

## CSD 19 HIGHLIGHTS THURSDAY, 5 MAY 2011

Throughout Thursday, CSD 19 Working Groups 1 and 2 convened to continue addressing issues in the Chair's negotiating text. In the morning, Working Group 1 took up mining, and Working Group 2 discussed waste management. In the afternoon, Working Group 1 addressed the text on transport, while Working Group 2 continued work on the text on the 10YFP. Delegates also participated in a Learning Center, Partnerships Fair and various side events.

### WORKING GROUP 1

**MINING:** In the morning, Vice-Chair Eduardo Meñez (the Philippines) gave the floor to the G-77/CHINA to finish comments on the mining text and then commenced the draft's second reading. The G-77/CHINA stressed: environmental liabilities for foreign companies; support for negotiating mining contracts and marketing; post-mining transitions in communities; and ethical guidelines for governance.

In the second reading on mining's relationship to modern living, delegates differed on promotion of "commercially sound" benefits, supported by AUSTRALIA, but opposed by the EU and the G-77/CHINA as being too prescriptive and restrictive. No consensus was reached on: whether to support capacity for industrialization of "developing" or "producing" countries to use their natural resources; retaining reiteration of the Rio Declaration on the sovereign right to national resource exploitation; and highlighting the role of the public sector.

On the integration of mining into development planning, delegates disagreed whether to focus on the three-pillar approach, supported by the G-77/CHINA, or on the linkages between mining and other economic sectors, supported by AUSTRALIA, the US and CANADA. Delegates also debated language regarding: the "fair" distribution of benefits; whether benefits should derive from mining activities or only extraction; and distribution scale. The EU supported distribution of benefits according to international commitments, while the G-77/CHINA by national priorities.

The G-77/CHINA said text on developing comprehensive legal and regulatory frameworks should focus on ensuring that mining companies fulfill their social and corporate responsibilities. The US, CANADA, JAPAN and NORWAY reiterated support for mentioning good governance, and the G-77/CHINA would come back on the issue later. The G-77/CHINA also indicated that US language on "public-social" partnerships will be reviewed by the group.

The EU suggested deleting the G-77/CHINA's proposal on the fundamental role of states and "in accordance with national law and legislation." The G-77/CHINA emphasized its objections to

encroachments on sovereign rights of states. She also expressed concern with provision of geological and mineral information for reasons of confidentiality, and CANADA suggested inferring that this concerned information in the public domain.

**TRANSPORT:** In the afternoon, the Working Group continued discussions on the Chair's negotiating text on transport, facilitated by Vice-Chair Meñez. AUSTRALIA reported on results of an informal meeting between AUSTRALIA, CANADA and the G-77/CHINA, who worked out language on transport systems that are accessible for persons with disabilities, as well as similar language for inclusion in the means of implementation section. The G-77/CHINA objected to the US language specifying "passengers and goods" in relation to transport, and added "in accordance with national legislation" in regard to development of policies.

The US and CANADA objected to references to "decoupling" transport growth from economic growth as proposed by ISRAEL. The EU, with the G-77/CHINA, opposed "decoupling" from population growth as proposed by CANADA. For greater clarity, the US changed "place-based" transportation to "circumstances of location and community." The US and CANADA proposed moving the G-77/CHINA paragraph on financial assistance to developing countries elsewhere. The G-77/CHINA offered to place it later in the text under international cooperation. The G-77/CHINA supported the EU in deleting reference to monitoring, reporting and verifying transport mitigation actions in developing countries.

On planning, the US, CANADA and the EU supported enhancing coordination between and across government departments, with the G-77/CHINA opposing. The G-77/CHINA disagreed with the US that transportation should be integrated into land-use planning. The EU urged retaining reference to UN-HABITAT sustainable transport activities, with the US and the G-77/CHINA asking for its deletion. The US and AUSTRALIA preferred keeping chapeau text giving states leeway to discern "appropriate actions" on improving transport policy.

On technology and design, the US and EU supported linking community transportation destinations, while the G-77/CHINA opposed. The G-77/CHINA, US and CANADA preferred deleting a reference to promoting cleaner vehicle production and moving it to means of implementation. The G-77/CHINA opposed text on retrofitting. The EU and the G-77/CHINA supported text on developing rapid transit. The EU moved to delete text on energy policy and the US preferred bracketing it.

On enhancing modal shifts, the EU, US and CANADA supported keeping language on "low carbon," with the G-77/CHINA opposing.

**WORKING GROUP 2**

**WASTE MANAGEMENT:** On Thursday morning, Vice-Chair Abdelghani Merabet (Algeria) facilitated the continued second reading of the text on waste management.

On challenges, the delegates agreed to the language proposed by SWITZERLAND on environmentally sound management, by TURKEY on special emphasis on waste minimization, and by the EU on referring to constraints in terms of financial resources, capacity and technology. Decisions were deferred on how to refer to economic growth and a US reference to materials management.

Regarding linkages, delegates agreed to consider compromise language offered by the EU that combined various proposals regarding SCP, SAICM, the lifecycle approach, materials management and specific sectors. They accepted a US proposal to include transport, but deferred decisions on references to SCP, materials management, and the chemicals and waste conventions.

The EU, the G-77/CHINA and CANADA objected to the US proposal to add the word “products” into text on waste streams. The US agreed to withdraw this proposal, but suggested referring to “materials, e.g., used and end-of-life electronic equipment,” but the EU, the G-77/CHINA, CANADA and SWITZERLAND preferred to refer to e-waste and hazardous waste only.

Delegates reached consensus on the paragraph stating that the negative impacts of waste on the environment and human health in terms of land, water and air pollution are becoming more acute. The US suggested referring to “materials and waste management” instead of waste management, but the EU and the G-77/CHINA objected.

On priorities, delegates agreed to a proposal by CANADA on integrated policies and on disposal of residual wastes in an environmentally sound manner, and to a modified version of the EU proposal on referencing both the 3R concept and recovery. The order of priority was not finalized due to objections by the EU, the US and CANADA to a proposal by SWITZERLAND to insert “sustainable production” at the top of the hierarchy.

The US, JAPAN, AUSTRALIA and the G-77/CHINA suggested moving an EU proposal for a new chapeau paragraph highlighting the importance of the Basel Convention to later text passages mentioning the Convention, but the EU, supported by SWITZERLAND, insisted on retaining it in the chapeau. Referring to a need to decouple waste generation from economic growth, the G-77/CHINA suggested adding a reference of “as far as possible,” to which the EU and the US objected.

Working Group 2 then began a discussion on policy options/actions needed. On the chapeau of the first section, after a lengthy discussion of various proposals, delegates agreed to text stating actions are needed to define long-term waste management strategies at all levels.

**10YFP:** In the afternoon, Working Group 2 resumed its second reading of the 10YFP text, facilitated by Vice-Chair Andrew Golezdzinowski (Australia).

Regarding the section on 10YFP functions, delegates accepted the proposal by CANADA for simple chapeau language that “functions include the following,” but deferred considering the proposal by the EU to start with “Decides that” until agreement is reached on how to use this formulation throughout the SCP text.

On information sharing, delegates dropped a reference to a clearinghouse and accepted a new G-77/CHINA proposal saying the 10YFP will enable all stakeholders to share information and tools, and learn and share best practices. Decisions were deferred on how best to reference the Marrakech process and the G-77/CHINA language on support.

Based on a proposal by MEXICO, delegates agreed on text supporting mainstreaming of SCP in decision-making at all levels, taking into account its cross-cutting nature, for example, through strategic planning and policy making.

In reference to education among youth and integrating education for SCP in formal and informal education programmes, CANADA requested that text remain bracketed. On the paragraph referring to technical assistance and training on good SCP practices for developing countries, the US suggested “facilitate” instead of “provide” technical assistance, and AUSTRALIA suggested “including for developing countries,” and no agreement was reached on the text.

On knowledge bases, delegates could not agree on the G-77/CHINA proposal on support to developing countries or the EU proposal referencing certain international bodies.

Regarding the private sector, competing G-77/CHINA, EU and US proposals led Golezdzinowski to offer a compromise text on corporate social and environmental responsibility, corporate citizenship and a call for the private sector to take SCP into their strategies and policies. The US, EU and G-77/CHINA agreed to negotiate informally based on this proposal.

On innovation, ideas and traditional knowledge, delegates agreed on a G-77/CHINA compromise proposal: “foster innovation and new ideas, while increasing recognition of traditional knowledge.”

On accountability and transparency, delegates could not agree whether to limit it to developed countries or to apply to all, and deferred decision on ISRAEL’s proposal regarding monitoring indicators.

The EU, US and JAPAN objected to two paragraphs proposed by the G-77/CHINA, which call for analyzing the root causes of the current unsustainable consumption patterns and establishing concrete measures for changing them, and evaluating the costs and benefits related to the implementation of SCP.

The G-77/CHINA proposed adding “including initiatives that promote the transfer of technology” to the text calling for giving international attention to successful initiatives that accelerate a shift to SCP, which the US and CANADA opposed.

NGOs said that civil society should participate at all stages of development and implementation of programmes on SCP. WORKERS AND TRADE UNIONS said the workers should have access to green jobs.

**IN THE CORRIDORS**

As CSD 19 approaches the end of its first week of work, several observers have the impression that negotiators are going quite quickly into the heart of the issues and actual drafting, in contrast to the pace of CSD 17. Fewer minutes are spent on clarifying proposals or trying to preach to or convert the audience. The debates in both working groups are more down-to-earth and interventions seem more accommodating than at previous CSD policy debates, which at times were overtly described as “ideological” and “disruptive.”

“It’s too early to provide an explanation,” suggested a delegate, “It may be that some capitals are losing interest in CSD proceedings; or conversely, most have decided to strive for a good outcome.”

For the time being, however, delegations were scrambling to pack the Chair’s negotiating document with as many additions as possible, or bracketing whole paragraphs. “Clearly, some proposals or amendments, e.g., by the G-77/China on finance, have no chance of being accepted in their present form,” observed a participant. But this also concerns the “less voluminous but politically loaded amendments from the US, Canada or Australia.”