



Earth Summit Bulletin

Vol. 2 No. 13

Published by Island Press and the International Institute for Sustainable Development

Tuesday, 16 June 1992

A SUMMARY OF THE PROCEEDINGS OF THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT 3-14 JUNE 1992

On 14 June the United Nations Conference on Environment and Development concluded the work mandated to it by the United Nations General Assembly more than two and a half years earlier in Resolution 44/228. When President Collor of Brazil officially concluded UNCED, the hundreds of diplomats, NGOs, support staff and Secretariat members who had worked together from Nairobi, through Geneva and New York, to Rio de Janeiro had not only contributed to one of the most significant international negotiation processes, but had individually participated in the creation of an elaborate programming tool that could set the planet on a new course towards global sustainable development.

Although the road to Rio began with UN Resolution 44/228 in December 1989, the first meeting of the Preparatory Committee took place in August 1990. PrepCom I, which was held in Nairobi, set the terms of reference of the UNCED. At PrepCom II, held in Geneva in March 1991, the voluminous documentation provided by the Secretariat assisted states to address key issues and to prioritize these areas where action was needed. The first signs of the actual form of UNCED's products first revealed themselves here. At PrepCom III, which took place in Geneva in August 1991, governments debated the best ways to approach the problems and commenced negotiations, for the first time, on Agenda 21. Finally, at the fourth PrepCom in New York, delegates met to negotiate and finalize the technical portions of Agenda 21 and the other political instruments that were expected to be signed in Rio de Janeiro.

By the end of PrepCom IV, 85% of Agenda 21 had been successfully negotiated and free of brackets. Major outstanding issues included finance, including all of the "Means of implementation" paragraphs in each chapter of Agenda 21; technology transfer, atmosphere and forests among others.

Against all odds, progress was achieved in New York. However, much work remained to be done. Thus, government officials and ministers in Rio had to conclude in two weeks, what hundreds of diplomats could not resolve over the past two years. What was expected to be a two-week gold-pen cum massive photo opportunity quickly evolved into the most critical negotiation session.

In Rio, the Conference itself was divided into two main bodies: the Plenary and its subsidiary body, the Main Committee. The Plenary was the forum for the "General Debate", which consisted of country statements delivered at the Ministerial level. By contrast, the Main Committee was site of the actual political negotiations, in essence, a "PrepCom V." The mandate of the Main Committee was to finalize the products of UNCED: Agenda 21, the Statement on Forest Principles and the Rio Declaration on

Environment and Development. Those areas in need of substantive negotiations to remove the remaining bracketed text were forwarded to contact groups established by Main Committee Chair Tommy Koh, of Singapore and his Bureau. The eight contact groups were: Atmosphere, Biodiversity/Biotechnology, Institutions, Legal Instruments, Finance, Technology Transfer, Freshwater Resources and Forests (including both the Statement on Forest Principles and the Agenda 21 chapter on forests). During the seven days of intense negotiations, the mood oscillated dramatically from issue to issue and day to day. The entrance of ministers and other high ranking politicians into the negotiations alternatively improved the pace, as they were able to make the necessary decisions, and impaired the process as they were often unaware of the history of the issue within the UNCED context. When the Main Committee ran out of its allotted time at 6:00 am on Thursday, 11 June, three issues still had not been resolved: forests, finance and atmosphere. These issues were forwarded for further negotiations at the ministerial level where, at the eleventh hour, agreement was finally reached.

The following report is an issue-by-issue summary of 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 appear in Agenda 21, the Statement of Forest Principles and the Rio Declaration on Environment and Declaration.

PART I: AGENDA 21

CHAPTER 1: PREAMBLE

The Preamble to Agenda 21 began in Rio as a five-paragraph introduction to Agenda 21 with two sets of brackets. The first set was in paragraph 1.3 around the words "political commitment at the highest level." The US, which had originally disputed this phrase, easily relinquished the brackets. Paragraph 1.4 addresses the need for new and additional financial resources to assist developing countries. This paragraph had been bracketed because the issue of finance had not yet been decided at the end of PrepCom IV. As the result of a compromise between the G-77 and the countries undergoing transition to a market economy, a new paragraph was inserted after paragraph 1.4 that stated that special attention be given to the "particular circumstances facing the economies in transition." This compromise also resulted in the deletion of all references to "economies in transition" in the text of Agenda 21.

Paragraph 1.5 was also amended as part of a compromise between the Palestinians and the US (and other countries that opposed reference to "people under occupation" within the text of Agenda 21). After a series of informal consultations, Tommy Koh was able to broker a compromise whereby the mention of "people under occupation" would remain in the Rio Declaration with a sentence to be added to paragraph 1.5 stating that Agenda 21 would be carried out in full respect of all the principles contained in the Rio Declaration; and all mentions of "people under occupation" and "various bodies and organizations under occupation" would be removed from the text of Agenda 21. A

The *Earth Summit Bulletin* was published by Island Press and the International Institute for Sustainable Development (IISD) and distributed free of charge to the participants at the United Nations Conference on Environment and Development. Funding for preparation and distribution of the *Earth Summit Bulletin* has been provided by AT&T Easy Link Services, the Ford Foundation, The Compton Foundation, the W. Alton Jones Foundation, the C.S. Mott Foundation, Swedish UNCED Secretariat - Ministry of Environment, Norwegian Ministry of the Environment, The World Bank, GREENWIRE, Jenifer Altman Foundation, United Nations Development Programme, The Canadian Purple Martin Fund and World Wide Fund for Nature. This issue of *Earth Summit Bulletin* is prepared by Johannah Bernstein (cpu@web.apc.org), Pamela Chasek (pchasek@cdp.apc.org) and Langston James Goree VI "Kimo" (kimo@ax.apc.org). The authors of the *Earth Summit Bulletin* can be contacted through our e-mail addresses or at: IPHAE, Caixa Postal 585, 78900 Porto Velho, Rondônia, Brasil. Telephone and fax: 55 69 223 3945 and e-mail iphae@ax.apc.org. The opinions expressed in the *Earth Summit Bulletin* are those of the authors and do not necessarily reflect the views of Island Press, IISD or our sponsors. The contents of the *Earth Summit Bulletin* may be freely used in other publications with appropriate citation. The *Earth Summit Bulletin* was uploaded daily on the APC networks into the conference en.unced.news and the Earth Summit Information System (under "news bulletins"). Pam, Johannah and Kimo would like to express our thanks to all of you for your accomplishments and your assistance in helping us with ours.

final paragraph was added to the Preamble in the waning hours of the Conference. This paragraph was part of a compromise on the issue of "safe and" sound energy systems and technologies (see Chapter 9).

SECTION I: SOCIAL AND ECONOMIC DIMENSIONS

CHAPTER 2: INTERNATIONAL COOPERATION TO ACCELERATE SUSTAINABLE DEVELOPMENT IN DEVELOPING COUNTRIES AND RELATED DOMESTIC POLICIES

This chapter of Agenda 21 addresses the relationship between international economic relations, the economic policies of individual countries and sustainable development. Although discussions of this chapter were not as contentious as they were at PrepCom IV, the remaining bracketed paragraphs, as well as some unbracketed ones, led to much discussion. The US requested to reopen paragraph 2.2 for discussion. The text stated that the development process "will not gather momentum" if the external economic environment is not conducive to domestic economic growth. The US proposal, in effect, attempted to shift the responsibility from the global economic environment to domestic economic policies of developing countries. The proposal was not well received. It was ultimately decided to retain the paragraph as is, since it was unbracketed text and the US had no ground to reopen it. The US attempted to reopen a number of paragraphs in this chapter expressing concern about the current use of existing financial resources. Paragraph 2.24, one of these paragraphs, was amended to include "and the efficient utilization of such resources are essential."

The final text has four programme areas: Promoting sustainable development through trade liberalization; Making trade and environment mutually supportive; Providing adequate financial resources to developing countries and dealing with international debt; and Encouraging macroeconomic policies conducive to environment and development.

CHAPTER 3: COMBATING POVERTY

This chapter of Agenda 21 addresses the need to eradicate poverty and hunger. It stresses the need to manage natural resources sustainably by designing environmental policies that take into account those who depend on the resources for their livelihoods. As of the beginning of the Conference, the only three bracketed paragraphs in this text had dealt with finance. It first appeared that this chapter would be easily dispensed with, however, the US objected to unbracketed paragraph 3.5, which included the phrase "people under occupation." Koh postponed discussion on this topic until he was able to hold consultations that resulted in the compromise discussed above (Chapter 1:Preamble). The single programme area in this chapter is entitled, "Enabling the poor to achieve sustainable livelihoods."

CHAPTER 4: CHANGING CONSUMPTION PATTERNS

This chapter addresses the need to change unsustainable patterns of production and consumption that lead to environmental degradation, aggravation of poverty and imbalances in the development of countries. Two paragraphs in this chapter were bracketed upon the request of the US, which tried to open additional paragraphs for discussion during the Main Committee's debate on the chapter. A long and often heated debate took place on paragraphs 4.3 and 4.5 that deal with the links between poverty, environmental stress and the need to change consumption patterns. After a series of consultations led by Australia, the US agreed to withdraw its objections to additional paragraphs in the chapter and remove the brackets on paragraphs 4.3 and 4.5, once the text was slightly amended. The chapter now, albeit indirectly, addresses unsustainable lifestyles in developed countries, as well as in segments of developing countries. The two programme areas in this chapter are: Focusing on unsustainable patterns of production and consumption; and Developing national policies and strategies to encourage changes in unsustainable consumption patterns.

CHAPTER 5: DEMOGRAPHIC DYNAMICS AND SUSTAINABILITY

This chapter addresses the relationship between population and sustainable development. As this chapter arrived from New York bracket-free (with the exception of the finance paragraphs), no discussion was necessary in Rio. The three programme areas are: Developing and disseminating knowledge concerning the links between demographic trends and factors and sustainable development; Formulating integrated national policies for environment and development, taking into account demographic trends and factors; and Implementing integrated environment and development programmes at the local level, taking into account demographic trends and factors.

CHAPTER 6: PROTECTING AND PROMOTING HUMAN HEALTH

This chapter addresses the need for intersectoral efforts to link health to environmental and socio-economic improvements. The only bracketed paragraphs in this chapter addressed "people under occupation" and finance, which were resolved generically after extensive consultations (see Chapter 1: Preamble and Chapter 33: Finance. Little discussion was necessary in the Main Committee. The Health chapter contains five programme areas: Meeting basic health needs; Control of communicable diseases; Protecting vulnerable groups; Meeting the urban and rural health challenge; and Reducing health risks from environmental pollution and hazards.

CHAPTER 7: PROMOTING SUSTAINABLE HUMAN SETTLEMENT DEVELOPMENT

This chapter addresses the need to promote sustainable development in the cities of industrialized countries, which are severely stressing the global ecosystem, and settlements in developing countries that need more raw material, energy and economic development to overcome basic economic and social problems. As this chapter arrived in Rio as a clean text, with the exception of the paragraphs relating to finance, no further discussion was held in Rio and the text was easily adopted. Programme areas in this chapter of Agenda 21 include: Creating national strategies for providing shelter; Forming an international network of trained urban managers equipped to plan for human environmental and infrastructural demands; Easing migration pressures on cities by creating employment opportunities in rural areas; Focussing on energy use and mass transportation; and Reducing the impact of natural disasters.

CHAPTER 8: INTEGRATING ENVIRONMENT AND DEVELOPMENT IN DECISION-MAKING

This chapter addresses the importance of integrating environmental factors into policy-making, law, economic instruments and national accounting. Chapter 8 was completed in New York at PrepCom IV and, thus, no discussion was necessary in Rio. This chapter has four programme areas: Integrating environment and development at the policy, planning and management levels; Providing an effective legal and regulatory framework; Making effective use of economic instruments and market and other incentives; and Establishing systems for environmental accounting.

SECTION II: CONSERVATION AND MANAGEMENT OF RESOURCES FOR DEVELOPMENT

CHAPTER 9: PROTECTION OF THE ATMOSPHERE

This chapter has, as its aim, the development of policies and programmes to promote increased understanding and effective action to combat climate change, stratospheric ozone depletion and transboundary atmospheric pollution. Next to discussions on finance, the atmosphere negotiations proved to be the most difficult and protracted at UNCED. On the insistence of the Arab Group, PrepCom IV was forced to transmit a completely bracketed chapter to UNCED. The Arab Group maintained that the chapter was not only duplicative of the work of the Climate

Change negotiations, but that it placed an over-emphasis on energy efficiency and conservation.

In contact group discussions (chaired by Swedish Amb. Bo Kjellén) many Northern countries fought hard for the retention of the reference to new and renewable energy sources throughout the text. They argued that repetition of concepts as supremely important as environmentally-sound sources of energy was perfectly valid and acceptable. In fact, as negotiations moved from the contact group to the Main Committee, several developing countries openly called into question Saudi Arabia's true motives for calling for the deletion of these references.

Another contentious matter pertained to the phrase [safe and] in the context of energy sources. Most countries had requested the deletion of that phrase on the basis that it connoted an anti-nuclear bias. By contrast, Saudi Arabia insisted adamantly that the phrase be retained, in light of its opposition to nuclear power. Kjellén, with the assistance of the Brazilians, was able to resolve the matter with a generic solution, whereby a paragraph would be included in the Preamble to Agenda 21 stating, "Throughout Agenda 21, the term 'environmentally sound' means 'environmentally safe and sound' in particular when applied to the terms 'energy sources', 'energy sources', 'energy supplies', 'energy systems' or 'technology/technologies'. The result of this formulation was that all the brackets around the phrase "safe and" would be deleted in the body of the text. The repeated references to new and renewable energy sources will remain in the chapter with a footnote at the end of the chapter that lists the nine new and renewable energy sources (as referred to in the reports of the Committee on the Development and Utilization of New and Renewable sources of Energy). At the final Plenary on 14 June, Saudi Arabia formally placed on record its reservations with the atmosphere chapter. Since Agenda 21 is not a legally-binding instrument, but rather, a statement of policy, the Saudis' formal reservations to the chapter have no substantive implications.

CHAPTER 10: INTEGRATED APPROACH TO THE PLANNING AND MANAGEMENT OF LAND RESOURCES

This chapter aims at facilitating allocation of land to the uses that provide the greatest sustainable benefits and promoting the transition to a sustainable and integrated management of land resources. This chapter was easily concluded since the only bracketed text dealt with finance. 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.

CHAPTER 11: COMBATTING DEFORESTATION

This chapter arrived in Rio relatively free of brackets, especially in comparison to the Forest Principles document. The only outstanding issue (aside from the financial resources paragraphs) was paragraph 11.14(e) that addresses the Forest Principles document and the possibility of a future international agreements on forests. This paragraph was negotiated by Klaus Töpfer, German Federal Minister for the Environment, as part of his "eleventh-hour" discussions on the forest principles (see Part II). The paragraph was amended to read as follows: governments would "consider the need for and the feasibility of all kinds of appropriate internationally agreed arrangements to promote international cooperation on forest management, conservation and sustainable development of all types of forests including afforestation, reforestation, and rehabilitation." This compromise wording therefore addresses concerns on all sides. Malaysia and other G-77 members can report to their capitals that they had fully resisted the Northern countries and their demands for a commitment to negotiate a future legally-binding instrument. By contrast, the industrialized countries can report that they have taken another step, albeit a small one, toward negotiation of a forests convention.

The programme areas in this chapter are: Sustaining the multiple roles and functions of all types of forests, forest land and woodlands; Enhancing the protection, sustainable management and conservation of all forests, and the greening of degraded

areas, through forest rehabilitation, afforestation, reforestation and other rehabilitative means; Promoting efficient utilization and assessment to recover the full valuation of the goods and services provided by forests, forest lands and woodlands; Establishing and/or strengthening capacities for the planning, assessment and systematic observations of forests and related programmes, projects and activities, including commercial trade and processes.

CHAPTER 12: COMBATTING DESERTIFICATION AND DROUGHT

This chapter addresses the importance of combatting desertification and drought by implementing preventative measures for lands that are not yet degraded as well as by restoring already degraded or drought-prone lands. Two non-finance paragraphs were bracketed and both dealt with a future binding convention on desertification. When these paragraphs first came up for discussion by the Main Committee, Tommy Koh announced that he would conduct consultations on this issue. Initially the US did not support the G-77's call for a global convention on desertification. However, midway through Koh's consultations, the US changed its position and accepted the idea of an international desertification convention to be convened by 1994, aimed at benefitting those countries facing serious drought and desertification.

When this "compromise" text was brought to the Main Committee, however, Portugal, on behalf of the EC, announced it could not accept this text, arguing that desertification is a regional problem not necessarily warranting global action. This resulted in a flurry of statements from developed and developing countries alike offering their support for Koh's compromise and pleading with the EC to accept it. Much of the anger and surprise in the room was due to the fact that the EC had not opposed the idea of a global desertification convention during Koh's consultations. Koh then adjourned the meeting for 45 minutes while numerous consultations were held. Finally, Portugal announced it would accept the wording proposed by the Chair and will support the request for a desertification convention.

The resulting chapter has six programme areas: Strengthening the knowledge base and developing information and monitoring systems for regions prone to desertification and drought; Combating land degradation through, inter alia, soil conservation, afforestation and reforestation activities; Developing and strengthening integrated development programmes for the eradication of poverty and promotion of alternative livelihood systems in areas prone to desertification; Developing comprehensive anti-desertification programmes and integrating them into national development and environment planning; Developing comprehensive drought preparedness and drought-relief schemes; and Encouraging and promoting popular participation and environmental education.

CHAPTER 13: SUSTAINABLE MOUNTAIN DEVELOPMENT

This chapter addresses the need for proper management of mountain resources and socio-economic development of mountain inhabitants. As this chapter arrived in Rio with no brackets (except finance), there was no further discussion necessary. This chapter contains two programme areas: Generating and strengthening knowledge about mountain ecosystems; and Promoting integrated development of mountain watersheds and alternative livelihood options.

CHAPTER 14: PROMOTING SUSTAINABLE AGRICULTURE AND RURAL DEVELOPMENT

The chapter on sustainable agriculture reflects growing concern regarding sustainable agriculture in light of the link between environmental degradation 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. Most of the bracketed paragraphs addressed finance and four paragraphs contained the phrase "people under occupation." Both of these issues were resolved in separate consultations (see

Chapter 1 and Chapter 33). The one remaining bracketed paragraph dealt with plant genetic resources. The US was not prepared to lift the brackets in paragraph 14.57(d) that read: "To take appropriate measures for [the fair and equitable] sharing of benefits and results of research and development in plant breeding between sources and users of plant genetic resources." The US maintained that the language in brackets should read "mutually agreed". Koh referred this paragraph to the contact group on Biodiversity and Biotechnology. The US finally agreed to lift the brackets and leave the text as is.

The 12 programme areas in this chapter include: agricultural policy review; ensuring people's participation; improving farm production and farming systems; land-resource planning information and education; land conservation and rehabilitation; water for sustainable food production and rural development; conservation and sustainable utilization of plant genetic resources; conservation and sustainable utilization of animal genetic resources; integrated pest management; sustainable plant nutrition; rural energy transition; and evaluation of the effects of ozone depletion on plants and animals.

CHAPTER 15: CONSERVATION OF BIOLOGICAL DIVERSITY

The objectives of this chapter are intended to improve the conservation of biological diversity and the sustainable use of biological resources. Since the Biodiversity Convention negotiations had not been completed by the end of PrepCom IV, several contentious paragraphs were left bracketed so as not to preempt the work of the INC. It was assumed that once the INC negotiations were completed in late May, UNCED would simply incorporate the relevant language from the Convention right into the Biodiversity chapter in Agenda 21. However, at the commencement of contact group negotiations (chaired by Amb. Vicente Sanchez of Chile) delegations attempted to re-open negotiations on those issues that had been completely resolved within the INC framework. Thus, discussions proceeded with difficulty on such outstanding issues as: the equitable sharing of benefits derived from the benefits of research and development of biological and genetic resources; rights of countries of origin to benefit from biotechnological development; national registration of biological resources; technology transfer. Agreement was finally reached on compromise language that reflects language in the Biodiversity convention. Thus the final text has one programme area, "Conservation of biological diversity".

CHAPTER 16: ENVIRONMENTALLY SOUND MANAGEMENT OF BIOTECHNOLOGY

This chapter has, as its aim, the fostering of internationally agreed principles for the environmentally-sound management of biotechnology as well as the promotion of sustainable applications of biotechnology. Due to scheduling constraints at PrepCom IV, very little time was allotted to this chapter. The text was transmitted to UNCED with numerous brackets around such issues as: capacity-building; safety procedures; development of a legal code of conduct; liability and compensation for damage resulting from applications of biotechnology; application of biotechnology to reproductive technologies. Capacity-building was resolved in accordance with the compromise language agreed to in the technology transfer negotiations. Agreement was reached on the need to develop safety procedures into a framework of internationally agreed principles as a basis for biotechnology safety guidelines. Language was also agreed that recognizes the traditional methods and knowledge of indigenous peoples and their communities and ensuring opportunities for their participation in the economic and commercial benefits arising from biotechnology developments.

The final programme areas are: Increasing the availability of food, feed and renewable raw materials; Improving human health; Enhancing protection of the environment; Enhancing safety and developing international mechanisms for cooperation; and Establishing enabling mechanisms for the development and the environmentally sound application of biotechnology.

CHAPTER 17: 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

The chapter on oceans is the longest and one of the most complex chapters of Agenda 21. After intense negotiations throughout both PrepComs III and IV, all of the difficult issues were resolved with the exception of the issue of straddling and migratory fish stocks. Rather than allowing lengthy and acrimonious discussions in the Main Committee, Koh requested that the US hold informal consultations to achieve a compromise between Canada and the EC. Twenty-four hours later a compromise was in hand. The resulting text was similar to text proposed at the end of PrepCom IV. The new text for paragraph 17.52 reads: "States should convene an intergovernmental conference under UN auspices with a view to promoting effective implementation of the provisions of the Law of the Sea on straddling and highly migratory fish stocks". The EC was able to accept this language once text was added to say that the conference would draw on scientific and technical studies by the FAO and be fully consistent with the provisions of the Law of the Sea, in particular the rights and obligations of coastal states and states fishing on the high seas.

Chapter 17 contains the following programme areas: Integrated coastal zone management; Marine environmental protection (including land- and sea-based sources of marine pollution); Sustainable use and conservation of high seas living resources; Sustainable use of living marine resources under national jurisdiction; Addressing critical uncertainties for the management of marine environment and climate change; Strengthening international, including regional, cooperation and coordination; and Sustainable development of islands.

CHAPTER 18: PROTECTION OF THE QUALITY AND SUPPLY OF FRESHWATER RESOURCES

This chapter addresses the importance of effective integrated management of water resources to all socio-economic sectors relying on water. Freshwater was the topic of one of the contact groups established by the Main Committee primarily because the introduction to the chapter had not been negotiated at PrepCom IV. After two meetings of the contact group, delegates agreed on a five-paragraph introduction that had been drafted by the coordinator, Bukar Shaib of Nigeria. Although most were satisfied with the draft, 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 had been incorporated into Agenda 21; (2) Dublin had been 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 the paragraph referring to the Conference. When this text was brought back to the Main Committee, France expressed reservations to the omission of this text and argued for its reinstatement. After considerable debate and consultations during the final session of the Main Committee, France removed its reservations and allowed the text to be adopted.

The other bracketed paragraphs dealt with targets and timetables for the implementation of various activities in the chapter. Members of the G-77 recognized the importance of setting such targets but wanted to ensure that there will be new and additional resources available to help them meet these targets. These brackets were removed after the chapter on financial resources was finalized.

The programme areas in this chapter are: Integrated water resources development and management; Water resources assessment; Protection of water resources, water quality and aquatic ecosystems; Drinking-water supply and sanitation; Water and sustainable urban development; Water for sustainable food

production and rural development; and Impacts of climate change on water resources.

CHAPTER 19: ENVIRONMENTALLY SOUND MANAGEMENT OF TOXIC CHEMICALS, INCLUDING PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND DANGEROUS PRODUCTS

This chapter of Agenda 21 addresses the problems posed by the lack of sufficient scientific information for the assessment of risks entailed by the use of numerous chemicals and the lack of resources for assessment of chemicals for which data are at hand. As all but one of the bracketed paragraphs dealt with finance, this chapter provoked little discussion at UNCED. The six programme areas in this chapter are: Expanding and accelerating international assessment of chemical risks; Harmonization of classification and labelling of chemicals; Information exchange on toxic chemicals and chemical risks; Establishment of risk reduction programmes; Strengthening of national capabilities and capacities for management of chemicals; and Prevention of illegal international traffic in toxic and dangerous products.

CHAPTER 20: ENVIRONMENTALLY SOUND MANAGEMENT OF HAZARDOUS WASTES, INCLUDING PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN HAZARDOUS WASTES

This chapter addresses the need for effective control of the generation, storage, treatment, recycling and reuse, transport, recovery and disposal of hazardous wastes. When this chapter was discussed by the Main Committee, tension began to rise 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 over 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 that would address these concerns. This was resolved by placing a paragraph in the Preamble (see Chapter 1) and the deletion of text referring to "economies in transition" in Chapter 20.

The next contentious bracketed paragraph addressed the environmental impacts of military establishments. The US refused to remove the brackets it had inserted around paragraph 20.23(h) 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. A compromise was reached whereby the text now reads, "Governments should ascertain that their military establishments conform to their nationally applicable environmental norms in the treatment and disposal of hazardous wastes."

The four programme areas in this chapter are: Promoting the prevention and minimization of hazardous waste; Promoting and strengthening institutional capacities in hazardous waste management; Promoting and strengthening international cooperation in the management of transboundary movements of hazardous wastes; and Preventing illegal international traffic in hazardous wastes.

CHAPTER 21: ENVIRONMENTALLY SOUND MANAGEMENT OF SOLID WASTES AND SEWAGE-RELATED ISSUES

This chapter of Agenda 21 relates the issue of management and disposal of solid wastes to other cross-sectoral issues in Agenda 21. Few paragraphs of this chapter contained brackets at the beginning of the Conference. These paragraphs set targets and timetables for accomplishing the objectives set forth in each of the three programme areas. The G-77 did not want to agree to such targets until it was assured of sufficient technology and financial resources. The brackets on these paragraphs were only removed once the chapters on technology transfer and finance were resolved.

The four programme areas are: Minimizing wastes; Maximizing environmentally sound waste reuse and recycling; Promoting environmentally sound waste disposal and treatment; and Extending waste service coverage.

CHAPTER 22: SAFE AND ENVIRONMENTALLY SOUND MANAGEMENT OF RADIOACTIVE WASTES

The objective of this chapter is to ensure that radioactive wastes are safely managed, transported, stored and disposed, with a view to protecting human health and the environment. At the beginning of the Conference only one non-finance paragraph remained 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. Compromise text was agreed upon that 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. The final text has only one programme area: promoting the safe and environmentally sound management of radioactive wastes.

SECTION III: STRENGTHENING THE ROLE OF MAJOR GROUPS

Chapters 23-32 of Agenda 21 address the role of 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.

There were few bracketed paragraphs in these chapters, however, Dutch Amb. Leon Mazairac, who had coordinated discussion on these chapters at PrepCom IV, held additional consultations to facilitate resolution. The only chapter that generated much discussion in the Main Committee was Chapter 31 on the scientific and technological community. The Holy See asked 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 other principles other than ethical ones. The Holy See said that it wanted to see this text remain and asked to hear the opinions of other delegates. Koh was able to prevail on the Committee to adopt the text, while noting the Holy See's concerns.

SECTION IV: MEANS OF IMPLEMENTATION

CHAPTER 33: FINANCIAL RESOURCES AND MECHANISMS

At the conclusion of PrepCom IV, the negotiations on financial resources and mechanisms had broken down during informal-informal consultations. These talks, conducted by Amb. Andrés Rosenthal of Mexico, produced a draft text that, through seemingly mysterious means, emerged from the UN Conference Services system the week following PrepCom IV as PC/L.75. As negotiations around this document had failed, the G-77 demanded that negotiations on this crucial issue resume on the previous G-77 text, L.41/Rev.1, on which the negotiators led by John Bell of Canada had reached impasse during the fourth week of PrepCom. There was very little likelihood that any real progress could have been made on that document and observers close to the negotiations commented that for any real progress, compromise text needed to emerge quickly in Rio.

On 3 June, during the first session of the Main Committee the Chair, Tommy Koh, announced that Rubens Ricúpero, the Brazilian Ambassador to the United States, would coordinate discussions on this topic at UNCED. On 4 June, Ricúpero presented a Chair's draft for consideration. While many thought this paper emerged too soon in the negotiations, the timing proved crucial and forced the group to consider a formulation that reflected a blending of North-South considerations and provided a realistic "starting-point".

The Chair's draft contained the following points: special efforts must be made to meet the full incremental costs for developing countries; economic conditions for free trade are essential; developed countries should "reaffirm" commitments to reach 0.7% of GNP for ODA (with no mention of a target date); mechanisms and sources of funds should include multilateral development banks and such funds as the IDA replenishment; multilateral institutions for capacity-building and technical

cooperation; strengthening of bilateral assistance programmes; debt relief; private funding and private investment; innovative financing; a transparent and accountable GEF; funding for incremental costs of Agenda 21 activities, and; review and monitoring of Agenda 21 financing.

When the Ricúpero document was tabled, the primary question was whether the G-77 would accept this text as the basis of negotiations. Since more than three-quarters of the discussion at past two PrepCom meetings on this matter had been devoted to the decision as to which text would be used for negotiations, many felt that a quick decision to use the Chair's draft text would considerably advance debate.

On Friday, 5 June, the G-77 returned with their statement of position on financial resources. This document cited a series of principles from L.41/Rev.1 and, in light of these principles, placed a series of issues before the discussion. The most significant fact in its statement was that it did not reject the Brazilian Chair's text. The issues it noted included: 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; a monitoring mechanism for financial flows to developing countries; and the importance of a supportive international economic climate.

In response, on 6 June Ricúpero issued a revised Chair's draft. This text incorporated the concerns of the G-77 and it: identified economic growth, social development and poverty eradication as priorities; stated that the cost of inaction would outweigh the financial costs of Agenda 21; and noted that global and local environmental issues are interrelated. The GEF language remained basically unchanged from previous draft. In the "Means of Implementation" section it called the Secretariat figure of \$125 billion for implementation of Agenda 21 an "estimate" and stated that actual costs would depend on the strategies and programmes implemented. It also stated that financial commitments for Agenda 21 should be made by developed countries at UNGA-47 and that financial review and monitoring would be dealt with in the chapter on institutions.

One of the more interesting aspects of this text was the wording of the "Activities" section related to the setting of targets and timetables for countries to reach the established United Nations goal of 0.7% of GNP for ODA by the year 2000. The formulation of the paragraph on ODA created three different categories of countries: those that would "reaffirm" their commitment to this goal; other countries; and those that are making the transition to market economies. Although this paragraph underwent substantial revision during the following two weeks, the wording was crucial to the successful outcome of the negotiations. Since all countries but the US and Switzerland had affirmed a commitment to reaching the UN target of 0.7% of GNP for ODA by the year 2000, the first formulation that required countries to "reaffirm" their commitment, did not apply to the them. They fell into the second category of countries that would "make their best efforts to increase their level of ODA so as to contribute to the common effort to make available the substantive additional resources that have to be mobilized." This wording, effectively, provided the US the opportunity to avoid setting any timetable or target for development assistance, neutralizing them as a complicating factor in the difficult negotiations that ensued on this subject over the following two weeks.

The G-77, after informal meetings on Sunday and during Monday morning, had formulated a list of amendments to the Saturday afternoon draft. Observers commented, at this point in the negotiations, that the G-77 seemed unwilling, or unable, as a group to present a coherent set of amendments. The more than 40 proposed changes to the Chair's text reflected a fragmentation of interests within the G-77 and allowed, according to those close to the process, an advantage to the industrialized countries. Some of the more important amendments were: economic and social development and poverty eradication as the first and overriding priorities of the developing countries; access to new and additional financial resources on grant and concessional basis

without any new conditionality; a call for a more equitable and non-discriminatory multilateral trading system; and the removal of the clause especially created for the US regarding ODA.

With the limited time available for negotiations, a decision was taken to reduce the number of participants in the discussions to eight negotiators from the industrialized countries and eight from the developing countries. At 4:30 in the morning on Wednesday, after a marathon negotiating session, the negotiators emerged with a new "Chair's draft" that contained only four bracketed paragraphs. By comparing Monday's draft text (including the proposed G-77 amendments) with the results of Tuesday's closed-door all-night session, compromise was reached in the following areas:

- In the "basis for action" section, paragraph 4 in the new text now states, "The cost of inaction could outweigh the financial costs of implementing Agenda 21. Inaction will narrow the choices of future generations." This modified version of the "precautionary principle" was a G-77 amendment.
- The phrases "free trade" and "access to markets" were retained.
- Wording that deals with implementation of Agenda 21 included the phrase "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."
- The costs of Agenda 21 were clearly stated to be estimates.
- Developing countries will begin to prepare national plans for sustainable development.
- There will be no "pledging" conference however governments will report back to the 47th session of UN General Assembly with their plans and commitments.

Bracketed text remained in the following three areas:

- ODA For Agenda 21: The problem with paragraph 15 pertains to the target and timetable for developed countries to meet the UN target of 0.7% of GNP for ODA.
- IDA Replenishment Levels: Paragraph 16(a)(i) dealt with the replenishment of the IDA, one of the various existing funding sources and mechanisms used in particular for the poorest of developing countries. The ninth funding replenishment (IDA-9) was set at US\$15.5 billion. To adjust for expansion of the world economy and inflation, it has been estimated that IDA-10 would have to be increased by approximately US\$2 billion. There is discussion regarding a possible increase to the IDA over and above the correction in real terms that would increase it by US\$5 billion, otherwise known as the "Earth Increment". Of this money, US\$1.5 billion would come from the World Bank's interest income with US\$3.5 expected to come from developed country donors.
- The GEF and Conditionality: The remaining brackets in the Chair's text were related to the changes in governance in the Global Environmental Facility (GEF).

This version of the Agenda 21 chapter was presented to the Main Committee on Wednesday, 10 June. Debate ensued on the word "including" in paragraph 10 that had been omitted from that 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 read, "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. 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 along with the other three areas to be dealt with at the Ministerial level.

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.

As the Main Committee had officially ended early Thursday morning, 11 June, responsibility for the resolution of the outstanding problems was passed to the Chair of the Plenary, the Brazilian President Fernando Collor de Mello and his *ex officio* vice president, Celso Lafer, the Brazilian Foreign Minister. Amb. Ricúpero was asked to continue as the coordinator of ministerial level consultations on the issues of the GEF, IDA, the word "including" and new problems that emerged over the paragraph on "debt relief". Paragraph 16(e), which dealt with debt relief, emerged as an issue on June 12, after the Main Committee had passed on the text to the Plenary. Particularly problematic, for some developed countries, was the phrase "further measures and eligible countries should be kept under review." Some countries felt that this might expand the list of countries available for special debt relief consideration beyond the list of the poorest heavily indebted countries under an expanded definition of the Trinidad agreement of December 1991. By late Friday afternoon, text was being circulated privately among governments.

In his progress report to the General Committee (members of the Bureaus of both the Plenary and the Main Committee) at noon on Friday, 13 June, Amb. Ricúpero announced that after informal consultations, consensus had been reached on several paragraphs:

- In paragraph 10, the sentence that deals with the provision of new and additional resources, and includes the word "including", was broken into two parts. The first sentence now only deals with the fact that the implementation of Agenda 21 requires new and additional resources. The second sentence now deals with the terms on which these resources will be provided.
- In paragraph 16(a)(iii), on the GEF, the problem pertained to the word "conditionality." The compromise language agreed to was, "Ensure access to and disbursement of the funds under mutually agreed criteria without *introducing new forms of conditionality.*"

Jan Pronk, Minister of Development Cooperation from the Netherlands, was assigned responsibility for conducting bilateral consultations on paragraph 15, which dealt with targets and timetables for ODA. Meanwhile, Ricúpero continued consultations on the paragraph that dealt with IDA and the "Earth Increment". Some governments were concerned that if UNCED committed to levels for the IDA-10 replenishment it would limit or foreclose options within the ongoing negotiations in other fora. Others believed that it is unrealistic to set funding levels before reviewing the projects that IDA-10 would fund.

The Plenary session that was scheduled for Friday night at 11:00 pm was postponed and met briefly at 12:45 am on Saturday morning. Ricúpero reported that compromise had been reached on paragraph 16(e) on debt relief. The agreed text adds the sentence, "*Measures to address the continuing debt problems of low and middle income countries should be kept under review.*"; and replaces the original text with, "*debt relief measures should be kept under review so as to address the continuing difficulties of those countries.*"

Ricúpero then reported that after extensive negotiations, they had reached a formulation on paragraph 16(a)(i) on the IDA. The new text removes any specific reference to the "Earth Increment" and directs the IDA Deputies to give special consideration to World Bank President Lewis Preston's statement to the UNCED Plenary, "*in order to help poorer countries meet their sustainable development objectives as contained in Agenda 21.*" On 4 June, Preston proposed an additional volume of resources for the IDA-10 replenishment (1993-95) in order to maintain IDA-9 funding in real terms and, if donors support such an initiative, re-allocate part of the IBRD's net income to the Earth Increment for national environmental issues (US\$1.5 billion).

Lafer then announced that consultations on the only outstanding matter relating to finance (ODA targets) were proceeding.

The G-77 met Saturday morning, 13 June, to discuss the new text for IDA replenishment. Although not all G-77 members were satisfied with the text, they agreed that this may be the best available compromise. Meanwhile, consultations continued on targets and timetables for ODA. As of Saturday morning, the document under discussion contained five formulations of the sentence that applies to those countries that have already affirmed a target of 0.7% of GNP for ODA by the year 2000. One of the problems faced in these consultations was the lack of finance ministers present in Rio. One of the major sticking points was the inability of the EC to reach consensus. While the Netherlands, Denmark and France support 0.7% of GNP for ODA by the year 2000, Great Britain and Germany do not.

At 3:30 pm, the closed door of the ministerial negotiations opened and the participants emerged with an agreed text. After consultations with the regional groups, it was apparent that further consultations were necessary. Just before 7:00 pm agreement was reached. The new text reads: "*Developed countries reaffirm their commitments to reach the accepted UN target of 0.7% of GNP for ODA and, to the extent that they have not yet achieved that target, agree to augment their aid programmes in order to reach that target as soon as possible and to ensure a prompt and effective implementation of Agenda 21. Some countries agreed or had agreed to reach the target by the year 2000. It was decided that the Commission on Sustainable Development will regularly review and monitor progress towards this target. This review process should systematically combine the monitoring of the implementation of Agenda 21 with a review of the financial resources available.*" The paragraph then resumes with the existing text beginning with "*Those which have already reached the target are to be commended and encouraged...*"

Chapter 33 of Agenda 21, "Financial Resources and Mechanisms" was now free of brackets and was adopted by the informal session of the Plenary.

CHAPTER 34: TRANSFER OF ENVIRONMENTALLY SOUND TECHNOLOGY COOPERATION AND CAPACITY-BUILDING

The activities proposed in this chapter of Agenda 21 aim at improving conditions and processes on information, access to and transfer of technology, as well as on capacity-building and cooperative arrangements and partnerships in the field of technology. After nearly three weeks of negotiation at PrepCom IV, brackets remained around the title, a number of paragraphs containing the phrase "environmentally [safe and] sound technology" and on paragraphs dealing with the terms of transfer, intellectual property rights and transfer of privately-owned technologies.

In Rio, a contact group was established under Dutch Minister Hans Alders to deal with these issues. 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 terms of transfer (13.14(b)), which had been the most controversial at PrepCom IV, was the cause of much discussion. The US proposed replacing the bracketed text with text from the Biodiversity Convention. This was particularly ironic because (1) the US had proposed text from a Convention that it has refused to sign; and (2) the G-77 announced that it was willing to remove the brackets and accept the existing text. At the US's insistence, it was agreed that the three most difficult paragraphs in the chapter -- 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 -- would be addressed as a single package in a sub-contact group.

Compromise text was achieved on 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(b). 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 remaining outstanding issue, "safe and" was resolved in the compromise text proposed by the contact group on atmosphere (see Chapter 9).

CHAPTER 35: SCIENCE FOR SUSTAINABLE DEVELOPMENT

The 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. As this was one of the least contentious chapters of Agenda 21 and was easily completed at PrepCom IV, no further discussion was necessary in Rio. The four programme areas in this chapter are: Strengthening the scientific basis for sustainable management; Enhancing scientific understanding; Improving long-term scientific assessment; and Building up scientific capacity and capability.

CHAPTER 36: PROMOTING EDUCATION, PUBLIC AWARENESS AND TRAINING

This chapter of Agenda 21 is aimed at promoting environmental awareness through education, raising of public awareness and training. This chapter was completed at PrepCom IV and thus, no further discussion was necessary. The three programme areas in this chapter are: Reorienting education towards sustainable development; Increasing public awareness; and Promoting training.

CHAPTER 37: NATIONAL MECHANISMS AND INTERNATIONAL COOPERATION FOR CAPACITY BUILDING IN DEVELOPING COUNTRIES

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. This chapter was easily resolved in New York and no further discussion was required in Rio.

CHAPTER 38: INTERNATIONAL INSTITUTIONAL ARRANGEMENTS

The institutions chapter of Agenda 21 addresses the needs for intergovernmental and inter-UN agency coordination as well as overall implementation of Agenda 21. The entire focus of the Institutions contact group at UNCED (chaired by Egyptian Amb. Nabil el-Arabi) was on the mandate and operations of the Sustainable Development Commission. At PrepCom IV, there was overall agreement regarding the choice of the Commission as the body to oversee implementation of the outcomes of UNCED. The outstanding issues deferred to UNCED included: the reporting structure of the Commission; whether it should be a high-level body; membership; need for distinction between the role of governments and NGOs; and the language on submission to the Commission of national reports on the implementation of Agenda 21.

UNCED negotiations proceeded smoothly, with final agreement easily reached on these outstanding points. The high-level Commission will report directly to ECOSOC, which will in turn, organize a periodic review of the its work, as well as of system-wide activities to integrate environment and development. Since the Commission will be a subsidiary body of ECOSOC, its membership will be limited to not more than 52 members who will be elected with due regard to equitable geographical distribution. Weaker language was adopted regarding two of the Commission's more important functions: consideration of national reports or periodic communications; and information regarding the progress made in the implementation of environmental conventions. The Institutions chapter does not

contain programme areas per se. However, it does identify, under the "Institutional Structure" section, the roles to be undertaken by UN bodies.

CHAPTER 39: INTERNATIONAL LEGAL INSTRUMENTS AND MECHANISMS

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. PrepCom IV had deferred several contentious issues to the UNCED for final resolution, including: the possible use of unilaterally set environmental standards as barriers to trade; compliance with international agreements; prevention of deliberate large-scale destruction of the environment (the so-called "environmental crimes" provision); negotiation of a nuclear safety convention; and dispute prevention.

Malaysian Amb. Ismail Razali was re-appointed chair of the instruments contact group, which met four times to negotiate these outstanding issues. The most difficult of issues was the environmental crimes provision. At both PrepCom IV and UNCED, the US and many G-77 members insisted adamantly that the provision be limited to times of war. The European Community led the cause for a broader formulation to include times of peace as well. The US argued that a broader formulation would undermine law of war discussions currently taking place in the UN. G-77 countries argued that the broader formulation would authorize the UN to unduly scrutinize domestic environmental practices. After a hard-fought battle, it was agreed to restrict the provision to times of war. The trade issue was resolved by quoting paragraph 123 from the Oceans chapter that states, in part, "States recognize that environmental policies should deal with the root causes of environmental degradation, thus preventing environmental measures from resulting in unnecessary restrictions to trade...should trade policy measures be found necessary for the enforcement policies...the following principles and rules could apply: non-discrimination; trade measures chosen should be the least trade-restrictive; transparency in the use of trade measures; and the need to give consideration to the special conditions of developing countries". The compliance issue was resolved by replacing the term wherever it appeared in the text with the weaker concept of "effective, full and prompt implementation", a formulation supported by the G-77. The dispute prevention issue was resolved by the replacement of the word "prevention" with the word "avoidance", again representing weaker language. The conflict regarding the nuclear safety convention issue was resolved with language that refers to the "vital necessity to ensure safe and environmentally sound nuclear power,... efforts should be made to conclude the ongoing negotiations for a nuclear safety convention in the framework of the International Atomic Energy Agency".

Thus, the programme areas finally agreed to are: Review, assessment and fields of action in international law for sustainable development; Implementation mechanisms; Effective participation in international law making; Disputes in the field of sustainable development.

CHAPTER 40: INFORMATION FOR DECISION MAKING

This chapter of Agenda 21 addresses the issues of collecting and using information for sustainable development and monitoring the implementation of Agenda 21. This chapter was completed at PrepCom IV and no further discussion was needed at the Conference. The two programme areas in this chapter are: Bridging the data gap; and Improving information availability.

PART II: AUTHORITATIVE STATEMENT OF FOREST PRINCIPLES

The Forest Principles document, (officially, the "Non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests") arrived in Rio in a state of disarray with 73 separate pairs of brackets surrounding text in more than a dozen individual problem areas. Some observers spoke of its intractability and the chances that UNCED would drop this document or defer discussion of forest principles to another fora. The greatest problem facing the Chair of the Main Committee, Tommy Koh, was the selection of the issue coordinator who would lead negotiations in the contact group. Despite initial hesitation, PrepCom coordinator Charles Liburd of Guyana, was reappointed.

Negotiations began on Thursday, 4 June and continued until Friday, 12 June at 3:00 am when agreement was finally reached. While many believed that the negotiations here were more productive than at PrepCom IV, the debate was still acrimonious. It was only when the debate reached impasse and the responsibility for negotiations at the ministerial level was passed to Klaus Töpfer, the German Federal Minister for the Environment, that success was achieved.

During the first week sub-contact groups were formed to deal with individual paragraphs, while the contact group dealt with the less problematic areas. Some participants reported that while consensus text might emerge from these smaller sub-contact negotiating groups, the compromise language was often lost when they reported back to the contact group and discussion was re-opened. When Liburd reported back to Koh at the last all-night session of the Main Committee, consensus had not been reached on four paragraphs in the preamble with a further nine paragraphs bracketed and subject to reservation.

Töpfer assumed responsibility for the ministerial level negotiations on Thursday, 11 June. In an open-ended meeting that began at 10:00 pm, 18 countries, represented by no less than 11 ministers, finally agreed after modifications to an eight-paragraph package proposed by Klaus Töpfer. This agreement includes the following points (italicized text reflects new language):

- Paragraph (a) of the preamble was modified to read as follows: "The subject of forests is related to the entire range of environmental and development issues and opportunities including *the right to socio-economic development on a sustainable basis.*"
- Paragraph (d) of the preamble that dealt with a possible future legal instrument for forests was replaced with language that commits the governments to a prompt implementation of the principles and that they decide to keep them "*under assessment for their adequacy with regard to further international cooperation on forest issues.*"
- In paragraph (f) of the preamble, the phrase "are of value to the global environment" was replaced by "*and are of value to local communities and to the environment as a whole.*"
- Preamble paragraph (g) was replaced with the sentence, "*Forests are essential to economic development and the maintenance of all forms of life.*" This replaces a complicated set of competing formulations including some phrases surrounded by three sets of brackets.
- Paragraph 17 (carbon sinks) was deleted and elements placed into paragraph 2(b) that deals with the needs and uses of forests. The terms "photosynthesis" and "carbon fixation" were replaced with "*carbon sinks and reservoirs.*"
- Paragraph 8(d) was re-written to read "Sustainable forest management and use should be carried out in accordance with *national development policies and priorities and on the basis of environmentally sound national guidelines. In the formulation of such guidelines, account should be taken, as appropriate and if applicable, of relevant agreed methodologies and criteria.*"

- Paragraph 8(g), that addresses the sharing of biotechnology (from the North) in exchange for access to biodiversity (from the South), was reformulated to allow access to biological resources in trade for the sharing of technology and profits from biotechnology "*on mutually agreed terms.*"
- Paragraph 8(h), dealing with environmental impact statements was amended to read "*and where such actions are subject to a decision of a competent national authority.*"
- Paragraph 12 (transfer of technology) was adopted, as suggested in Töpfer's "package", to include the phrase, "*access to and transfer of environmentally sound technologies and corresponding know-how on favourable terms, including on concessional and preferential terms, as mutually agreed, in accordance with the relevant provisions of Agenda 21, should be promoted, facilitated and financed, as appropriate.*"
- The "trade policies" paragraph was amended with the phrase, "*adequate policies, aimed at management, conservation and sustainable development of forests, including where appropriate incentives, should be encouraged.*"
- Paragraph 15(b), which dealt with international trade in sustainably managed forest resources, was deleted.

PART III: RIO DECLARATION

The Rio Declaration on Environment and Development contains 27 norms for state and interstate behavior, many of which have never been universally accepted before. This Declaration was 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.

In light of the very delicate balance achieved in the Declaration, all countries, but for the United States, agreed not to reopen substantive discussions. It was clear that no other country would support the US on this point. And so, by the last Plenary session, the US issued a written statement listing its formal reservations (otherwise referred to as their "Interpretive Statements for the Record") to the Rio Declaration and in particular to: principle 3 (opposition to the right to development); principle 7 (rejection of any interpretation that would imply a recognition or acceptance by the US of any international obligations or liabilities, or any diminution in the responsibilities of developing countries); principle 12 (insistence that in certain situations, trade measures may provide an effective and appropriate means of addressing environmental concerns); and principle 23 (insistence that nothing in the Declaration prejudices or predetermines the status of any territories under occupation or the natural resources that appertain to such territories. As well, insistence that the Declaration does not affect the rights and duties of occupying powers under the laws of war).

The only contentious issue to be resolved by UNCED pertained to the principle referring to the rights of people under occupation. This was resolved after extensive consultations conducted by Tommy Koh. The language remains in the Rio Declaration and is referred to in the Preamble to Agenda 21 (see Chapter 1: Preamble).

The approved text represents to a large extent, an attempt to balance the key concerns of both Northern and Southern countries. Far from a perfect text, each side achieved success in enshrining those specific principles that are of particular importance to their respective political agendas. 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.