
AN ASSESSMENT OF THE JUNE 2012 RIO+20 UN CONFERENCE ON SUSTAINABLE DEVELOPMENT

By Christopher C. Horner*

By its Resolution A/RES/64/236 of December 24, 2009,¹ the United Nations General Assembly blessed preparations for the United Nations Conference on Sustainable Development 2012.² The Resolution was titled “Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the [2002 Johannesburg] World Summit on Sustainable Development.”

This third Earth Summit, now colloquially known as UNCED 2012 or Rio+20,³ is scheduled to occur in Rio de Janeiro, Brazil, from June 20 to 22, 2012. World political leaders are expected to attend, although progress and other events will dictate at what level. The UK’s David Cameron had publicly indicated he will not attend, and the U.S. State Department privately says the same about President Obama.

According to its authorizing Resolution, the Conference’s two themes are “institutional framework for sustainable development” and “green economy in the context of poverty eradication and sustainable development.” These are truncated in documents such as a UN Environment Programme Background Paper as “theme I . . . international environmental governance,” and “theme II . . . the green economy.”⁴

The Road to Rio+20

“Rio+20” refers to the 20th anniversary of the 1992 United Nations Conference on Environment and Development (UNCED), also held in Rio, which became a flash point in that year’s presidential campaign. To understand the upcoming Rio+20 Conference, it is helpful to recall this event, whose anniversary is nominally the focus of the June gathering and celebration.

In spring of 1992, then-Senator Al Gore achieved great media attention using the event as a platform for assailing the record of President George H.W. Bush, making Bush’s vacillation over whether to attend politically costly. In the end, Bush attended and agreed to most but not all of the instruments presented. As such, many view UNCED as a significant victory of combining politics and process to force desired outcomes.

The agreed documents included three declarations of policy and two instruments alternately styled as “legally binding” or “voluntary,” depending on the speaker and the audience.⁵ Specifically, the first category included the Rio Declaration on Environment and Development, Agenda 21, and Forest Principles.

According to the UN, “Agenda 21 is a comprehensive plan of action to be taken globally, nationally and locally by

organizations of the United Nations System, Governments, and Major Groups in every area in which human impacts on the environment.”⁶ Rio+20 also seeks to assess the Johannesburg Plan of Implementation (JPOI), adopted at the 2002 World Summit on Sustainable Development (WSSD),⁷ and fill “gaps in the[ir] implementation.”

Rio also produced two treaties that were formalized and opened for signature: the Convention on Biological Diversity⁸ and the UN Framework Convention on Climate Change (UNFCCC).⁹ Controversially, President Bush refused to sign the former, which was signed by President Bill Clinton one year later, only to be withdrawn from the Senate floor twice by then-Majority Leader George Mitchell after having been reported out of the Senate Foreign Relations Committee.

UNFCCC set forth a commitment to reduce greenhouse gas emissions to 1990 levels by 2000. It was politically styled in the U.S. as “voluntary,” though this word does not appear in its text (“shall” does, 118 times), and the agreement required ratification. The U.S. Senate, in an election rush with the environment a hot issue on the heels of Gore’s best-selling book “Earth in the Balance,” ratified UNFCCC with a remarkable gestation period from agreement to ratification of merely 150 days.

This rush was such that the Senate Foreign Relations Committee related the experience and its concerns over the process extensively in a January 2001 report *Treaties and Other International Agreements: The Role of the United States Senate*.¹⁰ In it, the Committee cited with disapproval three contemporary instances of the Executive Branch accepting environmental treaties with “no reservations” clauses (an admonition ignored since), of which UNFCCC was one.

As the Committee also specifically noted, the continuing process established by UNFCCC led to annual talks toward a binding amendment requiring select countries to reduce greenhouse gas emissions, which is a proxy for requiring reduction of the use of traditional energy sources. Such an amendment was agreed to in principle in Berlin in 1995 and was manifested in the Kyoto Protocol, agreed to in December 1997 and signed by the U.S. in November 1998 (and, despite great media reportage to the contrary, never “unsigned”).

Where Is Rio+20 Headed?

The UN Commission on Sustainable Development (CSD, not to be confused with the Conference, or the possible UN Convention on Sustainable Development also bearing the same acronym), was created after Rio to monitor and ensure effective follow-up of the UNCED commitments.

Through these various Rio and Johannesburg declarations and pacts, which Rio+20 is to build upon, CSD aims to “holistically address the three pillars of sustainable development: environmental, economic and social,” in the words of one EU delegate’s internal briefing paper. A UN document states, “The goal, and indeed the ultimate test, of

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sustainable development is the convergence among the three trajectories of economic growth, social development, and environmental protection.”

To illustrate this sentiment further, that same internal EU analysis states:

In order to increase the opportunities coming from different international and national experiences . . . an international platform could be established within the greater framework of the Green Economy Initiative The transition towards a new economic system, environmentally and socially sustainable, widely recognized as the best answer to the global crises of these latest years, may represent an opportunity to introduce advanced policy measures for sustainable development and innovative methods for measuring the progress of society.

In short, at Rio+20 “an ambitious outcome with agreed commitments and reforms can be sought There is the need for a strong, focused and mutually shared political commitment supported by an appropriate institutional framework for sustainable development.”

Toward this end, and as articulated in “A Proposal from the Government of Colombia” distributed to Rio+20 negotiators, “build[ing] upon the Johannesburg WSSD Plan of Implementation as well as Agenda 21” entails adopting “Sustainable Development Goals (SDGs), equivalent to [Millennium Development Goals, or MDGs¹¹],” although “[i]t is worth noting that while the MDGs applied only to developing countries, the SDGs would have universal application.

This is to say that Rio+20 seeks to prescribe for *all* nations a preferred course of development, in a non-binding agreement applying “green economy” and “sustainable development” goals but with an eye toward redistributing consumption and economic activity.

Vehicles for implementing this philosophy include:

- “capacity building,” which means, in this context, an agreed system of wealth transfers to prepare recipient nations for future, larger transfers;¹²
- redefining economic progress, scrapping “the GDP concept as an indicator” due to the fact that it “has lost appeal because it does not adequately reflect social and environment costs associated with achieving economic growth.” Instead, the goal is to replace GDP with the “human development index,” which “needs to factored-in [sic] such externalities” (quoting an EU summary document from a July 2011 meeting); and
- following recommendations in “[a ‘Global Green Deal’] paper commissioned by UNEP¹³ argu[ing] that an investment of one percent of global GDP (i.e. approximately US\$750 billion) in two years’ time could provide the critical mass of green infrastructure needed to seed a significant greening of the global economy” (again quoting an internal EU member state analysis).

The latter would likely prove most politically challenging in the U.S., generally and for the specific problem that the seeming

contribution of one percent of GDP from each country (GDP remaining a useful metric for certain purposes, apparently) is not the plan. Instead, wealthy countries are to contribute an amount equalling one percent of global GDP.

Also, this approach, according to an internal EU analysis, would “not only focus on financing strategies, but in the context of a differentiated approach between developed and developing economies”—that is, select Western nations are donor states, the rest are recipients—“could take an holistic look at what the right tools and instruments are for the implementation of the actions towards a new economic model, able to respond to environmental needs and to incorporate diversity, equity and inclusiveness in the concept of society.”

Bear in mind that international and domestic attention is now drawn to “sustainability”¹⁴ represents the failure of the previous leading vehicle, the “climate” agenda. Several annual conferences hailed as the “last chance” to agree to a binding Kyoto II have come and gone with no agreement on the horizon. And in March 2012 Senate Foreign Relations Committee Chairman John Kerry, lamented that “you can’t talk about climate now. People just turn off. It’s extraordinary. Only for national security and jobs will they open their minds.”¹⁵ He styled the agenda, consistent with rhetoric surrounding the Rio+20 runup, as one of “responsible capitalism.” This rebranding should not obscure that the Kyoto plan was similarly about “re-engineering the global economy to a low-carbon model [with] the flow of billions of dollars redirected,” in the words of the newspaper *The Guardian*.¹⁶

Possible Rio+20 Outcomes

It appears that the main outcome of Rio+20 will be “a focused political document.” Early in the negotiations, a sustainability or “green jobs” treaty was discussed optimistically, or, arguably, opportunistically, to capitalize on the economic crisis and re-engineer economies toward the “green economy.” Indeed, the environmental conference does appear to be viewed as more an economic one.

An internal EU briefing paper on Rio+20 states that “new development paths for the economies” should be posited “in order to be more in line with environmental and social requirements. Subsequently, the concept of a green economy has been explored in a number of Intergovernmental fora (other than in the UN system and within international organisations and programmes).”

This statement is consistent with remarks made by Ottmar Edenhofer, a senior UN official and co-chair of the UN’s Intergovernmental Panel on Climate Change Working Group III (“mitigation of climate change,” which also focuses on promoting “sustainable growth”), who described the December 2010 Cancun negotiation for a successor to the Kyoto Protocol in this way to Austrian newspaper *NZZ*: ““The climate summit in Cancun at the end of the month is not a climate conference, but one of the largest economic conferences since the Second World War.”¹⁷ He also stated: “But one must say clearly that we redistribute de facto the world’s wealth by climate policy One has to free oneself from the illusion that international climate policy is environmental policy. This has almost nothing to do with environmental policy anymore”¹⁸

An EU member state's summary document notes an address to the 19th meeting of the CSD by UN Secretary General Ban Ki-Moon, which "stressed how [a successful effort means] changing consumption and production patterns—from squandering natural resources to the excessive life-styles of the rich—there can be no meaningful realization of the 'green economy' concept."

This same internal analysis of Rio+20 cited above puts matters in the following light:

Since the multiple and interrelated crises have affected most of the world economies, global attention has been focused on the need to change the current economic patterns, so as to . . . ensure a proper balance of economic growth with social and environmental components. . . . This debate has certainly provided the opportunity to re-examine national and global governance structures and to identify measures to respond . . . [T]his debate needs to be seen also as an unprecedented opportunity to harmonize the different paths traced over the past twenty years in the way to a more balanced and equitable future, as a way forward to a gradual global transition to an economic system in which the synergies among social, environmental and financial values are better optimized.

A binding instrument rising to the level of requiring Senate ratification, whether addressing Rio+20 Theme I or II, appears less likely now than when Rio+20 was first imagined.

An EU internal document summarizes the lack of present agreement:

Institutional issues are one of the themes under the Rio+20 agenda but are still largely unknown: the clamor for a United Nations Environment Organization seems to have subsided and talk of a world umbrella sustainable development organization is still esoteric. Some say a new Sustainable Development Council is critically necessary, while others support a reformed CSD and strengthened [UN Environment Programme]. Others were quick to point out [that] a scenario absent an international framework to govern sustainable development is not acceptable. However, concrete proposals remain scarce.

Still, as recently as July 2011, Rio+20 Conference Secretary General Sha Zuhang of China was stating that "the world might need something more than a negotiated declaration of political commitment to advance the implementation of sustainable development agenda."¹⁹

This was later echoed in other quarters in 2012, if still citing the "climate" rationale for the same idea, when *Scientific American* published an editorial titled "Effective World Government Will Be Needed to Stave Off Climate Catastrophe." In it, Senior Editor Gary Stix called for creation of "a new set of institutions [which] would have to be imbued with heavy-handed, transnational enforcement powers," "capable of instilling a permanent crisis mentality lasting decades, if not centuries," begging the ultimate question, "How do we create new institutions with enforcement powers way beyond the current mandate of the U.N.?"²⁰

The United States said the following about the planned "focused political document" in its statement on December 15, 2011 at the Second Rio+20 Intersessional negotiation:

In lieu of a negotiated action plan, we propose that the short political document of five pages be accompanied by Compendium of Commitments that would be annexed to the document. This Compendium would be delivered as part of the overall Rio +20 outcome and include a list of voluntary, non-negotiated commitments and intended actions from governments, stakeholders and partnerships. The Compendium would represent pledges from actors at all levels to take action to achieve sustainable development. We propose this voluntary Compendium of Commitments as an alternative to the Bureau's proposed Action Plan; it would be a non-negotiated official meeting outcome that would send the clear message to the global community that Rio indeed represents a new approach—broad and inclusive—toward achieving sustainable development.

At a December 2011 preparatory meeting held in New York City, the EU suggested that the outcome document have three sections: a political declaration, a green economy roadmap, and the international framework on sustainable development ("IFSD"). Other countries favored a short political declaration with an annex containing a green economy roadmap comprising common goals and concrete targets and timelines for specific sectors. The G77 Group and China favored an outcome document which comprises the two themes of the Conference, a framework for action and a section dealing with means of implementation.

Final UNCSD declaration language is expected to be produced at "PrepCom3," to be held three weeks before the conference. As of this writing, there is still no general consensus on the format and structure of the zero draft of the outcome document. Regardless, it seems clear that the concept of another multilateral environmental agreement has been postponed, apparently until 2015.

One EU negotiator related to me discussions as part of the preparatory meetings about a fallback plan, a declaration of "corporate social responsibility" principles to supplant the "green jobs" instrument thereby avoiding schisms over "the green economy" (see below). As such, it is possible that President Obama will send a delegate in his stead to agree to various declarations, conscious of the context, including the political risk that a "green jobs" pledge would portend given the Solyndra scandal, not long before the political nominating conventions and as the U.S. presidential campaign is gearing up in earnest.

Difficulties on the Road to Rio+20

Internal documents indicate persistent disputes in related talks, including new twists on perennial troubles less directly related to the subject at hand. For example, Arab countries have expressed "outrage" over the lack of language referencing "the plight of people under foreign occupation."

More on-point is the definition of the "green economy," which G-77/China feel remains "undefined and ambiguous"

(quoting an internal EU assessment). Recent discussions “have shown that the green economy remains a hate object for some developing countries: Venezuela termed it as ‘green capitalism,’ and Bolivia urged that ‘the green of nature prevails over the green of money and profit.’”

Seemingly picayune disputes have involved replacing “green economy” with “transition to a cleaner and more resource-efficient economy,” reflecting competing visions of a “green economy” (fundamental transformation, the OECD’s preferred course at the EU’s urging) vs. “green growth” (G-77/China). This debate led to the EU expressing “deep sadness” over the equivalent of opening all language for renegotiation.

As one EU briefing document summarizing this 2011 meeting noted:

The politicized debating format which has evolved over the years at the CSD has led to a well-known UN phenomenon where carefully crafted language acquires a life of its own. Divorced from reality on the ground, the formulations live in a virtual reality, passing from one UN document to another. Their rank is almost biblical, and any semantic infringement can make or break a conference. This is what happened at CSD 19, when differences over references to new financial resources or rights of peoples under foreign occupation robbed the international community of valuable groundbreaking decisions

An EU briefing document from mid-2011 references “signs that those who insisted on choosing the green economy as one of two themes of UNCED were having second thoughts Thus, there is still time to correct the thrust of the UNCED.”

Conclusion

All of these discussions and hurdles leave Rio+20 on course to adopt, at most, a declaration committing to further environmental governance, with rumblings about new funding streams and technology transfer to facilitate a global “green economy.”

Rio+20 Conference Secretary General Sha Zuhang of China stated, in his aforementioned July 2011 statement, as phrased by a UN summary document, “Major groups . . . should be mobilized and their voices should be properly heard during the preparatory process. Engagement with the private sector was considered especially critical to ensure transition towards the green economy.”

Previously, some members in good standing with the environmental governance lobby also stepped up the public advocacy for the new economy as envisioned by Rio.²¹ And in November 2011 the UN announced²² its public relations and organizing push through various portals.²³

Great efforts are being dedicated to obtaining some tangible results in Rio this June. Notwithstanding the absence of treaty-level commitments, the potential for political commitments indicates that the UN Conference on Sustainable Development in Rio should not be ignored. Recall also the popular lexicon adopted of late in this context, for example former head of the UNFCCC, Yvo de Boer, describing non-binding promises of aid as being “politically binding.”

Therefore, Rio+20 is best publicly framed in its run-up as another step in the movement away from the failed “climate” agenda as the principal vehicle for a particular agenda of environmental and economic governance, toward “sustainability.” This term, which is so ambiguous that it draws protests even from nations intended to benefit from wealth and technology transfers in its name, nonetheless has particular meaning in the eyes of the agenda’s supporters. Comments such as those cited above should help the public gain at least some appreciation of what is intended by and at stake in these talks.

Endnotes

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