



Renewing political commitment fraught with differences

Rio de Janeiro, 16 June (Chee Yoke Ling) - The Rio+20 Conference objective of renewing political commitment to sustainable development continued to see a divide between developing and developed countries over the reaffirmation of the 1992 Rio principles, in particular the "common but differentiated responsibilities" (CBDR) principle.

CBDR, in Principle 7 of the 1992 Rio Declaration on Environment and Development, is a contentious issue in Section II as it is in the entire draft outcome document (dated 2 June 5 pm). In the "splinter group" (informal open ended negotiation group) on Sections I and II that worked on 13-15 June to streamline the text, the position of the United States remained unchanged, i.e. deletion of CBDR wherever it is referenced on the ground that no single Rio principle should be singled out. The principle was categorized as a "cross-cutting" issue.

[Section I of the draft outcome document is on "Our Common Vision" and Section II is on "Renewing Political Commitment". Other cross-cutting issues that were identified are: means of implementation; climate change; the Programme of Action of the International Conference on Population and Development and the Key Actions for Further Implementation of the Programme of Action (ICPD). All these were supposed to be dealt with by the splinter group on Sections I and II but this did not occur; several delegates expressed uncertainty on how this was to have been done.]

There was also intense exchanges over paragraph 24 ter on an expression of "deep concern on the imposition of laws and other forms of coercive measures, including unilateral sanctions, against developing countries which undermine international law and the rules of the WTO ..." and over paragraph 24 quat on reaffirmation of "the need to take further effective measures to remove obstacles to the realization of the right of peoples

to self-determination, in particular peoples living under colonial and foreign occupation ..."

(Principle 23 of the Rio Declaration states: "The environment and natural resources of people under oppression, domination and occupation shall be protected.")

These are G77 proposals. Belarus supports paragraph 24 ter while the US and Canada wants deletion. The European Union and Australia reserve on this paragraph. Canada, the US and Japan wants deletion of paragraph 24 quat while the EU reserves on it.

At the close of the third and last meeting of the Rio+20 Preparatory Committee past midnight of Friday, 15 June, nine out of 12 paragraphs have been agreed ad ref in Section I. Another 16 paragraphs were agreed ad ref in section II. Member States could not reach agreement on the remaining 25 paragraphs in these two sections that contained the most substantive issues.

CBDR

This was bracketed in paragraphs 2 bis, 14, 16 of the two sections. When the splinter group met on 13 June the facilitator Mr. Abdelghani Merabet (Algeria) asked Member States for ideas on the cross-cutting issues and the best approach for the group at that point. There was no clarity on how to deal with the cross-cutting issues and it was agreed that the group would go through the text of the two sections. The EU said that "to save time, keep the brackets on CBDR as it is cross-cutting."

In response the G77 said that the principle has been under rough weather in the document, but the Group wanted to highlight that this principle is very important to us. It did not want a situation where everything is agreed and then CBDR is in brackets and then done away with.

In section I of the document, paragraph 2.bis reads:

"We acknowledge the need to further mainstream sustainable development at all levels integrating economic, social and environmental aspects and recognizing their interlinkages, so as to achieve sustainable development in all its dimensions [, in accordance with the principle of common but differentiated responsibilities. **-G77; US, Canada, Japan, EU delete.]**"

In subsection II A on "Reaffirming Rio principles and past action plans" paragraph 14, the **Group of 77 and China (G77)** had proposed: "We reaffirm the Rio Declaration on Environment and Development and all its principles ..." which the **US** asked to be deleted. The **G77** proposal continues with "in particular the Principle of CBDR and equity" which the **US** and **Japan** wants deleted.

The Co-chairs' proposed text was a reaffirmation that "all the Principles contained in the Rio Declaration on Environment and Development will continue to guide the international community in the achievement of sustainable development and the future we want and will serve as the basis for cooperation, coherence and implementation of agreed commitments, including in this outcome." The **US** supported by **Japan** and **Canada** wants deletion of the phrase "and will serve as the basis for cooperation, coherence and implementation of agreed commitments, including in this outcome". The **G77** wants retention of this phrase.

During the 13 June meeting, the **G77** asked if there was any flexibility from its negotiating partners: do they want the whole paragraph to go or only Principle 7 (on CBDR).

Switzerland said it could live with the paragraph as it stands but not single out CBDR.

Norway said it liked the paragraph and it is good to reaffirm the (Rio) principles as such, but not single out a principle. "We are in Rio and this was developed in Rio. We would like stronger language so reaffirm the Declaration as such."

The **US** shared Switzerland's concern and reiterated it had problem with the phrase "and will serve as the basis for ..." that it found "inappropriate" because it did not feel that the Declaration was drafted with the intent of being used for everything.

There was thus no movement on these paragraphs between the New York informal session (29 May-2 June) and the the Rio session, except for some editing of paragraph 2 bis.

However, paragraph 15 reads: "We reaffirm our commitment to fully implement the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development, the Barbados Programme of Action and the Mauritius Strategy for Implementation ..." (emphasis added).

CBDR in paragraph 16 is related to the reference to the UN Framework Convention on Climate Change (UNFCCC). The **G77** stressed that this reproduces Article 3.1 of the UNFCCC. The **US** responded that it is not equitable or fair to elaborate one specific principle and that this paragraph that recognizes the importance of the three Rio Conventions should remain general.

New Zealand proposed the term "in accordance with their respective principles" to be applied to all three Rio Conventions. The **G77** said it could consider this for the other 2 Conventions (on biological diversity and on combating desertification) on condition that the UNFCCC-CBDR reference is accepted.

(Observers note that the G77 insistence is related to concerns that any backtracking or reinterpretation of CBDR at the Rio+20 summit Conference would undermine the UNFCCC negotiations on the "Durban Platform" where the equity principle and CBDR are contested by the US and other developed countries.)

After further exchange of views the facilitator said that these paragraphs would be dealt in the cross cutting issues discussion.

With regard to the other cross-cutting issues, ICPD was referenced in paragraphs 15 and 26, means of implementation is in paragraph 18 and climate change is in paragraph 24 bis.

No change in positions

On other key paragraphs there was also clearly no change in the position of Member States since the New York informal negotiations.

The **US** maintained that paragraph 2 be limited to "extreme" poverty while the **G77** wants the sentence to refer to poverty.

Paragraph 2 read: "Eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development. In this regard we are committed to

free humanity from [**extreme - US, Republic of Korea; G77 delete**] poverty and hunger as a matter of urgency."

In paragraph 3, the **US** said that it could not move from its position that a positive tone be used and so it wants to maintain its proposal of "promoting sustainable patterns of production and consumption" instead of the Co-chairs' text of "changing unsustainable patterns of production and consumption" which is accepted language. The **EU** proposed the formulation "changing unsustainable and promoting sustainable" adding that it was to retain what is in the Johannesburg Plan of Implementation ("changing unsustainable").

On the "right to food" in paragraph 7 the **US** said it did not have the flexibility to accept this right and retained its deletion. The **G77** said it wants to retain the right to food, adding that this is agreed language and has been used in many instances. The alternative text of the **US** is "the right to an adequate standard of living, including food". The **G77** said it could accept "right to an adequate standard of living and right to food".

The **Holy See** supported the right to food and said it did not understand why there is this desire to strike out this text.

The **US** amendment of "transfer of technology" to "voluntary transfer of technology on mutually agreed terms and conditions" in paragraph 18 was deferred to a cross-cutting issues discussion. The **US** wants deletion of "increased voice" last sentence in the same paragraph: "...we affirm the continued need for the increased voice and full and effective participation of all countries, in particular developing countries in global decision making." It also wants to substitute "in particular" with "including".

In response the **G77** said that the thrust of the sentence is the full and effective participation of developing countries in global decision making. It is clear that developing countries are short of this. The words "in particular" are to address this shortfall of participation and the need is to increase the participation of developing countries. The word "including" has a different meaning. It also did not agree with the deletion of "increased voice".

In paragraph 19 that deals with insufficient progress and setbacks in the integration of the 3 dimensions of sustainable development since 1992, aggravated by multiple financial, economic, food and energy crises, the **G77** had previously added

the phrase "and in this regard, it is critical that we observe the principle of non-regression". The **US, EU, Canada, Japan** and **Switzerland** wanted this deleted.

In the 13 June discussion **Canada** said that non-regression is new, that nobody recognizes except **G77**.

India on behalf of G77 said this is a principle recognized in international law and the European Parliament did pass a resolution that mentions non-regression. "We urge colleagues to look more closely at this paragraph so that we can see how we can move forward."

The **US** said that like Canada, it did not understand this (concept) and it did not mean it is a principle of international law recognized by all countries.

The **EU** said the European Parliament called for a recognition of this principle, so it is not recognized as such. It added that the principle is in the context of human rights and environmental law, so even if it is recognized, it is not in the right paragraph.

The **G77** had earlier proposed paragraph 19 bis which the **US** asked for deletion: "We recognize that the current major challenge for developing countries is the impact from the multiple crises affecting the world today, particularly the ongoing economic and financial crisis, as a result of the deficiency of the international financial system. In this regard we reaffirm the urgent need to deepen the reform of the global financial system and architecture based on the principles of equity, sovereign equality, independence, common interest, cooperation and solidarity among all States." In the Rio discussion, **Canada, Japan** and the **EU** also asked for deletion.

Canada said that it was not clear and asked the **G77** for explanation adding that "crises" are already in paragraph 19. **Japan** said the language is problematic and may have a negative impact to the markets. The **EU** did not see the point of the paragraph and the language was not what it could sign on to.

The **G77** noted that the various crises had been referred to in paragraph 19. "But colleagues recognize that the ongoing financial and economic crisis has major impact on sustainable development in all countries. We are open to the language but feel this is important and should be discussed here."

In view of the weak language with regards to Africa in paragraph 30, the facilitator was asked to

formulate new text. The **G77** said that Africa is lagging behind and the reason is implementation gap and that is because of the lack of means of implementation.

Paragraph 32 addressed the situation of middle-income countries and the Co-chairs' text reads: "We recognize the progress made by middle-income countries in improving the well-being of their people, as well as the specific development challenges they face in their efforts to eradicate poverty, reduce inequalities, and achieve their development goals, including the MDGs, and to achieve sustainable development in a comprehensive manner integrating the economic, social and environmental dimensions. We reiterate that these efforts should be adequately supported by the international community, through various forms, taking into account the needs and the capacity to mobilize domestic resources of these countries."

Earlier the **EU** added the following sentence: "We also recognize the solidarity of middle-income countries with other developing countries with a view to supporting their development efforts, including in the context of South-South and triangular cooperation." The **Russian Federation**, the **G77** and **Belarus** asked for deletion of this insert.

A significant inclusion in the draft outcome document is the proposal by **Bolivia** on the rights of Mother Earth, reflecting the philosophy that has been incorporated into its national constitution. Following amendments by different countries and an insertion by the G77 the 2 June 5 pm text read:

[33. We recognize that the planet Earth and its ecosystem[s –US] are our home and that Mother Earth is a common expression in a number of countries and regions [and we note that some countries recognize the rights of nature in the context of the promotion of sustainable development - **G77; Holy See, RoK, Japan delete**]. We are convinced that in order to achieve a just balance among the economic, social and environment needs of present and future generations, it is necessary to promote harmony with nature. – **Canada, US, Holy See delete; EU, Japan revert**].

Canada said that the G77 insertion caused them problems. While recognizing that it is something some countries recognize, it did not think it appropriate to put this in the opening section of the outcome document.

The Holy See also had difficulty accepting this clause and said that this was a philosophical outlook not shared by all, and that it seems to go beyond the Rio Principles, and can be seen as contradicting Principle 1 (Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.)

G77 explained that the insertion made was important for the Group and that the insertion was not normative or saying that it applies or that it should apply to everybody. G77 suggested that addition of the words "and we note that", saying that it does not seek to change anything but just notes what exists in some countries (... and we note that some countries recognize the rights of nature in the context of the promotion of sustainable development.)

The **Republic of Korea** said it was not comfortable with the expression "the rights of nature" and wanted the G77 to delete the insertion.

Japan said the reference to rights of nature is something they have difficulty accepting, even though some countries recognize these. It did not understand the necessity to have this reference in the Rio+20 document.

The **EU** proposed that the words "we note" be placed after the words "our home", as the concept refers only to countries, and not used in regions. It reserved its position.

The **G77** could not agree and proposed that the text be left as it is and that it would come back to it later.

With no further possibility of agreement the 2 sections together with the rest of the document was handed over to the Brazilian host when the Prepcom ended. The cross cutting issues were not discussed and a new text will be produced by the Brazilian chair of the Rio+20 Conference. (see TWN RIO+20 News Update #12).