

The UNEP Forum at Malmö – another millennium cliché?

Opportunities lost or opportunities gained?

The UNEP Forum at Malmö was a first – perhaps even an experimental first. The more substantial outcome was its Ministerial Declaration – a meagre document, cynics would say, only 6 pages long.

Is this the best almost a hundred Ministers of Environment can come up with after 3 days of deliberations and God knows how many millions of Swedish kroner spent?

Cynics, bracing themselves against all possible disappointments with an attitude of "I told you so", are loath to accede success to anything but their own gloom. The cynics were present at Malmö, scoffing at process meetings like this and admonishing everybody to commit to convention work. There may be some truth to comments like these, but we were all present at Malmö – almost 100 Ministers, some 400 civil servants and a meagre 40 representatives from civil society.

It is of course tempting to write off the Malmö Ministerial as just another conference cliché, but it actually warrants a closer look. In so doing, there are visible contours of success appearing in the outcome of Malmö.

Ministerial overkill

When ministers appear publicly, this is in itself a strong political statement. When almost 100 Ministers appear together, such a statement is strongly augmented. If Ministers are seen together too often, their political statement may easily be rendered into a political cliché.

Malmö "happened" less than a month after the Ministerial High Level Segment at the CSD where the same Ministers had been shaking hands and talking their "environment talk". The ever present "wise guys" quickly seized the opportunity and alluded to UNEP as the Ministerial UN Environment Patrol. By participating both in CSD and the UNEP Forum, the ministers actually contributed to seeing the two processes as being different yet dealing with the same issues.

Malmö and CSD – different but same.

For the untrained eye, CSD and the UNEP Ministerial Forum may appear as two sides of the same coin. CSD and UNEP however, perform different but complimentary tasks working to improve the global environment. CSD has developed into a fairly tight-structured conference with a set agenda, rife with documents, reports – mostly performed by civil servants. Unfortunately CSD has become dominated by the New York-based permanent UN delegations, whose members are not necessarily experts in the field of Sustainable development. They are, however,

highly skilled in process work, and they have often managed to manoeuvre CSD into dead-locked positions.

Malmö different, but not new.

Everything was different at Malmö. UNEP had prepared a small number of well written documents which appeared to function more as food for thought rather than as documents to be negotiated. Consequently delegations seem able to invest most of their energy in writing and discussing positions related to the Ministerial Declaration, which finally emerged out of the process. Maybe because nothing seemed to have been written beforehand, the Declaration appears fresh in spirit and substance with a number of innovative thoughts.

Nothing is new under the sun, our cynical friends are quick to remark having read to the Declaration. True, but nothing was new in the Brundtland Commission report either, when launched in 1987. What was new at the time it was launched was the political context in which the Brundtland report appeared and who actually signed on to the report. Precisely the same can be said about the Malmö Ministerial Declaration: www.unep.org/malmo/malmo_ministerial.htm

What's in the declaration?

The declaration itself reaches in the preamble as far back as possible in the history of global environmental negotiations, recalling both the Stockholm conference, the Rio-process. In sweeping though succinct language, it manages to give depth and credence to an analysis of the root causes to widespread environmental and developmental plight. Not a bad feat in less than a page.

Beginning, as it does with "major environmental challenges of the twenty-first century", it barely escapes however, producing another millennium cliché. Climbing steadfastly upwards, it reaches respectable levels inciting the readers to face a number of global challenges as well as remember past agreements and achievements.

Three paragraphs talk about the private sector.

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The UN has in other circumstances used stronger language in dealing with this sector. Often people and institutions outside the private sector seem overawed by the power it yields. Challenging the private sector tends to be either harshly critical, almost judgemental or benignly respectful, almost forgiving. The language wavers in this chapter of the Malmö Declaration, and it is tempting to assume that this chapter contains compromise language reflecting the rich nations/poor nations divide.

The chapter on civil society is good read for NGOs. It emphasises the political positions NGOs have gained in multilateral, and reiterates the "Rio process" which brought civil society to the negotiating table with the governments. It also upholds the need to implement Principle 10 of the Rio declaration. The language is clever, as it contains all the basic principles outlined in the Aarhus-convention on access to information in relation to the environmental. These principles are fast becoming powerful tools for civil society to promote transparency, accountability, participation and good governance.

Opportunity lost – UNEP and the NGOs at Malmö.

For all its good language and for all its good intentions, The Malmö Ministerial left the NGOs with a growing feeling of malaise. UNEP squandered away a grand opportunity to involve NGOs and civil society. NGOs were added through a so-called special event before the actual conference opened. By making the NGOs a prefix to the conference, UNEP paid lip service to their importance, barring them from the Forum's real negotiations, and at the same time retaining an image of interacting with civil society.

This is strange indeed as UNEP has, historically speaking, one of the longest involvements with NGOs within the UN. The link with civil society has been underlined time and again – during the Rio-process, explicitly stated in the Töpfer task force, and finally in the Declaration from the Malmö.

NGOs committed to working on issues related to environment and development had a unique opportunity to meet their own Ministers during the UNEP forum at Malmö, had they been properly invited and duly integrated in the process. This was not done. When UNEP looks back on Malmö and evaluates what happened this UN body may decide to practice what is written in the declaration from the first UNEP Forum. If that happens, UNEP may safely claim that new opportunities were created and already initiatives have been taken to rejuvenate UNEP. If not, Malmö was just another conference at the dawn of a new century filled with meaningless clichés.

Jan-Gustav Strandenaes

Acting Director, Norwegian Forum

Rio+8 - NGO's Unite Action in Preparation for Earth Summit 2002

Last week 70 NGOs from 50 different nations met in Copenhagen. They rediscovered their own role as civil society and agreed on new principles for the Rio+10 process

Just for once the South was over represented in Copenhagen.

40 NGOs out of 70 came from the developing world, 20 of them from Africa. Also eight NGOs from Russia and Eastern Europe participated. The organisations gathered in Copenhagen thus varied in size and experience, some dealing primarily with environmental issues, others coming from the development field. Some had been dealing with Rio-business for a decade, others were rooted in small villages in Kenya. The aim of the meeting was clear: The civil Society from North and South, East and West, needed a common kick off to start the process towards Rio + 10, which is probably going to be in South Africa.

New bridges, new approaches was the theme to kick the meeting off. Bridges were indeed built and the meeting agreed on three major strategies:

Civil society will have to rediscover itself and its own role in the process. We need to be more political and campaign oriented, and less into technical governmental nitty-gritty negotiations. If we are not able to create the public pressure, we will not get the political commitment, which is required. Since 1992 the social development issue has, so to speak, been taken out of the Rio-process and placed in summits like The social Summit in Copenhagen, Beijing, Cairo etc. Consequently it has been very difficult to address our social and environmental challenges as one integrated process. We need to get the development agenda back in the Rio-process, Rio was the mother of all summits, so should Rio+10 be. The key to results in 2002 will be a new deal between North and South, taking both the enormous problems of the developing countries and the environmental threats seriously. To get such a deal we need a clear focus on the fundamental questions of poverty and consumption at the 2002 meeting. The Rio meeting was a meeting about Sustainable Development with a big 'S'. Rio+10 will have to be a meeting about sustainable development with a big 'D'. Thus, it will be of extreme importance that we succeed in involving greater numbers of new Southern NGOs in the process up to 2002.

These were the main conclusions from the two co-chairs Sunita Narain, Centre of Science and Environment in India, and Felix Dodds, co-chair of the UNCSD NGO-Steering Committee. This framework served as a guideline for the more specific workshops on the questions of institutions, climate, forests, freshwater and food. The workshops varied in focus and strategy, some being very specific on lobbying strategy towards Rio+10, others dealing with totally new approaches, but all in the same spirit of a new deal, and all including plans of action. The papers from the co-chairs and the workshops are available at www.rio8.dk.

The trusteeship of Rio+8 had a brief meeting about the proposals for the plan of action and for follow-up to the event. We agreed on three channels for this process:

- 1) The concrete outcome of the Rio+8 meeting in terms of new lobbying strategies should be handed over to the CSD NGO Steering Committee and the caucuses, where strategies for targeted lobbying should be developed.
- 2) Danish NGOs should try to provide training and resources to involve new actors, especially Southern NGOs in the Rio+10 process. However, this process should be started and driven by the Southern partners.
- 3) The civil society from the South and the North, especially Europe, should continue their efforts to make political alliances and work at establishing a clear understanding between developing countries and Europe. This could be even more interesting if Rio+10 takes place in last half of 2002, where Denmark is

chairing the EU.

The Rio+8 meeting was hosted by the Danish 92-group and arranged by WWF Denmark, Ibis and MS (Danish Association for International Co-operation). The organisations will meet in July to plan the further role of Danish NGO in the process up to, during and after Rio+10. Seen from the perspective of the hosting Danish NGOs, the meeting last week was a great event, leaving us with new hope for a vitalised process with the civil society in the lead. The Danish NGOs look forward to follow up on Rio+8 and to take active part of the new global civil society that occurred in Copenhagen last week.

Martin Lidegaard

Deputy Secretary General of Mellemfolkeligt Samvirke

www.rio8.dk

From CSD8 to 2002: The Earth Summit Process

The past year has seen an enormous increase in the number of events in preparation for the Commission on Sustainable Development (CSD) discussion on Rio plus 10, which was held at this year's CSD Session.

Governments have been meeting at events like the Ghanaian Ministerial last September. The UN has been flagging up 2002 at events like the London launch of the UNEP Global Environmental Outlook 2000 Report (GEO 2000) and stakeholders have also been preparing their thoughts at events like the WBCSD meeting in Rio last September, the International Chamber of Commerce meeting in October, the International Council for Local Environmental Initiatives in Korea in October. In addition there have been numerous NGO meetings at Wilton Park and around UNEP and CSD meetings.

Early preparation for the CSD discussion ensured that the debate both between Ministers in the first week of the CSD, and during the negotiations in the second week was focused and very productive. Three countries offering to host the Summit including Brazil, South Africa and Korea - the largest number of offers to host a UN Summit ever.

We now have committed to a Summit in 2002 in a developing country probably South Africa with Brazil having withdrawn.

The question that needs to be addressed by the General Assembly in October is what will this Summit address. We are in the middle of the 'Plus fives' at present, which are hardly going as well as people had hoped. One of the key mistakes that were made early on was the failure to clarify what the plus fives were meant to do? Were they there to re-negotiate the Summit and Conference agreements, or were they there to review commitments and look to gaps which have become obvious from previous Summits?

For Earth Summit 2002 it needs to be clear from the beginning what is expected and what needs to be prepared. Some

have tried to look at separating a review of implementation from a forward-looking Summit. If this is to happen then the review must be done early enough to inform the discussion for the forward-looking Summit.

The national preparations should focus on reviewing the obstacles to implementation but for this to be informative they need to be done in a comparable way. The UNGASS in 1997 decided that Sustainable Production and Consumption and Poverty were to provide an over riding cross-sectoral framework to review the work that the CSD would do between 1998 and 2002. The idea was to mainstream these two areas into various discussions on upcoming sectoral issues. To complement this the national reviews should attempt trying this innovative mythological approach. These and some other key cross-sectoral areas could form the framework for the Summit in 2002. In addition to those mentioned it would be useful to look at finance, trade, technological transfer, capacity building, governance and education. In terms of a review, for example, if we can identify not only where the obstacles are but also the gaps to implementation, we would ensure a much more focused discussion.

One of the clear successes since 1997 has been the development of Multi-Stakeholder Dialogues at the UN Commission on Sustainable Development. The recognition of this can be found not only in the CSD agreement this year but also in the discussions around the other international processes. Capturing the opportunities of the Multi-Stakeholder process is one of the aims of UNED Forum and will be one of our main focuses between now and 2002.

It is clear that the world has changed since 1992 and although much of the agenda agreed in 1992 remains valid it needs to be contextualised in the world of the twenty first century. As the GEO2000 report and the Human Development Reports show the important indicators of sustainable development, environmental, social and economic trends are still going in the wrong direction, with a few exceptions. Earth Summit 2002 should focus on the crucial issues that the world needs to address if we are to have a sustainable planet for future generations.

CSD9 and CSD10 have been time tabled to occur back-to-back next year. There is an opportunity this year to create a different framework for looking at issues, a different way of coming to agreements by involving stakeholders in the process. Maybe this will ensure that more will be achieved in the post 2002 process. We should be looking not only for what can be achieved in 2002 but also in 2003,4,5,6,7,8,9 and 10.

Felix Dodds

Useful Contacts: www.earthsummit2002.org

www.un.org/esa/sustdev.htm



The CSD this year where Earth Summit discussions started

Beijing +5: Outcomes and Analysis

One Step Forwards, Two steps Back

Between June 5th -10th the 23rd Special Session of the UN General Assembly (GA) took place in New York entitled, "Women 2000: Gender Equality, Development and Peace for the 21st Century". The event was attended by 2,003 government delegates along with 2,043 NGO representatives from 1,036 organisations.

After an all-night negotiations session, GA on Saturday June 10, approved the Outcomes Document relating the implementation of the Platform for Action adopted in 1995 in Beijing, China.

Beijing+5 may have been one of the most difficult UN negotiating sessions in recent years. It was often a hostile process, fuelled by lack of consensus on some very contentious issues and by dissatisfaction over some organizational arrangements and material prepared by the Secretariat. The Outcome Document contains many gaps where language was lost during negotiations but gains were also made where new issues are being addressed and language made stronger than in the Beijing Platform for Action (BPfA).

It was frustrating to witness a minority of states holding back the process despite the efforts of the majority of governments. A group of about 10 countries blocked progress on certain issues such as reproductive rights and sexual orientation. It was also disappointing to witness many governments making reservations on the document as soon as negotiations had been completed. On the other hand, other states said in the final session that they would not be restricted by the document and would take women's rights further than agreed at the national level.

The poor provisions for NGO access meant that many people were often in the dark as to the progress of negotiations. NGOs faced problems accessing the Committee of the Whole as there was no access to the floor where the delegates sat. In addition, there was no access for NGOs into contact groups where informal but key negotiations occurred. At Rio+5 in 1997, NGOs were permitted into all rooms with limited access into the General Assembly. This lack of consistency in rules for NGOs is surprising as both processes fall under UN DESA's remit.

Talking to NGOs

We have spoken to Sanam Naraghi Anderlini of International Alert and Valerie Evans of Soroptomists International and asked for their views on the process. Sanam works on armed conflict issues and Valerie on CEDAW, institutional mechanisms and education.

What are the gains and progress to come out of the Beijing +5 process and its Final Outcome Document?

Sanam: As a member of the armed conflict caucus there is some progress, there is a greater recognition of what happens to women in the kind of conflicts that we see today; the fact that there is systematic, gender-based violence and that women are being targeted specifically. Through the Beijing +5 process

we were able to raise awareness and demonstrate that women have a voice and a contribution to make.

Valerie: The document shows an awareness of the effects of globalisation and recognises older women and indigenous women as groups with their own needs. It is also significant that honour killings, rape in war and marital rape are mentioned. The identification of rape in war not only in Beijing +5 but also at the International Criminal Court is a significant development, establishing and recognising the phenomena as a powerful force in war.

What are the weaknesses and disappointments in the Outcome Document?

Sanam: Commitments on women's participation in peace processes and women sent on peacekeeping missions were applied to the international level but it would have been more important to make these recommendations apply to the national and to the international level. In addition the reference to "internally displaced" women was omitted, this could have been important at the legal and policy level for this group to have their own recognised status. Other disappointments included the lack of awareness about the need to check that peacekeeping personnel do not have criminal records and the deletion of the recognition of the role women play in peace processes.

Valerie: One of the greatest weaknesses of the Outcome Document is that governments have not been bound by targets. It is also a great concern that many references to CEDAW were taken out in the final days of the process. While the Outcome Document is weaker than some would have wished supporters must not forget the Platform for Action and the Cairo documents still stand and must be used. It has been positive to see that the EU, JUSCANZ (Japan, USA, Canada & New Zealand) and SADIC (Southern Africa Development Community, 14 African countries) have refused to go back from these documents and have used them as a bottom line in negotiating.

How effective was the process for governments and NGOs?

Valerie: The ability of NGOs to affect the government was dependent on different factors. In the UK, in September 1997 the Foreign and Commonwealth Office invited NGOs to contribute to their document before it went to consultation within the European Union. The regional PrepComms in Geneva for the ECE in January 2000 was very effective. NGOs were able to sit side by side with governments in writing the final document. Of course this would be the perfect process for UN negotiations but it would be far too complicated. Beijing +5 has been more ambitious than Copenhagen +5 and Cairo +5, in the issues it has negotiated on and the negotiating procedures it has had to follow. For states to reach consensus in a world so diverse is almost impossible. For example, the discussion on reproductive rights has always been a problem and we can look at the Beijing Platform for Action for the bottom line.

How do you think NGOs felt about the process?

Sanam: During the March PrepCom there was a feeling that NGOs could talk to governments, access them and lobby them but the process was very slow and they seemed to close their doors on us.

It was disappointing to witness many governments making reservations on the document as soon as negotiations had been completed.

In June every time we asked we were told that negotiations were happening behind closed doors in a contact group and that NGOs couldn't go in there. So it was really hard to know what was being discussed and what was being taken out and put in until the very last minute. This was really very very frustrating. Some governments were giving regular briefings. But the point is that everybody gives a briefing from their own perspective. We couldn't see with our own eyes what was going on. We had to rely on the information we were given from a select number of governments. I think that a lot of delegations sent in people who deal with issues from a national perspective. In the negotiations a reason why things were left out was a lack of understanding. Experts from NGOs were available to give the facts and figures. However, if there is an unwillingness to even look at the facts and figures then we're starting from a very low point. It was really frustrating on that score as well.

Following Beijing +5, what will NGOs look forward to?

Sanam: Of course we will use this document for lobbying purposes. Through Beijing +5 we've been able to form a coalition of NGOs with which International Alert aims to co-ordinate a Peace Audit project. Taking the recommendations of Beijing and some of the developments of Beijing +5, we will audit governments and organisations who have made commitments.

Valerie: As far as women's rights are concerned CEDAW, as a treaty, is the strongest and most concrete document we have to use. CEDAW states that governments must report every four years on achievements and progress in implementation. This may be a more realistic procedure than the one we have just witnessed. Instead of working on consensus states are given individual targets to achieve and report on. The Optional Protocol is the other key document to come out of CEDAW. The Optional Protocol gives women the right to go directly to the UN if they feel that their governments have not dealt with their complaints of gender discrimination adequately. Within the EU, the UK and Ireland remain the only two countries who have not signed this significant document. The UK government has stated that it will not sign until the European Convention on Human Rights and the Human Rights Act have "bedded down". There is some feeling at the Home Office that the Optional Protocol is not needed as the government already takes women very seriously. However the UK government has a bad reputation for not signing optional protocols, including that on the Rights of the Child, after having fought hard for them at the international level. After their efforts at Beijing +5, it is now the role of NGOs to fight for and bring attention to the importance of CEDAW's Optional Protocol.

Linkage Caucus Voice and Analysis

On the last day the NGO Linkage Caucus issued a statement expressing praise as well as disappointment: "We regret that there was not enough political will on the part of some governments and the UN system to agree on a stronger document with more concrete benchmarks, numerical goals, time-bound targets, indicators, and resources aimed at implementing the Beijing Platform... Many governments have made reports on what they are doing to implement the platform, and women's NGOs have produced over 100 alternative reports engaging in public debate about what still needs to be done. Some of the regional meetings for this review resulted in documents which

women can use to advance women's rights nationally and regionally... And as always, women have taken this space to network and share experiences and strategies across cultural, racial, national and other boundaries... We will not be turned back."

The group had analysed the Outcome Document vis-à-vis the Bpfa and pointed out issues strengthened under the new document, such as health (maternal mortality, education programs, health sector reform), violence (honour killings & forced marriage, dowry related violence and marital rape), globalisation (recognition of negative impacts on women & gender differences and equal participation of women in macro economic decision making), economy (right to inheritance & property rights, access to housing, gender budgets and ILO declaration on women's rights at work), human rights (ratify optional protocol to CEDAW, gender related asylum, equality between women & men migrants and increased recognition of specific needs & rights of indigenous), political empowerment (quotas & other measures to increase women's participation in political parties and parliaments).

On the other hand, other states said in the final session that they would not be restricted by the document and would take women's rights further than agreed at the national level.

Women and the Environment

Overall, the document is particularly weak on women & environment issues, Section K of the BPfA. The reporting of Governments and NGOs on Section K has in many cases been poor or missing altogether. In addition, most of the Regional PrepComms did not address Section K.

Throughout the document, there is rather arbitrary mentioning of particular issues such as women's traditional environmental knowledge, environmental health, or biodiversity. However, there is no comprehensive overview or listing of the most urgent gender-sensitive areas of concern, nor their linkages with other sections. Issues such as environmental refugees or the particularly important area of environmental health problems due to the use of pesticides in agriculture, are left out of the final document altogether. A reference to capacity building in organic agriculture that the Environment Taskforce worked on was deleted.

There is a mixture of reasons why the coverage of Section K is weak. There is a lack of awareness and knowledge about women & environment issues among decision-makers at all levels. Another problem has been that gender disaggregated data in this area have hardly been available. One of our major concerns is that many representatives might be under the impression that women & environment concerns are being dealt with elsewhere, eg at the UN Commission on Sustainable Development - whereas at the CSD, delegates tend to assume that gender / women's issues are being addressed in the CSW / Beijing process. NGOs, not only women's NGOs, need to work together to prevent these important issues from falling by the wayside.

Jenny Jones, UNED Forum

Outcome Document www.un.org/womenwatch/daw/followup/finaloutcome.pdf

Linkage Caucus statement www.womenaction.org/ungass/caucus/linkagefinal.html

For more information www.womenaction.org

Copenhagen +5: Outcomes and Analysis

Movement in the Wrong Direction?

Interviewees:

Fatima Pandy (FP), Director of Fair Share, University of Western Cape, Member of the Womens Caucus, South Africa
 Fran Bennett (FB), Oxfam GB, UK Coalition against Poverty, UK

Jens Martens (JM), WEED - World Economy, Ecology & Development.

Ester Camac Ramirez (ECR), Asociacion Ixacava de Desarrollo e Informacion Indigena, Ecumenical Team World Council of Churches, Costa Rica

What are your main goals in coming here?

FP: To ensure that political, social and economic issues are connected and that women's issues are addressed and a global framework is put in place. Be the watchdog!

FB: My goals are twofold: on the one hand to put additional pressure on our government to put their domestic anti-poverty strategy into practice, on the other hand to keep reminding the North what is happening in their own countries.

JM: . one of my goals is networking with other NGOs and strategising on how to follow-up this process. It is also a means to raise public awareness by working with the media.

ECR: To express the vision and position of the Indigenous Peoples and ensure that this vision is included in the document.

What are the gains/positive outcomes regarding the 5 Year Review of the WSSD?

FP: There was a shift from the PrepCom to the negotiations in Geneva towards more openness and willingness to compromise, facilitated by the sequence of events from Beijing+5 to Copenhagen+5.

FB: The long-term gains are difficult to know yet. However, the fact of gathering together to talk about social development and to try to direct economics to that end is positive in itself. Generally, I regard as positive the reaffirmation of the Copenhagen Commitments, framing an anti-poverty-strategy within broader policy.

JM: There has been only marginal political will to progress on further initiatives.

ECR: To see that some governments are very concerned about the issues.

What are the disappointments/negative outcomes regarding this process?

FP: G7 are unfalteringly sticking to their position in creating an enabling economic environment. You can observe absolute inflexibility around the issues of debt and Structural Adjustment Programmes (SAPs). Within the global context of the UN, you wish for a realisation and acknowledgment of the negative aspects of SAPs and globalisation but there is just more pressure to open up markets.

FB: Since Seattle, the trade agenda is clouding everything else. There is a lot of suspicion. The process is not a great leap forward and people are questioning its effectiveness.

JM: There has been no decision on a follow-up, contrary to the Rio process. Social development has been politically downgraded.

ECR: The emphasis on globalisation as an alternative to the eradication of poverty and the priority given to the interests of the North is disappointing.

What is your opinion in terms of the access to the negotiations and the fact of the UNGASS and the Geneva 2000 Forum taking place at the same time?

FP: It seems like an attempt to divide the NGO community, dividing our forces by having events in all these different buildings.

FB: Access to the General Assembly got easier during the course of the week. However, there is not enough interaction between the two sides.

ECR: I think it is a kind of demobilisation strategy to have these events parallel. NGOs are interested in sharing positions and the Forum puts them away from the negotiations.

Do you have any comments on the document that came out at the beginning of the Special Session called "A Better World For All" (a joint statement by the UN, OECD, IMF and World Bank)?

It is a slap in the face to present the North as the solution for the problems of the developing world in such a patronizing way. The General Assembly should hold the Secretary General accountable

FP: It is distressing that the UN so clearly aligned with OECD, IMF and the World Bank - agencies that have increased the level of poverty throughout - instead of giving equal space to a Southern perspective. It is a slap in the face to present the North as the solution for the problems of the developing world in such a patronizing way. The General Assembly should hold the Secretary General accountable.

FB: It narrowed the agenda. It is not conducive to trust if only the high-income countries serve as the good example.

JM: The process was completely in-transparent. It does not mention the commitments from the developed world but only the demands from the developing countries. It is promoting the old medicine of open markets for trade, goods and finance as the best way to develop. Even the World Bank went back on these issues.

ECR: I like the slogan but a better world cannot be based on a market or trade system that gives singular priority to competition, individualism and the destruction of environment.

What is the way forward? What do you suggest as a follow-up to this process?

FP: We will continue to lobby our governments in our countries and hope that they will listen to our wisdoms and make constructive efforts to redress the issues.

JM: The Commission on Social Development was not strengthened after 95 and remains very weak, it does not focus on the crucial issues like enabling environment. It is important to debate the issues in other intergovernmental processes like Financing for Development and Rio+10

ECR: It is important to disseminate information on this process in our countries. The Special Session won't be the end of this process.

Jasmin Enayati, UNED Forum

www.geneva2000.org

SINKING CLIMATE CHANGE NEGOTIATIONS

In the run-up to the Hague climate conference in November, the subsidiary bodies of the Climate Convention met for their 12th session in Bonn in June. The most important element of the meeting was the presentation of the Special Report by the Intergovernmental Panel on Climate Change (IPCC), a scientific body, about the impact of land use, land use change and forests (LULUCF) for the emission reduction commitments by industrialized countries. The use of these so-called carbon sinks is one of the most disputed loopholes of the Kyoto Protocol.

The atmosphere of the meeting was quite relaxed, as everybody knows the most contentious issues will only be settled on the last night at The Hague. Some progress was made in the working group on compliance, since in this issue the usual negotiating blocks do not exist that clearly, and most countries promoting emissions trading also have no interest in ruining these markets by allowing cheating. The United States kept a rather low profile at the meeting, and way ahead in the daily NGO "fossil of the day" award contest were the Saudis and the Australians. Australia is now on its way to becoming the industrial nations' chief environmental hooligan having negotiated essentially a free ride with its +8 percent emissions target in Kyoto they still try to open up quite bluntly as many loopholes as possible. The Saudi insistence on compensation for emission cuts by northern countries is becoming louder and more bullying, prompting the Swiss delegation to a heated exchange with the delegation from this poor developing country fighting for its economic survival. Rather bizarre was the Saudi congratulation of Germany for its nuclear phase-out agreement and the Saudi call upon all nations to do likewise.

The degeneration of the climate negotiations can perhaps best be illustrated by looking at the meetings on best practices in policies and measures. In the early years policies and measures were supposed to be the key way to reduce emissions. Policies and measures have now become almost anathema to anybody except the EU and Switzerland: for the umbrella group because they don't want active climate protection policies anyway and for the G-77/China for reasons that this writer does not really understand (can it really be that OPEC holds the entire group hostage to such an extent?). Not even an invitation to governments sharing information on experiences could be adopted.

The Special Report on sinks was presented in a four-hour side event that attracted basically every negotiator. The report's findings are essentially a daunting verdict against the use of sinks to offset carbon dioxide emissions. Text stating that the use of sinks could cover the entire reduction commitments in the Kyoto Protocol had to be deleted in the last minute from the report due to pressure by the US, Canada, Australia, New Zealand and Russia - although this is clearly what those governments want, at the same time they don't want it to be stated so clearly. Sinks now can clearly be identified as potentially by far the most dangerous loophole for the environmental integrity of the Kyoto Protocol. It will all depend on how creatively governments allow themselves to account for

the carbon balance from sinks.

Actual reductions of emissions from fossil fuel combustion are now in real danger of become a minor feature of the protocol. Some quotes from the report's summary may illustrate this worrying tendency: "There are many possible definitions of a forest....forest definitions based on legal, administrative, or cultural considerations have limitations for carbon accounting as they may bear little relationship to the amount of carbon at a site." "The net terrestrial carbon uptake that approximately balances the emissions from land-use change in the tropics results from land-use practices and natural re-growth in middle and high latitudes, the indirect effects of human activities (...), and the changing climate (both natural and anthropogenic). It is presently not possible to determine the relative importance of these different processes, which also vary from region to region."

On methane and nitrous oxide emissions due to LULUCF, the report clearly states: "There are currently no reliable global estimates of these emissions and removals from LULUCF activities." At this meeting of the subsidiary bodies in Bonn, this author sensed an underlying atmosphere of resignation to the fact that the conference in The Hague is not going to finalize the work on the Kyoto Protocol in a way that will close the many loopholes substantially. The biggest danger is without doubt the sinks issue, which is likely to develop into a wide avenue for open manipulation of emission statistics. Apart from the usual suspects in the umbrella group, a good part of the G-77 (particularly the Latin Americans) as well as some EU members (Finland, France, Netherlands) are in favour of a wide interpretation of sinks. Japan is reported to have already a list of possible tree plantation projects around the Pacific - all with fast-growing Eucalyptus trees with their well-known negative ecological consequences.

A possible deal to sweeten the acceptance of sinks could well be that nuclear power projects could be excluded from the Clean Development Mechanism—nuclear power is simply so uncompetitive in liberalized electricity markets that hardly anybody would consider such projects anyway. For NGOs the question whether such a Kyoto Protocol devoid of any substance can still be supported is becoming more and more urgent, and is likely to present difficult choices after the Hague. While the president of the Hague conference, Dutch Environment Minister Jan Pronk, is clearly ready to accept any deal that could possibly be acceptable to the US Senate - the majority of the EU seems to lean more towards trying to get the Protocol into force without Washington. Ironically, in the business community all around Europe and North America the fossil lobby increasingly is losing ground and advocates of more proactive climate protection policies are becoming more outspoken. Does that vindicate those in the NGO community that argue the ultimate substance of the Kyoto Protocol is not so important since the existence of the process itself is driving the message home to business and investors? Or does that mean the NGOs risk losing touch with reality when they still put a lot of energy into trying to influence the negotiations when actually climate protection happens without (or despite) foot-dragging governments and an increasingly absurd conference circus? It may well be that there are elements of truth in both views.

Jurgen Maier

Director, German NGO Forum environment & development

CBD COP-5

Bio-safety Success, Forests lose focus

*Barbara Gemmill, Environmental Liaison Centre International, provides **Network 2002** with a report of the successes and oversights of the Fifth Conference of Parties of the Convention on Biological Diversity, May 15-27, Nairobi, Kenya*

The Convention on Biological Diversity (CBD) was one of the concrete, negotiated agreements to come out of the Rio Earth Summit in 1992. 177 countries have ratified it. For anyone sitting through the conference of parties of the CBD, where documents seem to breed like rabbits, it is easy to get lost in a maze of declarations and work plans on what the world should be doing to conserve biodiversity, and hard to see how these work plans are going to get implemented.

Yet the world takes the Convention on Biological Diversity very seriously, as was evident by the participation of over 900 government delegates, around 500 NGO representatives, many representatives of private industry, and a over 60 representatives of Indigenous Peoples to the recent conference of parties (COP5) in Nairobi. It is followed with avid interest even by countries which have not ratified the convention, such as the United States.

Why is this? One reason for this is that the convention has taken on the responsibility for debating a number of issues that go right to the core of globalisation versus protecting non-economic values in an economic world. Although the convention is called the CBD, this is only one of its three objectives; much of the debate revolves around the other two, sustainable use of biodiversity, and fair and equitable sharing of the benefits of biodiversity.

These latter two recognise that we cannot conserve biodiversity by locking it up in a park or a zoo; use it, and use it equitably, or lose it.

In a major success for the stature of the convention, the signatory countries agreed on a Bio safety Protocol last January, allowing national Governments to regulate trade in Genetically

Modified Organisms, or as they are now called, LMOs (living modified organisms). LMOs logically come under the umbrella of Biodiversity concerns, as there is concern that careless use of genetically engineered organisms could unleash dominant, foreign genes into ecosystems, and cause biological simplification. The protocol is designed to address the uncertainty and incomplete nature of scientific knowledge of how LMOs interact with biodiversity and the surrounding environment. Where previously such trade had no restrictions, now a receiving country can choose to restrict trade in LMOs on environmental or health grounds, and to set rules on liability and labelling, while the burden of proof of safety falls to the exporting country. This protocol, if well implemented, can serve to protect the interests both of consumers and of farmers, and regulate the activities of multi-national biotechnology companies.

The Bio safety Protocol was opened for signature at the Conference of Parties in Nairobi with great fanfare...It will, however, undoubtedly face challenges from the World Trade Organisation, which takes the position that restriction of trade on environmental grounds is not allowed.

The Bio safety Protocol was opened for signature at the Conference of Parties in Nairobi with great fanfare, and has now been signed by 68 countries. It will, however, undoubtedly face challenges from the World Trade Organisation, which takes the position that restriction of trade on environmental grounds is not allowed.

Similarly, issues of protection of traditional knowledge and access and benefit sharing of biodiversity are part of the CBD. Here again, the convention is tackling, head-on, the

major trade-environment concerns that brought the last World Trade Organisation (WTO) meeting in Seattle to a standstill. WTO is requiring countries who wish to trade under its rules to pass, and recognise standard intellectual property rights and patent laws, while the CBD open-ended working group on Article 8(j) is grappling with an entirely different concept: that traditional knowledge of biodiverse resources is held by communities, not by individuals, and thus cannot become the sole property of an individual, to be patented and bought and sold.

When access is granted to commercial enterprises to the benefits of traditional knowledge, the CBD Access and Benefit Sharing working group is seeking to assure that the benefits are equitably shared with the communities that have stewarded that biodiversity, while the world economy right now provides no such assurances.

Who will win, David of the CBD or the Goliath of globalisation? COP5 saw the articulation of a divided allegiance of countries seeking to both protect their peoples knowledge and to participate in the world economy. For example, India has signed the WTO accord, and thus has a con-

ventional patent law in place, but has also tried to database its peoples' indigenous knowledge and send this to every patent office in the world, to verify that this is knowledge traditionally held and not a patent able innovation.

The working groups dealing with both Access and Benefit Sharing, and Traditional Knowledge, were strengthened and



Source: Pachamama, UNEP, 1999

elaborated by this conference of parties, to continue the dialogue, as these are not issues resolved overnight. Whether these efforts will lead to legally binding agreements, like that of Bio safety, or international guiding principles, or merely more bunny-like documents and flowery speeches, remain to be seen.

The Convention specifically considered the needs of dry land ecosystems and agricultural biodiversity in this COP, and came up with a solid list of recommended actions, including considering the important role of water and land tenure systems in dry land ecosystems. The COP agreed on a broad definition of agro biodiversity that includes ecological services such as nutrient cycling, pest and disease regulation (natural biological control), pollination, wildlife habitats, hydrological cycle (even mountain forests that serve as watersheds), carbon sequestration, and climate regulation. Specific actions to conserve dry land and agricultural biodiversity were identified.



But a major omission in this COP is that the CBD declined to pick up much responsibility for conservation of forest biodiversity. Forests have been without a home in much of this international dialogue, as concerted efforts to forge a forest convention have failed, due to suspicion that such a convention might serve to legitimise destructive forest trade practices. The United Nations Forest Forum has just been established, to be administered by an as-yet unidentified body of the United Nations headquarters, but this is simply a forum, not a body that can implement initiatives or projects.

The CBD, as an umbrella convention touching on many of the key issues in forest management and trade, such as the ecosystem approach and access and benefit sharing, could bring a holistic perspective to forest discussions. But in this COP, only a small technical experts group has been set up to deal with forest biodiversity issues. The broader option, of an open-ended working group, was rejected. One can well ask,

Who will win, David of the CBD or the Goliath of globalisation? COP5 saw the articulation of a divided allegiance of countries seeking to both protect their peoples knowledge and to participate in the world economy.

where are the NGOs, local communities and indigenous peoples to be taken on board, on this issue which is of great concern to civil society? As forests are to be a special concern at the next conference of parties, in 2002, with a complete programme of work then to be adopted, it is unfortunate the parties have left this in the hands of technical experts to draft, and not seen to invoke the larger global community concerned about the fate of the world's forests.

What difference does this all make, at the end of the day? While the CBD lacks strong legal definition (except for the new Bio safety Protocol) what it does have is access to funding, through the Global Environment Facility (GEF). This means that countries, and civil society groups, can propose projects to the GEF that realise the aims of the work programmes so defined in these conferences of parties, and possibly receive funds to implement these projects. (see www.gefweb.org)

Moreover, countries that have signed the CBD are required to develop National Biodiversity Strategies and Action Plans, implementing the multiple promises made in the articles of the convention. (The full text of the convention may be found at <http://www.biodiv.org/chm/conv/default.htm>; a simplified description of the articles has been posted at: <http://nairobi.icipe.org/elci/CBDsimplified.pdf>) It will remain the task of civil society, within countries, to demand that

these plans are well developed and see the light of day, not lost in competing demands to hook up with a steamrolling world economy that cares little for sea turtles and pastoralist livelihoods. More information on national biodiversity planning may be found at: <http://www.undp.org/bpsp>.

NGOs at the CBD concluded their summary statement to the conference by pledging to apply their talents responsibly to fulfil the noble objectives and aims so

as to empower this admittedly small, but extremely important convention. A daily newsletter was published during the conference of parties, which may be found at <http://www.ukabc.org/cop5.htm>. People and groups wishing to continue to track the various issues of the CBD may contact ELCI, who will continue to coordinate NGO communications around the CBD (barbarag@elciafrica.org).

UNED Forum would like to welcome ANPED to the Towards Earth Summit 2002 Project International Advisory Board

International Advisory Board: ANPED *Peiter van der Gaag*, Arab Network for Environment & Development *Emad Adly Baha'i* International Community *Peter Adriance* formerly Centre for Our Common Future *Chip Lindner* Centre for Science & Environment *Sunita Narain* Centro de Estudios Ambientales *Maria Onestini* CSD NGO Education Caucus *Trevor Harvey* Development Alternatives *Ashok Khosla* Eco Accord *Victoria Elias* Environment and Development Action (Maghreb) *Magdi Ibrahim* Environment Liaison Centre International *Barbara Gemmill* Friends of the Earth Scotland *Kevin Dunion* International Chamber of Commerce *Paul Clement Hunt* International Confederation of Free Trade Unions *Lucien Royer* International Council for Local Environmental Initiatives *Jeb Brugman* International Council for Social Welfare *Stephen King* International Institute for Environment and Development *Nigel Cross* International Institute for Sustainable Development *Kimo Langston James Goree VI* International Partners for Sustainable Agriculture *Linda Elswick* IUCN – World Conservation Network *Scott Hajost* Liaison Committee of Development NGOs to the EU *James Mackie* NEXT Communications *Yusuf Asmal* Norwegian Forum for Environment and Development *Jan Gustav Strandenes* Participatory Research in Asia *Rajesh Tandon* Peace Child International *David Woollcombe* Poptel Worldwide *Malcolm Corbett* Stockholm Environment Institute *Johannah Bernstein* Sustainable Development International *Peter Ritchie* UN Department for Economic and Social Affairs *Nitin Desai* UNED Forum [Chair] *Derek Osborn* UNED Forum *Margaret Brusasco Mackenzie* UNED Forum/UNA *Malcolm Harper* UN Environment Programme *Klaus Töpfer* Women's Environment and Development Organisation *June Zeitlin* Women's Super Coalition *Jan Peterson* World Business Council for Sustainable Development *Claude Fussler* WWF International *Gordon Shepherd*. It is hoped that the following will agree to join in the near future: Asia Indigenous Women's Network & Cordilleras Peoples Alliance *Victoria Tauli Corpuz* International Indian Treaty Council *Carol Kalafatic*.

Diary Dates, Events & Conferences

June 28th-July 2nd: Global Cities 21 - ICLEI World Congress of Local Governments, Sachsen-Anhalt Germany, Contact: www2.iclei.org/gc21

1-7th July: World Renewable Energies Congress, World Renewable Energy Network Brighton England, Contact: <http://www.wrenuk.co.uk/brighton/topics.html#topics>

July 9th-14th: XIIIth International AIDS Conference, Durban South Africa
Contact: <http://www.aids2000.com/>

11-13th July: 20th Session of the Open Ended Working Group of the Parties to the Montreal Protocol, Geneva Switzerland, Contact: <http://www.unep.ch/ozone/20oewg.htm>

13-17th July: International Symposium on Desertification, Konya Turkey, Contact: email: feypoglu@superonline.com; Internet: www.khgm.gov.tr/isdesertification.htm

19-28th July: 18th Session of the Working Group on Indigenous Populations, UN Commission on Human Rights,
Contact: http://www.unhchr.ch/html/menu2/10/c/ind/ind_sub.htm

30th July - 2nd August: First International Symposium on Deep Sea Corals, Halifax Canada, Contact: http://home.istar.ca/~eac_hfx/symposium/

7-12th August: XXI IUFRO World Congress, International Union of Forest Research Organisations, Kuala Lumpur Malaysia, Contact: <http://iufro.boku.ac.at/iufro/congress/>

What's in next months **Network ~2002...**

- ▶ Report from the ICLEI World Congress
- ▶ XIIIth International AIDS Conference - Outcomes & Analysis
- ▶ World Renewable Energy Congress - Outcomes and Analysis
- ▶ Year 2000 Mid Term Report
- ▶ Millennium Assembly Preview
- ▶ Infoterra 2000 - Access to Information Conference - Preview



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