



CSD-9 HIGHLIGHTS: THURSDAY, 26 APRIL 2001

A day before its scheduled conclusion, the CSD conducted its work primarily in informal consultations. Brief morning sessions of the Drafting Groups discussing transport and international cooperation for an enabling environment were followed by an "informal-informal" consultation on nuclear energy technologies in the afternoon. The Drafting Group on atmosphere met in the late afternoon, and the Group on transport reconvened in an evening session.

DRAFTING GROUP I

An evening session scheduled for 10:30 pm failed to take place after some delegations indicated informally that they were not prepared to negotiate due to a misunderstanding regarding what had been agreed to in some of the informal consultations held earlier in the day.

DRAFTING GROUP II

INTERNATIONAL COOPERATION FOR AN ENABLING ENVIRONMENT: This Group, chaired by Alison Drayton (Guyana), considered the section on recommendations at the national level in the draft decision on international cooperation for an enabling environment. Delegates agreed to replace text regarding the provision of an enabling environment through, *inter alia*, "the rule of law" and capacity building, with delegates accepting MEXICO's language calling for "appropriate macro-economic social and environmental policies." The US indicated its willingness to drop references to the rule of law if the Group were to accept a subparagraph recommending the establishment and implementation of legal, regulatory and enforcement frameworks. He also added references to "intellectual property" and "environmental protection." The G-77/CHINA responded by proposing new language for a subparagraph on international cooperation for international, regional and national sustainable development policies to support poverty eradication and for another subparagraph to suggest that collaboration between the WTO and other relevant international institutions be conducted "in accordance with their respective mandates."

The chapeau on national action "that takes into account national circumstances," remains bracketed, following statements by the US and SWITZERLAND urging that the language be consistent with the

chapeau on international action. A proposal stating that sustainable development "programmes" or "strategies" are formulated and implemented through national consultative processes also remains bracketed. On governance, the G-77/CHINA preferred language from the Millennium Declaration, while Chair Drayton proposed CSD-8 compromise language. The proposal remains bracketed. Agreement on this issue will determine references to the "improvement of transparency of government." Text requiring the development of policies that integrate the objectives of the three pillars of sustainable development into sectoral policies is also bracketed, pending acceptance elsewhere in the decision that economic "growth" is one of the pillars.

DRAFTING GROUP III

This Group, chaired by David Stuart (Australia), met in the morning and evening to continue discussing the revised text of a draft decision on transport and in the late afternoon to resume deliberations on atmosphere.

TRANSPORT: On international cooperation, the US supported language on ensuring sustainable development through transport, with the G-77/CHINA suggesting a reference to "sufficient financing." The G-77/CHINA said the CSD lacks the mandate to encourage international financial institutions to prioritize transport projects. Delegates disagreed on actions and the transfer of technologies to "phase out" the use of lead in gasoline. Differences also remained on International Civil Aviation Organization actions on climate change.

On regional cooperation, the G-77/CHINA insisted on reference to the exchange of "successful practices and experiences" rather than "best practices." The EU, supported by AUSTRALIA, requested maintaining text on transboundary pollution agreements, while the G-77/CHINA opposed, referring to the implications on health and environment. The G-77/CHINA, with CANADA, emphasized a coordinated approach to infrastructure and land use planning.

On recommendations at the national level, the G-77/CHINA opposed EU proposals on the polluter pays principle by eliminating environmentally-harmful subsidies and on the promotion of sustainability in the transport sector. The G-77/CHINA proposed merging text on promoting fuel efficiency with the language on involvement of the private sector, with CANADA adding reference to cleaner vehicles. The promotion of access to efficient, safe, affordable and environmentally-sound public transport systems was supported by the EU

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Jonathon Hanks <jon@iisd.org>, Wendy Jackson <wendy@iisd.org>, Hernan Lopez <hernan@iisd.org>, Wagaki Mwangi <wagaki@iisd.org> and Alison Ormsby <alison@iisd.org>. The Digital Editors are Leila Mead <leila@iisd.org> and Ken Tong <ken@iisd.org>. The Editor is Pamela S. Chasek, Ph.D. <pam@iisd.org> and the Director of IISD Reporting Services is Langston James "Kimo" Goree VI <kimo@iisd.org>. The Operations Manager is Marcela Rojo <marcela@iisd.org> and the On-Line Assistant is Diego Noguera <diego@iisd.org>. The Sustaining Donors of the *Bulletin* are the Netherlands Ministry of Foreign Affairs, the Government of Canada (through CIDA), the United States (through USAID), the Swiss Agency for Environment, Forests and Landscape (SAEFL), the United Kingdom (through the Department for International Development - DFID, and the Foreign & Commonwealth Office), the European Commission (DG-ENV), the Danish Ministry of Foreign Affairs, and the Government of Germany (through German Federal Ministry of Environment - BMU, and the German Federal Ministry of Development Cooperation - BMZ). General Support for the Bulletin during 2001 is provided by the Ministry of Environment and the Ministry of Foreign Affairs of Austria, the Ministries of Foreign Affairs and Environment of Norway, the Ministries of Foreign Affairs and Environment of Finland, the Government of Australia, the Ministry of Environment and the Ministry of Foreign Affairs of Sweden, the French Ministry of Foreign Affairs and the Japan Ministry of Environment (through the Institute for Global Environmental Strategies - IGES.) The *Bulletin* can be contacted by e-mail at <enb@iisd.org> and at tel: +1-212-644-0204; fax: +1-212-644-0206. IISD can be contacted by e-mail at <info@iisd.ca> and at 161 Portage Avenue East, 6th Floor, Winnipeg, Manitoba R3B 0Y4, Canada. 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 non-commercial publications only and only with appropriate academic citation. For permission to use this material in commercial publications, contact the Director of IISD Reporting Services. Electronic versions of the *Bulletin* are sent to e-mail distribution lists and can be found on the Linkages WWW server at <http://www.iisd.ca>. Free subscriptions available at <http://iisd.ca/enb/email.asp>. The satellite image was taken above New York ©2001 The Living Earth, Inc. For information on the *Earth Negotiations Bulletin*, or to arrange for reporting from your conference or workshop send e-mail to <kimo@iisd.org>.



and AUSTRALIA, although the G-77/CHINA opposed specific references to urban and interurban railway and domestic marine transport services. The US and AUSTRALIA suggested including references to non-motorized transport.

In the evening session, delegates agreed to G-77/CHINA-proposed text in the section on general considerations, which states that decisions concerning transport issues should reflect the fact that economic growth, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development. Delegates accepted text stating that dialogue with major groups is encouraged, and agreed to delete references to “sustainable” transport in text referring to transport impacts to women’s health, and to accessibility and availability to women in facilitating social and economic progress.

ATMOSPHERE: Chair Stuart distributed a revised text that had been amended taking into account the previous day’s discussions. He informed delegates that informal negotiations had been held on text relating to: general considerations; international cooperation, including the chapeau and references to private sector involvement in technology transfer and to atmospheric emissions and air pollutants; and international legal instruments. He said amended text based on these informal negotiations would be reported back to the Group on Friday, 27 April.

Chair Stuart then asked delegates to address other bracketed text. AUSTRALIA introduced compromise text on monitoring of the earth’s atmosphere in the section on international cooperation. He said the text relates to: strengthening systematic observation by improving ground-based monitoring stations and increasing use of satellites; continuing the measurement programme for total column ozone supports; supporting programmes such as the Global Climate Observing System; and encouraging the joint planning and implementation of a strategy for integrated global observations. JAPAN said it accepted the text, while the G-77/CHINA gave a favorable initial response, pending further internal consultations.

On regional cooperation, the EU and the US said they could be flexible regarding wording on enhancing complementarity and coherence in measures to mitigate local, regional and global problems related to the atmosphere, while the G-77/CHINA questioned whether the reference was appropriate. On recommendations at the national level, the EU responded to other delegates’ concerns about a reference to “short term plans in urban areas” by proposing alternative wording supporting “priority attention to human settlements programmes and policies to reduce urban air pollution.” The G-77/CHINA suggested that the references to human settlements and shelter were shifting the primary focus away from atmosphere. He also proposed deleting text in this section on ozone-depleting substances.

INFORMAL-INFORMAL CONSULTATIONS ON NUCLEAR ENERGY

An informal-informal consultation, facilitated by Gustavo Ainchil (Argentina), met to discuss text on nuclear energy contained in the draft decisions on energy and transport.

On the challenges associated with nuclear energy, the G-77/CHINA, JAPAN, NEW ZEALAND and others, proposed using the Chair’s original text, while POLAND and the REPUBLIC OF KOREA supported the EU’s text. SAUDI ARABIA preferred deleting the entire section. Using the original text, delegates agreed to bracket reference to, *inter alia*: nuclear proliferation; “transboundary consequences” of nuclear energy; and the G-77/CHINA’s proposal on promoting international cooperation in the peaceful use of nuclear energy, as well as their suggestion that countries using nuclear energy

consider that its use should increase. The RUSSIAN FEDERATION proposed text underlining some of the perceived advantages of nuclear power.

On recommendations for nuclear energy, the G-77/CHINA, opposed by the EU, said governments should be encouraged “to consider” the listed activities. On promoting a high level of nuclear safety “worldwide,” the G-77/CHINA said this should be “by the International Atomic Energy Agency (IAEA),” while the EU preferred that this be in accordance with relevant international conventions and IAEA standards. The G-77/CHINA objected to “worldwide.” On improving the transparency of nuclear safety-related decisions, the G-77/CHINA proposed that this be “as appropriate.” The EU urged reference to public participation. Delegates were unable to agree on text referring to proliferation of fissile materials.

On the transboundary movement of nuclear waste, NEW ZEALAND proposed IAEA language relating to the high risk of transporting radioactive materials and the need to improve regulations and liability mechanisms. Supporting this, NORWAY added reference to prior notification. JAPAN, supported by the RUSSIAN FEDERATION and opposed by BARBADOS, presented an alternative proposal that omits reference to “high risk, improving liability mechanisms and prior notification.” All options were bracketed. Delegates failed to clear brackets within the draft decision on transport on a reference to nuclear energy as a possible source for meeting the growing needs of energy services, as well as on the transboundary movement of nuclear waste.

IN THE CORRIDORS

Anger and frustration at the slow progress of talks spilled into the negotiating room late Thursday night as delegates engaged in finger-pointing over who was to blame for the stall in negotiations. In the corridors, a number of participants complained about a lack of good faith among certain negotiating groups. Several developing country delegates objected to the numerous last-minute textual proposals that they felt complicated proceedings and were overly prescriptive. On the other hand, developed countries expressed their frustration with the G-77/China’s refusal to engage in the negotiations on energy, with some suggesting that this may be the work of certain OPEC members. There was also speculation that forces intent on sabotaging the Johannesburg Summit were at work, aiming to obstruct a positive start to the CSD-10 session.

Before the events that unfolded in the evening, a number of observers seemed confident that agreement would be reached on the remaining bracketed text. Following the lack of progress in the Drafting Group on transport, and the failure of the energy Drafting Group to hold its meeting, some participants openly questioned whether any decisions would in fact be taken. Others suggested that the lack of enthusiasm in the negotiations at this meeting has only added to questions about the CSD’s future, with some participants predicting that this was the “beginning of the end.”

THINGS TO LOOK FOR TODAY

PLENARY: The CSD Plenary will convene at 10:00 am in Conference Room 3 to take stock of progress in the Drafting Groups and to consider organization of the day’s work. It is then expected to adjourn to allow informal consultations on remaining bracketed text. The Closing Plenary is scheduled to reconvene at 4:00 pm in Conference Room 3.

DRAFTING GROUP III: The Drafting Group discussing atmosphere is expected to convene upon adjournment of Plenary at 10:30 am in Conference Room 3 to conclude its negotiations. It is expected to address transport issues at 2:00 pm in the same venue.