



### PREPCOM HIGHLIGHTS MONDAY EVENING, 30 MARCH 1992

#### INSTITUTIONS (WORKING GROUP III)

Working Group III met Monday evening from 8:30 pm until midnight to discuss CRP.3/Rev.1. The interpreters left at 10:20 pm, yet the group agreed to continue in English and, by the end of the meeting, agreed on the formulation of three paragraphs.

Several key issues generated substantial debate. Under paragraph 12 on intergovernmental functions, delegates could not agree on the scope of the functions of the intergovernmental structure mentioned in the chapeau. There was no agreement whether such functions should take place under the auspices of the General Assembly or ECOSOC. This question was referred to a contact group.

Paragraph 12(b), which refers to reporting mechanisms, was discussed for over an hour. It was decided that the reporting mechanism to follow-up on Agenda 21 would be a function undertaken by whatever structure is decided to "consider reports periodically provided by governments." Paragraph 12(f), which refers to reporting on the implementation of conventions, was also problematic and sent to the contact group.

The role of the Secretary-General (paragraph 14), a "High-Level Interagency Coordination Mechanism" (15-17(a)), and the Secretariat Support Structure (18-20) were discussed at great length. Compromise text was presented by the UK, Kenya and Japan, but no agreement was reached. Some countries generally expressed concern that without new resources there would be no way to ensure adequate support for a Secretariat after UNCED. Other issues discussed were gender balance, relationships between institutions and the role of major groups, and linkages to financial matters still under negotiation.

### PREPCOM HIGHLIGHTS TUESDAY, 31 MARCH 1992

#### PLENARY

The Plenary held its 65th session yesterday morning to continue the process of formally adopting the documents prepared by the PrepCom. The meeting opened with speeches from the Minister of Tourism and Wildlife of Uganda and the Minister of Environment and Tourism of Zimbabwe. PrepCom Chair Tommy Koh then turned to "Information for decision-making" (PC/L.63), which was approved by the Plenary with one amendment.

The next item on the agenda, "Protection and promotion of human health" (PC/L.62) was not dealt with as expeditiously. Kuwait asked why rural health challenges was not mentioned explicitly in the text while there was a special programme area on "Meeting the urban health challenge." The Secretariat, supported by Australia, responded that rural health is dealt with extensively in other programme areas. Kuwait, supported by Malawi stated that this issue ought to be dealt with in the text. After a long discussion, Koh recommended that a contact group be convened to negotiate new text that would address this issue. Paragraph 4 under "Basis for Action" also posed some problems. The US amended the text on family planning to read, "Education and appropriate services regarding responsible planning of family size in keeping with freedom, dignity and personally held values also contributes to these intersectoral activities." This language had been agreed to in other paragraphs of the text and the US wanted consistency. Argentina immediately objected, saying that it prefers the present wording, "with respect for cultural, religious, and social traditions." The Holy See then stepped in to say that it agreed to this consensus text in paragraphs 27 and 28 in PC/L.62/Corr.1 after careful negotiation. When debate moved to these two paragraphs, Argentina stated that it has not received ap-

proval from Buenos Aires on Corr.1 and, thus, "we cannot commit our government to implementing this." Argentina specifically objected to a reference that ensured the right of men and women to decide on the number and spacing of children. Koh then interjected to say, "I have been given misinformation here. This is not a consensus text." He requested that the contact group reconvene to discuss the issue of family planning. After a few more amendments were discussed, Koh said that the group would return to this document after the contact group has reached consensus on the two problem areas: rural health and family planning.

The Plenary quickly approved the next two items on the agenda: "Education, Public Awareness and Training" (PC/L.66), and "Human Settlements" (PC/L.67).

The Plenary then turned its attention to the work of Working Group II. After adopting the report of Working Group II (PC/WG.II/L.31), the Plenary addressed "Environmentally sound management of solid wastes and sewage-related issues" (PC/WG.II/L.26 and Corr.1). This document was adopted with minor amendments. PC/WG.II/L.27, "Safe and environmentally sound management of radioactive wastes," was not ready for discussion. A contact group was scheduled to meet last night to discuss paragraph 5(c), which deals with the storage or disposal of radioactive wastes near the marine environment. Apparently the compromise language proposed Saturday night was not acceptable to all delegations.

The final document discussed was "Environmentally sound management of hazardous wastes" (PC/WG.II/L.28 and Corr.1). Since brackets still remain on paragraphs dealing with the role of the European Community, military use of hazardous waste, finance and technology transfer, Koh said that the Plenary must revisit this document after further discussion has taken place.

#### TECHNOLOGY TRANSFER (PLENARY)

Yesterday morning's meeting of the contact group on technology transfer broke down after the G-77 and China stated that there apparently was no political will to resolve the outstanding issues and, thus, there was no reason to meet. Many of the delegates present in the meeting lacked the authority to seriously negotiate the contentious issues remaining in the text. The two major issues still under discussion are intellectual property rights and the concessional and preferential transfer of technology. The contact group is scheduled to meet again this morning.

#### FOREST PRINCIPLES (WORKING GROUP I)

The contact group negotiating the forest principles document met Monday night in an emotionally charged session. It was reported by participants that one delegate intervened to say that the document was "garbage" and that he was embarrassed to take it back to his government. Little progress was made.

Yesterday's session was the final meeting scheduled to discuss this document. Negotiations progressed, at their normally contentious level, through principle 8(d). Passages in brackets related to trade, financial matters, technology transfer and international cooperation were passed over. The document will be sent "as is" to the Plenary. It is unclear how PrepCom Chair Tommy Koh will deal with the document when it arrives in its present heavily bracketed state.

#### LAND RESOURCES (WORKING GROUP I)

The land resources cluster (except forests), including WG.I/L.41, "Integrated approach to planning and management of land resources", WG.I/L.39/Rev.1, "Combating desertification and drought", and WG.I/L.42 and Corr.1, "Promoting sustainable agriculture and rural development" were considered by the contact group yesterday morning. The "Basis for action" and "Means of implementation" sections were discussed. There were no major problems and the documents were reported ready for consideration by Plenary.

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**OCEANS (WORKING GROUP II)**

The fisheries contact group still has not reached agreement on language dealing with straddling stocks and other migratory species. A proposal had been made recommending that an international conference be held to address this subject and, thus, the PrepCom would not have to resolve this contentious issue. Not all countries accepted this compromise. The contact group is expected to continue meeting today.

**EARTH CHARTER (WORKING GROUP III)**

Negotiations on the Earth Charter have reached a crisis point. A contact group met Tuesday morning to begin reviewing the Co-Chairs' draft, which contains 26 principles. The contact group attempted to streamline the text, but fundamental difficulties remained. Apart from differences regarding the principles to be included, there is still disagreement whether the Earth Charter should be a separate, free-standing document or if it should form a preamble to Agenda 21.

The group reconvened in the afternoon, by which time a supplement containing redrafts of several of the principles discussed earlier had been produced. The supplement included the principles dealing with the role of human beings in relationship to environment and development; measures to strengthen endogenous capacity building; notification concerning natural disasters or other emergencies; weapons of mass destruction; and further development of international law in relation to the UNCED mandate. However, as serious differences clearly remained between the major factions, the Chair announced that a final effort to negotiate the Charter would be made: a meeting would be held on Tuesday night to reach agreement through a bargaining session (on the basis of the Co-Chairs' draft), at which states would be expected to find a way of balancing conflicting interests in a "horse-trading" session. The Chair called for the two principle factions to develop a "trade-off package" for the remaining controversial issues, with each faction entitled to put forward roughly 50 percent of the principles that they favor.

**INSTITUTIONS (WORKING GROUP III)**

A contact group met in the morning to discuss the "Intergovernmental Mechanisms" section of CRP.3/Rev.2. The two related issues of concern were: 1) how much of the decision making on institutions should be completed in Rio and, therefore, not forwarded to the next General Assembly meeting; and 2) how far can delegates condense the seven proposed mechanisms in the intergovernmental mechanisms section. The group was divided on both issues. Some felt that the institutional options should be fully decided in Rio, with a resolution for adoption forwarded to the GA. Others wanted broad principles agreed in Rio, and the GA to decide the intricacies of the mechanisms. On the condensing of the seven options, most agreed that the "eminent persons" option was inappropriate, but disagreed whether the other options could be reduced down to two or three. The main choices for an intergovernmental mechanism to follow up Agenda 21 and integrate environment and development within the UN are: 1) a subsidiary body of the GA, either a commission or a committee; 2) a revitalization of ECOSOC, perhaps with a dedicated segment for environment and development; and 3) a combination of the previous options: leaving the GA to deal with policy and ECOSOC

to deal with coordination. No decisions were taken, and a proposal was made for an umbrella text that suggested principles, rather than forcing a selection of options.

In the afternoon, Working Group III met in an informal session to discuss the rest of CRP.3/Rev 2. Brazil requested a reopening of paragraph 12(b) dealing with periodic reporting on the implementation of Agenda 21, wanting to emphasize that this was "maybe", but not definitely, required. The US similarly stressed the voluntary nature of national reporting. Discussion on national reporting continued in Section H, "National implementation". Most delegations supported the need for national reporting as a key part of Agenda 21 implementation. Brazil, however, wanted to delete this reference.

In Section J, which deals with NGOs, the Dutch delegation proposed strengthening the section with the insertion of language from the "Major Groups" chapter of Agenda 21. China sought to restrict the participation of NGOs to the implementation of Agenda 21, rather than the UN system as a whole. Brazil expressed reservations on the entire NGO section, saying that it wanted a more subtle way of referring to NGO participation.

**THINGS TO LOOK FOR TODAY AT PREPCOM**

**PLENARY:** The Plenary will meet this morning to hear a statement from the Minister for Environment and Forests of India and to continue addressing and approving documents. Due to the fact that documents are at different stages of production, it is difficult to determine what will be discussed each day. Documents that are candidates for discussion today include:

- PC/WG.II/L.29 -- Freshwater Resources (based on PC/100/Add.22)
- PC/WG.II/L.27 and Corr.1 -- Environmentally sound management of radioactive wastes (based on PC/100/Add.4) (This will be discussed only if the contact group reached agreement on paragraph 5(c) last night.)
- PC/L.70 and Corr.1 -- Integration of environment and development in decision making (based on PC/100/Add.8)
- PC/WG.I/L.41 -- Integrated approach to planning and management of land resources (based on PC/100/Add.15)
- PC/WG.I/L.42 -- Sustainable agriculture and rural development (based on PC/100/Add.19)
- PC/WG.III/L.32 -- Legal instruments (based on PC/103 and PC/103/Add.1)

**SCHEDULE OF PREPCOM IV EVENTS**

**OFFICIAL MEETINGS**

April 1	10:00 am	UN Conference Room 4	Plenary	Open
April 1	3:00 pm	UN Conference Room 4	Plenary	Open
April 1	8:00 pm	UN Conference Room 4	Plenary	Open

**NGO AND OTHER MEETINGS**

April 1	8:45 am - 9:45 am	UN Conference Room 1	NGO Strategy Session	NGOs
April 1	10:00 am - 11:00 am	UN Conference Room C	Women's Caucus	NGOs
April 1	10:00 am - 11:00 am	AFS Bldg. Galatti Lounge	Youth NGOs Meeting	Youth NGOs
April 1	12:00 pm	CCUN 12th Floor Dag Hammarskjöld Lounge	YOUTH '92 Press Briefing	Press & NGOs
April 1	12:00 pm - 2:00 pm	CCUN 8th Floor Grumman Room	Working Group on Militarism, Environment and Development	NGOs
April 1	1:00 pm - 2:00 pm	CCUN 2nd Floor Hospitality Center	NGO Strategy Session on Oceans	NGOs
April 1	1:00 pm - 2:00 pm	CCUN 10th Floor Conference Room 10H	NGO Working Group on Forests	NGOs
April 1	2:00 pm - 3:00 pm	CCUN 10th Floor Conference Room 10H	NGO Working Group on Oceans "High Seas Overfishing"	NGOs
April 1	2:00 pm - 4:30 pm	CCUN 8th Floor Grumman Room	NGO Working Group on Finance	NGOs
April 1	3:00 pm - 5:00 pm	CCUN 10th Floor Conference Room 10H	Working Group on Legal & Institutional Matters	NGOs
April 1	6:00 pm - 8:30 pm	UN Conference Room 1	NGO Government Dialogue (Premier Wells of Newfoundland) & NGO Plenary "NGO Treaties"	NGOs