



## PREPCOM HIGHLIGHTS THURSDAY, 5 MARCH 1992

### TECHNOLOGY TRANSFER (PLENARY)

The Plenary's informal session on technology transfer moved into consideration of the second of three documents on its agenda, PC/100/Add.11, "National mechanisms and international cooperation for capacity-building." The morning's discussion was perhaps the most low-key thus far at PrepCom IV.

Vice-Chair Uthem opened the discussion with an explanation of the origins of the document under negotiation. Decision 3/2 of document L.49 asked the Secretariat to incorporate specific references to capacity building within each programme area as well as in the section on the means of implementation of Agenda 21. He then opened the floor for general comments about the document before proceeding into a more detailed paragraph-by-paragraph discussion.

PC/100/Add.11 deals solely with capacity-building for the implementation of Agenda 21. Specific capacity-building programmes for the different environment and development issues within Agenda 21 are included in other documents. The discussion of capacity building is particularly important as it is the first time that national sustainable development strategy plans and the role of UN agencies have been discussed. These discussions appear to reveal a growing consensus that implementation of Agenda 21 should be driven not by UN agencies but by countries themselves with UN agencies providing a supporting role.

Although governments proposed more amendments than the Vice-Chair had expected, most of the amendments were non-controversial. Some of the issues reiterated by several governments include:

- The need to recognize the capacity-building role of other UN organizations, in addition to UNDP.
- The need to recognize the role of NGOs, regional and sub-regional organizations in capacity building.
- Questions about the proposed preparation of a progress report on the implementation of technical cooperation programmes for sustainable development (para.5(b)): who should prepare it, when should it be prepared and why?
- The fact that UNDP and other UN agencies should only assist countries in capacity-building initiatives when requested.

Before adjourning, the Vice-Chair requested that all amendments to this document be submitted in writing by 10:00 am today. It was unclear when discussion would resume on this document.

### FINANCIAL RESOURCES (PLENARY)

The informal session on financial resources resumed yesterday afternoon with discussions on document L.41. The Vice-Chair, John Bell, proposed that the group take up where they had left off the day before with a general discussion and then move directly into a paragraph-by-paragraph review of L.41.

The head of the United States delegation, who had reacted very negatively to the G-77 clarification on L.41 during Wednesday's meeting, returned to the talks with a better "feeling." He said that after hearing the second intervention by Pakistan (for the G-77) the day before and after private consultations with members of the G-77 he sensed more flexibility in their position. He said that he was "prepared to match flexibility with flexibility." This intervention set the tone for the afternoon's work. This encouraged and delighted Bell who later referred to the session as "extremely productive".

Although many countries have called L.41 the negotiating text, it is, in fact, only a list of elements that should be considered during this informal session. The discussions around these points

will be used to inform the drafting of an agreement text during upcoming informal-informal sessions.

L.41 contains seven paragraphs, (a) through (g). The first paragraph, covered yesterday, deals with the question of funding levels. Paragraphs (b) and (c) deal with types of funds, calling for a separate fund for each of the conventions and a fund separate from the GEF to be financed by mandatory contributions by developed countries. Paragraph (d) deals with the governance and priorities of this fund, stating that it should be transparent, democratic and take into account the national priorities of the developing countries and those priorities of Agenda 21. Paragraph (e) notes that the transfer of funds will be "to a great extent of a compensatory nature." The last two paragraphs deal with the concept of "partnership in additionality" and changes in the international economic order, to include trade policies, transfer of technology, debt and poverty. The "partnership" issue, as understood in L.41, is supposed to provide new and additional resources to finance Agenda 21 "and other sustainable development concerns."

Discussion started with paragraph (a) and although this was not a drafting session, amendments were proposed. Interventions centered on funding levels and allocation of existing funds. Brazil suggested that the group skip paragraph (b) since it deals with separate funds for the independent negotiating track conventions and is not appropriate for discussion at PrepCom. The group moved on to paragraph (c) before adjourning talks for the day.

### EARTH CHARTER (WORKING GROUP III)

Working Group III reconvened yesterday morning in a formal capacity to allow for text to be tabled by the Group of 77 and the United States. As anticipated, the G-77 tabled their document (L.20) with the intention that it be used as the basis for discussion and negotiation. However, Pakistan, on behalf of the G-77, did state that other countries' proposals could be incorporated within the G-77 text. The G-77 maintains that proper procedure would dictate that its text be relied on as the exclusive negotiating document. Other countries argue that while giving first reading to a G-77 text may often be the practice, they do not accept the argument that the G-77 text be automatically relied on to the exclusion -- let alone without a formal reading of -- any other country's proposed text.

The actual G-77 text was met with considerable ambivalence. While some countries liked the text, others felt it would not be conducive to productive negotiations. Many withheld substantive comment until they had a chance to review the text in greater detail.

The US position, as stated in document L.21, appears to have evolved considerably since PrepCom III, where it steadfastly called for the inclusion of free-market principles into the Earth Charter. US NGOs have played a considerable role in influencing this shift. However, several principles contained within the text are potentially worrisome, namely Principle 9 which calls for the harmonization of regimes for international trade and environmental protection. This clause could be interpreted as to require environmental protection laws promulgated at the international level to be consistent with the international trade regime, which regime currently creates serious environmental and economic problems for developing countries. The US suggested that each proposal tabled be given equal status and that an appropriate negotiating entity be mandated to develop the appropriate means to arrive at an agreed text. Working Group III Chair Dr. Bedrich Moldan's attempt to close the formal session was met with general disapproval by delegations who insisted that the procedural matters regarding the status to be given to the various texts should be resolved within the formal session. Dr. Moldan adjourned the formal meeting and convened an informal-informal session with all delegations who had submitted text. The Working Group never reconvened as very heated and protracted discussions continued. PrepCom Chair Tommy Koh intervened to help

mediate the dispute. During the lunch break, he presented the delegates with a six-point proposal aimed at resolving the procedural problems. Although many Northern countries supported Koh's proposal, the G-77 was not as amenable. By 6:00 pm, no agreement had been reached. It is unclear if the procedural dispute will be solved in time for Working Group III to convene this morning as scheduled.

#### IN THE CORRIDORS

There was confusion in the corridors this morning as a result of a schedule change and an error in the *Journal*, the United Nations printed schedule of the day's meetings. At the conclusion of Wednesday's informal Plenary session on technology transfer, the Vice-Chair, Ambassador Utheim, announced that they would reconvene in the morning to discuss capacity building. In yesterday's *Journal*, however, the schedule said that the Plenary would be discussing financial resources in the morning and technology transfer in the afternoon. When the morning Plenary session began, one government delegate said that because the *Journal* had erred -- and since all governments rely on the *Journal* -- his country was not prepared to discuss capacity building this morning. A member of the Secretariat apologized for the error and the Vice-Chair said that he hoped they could go on with work as planned.

Although the PrepCom IV agenda was approved by the Plenary on Monday, it is not inscribed in "tablets of stone." In fact, it appears to be changing on a daily basis and thus complicating matters for governments and NGOs alike, who have planned their schedules according to the official agenda. The discussion of the structure of Agenda 21 has been postponed until later this session. With the elimination of night meetings until further notice, the question remains as to when the cancelled meetings will be held, if ever. It is uncertain, at this time, how the PrepCom Bureau will resolve this problem.

### THINGS TO LOOK FOR TODAY AT PREPCOM

**FINANCIAL RESOURCES:** Look for the negotiations on financial resources to move forward very quickly as they go from informal into informal-informal sessions on Saturday and Monday. It was noted by many countries that the G-77 opposition to the GEF, as stated in L.41, was omitted in their clarification docu-

ment presented on Wednesday. It seems to many observers that if the G-77 receives signals that the donor countries are willing to provide more money and meet the national needs of developing countries, the governments can commence negotiating a framework that captures points of convergence and moves the negotiations into an agreement text by the middle of next week. The key is the GEF. There appears to be flexibility on both sides and that all partners in negotiation are willing to deal with the issues of structure and scope of a restructured GEF. Look for interventions today on the issue of military spending as a reaction to the G-77's position that only developed countries should use part of the peace dividend for sustainable development, ignoring the fact that many developing countries spend a greater percentage of their GNP on defense.

**TECHNOLOGY TRANSFER:** The Plenary's informal session on technology transfer will continue discussion on document PC/100/Add.11, "National mechanisms and international cooperation for capacity-building," and begin discussion on the third document under its mandate, PC/100/Add.10, "Science for Sustainable Development." Since the Vice-Chair set a 10:00 am deadline for submission of all amendments to both PC/100/Add.9 (technology transfer) and PC/100/Add.11, it is possible that he will table a compilation text of all proposed amendments for both of these documents.

**EARTH CHARTER:** The informal session on the Earth Charter is scheduled to resume today. However, it is unclear whether agreement will have been achieved on the procedural quagmire. If Koh should succeed in his mediation efforts, negotiations should begin on whatever negotiating text was agreed upon.

**INSTITUTIONS:** On Saturday morning, Working Group III is scheduled to commence discussion on institutional arrangements. Look for discussion to focus on how UN decision making relevant to UNCED can be brought down to its most appropriate level. There is a growing consensus around the need for a high-level decision-making body within the UN to coordinate and integrate environment and development within all UN agencies.

## SCHEDULE OF PREPCOM IV EVENTS

### OFFICIAL MEETINGS

March 6	10:00 am	UN Conference Room 4	Plenary (formal session to be followed by informal on Financial Resources)	Open
March 6	10:00 am and 3:00 pm	UN Conference Room 1	Working Group III (Earth Charter)	Open
March 5	3:00 pm	UN Conference Room 4	Plenary (technology transfer)	Open

### OTHER MEETINGS

March 6	9:00 am	UN Conference Room C	NGO Strategy Session	NGOs
March 6	9:00 am	Ethical Culture Society on 2 West 64th St.	Grassroots Peoples' Forum	Open
March 6	9:00 am	UNIFEM Bldg. Conference Room at 304 E. 45th St.	Meeting of Indigenous Peoples	indigenous peoples
March 6	10:00 am to 1:00 pm	CCUN 10th Floor	An Alternative Economic Model	NGOs
March 6	10:00 am	CCUN - Conference 10-H	Green Forum	Green Forum members
March 6	10:00 am	UN Conference Room C	Women's Caucus	NGOs
March 6	10:30 am	CCUN 12th floor	UNA-USA - Institutional Issues on the UNCED Agenda	Press
March 6	1:00 pm	Canadian Mission 866 UN Plaza 2nd Floor	Canadian Delegation De-briefing	Canadian NGOs
March 6	3:00 pm	CCUN 8th Floor Grumman Room	Constituency Caucuses - Homelessness & Human Settlements	NGOs
March 6	6:00 pm	UN Conference Room 1	NGO Government Dialogues	NGOs
March 7	9:00 pm	to be announced	Solar Energy Roundtable	NGOs
March 7	9:00 pm	CCUN	Biodiversity & Biotechnology Conference	NGOs
March 7	9:00 pm to 5:00 pm	Ethical Culture Society on 2 West 64th St.	People's Forum	Open
March 7	1:15 pm	CCUN 2nd Floor	Indigenous Seminar on Sustainable Uses of Renewable and Natural Resources	Open
March 8	1:00 pm to 4:00 pm	Columbus Circle 59th and Broadway	International Women's Day Rally for a Healthy Planet	Open