

UNCSD INFORMAL CONSULTATIONS: MONDAY, 18 JUNE 2012

During Monday's Pre-Conference Informal Consultations, negotiating groups considered IFSD, MOI, green economy, oceans, SDGs, energy, Sections I and II, and Section V.A. Late Monday night, delegates were informed that a plenary would convene at 11:00 pm, to discuss a new version of the outcome document. At 2:18 am, Brazilian Foreign Minister Antonio de Aguiar Patriota informed the delegates who were waiting in the plenary hall that a final text would be available by 7:00 am, that a plenary would convene at 10:30 am, and that he would announce to the press that the elaboration of the text has been concluded.

NEGOTIATING GROUPS

IFSD: When the consultations under Amb. Figueiredo reconvened, he reviewed the text from the consultations on Section B conducted by Mexican Amb. Luis Alfonso de Alba. On paragraph 82 (strengthening ECOSOC), a sentence was added "looking forward" to the review of the implementation of GA Resolution 61/16 on the strengthening of ECOSOC. On 84 (old 85), the chapeau says the high level forum "could" rather than "will." Paragraph 85 (old 86), has a new sentence considering "the need for promoting intergenerational solidarity for the achievement of sustainable development, taking into account the needs of future generations," including inviting the Secretary-General to present a report. On functions, delegates could not agree on 84(i) on promoting the review and stocktaking of progress. The facilitator deleted it.

On Section C, the facilitator added text on functions from a Norwegian-led consultation. One group said they would consult further on functions and transforming UNEP into a specialized agency. One responded that if any text were reopened, everything would unravel. Another said he could not accept text that weakens UNEP. The facilitator closed the meeting with a warning to delegates about reopening "agreed" text.

MOI: Facilitated by Amb. Andre Correa do Lago, this group spent its first session hearing a briefing by André Odenbreit Carvalho (Brazil) on new text. The group suspended for several hours while delegations consulted experts and groups regarding the new text. When the group reconvened, one group indicated that guaranteeing specific mechanisms to deliver financing and technology transfer was a bottom line for them in this Section. They also indicated discomfort with text on subsidies and trade in environmental goods and services (284), called for deletion of paragraphs on broader measures of progress (286) and registry of commitments (287), and called for the GEF paragraph (268) to include a reference to Africa.

Several delegations suggested that the process for assessing financing needs and proposing options (258-260) should be conducted by an expert, not an intergovernmental, committee. These delegations also felt that the TRIPs Agreement language in the technology transfer section (272, 275) was taken out of context, so they asked for it to be deleted. They reiterated calls for language about technology transfer being voluntary and on mutually agreed terms and conditions. They also expressed misgivings about the technology facilitation mechanism (276) as currently formulated. One group of countries expressed reservation about "enhancing financial support" in paragraph 256, saying they were not in an economic position to make such a commitment at this time. A few delegations voiced problems with the paragraph about adequate UN funding (267). The facilitator adjourned the meeting so that delegations could consult.

OCEANS: Facilitator Minister Maria Teresa Pessoa invited comments on outstanding paragraphs on fisheries (169) and marine biodiversity beyond national jurisdiction (163). One delegation was still waiting for confirmation from his group on 169, and said it might propose that the reference to 2015 targets be followed by "as agreed in the JPOI." The facilitator asked if the time was ripe to work on a compromise for 163, and delegates indicated they were willing to discuss options and proceeded to informally negotiate. Delegates reported that they



discussed whether and/or how to: instruct the Ad Hoc Working Group; characterize the recommendations it may develop; refer to the type of possible agreement; and refer to the type of action. The facilitator invited delegates to continue consulting and indicated she wanted to present a text by Tuesday.

SDGs: At the end of the afternoon, this group convened and facilitator Amb. Raphael Azeredo asked if delegations had consulted. It was noted that delegations had not met because positions were still in the process of being formulated. On 251 and 252, on the SDGs development process, the proposal introduced by a delegation on Sunday was presented again for clarification. It was highlighted that the steering committee could have a different name, that this entity would design the SDGs and would have inter-agency technical support, and that the outcome of the committee's work would be submitted to UNGA. Some countries reiterated their opposition to the proposal, with a delegation saying that alternatives to an intergovernmental process should be sought and indicative themes for the SDGs were necessary in order for the delegation to engage.

The facilitator proposed text characterizing the SDGs (250), recognizing that goals "should address and be focused on priority areas for the achievement of sustainable development." Some delegates argued for greater specificity, while others supported the facilitator's text, with one proposing that the goals should not only cover environmental issues. The facilitator urged delegations to engage in conversation and develop a solution.

SECTIONS I AND II: In the morning, Amb. Luiz Alberto Figueiredo reviewed his revised text following Sunday's consultations, including paragraphs 8 (human rights), 15 (reaffirming principles), 19 (full and effective participation of developing countries) and 44 (private sector). In 20 (insufficient progress), he made a proposal that was discussed further and finally accepted in the evening session, not to "backtrack" on Summit outcomes, rather than to honor previous commitments "without regression." In 23 (poverty), he proposed compromise language that was not acceptable on vulnerable people. He urged delegates to consult on 26 (coercive economic measures). Delegates proposed a different formulation in the evening, specifying unilateral "economic, financial or trade measures," and adding a qualifier, "that impede the full achievement of economic and social development particularly in developing countries." The facilitator also asked delegates to consult on 16 and 30 on reaffirming past commitments. In the evening, delegates discussed splitting 16 into two paragraphs, creating a new 16 *bis*; while 16 "reaffirms" some commitments, 16 *bis* "recalls" others, including, *inter alia*, the Monterrey Consensus and the Doha Declaration on Financing for Development, and the Programme of Action of the International Conference on Population and Development.

On 41 (public participation), the facilitator suggested deleting language on the roles of stakeholders since it is mentioned elsewhere. Delegates could not agree on language referencing

both international law and national legislation in 42 (civil society capacity). A suggestion was made to refer to "applicable obligations," while others preferred to leave out the entire reference. One delegate asked to replace reference to the rights of nature in 37 (harmony with nature); the facilitator disagreed. He noted that consultations on 27 and 28 (self-determination) are ongoing. Delegates debated 45 (corporate sustainability reporting) and the facilitator agreed to suggest new language. Delegates eventually opted to delete a reference to global best practices on sustainability reporting, and inserted a reference to developing countries, in particular the need for capacity building. One group proposed splitting 52 (role of UN and other International Organizations), and later proposed shorter text focusing on cooperation among these organizations.

On 4 (overarching objectives), delegates deleted "together with" in the phrase "poverty eradication together with changing unsustainable and promoting sustainable patterns of consumption and production...", replacing this with a comma.

On 21 (public health), delegates agreed to insert a reference to eradicating preventable diseases.

GREEN ECONOMY: Facilitated by Amb. Andre Correa do Lago, this group met in the morning and afternoon. He distributed a revised text based on outcomes of small group consultations. One delegation expressed concern that the text was not relevant to what was happening on the ground, as reflected in Rio+20 activities and presentations outside the negotiations. Specifically, on trade and technology, he noted references to documents dating back twenty years. The facilitator responded that everything that has happened during the past twenty years had been enabled, in part, by documents agreed ten and twenty years ago. He said no country has a green economy, and while some sectors, companies and cities have made progress, there is no country that is not also protecting very traditional jobs and businesses. The facilitator affirmed linkages between the discussions on technology and those on MOI.

In the afternoon, delegations reported on text agreed in several breakout sessions during the day. On a subparagraph on trade and environmental measures (56 (g)) delegations reported a compromise agreement to insert a new pre-paragraph on consistency with international law. Subparagraph 56 (g) would, therefore, remain as circulated earlier in the facilitator's text. One delegation noted that he was still checking the language in the pre-paragraph with his country's trade lawyers. Developing countries reported agreement on the deletion of a paragraph on data and information (73). Simplified language for a paragraph on support for developing countries choosing to implement green economy policies (72) now recognizes that they should be supported by technical and financial assistance. On access to and transfer of technology (71), developing countries proposed an additional sentence, noting the further evolution and agreements on these issues since the JPOI. One delegation said negotiators had not arrived at agreement on this paragraph. On managing

natural resources (58), one group of countries called for more aspiration. The facilitator registered continuing interest from delegations on a subparagraph on vulnerable groups (56 (j)), poverty eradication and the Rio Principles (55).

ENERGY: Facilitated by Amb. Figueiredo, this group discussed the content and placement of a paragraph on fossil fuel subsidies (130). One delegation sought to reaffirm commitments already undertaken, given information and guidance he was receiving from the G-20 Mexico Summit, including a report on strengthening commitments. He proposed alternative text stating that countries reaffirm the commitments they have made to phase-out harmful and inefficient subsidies that encourage wasteful consumption and undermine sustainable development, and invite others to do the same, taking fully into account the specific conditions and different levels of development of individual countries, and protecting the poor. A group of countries proposed text calling for reforms to rationalize and phase-out environmentally harmful fossil fuel subsidies. A number of countries described the approach to subsidies as unbalanced and questioned the placement of the paragraph in the energy section. They raised a number of issues, including: methodological issues in determining which subsidies are harmful; national sovereignty; market distortions; and agricultural subsidies. One delegation drew attention to the importance civil society attaches to this issue, and noted the treatment of subsidies in other parts of the host country's document.

Section V.A: Facilitated by Paulino Franco de Carvalho Neto, this group met in the afternoon and undertook informal consultations in the evening. On the chapeau (104), some wanted to stress the importance of inter-linkages among themes, which was opposed by others. One delegation also wanted to remove reference to "goals, targets and indicators."

On food security and nutrition and sustainable agriculture, language was introduced, but not agreed, stressing the benefit of trade to small scale and marginalized producers in developing countries (118). On water and sanitation, issues raised included: changing the title of the section to "water;" the introduction of alternative language on the human right to safe drinking water and sanitation (replacing 121); removal of "important dates" in the text, which was a cross-cutting concern; language on commitment to improving integrated water resource management (120); and reference to "according to national legislation" (123). One delegation highlighted that language on MOI had been removed from a paragraph on sustainable cities and human settlements (138).

On health and population, issues included deleting reference to men and youth in a paragraph on reducing maternal and child mortality (147), and a reference to providing flexibilities for the "protection of public health" in a paragraph on the TRIPS agreement and public health. On promoting full and productive employment, decent work for all, and social protections,

reference to "green jobs" was debated. Reference to "as appropriate" was debated in a paragraph on integrating disaster risk reduction policies, plans, programmes and budgets (187).

On climate change, issues raised included reference to CBDR (191) and naming specific COPs of the UNFCCC (193). On biodiversity, several delegations wanted to add reference to ecosystem services and to remove a paragraph on the fair and equitable sharing of benefits of genetic resources (201). On desertification, land degradation and drought, language on a "land degradation neutral world" was debated (208). On chemicals and waste, some delegates proposed, and others opposed, deleting a sentence on "decisions taken at the 10th COP of the Basel Convention" (221).

On SCP, recommendations included retaining the paragraph on adopting the 10-Year Framework of Programmes (229) and deleting the rest of the paragraphs (226, 227, 228). On mining, one delegation wanted to add reference to "effectively regulated" (230). On gender equality and women's empowerment, many delegations expressed views on including reproductive rights in the text (244) and some delegations requested moving this section up in the text to follow poverty eradication.

IN THE CORRIDORS

As negotiations on the "pre-conference consultation" text neared the host country's deadline for the creation of a clean text, a familiar flurry of huddles and informal consultations became the order of the day. Delegates and observers rushed from room to room at RioCentro, trying to figure out where and when consultations were taking place because schedules and plans seemed to change frequently, causing some exasperation for the organizers of side events who were forced to switch locations at the last minute.

Brazil continued to drive negotiators towards a consensus, placing the onus on interested delegations and, in good humor, warning negotiators that the alternative was to have a Brazilian facilitator bring his long experience of arbitration to bear. As more and more ministers arrived in Rio, the Brazilian facilitators worked hard to keep to their goal of concluding consultations. Brazil also fielded a number of special pleas on issues that continued to trouble some groups, such as SDGs. With plans for a late night plenary to focus minds and suggest that red lines would have to give way to deadlines, participants speculated on the likely outstanding issues that may require high-level trade-offs in a series of packages. Some expected them to involve issues such as: the SDGs; fossil fuel subsidies; IFSD and UNEP; technology transfer; reproductive rights; and sustainable development financing options.