



# Earth Negotiations Bulletin

*A Reporting Service for Environment and Development Negotiations*

Vol. 8 No. 25

Published by the International Institute for Sustainable Development (IISD)

Wednesday, 4 May 1994

## CONFERENCE HIGHLIGHTS TUESDAY, 3 MAY 1994

### MAIN COMMITTEE

The Main Committee met in the morning to review the status of all outstanding issues in the Programme of Action. The Chair noted that as of the beginning of the day the Committee had 26.5 hours left and 24 outstanding paragraphs. When the Committee resumed in the late afternoon, delegates reported that agreement had been reached on all of the outstanding paragraphs, except for those related to finance.

**PREAMBLE:** In a demonstration of their flexibility, AOSIS/G-77 agreed to delete the bracketed text in paragraph 5 and all of paragraph 6, which referred to the responsibility and custodianship of SIDS toward the marine environment. Paragraphs 15 (financing of the Programme of Action) and 16 (the special needs of the least developed SIDS) are being considered in the extended bureau meeting on finance.

**I. CLIMATE CHANGE AND SEA LEVEL RISE:** Agreed.

**II. NATURAL AND ENVIRONMENTAL DISASTERS:** Agreed.

**III. MANAGEMENT OF WASTES:** Agreement was reached on paragraph 22 by day's end. The second sentence on the vulnerability of SIDS to contamination by toxic and hazardous wastes and chemicals, and radioactive materials was appended with the following: "is of international concern and of priority concern to small island developing States."

Agreement was also reached on the new paragraph A(viii), which reads: "In conformity with the Basel Convention and relevant decisions taken by the Parties to that Convention, the small island developing States should formulate and enforce national laws and/or regulations that ban the importation from OECD countries of hazardous wastes and other wastes subject to the Basel Convention, including hazardous wastes and other wastes destined for recycling and recovery operations."

**IV. COASTAL AND MARINE RESOURCES:** Agreed.

**V. FRESHWATER RESOURCES:** Australia's proposal for paragraph 27 on groundwater resources was merged with the existing paragraph. The paragraph now includes reference to long term management strategies for water catchment and storage areas and the need to supply water for sanitation purposes during times of drought.

**VI. LAND RESOURCES:** Agreed.

**VII. ENERGY RESOURCES:** Agreed.

**VIII. TOURISM RESOURCES:** The new paragraph 37.A(iii) on combatting illicit drug trafficking and money laundering was moved to Chapter X, paragraph 46.C(iv).

**IX. BIODIVERSITY RESOURCES:** After lengthy negotiations, paragraph 42.A(vii) now reads: "Ensure that the ownership of intellectual property rights is adequately and effectively protected. Ensure, subject to national legislation and policies, that technology, knowledge and customary and traditional practices of local and indigenous people, including resource owners and custodians, are adequately and effectively protected and that they thereby benefit directly, on an equitable basis and on mutually agreed terms, from any utilization of such technologies, knowledge and practices or from any technological development directly derived therefrom."

**X. NATIONAL INSTITUTIONS AND ADMINISTRATIVE CAPACITY:** Agreed.

**XI. REGIONAL INSTITUTIONS AND TECHNICAL COOPERATION:** Agreed.

**XII. TRANSPORT AND COMMUNICATION:** After consultations on paragraph 52.C(v), the following text was accepted: "Promote improved international telecommunications at the lowest possible cost for small island developing States, while recognizing the need to create an environment conducive to the investment in telecommunications infrastructure and service to benefit local business and people."

**XIII. SCIENCE AND TECHNOLOGY:** Agreed.

**XIV. HUMAN RESOURCE DEVELOPMENT:** After six hours of intense negotiation, consensus was reached on paragraph 58. The second sentence now reads: "Poor health and social services and nutrition and housing, low levels of female participation in development, current insufficiency of education, information and means, as appropriate, for the responsible planning of family size, and inadequate family planning services demonstrate the need for attention to human resource development issues."

Paragraphs 61.A(iii) and (iv) remain in the text as they appear in A/CONF/167/L.1. However, a new paragraph 61 bis was added. It reads: "The recommendations and language contained in this chapter should in no way prejudice discussions at the International Conference on Population and Development to be held in Cairo in

September 1994." This is similar language to that used in Chapter 5.66 of Agenda 21.

#### **XV. IMPLEMENTATION, MONITORING AND REVIEW:**

In the morning, Australia announced that agreement had been reached on paragraph 91, as read out Monday, with a small amendment. The last sentence now reads: "Towards this objective, special consideration should be given, where appropriate, to the local value added criteria applicable to the exports of SIDS."

Agreement was also reached on the two paragraphs on intellectual property rights. Paragraph 71 encourages enhancing the capacity for the development of indigenous technology, while adequately and effectively protecting intellectual property rights. Paragraph 95 refers to the need to improve the endogenous capacity of SIDS to absorb, manage and utilize environmentally sound technologies through education and training. The paragraph also ensures transfer of technologies on favorable, concessional and preferential terms, as mutually agreed, while protecting intellectual property rights.

The paragraphs on finance in Chapter XV and the Preamble, as well as the US proposal for a new paragraph on reporting to the CSD on implementation of the Programme of Action, were still being discussed by the extended bureau. This group reconvened at 7:30 pm Tuesday and was expected to reach agreement before daybreak.

#### **BARBADOS DECLARATION**

The contact group drafting the Barbados Declaration met all day and into the night in Conference Room 3. The group continued to work through the remaining paragraphs of the draft provided by the Chair on Monday morning. The Chair also introduced a new updated working paper -- a reformulation of the first paragraphs, based on Monday's discussions.

During the morning session the group discussed the quality of NGO participation, specifically the degree to which Agenda 21 and the Programme of Action of this Conference enshrine a new concept of partnership between governments, NGOs and other major groups. Despite warnings from some members of the group that it should not renegotiate either instrument, let alone the Rio Declaration, the temptation at times was too great. The group also agreed on the concept of partnership between governments in implementing the Programme of Action, once again after considerable delay. Other concepts also proved problematic. While some expressed ignorance in the morning as to the meaning of "gender sensitivity," by afternoon text referring to gender equity as a guiding principle of sustainable development emerged.

It was also agreed to call attention to the special roles of youth and indigenous people. Paragraphs referring to the commitments to action of SIDS and the international community proved contentious, with the group once again veering into re-negotiation of concepts already agreed to in the Main Committee, if not in Rio. A sub-group that met through the lunch break organized these concepts into a declaration of commitments at national, regional and international levels. Those issues that had proved most controversial in the Programme of Action also proved contentious here and the participants agreed to disagree and wait until negotiations were complete in the Main Committee.

The contact group was scheduled to reconvene at 7:00 pm to continue deliberations.

#### **IN THE CORRIDORS**

Some NGOs at the Conference have expressed their intention to surface the long submerged issue of whaling, specifically participation in the International Whaling Commission (IWC) and the Japanese efforts to lift the ban on commercial whaling. Some SIDS have apparently agreed to join the IWC and have demonstrated their intention to vote against extending the moratorium and, consequently, have been accused by some of having sold out to Japanese interests in exchange for increased ODA and other forms of assistance. The International Wildlife Coalition has called for a boycott of the tourism industries of four "designated" SIDS in the Caribbean. While most NGOs present at this Conference have rejected this boycott, they have been lobbying the new entrants to the IWC to maintain the moratorium and to support the establishment of a whale sanctuary in the southern ocean surrounding Antarctica. The IWC will meet at the end of May.

#### **THINGS TO LOOK FOR TODAY**

**MAIN COMMITTEE:** The Main Committee is scheduled to meet this morning in a formal session at 11:00 to complete its work, provided there is agreement on finance and the entire Programme of Action has been translated into the six working languages and duplicated. If this is not the case, the Chair will be forced to make alternative plans.

**BARBADOS DECLARATION:** While most of the substantive points have been discussed at some point during the three days of debate on the Declaration, there is still confusion over what format the Declaration should take. Anxious to avoid what one delegate called "Second Committee gibberish," delegates still have to incorporate a declamatory style and develop a logical structure. Expect some serious "shaping-up" as delegates prepare the text for the eyes of Ministers and Heads of State and Government. The contact group may meet again this morning before the Barbados Declaration is discussed in an informal session of the Plenary at 6:00 pm.

**PLENARY:** NGOs are happy to have finally secured a two-hour slot at 10:00 am in Plenary to present their reports of the NGO Forum. The time slot was originally intended for the Barbados Declaration, which is still under negotiation. Following the NGO reports, the Plenary is expected to adopt the report of the Credentials Committee (A/CONF.167/7), reopen the general debate to hear a few more statements, and hear a presentation of a case study of the early warning capabilities of the Caribbean Meteorological Organization and the Caribbean Disaster Emergency Response Agency (A/CONF.167/CRP.7).

**AOSIS SUMMIT MEETING:** The Alliance of Small Island States will hold a Summit Meeting in Conference Room 1 this afternoon at 3:30. The meeting is open only to AOSIS members and observers. AOSIS called the meeting to take advantage of the presence of high level island officials and to discuss the future direction of AOSIS, follow-up to the Conference, and Agenda 21 implementation. AOSIS will issue a statement following the meeting, at approximately 6:30 this evening.

**ON THE BEACH:** If the corridors seem empty this afternoon, look on the beaches. Conference services and security have ruled that no other meeting may take place while the closed AOSIS summit meets from 3:30-6:00 pm.