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20th June 2002

Professor Emil Salim
Chairman WSSD
WSSD Secretariat
New York, USA

Comments on Chairman's Paper, unedited version, June 12th

Dear Professor Salim,

We welcome the fact that governments at Bali under your Chairmanship did not agree on an insufficient and weak action programme for the Summit. However, we are deeply concerned that even though parties like the EU and the G77 showed some willingness towards the end of the negotiations to move closer to each other's positions, other parties, in particular the United States, blocked any further movement towards agreement.

We are appalled that two months before the Johannesburg Summit, basic and fundamental principles established at Rio remain bracketed. If the commitment to common but differentiated responsibilities (principle 7 of Rio) and the precautionary principle (Principle 15 of Rio) do not get reaffirmed loud and clear at Johannesburg, the Summit will constitute a serious step backwards from Rio. This could seriously endanger the public's faith in the United Nations and the UN's ability to agree on meaningful action and embody global values.

We also remain deeply concerned that the Johannesburg Summit could make sustainable development subservient to the WTO's trade agenda thus robbing the idea of sustainable development of any meaning. Many passages in the text currently suggest that governments have convinced themselves that the current WTO-driven trade regime will, in fact, deliver sustainable development. The evidence since Rio suggests otherwise. The spread of corporate globalisation has led to worsening environmental conditions worldwide and a further widening of the gap between rich and poor, both between North and South and within countries. As a minimum the worst proposed passages need to be deleted and textual amendments made to reflect the reality of corporate globalisation, especially in developing countries (see Appendix). All references to the agenda agreed at Doha should be removed. Furthermore, the Political Declaration to be adopted in Johannesburg must clearly establish the primacy of sustainable development over the global trade regime. Part of this clear commitment must be an affirmation of the autonomy and authority of Multilateral Environmental Agreements (MEAs) and a statement that the objectives, principles and obligations of MEAs that are consistent with and

supportive of the goals of sustainable development shall not be adversely affected by the rules of the multilateral trading system. A commitment to an assessment of the consequences of previous trade liberalisation rounds must also be delivered by Heads of States and Governments at Johannesburg.

We are appalled that governments fail to acknowledge the ecological debt that the global North owes the global South in the action program. While we support an action program on sustainable consumption and production, the Global North must urgently take further steps to address this constantly growing debt. As there is no evidence of governments being willing to do so in the action programme, we call for this urgent issue to be addressed in the political declaration. The financial debt of the South needs to be abolished as a necessary precondition for sustainable development.

While we welcome the commitment by governments to further discuss the issue of corporate accountability at future UN meetings, we must remind governments that what we – supported by many other stakeholders - are looking for, are rights for communities to ensure sustainable livelihoods. These rights can only be established through a binding framework on accountability (including liability). Voluntary initiatives in no way answer this call.

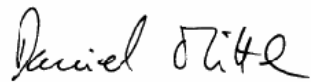
Friends of the Earth International demands that governments agree an ambitious global target for renewable energy supply at Johannesburg. This target should be at least 10% NEW renewables by 2010. Whether a global energy target is agreed or not, is now one of the key tests on whether any positive steps forward will be taken in Johannesburg at all. If such a target is not agreed, the “Action Programme” should be renamed the “Inaction Programme”.

Friends of the Earth International remains deeply concerned about the partnership agreements that are to be a significant ‘outcome’ of the Summit. The negotiation tactics by the United States and other parties at Bali confirmed that they see Type 2 agreements as an alternative to intergovernmental commitments. Instead of complementing the Summit’s other results, Type 2 threaten to mask the failure of governments to agree meaningful action. In this context, Type 2 outcomes will result in the “privatisation of sustainable development”, as UNEP Executive Director Klaus Töpfer has warned. Friends of the Earth International will judge the outcome of the Johannesburg Summit solely on the merits of the Type 1 results. We are opposed to any process that could result in a further increase of corporate influence over the United Nations. As we have reminded you before, the responsibility of agreeing and delivering on global social and environmental rules must remain with governments.

We expect from you and all governments to move swiftly over the next two months to prevent Johannesburg from burying the “spirit of Rio”. All elements in the action programme that are a step backwards from Rio must be eliminated immediately. Those targets that remain, but are bracketed (such as the one on renewable energy), must be agreed. The text on trade and finance must be revised considerably at Johannesburg so that the primacy of sustainable development over the global trade regime – and not the opposite - is clearly established.

Time is running out. Having worked constructively throughout the process towards the Earth Summit, we are worried that we will have to reject the results as far too little too late or, even worse, as a step backwards from Rio. We call on you and governments to use the remaining time to make sure the Johannesburg Summit is remembered as the place where governments dared to set the necessary social and environmental limits to economic globalisation.

Yours sincerely,

A handwritten signature in black ink that reads "Daniel Mittler". The signature is written in a cursive style with a large initial 'D' and a stylized 'M'.

Daniel Mittler
Earth Summit Coordinator, Friends of the Earth International
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Appendix:

Suggested Text on 12 June 2002 revised draft Chair's text Relating to sustainable consumption and production, trade, climate change, corporate accountability, globalization and sustainable development

Cross-cutting Issues

- must accept principle 7 of Rio in relation to principle of common but differentiated responsibilities – referred to in paras 2, 13, 19, 37, 75, 120 and 133c
- must ensure that the precautionary principle (principle 15 of Rio) is accepted. This is referred to in paras 22, 23, 45(e)(e.alt), and 193 e.bis.

Failing to reaffirm these principles at Johannesburg would constitute a serious fallback compared to Rio.

Paragraph No.	FOEI recommendations
14	Support the development of a ten year action plan for sustainable consumption and production. But further steps are needed to end the further accumulation of the ecological debt of the North towards the South. An acknowledgement of this ecological debt should be added either in this paragraph or as a chapeau to III.
15(b)	Replace paragraph with following text: “Provide incentives for investment in cleaner production and eco-efficiency in all countries, including the provision of concrete and long-term technical and financial assistance from developed to developing countries relating to such investment incentives”
19(e)	Replace current text with: “Increase the global share of new renewables to at least 10% of total primary energy supply by 2010. To achieve this, all countries shall adopt and implement specific national goals, timetables, and action plans.” At a minimum, support brackets and targets proposed by the European Union in this para.
19(p.bis)	Support text in brackets.
38(m)	Replace text with: “Achieve substantial improvements in domestic food agricultural production and distribution, while taking into account the economic interests of small export farmers of developing countries in the markets of developed

	countries; reductions of, with a view to eliminating, all forms of export subsidies; and substantial reductions in trade-distorting domestic support for agricultural products in developed countries, but taking into account the agricultural development needs and requirements of developing countries.”
45 and 45(alt)	The text needs to acknowledge that globalisation has negative impacts on developing countries and not just proclaim that it has great benefits. Therefore, support chapeau 45alt instead of 45. In proposal chapeau 45(alt), insert following text before “developing countries”: “of the poor and the environment, especially in”
45(c.bis)	Delete entire paragraph
45(e)	Support this paragraph
45(f)	Replace with: “Provide and increase long-term, concrete, and sustainable trade-related technical assistance and capacity-building support to developing countries, in line with their own identified needs for such technical assistance and capacity-building in support of the beneficiaries’ stated needs and priorities with respect to their respective sustainable development objectives.”
45(g)	Support “sustainable trade” proposal. Oppose “simplify and make more transparent domestic trade procedures” proposal as this could open door for opening negotiations on trade facilitation in WTO, which are being opposed by developing countries as expanding the Doha agenda.
45(i)	Replace with: “Make foreign direct investment reflect the objective of sustainable development, consistent with the host countries’ development needs and taking into account the need to ensure that foreign direct investment are subject to domestic regulation in the public interest. The right of developing countries to channel and regulate foreign direct investments in line with their national development requirements is recognized, including recognition of the right of local communities to be consulted and to exercise the right of self-determination with respect to the entry of foreign direct investment projects – especially natural resource-related projects -- in their locality.”
45(m)	Replace text to read: Secure corporate accountability (and liability) by 2005. As a minimum, unbracket phrase “corporate responsibility and accountability”. Any reference to the Global Compact in particular should be removed.
45(n)	Support and merge this paragraph with 43(m.alt), so text will read: “Immediately conduct comprehensive and publicly

	<p>participatory sustainability (environmental and social) assessments of the adverse impacts of previous trade liberalization on the poor and the environment; identify trade, environment and development linkages and related policy measures; and provide long-term and concrete technical and financial assistance to developing countries to conduct such assessments, consistent with their development needs and priorities. Such assessments shall serve as the basis for further work on the mandated WTO negotiations.”</p>
51	<p>Replace text with: “Affirm that, with respect to public health, the WTO TRIPS Agreement must be interpreted and implemented in a manner supportive of WTO Members’ rights to protect public health and, in particular, to promote access to medicines for all.”</p>
78(a)	<p>Support this paragraph</p>
78(b)	<p>There are proposals to regulate at the international level the volatile financial market. Support Para 78(b)</p>
80	<p>There are proposals in the text dealing with the debt issue through action for debt relief, debt cancellation etc which have to be supported – support para 80. (para 80(alt) and (alt2) are too limiting). Support also 80(a), (b.alt) and (c).</p> <p>Supported text in Para 80 can also be replaced with: “Develop and utilize innovative mechanisms to comprehensively address debt problems of developing countries, as well as countries with economies in transition. Such mechanisms shall include debt-for-sustainable development swaps, debt relief and cancellation of developing countries’ financial debts in recognition of the ecological debt of developed countries against developing countries, and the termination of loan conditionalities that require developing countries to undertake economic reform, such as trade liberalization, that is not consistent with their own sustainable development needs and objectives.”</p>
81	<p>Oppose Para 81 and 81alt2.</p> <p>Support Para 81alt, or</p> <p>Replace text for Para 81 with: “Ensure that the mandated WTO negotiations are based on and reflect the results of sustainability assessments of the adverse impacts of past</p>

	<p>trade liberalization on the poor and the environment, and the principles of sustainable development as established in the Rio Declaration on Environment Development and other international sustainable development instruments; effectively addresses the global economic inequities and adverse social and environmental impacts of past trade liberalization especially on the poor of developing countries; promotes the sustainable development of local communities and domestic economies, especially of developing countries; and places the needs and interests of developing countries at its core.”</p>
82	<p>Need to support text which provides for commodity price stabilization. Support language in para 82 for international mechanism to stabilize commodity prices for coping with instability in commodity prices.</p> <p>Insert additional text: “Provide and increase WTO long-term, concrete, and sustainable trade-related technical assistance and capacity-building support to developing countries, in line with their own identified needs for such technical assistance and capacity-building in support of the beneficiaries’ stated needs and priorities with respect to their respective sustainable development objectives.”</p>
83	<p>Replace text with: “Call upon WTO Members to ensure that the mandated negotiations are based on and reflect the results of sustainability assessments of the impacts of past trade liberalization on the poor and the environment and take into account the principles and objectives of sustainable development. In this regard, action must be taken to ensure that the mandated negotiations fully take into account the needs and interests of developing countries and the objectives and principles of sustainable development”</p>
85	<p>Oppose Para 85. Replace text with: “Ensure that trade supports the principles and objectives of sustainable development, including social and economic development and environmental protection, through action at all levels to:”</p>
85(a)	<p>There are serious concerns that while calls are being made to make trade and environment to be mutually supportive, there is language in the text that may lead to the trade agenda under the WTO to subsume environmental concerns. Replace Para 85(a) text with: “Ensure that the mandated WTO negotiations are based on, reflect, and address the results of in-depth and comprehensive social and environmental assessments of the</p>

	negative impacts of trade measures on the environment and the poor, and vice-versa, especially of measures taken by developed countries affecting products or services from developing countries.”
85(b)	Replace with: “Reduce, with a view of eliminating, subsidies harmful to the environment or deleterious to poverty eradication efforts, or both. Beginning in 2003, eliminate these subsidies in developed countries, and provide long-term and concrete technical and financial assistance to developing countries in order to achieve the same ends.”
85(c)	Replace with: “Further develop and promote the use of sustainable impact assessment at the national level as a tool to better identify trade, environment, and development linkages and appropriate mitigating and enhancing measures, including new economic and social policies that promote fair, equitable, and sustainable development, especially for developing countries, into the next millennium. Countries and international organizations with experience in this field shall provide long-term, concrete and sustainable technical assistance to developing countries for this purpose.”
86	Support this paragraph
87	Support this paragraph
88	The first formulation in brackets (which is the US proposal) should be rejected. The second formulation in the same para should be supported. Replace text with: “Affirm that the WTO TRIPS Agreement must be interpreted and implemented in a manner supportive of WTO Members’ rights to protect public health and, in particular, to promote access to medicines for all.”
121(c)	Replace text with: “Ensure that the rules of the multilateral trading system and the rules of multilateral environmental agreements (MEAs) are consistent with and supportive of the goals of sustainable development. The objectives, principles and obligations of MEAs that are consistent with and supportive of the goals of sustainable development shall not be adversely affected by the rules of the multilateral trading system.”
122(b)	Support this subparagraph
122(c)	Oppose this subparagraph. There are serious concerns that while calls are being made to make trade and environment to be mutually supportive, there is language in the text that may lead to

	the trade agenda under the WTO to subsume environmental concerns. WSSD must affirm the authority and autonomy of Multilateral Environmental Agreements and clarify that the objectives, principles and provisions of MEAs must not be subordinated to WTO rules.
123	Support chapeau of para 123 in relation to need to address the imbalances and asymmetries in international finance, trade, technology and investment patterns that have negative impact on development prospects of developing countries.

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