policies through effective international agreements or instruments taking into account both universal principles and the particular and differentiated needs and concerns of all countries.

The specific objectives include the following:-

- (a) To identify and address difficulties which prevent some States, in particular developing countries from participating in or duly implementing international agreements or instruments and, where appropriate, to review and revise them with the purposes of integrating environmental and developmental concerns and laying down a sound basis for the implementation of these agreements or instruments;

- (b) To set priorities for future law-making on sustainable development at the global, regional or sub-regional level, with a view to enhancing the efficacy of international law in this field;
- (c) To promote and support the effective participation of all countries concerned, in particular developing countries in the negotiation, implementation, review and governance of international agreements or instruments;
- (d) To promote, through the gradual development of universally and multilaterally negotiated agreement or instruments, international standards for the protection of the environment that take into account the different situations and capabilities of countries;
- (e) To ensure the effective, full and prompt implementation of legally binding instruments, and to facilitate timely review and adjustment of agreements or instruments by the parties concerned, taking into account the special needs and concern of all countries, in particular developing countries;
- (f) To improve the effectiveness of institutions, mechanisms and procedures for the administration of agreements and instruments;
- (g) To identify and prevent actual or potential conflicts, particularly between environmental and social/economic agreements or instruments, with a view to ensuring that such agreements or instruments are consistent. Where conflicts arise they should be appropriately resolved;
- (h) 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 the existing bilateral and multilateral agreements for the settlement of such disputes.

Activities and Means of Implementation

Activities and means of implementation in this regard will be considered in the light of the above basis for action and objectives.

A. Review, assessment and fields of action in international law for sustainable development

While ensuring the effective participation of all countries concerned,

parties should at periodic intervals review and assess both the past performance and effectiveness of existing agreements or instruments as well as the priorities for future law making on sustainable development. This may include an examination of the feasibility of elaborating general rights and obligations of States, as appropriate, in the field of sustainable development. Furthermore, large-scale destruction of the environment, in times of armed conflict, that cannot be justified under international law, should be addressed. The efforts should also be made to conclude the ongoing negotiations for a nuclear safety convention in the framework of the International Atomic Energy Agency.

B. Implementation mechanisms

The parties to international agreements should consider procedures and mechanisms to promote and review their effective, full and prompt implementation. To that effect, States should *inter alia*:

- (a) Establish efficient and practical reporting systems on the effective, full and prompt implementation of international legal instruments;
- (b) Consider appropriate ways in which relevant international bodies might contribute to the further development of such mechanisms.

C. Effective participation in International Law-Making

The effective participation of all countries, in particular developing countries, should be ensured through appropriate provision of technical assistance and/or financial assistance. Developing countries should be given "headstart" support not only in their national efforts, to implement international agreements or instruments, but also to participate effectively in the negotiation of new or revised agreement or instruments and in the actual international operation of such agreements or instruments.

D. Disputes avoidance and settlement

In this area, States should further study and consider methods to broaden and make more effective the range of techniques available at present. 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.

Comments and Observations

While going through the text of Chapter 39, it might be concluded that the basis for action, objectives and activities regarding international legal instruments and mechanisms in the context of the implementation of Agenda 21 are quite well identified and considered. *Inter alia* issues concerning the importance and means of further development of international law on sustainable development, of the integration of environmental and developmental concerns, and adequate and effective participation of developing countries in the negotiation, implementation, review and governance of international legal instruments are appropriately addressed. It is thus a valuable guidance to the future work in this regard.

The overall objective of the review and development of international environmental law, as indicated by Chapter 39, includes two aspects. The first is to evaluate and promote the efficiency of that law. The second is to promote the integration of environment and development policies through effective international agreements or instruments. These two aspects are intrinsically linked, and cannot be pursued in isolation from each other. An effective instrument of environmental law must be one that successfully integrates the environment and development. Therefore the review of existing international legal instruments and future law-making on environment should in principle, be closely linked with the need to embody the principles contained in the Rio Declaration and to effectively implement Agenda 21, taking into account the special needs of developing countries.

When evaluating the past performance and effectiveness of existing international agreements or instruments concerned, some basic criteria should be used: whether or not and to what extent does is an agreement or instrument under the evaluation:

- (a) meet the need to integrate the environment and development and is conducive to the promotion of sustainable development;
- (b) take into account the special needs and concerns of developing countries;
- (c) have adequate incentives to encourage the participation of developing countries; and
- (d) implemented and complied by the contracting parties, and the existence of appropriate mechanisms for the enforcement of the agreement and for the settlement of disputes over the implementation.

As regards the future law-making process, benefitting from the past experiences, it is important to avoid the proliferation of new agreements or

instruments without making concrete arrangements for their realistic implementation. It is equally important that the effective participation of all countries concerned and in particular developing countries, in negotiation and governance should be ensured and necessary and appropriate technical and financial assistance should be provided for this purpose.

While the adoption of some new convention may indeed be necessary, such as the one envisaged on nuclear safety in the framework of the International Atomic Energy Agency, more efforts should be made to bring into force a large number of existing international multilateral or regional treaties that have not yet become effective through identification and addressing difficulties which prevent some States, in particular developing countries, from participating in those treaties, and where appropriate reviewing and revising them with a view to promotion of their wider participation and more effective implementation.

The role of the International Law Commission in the progressive development and codification of international environmental law should be underscored and further strengthened. The AALCC has made a proposal requesting the International Law Commission to include an item related the protection of environment in its long-term work programme and take it up as a priority item. This may include an elaboration of legal norms on general rights and obligation of States in the field of the environmental protection and sustainable development, including development of law regarding liability and compensation for the victims of environmental damages. It is understood that the International Law Commission is sympathetic to this request.

With regard to the settlement of environmental disputes, the AALCC member States believe that the principle of peaceful settlement of international disputes including environmental disputes, is a matter of great significance in the international community today. Besides political settlement through negotiation and consultation, the judicial settlement of legal disputes, particularly the recourse to the International Court of Justice, is becoming all the more important. The members of the International Community should take advantage of the growing confidence in the International Court of Justice, and make efforts to facilitate the judicial settlement of environmental disputes through ICJ. In this regard, the initiative undertaken by the Secretary-General of the United Nations in establishing a trust fund to assist States in recourse to the ICJ for disputes settlement should be appreciated and supported.

Finally, the Secretariat of the Committee wishes to express its willingness to render legal assistance, as appropriate, and on request to the Member

States of the Committee in the field of national legislation regarding the environmental protection and sustainable development.

International Institutional Arrangements

The Important issues regarding international institutional arrangements in the follow-up to the Rio Conference are addressed in Chapter 35 of Agenda 21 in terms of the basis for action, objectives and the envisaged institutional structure.

In light of the provisions of Chapter 38, the institutional arrangements shall be guided by the following principles.

- (a) The intergovernmental follow-up to the UNCED process shall be within the framework of the UN system, with the General Assembly being the *Supreme Policy-making forum* that would provide overall guidance to Governments. At the same time, Governments as well as regional economical technical cooperation organizations, have a responsibility to play an important role. Their commitments and actions should be adequately supported by UN system and multilateral financial institutions;
- (b) There is a need for institutional arrangements within the UN system in conformity with, and providing input into the restructuring and revitalization of the UN in the economic, social and related fields, and the overall reform of the UN. Implementation of Agenda 21 and other conclusions of the Rio Conference shall be based on action and result-oriented approach and consistent with the principles of universality, democracy, transparency, cost-effectiveness and accountability;
- (c) The UN system is uniquely positioned to assist Governments to establish more effective patterns of economic and social development with a view to achieving the objectives of Agenda 21 and sustainable development;
- (d) All agencies of UN system have a key role to play in the implementation of Agenda 21 within their respective competence. To ensure proper coordination and avoid duplication, there should be an effective division of labour, and all bodies of the UN should be required to elaborate and publish reports of their activities on the implementation of Agenda 21 on a regular basis. Serious and continuous review of their policies, programme, budgets and activities will also be required;

- (e) The continued active and effective participation of non-governmental organizations, the scientific community and private sectors as well as local groups and communities is important in the implementation of Agenda 21; and
- (f) The institutional structure will be based on agreement on financial resources and mechanisms, technology transfer, the Rio Declaration and Agenda 21.

The overall objective of the institutional arrangements is the integration of environmental and developmental issues at national sub-regional, regional and international levels.

The specific objectives are as follows:

- (a) To ensure and review the implementation of Agenda 21 so as to achieve sustainable development in all countries;
- (b) To enhance the role and functioning of the UN system in the field of environment and development;
- (c) To strengthen cooperation and coordination on environment and development in the UN system;
- (d) To encourage interaction and cooperation between the UN system and other intergovernmental and non-governmental sub-regional, regional and global institutions and non-governmental organizations in the field of environment and development;
- (e) To strengthen institutional capabilities and arrangements required for the effective implementation, follow-up and review of Agenda 21;
- (f) To assist in the strengthening and coordination of national, sub-regional and regional capacities and actions in the areas of environment and development.
- (g) To establish effective cooperation and exchange of information between the UN organs, organizations, programmes and the multilateral financial bodies, within the institutional arrangements for the follow-up of Agenda 21;
- (h) To respond to continuing and emerging issues relating to environment and development;
- (i) To ensure that any new institutional arrangements would support revitalization, clear division of responsibilities and the avoidance of duplication in the UN system and depend to the maximum extent possible upon existing resources.

Guided by the abovementioned principles and objectives, the overall

institutional structure as envisaged, the main elements of which consist of the following:

- (a) *The General Assembly:* The General Assembly is designated to be the principal policy-making and the appraisal organ on matters relating to the follow-up to the Rio Conference. The General Assembly would organize a regular review of the implementation of Agenda 21. It could consider the timing, format and organizational aspects of such a review, and consider holding a special Session not later than 1997 for the purpose of overall review and appraisal of Agenda 21, with adequate preparation at a high level.
- (b) *The Economic and Social Council:* The ECOSOC would assist the General Assembly through overseeing system-wide coordination, overview on the implementation of Agenda 21 and making recommendations in this regard. The ECOSOC would also undertake the task of directing system-wide coordination and integration of environmental and developmental aspects in the UN policies and programmes and make appropriate recommendation to the General Assembly, specialized agencies concerned and member States. Appropriate steps should be taken to obtain regular reports from specialized agencies on their plans and programmes related to the implementation of Agenda 21, pursuant to Article 64 of the Charter of the United Nations. The ECOSOC should organize a periodic review of the work of the proposed Commission on Sustainable Development, as well as of system-wide activities to integrate environment of system-wide activities to integrate environment and development, making full use of its high-level and coordination segments.
- (c) *Commission on Sustainable Development:* A high-level Commission on Sustainable Development should be established to serve as the intergovernmental mechanism, in accordance with Article 68 of the Charter of the United Nations. The Commission should consist of representative of States elected as members, with due regard to equitable geographical distribution. Its main functions should include the monitoring of progress in the implementation of Agenda 21; to consider information provided by Governments; to review the progress in the implementation of the commitments contained in Agenda 21; to receive and analyse relevant input from competent non-governmental organizations, in the context of the overall implementation of Agenda 21; to enhance the dialogue; and to provide appropriate recommendations to the General Assembly

through the ECOSOC. The Commission would report to the ECOSOC. The first meeting of the Commission should be convened not later than 1993. The General Assembly, at its 47th Session, should determine specific organizational modalities for the work of the Commission.

- (d) *The Secretary-General:* Strong and effective leadership on the part of the Secretary-General is considered vital.
- (e) *Inter-agency coordination mechanism:* There is a need for a high-level inter-agency coordination mechanism under the direct leadership of the Secretary-General. The task is proposed to be given to the Administrative Committee on Coordination (ACC) headed by the Secretary-General, ACC would thus provide a vital link and interface between the multilateral financial institutions and other UN bodies at the highest administrative level. All heads of agencies and institutions of UN should be expected to cooperate with the Secretary-General fully.
- (f) *Advisory Body:* It is suggested to establish high-level advisory board consisting of eminent persons knowledgeable about environment and development, appointed by the Secretary-General in their personal capacity.
- (g) *Secretariat support structure:* It should provide support to the work of both intergovernmental and inter-agency coordination mechanisms. Concrete organizational decisions fall within the competence of the Secretary-General.
- (h) *Organs, programmes and organizations of the UN system:* All relevant bodies of the UN system, such as UNEP, UNDP, UNCTAD, and specialized agencies, will have an important role within their respective areas of expertise and mandate in supporting and supplementing national efforts.
- (i) *Regional and sub-regional cooperation and implementation:* The regional Commissions, regional development banks and regional economic and technical cooperation organizations can make contributions in this regard. Particularly, the regional Commissions as appropriate, should play a leading role in coordinating regional and sub-regional activities by sectoral and other UN bodies and shall assist countries in achieving sustainable development.
- (j) *National Implementation:* States may wish to consider setting up a national coordinational structure responsible for the follow-up on Agenda 21.

- (k) *Cooperation between UN bodies and international financial organizations:* The Secretary-General and Heads of UN Programmes, organizations and multilateral financial organizations have a special responsibility in forging effective cooperation between UN bodies and multilateral financial organizations, not only through the UN high-level coordination mechanism, but also at regional and national level.
- (l) *Non-governmental organizations:* Relevant non-governmental organizations, the private sectors, various groups etc., should be given opportunities to make their contributions and establish appropriate relationship with the UN system.

In assessing the institutional arrangements envisaged above, the member States of the Committee would be pleased to hear that many of their propositions and proposals on the institutional follow-up to the Rio Conference are appropriately reflected in the provisions of Chapter 38 of Agenda 21. *Inter alia* those on the importance of the most efficient and effective use of the existing financial and human resources and non-proliferation of new institutions; on the supremacy of the General Assembly and the role of the ECOSOC in the institutional structure, on the establishment of a more comprehensive inter-governmental Committee based on restructuring several existing Committees of ECOSOC, and set up of a special expert advisory group, as well as the strengthening of the UNEP have been endorsed.

It has been the view of the AALCC that the institutional follow-up to the Rio Conference should ensure the improvement and strengthening of existing institutional mechanism within the United Nations system with the General Assembly as the Supreme policy-making forum in the context of the integration of environment and development and the effective implementation of Agenda 21. New institutional arrangement should ensure the full and effective participation of all countries, in particular developing countries in the policy-making process, make full use of existing institutions of the UN system, and promote better cooperation and coordination among States, UN bodies specialised agencies and other organizations involved in the field of environment and development.

Therefore, the member States of the Committee may wish to consider using abovementioned elements as some of the criteria for the evaluation of the feasibility and effectiveness of the institutional structure proposed by Chapter 38 of Agenda 21.

As regards the General Assembly, it is important that its principal function in the political deliberation and policy guidance related to

environment and development should be further enhanced and reinforced. In this context it may be suggested that one main committee of the General Assembly be designated as responsible. In addition the General Assembly may decide to convene meetings at the ministerial-level for the purpose of overall review and appraisal of Agenda 21.

With respect to the ECOSOC while the restructuring and revitalization of the United Nations in the economic, social and related fields has been underway, the institutional need for the integration of environment and development and for the effective implementation of Agenda 21 should be fully taken into account and be given priority. The vital role of the ECOSOC in this regard should be greatly strengthened and enhanced.

ECOSOC should welcome the agreement on the establishment of the Commission on Sustainable Development as the main inter-governmental mechanism. The AALCC has proposed that the Commission could be constituted through combining and restructuring a number of existing Committees of ECOSOC dealing closely with related matters. About the composition of the Commission, it is necessary to further underscore the importance of wider involvement and participation of developing countries and the preservation of the democratic principle in the decision-making process of the Commission.

To establish an effective and efficient inter-agency coordination mechanism in the field of the environmental protection and sustainable development is undoubtedly crucial in the implementation of Agenda 21 and achieving the objective of sustainable development. The efforts should be made to have all the relevant organizations or institutions, particularly the multilateral financial institutions involved in the coordination mechanism and to ensure the best cooperation in a team spirit.

United Nations Convention on Climate Change - A Preliminary Study

I. Introduction

By its Resolution 45/212 of 21 December 1990, the General Assembly established the Inter-governmental Negotiating Committee for a Framework Convention on Climate Change (INC) and mandated it to prepare an effective Framework Convention on Climate Change containing appropriate commitments, and any related instruments as might be agreed upon. At the subsequent session, the General Assembly reviewed the progress thus made

in the INC and urged it "to expedite and successfully complete the negotiations as soon as possible and to adopt the Framework Convention on Climate Change in time for it to be opened for signature during the United Nations Conference on Environment and Development."

The Inter-governmental Committee for a Framework Convention on Climate Change held five sessions, the last one in two parts. The second part of the fifth session was held in New York from 28 April to 9 May 1992. At the beginning of that session, the Chairman of the INC introduced a set of Working papers which were prepared after consultations with the INC Bureau and a number of delegations. These Working papers were the focus of hectic deliberations for the whole week. On 9th May 1992 the INC adopted the final text of the "United Nations Framework Convention on Climate Change" and recommended that it be opened for signature at the United Nations Conference on Environment and Development scheduled to be held at Rio de Janeiro from 3 to 14 June 1992. It also adopted a resolution which *inter alia* provided for certain follow-up measures during the interim period between the signing of the Convention and its entry into force.

The following part of this Note contains a preliminary analysis of the Convention. It is mainly descriptive in nature. At some places, a few observations have been made to elaborate the intent and content of certain provisions in the Convention.

The Framework Convention consists of a Preamble, 26 Articles and two Annexes. Articles 1 to 3 contain general provisions such as definition, objective and principles. Article 4 is the key article dealing with the commitments. Articles 5 and 6 further elaborate commitments specifically in respect of research and systematic observation, education, training and public awareness. Articles 7 to 11 deal with the institutional arrangements, including the financial mechanism. Article 12 is another article dealing with commitments concerning communication of information related to implementation of the Convention. Articles 13 and 14 provide for amicable settlement of any disagreement or dispute. Articles 15 to 20 and 22 to 26 stipulate provisions concerning final clauses such as amendments, adoption of protocols, signature, entry into force, reservation, withdrawal etc. Article 21 entitles interim arrangements, deals with the arrangements prior to the coming into force of the Convention. Annex I contains the list of countries which includes 25 members of the OECD and 11 countries that are undergoing the process of transition to market economy. Annex II contains the list of OECD members.