

## UNITED NATIONS ACTIVITIES

WSSD

**Setting a Path for Improved Implementation of Agenda 21**

by Michael A. Buenker\*

**Prologue**

As reported in the last issue, a great number of government delegates who participated in the fourth and final Preparatory Committee (PrepCom) held at Bali, Indonesia raised doubts about whether enough progress had been made on the document that was to be adopted at the World Summit for Sustainable Development (WSSD) held in Johannesburg, South Africa from 26 August to 4 September 2002. However, a statistic released by the PrepCom Bureau revealed that 75 per cent of the text of the Draft Plan of Implementation had in fact been agreed upon. The greatest disagreement pertained to the Chapter on Globalization and to the sections on Finance and Trade from the Chapter on Means of Implementation. In order to build a consensus on these issues, the South African government, with assistance from the PrepCom Bureau, pushed several informal initiatives before the Summit was to begin.

On 25 June 2002, Brazilian President Fernando Cardoso invited South African President Thabo Mbeki and Swedish Prime Minister Göran Persson for a 'Passing the Torch' meeting in Rio de Janeiro. The presence of international intergovernmental and non-governmental organizations (IGOs and NGOs), along with a number of experts on fields related to sustainable development, was also requested in order to engage in an open dialogue on the advances made since Stockholm and Rio, as well as the remaining challenges. The need for leadership from President Mbeki was urged to ensure that as many Heads of States and Governments as possible joined the Johannesburg process. In the following weeks, President Mbeki was to report on preparations for Johannesburg at a number of meetings, including the G-8 meeting in Kananaskis, Canada from 26-27 June and the inaugural meeting of the African Union at Durban, South Africa on 8 July, and to enlist the support of the participating States.

With the backing from United Nations Secretary-General Kofi Annan, Thabo Mbeki convened a one-day 'Friends of the Chair' meeting at New York on 17 July which was chaired by South African Foreign Minister Nkosazana Dlamini Zuma. Ministers or other high-ranking officials from a geographically balanced mix of 27 countries, with a number of other countries acting as observers, thus gathered for an informal exchange of views in order to narrow gaps. Reportedly, consensus was achieved on the interpretation of the Rio Principles and setting targets for access to sanitation. The designated

Secretary-General of the WSSD, Nitin Desai, was heard to comment on the positive change of attitude and atmosphere. During the final weeks before the opening of the Summit, it was also decided to schedule an extraordinary session of informal negotiations on 24 and 25 August, immediately preceding the opening of the Summit.

In an official statement released by the United Nations on 8 August, Kofi Annan called upon world leaders to attend the Summit. At this point, US President George Bush had already announced that he did not intend to participate personally, without offering an explanation. As the USA had demonstrated intransigence earlier by deciding not to participate in the Kyoto Protocol, this announcement drew further ire from the international community as well as national NGOs. It was later revealed that Bush was under pressure from the Republican Party not to attend the event. In addition, a letter dated 2 August surfaced which applauded Bush for his decision not to attend and displayed the signature of 31 individuals, including representatives of conservative think tanks and lobbying groups which are funded by the Exxon Mobil Corporation. A few hoped that the President would change his mind at the last minute in order to come, as his father did at Rio. However, it was already evident that the Secretary of State Colin Powell would appear in his stead.

On 13 August, the WSSD Secretariat released a Report entitled *Global Challenge, Global Opportunity* which highlighted the urgent need for the international community to address damaging trends. Among other trends, it states that if current patterns of development continue, nearly half of the world's population will suffer water shortages within the next 25 years, the continued use of fossil-based fuels will accelerate the emission of greenhouse gases and the world's forests will disappear in a drastic manner. Nitin Desai stated that the report was released in order to increase the sense of urgency for the need for action and to draft comprehensive policy plans that address economic and social aspects as well as environmental considerations.

A day later, the Global Environment Facility (GEF) received its eagerly awaited replenishment of US\$2.9 billion. The largest replenishment ever, from a total of 32 donor countries, it is intended to cover its operations up to 2006. Desai lauded this step as a positive indication that participating States are committed to supplying adequate funding for backing up the Implementation Plan that is to result from Johannesburg. Another important obstacle was thus removed from finalizing the Draft Plan of Implemen-

\* Administrative Officer, International Council of Environmental Law.

tation, which called for a \$3 billion replenishment of GEF. The GEF Council further recommended expanding the use of the Facility in order to cover the Convention to Combat Desertification and the recently signed Convention on Persistent Organic Pollutants (POPs) to be decided at the Second GEF Assembly (to be held in Beijing, China, from 16 to 18 October 2002).

Meanwhile, the WSSD had already been billed as the largest UN summit ever with 21,340 accredited delegates, including more than 9000 government delegates, 8000 stakeholder representatives and 4000 media, as well as an expected 100 Heads of State and Government. There was also to be a stronger presence from the private sector than at Rio, as representatives of 700 companies and 50 CEOs were also to be present. With 5000 local volunteers assisting and 8000 local security forces, the total number of participants was estimated to be 65,000. The United Na-



During an informal committee session proceeding

Courtesy: IISD/ENB – Leila Mead

tions Secretariat intended to meet logistical challenges by sending 400 members of its own staff from headquarters in New York, including security guards.

The problem was that the Sandton Convention Centre, where the Plenary and the negotiation of the actual Summit documents was to take place, could only fit up to 6000 delegates. Thus representatives of major groups were especially unhappy about the resulting limited access to the Convention Centre. In order to access the building itself they had to apply for secondary passes, and access to the plenary and negotiating rooms was even more restrictive, for security reasons. Most had to content themselves with attending the Civil Society Forum at Nasrec, 35 kilometres away.

In addition, the South African government announced in early July that it was running out of money to fund the event. By that time it had raised only 30 per cent of the \$19 million needed to cover the Summit and other related activities of the Civil Society Forum. Following this announcement, the Swedish Development Agency (SIDA), the Ford Foundation and the European Union made funds available in order to enable delegates from developing countries to attend the event. The governments of Denmark, Netherlands and other countries later supplied additional funding to the organizing company, JOWSCO.

In the run-up to the Summit, work also continued on so-called Type II partnership initiatives. The International Union for the Conservation of Nature and Natural Re-

sources (IUCN) was asked by the South African, Dutch and US governments to facilitate an informal meeting on 19 July 2002 between government representatives, the private sector and NGOs in New York in order to clarify outstanding issues relating to partnership proposals. During the course of the Summit, roughly 60 partnership initiatives were to be announced, which the UN would hail as another important outcome of Johannesburg. However, many NGO representatives were still ambivalent about this process, as they had previously warned that these should not serve as a substitute for Type I initiatives between governments. Business seemed particularly keen on joining in these partnership initiatives as a way of raising their public profile, but hardliners among NGOs insisted that this was corporate whitewashing and criticized what they perceived as being 'most favoured access' to the Convention Centre for the private sector.

### Opening Plenary

On the morning of 26 August, Nitin Desai as **Secretary-General of the WSSD** declared the Summit open. Thabo Mbeki was elected by acclamation as **President of the Summit**, whereupon he delivered the opening address. 'In the last 30 years, the torch of sustainable development has travelled from Europe, to the Americas, through Asia and now burns in Africa. After a protracted journey, it has arrived in the continent that is the cradle of humanity.' He continued to say:

'I am also certain that we are of one mind that the imperative of human solidarity as well as actual experience, demand that, together, we must strive for a shared prosperity. A global human society based on poverty for many and prosperity for a few, characterized by islands of wealth, surrounded by a sea of poverty, is unsustainable.'

All of us understand that the goal of shared prosperity is achievable because, for the first time in human history, human society possesses the capacity, the knowledge and the resources to eradicate poverty and underdevelopment. To use these possibilities successfully requires that we also agree to the concept of a common but differentiated responsibility.'

In order to avoid regressing 'to the most primitive condition of existence in the animal world, of the survival of the fittest, ... we need to take stock of the inertia of the past decade and agree on very clear and practical measures that will help us to deal decisively with all the challenges that we face. This is the central task of this Summit.'

Nitin Desai summarized developments since Rio and emphasized the main constraint toward effectively implementing Agenda 21 as being, among many other factors, the unsuccessful search for a formula to create overarching policies that integrate all three dimensions of sustainable development. He further stated that Rio was only a road map that did not offer a medium-term framework of where to start, where to end, and which resources to use. The Johannesburg Plan is to offer such a medium-term framework which builds on recent important decisions:

'On the macro-economic side, we have seen important positive developments in the agreements that were reached for the Doha round. We have the advantage of the Monterrey meeting on Finance for Development, where substantial commitments were made for additional development assistance. We have the recent agreements on the replenishment of the [GEF]. And the Millennium Summit has given us a comprehensive set of medium-term goals for the year 2015, focusing on issues of poverty, education, health and sustainable development.' ➔

Picking up on a phrase offered by President Mbeki a day earlier, 'global apartheid' between rich and poor, Nitin Desai echoed his call that the international community 'should attack this form of apartheid with the same vigour that the world mustered to fight the apartheid which existed in your wonderful country only a short while ago.'

**UNEP Executive Director** Klaus Töpfer summarized the task at hand as such:

'Since Rio we have achieved much. New international legal instruments have been developed. Awareness has increased and progress has been made at the national and international level in confronting environmental challenges and achieving sustainability. At the same time new scientific evidence of the planetary dimensions of global environmental change has raised the need for a quantum increase in our efforts. We have all agreed that this is the Summit of implementation, the Summit of accountability and of partnership. We have all agreed that concrete implementation must be the focus of our work. The time has come to translate our political commitment into action. Implementation must be our target to fight poverty, for responsible prosperity for all human beings.'

The **Rules of Procedure** (A/CONF.199/2 and Corr.1) and **Agenda** (A/CONF.199/1) were subsequently adopted.

Following the accreditation of additional intergovernmental organizations as contained in (A/CONF.199/13), the remaining Summit officers were elected. A total of five **Summit Vice Presidents** were elected from each of the following regional groups: Cameroon, Ghana, Kenya, Nigeria and Uganda for Africa; Hungary, Romania, Russian Federation, Slovenia and the former Yugoslav Republic of Macedonia for Eastern Europe; Antigua and Barbuda, Brazil, Cuba, Mexico and Peru for Latin America and the Caribbean; Belgium, Denmark, Germany, New Zealand and Norway for Western Europe and Other States; and on a later date Iran, Iraq, the Maldives, Pakistan and Samoa for Asia.

Nkosazana Dlamini Zuma was elected as **Vice President ex officio** and at a later date Maria Cecilia Rozas (Peru) as **Rapporteur-General**. Emil Salim (Indonesia) was elected as **Chair of the Main Committee**.

The Summit approved the **Organization of work**, including the establishment of the Main Committee (A/CONF.199/3) as well as its proposed timetable of work (as contained in Annex II), which would begin the following afternoon. It was understood that the Main Committee would adjust its organization of work as required.

The final point on the agenda of the opening session was the appointment of the members of the **Credentials Committee**.

### Partnership Events

Following the conclusion of organizational matters, the remaining morning plenary session was devoted to the first partnership meeting. Over the next three days, a total of six partnership plenary meetings were held, which corresponded to the five key thematic areas as proposed by the UN Secretary-General (known under the acronym WEHAB<sup>1</sup>) as well as an additional one on cross-sectoral issues (including finance, trade, technology transfer, sustainable consumption and production patterns, education, science, capacity-building, and information and decision-making). These were in chronological order: 1. **Health** and the environment; 2. **Biodiversity** and ecosystem management; 3. **Agriculture**; 4. **Crosscutting issues**; 5. **Water** and sanitation; and 6. **Energy**.

Each of the sessions began with the introduction of the relevant *WEHAB Framework of Action Papers* and presentations by resource persons from UN agencies, stakeholders and experts who had been involved in the preparation of the Framework Papers. The Secretariat hoped that the Framework Papers and the interactive discussions would facilitate follow-up action and implementation of the results of Johannesburg. Following this, State representatives joined in for interactive discussions. Minister Dlamini Zuma acted as chair and Jan Pronk, Special Envoy of the Secretary-General of the WSSD, was moderator to these proceedings.

A separate panel in the morning session of Thursday, 29 August was held on **Regional Implementation** with the former Administrator of UNDP, Gustave Speth, acting as moderator. Following brief presentations by the Executive Secretaries of the five regional commissions of ECOSOC on the roles they could play in the follow-up and implementation of the outcomes of Johannesburg, another interactive dialogue was held. Throughout the course of the partnership plenary meetings, the meeting hall grew disturbingly empty – even the hotly sought-after seats reserved for NGOs.

### Statements by IGOs

The second major segment of the plenary meetings was devoted to **Statements by Non-State Entities**, which began in the afternoon of Thursday 29 August and lasted until the evening of Friday. The term 'Non-State Entities' was oddly chosen, as these were, in fact, UN agencies and convention secretariats, regional economic commissions and other intergovernmental organizations that have received a standing invitation from the UN General Assembly to participate. Each statement was limited to five minutes, thus enabling representatives to give only a brief overview of their organization and their field of activities in relation to sustainable development.

### Roundtables

Beginning on 2 September, four **Roundtables** with the theme 'Making it happen' took place in parallel to the High-Level Segment. These were comprised of Heads of State and Government and/or Heads of Delegations, UN agencies, funds, programmes, intergovernmental organizations and Major Groups with representation at the highest level. In order to offer guidance for these discussions, the Summit Secretariat presented a background paper (A/CONF.199/L.5) that asked participants to address questions related to (a) mobilizing resources at both the global and domestic levels; (b) improving coherence and consistency in international and national institutions as well as their capacity to integrate the three dimensions of sustainable development; (c) promoting regional and global cooperation in the WEHAB priority areas; (d) providing access to scientific knowledge and affordable technologies; and (e) strengthening commitment to global solidarity. These meetings took place in closed sessions and the resulting recommendations are listed in the Chairpersons' summaries as adopted during the final segment (see below).

## High-Level Segment

The High-Level Segment of the Summit commenced on Monday, 2 September. Statements were heard from a total of 190 representatives of States and Governments, including the European Commission and Palestine. A total of 104 Heads of State and Government were present and only three UN Member States were either unable to attend or decided against sending delegations.

In the round of statements opening the High-Level Segment, **Summit President** Thabo Mbeki reminded delegates of the theme his government had proposed for the Summit ('People, Planet, Prosperity') in the following manner:

'Two days ago, people took to the streets of Johannesburg to give voice to the demand that our Summit meeting must produce practical and meaningful results on very specific matters. The same message has been communicated from the many meetings held by representatives of civil society as part of this great gathering of the peoples of the world.

...  
Less than a decade ago, this country was home to the anti-human system of apartheid, even as it was part of the combination of African countries that have given us proof that Africa is truly the cradle of humanity. The legacy of that inhuman system is evident everywhere in this country.

It would be correct that from here, the home of our common ancestors, the leaders of the peoples of the world communicate a genuine message that they really care about the future of all humanity and the planet we inhabit, that they understand and respect the principle and practice of human solidarity, and are therefore determined to defeat global apartheid.

From this city that owes its birth and growth to gold, itself the product of billions of years of natural evolution, must issue a strong and united voice that says – now is the time to act!'

**UN Secretary-General**, Kofi Annan, had the following to say:

'... [L]et us face an uncomfortable truth: the model of development we are accustomed to has been fruitful for the few, but flawed for the many. A path to prosperity that ravages the environment and leaves a majority of humankind behind in squalor will soon prove to be a dead-end road for everyone.

Unsustainable practices are woven deeply into the fabric of modern life. Some say we should rip up that fabric. I say we can and must weave in new strands of knowledge and cooperation.

We have already taken tentative steps in this direction. Here in Johannesburg, we must do more. The focus from now on must be on implementing the many agreements that have been reached. That includes the Millennium Development Goals. Sustainability is one of those goals. But it is also a prerequisite for reaching all of the others.

Action starts with governments. The richest countries must lead the way. They have the wealth. They have the technology. And they contribute disproportionately to global environmental problems.'

However, he also emphasized that civil society and the private sector also had an important role to play.

**Han Seung-Soo, President of the 56th session of the General Assembly**, offered this comment:

'With regard to the follow-up of this meeting, I, on behalf of the United Nations General Assembly, earnestly believe that the UN system has a critical role to play.

...  
I also view that there is an urgent need to integrate follow-up actions to the Millennium Declaration, the Doha Development Agenda, the Monterrey Consensus, and the outcome of this meeting. And as such, the United Nations General Assembly would provide a most appropriate forum to serve this purpose. I strongly propose to use the high-level dialogue of the General Assembly for deliberating effective ways and means to achieve the various international development goals and sustainable development in a more mutually reinforcing manner.'

Due to the sheer number of statements, only a limited number of excerpts will be reproduced in the following paragraphs. The statements have been selected in order to

give a representative overview of the positions held by the various blocs within the Johannesburg negotiating process. Also included are speeches that contain important announcements in relation to the negotiations on the implementation document and to general developments in sustainable development law and policy. It should also be noted, as during the IGO Statements, that each representative of State or government was limited to five minutes. Most speakers used their time to pledge general support for sustainable development and the Summit outcomes and report on national initiatives to this effect.

The first speaker to take the rostrum was President Hugo Chávez of **Venezuela**, which currently holds the Chair for the Group of 77 and China (G-77/China), who spoke on behalf of developing countries. Harking back to the days of Simón Bolívar in his struggle for freedom of the Americas from the Colonial powers, he likened it to the current struggle against problems arising from the world economic policies his continent shared in common with Africa. The governments, including Venezuela, who have assumed the commitments of the Millennium Summit, are now being criticized and attacked by their own national élites. Nonetheless they should not be deterred from setting upon the path for sustainable development and thus should confront these élites that are largely responsible for the current state of affairs.

He declared poverty and underdevelopment to be a consequence of neoliberal development policies. Models for achieving sustainable development must be reformed in order to account for humanitarian considerations. Therefore a new set of ethics and morality is required. Further, in reference to the recently agreed and soon to be established World Solidarity Fund within the Plan of Implementation, which he criticized for being dependent on voluntary contributions, he proposed (as he had at Monterrey), the creation of an International Humanitarian Fund, that should be supported by obligatory contributions with stringent guidelines. It could be based, for example, on ten per cent of global military expenditure or on ten per cent of the total amount poor countries have to pay on external debt – reminding delegates that Latin America over the past twenty years had paid triple the amount of the original debt.

**Danish Prime Minister** Anders Rasmussen, on behalf of the European Union (EU), delivered three messages to the Delegations of Johannesburg:

'First, our top priority should be to eradicate poverty through sustainable economic growth and increased market access. ... Free trade and increased market access to all nations in the world is key to achieve this. That is why the EU will work hard for a comprehensive and early conclusion of the Doha Development Agenda. And we are ready to take further steps.

The EU has already agreed to free access for all goods, with the exception of arms, from the least developed countries. It is time for others to follow suit.

Furthermore, we will support developing countries in building up their capacity to benefit from free trade negotiations and market access.'

...  
'The second part of the EU message is that the industrialized world must increase development aid and finance. More resources are needed. ... The European Union already provides the highest level of official development assistance to developing countries. And we will increase our combined development assistance towards the 0.7 per cent target.

In the years until 2006 the EU will increase its development assistance with more than 22 billion Euros. And from 2006 onwards with

more than 9 billion Euros annually. We urge all international partners to follow our lead towards the UN goal of 0.7 per cent.'

Our third main message concerns our environment. ... We have an obligation to do the right thing – take steps to secure biodiversity, safe chemicals, clean water and sanitation, renewable energy and our climate.

The EU has already ratified the Kyoto Protocol. We support the establishment of clear targets on water and sanitation, energy, biodiversity and chemicals. We support programmes for sustainable consumption and production.

A key challenge is to solve the serious problem of providing clean drinking water and sanitation to every village, town and city on the planet. This should be our primary goal.

By doing this we could save many million lives every year. We could prevent hundreds of millions of people from suffering from serious diseases each and every year.

“And how much would this cost?” you may ask. It would be a one-off expense of around \$200 billion. But it may very well be humanity’s best investment to achieve development and sustainability. We have the technology and talent. It is achievable.’

In a follow-up statement Romano Prodi, **President of the European Commission**, bolstered the commitment to the goals stated by the EU Presidency:

‘The European Union is convinced the Kyoto Protocol can be made to work. The EU has already signed and ratified it. We hope the ratifications soon to be announced will bring this instrument into force. We can then start the fight against greenhouse gases and global warming.’

Proof of our commitment are the proposals on agriculture and fisheries my Commission has recently presented to our Member States. We propose to stop the depletion of fish resources. We therefore welcome the target set here in Johannesburg, which will not only stop the decline of fish stocks but restore them to sustainable levels. We propose to switch our agricultural policy away from production-linked aid to rural development.’

Reaffirming Europe’s active commitment to the African continent, he highlighted support for the New Partnership for Africa’s Development (NEPAD) which has been underlined through the G-8 Action Plan that was recently adopted at Kananaskis, Canada. He added:

‘Our partnership with Africa will be strengthened through the Cotonou Convention linking the Union to more than 80 States in Africa, the Caribbean and the Pacific. It will bring 13.5 billion in fresh financial resources for the development of these countries over the coming five years and will improve trade relations.

Negotiations on regional trade agreements will start in October. We will not miss the opportunity to further open our markets and step up regional integration among African countries.’

Referring to the recent floods experienced in Germany, the Czech Republic and Austria, as well as in China, **German Chancellor Gerhard Schröder** proclaimed that ‘the global increase in extreme weather conditions shows very clearly that climate change is no longer a sceptical forecast – but bitter reality. This challenge demands decisive action.’

In addition, he announced three initiatives Germany intends to take on the international level:

Firstly, I will invite delegates to Germany for an international conference on renewable energies. The aim is to continue in the energy sector where we all left off at the end of last year with the Bonn International Conference on Freshwater.

Secondly, Germany will participate in the global energy agency network decided upon yesterday.

Thirdly, Germany will develop its successful cooperation in the energy sphere with the developing countries into a strategic partnership. Over the next five years Germany will provide 500 million Euro to promote cooperation on renewable energies.’

The third commitment drew a particularly large round of applause.

**Prime Minister of Canada, Jean Chrétien**, drew attention to

‘this year’s Summit in Canada, [where] G-8 countries committed themselves to a new partnership with Africa. As part of this partnership, and within our fiscal framework, Canada has committed \$6 billion in new and existing resources over five years to establish the preconditions for sustainable development in Africa. We also intend to double our development assistance from current levels by 2010. And we have announced at this conference that we will more than double our annual contribution to the UNEP Environment Fund.

As of 1 January 2003, Canada will eliminate tariffs and quotas on almost all products from the least developed countries.’

In addition, he made this important announcement:

‘On the basis of extensive and ongoing consultations with other levels of government and stakeholders, we are finalizing a plan of implementation that will permit us to achieve the objectives of the Kyoto Accord. When the consultations have concluded, and before the end of the year, the Canadian Parliament will be asked to vote on the ratification of the Kyoto Accord.’

**French President Jacques Chirac**, in regard to production and consumption models, pronounced:

‘We need to work with the business world to develop systems that are sparing of natural resources and produce little waste and pollution. The invention [sic] of sustainable development is a fundamental advance and we should put scientific and technological progress to work for it, respecting the precautionary principle. France will propose to its G-8 partners at the Evian Summit next June that they adopt an initiative to step up scientific and technological research to further sustainable development.’

Further proposals included the establishment of an Economic and Social Security Council in order to ensure the cohesion of international action, as well as the creation of a World Environmental Organization in order to better manage the environment and ensure compliance with the Rio Principles. He added: ‘to check that Agenda 21 and the Johannesburg Action Plan are applied, France proposes that the Commission on Sustainable Development be vested with the task of assessment by peers. France is willing to be the first to be assessed in this way.’

President Fernando Cardoso of **Brazil** drew attention to the importance of protecting traditional knowledge and preserving biodiversity, and underlined the principle that the resulting benefits must be shared with those they belong to. He therefore proposed the establishment of a fund for biological diversity to be supported by modest, symbolic contributions from Mega-Diversity<sup>2</sup> countries and open to other sources of funding from governments, organizations and private business.

**Kenyan President Daniel T. Arap Moi** offered the following comment:

‘The highly indebted poor countries [HIPC] initiative is a positive step towards alleviating the debt burden, which is responsible for massive outflows of scarce development resources from developing nations. Unfortunately, however, many highly indebted countries, including Kenya, do not benefit from this initiative. I, therefore, call for a review of the eligibility criteria under this initiative and propose that countries facing high levels of poverty and debt burdens qualify for debt relief.

In this regard, there is a need to strengthen the existing United Nations Agencies, especially UNEP and HABITAT, the two key institutions for the coordination of sustainable development initiative. They should be provided with adequate and predictable resources to enable them to carry out their mandate fully and effectively.’

**Prime Minister of New Zealand, Helen Clark**, affirmed that her country takes its international commitments seriously, and aims to ratify all United Nations conven-

tions which contribute to sustainability. Thus, she announced: 'we have taken the decision to ratify the Kyoto Protocol, and legislation to enable us to do that is presently before our Parliament.'

**Japanese Prime Minister Junichiro Koizumi** referred to an earlier proposal by his government, backed by Japanese non-governmental organizations, that the United



Under-Secretary-General Nitin Desai thanks President Mbeki for his final statement Courtesy: IISD/ENB – Leila Mead

Nations declare a 'Decade of Education for Sustainable Development' and announced that '[it] shall provide no less than 250 billion yen in education assistance over a five-year period.'

Further pledges by the government of Japan included:

'The key to self-reliance is earning for oneself. Promotion of trade is crucial for developing countries. Japan shall step up its assistance for trade-related capacity building. At the same time, we will examine the expansion of coverage under duty-free and quota-free treatment for LDCs' products by revising tariff-related laws for the next fiscal year. Investment is another major driving force for economic development. We are taking the lead in WTO investment rule making and supporting international investment promotion centres.

Japan has decided to extend emergency food aid amounting to 30 million US dollars to save children in southern Africa from famine.

Japan shall provide cooperation in the area of environment-related capacity building by training 5000 people from overseas over a five-year period. We will host the Third World Water Forum and its International Ministerial Conference in March 2003.'

**Prime Minister of Tuvalu, Saufatu Sopoanga**, addressed the following complaint to the Summit President about the ongoing negotiation process:

'... while Agenda 21 and this Summit overall recognized Tuvalu and Small Island Developing States (SIDS) as a special case, my delegation strongly feels there is a need to ensure the voice of SIDS is allowed to be heard within any negotiations involving the United Nations as a whole. My delegation believes the application of the Vienna process in this Summit had allowed certain countries, particularly the leading industrialized countries and a number of "favourites" in the G-77 to dominate the deliberations, ignoring small countries such as Tuvalu.'

'[We] had proposed right from the outset, the establishment of a legally binding framework to set targets and timeframes for renewable energy given the direct link between energy and climate change. Unfortunately, our proposal never saw the light of the day, due mainly to the actions of countries that refused to ratify the Kyoto Protocol.'

For Tuvalu, we will regard the Summit to be a successful one if a minimum target of 15 per cent on new renewable energy is set. Thus we

welcome very much the stand of the European Union and other countries in this regard. Economic gains through trade and globalization must not be pursued at the expense of increased poverty and environmental degradation and worsening of global warming and sea level rise.'

**Ronnie Jumeau, Minister of Environment of the Seychelles**, at a later date, would also lament that the plight of SIDS had been ignored during the last ten days of negotiations, stating that lately the focus had mainly been on terrorism and globalization while environmental concerns had taken a back seat.

**Nigerian President Olusegun Obasanjo** used his speech to urge the Summit to adopt the following initiatives:

'[we] wish to call upon this Summit to urge the Global Environment Facility [GEF] to provide support for the implementation of the United Nations Convention to Combat Desertification [UNCCD], by making GEF the Convention's financial mechanism. In the same vein, we call upon this Summit to support the African Process on Development and Protection of the Marine and Coastal Environment in sub-Saharan Africa.'

**Crown Prince Albert of Monaco** drew attention to a regional initiative that his principality is involved in:

'All the countries of the region, united in the Barcelona Convention, which Monaco has the honour of presiding over at the present time, have since Rio broadened their concerns to include targets for sustainable development, by setting up the Mediterranean Committee for Sustainable Development, whose dynamism and originality have created great interest.

Meeting at ministerial level in my country last November, the Mediterranean countries adopted, at our initiative, a strongly worded political declaration and decided to implement a strategy for sustainable development based on social development, the conservation of natural resources, better governance and greater cooperation. This strategy should become reality in the next few years and I am convinced it will serve as an example.'

**Zhu Rongji, Premier of the State Council of the People's Republic of China**, offered the following five steps towards making sustainable development a reality:

1. We should deepen our understanding of sustainable development. ...
2. Concerted efforts of all countries are needed in achieving sustainable development. ...
3. We should strengthen scientific and technological cooperation in achieving sustainable development. ...
4. We should endeavour to create an international economic environment conducive to sustainable development. ...
5. Sustainable development cannot go forward without world peace and stability.'

Towards the end of the speech, he made another important announcement, namely that, 'China has completed the domestic procedure for the approval of the Kyoto Protocol.'

A few statements later, **Mikhail M. Kasyanov, Chairman of the government of the Russian Federation**, joined in by also announcing imminent ratification. Thus with ratification by China, the Russian Federation and (as announced earlier) Canada, the Kyoto Protocol could enter into force by early 2003.

On a related note, numerous other State representatives took the opportunity to announce the accession, ratification or deposit of instrument of a variety of other multilateral treaties related to sustainable development and the environment, contributing to the success of the UN Treaty Event the UN Treaty Section had held in New York while WSSD was taking place. For example, **Princess Chulabhorn of Thailand** announced that, in addition to

the recent accession to the Rotterdam Convention on Prior Informed Consent for Certain Hazardous Chemicals and Pesticides in International Trade and signature and the Stockholm Convention on Persistent Organic Pollutants (POPs), Thailand had ratified the Kyoto Protocol as of 28 August. **India** noted that it had deposited its instrument of accession to the Kyoto Protocol on 26 August. According to a report issued by the UN Treaty Section on 4 September, 48 States and one international organization participated in the Treaty Event, involving 83 treaty actions relating to 39 treaties (five signatures and 78 ratifications, approvals, acceptances, accessions and other treaty events).<sup>3</sup>

Turning now to one of the more controversial personalities on the list of speakers, it was feared that when the **President of Zimbabwe**, Robert Mugabe, originally announced his intention to participate, he would seek to sideline the Summit agenda by justifying his controversial policies of removing white farmers from their lands. And so it was: he greeted participants by stating that it is an 'honour for us who rightfully own this corner of the earth' that the Summit is being held on the southern tip of Africa.

Much of his rhetoric was directed against British Prime Minister Tony Blair, who had spoken earlier during the morning session:

'In our situation in Zimbabwe, this fundamental question has pitted the black majority who are the right-holders, and, therefore, primary stakeholders, to our land against an obdurate and internationally well-connected racial minority, largely of British descent and brought in and sustained by British colonialism – now being supported and manipulated by the Blair government.'

Departing from his previously prepared speech that had been distributed in the conference room, President Mugabe fell into a diatribe, arguing that his government had decided to do 'the only right and just thing' by taking back land from white settlers who own up to 27 farms and giving it to its rightful indigenous, black owners who lost it in circumstances of colonial pillage.

He stated, 'Economically, we are an occupied country, 22 years after our independence,' and took strong exception at what he perceived to be interference in the sovereign affairs of Zimbabwe. After proclaiming that his country does not mind sanctions, he stated vociferously, 'Blair, keep your England, let me keep my Zimbabwe!' This was met by applause from delegates from like-minded countries who immediately left the plenary hall after President Mugabe finished his speech. In earlier statements, **Uganda** and **Namibia** had also attacked the EU sanctions that have been imposed on Zimbabwe.

**US Secretary of State** Colin Powell was the only speaker to be heckled during his speech when, in defence of EU and British policy, he referred to the situation in Zimbabwe by stating that 'the lack of respect for human rights and rule of law has exacerbated these factors to push millions of people toward the brink of starvation.' He also remarked on Zambia's and Mozambique's earlier refusal to accept genetically-modified foods offered by the US government that, 'in the face of famine, several governments in Southern Africa have prevented critical US food assistance from being distributed to the hungry by reject-

ing biotech corn, which has been eaten safely around the world since 1995.'

The section of seats reserved for NGOs thus erupted in chants of 'Shame on Bush' and banners were held up, one of which read 'Betrayed by governments' (see photo). Powell had to interrupt his speech for close to a minute. After twenty individuals were forcibly ejected from the meeting hall, he continued with, 'Thank you. I have now heard you, now I want you to hear me.' Colin Powell then referred to the US interpretation of what factors are to be used to determine the level of development assistance:

'In Monterrey, President Bush underscored the link between good governance, good policies and human well-being when he put forward his Millennium Challenge Account. This new type of assistance will only go to developing nations that are governed wisely and fairly, are strongly committed to investing in health and education, and which follow sound economic policies that encourage entrepreneurs and that spur growth.

Under this initiative, President Bush will be seeking funding from Congress to increase America's development assistance by \$5 billion per year within three years, a 50 per cent increase over the \$10 billion in assistance we now provide every single year. And developing countries are stepping up to this challenge. For example, the New Partnership for Africa's Development is a welcome pledge by African leaders to the people of Africa to promote peace, to promote security, and to promote people-oriented development.'

Further catcalls were heard when the Secretary of State quoted President Bush by stating, 'trade is the engine of development,' and assured delegates that the USA is committed to slashing barriers to global trade in agricultural products. President Bush had recently signed a farm bill that further promotes US cash crops.



Protest from the gallery during the statement by US Secretary-of-State Colin Powell  
Courtesy: IISD/ENB – Leila Mead

He was interrupted yet again when he explained, 'the United States is taking action to meet environmental challenges, including global climate change, not just rhetoric. We are committed to a multi-billion dollar programme to develop and deploy advanced technologies to mitigate greenhouse gas emissions.' Most of the jeers came from US-based NGOs who were expressing their unhappiness at the fact that President Bush was not in attendance, as well as his decision not to underwrite the Kyoto Protocol, which is also controversial at a domestic level.

He underlined US commitment by listing further partnership initiatives such as those announced on 29 August by Under-Secretary of State Paula Dobriansky which, in conjunction with other governments and the private sec-

tor are worth a total of \$2.56 billion, and are aimed at providing access to clean water and sanitation, clean energy, scientific and technological assistance for agricultural development, relief from HIV/AIDS, tuberculosis and malaria, as well as protection for Congolese forests.

Yousef Abu-Safieh, **Environment Minister of Palestine**, described efforts by the Palestinian National Authority (PNA) toward environmental conservation and sustainable development, which are being frustrated by Israeli aggression. He stated that the resulting:

'... serious environmental and health negative impacts ... endanger ... Palestinian life and well-being. In addition, they have destroyed sewage networks and sewage treatment plants, and prevented maintenance of the plants, which have resulted in the discharge of sewage into the Mediterranean without proper treatment. In addition, [on] 26 March 2001 Israel has intentionally discharged five million cubic meter of polluted sewage water into the Gaza Strip by breaking a reservoir which was built uphill very close to the borders between Gaza Strip and Israel in order to store the sewage water of [the] Tel Aviv area.

...  
Although Israel is one of the countries which signed the Basel Convention on Control and Transport of Toxic and Hazardous Wastes and Materials Across Borders, Israel does not abide by the provision of the Convention and smuggles these hazardous materials into the occupied Palestinian territories,

and cited concrete examples.

He concluded with the following words:

'Finally, I would like to call upon your Summit to adopt a resolution stating that occupation and absence of peace, security and stability are ... the main obstacles and challenges towards achieving sustainable development, as stated in the Arab Declaration, Arab African Joint Declaration, Islamic Declaration and the Athens Declaration.'

## Main Committee

At the opening of the Main Committee on the afternoon of Monday 26 August, Chair Emil Salim announced that the work of the Main Committee on the Draft Plan of Implementation would be concluded the following day during the evening session – an all too optimistic forecast. It was confirmed that this would be a continuation of the PrepCom process and NGOs were allowed to attend, but not to participate. Most issues were deferred to the Vienna group, which had first been instituted at the Bali PrepCom and was designed to speed up agreement on issues by limiting the number of participants at the negotiation table and allowing only one representative to speak for each of the major State coalitions, such as the G-77, EU or the JUSCANZ (Japan, USA, Canada, Australia and New Zealand). However, a number of delegates from developing countries complained that on several occasions developed countries made liberal use of the option to intervene on an independent basis. They therefore demanded that more spokespersons from developing countries be admitted to the process, but this was met by opposition from other G-77/China members, as this would have detracted from one of the major strengths of this Group, namely being able to talk with one voice.

The Vienna process was chaired by Dumisiani Shadrack Kumalo (South Africa) and began work the same afternoon. The first point of order was an agreement to leave a number of principles and time-bound targets bracketed for the time being. For example, discussion of references to Rio Principle 15 on the precautionary approach was held back on the request of members of the JUSCANZ group. This resulted in a lengthy discussion on which por-

tions of text should be left for future consideration. There were even calls for reinserting language that had been deleted earlier.

In addition, two Contact Groups were formed on Means of Implementation, chaired by John Ashe (Antigua and Barbuda) and Institutional Framework co-chaired by Lars-Göran Engfeldt (Sweden) and Ositadinma Anaedu (Nigeria). In particular, the phrase in the introductory paragraph of Chapter IX on Means of Implementation, 'each country has the primary responsibility for its own development (see Para. 75)'<sup>4</sup> was disturbing from the developing States' point of view as they felt that it detracted from Rio Principle 7 on 'common but differentiated responsibilities'. Thus, the inclusion of Rio Principle 7 in this and other paragraphs required the establishment of an informal discussion group. In the end, it did make its way into the final paper with a full citation of the original text, but a number of observers remarked on the irony that Principles 7 and 15 were reopened for negotiation even though these had already been agreed upon ten years ago in Rio.

With regard to the much-maligned JUSCANZ group, it should also be noted that NGOs over the past years have noted with disappointment the about-turn of their former 'allies' on the environment such as Canada, Australia and New Zealand. However, with the announcement of Canada's possible ratification of the Kyoto Protocol, Australia and the USA are the only remaining major developed countries that are in opposition. Further, it was openly acknowledged that despite the impression that President Bush had decided to 'snub' the Summit, he did send a well-regarded team of diplomats and experts. UN officials and even delegates from opposing camps commented that aside from the points they would not budge on, to be detailed later, the US delegation was constructively engaged in the deliberations. Insiders explained this as a sign that the US government wants to offer something in return for getting other nations on his side in the war against terrorism.

By Wednesday 28 August, it appeared that the Vienna Group had fulfilled its purpose in gaining agreement on the 'softer' areas of text but all efforts to make further headway on the remaining sections had been exhausted. It was agreed that the remaining brackets, especially those referring to targets and timeframes, should be handed over to the ministers. In this connection, the US delegation was accused of having sought to transfer a number of points to the higher level in order to make last-minute deals behind closed doors. With ministers beginning to arrive, the so-called Johannesburg process was launched on Friday afternoon. Mohammed Valli Moosa, South Africa's Environment and Tourism Minister, chaired these proceedings and at times conducted bilateral talks.

Main Committee and informal ministerial consultations continued through the weekend. For unspecified reasons, the setting was relocated to smaller meeting rooms, thus limiting the number of negotiators able to participate. Delegates were heard to complain that they could not leave the room in order to satisfy basic human needs for fear of not being able to return (*Earth Negotiations Bulletin*). The first important breakthroughs on targets were reported when the Johannesburg process met for a midnight ses-

sion on Saturday 31 August. The remaining part of this section gives a brief overview of some of the most important advances and setbacks in producing the final text, while providing some background on the initiatives and reactions by the major State coalitions involved in the negotiation process.

A criticism voiced at earlier PrepCom meetings was that parts of the Draft Plan of Implementation were merely a rehash of the United Nations Millennium Declaration.<sup>5</sup> For example, one of the very first paragraphs, 6 (a) on Poverty Reduction, echoes the Declaration's goal of halving by 2015 the proportion of the world's people whose income is less than \$1 dollar a day and who suffer from hunger. However, the new document puts UNDP in charge of monitoring progress toward these goals and designing capacity-building programmes suited to each country's individual needs (Para. 119. bis). As UNDP head Mark Malloch Bown commented, 'better data will drive better policies at the country level.' Another initiative to back up this goal is the establishment of a World Solidarity Fund (WSF) (Para. 6 (b)). This Fund is intended to promote human and social development 'pursuant to modalities to be determined by the General Assembly.' However, in order to keep this proposal alive, the voluntary nature of the contributions had to be stressed.

Another instance of 'giving teeth' to the implementation document is the repeated reference to utilizing international financial instruments and mechanisms, as well as to mobilizing additional financial and technological resources, as well as capacity-building programmes, particularly for developing countries. To this effect, the successful and substantial third replenishment of the GEF is welcomed (Para. 81). A significant commitment to the developmental aspirations of the African continent is that the Plan also supports the recommendation of the Council by calling on the Second Assembly of GEF to institute the Facility as a focal area of the Convention to Combat Desertification (Para. 39 (f)).

Another important target was added to Millennium development goals. In addition to access to safe drinking water, the undersigning States commit themselves to halving 'by the year 2015 ... the proportion of people who do not have access to basic sanitation (Para. 7).'

Returning to the original task of the Summit to come up with time-bound and implementable targets, a total of over 30 targets was agreed upon. In addition to the above, three further examples, which are regarded as some of the most important outcomes, are listed below:

- aim 'to achieve by 2020 that chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment, using transparent science-based risk assessment procedures and science-based risk management procedures, taking into account the precautionary approach (Para. 22);'
- maintain or restore fish stocks 'to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015 (Para. 30 (a));'

- achieve by 2010 'a significant reduction in the current rate of loss of biological diversity (Para. 42).'

The third target represents an affirmation to what has recently been decided by the Sixth Conference of Parties to the Convention on Biological Diversity (CBD). The plan also calls for coherent implementation of the three objectives of the Convention. Paragraphs 43 (j) to (l) are especially noteworthy in that they recognize the rights of local and indigenous communities and pledge to implement benefit-sharing mechanisms for the use of traditional knowledge, innovations and practices; to encourage and enable their contribution to the implementation of the CBD's objectives; and to promote their effective participation in decision- and policy-making concerning the use of their traditional knowledge. The group of like-minded Mega-Diverse countries composed of 15 biodiversity-rich developing countries, which first entered the scene during CBD COP-6, also pushed for the establishment of an international regime on equitable benefit sharing for which they presented a draft political declaration. The final text 42 (o) states 'negotiate within the framework of the [CBD], bearing in mind the Bonn Guidelines, an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources.'

One of the toughest issues to resolve was the question of renewable energies. The Draft Plan originally foresaw a target for increasing renewable energy use set by 2010 and a 2 per cent increase in renewables within industrialized countries by 2010. The EU had proposed that 15 per cent of global energy supply should originate from renewables by 2010. Brazil had proposed a tougher target by excluding large hydropower plants and traditional biomass energy sources such as firewood. The US delegation, by contrast, was unwilling to commit to what it considered unrealistic targets and unnecessary meddling in domestic policies. OPEC countries, which, ironically, include Venezuela, the current Chair of the G-77/China, supported this position. A number of other developing countries were also against setting target dates for fear of the expenditure this would involve in their medium-term budgets.

On Thursday, the EU threatened to pull out of the Vienna process and have the matter of renewable energy (and also human rights) deferred to the Johannesburg process. The USA, in turn, accused the EU of attempting to take control of procedural issues, which was met by resounding applause from G-77 delegates. Their bluff was called and the Vienna process continued late into the night (*Earth Negotiations Bulletin*). In the end, no concrete target was adopted and this was rated a victory for the US delegation. However, paragraph 19 (e) has to be regarded as a major advance as it represents the first major commitment by States toward increasing the use of renewable energy 'with a sense of urgency.' It should be added as a footnote that at least one target related to energy was adopted in Chapter VIII on Sustainable Development for Africa, wherein support for the implementation of NEPAD is promised. This includes its objectives on energy 'which

seek to secure access for at least 35 per cent of the African population within 20 years (Para. 56 (j)).'

The debate on renewable energy was one of the instances where the Alliance of Small Island States (AOSIS) complained that it was unable to have its voice heard within the G-77. A few observers remarked that it was unable to organize itself as efficiently as during the Conferences on Climate Change. The Group was successful in ensuring that Chapter VII on Sustainable Development of Small Island Developing States contains recognition of the specific needs of SIDS. For example, it emphasizes sustainable fisheries management and the implementation of the *Convention on the Conservation and Management of Highly Migratory Fish Stocks* (Para. 52 (b)). Paragraph 52 (c) contains an important provision to extend the sustainable management of their coastal areas and exclusive economic zones, where appropriate, beyond 200 miles from their coastal baselines.

However, AOSIS was largely ignored when it repeatedly sought mention of urgent action on climate change and early ratification and entry into force of the Kyoto



On the horizon, the huge overland sewage pipe for the entire city of Johannesburg  
Courtesy: MAB

Protocol. When ministers agreed on paragraph 36 whose final text reads, 'States that have ratified the Kyoto Protocol strongly urge States that have not already done so to ratify the Kyoto Protocol in a timely manner,' it was a source of major disappointment to small island states, as evidenced by several statements during the High-Level Segment described earlier. While the EU even rated it as a moderate success, it can be viewed as being no more than a compromise solution between pro-Kyoto countries, who argued to insert a call on governments to support the Protocol, and the USA and Australia, who are not Party to this agreement.

Another major challenge was agreeing on paragraph 45, whose final text states 'actively promote corporate responsibility and accountability, based on the Rio Principles, including through the full development and effective implementation of intergovernmental agreements and measures.' According to some optimistic predictions, this might lead to the negotiation of a global convention on this subject. However, the US delegation demanded a let-

ter of interpretation from the Chair of the Contact Group which explicitly states that this would never be the case. The Chair complied, but upon official reading of this letter, several delegations objected on substantive and procedural grounds. Advisors from NGO groups were not satisfied with the final product either, as they had hoped for the inclusion of standards regarding environmental protection, labour, human rights and transparency. They also sought the creation of an international body that is to monitor enforcement of such rules. Representatives of some NGOs staged a walkout, but this was viewed as 'petulant and possibly counterproductive' (*The Financial Times*).

Other significant developments with respect to trade-related issues include paragraph 86 (c) which repeats parts of the Doha agreement 'aiming at substantial improvements in market access, ... with a view to phasing out all forms of export subsidies, and substantial reductions in trade-distorting domestic support.' This does not represent a binding call to EU to reform its Common Agricultural Policy (CAP), but, as *The Economist* has commented, this pledge might prove useful in shaming EU Member States such as France should they seek to obstruct reforms in the upcoming rounds of talks on this subject. With respect to international intellectual property rights, paragraph 94 offers an important loophole for developing countries in order to make much-needed medicines available to its population on a more affordable basis. It states 'while reiterating our commitment to the [Trade-Related Aspects of Intellectual Property Rights] Agreement, we reaffirm that the Agreement can and should be interpreted and implemented in a manner supportive of WTO members' right to protect public health and in particular to promote access to medicines for all.'

Another success story for developing countries occurred during the course of the weekend and is attributed to the intervention of one particular individual: Tewolde Gebre Egziaber (Ethiopia) who in a closed meeting made an impassioned plea on behalf of poor nations in order to convince diplomats to reopen discussion of paragraph 91 and to delete all sections explicitly calling for WTO rules to take precedence over multilateral environmental agreements (MEAs). Thus all language was removed from the final text which would have acknowledged mutual supportiveness of trade, development and environment 'while ensuring WTO consistency'. This was also seen as a victory for the EU and a number of developing countries who wanted to see that issues related to trade and the environment are given equal weight in future talks of the Doha round. A delegate was later quoted as having said: 'I have never seen so many European environment ministers literally hugging each other' (*The Financial Times*).

In the morning of Tuesday 3 September, the Vienna group met for one last time when it adopted the Draft Plan. The Main Committee then reassembled at 12:45 am on Wednesday to review the text. The last amendment to be adopted for the Plan of Implementation concerned paragraph 47 on health which, at this point, stated 'strengthen the capacity of health care systems to deliver health services to all, in a ... manner ... consistent with national laws

and cultural and religious values.' Canada proposed to add 'in conformity with all human rights and fundamental freedoms', arguing that if this were not included it would serve in certain countries to justify continuing the discriminatory application of health care services to women or even practices such as genital mutilation. The Plan of Implementation with this final amendment (see A/CONF.199/L.3/Add.14) was thus adopted at 1:15 am and ready for approval by the Plenary the same afternoon.

### Final Plenary

On the afternoon of 4 September, Thabo Mbeki opened the final plenary session, which began with statements by stakeholders. Representatives of Youth, Indigenous Peoples, Local Authorities, Trade Unions, Business and Industry, Science and Technology, Farmers and Women reported on their activities and the results of the Civil Society Forum. They also renewed their commitment to sustainable development and toward implementation of Agenda 21 and offered their comments on the outcomes of the Summit.

Following the adoption of the **Report of the Credentials Committee** (A/CONF.199/15), Minister Dlamini Zuma reported on the *WEHAB Framework of Action Papers* and partnership plenary meetings as contained in her summaries (A/CONF.199/16 and Add.1-3). She also announced that a final list of partnership initiatives would be made available. With those announced during the course of the Summit, the total number of partnership initiatives had reached over 230.<sup>6</sup>

Emil Salim introduced the **Plan of Implementation** (A/CONF.199/L.3/Add.1-13 and Corr.1), plus a proposed amendment submitted by Canada (Add. 14, see above), which was adopted by acclamation. Mbeki invited comments on the Plan of Implementation. **Swiss** State Secretary for the Environment Philippe Roche noted that besides satisfaction that the result had been achieved by consensus he was elated to see that no one had called into question the important evolution in the concept of the precautionary principle. Venezuelan President Hugo Chavez, on behalf of the **G-77/China**, announced that they 'would have liked much more!' Because of time constraints set on the negotiating group, no concrete targets had been established and the generalities that had been set out could be viewed as retrograde. Further, he called for a radical change of format for this sort of conference diplomacy. Participating State delegations go 'from summit to summit, while many of their people go from abyss to abyss.' He criticized the High-Level segment for not leaving any room for open debate and having no input on the Summit resolutions. He suggested that in future conferences of this kind, negotiations should only take place at the level of Heads of State and governments, which was met with a great round of applause.

Francisco Székely, Under-Secretary for Environment, Planning and Policy for **Mexico** on behalf of the Mega-Diverse countries had three reservations to the Plan: (1) the subject of vulnerability to climate change was not adequately reflected; (2) no targets for renewable energies were included; and (3) the role of women was not well

reflected. **Tunisia** congratulated the establishment of the World Solidarity Fund as an important tool to combat poverty.

Carsten Staur, State Secretary of Denmark, on behalf of the **EU**, had two comments on the Plan. First, while the decisions taken on renewable energy are an important step, more action is necessary. He announced that the EU intends to take unilateral action and introduced a Joint Declaration entitled *The Way Forward on Renewable Energy* (see box) with Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Iceland, Lithuania, Malta, New Zealand, Norway, Poland, Romania, Slovakia, Slovenia, AOSIS, Switzerland and Turkey. The second comment was of an interpretative nature: referring to the final section of Chapter X, 'Participation of Major Groups' (Paras 150–153), reference to the role of UNEP, the Office of the High Commissioner for Human Rights and other intergovernmental bodies should have been made *vis-à-vis* considering the possible relationship between the environment and human rights. He added that regarding partnerships with major groups, fundamental rights and freedoms of women must also be safeguarded.

#### THE WAY FORWARD ON RENEWABLE ENERGY\*

1. We express our strong commitment to the promotion of renewable energy and to the increase of the share of renewable energy sources in the global total primary energy supply. We fully endorse the Outcome of the World Summit on Sustainable Development, considering it a good basis for further international cooperation, and intend to go beyond the agreement reached in the area of renewable energy.
2. Increasing the use of renewable energy is an essential element to achieve sustainable development at a national and global level. Renewable energy can provide important new ways to reduce pollution, diversify and secure energy supply and help provide access to energy in support of poverty eradication. Furthermore, the burning of fossil fuels is the biggest source of greenhouse gas emissions and these emissions need to be reduced to mitigate the adverse effects of climate change in order to achieve the ultimate objective of the United Nations Framework Convention on Climate Change to prevent dangerous climate change.
3. We commit ourselves to cooperate in the further development and promotion of renewable energy technologies. Recognising the sense of urgency as expressed in paragraph 19(e) of the Johannesburg Plan of Implementation, we will work together to substantially increase the global share of renewable energy sources, with regular reviews of progress, on the basis of clear and ambitious time-bound targets set at the national, regional and hopefully at the global level.
4. We have adopted, or will adopt, such targets for the increase of renewable energy and we encourage others to do likewise. We are convinced that this will help to implement the necessary policies to deliver a substantial increase in the global share of renewable energy sources. Such targets are important tools to guide investment and develop the market for renewable energy technologies.
5. We commit ourselves to working with others to achieve this goal, especially through the partnership initiatives being taken which could contribute to expanding the use of renewable energy, as well as forthcoming international conferences on renewable energy.

\* Joint Declaration by the European Union and Like-Minded States issued during the Closing Plenary of WSSD on 4 September 2002.

In the following statement, quoting the proverb that 'politics is the art of the impossible' **Argentina** announced that it would like to associate itself with the joint declaration. **Brazil**, in a later statement, joined in. In addition,

Argentina added that it views paragraph 30 (e) concerning the adjudication of trans-zonal and migratory fish stocks only to refer to High Sea catches, which was seconded by **Chile** as well.

Minister of Trade and Civil Aviation of **Saint Lucia**, Julian Hunt, speaking on behalf of SIDS, announced that he had hoped that the statement made earlier by the G-77 would have included his country, but added this was not the case. He thanked the conference for including within the Plan of Implementation special, preferential treatment for SIDS with respect to fisheries, capacity-building, as well as marine and coastal biodiversity. Lamenting that the WTO is 'not a friend of SIDS', he drew attention to the fact that its rule of preferential treatment has not been effectively implemented. In reference to a recent donors meeting of the Barbados Plan of Action, which was terminated with no result, he questioned whether there will be any follow-up to Johannesburg, as he claimed there was none to Rio. In a later statement, **Tuvalu** remarked that it would like to join in with St. Lucia's statement on the WTO. It also complained that paragraph 19 on renewable energy contains no targets for implementation.

**Australia** underlined that its legal obligations under the WTO and other international agreements come before the Plan of Implementation. It also seconded the EU's comment on the recognition on the role of human rights and gender equality. Concerning the development of an international benefit-sharing regime for the utilization of genetic resources on the basis of the Bonn CBD Guidelines as stated in 42 (o), Australia interpreted it to be merely an invitation to consider the outcomes of the recent CBD COP held at The Hague. In addition, he pointed out that *vis-à-vis* 100 (d) (the enabling of access to environmentally sound technologies that are publicly owned), proper reference should have been made to intellectual property rights.

**Turkey** stated that approval of the Plan 'neither prejudices nor affects the position of Turkey concerning the 1982 Convention on the Law of the Sea' since it is not a Party to this.

In reference to 38 (n), **Ecuador** stated that initiatives to combat the illicit growth of narcotic plants should be carried out in an environmentally friendly manner. **Peru** regretted that the Plan contains no time-bound measures to combat the effects of the *El Niño* phenomenon. The **Norwegian** Minister of the Environment, Borhe Brende, pointed out that 19 (e) on the promotion of cleaner and affordable energy technologies could be misinterpreted to include nuclear power. In a later statement, **India** disagreed by adding that it interprets it to indeed include nuclear power.

In the final comment offered by the US Assistant Secretary of State John Turner, it was stated that the Rio Principle 7 on common but differentiated responsibilities does not imply international obligations. In reference to corporate responsibility and accountability, he pointed out that this should fall within existing intergovernmental agreements. Following suit, the USA noted that 42 (o) does not entail the development of a legally binding instrument. Further, it did not view the language on health services as

legally binding, as the US government does not wish to underwrite it as an indirect form of promoting abortion. It also does not accept the recommendations concerning ODA based on a percentage of GNP, stressing that it accepts good governance as the only measure whether or not a developing country is deserving of foreign aid. In closing, the USA reiterated that it does not regard the Plan of Implementation as a legally binding instrument of international law.

G-77/China subsequently introduced the accompanying draft resolution A/CONF.199/L.7 that invites the General Assembly to endorse the Plan of Implementation.

President Mbeki then explained that work on the **Political Declaration** was held back toward the end until



From left to right: Hamdallah Zedan (Secretary-General Biodiversity Convention), Joke Waller-Hunter (Climate Convention), and Hama Arba Diallo (Desertification Convention)  
Courtesy: IISD/ENB – Leila Mead

sufficient headway had been made on the Implementation Plan, so as to ensure that the Declaration is not merely a repetition of pledges contained in the latter. The first draft introduced by Emil Salim following Bali was criticized for being too lengthy. The South African government was thus entrusted to come up with a new draft which was first circulated on Monday and underwent two revisions. At 6:00 pm Mbeki closed for a 15-minute recess which turned out to be close to 2 hours as a last-minute compromise on the Political Declaration was negotiated. It was rumoured that it was being debated whether the question of Palestine is to be added or not. After resumption of the session, delegates returned with a corrigendum to the Draft Declaration A/CONF.199/L.6/Rev.2 (see page 234 for the full text). Three points were added in order to enable adoption: (1) urging the promotion of dialogue and cooperation among the world's civilization and peoples; (2) a reaffirmed pledge to fight worldwide conditions that pose severe threats to sustainable development, including 'foreign occupation' as a reference to the situation in Palestine; and (3) a reaffirmation of the vital role of the indigenous peoples.

Maria Cecilia Rozas as Rapporteur-General introduced the **Draft Report of the Summit** (A/CONF.199/L.2) and summaries of partnership events (Add.1–2 to which A/CONF.199/16 shall be annexed), statements of Non-State Entities (Add. 3), and Roundtables (Add. 4 to which A/CONF.199/17 shall be annexed) which were subsequently adopted. Next, the expression of gratitude to the host country (A/CONF.199/L.8), as proposed by the G-77/China, was adopted by acclamation. Venezuelan President Hugo Chavez on behalf of the G-77/China extended special

thanks to the Ministers who were involved in the negotiations and especially to the wisdom of Emil Salim. A series of additional statements of thanks followed by a number of individual States, including Palestine, which spoke on behalf of the Arab Group.

In his closing statement, Nitin Desai offered a compliment to the organizers of the Summit by remarking that despite having been the largest UN conference ever, he had never seen such a well-organized Summit. Highlighting the important role played by Major Groups for 'harassing' government delegates and developing an agenda for themselves, he encouraged them to do the same in future. He also commended delegates for having displayed a 15/50 vision, namely having connected the 2015 Millennium development goals, while laying the groundwork for achieving sustainable development by 2050.

Thabo Mbeki closed on a lighter note by explaining that Nitin Desai had urged him earlier to prepare the final speech of the Summit, but now found himself lost for words since '[Desai] just made [his] speech.' He thanked all those who were involved in the process, and added that they must be 'sick of debating' by now. Emphasizing that all participating States own all the resulting decisions, he stated that it is now time to move beyond political rhetoric, brackets and commas. It is time to take action, to pursue multilateralism and global governance in order to effectively implement the outcomes of Doha, Monterrey and Johannesburg and link these together.

In immediate reactions from the media and intellectual community, the Plan and Declaration received high marks for stressing the rule of law and human rights and, more importantly, for the mutual reinforcement of the three components of sustainable development, which are compounded by the emphasis on the social and economic dimension, in contrast to Rio, where the environmental theme was predominant. In the run-up to the Summit a few doomsayers were heard to comment that a lack of political support for the WSSD process would mean the breakdown of multilateralism. Suffice it to say, Johannesburg has passed the test, but it remains to be seen in future years whether there will be enough political will from the States involved to implement these commitments, and whether the actions undertaken will be sufficient to set the global community on the path toward sustainable development.

## Notes

<sup>1</sup> See *Environmental Policy and Law*, 32(3–4), p. 142.

<sup>2</sup> Meaning rich in cultural and biological diversity. See also Group of Like-Minded Mega-Diverse countries.

<sup>3</sup> For a report and summary of treaty actions, please see <http://untreaty.un.org>.

<sup>4</sup> All subsequent references to the text of the Plan of Implementation are based upon the advance, unedited version that was made available at the official WSSD website ([www.johannesburgsummit.org](http://www.johannesburgsummit.org)) on 10 September 2002.

<sup>5</sup> For relevant extracts of Millennium Declaration, see *Environmental Policy and Law*, 30(5), p. 264.

<sup>6</sup> For all official documents, including the Plan of Implementation, please see [www.johannesburgsummit.org](http://www.johannesburgsummit.org).

