

Renewed political commitment obtained

Beijing, 25 June (Chee Yoke Ling) - It was an uphill task at times but the gathering of world leaders and high-level representatives of almost 200 countries succeeded in adopting the outcome document of the Rio+20 conference that renewed their political commitment to achieve sustainable development.

The first summit in 1992, also held in Rio de Janeiro, was historic in forging the set of 27 principles in the Rio Declaration on Environment and Development as well as Agenda 21, a detailed plan of action. It was also the occasion for the opening for signature of the UN Framework Convention on Climate Change and the Convention on Biological Diversity.

Twenty years later, implementation of sustainable development continues to be elusive and most developed countries display weak political will to fulfill their agreed commitments to provide crucial means of implementation (finance and technology) to developing countries. Thus it was imperative that the Rio+20 conference produced, as mandated by the UN General Assembly, a renewed political commitment.

While many are critical that the outcome document titled "The future we want" did not go far enough, it was crucial for the Rio principles to be reaffirmed, especially Principle 7 with its common but differentiated responsibilities, and this was achieved.

As Brazilian President, Dilma Rousseff, said in her speech at the closing session of the summit on 22 June, the outcome document was a "starting point" and not a "threshold or ceiling" for implementing the path to sustainable development that had to be ambitious and should serve as a legacy for future generations.

In Section I of the document on "Our common vision" heads of State and Government and high-level representatives declared that they "*renew our*

commitment to sustainable development and to ensuring the promotion of an economically, socially and environmentally sustainable future for our planet and for present and future generations" (paragraph 1).

Paragraph 2 states that "*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 freeing humanity from poverty and hunger as a matter of urgency.*" Until the end of the work of the conference preparatory committee (prep com) late night of 15 June, this was not agreed because the **United States** wanted to restrict the commitment to "extreme" poverty. Developing countries stressed throughout that poverty eradication is their overarching objective and that Rio+20 must address all poverty. In the course of the informal consultations under the guidance of Brazil as host country (16-19 June) the word "extreme" was removed.

There was considerable debate on consumption and production patterns in Section I and Section V (on "Framework for action"). In the 2002 Johannesburg Plan of Implementation adopted by the Rio+10 summit conference, chapter III is titled "Changing unsustainable patterns of consumption and production" whereby it was agreed that, "All countries should promote sustainable consumption and production patterns, with the developed countries taking the lead and with all countries benefiting from the process, taking into account the Rio principles, including, inter alia, the principle of common but differentiated responsibilities as set out in principle 7 of the Rio Declaration on Environment and Development."

The **US** did not agree to the original prep com chairs' text (paragraph SCP 1) based on the JPOI, and asked for deletion of the phrase "sustainable consumption and production is one of the overarching objectives of sustainable development" and also of the words "with developed countries

taking the lead". It also did not want "changing unsustainable patterns of consumption and production" proposed by the **European Union** and supported by the **G77 and China** (G77) in the original paragraph 3 and preferred "promoting sustainable patterns ...".

The final result is a combination as seen in paragraph 4 of the outcome document: *"We recognize that poverty eradication, changing unsustainable and promoting sustainable patterns of consumption and production and protecting and managing the natural resource base of economic and social development are the overarching objectives of and essential requirements for sustainable development ..."*

It is also significant that the summit adopted the 10-year framework of programmes on sustainable consumption and production patterns that was finalized at the 19th session of the Commission on Sustainable Development in 2011. The programmes are voluntary and the summit invited the UN General Assembly, at its sixty-seventh session, to designate a Member State body to take any necessary steps to fully operationalize the framework (paragraph 226).

Human rights and the right to development featured significantly in the intergovernmental discussions, with civil society groups making this a central issue in their advocacy throughout the process. The right to development which is incorporated as 1992 Rio principle 3 was contested by some developed countries at the beginning but accepted subsequently as it has also been long recognized in the UN. However, until the final days, the **US** could not accept the right to food, preferring "the right to an adequate standard of living, including food". The offered compromise of "right to adequate food" was also unacceptable.

In the final outcome document, Brazil managed to obtain consensus as part of the overall package, and the right to food is now in paragraph 8: *"We also reaffirm the importance of freedom, peace and security, respect for all human rights, including the right to development and the right to an adequate standard of living, including the right to food, the rule of law, gender equality, the empowerment of women and the overall commitment to just and democratic societies for development."*

The summit also reaffirmed *"the importance of the Universal Declaration of Human Rights, as well as other international instruments relating to human rights and international law. We emphasize the responsibilities of all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and*

fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status" (paragraph 9).

Good governance and rule of law are acknowledged in paragraph 10: *"We acknowledge that democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. We reaffirm that to achieve our sustainable development goals we need institutions at all levels that are effective, transparent, accountable and democratic."*

Both paragraphs 9 and 10 were negotiated outcomes at the prep com level.

In Section II titled "Renewing political commitment" the prep com ended on 15 June with most of the substantive paragraphs unresolved.

Subsection II A on "Reaffirming the Rio Principles and past action plans" had 5 paragraphs and only one had been agreed: 'recalling' the Stockholm Declaration of the 1972 UN Conference on the Human Environment.

Reaffirming the principle of common but differentiated responsibilities (CBDR) was the most contentious issue with the **US** stating that there should be no singling out of any one Rio principle and this was a "red line" for the US. On the other hand, the **G77** repeatedly stated that CBDR and equity are essential for global cooperation in sustainable development and for the Group, explicit reference to CBDR is its "red line". Others including **Canada**, the **EU**, **Japan**, **Republic of Korea** and **Switzerland** also objected to specific reference to CBDR. (please see TWN RIO+20 News Update #13 dated 16 June 2012 and #15 dated 18 June).

The final text reads in paragraph 15: *"We reaffirm all the principles of the Rio Declaration on Environment and Development, including, inter alia, the principle of common but differentiated responsibilities, as set out in principle 7 of the Rio Declaration."*

According to sources, an intense exchange took place into the early hours of 18 June between **India** and the **US**. Paragraph 15 is seen by many as a major achievement of Rio+20 as it has implications not only for the UN sustainable development agenda but also for the negotiations under the legally binding UN Framework Convention on

Climate Change which operationalises CBDR.

Reference to CBDR in the paragraph on the Rio conventions (climate change, biodiversity and combating desertification) was rejected by developed countries and the final paragraph 17 that reads: "We recognize the importance of the three Rio conventions for advancing sustainable development and in this regard we urge all parties to fully implement their commitments under the (conventions) *in accordance with their respective principles and provisions*, as well as to take effective and concrete actions and measures at all levels and to enhance international cooperation" (emphasis added).

There is also a reaffirmation of commitment to fully implement the Rio Declaration, Agenda 21, JPOI and a long list of past actions plans relating to the 3 sustainable development dimensions in paragraph 16. Conspicuously missing from the list is the outcome of the 2009 UN Conference on the Impact of the Financial and Economic Crisis on Development, which faced objections from the **US**.

With the decision reached to work on sustainable development goals (SDGs) in the next few years, there were concerns among developing countries that this could undermine the implementation of the Millennium Development Goals whose target deadline is 2015. **Switzerland** also proposed that reaffirmation be extended to other relevant internationally agreed goals under the 3 dimensions since 1992. Thus the accepted paragraph 18 reads: *"We are determined to reinvigorate political will and to raise the level of commitment by the international community to move the sustainable development agenda forward, through the achievement of the internationally agreed development goals, including the Millennium Development Goals. We further reaffirm our respective commitments to other relevant internationally agreed goals in the economic, social and environmental fields since 1992. We therefore resolve to take concrete measures that accelerate implementation of sustainable development commitments."*

Section II B on "Advancing integration, implementation and coherence: assessing the progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development and addressing new and emerging challenges" saw deep divisions among Member States and the Brazil-facilitated process had to resolve these.

Paragraph 19 recognizes "uneven progress" since 1992, emphasizes "the need to make progress in implementing previous commitments" and

recognizes "the need to accelerate progress in closing development gaps between developed and developing countries". The **US** insistence on "voluntary technology transfer on mutually agreed terms and conditions" was finally resolved by the words "finance, debt, trade and technology transfer, as mutually agreed, ..."

The second contested issue in paragraph 19 was the **G77** proposal for affirmation of "the continued need for increased voice and full and effective participation of all countries, in particular developing countries, in global decision-making" with the **US** wanting deletion of "increased voice". The Brazil-facilitated text retained these words but in the continued face of objection, the final adopted text does not have these 2 words.

During the prepcom informals in Rio and the subsequent informal consultations led by Brazil, strong differences surfaced on the "principle of non-regression" introduced by **G77** reflecting their concern that developed countries are backtracking from their commitments, especially on means of implementation and taking the lead in changing from unsustainable consumption and production patterns. The Brazilian host country proposed language to the effect that "it is critical that we honour all previous commitments, without regression" which several delegates and observers said was an elegant way to deal with the issue.

However the word "regression" was not acceptable to developed countries and the final text in paragraph 20 reads: "...it is critical that we do not backtrack from our commitment to the outcome of the United Nations Conference on Environment and Development..." It should also be noted that the scope has been reduced drastically from "all previous commitments" to sustainable development, to only the commitment to the 1992 Rio conference outcome.

How to treat the ongoing discussions on human security in the UN General Assembly (UNGA) was also a point of difference. **Japan**, supported by the **US**, the **EU**, **Canada** and **Switzerland** wanted the document to "acknowledge" those discussions by adding this issue in the paragraph expressing sep concern over people living in extreme poverty while public health challenges remain. The **G77** objected arguing that these are new ideas that have not received agreement in the UNGA and that it was premature to include the issue in the outcome document. The final compromise is to "note" the ongoing discussions.

Emphasis on the multiple financial, economic, food and energy crises was diluted in the final text and an important action point proposed by the **G77** did not get any support. This was paragraph 19 bis in the 2 June 2012 (5 pm) text: "[19 bis. 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. - G77; US delete]"

The paragraph on climate change proposed by the **G77** was another topic of extended debate. The **G77** wanted an acknowledging paragraph to be in this section on renewing political commitment because climate change undermines the ability of developing countries to achieve sustainable development and for some countries their territorial integrity and existence and viability as countries are threatened. The **US**, **Canada** and **Japan** did not want any paragraph on climate change on the grounds that this issue was covered in section V on framework for action. The **EU** said that there should not be any special reference to developing countries as climate change affects all countries and on the issue of undermining ability the EU wanted to focus on "the most vulnerable" developing countries. In response the **G77** said that the paragraph was designed to stress the negative impact on all developing countries' ability to pursue sustainable development.

The **EU** went further to add a sentence "Therefore we underscore that combating climate change requires urgent and ambitious action and the widest possible cooperation among all countries". The **G77** did not agree with this. Observers note that the EU insertion is directly linked to the ongoing climate negotiations of the Durban Platform where developed countries are attempting to remove differentiation between developed and developing countries with regard to responsibilities for climate change actions.

The final text in paragraph 25 reads: "*We acknowledge that climate change is a cross-cutting and persistent crisis and express our concern that the scale and gravity of the negative impacts of climate change affect all countries and undermine the ability of all countries, in particular, developing countries, to achieve sustainable*

development and the Millennium Development Goals and threaten the viability and survival of nations. Therefore we underscore that combating climate change requires urgent and ambitious action, in accordance with the principles and provisions of the United Nations Framework Convention on Climate Change."

The issue of coercive economic measures was another contentious issue. The **G77** had proposed the following to be in the renewing political commitment section of the outcome document: [24 ter We express deep concern on the imposition of laws and other forms of coercive economic measures, including unilateral sanctions, against developing countries, which undermine international law and the rules of the WTO and also severely threaten freedom of trade and investment, and in this regard urge States to refrain from enacting and implementing such measures that hamper the full achievement of sustainable development, as well as trade in developing countries.] **Belarus** supported the proposal; the **US** and **Canada** wanted its deletion; the **EU** and **Australia** reserved their position as of 2 June in the informals in New York.

Intense exchanges took place in Rio with no resolution at the prepcom level. Brazil then proposed the following: "We urge the international community to adopt urgent and effective measures to eliminate the use of unilateral coercive economic measures against developing countries that are not authorized by relevant organs of the United Nations or are inconsistent with the principles of international law as set forth in the Charter of the United Nations and that contravene the basic principles of the multilateral trading system."

This was not acceptable to several major developed countries and the final diluted text in paragraph 26 reads: "*States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations that impede the full achievement of economic and social development, particularly in developing countries.*"

Although it was not discussed openly, sources said that the delay till 2.45 am of 19 June for the release of the Brazil-facilitated text had to do with the **G77** proposed strongly worded paragraphs on peoples living under colonial and foreign occupation, and on the territorial integrity or political unity of sovereign and independent states. **Canada**, the **US** and **Japan** had wanted these paragraphs 24 quat and 24 quint respectively in the 2 June text deleted,

while the **EU** reserved on it. **Azerbaijan** also wanted paragraph 24 quint deleted.

The final accepted formulation for the 2 paragraphs are as follows:

"27. We reiterate our commitment, expressed in the Johannesburg Plan of Implementation, the 2005 World Summit Outcome and the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals of 2010, to take further effective measures and actions, in conformity with international law, to remove the obstacles to the full realization of the right of self-determination of peoples living under colonial and foreign occupation, which continue to adversely affect their economic and social development as well as their environment, are incompatible with the dignity and worth of the human person and must be combated and eliminated.

"28. We reaffirm that, in accordance with the Charter of the United Nations, this shall not be construed as authorizing or encouraging any action against the territorial integrity or political independence of any State."

A new issue was added in paragraph 29: *"We resolve to take further effective measures and actions, in conformity with international law, to remove obstacles and constraints, strengthen support and meet the special needs of people living in areas affected by complex humanitarian emergencies and in areas affected by terrorism."*

An observer said that these 3 paragraphs were a "sub-package" seeking to balance the concerns at hand.

The issue of women's reproductive health rights suffered a set back. In paragraph 26 of the 2 June text, the **US** inserted the words "including access to reproductive health services" after the sentence that recognizes "gender equality and women's empowerment" as important for sustainable development. The **G77** and **Holy See** asked for deletion of the phrase. The **Holy See** further bracketed the Programme of Action of the International Conference on Population and Development, the Key Actions for Further Implementation of the Programme of Action (ICPD+5), the Beijing Declaration and the Beijing Platform for Action in a sentence that reaffirms commitments to ensure women's equal rights, access and opportunities for participation and leadership in the economy, society and political decision-making.

Brazil as host country proposed the following paragraph 30 (formerly para 26 of the 2 June text): "We emphasize that sustainable development must

be inclusive and people-centered, benefiting and involving all people, including youth and children. We recognize that gender equality and women's empowerment are important for sustainable development and our common future. We reaffirm our commitments to ensure women's equal rights, access and opportunities for participation and leadership in the economy, society and political decision making, in the context of the implementation of the Programme of Action of the International Conference on Population and Development, the Key Actions for Further Implementation of the Programme of Action (ICPD+5), the Beijing Declaration and the Beijing Platform for Action."

In responding to Brazil's proposal, the **G77** spokesperson explained that some of its members had difficulty with specific references to the ICPD and Beijing documents in paragraph 16 (on reaffirming/recalling commitments in numerous UN outcomes) but that the Group could accept references in paragraph 30. It reiterated its position that there should be appropriate context for reference to the documents and paragraph 16 that refers to sustainable development was not appropriate.

The **Holy See** said it did not see why there should be reiteration of these two documents all over the (outcome) document and asked for deletion of the references from paragraph 30.

After further consultations the final text in paragraph 31 reads: *"We emphasize that sustainable development must be inclusive and people-centred, benefiting and involving all people, including youth and children. We recognize that gender equality and the empowerment of women are important for sustainable development and our common future. We reaffirm our commitments to ensure women's equal rights, access and opportunities for participation and leadership in the economy, society and political decision-making."*

The Rio outcome document also renews political commitments with regard to the specific groups: small island developing states, Least Developed Countries, Africa and landlocked developing countries.

There is a separate paragraph 37 on middle income-countries that recognizes progress made in improving the well-being of their people as well as the specific development challenges these countries face in their efforts to eradicate poverty, reduce inequalities and achieve their development goals, including the Millennium Development Goals, and

to achieve sustainable development in a comprehensive manner integrating the economic, social and environmental dimensions. The document reiterates that these efforts should be adequately supported by the international community, in various forms, taking into account the needs and the capacity to mobilize domestic resources of these countries.

The **EU** had inserted a sentence at the end of this paragraph at the prep com stage: "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. It was not included in the final adopted document.

Reflecting current discussions on going beyond GDP as a measure of progress, paragraph 38 stated: *"We recognize the need for broader measures of progress to complement gross domestic product in order to better inform policy decisions, and in this regard we request the United Nations Statistical Commission, in consultation with relevant United Nations system entities and other relevant organizations, to launch a programme of work in*

this area building on existing initiatives."

Efforts by countries such as **Bolivia**, **Ecuador** and **Venezuela** to have the document reflect their national constitutional philosophy were resisted by several developed countries but finally stayed in place in paragraph 39: *"We recognize that planet Earth and its ecosystems 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. We are convinced that in order to achieve a just balance among the economic, social and environmental needs of present and future generations, it is necessary to promote harmony with nature."*

The following 2 paragraphs were earlier negotiated and agreed ad ref before the Rio summit:

"40. We call for holistic and integrated approaches to sustainable development that will guide humanity to live in harmony with nature and lead to efforts to restore the health and integrity of the Earth's ecosystem."

41. We acknowledge the natural and cultural diversity of the world and recognize that all cultures and civilizations can contribute to sustainable development."