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FOURTH GLOBAL CIVIL SOCIETY FORUM
Nairobi, 1-2 February 2003

REPORT OF THE FOURTH GLOBAL CIVIL SOCIETY FORUM
HELD IN NAIROBI ON 1 AND 2 FEBRUARY 2003

Introduction

1. The Fourth Global Civil Society Forum was held in Nairobi on 1 and 2 February 2003.
2. The Forum was expected to provide an opportunity for civil society organizations to share experiences and ideas and consisted of a regional and a global segment. The regional segment of Saturday, 1 February focused on the environment initiative of the New Partnership for Africa's Development (NEPAD) while the global segment on Sunday, 2 February concentrated on the role of civil society in the implementation of the outcomes of the World Summit on Sustainable Development. The participants came up with conclusions and recommendations to be presented to the twenty-second session of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme (UNEP) which would be held from 3 to 7 February 2003. The recommendations are contained in annex III to the present report.

I. OPENING OF THE FORUM

3. The Forum was officially opened at 9.30 a.m. on Saturday, 1 February 2003 by Mr. Klaus Töpfer, Executive Director, UNEP.
4. In his opening remarks, Mr. Töpfer welcomed participants and representatives of diplomatic missions to the meeting. He noted that the United Nations Conference on Environment and Development (the Earth Summit) had introduced basic environmental principles which were intended, inter alia, to narrow the gap between the rich and the poor and to promote development in the Eastern block countries. He said that there was no need to renegotiate the Rio principles; what was important was to continue to implement them. One of the shortcomings of the Earth Summit was that it had not addressed the implementation and monitoring process. The World Summit on Sustainable Development, held in Johannesburg in 2002, had revealed that there were new circumstances that needed to be tackled. At the Summit, Mr. Kofi Annan, the United Nations Secretary-General, had emphasized that there was a need to forge implementation partnerships.
5. The Secretary-General had also emphasized that the Stockholm Convention on Persistent Organic Pollutants (POPs) needed to be implemented urgently as persistent organic pollutants were a burden on those who did not produce or use them. The World Summit on Sustainable Development had also underscored the need to link poverty eradication with environmental protection. It was therefore important to identify ways of linking the two in order to face up to issues such as diseases associated with, for example, the unavailability of safe drinking water and sanitation. Two billion people in the world had no access to safe drinking water and were consequently exposed to water-borne diseases.

6. Mr. Töpfer urged the Global Civil Society Forum to come up with ideas on what UNEP should ask for from stakeholders. He said that UNEP had to work with civil society, non-governmental organizations, African development partnerships, etc.

II. ORGANIZATION OF THE FORUM

A. Election of officers for the regional segment

7. The following officers were elected for the regional segment:

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| Chair: | Mr. Adeniyi Osuntogun, Foundation for Environment, Development and Education, Nigeria |
| Co-Chair: | Ms. Grace Akumu, Climate Network Africa, Kenya |
| Rapporteurs: | Ms. Deborah Nightingale, Nature Kenya, The East Africa Natural History Society and Mr. Nzwana Konco, World Summit on Sustainable Development Civil Society Secretariat, South Africa |

B. Adoption of the agenda and organization of the work of the forum

8. The participants adopted the agenda and organization of work of the forum on the basis of the provisional agenda prepared by the secretariat. The agenda is contained in annex I to the present report.

C. Attendance

9. The meeting was attended by representatives of civil society organizations from the following countries: Angola, Argentina, Belgium, Benin, Burkina Faso, Cameroon, Canada, Central African Republic, Costa Rica, Côte d'Ivoire, Czech Republic, Dubai, Democratic Republic of Congo, Egypt, Ethiopia, Finland, Gabon, Gambia, Germany, Greece, Hungary, Kazakhstan, Kenya, Mauritius, Netherlands, Nigeria, Pakistan, Philippines, Russian Federation, Sierra Leone, South Africa, Swaziland, Sweden, Switzerland, Uganda, United Kingdom of Great Britain and Northern Ireland, Zimbabwe. It was also attended by representatives of UNEP. The full list of participants is contained in annex II to the present report.

III. REGIONAL SEGMENT: FOCUS ON AFRICA - THE ROLE OF CIVIL SOCIETY IN THE IMPLEMENTATION OF THE ENVIRONMENT INITIATIVE OF THE NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT

A. Briefing on NEPAD by the NEPAD secretariat

10. A representative of the NEPAD secretariat in Johannesburg, Ms. Hespina Rukato, made a brief presentation of NEPAD. She pointed out at the outset that NEPAD was a social and economic programme of the African Union and not a financial mechanism of the Union. It was a programme for the economic regeneration of the continent of Africa that was expected to be driven by Africans, for Africans. A decision had yet to be made by Heads of State regarding the relationship between the NEPAD secretariat and the African Union. There was close collaboration between the African Union and the NEPAD secretariat as the African Union restructured. The restructuring had been the reason for keeping the secretariat outside the day-to-day operations of the African Union. It was not true to say that NEPAD was entirely funded by the Group of Eight and its focus on political, economic and corporate governance was to ensure that domestic resources that were previously diverted into war and conflict situations and misused through corruption were channelled into development efforts.

11. With regard to the implementation process of NEPAD, she said that regional economic communities, through member States, had been identified as the lead implementing agencies of all NEPAD programmes. The secretariat was working closely with the regional economic communities to ensure, inter alia, that they understood their responsibilities and that they identified priority programmes and flagship projects for implementation in the short and long term. The question of duplication of the work of the regional economic communities by the NEPAD secretariat did not arise. The goal of NEPAD was to facilitate the work of the regional economic communities.

12. The following were among the priority areas of NEPAD: agriculture and food security; infrastructure, particularly the Trans-Africa Highway; climate change as well as extreme events and vulnerability; subregional tourism projects; and the Africa Stockpiles Programme.

13. She pointed out that NEPAD was being misused to raise funds for projects that did not benefit Africans and everyone wanted their project to be a "NEPAD project". In order to avoid confusion and to provide guidance to partners for implementation, the NEPAD secretariat was in the process of drafting some guidelines on preferred modalities for partnerships, taking into account the principles of NEPAD, such as the use of African experts. She appealed to the participants to make suggestions and comments.

14. NEPAD viewed capacity-building at two levels: targeted and programmatic; and in the broader context as cross-cutting themes for all NEPAD activities. If African countries were not careful, a great deal of money would go into so-called capacity-building programmes that were not linked to delivery. To avoid that, the NEPAD secretariat was developing a framework for capacity-building under NEPAD to guide partners and implementers of programmes.

15. Contributing to the briefing on NEPAD, Mr. Sékou Touré, Regional Director and Representative, Regional Office for Africa (ROA), noted that NEPAD was a holistic, integrated sustainable development initiative for the economic and social revival of Africa. It was a pledge by African leaders "based on a common vision and a firm and shared conviction that they have a pressing duty to eradicate poverty and to place their countries, individually and collectively, on a path of sustainable growth and development and at the same time participate actively in the world economy and body politic". Civil society had a major role to play in the implementation phase of NEPAD.

B. Briefing on the development of the NEPAD environment initiative

16. Mr. Touré briefed the participants on the development of the NEPAD environment initiative. The initiative contained a coherent action plan and strategies to address environmental challenges while combating poverty and promoting socio-economic development. It had been prepared through a consultative and participatory process under the leadership of the African Ministerial Conference on the Environment (AMCEN). NEPAD had requested countries to hold thematic workshops and one such workshop had already been held in Algeria on land degradation issues. The workshops were expected to come up with technical input for inclusion in the Implementation Action Plan. The contribution of civil society would be integrated into the final action plan. The key objectives of the initiative were: to promote sustainable use of natural resources; to integrate environmental considerations into poverty reduction strategies; to improve the institutional framework for regional environmental governance; and to provide a framework for solid partnership with bilateral, multilateral partners such as the Global Environmental Facility (GEF).

17. Making remarks on the environment initiative, Mr. Ahmed Djoghlaif, Director, UNEP/GEF, outlined the steps taken in the development of the Medium-Sized Project on Development and Implementation of the Environment Initiative of NEPAD. He noted that at the ninth session of AMCEN, held in Kampala in July 2002, African Environment Ministers had expressed the need for more time to finalize the NEPAD Implementation Action Plan. He called on civil society to contribute to the finalization of the action plan and activities of the environment initiative. Noting that desertification constituted the greatest environmental challenge in Africa, he pointed out that several meetings had already been held to discuss the issue. One such meeting had been held in Bamako on the theme of environment and poverty.

Discussion

18. In the ensuing discussion, one participant sought to know who would evaluate NEPAD. In response, Ms. Rukato said that NEPAD would be evaluated by eminent persons through the African Peer Review Mechanism. On the issue of whether NEPAD would address poverty and gender, Ms. Rukato said that the issue was well documented in the NEPAD document.

19. A number of issues were raised during the discussion that followed Mr. Touré's presentation. It was generally agreed that the environment initiative constituted a good foundation for sustainable development. However, it was necessary to mobilize resources so that the initiative could be implemented in an effective manner and to ensure that it was the concern of all instead of being left to political leaders on their own. It was pointed out that there was a need for continuous and effective dialogue in order to establish a solid partnership. It was observed that the failure of regional initiatives in Africa in the past was associated with weak institutional frameworks and there was therefore a need to put emphasis on the institutional framework of NEPAD and the environment initiative.

20. It was felt that there was a need to find ways of basing an African action plan on the action plans of regional bodies such as Southern African Development Community. The importance of environmental education and information was emphasized and it was felt that there was a need to determine which environmental principles should be included in school curricula.

21. It was agreed that a strong case should be made for actual participation of civil society and non-governmental organizations in the implementation and monitoring of the NEPAD environment initiative.

C. Discussions (Working Groups): Contributions of civil society organizations to the finalization of the action plan and activities of the environment initiative

22. The Chair set up five Working Groups to discuss the themes indicated for each group and to come up with recommendations for submission to the Governing Council. The groups were to report on their discussions in plenary. The Working Groups were as follows:

- (a) Working Group 1 - Desertification and climate change;
- (b) Working Group 2 - Poverty, health and environment;
- (c) Working Group 3 - Wetland, marine and coastal environment;
- (d) Working Group 4 - Forests and protected areas;
- (e) Working Group 5 - Alien Invasive Species, Cross-border collaboration and natural resources management and capacity-building and education.

D. Reconciliation of outcomes of the discussions of the Working Groups

23. The Chair invited the participants to form working groups to study and report to the plenary on possible contributions civil society organizations could make on specific issues in relation to the action plan and activities of the environment initiative and recommendations thereon. Five working groups were formed, as follows: Group 1: Desertification and climate; Group 2: Poverty, health and the environment; Group 3: Wetland, marine and coastal environments; Group 4: Forests and protected areas; Group 5: Cross-border species and natural resources conservation, and capacity-building.

24. Working Group 1 (Desertification and climate) reported as follows:

- (a) The overriding problem was one of implementation; much of the implementation should be undertaken by civil society organizations, but these needed adequate funding to work with communities;
- (b) Civil society organizations lacked resources and there should be a conscious allocation of resources to them; UNEP should be encouraged to fund them directly rather than through Governments; without funding they would be unable to get involved in NEPAD activities. The lack of adequate funding resulted in high staff turnover, thereby undermining continuity and effectiveness. Generally there was a lack of partnership between them and Governments and industry;
- (c) There was an imbalance in funding between the United Nations Framework Convention on Climate Change and the United Nations Convention to Combat Desertification in the Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, in favour of the former, as it was more global in nature; yet desertification needed more funding so as to assist people in Africa;
- (d) Civil society organizations should have been part of the drafting process, since they are to be involved in implementation;
- (e) There was a need for implementation projects to be integrated; NEPAD should exploit the synergies between existing conventions; it needed partnerships and should build a framework to enable investment to take place.

25. Working Group 2 (Poverty, health and environment) reported as follows:

- (a) The Forum participants believed that the whole process from design to implementation should be more participative, with ownership by the people themselves, not only Governments and institutions;
- (b) As a cross-cutting issue, poverty should have clear linkages with other programme areas. For poverty and the environment, access to natural resources was fundamental, as was the promotion of job creation;
- (c) NEPAD environment initiatives always needed a social dimension including poverty eradication and a gender and youth focus;
- (d) The group recommended the development of a legally binding convention on poverty eradication, starting in Africa;
- (e) Health and the environment were not directly reflected in the action points, which mostly dealt with chemical pollution prevention (points (a) to (p)). Much more emphasis was needed on basic health services, such as access to clean water, food security and prevention of HIV/AIDS and environment-related diseases like bilharzia.

26. Working Group 3 (Wetland, marine and coastal environments) reported as follows:

- (a) The group believed that implementation and monitoring were not clearly identified, and benchmarks and timeframes should be set to help in monitoring implementation; that would include appropriate regulation of garbage collection and disposal, the use of environmental impact assessments, such as those applied to the building of dams, and the appointment of an ombudsman to guide transboundary conservation of river basins to avoid friction between countries;
- (b) Civil society organizations should be represented in the various NEPAD working groups;
- (c) Appropriate environmental governance structures should be put in place at community, country and international levels.

27. Working Group 4 (Forests and protected areas) reported as follows:

(a) The group believed that the action plan needed “domestication” for each country, and was deficient in action components at regional, subregional, country and local levels;

(b) Forests in Central Africa, the world’s largest after the Amazon basin, were rich in biodiversity, and needed attention – they were not mentioned in the action plan – and the richness in biodiversity should give rise to revenue generation;

(c) The group believed that policies, legal instruments and institutions had not been well articulated, and the issue of protected forests, woodland and land ownership had not been addressed in the action plan;

(d) Other issues not addressed in that regard included conflicts, refugees and displaced persons in relation to forests, as well as the valuation of forests and their inclusion in budgets;

(e) The role of civil society organizations in information dissemination, capacity-building and monitoring, and their possible incorporation as advisers had not been dealt with. That was also related to the need to incorporate cultural aspects in the protection of forests, as well as to the law for breeders and farmers’ rights, and the taking into account of environmental impact assessments;

(f) All funding for forests and protected areas should be accompanied by social development projects;

(g) There had not been enough emphasis laid on the issues of protection against ethnic conflicts which caused considerable damage.

28. Working Group 5 (Cross-border species and natural resources conservation, and capacity-building) reported as follows:

(a) The action plan did not seem to provide for sufficient participation of stakeholders, and possibly a new principle 6 should be added, stating that the participation of stakeholders was needed at all stages, including the decision-making stage;

(b) Capacity-building in the current action plan seemed to be restricted to awareness raising, whereas the real need was environmental education for all, at all levels, from the grassroots up to the political level. Furthermore, civil society should be involved and be instrumental in ensuring the integration of practical environmental issues into school curricula. Effective awareness raising could only be done through stakeholders, and a more holistic approach should be used. Civil society should be involved in prioritizing capacity-building and its organizations themselves needed capacity-building and should engage in informed dialogues in this regard;

(c) Cross-border conservation of natural resources required a regional framework and common approaches should be stimulated;

(d) The importance of environmental impact assessment should be stressed more, and carried out periodically, with involvement of the general public.

E. Discussion and development of the message of civil society organizations on the environment initiative of NEPAD to be presented to the Governing Council

29. A discussion of the reports of the working groups took place, in which clarification was sought by several participants on the outcome of the recommendations made in the reports and their possible incorporation into the NEPAD action plan. Representatives of the UNEP secretariat and the NEPAD secretariat assured the participants the points they had made would be included in the presentation to be made to the ministerial segment of the Governing Council, and would also be taken into account by the NEPAD Steering Committee. Recommendations on the role of civil society as listed by NEPAD were mentioned as follows:

- There is a need for capacity-building for civil society in order to allow for its effective participation in the implementation of NEPAD activities, and to have informed dialogue between stakeholders and NEPAD.
- Civil society should transfer the process vertically and horizontally to the rest of the community.
- Traditional knowledge, practices and innovations should be incorporated in the action plans for natural resource management.
- Civil society needs to be capacitated in actions on invasive species, for example, in the EIA process.
- There is a need to prioritize capacity-building needs for civil society and communities.
- The process should be inclusive of civil society. Civil society should, henceforth, be involved in the forthcoming discussions.
- Non-governmental organizations and community-based organizations can link communities to high decision making bodies.
- Civil Society should be instrumental in the integration of environmental education into school curricula.

30. Several speakers recommended that participants should also lobby their Governments for support for their proposals following the present Forum and before the ministerial meeting of Governing Council. They said that the UNEP and NEPAD secretariats should prepare a compendium of the Forum's key proposals and recommendations and help in their presentation to the UNEP Governing Council.

IV. ELECTION OF OFFICERS FOR THE GLOBAL SEGMENT

31. The following officers were elected:

Chair: Mr. Davinder Lamba (Mazingira Institute, Kenya)
 Co-Chair: Dr. Zia-ul-Hassan (AIMS, Pakistan)
 Rapporteur: Ms. Rosalie Gardiner (Stakeholder Forum for Our Common Future, United Kingdom)

A. Book launch

32. Mr. Akumu (Vice-Chairman of the African Renaissance Institute) launched a new book entitled *NEPAD, a New Path?*, edited by Peter Anyang' Nyong'o, Aseghedech Ghirmazion and Davinder Lamba, and published by the Heinrich Böll Foundation. The publication had been derived from presentations at the Second African Forum for Envisioning Africa, held in Nairobi in April 2002 and which had a focus on NEPAD. Mr. Akumu said that the publication provided the views and concerns of intellectuals committed to an open and sincere discourse on Africa's development, and the latest addition to that discourse, the NEPAD agenda.

B. Presentation by Mr. A. Chaskalson, Chief Justice, South Africa

33. Mr. Arthur Chaskalson, Chief Justice of South Africa and Chair of the Judges Meeting, gave a brief presentation on civil society and the work of the Judges Meeting, held on 30 and 31 January 2003. He congratulated and encouraged the participants in the Forum, and spoke to them of the attention on the part of the judges present in the meeting to the concerns of civil society for the protection of the environment. He recalled that the pledge of the Millennium Declaration to redeem the planet was an echo of the first principle of the 1972 Stockholm Declaration, which had mentioned protecting the environment to provide adequate conditions of life and human well-being for present and future generations. The Judges Symposium, held in Johannesburg in September 2002 and attended by 120 senior judges, including 32 chief justices, had acknowledged the existence of rights and obligations in the protection of the environment, as well as the crucial role of civil society in promoting respect for fundamental rights and freedoms. One of those rights – recognized in the South African constitution – was the right to a clean environment. He believed that civil society was an engine for asserting and enforcing such rights, and had personally noted many cases of rights violations brought to court with proper preparation by civil society organizations. In that sense, the judiciary and organs of civil society were partners in enforcing the law. The more vibrant civil society was, the better were fundamental rights protected. It was also the task of civil society to see that the Government performed its obligations. He encouraged the Forum participants to continue the good work.

34. Regarding the judges' meeting, it had been recognized at the Johannesburg Judges Symposium that the boundaries of environmental law were expanding rapidly, and also that public participation in environmental decision-making was important, for which reason public access to the relevant information was crucial. The judges had also acknowledged the need to strengthen the capacity of civil society organizations through capacity-building. Judges had also felt the need to enhance their own knowledge of environmental law, and the recent meeting of senior judges in Nairobi corresponded to that need, and to their desire to give substance to the decisions they had taken earlier in Johannesburg. They had called upon UNEP to provide a programme of capacity-building for judges and other relevant legal officers; since its prominent role in capacity-building in environmental law was well known, they had further urged UNEP to assess the capacity-building needs in environmental law, especially in developing countries, using existing national training programmes. They had resolved to form a committee of 10 senior judges to advise UNEP on such capacity-building programmes. Lastly, he wished the participants continued success in their work.

35. In response to several questions raised in a brief discussion, Mr. Chaskalson said that persuading Governments to comply with their obligations in regard, for example, to climate change, largely depended on international treaties, unless there was national legislation in place. With regard to suggestions that judges should adopt a more active role, he said that the courts were there for resolving conflicts, and judges could only deal with cases that came before them.

36. The Chair expressed appreciation to the Chief Justice for his valuable presentation (See the full text of Mr. Arthur Chaskalson's remarks in Annex V).

V. GLOBAL SEGMENT: PRESENTATION OF THE STRATEGY PAPER ON
ENHANCING CIVIL SOCIETY ENGAGEMENT IN THE WORK OF
THE UNITED NATIONS ENVIRONMENT PROGRAMME

37. Mr. Bakary Kante, Director of the UNEP Division for Policy Development and Law, made a presentation giving a summary of the relationships between UNEP and civil society. He recalled that since its inception in 1972, UNEP had promoted a policy of inviting civil society input and collaboration. That involvement was useful because it multiplied and adapted issues beyond the capability of the limited financial and human resources of UNEP, as well as complementing its operational presence at regional and global levels. By Governing Council decision SS.VII/5 of 15 February 2002, Governments had asked UNEP "to further develop the strategy for engaging civil society in the programme of activities of UNEP". He said that the strategic approach followed by UNEP was based on three pillars: the institutional environment, governance and policy formulation, and programme operations. The strengthening of institutional relations through decentralization and the work of UNEP regional offices was going ahead, as was information management through the development of databases on civil society activities. At the same time, civil society input at policy levels, of which the current Forum was an example, together with capacity-building, constituted a vital part of the current strategy. The current engagement with civil society also included the establishment in 1999 of a Civil Society and Non-governmental Organizations Unit in the Division of Policy Development and Law and engagement with industry and business associations to promote cleaner production, management of pollution and voluntary environmental initiatives. He also described the mechanism to be established whereby a civil society advisory group to provide advice to the Executive Director would be set up; he said that the political will of UNEP for engagement with civil society was beyond doubt.

38. In the discussion that followed the presentation, several representatives commended the UNEP Executive Director on document UNEP/GC.22/INF/13 (Enhancing civil society engagement in the work of the United Nations Environment Programme), and said it was a serious attempt to institute and mainstream civil society participation. One representative, referring to the amendment of rule 69 on civil society accreditation procedures, asked if it could be amended to cover national non-governmental organizations, not just international ones. Several representatives asked if the processes mentioned the selection of five civil society organizations from each region to attend the subsequent Global Civil Society Forum could be made more specific. Another representative wished to know the modalities of selection of the civil society advisory group to the Executive Director. In response to these issues, a representative of the secretariat said that at the level of national civil society organizations or committees, the only mandate of UNEP was for capacity-building, and the engagement of national organizations would be through the regional offices. In regard to representation at the Global Civil Society Forum, he responded that the processes would be in the hands of the regional offices, which would be encouraged to be fair, open and transparent, and also to keep in mind the needs of indigenous peoples. For the civil society advisory group, regional offices would be asked to submit names of organizations and well known representatives; in the last analysis, the right to choose belonged to the Executive Director. Lastly, with regard to conflicts between a Government and a national non-governmental organization, UNEP was not a human rights organization and had no mandate for mediation in such cases, as it was an intergovernmental organization.

39. The representative of a non-governmental organization from the Central Asian subregion said that there were some 10,000 non-governmental organizations in his region, and the Central Asian civil society group was active in the Asia Pacific region. He expressed the hope that a similar meeting to the present one could be organized in Central Asia, where there was a great potential for partnerships, and he looked forward to some of the participants visiting Central Asia. In response to that intervention, Mr. Bakary Kante said that a meeting had been held by Mr. Surendra Shrestha, Director, Regional Office for Asia and the Pacific regarding the five subregions including Central Asia and possibility of holding a strategic workshop to see what specific cooperation could be planned. He assured the representative that in the period 2003-2005, cooperation from his office and the Regional Office would be forthcoming.

40. The Chair expressed appreciation to Mr. Bakary Kante for his presentation.

VI. GLOBAL SEGMENT: IMPLEMENTATION OF THE OUTCOMES OF THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT – THE ROLE OF CIVIL SOCIETY

A. Linkages between poverty and the environment

41. A presentation was given by Mr. Patrick Karani, Chief Executive, Bureau of Environmental Analysis International. He said that the World Summit on Sustainable Development had clearly established the link between poverty and ecosystem management. The ecosystem was understood as natural capital containing water, air, soil, forests, wildlife and other subsoil assets. Cultural and ethical rights were also important components of the ecosystem and if not well articulated contributed to poverty and environmental degradation. The issue of poverty and the environment was therefore a complex and multidisciplinary one, and had to be addressed from a people's perspective in a social context. Understanding the linkages meant collecting information and disseminating it, educating and empowering local communities, adjusting strategies and tools and redistributing benefits realized from natural resources and the enhancement of ownership among local and vulnerable communities. In that work, civil society could be a catalysing agent and an advocate of poor vulnerable communities, thus playing an important role in enhancing the implementation plan of the World Summit. He pointed out that civil society could help by doing the following: identifying key factors of change for improving the quality of the environment, developing strategic networks and tools to help with that identification and enhancing participation and strategic partnerships. Turning to possible recommendations of the Civil Society Forum to the Governing Council, he summarized these as follows:

(a) Inform the Governing Council of the view that people should be put first and civil society could be agents of institutional transformation and policy change towards improving the quality of the environment and reducing poverty;

(b) Local communities should be empowered through respect for and promotion of the importance of local knowledge and by supporting public participation in the protection of the environment.

42. In the lively discussion that followed, participants expressed their opinion about courses of action to follow, which were summarized by the Rapporteur as follows:

(a) When considering poverty, it is useful to establish how the poor got to where they are, and possibly address people's lifestyles;

(b) A multidimensional approach should be adopted and cross-cutting issues tackled, a matter that was particularly important to government departments;

(c) Local and national Agenda 21 programmes should be implemented;

(d) The multiplicity of projects at the grassroots level was counterproductive, and the work of non-governmental organizations should be coordinated;

(e) More effective partnerships were needed;

(f) Ordinary people needed to be empowered and educated to understand issues of environment and poverty; lack of knowledge meant that people did not know that much of what they suffered was due to human rights violations;

(g) Hearing the voice of the people and building trust required a "bottom-up" approach, starting at the grassroots;

(h) UNEP should be encouraged to look at national level responses, harness local knowledge through its engagement with civil society, assess the impacts of globalization and work to develop an environmental rights framework; and,

(i) Governments should be encouraged to transform their legal systems, including the adoption of an integrated ecosystem approach.

B. Promotion of sustainable production and consumption patterns

43. Ms. Kaarin Taipale, Chairperson, Council for Local Environmental Initiatives, made a presentation on sustainable production and consumption. She noted that changing of production and consumption patterns to sustainable ones had been recognized since the United Nations Conference on Environment and Development (Earth Summit) in 1992 as one of the overarching conditions for sustainable development. After the Earth Summit, an ambitious programme of work had been implemented to increase the understanding of the mechanisms driving production and consumption, develop the policy tools needed, educate the consumer and initiate technological development programmes to clean up production processes. UNEP had played an important role in this work. The implementation of some policy options, however, had failed to reverse the trend. The official reports sent to the World Summit on Sustainable Development in 2002 had all noted that the gains made had been offset by the trends in economic growth and increased consumption. In fact, the world was worse off in relation to the use of natural resources, some greenhouse gas emissions and waste than it had been in 1992.

44. Civil society had focused its preparations for the World Summit on Sustainable Development on the identification of the obstacles and barriers to the implementation of sustainable production and consumption policies. The major barriers were: the failure of policy tools to achieve the aims of sustainable production and consumption; lack of social cohesion in sustainable production and consumption policies; the failure of policies in developed countries to match the needs of developing countries; the negative image of sustainable production and consumption policy; powerful interest groups, primarily industry; the media; and tourism.

45. A renewed focus on the reduction of resource use, specifically through end use measures, was necessary. That renewed focus required a holistic, framework type of approach to changing production and consumption patterns. The goal must be the reduction of resource use, not only the reduction of the intensity of resource use. Clear targets must be set for each sector, with the policy mix then put in place to achieve that objective. The policy mix must include social measures and technological fixes and would require a breakthrough in the prevailing economic thinking (bearing in mind that in many cases economic growth would actually impede the growth and distribution of wealth). It also required a renewed focus on the consumer, paying sufficient attention to the quality of demand.

46. Ms. Taipale proposed the following policy initiatives that needed to be adopted by the Governing Council for immediate implementation, taking into account the principle of common but differentiated responsibility:

(a) Targets and time frames should be set for resource use reductions by a factor of ten across the board by 2030, based on human needs. Policy frameworks should be established that would include the policies described below, keeping in mind the millennium development goals;

(b) Policies for cost-internalization should be implemented to reflect environmental and social costs and benefits in (consumer) goods through:

(i) Ecological tax reform, placing the tax burden on resources use and away from labour;

(ii) Subsidy reform, removing subsidies from harmful production processes and placing them in support of social adjustment schemes;

- (iii) Implementing extended producer responsibility measures by Governments that in the short term will increase costs, but in the long run will lead to significant cost reductions as the designs of products are adjusted to prevent the generation of waste.
- (c) UNEP and the Commission on Sustainable Development should be mandated to monitor this progress and to provide guidance at the national level on how to do this correctly. Accountability should be increased through the following:
 - (i) Implementation of measures to enhance corporate accountability through binding global frameworks;
 - (ii) Implementation of Principle 10 of the Rio Declaration, particularly including the creation of an information environments that empowers consumers;
 - (iii) Implementation of the United Nations Guidelines for Consumer Protection;
- (d) There is a need to improve UNEP's policies related to the involvement of civil society to enhance cooperation, including the improvement of partnerships with non-governmental organizations to help carry out capacity-building work and target setting. This work could also include using the World Commission on Dams model for target setting on resource use and the reduction of emissions and waste. The specific role of consumer organizations must be emphasized;
- (e) Focus should be shifted from industry sectors to integrated approaches for meeting human needs. Work should be undertaken to promote increased choice for consumers for products that meet high social and environmental standards;
- (f) Mechanisms for knowledge sharing and information exchange should be improved, particularly on nationally banned goods;
- (g) Policies aimed specifically at consumption and consumers should be established and improved, through:
 - (i) Initiating capacity-building that should include education, training, etc., for Governments and consumers. Capacity-building elements should differentiate between developed and developing countries;
 - (ii) There is a need to initiate public information and environmental awareness campaigns (on waste, energy, water, transport), education, public debate and participatory decision-making processes, support of voluntary citizen initiatives, partnerships involving a wide range of actors (the private sector, non-governmental organizations, etc.).

Discussion

47. In the ensuing discussion, it was pointed out that new behaviour had evolved, particularly in the mega-cities, that did not take the environment into consideration in the economic development process and that there was a need for an ethical approach to production and consumption to change human behaviour. A representative of industry pointed out that the subject of sustainable production and consumption was of interest to industry. He noted that sustainable production and consumption involved very deep and problematic issues but industry was certainly emerging from the era of when sustainable production and consumption were not considered. Economic development in the context of expanding populations raised very complicated issues and it was very difficult for the private sector to find solutions in a globally interconnected environment.

48. It was noted that there was a need to strengthen institutional capacity in the Third World because the forces opposed to sustainable production and consumption were very powerful. Sustainable production and consumption should put emphasis on manufacturers and suppliers and awareness creation to be able to stem the problem at source. The polluter-pays principle should be enforced. There was a need for legislation governing production and consumption.

49. The participants endorsed the initiatives proposed by Ms. Taipale for inclusion in the civil society's statement to the Governing Council.

C. Cultural diversity for the environment (including benefit sharing)

1. Cultural diversity and biodiversity for sustainable development

50. Mr. Juan Mayr of Colombia made a presentation on cultural diversity and biodiversity for sustainable development. He pointed out that cultural diversity was the expression of multiple forms of adaptation, characterized by history, ethnic origin, language, spirituality, knowledge, technology, creativity, artistic expression and ethical values, which together formed the common heritage of humanity. He said that traditional indigenous societies had lived in permanent contact with nature for thousands of years and had constructed systems of beliefs and spirituality, values and languages derived from their territory. At the same time, they had developed empirical knowledge and experiences such as innovative technologies for the sustainable use and management of the natural resources, including traditional forms of agriculture, on which 1.2 billion people depended for their food security, thus providing important alternatives and solutions at the local level in the fight against poverty.

51. A direct correlation between cultural diversity and biological diversity was evident in the tropical regions, where the greatest concentration of the planet's biological and cultural diversity could be found. It was estimated that there were around 6,000 different cultures, of which 80 per cent were indigenous, many of which were under threat of extinction. 2,500 languages were in danger of disappearing, along with the biodiversity associated with the knowledge for which they served as a vehicle. Cultural diversity was as necessary for humanity as biodiversity was for nature.

52. Population increase, modern technology, the development of mega-cities, production and consumption patterns that were promoted through the media and the process of economic globalization had had a considerable impact; there had been repercussions not only on the environment, but also on the majority of traditional cultural systems and the knowledge associated with them. That had generated conflict, threatening the stability of many regions around the world, widening the poverty gap and reducing the range of solutions that only biological and cultural diversity could provide for sustainable development.

53. The Convention on Biological Diversity, in article 8(j), referred specifically to access to genetic resources, traditional knowledge and benefit sharing, and included the obligation to respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities. The issue was also raised in other multilateral environmental agreements, particularly those concerning trade and development.

54. Mr. Mayr proposed the following recommendations:

(a) In view of the importance of the theme there is need for an initiative for cultural diversity and biodiversity and sustainable development which should include a component on ethics;

(b) A series of consultations should be carried out region by region throughout 2003 and in different stages: an informative stage for discussion and analysis and a stage for the formulation of recommendations for action at the local, regional and global levels;

(c) A global meeting should be held that will make it possible to exchange information on regional contributions and to define and adopt recommendations for action;

(d) The consultations will promote the articulation of institutional efforts between the United Nations agencies and conventions, such as the Convention on Biological Diversity and other relevant sectors, particularly with Governments, indigenous organizations and local communities, with non-governmental organizations and the private sector. Wide participation of women and youth groups should be called for.

55. With regard to the contributions of civil society, proposed actions could include the following:

(a) Evaluation of the participation of civil society organizations in initiatives and programmes that have been or continue to be implemented by UNEP and involvement of the participants in the initiative on cultural diversity. Existing networks could be strengthened so as to guarantee that national and local levels are reached where UNEP has limited access;

(b) Use of regional and subregional forums, where they exist, for regional consultations, with the aim of strengthening these mechanisms and relations between civil society organizations, the regional offices and other bodies of the United Nations system that may participate and contribute to the initiative;

(c) Establishment of a working group with international indigenous organizations to guarantee that regional, subregional, national and local indigenous organizations participate in the initiative. The same should be done with peasant farmers' groups.

(d) Establishment of a working group with the private sector so that the identification and evaluation of successful cases of business environmental and cultural enterprises can contribute to the design of policies and practices in this area;

(e) Given that information plays an important role in the initiative, UNEP should, in a coordinated way, place all its communication capacity at the disposal of the initiative and use it for dissemination of information to all participants.

2. The value of cultural biodiversity for sustainable livelihoods

56. Mr. Yonas Yohannes, Heinrich Böll Foundation, East and Horn of Africa Region, made a presentation on the value of cultural biodiversity for sustainable development. Mr. Yohannes defined culture as all the accepted ways of behaviour of a given people. It included the physical manifestations of the group as exhibited in the objects they made – clothing, shelter, tools, weapons, implements, etc. Biodiversity referred to the variety or diversity within living organisms (plants, animals and microbes) while cultural biodiversity referred to the behavioural and utilitarian relationship of the community with the diversity of living things and the natural environment.

57. The socio-cultural aspects of biodiversity were described as follows:

(a) There was widespread concern that natural resources were rapidly being eroded;

(b) Cultural acceptance was a key factor for the success of conservation;

(c) There was a marked correlation between areas of biological diversity and areas of cultural diversity;

(d) Humans related to their environment with language and the erosion of language led to the erosion of ecological knowledge;

(e) Spirituality was essential for biodiversity conservation.

58. Mr. Yohannes went on to say that biodiversity resources constituted the survival pools of humanity and traditional knowledge about diverse food systems, food security and medicine was vital for economic development. Cultural globalization was undermining the social and economic well-being of non-western societies. The number of people living in cities was increasing and people were losing contact with nature. As a result of disillusionment, youth were looking to the West as the best model of living. Education systems in some developing countries were not doing much to help the situation as they were not adapted to the local realities. Most politicians, being the product of the western way of thinking, only valued resources as long as they had monetary value. For sustainable cultural biodiversity, there was a need to reconnect the youth with their elders. The livelihood skills and cultural knowledge of the older generations must be passed to the youth before they were lost. It was necessary to revive cultural biodiversity practices and skills in order to equip the next generation with survival strategies. Youth and community centres should be made dynamic community “action learning centres”, providing inter-cultural curricula. Communities should be supported to make their own by-laws, to protect their common interests, traditional knowledge and natural resources. There was a need to build mutual respect between cultures in a country as that would lead to the reduction of conflict.

59. Mr. Yohannes made the following recommendations:

- (a) There was a need to conduct sample studies of the remnants of special ecological and life systems in order to discover general principles of application to sustainable development;
- (b) There was a need to re-evaluate African cultures and the close relationship between cultures and biodiversity and to respect the role of culture and its significance in the sustainable management of development and in supporting the environment/resource base;
- (c) The culture of a people must be a central and integral component of the relationship with the environment/resource base;
- (d) There was a need to incorporate livestock issues into the discussion of cultural biodiversity;
- (e) There was a need for a video production documenting cultural norms that were critical to the protection of the environment;
- (f) There was a need to develop guidelines for a network on cultural biodiversity.

Discussion

60. The participants appreciated the inclusion of the topic in the agenda. It was pointed out that there was a need to document the cultural initiatives of the various communities in a country. Cultural diversity should be considered before the implementation of programmes in different communities. With regard to agro-forestry, it was noted that it was necessary to use a local term, such as forest agriculture, to avoid creating a cultural barrier. One participant likened the destruction of culture to the destruction of an encyclopaedia in terms of the amount of knowledge lost. He said that ways should be found of integrating indigenous technologies into modern technology and indigenous people should be encouraged to conserve their practices. The political empowerment of indigenous groups should be emphasized. It was pointed out that globalization was a good idea if taken to mean globalization of diversities. It was noted that international standards, for example, medical standards, could hinder the expression of cultural diversity. People should be allowed to use their traditional medical practices without having to be subjected to international medical standards. It was also noted that culture was fundamental to planning and was the property of all humanity.

61. It was recommended that the diversity of issues should be communicated to the decision makers instead of negotiating a common agenda and that UNEP should use a precise definition of civil society organizations. There was a need for explanation of issues.

VII. OTHER MATTERS

62. There were no other matters.

VIII. CLOSURE OF THE SESSION

63. Following the customary exchange of courtesies, the Chair declared the Fourth Global Civil Society Forum closed at 6.30 p.m. on Sunday, 2 February 2003.

Annex I

AGENDA OF THE FOURTH GLOBAL CIVIL SOCIETY FORUM HELD ON 1-2 FEBRUARY 2003

1. Opening of the session of the Fourth Global Civil Society Forum.
2. Organization of the session of the Fourth Global Civil Society Forum:
 - (a) Election of officers;
 - (b) Adoption of the agenda and organization of the work of the session of the Global Civil Society Forum.
3. Regional segment: Focus on Africa- the Role of Civil Society in the implementation of the environment initiative of the New Partnership for Africa's Development (NEPAD).
4. Global segment: Presentation of the strategy paper on enhancing civil society engagement in the work of the United Nations Environment Programme
5. Global segment: Implementation of the outcomes of the World Summit on Sustainable Development: the role of civil society. Special focus will be accorded to:
 - (a) Linkages between poverty and the environment, with special focus on water, health and chemicals;
 - (b) Promotion of sustainable production and consumption patterns;
 - (c) Cultural diversity for the environment (including benefit sharing).
6. Other matters.
7. Closure of the session.

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Annex III

STATEMENT OF THE FOURTH GLOBAL CIVIL SOCIETY FORUM TO THE
TWENTY-SECOND SESSION OF THE GOVERNING COUNCIL

3 February 2003

The Civil Society provides fresh air, action, and advice to UNEP. We have gathered from all over the world and from different major groups to share our perspectives with you delegates. We are grateful for having this opportunity, but we also believe it is time to enhance our participation in your important work for people and earth.

On behalf of the Global Civil Society Forum, I have been given the honour to present a number of ideas and demands. A comprehensive set of recommendations is being finalized and will be distributed shortly.

The Forum welcomes the strategy paper on UNEP relations with civil society. But the strategy *must* be implemented. Most important of all is to transfer words into action.

We want forums to be convened prior to each Governing Council also in the future. The main ideas of participation underlined in the proposal on a Global Environmental Non-governmental Organization Forum must be implemented. It is also important to open a possibility for nationally based civil society organizations to be accredited with and by UNEP.

We also endorse the prompt creation of a civil society organization advisory panel to the Executive Director. The Executive Director, on the basis of nominations from major groups, should appoint this panel.

Further, preparatory consultations on national and regional levels are needed. UNEP national committees and regional offices should help in this. Regional partnership with civil society organizations should be given increased funding.

UNEP is lagging behind on civil society relations.

With regard to the interlinkages between poverty and the environment, civil society supports the adoption of the "Poverty and Ecosystems: A Synthesis of Conceptual Framework" (UNEP/GC/INF/30), to analyse the linkages between poverty and the environment, in keeping with Governing Council decision 21/15.

Civil Society recommends that the Governing Council further examine the relationship between poverty and environment and develop a freedom/rights based approach to sustainable development and poverty reduction, in keeping with paragraph 152 of the Plan of Implementation of the World Summit on Sustainable Development.

Based on its conceptual framework on poverty and ecosystems, UNEP should consider further developing understanding of the interlinkages between poverty and environment that puts people first and recognizes civil society organizations as agents of institutional transformation. They could help formulate guidelines for policy options and responses and tools for implementation at local, national and regional levels.

In accordance with the UNEP conceptual framework, we must empower local communities by respecting, promoting and supporting the active participation of civil society in the UNEP approach to poverty reduction, using national strategies for sustainable development and poverty reduction strategies.

On consumption and production patterns, UNEP should have the mandate to develop, facilitate, and monitor implementation of the 10-year framework of programmes to promote sustainable consumption and production, in close cooperation with the Commission on Sustainable Development. Key challenges are:

- Building clear political will and leadership at national and local level
- Enhancing multi-stakeholder involvement in decision-making processes through consumer's information
- Building capacity in developing countries to elaborate sustainable consumption and production's systems that support job creation, decent livelihoods and value traditionally sustainable practices
- The development of an integrated approach for meeting human needs and key functions such as mobility, nutrition, shelter, etc.

On the issue of cultural diversity and environment, we would like to emphasize that culture is not a luxury of our development, but a precondition for sustainability and that it is not a prerogative of only a minority, but fundamental to all people.

As stated in the introduction of the Plan of Implementation of the World Summit on Sustainable Development, the respect for cultural diversity and human rights and fundamental freedoms is essential for achieving sustainable development.

We appreciate the work that UNEP has undertaken in this regard and strongly recommend a continued effort in the following areas:

(a) We would like to propose that UNEP launch an initiative on cultural diversity and biodiversity and establish regional working groups to develop its work, in partnership with other institutions, such as the Food and Agriculture Organization of the United Nations, the Convention on Biological Diversity, the United Nations Educational, Scientific and Cultural Organization and the United Nations Commission on Human Rights and civil society;

(b) UNEP should also consider the development of an Internet portal on local and indigenous knowledge and assess the importance of cultural diversity and biodiversity, using an ecosystems mapping model, such as the Millennium Ecosystem approach, to protect cultural diversity.

These ideas are just a few of what came up during the Forum. We are grateful as we have said for having been given this opportunity to present them to you. But as was also said, if you open the windows even further and let us truly participate with hearts and minds, we promise to contribute even more to the objectives we all support.

Annex IV

DECLARATION OF THE MEETING REGARDING THE TWENTY-SECOND SESSION OF THE UNITED NATIONS ENVIRONMENT PROGRAMME GOVERNING COUNCIL/GLOBAL MINISTERIAL ENVIRONMENT FORUM

We, the participants, comprising representatives of civil society organizations from 40 countries, of the Fourth Global Civil Society Forum, held from 1 to 2 February 2003 at the United Nations Environment Programme headquarters, Nairobi, and hosted by the United Nations Environment Programme,

Recognizing that civil society is diverse and multi-faceted, that not all civil society organizations were represented at the Forum, and that we do not have a mandate to speak on behalf of organizations not present,

Affirming that the present declaration serves to confirm our capacity and responsibility as world citizens to take the initiative in implementing strategies for sustainable development in the face of environmental challenges,

Recognizing the need for the partnership approach to sustainable development and the common but differentiated responsibilities of Governments, the United Nations Environment Programme and civil society,

Make the following declaration on the issues of the engagement of civil society in the United Nations Environment Programme's work programme, the linkage between poverty and the environment, sustainable patterns of production and consumption, and cultural diversity for the environment.¹

1. With regard to the engagement of civil society in the United Nations Environment Programme's work programme,

Recalling the Plan of Action of the World Summit on Sustainable Development which recommends a stronger focus on regional and subregional realities and priorities, as well as stronger emphasis on partnerships and cooperation with the civil society,

Referring to the policy statement of the Executive Director of the United Nations Environment Programme to the twenty-second session of the Governing Council/ Global Ministerial Environment (UNEP/GC.22/9),

Referring to the strategy paper on enhancing civil society engagement in the work of the United Nations Environment Programme (UNEP/GC.22/INF/13),

Having considered the discussions during the Fourth Global Civil Society Forum prior to the twenty-second session of the Governing Council of the United Nations Environment Programme,

The Fourth Global Civil Society Forum recommends that the Governing Council at its twenty-second session:

1. Endorse the above strategy paper, and give the mandate to the United Nations Environment Programme to implement its provisions;

¹ Although the recommendations of the Fourth Global Civil Society Forum reflect, in general, the consensus of the participating organizations, two major groups noted that they were not in a position to accept the recommendations in their entirety.

2. Reaffirm that Global Civil Society Forums are convened prior to each next session of the Governing Council/Global Ministerial Environment Forum, starting with the eighth special session of the Global Ministerial Environment Forum to be held in Korea, as well as the future Governing Council/Global Ministerial Environment Forum sessions in other regions respectively;
3. Call for preparatory consultations to be convened at subregional and regional levels prior to the Global Civil Society Forum and the Global Ministerial Environment Forum, and held at the national levels as well. United Nations Environment Programme national committees –where they exist – should play a substantial role in the preparation of national forums and bringing the national conclusions to subregional and regional levels. In cases where national committees do not exist, their establishment should be considered (UNEP/GC.13/33 paragraph 2(f) from 1985, 15/1 paragraph III, and 15/42 paragraph 6);
4. Increase funding and support for the United Nations Environment Programme regional offices to develop and maintain regional and sub-regional outreach and partnership with civil society organizations; and enhance civil society's involvement in the development and implementation of United Nations Environment Programme activities in the region;
5. Confer the possibility for nationally based civil society organizations to be accredited to the United Nations Environment Programme, taking note of the need for the United Nations Environment Programme to become instrumental at national level;
6. Call on the United Nations Environment Programme and its regional offices to develop a medium-term action plan for the implementation of the revised strategy paper (UNEP/GC.22/INF/13) for the period 2003-2005 in cooperation with international non-governmental organizations and national committees;
7. Establish as soon as possible the proposed civil society organization advisory panel to the Executive Director, as a complement to other forms of civil society involvement. Such a panel should be appointed by the Executive Director, based on the nominations made through the regional offices and major groups;
8. Employ a clear definition of civil society organizations, namely all groupings of individuals that fall outside the public and profit-making sectors, whether legally constituted or informally established (as per the definition used by the World Bank group, the United Nations Conference on Trade and Development, the Food and Agriculture Organization of the United Nations and the United Nations Educational, Scientific and Cultural Organization) and support both civil society and multi-stakeholder dialogues.²

2. With regard to the implementation of the outcomes of the world summit on sustainable development regarding the linkage between poverty and the environment

Mindful of the need to provide better linkages between the millennium development goals aimed at poverty eradication and environmental commitments and targets,

Recalling that the United Nations Environment Programme has a mandate from the twenty-first Governing Council/Global Ministerial Environment Forum to promote the understanding of the linkages between poverty and the environment on poverty eradication,

Recognizing that a partnership approach including civil society is fundamental to undertake the fight against poverty, including at the grassroots level,

² The local authority major group noted that they were not in a position to support this recommendation.

The Fourth Global Civil Society Forum recommends to the Governing Council at its twenty-second session that:

The United Nations Environment Programme:

1. Further develop the understanding of the interlinkages between poverty and environment at all levels based on its conceptual framework on poverty and ecosystems, including an assessment of the micro-macro linkages such as the impacts of globalization, and make recommendations to tackle these issues in the future;
2. Address the interlinkages between poverty and environment from a socio-economic perspective that puts people first and recognizes civil society organization as agents of institutional transformation and policy change;
3. Engage civil society in the on-going work of the United Nations Environment Programme on guidelines for policy options and responses and tools for implementation at local, national and regional levels and support greater grassroots engagement and harnessing of local knowledge of poverty and environmental linkages, including supporting initiatives by civil society;
4. Support the establishment of a legal framework for partnerships including adopting a multi-stakeholder process to ensure a formal and lasting system of partnership processes.

Governments:

1. Support an integrated ecosystem management approach to understanding poverty and environment linkages;
2. Empower local communities through respecting and promoting the importance of local knowledge and supporting public participation, through such mechanisms as the national and local councils for sustainable development;
3. Sensitize and train local communities in sustainable development principles and issues through information and capacity-building, as a necessity and social incentive for social transformation that will free the minds and attitudes of marginalized and vulnerable communities;
4. Amend national poverty reduction strategies and national plans to implement the international environmental agenda to better reflect the linkages between poverty and environment and ensure the active participation of civil society;
5. Transform current legal systems to incorporate issues of environmental rights, equity and the eradication of poverty within national and international agreements, especially multilateral environmental agreements, and establish a legal framework for partnerships;
6. Review economic production and growth models and make adjustments to existing strategies and tools that are inclusive of the environment and technology with emphasis on poverty eradication.

Civil society:

Undertake an active role in the implementation of the Plan of Implementation of the World Summit on Sustainable Development, notably in the implementation and strengthening of programmes and policies related to sustainable development and poverty eradication, including initiatives which promote community-based protection and sustainable use of biological diversity;

1. Support government legislation and provide assistance to companies and organizations in complying with these agreements, such as through training and technology transfer;
2. Continue their key role in providing education, knowledge and awareness raising, through, inter alia, workshops and training programmes to enable the poor to better understand the linkages between poverty, the environment and human rights;
3. Coordinate activities relating to poverty and environmental areas more effectively. For example, southern non-governmental organizations need to address the negative impacts of globalization on the poor more effectively;
4. Serve as a bridge between poor communities and public bodies and help to build trust between these groups by helping to present a more bottom-up approach in tackling poverty and environment issues.

United Nations Environment Programme, Governments and civil society together:

1. Develop guidelines through partnerships between civil society organization, the United Nations Environment Programme and Governments. The many positive projects taking place at the grassroots level need to be transmitted and incorporated into the policy development process;
2. Further examine the relationship between poverty, environmental degradation and human rights violations and develop a rights-based approach to sustainable development and poverty eradication, in keeping with paragraph 152 of the World Summit's Plan of Implementation.
 3. With regard to implementation of the outcomes of the World Summit on Sustainable Development regarding sustainable production and consumption patterns, the Forum recommends that the Governing Council at its twenty-second session:
 1. Ensure that the United Nations Environment Programme, working closely together with civil society, has a key role in developing and facilitating the implementation and monitoring of the 10-year framework of programmes to promote sustainable consumption and production patterns, in close cooperation with the Commission on Sustainable Development, bearing in mind the following key challenges to removing existing barriers, namely:
 - (a) The need for clear political willingness and leadership at national and local level;
 - (b) The establishment of multi-stakeholder involvement in decision-making;
 - (c) Building capacity among key decision makers in developing countries to develop sustainable production and consumption systems that support job creation, decent livelihoods and value practices that are traditionally sustainable;
 - (d) The need to develop an integrated approach for meeting human needs for critical services and fulfilling key functions, such as mobility, nutrition, shelter, clothing, health, knowledge, leisure and security;
 - (e) The need to empower and strengthen the capacity of civil society as an ally in the development and implementation of sustainable production and consumption solutions.
 2. Adopt the following policy initiatives for immediate implementation, taking into consideration the principle of common but differentiated responsibilities:

- (a) Set effective and efficient targets and time frames for sustainable production and consumption based on human needs. Policy frameworks should be established that will include the policies described below, keeping in mind the Millennium Development Goals and the need to find sustainable production and consumption solutions that also serve reduction;
- (b) Implement policies for cost internalization to reflect environmental and social costs and benefits in consumer goods and services through:
 - Ecological tax reform: placing the tax burden on resource use and away from labour, with specific arrangements to avoid adding an extra burden to the poorer sections of society;
 - Subsidy reform: removing subsidies for harmful production processes and placing them in support of social adjustment schemes in sectors such as fossil fuels, fisheries, agriculture, transport;
 - Implementing extended producer responsibility measures.

The United Nations Environment Programme and the Commission on Sustainable Development should be mandated to monitor this process and provide guidance at the national level on how to do this correctly.

3. Call on Governments to demonstrate their strong political commitment to increase accountability and take measures to:
 - (a) Enhance corporate accountability through binding global frameworks;
 - (b) Create an information environment to empower consumers, based on the Rio Principles 10 and 15, the precautionary principle and the principle on participation and access to information and justice;
 - (c) Implement sustainable procurement for public authorities' consumption of goods and services at all levels, from local to global;
 - (d) Implement the United Nations Guidelines for Consumer Protection;
 - (e) Improve and enable United Nations Environment Programme policies related to major groups' involvement with increased human and financial resources. This will enhance cooperation and improve partnerships with major groups to help carry out capacity-building work and target-setting;
 - (f) The specific role of consumer organizations needs to be emphasized. Increase consumers' access to products and services that fulfil high social and environmental standards;
 - (g) Improve mechanisms for knowledge sharing and information exchange at all levels;
 - (h) Establish and improve policies to promote a culture of sustained product consumption among consumers through:
 - Capacity-building that should include education and training for public authorities at all levels for consumers and for non-governmental organizations including youth;
 - Public information and awareness campaigns (on waste, energy, water, transport, leisure), education, public debate and participatory decision-making processes (such

as local Agenda 21), support of voluntary citizen initiatives and partnerships involving a wide range of actors (private sector and other major groups such as local authorities, women, youth).

4. With regard to implementation of the outcomes of the World Summit on Sustainable Development regarding cultural diversity and the environment,

Recalling the mandate given to the United Nations Environment Programme during the Governing Council/Global Ministerial Environment Forum at Malmö to integrate respect towards cultural diversity, and the Millennium Declaration which calls for the achievement of the full protection and promotion of social and cultural rights for all people,

Recognizing that peace, security and respect for human rights and fundamental freedoms, including the right to development as well as the respect for cultural diversity, are essential for achieving sustainable development, as stated in the introduction of the World Summit on Sustainable Development's Plan of Implementation,

Stressing that biodiversity and cultural diversity are at a dramatic stage of reduction. Languages, the carriers of culture, knowledge and natural resources management are under great pressure. 2,500 languages in the world are in immediate danger of extinction. Some 60 per cent of the world food consumption depends today only on four species of the over 7,000 originally existent,

Acknowledging that strong evidences of linkages between biodiversity and cultural diversity exists, and that planning for sustainable management cannot disregard the relationship with the natural resource base,

Recognizing that culture is not a luxury of our development, but a precondition, that it is not a prerogative of only a minority, but fundamental to all peoples,

Acknowledging the importance of ethics and respect in matters of cultural diversity,

Taking note of the outcomes of the United Nations Environment Programme/United Nations Educational, Scientific and Cultural Organization joint high-level round table on cultural diversity, biodiversity and sustainable development during the World Summit on Sustainable Development,

Appreciating the work already done by the United Nations Environment Programme in this field, especially through the publication *Cultural and Spiritual Values of Biodiversity*,

The Fourth Global Civil Society Forum recommends to the Governing Council that at its twenty-second session:

UNEP:

1. Continue to integrate cultural aspects in all its programmes of work, in recognition of the fact that culture is a precondition of sustainability;
2. Assess the importance of cultural diversity and biodiversity, using an ecosystems mapping model, such as the Millennium Ecosystem approach, to protect cultural diversity;
3. Develop sample studies of remnant special ecological systems and life systems, in order to discover general principles for application in sustainable development;
4. Launch an initiative on cultural diversity and biodiversity and establish regional working groups to develop its work, in partnership with other institutions, such as the Food and Agriculture

Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the United Nations Commission on Human Rights, and civil society;

5. Consider the development of an Internet portal to support and coordinate such an initiative.

Governments:

1. Give a clear mandate to the United Nations Environment Programme to pursue the proposed initiative on cultural biodiversity;
2. Promote the dynamic expression and creativity of diverse cultures, as well as the dialogue among these cultures. This promotion of culture should enrich debates in a global world, and not help to build barriers between cultures;
3. Address the need to educate people, especially youth, to appreciate and valorize their own cultures, raising awareness of the value and potential of local knowledge, through education, capacity-building and inclusion of cultural and biodiversity concepts in educational curricula;
4. Harmonize legal frameworks with article 8(j) of the Convention on Biological Diversity and the rights-based approach.

Civil society:

1. Strengthen existing programmes for education, awareness raising and capacity-building on cultural diversity and biodiversity, and develop new ones.

United Nations Environment Programme, Governments and civil society together:

1. Promote a programme of actions in the field of cultural diversity and biodiversity, as for example the sustainable use of our ecosystem;
2. Develop regional model laws for the protection of the rights of local communities, farmers and breeders and for the regulation of access to biological resources;
3. Bear in mind that culture for biodiversity must be considered in an holistic manner, based on ethical and spiritual values;
4. Recognize the impact of production and consumption patterns on different cultures and the need to change consumption behaviour at all levels;
5. Address the specific needs of urban cultures, which are a dynamic force with specific impacts and benefits.

REMARKS BY MR. ARTHUR CHASKALSON, THE HON. CHIEF JUSTICE
OF SOUTH AFRICA AT THE UNEP GLOBAL CIVIL SOCIETY FORUM
NAIROBI, 2 FEBRUARY 2003

I was asked if I would come here this morning to speak to you about the work that the judges have been doing, and I willingly agreed. First and foremost, I wanted to congratulate on the work that you are doing and to encourage you to continue that work. It is, as I will continually repeat as I speak, work of the greatest importance. And secondly, I wanted to tell you that the judges who attended the Johannesburg Summit that was held last year at the time of the World Summit on Sustainable Development expressed their concern for the protection of the environment and their support for the role of civil society in this regard. This was affirmed towards the end of last week by the judges who met in Nairobi as a follow up to the global meeting.

There is no need to remind a gathering such as this of the Stockholm Declaration or the Millennium Declaration, but it is worth recalling the pledge made in the Millennium Declaration to spare no effort to free all humanity from the threat of living on a planet irredeemably spoilt by human activities and whose resources would no longer be sufficient for its needs. And to recall also the first principle of the Stockholm Declaration which recognizes as a fundamental right, the right we all have to adequate conditions of life in an environment of a quality that permits a life of dignity and well being, and the corresponding obligations we owe to ourselves and to future generations to protect and improve the environment.

You may possibly think it strange that judges, who at times were once considered by members of civil society to be somewhat remote from such matters, should concern themselves about these issues. But indeed they do, and it was the focus of a very large conference in Johannesburg at the time of the World Summit. In the course of that conference the judges acknowledged the existence of such rights and obligations. They also acknowledged the important role that civil society has in securing respect for these rights and compliance with these obligations. I should tell you that the Conference was attended by 120 senior judges from around the world including 32 chief justices.

Rights are not self-executing. We have learned from bitter experience that unless they are vigorously and assertively enforced they may have no substance. Civil society has a crucial role to play in promoting respect for and in asserting fundamental rights and freedoms. I have lived in a society in which there was no respect for rights and freedoms and human dignity. I know from my own experience the crucial role that civil society played in the struggle for fundamental rights and freedom in my country. I know how much we owe to civil society for the rights and freedoms that we now have in our country, and for the extraordinary Constitution in which those rights and freedoms are entrenched.

The rights and freedoms entrenched in our Constitution include environmental rights. The Constitution says that,

Everyone has the right –

- (a) to an environment which is not harmful to their health or well-being and;
- (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislation and other measures that –
 - (i) prevent pollution and ecological degradation;
 - (iii) promote conservation, and

- (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

This is one of a series of social and economic rights in our constitution, which include the right of access to health care services, of access to adequate housing, to basic education, and certain children's rights. The state is obliged to take reasonable measures within its available resources to achieve the progressive realization of the rights to health care and adequate housing. The rights are justifiable and enforceable and our Courts are being called upon on occasions to enforce them. They have done so and they have on occasions said to Government "*you are not complying with your obligations under the Constitution*".

Civil society is the engine for the enforcement of these rights. The cases that we are called upon to deal with, the important cases, the really central cases are almost always brought to Courts by organs of civil society. It is because they have the expertise, they have the knowledge and they have the commitment, to be able to assemble facts in a coherent way, to identify the issues which are crucial in that regard, and to present a case which brings relevant issues to the fore, the suffering of the people who are being denied their rights, and the reasons why the Court should intervene to protect them. If those cases are not brought before the Court, or even worse, if they are brought before the Court but not brought before the Court properly, so that important evidence is not placed before the Court, or important arguments are not raised, and the case fails because of the lack of preparation, great suffering can take place.

Although civil society is the engine for asserting these rights, the judiciary also has an important role to play in upholding rights and freedoms. In this sense, the judiciary and organs of civil society are partners in securing compliance with the law. Those who suffer most when rights and freedoms are not upheld are the poor. They too are the ones who are likely to suffer most immediately if there is environmental degradation. And it is the responsibility of governments and of civil society to see that functionaries perform their responsibilities in this regard, and that abuse of rights or ignoring of rights does not happen.

It is not only the poor and marginalized sections of the community who look to civil society to protect their rights and interests. All sections of society do so. The more vibrant civil society is, the greater the likelihood is that rights and freedoms will be respected. So I salute you for the work that you are doing. It is, as I have said, and as I repeat, work of the greatest importance. It is often dangerous; it does not lead to material reward. But it can be fulfilling in many other ways, and it is invaluable. Continue your good work. Without your efforts, there can be no justice.

Let me now speak to you about the judges' meeting. At our meeting in Johannesburg we recognized that the boundaries of environmental law are expanding rapidly, and that there is an urgent need for a concerted and sustained programme of work focused on education, training and the dissemination of information in this field. We recognized also the importance of public participation in environmental decision-making, the need for access to justice for the settlement of environmental disputes, for the defence and enforcement of environmental rights; and for public access to relevant information. Here too, civil society has an important contribution to make. The judges acknowledged this, as well as the need to strengthen the capacity of organizations and initiatives which seek to enable the public to engage on a well-informed basis in focusing attention on issues relating to environmental protection and sustainable development.

Capacity building is important. Judges are committed to undertaking programmes to enhance their knowledge and skills in environmental law. We recognize that there is a need for civil society to do the same and are fully supportive of that initiative. As a follow-up to the Johannesburg Summit, another meeting of senior judges was held in Nairobi on Thursday and Friday of last week (30 and 31 January 2003). The purpose of that meeting was to try to give substance to the discussions that had taken place in Johannesburg, and to plan for the implementation of some of the decisions taken there.

And again at this meeting, the judges recognized the important role of civil society, called on UNEP to develop and implement programmes of capacity building, not only for judges but also for other legal stakeholders such as prosecutors, enforcement officers, lawyers, public interest litigation groups and other relevant groups engaged in the process of the development, implementation and enforcement of environmental law in the context of sustainable development. We were of the view that such capacity building programmes would significantly contribute to the more effective implementation and enforcement and awareness of environmental law. We recognized the important role that UNEP has in the development of these programmes of work, which should be undertaken within the framework of UNEP's programme for the development and periodic review of environmental laws in accordance with the Montevideo programmes which I am sure you all know about. We expressed our full support for cooperation with UNEP for the development and implementation of these capacity-building programmes directed towards all the groups that I have mentioned. We undertook ourselves to contribute towards capacity building within the judiciary. We urged UNEP to undertake an assessment of the capacity building needs in particular of developing countries and countries whose economy is in transition, and to design and implement programmes responding to the specific needs at national level of those countries, utilizing existing national and other organizations and institutions for this purpose, and to reinforce, where possible, existing training programmes. We also agreed to support initiatives by UNEP to strengthen the capacity of the judiciary and others, particularly in developing countries and countries with economies in transition, and to this end, we have formed a committee of ten judges from all regions of the world to advise UNEP on the development and implementation of the capacity building programme. It is UNEP's programme, it is UNEP that must drive it, it is UNEP that must do everything, but we have a committee to which UNEP can turn for advice. And that is how we see our role. I should tell you that the judges on this committee are all senior judges, and that six of them are chief justices.

I have already taken up more of your time than I should have because you have a very busy programme. I want to say that I welcomed the opportunity of coming here and talking to you, and letting you know that there are many of us within the judiciary in all parts of the world, who recognize the importance of your work, who encourage you to continue your work, and who hope that you succeed in what you are doing. And with that, let me conclude my remarks and wish you all very well.
