



# Earth Negotiations Bulletin

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## FIFTH SESSION OF THE COMMISSION ON SUSTAINABLE DEVELOPMENT: 8-25 APRIL 1997

The fifth session of the UN Commission on Sustainable Development (CSD-5) will open this morning at UN headquarters in New York. During its three-week session, the Commission is expected to draft the document to be considered at the June 1997 UN General Assembly Special Session to review implementation of Agenda 21 (UNGASS). The High-Level Segment will begin this afternoon and continue through Thursday, 10 April. The Commission will also review reports of its *Ad Hoc* Intersessional Working Group and the Intergovernmental Panel on Forests during the first week. Dialogue sessions with major groups, including the scientific and technological communities, women, indigenous peoples, NGOs and business and industry, will begin on Friday, 11 April and continue through the second week.

### A BRIEF HISTORY OF THE CSD

Agenda 21 called for the creation of the CSD to: ensure effective follow-up of the UN Conference on Environment and Development (UNCED); enhance international cooperation and rationalize intergovernmental decision-making capacity; and examine progress in the implementation of Agenda 21 at the local, national, regional and international levels. In 1992, the 47th session of the UN General Assembly set out, in resolution 47/191, the terms of reference for the Commission, its composition, guidelines for the participation of NGOs, the organization of work, the CSD's relationship with other UN bodies and Secretariat arrangements.

The CSD held its first substantive session at UN Headquarters in New York from 14-25 June 1993. Amb. Razali Ismail (Malaysia) was elected the first Chair of the CSD. Delegates addressed, *inter alia*: the adoption of a multi-year thematic programme of work; the future work of the Commission; and the exchange of information on the implementation of Agenda 21 at the national level.

The second session of the CSD met in New York from 16-27 May 1994. The Commission, chaired by Klaus Töpfer (Germany), discussed cross-sectoral chapters of Agenda 21 including: trade, environment and sustainable development; consumption patterns; and major groups. On the sectoral side, delegates considered health, human settlements, freshwater resources, toxic chemicals and hazardous, solid and radioactive wastes.

The CSD held its third session from 11-28 April 1995 in New York. The revised format of the Commission, which included

numerous panel discussions, enabled the participants to enter into a dialogue. The Day of Local Authorities, combined with the NGO and government-sponsored panels and workshops throughout the session, enabled the CSD to examine detailed aspects of implementing Agenda 21. Chaired by Henrique Cavalcanti (Brazil), CSD-3 examined the second cluster of issues according to its multi-year thematic programme of work. The sectoral cluster for 1995 included: planning and management of land resources; combating deforestation; combating desertification and drought; sustainable mountain development; promoting sustainable agriculture and rural development; conservation of biological diversity; and environmentally sound management of biotechnology. The Commission also established the Intergovernmental Panel on Forests.

CSD-4, held from 18 April-3 May 1996, completed the Commission's multi-year thematic programme of work and began considering preparations for UNGASS. The Commission, chaired by Rumen Gechev (Bulgaria), examined the third cluster of issues according to its multi-year thematic programme of work, including: financial resources and mechanisms; consumption patterns; technology transfer; education and training; capacity-building; trade, environment and sustainable development; combating poverty; demographic dynamics; information for decision-making; major groups; institutional arrangements; international legal instruments and mechanisms; national reporting; and protection of the atmosphere and oceans. In reference to the Special Session, most delegates agreed that the CSD should continue and that it should not conduct another review of Agenda 21. Suggestions as to its future work varied from concentrating on certain sectors (e.g. oceans) to cross-cutting issues (e.g. poverty) and specific problems (e.g. megacities). Many held out hope that in the coming year the CSD could redefine its role and accelerate progress in achieving the promises made in Rio.

### AD HOC INTERSESSIONAL WORKING GROUP

The *Ad Hoc* Open-Ended Intersessional Working Group met from 24 February - 7 March 1997 at UN Headquarters in New York. The Working Group focused on the format and substantive contents of the document to be considered at UNGASS. The main output was a draft "Proposed Outcome of the Special Session" prepared by Co-Chairs Derek Osborn (UK) and Amb. Celso Amorim (Brazil) after feedback from delegates on a first draft. The re-draft incorporated delegates' comments during the second week and provided a basis for consultations in the lead-up to CSD-5.

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Most delegates highlighted freshwater, energy and transport, forests and oceans as issues of new or priority concern. Delegates noted the importance of the cross-sectoral issues of poverty and changing consumption and production patterns. The structure of the Co-Chairs' "Proposed Outcome" dominated many statements during discussion of the initial draft. An informal group, chaired by Antonio Mello (Brazil), discussed the structure of the draft document. Many agreed that the identification of the document's substance would facilitate further consideration of its structure. The Co-Chairs used the group's generally-agreed structure to guide their revised draft, with the understanding that no commitments to the headings had been made. The Co-Chairs' draft indicates that the "Statement of Commitment" could serve as a preamble or declaration. This section was not discussed extensively. Some delegates suggested that it would benefit from high-level input at CSD-5.

Priorities identified during discussion on "Integration of Economic, Social and Environmental Objectives" included: governance; linking energy and transport issues; agriculture and water use; and linking marine resources with food supply and the impact on fishing communities. Numerous delegations suggested that poverty eradication be an over-arching policy. Delegates also called for urgent action on "Changing Consumption and Production Patterns" and introduced proposals on the emerging patterns in higher income developing countries and internalizing costs in natural resource pricing. On "Making Trade, Environment and Sustainable Development Mutually Supporting," delegates discussed macroeconomic conditions required to reconcile economic growth, poverty eradication and sustainability by addressing globalization, trade liberalization and system-wide cooperation between the UN, WTO and the Bretton Woods institutions.

Delegates identified a number of priority "Sectors and Issues." Many proposed that the CSD play a key role in consideration of freshwater issues and delegates discussed the merits of an intergovernmental process. A key coordinating role for the CSD on oceans was proposed. Delegates also discussed the problem of over-capacity of fishing fleets. A possible international convention on forests was also discussed and there was some support for a high-level working group at CSD-5 on this issue. Many agreed that energy and transport issues should be among the priorities. A number of delegations expressed hope that UNGASS would help propel negotiations on the Berlin Mandate under the Framework Convention on Climate Change (FCCC). On "Chemicals and Wastes," a major concern was the need to control transboundary movements of hazardous wastes. On "Land and Sustainable Agriculture," several delegates stressed food security. Delegations reaffirmed commitment to the Barbados Programme of Action for SIDS with a possible review in 1999.

Discussion on "Means of Implementation" addressed key concerns on "Financial Resources and Mechanisms," including a balance between ODA and private sector investment, foreign direct investment (FDI), innovative financing mechanisms and subsidies. Many developing countries noted that the transfer of environmentally sound technologies (ESTs) is not taking place, and there were calls for renewed commitment on capacity-building.

Recommendations on "International Institutional Arrangements" addressed the need for continuing improvements in the coordination of international organizations within and beyond the UN. On the "Role of Relevant Organizations and Institutions of the UN System," delegates invited UN organizations and programmes to place more emphasis on country-level activity. On the "Future Role and Programme of Work of the CSD," while delegates

reaffirmed its centrality, some sought to delimit its role and limit the agenda. On the "CSD's Methods of Work," there were proposals to strengthen the high-level segment and follow-up implementation. Participation of sectoral and finance ministers was also proposed. The key role of major groups was acknowledged and participation by NGOs at UNGASS discussed.

### **UNEP GOVERNING COUNCIL**

The nineteenth session of the UNEP Governing Council met from 27 January - 7 February 1997 but suspended its meeting on the final day because delegates could not agree on a proposal for the creation of a high-level committee to oversee UNEP. On 21 March 1997, officials from 34 countries met in Geneva and decided to create a new multinational committee to mediate the dispute and offer advice on UNEP's future. The exact role of the Committee would be determined at the resumed nineteenth session.

The resumed nineteenth session met at UNEP Headquarters from 3-4 April 1997. Delegates decided to establish a High-Level Committee of Ministers and Officials as a subsidiary organ of the Governing Council. The new Committee will have a mandate to consider the international environmental agenda and to make reform and policy recommendations to the Governing Council. It will also provide guidance and advice to UNEP's Executive Director, enhance UNEP's collaboration and cooperation with other multilateral bodies, including the environmental conventions and their secretariats, and will help mobilize adequate and predictable financial resources for UNEP.

The new High-Level Committee of Ministers and Officials will consist of 36 members, elected by the Governing Council from members of the UN and its specialized agencies. Members will serve for two years and represent regions as reflected by the current structure of UNEP's Governing Council. The President of the Governing Council and the Chair of the UNEP Committee of Permanent Representatives (CPR) will be invited to attend the meetings, which will take place at least once a year in Nairobi and may also be convened elsewhere in connection with major international environmental meetings. The European Community and other regional intergovernmental economic organizations may attend.

The Governing Council decided, with a view toward strengthening the CPR, to revise its mandate. The CPR will: review, monitor and assess the implementation of decisions of the Governing Council on administrative, budgetary and programme matters; review UNEP's draft programme of work and budget; review reports requested of the Secretariat by the Governing Council on the effectiveness, efficiency and transparency of the Secretariat's work; and prepare draft decisions for consideration by the Governing Council based on inputs from the Secretariat.

### **THINGS TO LOOK FOR TODAY**

**OPENING SESSION:** CSD-4 Chair Rumen Gechev (Bulgaria) is expected to offer an introductory statement, after which delegates will consider the election of officers and the adoption of the agenda and organization of work. The CSD-5 Chair will then make a statement. Reports of the *Ad Hoc* Intersessional Working Group, Intergovernmental Panel on Forests and the High-Level Advisory Board will be introduced by their respective Chairs.

**HIGH-LEVEL SEGMENT:** The High-Level Segment is expected to begin in the afternoon. Statements are expected to focus on the report of the *Ad Hoc* Intersessional Working Group.