

UNCSD INFORMAL CONSULTATIONS: SATURDAY, 16 JUNE 2012

The UNCSD “Pre-Conference Informal Consultations led by the host country” began Saturday afternoon. During an opening plenary, the Brazilian organizers discussed the process that they would use to facilitate consultations on the Rio+20 outcome document. A new consolidated text was released at 5:45 pm, and four negotiating groups were supposed to meet at 7:00 pm. Instead, delegates requested a plenary meeting to present their initial impressions on the draft, so the day concluded with an hour-long plenary.

OPENING PLENARY

The opening plenary began at 3:30 pm. Brazilian Foreign Minister Antonio de Aguiar Patriota opened the meeting and said a new consolidated text would shortly be available to delegates. He said the Pre-Conference Informal Consultations under Brazilian coordination would follow the same procedure as used during the PrepCom. He noted, however, that they would like to speed up the negotiating procedures. He urged delegates to refrain from introducing brackets or language similar to that which already appears in the text. He said that “we are now at the eleventh hour” and need to finalize our efforts. Judging from the “energy and investment of intellectual effort and political leadership,” he added, “We are all united by a collective sense of our responsibility and desire to conclude in a timely fashion.” He said work would proceed in the most transparent and inclusive manner.

Amb. Luiz Alberto Figueiredo Machado, Executive Secretary, Brazil National Commission for Rio+20, said delegates would meet in four groups at 6:00 pm to address IFSD, Means of Implementation, SDGs and oceans. He said each will be coordinated by a Brazilian representative, that these will be

consultations, and there will be no text on the screens used in the meeting rooms. He urged delegations to identify any “real” problems in the text and said there would be no brackets.

Switzerland thanked the Brazilian delegation for the transparency that will allow a common outcome and expressed confidence in the process. He requested advance notice of the plan for Sunday, since if some delegates know that a certain topic will not be discussed “they could benefit from a wonderful morning in a wonderful city.” Minister Patriota responded that the negotiating schedule for Sunday would be from 10:00-1:00; 3:00-6:00 and 7:00-10:00.

NEGOTIATING GROUPS

OCEANS: This group was facilitated by Minister Maria Teresa Pessoa (Brazil), who requested delegates to identify what they could not live with in the new draft. She said comments would be noted and the Brazilian coordinators would consider the next steps. She introduced each paragraph that had outstanding text at the close of the PrepCom, described the changes that the new draft incorporated, and asked for comments.

On a paragraph indicating that delegates “agree to initiate, as soon as possible, the negotiation, in the framework of the UN General Assembly, of an implementing agreement to UNCLOS that would address the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction,” several delegates indicated that they could not accept the text, recalling their opposition to similar language in other fora, while others emphasized their support for the text.

MOI, SDGs and IFSD: Evening negotiating groups were scheduled to take place on these issues, facilitated by Amb. Luiz Alberto Figueiredo Machado (IFSD), Amb. Andre Correa de

Lago (MOI), and Amb. Raphael Azeredo (SDGs), but delegates requested time to consider the new draft and offer their initial comments in a plenary session.

EVENING PLENARY

An unscheduled plenary session of the informal consultations convened in the evening, chaired by Amb. Luiz Alberto Figueiredo Machado. He began by extending his sympathies to Saudi Arabia, on the passing of Saudi Arabia's Crown Prince Nayef bin Abdul Aziz Al Saud.

He explained that the host country had received a request that delegations convene in a short plenary, and noted that some delegations had sought additional time to read the new consolidated text and coordinate among themselves before tackling specific issues in the negotiating groups. He recalled that the text was an attempt to draw on the work done during the third meeting of the Preparatory Committee, drawing on established practices. He said the preparation of the text implied a number of choices, and that the authors had tried to keep a certain balance while looking at the positions of the main negotiating groups and countries.

All speakers congratulated Brazil on their efforts to draft the new consolidated text. Canada flagged that his delegation had a number of serious issues to be addressed. The European Union raised concerns about a number of issues, including IFSD, notably elements on intergovernmental arrangements and the environmental pillar, which he said fall short of expectations and were insufficiently ambitious. The European Commission identified a number of issues, including: CBDR; ambition for the SDGs, and the absence of themes; the green economy; a lack of ambition on various sectors and the elimination of time frames, goals, and targets; the section on MOI, including a lack of balance in the treatment of ODA and other sources of finance; and a failure to highlight LDCs.

Switzerland noted that there were many issues where he had anticipated a more ambitious outcome. The US noted he had a number of serious concerns, and supported the EU's comments on MOI. The G-77/China anticipated that the conference outcome would prove alarmists wrong, and noted growing concerns in the Group on a number of issues, including: a lack of ambition on MOI; water; energy; the need for clarification on IFSD; the SDGs; oceans; the green economy; and the section on the renewal of political commitment.

Nigeria, with Zambia and Kenya, praised the consolidated text. Bolivia, with Ecuador, also supported the text but expressed concerns about paragraph 130 on fossil fuels subsidies. Bolivia said the reference to REDD should not be in the text.

Figueiredo outlined the plan of work for Sunday, noting that there will be four groups in the morning (IFSD, MOI, SDGs and oceans), four groups in afternoon (Sections I and II, green economy and two others), and four groups in evening, with topics changing depending on the level of progress. He stressed that the "meetings are not for continued discussion; the meetings are for closing the text."

IN THE CORRIDORS

Huge expectations rested on the shoulders of the host country's ministerial and diplomatic corps Saturday as they took over the arrangements for the informal consultations. "Leadership" was the word that emerged time and again in the corridors, as participants looked back at the protracted preparatory process and wondered about the fate of their efforts in the next few days.

As delegates looked over the new 50-page draft to find the headline issues they had been hoping for, some speculated that, given the host country's choice to lead with the first informal group discussions on MOI, SDGs, IFSD and oceans, these themes were emerging as candidates to be the key deliverables from the conference.

After a confident opening plenary and an announcement about an imminent electronic release of a consolidated text, groups of delegations were left to speculate about the reasons for a two-hour delay before the electronic text was uploaded. Similarly, after convening four working groups, delegates were called back to plenary for a hastily convened session in which countries had the opportunity to express their concerns with the text – a document which, the Brazilian delegation had already noted, would make "all members a little bit happy and a little bit unhappy too."

Delegations commenting on Brazil's approach to the management of the informal consultations seemed prepared, for the most part, to give the host country the benefit of any doubt. The question now, said one observer, is whether negotiators can adapt their *modus operandi* to the shift away from text-based negotiations, as the host country is requesting over the next two days.

The consensus behind a meaningful outcome seemed to instill a level of pragmatism, noted some observers. One NGO participant who, while trusting that a level of transparency would be upheld, conceded that the practice in the PrepCom splinter groups of displaying every textual proposal on-screen was no longer appropriate to this stage of the process, where consultation, consolidation and facilitation would be the order of the day. If there was a lingering doubt, it was about timing. "The Brazilian role has appeared a little mysterious at times. Their approach is only emerging today," mused one delegate.