

LEGAL ISSUES

SUMMARY

Most comments focused on amending the Secretariat's paper on "Survey of Existing Agreements and Instruments, and Criteria for Evaluation" to broaden its scope: delegates suggested including references, for example, to development agreements and arms control/disarmament treaties. Other key issues raised were the role of environmental agreements in promoting sustainable development, dispute prevention and settlement and environment and war. The general view seemed to be that UNCED could usefully highlight outstanding legal issues, but that, with the possible exception of dispute prevention and settlement, attention should be focused on agreement on the principles to be included in the Earth Charter.

Documentation

A/CONF.151/PC/77 - Survey of Existing Agreements and Instruments, and
Criteria for Evaluation
A/CONF.151/PC/77/Rev.1

PREPCOM DISCUSSION

The primary Canadian objectives were the following:

- In the legal area, Canada's priority was to table its principles for the Earth Charter and persuade delegates to use our text as a basis for negotiations. With respect to the Survey, Canada suggested that it should include key declarations, such as the Stockholm Declaration, which contain principles of international law; bilateral agreements, such as the Canada-US Acid Rain Accord, which covers almost an entire continent; and framework agreements, such as the UN Law of the Sea Convention (UNCLOS). Finally, Canada proposed that Working Group III should examine those dealing with environment and with trade, with a view to determining how to reconcile such differences and avoid potential inconsistencies in future agreements.

Most interventions focused on PC/77 with several delegations making proposals to change the proposed criteria for the survey of legal instruments. Key issues raised included the role of environmental agreements in promoting sustainable development, dispute prevention and settlement (principles and mechanisms), and environment and war.