



Universiteit Utrecht

Vera Kleinendorst

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# [ NGO POLITICAL INFLUENCE ON INTERNATIONAL SUMMITS ]

A comparative analysis of non-governmental organization political influence on the United Nations Conference on Environment and Development and the World Summit on Sustainable Development

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## Abbreviations and acronyms

CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna
COCF	Centre for Our Common Future
ECOSOC	Economic and Social Council
GATT	General Agreement on Tariffs and Trade
IAITPTF	International Alliance of Indigenous and Tribal Peoples of the Tropical Forests
ICTSD	International Centre for Trade and Sustainable Development
IPF	Intergovernmental Panel on Forests
JPI	Johannesburg Plan of Implementation
NGO	Non-governmental organization
OPEC	Organization of the Petroleum Exporting Countries
PrepCom	Preparatory Committee
UN	United Nations
UNCBD	United Nations Convention on Biological Diversity
UNCED	United Nations Conference on Environment and Development, Earth Summit 1992
UNCHE	United Nations Conference on the Human Environment
UNCSD	United Nations Conference on Sustainable Development, Earth Summit 2012
UNCSD	United Nations Commission for Sustainable Development
UNEP	United Nations Environment Program
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
US EPA	United States Environmental Protection Agency
WCED	World Commission on Environment and Development
WCU	World Conservation Union
WEHAB	Framework of the Water, Energy, Health, Agriculture and Biodiversity initiative
WRM	World Rainforest Movement
WSSD	World Summit on Sustainable Development, Earth Summit 2002
WTO	World Trade Organization
WWF	World Wide Fund for Nature

In 2012 the United Nations Conference on Environment and Development (UNCED) celebrated its 20 year anniversary in the Brazilian city Rio de Janeiro. The UNCED, also known as the Earth Summit, experienced growth, specified its content and led to several gains regarding the global topics environment and development. Agreements were reached, principles of environment and development enunciated and more specific conventions, for instance the United Nations Framework Convention on Climate Change (UNFCCC) and the United Nations Convention on Biological Diversity (CBD), came into being. The UNCED process can be seen as a period of swift implementation of the environmental agenda in both national and international fora.<sup>1</sup>

Rio+20, the third international conference on sustainable development succeeding the 1992 UNCED in Rio de Janeiro and the 2002 World Summit on Sustainable Development (WSSD) in Johannesburg, is also known as the United Nations Conference on Sustainable Development (UNCSD). This high-level UN conference took three days but led to meager results. It conveyed an image of being vague and lacking a vigorous attitude.<sup>2</sup>

The outcome document of the UNCSD, *The future we want*, does emphasize a cornucopia of global alarming issues. This broad perspective is being promoted but also criticized because depth seems to be predominantly absent.<sup>3</sup> Moreover civil society organizations turned their backs against the achieved conclusions:

*The future we want is not to be found in the document that bears this name. The future we want is not what resulted from the Rio+20 negotiation process.*<sup>4</sup>

UNCSD and its predecessors have always been targets for critics. Perhaps because of its burdened subjects, the magnitude of the conference or the profuse presence of non-governmental organizations (NGOs). The latter is, with respect to international environmental negotiations, of increasing importance since they ought to carry the word of civil society.<sup>5</sup> What were the fundamentals of this development? In what way did NGOs became part of the Earth Summits?

It is generally ascertained that the era of international decision making on sustainable development and environment formally was initiated at the United Nations Conference on the Human Environment (UNCHE) in 1972. The UNCHE was the first all-encompassing international conference with the environment as focal point. Therewith the conference led to the creation of a new phenomenon: a UN subsidiary body focused on the protection of the environment. This body, called the United Nations Environment Program (UNEP), was small

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<sup>1</sup> Peter Rawcliffe, *Environmental pressure groups in transition* (New York 1998) p.194.

<sup>2</sup> Marianne Beisheim, Birgit Lode, Nils Simon, 'Rio+20 realpolitik and its implications for "the future we want"' in: *Stiftung wissenschaft und politik comments* vol.25 (2012) p.1-3.

<sup>3</sup> Suan Ee Ong, 'Examining Rio+20's outcome' in: *Council on foreign relations* (retrieved December 27<sup>th</sup> 2012).

<sup>4</sup> Jo Confino, 'Rio+20. The Earth Summit diaries, Thursday 21 June' in: *The guardian* (retrieved December 27<sup>th</sup> 2012).

<sup>5</sup> Thomas Princen, Matthias Finger, 'Introduction' in: *Environmental NGOs in world politics* (New York 1994) p.1-5.

but highly innovative.<sup>6</sup>

Moreover the UNCHE motivated a significant number of environmental initiatives at the global level. Multilateral legal instruments have been created, for example the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), of which UNEP was involved in approximately half the initiatives.<sup>7</sup>

By no means it can be said that environmental policies were not on the agenda before 1972. Even before World War II, international organizations engaged in environment related subjects regarding the conservation and preservation of nature and its natural resources. However the scale and focus of the activities changed significantly during the 70s.<sup>8</sup> Therefore the UNCHE is frequently recognized as the starting point for modern political and public awareness of global environmental issues.<sup>9</sup>

Another essential development in international environmental negotiations took place in the early 80s. In 1983 the World Commission on Environment and Development (WCED), often mentioned as the Brundtland Commission, came into being. The WCED, which was indirectly co-created by the UNCHE, produced the 1987 Brundtland report, titled *Our Common Future*, and subsequently initiated the creation of the Centre for Our Common Future (COCF).<sup>10</sup>

The statement written in *Our Common Future*, “The Earth is one but the world is not”<sup>11</sup>, seamlessly describes the dilemma the WCED was dealing with: on the one hand there was a fragmented world with regards to the environmental topic and, on the other hand, there was a serious need to find common ground in order to collectively tackle the global environmental issues. The WCED operated with this perspective in mind.

Moreover the WCED urged governments to pursue sustainable development, a development style which covers social, ecological, economic and long-term considerations on a global scale.<sup>12</sup> In the end the Brundtland report foresaw in an intellectual basis for the UNCED process. Therewith the COCF guided the UNCED process and started to include NGOs in the process.<sup>13</sup>

The UNCED evolved as a natural progression. The environment was high on the international agenda,

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<sup>6</sup> Shawkat Alam, *Sustainable development and free trade. Institutional approaches* (New York 2008) p.29-30.

<sup>7</sup> Bas Arts, *The political influence of global NGOs. Case studies on the climate and biodiversity conventions* (Utrecht 1998) p.19.

<sup>8</sup> Arts, *The political influence of global NGOs* (see note 7) p.20.

<sup>9</sup> John Baylis, Steve Smith, Patricia Owens, *The globalization of world politics. An introduction to international relations* 5<sup>th</sup> ed. (Oxford 2011) p.349-353.

<sup>10</sup> John McGormick, ‘The role of environmental NGOs in international regimes’ in: Norman Vig, Regina Axelrod (ed.), *The global environment. Institutions, law and policy* (Washington 1999) p.59.

<sup>11</sup> United Nations World Commission on Environment and Development, *Our Common Future* (Oxford 1987) p.27.

<sup>12</sup> United Nations World Commission on Environment and Development, *Our Common Future* (see note 11) p.43.

<sup>13</sup> Matthias Finger, ‘Environmental NGOs in the UNCED process’ in: Thomas Princen, Mathias Finger, *Environmental NGOs in world politics* (New York 1994) p.187.

there was an actual *Rio hype*, when the first Earth Summit in 1992 took place. At the beginning of the 21<sup>st</sup> century the environment was still an important topic on the international agenda, but the real hype seemed over. The documentary of Albert Arnold Gore, the 45<sup>th</sup> vice-president of the United States of America and renowned environmental activist, *An inconvenient truth*, promised a new impetus to the subject of environment and climate change. Unfortunately environmental issues are still not generally accepted as being a critically important topic on the global political agenda.

Environmental international negotiations had come of age in the 20<sup>th</sup> century. Part of this development was the expansion of representative NGOs at conferences and summits. NGOs were indispensable in the preliminary phase of negotiations. They functioned as technical experts, assisted in developing rules for NGO participation, organized parallel fora and engaged in commission meetings and plenary sessions. The UNCHE counted approximately 250 NGOs which stands in sharp contrast to the 1400 accredited NGOs during the UNCED of 1992.<sup>14</sup> But what exactly are NGOs and what do they concern?

There are abundant definitions for an NGO. At the conception of the UN the concept NGO was used as an umbrella for all actors with interest in international relations.<sup>15</sup> In time the definition of a NGO became more accurate and specific. The definition of a NGO given by Werner Feld and Robert Jordan, experts on the subject of international organizations, is “any international organization which is not established by intergovernmental agreements”<sup>16</sup>, and is commonly used. This definition will also be applied in this study.

The definition of Feld and Jordan implies that a considerable amount of international organizations are entitled to be a NGO. For instance a church, sport club, business organization, transnational corporation, environmental group or a terrorist group can be called an NGO. Since this definition of a NGO is very broad, this research will specifically focus on environmental NGOs. NGOs that propagandize on behalf of the environment and therewith seek to influence international environmental decision making.

The UNCED is often spoken as being the pioneer in NGO participation at a global level of decision-making . According to several scholars NGOs were important actors in UNCED. NGOs provided countries with relevant information and were called the architects of the UNCED 1992.<sup>17</sup> Also Peter Rawcliffe, National Strategy Officer in Edinburgh, for example, observed the following in the aftermath of UNCED:

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<sup>14</sup> Michele Betsill, Elisabeth Corell, ‘Introduction to NGO diplomacy’ in: Michele Betsill, Elisabeth Corell (ed.), *NGO diplomacy. The influence of nongovernmental organizations in international environmental negotiations* (Massachusetts 2008) p.1.

<sup>15</sup> Ann Doherty, ‘The role of nongovernmental organizations in UNCED’ in: Bertram Spector, Gunnar Sjöstedt, William Zartman, *Negotiating international regimes. Lessons learned from the United Nations Conference on Environment and Development* 1<sup>st</sup> ed. (London 1994) p.199.

<sup>16</sup> Werner Feld, Robert Jordan, *International organizations. A cooperative approach* (New York 1983) p.227.

<sup>17</sup> Edward Parson, Peter Haas, Marc Levy, ‘A summary of the major documents signed at the earth summit and the global forum’ in: *Environment* vol.34, nr.8 (1992) p.35.

*Although NGOs have participated in UN conferences for more than twenty years, the scale, variety and sophistication of NGO involvement at UNCED was unprecedented'.<sup>18</sup>*

In contrast to the positive sound of Rawcliffe regarding NGO participation and influence in UNCED 1992, the reports around WSSD are often skeptical. Robert Weissman, expert on economic, health care, trade and globalization, stresses that NGOs participate en masse but work in isolation.<sup>19</sup> But the mass media was even more biting, scolding NGOs and designate them as unusually attached to symbolic events.<sup>20</sup>

Therewith some scholars are largely positive about NGO influence in both cases, which makes the subject ambiguous.<sup>21</sup> This apparent paradox between the UNCED 1992 and the WSSD 2002 leads to the question: is there indeed a substantial difference between NGO influence during the UNCED of 1992 and the WSSD and if so, how can this incongruence be explained? There seems to be a gap in present literature, which is not giving an answer to the former question.

To be able to answer this question a comparison between the cases has to be made. This ex post evaluation, an evaluation which looks back at a certain process and attempts to assess whether a player involved passed with flying colors or not, is focused on this field of tension. Both political influence of global, environmental NGOs with regards to the UNCED 1992 and the WSSD 2002 will be studied. When do we speak of political influence?

To scholars the discussion on how to measure political influence is well-known. The total amount of research regarding this subject is overwhelming. Above all the 90s were a breeding ground for investigating the political influence of NGOs. According to Leo Huberts, professor public administration at the Vrije Universiteit Amsterdam, political influence can be defined as follows:

*A player exercises political influence if his presence or actions cause a political decision-maker to meet his interests or objectives more than would have been the case had this player been absent.<sup>22</sup>*

Bas Arts, expert in environmental policy making and green governance, applies in his praised thesis, *The political influence of global NGOs*, the following definition of political influence:

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<sup>18</sup> Rawcliffe, *Environmental pressure groups in transition* (see note 1) p.192.

<sup>19</sup> Robert Weissman, 'Summit games. Bush busts UNCED' in: *Multinationalmonitor* (retrieved January 2<sup>nd</sup> 2013).

<sup>20</sup> P.z., 'NGOs have last laugh in Rio' in: *Earth Island Journal* vol.7, issue 3 (1992) p.35.

<sup>21</sup> Gunnar Sjöstedt, 'Norms and principles as support to postnegotiation' in: Bertram Spector, William Zartman (red.), *Getting it done. Post-agreement negotiation and international regimes* (Washington 2003) p.106-107.

<sup>22</sup> Leo Huberts, 'Intensieve procesanalyse' in: Leo Huberts, Jan Kleinnijenhuis, *Methoden van invloedsanalyse* (Amsterdam 1994) p.39.

*political influence is defined as the achievement of (a part of) one's policy goal with regard to an outcome in treaty formation and implementation, which is (at least partly) caused by one's own and intentional intervention in the political arena and process concerned.*<sup>23</sup>

Based upon the statements of Huberts and Arts, the extent of political influence will be measured through a comparison of the preordained goals of the environmental NGOs and the final results of the Earth summits. Several resources will provide in data: generally policy documents, set political agendas, NGO reports and interviews with prominent decision-makers. In previous research media coverage has also been taken into account. This research will not include media coverage since it will not draw an accurate picture. This is because of, amongst other things, the upcoming world wide web, which was still in its infancy during the UNCED.

In sum, this research will measure political influence by looking at goal-achievement. The goal can be preventing something undesirable to happen, for instance by excluding certain topics at the political agenda, preventing of decision-making or to achieve and/or enhance a desirable value.<sup>24</sup> The political influence of NGOs can also be measured by focusing on, for instance, changes in the pattern of donation incomes, acceptance and accreditation of NGOs with regards to other international conferences or by looking at the NGO internal strategy.

However, by focusing on goal-achievement, it is easier to tell in which aspect political influence of NGOs is least or most successful. In contrast to preceding research, this research will provide in an insight on specific environmental related issues and the political influence of NGOs. Thereby creating a clarifying overview of both earth summits. The comparison of the political influence of the NGOs regarding these two summits is new. This consideration can provide NGOs in meaningful lessons for future earth summits and their way of influencing the decision-making process.

Moreover important is the enforceability of, new, measurements and regulations. In order to assess the goal for its success and vigorousness, a few questions are in order: is new policy binding, has there been set a timetable and, in what way, will the implementation of policy be monitored? By answering these questions it is possible to tell if NGO achievements are persevere.

Studying all UNCED 1992 and WSSD participating NGOs would be an industrious piece of work, therefore this research will be confined by highlighting three NGOs. Prior to the UNCED in Rio four Preparatory Committee meetings (PrepComs) have been held, each of which was divided into three working groups. Working group I covered atmosphere and land resources, working group II dealt with oceans, seas and coastal areas, and working group III covered legal and institutional matters. This research will focus on the first working group. More specifically the much discussed themes forestry, climate and biodiversity. These themes were also

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<sup>23</sup> Arts, *The political influence of global NGOs* (see note 7) p.58.

<sup>24</sup> Lutz Lindenau, 'Essay over het boek 'The political influence of global NGOs' van Bas Arts' (retrieved December 2<sup>nd</sup> 2013) p.15.



of great importance during the WSSD. These much discussed themes will function as the foundation of this research.

Extensive disagreement characterizes the UNCED and WSSD forest negotiations. The North-South division, caused by the divergent interests of developing- and developed countries, is the main reason for friction and hampered decision-making.<sup>25</sup> One of the present parties, the World Rainforest Movement (WRM), did not mince words. The WRM was greatly involved in all Earth Summits held hitherto.

Besides negotiations on the subjects of forests, biodiversity and climate were also important themes during the UNCED of 1992 and the WSSD. Negotiations even led to a convention on biological diversity and climate change. Major NGOs were part of these discussions. Among others, the environmental NGOs Greenpeace and the World Wide Fund for Nature (WWF) contributed to the negotiations. These giants within the realm of nature conservation, contributed their mite during the UNCED of 1992 and the WSSD.

Based on the themes forest negotiations, climate and biodiversity negotiations the WRM, Greenpeace and the WWF will be studied in this research. The influence of these global, environmental NGOs with regards to the international environmental negotiations during the UNCED of 1992 and WSSD of 2002 will be analyzed. The decision to focus on global NGOs is grounded by the fact that smaller, local NGOs have many specific interests.

In the first chapter of this research, direct political influence of the chosen NGOs on the UNCED process will be studied. NGO participation in global decision-making at that time was a new phenomenon. Therefore direct political influence was relatively large when comparing with prior decades. The level of direct political influence depends on several factors, for instance the official accreditation or brand awareness. Notwithstanding, direct political influence of the NGOs concerned is marginal. At last the UNCED remains a tug-of-war between UN member states.

Subsequently, the direct political influence on the WSSD process will be looked into. To the eye the WSSD seems to be an even larger failure, with regards to direct political influence of the NGOs, especially since this was their second chance. What stands out is the advance of new stakeholders, big businesses, globalization and economic liberalism. Once again direct political influence of the researched NGOs seems to be nil.

To conclude, the direct political influence of the NGOs on the processes of the UNCED and the WSSD will be compared. Theories and point of views of excerpted scholars will be reconsidered. Research will show if there is a lack of direct political influence on decision-making in both cases. Eventually, the conclusion will provide in an agenda for future research.

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<sup>25</sup> David Humphreys, *Forest politics. The evolution of international cooperation* (Londen 1996) p.90.

## 2. United Nations Conference on Environment and Development

Resolution 44/228, adopted by the UN General Assembly in 1989, stressed the alarming situation of the abatement of the state of the environment, the degradation of global natural resources and an upcoming ecological catastrophe.<sup>26</sup> Also, the end of the Cold War, which led to the storing of antagonisms, created space for negotiations regarding the decay of nature in exchange for prosperity. Based upon the disquieting prospects, it has been decided to arrange an UN conference on environment and development. This conference, going by the name of the UNCED, was planned to coincide with World Environment Day on June 5<sup>th</sup> and would comprise two weeks of negotiations.

Moreover the UNCED, as stated in Resolution 44/228, was to “have the highest possible level of participation”.<sup>27</sup> This level of participation, which meant the involvement of a respectable amount of NGOs, other representatives and the participation of many new UN member states, was a revolutionary change in the history of global environmental negotiations.

NGOs were not always part of similar conventions, this participation during UNCED was relatively new. The first words of the UN Charter “We the people of the United Nations determined”<sup>28</sup> amplifies the involvement of civil society into the UN system. NGOs are ought to be on the front end of the voice of civil society. Article 71 of the UN Charter expresses the importance of a consultative status for NGOs within the Economic and Social Council (ECOSOC).<sup>29</sup> Prior to the UNCED of 1992 NGO interest in the deliberative UN process and broad UN conferences began to show.<sup>30</sup>

NGO participation was strongly resisted by a blocking coalition of states. But the NGOs, which claimed they had the right to access the conference, held their ground and were supported by Maurice Strong. Strong, secretary general of the UNCED, campaigned to maximize NGO access to the Rio negotiations.<sup>31</sup>

Eventually the UNCED was held in Rio de Janeiro, Brazil, June 3<sup>rd</sup> till June 14<sup>th</sup> in 1992. Hundreds of representatives, diplomats, NGOs, secretariat members and support staff contributed to the international negotiation process. Working together on a global action plan to introduce sustainable development.<sup>32</sup>

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<sup>26</sup> United Nations, *UN Resolution 44/228*, preamble (New York 1989).

<sup>27</sup> United Nations, *UN Resolution 44/228*, 1 (see note 26).

<sup>28</sup> United Nations, *UN Charter*, preamble (San Francisco 1947).

<sup>29</sup> United Nations, *UN Charter*, chapter 10, article 71 (see note 28).

<sup>30</sup> Chadwick Alger, ‘The emerging roles of NGOs in the UN system. From article 71 to a People’s Millennium Assembly’ in: *Global Governance* vol.8, (2002) p.94.

<sup>31</sup> Andrew Cooper, *Test of global governance. Canadian diplomacy and United Nations World Conferences*, (Tokyo 2004) p.52.

<sup>32</sup> Stanley Johnson, Günther Handl (ed.), *The Earth Summit. The United Nations Conference on Environment and Development*, (London 1993) p.3.

In this chapter the influence of the NGOs – World Rainforest Movement, Greenpeace and the World Wide Fund for nature – on the UNCED will be studied.

The WRM, not used to participate in international negotiations, mainly focused on the protection of forests and its inhabitants. Unfortunately the non-legally binding documents, that had been created during the UNCED, solely created a strong moral message. Protection of the forest, combating deforestation and the recognition of the territories and rights of endogenous people were key objectives to the WRM but almost nothing had been achieved.

Chances of success were higher with regards to Greenpeace since this NGO gained the status of official observer. Challenging the status quo, Greenpeace tried to expose the untenable, unsustainable way of life, expressing the need for vigorous measurements in order to save the planet. Unfortunately vested interests prevailed. Growth and development, preferable without a sustainable stamp, were having priority. Nevertheless Greenpeace, amongst other environmental NGOs, brought about a change in paradigm: linking the terms development and environment.

In contrast to Greenpeace the WWF, also accredited as an official observer, preferred calm cooperation with states and stakeholders. Protecting biodiversity and preventing escalating climate change were of priority. Despite smooth cooperation with UN member states, WWF opinions and interests were of no importance to the UN member state representatives. However the WWF was relieved to be able to build the foundations of a widespread morality. Since then, according to the WWF, stringent issues were moved to the center stage.

## 2.1 World Rainforest Movement

Major topic at the UNCED of 1992 was the need for sustainable forest practices and the prevention of further deforestation. The WRM is a NGO which is defending tropical forests against destructive powers. Within forest negotiations the WRM represented itself as a forerunner. Presence of the WRM at the UNCED seemed quite logical, being a representative actor in the forest debate.

The recognition of forest peoples turned out to be a key objective of the WRM during the UNCED.<sup>33</sup> According to the WRM the participation of forest peoples during international forest policy debates was, at that time, an unfamiliar experience. The collective of forest peoples represented by the WRM, among others, demanded:

*respect for our autonomous forms of self-government, as differentiated political systems at the community, regional and other levels. This includes our right to control all economic activities in our territories.*<sup>34</sup>

This WRM focus was already intimated during the WRM organized meeting in Penang, Malaysia, where indigenous forest people gathered and established the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests (IAITPTF). This worldwide network of organizations is representing the people living in forest regions and defending their interests. Main objective of the IAITPTF is to promote recognition of the territories and rights of indigenous peoples.

Besides unconditional recognition of rights and territories of indigenous and tribal peoples, another aim of the WRM and the IAITPTF was to create consistency with these rights in global environmental laws and policies.<sup>35</sup> In order to achieve this objective the WRM mainly targeted international financial institutions, like the World Bank. The focus of the WRM, targeting international financial institutions, is not necessarily unwise since other similar organizations bear responsibilities for targeting different sectors, for instance the private sector.

In the end, negotiations led to creation of Chapter 11 of Agenda 21, comprising the defiant goal of achieving sustainable forest management in 2000, and the, non-legally binding document, the Statement of Forest Principles.<sup>36</sup> The Statement of Forest Principles, a very meager result, was highly condemned by NGOs. Overall dismay outweighed the presence of important WRM interests, for instance the recognition of the territories and rights of indigenous peoples, in the Statement of Forest Principles. The following sentence is

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<sup>33</sup> Marcus Colchester, 'Lessons from international community forestry networks' in: Miram Ros-Tonen (ed.), *Partnerships in sustainable forest resource management. Learning from Latin America*, (Leiden 2007) p.304-306.

<sup>34</sup> Humphreys, *Forest politics. The evolution of international cooperation*, (see note 25) p.27.

<sup>35</sup> Colchester, 'Lessons from international community forestry networks' (see note 33) p.304.

<sup>36</sup> Susan Bucknum, 'The U.S. commitment to agenda 21. Chapter 11 combating deforestation. The ecosystem management approach' in: *Duke environmental law and policy forum* vol.8 (1998) p.305-306.

incorporated in the Statement of Forest Principles:

*appropriate indigenous capacity and local knowledge regarding the conservation and sustainable development of forests should, through institutional and financial support and in collaboration with the people in the local communities concerned, be recognized, respected, recorded, developed and, as appropriate, introduced in the implementation of programmes. Benefits arising from the utilization of indigenous knowledge should therefore be equitably shared with such people.*<sup>37</sup>

Getting this recommendation in the Statement of Forest Principles was a landmark for the WRM since it emphasized the interests of local communities. Nevertheless the Statement of Forest Principles is a non-legally binding document and is merely devoted to make recommendations. The principles recognize the vital necessity of forests but respect national sovereignty over forests. In practice the forest principles can be considered as a code of good stewardship.<sup>38</sup>

In Chapter 11 of Agenda 21, 'combating deforestation', UNCED presented its concern about the various threats global forest was exposed to. In comparison to the Forest Principles, Chapter 11 of Agenda 21 was not solely confined to recommendations. The latter calls for urgent action and draws up management-related activities.<sup>39</sup> Despite not being confined to recommendations, Chapter 11 of Agenda 21 lacked muscle, was dominated by indistinct content, and was subject to one's own interpretation. Agenda 21 did not carry the force of law. But the strong moral message could motivate those involved to fully implement the document.

Stanley Johnson, politician and author, specialized in environmental and population issues, and Günther Handl, professor of law at the Wayne state university, stated the following about the proposed measurements resulting in the protection of forests during the UNCED: "as far as the protection of forests is concerned, Rio was an almost unmitigated disaster."<sup>40</sup>

Not palliative is the increased cohesion of forest people prior, during and after the UNCED. In the wake of the UNCED several developments took place related to WRM interests. Under which the drafting of a Declaration on the Rights of Indigenous Peoples in 1993 and ultimately the establishment of a Permanent Forum on Indigenous Issues under the ECOSOC in 2002.<sup>41</sup>

Therewith the outcome of the UNCED and the forest convention was disappointing since the context in which it was held seemed promising. There was an unique window of opportunity since Brazil, owner of the largest rain-forest on Earth located at the Amazon Basin, but also responsible for extensive deforestation, was

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<sup>37</sup> United Nations, *Report of the UNCED*, Anex III, A/CONF.151/26 (1992).

<sup>38</sup> Food and agriculture organization of United Nations, *The road from Rio: moving forward in forestry* (Rome 1994) p.8.

<sup>39</sup> United Nations, *Agenda 21*, chapter 11 (1992).

<sup>40</sup> Johnson, Handl, *The Earth Summit* (see note 32) p.5.

<sup>41</sup> Colchester, 'Lessons from international community forestry networks' (see note 33) p.313.

given the status of host to the UNCED. Furthermore the need for swift and effective action was widely acknowledged but led to no specific actions or measurements.<sup>42</sup>

Another major discussions that took place during the UNCED was about the initiation of a global forest convention. Major parties, for instance the United States of America and other G7 countries, argued in favor of a forest convention. On the other hand the G77, a loose coalition of developing nations that promoted the collective economic interests of its members, strongly opposed a forest convention. The G77, led by Malaysia and India, held its ground and rejected any international approach that would confine their sovereign right of exploiting their own resources. Johnson & Handl conclude the following about the G77 opinion:

*they certainly didn't believe third world forest should be preserved merely to act as a carbon sink for the West's gaseous emissions.*<sup>43</sup>

This convention was in no favor of the WRM since a state-centered convention would not reinforce the interests of local and indigenous forest people. A convention would be opposite of the WRM interests. The voice of the local people would be buried under a snowdrift if this global forest convention became the main means of communication. WRM feared a global convention would reinforce a supranational governance structure that could give authority to the states at the exclusion of local communities.<sup>44</sup> Greenpeace and the WWF also gave their unreserved support regarding this subject.

Unsolved dispute between NGO's, developed and undeveloped countries ultimately led to leaving open the possibility of future forest conventions.<sup>45</sup> Developing countries demanded increasing foreign aid for setting asides forests reserves, but developed countries did not accede the requirements of the delegates and offered the Forest Principles as a compromise.

Following the UNCED the Intergovernmental Panel on Forests (IPF) was created in order to implement Chapter 11 'combating deforestation' of Agenda 21 and the Forest Principles. Although this panel was welcomed by the WRM, in practice the IPF was implementing and monitoring measurements that actually had no teeth.

The final result of the UNCED regarding forest issues was highly disappointing. The guidelines that were accepted were, besides being watered-down and wholly voluntary, created as a moratorium on execution. Nowadays the total amount of deforestation decreased, but the rate of deforestation is still alarmingly high. Many countries fail in effectively combating the drivers of deforestation, namely agriculture. Lasting poor governance and weak institutions in countries with large forest resources hamper regional and global initiatives,

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<sup>42</sup> Johnson, Handl, *The Earth Summit* (see note 32) p.6.

<sup>43</sup> Johnson, Handl, *The Earth Summit* (see note 32) p.5.

<sup>44</sup> David Humphreys, *Logjam. Deforestation and the crisis of global governance* (London 2006) p.45-46.

<sup>45</sup> Bucknum, 'The U.S. commitment to agenda 21' (see note 36) p.308.

policies and measurements.<sup>46</sup>

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<sup>46</sup> Felix Dodds, Kirsty Schneeberger, Farooq Ullah, *Review of implementation of Agenda 21 and the Rio Principles*, (London 2012) p.20.

## 2.2 Greenpeace

Greenpeace is an environmental NGO and is prominently concerned about the vitality of the planet. This NGO, established in 1971, is championing for a realization of a sustainable balance between humanity and environment. Greenpeace seeks to influence through actions, campaigns and lobbying. Also, the international focus of Greenpeace is one of its characteristics.

UNCED was of great importance for Greenpeace, in particular when Greenpeace became more involved in UNCED after gaining official accreditation. As a result Greenpeace, being an official observer, provided national delegations and the UNCED secretariat with relevant information and background documents. Being an NGO Greenpeace provided in independent reports and facts about the efficiency of national policies.

In sum approximately 30 Greenpeace representatives were responsible for these tasks during UNCED and parallel conventions.<sup>47</sup> Over 50 papers and reports were handed out during the four PrepComs, various public actions were organized to focus attention on pressing issues and UNCED-related meetings were attended.

During UNCED Greenpeace decided to primarily concentrate attention to economics related issues. Greenpeace has gotten to grips with, inter alia, trade. Prior to the UNCED in June 1992, Greenpeace published a caustic report called *UNCED undermined. Why free trade won't save the planet*. Besides criticizing the contemporary balance of power, the North dominating the South, Greenpeace clearly expressed its view about the seemingly paradoxical phenomena environmental protection and development.<sup>48</sup>

Like the WRM, Greenpeace foresaw persisting overexploitation of natural resources, instigated by unregulated trade-based growth, in the Southern countries. Therewith according to Greenpeace growth was no panacea, it was by no definition a guaranteed end to poverty and it would not certainly free up resources for environmental protection.<sup>49</sup> Greenpeace did not hesitate to make a number of critical comments about the blinkered global view of growth.

Naomi Roht-Arriaza, professor of law at the California Hastings university, expressed in *UNCED undermined* the problem of enduring growth;

*it can lead to unsustainable consumption patterns in which the few use while the many are left impoverished. Growth has historically fed private greed at the expense of the public good.*<sup>50</sup>

During UNCED Greenpeace tried to challenge the status quo, criticizing present economic, growth driven,

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<sup>47</sup> Siti Susanto, 'The transformation of Greenpeace strategy in the 1990s. From civil disobedience to moderate movement' in: *Global and strategic* vol.2 (2007) p.202-203.

<sup>48</sup> Naomi Roht-Arriaza, *UNCED undermined. Why free trade won't save the planet* (Amsterdam 1992) p.1-4.

<sup>49</sup> Roht-Arriaza, *UNCED undermined. Why free trade won't save the planet* (see note 48) p.1-2.

<sup>50</sup> *Ibidem*, p.2.



structures and patterns. Greenpeace revealed considerable inertia on behalf of influential powers, rapping the North over the knuckles, and expressed its concerns regarding the global future when continuing the contemporary, unsustainable, way of life.

Besides challenging the premises and effects of free trade in general, Greenpeace disputed the idea of establishing a multilateral trade organization. This organization would be the potential successor of the in 1947 signed General Agreement on Tariffs and Trade (GATT), a general agreement that was supposed to regulate international trade.

In the opinion of Greenpeace GATT did not speak in favor of the environment. Full-fledged institutionalization of the GATT would only increase the power of the established order, disciplines and trade rules.<sup>51</sup> Thereby ignoring the degradation of natural resources and related environmental issues. In *UNCED undermined* Greenpeace clearly presented its opinion:

*it is ironic that Northern countries are willing to back such a far-ranging new institution in the trade arena while they adamantly refuse to consider new institutional arrangements or even a real strengthening of existing environmental agencies within the UNCED process*<sup>52</sup>

According to Greenpeace social and environmental measures would not suffice when the regime itself, which fundamentally undermines social equity and ecological sustainability, did not change. Marginal and narrowly drawn exceptions would not go far enough.<sup>53</sup> The World Trade Organization (WTO), an intergovernmental organization that intends to supervise and liberalize international trade, came into force in 1995 and proved Greenpeace its efforts to prevent the establishment of a similar organization during UNCED were of no significance.

Besides the previous setback Greenpeace found the eventual conclusions of UNCED 1992 to be very disappointing. Vested interests gained, according to Greenpeace, the upper hand. UNCED was called “a failure of historic proportions”<sup>54</sup>. Mainly because the proposed measurements, commitments and initiatives were too weak and inadequate to tackle severe, future, problems.

Although Greenpeace was one of the few NGOs that followed the whole preparatory process through, criticism of Greenpeace was swiftly dismissed as harmful and inaccurate by conference organizers and governments. There seemed to be a discrepancy between the goal of Greenpeace and the goal of the UNCED organizers and governments.

The legally non-binding principles that resulted from the UNCED, in the form of the Rio Declaration on

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<sup>51</sup> Ibidem, p.10.

<sup>52</sup> Ibidem.

<sup>53</sup> Ibidem.

<sup>54</sup> Clifton Curtis, “Testimony of Clifton Curtis on behalf of Greenpeace International” (retrieved February 20<sup>th</sup> 2013).

Environment and Development, clearly illustrated this division. The declaration recognizes that protecting the environment and establishing equitable global partnerships was the only way to sustain long-term social- and economic progress. Nevertheless the declaration was even weaker than a comparable Earth Charter that was signed 20 years earlier in Stockholm.

During the UNCED it was concluded that growth was having priority. Substantial environmental policies were ought to be inevitable but should not be used as an excuse for shutting off Northern markets for Southern countries and restricting international trade.<sup>55</sup>

This emphasized the priorities of UN member states which were contrasting Greenpeace preferences. Greenpeace interests and recommendations did not carry enough weight. Also, according to Greenpeace, during the UNCED a false impression has been created that the world was on the verge of major progress towards sustainable development. Common people were hearing the same eloquent but trite speeches which were, in the eyes of Greenpeace, misleading.<sup>56</sup>

Therewith being an independent actor did not benefit Greenpeace, it seems to be detrimental to a certain extent since UNCED turned out to be a tug-of-war between states. Within the UNCED the contribution of NGOs seems to be limited. Chris Rose, campaign director of Greenpeace International, observed that:

*UNCED was mostly dominated by agenda rather than action because UNCED has a lack of a broader vision and purpose in the environment movement at that time.*<sup>57</sup>

Defending state interests prevailed over taking energetic measures that ensured a global sustainable future. As a consequence Tani Adams, former director of Greenpeace Latin America, denounced the UNCED as a failure and expresses concerns about the state-focused character of the Earth Summit: “We hold no hope for governments in the short term”.<sup>58</sup> Despite urging all states to reconsider who they would send to the PrepComs, Greenpeace failed to generate fundamental change in political motivation to protect the environment.<sup>59</sup> Strategies for a sustainable future had to come from civil society.

Highly problematic was the fact that governments made commitments they did not implement. Unfortunately in order to implement Agenda 21 and other agreements adopted at UNCED 1992 funding was needed. Money that was not there. A substantial gap between the UNCED secretariat estimated 125 billion dollar

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<sup>55</sup> Cutler Cleveland et.al., ‘United Nations Conference on Environment and Development, Rio de Janeiro, Brazil’ in: *Encyclopedia of Earth* (retrieved March 11<sup>th</sup> 2013).

<sup>56</sup> Greenpeace, *Beyond Rio+20* (Amsterdam 2012) p.1.

<sup>57</sup> Susanto, ‘The transformation of Greenpeace strategy in the 1990s (see note 47) p.203.

<sup>58</sup> Weissman, ‘Summit games’ (see note 19) p.2.

<sup>59</sup> International Union for conservation of nature and natural resources, *Proceedings of the 18<sup>th</sup> general assembly of IUCN* (Perth 1990) p.35.

needed and the 55 billion dollar that was available hampered implementation.<sup>60</sup> A 70 billion dollar shortfall is no mere pittance. Financial commitments needed to be far greater in order to implement measurements.

Another theme that was important to Greenpeace was biodiversity. The CBD turned out to be, just like the forest principle, empty words. The treaty says that countries *should* conserve the diversity of animals and plants inside their country borders, but there is nothing in the treaty that compels the countries to protect their biodiversity.<sup>61</sup> Despite the lack of vigorousness the United States of America, who was highly influential and was known to function as a role model for several developing countries, refused to sign the treaty.<sup>62</sup>

Another pursuit of Greenpeace during UNCED was to mobilize public opinion in each country which should, in turn, nudge governments into taking the environmental problems that have been brought up more serious. Amongst other publications the *Greenpeace book of greenwash*, a critical report that revealed transnational organizations scandals, expressed Greenpeace interests and concerns. For instance some transnationals were transporting dirty business to the South while claiming to work increasingly sustainable.<sup>63</sup> This book turned out to be a great success. Creating wider support for Greenpeace initiatives.

Therewith the *Rainbow warrior*, the three-masted Schooner in service of Greenpeace, attracted large crowds of people when it dropped anchor in the port of Rio. Also Greenpeace was involved in various actions which aimed at Brazilian businesses involved in the UNCED.<sup>64</sup>

In spite of the meager results of UNCED 1992 Greenpeace did create a new discourse in which development and environment are inherent. Besides creating a new context in which development and environment are inextricably integrated, Greenpeace achieved another success with UNCED. Siti Susanto, professor International Relations and Development at the University of Muenster, brings up the following:

*through its participation in UNCED Greenpeace International experienced an institutionalization process within the organization, which also led to the shift of organizational strategy.*<sup>65</sup>

A shift in the organizational strategy was not the only shift that took place. A change in paradigm, linking development and environment, also occurred. Jeremy Leggett, former environmental campaigner for Greenpeace, denies this transition of global view.

*I saw no sign of that happening in Rio. Of course we have to welcome any progress, but it has been*

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<sup>60</sup> Curtis, 'Testimony of Clifton Curtis on behalf of Greenpeace International' (see note 54).

<sup>61</sup> United Nations, *Convention on Biological Diversity* (1992).

<sup>62</sup> James Wescoat, "Resource management. UNCED, GATT and global change" in: *Progress is human geography* vol.7, issue 2 (1993) p.232.

<sup>63</sup> Stephen Dale, *McLuhans Children. The Greenpeace message and the media* (Toronto 1996) p.47.

<sup>64</sup> Rawcliffe, *Environmental pressure groups in transition* (see note 1) p.199.

<sup>65</sup> Susanto, 'The transformation of Greenpeace strategy in the 1990s (see note 47) p.203.

*microscopic*<sup>66</sup>

On the contrary, the combination of development and environment was highly innovative. Changes were small, indeed microscopic, but irrevocable. Greenpeace lobbyist Clifton Curtis adopts a realistic but optimistic point of view:

*from Greenpeace's perspective, the compromise text contains some useful measures but it is weak and inconsistent. Nonetheless, it represents a small but necessary step forward, while substantial improvements need to be made at the earliest opportunity.*<sup>67</sup>

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<sup>66</sup> Rawcliffe, *Environmental pressure groups in transition* (see note 1) p.201.

<sup>67</sup> Curtis, "Testimony of Clifton Curtis on behalf of Greenpeace International" (see note 54).

### 2.3 World Wide Fund for Nature

The last environmental NGO that will be discussed is the WWF. The WWF is endeavoring to protect the environment and tries to safeguard the Earth its nature and natural resource for future generations. Where nature is being exploited there is a risk of depletion. The WWF tries to prevent depletion of natural resources and encourages a lifestyle in which human and nature live in harmony. What was the WWF its role with regards to the UNCED?

In the run-up to the UNCED the WWF published, in conjunction with the UNEP and the World Conservation Union (WCU), the article 'Caring for the Earth, a strategy for sustainable living'. This article was primarily focused on those who had direct influence on decision-makers, national leaders, intergovernmental organizations and ministers. The proposed strategy, Caring for the Earth, provided in sufficient guidance to reach a sustainable way of living.<sup>68</sup>

The strategy was leitmotif for the WWF approach during UNCED. Later on a revised strategy, more strongly orientated towards human well-being, was released.<sup>69</sup> Remarkable was the mild attitude of the WWF. According to the WWF world leaders and stakeholders did not have to agree with the 130 presented action points. WWF concludes:

*Het is noodzakelijk dat zij die acties ondernemen die zij juist vinden, op de juiste momenten, en dat zij dat zullen doen vanuit een gevoel van urgentie.*<sup>70</sup>

From this the conclusion can be drawn that the WWF strategy was not really about imposing the action points, but about inducing a new mode of thought. Therewith the strategy was created to awaken citizens consciences. The previous was of great importance according to the WWF. Support from civil society was seen as imperative to bring the strategy to fruition.

*Regeringen en nationale leiders zullen hun aandeel uitsluitend leveren als ze worden gesteund en tot actie worden gedwongen door individuen en burgerlijke groeperingen.*<sup>71</sup>

Like Greenpeace, the WWF obtained a general consultative status to the ECOSOC. Consequently the WWF was being accredited as an official observer during the UNCED and its PrepComs. Being an

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<sup>68</sup> Robert Prescott-Allen, David Munro, Martin Holdgate, *Caring for the earth. A strategy for sustainable living* (Gland 1991) p.1-8.

<sup>69</sup> John Lemons, Reginald Victor, Daniel Schaffer, *Conserving biodiversity in arid regions. Best practices in developing nations* (Dordrecht 2003) p.464.

<sup>70</sup> Robert Prescott-Allen, David Munro, Martin Holdgate, *Zorgen voor de aarde. Een strategie voor een duurzaam bestaan. Samenvatting* (Gland 1991) p.22.

<sup>71</sup> Prescott-Allen, Munro & Holdgate, *Zorgen voor de aarde* (see note 70).

official observer created a position for the WWF in which it could convince representatives of national governments of the importance of sustainable development.

As Rio unfolded access to the secretariat and delegates of Northern countries increased. Besides having representatives at crucial positions, the WWF gave advice regularly. The WWF, which went beyond traditional state-centered politics, started negotiations and entered into dialogue with officials of the UNCED process.<sup>72</sup> On the contrary, the relation between Greenpeace and governments and international development agencies was much more ambiguous. Greenpeace, often confrontational during the UNCED, attached less importance to a WWF preferred calm cooperation.<sup>73</sup>

Consequently the WWF alienated from the original environmental movement. Although credibility grew, the WWF became co-opted and started to isolate from the environmental movement. Rising power and increasing collaboration with governments and global development agencies resulted in a more effective representation of interests. The flipside of increased cooperation was that the WWF was starting to become more like governments and global development agencies.<sup>74</sup>

In the end, the one major goal of the WWF, creating a new widespread morality, became partly reality. Like Greenpeace, the WWF celebrated the achieved interwovenness of the prior distinct terms development and environment. After all it seemed like the ball lied in the court of each individual state. Conjoining the terms development and environment at an international level did not necessarily imply a similar movement at the national level.

Evading a principle of sovereignty, the concept of non-intervention, the WWF wished to impose the Rio Declaration on Environment and Development, Agenda 21 and the forest principles on all UN member states. Beneficial were the extensive links to supragovernmental and government bodies the WWF had been creating.<sup>75</sup>

Besides the jointly produced World Conservation Strategy, replaced by the Caring for the Earth strategy, the WWF advocated the creation of the United Nations Commission for Sustainable Development (UNCSD). The UNCSD was of great value to the WWF since it was accredited with the task of ensuring a successful follow-up of UNCED by means of reporting and monitoring the implementation of UNCED agreements on international, national and local level. Eventually, perhaps partly because of the WWF perseverance, the UNCSD was established within the ECOSOC in December 1992.

The UNCSD has been heavily disputed. It has been accused of being merely a talk shop and a waste of time.<sup>76</sup> Yet there were no alternative institutions that could achieve UNCSD goals, including

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<sup>72</sup> Finger, 'Environmental NGOs in the UNCED process' (see note 13) p.209-210.

<sup>73</sup> Finger, 'Environmental NGOs in the UNCED process' (see note 13) p.210-211.

<sup>74</sup> Ibidem, p.209-210.

<sup>75</sup> Jim Butcher, *Ecotourism, NGOs and development. A critical analysis* (New York 2007) p.44.

<sup>76</sup> Stine Madland Kaasa, 'The UN Commission on sustainable development. Which mechanisms explains its accomplishments?' in: *Global environmental politics* vol.7 (2007) p.107-109.

the review of Agenda 21. Donald Brown, former program manager of the United Nations organization United States Environmental Protection Agency (US EPA), expresses the importance of the UNCED:

*No other institution is examining the linkages among worldwide environmental, economic and social trends nor attempting to determine what course corrections are needed at the global scale to achieve interrelated environmental, economic and social goals*<sup>77</sup>

Therewith Brown expresses the significance of the CSD with regards to international relations. According to Brown the UNCED is unique in its involvement of NGOs in international affairs. Therewith the UNCED attempts to establish a global norm of behavior which is inspired by a promising, sustainable future.<sup>78</sup>

Besides the goal to create a new widespread morality and to safeguard UNCED follow-up, the WWF focused on biodiversity. Biodiversity experienced a spectacular debut and became a dominating theme of the UNCED debates.<sup>79</sup> During the UNCED there was consensus about conservation of biodiversity being of earnest global concern.<sup>80</sup> But the assumption, that conserving and protecting biodiversity would lead to hampered economic development, persisted in the minds of Southern states.

Talks about biodiversity resulted in the CBD, a treaty which sought to address the problem of the staggering loss of species worldwide. This international legally-binding treaty forced countries to protect national biodiversity and to take measurements in order to protect biodiversity in developing countries.<sup>81</sup> The CBD intended to halt the growing loss of biodiversity by 2010.<sup>82</sup> In a sense the CBD was the realization of recognition of the - WWF, UN, UNEP, WCU created - World Conservation Strategy.<sup>83</sup> Almost 200 states signed the convention, notably absent were the United States of America.

Signing up for this convention led to the creation of many national action plans for habitats and species. Unfortunately governments were, and still are, frequently not motivated to sponsor related projects. Nonetheless the convention was a major driving force for nature conservation.<sup>84</sup>

More specific the WWF looked after the need for communities to establish secure sustainable

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<sup>77</sup> Donald Brown, 'Making CSD work' in: *Linkages Journal* vol.3 (1998) p.7.

<sup>78</sup> Brown, 'Making CSD work' (see note 77) p.7.

<sup>79</sup> Michael Jeffries, *Biodiversity and conservation* 2<sup>nd</sup> ed. (New York 2006) p.1.

<sup>80</sup> Robert Szaro, David Johnston (ed.), *Biodiversity in managed landscapes. Theory and practice* (Oxford 1996) p.xxv.

<sup>81</sup> United Nations, *Convention on biological diversity* (see note 61) p.2-15.

<sup>82</sup> Mark Everard, *The business of biodiversity* (Billerica 2009) p.48.

<sup>83</sup> Jonathan Cowie, *Climate change. Biological and human aspects* 2<sup>nd</sup> ed. (New York 2013) p.456.

<sup>84</sup> Andrew Pullin, *Conservation biology* (New York 2002) p.147.

societies and advocated cross-sector planning by national-governments.<sup>85</sup> Even more important was the WWF its calling for a ban on the patenting of living organisms and its expressed need for increasing safety in the development, application and exchange of biotechnology.<sup>86</sup>

Agenda 21 contains the agreement of governments to consider international cooperation on the safety in biotechnology. That commitment includes: 'sharing experience, capacity building and international agreement on principles of safety.'<sup>87</sup> These plans, which were also supported by the CBD, eventually led to the creation of the UNEP Technical Guidelines for Safety and Biotechnology. These guidelines reinforced the implementation of Agenda 21 commitments and aimed at assisting governments in creating safe biotechnology.<sup>88</sup>

Another topic in which the WWF view comes to the fore concerns climate change and the related subject carbon dioxide. In the Caring for the Earth strategy the WWF expresses the significance of drawing up new arrangements concerning climate change. Likewise the WWF argued the heaviest burdens should rest on the strongest shoulders. Implying that developed countries should help developing states with translating nature- and environment priorities into a solid, workable policy.<sup>89</sup>

The UNFCCC, which was ratified during the UNCED, recognized the historical responsibility of the developed countries for climate change to happen.<sup>90</sup> The UNFCCC was the first international treaty to address global warming.

The UNFCCC was not a success for the WWF. It did not set binding limits for states on the emission of greenhouse gases and it did not contain enforcement measurements or mechanisms. Therewith solely developed countries were expected to take on emission reduction. Perhaps the future rapid growth of developing countries Brazil, China and India had been overseen.<sup>91</sup> Also the United States of America, headed by the Bush administration, were primary milling around the climate issue. This brought about the avoidance of specific commitments.<sup>92</sup>

In the end the WWF was able to begin the build the foundations of a widespread morality. For the first time stringent issues like biodiversity and climate change moved to the center stage. Even though the final conventions were relatively weak, an important beginning has been made for future

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<sup>85</sup> Lemons, Victor & Schaffer, *Conserving biodiversity in arid regions*.(see note 69) p.464.

<sup>86</sup> Richard Tapper, 'Environment business and development group' in: Christoph Bail, Robert Falkner, Helen Marquard (ed.), *The Cartagena Protocol on biosafety. Reconciling trade and biotechnology* (London 2002) p.268.

<sup>87</sup> UNEP, *United Nations international technical guidelines for safety in biotechnology* (1996) p.ix

<sup>88</sup> UNEP, *United Nations international technical guidelines for safety in biotechnology* (see note 87) p.1-4.

<sup>89</sup> Prescott-Allen, Munro & Holdgate, *Zorgen voor de aarde* (see note 68) p.12.

<sup>90</sup> Krishan Saigal, *Climate change. The human aspect* (Delhi 2010) p.106.

<sup>91</sup> Saigal, *Climate change. The human aspect* (see note 90) p.106.

<sup>92</sup> Arnold Reitze, *Air pollution control law. Compliance and enforcement* (Washington 2001) p.422-423.



negotiations

Eventually the UNCED can scarcely be called a success. Besides the overall climate of cooperation and consensus, in the eye of environmental NGOs the result was meager.<sup>93</sup> The Rio declaration solely contained generalities and Agenda 21, existing out of approximately 900 pages, said everything and thus nothing. Moreover UNCED lacked implementation of the Rio principles in national legislation, policy and accountability mechanisms.<sup>94</sup>

The UNCED intended to promote an improved integration of economic aspirations and environmental interests. 1992 offered a key opportunity for global leaders to create a sustainable future. Nevertheless, among states the assumption that would undermine economic development ruled. UNCED exhibited a clash between those, on the one hand, who saw the environment as being the common responsibility of mankind, and on the other hand, those we saw the environment as a state affair in the purview of national sovereignty.

Besides the latter another division of opinion prevailed. The preservation of the status quo was preferred by a substantial amount of representatives. Rigorous change in order to prevent further deterioration of the environment was defended by those who stood at the other end of the spectrum, including the majority of environmental NGOs. According to Michael Goldman, expert in transnational, political and environmental sociology on the university of Minnesota, the former won the battle:

*If we are to learn anything from the 1992 Earth Summit in Rio... it is that the objective of the Summit's major power brokers was not to constrain or restructure capitalist economies and practices to help save the rapidly deteriorating ecological commons, but rather to restructure the commons (e.g. privatize, "develop," "make more efficient," valorize, "get the price right") to accommodate crisis-ridden capitalisms. The effect has not been to stop destructive practices but to normalize and further institutionalize them.*<sup>95</sup>

Key motive for this conduct was the unlimited demand for growth and development. Self-evident negative consequences accompanied with growth were set-aside. This ended up in tactical power games in the wrangle for development recommendations and measurements.

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<sup>93</sup> Pratap Chatterjee, Matthias Finger, *The Earth brokers. Power, politics and world development* (London 1994) p.101.

<sup>94</sup> Tobias Schmitz, Nathalie van Haren, 'Rechten voor duurzaamheid?' (retrieved March 11th 2013) p.3.

<sup>95</sup> Michael Goldman, 'Inventing the commons. Theories and practices of the commons professional' in: Michael Goldman (ed.), *Privatizing Nature. Political struggles for the global commons* (New Brunswick 1998) p.23.

Strong his ultimate dream of joined-up thinking and improved cooperation should have lead to a more effective way to tackle blockages. Although UNCED turned out to be above a matter concerning states, it did unite NGOs. The scale and variety of NGO involvement during UNCED were unprecedented, nevertheless marginalization of NGOs regarding the UNCED decision making did happen. NGO influence on UNCED decision making seems to be little.

The unique design and strategy of the NGOs was to determine the achieved results. The WRM, a less familiar organization than Greenpeace and the WWF, focused on forest issues. Especially the recognition of territories and rights of indigenous peoples was of WRM interest. Nonetheless the eventual results were meager. The Statement of Forest Principles did emphasize the interest of local communities but turned out to be, because of its non-legally binding character, solely a code of good stewardship. Moreover the UNCED led to Chapter 11 of Agenda 21 which either lacked muscle.

The WRM was less predominant during UNCED discussions than Greenpeace and the WWF. Thereby official accreditation granted to Greenpeace and the WWF increased the possibilities of exerting influence. Greenpeace was not a reliable and stable player like the WWF. Greenpeace indeed entered in dialogue but also repeatedly confronted governments and international development agencies. Greenpeace aimed at headline-grabbing activism, increasing awareness amongst world citizens and therewith indirectly holding states responsible for their deeds and decisions. The WWF was to a greater extend trustworthy since the WWF primarily made constructive efforts to contribute to the UNCED. Consequential the WWF was capable of bringing influence to bear.

The influence of the environmental NGOs cannot be called remarkable. However the influence of the UNCED process on NGO relations is worth noting in particular. UNCED was immensely important in the awakening of present NGOs, forcing them to organize, strategize and cooperate with like-minded NGOs. Without such alliances the environmental NGOs would be left out. With UNCED NGOs improved their status and bargaining positions.

The tremendously ambitious goal of the UNCED to make environmental concerns a central issue on the international agenda was not reached. Nowadays human well-being is still more important than the well-being of nature. Nevertheless environmental concerns did get more attention, NGOs have held states responsible for breaking down the environment and many environment related conventions followed UNCED.

During the aftermath of UNCED, the real work began. Each country was counseled to carry out the word of the principles of sustainable development. It turned out that UNCED did not address the root causes of the crises. Twenty years have gone by and still sufficient measurements have not been taken. Although real life effects of climate change are experienced on a daily basis, ecosystems are dying and resources depleted the severity of the environmental crises is being underestimated. There have been steps forward but the pace has been glacial. The WSSD needed to elevate the urgency of action.

### 3. World Summit on Sustainable Development

Inadequate implementation of policy and the endless negotiating process in the follow-up of UNCED caused increasing public pressure. In addition, global attention for sustainable development dwindled rapidly in the decade after UNCED. And although ecological problems gained interest, the global environmental crisis was far from over. Apart from signing a number of agreements and organizing international meetings, little has been done during the ten years after the UNCED.

Ultimately this brought about the WSSD. The WSSD, held from 26 August to 4 September 2002, focused on what was established during the UNCED and took latest environmental and developmental developments in consideration. Over 65.000 observers and delegates from governments, businesses, NGOs and international institutions were part of the WSSD.

According to resolution 55/199 of the United Nations General Assembly (UNGA) this summit would create a ten-years review of progress achieved since the UNCED.<sup>96</sup> Therewith the WSSD attempted to translate UNCED goals, promises and recommendations into achievable targets.

Primary task of the WSSD was to reach consensus on the Johannesburg Plan of Implementation (JPI). The JPI was built upon the earlier declarations of Stockholm and Rio. Instead of replacing Rio, the JPI functioned as an extra impulse to realize previous goals that would reduce environmental problems and poverty. The WSSD was a distinctly different event than the UNCED, since the latter dealt with the complex matter of implementation rather than strict policy creation.<sup>97</sup>

The WSSD was ought to operate as an implementation focused forum, creating legal frameworks, strategies and coordination mechanisms.<sup>98</sup> Like the UNCED, the WSSD was preceded by four PrepComs and once again the Earth Summit was a cistern of varied interests represented by decision makers, NGOs and stakeholders.

Experiences gained from the UNCED led to the assumption that governments alone would not deliver sustainable development. NGOs and other stakeholders, besides ministers and decision makers, were an integral part of the decision-making. Janet Strachan, advisor on sustainable development at the Commonwealth Secretariat of the International Centre for Trade and Sustainable Development (ICTSD), expresses the importance of support from civil society:

*a wide range of groups in society needed to be galvanized and actively brought into the process, both*

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<sup>96</sup> United Nations General Assembly, *Resolution 55/199* (2001).

<sup>97</sup> Melanie Steiner, 'NGO reflections on the World Summit: Rio+10 or Rio-10' in: *Review of European, comparative and international environmental law* vol.12, issue 1 (2003) p.33.

<sup>98</sup> Janet Strachan (ed.), *The plain language guide to world summit on sustainable development* (London 2004) p.161.

*for their perspectives and skills, and the additional resources they could bring.*<sup>99</sup>

In the decade after the UNCED, NGOs were given greater emphasis. During WSSD and its preparatory process once again NGOs were involved. The WRM, Greenpeace and the WWF were asked for their contribution in the Rio summit once again.

After UNCED the WRM expanded their national and international goals. Major subject for them was to stop the lasting pattern of forest loss. Northern and Southern countries were reluctant to deviate from their point of view, UN member state stubbornness casted a shadow over WRM interests. WSSD documents and recommendations were entirely inadequate to address the problem of forest conservation and the WRM could do nothing to influence the process of decision-making.

Greenpeace also drew-up a list of goals regarding the themes forestry, climate and biodiversity. The curtailment of dirty energy policies caught the foremost attention for Greenpeace. Herein the increasing voice of big business and global institutions can be called remarkable. Influential stakeholders, inter alia proponents of conventional energy production, hampered the creation of any agreement or measurement that would be considered a drawback.

The WWF also experienced the trouble of the emerging influence of the private sector and corporate businesses. WWF's efforts to improve implementation of the WSSD measurements led to no substantive results. Despite the WWF laments, the results of the Earth summit lacked timetables and targets, once again. The documents were rich in rhetoric but lacked muscles.

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<sup>99</sup> Strachan, et.al. (ed.), *The plain language guide to world summit on sustainable development* (see note 98).

### 3.1 World Rainforest Movement

After a turbulent decade in which became clear that the UNCED was a plain disaster for the interests of environmental NGOs, the WRM was ready for a fresh start. For states to become credible regarding the forest conservation issue they should, according to the WRM, show political will by stating the need for a number of things.

With regards to the national level the WRM demanded the WSSD to promote the recognition of indigenous peoples and local communities land rights. Therewith, according to the WRM, the WSSD must promote land reforms that ensured the equitable distribution of agricultural lands. On top of that the WSSD should promote the integration of forest biodiversity conservation in all productive activities.<sup>100</sup>

The Johannesburg Plan of Implementation (JPI) did not, in a direct matter, recognize the rights of indigenous people and local communities land rights. However, there are some sentences that indicate a mild recognition, especially with regards to local communities land rights. For instance, the JPI states:

*Promote full participation and involvement of mountain communities in decisions that affect them and integrate indigenous knowledge, heritage and values in all development initiatives*<sup>101</sup>

From this it can be concluded that the JPI sees the indigenous community as an independent entity which is subject to national legislation. Despite this mild recognition the JPI did not force countries into acknowledging in law the territorial rights of indigenous and other forest-dependent peoples. A pitiful shortcoming since this could have been a first step in curbing forest loss, WRM believed.<sup>102</sup> Furthermore the JPI targeted at developing policies and means to improve the access to economic activities for indigenous people. Also the physical well-being of the indigenous people and their communities is noted in the JPI.<sup>103</sup>

Henceforth, in the JPI the equitable distribution of agricultural lands is only addressed in a swift, abstract matter.<sup>104</sup> The document does mention the importance of sustainable and efficient use of natural resources and the benefits of achieving sustainable forest management. Therewith the JPI

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<sup>100</sup> World Rainforest Movement, 'Voices for the forest at WSSD' in: *WRM's bulletin* vol.61 (2002) p.22.

<sup>101</sup> United Nations, *World Summit on Sustainable Development Plan of Implementation* (2002) p.4.

<sup>102</sup> World Rainforest Movement, 'WRM Declaration on the World Summit on Sustainable Development. The WSSD and Forests' (retrieved June 1<sup>st</sup> 2013).

<sup>103</sup> United Nations, *World Summit on Sustainable Development Plan of Implementation* (see note 101) p.4-5.

<sup>104</sup> United Nations, *World Summit on Sustainable Development Plan of Implementation* (see note 101) p.23.

explains the importance of protecting forest biodiversity.<sup>105</sup> However, the way in which conservation of forest biodiversity should happen remains vague. The implementation plan did call for immediate action but was missing concrete goals and explicit actions. Moreover, the absence of timetables for implementation prevents rigorous action.<sup>106</sup>

Concerning the international level the WRM demanded equitable North-South trade relations, profound reforms of multilateral institutions, the development of a legal international instrument for corporate control, a moratorium on repaying external debts as well as a break in mining, oil and gas activities in tropical forest areas.<sup>107</sup> These were high set goals but in the eyes of WRM essential to reach success in forest conservation discussions.

Ahead of the WSSD the WRM raised the point of the lasting pattern of forest loss. An issue, according to the WRM, accrued from “the socially unfair and environmentally destructive economic model that has been imposed by the North on the South”<sup>108</sup>. In particular the North-South question got the attention of the WRM during the WSSD. The WRM frequently expressed its concerns about the attitude of Northern governments and transnational corporations which benefited the most from the former situation.<sup>109</sup>

Therefore the WRM demanded an end to the perpetuation and exacerbation of existing inequalities between rich and poor nations.<sup>110</sup> A weak implementation of the goals from the UNCED, poisoned the atmosphere between the Northern and Southern countries. Both were reluctant to deviate from their point of view. A climate of political and economic instability made the renewed North-South discussion even more rigid.

In the Johannesburg Declaration the vulnerable position of Southern, developing, countries is mentioned.<sup>111</sup> Also the JPI acknowledges the gap between the Southern and Northern countries and recognizes the need for change. But the issue of equitable North-South trade relations experienced a deadlock. The JUSCANZ countries, pronounced as juice-cans, includes the highly development nations of Japan, the United States of America, Canada, Australia, Iceland, Liechtenstein, Norway, Switzerland and New Zealand, refused to commit to concrete action in order to deal with debts and unequal trade relations.<sup>112</sup> Empty promises and platonic recommendations dominated WSSD results.

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<sup>105</sup> Ibidem, p.28-29.

<sup>106</sup> Ibidem, p.28-31.

<sup>107</sup> World Rainforest Movement, 'The world summit on sustainable development and forest. WRM declaration to the WSSD' (retrieved April 29<sup>th</sup> 2013).

<sup>108</sup> World Rainforest Movement, 'The road to Johannesburg' in: *WRM's bulletin* vol.58 (2002) p.2.

<sup>109</sup> World Rainforest Movement, 'The road to Johannesburg' (see note 108) p.2-3.

<sup>110</sup> Ricardo Carrere et.al., *Mount Tamalpals Declaration* (Montevideo 2002) p.1.

<sup>111</sup> United Nations, *Johannesburg Declaration on Sustainable Development* (2002) p.2.

<sup>112</sup> Manisha Priyam, Krishna Menon, Madhulika Banerjee, *Human rights, gender and the environment* (New Delhi 2009) p.215.

The final, crucial PrepCom for the WSSD took place on Bali, Indonesia. During this conference the relevance and the efficiency of the upcoming summit in Johannesburg was questioned. Was the WSSD able to address the problems faced by humanity and could the WSSD tackle new risen problems? Distrust was fed by the absence of action during the past ten years of the UNCED.

The results of the final WSSD PrepCom were, according to the WRM, pathetic. WRM states: “not a single reference is made to the underlying causes of deforestation”<sup>113</sup>. Main causes of forest destruction and degradation, e.g. international trade, excessive consumption, foreign debt, unjust land tenure patterns and so forth, were identified by governments and international agencies. Nonetheless the draft work plan was entirely inadequate to address the problem of forest conservation.<sup>114</sup>

A probable cause of the meager results can be found in the willingness, or rather reluctance, of states and convention officials. Civil society and NGOs were having a hard time to get into meetings. As meeting proceeded subtle attempts were initiated to make it harder for NGOs to attend at plenaries and other sessions. This sense of gloom deepened amongst the larger part of NGOs. Eventually NGO discontent even led to the discussion whether the time had come to boycott WSSD proceedings.<sup>115</sup>

However, paradoxical, the UN was making great efforts to involve non-traditional NGOs in its work. Therefore all NGOs that participated in the first preparatory meetings were granted official accreditation. Meeting the strict ECOSOC criteria was no longer a set condition. Consequently the WRM, alongside a multitude of other NGOs, was granted official accreditation. The need for a more effective coordinating mechanism led to the creation of subject specific caucuses.

The Community Forest Management Caucus was able to address the issue of forest conservation more accurate. The WRM supported to the Caucus despite the fact that reaching consensus was troublesome.<sup>116</sup> Within the Caucus the WRM demand for reforming multilateral institutions was applauded. According to the WRM these reforms were essential because:

*the world has reached a point where governments, multilateral institutions and corporate declarations and commitments have become impossible to believe in any more. Things continue to go in precisely the wrong direction.*<sup>117</sup>

The fact that some countries tried to subordinate WSSD to the WTO agreements alarmed the WRM and similar NGOs. According to the WRM the WTO imposed its rules over multilateral

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<sup>113</sup> World Rainforest Movement, 'Voices for the forest at WSSD' (see note 100).

<sup>114</sup> World Rainforest Movement, 'Voices for the forest at WSSD' (see note 100).

<sup>115</sup> Kevin Dance, 'WSSD wrap-up report' (retrieved May 21th 2013).

<sup>116</sup> World Rainforest Movement, 'Voices for the forest at WSSD' (see note 100) p.25.

<sup>117</sup> World Rainforest Movement, 'WRM Declaration on the World Summit on Sustainable Development' (see note 104).

environmental agreements, consequently leading to further forest destruction.<sup>118</sup> The WRM did not trust neoliberal globalization and demanded a truly democratic system that valued life over money. WRM stated:

*Any meaningful deal would have to initiate a people-driven process to transform international economic institutions. Otherwise, decisions taken under WSSD will be undermined by the WTO, the IMF, the World Bank, and the global corporations they serve.*<sup>119</sup>

In the end the WTO did get in on the act. The JPI was littered with references to the WTO agreements.<sup>120</sup> The interests of advocates of trade and environment often contradicted each other. During the WSSD negotiations there was a genuine fear that the agreements regarding the environment, highly discrepant to WTO trade interests, had to be made consistent with the WTO rights and obligations. Lengthy negotiations eventually led to the result that governments must “enhance the mutual supportiveness of trade, environment and development.”<sup>121</sup> Leaving existing controversies unresolved.

According to the WRM the profound reforms of multilateral institutions should put them at the service of the people and the environment. Not the other way around. The Johannesburg Declaration said to following about multilateral institutions: “to achieve our goals of sustainable development, we need more effective, democratic and accountable international and multilateral institutions”. On the one hand the declaration was meeting the concerns expressed by the WRM with regards to the democratic aspect of multilateral institutions.

On the other hand the declaration was bluntly ignoring the call for profound reforms of multilateral institutions and circumvented in providing clear guidance on how to obtain more effective, democratic and accountable international and multilateral institutions. Also the JPI left much to be desired and ignored the WRMs demand for thoroughgoing reforms.

Also with regards to mining, oil and gas activities in the tropical forest areas the WRM direct political influence, as well as the influence of the Caucus, was nought. Neither in the Johannesburg Declaration nor in the JPI a probable break is mentioned. It seems highly unlikely that measurements and recommendations in favor of the WRM interest, for instance possible debt cancellation and other debt mechanisms to address the debt problems of developing countries, are instigated by the WRM itself.

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<sup>118</sup> World Rainforest Movement, ‘WRM Declaration on the World Summit on Sustainable Development’ (see note 104).

<sup>119</sup> Victor Menotti, ‘WTO. Who's common future’ in: *WRM's bulletin* vol.61 (2002) p.4-6.

<sup>120</sup> United Nations, *World Summit on Sustainable Development Plan of Implementation* (see note 101) p.45-49.

<sup>121</sup> Priyam, Menon & Banerjee, *Human rights, gender and the environment* (see note 112) p.216.



### 3.2 Greenpeace

Prior to the WSSD Greenpeace repeatedly expressed its dissatisfaction with the way world leaders were addressing pressing environmental issues. Activists operated hand in hand and organized campaigns all over the world. Greenpeace actions in protest of inaction caught the media its attention. Greenpeace enhanced their efforts in order to achieve their self-compiled goals. With regards to the themes forestry, climate and biodiversity Greenpeace made conditions which had to be met in order to turn the WSSD into a success.

These heavy demands included the ratification of the Kyoto Protocol and at least 20 percent of energy subsidies or -loans, made available by the rich industrial countries, must be invested in sustainable energy sources. Regarding biodiversity and forestry Greenpeace demanded an instant, temporary ban on logging and large scaled industrial activities in the rainforests, protection of biodiversity in agriculture and no patents on living creatures.

Energy and biodiversity were two of the five priority sectoral issues under the framework of the Water, Energy, Health, Agriculture and Biodiversity (WEHAB) initiative. These sectoral issues were proposed by UN secretary-general Kofi Annan as priority themes during the WSSD.<sup>122</sup>

Highly important to Greenpeace was the creation of an agreement which encompassed targets for an increased production of renewable energy. South Africa, hosting the conference, was called to be the leader in the renewable energy revolution. Confining nuclear power and fossil fuel formed a major part of Greenpeace its agenda during WSSD and were the central role of the pivot of Greenpeace happenings.<sup>123</sup>

Governments failed to agree on this concurrence mainly due to the recalcitrant attitude of the United States of America as well as pressure from energy industry lobbyists. Greenpeace campaigner Paul Horsman states that actions against dirty energy policies, policies which are significantly fueling climate change, failed at the WSSD. Greenpeace accused major companies and polluting governments of denying people the right of safe and clean energy. Horsman proceeds:

*Even now in the last few hours of the conference they are also trying to undermine any attempts to make corporations accountable for the devastation they bring not just to the climate but also to local communities.*<sup>124</sup>

On the WSSD closing day Greenpeace, and other likeminded groups, widely criticized the United

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<sup>122</sup> Farhana Yamin. Joanna Depledge, *The international climate change regime. A guide to rules, institutions and procedures* (Cambridge 2004) p.537.

<sup>123</sup> P.z., 'ANC Daily newsbriefing' (retrieved 13<sup>th</sup> May 2013).

<sup>124</sup> P.z., 'Greenpeace protests inaction at world summit' (retrieved 13<sup>th</sup> May 2013).

States of America for “the lion's share of responsibility for this Summit's failure to adopt clear renewable energy targets”<sup>125</sup>. In advance of the WSSD, the United States of America showed a lack of interests by sending the secretary of state, Collin Powell, to Johannesburg in order to lead the delegation of the United States of America, instead of the president George Bush. The latter decided to vacation in Texas. This clearly illustrated a negligible interests of the United States of America in the WSSD which explains its condescended behavior during the summit.<sup>126</sup>

When the WSSD ended, Greenpeace realized a second chance to do something was lost. Especially the rejection of a plan presented by Brazil and the European Union, obliging countries to convert 10 percent of their energy to renewable resources by 2010, caused Greenpeace to ramp.<sup>127</sup> Besides the US, members of the Organization of the Petroleum Exporting Countries (OPEC) and several multinationals had blocked the initiative. According to Greenpeace if any concession had been made by the proponents of conventional energy production, for instance the multinational oil and gas company Shell, these concessions were more about image than substance.<sup>128</sup>

Therewith Greenpeace repeatedly warned representatives and stakeholders that they should not forget the damaging role during environmental negotiations of the JUSCANZ countries. These countries, according to Greenpeace, had no interest in true sustainable development and international environmental policies. Their undisguised corporate agenda blocked any language in the text that would contain targets or timetables. Especially Canada, the United States of America and Australia, sometimes called the filthy three, were accused of disturbing and disrupting the WSSD process.<sup>129</sup>

According to Greenpeace the emergence of new jargon during the WSSD led to the avoidance of a strong Plan of Implementation that would bind governments in and after the summit. Political agreements and commitments, action plans and time-tables negotiated by governments are the kinds of agreements for which the UN is traditionally known. These agreements were to be called, according to the new terminology, *Type 1 outcomes*. Yet, there was another category of agreement known as *Type 2 outcomes*. This newly recognized category of agreements embraces voluntary initiatives and partnerships with or within the private sector.

These *Type 2 outcomes* per se are not new. They can be a good thing, NGOs were sometimes involved in them, if they are developed to reinforce or even anticipate legislation. Flipside, quoting Greenpeace,:

*relying on voluntary agreements to achieve essential policy objectives holds us hostage to fortune,*

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<sup>125</sup> Greenpeace, ‘US jeered, summit denounced’ (retrieved 13<sup>th</sup> May 2013).

<sup>126</sup> Greenpeace, ‘US jeered, summit denounced’ (see note 125).

<sup>127</sup> Tom Gibb., ‘Greenpeace protest at summit failure’ (retrieved 13<sup>th</sup> May 2013).

<sup>128</sup> Tom Gibb., ‘Greenpeace protest at summit failure’ (see note 128).

<sup>129</sup> Greenpeace, ‘Who to blame ten years after Rio?’ (retrieved 13<sup>th</sup> May 2013) p.2.

*and in many cases they simply will not deliver the required outcome. Too often they are designed (openly or not) to undermine and/or prevent the development of regulations and/or their implementation.*<sup>130</sup>

Despite multiple warnings from several NGOs *Type 2 outcomes* continued to be promoted by many governments and the private sector. Off course, only with one goal: to avoid *Type 1 outcomes*. With introducing this new terminology states were on the verge of abdicating their own responsibilities.<sup>131</sup> The absence of lines of accountability and clear definitions undermined the objectives of sustainable development.

During the convention instrumental and human-centered slant prevailed. Biodiversity, designated as being essential to the planet, human well-being and to the cultural integrity of people, was presented as the basic for sustainable development.<sup>132</sup> But like the energy outcomes of the WSSD, agreements regarding biodiversity lacked specific targets. The final result was to achieve, by 2010, a “significant reduction in the current rate of loss of biological diversity”<sup>133</sup>. This, according to the report of the WSSD, required the provision of new and additional financial and technical resources to developing countries.<sup>134</sup>

During WSSD Greenpeace attached considerable importance to the exposure of what was going on behind closed doors. But at international level Greenpeace was no longer solely a watchdog. Increasing acceptance led to a more fundamental involvement in policy processes.<sup>135</sup> By stimulating the international community to rise up and act on its own, it seemed demands from civil society could no longer be ignored.

In practice Greenpeace influence was disappointingly little. During the PrepComs Greenpeace insisted on clearer environmental and social targets. Therewith Greenpeace, among others NGOs, pushed for reforms to the international governance system. In the end, despite increased opportunities to mingle and discuss in comparison with the UNCED, only a few proposals made it to the draft text. At the final Johannesburg negotiations all proposals evaporated.<sup>136</sup>

In contrast to the WRM, Greenpeace and the WWF, were in the position of lobbying official delegates in support of proposals they wanted to include or exclude. Nevertheless this lobbying required time, manpower, resources and sufficient access to government delegations. Government

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<sup>130</sup> Greenpeace, ‘Who to blame ten years after Rio?’ (see note 129) p.4.

<sup>131</sup> Ibidem, p.4-6.

<sup>132</sup> United Nations, Report of the World Summit on Sustainable Development A/CONF.199/20 (2002) p.33.

<sup>133</sup> United Nations, Report of the World Summit on Sustainable Development (see note 132) p.33.

<sup>134</sup> Ibidem, p.33-34.

<sup>135</sup> Susanto, ‘The transformation of Greenpeace strategy in the 1990s (see note 47) p.201.

<sup>136</sup> Pablo Gutman, ‘What did WSSD accomplish. An NGO perspective’ in: *Environment* vol.45, issue 2 (2003) p.23.

delegations turned out to be against NGOs request. Those sympathetic towards NGO proposals were not convinced to address them through the official negotiations.<sup>137</sup>

During the aftermath of the WSSD Greenpeace executive director Gerd Leipold concluded that many heads of states had made impressive speeches about the number one challenge that was facing our planet, climate change. Leipold stated that the WSSD resulted into nothing. Trade and finance issues during the WSSD were off limits to NGOs. These subjects were, however, extremely important in order to tackle environmental problems. Limited access to these negotiations determined NGO direct political influence.

In the end Greenpeace did not give up their commitment to protect the planet. For Greenpeace the WSSD was a powerful bit of learning and the summit opened up an opportunity to shine a spotlight at the alliances between governments and big business which were, according to Greenpeace, responsible for the failure of the WSSD.

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<sup>137</sup> Gutman, 'What did WSSD accomplish' (see note 136) p.25.

### 3.3 World Wide Fund for Nature

The UNCED was a failure in the eyes of the WWF. This time the WWF joined forces with several environmental NGOs, inter alia Greenpeace, and collectively spread a clear message: “the world cannot afford failure in Johannesburg.”<sup>138</sup> The environmental NGOs would do anything in their power to ensure the WSSD would be a success. But the WSSD, renamed the World Summit of Shameful Deals, was no triumph either.

Like Greenpeace the WWF focused on the energy topic. A spectacular kick-start of the renewable energy revolution that was required to save the planet, delivering energy supply for the two billion people who had no access to modern energy services, crashed in front of the finish-line. Alongside the ambitious kick-start the WWF demanded access to clean, reliable and affordable energy services. Deplorably, it soon turned out the majority of influential UN-member states did not unite behind the WWF ideas.

However WWF ideals went further, wanting to ensure 10 percent of the primary energy supply came from renewable sources by the beginning of 2010.<sup>139</sup> Inspiring speeches from heads of state and government did not convince those who were driven by fossil fuel interests. The presence of the WWF, the WWF was the only NGO that was invited to present in plenary during the WSSD, did not influence negotiations.

The energy section of the JPI was enough to make one squirm. The final energy deal agrees a “substantial increase” in the use of renewable energy. But clear global targets or timetables for increasing the use of renewable energy seem to be missing.<sup>140</sup> In addition, the JPI does nothing to call a halt to massive subsidies to the fossil fuel industry and merely reiterates previous agreements.<sup>141</sup>

Another major point of interest of the WWF was the ongoing decrease of natural wealth in the Southern hemisphere and tropical regions. According to the WWF responsible for the loss of natural resources were the rich, Northern countries. The ecological footprint of an average consumer in the industrialized world was four times bigger than that of an average consumer in developing countries.<sup>142</sup>

Surprisingly though, not only the United States of America and the other JUSCANZ countries were killing proposals. Also developing countries did neither to promote nor develop environment conserving measurements. Pablo Gutman, senior economist at the WWF, cross-examined developing countries motives for WSSD participation.

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<sup>138</sup> Greenpeace, 'Past and present hosts of Earth Summit push for success' (retrieved June 4th 2013).

<sup>139</sup> P.Z., 'WWF launches save the planet campaign for WSSD' in *Panapress*

<sup>140</sup> Kimo Goree (ed.), 'A snap shot of the summit' (retrieved June 4th 2013) p.70.

<sup>141</sup> World Wide Fund for Nature, 'WSSD energy talks. Nothing for the poor, nothing for the climate' (retrieved June 4th 2013).

<sup>142</sup> Jonathan Loh (ed.), *Living planet report 2000* (Gland 2000) p.1.

*The fact that many developing countries lacked serious proposals to address their domestic poverty, environmental conservation, and governance problems did not help enhance the credibility of their delegations*

According to Gutman developing countries had solely one goal: to see what the rich countries had to offer. The UN bloc-system also hampered negotiations. The UN is divided into blocs of countries. After negotiations inside one block of countries, one delegation speaks for the entire block. Like France speaks for the European Union or India for the G-77 developing countries. This system turns out to be very efficient in a proactive international environment, halfhearted members can be persuaded more easily. But during the WSSD exactly the opposite happened. Proponents of vigorous measurements and those who voiced aggressive proposals were toned down by their block partners.

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Comparing to the UNCED the WFF was, during the WSSD, to a greater extent focused on the implementation phase. After the implementation fiasco of the UNCED Claude Martin, director general of the WWF during WSSD, expressed the importance of transparent targets and strict timetables.<sup>144</sup> Another failure to act was no option.

In the end the final implementation plan, which was supposed to be the core of the WSSD, many times lacked behind Agenda 21 and certainly did not meet what was agreed upon during the UNCED. Especially section V, sustainable development in a globalizing world, and section X, institutional framework for sustainable development, were a laughing-stock. These sections promoted business as usual and did not introduce new efforts or commitments to conserve the environment.<sup>145</sup>

The JPI contradicted the basic tenet of sustainable development. It did not integrate social, environmental and economic concerns.<sup>146</sup> The WWF repeatedly warned UN member states for the lack of timetables and targets in the WSSD documents. In a letter to UN secretary general Kofi Annan the WWF, Greenpeace and Friends of the Earth urge to rescue the stagnant process of the final PrepCom in Bali. The letter said:

*No-one amongst governments seems to have taken any notice of your request that at the Earth Summit*

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<sup>143</sup> Gutman, 'What did WSSD accomplish' (see note 136) p.24.

<sup>144</sup> Organisation for Economic Co-Operation and Development, *OECD forum 2002. Forum highlights* (Paris 2002) p.55.

<sup>145</sup> United Nations, *World Summit on Sustainable Development Plan of Implementation* (see note 107) section V-X.

<sup>146</sup> Gutman, 'What did WSSD accomplish' (see note 136) p.23-24.

*we must rehabilitate our one and only planet. Governments continue to put corporate globalization before the interests of people and the planet.*<sup>147</sup>

Thereby expressing its concern about the increasing role of corporate business on the international stage. Also during the draft of the JPI the WWF displayed its disagreement:

*the Plan of Implementation as it currently stands will not provide significant movement forwards from commitments made in Rio and since, in some cases the text actually constitutes a step backwards (as in trade and globalization).*<sup>148</sup>

WWF pressure upon formulating clear, vigorous goals and timetables had no substantive results. Although rich in rhetoric, the JPI was poor in agreements and commitments that could challenge the status quo in international trade and business.

Like Greenpeace the WWF wanted to put pressure on the WSSD process. Broader name-and-shame campaigns and direct attention in the media and public were part of the WWF activities. With these activities the WWF wanted to get direct attention for environmental and social issues.

Organizing the SOS Planet Concert was one of the main projects of the WWF.

Also the distribution of papers, protests at the doors of official venues, street protests and so forth were organized to get the attention of official delegates and civil society. The global multi-media campaign alerted the global audience to the urgent need for action. It is plausible that this way of campaigning indirectly influenced WSSD decision-making.<sup>149</sup>

The WSSD was, according to the environmental NGO in question, a flop. In general the majority of the NGOs agreed that the inter-governmentally agreed commitments were short on hard action. The Johannesburg declaration and the JPI did not move beyond rhetoric, once again binding agreements were conspicuous by its absence. The documents did not give enough direction and lacked political muscle.

The will to invest in a sustainable future, through action or by mobilizing money, seemed to be missing. The running aground of the WSSD can be explained by the reluctance of states to take leave from sovereignty, money or technology in the interest of global unity. Moreover the trade- and economic agenda took primacy over environmental and social issues. UN member states were seeking

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<sup>147</sup> World Wide Fund for Nature, 'Earth summit ship is sinking. NGOs warn Kofi Annan' (retrieved June 5<sup>th</sup> 2013).

<sup>148</sup> Goree (ed.), 'A snap shot of the summit' (see note 140) p.67.

<sup>149</sup> Carl Death, *Governing sustainable development. Partnerships, protests and power at the World Summit* (New York 2010) p.94.

to protect their own short-term economic interests rather than forge global solutions.

Despite the setbacks the WSSD was successful in forcing states to collectively focus on global environmental problems. Thereby working on a further implementation of sustainable development through cooperation and partnership with NGOs and stakeholders. Unfortunately, the new marriage between development and environment was overshadowed by the drive towards trade liberalization and globalization.

Dominance of big business and governmental interests in trade and finance were blocking NGO goals. For instance the WRM demanded an end to the different treatment of Northern and Southern countries. Thereby forcing prosperous countries to stop exploiting developing countries. Eventually UN member states were distracted by economic considerations, ignoring the elegy of the WRM and developing countries.

Greenpeace, likewise, experienced a clash with powerful actors. One occurrence stood out in particular: the agreement which should encompass targets for an increased production of renewable energy. The recalcitrant attitude of the JUSCANZ countries, in particular the United States of America, and energy industry lobbyist prevented the inclusion of language in the official WSSD documents that would contain targets or timetables. These countries clearly had no interest in true sustainable development and international environmental policies. Prove is the newly introduced concept of *Type 2 outcomes*.

Nevertheless not solely rich, influential countries hampered WSSD process. Also developing countries did neither to promote nor develop environment conserving measurements. It stands to reason that developing countries merely wanted to look at the cards of the developed states. There was, for the NGOs in question, little space to influence decision-making.

In spite of the limited direct political influence of environmental NGOs, they were not totally useless. For instance sustainable development has been broadly applied and, as a consequence, it risked the danger of becoming less significant. Fortunately, NGOs were there to make the case and to periodically sharpen the debate. Therewith acts outside the political arena, inter alia the WWF media campaign, might have had an impact inside the political arena.



#### 4. Conclusion and discussion

20 years have gone by since UNCED and sufficient measurements to protect the global environment are still awaited. Although the effects of climate change are experienced on a daily basis, ecosystems are dying and resources become depleted, the severity of the environmental crises is being underestimated. Several environmental NGOs tried to influence the processes of the Earth summits in order to safeguard a sustainable future. Unfortunately, the direct political influence of the WRM, Greenpeace and the WWF on the processes of the UNCED and the WSSD was negligible. However, the dimension of the direct political influence of the environmental NGOs concerned differs.

The halt of the Cold War had made it possible to organize an environmental summit on a global scale. This summit, the UNCED, brought together member state representatives, NGOs and other stakeholders. For the first time NGOs united on a global level. The UNCED sowed the seed for future cooperation amongst NGOs and opened up a way to develop efficacious strategies to deal with environmental issues. Subsequently, NGOs increasingly worked together on stringent issues.

Nevertheless, in the eyes of the NGOs, the UNCED can scarcely be called a success. Although the UNCED colligated environment and development, the convention was relatively weak. The UNCED did not deal with old habits and vested interests, despite pressure from NGOs and stakeholders. Wrangling between states led to the marginalization of the direct political influence of NGOs.

Another stakeholder was responsible for blocking fruitful negotiations, the international financial institutions. The WRM tried to target these institutions, but this was certainly too ambitious for the relatively small environmental NGO. Some scholars go even further and conclude that the measurements and recommendations for the protection of the forest, drawn up at the UNCED, were a complete disgrace.

There seems to be some truth in that. The promising context of the UNCED and the collectively acknowledged need for swift and effective action merely resulted into non-legally binding documents. Yet, the moral message might have been able to motivate certain UN member states to fully implement the documents.

Former environmental campaigner for Greenpeace, Leggett calls this moral message into question. According to Leggett, there was no sign of a change in paradigm, linking development and environment. However, this conclusion seems exuberant. Environmental NGOs did introduce a new mode of thought, but the manner in which it was received differed at a national level.

Adams criticized this national state-centered attitude of the UN member states during the UNCED. Greenpeace also experienced problems with the contrasting interests of individual states, stakeholders and NGOs. It turned out to a complex matter to reach consensus with regards to the sensitive political issue of trade and finance. Greenpeace, on the one hand, wanted to call a halt to the unregulated trade-based growth. The majority of UN member states, on the other hand, called for

measurements that would stimulate trade and growth.

Relations between Greenpeace and governments were ambiguous, especially compared to the WWF-government relations. The WWF preferred calm cooperation, WWF recommendation was seldom dismissed as being harmful or incorrect. Despite smooth cooperation, states were not convinced by the collective interest protecting the planet. Individual state interests prevailed and overthrew nearly all sensible proposals presented by the NGOs.

UNCED was a failure in the eyes of the environmental NGOs, but it could be worse. Among others, the UNCED did bring about two conventions – the FCCC and the CBD – whilst WSSD brought none. After WSSD the majority of NGOs concluded that the inter-governmentally agreed commitments were lacking in hard action. Deep contradictions between neoliberal globalization policies and social- and environmental goals hampered Rio outcomes. Member states primarily sought to protect their own short-term economic interests rather than forge global solutions.

Besides discrepancy in interests of UN member states, North-South contradictions recurred. According to the WRM, which was mainly focused on the North-South question, Northern governments and transnational corporations perpetuated and exacerbated existing inequalities between rich and poor nations. The JPI recognized the need for change but vigorous measurements, targets and timetabled are missing. The WRM could do nothing about the powerful JUSCANZ countries which blocked any further negotiations.

The greater engagement of private sector lobbyist also complicated negotiations. UN member states did not reach consensus with regards to the thorny issue of increased production of renewable energy, highly important to Greenpeace. Recalcitrant attitude of powerful states and energy industry lobbyist caused this failure. The creation of *Type 2 outcomes* is another example of the success of influential private sector lobbyist and powerful UN member states.

Eventually concerted campaigns of Greenpeace, the WWF and other organizations resulted in increased attention for corporate responsibility and accountability. However these campaigns were not successful in drowning out the voices of the rising private sector and big businesses. Vague measurements and missing targets and timetables characterized the WSSD documents.

The WWF, aware of the implementation failure of the UNCED, strove for improvement of the implementation phase. According to some scholars, transparent targets and timetables were essential. But despite WWF pressure, WSSD implementation failed. The JPI even promoted business as usual and did not introduce new efforts or commitments to conserve the environment.

In sum, the UNCED turned out to be useful, although NGOs did not see it that way. The UNCED united NGOs, which improved cooperation, brought about 2 conventions and led to the marriage of the terms development and environment. Nonetheless, the direct political influence of the environmental NGOs in question was small. States held their ground regarding their own interests and agenda.

The direct political influence of the NGOs was even smaller with regards to the WSSD.

During the WSSD there was no new mode of thought to cover-up the losses. The influence of several stakeholders increased and the public attention shifted towards them. During the UNCED NGOs received relatively much attention, during the convention attention was moved to the private sector and big business. This transition made it even harder for the NGOs in question to put their interests into practice.

The lessened direct political influence of environmental NGOs can be explained by a number of things. First of all the expertise, the presence of a solid factual basis and the nature of approach of environmental NGOs seems to be highly influential. Some NGOs are known for their excellent reputation or extensive experience. These advantages are increasing the chances of getting access to and being able to persuade decision makers. For instance, the least experienced of the three, the WRM, turned out to be least influential. Not being accredited as an official observer affected WRM success.

The strategies of the environmental NGOs in order to exert direct political influence substantially differed. The WWF prominently followed the government track and, in response to this, delivered comments. This nature of approach seemed, with regards to direct political influence, more or less successful. Opposite to the WWF's nature of approach was the aggressive Greenpeace strategy. Greenpeace's approach, kicking UN member states and stakeholders in the shins once in a while, might have had a perverse effect.

Resources like knowledge regarding a certain subject or great public support were helpful, providing states with essential information and representing the voice of civil society, but were no prerequisite for direct political influence. Other factors might also have determined the success of the environmental NGO and the Earth summits.

Besides internal factors, e.g. characteristics of the environmental NGOs, external factors played their part. International environmental negotiations were constrained by North-South contradictions and vested interests. Therewith, a hugely politically-charged issue, for instance finance, might have blocked NGO direct political influence.

Interests of major powers prevailed and outvoted NGO interests. Only a few governments and stakeholders seemed willingly to invest in a more secure, sustainable future. The environmental NGOs prominently looked at the issues from a socio-democratic perspective. In contrast, the greater part of the UN member states judged from a liberal perspective. It seems likely NGOs should relate to the liberal perspective in order to increase their political influence.

Also the UN built-in need for consensus worked against the UNCED and WSSD outcomes. As a consequence the negotiation processes worked backward. Proposals and interesting measurements were watered down during negotiation processes that searched for a lowest common denominator. A reversed method could lead to more vigorous and fruitful results.

Besides the internal and external factors, the rate of success also depended on the feasibility and size of the goal. Wanting to induce a new mode of thought was less convoluted than introducing

policy changes. Soft goals seemed more likely to be adopted than hard, vigorous goals.

With regards to the size of goals, the NGOs had a lot of demands and were campaigning for small potatoes, lacking a clear common message. Smaller proposals were rejected, which left the NGOs with nothing. Because of the negative international mood, small concessions were difficult to come by, greater goals did not fare well either. Nonetheless when greater goals failed, failure contributed to the education process.

It can be concluded that the influence of the NGOs in question is confined to rhetoric, media, waking up civil society, introducing a global morality and the framing of debates and negotiations. The increasing influence of the environmental NGOs on the Earth Summits lead to the question whether the involvement of similar NGOs at these conventions is sensible. Perhaps time and effort would be better spend elsewhere. However the informative, independent role of the NGOs, foreseeing in information and knowledge, contributes to the convention. This is an added value to the responsibility of the NGOs to create awareness, educate and give civil society a voice.

The indirect political influence of environmental NGOs during the UNCED and the WSSD, for instance by framing of controlling social debates, might be worth future research. Studying the influence of NGO initiatives outside the formal political arena, for instance sit-ins or disturbance of political meetings, might lead to a renewed NGO strategy which should increase influence inside the political arena.

Besides researching indirect political influence of environmental NGOs on the WSSD and the UNCED, one could also research the direct or indirect political influence of smaller, local NGOs. Perhaps these NGOs experience greater influence than larger, international NGOs, since they can focus on location bound themes and issues.

This research is only concentrated on a small part of the NGO outreach. There are many ways in which NGOs could exert influence. Still a lot of research has to be done with regards to NGO influence on international, environmental conventions. This research and its focus on the UNCED and the WSSD, but also the decision to concentrate on direct political influence and the choice to investigate three environmental NGOs, does not provide in a complete insight. This research is an important contribution to this field of study, however further research needs to be done.

In short, the WRM, Greenpeace and the WWF have far too little political and economic power to support the development of institutions that can enforce and motivate policies. The direct political influence of the NGOs concerned on the UNCED and WSSD was little. Opposing factors, among others vested interests of UN member states and stakeholders, the importance of growth, power of financial institutions and the design of the UN decision-making process, disrupted NGO influence.

Besides external factors which blocked NGO influence, characteristics of the NGOs were also responsible for failure. The attitude, goals and targets, joint experiences, earned trust and available knowledge indicate NGO direct political influence. Because of these internal and external factors,

direct political influence was little. Nonetheless, a new mode of thought was introduced, collaboration between NGOs increased and NGOs got to know their position on the international stage.

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