

# Earth Summit Bulletin

Vol. 1 No. 24

Published by Island Press with contributions from the NGO community

2 April 1992

## PREPCOM HIGHLIGHTS

### TUESDAY EVENING, 31 MARCH 1992

#### RADIOACTIVE WASTES (WORKING GROUP II)

A contact group met Tuesday night to discuss paragraph 5(c) in PC/WG.II/L.27 and Corr.1 on radioactive wastes. The paragraph in question deals with the storage and disposal of radioactive wastes in the marine environment. The text had been provisionally agreed to after extensive discussion on Saturday night. When the document was supposed to be addressed by the Plenary on Tuesday, the Vice-Chair, Joke Waller-Hunter, announced since one delegation could not accept the text she would be holding further consultations. On Tuesday night, the US explained its last-minute objections and proposed new text to the contact group. No other delegation present supported the US on this matter. Thus, the text remained bracketed and is scheduled to be discussed today in Plenary.

#### EARTH CHARTER (WORKING GROUP III)

The Earth Charter contact group met last night to commence "horse-trading" in order to reach compromise on the Earth Charter based on the Co-Chairs' compilation text of March 31. This exercise bore no fruit. The non-G-77 countries were prepared to compromise on certain principles. For example, the EC showed increasing flexibility regarding the right to development principle. Other OECD countries expressed a willingness to consider retaining those principles regarding desertification, biodiversity and waste. Nevertheless, the G-77 was unwilling to trade any of its preferred principles. Notwithstanding this exercise, agreement was achieved on the merging of principles 10 and 15 into one principle which covers both aspects of proper handling, disposal and transfer of toxic, dangerous and hazardous substances. By 1:00 am, the Co-Chairs announced that they would report back to PrepCom Chair Tommy Koh and seek his guidance for the next stage of negotiations.

#### INSTITUTIONS (WORKING GROUP III)

The Institutions Working Group met Tuesday evening to continue working on unresolved paragraphs in the text. Another 10-15 paragraphs were agreed upon. The group has now reached agreement on close to half of the text.

## PREPCOM HIGHLIGHTS WEDNESDAY, 1 APRIL 1992

#### PLENARY

The Plenary held its 66th meeting on Wednesday morning to approve two documents and hear speeches by the Minister for Environment and Forests of India and Sir Shridath Ramphal, the former Secretary-General of the Commonwealth Secretariat.

The first document considered by the Plenary was PC/L.70 and Corr.1, "Integration of environment and development in decision-making". Ambassador Arnoldo Gabladón of Venezuela, the coordinator of the contact group, introduced the document and explained that Programme Areas E and F, which were in brackets, should be deleted. Sweden and Norway had proposed Programme Area E, "Full cost environmental accounting", and the G-77 had proposed Programme Area F, "Global corporate environmental management". It was agreed that these programme areas would be withdrawn and replaced by several amendments to the other programme areas. Sweden then proposed two amendments that would replace Programme Area E. The first amendment, paragraph 46 bis., deals with removing price distortions arising from governmental programmes affecting land, water, energy and other natural resources. The US amended this paragraph so that it would say "seek to identify and consider measures to

correct" instead of "remove" price distortions. The paragraph was accepted as amended. Sweden's second amendment, paragraph 46 ter., states that governments should encourage corporations to: provide relevant environmental information through transparent reporting; and develop and implement methods and rules for accounting for sustainable development. This amendment was also accepted. The entire document was approved with several other amendments.

As PrepCom Chair Tommy Koh had to conduct a meeting on the Earth Charter at 11:30 am, he turned the chair over to Ambassador Vincente Sanchez of Chile, the coordinator on freshwater resources, to address the document produced on this subject, PC/WG.II/L.29. An extensive discussion was held on the status of paragraphs 1-16, the "Introduction" and "General Objectives" sections. These paragraphs were not negotiated by the contact group due to lack of time and Sanchez requested that they remain in brackets until the PrepCom determines if these sections will remain in the final version of Agenda 21. The representative from Palestine then requested the floor to amend paragraphs 20(c) and 27 to include "people under occupation". No one objected and these amendments were accepted.

There was a lengthy discussion of the status of paragraphs 33 and 63, which set target dates for water resources assessment and water and sustainable urban development, respectively. These paragraphs are currently in brackets pending the outcome of discussions on finance and other related Agenda 21 programme areas. Colombia suggested removing the brackets and replacing them with footnotes. India, Denmark, Tunisia, Malaysia and Guatemala wanted to retain the brackets. The final decision was to retain the brackets, while adding an explanatory footnote.

China attempted to amend a sentence in paragraph 40 by inserting the word "inappropriate". The sentence would then read, "Under certain circumstances, aquatic ecosystems are also affected by *inappropriate* agricultural water resource development projects such as dams, river diversions, water installations and irrigation schemes." Brazil objected saying that this amendment makes all these projects seem inappropriate. Colombia attempted to reformulate the Chinese proposal by adding the phrase "when these are not appropriately conceived" to the end of the sentence. The US and France objected to any changes in the paragraph since it was carefully crafted by the contact group. The Chair agreed and Colombia withdrew its proposal. The document was then adopted as amended.

#### TECHNOLOGY TRANSFER (PLENARY)

The contact group on technology transfer met yesterday afternoon. The meeting adjourned at 6:00 pm, when the delegate from Pakistan, on behalf of the G-77 said that he only had the authority to represent the G-77 until 6:00 pm. Although progress was made and several pairs of brackets removed, delegates commented that their feeling of accomplishment was tempered by a sense of frustration. It appears as though language on protection of intellectual property rights remains in the document and is not bracketed. The document was supposed to be sent for translation last night, however, it is possible that the deadline set by PrepCom Chair Tommy Koh may be extended until today. If this is the case, the contact group will continue meeting this morning.

#### ATMOSPHERE (WORKING GROUP I)

The Agenda 21 chapter on protection of the atmosphere (WG.I/L.47) was discussed by a contact group yesterday morning. Bracketed text remains in areas related to energy. There was reportedly a G-77 meeting yesterday afternoon to try and find a compromise position between Saudi Arabia and the other members of the G-77. Another contact group meeting was scheduled for last night.

The *Earth Summit Bulletin* is published by Island Press and distributed free of charge to the participants at the Fourth Session of the Preparatory Committee for the United Nations Conference on Environment and Development. Funding for the preparation has been provided by grants from the Ford Foundation, The Compton Foundation and the W. Alton Jones Foundation. This issue of *Earth Summit Bulletin* is prepared by Johannah Bemstein (cpcu@web.apc.org), Pamela Chasek (pchasek@cdp.apc.org) and Langston James Goree VI "Kimo" (kimo@ax.apc.org). *Earth Summit Bulletin* can be contacted at: Dag Hammarskjöld Lounge on the 12th Floor of the Church Center, 777 United Nations Plaza, Phone 212/808-5340/1, Fax 212/808-5342, E-mail lgoree@cdp.apc.org. The opinions expressed in *Earth Summit Bulletin* are those of the authors and do not necessarily reflect the views of Island Press or our sponsors. The contents of *Earth Summit Bulletin* may be freely used in other publications with appropriate citation. *Earth Summit Bulletin* is uploaded daily on the APC networks into the conference en.unced.news.

**EARTH CHARTER (WORKING GROUP III)**

Tommy Koh met yesterday morning with the Earth Charter contact group, as well as the heads of delegations, to chart the next course of action for Earth Charter negotiations. It was agreed that the two Co-Chairs would prepare a compromise text to serve as the basis for Wednesday evening's drafting session to be led by Koh. It was further agreed that only 16 countries would be represented at that session. Countries to be represented include the G-77, the EC, the US, Japan, CANZ and the Russian Federation. It is likely that the drafting group will focus on the outstanding "difficult" principles such as common but differentiated responsibility; differentiated standards; promotion of a supportive international economic system; elimination of apartheid and other forms of oppression; and weapons of mass destruction.

**INSTITUTIONS (WORKING GROUP III)**

Wednesday morning the new Institutions contact group met to review Coordinator Kazali's revised compilation text which reduces the number of options for intergovernmental mechanisms to two. One option would be the establishment of a Sustainable Development Commission under the direct authority of the G.A. The second option would establish a similar mechanism within a revitalized ECOSOC. The Coordinator has proposed that UNCED choose the actual option and leave to the 47th session of the GA the elaboration of the operational and structural details. Based on the comments from delegates during the course of the day, Kazali intended to redraft text for Wednesday evening's session, where it was expected that the full text would be completed, albeit with square brackets around certain key paragraphs.

**LEGAL INSTRUMENTS (WORKING GROUP III)**

The Legal Instruments contact group met Wednesday morning to attempt to remove more square brackets from the text. Agreement was reached on paragraph 6, which calls for the study of the elaboration of a global convention on environmental protection. Agreement could not be reached on a number of key points: the G-77 remains opposed to the reference of "prevention" in the context of the activity on dispute resolution and prevention; the G-77 remains opposed to the reference of "compliance" in paragraph 4 on the basis that they do not want to commit to compliance with international agreements when they often lack the resources to do so. Brackets still remain around the environmental crime paragraph that calls for the prevention of deliberate large-scale environmental destruction. The G-77 wants this paragraph to apply only in times of war. As well, contention remains around the proposed activity section that calls for the elaboration of a nuclear safety convention.

**IN THE CORRIDORS**

As negotiations at this PrepCom come down to the final hours, the combination of stress, fatigue, and an unfamiliarity with the process of UN negotiations have led some observers to dramatize the state of affairs, as seemingly intractable as they may be. World from veterans of these UN "cliff-hangers" is that collapses, departures and the "dark times" are just part of the process as played out here in the UN. Some reminisced about the negotiations for UN General Assembly Resolution 44/228, where it was said that some wept as talks broke down at 3:00 am one night. Others remembered the organizational session for the PrepCom in March 1990

**SCHEDULE OF PREPCOM IV EVENTS**

**OFFICIAL MEETINGS**

April 2	10:00 am	UN Conference Room 4	Plenary	Open
April 2	3:00 pm	UN Conference Room 4	Plenary	Open
April 2	8:00 pm	UN Conference Room 4	Plenary	Open

**NGO AND OTHER MEETINGS**

April 2	8:45 am - 9:45 am	UN Conference Room 2	NGO Strategy Session	NGOs
April 2	10:00 am	UN Conference Room 4	Presentation on the '92 GLOBAL FORUM	Open
April 2	10:00 am - 11:00 am	UN Conference Room C	Women's Caucus	NGOs
April 2	10:00 am - 11:00 am	CCUN 11th Floor Hardin Room	Network for Environmental & Economic Responsibility	Press
April 2	10:00 am - 11:00 am	AFS Bldg, Galant Lounge	Youth NGOs Meeting	Youth NGOs
April 2	12:00 pm - 1:00 pm	CCUN 10th Floor Conference Room 10H	NGO Working Group on Forests	NGOs
April 2	12:00 pm - 2:00 pm	CCUN Tiltam Chapel	Working Group on Education	NGOs
April 2	1:00 pm	UN Conference Room B	CANZ Briefing for CANZ NGOs	CANZ NGOs
April 2	2:00 pm - 3:00 pm	CCUN 8th Floor Crumman Room	Meeting Between NGOs in Official delegations	NGOs in official delegations
April 2	6:00 pm - 8:30 pm	UN Conference Room 2	NGO Government Dialogue & NGO Plenary "NGO Treasures"	NGOs

**TO OBTAIN BACK COPIES OF THE EARTH SUMMIT BULLETIN, OR TO ORDER THE FINAL ISSUE, PLEASE CONTACT:**

ISLAND PRESS  
1718 CONNECTICUT AVENUE, N.W.  
SUITE 300  
WASHINGTON, D.C. 20009 USA  
(212) 808-5340 (UNTIL APRIL 3)  
(212) 808-5342 (FAX UNTIL APRIL 3)  
(202) 232-7933  
(202) 234-1328 (FAX)

- PC/WG.I/L.30 -- Environmentally sound management of toxic chemicals (based on PC/100/Add.23)
- PC/WG.I/L.27 and Corr.1 -- Environmentally sound management of radioactive wastes (based on PC/100/Add.4)
- PC/WG.I/L.47 and Corr.1 -- Protection of the atmosphere (based on PC/100/Add.14)
- PC/WG.I/L.43 -- Combating deforestation (based on PC/100/Add.16)
- PC/WG.I/L.42 and Corr.1 -- Sustainable agriculture and rural development (based on PC/100/Add.19)
- PC/WG.I/L.41 and Corr.1 -- Integrated approach to the planning and management of land resources (based on PC/100/Add.15)
- PC/WG.I/L.39/Rev.1 -- Desertification and drought (based on PC/100/Add.17)
- PC/L.65 -- Role of regional organizations (based on dates for discussion today include: Coordinator of the '92 Global Forum. Documents that are candidates for discussion today include:

**THINGS TO LOOK FOR TODAY AT PREPCOM**

when negotiations over whether to have one working group or two carried on until dawn and many thought that compromise was impossible. The same psychology can be found -- is said to be at work here. The style, they say, is that when "crunch-time" comes and a failure seems to be in the offing, the time is right for a deal to be struck. Most say that despite PrepCom Chair Tommy Koh's admonition to leave no passage bracketed for Rio, there will inevitably be text to be negotiated by decision-makers at UNCED who are not in attendance at PrepCom IV.

PLENARY: The Plenary will convene this morning to continue addressing and approving documents. The group will first hear a statement from Warren "Chip" Lindner, the International Coordinator of the '92 Global Forum. Documents that are candidates for discussion today include: