PREPCOM HIGHLIGHTS
FRIDAY, 27 MARCH 1992

ROLE OF MAJOR GROUPS (PLENARY)

The contact group on the role of major groups met all day Fri-
day so that when the Plenary met in an informal session, it was
able to complete the text for all the programme areas except those
on the environment, which were deferred to Saturday. In the after-
noon the contact group and Plenary met to assess decisions of the
Thursday to complete consultations on these latter two groups. The
text of these two programme areas will be sent directly to the Ple-
enary for formal consideration this week.

BIODIVERSITY AND BIOTECH (WORKING GROUP I)

Working Group I began work Friday afternoon to dispose of
the two of its outstanding Agenda 21 chapters, PC/100/Add.20 (bi-
diversity) and PC/100/Add.27 (biotechnology). The biodiversity
document had been heavily negotiated in contact group meetings
during the week. Debate began on the objectives and activities,
where bracketed text remained in several paragraphs. Kjellén’s in-
tent was to leave brackets where there was disagreement and to
focus the day’s discussions on a final reading to ensure that no ar-
eas had been misunderstood or amendments lost in the process.
Text dealing with the cooperation or transfer of technology and
the rights of countries that are sources of biodiversity to share in
the benefits from biotechnological development and commercial
utilization of such resources was left bracketed.

The biotechnology paper was addressed very late in the ses-
sion. Sweden was particularly upset with the “euphoric vision of
biotechnology” given by the text and the limited amount of time
given to the topic. There was no time to finish the document and
Kjellén requested that comments on the last programme area be
transmitted to the Secretariat.

WASTES (WORKING GROUP II)

Working Group II met Friday afternoon and evening to con-
sider the three documents: PC/WG.II/26 (solid wastes), L.27
(radioactive wastes), and L.28 (hazardous wastes). In L.27, the
paragraph that caused the most trouble was 5(c) on radioactive
waste and the marine environment. A small group met to redraft
the text, and, by the end of the evening, consensus emerged that
states should not promote or allow the storage or disposal of ra-
dioactive waste in the marine environment, unless scientific evi-
dence shows that such activities do not pose an unacceptable risk.

The group then moved on to L.26, “Environmentally sound
management of solid wastes and sewage-related issues.” Malay-
sia pointed out that targets remain vague while they had been
removed from other documents and that many de-
veloping countries may not be able to meet these targets. It was
agreed to footnote these paragraphs until the Plenary completes
discussions on finance and technology transfer. Most of the re-
main ing text was agreed to without amendments.

In its evening session, the group dealt with L.28, “Environmen-
tally sound management of hazardous wastes.” Bracketed text
dealing with transnational corporations was deleted and replaced
with explicit wording in the introduction. A new programme area
on the environmental impact of hazardous waste was accepted. Reference to military treatment and disposal of
hazardous waste remained bracketed.

SURVEY OF AGREEMENTS (WORKING GROUP III)

On Thursday evening, the Coordinator presented a draft nego-
tiating text (CRP.4) based on proposals tabled to date. The draft
received strong support from the G-77 with equally strong objec-
tion from the North. The key area of contention during the meet-
ing was the statement that existing international agreements
were reached without adequate participation by developing coun-
tries, do not reflect their interests and concerns, and must, there-
fore, be reconsidered. This point arose in the third clause of the
first paragraph, impeding further progress.

On Friday, Working Group III continued its reading of the
draft texts. In the morning’s session, agreement had been
reached on most of the paragraphs in the “Basis for Action” and
“Objective” sections. Sub-paragraph 4(e) states the need to
ensure the effective implementation, compliance and assessment of
agreements. The G-77 was firmly opposed to the reference to
the work of the APF in this context. The APF was asked to con-
cede on this point and, thus, it remains in brackets. Other contem-
porous areas pertain to the first activity “Review and assess
international law for sustainable development”. This activity in-
cludes the possibility of elaborating a general convention for the
protection of the environment that would provide for regulatory
regimes to deal with areas where adequate measures are lacking,
such as nuclear safety. This proposal was contested by the G-77
that called for its deletion from the text.

Another contentious was the G-77 call for the deletion of the
activity which calls for further study of alternative dispute
prevention and settlement techniques. Finally, the group was un-
able to reach consensus on the proposed activity pertaining to the
necessary means to prevent deliberate large-scale environmental
destruction.

EARTH CHARTER (WORKING GROUP III)

The Earth Charter contact group met on Friday afternoon

to discuss the so-called "easy" principles. These principles include:
common but differentiated responsibilities; unsustainable patterns
of consumption and production; endogenous capacity-building;
prior notification; humans as the centre of development; the
Stockholm Principle; right to development; integration of environ-
ment in development; and the special needs of developing coun-
tries; and the eradication of poverty.

By Friday evening, drafting had commenced on three princi-
ple: right to development; precautionary principle; and the pol-
luter-prays principle.

PREPCOM HIGHLIGHTS
SATURDAY, 28 MARCH 1992

ATMOSPHERE (WORKING GROUP I)

The Atmosphere paper was delivered to Working Group I Sat-
urday morning after Tuesday night’s discussions on the activi-
ties section (presented by the G-77) and a contact group meeting
Friday night. Tunisia called for the addition of a paragraph that
would set per capita levels for CO2 emissions. This amendment,
which would have conflicted with the mandate of the ongoing
Climate Change Convention negotiations, was strongly resisted by
Canada and the US. It was not supported by the G-77. The US
resisted the Chair’s attempt to put the proposal in brackets and
questioned the competence of the PrepCom to decide on this mat-
ter. A Swedish compromise avoided a legal question that would
have halted negotiations, proposing an amendment that would in-
vite the IPCC to examine the feasibility of, and where appropi-
develop scientifically credible methodologies for the
identification of critical leads for greenhouse gases. The docu-
ment was passed to the Working Group with bracketed text to be
resolved in Plenary.

FORESTS (WORKING GROUP I)

The informal session on Saturday afternoon proceeded through
PC/100/Add.16, “Combating Deforestation.” The five new pro-
gramme areas, proposed by the G-77, have been incorporated into
the existing document. The Chair proposed a paragraph regarding
future international negotiations. Malaysia objected to any men-
tion in the document of a legally binding instrument.

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The Contact Group on Forest Principles had been meeting to carry out a second reading of the principles document. Outstanding issues on Friday were international cooperation and patterns of consumption. Developing countries insisted that there be recognition of over-consumption by Northern countries and the right to economic development. Developed countries were reluctant to discuss issues of international cooperation until there was recognition that forests are of interest to the world community. Saturday's talks revolved around issues of trade in forest products. There was recognition of the special role of the private sector in the promotion in international technical cooperation. Doubt remained over the exact definition of the "private sector", especially among members of the independent sectors outside of industry.

The group finished the second reading of the text and submitted it to Working Group I late Saturday afternoon. The non-legally binding statement of principles is still heavily bracketed and appears far from being ready for adoption by the Plenary next week.

The meeting then was transformed into the final formal meeting of Working Group I to transmit all documents to the Plenary and adopt the final report. Chair Bo Kjellén closed the session in an emotional farewell to the participants for their dedicated work in a "new kind of negotiation, a fantastic adventure."

OCEANS (WORKING GROUP II)

Working Group II finished its discussion of oceans on Saturday. The group first discussed reformulated text for the introduction (and then moved to PCWG/L/IL25/Add.4), the programme areas on marine living resources. After nearly three weeks of continuous contact group meetings, consensus was reached on most of the text of these two programme areas. The delicate negotiations resulted in compromise wording on whales and small cetaceans. The work of the International Whaling Convention was recognized, as was the need for states to cooperate for the conservation, management and study of cetaceans. Spain wanted to make an amendment and protests came from across the room. Many commented that this text was a package, most of the language came from the Law of the Sea Convention and that any changes would upset the balance. Spain reserved the right to revisit this in Plenary.

Most of the text was agreed to without amendments. Brackets still remain around paragraphs that deal with straddling stocks since interested delegations are still consulting on this issue. Also remaining in brackets, upon request of Spain and EC, is the title of programme area D, "Sustainable use of marine living resources under national jurisdiction." The morning's session concluded with approval of amendments to some of the other oceans programme areas and the adoption of the working group's report.

LEGAL INSTRUMENTS (WORKING GROUP III)

A small contact group met Saturday morning to complete the first reading of the Institutions draft Agenda 21 text and to attempt to resolve outstanding issues, i.e., the further study of a global environmental protection convention; the consideration of means to prevent deliberate large-scale environmental destruction; and alternative dispute resolution.

INSTITUTIONS (WORKING GROUP III)

Working Group III met Saturday morning and evening in an informal capacity to review the Chair's revised Agenda 21 text (CRP.3/rev.1). The afternoon was taken up with more language changes that were consolidated into a rev.2 text for the evening session. Some of the concerns raised in the afternoon pertained to the role of NGOs; the role of the UN Secretary-General and the Administrative Committee on Coordination (ACC) in high-level inter-agency coordination; and the modalities of inter-governmental coordination. In the evening, the Coordinator, Ambassador Ismail Razali of Malaysia, led the group through the rev.2 text in an attempt to remove square brackets. The "Basis for Action" and "Objectives" sections were dealt with expeditiously. Problems arose however, around the Follow-Up Institution Structures sections. These sections describe the proposed roles for the ACC, the UN Secretary-General, ECOSOC, and the Sustainable Development Commission. Colombia requested the establishment of a contact group to resolve these matters. Razali was firmly opposed to this proposal and maintained that delegations lacked sufficient negotiating mandates from their capitals to negotiate on these difficult points. Razali's stated preference was to list the various institutional options and defer decision-making to Rio. Moreover, he felt that the decision as to whether the Sustainable Development Commission should report directly to the GA or via ECOSOC should be left to the GA for final decision.

EARTH CHARTER (WORKING GROUP III)

The Earth Charter contact group met all day Saturday and well into the evening to continue negotiations. Saturday morning's session was taken up entirely by a discussion of the principle pertaining to democratized environmental standards related to commercial and social conditions. This led to a protracted discussion regarding the merits of such a principle. Compromise wording was proposed and tentative agreement was reached. By Saturday evening, the contact group had completed negotiations and was able to produce bracketed text to forward on to the Plenary. Agreement was reached on the general substance of the text, although specific language remains to be resolved. Two principles were agreed to: public participation and the role of women.

THINGS TO LOOK FOR TODAY AT PREPCOM

PLENARY: The working groups have now completed negotiations on the Agenda 21 texts under their mandate. The next stage will involve ratification by the Plenary of all of the documents that have been painstakingly negotiated over the last four weeks. According to PrepCom Chair Tommy Koh, since every document is at a different stage in the pipeline, the Plenary will be unable to consider the documents in any order. Thus, today's session is scheduled to address the following documents:

- PC/L.39 — Capacity building for developing countries (based on PC/100/Add.11)
- PC/L.61 — Science for sustainable development (based on PC/100/Add.10)
- PC/L.65 — Role of regional organizations (based on PC/100/Add.26)
- PCWG/L.48 — Report of Working Group I
- PCWG/L.40 and Corr.1 — Sustainable mountain development (based on PC/100/Add.18)
- PCWG/L.41 — Planning and management of land resources (based on PC/100/Add.15)

If the Plenary is unable to resolve outstanding problems contained in bracketed text, the Chair will direct the working group chairs or contact group coordinators to meet with the principals in adjacent conference rooms until they can return with compromise language.

SCHEDULE OF PREPCOM IV EVENTS

OFFICIAL MEETINGS

| March 30 | 10:00 am | UN Conference Room 4 | Plenary | Open |
| March 30 | 3:00 pm | UN Conference Room 4 | Plenary | Open |
| March 30 | 6:00 pm | UN Conference Room 4 | Plenary | Open |

| March 30 | 8:45 am - 9:45 am | UN Conference Room 1 | NGO Strategy Session | NGOs |
| March 30 | 10:00 am - 11:00 am | UN Conference Room C | Women's Caucus | NGOs |
| March 30 | 1:00 pm - 2:00 pm | UN Conference Room 4 | NGO Working Group on Forestry | NGOs |
| March 30 | 3:00 pm - 4:00 pm | UN Conference Room 4 | NGO Working Group on Forestry | NGOs |
| March 30 | 5:00 pm - 6:00 pm | GLOBE-Justice | NGO Global Governance Dialogue 3 |

NGO AND OTHER MEETINGS

| March 30 | 8:45 am - 9:45 am | UN Conference Room 1 | NGO Strategy Session | NGOs |
| March 30 | 10:00 am - 11:00 am | UN Conference Room C | Women's Caucus | NGOs |
| March 30 | 1:00 pm - 2:00 pm | UN Conference Room 4 | NGO Working Group on Forestry | NGOs |
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Necessary