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MAIN COMMITTEE

"PrepCom V" ended at 6:00 am yesterday morning when Main Committee Chair Tommy Koh brought down the final gavel, deferring remaining negotiations to the hands of the politicians. Two and a half years of work by the diplomats had come to an end. After a marathon negotiating session that began at 8:00 pm and ended at dawn, the governments sent to the Plenary three documents: Agenda 21, the Statement on Forest Principles and the Rio Declaration. While most of the text is "clean", brackets remain around several critical points that have been sent to the ministerial level to be negotiated over the next two days.

The Main Committee resumed at 8:00 pm Wednesday night, to continue to work sequentially through Agenda 21, beginning where it had left off two hours earlier. As Chapter 19, toxic chemicals, was a clean text, with the exception of the paragraphs on finance, discussion quickly turned to Chapter 20 on hazardous wastes. The one difficult paragraph was 20.23(h) on the military establishment and hazardous wastes. Sweden had undertaken consultations at the request of the Chair and announced the resulting text to the Committee. The compromise was that governments should ascertain that their military establishment conform to nationally applicable environmental norms in the treatment and disposal of hazardous waste.

Chapter 21 on solid wastes was a clean text (except for the finance section) so Koh turned to Chapter 22 on radioactive wastes. The problematic paragraph in this chapter, 22.5(c), dealt with the storage or disposal of radioactive wastes near the marine environment. After a brief discussion, the text was adopted. The compromise text emphasizes that states, in cooperation with relevant international organizations, will determine the risk of the disposal or storage of radioactive wastes near the marine environment.

Chapters 23-32 of Agenda 21 address the role of major groups. During earlier discussions in the Main Committee, it had been decided that Amb. Mazairac of the Netherlands would hold additional consultations on the remaining bracketed text in these chapters. Chapters 23 (preamble), 24 (women), 25 (children and youth), 28 (local authorities) and 29 (workers and trade unions) were clean texts and not discussed. Compromise text was agreed to in the remaining bracketed paragraphs in Chapters 26 (indigenous people), 27 (NGOs), 30 (business and industry), and 32 (farmers) and was quickly adopted by the Committee. It was Chapter 31 on the scientific and technological community, however, where problems arose. The Holy See questioned why the phrase "appropriate ethical principles" had been removed from the text of paragraph 31.12 on capacity building. Mazairac responded that the delegates who had consulted on this matter thought that the text should be more general as there are important principles other than ethical ones to be considered. The Holy See requested that the text be restored, while calling for the opinions of other delegates. Koh responded that the time was now 9:08 pm and it was unreasonable for one colleague to ask others to speak, as there was still much work to be done. After comments by Argentina, Koh prevailed upon the Committee to adopt the text, with due note of the Holy See's concerns.

Chapter 33, the financial resources chapter of Agenda 21, was

transmitted to the Main Committee with bracketed text in three areas: on language that sets a specific date for countries to re-affirm their commitment to increasing levels of ODA to 0.7% of GNP; the exact level for the next replenishment of IDA with or without an "Earth Increment", and; conditionality within GEF. There was no resolution to these problems and brackets here, and in two other areas, remain in the text sent to the ministerial level for further negotiation.

Two new sets of brackets surround the word "including" in paragraph 10 that had been omitted from yesterday morning's earliest draft of the text. The insertion of the word "including" in a key phrase that stipulates the types of resources necessary for the implementation of Agenda 21, modified the phrase so that it reads, "will require the provision to developing countries of substantial new and additional financial resources, **including** on grant or concessional terms and according to sound and equitable criteria and indicators." In the Main Committee, debate ensued over the significance of the term. Countries, including India and Tanzania, argued that the word "including" changes the meaning of the phrase to mean that new and additional financial resources will not be totally grant and concessional money. The US argued that much new and additional funding will be neither grant nor concessional funds but could take the form of private investment or official debt alleviation. The phrase was sent to the Plenary in two sets of brackets.

The Main Committee then turned to the 100-plus "financial" paragraphs scattered throughout Agenda 21 in the "Means of Implementation" section of each chapter. These paragraphs have been uniformly modified to reflect the fact that costs associated with the chapter activities are order of magnitude estimates only and the actual value depends on the strategies and programmes implemented. These paragraphs were adopted with minor amendments.

Chapter 34 on technology transfer and a list of paragraphs from the other chapters of Agenda 21 that address technology were easily adopted by the Committee. The only bracketed text remaining is in the phrase "environmentally [safe and] sound technology". This phrase was supposed to be resolved in the contact group on atmosphere, as the bracketed text was first introduced in the atmosphere chapter of Agenda 21.

Chapters 35 (science for sustainable development), 36 (education) and 37 (capacity building) were clean texts, so Koh opened discussion on Chapter 38 on international institutional arrangements. A spokesperson for Amb. Ismail Razali of Malaysia, who coordinated the contact group, reported on the outcome of the group's work and, after a brief discussion, the chapter was easily adopted. The US was pleased with the agreement reached on this chapter and stressed that funds should be reallocated to support UNCED follow-up. Canada welcomed the establishment of the Sustainable Development Commission that will be needed to oversee Agenda 21 implementation.

Chapter 39 on international legal instruments and measures was also dealt with quickly. After the coordinator, Nabil el-Arabi, reported on the consensus achieved and stressed the delicate balance achieved, the text was quickly adopted. Chapter 40, information for decision making, is the last chapter of Agenda 21 and, as it was a clean text, no discussion was necessary.

At this point Koh returned to the Agenda 21 chapters that were still outstanding. The first of these was Chapter 9 on atmosphere. Amb. Bo Kjellén of Sweden introduced the text and explained

that although the document was almost bracket-free, several delegations still had trouble with certain paragraphs and, thus, the whole document should remain in brackets. The list of remaining contentious paragraphs address such issues as new and renewable energy resources; improving energy efficiency; environmentally safe and sound energy sources; and the need for regional conferences on transport and the environment. Saudi Arabia then took the floor and delivered a lengthy speech setting out its concerns regarding this chapter. Despite the Saudis' insistence that its opposition was based on its concern with repetition in the text, many delegations called into question the Saudis' true motives. Only a few countries, such as Kuwait and Nigeria, delivered statements largely supportive of Saudi Arabia's position. However, the vast majority of speakers on the interminable list supported retaining the text for several reasons: it represented a fair and balanced compromise; repetition of key concepts such as new and renewable sources of energy and safe and environmentally sound energy sources was not problematic, but rather desirable, in light of the supreme importance of these concepts; the text was supported by a large majority of states; consensus should not be interpreted as requiring unanimity; and the fact that the deletion of the entire chapter would seriously undermine not only the fate of Agenda 21, but the entire Conference. The Main Committee did manage to adopt the text, subject to the reservations maintained by the Saudis.

The Main Committee finally began discussion of both Chapter 11 on deforestation and the Statement of Forest Principles at 3:00 am. Numerous paragraphs related to the following areas were all referred to the Plenary in brackets: preamble paragraphs (a), (d) and (g) about the "right to develop", a possible future legal instrument and the role of forests; paragraphs 8(d) and (h), regarding sustainable forest management and environmental impact assessments; paragraph 11 on financial resources for sustainable forest management; paragraphs 15(b) and 17 that deal with international trade in forest products and the role of forests in the carbon cycle. Organizational problems in the reporting of the contact group slowed progress. The Russian Federation insisted, on the behalf of the Eastern European group, that language referring to countries that are undergoing transition to market economies be retained, since this document is not part of Agenda 21 and, therefore, not covered by the generic paragraph in the Preamble to Agenda 21. The Agenda 21 chapter on deforestation was dealt with next. The Main Committee was unable to resolve the remaining three bracketed paragraphs. Both of these documents were transmitted to the Plenary to be resolved at the ministerial level.

At 5:25 am, Koh began discussion of Chapter 16 on biotechnology. After Amb. Vincente Sanchez of Chile reviewed the contact group's resolution of the formerly bracketed paragraphs in this chapter, Koh brought the discussion to a close and quickly assured the Committee's approval with his now-standard quick gavel.

The last substantive item on the agenda was the Rio Declaration. This was the only unbracketed text transmitted from the PrepCom. Koh announced that as the result of successful consultations with interested delegations, he was able to propose a package deal that would alleviate one of the problems associated with both the Rio Declaration and Agenda 21: reference to "people under occupation". This package consisted of three parts: adoption of the text of the Rio Declaration as is; reformulating the third sentence of paragraph 1.5 of the Preamble of Agenda 21 to read, "It will be carried out by the various actors according to the different situations, capacities and priorities of countries and regions in full respect of all the principles contained in the Rio Declaration on Environment and Development"; and deleting the words "people under occupation" and "various bodies and organizations under occupation" from the text of Agenda 21. The package deal and, thus, the Rio Declaration, were quickly adopted.

The US then took the floor and expressed that it still had problems with the Declaration but, in the spirit of compromise, it was willing to lay aside its concerns. The US also reserved the right to come back to Principle 3, which addresses the right to develop, as this issue was still unresolved in the statement on forest principles. The Palestinian representative then spoke of his continued concern with the importance of including people under

occupation in Agenda 21. He added that Agenda 21 is intended for the 21st century and expressed hope that by 2000 there will no longer be any occupied territories and everyone will live in peace. A number of other countries made short statements on this issue. Koh then addressed the last item of business: entrusting the Rapporteur to complete the report of the Main Committee. As the clock struck 6:00 am, Tommy Koh gavelled the Main Committee to a close amidst a prolonged standing ovation.

IN THE CORRIDORS

Celso Lafer as Vice President of the Conference has given the responsibility for coordinating ministerial level consultations on the forest issue to Klaus Töpfer, Federal Minister for the Environment, Nature Conservation and Nuclear Safety of Germany. Consultations were held all day at the German delegation's office and in the conference rooms at RioCentro. An open-ended ministerial-level contact group was scheduled to begin at 10:00 pm last night. Progress on several paragraphs was reported by those close to the consultations.

Discussions at the highest ministerial level on financial resources, coordinated by Amb. Rubens Ricúpero of Brazil and assisted by Celso Lafer and Brazilian Finance Minister Marçílio Marques Moreira, were held Thursday.

As well, a ministerial contact group met to resolve the phrase "environmentally [safe and] sound", which is repeated throughout the Agenda 21 chapters on atmosphere and technology transfer and was the subject of heated debate in the Main Committee early Thursday morning. In fact, this issue is the only issue that the Main Committee was unable to resolve in both of these chapters. As of 6:00 pm on Thursday, the ministerial contact group had not yet reached agreement. On Wednesday, Amb. Bo Kjellén, the Chair of the contact group, attempted to resolve this issue in the atmosphere chapter by drafting language to be inserted in the Preamble of Agenda 21, which would refer to the fact that new and renewable energy sources should always be safe and environmentally sound, as well as cost-effective. It was hoped that this general statement would obviate the need to refer to "environmentally safe and sound" energy sources throughout the text. It is possible that the Ministers' work will build upon Kjellén's proposal.

THINGS TO LOOK FOR TODAY

INSIDE THE SUMMIT: The first meeting of the Earth Summit officially starts today with 28 Heads of State or Government scheduled to deliver formal statements in the Plenary in the morning and 29 Heads of State or Government scheduled for the second meeting, to be convened in the afternoon. The third and fourth meetings of the Summit will be convened on Saturday morning and afternoon, respectively. There is much speculation as to what parallel process will be put in place to provide a forum for the continued ministerial-level negotiations surrounding those issues which the Main Committee was unable to resolve. Some suggest that forest, finance and atmosphere ministerial contact groups may in fact be convened in parallel to the actual Summit proceedings. The results of these ministerial contact groups will be tabled directly to the final session of the Plenary, which will be held on Sunday morning to formally adopt all of the Conference documents. It is likely that this final Plenary will provide little or no time for substantive discussion. All consultations are expected to be completed by Friday evening to allow sufficient time for translation and photocopying before Sunday's Plenary.

OUTSIDE THE SUMMIT: Look for increasingly limited access for NGOs and press at RioCentro today and throughout the remainder of the Earth Summit. Members of the UNCED Secretariat have indicated that yesterday's youth demonstration may lead to stricter security measures. This demonstration, which followed the youth statement in Plenary, resulted in the removal by UN Security of eight people, the revocation of many passes and a broken glass door. The demonstration had been called to draw attention to the resignation of a youth representative on the US Delegation. It was fueled by the fact that the transmission of the youth statement to monitors in RioCentro had been cut. The press, in their zeal to cover the unfolding story, only exacerbated matters according to several UN Security officers.