



WSSD HIGHLIGHTS 31 AUGUST – 1 SEPTEMBER 2002

On Saturday, 31 August, the Johannesburg setting convened in ministerial consultations at 10:00 am and met throughout the day and into the evening, finally adjourning just past midnight. Ministers and delegates reviewed several iterations of textual proposals on the central clusters of outstanding issues. On Sunday, 1 September, ministers convened in a smaller group to continue their deliberations, which again proceeded almost non-stop throughout the day until 3:00 am on 2 September. The Vienna setting had been scheduled to meet on 31 August and 1 September, but was postponed twice and then cancelled indefinitely.

JOHANNESBURG SETTING AND MINISTERIAL CONSULTATIONS

The ministerial-level consultations were chaired by South African Minister of Environmental Affairs and Tourism Valli Moosa, who appealed to ministers to take issues off the table.

INTRODUCTION: After noting that an agreed reference to cultural diversity (5) was not reflected in the Chair's text. It was then reinserted in the text after a suggestion from the Chair on placement. Final text acknowledges that peace, security, stability and respect for human rights and fundamental freedoms, including the right to development, as well as cultural diversity are essential for achieving sustainable development.

COMMON BUT DIFFERENTIATED RESPONSIBILITIES (CBDR): On 1 September, delegates negotiated a package, hinging on paragraph 75. Stating that there are 27 Rio Principles deserving equal attention, and that some elements of the CBDR Principle are not relevant in the section on finance, several developed countries supported text "including the principle," over taking into account "in particular the principle" of CBDR. Nine developing countries underscored the Principle's importance. Delegates agreed on taking into account "including in particular the Principle of CBDR," and quoting the Principle in its entirety.

As part of the package, the following paragraphs were agreed to: undertaking actions and enhancing international cooperation, taking into account the Rio Principles, including, *inter alia* the principle of CBDR (2); sustainable consumption and production with developed countries, taking the lead and with all countries benefiting from the process, taking in to account the Rio Principles, including *inter alia* the principle of CBDR (13); and implementing conclusions of CSD-9 and enhancing cooperation to reduce air pollution bearing in mind that in view of the different contributions to global environmental degradation, States have CBDR (19 and 37). Paragraphs 120 and 138(b) were deleted.

WORLD SOLIDARITY FUND: In the afternoon, the ministers briefly discussed the establishment of a world solidarity fund 6(b). One developed country signaled acceptance if the fund remained voluntary. A group of developed countries said they need to meet their existing financial commitments (like the 0.7% GNP ODA goal) before establishing a new fund. Another developed country said that developing countries need resources, not another mechanism. A developing country said that they do not want to establish a bureaucratic structure, but they need a fund because globalization has exacerbated poverty.

On 1 September, ministers agreed to accept the text as originally formulated in the draft Plan of Implementation.

PRODUCTION AND CONSUMPTION: On 31 August, the Chair invited an ambassador to present revised paragraph 14 and two subparagraphs, on health impacts 14(c) and consumer information 14(d). The new text included an undertaking to encourage and promote the development of a 10-year-framework of programmes in support of regional and national initiatives. A developed country group noted a concern that linkage with the principle of common but differentiated responsibilities did not appear in the draft.

On 1 September, developing countries reiterated their amendments from the previous night, opposing "a" framework of programmes, instead suggesting "development of 10 year framework of programmes," and deleting using life-cycle analysis in developing policies. The Chair confirmed that the text formulated by the ambassador had been agreed by consensus, and developing countries accepted the decision.

PRECAUTIONARY APPROACH: On 31 August, the ministers discussed the precautionary approach (22 and 93(e)*bis*). The Chair summarized the arguments as follows: those favoring reference to further developments in international law since the Rio Declaration was adopted believe that not mentioning other legal instruments would be a step backwards; and those preferring omission of the reference believe that the instruments do not bind everyone and might have unforeseen consequences. One developed country stated that reference to multilateral agreements is too open-ended and must not be used to create new restrictions on trade. Another developed country said that Principle 15 applies only to the environment and suggested language noting that the precautionary approach has been applied to human health. Many said they could not support this proposal, although one group of developed countries accepted it.

On 1 September, delegates agreed to discuss the precautionary approach based on paragraph 93(e)*bis* alt. Developing countries and several developed countries preferred "bearing in mind" the precautionary approach. Other developed countries stressed appli-

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cation of, and later proposed “reaffirming our commitment to apply” the approach, and with this new text, agreed to delete a reference to multilateral environment agreements. After discussion, delegates agreed to a slight amendment of a Chair’s proposal. The final text reads “to promote and improve science-based decision-making, and reaffirm the precautionary approach as set out in Principle 15,” and quotes the Principle in its entirety.

Regarding chemicals (22), several developed countries emphasized risk assessment and risk management. Delegates reached consensus on a proposal by developing countries to reflect language from CSD-8, indicating use of “transparent science-based risk assessment procedures, as well as science-based risk management procedures, taking in to account the precautionary approach.” Paragraph 45(e) was deleted as part of the package.

NATURAL RESOURCES: On 31 August, ministers discussed the chapeau to Chapter IV on natural resources (23). The proposed Co-Chair’s text circulated after consultations on 30 August was criticized by some developed countries as it did not refer to the ecosystem approach, national and regional targets and precaution. A group of developing countries said that an ecosystem approach may not be appropriate for certain areas and that they could not accept global targets without a commitment to accompanying resources. A group of developed countries suggested linking this text with the biodiversity text.

In the evening session, the Chair asked delegates whether the reference to “integrated management of land, water and living resources” covered the ecosystem approach. While a few agreed, others from developed and transition countries insisted on reference to the ecosystem approach, precaution and/or targets. After much debate at 12:15 am, the ministers agreed to the Co-Chair’s original proposal, with an amendment. The final text states that to reverse the current trend in natural resource degradation, it is necessary to implement strategies that should include targets adopted at the national “and, where appropriate,” regional levels to protect ecosystems and to achieve integrated management of land, water and living resources.

WATER AND SANITATION: On 31 August, Chair of the Main Committee Emil Salim (Indonesia) presented new text on sanitation (7 and 24) at the end of the morning session. Delegates discussed the proposal the following night in the ministerial consultations. On paragraph 7, delegates debated whether to “resolve” or “agree” to halve, by the year 2015, the proportion of people who are unable to reach or to afford safe drinking water (as outlined in the Millennium Declaration) and who do not have access to basic sanitation. Delegates agreed to “agree” and the paragraphs were adopted. Paragraph 24 launches a programme of actions to meet that goal.

BIODIVERSITY: On 31 August following extensive consultations, a minister presented new text for paragraphs 42 and 42(o) on biodiversity. A representative of a small group of developing countries said that they could not accept either paragraph and in the afternoon presented a counter-proposal. The group debated whether or not the text should go beyond what had been agreed at the sixth Conference of the Parties to the Convention on Biodiversity (CBD COP-6). Two ministers held further consultations to merge the two texts, and in the evening circulated a new compromise text.

There was still disagreement on whether to call for a “legally binding” international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources. Some proposed “an international arrangement,” noting that this decision should be left to the CBD COP and that the Bonn Guidelines on Access and Benefit-sharing should be given a

chance. Others responded that voluntary guidelines are insufficient and that megadiverse countries may have to restrict access to genetic resources for researchers, business and private investment unless there are clear rules on benefit sharing. A developed country responded that a legally-binding instrument would have implications on both the TRIPs agreement and WIPO. At 11:30 pm, the group accepted the text, calling for “an international regime” in paragraph 42(o) and the “achievement by 2010 of a significant reduction in the current rate of loss of biological diversity” in paragraph 42.

FINANCE AND TRADE: On 31 August during the afternoon session, the facilitator of the contact group on finance, trade and globalization issues reported on the status of negotiations. He identified the outstanding issues as subsidies and the characteristics of globalization, and suggested retaining language used in the Doha Declaration and the Monterrey Consensus. The Chair invited him to continue with his facilitation.

On 1 September, the contact group facilitator reported that they had reached a consensus text. He announced that all paragraphs, except those on the Rio Principles, had been agreed. He noted that agreement of paragraph 3 in Chapter V on promoting corporate responsibility and accountability through development and implementation of intergovernmental agreements referred to existing agreements and was not a call for a new international regime.

Delegates had extensive discussions on the chapeau of paragraph 17 on enhancing the mutual supportiveness of trade, environment and development. Several developed countries opposed qualifying the chapeau with “while ensuring WTO consistency,” stating that this implied a hierarchy over multilateral environment agreements and pre-judged the outcomes of the Doha Development Round. New proposals were put forth, including “while ensuring consistency with WTO rules and other international agreements,” and “while striving to avoid WTO inconsistency.” Developing countries and several developed countries clarified that the phrase was not meant to establish a hierarchy.

In the evening session, a group of developing countries reversed their earlier position and, supported by some developed countries and economies in transition, recommended deleting the phrase “while ensuring WTO consistency.” The Chair noted an overwhelming consensus, and the phrase was deleted with acclamation. With this the text of Chapters V and IX from the contact group were agreed.

CLIMATE CHANGE: On 31 August, the Chair invited a minister from a developed country to seek consensus on a revised text. At the next session, ministers were informed that interested delegations were nearing agreement on a revised draft, containing text discussed at PrepCom IV with the addition of the following reference to ratification: “States that have ratified the Kyoto Protocol strongly urge States that have not already done so to ratify the Kyoto Protocol in a timely manner.”

On 1 September, the Chair announced that subparagraphs 36(a)-(e) were set aside pending completion of the chapeau. After consultations, delegates reached agreement on new text. Delegates adopted the new subparagraphs 36(a)-(i), which address actions required to address climate change.

INSTITUTIONAL FRAMEWORK: The contact group on institutional issues (Chapter X of the Implementation Plan), co-chaired by Lars-Göran Engfeldt (Sweden) and Ositadinma Anaedu (Nigeria), met the morning of 31 August, without making substantial progress.

The Co-Chairs reported to the Johannesburg setting at 7:00 pm. The Chair briefly took up paragraph 5 of the Plan which mentions human rights, a provision also referred to in paragraph 152. A



developing country group expressed its preference for the wording “internationally recognized human rights,” used in the Millennium Declaration, with two delegations strongly opposing any qualification of the notion. A developing country group, supported by one delegation, requested continuing the contact group.

After the contact group reassembled at 9:30 pm, the Co-Chairs circulated a paper suggesting ways to resolve pending differences on text, including deletion of redundant paragraphs: 3*bis*; 122(b), (c), (e) and (f); the second sentence of 138(b) and (c); 139 and 139(a) and (b); and 151. New language was offered for contentious text on human rights, the social dimension, good governance, partnerships and access to information (5, 122(g), 123, 124, 146 and 146*bis* and 152). In the ensuing discussion, a developing country group and several others supported the proposed deletions. One country objected to the Co-Chairs’ paper being prepared without adequate consultation with delegates. A developed country group opposed the proposed deletions, and no agreement was reached.

The Co-Chairs reported to the Ministerial meeting shortly after 12:00 am.

On 1 September in the evening, the outstanding issues in Chapter X and related texts were taken up by the ministerial meeting. Chair Moosa issued a text on a “take it or leave it” basis. Delegations agreed to adopt the compromise language with two amendments. One delegation recalled that the phrase “respect for cultural diversity” was originally accepted in paragraph 5, and it was reinserted. In paragraph 152, the words “taking into account the ongoing work on this issue” were dropped.

GLOBAL PUBLIC GOODS: Delegates agreed to examine issues of global public goods through workshops to promote a better understanding of such questions.

ENERGY: On 31 August, a group of developing countries introduced proposed elements on energy access and renewable technology issues (8, 19(e), 19(p)*bis* and 19(s)). References to renewable energy targets, including a global target of 15% and a 2% increase by industrialized countries, had been removed from the original text. Some developed countries supported text in favor of renewable energy targets.

After a procedural discussion, a developed country introduced minor amendments to a subparagraph on energy technologies, adding reference to “energy,” “fossil fuel technologies” and action “at the national level” in a subparagraph on subsidies (19(p)*bis*). The Chair then requested a developing country group to develop revised text.

In the evening, the developed country group reported that they had made significant concessions on subsidies and would concede language on “action-oriented” recommendations on energy. A developing country proposed replacing a reference to energy “consumption” with “supply” in subparagraph 19(e) on diversification of energy supply; and proposed inserting action “at the national level” to phase out subsidies. Offering flexibility, they agreed to a reference on renewable energy technologies. Several developing countries agreed to insert a reference to “affordable energy technologies including fossil fuel as well as renewable energy technologies,” and to “more efficient” technologies.

A developed country group introduced a written commentary on the developing countries’ draft, consisting of paragraphs on: the “launch” of a programme of actions, with financial and technical assistance, to improve access to reliable and affordable energy services (8); renewable energy targets (19(e)); and action to phase out energy subsidies (19(p)*bis*). Another developed country rejected this proposal because the introduction of targets would amount to a “one size fits all” approach.

There was no agreement and the Chair closed the discussion.

HEALTH AND SUSTAINABLE DEVELOPMENT: On 31 August, a developed country, stating that paragraph 47 had been prematurely accepted in Bali as noted in A/CONF./CRP.1, asked the Chair to re-open this paragraph. The Chair re-opened the paragraph and the country proposed adding reference to human rights. A procedural debate ensued and an hour later, the Chair said that since this was not an “official” body of the Conference, this proposal would have to be made in the appropriate forum. The minister said he would do so.

IN THE CORRIDORS I

Most delegates cheered loudly when the ministers adopted paragraph 17. The paragraph addresses the mutual supportiveness of trade, environment and development, and contained the language “while ensuring WTO consistency.” Earlier Major Group representatives protested this language peacefully outside the conference room and were ecstatic to hear that the language was removed.

IN THE CORRIDORS II

As ministers and delegates alike toiled throughout the weekend, many observers noted that despite the political divisions on the outstanding issues, the weekend’s big push and shift to ministerial level negotiations signaled a commitment to the process and its outcomes. Sunday’s relocation to smaller negotiating quarters combined physical restraints on the number of delegates with increased political pressure from the Chair to drive the process to its conclusion.

With entrance to the meeting room and the adjoining corridor tightly controlled, delegates and observers were pushed to their limits as leaving the “zone” to access food or proper sanitary facilities jeopardized re-entry. Seasoned veterans highlighted this as the typical “back room” drama characteristic of negotiations, while others could only hope that the outcome would be worth the wait.

IN THE CORRIDORS III

The Alliance of Small Island States (AOSIS), while regarded as an effective group in the climate negotiations, has reportedly had difficulties voicing its concerns amid the complex of positions put forward by the G-77, particularly on the Kyoto Protocol and renewable energy targets. In perhaps a final attempt to profile their vital interests, AOSIS Heads of States issued a Communiqué welcoming Chapter VII of the draft Plan of Implementation on SIDS, but calling for urgent international and domestic action to address climate change, including the Kyoto Protocol’s early ratification and entry into force.

THINGS TO LOOK FOR TODAY

PLENARY: The Plenary meeting for the Heads of State Summit will commence at 9:00 am in the Plenary Hall, with opening remarks from Thabo Mbeki, President of the Republic of South Africa, Kofi Annan, UN Secretary-General, and Han Seung-soo, President of the UN General Assembly. This will be followed by a presentation from the “Children of the World,” and addresses by Heads of State.

ROUND TABLES: Round Table I on the theme “Making It Happen,” will meet at 3:00 pm in Ballroom 3.

MINISTERIAL CONSULTATIONS: The ministerial consultations will convene at 11:00 am in Committee Room 5 to discuss outstanding issues on energy and health in Africa.

DRAFT POLITICAL DECLARATION: Copies of the draft Political Declaration may be circulated by the South African government.



Environment & Security Day

Tuesday, September 3rd

IUCN Environment Centre

Join the International Institute for Sustainable Development (IISD) and IUCN – The World Conservation Union for a day-long event looking at the links between environmental resources and social conflict. Specific sessions will include:

- Biodiversity Conservation and Conflict
- Trade in Natural Resources and Conflict
- Private Sector & Environmental Sources of Conflict
- Environmental Tools for Conflict Prevention and Resolution
- Futures Dialogue: “Addressing the Environmental Roots of Tension and Conflict: A New Security Agenda”, chaired by Achim Steiner, IUCN Director-General

**Conserving the Peace:
Resources,
Livelihoods
and Security**



Edited by:
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Join us at the end of the day for the launching of our book entitled,
“Conserving the Peace: Resources, Livelihoods and Security.”

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High-level Round Table on CULTURAL DIVERSITY AND BIODIVERSITY for sustainable development



chaired by H.E. Mr. Jacques Chirac
President of the Republic of France



- H.E. Mr. Joaquim Chissano
President of the Republic of Mozambique
- H.E. Ms. Helen Clark
Prime Minister of New Zealand
- H.E. Mr. Kasyanov M.
Mikhailovich
Prime Minister of the Russian Federation
- H.E. Ms. Massoumeh Ebtekar, Vice-President
Islamic Republic of Iran
- H.E. Mr. Yashwant Singh
External Affairs Minister, India
- Ms. Esther Camac,
Ass. IXACAVAA, Costa Rica
- Ms. Mary Robinson,
High Commissioner on Human Rights

Tuesday
3 September 2002
1 pm - 3 pm

Mareola South Room
Sandton Sun and Towers
Intercontinental-Hotel

(same level as the Skywalk)

Jointly organised
by the

United Nations Environment Programme (UNEP)
and the
United Nations Educational, Scientific and
Cultural Organization (UNESCO)

Heads of Delegations are cordially invited.

- Ms. Rigoberta Menchu,
Nobel Peace Prize
Laureate 1992
- Prof. Wole Soyinka
Nobel Literature Prize
Laureate 1986
- Prof. Arjun Appadurai
Yale University
- Mr. Juan Mayr
Maldonado
Former Minister of
Environment of Colombia
- Mr. John Vidal,
"The Guardian"
- Mr. Koïchiro Matsuura,
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- Mr. Klaus Töpfer,
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UNEP