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PREPARATORY COMMITTEE FOR UNCTAD XI

Summary of the Hearing with civil society and the private sector

Geneva, 16 January 2004

1. The **Chairperson of the Preparatory Committee for UNCTAD XI** said that participants' contributions to the preparatory process for the Conference, to the Conference itself and to UNCTAD's work in general were essential, since international cooperation for development relied more and more on a multi-stakeholder approach. While the primary responsibility in this process lay with Governments, non-State actors had a very significant role to play. UNCTAD had long experience of interaction and association with the various components of civil society, as well as with the private sector and parliamentarians. He hoped that the Hearings would further strengthen these relations and help better integrate their work into intergovernmental processes.

2. The **Secretary-General of UNCTAD** recalled that the creation of UNCTAD in 1964 had also seen the birth of the Group of 77. UNCTAD had been created to ensure that trade was placed at the service of development. However, despite some progress made over the decades, most notably in Asia, there was still a long way to go to fulfil that goal. Indeed, problems today remained as varied as they had been in the 1960s. The world was faced with extreme poverty, and the majority of the world's population did not have access to decent work. Currently, 180 million people were jobless, and 550 million worked for less than \$1 a day. The international community was also facing the challenge of effectively addressing the issue of trade and development. From Seattle to Cancún, there had been great divergences over issues of agriculture, public health, TRIPS, anti-dumping and the Singapore issues, and an important lesson had to be drawn: equating liberalization with development was wrong, and it was important to define what in fact was understood by trade liberalization and, in particular, to address the agricultural sector. In addition, what was meant by development also needed to be defined, as no one simple formula worked for all. Questions of trade and development should

therefore be at the heart of the current debate, including at UNCTAD XI. If these questions were not addressed, the problems would persist. Ultimately, he added, the legitimacy of the outcome of UNCTAD XI would lie in a genuine consensus reached amongst all stakeholders.

Presentations

3. **Mr. Anders B. Johnsson, Secretary-General, Inter-Parliamentary Union (IPU)**, said that IPU brought together representatives of parliaments to discuss important national and international issues, exchange experiences, and reach agreement on action to take in pursuit of important development goals. As part of this exercise, IPU encouraged parliaments to take an active interest in trade and development.

4. Parliaments must, more than ever before, adapt to change in order to fully discharge their role in representing citizens and society as a whole. There was a crucial need to reinforce the role of parliament and its members in relation to today's increasingly multilateral decision-making processes, and that was a major reason for the emergence of a new trend whereby parliaments and their members were becoming increasingly active internationally. With the expansion of WTO into new domestic areas far beyond the traditional domain of tariffs and trade in goods, parliaments had no choice but to ratify already negotiated trade agreements as indivisible package deals, thereby obviating parliamentary debate and oversight. If left unchecked, this evolution would inevitably cause a serious democracy deficit, with the result that trade policies would no longer ensure a balanced outcome, nor would they garner popular support.

5. It was for Governments to negotiate international trade rules and arrangements on behalf of States, while it was for parliaments to scrutinize government action, influence policies pursued by the government in negotiating trade agreements, ratify these agreements, implement their provisions through the adoption of appropriate legislation and budget allocations, and oversee the implementation process as a whole. For this to be meaningful, it was imperative for parliaments to strengthen their means of action and provide themselves with the information, knowledge and tools necessary. Some of this could be achieved by learning from inter-parliamentary exchanges and debates and engaging WTO and other trade negotiators in direct discussions. Parliamentarians had therefore set up a mechanism for regular inter-parliamentary meetings to discuss WTO and trade negotiations.

6. **Mr. Marco Sangaletti, Director General, International Federation of Freight Forwarders Associations (FIATA)**, said that FIATA was the largest non-governmental organization in the field of transportation, with members in 150 countries. It had consultative status with many UN organizations, it was an active partner in the work of governmental and non-governmental organizations, and it had a long-standing history of cooperation with UNCTAD.

7. Transport was of increasing relevance to development, and traders from developing countries needed to have access to adequate and low-cost transport services to increase their competitiveness. Freight forwarders made a unique contribution to ensuring efficient and effective door-to-door movement of goods from country to country, adding value to the activities of exporters and importers. FIATA worked with national associations to develop and promote the use of uniform forwarding documents and standard trading conditions. It also assisted with vocational training for freight forwarders, liability insurance problems and tools for electronic commerce. Freight forwarders played a key role in reducing logistic costs and improving transport reliability thanks to their experience and contacts with transport operators in every mode. They were constantly negotiating freight rates and selecting the modes that provided the best compromise between cost, speed and reliability. Governments in developing countries that provided basic legal and institutional support

and recognition of freight forwarders' activities had stimulated the local freight forwarding industry and thus helped to lower transaction costs. To be effective, national freight forwarders needed appropriate legislation, legal accreditation, professional and financial standards and the availability of liability insurance coverage.

Discussion

8. Several participants expressed concern at the proliferation of security requirements and their desire for international standards in this regard. The representative of FIATA responded that his association was actively involved in promoting and developing a global solution with the World Customs Organization (WCO). Human resource development and vocational training was recognized as an important input to developing national capacity, as were steps to create a competitive environment. It was further noted that the development of multimodal transport would be particularly beneficial for landlocked developing countries. There was discussion on how best to implement trade facilitation measures in developing countries and whether binding rules would be beneficial. It was agreed that effective implementation of trade facilitation measures could significantly reduce logistical costs.

Subtheme I: Development strategies in a globalizing world economy

Presentations

9. **Ms. Esther Busser, International Confederation of Free Trade Unions (ICFTU)**, said that the aim of the ICFTU was to achieve greater social justice, decent work, equity, solidarity and respect for trade union rights throughout the world, and in order to attain that goal, the ICFTU believed that globalization strategies had to include a social dimension to prevent a widening of the development gap between rich and poor countries. In particular, the ICFTU argued that economic liberalization had led to increased privatization and freer movement of capital and investment, while at the same time intensifying competition. This had led to a worsening of working conditions for many low-income workers in developing countries, especially in export processing zones. This must stop: the world could not tolerate a trading system that permitted repression, the exploitation of children and greater social injustice in the name of export maximization and investment promotion. In some of these respects, the status quo on FDI was hindering and not promoting long-term development prospects. As a consequence, there was a need for a solid multilateral framework for FDI across countries, including core labour standards.

10. **Mr. Ramón Vivanco Mugarra, World Confederation of Labour (WCL)**, said that neo-liberalism and globalization had had several negative consequences, such as intensified social conflicts, concentration of wealth in the hands of a minority, reductions in social spending with increases in poverty, and aggravated North-South tensions. In the context of globalization, countries must create effective development strategies where civil society and social actors played a fundamental role in design and implementation. The WCL was striving to promote national policies that respected the rights and dignity of workers while seeking to increase productivity, investment and hence overall decent employment. In that connection, he noted the efforts of the OECD and ILO in drafting principles of good conduct for multinational enterprises. With regard to the problem of external debt, particularly that of the poorer countries where repayment could jeopardize further economic development, the WCL had called for the cancellation of the debt of the poorest countries, as well as for a ceiling of 20 per cent of GDP for debt repayment, with downward flexibility where increased hunger, misery or social marginalization might occur. The WCL also supported the

conversion of debt into projects to further boost economic and social development in debtor countries.

11. **Mr. Ricardo Young, Instituto Ethos de Empresas e Responsabilidade Social (ETHOS)**, said that the current phenomenon of economic globalization and the resulting trade practices had shown that following the Washington Consensus on market privatization, deregulation and free trade under what was named “economic liberalization” did not automatically lead to more prosperity and better income distribution in all countries. ETHOS considered that free trade should not mean unconditional border opening; that privatization should not mean turning public monopolies into private ones; and finally that deregulation was of no use if it led to exploitation of people and dismantlement of basic social protection systems. Local business and transnational corporations should operate within certain parameters that included minimum compliance with domestic standards set in accordance with internationally accepted principles (e.g. the Global Compact’s nine fundamental principles). Moreover, voluntary commitment by companies to an ethical code of conduct and adherence by an increasing number of corporations to socially responsible business practices could produce a feasible economic model that might point the way towards social and environmental sustainability. In addition to unfair trade rules and lack of access to rich country markets, international agencies such as IMF and the World Bank had been imposing severe constraints on developing countries’ social investment through their strong economic adjustment programmes and debt servicing, thereby hindering future development prospects of several countries.

Discussion

12. A question was raised on Mode 4 delivery of services by individuals from developing countries. The meeting was informed that this issue was under discussion in the ICFTU, while the WCL was against the liberalization of public services (e.g. health) in developing countries. On the question of working conditions of women in the informal economy, the ICFTU wanted labour standards to be applied to all workers in all sectors of the economy, including those who were employed in the informal sector. Finally, it was emphasized that it would be sensible to think about trade in a socially responsible manner. It was explicitly suggested that corporations all over the world that were involved in trade should adopt the nine fundamental principles of the UN Global Compact.

Subtheme II: Building productive capacity and international competitiveness

Presentations

13. **Mr. Chandrakant Patel, Southern and Eastern African Trade Information and Negotiations Institute (SEATINI)**, said that, in order for developing countries to succeed in designing and implementing development strategies that were tailored to varying stages of development, it was of great importance that policy space and options be enlarged. Current practices and policies in all nations, as well as provisions in the GATT/WTO system, permitted policies designed to enable weaker partners in the system to participate and compete in export markets on better terms. The national policy space of developing countries had been ceded first through international negotiations among unequal parties and then through conditional borrowing. He called on UNCTAD XI to initiate a programme of work that examined ways of restoring the policy freedom developing countries needed to design and implement development strategies, and he proposed nine specific areas where the Conference could make a contribution in that regard: striving towards a standstill on obligations that led to further loss of policy options; revisiting and rolling back approaches that had underpinned the one-size-fits-all ideology in the trading system; returning special and differential treatment to its original trade-promoting objective; evaluating the efficiency of each

special and differential treatment provision on the basis of whether it provided countries with the needed flexibility for nationally designed development policies; explicitly acknowledging that strong government support for selective industrial, trade and technology policies was, on balance, more likely to enhance growth and outward orientation than a passive, non-interventionist approach; extending support to smaller and low-income economies for selective and well-designed import substitution policies; acknowledging that the main focus of a competition policy should be on helping developing countries deal effectively with the practices of multinational corporations; acknowledging that, as developed nations restricted the entry of foreign investment through a variety of instruments, developing countries must accordingly have the freedom to design national investment regimes, permitting progressive liberalization of investment markets in line with the development of domestic production capacities; acknowledging that protection of developing countries' agriculture warranted an unambiguous right to impose quotas and related quantitative restrictions, since the Agreement on Agriculture that safeguarded the domestic farming sector of the developed nations was having far-reaching consequences for developing countries' food security, rural livelihood, export prospects and development; acknowledging that conditionality policies of multilateral lending institutions and the consequent loss of policy flexibility and autonomy had been a major source of social and political instability in many developing countries, and calling for a revamping of the conditionality policies of these institutions, a process that would require a fundamental reform of the monetary and financial systems.

14. **Mr. Stephen Porter, Centre for International Environmental Law (CIEL)**, said that, on the issue of international investment rules, FDI was critical for the development of national economies, but there did not appear to be a strong correlation between the adoption of rigorous international rules on investment and increases in either the amount or the quality of FDI. He therefore urged UNCTAD to take a more critical look at the benefits of legal regimes designed to protect the rights of investors. In addition, he called on UNCTAD to continue its efforts to improve understanding of the "costs" these regimes impose, particularly the ways in which investment rules were being used to constrain the regulatory prerogatives of Governments. It was of vital importance to preserve policy space at the national level. Existing and proposed investment rules were stretching and expanding concepts such as national treatment, expropriation, and minimum standard of treatment. It was therefore important to understand the details of these concepts before new regimes were put into place. Many developing countries might be entering "high standard" investment regimes without understanding the litigious culture in which many investors operated and consequently underestimating the potential liabilities they might face in investor-initiated disputes. He called on UNCTAD to help developing country negotiators understand the implications of recent developments in investment arbitration. He welcomed the provision of the pre-Conference negotiating text on ensuring that foreign investment provided benefits to peoples of host countries. Currently, "investor protection agreements" provided multiple layers of protection and robust dispute settlement provisions for investors, but imposed no corresponding obligations on investors or home States.

15. On the issue of multilateralism versus bilateralism, most significant developments in international trade and investment were taking place in bilateral as opposed to multilateral fora. While developing countries had made great strides forward in protecting their interests in multilateral fora, the shift to bilateral negotiations put great pressure on individual countries. A number of developing countries, for example, had recently committed themselves to or were considering bilateral rules that went well beyond the TRIPS Agreement. He therefore urged UNCTAD to look for ways to provide support to individual developing countries engaged in such negotiations. This could take the form of both capacity building and training efforts, as well as timely policy analysis of the impacts of state-of-the-art agreements on developing country economies and social policies.

Discussion

16. Developing countries underscored the importance of policy space. A number of NGOs expressed interest in convening more hearings and in maintaining a continuous dialogue with member States and the secretariat. They raised the issue of financial support for the organization of civil society events at UNCTAD XI and for the participation of developing country NGOs in the Conference. They also drew the attention of the host country and other countries to the need to facilitate visa issuance to representatives of civil society attending the Conference.

Subtheme III: Assuring development gains from the international trading system and trade negotiations

Presentations

17. **Ms. Jennifer Brant, Oxfam International**, said that, although international trade could potentially help lift millions out of poverty, in fact it favoured rich countries and large corporations. In the context of Oxfam's Make Trade Fair campaign and UNCTAD XI, two problems should be addressed immediately, namely the failure of WTO talks in Cancún and the crisis of falling commodity prices. Many poor countries were being marginalized and were unable to reap the benefits of international trade as a result of unfair trade rules, and their small commodity producers faced declining revenues as a result of volatile commodity prices and agricultural "dumping" by rich countries. Oxfam research revealed that high-income countries accounted for 75 per cent of global exports, whilst low-income countries accounted for only 3 per cent. UNCTAD must play an active role vis-à-vis these poor countries by analysing the impact of current trade rules and new proposals. The lack of progress in restarting negotiations since Cancún was extremely worrisome, because any delay in obtaining a development-friendly outcome, particularly in agriculture, would be disastrous for millions.

18. UNCTAD XI could provide an important opportunity to put the multilateral trade negotiations back on track. Such steps would necessarily require movement on agriculture and the Singapore issues, as well as special consideration for LDCs. On agriculture, many agricultural support programmes in rich countries led to the "dumping" of agricultural exports in developing countries, as allowed under the letter of WTO law. Urgent action was also needed with regard to cotton, which should be tackled immediately in the WTO talks based on the cotton initiative. With respect to Singapore issues, the EU and Japan should stop insisting that these issues be part of the negotiations.

19. The larger issue of falling commodity prices and developing countries' dependence on commodities should also be addressed in UNCTAD and other forums. Reliance on free market principles alone was not a solution. Coordinated intervention was required by industrialized countries and by appropriate international bodies to counteract market failures. UNCTAD, in particular, was in a position to lead the search for appropriate mechanisms in this context.

20. More generally, UNCTAD had a critical role to play in making trade fair. UNCTAD research and analysis over the next four years could focus on independent analysis of the impact of current trade rules under the multilateral trading system, as well as under regional and bilateral agreements. Such analysis should examine the appropriate balance between liberalization and regulation, and identify domestic policy measures necessary to ensure positive outcomes for the poor. The impact of new proposals for changes in international trade rules should also be analysed. UNCTAD should also monitor the impact of TNC activities with a view to assisting developing countries in their dealings

with these corporations and promoting a development perspective in their activities. Equally important would be further research and proposals on new policy measures to address volatile and declining commodity prices. UNCTAD should also serve as a forum in which developing countries could build the necessary political consensus, strategize and organize in order to intervene effectively in multilateral decision-making and thus successfully safeguard their development interests. Finally, UNCTAD should promote UNCTAD XI to civil society organizations outside Geneva, particularly those from developing countries. More direct participation by civil society at UNCTAD XI would be needed.

21. **Mr. Josaphat P. Kweka, Research Fellow, Economic and Social Research Foundation (ESRF)**, focused on how a low-income country, especially an LDC, could benefit from the international trade system and how trade policies could be made pro-poor by identifying trade/poverty linkages and addressing developmental challenges. Regarding the international trading system, although LDCs had undertaken comprehensive economic policy reforms, including import liberalization, and had been given valuable preferential market access conditions, exports of LDCs had not responded proportionally. Instead, LDCs had experienced massive trade deficits. A major contributing factor to this related to supply constraints, including limited production, high transportation costs, low skills and inadequate infrastructure. Addressing these limitations was a major challenge. Special and differential treatment for LDCs within multilateral trade agreements was a necessary but not sufficient condition for developing countries to better integrate into the international trading system. Another factor was the imbalance within the international trade system; developed countries sought freer trade, particularly from developing countries, while their policies and actions tended to restrict trade, especially vis-à-vis exports of developing countries. Such double standards should be eliminated, and international trade and development institutions such as UNCTAD and the WTO could play a valuable role in correcting the imbalance. UNCTAD could contribute to the work of the WTO in developing pro-development disciplines so that the WTO could become a development agency rather than a purely rule-making body. UNCTAD could also examine market failures, promote trade policy dialogue and provide capacity building activities. The latter included trade information dissemination support, particularly between the public and private sectors, and promotion of awareness among stakeholder to encourage their participation in trade policy formulation and negotiations. Many LDCs also required analytical support, since their lack of resources resulted in them missing out on trade opportunities and incurring greater burdens in meeting international commitments. Many LDCs also participated in regional integration processes, and there was therefore a need for national policies not only to be pro-development, but also to be coherent as between international trade and regional trade.

22. Priorities in international trade included: fair application of international trade rules that avoided double standards and favoured a pro-poor regime; cooperation and mutual responsibility in international trade so that such trading was not based on market stimulus alone and the international community provided support in addressing market failures; information dissemination and support to increase awareness of issues among stakeholders; prioritization of the trade agenda; and provision of financial resources for capacity building in respect of negotiating skills. LDCs needed to address limitations in their supply capabilities, obtain enhanced resources for trade and development generally, better understand trade agreements and their impact, and manage better their regional trading agreements.

23. **Ms. Alexandra Strickner, Institute for Agriculture and Trade Policy (IATP)**, said that UNCTAD XI offered an excellent opportunity for UNCTAD to reassert its capacity as an authoritative source of policy proposals and to contribute to making agricultural trade a stimulus for broad-based development, particularly rural development. UNCTAD was a unique forum for

meaningful dialogue among stakeholders on international trade issues, particularly from a development standpoint, whereas the WTO's exclusive focus on trade liberalization did not necessarily lead to development per se. The creation of the WTO had signalled a radical break in development thinking and practice. The new development model centred on trade liberalization, deregulation, and limiting government intervention in the marketplace, relying on the invisible hand of the market to set the pace and pattern of integration into the global economy. However, it was not clear where the invisible hand was now in light of the global current commodity crisis. The Panel of Eminent Persons on Commodities had presented useful proposals, and there were two major reasons for implementing them. First, some TNCs feared that the invisible hand had driven prices down for so long that it threatened the sustainability of commodity supply. Second, there was growing recognition among developing countries that the WTO Agreement on Agriculture was not working in their interest, and they were demanding more meaningful and balanced commitments.

24. IATP had put forward policy proposals to phase out the dumping of agricultural exports in developing countries, it had developed initiatives such as the 'Alternative Agreement on Agriculture' to help prop up commodity prices, and it had organized meetings for partners in fair trade in an effort to make development sustainable. However, such policy proposals and trade initiatives required intergovernmental support. IATP acknowledged UNCTAD's view that it was difficult to manage large fluctuations in commodity prices amidst growing market power concentration and stringent standards and requirements. This pointed to the need for further research and analysis, especially on the effects of market concentration and commodity standards on agricultural prices. Further, current trade negotiation proposals – for example addressing tariff peaks and tariff escalation – were insufficient to improve the prospects for commodity prices in the light of the major swings in currency valuations and the lack of international instruments to manage the chronic oversupply of most traded commodities. As a way forward, much consensus building and dialogue was needed, as well as better policy formulation and implementation. UNCTAD had much to contribute in that regard, particularly in tackling the commodities crisis.

Discussion

25. It was argued that developing countries' participation in international trade was marginal. This was due in part to obstacles to trade in developed countries. In addition, developing countries had a limited role in influencing trade negotiations and making rules on trade that could favour their interests. Efforts must be made to obtain better and fairer prices and market access for products of developing countries. The process of trade negotiations must be democratic and issues essential to developing countries should be addressed, including implementation issues, special and differential treatment, agriculture, TRIPS and public health, and dispute settlement. Implementation issues were at the heart of the policy space debate because existing WTO agreements, for example TRIMs and TRIPS, inhibited developing countries from adopting active policies and realizing the potential benefits from international trade. The lack of progress in WTO on implementation issues went against the development orientation of the Doha agenda, and those issues deserved more prominent treatment by civil society and by UNCTAD XI. Other issues raised by developing countries and deserving closer examination by civil society and UNCTAD XI included the issues of trade, debt and finance, as well as trade and transfer of technology. Issues of interest to developing countries were all too often sidelined in the WTO and, until these issues received the attention they deserved, the time had not yet come to tackle new proposals at the WTO. Accordingly, the Singapore issues should be dropped from the agenda of the WTO trade negotiations.

26. The setback at the Cancún WTO Ministerial Conference was a signal that fair trade was not on the agenda of the negotiations, despite the fact that it was called a "development agenda". This

had to be corrected. Dumping of products, particularly agricultural products, should be abolished. There should be enough flexibility and policy space in international trade rules to allow developing and least developed countries to, for example, exploit safeguard measures to protect their agricultural sectors and define and implement targeted import-substitution policies. Trade agreements could not apply equal rules to diverse and unequal trading partners. Hence, trade and development should never be de-linked and, in this context, UNCTAD was the unique multilateral forum where these two issues could be dealt with jointly and successfully. It could contribute to promoting an international trading system that sought to deliver socially, environmentally and economically. It could also play a lead role in improving access and market entry conditions for exports of developing countries. It could promote trade and development through various means including capacity building, addressing supply-side constraints and increasing competitiveness, enhancing policy coherence at all levels, assisting in the development of national strategies, and fostering genuine consensus building and dialogue among countries.

27. The proliferation of regional trade agreements and bilateral trade agreements both between and among countries and regions, whilst beneficial to the contracting parties, could undermine the trade of non-participants and the established rules and norms of the multilateral trading system. UNCTAD should conduct cost/benefit analysis of such trading agreements and support developing countries through capacity building and training on bilateral, regional and multilateral trade agreements.

28. Commodities remained important to many developing countries and LDCs, with over 900 million people in these countries engaged in agriculture. However, their efforts to penetrate the lucrative markets in the developed countries were inhibited not only by a series of market entry barriers such as changing standards and concentration of market power, but also by high export subsidies. At the same time, the dumping of agriculture exports by developed countries in developing countries was adversely affecting the production of agricultural products, such as cotton, and contributing to the secular decline (50–86 per cent) in real commodity prices. This was compounded in developing countries by inefficient domestic policies, inadequate support institutions, and failing infrastructure. With logistical costs amounting to about 30 per cent of landed costs, developing countries needed to decrease supply-side constraints, increase value-added, institute appropriate policies, and engage in mutually beneficial trading arrangements. UNCTAD needed to develop proposals to address commodities issues.

Subtheme IV: Partnership for development

Presentations

29. **Professor Mario Presser, Institute of Economics, Campinas University (UNICAMP)**, said that UNCTAD and UNICAMP had launched a joint partnership aimed at offering an Economic Diplomacy Course at the postgraduate level. The main objective of the course was to allow private sector executives and public sector officials to understand and play an active role in shaping the bilateral, regional and multilateral negotiations that Brazil was currently engaged in. The course also looked at the overall issue of linking trade and development. It focused on the links between trade, finance, foreign direct investment and sustainable development in the context of the current international trade negotiations. UNICAMP had already promoted a joint symposium with UNCTAD on the state of the WTO negotiations in Campinas in August 2003. UNICAMP intended to enhance the partnership with UNCTAD in the coming years to enhance the link between theory and practice.

30. **Mr. François Ullmann, Ingénieurs du Monde**, referring to partnerships for development, said that UNCTAD could play a role in collecting and disseminating offers and requests for partnerships, which could be divided into categories defined in terms of economic characteristics, type of activity, objectives, legal status, resources involved and type of financing. Information could be provided on best practices and success stories, types of partnership, and means of implementing and monitoring activities, and a system of training, support and advice could be established. In its activities on partnership, UNCTAD could work together with Ingénieurs du Monde and the Agence consulaire de coopération internationale au développement.

Discussion

31. It was stated that the issue of implementation was of crucial importance and should be addressed by the Conference. Civil society could contribute to the discussions on partnerships by reporting on best practices and lessons learned.
