

CSD 19 HIGHLIGHTS MONDAY, 9 MAY 2011

Throughout Monday, CSD 19 Working Groups 1 and 2 reconvened to continue addressing issues in the Chair's negotiating text. In the morning, Working Group 1 took up mining, and Working Group 2 continued the second reading of the text on waste management. In the afternoon, Working Group 1 addressed IL and CCI, including MOI, while Working Group 2 continued working on the 10YFP. A contact group also convened to discuss chemicals. Negotiations continued into the evening with sessions addressing transport and chemicals under Working Group 1, while the preamble was discussed by Working Group 2. Delegates also participated in various side events, a Learning Center, and a Partnership Fair.

WORKING GROUP 1

MINING: The morning session was facilitated by Vice-Chair Yvette Banzon Abalos (the Philippines), who urged interactive drafting of current text rather than proposing new amendments. The group proceeded to the second reading of the section.

On artisanal and small-scale mining (ASM), agreement was reached on the phrases "in accordance with national legislation" and "subject to national priorities." Mercury pollution proved contentious; the G-77/CHINA objected to singling out mercury pollution from gold mining as too restrictive, with the possibility of taking this up in the chemicals section. The EU, US, AUSTRALIA and the RUSSIAN FEDERATION, however, insisted on its retention.

On social impacts of ASM, CANADA suggested starting with US language on forced labor and lack of educational opportunities with the words "such as," which was provisionally accepted.

On strengthening legal, regulatory and institutional frameworks, the US, EU and CANADA called for separate paragraphs for environmental, social and economic aspects, while the G-77/CHINA suggested a merged text based on its previously proposed language. The US bracketed a G-77/CHINA addition on developing strategies for managing environmental liabilities and ensuring adequate financial resources. The G-77/CHINA suggested deletion of the EU reference to establishing monitoring systems and national registries for water quantity and quality.

Delegates also emphasized text related to financial provisions for mine closure, agreeing on both legal and regulatory frameworks for closure and strengthening mitigation of environmental impacts during and post mining. On impacts to biodiversity, the US, NORWAY, NEW ZEALAND and the EU stressed the importance of specifying water resources and sacred

sites, whereas the G-77/CHINA worried that the language was too prescriptive. The Chair requested the G-77/CHINA draft acceptable language.

Delegates agreed to delete a separate paragraph establishing specific "monitoring systems and national registries for water use and quality" on the understanding that this is already implied in other text on building capacity for monitoring environmental impact mitigation. The G-77/CHINA underscored the importance of not taking on specific tasks for which they are not financially capable. Delegates also agreed to guidelines for improving public health and safety and minimizing environmental risks.

WORKERS AND TRADE UNIONS underlined that new legislation on child labor and working conditions would be positive signals for workers and their families. CHILDREN AND YOUTH emphasized that child labor in mines is unacceptable.

IL AND CCI, INCLUDING MOI: With Vice-Chair Silvano Vergara Vásquez (Panama), Working Group 1 continued reading of the draft. Delegates discussed policy options for convergence among the three pillars of sustainable development but stalled at agreeing on specific text.

The G-77/CHINA insisted on including specific reference to "poverty eradication, long-term food security, adverse impacts of climate change, desertification, and biodiversity loss," with "developed countries taking the lead," as referenced in the JPOI. The G-77/CHINA also pressed for inclusion of text on lifecycle thinking and integrating solid waste management and focus on the 3Rs, and insisted on support for capacity building, financing and technology transfer for developing countries. CANADA, the EU, the US and JAPAN preferred broader support for the same issues, and opposed the text on financing. The G-77/CHINA underscored the issue of illegal dumping in developing countries and the importance of strengthening public health systems, with specific chemical and waste impacts listed. The EU preferred general reference to the issue.

Text was agreed on transparent government structures and effective public management in accordance with national frameworks. Another paragraph agreed to promote the active participation in the elaboration of national planning of those living in vulnerable situations. CANADA, US, JAPAN and the EU objected to language proposed by the G-77/CHINA on realization of rights of peoples under colonial and foreign occupation. Agreement was reached on promoting UN system efficiency in implementation of the sustainable development agenda, and on promoting gender equality and empowerment of women. The G-77/CHINA objected to usage of US-supported language on "green jobs" in the paragraph on promotion of full and productive employment.

BUSINESS AND INDUSTRY spoke on the role of the private sector and the importance of rule of law, good governance, protection of property rights and partnerships.

CHEMICALS: A contact group on chemicals met in the afternoon. Discussions focused on areas of disagreement, *inter alia*: reference to “green economy” or “a cleaner and more resource efficient-economy”; inclusion that the UNCSO in 2012 “will provide” rather than “may provide” opportunities to review progress towards the 2020 goal, “within its existing themes”; how to capture the need for multinational corporations to “maintain the same standards” in developing countries versus national responsibility to ensure laws are in place and enforced; and linking text on strengthening national legislation with text referring to the Rio principles or specific mention of the precautionary and polluter pays principles. They agreed on chapeau language on integrating and mainstreaming sound management of chemicals as a crucial element of MDG-based national development strategies and on strengthening national laws and regulations and their enforcement.

WORKING GROUP 2

WASTE MANAGEMENT: In the morning, Working Group 2 continued the second reading of the policy options/actions section of the waste management text, facilitated by Vice-Chair Abdelghani Merabet (Algeria).

The delegates agreed on text regarding comprehensive policies and strategies, and on promoting the 3Rs concept and disseminating lessons learned in its application. Delegates discussed language proposed by the EU and JAPAN on indicators and targets, but disagreed whether to include targets and at what level or levels to set them, and a US proposal to include “other means.”

The G-77/CHINA said “planning instruments” is too ambiguous, and BARBADOS proposed “planning process” as an alternative. Delegates disagreed on whether to add “policies and strategies” and whether to indicate the level at which planning should occur.

The EU proposed texts on: reducing transboundary movements of hazardous waste and e-waste; addressing social and poverty issues related to waste management; and identifying and managing specific priority waste streams, such as e-waste, industrial hazardous waste and radioactive waste.

Delegates agreed on text proposed by the EU on improving education, raising public awareness and building stakeholder confidence. Delegates also agreed on promoting the dissemination of economic, environmental, and social benefits, as well as the local applicability of, an integrated waste management approach. However, they did not agree on text stating intensive efforts are needed for capacity building, financing and transfer of technologies in the context of municipalities in developing countries.

Delegates agreed on encouraging the dissemination and replication of best practices in sustainable waste management in rural and remote communities, and on improving the quality and reliability of waste-related data for better inventories, monitoring and projections. The G-77/CHINA suggested deleting a US proposal citing conventions on spent radioactive fuel and radioactive wastes. Delegates deferred decisions on paragraphs regarding sustainable materials management and on global guidance, guidelines and standards on waste.

On reducing amounts of waste disposed of in landfills, various amendments were made, but no consensus was reached. Delegates agreed to text on minimizing marine pollution from waste, including plastics in the oceans.

NGOs highlighted the importance of: moving to zero waste economies; protecting water from waste pollution including plastics; and strengthening policies on food waste.

10YFP: In the afternoon, Working Group 2 continued the second reading of text on the 10YFP, facilitated by Vice-Chair Andrew Goleczkowski (Australia). Delegates agreed to include in the text an initial illustrative list of programmes, which have been identified through the Marrakech process and could be implemented soon after CSD 19. In addition to this list, SWITZERLAND proposed an annex listing programmes to be developed.

On criteria for the 10YFP, delegates agreed to language modified by the EU and the G-77/CHINA on responding to national and regional needs, priorities and circumstances. They also agreed on a compromise proposal by Vice-Chair Goleczkowski for basing 10YFP on lifecycle approaches, resource efficiency, sustainable use of resources and related methodologies, including science-based and traditional knowledge-based approaches, cradle-to-cradle and 3Rs, “as appropriate.” Consensus was not reached concerning proposals on corporate social responsibility, synergies between areas, not duplicating efforts in other fora, and on reflecting environmental burdens in the prices of goods and services.

Delegates agreed on some other proposed criteria, *inter alia*: based on a solid scientific and policy knowledge base; consistent with international obligations; and have established clear objectives and measures of success.

Texts that were not agreed on include: refraining from activities that may create barriers to trade; encouraging the use of a mix of efficient instruments in each programme; and being described according to a standard template.

Vice-Chair Goleczkowski invited several delegations to negotiate informally outside the room and bring back compromise text on key issues. He also invited the G-77/CHINA to present its non-paper outlining how it sees the Trust Fund being set up, structured, overseen and reviewed.

IN THE CORRIDORS

As negotiations kicked into high gear in the final week of CSD 19, discussions slowed to a snail’s pace on many issues. Despite efforts to find compromise, and the assertive use of Chair’s prerogatives by Vice-Chair Merabet, work on the waste management text slowed to a crawl. Most delegates still assert that it will get done in the remaining two sessions, but admit that, unless substantial work is done informally among interested parties outside the room, “Tuesday night will be a long one,” as one delegate put it. On the preamble, work has proceeded quickly, but some tricky bits remain, including linkages to the section on IL and CCI, including MOI. Delegates working on the latter text lamented their lack of progress as well.

A changing of the guard has picked up the pace considerably in the reading of the mining text, and delegates responded in due course, agreeing to clean up text and minimize discussion on minor issues. But while some welcomed a productive session, others saw looming controversies, including those involving energy and resource efficiency in the mining sector and over ensuring financial support.

In the mean time, the 10YFP is emerging as the most controversial issue because of its novelty, political sensitivity and implications for Rio+20 (as a possible Rio outcome). “It’s hard to say, but one reason for the slow pace on SCP may be that governments would rather trade concessions in the Rio+20 process, than in here,” noted one observer. “But we have no choice,” another chimed, “the 10YFP has to be decided here.” Meanwhile Vice-Chair Goleczkowski underscored that “at this rate, we’ll still be here in August!”