



# Earth Negotiations Bulletin

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## PREPCOM HIGHLIGHTS WEDNESDAY, 9 MARCH 1994

### INFORMAL SESSION

PrepCom Chair Penelope Wensley opened Wednesday morning's informal session by noting that this is the mid-point of the meeting and there are 40 paragraphs left in Chapter XV and the preamble still to be discussed. Unless the Committee speeds up its examination of the text, it will be impossible to have a second reading of the Programme of Action, discuss the Barbados Declaration and discuss other matters related to the Conference itself. She warned delegates that they may have to schedule a meeting Friday night to complete their work. Discussion then resumed on Chapter XV, Implementation, Monitoring and Review.

#### 1. FINANCE

Paragraph 66: A developed country delegate noted that the five sub-paragraphs are repetitive and supported the consolidated paragraph put forth by the US at the first session of the PrepCom. Others supported the AOSIS/G-77 sub-paragraphs. The first sentence of the US proposal, "The international community should seek to supplement national efforts for the implementation of Agenda 21..." was seen by some as rewriting the important Agenda 21 principle that international financial support is a prerequisite for developing countries to implement Agenda 21. The Chair asked interested delegates to work out compromise language.

Paragraph 66.bis: This new paragraph was proposed by a developed country and links the implementation of the Programme of Action to the "success" of the Commission on Sustainable Development (CSD) *ad hoc* working group on finance. While some supported assigning the CSD a role in monitoring the results of this Conference, they commented that a government-adopted Programme of Action cannot be dependent on the work of an expert group. The phrase "innovative mechanisms" also drew comment as some developing countries expressed skepticism that any new ideas on innovative mechanisms can be implemented immediately to their benefit.

#### 2. TRADE

Paragraph 67: There was disagreement on the reference to sustainable economic growth or sustainable development and a compromise was reached under which both concepts were retained. Some delegates attempted to add provisions to encourage exports of "sustainably produced" goods, but these were not retained. A provision on the international trading climate now includes a reference to the completion of the Uruguay Round.

Paragraph 67 bis: This paragraph remained in brackets as some delegates felt that preferential trade agreements cannot be recommended in all circumstances.

Paragraph 68: Alternative drafts were submitted and a number of delegates requested that references to a macro-theory approach be deleted. Australia later circulated a revised version of this paragraph, but it was not discussed as some delegates needed more time to study it.

Paragraph 69: It was agreed that a study on the effects of trade liberalization should be initiated but it remained unclear how this could be requested of UNDP. This provision remains in brackets.

### 3. TRANSFER OF ENVIRONMENTALLY SOUND TECHNOLOGIES, COOPERATION AND CAPACITY-BUILDING

Paragraph 70: This paragraph, which stresses the importance of technology transfer, cooperation and capacity-building, was accepted with one amendment referencing technical cooperation among developing countries, including SIDS.

Paragraph 71: The need to protect the intellectual property rights of resource owners is bracketed pending the outcome of discussions on this issue in paragraph 63 bis. Some developed countries wanted to ensure that all technology transferred on concessional and preferential terms be "mutually agreed." This phrase is bracketed in the text pending further discussion.

Paragraph 71 bis: A new paragraph was proposed recognizing the important role of the CSD in monitoring measures to promote the transfer of environmentally sound technologies. Although there was general support for the proposal, there was some question as to the location of this paragraph. It was later proposed to make this paragraph 77 bis. The placement is pending the review of the final text of Chapter XV.

Paragraph 72: The AOSIS/G-77 text was accepted.

Paragraph 73: This paragraph was accepted with an amendment that mentions the use of existing collaborative networks to facilitate access to information.

Paragraph 74: The AOSIS/G-77 text was accepted.

Paragraph 75: The reformulation of this paragraph states that UNDP should be charged with coordinating a feasibility study for the implementation of SIDS/NET. The idea was acceptable although some redrafting still needs to be done.

Paragraph 75 bis: This new paragraph on the development of a small island developing States technical assistance programme (SIDS/TAP) was acceptable.

Paragraph 75 ter: This paragraph was circulated by AOSIS but has not yet been discussed.

Paragraph 76: A new sentence was added to this paragraph on capacity building that mentions training and skills development, especially for young people, women and indigenous people. This is acceptable if it is redrafted in accordance with Agenda 21 language on major groups.

Paragraph 77: The AOSIS/G-77 text was accepted.

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**Paragraph 78:** A bracketed phrase was inserted in this paragraph so that it now reads "...donors should [endeavor to] increase their financial support..."

#### 4. LEGISLATION AND TRAINING

**Paragraph 79:** After discussion of the applicability of international environmental law to national law, the chapeau was agreed upon, now stressing the need to integrate the two. It was agreed that the second tiret should read "assist" SIDS in participating in negotiations, rather than "enable".

#### 5. INSTITUTIONAL ARRANGEMENTS

One delegation suggested that before discussing the text, the Chair allow for an exchange of opinions in order to clarify different views. In this exchange, the need to address both policy and operational cooperation was stressed. It was suggested that the PrepCom agree on follow-up mechanisms before suggesting appropriate Secretariat arrangements. Coordination and monitoring functions were also delineated and the CSD was identified as an ideal body to monitor implementation of the Programme of Action.

**Paragraph 80:** A number of donor countries challenged the concept of a specific funding mechanism, stressing that funding sources would be many and varied and that this Conference should not create any new financial institutions. Some developing countries expressed concern that funds would not be made available unless a single source was identified. The international nature of such a funding mechanism was also queried as so much action had been identified at the regional level. The paragraph is in brackets.

**Paragraph 81:** Discussion focused on reordering the wording and allowing the Secretary-General to make appropriate Secretariat arrangements. Some developing countries expressed concern that the existing focal point for SIDS within the DPCSD would disappear after the Conference. A small focal point is needed. During discussion of the tirets, it became clear that delegates did not agree on the role and mission for this focal point. Some wanted to define it in strict terms and to make sure that the Inter-Agency Committee on Sustainable Development (IACSD) and the CSD play substantial roles. The paragraph remained in brackets pending the outcome of consultations.

**Paragraph 81 bis:** Once again a number of delegates cautioned against being too specific in mandating UN agencies, in this case UNCTAD. The drafters explained that the General Assembly during its 48th session had called for UNCTAD to support SIDS. The paragraph was left to be reformulated to accommodate these concerns.

**Paragraph 81 ter:** One delegation suggested that the IACSD also play a coordinating role with regard to UN agencies at the regional level. Others felt that coordination at the regional level had already been discussed and that coordination roles should not become muddled. Other delegations suggested that rather than recommending creation of a sub-committee of the IACSD, it be left to the IACSD to decide on an appropriate programme of work, perhaps adding SIDS as an item on its agenda. The Secretariat asked for time to consult and the series of proposed amendments was noted for further consideration.

**Paragraph 82:** This paragraph was deleted after it was determined that its content was included in the new paragraph 64.

**Paragraph 83:** Three proposed additional paragraphs were circulated as an amendment to this paragraph. The new paragraphs were bracketed to allow time for reflection. The purpose of the suggested amendments is to reflect the coordination roles given to UNEP and UNDP within their programme areas.

**Paragraph 84:** The original formulation of this paragraph in the AOSIS/G-77 text was deleted and the Australian paragraph, "Donors should utilize appropriate international coordination mechanisms to focus attention on the special needs of small island developing States," was accepted.

#### 6. VULNERABILITY INDEX

**Paragraph 85:** A number of countries requested clarification on the nature of the vulnerability index and how it could be used to supplement GNP per capita statistics. It was explained that the index attempts to classify countries on the basis of their vulnerability to outside forces beyond their control, such as international trade, transport costs and proneness to natural disasters. The first sentence was amended to read, "Small island developing States, in cooperation with relevant national, regional and international organizations..." The second sentence about the use of the index to supplement GNP per capita statistics was placed in brackets pending further consultations.

**Paragraph 86:** This paragraph was placed in brackets. There was some concern about the need for, the nature of and the appointment of an expert group to annually update the index. An alternative formulation removing the idea of an expert group was proposed and is also bracketed.

#### D. MONITORING AND REVIEW

The review of this section led to great confusion and touched upon the roles that should be ascribed to the CSD, the IACSD, as well as the Secretariat role in support of these two bodies. While some countries recommended a review of the Programme of Action that would fit within the CSD's multi-year thematic approach, the AOSIS/G-77 base document calls for an integrated annual review. A new proposal was put forward for benchmarks to be adopted to measure the success of the implementation of the Programme of Action. Draft language will be added in brackets and circulated in the revised text to be prepared by the Secretariat overnight.

**Paragraph 87:** After some discussion, this paragraph was placed on the table with amendments from one delegation for further consultation.

**Paragraph 88:** This paragraph remains bracketed.

**Paragraph 88 bis:** While this paragraph remains bracketed, 1999 was put forward as the time frame for the full review of the implementation of the Conference outcomes.

#### IN THE CORRIDORS

At the conclusion of the afternoon session the host country informally circulated elements of the Barbados Declaration. The elements paper stresses the specific vulnerabilities of SIDS while recognizing their place in an interconnected world and as part of one global ecosystem. It stresses the stewardship by SIDS of the world's oceans and other resources, and catalogues the human resource and economic constraints SIDS face -- "Life on SIDS is thus both an alluring experience and a profound challenge." It concludes with the commitments of SIDS themselves, the international community and NGOs, and notes that the Barbados Conference is an example to the world of how to work together to coordinate action.

#### THINGS TO LOOK FOR TODAY

**INFORMAL CONSULTATIONS:** The PrepCom will meet informally again today and will begin with a reading of the preamble. Last night the Chair urged delegates to read the elements of the Barbados Declaration in preparation for this morning's session. At the previous session of the PrepCom, a number of delegations were concerned about the link between the Declaration and the Programme of Action and how to avoid possible duplication. After reading the preamble, the PrepCom will begin a second reading of the entire Programme of Action. Look for a revised draft of Chapter XV today.

**AOSIS MEETING:** AOSIS will meet at 9:00 am this morning to draft new language on those paragraphs in Chapter XV that remain on the table or in brackets.

**NGO BRIEFING:** AOSIS Chair Amb. Annette des Iles of Trinidad and Tobago will meet with NGOs at 6:00 pm in Conference Room D.