

The WSSD – Civil Society on a CD-ROM, a tribute to the power of reason

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In the ongoing search for international justice there is one constant. Running through all the efforts to define and achieve that elusive goal is a belief in the power of reason. Like a bright chain, this belief winds through the years of violence and death and offers a handhold to those who might otherwise despair. The belief is borne anew in each generation and offers a standing invitation for people to turn from their violent ways.....Far from being empty phrases, such (international) declarations are a necessary public expression of the belief in reason in international affairs. They help keep the chain bright. They function as a ceremony of proclamation and dedication.

The flag of good intentions is run up, and pledges and allegiances are made. Then the grubby phase begins. After articulation comes the hard work of definition and application. Much of that work is and has been, little known. It is not dramatic in the obvious sense. But defining a goal such as justice, and applying it in specific situations – sometimes successfully, sometimes not – has a drama of its own. Each instance is one more link in the chain, a standing affirmation of the possibilities of human endeavour. Taken that way, the report of a commission that has determined the facts in a situation of confusion and recrimination, or an arbitrary award that has defused a situation of violence, may stand up like a trumpet blast – a fanfare to the power of reason.

This is how Dorothy V. Jones opens her book “Towards a just World” (The University of Chicago Press, 2002).

This CD-ROM contains thousands of pages written on issues of sustainability expressing thoughts, opinions, ideals, problems and solutions, sometimes despair, often hope, but they all express a belief in the power of reason. And it was a belief in the power of reason that brought all these thousands of people to Johannesburg and to the WSSD – the World Summit on Sustainable Development.

What we bring you here, is not a report that has determined the facts in the situation in Johannesburg at WSSD, but documents that may help to contribute to an understanding of how the Plan of Action from the UN Summit in Johannesburg came about. As such, the CD-ROM may help you to understand the facts as they were played out on the drama that was the WSSD in August/September 2002.

And as you will see, the articles, the stories and the political context in which all this happened, actually has a drama of its own -

As the gavel is brought down – failure looms

“Do I have consensus on this issue?” Was there a faint tone of incredulity in his voice as he asked the question? The Chairman of the meeting, the Ambassador to the UN from South Africa was a seasoned chair, and used to negotiations dragging on well into the small hours of the morning. And to a bystander this meeting seemed nothing out of the ordinary. The Chairman looked around the room as he started to lower his gavel. Again he repeated his question. The delegates appeared worried, some were obviously unhappy, only the US delegation seemed pleased about what was just about to happen. And once the gavel was

down, the decision would have been taken – irrevocably. The atmosphere was tense and seemed to thicken as all eyes were focussed on the gavel – now slowly being lowered towards a dramatic decision this early Monday morning on September the first, 2002.

The Johannesburg Summit or as it is correctly known, the United Nations World Summit on Sustainable Development was in its final stages. With only two days left to negotiate before the closing ceremony, the dramatic proposal all now concentrated on seemed to possess enough power to seal the fate of the conference. In essence its message was that all environmental and social agreements must be consistent with the decisions and rules of WTO. In short, when the gavel reached the table, and the Chair announced decision taken, it would mean that the WSSD had confirmed that the WTO would be above other international legal instruments. The contentious wording was “ while ensuring WTO consistency.” Understood in layman’s terms, this would come to mean that trade regulations and trade rules would override all decisions and regulations promoting sustainable development and environmental protection. Some even interpreted the suggested language to have retroactive consequences, nullifying agreements at least back to the Rio Conference in 1992.

The irony of the moment

Few if any of those present in the negotiating room were not untouched by the chilling irony of the moment. The Johannesburg Summit had been called by the General Assembly of the UN to reaffirm the Rio Declaration and Agenda 21, adopted at the historical UN Summit in Rio in 1992. Obstacles to progress relating to the implementation of Agenda 21 should be identified in Johannesburg, solutions should be sought, new initiatives created, new energy found to solve the momentous challenges the world faced at the beginning of a new century. The concept of WEHAB, Water and sanitation, Energy, Health, Agriculture and Biodiversity had been coined by the Secretary General’s office, and many kept repeating it as a mantra hopefully heralding progress in solving the global problems found in these areas. The Millennium Development Goals had been duly integrated in the proposed texts now being negotiated. Partnerships, in itself not a new concept by any standards, had been given a re-defined content, and new money to implement new partnerships with a widening group of stakeholders was being identified and solicited. Thousands of people from every country in the world had arrived in Johannesburg, some sceptical, but the majority hoping to inject energy into rejuvenating responsible leadership for a better development of the world. With all this energy around, few had thought that the winds of monetary and trade policies would blow through the conference with a chilling and numbing effect as was felt through the night between August 31st and September the 1st. And should they not abate, these winds could perhaps render the fertile grounds of international agreements on environment and sustainability issues into a dried out wasteland. The conference was looking for someone or something to stop the onslaught of the storm.

20 000 people wait in anticipation

“I seem to have consensus” – the gavel hovered a few inches above the chairman’s table, the delegates sat in anticipation of the final sound of the gavel hitting the table, signalling, as civil society had stated, the final blow to hope and optimism, an irrevocable decision would have been taken. “Very well, then” – the chairman was about to put some energy into his arm, when a flag went up, and for a moment history was halted. Was one man and one nation going to halt the forces of global trade interests? Everybody turned to look at this delegate.

Outside the big conference hall at Sandton in Johannesburg, NGOs, media people, advisers, other UN personnel were waiting for the result of these negotiations. The conference had gone on for a full week. NGOs had been going at it for almost two weeks with pre-meetings

and seminars. From a logistical point of view, the arrangement was impressive. Civil society met at a converted cattle show ground outside Johannesburg called NASREC, the business people and UN agencies had a large show-ground called the Ubuntu village, and the official conference itself, where accredited NGOs, media, business scientists and delegates met daily, was held at Sandton, a suburb of Johannesburg. For almost two weeks, thousands of meetings and side-events, mini-seminars and round-tables were held. Hundreds of thousands of documents were prepared, written, printed and handed out harnessing new ideas, promoting as they all claimed environmental friendly and sustainable solutions to almost any conceivable problem – even though some were slightly out of touch with reality. Two major marches were organised to allow for a visible manifestation of people's concerns.

By every measure, the Summit was impressive: Some 100 state leaders addressed the Summit, more than 22 000 people participated, including over 10 000 delegates from 193 countries and intergovernmental organisations, over 8000 persons representing NGOs and other civil society groups as well as business and more than 4000 media persons. The great majorities among these were dedicated people, concerned citizens of the world. Throughout a yearlong preparatory process preceding the Summit, these people had proved themselves to be strongly opposed to injustice and disrespect for the rule of law. They were deeply suspicious of an ever-stronger concentration of power in a few centres in the world manifested by the ever-increasing importance attributed to world trade.

This theme had been discussed time and again at the side-events and seminars being organised in parallel conferences to the Summit. Globalisation in this context meant downgrading the importance of eradicating poverty and hunger, fighting diseases, safeguarding the environment – in short almost maliciously ignoring the very ideals Agenda 21, the Rio Principles, the UN Pact in fact almost all international agreements taken over the past 50 years were based on. And now, the success of the Summit, all the efforts these people had invested in this Summit, travelled, journeyed, prepared themselves, representing constituencies outnumbering the participants by impressive mathematical factors, the success of the Summit seemed hinged on what was taking place late this August night when a lonely delegate seemed to defy the majority will of the delegates of the UN. His flag was up indicating he wanted to speak – this in itself an act in defiance of the meeting, as the Chair just had closed the discussion. Was this delegate going to speak for the peoples of the United Nations? NGOs and other civil society groups had diligently lobbied texts for a week. Many felt this was a showdown to prove who would be the stronger force at the Summit – the arrogance of power – or the will of the people. Everybody understood that what this delegate was going to say, would be indicative of the final outcome of the Summit.

This far in the Summit – measured success

Several break-out groups, sub-groups and informal groups were at work simultaneously throughout the Summit to develop language that all delegations from all 193 nations could agree on at the plenary meetings. The final “Plan of Implementation for the World Summit on Sustainable Development” contains 170 paragraphs. At the end, the delegates agreed on a number of timetables, a set of definite targets for implementation, a universal reaffirmation of the commitment to the full implementation of Agenda 21 and the Millennium Development Goals. Some 300 partnership initiatives were announced during the Summit, committing actually an estimated US \$200 million in new and additional resources. The concept of sustainable development and the important linkages to poverty was strengthened as a result of negotiations so far.

Several nations had expressed a lukewarm attitude to the Kyoto Protocol before the Summit, and the US supported by Australia was outspokenly negative to the protocol. Despite this, the final Plan of Action strongly urges all nations to ratify the Kyoto Protocol.

The Summit in a conservative political context

As the dawn of the Summit drew near, sinister clouds seemed to loom ever larger on the horizon of this global UN event. Rumours were rife prior to the opening of the Summit that a number of developed nations wanted to either weaken or delete a number of the Rio Principles. The world in 2002 was in fact politically speaking a lot more conservative than in 1992.

The EU had played a strong, relatively progressive and unanimous hand in 1992, and according to many astute observers, had managed to push and isolate the US on a number of issues. The EU was politically disorganised in 2002. Austria, Italy, Spain, France, Portugal and Holland had all taken a step to the political right. Germany played a cautious role, as the government had to face elections almost immediately after the Summit was over. The chair of the EU, Denmark, once a progressive nation supporting strong measures to develop policies on sustainability, had gone to the right and in so doing dismantled its ministry of Environment and curtailed to a large extent its development aid policy. The Bush junior administration in the US had a more conservative policy than the Bush senior administration had during the 1992 Summit in Rio, and Australia seemed only too happy to support this political approach. Thus the great majority of developed nations shared a more conservative political analysis of the needs of the world, and they were all more prone to allow liberal and market-oriented solutions to take the upper hand. This was the political orientation that had allowed the WTO to become an integrated and in fact a dominant factor in the negotiations. This was the political situation in the drama that was being played out this late August night in 2002 when one delegate obviously had something on his mind

To some extent a united good will prevailed

The G-77 manoeuvred as best they could in these uncharted waters. In some cases they were fragmented, as was the case when energy issues and the Kyoto protocol were dealt with. The petroleum-rich nations in the G-77 camp always dominated the energy politics, often to the dismay of the SIDS nations. The group of Small Island Developing States were surely to be affected by a globally disrupted climate with ensuing increase in the frequency of fierce tropical storms, and global warming as a result of CO₂ emissions caused by use of fossil fuels resulting in rising ocean levels drowning these island states. The G-77 also had a traditional bias against Rio Principle 10, which advocates access to an open flow of information, strongly propagated by a number of NGOs and others. But despite their internal differences, the G-77 managed to hold on to a united front on a number of issues. Together with a handful of likeminded nations, they also helped safeguard the Rio Principles.

On issues such as “Common But Differentiated Responsibilities”, “Production and Consumption” and the “Precautionary Approach”, the majority of nations at the Johannesburg Summit prevailed, kept these Principles intact, and defended them against attacks from the USA and like-minded states.

A document with historical continuity

With meticulous consistency and a willingness to express continuity, the negotiators, aided by UN staff and at times with input from NGOs, developed the text that was finally adopted unanimously as the Johannesburg Plan of Action. The Plan of Action as it stands now, is therefore a document that also embodies and expresses historical continuity. To fully grasp and understand the words expressed in the document, the references found throughout the

document are often important for the final interpretation and reading of the various paragraphs.

The Johannesburg Plan of Action contains a few new “things”. One is expressed in §6, the other in §170 – the very last paragraph. §6 has a direct reference to ethics, § 170 encourages the establishment of youth councils. Both have been criticised as meaningless – the first as it has no credible context, the last as it is thought to be without impact. But §6 must be read as an integral part of the first chapter, which is rife with references to earlier adopted UN documents. Several of these documents contain references and explanations of ethics in a multilateral context. The reference to youth councils can only be understood in the broader context of the workings of the UN. UN Habitat, headquartered in Nairobi and working with urban development, will be working on youth campaigns and urban governance, precisely to operationalise a segment of the Johannesburg Plan of Action.

More than 80 important and agreed UN documents are referred to in this plan of action, and their contents are all important and integral parts in assessing the true nature of this plan of action. In many respects it represents a sum total of the internationally agreed and collectively understood problems and solutions mankind must address to create a better world for all. Looking at the Johannesburg Plan of Action in this context, will contribute to demystifying the plan, its content and its intentions. The outcome of the Summit might have had a different direction altogether had it not been for the outcome of the negotiations that late Sunday night.

The decade between the Rio Summit in 1992 and the Johannesburg Summit in 2002 had been witness to a dramatic liberalisation of world trade. Together with the drive for privatisation and deregulation, many nations had changed their political orientation. Whereas many perceived the Rio Summit as a conference dominated by a united political will and interest in addressing and solving the plight of the world, the Johannesburg conference is perceived as being politically more fragmented. Still, the final plan of action was unanimously adopted. Agenda 21, the result of the Rio Summit is a visible example of the united will to solve problems. The political process during the Johannesburg Summit bears witness to the more fragmented world of 2002. Still, the Johannesburg Plan of Action was adopted, and Agenda 21 was not refuted.

NGOs and civil society – influential in Johannesburg?

A number of observers have analysed the political situation in 2002. They tend to downplay the importance of the 9-11 syndrome that later would have a devastating effect in global politics, but upgrade the importance of the budding global opposition to what is known as the sinister forces of globalisation. Organisations all over the world had demonstrated their opposition to the control of world trade and financial power into the hands of a handful of nations and even fewer institutions. A number of countries had expressed sympathy with these sentiments. Work among civil society had also created tangible results. International networks of NGOs claim credit for the defeat of the MAI – the Multilateral Agreement on Investments. These international NGO networks had made considerable efforts to participate and influence international negotiation processes.

The decade between the two Summits witnessed a soaring growth of international NGOs. The ECOSOC accredited NGOs had grown slowly from a handful in 1945 when the UN was established to approximately 500 in 1990. By the year 2000, the number of ECOSOC accredited NGOs had risen above 2000. The NGOs had also become more professional, both in terms of negotiating skills as well as research and fact finding, report writing and information dissemination. The NGOs had successfully participated in a number of

Conferences of the Parties to international conventions and were a force to be reckoned with on Human Rights issues. Single issue NGOs, such as the international action to ban land mines and *Medecin Sans Frontiers* were awarded the Nobel Peace Prize. A few multilateral conventions were even initiated by NGOs, such as the Ramsar Convention on Wetlands and the Aarhus Convention which would guarantee for participation, information and legal justice for all in environmental matters. A large group of NGOs had followed and participated in the negotiations leading up to the Johannesburg Summit. A few of them had formed loose knit alliances to become more influential in negotiating the Johannesburg Plan of Action. To these representatives of civil society, the WTO had come to symbolise the centralisation of power.

Every delegate in Johannesburg was aware of the demonstrations in Seattle, in Prague, in Gothenburg, in Genoa. Every participant in Johannesburg seemed to be fully conversant with the outcome of the Doha negotiations and the efforts of a few nations led by the US to subject environmental, health and safety standards to trade regulations. Civil society was intent on influencing the final outcome of the Johannesburg Summit. So far they felt they had been slightly influential. As Sunday August the 31st drew to and end, it was still unclear if they also been able to block the trade interests, which many civil society organisations believed had little or no place in decisions on sustainable development.

This was also part of the backdrop to the drama that was played out Sunday night, August 31, 2002.

Within the more or less formal blocs of nations that had formed during the Johannesburg process, there were a number of nations that had taken on an independent role, and often successfully splintered a front that at times seemed impenetrable. And they had been quite active in opposing the US led efforts to make WTO into a supreme global force. But one after the other they had put their opposition to rest this Sunday evening. They were an incongruous group of nations – Switzerland, Hungary, Tuvalu, Norway and Ethiopia.

The Americans had tabled their WTO proposal after a well-prepared initiative, and one after the other the above nations had laid down their flags. The negotiations were by now dragging on into the small hours of the morning, time was of the essence, the closing of the conference only two days away. One after the other these valiant nations motivated their slight resignation by referring to the need for finding a consensus position, and for making the conference into a success. Soon the opposition dwindled away, and further lobby efforts were futile. Several observers mumbled that were WTO decisions to be legitimised by the Johannesburg Summit, the rest of the document would be a sham, and the outcome a failure.

And as the Chairman of the meeting, the South African Ambassador to the UN is about to close the meeting, the Ethiopian delegate raises his flag, is given the floor, and says that he cannot find it in his heart or his consciousness to allow such a proposal be left unopposed. Consequently he refuses to budge. As he speaks, Tuvalu raises their flag, and expresses support to the Ethiopian position. Norway, Switzerland and Hungary all raise their flags, indicating support to Ethiopia. The Chair addresses the G-77 spokesperson, who puts the Group of 77 behind Ethiopia, the EU follows suit, and within five minutes, the tables have been turned around 180 degrees, the proposal is defeated, and the great majority of delegates meet the chair's announcement with acclamation.

With trade defeated, many felt that there now was a real future for sustainable measures and initiatives. The atmosphere at the Summit was conducive to this turnaround. The NGOs, the media, the lobbyists, the scientists, the documents produced, the interest created for the content of this Summit, all contributed to the final outcome of the Summit – an outcome that

was finally distilled into a document called “The Plan of Implementation of the World Summit on Sustainable Development.”

This is what this CD-ROM is also about.