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Environment & Human Settlements Division

**REPORT ON**  
**PREPARATORY COMMITTEE FOR THE**  
**UNITED NATIONS CONFERENCE ON ENVIRONMENT**  
**AND DEVELOPMENT\***

**FOURTH SESSION**

**NEW YORK, 2 March - 4 April 1992**

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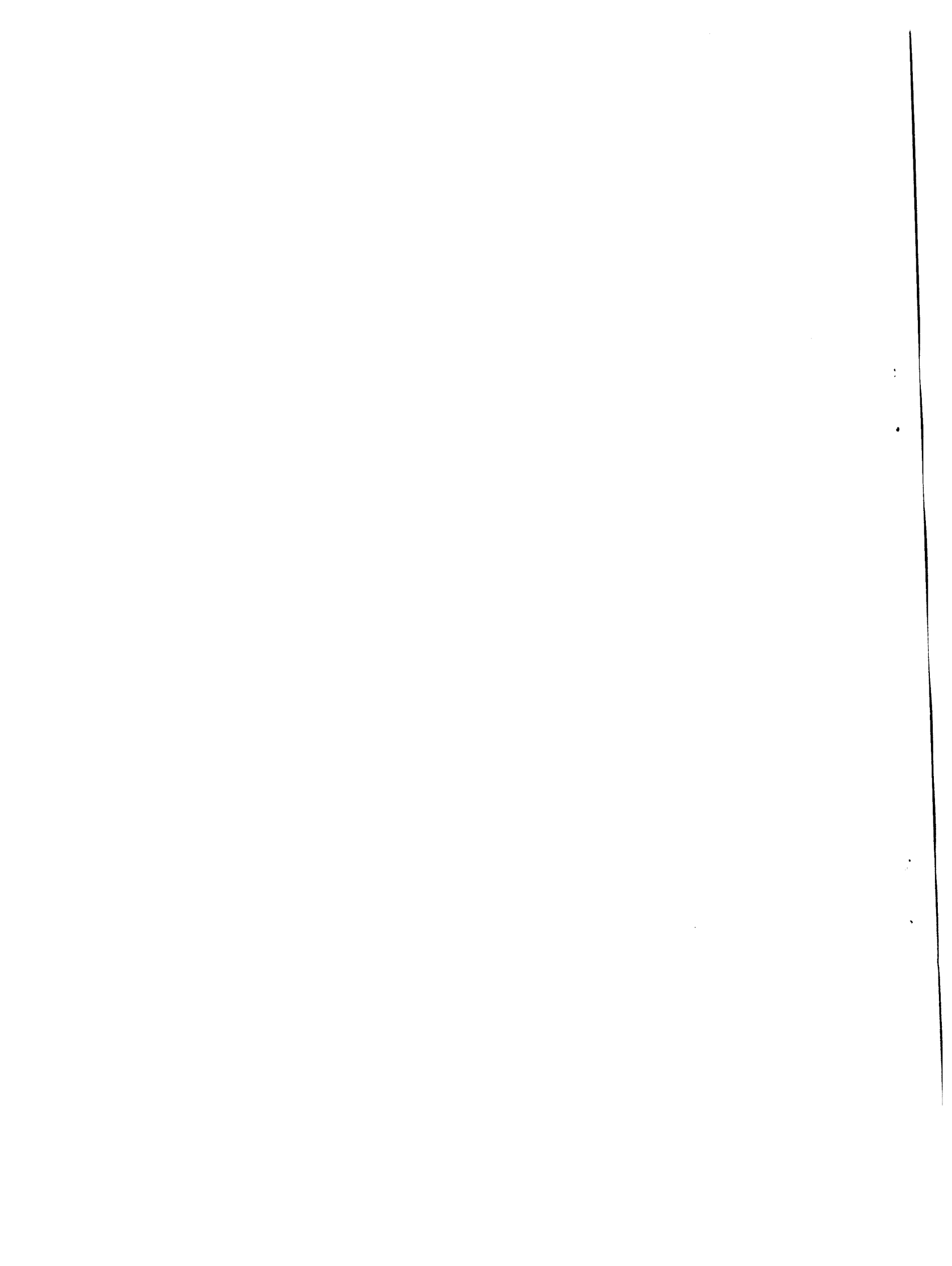
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## Preface

This report has been prepared in the context of the Commission's programme of work and priorities in the area of Environment.

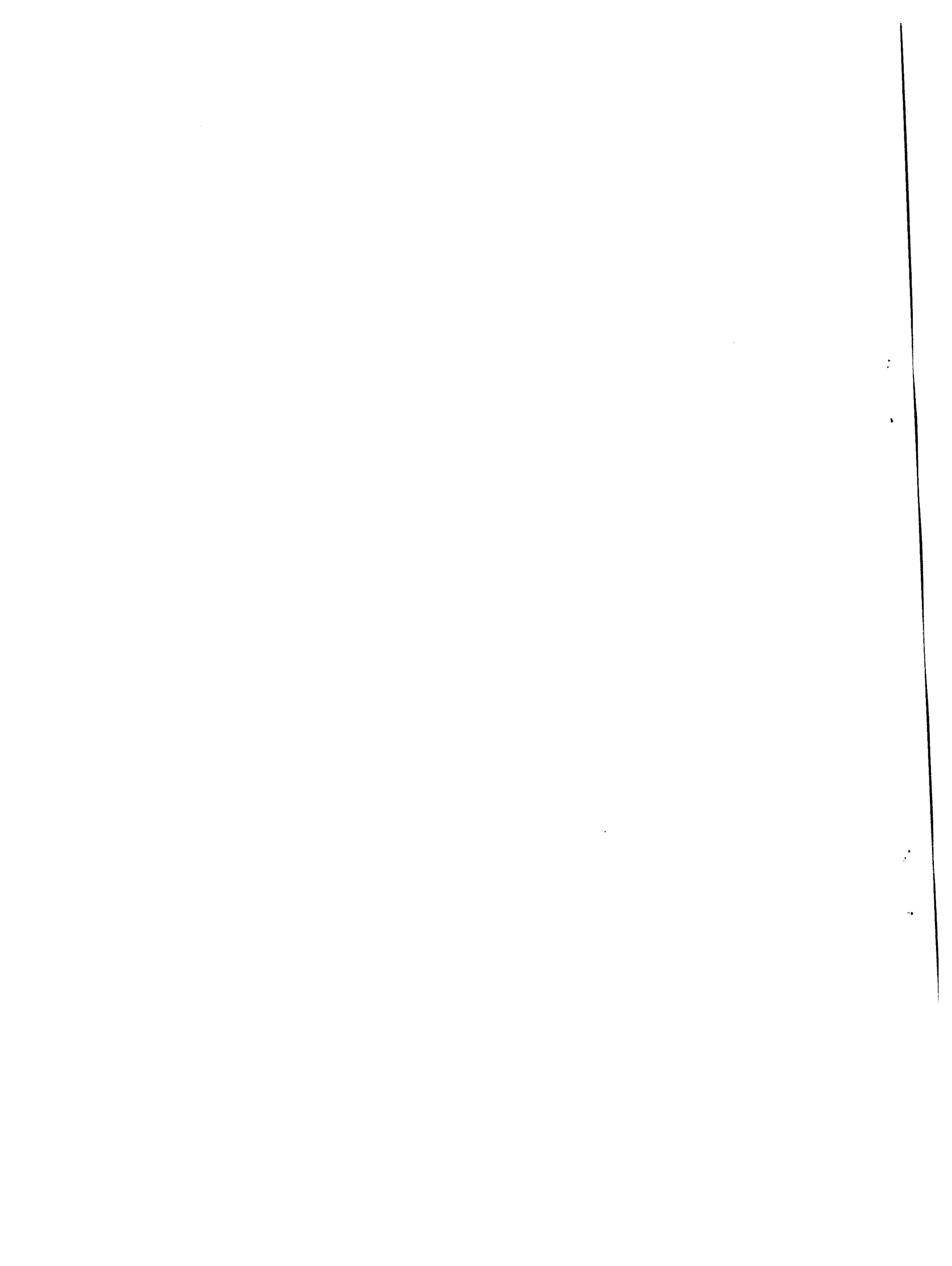
The United Nations General Assembly, through resolution 44/228 decided to convene the United Nations Conference on Environment and Development (UNCED), also known as the Earth Summit, to be held in Rio de Janeiro, Brazil, 1-14 June 1992. This is the first major international effort to address the two issues of environment and development together and has its background in the report of the World Commission on Environment and Development entitled Our Common Future (1987).

As the Conference approaches, it becomes all more important that the Arab countries are up-to-date on the issues at stake, the progress of preparations and the outstanding issues. This report is being prepared on the basis of decisions reached after lengthy negotiations at the fourth session of the Preparatory Committee for the United Nations Conference on Environment and Development, when it met at Headquarters from 2 March to 4 April 1992.



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## I. Introduction

1. How to provide additional financial resources of environmentally sound technologies to developing countries were among the issues negotiated at the fourth session of the Preparatory Committee for the United Nations Conference on Environment and Development, when it met at the Headquarters from 2 March to 3 April 1992.
2. The session - the final stage in the preparations for the Conference, which will be held in Rio de Janeiro, Brazil, from 1 to 14 June was essentially a negotiating one with no general discussions on issues on reports and with the bulk of the work conducted in informal meetings.
3. The deliberations focused on proposals for the two main documents expected to be adopted at Rio de Janeiro:
  - Agenda 21, a comprehensive plan of action, extending into the twenty-first century, covering major areas affecting the relationship between the environment and the economy; and
  - The Earth Charter/Rio de Janeiro Declaration on Environment and Development, a set of principles on rights and obligations which must govern the economic and environmental behavior of peoples and nations to ensure "our common future".
4. Other documents expected to be submitted to the Conference and opened for signature are conventions presently being drafted by two Intergovernmental Negotiating Committees:
  - A framework convention on climate change; and
  - A biological diversity convention.

A set of principles on forests, which would serve as the basis for the negotiation of a convention at a later stage, is also expected to be submitted to the Conference.
5. The Preparatory Committee considered also draft proposals on institutional mechanisms related to the implementation of Agenda 21, as well as follow-up arrangements after the 1992 Conference. Among legal matters, the Committee also discussed the capacity of the United Nations system to adjudicate in environmental disputes (the provisional agenda and proposed programme of works for the session are contained in document A/Conf.151/PC/96).
6. The concept of development that is environmentally sustainable was raised at the 1972 United Nations Conference on

the Human Environment, and recommendations for integrating the dual concept were proposed in the Brandtland Report. In 1989, the General Assembly decided to hold the United Nations Conference on Environment and Development.

## II. Committee's Method and Programme of Work

The Preparatory Committee conducted its work through three working groups, in addition to the plenary.

7. Working Group I dealt with matters related to the protection of the atmosphere, land resources, the conservation of biological diversity and the environmentally sound use of biotechnology. At the fourth session, it gave priority consideration to the question of desertification, several African countries had complained about the lack of time given to that subject in previous session. Under this item the working group had before it, among others, a report of the activities of the Sahara/Sahel observatory (document A/Conf.151/PC/118) as well as a report of the Secretary-General of the Conference containing a compilation of the views of governments on combating drought and desertification (document A/Conf.151/PC/110).

8. A contentious issue before Working Group I was that of forests. Among several reports on the subject were proposals on forest principles submitted by the United States (document A/Conf.151/PC/WGI/L.20); by Ghana, on behalf of the "Group of 77" developing countries (document A/Conf.151/PC/WGI/L.22/Rev.2); by Canada (document A/Conf.151/PC/WGI/L.24); and by the Netherlands, on behalf of the 12 member States of the European Community (document A/Conf.151/PC/WGI/L.32).

9. Working Group II dealt with waste management and the protection of oceans, seas, coastal waters and fresh water resources. In connection with environmentally sound management by hazardous wastes, solid wastes and sewage - related issues, radio active wastes and toxic chemicals, as well as the prevention of illegal international traffic in toxic and dangerous products and wastes, the working group had before it several heavily bracketed reports, signifying areas of disagreement among the negotiations. Matters of contention concern proposals on different levels and types of restrictions on the production of certain chemicals, such as asbestos; prohibition on export of wastes as well as punishment for persons involved in traffic in illegal wastes, among others. Other reports on wastes questions included documents A/Conf.151/PC/100/Add.22 to 25, as well as Add.4, containing proposals for Agenda 21.

10. Working Group III examined legal, institutional and related matters as well as the questions of principles of general rights and obligations in connection with the Earth Charter. It had



before it a draft proposals on general rights and obligations submitted by Ghana on behalf of the Group of 77 (document A/Conf.151/PC/WG.III/L.6), among other proposals for the Earth Charter.

11. Cross-sectoral aspects of environmental issues were considered in plenary. Among issues were the questions of additional financial resources and transfer of technology to developing countries; strengthening the roles of major groups (including women, youth, indigenous groups, non-governmental organizations and trade unions); poverty and sustainability; human settlements; and integrating environment and development in decision-making.
12. In connection with transfer of technology, the Committee had before it, among others, a mostly bracketed text (document A/Conf.151/PC/100/Add.9). It addressed issues such as improved flows of environmentally safe and sound technology to least developed countries; developing international safeguards for technology transfer; facilitating the role of market mechanisms in promoting technology transfer; the question of intellectual property rights; and the question of incorporating the transfer of environmentally sound technologies to developing countries in the negotiations of an international code of conduct on transfer of technology.
13. Regarding financial resources, the Committee had before it a report of the Secretary-General of the Conference (Document A/Conf.151/PC/101), which reviewed matters of financing and cost evaluation, governance and co-ordination. The report makes projections for the period 1993-2000 concerning the costs of implementing an agenda linking economic development to environment issues. Investment by individual nation is expected to be four to five times greater than international funding. The latter is required for increased international concessional financing to accelerate development (estimated at US\$ 125 billion annually); financing for programmes to address global issues (estimated at US\$ 15 billion annually); and funding to strengthen international organizations so that they can play a larger global environmental role (estimated at US\$ 750 million annually).
14. An increase in levels of official development assistance (ODA) from 0.35 percent to 1.0 percent would produce about US\$ 159 billion annually in concessional assistance, the report states. Regarding the Global Environment Facility, jointly set up by the World Bank, UNDP and UNEP to provide funding for ozone layer protection, limiting emissions of greenhouse gases, protecting biodiversity and protecting international waters, there is no agreement on whether its mandate should be expanded or alternative funds, such as the general environment fund (or "Green Fund") favored by the Group of 77 and China, should be set-up.

### III. Agenda 21: Structure

15. After having agreed as a framework and narrowed options for programmes to be included in Agenda 21, the Committee negotiated its content on the basis of proposals submitted by delegations as well as those drafted by the secretariat.

16. At its third session, in Geneva, the Committee requested the integration of development considerations, needs as well as realities in all Agenda 21 programme documents and to include at least the following:

- Poverty, economic growth and environment;
- Demographic pressures and unsustainable consumption patterns and environment;
- International trade and environment;
- Structural adjustment and environment;
- Commodities and environment;
- External indebtedness, resources flows and environment;
- Large industrial enterprises, including transnational corporations; and
- Business practices and environment.

17. The Committee also decided that Agenda 21 should fully take into account the following elements:

- Identification of ways and means to provide new and additional financial resources, particularly to developing countries;
- Action-oriented proposals for effective modalities for favorable access to, and transfer of, environmentally sound technology, particularly to developing countries;
- Differentiation of actions to be taken by developed countries and those to be taken by developing countries, keeping in mind that responsibility for containing, reducing and eliminating global environmental damage must be borne by the countries causing such damage.
- Identification of responsibilities for actions to be performed by international and regional organizations; and
- Full recognition of the specificities and realities of developing countries, including their social, economic and development needs.

18. The Committee stated that each sectoral issue/programme area would be a separate chapter and should be divided into: basis for action; objectives; activities; and means of implementation.

including financing and cost evaluation as well as scientific and technological means.

19. The Committee had before it a series of reports of the Secretary-General of the Conference relating to Agenda 21. These were considered by the plenary and by the three working groups, depending on the subject matter. A report on the structure of Agenda 21 (document A/Conf.151/PC/100 and Corr.1) contains a proposed sequencing of chapters, indicating with each chapter, the document symbol of the report corresponding to it. These have been issued in 27 addenda.

20. Three reports on proposed Agenda 21 chapters were drafted during the fourth session. They concern financial resources and mechanisms; international institutional arrangements; and international legal instruments and mechanisms. In this connection, the Committee had before it background information as well as reports containing additional information it had requested from the secretariat.

21. Among those texts were a compilation of proposals on institutional proposals, including institutional follow-up arrangements after the Conference, especially with regard to Agenda 21 (document A/Conf.151/PC/102), and a survey of existing international agreements and international legal instruments in the environmental field (document A/Conf.151/PC/103 and Add.1).

#### IV Agenda 21: Overview

22. A report of the Secretary-General of the Conference (document A/Conf.151/PC/100/Add.1) provides an overview of the proposals for Agenda 21. It stresses the importance of a global partnership for sustainable development based on the acceptance of a shared but differentiated responsibilities for the future of humanity and its habitat, and states that Agenda 21 would seek to give practical expression to that acceptance through the following aims:

- Focusing on linkages, particularly between environmental and developmental issues, and identifying programmes that address the two sets of issues simultaneously;
- Addressing the forces that lead to environmental degradation, namely the unsustainable pattern of consumption, particularly in industrialized countries; the interrelationship between poverty and environmental degradation; and the potential effects of demographic pressures;
- Recognizing that the responsibility for containing, reducing and eliminating global environmental damage

must be borne by the countries causing such damage, must be in relation to the damage caused and must be in accordance with their respective capabilities and responsibility; and

- Addressing the need of developing countries for new and additional financial resources and favorable access to environmentally sound technologies.

23. The action programmes included in Agenda 21 can be grouped around a series of what the report calls "themes/imperatives", each representing one dimension of an overall strategy for a global transition from present policies, which will lead to a perpetuation of disparities between and within nations, to a new direction, one that will lead to improved living standards, more productive and better protected ecosystems and a safer and more prosperous future.

24. Among those themes is the revitalization of growth and development. Thus, a commitment to resolving the long-standing problems of trade, debt, development finance and related domestic policies are a key element in Agenda 21. Another theme is the eradication of poverty, which is vital even for environmental management, particularly in developing countries.

25. A central component to be addressed in the drive for sustainable development, the report goes on, is a change in consumption patterns, particularly in industrialized countries, towards those which can be attained by all within the bounds of the ecologically possible. In addition, demographic pressures have to be reduced and managed, not just for environmental ends but for the benefits that could have on development prospects of poor countries.

26. Another essential component of Agenda 21 is improving the management of human settlements, as the breakdown of urban services and the spread of slums and violence spawned by rootlessness may will be the most immediate threats to human well-being in many countries, according to the report. A large number of programmes in Agenda 21 deal with how to use, without exhausting, land, water, energy and biotic resources. An important component of a strategy of resource management relates to the responsible and fair use of shared resources, particularly those which constitute global commons, like the atmosphere and the high seas.

27. As the process of production necessarily generate waste, another important component of Agenda 21 focuses on reducing waste generation, recycling wastes into productive activities, finding safe ways of disposing of the wastes that remain and dealing with illegal trade in hazardous wastes. Several programmes in Agenda 21, particularly those dealing with

biotechnology and with toxic chemicals, reflect the need for cooperative arrangements for anticipating and managing risks linked to human interventions in natural systems.

28. The substantive programmes included in Agenda 21 seek to address developmental needs and environmental imperatives within an integrated framework. That integration has to be reflected, for instance, in a reorientation of attitudes and in changes in decision-making processes. In this connection, Agenda 21 includes proposals for strengthening the role of major producer groups, non-governmental organizations, local authorities and such groups as women, youth and indigenous people who are often excluded from decision-making.

29. The implementation of Agenda 21 will require a major transformation of technology in virtually all sectors, the report states. This need underlines several sectoral programmes that deal with science and technology co-operation and technology transfer. Agenda 21 also includes cross-sectoral programmes that deal with mechanisms for improving information about, and access to, environmentally sound technologies.

30. The development and environmental objectives of Agenda 21 will require a substantial flow of new and additional financial resources to developing countries in order to cover:

- The resources required for accelerating development and making it environmentally sustainable;
- The incremental costs for the actions that developing countries have to undertake to deal with global environmental problems, as well as new and additional financial resources for strengthening the capacity of international institutions for the implementation of Agenda 21.

#### V Role of Regional Organizations and Co-operation

31. Regarding the role of regional organizations (section IV, Chapter 7 of Agenda 21) as contained in a report of the Secretary-General of the Conference (document A/Conf.151/PC/100/Add.26) proposed amendments were submitted in a draft decision (document A/Conf.151/PC/L.65) which resulted from informal consultations on that programme area.

32. Under basis for action, the report states that while most of the follow-up actions under Agenda 21 will be dealt with at the national level, almost all programme documents refer to regional requirements, as regional activities are expected to increase because of the nature of environmental problems that know no boundaries. Therefore, regional organizations should be strengthened or restructured.

33. Addressing long-term objectives, the report calls for consolidation and harmonization of regional and subregional activities as well as for better co-ordination. In that connection the core organizations within the United Nations system and UNDP, UNEP and the regional commissions. The report adds that specialized agencies and regional development banks also have an important role to play.

34. On the matter of activities, the report of the Conference's Secretary-General states that regional organizations and bodies should review their activities in light of the approved Agenda 21, whose new challenges will require some internal adjustments in those organizations. The aim of those adjustments should be mainly to strengthen environment-related activities in organizations with an economic orientation and vice-versa. As for harmonization and co-operation among those organizations and bodies, the report states that the United Nations regional commissions, UNEP and UNDP form the core group, and together with regional development banks, should bear special responsibility for much co-ordination.

35. On 4 April, the plenary adopted the amended version of document A/Conf.151/PC/WG.III/L.31 entitled "Elements for section IV, Chapter six of Agenda 21: International Institutional Arrangements. Section 4 of this document contains information on the role of the regional commissions on implementation of Agenda 21. This section as it appears in the final form is the result of hard work of the representatives of the regional commissions supported by their respective countries representatives to the session.

36. The institutional structure envisaged will be based on agreement on financial resources and mechanisms, technology transfer, the Earth Charter, and Agenda 21. In addition, there has to be an effective link between substantive action and financial support, and this requires close and effective co-operation and exchange of information between the UN system and the multilateral financial institutions for the follow-up of Agenda 21 within the institutional arrangement.

#### VI. Institutional structure

37. The plenary agreed that the General Assembly, as highest level inter-governmental mechanism, is the principle policy-making and appraisal organ on matters relating to the follow-up of UNCED. The General Assembly would organize a regular review of the implementation of Agenda 21. In fulfilling this task the General Assembly could consider the timing, format and organizational aspects of such a review. In particular, the General Assembly could consider holding a special session no latter than 1997 for the purposes of over-all review and appraisal of Agenda 21, with adequate preparations at a high

level.

38. The Economic and Social Council, in the context of its Charter role vis-a-vis the General Assembly and the ongoing restructuring and revitalization of the United Nations in the economic, social and related fields, would assist the General Assembly through overseeing system-wide co-ordination, and overviewing on the implementation of Agenda 21. In addition, the Council would undertake the task of directing system-wide co-ordination and integration of environmental and development aspects in the United Nations policies and programmes and make appropriate recommendations to the General Assembly, specialized agencies concerned and member States.

#### VII. Intergovernmental Mechanisms

39. The plenary agreed that in order to enhance and rationalize the intergovernmental decision-making capacity for integration of environment and development issues and to ensure effective follow-up to UNCED and the implementation of Agenda 21, provision shall be made within the framework of the General Assembly and the ECOSOC. This should provide for active involvement from organs, programmes and organizations of the UN system, governments and non-governmental organizations including industry, business and scientific communities. It could take the form of either:

40. A high-level Commission on Sustainable Development, as the main subsidiary organ of the General Assembly and the ECOSOC for the integration of environment and development issues that will report directly to the General Assembly on matters of substance and through ECOSOC to the General Assembly on matters related to co-ordination. It would consist of states elected as members of this Commission; or

41. The full use of a revitalized ECOSOC, in accordance with General Assembly resolution 45/264, with a recommendation for either the establishment of a subsidiary mechanism such as, in particular, a third sessional committee, or the full utilization of its new high level and co-ordination segments.

42. On the basis of the conclusions of UNCED, the 47th UNGA should determine specific modalities for the work and other organizational aspects of institutional arrangements agreed at the Conference, in conjunction with a review of the complementarity between the role of ECOSOC and the General Assembly in accordance with GA resolution 45/264. In this respect, the Secretary-General is requested to prepare a report with appropriate recommendations taking into account institutional objectives and functions decided by UNCED.

43. It was also agreed that a highly qualified and competent

secretariat support structure within the UN Secretariat, drawing, inter alia, on the experience gained in the UNCED preparatory process is essential for the follow-up to the Conference and the implementation of Agenda 21. This Secretariat support structure should provide support to the work of both intergovernmental and interagency co-ordination mechanisms (Administrative Committee on Co-ordination, headed by the Secretary-General). Concrete organizational decisions fall within the competence of the Secretary-General, who is requested to report on the provisions to be made, covering staffing implications, as soon as practicable, but not later than the 47 session of General Assembly, taking into account the optimum use of existing resources in the context of current and ongoing restructuring of the UN Secretariat.

44. The plenary agreed that regional and subregional co-operation will be an important part of the Conference outcome. The UN regional commissions, regional development banks and regional economic and technical co-operation organizations, within their respective agreed mandates, can contribute to this process by:

- (a) Promoting regional and subregional capacity-building;
- (b) Promoting the integration of environmental concerns in regional and subregional development policies;
- (c) Promoting regional and subregional co-operation, where appropriate, regarding transboundary issues related to sustainable development.

45. It was also agreed that regional economic commissions, as appropriate, should play a leading role in co-ordinating regional and subregional activities by sectoral and other UN bodies and shall assist countries in achieving sustainable development. These commissions, regional programmes within the UN system, as well as other regional organizations should review the need for modification of ongoing activities, as appropriate, in light of Agenda 21.

46. It was agreed that there must be active co-operation and collaboration among the regional commissions and other relevant organizations, regional development banks, non-governmental organizations and other institutions at the regional level. UNEP and UNDP, together with the regional commissions, would have a crucial role to play, especially in providing the necessary assistance with particular emphasis on building and strengthening the national capacity of member States.

47. The plenary emphasized the need for closer co-operation between UNEP and UNDP, together with other relevant institution, in the implementation of projects to halt environmental



degradation on its impact, and to support training programmes in environmental planning and management for sustainable development at the regional level.

48. It was agreed that regional intergovernmental technical and economic organizations have an important role to play in helping governments to take co-ordinated action in solving environment issues of regional significance.

49. Regional and subregional organizations were requested to play a major role in the implementation of Agenda 21 provisions related to combating drought and desertification. UNEP, UNDP and UNSO should assist and co-operate with those relevant organizations.

50. Finally, it was agreed that co-operation between regional and subregional organizations and relevant organizations of the UN system should be encouraged, where appropriate, in other sectoral areas.

#### IIX Presentation of ESCWA report

51. Mr. Fuad A. Bataineh (Jordan), speaking on behalf of the Arab Group, introduced the report of the Economic and Social Commission for Western Asia (ESCWA) on the Arab Ministerial Conference on Environment and Development (document A/Conf.151/PC/99).

52. Mr. Bataineh said the Arab world, which occupied a strategic location, contained several different environments. Those features produced characteristics with local and global impacts. With the aim of fastening commitment to the principles of environmental protection and taking into consideration several relevant interventional instruments, including the Stockholm Declaration of 1972, the Cairo Conference had been held to review the Arab Perspective on environment and Development.

53. The document produced by that Conference was a technical contribution which he hoped the Preparatory Committee would take into account. In that declaration, Arab States had expressed concern over the effect of the continued Israeli occupation of Arab and Palestinian territories, with regard to their development. Also, as major producers of fossil energy, and recognizing the negative environmental impact of the consumption of energy, the Arab States called upon the international community to provide the necessary technology to interested states to contain the negative aspects of energy consumption. The question of transfer of technology was of paramount importance to the Arab States, he stressed. Other matters of priority were desertification, drought and the development of water resources.

## IX Protection of Atmosphere

54. The Committee approved the Chapter of Protection of the atmosphere based on negotiations on document A/Conf.151/PC/100/Add.14.

55. The text's bracketed section on "objective" states that overall aim was to achieve the early entry into force of the framework convention on climate change and its related instruments that might be agreed upon, with the widest possible participation. According to the text, the drafting of the introduction would be dependent on the outcome of the work of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change.

56. The chapter includes four programme areas namely, improving the scientific basis for decision-making; promoting sustainable development in the areas of energy, transportation, industrial development, terrestrial and marine resources development and land use; stratospheric ozone depletion, its implications and response strategies; and transboundary atmospheric pollution.

57. The representative of yemen, speaking on behalf of the Arab Group, said the mandate of the Rio Conference, based on General Assembly resolution 44/228, called for the maintenance of sustainable development in all countries. The international community would be addressing environmental issues from the perspective of sustainable development. The environment must be prepared in the interest of future generations.

58. The proper framework for addressing issues related to the atmosphere, he said, must be based on wide agreement. The text did not reflect the views of the Arab Group, as it focused on climate change, which was being addressed in negotiations of the Intergovernmental Negotiating Committee. The text on protecting the atmosphere prejudged those negotiations and thus should be bracketed pending their outcome.

59. The representative of Saudi Arabia said amendments to give balance to the text were being circulated. They would also make it possible to avoid prejudging negotiations on a climate change convention. Those amendments should be inserted into the text in brackets. The text on protection of the atmosphere as well as the amendments proposed by the Arab Group were then approved.

## X Intergovernmental Negotiating Committee on Climate Change

60. The above Committee was set up by the General Assembly in December 1990 (resolution 45/212) to provide a forum for governments to develop a global response to climate change based on commitments by states. The framework convention is among the international instruments expected to be signed at Rio de

Janeiro.

61. A framework convention consists of general principles, commitments and obligations formed in such a way as to gain the adherence of the largest possible number of countries, and containing provisions which will serve as the basis for other legal instruments, such as protocols, dealing with specific issues.

62. The Committee which is drafting a framework convention on climate change suspended its fifth session on Friday 28 February with an appeal from the Chairman for good will to ensure the successful conclusion of its work at the resumed session, scheduled for 30 April to 8 May at Headquarters.

63. The Chairman of the Committee, Jean Ripert (France), identified the core issues before the negotiations as follows:

- Commitments of industrialized countries with respect to emissions and sinks;
- Provision for a financial mechanism and for commitments to it;
- Choice of principles to be included in the convention;
- Commitments to be made by all parties to the convention, including developing countries; and
- The assurance of an adequate institutional base for future work, including, in particular, a process of reporting and review.

#### XI Global Coalition for Africa (GCA)

64. Priority environmental concerns for Africa - including desertification, technology transfer and energy security - were highlighted at a high-level meeting held at Headquarters on 29 and 30 March in preparations for UNCED.

65. The meeting, convened by (GCA) in collaboration with the UN Department of Economic and Social Development, brought together ministers and senior government officials from African countries and their development partners, as well as senior officials of international organizations. The principle objective of the gathering was to present the African common positions for the Conference to the region's industrialized partners and to exchange views at the ministerial level on the main objectives and basic elements of that position.

66. Introductory statements were made on the first day of the meeting by Ji Cheozha, Under-Secretary-General for Economic and Social Development; Maurice Strong, Secretary-General of UNCED; and Dr. Nafis Sadik, Executive Director of UNDP. The African position was presented by Exan Akele, Minister for Environment, Construction and Urbanism of Cote d'Ivoire, and E.O.A. Aina,

Chief Executive of the Federal Environmental Agency of Nigeria, as spokesman for the Organization of African Unity (OAU).

67. The meeting was chaired by Jan P. Pronk, Minister for Development Co-operation of the Netherlands and Co-Chairman of the (GCA). Robert McNamara, Former President of the World Bank and Co-Chairman of the Coalition, also took part in the meeting.

68. Desertification had been underscored as a central issue for the continent. Both African Ministers and their northern counterparts had called for global convention for combating that phenomenon, although detailed discussions would be needed in order to develop the principle, scope of substance of the new instrument.

69. Several ministers recommended that the scope of the World Bank's Global Environmental Facility (GEF) be expanded to cover efforts to combat desertification and that the Facility's management be transparent, democratic, non-conditional and broad-based.

Concerning technology transfer, the meeting took note of the difficult issues of patents and intellectual property rights, and how those might impede access to certain means for protecting the environment.

70. The high-level meeting was attended by George Saitoti, Vice-President of Kenya, as well as ministers and senior officials from 36 African countries including Algeria, Djibouti, Egypt, Libya, Mauritania, Morocco and Sudan.

71. The industrialized countries were represented by Grete Fareno, Minister of Development Co-operation of Norway and other high-officials from Portugal, the European Community, Canada, France, Germany, Japan, the Netherlands, UK and USA.

72. Also represented at the meeting were the African Development Bank, the European Community, the UNDP, the UNFPA and the World Bank.

XII. Eminent Persons Meeting on Financing Global Environment and Development (Tokyo, 15-17 April 1992).

73. The issue of how to finance the proposals which were expected to emerge from UNCED is currently under negotiation. The Tokyo Conference would build on the results of these negotiations and would be informed in structure, involving a distinguished group of participants. It is hoped that guidance for governments would emerge for the meetings.

74. Japan's former Prime Minister, Noboru Takeshita, had long supported the work of UNCED. Before leaving office, Mr.

Takeshita had made a strong commitment to helping solve environmental problems in his country and oversaw the establishment of the Environmental Protection Agency there. The fact that Japan would host the Eminent Person's Meeting was a strong indication of its commitment to environmental issues.

75. This meeting would gather together some of the world's notable persons to meet in their private capacity to express views from a wide variety of perspectives on potential sources of funding and institutional mechanisms needed in order to help resolve global environmental problems.

76. Rather than discuss which country should bear what burden, the task of the meeting would be to formulate mechanisms that would ensure protection of the environment regardless of any political or economic change that might occur. Mr. Taketshita is committed to helping Japan assume a leadership role in the environmental field. A growing number of politicians in Japan supported that position. The upcoming Tokyo meetings would be a first step in that direction.

77. The United States had been constantly urging Japan to take a greater leadership role in global affairs, and in that regard there was perhaps no field more appropriate than that of the environment.

### XIII. Rio Declaration on Environment and Development

78. The Preparatory Committee for UNCED concluded early Saturday 4 April its fourth and final substantive session by approving a set of 27 draft principles that could become the Rio Declaration on Environment and Development.

79. The text, is the only "clean" text - free of brackets - that the Committee is sending to Rio Conference for further consideration and finalization. It was approved after the Chairman (Mr. Tommy Koh - Singapore) took note of reservations which had been expressed by representative of Israel.

80. The text (document A/Conf.151/PC/WG.III/L.33/Rev.1) states that human beings were at the centre of concerns for sustainable development and were entitled to a healthy and productive life in harmony with nature.

81. States, the text goes on, had the sovereign right to exploit their own resources, pursuant to their own environmental and development policies. They also had the responsibility to ensure that activities within their jurisdiction did not cause damage to the Environment or areas beyond the limits of their national jurisdiction.

82. The Rio Declaration would stress that the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations. In order to achieve sustainable development, environmental protection should constitute an integral part of the development process and could not be considered in isolation from it.

83. All states and peoples, the text goes on, should co-operate in the essential task of eradicating poverty as an indispensable requirement for sustainable development. States should co-operate in a spirit of global partnership to conserve, protect and restore the health and integrity of the earth's ecosystem. Also, States had common but differentiated responsibilities. Developing countries would acknowledge their responsibility in pursuit of sustainable development in view of the pressures their societies had placed on the global environment and of the technologies and financial resources they commanded.

84. To achieve sustainable development and a higher quality of life for all people, States should eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies, the Rio Declaration would affirm. It would call on States to co-operate to strengthen endogenous capacity-building for sustainable development through scientific exchanges and the transfer of technologies, including new and innovative

technologies.

85. As environmental issues were best handled with the participation of all concerned citizens, the text goes on, each individual should have appropriate access at the national level to information concerning the environment, including information on hazardous materials and activities in their communities, as well as the opportunity to participate in decision-making. States should provide for access to judicial and administrative proceedings, including redress and remedy.
86. The international community should endeavor to promote a supportive and open international economic system which would lead to economic growth and sustainable development, the text states. Trade policies for environmental purposes should not arbitrarily discriminate or disguise restrictions of international trade. Unilateral actions aimed at environmental challenges outside the jurisdiction of importing countries should be avoided, environmental measures addressing transboundary or global environmental problems should be based on international consensus.
87. National legislation should be developed regarding liability and compensation for the victims of pollution and other environmental damages, the Rio Declaration would state. The transfer to other States of activities and substances that caused environmental degradation or harm to human health should be discouraged.
88. In order to protect the environment, the precautionary approach should be widely applied by States according to their capabilities. Lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation, the text goes on. National authorities would be called upon to promote the internationalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should in principle, bear the cost of pollution, with due regard to public interest and without distorting international trade and investment.
89. The special role played in promoting sustainable development by women, youth and indigenous people should be recognized. Also, the environment and natural resources of people under oppression, domination and occupation should be protected, the text goes on.
90. States should respect international law providing protection for the environment in times of armed conflict, the Rio Declaration would affirm. Also, it would state that peace, development and environmental protection are interdependent and indivisible, calling on States to resolve their environmental

disputes peacefully.

#### XIV. Action on Rio Declaration on Environment and Development

91. The Chairman, Mr. Koh, said that following difficult negotiations on the Rio Declaration, it was decided that he should assume responsibility in that regard. Subsequently, a restricted contact group had been formed in order to work on the Rio Declaration.

92. The text contained some 27 international principles which should be viewed as a whole, he continued. Each principle had been carefully crafted. He appealed to delegations to support the text, which would be the only "clean text" to be sent to Rio for further consideration and finalization as it had no brackets or amendments. Despite long and hard efforts during the substantive session of the Preparatory Committee, there was no clean text on any of the five issues to be taken up in Rio.

93. Supporting that appeal were the representatives of Pakistan, speaking on behalf of the Group of 77; Portugal, on behalf of 12 member States of the European Community; Norway, on behalf of the five Nordic countries, Australia, speaking also on behalf of Canada and New Zealand; China; Hungary, also on behalf of Poland and Czechoslovakia; Russian Federation; Yemen, on behalf of the Arab Group; Austria, Japan, United States; Switzerland, the observer for Holy See; Lithuania, also on behalf of the Baltic States; Turkey; Canada; Argentina and Egypt.

94. Mr. Strong, Secretary-General of the Conference, joined in supporting the text.

95. The representative of Israel protested reference to "people under occupation" characterizing it "as still insidious political propaganda campaign". The Rio Declaration was "still infected with a political virus". He requested bracketing the entire Rio Declaration.

96. The Chairman (Singapore), ruled that there would be no brackets on the Rio Declaration, and asked the Committee to approve the document.

#### XV. Other Issues

97. The Preparatory Committee recommended to the General Assembly the change of the Conference dates, from 1 to 12 June to 3 to 14 June, in consideration of the Muslim Feast of Ed-Al-Adha, which will start on 10 or 11 June, with pre-session consultations to take place on 1 and 2 June.

98. A 20-power draft resolution on the question of observer status in the work of the Preparatory Committee as well as in the



Conference for associate members of regional commissions (document A/Conf.151/PC/L.57/Rev.1) would have the Committee decide to recommend to the Assembly a draft decision amending the relevant rules of procedures to permit representatives designated by associate members of regional Commissions to participate in the Conference as observers.

99. Also before the Committee was a draft decision on the states of the European Economic Community (CEC) at UNCED (document A/Conf. 151/PC/L.64). It would have the Committee recommend to the Assembly that the Community be invited to participate fully in the Conference, and that the draft provisional rules of procedure of the Conference (document A/Conf.151/PC/56) be amended to make that possible.

100. In another action, the Committee granted observer status to 645 non-governmental organizations.

#### XVI. Other Statements

101. Jose Manuel Durao Barroso, Secretary of State for Foreign Affairs and Co-operation of Portugal, speaking on behalf of the 12 - member European Community, said the Twelve were committed to the implementation of decisions to be taken at the Rio Conference. The European Community Ministers charged with development and environment would hold a Joint Council meeting in early May to review the Preparatory Committee's results and prepare for the Rio Conference.

102. The European Community's 1990 contribution to the environmental component of development projects was US\$ 400 million; it would reach a total of US\$ 900 million this year, he continued. The Community's commitment in Asia, Latin America and Mediterranean countries over the next five years would amount to an estimated US\$ 25 billion, not including the bilateral contributions of member States or those of non-governmental organizations and the implementation of sustainable development policies.

103. Among the issues which were of particular concern, he cited fresh water resources and desertification. The Twelve would support the formulation of principles leading to a desertification convention. The Community would fully support the upcoming negotiations on a framework convention on climate change, to be held from 30 April to 8 May in New York, with a view to preparing an effective convention to be signed in Rio. Substantial progress had been achieved during negotiations on a convention on biodiversity, especially in the area of a framework of compatible safety procedures to be applied in biotechnology. The European Community would like such a framework to form the basis of an international instrument.

104. Maurice F. Strong, Secretary-General of UNCED in his press briefing on 3 April said that while the Preparatory Committee covered an immense amount of ground, a number of issues remained unresolved. He expected that agreement would be reached on the basic ingredients for successful negotiations on the Charter in Rio de Janeiro. Agreement was expected on most of the elements of "Agenda 21", which he described as "the most extensive, comprehensive international programme ever developed and approved, word by word, by governments".

105. The question of technology transfer would also go to Rio with some aspects unresolved. On the question of institutions, the only principle issue left unresolved concerns the kind of intergovernmental body to be used - such as a commission that would report to the General Assembly or perhaps a committee of the Economic and Social Council.

106. Asked if the Earth Charter might be put aside to 1995 to coincide with the fiftieth anniversary of the United Nations and a Rio Declaration issued in its place, Mr. Strong said he had not abandoned the pursuit of an Earth Charter. It was possible that the Charter might be downgraded to a Rio Declaration, which could have its own value. "I would not want to see it called an Earth Charter if it did not contain the kind of elements on Earth Charter should contain". It might be premature to get agreement on some of the fundamental principles for an Earth Charter. If so, he would continue to work for such a Charter, which was "fundamentally important to the future of our planet". It was essential to have a set of guiding principles for the action programmes that were being developed.

107. Mr. Strong was asked for comment on concern that parts of Agenda 21 had been watered down at the last minute through what Mr. Strong himself had described as "weasel words". Mr. Strong said there were more "weasel words" there than he would like to see, and he would like to see some of them out. Some governments were very skillful in the art of using such words: if they lost the main battle in the substantive discussions, they tried to win it with "weasel words" in the text.

108. (Kamal Nath) the Indian Minister of Environment and Forests in his press conference on 31 March 92 said that the remaining unsolved issues involved all aspects of financing and the transfer of technology. On the position of "group 77" and their approval to the exchange of a separate fund for an expanded version of the Global Environmental Facility, Mr. Nath replied that the Group's original position had not been merely to have a separate fund, but to include certain stipulations for its establishment. If a modified Facility met the Group's requirements, it would be acceptable.

109. The requirements of the Group of 77 related to the

administration and transparency of the fund, and the setting up of separate accounts within the Facility, he said. For example, instead of their being a separate fund for each new environmental convention, separate accounts could be set up within the fund with a "first floor" to cover global aspects and a "ground floor" with "windows" to take care of smaller issues. The administration of the fund should be handled by the parties to the convention.

110. What would be the Group of 77 accept as the minimum amount of funding, given that the industrial countries had said that US\$ 175 billion was unrealistic? Mr. Nath replied that a minimum should not be set merely in terms of dollars without taking other factors into account. Funding amounts should be commensurate with the period of time in which they would be used, 25 - year versus 5-year allocations. The real issue was making the funds available as they were needed. Primarily, there should be a linkage of funding to requirements as they arose, with the number left open-ended. The northern countries would have to accept the responsibility to come up with the new funding to be added to existing funding, as it was enquired. Those countries would have to show their intent to achieve the needed funding in the form of binding commitment.

111. Were the countries of the South also willing to compromise on the issue of the transfer of technology? someone asked. Mr. Nath referred back to the issue of the Global Environmental Facility, saying that his country's position was unchanged. If the ingredients that had originally been included in the Group of 77 proposal were met, that would be acceptable. If a newly titled fund had the ingredients of the original Facility, it would not be. Similarly, if the group's original principles on the non-commercial transfer of technology were preserved, that would also be acceptable.

112. Regarding the Group of 77 position on the expanded Facility, he said that largely, a consensus had been reached. If certain conditions were included in the expanded Facility, it would most likely be acceptable to the Group as a whole.

113. At a press conference on 3 April 1992, John Bell, head of the Canadian Delegation to UNCED said that the Committee had now used up about 97 percent of its time and completed about 97 percent of its work. It had always been understood that financial commitments would not be made during the Preparatory Committee meeting, he continued, but that a framework and package of elements would be designed for the Rio Conference. That had been done. He believe that nations were now looking beyond the Preparatory Committee to a series of upcoming meetings such as that of:

European Community's Environment and Development

- Ministers;
- The Eminent Persons meeting on financial resources for the global environment in Japan;
- The Kuala Lumpur meeting of Ministers of Environment and Development of developing countries, and
- The Global Environmental Facility Meeting.

114. A correspondent asked what the financial resources package looked like? Mr. Bell said that once it was agreed that everything would not be handled by a new fund, a series of mechanisms and channels were found to aid developing countries, using new and additional resources such as the Global Environmental Facility and bilateral programmes. The package also included the technological support of UNDP and the strengthening of UNEP. Specific decisions on these would be taken at a later date.

115. On the question of "a modified Global Environmental Facility" as proposed by some of the industrialized nations, which might be acceptable to the "Group 77" developing countries, as indicated by India's Minister of Environment, Mr. Bell said modifications could not be made at the current session, but the principles for modification could be set forward. Those principles would involve making the Facility transparent, democratic and efficient, with equitable participation by developed and developing countries. Policy decisions could be made by both north and south countries. While the World Bank was a very important implementing agency, he added, both UNEP and UNDP were also involved in implementation.

116. On the Global Environmental Facility, Mr. Bell said that Facility had not been accepted, but was under negotiation. Elaborating on this he added that financial resources package clearly needed to provide assistance to developing countries in order to help them develop their technical capacities domestically and implement the provision of Agenda 21. Environmental action had to take place at the national level. Agenda 21 had to be adopted by countries and made an essential part of their strategic development plan, and that would require additional financial assistance. Furthermore, the package must address the needs of the poorest of the poor nations. Developing countries had also expressed concern about the scope and governance of the Facility, and that question should be addressed at the next meeting of the Facility's participants, which would take place in Washington, D.C. at the end of April.

117. On the issue of the technology transfer, the question of science and capacity-building had been negotiated very early. On the question of technology Per se, there was concern about balancing between technology transfer on terms attractive to developing countries and protecting the intellectual property rights of developed countries. A solution that met both sides'

objectives was being negotiated.

#### The 92 Global Forum

118. At the time of the Rio Conference there would be a number of simultaneous events. The Global Forum had undertaken to create a physical and a political space for organizations to set their own agendas and make their own commitments towards the twenty-first century. Materials on the matter would be printed in several languages. As of 2 April, more than 6,000 individuals from more than 1,800 institutions from some 110 countries had indicated their desire to participate. In addition to over 3000 meetings, there would be numerous activities over the course of 12 days involving youth, women and other groups concerned about environmental issues.

#### XVII Organization of the Earth Summit/Rio Conference

119. Decision 3/11 of Prep. Com. III (document A/46/48 part II) gives the provisional agenda, organization of work and provisional rules of procedure of the Conference in Rio. The following are some of the major points.

A. That Conference will be organized in two sessions:

General Plenary: A general debate 1-10 June 1992 (new dates 3 to 14 June 1992).

- No delegation shall be allowed to speak more than once during general debate.
- 15 minute time limit for statements by representatives of governments.

Head of States or Government Session:  
11-12 June 1992; (new dates 10 to 11 June).

- B. The general plenary to establish one main Committee to consider the substantive item or items before the Conference. Plenary may decide to set up sub-committees or working groups as required;
- C. The delegation of each State shall consist of a head of delegation and such other representatives, alternate representatives and advisers, as may be required.

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