

At Last We Could Be On The Right Path

Just when all around the Vienna Café were losing confidence on the direction that WSSD was going in we have got some leadership.

The publishing of the South African Non Paper during lunchtime yesterday saw an immediate increase in positive energy by delegates and stakeholder representatives. Over the last week many of us have become increasingly frustrated by the way the Summit process was going. NGOs, the Women's Caucus and many governments, informally have been asking for a structure to the document and criteria for type twos. We here in Outreach have published our own views on what those would be. We have waited for the Bureau to come forward with a structure without success. Yesterday we saw someone, the South Africans give us hope.

The returned to UNGA Resolution A/RES/55/199 which called for "specific and measurable actions, with predictable resources and clear time frames" was originally proposed within G77 by Alison Drayton of Guyana and Chris Bardenhorst of South Africa.

The South African paper suggested a number of significant things

- 1) The structure to the Programme of Action should be structured as follows:
 - a) proposed targets and timeframes
 - b) proposed actions
 - c) resources
 - d) institutional mechanisms
 - e) co-ordination
 - f) monitoring
 - g) stakeholder involvement
 - h) implementation plan sustainability

This is a good structure and we should ask all governments to support it.

- 2) The Programme of Action should have "a focused set of priority themes that give effect to the poverty-related targets set in the negotiating text (there may, in addition, be other themes identified" The themes in the South African Paper were:
 - a) Water and Sanitation
 - b) Energy

- c) Agriculture and Food Security
- d) Technology
- e) Education
- f) Health

Other issues may need to be considered like AIDS, Human Settlement and Employment (the last two key to addressing poverty).

- 3) The South Africa paper also deals with the link between type 1 and type 2 and puts forward parameters for type 2 partnerships. This was:
 - a) Basis
 - b) Scope and reach
 - c) Beneficiaries
 - d) Resources
 - e) Co-ordination
 - f) Institutional framework
 - g) Monitoring
 - h) Stakeholders and partners

As many have said type 2 is not a substitute for type 1. We need a strong type 1 and proper parameters for type 2. This South African paper addresses both and should be built on.

The call in the paper for progress to be reviewed in 2012 is also something which should be supported. Perhaps after five years we should consider a review of progress at the UN Regional Commission level in addition.

We now have a direction for the WSSD. The question is will other governments support it. If not then many people will be having some serious conversations with Ministers when they get back to capitals next week.

Felix Dodds, Stakeholder Forum

Stakeholder comments on the text

"International law can be a powerful tool but we need to focus on integrated legal instruments. Within this, International Sustainable Development Law is needed when environmental social and economic law intersects. I cannot believe that the compiled text document does not recognise international law as a valuable means of implementation."

Marie-Claire Sagger, Commission for International Sustainable Development Law

"The compilation text as it stands is unfocussed and if it continues in the current direction, should we pose the question: will the World Summit on Sustainable Development actually achieve anything? This then is a plea to all Governments to make the call back to capitals and ask for the green light to agree to, concrete targets and frameworks for the mobilization of finances and institutional requirements to create a positive outcome in Johannesburg."

“9 key NGO’s jointly sent a letter to all the worlds Environment Ministers, warning that unless this happens the World Summit is going in the wrong direction.”

Remi Parmentier, Political Director, Greenpeace International

“There was little or no mention of Corporate Social Responsibility within the compilation text and surely this should be included. With regard to monitoring the UN should take a greater role and this should perhaps be enhanced through the participation of NGO’s through a forum group.”

Paul Nehru Tennessee, Director, World Confederation of Labor.

“The previous reaction paper created was full of good comment. The current text is far too much of a shopping list on all issues and subjects. There is no structure or time frames, which is surely proof that the political will to make Johannesburg what it should be is just not there. Governments seem to be waiting for someone to take the lead but it is unclear as to whether this will happen. At this moment the expectation and enthusiasm has evaporated, and after nearly two weeks of Prep Comm 3 many feel that much may not happen.”

“Taking the text to Bali is in reality no solution and perhaps someone such as Jan Pronk or Kofi Annan should intervene. Are we still trying to agree to what we are supposed to have agreed to in Rio 10 years later?”

Cyril Ritchie, Chairman, Environment Liaison Centre International.

Further Guidance for Partnerships To be Elaborated by Interested Parties in Preparation for the World Summit on Sustainable Development

Explanatory note by the Vice-Chairs, Jan Kara and Diane Quarless (addendum to the Chairman’s explanatory note)

During informal meetings at Prep. Comm. 3 participants expressed the wish for additional guidance with regard to the elaboration of partnerships/initiative which are expected to become part of the outcomes of the World Summit on Sustainable Development.

Building on the Chairman’s explanatory note, and taking into account views expressed during the informal meetings, we submit to all the partners the following general guidelines on ‘type 2’ outcomes.

Voluntary Nature

‘Type 2’ partnerships/initiatives are of a voluntary nature: unlike ‘type 1’ outcomes, they are not subject to negotiation within the Preparatory Committee for the Summit.

Complementarity

‘Type 2’ partnerships/initiatives are complementary to the glob-

ally agreed ‘type 1’ outcomes: they are not intended to substitute commitments by governments in the ‘type 1’ document, rather they should contribute to translating those political commitments into action. Given the broad range of issues currently being negotiated, it should not prove difficult to link a ‘type 2’ initiative to the negotiated outcome.

Participatory Approach

‘Type 2’ partnerships can be initiated by governments, international organisation or major groups. They can be arranged among any combination of partners, including governments, regional groups, non-governmental actors, international institutions and private sector partners. Preferably, they should involve a range of significant actors in a given areas of work, and they should be genuinely participatory in approach.

New/Value Added Initiatives

Ideally, ‘type 2’ partnerships/initiatives should be ‘new’, which means they are elaborated as a particular contribution to the outcome of the World Summit on Sustainable Development. In case of on-going initiatives, there has to be a clearly demonstrated added value to these initiatives in the context of the Summit (e.g. more partners taken on board, extending an initiative to another geographical region, increasing financial resources, etc.).

Integrative Approach

Every effort should be made to ensure integration of economic, social and environmental dimensions of sustainable development in the design and implementation of the partnership/initiative.

International Relevance

‘Type 2’ partnerships/initiatives needs to be international in scope and reach, which means global, regional and/or sub-regional. While support for the implementation of Agenda 21 in developing countries is particularly welcome, initiatives within one region are not excluded, as long as they clearly contribute to the implementation of Agenda 21 and the globally agreed outcomes of the Summit.

Level of Commitment

‘Type 2’ partnerships/initiatives should have clear objectives and set specific targets and timeframes for their achievement. Available and/or expected sources of funding should be identified, at least the initial funding should be assured at the time of the Summit, if the initiative/partnership is to be launched there. Initiatives which do not qualify for launching at the time of the Summit may be considered later in the Summit follow-up process.

Accountability

‘Type 2’ partnerships/initiatives need to have internal arrangements for monitoring of progress in their implementation. The Commission on Sustainable Development might provide a forum in following-up on their implementation (to be discussed and decided in the negotiations on sustainable development governance within the Preparatory Committee for the Summit).

Sustainable Development Needs More Relevant Science

Science is a necessity, not a luxury. Science and technology play a significant role in fostering sustainable development by forging partnership between science and society. In order to make science usable, it needs to involve the stakeholders and be relevant to policy. The scientific community can enhance its contribution to sustainable development by, among others, improving our understanding about climate variability and carbon dynamics, creating better prediction of natural disasters, and improving agricultural productivity. Integrated science will do better in integrating the three pillars of sustainable development.

It is with the desire to improve this contribution even further, that the scientific and technological community as one of the major groups identified in Agenda 21 is engaged in the World Summit on Sustainable Development (WSSD) process. For example, it was very active at the Multistakeholder Dialogue of the 2nd PrepCom and is in full speed preparing for the next Dialogue in Bali, engaging and seeking cooperation and partnerships with other groups to last long beyond Johannesburg.

A recent effort by the international research programmes on global environmental change (the International Geosphere-Biosphere Programme, the International Human Dimensions Programme on global environmental change- and the World Climate Research Programme) was made in early February this year when they gathered a group of prominent scientists from around the world at the International Council for Science in Paris, February 4 – 6, 2002. The objective of the meeting was to explore new priorities for how their science can support sustainable development in the coming ten years. It became clear that although significant achievements have been made since 1992 in the ability of science, both social and natural science, to support sustainable development, there is still much to be done by science and society hand in hand. The scientists agreed some of the changes needed in the scientific enterprise, which these programmes are willing to work towards, are as follows:

More relevant science.

Sustainable development will require a much stronger integration of research on natural and human systems, through system models, between natural and social sciences, for example, through global-scale collaborative research on water resources, food systems and the carbon cycle. We need to define a set of sustainability indicators, while understanding scientific uncertainty and undertaking risk assessment.

Long-term perspectives.

Creating the ability for observing environmental changes and human development. To do so will require an integrated observing

strategy.

Participation and interdisciplinarity.

It is essential that scientists build partnerships for the planning, execution, communication and application of research by engaging in dialogues with stakeholders. The training of scientists need to be expanded globally with strong elements of interdisciplinarity. Increased scientific capacity needs to be built in areas where it is weaker by creating joint research between developed and developing countries.

Education and communication.

Scientists need to significantly expand the collaboration with the education community, with the aim to integrate knowledge from Earth System Science and the principles of sustainable development into all levels of education, including schools, universities and further education institutions. Furthermore, scientists need to make more efforts to communicate the results of their work to the media, decision-makers, the private sector and the public in general.

In conclusion, the gathered scientists agreed that to ensure sustainable development for all of the planet's people and for the Earth as a whole, our scientific endeavor needs to become more integrative, more participatory, resulting in more usable science from local to global scales.

Many of the efforts by the scientific and technology community at national, regional and international levels are underway. The communities are now preparing for their representation at and input to the Multistakeholder Dialogue at WSSD PrepCom IV in Bali. For further information, please contact Katie Hamilton at Katie@icsu.org

By Gisbert Glaser, Sylvia Karlsson, and Agus Sari

The Civil Society Global Forum

The process building up to the Global Forum seeks to mobilise civil society worldwide around sustainable development. It must bring on board both organisations that work directly with communities around sustainable development and those geared more to interacting around government policies.

The aims of the Global Forum

The Global Forum centres on sustainable development in economic, social and environmental terms, with a focus on eradicating poverty. Its central themes are:

- Creating a space for civil society to speak out on sustainable development.
- Understanding and practicing sustainable development as individuals and organisations.
- Building social movements for sustainable development.
- Setting and enforcing targets, including through action by civil society.

The main outputs of the Forum will therefore be:

1. A demonstration of world-wide support for sustainable development. Just by participating in the Global Forum, the participants will show governments and business that the world will not accept the destruction of our future.
2. Agreement on action and commitment beyond 2002. During the Forum, participants will work on ways to take forward the message and the practices of sustainable development. This can occur by developing programmes of action around specific issues as well as by agreeing on targets and how to monitor them and ensure enforcement.
3. Stronger networking and experience sharing, including between North and South. The Forum should deepen our understanding of the challenges we face worldwide, help overcome disagreements within civil society, and improve co-ordination and joint action at the international level.
4. Broader exposure for civil society to the debates around sustainable development.
5. The Forum's discussions and events should qualitatively improve participants' understanding of key issues in sustainable development, letting us take stronger and more united positions and action.

Activities

The Global Forum will involve a large variety of activities. They include:

1. A central event around key themes in sustainable development
2. Side events (interest groups to submit proposals)
3. Exhibits
4. Pre- and parallel summits of Major Groups (deal with proposals as per interest group)
5. Cultural events
6. Opening and closing ceremonies

The central event will aim to develop proposals and actions for sustainable development. It will provide a daily programme around broad themes, with inputs from caucuses and commissions and possibly some cultural events. The results will be captured in a report that must fairly reflect both the agreements and disagreements that emerged in the course of the engagement.

Dates

The activities for the Global Forum will start from August 19 at Nasrec. The opening ceremony will be on Friday, August 23. The main events of the Forum will run from August 26 to September 4.

Registration

Participants will be able to register through a website as well as through the mail and fax. We will distribute contact points and information on how to transfer fees no later than April 15. Normal registration will end on August 1. We will then assess how to manage late registration, depending on available space.

Registered participants will be able to pick up their passes to check in to the venue any time after August 11.

2.3 Registration Fees

The registration fee for international participants will be USD160. Of this amount,

- USD60 will cover dedicated transport provided by Jowsco, which will serve all areas of the Civil Society Global Forum, the governmental Global Forum, accommodation and cultural events. Participants will be given a smartcard to use the transport system.
- USD100 will cover the costs of holding the Civil Society Global Forum, including the venue, ceremonies, the central exhibit and cultural programmes.

Side events and exhibits

Groups should apply to the WSSD Secretariat to conduct side events or exhibits no later than June 30. Side events should, as far as possible, be linked to the main themes of the Global Forum. South African Civil Society may refuse space for exhibits or side events to applicants whose principles explicitly and blatantly contradict those of sustainable development. South African Civil Society will allocate space according to the importance of an event as well as its requirements.

A fee may be charged to cover the costs of events and to avoid cancellations. The fee will be R5000 for exhibition space (around USD450) and R400 for side events, or around USD35.

NB: Call to Civil Society organisations to make input and proposals on priority themes and issues.

Contact details: soli@worldsummit.org.za

Proposed Programme of Action for the International Steering Group

Date	Action	Responsibility
March 26	Assessing regional participation in the ISG	Regional and sectoral representatives (in New York)
March 28	First ISG meeting – finalisation of positions on South African proposals	ISG (in New York)
April 15	Distribution of registration information	South African Civil Society
April 15	Start of applications for exhibits, side events and participation	International civil society
April 30	Final draft of programme circulated to ISG	South African Civil Society
May 8	Teleconference to review progress and finalise programme	ISG
PrepCom IV	Third meeting of ISG	ISG (in Indonesia)
June 30	Final deadline for applications for exhibits and side events	International civil society
July 19	Teleconference to review progress and finalise programme	ISG
July 30	Final decision on applications for financial assistance for participants	South African Civil Society
August 17	Fourth meeting of ISG; progress report from South African Civil Society	ISG (in Johannesburg)

Implementation of International Sustainable Development Law

The environment, the economy, social justice, human rights, health – these are all key international issues of our day. International legal experts tackled these issues – and the inter-linkages among them – at a high-level panel held on at UN Headquarters in New York on 28 March 2002. Delegates to meetings of the WSSD Preparatory Committee and the Commission on Sustainable Development participated in ‘*Legal Rules, Common Future 2002: Principles and Best Practices of International Sustainable Development Law*’ hosted by the new Centre for International Sustainable Development Law (CISDL) in conjunction with United Nations Environment Programme (UNEP) and the World Bank as well as the Governments of Canada and Switzerland, this side event set the stage for a major international conference, *Sustainable Justice 2002: Implementing International Sustainable Development Law*, to be held in Montreal from 22-25 May 2002.

CISDL co-directors Marie-Claire Cordonier Segger and Ashfaq Khalfan chaired the session which assembled more than 80 senior government officials and representatives of IGOs and NGOs. Two keynote speakers highlighted past, present and prospective contributions of international law to sustainable development – addressing the intersections between international economic, social and environmental law, including lessons learned and best practices. Specifically, the session surveyed current innovative instruments and produced concrete recommendations and a draft legal experts mandate on international sustainable development law for consideration at WSSD.

Dr. Alexandre **Timoshenko**, former Director of Environmental Law at the United Nations Environment Programme and Professor of Law at the University of Notre Dame addressed the evolution of international law over the last three decades since the 1972 Stockholm Conference on the Human Environment. He explained that while international environmental law has developed rapidly over the years, it was only during the last decade that it has integrated into economic and development concerns. In this connection, Dr. Timoshenko highlighted the Convention on Biological Diversity (CBD), which includes several provisions integrating sustainable use of biological resources and access to benefits for communities and countries of origin. Likewise, the Cartagena Protocol on Biosafety (the CBD’s first legally binding sub-agreement) employs economic and developmental measures to address environment and health concerns. The speaker also cited a joint meeting of UNEP and the UN High Commission for Human Rights on this issue as examples of the evolution and implementation of international sustainable development law.

Dr. Kamal **Hossain**, Chair of the International Law Association Committee on Sustainable Development and UN Special Rappor-

teur of the Commission on Human Rights on Afghanistan, asserted that an integrated approach in legislating economic, environmental and human rights was required to achieve a just balance in the emerging normative framework of international sustainable development law – a concept which can now draw upon the jurisprudence of the International Court of Justice (ICJ). For example, in the international *Gabcikovo-Nagymaros* case between Hungary and Slovakia, the ICJ emphasized the need to reconcile development with the protection of the environment as expressed in the concept of sustainable development. Dr. Hossain reported two cases from India and Bangladesh where impacts on the environment and on people and their communities have not been assessed. In both cases, the respective Supreme Courts stopped the construction work and highlighted the importance of international sustainable development law. The speaker went on to describe the work of the ILA Committee on legal aspects of sustainable development, highlighting several key principles of international sustainable development law which will be part of the future agenda.

Ms. **Cordonier Segger** stated that the CISDL has invited the international legal community to support and participate in WSSD. She noted the release of an international jurists mandate on the implementation of international sustainable development law, which would be available for consultations and the final draft launched at the *Sustainable Justice* conference in May. Mr. **Khalfan** underscored the differences between international environmental law and international sustainable development law, with the latter focussing on areas of intersection between economic, environment and social law. He also highlighted the importance of observing human rights in sustainable development as key to the protection of the environment and the eradication of poverty. Adding that financing sustainable development was also essential, Mr. Khalfan noted that CISDL had hosted a similar event at the recent summit in Monterrey, Mexico.

Dr. Naresh **Singh**, Director General of Governance and Social Policy at the Canadian International Development Agency, emphasized the importance of international sustainable development law for establishing multi-level enabling systems for sustainable livelihoods around the world. The Swiss Environmental Ambassador **Beat Nobs** expressed strong support for the launch of this initiative and underscored the need to integrate environment and social considerations into international economic law. He added that the recent Doha WTO Ministerial meetings open the door to including the multilateral environmental agreements (MEAs) in trade negotiations have provided an additional forum for furthering international sustainable development law. Dhesigan **Naidoo** of South Africa’s WSSD Policy Unit highlighted capacity-building as one of the most critical topics for developing countries. He also welcomed CISDL’s partnership with the EnviroLaw 2002, a major conference to be hosted by South Africa’s legal community in Durban from 22-25 August 2002.

Both the Durban and Montreal meetings will rally the resources and expertise of the global legal community towards the World Summit for Sustainable Development to be held in Johannesburg, South Africa from 26 August through 4 September 2002 – ten years after the “Rio Earth Summit.” For more information, email conference@cisdl.org or see www.cisdl.org.

Events Diary

Thursday 1.15 - 2.45	Strengthening the Social Pillar: Employment, Social Dialogue & Sustainable Development. International Labour Organisation. Conference Room 1
1.15 - 2.45	Consultation & Briefing on the World Civil Society Forum: Environment, Trade & Sustainable Development. Mandat International/World Civil Society Forum. Conference Room 4
1.15 - 2.45	Health & Sustainable Development: Key Issues & Action Strategies. World Health Organisation. Delegates Dining Room
6.15 - 7.45	Elements for a Political Declaration. Third World Network. Conference Room 1
6.15 - 7.45	Urban Brownfield Development - Opportunities for Economically Challenged Areas. Hammond Redevelopment Commission. Conference Room 4
6.15 - 7.45	Terminator Technology & Other New Enclosure Technologies: Exploring a Multilateral Approach for Evaluating New Technologies. ETC Group. Conference Room 6
Friday 1.15 - 2.45	Food Security and Rural Poverty. CGIAR Centres, World Bank. Conference Room 1
1.15 - 2.45	Progress Toward Sustainable Production & Consumption: A Civil Society Assessment. Citizen Network for Sustainable Development. ANPED, Third World Network, ICSPAC. Conference Room 4
1.15 - 2.45	Global Science Panel on Population in Sustainable Development. International Institute for Applied Systems. Conference Room 6

Diary of a DSD Senior Advisor

I decided to cheer myself up by sticking the text on the back of my door to use as a dartboard. It didn't work very well. No matter how many darts I threw I never hit any targets. Never mind, the negotiations are giving me loads of time to practice.

Little did I know how well the day would end. The Non-paper sailed into the office in the afternoon like a breath of fresh air. I actually started to worry if I would be needed round here any more, so I decided to check my contract. Found out the funniest thing. Apparently your pay scale in the department is proportional to the number of letters after your name. So that's why I'm a DSD Senior Advisor and not a WSSD Senior Advisor.

Anyway, I should have known it wouldn't last. If the A-Team have their way we'll all be held back next week in detention. Bet I can guess who will be sent to the corner at the end of every lesson.... Then again, there are only 4 corners in the room!

Memo to self: Remember to buy candles for next weeks night sessions.

