

WSSD/PrepCom-IV

Progress at Bali – but not enough for Johannesburg!

by Michael A. Buenker*

As reported in the last issue, at the end of the 3rd Session of the Preparatory Committee (PrepCom-III/CSD-10) at UN Headquarters in New York, delegates were left with a 94-page compilation text for a draft plan of implementation for the World Summit on Sustainable Development (WSSD). On 9 May 2002, Chairman Emil Salim (Indonesia) released another version of the text he had prepared on the basis of the various inputs and discussions in an effort to convert it into a concise, action-oriented and pragmatic document. He tried to be as inclusive as possible in

order to ensure that all views were properly reflected and to find formulations that would facilitate agreement during the 4th and final session of the PrepCom meeting at Bali, Indonesia. The Co-Chairs of the Working Group on the Institutional Framework for Sustainable Development also issued a new compilation text for discussion. Each of these documents, however, was still teeming with a substantial number of brackets revealing the many areas of disagreement. The most sensitive issues pertained to setting target dates, references to the implementation of the Kyoto Protocol, and the means of implementation.

On the other hand, the previous meetings had already

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resulted in large areas of agreement, particularly concerning the need to launch programmes aimed at poverty reduction and the need to meet the 2015 Millennium Development Goal of halving the proportion of people living in poverty. To give further guidance to diplomats at Bali and ultimately Heads of State at Johannesburg, in addition to his *Report on Implementing Agenda 21* (E/CN.17/PC.2/7), UN Secretary-General Kofi Annan, in a speech on 14 May 2002, named five topical areas of concentration (see page 142): 1. Water and sanitation; 2. Energy; 3. Agricultural productivity; 4. Biodiversity and ecosystem management; and 5. Health. The odd-sounding acronym WEHAB he offered in this connection did indeed make the rounds at Bali.

However, with the substantial number of brackets yet to be resolved, it was clear that long and arduous negotiations were before the delegates in Bali. Thus, informal group consultations were held on 24 May, and informal-informal consultations on 25–26 May before the PrepCom was officially opened on 27 May. Initially, approximately 3,000 participants were present, but in the course of the two weeks the number doubled to almost 6,000 with the

State Minister of the Environment Nabel Makarim in his welcome address on behalf of the host government, stated that the primary goal of the PrepCom was to achieve landmark outcomes and that it was to serve as the linch-pin to the process of ensuring a successful WSSD. Nitin Desai, Secretary-General of the WSSD, urged delegates to avoid following “the usual UN procedure of decision by exhaustion” and hoped that they would be tempted to make quick decisions “for fear of pleasures forgone” in Bali. He summarised the two recent meetings at Doha and Monterrey as having addressed the concerns of developing countries in relation to global trade and finance respectively and stated that the “third leg of this exercise” is how to bring a sustainability component into development. Thus, the challenge of this meeting was to draw up a sound implementation programme for Agenda 21 to be known as the “Bali Commitment”.

The *Provisional Agenda* (A/CONF.199/PC/15) and the *Proposed Organisation of Work* (A/CONF.199/PC/15/ Add.1/Rev.1) were adopted and a number of inter-governmental and nongovernmental organisations (NGOs) as contained in A/CONF.199/PC/21 and A/CONF.199/



Plenary in session at the Nusa Indah Conference Centre

Courtesy: W.E. Burhenne

arrival of over 110 Ministers and a substantial number of media representatives for the High-Level Segment.

Opening session

Chair Emil Salim formally opened PrepCom-IV by expressing his wish for a successful meeting. Indonesian

PC/20 respectively, were considered for accreditation. Accreditation of the Tibetan Centre for Human Rights and Democracy was the most controversial item as the Chinese government had previously blocked consideration of two other Tibetan NGOs who sought accreditation to WSSD. To this effect, the Permanent Representative of

China, in a letter to the Secretary-General (A/CONF.199/PC/19) objected to the accreditation of a separatist organisation which seeks to infringe “upon the sovereignty and territorial integrity of China”. Chair Salim deferred consideration to a later date, but China was ultimately successful in pushing its motion for no action. In the resulting roll call of 90 to 37 (with 10 abstentions), the only votes against this motion came from the United States, Member States of the European Union and a handful of Eastern European countries.

Multi-Stakeholder Dialogues

During the Multi-stakeholder Segment which began after the opening plenary session, statements from all nine major groups were heard on “Sustainable Development

Governance” at the local, national, regional and international levels and followed by a discussion with government representatives. The following day, delegates split up into two Discussion Groups: one on “Capacity building for Sustainable Development”, which focused on successful examples and lessons learned, and the other on “Developing a Major Groups’ Framework for Partnership Initiatives”, which discussed principles for Type II partnerships, as well as means and mechanisms for monitoring and follow-up.

The principal tenor on Type II partnerships with civil society was that these should not serve as substitutes for Type I commitments of governments. Among other proposals during the course of the Multi-Stakeholder Dialogues, representatives of indigenous people, women and

Towards a Sustainable Future

– Excerpt –

by Kofi Annan*

“... The state of the world’s environment is still fragile. Conservation measures are far from satisfactory. At discussions on global finance and the economy, the environment is still treated as an unwelcome guest. High-consumption lifestyles continue to tax the earth’s natural life support systems. Research and development remains woefully underfunded, and neglects the problems of the poor. Developed countries in particular have not gone far enough in fulfilling the promises they made in Rio – either to protect their own environments or to help the developing world defeat poverty.

Less than four months from now, at the World Summit on Sustainable Development in Johannesburg, we have a chance to restore the momentum that had been felt so palpably after the Earth Summit. Already, the process leading up to that event has brought renewed attention to issues that have been largely overshadowed by conflicts, globalisation and, most recently, terrorism. Still, I sense a need for greater clarity on what Johannesburg is about and what it can achieve. Negotiators who meet later this month in Bali need clarity if they are to draft a strong programme of action. The public at large needs clarity if they are to support the changes that must occur.”

At its core, Johannesburg is about the relationship between human society and the natural environment. We here in this room are among the 20 per cent of humanity that enjoys privilege and prosperity undreamt of by former generations. Yet, the model of development that has brought us so much has also exacted a heavy toll on the planet and its resources. It may not be sustainable even for those who have already benefited, let alone for the vast majority of our fellow human beings, many of whom live in conditions of unbearable deprivation and squalor and naturally aspire to share the benefits that we enjoy.

This fact was recognised by the world leaders who gathered at the United Nations almost two years ago for the Millennium Summit. They decided that the first 15 years of this century should be used for a major onslaught on global poverty, and set a number of targets – the Millennium Development Goals – for doing so. But they also resolved to free future generations “from the threat of living on a planet irredeemably spoilt by human activities”. The Johannesburg Summit aims to find practical ways for humanity to respond to both these challenges – to better the lives of all human beings, while protecting the environment. The Summit also aims to move from commitments – of which we have had plenty, 30 years ago and 10 years ago – to action. I see five specific areas where concrete results are both essential and achievable.

First is **water and sanitation**. More than one billion people are without safe drinking water. Twice that number lack adequate sanitation. And more than three million people die every year from diseases caused by unsafe water. Unless we take swift and decisive action, by 2025 as much as two-thirds of the world’s population may be living in countries that face serious water shortage. We need to improve access. We need to improve the efficiency of water use, for example by getting more “crop per drop” in agriculture, which is the largest consumer of water. And we need better watershed management, and to reduce leakage, especially in the many cities where water losses are an astonishing 40 per cent or more of total water supply.

The second area is **energy**. Energy is essential for development. Yet, two billion people currently go without, condemning them to remain in the poverty trap. We need to make clean energy supplies accessible and affordable. We need to increase the use of renewable energy sources and improve energy efficiency. And we must not flinch from addressing the issue of overconsumption – the fact that people in developed countries use far more energy per capita than those in the developing world. States must ratify the Kyoto Protocol, which addresses not only climate change but also a host of unsustainable practices. States must also do away with the perverse energy subsidies and tax incentives that perpetuate the status quo and stifle the development of new and promising alternatives.

Third is **agricultural productivity**. Land degradation affects perhaps as much as two-thirds of the world’s agricultural land. As a result, agricultural productivity is declining sharply, while the number of mouths to feed continues to grow. In Africa, especially, millions of people are threatened with starvation. We must increase agricultural productivity, and reverse human encroachment on forests, grasslands and wetlands. Research and development will be crucial, as will implementation of the UN Convention to Combat Desertification.

The fourth area is **biodiversity and ecosystem management**. Biodiversity is declining at an unprecedented rate – as much as a thousand times what it would be without the impact of human activity. Half of the tropical rainforests and mangroves have already been lost. About 75 per cent of marine fisheries have been fished to capacity. 70 per cent of coral reefs are endangered. We must reverse this process – preserving as many species as possible, and clamping down on illegal and unsustainable fishing and logging practices – while helping people who currently depend on such activities to make a transition to more sustainable ways of earning their living.

Finally, the area of **health**. The links between the environment and human health are powerful. Toxic chemicals and other hazardous materials are basic elements of development. Yet more than one billion people breathe unhealthy air, and three million people die each year from air pollution – two-thirds of them poor people, mostly women and children, who die from indoor pollution caused by burning wood and dung. Tropical diseases such as malaria and African guinea worm are closely linked with polluted water sources and poor sanitation. Conventions and other steps aimed at reducing waste and eliminating the use of certain chemicals and substances can go a long way to creating a healthier environment. But we also need to know better **how** and **where** to act – meaning that research and development are especially important, particularly studies that focus more on the diseases of the poor than has historically been the case. ...”

* United Nations Secretary-General. Delivered by Nane Annan before the American Museum of Natural History’s Annual “Environmental Lecture”, New York.

youth demanded the framing of a legally binding Convention on Corporate Accountability with independent mechanisms for monitoring, compliance, enforcement and liability. On 29 May, Plenary reconvened in order to hear the reports from Discussion Groups I and II, as well as Major Groups' views on future priorities to be considered as an input to the elements for a political declaration.

Intergovernmental Process

Once more, three working groups were established. Working Group I was chaired by Kiyo Akasaka (Japan) and Maria Luiza Viotti (Brazil) and worked on the Introduction and the sections on Poverty Eradication, Changing Unsustainable Patterns of Consumption and Production and Protecting and Managing the Natural Resources Base. Working Group II was facilitated by Richard D. Ballhorn (Canada) and Ahmad Ihab Gemaleldin (Egypt) and dealt with the remaining sections of the paper: Sustainable Development in a Globalising World; Health and Sustainable Development; Sustainable Development of Small Island Developing States; Sustainable Development for Africa; and Means of Implementation. Lars-Göran Engfeldt (Sweden) and Ositadinma Anaedu (Nigeria) chaired the deliberations in Working Group III on the Institutional Framework for Sustainable Development, which was later added to the implementation document as Chapter X.

In addition to these working groups, special contact groups were established to deal with the issues of energy, oceans, biodiversity, good governance and globalisation. Under the chairmanship of John Ashe (Antigua and Barbuda) another contact group focused on Trade and Finance which proved to be the most sensitive issues under discussion. References were repeatedly sought to Doha and Monterrey, but rebutted by other parties who downplayed the relevance of the results of these meetings. At Monterrey, it was agreed that developing countries should make additional financial resources available, but no specific plans were drawn up on how these funds should be allocated. The US delegation raised eyebrows by making foreign assistance contingent on good government, or, better said, the "level of corruption". Ultimately, talks in this contact group had to be abandoned as it became evident that many delegations were still waiting for instructions from their home governments and thus the outstanding issues were deferred, leaving it to Ministers to resolve these.

The contact group on Sustainable Development for Africa facilitated by Richard D. Ballhorn (Canada) also led to intense discussions. In response to the *Millennium Declaration* and the Report of the Secretary-General which identified Africa as the region in need of the most attention, it was intended as a separate chapter for the implementation document. However, other regions insisted on formulating additional paragraphs, which addressed their concerns. As a result, an additional chapter VIII.bis was inserted into the text for the Draft Implementation Plan, containing individual sections for Latin America and the Caribbean, Asia and the Pacific, West Asia and even the ECE region.

The slow pace of the negotiations on the implementation document also prevented the start of work on elements for a political declaration. Emil Salim decided to hold back until all efforts were exhausted on the implementation document for fear of overlapping negotiations. However, a day before the High-Level Segment commenced, the Chair gave an outline of possible elements:

- the gap between sustainable development programmes and fragmented implementation plans;
- the need for recognising global interdependence;
- commitment to diversity, participation and equity;
- resistance to homogenisation of world cultures.

Behind the Scenes

Representatives of UN agencies expressed the belief that they had been deliberately excluded from the process. With few exceptions, reference to responsibilities of UN organs had been deleted from the implementation



Emil Salim (left) and Nitin Desai wait for the session to resume Courtesy: IISD

document during the informal-informals. Considering that they will play a major part in implementing the WSSD outcomes, they felt that it is ironic that they are not being asked for advice on the ideas under deliberation. During the High-Level Segment, a special informal meeting between Heads of UN agencies and Ministers was held, but with a disappointingly low presence.

Accredited NGOs who were present at the negotiations voiced criticism against the US, Canada, Australia and Japan. In statements before the press, they accused those countries of blocking all proposals that included concrete time frames and other progressive text. During the first day of the High-Level Segment, NGO representatives walked backwards through the conference centre to illustrate the direction the process was moving in. The US delegation, in particular, was under fire, for not sending a delegate of ministerial rank. They were even more incensed by President Bush's announcement that he would make his participation at Johannesburg dependent on the success or non-success of Bali.

Across the Pacific, the EU also exerted pressure on

the United States by ratifying the Kyoto Protocol. In a formal ceremony at UN Headquarters in New York on 1 June, representatives of all 15 EU Member States handed over their instruments of ratification. The European Commissioner for the Environment, Margot Wallström, took this opportunity in order to urge the US to reconsider its position. A few days thereafter, the Japanese government followed suit in coupling their ratification with an appeal to the governments of the Russian Federation and other developed countries to speed up ratification and to the US to sign the Kyoto Protocol. However, another severe setback toward the entry into force was announced on World Environment Day when the Australian government made it known that it does not intend to ratify Kyoto soon.

Keeping Negotiations Alive

Despite prolonged negotiation sessions that regularly lasted long into the night, there was no positive outcome in sight near the end of the first week. Frustration at the slow pace grew and too often delegates were allowed to reopen discussion on text that had already been agreed on. Time was also wasted on questions of procedure and it appeared that the Bureau staff was not adequately informed to assist in the negotiations. An added difficulty was that talks on a certain paragraph had to be deferred until another contact group had resolved issues relevant to that paragraph. Thus, Chair Salim pursued several strategies to keep the negotiations alive. When all efforts toward a successful conclusion seemed to have been exhausted in either the working groups or the contact groups, he convened informal plenaries in order to bring all delegates together to coax them into making concessions. When this failed, he sought to bring parties together for informal-informal consultations.

Entering the final phase of the negotiations, shortly before the arrival of the Ministers, Emil Salim opened a Friends of the Chair (FoC) Group which met in all-day sessions. At first, the Group consisted only of representatives of the EU, the Group of 77/China and the US and other regional and interest groupings. The G-77/China was represented by Venezuela, South Africa, Indonesia and Brazil, but other delegations that announced interest were barred from participating. The FoC Group was successful in resolving numerous issues, but those that were not involved were highly suspicious of these secret "deals", especially when it became evident that the EU, G-77/China and the US settled issues amongst themselves. After continued complaints, other delegations were finally admitted as the Group reconstituted itself during the High-Level Segment.

High-Level Segment

Chair Salim opened the High-Level Segment on Wednesday morning, 5 June, which coincided with World Environment Day. Louise Fréchette, Deputy Secretary-General of the United Nations, introduced the newly released third edition of the Global Environmental Outlook prepared by the United Nations Environment Programme (UNEP). She also stressed the importance of fostering

partnerships between governments, NGOs and the private sector and assured participants that "the whole UN system stands ready to assist in making development sustainable". The President of the Republic of Indonesia, Megawati Soekarnoputri, in her opening speech referred to their own national experience:

"For more than three decades we pursued our development by primarily relying on our natural fortune. The implication of such a model and the consequences of its application have in turn led us to reconsider our approach to and our basic concepts on development."

...

"Ten years have passed since we adopted Agenda 21. It is timely for us to follow it up with concrete programmes and activities. If we can work on them at this preparatory meeting and agree on them in the forthcoming Conference in Johannesburg next September, I am convinced that not only [will] we build [a] solid foundation for sustainable development, but also make [a] real contribution to humanity."

Statements by the Co-Chairs of the GEF Ministerial Roundtable on Financing for the Environment and Sustainable Development and other Ministers followed.

Next on the agenda was an Interactive Dialogue on Implementation in which Ministers were requested not to make general statements in their interventions, but to speak on actions required internationally and nationally to meet the goals of sustainable development. The following day, after a closed meeting of Ministers with Multi-Stakeholder representatives, a second Interactive Dialogue on Partnerships for Implementation was held. In a third and final Interactive Dialogue, Ministers began tackling the Elements of a Political Declaration. Due to the insufficient preparations except for the Multi-Stakeholder Dialogues and the Chair's outline, this was limited to a general discussion. Most State delegates agreed that they wanted to have a simple statement that could be understood by laymen and compact enough so that it could be printed in a newspaper. There was no focus on exact elements, but it was agreed that the political document should not reiterate the elements of the implementation plan.

On the second day of the High-Level Segment, the FoC meeting had to be suspended after several key coun-

2003: Year of Freshwater

The UN/GA has proclaimed 2003 as the International Year of Freshwater. The resolution was initiated by the Government of Tajikistan and supported by 148 other States.

It encourages governments, the United Nations system and all other actors to take advantage of the Year to increase awareness of the importance of sustainable freshwater use, management and protection. It also calls upon governments, national and international organisations, non-governmental organisations and the private sector to make voluntary contributions and to lend other forms of support to the Year.

The Year will provide an opportunity to accelerate the implementation of the principles of integrated water resources management and is expected to follow up on agreements reached at the WSSD.

tries within the G-77/China announced that they were unsatisfied with progress on the implementation segment. Trade, finance, globalisation and implementation remained the key issues in need of resolution. The G-77/China met to resolve these issues internally, whereupon the FoC re-

convened at 4 p.m. for talks that lasted late into the night. The Chair personally approached the G-77/China to persuade them to make some concessions. The G-77/China signalled its willingness to do so, but stated that this would only be possible in the form of a package deal. In an unprecedented move, representatives from the G-77/China and EU met in order to put together such a package deal based on John Ashe's compromise text that resulted from another contact group on Means of Implementation. As a final resort, Minister Mohammed Valli Moosa (South Africa) chaired the resulting informal ministerial consultations, which once more lasted late into the night.

Closing session

The final session of the Ministerial segment on Friday, 7 June was scheduled for 6 p.m., but in view of the fact that the Indonesian Government had scheduled a farewell party at this time it was decided to reschedule to 8 p.m. However, the FoC Group, which was meeting in a last-dash effort to garner last-minute compromises, kept extending their meeting time, thus pushing the time from 10 p.m. to 12 a.m. Negotiations eventually collapsed and it was agreed to commence the final plenary meeting at 12:40 a.m.! Nitin Desai, referring to his speech at the open-



Co-Chairs Ositadinma Anaedu and Lars-Göran Engfeldt

Courtesy: IISD

ing session, noted with regret that it once more had come to a "decision by exhaustion" and that none of the delegates got to enjoy the pleasures of Bali. It was agreed that the *Draft Plan of Implementation for the WSSD* (A/CONF.199/PC/L.5/Rev.1 along with Corr.1) is to be transmitted to Johannesburg with the remaining brackets, allowing only for editorial changes to be performed by the Secretariat.

Emil Salim was entrusted with the task of preparing elements for a political declaration on the basis of the discussions in PrepCom-IV and to post them on the official website of the Johannesburg Summit (all meeting documents are available at www.johannesburgsummit.org). Among the other documents adopted was the *Matters related to the Organisation of Work during the World Summit* (A/CONF.199/PC/L.7) and the *Draft Report* (A/CONF.199/PC/L.6). It was announced that the *Chairman's*

Summary of the High-Level Segment (A/CONF.199/PC/CRP.3) and the *Vice-Chairs' Summary of the Informal Meetings on Partnerships for Sustainable Development*

Procedures for the Dialogue Segment at WSSD

The organising partners of the WSSD dialogues, in consultation with the major group sectors, have prepared and adopted a Protocol for the Dialogue Segment. In summary:

- sessions will start and end on time
- introduction statements will be no longer than five minutes
- comments made during the dialogue – by governmental or non-governmental participants – will be no longer than two minutes
- speaking slots will not be shared
- interventions, especially those made in the Discussion Groups, will be in the form of questions, clarifications, proposals and related responses
- all parties will engage actively in the dialogue, especially in the Discussion Groups
- participants will be conscious that this is a formal meeting and they must engage in dialogue in an environment of mutual respect within the accepted rules of protocol.

(A/CONF.199/PC/CRP.4) would be annexed to the Report. As a final motion tabled by Venezuela on behalf of G-77 and China, a decision on expressing thanks to the people and Government of Bali was adopted.

On Saturday morning at 3:40 a.m., it was decided to close PrepCom-IV and not to suspend CSD-10. Thus, the term of the Bureau has officially ended. Chair Salim, to be assisted by Minister Moosa, has been asked to further serve in an informal capacity in order to push further initiatives for consensus building. Saudi Arabia and Iran have asked to at least extend the Bureau's mandate so that it may offer assistance, but this would conflict with established UN rules of procedure. On the invitation of the government of Brazil, an informal meeting involving the UN Secretary-General and various Heads of State is to take place in Rio de Janeiro on 26 June 2002, in order to symbolically "pass the torch" to the President of South Africa. Since Kofi Annan has already said that he does not want to see a repeat of the debacle at the Conference on Racism in Durban, South Africa last year, a *communiqué* is expected to be issued to encourage Heads of State to attend the WSSD. They are also looking for more eminent persons to attend in order to raise the profile of the Summit and to ensure that there is enough media coverage.

The important issue remains, however, whether the implementation document is strong enough in its present form. A few NGOs were of the opinion that the number of remaining brackets was a good sign and far better than settling for a bad deal at Bali. They stated that resolving these issues prematurely would have given the Bush administration the upper hand. In fact, they advised delegates in a newsletter to "bring their brackets to Johannesburg!" Open brackets will also give NGOs more time to raise awareness of the issues involved and to campaign for their concerns at Johannesburg. On the other side of the coin, one may argue that this gave Ministers an excuse not to finish off a complete package deal at Bali!