



PREPCOM IV: THE FINAL STOP ON THE ROAD TO RIO

The Preparatory Committee (PrepCom) of the United Nations Conference on Environment and Development officially ended its two year's work Saturday, 4 April at 5:00 am when PrepCom Chair Tommy Koh of Singapore gavelled the final meeting of the Plenary to a close. The fourth session of the PrepCom, which began on 2 March, marked the final phase of negotiations in preparation for the Earth Summit to be held in Rio de Janeiro in June. Although PrepCom IV was neither an unmitigated disaster nor an overwhelming success, in actual fact, progress was indeed achieved as close to 85 percent of Agenda 21 (the 750-page framework for environment and development action in the 21st century) is in some state of agreement. It is, however, the remaining 15 percent that is deeply problematic. The most difficult and, indeed, contentious issues remain to be resolved at Rio: the statement of forest principles; climate change and atmospheric issues; transfer of environmentally appropriate technology to the developing world; the institutional arrangements necessary to implement Agenda 21, and the most intractable of them all, the magnitude and means of transferring financial resources to developing countries to enable them to meet the global environmental norms that are expected to emerge after Rio. And so, what was expected to be a two-week gold-pen cum massive photo opportunity in Rio has quickly been transformed into the most critical of negotiating meetings held so far. The road to Rio began in August 1990. PrepCom I, which was held in Nairobi, worked to identify the scope of the UNCED and those issues that needed attention. At PrepCom II, held in Geneva in March 1991, the voluminous documentation provided by the Secretariat helped states to address key issues and prioritize the areas where action was needed. It was here that the first hints of the form that the Conference's products might take emerged. At PrepCom III, which took place in Geneva in August 1991, governments debated the best ways to tackle the problems and began to negotiate, for the first time, the proposed programmes and action areas. Finally, at this last PrepCom in New York, delegates met to negotiate and finalize the technical portions of Agenda 21 and negotiate the political instruments that are expected to be signed in Rio de Janeiro.

At the beginning of PrepCom IV, the most contentious issues had not yet been negotiated. Since insufficient time had been allocated at PrepCom III for discussion of all of the issues, all unresolved matters were deferred to PrepCom IV's already overtaxed agenda. Thus, as the session opened in New York, delegates had before them 750 pages of text, in various stages of negotiation, that formed Agenda 21; an Earth Charter compilation text of over 136 paragraphs; a partially negotiated statement on forest principles; and impending deadlock on the question of financial resources. With five weeks of difficult negotiations ahead of them, government delegates not only faced this overtaxed agenda, but also the real possibility that little or no progress could be achieved on these difficult issues.

But, against all odds, progress was achieved in New York. Yet, much work remains to be done. Thus, government officials will attempt to conclude in two weeks in Rio, what hundreds of officials have simply been unable to resolve over the past two years. What follows is an overview of the task at hand for governments at Rio, as well as an overview of what in fact was achieved at this past negotiating session in New York.

THE CHALLENGE FOR RIO

FINANCE:

Although several attempts were made to agree on a compromise text -- and one was very nearly reached -- negotiations collapsed, principally over issues relating to the Global Environmental Facility (GEF), the mechanism proposed to finance Agenda 21 and other global conventions, including climate change and biodiversity. The issue will remain highly contentious and one of the most difficult to negotiate at Rio.

CLIMATE CHANGE:

The most important discussions regarding climate change are taking place under the auspices of the Intergovernmental Negotiating Committee (INC). At this point, the major outstanding issue pertains to the lack of agreement regarding the need for specific targets and timetables for CO₂ emissions, with the United States continuing to oppose such measures. Within the context of the Agenda 21 chapter on Atmosphere, this has translated in the US opposing a wide range of measures to reduce fossil fuel consumption. While the INC process is separate from UNCED, INC failure will have serious implications for UNCED. The Agenda 21 chapter on atmosphere has avoided dealing with any substantive matters that would duplicate or prejudge the parallel negotiating process for the Climate Change Convention. If the INC is unable to reach agreement at the final negotiating session later this month in New York, look for the Agenda 21 chapter to change considerably in Rio.

TECHNOLOGY TRANSFER:

Northern and Southern countries still remain divided over the question of transfer of environmentally appropriate technology to the South. Although most of the text was successfully negotiated in New York, the question of terms of transfer remains to be resolved in Rio. Northern countries continue to support the transfer of such technology at commercial or market rates. Southern countries argue that they lack the sufficient financial resources to obtain such technology at anything more than preferential or concessional rates. Another unresolved issue pertains to the manner in which intellectual property rights can be safeguarded without hindering access to patented technology. These questions are closely related to the discussions on finance because of the significant amount of public funds that might be involved to subsidize the acquisition of technology.

CONSUMPTION:

Overall, there appeared to be a lack of willingness by the North, especially the US, to deal seriously with the issue of consumption. Over-consumption in the North and the unmet consumption needs for basic goods and services in the South demand a restructuring of the use of natural capital and lifestyles. Few countries were prepared to deal with these core issues. In fact, the negotiations became mired in Faustian deal-making when at one point it was rumored that North and South had reached a deal whereby the North would drop the issue of population growth in exchange for the South's dropping the issue of consumption. What did remain clear, however, was the continued opposition by the US delegation, on direct orders from the White House, to any language in text that could be interpreted as necessitating a diminution of the "American Way of Life".

INTERNATIONAL ECONOMY:

Again, Northern countries demonstrated a lack of willingness to seriously address the structural changes that must be made within the international economy to encourage sustainable development. Many believe that UNCED should initiate a process of global economic reform that will reverse the South-North outflow of resources, improve the South's terms of trade and reduce its debt burden. Issues that need to be resolved include agriculture protectionism; the use of subsidies; the setting of ODA targets and timetables; the need for environmental policies and trade policies to be more mutually supportive; and the necessary policy reforms to "release resources for supporting the transition to sustainable development" (and home and abroad) and to complement policies aimed at restraining consumption.

TRANSNATIONAL CORPORATIONS:

From the perspective of many Southern countries and NGOs, the role of transnational corporations has been dealt with in an unsatisfactory manner. Instead of calling for strong national and international regulation of TNCs, countries have acquiesced to the dismantling of the UN Centre on Transnational Corporations and have allowed the role of TNCs to go unchecked by the PrepCom. NGOs maintain that not only should governments be made to pledge towards a "partnership for sustainable development" but that industry, which plays as important a role in deciding or effecting sustainable development, should be brought in as well.

HEALTH AND HUMAN SAFETY:

The US has opposed language within Agenda 21 and the Earth Charter that refers to the activities of the military and corporations that could threaten health and human safety. As well, the US has remained steadfastly opposed to references to international regulation of biotechnology safety. This move runs counter to the efforts of Britain and the Netherlands to strengthen such provisions. Other unresolved areas pertain to the storage of radioactive waste near the marine environment and the international trafficking of hazardous waste. In fact, the absence of resolution on these issues was mirrored by US refusal to accept language referring to the environmental impact of military operations, the impact of military waste and the need for a comprehensive ban on nuclear testing in the Earth Charter and Agenda 21.

BIODIVERSITY:

Agreement is still lacking around the difficult question of access and ownership of biodiversity resources in developing countries. Although the issue of biodiversity is primarily being negotiated by the Intergovernmental Negotiating Committee for a framework convention on biodiversity, much of the Agenda 21 chapter is being held hostage to the outcome of these parallel negotiations. The INC will be holding one more negotiating session before Rio. The results of this session will undoubtedly influence the conclusion of the Agenda 21 negotiations in Rio.

FORESTS:

Many observers noted that negotiations around the forest principles document (the hopeful precursor to a future forest convention) sparked one of the most contentious debates at PrepCom IV. The standard North/South split marked many issues such as national sovereignty over forest resources and free trade in forest products. The draft text is so mired in contention, some suggest that it may not even make it to Rio.

INSTITUTIONS:

While the level of debate was hindered by a fundamental lack of creative and innovative ideas, negotiations on the question of institutional arrangements necessary to implement Agenda 21 has at least narrowed down to several viable options. One is a proposal for a revived ECOSOC (the Economic and Social Council), which would include monitoring progress in the implementation of Agenda 21 among its functions. The other option is a Commission on Sustainable Development, which would monitor Agenda 21 implementation and other activities related to integration of environment and development.

EARTH CHARTER:

Although the actual text of the Earth Charter, now called the Rio Declaration, falls short of everyone's expectations, it is the only actual consensus text going to Rio. The initial expectation on the part of UNCED Secretary-General Maurice Strong and the North was that the Earth Charter would be a relatively short statement, committing countries in soaring, visionary language to safeguard the world's natural inheritance. By contrast, developing countries insisted on a more detailed, pragmatic document that would force the North to take responsibility for environmental problems to help them continue their development safely. The Rio Declaration attempts to capture the middle ground between the North's concerns with environmental management and the South's concern with economic development.

MEASURING SUCCESS

The progress achieved at PrepCom IV must be viewed in the light of the context out of which UNCED and the PrepCom emerged. The United Nations negotiating process, as flawed as it may be, is the only multilateral forum at this point for dealing with these issues. The UNCED process is not about resolving individual issues, such as global warming, whaling and biotechnology safety. UNCED is about creating the framework for nations to address global issues in a comprehensive manner. To this effect, UNCED has not failed, but is on its way to creating a new world order for global cooperation on environment and development. In addition to creating a new international framework for nations to discuss and cooperate on environment and development, the UNCED preparatory process has also democratized the international political process by increasing the participation of non-governmental organizations (NGOs). While the amount of NGO influence could be greater, NGO presence throughout the preparatory process has, nevertheless, begun to serve as a check and balance on government performance in this process. Because of their wealth of practical experience, NGOs were able to contribute to the decision-making process -- an added dimension that improved the quality of decision making. No longer can governments make decisions insulated from the public masses. Indeed, increased NGO vigilance has served, in many cases, to keep governments on the right track, and in perhaps the rare case, on the higher moral ground.

At PrepCom IV there were numerous examples where NGO input was directly incorporated into the working documents by governments. The UK and Denmark promoted the NGO preamble for the Earth Charter; recommendations from the NGO working groups were incorporated into the poverty chapter of Agenda 21, the Forest Principles document, institutions; and on indigenous

people and women's issues. Although many governments still remain unconvinced about the usefulness of NGOs in such great numbers within the process, working relations between numerous governments and NGOs has reached an all time high with governments actively seeking the input and advice of NGOs on key issues. After two years of working closely together, it became increasingly clear that close interactions and the exchange of ideas created a very productive and positive work environment for both entities. NGOs realized that many government delegates were deeply committed but were limited by their negotiating instructions. On the other hand, governments grew to see beyond the conventional stereotype of NGOs.

Finally, it must be remembered that the Earth Summit in Rio is not an end, but rather a beginning. The documents to be signed in Rio will set the international and national policy agendas into the 21st century. It is crucial that the relationships developed through the UNCED process, the progress achieved in understanding complex environmental and development issues, and the compromises made during this process serve as the basis for increased international cooperation on environment and development for years to come.

A SUMMARY OF THE PROCEEDINGS OF THE FOURTH SESSION OF THE UNCED PREPARATORY COMMITTEE

INTRODUCTION

The fourth session of the Preparatory Committee (PrepCom) of the United Nations Conference on Environment and Development (UNCED) came to a close on Saturday, 4 April 1992. Although many issues still remain to be negotiated and the relevant text remains in square brackets, much progress was made during the five-week negotiating session.

The following report is an issue-by-issue summary of the Fourth Session of the Preparatory Committee for the United Nations Conference on Environment and Development as reported in the Earth Summit Bulletin. To facilitate understanding of this complex set of negotiations, the topics are arranged in the order that their chapters will appear in Agenda 21 and the other documents to be signed in Rio de Janeiro in June, the Statement of Forest Principles and the Earth Charter/Rio Declaration.

PART I: AGENDA 21 SECTION I: SOCIAL AND ECONOMIC DIMENSIONS

INTERNATIONAL COOPERATION TO ACCELERATE SUSTAINABLE DEVELOPMENT IN DEVELOPING COUNTRIES AND RELATED DOMESTIC POLICIES (PC/100/Add.3, PC/L.71)

Discussion of the chapter of Agenda 21 on international economic issues, specifically trade and debt, initially dealt with the need to incorporate the conclusions from the seventh negotiating round of the United Nations Conference on Trade and Development (UNCTAD VIII), which was recently held in Cartagena, Colombia. The contentious issues included agricultural protectionism; the use of subsidies; the setting of ODA targets and timetables; the need for mutually supportive environmental and trade policies; and the necessary policy reforms to "release resources for supporting the transition to sustainable development" (and home and abroad) and to complement policies aimed at restraining consumption.

Consultations continued until the end of PrepCom IV to resolve these outstanding issues. Since the final document (PC/L.71) still has a few brackets remaining, discussions will continue at Rio.

COMBATTING POVERTY, CHANGING CONSUMPTION PATTERNS, DEMOGRAPHIC DYNAMICS AND SUSTAINABILITY (PC/100/Add.2, PC/L.68)

The poverty and consumption chapter of Agenda 21 addresses four topics related to the social aspects of sustainable development. The programme areas include: (1) enabling the poor to achieve sustainable livelihoods (focussing on unsustainable patterns of production and consumption, developing national policies and strategies to encourage changes in unsustainable consumption patterns, developing and disseminating knowledge concerning links between demographic trends and factors in sustainable development); (2) formulating integrated national policies for population and environment and development; and (3) implementing integrated population, environment and development programmes at the local level.

During the course of the debate, many delegates incorporated NGO positions into their interventions. NGOs working on the issue reported that about 90 percent of their textual proposals on the issues had been incorporated into amendments made by the EC and the CANZ group (Canada, Australia and New Zealand). In a surprise move, the US proposed the deletion of paragraphs 16 through 31 in the first programme area on changing consumption patterns. Although several compromises were ultimately made, a number of paragraphs in this section still remain in brackets. On the issue of population (an item that was not originally part of Agenda 21), women's groups, population groups and most delegates expressed satisfaction with the resulting unbracketed text.

PROTECTION AND PROMOTION OF HUMAN HEALTH (PC/100/Add.5, PC/L.62)

The Health chapter contains five programme areas: (1) meeting basic health needs; (2) control of communicable diseases; (3) protecting vulnerable groups; (4) meeting the urban and rural health challenge; and (5) reducing health risks from environmental pollution and hazards. Issues that were raised during initial discussions included the need to broaden health care systems at the community level; the relationship between development and health; and family planning.

The Holy See called for a holistic approach to meeting basic health needs. In response, Australia proposed the words "and access to safe and effective contraception." This controversial topic was the focus of much discussion in the contact group. Compromise text was finally agreed to by the Holy See, Australia and other concerned delegates.

When the document was discussed in Plenary during the last week of PrepCom IV, Argentina opposed the two compromise paragraphs that deal with family planning. Argentina specifically objected to a reference that ensured the right of men and women to decide on the number and spacing of children. The contact group reconvened to work out these differences and a tenuous compromise was finally reached. Whether it will survive in Rio or not remains to be seen.

PROMOTING SUSTAINABLE HUMAN SETTLEMENT DEVELOPMENT (PC/100/ADD.7, PC/L.67):

Programme areas in this chapter of Agenda 21 include: (1) creating national strategies for providing shelter; (2) forming an international network of trained urban managers equipped to plan for human environmental and infrastructural demands; (3) easing migration pressures on cities by creating employment opportunities in rural areas; (4) focussing on energy use and mass transportation; and (5) reducing the impact of natural disasters.

Notable comments made during discussion of human settlements included the request that attention be paid to the critically poor; capacity building for local governments to deal with urban problems; and the need to deal with human settlement problems in developed as well as developing countries. Most of the discussions on this document took place in a contact group and were

comparatively non-controversial. The decision document PC/L.67 was adopted by the Plenary without additional discussion.

INTEGRATION OF ENVIRONMENT AND DEVELOPMENT IN DECISION-MAKING (PC/100/ADD.8, PC/L.70):

Due to scheduling constraints, this Agenda 21 chapter was never discussed in an informal session of the Plenary. Instead, PrepCom Chair Tommy Koh decided to delegate the document directly to a contact group to negotiate the text and forward it to the Plenary. The resulting document, PC/L.70, has four programme areas: (1) integrating environment and development at the policy, planning and management levels; (2) providing an effective legal and regulatory framework; (3) making effective use of economic instruments and market and other incentives; and (4) establishing systems for environmental accounting.

During the Plenary's discussion of this document, it was announced that programme areas on full cost environmental accounting (proposed by Sweden and Norway) and global corporate environmental management (proposed by the G-77) were withdrawn and replaced by several amendments to the other programme areas. Sweden's first amendment deals with removing price distortions arising from government programmes affecting land, water, energy and other natural resources. The second amendment 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.

SECTION II: CONSERVATION AND MANAGEMENT OF RESOURCES FOR DEVELOPMENT

PROTECTION OF THE ATMOSPHERE (PC/100/Add.14, PC/WG.I/L.47)

Protection of the atmosphere was not discussed by Working Group I until the fourth week of PrepCom IV. Debate focused on the areas dealing with lifestyle and consumption patterns, transportation systems, and all matters relating to energy. The G-77 and China revised draft of PC/100/Add.14 was to serve as the basis for negotiation. In the discussion that followed, one of the contentious issues was the use of the word "lifestyle." The US argued that it was contrary to the Universal Declaration of Human Rights for governments to determine citizens' lifestyles.

Among the many interventions on this issue, Tunisia, breaking rank with the G-77, made a controversial call 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 negotiations, was strongly resisted by Canada and the US and was not supported by the G-77. A Swedish compromise prevented a breakdown in the negotiations inviting the INC to examine the feasibility of, and where appropriate, develop scientifically credible methodologies for the identification of critical loads for greenhouse gases.

When the document was discussed by the full Plenary on the final day of the PrepCom, Yemen, on behalf of the Arab Group, stated that the final document, PC/WG.I/L.47, does not cohere with the mandate of UN Resolution 44/228 nor does it meet the Arabs' concerns. He added that since it prejudices the work of the INC, the entire document should be in brackets. Thus, with the entire text in brackets, the document was adopted. The future of this document lies, in part, with the outcome of the final meeting of the INC for a framework convention on climate change.

INTEGRATED APPROACH TO THE PLANNING AND MANAGEMENT OF LAND RESOURCES (PC/100/ADD.15, PC/WG.I/L.41)

The one programme area in this document deals with the reorganization and, where necessary, the strengthening of the decision-making structure to ensure an integrated approach to land management. Initial discussions of this Agenda 21 chapter dealt with language concerning the cooperation and coordination of land management policy. The Philippines spoke in support for indigenous rights over land that they occupy. There was also discussion of the need to provide land users with the means of improving their land use practices, encouraging the media to play a stronger role in raising awareness and the exchange of information through networks.

Although this document was quickly adopted by the Plenary at the end of PrepCom IV, the Palestinian representative later took the floor to amend this document to ensure paragraphs that referred to participation of major groups included "people under occupation." It is likely that this issue will resurface in Rio.

COMBATTING DEFORESTATION (PC/100/ADD.16, PC/WG.I/L.43)

In comparison with the Forest Principles document the negotiations of the Agenda 21 chapter on combatting deforestation were a "walk in the woods." The chapter tabled for negotiations was a much improved version from the document tabled at PrepCom III. Many of the changes reflected suggestions made by NGOs to delegations during intersessional period. However, discussions on the forests chapter began at PrepCom IV with Malaysia, on behalf of the G-77, introducing five new programme areas and tabling 256 text changes. After rather lengthy discussions, during which several other amendments were tabled, the Secretariat managed to prepare a consolidated text that was to serve as the basis for further negotiations.

The final text submitted to the Plenary for adoption was not only a clean text with only 25 percent in brackets, but it was also considered to be quite comprehensive. The four programme areas now include: (1) sustaining the multiple roles and functions of all types of forests; (2) enhancement of the protection, sustainable management and conservation of all forests, and the greening of degraded areas; (3) promoting efficient utilization to recover the full valuation of the goods and services provided by forests; and (4) establish and/or strengthen capacities for the planning, assessment and periodic evaluations of forest-related programmes. The outstanding issues related to trade, finance and technology transfer, the resolution of which will take place under separate Agenda 21 chapter discussions.

During the Plenary's discussion of the proposed decision document, Malaysia expressed its strong opposition to any reference to future negotiations for a forest convention and called for the entire text to be bracketed.

COMBATTING DESERTIFICATION AND DROUGHT (PC/100/ADD.17, PC/WG.I/L.39)

According to many developing countries, desertification had been the neglected issue on the UNCED agenda. As a result, this was the first item to be discussed in Working Group I. One new programme area was proposed during initial discussions, calling for popular participation and environmental education that focuses on desertification and managing the effects of drought. Other major issues discussed included environmental information systems; the consequences of desertification; the rehabilitation of desertified lands; and wood-fuel consumption. The African Group proposed an extensive list of amendments to the Secretariat's text.

One of the contentious issues that emerged was a request for the "preparation and adoption of an International Convention to Combat Desertification particularly in Africa". Although this proposal eventually gained widespread support, a few developed

countries remained opposed. Thus, paragraphs dealing with this issue remain in brackets as discussion on the proposed convention continues.

SUSTAINABLE MOUNTAIN DEVELOPMENT (PC/100/ADD.18, PC/WG.I/L.40)

This chapter of Agenda 21, which was developed after PrepCom III, contains two programme areas: generating and strengthening knowledge about mountain ecosystems; and promoting integrated development of mountain watersheds and alternative livelihood options. Early discussion focussed on the strengthening or establishment of local or regional institutions to encourage "bottom-up" approaches to solving the problems of fragile mountain ecosystems; and the need for national governments to maintain and establish a variety of data and information mechanisms. This document was considered to be relatively non-controversial and was quickly adopted by the Plenary and sent unbracketed to Rio.

PROMOTING SUSTAINABLE AGRICULTURE AND RURAL DEVELOPMENT (PC/100/ADD.19, PC/WG.I/L.42)

The Agenda 21 chapter on sustainable agriculture reflects growing concern regarding sustainable agriculture in light of the link between environmental degradation in agriculture and the problems of hunger, oversupply and trade and price supports. The chapter represents a comprehensive integration of criteria for environmentally sound management practices in all aspects of food and fiber production. Alternative production technologies identified in the chapter include integrated pest management; low input systems and integrated plant nutrition systems.

Discussion focused on the impact of the deterioration of the ozone layer on agriculture; the relationship of trade and environmental policies; property rights of women and indigenous peoples and harvesting storage, processing, distribution and marketing policies. The major areas of contention in this chapter dealt with harmonizing agricultural trade policies and integrating agriculture and environment policies. A new controversy emerged during the Plenary's discussion when the Palestinian representative amended the document so that paragraphs that referred to participation of major groups included "people under occupation." These amendments were bracketed and the document was adopted.

CONSERVATION OF BIOLOGICAL DIVERSITY (PC/100/ADD.20, PC/WG.I/L.44)

In an attempt to both streamline work and to avoid conflict with the parallel negotiating process for a Biodiversity Convention, both Sweden and the EC presented new versions to replace the Secretariat's Agenda 21 chapter on Biodiversity. Both texts were taken into consideration together. Few controversies emerged since the governments avoided discussion of any issues still under negotiation in the INC. 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 final document, PC/WG.I/L.44, still has a number of paragraphs in brackets pending the outcome of the INC negotiations.

ENVIRONMENTALLY SOUND MANAGEMENT OF BIOTECHNOLOGY (PC/100/ADD.27, PC/WG.I/45)

Due to scheduling constraints, very little time was allotted to this chapter of Agenda 21. By the time the document reached the Plenary, a number of brackets remained in Programme Area D, "Enhancing safety and developing international mechanisms for cooperation," linked to the issue of biotechnology safety. Brackets also remain in paragraphs on fertility-related mechanisms. The US and the EC continue to differ on how biotechnology should be regulated. The EC wants a code of conduct or legal instrument on biotechnology, whereas the US believes that the products of

biotechnology can and should be regulated under existing regimes and that biotechnology itself is not dangerous and need not be regulated. Discussion on this issue will undoubtedly resume in Rio.

PROTECTION OF OCEANS, ALL KINDS OF SEAS INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, COASTAL AREAS AND THE PROTECTION, RATIONAL USE AND DEVELOPMENT OF THEIR LIVING RESOURCES (PC/100/Add.21, PC/WG.II/L.25)

The Agenda 21 chapter on oceans is the longest and one of the most complex chapters. PC/100/Add.21, which formed the basis of negotiations, had 152 paragraphs and did not even include text for two of the seven programme areas. Each programme area had its own set of contentious issues and, as a result, contact groups were set up for each of the programme areas: (1) integrated coastal zone management; (2) marine environmental protection (including land- and sea-based sources of marine pollution); (3) sustainable use and conservation of high seas living resources; (4) sustainable use of living marine resources under national jurisdiction; (5) addressing critical uncertainties for the management of marine environment and climate change; (6) strengthening international, including regional, cooperation and coordination; and (7) sustainable development of islands.

The most contentious issues arose in the programme areas on marine living resources. These included such issues as: state obligation for flag vessels and violations of regulations; straddling and highly migratory fish species; development of international control, surveillance and enforcement systems; marine mammals; and polar regions. In the programme area on marine environmental protection, the contact group spent a great deal of time integrating the recommendations made by the intergovernmental meeting of experts on land-based sources of marine pollution into the document. Other areas of contention included reference of ozone depletion and climate change as critical uncertainties as well as Turkey's injection of political language into the programme area on islands when it proposed an amendment stating that, "The arrangement in this programme area should not be interpreted in any sense so as to prejudice the delimitation of maritime areas concerning the countries involved."

By the end of PrepCom IV, the decision document PC/L.25/Rev.1 reflected the consensus that had been achieved in all areas except the issue of straddling and highly migratory fish stocks. The very difficult whaling issue, was resolved by states agreeing to recognize the responsibility of the International Whaling Commission for the conservation and management of whales. While states could not agree on the continuation of a ban on commercial whaling, at least the final text contains no language advocating this activity. Discussion on the issue of straddling and highly migratory fish stocks and high seas overfishing will continue at Rio.

PROTECTION OF THE QUALITY AND SUPPLY OF FRESHWATER RESOURCES (PC/100/Add.22, PC/WG.III/L.29)

Key issues in the freshwater chapter of Agenda 21 initially included reference to the potential environmental problems caused by construction of dams and water channelization; transboundary rivers and freshwater resources; impacts of climate change of water resources; and the incorporation of the results of the International Conference on Water and the Environment into the Agenda 21 chapter.

The issue of transboundary water resources was resolved in a sub-contact group. The resulting language expresses the need for greater cooperation on the formulation of water resource strategies and action programmes. Target dates for water resources assessment and water and sustainable urban development remain in brackets, pending the outcome of the discussions on finance. The potential environmental impacts of dams and other water resource development projects are mentioned in the document. One of the

contentious issues that will have to be resolved in Rio is an amendment tabled by the Palestinian observer during the Plenary's consideration of this document during the last week of PrepCom IV. This amendment adds "people under occupation" to a list of major groups involved in water resources management.

ENVIRONMENTALLY SOUND MANAGEMENT OF TOXIC CHEMICALS (PC/100/Add.23, PC/WG.II/L.30)

Some of the contentious issues that emerged during initial discussions of the toxic chemicals Agenda 21 chapter (PC/100/Add.23) included: prevention of the uncontrolled export of substances banned domestically; the status of the GATT working group on trade in toxic chemicals; the prior informed consent procedure; and the listing of a few banned substances (asbestos and organohalogens) to the exclusion of all others. The latter issue was resolved by deletion of any reference to specific chemicals in the document. A new programme area was established to deal with illicit traffic of toxic chemicals. The only remaining bracketed text deals with finance.

ENVIRONMENTALLY SOUND MANAGEMENT OF HAZARDOUS WASTES (PC/100/Add.24, PC/WG.II/L.26):

Since considerable progress had been made on the issue of hazardous wastes at PrepCom III, discussions in New York focussed on text that remained in brackets. The most contentious issue was the transboundary movement of hazardous waste. There was disagreement over whether to use the Basel Convention or the Bamako Convention as the basis for standard-setting and whether hazardous wastes should be exported to countries that ban their import. There was also disagreement over proposals to requiring governments to compel their respective militaries submit to environmental norms in their handling and treatment of hazardous waste. The need to include a new programme area on the illegal traffic of hazardous waste was also raised.

The final document, PC/L.28, has brackets around every reference to military treatment and disposal of hazardous waste; the role of the European Community, finance and technology transfer.

ENVIRONMENTALLY SOUND MANAGEMENT OF SOLID WASTES AND SEWAGE-RELATED ISSUES (PC/100/Add.25, PC/WG.II/L.26)

This was the least contentious Agenda 21 chapter on waste-related issues. One of the common themes in the initial discussion was that countries should be allowed to set their own targets and not be required to comply with internationally-set targets. Other issues raised included "reuse and recycling" of solid wastes in accordance with countries' individual capabilities, and the development of appropriate research and technology.

As Working Group II adopted the final document, PC/L.26, the only contentious issue was the setting of target dates. Malaysia pointed out that targets had been removed from the other waste-related documents at the request of developed countries and that, in this case, many developing countries would be unable to meet these targets for solid waste disposal. These paragraphs are footnoted and will be readdressed after the discussions on finance are completed.

SAFE AND ENVIRONMENTALLY SOUND MANAGEMENT OF RADIOACTIVE WASTES (PC/100/Add.4, PC/WG.II/L.27):

In the initial discussions on this topic, the US and Japan made it clear that they would oppose inclusion of this chapter in Agenda 21. Other contentious issues that emerged included: the extent of national jurisdiction over radioactive waste and the acceptability of global measures to deal with radioactive waste; inclusion of military radioactive waste; and whether ocean dumping of radioactive waste should be addressed.

The final document that was adopted by the Plenary did not address the issue of military radioactive waste. Rather, it stated the

need to support efforts within the International Atomic Energy Agency to develop radioactive waste safety standards. The issue of prohibiting the disposal and storage of radioactive waste near the marine environment remains in brackets, at the request of the US. Negotiations will continue in Rio on these unresolved issues.

SECTION III: STRENGTHENING THE ROLE OF MAJOR GROUPS

This chapter addresses the need to involve nine major groups in all aspects of Agenda 21: women; youth; indigenous peoples; non-governmental organizations; local authorities; trade unions; business and industry; the scientific and technological community; and farmers. Before this document was even addressed in an informal session of the Plenary, the coordinator, Leon Mazairac of the Netherlands, held consultations between representatives of major groups and key government delegates to exchange ideas and proposals. These consultations were aimed at facilitating the informal discussions by helping government delegates to understand the positions of these major groups and possibly to propose text on their behalf.

In the section on women, Norway took the lead and amended the text several times with amendments prepared by representatives of women's groups, led by Bella Abzug. The resulting text was viewed as acceptable by the women's groups, as many of their proposals had been incorporated. In the section on youth, Canada took the lead in proposing amendments. Sweden proposed that this section include children. There was resistance among some governments regarding the establishment of youth positions on government delegations and within government ministries.

In the section on indigenous people, France had placed a number of reservations on text dealing with adoption or strengthening policies and/or legal instruments. These reservations were finally lifted in the closing hours of the Plenary. Malaysia expressed concern that some parts of the section on NGOs blur the distinction between the work of NGOs and the work of governments. As this was the last document negotiated and, thus, the last chapter of Agenda 21 adopted by the Plenary, there was little time for extensive debate on the remaining programme areas.

SECTION IV: MEANS OF IMPLEMENTATION

FINANCIAL RESOURCES AND MECHANISMS (PC/101, PC/L.41)

The debate over financial resources was given top priority by PrepCom IV and discussions were carried out throughout PrepCom IV. The first document debated was PC/L.41, the draft text tabled by the G-77 and China at PrepCom III that sets out the elements for discussion on financial resources. At the commencement of PrepCom IV, debate focused primarily on the appropriateness of the Global Environmental Facility (GEF) as a mechanism for funding Agenda 21. The G-77 attempted to clarify key points in L.41 with a statement that called for current levels of ODA in developed countries to be increased to 0.7% of GNP. They also dropped their specific objections to the GEF while calling for changes in the structure, scope and governance of the "Fund." The Nordic Group proposed a package on financial resources that included mechanisms for the mobilization of increased resources for national and regional issues as well as proposals for the mobilization of new and additional resources to address global environmental problems.

Talks continued once Vice-Chair John Bell prepared an informal text that listed potential elements of convergence and areas requiring further discussion and resolution. Bell's text identified several of the key problem areas, including the appropriateness of certain mechanisms (GEF, Green Fund, etc.); the methodology for

assessing contributions; and the principles for governance of the various proposed funding mechanisms.

The next step in negotiations was particularly critical. Bell privately circulated a Vice-Chair's convergence text that seemed to be acceptable to many other regional groupings except the G-77 who preferred to negotiate from their own text, L.41/Rev.1. The OECD countries were equally displeased with the new document, particularly since it called for all Agenda 21 financing to exceed existing levels of ODA and because it did not reflect the full extent of discussions that had been carried out over the previous two weeks. Bell requested comments in writing to the text and debate was held up for one week.

When negotiations finally resumed, Pakistan, on behalf of the G-77, presented a proposal that negotiations continue at the ambassadorial level. At that point, much to everyone's surprise, the US stated that the industrialized countries must generate new and additional financial resources from various sources, both public and private, in light of the insufficient existing financial resources. Debate soon stalled over how specific levels of "new and additional" resources should be set. When Bell was unable to re-start the talks, PrepCom Chair Tommy Koh stepped in, asking Mexican Ambassador Andrés Rozental to coordinate a new round of talks. Representatives from Japan, some of the EC countries, and the Nordics met to draft a new text, which was transmitted to the G-77. The G-77 response was then debated on the final days of the PrepCom. Among its amendments, the G-77 proposed: dropping a demand for a separate fund for Agenda 21; accepted the GEF as one of the channels for funding projects having global environmental significance, but not the only one; and lengthened the time it demanded for achievement of 0.7 percent of GNP going to ODA from 1995, as in previous G-77 proposals, to the end of the century. Observers both within and outside the US delegation commented that the US could have reached agreement on the basis of this text. Unfortunately, talks broke down on the eve of the last day of PrepCom when the G-77 refused to negotiate further in reaction to the EC demands regarding the GEF. The EC reportedly insisted on its formula identifying the GEF as "the appropriate multilateral mechanism." The G-77 decided to terminate the negotiations and take its own text to Rio.

TRANSFER OF ENVIRONMENTALLY SOUND TECHNOLOGY (PC/100/ADD.9, PC/L.69)

Discussions on technology transfer (PC/100/Add.9) began on the second day of PrepCom IV and lasted until the waning hours of the very last Plenary session. Areas of contention that emerged initially included the following: (1) The use of the term "technology cooperation" rather than "technology transfer." The US prefers the term "cooperation" as it implies the notion of technology sharing from South to North and South to South, not only from North to South; as well as the sharing of information and capacity building. A number of developing countries maintain that the word "cooperation" means something different altogether, since cooperation is impossible between countries who are not on equal footing. (2) The difference, if any, between transfer of technology information and transfer of the technology itself. (3) Terms of transfer -- commercial or preferential and concessional. (4) Saudi Arabia's proposal to include "safe and" in the phrase "transfer of environmentally [safe and] sound technology."

After nearly three weeks of meetings, the contact group emerged on Thursday, 2 April with a comparatively clean document (PC/L.69). Four options for the title of the document remain in brackets, as do a number of paragraphs including amendments requested by Saudi Arabia on "environmentally [safe and] sound technology". The paragraph on the terms of transfer still remains bracketed, despite the fact that the group was close to agreement on the concept of concessional and preferential transfer and the need to protect intellectual property rights.

SCIENCE FOR SUSTAINABLE DEVELOPMENT (PC/100/Add.10, PC/L.61)

The Agenda 21 chapter on "Science for Sustainable Development" focuses on the role and the use of the sciences in supporting the prudent management of the environment and development. Comparatively few amendments were made to this document and most of them were non-controversial. This document was easily approved and sent to the Plenary for adoption. The final text, PC/L.61, only has brackets around the paragraphs that deal with finance.

EDUCATION, PUBLIC AWARENESS AND TRAINING (PC/100/ADD.6, PC/L.66):

Proposals in this chapter of Agenda 21 are aimed at promoting environmental awareness. They include: incorporation of environmental topics into school curricula; environmental training for teachers and school administrators; student studies of regional ecosystems; interactive teaching; cross-disciplinary university courses in all fields that have an environmental impact; adult educational programmes; and an emphasis on creating educational opportunities for women and indigenous people. This chapter was not considered to be controversial and, thus, discussions went smoothly. The document was easily adopted by the Plenary.

NATIONAL MECHANISMS AND INTERNATIONAL COOPERATION FOR CAPACITY BUILDING (PC/100/Add.11, PC/L.59)

This chapter of Agenda 21 deals solely with capacity building for the implementation of Agenda 21. Specific capacity-building programmes for the different sectoral and cross-sectoral issues are included in other chapters. Some of the issues raised in the initial discussions of PC/100/Add.11 included: 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; and the importance of UNDP and other UN agencies assisting countries in capacity building initiatives but only when requested.

This was the first chapter of Agenda 21 to be transmitted to the Plenary for adoption. The final text, PC/L.59, only has brackets around the paragraphs that deal with finance.

STRENGTHENING INSTITUTIONS FOR SUSTAINABLE DEVELOPMENT (PC/102, PC/WG.III/L.31, CRP3/Rev.3)

The institutions chapter of Agenda 21 addresses the needs for intergovernmental and inter-UN agency coordination and implementation of Agenda 21. The objectives outlined in the final decision document deal with such matters as: enhancing the functioning of the UN system in the fields of environment and development; cooperation between the UN system and other intergovernmental and non-governmental bodies; strengthening of institutional capabilities for Agenda 21 implementation; and the creation of new institutional agreements.

Surprisingly, there appeared to be a minimum of disagreement during PrepCom IV between developing and developed countries over the creation of new institutions. Both remained opposed, despite the active lobbying by NGOs. Notwithstanding, there was general support for the creation of a Sustainable Development Commission, with contention arising only around the actual reporting structure for such a body. As the text now stands, there are two proposed options for intergovernmental coordination. One option situates the Sustainable Development Commission under the direct authority of the General Assembly, while the second option proposes the establishment of such a body within a revitalized ECOSOC (Economic and Social Council). It was agreed at the final Plenary session that UNCED would choose between these two options, with discussions regarding the actual modalities to be deferred to the 47th session of the General Assembly. Other unresolved issues related to the actual role of NGOs within the UN

system generally, and within UNCED implementation specifically: dispute settlement; and national reporting. Agreement was, however, reached on the manner in which UNEP and UNDP should be strengthened. For example, it was agreed that UNEP's mandate should be strengthened in such areas of environmental monitoring and assessment; the promotion of international environmental law; information exchange; and the provision of technical advice.

SURVEY OF INTERNATIONAL AGREEMENTS AND INSTRUMENTS (PC/103, PC/WG.III/L.32)

This chapter of Agenda 21 deals with the international law-making process, related problems (particularly in regard to developing country participation in this process), and the necessary reforms. The programme areas include: (1) review, assessment and fields of action in international law for sustainable development; (2) effective participation in international law-making; and (3) dispute resolution and prevention. Conflict arose during the course of PrepCom IV over such issues as: the need for further study of a global environmental protection convention as well as a nuclear safety convention; developing country compliance with international agreements; the confederation of means to prevent deliberate large-scale environmental destruction; and alternative dispute resolution. What was originally expected as a relatively non-controversial debate, evolved into one of the more heated and acrimonious exchanges over the above-mentioned issues, many of which remain to be resolved at Rio.

INFORMATION FOR DECISION MAKING (PC/100/Add.12, PCL.63)

This chapter of Agenda 21 addresses the issues of collecting and using information for sustainable development and monitoring the implementation of Agenda 21. One of the major issues was access to information and the issue of national sovereignty over information. After eight hours of discussion over two days, this document was sent to the Plenary for adoption. The only brackets remaining deal with finance.

PART II: AUTHORITATIVE STATEMENT OF FOREST PRINCIPLES (CRP.14/Rev.2, PC/WG.I/L.46)

Despite the high expectations at PrepCom IV that negotiations on the Forest Principles document would move quickly, the debate turned into the most acrimonious, problematic and contentious series of negotiations in New York. Brackets still remained around major portions in the text even after two and a half readings of the text by the Contact Group. Coordinator Charles Liburd was unable to move the group away from the political haggling that is more commonly found in Second Committee debates at the General Assembly.

Outstanding issues include: (1) the right to develop; (2) the likelihood of future negotiations for a forest convention; (3) the global interests of forests; (4) the role of international cooperation in forest preservation; (5) policies for forest management and utilization; (6) historical compensation for forest loss; (7) the transfer of technology for the conservation and utilization of forest resources; and (8) recognition of indigenous capacity and local knowledge of forests.

As it now stands, the document is in state of total disarray and may not even reach Rio. Former Working Group I Chair Bo Kjellén may draft a new version that could be proposed as a new text from the floor at UNCED after extensive inter-session private consultations and a general de-politicizing of the text.

PART III: EARTH CHARTER/RIO DECLARATION (PC/WG.III/L.33/Rev.1)

The draft Rio Declaration on Environment and Development (as it is now called) contains 27 norms for state and interstate behavior, many of which have never been universally accepted before. Much to the surprise of the entire PrepCom, the Declaration is the only unbracketed text to go to Rio. The result of protracted procedural debate and agonizing substantive negotiations, the declaration represents a very delicate balance of principles considered important by both developed and developing countries.

At one point in the waning hours of the final Plenary, Israel threatened to prevent unanimous approval of the text, arguing that a reference to safeguarding the natural resources of "people under oppression, domination and occupation" constituted "political pollution" of the text by the Palestine Liberation Organization and Arab allies. Since no other country chose to support Israel's protest, the text was approved by acclamation.

The approved text represents to a large extent, an attempt to balance the key concerns of both Northern and Southern countries. Far from being a perfect text, each side did achieve success in enshrining those specific principles that are of particular importance to their respective political agendas. No one is going home empty-handed. The developing states were able to obtain agreement around those key principles that will hopefully support their own economic development. These include such concepts as the eradication of poverty as an indispensable component for sustainable development; humans as the center of concerns for sustainable development; recognition of the special needs of developing countries; and promotion of a supportive and open international economic system. The mission of the Northern countries was, in part, to enshrine in the text principles that would not only promote and support more effective environmental management and protection but also principles that would provide a soft-law basis for transboundary dispute resolution. These include such concepts as the polluter pays, environmental impact assessment and precautionary principles, as well as such concepts as prior and timely notification of natural disasters; and peaceful dispute resolution.

Although delegations were relieved to have been able to negotiate an unbracketed text for Rio, a majority of Northern countries expressed disappointment with the text. They wanted a radically different document, one that was short, non-legally binding, concise, memorable, and which would exhort political leaders to effective action. The Southern countries wanted and in fact achieved to a large extent, a document that represents a far more pragmatic statement of principles detailing states' responsibilities and obligations for global environmental problems.

Despite the fact that the draft Declaration does in fact contain a number of norms that take us well beyond the twenty year old Stockholm Declaration, several have commented that many of the principles are qualified in ways that preserve the status quo, particularly, the concept of a right to "exploit" natural resources and the notion of humans at the center of concerns, as opposed to the more environmentally-correct view of human concerns as wholly integrated with those related to the natural environment.

Countries are no doubt working between PrepCom IV and the Earth Summit towards further improvements to be addressed at negotiations in Rio. Since the two weeks preceding the actual head of state two-day meeting will in fact be marked by continuing substantive negotiations, it is clear that negotiations around the Declaration will be carried out during that entire period. At this point, it is largely expected that the Declaration negotiations will be completed by the end of the Earth Summit. However, if this is not the case, political leaders will establish a formal process for the continuation of formal negotiations beyond the Conference.