



UNCED HIGHLIGHTS, 5-6 JUNE 1992

MAIN COMMITTEE

By Saturday afternoon the Main Committee completed its first review of the bracketed text in Agenda 21. Chapter 10, on land management was easily concluded since the only bracketed text dealt with finance. In Chapter 12, on desertification, Koh announced that he would hold consultations on the paragraphs dealing with a future binding convention on desertification. Chapter 13 on mountains had only two bracketed paragraphs dealing with finance, precluding the need for further discussion. In Chapter 14 on agriculture, one bracketed paragraph on plant genetic resources remained unacceptable to the US, who proposed new language. The matter was referred to the contact group on biotechnology.

The outstanding issue in Chapter 17 on oceans, straddling and highly-migratory fish stocks, was deferred to informal consultations. Koh pleaded with the EC to accept the compromise text that had been proposed at PrepCom IV. The final chapter discussed on Friday was Chapter 19 on toxic chemicals. The US opposed removal of brackets in one paragraph that would provide financial and technical assistance to countries to help strengthen risk assessment capabilities.

Saturday morning's session opened with good news as the Committee adopted compromise text for bracketed paragraphs in Chapters 2 (international economy) and 4 (consumption). The compromise brokered by Canada on paragraph 2.33 eliminates the phrase "to restrain consumption" in developed countries, yet retained the need to "generate resources to support the transition to sustainable development." In the chapter on consumption patterns, the US agreed to withdraw its objections to a number of paragraphs, subject to a minor amendment. The chapter now, albeit indirectly, addresses unsustainable lifestyles in developed countries, as well as in segments of developing countries.

Discussion then turned to Chapter 20 on hazardous wastes. Tension began to rise as the Committee commenced discussion on paragraph 20.20(f) on increasing "funding for cleaner technology transfer to developing countries and [economies in transition]..." Members of the G-77 expressed concern about including the transitional countries in this and other paragraphs of Agenda 21. Koh asked Algeria to consult with interested delegations on the placement of a generic paragraph (currently 2.45) that would address these concerns. The next contentious bracketed paragraph addresses the environmental impacts of military establishments. The US refused to remove the brackets it had inserted around this paragraph at PrepCom IV for "national security" reasons. After a number of countries made statements in favor of retaining this paragraph, Koh requested that Sweden hold informal consultations on this issue.

Chapter 21 on solid waste and sewage-related issues was also problematic. A number of paragraphs setting targets and timetables remain in brackets pending the outcome of the discussions on finance and technology transfer. In Chapter 22 on radioactive waste, one non-finance paragraph remains in brackets: the disposal and storage of radioactive waste near the marine environment (22.5(c)). As the US was unwilling to retain the text as stated, the Netherlands was asked to conduct consultations.

Part III (Chapters 24-32) of Agenda 21 deals with "Strengthening the Roles of Major Groups." As a number of paragraphs in all of these chapters remained in brackets, Amb. Mazairac, the PrepCom IV coordinator, recommended that he hold further consultations.

The remaining chapters of Agenda 21 to be discussed (science, education, capacity building and information for decision making) were easily dispensed with. When Koh returned to the paragraph on economies in transition that is to be placed in the Preamble to Agenda 21, polarization between members of the G-77 and the Eastern European states intensified to a level never before witnessed in the UNCED process. G-77 members felt that placement of this generic paragraph recognizing the needs of economies in transition might jeopardize recognition of the needs of developing countries. Although the text of this paragraph had been agreed to by the PrepCom, a number of delegates who had not been present in New York, and had not been part of the "gentlemen's agreement" that resulted, attempted to reopen the entire paragraph for negotiation, thus jeopardizing that careful compromise. Fearing a new division between Eastern Europe and the developing countries, Koh attempted to resolve this, assuring that the final text in the preamble would properly address the needs of developing countries.

The afternoon session ended on a positive note. The US reported that compromise language had been agreed to on the issue of straddling and migratory fish stocks. The text calls for an intergovernmental conference to be convened under UN auspices to consider means of improving cooperation on fisheries among States. This conference would consider scientific and technical studies by the FAO, while being fully consistent with the UN Conference on the Law of the Sea. All in all, delegates emerged from the Main Committee room expressing guarded optimism about the outcome of the Conference.

THE CONTACT GROUPS

FOREST PRINCIPLES: The contact group on Forest Principles met both Friday and Saturday. Delegates reported a more productive mood than at PrepCom IV, although negotiations have been halting. Work on bracketed text in the preamble section has been postponed. While most problems are being addressed in the contact group, three sub-contact groups have been formed. Delegates report that sub-contact group agreements have been lost because the Chair has allowed debate to resume on compromise text. The remaining points yet to be resolved include: reference to a future legal instrument; sovereignty over resources; funding; historical responsibility and compensation; access to genetic resources; trade in forest products; and, the roots of the forests crisis in both debt and poverty.

FINANCIAL RESOURCES: Finance discussions resumed on Friday when the G-77 presented its response to the Chair's non-paper. The G-77 requested that the developed countries comment on a series of issues including: credible assurances for new and additional funding; commitments to reach 0.7% of GNP for ODA by the year 2000; a pledging conference to be called at the next UNGA; and a monitoring mechanism for financial flows. On Saturday afternoon the Chair, Rubens Ricupero, issued a new draft of the finance chapter, which took into account the week's discussions. It differs from the original Chair's text in that it identifies economic growth, social development and poverty

eradication as priorities; states that the cost of inaction will outweigh the financial costs of Agenda 21; and notes that global and local environmental issues are interrelated. In the "Activities" section it calls for countries that have committed to such targets to reach ODA levels of 0.7% GNP "as early as possible" (but not necessarily by the year 2000) and that other donor countries will agree to make "their best efforts to increase their levels of ODA". The GEF language remains basically unchanged from last Thursday. In the "Means of implementation" section it calls the Secretariat figure of \$125 billion for implementation of Agenda 21 an "estimate" and states that actual costs will depend on the strategies and programmes implemented. It states that financial commitments for Agenda 21 should be made by developed countries at UNGA-48 and that financial review and monitoring will be dealt with in the chapter on institutions.

ATMOSPHERE: The Contact Group on Atmosphere has met three times to discuss the whole chapter, which was bracketed at the end of PrepCom IV. The Saudi Arabian delegation, with support from other members of the Arab group, suggested that the chapter be deleted. Other countries argued for its retention, although some suggested that it could be shortened and might focus on agreed text from existing legal instruments, such as climate change, ozone and transboundary air pollution agreements. This latter suggestion was acceptable to the Saudis. It was agreed that the Chair would redraft the chapter and the G-77 prepare the chapeau to address the Saudis' concerns.

On Saturday, an informal group met to review the Chair's new paper and the G-77's new chapeau. The chapeau states that "no state can be expected to take measures under the chapter that exceed provisions in the Climate Change Convention" and that since "economic and social development and poverty eradication are overriding priorities, measures taken under this chapter should be cost-effective and economically feasible". The general reaction of developed countries was that the chapeau provides a good basis, but that further consultations will be required to refine the text. In particular, developed countries do not feel that the Convention should restrict the scope of the chapter, and that countries should not be precluded from taking measures that exceed the legal instrument. The only contentious point in the first programme area of the draft text dealt with the reference to critical levels of greenhouse gases.

INSTITUTIONS: The Institutions contact group met Saturday to continue its review of the 5 June Chair's non-paper. The key points of the compromise text are: the Sustainable Development Commission to report directly to ECOSOC, with ECOSOC, in turn, presenting its report to the General Assembly; deference to UNGA-47 for resolution on the modalities of the Commission's work; less stringent language on the periodic submission by Governments of Agenda 21 implementation reports; and soft language on the role of the Commission in considering the progress on the implementation of agreements that could be made available by the relevant Conference of Parties. The following concerns were noted: (1) whether the Commission would report "through" or "to" ECOSOC; (2) whether the Commission should be a high-level body or not; and (3) G-77 concern with national reporting.

INSTRUMENTS: The Instruments contact group met on Thursday to remove most of the brackets, with the exception of paragraph 39.3(d), which calls for the promotion of agreements, instruments and international standards for the protection of the environment that take into account the different situations and capabilities of countries to "avoid the possible use of unilaterally set environmental standards as barriers to trade". Informal consultations are continuing on this issue. One important revision in the text changes the title in Programme Area D from "Dispute prevention and settlement," to "Dispute avoidance and settlement", with the latter representing weaker language.

BIODIVERSITY AND BIOTECHNOLOGY: The Biodiversity contact group met Friday to attempt to remove square brackets around two important paragraphs in the Objectives section. Paragraph 15.4(d) refers to appropriate measures for the fair and equitable sharing of benefits derived from research and development of biological and genetic resources. Paragraph 15.4(j) refers to the "rights of countries of

origin of genetic resources to benefit from biotechnological development and commercial utilization of products derived from such resources." The US remains opposed to these paragraphs. Unfortunately, countries attempted to reopen substantive negotiations on these matters. Due to protracted negotiations, the group was unable to commence discussions on biotechnology.

FRESHWATER: The contact group on freshwater resources met for the first time on Friday night to address the introduction to the Agenda 21 chapter, which had not been negotiated at PrepCom IV. After a lengthy discussion, the group agreed that an introduction was necessary and that they would ask the Chair, Amb. Bukar Shaib, to draft a new introductory paragraph.

TECHNOLOGY TRANSFER: The contact group on technology transfer made some progress in its meeting on Friday morning. The group agreed to postpone discussion of Saudi Arabia's proposal to insert the words "safe and" before any mention of technology. The paragraph on the terms of transfer, which had been the most controversial at PrepCom IV, was, as expected, the cause of much discussion in the contact group. The US proposed replacing the bracketed text with text on technology transfer from the Biodiversity Convention. This was particularly ironic for two reasons: (1) the US had proposed text from a Convention that it has refused to sign; and (2) the G-77 later announced that it was willing to remove the brackets and accept the existing text, something it had not been willing to do at PrepCom IV. The US announced that it would have to consult with Washington before it could go any further.

THINGS TO LOOK FOR TODAY

MAIN COMMITTEE: Although the Main Committee will not meet today, most of the contact groups will meet and numerous informal consultations will be held. Tommy Koh will hold consultations on a number of outstanding issues: the status of the Rio Declaration; the proposed convention on desertification; a generic solution to the presence of the phrase "people under occupation" in Agenda 21; how to deal with the 150+ paragraphs in Agenda 21 that deal with finance; and the dispute between the countries with economies in transition and the G-77.

FRESHWATER: Amb. Bukar Shaib, the Chair of the contact group, is expected to distribute text for the introductory paragraph today. Participants are hopeful that the text will address concerns of all regional and interest groups and that it can be accepted with minimal amendments.

TECHNOLOGY TRANSFER: When the contact group resumes work this afternoon, it is expected to continue negotiating the remaining bracketed paragraphs. It is expected that the US will return to the meeting with a response to the G-77's proposal to accept the existing text on terms of transfer of technology. Whether or not the US's response will be accepted by the G-77 remains to be seen.

FINANCIAL RESOURCES: Negotiations should begin immediately this afternoon on the Chair's draft text. The financial resources chapter could be completed today. The Contact Group may still have dozens of paragraphs from other "Means of Implementation" sections to address.

FORESTS PRINCIPLES: More sub-contact groups and the contact group will meet starting this morning. If progress is not made soon, this contact group will face late-night sessions.

INSTRUMENTS: The Instruments contact group will meet this morning to resolve the outstanding bracketed text on environmental standards as barriers to trade.

INSTITUTIONS: The Institutions contact group will meet tonight to resolve the outstanding concerns surrounding the Chair's compromise text. The most contentious issue will be the question of national reporting. Watch for the G-77 and the US to continue to oppose this provision.

ATMOSPHERE: The Atmosphere contact group resumes its work on Monday to take up discussions on the second and most contentious Programme Area B "Promoting sustainable development". It was this programme area, that led the Arab Group at PrepCom IV to call for the entire chapter to be bracketed.