



Earth Summit Bulletin

Vol. 2 No. 7

Published by Island Press and the International Institute for Sustainable Development

Tuesday, 9 June 1992

UNCED HIGHLIGHTS 8 JUNE 1992

MAIN COMMITTEE CONTACT GROUPS

FOREST PRINCIPLES: Negotiations continued throughout the day, both in the contact group and in the sub-contact groups, on the Forest Principles document. Agreement was reported to have been reached on paragraph 8(a) that deals with efforts towards "greening the world". After the sub-contact group reported back, further discussions were still required on paragraph 7(b) that deals with financial arrangements for countries that set aside forest cover. This was eventually resolved. Problems with paragraph 8(d) on guidelines for forest management proved so intractable that it was referred to the Main Committee. Paragraph 8(h) has provided problems for one delegation that will not accept agreement that national policies should ensure that environmental impact statements be carried out where "private" actions might adversely affect forest resources. By the end of the afternoon only one sub-contact group had not reported progress back to the Chair. That group dealt with paragraphs 9(a) and 9(c) on the role of indebtedness, transfer of resources, economic environment and market forces in relation to forest resources and policies, as well as forest policy formulation. Several delegates reported tension in the contact group as a result of several factors: new negotiators who lack the "institutional memory" of the debate as it has been played out over the last year and a half; dissatisfaction with the amount of freedom given the delegates by the Chair; and tension between some industrialized countries.

LEGAL INSTRUMENTS: The Instruments contact group met on Monday to resolve outstanding issues in Chapter 39 of Agenda 21. Discussion focused on paragraph 39.6(b), which calls for the implementation of a nuclear safety convention. The G-77 called for the deletion of this paragraph while several Northern states, including the EC, Sweden, and Japan, argued for its retention. Compromise language is being prepared by the Chair, Nabil el-Arabi.

It appears that the delicate consensus that had been reached on the environmental crimes paragraph has been lost. The language had called for the consideration of measures for the prevention of large-scale environmental destruction in both times of war and peace. Two delegations have now called for the restriction of this provision to times of war only.

FINANCIAL RESOURCES AND MECHANISMS: The Chair's draft text of the Financial Resources and Mechanisms chapter of Agenda 21 was the object of discussion both in and outside of the meeting rooms yesterday. The G-77 met in the morning to review the document and prepare amendments to the text. One delegate, who was present at the G-77 meeting, commented that with time running out, the group was making an effort to draft amendments so that the industrialized countries would be able to meet them halfway.

The contact group convened at 3:00 pm and, after several general statements on the Chair's text, began working paragraph-by-paragraph through the text. Problems emerged on

the first paragraph to be negotiated, paragraph 2, and general debate ensued. The G-77 then orally proposed a set of more than 40 amendments to the text. These reportedly include the establishment of the year 2000 as a target date to reach 0.7% of GNP for ODA, the removal of the notion of "free trade" to be replaced by "equitable terms of trade" and removal of the notion of "growth". Written copies of the G-77 amendments were requested by several delegations. The mood of delegates leaving the closed meeting room at 6:00 pm was far less optimistic than when they had entered.

One interesting note attached to the Chair's draft text suggests a standard way of resolving bracketed paragraphs in each Agenda 21 chapter under "Means of Implementation." A "boiler-plate" paragraph would be inserted that refers to the UNCED Secretariat's "estimate" of the cost of the programme, but would note that the exact costs will depend on the "specific strategies and programmes governments and institutions decide upon for implementation." The fate of this paragraph as a replacement for almost all the bracketed text remaining in Agenda 21 depends on the resolution of the "Means of Implementation" section in the Chair's draft text for this chapter.

ATMOSPHERE: A small drafting group met on Monday to develop the chapeau for Chapter 9 "Protection of the Atmosphere". The primary objective of the drafting group is to produce a chapeau that not only builds on the draft prepared by the G-77 on Saturday, but that takes into account the concerns of all countries. Some progress was achieved on the first paragraph of the G-77 draft that states "no state can be expected to take measures under this chapter which exceed the provision of" the Climate Change Convention. This paragraph will be balanced with a statement that recognizes the right of states not to be limited to the scope of the Convention. The drafting group met Monday evening to address the second paragraph which calls not only for recognition of the overriding priorities of developing countries regarding economic and social development and poverty eradication, but recognition that measures "taken under this chapter should be cost-effective and economically feasible". The contact group on Atmosphere also met yesterday to continue negotiation of Chapter 9. The group spent all afternoon on Programme Area B, "Promoting sustainable development", and in particular, the section on energy development, efficiency and consumption. This is the most problematic programme area of the entire chapter, having taken three hours to negotiate three paragraphs. Despite the urging of the Swedish Chair, Amb. Bo Kjellén, to resolve outstanding issues, the Arab Group continued to reserve its right to retain the entire chapter in brackets until this programme area is resolved to their satisfaction. Given that the contact group has only one more meeting scheduled, it will take considerable compromise on both sides in order for agreement to be reached.

TRANSFER OF TECHNOLOGY: The contact group on transfer of technology met yesterday afternoon and progressed through most of the remaining bracketed text in Chapter 34 of Agenda 21. Although agreement is being reached on some of the contentious issues, some delegates have expressed a certain

degree of frustration with the level of detail of the negotiations. The contact group commenced its discussion at the beginning of the text to enable governments that had reservations to paragraphs negotiated on Friday to report back. The US was still unable to accept paragraph 13.14(b), the objective that deals with the terms of transfer, until issues in other related bracketed paragraphs have been resolved.

One of the difficult issues of the afternoon was paragraph 34.18(e), which deals with the access of developing countries to privately owned technologies. Two sub-paragraphs were deferred to Rio in brackets. The first, sub-paragraph (iv), deals with the compulsory acquisition of such technologies and the second, sub-paragraph (v), deals with the provision of financial resources to acquire these technologies. A sub-contact group was set up to deal with the former. After a lengthy discussion, that paragraph was expanded to identify conditions under which compulsory acquisition and licensing (with the provision of equitable and adequate compensation) would apply and how to deal with abuses of intellectual property rights.

INSTITUTIONS: The contact group was scheduled to meet Monday evening to attempt to resolve outstanding concerns with the Institutions chapter, and in particular, the sections that deal with the Sustainable Development Commission. Yesterday afternoon, the Malaysian Chair, Amb. Ismail Razali, released another non-paper based on informal consultations held on 6 June. Of particular note is the redrafted paragraph 38.13(b) that further weakens the national reporting requirement by providing states the option to submit information to the Commission "in the form of **periodic communications or national reports**". (emphasis added). An earlier draft referred only to "periodic reports".

IN THE CORRIDORS

On Monday there were no meetings open to either press or NGOs, except the interminable speeches in Plenary. For everyone, the task of following the frantic pace of negotiations taking place in the contact groups, sub-contact groups, small offices and the corridors, was frustrating. With perseverance, and a lot of luck, it was possible to glean news of what was actually happening behind closed doors.

In the morning, consultations were held on the issue of storage and disposal of radioactive waste near the marine environment. This paragraph remained bracketed at the end of PrepCom IV because one delegation was unable to accept language implying that international organizations, rather than states, would be responsible for determining the risk of such practices. Compromise was achieved yesterday, when it was clarified that states, in cooperation with international organizations, would assess whether scientific evidence indicates that storage or disposal of radioactive waste near the marine environment poses any unacceptable risk to people and the marine environment.

In other consultations, Main Committee Chair Tommy Koh met with interested parties to discuss the issue of calling for a convention on desertification. Some delegates are calling for a regional convention to address desertification solely in Africa, whereas others prefer a global instrument. The issue was discussed throughout the day in the corridors and by late afternoon, according to one delegate, compromise was close at hand. The nature of this compromise, however, has not yet been revealed.

WHAT TO LOOK FOR TODAY AT UNCED

FINANCIAL RESOURCES: As copies begin circulating of the proposed G-77 amendments to the Chair's draft text of the Financial Resources and Mechanisms chapter, the G-77's

direction in these negotiations will become clearer. The contact group will convene this morning at 10:00 am behind closed doors. Several diplomats have commented that the timing of the Summit session actually hinders negotiations on financial resources since commitments of money to "prime the pump" are needed now and not when the Heads of State and Government arrive this weekend. It is possible that signals may be given that will indicate what financial commitments to Agenda 21 will be announced this weekend.

FOREST PRINCIPLES: Ambassador Liburd will continue to lead this group through more bracketed text today. Meetings begin at 10:00 am and will probably continue through the day and into the evening, possibly breaking up into more sub-contact groups to deal with particularly intractable text. *Look for long sessions and the inevitable "bust-up" over the "right to develop" phrase in the preamble.* Brackets still remain on paragraphs dealing with "lost opportunity costs", technology [transfer] [cooperation], as well as trade barriers and other impediments hindering free trade in forest products.

TRANSFER OF TECHNOLOGY: When discussions resume today, the contact group is expected to complete its negotiations of Chapter 34 of Agenda 21 and to begin to address a number of bracketed paragraphs that deal with technology transfer in other chapters. These paragraphs have been referred to the contact group by the Main Committee. This afternoon's meeting is the last one scheduled for this contact group, but it is uncertain whether the group can finish its work today.

ATMOSPHERE: The Atmosphere contact group will meet for the last time today. At this point, it appears unlikely that it will succeed in resolving the debate surrounding Programme Area B "Promotion of Sustainable Development" since the Arab group continues to reserve its right to retain the entire chapter in brackets until the sections pertaining to energy efficiency and conservation are resolved to their satisfaction.

LEGAL INSTRUMENTS: A small drafting group will meet this morning at 10:00 am to continue negotiations on the nuclear safety convention paragraph. The contact group will meet tonight to attempt to resolve outstanding issues such as compliance with international agreements and the environmental crimes provision. Watch for a very heated debate to unfold between those countries who support the broader language, such as the EC and the Nordics, and those countries, such as the US and several G-77 countries, which prefer to have the provision restricted to times of war only.

IN THE CORRIDORS: Look for movement today around the various "like-minded-countries" declarations calling for stronger targets and timetables for reductions of CO₂ emissions. There has been some talk of an EC declaration being announced despite strong diplomatic pressure against such an initiative. Look for possible concessions to be made by certain states in order to encourage several industrialized nations to sign the Biodiversity Convention.

TO HAVE A COPY OF THE EARTH SUMMIT BULLETIN FINAL REPORT SENT TO YOU AFTER THE CONFERENCE, PLEASE DROP OFF YOUR BUSINESS CARD AT OUR OFFICES AT RIOCENTRO, EXHIBITION HALL #53, BETWEEN INDIA AND JAPAN.