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FINAL REPORTS

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SECOND UNCED PREPCOM
GENEVA, MARCH 18TH - APRIL 5TH, 1991
FINAL REPORT OF THE CANADIAN DELEGATION

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**CANADIAN DELEGATION TO
SECOND UNCED PREPCOM**

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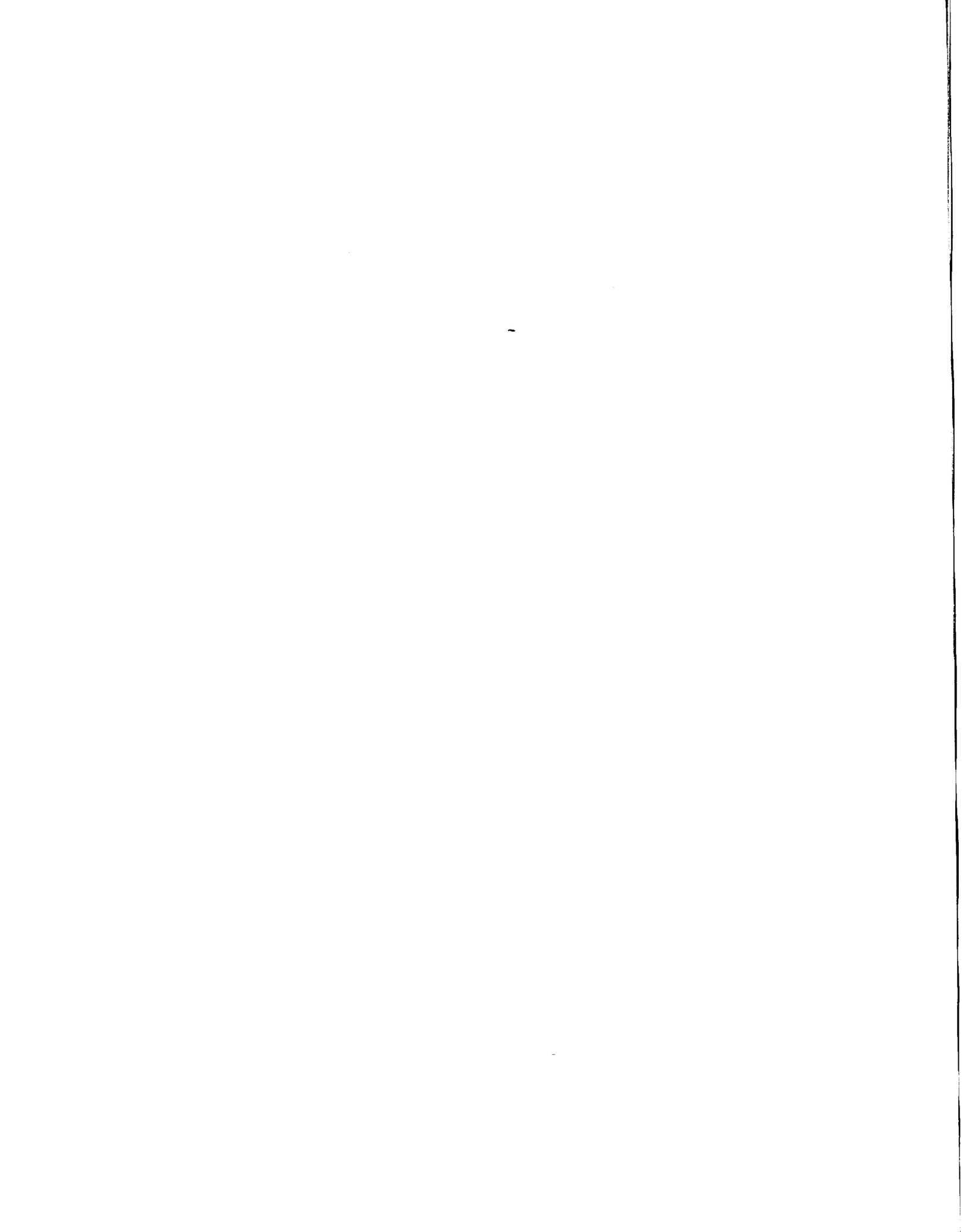
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FM GENEV YTEN5974 11APR91

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INFO PRMNY POECD VPERM NROBI WSHDC LDN PARIS BONN TOKYO ~~ROME EERN~~
PRGUE HSNKI COPEN BPU ATHNS ANKRA BREEC STKHM HAGUE MOSCO PEKIN
SEOUL DELHI KLMPR SPORE JKPTA CNBRA WLGTN MXICO BRSLA OSLO ACCRA
HRARE BGOTA LIMA STAGO SJOSE ABDJN PSPAN CIDA HULL/YVP FINOTT/EERD/
BEAUSOLEIL/IFD PCOOTT/MCGOVERN ISTCOTT/BEILLARD
CIDA HULL YVP FINOTT/EERD/BEAUSOLEIL/IFD
BE EMROTT/IERD/OEA HWCOTT/NANTEL CMHCOTT/LEWCHUK FORCANHULL/MANI/
MANTHA/VINEBERG JUSTOTT/MANN AGRICOTT/LEMIEUX DE OTT
FANDOTT/HOLLAND/DOUBLEDAY/LARK/DONAHUE DE OTZ INAHULL/MCFAPLAND/
CHALUPA DE CCI
DISTR MINA MINE MINT USS DMT DMC NBX EEA EEF EER EED EFB EPR EPD
IMU IMH IMW IMC IFX IMD IFB JLO JCD JFB CPP CPE CPD
CIDA HULL YDG YEN REE RND SPG

---UNCED SECOND PREPCOM: OVERVIEW AND EVALUATION

SUMMARY: SECOND UNCED PREPCOM WHICH CONCLUDED LAST WEEK IN GENEVA
HAS PREPARED PROCESS FOR IDENTIFYING OPTIONS AND TAKING
SUBSTANTIVE DECISIONS PROCESS AT AUG91 THIRD PREPCOM. ALTHOUGH
LARGELY A PROCEDURAL SUCCESS, DELEGATIONS CAME BETTER PREPARED
THAN THEY WERE AT THE FIRST PREPCOM IN NAIROBI AND LESS
DETERMINED TO POSTURE. TRICK IN AUGUST WILL BE TO TRANSFORM
DECLARATORY PHASE, WHICH HAS DOMINATED PREPCOM PROCESS TO DATE,
INTO ACHIEVABLE PROGRAM PROPOSALS. ON POSITIVE SIDE, PREPCOM

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FINALLY MANAGED TO ESTABLISH WORKING GROUP THREE ON LEGAL AND INSTITUTIONAL ISSUES (WITH CZECH CHAIR AND CDN RAPPORTEUR) AS WELL AS AGREE ON PROCEDURES WHICH ALLOWED 178 NGOS TO BE ACCREDITED. MORE SPECIFICALLY, CANDEL WAS ABLE TO CONTRIBUTE EFFECTIVELY TO PREPARATORY PROCESS ACROSS VERY BROAD RANGE OF UNCED ISSUES. WE PARTICULARLY SCORED MARKS FOR OUR FINANCIAL SUPPORT FOR DEVELOPING COUNTRY NGOS AND FOR SUCCESSFULLY PUSHING A DECISION RECOGNIZING THE CONTRIBUTION OF INDIGENOUS PEOPLE. ON MORE NEGATIVE NOTE, APART FROM THE FOREST ISSUE WHERE DIVERSE GROUP OF DELS HAMMERED OUT IMPORTANT DECISION TO MOVE DEBATE AHEAD, MAJORITY OF G-77 DELS PREFERRED TO POSTPONE SUBSTANTIVE DECISIONS TO THE THIRD PREPCOM. HOWEVER, NOW THAT WE HAVE ESTABLISHED OUR OWN BASIC POSITIONS ON ALL OF THE UNCED ISSUES, WE WILL WISH TO FOCUS OUR ENERGIES ON NARROWING THE RANGE OF OPTIONS ON KEY ISSUES THAT SHOULD EMERGE FROM THE NEXT PREPCOM.

2. REPORT: SECOND UNCED PREPCOM HELD IN GENEVA FROM 18MARCH TO 25APRIL AMOUNTED TO A CONTINUATION OF THE QUOTE DECLARATORY PHASE UNQUOTE OF THE UNCED PROCESS, BEGUN AT THE FIRST PREPCOM IN AUGUST90 IN NAIROBI. DISCUSSION ON MOST ISSUES DID NOT MOVE BEYOND STATEMENT OF NATIONAL POSITIONS AND THERE WERE FEW TRUE NEGOTIATIONS - WITH FORESTRY ISSUE BEING THE NOTABLE EXCEPTION. DECISIONS ON ALL OTHER SUBJECTS ESSENTIALLY AMOUNTED TO

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IDENTIFICATION OF A BROAD LIST OF NEEDS, ESPECIALLY FOR LDCS, AND REQUESTS TO THE SECT TO REPORT FURTHER TO THE THIRD PREPCOM IN AUGUST. NEVERTHELESS, DELS CAME TO THIS PREPCOM SIGNIFICANTLY BETTER PREPARED THAN IN NAIROBI; THERE WAS LESS RESORT TO THE HOLY WRIT OF UNGA RESOLUTION 44/223 WHICH LAUNCHED THE CONFERENCE; AND THERE WAS LESS OF AN IDEOLOGICAL RIFT BETWEEN WESTERN DELS (THE USA IN PARTICULAR) AND THE G77. THUS THERE ARE GROUNDS FOR OPTIMISM THAT SUBSTANTIVE WORK CAN NOW BEGIN AT PREPCOM THREE, WHICH BEGINS IN AUGUST.

3. THE MOST DISAPPOINTING ASPECT OF THE PREPCOM WAS THE DISCUSSION OF THE CROSS-SECTORAL ISSUES. THE DECISION WAS TAKEN - AT G77 BEHEST - NOT TO HAVE SUBSTANTIVE DECISIONS ON ANY OF THE CROSS-SECTORAL ISSUES DEBATED IN PLENARY (FINANCIAL RESOURCES, TECHNOLOGY TRANSFER, POVERTY AND THE ENVIRONMENT) OR IN WORKING GROUP THREE (INSTITUTIONS, LEGAL ISSUES). DEBATES THEREFORE LACKED FOCUS. DONOR DELS WERE PARTICULARLY CAUTIOUS ON THE FINANCING ISSUE - AND AVOIDED ANY SUBSTANTIVE DISCUSSION OF NEW SOURCES OF FUNDING OR RELATIVE MERITS OF GEF VERSUS OTHER MODELS OF FINANCING MECHANISMS. FINANCIAL RESOURCES DEBATE AT THIS PREPCOM ADDED NOTHING TO OUR OWN INTERNAL REVIEW OF THE ISSUE.

4. HOWEVER, ON TECH TRANSFER, MAJOR DONORS, ESP USA, JAPAN AND EC, APPEAR TO BE MORE ACCOMMODATING - BASED ON THE PREMISE, DOCUMENTED IN A RECENT REPORT FOR THE BRITISH DTI BY TOUCHE ROSS,

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THAT PRINCIPAL BARRIER TO TECH TRANSFER TO LDCS IS THEIR LACK OF ABSORPTIVE CAPACITY, RATHER THAN INTELLECTUAL PROPERTY RIGHTS. HINTS WERE CIRCULATING AT THE PREPCOM (AND PRECEDING IPCC MTG) OF A MAJOR TECH TRAINING INITIATIVE FROM THE USA, PERHAPS IN CONCERT WITH JAPAN, TO INCREASE LDCS CAPACITY TO ABSORB ENVIRONMENTALLY FRIENDLY TECHNOLOGIES, WITHOUT COMPROMISING IPRS AND MARKET FORCES. NO SUCH INITIATIVE WAS ANNOUNCED AT THIS MTG - BUT SOMETHING MAY EMERGE AT OECD MINISTERIAL OR LONDON SUMMIT.

5. FOREST ISSUE DOMINATED WORKING GROUP ONE (WG I) AND ENTAILED A LENGTHY NEGOTIATING PROCESS IN WHICH CANDEL PLAYED A MAJOR ROLE. UPSHOT IS THAT NEGOTIATIONS ON A FOREST CONVENTION NO LONGER APPEAR TO BE IN THE CARDS BEFORE JUNE92 - AND WE WILL HAVE TO REVIEW OUR COMMITMENT TO HOUSTON SUMMIT POSITION ON THIS ISSUE BEFORE THE LDN SUMMIT. MALAYSIA LED THE G77 ON FORESTS AND HELD THE LINE AT ANY LANGUAGE ENDORSING THE CONCEPT OF A GLOBAL FOREST CONVENTION BEFORE JUNE92. CANDEL CHAIRED THE INTENSIVE INTERNAL NEGOTIATIONS WITHIN WEOG GROUP ON FORESTS. WITHIN WEOG, EC AND JAPAN WERE NOT/NOT PREPARED TO PUSH FOR A FOREST CONVENTION BEFORE JUNE92 AND SUPPORTED MLSN POSITION, WHICH CALLED INSTEAD FOR NEGOTIATING AN AUTHORITY STATEMENT OF PRINCIPLES ON FORESTS BY RIO. OURSELVES, USA AND SWEDEN EVENTUALLY CONCEDED TO THIS MAJORITY VIEW. FINAL DECISION OF THIS PREPCOM BEGAN TO OUTLINE A SET OF BASIC FOREST PRINCIPLES - USING A NUMBER OF IDEAS DEVELOPED BY

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JAG MAINI OF FORESTRY CDA. PROSPECTS ARE GOOD FOR CONTINUING THIS WORK AT THE THIRD PREPCOM AND PRODUCING A SUBSTANTIVE RESULT FOR JUNE92 ON THE FOREST ISSUE.

6. WG I DECISIONS ON CLIMATE CHANGE AND BIODIVERSITY ALSO MET CONCERNS OF CANADA AND OTHER OECD DELS THAT UNCED SHOULD COMPLEMENT BUT NOT/NOT PRE-EMPT OR DUPLICATE OF THESE SEPARATE NEGOTIATING TRACKS. DECISION ON BOTH TOPICS ASK THE SECT TO INVESTIGATE THE INTER-LINKAGES BETWEEN CLIMATE AND BIODIVERSITY RESPECTIVELY AND MANY OF THE OTHER ISSUES ON THE UNCED AGENDA, INCLUDING THE CROSS-SECTORAL ISSUES. LATTER POINT WAS RESISTED BY THE USA DEL UNTIL THE END OF THE PREPCOM. AS IT NOW STANDS, UNCED WILL DEFINE THE ENVT AND DEVT NEXUS WITHIN WHICH THESE SEPARATE CONVENTIONS WILL BE NEGOTIATED, AND CAN ADDRESS OTHER ASPECTS OF CLIMATE CHANGE AND BIODIVERSITY OUTSIDE THE SCOPE OF THE CONVENTION NEGOTIATIONS.

7. MAJOR ORGANIZATIONAL ACCOMPLISHMENT FOR THE PREPCOM WAS TO FINALIZE AND PUT INTO EFFECT THE ACCREDITATION PROCEDURES FOR NGOS - GRANTING PARTICIPATION RIGHTS TO OVER 170 NGOS (SEE OUR SEPARATE TEL ON THIS TOPIC YTEN5312). PREPCOM ALSO AGREED ON NARROW TERMS OF REFERENCE FOR WGIII, ELECTED ITS OFFICERS, AND BEGAN WORK (SEE OURTEL YTEN5924 05APR). AFTER SOMEWHAT MALICIOUS WHISPERING CAMPAIGN, BEDRICH MOLDAN/CZECH WAS ELECTED CHAIR. CANDEL WAS SUCCESSFUL IN ITS CAMPAIGN AGAINST THE SWISS TO ELECT

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JOHN SLOAN AS RAPPORTEUR OF WGIII, WINNING SUPPORT FROM TWO THIRDS OF THE WEOG DELS PRESENT. DATES FOR THE THIRD PREPCOM WERE CONFIRMED FOR 12AUG - 26SEPT IN GENEVA; AND DATES FOR FOURTH PREPCOM TENTATIVELY SET FOR 29MAR-23APR92 IN NEW YORK. STRONG HAD WISHED TO OBTAIN ENDORSEMENT FOR A FIFTH, ONE WEEK, PREPCOM IN MID-APRIL 92; BUT AT KOHS REQUEST, HE HAS HELD THIS OPTION IN ABEYANCE FOR THE MOMENT.

8. OTHER SIGNIFICANT DIMENSION OF THIS PREPCOM WAS LAUNCHING OF STRONGS CONCEPT OF QUOTE AGENDA 21 UNQUOTE. CONCEPT REMAINS VERY UNCLEAR IN THE MINDS OF MOST DELS - AND CANDEL POSED A NUMBER OF HARD QUESTIONS TO STRONG ABOUT IT IN A WELL RECEIVED INTERVENTION. ESSENTIALLY, IT REPRESENTS AN INVENTORY OF THE AGREED DECISIONS ON THE SECTORAL ISSUES REACHED BY JUNE92 AND THE COMMITMENTS MADE BY INTL ORGS AND GOVTS TO IMPLEMENT THEM. IN STRONGS MIND, AGENDA 21 WILL BE PRESENTED IN THE FORM OF AN INTER-ACTIVE DATA-BASE THAT CROSS-REFERENCES GOVTS AND INTL ORGS ACTIVITIES IN MULTIPLE SECTORS. INSTITUTIONAL HOME FOR AGENDA 21 AND ITS RELATIONSHIP WITH SEPARATE NEGOTIATING TRACKS FOR CLIMATE AND BIODIVERSITY REMAIN UNCLEAR.

9. GENERAL COMMENTS REGARDING DELEGATION DYNAMICS HAVE BEEN REPORTED SEPARATELY IN GENEVTEL YTFN 5929 29APR. WE SHOULD, HOWEVER, NOTE THAT BOTH UNCED CHAIRMAN KOH AND USA DEL

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COMPLIMENTED CDA FOR BEING ONE OF THE MOST EFFECTIVE DELS AT THE PREPCOM. CANDEL MEMBERS CLEARLY CAME WELL PREPARED TO CONTRIBUTE RESPONSIBLY AND OFTEN CREATIVELY, ACROSS THE ENTIRE RANGE OF UNCED ISSUES AND CLOSE COOP WITH CANZ COLLEAGUES, UNDEPINNED BY DAILY CANZ MTGS, BROADENED IMPACT OF DEL ACTIVITY. CDN FORMAL WRITTEN INTERVENTIONS, AVAILABLE IN COPIES TO ALL DELS, ADDRESSED WIDE VARIETY OF ISSUES INCLUDING CLIMATE CHANGE (WITH CANZ), BIODIVERSITY, FORESTS (TWICE), SOIL LOSS, OCEANS, FRESHWATER, INSTITUTIONAL ISSUES, AGENDA 21, POVERTY AND ENVTL DEGRADATION AND INDIGENOUS PEOPLE. WE ALSO CONTRIBUTED TO CANZ STATEMENTS ON THE WORKING GROUP THREE WORK PROGRAM, AND ENVTL EDUCATION. SPECIFIC CDN ACHIEVEMENTS WOULD ALSO INCLUDE: OUR RECYCLING INITIATIVE IN WGII, WHICH GAINED RECOGNITION OF NEED TO DIFFERENTIATE HAZARDOUS RECYCLABLES; HIGH PROFILE GIVEN TO FORTHCOMING HALIFAX CONFERENCE ON LAND BASED SOURCES OF MARINE POLLUTION (SEE OURTEL YTEN 5813); PIONEERING ROLE WE PLAYED IN FORESTS DEBATE AMONG WEOG DELS; AND OUR DIFFICULT BUT SUCCESSFUL CAMPAIGN FOR GENEV/SLOAN AS AGREED WEOG CANDIDATE FOR BUREAU OF WGIII. IN ADDITION, FACT THAT CIDA COVERED THE COSTS OF PARTICIPATION FOR THE GREAT MAJORITY OF DEVELOPING COUNTRY NGOS AT THIS PREPCOM EARNED CDA MAJOR MARKS WITH THE NGO COMMUNITY. AT THE END OF THE PREPCOM, CANDEL ALSO CONVENED A VERY WELL ATTENDED MTG OF DONORS TO DEVELOP NEW STRATEGY TO SUPPORT DEVELOPING

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COUNTRY NGO PARTICIPATION. WE ALSO TOOK THE INITIATIVE, ALONG WITH MALAYSIA, TO CONVENE USEFUL PRELIMINARY MTG OF COMMONWEALTH DELEGATES, WHICH WILL RECONVENE AT THE BEGINNING OF THE THIRD PREPCOM, WITH A VIEW TO EXCHANGING VIEWS ON UNCED ISSUES IN THE LEAD-UP TO THE CHOGM IN HARARE IN OCTOBER.

10. FINALLY, OUR MAJOR INITIATIVE IN PLENARY DURING THE FINAL WEEK WAS TO SEEK A DECISION RECOGNIZING THE SPECIFIC CONTRIBUTION THAT INDIGENOUS PEOPLE CAN MAKE TO THE UNCED PROCESS. WE DEVELOPED OUR DRAFT DECISION IN CLOSE CONSULTATION WITH CDN INDIGENOUS NGOS AND LAUNCHED IT AS A CANZ INITIATIVE. DESPITE RESISTANCE FROM THE SECT, WHICH SOUGHT TO HAVE NO/NO NEW DECISIONS COMING FROM THE PLENARY, WE BROUGHT IT BEFORE THE FINAL MEETING, WHERE IT RECEIVED THE SOLID SUPPORT OF A NUMBER OF EUROPEAN AND LATIN AMERICAN DELEGATES AND WAS PASSED. AS MATTER TURNED OUT, IT WAS THE ONLY SUBSTANTIVE DECISION TAKEN BY THE UNCED PLENARY THIS PREPCOM. DECISION SHOULD PROVIDE A SOUND BASIS FOR FURTHER COLLABORATIVE WORK IN THE CONTEXT OF UNCED BETWEEN CANZEL AND CDN INDIGENOUS GROUPS (FOR FURTHER INFO SEE OUR TEL YTEN 5911).

11. CONCLUSION: THE CHALLENGE FOR UNCED AT ITS THIRD PREPCOM WILL BE TO MAKE THE TRANSITION FROM DECLARATION TO ACTION. THIS WILL REQUIRE DELEGATES TO COME TO GENEVA WITH THEM PREPARED AND WILLING TO

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NARROW DOWN THE ISSUES AS DEFINED BY THE DECISIONS TAKEN IN PREPCOMS ONE AND TWO; AND TO IDENTIFY A FEW MAJOR OPTIONS FOR ACTION UNDER EACH ISSUE WHICH THE PREPCOM WOULD LIKE TO CONFERENCE TO ADDRESS. NOT ONLY WILL THIS REQUIRE CONSIDERABLE SELF-DISCIPLINE ON THE PART OF PARTICIPATING DELS; IT WILL ALSO REQUIRE A WILLINGNESS TO PERMIT THE SECT TO LEAD THE DEBATE BY POSING SUBSTANTIVE CHOICES TO THE THIRD PREPCOM.

12. NOW THAT WE HAVE DEVELOPED OUR BASIC POSITIONS ACROSS THE ENTIRE RANGE OF UNCED ISSUES, WE WILL NEED TO FOCUS OUR ENERGIES FOR THE THIRD PREPCOM ON A SMALLER NUMBER OF TOPICS WHERE UNCED CAN MAKE AN IMPACT AND IN WHICH WE HAVE MAJOR INTERESTS. THE THREE MAJOR CROSS-SECTORAL ISSUES OF FINANCING, TECHNOLOGY TRANSFER AND INSTITUTIONS WILL BE CENTRAL TO THIS LIST, AND WE SHOULD COME TO THE NEXT PREPCOM WITH CONCRETE PROPOSALS ON ALL THREE OF THESE ISSUES. WE SHOULD TAKE ADVANTAGE OF THE INTER-SESSIONAL PERIOD TO COMMUNICATE CDN VIEWS DIRECTLY TO THE UNCED SECT STAFF DRAFTING THE MAIN PAPERS FOR THE THIRD PREPCOM; AND WE SHOULD LIAISE IN ADVANCE, ESPECIALLY ON THE CROSS-SECTORAL ISSUES, WITH A NUMBER OF OTHER CAPITALS, INCLUDING OUR CANZ COLLEAGUES, THE USA, THE EC, BRAZIL, INDIA AND MALAYSIA.

13. FINALLY, WE SHOULD BEGIN TO IDENTIFY THE DOMESTIC PROGRAMS AND POLICY COMMITMENTS, PLUS THE INTERNATIONAL ACTIVITIES, THAT CDA ALREADY HAS UNDERWAY THAT MEET THE OBJECTIVES OF UNCED, UNDER

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EACH OF ITS AGENDA ISSUES. BY USING THE EMERGING FRAMEWORK OF
AGENDA 21 TO HIGHLIGHT OUR CURRENT ACTIVITIES AND COMMITMENTS, WE
CAN NOT ONLY CONTRIBUTE TO THE DEVELOPMENT OF AGENDA 21, BUT WE
CAN ALSO IDENTIFY MORE ACCURATELY THE INCREMENTAL COSTS TO CANADA
OF THE DECISIONS TO BE TAKEN BY JUNE 1992.

CCC/055 111415Z YTEN5974

FM GENEV YTEN5809 12APR91

TO FXTOTT NBX FEE

INFO PRMNY PCECD VPERM NROBI WSHDC LDN PARIS BONN ~~TOKYO ROME BREEC~~
STKHM HAGUE MOSCO PEKIN SEOUL DELHI KLMR SPORE JKRTA CNBRA WLGTM
MXICO BRSLA OSLO ACCRA HRARE EGOTA LIMA STAGO SJOSE ABDJN PSPAN
CIIAHULL YVP FINOTT/EERD/BEAUSOLEIL/IFD PCOOTT/MCGOVERN
ISTCOTT/BEILLARD

BH ENVHULL/MINOFF/CAMPEAU/SLATER/HURTUBISE/RUXTON/IAD/CWS/ADM-
AES/MARTEL/COTE/STREET INAHULL/MCFARLAND/CHALUPA DE OCI
FORCANHULL/MAINI/MANTHA/VIENBERG JUSTOTT/MANN AGRICOTT/LEMIFUX
EMROTT/IERD/OEA HWCOTT/NANTEL CMHCOTT/LEWCHUK DE OTT
FANDOOOT DE OCI

CMHCOTT/LEWCHUK ISTCOTT/BEILLARD

FANDOOOT/HOLLAND/DOUBLEDAY/LARK/DONAHUE JUSTOTT/MANN
INAHULL/MCFARLAND/CHALUPA AGRICOTT/LEMIEUX
FORCANHULL/MAINI/MANTHA/VIENBERG

DISTR MINA MINE MINT USS DMT DMC NBX EEA EEF EER EED EFB EPR EPD
IMU IMH IMW IMC IFX IMD IFB JLO JCD JFB CPP CPE CPD

CIIAHULL YDG YEN REE RND SPG

RIF OURTEL

--- UNCED 2ND PREPCOM: DELEGATION DYNAMICS

ONGOING ASSESSMENT OF QUALITY OF DEL CONTRIBUTION TO UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT (UNCED) IS USEFUL
INDICATOR FOR BOTH STATE OF NATL PREPARATIONS AND COMMITMENT TO
PROCESS. EFFECTIVENESS OF DELS DID VARY FROM AUG90 FIRST PREPCOM IN
NRCBI, IN SOME CASES CONSIDERABLY. ON POSITIVE SIDE, MOST PEOPLE
WOULD INCLUDE SWEDEN, USA, BRAZIL, INDIA, U.K., NETH (BOTH
NATIONALLY AND AS FILL-IN FOR EC PRESIDENCY), AUSTRALIA, NEW

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ZEALAND AND, OF PARTICULAR NOTE, MALAYSIA. DELS THAT DISAPPOINTED OR WERE INEFFECTUAL INCLUDE JPN (WITH EXCEPTION OF PARTICIPATION IN FORESTS WORK), USSR, CHINA AND FRANCE. MIDDLE GROUP OF WHICH HAD EITHER PARTICULAR ISSUES TO PUSH OR MOMENTS OF PROMINENCE INCLUDED NORWAY, INDONESIA, MEXICO, CHILE AND GHANA (AS SPOKEMAN FOR 3-77). UNFORTUNATELY GHANAIN AMB KOFI AWOONOR WAS ILL MUCH OF PREPCOM AND THEREFORE ROLE OF SPOKEPERSON FELL TO HIS MUCH LESS COMPETANT NUMBER TWO. FINALLY NUMBER OF QUOTE OFF THE WALL DELS UNQUOTE WAS REDUCED SOMEWHAT FROM EARLIER MTGS. ALGERIA RAPORTEUR WAS PROSCRIBED BY MORE SENIOR REPS FROM ALGIERS, AND MOST IMPROVED AWARD MUST TO MAURITANIAN REP WHO HAD BEEN PARTICURLY DIFFICULT IN EARLIER MTGS IN NROBI AND NYORK. THIS LEFT SECOND CTTEE REPS FROM KENYA, AND MOST FRUSTRATINGLY, TUNISIA, AS SPOILERS OF MTG. CDN DEL TO FRANCOPHONE ENVIRONMENT MINISTERS MTG LATER THIS MONTH IN TUNIS MAY WISH TO ENCOURAGE TUNISIAN AUTHOITITIES TO UPGRADE THEIR REPRESENTATION AT NEXT UNCED PREPCOM.

2. USA DEL APPEARED BOTH BETTER PREPARED FOR SECOND PREPCOM AND MORE RELAXED THAN AT PREVIOUS MTGS. REASONS COULD BE THAT SOME ISSUES WHERE USA WAS PARTICULARLY CONCERNED ARE RECEEDING (TEMPORARILY) FROM CENTRE STAGE OR RESLOVING THEMSELVES, WHILE OTHERS (E.G. FORESTS) ARE MOVING IN A POSITIVE DIRECTION. SWEDISH CONTRIEUTION BALANCED STEADY HAND OF WORKING GROUP I CHAIR BO KJELLEN WITH IRREPRESSABLE, AND OFTEN DESTRUCTIVE, ULF SWENSON IN BOTH WORKING GRPS I AND II. BRAZIL AND INDIA DID NOT SACRIFICE IDEOLOGICAL PURITY BUT AT SAME TIME MAINTAINED USUALLY HELPFUL

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STANCE OF ISSUES ON IMPORTANCE TO THEM TO MOVE PROCESS FORWARD.

FINALLY, MOST PLEASANT SURPRISE WAS POSTIVE OVERALL CONTRIBUTION OF MALAYSIAN DEL WHICH, AT CRITICAL POINTS, PLAYED VERY USEFUL BRIDGE ROLE BETWEEN DEVELOPED COUNTRIES AND G-77. ASSESSMENT OF CDN DEL IS THAT CONTACTS ESTABLISHED DURING COURSE OF SECOND PREPCOM SHOULD BE FOLLOWED UP IN CAPITALS PRIOR TO CONSIDERABLY MORE SUBSTANTIVE DISCUSSIONS AT THIRD PREPCOM IN AUG91.

3. ON NEGATIVE SIDE, LEADING DISAPPOINTMENT WAS JPN WHICH, AS ONE OBSERVER COMMENTED, MIGHT AS WELL NOT HAVE SHOWN UP. ONE EXCEPTION WAS FORESTRY ISSUE WHERE JPNESE DEL PLAYED WELL INFORMED AND EFFECTIVE ROLE. NEWLY APPOINTED JPNESE MFA AMB FOR ENVIRONMENT AKAC APPEARED AT PREPCOM FOR SEVERAL DAYS AND CLEARLY UNIERIMPRESSED MOST DELS. SOVIETS WERE PREOCCUPIED ELSEWHERE AND EXCEPT FOR SEVERAL USEFUL INTERVENTIONS IN WORKING GROUP III, CHINESE PARTICIPATION WAS INEFFECTIVE. ALTHOUGH U.K. WORKED EFFECTIVELY BEHIND SCENES, MOST OTHER EC DELS WERE CONTENT TO LEAVE TO IUTCH VIRTUALLY ALL SUBSTANTIVE WORK. FRENCH AND GERMAN DELS WERE NOT IMPT FACTORS.

4. FINALLY, FROM CDN PERSPECTIVE, CANZ COOPERATION REMAINED A USEFUL TOOL TO TEST OUT IDEAS, DIVIDE RESPONSIBILITIES AND ENSURE THAT EFFECTIVE INTERVENTIONS WERE MADE. ACTUAL NUMBER OF JOINT STATEMENTS WAS DOWN SOMEWHAT FROM NROBI, BUT CANZ GROUP DID JOIN FORCES FOR INTERVENTIONS ON CLIMATE CHANGE, RECYCLING, ENVIRONMENT AND DEVELOPMENT EDUCATION, LEGAL AND INSTITUTIONAL WORKING GROUP III WORK PROGRAM AND INDIGENOUS PEOPLES INITIATIVE. PERHAPS MOST

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EFFECTIVE CANZ COOPERATION CAME DURING ELECTION FOR RAPPOREUR OF
WORKING GROUP III WHERE BOTH AUSTRALIAN AND NEW ZEALAND HEADS OF
DELEGATION ARGUED ELEGANTLY AND LOBBIED PERSUASIVELY WITHIN WEOG THAT SEAT
SHOULD GO TO NON-EUROPEAN. RESULT WAS THAT CDN CANDIDATE, IN
COMPETITION WITH SWISS, WAS ELECTED TO BUREAU OF WG III.

CCC/221 121516Z YTEN5809

FM GENEV YTEN5812 11APR91

TO FXTOTT EEE

INFO PRMNY POECD VPERM WROBI WSHDC LDN PARIS BONN TOKYO ROME
BREC STKHM HAGUE MOSCO PEKIN SECUL DELHI KLMPR SPORE JKRTA CNBRA
WLGTN MXICO BRSLA OSLO COPEN ACCRA HRARE EGOTA BAIRS STAGO CLMBO
MANIL CIDAHULL YVP FINOTT EERD/BEAUSOLEIL/IFD PCOOTT/MCGOVERN
ISTCOTT/BEILLARD

BH ENVHULL/MIN OFF/CAMPEAU/SLATER/HURTUBISE/BUXTON/IAD/

/CWS/ADM-CANEP/ADM-AES/MARTEL/COTE/STREET INAHULL/MCFARLAND/

/CHALUPA DE OCI FANDOTT/HOLLAND/DOUBLEDAY/LARK/DONAHUE DE OTZ

JUSTICE/MANN AGRICOTT/LEMIEUX HWCOTT/NANTEL CMHCOTT/LECHUA

FORCANHULL/MAINI/MANTHA/VINEBERG EMROTT/IERD/OEA DE OTT

DISTR MINA MINE MINT USS DMT DMC NBX EEA EEF EER EED EFB EPR EPD

IMU IMH IMW IMC IFX IMD IFB JLO JCD JFF CPP SPE CPD

CIDAHULL YDG YEN REE RND SPG

---UNCED SECOND PREPCOM: NGO PARTICIPATION

SUMMARY: IN THE OPINION OF UNCED PREP COMM CHAIRMAN TOMMY KOH,

FINAL ARRANGEMENTS CONCERNING THE PARTICIPATION AND

ACCREDITATION, APPROVED AT THE OPENING PLENARY, WAS ONE OF THE

MAJOR OUTCOMES OF THIS MTG. IN TOTAL, SOME 170 NGOS, INCLUDING

BUSINESS ASSOCIATION REPS, WERE ACCREDITED TO PARTICIPATE. WHILE

THEIR EFFECTIVE IMPACT ON THE DEBATE WAS UNEVEN, THEIR

PARTICIPATION BRINGS A MORE DEMOCRATIC DIMENSION TO UNCED, AND

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SIGNALS THE DIFFERENCE BETWEEN THIS PROCESS AND OTHER PAST UN CONFERENCES. UNLIKE THE FIRST PREPCOM, CDA DID NOT HAVE A VIRTUAL MONOPOLY ON NGO REPRESENTATION. BUT WITH SIX NGO REPS ON OUR DEL REPRESENTING YOUTH, INDIGENOUS PEOPLE, ENVIRONMENT GROUPS, DEVELOPMENT GROUPS AND THE UNITED NATIONS ASSOCIATION OF CANADA, PLUS TWO BUSINESS REPS FROM THE CDN MINING AND PULP AND PAPER ASSOCIATIONS, CDA CERTAINLY HAD THE MOST PLURALISTIC PRESENCE AT THIS PREPCOM. THROUGH THEIR PRESENCE ON OUR DEL, AND OUR REGULAR CONTACTS WITH OTHER ACCREDITED CDN NGOS WE WERE ABLE TO ESTABLISH A GOOD FLOW OF INFORMATION AND IDEAS ON A WIDE RANGE OF UNCED ISSUES. CANADA ALSO GAINED RECOGNITION BY BEING ABLE TO FUND THE PARTICIPATION (THROUGH CIDA NGO PROGRAM) OF THE MAJORITY OF THE DEVELOPING COUNTRY NGOS PRESENT AT THE PREPCOM. CANDEL TOOK THE INITIATIVE AT THE END OF THE PREPCOM TO ORGANIZE A DONORS MTG TO DISCUSS THE CREATION OF A COMMON FUNDING MECHANISM FOR FUTURE DEVELOPING COUNTRY NGO PARTICIPATION IN THE UNCED PROCESS.

2. REPORT: FOLLOWING CONSULTATIONS IN NEW YORK ABOUT THE ACCREDITATION PROCESS FOR NGOS, PREP COMM HAS ESTABLISHED PROCEDURE WHEREBY UNCED SECT, ON BASIS OF INFORMATION SUPPLIED BY NGOS, WOULD RECOMMEND NGOS AS BEING QUOTE COMPETENT AND RELEVANT UNQUOTE. WHERE SECT DID NOT RECOMMEND ACCREDITATION, IT WOULD PROVIDE REASONS FOR NOT DOING SO TO THE PREP COMM. IT WAS FURTHER AGREED THAT SECT RECOMMENDATIONS ON ACCREDITATION ARE TO BE MADE

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AVAILABLE AS SOON AS POSSIBLE TO THE PLENARY AT BEGINNING OF PREP COMM (WITH EXPEDITIOUS UPDATES DURING SESSION AT SUBSEQUENT PLENARY MTGS). PREP COMM MUST DECIDE ON ACCREDITATION WITHIN 24 HOURS OF RECEIVING SECT'S RECOMMENDATIONS; IF A DECISION CANNOT BE MADE WITHIN THIS TIMEFRAME, INTERIM ACCREDITATION SHALL BE ACCORDED UNTIL DECISION IS MADE. ONCE NGOS ARE ACCREDITED, THEY MAY ATTEND ALL/ALL FORMAL MTGS OF THE PLENARY AND THE THREE WORKING GROUPS AND MAY MAKE INTERVENTIONS IN THE DEBATES, WITH THE PERMISSION OF THE CHAIR. ALTHOUGH IT WAS NOT A FORMAL REQUIREMENT OF THE RULES, NGOS WERE STRONGLY URGED BY KOH TO FORM THEMSELVES INTO CONSTITUENCIES OF LIKE-MINDED GROUPS AND DELIVER JOINT STATEMENTS. NGOS READILY COMPLIED WITH THIS REQUEST.

3. THE APPLICATION OF THESE RULES GOT OFF TO A SLOW START. NGOS WHICH HAD NOT SUPPLIED COMPLETE INFO FOR THE ACCREDITATION PROCESS PRIOR TO THE START OF THE PREPCOM (I.E BEFORE THE ACCREDITATION PROCEDURES HAD BEEN APPROVED BY THE PLENARY) HAD TO WAIT FOR OVER A WEEK BEFORE UNCED SECT CIRCULATED A SECOND LIST RECOMMENDING THEIR ACCREDITATION. BY THE TIME THEY EARNED THE RIGHT TO SPEAK, MOST OF THE WORKING GROUPS HAD MOVED INTO INFORMAL NEGOTIATIONS, TO WHICH THE NGOS WERE DENIED ACCESS - DEPENDING ON THE WHIM OF THE THE CHAIR. FURTHERMORE, IN ALL THREE WORKING GROUPS, NGOS WERE THE LAST TO SPEAK, AND OFTEN FOUND.

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THEMSELVES EXTREMELY RUSHED FOR TIME IN DELIVERING THE STATEMENTS THEY HAD CAREFULLY NEGOTIATED WITH THEIR QUOTE CONSTITUENCIES UNQUOTE. BY THE THIRD WEEK HOWEVER, VIRTUALLY ALL NGOS HAD BEEN ACCREDITED, AND PLENARY CHAIRMAN KOH, GAVE NGO REPS A FULL OPPORTUNITY TO DELIVER STATEMENTS DURING THE DEBATES. REPS OF INDIGENOUS GROUPS, SPIRITUAL ORGANIZATIONS AND BUSINESS ASSOCIATIONS TOOK EFFECTIVE ADVANTAGE OF THIS OPPORTUNITY TO MAKE THEIR POINTS ON THE CROSS-SECTORAL ISSUES IN THIS DEBATE. FINAL STATEMENT OF THE ENTIRE PREPCOM WAS A DELIBERATELY PROVOCATIVE INTERVENTION BY A COALITION OF YOUTH DELEGATES, WHO CALLED ON VARIOUS NORTHERN GOVTS TO HONOUR PAST ENVT AND DEVT COMMITMENTS. THEIR STATEMENT WAS SKILLFULLY RECEIVED BY KOH, WHO COMMENDED THE YOUTH REPS FOR MAKING CLEAR THEIR EXPECTATIONS OF THE OLDER GENERATION ASSEMBLED IN THE PREP COMM.

4. OVERALL, WHILE NGOS DID NOT/HAVE A MAJOR IMPACT ON THE DISCUSSIONS AT THIS PREPCOM, THEIR PRESENCE DEFINITELY ADDED WELCOME VARIETY TO THE DEBATE. AT THEIR BEST, THE NGOS ACTED AS THE CONSCIENCE OF THE PREPCOM, BRINGING FACTS AND PERCEPTIONS TO THE ATTN OF ASSEMBLY WHICH MOST GOVTS WOULD PREFER NOT/NOT TO ADDRESS -E.G. THE IMPORTANCE OF LAND REFORM AND LAND TENURE IN THE CONTEXT OF THE DISCUSSION OVER SOIL LOSS. AT THEIR WORST, THEY WERE DIDACTIC, TRYING TO CROWD TOO MANY POINTS INTO A SHORT

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STATEMENT, AND MAKING ARGUMENTS BEYOND THE COMPETENCE OF UNCED (E.G. CALLING FOR A RESOLUTION OF THE DEBT CRISIS AS A PREREQUISITE FOR ACTION TO COMBAT DEFORESTATION). THE MOST EFFECTIVE NGO DELEGATES WERE THOSE WITH A PARTICULAR ISSUE TO PUSH AND WITH PAST U.N. EXPERIENCE - SUCH AS RUSSEL BARSCH OF THE CDN/AMERICAN INDIGENOUS SUPPORT GROUP, FOUR DIRECTIONS COUNCIL, WHO VERY EFFECTIVELY BUTTON-HOLED GOVT DELEGATES AT THE BEGINNING AND END OF EVERY DEBATE. OTHERS, SUCH AS WOMEN'S GROUPS, WERE LESS WELL-ORGANIZED, RESULTING IN LOST OPPORTUNITIES TO PUSH PLENARY TO ADOPT DECISION REQUESTING SECT TO EXAMINE THE ROLE OF WOMEN IN SUSTAINABLE DEVELOPMENT.

5. MANY DEVELOPING COUNTRY DELS WERE INHERENTLY SUSPICIOUS AT FIRST OF THE NGOS, SUSPECTING THEM OF SERVING AS A FRONT FOR DEVELOPED COUNTRY INTERESTS IN INCREASING ENVTL REGULATIONS IN THE THIRD WORLD. AT OPENING PLENARY MANY LDC DELS STRESSED THE IMPORTANCE OF ACHIEVING A BALANCE BETWEEN ENVT AND DEVT NGOS AND BETWEEN NGOS FROM DEVELOPED AND DEVELOPING COUNTRIES. UNCED SECT WAS STRONGLY URGED TO ASSIST IN FINDING FUNDS TO ASSIST DEVELOPING COUNTRY NGOS ATTEND FUTURE PREPCOMS - SOMETHING THE SECT HAS MADE NO ATTEMPT TO DO UP UNTIL NOW. LDC CONCERNED OVER THE SECTORAL BALANCE PROVED TO BE RELATIVELY GROUNDLESS, AS ENVTLALLY FOCUSSED NGOS WERE MORE THAN OUTNUMBERED BY REPS OF
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OTHER SECTORS, INCLUDING LEVT GROUPS AND BUSINESS ASSOCIATIONS (WHO WERE CLASSIFIED FOR THE PURPOSES OF THIS PREPCOM AS NGOS).

7. NORTH/SOUTH BALANCE IN NGO NUMBERS PROVED MORE OF A PROBLEM, SINCE ONLY ABOUT 15 PERCENT OF THE GROUPS REGISTERED CAME FROM THE SOUTH. CEA IN FACT ENABLED THE MAJORITY OF THESE REPS TO ATTEND, LARGELY THROUGH FUNDING PROVIDED BY A CIDA NGO PROJECT, MANAGED BY CDN NGOS CULTURAL SURVIVAL CDA AND CCIC. THIS PROJECT FUNDED PARTICIPATION FROM NGO REPS FROM KENYA, PHILIPPINES, ZIMBABWE, CHILE, BRAZIL, URUGUAY, AND SRI LANKA. OTHER SOUTHERN COUNTRIES WITH NGOS AT THE PREPCOM INCLUDED ECUADOR, INDIA, MALAYSIA, AND PERU. WHILE MANY OF THE SOUTHERN NGOS LEFT THE LOBBYING AND STATEMENT DRAFTING TO THEIR COLLEAGUES FROM NORTHERN GROUPS WITH MORE UN EXPERIENCE, VIRTUALLY ALL OF THEM MADE EFFECTIVE CONTACTS WITH THEIR OWN GOVT DELS - IN SOME CASES RECEIVING HELP FROM GOVT DELS IN DRAFTING THEIR OWN NGO STATEMENTS (E.G. MALAYSIA); WHILE IN OTHERS, HELPING THE GOVT DELS DRAFT OFFICIAL INTERVENTIONS (E.G. KENYA).

8. APART FROM FORMAL INTERVENTIONS, ALL THE NGOS WERE VERY ACTIVE IN SETTING UP BRIEFINGS ON THE MARGINS OF THE SESSION WITH GOVT DELS. CANDEL MET ON THREE SEPARATE OCCASSIONS WITH ALL THE CDN NGOS PRESENT TO DISCUSS ISSUES IN EACH OF THE SEPARATE WORKING GROUPS. ON THE LAST DAY, CANDEL LEADER JOHN BELL GAVE A JOINT

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BRIEFING WITH HIS CANZ COLLEAGUES TO AN OPEN MTG OF ALL NGOS.
USA, NCRDICS AND EC GAVE SIMILAR OPEN NGO BRIEFINGS.

INTERESTINGLY, THE G77 CHAIRMAN FROM GHANA AND THE VERY ACTIVE
MLSN DFL ELECTED TO DO THE SAME WELL. CANDFL FOUND OUR BRIEFINGS
TO BE A GENUINELY USEFUL FORUM FOR REFLECTION ON PRECEEDINGS, AS
WELL AS FOR AN EXCHANGE OF VIEWS AND ON SEVERAL ISSUES DEL USED
NGO INPUT FROM THESE BRIEFINGS IN OUR INTERVENTIONS.

9. THE SIX NGOS OFFICIALLY ON OUR DELEGATION, AS WELL AS OUR TWO
BUSINESS REPS NATURALLY HAD GREATER ACCESS AND INPUT INTO
CANDELS - WHICH WE USED TO GOOD EFFECT - IN PARTICULAR IN
DEVELOPING OUR INITIATIVES ON RECYCLING OF HAZARDOUS WASTES, ON
INDIGENOUS PEOPLE, AND ON OUR STATEMENT ON POVERTY AND
ENVIRONMENTAL DEGRADATION.

IDEA OF INCLUSION OF NGOS ON OFFICIAL DELS APPEARS TO BE
DEVELOPING MOMENTUM AND WILL LIKELY INCREASE WITH NEAT PREP COMM.
WHEREAS CDA WAS ONE OF ONLY TWO DELS AT FIRST PREPCOM WITH NGO
REPS, AT THIS ONE THERE WERE AT LEAST SEVEN DELS BESIDES
OURSELVES WITH SUCH ARRANGEMENTS, INCLUDING: USA, UK, NORWAY,
DENMARK, SWEDEN. AUSTRALIA AND THE USSR. AT THE END OF THE
PREPCOM, GERMAN DFL CAME TO US TO ASK FOR MORE INFO ON HOW WE HAD
ORGANIZED NGO PRESENCE ON OUR DEL; GERMAN DEL WAS APPARENTLY
CONCERNED WITH THE COMPLETE LACK OF INTEREST, UP UNTIL NOW, FROM
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THE POWERFUL GERMAN NGO COMMUNITY IN UNCED. OUR AIM FOR NEXT PREP COMM SHOULD BE NOT ONLY TO MEET WITH CDN NGOS PRESENT, BUT ALSO TO ENSURE THERE IS ADEQUATE TIME FOR EXCHANGE ON ISSUES IN CDA IN THE PROCESS OF DEVELOPING OUR POSITIONS FOR PREPCOM THREE. CONTINUED INCLUSION OF NGOS ON CANDEL WILL ALSO BE IMPORTANT ASPECT OF THIS PROCESS.

12. FOR MOST NGOS, KEY ACTIVITY WAS INTERACTION AMONG THEMSELVES TO DISCUSS WAYS IN WHICH THEY COULD EFFECTIVELY PARTICIPATE AND INFLUENCE NOT ONLY UN PROCESS, BUT NATIONAL DECISION-MAKING, FOR EXAMPLE, THROUGH NATIONAL REPORTS. A MAJOR SOURCE OF CONTROVERSY THROUGHOUT THE PREPCOM REVOLVED AROUND THE LEGITIMACY OF INTERNATIONAL FACILITATING COMMITTEE (IFC), A SELF-APPOINTED BODY OF REPS OF ALL OF THE QUOTE INDEPENDENT SECTORS UNQUOTE INTERESTED IN PARTICIPATING IN THE UNCED PROCESS. DESPITE IFCS ADMINISTRATIVE BACKING FROM THE CENTRE FOR OUR COMMON FUTURE IN GENEVA (SEPARATE BODY SET UP AFTER BRUNDTLAND COMMISSION IN GENEVA), AND ITS CLOSE TIES TO STRONG, IFC LOST A LOT OF SUPPORT FROM MOST OF THE NGOS PRESENT THROUGH THE HIGH-HANDED ORGANIZATIONAL TACTICS OF ITS INNER CIRCLE, LED BY BFA OLIVASTRI (FROM CDA) AND ASHOK KHOLSA (FROM INDIA). THE IFCS ATTEMPT TO INTERFERE INTERNAL BRZLN NGO MATTERS -BY SENDING FORMER USA CONGRESSWOMAN BELL ABZUG TO BRAZIL TO DELIVER AN ULTIMATUM TO THE ...9

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UMBRELLA BRZN NGO FORUM TO CO-OPERATE WITH THE BUSINESS DOMINATED GROUP PRO-RIO - BACKFIRED AND DID NOT ENHANCE ITS CREDIBILITY. IN THE END, RELNS HAVE BEEN PATCHED UP FOR THE TIME BEING BETWEEN THE IFC AND THE BRZLN NGO FORUM; BUT ONE RESULT IS THAT MOST NGOS PRESENT (ESPECIALLY THOSE FROM DEVELOPING COUNTRIES) DO NOT/WISH TO GIVE THE IFC A MANDATE TO DO ANYTHING MORE THAN FACILITATE NGO PARTICIPATION IN THE PREPCOM PROCESS.

8. AT THE END OF THE PREPCOM, CIDA REP ON CANDEL GEORGE GREENE ORGANIZED A VERY WELL RECVD MTG OF TEN POTENTIAL DONOR GOVTS AND THREE INTL ORGS TO DISCUSS MEANS OF POOLING RESOURCES TO ENSURE GREATER DEVELOPING COUNTRY NGO REPRESENTATION AT THE NEXT PREPCOM. THERE WAS BROAD SUPPORT FOR THIS INITIATIVE AND A FUNDING POOL OF UP TO A MILLION USA DLRS NOW LOOKS FEASIBLE. CIDA WILL BE FOLLOWING UP WITH CDN AND SOUTHERN NGOS, AS WELL AS THE UNCED SECT, TO DEVELOP A MECHANISM WHICH WILL LEAVE THE SELECTION OF NGOS IN THE HANDS OF A COMMITTEE OF SOUTHERN NGO REPS THAT WILL ADVISE THE UNCED SECT, WHILE THE ADMINISTRATION OF THE FUNDS WILL BE DONE THROUGH THE IFC. AN ARRANGEMENT ALONG THESE LINES SHOULD ENSURE PERCEIVED POLITICAL LEGITIMACY, AS WELL AS ADMINISTRATIVE EFFICIENCY.

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NOTE ON INFORMAL MEETING TO ARRANGE FUNDING FOR
DEVELOPING COUNTRY NGO PARTICIPATION
IN THE PREP COMM PROCESS AND UNCED

Separate meetings were held with the NGO community representatives and industrial countries interested in providing support on the means for finding an effective and equitable way to support developing country NGO representatives to participate in the Prep Comm process and the UNCED conference itself.

Meeting with Country Delegation Representatives

Canada convened the meeting of 10 countries and 3 agencies on April 5. Participants were Denmark, Finland, France, Japan, the Netherlands, Norway, Sweden, United Kingdom, United States, and the Commission of the European Community, the UNDP and the UNCED Secretariat (a participants list is appended). Most countries and agencies indicated that they were interested to support a developing country NGO participation fund, and several indicated that they had funds available.

Representatives stated that they are receiving a considerable number of requests from NGOs in their own countries and in developing countries for assistance to participate in the Prep Comm process. Countries willing to provide such support would like a coordinating mechanism which assists decisions on requests and simplifies the administration of support.

Although countries would prefer a single mechanism for administering funds and selection of NGO participants, they acknowledged that already there are two: the International Facilitating Committee (IFC) in Geneva and the Environment Liaison Centre (ELCI) in Nairobi. The ELCI is targeting environment and development NGOs, mainly from developing countries. The IFC is intended to support a broader grouping of "independent sector" groups, including environment and development NGOs, women's and religious groups, business and labour. The ELCI is organizing, with funding from France, the Paris meeting of 850 NGOs in December, 1991. Several other countries and UNDP have been providing support to individual NGOs and groupings of NGOs to participate in the Prep Comm process. There was general agreement among countries that existing mechanisms should be used for future funding support to NGOs, and that efforts should be made to provide a degree of coordination among approaches.

Representatives agreed to the need for a developing country NGO participation fund, which would receive contributions from interested donors. Such a fund could serve one or two purposes: support for travel and subsistence for developing country NGOs; and, NGO opinion formation in individual countries, regionally and internationally. Both are necessary if NGOs are to have a credible

and effective voice in UNCED. Some countries felt that it might be best to limit the scope of the coordinated fund to the travel support function.

Three functions were identified for the fund: (i) administration, including funds receipt/distribution and logistics; (ii) selection of participants; and, (iii) oversight.

Administration could perhaps be undertaken by the IFC. Selection of participants should be done by the NGOs themselves, at the regional or national level. A steering group comprising representatives from the regional groupings of developing country NGOs and some coordinating groups in Geneva would set criteria for selection and oversee the process.

There was general agreement that the coordinated fund should be targeted to groups which have difficulty finding funds to participate: environment and development groups, women's groups and indigenous peoples groups. The fund should be sufficient to allow the same NGOs to participate in the remaining Prep Comms, and also UNCED in Brazil, depending on a decision of the Prep Comm on their accreditation.

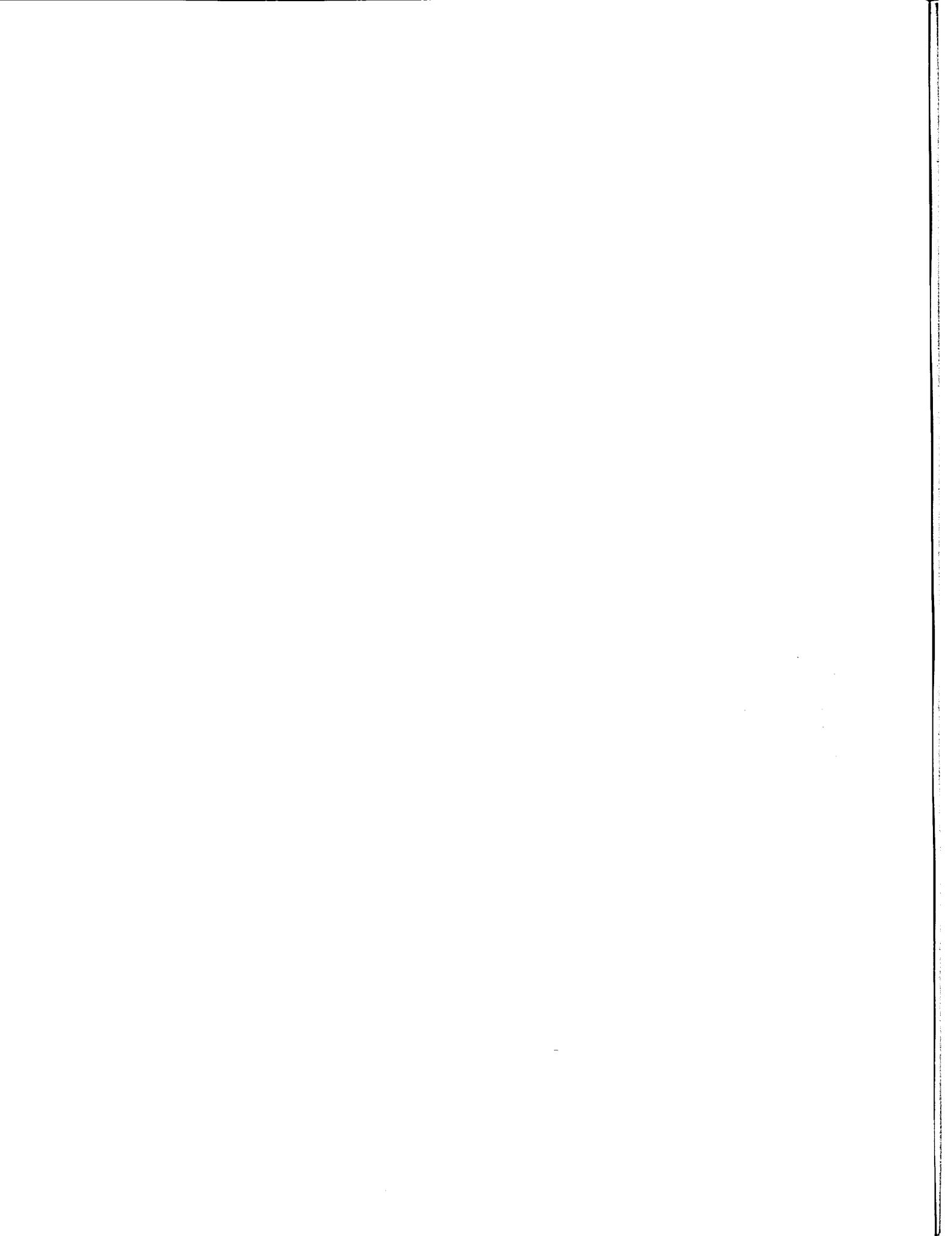
Follow Up Discussions

Canada held a discussion with the UNCED Secretariat following the meeting. It was agreed that the Secretariat person responsible for relations with NGOs (Yolanda Kakabadze) would facilitate the establishment of the fund and the appropriate mechanisms for decision making and administration. Canada also had a discussion with a number of NGO representatives who had actively participated in the present Prep Comm. They indicated an appreciation for the interest of donor countries. They also expressed a strong desire for a fair process for selection of participants supported through the fund, a process which operates at the regional and national level in developing regions. They also requested strong representation in the oversight function.

Canada has agreed to provide a small fund to allow a small group of NGOs to work with the Secretariat and the NGO Liaison Service (NGLS) in Geneva to prepare a proposal to donor governments for the Developing Country NGO Participation Fund. It is proposed that IFC be invited to administer the fund, with an oversight body established comprising regional NGO representatives from developing countries, and the Secretariat and NGLS as ex-officio members.

G. Greene
6 April, 1991

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CLIMATE CHANGE

Documentation:

A/CONF.151/PC/22 Secretariat "Synthesis Report on Ongoing Processes and Recommendations"

A/CONF.151/PC/23 Secretariat Report on "Costing Exercises of Measures Adopted to Limit Possible Climate Changes"

A/CONF.151/PC/WG.I/L.12/Rev.1 PrepCom decision on "Climate Change"

CANADIAN OBJECTIVES:

- To focus discussions within the UNCED process on those aspects of the climate change issue to which UNCED could effectively contribute and on how these could be reflected as elements within the Earth Charter and/or Agenda 21;
- To gain recognition of the single negotiating process established by, and under the auspices of, the UN General Assembly for the preparation of a Framework Convention on Climate Change; and
- To encourage UNCED to take on the role of supplementing and stimulating the negotiations by providing broad and complementary support particularly in the areas of linkages with other negotiating processes and with respect to the implications of proposed elements on developmental objectives.

PREPCOM DISCUSSION:

The initial discussions on the climate change issue took place within Working Group I (WGI) during the first day of its deliberations at the Second PrepComm. The UNCED Secretariat began the discussion of this issue by presenting an overview of the two reference documents (PC/22 and PC/23) prepared by the UNCED Secretariat in response to the climate change decision adopted in Nairobi. This was followed by a presentation by J. Ripert, chairman of the Intergovernmental Negotiating Committee (INC) for the Framework Convention on Climate Change (FCCC) who informed the PrepComm of deliberations at the First Session of the INC. The Chairman (Bo Kjellen, Sweden) then opened the session to hear statements from the floor, at which time, twenty-four countries and four organizations (including the IPCC) made statements.

Of particular interest in the statement by J. Ripert (Chairman INC) was his comments on the relationship between the INC and UNCED processes. He noted cooperation that was already ongoing and that transparency of both processes was a prerequisite. Actions of both groups must be complementary and he particularly flagged the forests issues as one where UNCED could bring integrated analysis, including socio-economic and developmental concerns to the sectoral issue. J. Ripert stated

that the door was open for UNCED to take the initiative without, however, encroaching on prerogatives of the INC negotiating process. Finally he noted that devising a complementary work schedule for both groups was difficult and informed WGI that the INC had decided on the following less than ideal dates for their next sessions: 17-26 or 28 June in Geneva, 9-18 or 20 September in Nairobi and tentatively 03-12 or 13 February in a site to be determined.

The Netherlands, in an statement on behalf of the EC, stressed the importance of coordination between the INC and UNCED, the promising nature of UNCED work on assessing costs in relation to development process of climate change, and repeated hope that FCCC and support measures would be ready by UNCED. Algerian suggested that with the establishment of the INC, WGI should concentrate on other issues. Norway, in underlining its support for the single negotiating process, noted possible overlap between some issues raised in PC/22 and core elements of the INC negotiating process and proposals by UNCED Secretariat for Agenda 21. The Norwegian delegation stated that it was premature to decide how to reflect the climate change issue in Agenda 21.

Other notable interventions were from Malaysia which noted that LDCs will require support for assessment of GHG emissions and chided UNCED Secretariat for not addressing the relation between Polar regions (particularly Antarctic) and climate change in the presented documents. Japan stated that, especially in forestry sector, UNCED was perhaps the most appropriate forum to define interrelationships between various fields in a comprehensive and integrated manner. Brazil, after stating that INC was off to a good start, cautions against repetition while noting that UNCED could provide orientation for plan of action to be adopted at UNCED. The Brazilian delegate noted that the Third PrepComm would have results of Second Session of the INC and therefore could begin to focus on concrete steps for the post-UNCED period.

USA suggested that given the limited time available before UNCED, care had to be taken that PrepComm set reasonable and achievable goals (e.g., monitoring activities underway in other fora and not duplicating these efforts). The USA delegation drew attention to the single intergovernmental negotiating process established by UNGA and the need to ensure integrity of the INC process. They also expressed concern regarding the point raised in the Secretary-General's report (PC/14) on developing parallel and implementing on a voluntary basis programmes and actions that will ultimately be mandated and carried out pursuant to the provisions of the FCCC. Difficulty was in how to launch such a process without undermining the INC process and how to identify just what these commitments would be when they are yet to be determined with the INC. USA indicated that they saw the Secretariat's documents (PC/22 and PC/23) as useful but believed that the proposed actions should be referred to the INC and IPCC for appropriate action. They saw UNCED's role as more limited than that referred to in the Secretariat's documents and should

particularly address informing other fora on environment and development linkages.

The WMO stated that it has devoted considerable attention to climate and climate change activities particularly since 1979 when the World Climate Programme (WCP) was initiated. It now devotes approximately 40 percent of its budget to these activities. WMO emphasized the need for long-term monitoring and assessment programmes including monitoring atmospheric concentrations of GHG. In not to subtle message that some of the work UNCED was calling for is already being done, WMO concluded by stating that it was determined to enhance their contributions to the debates on this issue by supporting the IPCC, INC and relevant components of the WCP.

Canada intervened on this issue on behalf of the CANZ Group. The CANZ intervention called for PrepComm to focus on those aspects of the climate change issues to which UNCED could effectively contribute and on how these could be reflected within the proposed Earth Charter and/or Agenda 21. The intervention reaffirmed our support for the relationship between UNCED PrepComm and the INC as described in UNGA resolutions 45/211 and 45/212. The CANZ intervention identified INC as the single negotiating forum and that UNCED PrepComm needed to adjust its focus and activities on climate change taking into account the establishment of the INC. This readjustment was needed to afford the INC the opportunity to operate without UNCED PrepComm further complicating the process. With respect to the Secretariat's documents, the CANZ Group advised the Chairman that its member countries would be providing him with more specific comments in writing. General comments were provided indicating the Group's concerns that the proposed work plan should not duplicate work already underway in other fora but rather that it be directed towards means of facilitating coordination, identifying gaps and overlaps, and suggesting means of filling these gaps and reducing the overlaps.

The U.K. mentioned the need for a common approach but differentiated responses and made particular reference to the report recently completed within the U.K. entitled "Global Climate Change: The role of technology transfer". Specific comments were made regarding the menu of options for action suggested in the Secretariat's document (PC/22) including the suggestion that GHG inventory information be included in National Reports to UNCED. Concern was expressed that the supportive studies within the IPCC and OECD would not be completed for 2-3 years and it may be overly optimistic to suggest that nations be reporting prior to completion of that work. They also identified the suggestion by the UNCED Secretariat to develop a global energy strategy as not being constructive and as being misguided. The U.K. suggested that the UNCED WGI could best fulfill its tasks by addressing gaps and being kept informed of the work within the IPCC and INC. They also suggested that INC should set priorities for economic analyses that will allow IPCC to define its work in this area.

Following the statements on climate change, the WGI Chairman attempted to summarize. In doing so, the Chairman noted that this summary was his personal interpretation of what had been said and did not represent any agreement by WGI. The Chair summarized that, from his perspective, delegations expressed:

- general satisfaction with the Secretariat's documents;
- general satisfaction with the multilateral actions underway to address climate change;
- support for the INC as the single negotiating forum and that duplication of work needed to be avoided;
- general support that the UNCED PrepComm is to follow, and provide advice to, the INC on issues related to financial resources and technology transfer, to clarify linkages between various legal instruments, and to examine in particular the role of the energy and transport sectors;
- support for the UNCED PrepComm providing advice to the INC which could be accomplished by sending to the INC the Secretariat's documents PC/22 and PC/23, points raised during this debate and resulting decisions, and the results of the UNCED PrepComm's debate on cross-sectoral and developmental issues;
- a number of policy statements including that on response options being considered by the EC, the need for the transfer of resources to meet the incremental costs associated with responding to climate change, and requests to address the specific problems of the small-island states and low-lying areas; and
- that since the INC has been established, UNCED PrepComm will need to identify those elements which are not being discussed within INC and could be part of Agenda 21.

OUTCOMES:

The negotiations on the climate change decision although somewhat long and arduous did produce a decision which meets the previously defined objectives. The Canadian delegation, along with the other members of the CANZ Group were instrumental in defining the majority of the additional language added to that originally proposed by the WGI Chairman. These amendments and additions were based on the need to recognize the single negotiating process and role of the UNCED PrepComm as established by UNGA resolutions 45/211 and 45/212 and the need to provide guidance to the UNCED Secretariat on the work that they should be undertaking in preparation for the Third PrepComm.

Paragraph (b) of the decision on climate change notes the establishment of the single intergovernmental negotiating process and the relationships between the INC and the UNCED process and requests the Secretary-General to transmit to the INC relevant Secretariat documents including those which deal with the cross-sectoral and developmental issues along with a summary of the comments made by delegations at the Second Session of the

UNCED PrepComm. The draft decision made no reference to the single negotiating process and only asked the Secretary-General to transmit the Secretariat's documents PC/22 and PC/23. The revised paragraph recognized the intentions of most delegations as indicated during their interventions.

Paragraphs (c) and (e) are simply extensions of the mandate given to the UNCED Secretariat at the First PrepComm. The former paragraph was introduced by China, whereas the later is a rewrite of a paragraph provided by the Chairman in his original draft that was changed to almost the exact language of the First PrepComm decision. The need for the Secretariat to continue its work in these areas is a recognition that, although the Secretariat's documents were received with general satisfaction, more could be done, and that monitoring work and developments in other fora is one of the areas on which UNCED should focus its efforts.

The most contentious areas of the decision were those that dealt with the further definition of the work for the UNCED Secretariat leading up to the Third PrepComm and UNCED itself and the role of the UNCED PrepComm in terms of financial resources and technology as they could pertain to the climate change issue. The Canadian delegation, along with its CANZ partners, attempted to put forward some compromise language that reflected the statements made during the WGI climate change session regarding the need for UNCED to concentrate its efforts on the linkages of climate with other environmental issues and development objectives. The proposed language also was attempt to consider the wishes of the developing countries to examine the issues of financial resources and technology but at the same time recognized that these issues will be dealt with in the INC by once again referring to the need for UNCED to examine the linkage with other environmental issues. The two sides of the debate on these areas consisted mainly of Brazil and the USA.

The Brazilian delegation attempted to introduce text that, recognizing that the FCCC will include obligations and actions that states will need to undertake, asks UNCED to prepare proposals on measures to be undertaken by states to meet these obligations and to facilitate the required actions. This proposal (interpretation of proposal by Brazilian Ambassador who indicated that this is what paragraph 17 of UNGA 45/212 stated) along with disclosure by a Brazilian delegate (Brazilian Embassy, Geneva) during a private discussion that he (Brazil?) wants the UNCED PrepComm to put forward proposals to INC that the negotiating committee must consider in the definition of its work is of considerable concern. This level of interference is unacceptable to most other countries including Canada.

The United States representative during the initial portions of this debate (John McGinness) was under very strict instructions - no proposals from UNCED on climate change and no mention of technology and financial resources with respect to climate change

within UNCED. This position was not supported by many countries especially developing countries (who started to ask - When are we going to start talking more substantively within UNCED on these issues?). Canada is somewhat sympathetic with the position taken by the USA wanting the INC to be given the opportunity and space to carry out its tasks. As indicated in 45/211 and 45/212 the UNCED does have a role and with respect to climate change that is to examine the linkages with other environmental and development issues and to provide the INC with the results of its deliberations on these linkages.

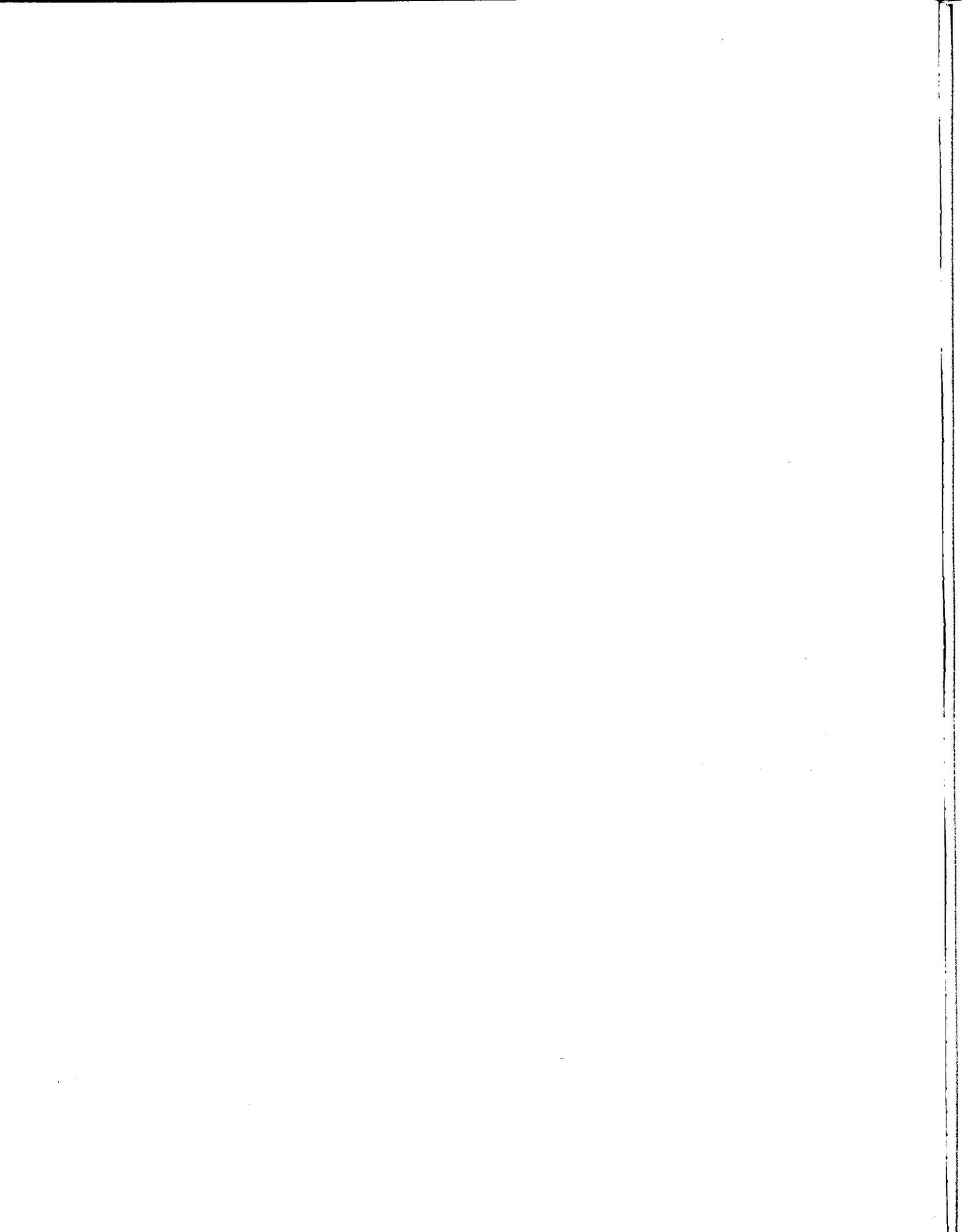
The results of the lengthy negotiations is reflected in paragraphs (d) and (f) of the final decision. Paragraph (d) deals with the funding and technology question and refers back to the principles embodied in UNGA resolutions 44/207 and 44/228 as guiding the UNCED Secretariat's work in these areas. Paragraph (f) recognizes the need for UNCED to investigate the linkages/interconnections between the issue of climate and environmental and development issues and request a report on these so that the PrepComm could prepare proposals for discussion at UNCED.

ASSESSMENT:

The decision, as mentioned above, is consistent with the position taken by Canada prior to the Second Session of the UNCED PrepComm. There is some follow-up work that needs to be undertaken in support of our position. The point was made during the CANZ intervention that informal consultations on the climate change issues was required particularly in terms of the future work plan of the UNCED Secretariat. The Canadian delegations made a point of raising this issue with the Chairman of WGI and the UNCED Programme Officer on the climate change issue (Janos Pasztor). At the completion of the WGI session on climate change, J. Pasztor indicated that he had received little guidance from the interventions on the direction for the Secretariat's future work and, therefore, would be proceeding as indicated in the Secretariat's documents. He did indicate that he would welcome any specific comments on the Secretariat's proposed work plan as suggested in the CANZ intervention. This work should be undertaken as soon as possible and sent to the UNCED Secretariat prior to the end of May 1991.

The point was made with J. Pasztor that Canada would like to see for the Third PrepComm the initiation of the "consultative" process for the Secretariat's documents on the climate change documents being prepared for the Third Session. J. Pasztor welcomed this request and indicated that he would be instituting this process for the next round. Both this process and the specific comments on the Secretariat's documents should be discussed with J. Pasztor during his scheduled visit to Montreal at the end of May 1991.

Our efforts at the next PrepComm should concentrate on specific outputs that could come out of UNCED in terms of the linkages/interconnections of the issue of climate and environmental and developmental issues and how these could best be reflected in Agenda 21. Developments within the INC, IPCC and the WCP should be closely monitored to see how these could impact on UNCED and to ensure that the results of deliberations in UNCED are being provided to the INC.



Second UNCED PrepCom
Working Group One
Geneva
March 19, 1991

**CANZ STATEMENT ON CLIMATE CHANGE
DELIVERED BY THE CANADIAN DELEGATION**

Thank you Mr. Chairman.

Canada, speaking on behalf of the CANZ group, wishes to thank the S-G and the UNCED Secretariat for the preparation of its two reports on climate change (PC/22 and PC/23). We believe they will provide a useful basis for discussion on the role of UNCED in international deliberations on Climate Change. We would also like to thank M. Ripert for his informative review of the INC's work to date.

The CANZ Group supports the S-G in his request that the PrepComm begin focusing on potential areas of activity and hopes that our discussion at this PrepComm meeting will focus on those aspects of the Climate Change issue to which UNCED could effectively contribute and on how these could be reflected as elements within the proposed earth charter and/or agenda for action (i.e., Agenda 21).

As we have heard in the presentation by M. Ripert, negotiations towards a framework convention on Climate Change have been initiated. The UN General Assembly established the INC as a single intergovernmental forum through resolution 45/212. INC will be the central focus for development of common approaches and for concrete but differentiated responses on Climate Change and must be given that opportunity. There is a role for UNCED in this process, however, just as the IPCC has had to adjust its focus and activities to take into account resolution 45/212. So too does UNCED need to take into account the changed circumstances.

The relationship between UNCED and the INC are defined in UN General Assembly resolution 45/212 and 45/211. Based on these resolutions the CANZ group sees the UNCED PrepCom providing the INC with the results of its deliberations on relevant developmental and cross-sectoral issues; providing a forum to explore the linkages between the international legal instruments currently under discussion; and to review and to assess the on-going negotiating processes in order that the results of these negotiations, where appropriate, could be incorporated into UNCED products.

In this respect, the CANZ group supports the INC regularly informing the UNCED PrepCom of the progress of negotiations, and that the UNCED, like other relevant UN organizations, be represented at meetings of the INC and that the

UNCED Secretariat work closely with the ad hoc INC Secretariat to ensure effective communications between the two fora.

The CANZ group would also like to make specific comments with respect to the menu for action contained within the UNCED Secretariat's documents. We would like to provide more detailed comments but in the interest of time will supply these in writing to the Chairman.

Work on many of the actions listed in these documents is already underway in other international and regional organizations and programmes such as the IPCC, WCP, WMO, and UNEP. Care needs to be exercised that the proposed activities do not duplicate but rather are complimentary of those already underway. This was part of the original intent of the PrepComm requesting the reports of the secretariat - where are the gaps and overlaps and what can be done to fill the gaps and reduce the overlaps.

With respect to UNCED activities, the CANZ group would like to see UNCED focus on effective means of strengthening cooperation on international and regional research, development and demonstration programmes (i.e., components of the IPCC and WCP) which are directed at reducing uncertainties associated with Climate Change, its impacts and response options; increasing the resilience of key climate dependent sectors; examining the impacts of climate change on island and low-lying countries; improving the communications of results of research; and identifying the environmental, social, and economic costs and benefits of response options.

UNCED activities should be directed towards how these activities and programmes could be complimented and; how UNCED could facilitate their coordination.

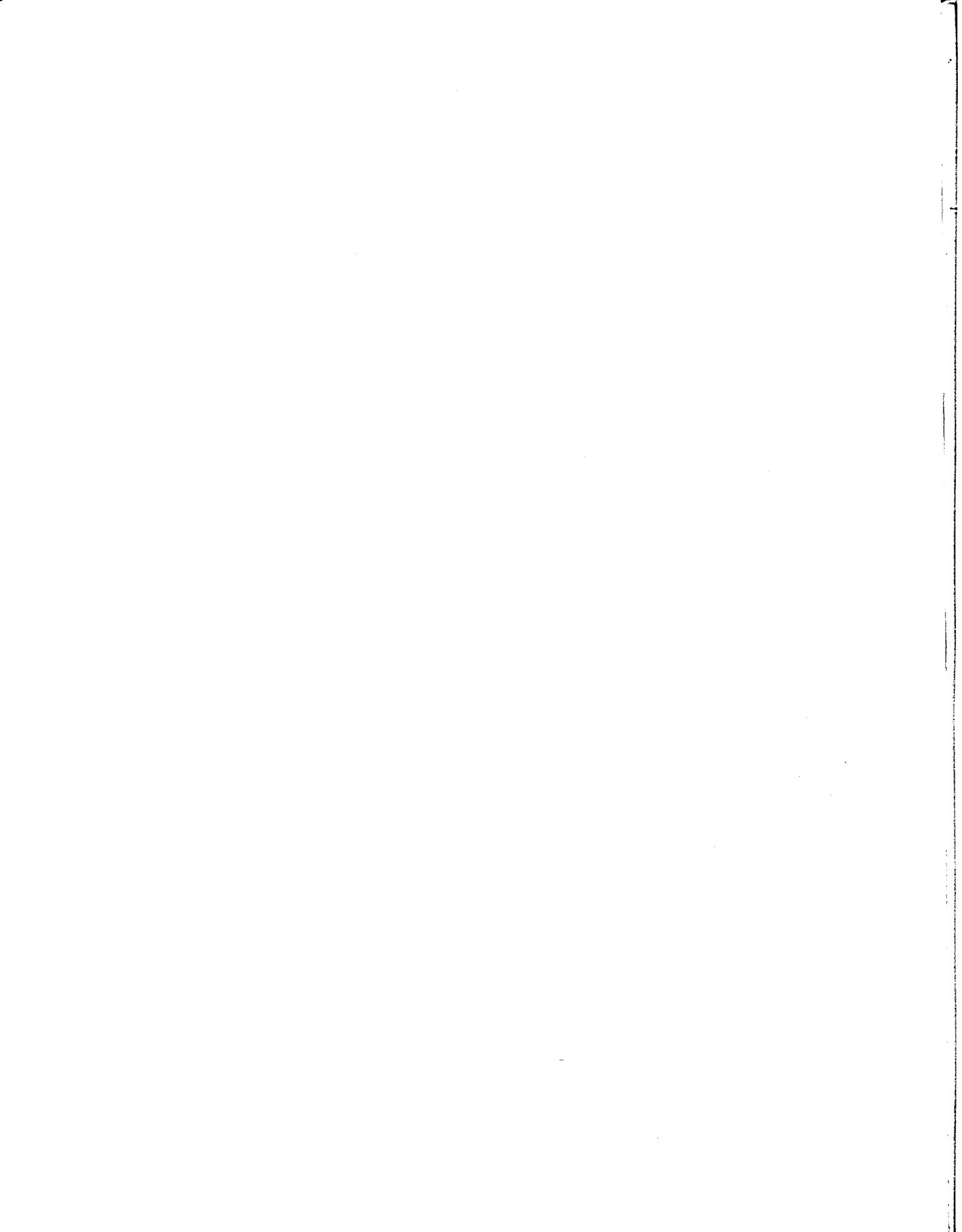
A number of the activities in the Secretariat's reports, for example those related to energy, are also being considered by the INC and care needs to be exercised so as not to complicate the international process already underway. In this respect we would like to support the comments made by the delegation from Norway and many other delegations regarding the need to reduce the duplication of work.

Mr. Chairman, the CANZ group would propose that the Secretariat do further work towards construction of a data base of the work being done by other organizations and identify gaps where work needs to be done with or by the PrepComm or other organizations and report back to the PrepComm at its third session.

The CANZ group would suggest that the UNCED PrepComm also focus its attentions on proceeding expeditiously with its overview of cross-sectoral issues and of the linkages between Climate Change and developmental trends and objectives so that the results of these deliberations will be available for consideration by the INC. UNCED should also focus on spelling out the linkage issues between

the three international agreements currently under discussion and develop options for dealing with these linkages which could be considered by the negotiating bodies.

Thank you Mr. Chairman.





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PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE ON
ENVIRONMENT AND DEVELOPMENT
Working Group I
Second session
Geneva, 18 March-5 (or 12) April 1991
Agenda item 2 (a)

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND
DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND
TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS:
PROTECTION OF THE ATMOSPHERE: CLIMATE CHANGE

Revised draft decision submitted by the Chairman
on the basis of informal consultations

Climate change

The Preparatory Committee for the United Nations Conference on
Environment and Development:

(a) Takes note of the synthesis report of the Secretary-General of the
Conference on ongoing processes and recommendations 1/ and the report of the
Secretary-General of the Conference on Costing Exercises of measures adopted
to limit possible climate changes; 2/

(b) Takes note of the establishment by General Assembly
resolution 45/212 of a single intergovernmental negotiating process for
preparation by an Intergovernmental Negotiating Committee (INC) of an
effective framework convention on climate change and takes note of the
relationships between the INC and the UNCED process as defined by

General Assembly resolutions 45/211 and 45/212 and requests that the Secretary-General transmit to the INC relevant secretariat documents including those which deal with the cross-sectoral and developmental issues along with a summary of the comments on these secretariat documents made by delegations at the second session of the UNCED Preparatory Committee;

(c) Requests the Secretary General to continue his efforts to follow the work to estimate the cost, in particular to developing countries, of adopting measures to limit possible climate change and mitigate its adverse effects, and to report his conclusions to the Preparatory Committee at its third session;

(d) Requests the Secretary-General to identify ways and means for ensuring funding and technology in accordance with the principles embodied in General Assembly resolutions 44/207 and 44/228, both of 22 December 1989;

(e) Requests the Secretary-General to continue to monitor the major intergovernmental activities in the area of atmosphere and climate change, and to prepare a report that analyses and summarizes those activities and offers suggestions thereon;

(f) Requests the Secretary-General to investigate further the interconnections between the issue of climate and environmental and developmental issues at national, regional and global levels, covering agriculture, biodiversity, energy, forests, industry, oceans, transport and cross-sectoral issues, and to report to the Preparatory Committee at its third session, in order to enable it to consider at that session the preparation of related proposals for discussion at the United Nations Conference on Environment and Development.

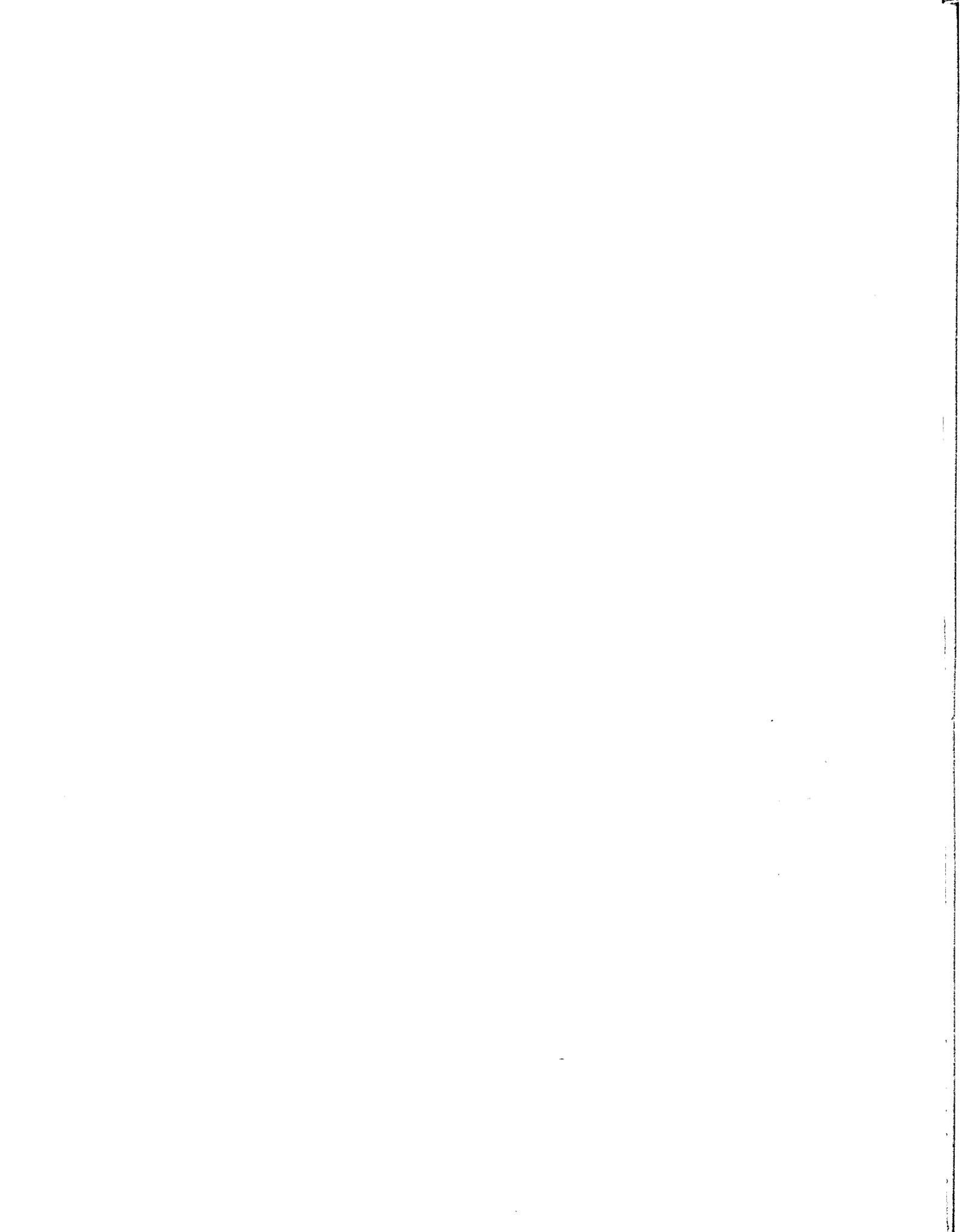
(g) Requests the Secretary-General to continue to undertake all the above in full co-operation with the relevant bodies of the United Nations, in particular with the Intergovernmental Negotiating Committee and the Intergovernmental Panel on Climate Change and the biodiversity negotiating forum, in order to avoid duplicating or pre-empting the work of those bodies.

(h) Requests the Secretary-General of the Conference to take due account in his further work in this area of the relevant paragraphs of the Bergen Declaration, the Tlatelolco Platform on Environment and Development and the

final Declaration adopted by the Ministerial Conference on Environment and Development for Asia and the Pacific, as well as the results of the regional Conference for Africa, organized in accordance with General Assembly resolution 44/228, section II, paragraph 13, and decision I of the Preparatory Committee at its organizational session.

Notes

- 1/ A/CONF.151/PC/22.
 - 2/ A/CONF.151/PC/23.
-



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PROTECTION OF THE ATMOSPHERE: CLIMATE CHANGE

ISSUE:

1. Responding to the threats of climate change must be done on a global basis and should consist of a combination of integrated policies directed towards limiting, and adapting to, climate change taking into consideration developmental, economic, and environmental policy objectives.
2. The role of the UN Conference on Environment and Development (UNCED) in the negotiating a Framework Convention on Climate Change (FCCC).

BACKGROUND:

The international community has included climate change as an UNCED agenda issue because it is seen as having a major impact on our ability to maintain the quality of the Earth's environment and on nations' ability to achieve environmentally sound and sustainable development. Including this as an UNCED agenda issue is also a recognition by the international community that addressing climate change requires coordinated action at the national, regional and global levels.

Canada recognizes the seriousness of the risks posed by an uncontrolled warming of the global climate. Sea-level rise, increased droughts, shifting agricultural patterns, increasing stresses on ecosystems, increased hazards to shipping, and melting of permafrost are a few of the challenges to be faced over the coming century.

CANADIAN OBJECTIVES:

Canada wants the second meeting of the UNCED Preparatory Committee (PrepComm) to focus discussions within the UNCED process on those aspects of the climate change issue to which UNCED could effectively contribute and on how these could be reflected as elements within the Earth Charter and/or Agenda 21.

The process to negotiate a FCCC has been established and the first negotiating session took place in Washington D.C. The negotiating process, like the UNCED, has been established under the auspices of the UN General Assembly. The intent of nations in establishing this negotiating process was to have a single negotiating forum responsible through the UN General Assembly to the UN member states.

Canada was a co-sponsor of the UNGA resolution establishing this process and is a strong supporter of the need for a single negotiating forum. Canada, therefore, does not want to use this or any other PrepComm meeting as a forum for furthering or reopening negotiations of the FCCC. Canada sees the role of the UNCED PrepComm as supplementing and stimulating the negotiations by providing broad and complementary support particularly in the areas of linkages with other negotiating processes and with respect to the implications of proposed elements on developmental objectives.

Within this framework, key areas which Canada should focus on at the Second PrepComm meeting are:

1. Encouraging discussions on effective means of strengthening co-operation on international and regional research, development, and demonstration programmes (e.g., through the World Climate Programme) including support for integrated national/regional programmes directed at:
 - reducing uncertainties associated with climate change and the environmental, social and economic consequences (costs and benefits) of climate change on a regional basis;
 - increasing the resilience of key climate dependent sectors;
 - improving communications of the results of international and regional research and development activities through directed international, regional and national education and information programmes; and
 - identifying social, economic and environmental costs and benefits of response options.
2. Encouraging discussions on the needs and mechanisms for establishing multiple-use regional and global monitoring and assessment capabilities including physical, biological, social and economic variables that could be used to assess the state of regional and global climates, their variations and trends, and the responses of managed and unmanaged ecosystems (including protected areas) and related social and economic systems.

3. Encouraging the discussion of the broader issues of climate, climate variability, and climate change arising from causes other than enhanced atmospheric concentrations of greenhouse gases.
4. Encouraging discussion on means of promoting lifestyle changes required to reduce current activities (e.g., patterns of energy consumption) which are believed to contribute to climate change.
5. Encouraging the UNCED PrepComm to proceed expeditiously with its work on cross-sectoral issues and on the linkages between environmental issues with developmental trends and objectives so that the results of these deliberations will be available for consideration by the FCCC INC and other negotiating bodies.
6. Encouraging the UNCED PrepComm to spell out the linkages between the three international legal instruments currently under discussion (e.g., forests issues) and to develop options which could be considered by the negotiating bodies for dealing with these linkages.

The intent is to focus UNCED discussions on those aspects of the climate issues which will not be dealt with specifically under negotiations of the FCCC and on those aspects where the UNCED PrepComm, because of its broader perspective (i.e., environment and development, multiple issues, and cross-sectoral issues), could support the FCCC negotiation process.

DISCUSSION TO DATE:

First Preparatory Committee:

The chairman of UNCED Working Group I, Bo Kjellen (Sweden), summarized the major points raised by delegations in the discussions of this working group as follows (Note: Canada does not necessarily agree with all the positions stated in this Chairman's summary):

Urgent need to respond to the issue of climate change. Industrialized countries have caused most of the cumulative GHG emissions and the main responsibility for action lies with them. The development objectives of developing countries must not be weakened by action to combat climate change.

Impacts of climate change will be felt world-wide. Although scientific uncertainties exist, there is agreement that

action is required now. Continued research, monitoring and assessment are needed to reduce uncertainties and facilitate adjustments to response options.

Particular concern was expressed on the impact of climate change on low-lying coastal zones, particularly those of small island states. Impacts of climate change on natural resources, such as biomass and water, as well as associated policies in agriculture, forestry, fisheries and energy production need emphasis.

A combination of integrated developmental, economic, trade and environment policies is needed to limit and adapt to climate change

There is a fundamental need to maintain and increase developmental objectives of developing countries. A most important way developing countries can contribute towards combating climate change is by alleviating poverty and promoting sustainable economic development.

International agreement on climate change must be linked to making available new and additional financial resource, as well as access to and transfer of environmentally sound technology on a preferential basis to developing countries (both of these are currently being considered under consideration by UNCED and intergovernmental negotiations fora and the Canadian delegation should refer to the briefing note on transfer of technology). Some delegations indicated that the plans of the World Bank, in association with UNDP and UNEP, to set up a Global Environment Facility, should be encouraged and implemented as soon as possible.

UNCED Working Group I noted the excellent work undertaken by the Intergovernmental Panel on Climate Change and is looking forward to receiving the Panel's Interim Report. The negotiating process should lead to a Framework Convention on Climate Change, with related legal instruments as appropriate. The Working Group supports these negotiations and is looking forward to the intense calendar of negotiations ahead.

The PrepComm has an important role to play in facilitating the negotiating processes. Its role is not to subsume the negotiating process, or to duplicate ongoing work, but rather, to supplement and stimulate it, giving it overall guidance and ensuring that linkages with different issues and sectors, especially with cross-sectoral issues, are adequately addressed.

While a FCCC can provide a legal instrument for international action in the area, it must be supplemented with protocols and/or concrete plans of action at the international, regional, and especially national levels,

including proposals for sectoral policies, in particular, on energy and transport. Economic policy instruments, trade policy consequences and effects on economic structures also need to be addressed.

Agenda 21 needs to incorporate measures to increase access, availability, research and development of environmentally sound and appropriate technology for reducing GHG emissions.

Impacts of climate change on environmental, socio-economic, and health conditions need serious consideration and attention.

The decisions on Protection of the Atmosphere - Climate Change taken at the meeting of the First Preparatory Committee asked the UNCED Secretariat to prepare reports for consideration at the Second Preparatory Committee meeting in the following areas:

- an analysis and synthesis of the results of related international activities and recommendations thereon;
- recommendations concerning the contribution of the UNCED Preparatory Committee to the FCCC negotiating process; and
- activities related to estimating costs of adopting measures to limit possible climate change and mitigating its adverse effects.

Intergovernmental Panel on Climate Change

The IPCC Interim Report was finalized in late August 1990. Highlights of the conclusions are:

- the global mean temperature is projected to increase at a rate of 0.3°C per decade during the next century (increases may be greater over land surfaces than over the oceans and will be greater in high northern latitudes in the winter);
- climate changes and the impacts of climate change will not be steady and surprises cannot be ruled out;
- projected changes in climate will have significant impacts for both managed and unmanaged ecosystems and related human activities with the type and degree of impacts dependent to a large degree on the rate of climate change;
- we cannot continue with business as usual but must adopt a precautionary approach;

- strategies for responding to climate change should be based on a **phased and progressive approach** including short-term actions that can be taken now that make sense in their own right for economic and environmental reasons, while keeping under review longer term options as our understanding of their impacts improves;
- many options, if implemented hastily and without due regard to their overall implications, could have substantial and undesirable impacts on developed and developing countries alike; and
- uncertainties still exist (e.g., GHG sources and sinks, and the role of oceans, clouds and ice in the climate system) and research and monitoring efforts need to be strengthened.

Second World Climate Conference

The Second World Climate Conference (SWCC) was held in Geneva from October 29 to November 7, 1990. The Conference had two components: a Scientific and Technical Session and a Ministerial Session. The Scientific and Technical Session was attended by some 500 invited experts and resulted in a Conference Statement that has been transmitted to the UN General Assembly. The Conference Statement concludes that "technically feasible and cost-effective opportunities exist to allow many industrialized countries to reduce carbon dioxide emissions by 20% by 2025". It also suggested that a world-wide 1 to 2% annual reduction of carbon dioxide emissions could lead to concentrations that would be 50% above pre-industrial levels in 2050.

The Ministerial Session was attended by delegations from 137 countries and resulted in a Ministerial Declaration. This Declaration recognizes climate change as a common concern of mankind and sets out a global comprehensive strategy to deal with it. The Declaration outlines a research agenda for reducing scientific and socio-economic uncertainties and a series of policy considerations regarding emissions, economic and regulatory instruments as well as financial assistance and technology transfer to developing countries. The Declaration called for the launching of negotiations of a framework convention on climate change.

UN General Assembly Resolutions

1. UNGA 45/212 - Protection of global climate for present and future generations of mankind

This UN General Assembly resolution established a single intergovernmental negotiating process under the auspices of

the General Assembly for the preparation of an effective framework convention on climate change, containing appropriate commitments, and any related instruments as might be agreed upon. In addition to defining the ways, means and modalities of the negotiating process, this resolution identifies the link between the FCCC Intergovernmental Negotiating Committee (INC) and the UNCED

PrepComm as follows:

- requests the INC, through its ad-hoc Secretariat, to keep the UNCED PrepComm and the Secretary-General of the Conference, as well as the Secretary-General of the UN, regularly informed in a timely manner through regular progress reports of the progress of the negotiations;
 - requests the INC to take into account, as appropriate, and relevant developments in the preparations for the UNCED that the PrepComm may bring to its attention; and
 - requests the Chairman of the INC, on behalf of the INC, to submit a report to the UNCED in 1992 on the outcome of the negotiations, as well as on possible future steps in the field of climate change.
2. UNGA 45/211 - United Nations Conference on Environment and Development

In addition to affirming the decision made during the First UNCED PrepComm meeting, this decision also identifies the role of the UNCED PrepComm with respect to the negotiations. UNCED is asked to review and assess the ongoing negotiating processes in the field of the environment. This resolution also invites the negotiating fora involved in such processes to report regularly on their activities to the UNCED PrepComm at its forthcoming sessions, in accordance with the guidelines and requirements established by the PrepComm.

UNCED Secretariat Documents

1. Synthesis Report on Ongoing Processes and Recommendations (PC/22)

This report was prepared in response to the PrepComm decision 1/11(a) which calls for a synthesis of ongoing activities and recommendations thereon and for recommendations on the relationship between the UNCED Preparatory Committee and the FCCC negotiating bodies.

The synthesis portion of this report focuses primarily on the results of the Second World Climate Conference and the Intergovernmental Panel on Climate Change. The report recommends that the PrepComm propose appropriate response strategies for the world community by formulating a set of actions and programmes as part of the proposed Agenda 21 which reflect the environmental as well as developmental concerns and which give special emphasis to the cross-sectoral objectives of the Conference. Possible elements of such a set of actions and programmes, could include the following:

- encouraging countries to report on the assessment of their GHG emissions and sinks, targets to stabilize and reduce these emissions, and their national programmes to reach these targets in their National Reports being prepared for the 1992 Conference;
- ensuring the availability of comprehensive GHG accounting tools, that the required research is undertaken, and that there is a transfer of relevant monitoring and related technologies (Note: One option for dealing with the transfer of technologies issues would be through establishing intergovernmental agreements);
- development of a comprehensive global energy strategy including: assessment of concrete energy efficiency potentials and setting national and appropriate sectoral targets on energy efficiency increases; assessment of additional energy needs required for economic development; programmes to assist in developing technologies and training human resources; programmes to make available, on a preferential basis, environmentally sound, efficient energy production and end-use technologies; and an assessment of the costs associated with these programmes for developing and transferring applicable technologies;
- efforts to reduce CO₂ emissions from the transport sector by increasing efficiency of automobile fleets, increasing the share of public transport, and planning human settlements to reduce GHG emissions;
- enhancing biomass sinks by: assessing national opportunities for biomass-based carbon sinks; promoting sustainable biomass management and land-use policies; increasing research and improving capabilities to monitor and assess biomass sinks; and integrating these considerations into the negotiations on climate, biodiversity and forests conventions/agreements;
- encouraging national, regional and global studies of the potential costs and benefits of climate change including those associated with taking no action, and when specific

limitation and adaptive strategies are introduced; and

- identifying new sources of funding and funding modalities to cover these incremental costs.

This report also examines the relationship between the FCCC INC created under the auspices of the United Nations General Assembly and the UNCED PrepComm. It is seen as being of utmost importance that the UNCED PrepComm be fully informed concerning the progress of negotiations, that it be represented at meetings of the INC and that the UNCED Secretariat participate actively in negotiating meetings and related activities and work closely with the INC ad-hoc Secretariat. The UNCED PrepComm is seen as playing an important role in bringing to the attention of the INC relevant issues arising from its work particularly as they related to the integration of the developmental (energy and forestry and land-use policies) and cross-sectoral objectives. It is suggested that the UNCED PrepComm could play an active and leading role in facilitating co-ordination and inter-action between the negotiating processes of the climate change and biodiversity conventions and the forests agreement/convention.

2. Progress Report on Costing Exercises (PC/23)

This report provides a brief survey of recent costing studies and proposes some possible follow-up activities. It includes definition of the term costs, description of three types of costing studies currently in progress, a listing of recent studies and key institutions engaged in this area, and offers some specific suggestions for future activities that could fill some of the remaining gaps in knowledge.

Potential areas for action include:

- ensuring effective co-ordination of existing studies and providing a common framework and data base for the evaluation of existing and future studies (already under way in UNEP); and
- strengthening or accelerating activities such as: a more complete and thorough review of costing studies and their methodologies; preparation of a compendium of impact assessments and adaptation studies focused on developing countries; assessments of the costs of climate change; a comparison of costs associated with a "business as usual" scenario with those under a "no regrets" strategy; identification of the geographic areas and industrial activities of greatest potential vulnerability to rapid climate change.

First Session of the FCCC Intergovernmental Negotiating Committee

The First Session of the INC focused almost exclusively on matters of process, although major substantive issues were woven throughout the debate. Almost all of the discussions were long and protracted, foreshadowing a difficult negotiating process. Sharp differences were evident between developed and developing countries, particularly with regard to the nature of commitments, financial assistance, and transfer of technology.

The following results were achieved:

- the Bureau, including Jean Ripert (France) as chair and representatives of Algeria, Argentina, India, and Romania were elected;
- two working groups were established - the first on "Commitments" related to sources and sinks, financial resources for and technology transfer to developing countries; and the second on "Mechanisms" including legal and institutional mechanisms as well as mechanisms for scientific co-operation, monitoring and to provide "adequate and additional" assistance to developing countries;
- Canada is the WEOG candidate for chair of the working group on mechanisms;
- rules of procedure were adopted;
- a schedule of meetings was agreed to with the next meeting to be held in Nairobi during the first two weeks of June 1991.

CANADIAN POSITION ON CLIMATE CHANGE

1. Canada's position on climate change is embodied in the Green Plan and includes:
 - recognizing climate change as a global problem requiring global responses;
 - wishing to gain the adherence of the largest possible number and most balanced spread of countries to participate in actions designed to reduce the threats posed by climate change;

- supporting development of flexible and phased responses commensurate with our scientific and economic understanding of the problem and which recognize the importance of regional differences;
- supporting a comprehensive response to climate change that addresses all major sources and types of greenhouse gases in addition to all potential sinks;
- supporting increasing our understanding of the impacts of climate change and adopting policies and guidelines which take into consideration the environmental, social and economic costs and benefits of these impacts and of proposed response options;
- pursuing, through the Intergovernmental Negotiating Committee, an international Framework Convention on Climate Change and development of related legal instruments with a view to signature by 1992;
- stabilizing emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol at 1990 levels by the year 2000 as a first step; and
- recognizing that initial domestic action on climate change need not await the signature of an international convention (precautionary actions that make sense in their own right);
- further commitments to reduce GHG emissions must be based on a programme of targets and schedules agreed upon internationally (requires cabinet approval) (Canada recognizes that taking actions out of step with other nations, and in particular with our major trading partners, could have little impact on the environment and could jeopardize our competitive position internationally);
- the FCCC should allow for countries to use a balanced approach (both regulations and market forces) in designing response to climate change;
- FCCC should encourage development of education programmes;
- FCCC should build on the call for collective international action by defining common targets, goals and objectives;
- FCCC should focus on limitation of, rather than adaptation to, climate change with a long-term objective of stabilizing GHG concentrations at a level that would prevent dangerous human-induced interference with the climate.

The proposed National Action Strategy on Global Warming being developed in partnership by the federal and provincial/territorial governments suggests a comprehensive framework for addressing the global climate change issue within Canada (The Green Plan outlines the federal measures to be taken within the overall framework). The strategy being considered by the federal and provincial governments is comprised of a three-part approach: limiting net emissions of greenhouse gases; anticipating and preparing Canadians for the potential effects of any warming that might occur; and improving scientific understanding and increasing predictive capabilities with respect to climate change.

2. Canada's position with respect to the relationship between the FCCC INC and UNCED PrepComm is based on that embodied in UNGA Resolution 45/212 and 45/211. The FCCC INC should:
 - keep the UNCED PrepComm and the Secretary-General of the Conference regularly informed in a timely manner through regular progress reports of the progress of the negotiations;
 - take into account, as appropriate, relevant developments in the preparations for UNCED that the PrepComm may bring to its attention; and
 - submit a report to the UNCED in 1992 on the outcome of negotiations, as well as on possible future steps in the field of climate change.

The UNCED PrepComm should:

- provide the INC with the results of its deliberations on relevant developmental and cross-sectoral issues;
- should provide a forum to explore linkages between the international legal instruments currently under discussion and to develop concrete options to the negotiating bodies for dealing with these linkages; and
- review and assess the ongoing negotiating processes in order that the results of these negotiations, where appropriate, could be incorporated into UNCED products (e.g., Agenda 21).

In this respect, Canada would support that the UNCED PrepComm be kept fully informed concerning the progress of negotiations, that it be represented at meetings of the INC, and that it work closely with the ad-hoc INC Secretariat to ensure effective communications between the two fora. Canada believes, however, that the UNCED Secretariat should not be an active participant in the FCCC INC meetings.

3. For the elements that could be included in the Earth Charter and/or Agenda 21 as suggested in the UNCED Secretariat's reports on climate change (PC/22 and PC/23), Canada has the following positions:
 - a. Encouraging countries to report on the assessment of their GHG emissions and sinks, targets to stabilize and reduce these emissions, and their national programmes to reach these targets in their National Reports being prepared for the 1992 Conference - Canada supports this activity;
 - b. Ensuring the availability of comprehensive GHG accounting tools, that the required research is undertaken, and that there is a transfer of relevant monitoring and related technologies - an examination of the methodologies and needs to support these activities is underway within OECD and the IPCC. Canada suggests that the UNCED lend its support to the work of these organizations and assess how the UNCED PrepComm could facilitate their work. With respect to the transfer of relevant monitoring and related technologies, see Canadian delegation briefing note on the transfer of technologies;
 - c. Development of a comprehensive global energy strategy including assessment of concrete energy efficiency potentials and setting national and appropriate sectoral targets on energy efficiency increases; assessment of additional energy needs required for economic development; programmes to assist in developing technologies and training human resources; programmes to make available, on a preferential basis, environmentally sound, efficient energy production and end-use technologies; and an assessment of the costs associated with these programmes for developing and transferring applicable technologies: - UNCED PrepComm should not seek to develop a "comprehensive global energy strategy". Canada's position has always been that nations should have flexibility in developing strategies for achieving GHG emissions targets. Nations must maintain their ability to develop domestic policies for achieving environmental goals in a manner that is appropriate given their specific social, environmental and economic circumstances. The UNCED PrepComm, however, could contribute to the understanding of the role energy strategies could play in reducing the threats of global warming by promoting: the development and compilation of national energy strategies; assessment of concrete energy efficiency potentials; and assessment of additional energy needs required for economic development. Programmes to assist in developing technologies and the transfer of technologies should also be considered by UNCED but should not be limited to energy (see Canadian briefing note on transfer of technology);

- d. Efforts to reduce CO2 emissions from the transport sector: Canada can support, however, action should be restricted to promoting the examination of options and assisting countries in developing appropriate strategies;
- e. Enhancing biomass sinks by assessing national opportunities for biomass-based carbon sinks; promoting sustainable biomass management and land-use policies; increasing research and improving capabilities to monitor and assess biomass sinks; and integrating these considerations with related elements under the climate change and biodiversity conventions and possible forests agreement/convention. Canada supports this activity and would encourage the UNCED PrepComm promoting work in this area by international and regional organizations;
- f. Encouraging national, regional and global studies of the potential costs and benefits of climate change including those associated with taking no action, and when specific limitation and adaptive strategies are introduced - Canada supports the need for these studies and would look to UNCED PrepComm to promote coordination of studies within OECD, WCP, IPCC and other international and regional organizations and programmes;
- g. Identifying new sources of funding and funding modalities to cover the incremental costs - Discussions on global warming should not presume the need for new sources of funds and new international institutions (see briefing notes on financial resources and international institutions);
- h. Ensuring effective co-ordination of existing studies and providing a common framework and data base for the evaluation of existing and future studies (already under way in UNEP) - Canada supports the need for effective coordination of studies and sees the value of having a common framework and data base for the evaluation of existing and future studies. UNCED PrepComm should promote the development of such a framework and data base and a mechanism exists for the evaluation of studies;
- i. Strengthening or accelerating activities such as a more complete and thorough review of costing studies and their methodologies; preparation of a compendium of impact assessments and adaptation studies; assessments of the costs of climate change; a comparison of costs associated with a "business as usual" scenario with those under a "no regrets" strategy; identification of the geographic areas and industrial activities of greatest potential vulnerability to rapid climate change - Canada is supportive of these initiatives, however, the delegation may wish inject a note of caution regarding the usefulness of simply identifying a cost to climate

change. Canada may wish to recommend a more comprehensive approach to assessing potential response strategies that would consider environmental, economic, and trade implications. Canada supports the need to consider the costs and benefits of adopting response strategies and supports the use of existing organizations and programmes such as the IPCC, OECD and WCP to undertake these tasks. It would be useful to have the UNCED PrepComm promote the assessment of barriers to implementing those strategies identified as being cost-effective through such costing exercises.

PREPCOMM SCENARIO:

Climate change will be discussed at the Second PrepComm meeting in Working Group I. It is expected that the deliberations on this issue will include a report by the INC and an examination of the possible contributions of the UNCED PrepComm to the FCCC negotiating process. This could be one of the more contentious issues to be dealt with by Working Group I with the UNCED Secretariat seeming to be promoting a more active role for itself in these negotiations.

It is expected that discussions will also focus on further examination of the specific actions on climate change that could be included in Agenda 21 and the relationship between these and elements being discussed with the negotiating process.

POSITIONS OF OTHER COUNTRIES:

A number of developing countries, particularly Latin American countries, are not enthusiastic supporters of the IPCC process. The general feeling among the developing countries is that the IPCC was dominated by developed countries and that the IPCC Interim Report does not properly reflected their views.

The OPEC nations (primarily lead by Saudi Arabia) have only recently become involved in the climate change debate and have been pushing to introduce weaker language on the need for immediate fossil fuel-related responses.

The USA, although not seen as a strong supporter of the need for immediate action (beyond more research) to respond to climate change, has released the President's Comprehensive Climate Change Strategy: An Action Agenda that through implementation will result in United States GHG emissions

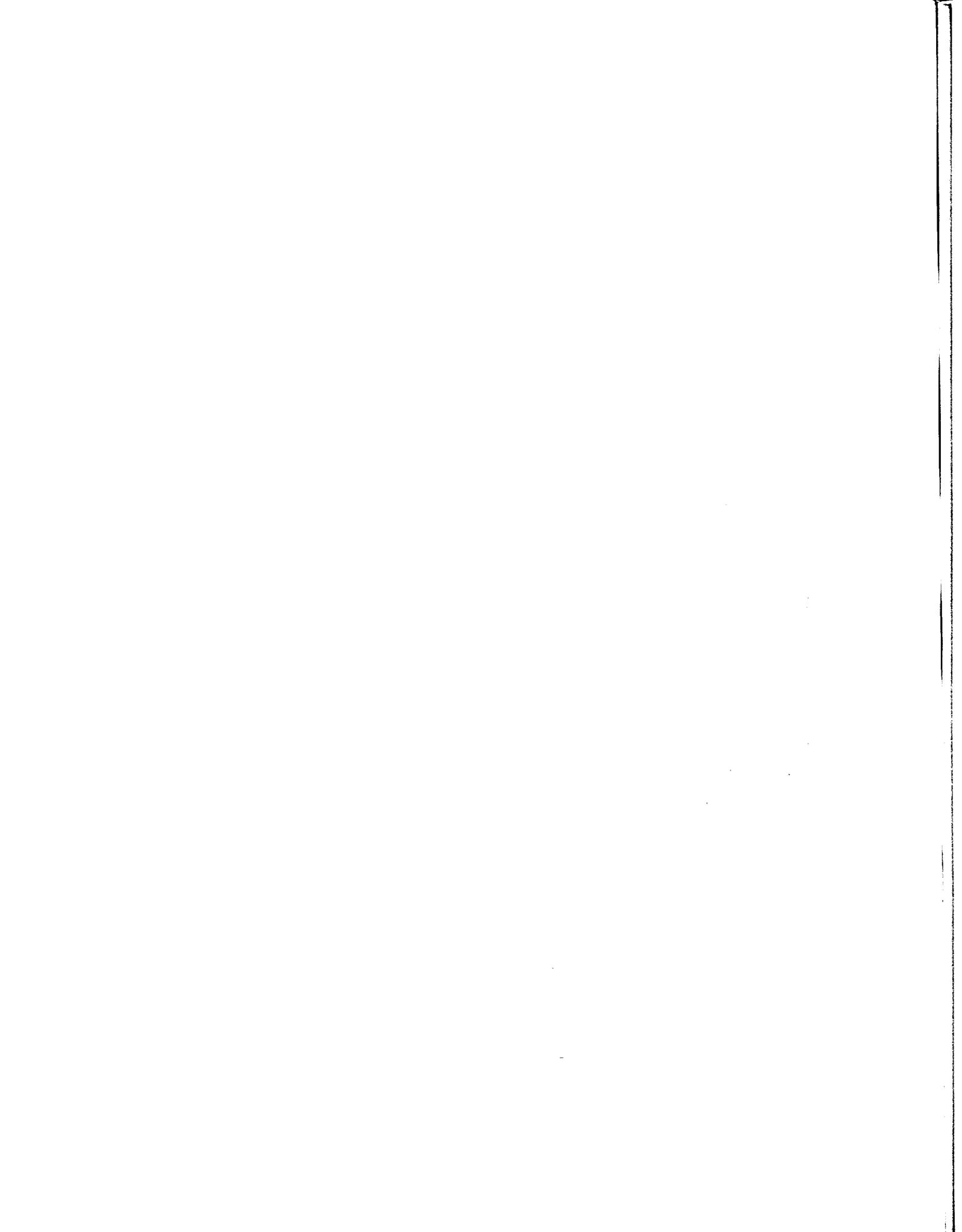
(including CFCs) in the year 2000 being equal to or below 1987 levels. Specific actions include: phasing out of CFCs and many other ozone depleting compounds; putting a permanent ceiling on SO₂ emissions from electrical utilities thereby encouraging energy efficiency; reducing under the Clean Air Act, air pollutants which are either GHG or GHG precursors; initiating a tree planting program; implementing a number of programs aimed at speedy adoption of energy efficient technologies and practices in homes and businesses; and promoting the use of, and accelerating research into, non-fossil fuel energy sources.

EC Member States, EFTA Countries, and Liechtenstein issued a statement during the Second World Climate Conference which supports the need for policies to be based on the precautionary approach, the development of common proposals, to the extent possible, on responding to climate change, and the need to integrate environmental and economic policy objectives.

One of the interesting outcomes of the Second World Climate Conference, and indeed of the preparations for the climate convention negotiations, is the development of alliances. Some serve to protect economic interests such as fossil fuel production (most of the OPEC countries but with the Soviet Union and coal exporting countries); and forestry products (lead by Brazil but with strong support from other countries such as Malaysia).

The low lying island states, many of whom are isolated and have small populations, have formed an alliance and will be working more closely together. Canada, as well as Australia and New Zealand, are seen by the small island states as their allies. Countries faced with desertifications have also formed an alliance.

China and India, two developing and densely populated countries where emissions are expected to grow, effectively supported each other. India has been persistent in linking action by developing countries to combat climate change with the availability of new and additional funding and the transfer of technology on a concessional and preferential basis.



DEFORESTATION

Documentation:

A/CONF.151/PC/27 Secretariat "Progress Report on Conservation and Development of Forests"

A/CONF.151/WGI/L.18 PrepCom decision on "Combatting Deforestation"

CANADIAN OBJECTIVES:

Our principal objective in the debate over this issue was to move beyond the decision taken in Nairobi on forests, by focusing the discussion on options for action; and to use that discussion to build a consensus in favour of launching negotiations, preferably before UNCED in June 1992, towards a legally binding global convention on forests.

Our secondary objective was to advance the position we have taken in the FAO on the need for a thorough reform of the Tropical Forest Action Programme. As events turned out, TFAP issues were barely discussed in the debate at this PrepCom, and we chose not to take them up in our interventions.

PREPCOM DISCUSSION:

From the outset of this PrepCom, it was obvious that the issue in Working Group One that would attract the most interest was the topic of combatting deforestation - the formal UNCED title for the general issue of forests at this conference. The first UNCED PrepCom in Nairobi effectively launched the international debate over the G-7's commitment at the Houston Summit to negotiate a global forest convention or agreement. Subsequent meetings of the FAO Committee on Forestry in September 1990, the FAO Council in November 1990 and the informal meeting in Geneva on forests convened by Sweden from February 21-22, 1991 moved the debate in along, generally in the direction of building a consensus in favour of a forest instrument (to use the preferred term that emerged from the FAO).

Over this period, the range of views narrowed among members of the G-7 over the meaning of what was agreed to at Houston. The U.K. and the rest of the EC dropped their previous argument that the Houston commitment could be fulfilled by a forest protocol or agreement under the framework of climate change convention, and came around to the point of view espoused by Canada, the USA and Japan, that what was needed (and agreed at Houston) was a separate instrument on forests. However, tangible differences of views remained within the G-7 over whether to push for a formal, legally binding convention in time for June of 1992. Among developing countries, there seemed to be broad, although rather soft, support for the concept, with Brazil switching its position in favour of the idea on instructions from Brasilia on the last day of the

February meeting on forests in Geneva. The two significant hard line countries against a forest instrument were Malaysia - which adamantly opposed being pushed into a negotiating timetable to produce a convention by June 1992 - and India, which rejected the usefulness of such an instrument altogether.

Going into this PrepCom, we took the view that our best chance was to obtain a general agreement in principle that a forest instrument would be valuable and to shoot for the start of a negotiating process later this year, recognizing that the negotiations would not likely be completed in time for June 1992. Nevertheless, with a negotiating process underway, we could envisage leaders in Rio making a significant political statement on forests that would help to push the process along to a result after UNCED. We floated these views in an informal bout de papier to interested missions in Geneva, just prior to the start of the PrepCom.

However, in drafting our formal intervention for the debate, we concluded that it would be premature to begin discussing negotiating timetables until it was clear that there was a consensus in the room in favour of such an instrument. Accordingly, our intervention was drafted to make the case again forcefully of Canada's reasons for favouring a forest instrument, and the reasons why we believed such an instrument would be of interest to other nations with forest based industries - particularly in the developing world.

On the morning of the deforestation debate in Working Group One Malaysia delivered a hard hitting statement, criticizing developed countries for trying to pin the blame global environmental problems, such as climate change, on tropical countries, while underestimating the environmental effects of deforestation in temperate areas. Malaysia attacked the advocates of a forest convention as "playing to the galleries" and argued against pushing this initiative "precipitously", before tackling the more important problem of CO2 emissions. However, at the end of their statement, Malaysia then proposed that an Ad Hoc Working Group on forests be established, reporting to Working Group One, which could further examine forest issues at UNCED. Subsequent statements by developing countries demonstrated that Malaysia had done its lobbying effectively, as virtually none of them came out in favour in favour of a forest instrument, while most supported Malaysia's proposal for an Ad Hoc Working Group. The balance was somewhat evened in the afternoon debate, when most of the OECD members spoke, but it was evident that the only countries vigorously advocating an instrument were Canada, the USA and Sweden.

After two days of procedural manoeuvring, the Ad Hoc Working Group was established, under the chairmanship of M.S. Kismadi from the Indonesian Ministry of Environment. The Ad Hoc Group once again saw Malaysia leading the charge, this time arguing that vastly more research was required by the UNCED Secretariat on the

environmental aspects of forests, particularly on temperate and boreal forests, before the PrepCom could take any further decisions. Other developing countries, particularly from Africa, were equally critical of the shortcomings of the secretariats work. We argued in response that the PrepCom could not afford to engage in "paralysis through analysis" and that we should take a two track approach, compiling more data, while at the same time beginning work on agreed principles for forest conservation and development, that could subsequently be packaged for approval by leaders at Rio in whatever form, legal or non-legal that leaders saw fit. Interestingly, Brazil also made a short statement, arguing that as hosts of the conference in Rio, they would be very concerned if UNCED was not be able to agree on a substantive package on forests for approval by June 1992.

Unfortunately for the Ad Hoc Group, Chairman Kismadi made the mistake of circulating a Chairman's summary in advance of the debate; which contained favourable references to a forest instrument. As a result, the G77 en bloc rejected his summary and refused to allow him to present a report to Working Group One. Instead, the G77 sat down to develop its own text, with Malaysia holding the pen, closely advised by India, Kenya and Ghana (the chair of the G77). Significantly, neither Brazil nor any of the other Latin American delegations played an active role in drafting this text. When the G77 text appeared, Canada immediately proposed a break for other delegations to study it. For the rest of the day, we chaired an intensive informal discussion session among OECD delegations, plus the Soviet Union, going through the G77 text and clarifying our own, differing, national positions on the issue of an instrument.

The G77 text proved to be both a moderate and substantive document, listing a number of areas for further study, identifying some general principles for the sustainable development of forests and recommending that the third PrepCom "examine steps towards a global consensus...on forests, including a non-legally binding statement of principles..(With) the completion of the work to be decided upon at UNCED in 1992". From this text, it was evident that behind Malaysia's public bluster, their delegation had a serious interest in seeking a substantive result on forests by UNCED, provided that they could control the pace of the proceedings. The Malaysian delegation subsequently told us that they had to argue strenuously within the G77 with a number of the more disruptive and anti-western North African delegations, in favour of having a decision at all on forests from this PrepCom.

With this text in hand, the differences among the OECD delegations became very evident with regard to a forest instrument. Both the EC and Japan were quite content to accept the G77 language regarding an authoritative statement of principles; we preferred to keep it mentioned as an option, but sought changes to the text that left open the option of a legally binding instrument; while the USA and Sweden wanted to delete the reference to the statement

of principles altogether, on the grounds that it would prejudice the outcome of future deliberations through UNCED. After extensive debate, the OECD group decided not to propose an agreed counter-text, but to present our own different national positions in an informal meeting with the G77. This group then met the following day, under Kismadi's informal chairmanship, with Malaysia serving as the negotiator for the G77, the EC moving a number of amendments on other topics agreed among the OECD group the day before, and every OECD delegation stating its own views on the passage dealing with steps towards a consensus on forests.

After six hours of debate, this process reduced the areas of disagreement down to three square brackets, and the text was submitted as the report of the Ad Hoc Group to Working Group One. Through informal discussion over the next couple of days the remaining brackets were removed. Japan withdrew its objection to the reference to "indigenous people" under the proposed principle dealing with the social role of forests. Chairman Kjellen proposed a compromise formula, used in other decision in Working Group One and Two, to handle the references to new and additional funding. The final bracket, dealing with the key sentence in paragraph 5 of the decision, regarding the work of the Committee towards a "consensus" on forests was informally brokered on the margins of Working Group One between the USA, Malaysia, India, and Kenya. This outcome required a considerable personal compromise by the newly arrived USA Head of Delegation, Buff Bohlen, from the strongly pro-convention position the USA had advocated earlier in the debate.

OUTCOMES:

The final outcome of this debate was the decision on "Combatting Deforestation", L.18. The decision breaks down into four major paragraphs.

Paragraph 4 lists the topics on which further study will be required from the Secretariat. A number of these issues are left over from the decision on forests from the first PrepCom; many others were added to the list at this meeting, in particular by Malaysia. While it may prove to be methodologically impossible to quantify some of these issues; and effectively impossible to quantify others in the time available, it will nevertheless be critical for the Secretariat to try - and been seen to have tried - to cover all of these points in its report to third PrepCom. The most important element in this paragraph is the clear demand by the G77 delegations to have data comparing the relative environmental causes and impacts of deforestation in the tropics with deforestation in temperate and boreal areas.

Paragraph 5 is the heart of the decision. While the decision identifies a "non-legally binding authoritative statement of principles" as a minimum step, and in theory leaves other steps and options open, Ghana delivered a statement on behalf of the G77 when the decision was approved in Plenary to the effect that such an authoritative statement was in fact the maximum the G77 would

accept before June 1992. A key element in this paragraph is the final phrase, implying that work on forests should continue after June of 1992, following a timetable that should be approved in Rio. This opens the possibility of following up an authoritative statement of principles with something more committal, in the period after UNCED.

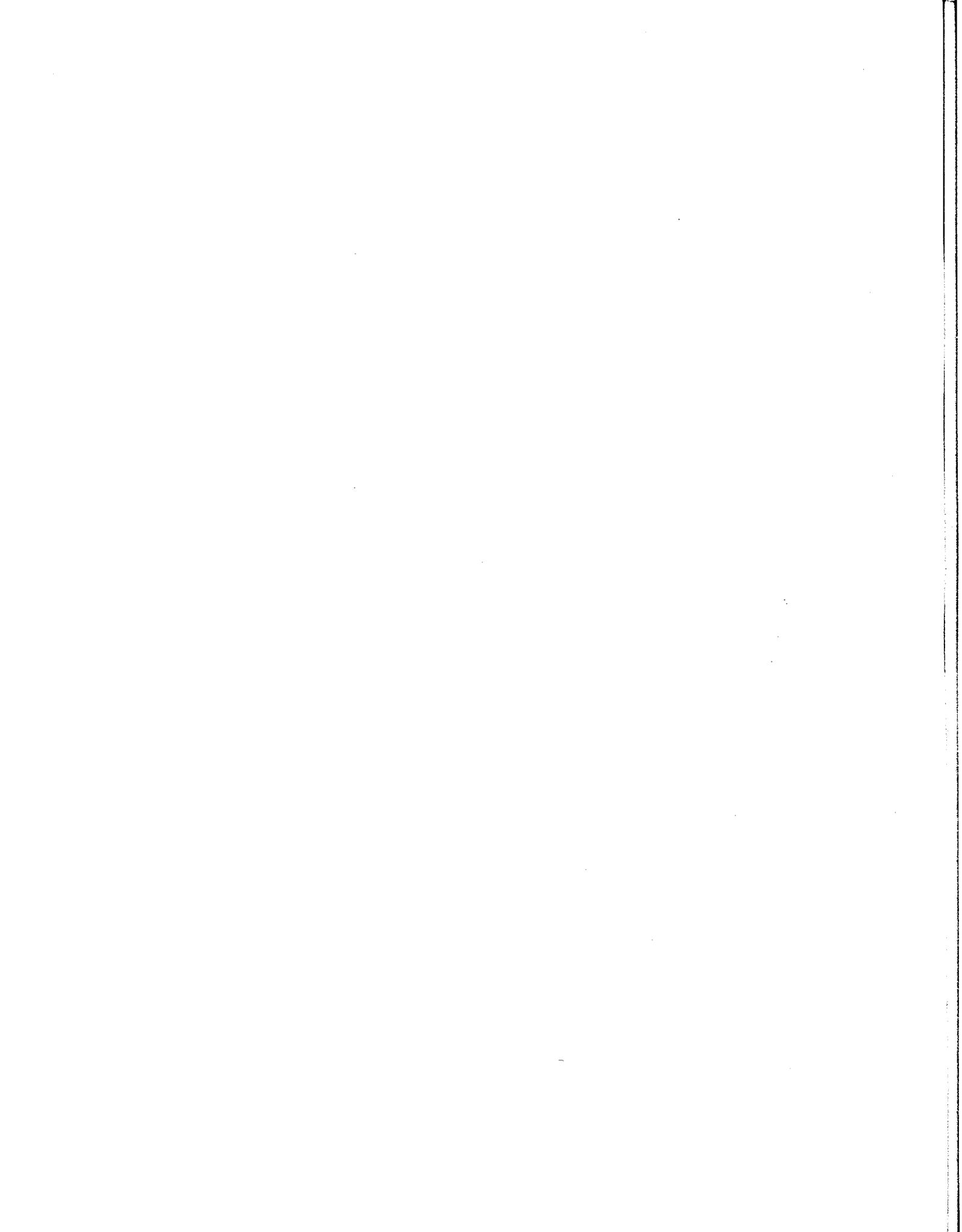
Paragraph 7 identifies the principles which the Preparatory Committee should refine in the Third PrepCom. They represent an outline for the final package of principles that will be ready for approval in June 1992. Principles c), d) and g) were Canadian drafting suggestions. Principle g) in particular establishes the basis for differentiating the treatment of forest under a forest agreement, from a the treatment of forests under a climate change and biodiversity convention.

Paragraph 8 signals the consensus of delegations present in favour of using UNCED as the primary forum, until June 1992, for "conclusive decisions pertaining to forests". This provision was meant as a clear signal to the FAO and the ITTO, in particular, not to attempt to pre-empt the UNCED process by pushing competing instruments on forests. It also arguably limits the ability of the separate negotiating tracks for climate change and biodiversity from reaching "conclusive decisions" on forests. This possible tension was not fully explored when the Working Group approved this provision of the text - and may surface in the future.

ASSESSMENT:

While the final outcome of this decision fell well short of our initial goal, Canada and virtually all other delegation emerged very satisfied with this result. The decision was the product of serious and careful negotiation, between countries most arguing from clear national interests rather than posturing as members of ideological blocs. The decision identifies where more required; how fast the PrepCom should go up to June 1992; and where we should begin work the next time we meet in August.

In order to prepare for the Third PrepCom, we should pursue four issues. The first approach is to ensure that we give the Secretariat Canadian data on our temperate and boreal forests. The second approach is to continue our own work on developing principles for discussion at the Third PrepCom. The third approach is to think through more carefully than we have up until now the relationship between this work on forest principles and existing development assistance and development finance programs in forestry - especially the TFAP and the World Banks proposed forest lending policy. The last approach is to carefully consider the potential for international institutional reform of the forest sector - including the possibility of creating a World Forest Organization. Finally, we should share our views on all of these issues at least a couple of weeks before the start of the next PrepCom with a few other key delegations - in both the OECD and the G77.



Second UNCED PrepCom
Working Group One
Geneva

March 20, 1991

CANADIAN STATEMENT ON FORESTS

DELIVERED BY JOHN P. BELL
HEAD OF DELEGATION

Mr. Chairman,

Seven months ago, the first Preparatory Committee of UNCED in Nairobi considered the issue of deforestation and the protection of the world's forests. We had a very lively and informative debate, with the participation of a large number of delegations. That debate demonstrated clearly how many countries across the globe, both developed and developing, both temperate and tropical, are now deeply concerned about the long term future of their forest resources. Our debate was based on a shared recognition of the multiple roles that forest play, as both an economic and ecological resource, for our environment and for our development.

In our intervention at the first PrepCom, the Canadian delegation outlined the importance to all Canadians of our temperate and boreal forests - which cover 45% of our land mass and which constitute the third largest expanse of forest cover in the world. Canadians have a vital economic interest in the long term conservation and development of our forest. They account for one out of every fifteen jobs in Canada. As the world's largest exporter of forest products, worth over \$20 billion in export revenues, Canadians are also crucially interested in the maintenance of an international market for our forest products. Canadians are also concerned about the very real environmental threats to our forests - foremost of which has been acid rain. Canada's Prime Minister was delighted to be able to sign last week a bilateral treaty on acid rain with the President of the United States - culminating ten years of work between our two countries towards a common solution to this serious environmental problem.

In our debate in Nairobi, Canada joined a number of other delegations, from both developed and developing countries, in recommending that the Preparatory Committee examine the prospects of developing a global instrument on forests, that would establish a broad international framework for wise forest conservation and development. At the time, the concept of a global instrument on forests was a novel one; and the assembled delegations in Nairobi chose to ask the UNCED Secretariat to produce a comprehensive report examining the range of economic and environmental issues involved in forests and to recommend to the Second PrepCom "options

for the co-ordination of action on forests at the national, regional and international levels".

We now have before us the UNCED Secretariat's impressive and comprehensive report on the problems facing the worlds forests. That report poses the option, at the international level, of legal instrument. The report correctly notes that since we last met in Nairobi, this idea has been discussed, and received general endorsement from most of the countries present today at both the FAO Committee on Forestry and the FAO Council. The issue has also been the subject of numerous informal conversations between member governments over the past seven months.

As the Secretary-General said in his opening remarks on Monday, at this PrepCom, member governments should begin to define the courses of action we wish UNCED to take, in order to ensure that we have a full program of decisions for our leaders to approve when they assemble in Rio de Janeiro in fifteen months time.

Accordingly, Canada believes that this Working Group now needs to take a basic decision about our future course of action towards the concept of an international instrument on forests. Canada believes that this PrepCom should decide in favour of developing this option for action by the member states of UNCED.

Many more steps will need to be taken, by this PrepCom and by other bodies, in order to better define the possible scope and purpose of such an instrument, and to obtain an agreement on a negotiating process for it. The Canadian delegation is ready to offer our own suggestions on how the PrepCom might proceed along these lines. We do not expect that a full instrument on forests could be negotiated by June of 1992. But we do believe that we do have the time to launch such a process before the Conference, and it will be a important for our leaders at the Conference to be able to take note of the progress we have made towards that goal by that date.

Why is Canada interested in advocating such an instrument? I would like to lay one possible answer to this question firmly to rest. We are not interested in convention simply as a means of imposing international controls over someone else's natural resources. As a country with a very large forest based economy, we can fully understand other nations' concerns on this score. Our reasons for advocating such an instrument are based on the expectation that the first country that would be expected to live up to the terms of such an instrument would be Canada.

Let me explain to you the reasons why we believe this kind international instrument is in our national interest - and why we believe it should serve the interests of other countries as well - both developed and developing, both temperate and tropical.

First, we all recognize now that there is an international and even global dimension to forests, beyond their very real importance

for the local and national economies of the countries in which they are located. However, we lack any means of capturing and defining states global responsibilities for the conservation and development of these sovereign resources. In the absence of such a definition, the political debate, both within our own countries and internationally over this global dimension of forests has become very highly charged, between people looking at forests from a purely ecological and a purely economic point of view. We have come to the conclusion that it would help us all moderate these debates to have an agreed instrument that defined states' international responsibilities for managing their forests and which presented a balanced perspective of the economic and the ecological importance of forests.

Second, the international discussion of deforestation up until now has been heavily concentrated on the perceived responsibility of tropical forest countries to manage their resource for the benefit of mankind. Frankly, this kind of one-sided focus on the responsibilities of developing country governments to conserve their tropical forests is one-sided and ultimately counter-productive for any reasonable assessment of the global importance of forests. We need to put our discussion of the problems facing temperate and boreal forests on the same footing as the tropical ones, if we are to move the debate beyond the problem of deforestation towards the opportunities for the sustainable development of forests.

Third, the international community has already launched negotiating processes towards two other conventions - on climate change and biodiversity - that will have an impact on forests. Canada does not believe, however, that the multiple uses of forests can be dealt with in a balanced way by either the climate change or the biodiversity conventions. Each of these other two conventions approaches forest from a particular ecological perspective - as carbon sinks or as refuges for biodiversity, respectively. We strongly believe that forests play a variety of other important economic and ecological functions - that should not simply be treated in emerging international conventions as by-products of their role in reducing climate change or protecting biodiversity. The result would be a depreciation of the true value of our forest resources.

In the absence of an instrument that focuses on the multiple uses of forests, we see the real risk of both the climate change and the biodiversity conventions attempting to regulate how forest are managed and developed. This poses the risk of generating conflicting provisions, based on partial perspectives. This would be counter-productive, both for the wise management of our forest resources, but also for the credibility and effectiveness of either the climate change or biodiversity conventions.

Fourth and finally, a forest convention would play a valuable role in securing a continuing role for international trade in forest products. The emergence of real or threatened environmental

barriers to trade has become a major trade policy issue for many sectors of economic activity - including the forest sector. This issue will of course be dealt with within the GATT and other trade policy fora. However, we need to address it as well in environmental fora - such as UNCED. The ITTO has done some very valuable work in recent years bringing together environmental concerns about the long term survival of tropical production forests with economic concerns about securing a long term future for the tropical timber trade. A global forest instrument could help broaden that debate to include the international trade in all forest products.

Finally a word about how we envisage such an instrument - should there be an agreement to proceed with one. We see a forest instrument as being a very flexible and adaptable agreement - one that can meet the needs of countries with very different kinds of forest cover and at very different levels of development. We see the essence of such an instrument being a mechanism for participating countries to set their own voluntary targets, which reflect their own assessment of the objectives they wish to set for the conservation and development of their forests. This kind of voluntary target setting seems to us to be the only way to proceed to obtain an workable instrument which could accommodate the tremendous variation between countries that share a common concern for the long term future of the world's forests. Delegates who are interested in further exploring ideas about the possible content of such an instrument may wish to read a document recently prepared by Dr. J.S. Maini of the Canadian delegation entitled "Towards an International Instrument on Forests". Copies are available in english, french and spanish at the back of the room.

We look forward to a fruitful discussion of this important topic.

Thank you Mr. Chairman.

Geneva
March 25, 1991

CANADIAN INTERVENTION IN THE
AD HOC WORKING GROUP ON FORESTS

Mr Chairman,

During the weekend, we had an opportunity to reflect on the topic under consideration and your thoughtful introductory statement in which you defined our common objective: to care, maintain and utilize forests world-wide. We fully support this objective and believe that this view is shared by others in this room. With your permission Mr. Chairman, I would like to elaborate on my delegation's views on how we may pursue this objective. In making these comments, we are conscious of the fact that by the end of the day, we have to submit proposals and recommendations to Working Group One.

Mr. Chairman,

We suggest that our deliberations may be structured along two tracks. First: what actions do we need to initiate to attain the objective defined by you; and second, what information do we need in order to guide our actions. We are convinced that these two tracks are mutually supportive and that we can proceed on these simultaneously. Policies are seldom formulated on perfect information; the policy process is usually constantly evolving.

Regarding the latter track, the decision reached in Nairobi provides us with a comprehensive list of our needs for information about the economic and environmental aspects of forests. Much of that information is already contained in the Secretariat's report PC/27. The Malaysian delegation has already indicated the areas where this committee will still require more information from the Secretariat, in order to fulfil the decision we reached in Nairobi. The Canadian delegation will be pleased to assist the Secretariat in filling in the information gaps regarding the issues flagged by the Malaysian delegation on Friday and then in more detail this morning. Since Canada accounts for such a significant percentage of the worlds temperate and boreal forests, our national data will be directly relevant to the Secretariat's work on this point and we can readily direct the Secretariat to the considerable amount of data available from other international organizations about the forest cover in other temperate and boreal countries.

"The care, maintenance and utilization of the forest" is another way to express the notion of "conservation and sustainable development of forests" world-wide, taking into consideration both economic and environmental dimensions - as just expressed by our

colleague from Japan. This perspective then casts a positive light on the topic under consideration as sustainable development offers us many opportunities. Our work towards this objective would be the first real co-operative action on world-wide sustainable development of an important part of our bio-sphere. Attaining this objective would require protecting the productive and renewal capacity and maintaining biodiversity of eco-systems. In other words, this would require a shift from sustained yield to sustainable development and an associated shift from forest management to forest ecosystem management. I have taken the liberty of providing in the back of the room copies of a document elaborating these concepts as they apply to Canada's forest policies.

Mr. Chairman,

The Canadian delegation would like to focus our discussion at this point on the first track - which should lead us to identify options for action. In order to do this, we should begin by defining broad guiding principles for action by this Preparatory Committee. We would like to suggest the following principles for the actions we recommend:

a) first, our recommendations should be global in their application - which in the case of forests, means that they should apply to boreal, temperate, and sub-tropical forests as well as tropical ones. As we stated in our first intervention last week, we need to balance the enormous amount of attention the international community has given to the specific problems of tropical forest by taking a more global approach to the problem in this forum. Once we have established the broad goals and principles for the conservation and sustainable development of forests everywhere, we can then better situate our discussion of the specific needs of developing countries in order to meet those agreed goals and principles.

b) second, our recommendations should reflect both the economic and the environmental value of forests;

c) third, our recommendations have to take into account that certain actions affecting forests will eventually be mandated by two environmental conventions under negotiation - on climate change and biodiversity. Accordingly, this Committee needs to recommend how forests should be treated in a balanced and integral way under all environmental conventions - both those that might be launched and those already under way;

d) fourth, our recommendations should be based on a statement of the global goals and targets we wish to set for forests

I would like to list some of those possible goals to be pursued on a global basis. They would should include the following:

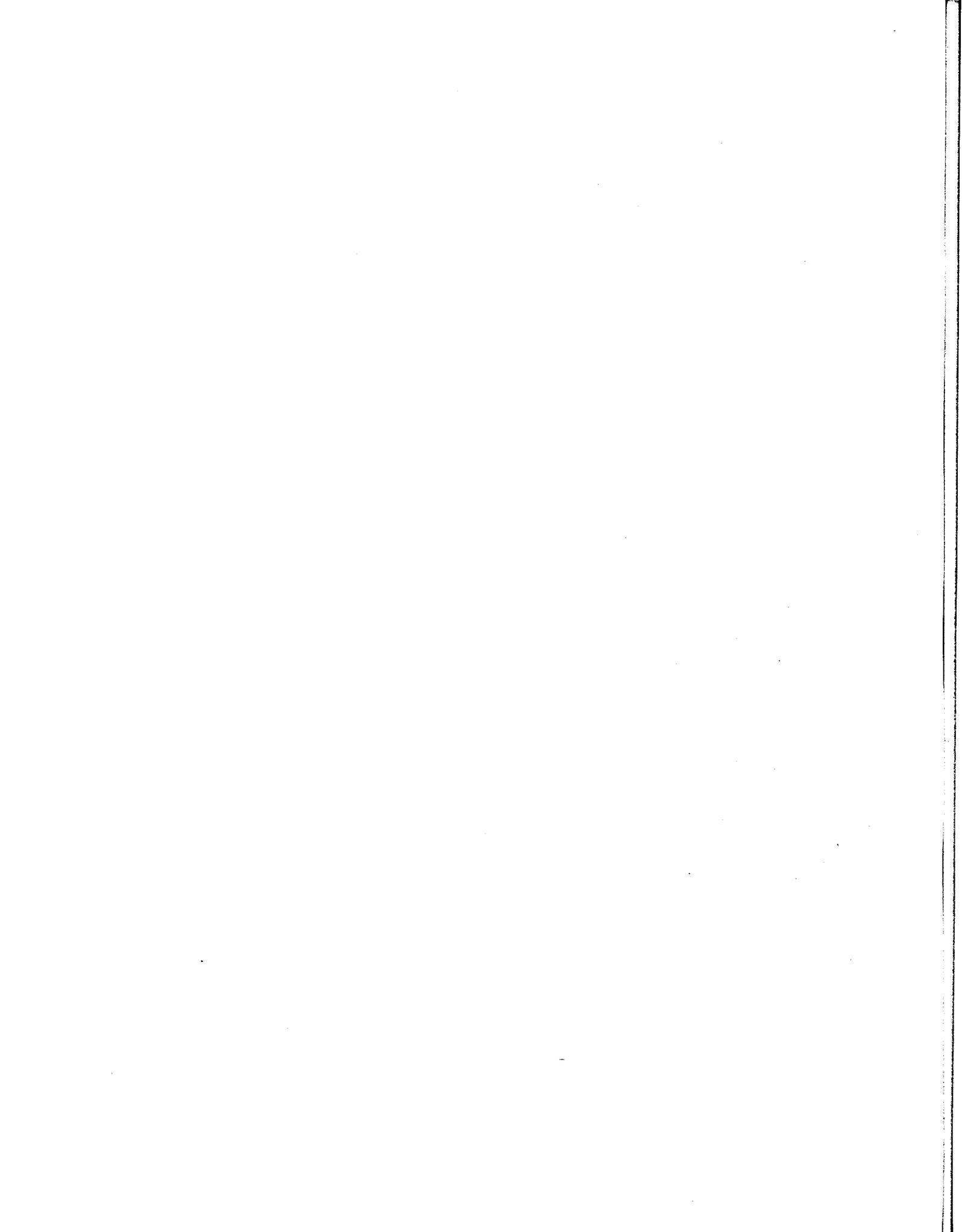
- a) increasing global forest cover;
- b) maintaining forest bio-mass;
- c) halting the loss of forest biodiversity;
- d) increasing the economic returns to forest product producers and exporters;
- e) securing the long term future of international trade in forestproducts from well-managed stands according to internationally agreed norms;
- f) finally pursuing the very important goal first agreed to in the Langkawi Declaration, namely "the conservation of significant areas of virgin forest and other protected natural habitats";

In order to move towards our collective objective, we need a policy and institutions to pursue our co-operative efforts. UNCED provides us with a unique window of opportunity, where for a brief period, the attention of the worlds leaders could be focused on the forest related issues and opportunities.

We must set in motion a process of defining principles and areas of collective action in the context of UNCED. This should be done through consensus and not coercion; through co-operation and not confrontation; through incentives and not through punitive actions. While this proposal is underway we should have developed additional information such as that suggested at Nairobi. This will only allow us to progress further in defining and agreeing to pre- and post UNCED agenda as well as adjusting our priorities in the light of additional analyses.

In summary, Mr. Chairman, we would propose a two track approach which is mutually supportive and sets a series of actions in context of UNCED, as well as which would define and agree to steps following UNCED.

Thank you Mr.Chairman.





General Assembly

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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Second session
Geneva 18 March-5 April 1991
Working Group I
Agenda item 3 (a)

LAND RESOURCES: DEFORESTATION

Revised decision submitted by the Chairman on the basis of informal consultations

Combating deforestation

The Preparatory Committee:

1. Takes note and expresses its appreciation for the Progress Report of the Secretary-General of the Conference on Conservation and Development of Forests (A/CONF.151/PC/27 and A/CONF.151/PC/27/Corr.1).
2. Takes note also of the extensive discussions on forests, within the context of environment and development held under Working Group I and its Ad Hoc Subgroup on Forests.
3. Notes the diversity of concerns regarding forests, the points made by the delegations for consideration at the third session of the Preparatory Committee and the synoptic list compiled by the secretariat.
4. Further noting that there are currently ongoing negotiations on biological diversity and climate change conventions which will address, inter alia, forestry issues linked to those negotiations, requests the Secretary-General of the Conference to:

(a) Re-examine its work on document A/CONF.151/PC/27, in line with decision 1/14 of the first session of the Preparatory Committee, taking into

consideration the various submissions made during the meetings of Working Group I and the Ad Hoc Subgroup on Forests, and as fully and as comprehensively as possible analyse and address inter alia:

- (i) The historical loss of boreal, temperate, subtropical and tropical forest worldwide, its causes and its respective contribution to global environmental degradation;
- (ii) Recent initiatives in the management, conservation and sustainable development of forests;
- (iii) The roles of forests in relation to soil and water conservation and socio-economic development in providing food security and domestic energy, eradicating poverty and raising standards of living and quality of life at the local and national levels;
- (iv) Suggestions regarding details of the requirements of funds and funding mechanisms;
- (v) Analysis and quantification of the respective economic values of boreal, temperate, subtropical and tropical forests in terms of:
 - Timber and forest produce;
 - Watersheds protection;
 - Flood prevention and control;
 - Soil protection and conservation;
 - Sanctuary and habitats for wildlife;
 - Recreation and eco-tourism;
 - Repositories for genetic resources;
 - Carbon and heat sinks;
 - Sources of fuel wood for developing countries;
 - Food and other basic needs of forest dwellers and local communities;
- (vi) The current levels and structure of world trade in timber and timber products;
- (vii) The important role that women, especially in developing countries, play in the conservation and sustainable development of forests and other land resources;
- (viii) The items in the synoptic list compiled by the secretariat will also be reported with suggestions for development-oriented action for reforestation and afforestation;
- (ix) The interlinkages with work on climate change and biodiversity.

5. Upon thorough assessment of the additional information to be presented by the Secretary-General to the Preparatory Committee at its third session, Working Group I will at its third session be in a position to examine all steps towards and options (including at a minimum, taking into account the special situation and needs of developing countries, a non-legally binding authoritative statement of principles) for a global consensus on the management, conservation and development of all types of forests, either as an integral part of the proposed earth charter or separately, while noting that the completion of this work may best be decided upon at UNCED 1992.

6. Requests the Secretary-General to take due account in its further work in this area of the relevant paragraphs of the Bergen Declaration, the Tlatelolco Platform on Environment and Development and the Final Declaration adopted by the Ministerial Conference on Environment and Development for Asia and the Pacific, as well as the results of the regional Conference for Africa, organized in accordance with General Assembly resolution 44/228, section II, paragraph 13 and decision I of the Preparatory Committee at its organizational session.

7. In the light of the foregoing, the following principles, amongst others, are outlined for further consideration of the Preparatory Committee meeting at its third session leading to UNCED 1992:

(a) Reaffirm Principle 21 of the Stockholm Declaration, including sovereignty of States over their natural resources and to recognize that forests include areas under permanent vegetative cover, ecosystems and human settlements and the States have the right to develop them in accordance with their need and level of socio-economic development, including the need to convert some of these areas for other uses in their overall socio-economic development based on rational land-use policies;

(b) All types of forests play a major role in economic development including subsistence needs in developing countries;

(c) All types of forests play a major role in maintaining the ecological balance at local, national, regional and global levels;

(d) All types of forests perform a wide range of social functions, including for forest dwellers, local communities and indigenous people who use and sustain forest resources and systems;

(e) These must be balanced to ensure that forests continue to play multiple roles in a sustainable manner;

- (f) To address issues crucial to sustainable development, including:
- (i) The need to assess the cost, particularly for developing countries, involved in combating deforestation, and to identify ways and means for ensuring funding and technology consistent with General Assembly resolution 44/228 with a view to fulfilling the objectives of the Conference, in particular those stipulated in section I, paragraph 15 (j), (k), (l) and (m);
 - (ii) The need to assist developing countries with poor vegetative cover to launch and sustain afforestation and reforestation programmes with long-term objectives;
 - (iii) Technology transfer, including research and dissemination of information, training and joint development of projects;
 - (iv) Supportive national social, economic and environmental policies aimed at the protection, sustainable development and use of forests;
 - (v) Supportive international economic environment which promotes growth and development through various ways such as market access, terms of trade, addressing efficiently and urgently debt problems and alleviation of poverty;
- (g) To address the interlinkages and harmonization of activities between forests, climate change and biodiversity.

8. The Preparatory Committee meeting affirmed that the UNCED process is the most appropriate forum for conclusive decisions pertaining to global consensus on forests, as referred to in paragraph 5 above.

ROBERT VINEBERG
FORESTRY CANADA
(819) 997-1107

March 1st 1991

DEFORESTATION

ISSUE:

To endorse the concept of an international convention on forests to combat and reverse the progressive degradation and disappearance of the world's forest cover, to encourage the sustainable development of the world's forest resource, to ensure orderly and unimpaired trade in forest products, and to endorse the Tropical Forestry Action Programme as the framework to implement recommendations of UNCED pertaining to tropical forests.

CANADIAN OBJECTIVES

PRIMARY OBJECTIVES

A. International Instrument on Forests

To obtain international support at the 2nd PrepCom for launching negotiations leading to a draft framework convention on the conservation and development of the world's forests that, ideally, would be opened for signature at the UNCED in June 1992.

Canada's position is that there should be a comprehensive international convention on the conservation and development of forests. While the other conventions on climate change and biodiversity will include forest issues, there are many other areas including industrial development, trade, recreation and cultural concerns that require a convention dedicated to forest matters.

The convention will, likely, consist of a non-binding framework or set of principles, to which binding protocols on a variety of issues such as trade in forest products, forest management standards, biodiversity and forests as a carbon sink may be agreed to at a later date. As work on the convention is in its formative stages, substantive discussion on issues respecting the convention has yet to take place. A joint UNCED/UNEP/WMO/FAO/ITTO secretariat would be an appropriate body to convene an international experts group to begin this work.

Given Canada's position as the owner of ten percent of the world's forests, a \$43 B/year forest industry, and the major forest product exporter in the world (\$20B of \$95B), it is essential that we protect our interests by being involved in any world agreement that has the potential to hamper trade in forest products or to infringe upon national sovereignty with respect to the management of forests. Canada's leading position as an international environmental advocate and one of the three largest bilateral ODA donors in the forest sector also requires us to be active in developing this proposed convention that should also serve to conserve and enhance the globe's forest resources.

The UN is currently considering two other major environmental agreements - a Convention on Climate Change and a Convention on Biological Diversity. Both with likely touch on forest issues such as forests as a carbon sink and the protection of forest ecosystems. Forest issues need to be addressed in a holistic rather than piecemeal manner so a cohesive approach to forest issues is taken. This can only be done in the context of a forests convention. Nevertheless, all three proposed conventions will need to be coordinated closely. A Secretariat jointly established by relevant UN agencies could facilitate dialogue and linkages.

A global forest convention would lead to the strengthening of international and national forest institutions and integrate forest planning into national and international economic and environmental planning and policies resulting in (1) reversal of the current loss of world forest cover, (2) conservation of biodiversity, forest wildlife habitat, soils and watersheds, (3) the sustainable development of forest resources, and (4) orderly and unrestricted trade in forest products. This objective is a key objective for Canada within the UNCED process.

B. Tropical Forestry Action Programme (TFAP)

To strengthen international political and financial support for a reformed Tropical Forestry Action Programme (TFAP) under the co-management of a consultative group and to ensure that TFAP is on the UNCED 92 agenda.

TFAP is a response to the worldwide concern with the continuous destruction of the tropical forests and the subsequent deterioration of the environment which hampers the base for sustainable development of tropical countries. It provides a framework for intensified action by the tropical countries themselves, with increased support from donor countries. The goal of TFAP is the promotion of international and national partnerships to manage, protect

and restore forest resources and lands in developing countries for the benefit of present and future generations throughout the world.

Canada has played a major role in the TFAP process since its beginning. Its representatives helped shape the programme when a task force convened under leadership of the World Resources Institute (WRI) prepared a Call for Action in 1985. Since then Canada has been involved in sector review missions conducted under TFAP, as leader or participant, in more than a dozen countries. Through the Forest Advisors Group, chaired by Canada, we have also played a lead role in monitoring the TFAP, in identifying weaknesses and in making constructive suggestions, many of which have been included in the recommendations of two major reviews of the TFAP (FAO Independent Review, known as the Ullsten report after its author, and the WRI report, Taking Stock).

Official Development Assistance (ODA) to the forestry sector was about US\$500 million in 1985. One of the TFAP goals was to double this amount in five years. In 1990 ODA was estimated at US \$1.2 billion (of which US \$100 M was from CIDA) . While it may not be possible to make a direct link for all of the increase, TFAP has made a major contribution in raising the awareness of politicians and decision makers in both developed and developing nations. It has also contributed to increasing the efficiency and effectiveness with which resources are used through close cooperation among donors and more and better dialogue between donors and recipients. Maintaining this dialogue will be important in the context of the several environmental conventions currently being considered.

SECONDARY OBJECTIVES

A. Forestry Community Involvement

The world forestry community needs to be actively engaged in developing, formulating and implementing an international agreement on forests.

B. Institutional Arrangements

To ensure that there is adequate institutional support for a global instrument on forests and to strengthen co-operation and coordination between existing international institutions dealing with forest.

C. Technological Benefits

Canada should take advantage of world action to improve forests to market Canadian scientific, technological and industrial expertise (e.g., Remote Sensing and Geographic Information Systems-GIS).

DISCUSSION TO DATE:

A. International Convention on Forests (ICF)

The June 1990 Report of the Independent Review of the Tropical Forestry Action Plan (TFAP) - the Ullsten Report - commissioned by the FAO and the World Resources Institute report on TFAP, (Taking Stock), both recommended, inter alia, a global forests convention.

The European Council requested the Commission to formulate proposals for tropical forests during their Dublin meeting in June 1990.

At the Houston Summit in July 1990, the leaders of the G-7 nations declared their intention to negotiate a convention or agreement on global forests. Since this declaration, Canada has been actively consulting other nations and participating in international meetings to ensure that negotiations for such a convention take place in a United Nations forum and in a manner that would be favourable to Canada's national interests.

Canada and Forestry Canada are already well positioned to provide leadership. In Nairobi in August 1990, a major Canadian presentation at the First PrepCom was generally well received by the participants. Canada was successful in having the subject of a forests convention placed on the agenda for the consideration of UNCED preparatory process.

At Nairobi, Japan proposed a "charter" on World Forests during the Nairobi PrepCom.

The Canadian intervention at the FAO Committee on Forestry (COFO) meeting in Rome in September 1990 contributed significantly to placing the ICF issue before the international forestry community.

ASEAN countries agreed to take a common approach to proposed agreements on forests in October 1990.

Both the Forestry Task Force Report and the "Conference Statement" at the Second World Climate Conference (SWCC) held in Geneva during 29 October to 4 November, 1990, identified the need for an ICF. The Canadian representatives played an important role in accomplishing this.

The Ministerial Declaration of the Second World Climate Conference recommended that "the protection and management of boreal, temperate, sub-tropical and tropical forest ecosystems must be well coordinated".

The FAO became the first UN Agency to endorse the concept of an international instrument on the development and conservation of forests when the FAO Council approved the COFO report in November 1990. Once again the Canadian delegation was a leading proponent of an ICF.

At its meeting in November 1990, the International Tropical Timber Council (ITTC) authorized the International Tropical Timber Organization (ITTO) to work with UNCED and the FAO towards a forests convention.

Canada has played an important role in mobilizing the G-7 and a number of other countries. Since the Nairobi PrepCom meeting, there has been a shift in the position of a number of countries (e.g., U.K., France, Sweden, Australia and numerous G-77 countries) in favour of the ICF.

Canadian views on the ICF are now being sought by several countries and international organizations and Canada has co-sponsored (with Sweden, Germany, Thailand and Cameroon) a major meeting of forest nations and international organizations to develop consensus for the forests convention.

The meeting of major forest nations sponsored by Sweden (together with Canada, Germany, Thailand and Cameroon), February 21-22 was an important measurement of international interest.

In summary, Canadian interventions at Nairobi, Rome and Geneva have clearly played a significant role in placing the ICF on the international agenda and in engaging the forestry community on this issue. The UNCED Secretariat discussion paper on forests identifies an international convention on forests as the best way to mobilize world action to conserve and sustainably develop global forests.

B. Tropical Forestry Action Programme

- The rapid implementation of TFAP received support at the 9th World Forestry Congress in Mexico City in 1985, at the 13th Commonwealth Forestry Conference in New Zealand in 1989, at the Paris G-7 Summit in 1989, at the CHOGM in Malaysia in 1989 and at the Houston G-7 Summit in July 1990.
- Criticism of the implementation of TFAP led to reviews of TFAP by the WRI (Taking Stock) and by an Independent Review Team appointed by the FAO and headed by Ola Ullsten.
- The FAO Committee on Forestry (COFO) in September 1990 recommended that the reforms proposed by Ullsten largely be adopted and the FAO Council accepted the recommendation at its meeting of November 1990.
- The TFAP Forestry Advisors Group discussed these reforms as well as links and potential links with UNCED at recent meetings.
- A high-level meeting to discuss options for reform of TFAP took place in Geneva, March 6-8, 1991.

PREPCOM SCENARIO

A. International Instrument on Forests

Canada must continue to work with like-minded nations to obtain international approval to launch negotiations leading to the drafting of an international convention on forests and to convince others of the value of this initiative.

Most world nations are not opposed to an international instrument on forests but much of the third world has yet to be convinced of its benefits. They are afraid that this is simply another effort to "lock up" their resources. The economic benefits of the proposed forests convention must still be elaborated and marketed to developing countries. The leading advocates include Canada, Sweden, the USA, France, Germany, Italy, Mexico, Cameroon and Kenya. Brazil has moved from opposition to acceptance of a convention. The ASEAN countries, led by Malaysia initially opposed a convention but have now modified their position to openness, provided a convention is endorsed by and elaborated in the context of UNCED. Japan would prefer a charter linked to a strengthened International Tropical Timber Agreement (ITTA) but can accept a convention provided the ITTO survives. India is the only country explicitly on record as opposing a convention. Some other countries such as Denmark are concerned that a forests convention might impede work on the climate convention.

The early advocacy of the convention by the FAO originally alienated some countries whose enmity towards the FAO overrode their support for a forests convention. Now that the FAO has backed off any claim of unique leadership and has demonstrated not only a willingness but even an eagerness to work with other agencies to this end, support for a forests convention is solidifying.

The informal meeting of forest nations , sponsored by Sweden, Canada, Germany, Cameroon and Thailand, and attended by 13 developed and 14 developing states, as well as 8 international organizations including the UNCED Secretariat, served to explain the environmental and economic benefits to developing nations and many are now more disposed to a convention.

At the PrepCom, Canada should seek support for a resolution approving in principle the value of global instrument on forests; calling for the beginning of inter-governmental negotiations towards such an instrument after the Third PrepCom; and asking the UNCED Secretariat, through its existing working party on forests, to draw upon the expertise of national experts and competent international

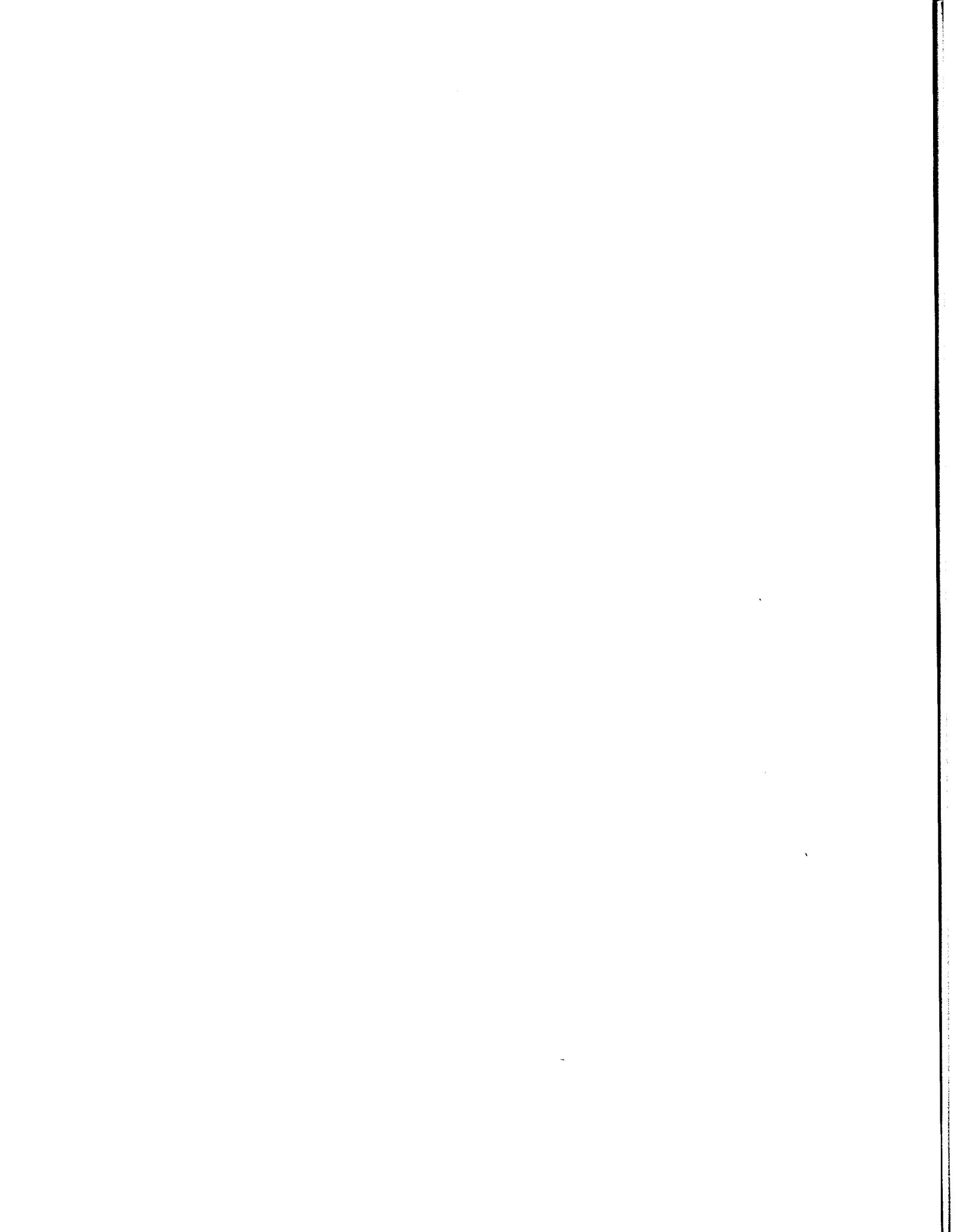
organizations to present a report to the Third PrepCom, analyzing in greater depth the potential scope, form and content of an instrument.

This approach will continue to create momentum in favour of starting negotiations, without forcing the hand of more reluctant states at this PrepCom such as India and Malaysia. It will build on the work to date of the UNCED Secretariat and strengthen its credibility as an "honest broker" on this very sensitive issue. It will also assist us in better formulating an international consensus around such difficult issues as: the relationship between an IIF and international trade in forest products; the relationship between an IIF and flows of development assistance and development finance, in particular with the Tropical Forest Action Programme; and the relationship between the treatment of forests under an IIF and under a convention on climate change and biodiversity.

Tropical Forestry Action Programme

Canada should ensure close and clear links between TFAP and UNCED and use all available fora to do so including meeting of the TFAP Forestry Advisors Group and the High Level Meeting on TFAP.

The Canadian Delegation should use the opportunity of the 2nd PrepCom to further the reforms of TFAP and to ensure that any eventual recommendations of UNCED concerning tropical forests are to be implemented in the context of TFAP.



SOIL LOSS

Documentation:

A/CONF.151/PC/24 Secretariat Report on "Protection and Management of Land Resources: An Integrated Approach"

A/CONF.151/PC/25 Secretariat Report on "Protection and Management of Land Resources: Alternative Sustainable Systems of Production"

A/CONF.151/PC/26 Secretariat Report on: "Protection and Management of Land Resources: Progress Report on the Preparation for the FAO/Netherlands Conference on Agriculture and Environment"

A/CONF.151/PC/WG.I/L.16/Rev.1 PrepCom Decision on "Protection and management of land resources"

CANADIAN OBJECTIVES:

Our objectives for this meeting, as outlined in our intervention, were to draw attention to some of the factors contributing to soil degradation and loss, and to support the integrated approach to land management as proposed in the Secretariat's background document PC24.

PREPCOM DISCUSSION:

Delegations used the soil loss discussion to raise a wide range of issues related to land use, including the need for an integrated approach to land management, public participation, and the importance of the role of women as resource managers.

The Secretariat's background documents were well received. In particular, the EC had high praise for PC24, saying that if it were strengthened, it could become a central document of UNCED.

PROBLEMATIQUE:

The problematique on the soil loss question could be summed up as "how to continue to feed the world while halting and reversing the widespread incidence of soil degradation". The seriousness of the problem was underlined by Mali, Senegal and Nepal who pointed out that the rural poor often lack of alternatives to practices which are exacerbating soil loss. The Danish delegation reminded us that the situation is now worse than when the 1977 Plan of Action to Combat Desertification was adopted, despite the fact that 4,000 to 5,000 projects have since been carried out by 400 agencies.

Countries in the Sahelian region picked up on a lead intervention made by Mali, who noted that their inability to feed themselves was due to five factors - on-going drought, impoverished soil, economic factors such as a lack of fertilizer leading to

shifting cultivation practices, inability to mechanize agriculture, and adverse factors such as predators and high rates of evapotranspiration. Senegal made a strong plea to stop the inexorable advance of the desert and recover lands which have been lost. Mali also noted that the reference in PC 24 to planning was irrelevant to them, because they found it almost impossible to plan with any degree of certainty of results.

SOCIO-ECONOMIC FACTORS AFFECTING SOIL LOSS:

The links between soil loss and a number of socio-economic factors came up repeatedly in the discussion. Several delegations (EC, Sweden, Brazil, Philippines) noted the impact of national policies, pricing policies in both North and South and international trade. China noted the close link of soil degradation to poverty.

Various aspects of the land tenure question were also raised. Canada and Zimbabwe said that security of tenure was an important factor in good soil management; the Philippines mentioned the distribution of land; and Norway noted that women often do not have direct land rights.

Jamaica made population and natural resource consumption the focal point of their intervention, emphasizing that these key issues were yet addressed by the conference. The U.S. said that the primary causes of soil loss were similar to those of deforestation - population and consumption patterns. New Zealand added that PC 24 should mention pressure on soil resulting from high rates of consumption. Chairman replied that the questions of population and resource consumption would be addressed under the general Environment and Development discussion in the plenary session.

ACTIONS TO COMBAT SOIL LOSS:

Interventions focussed on a number of approaches for combatting soil loss which were picked up in the chairman's remarks. In summary, these were :

- promote an integrated approach to land management (Norway, Brazil, Italy, Kenya, Pakistan, Canada)
- increase people's participation in land use management (Germany, Canada, Jamaica, Venezuela, U.S.A., Denmark)
- recognition of the key role of women as resource managers (Jamaica, Niger, New Zealand)
- the need for better land use policies and practices (Australia, Czechoslovakia, Brazil)
- better education and research (U.S., Australia, Kenya)

- greater use of traditional practices and knowledge of indigenous peoples (Australia, New Zealand, Brazil, Switzerland, Canada) New Zealand noted that their own soil loss problems date from the introduction of European agriculture. This sentiment later received larger endorsement in the plenary's resolution on traditional practices of indigenous peoples.

- increased and/or improved technical assistance and development assistance (China, Kenya, Philippines)

RELATED ISSUES:

The European Community mentioned the need for institutions to focus on sustainable natural resource management, and to coordinate various action plans. The U.S. and Germany said there should be no new institutions to deal with the problem of soil loss.

Concern about proper use of agro-chemicals was mentioned by Nicaragua, Canada, and Peru. Within a broader reference to the key role of the industrialized countries in setting world agricultural policies, Sweden used the examples of fertilizer and pesticide use as an area where the developed countries must take the lead. Greenpeace advocated low chemical inputs for agriculture.

The World Health Organization's intervention was against the use of arable land for tobacco production. WHO noted three factors in making a case linking the cultivation of tobacco with soil degradation - tobacco is demanding on nutrients; it causes loss of trees through the clearing of land for tobacco cultivation, fuelwood used in curing, and paper in tobacco production; it uses relatively high levels of pesticides; and its cultivation often takes place on marginal lands.

OUTCOMES:

It was agreed that Prep Com III should consider the results of the FAO/Netherlands Conference on Agriculture and Environment, a technical conference being held in April in the Netherlands.

Several delegations mentioned the need for an evaluation of the role of international financial institutions in promoting sustainable agricultural development. The Working Group has asked the Secretariat to prepare a report on this topic.

The Secretariat was also given a mandate to further develop its proposals for an integrated approach to the management of land resources, and for alternative sustainable systems of production.

ASSESSMENT:

Judging by the level of interest in soil loss at this meeting, Canada should go to Prep Com III prepared to address the two major proposals by the Secretariat mentioned above. In particular, we should give some thought to how these concepts could be incorporated into the outcome of the conference, Agenda 21.

Canada should also be prepared to address the topic of desertification which will be on the agenda at Prep Com III.

Canada should examine the outcome of the Netherlands conference vis-a-vis the discussion at Prep Com II. If the Netherlands conference launches any initiatives which should appropriately be addressed by UNCED, our objective for Prep Com III should be to move forward on those issues.

Second UNCED PrepCom
Working Group One
Geneva

March 25, 1991

CANADIAN STATEMENT ON SOIL LOSS

Mr. Chairman,

Although Canada has a large land mass, only a very small portion of this land is arable. The issue of soil loss is therefore of great importance to us. We have experienced degradation and loss of soil by various means including erosion by wind and water, increases in salinity, loss of organic matter, and compaction and loss of structure due to inappropriate farming practices. In 1989 Canada instituted a National Soils Conservation Program which seeks to promote improved management practices, to reduce present soil losses, and improve future soil quality. Incorporated into this program is a monitoring function to assess the present quality of agricultural soils, and the pedological processes which are changing them for the better or worse.

Mr. Chairman, we have read with interest the three documents on this topic which have been prepared for this Prep Com by the Secretariat. Canada strongly supports an integrated approach to the protection and management of land resources as outlined in the Secretariat's document PC 24. As this paper correctly points out, technical solutions to soils problems are often well known. What is not so well known is the interaction between the state of the soil and socio-economic, agricultural, and forestry activities. Moreover the lack of economic resources and political will to manage land in a sustainable manner often compounds this problem.

In order to ensure successful programs to alleviate soil degradation and loss, the participation of local farmers and small land holders is vital. In this regard we would like to note that land tenure is an important factor. As was stated in the World Soil Charter which was adopted by FAO in 1981, land tenure may constitute an obstacle to the adoption of sound soil management and conservation measures on farms. Ways and means should be found to overcome such obstacles with respect to the rights, duties and responsibilities of land owners, tenants and land users alike.

Canada supports the idea of alternative farming systems as described in the Secretariat's paper PC25. We agree that this concept should be promoted. It would assist in reversing the trend of soil loss which is resulting from some current cultivation practices, such as shifting agriculture, and the cultivation of hillsides. In addition we suggest that the apparent loss of soil fertility under rice-wheat cropping systems in Asia should be studied. The search for alternative farming systems imply the

diversification of rural economies, and should lead to the full integration of agriculture into national economies.

I would like to comment on a reference in the secretariat's paper to agro-chemicals. While we acknowledge that agro-chemicals can cause soil pollution problems, we would like to suggest that a distinction be made between mineral fertilizers and other chemicals such as pesticides. When used appropriately, mineral fertilizers enhance the productivity of soil without jeopardizing its health. We expect that mineral fertilizers will be required for some time to maintain yield levels at their present levels. Pesticides on the other hand, present a different picture. The long term effects of pesticides are difficult to predict, and it is not possible to ensure their safe use in all situations. Furthermore some alternatives exist under integrated pest management programs.

The Secretariat paper has properly noted the importance of the FAO/Netherlands Conference on Agriculture and Environment to take place next month. We would like to ask the Secretariat to examine the outcomes of this conference on the subject of soil loss and desertification. In particular we would ask the Secretariat to note linkages between this topic and other UNCED agenda issues.

Thank you Mr. Chairman.



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PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE ON
ENVIRONMENT AND DEVELOPMENT
Second session
Geneva, 18 March-5 (or 12) April 1991
Working Group I
Agenda item 3 (b)

LAND RESOURCES: SOIL LOSS

Revised draft decision submitted by the Chairman

Protection and management of land resources

The Preparatory Committee for the United Nations Conference on Environment and Development:

(a) Notes with satisfaction the reports of the Secretary-General of the Conference on the protection and management of land resources (A/CONF.151/PC/24, A/CONF.151/PC/25 and A/CONF.151/PC/26) and welcomes the proposals for the development of an integrated approach to the protection and management of land resources and for alternative sustainable systems of production;

(b) Requests the Secretary-General of the Conference to develop these proposals in greater depth for the third session of the Preparatory Committee, paying particular attention to: (i) developmental aspects; (ii) economic and social dimensions including land tenure; (iii) resources and financial aspects; and (iv) popular participation and in particular, the participation of women;

(c) Requests further the Secretary-General to draw the attention of the FAO/Netherlands Conference on Agriculture and Environment to documents A/CONF.151/PC/24 and A/CONF.151/PC/25;

(d) Requests further the Secretary-General to present the results of this Conference to it at its third session;

(e) Requests the Secretary-General of the Conference, in collaboration with relevant international organizations, to prepare a report on the role of financing institutions in the development of sustainable agriculture;

(f) Requests the Secretary-General to take due account in its further work in this area of the relevant paragraphs of the Bergen Declaration, the Tlatelolco Platform on Environment and Development and the Final Declaration adopted by the Ministerial Conference on Environment and Development for Asia and the Pacific, as well as the results of the regional Conference for Africa, organized in accordance with General Assembly resolution 44/228, Section II, paragraph 13 and decision I of the Preparatory Committee at its organizational session.

Keith Valentine
CIDA
994-0662
8 March 1991

DESERTIFICATION AND SOIL LOSS

ISSUE:

How should the international community work to combat desertification and the degradation of soil which reduce biological productivity (particularly agriculture and forestry), and the depletion of water resources. The issue stems largely from the growing demand from increasing numbers of people for more food, fibre and timber from marginal lands. It is aggravated by the use of inappropriate land use practices including certain farming systems.

CANADIAN OBJECTIVES:

1. Revitalize the 1977 United Nation Action Plan to Combat Desertification while ensuring that :
 - development and environmental requirements are balanced and integrated
 - future actions are based on improved knowledge of location-specific ecological, social, cultural and economic conditions and the linkages between them
 - coordination and user participation are optimized.
2. Obtain the continued support of developed and developing countries for appropriate global resource policies and programmes such as the Tropical Forestry Action Program (TFAP) and the World Soils Policy.
3. To seek endorsement of the conference that countries adopt national soils policies for the long term protection of soil; and that the resulting action plans are integrated with other relevant measures which impact on soil degradation.
4. For the conference to recognize the need for a sustainable agricultural practices which balance the immediate needs of the world's poor with measures to ensure the long term productivity of soil, water, and other resources. When making changes to our agriculture production patterns, we must be careful not to jeopardize the world's ability to feed itself in the year 2000.

The conference should encourage the development and utilization of farming and other land use systems that do not cause soil degradation.

5. Encourage better monitoring of desertification and soil loss to ascertain their nature and extent and verify progress. There is a need for more and better information about soil loss, and much could be gained through more rigorous monitoring programs, and greater sharing of information.

6. Ensure that national and international policies concerning the development of energy, agriculture, timber and water resources do not contribute to soil loss and desertification.

7. The conference should note the important linkages between desertification and other issues on the UNCED including climate change, population pressures, energy use, and agriculture and forestry practices.

8. Support the proposals in the report of the UNCED Secretariat's report on this subject PC 25.

BACKGROUND:

1. New farming systems are needed which do not cause erosion on sloping lands; and alternatives must be found to sedentary livestock production systems that cause rings of desertification round watering points in the Sahel. Canada has much to contribute in its agriculture and forestry research capabilities, its methods of dryland agriculture and its reforestation techniques. An example of the latter is CIDA's reforestation projects in the Sahel.

2. Remote sensing is a useful tool in monitoring soil degradation and Canada is a leader in earth observation and digital mapping technologies.

DISCUSSION TO DATE:

The UN Conference on Desertification (1977)

- Led to the Plan of Action to Combat Desertification.
- UNEP and Environmental Coordination Board were entrusted with following up and coordinating implementation of plan.
- The UNCED Secretary-General has noted that the plan fell short of expectations principally because of a lack of funds.

UNEP's World Soils Policy

The objectives of this policy are :

- To increase and apply scientific knowledge of world soils
- To develop and promote agricultural production systems that assure the sustainable use of the soil.
- To share in promoting and supporting suggested international and regional activities.
- To intensify efforts for promoting international cooperation towards optimum use and development of land and water resources.
- To pursue research into farming systems that combine adequate production with resource protection, and that are compatible with socioeconomic and cultural conditions.

The Tropical Forestry Action Programme (TFAP) 1985-90

TFAP was created out of the growing international concern with destruction of the tropical forests and deterioration of the tropical environment. It was initiated by the FAO, after groundwork had been laid by the World Resources Institute, the World Bank, the UNDP and a few bilateral agencies, including CIDA. It was endorsed at the 9th World Forestry Congress, held in Mexico in 1985 and the 23rd Session of the FAO. In 1989, Canada and the G-7 strongly supported rapid implementation of the TFAP. Early experience with application of TFAP at the national level has led to concerns about the balance between production needs and conservation needs. Efforts are underway to introduce necessary adjustments.

Report of the World Commission on Environment and Development, "Our Common Future".

This report quoted 1984 UNEP figures of 6 million hectares per year degraded to desert-like conditions, and a further 21 million hectares per year giving no economic return. The fact that this important report had to use three year old information underlines the need for better information.

UNCED Prepcom I meeting Nairobi, decisions of Working Group 1 on desertification and soil loss.:

- asked the Secretariat to prepare an analysis of alternative sustainable systems of production on

marginal lands and the relation between intensive and extensive agriculture and land degradation.

- the FAO was asked to report on its preparations for a strategy for sustainable agriculture.
- the Secretariat is to report on status of Implementation of Action Plan to Combat Desertification.
- the Secretary General is to Prepare a comprehensive study on ways and means of expanding reforestation as a means of combatting desertification.

The FAO Conference on Agriculture and the Environment is scheduled to take place in The Netherlands in April 1991. Decisions from this conference should be noted for future discussion of this issue at UNCED.

PREPCOM SCENARIO

Proposals to revitalize the United Nations Plan of Action to Combat Desertification or to continue with TFAP will probably not be contentious.

DOCUMENTS

The following documents for the Second Prep. Com. Meeting are relevant.

1. Protection and Management of Document
A/CONF.151/PC/24
Land Resources: an
Integrated Approach
2. Protection and Management of Document
A/CONF.151/PC/25
Land Resources: Alternative
Sustainable Systems of Production
3. Protection and Management of Document
A/CONF.151/PC/26
Land Resources: Progress Report
on the Preparations for the
FAO/Netherlands Conference on
Agriculture and Environment

BIOLOGICAL DIVERSITY

Documentation:

A/CONF.151/PC/28 Secretariat "Progress Report on the Conservation of Biological Diversity"

A/CONF.151/PC/WG.I/L.14/Rev.1 PrepCom decision on "Biological Diversity"

CANADIAN OBJECTIVES:

- To ensure that UNEP continues to provide the Secretariat and to be the forum within which the negotiations on a convention will take place;
- To ensure that discussions of related cross-sectoral issues at UNCED PrepComms contribute to the successful conclusion of the biodiversity convention;
- To promote Canada's key objectives for the biodiversity convention;
- To encourage discussions at PrepComm that would recognize the linkages between the three conventions to promote consistency and complementarity among the negotiating processes; and

PREPCOM DISCUSSION:

The UNCED Working Group I (WGI) began its deliberations on this agenda item with a presentation by the UNCED Secretariat on the Secretary-General's progress report on the conservation of biological diversity. This was followed by a statement by the Chairman of the negotiating process on a convention on biological diversity (V. Sanchez, Chile) on the results of the first negotiating session. The Chairman of WGI then opened the discussion to statements from the floor. Twenty-three countries and four organizations made statements at that time. The Chairman closed the discussions on this agenda item following his summary and concluding remarks.

In the Secretariat's presentation of its document PC/28 prepared in response to the biodiversity decision at the first PrepComm, it suggested that WGI might wish to focus on the menu of suggested actions contained in Section 3 of that document. The Secretariat indicated that the eleven listed actions have been designed to proceed in parallel with the negotiations, to strengthen, compliment, and promote the negotiations with the objective of facilitating implementation of the resulting legal instrument.

The Chairman of the biodiversity negotiating group (V. Sanchez, Chile) informed WGI of the results of the 25 Feb - 06 Mar negotiating session. With respect to link with the UNCED process, V. Sanchez indicated that the UNCED Secretariat had actively

participated at the negotiating session and that he expected the UNCED PrepComm to directly input into the negotiations. V. Sanchez also indicated that he had met with J. Ripert (INC chairman) and that they had exchanged ideas and documents. He stated that there was a good constructive spirit between the two negotiating process that would help in overcoming difficulties that were sure to arise in the future.

The Czechoslovak delegation suggested that the Secretariat's document had not emphasized three critical points: states have the rights to conserve endemic species in their own territory; the need for territorial systems of ecological stability (including establishing bio-corridors); and the intrinsic value of biodiversity.

Mali and Jamaica indicated that actions in the area of biodiversity should not be directed solely towards conservations but should also deal with restoration and repair. Mali also stated that other important concepts deserving further examination were technology transfer in terms genetically modified organism (GMO) and standards to minimize risk associated with use of GMO.

Barbados supported the need for national and regional actions towards the conservation and rational use of biodiversity and that these be coordinated internationally. They suggested that a necessary starting point would be research to quantify and define potentials and further suggested, along with Finland, that there was a need to give more emphasis to in-situ actions to balance the current emphasis on ex-situ. Barbados, supported by Jamaica, New Zealand expressed hope that more attention would be given to marine biodiversity in future work by the Secretariat.

Sweden, supported by Canada, The Netherlands (speaking on behalf of the EC), Australia, USSR, and Norway, called for recognition of a single negotiating forum for biodiversity and stated that UNCED should not duplicate or pre-empt work underway within the negotiating process. Canada, Sweden, New Zealand, Finland and Norway suggested that UNCED PrepComm provide guidance to the negotiating process in the development aspect of the biodiversity issue (e.g., sustainable use) and in terms of the linkages with other environmental issues. The Netherlands (EC) stated that they saw the menu of options suggested in the Secretariat's document as useful input to the biodiversity negotiating process and, along with Sweden and Australia, saw a need for actions which did not duplicate those being examined by the negotiating group to be identified and, as appropriate, to be included in Agenda 21. Sweden invited UNEP to develop ideas as to what UNCED could do in the area of biodiversity over and above those areas that would be covered by the convention. Australia suggested that the UNCED Secretariat review the work being undertaken by the negotiating group and report back to the Third PrepComm as to what UNCED might constructively add.

Sweden in a subsequent intervention suggested that UNEP, UNESCO and FAO consider modalities to translating concepts of the UNESCO biosphere programme and the plant genetics programme of FAO into protocols under the biodiversity convention.

Columbia, like many other developing countries, emphasized the link between biodiversity and biotechnology. They stated that biodiversity conservation and sustainable use would result in new industries for all states and, therefore, the biodiversity convention must deal with regulation of germoplasm. Columbia, The Netherlands (EC) and Jamaica called for the greater recognition of the role of indigenous cultures in developing strategies for biodiversity conservation.

Kenya stated that the biodiversity process should emphasize the transfer of those technologies necessary for the conservation of biodiversity (lack of these technologies is hampering development in developing countries) and stated that financial mechanisms go hand in hand with efforts to conserve biodiversity.

Chile indicated that they consider biodiversity as perhaps the most important development issue facing the world today. They did not see threats to conservation of biodiversity as environmental terrorism but merely efforts by developing countries to feed their ever expanding populations.

Jamaica pointed to the positive role that education and training could play in conservation and sustainable use of biodiversity and distinguished between education and training directed at the general public and that directed towards local people (particularly with respect to integration of biodiversity and economic development). Jamaica suggested that a strengthened role for the private sector in conserving biodiversity should be sought. Jamaica supported the view expressed in the Canadian intervention regarding possibility of voluntary actions being carried out even before the biodiversity convention came into force. They also suggested that the UNCED PrepComm explore ways in which the UN System could be more effectively mobilized to address biodiversity concerns.

FAO indicated that it was primarily interested in resources on the land and in the water and their transfer to meet human needs. The representative of the FAO called for a greater emphasis within the UNCED Secretariat's report on the use of biodiversity for sustainable development particularly with respect to the use of biotechnology in agriculture and indicated a willingness to cooperate with the UNCED Secretariat on this matter.

Mexico and Brazil called for greater recognition of the Tlatelolco Platform within the Secretariat's report and also the need for the resulting recommendations to be reflected in the work of the biodiversity negotiating group. Mexico stated that they supported the principle of permanent sovereignty of states over their natural resources and that, as contained with the Tlatelolco

Platform, the use of biodiversity should be monitored by the country of origin.

UNEP indicated that in terms of the first batch of projects under the GEF pilot programme approximately fifty per cent were related to biodiversity.

UNESCO stated that there exists no clear distinction between biodiversity and biotechnology. They indicated that priority for action should be directed at enhancing the knowledge and information base available, developing regional strategies and promoting education and training.

The Chairman of WGI, as has been his normal procedure, gave his personal summary of the discussions. He felt that delegations expressed:

- general satisfaction with the Secretariat's documents PC/28;
- satisfaction with the fact that negotiations towards a biodiversity convention had begun and saw the Secretariat's document PC/28 as useful input to the negotiating process;
- that both ex-situ and in-situ policies and strategies had to be included;
- restoration and rehabilitation of biodiversity also had to be considered;
- the need to also conserve marine and coastal biodiversity (link with UNCED WG II);
- recognition that all countries have an obligation to protect biodiversity and use it rationally;
- link between culture and rights of indigenous people;
- the need to look at opportunity costs and benefits of conserving biodiversity;
- obvious sovereign rights of nations in terms of their biodiversity;
- need to bring the Secretariat's report PC/28 to the attention of the biodiversity negotiating group; and
- comments made on the need for the transfer of technology, financial resource and the linkage between poverty and threats to biodiversity will also be brought to the attention of the biodiversity negotiating group.

OUTCOMES:

The negotiations on the decision on conservation of biological diversity was relatively less contentious with the exception of two issues: the desire of Mexico to change the title of the decision and of Brazil to interject a strong role for UNCED in the biodiversity convention negotiations.

Mexico attempted to change the title of decision document L14 from Conservation of Biological Diversity to Conservation and Sustainable Use of Biological Diversity during the discussions with respect to this decision. The Chairman did not want to change the title indicating that this would open up a discussion

of the title of all agenda items. Mexico, indicating that this change was merely a reflection of the development of discussions on this agenda item, did not seem overly concerned that they were changing the title given to this subject in UNGA 44/228. The Chairman, if not the Mexican delegation, appeared to see the potential ramifications for the other UNCED agenda issues of making this change and suggested a compromise title - Biological Diversity - which was adopted by the Working Group.

Brazil attempted to inject a strong role for UNCED in determining what will be considered by the biodiversity negotiating processes. Brazil was instrumental in getting language into the decision requesting the Secretary-General to investigate further and to report to the Third Session of the PrepComm on the operational requirements for the conservation and sustainable use of biological resources and requesting that the Secretary-General of UNCED should report on the progress of the negotiations. This is tempered somewhat by a subsequent sentence in the same paragraph which says that "care should be taken not to duplicate or pre-empt the negotiations on a convention on biological diversity.

The changes from the original draft decision include: the introduction of the recognition of the sovereign rights of States in identifying potential areas for action; and requesting the Secretary-General to investigate further the operational requirements for the conservation and sustainable use of biological resources and on the relationships between biological diversity and relevant aspects of biotechnology rather than elaborating on the potential areas for action.

ASSESSMENT:

The discussions at the Second PrepComm on biodiversity and biotechnology appeared to cross over more into those that would be expected within the negotiating process than occurred within discussions on climate change. Lack of respect for the single negotiating process or the fact that many countries who were at the Second PrepComm have not been able to participate in the biodiversity negotiations (e.g., New Zealand) may account for this situation.

During the discussion at the Second PrepComm on biodiversity many developing countries linked the biodiversity and biotechnology issues. This relationship appears to be playing a stronger role in the discussions at UNCED and Canada will need to consider the extent of this relationship both within the negotiating and the UNCED processes.

Developing countries such as Columbia and China referred to the extent of the biodiversity within the developing countries and their need for economic support and the transfer of technologies to allow them to address their development needs in a manner that would also allow them to conserve biodiversity. The Canadian

delegation may wish to consider taking a stronger position on biological diversity at the next PrepComm in terms of the potential benefits of conservations and sustainable use of biological diversity and the proposed case studies.

There was a call, particularly by the small island states, to give greater emphasis to marine biodiversity.

Many delegations, predominately from developed countries called for respect for the single negotiating process and suggested that the UNCED should concentrate on providing guidance in the areas of the development aspect (sustainable use of biodiversity) and the linkages between the other environmental issues. The extent to which future UNCED PrepComms and the UNCED Secretariat respect the single negotiating process will need to be monitored, especially in light of the decision adopted.

A number of delegations indicated that they would be supplying more detailed comments regarding the Secretariat's reports (both PC/28 and PC/29) in writing at a latter date. Canada should also consider supplying in a written report detailing comments on these two documents, concentrating on the proposed menus for actions and providing suggestions on areas for UNCED actions.

Second UNCED PrepCom
Working Group One
Geneva
March 19, 1991

**STATEMENT OF THE DELEGATION OF CANADA
ON THE ISSUE OF BIODIVERSITY**

Mr. Chairman,

The remarks of the Canadian delegation with respect to the issue of biodiversity at this time in this WG will be brief.

Canada wishes to congratulate the Secretariat for the useful paper that it has produced on the biological diversity issue as well as Ambassador Sanchez for his informative report.

The section of the Secretariat's report on the potential areas of action provide a helpful starting point for further discussion on how UNCED could promote and encourage local, national, and international implementation. We recognize that many of these actions would be similar to what the convention on biodiversity will deal with, but some of these could be carried out on a voluntary basis even before a convention comes into force.

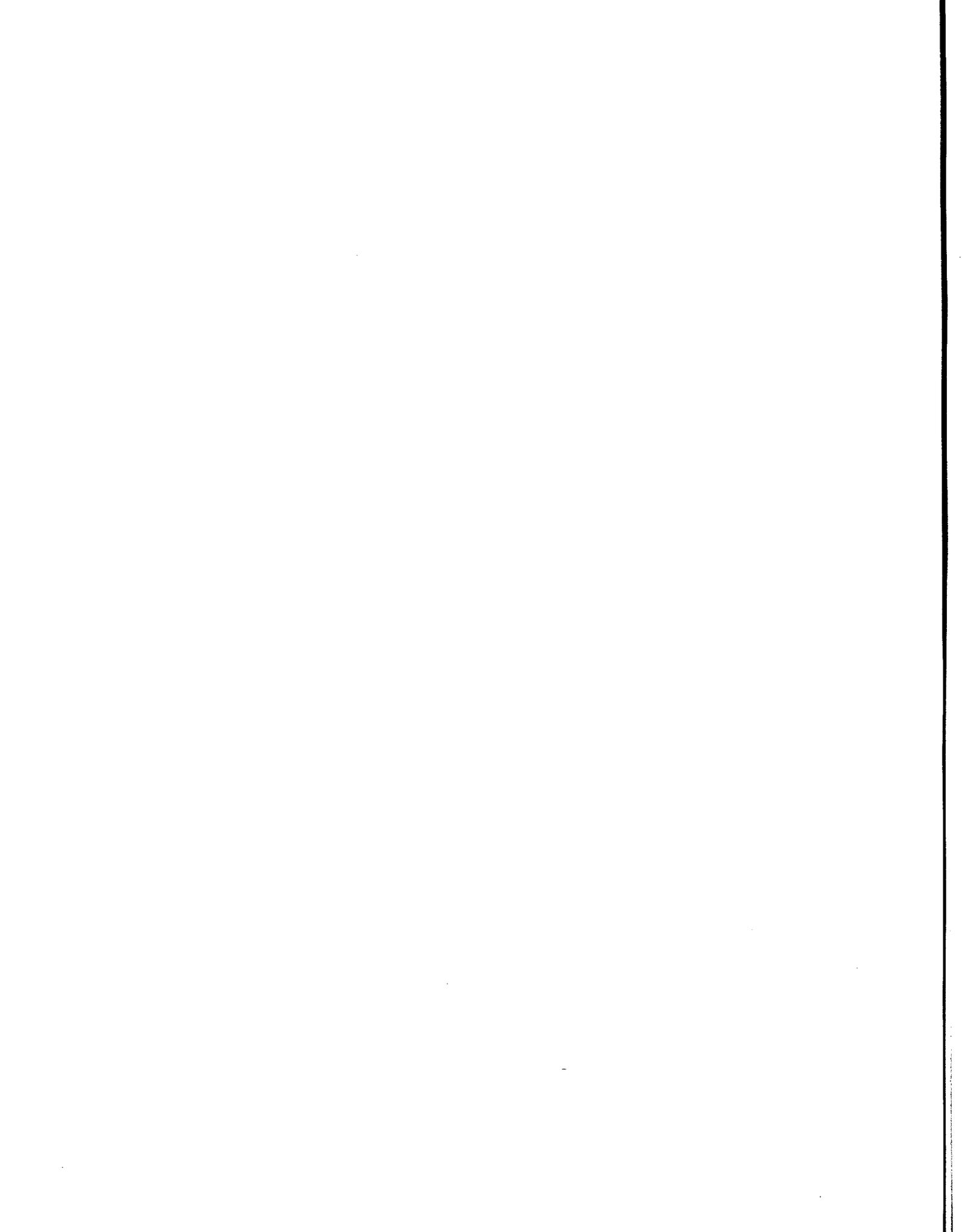
Mr. Chairman, the Canadian delegation agrees with much of what has already been said by the delegate from Sweden and in particular by the delegate for The Netherlands. For our part, Mr. Chairman, my delegation should like to reiterate that we are pleased that UNEP has started the process of negotiations on a biodiversity convention. We believe that UNEP should continue to be the forum within which the negotiations will take place.

The Canadian delegation will be interested in ensuring that the discussions at the UNCED PrepCom related to cross-sectoral issues, such as technology transfer and financial mechanisms, contribute to the successful conclusion of the biodiversity convention.

Canada is also interested in ensuring that discussions here will take into account the linkages between the three conventions to promote consistency and complementary among the negotiating processes.

A useful initiative for PrepCom to consider would be to promote broad-based public awareness and understanding around the world of the importance and urgency of ensuring conservation of biological diversity; the environmental, social, and economic consequences of its loss locally and globally; and the costs and benefits of conserving it.

Thank you Mr. Chairman.





General Assembly

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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Second session
Geneva, 18 March-5 (or 12) April 1991
Working Group I
Agenda item 4

CONSERVATION OF BIOLOGICAL DIVERSITY

Revised draft decision submitted by the Chairman on the basis of informal consultations

Biological diversity

The Preparatory Committee:

(a) Takes note of the Progress Report of the Secretary-General of the Conference on the conservation of biological diversity (A/CONF.151/PC/28). It received with appreciation the progress report by the Chairman of the negotiating process for a convention on biological diversity, and supports the role of UNEP, with the assistance of the Ecosystem Conservation Group, in providing the secretariat for the negotiations;

(b) Notes that the potential areas for action should include relevant ideas for conservation as well as for the rational and sustainable use of biodiversity, on the basis of sovereign rights of States. It requests the Secretary-General to collaborate closely with UNEP and to transmit a copy of the Progress Report (A/CONF.151/PC/28) and the decision of the Preparatory Committee at its second session on this issue to the Chairman and the secretariat of the negotiations on a convention on biological diversity;

(c) Requests the Secretary-General to investigate further and to report to the Preparatory Committee at its third session on the operational requirements for the conservation and sustainable use of biological resources and on the relationships between biological diversity and relevant aspects of biotechnology; climate change; and forests. This work should take into account the views of the Preparatory Committee on cross-sectoral issues, related in particular to environment and development, the elimination of poverty, and the transfer of financial resources and of technology, including biotechnology. Care should be taken not to duplicate or pre-empt the negotiations on a convention on biological diversity;

(d) Also requests the Secretary-General to report on the progress of the negotiations on a convention on biological diversity in order to enable the Preparatory Committee to make appropriate comments or inputs thereon at its third session;

(e) Requests the Secretary-General of the Conference to take due account in his further work in this area of the relevant paragraphs of the Bergen Declaration, the Tlatelolco Platform on Environment and Development and the final Declaration adopted by the Ministerial Conference on Environment and Development for Asia and the Pacific, as well as the results of the regional Conference for Africa, organized in accordance with General Assembly resolution 44/228, section II, paragraph 13, and decision I of the Preparatory Committee at its organizational session.

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Raina Ho
Environment Canada
994-1657
28 February 1991

CONSERVATION OF BIOLOGICAL DIVERSITY

ISSUE:

UNCED is to follow the negotiations of an international legal instrument on biological diversity, as well as the relevant work in FAO, UNESCO, IUCN and other intergovernmental and non-governmental organizations. UNCED Secretariat is to report to PrepCom 2.

CANADIAN OBJECTIVES:

To ensure that UNEP continues to provide the Secretariat and to be the forum within which the negotiations on a convention will take place.

To ensure that discussions of related cross-sectoral issues (e.g., technology transfer, financial mechanisms) at UNCED PrepCom, contribute to the successful conclusion of the biodiversity convention.

To encourage discussion at PrepCom that would recognize the linkages between the three conventions to promote consistency and complementarity among the negotiating processes, ie., climate change, forests and biodiversity.

To encourage UNCED to promote broad-based public awareness and understanding around the world of the importance and urgency of ensuring the conservation of biodiversity, the environmental, social and economic consequences of its loss locally and globally, and the costs of conserving it.

To promote Canada's key objectives for the biodiversity convention, inter alia:

- global conservation of biological diversity,
- emphasis on in-situ rather than ex-situ conservation,
- access to genetic resources,
- recognition of the value and use of traditional knowledge
- underline the economic benefits of the conservation of biodiversity, particularly using the concept of "opportunity costs".

DISCUSSION TO DATE:Brundtland report

- recommended the protection of biological diversity.

UNEP

- 1987 Governing Council decided, in close collaboration with the Ecosystems Conservation Group (UNEP, UNDP, FAO, Unesco, WWF and IUCN), to investigate the desirability and possibility of an umbrella convention to rationalize current activities in this field.
- 1989 Governing Council decided to prepare "an international legal instrument on the biological diversity of the planet."

FAO

- the International Undertaking on Plant Genetic Resources deals with the issue of plant gene conservation and utilization, which is a component of biodiversity. Canada is not a signatory to this document, but has recently joined the International Commission on Plant Genetic Resources.
- FAO tabled a draft biodiversity convention at the July meeting of the UNEP Ad Hoc Working Group of Technical Experts.

IUCN

- in cooperation with UNEP and World Resources Institute, is in the process of developing a Global Biodiversity Conservation Strategy.
- also provided a draft convention.

COMMENTS ON UNCED SECRETARIAT'S PAPER:

In general, the Secretariat paper has provided useful ideas for action that UNCED could promote and encourage for local, national and international implementation. Many of these actions will be similar to what the convention will deal

with, but they could be carried out on a voluntary basis before a convention comes into force.

A representative of the Canadian Nature Federation suggested that, with reference to:

- Point (ii) of the "Potential Areas of Action", there should also be identification of policies which destroy biological diversity and to ensure that these are changed.
- Point (iv), emphasis should also be placed on establishing protected networks of representative as well as unique areas.

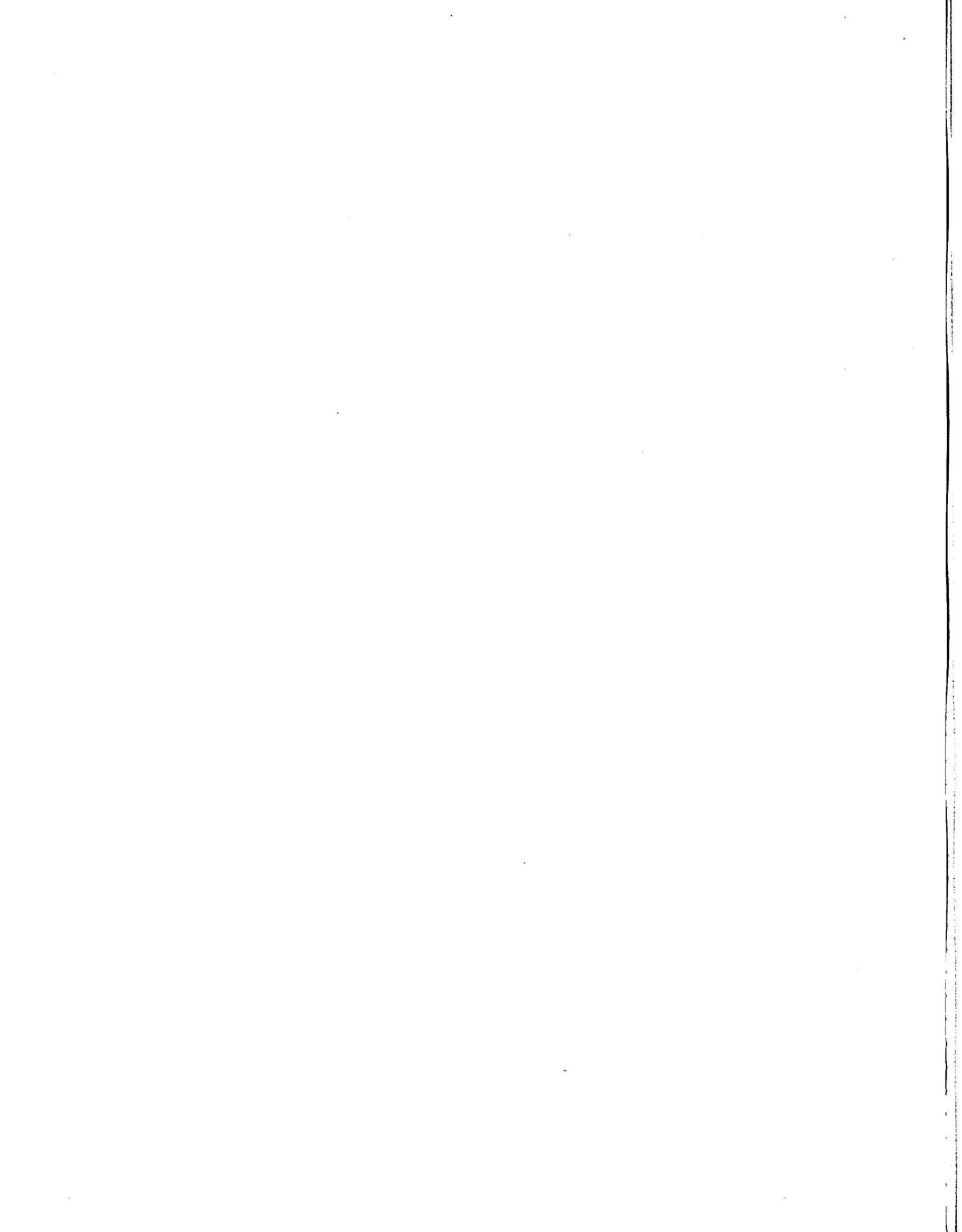
PREPCOM SCENARIO:

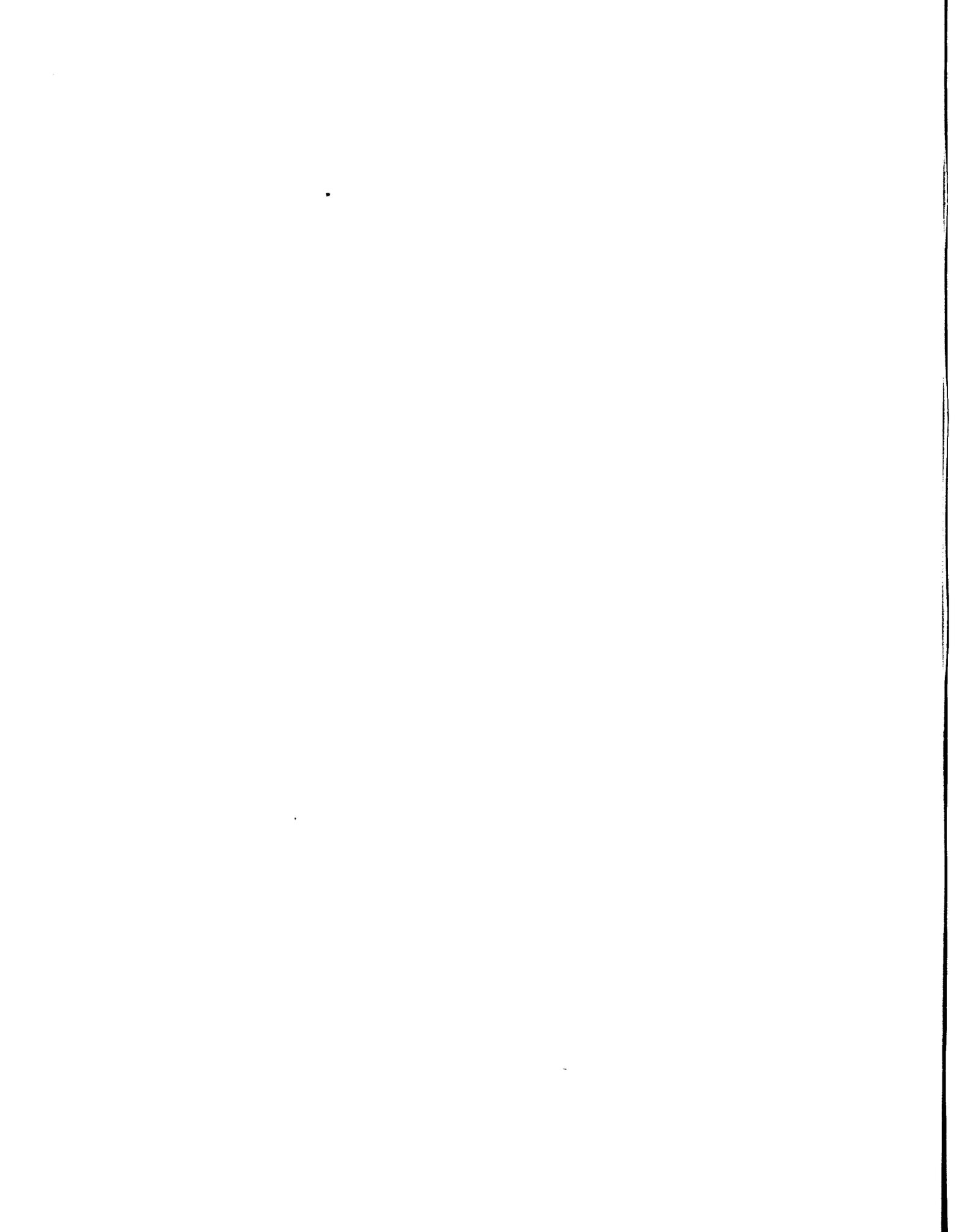
It is important to maintain cohesiveness within the CANZ and the WEOG groups in this matter, as the African and the Latin American groups appear to have strong positions in the opposite camp. At the same time, maintain constructive dialogue with key countries on this issue, such as India, China, Malaysia, Kenya and Brazil.

Since the Canadian position is still being developed, it is difficult to articulate parameters on key issues. Statements should be consistent with the Canadian objectives outlined above and should not go beyond existing policies and programs in this area.

DOCUMENTATION:

- UNCED decision on the Conservation of Biological Diversity (A/CONF.151/PC/WG/I/L.7/Rev.1)
- World Charter for Nature
- International Undertaking on Plant Genetic Resources
- UNCED Secretariat's Conservation of Biological Diversity: Progress Report





BIOTECHNOLOGY

Documentation:

A/CONF.151/PC/29 Secretariat "Progress Report on Environmentally Sound Management of Biotechnology"

A/CONF.151/PC/WG.I/L.15/Rev.1 PrepCom decision on "Environmentally Sound Management of Biotechnology"

CANADIAN OBJECTIVES:

Our objectives were to support the broadening of the work programme of the UNCED Secretariat to include consideration of the application of biotechnology for sustainable development while noting the need to focus the discussion to reach useful conclusions.

PREPCOM DISCUSSION:

The UNCED Secretariat provided a summary of its report on Biotechnology (PC/29) indicating that it was merely a progress report since biotechnology was not scheduled for substantive discussion until the Third PrepComm. At this PrepComm the UNCED Secretariat was seeking advice as to whether or not they were going in the right direction. Ten countries made statements on this issue during the ensuing discussions.

India asked that the UNCED Secretariat add to its report the recognition that the risks associated with the use of products of biotechnology are greater than those associated with toxics. India, along with Mexico and Malaysia, reinforced the mutually dependent relationship between biotechnology and biodiversity and the need to reflect this relationship in the convention on biodiversity. Malaysia went further and identified the need to formulate a relationship between the gene rich developing countries and the technology rich developed countries. Malaysia asked the Secretariat to include in its report to the Third PrepComm the role of transnational corporations in the the transfer of biotechnology and called for development of regulations to protect developing countries from being used as biotechnology test sites.

Australia, New Zealand and USA identified the need for guidelines for dealing with the risks posed by use of products of biotechnology and in particular their threat to biodiversity. The potential impacts of introduction of alien species and needs for guidelines was particularly emphasized by the New Zealand delegation. These countries, along with The Netherlands (EC), also expressed concern that actions by UNCED be complimentary rather than duplicating or adding complexity to those already underway.

The USSR called for the need for a better definition of biotechnology within the Secretariat's report and suggested using a scientifically based definition.

Japan suggested the need for close coordination between discussions on biodiversity with those on intellectual property rights and farmers' rights. They also identified the need to consider financial matters when discussing biotechnology and its transfer.

The Chairman of WGI, in his brief summary, indicated that the Secretariat needed to receive information and comments on this issue (as well as on the other issues discussed during this PrepComm) to guide its preparations for the report to be presented to the Third PrepComm and suggested that delegations send written comments directly to the UNCED Secretariat.

OUTCOMES:

As this item was included for information and updating only, there was little discussion of the decision. The only substantial amendment to the original draft was the request to have the report transmitted to the biodiversity negotiating process.

ASSESSMENT:

More substantive discussion on biotechnology are scheduled for the 3rd PrepComm with discussions at this PrepComm prompted by Secretariat's release of progress report on biotechnology (PC/29). Canada should be prepared for this discussion and concentrate on the supporting our position on the relationships between biotechnology and biodiversity and potential areas for action on biotechnology for UNCED (i.e., Agenda 21 elements).



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PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE ON
ENVIRONMENT AND DEVELOPMENT

Second session

Geneva, 18 March-5 (or 12) April 1991

Working Group I

Agenda item 5

ENVIRONMENTALLY SOUND MANAGEMENT OF BIOTECHNOLOGY

Revised draft decision submitted by the Chairman on the basis of informal consultations

The Preparatory Committee takes note of the progress report on environmentally sound management of biotechnology (A/CONF.151/PC/29). Given the linkages to the negotiation of a convention on biological diversity of certain aspects of biotechnology, it requests the Secretary-General of the Conference to investigate further the potential areas for action in the light of the comments made at the second session and to transmit the report to the negotiating process. It reiterates the requests made in its decision 1/17 in order to enable the Committee to have a full discussion of relevant aspects of environmentally sound management of biotechnology at its third session.

Glenn MacDonell
External Affairs
996-4921

BIOTECHNOLOGY

ISSUE:

The general issue is promoting the environmentally sound development of biotechnology to serve environmental and development objectives. At Prepcom 2 delegations will consider a progress report that outlines how the secretariat is gathering information requested of it, and that proposes potential areas for further action. Its major thrust is to broaden the consideration of biotechnology from the present focus on safety/risk assessment to include the application of appropriate biotechnology to promote sustainable forms of development.

CANADIAN OBJECTIVES:

Biotechnology is an important tool in many economic sectors (including food and agriculture, forestry, pharmaceuticals, chemicals). Canada has recognized the importance of this new technology to our economic development through the National Biotechnology Strategy, and is actively encouraging the development of a strong biotechnology research and development and industrial base. To continue to benefit from biotechnology we need access to genetic materials, the raw materials used in biotechnology, and also to the products of biotechnology such as new plant varieties, as well as patented materials and technologies. Our aim would be to ensure, as a minimum, open and unrestricted access to these on fair and equitable terms. (note: historically these have been available on a fee-free basis) To ensure that safety is preserved we also require the development of a uniform code of biotechnology safety to be applied around the world.

DISCUSSION TO DATE:

Biotechnology Safety is being addressed in many international fora. Canada is participating in many of these technical meetings.

The OECD is developing detailed documents on biotechnology safety, following the Council recommendations of 1986 on Safety Considerations for Application of Recombinant DNA Organisms in Industry, Agriculture and the Environment. New activities deal with the large scale introduction

of genetically modified organisms to the environment, the safety of new foods and food components, and risk-based classifications of genetically modified organisms. The OECD has also published an International Survey of Biotechnology Use and Regulations.

- An FAO/WHO consultation on assessment of biotechnology in food processing as related to food safety has been held. A Code of Conduct containing elements of biosafety, including release of genetically modified organisms and distribution of biotechnology derived products useful for agricultural development is being discussed.
- The subject has been addressed in an Informal Working Group of UNIDO, WHO UNEP and FAO in 4 meetings since 1985, with next set for May 91.
- WHO has developed biosafety guidelines for workers producing vaccines and biologicals, diagnostic and research laboratories working with HIV, and prepared a chapter on safety in gene technology for its Laboratory Safety Manual.
- UNIDO and the International Centre of Genetic Engineering and Biotechnology (ICGEB) are also discussing biotechnology safety issues. ICGEB has permanent staff focusing on agrobiolgy and human health, particularly in developing countries. UNIDO is about to implement a project on harmonizing biotechnology safety and assessment technologies on the release of genetically modified organisms to the environment.
- UNEP and UNESCO have established 8 Regional Microbiological Resource centres since 1974. These maintain a genebank of microbial resources, and serve as centres for excellence for microbial conservation, research and training and so provide a mechanism for promoting biotechnology safety.
- Many Non-Government Organizations are also considering biotechnology safety, including the Stockholm Environment Institute, the International Organization of Consumer Unions, and the Genetic Resources Action International.

The Biodiversity Convention - It has been agreed that biotechnology as it relates to the conservation and protection of biodiversity will be addressed in the

convention. A Sub-Working Group on Biotechnology met in November 1990. It recognized the need to build upon the existing work and avoid duplication - this included the GATT consideration of intellectual property rights, and the numerous activities on biotechnology safety and risk noted above. While these topics are not subjects of present negotiations in the Biodiversity Convention, many countries want them addressed in it.

PREPCOM SCENARIO:

The UNCED Secretariat has been asked to report to Prepcom 3 on a number of issues related to biotechnology safety and risk assessment. A progress report has been prepared for Prepcom 2 outlining what is being done and proposing to broaden the topic to include biotechnology applications for sustainable development. There may be initial reluctance on the part of some to broadening the discussion to include areas where biotechnology could prove beneficial in addressing environmental problems. The pre-occupation with health and safety issue relates in part to ignorance of the subject area. The question of linking biotechnology to biodiversity is more political on the part of many developing countries. Both are being dealt with in discussions of the biodiversity convention negotiations or elsewhere. The prepcom may come to realize that a review of the potential benefits of biotechnology in addressing the environment is the most productive avenue of discussion.

HAZARDOUS WASTES

Documentation:

A/CONF.151/PC/34 Secretariat report on: "Environmentally Sound Management of Wases, particularly Hazardous Wastes"

A/CONF.151/PC/WG.II/L.8 PrepCom decision on: "Environmentally sound management of hazardous wastes"

CANADIAN OBJECTIVES:

Our objectives in the PrepCom discussion of hazardous wastes were as follows:

- To support the development of a world-wide integrated strategy, including regulations, codes of practise and standards, to promote application of the 4 Rs (reduce, reuse, recycle, recover) and to ensure the safe management of the residues, while ensuring that the strategy does not compromise Canada's economic and trade interests
- To ensure the development of internationally-accepted standards and criteria for definition and classification, and differentiation of hazardous wastes from those destined for disposal
- To recognise the environmental and economic role of recycling
- To promote market-based as well as regulatory approaches to environmentally-sound management of hazardous wastes
- To uphold the principles of the Basel Convention, review the problems encountered in its ratification and possible solutions
- To encourage cooperation among all involved international bodies in order to ensure consistent application of waste management policies
- To seek alliances so that a strong presence can be presented to ensure that further controls do not impede recycling initiatives.

PREPCOM DISCUSSION:

The Working Group II discussions on Hazardous Wastes reflected a great deal of posturing on the part of many delegations, notably from African countries. The African interventions emphasised the importance of the work and recommendations of the recently- signed Bamako Convention, arising from the Pan-African Coordinating Conference on Environment and Sustainable Development in Bamako,

Mali in February 1991; the Convention bans the import into Africa of all wastes. The Bamako Convention, which borrows heavily from the Basel Convention, was deemed by African states to be necessary to protect themselves from unscrupulous offshore businesses. In response to a question by Canada, the Senegalese delegation noted that the ban on imports of wastes into Africa includes recyclable materials. Senegal also confirmed that the Bamako Convention puts no restrictions on intra-African movement of wastes. A proposal by the Mauritius delegation to make the Bamako Convention a Protocol of the Basel Convention was not supported by other African delegations.

A number of delegations, notably the USA and the UK, expressed strong concern on the overlap of direction and activities of UNCED in relation to the ongoing work in other agencies, in particular the OECD and UNEP. The UNEP representative outlined the extensive work being carried out in relation to implementing resolutions of the Basel Convention, particularly regarding compensation. Work on resolutions re environmentally-sound technologies has not been addressed. UNEP is providing technical assistance to developing countries in the drafting of legislation in order to ratify Basel; the UNEP representative noted that 10 countries have ratified to date, and that he expected it to enter into force by late 1991 or early 1992. Five delegations (Philippines, Senegal, Austria, Malaysia and Norway) reported that their governments were in the process of ratifying Basel. Some countries reported their difficulty with implementing regulations required in order to ratify.

Canada, Japan, Germany and USA expressed concern that recyclables be distinguished from wastes destined for final disposal, i.e. landfill or incineration. Poland noted that it bans all imports of wastes in order to protect itself until a more sophisticated system is put into place (i.e. Basel) whereby hazardous wastes for disposal and for recycling can be differentiated. In view of Canada's concern regarding the recyclables issue, and interest in defining a unique role for UNCED, Canada proposed for PrepCom consideration the development of a policy framework for recycling. The Secretariat received this proposal favourably. This would be consistent with and complementary to the current work of the OECD Waste Management Policy Group. Canadian industry should support this initiative, since the idea was initially proposed by an industry member of the Canadian delegation. This industry representative (Gary Nash, Mining Association of Canada) suggested to the delegation that Canada and Canadian industry play a major role in the formulation of such a policy.

OUTCOMES:

Working Group II got thoroughly bogged down in the discussion of the draft decision document on Hazardous Wastes, the purpose of which was to give instructions to the Secretariat regarding aspects to study or develop further for PrepCom III. Even the seemingly straightforward chapeau paragraphs were subjected to protracted debate. The debate tended to re-open the issues which had already been aired in the first round of interventions.

As described above, the key issues included appropriate tie-in with ongoing work in other fora (OECD, UNEP), implementation of the Basel Convention, concerns about liability and compensation, clean technologies, and the responsibilities of exporting countries.

Canada's proposal on behalf of the CANZ Group (Canada, Australia, New Zealand) to include a specific reference to recyclables--"the need to develop a policy framework for distinguishing recyclables from wastes destined for disposal"--was accepted with one change: "guidelines" instead of "policy framework". A copy of the statement made by Canada in introducing this proposal is attached.

The central issues, not surprisingly, were financial resources and technology needs/transfer. The Chair suspended consideration of the Hazardous Waste decision document when it became clear that there would be no meeting of minds on wording for these issues. Ultimately, wording was negotiated offstage, referring back to the original UN Resolution 44/228 which established UNCED; the words were then inserted into each of the decision documents on the wastes and toxic chemicals issues. See paragraph 2(p) of A/CONF.151/PC/WG.II/L.8

ASSESSMENT:

(See assessment at the end of report on solid wastes.)

Second UNCED PrepCom
Working Group One
Geneva
March 19, 1991

**RECYCLING INITIATIVE
PROPOSAL BY CANZ GROUP**

Canada, Australia, New Zealand and many other States share the view that the practice of recycling needs to be examined regarding its potential utility in the context of waste reduction, energy conservation and economic development. This appears to be a subject area that could usefully be pursued by the UNCED preparatory process.

What seems to be needed is an appropriate policy framework. Whereas this issue has been discussed many times in the context of wastes and hazardous wastes, the practice of recycling goes far beyond the mandate of working group II. Nonetheless, an appropriate policy framework could assist in the resolution of concerns related to both the Bamako and Basel Conventions. It could also delineate the role that former waste or discarded products might play with regard to resource and energy conservation. It could also begin to set an appropriate policy milieu in which waste and hazardous waste may be recognized as raw material to be used in a secondary processing industry.

We therefore suggest that the decision document titled "Environmentally Sound Management of Hazardous Waste" be amended to include an item 2;(bis) which could read "The need to develop a policy framework for distinguishing recyclables from waste destined for disposal".

PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Second session
Geneva, 18 March - 5 April 1991
Working Group II
Agenda item 4 (a)

ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES, PARTICULARLY
HAZARDOUS WASTES, AND OF TOXIC CHEMICALS, AS WELL AS
PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND
DANGEROUS PRODUCTS AND WASTES: ENVIRONMENTALLY SOUND
MANAGEMENT OF WASTES, PARTICULARLY HAZARDOUS WASTES

Draft decision submitted by the Chairman on the basis
of informal consultations

Environmentally sound management of hazardous wastes

1. The Preparatory Committee takes note of the Progress Report of the Secretary-General of the Conference on environmentally sound management of wastes, particularly hazardous wastes (A/CONF.151/PC/34). The Committee further takes note of the proposed areas of action contained therein and requests the Secretary-General in close co-operation with the United Nations Environment Programme, other relevant United Nations bodies, regional organizations and commissions and other international organizations concerned, to elaborate further on the areas identified and report thereon to the Preparatory Committee at its third session.
2. The Secretary-General should take into account, inter alia, the following:
 - a) The Preparatory Committee's decision 1/22, section I, of 31 August 1990 on the development of an international strategy;
 - b) The relevant paragraphs of the Bergen Declaration, the Tlatelolco Platform on Environment and Development and the Asia-Pacific input to the United Nations Conference on Environment and Development, 1992 in Brazil, which is expected to be endorsed by the Economic and Social Commission for Asia and the Pacific at its forty seventh session to be held in April 1991 at Seoul, as well as the results of the Regional Conference for Africa, organized in accordance with section II, paragraph 13 of resolution 44/228 and decision I of the Preparatory Committee at its organizational session;
 - c) The need to give high priority to waste prevention and minimization at the source, taking into account the principle

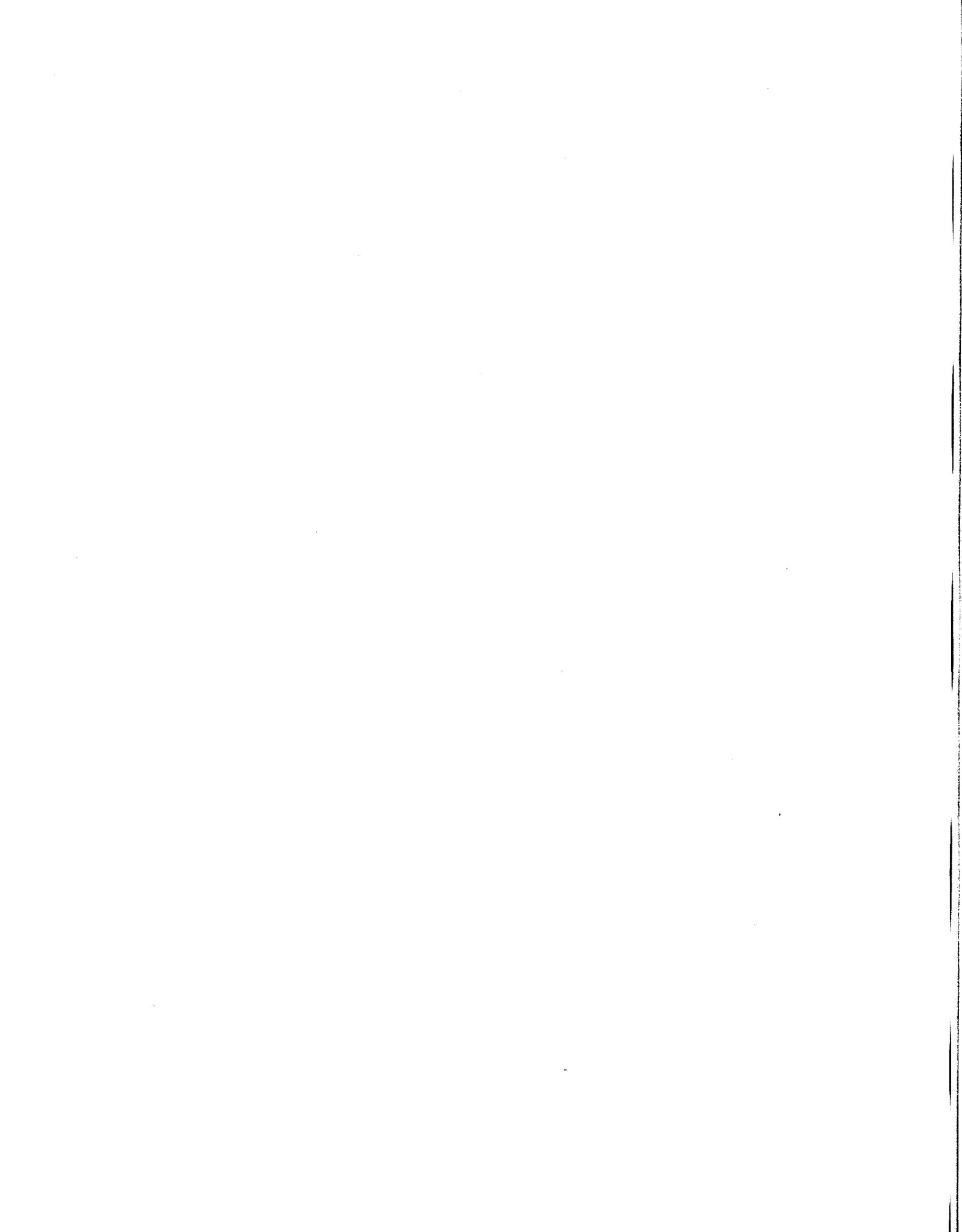
of life-cycle management, particularly in the production process, bearing in mind the need for the optimal use of existing and new technologies for clean production, as well as the usefulness of recycling.

- d) The need to develop guidelines for distinguishing recyclables from wastes destined for disposal;
- e) The wish to communicate to relevant bodies the recommendation of the Preparatory Committee urging the early entry into force and full implementation of the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal, reviewing the progress and problems encountered in its ratification and of the Bamako Convention on the Ban of the Import into Africa of All Forms of Hazardous Wastes;
- f) The Preparatory Committee's call upon the Secretary-General of the Conference to carry out decision 1/22, section I, 1 (f) of 31 August 1990 and to submit for its third session a progress report relating to the review and analysis of problems encountered in the ratification of the Basel Convention and measures to be taken to solve these problems, taking into account, where appropriate, the positions of regional groups on this question;
- g) The wish to communicate to relevant bodies the recommendation of the Preparatory Committee to expedite the ongoing work on a Protocol to the Basel Convention on Liability and Compensation, keeping in mind the principle of liability of the producer and the exporting state as set out in the Convention and the need to examine financial requirements, including, inter alia, insurance mechanisms;
- h) The wish to communicate to relevant bodies the recommendation of the Preparatory Committee to expedite the work of the Ad Hoc expert group preparing a draft protocol to the Bamako Convention on appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement of hazardous wastes;
- i) The existence of other relevant operational regional and international conventions and their experiences in addressing environmentally sound management of hazardous wastes;
- j) The principles, policy objectives, goals and issues described in the report of the Secretary-General of the Conference cited above;
- k) The need to achieve an increased flow of accurate and openly available information on hazardous wastes;
- l) The need to achieve an increased flow of accurate information on technologies for the minimization and identification of hazardous wastes;

- m) The need for more work on the definition of terms, including the harmonization of criteria;
- n) The need for improvement of information networks on cleaner production methods;
- o) The need to undertake impact analysis within the framework of the "cradle-to-grave" approach to the production and use of products in order to minimize the generation of hazardous wastes;
- p) The need to help developing countries strengthen their financial and technical capacities, their institutions and personnel, inter alia, through appropriate training, for the management of their domestically produced hazardous waste. The need to assess the costs, particularly for developing countries, involved in achieving environmentally sound management of hazardous wastes and to identify ways and means for ensuring funding and technology transfer consistent with General Assembly resolution 44/228 with a view to fulfilling the objectives of the Conference, in particular those stipulated in paragraphs 15, (j), (k), (l), (m) and (v) of Section I.
- q) The need for exporting countries to fully assume their responsibilities towards transit and recipient countries with a view to ensuring the environmentally sound management of hazardous wastes and the need to adopt normative measures to protect the interests of all countries, particularly developing countries, against illegal or unwarranted export of hazardous wastes.

3. The Committee further agrees that the potential areas for action elaborated upon during its second session also provide a basis for input into the outcome of the 1992 Conference. The Preparatory Committee requests the Secretary-General of the Conference to develop this input and report thereon to it at its third session.

4. The Committee also invites the United Nations Environment Programme, in co-operation with the Food and Agricultural Organization of the United Nations, the World Health Organization, the United Nations Industrial Development Organization and other relevant organizations, to take due account of this decision in its preparation of elements for an international strategy for environmentally sound management of hazardous wastes in accordance with the Preparatory Committee's decision 1/22, section I, paragraph 3.



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8 March 1991

MANAGEMENT OF HAZARDOUS WASTES

ISSUE:

The Preparatory Committee (Prep Com) for the United Nations Conference on Environment and Development (UNCED) has submitted a proposal which identifies the need for a comprehensive international strategy to ensure the environmentally sound management of wastes, particularly hazardous wastes.

CANADIAN OBJECTIVES:

- To support the development of a world-wide, integrated waste management strategy, comprising regulations, codes of practices, harmonized standards, etc., to promote application of the hierarchy of the "4 Rs" (Reduce, Reuse, Recycle, Recover) in all aspects of waste management, and to ensure the safe management of the remaining residues.
- To ensure that such a strategy does not compromise Canada's economic position vis à vis international trade in secondary materials and recycled products, as well as promotes opportunities for the application of Canadian scientific and technological expertise.
- To ensure that clear and internationally acceptable standards and criteria are developed to define "environmentally sound management", to classify hazardous wastes, and to differentiate hazardous recyclables and hazardous wastes destined for disposal.

These definitions are critical to the management and implementation of all international strategies or agreements affecting hazardous waste management.

- To recognize the valuable environmental as well as economic role of recyclers, and the need to protect the interests of Canadian recyclers where this is compatible with environmentally sound management.
- To promote policies directed at the environmentally sound management of hazardous wastes which will recognize market-based, as well as regulatory approaches.

- To uphold the principles of the Basel Convention on the Control of the Transboundary Movement and Disposal of Hazardous Wastes (see attachment); and furthermore, to review both the problems encountered in the ratification of the Basel Convention and the measures to be taken to solve these problems.
- To encourage consultation and close co-operation among all international organizations (such as UNEP, UNIDO, WHO, IMO, FAO, OECD, CEC, and GATT) in developing and implementing an integrated waste management strategy. This consultation is essential in order to ensure uniformity and consistency in the application of such a policy by various organizations and nations.
- To seek alliances with other OECD countries (i.e., United Kingdom, France, United States), as well as with the CANZ group, so that a strong presence can be presented to ensure that further controls do not impede recycling initiatives.

DISCUSSION TO DATE:

- The Basel Convention was signed on March 22, 1989. As of January 1991, 58 countries and the European Community have signed the Basel Convention, and seven have ratified the Convention. Furthermore, 20 more countries have informed the United Nations Environment Programme (UNEP) that they are in the process of ratification or accession. An Interim Secretariat for the Basel Convention has been set up under UNEP to carry out functions related to the Convention. (It should be noted that the Basel Convention requires countries that ratify the Convention to put in place domestic regulations to implement provisions of the Convention. In Canada, domestic regulations must be in place before any ratification. We are now involved in a consultation process to develop Export/Import Regulations.)
- In August of 1990, at the Preparatory Committee meeting for UNCED, Working Group II tabled its initial proposal regarding the environmentally sound management of hazardous wastes and toxic chemicals (see attachment).
- In October 1990, the OECD Waste Management Policy Group finalized a draft Council Recommendation on the Reduction of Transfrontier Movements of Wastes. The objective is that OECD Member countries take steps to implement some of the principles contained in the Basel Convention, in particular studying the whole issue of recyclables and indentifying necessary controls that would not create barriers to legitimate trade.

In January 1991, the Secretary General of UNCED provided a progress report with recommendations for action for the environmentally sound management of wastes, particularly hazardous wastes. (See attachment). The document gives a summary of the "discussions to date".

PREPCOM SCENARIO:

- 1) There may be discussion regarding participation on a Working Group to develop Technical Guidelines to promote environmentally sound management of wastes within the context of Basel.
- 2) An Ad Hoc Working Group of legal and technical experts is likely to submit a progress report on its work to develop a Protocol on Liability and Compensation for damage resulting from the transboundary movement and disposal of wastes, under the Basel Convention.
- 3) The Organization of African Unity (OAU) may submit an intervention lobbying to strengthen the Basel Convention and to place a ban on the import of all forms of hazardous wastes. This is a position that may be supported by other countries (i.e. South American) as the initial Prep Com proposal (August 1990) recommends that a study be carried out to investigate the feasibility of adopting a world-wide ban on the export of hazardous wastes.
- 4) Some non-governmental organizations (environmental groups) may raise the issue that the proposal of having two waste regimes, differentiating hazardous wastes destined for final disposal and those destined for recycling operations, creates a serious loophole in that it increases the likelihood that waste would be exported under the pretext of being exported for recycling or further use.

INTERVENTION POINTS:

- 1) Canada supports the establishment of a Working Group to develop Technical Guidelines on Environmentally Sound Management of Wastes and would like to participate as a member of such a Working Group when it is set up.
- 2) Canada already participates on the Ad Hoc Working Group which is developing a Protocol on Liability and Compensation, and will continue to do so.
- 3) Canada does not support any bans on exports or imports of hazardous wastes, in particular those destined for recycling operation. However, should there be such a lobby, Canada should not support it on the basis that:
 - for both economic and environmental reasons, there needs to be a rationalization of the use of treatment facilities; this includes the possibility of countries putting in place bilateral agreements which enable hazardous waste generators to access the nearest environmentally sound facilities, regardless of international boundaries;
 - imposing such a ban would create a climate that would encourage the illegal movement;
 - both environmental and economic objectives must be balanced in particular for hazardous recyclables.
- 4) Canada supports initiatives that lead to appropriate controls for the transboundary movement of hazardous wastes destined for recycling within the framework of Basel; such controls should ensure the promotion of resource and material recovery, while not creating unnecessary administrative barriers to such trade.

REFERENCE DOCUMENTATION

1. Copy of Basel Convention
2. Prep-Com's Working Group II Draft Proposal (August 1990): A/CONF.151/PC/WG.II/L.3/REV 2
3. Summary of Canadian position with respect to the sixteen recommendations for action as outlined in L.3/REV 2: Attachment #1 to this note.
4. Progress Report for PrepCom II (January 1991): A/CONF.151/PC/34.
5. Information Note on Basel Convention (Resolution 7) - Shipments through Territorial Waters: Attachment #2 to this note.
6. Greenpeace International Report on the Supervision and Control of Shipments of Waste.

Attachment # 1

March 7, 1991

RECOMMENDATIONS FOR ACTION

Working Group II of the Preparatory Committee for the United Nations Conference on Environment and Development submitted a Draft Proposal to the Secretary General with recommendations for action in areas related to the management of wastes, particularly hazardous wastes. (See attachment A/CONF.151/PC/WG.II/L.3/Rev.2 - August 1990).

In response to these recommendations a Discussion Paper (A/CONF.151/PC/34-January 1991) was prepared to identify potential areas for action at the upcoming Prep-Com II meeting.

The following is a summary of the initial recommendations for action identified at the last Prep-Com meeting (L.3) and a summary of Canada's position on each one.

The Discussion Paper (PC/34) identifies eight general areas for potential action (pgs. 20-24), which reflect the issues described below in points "a) to p)".

1. Waste Prevention and Minimization - covered by a), d).
2. Economics of Waste Management - covered by l), m), n), o).
3. Education, Training, Research, Capacity Building - covered by b), c), d), n).
4. Environmental and Health Impacts of Wastes - covered by e)
5. Waste Treatment Centres - covered by b), l), p).
6. Harmonization of Criteria - covered by h), g), b)
7. Integration of waste management, land-use planning and development plans - covered by m).
8. Technologies for Recycling and Conversion of Waste - covered by a), b) and d).

RECOMMENDATIONS FOR ACTION - WORKING GROUP II:
(From PrepCom I: Reference Document L.3/Rev 2)

- a) Develop international strategy for the environmentally sound management of hazardous wastes, giving priority to waste reduction at source, including the aim of self sufficiency and taking into account the needs of developing countries.

CANADA'S POSITION:

- This is one of Canada's primary objectives. This includes giving priority to the 4R hierarchy, and taking into account the needs of developing countries.
- Regarding the stated "aim of self sufficiency", it is not clear whether this refers to national or regional self-sufficiency. Canada stresses the approach, as outlined in Intervention Point #3 of the Briefing Note, that, where appropriate, regional waste treatment, analysis and disposal facilities be established. This approach allows for flexibility based on geography and existing international trade patterns, and is preferable to a blanket insistence on national self-sufficiency.

- b) Measures to strengthen international, regional and sub-regional co-operation...including the exchange of information, training, and technical assistance...and measures to encourage, where appropriate, harmonization of standards for waste disposal;

CANADA'S POSITION:

- Canada supports this proposal in general but cautions that consideration should be given to the existing infrastructures, organizations and agreements (i.e., bilateral).
- With regard to proposed harmonization of standards, it is not clear how extensive this harmonization activity would be. Rather, efforts should be made to develop guidance documents and standards which are based on established priorities. Should attempts to harmonize these standards include setting new priorities for specific waste treatment technologies or processes, Canada would not want to support such an initiative without further consultation.

- c) Education, public awareness and training programs on the management of wastes;

CANADA'S POSITION:

- Support this proposal. Could be accomplished through workshops, development of information tools such as fact sheets. Any initiatives should draw upon existing programs and agencies rather than creating new ones.

- d) ...Promotion of clean production technologies and recycling and source reduction methods..

CANADA'S POSITION:

- Same as (c), should also involve industry.

- e) ...Assessment of the impact of treatment and disposal of wastes...

CANADA'S POSITION:

- Support the development of codes and guidelines to ensure the environmentally sound management of various waste streams.
- Will require establishment of agreed to lists of guidelines and codes with priorities

- f) Review and analysis of problems encountered in the ratification of the Basel Convention...

CANADA'S POSITION:

- This is covered in Intervention Point #2 of the Briefing Note. It is essential that the problems encountered by Canada in the development of regulations to ratify Basel be raised, and discussions of solutions to these issues should be encouraged. One of the specific problems to be dealt with is how to deal with hazardous recyclables and not to create non-tariff barriers to exports and imports of such wastes destined for recycling reuse, increased reuse/recycling in other country.

g) Protocol on Liability and Compensation**CANADA'S POSITION:**

- This point is covered in Intervention Point #2 of the Briefing Note.

h) Measures to monitor and control the transboundary movements of hazardous wastes...**CANADA'S POSITION:**

- There is a need to develop an implementation strategy for such an initiative, a mechanism is especially needed to collect relevant data and statistics.

i) Strengthening the monitoring and control of international movements of hazardous wastes, including the feasibility of adopting an international ban on the export of hazardous to developing countries...**CANADA'S POSITION:**

- Canada should be cautious of this issue not to promote movements to developing countries, many industrialized countries (i.e., European Economic Community) have indicated they will stop shipments to LDCs.
- We support the rationalization of the use of facilities based on proximity, as outlined in Intervention Point # 3 of the Briefing Note. Furthermore, a ban would inhibit the development of regional waste treatment facilities, for example in Africa. There may also be a problem with the definition of "developing countries", and the permanence of such status.

j) ...Strengthening of the International Atomic Energy Agency guidelines on international movements of radioactive wastes, including the feasibility of adopting a world-wide ban on the export of radioactive wastes to developing countries...**CANADA'S POSITION:**

- Canada supports a review of the guidelines and identification of provisions and controls to be strengthened, but does not support a total ban. It must be recognized that each country has a sovereign right to ban imports.

k) Measures to strengthen the capabilities of developing countries in enforcing regulations...

CANADA'S POSITION:

- Canada would support the training which can be on a bilateral basis and part of c) and d) workshops and exchange of information.

l) ...Establishment of indigenous technologies in developing countries...

CANADA'S POSITION:

- In principle, Canada would support such an initiative.

m) Comprehensive review of of solid waste and sewage related issues...

CANADA'S POSITION:

- This would be a major undertaking; a less onerous approach would be to carry out "case history" studies.

n) ...Funding human waste treatment facilities...

CANADA'S POSITION:

- This presumably applies to sewage treatment facilities. An information exchange could be useful to examine work and approaches being taken in various countries.
- Points k) to l) reflect the strong need for education in all these areas.
- o) Greater participation of industry in waste prevention and minimization programs...

CANADA'S POSITION:

- Canada supports the initiative to create opportunities for industries to better participate in preventive programs.

The "Industry and Environment Office" of UNEP could assist in this area.

- p) Measures to strengthen international co-operation...including, as appropriate, the establishment of regional waste treatment, analysis and disposal facilities...

CANADA'S POSITION:

- As indicated previously, Canada supports this principle as the most flexible and responsive to specific regional solutions to waste management which may involve the transboundary shipments of hazardous wastes.

Attachment # 2

INFORMATION NOTE

BASEL CONVENTION (Resolution 7)

Issue:

Some of the Less Developed Countries (LDC) could lobby to strengthen controls under the Basel Convention for transboundary movements of hazardous wastes by sea, in particular those transiting through the territorial waters of a coastal state.

Background:

During the negotiation sessions for the Basel Convention, this issue became very controversial as most of the LDC's (approximately 65 countries) supported having the same regime as exists for shipments of hazardous wastes by land.

A number of OECD countries, in particular the United States, the United Kingdom, Germany, Japan and Norway, objected to provisions requiring prior notification of shipments through territorial waters of a coastal state on the basis of "innocent passage", as cited under the Law of Sea Convention.

Portugal started an alliance with the LDC's to lobby for a strong regime, and it remained an outstanding issue until the last moment in the Basel negotiation.

In the Basel Convention, Canada tried to find a compromise position that would bridge the gap between the two groups, keeping in mind the Canadian position that recognizes the need to strengthen controls over such shipments.

Outcome:

Resolution 7 was agreed to by all parties. It calls for the International Marine Organization (IMO) and the United Nations Environment Programme (UNEP) to review existing controls and to identify areas to be strengthened.

Some countries, in particular Portugal and Argentina, agreed to the compromised position but spoke strongly for stronger requirements for shipments of hazardous wastes by sea.

J. Myslicki
Waste Management
Conservation & Protection
March 6, 1991

SOLID WASTES AND SEWAGE

Documentation:

A/CONF.151/PC/34 Secretariat Report on: "Environmentally Sound Management of Wastes, particularly Hazardous Wastes"

A/CONF.151/PC/WG.II/L.10 PrepCom decision on: "Environmentally sound management of solid wastes and sewage related issues"

CANADIAN OBJECTIVES:

No specific brief was prepared for solid wastes and sewage-related issues, separate from our general brief on hazardous wastes.

PREPCOM DISCUSSION:

Many delegations expressed the need to control non-hazardous as well as hazardous wastes, specifically solid wastes, and recognised that those principles applicable to hazardous wastes should also be applied to solid wastes. The importance of minimising the production of wastes was stressed. Unique problems related to solid wastes are location and management. There was consensus on the need for endogenous capacity enhancement and financing for treatment of solid wastes and strong emphasis on the desirability of public participation, especially as the problem of solid wastes relates to modification of lifestyle. There was a recognised need for a public information programme. Several delegations underlined the linkage to a strategy on human settlements. However, financing is a major problem for dealing with solid wastes.

There was some discussion concerning cleaner technology, but it was recognised that technologies would have to be appropriate to the needs of each country. Mistakes have occurred in the transfer of technology found to be inappropriate for local circumstances. There was a call for research into newer technologies to deal with solid wastes. Developing countries do not have such technologies and centres of excellence will need to be established in order to meet regional needs. There was a recognised need for monitoring systems, which any action programme should address.

OUTCOMES:

Much of the debate was a replay on the issues outlined above. There was, however, an increased emphasis by developing countries (notably India) on explicitly identifying consumption patterns and changes in lifestyle as an aspect to be addressed in solid waste management, as well as concomitant public-awareness programmes.

As with hazardous wastes, technology transfer and financial resources were central issues, with the standard agreed wording reflected in paragraph 2(j).

ASSESSMENT:

The following comments apply to the discussion of both hazardous and solid wastes.

In terms of Canadian interests, an identifiable positive step was in the acceptance of the Canadian proposal on recycling in the hazardous wastes decision document, which was in line with our brief to ensure that further controls do not impede recycling initiatives. For the rest, it can perhaps be summed up by noting that there were no initiatives proposed which would create serious problems for Canada.

The Bamako Convention, dominating as it did the interventions of many of the African delegations, clearly represented for many developing countries a significant initiative in exercising their own control, rather than simply reacting to the actions of developed countries. The Canadian delegation has not studied the Convention in any detail; it will be worthwhile to do so to assess what implications, if any, there are for Canada.

As was expected, the issues of financial resources and technology transfer were signalled as the issues which will have to be addressed internationally for progress on the environmentally-sound management of wastes.

While the debate on hazardous wastes included few references to links with other issues, the discussion on solid wastes addressed the links with human settlements and with health, at least starting UNCED down the road of looking at issues in a inter-related fashion. It will be important to assess how the next round of studies will further this approach.

Other than the above few comments, it is difficult to assess what, in concrete terms, was achieved in PrepCom II on the wastes issues. Unlike the issues for which Conventions are the objective, there is no particular product which can be used as the yardstick of success. The further studies requested of the Secretariat for PrepCom III may advance international understanding of the issues; this can be assessed when the requested documentation is produced.

As with all other issues on the UNCED agenda, the next steps for the Canadian Working Group looking at the wastes management issue(s) could most usefully be to focus on identifying what value-added UNCED can bring to the international consideration of these issues.

PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Second session
Geneva, 18 March - 5 April 1991
Working Group II
Agenda item 4 (a)

ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES, PARTICULARLY
HAZARDOUS WASTES, AND OF TOXIC CHEMICALS, AS WELL AS
PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND
DANGEROUS PRODUCTS AND WASTES: ENVIRONMENTALLY SOUND
MANAGEMENT OF WASTES, PARTICULARLY HAZARDOUS WASTES

Draft decision submitted by the Vice-Chairman (NETHERLANDS)
on the basis of informal consultations

Environmentally sound management of solid wastes
and sewage-related issues

The Preparatory Committee requests the Secretary-General of the Conference in close co-operation with the United Nations Centre for Human Settlements, the World Health Organization and other United Nations organizations, to elaborate for its third session the potential areas for action proposed in Progress Report A/CONF.151/PC/34 which would form the framework of an international strategy for the environmentally sound management of solid wastes and sewage. In preparing his report the Secretary-General should take into account inter alia the following:

- a) Its decision 1/22, section I, of 31 August 1990;
- b) The relevant paragraphs of the Bergen Declaration, the Tlatelolco Platform on Environment and Development and the Asia-Pacific input to the United Nations Conference on Environment and Development to be held in 1992 in Brazil, which is expected to be endorsed by the Economic and Social Commission for Asia and the Pacific in April 1991 at Seoul, as well as the results of the Regional Conference for Africa, organized in accordance with resolution 44/228, section II, paragraph 13 and decision I of the Preparatory Committee of its organizational session;
- c) The need to integrate environmentally sound management of solid wastes and sewage-related issues, into national and, where appropriate, local and regional development plans and policies;

- d) The need to give high priority to waste prevention, minimization, re-utilization and recycling in production and consumption. This will require broad public participation, national policies and legislation, aiming towards changes in life-styles, production and consumption patterns;
- e) The need to elaborate the linkage between human settlements and environmentally sound management of solid wastes and sewage-related issues, taking into account that political and economic decisions should be made in line with the development of human settlements to improve their quality of life, particularly in developing countries;
- f) The need for clean technologies in the context of full-cycle production strategies appropriate to the economic, technical and managerial circumstances of each country;
- g) The need to examine, with a view to making recommendations, effective modalities for favourable access to and transfer of environmentally sound technologies, in particular to developing countries, including on concessional and preferential terms, consistent with resolution 44/228;
- h) The need to promote information exchange on the siting and management of landfills, waste treatment centres, including waste incineration, methods for clean technologies, waste recycling and other relevant technologies;
- i) The need to evaluate available information and methodology for direct prevention of infections and epidemics with a view to creating a clean sanitary environment;
- j) The need to assess the costs, particularly for developing countries, involved in achieving environmentally sound management of solid wastes and sewage related issues and to identify ways and means for ensuring funding and technology transfer consistent with GA Resolution 44/228 with a view to fulfilling the objectives of the Conference, in particular those stipulated in paragraphs 15 (j), (k), (l), (m) and (v) of Section I.
- k) The need for capacity building and technical assistance at the local level;
- l) The need to strengthen the capabilities of developing countries in the implementation of sewage-related projects and the human resources development connected therewith;
- m) The Preparatory Committee calls upon the Secretary-General of the Conference to carry out decision 1/22 (section I of 31 August 1990), namely to submit a report with recommendations relating to a comprehensive review of existing difficulties

encountered by developing countries in funding human-waste treatment facilities and suggestions regarding ways and means of overcoming them.

ILLEGAL TRAFFIC IN TOXIC WASTES

Documentation:

A/CONF.151/PC/WG.II/L.9 PrepCom decision on: "Illegal international traffic on toxic and dangerous products and wastes".

CANADIAN OBJECTIVES:

There was no specific Canadian brief on this issue, separate from our general brief on hazardous wastes.

PREPCOM DISCUSSION:

This issue had not been formally identified as an agenda item, and the Secretariat had not issued a discussion paper for PrepCom II.

Some developing country delegations expressed concern over the lack of attention that had been paid to this issue for PrepCom II. Venezuela noted the lack of Secretariat documentation, and added that a paper to be issued by UNEP will be helpful.

OUTCOME:

The short decision document agreed for this issue essentially requests the Secretariat to bring to PrepCom III's attention any further information on the subject which may become available from UNEP and the regional economic commissions. This was, surprisingly, accepted by the Working Group with little debate.

ASSESSMENT:

This issue will undoubtedly be debated at the next PrepCom; Canada will have to prepare positions and a brief on this question.



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PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE ON
ENVIRONMENT AND DEVELOPMENT

Second Session

Geneva, 18 March-5 (or 12) April 1991

Working Group II

Agenda item 4(c)

ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES, PARTICULARLY
HAZARDOUS WASTES, AND OF TOXIC CHEMICALS, AS WELL AS
PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND
DANGEROUS PRODUCTS AND WASTES: PREVENTION OF ILLEGAL
INTERNATIONAL TRAFFIC IN TOXIC AND DANGEROUS PRODUCTS
AND WASTES

Draft decision submitted by the Bureau on the basis
of informal consultations

The Preparatory Committee takes note of the summary progress report of the Secretary-General of the Conference on decisions taken by the Preparatory Committee at its first session (A/CONF.151/PC/20) as it pertained to decision 1/22, section III, on illegal international traffic in toxic and dangerous products and wastes.

The Committee requests the Secretary-General of the Conference to bring to its attention, any further information on the subject which may become available from the United Nations Environment Programme and the regional commissions, as set forth in General Assembly resolution 44/226.

TOXIC CHEMICALS

Documentation:

A/CONF.151/PC/35 Secretariat Report on: "Environmentally Sound Management of Toxic Chemicals"

A/CONF.151/PC/WG.II/L.11 PrepCom decision on: "Environmentally sound management of toxic chemicals"

CANADIAN OBJECTIVES:

Our objectives in the PrepCom discussion of this issue were as follows:

To promote the life-cycle approach to the management of chemicals.

Adoption of measures to assist developing countries in the development of expertise and infrastructure that will enable them to manage use of chemicals.

Adoption of compatible approaches by all countries to minimise duplication and not compromise international trade or national competitiveness.

PREPCOM DISCUSSION:

The discussion on this issue was completed in one afternoon session, less than the allotted time, taking many participants (delegations and the Secretariat) somewhat by surprise. The short time spent on this issue, and the relative lack of polemics, may be a reflection that there is little that is contentious in the issue of environmentally-sound management of toxic chemicals. The interventions for the most part focussed on the sections of the Secretariat document dealing with components of an international strategy and potential areas for action, which should assist the Secretariat in defining the toxic chemical items of Agenda 21.

The Canadian intervention drew on the excellent briefing notes prepared for the delegation; a copy of the intervention points is attached for information.

PRINCIPLES FOR AN INTERNATIONAL STRATEGY:

There was general support for the principles described in paragraph 30 of PC/35. Australia noted that many of these principles already underlie work in fora such as the OECD. Netherlands suggested that integrated life-cycle management is sufficiently important to be added to this list of basic principles.

POTENTIAL AREAS FOR ACTION:

Again, most delegations supported the actions proposed in paragraph 31 of PC/35; particular comments are noted below. The US proposed that fostering increased public participation be added to the list of action items. Kenya noted the need for assurance of international monitoring, or the world will continue to complain about dumping. With regard to the action item on harmonisation of labelling (paragraph 31.viii) some delegations (notably Sweden) stated that harmonisation should go far beyond labelling to include the whole chain of toxic chemicals management.

STRENGTHENING NATIONAL CAPACITIES:

Many delegations identified this as a priority need (e.g. Sweden, US, Benin). Benin noted the serious lack of infrastructure in developing countries to properly implement the entire chain of toxic chemical management and, as did others, agreed that education and training in particular are essential components of strengthening national capacity.

LONDON GUIDELINES AND INTERNATIONAL CODE OF CONDUCT:

Several delegations called for strengthening the London Guidelines for Exchange of Information on Chemicals in International Trade, and the International Code of Conduct on Distribution and Use of Pesticides. Sweden suggested that the UNEP Working Group looking at the London Guidelines and the FAO Code of Conduct Working Group should be asked to report more fully to UNCED, with particular advice on whether their work can lead to something that is legally binding. The UNEP representative reported on a recently-convened meeting of experts to consider how to strengthen the London Guidelines; a report will be presented to the UNEP Governing Council in May.

In the context of the Guidelines and the Code of Conduct, there was considerable discussion of the principle of Prior Informed Consent (PIC). Malaysia called for positive action on paragraph 14(iii), which deals with international policies, laws and regulations for the safe management of toxic chemicals and particularly the PIC procedures. The US recalled that the PIC approach was initially seen as an interim measure; it suggested that a useful role for UNCED is to develop further implementation strategies for this approach. UNEP reported that approximately 90 countries want to pursue the PIC approach, but cautioned that there is probably too little experience with PIC at the national level to consider means of aggressively strengthening it at this point.

LIFE-CYCLE/CRADLE-TO GRAVE MANAGEMENT:

The need for this approach was identified by several delegations. As noted above, Netherlands proposed that integrated life-cycle management be added to the list of principles in paragraph 30.

INFORMATION EXCHANGE:

Another need stressed by several delegations, in some cases in the context of capacity building, is for increased, consistent information exchange. Australia commented that information documented by developed countries on hazards in chemicals is sometimes not available to others, particularly developing countries, and that while some confidentiality may be required more must be done in sharing information. The US noted that information exchange should be intensified in the context of developing emergency response centres (paragraph 31.iv).

ESTABLISHMENT OF PRIORITIES:

Several delegations noted that the need to set priorities is paramount, given the challenge of having some 100,000 chemicals currently being marketed worldwide. Which ones carry the most risk and should therefore be dealt with most urgently?

ENFORCEMENT:

Delegations supported the need for strengthened enforcement procedures, but there were various views on how much to rely on enforcement as the solution to the problems of managing toxic chemicals. Malaysia suggested that countries should be looking to reduce their dependency on the chemicals and pesticides in the first place. In the context of public knowledge/information, the US also suggested that development of an international toxic chemical release inventory be considered, citing as an example the national inventory in place in the US; the requirement for industry reporting, in order to establish and maintain the inventory, leads to public knowledge and accountability, which can be a useful complement to enforcement activities. Tonga suggested that "enforcement capabilities" be explicitly identified in the action area dealing with strengthening of national capacities.

INSTITUTIONAL QUESTIONS:

While delegations, particularly from developed countries, supported the need for a global co-ordinating mechanism, there was caution against establishing new institutions. Japan doubted that a new institution was needed at this point; Australia stated that any new institution should build on existing programmes; the US indicated support to a new co-ordinating mechanism if backed up by an endorsing feasibility study; Sweden stated that a coordinating mechanism as suggested in paragraph 33 was precisely what is needed, and proposed specifically that an Intergovernmental Mechanism for Chemical Risk Assessment and Management be established. Note that Sweden's proposed title does not appear to take into account the paragraph 33 suggestion that a mechanism allow for the participation of NGOs.

TECHNOLOGY ISSUES:

Statements on technology requirements were by and large predictable, with developing countries emphasising the need for technology and developed countries agreeing in principle. Japan stated that technologies should be supplied to developing countries in a form that is easy to understand and apply. Australia, commenting that the regulation of chemicals requires considerable technological resources, supported the transfer of technology wherever possible. The US supported, in principle, the exchange of technology for chemical safety. Kenya was enthusiastic about the need for clean technologies, noting that the developing countries required these technologies as well as developed countries.

OUTCOMES:

The debate covered many of the issues raised in the earlier interventions, including risk communication principles; relationships between UNCED activities and those in other fora, and what international mechanisms were needed; the link between environmentally-sound management of toxic chemicals and international trade practices; the link with sustainable agricultural practices, including dependence on agro-chemicals; and the strengthening of prior informed consent (PIC) procedures, with some delegations wishing to make these procedures mandatory. The agreed wording, however, calls only for ways and means to fully implement the PIC principle, including work on strengthening its legal basis (paragraph 2(f) of L.11).

Some developed countries (in particular the US) were concerned by proposals calling for phasing out of the use of toxic substances according to agreed time schedules; in the end the tortuous wording that was negotiated on the schedule question refers to consistency with other UN and intergovernmental decisions, so as not to push UNCED ahead of other international fora (see paragraph 2(s) of L.11).

As in the wastes agenda items, debate was prolonged by developing countries' proposals (e.g. India, Kenya, Uganda, Mauritania) to include reference to technology and financial needs in almost each sub paragraph of the decision document.

ASSESSMENT:

As with the wastes issues, it is difficult to assess what, in concrete terms, was achieved in PrepCom II on Toxic Chemicals. Unlike the issues for which Conventions are the objective, there is no particular product which can be used as the yardstick of success.

No initiatives were agreed that would pre-empt the work going on in other fora. Essentially, further studies were requested of the Secretariat for PrepCom III. It will be important for Canada

to concentrate on the proposed action areas which will be elaborated on in the PrepCom III discussion paper to assess whether concrete initiatives might emerge from UNCED.

As with all other issues on the UNCED agenda, the next steps for the Canadian Working Group looking at the Toxic Chemicals issue could most usefully be to focus on identifying what value-added UNCED can bring to the international consideration of this issue.

PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Second session
Geneva, 18 March - 5 (or 12) April 1991
Working Group II
Agenda item 4 (b)

ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES, PARTICULARLY
HAZARDOUS WASTES, AND OF TOXIC CHEMICALS, AS WELL AS
PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND
DANGEROUS PRODUCTS AND WASTES: ENVIRONMENTALLY SOUND
MANAGEMENT OF TOXIC CHEMICALS

Draft decision submitted by the Vice-Chairman (Netherlands)
on the basis of informal consultations

1. The Preparatory Committee requests the Secretary-General of the Conference to elaborate for its third session, the potential areas for action proposed in progress report, A/CONF.151/PC/35, which would form the framework for an international strategy for environmentally sound management of toxic chemicals.
2. In elaborating the potential areas of action, the Secretary-General of the Conference should take into account, inter alia:
 - (a) Its decision 1/22, section II, of 31 August 1990;
 - (b) The relevant paragraphs of the Bergen Declaration, the Tlatelolco Platform on Environment and Development and the Asia-Pacific Input to the United Nations Conference on Environment and Development to be held in 1992 in Brazil, which is expected to be endorsed by the Economic and Social Commission for Asia and the Pacific in April 1991 in Seoul, as well as the results of the Regional Conference for Africa, organized in accordance with resolution 44/228, section II, paragraph 13 and decision I of the Preparatory Committee at its organizational session;
 - (c) The progress report of the Secretary-General of the Conference (A/CONF./151/PC/35);
 - (d) The need to build upon and strengthen the existing WHO/ILO/UNEP International Programme on Chemical Safety (IPCS), in the provision of the evaluated scientific basis, fundamentally sound management of toxic chemicals and in the strengthening of national capabilities for safer use of chemicals;

- (e) The need to move quickly to fully implement the amended London Guidelines for the Exchange of Information on Chemicals in International Trade and the FAO International Code of Conduct on the Distribution and Use of Pesticides;
- (f) The wish to communicate to relevant bodies the recommendation to expedite the work by inter alia the UNEP Ad Hoc Working Group on the Implementation of the amended London Guidelines for the Exchange of Information on Chemicals in International Trade on ways and means to fully implement the principle of prior informed consent including work on strengthening its legal basis;
- (g) The wish to communicate to relevant bodies the recommendation to examine the feasibility of establishing an international mechanism to regulate and, as appropriate, prohibit the trade in, or dumping of, hazardous substances, products, processes and technologies which, having been considered harmful for health and environment, have been prohibited or seriously restricted in their country of origin;
- (h) The need to promote sustainable agricultural systems, including integrated and environmentally sound pest-management methods and low-external-input sustainable agriculture and thereby reduce dependence on agrochemicals;
- (i) The need to encourage the full life-cycle approach and, as appropriate, the precautionary principle to toxic chemical management;
- (j) The need to establish priorities in work on toxic chemicals, utilizing feasibility studies and risk assessment;
- (k) The work of industry on toxic chemicals including the potential for wider applications of the code of conduct approach;
- (l) The contribution of the International Directory of Emergency Response Centres on a regional basis where appropriate;
- (m) The need for improved management, including stock controls, methods of transport and storage;
- (n) The need for improvement and harmonization of control standards, assessment methodologies and of testing, evaluation, classification and labelling criteria;

- (o) The need to make a concerted effort to strengthen where necessary, the national regulatory infrastructure for more efficient management, monitoring and enforcement in all countries;
- (p) The need to study possible linkages between environmentally sound management of toxic chemicals, trade and sustainable development;
- (q) The need to make available information to users on a worldwide basis, utilizing state-of-the-art communications systems;
- (r) The need to examine, with a view to making recommendations, effective modalities for favourable access to and transfer of environmentally sound technologies, consistent with resolution 44/228, adapted to the ecosystems and the local agricultural production systems, and to promote their national and, where appropriate, regional development to replace progressively the use of agrochemicals which are toxic-persistent and bio-accumulative;
- (s) The need to propose possible risk-reduction/restrictive measures, including product labelling, use of clean products, and the phasing out, according to time schedules, consistent with decisions of regional conferences and relevant UN and other inter governmental bodies, the use of substances which are toxic-persistent, and bio-accumulative which cannot be adequately controlled, consistent with availability and economic feasibility of substitutes.
- (t) The need to consider chemical risk communication guidelines at the national level to promote information exchange with the public;
- (u) The need to strengthen procedures, particularly at the local level, for monitoring, assessment, preparedness, prevention, mitigation and emergency response to address chemical accidents;
- v) The need to assess the costs, particularly for developing countries, involved in achieving environmentally sound management of toxic chemicals and to identify ways and means for ensuring funding and technology transfer consistent with General Assembly resolution 44/228 with a view to fulfilling the objectives of the Conference, in particular those stipulated in paragraphs 15, (j), (k), (l), (m) and (v) of Section I.

- (w) The need to promote through appropriate international co-operation, the development of human resources in developing countries.

3. The Committee invites the World Health Organization, the United Nations Environment Programme and the International Labour Organization, within the framework of the International Programme for Chemical Safety and, in co-operation with the Food and Agricultural Organization of the United Nations and other relevant organizations, to report on ongoing work, carried out through appropriate government expert meetings, concerning possible proposals for an intergovernmental mechanism for chemical risk assessment and management.

Jim Armstrong
Environment Canada
(819) 953-1674
Rev: 6 March 1991

ENVIRONMENTALLY SOUND MANAGEMENT OF TOXIC CHEMICALS

ISSUE:

1. Measures to strengthen information exchange measures, in particular the UNEP London Guidelines for the Exchange of Information on Chemicals in International Trade and the FAO Code of conduct on the Distribution and Use of Pesticides.
2. International strategy for environmentally sound management of chemicals (monitoring, assessment, controls, education, training and technical cooperation).

CANADIAN OBJECTIVES:

3. Promote the life cycle approach ("cradle to grave") to management of chemicals, as embodied, for example, in the Canadian Environmental Protection Act (CEPA).
4. Encourage adoption of measures that will assist developing countries to develop the expertise and legislative infrastructure to be able to take timely and informed decisions on their own regarding the use of chemicals.
5. Promote adoption of compatible approaches to chemical management by countries, so duplication of testing, etc., is minimized and international trade or national competitiveness is not compromised.

DISCUSSION TO DATE:

6. Several international organizations (e.g. UNEP, UNGA, FAO, WHO, OECD, GATT) have addressed environmentally sound management of chemicals since the early 1980's. Exchange of information about potentially harmful chemicals in international trade has been of particular concern.
7. In 1984, the OECD issued a Recommendation Concerning Information Exchange related to the Export of Banned or Severely Restricted Chemicals (OECD Document C(84)37(Final), 3 May 1984). The Recommendation called for exporting Member countries to inform importing countries of action taken to ban or severely restrict any chemical for environmental or health protection reasons. The information was to be provided to importing countries on a one-time basis before the occurrence of the first export after the control action in the exporting Member country was taken.

8. Various UN organizations have undertaken initiatives similar to the OECD Recommendation, to broaden the application of information exchange to UN Member countries. In 1984, the UNGA Secretariat, in accordance with General Assembly resolution 37/137, published a Consolidated List of Products whose Consumption and/or Sale have been Banned, Withdrawn, Severely Restricted or Not Approved by Governments. A revised second issue of the Consolidated List was published in 1986 (ST/ESA/192). FAO included information exchange elements in the International Code of Conduct for the Distribution and Use of Pesticides, published in 1986. In 1987, UNEP GC adopted the London Guidelines for the Exchange of Information on Chemicals in International Trade (Decision 14/27, 17 June 1987).
9. Both the London Guidelines and the FAO Code of Conduct were amended in 1989 to incorporate the principle of prior informed consent (PIC) for exports of banned and severely restricted chemicals. UNEP and FAO are cooperating to develop a list of chemicals and pesticides that will be subject to the PIC procedure, and to implement the procedure contained in the Guidelines and the Code of Conduct.
10. The need for an international convention on PIC was considered at the last meeting of the ad hoc working group of experts on the implementation of the amended London Guidelines (Nairobi, 15-19 Oct 1990). The Working Group recommended that implementation of the PIC procedure set out in the London Guidelines continue until experience has been gained with it, before developing a convention.
11. In 1989, the GATT established a Working Group on the Export of Domestically Prohibited and Other Hazardous Substances. The Working Group is examining trade-related aspects that the GATT feels may not be adequately addressed by the other international organizations.
12. Canada is implementing the 1987 London Guidelines. CEPA prohibits the export of any substance (including pesticides) whose use has been totally banned in Canada. Identification of substances that are banned or severely restricted for regulatory purposes is nearly complete, and regulations requiring export notification as provided for in the London Guidelines will be proposed in the next few months.
13. Canada supports the amendments to the London Guidelines and the FAO Code of Conduct to incorporate prior informed consent (PIC). Canada is participating in the international working groups to prepare the PIC procedure, and is taking steps to implement it under Canadian legislation.

PREPCOM SCENARIO:

14. A number of issues were identified at Prepcom 1 for further consideration at Prepcom 2 (see UNGA A/CONF.151/PC/WG.II/L.3/Rev.2, 30 Aug 1990, and A/CONF.151/PC/35, no date). Suggested intervention points for each of these issues are attached.
15. With respect to strengthening the London Guidelines, etc (Issue #1), Canada should support gaining further experience with the amended London Guidelines and the International Code of Conduct before developing of an international convention to implement prior informed consent (PIC). However, Canada should not unilaterally oppose the establishment of a convention, but should be consistent with other developed countries. Developing countries and environmental interest groups will likely encourage an international convention.
16. Regarding Issue #2, Canada can support the principles of environmentally sound management of toxic chemicals, presented in UNGA document A/CONF.151/PC/35. Guidance for Canada's response to the potential areas for action presented in that document can be obtained from the attached intervention points.
17. Joint international efforts to assess chemicals, such as the OECD program to assess high volume chemicals, could be examined for applicability at the UN level. Such programs make efficient use of resources by spreading assessment work among countries.

DOCUMENTATION:

Environmentally sound management of wastes, particularly hazardous wastes, environmentally sound management of toxic chemicals and prevention of illegal traffic in toxic and dangerous products and wastes, Revised draft proposal submitted by the Chairman, UNGA A/CONF.151/PC/WG.II/L.3/Rev.2, 30 Aug 1990

Environmentally sound management of wastes, particularly hazardous wastes, and of toxic chemicals, as well as prevention of illegal traffic in toxic and dangerous products and wastes: Environmentally Sound Management of Toxic Chemicals, UNGA document A/CONF.151/PC/35, Progress Report of the Secretary-General of the Conference, second session of the preparatory committee for UNCED 92, Geneva, 18 March - 5 April, 1991

London Guidelines for the Exchange of Information on Chemicals in International Trade, amended 1989 (Decision 15/30 of UNEP Governing Council, 25 May 1989)

INTERVENTION POINTS

ENVIRONMENTALLY SOUND MANAGEMENT OF TOXIC CHEMICALS

The following potential areas for action have been taken from the progress report prepared after Prepcom 1 (UNGA document A/CONF.151/PC/35). It is assumed that these individual items will be discussed at Prepcom 2.

The Canadian Delegation should consider the appropriateness of these suggested interventions in light of the discussions at Prepcom 2 and the positions of other like-minded countries (e.g. OECD Member countries)

1. Strengthening the capabilities of Member States, especially developing countries, for management of chemicals through improved legislative systems, infrastructure, education, training, monitoring, assessment and technical cooperation.
 - Prepcom 2 may wish to consider development of model chemical control legislation and programs based on the life cycle management approach, which could be used by Member States, especially developing countries, as a basis for national legislation or programs.
 - Encourage implementation of the London Guidelines and the FAO Code of Conduct (for pesticides) to improve information exchange among countries. This will assist importing countries to take timely and informed decisions about the use of chemicals.
 - Support prior informed consent (PIC) as an interim (short or medium term) measure to assist developing countries deal with imports of toxic chemicals, but stress importance of longer term objective of all countries having capability to assess and control chemicals independently. Also, Canada could state the importance of gaining experience with the PIC procedure contained in the London Guidelines to ensure that it works well.
2. Strengthening and coordination of the assessment of the health and environmental risks posed by chemicals. This would require development of principles, guidelines, criteria for assessment and decision-making standards, and acceptable limits for chemicals.
 - Existing organizations, such as UNEP/IRPTC and FAO could be strengthened to ensure high quality of information exchanged under the London Guidelines and the PIC procedure regarding environmental and health risks of toxic chemicals.
 - Canada could question whether international organizations should try to develop decision-making

standards and acceptable limits for chemicals. It may be too large and complex a task for international organizations to deal with effectively, given the many national factors that would have to be considered to reach consensus. Such standards and limits may be more appropriately addressed by national governments, taking into account their own specific situation.

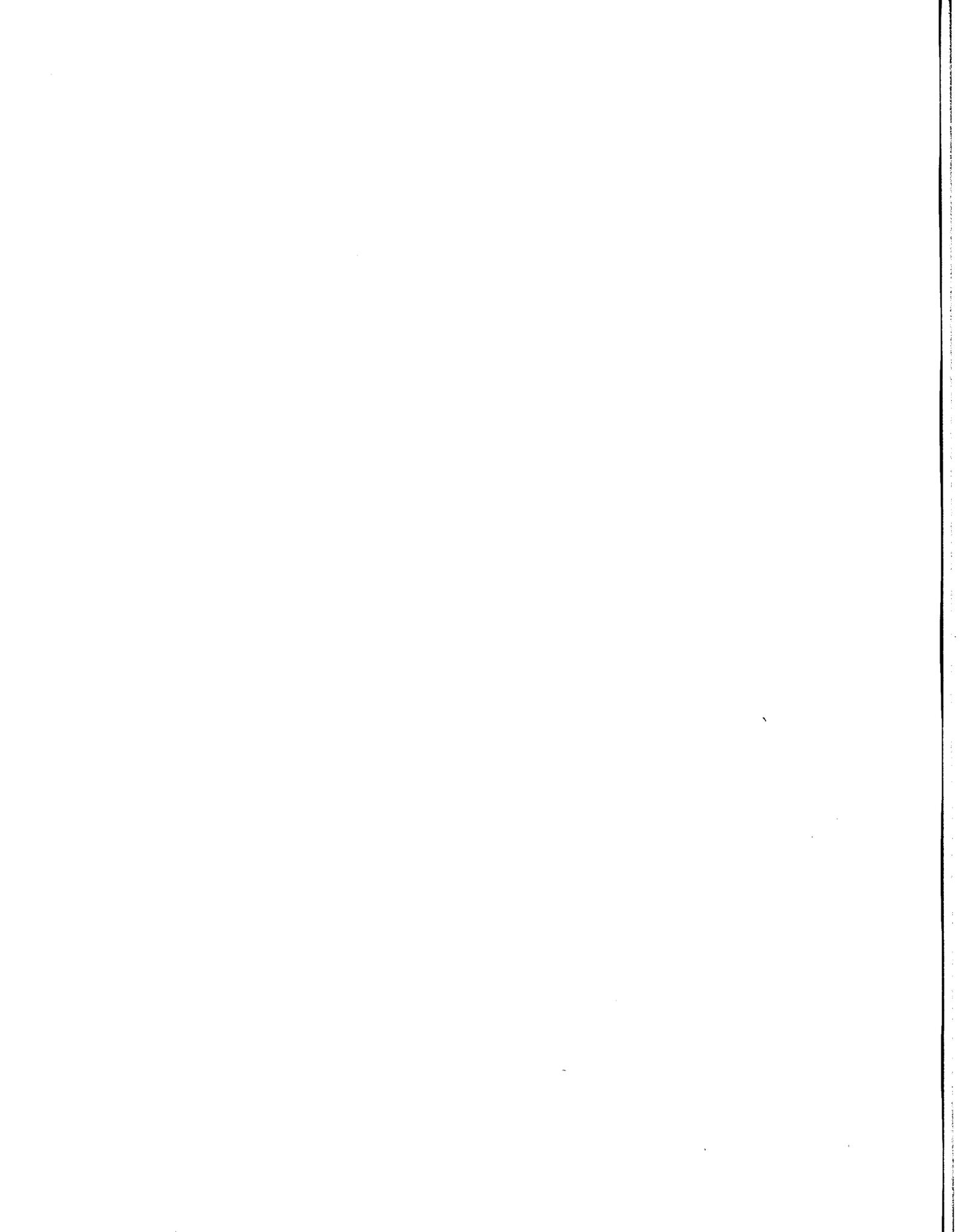
3. Developing sound principles of risk management for chemicals during production, transportation, storage, use and disposal, and assisting developing countries in their risk management, particularly for pesticides.
 - Support implementation of the Code of Conduct on the Distribution and Use of Pesticides.
 - Industry-based responsible care programs, etc. should be encouraged.
 - If appropriate, development of a code of conduct for chemicals, similar to the FAO code for pesticides, could be considered, by an organization such as UNEP or OECD.
 - With respect to management of pesticides, Canada supports integrated pest management (IPM) practices. It must be remembered that IPM includes environmentally sound use of agro-chemicals.
4. Developing and strengthening mechanisms for accident prevention and emergency response, including the medical aspects, at the local, national and international levels.
 - UNCED could foster cooperation among neighbouring countries, to improve emergency response capabilities.
 - Endorse establishment of UNEP APPEL (Awareness and Preparedness for Emergencies at the local level) programs.
 - Bilateral and multilateral relationships for emergency response should be strengthened.
5. Establishment of priorities for chemicals of global concern need to be evaluated or re-evaluated.
 - OECD work in this area (e.g assessment of high volume chemicals) should be supported, and assistance provided where appropriate to make the results available to UN Member nations.
6. Provision of regulatory guidance, including monitoring and enforcement, to achieve effective control of chemicals at the national level.
 - See intervention points for (1) above.

7. International availability of data on the amounts of chemicals produced, traded and registered. This should include notification procedures for new chemicals.
 - Prepcom should be clear as to the purposes this data would be used for, what level of detail they might consider necessary.
 - IRPTC could be strengthened and Member countries encouraged to submit the data as appropriate.
8. Provision of appropriate labelling which should, as far as is appropriate, be harmonized internationally.
 - Support this in principle.
 - The matter was considered by the UNEP Working Group that prepared the London Guidelines, and is addressed in the Guidelines.
9. Fostering technology exchange, with reference to chemical safety, so that all Member States are fully conversant with each other's decision-making concerning chemicals.
 - Information exchange as per existing mechanisms (e.g. London Guidelines) should be encouraged.
 - Encourage transfer of "clean" technology and information in ways that maximize assistance to developing countries and yet respect intellectual property rights and ensure the fair market value of technology. (NOTE: Any intervention at this agenda item regarding technology transfer must be consistent with Canada's general position on technology transfer.)
10. Promoting scientific research to improve the available methods for assessing chemicals, and the procedures for using test and epidemiological data to predict the effects of chemicals on human health and on the environment. Particular attention should be paid to vulnerable groups such as children, pregnant women, the elderly, the undernourished, etc.
 - This can be supported by Canada.
11. The implementation of these activities should also take into account the critical linkages between such sound management and protection of the global environment and the natural and human resources contained therein; e.g. land, marine and fresh water, air, climate, biodiversity and living and working conditions.
 - This can be supported by Canada.

12. In order to achieve the sound and effective management of the health and environmental effects of chemicals in conformity with the above principles and activities, the Preparatory Committee may wish to consider effective means for global coordination and implementation. Such coordination could include the establishment of an effective mechanism that involve Member States with the participation of NGOS. Such a mechanism could build on existing programmes such as the IPCS, suitably strengthened and expanded, and could also widen the applicability of activities undertaken by groups of countries, such as the OECD.

- This can be supported in principle, but specific proposals would have to be considered in some detail.

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OCEANS

Documentation:

A/CONF.151/PC/30 Secretariat Report on: "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"

A/CONF.151/PC/31 Secretariat Report on "Global Aspects of Marine Pollution"

A/CONF.151/WG.II/L.12 PrepCom decision on "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: global aspects of marine pollution; regional seas and coastal areas; protection, rational use and development of living marine resources"

CANADIAN OBJECTIVES:

This issue on the UNCED agenda encompasses both the issues of marine pollution and the issue of living marine resources. The key Canadian objectives on oceans at the Second PrepCom were the following:

- To inform delegations, intergovernmental organizations, and non-governmental organizations about the purpose and set-up of the Intergovernmental Meeting of Experts on Land-Based Sources of Marine Pollution, to be held in Halifax from May 6-10, 1991;

- To exchange views with delegations on possible outcomes for future intergovernmental discussions on land-based sources of marine pollution (commencing with the Halifax meeting), including the elaboration of a global strategy or instrument;

- To explain Canada's policy and concerns on the conservation and management of living marine resources, both within exclusive economic zones (EEZs) and on the high seas, to exchange views on how the UNCED can strengthen global commitments to promote the sustainable management of all fisheries;

- To exchange views with delegations on ways in which UNCED can promote the strengthening of regional seas and coastal management programmes, including the protection and conservation of living marine resources.

PREPCOM DISCUSSION:

Drawing on the UNCED documents (A/CONF.151/PC/30 & 31),

most interventions focused on the following: marine pollution, in particular, protection of the marine environment from land-based sources of marine pollution, mechanisms for capacity-building to ensure rational use and protection of marine resources and protection of the environment; coastal areas development and regional seas management; and international institutions and legal instruments. Some delegations addressed ways in which the London Dumping Convention could be strengthened, for example by banning entirely the dumping of radioactive wastes into the sea; the linkage between oceans and climate change; the role of the Global Ocean Observing System (GOOS); and the conservation and management of living marine resources.

Certain key themes dominated interventions by the some 50 delegations (10 international organizations and two non-governmental organizations) which spoke on marine issues, the most notable of which, from the Canadian perspective, was general praise for the Halifax meeting. Although delegations were hopeful that the Halifax meeting would successfully launch a process towards developing and/or strengthening regional and global approaches or strategies for dealing with the serious problem of land-based sources of marine pollution, there was generally strong resistance to the idea of starting up negotiations on any new legal agreements or instruments in this area and the associated issue of marine resource management and development. Many delegations stressed that countries should sign and ratify the UN Convention on the Law of the Sea and consider ways to strengthen, implement, and enforce its guidelines before considering possible new instruments. Numerous delegations, in particular those from developing countries, emphasized the need to strengthen national capacities to manage coastal areas; they called for further cooperation to exchange relevant information and technologies, as well as increasing technical and financial assistance to developing countries.

Several delegations, in particular those from the Caribbean and the South Pacific praised the UNEP regional seas programmes, noting that further efforts should be made to encourage coastal states to strengthen regional cooperation in such areas as shipping (in particular, to better monitor the transportation of toxic and hazardous wastes and products, including oil), combating marine pollution, and protecting living marine resources, including their biological diversity.

Virtually all delegates referred to the upcoming Halifax meeting and praised the Canadian initiative in offering to host what they hoped would be a first step towards a concrete strategy for dealing with this serious problem. The Swedish and Mauritian delegates suggested that the agenda should be broadened somewhat to include discussion on physical activities (such as the destruction of mangrove swamps and coral reefs resulting from subsistence practices), in addition to chemical

and waste effluent, which damage marine environments. The Canadian delegation took the opportunity to inform delegates on the margins of the working group meetings that Halifax would address the critical issue of habitat loss.

The representative from Greenpeace called on UNCED to set up a global, regional, and national coordinating mechanism to protect the marine environment from land-based sources of marine pollution; the best way to achieve results in this area was through a convention. He suggested that the Conference could elaborate strategies for dealing with marine pollution, including the exchange of technology, data, and information; using the precautionary approach; developing an "ecocentric" perspective in economic development planning; strengthening measures for liability and compensation by states affected by marine pollution from outside sources; strengthening development assistance for developing countries, including an oceans fund; and facilitating effective NGO participation in decision-making processes concerning marine pollution.

Several Latin American delegations stressed their regional commitment to prohibit the dumping of toxic wastes into their territorial waters as well as forbidding "exploitation by third parties" seeking to dump their wastes in the region. Many delegations pointed to marine pollution -- from land-based sources and from dumping -- as one of the most serious global environmental problems. Only a few delegates, such as some of the South Pacific islands, Mauritius, and Malaysia, and a couple of non-governmental organizations noted the linkage between combating marine pollution and promoting the sustainable development and management of the marine environment as a whole. Colombia commented that the Secretary-General's report (PC/30) did not adequately address the environment-development nexus, but focused on environmental protection of the marine environment. The Senegalese delegate commented that poor coastal fisheries management, combined with inadequate waste treatment and sewage facilities, were contributing to the "desertification of the sea" off his country. He added that the destruction of coral reefs and their attendant living marine resources would not only cause economic problems for the society as a whole, but acute problems to those subsisting from local catches. The delegate from Mauritius confirmed that his country had suffered economically from poor management of the coastal area (loss of fisheries and tourism) and that his government, with the cooperation of the World Bank, had to undergo a costly recovery programme.

Several delegates, mostly from island developing countries, emphasized the need to ratify existing instruments, such as MARPOL, the London Dumping Convention, and the Convention of Liability of the Pollution of Ships and to strengthen coordination of the implementing mechanisms of these agreements. The French delegate highlighted the need to

strengthen liability and compensation measures for countries affected by oil spills. The Malaysian delegate insisted that the report for the third prep comm include an analysis on the impact of human waste (much of which goes into coastal oceans and seas untreated) on the marine environment, pointing out that the proper management of waste is a key aspect of economic development in coastal areas.

COASTAL AREAS DEVELOPMENT AND REGIONAL SEAS MANAGEMENT

Netherlands (on behalf of the EC) suggested that UNCED could play a useful role in identifying specific areas for improvement in dealing with coastal zone management issues; the delegate also proposed that the Conference could help countries determine whether a global strategy or enhanced regional strategies were more suitable for dealing with all types of marine pollution.

Referring to the recent Tlatelolco Declaration of ECLAC, the Latin American delegations emphasized the need to develop regional inventories of living and non-living marine resources, to exchange regional and international data and information (in aquaculture, and the development of the precautionary principle and clean technologies), and to establish regional marine technology centres. Several South Pacific countries highlighted the success of the South Pacific Regional Environment Programme as a model for regional cooperation, in particular to protect the marine environment; they called for action to strengthen such programmes through common international goals and targets (minimizing pollution risk and increasing assistance to protect vital coral reefs, for example).

OCEANS AND CLIMATE:

Several delegations, mostly from small island states, noted the linkage between the ocean and climate, but few had any suggestions about what UNCED could do to deal with the associated problems of sea-level rise and changing weather patterns resulting from emissions of greenhouse gases. The Maltese delegate welcomed efforts by UNCED to promote scientific and policy dialogue on this linkage and encouraged countries to ensure that oceans (as temperature regulators) were an intrinsic part of any agreement on climate change, and vice-versa, any global strategy to protect the oceans and seas. The Venezuelan delegate commented that no linkage could be made until there was demonstrable evidence that greenhouse gases were causing sea-level rise.

GLOBAL OCEAN OBSERVING SYSTEM (GOOS):

Although delegations were generally supportive of the GOOS concept, several, such as Malaysia, commented that this institution should be considered in light of the current

negotiations on a framework convention on climate change. Several, such as the USA and the Netherlands (for the EC) suggested the system should, in addition to monitoring climate patterns, focus on monitoring the impact of specific types of marine pollution on the marine environment.

LIVING MARINE RESOURCES:

Few delegations intervened on this item. The South Pacific countries, some Caribbean states, CANZ, and the USA reiterated their positions on the need to strengthen global commitments to the sustainable conservation and management of coastal and high seas fisheries, noting that such practices as large-scale pelagic driftnet fishing posed serious threats to stocks. They called on countries to end large-scale pelagic driftnet fishing, according to the conditions elaborated in UN resolution 44/225, highlighted the recent (and apparently growing problem) of reflagging, and emphasized that UNCED could be a positive forum for considering more selective fishing techniques. The Japanese delegation, in a long carefully-worded intervention, emphasized that high seas fisheries are the common heritage of mankind and that through "scientifically sound data collection" and "proper management", large-scale fishing methods could be compatible with the principle of environmentally sound and sustainable development. They noted and looked forward to the outcome of the upcoming FAO/UN (Office of Oceans Affairs and Law of the Sea) experts meeting to establish guidelines for high seas fisheries. The Europeans, including the Nordics, were notably mum on the subject of living marine resources, highlighting only the need to protect biodiversity.

The Fijian delegate highlighted the need to preserve traditional practices to harvest marine resources, particularly since they were small-scale and thus demonstrably sustainable.

The Danish and Japanese delegations suggested that sustainable whaling was possible, and that International Whaling Commission members should re-examine presently the populations of species currently under the whaling moratorium.

The International Indigenous Commission representative (also representing Four Directions Council and the Grand Council of the Crees of Quebec) stated that there is a pressing need for a comprehensive international high seas fisheries management regime because most international arrangements tend to be localized and focused on particular species of fish, rather than taking an integrated approach to the fish life-cycle and predator-prey ecological chain. The Commission rep also condemned large-scale high seas fisheries practices as being not only unsustainable and wasteful but, ultimately, a threat to the food security and health of indigenous coastal communities (he added that off-shore drilling, transportation of toxic materials, and dumping of hazardous wastes further

increased this risk). The representative stressed that UNCED should get international commitments for more monitoring mechanisms, stronger legal measures to prosecute countries which violate agreements to protect the high seas fisheries, and additional resources for enforcement of such agreements.

OTHER ISSUES:

The Latin Americans stressed that "environmental non-tariff barriers" could not be used as a reason for barring imports of fish products, pointing out that such a practice would be "trade-distorting and contrary to the principles of the GATT". These comments had their origins in a trade dispute between Mexico and the USA, concerning a recent decision by the USA not to import tuna and shellfish caught by apparatus which also traps and kills attendant dolphins and sea turtles.

Several delegations, led by Malaysia, stated that the Secretariat reports did not pay adequate attention to the marine environment of the polar regions (in particular, Antarctica) and that the comprehensive report for the third prep comm should include a lengthy analysis of this issue. The Tunisian delegate noted that a similar effort should be made to analyze the particular environmental problems of enclosed and semi-enclosed seas (in particular, the Mediterranean), as they are more vulnerable to pollution and deterioration than open oceans and seas.

The representative from the UN Office of Ocean Affairs and Law of the Sea noted that they would forward information on legal instruments pertaining to land-based sources of marine pollution to WG III for its deliberations on a possible instrument (or at least a model of an instrument) in this area; Peter Sand, the UNCED Secretariat legal officer later confirmed to WG III that he would provide a special report on this issue for the next prep comm meeting.

OUTCOMES:

The Chairman decided that, as the report for the second prep comm had been only a progress report, the group should only add on new issues which had arisen since the first decision (1/20) was adopted at the first prep comm. Drawing on the statements made by delegations, intergovernmental organizations, and NGOs, the decision noted the recent declarations by regional conferences on sustainable development, including marine issues, and incorporated stronger language on the need to assess the environmental and developmental requirements for the sustainable development and management of the coastal and marine environments. At the insistence of Tunisia and India, the decision reiterated the sub-paragraphs of UN resolution 44/228 (the mandate for UNCED) concerning financial resources and technology transfer, a reminder that developing countries will not consider signing

any agreements or implementing any strategies for environmental protection unless they get funds and technologies from developed countries.

The decision includes some paragraphs of particular interest to Canada (which we and others, such as the Nordics, South Pacific states, Senegal, and Malaysia insisted should be studied by the Secretariat), such as "the need to study the linkages between the coastal zones, and the marine and coastal sector issues with poverty, demographic change and human settlements"; and "the need to recognize the special relationship of indigenous peoples, and the importance of traditional knowledge, with the conservation and utilization on a sustainable basis of living marine resources." The Kenyans also asked that the Secretariat report include an examination of "the role of women in artisanal fisheries and in the traditional management of marine resources to ensure the sustainable supply of low-cost proteins." This last proposal, though consistent with the policy of a country which hosted the follow-up to the UN Decade on Women, was still somewhat surprising coming from a Kenyan delegate, given their usual reluctance to disaggregate special interest groups (such as women and children) during deliberations on environment/development issues.

ENCLOSED AND SEMI-ENCLOSED SEAS:

Tunisia insisted the Secretariat examine "the precarious ecological conditions, constraints and vulnerability of enclosed and semi-enclosed seas...in relation to the increase of ship-generated wastes as well as economic activities." The original wording referred to military and commercial activity -- which was completely unacceptable to the USA, UK, and France. The EC representative commented that the paragraph was clearly directed at the Mediterranean Sea, but that the Secretariat report should also look at other enclosed and semi-enclosed seas, such as the Baltic Sea. The Tunisian representative stated that his delegation would be seeking through UNCED a stronger commitment to minimize marine pollution and improve fisheries management in the Mediterranean Sea, notwithstanding the EC's insistence that this remain a bilateral and/or regional matter.

OCEANS AND CLIMATE:

Barbados, on behalf of the small island developing countries proposed that the Secretariat examine "the impact of sea level rise on small island states and low-lying coastal area, with particular attention to the response options and their cost implications..." The paragraph also noted that the UNCED should draw on ongoing research and deliberations on climate change (include the negotiations on the framework convention) without pre-empting or duplicating the work of existing fora.

THE GULF WAR AND THE ENVIRONMENT:

Noting the recent situation in the Persian Gulf (also the Regional Organization for the Protection of the Marine Environment (ROPME) Sea area), the Malaysians introduced a paragraph commending UNEP and other relevant regional and international organizations for their efforts in cleaning up the affected areas (both the oil spill and burning wells) and requesting them to keep the prep comm informed of pertinent developments. This proposal was carefully re-worked by the Americans and the Dutch vice-chair to ensure the prep comm was kept informed without being tasked to take on the longer-term aspects of the Gulf crisis. It should be noted, however, that the question of environment and security may come up in WG III when it considers proposals on the prevention and settlement of international environmental disputes, principles for dealing with transboundary pollution, and the feasibility of strengthening existing or elaborating a new instrument on environmental damage as an instrument of war.

POLAR REGIONS:

The Malaysians insisted that the decision include another reference to "the need to fully implement decision 1/20...by obtaining information from all sources, including the report submitted by the ATCP (Antarctica Treaty Consultative Parties) relating to pollution related problems, status of marine resources, climate change and biodiversity." Australia and New Zealand subsequently convinced Malaysia that by amending the second paragraph of the second prep comm decision to call for the "full and complete implementation" of the provisions of decision 1/20, Malaysia's concerns would be met, including assurances that they would receive information on Antarctica from all sources, including the ATCP. Thus, the Malaysians withdrew their original proposal.

LAND-BASED SOURCES OF MARINE POLLUTION:

Given that the first prep comm decision had a reference to the Halifax meeting, including a clause on its terms of reference, neither the Chairman nor most key delegations would consider incorporating a Canadian paragraph which noted the Halifax meeting and described its mandate in more detail. The New Zealand delegate commented that they had had to drop reluctantly paragraphs on the conservation and management of living marine resources and asked us to do the same in the spirit of compromise. The Swedes, however, in an effort to ensure UNEP would have the lead in elaborating some kind of strategy or instrument on land-based sources, attempted to include a paragraph inviting UNEP to develop a global strategy on land-based sources.

The Swedish proposal posed problems to some delegations,

including Canada. First, as far as a convention is concerned, several countries, in particular the Latin Americans, insisted that there should be no consideration of a legal instrument on land-based sources until the Law of the Sea Convention had been ratified and effectively implemented. Second, the Americans did not want a global strategy on what they consider to be a territorial problem (they argue that almost all land-based sources of marine pollution remain within fifty miles of shore) and thus would accept no explicit or implicit references to it. Finally, the Americans (and Canada) also had a problem with the principle of UNCED inviting another UN organization to do anything (even if that organization would welcome the opportunity), not only because it could engender inter-agency turf battles, but because it could leave open the possibility of UNCED re-opening work being done in other fora, such as the Intergovernmental Negotiating Committee for a framework convention on climate change (or alternatively, a forum, like the UN General Assembly, re-opening agreements reached at UNCED, such as those on forests).

Canada's concern about the Swedish proposal lay in the fact that it was prejudging the outcome of the Halifax meeting, which would discuss, among other things, the appropriate forum for further follow-up. The Swedes told the Canadian delegation that the Halifax meeting, though useful, was merely an experts' meeting, not a proper UN negotiating forum, and that only UNEP had the authority to develop a strategy or instrument in this area. They further stated that they would request the UNEP Governing Council to commence work on a strategy or instrument, notwithstanding the conclusions of the Halifax meeting.

Following intensive trilateral negotiations and consultations with the UNEP representatives, Canada, the USA, and Sweden agreed to take note "with appreciation that UNEP is preparing a proposal on strategy options and actions to reduce the effects of land-based sources of pollution, inter alia, sewage-related discharge, and other activities threatening marine and coastal environments." (N.B.: the reference to sewage came from the Malaysian delegation, which has particular interest in this issue) As this paragraph noted only what UNEP had done, as per the request in the first decision, it was considered an acceptable compromise.

ASSESSMENT:

The decision incorporates more language on the linkage between environmental protection and economic development of coastal areas and marine environments than the previous decision, which focused on solving environmental problems. Combined with decision 1/20, however, it appears to be a shopping list of national priorities. It remains to be seen how successful the Secretariat will be in comprehensively examining the 40-plus issues requested in the two decisions, as well as proposing policy options and priorities for the third

prep comm.

On land-based sources, despite the small victory on our part, it is clear the Swedes will follow this matter up at the UNEP Governing Council. It will be important for the Canadian delegation at the Governing Council to have a clear idea of how we would like to see this issue managed and, ideally, to work out bilaterally with the Swedes an acceptable process for developing a strategy, preferably before the GC meets. Most delegations we spoke to saw no problem with UNEP taking the lead on what they consider to be a scientific and pragmatic issue (unlike the more politicized negotiations on climate change); others suggested that UNEP, UNCED, the IMO, IOC, and UN Office of Ocean Affairs and Law of the Sea could jointly manage deliberations on this issue, drawing on their expertise to achieve a tangible result at the 1992 Conference.

March 22, 1991

CANADIAN STATEMENT ON
OCEANS AND LIVING MARINE RESOURCES

STATEMENT BY JOHN P. BELL
HEAD OF THE CANADIAN DELEGATION

Mr. Chairman,

First of all, I would like to thank the UNCED Secretariat for its excellent work in putting together the progress report (PC/30 & 31) -- including its very useful nine themes -- on the important issues pertaining to the sustainable development and management of oceans and seas. We understand that the comprehensive report on this issue will be available at the next prep comm meeting and that it will include the results of the Intergovernmental Meeting of Experts on Land-Based Sources of Marine Pollution, which will meet from May 6-10, 1991 in Halifax, Canada.

My delegation has noted the numerous positive statements commending my government for its initiative in hosting this meeting, in conjunction with UNCED, UNEP, the Intergovernmental Oceanographic Commission of UNESCO, and the UN Office for Ocean Affairs and Law of the Sea. The Halifax meeting, it is hoped, will begin a process towards developing and implementing a future global mechanism for controlling land-based sources of marine pollution. The specific objectives of the Halifax meeting are to:

- 1) develop principles for protection of the marine environment from land-based sources of pollution;
- 2) study the various scientific, social, economic and legal elements to be addressed if there is to be a concerted global attack on the problem; and
- 3) develop a recommended strategy and action plan for consideration at the third prep comm of UNCED.

Such a strategy could deal with broad principles and concepts as those in the United Nations Law of the Sea and address a number of action items, for example:

- controls based on clean technology, best available control technology, and environmental quality objectives;

- ambient marine monitoring requirements for reporting on the health of the oceans and to identify trends;
- marine quality guidelines to guide pollution control programmes, conservation programmes, coastal zone management, site remediation, and State-of-the-Environment reporting; and
- environment impact assessment guidelines and codes of practice for coastal zone development and use.

The results of the Halifax meeting would be considered for further follow-up, not only by the prep comm this August, but also by preceding meetings, such the May meeting of the sixteenth UNEP Governing Council, the London Economic Summit, and the ACOPS Conference to which my Swedish colleagues have already alluded to in their statement. It is through such fora, involving experts and policy-makers, that we can evaluate the most effective means for dealing with this serious problem. The UNCED process itself will play a key role in elaborating the economic, legal, and institutional requirements to protect the environment and to promote sustainable development. This will be an intrinsic part of any mechanism to combat marine pollution.

We are making available to the prep comm this afternoon information about the Halifax meeting, which we have already conveyed to capitals. We are also making available information about a Forum on "Sustainable Development of the Oceans," -- organized by the International Centre for Ocean Development -- which will also be held in Halifax in November of this year. Should delegations have further questions about either meeting, we will be pleased to take note of your questions and refer them to one of my expert colleagues responsible for marine issues, who will be arriving in Geneva next Monday.

Mr. Chairman,

I would now like to turn to another issue of paramount importance to my delegation: the conservation and management of living marine resources.

Canada believes that the conservation and management of living marine resources -- including the protection of their biodiversity -- on a sustainable basis, is essential to all countries. Unless appropriate action is taken by the international community, there is a real possibility of permanent stock depletion, not only within exclusive economic zones (EEZs), but on the high seas.

There is a need to strengthen global and regional management authorities established to conserve living marine resources, and to give full effect to the provisions of the Law of the Sea Convention concerning the duties of fishing countries to adopt and enforce conservation measures, and to cooperate in conserving vital living resources. Sound environmental practices

must be effectively applied, monitored, and enforced in order to avoid significant depletion of the living resources of the high seas.

Canada believes that UNCED can play an important role in strengthening commitments for the conservation and management of living marine resources. For example, we would like stronger commitments by countries to ensure that their nationals fishing in the high seas do not have an adverse impact on the living resources under the jurisdiction of coastal states. Where stocks occur both within an EEZ and in the high seas area beyond and adjacent to it, the management regime applied to the high seas portion of the stock should be consistent with the regime of the coastal state which manages the stock in the EEZ. Finally, members of regional organizations and arrangements concerned with the sustainable management of the fishery have a duty to ensure their nationals comply with the quotas and other rules adopted by such organizations and arrangements, and that their nationals do not resort to reflagging of vessels to escape controls, or to under-report or falsify catches, etc.

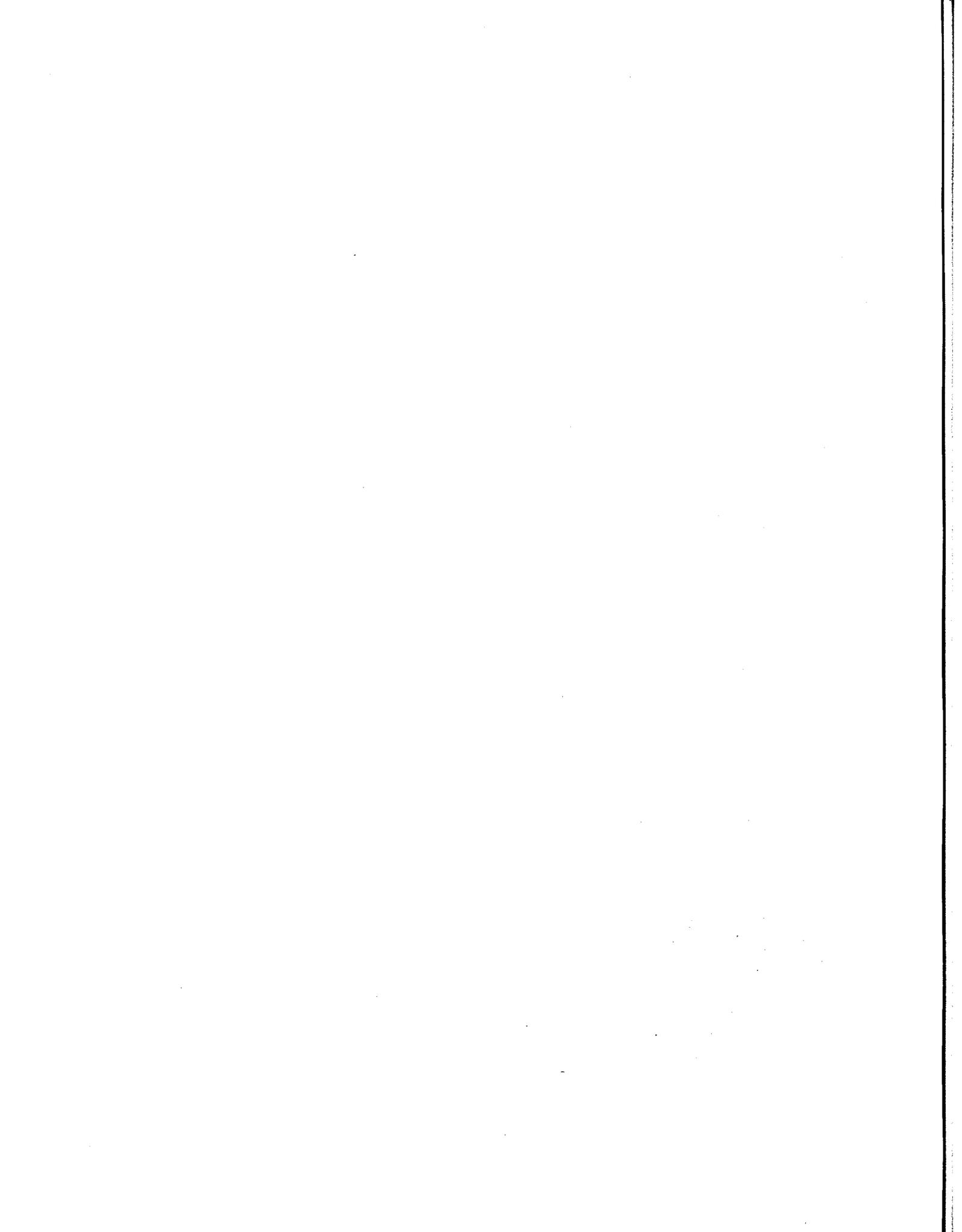
These are fundamental to the successful management of renewable resources and it is for all these reasons that Canada believes that large-scale pelagic driftnet fishing should end in all oceans and seas by June 30, 1992 in accordance with UN resolution 44/225 of December 22, 1989.

In addition to clarifying provisions of the Law of the Sea Convention, international cooperation to promote sustainable fisheries management could be enhanced. For example, in addition to protecting species abundance and habitats, such as coral reefs, efforts should be made to maintain genetic diversity. Similarly, aquaculture will play an increasingly important role in meeting global food requirements. Its development must also be undertaken within the context of preserving the populations and genetic strains of indigenous wild stocks, their ecosystems, and habitats.

Mr. Chairman,

We have separate comments on specific paragraphs of PC/30, which we will distribute rather than elaborate here. Let me conclude by saying that, as other interventions here have demonstrated, there are a lot of excellent ideas for enhanced cooperation to protect the marine environment and promote its sustainable management and development. We look forward to working with other governments, intergovernmental organizations, non-governmental organizations, and any interested parties to ensure 1992 is a positive step forward in protecting one of the most important resources of this planet: its oceans and seas.

Thank you, Mr. Chairman.



PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Second session
Geneva, 18 March - 5 April 1991
Working Group II
Agenda item 2 (a)-(c)

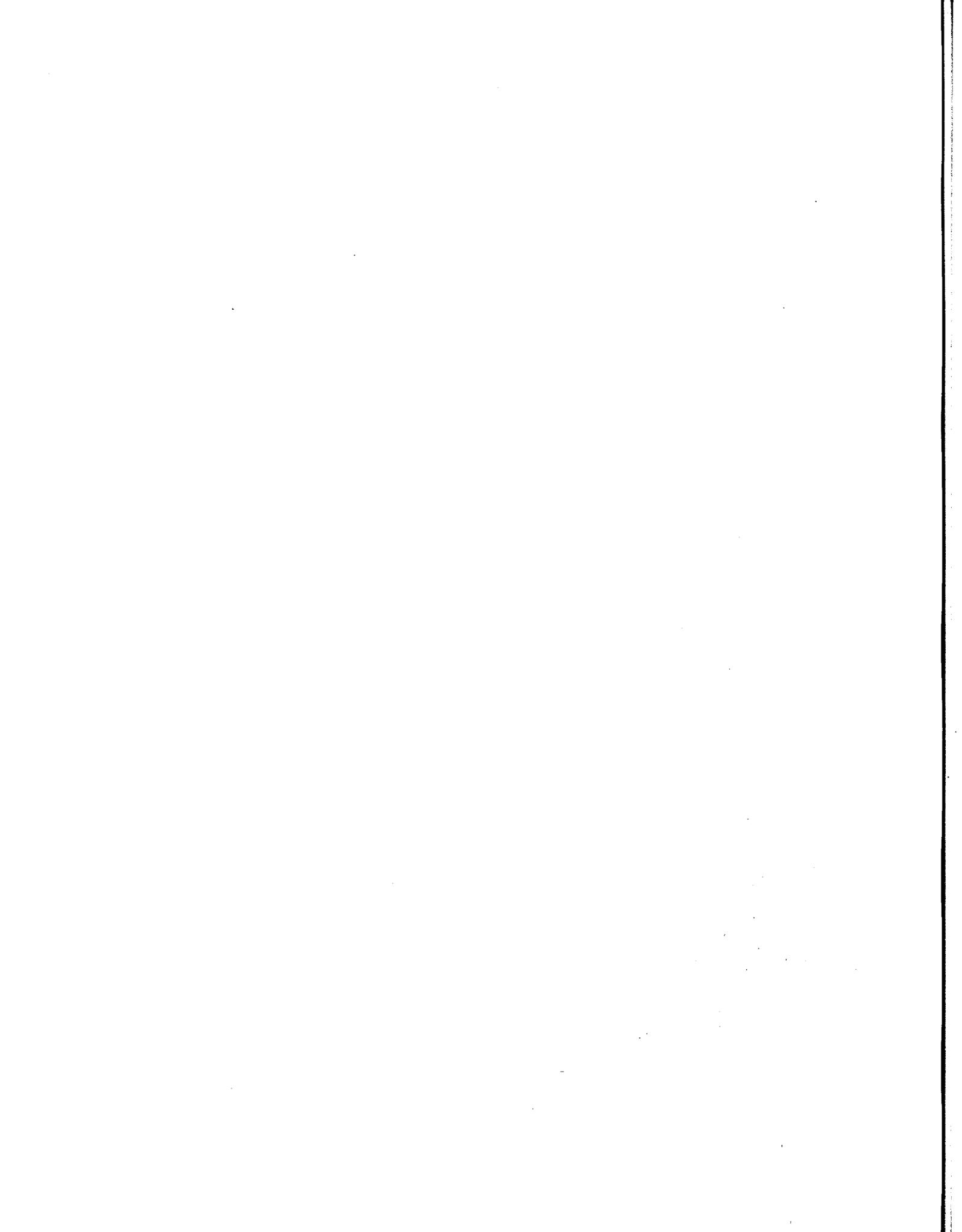
PROTECTION OF OCEANS, ALL KINDS OF SEAS INCLUDING ENCLOSED
AND SEMI-ENCLOSED SEAS, COASTAL AREAS AND THE PROTECTION,
RATIONAL USE AND DEVELOPMENT OF THEIR LIVING RESOURCES:
GLOBAL ASPECTS OF MARINE POLLUTION; REGIONAL SEAS AND
COASTAL AREAS; PROTECTION, RATIONAL USE AND DEVELOPMENT
OF LIVING MARINE RESOURCES;

Draft decision submitted by the Chairman
on the basis of informal consultations

1. The Preparatory Committee requests the Secretary-General of the Conference to complete the comprehensive report envisioned for its third session and to elaborate the potential areas for action proposed in the Progress Report (A/CONF.151/PC/30 and Corr.1).
2. In preparing his report, the Secretary-General should take fully into account the provisions of the Preparatory Committee in its decision 1/20 of 31 August 1990 and ensure their full and complete implementation.
3. The Secretary-General will draw in particular upon the views of delegations and others expressed in consideration of this issue during its second session.
4. In addition, the Secretary-General should take into account, inter alia, the following:
 - a) The Progress Report of the Secretary-General (A/CONF.151/PC/30 and Corr.1) and document A/CONF.151/PC/31;
 - b) The relevant paragraphs of the Bergen Declaration, the Tlatelolco Platform on Environment and Development and the Asia-Pacific input to the United Nations Conference on Environment and Development, 1992, to be held in Brazil, which is expected to be endorsed by ESCAP at its forty-seventh session to be held in April at Seoul, as well as the results of the Regional Conference for Africa, organized in accordance with resolution 44/228, section II, paragraph 13, and decision 1 of the Preparatory Committee at its organizational session;

- c) The need to articulate the linkages between environment and development. For example, there is a need to explore the relationship between trade and protection of living marine resources, taking into account regional ecological specificities and differences;
 - d) The need to study the linkages between the coastal zones, and the marine and coastal sector issues with poverty, demographic change and human settlements;
 - e) The need to examine precarious ecological conditions, constraints and vulnerability of enclosed and semi-enclosed seas, vis-à-vis the ecological and environmental problems in relation to the increase of ship-generated wastes as well as economic activities;
 - f) The need to assess the costs, particularly for developing countries, involved in addressing the protection and environmentally sound management of marine and coastal areas and the protection and rational use of their living resources, and to identify ways and means for ensuring funding and technology transfer consistent with General Assembly resolution 44/228, with a view to fulfilling the objectives of the Conference in particular those stipulated in section I, paragraph 15 (j), (k), (l), (m) and (v);
 - g) The need to recognize the special relationship of indigenous peoples, and the importance of traditional knowledge, with the conservation and utilization on a sustainable basis of the living marine resources;
 - h) The need to examine the role of women in artisanal fisheries and in the traditional management of marine resources to ensure the sustainable supply of low-cost proteins.
 - i) The need to report on the impact of sea level rise on small island states and low lying coastal areas, with particular attention to the response options and their cost implications, drawing on the work of the IPCC, UNEP and other relevant international organizations, avoiding duplication or pre-exemption of the work of the INC.
5. Takes note with appreciation that UNEP is preparing a proposal on strategy options and actions to reduce the effects of land-based sources of pollution, inter alia sewage-related discharge and other activities threatening marine and coastal environment.
6. The Preparatory Committee, concerned by the continued severe ecological damage in the ROPME sea areas, recognizes with appreciation the efforts of UNEP, IMO, and other relevant UN regional and local organizations involved in the mitigation

and minimization of the recent environmental impact of the region within their respective areas of competence, and urges them to continue their good effort to assess and counter the possible long term environmental effects on the region and the world at large and requests the Secretary-General to follow the matter closely with the interested organizations and report to the Preparatory Committee at its third session.



John Karau
Environment Canada
953-1114
March 8, 1991

MARINE POLLUTION CONTROL

ISSUE:

Pollution in the marine environment has become an issue of grave concern to all Coastal States. Ample evidence now exists that the input of contaminants and loss of coastal habitat is causing serious pollution. About 80% of contaminants reach the oceans from land-based sources, however there are no global controls.

CANADIAN OBJECTIVES

Canada expects that the Intergovernmental Meeting in Halifax (May 6-10) of Experts on Land-based Sources of Marine Pollution will assist with the development and implementation of a future global mechanism for controlling marine pollution from land-based sources. The Canadian context paper dated January 15, 1991 outlines the significance of national and international efforts to control land-based sources of marine pollution.

The role of the Halifax Meeting should be clearly stated at Prep Com II and an information paper describing the meeting will be made available. The objectives for the Halifax Meeting are to:

- (a) develop principles for protection of the marine environment from land-based sources;
- (b) study the various scientific, social, economic and legal elements to be addressed if there is to be a concerted global attack on the problem; and
- (c) develop a recommended strategy and action plan for consideration at Prep Com III.

Substantive discussion on marine pollution is scheduled for Prep Com III. Nevertheless, Canada should be prepared to discuss its strategic view on marine pollution control at Prep Com II, including the lead role it wishes to play in any subsequent international meetings on marine pollution. Canada believes that the international support required for a global framework or convention will need a gradual development of consensus on the global marine pollution controls required (or achievable) along with the resolution of important cross-sectoral issues such as capacity building. With this approach UNCED 1992 offers the best opportunity for formal government commitment to drafting a global framework or convention sometime after the Brazil Conference.

For the Brazil Conference in June 1992 the Canadian objectives include:

- agreement to develop and implement an integrated global framework or convention to control land-based sources of marine pollution and ensure protection of coastal and marine ecosystems;
- opportunities (on a bilateral and multilateral basis) for increasing commitment to integrated development and management of ocean resources, including public awareness and education;
- promotion of Canadian technology and services for development and management of ocean resources (e.g., remote sensing); and
- legislative and administrative opportunities to meet and enhance Canada's international commitments as well as facilitating greater cooperation with the provinces and the territories in addressing joint jurisdictional issues.

DISCUSSION TO DATE

At the Houston Economic Summit, July 1990, the Prime Minister obtained G-7 support for the development of a comprehensive strategy to address land-based sources of marine pollution.

The first Preparatory Committee for the 1992 UN Conference on Environment and Development (UNCED), at its meeting in Nairobi, August, 1990, approved an intergovernmental meeting

of experts to:

"...develop principles for the protection of the marine environment from land-based sources of pollution and, as appropriate, to report on the results of this meeting relative to the work of the Conference to the Preparatory Committee at its third session."

Canada's offer to host this meeting, in cooperation with the UNCED Secretariat, the United Nations Environment Programme (UNEP), the Intergovernmental Oceanographic Commission (IOC) of Unesco and the Office for Ocean Affairs and the Law of the Sea of the UN Secretariat, was accepted. The meeting has been included in the Green Plan under International Activities.

At recent meetings of the London Dumping Convention (April and October 1990), considerable attention has been given to the need for addressing land-based sources of marine pollution and what additional measures were required. General agreement was reached on the following:

1. land-based sources are known to be the major source of marine pollution, but are not completely covered by existing control mechanisms;
2. there is a need for globally coordinated development of technology based emission standards and environmental quality objectives;
3. there is a need for improved information exchange, technology transfer, and technical and financial assistance;
4. continued efforts should be made to implement the principles of international law embodied in Part XII of UNCLOS; and
5. there is a need to consider possible environmental consequences when exporting industrial technologies, methodologies and products to developing countries.

Recently the Executive Body of the Convention on Long-range Transboundary Air Pollution (LRTAP) and the United Nations Economic Commission for Europe (UN-ECE) have established a special task force to deal with - persistent toxic organic substances. The task force is co-chaired by Canada and Sweden and is charged with the development of proposals for emission controls under the UN-ECE LRTAP Convention. Canada supports the view that atmospheric sources of marine pollution should be dealt with through LRTAP.

Canada is a member of the UNCED Working Party on Oceans and attended the December meeting in Paris and the January meeting in Conches. The UNCED Working Party on Oceans will reconvene June 4-7 to review the final documents for Prop

Com III with particular attention to Capacity Building, Institutions and Legal Instruments, and a new document on an Oceans Management Strategy.

Canada will make a further contribution to Ocean Development through the International Centre for Ocean Development (ICOD) Forum being organized for November 20-21, 1991 which will address "Sustainable Development of the Oceans". This ICOD Forum will bring together leaders in the field of sustainable development and specialists on ocean development.

PREP COM SCENARIO

Prep Com II will be provided with a status report on the ocean topics found in Prep Com I decision 1/20. The items and lead agencies are as follows:

1. Mechanisms for Capacity Building (UNEP-UNCED)
2. Coastal Areas Development and Enclosed Seas (FAO)
3. Marine Pollution Control Strategies (IMO-UNCED)
4. Living Marine Resources (FAO)
5. Impacts of Climate Change (WMO)
6. International Institutions and Legal Instruments (OALAS-IUCN-UNCED)
7. London Dumping Convention (IMO)
8. Global Ocean Observing System (IOC-UNESCO)
9. Protection of the Marine Environment from Land-based Sources on Marine Pollution (UNEP-Canada)

Based on the above nine ocean topics Prep Com II (A.Conf.151/PC/30) will be invited to give preliminary consideration to the following potential action areas:

1. The formulation of appropriate economic and financial policies to encourage the "user pays" principle and integrating coastal and marine environmental management within a single policy framework.
2. Improving participation in and implementation of international and regional agreements and action plans. London Dumping Convention is specifically mentioned.
3. Promoting integrated coastal zone and marine zone management.
4. Global declaration on a comprehensive framework for the protection and management of the marine environment, including new legal measures for pollution control and protection of marine biodiversity.
5. Promoting sustainable management and conservation of living marine resources.

6. Promoting the Global Ocean Observing System (GOOS).
7. Strengthening of existing institutions, instruments and mechanisms at the international level.

Living marine resources and impacts of climate change are dealt with in separate briefs. The remaining potential action areas will be addressed in the Intergovernmental Meeting of Experts on Land-based Sources of Marine Pollution, May 6-10, 1991, Halifax, Nova Scotia.

Candel should promote participation in the Halifax Meeting as an excellent means to develop a consensus view on a recommended strategy and action plan for consideration at Prep Com III. If the Halifax Meeting or UNEP Governing Council recommends a second meeting of experts prior to 1992 UNCED, Canada should be prepared to play a lead role. The meeting mechanism (possibly a UNEP meeting or an interagency working group) and financial support (possibly Greenplan or joint funding with Sweden) requires detailed consideration. Sweden has been a lead country promoting a global convention on marine pollution control.

By way of background, the GESAMP Report on State of the Marine Environment notes that establishment of a globally applicable and all-embracing convention on the protection of the marine environment from land-based sources of pollution seems unlikely at this stage, taking into account the expected costs (e.g., pollution and land-use controls) and the many different stages of development in the various regions of the world. Some developed countries (e.g. United States, Japan and Germany) have expressed concern regarding the application of international law in internal waters and the high expectations for north-south transfer of resources and technology. Many of these economic, legal and institutional issues are cross-sectoral and will require broader resolution in 1992 UNCED first. This, however, should not prevent developing an agreement or declaration prior to June 1992 on the coordination and delivery of a more integrated approach to controlling marine pollution as well as improvements for technical and financial assistance to developing countries.

The issue of marine pollution will be addressed further in UNEP Governing Council (May 1991), London Economic Summit (July 1991), ACOPS Conference on Land-based Sources of Marine Pollution (July 1991) and Prep Com III (August 1991). At UNEP Governing Council, UNEP is expected to propose that the Regional Seas Program be strengthened to combat land-based sources of marine pollution possibly through a future global convention administered by UNEP. Sweden is

expected to propose holding a second intergovernmental meeting after Prep Com III to advance the further development of UNEP cooperative action for the protection of the marine environment from land-based sources of pollution.

Since the Halifax Meeting is a result of the Houston Economic Summit, its results will be recognized by the London Economic Summit.

With the financial backing of Sweden, the Advisory Committee on Pollution of the Sea (ACOPS) will hold a Conference on Land-based Sources of Marine Pollution in Brussels, July 3-5, 1991. Like the Halifax Meeting it will address guidance for an improved legal, economic and policy regime but it is neither a UN nor an UNCED meeting. ACOPS will participate in the Halifax Meeting.

The interdepartmental committee on marine pollution will continue to provide guidance on this issue and thereby help ensure continuity and consistency in the Canadian position at these various meetings.

John Lark
Fisheries and Oceans
990-0011

LIVING MARINE RESOURCES

ISSUE:

There are serious threats to the conservation and the protection of the living marine resources of freshwater and marine ecosystems. The sustainable use of living marine resources, in particular adjacent to Canadian waters, are threatened by overfishing and environmental threats.

CANADIAN OBJECTIVES:

- To promote the concept of sustainable development of wild and cultured renewable resources.
- To support actions aimed at giving full effect to rules of international law applicable to fishing, as reflected in the United Nations Convention of the Law of the Sea, in order to achieve the objective of conserving the living resources of the high seas
- To seek recognition of the principle that high seas fishing must not harm the interest of coastal states.
- To seek practical means to reflect coastal states' primary interest in the management of stocks whose range straddles marine boundaries (i.e. "straddling stocks")
- To promote the establishment of rules for the conduct of high seas fisheries on the basis of sustainable development and for the protection of anadromous and other migratory species in areas outside national jurisdiction. These rules and related arrangements would set out rights and obligations, establish common goals and provide for coordinated actions.
- To support the strengthening of regional organizations involved in the management of living marine resources.

DISCUSSION TO DATE:

Discussions to date have included those preceding PREPCOM 1, and such conferences as the St. John's Conference on the Conservation and Management of the Living Resources of the High Seas

PREPCOM 2 SCENARIO:

It is important that Canada intervene on this issue as the sustainability of all living marine resources is of primary interest to Canada's coastal communities, and Canada's overall economic sustainability. The Bruntland Report's specific emphasis on Environmentally Sustainable Economic Development provides a strong basis for Canada's intervention.

DOCUMENTATION:

- LMR 1 Conference on the conservation and management of the living resources of the high seas
- LMR 2 A/RES/44/225 UN Resolution on pelagic drift nets
- LMR 3 Discussion on straddling stocks
- LMR 4 Discussion of legal aspects of the Law of the Sea Convention
- LMR 5 Description of NAFO
- LMR 6 Brochure on Canada's fish habitat law
- LMR 7 Brochure on Canada's fish habitat management policy
- LMR 8 Brochure on conserving Canada's hidden asset of fish habitat
- LMR 9 Brochure on Canada's fish habitats

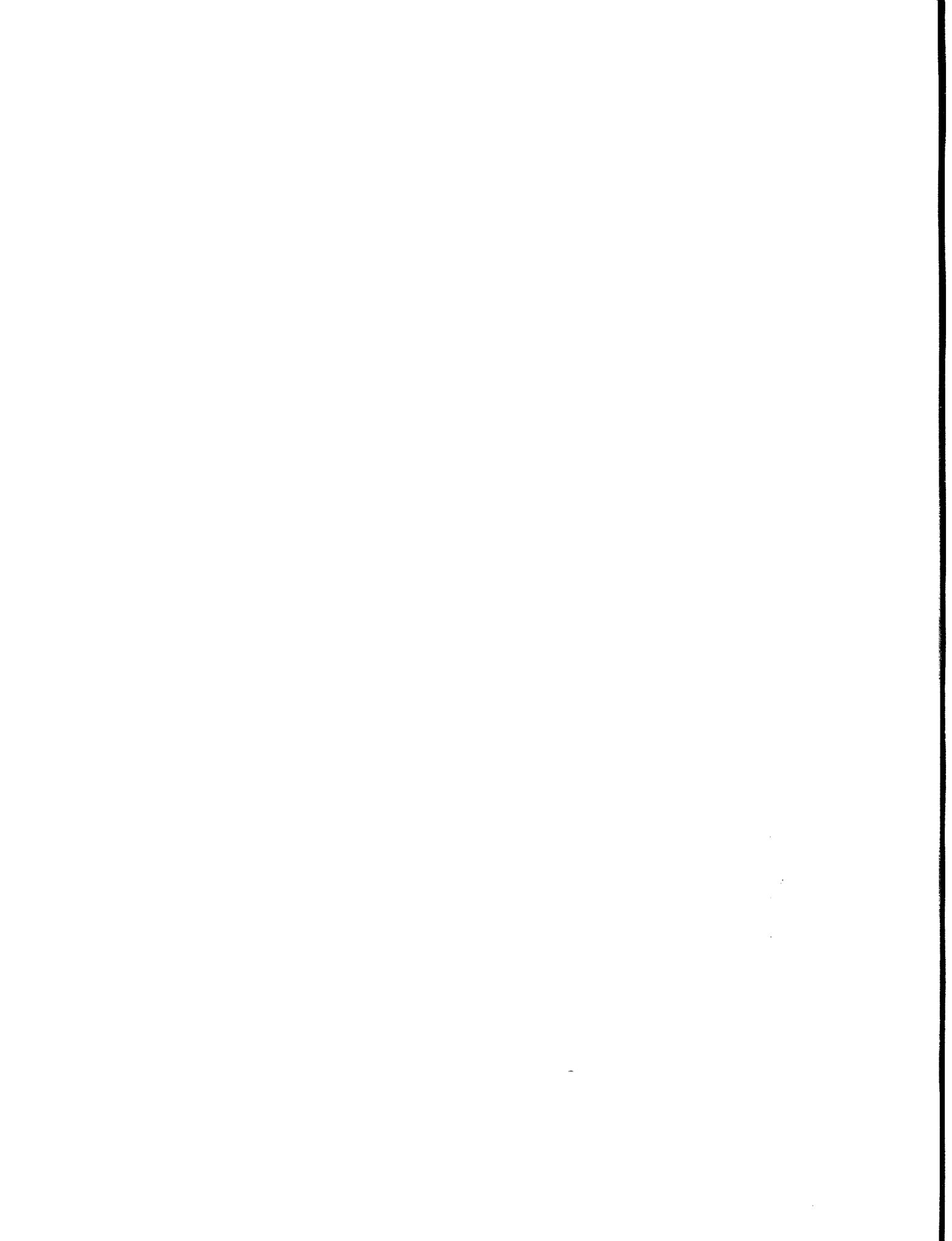
INTERVENTION POINTS:

The Conference should promote the following principles:

- Unless appropriate action is taken by the international community, there is a real possibility of permanent stock depletion on the high seas .
- The protection of the biodiversity of living marine resources should be promoted.
- The conservation and management of living marine resources on a sustainable basis, is essential to all countries.
- There is a need to strengthen global and regional management authorities established to conserve living marine resources, and give full effect to the provisions of the Law of the Sea Convention relative to duties of fishing countries to adopt and enforce conservation measures, and to cooperate on conservation.
- Sound environmental practices must be effectively applied, monitored and enforced in order to avoid significant depletion of the living resources of the high seas.
- Members of regional organizations and arrangements related to the sustainable management of the fishery, have a duty to ensure that their nationals comply with the quotas and other rules adopted by such organizations or arrangements, and that they do not resort to reflagging of vessels to escape controls, underreporting, falsification of catch records etc; quotas and other rules must be effectively enforced.
- All members of the international community whose nationals carry out fishing activities on the high seas should ensure that such activities do not have an adverse impact on living resources under the jurisdiction of coastal states.
- With respect to stocks occurring both within an exclusive economic zone and in an area of the high seas beyond and adjacent to it, the management regime applied to the high seas portion of the stock should be consistent with the management regime of the coastal state which manages the stock in the exclusive economics zone .

- Indiscriminate large-scale pelagic driftnet fishing should end in all seas by June 30, 1992 in accordance with U. N. Resolution 44/225 of December 22, 1989.
- Actions to ensure sustainable management of living marine resources should address not only issues related to species abundance and habitat protection, but also genetic diversity.
- As the provisions of the Law of the Sea Convention come into full effect, its provisions must be further clarified, and meaningful cooperation by all parties must be established.
- Aquaculture will play an increasingly important role in meeting global food requirements. Its development must be undertaken within the context of preserving the populations and genetic strains of indigenous wild stocks, their ecosystems and their habitats.

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FRESHWATER

Documentation:

A/CONF.151/PC/32 Secretariat Report on: "Protection of the Quality and Supply of Freshwater Resources: Application of Integrated Approaches to the Development, Management and Use of Water Resources."

A/CONF.151/PC/33 Secretariat Report on: "Sustainable Use of Water Resources in Agriculture."

A/CONF.151/PC/WG.II/L.14 PrepCom decision on: " Protection of the Quality and Supply of Freshwater Resources: Application of Integrated Approaches to the Development, Management and Use of Water Resources."

CANADIAN OBJECTIVES:

Our objectives in the discussion of this issue were:

- to ensure visibility of Canada on this issue;
- to highlight Canadian activities in national and international water resource issues and;
- to provide specific directions to the PrepCom on issues that Canada regards as essential components of the World Conference on Water and Development (the Dublin Conference) in the context of Agenda 21.

PREPCOM DISCUSSION:

In the initial discussion on the Freshwater Issue on March 25-26, interventions were made by 22 countries, including Canada, and by three UN organizations and one NGO. Of the country interventions, the Netherlands spoke on behalf of member states of the European Community, and the Danish intervention was on behalf of the Nordic countries. Notably, however, Sweden made a separate intervention.

All countries spoke very favourably of the UNCED Secretariat document PC/32 on Freshwater, as providing a useful framework for discussion and for further action. FAO presented document PC/33 on water in sustainable agriculture. However, it did not receive the same level of prominence as PC/32.

Country interventions generally focused on domestic water issues and on various components of PC/32. The intimate linkages between freshwater and all other aspects of social and economic development were stressed by many of the speakers. Some countries stressed that water quantity and/or quality was a critical limiting factor to their development. Generally, the Mar del

Plata Action Plan was regarded as a good basis for discussions that could lead to a global implementation plan as part of Agenda 21.

Based on these interventions, especially from the developing countries, the most important national concerns appear to be:

- control and treatment of domestic wastewater
- health and related economic disadvantages arising from lack of sewage control.
- need for integrated water management at local, regional and national scales, and across economic sectors.
- need to deal with transboundary issues and conflict resolution.
- a wide range of institutional needs including: technology transfer, training, facilities development, monitoring & assessment capabilities, etc.
- need to adopt water pricing policies to increase efficiency of water use.
- role of water in social development, including the role of women.
- generic requests for a global strategy to deal with freshwater issues and pleas for funding assistance.

With the exception of the US, Denmark and Sweden, calls for institutional mechanisms were not made with any degree of specificity. The US called for a combined action plan between developed and developing countries (ie. North-South mechanisms) and challenged UNCED to develop policies and priorities in the water field. The US also raised questions such as international partnerships, more Collaborating Centres and strengthened technology transfer. The Danish delegation tabled a draft decision document for this issue. Amongst other concerns, the Danish document requested that

- 1) governments engage actively in the preparatory process leading towards the UNCED and Dublin conferences,
- 2) national action plans, including timetables, for freshwater resource management, be developed and
- 3) the Dublin conference formulate a global implementation plan, including timetables, costs and targets.

While there was uniform agreement amongst delegations about the necessity of an action-oriented Dublin Conference, the Danish intervention hinted at a more direct involvement by governments in the Dublin process, presumably to achieve a political consensus on an action plan. The Swedish intervention was very direct on this matter and called for a significant change in orientation of the Dublin Conference insofar as it should become an inter-government negotiating forum.

The nature of involvement of governments in Dublin was subsequently discussed privately with Danish and Swedish delegates. Our understanding is that the Danes are primarily

concerned that governments actively participate through the PrepCom process and through their involvement in other formal and informal mechanisms that are part of the Dublin planning process. Sweden wants Dublin to deliver some specific implementation items that can be negotiated by the government designated experts during the Dublin Conference and approved at the UNCED. Examples might include national action programs for integrated freshwater management. The Swedes accept that more substantial questions involving issues such funding, legal instruments, interagency coordination, etc. can only be recommended by Dublin and proposed at UNCED for further intergovernmental negotiations.

The Canadian intervention dealt very specifically with priority issues that should be considered at the Dublin Conference. Our intervention was based upon a request from the Dublin organizers that we provide more specific direction on content and direction of the Dublin Conference, and our evaluation of positions taken earlier by other delegations on this issue.

A copy of the intervention is attached.

OUTCOMES:

While some of the discussion on wording in the decision document went over the same territory as in the initial round of interventions, the tendency to re-open a debate on the issues was less marked than in the sessions on hazardous wastes and toxic chemicals. Some of the discussion, for example on the need to take action for the removal of nuisible aquatic plants, was essentially a semantic debate since everyone seemed to agree on the issue itself. The main issues debated are outlined in the following paragraphs.

LEGAL INSTRUMENTS:

A relatively straightforward acknowledgement of the need to take into account the work of the UN International Law Commission in developing legal instruments for transboundary water resource management was transformed by a proposed Benin amendment into "the need to arrive at a definition of the legal status of transboundary water courses before taking into account, in a process of open-ended intergovernmental negotiations, the work of [the ILC]". Faced with the prospect of WGII debating legal definitions and processes, the amendment was vigorously resisted, in particular by the US. The agreed wording reverts back to the original need to take the ILC's work into account, and in addition refers the whole matter to WGIII on legal and institutional questions (see paragraph 2(p) of A/CONF.151/PC/WG.II/L.14)

LINKS WITH OTHER ISSUES:

More so than the decision documents on the wastes/chemicals issues, the decision document on freshwater reflects the linkages with other issues on the agenda: health (paragraph 2(j)), solid wastes and sewage (2(k)), agricultural activities (2(k), 2(l) and 2(o)), the particular role of women in water resource management (2(t)), and the ocean and climate issue of sea-level rise (2(m)). A proposal by New Zealand (after discussion with Canada) to recognise the special perspective of indigenous people and the importance of traditional knowledge was accepted with no opposition; this point had already been included in the decision document on the Oceans issues, and the wording was simply borrowed for inclusion in the freshwater document (see paragraph 2(w)).

ROLE OF THE DUBLIN CONFERENCE:

As noted above, there were differing views on what the Dublin Conference should be expected to produce, and on the roles of governments/experts in the Dublin process. Canada had three main interests in all this: we wished to have the need for an implementation plan with mechanisms for international coordination specifically recognised; we wished to preserve the Dublin Conference as a meeting of experts rather than a major international negotiating forum on legal and institutional matters; and, while acknowledging that timetables are a necessary component of an action plan, we did not wish to see Dublin resulting in a firm time frame that would commit us to unrealistic schedules.

The first draft decision document invited the Secretariat to note the need for the active involvement of governments etc. in the Dublin preparatory activities, "which should elaborate an action programme...with targets and timetables...and prepare suggestions for guidelines and time-frames for elaboration of national action plans...". The second draft contained much more direct language: the PrepCom was inviting the Dublin Conference to prepare an action framework, identify key elements of an implementation strategy, including mechanisms for international coordination, and prepare guidelines and timeframes for the elaboration of national action plans.

Brazil, supported by Uruguay, proposed deleting the call for an implementation strategy and mechanisms for international coordination on the grounds that this was premature. Netherlands, Uganda and Canada countered that an implementation strategy was a necessary element in the Dublin process; without it, action frameworks are not terribly useful.

The final agreed wording (paragraph 3) invites the Dublin Conference to identify key elements of a strategy for implementation of an action plan, but has no specific mention of mechanisms for international coordination. Having won the

inclusion of an implementation strategy, we did not press further on the international co-ordinating mechanisms since, in any case, these mechanisms should be an integral part of the strategy. Finally, the reference to targets and timetables (paragraph 3 (a)) is soft enough--"To consider an action framework ...including, where feasible and appropriate, targets, timetables and possibly cost estimates..."--to not force any country into committing to unrealistic schedules.

ASSESSMENT:

Currently, the expectation of the Dublin Conference is that the action plan will consist of a limited set of implementation items agreed upon by government designated experts. Likely, this will focus on national action programs.

Bearing in mind the concerns expressed by some delegations as discussed in paragraph 12 above, the Dublin Conference is likely to produce some sort of a specific implementation plan, based on the Mar del Plata Action Plan, that will be recommended to the UNCED. It may include four components:

- specific implementation items to be agreed upon by government designated experts at Dublin (e.g. national action plans and targets).
- institutional issues such as funding, coordination mechanisms, legal instruments, etc. that would form a set of recommendations for further action that would be presented at the UNCED for negotiation in the post-UNCED period.
- identification of projects in selected developing countries that will demonstrate integrated water resource management.
- some demonstration of enhanced UN agency coordination -- possible through the aegis of demonstration projects.

It is not clear whether Dublin will call for a change in funding or of UN institutional mechanisms for handling water concerns. A few countries and some UN agencies are talking "freshwater convention"; however, there is a reluctance on some agencies' part to include legal instruments as part of the Dublin discussion.

The process leading to Dublin includes an informal inter-governmental consultation meeting to be convened by the Danes, a water quality planning meeting to be held in late August in Bratislava, and a UNDP-sponsored meeting in Delft on capacity building. Canada is already part of the Bratislava meeting through our UNEP/GEMS role. The other two meetings involve policy issues relating to aid and to the role of governments in the freshwater issue at the UNCED; it would be wise that Canada be represented at both meetings.

Canada must consider the nature and level of its commitment to the probable Dublin discussions on national (freshwater) action plans. Canada must anticipate strong pressure from the Nordic group of countries for specific commitments and timetables for national action plans. Negotiating positions must be developed and conveyed through the various pre-Dublin fora in order to avoid surprises in Dublin. Canada must also anticipate the nature of discussions that may arise concerning the issues noted in paragraph 14, such as demonstration projects, multilateral coordinating mechanisms, and funding, bearing in mind that institutional and funding questions may be coordinated through Working Group III.

In the event that structural changes are recommended at Dublin (e.g. a resurrected Mar del Plata proposal for a global water office) or that a Freshwater "convention" is proposed, Canada should give some preliminary thought to the role it may wish to play in stewardship of the Dublin recommendations. Briefing material on the rationale for a Canadian role in the Freshwater component of Agenda 21 is with the Freshwater Issue coordinator. Canada is well positioned in regards to the major players in the Dublin process and our role should be one of maintaining visibility on the issue and staying abreast of the views of the key UN water agencies. No country or group of countries appear to be seeking leadership in the freshwater issue at this time. It is known, however, that the Nordic group have an historical interest in freshwater (e.g. their involvement in the ZACPLAN). The Japanese delegation noted their proposed UNEP Osaka Centre (includes a freshwater component) and the role of Japan in funding and carrying out technology transfer in water projects. The Japanese might seek a leadership position as a logical (in their view) extension of their aggressive policy of environmental initiatives.

FAO, within the framework of the ACC-Intersecretariat Group on Water Resources and in cooperation with other UN agencies, has already developed a tentative action plan for Dublin. Their plan provides for four demonstration projects of integrated water management in support of sustainable agriculture, in developing countries. The suggested countries are Indonesia, Egypt, Tanzania and Peru. The FAO representative at this PrepCom indicated that broader, integrated water management projects would be acceptable to FAO. Canada, through CIDA, currently supports cross-sectoral water programs in Indonesia and Egypt and may wish to consider a visible role in the FAO plan, especially if these become flagship projects (which is likely) of the Dublin and UNCED Conferences. Canadian involvement may also be an important vehicle for a highly visible demonstration of Canadian water expertise with a view to enhancing the role of the Canadian private sector in overseas water management schemes. As FAO is now casting about for sponsors and expertise, Canada should, if interested, indicate an interest very quickly. Substantial leverage over program content and direction is likely at this time.

Second UNCED PrepCom
Working Group II
Geneva

March 26, 1991

CANADIAN INTERVENTION ON FRESHWATER

STATEMENT BY JOHN P. BELL
HEAD OF DELEGATION

Mr. Chairman, it is my honour to speak on the freshwater issue on behalf of the Canadian delegation. Canada has a particular interest in freshwater, particularly as we are custodians of more than 20% of the global supply of freshwater. Although we are in a favoured position in regards to water supply we, like other large countries, face regional disparities of supply and demand and share major water bodies such as the Great Lakes with our American neighbours to the south. Canada has been fortunate enough to have been able to deal sequentially with eutrophication, acid rain and toxic chemical contamination of our freshwater resources. We recognize, however, that many developing nations must face these major water management problems simultaneously. In the process of managing our freshwater resources, including the achievement of joint management plans with our ten provinces and two territories, and with our American neighbours on transboundary issues involving surface and groundwater quality and quantity, we have, of necessity, implemented many of the recommendations of the Mar del Plata Action Plan.

Canada has an additional and perhaps unique role in the global water community in that we provide primary operational support to the water component of UNEP's Global Environment Monitoring System. This takes the form of data base, interpretive and program management functions located at the Canada Centre for Inland Waters. This role assists us in understanding the scientific, institutional and policy concerns that many nations face in their search to improve the quality and quantity of their national freshwater resources.

Mr. Chairman, we join with other delegations in commending the UNCED Secretariat for their excellent report on global water issues. In particular we note with satisfaction that the report highlights the central and critical role of freshwater in virtually all aspects of social and economic development. In this context the cross-reference to forestry is particularly welcome as there are serious public concerns and vigorous remedial action in Canada on the impact of forestry practices and of the pulp and paper industry on freshwater resources.

We wish to underscore, however, that while water management is a national prerogative, failure to achieve significant progress at the national level, has a cumulative impact of global proportions. This impact has, as has been discussed by several delegations from developing countries, economic, social and public health dimensions. Already, freshwater quantity and quality has been identified by many developing countries as THE critical and limiting factor to national sustainable development.

For these reasons, Canada supports the leadership of the World Meteorological Organization in organizing the World Conference on Water and Development to be held in Dublin, as an integral part of the UNCED planning process for Agenda 21. In particular we would draw the organizers attention to the following points which we regard as essential elements to a successful Water Conference.

1. Despite certain successes of the Mar del Plata Action Plan, such as the Water Decade, progress has been disappointing. Indeed, in some countries water has already reached crisis proportions. In part this situation reflects a failure to achieve a political consensus on an appropriate implementation strategy for the Mar Del Plata plan. We request that the World Water Conference address the question of the appropriate strategy and level of political involvement by heads of state at the UNCED to ensure an implementation framework and agenda.

2. Any global freshwater strategy must be in support of national objectives and programs.

3. The Mar del Plata Action Plan remains an appropriate substantive document as a basis for global action. In particular, however, we view the following issues as being of primary importance and request that the Water Conference address these as a matter of priority.

(a) that water management, including lending and aid programs in support of water programs, be carried out within an integrated resource management framework.

(b) that an implementation framework be developed for a global strategy that supports and enhances individual national programs and objectives. This should include not only funding mechanisms, but also technology transfer, training, research, and institutional and infrastructure development such as monitoring and assessment programs.

(c) that mechanisms be identified which will improve and enhance coordination of the many UN agencies that operate within the water field.

(d) that ways and means be proposed which will assist nations in dealing with transboundary issues and in resolving disputes over water supply and water quality issues.

(e) that an action plan be developed which will deal very specifically with treatment of domestic sewage. This has been identified as the most pervasive and serious water issue in many developing countries and one which has the greatest impact in terms of human health and social development.

(f) that an action program be specified which will ensure water supply of appropriate quantity and quality to indigenous peoples and remote communities.

(g) that the Conference address the issue of appropriate legislation, codes of conduct, and low-cost control strategies for controlling pollution of surface and groundwater from agricultural, forestry, and industrial activities.

(h) that an institutional framework be identified for the development and promotion of water evaluation and pricing policies in order to assist nations in managing their water resources in a more effective manner.

Mr. Chairman, Canadians have made it abundantly clear that preservation and conservation of freshwater is one of their foremost national concerns. The Canadian delegation shares the views of many of our distinguished colleagues present here today, that a global resolution to the impending freshwater crisis in many nations is an essential and critical element to achieving sustainable development and to enhancing social and economic progress within the family of nations.



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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Second session
Geneva, 18 March-5 April 1991
Working Group II
Agenda item 3

PROTECTION OF THE QUALITY AND SUPPLY OF FRESHWATER RESOURCES:
APPLICATION OF INTEGRATED APPROACHES TO THE DEVELOPMENT,
MANAGEMENT AND USE OF WATER RESOURCES

1. The Preparatory Committee requests the Secretary-General of the Conference to prepare for its third session a report on progress achieved in the preparations for the International Conference on Water and the Environment, to be attended by government-designated experts and held at Dublin in January 1992. The Committee requests the Secretary-General of the Conference to identify the main elements of an action programme, including an implementation plan, which can be reviewed for use as a basis for "Agenda 21".
2. In preparing his report, the Secretary-General of the Conference should take into account inter alia the following:
 - (a) Its decision 1/21 of 31 August 1990;
 - (b) The progress report of the Secretary-General of the Conference (A/CONF.151/PC/32);
 - (c) The views of delegations and others expressed in consideration of this issue during its second session;
 - (d) The report on the International Action Programme on Water and Sustainable Agricultural Development (A/CONF.151/PC/33);

(e) The results of the Global Consultation on Safe Water and Sanitation for the 1990s, held at New Delhi in September 1990 (General Assembly resolution 45/181);

(f) The relevant paragraphs of the Bergen Declaration, the Tlatelolco Platform on Environment and Development and the Asia-Pacific input to the United Nations Conference on Environment and Development, 1992, in Brazil, which is expected to be endorsed by the Economic and Social Commission for Asia and the Pacific in April 1991 at Seoul, as well as the results of the Regional Conference for Africa, organized in accordance with resolution 44/228, section II, paragraph 13 and decision I of the Preparatory Committee at its organizational session;

(g) The need to provide, on a sustainable basis, access to safe water in sufficient quantities and proper sanitation for all;

(h) The need to consider water as an economic good and to apply rational pricing and charging policies and other sound economic measures in its management;

(i) The need to protect water quality and to prevent the degradation of water resources through effective pollution control and prevention for point sources by taking measures at the source, and for diffuse sources by developing policies to prevent inputs of polluting substances into the aquatic environment;

(j) The need to reinforce international, regional, national and local action in the improvement of national and transboundary watercourses infested by water-borne and water-associated vectors of diseases such as, inter alia, onchocerciasis (river blindness) and dracunculosis (Guinea worm);

(k) The need to prevent adverse effects on aquatic ecosystems, water uses and human health due to water pollution as a result of, inter alia, discharges of solid wastes, untreated sewage and industrial effluents, agricultural activities, erosion and siltation from uncoordinated development works;

(l) The need to develop, make available, and apply agricultural practices geared towards efficient and productive water use and environmental protection;

(m) The need to give particular attention to the potential adverse effects of sea-level rise on the freshwater resources and needs of low-lying coastal areas and small island States;

(n) The need to control and, where possible, eradicate in national and transboundary watercourses aquatic weeds, such as water hyacinths, which pollute the water, hinder navigation and destroy some other water species;

(o) The need for assessment and integrated management of water resources, including, where appropriate, the safe reuse of wastewater in agriculture and silviculture, in the context of comprehensive environmental protection, development and land-use planning;

(p) The need to take into account the work of the International Law Commission of the United Nations in developing legal instruments for the management of transboundary water resources and related water supply and water quality issues, particularly in international rivers and lakes, and refers the question of the definition of legal principles for the protection, rational use and development of transboundary rivers and lakes to Working Group III and further requests the Secretary-General to report on progress achieved by the International Law Commission;

(q) The need for strategies and action plans for the protection and management of water resources at the global, national and river/lake basin level, where there is agreement among the countries concerned, and where integrated planning has proved to be most effective, and also at the local and community levels where in particular indigenous capacities for water resources management should be developed;

(r) The need to establish and apply principles of sound water resource management, taking into consideration practices of water use prevailing at local, national and regional levels, including, inter alia, the principle of broad-based participation of all concerned in the decision-making process, the principle of rational resource utilization with due consideration of environmental requirements and development needs, the precautionary principle, the polluter pays principle as well as the principle of integrated pollution control;

(s) The need to strengthen at all levels institutional capabilities, particularly the human resources required, for the effective monitoring, assessment and management of water resources and their protection;

(t) The need to take into account, in the elaboration of strategies and action plans for the protection and management of water resources, the important role of women, particularly in developing countries, in the utilization of these resources;

(u) The need for the international community to support the efforts of developing countries, particularly those in arid and semi-arid areas and small island States with non-perennial watercourses or insufficient water resources, towards sustainable development and utilization of, and access to, scarce freshwater resources, including conventional and non-conventional resources such as rainwater harvesting, water reuse and desalination, through technology transfer, financial assistance and technical cooperation through, inter alia, training programmes and research promotion;

(v) The need to fully implement strategies and action programmes emerging from the UNCED process, taking into account the Mar del Plata Action Plan;

(w) The need to recognize the special relationship of indigenous peoples, and the importance of traditional knowledge, with the conservation and utilization on a sustainable basis of freshwater resources.

3. The Preparatory Committee invites the International Conference on Water and the Environment to be held at Dublin in January 1992:

(a) To consider an action framework on sustainable development and management of freshwater resources, including, where feasible and appropriate, targets, timetables and possibly cost estimates, with due account being given to strategies for rational and efficient use of scarce water resources, and to identify key elements of a strategy for its implementation;

(b) To prepare guidelines for the elaboration of national and, where appropriate, regional action plans for the integrated development and environmentally sound management of water resources.

4. The Preparatory Committee invites Governments, intergovernmental bodies and other interested organizations to engage actively in the preparatory process leading to the International Conference on Water and the Environment.

5. The Preparatory Committee invites the Inter-Agency Steering Committee for the International Conference on Water and the Environment to take fully into account the views expressed by Governments when preparing the documentation for this Conference, and to maintain close contact with Governments throughout the preparatory process.

Cynthia Wright
Environment Canada
(819) 997-1487
8 March 1991

FRESHWATER

ISSUE:

Access by all people to a dependable supply of freshwater of acceptable quality has not kept pace with population growth. New strategies must be developed for the 1990's to prevent a global water crisis and to ensure sustainability of water use. Countries which are more developed, including Canada, are increasingly concerned about protecting available resources. The less developed countries are concerned about developing available freshwater to provide economic and social benefits to the hundreds of millions of people whose basic human needs have yet to be met.

CANADIAN OBJECTIVES:

A) For UNCED Process:

- Recognizing that adequate quality and reliable supplies of freshwater are a limiting factor for sustainable development in all countries, Canada wishes to use the Second PrepCom as a forum to raise the profile of freshwater in the international community. This could be achieved through a political commitment to develop a Declaration on Water for UNCED '92, or a Convention on Water as a follow up to UNCED '92. The purpose of the Declaration would be to provide global principles for water management and to create an adequate mechanism for coordinating implementation of a revitalized, focused action plan for water, i.e. the 1990s version of the Mar del Plata Action Plan.
- Canada must ensure that the PrepCom and UNCED '92 define the process for delivering new recommendations for action, such as the Declaration on Water, as well as the mechanisms for implementing a global freshwater program.
- Canada must promote an integrated approach to water management throughout the UNCED process. Integrated management combines an ecosystem approach to water management with the economic and the social systems of human environments. Bringing all of the responsible decision makers together, integrated management is the predominant strategy for achieving sustainable development.
- Appropriate coordinating mechanisms are essential to the delivery of integrated water management. Canada must

promote the development of new or modified mechanisms that ensure improved coordination locally among all agencies involved in water management, and globally between donor and recipient agencies.

B) For Global Freshwater Management:

As a global citizen, Canada wants to:

- ensure that all people are supported in their efforts for the sustainable development of regional and local freshwater, including groundwater, through means such as technology transfer and adequate training in water management;
- recognize that improvement and protection of human and ecosystem health depend on development and transfer of technologies (conventional and "soft") that aid in the supply, delivery and treatment of water and wastewater:
 - promote the development and exchange of Canadian technology and expertise with other nations;
 - promote the development of low cost, appropriate technology water treatment devices and systems for use in the developing world;
- promote recognition of, and conformity to, World Health Organization "Guidelines for Drinking Water" and to promote development of similar guidelines for recreational water
- promote strategies to protect water supplies from adverse impacts of urban and land use (including agriculture and forestry) development;
- promote a stewardship ethic in the management of soil, water and land resources, particularly in water-scarce areas;
- facilitate fair allocation of freshwater in water-scarce regions in order to avoid conflicts by use of mechanisms such as international agreements;
- promote strategies to prevent and minimize the human and environmental costs of floods and droughts;
- protect Canada's northern freshwater ecosystems from local and external sources of degradation;
- recognize the intrinsic value of protecting examples of free flowing rivers for their natural, recreational and social value;

- recognize the cultural and spiritual values of water as well as its economic potential, and with particular regard to native people, incorporate their experience and perspectives into water management decisions.

DISCUSSION TO DATE:

Freshwater as an international issue has been growing in importance for the last several decades. In 1977, the Mar del Plata Action Plan, the result of a UN International Conference on Water with representatives from 116 countries, presented over 250 recommendations addressing a wide range of water issues. The Plan included such concepts as integrated management and an ecosystem approach to water management. Nonetheless, factors such as lack of funds, inadequate training and lack of international coordination have impeded progress in implementing the Plan.

The International Drinking Water Supply and Sanitation Decade (1981 - 1990) was one recommendation of the Plan. It resulted in many gains, but it was widely recognized in the closing conference of the decade (the UNDP sponsored New Delhi Conference, attended by 600 participants from 115 countries) that broader water management strategies are needed. Principles and recommendations of the Conference were endorsed by the United Nations General Assembly Resolution of December 21, 1990.

Attendees at the debate on freshwater at the first UNCED PrepCom (August 1990) quickly concurred that provision of adequate supply and quality of water was critical to achieving sustainable development. Many considered it the most important issue for UNCED. Professionals at UN agencies feel we will face a global water catastrophe if rapid progress does not take place in the next decade.

Canada has many successes in water management which conform with recommendations of the Mar del Plata Action Plan, including:

- the Federal Water Policy which expresses Canada's philosophy and goals for freshwater and the ways of achieving them;
- the Great Lakes Water Quality Agreement between Canada and the United States;
- the St. Lawrence Action Plan and numerous basin studies, which encourage integrated resource planning;
- the Canadian Environmental Protection Act, which demonstrates a commitment to toxic chemical management;
- the Flood Damage Reduction Program;

- the commitment to a water pricing strategy for water supply and wastewater treatment; and
- the Mackenzie River Basin Management Program and the Arctic Environmental Strategy demonstrate our commitment to the sound management of northern freshwater resources.

Canada is perceived to demonstrate progressive, consultative and sustainable water resource management, to be politically neutral, to be able to offer advanced technologies and expertise, and to be a well regarded contributor to international water programs through various agencies. The Canadian delegation would have a high degree of credibility at this point in time presenting a major water initiative.

PREPCOM SCENARIO:

- The official conference endorsed by the UNCED Secretariat addressing the freshwater issue (International Conference on Water and the Environment) will take place in Dublin, Ireland, January 26-31, 1991. The second and third PrepComs will give direction to the "Dublin Conference". Much of the discussion in the PrepCom may focus on how to make the best use of the outcome of the Dublin Conference at Brazil which follows only four months later. The likely scenario, which Canada should encourage, is that the Dublin Conference focuses on the development of an action plan and the UNCED process focuses on raising the political awareness of the freshwater issue and the role of the international community in implementing the action plan.
- There is international discussion on the possibility of a political decision at UNCED to achieve significant global activity on freshwater, such as a Freshwater Convention, including the need for enhanced coordination amongst UN and donor agencies and water management within an integrated environmental framework.
- With respect to the latter point on the role of the international community in implementing an action plan, the Canadian delegation should be aware that the Dublin Conference is being organized by a network of UN organizations with an interest in water which has existed for some time but has not been viewed as highly successful in ensuring a coordinated and cooperative approach among UN agencies. The concept of the Dublin Conference was developed by John Rodda of the World Meteorological Organization (who is the current chairman of the network) and it was not originally widely supported until Rodda received the sanctioning of

M. Strong. Therefore, while some UN and non-UN international organizations cooperate well, the Canadian objectives articulated under the "International Institutions" PrepCom briefing are applicable to the water issue.

Therefore it appears that Canada's objective to raise the political profile of the freshwater UNCED issue is already accepted by those attending the March PrepCom. Discussions will be of a general nature in March; establishing rapport with freshwater proponents from other countries may be the most important element. Specific recommendations for achieving our objectives will not be required until the next PrepCom in August 1991; at that time Canada must play a leading role in the freshwater issue if it is to be influential at the International Conference on Water and the Environment in Dublin, and thereafter.

The ECOSOC Committee on Natural Resources is meeting at the same time as the second PrepCom (March 25-April 4) at which time a report on the implementation of the Mar del Plata plan will be tabled. The report will also make recommendations on an action plan for the 1990s which would essentially be a more focused and updated version of the Mar del Plata plan, strongly emphasizing the need to integrate environmental factors in economic decision making and addressing what are perceived to be the most important water issues: water assessment, water quality, urban water supply (as well as rural which was largely the focus of Mar del Plata).

Information which may prove to be of value in developing and delivering water programs will be discussed at a June 1991 symposium:

"Capacity Building for Sustainable Water Resources Utilization". UNDP is sponsoring this symposium of donor and recipient nations, which will be hosted by the Delft Hydraulics Institute of the Netherlands. Capacity building is not yet a well defined term, but generally means institutions and instruments to increase local capabilities, including training and policies such as economic instruments. Canada should work to ensure that capacity building is viewed as a means to an end, rather than a product in itself, and that this theme is balanced with other aspects of integrated management that should be pursued at Dublin.

Denmark is taking the lead on freshwater for the Nordic countries; however Sweden has proposed an "all-government" meeting prior to Dublin to give political direction to Dublin. This is not viewed as being expedient and in fact may be counter-productive given the time frame. The Danes may propose a more limited meeting of donor and developing nations. This

could be a useful opportunity to discuss the political acceptability of options that could emerge from Dublin. Canada should endorse this limited initiative and offer to play an active role in the meeting. The likely G77 response to the proposal for either a small or large scale government meeting is unknown.

Additional initiatives that support Canada's objectives in preparation for UNCED '92 include:

General

1. **International Water Resources Association Conference** in Rabat, Morocco, May 13-18, 1991. The Conference includes a half-day round table on water issues for the twenty-first century. The current president of IWRA is Dr. Asit Biswas, a former Environment Canada employee. The round table will be chaired by Dr. Malin Fahlkenmark (a renowned hydrologist active in Mar del Plata) of Sweden. A Canadian from the Inland Waters Directorate of Environment Canada will attend.
2. The **WMO-sponsored Bratislava meeting** (August 26-30, 1991) is designed to provide planning input to WMO water quality programs and to give a sense of direction to Dublin on major water quality issues in the next century. This is a technical meeting of specialists who will be invited by WMO and WHO. WHO is organizing the program on behalf of WMO and is using the GEMS/Water Steering Committee to develop the scientific content. Consequently, Canadian GEMS/Water staff have had a major hand in developing the agenda, and will be providing one of the three keynote papers as well as assisting in coordinating the consensus process in Bratislava.

Irrigation

3. The **42nd meeting of the International Executive Council of the International Commission on Irrigation and Drainage (ICID)** will meet on April 15-22, 1991, in Beijing, China. Canada is represented on the Council, and on most committees and working groups. A special technical session will be held under the theme "Planning, operation and management of irrigation systems for water and energy conservation". The Canadian delegation is expected to make viable contributions in these areas, which link directly to some of the issues highlighted for UNCED.
4. The **8th Afro-Asian Regional Conference of the International Commission on Irrigation and Drainage** is scheduled for November 18-29, 1991, Bangkok, Thailand. The theme is "Land and Water Management in Afro-Asian Countries". Land and water problems and techniques and strategies for their solution will be discussed.

Supply and Sanitation

5. **Water Supply and Sanitation Collaborative Council** meeting in Norway, September 18 - 20, 1991 (tentative). Canada has actively supported this Council (through CIDA, IDRC and several Canadian NGOs). One of the proposed candidates for the next Chairperson of the Council is Ms. Margaret Catley-Carlson (Deputy Minister of HWC, formerly President of CIDA).

Non-government Organizations

6. Formal inauguration in Montreal, May 1991 of **international secretariat for NGOs active in water supply and sanitation**, led by Oxfam Quebec, in developing countries. CIDA has supported the formative stage of this secretariat. The present Chairman of Water Supply and Sanitation Collaborative Council (Mr. Alexander Rotival) is expected to be in Montreal for this event. The secretariat intends to make a presentation on behalf of international NGOs at UNCED and possibly at Dublin.
7. An **international NGO environmental Conference** is scheduled for Paris, December, 1991. It is coordinated by the Environmental Liaison Center of Nairobi. Many hundred delegates are expected to attend the Conference, which will likely have an emphasis on water.

DOCUMENTATION:

Mar del Plata Action Plan, United Nations Water Conference, 14-25 March 1977.

UN Department of Technical Cooperation for Development, Follow-up to the Mar del Plata Action Plan: Report of the Meeting. 5-9 January 1987.

UN General Assembly Resolution, Protection of Freshwater Resources, First Session Working Group II, 6-31 August 1990.

UNDP Global Consultation on Safe Water and Sanitation for the 1990s. Background Paper. New Delhi, India, 10-14 September 1990.

Outline of International Conference on Water and the Environment ("Dublin Conference")

UN Assembly Resolution on the International Drinking Water Supply and Sanitation Decade. No. A/Res/45/181. New Delhi Statement. 21 December 1990.

UN Assembly Draft Resolution. New Delhi Statement. No. A/C.2/45/L.65
3 December 1990.

LEGAL ISSUES

Documentation:

A/Conf.151/PC/WG.III/2 Secretariat Report on Legal Issues for Working Group III

CANADIAN OBJECTIVES:

The documentation for the discussion of legal issues in working Group III was only released after the formal establishment of the group, and therefore interventions were, of necessity, general. Within these limitations, Canadian objectives were to encourage the development of progressive norms of international law, to support the elaboration of a Charter of principles on rights and responsibilities of States, and to reinforce the law of the Sea rules regarding the environment. In addition, the Canadian intervention sought specifically to give renewed impetus to the International Law Commission's work on State responsibility for transboundary damage, to encourage the inscribing in Charters and conventions respect for the rights of indigenous populations, and to support the development of mechanisms for the prevention and settlement of disputes.

PREPCOM DISCUSSION:

At the opening of discussion, the Tunisian delegate, subsequently supported by the G-77, proposed that given the late distribution of relevant documents and the inability of developing countries to elaborate their positions at this early stage, the first session of WG III should simply be the start of a preliminary exchange of views on issues related to the mandate of the working group; they further added the proviso that no substantive discussion on specific issues commence until after all delegations and interested groups have made their general statements. This posed a problem for the Secretariat, which under these limitations would not be able to produce a substantive report for the third session of the preparatory committee. Following extensive discussions, delegations agreed that the Secretariat provide to the next meeting of the working group appropriate documentation with information about, inter alia, existing legal agreements and declarations containing legal principles, and any other relevant material coming from various fora.

Some twenty-five speakers made preliminary statements. Among the legal issues addressed were the need to distinguish among different legal instruments (such as agreements and principles, both binding and non-binding), to include instruments pertaining not only to environmental issues, but to development and disarmament issues, to elaborate principles for the Earth Charter, to develop mechanisms for the prevention and settlement of disputes, and to develop further the rights and obligations of States and regional economic integration organizations and

individuals and groups. Almost all speakers agreed that, in developing a strategy or action plan for the UNCED, it would be essential to provide a framework for listing instruments and principles, determining problems with existing arrangements, possibilities for more effective implementation of such arrangements, and, if necessary, the elaboration of new instruments.

Several Latin American delegations and Yugoslavia stressed the need for environmental agreements to include not only commitments to targets and deadlines, but to provide financing and technology transfer obligations, particularly from developed to developing countries. They highlighted the potential success of such arrangements as the Global Environmental Facility and the financial mechanism established under the Montreal Protocol on the Depletion of the Ozone Layer. Mexico emphasized that countries should not view global environmental protection as a common responsibility, but a common interest. Barbados stated that the equitable sharing of resources should be an intrinsic part of any sustainable development Charter or principles elaborated at the UNCED. Brazil (supported by Mexico) added that future agreements should take into consideration uneven patterns of consumption and production between developed and developing countries.

On the Earth Charter, the USSR proposed that countries should study existing agreements and principles and from these determine which gaps exist which should be elaborated in the Charter. China stated that the Charter should include the following five principles: equality among sovereign states; integration of environmental and developmental dimensions; responsibilities and duties; recognition of the special situation of developing countries; and international cooperation to promote sustainable development. Though specifically alluding to principles for an Earth Charter, Mexico agreed that the points elaborated by China were fundamental principles for future agreements on environment and development. The USA stated that the UNCED should build on the 1972 Stockholm Declaration, but should not develop general or abstract principles or a new, free-standing constitution-type document.

Several countries (including Canada) spoke in favour of reviewing and subsequently elaborating further mechanisms for the prevention and settlement of disputes. Austria, on behalf of the Pentagonal countries (Austria, Italy, Yugoslavia, Hungary and Czechoslovakia) plus Poland, proposed that it would present to the third Prepcom a decision urging States which may be involved in environmental disputes to make information available to each other and to request UNEP to initiate negotiations on a legal instrument providing for dispute prevention, including the possible establishment of an inquiry commission.

The USA stated that international dispute resolution should be tailored to take into account specific bilateral, regional, or sectoral considerations; they listed several approaches for resolving disputes, including:

- establishment of clear rules;
- early notification of activities which are likely to cause adverse transboundary effects on the environment;
- consultation with affected parties;
- third-party fact-finding and conciliation;
- standing commissions;
- binding or non-binding arbitration;
- referral to the ICJ;
- reporting requirements through regional or multilateral agreements to monitor compliance;
- and use of domestic courts.

To a certain extent, acceptance by delegations to study this issue depended to some extent on current political situations involving bilateral disputes. For example, Pakistan asserted that UNCED should elaborate such principles; India was opposed to it, barring further consideration of its bilateral and regional implications.

On rights and obligations, Netherlands (on behalf of the EC) emphasized the need to further develop rights and obligations of individuals and groups, in addition to those of States and regional economic integration organizations. Recalling the Bergen Conference, the representative stressed the need to reaffirm the rights of individuals and concerned groups to have access to all relevant information; to be consulted on and to participate in the planning and decision-making concerning activities which may affect their health and environment; and to have reasonable access to appropriate legal and administrative remedies and redress. Peru (one of the vice-chairs of the committee) stated that individuals and corporations have rights and obligations to protect the environment and to complain to governments about violations to it. Their representative added that the working group may wish to examine the rights of individuals vis-a-vis corporations, especially transnational corporations (TNCs); he pointed out that countries have already agreed to the environmental chapter of the Code of Conduct on TNCs, even if the Code itself has not been adopted by the UN.

Other proposals included a suggestion by the Malta that the working group examine a framework for harmonizing environmental law among different regimes (for example the atmosphere and the oceans). Brazil suggested that the list of agreements and principles should include those pertaining to development; Peru stated that the list should include all arms control and disarmament instruments and declarations because protection of the environment was a fundamental aspect of global peace and security.

OUTCOMES:

There was no decisions taken on this issue at the end of Working Group Three.

ASSESSMENT:

Given the preliminary nature of the comments, it is somewhat too early to predict the major trends in views on legal issues for the UNCED, but it is notable that countries want a comprehensive list of agreements and principles and that there is interest by several countries in examining the issue of dispute settlement and prevention. In July, the Netherlands will be hosting a meeting, under ECE auspices, to examine the question of environmental rights and obligations for states, regional economic organizations, individuals and groups. The results of this meeting will be presented by countries, on their own initiative, to the August Prepcom. The August prepcom will also have the benefit of the results from this yea's ILC meeting. Finally, some countries have encouraged the Secretariat to prepare a draft Earth Charter for discussion among governments in August. At the end of the April Prepcom, however, it was more likely that the secretariat would wait until a later point in the process before putting a draft charter on the table.

April 3, 1991

CANADIAN STATEMENT ON LEGAL ISSUES

Mr. Chairman,

In addition to the issues elaborated in the document A/CONF.151/PC/WG.III/L.2 and the statement yesterday by Canada, Australia, and New Zealand on the work programme of Working Group III, we would like to provide supplementary remarks on the legal issues to be dealt with in the preparatory committee.

Canada's general objectives include:

- the development of progressive norms of international environmental law;
- the elaboration of a Charter of principles on the rights and responsibilities of States; and
- the conclusion, preferably by the 1992 UNCED, of agreements on climate change, biodiversity, and forests.

To this end, we believe that a compilation of agreements and analyses of existing law will be a useful tool in our further discussion on these matters. In our opinion, the most complete list of agreements is the one prepared for the Siena Forum a year ago. We would suggest that the above compilation by the Secretariat also cover arbitration awards as they constitute sources of international law.

A key specific objective for our delegation is the reinforcement of Law of the Sea rules regarding the environment, particularly with respect to the issues of land-based sources of marine pollution and the conservation of high seas living marine resources (including the issues of driftnet fishing, overfishing, and straddling stocks).

Other objectives include:

- giving renewed impetus to the International Law Commission's work on State responsibility for transboundary damage;
- inscribing in Charters and conventions respect for the rights of indigenous populations; and

- developing mechanisms for the prevention and settlement of disputes (for example, the mechanisms incorporated in the recently-signed Canada/USA air quality accord).

Thank you, Mr. Chairman.

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QUESTIONS JURIDIQUES

SUJET:

Si le consensus atteint à New York sur le mandat du groupe de travail III sur les questions juridiques, institutionnelles et autres est endossé lors de la seconde commission préparatoire, ce groupe sera mis sur pied immédiatement. Ce mandat sera de:

- préparer une liste annotée des instruments juridiques internationaux existants dans le domaine de l'environnement et évaluer leur efficacité;
- identifier les domaines où le droit international de l'environnement pourrait être développé;
- étudier la possibilité d'élaborer des principes généraux sur les droits et obligations des états et de les incorporer dans une Charte ou une Déclaration de principes sur l'environnement et le développement;
- étudier toute autre questions juridiques ou institutionnelle qui puissent lui être soumises par la plénière ou les groupes de travail I et II, y compris les questions trans-sectorielles dont est saisie la Commission préparatoire;
- réviser le rôle et le fonctionnement du système des Nations Unies en matière d'environnement et développement, et formuler des recommandations favorisant une meilleure coopération et coordination au sein du système;
- réviser les moyens de renforcer la coopération et la coordination au sein des Nations Unies et des organisations globales, régionales, non gouvernementales dans le domaine de l'environnement et du développement;
- étudier et considérer le renforcement des arrangements institutionnels afin d'assurer l'application effective des conclusions de la CNUED dans le système des Nations Unies.

OBJECTIFS CANADIENS:Objectifs généraux:

1. Le Canada devrait participer activement aux travaux du groupe de travail III sur des problèmes juridiques concrets. Ce groupe devrait aussi servir à s'assurer que les travaux de la CNUED et des différents groupes de négociations soient adéquatement coordonnés.
2. Le Canada devrait favoriser le développement de normes progressistes de droit international en matière d'environnement conformes aux intérêts canadiens. Le groupe de travail juridique de la CNUED est un véhicule privilégié pour atteindre cet objectif.
3. Il serait souhaitable de pouvoir conclure, si possible mais pas nécessairement en 1992 à la CNUED, des conventions sur le changement climatique, la biodiversité et les forêts, contenant des obligations substantielles et spécifiques.
4. La CNUED devrait endosser la tenue de négociations post-1992 d'un instrument global sur la pollution marine, incluant un instrument juridique sur la pollution marine d'origine tellurique, afin d'élaborer le cadre mis en place par le chapitre 12 de la Convention des Nations Unies sur le droit de la mer. La réunion de Halifax qui aura lieu du 6 au 10 mai devrait permettre d'identifier les principes qui devraient être incorporés dans une convention sur la pollution marine d'origine tellurique.
5. Le groupe de travail juridique devrait s'intéresser à la question de la responsabilité des états pour les dommages transfrontières en matière d'environnement. Un aspect de cette question, la responsabilité des états pour des actes non-interdits par le droit international, est à l'étude depuis plusieurs années au sein de la Commission du droit international.

Le Canada devrait appuyer l'idée d'une Charte contenant des principes sur les droits et responsabilités environnementaux des états.

Objectifs spécifiques:

1. Le Canada devrait s'efforcer de développer et de renforcer les principes existants quant à la conservation et la gestion des ressources biologiques de la haute mer, ainsi que la reconnaissance des intérêts particuliers des états côtiers dans la gestion des stocks chevauchant la zone des 200 milles.

2. Le Canada pourrait proposer d'autres sujets, comme le droit d'avoir accès à l'information environnementale existante grâce à la télédétection, la protection de l'environnement et la responsabilité pour des dommages causés par les retombées accidentelles de satellites sur la terre et l'harmonisation du droit de l'environnement et du droit commercial international, en particulier le GATT.

3. Tout instrument juridique élaboré dans le cadre de la CNUED devrait tenir compte, s'il y a lieu, des droits des populations autochtones.

DISCUSSIONS JUSQU'A MAINTENANT:

Charte des droits: des discussions sont en cours au sein de la Commission économique sur l'Europe au sujet du développement d'une Charte sur les droits et obligations des individus, groupes et organisations, et non pas des états comme il est proposé ici, en matière d'environnement. Cette initiative est issue de la déclaration de Bergen de mai 1990, et vise l'adoption possible d'un tel "document" par la CNUED, sans en préciser le caractère juridique. La Norvège et les Pays-Bas ont pris l'initiative de convoquer une réunion d'experts, en leur capacité personnelle, à Oslo en octobre dernier. Un rapport sera présenté à Espoo, en Finlande, à la fin février lors de la réunion des conseillers des gouvernements des pays de la CEE pour les problèmes de l'environnement et de l'eau.

Les principes régissant la gestion rationnelle des ressources biologiques de la haute mer devraient s'inspirer des conclusions de la Conférence de St-John's (septembre 1990).

Des discussions ont eu lieu sur la pollution marine lors de la première commission préparatoire. Celle-ci a donné son appui à la tenue de la réunion de Halifax, dont les résultats devront être présentés à la troisième réunion préparatoire. D'importantes recommandations à ce sujet ont aussi été faites à la CNUED par les parties à la Convention de Londres sur l'immersion des déchets lors de leur 13ième réunion consultative en novembre dernier.

SCÉNARIO POUR LA COMMISSION PRÉPARATOIRE:

Le groupe de travail juridique devra établir son programme de travail pour les prochaines sessions.

DOCUMENTATION:

- Projet de Charte de la Commission économique pour l'Europe

- Conclusions de la déclaration de la conférence de Terre-Neuve

- Document d'information sur la réunion de Halifax

- Résolution de la 13ième réunion des parties à la Convention de Londres sur l'immersion des déchets adressée à la CNUED

INSTITUTIONAL ISSUES

Documentation:

A/Conf.151/PC/36 Secretariat "Progress Report on Institutions"

CANADIAN OBJECTIVES:

Given that this was to be the commencement in Working Group III of a preliminary exchange of views (please refer to report on legal issues discussed in Working Group III), Canada proposed a number of general issues for consideration, including the idea that the UNCED should elaborate a framework for identifying functions for environment and development within the UN system against which capabilities of existing institutions could be reviewed, and where necessary, strengthened and/or changed. We proposed that such a framework could include an analysis of norm-setting, feedback, and review functions.

Turning to the Secretariat report, A/CONF.151/PC/36, Canada suggested that the prep comm could consider:

- a) more effective mechanisms for cooperation between UN organizations and non-governmental organizations (NGOs) on environment and development;
- b) the role of organizations outside the UN in carrying out the functions cited above; and
- c) the importance of national-level institutions in implementing sustainable development policies.

PREPCOM DISCUSSION:

Virtually all the developing countries and some developed countries, such as Australia and Japan, stated that before considering ways to reform the UN system and possibly introduce new institutions, countries should evaluate what the requirements are for promoting sustainable development, which institutions exist to carry out this purpose, and how such institutions can be strengthened to implement the outcomes of the 1992 Conference.

Most developing countries generally appear opposed to establishing new UN institutions, a view was also reflected in Secretary-General Strong's statement to the plenary during the last week of the prepcomm. Mexico expressed concern that the Executive Director of UNEP would broach the issue of UNEP reform at the upcoming UNEP Governing Council and stated that the Programme should not proceed with any reform exercise until after the 1992 Conference -- a point of view subsequently shared by not only G-77 delegates, but the EC as well.

Several speakers, in particular the Latin Americans, China, and Yugoslavia, emphasized that institutional reform must include commitments to establish mechanisms for making funding and technology available to developing countries to ensure their economic development is environmentally sound. The recent arrangements for the Global Environmental Facility (GEF) and ozone fund were noted as possible models for future mechanisms.

Whereas most delegations tended to be cautious about putting forward proposals on institutional reform to the working group (pointing out that form must follow function), there were three notable exceptions -- Netherlands (for the EC), USA, and Sweden - which decided at this early stage to lay their cards on the table.

The Netherlands proposed several options for institutional reform. They include: establishment of a high level scientific council to provide a continuous flow of advice to the UN system (linked to UNEP's proposal to establish a global network of lead institutes on various environmental issues); strengthening the UN's policy-making and standard setting functions (a view shared by ourselves and Sweden); implementing monitoring and control procedures in legal instruments dealing with the environment; developing mechanisms for financing projects and transferring technology in developing countries on an environmentally sound and sustainable basis; strengthening the role and capacity of other environment and development institutions, such as the World Bank; and, through a comprehensive survey on existing UN information systems (such as Earthwatch and Infoterra), improving the management and coordination of information on global environmental problems.

The USA reiterated a proposal it has been circulating in Nairobi and in capitals concerning the resurrection of the Environmental Coordinating Board (ECB), established at UNGA 27. They suggested that the UNEP Executive Director should chair this body, which would be tasked to coordinate UN organizations dealing with environmental issues; given the UNDP's important mandate on developmental issues, the Americans further proposed that its Administrator could be the vice-chair of the ECB.

Although the Swedes believe existing institutional arrangements should be strengthened or modified, rather than devising a new organization, in addition to a number of issues proposed by the Dutch, they added some other ideas, including: holding thematic conferences (e.g. settlement of environmental disputes, energy, transport, urban management, risk assessment, and environmental emergencies) and strengthening the ECOSOC's coordinating functions. Like the Netherlands and the USA, they stressed the need for better interagency coordination to improve the UN system's ability to incorporate sustainable development principles into its policies and programmes. The Swedes further noted that Agenda 21 could only be successful if it is an intrinsic part of national policies and if countries ensure that the

governing bodies of UN organizations adopt resolutions and programmes to promote sustainable development.

On the future of UNEP, all delegations which spoke stated that UNEP must be strengthened, though few specified whether it should substantially increase its environment fund, or augment its operations, or become a specialized agency with sectoral responsibilities (Japan suggested that this latter issue should be seriously considered). The Netherlands, USA, Norway, and Sweden stated that UNEP should continue to strengthen its monitoring, assessment and information dissemination capabilities; implicit in their statements was the notion that UNEP should focus on certain activities, rather than broadening its programmes. Several delegations (Netherlands, Nordics, the USSR, and Australia) noted that UNEP should continue to play a primary role in elaborating legal instruments, as required, because the Programme has built up demonstrable expertise in this area.

OUTCOME:

Since Working Group Three decided at this session not to take any substantive decisions, there was no formal outcome to this debate.

ASSESSMENT:

Since this was only a preliminary exchange of views, with only a small number of countries explicitly providing options for institutional enhance and/or reform, it is still too early to determine whether countries are prepared to substantially examine, and possibly reform, the UN's environment and development policies and programmes. It is noteworthy that Secretary-General Strong stated publicly in Plenary that he perceived no moves to establish new institution at the Rio Conference, but rather emphasis should be to re-enforce existing institutions through strengthening UNEP and improving capabilities and accountability of other bodies. At same time it is clear, however, that countries are not satisfied with present arrangements. The success of such innovations as the GEF and ozone fund, as well an indication of the extent to which the international community can agree funding, technology transfer, and various legal instruments will likely shape the outcome of the prep comm's discussions on institutions as delegations prepare for the Rio Conference. Discussion on this issue at August Prepcom is likely to be both more focussed and concrete.

April 3rd, 1991

CANADIAN STATEMENT ON INSTITUTIONAL ISSUES

Mr. Chairman,

In discussing institutional matters, we would like to raise two areas of particular concern to our delegation. The first is the consideration of a framework for identifying appropriate institutional mechanisms to implement the outcomes of UNCED; the second concerns a number of items raised in the Secretary-General's Progress Report on Institutions (A/CONF.151/PC/36).

A number of countries have made specific recommendations for institutional changes, but we agree with the proposals, made by several delegations, that there should be a more systematic analysis for institutional needs and capacities to ensure effective implementation of the outcomes of UNCED. To this end, we would like to add our voices to those delegations which have identified the need for such a framework for analysis of the issues at hand. More specifically, we feel that there is a need to elaborate a framework in the form of a number of key functions for environment and development against which the capabilities of existing institutions could be reviewed, to assist identification of possible strengthening and changes to institutional structures:

- A norm-setting function to provide policy guidance to the UN system and other international organizations, as well as providing advice to governments on sustainable development. We note the proposal by the Netherlands, on behalf of the European Community, for a policy-setting and standard-setting function.
- A feedback function between the results of environmental monitoring and development decisions taken by international and national bodies charged with making progress towards sustainable development.
- A review function; specifically, monitoring progress by UN institutions in putting into place Agenda 21 and other agreements on environment and development reached by governments at the UNCED.

We understand that the Secretariat is undertaking analyses along these lines and we would encourage the continuation of their work in assessing the capabilities of existing institutions to carry out these functions and, where necessary, to examine the need for possible improvements and changes to them.

Mr. Chairman,

We would like to turn to a few issues addressed in the very useful report contained in PC/36:

- First, more effective mechanisms for cooperation between UN organizations and non-governmental organizations (NGOs) on environment and development;
- Second, the role of organizations outside the UN in carrying out the functions listed above;
- Third, the importance of national-level institutions in implementing sustainable development.

On cooperation with NGOs, there have been valuable lessons from the Bergen Conference and we are all learning from the involvement of NGOs in these preparatory committee meetings on which forms of cooperation and involvement are useful and which approaches tried to date have not been so effective and thus require improvement. Canada would like the preparatory process to consider new models for cooperation with NGOs. We further suggest that UNCED specify mechanisms for effective cooperation between the UN system and NGOs.

On the role of organizations outside the UN system, Canada believes that it is important for the preparatory committee to consider the capacity of such organizations to carry out the functions listed above. For example, IUCN -- The World Conservation Union -- has considerable experience and expertise in monitoring the state of biological resources and developing a scientific basis for continuing progress on sustainable development. Another example is the efforts of the Third World Academy of Sciences to transfer and exchange scientific knowledge among developing countries.

Finally, with respect to national-level institutions, we note the statements by some delegations that solving global environmental and developmental problems must be accomplished mainly at the national level. For example, the 1972 Stockholm Conference on the Human Environment resulted not only in the establishment of international institutions, such as the UN Environment Programme, but the creation of environment ministries in numerous countries. The progress report on institutions (PC/36) suggests that the preparatory committee will undoubtedly wish to consider the institutional changes required at the national level to address environment and development issues. We feel that this is an important matter for further discussion.

Thank you, Mr. Chairman.

Michael Small
EEE/995-4765

March 8th, 1991

INTERNATIONAL INSTITUTIONS

ISSUE:

How to strengthen the capacity of United Nations' institutions to address the problems of environment and development and to implement the programs of action agreed by UNCED.

CANADIAN OBJECTIVES:

Canada's objectives for the discussion of the institutional issues within UNCED are a sub-set of our overall approach to the question of U.N. institutional reform. Our overall objectives for U.N reform can be summarized as follows:

- a) to focus U.N institutions' work on areas in which the U.N. has a "comparative advantage". The environment is clearly one of the foremost areas in which Canada perceives a "comparative advantage" for the U.N.
- b) to rationalize the decision-making process of the U.N. and to reduce the duplication of work by different specialized agencies and bodies of the U.N. system.
- c) to pursue the reform of poorly functioning U.N bodies and elimination of superfluous ones, in order to free resources that can be devoted to new activities - such as environmental issues - in which the U.N. has a comparative advantage.
- d) not to undermine our traditional policy of zero real growth in the budgets of U.N. organizations.

Our discussion within UNCED of institutional issues must operate within the very real constraints of this larger framework. This is particularly important to recognize, since in UNCED, we will be dealing with the major "growth area" for U.N. system. The foremost restraint of all on any thorough going reform of U.N institutions is the need to reform the U.N. Charter - which will not be

accomplished through UNCED. However, within its own mandate, UNCED can play a valuable role in reforming and restructuring the U.N. institutions charged with dealing with environment and development.

Our general objectives for U.N. institutional reform through UNCED should be as follows:

- a) To foster the integration of environment and development through a commitment to sustainable development in the programmes and activities of all United Nations institutions.
- b) To increase the efficiency, effectiveness, and public accountability of U.N. institutions charged with promoting sustainable development.
- c) To increase the ability of U.N. institutions to respond flexibly and responsibly to environmental change and to catalyze action at a national, regional and international level to deal with new challenges for sustainable development.
- d) To ensure that new or existing international environmental agreements have effective institutional support.
- e) To foster greater collaboration between U.N. system and non-U.N. system institutions addressing the same issues.
- f) To increase the regular mechanisms of consultation and cooperation between U.N. institutions and non-governmental organizations;
- g) To reinforce regional and national level institutions abilities to address environment and development problems through reform of the structure and programs of U.N. institutions;

Objectives d), through g) are best approached initially on a case-by-case basis, through the discussion in UNCED of the role of specific institutions in dealing with different sectoral issues. Ultimately, however, the PrepCom through Working Group Three will want to review as a package the specific institutional changes recommended by Working Groups One and Two.

Objectives a), through c) however will require a more systematic approach to the interaction between U.N. system institutions. From our initial inter-Departmental discussions, we have concluded that the best way to approach these objectives is to identify key functions that need to be performed by one or more institutions on behalf of the U.N. as a whole. Accordingly, we have identified the three functions as follows (which roughly correspond to objectives a, b and c respectively) which could be strengthened through UNCED.

1. A central "norm-setting" function for the U.N. system, to define agreed principles for sustainable development and give policy guidance to other U.N. institutions on how to apply those principles.
2. An independent "evaluation" function that would assess: different U.N. institutions' commitment to agreed principles of sustainable development; the effectiveness of their programs in terms of sustainable development; and the effectiveness of their co-operation with other international institutions.
3. A "feed-back" function for the global political system between itself and the global environment; an institution performing this function would monitor, and interpret global environmental trends and to disseminate rapidly and effectively assessments of those trends to decision-makers and the public.

DISCUSSION TO DATE:

NORM-SETTING FUNCTION:

As the international environmental agenda has exploded over the past five years, national governments and international institutions have been seriously challenged to keep up with the new kinds of demands made upon them. The challenge has not only been for new resources - but also for new kinds of policies, that can integrate environment and development imperatives.

In the last five years, the U.N. system has undertaken two major initiatives to provide guidance to international institutions and member governments on the task of integrating environment and development. The first was to launch the World Commission on Environment and Development (the Brundtland Commission) and the second was the decision to convene UNCED itself.

Once UNCED is over, there will continue to be a need for a central forum or body that fulfills a sustainable development "norm-setting" function by continuing the kind of high level policy dialogue on environment and development begun by the WCED and UNCED. Such a body should serve to articulate and refine general principles of sustainable development, using as its basis the Earth Charter and Agenda 21 that emerges from UNCED. It should address the application of these principles to newly emerging economic and environmental phenomena (given the increasing pace of global economic and environmental change). It could also take up the application of these principles to specific sectors of the economy or specific environmental problems.

There are three existing U.N. bodies that have some capacity to play this role. All three also have definite limitations. The first is the UNEP Governing Council. It is the U.N.'s only regular deliberative body dealing with environmental issues. However, the Governing Council has a number of definite limitations. First, it is expected to meet only once every two years - and in an inconvenient location for many country delegations. Second, UNEP itself has very limited resources in its own right and no mandate to command resources or co-operation from the other (wealthier) specialized agencies. Third, decision taken by environmental expert delegations at UNEP Governing Council are often ignored or overturned by the General Assembly - where a different political mix of national interests prevail. Finally, UNEP has a narrower mandate focused on the problems of environment - rather than the challenges of sustainable development as a whole.

The other candidate bodies for playing a norm setting function are the Economic and Social Council (ECOSOC) and the Second Committee of the General Assembly. ECOSOC potentially has the scope to play this role, since it "deliberates" on the work of all the specialized agencies, as well as having a plethora of its own subsidiary bodies, a number of which have incorporated sustainable development into their work programs (such as the Committee on Natural Resources and the Committee on the Development and Utilization of New and Renewable Sources of Energy). However, ECOSOC at present has no mechanism to review specifically the "sustainable development" activities of its subsidiary bodies. More seriously, it is regarded by Canada, and many other countries as suffering from serious institutional paralysis, due to the refusal of governments, especially from the G-77, to prioritize the demands placed upon it.

The Second Committee does not suffer from the same degree of blockage as ECOSOC. But it generally only reviews the more high profile or political aspects of the activities of the specialized agencies and it lacks the input of its own sectoral experts. The Second Committee also has an economic mandate, dealing with such issues as debt and trade, which the G-77 would strenuously resist dropping, in favour of an exclusive focus on sustainable development.

Thus there is no U.N body at the moment that is constituted to perform such a "norm-setting function" for the entire U.N. system. If UNCED were to create such a body, the possible avenues would be: a) to increase the authority of UNEP and "upgrade" the status of its Governing Council; b) create a new subsidiary body of ECOSOC, focused on sustainable development; c) replace one of the existing General Assembly Committees, such as the Fourth (Decolonization) by a "sustainable development committee", leaving the Second Committee to focus on economic issues; d) create a new Committee of the General Assembly; or e) create a new "Sustainable Development Commission", similar to the Commission on Human Rights, that could either meet on an ongoing basis, in response to environmental emergencies and/or annually for several weeks in New York or Geneva.

Whichever if these options UNCED chooses to pursue, it does not seem possible - given the restrictions of the current U.N Charter, to elevate this proposal to create a new body with a higher degree of institutional authority over member governments of the United Nations or the existing U.N. specialized agencies. The only existing body within the U.N that has such authority is the Security Council - and there is serious resistance both from many developed and developing countries to either a) adding new "security" issues to the agenda of the Security Council or b) giving a body in which five members have a veto power more scope for action. Ideas have been floated about creating a parallel "Security Council" type body in the U.N., perhaps by winding up the Trusteeship Council, which could deal with environmental security issues and the promotion of sustainable development activities. However, these suggestions would also require Charter Reform. The same objection applies to the ideas raised in the Hague Declaration of March 1989, of creating a new supra-national authority within the U.N., with certain

powers delegated to it by governments, to deal with climate change. The only approach which could add an "enforcement" function to a "norm-setting" body would be through the ceding of powers to an institutions created through an international legal instrument.

EVALUATION FUNCTION

This creates the demand for another institutional function. If a higher authority that can compel compliance can not be readily created, there seems to be a need for an institution that could perform an "evaluating" function, which harnesses the "power of shame". This approach could first be applied to monitoring the performance of U.N. system institutions by two types of criteria:

- a) policy criteria, assessing the commitment of each institution to implementing the principles of sustainable development - as proclaimed in the Earth Charter, defined Agenda 21 and interpreted by any "norm-setting" body;
- b) efficiency criteria, assessing the efficiency of the institutions program delivery and its commitment to co-ordination and avoidance of duplication with national, regional and international institutions working on the same issues.

This evaluating function could also, in theory, be conducted to review the performance of regional or national institutions as well. However, such a proposal would be much more controversial - and the need seems more pressing in the case of the international institutions.

Any body that carried out this function effectively would have to have a high degree of autonomy from political pressure by national governments or other international institutions. Thus it could not have an open ended governing body that adopted its reports by consensus. At the same time, it would have to have international legitimacy, through balanced global representation among its staff and the governing body that set its work program and priorities. Finally, it would need to have a highly professional staff, with adequate resources, whose work carried credibility.

There is no U.N. organization at present that could be readily adapted to carry out this function. The closest examples are the economic and sectoral performance reviews of national governments carried out by the staff of major non-U.N. institutions - the IMF, the IBRD and the OECD. The OECD has carried this tradition one step further this year by deciding to conduct environmental performance reviews of its own members. Within the U.N., the only analogies are the country studies of major human rights violations conducted by the Commission on Human Rights.

As far as "evaluating" the performance of international institutions, the governing bodies of each specialized agency notionally review the agency's performance, at least in terms of efficiency criteria, but there is no systematic review of institutions in terms of policy criteria. The closest examples are the reviews of international organizations' environmental performance conducted by major international NGOs and research institutes - such as the World Resources Institute's critique of the FAO's handling of the Tropical Forest Action Plan.

FEED-BACK FUNCTION

A third function which clearly needs strengthening is the "feed-back" function performed by international institutions. Two kinds of over-lapping feed-back need reinforcement: between our economic activities and their environmental consequences, on a global basis; and between decision-makers that make (or fail to make) environmental policies and their publics, who have to live with the environmental consequences.

International institutions can facilitate this feed-back by monitoring environmental trends, collecting and collating the data, and disseminating the results to both decision-makers and to the public as rapidly as possible in a digestible way. In addition, the "feed-back" function can also be used to monitor the on the ground results of international action plans (e.g. the Tropical Forestry Action Plan), and/or environmental. Finally, the feed-back function can play a role in increasing environmental education and fostering more effective citizenship.

It is striking that the instances of the most rapid evolution in environmental policy making in the past five years, have been the ones where there was a particularly effective feed-back loop between scientific monitoring of

environmental trends and public pressure on decision-makers to act. The response to the publication of data about the Antarctic ozone hole in 1984-85, the data from NASA and other agencies on global warming in 1987-88, and the reaction internationally to Brazilian satellite data on deforestation in the Amazon in 1988-89 are all cases in point. The feed-back function performed by the scientific agencies that carried out and publicized these studies are concrete examples of the activities we should seek to reinforce.

At a technical level, all of the U.N. specialized agencies perform this function, through their scientific work and the studies they release. The most prominent example is UNEP through its GEMS and INFOTERRA programs. However, the public impact of much of this work, beyond the specialists, is often minimal, and volumes of data available makes cross-referencing information about different trends extremely difficult.

At a political level, there are no international institutions that explicitly provide a "feed-back" function intended to monitor national governments compliance with their environmental obligations (e.g. under conventions), or to inform a countries citizens about the environmental consequences of their governments policies. Needless to say, such a function would be inherently very controversial. Nevertheless, an organization that provided technical environmental feed-back very effectively - e.g. by monitoring and reporting on environmental trends without drawing direct conclusions about national governments' behaviour - could make a substantial indirect impact on the political feed-back governments received about their environmental policies.

There are two technological avenues that the Canadian delegation could promote to improve the technical feed-back capacities of U.N institutions. The first is through the more effective use by U.N. organizations of computer data-bases and computer communications, to cross-reference scientific data, and information on different agencies activities. The UNCED Secretariat itself is already pioneering this approach through its use of electronic mail networks, and the use of this technology is implicit in Strong's designs for Agenda 21. The second is through greater use of remote sensing data, particularly from satellites. This technology is especially useful for monitoring trends in ocean pollution, deforestation and desertification.

Finally, it should be noted that the feedback process could also be applied to environmental emergencies resulting either from long-term deterioration which reaches a "breaking point" or from man-made or natural disasters. The network could disseminate information about the crisis and provide information on the expertise and experts required to deal with the problem. The data could subsequently be used for follow-up evaluation and action after the immediate problem has been dealt with.

PREPCOM SCENARIO:

Institutional issues were hardly raised in the first UNCED PrepCom in Nairobi and will be broached for the first time in UNCED at this PrepCom. The focus for the discussion of institutions will revolve around Working Group Three. The consensus paper proposed before the PrepCom by Ambassador Chan of Singapore assigns to Working Group Three five kinds of institutional issues:

- a) all institutional issues referred to Working Group Three by the Plenary and Working Groups One and Two.
- b) the institutional aspects of all cross-sectoral issues
- c) enhancing co-ordination and co-operation on environment and development issues within the U.N. system;
- d) strengthening co-operation and co-ordination between U.N. and non-U.N. institutions;
- e) strengthening the institutional arrangements required for the effective implementation of the conclusions of UNCED.

Most of the energy in Working Group Three at this PrepCom will likely revolve around setting up the Group and finalizing its mandate. Therefore our best strategy as a delegation is to shape the mandates given to the UNCED Secretariat at the end of this PrepCom for various studies on institutional issues, for delivery at the Third PrepCom.

Our presentation on institutional questions could be couched in terms of asking what the UN system is doing at present to promote sustainable development, what its

capabilities and capacities are, which lacunae exist, and how the UN system can better coordinate and cooperate to promote concrete action for sustainable development. It would be a definite tactical mistake to make any proposals for institutional change - either new or reformed institutions - at this early stage in the debate.

Of the three functions discussed above, the "feed-back" function most readily lends itself to study by the Secretariat, since can be presented as a more technical issue than the other two. A status report on the environmental monitoring activities of major U.N organizations, covering not only on long-term "environmental degradation" problems, but also on emergencies as well) a discussion of how they could be reinforced and how their data could be more readily disseminated, would be a valuable basis for discussion at the Third PrepCom.

The "norm-setting" function is even more central to the mandate given to Working Group Three. From the paper presented on "Institutions" to this PrepCom, it is clear that the Secretariat's thinking on this issue a) dwells heavily on the future role for UNEP - which will be difficult to discuss given the sensitivity of the African delegations to any possible down-grading of UNEP; and b) holds out various avenues for reform that would require re-opening the U.N. Charter, which to Canada, seems a non-starter - at least within the time frame of UNCED.

From our point of view, the Secretariat would best be advised to minimize its attention on these issues and to examine possibilities for reforming the mandates of ECOSOC and the Committees of the General Assembly, compared to the options for creating a new advisory body along the lines of a "Sustainable Development Commission".

The "evaluation" function per se will be the most difficult to promote to G-77 delegations. Therefore, the best approach should be to establish the basis for this function through analysis by the Secretariat of the potential for increased collaboration between U.N. institutions and non-U.N. institutions, and between governments and non-government organizations through new models of co-operation.

In the specific sectoral discussion in Working Groups One and Two, we will wish to refer "generic" institutional questions that arise to Working Group Three. However,

institutional issues that are specific to a given sector (e.g. how to promote better co-operation between the OECD and U.N. institutions in waste management issues) should be dealt with by the responsible Working Group.

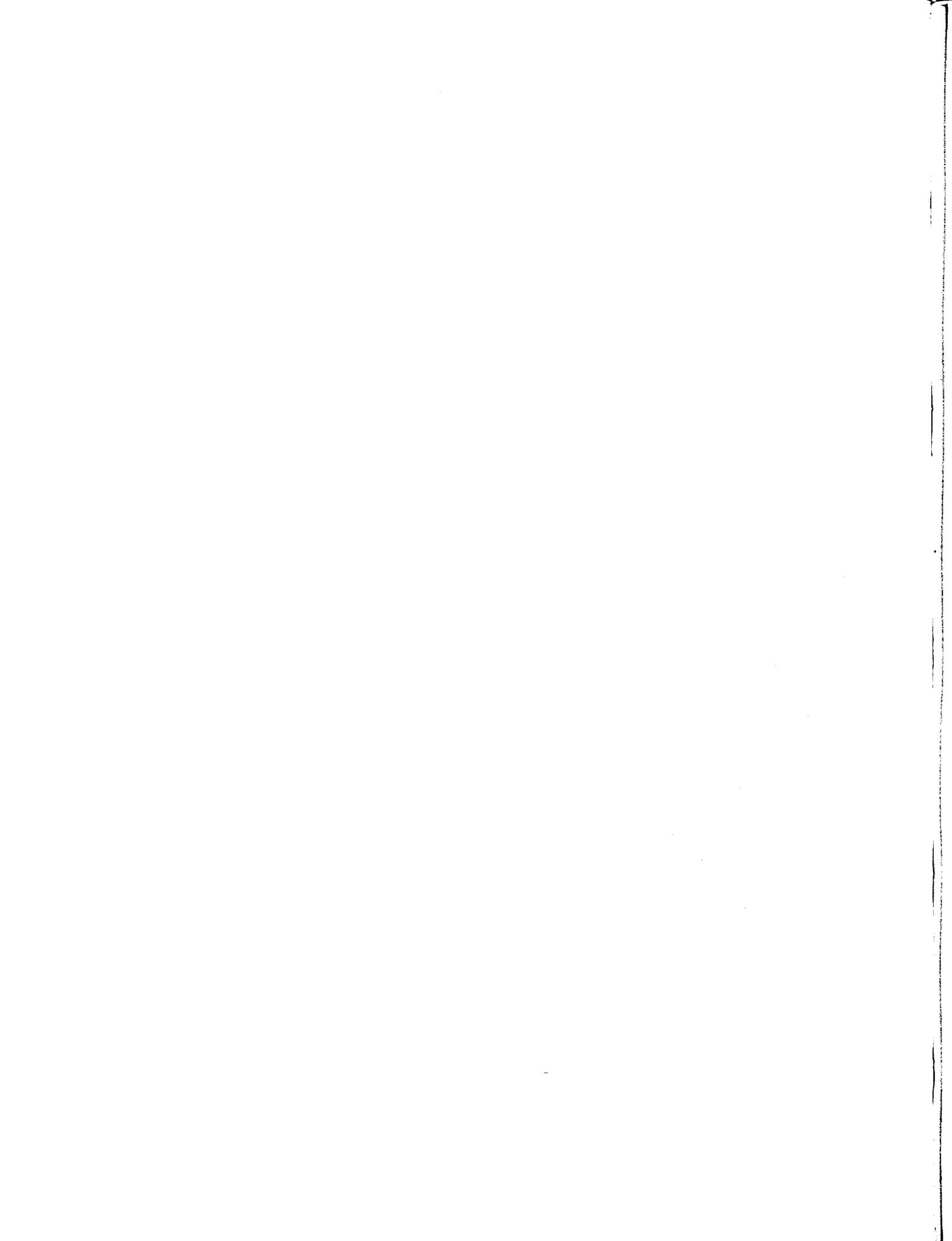
DOCUMENTATION:

- A/CONF.151/PC/36, "Progress Report on Institutions"
- Memorandum from PRMNY WKGR3885, January 30 1991, "Environmental Institutions: Current State of Play"
- Memorandum from PRMNY WKGR 2665, January 31 1991, "Restructuring and Revitalization of the U.N. in Economic and Social Fields".
- Brief from IMDA for first UNCED PrepCom, July 1990 "U.N. Environmental Institutions, Discussion Paper".
- Paper from the U.S State Department, "Improving U.N. Institutional Involvement in Environmental Affairs: Enhancing Central Co-ordination and the Role of UNEP".

INTERVENTION POINTS:

(To be drafted in Geneva)

From 675 G/31
PRODOTTO **Plasdex** PERCHÉ 135
MONTAGNA TORONTO



FINANCIAL RESOURCES

Documentation:

A/CONF.151/PC/18 Secretariat "Progress Report on Financial Resources"

A/CONF.151/PC/L.36 PrepCom decision on: "Cross-Sectoral Issues"

CANADIAN OBJECTIVES:

Our national position on this issue is still the subject of intensive inter-Departmental discussions, revolving around the international components of the Green Plan, CIDA's future orientation towards international environmental funding, the financing of our contribution to the Global Environmental Facility, and the process of forward planning for financing any commitments that may come out of the conventions currently under negotiation and/or out of UNCED.

Our objectives at this stage in the UNCED preparatory process were to: support the allocation of additional resources for global environmental funding to developing countries; to underline the importance of using existing mechanisms and channels for funding, where feasible; and to leave options open for determining specific funding mechanisms for consideration at a later stage in the PrepCom.

PREPCOM DISCUSSION:

This issue was formally discussed in Plenary on the morning and afternoon sessions of April 4th, along with the issue of transfer of technology. As with all of the other cross-sectoral issues, the discussion lacked focus and largely re-stated existing positions. This was due to the reluctance of all the major donors to launch any "initiatives" on funding at this stage of the preparatory process, and due to the decision of the Chairman not to seek any substantive decisions from this PrepCom on the cross-sectoral issues. For the same reasons, the Canadian delegation decided not to intervene in the debate.

The major points made in the debate could be grouped under the following headings.

BURDEN SHARING:

Delegates implicitly discussed two kinds of burden-sharing problems. The first revolved around burden-sharing based on past responsibility for creating global environmental problems. On this point, Ghana (as G77 spokesman) was clear that the that industrialized countries bear the greatest responsibility to combat

global environmental degradation, since they have generated most of the problems. This point of view was equally supported by Sweden. The EC took a more nuanced approach, arguing for recognition of a common responsibility to address global environmental problems, but a differentiated distribution of the immediate burden to clean them up, based on countries respective past contribution to the creation of specific problems, and (implicitly) their current ability to pay for their resolution. Both Australia and the USA took positions that opt out of this debate - Australia, by advocating burden-sharing on a case-by-case basis, and the USA by arguing that the debate should be focused on the environmental effects of existing resource flows - both internal and external. The USA was the only delegation that pointed out that developing countries account for a rapidly growing share of activities that contribute to global environmental problems.

The second burden-sharing debate revolved around who should shoulder the costs of foregone development, resulting from new environmental commitments. Ghana argued that developing countries should receive financial compensation for the opportunity costs of increased environmental regulations. Malaysia, arguing that it does not want to sacrifice development imperatives to meet environmental needs, provided a specific example of this logic in the deforestation debate, by arguing for compensation for revenues foregone from protected forests.

Sweden asserted that we should expect developing countries to direct their own resources towards their development needs - thus implying that resources to meet global environmental commitments by LDCs would have to come from external sources. However, Sweden took a cautious approach to environmental compensation payments, pointing out that they could have the same long term distorting effect as other subsidies. The EC pointed out that the perceived trade-offs that underlie this debate reflect the fact that the full environmental costs are not built into internal or external market prices for products and commodities.

ADDITIONALITY:

Ghana, on behalf of the G-77, declared that the key commitments in UNCED resolution 44/228 are its provisions dealing with the need for "new and additional" financial resources. Ghana offered a clear definition of additionality in this context - ODA flows above the U.N. target of 0.7% of GNP. Both Ghana and Tanzania pointed out the failures of the great majority of donors to meet these twenty year old development targets, and the ambivalence of many donors in the face of the needs of developing countries outlined in the Secretariat's reports. Interestingly, Sweden - one of the four countries to have exceeded the 0.7% ODA target - remarked that given the Swedish government's current budgetary constraints, it would difficult for it to ask Swedish taxpayers to pay more to tackle new environmental commitments, when other donors had failed to live up to their existing development commitments.

Australia identified the heart of the additionality issue as being the difficulty in seeking an open-ended commitment to additional funding for purposes which are neither well defined nor fully costed. Governments are willing to consider requests for "additional" assistance when there are clear statements about: what is to be funded; their priority in relation to other calls on funds and a valid assessment of their prospects for success in meeting objectives. Accordingly, Australia called for the Preparatory Committee to develop a framework which could: determine the relative priority within and between sectors; make precise estimates of funding requirements; and provide a better appreciation of implementation mechanisms.

The USA stated that the first priority is to redirect existing flows of resources - be they ODA, private investment, and domestic resources - towards environmentally sustainable programs and practices. These existing flows strongly affect demand in critical sectors - such as agriculture, energy and forestry - and the USA argued that they will be larger than any conceivable "additional" resources that will be available for environment purposes. Similarly, Australia pointed out that any financial assistance the international community is able to provide is unlikely to have the same impact on the underlying causes of environmental degradation, compared to the potential benefits of improved national and global economic management.

Several OECD delegations argued that the initiatives included under Agenda 21 would have to be costed first; Finland observed that Agenda 21 would have to include a methodology for costing initiatives. The EC stated that clarification of the scope of Agenda 21 would facilitate the dialogue on financial resources.

LINKAGE WITH DOMESTIC POLICIES:

The EC argued that for all measures to be taken as a result of UNCED, there is a clear need to balance international sources of financing with national sources. National level action strategies to tackle environmental problems are a pre-requisite for any formula of burden sharing and for a partnership between developed and developing countries. This could well lead to increased funding by the donor community.

USA argued that discussion of new funding mechanisms cannot be divorced from policy commitments. Scarce resources should be directed to countries that have demonstrated a commitment to address global environmental issues, through adhering to conventions and adopting appropriate environmental policies (e.g. in energy pricing and emissions control). Closer donor collaboration can increase ability of ODA to shift investment patterns in developing countries.

INNOVATIVE SOURCES OF FUNDS:

Various new sources of funding, using national and international economic instruments, were briefly proposed in the debate by different countries. Ghana on behalf of the G77 recommended further examination of the innovative economic instruments, such as levies, taxes and user fees outlined in PC/18. These resources could be channelled into an international fund to help developing countries. Such international transfers could be extensions of national economic instruments. Norway supported the idea of an international economic instrument to raise funds for national and international environmental initiatives, without offering any specific proposals. Tanzania proposed a universal 0.5% tax on exports as a means of raising financial resources. Mauritius proposed tax free environment bonds on world stock markets, and recommended examination of international lotteries and UNICEF-type stamp schemes.

Several delegations referred to possible forms of a "carbon tax". Colombia favoured such compulsory revenue raising measures. Norway pointed out that it has already introduced emissions taxes. The EC on the other argued that more work was required on the concept of a carbon levy, as advocated in PC/18. Nevertheless, the EC felt that UNCED could contribute to the debate on economic instruments currently underway in both the EC and OECD.

FINANCIAL MECHANISMS:

Ghana for the G77 argued that experience of UNEP and other international organizations shows that new funding mechanisms must be mandatory, because voluntary schemes always become starved of funds. Tanzania observed that voluntary funds - such as UNEP's -

could not even mobilize a minute percentage of the resources that went up in smoke during the Gulf War. Malaysia pointed out that there was no point in having a new mechanism, if new funds are not made available. Thus new funding mechanisms would have to be mandatory; and should include concessional financing, as well as grant assistance. This funding should not be reserved exclusively for "global issues", but should also be available for more for such basic environmental problems as municipal sewage.

Various delegations commented on merits of the World Bank's Global Environment Facility (GEF). Mauritius observed that the GEF is the only current mechanisms for mobilizing new and additional financial resources - but that it is too biased towards donor countries. Mauritius felt that the GEF would only have a limited development impact on LDCs because it deals primarily with global issues - such as global warming.

The USA on the other hand declared its hope that the GEF would prove to be a model mechanism for providing additional funds for environmental purposes. The USA will be making a \$150 million contribution. Sweden also considers the GEF to be an attractive

arrangement; it could prove to be an umbrella for harnessing resources from developed countries, under various international instruments. To do this, Sweden argued that the GEF mandate should be widened. However, in doing so, changes in the decision making structure would need to be put in place to give full consideration to the interests of all participating countries.

China commended the Montreal Protocol facility as a good first step - which could be used as a model for other environmental funding. Malaysia also argued that it could be used as a guide. Chile argued that it was a good model - but that it would not work in every case.

According to the EC, both the GEF and the Montreal Protocol funding mechanism need to show their effectiveness. By June 1992 both mechanisms will have a partial track record by which to judge their effectiveness. In the long run, the EC believes there should be an integration, not a proliferation of mechanisms, and that the principles of burden sharing should guide this discussion.

OUTCOMES:

Since the Chair decided at the beginning of this debate that there would be no decisions taken by Plenary on the cross-sectoral issues, including financial resources, the only formal outcome of this debate was the decision L.36 to request the Secretary-General to continue its examination of this issue and report to the Third PrepCom. At the third PrepCom, the Secretariat will also have to report on a number of related economic issues, such as unequal patterns of consumption and international indebtedness (requested at the first PrepCom in decision L.25) that could influence the discussion of financial resources.

ASSESSMENT:

This is probably the single most difficult issue on the UNCED agenda; and given Canada's current fiscal constraints, it is the one in which we can least afford to take a "leading role". Nevertheless, the success of the conference will probably hinge on finding an agreed approach to funding new environmental initiatives.

Accordingly, the Canadian delegation should prepare itself to come to the table at the third PrepCom with proposals for narrowing down the options before the international community. Developing a set of principles for burden-sharing would be one approach. These principles could be linked to appropriate decision-making procedures for whatever funding mechanisms are put into place.

The hardest issue will be the one identified by Australia - how to establish a priority setting and a costing procedure, perhaps as part of Agenda 21, for all UNCED initiatives. While donors will come under a great deal of pressure by June 1992 to at

least make new and additional contributions through existing channels, it will not be possible politically to obtain any serious levels of additional support, unless donors know in advance how much it will cost to achieve certain results, and the relative priority that the international community attaches to those results. If we can suggest procedures for doing this, we will make a valuable contribution to the debate on this issue.

Sally Arsove
External Affairs/EEE
996-6738

March 8th, 1991

FINANCIAL RESOURCES

ISSUE:

To explore a range of options for transferring additional resources to developing countries in support of sustainable development nationally and globally.

CANADIAN OBJECTIVES:

This is a high priority issue, in view of ongoing negotiations on climate change, forestry and bio-diversity conventions (with associated funding components); the desire on the part of some donors to develop the World Bank Global Environment Facility/Trust Fund (GEF/GET) as the sole global funding mechanism; and the demands of developing countries for additionality. It is also an issue on which there are few precedents to follow. It is a focus of attention in many donor capitals including Ottawa.

Canada's objectives at the PrepCom should be:

- to examine thoroughly key issues such as resource requirements, single-versus multi-issue funds, funding mechanisms, funding sources, implementation and monitoring, burden-sharing, eligibility, relationship to ODA programs, additionality and conditionality;
- to identify resource transfers as including both financial and other resources from official and private sources, while recognizing that developing countries are primarily interested in official financial transfers and that discussions will inevitably be focused on this;
- to underline the importance of utilizing existing mechanisms and channels for funding, while recognizing that there may be a need to reform existing channels or explore creative alternatives;
- to support the allocation of additional resources for global environmental funding to developing countries;

- to leave options open for determining specific transfer mechanisms and approaches, at later date in the UNCED preparatory process.

DISCUSSION TO DATE:

Financial resources were not formally discussed at the Nairobi PrepCom, given the failure to reach agreement over creation of Working Group III on Cross-Sectoral Issues. However, the CANZ group issued a statement on funding on August 10 which was carefully worded and should be used as the basis of our position for the Geneva PrepCom. That statement recognised that additional resources must be directed toward environmental problems including small island states; indicated that CANZ supports the establishment of the Montreal Protocol Fund, not only in general terms as additional funding but also as a precedent for an issues-based approach to the question of additionality (however, not all issues will be as clear-cut as ozone); and recognized that additional resources should not be seen purely as financial transfers but as gains through channels including sector- and economy-wide measures such as trade liberalization. It also indicated that before specific commitments can be made, a number of issues need to be examined. (Since Nairobi, the UNCED Secretary General has released a Progress Report on Financial Resources for discussion in Item 2(c) of the Provisional Agenda. This document indicates that the Secretariat is initiating studies and consultations on the potential sources of funding.)

Some estimates have been made of global environmental resource requirements but as expected any figures are at best very tentative. In examining these estimates, it is important to distinguish between estimates that represent resource transfers from developed countries to developing and other countries, and those that refer to total amounts to be spent on sustainable development programs both within developed countries and abroad.

Preliminary estimates made by a UN agency for what we believe to be gross global expenditure requirements for the decade 1991-2000 are US\$10 billion for ozone, US\$35 billion for biodiversity and US\$350 billion for climate change. Assuming a 2.5 per cent share for Canada, this results in a very rough estimate of potential expenditures by Canada on these environmental problems, both on programs within Canada and on transfers abroad, of US\$800 million annually. Again, this figure is very tentative and should be used only in a notional fashion as an order of magnitude, with appropriate caveats. Other conventions which could involve substantial

funding are forests, land-based marine pollution, oil pollution preparedness and response, biodiversity and transboundary air pollution.

Discussions on environmental funding have taken place in the context of specific funding proposals, e.g. the Montreal Protocol Fund and the World Bank GEF/GET. They have also taken place at a general policy level in key meetings such as the January 1991 OECD Environment Ministerial and the February 1 OECD High Level Meeting on Environment and Development.

In the Montreal Protocol Fund discussions, key issues included: governance and decision-making structures; LDC participation; implementation and monitoring arrangements; and additionality. Canada strongly supported the creation of a small Secretariat to provide administrative support to the Fund, while leaving the implementation and monitoring functions to a tripartite arrangement among the World Bank, UNEP and the UNDP. Canada also pressed hard for greater participation by developing countries in decision-making structures, while recognizing the need to provide donors with a reasonable degree of control. The Fund decision-making formula is that decisions of the Executive Committee (comprised of 7 developed and 7 developing countries) require majority approval (at least 8 of 14), with a majority also required within each of the two sub-groups of 7. Under this formula, developed countries effectively control the allocation of Fund resources. Performance under the Montreal Protocol Fund should be reviewed after some experience has been gained.

Discussions on the GEF/GET have been difficult since there are differences of views among creditors on the role of the Facility over the medium-term. France, Germany and the U.K. have been actively promoting the GEF/GET as the sole multi-issue source of global environmental funding, encompassing the Montreal Protocol Fund and other funding arrangements attached to global environmental agreements. Canada and others have supported the GEF/GET as an interim pilot facility, to be assessed after the 1992 UNCED and at the end of its three-year term.

While details of the GEF/GET remain to be finalized, it appears likely that broad policy decisions will be taken through a consultative arrangement between the World Bank Board of Directors and a subset of developed and developing Participating Countries reflecting a "constituency" approach (where voting power depends on level of economic development and is therefore dominated by developed countries). This group of countries would include perhaps 8 developing and 20 developed countries, and would meet bi-annually. Decisions

on the allocation of resources to specific projects would be the responsibility of the World Bank Board of Directors. Many countries including Canada have raised questions about the participation of developing countries in the GET, and have also insisted that ozone-related funding be left primarily to the Montreal Protocol. GEF/GET projects will be implemented and monitored by the World Bank, UNEP and UNDP under a tripartite arrangement similar to that under the Montreal Protocol Multilateral Fund.

At the January 29-30 OECD Environment Ministerial, Ministers agreed that OECD governments "must confront, with new commitments and adequate resources, the pressing issues of resource availability and technology transfer". They welcomed the provision of additional funds through the GEF/GET, the Montreal Protocol Multilateral Fund, and the expanding use of debt/nature swaps. While this language is open to interpretation, it indicates support for additional resources for specific global environmental purposes.

At the February 1 OECD High Level Meeting on Environment and Development, a number of delegations (France, Germany, Italy, The Netherlands) called for additional funding for the environment. Another group (notably the U.S., U.K., Japan) stressed the need to integrate environmental considerations into existing development programs and projects, and to examine funding options in a broader context. These include trade liberalization (which provides additional resources which can be allocated to sustainable development); private investment in sustainable development activities; efficiencies gained through the use of economic instruments in developing countries (supported by developed countries perhaps through policy-based lending); and debt/nature swaps (where there is an indirect financial transfer through debt relief, and a financial component through the financing of the discounted debt repurchase). Canada acknowledged the need to provide additional resources to assist developing countries in meeting their obligations emanating from global environment agreements. (This position has been taken by Canada in a number of previous international discussions.) The U.S., U.K. and Japan are opposed to additional financial transfers.

Another issue at the February 1 meeting was that of linking the provision of additional resources to environment policy approaches (environmental conditionality). A majority of delegations including the U.S., U.K., Canada and Japan emphasized the need to create a new partnership framework which emphasizes mutuality of interests, obligations and commitments to be pursued through enhanced policy dialogue. The Germans indicated that it would be

difficult to envisage aid without conditions, and the Swiss called conditionality a reality. Others, notably the French and Italians, called for an end to conditionality. Despite the different emphasis, OECD countries generally agreed that conditionality in the provision of environmentally-related assistance is neither a feasible nor desirable premise on which to approach UNCED 1992. In the lead-up to the OECD Environment and Development Ministerial Meeting in December 1991, OECD members will explore further the concepts of environmental partnership, conditionality and policy dialogue.

PREPCOM SCENARIO:

The issues that fall under the heading of financial resources - resource requirements, funding mechanisms and channels, relation to ODA programs, additionality, conditionality - will likely crop up under each sectoral agenda item in Working Group I and II. Our objective should be to try focus discussion of financing issues in the debate on cross-sectoral issues in the Plenary, in order to deal with the issue in a generic and systematic way. Our objective should be to continue to keep all the mechanisms in play, and to work behind the scenes to gain acceptance by all donor countries of the need to provide some degree of additionality.

This approach spills over into discussions of UNCED Agenda 21 Umbrella. Under the Agenda, a number of new expenditures may arise including strengthening institutions and creative responses, government-to-government bilateral agreements, measures to alleviate poverty and debt, and support for scientific, educational and promotional activities. Current commitments in the Green Plan in this area include strengthening environmental institutions, enhancing bilateral relations, and support for the Budapest Centre and the International Institute for Sustainable Development in Winnipeg.

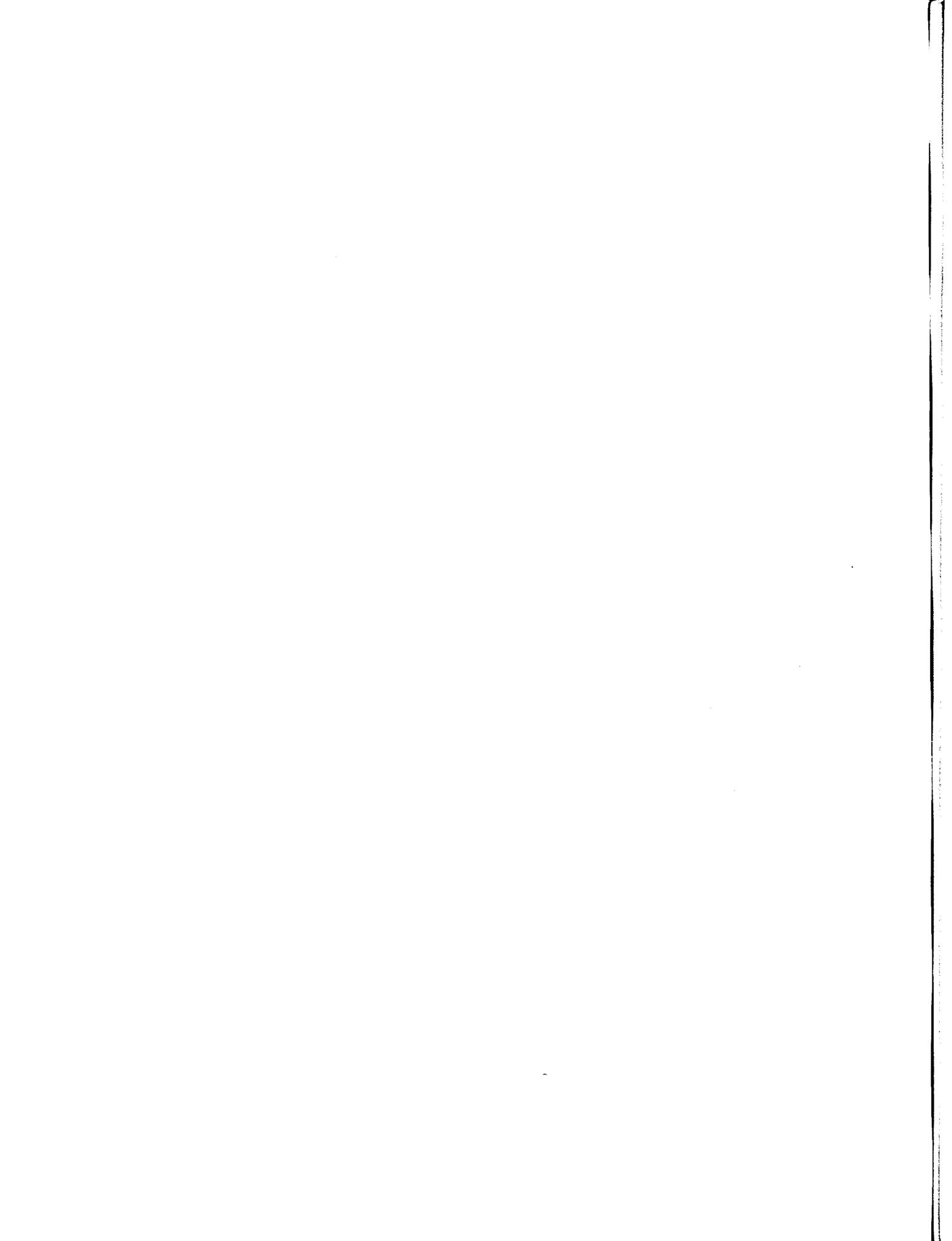
Canada has been a strong supporter of the Montreal Protocol which is an issue-specific global environmental convention with treaty status and an associated funding mechanism. Policy control over the allocation of funds rests with the Parties to the agreement as specified in the agreement. We should continue to support the negotiation of individual environmental agreements with associated funding. The specific nature of funding mechanisms has yet to be determined. We should explore the possibilities of concentrating the implementation and monitoring functions in a single executing channel. For example, for both the Montreal Protocol and the GEF/GET, the World Bank, UNEP and

UNDP will act together as executing agencies.

Canada should support the utilization of existing funding mechanisms and institutional channels to the greatest extent possible to deliver global environmental assistance. At the same time, we should work towards recognition that there may be a need to reform existing institutional channels or explore creative alternatives. This latter point will likely be vigorously opposed by France, Germany and the U.K., who support the consolidation of funding for global environmental agreements in the World Bank GEF/GET. Others including Canada have supported the GEF/GET on the understanding that it is an interim pilot facility which will be reviewed after the 1992 UNCED and towards the end of its three-year term. We should press hard to keep open the issue of funding mechanisms and channels, particularly as we move towards 1992.

Another difficult issue is the relation between global environmental funding and ODA programs. A second issue is whether global environment funding should be sourced from existing ODA allocations, at a time when CIDA is moving towards sustainable development approaches. There is no clear interdepartmental agreement on these key points. The issue is also complicated by the fact that a new approach to expenditure management is being developed for international activities which will embrace global environmental expenditures. For the second PrepCom, our approach should be to explore the various scenarios regarding eligibility with other countries without making firm commitments. However, we have already committed additional resources for global environmental purposes from outside existing ODA allocations (e.g. Montreal Protocol - \$15 million over three years; Budapest Centre - \$1.5 million over three years; International Institute for Sustainable Development (Winnipeg) - \$13.5 million over four years). Canada should therefore indicate in Geneva that at least some global resources for environmental protection should be additional to existing ODA levels.

Related to the ODA question is that of environmental conditionality. It would appear from the February 1 OECD High Level Meeting on Environment and Development that donors will not firmly link their environmental assistance to economic and environmental policy approaches. At the same time, donors may call for an enhanced policy dialogue without explicit links to policy measures and approaches. Canada should support frank and open discussion on these points, while keeping the issue open until we have a better handle on what policies and measures would be subject to an environmental policy dialogue.



TECHNOLOGY TRANSFER

Documentation:

A/CONF.151/PC/17 Secretariat "Progress Report on Technology Transfer"

A/CONF.151/PC/1.36 PrepCom decision on "Cross-Sectoral Issues"

CANADIAN OBJECTIVES:

Our objectives in this discussion were to ensure that:

- the private sector and research community are involved in the definition and implementation of any transfer of technology mechanisms;
- barriers to technology transfer are considered in tandem with any initiatives that might be undertaken to reduce them;
- mechanisms to promote technology transfer are tied to specific environmental obligations by the recipients;
- practical proposals will emerge from UNCED to assist in the development, diffusion and transfer of technologies to ameliorate or reverse environmental degradation.

We have been developing a general set of principles for environmental technology transfer through inter-Departmental discussions, which reflect the above objectives. However, since the work on these principles is not completed, the Canadian delegation decided not to make an intervention on this issue.

PREPCOM DISCUSSION:

Although the Plenary devoted the better part of one day to this issue, the discussion lacked focus, due to the decision of the Chairman that no substantive decision would be taken on any of the cross-sectoral issues. The following themes emerged from the different national statements delivered in the debate.

INTELLECTUAL PROPERTY RIGHTS

The backdrop for the discussion of this issue the major study carried out by Touche Ross consultants for the British Department of Trade and Industry of the problems of technology transfer to deal with climate change. As reported by the UK delegation, the major finding of the report is that IPRs are not the major barrier to the transfer of the technology needed to reduce CO2 emissions; and that most of the needed technologies are in the public domain. The major barrier, according to this study appears to be a lack of absorptive capacity in developing countries, for financial and developmental reasons. The UK's conclusion was that perhaps the

technology transfer issue in UNCED is not as intractable we had previously thought.

The issue of IPRs did not dominate the PrepCom debate on technology transfer, and most of references to it were made by industrialized countries. The EC urged the Secretariat to conduct further research to determine the degree to which IPRs are actually a barrier to environmental technology transfer. Norway (for the Nordics) emphasized that IPRs and patent systems are being discussed in the GATT, UNCTAD and WIPO and suggested that the Secretariat ask these organizations reports to the Third PrepCom on these issues, giving examples of where IPRs have restricted the transfer of environmentally sound technology. The USA noted its continuing commitment to co-operative research and sharing technologies in the public domain. Korea proposed a system of international patents, but did not expand on the proposal.

TRANSFER MECHANISMS

Japan emphasized the need to focus technology transfer through the private sector, while the USA emphasized the need for an economic and legal climate which recognizes the primary role of the private sector in transferring technology. Norway (for the Nordics) on the other hand argued that these mechanisms are inadequate to satisfy demand and equity objectives and might not be effective in some countries. The public sector therefore has an important role in creating and appropriate policy framework and in promoting technology transfer. Ghana for the G77 agreed, stating that a purely market based approach will not work and that developed countries must create the necessary policy framework, backed up incentives, to encourage technology transfer.

Several delegations, plus the International Federation of Consulting Engineers, noted the role that industry associations themselves can play in promoting technology transfer. The EC recommended that PrepCom Three should take into account the code of conduct for business and sustainable development which will be finalized at WICEM II and the guidelines for western business investment in Eastern Europe that will be developed at a Pan-European Conference of environment ministers in Prague.

The USA declared that the PrepCom should look at ways in which existing vehicles for the transfer of technology, both public and private, could shift their priorities in favour of transferring environmentally sound technologies.

CAPACITY BUILDING:

Many developing countries pointed to the educational and institutional problems of building capacity in the developing world to receive and use efficiently environmental technologies. Ghana emphasized developing countries' needs to internalize technical know-how, to adapt technology to local conditions and the need for information in an easily understandable form. Norway argued that

technology transfer must include the knowledge to create and manage the processes and products to be transferred. Germany pointed to the importance of recipient countries being able to assess the appropriateness of the technology being transferred. The EC stressed the need for a national infrastructure to promote the diffusion internally of cleaner technologies.

IDENTIFICATION OF NEEDS:

Norway argued that the Secretariat analyze the needs for technology transfer and the relative priority of those needs in relation to each of the issues on the UNCED agenda. The links with the other cross-sectoral issues need to be better defined. The USA and the EC argued that analyses of needs for technology transfer have to be much more specific and made on a case by case basis.

The UK emphasized that the problem in promoting technology transfer is not an absence but an overload of information - and that there is a need for an international clearing house to sort it out. Germany cited the fact that there are more than 80 on-line databases covering environmental data and technologies. The EC declared its willingness to explore discuss steps beyond the UNEP Clearing House for cleaner technologies (ILPIC) for upgrading the dissemination of information to developing countries about cleaner technologies. Existing databases on technologies should be coupled with information regarding the local applications of the technologies.

FINANCIAL ASPECTS:

Many delegations noted the link between the issue of technology transfer and the issue of financial resources. Camerouns suggested that UNEP create an international fund for technology transfer. The EC recommended that the Secretariat look into the possibility of using concessional loans to developing countries for technology transfer. Benin concurred, arguing that subsidies will be required for developing countries to receive access to new technologies. The UNDP commended the role that the GEF could play in promoting technology transfer. The USA on the other hand argued in favour of examining existing vehicles for technology transfer, and then finding better ways mobilize those programs to meet the needs of developing countries.

INSTITUTIONAL ASPECTS:

Apart from the UK's suggestion of a clearing house for information, Malaysia proposed an International Agency or Centre to work on transfer of technology. Japan also proposed the creation of an International Research Institute devoted to the transfer of technologies to developing countries, which was supported by Camerouns. Maurice Strong in his plenary address mentioned that he foresees a specific role for regional development banks in promoting technology transfer.

OUTCOMES:

As noted above, there was no substantive decision taken on this subject in the Plenary debate.

ASSESSMENT:

Overall, the debate on technology transfer at this PrepCom was notable for a shift in emphasis, by both industrialized and developing countries, from a debate over intellectual property rights, to a focus on capacity building in developing countries. The effect of this shift, however, is to link this issue even more closely to the discussion of financial resources. Both these points need to be reflected in the statement of principles that we might table at the Third PrepCom.

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TRANSFER OF TECHNOLOGY

ISSUE:

The developing countries are seeking access to "environmental" technology developed in OECD countries on, optimally, a non-commercial basis or minimally, on "fair and most favourable" conditions as agreed on the Montreal Protocol. Technology transfer has been inextricably linked to the question of increased financial resources. The subject is highly politically charged with at least twenty years of history of mostly acrimonious debate between North and South.

CANADIAN OBJECTIVES:

Canadian objectives can be summarized as follows:

- to ensure that UNCED will result in practical proposals to assist in the development, diffusion and transfer of technologies which can help ameliorate or reverse environmental degradation.
- to ensure that barriers to the transfer of technology are discussed along with initiatives that might be taken to reduce these barriers. (This includes the question of environmental protectionism.)
- to ensure that any mechanisms relating to the transfer of technology tie benefits associated with such mechanisms to specific obligations and undertakings to environmental improvements by the beneficiaries.
- to ensure that the private sector and the research community are fully involved in the definition and implementation of any technology transfer mechanisms (new or re-enforced) agreed to.

DISCUSSION TO DATE:

A background section briefly describing current Canadian activities, programs and policies for transferring technology will be provided separately.

To date the transfer of technology debate has focussed on the terms of access to technology and the question of intellectual property rights (IPR's). Developing countries continue to press for preferential and non-commercial access to environmental technologies (without a good or generally accepted definition of environmental technology). The developed countries have generally taken the view that market mechanisms are best suited to ensuring both the transfer and development of technology.

The debate is most focussed in the negotiations on the Climate Change and Biodiversity conventions. Specifically, in the Biodiversity Convention, the developing countries have tied action to preserve biological diversity to undertakings by developed countries for preferential (and non-commercial) access to biotechnologies, whether or not related to biodiversity. This link though non-rational is very politically charged for many developing countries. They basically see their national genetic resources being developed into higher value added products and want a share of the pie. The fact that biotechnologies are only a small part of the technology related to preserving biodiversity has until recently been a non issue for developing countries. Developed countries are unprepared to see a direct link made between transfer of biotechnology on terms being demanded by developing countries and efforts to preserve biodiversity.

A combination of Decision 1/8 of the PrepCom's first meeting and the Secretariat report responding to this decision (A/CONF.151/PC/17) are trying to broaden the discussion. In addition to the questions of access to technology (including on concessional and preferential terms) and IPR's other subjects such as barriers to technology transfer, mechanisms for diffusing technologies, technological information, and increasing the capacity of developing countries to develop, adopt and adapt technology to address environmental problems are also being raised.

At the first prepcom the CANZ group intervened in informal plenary to encourage a broader approach to transfer of technology than simply a repetition of the policy debate taking place in several other UN fora. The statement also appeared to imply that the Montreal Protocol model was

transportable to other environmental problems whether or not they addressed areas as quantifiable and containable as is ozone depletion.

The Secretariat document has attempted a preliminary response to the mandate given at the first Prepcom on the elements of a study on the transfer of technology to cover a broad range of issues including mechanisms for technology transfer, access to technology, and opportunities for international collaboration. In UN terms, and given the multitude of interests the Secretariat has to respond to, the document is a reasonable beginning. It concludes that there is no accepted definition of environmental technologies. It gives an overview of several questions related to barriers to access to technology; it tries to deal with a definition of environmentally sound technologies the "degree of concessionality or preferential treatment" in the transfer of technology information transfer and the development of indigenous capacities in developing countries to develop, adapt, and adapt technologies for meeting their environmental and developmental needs and aspirations.

On balance, however, the document is simplistic. It raises questions in global terms without looking below the surface at the implications of those questions. It offers few answers and even less analysis of the implications of possible answers. Most importantly the document is not addressed to practitioners of technology transfer or to policy makers experienced in the field.

In addition to Prepcom considerations there is increasing discussion of how to involve developing countries more heavily in the R and D necessary to understand the nature of the problems and the development of solutions. This includes virtually all subject areas being addressed by UNCED and involves institutions both inside and outside the UN system. The United States has previously proposed the creation of "Regional Research Institutes on Global Change" and Japan has proposed the establishment of a "Global Environmental Technology Development and Transfer Centre".

This latter proposal may have some elements which can be built on. It proposes a centre to promote technology transfer to developing countries - a kind of consulting and referral service on technologies to address a broad range of environmental problems. While very self serving to Japan, it may represent the basis for a starting point.

CANADIAN POSITION:

This brief has not attempted to respond in detail to the discussion raised in DOC A/CONF./51/PC/17. As noted above this document does contain many controversial points several of which would give us problems. We are not expecting a detailed discussion of the document at this time. Should a detailed discussion arise Candel will be guided by the position below and refer to Ottawa for any points which need clarification or elaboration.

On the policy questions the Canadian position can be summarized as follows:

- We believe the **market based mechanisms** are generally the best way of ensuring technology transfer and diffusion. In most, if not all, cases this will be a **commercial** transaction involving interested parties on both sides.
- We do not believe that the policy issues related to "environmental" technology substantially differ from those related to technology generally. Note: Attached to this brief is a brief prepared for the Biodiversity Convention negotiations which elaborates on the above point. A virtually identical approach has been taken in the brief for negotiations of the Climate Change Convention.
- We believe that more can and should be done to assist developing countries to develop, transfer, adopt and adapt technologies to ameliorate or reverse environmental degradation.
- We are willing to discuss proposals of others made in the context of our main concern above. We hope to have our own proposals for future Prepcoms including trade, and cooperative mechanisms.

On the question of practical measures to enhance technology transfer to and adaption by developing countries the delegation should informally explore possible mechanisms. The emphasis should be on practical solutions to practical problems within the context of existing aid, trade and economic policies. Given the range of issues being addressed the delegation should be most open to proposals, in the above context, that are sector or problem specific.

Formally, the delegation could note that we are open to considering practical solutions to the practical and urgent problems confronting the world. We are working on our own ideas and welcome those of others. Whatever might

ultimately be agreed at UNCED, based on review in Canada, it must directly involve those who produce the technology and their interests.

With respect to specific sectors or conventions, any legal mechanisms put in place to transfer technology must be tied to specific undertakings by developing countries to address specific environmental problems.

The mechanisms established under the Montreal Protocol are not necessarily appropriate to other sectors of the environment.

The Canadian Delegation should not enter into any international commitments that go beyond current Canadian policies and practices in the absence of analysis of the economic trade, regional and environmental implications and Ministerial approval.

Note: The interdepartmental community is trying to develop a set of Guidelines on the Transfer of Technology for Sustainable development. The latest draft is attached for information only at this point. In addition there will be an attempt to develop broad principles for technology transfer negotiations in general. It is hoped these will be available for Prepcom 3.

PREPCOM SCENARIO:

The way debate on this item will unfold is confused at best. As an agenda item of its own the transfer of technology debate will likely be most heated over the policy aspects especially the terms and conditions of access to technology. There will also be a debate on how to pursue these discussions (in a working group? Plenary? etc.)

There are also likely to be discussions on technology transfer/technical assistance under the seventeen individual sector items, with each sector reviewing its own requirements for improved R and D and technology transfer and jockeying for "its share of the pie".

On the policy debate the extreme position of "preferential and non-commercial access" will probably be led by India (as they have led in UNCTAD on a Code of Conduct on Transfer of Technology and in GATT on IPR's).

The position of Brazil, a traditional leader, with India on the technology transfer debate (e.g. the Law of the Sea) is less clear since they are hosting the Conference. Their interest in a "successful" conference may tone down their traditional position.

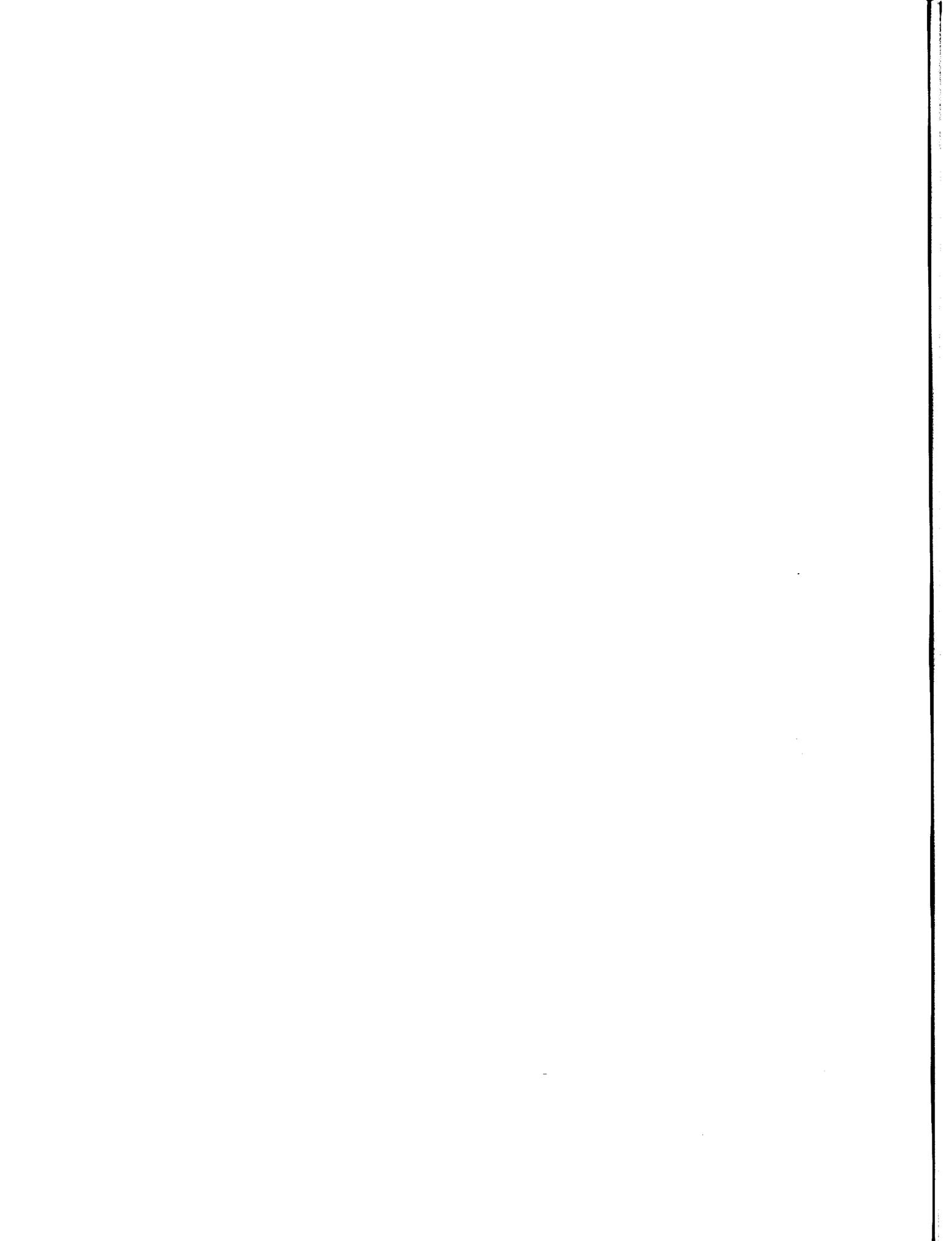
Many in the Group of 77 may follow India's lead at least in the short term. Others should be more concerned with getting the technology (albeit on a subsidized basis) and will be less concerned with changing the rules of the game. This should be most true of countries with the more serious environmental problems and lowest ideological commitment to "de-commercializing" technology transfer. Many African countries (minus Algeria) as well as Central America and the Caribbean may be in this group.

Some developed countries may already be prepared to accept the Montreal Protocol approach as a starting point. These might include the Nordics, the Netherlands and France.

The United States will be the major proponent of a market based approach to technology transfer although Japan and the European Community will take a similar approach even if in more "diplomatic" language. There has been a reported evolution in the US position. The head of US delegation has said that the US supports the transfer of technology on the "easiest possible terms". What this means is unclear and will be the subject of much probing by developed and developing countries alike.

The Eastern European countries especially the USSR can be expected to play both sides of the street. They have major requirements for technologies to solve their extremely serious environment and economic problems and thus want the easiest possible access to technology. On the other hand these countries are not without their technological strengths and will want a fair market value for their exports, in part to generate badly needed hard currency.

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POVERTY AND POPULATION

Documentation:

A/CONF/151/PC/15 Secretariat "Progress Report on Poverty and Environmental Degradation"

A/CONF/151/PC/16 Secretariat "Progress Report on Environment and Development"

A/CONF.151/PC/L.36 PrepCom Decision on "Cross-sectoral issues".

CANADIAN OBJECTIVES:

Our objectives for this meeting were for the Prep Com to focus on poverty as one of the key issues to be addressed by UNCED, to support the concept of sustainable livelihoods proposed by the Secretariat, to emphasize the special role which women have in breaking the cycle of poverty and environmental degradation, to seek acceptance that the population question needs to be addressed by the conference, and to propose that a measurable set of targets be used to measure poverty reduction.

PREPCOM DISCUSSION:

GLOBAL ECONOMIC FACTORS:

Ghana, on behalf of the Group of 77, began the discussion with a strong statement on poverty, a central issue for developing countries at this meeting. They emphasized that if poverty is to be eradicated, long standing North-South economic issues be addressed in a new atmosphere of mutual cooperation. Specifically, global economic imbalances caused by debt and terms of trade must be changed in order to breathe new life into developing countries economies. They also attacked conditions being attached to official development assistance, and unsustainably high consumption patterns in the developed countries. The need for additional financial resources was reiterated, with the suggestion that a peace dividend emanating from the end of the cold war should be redirected to developing countries.

The Indonesian and Tanzanian interventions also mentioned global economic factors, including the net transfer of resources from the south and the debt burden, both of which have adverse impacts on the ability of developing countries to eradicate poverty.

ROLE OF WOMEN

Many delegations mentioned the special role women play in poverty alleviation. Canada, Finland, Sweden, and the World Union of Catholic Women's Organizations described women's roles as natural resource managers and income earners. Canada went on to request the Secretariat for further analysis on how women can be empowered to gain more equitable access to factors of production. The EC sought recognition that poverty has a gender bias, and that women are severely disadvantaged with regard to health, nutrition, education, and employment.

Beyond recognition of the need to involve women in development, improved access for women to social services was specifically mentioned as an important factor. The UN Fund for Population Activities (UNFPA) noted that investing in women, particularly in education, helps improve environmental management where it is most needed; the U.S. urged improved access to services by women; and Norway said that better integration of women in the development process was absolutely essential.

APPROACHES FOR ERADICATING POVERTY:

The various approaches suggested for reducing poverty reflect the complexity of this subject and the nature of the factors at the local, national, and international level which contribute to poverty.

The concept of sustainable livelihoods as proposed by the UNCED Secretariat received wide endorsement from the developed countries. Developing countries gave it less mention, but had no negative comments. Canada said sustainable livelihoods should be adopted by Agenda 21; Sweden called the concept valid and workable but in need of elaboration. The EC said that eradicating poverty required sustainable development, a concept which embraced economic growth, ecological sustainability, and good governance including human rights. They went on to endorse sustainable livelihoods saying that it should be sustainable development translated to the local level.

There were several other suggestions as to how the question of poverty eradication should be addressed. Indonesia said that it will require a combination of international development assistance with national policy frameworks that ensures economic stability and growth. Other developing countries added to the G77 statement the need for increased transfers of financial resources. Greater people's participation was frequently emphasized as a key element in successful poverty alleviation. Canada, Brazil, Australia and New Zealand mentioned the role of indigenous peoples in the context of poverty; it is also the subject of a separate section of this report. Canada's suggestion to utilize new and better ways to measure human well being was one of the more specific measures suggested. The EC also called for better ways to measure human welfare, but did not elaborate. Finally there was

Sweden's recommendations that poverty be treated as a cross-cutting issue, to be analyzed with all the major issues on the UNCED agenda, and that UNCED should develop proposals for concrete action to eradicate poverty.

POPULATION AND RESOURCE CONSUMPTION:

In a major intervention on population, the Executive Director of UNFPA, Dr. Sadik said that the search for sustainable development will be meaningless if population issues are not considered. She noted the strong links between population and poverty - the "bottom billion" people who have few options are driven to use resources faster than they can be replenished. Ninety-six percent of population growth is taking place in developing countries, and the poorest are growing fastest.

UNFPA drew special attention to the related issues of resource consumption, coastal zones, and urbanization. It also referred to the statement from the UNFPA experts meeting in New York which requested that UNCED consider all environment and development issues (i.e. include population on the agenda).

During the limited time available for discussion following the UNFPA statement, Malaysia and the United Kingdom supported it. The U.K. also picked up on previous statements by Finland and Canada in requesting that more work be done by UNCED on the population question. The U.K. also advocated that the conference deal with this issue comprehensively.

Argentina reacted negatively to the UNFPA statement, saying that we should not manipulate population growth to reduce the number of human beings, and that developing countries do not want to become empty gardens to satisfy those pushing the population issue. In a brief statement, Ecuador supported the remarks by Argentina.

In other statements the European Community, Canada, U.S., and Sweden concurred with the approach taken in PC/16 that the population and resource consumption issues must be looked at together. (During the discussion on soil loss in Working Group 1, Jamaica had made the same point, adding that these are important questions to be addressed by the conference.) Canada called on the Secretariat to do further work on how the relationship between consumption patterns, demographic trends, and environmental degradation can be better understood. The European Community made the observation that both poverty and wealth are causes of environmental degradation. The Swedes referred to an international conference on population, natural resources and development to be held in Sweden later this year, which would produce a document in time for Prep Com IV.

Finland and the U.S. echoed the concern expressed in PC/15 regarding population growth rates. Finland noted that countries with lower rates of population growth have higher socio-economic indicators and better distribution of income. They also advocated highlighting the population issue in national strategies, particularly implications of population growth on resource use.

URBAN ENVIRONMENT:

Urban environment was not formally on the agenda of this meeting but several European delegations took the opportunity to advocate that UNCED should give greater emphasis to urban matters. The EC urged the Prep Com to discuss the urban environment at a future meeting, and incorporate urban issues into Agenda 21; Norway also said that not enough emphasis has been placed on the urban environment; and Sweden suggested that the UN Commission on Human Settlements be asked to make a greater contribution to UNCED on the urban matters.

OUTCOMES:

The Prep Com addressed poverty question seriously at this meeting, broadly supporting the concept of sustainable livelihoods. The Secretariat was effectively given a mandate to continue its work in this area, and to take note of the wide range of external factors related to the question of poverty eradication.

Considering that the issues of population and resource consumption were not on the agenda, they did receive significant and generally favourable attention. The Prep Com showed a willingness to discuss population and resource consumption when the two issues are taken as two sides of the same coin.

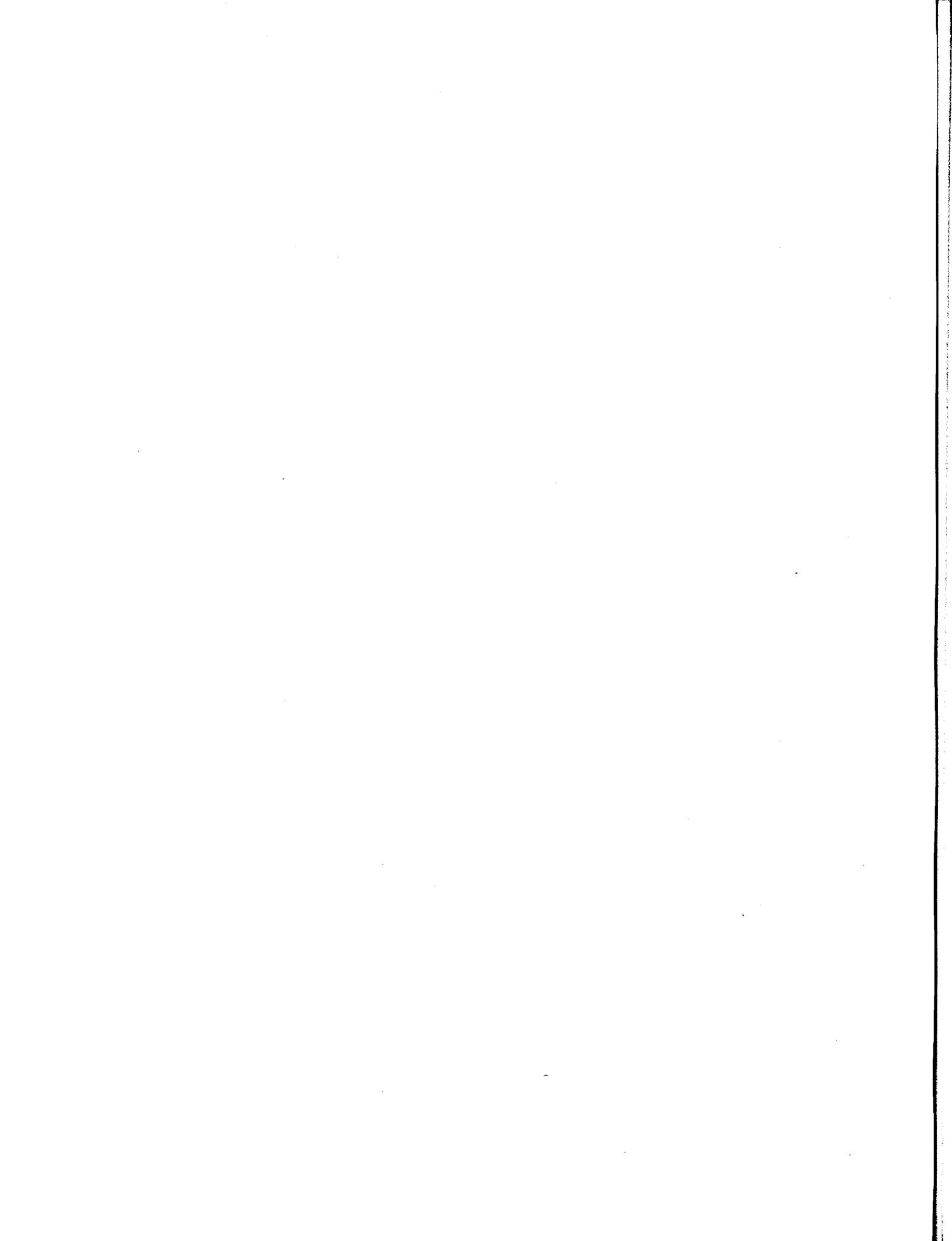
No decisions were taken by the plenary session on the issues of poverty and population.

ASSESSMENT:

Canada's objectives on the poverty issues were appropriate, and were well received at the Prep Com as voiced in our intervention. We should consider whether these points should be further elaborated, and how they could be included in Agenda 21. It would be useful to keep in touch with the UNCED Secretariat regarding their work on sustainable livelihoods. Canada should continue to emphasize the role of women in development as one of our central objectives in addressing the issue of poverty and environmental degradation. We should go to Prep Com III prepared to move forward on specific areas for action, and to help maintain the high profile which poverty was given at this meeting.

Before a resolution is going to pass on population, some South American countries will need to be convinced that UNCED must deal with this issue. We should work to integrate the population question into other UNCED agenda items, and raise it where

appropriate in interventions at Prep Com III. Canada should continue to liaise with the Secretariat and UNFPA to help keep population on the delegates minds, if not on the agenda at UNCED. Our objective should be for population to be included on Agenda 21 as a cross-sectoral issue to be factored into consideration of all other issues.



Second UNCED PrepCom
Plenary
Geneva

April 4, 1991

**CANADIAN STATEMENT ON
POVERTY AND ENVIRONMENTAL DEGRADATION**

DELIVERED BY JOHN P. BELL

HEAD OF DELEGATION

Mr. Chairman:

Poverty is a complex and pervasive problem which has not been eliminated by past national and international efforts. Although poverty has been considered mostly a development issue, its linkage to environmental degradation is now widely recognized. Several issues which this Conference is addressing - forests, soil loss and freshwater, among others - will not be solved without a major reduction in poverty. At the same time, the Conference must ensure that international and national efforts to address these and other environmental issues on the UNCED agenda do not adversely affect the poor of the world. We must ensure that development needs of all countries and peoples, in both the developing and industrial world, and particularly the rural and urban poor, are adequately addressed through the resolution of these environmental problems.

For these reasons Canada sees poverty and environmental degradation as a key issue which must be taken up by the Conference.

Despite the fact that there have been 40 years of concerted international effort to reduce poverty in many countries, approximately 25% of the world's population has remained in poverty. There are now by some estimates over 1 billion people still living in conditions of absolute poverty. In Canada we feel considerable dismay at the lack of progress in improving the condition of the world's poorest people. It is clear that we still have a limited understanding of the types of development strategies which are required to effectively reduce poverty. The UNDP Human Development Report of 1990 suggests some possible directions: emphasis on the distributional aspects of economic growth; the targeting of social spending to the poor; and, new ways of measuring human well-being.

Canada gives priority through its development assistance programmes to helping the least developed countries and their peoples address the needs of their poor. Women and indigenous people are often among the most disadvantaged and suffer most

directly from the effects of degraded environments. Women are disproportionately poor. In many countries they have inferior access to education, food and health care. Measures to address poverty must emphasize the special role which women play as natural resource managers and income earners.

Mr. Chairman,

We would like to commend the Secretariat for the Progress Report on Poverty and Environmental Degradation. The report provides a useful analysis of factors underlying poverty, factors which rightly point out that poverty is both a cause and a consequence of environmental degradation. International- and national-level policies underlie the "downward and upward spirals" of poverty and environmental destruction. Denial of access to the "means of livelihood" - land, employment opportunities, and credit, perpetuate poverty and degradation of natural resources.

Canada recommends that Agenda 21 adopt the "promotion of sustainable livelihoods" as an essential goal of sustainable development. This goal is highly relevant to a number of important issues being addressed by UNCED.

Relieving poverty will over time reap major benefits for the environment.

To give meaning to the goal of sustainable livelihoods, Canada recommends that Agenda 21 specifically integrate a number of essential measures into its Action Agenda:

- 1) Increased priority to investments in primary health and education services, combined with improved access to these and other social services; experience has shown such efforts to be a prerequisite for progress in reducing poverty.
- 2) Better opportunities for income generation for women, indigenous peoples and other disadvantaged groups; income generation represents an essential economic means for dealing with poverty.
- 3) Adoption of more appropriate means for measuring human well-being, which include social development indicators and environmental parameters; current methods tend to undervalue the economic role of women, and ignore the environmental costs of unsustainable development approaches.
- 4) Participation of beneficiary groups in development decisions; disadvantaged groups in society will remain poor unless they themselves can plan and implement development initiatives which influence their lives.

In addition to the above measures, Canada recommends that Conference give careful consideration to establishing measurable targets for poverty reduction in Agenda 21.

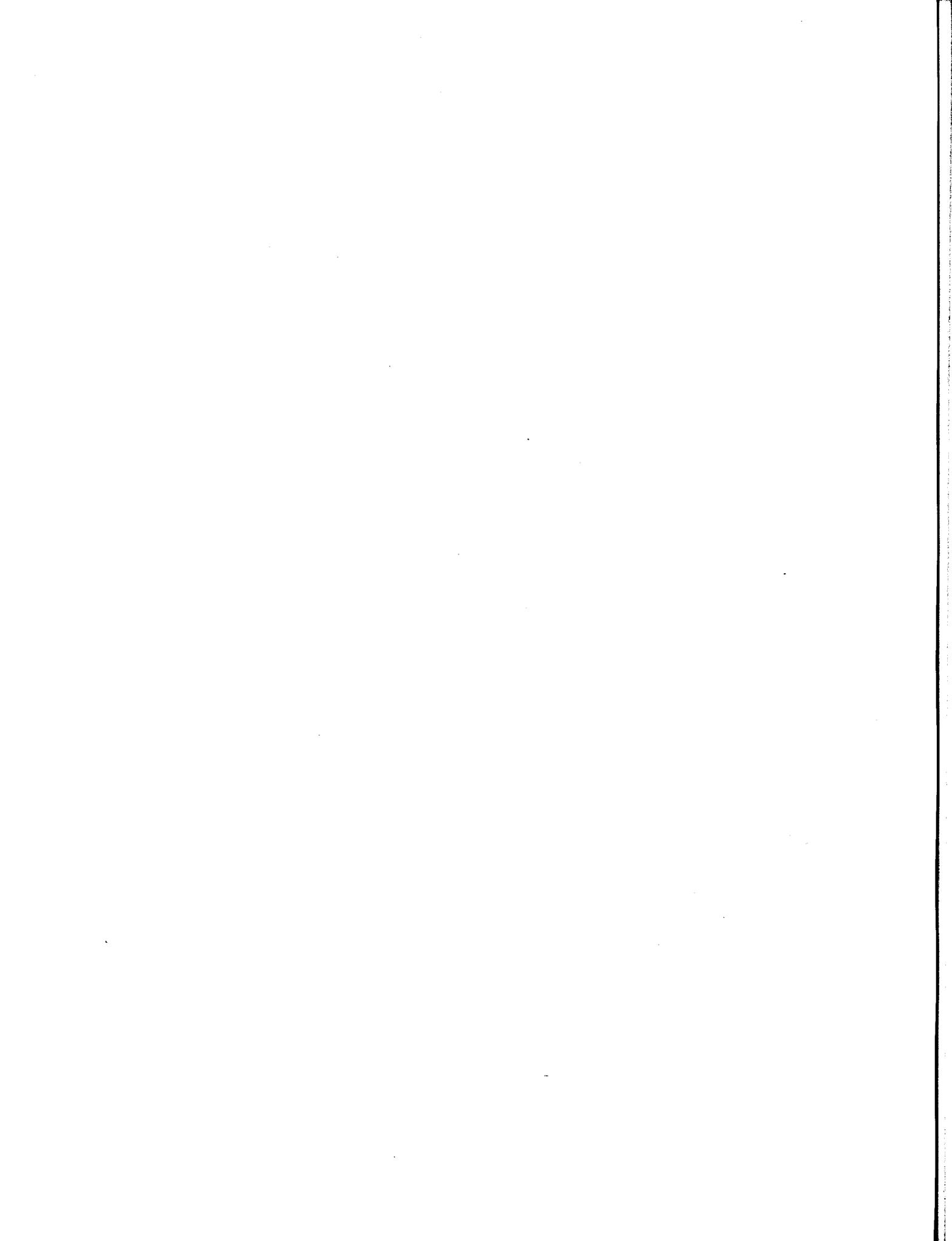
Canada recommends that for the Third Preparatory Committee Meeting, the Secretariat undertake analysis to elaborate the following factors bearing on poverty and environmental degradation:

- a) The ways in which women can be empowered to have more equitable access to factors of production
- b) The crucial role of local- and community-level initiatives in achieving sustainable livelihoods
- c) The ways in which national and international policies facilitate and inhibit local development efforts, and means for strengthening the capacity of countries to analyze the implications of policies on sustainable development
- d) The limited but growing understanding of the relationship between consumption patterns and environmental degradation, and the relationship between demographic developments and environmental degradation can be integrated into analysis of environmental degradation.

Finally, Mr. Chairman,

Canada strongly encourages the Conference to address the difficult issue of poverty reduction and its role in ensuring environmentally sustainable development.

Thank you Mr. Chairman



Charles Parker
CIDA YEN
997-0892

March 8, 1991

POVERTY and ENVIRONMENTAL DEGRADATION

ISSUE:

The vicious cycle of poverty and environmental degradation is well known, yet it remains the most pervasive environmental problem facing the developing world. Breaking this pattern will require a balance between measures to promote economic and social development in developing countries, and the conservation and, where required, rehabilitation of ecosystems from which the world's poor can make a livelihood.

CANADIAN OBJECTIVES:

1. To have the Prep Com focus on poverty and environmental degradation as one of the key issues to be dealt with by UNCED. This issue is one of the most difficult problems facing the global community, and the reduction of poverty will require the dedicated resolve of both north and south. UNCED is a forum which could bring about the necessary changes to address this key development problem.
2. Recognition of the need for more effective poverty reduction measures, such as the promotion of sustainable livelihoods outlined in the UNCED Secretariat's document (PC 15). This approach seeks to combine the target group orientation of poverty reduction programs with the aspect of natural resource management which is required to conserve and rehabilitate the environment.
3. Emphasis on the special role which women have in breaking the cycle of poverty and environmental degradation.
4. Acceptance by the conference that population dynamics and population migration patterns can exacerbate the problems of poverty and environmental degradation.
5. To seek agreement on a set of measurable targets for poverty reduction. These should include social development indicators such as access to education, primary health, and employment of women, and should be expanded to address

environmental parameters which reflect poverty reduction actions.

BACKGROUND:

6. Absolute poverty is defined as an income inadequate to meet minimal caloric and nutritional consumption on a regular basis. The state of poverty is one of low income, poor health status, low life expectancy and illiteracy, a lack of access to and control over lack of social and political power. Poverty is also linked to wider economic, social and political relationships in society and is both a cause and a symptom of underdevelopment. The World Bank's World Development Report of 1990 estimates that 950 million people out of a global population of 5 billion live in conditions of absolute poverty.

7. It is widely agreed that poverty and environmental degradation reinforce one another. The rural poor often have no choice but to exhaust the fragile natural resource base upon which they depend. The resulting stress on ecosystems produces diminishing returns in economic terms which reinforces the low-income, low-productivity situation of the poor.

8. Women are disproportionately poor. In many countries they have inferior access to education, food and health care. Women bear the multiple burdens of food production, preparation, are responsible for child care, and may also have to work on the family farm or supply labour as a tenant farm worker.

9. High rates of population growth in relation to low levels of household income puts additional strain on vulnerable ecosystems. The necessity to feed a larger family place more stress on the land and the poorest households tend to farm the least productive and poorest quality soils. This increases soil erosion and forest clearing, and accelerates a cycle of population pressure placing unsustainable demands on the natural environment. This is often exacerbated by population distribution patterns.

10. Population migration is both a cause and effect of environmental degradation: "ecological refugees" may be created through the depletion of natural resources and the exceedance of land carrying capacities; political refugees, where they are forced to concentrate in areas of lower carrying capacity may cause severe environmental degradation.

11. A reduction in the rate of population growth will occur when women have adequate education, when basic health care systems ensure longer life expectancy, and when income earning opportunities for women make the opportunity cost of an extra child too high. It is the poorest women in developing societies who are illiterate, poorly nourished and lack access to education and health services. An important element in the solutions to high rates of population growth lies in economic advancement for poor women.

12. Food security is another key priority for reducing poverty. The poor spend a disproportionate amount of their income on food and the nutritional quality of their food is often inadequate.

13. The circumstances surrounding poverty vary from region to region, and between rural and urban poor. There is no universal set of solutions to this global problem.

DISCUSSION TO DATE:

14. The report of the World Commission on Environment and Development "Our Common Future" (1987) called for a new era of growth, based on sustainable resource use, as part of the strategy for sustainable development. The report demonstrated that sustainable development requires good economic policies which benefit the poor through growth while at the same remaining cognizant of the natural resource base from which the rural poor derive income through their productive activities.

15. UNDP Human Development Report (1990) defined human development and suggested policies and strategies for the 1990s. The report called for social spending directed towards the poor to compensate for uneven income distribution. It also cautioned that this spending may not help in maintaining overall progress if growth does not recover, and that growth with equity is the best recipe for accelerated human development.

16. The World Bank's "World Development Report 1990" emphasizes the need for broad based growth to increase the incomes of the poor, as well as access to basic social services to combat ill health, lack of skills, illiteracy and malnutrition.

17. The OECD 1990 Development Cooperation Report noted that global environmental issues will not be solved without an effective attack on developing country poverty.

18. The report on poverty which was prepared for Prep Com II by the UNCED Secretariat (PC 15) links high rates of population growth with several environmental problems including migration to already overcrowded urban centres, depletion of water resources, cultivation of marginal lands, rangeland degradation, and deforestation.

19. CIDA recognizes that poverty reduction is an essential element in efforts to meet sustainable development goals. Efforts to reduce poverty in developing countries contribute in important and a direct way to promoting sustainable development. Poverty alleviation is one of the foremost policy priorities for Canada's development cooperation program. In terms of overall targets, over one-quarter of Canadian ODA is directed toward the least developed countries.

PREPCOM SCENARIO:

20. The discussion of this issue involves developing countries interest's and development assistance programs more directly than any other issue on the UNCED agenda.

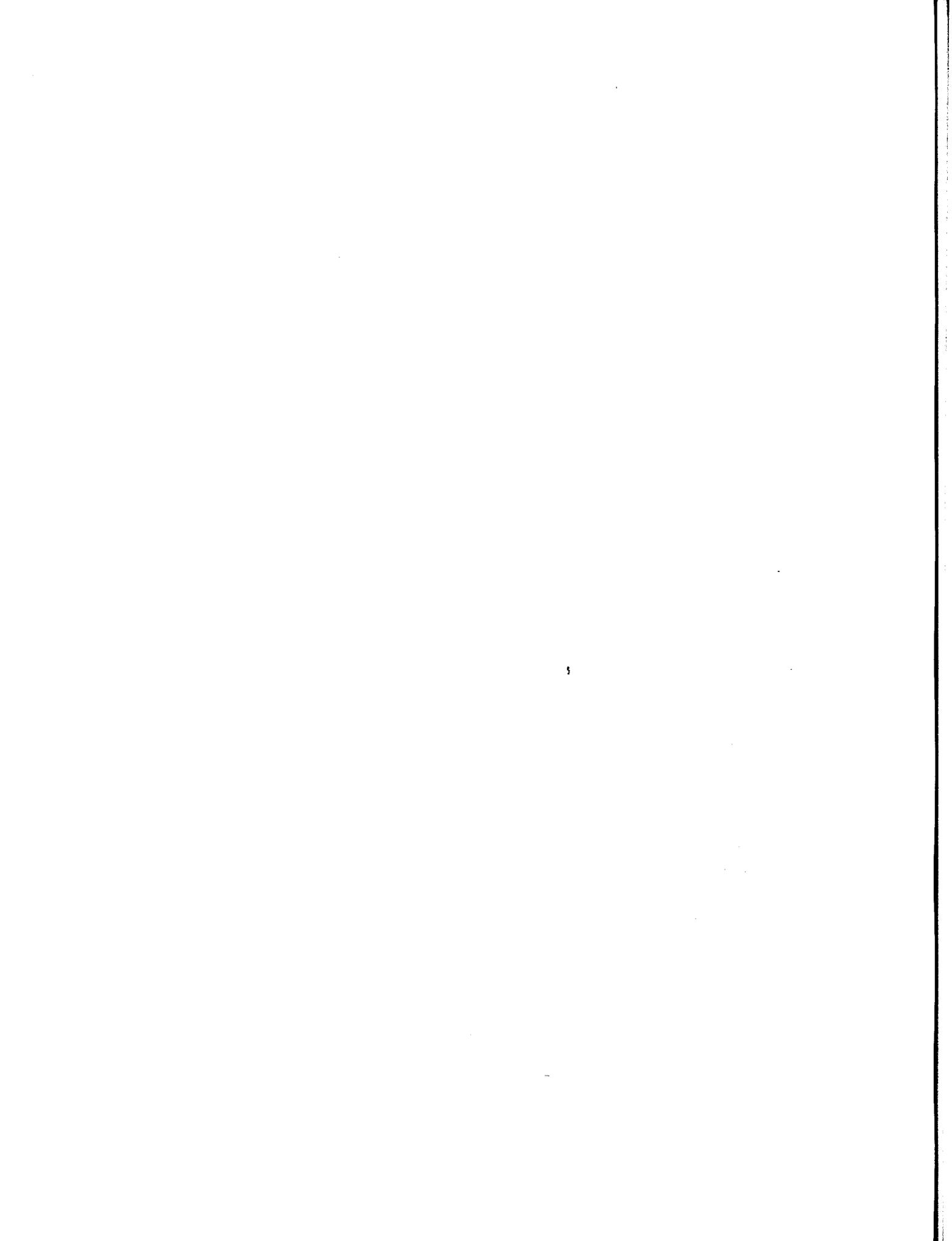
21. There is a strong link between the poverty issue and the question of population growth. The Secretariat's paper on poverty recognizes population growth as an important factor in poverty and environmental degradation, and this reference could serve as a barometer of the willingness of the conference to address the population issue.

22. The Secretariat's paper on poverty (PC 15) outlines the broad objectives of a program to promote sustainable livelihoods. This should not be contentious and could be used to further elaborate how this problem might be tackled. If it arises, components of a poverty alleviation strategy should include mention of macro-economic policy questions, agriculture sustainability, community-oriented income generation measures, investments in human capital, and programs targetted at the very poor.

DOCUMENTATION:

A/CONF.151/PC/5 - Report of the Secretary-General of the Conference, pages 50-52 (attached)

A/CONF.151/PC/15 - Progress Report on Poverty and Environmental Degradation



Charles Parker
CIDA YEN
997-0892

March 8, 1991

POPULATION AND THE ENVIRONMENT

ISSUE:

To strengthen international action on population issues, as a crucial variable for the integration of environment and development policies.

CANADIAN OBJECTIVES:

- * Recognition that population is an important issue affecting environment and development, and greater examination by the conference of the linkages between them.
- * To ensure that women in development and gender issues are an integral component of environment and population initiatives. Specifically, the recognition of the status and education of women as well as the role of men and women in family planning should be addressed.

BACKGROUND:

1. The links between population and natural resource use and the resulting environmental degradation are strong. More and more people are dependant on an increasingly smaller resource base. Population growth is a key agent affecting environmental degradation in both urban and rural areas, as well as exacerbating global environment problems.
2. Recognition of the status and education of women as well as the role of both men and women in family planning must be addressed in any population and environment strategy.
3. Although the policy and programmatic implications of population and environment are recognized as crucial determinants in the success of any sustainable development strategy, there is little expertise in operationalizing these concerns at either the policy or programme level. Thus cooperation of both the North and the South is required to

ensure that the necessary analysis, methodology and experience is used for to have a positive effect in dealing with this issue.

DISCUSSION TO DATE:

4. At the August 1990 Prep Com a few countries wanted a narrow view of population. Others including Kenya and Indonesia, held a broader perspective. A third group is comprised of countries who could be persuaded of the importance of the issue.

5. The Forty-second Session of the UNGA in 1987 recommended that attention be given to population-related programs aimed at improving environmental conditions, and to the role of women regarding environment and population. (Paragraph 9, Section II, GA Resolution A/42/186)

6. The substantive underpinnings of the UNGA recommendations were elaborated in UNFPA's 1988 State of the World Report, "Safeguarding the Future". The report advocated:

- integrated policy responses for population and resource management;
- the need to slow and eventually stabilize rapid population growth;
- urban alternatives to mega-cities; and
- settled safe homes for environmental refugees.

7. Similar views were expressed at a number of other international fora, including the World Population conference (1974), the International Conference on population in Mexico (1984), the World Commission on Environment and development (1987), and the IUCN 1988 Annual General Assembly in Costa Rica.

UNCED:

8. In the past the issue of population and environment was examined in terms of total numbers of people rather than the demands made by a population on its resource base. In the UNCED context, discussion on population has also included the aspect of per capita resource consumption (PC 16, page 5).

9. In the context of poverty and environmental degradation, PC 15 notes the linkages between population growth and other issues including migration to urban areas,

depletion of water resources, cultivation of marginal lands, and deforestation.

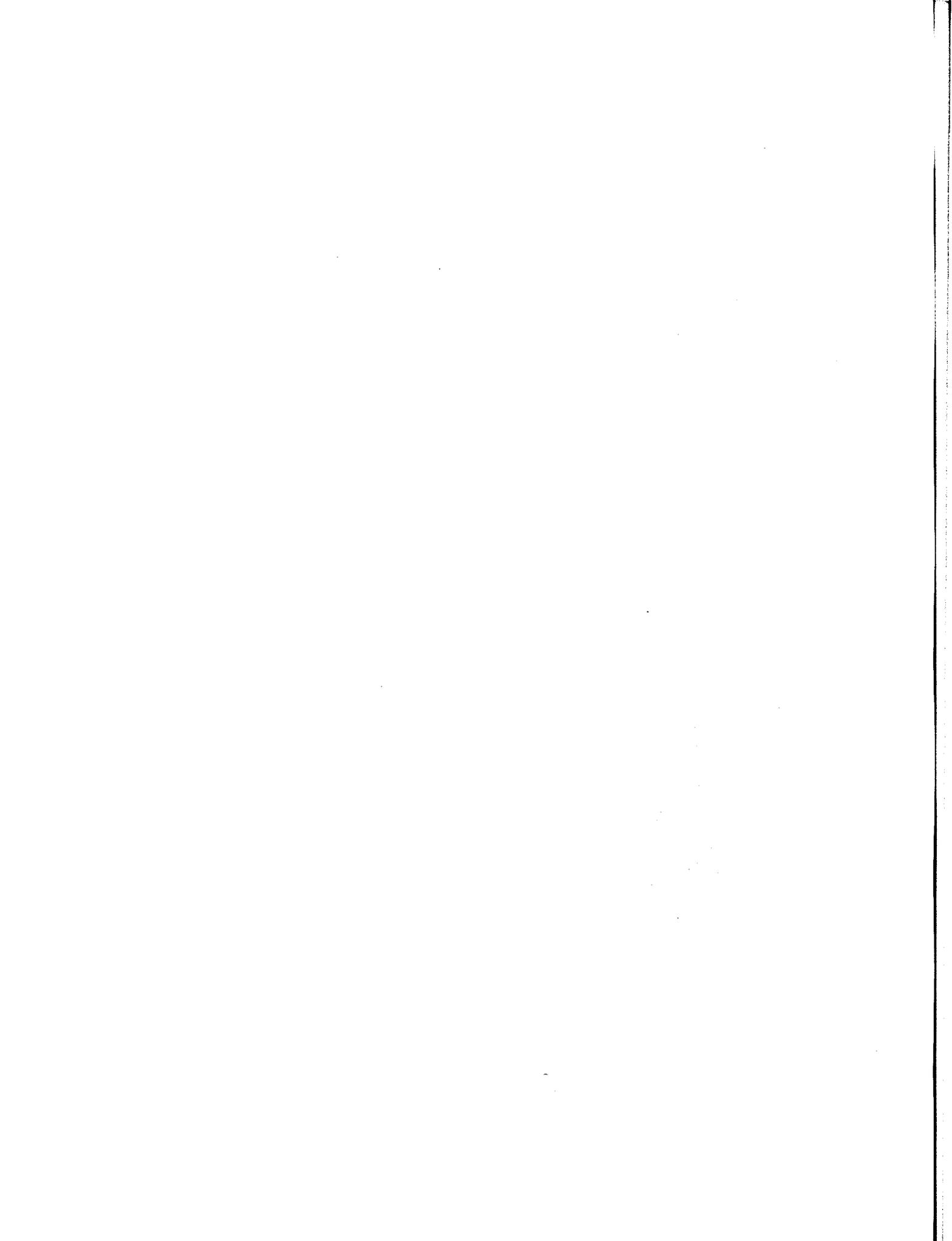
PREPCOM SCENARIO:

10. Dr. Nafis Sadik, the head of UNFPA, is scheduled to speak at the conference. Canada should support this and other efforts to bring population onto the agenda, either formally or indirectly.

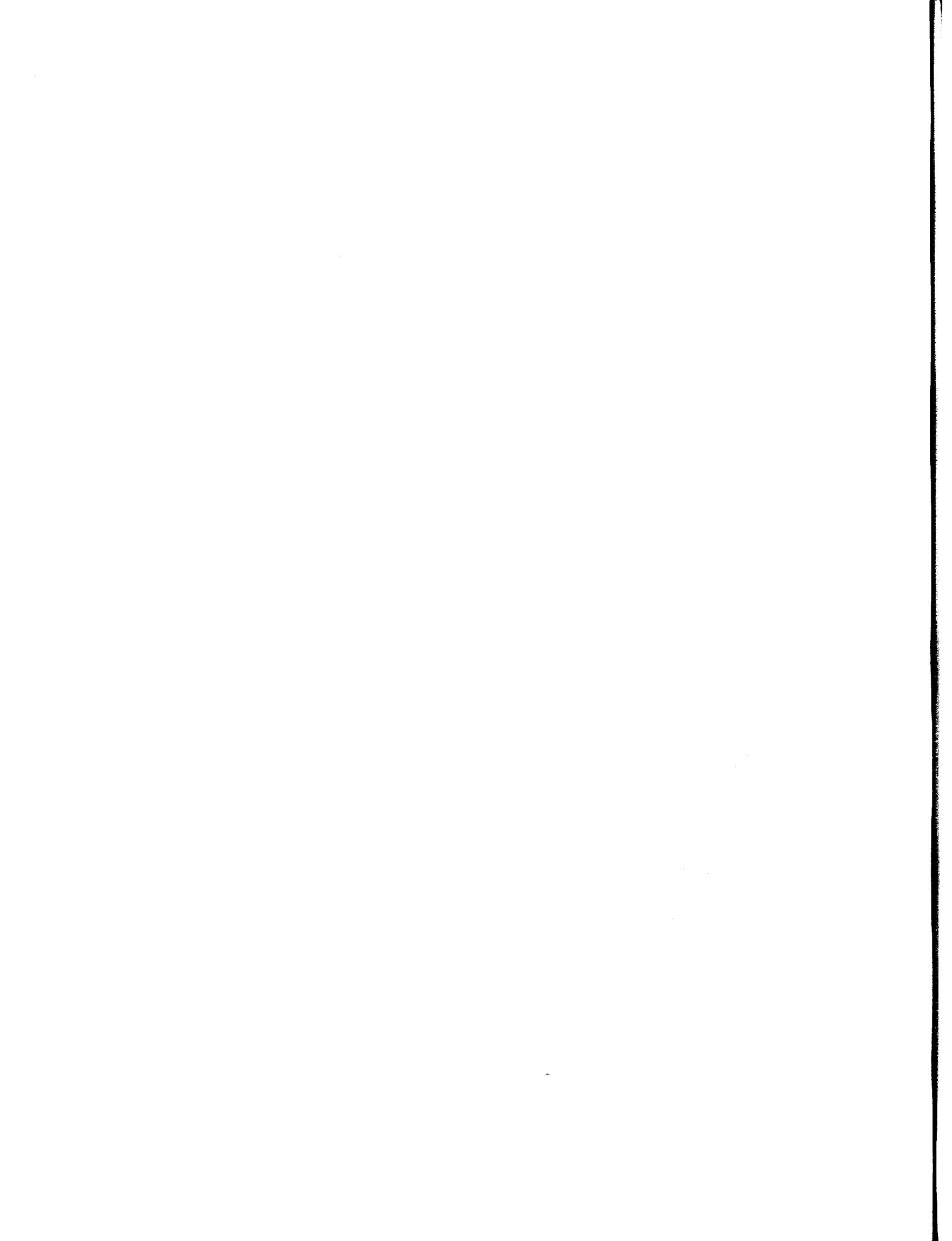
DOCUMENTATION:

A/CONF.151/PC/15 "Links Between Poverty and Environmental Degradation"

A/CONF.151/PC/16 "Environment and Development"



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PLENARY ISSUES:

**ENVIRONMENTAL EDUCATION
ENVIRONMENT AND HEALTH
URBAN ENVIRONMENT**

Documentation:

A/CONF.151/PC/19 Secretariat Report on: "Environmental Health Aspects of Development"

A/CONF.151/PC/19 Secretariat Report on: "Environmental and Development Education and Public Awareness"

A/CONF.151/PC/L.36 PreCom decision on "Cross-sectoral issues"

CANADIAN OBJECTIVES

These three issues are being covered in this one report, since they were combined in a single debate on the last morning of the Plenary, after the discussion of the other cross-sectoral issues. We chose to intervene only on the health issue.

Our objectives in the PrepCom discussion under each of these issues were as follows.

Environmental Education

- To develop and increase environmental literacy for all in order to move towards long-range strategic planning of environmental management.
- To improve the quality, consistency, reliability and accessibility of environmental information employed in sound decision-making, and to demonstrate Canadian leadership in this.
- To promote the importance of environmental education as an important policy instrument, through the promotion of natural and historic resources, particularly in the development of tourism.

Environment and Health

- To obtain recognition that the decision-making process in development must include the evaluation of health risks and the pursuit of appropriate management strategies.
- To obtain recognition that the decision-making process in development must encompass the participation of all stakeholders.

- To obtain recognition that the evaluation of health risks within the decision-making process needs to be applied and respected universally.
- To foster international cooperation on health impacts of environmental degradation by engaging in mutually agreeable actions for abatement and prevention of pollution.

Urban Environment

- To strengthen the urban environment component on the UNCED agenda and in the discussions of each UNCED working group;
- To ensure that specific recommendations regarding the urban environment are incorporated into Agenda 21;
- To establish more direct links between environmental policy and programme recommendations at national and international levels with municipal initiatives and action;
- To encourage the development of guidelines for urban policies and programmes that integrate environmental, economic and social needs of communities;
- To highlight women's concerns about the urban environment, especially in the areas of transportation, access to employment opportunities, health, housing and physical safety; and to encourage municipalities to work with women to address these concerns.

PREPCOM DISCUSSION:

The three subjects of Education, Health and Urban Environment were discussed together during the last session of Plenary on cross-sectoral issues, Friday April 5, 1991. "Environmental Education" and "Environment and Health" were identified as specific subject issues on the agenda, but "Urban Environment" was not. A summary of the debates follows:

ENVIRONMENTAL EDUCATION AND INFORMATION:

The most frequent remarks made related to the need for access to understandable and correct information on environment issues, and that this information be packaged appropriately for different target groups. Media are expected to have a major role in communicating this information, in particular televised media. Participation of the population and their understanding of issues is essential for success.

Education on environment at all levels of the educational system was considered necessary, with more emphasis on children, since they are in the process of acquiring behaviour patterns.

NGO involvement was thought to be critical in that they have the ability to stir debates on issues and question the political, industrial and business decision-makers as to reasons for non-progress or current state of affairs.

In addition some delegations brought attention to activities being carried out in their respective country in support of furthering education and information on environment. These were the following:

USSR:

The Soviet Union would favour the development of new educational methodologies and approaches that focus on environment, such as educational games on the laws of nature. Their television network has developed an "Ecological University" which also provides for interaction via homework and tests; ultimately they would like to grant a diploma for these televised courses.

NETHERLANDS FOR THE EC:

The European Community and its Member States have adopted a directive on access to environmental information. In addition a new European Environment Agency is being developed to improve the availability and quality of environmental information. There also exists an ongoing competition to give recognition to environmental achievements.

UNESCO:

UNESCO has a programme called the "International Environment Education Programme", which has been in existence since 1975. But in addition, its international environmental science programmes generate information on specific sectors such as the Intergovernmental Oceanographic Commission, the Man and the Biosphere Programme, the International Hydrological Programme and the International Geological Correlation Programme.

In re-orienting its work on environmental education and information, UNESCO has adopted two guiding principles:

- 1 - To consider environmental and development literacy as a necessary underpinning for action for sustainable development.
- 2 - To target information about environment and development to different user groups.

The Statement made also criticized current information available as being too narrow and sectoral in perspective, thus offering little help to policy-makers.

NEW ZEALAND (ON BEHALF OF CANZ):

Support was expressed for the holding of a media workshop in Brazil at the Conference, not only to inform media about the issues, but to reinforce the momentum of the UNCED process beyond 1992.

Traditional values need to be recognized as valuable sources of information which can contribute to facilitate public participation in resource management decision-making.

CHILE:

In Chile an awareness exists on the lack of training available even within Universities in dealing with environmental problems. So far the NGO community has been active - they have developed an "Earth Restoration Course" targeted at young people.

FRANCE:

It is felt that the state has a role of leadership and facilitator to influence technological choices toward those that are environmentally sound. Additionally, NGO's seem to have a salutary effect by exerting pressure on the government in order to force action. In recognition of the vital role of NGO's, the President has taken the initiative to invite NGO's to Paris in December 1991 to participate in a forum that will become a voice for them, as their contribution to the Earth Summit. Some 1,000 participants are expected.

GERMANY:

The German government has commissioned a German broadcast and television company to produce, in co-production with television stations in Burkina Faso, Ivory Coast, Liberia and Zaïre, to produce a series of 26 TV spots of 5 minutes duration on the theme "Our Environment - Our Future". These are available in English and French and may be translated in local languages by African TV networks that may wish to do so.

KENYA:

Kenya has tended to point to specific problems more than most delegations, and to relate this to education and public awareness needs. Noted areas of concern were those of soil loss and degradation, water requirements - particularly in the sub-Sahara, where water is expected to become exhausted in 10-20 years time and desertification. In particular, the education needs of the young are seen as requiring active involvement in specific environment activities such as tree planting.

PERU:

A new law on environment has now been passed which provides for a penalty of up to 3 years imprisonment for those responsible for environmental damage.

ENVIRONMENT AND HEALTH:

There were few interventions on health, mostly because all are waiting for the report of the WHO High Level Commission, for which a preliminary report is expected for PrepCom -3. Those delegations that did speak expressed their support for the Commission and were looking forward to its recommendations.

In their interventions Canada and the Netherlands (on the behalf of the European Community) noted that there is a crying need for specific suggestions on the health dimension of environmental problems, and highlighted the fundamental link that exists between health and the quality of the environment, and the fact that health is an indispensable ingredient for sustainable development. In particular, the provision of basic health services is an essential element in alleviating poverty, a key step in moving towards sustainable development.

Canada suggested that a Charter on Environment and Health, modelled on the current "European Charter on Environment and Health", may be necessary to provide assurance to individuals that their health needs and rights are formally recognized.

The delegate from World Health Organization made a short intervention to say that his organization expects a substantive discussion of this issue at PreCom -3, on the basis of the first report of the WHO Commission which will have become available.

URBAN ENVIRONMENT:

A few delegations expressed their disappointment at not seeing urban environment as a specific item on the agenda, and asked that more emphasis and prominence be given to this issue. The urbanization process throughout the world and its effects on the environment remains a major challenge; ways and means of dealing with that problem need to be developed, not the least of which is political will.

The most significant statement on urban environment was made by the UNCHS (Habitat) (United Nations Centre on Human Settlements), with some interesting statistics. For example, while total world population has grown by 135% over the last forty years, urban population growth was 300%. This now results in a global urban population of 1.3 billion people, which is larger than the total population of Europe, North American and Japan together.

Further, it is estimated that adequate housing is needed for 20% of the world population.

Nevertheless, rather than paint a negative picture of urban settlements, UNCHS notes that cities are also centres of creativity, economic growth, of communication and transfer of knowledge, and where international cooperation can be intensified. Urban centres will need to spend a tremendous amount of effort to promote and to develop integrated life cycle management in order to move towards sustainable development. This will need to result in improvement in quality of and limitation in consumption of non-renewable energy resources, particularly in the housing, building and transport sectors.

OUTCOMES:

There were no specific outcomes on those issues. A decision, proposed by the Chairman and adopted by the Conference, took note of the reports and proposals (Conference documents) from the Secretary-General on cross-sectoral issues, and requested from him to continue to develop these reports for discussion at the third PrepCom meeting.

ASSESSMENT:

The issues of "Environmental Education and Information" and "Environment and Health" were the last cross-sectoral issues listed for discussion in Plenary. "Urban Environment" was not identified as a specific subject on the agenda.

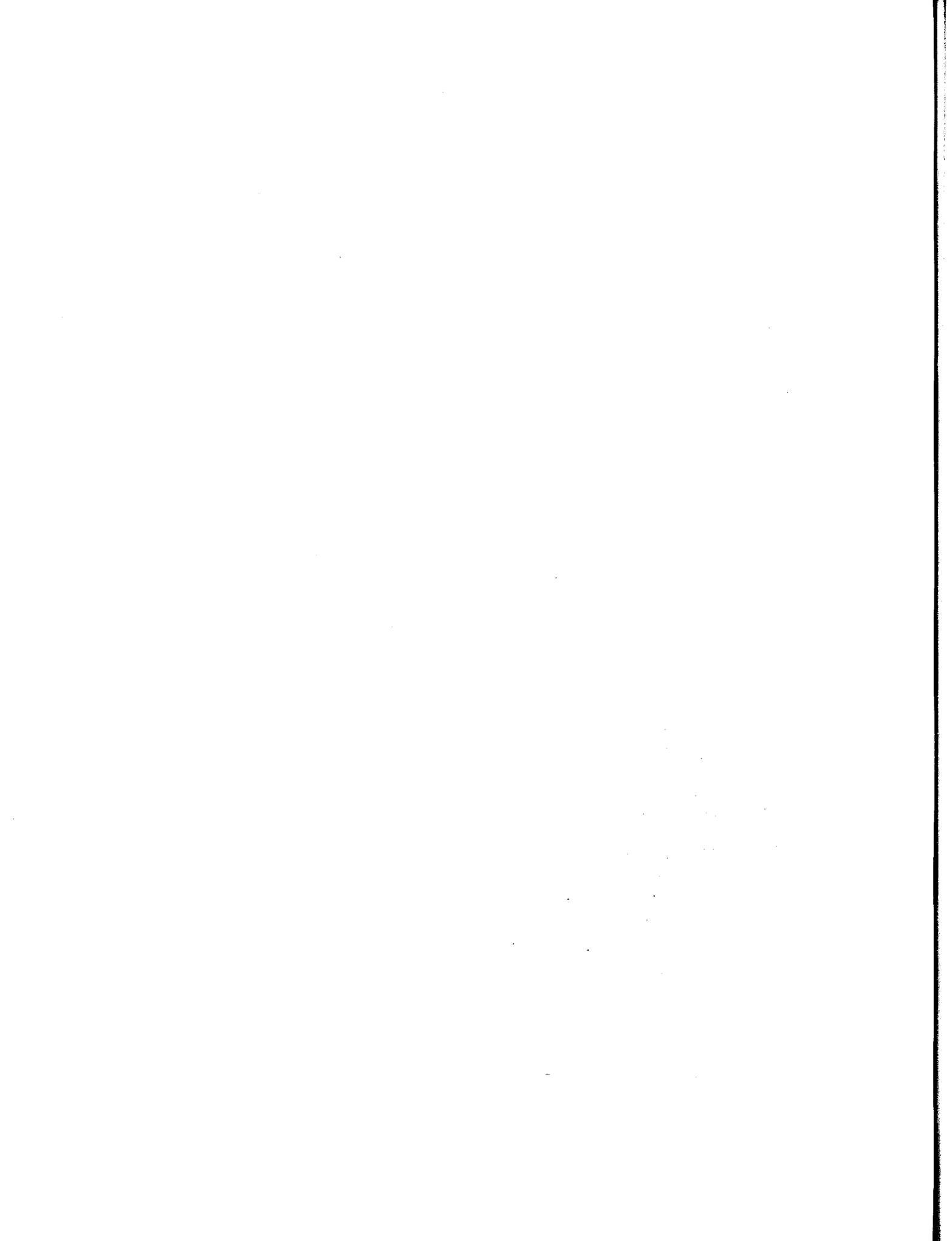
Relatively few interventions were made on those issues (particularly the last two), partly reflecting the fact that those subjects have not yet been sufficiently developed in the Conference documents provided for PrepCom Two. There is an expectation that much more detailed reviews of these issues (much more developed Secretariat Documents) will have been prepared for PrepCom -3, and that the debates will be more in depth at that time. PrepCom-3 will last 4 weeks, which will allow more time for discussion on cross-sectoral issues.

It is worth bearing in mind, however, that the questions of financial resources, institutional matters and technology transfer, which are vital issues for the success of the Conference in Rio, and yet difficult to negotiate, could end up occupying most of the debate time devoted to cross-sectoral issues.

It was evident at PrepCom Two that not much priority is being granted to the issues of education, health and urban environment at this time. Judging from activities and discussions surrounding sectoral issues, which were debated in working groups, cross-sectoral issues suffer from a lack of such a forum for discussion and development outside of Plenary.

The question then arises as to how those issues are to be developed, to the point of identifying needs, priorities, strategies, evaluating the extent of the problems they represent, and recommending action. The only obvious means of providing input into this process (and indeed what appears to be the expected process) is through communication with those members of the UNCED Secretariat having responsibility for developing the conference documents on any given issue. This process appears to be representative of most UN Conferences. Nevertheless, the will to discuss inter-sectoral issues at a later stage, as fundamental causal factors, is not yet apparent.

Another question which arises is where, in the UNCED process, for those cross-sectoral issues for which no conventions or major agreements are foreseen, will recommendations and strategies appear. The obvious and expected answer is within Agenda 21. The current vision, however, of what is Agenda 21 remains nebulous; it no longer appears to be an action plan framework, as was originally expected; and no new real concept of what Agenda 21 could be has yet appeared.



April 4, 1991

**CANADIAN INTERVENTION ON
ENVIRONMENT AND HEALTH**

Good health is the foundation of human well-being and productivity. It is thus imperative that the improvement of human health conditions be an integral part of any development initiative.

In both the developing and developed world deteriorating environmental conditions contribute greatly to ill health, which is reflected in loss of productivity and creativity, and results in considerable economic costs for the treatment and prevention of environment-related diseases.

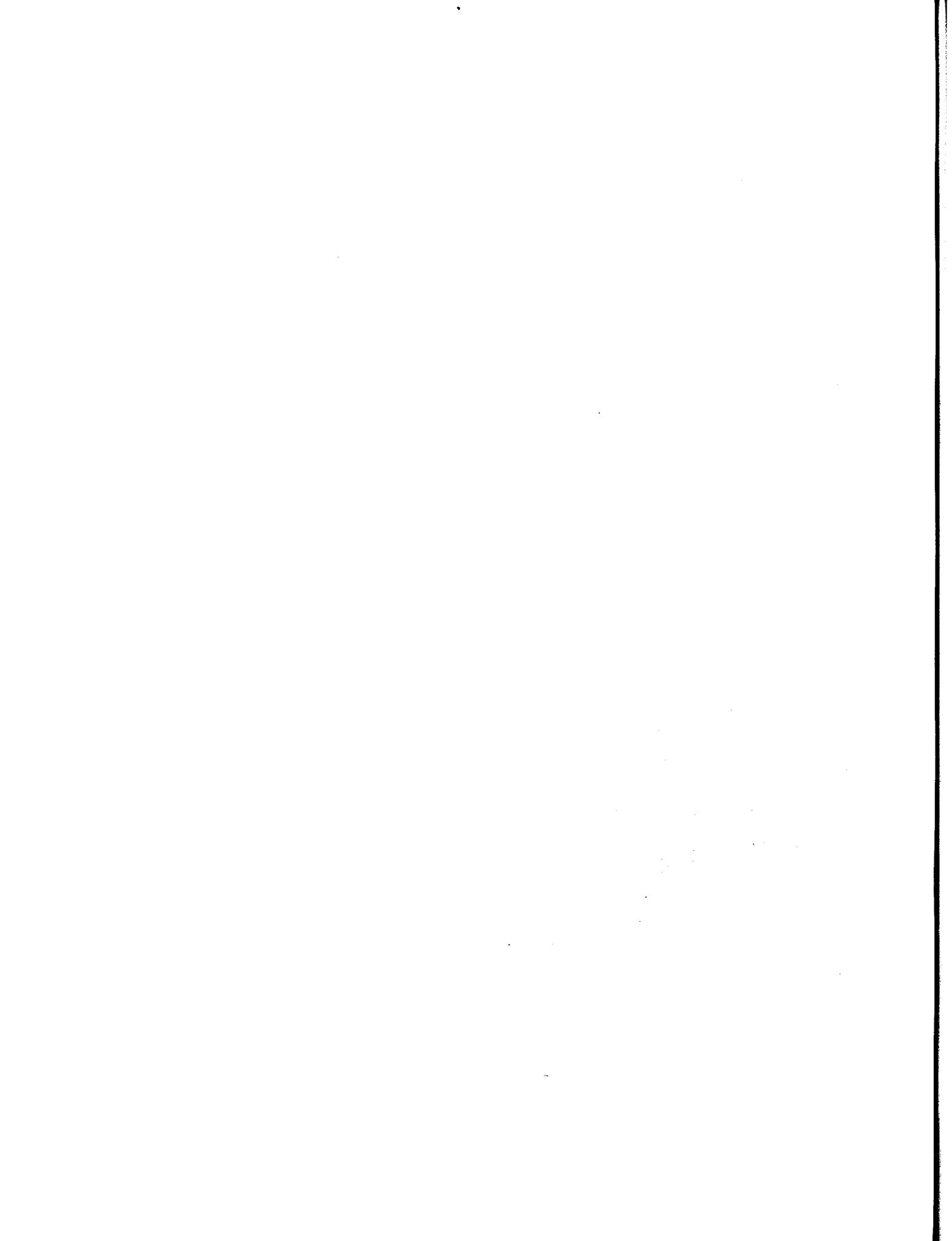
Poverty, which is a subject of primary concern to UNCED, is closely linked to several environment issues. The provision of basic health services is an essential element in alleviating poverty.

On the basis of the above considerations, there is a need for international cooperation and agreement on a strategy to integrate health into the decision-making process of development, in order to obtain development that is truly sustainable. This can most appropriately be developed within the context of Agenda 21.

As part of an overall strategy for health protection from environmental degradation, an additional approach may be necessary to provide assurance to individuals and communities that their health needs and rights are formally recognized both internationally and by their own country. This could take the form of a Charter on Environment and Health, modelled on the current European Charter on Environment and Health which was adopted by the European Region of WHO at the First European Conference on Environment and Health.

Canada recognizes and endorses the highly relevant work that the WHO High Level Commission on Environment and Health is currently carrying out, and looks forward to its report and recommendations. It will be important to follow-up on the work of the Commission so that the subject of health and environment, which is such an important cross-cutting issue, can be developed within the context of Agenda 21.

Thank you Mr. Chairman.



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Health and Welfare Canada
957-7310
4 March, 1991

ENVIRONMENT AND HEALTH

ISSUE:

1. Good health is the foundation of human welfare and productivity, and a sound physical environment is one of its most important prerequisites. Good health underpins sustainable development. In both the developing and developed world, environmental conditions contribute to ill health with loss of productivity and creativity, and to economic costs incurred for the treatment and prevention of environment-related diseases.

CANADIAN OBJECTIVES:

Objectives and Rationale

2. **To obtain a recognition that the decision-making process used in respect to economic development projects and programs must encompass the evaluation of health risks and the pursuit of appropriate health risk management strategies.**
 - 2.1 Consultations in Canada for the development of the Green Plan provided ample evidence that the public's concern for the environment was firmly based upon their perception of having their health at risk by the presence of chemical contaminants in the air, in water, in the soils and consequently in the food chain.
3. **To obtain a recognition that the decision-making process used in respect to economic development projects and programs must encompass the participation of all stakeholders.**
 - 3.1 Health and environment decision-making, in order to be effective, requires the involvement of all affected players, including communities and individuals, in the decision-making process. This process of decision-making represents an opportunity for governments, technical and academic experts, industry, labour, community representatives, individuals and others to come together to find workable solutions. Such a

participatory process has the effect of creating environmental health awareness and of motivating individuals to find and adopt useful and meaningful attitudes and solutions toward health and environment.

- 3.2 Key to participatory decision-making is the fact that individual attitudes and behaviours are shaped by the community. Hence in the context of development strategies, encouragement of healthy and environmentally sound lifestyles needs to include the development of a decentralized infrastructure for individuals and communities to undertake healthy and environmentally sound activities.
- 3.3 The rights and obligations of the community in the health and environment arena must be recognized, including the right to know about a range of health and environment issues such as contaminants and their risks and groups at risk.
- 3.4 The impact of development on the health of women and their children needs special consideration and attention, since they are a key link to the future and durability of the health of the environment and of the health status of a population undergoing development. They are probably the most vulnerable population to ill-conceived development projects, and should therefore be the focus of special support, financial and educational, in order to assist women in educating themselves, their families and communities on environment health issues.
- 3.5 Economic development projects in rural and isolated areas often have severe impacts on the lifestyles and health of indigenous peoples, resulting in dislocation from homelands and pollution of their traditional food sources. Their support to participate in environmental reviews is essential.
- 3.6 Lack of development is often associated with poverty and deteriorating environmental conditions such as lack of sanitation, contamination and lack of food and water and inadequate shelter. Such basic health needs need to be addressed for any development to become sustainable.
4. **To obtain a recognition that such a decision-making process must be applied and respected universally.**
 - 4.1 It is essential that the decision-making process be applied in all countries for economic development to be

sustainable and smooth. In order to be viable on the long term, this process must be accepted and applied by all countries since environmentally responsible development only in some countries and not in others can seriously reduce market competitiveness and would invite retaliation or would reduce the degree of conformity in those nations attempting to ensure environmental responsibility.

5. **To foster international cooperation on health impacts of environmental degradation by engaging in mutually agreeable actions for abatement or prevention of pollution.**
 - 5.1 It is important to obtain both a recognition and acceptance that activities in one country affecting the environment and therefore threatening health, can have an impact on the health of the inhabitants of neighbouring or even distant countries.
 - 5.2 Canada's Health and Environment Action Plan within the Green Plan provides positive examples on how this objective can be addressed.
 - 5.3 In support of international cooperation, there is a need for the development of universally acceptable and credible toxicological and epidemiological sources of information which are accessible to all countries. Much of this could probably be achieved by building on existing databases and programs such as UNEP's GEMS (Global Environmental Monitoring System), UNEP's IRPTC (International Registry for Potentially Toxic Chemicals) modules, WHO/ILO/UNEP's IPCS (International Program on Chemical Safety), WHO'S IARC (International Agency for Research on Cancer), etc.

Strategy

6. With the above considerations, there is an obvious need for international cooperation on an initiative that would harmonize the process of integrating health into the decision-making process in regard to environment. This is a necessary process in order to be able to qualify "development" as "sustainable".
7. As part of an overall strategy there is need of well developed health promotion strategies making available health and environment information and scientific information, in order to help create a positive climate that can mobilize people to change individual and community behaviour. Within this context it is thought

useful to foster a greater appreciation of National Parks in promoting increased sensitivity towards the environment.

8. Note should be taken of the international work being undertaken through the separate and collaborative efforts of the World Bank, the International Monetary Fund, the World Health Organization, the United Nations' Environment Program, the International Labour Office, and the Organization for Economic Cooperation and Development.
9. **The managerial concept that appears best able to carry out this challenge is that of risk management.** The latter is built on a scientifically-based common sense approach to decision-making for any area where there is a potential health impact. It provides an analytical, flexible framework for decision-making for all risk assessment/management decisions.
10. The risk assessment phase includes risk analysis, during which hazards to health are identified and their risks estimated, and an option evaluation for which various "options" for dealing with the risk are developed and analyzed. Ultimately the decision taken is monitored and evaluated for performance, and revised if necessary.
11. The identification of health hazards in risk analysis is scientifically-based to the largest extent possible, and as such constitutes the science base of the risk management process. HWC considers important that there be a continual improvement of the science-base related to environment and health, so that risk management decisions have the best science foundation possible.
12. In understanding the need for a universal (international) approach, the concept and process of risk management would need to be developed by consensus to arrive at international acceptability. The Health Protection Branch of HWC has developed its own risk management approach which has been made public in 1990 through the document "Health Risk Determination. The challenge of health protection".
13. Additionally, many of these concepts are being moulded in the Environmental Assessment Review Process currently being established nationally in Canada by the Federal Environmental Assessment Review Office.
14. In order for industries to remain competitive where the application of concepts of risk management result in

higher production costs, there is a need for a fair and universal application of this approach. In many industrial sectors (e.g. metallurgy) this need may extend further than the strict application of risk management procedures, and require the use of some form of "codes of manufacturing practice for healthy environments" which would be specific to the different sectors of industry. An analogy is being made here with the "CODEX ALIMENTARIUS COMMISSION International Codes of Hygienic and/or Technological Practices" for food manufacturers.

15. **Consideration therefore needs to be given to world-wide equivalency of health standards and health risk management** in any given industry sector, based on independent, international scientific consensus and universally accepted risk management. Further, there may be a need to build incentives into the system in order to assure widespread compliance.

16. **A mechanism for achieving this international harmony would be agreement to two Resolutions:**
 - A. "That WHO undertake the adaptation and further development, where necessary, of the European Charter on Environment and Health, adopted by the First European Conference on Environment and Health, Frankfurt, December 1989, for international acceptance and application as a world charter."

 - B. "That WHO or another appropriate international agency set up a process to coordinate the development of risk management concepts and procedures that would be internationally acceptable, and any environmental health codes of practice that are necessary for any given industry sector."

DISCUSSION TO DATE:

17. There has been no significant discussion to date on health and environment in the first PrepCom. The only document of direct relevance to health is the Secretary General's paper providing an overview of the UN system activities, Chapter IX, "Protection of Human Health Conditions and Improvement of the Quality of Life" (A/CONF.151/PC/6, pp.44-48).

18. The events of major importance to the issue of environment and health in broad or generic terms are:
- (a) The currently ongoing activities of the WHO Commission on Health and Environment, which is expected to present its final report in September 1991.
 - (b) The First European Conference on Environment and Health, held in December, 1989, which produced the European Charter on Environment and Health. Canada who had observer status at that conference, summarized Canadian activities and concerns on health aspects of environment (the Canadian Environmental Protection Act, periodic State of the Environment reporting, creation of a new Cabinet Committee on Environment, the Great Lakes Action Plan, and some monitoring activities, including that for northern pollution, and mention of the development of a risk management strategy).
 - (c) The Third International Conference on Health Promotion, to be held in June, 1991.
19. HWC is active in the International Programme on Chemical Safety (WHO/ILO/UNEP).

PREPCOM SCENARIO:

20. It will be necessary to build support from other countries (and WHO) if we are to propose that WHO set up a structure of sorts to develop an internationally acceptable risk management process with the necessary environmental health codes of practice, and an environmental health charter.

DOCUMENTATION:

21. In response to Decision 1/28 of the first PrepCom which was addressed to WHO, the latter agency has produced a progress report on the work of the High Commission on Health and Environment for the second PrepCom. This document is identified as A/CONF.151/PC/19.

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8 March 1991

ENVIRONMENTAL EDUCATION AND INFORMATION

ISSUE I

How to increase environmental literacy for all and thus move:

Beyond the "identify and repair" approach of the 1970s, and the "anticipate and prevent" strategy of the 1980s, into an era of environmental management based on longer-term strategic planning and closer international cooperation, (Communique by the OECD Environment Committee at the Ministerial level, January 30-31, 1991)

CANADIAN OBJECTIVES

1. To bring countries together in a common mission to solve environmental problems and develop the constructive dialogue in finding solutions.
2. To encourage the development of an environmentally literate world population - one where all citizens of countries, developed and developing, are equipped with the knowledge, skills and values necessary for broadly-based responsible action.
3. To ensure the maximum impact of environmental information, education, and training initiatives through the acceptance, by individual nations, of the UNESCO/UNEP International Strategy for Environmental Education and Training (1987) as a strategic framework for national actions.
4. To foster the development of appropriate cooperative channels for the sharing, development dissemination, and harmonization of environmental information, and educational programs, materials, and resources.
5. To showcase Canadian innovation and initiative, in environmental information, interpretation, education and training, including the UNESCO/Man and the Biosphere

Network (MAB/NET) supported conference on environmental education as a follow-up to UNCED to be held in Toronto, in October 1992.

6. To learn from, and in turn offer educational assistance to other nations, in accordance with international agreements and environmental protocols, through personnel, teacher and student exchanges, technical assistance, cooperative education and training programs and projects, and the full utilization of Canadian Parks, Historic Sites, and other national resources.
7. To recognize the important role that women play in environmental management, especially in the developing world.

DISCUSSION TO DATE

1. The participants in Canada's Green Plan Consultations saw education as the vehicle "par excellence" for achieving sustainable development.
2. Public opinion polling has established that (i) Canadians prefer education above all other policy instruments available to governments in respect of the environment, and (ii) 90 per cent of Canadians believe that environmental education is something that the federal government should do "right away".
3. The Environmental Citizenship Program for environmental education and training is an important element in Canada's Green Plan.
4. UNESCO, UNEP, UNDP, ILO, WHO, and the OECD, are among the international agencies who have identified education as one of the most effective policy instruments for successful environmental management. A January 30-31, 1991 Communique by the OECD Environment Committee at the Ministerial level, said:
 - Well-educated voters, consumers and citizens-at-large are crucial to successful environmental management in democratic societies. Ministers attached high priority to expanding and strengthening environmental education at all levels, in particular to ensure that young people, and the future generations they represent, are sensitive to environmental values and risks.

5. UNESCO and OECD have asked Canada to document the strengths and weaknesses of our policies and experiences with environmental education and training. The OECD/CERI has established a Committee of Environmental Education Experts and expects to have an OECD External Examiners Comparative Study on Environmental Education and Training ready for UNCED.
6. The United States Environmental Education Act, passed in November 1990, calls for cooperation among Canada, the United States, and Mexico. The Americans have initiated preliminary discussions on developing a Tri-lateral Memorandum of Understanding on Environmental Education and Training. One area identified for cooperation is UNCED.
7. Other emerging Bi-lateral Memoranda of Understanding on the Environment often include environmental education as a central element.
8. The Budapest Centre on the Environment, to which Canada has contributed, has environmental education as one of four program pillars.
9. A coalition of non-governmental organizations are sponsoring the first UN sanctioned conference on environmental education following UNCED, in Toronto, October, 1992. The purpose of this conference will be to build on UNCED decisions and develop "global" implementation plans.

PREPCOM SCENARIO

1. Likely Support for Environmental Education:
 - The importance of environmental education is broadly endorsed, both nationally and internationally. The challenge is to determine mechanisms to translate this rhetoric into action, within the context of a sound strategic framework.
2. Canadian role:
 - Team Player's Role:
 - Canada has been and should continue to be included in significant international environmental education initiatives as an important player.

- Canada could initiate and play an advisory role on international environmental education committees, such as an Environmental Education Steering Committee for the Budapest Centre. (The United States representative to the Budapest Centre is going to propose an environmental advisory committee, Canada has been asked to be part of this committee).
 - Canada can share (and at the same time promote) Canadian communications capabilities through the development of individual, institutional, and telecommunications networks.
- Leadership Role:
 - The auspicious timing of Globe'92 (March'92), UNCED (June'92), and the UNESCO/Canada MAB Toronto'92 (October'92), positions Canada to play a very important catalytic role in developing Environmental Education and Training Plans and Implementation Strategies. The Chairman of Toronto'92, Chuck Hopkins, is on the UNCED Environmental Education Planning Committee in Geneva.
 - Canadian Youth Young Canadians will be playing an important role in bringing the world youth position to UNCED. Globe'92 and Toronto'92 hold the potential to support the interests of youth in education and the environment.
- Consensus Builder:
 - Canada could also move that the UNESCO/UNEP International Strategy for Environmental Education and Training be endorsed as a strategic framework for nation specific action.

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URBAN ENVIRONMENT

ISSUE:

Urban communities are living ecosystems which reflect the complex interrelationship of environment and development. By the year 2010, over 50% of the world's population will live in urban areas with urban poverty, homelessness, unhealthy living and working conditions, and environmental degradation increasing as population growth and poorly planned urbanization continue.

Unprecedented demands are being placed on the needs for land, shelter and building materials, infrastructure, energy, water and services. Attaining a quality of life for all will necessitate that cities work as integrating frameworks which go beyond jurisdictional and political boundaries and which establish the essential links between environmental, economic and social needs.

CANADIAN OBJECTIVES:

1. To strengthen the issue of urban environment on the UNCED agenda for general consideration of the preparatory committee meetings and the conference itself and to incorporate specific recommendations on the role of urban communities into the Agenda 21 with Canadian commitments to support these.
2. To establish a more direct link between policy and programme recommendations at international and national levels with municipal initiatives and action.
3. To ensure that urban environmental issues are considered as an integral part of the discussion in the established working groups.
4. To act on the commitments made in international fora, such as the Bergen Ministerial Declaration, and to encourage the development and sharing of information on guidelines for urban policies and programmes which can integrate the environmental, economic and social needs of communities. Such guidelines need to be developed in partnership with public, private and community sectors

- and need to be based on environmental data relevant to both local circumstances and global needs.
5. To highlight women's concerns about the urban environment, especially in the areas of transportation, access to employment opportunities and services, health, housing and physical safety. To encourage municipalities to work with women to address these concerns.
 6. In addressing the North-South component of the quality of life in urban communities, to establish environmental sustainability as an avenue to poverty alleviation thereby linking the urban environment with income generation for the poor.

DISCUSSION TO DATE:

INTERNATIONAL

In November 1990, the United Nations Center for Human Settlements (Habitat) sponsored an Intergovernmental Meeting on Human Settlements and Sustainable Development where member countries discussed the significance of these issues and supported a statement from the Chair of the meeting which will be presented to the March 1992 UNCED PrepCom by the Executive Director of UNCHS (Habitat) along with a revised report entitled "People, Settlements and Sustainable Development".

The UNDP Human Development Report, 1990 examined urbanization as its special focus. The report indicated four major themes for managing cities in the 1990s, among these was the urban environment.

The IMF World Development Report 1990 concluded that urban poverty would become the most significant and politically explosive problem of the next century.

The World Bank recently released a policy document entitled Urban Policy and Economic Development: An Agenda for the 1990's. It indicates Bank lending will increase by 45% for urban initiatives between 1991 and 1993, with a strong focus on institutional development. The agenda makes strong recommendations for the consideration of the linkage between poverty, the urban environment and productivity.

The first report of the UN sponsored International Panel on Climate Change (Sept. 25, 1990) is the latest and perhaps strongest in its conclusions that climate change is being created by human activities - most notably the combustion of fossil fuels. Urban centers must begin to develop and implement policies and strategies to address these issues.

The UNCHS (Habitat) at the 13th Session of the Commission on Human Settlements to be held in Harare April 29 - May 8, 1991 will have as its main themes of discussion: the significance of human settlements to the concept of sustainable development with particular emphasis on the relationships between economic development, improving living conditions of the poor and the planning and management of settlements; and the use of energy by households and in construction and production of building materials with emphasis on the use of new and renewable sources of energy which minimize pollution problems. Discussion will also focus on how more direct links can be made with the 1992 UNCED process.

Increasingly, urban initiatives are being acknowledged and supported by international organizations. Some current initiatives include:

- o the Healthy Cities Programme (World Health Organization)
- o the Urban Management Programme (World Bank/UNDP/UNCHS)
- o International Council for Local Environmental Initiatives -ICLEI (UNEP/International Union of Local Authorities/Center for Innovative Diplomacy)
- o Sustainable Cities Programme (UNCHS (Habitat))

CANADIAN

In 1972, at the Stockholm UN Conference on Human Environment, Canada urged participating nations to pursue the findings and conclusions from Stockholm through a further series of consultations under UN auspices devoted to human settlements issues.

In 1976, Canada hosted HABITAT in Vancouver, a UN Conference on Human Settlements. This resulted in a

Vancouver Declaration on Human Settlements, and the establishment of the United Nations Commission on Human Settlements. In 1987, Canada supported the UNCHS (Habitat) initiated Global Strategy for Shelter to the Year 2000 (GSS). This strategy supports the important link of shelter and economic development, the environmentally sustainable management of urban environments, and the crucial role of women as contributors to solutions of human settlements problems.

Canada is acknowledging the importance of the urban community through domestic initiatives as well as through a number of international fora on environment and development. These include:

- o Canadian Healthy Communities Project
- o GLOBE '90, GLOBE '92
- o International Colloquium on Human Settlements and Sustainable Development (June 1990)
- o 3rd Summit Conference of Major Cities of the World - Montreal, October 15-17, 1991
- o World Cities and Their Environment
 - Mayors Congress, Toronto August 25-28, 1991
 - 5 City Consultation (CIDA/CMHC/EA/WB)
- o Establishment of ICLEI - International Office in Toronto
- o International Symposium of World Heritage Towns - Québec, June 30-July 4, 1991.

WOMEN IN DEVELOPMENT

A paper ("The City for Women: No Safe Place") prepared for the European and North American Conference on Urban Safety and Crime Prevention, Montreal, October 1989, identified the fear of crime, the high level of violent crime and the vulnerability experienced by women in urban areas as interrelated problems which demand municipally based leadership around the world.

PREPCOM SCENARIO:

The Canadian statement to the August 1990 UNCED PrepCom recognized the relationship of the quality of life and environmental degradation, the significant role women have to play in sustainable development, and the specific needs of municipalities and the role they play in undertaking global responsibility. The statement also highlighted Canadian initiatives in this area and the need for exchange of environmental information.

Canada should again highlight the significance of these issues with the acknowledgement that the urban component is cross-sectoral and that the 1992 UNCED process strengthen urban environmental issues in all components of its agenda.

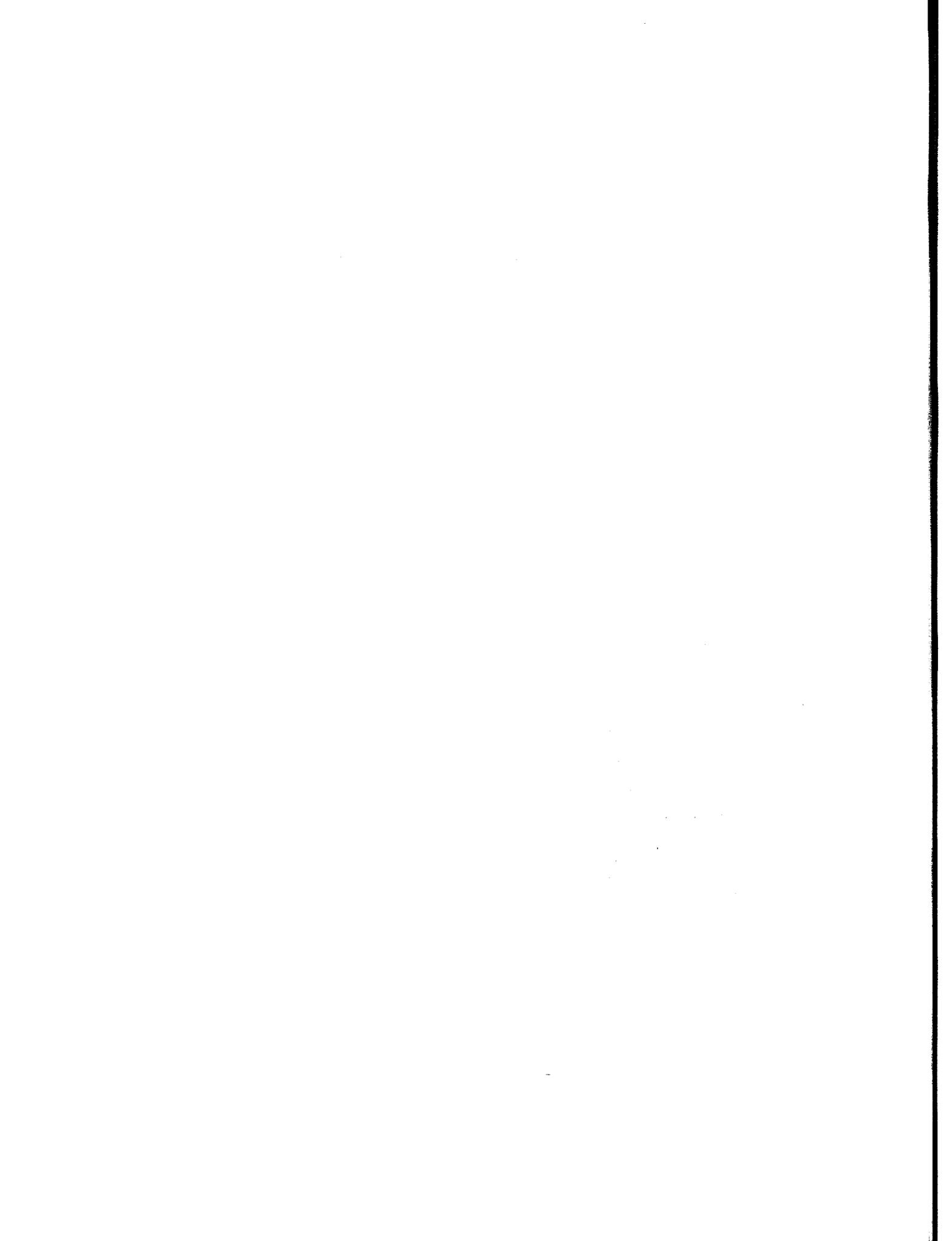
Specific to urban initiatives developed and/or supported by international organizations, work is still at its initial stages with linkages only beginning to be made between various international agencies. This level of activity is not yet adequate to address global concerns and the rapidly expanding role for urban communities. Canada should recommend that more attention be given by international institutions to strengthen urban initiatives as well as strengthening the linkages between these institutions.

In addition, the delegation should demonstrate Canadian commitment and leadership in this field by highlighting initiatives such as:

- o The International Colloquium on Human Settlements and Sustainable Development (Toronto - June 21-23, 1990). 9 regional papers (Canada, USA, SE Asia, Japan, Latin America, E. Europe, W. Europe, Africa, China/Hong Kong) and an overview paper were prepared for this event. A book (in English only) based on these and discussions at the Colloquium will be available in June 1991. Individual chapters will be available in both official languages.
- o The International Symposium of World Heritage Towns (Québec, June 30 - July 4, 1991). The Symposium will seek practical means to address the diverse needs of living historic towns.

- o The 3rd Summit Conference of Major Cities of the World (Montreal - Oct. 15-18, 1991). Mayors from 25 major world cities will meet to discuss urban management and sustainable urban development. A joint declaration will be adopted and sent to the 1992 UNCED. Mr. Perez de Cuellar, Secretary General of the UN will take part in the closing ceremonies.
- o The World Cities and their Environment Mayors Congress which is the first of the phases of the original METROWORLD proposal (Toronto - August 25-28, 1991). Representatives from government, private sector, academic institutions and community groups from approximately 100 cities will meet to discuss sustainable urban development and the potential for joint projects, research and related activities. A Declaration will be adopted and sent to the 1992 UNCED.
- o The World Cities and their Environment 5-City Consultation. This study which forms the core of the Mayors Congress will examine environmental data, policies and strategies as well as the role of the private, public and community sectors in achieving sustainable policies and practices. Cities: Jakarta, Indonesia; Sao Paulo, Brazil; Accra, Ghana; Katowice, Poland; and Toronto, Canada.
- o The development of an Urban Development Stream for the GLOBE'92 Conference on Global opportunities for Business and the Environment, and
- o the establishment of the International Council for Local Environmental Initiatives (International Office) in the City of Toronto. The office has received endorsement from UNEP, the and International Union of Local Authorities (IULA) and will represent IULA on environmental issues. IULA has consultative status with the UN.

Canada is now beginning to establish links between these initiatives. Information on these should be taken forward to the 1992 UNCED by the Canadian delegation through discussions in the plenary and working groups sessions, and ultimately through AGENDA 21, and the resulting EARTH CHARTER of the UNCED itself.



INDIGENOUS PEOPLE

Documentation:

A/CONF.151/PC/L.38 PrepCom decision on "Indigenous people and local communities".

CANADIAN OBJECTIVES:

Our objective was to find means of recognizing within the UNCED process the specific contribution that indigenous people can make to the discussion of environment and development issues; and to create opportunities for organizations representing indigenous people to play a substantive role in the UNCED process.

PREPCOM DISCUSSION:

The issue of indigenous people is not formally on the UNCED agenda. Nevertheless in consultations in Canada prior to the Delegation's departure, various Canadian indigenous groups expressed a strong interest in seeing the Canadian delegation find ways to obtain particular recognition of the contribution of indigenous people to the work of UNCED. The Canadian delegation continued this dialogue in Geneva with Dan Smith, the Vice-President of the Native Council of Canada, who was accredited as a member of our delegation and with NGO delegates Lawrence Coutereille, Vice-Chief of the Assembly of First Nations and Donat Savoie and Mary Simon of The Inuit Circumpolar Conference. We also pursued the issue separately with David Brackett of IUCN, who had been asked to liaise with the Canadian delegation on behalf of the Government of the Northwest Territories.

Through these consultations, we agreed to pursue two general approaches. The first was to obtain specific references to the interests and concerns of indigenous people in the decisions on various sectoral issues. We included references to the concerns of indigenous people in our interventions on freshwater and soil loss and we actively supported the inclusion of references to indigenous people in the decisions on freshwater, forests and living marine resources. The delegations from Norway, Denmark and New Zealand also actively supported these references to indigenous people under the same agenda items. In the case of the decision on forests, our concerns matched well with those expressed by the Indian delegation who sought to emphasize the "social role" of forests. Along with the Indian delegation, we were able to formulate a common principle included in the final decision, which emphasized the social role of forests, including indigenous people.

Our second approach was to seek a specific decision of the Plenary of the PrepCom recognizing the contribution of indigenous people to the UNCED process. Based on advice which we received from

the Secretariat, we drafted the decision to emphasize "traditional knowledge and practices" possessed by indigenous people, as well as "local communities". We took this approach, in order to highlight what indigenous people could offer to the challenge of finding solutions to the wider problems of environment and development. We included the references to "local communities" to include "traditional knowledge and practices" possessed by people who might not be considered "indigenous people", but who nevertheless could make a similar contribution. We revised our draft of the decision, following consultation with Mary Simon of the Inuit Circumpolar Conference, Ney Htun of the UNCED Secretariat and our colleagues in the CANZ group.

At the suggestion of the Chairman of the PrepCom, Tommy Koh, we launched this initiative during the debate on the agenda item of "Poverty and Environmental Degradation". We timed our intervention to follow a statement by Erica-Irene Daes, the Rapporteur of the Working Group on Indigenous Populations of the Commission on Human Rights. The statement, delivered by John Bell, was a Canadian statement, which then offered our draft decision as a CANZ proposal. Our intervention was followed by a briefer statement of support by New Zealand. Several delegations subsequently made supporting references to our initiative, including Colombia and Norway. The same themes were picked up at the end of the debate by several NGOs including Mary Simon and the American Indian representative Oren Lyons.

All three CANZ delegations lobbied different constituencies within the PrepCom and found widespread support. The Latin American delegations gave it strong support, following Argentina's proposal to include a reference to similar provisions in the Tlateloco Platform on Environment and Development, adopted in Mexico City on March 7, 1991. The Danish delegation sought a reference to the "special relationship of indigenous people to the environment", at the suggestion of the Greenland representative on their delegation. The Barbados delegation made a useful drafting suggestion to strengthen the reference to the "viability of traditional knowledge and practices". We submitted the final version of the decision, with these minor changes, to the Secretariat.

Despite some initial reluctance from the Secretariat to table our proposal for the decision of the Plenary - due to the earlier decision of the Chairman not to seek substantive decisions from the Plenary and the need to waive the 24 hour rule governing the distribution of documents in all official languages for consideration by the PrepCom - our draft was considered by the Plenary in its final session. The decision received statements of support from Norway, Denmark and Colombia. The only modification (which we accepted) was proposed by Mauritania, which requested a reference to the African Charter of Popular Participation. Several francophone delegations complained about the waiver of the 24 hour rule, but did not object to the consideration of this decision. In the end, it passed unanimously.

OUTCOMES:

The final decision L.38 has four significant aspects. First, it recognizes the contribution that "traditional knowledge and practices of indigenous people and other local communities for the sustainable use, management and development of natural resources" can make to consideration of the issues on the UNCED agenda. Second, it opens the question of finding means of strengthening the viability of traditional knowledge and practices in the context of economic growth and development. Third, it asks the UNCED Secretariat to take these factors into account in preparing reports for future sessions of the PrepCom. Fourth, it invites direct input into the UNCED Secretariat from organizations representing indigenous people and local communities on these issues, to assist the Secretariat in preparing its reports.

Apart from L.38, three other decisions from the Second PrepCom cite the interests of indigenous people.

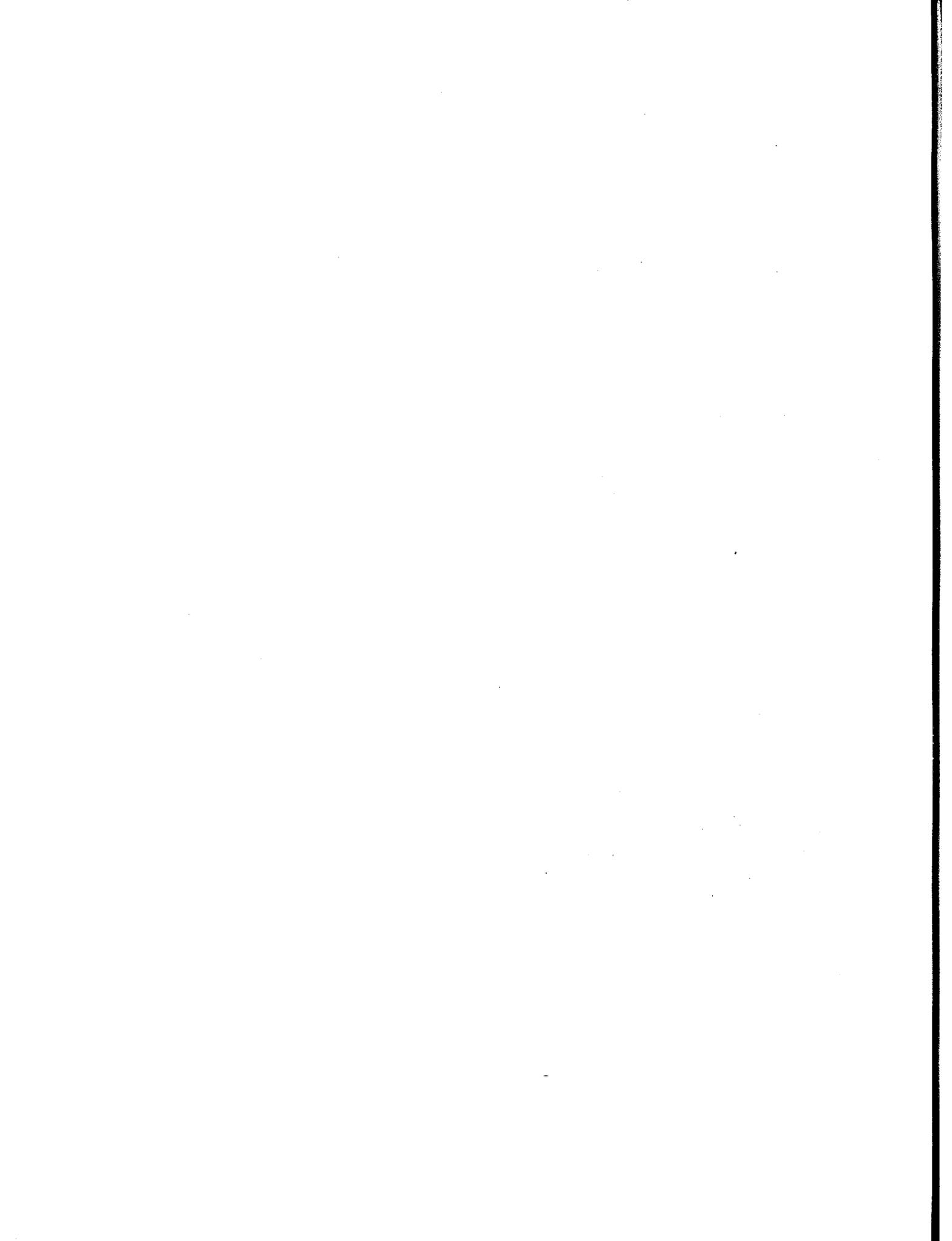
The decision on forests WG.I/L.18 in paragraph 7 (d) cites the principle that: " All types of forests perform a wide range of social functions for forest dwellers, local communities and indigenous people who use and sustain forest resources and systems".

The decision on marine pollution and living marine resources WG.II/L.12 in paragraph 4 (g) cites: "The need to recognize the special relationship of indigenous peoples and the importance of traditional knowledge, with the conservation and utilization on a sustainable basis of the living marine resources."

The decision on freshwater WG.II/L.14 in paragraph 2 (w) notes: "The need to recognize the special relationship of indigenous peoples, and the importance of traditional knowledge, with the conservation and utilization on a sustainable basis of freshwater resources."

ASSESSMENT:

Through decision L.38 we have largely resolved the procedural issues surrounding indigenous peoples participation in the UNCED process. Prior to the next PrepCom, we will wish to consult with indigenous groups in Canada to identify their specific concerns under the various sectoral issues on the agenda. We will need to ensure that those interests are reflected in our interventions on the same issues. We should encourage indigenous groups to take advantage of L.38 to communicate directly with the UNCED Secretariat to ensure that their perspectives are incorporated in the reports prepared by the UNCED Secretariat; and we should follow up with the Secretariat to see that it is following the measures of L.38.



Second UNCED PrepCom

Plenary
Geneva

April 3rd, 1991

CANADIAN STATEMENT ON
ENVIRONMENT AND INDIGENOUS PEOPLE

STATEMENT BY JOHN P. BELL
HEAD OF DELEGATION

On behalf of the Canadian delegation, I would like to congratulate Ms Erica-Irene Daes for her remarks today to the Preparatory Committee. Ms Daes and the Working Group on Indigenous Populations have done a marvellous job in tackling the daunting task of drafting a United Nations declaration on the rights of indigenous people. Her remarks today signal another dimension of the experience of indigenous people, which should be of great interest to the work of UNCED - their role as conveyers of traditional knowledge and practices for using natural resources in a sustainable way.

In the more general debate in this Plenary over measures to address poverty and the environment, we must be careful to consider the capacity of local communities to identify their own measures to stem environmental degradation. All over the world, it is often the poorest people - as defined by standard economic measures - living on marginal lands and even outside the cash economy who are the richest in knowledge of how to use the resources of their natural environment, following practices that have often sustained their communities for hundreds of years. In Canada, it is our indigenous people who are a major repository of such traditional knowledge and practices.

These practices offer local or indigenous solutions, tested over many generations, to most of the natural resource issues under consideration by UNCED - on freshwater and on fisheries, on forests and on land resources, on biodiversity and even on biotechnology. These solutions are particularly relevant to the challenges of living in harsh or fragile eco-systems - such as primary forests, deserts and polar regions. Not surprisingly, indigenous people are often concentrated in such lands, which have been marginal to the development of industrial society. In the case of the Canadian Arctic, they constitute the majority of the local population.

Yet, in many cases, traditional knowledge and practices for the use of natural resources are being rapidly lost - through cultural breakdown and change within local communities, through

competition with more modern, capital intensive modes of production and through the degradation of communities' traditional resource base.

Under the changed economic circumstances, brought about by growth and development, traditional practices often become uneconomic or untenable and are voluntarily abandoned; in other cases, traditional practices become counter-productive or unsustainable, in the new context of more rapid population growth or a cash market for production in excess of the community's needs.

While these changes may seem desirable or inevitable, the loss of traditional knowledge and practices can also turn out to be a net loss to society of a cultural resource of great potential economic value. As well as looking to the future for solutions to the problems of sustainable development, we should look to the past - to traditional models of sustainable development - to see what lessons can be learned, transferred and applied by other rural populations in the struggle to escape from the poverty and the progressive degradation of their environment. A better understanding of traditional practices for natural resource management will also lead to better approaches to combatting poverty among indigenous people and local communities.

I could give a number of examples of the above points from experience of Canada's indigenous people. However, delegates will have the opportunity later today to hear a presentation on the experience of practising sustainable development from one of our major indigenous groups - the Inuit who live in the high Arctic of Canada, the USA and Greenland. I would encourage delegates to consider these remarks in the context of the statement by Ms Mary Simon of the Inuit Circumpolar Conference.

The Canadian delegation, along with our colleagues in the CANZ group - Australia and New Zealand, believe that this kind of input and participation in the UNCED process by accredited representatives of local communities and indigenous people can substantially enrich our debate, by presenting important alternative approaches to many of the environment and development issues on the agenda of this conference. It will also help to launch another important United Nations' initiative - the decision taken by the General Assembly last December to declare 1993 the International Year for Indigenous People.

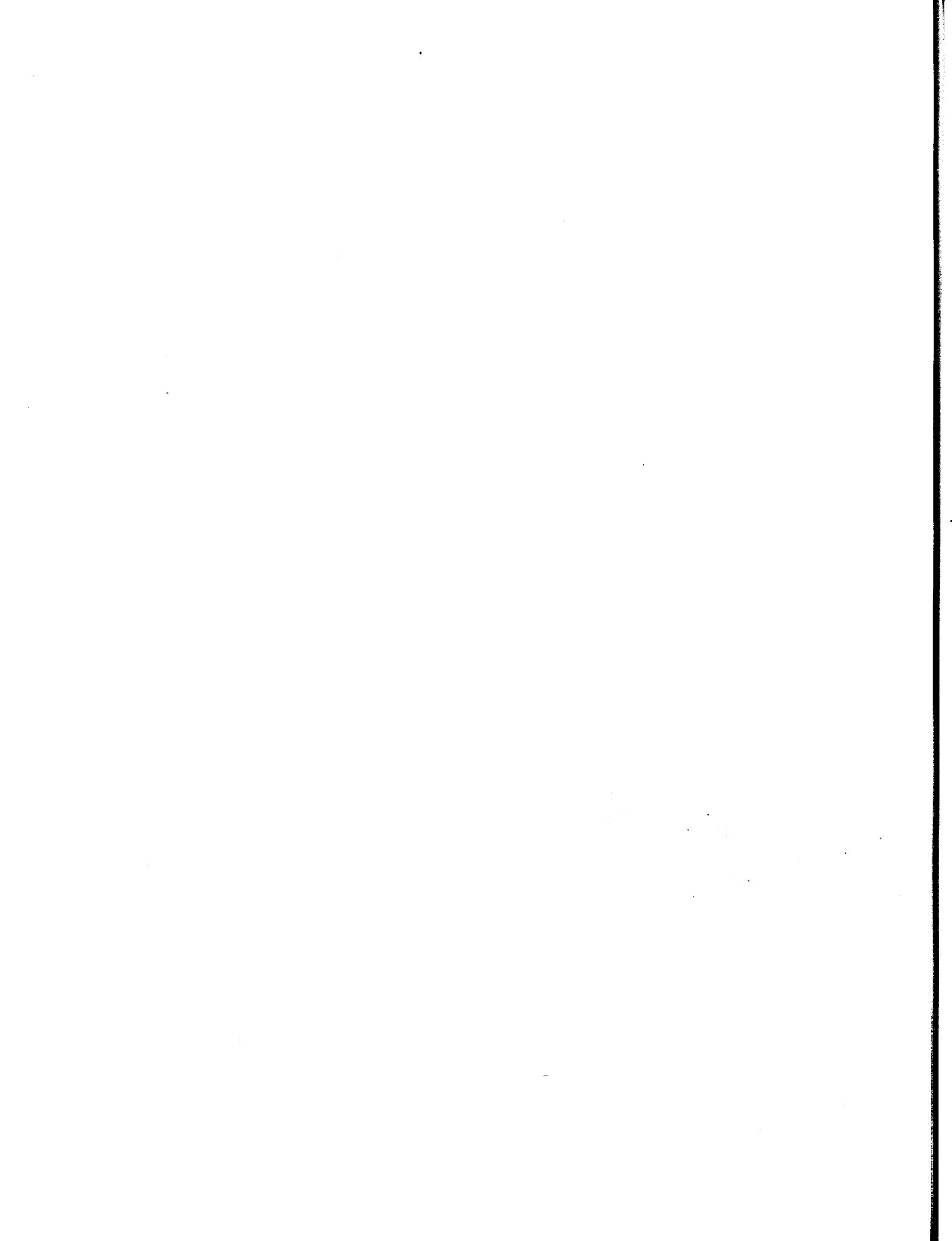
Accordingly, the CANZ delegations would like to propose that the Preparatory Committee request the Secretary-General to fully consider, in all of the reports to be prepared for the Preparatory Committee, the relevance to the issues on the UNCED agenda of traditional knowledge and practices of indigenous people and other local communities for the sustainable use of natural resources.

In order to reduce the extra demands on the Secretariat, while increasing the opportunities for participation of local communities and indigenous people, we would suggest that the Preparatory

Committee explicitly invite input to the UNCED Secretariat from groups in developed and developing countries representing these local communities and indigenous people - as well as requesting input from governments and international organizations.

The CANZ delegations will be pleased to provide some possible wording for a decision by the Plenary to this effect and we would welcome the opportunity of working with other interested delegations before the close of this Plenary session to formulate a decision which will meet with consensus.

Thank you, Mr Chairman.





General Assembly

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PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE ON
ENVIRONMENT AND DEVELOPMENT
Second session
Geneva, 18 March-5 April 1991
Agenda item 2 (c)

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE
ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF
GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING
INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY
RESOLUTIONS: CROSS-SECTORAL ISSUES

Australia, Canada and New Zealand: draft decision

Indigenous people and local communities

The Preparatory Committee recalling General Assembly resolution 45/164 of 18 December 1990 declaring 1993 to be the International Year of Indigenous People and the relevant provisions of the "Tlatelolco Platform on Environment and Development" adopted at Mexico City on 7 March 1991, 1/ and recognizing the important contribution that the participation of indigenous people and local communities can make to the United Nations Conference on Environment and Development:

(1) Requests the Secretary-General of the Conference in preparing reports for the future sessions of the Preparatory Committee to take into account:

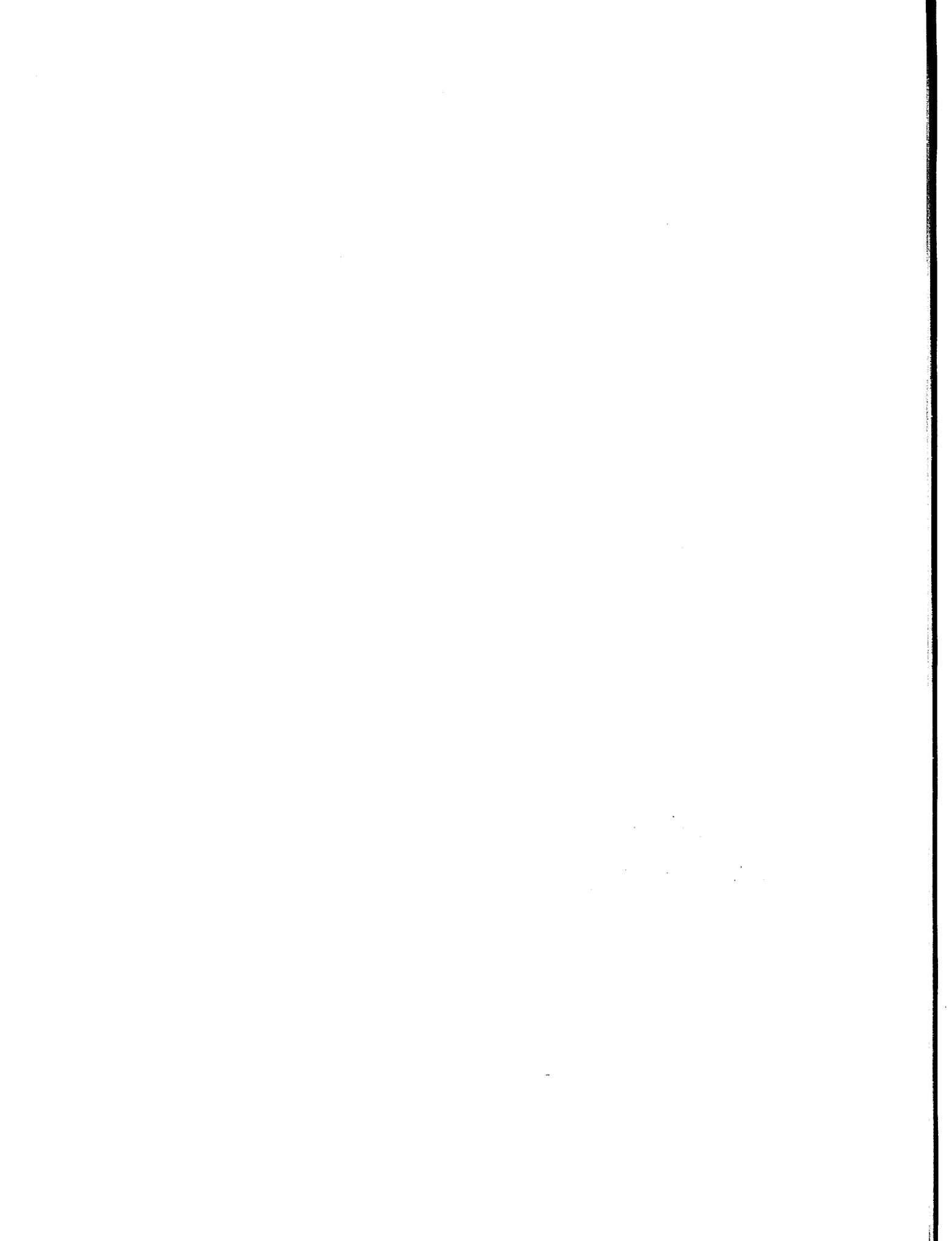
- traditional knowledge and practices of indigenous people and other local communities for the sustainable use, conservation, management and development of natural resources and their special relationship to the environment;

1/ A/CONF.151/PC/L.30.

- means of strengthening the viability and sustainability of those practices in the context of economic growth and development;
- and the relevance of those practices to the issues of environment and development under consideration by the Working Groups and the Plenary of the United Nations Conference on Environment and Development; and

(2) Invites Governments, international organizations and non-governmental organizations, in particular those representing indigenous people and local communities, to contribute information to the Secretariat on the above issues in order to assist it in preparing these reports.

Form 675 (6-65)
Product of **Plasdex** Process
MONTREAL 10600010



AGENDA 21

Documentation:

A/CONF.151/PC/14 Report of the Secretary-General

A/CONF.151/PC/14.Add.1 Address by the Secretary-General to the Second PrepCom

A/CONF.151/PC/L.34 Decision by the PrepCom on "Report of the Secretary-General of the Conference"

CANADIAN OBJECTIVES:

Since this was not an agenda item, we did not identify any objectives in advance of the PrepCom on Agenda 21. We did however deliver a statement which outlined our concerns about the formulation of Agenda 21, as follows:

- we see Agenda 21 in a much broader context than M. Strong and in a context which integrates all of the various Agenda 21s now under preparation.
- we should use the Bergen process and the lessons learned to create a composite Agenda 21;
- Agenda 21 must be acknowledged as an opportunity for each sector of society to undertake a holistic introspection of itself, its goals, its aspirations and most importantly its responsibilities and an opportunity to spell out the remedial measures it will pursue.
- constituent or sectoral Agenda 21s must be allowed flexibility. The Agendas should evolve voluntarily based on the utmost level of dialogue and consensus;
- Agenda 21 and all of its component parts must be totally transparent;
- we should begin now to discuss the new institutional mechanism which would, in our view, build upon the existing centres of expertise and global infrastructure; and finally,
- the new mechanism must have a greater mandate than information management. It must have both monitoring and reporting responsibilities, linked in a way that assures accountability for implementation. Also, the mechanism must have some status under international law;

PREPCOM DISCUSSION:

On March 27, 1991 the Deputy Secretary General of UNCED, Nitin Desai, provided a public briefing on Agenda 21. According to Desai, the Secretariat sees Agenda 21 as a tool for managing or coordinating the very large number of initiatives emerging in relation to UNCED. It is a bottom up rather than a top down exercise. Desai feels that Agenda 21 will not be completed for all sectors or groups by 1992 and therefore must be "portable". He sees Agenda 21 as being one of the major outputs of the UNCED process and it will initially take the form of a Secretariat document approved by Heads of Governments for action by governments, UN agencies and other groups. Questions arose as to the kind of institutional arrangements Agenda 21 might require. The response was that we must first settle the questions of form before we began to think about function. From other questions it was clear that many delegations did not agree with the Secretariat's vision of Agenda 21.

In a subsequent meeting with Janos Pasztor of the UNCED Secretariat, we learned that the Secretariat considers Agenda 21 to be the sum total of all of the disparate activities either under way or related to the UNCED process. They see the Earth Charter as the generic "chapeau" for the global agenda 21. Their sense is that there will be a great number of Sectoral Agenda 21s. Furthermore, Agenda 21 is not an entity unto itself nor a precise plan for action with specific time-related deliverables, that are accountable under international law.

From the perspective of the Secretariat, as espoused by Pasztor, the future role of a designated UN body vis-a-vis Agenda 21 will be one of information management. Janos feels that a need exists to identify all of the relevant Sectors and to evaluate their existing "capacities". Janos feels that "Sectors" need to be defined as areas or delineations of society for which policy must be applied or developed and "capacity" relates to the current level of competence and capability. He felt there was a need to expand markedly the concept of UNEP collaborating Centres. Under this scheme such centres would be identified and a UN coordination bureau would be co-located at each of these to build upon the in-situ expertise. This in his view, would alleviate the need for a new institution and be the most cost effective approach for monitoring progress on Agenda 21.

On April 2, 1991, Maurice Strong gave a general overview to the Plenary on what were his views on the outputs expected from UNCED. A major portion of his presentation was taken up with a discussion of Agenda 21 (see A/CONF.151/PC.14.Add.1). A number of delegations, including Canada, responded to his speech with statements on Agenda 21. The following is summary of their remarks.

NORWAY:

Agenda 21 will be the results of two years of UNCED PrepComs. All sectors will look to Agenda 21 for concrete results. We must set firm priorities in Agenda 21. Priority should be given to the creation of the action agenda. The Action Agenda should set out substantive measures and strategies for dealing with: the economics of sustainability; sustainable energy use; sustainable industry; and, awareness raising and public participation. There should not be an over emphasis on "tools". The existing agencies in the UN must play a key role in the implementation of Agenda 21. The responsibilities for review and monitoring can not be kept portable for too long. There will be a need in short order to find these functions a permanent home.

SWEDEN:

The Swedes noted that regarding the management structure for Agenda 21, on the one hand we need the overall, horizontal approach regarding the linkages between the different issues. On the other hand, management theory and practical experience show that we need to decentralize, that decision-making has to be spread in flat, non-hierarchical structures. There needs to be firm agreed guidelines and principles but action must be decentralized. They see Agenda 21 unfolding as follows:

- 1) A broad policy chapeau based on the Earth Charter.
- 2) Detailed agenda spelling out precise objectives and concrete measures to be taken by governments (including timetables and costs);
- 3) Similar agenda for international agencies (including target dates for concluding negotiations);

The Swedes would like to see stronger monitoring and follow-up actions using the model of GATT. They stressed the importance of NGO et al partnerships in making the new order a reality.

INDIA:

The relationship between environment and development is double sided. The time has come to integrate development decisions into all environmental initiatives rather than a continuance of the other way around.

JAPAN:

Agenda 21 must be comprehensive, coherent in handling issues, and have the widest support from all sectors. Agenda 21 should be implemented by National Governments and UN agencies. We must avoid creating any new agencies.

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MALAYSIA:

Stockholm 72 should be used as the reference plain for Agenda 21. Action program must be equitable and capable of implementation given the reality of developing countries. Obligations must be accompanied by financial assistance and technology transfer.

NEW ZEALAND:

Agenda 21 must be kept simple and straight forward. New mechanisms are needed but form must follow function. Some key issues require a better focusing notably indigenous peoples and women.

In the Canadian delegations subsequent meeting with Maurice Strong on April 3, Strong stated that the Agenda 21 he will be looking for "at the highest level endorsement at Brazil 92, will be what we have managed to agree to in WGs I, II, III and Plenary. He seemed to down play or disregard the idea or importance of NGO agenda 21s. PC/14 and discussions at this Prepcom were designed to provide the Agenda 21. At the next Prepcom we will start to fill in the substance, based on the Secretariat documents.

OUTCOMES:

The only decision taken by the PrepCom on Agenda 21 simply noted with appreciation the Secretary-General's proposals for Agenda 21 and requested him to continue to develop them for discussion at the Third PrepCom.

ASSESSMENT:

Between now and the Third Prepcom, Canada should decide whether we wish to do anything at all in a domestic context regarding Agenda 21. One possibility would be to attempt to develop a mosaic of what could be the constituent parts of a Canadian or National Agenda 21. It is possible that each of the Provinces (with input from the round tables) would wish to cooperate in the exercise of determining the appropriate composition and deliverables for constituent parts of such an Agenda.

If we decided to pursue the development of a "National Agenda 21, we could prepare a paper outlining what we are doing and offering it as a model for the international Agenda 21. This could make a substantial contribution to an initiative which is in danger of becoming merely "Inventory 21", and losing its potential for gaining any substantial political energy from leaders' involvement in Rio in June 1992.

Second UNCED PrepCom
Plenary
Geneva

April 2, 1991

CANADIAN STATEMENT ON AGENDA 21

STATEMENT BY ARTHUR CAMPEAU
ALTERNATE HEAD OF DELEGATION

Mr. Chairman, we have listened with great interest to the description of the Secretariat views on Agenda 21 as described first by Mr. Nitin Desai and now by the Secretary General. We have also read very carefully the Secretary General's Report on this subject (PC/14 - Annex).

Mr. Chairman, we would like to express our appreciation and, in general, our agreement with the Secretariat's views. However, since you have asked for guidance on the structure of Agenda 21, I would like to start by sharing with you some of my delegation's observations and concerns.

Mr. Chairman, what appears to lie before us is the challenge to create a framework for what we in Canada refer to as "matrix management". Not only are we faced with the challenge of designing such a complex management framework which meets the criteria of feasibility, understandability and cost-effective implementability but also the concurrent and perhaps more difficult challenge of commonality of vision and desire from all sectors of society.

We feel that global environmental and development problems are now so complex and inter-related that governments alone can not adequately define with sufficient specificity the problems let alone the solutions. In short, all sectors of society must play an important role in defining both the problems and their solutions. We, like the Brundtland Commission, believe that management systems that secure effective citizen participation in both problem definition and decision making offer our best collective opportunity for creating the required linkage between environment and sustainable development.

We have before us a unique opportunity to not only harness an unprecedented level of political good will, but to channel this good will to energize the engines of change for the betterment of mankind. The shortness of time available to achieve such a goal dictates that we must build on where we are now and take full advantage of the lessons we have already learned.

We therefore believe we must look to the Bergen process as a frame of reference as we formally begin to create our UNCED Agenda 21. We believe strongly that the Bergen process can serve as a very positive role model providing we take a full accounting of the lessons learned.

If we choose to proceed to develop Agenda 21 using the Bergen process as a model, we feel that, like a flourishing citrus fruit orchard, we can reap the richness and synergism which can accrue from cross fertilization. Furthermore, we can build on the international movement towards sincere global partnerships ... partnerships predicated on the concept and realization of mutual need and characterised by open dialogue and trust.

We believe we must leave each sector flexibility to design its own Agenda 21 but the UNCED process must provide general guidelines on the way it is to be structured and the components and accountabilities expected to be addressed.

We must be prepared to accept the fact that we will make mistakes in our initial agenda setting and that "course corrections" will be required and indeed anticipated.

We must give each sector a clear time frame and methodology for creating and articulating its Agenda 21, a framework for adjusting its Agenda in the light of others and a clear sense of responsibility and accountability for the expected products and achievements.

We must give each sector assurances that its sector will have the opportunity to offer up and perhaps have acknowledged and endorsed at the highest possible political level in Brazil, their Agenda 21 and without a fear of losing global recognition through the inadvertent scheduling of simultaneous Sectoral Conferences or other events.

We must recognize that some sector's agenda 21 may not be viewed as good enough while the aspirations and desires of other sectors may not necessarily enjoy the consensus necessary to be transformed at this point in time into binding international commitments. Nonetheless, the establishment of goals and objectives implied therein will be a necessary precursor to future progress. There is room in the process to accommodate all of these situations that will most surely arise. The most important aspect is to maintain the spirit of understanding and recognize in advance the need for compromise.

We must recognize that in defining broad goals, objectives, targets and planned accomplishments, we must not bite off more than we are capable of chewing. The chewing process will indeed continue long after June 1992.

We must realize that in defining sectoral plans for action we must remain cognizant of what is happening in other international

fora and colloquiums, especially in relation to issues such as the Convention negotiations so as not to interfere with, or otherwise impede, their timely development.

The relationship between environment and development in many sectors is not capable of precise definition at this point in time and the Agenda 21 process must therefore be viewed in an evolutionary and dynamic context.

Mr. Chairman, if I can focus for a moment on document PC/14 there remains many questions in the minds of my delegation still to be answered. Some of the key ones that I would like to note are as follows:

- 1) The Secretariat has referred to Agenda 21 as a "prioritized Agenda". Of particular concern to my delegation is how are we going to set these priorities both now and after June 1992? How will the priority setting mechanisms established within the context of UNCED relate to the priority setting mechanisms of other UN sanctioned fora or Agencies? What mechanisms will we be able to use to resolve difference of views? We believe that the Secretariat needs to look into these questions and offer some views for consideration at Prepcom III.
- 2) There is an obvious need to involve all of the major sectors in defining both their roles and their responsibilities? But what can or should we do if a sector decides to ignore the challenge or to adopt an unsatisfactory response to Agenda 21?
- 3) There has been a suggestion that within Agenda 21, the UNCED process could develop and implement on a voluntary basis, parallel provisions to those being considered within the various Convention negotiating fora. This approach is of concern to my delegation because it could complicate and confuse unnecessarily, the program and the progress of these difficult negotiations. My delegation would prefer that UNCED's work on Agenda 21 serve to implement the decisions reached by the independent negotiating bodies. The role for UNCED might logically be to identify and provide guidance on the implications of, for example, development issues, and perhaps guidance on implementing the required cross linkages.
- 4) The process for developing the plan of action for Agenda 21 (as set out in PC/14) seems to be to take the current plan "one step further by our discussion this week" and come up with a clear plan for further consideration and perhaps adoption at Prepcom III. We, Mr. Chairman do not as yet have a clear vision of just what is this plan. We would prefer to have some further description by the Secretariat of the master plan because we are unable as yet to see how we will be able to make the quantum leap that appears to be

necessary in order to be ready with a suitable and clearly enunciated master plan for Agenda 21 by Prepcom III.

- 5) The Agenda 21 plan, as it is seems to be evolving, appears to require a commitment by States and other sectors to provide information and the means of verifying the validity of this information. How will we carry out such a verification exercise? What concerns my delegation is what procedures will we be able to cost-effectively put into place to ensure that this data is of adequate quality to be used by other sectors etc? This again is an area that requires some investigation by the Secretariat prior to Prepcom III.
- 6) There appears to be a need to develop a mechanism to assess the effectiveness of the tools and procedures we will employ to monitor trends in the Environment and Development nexus. This need may be much greater than the approach set out in the programmatic approaches of the Action or Basis of Action Agenda Clusters outlined in PC/14. Canada feels some augmentation of the proposed framework is required in this regard.
- 7) Given the level of complexity, it may be worth considering ways and means whereby, the Agenda 21 framework could be implemented at the National or Regional levels with a reporting relationship under the umbrella of the global plan.
- 8) The concept of leverage points in the exercise of defining priorities, (as described in PC/14, page 21, para 37) requires further elaboration as to how such leverage points would be selected and how precisely they might be used.

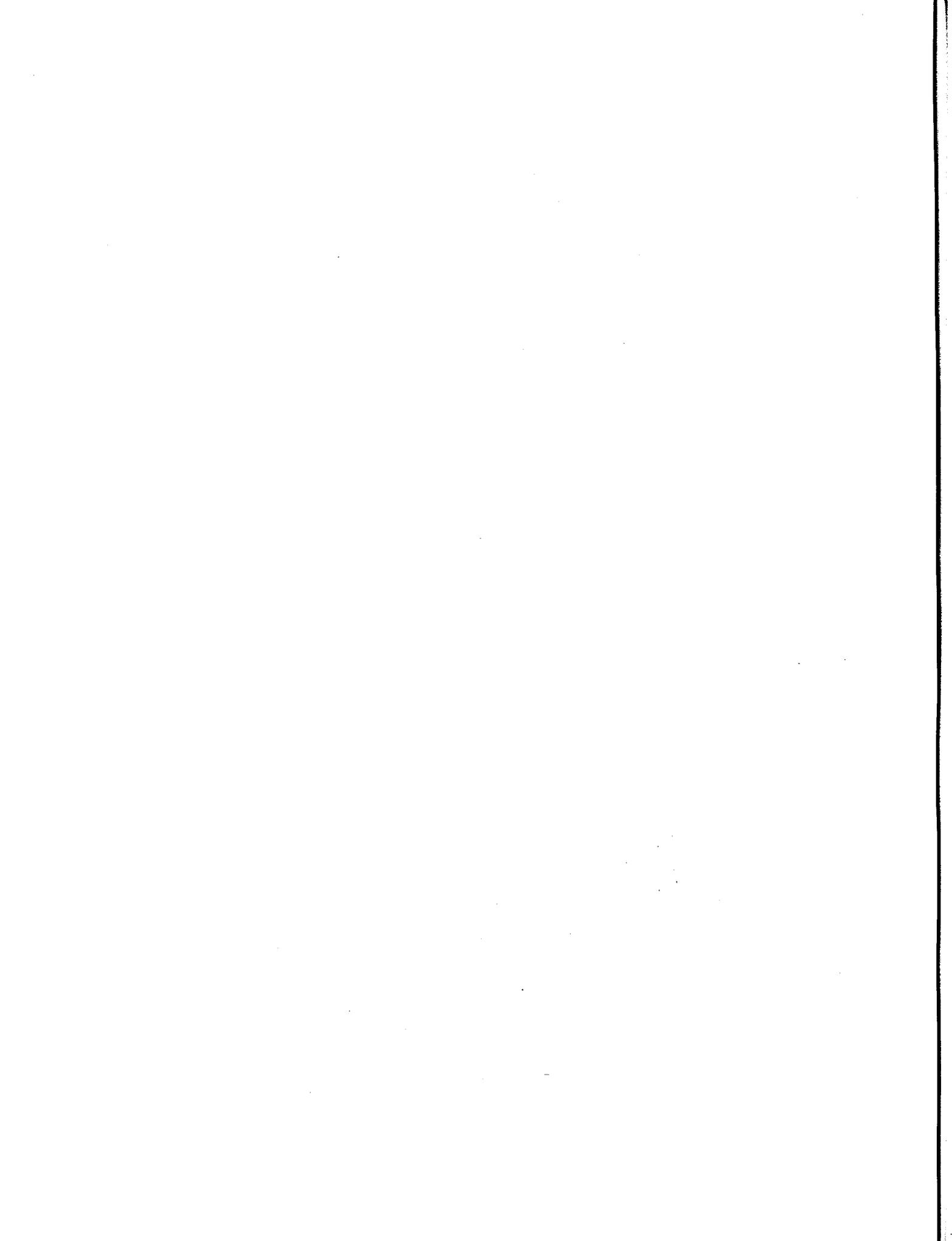
Mr. Chairman, we apologize for asking more questions than we provide answers. However, we recognize that the global ship of State moves slowly and what we are doing collectively is charting a new course. It is absolutely imperative that we get the course right. We must therefore continue to remind ourselves that with respect to the rate of change that Agenda 21 implies, our expectations for what we can hope to achieve in the next fourteen months must be tempered by reality. Let us make sure we set realistic goals both for ourselves and the Secretariat.

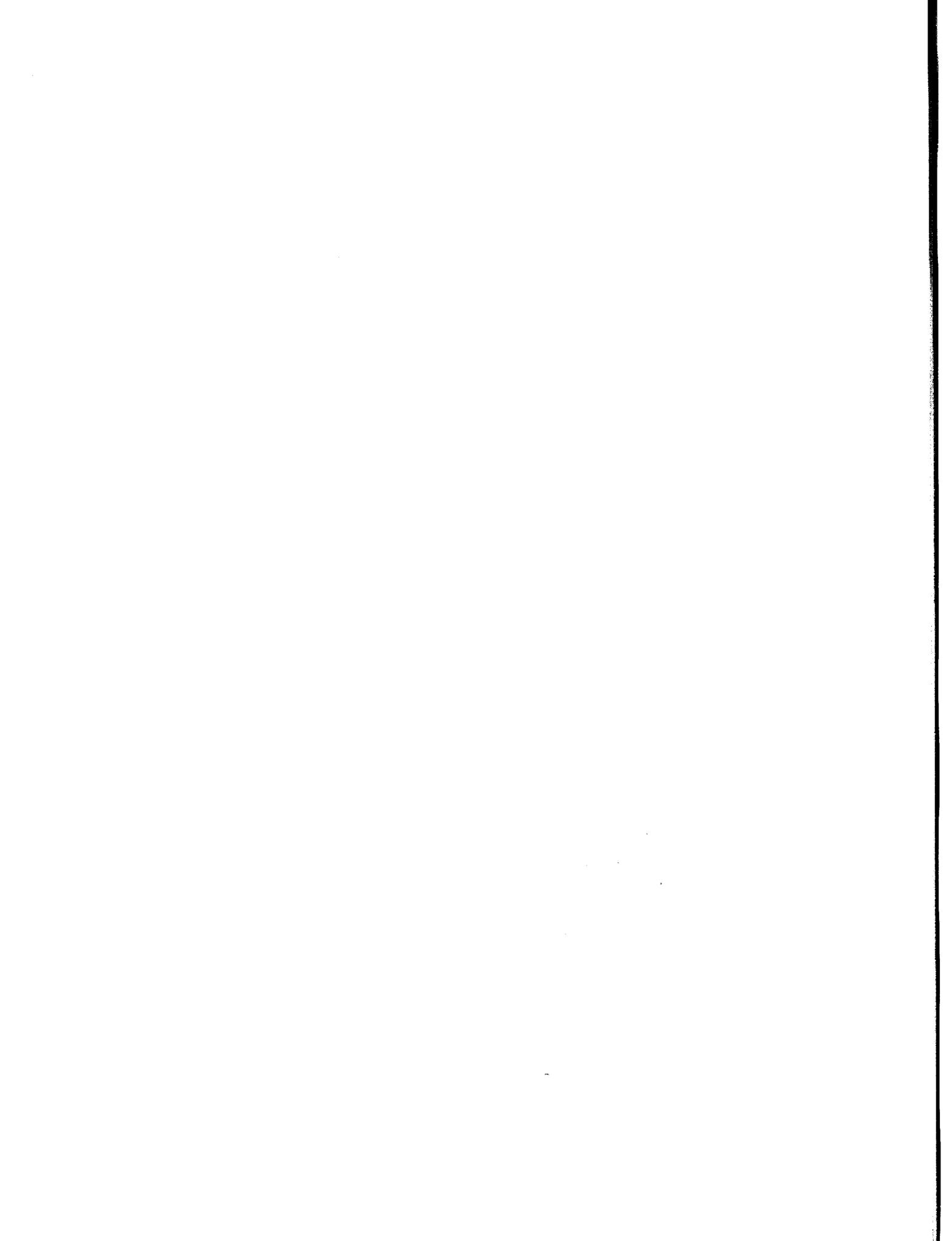
Agenda 21 has the potential, in our view, to be far more than a bureaucratic exercise in information management, although this is obviously an important component. Agenda 21 must be acknowledged to be an opportunity for each sector of society to undertake a holistic introspection of itself, its goals, its aspirations and most importantly its responsibilities and an opportunity for spelling out the remediation measures it will pursue. If we can agree to do this we will clearly be on the road to creating a secure world for future generations.

Mr. Chairman, I hope these observations will assist the Secretariat in delineating our collective will regarding Agenda 21.

What we must realize from the outset and what we can take safe haven from the adversity posed by the level of complexity is that what we are agreeing to do via Agenda 21 is not only to expand the frontiers of international participatory democracy but to preserve and hopefully even enhance, the common environmental heritage of mankind. This is most certainly worth the effort.

Thank you Mr. Chairman





STATEMENT TO THE SECOND SESSION OF THE PREPARATORY COMMITTEE
FOR THE UNITED NATIONS CONFERENCE
ON ENVIRONMENT DEVELOPMENT

BY

MAURICE F. STRONG
SECRETARY-GENERAL

TUESDAY 2 APRIL 1991

Mr. Chairman, distinguished delegates:

I am pleased to have this opportunity of addressing you as you begin this important plenary session. The programme of work before you is a highly demanding one and its results will determine the content and direction of the preparatory process as it moves into the critical phase of defining the recommendations for action you will be making to the Conference itself. For this meeting marks the transition from analysis to action.

And I am sure you are encouraged as I am at the good progress made by Working Groups I and II during the past two weeks in identifying potential areas for action and, within these, the particular actions which now need to be further developed as well as the cross-sectoral dimensions of these issues. I am pleased that the agreement reached early in this session on the terms of reference of Working Group III has enabled this Working Group to be established and to begin its very important work today. Also gratifying is the agreement reached on the basis for the participation in the Preparatory Committee by non-governmental organizations which now enables them to make their critically important contribution to the work of this Committee and its Working Groups.

All of this has provided an auspicious and promising basis for the important issues that you will now be addressing. The documentation for this session includes papers on virtually every agenda item and my own report (Document A/CONF.151/PC/14) presents an overview of this documentation. This can be supplemented as required by further information which I and my colleagues are prepared to provide in respect of each item as it arises. There is, therefore, no need for me to duplicate this in these remarks. I would like to utilize this occasion to present to you a brief perspective on how I see, at this important juncture in the preparatory process, the prospects for the Conference itself and the results it might be expected to produce.

The decision by the forty-fifth session of the General Assembly that States be represented at the Conference by their head of State or Government will have a profoundly important effect on the nature and conduct of the Conference itself, and on expectations as to its results. Tepid and watered down resolutions

which amount to little more than statements of good intentions will not be enough. World leaders will come to Rio expecting to make clear and concrete decisions and this is what will be expected of them. And it will require even more thorough and intensive preparations on the part of this Committee to ensure these results and provide the best possible basis for the decisions to be taken at the summit level in the Conference itself.

This, it seems to me, has important implications for future meetings of the Preparatory Committee. I would think that ministers of Governments will want to be deeply involved in preparing the decisions that their heads of Government or State will be called upon to take in Rio de Janeiro. This suggests that you may wish to provide at the fourth session of the Preparatory Committee for participation at the ministerial level. Also, the schedule of future meetings for the Preparatory Committee provides for a final meeting to be held in New York in January or February 1991. The basic work of this Committee must be, and I am confident can be, completed by that time. But given the nature and importance of the decisions to be taken by the Conference, it may be too much to expect that agreement, particularly on such key cross-sectoral issues as financial resources, technology transfer and institutions, will have reached a point by then, more than three months before the Conference, to provide a sufficient basis for the decisions to be taken by heads of Government at the Conference.

The decision to hold the Conference at the summit level will also affect the arrangements and programme of work at the Conference. Questions have already been raised with me by representatives of some Governments as to what particular arrangements are to be made for participation of their heads of State or Government and when they are expected to come. My own preliminary thinking on this is that it would be best to provide for participation by each head of State or Government at the time of their choosing throughout the period of the Conference to allow maximum flexibility for them and enable them, should they choose, to make the principal plenary statement to the Conference on behalf of their Government. Of particular importance, however, will be the need to provide one special occasion at which all heads of state and/or governments present would participate in a ceremony which would affirm in an appropriate manner their commitment to a secure and sustainable future for our planet. This might include signing of the Earth Charter and/or Conventions.

At the Secretariat level, we are very much seized of these issues and will be examining them closely in co-operation with our Brazilian hosts in the period ahead. We expect to have some further information and recommendations for your consideration at the next session of the Preparatory Committee in August.

In the meantime, as you know from the special presentation made by the Brazilian delegation to the Preparatory Committee on 19 March, the Brazilian Government, with the full co-operation of

the City and State Governments of Rio de Janeiro, is progressing extremely well with arrangements to ensure that host facilities and services will be available in Rio that will fully meet the high standards and requirements for a Conference of this size and importance. They are arranging a welcome for delegates and participants that is in keeping with the well-known traditions of Brazilian hospitality and vitality.

Rio de Janeiro will certainly provide an auspicious setting for the Conference. But its success will depend on the decisions it takes and these in turn will depend on the results of the preparatory process and the state of political will which these decisions will reflect.

I am increasingly asked "What do you really expect as the results of the 1992 Conference? What are the criteria for its success?". It is a good question, one which has been implicit to the preparatory process since its inception and must now become more explicit.

At the First Substantive Session of this Committee in Nairobi, it agreed that our work programme for the Conference could be oriented around six basic agenda themes and these have guided our work since then. I believe they also provide a good basis for crystallizing expectations as to the results that can be expected from the Conference. Let me, then, suggest what the possible results might be in each of these agenda areas:

1. A statement of environment and development principles to govern the conduct of nations and people toward each other and the Earth, to be embodied in an Earth Charter or similar declaration or instrument. This I would regard as a fundamental output of the Conference which I would hope could be negotiated and agreed prior to the Conference and signed at it. Accordingly, it is important that work on it commence at this session.

2. Agenda 21 constituting an agreed programme of work by the international community addressing major environment and development priorities for the initial period 1993-2000 and leading into the 21st century. It will incorporate objectives and targets, principal institutional responsibilities and costs. This "Agenda 21" will go beyond the usual "action plans" which UN conferences have approved in the past as it will provide a framework in which the integration of environment and development, the cross-sectoral dimensions and the linkages amongst issues can be presented. Such a framework is essential if the Conference is to respond to the requirements of General Assembly resolution 44/228 and the decisions of the Preparatory Committee requiring the integration of environment and development, the cross-sectoral issues and linkages in respect of each subject area. Of course, not all the individual action proposals incorporated in Agenda 21 will be at the same level of comprehensiveness or completeness and will include provision for additional monitoring, research, analysis and assessment.

Thus, Agenda 21 should be seen as a means of presenting the specific action proposals that will be recommended to the Conference by the Preparatory Committee. It could also provide a framework for monitoring and review of the action process that must continue following the Conference to ensure implementation of its recommendations. Agenda 21 should not be seen as a substitute for or duplication of other UN programmes, plans and strategies but rather will enable the action recommendations emanating from the 1992 Conference to be related to and integrated with them. It will provide the kind of information that will be useful to governments, and to the various other agencies and actors involved, in taking the decisions required to carry out the actions agreed at the Conference. It thus requires the creation of no new institutional mechanism within the UN system but could prove to be a valuable means of strengthening and improving existing processes of coordination and cooperation.

3. But agreement on the action proposals and framework for action provided by Agenda 21 will not be sufficient in itself. It must be accompanied by agreement on the means to ensure its implementation. Of special importance will be agreement on the provision of the financial resources required for the implementation of Agenda 21 and in particular for the new and additional resources which developing countries will require to enable them to join fully in its implementation and to incorporate the environmental dimension into their own development policies and practices. Acceptance of this principle was inherent in General Assembly resolution 44/228. Agreement on how to give effect to it will be critical to the success of the Conference.

Given the budgetary stringency faced by virtually all Member States today, it will clearly not be easy to obtain commitments of these resources. The case will have to be made strongly and persuasively. Making this case and agreeing on specific measures for provision of new and additional resources on a basis that is generally acceptable is the primary challenge facing this Committee and will be the main test of the success of the Conference. Accordingly, substantive discussion of this issue must now begin.

4. Closely related to this is the issue of technology. On this, I would expect the Conference to agree on a programme of measures which would facilitate universal access particularly by developing countries, to the environmentally-sound technologies required to make the transition to environmentally-sustainable development. This would include support for the further development of the scientific, technological, professional and related institutional capacities developing countries will require to enable them to choose and to use such technologies in accordance with their own development needs and priorities. We are inviting the regional development banks and other principal regional institutions to join in developing proposals for establishment in each region of a sustainable development and technology support system. This would

be designed primarily to increased and strengthen the capacities of existing institutions to support national efforts for sustainable development and could be based on the UNDP initiative to create a Sustainable Development Network.

5. On the question of institutions, I see no movement at present towards establishment of a single major new institution. Rather, I would expect the Conference to agree on a series of measures designed to strengthen, reinforce and supplement existing institutions and institutional processes. This would include, in particular, the strengthening of UNEP; the strengthening of the environmental capacities, and accountability, of the other agencies, organizations and programmes of the UN system and the processes of co-ordination and collaboration amongst them and between them and other intergovernmental and non-governmental organizations at the global, regional and national levels.

Proposals have also been advanced calling for provision at the highest policy levels of the UN of mechanisms for consideration of environmental matters, particularly in their relation to other important security, economic, commons and humanitarian areas with which they interact.

Consideration of these institutional issues will, of course, take place in the context of the ongoing dialogue on reform and restructuring of the United Nations system which is the subject of the special session of the General Assembly that begins in New York shortly. Because of the pervasive nature and importance of the environment and development issues being addressed at the 1992 Earth Summit, its recommendations on institutional issues will be expected to make an especially significant and timely contribution to this process.

The Conference may also be expected to make recommendations for institutional strengthening at the national level to facilitate national response to and implementation of its recommendations for substantive action.

6. In a special category are the conventions on climate change and biodiversity on which negotiations have commenced aimed at producing agreement on instruments that can be signed at the Conference. This represents a formidable challenge in the fourteen months that remain before the Earth Summit. But the June 1992 target date also provides a basis for giving to these negotiating processes a special impetus and priority so that the level of agreement reached before the Conference will be such as to ensure that the instruments to be signed at the Conference will be meaningful and substantive. And the measures provided for in these conventions should be accompanied by complementary measures as part of Agenda 21.

In the field of forestry, the Conference will be expected to agree on a series of measures designed to arrest deforestation and promote afforestation. One of the important matters to be decided

at this Preparatory Committee session is the form and manner in which these measures should be developed.

I realize that in raising these matters at this time there is a risk of diverting your attention from the important issues you must address at this session, particularly given the limited time you have for doing so. I hope it will not have this effect but rather that these thoughts concerning expectations and possible results of the Conference will provide a background for your discussion of the specific issues that are now before you and a basis for reflection and preparation for the more explicit consideration that must be given of these issues at the third and fourth sessions of this Committee.

The preparatory process in which you are engaged is a complex and demanding one. This is also true of the work of the Secretariat which supports you. Our work, as reflected in the documents prepared for this meeting, is the product of a co-operative effort on the part of all of the agencies, organizations and programmes of the UN system which are contributing to our common efforts designed to ensure that this Committee and its Working Groups have access to the best possible range of knowledge and analyses in taking the decisions on which you will base your recommendations to the Conference. As you know, there are a number of processes underway at both the expert and inter-governmental levels which are expected to make substantial contributions to the preparatory process. In addition to the negotiations on climate and biodiversity, these include, among others, the Commission on Health and Environment, the FAO Netherlands Conference on Sustainable Agriculture and the Dublin Conference on Water and the Environment.

I want to pay a special tribute to UNEP and to our other UN-system collaborators for entering fully into partnership with us in making this preparatory process the finest and most effective example I know of co-ordination and co-operation within the UN family. And I want to extend this tribute to the other intergovernmental and non-governmental organizations and regional organizations, for joining this co-operative process and making such important contributions to it.

This co-operative process operates primarily through the Working Parties established by the Secretariat for each major subject area as well as through the regional preparatory conferences. These began with the innovative meeting for the ECE region held in Bergen, Norway in May 1990, the report of which you considered in Nairobi. The important conference of the South Asia and Pacific region held at the ministerial level in Bangkok last October and the subsequent meeting at the official level in February and, most recently, the regional preparatory conference for Latin America and the Caribbean held in Mexico City last month have produced regional action programmes as well as perspectives and recommendations which will make an extremely valuable contribution to the preparatory process. These reports are now

available. Similarly important contributions are expected from the regional conferences to be held for Africa in June which was preceded by a preparatory meeting in Bamako in January 1991 and for Western Asia in Cairo in September 1991.

As you know, we attach particular importance to the preparations at the national level and to the national reports which will provide such especially valuable inputs to the preparatory process. We recognize that the July 31st target date we have proposed for receipt of national reports is not an easy one for all governments to meet. But if the information presented in them is to be fully assimilated and taken into account in our preparatory work, we need to receive them as close as possible to the target date. On the basis of our latest information, preparation of national reports is underway in at least 125 countries. I want to extend our special gratitude to the UNDP and its resident representatives, who are also our representatives, for their key role in facilitating the provision of support to developing countries in preparation of their national reports and to the other donors and organizations which have provided funding and/or technical assistance for this purpose.

I want, too, to call your attention to the wide variety of extremely valuable contributions being made to our preparatory work by non-UN inter-governmental organizations and non-governmental organizations. They have been generous and fulsome in giving us the benefit of their specialized experience, knowledge and insights in the areas of our work with which they are particularly concerned. And, I am sure that you will be deeply impressed, too, at the growing number of initiatives being taken by the non-governmental community at every level ranging from the grass-roots to national, regional and global. I am pleased that so many are represented here. Representation from the developing world, however, is not sufficient and we intend to make every possible effort to find the support necessary to ensure more balanced participation by developing countries in future sessions.

I want also to commend the progress made by the non-governmental organizations in cooperating to facilitate their contributions to the preparatory process and the Conference, particularly through the establishment, with special assistance from the Centre for Our Common Future, of the International Facilitating Committee. This umbrella organization includes such important coalitions as CONGO and the Environment Liaison Centre International. I am greatly encouraged, too, at the way in which the Brazilian non-governmental community has come together to facilitate their important role as NGO hosts in Rio. Amongst the many special events planned by the NGO community before the Earth Summit, of special importance is the Conference to be held in Paris in December of this year made possible through the generosity of the French government.

Some other important constituencies are also organizing themselves to make their input to the Conference and preparations

for it. An important example is the business community which has established the Business Council for Sustainable Development and is also addressing these issues through the WICEM II, the Second World Industrial Conference on Environmental Management being organized by the International Chamber of Commerce in Amsterdam next week and the special Eco-Industry initiative of the World Economic Forum. Through the International Council of Scientific Unions, the scientific community is developing an agenda for science. Similarly important events are being planned by other key constituencies including indigenous people, women, youth, children, education, the arts and culture. All of these initiatives and activities make it clear that the Summit in Rio will be firmly rooted in the "peoples" base on which it depends, and to which it will be accountable.

We continue to make special efforts to ensure full participation of developing countries in all aspects of preparations for the Conference. In addition to the Voluntary Fund established to support participation by developing countries in meetings of the Preparatory Committee and its working groups we have been mobilizing funds to enable developing country experts and institutions to contribute fully to our substantive work at the Secretariat level, including our Working Parties, and to facilitate participation of developing country NGOs in the preparatory process. I want especially to thank those countries and other donors that have contributed to the Voluntary Fund and the Trust Fund for these purposes. Particulars of this will be provided to you through a Conference room paper. I also want to thank those who have provided such support through other channels and to make a plea to those governments that have indicated an interest in providing support but have not yet done so, to make their contributions as expeditiously as possible, as it is urgently needed. And, I would like to recognize the particularly important role of Ecofund '92, the non-profit fund set up specifically to support preparations for the Conference, in mobilizing funds to support our work, and to extend our deep appreciation to those who have contributed to it.

I am very grateful indeed for the generous comments that have been made about the documents we have prepared for this meeting. This is a special tribute to the efforts of the very fine Secretariat team we have assembled and the excellent cooperation we have received from our UN colleagues and other working partners. We also appreciate the inadequacies and gaps which continue to exist in our work and are reflected in these documents, and can assure you that we will take fully into account in our continuing work the points made, concerns expressed and guidance provided to us in this respect during the deliberations of Working Groups I and II. We are particularly conscious of the need to do more work than we have yet been able to do on such key issues as food security, human settlements and environmental emergencies as well as to incorporate more fully in our work the particular concerns and perspectives of women and such other special constituencies as indigenous people.

The single most important injunction we have received from this Committee is the need to place stronger emphasis on the development dimension and to ensure the full integration of environment and development in every aspect of our work. We welcome this and trust you will see in our documents for this session the evidence of our response. Indeed, at the Secretariat level, we believe that the primary emphasis of the Conference must be on development. This is not in any way to downgrade the importance of the environmental dimension, but rather to recognize that it is through the development process that environmental issues must primarily be addressed. Failures and inadequacies in the development process have produced the environmental degradation which threatens the future of the environment as well as the sustainability of the development process itself. And it is only through full integration of the environmental dimension into the management of development that we can make the transition to sustainable development which is the key to our future in both environmental and development terms. This is no less true for industrialized than for developing countries. This is after all one Earth!

I am convinced that the 1992 Conference must provide the basis for a significant shift in the direction and dynamics of our economic life - changes in economic behaviour at the level of nations, industry and individuals and changes in international economic relations, particularly as between industrialized and developing countries. Thus, the specific measures the Conference will be called upon to adopt must provide the basis for substantial changes in the factors that motivate economic behaviour - in economic and fiscal policy and the system of subsidies, incentives and penalties to which individual and corporate behaviour respond, as well as the sectoral policies and practices in such major areas as energy, transport, agriculture and forestry.

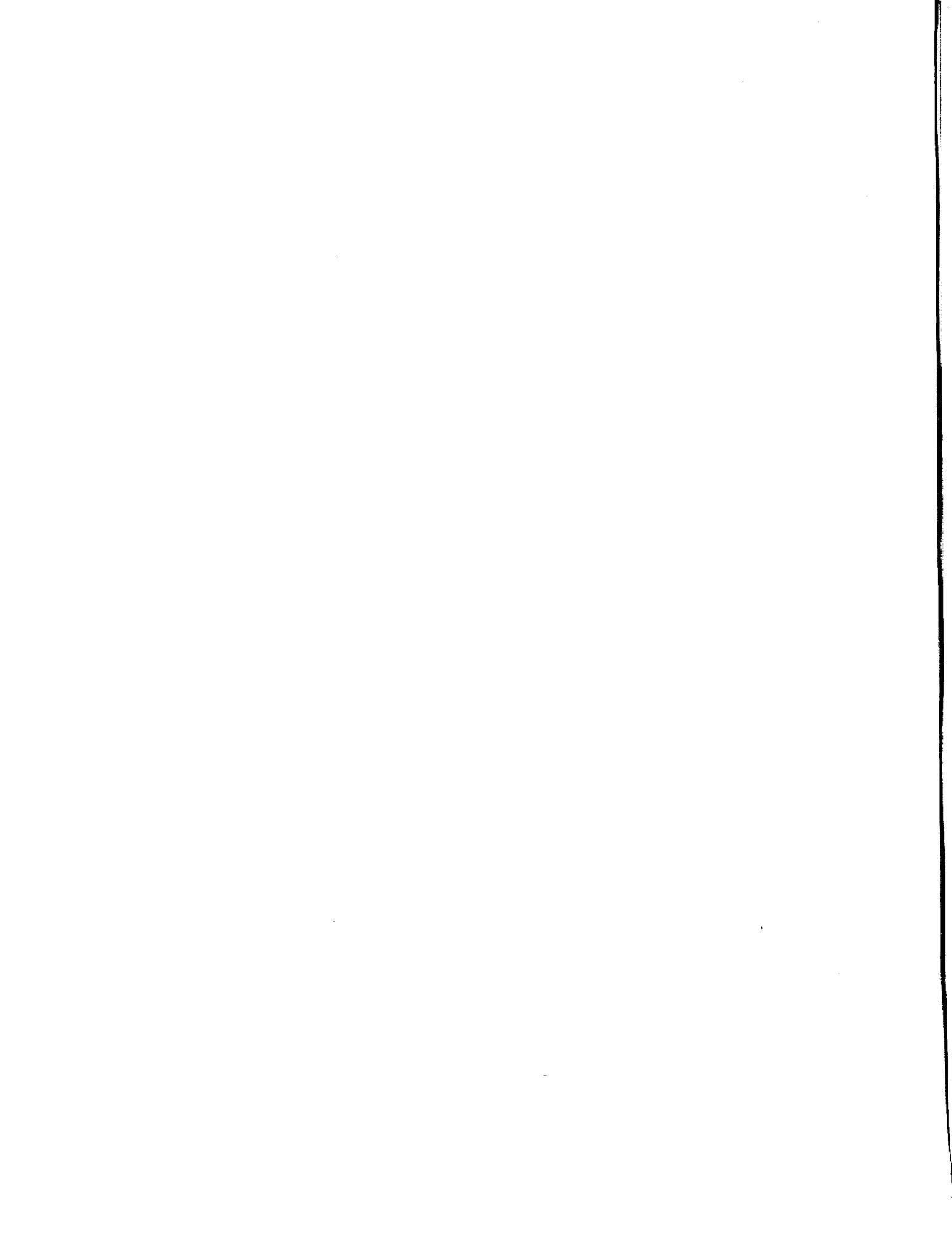
Economic change is imperative, indeed critical. But, in the final analysis economic factors, like other aspects of human behaviour, are deeply rooted in the human, cultural, spiritual, social and ethical values which are the fundamental sources of motivation of the behaviour of people and nations. Technocratic measures can facilitate, but not motivate solutions to the basic issues that will face the Earth Summit. The practical solutions we devise, the concrete measures we propose will be of little effect if they are not accompanied by a deep and profound stirring of the human spirit. Our common future is literally in our hands. To secure that future at Rio will require a unique and united act of statesmanship that reflects human values and the human spirit at their highest and best.

When the leaders of the Iroquois nation in North America met in Council to take important decisions, they began with this invocation:

"In our every deliberation we must consider the impact of our decisions on the next seven generations."

This is the kind of wisdom and perspective that must guide the deliberations of this Committee as it continues to fulfil the historic mission with which it is entrusted.

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General Assembly

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A/CONF.151/PC/L.36
3 April 1991

Original: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Second session
Geneva, 18 March-5 April 1991
Agenda item 2 (c)

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND
DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND
TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS:
CROSS-SECTORAL ISSUES

Draft decision proposed by the Chairman on the basis of
informal consultations

Cross-sectoral issues

The Preparatory Committee for the United Nations Conference on Environment and Development, noting with appreciation the reports and proposals on environment and development and cross-sectoral issues by the Secretary-General of the Conference as contained in documents A/CONF.151/PC/15, A/CONF.151/PC/16, A/CONF.151/PC/17, A/CONF.151/PC/18, A/CONF.151/PC/19 and A/CONF.151/PC/21, requests him to continue to develop these reports for discussion at its third session, taking into account General Assembly resolution 44/228 and relevant decisions of the Preparatory Committee, in particular, decisions 1/8, 1/9, 1/18, 1/25, 1/28 and 1/29 adopted at its first session, the views expressed in the discussion and the conclusions of the regional preparatory conferences.



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Second session
Geneva, 18 March-5 April 1991
Agenda item 3

ARRANGEMENTS FOR FUTURE SESSIONS OF THE PREPARATORY COMMITTEE

Draft decision proposed by the Chairman on the basis of informal consultations

Organization of the work of the third session

The Preparatory Committee decides that its third session should be held from 12 August to 4 September 1991, with the first 10 working days devoted to the work of the three Working Groups and the last 8 working days devoted to the consideration of plenary items, in particular, cross-sectoral issues.



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PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE ON
ENVIRONMENT AND DEVELOPMENT
Second session
Geneva 18 March - 5 April 1991
Agenda item 2

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND
DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND
TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

Draft decision proposed by the Chairman on the basis of
informal consultations

Report of the Secretary-General of the Conference

The Preparatory Committee for the United Nations Conference on Environment and Development, noting with appreciation the proposals for the development of "Agenda 21" by the Secretary-General of the Conference as contained in document A/CONF.151/PC/14 and Add.1 entitled "Preparations for the United Nations Conference on Environment and Development: report of the Secretary-General of the Conference", requests him to continue to develop his proposals on "Agenda 21" for discussion at its third session taking into account the views expressed in the discussion and the conclusions of the regional preparatory conferences.



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Geneva 18 March-5 (or 12) April 1991
Agenda item 4

PROVISIONAL AGENDA FOR THE THIRD SESSION OF
THE PREPARATORY COMMITTEE

Draft provisional agenda for the third session

Note by the Secretariat

1. Adoption of the agenda and other organizational matters.
2. Preparations for the United Nations Conference on Environment and Development on the basis of General Assembly resolution 44/228 and taking into account other relevant General Assembly resolutions:
 - (a) Activities of the Conference secretariat;
 - (b) Recent actions of intergovernmental and other bodies of relevance to the preparatory process;
 - (c) Cross-sectoral issues;
 - (d) Provisional agenda, rules of procedure and organization of the work of the Conference;
 - (e) Reports of the Working Groups.
3. Arrangements for future sessions of the Preparatory Committee.
4. Provisional agenda for the fourth session of the Preparatory Committee.
5. Adoption of the report of the Preparatory Committee.

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**NGO ACTIVITY AT THE SECOND SUBSTANTIVE
SESSION OF THE PREPARATORY COMMITTEE**

INTERIM REPORT

**PREPARED FOR ENVIRONMENT CANADA
UNCED NATIONAL SECRETARIAT**

**BY JOHANNAH BERNSTEIN
NATIONAL COORDINATOR
CANADIAN PARTICIPATORY COMMITTEE
FOR UNCED '92**

MARCH 28, 1991

**NGO ACTIVITY AT THE SECOND SUBSTANTIVE SESSION
OF THE PREPARATORY COMMITTEE
IN GENEVA**

INTERIM REPORT

**PREPARED BY JOHANNAH BERNSTEIN
NATIONAL COORDINATOR
CANADIAN PARTICIPATORY COMMITTEE
FOR UNCED '92**

MARCH 28, 1991

A. INTRODUCTION

One major difference between PrepCom II and the First PrepCom held in Nairobi was the number and hence potential role and impact of attending non-governmental organizations (NGOs). In Nairobi, there were under one dozen NGOs, many of whom were Canadian and most of whom were from developed countries. By contrast, Geneva played host to over 170 NGOs from all over the world; NGOs from both developed and developing countries, many of whom came with specific technical expertise, and indeed with vast experience relative to the process of United Nations conferences. On the other hand, this PrepCom presented the first foray into UNCED for many other NGOs who, while having less or no previous involvement in the preparatory process, came nevertheless prepared to play a significant role at PrepCom II.

It became clear at the outset that our large numbers presented both potential procedural problems (at least in the eyes of PrepCom Chairperson Tommy Koh and the other authorities) as well as

potential to impact the PrepCom process in a very productive and meaningful manner. We were a critical mass waiting to be mobilized and organized into effective action.

On the second day, I mobilized a core group of NGOs to form an NGO Strategy Group which would meet daily to debrief each other on the meetings and events of the preceding days: to coordinate lobbying strategies, to jointly prepare NGO interventions, and as well to provide a forum for ourselves for general discussion of the key issues of the day. NGOs attending these Daily Strategy Sessions ranged in number from 15 to 50.

As well, during the first week I compiled Reference Books for each of the Working Groups. Each Reference Book contains NGO reports on the substantive issues addressed by each of the Working Groups: relevant position papers, briefs and copies of the NGO interventions made in each of the Working Groups. While the reference books are too voluminous to photocopy for each of the NGOs present at PrepCom II, the International Facilitating Committee (IFC) has agreed to prepare bibliographies for each of the Reference Books. These bibliographies will be sent out to all those NGOs present at PrepCom II and, as well, they will be posted on the computer Network as part of a continuing effort to ensure information exchange among NGOs.

I have prepared in section B of this interim report summaries of the central discussions (on an issue-by-issue basis) carried out by NGOs at our Daily NGO Strategy Sessions as well as summaries of the formal interventions prepared by NGOs at our Daily Strategy Sessions, in addition to certain key interventions prepared by NGOs who did not attend the Daily Strategy Sessions, but whose interventions provide useful analyses and recommendations which could serve as the basis for future joint NGO interventions at PrepCom III.

Information which was felt to be sensitive or which was communicated in confidence is not discussed in this interim report. Such information will be communicated to NGOs through other means - through private computer conferences or through direct mailings via the IFC.

I have described the state of play for most of the substantive issues in a fairly summary fashion. Details will be set out in my final report. I thought it expedient, however, to provide at least some

background to set the context for the NGO discussions and interventions which I summarize below. For those NGOs who may download this report from the Computer Network, if I have misrepresented your views in any way, please contact me directly and I will ensure that corrections are made promptly. The final report will be completed by the first or second week in May. It will summarize the state of play for each substantive issue addressed at PrepCom II in addition to the items which I refer to in the Introductory Section of this interim report.

In addition to these Daily Strategy Sessions, we organized meetings with key delegations such as Malaysia, Ghana (in its capacity of head of the G77), the Nordic countries, the CANZ group (Canada, Australia and New Zealand), and the United States. It should be noted that Canadian NGOs met on several occasions with the Canadian delegation. These sessions consisted of formal briefings by the Delegation but as well, provided opportunities for Canadian NGOs to channel their input into Canadian delegation interventions. All of these briefing sessions will be summarized in the final report.

As well, through the organization of the IFC and other coordinating bodies, there were held numerous NGO-led workshops and seminars on many of the substantive issues such as Agenda 21, the Earth Charter, Forest Convention Objectives: and many of the critical cross-sectoral issues such as indigenous questions, women and the environment, poverty and development matters, to name but a few. The substantive content of these meetings will be summarized in the final report.

Moreover, two important meetings were organized between the NGOs and, Secretary-General Maurice Strong, PrepCom Chairperson Tommy Koh and Chairs of the Working Groups. The first meeting was an informal dialogue which addressed the full spectrum of both procedural and substantive UNCED and PrepCom II issues. The second meeting held on the last day of PrepCom II was a formal debriefing by Chairperson Koh and the Chairs of the three working groups. Both of these meetings will be summarized in the final report.

It should be noted that an independent NGO newspaper was produced each week of PrepCom II by the Conference of NGOs in Consultative Status with ECOSOC (CONGO). The newspaper, entitled "Crosscurrents", reported on the various Working Group proceedings and provided commentary on specific UNCED agenda issues by NGOs present at the PrepCom.

And finally, our core nucleus of NGOs who had been actively involved in the Daily Strategy Sessions decided to establish a mechanism and a plan of action for the continuation of collaborative strategic planning during the inter-sessional period between PrepCom II and PrepCom III. Our inter-sessional workplan and plans for an NGO pre-PrepCom strategy meeting (to be held on the weekend before PrepCom III) are discussed in section B of this interim report.

B. DAILY NGO STRATEGY SESSIONS: SUMMARY OF NGO DISCUSSIONS AND JOINT NGO INTERVENTIONS ON UNCED ISSUES ADDRESSED AT PREPCOM II

1. NGO ACCREDITATION

One of the first issues addressed by our NGO Strategy Group was the question of NGO accreditation at this PrepCom. Due to a complicated compromise worked out by the Chair earlier in the first week of PrepCom II, a list of NGOs judged "relevant and competent" by the UNCED Secretariat was to be presented to the PrepCom for consideration by Wednesday, March 20. According to a report prepared by Langston Goree VI, dated March 22, this list was to have been either approved by the PrepCom or 24 hours after presentation of the list to the PrepCom. The NGOs listed thereon were to have been given accreditation status for that interim period. This list had not been presented to the PrepCom until March 21. The official explanation for the delay was that the list had not been distributed correctly to the delegates.

At our strategy sessions, NGOs expressed their concerns that due to the week-long delay in accreditation, important opportunities to make interventions on such issues as Climate Change, Forests, Biodiversity and Biotechnology, Hazardous Wastes and the Environmentally Sound Management of Toxic Wastes had been missed. As a result we submitted an NGO Statement to Chairperson Koh to express our concerns about the delay in accreditation; the resulting lost opportunities to make interventions in the Plenary, Working Groups I and II during the delay period as well as the lost opportunities to distribute important NGO materials on the issues referred to above at the time they were in fact being considered by the Working Groups.

2. WORKING GROUP I: CLIMATE CHANGE

By contrast with other Working Group I issues (most notably forests) there was little NGO discussion on the issue of Climate Change. This is perhaps a result that the role for UNCED on

this issue has been marginalized by the fact that the Inter-governmental Negotiating Committee for a Framework Convention on Climate Change (INC) has been designated as the official negotiating track for the Climate Change Convention.

Perhaps the most contentious issue in the Climate Change proceedings of Working Group I was the question of what linkages would be drawn between UNCED and the INC. At our NGO Strategy Sessions, many NGOs felt that notwithstanding the fact that while the INC is the formal negotiating track, UNCED is nevertheless the critical forum for discussion of the relevant cross-cutting issues and as well, for the discussion of linkages with other sectors such as forests, oceans, trade and development. As well, it was felt that UNCED's main contribution should be to bring the cross-cutting issues to the attention of the INC.

The Climate Action Network, based in the United States has been a key NGO player in the climate change negotiations. While they did not make any formal interventions at PrepCom II, I have summarized below a recent statement which they presented at recent INC negotiations. It could very well be the starting point for an NGO joint intervention at PrepCom III.

The Statement expresses that as a central goal, the Convention should set the objective of stabilizing atmospheric concentrations of greenhouse gases at levels low enough to limit future damage to human communities, agriculture, ecological systems, biological diversity and coastal communities. Based on the best available scientific information, the peak atmospheric concentration of carbon dioxide, the most important anthropogenic greenhouse gas, should not be allowed to exceed approximately 400 parts per million.

The Statement identifies the following elements as essential to a climate change convention:

- a) Industrialized countries are responsible for 75% of current global emissions from the energy sector. OECD nations should be required to reduce energy-related CO₂ emissions by at least 20% below 1988 levels by 2000.
- b) Developing countries must limit their aggregate CO₂ emissions so that they increase by no more than 50% over 1988 levels by the year 2005.

- c) Biomass cultivation and use can be both a major source and sink of CO₂. Natural carbon sinks in forests, oceans and elsewhere must be properly protected. Industrialized and developing countries should end deforestation and the destruction of all primary forests by 2000. Conservation strategies should be implemented to promote the transition to non-destructive models of forest use and establish reforestation and afforestation goals to regenerate degraded lands.
- d) Methane provisions should require countries to eliminate emissions from natural gas transmission lines, coal seams and landfills.
- e) A climate change fund, comprised of new and additional resources must be established to enable states to meet the above goals.
- f) Each country should be required to prepare a report on projected greenhouse gas emissions and a plan identifying policy options for their control.
- g) An effective institutional structure for data collection, enforcement, assessment, monitoring and reporting, together with an equitable decision-making process is essential. As with funding mechanisms, the development objectives of all sectors must be incorporated into institutional structures by way of public participation.
- h) Four working groups should be established for energy, forests, technology transfer/financial assistance and institutional issues.

3. WORKING GROUP I: FORESTS

According to Tony Juniper of Friends of the Earth, UK, the lack of clear direction from the official PC documentation on several key issues, such as the importance of forests to indigenous people, the differing views concerning roles and responsibilities between north and south and the several northern-dominated forest initiatives that preceded PrepCom II, led to several developing countries such as Malaysia seeking an expanded period of clarification. In order to provide such

clarification, and as well as to provide a forum for a more detailed evaluation of the options available, an ad hoc working group on forests was formed under the aegis of Working Group I.

With a deadline of reporting to PrepCom III in August, 1991, the proposed framework of the ad hoc group included the following priorities:

- a) To seek technical input from relevant sources;
- b) To ensure that parallel actions are not taken by other international bodies in duplication of the efforts of the ad hoc working group; and
- c) To assert the precedence of PrepCom proceedings where there is a conflict with other international processes.

The main outputs of the ad hoc group on forests consist of a statement on deforestation and a synoptic list the details of which will be summarized and analyzed in the final report.

From the NGO perspective, some of the central issues related to the work of the ad hoc group included first of all the question of access to the proceedings of the ad hoc group. At its inception, it was unclear to NGOs whether the Chair of Working Group I (Ambassador Bo Kjellen) would apply Working Group rules on NGO participation to this ad hoc working group. It was however apparent that Malaysia and Indonesia were opposed to NGO participation in the ad hoc working group. The matter was quickly resolved with NGOs being provided full access to ad hoc working group deliberations.

We also discussed the importance of lobbying members of the G7 (the consortium of the worlds largest economic powers) regarding their resistance to a more liberalized transfer of financial and technical resources to the developing world and the burden that unfair economic and trade relationships with developing countries countries has placed on forest resources and practices in developing countries. A number of NGOs present at our Strategy Session on Forests felt that while a forest instrument may in fact be desirable in the long term, evaluation and strengthening of existing programs (i.e. FAO) should take first priority. -

Several NGOs present at our NGO Strategy Session on Forests prepared an NGO Statement on Forests which was signed by Kenya Energy and Environment Organizations, the Zimbabwe based ZERO (a regional network of environmental experts), Commonwealth USA and others. The statement urges that any international forest agreement should address the underlying causes of deforestation and their transboundary dimensions. Specifically, the Statement suggests that the Convention should focus on:

- a) The adverse ecological effects of international net capital transfers stemming from the burden of foreign debt;
- b) The deleterious effects of some multilateral loans and investment in the world's forests;
- c) The roles of transnational corporations, freed in many countries from ecologically sound practices by investment policies and regulations; and
- d) Ecologically destructive pressures that stem from the unequal distribution of land and limited opportunities.

The Statement also identifies the principles which must guide any new approach to resolve forest concerns. These include:

- a) Any solutions should be based on social equity considerations whereby community access to benefit from forests and biodiversity conservation are guaranteed. Additionally, the contribution of non-timber based economic alternatives and extractive reserves should be given full support;
- b) The forest crisis must be approached from a global perspective based on initiatives developed within a truly national context. Such undertakings must evolve from the "bottom up" and must give due consideration to relevant cultural aspects;
- c) Ecological imperatives and realities should transcend short-term economic objectives. Specifically, current unequal terms of trade, resultant debt burdens and forest extraction subsidies have under-valued forest functions and benefits to communities;

- d) Full integration of any forest initiative with the climate and biodiversity conventions currently under negotiation;
- e) The necessity for a global environmental fund managed on the basis of global consensus; and
- f) NGO consultation should be sought at all stages in the development of a global forest initiative.

4. WORKING GROUP I: BIODIVERSITY

The Working Group I discussions on Biodiversity were fairly low-key, due in part to the fact that an ongoing negotiating track is already underway under the aegis of the United Nations Environment Program, not to mention all the other relevant work being carried out by FAO, UNESCO, International Union for Conservation of Nature and Natural Resources (IUCN) and other inter-governmental and non-governmental organizations.

One major concern voiced by a number of delegations (particularly the Africans) and one shared by many NGOs relates to the possibility of inter-sessional meetings. Resources do not readily permit the full participation of less pecuniary states and NGOs. The continuation of discussions during the intersessional period without the full involvement of all participants would present significant problems and I believe the idea was abandoned.

The World Resources Institute (WRI) and the IUCN were the only NGOs who made interventions on Biodiversity. They point to the fact that the world is being impoverished by the loss and degradation of its most fundamental living resources - its genes, species, habitats and ecosystems. The loss of up to 25% of the world's species during the next several decades is wrong because we should recognize the inherent right of all species to exist as per the World Charter for Nature. The loss is dangerous because the world's environmental systems are humanity's life support mechanisms, and we simply do not know which components are key to maintaining their essential

functions. By wasting the riches of the earth today we hamper the development essential to meet tomorrow's needs. IUCN, WRI and UNEP have joined forces with a large number of partner organizations from all over the world to devise innovative and comprehensive approaches to conserving biological diversity. The objectives of their collaborative Biodiversity Conservation Strategy Programme are:

- a) To develop a Global Strategy and Action Programme for Conserving Biodiversity;
- b) To stimulate action to conserve Biodiversity;
- c) To provide information on Biodiversity;
- d) To improve policies and methods for conserving Biodiversity;
- e) To provide technical advice on Biodiversity; and
- f) To promote Biodiversity as a major development issue.

For those NGOs who would like to become involved in the Programme, or who would simply like to learn more about the work, contact either IUCN, WRI or UNEP to obtain a copy of the newsletter "**Biodiversity Conservation Strategy Update**".

Although it did not make a formal intervention in Working Group I, the Spain based NGO Genetic Resources Action International (GRAIN) has prepared two position papers on Biodiversity. Of particular relevance are the key elements which they feel the Biodiversity Convention must address. To be successful, the new Convention should:

- a) Be based on a modified concept of "common heritage". Proprietary rights of plant breeders and industrialists must be balanced by a system of rights for farmers and other informal innovators involved with Biodiversity;
- b) Promote both conservation and sustainable use of biological resources;

- c) Guarantee access to genetic resources. Both the primary genetic resources contained in wild and traditional varieties and the secondary genetic resources contained in the products of plant breeding and biotechnology must be accessible;
- d) Include both wild and domesticated species;
- e) Respect national sovereignty and the rights of local communities;
- f) Acknowledge and respect the indigenous knowledge and technologies of local communities and provide funds to these "informal innovation systems" for conservation and sustainable use;
- g) Promote the indigenous development of new technologies, including biotechnologies; and
- h) Provide remuneration to developing countries, including concrete support to farmers and other peoples organizations directly involved in biodiversity conservation.

As with the Climate Change Convention, NGOs attending the Daily Strategy Sessions are concerned that the appropriate linkages will be established between UNCED and UNEP to ensure that the UNCED discussions of related cross-sectoral issues are effectively incorporated into the negotiations of the biodiversity convention and indeed, into the final instrument itself. Again, as with the Climate Change Convention, NGOs want to see an appropriate level of coordination between the three formal negotiating processes, as well as sufficient opportunities for NGO participation within these tracks.

5. WORKING GROUP I: BIOTECHNOLOGY

According to the Canadian Labour Congress (CLC), the prospects for any effective international regulation of biotechnology are not promising. Biotechnology will be addressed in the

Biodiversity Convention. However, unlike the forthcoming Climate Change Convention, it is probable that the Biodiversity Convention will not result in any effective controls on the release of the products of biotechnology into the environment. There may be a Code of Practice as to how releases should be carried out and there may be a monitoring process, but no actual controls are planned to deal with or prevent the environmental degradation that will ensue as a result of biotechnical releases.

The main areas of concern from the perspective of the CLC are:

- a) The proliferation of genetically engineered plants as weeds, crowding out other wildlife and reducing biodiversity;
- b) Pernicious applications of biotechnology such as the excessive use of single strains of crop plants, increasing susceptibility to disease, and the production of plant varieties resistant to chemical pesticides; and
- c) Pollution, for example, in the form of the release of retroviruses.

While the thrust of the proposed Biodiversity Convention will be toward risk assessment and risk management, there are numerous other regulatory approaches, including the banning of certain products and processes; the regulation of releases on the basis of estimating hazard (unlike risk); experience (however anecdotal) and analogy (i.e. the spread of comparable viruses). None of these are currently being considered. The CLC stresses the need (and this is where members of the NGO scientific community can play a valuable role) to develop scientific criteria which will provide the desired level of prevention and control, the latter being a political and not a scientific issue. If we simply oppose all genetically engineered releases, CLC feels we will be playing into the hands of the deregulation lobby with the result of the effective postponement of effective international regulation for at least a decade.

At our NGO Strategy Sessions, David Cooper, of the Spanish NGO GRAIN, briefed us on biodiversity and biotechnology issues and how the UNCED proceedings fit into the larger multilateral process. Cooper mentioned that the most difficult issues pertain to access to genetic resources and the question of compensation to developing countries for the preservation of their

genetic resource base. He mentioned that FAO maintains that developing countries are trying to restrict access given the lack of intellectual property protection in place. From GRAIN's perspective, and indeed with which those NGOs present agreed, access must be dealt with on a far more equitable basis than is currently the case, particularly when there is such resistance on the part of the developed countries to transfer appropriate technology to developing countries on preferential rates.

The International Organizations of Consumers Union, the Rural Advancement Fund International and the National Wildlife Federation made a joint intervention before Working Group I on the Environmentally Sound Management of Biotechnology. Their comments are summarized as follows:

- a) Evaluation of safety of releases or applications of biotechnology must be considered on a case by case basis;
- b) Methodologies for safety evaluation can be "harmonized" only to a limited extent. Since the ecology of one region differs widely from another region, there will be substantial differences in the effects of a release from one area to another;
- c) At the same time that funds are being applied to protect the environment from potentially dangerous applications of biotechnology, there must also be funds for research in other fields such as ecology and agronomy. Without expanding research in these disciplines which provide the underlying tools for understanding the fate of genetically engineered organisms in the environment, there can be no real progress in safety evaluation;
- d) No field tests should be imposed on countries who do not want them;
- e) Social and economic impacts as well as ethical concerns must be incorporated into any Code of Conduct for the transfer and application of biotechnology;
- f) Public access to data on benefits and risks is imperative;

- g) Development of a strong public research capacity on biotechnology is critical, especially if biotechnology is to be applied to the problems of developing countries. Corporate control of 75% of the research and development monies for such an important and also potentially hazardous technology is unacceptable;
- h) The public sector and non-governmental organizations should be funded to disseminate clear and unbiased information about the applications of biotechnology; and
- i) Since there is an overproduction of food in the developed countries, many investigations of crop plants are geared not toward increasing yield, but rather toward using food crops to produce non-food products. One line of research that could be useful in contributing to world food security is the development of virus resistant plants;

The joint statement also commented on the UNCED Secretariat's proposed programme to maximize the potential benefits of biotechnology in the context of the overall goal of sustainable development:

- a) Rather than searching for ways to degrade industrial and hazardous waste efforts should be directed toward waste reduction and elimination. The incentive to change to safer compounds will be significantly reduced if biotechnology is seen to offer the prospects of "quick fix" for hazardous waste elimination;
- b) It is possible that certain applications of biotechnology may eventually replace certain insecticides. However, biotechnology is far from providing a panacea for insect control. Many effective alternatives to chemical insecticides are currently available but have not been sufficiently used nor publicized. Such alternatives as parasitic wasps and ladybird beetles, cultural controls such as crop rotation and trap cropping are potentially cheaper to use than patented bioengineered products;
- c) Biotechnology interests encourage systems of intellectual property ownership which reward the formal scientific sector, but which do not recognize or compensate the efforts of farmers in developing or developed countries who identify important characteristics; create new varieties; and donate that material to

scientists for their exploitation. The question of who "owns" biodiversity has important development implications. The question is also important to conservation since the absence of any mechanism to assign value to the Third World's biodiversity means that it becomes "undervalued" and its conservation therefore becomes a burden. We should be seeking ways to offer incentives for conservation through recognition of the contributions of the developing world:

- d) Most successful applications in the field of biotechnology have occurred in the area of health. An international list of those products along with any known environmental effects resulting from their manufacture and the relative costs of those products compared to their non-genetically engineered counterparts should be formulated; and
- e) With respect to industrial biotechnology, special consideration must be given to the economic dislocation that could result from the industrial manufacture by tissue culture of such products as vanilla, cocoa and other primary export crops of developing countries. Attention must also be paid to any "bio-pollution" that results from facilities that produce pharmaceutical or other products by fermentation.

6. WORKING GROUP I: PROTECTION OF LAND RESOURCES

The question of sustainable agriculture, a key component of the land resources issue addressed by Working Group I is going to be addressed in detail at the FAO/Netherlands Conference on Agriculture and the Environment to be held 15-19 April, 1991 in the Netherlands. The conference will review and reassess strategies and tools for sustainable agriculture in developing regions, with the aim of adopting a global strategy and agenda for action. The conference will channel considerable input into the UNCED process.

Joy Hyvaarinen of Greenpeace International noted in a debriefing to the NGOs at our Daily NGO Strategy Session that many of the countries who made interventions on the soil loss issue

highlighted similar problems and expressed their support for the integrated approach to the protection of land resources is reflected in the Secretariat's reports. While the details of government interventions will be summarized in my final report, it is interesting to note here that the interests of local communities, including small-scale farmers and indigenous people were emphasized by several delegations such as Canada, Norway, Sweden, Venezuela, the US, New Zealand and the Philippines. The US referred to the important role that NGOs can play by drawing attention to the concerns of indigenous people.

Greenpeace made an important intervention outlining several points which the FAO/Netherlands Conference should consider when developing a global strategy and agenda for action. These include:

- a) Implementation of the precautionary action approach by shifting from chemical intensive agriculture to alternative pest management solutions. This measure would necessarily include:
 - (i) the elimination of all government direct and indirect subsidies of chemical pesticides and fertilizers, including those linked to bilateral and multilateral assistance programmes and the replacement of these subsidies with sustainable non-chemical management practices;
 - (ii) the cessation of all further production and use of hazardous pesticides; and
 - (iii) the increase of support for research , development and implementation of integrated non-chemical pest. soil fertility and animal management methods.

- b) Ensurance of the long-term sustainability of agricultural resources such as soil, water, energy and biological resources for future generations. This measure would necessarily include:
 - (i) implementation of policies and practices that sharply reduce soil erosion and loss of soil fertility caused by unsustainable soil and forest resource management;

- (ii) development of effective means of reducing reliance on non-renewable energy resources and encouragement of the development of energy efficient food production, processing and distribution systems;
 - (iii) improvement of water use efficiency to prevent mining of groundwater resources;
 - (iv) the halting of chemical and nutrient pollution of water from chemical fertilizers and other agriculture by-products through increased reliance on organic soil fertility management systems; and
 - (v) encouragement of the research, development and use of organic farming techniques adapted to local conditions around the world.
- c) Protection of the rights and livelihoods of small farmers and rural communities by supporting ecologically sound, economically viable and equitable agricultural policies and practices. This measure necessarily includes:
- (i) redirection of policies and programmes to address the needs of the poorest and most disadvantaged groups of farmers and rural communities;
 - (ii) support for basic land reform to ensure more equitable access to productive resources as well as access to credit and other incentives that promote ecologically sound agricultural production;
 - (iii) review of current bilateral and multilateral lending policies and programme objectives that promote export-led agricultural development;
 - (iv) support for the development of nutritionally balanced agricultural systems; and
 - (v) encouragement of locally and regionally-based production and trade strategies, adapted to immediate environmental, social and economic conditions.

Greenpeace International also made two proposals for consideration by UNCED: that the establishment of an International Centre (or Centres) for Ecological Agriculture be considered and secondly, that a multi-agency study involving all relevant international agencies be undertaken to determine to what extent these agencies actually increase reliance on unsustainable agricultural practices.

7. WORKING GROUP II: HAZARDOUS WASTE

NGOs following the Hazardous Waste proceedings of Working Group II noted the distinct dichotomy between developing and developed countries regarding the acceptability of the proposed hazardous waste umbrella treaty: the "**Basle Convention on the Control of Transboundary Movements of Hazardous Waste Management**". This dichotomy is mirrored within the NGO Community.

Certain NGOs such as Advisory Committee for Ocean Protection (ACOP)'s Victor Sebek maintain that while the Basle Convention is an imperfect instrument, it is meant to serve as a global enabling treaty which will ultimately be supplemented by various protocols and law-making conferences, all of which can only be implemented once the Basle Convention comes into force.

Other NGOs such as Greenpeace International's Roger Wilson maintain that the Basle Convention does not deal adequately with the problems of hazardous waste, in particular as they principally affect developing countries. A number of NGOs who monitored the Hazardous Waste proceedings of Working Group II reported back to the Daily NGO Strategy Group that since international monitoring of illegal waste traffic has been less than rigorous, NGOs should develop some international watch-dog capacity to uncover illicit activity and compel breaching governments into positive action, as was the case with Africa which ultimately led to the development of the "**African Convention on the Ban and Import of All Forms of Hazardous Wastes into Africa and the Control of Transboundary Movements of Such Wastes Generating in Africa**" (the BAMAKO Convention).

Barbara Pecarich presented an intervention on behalf of the World Uranium Hearing (WUH) on the question of safe and environmentally sound methods of radioactive waste storage. The intervention questioned the so-called working models of radioactive waste management referred to in PC-34 which are based on the International Atomic Energy Agency's (IAEA) Code of Practice dealing with the International Transboundary Movements of Radioactive Waste. The Code states that "nuclear power generation and the utilization of radioisotopes involve the generation of radioactive waste". However the definition ignores the very beginning of the nuclear chain when uranium is taken from the ground leaving behind tailings which contain up to 85% of the original radioactivity.

With 70% of the mining of uranium ore occurring on indigenous lands, the WUH questioned why the impact of uranium production is not included in the definition of radioactive waste. It also urged that knowledge of the full range of dangers and negative effects of the nuclear chain in case studies should be made available to those nations who are considering the developing of nuclear energy facilities. The WUH also called upon the UNCED Secretariat to prepare a report on the extent to which NGOs have participated in international programmes, mechanisms and organizations dealing with the environmental ramifications of nuclear energy. And finally, the WUH asked that the IAEA be required to prepare a revised Code of Practice given the shortcomings in the current text.

8. WORKING GROUP II: 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

Much of the substantive discussions have been postponed until after the Halifax Intergovernmental Meeting to be held in Halifax, Nova Scotia this May. The Halifax meeting will prepare global strategies and action plans for the consideration by Working Group II at PrepCom III.

According to Victor Sebek of ACOP's in London, England, the quality of debate on oceans was rather poor due in large part to the fact that UNCED has designated the Halifax Meeting as the official strategy forum. Key countries have been reticent to "show their hand" at this point.

Sebek presented ACOP's detailed intervention which identifies the key problems around the oceans issue and which sets out specific recommendations. The problems are summarized as follows:

- a) Land-based sources of marine pollution remain the most significant form of marine pollution despite a series of global and regional conventions and national rules and measures;
- b) Land-based sources of marine pollution are more complex than any other source of marine pollution. They touch upon crucial economic and social policies and political interests of the countries concerned, especially with respect to agriculture, habitat protection, the construction and distribution of coastal megacities, the regulation of chemical and other industries situated along the coast, and the development of tourism. No real success can be achieved in preventing and reducing land-based sources unless simultaneous, multi-sectoral action is taken regarding each polluting activity;
- c) As regards the global regime, even if Part XII of the United Nations Convention on the Law of the Sea (UNCLOS) is to be deemed in most respects to constitute customary international law, the relevant article 207 is little more than a "pactum de contrahendo" and does not lay down any concrete, enforceable rules;
- d) As regards the regional regimes, where some regional regimes provide for an administrative superstructure (i.e. the Helsinki and Paris Commissions), there nevertheless remains a huge and growing gap between widespread acceptance of the legal obligation to reduce land-based sources and the adoption of political, economic, financial and technical measures which need to be taken to achieve their aims; and
- e) As regards the national regimes, without strong and clear lead from global and regional regimes, there is no incentive for industrial states to pursue strict and effective policies on land-based sources because they do not perceive national

interests in a sufficiently wide context. States recognize that taking action on their own would condemn their industries to operating at an economic disadvantage. The only way to avoid this is to enter into regional agreements with which all have to comply, thereby maintaining a uniform base-line.

ACOP's main recommendations are summarized accordingly:

- a) Progress cannot be made in preventing and regulating land-based sources by merely extending the current regime (i.e. by adopting further regional and global rules based on the premises and framework of the existing regimes). Nevertheless, development of an inter-linked series of protocols on land-based sources within UNEP Regional Seas Programme would be a starting point;
- b) Permanent independent scientific monitoring of the health of the world's oceans and review of information on the state of the marine environment should be encouraged and expanded to create a continuous scientific basis for legal regulation of land-based sources of marine pollution;
- c) The Precautionary Principle, now recognized as a guideline for the development and implementation of environmental policies, should be adequately defined in order to enable states to pursue strategies based on preventive rather than remedial measures;
- d) Placing reliance on clean technologies will ultimately prove to be a prudent economic, as well as environmentally sound investment;
- e) National governments should be encouraged to use economic instruments to support and improve existing regulatory regimes such as charges to discourage the use of heavily polluting raw material; subsidies to encourage pollution prevention; and financial enforcement incentives in the form of non-compliance fees or performance bonds;
- f) There can be no real progress on any of these issues until just and effective solutions are found to the problems of technology transfer and viable financing systems;

- g) Environmental impact assessments should be made mandatory for any development projects likely to cause land-based sources of marine pollution;
- h) Global guidelines and national rules should ensure that multinational companies adopt, for their operations in developing countries, environmental standards which are just as high as those considered acceptable in the country in which their head offices is based;
- i) While a new broad global convention dealing with different sources of marine pollution is a desirable goal, impasses should be avoided if no consensus can be reached by UNCED in 1992. In the meantime, action to regulate land-based sources of pollution cannot be delayed if a serious deterioration in the health of the most fragile parts of the marine environment is to be avoided;
- j) Regional regimes should incorporate the agreed global principles, to identify the priority for action in the region, the timetable, concrete measures and the financial mechanisms according to the circumstances specific to that geographical area; and
- k) National rules will be needed to complete the cycle to provide the most effective enforceable measures possible.

The Four Winds Direction Council in conjunction with the Grand Council of the Crees of Quebec, Canada and the International Indigenous Commission presented an intervention on Indigenous Peoples and the Rational Use of Fisheries. The intervention points to the need for a comprehensive international high-seas fisheries management regime. Most existing international fisheries-management institutions are of limited effectiveness (the North Pacific Fisheries Commission as one example) because they lack "universal membership", that is their competence is restricted to one species or a small number of species, or they lack effective jurisdiction or monitoring capacity on the high seas.

Other problems include the assumption that larger-scale harvesting techniques are more efficient economically and the consistent underestimation of the value of fish as food for fishes, which results in greater poverty, poorer nutrition, and readiness to sell harvest quotas to large-scale

enterprises or to foreign fleets. The intervention suggests that these problems must be addressed if sustainability and rational use goals are to be achieved.

As well, the intervention identifies possible ways in which developing countries' capabilities could be enhanced. These are:

- a) Availability of a reliable international remote-sensing system for locating and evaluating fishing vessels at sea;
- b) Greater use of international observers, at the expense of large-scale fleets and transnational fishery enterprises;
- c) International agreements ensuring access to national courts for the prosecution of violators from other countries, as well as the development of an effective international maritime tribunal; and
- d) Additional resources for the strengthening of national fishery agencies, including vessels needed for enforcement purposes, and an overall reduction in high seas fishing.

9. WORKING GROUP II: FRESHWATER

The freshwater proceedings were fairly low-key. Again, details of the relevant Working Group II proceedings will be described in my final report. Edwin Martin, chair of the Population Crisis Committee in Washington D.C. and a regular participant of our Daily NGO Strategy Session, presented an intervention on behalf of the committee. The intervention addressed population pressure on freshwater resources. It states that the number of people needing freshwater is increasing by over 90 million per year, mostly in developing countries. Nearly all governments of developing countries have recognized this problem of population but few have had the resources to

provide safe methods to control it, especially in rural areas. The intervention goes on to state that it is imperative that the developed countries and multinational banks help the developing countries to expand their programmes to this end.

10. WORKING GROUP III

Working Group III was the focus of most of our Daily NGO Strategy Sessions. The evolution of Working Group III's mandate was contentious at every step of the way from the perspective of those NGOs present at our Strategy Sessions. The first issue of concern to NGOs was the fact that the Chairperson's consultations on Working Group III (on the non-paper which emerged from March meetings in New York) were closed to NGOs.

The actual mandate of Working Group III as approved by the PrepCom Plenary will include:

- a) Preparation of an annotated list of existing international agreements and international legal instruments in the environmental field;
- b) Examination of the feasibility of elaborating principles on general rights and obligations of States and regional economic integration organizations in the field of environment and development and incorporating such principles in an appropriate vehicle;
- c) Consideration of the legal and institutional issues referred to it by Working Groups I and II and the Plenary in addition to the legal and institutional aspects of cross-sectoral issues dealt with by the PrepCom;
- d) Review of the ways and means of strengthening the cooperation and coordination of the UN system and other environment and development institutions;
- e) Review of the role and functioning of the UN system in the field of environment and development; and

- f) Examination of the institutional arrangements required for the implementation of the conclusions of UNCED.

The initial response to the mandate of NGOs present at our Daily NGO Strategy Sessions was tepid. Many felt that all cross-sectoral issues should have been included in Working Group III's mandate. Many of us felt rather strongly that most of the important and very complex development issues would be ill-suited to the potentially unwieldy and possibly unproductive forum of the Plenary. By the time the mandate was adopted by the Plenary, many NGOs questioned the commitment on the part of the "powers that be" to deal with the development side of the UNCED equation in a sincere and meaningful way.

A number of our Strategy Session-attending NGOs, including the International Institute on Environment and Development, Ecotropia Brazil and Commonwealth of the US, prepared an intervention advocating that a broad interpretation be given to the mandate of Working Group III to ensure that the following issues are addressed by Working Group III:

- a) Financial flows and the primary roles and functioning of the institutions responsible for foreign aid, the debt issue, international commodity prices and trade terms;
- b) Equity issues at both the international and national levels including the present unequal pattern of resource consumption, distribution of wealth and access to natural resources, the special role of women, of indigenous groups and the particular vulnerability of those marginalized by environmental degradation, inequitable patterns of land distribution and population pressures;
- c) The roles and functioning of the UN bodies dealing in particular with environment and development, international financial institutions and the role of the General Secretariat;
- d) The negative impact of trade and commodity prices on developing countries; and
- e) Access of developing countries to the transfer of technology on equitable terms.

Another contentious point which arose during the consultations on the mandate of Working Group III related to the desire of certain countries (in particular the EEC) to include the rights of individuals as a topic for consideration by Working Group III. This proposal was blocked by the Group of 77, in particular Mexico, Tunisia and Algeria. The USSR suggested by way of compromise that the mandate would take into account the conclusions of such regional conferences as the Bergen Conference where individual rights were referred to. This compromise could now pave the way for consideration of the "**Charter of Rights and Obligations**" which was prepared and actively promoted by the Netherlands on behalf of the EEC.

Perhaps the most problematic issue surrounding Working Group III arose on the day its proceedings were to commence. The draft agenda tabled differed markedly from the actual mandate which was approved by the Plenary in the preceding week. The draft agenda read as if the only issues to be considered would include but legal and institutional matters. There was no reference whatsoever to the full scope of items on Working Group III's mandate such as the legal and institutional aspects of cross-sectoral issues. NGOs at our Daily Strategy Session were clearly disturbed about these events and undertook to informally lobby those delegations who we perceived to be behind the contracted agenda. The revised agenda was a considerable improvement and included not only legal, institutional and related matters, but the legal and institutional aspects of cross-sectoral issues, including those referred to Working Group III by Working Groups I and II and the Plenary.

On the question of the Earth Charter which falls under the mandate of Working Group III, the Baha'i International Community presented an intervention which sets out essential elements to be included within such an instrument. They include:

- a) Identification of those aspects of unity which are prerequisites for the achievement of sustainable development;
- b) Rooting of any proposed solutions to environment and development problems in an approach which fosters spiritual balance and harmony within the individual, between individuals and with the environment as a whole;
- c) Consideration of a world federal system to enable nation states to manage cooperatively an increasingly interdependent and rapidly changing world;

- d) Decentralization of development to involve communities in the formulation and implementation of the decisions affecting their lives;
- e) Consultation to replace confrontation and domination;
- f) The integration of women into full partnership in all fields of human endeavour; and
- g) Promotion of universal education to raise the consciousness of both the oneness of humanity and the integral connection between humankind and the world of nature.

The one other key NGO intervention in Working Group III was presented by the Four Directions Council on Commodity Trade Mechanisms and Sustainability. The intervention points to the fact that commodity prices are a key factor determining the rate of domestic savings and reinvestment. Commodity prices also influence the rate at which natural resources are used up, and thus whether the rate of use of renewable or recyclable resources is sustainable. The terms of trade for basic commodities is a linkage which the Four Directions Council believes is the most important linkage between environment and development.

The intervention goes on to state that debt relief is a necessary first step in halting the degradation of natural resources in much of the world. But it is only a short-term measure. Longer-term environmental stability must be achieved through a change of the trading system since under current conditions there is still an incentive to overdraw natural resources.

What is needed to make the trade of raw materials compatible with long-term environmental sustainability is higher prices which reflect the total cost of production including the environmental impacts of extraction, the byproducts of processing and the depletion of raw materials. The mechanism which the Four Directions Council proposes be used to raise prices is the anti-dumping provisions contained in the General Agreement on Tariffs and Trade (GATT). In particular, if agreement could be reached that certain kinds of environmental impacts were to be considered as costs of producing raw materials, any export producer who did not raise prices accordingly would be subject to a trade action.

A necessary second step is described as putting the added revenues to work in ways that will contribute to long-term environmental sustainability.

The intervention also suggests that intellectual property laws should be revised to enable developing countries to acquire more productive and environmentally sound technology on preferential terms.

11. PLENARY

The cross-sectoral issues which were finally addressed in the Plenary included poverty and environmental degradation; environment and development; financial resources; transfer of technology; environmental health aspects of development and environmental and development education.

The NGO Statement on Poverty and Environment was prepared by a group of Northern and Southern NGOs who had taken part in a UNDP sponsored workshop on Poverty Issues. The intervention identified three particular concerns:

- a) When discussing the links between poverty and environment, it is necessary to clarify the exact nature of poverty. Poverty is often defined in terms of income, life expectancy and illiteracy. Poverty must also be seen as the the deprivation at the level of resources as well as loss of cultural identity;
- b) Current development strategies toward the integration of nations in a transnational economy have increased the inequity between North and South. This has drastically diminished the capacity for political, technological and productive self-determination; and
- c) Poverty is also related to fragile democracies, where the major part of local communities have a marginal role within national political structures.

Given the foregoing problems, the intervention calls for equity-lead strategies that give priority to achieving a broad participatory ownership, control and management of natural resources by people to serve their own needs as an essential foundation for just, sustainable and inclusive economic growth. A people-centred vision will require the transformation of many existing institutions and practices. However, NGOs are ready to bring innovative analysis, proposals, strategies and visions to remaining UNCED meetings to demonstrate our commitment to partnership and dialogue.

On the same day that poverty issues were addressed before the plenary, there were an impressive number of interventions made by indigenous persons calling for recognition of their concerns in all future Secretariat PC documentation. Ted Moses of the Grand Council of the Crees of Quebec and other indigenous persons from Canada came to our Daily Strategy Sessions to share with us the content of their interventions (to be summarized in the final report). NGOs are very supportive of the indigenous cause and expressed their willingness to lobby their respective national governments to ensure that indigenous issues are properly dealt with.

The CANZ group tabled a resolution calling for the Secretariat to prepare a report on traditional knowledge and practices. (Again, details of the resolution will be summarized in the final report). On the whole, Canadian indigenous persons found the Canadian delegation to be receptive to their concerns and willing to incorporate references to indigenous issues in several of their interventions.

NGOs were also impressed with another Canadian intervention which called for a study to be carried out on the links between environmental degradation and consumption patterns. Peter Padbury of the Canadian Council of International Cooperation (CCIC) served on the official Canadian delegation in the capacity of NGO advisor and had a considerable role to play in the formulation of this intervention. NGOs recognize the importance of holding their respective governments accountable for commitments made at PrepCom II and will address this matter in the context of our inter-sessional work.

On the question of trade and debt issues, NGOs attending the final NGO Strategy Sessions discussed the position of the G77 and their unwillingness to give ground on any of the substantive

issues until there is movement on the trade and debt issues. Koy Thompson of the International Institute on Environment and Development (IIED) raised important questions for our consideration; namely whether UNCED is the appropriate forum in which to discuss and deal with these complex and very technical questions. Or should increased NGO efforts be directed toward other fora such as the GATT? It was suggested that there should be mechanisms within Agenda 21 for continuing work on linkages with such fora.

On the question of finance and technology transfer, Koy Thompson reported back to the NGOs that several of the northern countries, most notably the Scandinavians and the Swiss indicated how much they are giving away in financial resources already, but that an unusual emphasis was placed on indirect conditionality, i.e. agreeing to give away resources but only if they are spent responsibly. On technology transfer, Thompson noted that discussion was of a very general nature and that the general feeling among delegations was that this issue is best suited to other fora outside UNCED such as WIPO or UNIDO.

Thompson also noted that there was a weakening of the usual rhetoric regarding the terms of technology transfer. Some delegations suggested that there should be a mandatory fund for compensation to industry to close the gap between social benefit and self-interest. Other delegations suggested that technology transfer should be free while others asked for studies on standards for cleaner technology.

The Third World Network made an intervention on both financial and technology transfer questions. The intervention states that poverty, environmental degradation and under-development in the South is the counterpart of the affluence, high consumption patterns and over-development or rather maldevelopment in the North. Any effort to deal with the former without dealing with the latter, is doomed to failure. Thus any efforts to deal with the environmental crisis must necessarily start with a fundamental reformulation of the development model and change in the North-South economic relations. As well, the intervention suggests that the role of the UN and Bretton Woods Institutions must be seen as environmentally destructive. Similarly, bilateral and multilateral aid policies and the liberalization of markets and privatization must be scrutinized within UNCED.

Bella Abzug tabled a draft decision on the role of Women in Environment and Development. The draft decision calls for the Secretary-General to ensure that key elements relating to women's critical economic, social and environmental contributions to sustainable development are mainstreamed in all the substantive work of the PrepCom.

As well, the draft decision calls for specific studies and expert group meetings involving NGOs to focus on Priority Areas for Women in Sustainable Development in addition to the impact of economic, environmental and development policies on women's participation in sustainable development.

The draft decision also calls for an evaluation of the impact of poverty and environmental degradation on women and children in view of the increasing feminization of poverty, the increase in low income female headed households and the vulnerability of women and children to becoming environmental refugees.

The final NGO intervention, prepared by the European Youth Forest Action, Canadian Youth and the Student Environment Action Coalition not only enjoyed the largest "scrum" but brought all delegations to applause. The intervention called on the PrepCom to fulfill the directive of the World Commission on Environment and Development and thus to address environment and development issues in a fully integrated manner. Any meaningful environmental protection measures must incorporate both imbalances in North-South relations and economic and cultural considerations. Moreover, solving the environmental crisis must first be preceded by resolution of the debt crisis.

The intervention called on the Secretariat and northern governments to follow the Youth sector's offer of providing free food and accommodation to anyone in need by ensuring adequate resources to enable southern and eastern participation at PrepCom III.

12. AGENDA 21

There exists a certain amount of confusion about the actual form that Agenda 21 will take. According to the UNCED Secretariat, Agenda 21 is being conceived as a tool for the coordination of all UNCED initiatives, inputs and negotiating processes. However it will also ensure linkages between the substantive issues and between environment and development issues.

A central concern for NGOs relates to public participation. NGOs at our Daily Strategy Session felt that formal mechanisms, perhaps analogous to PC-8 (Secretariat Guidelines for Public Participation in the preparation of National Reports) should be implemented to ensure a sufficient level of NGO involvement and active participation in the formulation of Agenda 21 at whatever level the formulation may take place (i.e. at the Secretariat level or at the national level). NGOs expressed interest in the Secretariat's suggestion that NGOs prepare their own Agenda 21's. However, we are concerned that many Southern NGOs do not have adequate resources to carry out such an initiative. Support from northern governments will be essential in this regard.

C. NGO ACTIVITY DURING THE INTERSESSIONAL PERIOD BETWEEN PREPCOM II AND PREPCOM III.

In order to promote the most effective participation of NGOs in future PrepComs, members of our Strategy Group agreed to undertake the following activities during the inter-sessional period leading up to the Third Substantive Session of the Preparatory Committee of UNCED:

- a) With the IFC, to assist in the coordination of NGO participation in future PrepComs;
- b) To provide support for the NGO Task Groups described below;
- c) To establish and maintain an electronic conference for each of the Task Groups described below; and
- d) To ensure that the following preparations for PrepCom III are undertaken (in coordination with the IFC where necessary):
 - (i) the convening of an NGO Strategy/preparatory meeting immediately before PrepCom III (see proposed schedule of events listed below);
 - (ii) during PrepCom III, the convening of daily NGO strategy sessions, briefings with selected delegations, workshops on substantive issues and other meetings where necessary;
 - (iii) the facilitation of the preparation of NGO documents and interventions during PrepCom III; and
 - (iv) the coordination of an NGO debriefing session at the end of PrepCom III and the preparation of an NGO debriefing report to be distributed to interested NGOs.

The Task Groups referred to above will be established to promote dialogue and strategic planning among NGOs in relation to the key UNCED agenda areas:

- Earth Charter
- Agenda 21
- Financial Mechanisms
- Technology Transfer
- Institutions
- Forests Convention
- Climate Change Convention
- Biodiversity Convention

It was agreed that each of these Task Groups will undertake the following activities:

- a) The enlisting of other NGOs into the UNCED process generally;
- b) The consolidation of information within the relevant computer conferences;
- c) The exchange and dissemination of information to NGOs through such means as the computer conferences, and other UNCED related newsletters, in addition to direct mailings;
- d) The monitoring and analysis of other inter-governmental negotiating processes; and
- e) The facilitation of strategic planning among NGOs.

In terms of the substantive planning for the NGO pre-PrepCom III meeting, we have identified the following as possible activities:

- a) PrepCom II debriefing;
- b) Workshops on substantive issues;
- c) Strategy and lobbying skills exchange sessions;

- d) Intervention drafting workshops;
- e) Meetings with key delegations to explore potential for NGO collaboration on delegation interventions;
- f) NGO-led briefings on NGO national positions;
- g) Meetings with Chairperson Tommy Koh and the authorities;
- h) General briefing on the UNCED process and overview of how PrepCom III fits into the overall scheme;
- i) Logistics briefing; and
- j) Workshops on Agenda 21 and opportunities for elaboration of NGO long-term goals for UNCED and beyond.

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