



CSD 19 HIGHLIGHTS TUESDAY, 10 MAY 2011

Throughout Tuesday, 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 continued negotiations on waste management. In the afternoon, Working Group 1 addressed IL and CCI, including MOI, while Working Group 2 continued working on the 10YFP. Negotiations continued into the evening with sessions addressing transport and IL and CCI, including MOI, under Working Group 1, while the 10YFP and waste management were discussed by Working Group 2. In the late afternoon, the Vice-Chairs gave progress reports in the stocktaking plenary. Delegates also participated in various side events, a Learning Center and a Partnership Fair.

WORKING GROUP 1

MINING: With Vice-Chair Yvette Banzon Abalos (the Philippines) facilitating, Working Group 1 continued negotiating the Chair's draft text on mining.

The G-77/CHINA reported that it accepted CANADA's previous suggestion for a chapeau of the paragraphs on strengthening legal, regulatory and institutional frameworks, to be followed by language on environmental and social aspects.

AUSTRALIA, supported by the US, EU and NORWAY, proposed new text on improving working conditions, eradicating forced labor and referencing specific ILO conventions. While the G-77/CHINA agreed to work on the basis of the new text, she opposed mentioning specific conventions, and asked to retain reference to "living" conditions, which was accepted after some debate.

The EU reformulated its previous amendments to the paragraph on encouraging education, training, health and social protection in mining communities, which was accepted. Paragraphs were agreed on: promoting and protecting rights of indigenous and local communities; respecting indigenous and local community land rights in accordance with national laws and procedures; and encouraging the design and implementation of mechanisms for redress for communities from damages from mining, including compensation, with the G-77/CHINA withholding on the US addition of "where appropriate."

On stakeholder participation, the US stressed inclusion of major groups, local and indigenous communities, and youth and women. Delegates also agreed to, *inter alia*, text on public consultation, with the G-77/CHINA preferring to "promote" it broadly and the EU preferring to "ensure" it, and on improving access to public domain information.

On strengthening capacity building, the G-77/CHINA pushed for unqualified support from the international community, while the US and EU requested it be "on mutually agreed terms" or "as appropriate," respectively. Delegates then agreed to support capacity building for national governance mechanisms, laws and regulations, environmental liabilities, and contract negotiations, differing only on whether to specify support for all or only developing countries.

On text referring to identification and marketing of mineral resources, delegates debated the relevance of introducing and modifying language related to products and international trade. Vice-Chair Abalos suggested moving the topic to MOI, recalling that the extensive JPOI debate on "favorable market conditions" was conducted under MOI. CANADA and AUSTRALIA supported deletion of the section, and the US reiterated its "fundamental challenges" with the text, while the G-77/CHINA stressed the section's relevancy to fair trade.

IL AND CCI, INCLUDING MOI: In the afternoon, the Working Group continued discussions on IL and CCI, including MOI, facilitated by Vice-Chair Silvano Vergara Vásquez (Panama).

Agreement was almost reached on text on full and productive employment and decent work, but language on addressing poverty and social equity, offered by the G-77/CHINA, was bracketed by the US. The G-77/CHINA confirmed its opposition to "green jobs" as a term not yet defined, while the US referred to ILO definitions, but the G-77/CHINA said those were not unanimously supported.

There was general acceptance of a paragraph on "promoting increased investment in education infrastructure," as well as a statement that education, awareness raising and information can support changes in consumer behavior as a means for lifestyle change.

In the paragraph on education, the US, with CANADA and the EU, opposed a G-77/CHINA addition on early warning and disaster risk reduction as being "out of context," as well as, for substantive reasons, especially its reference to "chemical disaster and radioactive waste." The facilitator suggested making this a separate paragraph. After discussion, this notion was tentatively moved to a later part of the draft which deals with finance, technology transfer and capacity building, with the US saying this will not remove its objections. A G-77/CHINA addition on establishing processes that will continue beyond the Decade of Education for Sustainable Development was also moved to the same place.

On human resources and institutional capacities to strengthen the management of chemicals and waste, CANADA, the EU and JAPAN supported simple language reflecting CSD 17 text, saying that adding a list of developing country groups in need,

as proposed by the G-77/CHINA, obscures the meaning and purpose of the text. The G-77/CHINA reiterated that they are using language from the CSD 11 outcome, and that categories are drawn from the MDG text. The G-77/CHINA also pressed to include reference to technology transfer and financing, which was considered by some parties as an additional dilution of the text's meaning. Parties continued to diverge.

Delegates agreed to text promoting the role of multi-stakeholder partnerships.

WORKING GROUP 2

WASTE MANAGEMENT: On Tuesday morning, Working Group 2, facilitated by Vice-Chair Abdelghani Merabet (Algeria) continued the second reading of the text on waste management.

Regarding strengthening effective waste policies and strategies, delegates agreed to: reduce the use of hazardous substances and generation of hazardous wastes, in both quantity and toxicity, in line with the objectives of SAICM and other relevant multilateral agreements; encourage ratification of the Hong Kong Convention for the Safe and Environmentally Sound Recycling of Ships, while bearing in mind that this convention and the Basel Convention should remain complementary and coherent; and provide opportunities for meaningful public participation in the development and implementation of laws, regulations and policies for waste management.

On enforcement, most delegates supported referencing INTERPOL initiatives and a G-77/CHINA addition welcoming NGO efforts, but no agreement was reached.

Regarding specific wastes, delegates agreed on an EU proposal, as modified by the US, CANADA and Vice-Chair Merabet, to increase efforts to collect, treat and increase safe recycling of "e-waste or electrical and electronic end-of-life equipment" and to cooperate to address the growing problem of e-waste dumps, in particular in developing countries, including through existing mechanisms.

As proposed by CANADA, delegates agreed to merge a paragraph on reducing marine and coastal pollution with two other paragraphs. Delegates agreed to texts: encouraging development of guidelines and other policies and strategies to address biodegradable waste, including through reducing their quantities in landfills; and improving markets for products manufactured or derived from agricultural waste, residues and byproducts.

Delegates discussed, but did not agree on, text on developing or strengthening national, regional or local regulations, legislation or "laws and regulations" for environmentally sound management of health care wastes. Delegates discussed text proposed by NORWAY on strengthening policies and other efforts to reduce food waste, while CANADA asked to bracket it.

FARMERS highlighted that agricultural residues and byproducts are not wastes. WOMEN called on the governments to make the polluter pays principle more legally-binding, and to enforce it.

10YFP ON SCP: Facilitated by Vice-Chair Andrew Goledzinowski (Australia), Working Group 2 finished the second and started the third reading of 10YFP text in the afternoon.

Delegates agreed that the 10YFP should be reviewed at the end of five years to address benefits, challenges and implementation, and that it could be done in relation to the CSD process. They also agreed that the first international meeting to establish the inter-governmental and multistakeholder forum and multistakeholder bureau should be organized no later than the end of 2012, but disagreed about a US proposal to hold it in conjunction with the July 2012 meeting of ECOSOC. Delegates decided to move this text to the section on 10YFP organization, where timing and venue will be addressed.

Delegates agreed on text, which decides, in order to achieve the goals and objectives defined in Chapter 3 of the JPOI on SCP, to establish a 10YFP on SCP covering the period 2011-2021, based on Agenda 21, the Rio Declaration and the JPOI.

Vice-Chair Goledzinowski tabled compromise texts on SCP and a paragraph on a common vision. Brackets remain in these texts, including on the principle of common but differentiated responsibilities.

On the trust fund proposed by the G-77/CHINA, the US said it is understood as a voluntary mechanism, and the US is not in a position to make significant contribution to it. The EU said it is open-minded to the proposal by the G-77/CHINA, but still needs to clarify how the fund would be linked to 10YFP. NORWAY and CANADA said they could not support the proposed fund.

MONTENEGRO, supported by SERBIA, requested to include countries with economies in transition in the paragraph on financial assistance and capacity building.

After much debate, delegates agreed to request UNEP to serve as the 10YFP secretariat.

STOCKTAKING PLENARY

Late in the afternoon, a stocktaking plenary was convened by CSD 19 Chair László Borbély (Romania).

On Working Group 1, Vice-Chair Abalos reported on transport and mining. On mining, she stressed the need to speed up the search for consensus noting that while progress is encouraging, issues connected to IL and CCI have not been resolved. On transport, she highlighted progress on transport technologies, but said some ideas might be better addressed under CCI and MOI, and that language on green economy has yet to be agreed.

On chemicals and IL and CCI, including MOI, Vice-Chair Vásquez noted agreement on many issues, but said there were difficulties that need further debate.

On the 10YFP, Vice-Chair Goledzinowski said discussions were focusing on key issues needing resolution to move forward.

On waste management and the preamble, Vice-Chair Merabet noted good progress on the preamble and said there was convergence on language, but that some outstanding issues are linked with outcomes on other sub-items. On waste management, he lamented that the text has grown from 58 to over 100 headings during the course of negotiations and noted divergence on defining common concepts and final placement of issues, especially related to MOI.

Chair Borbély closed the plenary noting that with cooperation the negotiations will reach a fruitful outcome.

IN THE CORRIDORS

Monday witnessed the delegates' first try at late-night negotiations, with some discussions going past midnight. After calls for "coffee and cigarettes" (apparently, in defiance of the UN ban on smoking), talks on the preamble text progressed at a heartening pace. In several cases, after battling in vain, the negotiators retreated to the "safe haven" of JPOI and MDG language.

"Congenial and full of flexibility" was how an insider described the chemicals discussion. Progress was made on two extensive portions of text, which were finalized: one on actions for lifecycle management and another on strengthening information access. Transport churned ahead slowly.

Meanwhile, several senior and experienced negotiators from capitals have been seen in the conference rooms, leading to expectations that the pace will quicken.