The main objective of the meeting of the Commission on Sustainable Development (CSD), acting as the preparatory committee of the WSSD and convened at the ministerial level, was to complete the Draft Plan of Implementation for the World Summit on Sustainable Development – a document which is intended to outline how sustainable development is supposed to be implemented in the next 10-20 years. This plan of action is intended for adoption by governments participating in the WSSD from 26 August – 4 September 2002 in Johannesburg, South Africa. A second objective of the Bali meeting was to identify the elements of the political declaration that heads of states will also adopt in Johannesburg.

The Bali meeting did not result in a final agreement on a draft of the implementation plan. Despite hard work by the government delegates, including intense negotiations by ministers of environment, foreign affairs and finance in the last three days, divisions on a number of key issues prevented governments from reaching consensus. It should be noted, however, that governments did make progress in Bali. They resolved a number of issues and clarified many options – paving the way for potential agreement. The major issues which blocked consensus are those related to:

- Trade, finance and globalization;
- Targets and time frames for the various objectives/actions;
• Sustainable development governance;
• Type II partnerships – their nature and governance; and
• Corporate responsibility, accountability and liability.

Negotiations on the political declaration were not initiated in Bali. Governments, through their Ministers, stated their views on what the declaration should contain and the Chairman of the Prepcom was mandated to summarize potential elements which would then be further negotiated. The discussions largely echoed the debates over trade, finance, and globalization; targets and timetables; and Type II partnerships heard from delegations earlier in the meeting (See the summary in http://www.johannesburgsummit.org/html/documents/prepcom4docs/bali_documents/chair_summ_hls.pdf).

From a substantive point of view, it is actually good that the governments did not come to an agreement in Bali, as the draft program of action is clearly full of gaps, inconsistencies, and real differences that require further negotiation. On the other hand, from a procedural point of view, the impact of non-agreement in so many issues is to discourage attendance by heads of state for the summit, thus endangering the success of the summit.

Overall, it is clear, even this early, that major legal/political breakthroughs that would advance the sustainable development agenda radically cannot be expected from the WSSD process. Very little new money, if any, will actually result from the process, putting into question the ability of the international community (from the start) to meet whatever goals for the next decade they may adopt. There is potential in some of the initiatives and partnerships that may be launched in the WSSD, but the question of their worldwide impact remains in question. From a procedural point of view, the most that we can probably expect is a commitment to look into the impacts of trade on sustainable development and to further explore the concepts of good governance as well as corporate responsibility and accountability.

There were important, though limited, successes from the Bali meeting. From a procedural point of view, the official recognition of stakeholder participation in global decision processes, though urgently needing a major overhaul in its implementation, continues to be a significant feature of the CSD. From a substantive perspective, six important gains should be highlighted:

• The unequivocal recognition of community based natural resource management approaches in the draft program of action;

• The reaffirmation of Principle 10 of the Rio Declaration – on access to information, public participation and justice;

• The success in putting on the global agenda the impacts of globalization (especially trade) on sustainable development;
• The prominence of the debate on public-private partnerships and the need for corporate responsibility, accountability and liability;

• The actions proposed in the draft plan of implementation for poverty eradication, environmental health, Africa, and small island states;

• The networking and capacity building opportunities that the Bali meeting and the WSSD processes provided.

➢ The most important lesson emerging from the WSSD process, including the Bali meeting, is the necessity of multilateralism in dealing with global environment and development issues. The debate in Bali illustrates the importance of multilateralism, and underscores that there are critical issues and concerns which can only be dealt with by concerted action by nations, societies, and communities acting together in the common interest.

**Box 1: The World Summit on Sustainable Development: Objectives of the Process**

- Undertake the comprehensive review and assessment of the implementation of Agenda 21 and the other outcomes of the United Nations Conference on Environment and Development on the basis of the results of national assessments and sub-regional and regional preparatory meetings, the documentation to be prepared by the Secretary-General in collaboration with the task managers and other inputs from relevant international organizations, as well as on the basis of contributions from major groups.

- Identify major accomplishments and lessons learned in the implementation of Agenda 21.

- Identify major constraints hindering the implementation of Agenda 21 and propose specific time-bound measures to be undertaken, and institutional and financial requirements, and identify the sources of such support.

- Address new challenges and opportunities that have emerged since the United Nations Conference on Environment and Development within the framework of Agenda 21.

- Address ways of strengthening the institutional framework for sustainable development and evaluate and define the role and program of work of the Commission on Sustainable Development.


**THE DRAFT PLAN OF IMPLEMENTATION: THE REMAINING CONTENTIOUS ISSUES**

Contrary to the popular view, the Bali meeting made significant progress on the road to Johannesburg. Indeed, most of the Draft Plan of Implementation for the World Summit on Sustainable Development (See Box 2, p. 5) has already been completed. The
remaining contentious issues, found mostly in the sections on globalization, means of implementation and institutional framework are:

**Trade, Finance and Globalization** – As expected, this issue remains the most contentious, with the North and the South clearly divided over how to move forward. This is principally the debate about increasing levels of development assistance and the need for new and additional financial resources for Agenda 21 implementation as promised in Rio. Trade and globalization have also added new dimensions to the debate. In essence, countries are divided on whether to go beyond the language in the Monterrey Consensus (initiating a process of negotiations on development assistance without resolving issues related to levels of that assistance) and the Doha WTO agreement (which links trade to sustainable development in a general and uncritical way but does not deal with potential negative impacts of trade on sustainable development).

**Targets and Time Frames** – In the draft plan of implementation, a few countries have “bracketed” texts which propose targets and time frames for specific objectives and actions. While these targets and time frames are not legally binding, many countries and stakeholders see them as important indicators of the seriousness with which governments take these objectives/actions. If adopted, these could serve as benchmarks to evaluate progress in the implementation of the plan of implementation – and failure to make progress towards them can be used as leverage later to pressure developed countries to put more resources on the table. The most controversial targets are: (a) halving by 2015 the proportion of people without access to sanitation; (b) targets and time frames for access to energy, including a target for renewables and phasing out energy subsidies; (c) a 2005 target to achieve a significant reduction in the current rate of biodiversity loss; and (d) a target to put into place by 2015 instruments to stem the current loss of biodiversity.

**Sustainable Development Governance** – Two aspects of sustainable development governance remain contentious. On one level, Governments continued to disagree on how to strengthen international environmental governance. These included debates on the roles of the various UN bodies (the General Assembly, the Commission on Sustainable development, and ECOSOC), the relationship among various international environmental organizations (UNEP, the Conventions, etc.), and the relationship between organizations with mandates on environmental governance and international trade (WTO) and finance (IMF-World Bank, regional multilateral banks). The other aspect of the governance debate focused on “good governance” at the national and local levels, including the link between sustainable development, human rights, and the rule of law. While governments agreed to reaffirm Principle 10 of the Rio Declaration (on access to information, public participation, and justice), developed and developing countries continue to be divided on how to link these and other good governance principles to sustainable development outcomes. The debate is not on whether “good governance” is essential to sustainable development (countries agree on this), but on its linkage to development assistance. Many developing countries worried that acceptance of specific language on good governance would result in conditionalities to such assistance.
Type II Outcomes/Partnerships – As expected, the Bali meeting was not able to resolve the controversy around so-called Type II outcomes, i.e., international initiatives or partnerships to be launched by groups of countries in collaboration with the private sector/civil society organizations that would supplement and/or implement intergovernmental decisions made. Major issues of contention include how to link these partnerships to the political decisions made by the governments and how to make them accountable to the intergovernmental process. Governments are trying to develop criteria and mechanisms which would ensure quality, transparency, ownership, flexibility, and accountability in the implementation of such partnerships. For example, there is agreement that these partnerships should not be a substitute for government responsibility and multilateral cooperation but there is a spirited debate on how to ensure such an outcome.

Corporate Responsibility and Accountability – Related to the discussions on Type II outcomes is the debate on corporate responsibility, accountability, and liability. As in “good governance”, the disagreement is not on the concept and principle. Indeed, most governments agree that corporate responsibility, accountability, and liability are essential elements of “good governance”. The issues that divide governments are how to reflect this in an intergovernmental decision and whether or not a global process is necessary to move this issue forward. International environmental organizations, such as Friends of the Earth International and Greenpeace, have launched a vigorous campaign to initiate a process to put into place a convention on corporate accountability and liability. Developing countries and some European countries support this, but there is strong resistance from many developed countries, especially the United States.

Other issues – Other issues that remain unresolved include language on energy (other than targets for renewables and energy subsidies, there is disagreement on how fossil fuels should be referenced), the Kyoto Protocol (language urging ratification is being opposed by some countries), oceans (the controversy over whaling found its way into the negotiations), the precautionary principle (how to reference it in the plan of action), genetic resources (the call by developing countries for a new treaty on access and benefit sharing is being opposed by developed countries), TRIPS (its relationship to biodiversity, indigenous knowledge, public health), the establishment of a World Solidarity Fund (a new fund to deal with poverty eradication, strongly opposed by the EU) and the principle of common but differentiated responsibilities (a fundamental premise for developing countries which now seem to be questioned by some developed countries). These

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disagreements reflect the status quo in related processes and were expected. Except for the principle on common but differentiated responsibilities (which will probably be affirmed, given that it is a deal breaker for developing countries), it is difficult to anticipate how countries can resolve these issues in the context of the WSSD.

### Box 2: Draft Plan of Implementation for the World Summit on Sustainable Development: Principal Sections of the Plan

- Poverty eradication
- Changing unsustainable patterns of consumption and production
- Protecting and managing the natural resource base of economic and social development
- Sustainable development in a globalizing world
- Health and sustainable development
- Sustainable development of small island developing States
- Sustainable development for Africa
- Other Regional Initiatives
- Means of Implementation
- Institutional Framework for Sustainable Development


### THE POLITICS OF BALI: SOME OBSERVATIONS

Around 4500 government delegates and representatives of civil society, NGO, industry and intergovernmental organizations participated in the Bali meeting. Most of the government delegates were mid-level officials from environmental, agriculture, finance, and foreign affairs ministries, with a significant number of them coming from the New York UN missions. Around 100 Ministers, mostly from environmental agencies, did attend the high level segment, but they came too late to make serious negotiations an option. This probably explains why many issues remained unresolved even after two weeks of negotiations. It should be said that the government delegates worked very hard during the two weeks, but it was difficult for them to go beyond their usual positions and begin the necessary process of breaking new ground in the negotiations.

Among the government delegations, the United States was one of the largest (with around 85 registered delegates) and most active, stating the same position in almost all forums and groups (skepticism about targets/time frames and on new multilateral initiatives, no going beyond Monterrey and Doha, emphasis on Type II Partnerships). The EU and the developing countries (G77 and China) tried to speak with one voice, but the differences among them clearly showed in various aspects of the negotiations. For example, in the energy debate, such as the targets for renewables, the differences between OPEC countries and other developing countries were obvious. While the engagement of the United States in this multilateral process is a positive development, its opposition to breaking new ground, in particular on efforts to make progress beyond Monterrey and Doha, could be a considerable obstacle to success in Johannesburg. Because of this, in the last few days of Bali, many NGO representatives, echoing words supposedly used by
the Chairman of the meeting during the multi-stakeholder dialogue, wore shirts asking – “What are we going to do about the United States?”

The Ministerial segment reiterated many of the debates heard earlier in the PrepCom. Targets and timetables; trade, finance, and globalization; and Type II partnerships were key subjects of discussion. A key issue of discussion was the financing of partnerships, with governments arguing that partnerships should be financed through new sources rather than through already committed resources. While governments agreed that serious attention should be given to the process of developing partnerships, there was disagreement about the form that monitoring and reporting should take, with some governments arguing against creating new levels of bureaucracy and others calling for an established monitoring system and guidelines. Issues emerging for the Political Declaration include poverty, good governance, capacity-building, financing (including language on ODA targets), and a reaffirmation of commitment to Agenda 21 and the Rio Principles. However, aside from agreeing that the Declaration should be concise and action-oriented, no real consensus was reached.

On the last night of the Bali meeting, the G77 went on the offensive and took the politically courageous step of accepting the compromise paper (developed under the facilitation of Minister Valli Moosa of South Africa) offered on a “take it or leave it” basis. This was effectively a test of the political will of the developed countries to move forward on sustainable development. Its rejection by many developed countries illustrates the difficult road that lies ahead.

It should be acknowledged that the Indonesian government, through the Chair of the Prepcom (Emil Salim) and the Indonesian negotiators, tried very hard to get agreement on most of the draft implementation plan – hoping that they would be able to proclaim a “Bali Commitment.” It was obvious as early as the beginning of the second week that this was not going to be the case. Indeed, it would have been premature to arrive at an agreement in most issues and a “Bali Commitment” would have been disastrous if governments attempted to gloss over very real differences on these issues.

**Civil Society Participation in Bali**

Although the CSD prides itself as being more participatory than most other UN forums, the extent and nature of stakeholder participation in the meeting was very limited. In most cases, nongovernmental representatives could observe the negotiations but there was very little opportunity to interact on the formal level with the governments. The Multi Stakeholder Dialogue (MSD), supposedly an attempt to institutionalize stakeholder participation, failed to meet expectations. While the discussions during these dialogues (convened by the Chairman in the first three days of the meeting) raised important issues and were constructive, most government delegates did not attend or participate in the dialogues. This negated their very purpose, which was to provide governments and stakeholders an opportunity to interact at an official level. Instead, like other conferences, engagement with governments was best achieved through corridor consultations and during the numerous side events. The fact that there were negotiations
(contact group meetings) going on during the MSD was probably a factor why most government delegates were not present. It is clear, however, that many stayed away because they were unsure of how the MSD and its outcomes were directly relevant and linked to the ongoing negotiations. (For the summary of the MSD, see http://www.johannesburgsummit.org/html/documents/prepcom4docs/bali_documents/pc4_msd_summary.pdf).

Among the NGOs present, in the process at large, the most visible were organizations active in the Sustainable Development Issues Network (SDIN), the Indonesian People’s Forum (IPF), environmental organizations such as Friends of the Earth International and Greenpeace International, and grantees of the Ford Foundation. SDIN (See http://www.sdissues.net/sdin/ for more information on and updates by SDIN) was the most active and effective in engagement with the official process – facilitating inputs during the MSD, proving daily briefings to NGOs, and speaking for civil society in plenary sessions.

Indonesian NGOs, through IPF (See http://www.ipf.or.id/en/index.php for more information on IPF) were very effective and successful in projecting their concerns and positions throughout the process – providing inputs to the negotiations, publishing daily bulletins, convening many side events including dialogues with government delegates, and mobilizing hundreds for protest actions at various stages. Next to the official meeting, the Indonesian Peoples’ Forum, supported principally by the Ford Foundation as well as by other donors, was the most important venue for networking and for substantive discussions on various sustainable development issues. For the first time in a global environmental process, the local organizations had a prominent place in the table and this should be counted as an important gain.

Friends of the Earth International took the lead in the campaign pushing forward the concept of corporate accountability and liability while Greenpeace was very visible in the energy debate. Because of their sheer number and their diversity, grantees of the Ford Foundation, supported by the International Partnerships on Sustainable Agriculture, were also quite visible in the process, actively leading various caucuses, including on community forestry, land rights and environmental justice.

A major issue of concern of civil society organizations in Bali was the debate on Type II partnerships. Many NGOs echoed fears that these partnerships could undermine multilateralism and intergovernmental commitments and that they would pave the way for transnational corporations to dominate the work on sustainable development in the next decade. Others wanted to make sure that these partnerships, if the idea moved forward, would be developed and implemented in a transparent, participatory, and accountable way.

Overall, civil society engagement in the Bali meeting was productive and effective. While the MSD could have been better organized and implemented, and while NGO coordination could have been better, there are many issues and outcomes in the draft implementation plan which would not be there without stakeholder participation.
Civil society participation and coordination in the WSSD continues, however, to pose significant challenges to successful engagement in Johannesburg. Aside from the usual tension between Northern and Southern NGOs and between the local civil society hosts and the international organizations, there is also a real divide between the development and environment NGOs participating in the WSSD process. Significant effort is needed to resolve or minimize these tensions in the months ahead. The role of the South African civil society organizations is paramount in making this happen. Supporting them (with resources from funders and cooperation by other civil society organizations worldwide) as they play this facilitating role is a priority as we move onwards to Johannesburg (See Box 3 for information on the efforts by civil society organizations from South Africa to ensure successful engagement by civil society during the WSSD).

Onward to Johannesburg: Challenges in the Months Ahead

The Bali meeting was chaotic and intense. It was also very tedious. Most of the debates were on issues that have been or are being negotiated in other forums/processes, giving most delegates a constant sense that they had heard all of the arguments before. In many ways, the draft program of action is a summary of everything that has been happening in the area of sustainable development in the last 20 years. At the same time, it is possible to identify some areas of innovation and new ground. These gains include:

- **Globalization and sustainable development.** The success in putting on the international agenda the impacts of globalization (especially trade) on sustainable development is a step in the right direction, though it remains uncertain whether governments will go beyond the uncritical language of the Doha Agreement of the World Trade Organisation (WTO).

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**Box 3: The Global Forum of the World Summit on Sustainable Development**

The World Summit on Sustainable Development (WSSD) Civil Society Secretariat was launched in April 2001 to act as a management resource to prepare South Africa, Africa and the rest of the world for the Global Forum. The WSSD Global Forum takes place in Johannesburg, South Africa, from 19 August to 4 September 2002. More than 50,000 delegates from around the world are expected to attend. The Secretariat co-ordinates political, environmental and economic content for discussion by civil society delegates during the Summit. It has the following objectives:

1. To ensure proper preparations for the Global Forum;
2. To ensure that the Summit has an unimpeachable legacy – the legacy of sustainable development on the whole planet;
3. To ensure that South Africans benefit directly and indirectly from the business opportunities that the Summit will bring;
4. To give delegates an unforgettable experience by encouraging them to tour the country and witness its natural beauty.

Corporate accountability. The prominence of the debate on public-private partnerships and the need for corporate responsibility, accountability and liability is an important development in global environment and development processes and, while the resolution of this debate in the WSSD process may be unsatisfactory, successfully placing this in the global agenda is also an important step forward.

Indigenous and community rights. The unequivocal recognition of the rights of indigenous peoples and of community based natural resource management approaches in many sections of the draft program of action is unparalleled and will likely be a potent instrument of advocacy locally, nationally, and internationally.

Access to information, public participation and justice. The reaffirmation of Principle 10 of the Rio Declaration – on access to information, public participation and justice is an important gain. Since Principle 10 was a key element of the NGO position at the MSD – and since access to information was one of the only issues of agreement at the MSD by all Major Groups – this reaffirmation should be celebrated by civil society and subsequently maximized worldwide.

Poverty eradication and other issues. The draft plan of implementation proposes actions on poverty eradication, environmental health, Africa, and small island states which appear to be real gains for those concerned with these issues.

Finding common ground and bond. The networking and capacity building opportunities that the Bali meeting and the WSSD processes provided should also not be underestimated. Throughout the two weeks in Bali, both governments and NGOs, especially those coming from developing countries, said that without processes like this they would have never had the chance to interact with their peers in other parts of the world, to share experiences and exchange ideas, and to discover that in many of the issues there is common bond and ground. In this regard, it was refreshing to see the presence and active participation of a significant number of independent individuals and nongovernmental organizations from countries like China, Vietnam, Syria and other such places which usually are represented only by their governments in international processes.

The necessity of multilateralism in dealing with global environment and development issues. The most important gain from the WSSD process, however, is that it illustrates the importance of multilateralism and highlights that there are critical issues and concerns which can only be dealt with by concerted action by nations, societies, and communities acting together in the common interest. As difficult as the WSSD process is, and even as it is urgent to radically redesign to
make global processes like this more effective, there is really no alternative but to
deal with many global environment and development issues through a multilateral
approach.

The WSSD clearly departs from recent global processes on environment – indeed, it is
very different from the Earth Summit in Rio – which emphasized conservation,
sustainability and environmental protection. There is a noticeable shift in the debate –
this summit process is about development and poverty and how to deal with these
challenges in a sustainable way. In many ways, developing countries have gotten their
victory already by insisting that the WSSD be about people above all. This is not to say
that environmental considerations have been set aside – but the message from the debate
is that if these considerations cannot be integrated into the response to development
challenges, then they are secondary. Many environmental organizations are troubled by
this but this is probably the only approach that would work, over the long term, in most
countries of the world.

Priority areas for advocacy in the remaining months are:

- **The adoption of quantified targets and time frames for objectives/actions in the
implementation plan.** Even if they are not legally binding, they could be useful as
benchmarks for progress in the next 10-20 years. Failure to approximate these
targets could provide leverage for additional resources.

- **Ensuring that the impact of globalization and corporate responsibility,
accountability and liability remains on the global agenda.** While it is unlikely
that governments will agree to go beyond the language of the Doha agreement
and on a process for negotiating a convention on corporate accountability,
responsible and liability, a decision that would ensure that the international
community continues to look (and do so, systematically and rigorously) at these
two post-Rio issues would be an important gain and should be the minimum goal
for many civil society organizations.

- **Clarifying the terms of Type II Partnerships.** It seems clear that, despite
objections registered by civil society and some governments, partnerships will be
officially recognized as an outcome of the WSSD process. There is, however,
significant work that remains to negotiate the terms of these partnerships to ensure
that they are not substitutes for Type I commitments, that they are coherent with
the objectives of sustainable development, and that they are monitored and held
accountable in an open, participatory, and transparent way.

- **Incorporating ethics in to the politics of sustainable development.** The strong
push by many Ministers to incorporate ethics into the negotiations on the political
declaration is innovative and, if translated into appropriate political language,
could have significant implications on the next 20 years of dealing with
sustainable development challenges.
Finding a solution to the “good governance” debate. All governments agree that good governance is essential for sustainable development. Perhaps, they can move forward on this by beginning with something they all signed on to in Rio – Principle 10 on access to information, public participation and justice. The draft plan reaffirms this commitment. If countries agree to go further than this, for example by explicitly making access to information, public participation and justice a priority for development assistance, a major step forward to implementing Principle 10 would be achieved. In this regard, The Access Initiative (for more information, see http://www.accessinitiative.org/), being implemented by the World Resources Institute and other civil society organizations, could be a good basis for a new partnership on Principle 10.

Expanding the language recognizing community based natural resources management. Language recognizing and supporting indigenous and community based forest management systems (pushed by a newly organized international caucus on community forestry) were agreed upon by the governments with minimum dissent. A priority for Johannesburg is to protect and expand this “small victory” with more detailed language as well as extending it to other natural resources such as coastal and marine resources.

Working for the recognition of the principle of environmental justice. A noticeable omission in the Draft Plan of Implementation for the WSSD is the recognition of the principle of environmental justice, including the failure to acknowledge that environmental racism is a serious concern world wide. Advocacy to ensure that such recognition and acknowledgement is reflected in the political declaration, if not the draft implementation plan, is therefore a priority in the months ahead.

Building a global movement for sustainable development on the ground. In Bali, many civil society groups, especially those coming from grassroots communities, begun thinking and discussing how they could take a greater lead, “in spite of the intergovernmental processes,” in monitoring and advocating for sustainable development at a practical level on the ground. In the months ahead and especially after Johannesburg, building such a global movement is a powerful idea that resonates widely and provides an opportunity for groups to undertake independent planning and strategizing.

In the last few days of Bali, as it became increasingly clear that there would be no agreement – and as participants became dismayed that even such hard-won principles from Rio such as the precautionary principle and the principle of common but differentiated responsibilities were being questioned by some of the wealthiest countries in the world – members of the Youth Major Group, a very impressive and eloquent group of young people from all over the world, led a “backwards walk.” As they moved backwards through the conference center, joined by over 100 individuals, they aimed to illustrate how the negotiations were actually reversing progress on sustainable
development. The governments of the world have the next sixty days to show that this is not the case and that Johannesburg is a step forward.