



Earth Negotiations Bulletin

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SPECIAL SESSION OF THE UN GENERAL ASSEMBLY FOR THE OVERALL REVIEW AND APPRAISAL OF AGENDA 21: 23-27 JUNE 1997

The 19th Special Session of the United Nations General Assembly (UNGASS) begins its overall review and appraisal of the implementation of Agenda 21 at UN Headquarters in New York today, five years after the United Nations Conference on Environment and Development (UNCED) in Brazil. Agenda 21 is the Programme of Action for Sustainable Development agreed to at UNCED and endorsed by the General Assembly in its resolution 47/190. In the same resolution the GA decided to convene a special session to review and appraise Agenda 21 implementation. Approximately 60 Heads of State and Government are expected to address the Assembly during the week. Negotiations on the texts to be adopted at the conclusion of UNGASS began at the CSD's *Ad Hoc* Open-Ended Intersessional Working Group and continued at CSD-5. Further progress was made at informal consultations in New York during the week leading up to UNGASS.

CSD AD HOC OPEN-ENDED INTERSESSIONAL WORKING GROUP

The CSD's *Ad Hoc* Open-Ended Intersessional Working Group met from 24 February-7 March 1997 in New York. The Working Group focused on the format and substantive content 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 provided a basis for consultations prior to CSD-5. 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.

FIFTH SESSION OF THE COMMISSION ON SUSTAINABLE DEVELOPMENT

The fifth session of the UN Commission on Sustainable Development (CSD-5) convened from 8-25 April 1997 at UN Headquarters in New York to complete formal preparations for UNGASS. It began with a High-Level Segment and a review of reports from the Intersessional Working Group and the CSD Intergovernmental Panel on Forests (IPF).

Delegations continued to identify and elaborate the emerging priority issues that they had considered at the Intersessional. Voluminous amendments to the draft "Proposed Outcome of the Special Session" were considered. Intersessional Co-Chairs Derek Osborn (NGO UK) and Amb. Celso Amorim (Brazil) chaired Drafting Groups I and II, respectively. Drafting Group I considered text on "Sectors and Issues" and "Assessment of Progress Reached after Rio." Drafting Group II considered text on "Integration of Economic, Social and Environmental Objectives" and "Means of Implementation." Informal groups negotiated text on forests, institutional arrangements and the CSD Programme of Work for the next five-year period.

CSD-5 Chair Tolba and Vice-Chair Monika Linn-Locher (Switzerland) also began consultations on a draft political statement for the Heads of State and Government expected to attend the Special Session. Their informal *modus operandi* was questioned by a number of G-77 delegations at the closing Plenary. They invited Governments to send amendments to a draft distributed at the close of the Session and undertook to circulate a new version by early June.

At the conclusion of CSD-5 numerous brackets remained in the draft documents, including unnegotiated paragraphs dealing with international legal instruments and information and tools to measure progress.

INFORMAL CONSULTATIONS BY THE CHAIR OF THE CSD

CSD Chair Tolba convened informal consultations at UN Headquarters from 16-21 June. Delegations used the Report of the CSD on Preparations for the UNGASS including the revised draft political statement (A/S-19/CRP.1) and the draft proposed outcome (A/S-19/14) as the basis for their deliberations.

DRAFT POLITICAL STATEMENT: The draft circulated by Dr. Tolba and Ms. Linn-Locher attracted extensive amendments from delegations. The G-77/CHINA submitted an extensive set of amendments, including calls for acknowledgment that UNCED's international commitments remain largely unfulfilled, and that the overall outlook for sustainable development is "worse" today than it was in 1992. The EU and US noted that delegations were re-negotiating issues in the draft proposed outcome. The consultations were adjourned until delegations had further considered related issues in the draft proposed outcome. A new draft was expected Sunday, June 22.

This issue of the *Earth Negotiations Bulletin* <enb@iisd.org> is written and edited by Chad Carpenter, LL.M. <chadc@iisd.org>, Peter Doran <PF.Doran@ulst.ac.uk>, Aarti Gupta <aarti.gupta@yale.edu> and Lynn Wagner <lynn@iisd.org>. The Editor is Pamela Chasek, Ph.D. <pam@iisd.org> and the Managing Editor is Langston James "Kimo" Goree VI <kimo@iisd.org>. French translation by Mongi Gadhoum <mongi.gadhoum@enb.intl.tn>. The sustaining donors of the *Bulletin* are the Netherlands Ministry for Development Cooperation and the Government of Canada. General support for the *Bulletin* during 1997 is provided by the Overseas Development Administration (ODA) of the United Kingdom, the Ministry of Foreign Affairs of Denmark, the European Community (DG-XI), the German Ministry of Environment, Nature Conservation and Nuclear Safety, the Ministry of Environment of Sweden, the Swiss Federal Office of the Environment, and UNDP. Specific funding for coverage of this meeting has been provided by the Ministry of Foreign Affairs of Norway. Funding for the French version has been provided by ACCT/IEPF. The *Bulletin* can be contacted at tel: +1-212-644-0204; fax: +1-212-644-0206. IISD can be contacted at 161 Portage Avenue East, 6th Floor, Winnipeg, Manitoba R3B 0Y4, Canada; tel: +1-204-958-7700; fax: +1-204-958-7710. The opinions expressed in the *Earth Negotiations Bulletin* are those of the authors and do not necessarily reflect the views of IISD and other funders. Excerpts from the *Earth Negotiations Bulletin* may be used in other publications only with appropriate citation. Electronic versions of the *Bulletin* are sent to e-mail distribution lists (ASCII and PDF format) and can be found on the Linkages WWW-server at <http://www.iisd.ca/linkages/>. The satellite image was taken on 1997/04/24 23:06:49 UTC from 100000 km above New York City (40°40' N 73°58' W), Copyright © 1997 The Living Earth, Inc. <http://livingearth.com>. For further information on ways to access, support or contact the *Earth Negotiations Bulletin* send e-mail to <enb@iisd.org>.



CROSS-SECTORAL ISSUES IN THE DRAFT

PROPOSED OUTCOME: In paragraph 16 (implementing areas requiring urgent action), delegations agreed that a major new effort will be required on cross-sectoral matters. SWITZERLAND and the EU supported a reference to enhanced job opportunities from implementing sustainable development in paragraph 18(c). The G-77/CHINA objected. In paragraph 20, (enabling international economic environment), the US and EU re-stated the view that the UNCED principle on common but differentiated responsibilities refers only to global environmental issues. The EU agreed to consider a G-77/CHINA proposal to reference the "report of the Fourth World Conference on Women" in paragraph 21(e) (poverty, women and Beijing PFA). In paragraph 22(a), (consumption and production patterns), the EU agreed to consider JAPAN and the G-77/CHINA's call for the deletion of text on pricing natural resources in a way that reflects full costs. In paragraph 22(f) (energy and material efficiency), the EU pressed for acceptance of clear time-bound goals. On paragraph 23(h) (the WTO and trade rules), the G-77/CHINA objected that the paragraph subordinated trade to environmental policies. On paragraph 24 (population), the EU objected to the bracketed formula referencing the "report" of the International Conference on Population and Development. On paragraph 25 (lead poisoning), delegations agreed to a call for accelerated elimination of unsafe uses. Brackets were also removed from a paragraph on the health impacts of tobacco.

On paragraph 74 (domestic financing for Agenda 21), the US refused to re-negotiate a G-77/CHINA proposal to change text agreed at CSD-5. On paragraph 75 (phasing out subsidies), the G-77/CHINA agreed to replace a reference to the "principle of common but differentiated responsibilities" with text on taking account of levels of development. On bracketed text on trade in paragraph 76 (economic instruments), the US said he was not prepared to discuss trade "in this forum." On paragraph 98 (access to information and right of complaint), the G-77/CHINA challenged its relevance to Agenda 21.

SECTORAL ISSUES: At the conclusion of informal discussions on sectoral issues, many of the key issues had been resolved, with the exception of those requiring high-level political input. A reference to customary use of water in the section on freshwater use has proved controversial and is likely to be debated further. The section on energy was agreed *ad referendum*. In paragraph 35 (reducing the impact of fossil fuels), brackets were removed from "appropriate national action." In paragraph 39(d) (technology transfer), the EU and US agreed to consider a compromise formulation after prolonged discussion on the inclusion of "time bound" commitments for the transfer of relevant technology to developing countries. Delegations also reformulated paragraph 39(g) on environmental cost internalization to achieve a more sustainable use of energy. On paragraph 39(h) (atmosphere), the G-77/CHINA agreed to accept a reformulation recognizing that the commitments under article 4, paragraph 2(a) and (b) of the FCCC as one critical element of the Berlin Mandate are inadequate and need to be strengthened.

Forests (paragraphs 31-34): Bagher Asadi (Iran) circulated a Chair's text at the conclusion of informal-informal consultations on forests that will be the basis for negotiation at UNGASS. The text calls for continuation of the intergovernmental policy dialogue on forests through the establishment of an *ad hoc* open-ended Intergovernmental Forum on Forests under the aegis of the CSD, with a focused and time-limited mandate. Some delegations

opposed a paragraph suggesting that the proposed Forum elaborate possible elements of and build the necessary consensus for a decision to initiate negotiations for a legally-binding instrument on forests, and to report on its work to the CSD in 1999 for appropriate action. The EU objected to the absence of a reference to an INC in this formulation.

Radioactive Waste (paragraphs 49-51): Chair Osborn produced a compromise text for further consideration at UNGASS. Key elements call for: radioactive wastes to be disposed of in the territory of the State in which they are generated as far as is compatible with safe management; international efforts to prohibit the export of radioactive wastes to countries that do not have appropriate waste treatment and storage facilities; States not to promote or allow the storage or disposal of radioactive wastes near the marine environment; the finalization, ratification and implementation of the IAEA Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management; and improved assistance for SIDS. RUSSIA and the UKRAINE reserved on elements of the text.

CSD WORK PROGRAMME (1998-2002): An informal-informal group, chaired by Czeslaw Wieckowski (Poland), made some progress but did not take final decisions on bracketed text.

OUTSTANDING ISSUES: The remaining issues for negotiation in the draft proposed outcome include: the chapter on Means of Implementation (trade, mobilization of domestic resources, the role of ODA); a financial mechanism for the Convention to Combat Desertification (CCD); a reference to the third Conference of the Parties to the Framework Convention on Climate Change to be held in Kyoto, Japan, in December, 1997; the follow-up to the work and recommendations of the CSD's Intergovernmental Panel on Forests, including consideration of a possible Convention on Forests; and a proposal to introduce an international tax on aviation fuel to fund sustainable development. A number of these issues could not be resolved ahead of related discussions at the G-7 Summit in Denver and high-level political input at the UNGASS.

THINGS TO LOOK FOR TODAY

INFORMAL CEREMONY: US Vice-President Al Gore and Brazilian President Fernando Henrique Cardoso will host an informal ceremony at 9:40 am in the GA Plenary Hall.

OPENING PLENARY: Ambassador Razali Ismail, President of the General Assembly, and Kofi Annan, UN Secretary-General, will address the opening Plenary, which will take place from 10:00-1:00 pm. The Plenary will also consider the establishment of an *Ad Hoc* Committee of the Whole. CSD-5 Chair, Dr. Mostafa Tolba (Egypt), will present a progress report on negotiations of the "Programme for Further Implementation of Agenda 21."

COMMITTEE OF THE WHOLE: The *Ad Hoc* Committee of the Whole is expected to meet from 3:00-6:00 pm, in Conference Room 3. After the election of officers, the Committee will hear statements from international organization representatives. A parallel meeting will conclude negotiations on the "Programme for Further Implementation of Agenda 21" and the draft political statement by Heads of State attending UNGASS. Consultations on cross-sectoral issues are expected to commence at 4:00 pm.