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UNCED HIGHLIGHTS, 9 JUNE 1992

MAIN COMMITTEE CONTACT GROUPS

FRESHWATER RESOURCES: The contact group on freshwater resources held its last meeting on Monday night to discuss the coordinator's draft of the introduction and the three bracketed paragraphs that remain in this chapter of Agenda 21. Although most delegates were satisfied with the draft of the introduction, there was some concern about the mention of the International Conference on Water and the Environment that was held in Dublin in January 1992. A number of delegations believed that reference should not be made to the Dublin Conference because: (1) not all of the recommendations of the Dublin Conference were incorporated into Agenda 21; (2) this was a conference of experts, not governments; and (3) the recommendations were agreed to by vote and not consensus. Only a few delegates argued for retention of this paragraph. The coordinator hoped that he could meet with those delegates who wanted to keep the paragraph and reach a compromise.

The other bracketed paragraphs address targets and timetables for the implementation of various activities in the chapter. Members of the G-77 recognize the importance of setting such targets, but want to ensure that there are new and additional resources available to help them meet these targets, otherwise the targets will be unrealistic. However, one developed country delegation insisted on bracketing the mention of "new and additional financial resources" in each of these paragraphs. Thus, it was agreed that these paragraphs will be sent to the Main Committee for final resolution.

FINANCIAL RESOURCES AND MECHANISMS: Negotiations on financial resources and mechanisms resumed yesterday and continued through the day and into the night. As of early evening, delegates were still huddled together drafting text and many felt that they would work until they had completed a consensus text.

The meeting of the contact group, originally scheduled for 10:00 am, was cancelled. Instead, a smaller group met in Conference Room A for a very informal-informal session. Originally designed to be a drafting group of eight industrialized and eight developing country representatives, the group grew during the day as delegates drifted in and out of the room.

It was reported that a new Chair's draft text was delivered in the morning for consideration, although by the end of the day delegates said that they were no longer working from that text but drafting paragraphs one-by-one. The meeting was chaired by the Brazilian contact group coordinator, Amb. Ricúpero, and attended by Main Committee Chair Tommy Koh. Information coming out of the room was limited and most diplomats said that the situation was in too much of a state of flux to report. Some were certain that resolution would be achieved during the evening. All indications are that if the draft text is completed by this informal-informal group, it will be transmitted to the regional groups early this morning.

ATMOSPHERE: The contact group met Tuesday morning and was scheduled to continue Tuesday evening. Discussions resumed in the morning session on the problematic Programme Area B, "Promoting Sustainable Development". The most difficult section of this programme area remains the section on energy development, efficiency and consumption, with certain

Arab delegations continuing to reserve their right to retain the entire chapter in brackets until this section is resolved to their satisfaction. Anticipating a difficult debate, the Chair decided to focus first on the latter sections of this programme area (i.e., the sections on transportation; industrial development; and terrestrial and marine resource development and land use) in hope that agreement on these sections would facilitate agreement on the energy section. By early Tuesday evening, the contact group had managed to work through most of these latter sections. The contact group was scheduled to meet Tuesday evening to attempt to resolve the energy section as well as the second unresolved paragraph of the G-77-proposed chapeau. The second paragraph calls for measures taken under this chapter to be cost-effective and economically feasible, in light of the fact that developing countries have as their overriding priorities, economic and social development and poverty eradication.

BIODIVERSITY AND BIOTECHNOLOGY: The contact group met Tuesday afternoon to complete its work on the Biodiversity and Biotechnology chapters. The group was able to remove square brackets or agree on compromise language for all the outstanding paragraphs, with the exception of paragraph 15.4(j), which pertains to the rights of countries of origin to benefit from the biotechnological development and the commercial utilization of products derived from such resources. This paragraph will be deferred to the Main Committee for final resolution. Thus, the following issues have now been resolved: fair and equitable sharing of benefits derived from research and development and use of biological and genetic resources; promotion of national registration related to biological resources; and technology transfer. The success of the contact group in removing most of the chapter's square brackets was particularly noteworthy in light of the fact that only days earlier, the group appeared unable to reach consensus with several countries calling for the re-opening of several provisions of the Biodiversity Convention.

The contact group was also successful in removing all of the square brackets in the biotechnology text, but for the paragraphs that deal with liability and compensation. Both of these paragraphs will be deferred to the Main Committee.

LEGAL INSTRUMENTS: The Legal Instruments contact group was able to resolve bracketed paragraphs related to the nuclear safety convention; the trade issue; compliance; and dispute prevention. On the matter of the nuclear safety convention, compromise language now states "in view of the vital necessity to ensure safe and environmentally-sound nuclear power, and in order to strengthen international cooperation in this field, efforts should be made to conclude the negotiation of a nuclear safety convention within the framework of the International Atomic Energy Agency." This paragraph differs from the original paragraph, which referred to the necessity of "continuing to promote the highest level of safe and environmentally-sound management of nuclear power worldwide...". On the question of compliance with international agreements, compromise language resulted in the deletion of the word "compliance" throughout the chapter and replacement with the phrase "effective, full and prompt implementation". The programme area on "Dispute prevention and settlement" is now referred to as "Dispute avoidance and settlement", thus representing weaker language. By the end of Tuesday morning, it appeared that the environmental crimes paragraph was indeed going to be restricted to times of war. However, by the end of

Tuesday afternoon, there was some optimism that it would be restored to its former state and thus apply in both times of war and peace. This matter should be resolved by this morning.

FOREST PRINCIPLES: The Forest Principles contact group resumed negotiations yesterday morning. Many observers predicted early in the day that since this document was far from completion, there was little chance of successful negotiation in time for transmission to the Main Committee. Progress was made during the day and the contact group officially ended its work, although many paragraphs were sent in brackets to other contact groups and the Main Committee. While the morning session was the last scheduled meeting of the contact group, the Chair was able to arrange a room to work in and held an additional session from 4:00 until 6:30 pm.

Paragraph 8(d), dealing with guidelines for sustainable forest management, was sent to the Main Committee for resolution. Paragraph 8(h) on national policies and environmental impact statements was brought back unresolved from a sub-contact group and eventually sent on to the Main Committee as well. The paragraph dealing with historical compensation and lost opportunity cost (paragraph 10) has been deleted. A separate sub-contact group was established to work on all the "trade" references (tariff barriers for forest products and unilateral trade bans) and compromise text was reported at the end of the day. Paragraph 8(g) on the linkages between biodiversity and biotechnology was sent to the contact group on biodiversity for resolution. Paragraph 11 (financial resources for sustainable forest development) was sent to the Finance contact group and paragraph 12 (transfer of technology to enable developing countries to manage their forest resources) was sent to the Transfer of Technology contact group. Paragraph 15(b) on trade in forest products and paragraph 17 on forests as carbon sinks were sent to the Main Committee. Paragraphs (a), (d), (f) and (g) from the preamble, including the "right to develop" and "future legal instruments", were sent on to the Main Committee in brackets.

TRANSFER OF TECHNOLOGY: The contact group on transfer of technology finished removing brackets from Chapter 34 of Agenda 21 as well as all of the paragraphs from other chapters that deal with technology transfer. Early in the afternoon it was agreed that the three most difficult paragraphs in the chapter would be worked on as a single package in a sub-contact group. These paragraphs were: 34.14(b) on terms of transfer; 34.11 on international business as an important vehicle for technology transfer; and 34.18(e)(iv) on the abuse of intellectual property rights in the case of privately owned technologies.

After careful negotiation, the sub-group agreed on compromise text for paragraphs 34.11 and 34.18(e)(iv). Since this text was acceptable to the US, it agreed to release its reservations on paragraph 13.14. The compromise text in 34.11, which addressed the availability of proprietary technology through commercial channels, states that while "concepts and modalities for assured access to environmentally [safe and] sound technologies... continue to be explored, enhanced access" to such technologies should be "promoted, facilitated and financed as appropriate." The compromise text in paragraph 34.18(e)(iv) reads, "In compliance with and under the specific circumstances recognized by the relevant international conventions adhered to by states," states should undertake "measures to prevent the abuse of intellectual property rights, including rules with respect to their acquisition through compulsory licensing, with the provision of equitable and adequate compensation."

The only outstanding issue remaining in Chapter 34 is the question of the transfer of environmentally [safe and] sound technology. All references to "safe and" in the text remain bracketed, pending the outcome of a blanket decision on this issue, which is being addressed in the contact group on atmosphere, where Saudi Arabia first proposed the phrase. Agreement has even been reached on the title, one of the most contentious issues at PrepCom IV. The title of the chapter now reads, "Transfer of Environmentally [Safe and] Sound Technology, Cooperation and Capacity Building." Finally, the contact group addressed all of the bracketed paragraphs in Agenda 21 that were referred to it by the Main Committee. The final text for these paragraphs is expected to be distributed in the Main Committee today.

IN THE CORRIDORS I

Tommy Koh continued to hold informal consultations on the issue of a desertification convention. It appears as though the US has changed its position, now accepting the idea of an international desertification convention to be convened by 1994 aimed at benefitting those countries facing serious drought and desertification. Previously, the US had supported a regional convention for Africa. A number of other developed countries, however, are still unwilling to support a "global" desertification convention, insisting on a regional treaty.

IN THE CORRIDORS II

Members of the European Community met Tuesday morning and emerged with text of a statement regarding the Climate Change Convention. This statement will be made by Anibal Cavaco Silva, the Portuguese Prime Minister, when the EC signs the Convention, reportedly on 12 June. In this statement, the Community and its Member States will make four major points: (1) the early ratification of the Convention; (2) a reaffirmation of the objective of stabilization of CO₂ emissions by 2000 at 1990 levels in the Community as a whole, and confirmation that they "are working on a Community Strategy to limit carbon dioxide emissions and to improve energy efficiency" (carbon tax); (3) early preparation of protocols; and (4) the call for "other industrialised countries to take steps and commitments similar to those adopted or foreseen by the Community and its Member States."

THINGS TO LOOK FOR TODAY AT UNCED

MAIN COMMITTEE: The Main Committee will convene this morning to address all outstanding phrases, paragraphs and chapters of Agenda 21. Since this is the last day that the Main Committee is scheduled to meet, it is possible that the Committee will meet all day and well into the night. Among the issues still to be agreed upon (and not discussed by the contact groups) are the call for an international convention on desertification; the phrase "people under occupation" in Agenda 21; the military establishment and hazardous waste; environmentally [safe and] sound technology" and the Rio Declaration.

FINANCIAL RESOURCES AND MECHANISMS: If the negotiations and drafting last night proceeded as had been hoped in the informal-informal sessions, a new text should be transmitted to the regional groups this morning. This text would then be forwarded to the Financial Resources contact group scheduled (as of last night) for this morning and then to the Main Committee later in the day.

FOREST PRINCIPLES: Although this contact group has finished its work, bracketed portions of the forest principles document may still have to be resolved in other contact groups as well as in the Main Committee. When this document reaches the Main Committee today, look for some tough chairing by Tommy Koh and some equally strong diplomatic sparring from the key delegations such as India, Malaysia, the US and several others.

ATMOSPHERE: The contact group was expected to have completed its work last night on the Atmosphere chapter, and in particular, the energy section of Programme Area B "Promoting sustainable development". If the group has not succeeded in resolving the outstanding issues, they may choose to continue their work in the contact group or defer bracketed text to the Main Committee.

BIODIVERSITY AND BIOTECHNOLOGY: The Main Committee will address the outstanding issues from these two chapters. The one bracketed paragraph from the biodiversity chapter pertains to the rights of countries of origin, and the two bracketed paragraphs from the biotechnology text refer to liability and compensation.

LEGAL INSTRUMENTS: If Tuesday's informal consultations have succeeded in resolving the environmental crimes paragraph, the contact group will be able to send clean text to the Main Committee for ratification.