

RIO+10 AND THE NORTH-SOUTH DIVIDE

An essay by

Wolfgang Sachs

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The author

Wolfgang Sachs, born 1946 in Munich, Germany. Studies in theology, sociology, and history in München, Tübingen, and Berkeley. 1975-1980 Assistant Professor at the Technical University of Berlin, 1980-84 Research Group on Energy and Society, Technical University of Berlin, 1984-87 co-editor of the journal *Development*, Rome, Italy, 1987-1990 Visiting Professor at Pennsylvania State University, USA, 1990-93 Fellow at the Institute for Cultural Studies at the Science Centre of North Rhine-Westphalia. Presently Senior Fellow at the Wuppertal Institute for Climate, Energy, Environment, Germany. Regular guest lecturer at the Schumacher College, England. Since 1993 also Chair of the Board of Greenpeace Germany.

Book publications available in English: *For Love of the Automobile: Looking Back into the History of Our Desires*, Berkeley: University of California Press, 1992; *The Archeology of the Development Idea*, Interculture, Montreal, Fall 1990; *The Development Dictionary: A Guide to Knowledge as Power*, London: Zed, 1992 (ed./co-author); *Global Ecology: A New Arena of Political Conflict*, London: Zed, 1993 (ed./co-author); *Greening the North. A Post-industrial Blueprint for Ecology and Equity*, London: Zed, 1998 (ed./co-author), *Planet Dialectics – Explorations in Environment and Development*, London: Zed, 1999.

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To order this publication:

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E-mail: info@boell.de;

Web: www.boell.de; www.worldsummit2002.de; worldsummit2002.org

Contact:

Dr. Wolfgang Sachs, Wuppertal Institut für Klima, Umwelt, Energie, Döppersberg 19,
42103 Wuppertal, Germany, Tel.: ++49-202-2492-0, Fax: ++49-202-2492-145,

www.wupperinst.org, E-mail: wolfgang.sachs@wupperinst.org

FOREWORD

In less than a year's time, world leaders will gather in Johannesburg, South Africa, to review the progress that has been made in implementing the commitments established at the 1992 UN Conference on Environment and Development in Rio de Janeiro. The World Summit on Sustainable Development – at first still called Rio+10 – will undoubtedly represent a forum at which our planet's North-South conflict will be forcefully apparent.

In his essay, Wolfgang Sachs takes a closer and perhaps unusual look at the North-South divide and the relationship between equity and sustainability. He portrays the North-South conflict and the corresponding challenge of equity as one that is played out on at least two levels: (1) the level of rich vs. poor nations, represented by their governments, and (2) the level of the global consumer class (present in varying proportions in all countries) vs. the social majority that exists outside global circuits.

Sachs then applies these two levels of analysis to three major arenas of negotiation that have dominated policymaking debates during the ten years following Rio: climate, biodiversity, and trade. In each case, he argues that the pursuit of equity among nations on the basis of the old development paradigm may conflict with the achievement of justice for the earth's marginalized majority.

His conclusion is severe: "Whatever the arena – climate, biodiversity, or trade – if the North fails to negotiate environmental agreements which are seen as fair arrangements by the South, sustainability cannot be achieved. There will be no Ecology without Equity. On the other hand, however, if the South continues to demand ever greater shares in the robber economy, sustainability cannot be achieved either. The principle of Equity conflicts with the principle of Ecology unless Equity is sought within a framework of environmentally unobtrusive development. There can also be no Equity without Ecology."

Succinctly and poignantly, Sachs' analysis cuts through the established North-South discourse. The essay presents challenges to both sides of the divide. We publish it as a contribution to the debate over the principles for achieving a fair "global deal" in Johannesburg.

November 2001

Jörg Haas

Head of Desk for Ecology and Sustainable Development

Heinrich Böll Foundation

RIO+10 AND THE NORTH-SOUTH DIVIDE

Rio in Retrospect

1. In contrast to the 1972 UN Conference on the "Human Environment" in Stockholm, the 1992 Rio Conference was entitled "Environment and Development". The inclusion of "development" in the title was no coincidence. At the preparatory stage, Southern countries had failed to see much benefit for themselves in conceding to the Northern intention to convene a UN Conference on environmental problems unless "development" was put squarely on the agenda. For the South, independent of political colour, for both, the governments and the NGO's, "development" was the code word for expressing its desire for recognition and justice. Who did not remember Indira Gandhi's controversial remark at Stockholm that "poverty is the worst form of pollution"? Following this line, the South, still wounded from the aborted negotiations on a New International Economic Order in the 1970s and the explosion of the debt crisis in the 1980s, succeeded in wresting out a concession from the North that the presumed "right to development" would be granted its due consideration.

2. At the level of programmatic speech, the approach taken has been successful. In most conference documents the right to development is put on a pedestal, and a great deal of diplomatic caution went into making sure that no phrase could be read as intending to curtail development. Indeed, the "Rio Declaration", for example, comes across as a declaration on development, rather than on environment. Given the fact that development can mean just about everything, from pulling up skyscrapers to putting in latrines, this success came in handy, as it allowed everybody, both in the South and in the North, notwithstanding environment, to continue to carry on with one's business. Nevertheless, the aspiration to equity – in whatever form – was enshrined, and enshrined were also a number of corresponding principles of fairness, such as common but differentiated responsibilities, burden as well as benefit sharing, technology transfer, and additional financial assistance. To put it simply, the idea was that the North should act first, shoulder most of the adjustment burden, offer access to environmental technology, and finally engage in some financial redistribution – then the South would come on board and eventually share in commitments.

3. At the level of *realpolitik*, however, the North has blown the deal. In fact, at Rio itself, the principles of fairness had remained largely unspecified and inconclusive – or even phoney, like the repetition of the time-honoured promise to earmark 0.7% of the annual GNP for development assistance. Moreover, in the North in general, the enthusiasm for the apparent rise of the environmental age was in no way matched by a similar enthusiasm for a new social contract with the South. If Rio was inconclusive in respect to building structures that would have decisively favoured the South, the subsequent years left further no doubt. Not only the Rio commitments have not been followed through, but the South has often faced benign neglect also in other forums, such as the structural adjustment policies of the IMF, the Social Summit at Copenhagen, the debt relief programmes of the G7, or the politics of arrogance at the WTO.

In a broader perspective, the development commitments at Rio can be seen as a last ditch effort at shoring up the social contract between rich and poor nations – which after the Second World War, had together laid the base for international development policy. However, globalisation made this social contract crumble. Since the early 1980's already, the politics of structural adjustment began to replace the development consensus, giving priority to a country's currency stability thereby offering an even playing field towards a frictionless mobility of transnational capital, rather than to the welfare of its citizens. With an ever dominating view of transnational corporations as agents of development rather than states, and private capital being available as means for development rather than public assistance, the idea of a social contract between rich & the poor countries was already out of date, at the time of Rio. Under such circumstances, Southern countries have been, sometimes grumbling, sometimes cheering, left with only one choice – to capture as much private capital as possible and to join the competition in globalised markets.

Interlude: On Zombie Categories

4. Ulrich Beck recently called concepts which clumsily survive in our everyday speech although the reality they point to has already elapsed as *zombie categories*. "North" and "South" are also such categories. In the arena of international politics, they refer to the classical G7 (plus Russia) and G77 (plus China) divide. This divide includes the ex-colonising countries on the one hand, and the coalition of Southern countries on the other, which was founded in 1963 after the near completion of the decolonisation of the South and at the eve of the first UN Conference on Trade and Development. Today, such divisions fail to represent relevant reality; they are just diplomatic artefacts. To begin with, the "South", ranging from rich countries like Singapore to poor countries like Mali, includes the most heterogeneous situations; a common unifying interest is difficult to discern. The same is true for the North, albeit to a lesser extent. Moreover, such a classification leaves in a limbo the countries of the fallen Soviet empire; Russia, faithful to its past as colonial power, has joined the G7 although it is scarcely more advanced than, say, Brazil, while countries like Turkmenistan are for all practical purposes Third-World countries with some rusty steel plants thrown in.

Above all, however, the dividing line in today's world, if there is any, is not primarily running between Northern and Southern societies, but right through all these societies. The major rift appears to be between the globalised rich and the localised poor; the North-South divide, instead of separating nations, runs through each society, albeit in different configurations. It separates the global consumer class on the one side from the social majority outside of the global circuits. This global middle class is made up of majority of citizens in the North along with varying number of elite in the South; its size equals roughly 20% of the world population. Population which generally has access to an automobile. It is these 20%, who, according to the Human Development Report (1998, 2) eat 45% of all meat and fish, consume 68% of all electricity, 84% of all paper, and own 87% of all cars. There is a global North as there is a global South; this reality disappears in the conventional terms of "North" and "South". It is, indeed, one the major drawbacks of international diplomatic set up that this juxtaposition of North and South is largely fictitious, in particular because Southern governments tend to over-

whelmingly represent Southern factions of global middle class, leaving the already excluded social majority in their countries without much of a voice.

Equity in the Greenhouse

5. The Framework Convention on Climate Change, as signed in Rio, is quite explicit when it comes to equity. It reads as follows: "The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take a lead in combating climate change and the adverse effects thereof." (Art. 3,1). The invoked principle of common but differentiated responsibility has in fact shaped the Convention and subsequently the Kyoto Protocol. Only industrialised countries, in recognition of their primary responsibility for greenhouse gas emissions in the past as well as in the present, are under the obligation to commit themselves to reduction targets, while Southern countries follow certain reporting duties, but for the rest stay rather at sidelines. However, it remains not hidden to these spectators at the sidelines that the commitments so far exists only on paper; for neither is the ratification process for the Kyoto Protocol finished, nor is the USA, the highest polluting country, participating, not to mention that industrial countries are far from convincingly embarking upon a low-emission path, for the most part on the contrary.

6. Given the political incapacity of the North to honour its commitments to both climate protection and equity, the South so far refuses to enter any negotiation which could lead to future maximum emissions levels for Southern countries. However, any meaningful climate protection system will in the medium term have to include the South, in particular the newly industrialising countries which show steep rises in their emission levels. At this point, the issue of equity will reveal itself as a major bottleneck for any serious progress in climate protection. Who is going to get how much of the limited environmental space for emissions? The fact that up until the post-industrial transition economic growth has closely been linked to emission growth only explains why all parties are up in arms fighting for a maximum share of emissions space. Hence it is not the protection of climate, instead the protection of growth which is the real name of this diplomatic game.

In such a context, the South will not enter the game unless a fair allocation of allowances between North and South is guaranteed, just as the North – first of all the US – will hesitate to make any giant strides before it feels assured that at least the apprentice emitters get reined in. From the point of view of equity, the only defensible allocation scheme is one which is based on equal per capita rights to the atmospheric commons. Any other scheme („grand-fathering“, „cost-based“) would only codify the excessive appropriation of energy sources by the North. At any rate, equal per capita rights would already represent a compromise, since industrialised countries would not be held liable for emissions accumulated in the past in exchange for accepting the imperative of egalitarianism in the present. The debate around Rio+10 will have to make the principle "equal rights to the atmospheric commons" one of its battle horses; otherwise it would

get trapped in the superficial illusion that President Bush jun. is the most important roadblock on the way to a climate-friendly world.

7. However, it would not be admissible that "convergence" of North and South on equal emission levels is achieved at the expense of "contraction", i.e. the transition to a sustainably low level of emissions. Sustainability, there should be no doubt, goes before equity. Moreover, contraction on part of both North and South will be less a burden, the more the conventional development path loses attraction. The application of various approaches in de-coupling improvement of life from the use of fossil energy – be it through leapfrog technologies, renewables, low-input production and transport structures, agro-ecological developments, or different cultures of well-being – will foster the art of living graciously with a moderate amount of fossil inputs. Cracking the uni-linear, mimetic notion of development is therefore key to long-term genuine climate effectiveness. Moreover, it is key to the transition to equity as well, since it is easier to comply with restrictive equal levels of fossil energy use when they are less relevant for the flourishing of society. At the negotiation table, Southern governments so far have failed to embrace any notion of low-energy development. Instead, they dance to the melody of competition for scarce emission rights, caught as they are in the developmentalist superstition that improvement will be contingent upon economic growth, and economic growth, in turn, on a rising energy intake.

This plays well into the hands especially of the US, whose climate policy has been extraordinarily inventive in carrying out U.S. President Bush's (the elder) declaration on his arrival at the Earth Summit that the American lifestyle would not be negotiable. In subsequent years, America's diplomacy has struggled to solve the quandary of how to appear as a climate friend and continue increasing emissions at the same time. One of the aces they pulled from the sleeve is called carbon sinks (another one geographical flexibility), the issue over which the talks at The Hague in November 2000 first stalled and then were recovered at Bonn. The Umbrella Group (without the US on the negotiation table) pushed for an agreement which would provide for acquiring or losing carbon credits through the expansion or reduction of forest cover, a proposal which, apart from its merits or otherwise on grounds of sustainability, emerged as an equity issue as well. The US, for instance, would be able to get credits for the re-growth of trees it had cut down in the past two centuries, while Southern countries which out of historical luck have maintained more forests would be liable for turning them today in agricultural land. This example excellently illustrates how most environmental negotiations get overshadowed by the problems of ecological debt. Unless the North is ready to acknowledge its ecological debt (in this case the history of deforestation), the South sees its dignity at stake when asked to implement environmental policies out of global responsibility (in this case stopping deforestation).

8. What easily gets lost in the hurly-burly of negotiations is the *equity tragedy* which is likely to be triggered by global warming. Droughts, floods, changes in vegetation, disturbances in the water cycle, and diseases will primarily hit the South in fact there too the most vulnerable segment of society – that one third of humanity which lives directly from nature. Colonial destruction will take place all over again – this time tele-transported through atmospheric chemistry. Against this background, the negotiations can be

read as a quarrel among different parts of the global middle class about their share of nature-squandering accumulation. Fixated on their struggle for economic and political power, the elite in both the North and the South appear to be prepared to abandon numerous livelihood economies to their fate. From this perspective, the insistence on equity in economic development on part of Southern governments turns out to be irresponsible. Their concern for equity at the GNP-level collides with the real social concern of the majority for equity at the level of survival. This clearly illustrates that the drama between ecology and equity is being played out at least at two levels, between the nation states as well as inside these nation states i.e. between the globalised North and the marginal majority of the South. These two levels of equity are often in conflict – and not just in climate politics.

Equity in the Age of the Genes

9. The history of another major outcome of Rio, the Convention on Biological Diversity, is about as inconclusive over the last decade as the one of Climate Convention. In hindsight, one wonders if the Convention was about biodiversity at all or was only about regulation the exploitation of genetic resources. While the Convention speaks about diversity at the level of ecosystems, species, and genes, in reality a great deal of diplomatic flurry was centred around the collection, transfer and reward of sub-cellular genetic material which is invisible to the eye. What seems to drive the Convention is not in the first place the desire to protect nature's fowl, fish, flowers, and forests from decimation or even extinction, but the need to regulate the modern-day Gold Rush for genetic nuggets to be extracted from living matter and reinserted into crops, trees, and pharmaceutical substances. Even more so, the Convention ignored the contradiction which exists between protecting the diversity of life and normalising the introduction and spread of genetically modified organisms. Either through an unintentional escape of released G.M.O.'s to related species or through an intentional mono-culture of narrowly optimised crops in agriculture and forestry – genetic engineering is likely to lead to a simplification of biosphere. In this light, it appears, the Convention is less about protecting the patrimony of nature than about protecting a variety of economic interests in the gene business. (It has to be noted, however, that the Bio-safety Protocol in part shows a different thrust. More on this in the next Chapter.)

10. In biodiversity, just as in climate policy, the South has got unused nature, while the North has got the nature-hungry industry. The hotspots of biodiversity are found in tropical or semi-tropical countries, while the life-industries are to be found in the US and in Europe. Due to this geographical asymmetry, the need of biotech companies for living raw material set off a new round of resource conflicts between South and North. At Rio, the Southern governments succeeded in drawing a fence around their natural patrimony, including genetic resources, since the Convention affirms the sovereignty of nation states over their natural resources. The coming age of the industrialisation of life, this was the reasoning, should no longer continue the colonial legacy of robbery without pay and re-import at a high price. Any use of genetic resources would have to be agreed upon and paid for (As a consequence, the status of ex-situ conservation under the auspices of the UN became a much debated issue immediately after Rio). However, for

claiming sovereignty over nature, the South had to fend off the understanding of biodiversity as a "common heritage of mankind" – a definition of plant diversity codified by the FAO Undertaking of 1983. Out of fear that such a conception of biodiversity would expose their treasures to be raided by Northern companies, Southern countries could not accept this definition and helped to water it down to, as stated in the Preamble, biodiversity as a "common concern of mankind". Equity was thus redefined as equal possessiveness; each nation state is equal to another in its claim to legal authority over the resources within its territory.

Although the principle of sovereignty has implications for other resources like forests or water as well, it was put forth with the expectation on part of the South to gain from the export of genetic material, financially as well as technologically. This expectation has not come true – at least up to now. Though the Convention has placed a lot of emphasis on "benefit sharing", no mechanisms have yet been put in place by which biotech companies would share their proceeds with those countries their genetic material is originating from. Till now, there have only been bilateral and private – and unsatisfactory – contractual agreements on benefit sharing between a provider country and a life-science company. By and large, the bio-tech age takes off leaving the South behind with empty pockets. For this reason, there is a strong interest on part of some Southern countries to cut through the knot of patenting. While industry wants patents for establishing proprietary rights over engineered living material, gene exporters look to patents as a vehicle for benefit-sharing. Patents could indicate the place of origin of the material licensed and provide for channelling a portion of the revenue generated to supplier countries or communities. Thus a conflict which looms between the NGO's (including some countries, in particular from Africa) that oppose the patenting of life forms and Southern governments that demand redistribution.

11. More often than not, the stewards of the biodiversity-areas in the world rich in biodiversity are not just certain countries in the Southern hemisphere, but often traditional communities and indigenous peoples. These form the marginalized majority of the world. For them, justice is primarily and still a matter of recognition rather than redistribution. They want their rights to be honoured, the right to their natural habitat, and the right to their ways of life, culturally and politically. However, the claim to state sovereignty over natural resources easily clashes with the claim to traditional resource rights. Often genetic material has been and still is a part of local commons, that is the very space where the work of people combines with the work of nature, passing on plant varieties from generation to generation. As a consequence, the question of who should get access to and receive benefit from genetic resources has sometimes evolved into a conflict between the developmentalist state and local communities. In other words, into a conflict between the two levels of equity: equity among nation states, on one level, and equity between the global middle class and livelihood economies on the other.

This conflict is to some extent recognised in Art 8(j) of the Convention which states: "Each Contracting Party shall...respect, preserve, and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyle relevant for the conservation and sustainable use of biological diversity.." With reference to this article many debates have taken place on the meaning of farmer rights according to FAO rules, the rights of indigenous and local communities, the elaboration of communi-

ty intellectual property rights, the principle of prior informed consent in bio-prospecting etc. These debates might eventually lead to some conclusion, but are likely to lose sight of the more profound threat to equity implicit in allowing patents on living matter. Patent regimes might establish a radical monopoly of corporations over food and medicine, the two most basic necessities of livelihood. In contrast to conventional monopolies where a company alone commands a particular market without any competitors, industry achieves a radical monopoly – the concept was coined by Ivan Illich – when essential human activities cannot any longer be carried out but through the purchase of products or titles from industry. With patenting, farmers are likely to lose free access to the patrimony of the organic world – the source of their means of sustenance and production. Activities such as planting, animal-raising or curative treatment, which used to draw on nature as a public domain, will increasingly come under the control of corporations. Without purchasing power there would scarcely be a chance of existence – no good news for the poor majority of world citizens. In the long run, however, even the humankind would eventually become dependent on industry for the reproduction and maintenance of life itself. Just as in the middle ages there was no salvation outside of the church, in the post-biological age there would be no means of survival outside of corporations.

12. Recently, a number of NGO's launched the proposal of a "Treaty to Share the Genetic Commons". The draft states that "the Earth's gene pool, in all of its biological forms and manifestations, exists in nature and, therefore, must not be claimed as intellectual property even if purified and synthesised in the laboratory". By suggesting to declare the gene pool a global commons, the protagonists of the treaty attempted to recognise intrinsic value of life forms, to forestall the decline of non-artificial biodiversity, and to counter the enfeeblement of peasants and farmers. However, as the draft treaty gives high priority to the sustainability of life forms, it will draw fire from two opposite sides. On the one hand, corporations and affiliated scientists will object to the closure of a newly attained resource frontier. On the other hand, Southern governments – and maybe even communities – will regret forgone earnings and bargaining power. This means, without patents, there are neither profits for the North nor benefits for the South. Once again, sustainability – in this case the conservation of life's diversity – gets squeezed between not only growth interests, but also equity interests. Hence, on the basis of conventional development, equity among countries cannot be reconciled with sustainability.

Equity in Trade Regimes

13. If the 1972 Stockholm Conference was titled "Human Environment", the 1992 Rio de Janeiro Conference "Environment and Development", the 2002 Johannesburg Conference, at least informally, should be titled "Environment, Development, and the Global Economy". Because, arguably, the single most important change that occurred between Rio and Rio+10 has been the rise of the transnational economy. Of course, the spread of the nexus of economic flows across large parts of the globe had already been at work for some time, yet the founding of the World Trade Organisation in Marrakech in 1994 has further accelerated a dynamic which largely thwarts the hopes for sustain-

ability. Indeed, one can argue that in the last decade Marrakech has won over Rio, both institutionally and symbolically. Institutionally, the WTO framework of rules, fortified by the right to impose sanctions against non-compliant countries, aims at the unrestricted mobility of capital and goods, while environmental conventions (not only those signed at Rio) aim at protecting the global commons against harmful economic activity. It is, therefore, not astonishing that the two legal frameworks which have emerged to govern a transnational world – the economic regime, spearheaded by the WTO and complemented by the IMF and the World Bank, and the environmental regimes, particularly the agreements on climate, biodiversity, forests, deforestation, confidential information, toxic trade, and endangered species – are inconsistent and sometimes even in open contradiction with each other. And symbolically, the WTO stands for the ascendancy of unrestrained economic freedom becoming the guiding paradigm for the global elite in the 1990's, rather than democracy or ecological stewardship. Marrakech marginalised Rio; WTO's implicit ambition to shape diverse civilisations into one world market society has become the real Agenda 21 across the world.

So far, the tensions between Multilateral Environmental Agreements (MEAs) and the WTO have been explicitly addressed only in the negotiations on the Bio safety Protocol. The Protocol, concluded in Montreal in January 2000, allows countries to restrict the import of living modified organisms that may have an adverse effect on health and environment, including biodiversity. By giving priority to the precautionary principle over the free trade principle, the Protocol implicitly breaks with the belief that welfare will simply be created through the unrestricted Trans-border trade of goods. Though no other MEA till now is so clearly trade-related in its focus, it is nevertheless conceivable that the precautionary principle could be extended to other environmentally sensitive goods like timber, water, or fossil resources as well. Meanwhile, however, the expansive dynamic set in motion by free trade agreements contradicts this spirit, if also not impacting environmental agreements on climate, forests, and desertification.

14. However, even the WTO, according to its Preamble, is supposed to promote sustainable development. Yet its Working Group on Trade and Environment has lingered on for years without any appreciable result. This is partly due to the fact that Southern countries eye with suspicion any discussion on environmental or labour standards regulating free trade. In fact, they oppose any such attempt. For them, Trans-border flows should remain unregulated under the WTO. Mainly two arguments are advanced in this regard. Firstly, the South claims that social or environmental agreements are outside of the WTO's purview; they should for reasons of democratic checks and balances rather be concluded under the roof of the UN. Secondly, and more importantly, the South fears that environmental standards would trigger protectionism leading to discrimination against its exports. As a consequence, an antagonism is growing between the environmental community's case for long-term sustainability at the expense of free trade and the Southern diplomat's case against environmental improvement at the expense of free access to Northern markets.

An already familiar picture repeats itself. Southern countries feel treated unfairly in the economic arena and therefore refuse concessions in the environmental arena. What is more, in fact the South fears that environmental concessions will compound inequity, diminishing further the opportunities for economic development. Indeed, the South has

reasons to be upset. In GATT/WTO the North has failed to keep its promises (and its reciprocal duties) to open agricultural and textile markets to Southern exporters. Every year – but the calculations vary wildly – the South loses 20 billion dollars in welfare because of OECD trade barriers, more than 40% of the amount spent for development assistance. What the North in effect proposes is a split globalisation; demanding free access of goods and capital to Southern markets, but restricting access of Southern goods and people to Northern markets. In other words, the North is hypocritical. It claims the right to maintain barriers for itself while denying it to the South. Against this background, the South, already suspicious of the readiness of the North to set up a truly non-discriminatory trade system, cannot but regard environmental prerequisites as just another layer of protectionism.

However, it is altogether doubtful if more equity at the level of unrestricted market access would be of benefit to marginalized majorities. With respect to agricultural products at least, increased exports to the North are likely to undercut domestic food production, be it for the market or for subsistence. Therefore, equity among countries in trade may collide with equity inside a country in livelihood. Furthermore, it is equally doubtful if the full exposure of European or Japanese agriculture to world market competition would promote sustainability in both South and North. In the South, such a move would expand input-intensive mono-cultures, sending countries on a path away from building agro-ecological systems for domestic needs. In Europe and Japan, the availability of cheap imports could wipe out large parts of agriculture altogether, alienating these countries from their land and making them dependant on long-distance supplies in something as basic as food. Therefore, the demand for greater equity in an environmentally insensitive trade system inevitably leads to a decline in sustainability.

In the light of this and previous experiences, there is a brief conclusion to be drawn. Whatever the arena – climate, biodiversity or trade –, if the North fails to negotiate environmental arrangements which are seen as fair arrangements by the South, sustainability cannot be achieved. There will be no Ecology without Equity. On the other hand, however, if the South continues to demand ever greater shares in the robber economy, sustainability cannot be achieved either. The principle of Equity conflicts with the principle of Ecology unless equity is sought within a framework of environmentally unobtrusive development. There can also be no Equity without Ecology.

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