

Beisheim, Marianne; Lode, Birgit; Simon, Nils

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Rio+20 Realpolitik and Its Implications for “The Future We Want”

Marianne Beisheim, Birgit Lode, Nils Simon

The United Nations Conference on Sustainable Development (UNCSD, or Rio+20) took place in Rio de Janeiro, Brazil, June 20–22, 2012. While the outcome document of the conference responded to most of the demands of the developing and emerging nations gathered in the Group of 77 (G-77), the European Union and many non-governmental organizations criticized the reform proposals for not going far enough and being too vague. In a surprising act of pragmatic Realpolitik, host country Brazil had proposed the compromise text shortly before the beginning of the conference, and then managed to push it through almost unaltered—and thus succeeded in reaching an agreement in Rio, despite the difficult pre-negotiations. The outcome document, “The Future We Want,” however, reflects only a lowest common denominator of the community of states on international sustainability policy. Germany and the European Union should now strive to reach beyond these meager results in the upcoming post-Rio processes.

The outcome document for the Rio+20 United Nations (UN) Conference on Sustainable Development was adopted by consensus. Yet in the week before the conference started, the third and final official meeting of the preparatory committee had come to an end without a final draft for a declaration—at that point, more than half of the text was still disputed. Then, on the weekend before the opening of the conference, the Brazilian government was asked to take the lead in the remaining informal pre-negotiations. The sections of the draft text that had been under intense debate were weakened or dropped entirely. After brief discussions,

and with just one day before the official start of the conference, Brazil declared the discussion of the text to be closed. Thus, the more than 100 heads of state and government participating in the official conference were left with no further critical decisions to make about any remaining open questions. The price they paid for this pre-conference agreement was that the compromises contained in the document reflect only the lowest common denominator—and thus fail to adequately address the pressing environmental and development problems.

Many conference participants were surprised by Brazil’s negotiation strategy and

interpreted it as a reaction to the Copenhagen climate change conference of 2009 or the 19th meeting of the UN Commission on Sustainable Development (CSD) in 2011. Like these meetings, Rio+20 was in danger of ending without a joint final declaration and therefore being stipulated as a failure.

Among those most dissatisfied with the Brazilian compromise text were the European Union (EU) delegates. Like many of the EU Member States, Janez Potočnik, EU Environmental Commissioner and chief negotiator of the EU delegation, had been pursuing more ambitious goals for the conference. Environmental and development organizations criticized the outcome document even more sharply for being vague and noncommittal in its wording, for not naming explicit instruments for the implementation of global sustainability policies as had been called for, and therefore for providing no useful foundation for effectively confronting the challenges of global sustainability policy. Nevertheless, the EU States decided to approve the final declaration, stating that it contained enough positive elements, which furthermore could and should be continued to negotiate in follow-up processes. Now that the conference has ended, attention has shifted to these processes.

The Future We Want

The official version of the outcome document runs to 53 pages; its 283 paragraphs comprise six sections. Section I, “Our common vision”, starts by describing the aim of eradicating poverty as the heart of the common vision and indeed of all efforts for sustainable development. This had been a central concern of the developing and emerging countries. In this and the following section, “Renewing political commitment”, past outcomes of the Rio process are reaffirmed, including the 1992 principles of the Rio Declaration on Environment and Development. This is a positive aspect, since observers had begun to fear that the 2012 Rio Conference might revert to targets even

lower than those established at the 1992 conference (“Rio minus 20”). Both of the subsequent sections of the document deal with the conference’s two major themes: The transition to a “Green economy in the context of sustainable development and poverty eradication” (III), and the “Institutional framework for sustainable development” (IV). Section V, in which a framework for action is formulated for selected thematic areas, also includes paragraphs relating to the Sustainable Development Goals (SDGs). The sixth and final section addresses the means of implementation for the commitments.

Green economy: Priority for growth

The aim in Rio was to come to an international consensus, inter alia, on how sustainable development should be implemented in everyday economic activity. Specific instruments discussed in the run-up to the Rio Summit include: increased support for clean technologies, the reduction of environmentally harmful taxes and subsidies, the changing of unsustainable consumption and production patterns, and the recognition of the diverse economic benefits of nature conservation. In contrast to the original intention of the conference, the section “Green economy in the context of sustainable development and poverty eradication” is one of the least specific sections of the entire document. The delegates were unable to agree either on a truly global commitment to greening the economy or on significant steps or instruments for doing so. The introductory paragraph comprises of extremely open-ended statements that green economy is “one of the important tools” available for achieving sustainable development and that it “could provide options for policymaking but should not be a rigid set of rules”. As a result, the final document confines itself to a list of characteristics elaborating on the voluntary transition to a green economy.

This may be explained by the fact that the States represented in the G77 did not

want other nations to dictate the terms and conditions of their own development. Furthermore, many emerging and developing countries had reservations about the concept itself—they were afraid of both green protectionism and new conditionalities for development cooperation—fears that could not be assuaged up to the end.

The more far-reaching ambitions of the EU for a “Green Economy Roadmap” including timetables and indicators are not reflected in the text. In the course of the negotiations, the Roadmap was first renamed into a “mechanism,” which in the final, adopted version of paragraph 66 only contains a nonbinding, unspecific invitation to the “UN System” to coordinate a “matching” process upon request, in which states are provided with information on possible partners, toolboxes, best practices, and models or good examples of policies.

Some signs of progress towards a green economy only become apparent at second glance. Paragraph 38 asserts that broader measures of social wellbeing are needed to complement gross domestic product (GDP). This recognition was already articulated in the Stiglitz-Sen-Fitoussi Commission’s report in 2009 as well as in the German Bundestag’s appointment of a Study Commission on “Growth, Well-Being, and the Quality of Life” in 2010. The Rio+20 document now reaffirms on a multilateral level those changes in the perception of what should be key indicators for broader measures of progress, and calls on the UN Statistical Commission to launch a programme of work in this area.

Beyond this, other processes that were underway parallel to the conference have brought about new financing commitments and partnerships. These include the announcement of a ten-year investment package of US\$175 billion by the eight largest multilateral development banks to promote the development of sustainable public transport. The World Bank, for its part, announced in Rio that it would boost efforts to expand energy access by doubling its currently US\$8 billion per year

in financing for energy projects and programs as part of its effort to support UN Secretary-General Ban Ki-moon’s Sustainable Energy for All initiative, putting an emphasis on low-carbon technologies. Also in Rio, a series of new programs and partnerships at intergovernmental and sub-national levels were announced, including numerous south-south cooperation activities.

Strengthening the UN sustainability institutions

The Rio conference was supposed to produce decisions on institutional reforms to better support and encourage the transition to a green economy and sustainable development. The first version of the outcome document (Zero Draft) contained ambitious plans: upgrading the United Nations Environment Programme (UNEP) to a fully fledged UN specialized agency (United Nations Environment Organization, UNEO) and transforming the CSD into a more effective and empowered Sustainable Development Council (SDC). Both reform proposals quickly met with resistance, however. Many countries refused the added costs this would entail and several—most prominently the USA, Canada, and Russia—opposed the creation of what in their view would essentially be “new” UN institutions.

The concluding document of the conference proposes that the UN sustainability institutions be upgraded, but without significantly raising their status. It does not call for UNEP to be accorded the status of a specialized agency, but it does recommend that its Governing Council be open to all UN member states. Instead of its current 58 members, UNEP’s membership should thus be universal. The document also calls for raising UNEP’s financial resources, including an increase of its core budget provided by the UN, which currently make up a mere three percent of the entire UNEP budget. No concrete figures are mentioned, however, which leaves this issue to be resolved in the battle over the UN budget in

New York. The document also calls for a more influential UNEP to play a leading role in the formulation of United Nations system-wide strategies on the environment. Whether it will be possible to consolidate UNEP's headquarters functions in Nairobi while simultaneously strengthening its regional presence remains to be seen. In any case, this passage allows for UNEP to better assist emerging and developing countries in the implementation of their national environmental policies.

The UN General Assembly is supposed to adopt the reform of UNEP at its next meeting, while, beforehand, the reform proposal will be elaborated in more detail. Among other things left open at the Rio conference was the question of whether to create a smaller Executive Board to complement the Governing Council, which will have universal membership, as is the case with many UN specialized agencies. Moreover, no agreement was reached on a new name for UNEP. For the USA, a name change would have come too close to upgrading UNEP to a specialized agency. The African states, which had expressed their explicit support for a UNEO in the months preceding the Rio conference, decided to content themselves with the agreement as it stands, rather than to openly oppose the compromise reached within the G77 during the official conference.

Instead of transforming the CSD into a higher-status UN Sustainability Council, it was decided that a "universal intergovernmental high-level political forum" for sustainable development would be established. This body shall be convened for the first time in fall 2013 and, subsequently, replace the CSD. Disagreement remains over what the new institution will be called and how it will be structured. In any case, the outcome document states that it shall be provided with a universal membership structure and it mentions some of its possible functions. Its tasks (e.g., political leadership, guidance, integration, cooperation, and coordination) are only described in vague terms, however. Furthermore, the

peer review process, seen by many as a central function, has been withdrawn from the text. Here, again, the aversion of many countries to opening themselves up to international oversight becomes apparent. Just before the conclusion of negotiations, the wording of this paragraph, which had originally read that the forum "will" take on this role, was modified to the less stringent "could." Thus, further negotiation will have to take place over the forum's functions.

In addition, the position of the forum within the UN system remains unclear. In the pre-negotiations, some of the delegates argued that the new body should be situated directly under the UN General Assembly, modeled after the UN Human Rights Council, but a majority opted to leave it within the UN Economic and Social Council. This would not be an optimal solution, however, since it is only by reporting directly to the General Assembly that the circuitous route through the already overburdened Economic and Social Council could be avoided. The outcome document postpones a final decision on this point; the exact institutional form and further organizational aspects are to be dealt with by fall 2013 in intergovernmental negotiations under the General Assembly. Thus, there are still opportunities to help shape both the form and the political mandate of this new body.

Efforts to appoint a High Commissioner or Ombudsperson for Future Generations were not successful. However, the outcome document invites the UN Secretary-General to present a report on intergenerational solidarity and the needs of future generations. The topic will therefore remain on the agenda.

The EU wants to achieve more far-reaching institutional reforms. It has failed in this endeavor up to now due to resistance from states that insist on their own sovereignty or refuse to make more resources available. The EU will therefore have to step up efforts to win others over and build alliances.

The negotiations over the outcome document have shown that developing and emerging countries reject “supervisory agencies” that monitor them and that could potentially impede their development. The EU should work with these states to develop reform models that can dispel their reservations and respond to their interests. If reformed in this way, UN institutions could finally help to provide countries in need of assistance with access to the financial resources and technological innovations that they have been calling for—and in fact urgently need to effectively move toward sustainable development. At the same time, the EU needs to win over the reluctant industrialized countries. Due to domestic financial crises, many of them do not want to contribute additional funds. They should be convinced that despite the increased costs, the proposed reforms will pay off for them in the medium to long term because they help to finally implement past decisions, thereby avoiding long-term costs for humans and the environment.

Old and new policy areas: A framework for future action

A central objective of the Rio+20 Conference was to secure renewed political commitment for sustainable development. Remaining gaps in the implementation of sustainable development and new and emerging challenges should be addressed and tackled. These aspects are discussed in Chapter V of the outcome document with regard to 26 thematic areas and cross-sectoral issues. However, only in a few paragraphs does the text actually go beyond previous agreements. For example, after many years of discussion, the 10-Year Framework of Programmes for Sustainable Consumption and Production has finally been adopted—but with the explicit note that the programs are voluntary. The commitment that had been called for by numerous environmental organizations to phase out harmful fossil fuel subsidies is also in-

cluded, but only in a very weak formulation: Countries are “invited” to “consider rationalizing” these subsidies.

In the subject area “oceans and seas,” for which in particular environmental organizations had campaigned intensely, a few important follow-up processes were introduced, with specific targets and timetables. By fall 2015 at the latest, a decision regarding the development of an “international instrument” under the United Nations Convention on the Law of the Sea (UNCLOS) shall be taken to close a significant gap in UNCLOS: the previously unregulated conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. The international community commits itself to address the issue, “on an urgent basis”, before the end of the 69th session of the UN General Assembly in September 2015. The community of states has also agreed to undertake measures by 2025 to significantly reduce marine debris and thus prevent damage to the coastal areas and marine environment. A third commitment that includes concrete goals and time schedules is contained in Paragraph 168 of the Rio outcome document: UN member states pledge to intensify their efforts and take the necessary measures to maintain or restore all global fish stocks by 2015, at least to levels that can produce the maximum sustainable yield (MSY). This goal was already mentioned in the Johannesburg Action Plan of 2002—but now has been provided with a concrete time horizon.

Sustainable Development Goals— A set of goals by 2015

The outcome document also addresses the proposal of formulating a set of Sustainable Development Goals (SDGs). Colombia and Guatemala conceived of this idea along the lines of the UN Millennium Development Goals (MDGs) and suggested that a set of universal SDGs should be adopted. This proposal gained momentum prior to the conference and a great deal of hope was invested in its potential.

As a result, the Rio outcome document provides for the creation of an inclusive, transparent, intergovernmental process aimed at developing a set of global goals for sustainable development, covering all three dimensions of sustainable development including their interlinkages. It also envisages that an exploratory process be launched that is open to all stakeholders to ensure that different national circumstances, capacities, and priorities are taken into account. According to the document, these sustainability goals should be consistent with international law, build upon pre-existing commitments, and contribute to the full implementation of the outcomes of all major environmental, economic, and social summits—specifically respecting the 27 Principles of the Rio Declaration from the first Rio Summit in 1992; based on Agenda 21, also adopted in 1992; and the Plan of Implementation agreed upon in Johannesburg in 2002.

The document provides for an open working group to be constituted no later than the start of the sixty-seventh session of the UN General Assembly in Fall 2012, comprising thirty representatives, nominated by UN member states through the five UN regional groups. This working group should reflect the wide-ranging involvement of relevant stakeholders and expertise from civil society, the scientific community, and the UN system, and would submit a report to the sixty-eighth session of the UN General Assembly in September 2013 with a proposal for a set of SDGs. In paragraph 248 of the outcome document, the General Assembly is called up to grant this proposal due “consideration” and take “appropriate action”.

Ideally, the General Assembly could reach agreement on a set of SDGs in Fall 2014 that would enter into force in 2015. Of course this ambitious timeframe is by no means certain, let alone guaranteed. The Rio outcome document also stipulates that the SDG process needs to proceed in a coherent and coordinated manner in conjunction with the post-2015 development

process for the continuation of the Millennium Development Goals, and emphasizes that it should not divert focus or effort from the achievement of the MDGs. The specified timetable makes this at least possible. Given the experience with the difficult negotiations in Rio, however, it seems unlikely that a set of universal SDGs will be agreed upon in time to avoid a delay of the post-2015 process. Moreover, many countries have pronounced that they will not accept a process like the one that was used to determine and draft the MDGs—i.e., one conducted under the dominant leadership of the United Nations.

In that context, it is discouraging that in Rio the delegates did not reach a common understanding of what should be the substance the SDGs. The outcome document merely states that the SDGs should focus on “priority areas” for achieving sustainable development, to be derived from those identified in the outcome document. Those, however, amount to twenty-six issue areas and hardly represent a clear cut focus. With regard to concrete targets and indicators, paragraph 250 does at least state that they are necessary measures of progress.

On the one hand, the imprecise formulations used in the final text are an expression of the lack of consensus within the international community on the central objectives of sustainable development. On the other hand, the process that has now been initiated does open up new scope for the development of a set of global sustainability goals. Germany could contribute to this by helping to formulate goals and indicators for the water-energy-food security nexus and could use the findings of the 2011 Bonn Conference to this end. This would also bring in Germany’s experiences with its “Energiewende” which are of high interest to many countries. In addition, Germany and the EU should vigorously campaign for an arrangement whereby the newly created high-level political forum for sustainable development coordinates or even carries out a periodic review and evaluation of progress in the realization of

SDGs and submits regular reports on this to the UN General Assembly.

Means of implementation

It came as no surprise that the negotiations in Rio concerning the means of implementation were particularly delicate. Many donor countries had already made it clear in advance that they would not provide any new funding, which complicated talks from the outset. One bright spot was the announcement of an intergovernmental process under the UN General Assembly that would assess both the financing needs and the available instruments. Building on this, a report containing proposals for an effective financing strategy for sustainable development is to be submitted by 2014 at the latest.

Technology transfer and capacity building were other issues close to the heart of many developing countries and emerging economies. The outcome document recommends that existing decisions be implemented and that models be developed to facilitate their implementation, but does not include any concrete new commitments.

In the final paragraph of the outcome document, the Secretary-General of the UN is invited to set up a registry compiling the voluntary commitments entered into at the UNCSD 2012. The UNCSD website currently lists 745 voluntary commitments, whose cumulative promised investments according to the UN mobilize more than US\$500 billion. As a result, it was said after the conference that the most important outcome of Rio+20 may not be found in the outcome document, but rather in the pioneering activities of individual countries, companies, and other actors and institutions. How serious and reliable these commitments really are remains to be seen. Partnerships for sustainable development were already launched in 2002 at the World Summit on Sustainable Development in Johannesburg as voluntary instruments to support the implementation of outcomes

from the Rio process. They were registered in the CSD Partnerships Database but without further follow-up. However, experience with these partnerships suggests that follow-up processes are necessary to ensure that the promises entered into are not only registered but also that their implementation will be monitored and evaluated. As there now shall be a new internet-based registry of commitments—hopefully with some kind of periodic review mechanism—the CSD’s database of partnerships should be updated and integrated.

Alliances to forge successful follow-up processes

In the negotiations leading up to the Rio Summit, delegates obviously lacked the confidence in the political will of their counterparts to change course in the direction of sustainable development. Instead of paving the way for bold reforms, the negotiators focused their attention on ironing out the finer points of the lowest common denominator. Thus an opportunity was lost to harness the momentum of Rio+20 and to use the decision-making authority of the assembled Heads of State and Government to adopt a forward-looking action plan for sustainable development.

The outcome document leaves many issues open. While this certainly merits some criticism, it also creates room for improvement and opens up opportunities to subsequently expand the far from ambitious results. UN Secretary-General Ban Ki-moon, too, made the case for a positive reception of the summit results and a continuing engagement in the processes that are set to follow, in order to infuse the outcome document with life.

Rio+20 was heralded as a conference that should advance the transition to sustainable development. In retrospect, one might well ask whether the format of a world conference is suitable for this purpose at all. In the 1990s, UN conferences successfully transformed the political agenda and the priorities of the international community.

One of the culminating achievements in this process was the establishment of the Millennium Development Goals. Yet the 2002 conference in Johannesburg already failed to produce an action plan for the implementation of sustainability policies that specified effective incentives and instruments. In Rio 2012, a further impediment arose in that the set of issues around development and fighting poverty through economic growth had shifted to the foreground, largely due to the increased power and importance of the emerging economies that have been promoting these issues. This is reflected in the semantics of paragraph 4, in which it is not “sustainable” growth that is advocated but “sustained” growth. It will be difficult to hold up the goal of environmental protection in international sustainability policy. This illustrates once again that the idea of a green economy did not prevail in Rio, and that many states reject any intervention in their national development priorities and models.

In view of this, Germany and the EU have to be prepared to accept that smart ideas are not enough to achieve substantial results—either in the post-Rio processes or in other multi-national forums such as climate negotiations. Over the next two years, all the central themes of the conference will be negotiated further in inter-governmental UN processes. The successful elaboration of “The Future We Want” is thus back in the hands of the UN member states. Germany and the EU should not put their ambitious plans on hold. Rather, they should forge alliances to push the implementation of their plans forward in the context of follow-up processes to Rio. Allies may be found in countries like South Korea that have been pioneers in green economy, as well as in developing states like South Africa and Mozambique that are interested in active collaboration on green economy schemes. Winning these states and others as partners will require concrete incentives and concerted effort to show that sustainable development is possible and that it

pays off in the long term. Germany and the EU can build the confidence this requires most effectively by demonstrating the successful results of the implementation of their own sustainability policies at home.

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SWP
Stiftung Wissenschaft und Politik
German Institute for International and Security Affairs

Ludwigkirchplatz 3–4
10719 Berlin
Telephone +49 30 880 07-0
Fax +49 30 880 07-100
www.swp-berlin.org
swp@swp-berlin.org

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For further reading:

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UNCSO Rio 2012

Twenty Years of Sustainability Policies – Now Put into Practice?

SWP Research Paper 8/2012, June 2012

The research paper examines four proposals for bringing new momentum to global sustainability policies.

The introduction discusses the Rio+20 summit with a reference to the Rio process since 1992 and analyses the positions of key players.

Chapter 2 pursues the question of whether the proposed concept of a Green Economy in the Context of Sustainable Development and Poverty Eradication (GESDPE) can achieve international consensus.

Chapter 3 explores the debate surrounding the Sustainable Development Goals (SDGs).

Chapter 4 addresses the reform of the United Nations Environment Programme (UNEP).

Chapter 5 debates the proposal to transform the Commission on Sustainable Development (CSD) into a Sustainable Development Council.

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