



Earth Summit Bulletin

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PREPCOM HIGHLIGHTS FRIDAY, 27 MARCH 1992

ROLE OF MAJOR GROUPS (PLENARY)

The contact group on the role of major groups met all day Friday so that when the Plenary met in an informal session, it was able to complete the text for all the programme areas except those on the role of scientists and farmers. A contact group met on Saturday to complete consultations on these latter two groups. The text of these two programme areas will be sent directly to the Plenary for formal consideration this week.

BIODIVERSITY AND BIOTECH (WORKING GROUP I)

Working Group I began work Friday afternoon to dispose of two of its outstanding Agenda 21 chapters, PC/100/Add.20 (biodiversity) and PC/100/Add.27 (biotechnology). The biodiversity document had been heavily negotiated in contact group meetings during the week. Debate began on the objectives and activities, where bracketed text remained in several paragraphs. Kjellén's intent was to leave brackets where there was disagreement and to focus the day's discussions on a final reading to ensure that no areas had been misunderstood or amendments lost in the process. Text dealing with the cooperation or transfer of technology and the rights of countries that are sources of biodiversity to share in the benefits from biotechnological development and commercial utilization of such resources was left bracketed.

The biotechnology paper was addressed very late in the session. Sweden was particularly upset with the "euphoric vision of biotechnology" given by the text and the limited amount of time given to the topic. There was no time to finish the document and Kjellén requested that comments on the last programme areas be transmitted to the Secretariat.

WASTES (WORKING GROUP II)

Working Group II met Friday afternoon and evening to consider the three documents: PC/WG.II/L.26 (solid wastes), L.27 (radioactive wastes), and L.28 (hazardous wastes). In L.27, the paragraph that caused the most trouble was 5(c) on radioactive waste and the marine environment. A small group met to redraft the text and, by the end of the evening, consensus emerged that states should not promote or allow the storage or disposal of radioactive waste in the marine environment, unless scientific evidence shows that such activities do not pose an unacceptable risk.

The group then moved on to L.26, "Environmentally sound management of solid wastes and sewage-related issues." Malaysia pointed out that target dates remained in this document while they had been removed from other documents and that many developing countries may not be able to meet these targets. It was agreed to footnote these paragraphs until the Plenary completes its discussions on finance and technology transfer. Most of the remaining text was agreed to without amendments.

In its evening session, the group dealt with L.28, "Environmentally sound management of hazardous wastes." Bracketed text dealing with transnational corporations was deleted and replaced with explicit wording in the introduction. A new programme area on the prevention of illegal international traffic in hazardous wastes was accepted. Reference to military treatment and disposal of hazardous waste remained in brackets.

SURVEY OF AGREEMENTS (WORKING GROUP III)

On Thursday evening, the Coordinator presented a draft negotiating text (CRP.4) based on proposals tabled to date. The draft received strong support from the G-77 with equally strong objection from the North. The key area of contention during the meeting was the statement that "existing international agreements were reached without adequate participation by developing countries, do not reflect their interests and concerns, and must, there-

fore, be reconsidered". This point arose in the third clause of the first paragraph, impeding further progress.

On Friday, Working Group III continued its reading of the draft text. By the end of the morning's session, agreement had been reached on most of the paragraphs in the "Basis for Action" and "Objective" sections. Sub-paragraph 4(e) states the need to ensure the effective implementation, compliance and assessment of agreements. The G-77 was firmly opposed to the reference to the word "compliance." Many Northern countries refused to concede on this point and, thus, it remains in brackets. Other contentious areas pertain to the first activity "Review and assess international law for sustainable development". This activity includes the possibility of elaborating a general convention for the protection of the environment that would provide for regulatory regimes to deal with areas where adequate measures are lacking, such as nuclear safety. This provision was contested by the G-77 that called for its deletion from the text.

Another contentious point was the G-77 call for the deletion of the activity which calls for further study of alternative dispute prevention and settlement techniques. Finally, the group was unable to reach consensus on the proposed activity pertaining to the necessary means to prevent deliberate large-scale environmental destruction.

EARTH CHARTER (WORKING GROUP III)

The Earth Charter contact group met on Friday afternoon to discuss the so-called "easy" principles. These principles include: common but differentiated responsibilities; unsustainable patterns of consumption and production; endogenous capacity-building; prior notification; humans as the centre of development; the Stockholm Principle; right to development; integration of environment in decision-making; the special needs of developing countries; and the eradication of poverty.

By Friday evening, drafting had commenced on three principles: right to development; precautionary principle; and the polluter-pays principle.

PREPCOM HIGHLIGHTS SATURDAY, 28 MARCH 1992

ATMOSPHERE (WORKING GROUP I)

The Atmosphere paper was delivered to Working Group I Saturday morning after Thursday night's discussions on the activities section (presented by the G-77) and a contact group meeting Friday night. Tunisia called for the addition of a paragraph that would set per capita levels for CO₂ emissions. This amendment, which would have conflicted with the mandate of the ongoing Climate Change Convention negotiations, was strongly resisted by Canada and the US. It was not supported by the G-77. The US resisted the Chair's attempt to put the proposal in brackets and questioned the competence of the PrepCom to decide on this matter. A Swedish compromise avoided a legal question that would have halted negotiations, proposing an amendment that would invite the IPCC to examine the feasibility of, and where appropriate, develop scientifically credible methodologies for the identification of critical loads for greenhouse gases. The document was passed to the Working Group with bracketed text to be resolved in Plenary.

FORESTS (WORKING GROUP I)

The informal session on Saturday afternoon proceeded through WG.I/L.43, the Chair's text based on discussions of PC/100/Add.16, "Combating Deforestation." The five new programme areas, proposed by the G-77, have been incorporated into the existing document. The Chair proposed a paragraph regarding future international negotiations. Malaysia objected to any mention in the document of a legally binding instrument.

The Contact Group on Forest Principles had been meeting to carry out a second reading of the principles document. Outstanding issues on Friday were international cooperation and patterns of consumption. Developing countries insisted that there be recognition of over-consumption by Northern countries and the right to economic development. Developed countries were reluctant to discuss issues of international cooperation until there was recognition that forests are of interest to the world community. Saturday's talks revolved around issues of trade in forest products. There was recognition of the special role of the private sector in the promotion in international technical cooperation. Doubt remained over the exact definition of the "private sector", especially among members of the independent sectors outside of industry.

The group finished the second reading of the text and submitted it to Working Group I late Saturday afternoon. The non-legally binding statement of principles is still heavily bracketed and appears far from being ready for adoption by the Plenary next week.

The meeting then was transformed into the final formal meeting of Working Group I to transmit all documents to the Plenary and adopt the final report. Chair Bo Kjellén closed the session in an emotional farewell to the participants for their dedicated work in a "new kind of negotiation, a fantastic adventure."

OCEANS (WORKING GROUP II)

Working Group II finished its discussion of oceans on Saturday. The group first discussed reformulated text for the introduction (para.4) and then moved to PC/WG.II/L.25/Add.4, the programme areas on marine living resources. After nearly three weeks of continuous contact group meetings, consensus was reached on most of the text of these two programme areas. The delicate negotiations resulted in compromise wording on whales and small cetaceans. The work of the International Whaling Convention was recognized, as was the need for states to cooperate for the conservation, management and study of cetaceans. Spain wanted to make an amendment and protests came from across the room. Many commented that this text was a package, most of the language came from the Law of the Sea Convention and that any changes would upset the balance. Spain reserved the right to revisit this in Plenary.

Most of the text was agreed to without amendments. Brackets still remain around paragraphs that deal with straddling stocks since interested delegations are still consulting on this issue. Also remaining in brackets, upon request of Spain and EC, is the title of programme area D, "Sustainable use of marine living resources under national jurisdiction." The morning's session concluded with approval of amendments to some of the other oceans programme areas and the adoption of the working group's report.

LEGAL INSTRUMENTS (WORKING GROUP III)

A small contact group met Saturday morning to complete the first reading of the Institutions draft Agenda 21 text and to attempt to resolve outstanding issues, i.e., the further study of a global environmental protection convention; the consideration of means to prevent deliberate large-scale environmental destruction; and alternative dispute resolution.

INSTITUTIONS (WORKING GROUP III)

Working Group III met Saturday afternoon and evening in an informal capacity to review the Chair's revised Agenda 21 text (CRP.3/rev.1). The afternoon was taken up with more language changes that were consolidated into a rev.2 text for the evening

session. Some of the concerns raised in the afternoon pertained to the role of NGOs; the role of the UN Secretary-General and the Administrative Committee on Coordination (ACC) in high-level inter-agency coordination; and the modalities of inter-governmental coordination. In the evening, the Coordinator, Ambassador Ismail Razali of Malaysia, led the group through the rev.2 text in an attempt to remove square brackets. The "Basis for Action" and "Objectives" section were dealt with expeditiously. Problems arose however, around the Follow-Up Institutional Structures sections. These sections describe the proposed roles for the ACC, the UN Secretary-General, ECOSOC, and the Sustainable Development Commission. Columbia requested the establishment of a contact group to resolve these matters. Razali was firmly opposed to this proposal and maintained that delegations lacked sufficient negotiating mandates from their capitals to negotiate on these difficult points. Razali's stated preference was to list the various institutional options and defer decision-making to Rio. Moreover, he felt that the decision as to whether the Sustainable Development Commission should report directly to the GA or via ECOSOC should be left to the GA for final decision.

EARTH CHARTER (WORKING GROUP III)

The Earth Charter contact group met all day Saturday and well into the evening to continue negotiations. Saturday morning's session was taken up entirely by a discussion of the principle pertaining to differentiated environmental standards related to economic and social conditions. This led to a protracted discussion regarding the merits of such a principle. Compromise wording was proposed and tentative agreement was reached. By Saturday evening, the contact group had completed negotiations and was able to produce bracketed text to forward on to the Plenary. Agreement was reached on the general substance of the text, although specific language remains to be resolved. Two principles were agreed to: public participation and the role of women.

THINGS TO LOOK FOR TODAY AT PREPCOM

PLENARY: The working groups have now completed negotiations on the Agenda 21 texts under their mandate. The next stage will involve ratification by the Plenary of all of the documents that have been painstakingly negotiated over the last four weeks. According to PrepCom Chair Tommy Koh, since every document is at a different stage "in the pipeline," the Plenary will be unable to consider the documents in any order. Thus, today's session is scheduled to address the following documents:

- PC/L.59 -- Capacity building for developing countries (based on PC/100/Add.11)
- PC/L.61 -- Science for sustainable development (based on PC/100/Add.10)
- PC/L.65 -- Role of regional organizations (based on PC/100/Add.26)
- PC/WG.I/L.48 -- Report of Working Group I
- PC/WG.I/L.40 and Corr.1 -- Sustainable mountain development (based on PC/100/Add.18)
- PC/WG.I/L.41 -- Planning and management of land resources (based on PC/100/Add.15)

If the Plenary is unable to resolve outstanding problems contained in bracketed text, the Chair will direct the working group chairs or contact group coordinators to meet with the principals in adjacent conference rooms until they can return with compromise language.

SCHEDULE OF PREPCOM IV EVENTS

OFFICIAL MEETINGS

March 30	10:00 am	UN Conference Room 4	Plenary	Open
March 30	3:00 pm	UN Conference Room 4	Plenary	Open
March 30	8:00 pm	UN Conference Room 4	Plenary	Open

NGO AND OTHER MEETINGS

March 30	8:45 am - 9:45 am	UN Conference Room 1	NGO Strategy Session	NGOs
March 30	10:00 am - 11:00 am	UN Conference Room C	Women's Caucus	NGOs
March 30	10:00 am - 11:00 am	AFS Bldg. Galatti Lounge	Meeting of Youth NGOs	Youth NGOs
March 30	12:00 pm - 2:00 pm	CCUN 8th Floor Grumman Room	NGO Working Group on Finance	NGOs
March 30	1:00 pm - 2:00 pm	25 Tudor City Place #1820	Strategy Session for Canadian NGOs	Canadian NGOs
March 30	1:00 pm - 2:00 pm	CCUN 11th Fl. Hardin Room	NGO Working Group on Forests	NGOs
March 30	2:00 pm - 5:00 pm	CCUN 8th Fl. Grumman Room	Task Group on Sustainable Agriculture	NGOs
March 30	6:00 pm - 8:30 pm	UN Conference Room 1	NGO Government Dialogue & NGO Plenary "NGO Treaties"	NGOs