

Earth Summit 2002

A New Deal

Second Edition

Edited by

Felix Dodds



Earth Summit 2002

A New Deal

*Edited by Felix Dodds
with Toby Middleton*

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This book is dedicated to the Memory of Michael McCoy, the first Northern Co-Chair of the United Nations Commission on Sustainable Development NGO Steering Committee. A generous American, a friend and supporter of the global NGO Movement, and a tireless fighter for a more just and humane world for all

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Contents

<i>Dedication</i>	<i>ii</i>
<i>List of Figures, Tables and Boxes</i>	<i>v</i>
<i>List of Contributors</i>	<i>vi</i>
<i>Foreword: From Rio to Earth Summit 2002</i> by Klaus Töpfer	<i>xiii</i>
<i>Introduction</i> by Derek Osborn	<i>xv</i>
<i>Preface to the Revised Edition</i> by Felix Dodds	<i>xviii</i>

PART I: ROADBLOCKS TO IMPLEMENTING AGENDA 21 AND HOW TO OVERCOME THEM

1	Roadblocks to Agenda 21: A Government Perspective <i>Simon Upton</i>	3
2	Implementing Agenda 21: A United Nations Perspective <i>Nitin Desai</i>	21
3	Who is Aware of Agenda 21? Missing Conditions: Three Major Barriers <i>Victoria Elias</i>	31
4	Agenda 21 and the Role of Local Government <i>Jeb Brugman</i>	40
5	Workroom versus Boardroom Approaches to Sustainable Development: Reversing the Downward Spiral <i>Winston Gerehuk and Lucien Royer</i>	49
6	Women and Sustainable Development: From 2000 to 2002 <i>Minu Hemmati</i>	65

PART II: A NEW CHARTER

7	A People's Earth Charter <i>Maximo Kalaw</i>	87
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PART III: OVERRIDING CONCERNS

8	International Forest Initiatives <i>Stephen Bass</i>	98
9	A Sustainable Transport Convention for the New Europe <i>Dieke Peters</i>	109
10	Poverty and the Environment <i>Cletus A Avoka</i>	124

11	Financial Resources for the Transition to Sustainable Development <i>Barbara J Bramble</i>	134
12	Trade, Investment and Sustainable Development <i>Andrew Simms</i>	160
13	Civil Society, Business and Sustainable Development: Regulating (almost) Without the Regulation <i>Rob Lake</i>	169

PART IV: EMERGING ISSUES

14	Environment and Security <i>Margaret Brusasco-Mackenzie</i>	179
15	Cities and the Culture of Sustainability <i>Herbert Girardet</i>	202
16	Tourism and the Commission on Sustainable Development <i>Frans de Man</i>	212
17	Sustainable Tourism: A Southern Perspective <i>Nina Rao</i>	223
18	The Titanic Transnationals: Corporate Accountability and Responsibility <i>Jagjit Plabe and Pieter van der Gaag</i>	229
19	Getting Health in a Handbasket <i>Chip Lindner</i>	244
20	<i>Our Common Future</i> and Ten Years after Rio: How Far Have We Come and Where Should We be Going? <i>Gro Harlem Brundtland</i>	253
21	Sustainable Consumption and Production <i>Laurie Michaelis</i>	264
22	Fish Forever <i>John Gummer</i>	278
23	Freshwater: A Global Crisis of Water Security and Basic Water Provision <i>Rosalie Gardiner</i>	289
24	Energy: Fuel for Sustainable Development <i>Jürgen Maier</i>	305

PART V: OVERVIEW

25	Reforming the International Institutions <i>Felix Dodds</i>	319
	<i>Appendix 1 – List of Acronyms and Abbreviations</i>	343
	<i>Appendix 2 – Addresses of Contributors</i>	351
	<i>Appendix 3 – UNED Forum</i>	354
	<i>Index</i>	355

List of Figures, Tables and Boxes

FIGURES

1.1 Framework of the UN Convention on the Law of the Sea shows lack of provision for global ocean management	9
8.1 Global initiatives in forest policy	101
11.1 Volatility of portfolio flows in selected markets	141
21.1 A material-flow perspective on production and consumption	265
21.2 Alternative view of the link between the production/consumption system and meeting human needs	266
23.1 Lack of access to water supply and sanitation by region	292
23.2 Change in water supply and sanitation for Africa, Asia and Latin America and Caribbean, 1999–2000	293

TABLES

11.1 Net private capital flows to low-income countries	142
19.1 Global summary of the HIV/AIDS epidemic	247
19.2 Regional HIV/AIDS statistics and features	248
21.1 Historical increases in a range of productivity indicators	271
23.1 Regional issues related to global water insecurity	290
23.2 Examples of regional action	298
23.3 Institutional roles and responsibilities	300
23.4 Sustainability indicators for freshwater	302
25.1 Possible work programme of the CSD, 2003–2007	336
25.2 Possible work programme for UN regional commissions	337
25.3 A review of proposals and their requirement for the UN charter amendment and major group involvement	341

BOXES

1.1 Multilateral and regional treaties and other instruments in the International Law of the Sea	14
7.1 The Earth Charter	90
18.1 The NGO Task Force on Business and Industry	236

List of Contributors

Cletus A Avoka is the Minister for Environment, Science and Technology of Ghana. He is Member of Parliament for Bawku West in the upper east region of Ghana. Until his appointment to this ministry in November 1998, he was the Minister for Lands and Forestry. Formerly he held a number of positions in the public service of the country. He is a lawyer by profession.

Stephen Bass, Director of Programmes, IIED, is an environmental planner and forester with 18 years of experience working principally in Western Asia, the Caribbean and Southern Africa. He has specialized in the assessment, formulation and monitoring of participatory natural resource and forest policy, starting with work on national conservation strategies and similar processes. He also has considerable experience in institutional development in forestry and environment. At present he is working on sustainability assessment in forestry, and on developing and assessing market-based instruments, notably forest certification. As IIED's Director of Programmes he is responsible for strategic programme development, research planning and quality control.

Stephen is also Associate Departmental Lecturer, Oxford Forestry Institute, Associate Researcher at the European Forestry Institute, and Affiliated Associate, Island Resources Foundation. Previously, he worked as Southern Africa Programme Manager for IUCN and as Warren Weaver Fellow.

Barbara J Bramble is Vice-President for National Wildlife Federation's Strategic Programmes Initiative, which develops new projects to confront the conservation challenges of the 21st century. Formerly, she founded and directed for 16 years NWF's international division, which concentrates on ensuring that global economic forces are harnessed for the benefit of wildlife, natural resources and people. Barbara Bramble helped organize the International NGO Forum, the largest NGO conference at the Earth Summit at Rio in 1992; and she has worked with NGOs from many countries on joint campaigns, such as World Bank and WTO reform and pesticide safeguards.

Before joining NWF, Barbara Bramble served as legal adviser to the Council on Environmental Quality, in the Executive Office of the US President, and as an environmental lawyer representing national and local conservation groups in cases involving energy, land use and pollution. She received her JD from George Washington University, and a BA in History from George Mason University.

Jeb Brugman is the founding Secretary General of the International Council for Local Environmental Initiatives (ICLEI). He has a 16-year career in the local government sector, focusing primarily on municipal efforts to address major regional and global issues, including the environment, military conflict and human rights. He conceived and launched the Local Agenda 21 initiative in 1990.

Gro Harlem Brundtland is Director-General of the World Health Organization. A qualified medical doctor specializing in child and public health, she was also former Minister of the Environment and Prime Minister of Norway. Dr Brundtland chaired the World Commission on Environment and Development that led to the United Nations Earth Summit in Rio de Janeiro, 1992. She authored the seminal work *Our Common Future: Report of the World Commission on Environment and Development* in 1987.

Margaret Brusasco-Mackenzie is Vice-Chair of UNED-UK. She was, for many years, head of International Affairs and Trade and Environment in the Environmental Directorate General of the European Commission. Latterly she was adviser for the follow-up to the Rio Summit. She has taken part in many international environmental negotiations and has contributed to several books and written articles on international environmental policy. She has degrees in Law from University London, Kings College, and Yale University.

Nitin Desai is United Nations Undersecretary-General for Economic and Social Affairs. He was formerly a consultant for Tata Economic Consultancy Services and lecturer in economics at the universities of Southampton and Liverpool. He has been a member of the Commonwealth Secretariat Expert Group on Climate Change and the Board of the Stockholm Environment Institute. From 1985 to 1987 he served as Senior Economic Adviser for the World Commission on Environment and Development (WCED, known as the Brundtland Commission). From 1990 to 1993 he was Deputy Secretary-General of the United Nations Conference on Environment and Development (UNCED), with responsibility for coordinating the work of the UNCED Secretariat related to the development of Agenda 21. In March 1997, Secretary-General Kofi Annan appointed Nitin Desai to coordinate, and subsequently head, the consolidation of the three UN economic and social departments. The consolidated department provides substantive support to the normative, analytical, statistical and relevant technical cooperation processes of the UN on the economic and social side. He is also the Convenor of the Executive Committee on Economic and Social Affairs, which brings together the heads of all the UN Secretariat entities directly concerned with economic, environmental and social issues.

Felix Dodds is Executive Director of the United Nations Environment and Development Forum (UNED Forum). He is also Co-Chair of the United Nations Commission on Sustainable Development (CSD) NGO Steering Committee. He has been active in all of the CSD meetings and coordinated the NGO lobbying teams for the Habitat II and the Earth Summit II conferences. His previous books have been *The Way Forward: Beyond Agenda 21* (Earthscan, 1997) and *Into the 21st Century: An Agenda for Political Realignment* (Green Print, 1988). He is a member of Green Globe that advises the UK Foreign Secretary and Environment Minister on sustainable development. He also sits on the Board of Greenwich Environmental Management Services Ltd (GEMS) which advises small- and medium-sized businesses.

Victoria Elias is Deputy Director of the Centre for Environment and Sustainable Development 'ECO-Accord' (Russia). She graduated from Moscow Lomonossov State University as a biologist. For a number of years Victoria was involved in research on aquatic ecology and water toxicology. She also teaches biology and ecology to students. Since 1989 Victoria Elias has been active in

the environmental NGO movement in Russia and abroad. Victoria is a member of several national and international NGOs, as a regional representative for the Newly Independent States (NIS) and central and eastern Europe (CEE) at the CSD NGO Steering Committee and Management Committee. She has chaired the Coordination Board for pan-European ECO-Forum since 1999. Issues of public participation and freshwater management and conservation in the context of sustainable development are the main areas of Victoria's interest in her activities and research.

Pieter van der Gaag is Executive Director of ANPED, the Northern Alliance for Sustainability. Within ANPED he coordinates the corporate accountability and responsibility programme. The programme brings together a broad coalition of non-government organizations working on achieving corporate accountability. He currently serves as NGO contact point for the OECD Working Party on the Review of the Guidelines for Multinational Enterprises, and serves on the steering group for the CSD Review of Voluntary Initiatives and Agreements.

Rosalie Gardiner is Policy Coordinator at UNED Forum and currently working on the preparations for Earth Summit 2002 in Johannesburg in September 2002. Inspired and motivated by the vital need for sustainable development globally, she has undertaken research on a whole range of issues, such as the tourism industry, finance, HIV/AIDs, freshwater and marine and coastal management, as well as examined different decision-making processes used to assist progress towards sustainable development. Rosalie specialized in Environmental Economics and Management (BSc) at York University and went on to complete a Master of Research in Ecosystems Analysis and Governance at the University of Warwick, UK.

Winston Gereluk represents the Public Services International (PSI) on matters relating to the CSD, and environmental issues generally. The PSI is an international trade secretariat for public-sector trade unions, and such represents millions of public employees around the world. Winston has participated in delegations and the production of literature on behalf of the International Confederation of Free Trade Unions at the last five sessions of the CSD, and is a member of Greenpeace. He is employed by the Alberta Union of Provincial Employees, an affiliate of the National Union of Public and General Employees in Canada. He also instructs and develops industrial relations courses for Athabasca University in Canada.

Herbert Girardet, a UN Global 500 Award recipient, is author of *The Gaia Atlas of Cities* (1992) and *Earthrise* (1992) and other environmental books. He also works as a TV producer, mainly on environmental documentaries. Currently he is series editor on a six-part international TV series – *The People's Planet*. He is visiting professor at Middlesex University, London, and Chairman of the Schumacher Society, UK.

John Gummer was the longest-serving Secretary of State for the Environment the UK has ever had; a member of the Queen's Privy Council for the last 14 years, he was first elected as a Member of Parliament in 1970. He became the Chairman of the Conservative party at a very young age and went on to 16 years of top-level ministerial experience. While at MAFF he chaired the

European Council of Agriculture Ministers during the negotiations for the GATT round, and represented EU ministers in Chicago during the final stages of the trade negotiations. Following the conferences on climate change in Berlin and Geneva the Secretary-General of the United Nations selected him for a Committee of Distinguished Persons advising on Habitat II (UN Conference on Human Settlements). In 1996 he was elected Chairman of the Environment Committee of the OECD by his fellow ministers. Since then, in an unprecedented cross-party gesture, the Labour government took him as part of the UK's delegation to the Earth Summit II United Nations Special Session and subsequently to the Kyoto and Buenos Aires Climate Change Conferences.

Since leaving office John Gummer has been appointed Chairman of the International Commission on Sustainable Consumption, Chairman of the Marine Stewardship Council, and chosen as a member of the select Track II diplomatic group to advise the Chinese government on climate change. He has set up, and now runs, Sancroft International, an environmental consultancy working with governments, international organizations and blue-chip companies around the world.

Minu Hemmati is a psychologist by profession, having specialized in environmental and social psychology and women's studies. Since 1998, Minu has been working as an independent project coordinator with UNED Forum in the area of women and sustainable development (www.uned-uk.org). She has attended the Habitat II Conference in 1996, all CSD inter-sessional meetings and sessions since 1997, Earth Summit II, and CSW meetings. Minu has been elected Northern Co-Facilitator of the CSD NGO Women's Caucus for the period May 1999–April 2001.

Maximo 'Juni' Kalaw is the Executive Director of the Earth Council. A graduate in both Economics and Management, he has held a number of high-level posts, including Director of the Bank of Asia and of the Bankasia Finance Corporation. Previously President of such NGOs as the Green Forum Philippines, the Haribon Foundation and the Philippine Institute of Alternative Futures, Juni is now working with the Earth Council in drafting the Earth Charter. He was the Co-Chair of the International NGO Forum at the Earth Summit in 1992, and subsequently the Executive Director of the Earth Summit II International Secretariat. Widely published in the field of sustainable development, Juni has also been recognized by a number of awards for his work.

Rob Lake is Director of Policy at Traidcraft. The charity arm of Traidcraft works at a policy level on fair and ethical trade that benefits the developing world; on corporate accountability and social responsibility and corporate governance; on social reporting and accounting; and on socially responsible investment. The organization also carries out practical small-business development initiatives in developing countries. Before coming to Traidcraft, Rob Lake worked at the Royal Society for the Protection of Birds (RSPB) and at Friends of the Earth (FoE) on international environment and development policy, EU environmental issues and local-level environmental initiatives.

Warren (Chip) Lindner is currently an adviser to the LEAD (Leadership for Environment and Development) programme. Chip served for three years as Executive Secretary of the World Commission on Environment and

Development (the Brundtland Commission), which in 1987 published the landmark report *Our Common Future*. In April 1988 he created the Centre for our Common Future on which he served as Executive Director until its closure in 1995. During this period he also served as international coordinator of the 1992 Global Forum held in Rio de Janeiro at the time of the first Earth Summit. From June 1996 until the end of 1998 Chip served as senior adviser on North-South issues to the Chairman and Executive Secretary of the 12th World AIDS Conference. Recently, he was presented by the president of Brazil with the Order of the Southern Cross, the highest civilian award granted by the government of Brazil.

Jürgen Maier is Director of the German NGO Forum Environment & Development, a network of about 60 NGOs formed after the Earth Summit to coordinate the Rio follow-up among German NGOs: Climate Convention, Biodiversity Convention, Desertification Convention, CSD, WTO, FAO and other relevant fora. He has held this position since 1996. Previously he worked as Secretary General of the German Asia Foundation and International Secretary of the German Green Party.

Frans de Man as international secretary of a Dutch left-wing ecological party called PPR, Frans de Man got to know the field of international politics and development cooperation during the 1980s. In 1990 he became consultant in tourism planning, first for national and regional governments in The Netherlands, later for the Dutch Nature Friends. In 1987 he initiated the Retour Foundation to stimulate positive developments in tourism and to fight negative aspects. As consultant for Retour he worked on sustainable tourism projects in Tanzania, Cameroon, Ecuador and Costa Rica from 1994 onwards. He developed the Dutch branch of ECPAT (the fight against child sex tourism) and acted as adviser to this international organization. He advises the Dutch government on multistakeholder processes in tourism resulting from the Agreement on Sustainable Development with Costa Rica. Since April 1999 he is the northern Co-Chair of the NGO Tourism Caucus and participates in the Steering Committee of the UN Working Group on Sustainable Tourism. The latest project he developed is the Holiday Mirror, a website reflecting the opinions of local inhabitants of tourism destinations on tourism and tourists.

Laurie Michaelis is the Director of Research for the Oxford Commission on Sustainable Consumption, which is developing an action plan on sustainable consumption for Earth Summit 3. Laurie has a PhD in energy studies, on wood use and the potential for alternative fuels in Kenya. He has worked as a volunteer in development organizations, as a school teacher and as an energy technology analyst. From 1992 to 1999 Laurie worked for the OECD, initially focusing on energy, transport and climate change but most recently leading programmes on eco-efficiency and resource efficiency.

Toby Middleton is International Communications Coordinator for UNED Forum's Towards Earth Summit 2002 project. He is manager of the project's website www.earthsummit2002.org and the Roadmap to 2002 website. He is editor of the project's online newsletter, Network 2002 (global circulation of over 30,000 organisations).

Toby co-ordinated the UK national one-day preparatory conferences to the 1999 Seattle WTO Ministerial. He has participated and chaired meetings at

several international UN meetings, representing UNED Forum and has been a member of the UK Government Delegation, including several sessions of the UNCSD and UNEP's Governing Council and global meetings of UNEP's National Committees. Toby represented UNED UK on the UK Multi-lateral Agreement on Investments Coalition from 1998 to 1999.

Toby has worked with the OUTREACH team, producing daily newsletters at these international events, culminating as editor of OUTREACH at the London WHO Environment and Health Conference in 1999. He has worked with the UN CSD NGO Steering Committee, establishing and coordinating the activities of the NGO Tourism Caucus at the 7th Session of the UNCSD.

Derek Osborn is the Chairman of the UK Round Table on Sustainable Development. He also chairs the United Nations Environment and Development Committee in the UK (UNED-UK), and the trustees of the International Institute of Environment and Development. He is a non-executive Director of Severn Trent Plc, and Chairman of its environment committee. As a senior environmentalist he advises governments, international bodies, voluntary bodies and business on long-term environmental and sustainable development issues. In 1997 he was the Co-Chairman of the negotiations for the Special Session of the UN General Assembly (sometimes known as Earth Summit II), five years after the 1992 Earth Summit in Rio.

Deike Peters is Director of Environmental Programmes at the Institute for Transportation and Development Policy (ITDP), an international research and advocacy NGO dedicated to promoting sustainable transportation. She originally came to New York from her native Germany for a one-year student exchange. Deike now holds MSc degrees in International Affairs and Urban Planning from Columbia University and is currently a PhD candidate in Urban Planning and Policy Development at Rutgers University. Her dissertation investigates the complex role of transport infrastructures and policies in shaping European economic development and integration.

Jagjit Plahe worked as a Researcher for the Multilateral Development Initiatives Programme of Eco News Africa, which is an African development NGO. She now works as an independent researcher on trade and human rights issues. She is also the Southern Coordinator of the NGO Task Force on Business and Industry.

Nina Rao is Head of the Department of Tourism, College of Vocational Studies, University of Delhi, since 1978, and has pioneered tourism studies courses at other universities and through the Open University system. She is on the Planning Board of EQUATIONS, an NGO dealing with tourism policy, development and impacts, which is currently engaged in an extensive study on domestic tourism in India and preparing for a national workshop on tourism's impacts on women. She is involved in reformulating the North-South tourism dialogue and updating the mission statement for the Asian network, and is closely associated with GATTs issues and the debate on biodiversity understanding in India, towards developing a people's plan for safeguarding biodiversity. She is also Co-Chair for the NGO Tourism Caucus, CSD-7, and author of two books on Ladakh and the Western Himalayas, published by Roli Books, Hong Kong.

Lucien Royer is the Health, Safety and Environment Officer for both the International Confederation of Free Trade Unions (ICFTU) and the Trade Union Advisory Committee to the OECD (TUAC). He coordinates programmes throughout the world and represents trade unions at the United Nations, OECD, and other international bodies with respect to health, safety and environment. Originally from Western Canada, he was involved in environmental litigation and environmental law reform, and was a founding member of the Canadian Environmental Network. He formed part of the Canadian government delegation at Bergen in 1990 and at Rio in 1992.

Andrew Simms is currently the head of the global economy programme at the think tank the New Economics Foundation (NEF), and an adviser to Christian Aid, the overseas development agency. In the past he studied at the London School of Economics, and worked in politics and for a range of development and environment organizations. In particular, he has been part of campaigns on: debt relief, climate change, food security and genetically modified food, and corporate accountability. He is currently working to highlight the vacuum of regulation in the global economy, and the contradictions between the 'business as usual' approach and meeting the need for social and environmental well-being.

Simon Upton has been an MP in the New Zealand parliament representing the National party since 1981, when he won selection as the National party candidate for the Waikato electorate, aged 23. He was educated at Southwell School and St Paul's Collegiate in Hamilton. Subsequently, he took degrees in English and Law from the University of Auckland, and has an MLitt in political philosophy from Oxford University. He is also a Rhodes scholar. Between 1990 and 1999 he was Minister for the Environment and from 1996 to 1999 Associate Minister of Foreign Affairs. In this capacity he chaired the 7th Session of the CSD. He has a website where he discusses a range of environmental and CSD issues. The address is: www.arcadia.co.nz. Simon Upton has long-established interests in music, literature and political philosophy, as well as geology and botany. He is a keen skier, and an enthusiastic gardener on his Ngaruawahia property. He is currently Spokesperson for Foreign Affairs, Culture and Heritage, and Superannuation. He was appointed to the Privy Council in 1999.

Foreword: From Rio to Earth Summit 2002

Klaus Töpfer

When I attended the Earth Summit in 1992 I did so as the German environment minister. The Rio Summit, I believe, was a milestone in awakening the world to the need to work together for the sake of our planet and the future generations that will live here.

As I prepared to leave Germany, I don't think I, or for that matter any of us then arriving in Brazil, realized how important the summit would be. While writing this Foreword I reflected on what has been achieved due to the Rio Summit. The outcomes include:

- Agenda 21;
- The Framework Convention on Climate Change;
- The Convention on Biodiversity;
- The Rio Declaration;
- The Forest Principles.

These were all agreed to at Rio; this by itself would have been an enormous achievement, but this was not all that came out of the summit. There was agreement for the negotiation of a desertification convention; a conference on straddling and highly migratory fish stocks; the development of indicators on sustainable development; the creation of sustainable development strategies; and the setting up of a new commission within the Economic and Social Council of the UN. This itself has ensured the monitoring and implementation of much of Agenda 21, and the development of work programmes in areas such as consumption and production, education, tourism and forest biodiversity through the Intergovernmental Panel, and then Forum, on Forests.

Perhaps one of the most interesting developments since Rio has been the impact of the chapters of Agenda 21 on major groups. In particular, the chapter on local authorities has been catalytic to making Agenda 21 a real document at the local level where there are now over 2000 LA21s.

As executive director of UNEP and the Centre for Human Settlements, I am enormously aware of the impact that cities have on our environment. The LA21 process has been, and will continue to be, an opportunity for local stakeholders to talk and agree on how they can make their local communities more sustainable. It has helped break down mistrust between different stakeholders and has focused on the future.

As we start the preparations for the Earth Summit in 2002, 10 years from Rio and 30 years from Stockholm, most of the world's problems are still getting worse. The difference between the last two summits and 2002 is that we now know a lot more and we have started to turn the tide. In 2002 we need to address the environmental security issues such as freshwater, fisheries and food security and environmental refugees.

If there is to be success in 2002, then one thing is clear: there will need to be additional funds from developed countries to enable developing countries to grow sustainably. Aid flows have for the first time since 1991 started to move in the right direction – not much, but it is now going in the right direction. The campaign by Jubilee 2000 for debt cancellation is to be congratulated and will have an impact on financing development. This isn't enough by itself and we do need to look for 'new and additional funds'. I commend the work of UNDP in broadening the debate on this topic.

We need to set targets and dates that are realistic to deliver the change that is needed. There will also need to be a debate on the international machinery to achieve what we want, and 2002 will be significant in setting out the direction.

This book is produced by UNEP's national committee in the UK and has drawn in some of the key people who are working to make 2002 a significant event. I welcome the call for a 'New Deal' and UNEP will play its part. In 2002 we will be bringing out the next issue of the *Global Environment Outlook* report (GEO-2002), which will ensure that the environmental data is there for governments to make the decisions that need to be made.

I hope that all of you who read this book will join in the preparations for Earth Summit 2002.

Introduction

Derek Osborn

At the beginning of this millennial year 2000, many people in the world can still feel the warmth and energy generated by the first Earth Summit in Rio in 1992. Its inspiration glows on our backs, and its vision spurs us forward to complete the tasks it set and to meet the challenges of the new millennium. Now, as we look forward, the tenth anniversary of Rio in 2002 is looming up as one of the first big opportunities of the 21st century.

This book is a timely wake-up call – a bugle summoning support from around the world to prepare for a new Earth Summit in 2002. Anyone who has been involved with international processes will know how long it takes to prepare for major international events, and to build the public and political momentum to ensure worthwhile results. The time for action is now.

The Earth Summit at Rio in 1992 was a major advance for the cause of sustainable development throughout the world. World leaders signed two major international conventions on climate change and biodiversity. The Rio Declaration on Environment and Development proclaimed 27 principles to guide sustainable development. A comprehensive programme of action for implementing sustainable development throughout the world (Agenda 21) was adopted, together with a set of principles to guide the sustainable management of forests. A basis for providing new and additional resources to the countries of the South to assist them in the transition to more sustainable patterns of development was also agreed upon.

The energy generated by the Rio process is still one of the most powerful driving and integrating forces in the global sustainable development agenda. However, progress since then has been patchy. In some parts of the world, on some issues and in some sectors of society, the principles of Agenda 21 and its conventions have helped significantly to strengthen and guide the drive towards more sustainable patterns of development. But the developed countries failed to deliver on their promises to provide more assistance to the developing

countries to promote sustainable development. Political and public attention has seeped away. On some issues, in some countries, events are still moving in the wrong direction.

The review of achievements, five years after Rio at the Special Session of the UN General Assembly in 1997, might have been the occasion for facing up to the failures since Rio, and for renewing and strengthening the commitments made at Rio. But in the event, there was insufficient preparation and public attention to generate the political will for stronger commitments. With a few significant exceptions, the main conclusions of the special session did not go much beyond reasserting the objectives of Agenda 21.

The tenth anniversary of Rio in 2002 will be the biggest opportunity for a comprehensive effort to push forward the sustainable development agenda throughout the world that is likely to arise for at least the next ten years. The year 2002 could, and should, be more like 1992 in Rio and less like 1997 in New York. It could be made the occasion for a big push forward. It is an opportunity not to be missed.

We all know that there is a mass of unfinished business in the sustainable development agenda. The environment is deteriorating. The pressures of population and unsustainable consumption are increasing. The natural world and biodiversity are suffering. Poverty is endemic. Inequalities between and within countries are growing more acute. Globalization is opening up the whole world to the free market. But proper guidance or regulation of this market to protect the environment and social goods is lagging behind. 2002 is a prime opportunity for a new generation of active champions to seize hold of the sustainable development agenda and push it forward vigorously.

In this book a number of the leading players from around the world present their views of the opportunities and challenges which 2002 represents on many of the key issues. We in UNED hope that their contributions at this early stage will help to focus the debate as the preparations for 2002 move ahead this year.

The United Nations Environment and Development Forum (UNED Forum) is a multistakeholder body, which draws together representatives from local government, business and trade unions, scientists and the academic community, non-governmental organizations in the environment and development fields, groups representing women and youth, and many other bodies concerned with promoting sustainable development in the world. It is in close touch with similar organizations and groupings in both the developed and developing world. This year UNED has established an international advisory board to facilitate and promote the participation of major groups throughout the world in international discussions and negotiations on sustainable development issues.

Over the past two years, UNED has been canvassing opinion around the world and assembling views about the tenth anniversary of Rio and what it could achieve. More and more people are getting drawn into this consultation, and a consensus on what is wanted from 2002 is still evolving. But there is a wide measure of agreement crystalizing around the following key objectives:

- a revitalized and integrated UN system for sustainable development;
- a new deal on finance – enabling a deal on sustainable development;
- an integration of trade and sustainable development;
- a clearer understanding of how governments should move forward nationally in implementing Agenda 21;
- a new charter which could lay the foundations for countries to frame their sustainable development policies;
- a review of the work of the present set of Rio conventions – looking at overlaps, gaps and obstacles;
- a set of new regional or even global conventions;
- a set of policy recommendations for the environmental security issues that face us;
- a set of agreed indicators for sustainable development;
- a clear set of commitments to implement agreed action by the UN, governments and major groups.

The challenge is now to create the mechanisms to enable this to happen.

Preface to the Revised Edition

Felix Dodds

This revised edition of *Earth Summit 2002* has been updated with two new chapters on freshwater (Chapter 23) and energy (Chapter 24). It is being completed after the first preparatory meeting for the Johannesburg Earth Summit 2002.

Although the first preparatory meeting was organizational, already thoughts are starting to coalesce around some interesting thematic areas for Earth Summit 2002 to address.

INTERNATIONAL INSTITUTIONAL GOVERNANCE

Institutional governance was a non-issue for the Special Session of the UN General Assembly (UNGASS, commonly known as Earth Summit II or Rio +5) convened in 1997 to review the Rio Earth Summit. It has become increasingly clear that, as they are presently configured, the multi-lateral institutions are unable to address sustainable development.

In February 2001, the United Nations Environment Programme (UNEP) Governing Council agreed to set up a Ministerial working group to look at environmental governance issues. This UNEP initiative is to be welcomed as a clear attempt to open themselves up for review.

The discussion may address the issue of the need for a World Environment Organization. A number of studies by, among others, the German Advisory Council on Global Change (WBGU), the Yale Dialogues, the Royal Institute of International Affairs and the Leadership for Environment and Development (LEAD) programme have already looked at this. Chapter 25 of this book also addresses some of the options for international governance structures.

One issue that the UNEP initiative will not look at is the future of the UN Commission on Sustainable Development (CSD). The position of the CSD in the UN structure, its effectiveness and, if it is to have a

future, what its work programme might look like, are just some of the questions being asked.

Perhaps the most difficult issue to look at is whether Earth Summit 2002 will offer a chance to review the economic governance architecture and relationship to sustainable development. The Global Environmental Facility (GEF) has started a process to look at its future in this area but what about the World Bank, International Monetary Fund (IMF) and World Trade Organization (WTO)?

CONVENTIONS

There are six Rio conventions and protocols that should be reviewed in relation to Earth Summit 2002:

- 1 Cartagena Protocol on Biosafety, under the Convention on Biological Diversity (CBD) (3 ratifications out of the 50 required for entry into force).
- 2 The Kyoto Protocol, under the UN Framework Convention on Climate Change (UNFCCC) (23 ratifications out of the 55 required).
- 3 UN Convention to Combat Desertification (requires funding).
- 4 Agreement on Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, under the UN Convention on the Law of the Sea (UNCLOS) (27 ratifications out of the 30 required, EU countries still to ratify).
- 5 Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (13 ratifications out of the 50 required).
- 6 Stockholm Convention on Persistent Organic Pollutants (to be adopted, 50 countries needed to ratify).

One key challenge for governments is to be able to come to the summit in 2002 having ratified these conventions and adequately funded them.

INTERNATIONAL DEVELOPMENT TARGETS

Earth Summit 2002 should help to set in motion the work programmes to enable the international development targets (IDTs) to be realized. In many cases this should include setting incremental targets for 2005 and 2010. The IDTs that should be reviewed include:

- *Education:* To narrow the gender gap in primary and secondary education by 2005, and ensure that by 2015 all children complete a full course of primary education.

- *Environment*: To reverse the loss of environmental resources by 2015.
- *Health*: To reduce infant mortality by 66 per cent and maternal mortality by 75 per cent by 2015, and ensure access for all to primary reproductive health service by 2015.
- *HIV/AIDS*: To halt, and begin to reverse the spread of, HIV/AIDS by 2015. To reduce by 25 per cent the rate of HIV infection in people aged 15–24 in most affected countries before the year 2005, and globally before 2010. At least 90 per cent of young men and women must have access to HIV-preventative information by 2005 and 95 per cent by 2010.
- *Poverty*: To halve by 2015 the proportion of people globally (currently 22 per cent) whose income is less than US\$1/day.
- *Sustainable development*: National strategies for sustainable development to be completed by 2002 and implemented by 2005.
- *Water*: To halve by 2015 the proportion of people who do not have access to safe drinking water (currently 20 per cent).

SECTORAL/CROSS SECTORAL ISSUES

Whatever the issues are for Earth Summit 2002, the approach should be a sectoral one looking at the cross sectoral issues through a sectoral lens. Taking water as an example, what has been the impact of globalization? What finance is required? What would appropriate gender mainstreaming look like? What technology transfer, capacity building and governance structures need to be in place? This approach should enable us to identify who is going to do what, by when and how.

STAKEHOLDERS

The approach for Earth Summit 2002 is to engage the stakeholders throughout the preparatory process. This makes it the most innovative approach to developing global policy agreements. UNED Forum has produced a report to help identify how stakeholders might be more creatively engaged in the preparatory process for 2002 and generally at the international level. This can be found at www.earthsummit2002.org/msp.

Earth Summit 2002 should be seen as a landmark event, but we should also be thinking about where we hope to be in 2003, 4, 5, 6 ... to infinity, and beyond. The forthcoming summit needs to be seen as the starting block to set this all in motion.

Part I

**Roadblocks to Implementing Agenda 21
and How to Overcome Them**

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Roadblocks to Agenda 21: A Government Perspective

Simon Upton

Agenda 21 was motivated by perceptions of a deteriorating world environment and the need for humankind to clean up its act. However, like all compromises engineered by the UN system, and despite the best efforts of the able people involved, Agenda 21 is a version of everything. It means all things to all people and hides a maze of differing judgements and aspirations.

For the developing world, as the initial chapters of Agenda 21 make quite clear, the priority remains economic development and the alleviation of poverty and its worst manifestations – hunger, disease, illiteracy. For the developed world the priorities are rather different. There, poverty is not really much of an issue, except at the margins. The developed world has the time to look at what it is doing to its natural surroundings, its environment, and to feel an overriding sense of concern about it. Of course, these are crude generalizations. Many in the developing world feel very strongly indeed about their environment. Many in the developed world hardly give a toss.

However, the broad picture is, I think, valid. The approach of the developing world was: 'You, developed countries, are worried about the state of the global environment. You want us to take action. However, our perception is that you have basically created this state of affairs through your own excesses. Furthermore, our priorities are limited to the basic needs of survival. So if you want us to take part in your global drive, you must give us the resources to do so, and you

cannot expect us to do anything which interferes in any major way with our drive for economic development.' Their interlocutors in the developed world argued along the following lines: 'The indications are that the global environment is deteriorating, and deteriorating all the quicker because of runaway resource use and development in an increasing number of countries. There are growing global problems of climate change, loss of biodiversity, pressures on freshwater, marine pollution, hazardous waste accumulation and so on. These and other problems are reflected at the regional and local level. We must all play our part together in changing the way we do things, for our individual good, and for the good of the planet. Development that isn't community based – wherever it takes place – is doomed and self-defeating.'

Again, this is a broad generalization. There are many in the developing world taking action on the environment without waiting for help from outside. There are many in the developed world prepared to take a lead on environmental action without any guarantees that others will follow suit.

But to my mind these are pretty much the fundamental differences of view that make Agenda 21 less a blueprint for action, with all that denotes in terms of acknowledged roles, planning and sequencing, and more a challenging proposition, one that still requires a *modus operandi*.

It is still needed. I am no expert on every facet of the state of the world environment. I have a particular concern about the atmosphere and the toxic by-products of modern industrial processes. If I follow indications given by science-based bodies like the IPCC, UN agencies like UNEP and the FAO and non-governmental think tanks like the World Resources Institute then we continue to face challenges in a number of other areas. Global population is increasing fairly rapidly, especially in developing countries and in urban environments, where problems of waste and pollution are intensifying. Food production may be able to keep pace, but distribution isn't, to the same degree. There are increasing problems getting access to clean, safe freshwater. Energy use is rising, and with it the production of carbon dioxide, the major greenhouse gas contributing to global warming and climate change. We may be cutting down on the use of ozone-depleting substances but the ozone layer remains in a fragile state: continued vigilance is required. We are overloading the global nitrogen cycle, and this plus unsustainable agricultural practices is leading to soil degradation. Acid rain is a growing problem in Asia. On the biodiversity side, the global forests estate continues to shrink. Bioinvaders are a particular menace. The state of the world's oceans is cause for real concern, with habitats, especially reefs, and fish stocks under extreme stress.

Broad conclusions that can be drawn from all this are as follows: changes in natural ecosystems are occurring on a larger scale than ever

before. There are important changes occurring in the global systems and cycles that underpin ecosystem functioning. And the threats to biodiversity are severe, both in terms of extinction of species, and loss of habitats.

The fact is that we have been aware of these and other problems for some considerable time. And it is not as though we have done nothing about them. We have at least made an effort at the international level to organize ourselves, in fora and under legal conventions. The problem I think is that very often we get bogged down in process and the substance gets lost.

I was aware of this especially when I was facing, with some trepidation, the prospect of chairing the 7th Session of the United Nations Commission on Sustainable Development (CSD-7) in April 1999. The CSD had the reputation of being a turgid talk-shop, which resulted in nothing of substance and devoted its attentions to the painful word-smithing of negotiated texts. I was gratified to find that many of my fellow ministers were quite of my mind, and like me wanted to see the CSD change its ways and become once again a body capable of providing real direction to the effort in favour of sustainable development.

One of the key subjects we had to deal with was Oceans and Seas. The complex tangle of bodies and instruments coming under the UNCLOS umbrella gives the impression of a minutely regulated resource. So it may be, but for all that we have not yet succeeded in managing it sustainably.

I am not sure that the New York environment is a good one for discussion and decision-making on sustainable development. In New York it must compete for attention with so many other issues better suited to that environment. It is hard to take climate change seriously if you have not experienced life on an island atoll 3 metres above sea-level where you are prey to any big wave. It is hard to get steamed up about the ozone layer unless you live, as I do, in a country where UVB exposure is a major cause of cancer. And poverty has no meaning if you have not made your home and livelihood, if you can call it that, on a rubbish heap without clean water to drink or wash and no hope of anything better. Though there may be no alternative to New York and its processes, we need to remind ourselves constantly of the reality about which we appear to talk so knowledgeably. We need to dig Agenda 21 out of the morass of bureaucratic process, diplomatic verbiage, and the mental trenches laid down on the battlefield of geopolitical debate.

We need to put Agenda 21 back on the road again. But we also need to get our bearings. One of the main problems we face in this regard is that we have no clear idea of exactly what we are aiming for. What is the paradigm of sustainable development? Does one exist, and is it useful to try to define it? Or should we instead agree to focus our efforts on four or five priority areas?

The core of the problem is what and how people produce and consume. This is a very difficult issue, because it impinges on the fundamental tenets of economic development, of aspirations that everyone has for a better life through increased economic means, and of the freedom and flexibility to explore and try things out. The challenge for us, and it is increasingly one of life and death, is to find ways of exploiting our natural and physical environment in ways that conserve its capacity for exploitation in the future.

At the bottom, we're involved in substituting natural capital with intellectual capital. We can no longer depend on seemingly inexhaustible supplies of virtually anything, and we are having to find ways of using resources more efficiently, both in terms of the benefits we draw from them and the degree to which we render them unfit for future use. What we don't know enough about is the extent to which the intellectual capital can be substituted for the natural capital. So managing the risks inherent in that process of substitution becomes critical. Facing a major challenge such as climate change, for example, some claim that the future growth in intellectual capital – manifested, for example, in climate-friendly technologies – will take care of any risks. However, set against the magnitude of the risks involved and the long time frames required to reduce concentration levels of greenhouse gases, sole reliance on the white knight of intellectual capital is a deficient risk-management strategy. There is a need to take precautionary action.

The tools we have to meet this challenge globally are not all that well developed. International relations up to this century have evolved largely to meet the needs of individual states in terms of the acquisition – or the prevention of acquisition – of territory, hegemony, trade rights and so on. This reflects a basic grab for resources and power. The idea that there might be something for every country to gain from international exchange, and that there should be economic stability to allow them a chance to gain it, is relatively recent. It is reflected in the Bretton Woods instruments and later in the GATT. One prime motivation was the need to find ways of reducing the sort of tensions that led to World War II, of setting the whole world on a path to economic development and prosperity that, it was hoped, would minimize the chances of a nuclear Armageddon. The idea was to provide a global framework for economic development and, through the UN, for political security that would allow every country to pursue unmolested its sovereign interests in getting richer without impinging upon the freedom of others to do the same.

The idea that the rest of the world should be interested in what other countries do internally, except in terms of military build-ups and other possible threats to security, is also of recent origin. The interest in, and opposition to, ideological systems of government that favoured

aggressive proselytism and acquisition of territory and power gradually extended to human rights abuses – one of the strongest generators, along with starvation and poverty, of political instability. The envelope of enlightened self-interest was being pushed further and further.

It is, however, quite a step from there to a willingness to recognize that the rest of the world might have a legitimate interest in the way individual countries pursue their sovereign interests in the economic activity that was the hope and focus of the post-war settlement. There are still many countries, and they include the world's most powerful country as well as many developing countries, where there is an unwillingness to recognize that the rest of the world could have a legitimate interest in these ostensibly internal matters.

The sense of feeling one's way into the future is reflected in the current state of action. It is in some ways counterintuitive to begin with action on ozone, because it represents one of the few likely success stories; but it stands in useful contrast. Since the entry into force of the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, there has been an estimated 70 per cent cut in consumption of ozone-depleting substances, and it is hoped that with the full implementation of the Protocol and its adjustments and amendments, the ozone layer will recover by 2050. It is predicted that in so doing, 20 million cases of skin cancer will have been avoided, along with other serious damage to human and animal health and terrestrial and aquatic ecosystems.

In climate change the picture is very different. The developed country parties in Annex 1 to the 1992 UN Framework Convention on Climate Change may well meet their non-binding commitment to reduce their greenhouse gas emissions to 1990 levels by the year 2000 – in aggregate, if not individually. But the first steps in effective binding action must await the entry into force of the 1997 Kyoto Protocol and the first commitment period of 2008–2012.

Parties to the UNFCCC have not yet worked out what long-term concentration level of gases is safe, and therefore what transition path they should follow towards a global envelope covering the needs of all. Many developing countries strongly resist the prospect of having to take action in future, but so do many in the developed world. There is a variety of reasons for this, as I have outlined earlier. Climate change is fraught with uncertainties. Greenhouse gas reduction involves no clear future benefit – the benefit would be damage avoided rather than any net increase in wealth or well-being; it involves actual and ongoing costs – except for those quick enough to position themselves to advantage. It will affect all important areas of economic activity.

In respect of biodiversity, we have rather a mixed bag. Prior to the 1992 Convention on Biological Diversity (CBD) there was already a

number of multilateral environment agreements (MEAs) which addressed problems of species loss and the need for conservation at both the regional and global levels. These instruments have had some success but at best can only be considered work in progress. The CBD involves an attempt to draw the various strands of species and habitats into a composite global whole. However, a problem of the CBD has been in defining what it should do that will make a difference, and then knuckling down to do it. The highest priority for a majority of parties to the CBD was the negotiation of a Protocol on Biosafety; this gradually turned into something of an inquisition against the products of biotechnology in general. Talks were initially stalled in February 1999 when agreement on the text of the Protocol was not forthcoming and the First Extraordinary Meeting of the Conference of the Parties of the CBD was suspended. The Protocol was finally adopted in January 2000.¹ Meanwhile, though the CBD has initiated work programmes in various areas, it has yet to make any real difference to the continued global loss of biodiversity.

The pressing need for remedial action in respect of the marine environment was one of the most important issues before CSD-7. The problem here is not that there is not a coherent legal framework – there is, provided by the UN Convention on the Law of the Sea – or a lack of attention to particular issues and risks. Rather, the problem is that there is no overall oversight of the management of the world's oceans and the effects that it is having. The problem was illustrated graphically for a number of fellow CSD members during my visits to the major continents by the chart in Figure 1.1.

Note the complexity of the system that has been built up over the decades to provide an overall management framework to deal with the two key problems: pressure from the exploitation of living marine resources and marine pollution, including land-based sources. It is further illustrated by the fact that when it came time for the UN system to publish a report on the state of the world's oceans and their management prior to CSD-7, the various agencies concerned were hard put to coordinate their efforts to do so.

This system has not dealt with the problem of overfishing which remains a major international environmental problem. The activities of subsidized industrial fleets from the world's richest countries distort the global resource balance away from the needs of developing countries often dependent on small-scale fisheries. In the long run, we face the prospect of an environmental disaster and threats to peace and security.

In terms of pollutants, wastes and other hazardous materials, various instruments have been or are in the process of being developed based on the broad principles of safety, environmentally sound management and the control of transboundary movements. In

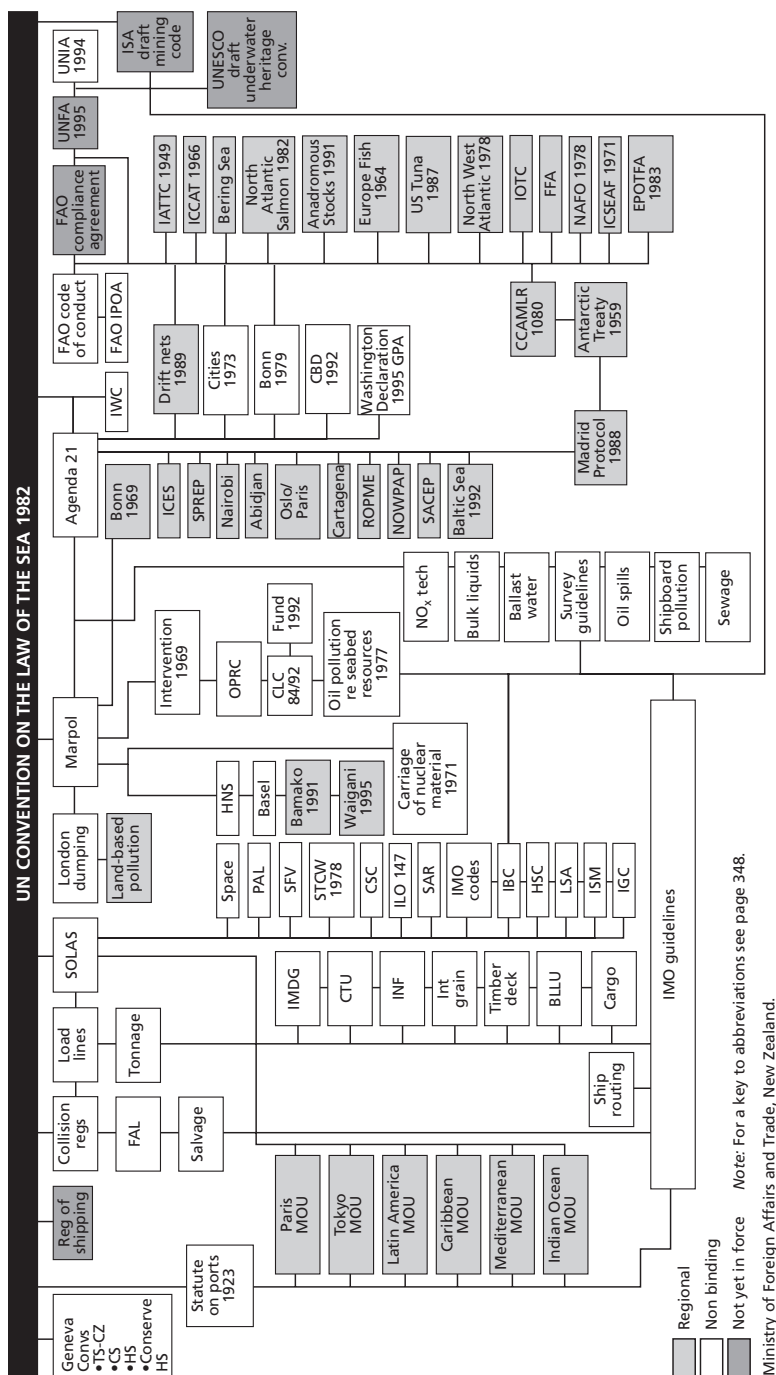


Figure 1.1 *Framework of the UN Convention on the Law of the Sea shows lack of provision for global ocean management*

addition to the 1989 Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and Their Disposal, attention has focused on:

- marine pollution from ships;
- land-based sources of marine pollution, which account for some 80 per cent of marine pollution and degradation;
- the handling of dangerous chemicals (the 1998 Prior Informed Consent Convention);
- long-lived chemical pollutants (the Persistent Organic Pollutants Convention negotiations); and
- nuclear safety.

Land-based sources of marine pollution are a particularly pressing problem, but the Global Programme of Action addressing them has lost momentum. The Basel Convention may well have complicated its task with the 1995 amendment, yet to come into force, banning trade in hazardous wastes between OECD countries and non-OECD countries. This does not seem to be a useful or productive distinction to make in terms of promoting the environmentally sound management of hazardous wastes.

The Basel ban amendment illustrates the need to develop and disseminate the basic understandings and principles underlying the integration of economic development and environmental protection. In addition to the CSD, work and debate is going on in other international bodies and fora. The OECD is devoting increased attention to the core issues of sustainable development. Debate in the WTO's Committee on Trade and Environment continues, with no resolution in sight to the question of the relationship between MEAs, the use of trade measures to enforce environmental protection requirements, and the responsible free-trade ethic of the WTO. The Intergovernmental Forum on Forests (IFF) is also worth mentioning as an example of an approach to promoting sustainable management practices in a high-profile economic sector of environmental significance. There is ongoing debate in the IFF about the need or otherwise for a binding global convention on forests.

However, let's not confuse activity with effective action. On climate change we are taking the first tentative steps in the dark. Our action to eliminate ozone-depleting substances may be producing results, but we may have reckoned without atmospheric global warming and its capacity to offset the gains of such action by thinning out the stratospheric ozone layer. We continue to lose species and habitats. We do not even know how many, nor how important they may be. We are fishing out the world's oceans, and progressively destroying the marine habitat through the wastes and pollutants we

dump on land or in the sea. These are reflections of the fact that we have yet to find and live by the paradigm of sustainable development.

What are the obstacles to more effective action? Firstly, it is the nature of environment issues that we are so often trying to stop and then repair, if possible, environmental degradation caused by the unsustainable use of natural and physical resources. There is a strong perception of costs, but the benefits are often not perceived as appropriate, or near enough at hand to weigh in the balance against the economic cost.

Secondly, we are usually talking about risks and uncertainties rather than certainties. Climate change is the classic case: it would all be so easy if there was scientific certainty about the impacts and effects of anthropogenic greenhouse gas emissions, but there is no certainty.

These can be seen as good arguments on narrow economic or commercial grounds to discount the value of present action. And this is especially so when the counter-driver may not so much be greed for more but the need to relieve basic poverty.

Third is the tendency to exaggerate the costs of action. I mean this not only in the sense of overestimating these costs, but also in the sense of actually influencing developments so that the costs are inflated beyond what is essential.

Fourthly, the lack of capacity – particularly in many developing countries – is a real limitation on the ability to participate positively and fully in international action on the environment. This is often exacerbated by weak or undeveloped systems of resource governance, where once again the priority may be food for survival or other basic needs. Good governance and improved capacity to balance the needs of the environment and development will not in themselves feed, house or clothe people. But they may prevent further deterioration of their plight.

The fifth obstacle is the perennial problem of poor communication. Thinking and policy is still too compartmentalized along distinct environmental and economic lines. Too often governments fail to achieve a whole-of-country-interest approach and this is carried through to the international sphere.

The problem is strongly exacerbated by deep-seated distrust and suspicion between countries of the North and the South. This can at times seem like a convenient device to avoid the need for action on the part of so-called developing countries that are really nothing of the sort. But there is also, despite funds such as the Global Environment Facility (GEF), a perception of failure to live up to expectations of wealth transfer. Given the outlook for international aid transfers, we must find ways of doing so that better fit a world where government is shrinking itself so that the forces of commerce, industry and civil society, more widely, can expand.

What can we do to overcome the roadblocks to Agenda 21 – or pull it out of the mire – and thus arrest the degradation of the global environment and implement the paradigm of sustainable development?

There is no simple answer. A new, ponderous piece of international bureaucracy in the form of a world environment authority or organization is not the answer. We are hardly engaged on the road to sustainable development, and until we have made a lot more real progress such proposals only seem to me to divert attention from the real issues.

The need is to continue the hard slog. Work must continue on the various components of an overall system that will, in time, be fittingly capped by an authority or an organization capable of sustaining the momentum towards sustainable development. There is undoubtedly a need for improved networking among existing institutions. There may be a need for improved mandates, although one should not underestimate the political difficulties of winning agreement to these in the UN system.

Clearly, improved communication must be a big part of the answer. We achieved, at times anyway in the CSD, something approaching a real dialogue, enough to whet the appetite of a number of fellow ministers who were as frustrated as I was with the rigid and stupefying routines that had made the CSD for many a complete non-event. We can also work in other fora to engage the interest of other relevant sectors where there is an obvious disjunction between the environment and other concerns.

A key objective in working on improving communication will be to advance understanding of the link between the environment and development. There are gaps in knowledge and techniques in many sectors about how to manage and develop resources in a sustainable way. Many of these can be overcome by the sharing of information in or through specialized fora. The CSD can and should articulate further the vision of sustainable development adumbrated in Agenda 21, as it progresses through its treatment of sectors and themes.

There is now a strong focus on sustainable development in the OECD and we can expect that organization to devote a good part of its analytical skills to the issue. Will the WTO follow the aspirations of retired head Renato Ruggiero and do the same? The WTO is criticized by non-governmental organizations (NGOs) in particular for being devoted to free trade to the exclusion of all other concerns. Leaving aside for the moment the environmental benefits of free trade objectives such as the elimination of agricultural and fishing subsidies, the WTO itself has had a bad press. A WTO agreement such as the Sanitary and Phytosanitary Agreement is in fact a basic instrument of international environmental protection.

The link needs to be understood and acted on in capitals first and foremost: officials often seem to argue inconsistently in the WTO and environmental fora. There is widespread suspicion that all the talk about the environment is simply aimed at finding new ways of protecting the rich economies from the growing competition coming out of the developing world. If there is to be any hope of major advances in winning global acceptance of a paradigm of sustainable development, we cannot afford the damage caused by ill-judged attempts to load questionable environmental issues on to the WTO agenda. The precautionary principle, which should be restricted to major instances or threats of environmental degradation, may not survive attempts to make it a pretext for any action that is not sustainable under the WTO agreements.

That problem may, in part, be overcome by improved resource governance in countries that lack it. Well-directed, environmentally integrated development assistance will continue to be of importance. I also look forward to a rapid development of the capacity of the GEF to offer capacity-building assistance not just to make basic assessments, but also to allow countries to build up their participation in the response to global environmental problems. New Zealand has pushed for this in the GEF, particularly with regard to its South Pacific neighbours, and has also assisted directly through New Zealand Overseas Development Aid (NZODA), for example with climate change adaptation. More needs to be done to ensure that the big development institutions such as the World Bank integrate sustainability criteria within their development assistance.

I cannot overstate the importance of science, which is the lynch pin. We owe what we know already about the degradation of our natural and physical resources to science. Is it too much to hope that one day science will develop a generally agreed picture, in sufficiently useful detail, of the state of the world environment? Some countries, including New Zealand, have made a start with their own environments. We are also pushing for such a scheme for the globally vital Antarctic environment. UNEP is developing elements of a global scheme through its work.

Building on its solid track record to date, the law can play an important role in ensuring that sustainable development is the new foundation of cooperation in the international community, rather than the cause of terminal strife. This is by way of sound, fair, rules-based systems that promote responsible environmental management and leave less and less room for irresponsibility. I said earlier that I thought that the tools of environmental remediation and sustainable development were not yet well developed. Perhaps the exception is the Montreal Protocol, where there is a broadly coherent framework including an effective interface between science and policy, realistic commitments with flexibility as

BOX 1.1 MULTILATERAL AND REGIONAL TREATIES AND OTHER INSTRUMENTS IN THE INTERNATIONAL LAW OF THE SEA

Seabed

United Nations Implementing Agreement 1994: Agreement setting out a regime for the exploitation of the resources of the deep seabed beyond national jurisdiction, under the auspices of the International Seabed Authority (ISA).

ISA Draft Mining Code (to be developed): When completed, the code will set out regulations for the sustainable exploitation of polymetallic nodules on the deep seabed.

UNESCO Draft Underwater Cultural Heritage (to be developed): When completed, the convention will prescribe a regime for the protection of underwater cultural heritage.

Fisheries

United Nations Fish Stocks Agreement 1995: Agreement for the implementation of the provisions of UNCLOS relating to highly migratory and straddling fish stocks, setting out principles for cooperation, management and enforcement of fisheries management measures.

FAO Compliance Agreement 1993: Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

FAO Code of Conduct 1995: A non-binding voluntary code for responsible fisheries, setting out principles for fisheries management, fishing operations, aquaculture development, integration of fisheries into coastal area management, post-harvest practices and trade and fisheries research.

FAO International Plans of Action 1998: Voluntary plans of action for the reduction of incidental catch of seabirds and sharks in longline fisheries.

IATTC 1949: Convention for the Establishment of an Inter-American Tropical Tuna Commission to manage the tuna and billfish fisheries off the coast of Central America.

ICCAT 1966: International Convention for the Conservation of Atlantic Tuna, establishing a commission to manage the tuna fisheries of the Atlantic Ocean.

Bering Sea 1953: Agreement establishing a commission for the preservation of the halibut fishery of the Northern Pacific Ocean and the Bering Sea.

Bering Sea Doughnut Hole: Agreement governing the management of marine living resources in the high seas area surrounding the North Pole.

North Atlantic Salmon 1982: Agreement for the conservation of salmon in the North Atlantic, establishing the North Atlantic Salmon Conservation Organization and prohibiting high seas salmon fishing in the North Atlantic.

Anadromous Stocks 1991: Agreement between US, Japan, Canada and Russia prohibiting the fishing of anadromous species on the high seas of the North Pacific unless the parties otherwise agree, and implementing procedures for the reduction of incidental catch of anadromous stocks.

European Fisheries Convention 1964: Agreement recognizing the extension of coastal state fisheries jurisdiction to 12 nautical miles.

US Tuna Treaty 1987: Agreement between the US and several South Pacific states for the provision of access to South Pacific tuna fisheries in return for the payment of access fees.

North-West Atlantic 1978: Agreement to manage the fisheries of the North-West Atlantic.

IOTC: Agreement establishing the FAO Indian Ocean Tuna Commission for the management of tuna stocks in the Indian Ocean.

FFA: Agreement between FAO South Pacific Forum Fisheries Agency states to establish a fisheries agency to assist in the management of tuna and other highly migratory fish stocks in the Southern Pacific Ocean. The governing body, the Forum Fisheries Committee, adopts and sets minimum terms and conditions for access to South Pacific fisheries waters.

NAFO 1978: Agreement establishing the North-West Atlantic Fisheries Organization for the purposes of the optimum utilization, rational management and conservation of the fisheries of the North-West Atlantic.

ICSEAF 1971: Agreement establishing the International Commission for the South-East Atlantic Fisheries for the purposes of managing fish stocks in the Atlantic Ocean of the southern coasts of Africa.

EPOTFA 1983: Agreement for the management of the tuna fishery in the Eastern Pacific Ocean off the coast of South America.

CCAMLR: Agreement establishing the Commission for the Conservation of Antarctic Marine Living Resources, which regulates fishing within the waters surrounding the Antarctic.

Drift Nets 1989: Convention prohibiting fishing with long drift nets in the South Pacific.

IWRC 1946: Convention establishing the International Whaling Commission for the proper conservation of whale stocks for the purposes of the orderly development of the whaling industry. Has established a moratorium on all commercial whaling.

Protection of the Environment

Agenda 21: Non-binding declaration setting out principles for global and regional action for sustainable development and protection of the environment.

Regional Environmental Programmes: Regional environmental organizations with responsibility for the preservation of the marine environment:

- *SPREP:* Convention for the Protection of the Natural Resources and Environment of the South Pacific Region
- *Nairobi:* Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region
- *Abidjan:* Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region
- *Oslo/Paris:* Oslo/Paris Convention on Protection of the Marine Environment of the North-East Atlantic
- *Cartagena:* Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region
- *ROPME:* Regional Organization for the Protection of the Marine Environment, which relates to the Middle East
- *NOWPAP:* North-West Pacific Action Plan
- *SACEP:* South Asian Cooperative Environment Programme
- *Baltic Sea:* Convention on the Protection of the Marine Environment of the Baltic Sea Area

CITES: Convention on the International Trade of Endangered Species of Wild Fauna and Flora, which establishes a trade certification scheme in order to regulate, or prohibit, trade in endangered species.

Bonn: Convention on the Conservation of Migratory Species of Wild Animals which provides that states shall cooperate to protect endangered migratory species which occur within their jurisdiction.

CBD: Convention on Biological Diversity, which provides that states shall cooperate for the conservation and sustainable use of biological diversity.

Washington Declaration: Washington Declaration on the Protection of the Marine Environment from Land-Based Activities which recognizes the United Nations Global Programme of Action to address marine degradation from land-based activities.

Antarctic Treaty and Madrid Protocol: The Antarctic Treaty 1957 provides a consultative system in respect of the various interests in Antarctica. The Madrid Protocol on Environmental Protection 1991 extends protection to the Antarctic environment and related ecosystems.

Marine Pollution

MARPOL 1973/78: International Convention for the Prevention of Pollution from Ships, which provides for binding regulations governing the prevention of pollution by oil and other hazardous substances.

Intervention 1969: International convention relating to intervention on the high seas in the case of oil pollution casualties, providing that parties may take such measures as may be necessary to prevent, mitigate or eliminate the effects of oil pollution following a collision on the high seas.

CLC 84/92: International Convention on Civil Liability for Oil Pollution Damage which makes the shipowner liable for any pollution damage caused by oil which has escaped or been discharged from a ship.

Fund Convention: International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. The convention creates the International Oil Pollution Compensation Fund to provide compensation for pollution damage and to refund governments the cost of measures taken to prevent or minimize pollution damage.

Oil Pollution Regarding Seabed Resources 1977: Convention on Civil Liability for Oil Pollution Damage Resulting from Exploration for and Exploitation of Seabed Mineral resources. This convention regulates the civil liability of oil well operators.

Bonn 1969: Bonn agreement concerning pollution of the North Sea by oil providing for cooperation between states in order to report and dispose of oil spills in the North Sea area.

HNS: International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea which regulates the civil liability of shipping operators.

Basel: Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, prescribing regulations for the transport and disposal of hazardous wastes other than oil.

CSC: International Convention for Safe Containers, which provides standards for shipboard cargo containers.

Waigani 1995: Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Waste and to Control the Transboundary Movement and Management of Hazardous Waste within the South Pacific Region.

Carriage of Nuclear Material 1972: Convention Relating to Civil Liability in the Field of Maritime Carriage of Nuclear material, setting out the rules governing civil liability arising from nuclear incidents at sea.

Shipping and Navigation

SOLAS: International Convention for the Safety of Life at Sea, which regulates safety requirements on passenger and cargo ships.

SPACE: Special Trade Passenger Ships Agreement, which supplements SOLAS in the case of ships designed to carry large numbers of special trade passengers. This provides for special rules concerning construction and equipment.

PAL: Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, which applies rules covering liability in respect of injury to passengers or damage to luggage. The convention sets a maximum level of liability for shipping operators.

SFV: Torremolinos International Convention for the Safety of Fishing Vessels, which imposes regulations covering matters of construction, propulsion and equipment on fishing vessels over 24 metres in length.

STCW: International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

ILO 147: Convention Concerning Minimum Standards in Merchant Ships, which requires members ratifying it to have laws respecting safety standards, competency standards, hours of work and manning as well as respecting social security measures and conditions of work.

SAR: International Convention on Maritime Search and Rescue, which prescribes responsibility to states to carry out search and rescue operations over particular areas of ocean.

Load Lines: International Convention on Load Lines, which regulates the loading of ships engaged in international voyages in order to ensure stability.

Tonnage: IMO Convention on the Tonnage Measurement of Ships which provides for the determination and certification of gross and net tonnages to be carried out by governments.

Collision Regulations: Convention on the International Regulations for Preventing Collisions at Sea, setting out steering and sailing rules, standard sound and light signals and providing for traffic separation schemes in navigable waters.

FAL: IMO Convention on Facilitation of International Maritime Traffic, which provides for standard documents and procedures in order to facilitate and expedite international maritime traffic and prevent unnecessary delays to ships.

Registration of Ships: United Nations Convention on Conditions for the Registration of Ships, which sets out requirements for a connection between vessels and the registering (or flag) state.

Statute of Ports: Geneva Convention on the International Regime of Maritime Ports, which provides for access to ports by vessels of contracting states on a non-discriminatory basis. The statute does not apply to fishing vessels.