



Earth Summit Bulletin

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PREPCOM HIGHLIGHTS MONDAY, 23 MARCH 1992

ATMOSPHERE (WORKING GROUP I)

Working Group I convened in a formal session yesterday morning. Since today was World Meteorological Day, the group heard a statement from the representative of the World Meteorological Organization. The session was then transformed into an informal meeting on atmosphere and discussion began on PC/100/Add.14, "Protection of the atmosphere". Working Group I Chair Bo Kjellén asked for "strong discipline" from the delegates so that this chapter might be disposed of in the three informal and two contact groups sessions scheduled. He added that nothing in this Agenda 21 chapter should preempt or prejudice the INC negotiations on a Climate Change Convention.

Amendments have been proposed by many governments, including the United States, the European Community, Canada, Iceland, Japan and Austria. The delegates proceeded to discuss the list of proposed programme areas. At 10:50 am the delegate of Pakistan arrived and, on behalf of the G-77, announced that the group had prepared a reformulation of Add.14. Its version proposes reducing the number of programme areas to four and removing any language inconsistent with the stated objective of the UNCED treatment of this issue, namely avoidance of duplication with the INC negotiations. Pakistan insisted that its reformulation had been prepared in an attempt to expedite discussions.

Work was hampered by the fact that no one had a copy of the new G-77 text (not even the delegate from Pakistan). The Chair decided to move forward (while copies of the G-77 text were being prepared) to those areas of the new text that were said to be similar to the Secretariat document, particularly the objectives from the programme area on the "scientific basis for decision making" (paragraph 85) and "preventing stratospheric ozone depletion" (paragraphs 101 and 102).

Discussion proceeded with Canada, China and Pakistan delegated with the responsibility for preparing compromise wording for paragraph 85. The Chair moved from the objectives to the activities for the programme area. Pakistan stated that it did not have a negotiating brief for the activities section and the Chair moved onto discussion of the objectives of programme area G, "Preventing Stratospheric Ozone Depletion" (paragraphs 101-102). Notable comments included the fact that many countries still have not ratified the Vienna Convention nor the Montreal Protocol (Pakistan) and that the issue of ozone depletion must be looked at holistically (Canada). The G-77 presented a reformulation of paragraphs 101 and 102 and Canada was given the responsibility for finding compromise language. Since the G-77 had no brief from which to discuss the activities of this section nor copies of their document to discuss, the meeting was adjourned early. The Chair suggested that a contact group form before the next informal meeting on atmosphere, scheduled for this evening.

OCEANS (WORKING GROUP II)

Working Group II met yesterday morning to complete its second reading of three of the seven programme areas in the oceans chapter of Agenda 21. Three documents were discussed: WG.II/L.25 (Programme Area G -- Sustainable development of small islands), WG.II/L.25/Add.1 (Programme Area B -- Marine environmental protection) and WG.II/L.25/Add.2 (Programme Area F -- Strengthening cooperation and coordination). Contact groups are still discussing Programme Area E (Critical uncertainties) and Programme Areas C and D (Marine living resources).

Discussion of Programme Area G, which was postponed from last week, went smoothly. This was the only oceans programme area that was not discussed in a contact group. Only a few amendments were proposed and most of them were non-controversial. Cyprus intervened requesting the deletion of paragraph 148 (origi-

nally proposed by Turkey) that stated that "the activities related to the islands cannot...impair the rights and interests of a State in the seas adjacent to its coasts..." A number of states supported Cyprus's request to delete the paragraph. Turkey said that it would reformulate the paragraph in question.

The discussion on Programme Area B, as revised by the contact group on marine environmental pollution, also went comparatively well. The major problem area, paragraph 36 (which relates to pollution caused by passing ships in international straits) remained in brackets after the contact group finished its work. The Chair, Bukar Shaib, opened discussion on this paragraph, which was originally proposed by Malaysia, to see if the working group could resolve the problem. The US and Japan wanted to delete this paragraph, maintaining that it was inconsistent with the Law of the Sea. They further maintained that this paragraph could be interpreted to prohibit access to critical international straits. Other countries, including Egypt, St. Lucia and Panama, supported Malaysia. Shaib asked interested parties to develop a compromise by the end of the day.

The discussion of Programme Area F proceeded quickly. The contact group had agreed to the retention of this programme area and reworked it much to the satisfaction of the working group. The coordinator of the contact group, India, mentioned that paragraph 128 (which deals with the settlement of disputes) remains in brackets since interested parties are still meeting to reach compromise wording.

Shaib announced at the end of the meeting that he hoped that the group could return and adopt the entire oceans document at the end of the week.

ROLE OF MAJOR GROUPS (PLENARY)

The Plenary met yesterday afternoon to discuss PC/100/Add.13, "Strengthening the role of major groups". Over the last week Vice-Chair Leon Mazairac of the Netherlands held consultations between representatives of major groups and key government delegates to exchange ideas and proposals. These consultations were supposed to facilitate today's session by helping government delegates to understand the positions of major groups and possibly to propose text on their behalf.

The Plenary started as a formal session so that the delegates could hear statements by representatives of four of the major groups: Vandana Shiva (women), Flavia Ferreira (youth), Evaristo Nugkuag (indigenous people), and Ramsing Hurrinag (NGOs). Other representatives will speak at the next session on Wednesday. PrepCom Chair Tommy Koh then adjourned the formal session and turned over the gavel to Mazairac. During the remainder of the afternoon, the Plenary only succeeded in completing the programme area on women. This is the first of nine programme areas that focus on the roles of nine different groups.

India made a generic point that wherever the text refers to "governments should," it should be replaced with "governments should consider". A number of countries expressed their disagreement with this point when it came up in specific paragraphs. Representatives of women's organizations were displeased with this recurring amendment as they believed it took the "teeth" out of the document.

Norway amended the text several times with amendments prepared by representatives of women's groups. This led to some confusion among delegates since not everyone had copies of the women's text and the Chair did not want to take time to read each amendment aloud. Jamaica suggested that instead of "increasing the number of women decision makers" in paragraph 6(b), that the "proportion of women decision makers" be increased. The Russian Federation supported this change stating that if the number of women decision makers reached 100 percent, things would go much better than they do now.

Discussion on the role of major groups is expected to continue on Wednesday. There is only one more session scheduled and eight programme areas and 116 paragraphs remaining.

EARTH CHARTER (WORKING GROUP III)

The Earth Charter contact group met this morning in an informal session to discuss its operating procedure. After a protracted discussion, it was decided that Co-Chairs would be appointed to oversee the process. Representatives of Norway and India were elected for this task. It was further agreed that the group would proceed with a cluster approach, that is to say, starting with the cluster of least contentious principles, through to the more contentious principles, with final negotiations to focus on the most contentious principles.

In the afternoon, Working Group III met briefly in an informal session to review the work method as set out by the Chair, Bedrich Moldan, for the Earth Charter. In brief, the Earth Charter contact group will now meet continuously until negotiations are complete with both the G-77 and non-G-77 countries to select spokespeople. The Chair adjourned the informal meeting to allow the Earth Charter contact group to convene.

The rest of the afternoon was marked by heated negotiations. The first problem arose when the G-77 refused to proceed on the cluster approach as was agreed in the morning session. After Northern countries had identified those principles that they felt were least contentious, the G-77, in a surprise response, stated that it had not yet identified its "easy principles" and, therefore, expressed its desire to proceed principle-by-principle through the text. This led to a heated exchange between G-77 and non-G-77 countries with the latter arguing that the agreement reached in the morning had not been respected. It was finally agreed that the principle-by-principle approach would govern. By 6:00 pm they finished the first three principles.

The G-77 refused to move on the first sentence in Principle 1, which refers to humans as the center of development. The Indian Co-Chair summarized delegates views on this point and the need to move part of the text to the preamble.

Regarding Principle 2, the main debate focused on the extent to which the "Stockholm Principle" should be incorporated, if at all, in the Earth Charter.

Principle 3 involved heated exchange between developing and developed countries over the right to development. The G-77 argued strenuously that what they referred to as an inalienable right to development should not be subordinated to the environmental interests of OECD countries. Finally, one Northern country offered conciliatory language to suggest that the right to development depends on a healthy environment.

THE BUREAU

The Bureau met last night at 6:00 pm to discuss the work plan for the last week of PrepCom IV. It was decided that the Plenary, chaired by Tommy Koh, would be the only forum for meetings and that it would review all the issues and approve all the documents. If any problems occur, Koh will defer matters to the coordinators or the working group chairs for immediate resolution in the meeting rooms to be left on "stand-by" adjacent to Conference Room 4.

THINGS TO LOOK FOR TODAY AT PREPCOM

INTERNATIONAL ECONOMY (PLENARY): Discussion will take place today on PC/100/Add.3/Rev.1 that deals with international economic issues. This text represents the compilation of amendments proposed during discussions last week. It is hoped that the Plenary will agree to this text with only minor amendments and, thus, close discussion on this topic.

FINANCIAL RESOURCES (PLENARY): This group will meet for the first time in one week. It has been reported that the G-77 did not want to resume negotiations until it had received some signal that the developed countries were ready to propose new funding. Negotiations will now resume and several delegates have privately hinted of a possible announcement tonight by either Japan or the US. The OECD countries have been meeting daily to compare notes on their various amendments but have been either unable or unwilling to come up with a common position. The G-77 will meet this morning to formulate its response to be delivered this evening to the developed country amendments tabled last week to its document, L.41/Rev.1. An 18-page compilation text, as requested by the Vice-Chair John Bell, which includes all of the amendments proposed by CANZ, CzHP (Czechoslovakia, Hungary and Poland), the EC, Japan, the Nordic countries, Russia and the US, has been quietly circulated and will form the basis for tonight's discussions. The G-77 will probably present its statement and the group will discuss how to proceed with what many call an intractable text.

ATMOSPHERE (WORKING GROUP I): Working Group I will meet tonight to resume discussions on this agenda item. The G-77 prepared its new streamlined version of PC/100/Add.14. If a contact group was able to meet between yesterday morning and tonight's session, proceedings should move much faster, especially if they can decide whether or not to work from the G-77 text or resume negotiations on Add.14.

EARTH CHARTER (WORKING GROUP III): Negotiations on the Secretariat's non-paper will continue behind closed doors today. The group will continue with its principle-by-principle discussion resuming where Monday evening's session left off. Watch for continued heated exchange between G-77 and non-G-77 countries on fundamental issues such as differentiated responsibilities, poverty, the special needs of developing countries and the polluter-pays principle.

LEGAL INSTRUMENTS (WORKING GROUP III): Legal instruments will be addressed this morning in Working Group III under the leadership of the Philippines. The negotiating text will be a Secretariat document compiling all amendments submitted vis-a-vis the G-77 text, L.30. Watch for continued procedural discussions around the choice of text to be used as a basis for negotiations even though Working Group III Chair Bedrich Moldan ruled on Friday that the Secretariat's compilation text would serve as the basis for negotiations.

INSTITUTIONS (WORKING GROUP III): Working Group III will meet in an informal session this afternoon to discuss institutions. The Coordinator has prepared a text based on informal consultations he has held with governments over the past few days. It is unclear whether the text will be a compilation of different country's views or an actual synthesis of such views.

SCHEDULE OF PREPCOM IV EVENTS

OFFICIAL MEETINGS

March 24	10:00 am	UN Conference Room 1	Working Group III (Legal Instruments)	Open
March 24	3:00 pm	UN Conference Room 4	Plenary (International Economy)	Open
March 24	3:00 pm	UN Conference Room 1	Working Group III (Institutions)	Open
March 24	8:00 pm	UN Conference Room 4	Plenary (Financial Resources)	Open
March 24	8:00 pm	UN Conference Room 1	Working Group I (Atmosphere)	Open

NGO AND OTHER MEETINGS

March 24	9:00 am - 10:00 am	UN Conference Room C	NGO Strategy Session	NGOs
March 24	10:00 am - 11:00 am	UN Conference Room C	Women's Caucus	NGOs
March 24	11:00 am - 12:00 pm	CCUN 10th Floor Conf. Room 10H	NGO Working Group on Forests	NGOs
March 24	12:30 pm - 1:30 pm	CCUN 8th Floor Grumman Room	NGO Organizational Mechanisms for Global Decision-Making	NGOs
March 24	1:00 pm - 3:00 pm	AFS Bldg. Galati Lounge	Working Group of African NGOs	NGOs
March 24	1:30 pm - 3:00 pm	CCUN Tillman Chapel	Meeting of Latin-American and Caribbean NGOs	NGOs
March 24	2:00 pm - 3:30 pm	CCUN 8th Floor Grumman Room	Meeting of Asian NGOs	NGOs
March 24	3:30 pm - 6:00 pm	CCUN 8th Floor Grumman Room	NGO Working Group on Finance	NGOs
March 24	4:00 pm - 6:00 pm	UN Dag Hammarskjöld Auditorium	NGO Committee on Disarmament	NGOs
March 24	6:00 pm - 8:30 pm	UN Conference Room 2	NGO Government Dialogue & NGO Plenary "Africa and UNCED"	NGOs