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Rio 20 - An Analysis of the Zero Draft and the Final Outcome Document "The Future We Want"

Vicki-Ann Assevero
Sonali P Chitre

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Rio+20 - An Analysis of the Zero Draft and the Final Outcome Document “The Future We Want”

Offered to the United Nations and Civil Society Partners
By
Vicki-Ann Assevero
And
Sonali P. Chitre
of
The Green Impresario
New York City

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Rio 20 the United Nations Conference on Sustainable Development (UNCSD) was held June 20-22, 2012 to allow world leaders as well as participants from governments, civil society, nongovernmental organizations (NGOs), and other groups to come together to draft a roadmap detailing how the world should promote sustainable development. The Final Outcome Document (FOD) of Rio 201 is more detailed and stronger than the initial Zero Draft. The Zero Draft of January 10, 2012 by the Secretariat was purposely general and left many areas to be filled in by specific country proposals. The FOD was finalized and agreed upon by 192 UN member States on June 22, 2012 after three preparatory rounds and protracted negotiations. In the roughly six months of negotiation, the draft ballooned from 19 pages to over 200, finally stabilizing at 53.

This paper will present two charts. First, we have found that the simplest entry point for understanding this international agreement is to look at the number of times key terms are used. Second, we developed another chart that compares the Zero Draft and the FOD’s Framework for Action and Follow Up in terms of what sections were modified, added, or taken out. What is noteworthy is the additional substance and specificity of the general categories in the FOD. This paper will then make some general observations about the Zero Draft and the FOD and compare specific issue areas between the two documents, with particular emphasis on (A) Poverty Eradication and the Green Economy, (B) Resilience, (C) Sustainable Development Goals, and (D) Implementation.

It remains to be seen whether governments and civil society will assume their obligations to integrate the dimensions of sustainable development to create necessary and long-lasting change. The latest extreme natural disaster, Hurricane Sandy, which caused widespread devastation across communities in the United States and the Caribbean, demonstrates that even the richest countries in the world are no longer immune to the adverse impacts of climate change. It is clear that to build resilience, countries as well as businesses, NGOs, and civil society organizations will need to work together across national, ethnic, and cultural lines to make fundamental changes to the way that we develop as a globe.
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I. Introduction

Rio+20 the United Nations Conference on Sustainable Development (UNCSD) was held June 20-22, 2012 to allow world leaders as well as participants from governments, civil society, nongovernmental organizations (NGOs), and other groups to come together to draft a roadmap detailing how the world should promote sustainable development. The Final Outcome Document (FOD) of Rio+20\textsuperscript{1} is more detailed and stronger than the initial Zero Draft. The Zero Draft of January 10, 2012 by the Secretariat was purposely general and left many areas to be filled in by specific country proposals. The FOD was finalized and agreed upon by 192 UN member States on June 22, 2012 after three preparatory rounds and protracted negotiations. In the roughly six months of negotiation, the draft ballooned from 19 pages to over 200, finally stabilizing at 53.

In providing this analysis, an overarching question always has to be: how much of this FOD, which is not legally binding, simply reiterates the language from the 1992 Rio Declaration on Environment and Development?\textsuperscript{2} If the FOD simply repeats the same language of two decades ago, on the same issue areas, does that negate the power of this new document in a world where implementation constantly falls behind policies necessary for progress? Or is the constant reiteration of the concepts in a new document, after negotiations, essential to improving a shared understanding and advancement of collective action? We believe the latter is true.

Many thought that the purpose of the 2012 FOD should have been to flesh out the agreed Earth Summit principles so that a clear mandate for action could have been established. Rio+20 was repeatedly characterized as the summit of implementation; unfortunately, that promise was not entirely fulfilled.

For example, “sustainable development” and “green economy” are terms that have extremely variable meanings for different Member states and for different segments of civil society. This ambiguity saps these terms of substance but even worse denies decision-makers an ability to use them for definitive leadership. “Sustainable development” should first be defined as an umbrella concept; but this term also requires more specific definition as it applies to discrete areas such as clean energy, sustainable consumption and production, sustainable agriculture, etc. Only with this clarity, can goals be set, harmonizing the language and meaning across countries and cultures.

Of course, “sustainable development” was defined by the Brundtland Commission as: “Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”\textsuperscript{3} However, in thirty years, this concept of intergenerational equity, although foundational, has remained abstract. It does not provide adequate guidance for the requisite integration of the environmental, social, and economic dimensions of sustainable development to those making policy in this complex arena.

\textsuperscript{1} Agenda Item 10 Outcome of the Conference, A/CONF.216/L.1 (hereinafter “FOD”).
\textsuperscript{2} Rio Declaration on Environment and Development. At the 1992 Rio Earth Summit, countries adopted Agenda 21, non-binding and voluntary plan of implementation to rethink economic grown, advance social equity, and ensure environmental protection, to be executed by the UN, multilateral organizations, and individual governments at the national and sub-national levels.
\textsuperscript{3} 1972 Stockholm Conference on the Human Environment.
Integration across these three critical dimensions informed all the preparatory conferences and many of the background papers leading up to Rio+20. This integration and its coordination remain elusive but constitute an important impetus undergirding the FOD.\textsuperscript{4}

This paper will present two charts. First, we have found that the simplest entry point for understanding this international agreement is to look at the number of times key terms are used. Second, we developed another chart that compares the Zero Draft and the FOD’s Framework for Action and Follow Up in terms of what sections were modified, added, or taken out. What is noteworthy is the additional substance and specificity in the FOD that emerged from the general categories. This paper will then make some general observations about the Zero Draft and the FOD and compare specific issue areas between the two documents, with particular emphasis on (A) Poverty Eradication and the Green Economy, (B) Resilience, (C) Sustainable Development Goals, and (D) Implementation.

II. Comparison of Usage of Terms

This chart shows the usage of 20 terms as between the Zero Draft and the FOD. We will distill some of these terms’ actual meanings as used in the Rio+20 negotiations, which is critical to an understanding of the mandate for sustainable development.

<table>
<thead>
<tr>
<th>TERM</th>
<th>NUMBER OF TIMES USED IN DOCUMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sustainable development</td>
<td>Zero Draft</td>
</tr>
<tr>
<td></td>
<td>94</td>
</tr>
<tr>
<td>Institutional framework for sustainable development</td>
<td>2</td>
</tr>
<tr>
<td>Implementation</td>
<td>35</td>
</tr>
<tr>
<td>Resilience</td>
<td>3</td>
</tr>
<tr>
<td>Climate change</td>
<td>7</td>
</tr>
<tr>
<td>Poverty eradication</td>
<td>8</td>
</tr>
<tr>
<td>Social inclusion</td>
<td>3</td>
</tr>
<tr>
<td>Food security</td>
<td>6</td>
</tr>
<tr>
<td>Sustainable agriculture</td>
<td>2</td>
</tr>
<tr>
<td>Civil society</td>
<td>3</td>
</tr>
<tr>
<td>Energy</td>
<td>15</td>
</tr>
<tr>
<td>Water</td>
<td>16</td>
</tr>
<tr>
<td>Sustainable consumption &amp; production</td>
<td>5</td>
</tr>
<tr>
<td>Green economy</td>
<td>22</td>
</tr>
<tr>
<td>Growth</td>
<td>6</td>
</tr>
<tr>
<td>Equitable</td>
<td>5</td>
</tr>
<tr>
<td>Precautionary</td>
<td>0</td>
</tr>
<tr>
<td>Ecosystem[s]</td>
<td>6</td>
</tr>
</tbody>
</table>

| Common but differentiated responsibilities | 0 | 2 |
| Access to information | 3 | 7 |

*Not including table of contents but including headings & titles of declarations*

This chart shows the titles of sections in the Framework for Action and Follow Up in the Zero Draft versus in the FOD.

| FRAMEWORK FOR ACTION & FOLLOW UP | FOD |
| Zero Draft | Poverty eradication |
| Food Security | Food security and nutrition and sustainable agriculture |
| Water | Water and sanitation |
| Energy | Energy |
| Sustainable tourism |
| Sustainable transport |
| Cities | Sustainable cities and human settlements |
| Health and population |
| Green jobs-social inclusion | Promoting full and productive employment, decent work for all and social protection |
| Oceans and Seas, SIDS | Oceans and seas |
| Small Island Developing States |
| Least developed countries |
| Landlocked developing countries |
| Africa |
| Regional efforts |
| Natural disasters | Disaster risk reduction |
| Climate change | Climate change |
| Forests and biodiversity | Forests |
| Biodiversity |
| Land degradation and desertification | Desertification, land degradation and drought |
| Mountains | Mountains |
| Chemicals and waste | Chemicals and waste |
| Sustainable consumption and production | Sustainable consumption and production |
| Mining |
| Education |
| Education |
| Gender equality | Gender equality and the empowerment of women |
| Accelerating and measuring progress |

**III. General Observations**

One objective of Rio+20 was to renew the political commitment to sustainable development within the multilateral system as well as to address current and emerging challenges. Another
purpose of the FOD was to give further substance to key 1992 Rio principles such as no harm,\(^5\) the right to development,\(^6\) the precautionary principle,\(^7\) common but differentiated responsibilities,\(^8\) the polluter pays,\(^9\) and the public’s right of access to information.\(^10\) It is striking that the FOD neither mentions nor advances the polluter pays principle while the FOD addresses all of the other previously mentioned principles.

The Zero Draft is, of course, shorter and more general than the Final Draft. The Zero Draft, proposed and written by the Secretariat of the UNCSD, was preliminary and transitional when it was released on January 10, 2012. It contains preambular language that provides stage setting and lays out a common vision. The FOD’s most important sections are the Framework For Action and Follow Up and the Institutional Framework for Sustainable Development (IFSD), which take their tone from the spirit of cooperation and unity that begins in the Zero Draft’s early sections.

The Zero Draft begins, “We, the heads of State and Government, having met at Rio de Janeiro, Brazil, from 20-22 June 2012, resolve to work together for a prosperous, secure and sustainable future for our people and our planet.\(^11\) The FOD begins with, “We, the Heads of State and Government and high-level representatives, having met at Rio de Janeiro, Brazil, from 20 to 22 June 2012, with the full participation of civil society, 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.”\(^12\)

It is unusual in an intergovernmental agreement that civil society was named as a decision maker. The Zero Draft\(^13\) and the FOD mention the right of access to information by civil society and in the FOD language was added about civil society participation that, “[e]nsure[s] the active participation of all relevant stakeholders drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society.”\(^14\)

Over 50,000 members of civil society were present at Rio+20 and were actively engaged in the negotiations. However, many NGOs and civil society groups protested the preambular language mentioned above believing that their concerns were not sufficiently addressed in the FOD. Several segments of civil society vehemently rejected their inclusion in the FOD because they did not feel that they fully participated in the negotiations. It remains a conundrum that these major groups, all dubbed “civil society,” do not feel represented faithfully by their governments.

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\(^5\) Rio Principle 2.  
\(^6\) Rio Principle 3.  
\(^7\) Rio Principle 15.  
\(^8\) Rio Principle 7.  
\(^9\) Rio Principle 16.  
\(^10\) Rio Principle 10.  
\(^12\) FOD, Para 1.  
\(^13\) “We recognize that improved participation of civil society depends upon strengthening the right to access information and building civil society capacity to exercise this right.” Zero Draft, Para 18.  
\(^14\) FOD, Para 88(h).
Another general observation is the explicit recognition that the economic, social, and environmental dimensions of sustainable development must be given equal weight in balancing policy alternatives. The implication is that countries and multilateral organizations can no longer simply focus on a “prosperous” future, which generally refers to economic growth and development as measured by gross domestic product (GDP).

Integrating the sustainable development dimensions in decision-making is mentioned in the Zero Draft, although no details are provided on exactly how environmental and social dimensions should be measured or emphasized. The Zero Draft explains the importance of planetary boundaries, utilizing language such as, the “Earth’s life support systems,”15 “limited natural resources,”16 and “living in harmony with nature,”17 “holistic, cross-disciplinary approaches.”18 The FOD also explicitly states: “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.”19 The FOD also mentions that a high-level political forum could “Enhance integration of the three dimensions of sustainable development in a holistic and cross-sectoral manner at all levels.”20

This type of language is not sufficient to become a principle that can provide a clear mandate for action by governments and civil society. Therefore, governments and civil society still must adapt and embed the language of sustainable development, vague as it is, in their national legislation on their own. This ambiguity allows for a patchwork approach that will not help to establish the global sustainable standards necessary for cooperative action.

Although the Zero Draft seldom mentions “climate change,”21 it is mentioned three times as often in the FOD.22 Climate change is an indicator of unsustainable development. The

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15 Zero Draft, Para 16; 78.
16 Zero Draft, Para 11.
17 Zero Draft, Para 16.
19 FOD, Para 40.
20 FOD, Para 85(b).
21 Climate change is mentioned as a setback to development gains:
We acknowledge, however, that there have also been setbacks because of multiple interrelated crises – financial, economic and volatile energy and food prices. Food insecurity, climate change and biodiversity loss have adversely affected development gains. New scientific evidence points to the gravity of the threats we face. New and emerging challenges include the further intensification of earlier problems calling for more urgent responses. We are deeply concerned that around 1.4 billion people still live in extreme poverty and one sixth of the world’s population is undernourished, pandemics and epidemics are omnipresent threats. Unsustainable development has increased the stress on the earth’s limited natural resources and on the carrying capacity of ecosystems. Our planet supports seven billion people expected to reach nine billion by 2050.

Zero Draft, Para 11.
22 The relevant portion reads:
We reaffirm that climate change is one of the greatest challenges of our time, and we express profound alarm that emissions of greenhouse gases continue to rise globally. We are deeply concerned that all countries, particularly developing countries, are vulnerable to the adverse impacts of climate change, and are already experiencing increased impacts, including persistent drought and extreme weather events, sea-level rise, coastal erosion and ocean acidification, further threatening food security and efforts to eradicate poverty and achieve sustainable development. In
Secretariat of Rio+20 wanted to ensure that Rio+20 not become a climate change conference. Nevertheless the FOD has a section entitled “Climate change” that references the UNFCCC process. There are two conventions, the UNCSD and the United Nations Framework Convention on Climate Change (UNFCCC), that overlap on the issue of climate change. This is problematic, as H. Elizabeth Thompson, Assistant Secretary-General and Executive Coordinator of Rio+20, has pointed out many times. She stressed, however, that if those commitments affecting climate change adopted in the FOD are kept then the 18th UNFCCC Conference of the Parties (COP) in Doha, Qatar, will benefit. Presumably there will be a greater global commitment made to fight anthropogenic climate change because the UNCSD will have had a salutatory influence on the politically contentious process that has been the UNFCCC.

Energy use is, of course, tied to climate change. It is important to note that the Zero Draft alludes to volatile energy prices, but the FOD does not. There is no mention of “clean energy” in either document. “Renewable energy” is introduced twice in the Zero Draft and three times in the FOD. The FOD states: “We commit to facilitate support for access to [sustainable modern energy] services by 1.4 billion people worldwide who are currently without them,” and the FOD also emphasizes the importance of energy efficiency. However, the FOD, in keeping with the original Rio Principle 2, defers to national sovereignty in determining the “appropriate” use of renewable energy and clean technology. It is unfortunate that this document does not mandate a greater global commitment to sustainable energy. Nevertheless, the UN Secretary-General’s initiative, “Sustainable Energy for All,” provided a strong incentive for individual countries to promote the use of renewable energy.

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23 Eg. Greening energy, investment, supply chains, and generally incentivizing more sustainable behavior by governments and non-state actors. H. Elizabeth Thompson remarks at the New York City Bar Association’s Committee on International Environmental Law, October 15, 2012.


26 FOD, Para 125.

27 FOD, Para 128.

28 The relevant portion reads:

We reaffirm support for the implementation of national and subnational policies and strategies, based on individual national circumstances and development aspirations, using an appropriate energy mix to meet developmental needs, including through increased use of renewable energy sources and other low-emission technologies, the more efficient use of energy, greater reliance on advanced energy technologies, including cleaner fossil fuel technologies, and the sustainable use of traditional energy resources. We commit to promoting sustainable modern energy services for all through national and subnational efforts, inter alia, on electrification and dissemination of sustainable cooking and heating solutions, including through collaborative actions to share best practices and adopt policies, as appropriate. We urge governments to create enabling environments that facilitate public and private sector investment in relevant and needed cleaner energy technologies.

FOD, Para 127.

IV.  **Analysis**

A.  **Poverty Eradication and the Green Economy**

The green economy in the context of poverty eradication was one of the two themes of Rio+20, the other being IFSD. “Green economy in the context of poverty eradication” was the title of the third section of the FOD. The shared vision in both drafts discusses poverty eradication, and reconciling poverty eradication and environmental quality was a main thread of Rio+20. However, the FOD makes clear that poverty eradication is central to sustainable development, and one can infer therefore that the vague statements in the Zero Draft have been infused with the sense of urgency that was required.\(^3^0\)

There is some ambiguity in terms of the overarching priority after Rio+20 based on the FOD: is it (1) poverty eradication, (2) sustainable development, or (3) integrating the various dimensions of sustainable development? The Zero Draft states that the world has to focus on its greatest global challenge: poverty eradication, and reducing inequalities is the necessary step to deal with sustainable development. This evolved, or possibly became less clear, in the FOD.

The Zero Draft makes “framing the context of the green economy, challenges and opportunities” a header in the document, and the FOD establishes prerequisites for “green economy policies in the context of sustainable development and poverty eradication.”\(^3^1\) Green economy gets more depth and meaning in the FOD, as shown in paragraph 58.\(^3^2\)

Under the “Green economy in the context of poverty eradication” section, the language “national sovereignty over natural resources” was added as paragraph 58(b) to the FOD,\(^3^3\) which shows that there is still not acceptance of the need for a truly supranational framework for utilizing and managing global resources. There is language in the FOD that states that we must respect sovereignty and not take unilateral action unless based on international consensus, and these two approaches clearly are in conflict.

A good example of this conflict appears to be when addressing trade issues. “Create new trade barriers”\(^3^4\) in Zero Draft became “(h) Not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade, avoid unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country, and ensure that environmental measures addressing transboundary or global environmental problems, as far as possible, are based on an international consensus.”\(^3^5\) There is acknowledgement of a transboundary problem but still an unwillingness by national state governments to accept the

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\(^3^0\) In the context of Integration, Implementation, Coherence, the Zero Draft states: “New and emerging challenges include the further intensification of earlier problems calling for more urgent responses.” Zero Draft, Para 11. Cf. “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.” FOD, Para 2

\(^3^1\) FOD, Para 58.

\(^3^2\) FOD, Para 58.

\(^3^3\) FOD, Para 58(b).

\(^3^4\) Zero Draft, Para 31(a).

\(^3^5\) FOD, Para 58(h)
rationality of global governance. We remain stuck with “international consensus,” which is not forthcoming.

The Zero Draft states: “We recognize that each country, respecting specific realities of economic, social and environmental development as well as particular conditions and priorities, will make the appropriate choices.” We have experience that proves already that appropriate choices are not made. Paragraph 59 of the FOD also says that countries can implement green policies but they are a “common undertaking,” which again creates an inherent paradox. The FOD is thus saying there is no absolute national sovereignty over natural resources if countries must first take into account commonality and global effects. How should the global community reconcile this with FOD paragraph 58(b)?

The concept of the green economy offers another entry point for analysis and again highlights the contradiction of crafting language that assumes a globalism, which does not yet exist. “Green economy in the context of sustainable development and poverty eradication” is a section in both the Zero Draft and the FOD. Language in the FOD suggests that diverse approaches to poverty eradication will be encouraged and accepted. The Zero Draft discusses “moving the world toward low-carbon development” in the context of poverty eradication and the green economy, but that language was taken out in the FOD. We noted above that climate change and energy use are interrelated so how can we progress on the planet if lower carbon usage is not factored into the new paradigms of the green economy?

Economic growth is not mentioned in the Zero Draft, but it is mentioned explicitly in the FOD. This may be because the concept of “growth” itself has become contentious. Rio+20 served as a forum for numerous discussions on how to go beyond gross domestic product (GDP) to achieve more accurate measurements of prosperity and development. The language that emerges in the FOD emphasizes equitable global growth. For example, the FOD states in the “Finance” section:

> We will work to improve income growth and distribution, *inter alia* through raising productivity, empowering women, protecting labour rights, and taxation.
> We recognize that the appropriate role of government in relation to the promotion

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37 Green economy has been defined as “a green economy as one that results in improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities. In its simplest expression, a green economy can be thought of as one which is low carbon, resource efficient and socially inclusive.” United Nations Environment Programme definition for purposes of the Green Economy Initiative, http://www.unep.org/greeneconomy/AboutGEI/FrequentlyAskedQuestions/tabid/29786/Default.aspx
38 “In this regard, we consider green economy in the context of sustainable development and poverty eradication as 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.” FOD, Para 56.
39 Language on poverty eradication was added in the FOD:
> We stress that fighting corruption and illicit financial flows at both the national and international levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, the fight against hunger and sustainable development.

FOD, Para 266.
and regulation of the private sector will vary from country to country depending on national circumstances.\footnote{FOD, Para 268.}

This language draws from a human rights approach, which means greater inclusivity becomes a necessary component of development, meaning the concept of development subsumes economic growth and not the other way around.

\textbf{B. Resilience}

In the FOD, resilience is mentioned ten more times than in the Zero Draft but each time it seems to have a different meaning. Illustrative examples from the Zero Draft use the word resilience in different contexts: “management of oceans and improving resilience and disaster preparedness”\footnote{Zero Draft, Para 25.} under the heading of the green economy and “improved disaster preparedness and response and increased climate resilience” under the heading of cities.\footnote{Zero Draft, Para 72.} Despite these different usages, resilience was linked to disaster risk reduction and emerged as a concept sufficiently overarching to be proposed as a Sustainable Development Goal (SDG).\footnote{Zero Draft, Para 107.}

Although the FOD mentions resilience many more times, it continues to use it in many contradictory ways. “Resilience” is used in the context of climate change, marine resources, ecosystems, cities, and disasters in the FOD. Furthermore, resilience is also discussed in the context of “facilitating ecosystem conservation, regeneration and restoration and resilience.”\footnote{FOD, Para 4.} Additionally, under the section “Food Security and nutrition and sustainable agriculture” “climate resilience” is discussed.\footnote{The relevant portion reads: “We reaffirm the necessity to promote, enhance and support more sustainable agriculture, including crops, livestock, forestry, fisheries and aquaculture, that improves food security, eradicates hunger and is economically viable, while conserving land, water, plant and animal genetic resources, biodiversity and ecosystems and enhancing resilience to climate change and natural disasters.” FOD, Para 111.}

There is ambiguity in which kind of resilience is meant at different times in the FOD because of the three different usages of the term: (1) resilience of humans to disasters, (2) resilience of ecosystems themselves, and (3) human ability to contribute to resilience of ecosystems. Under these circumstances, a dictionary definition of “resilience” is useful: (1) the capability of a strained body to recover its size and shape after deformation caused especially by compressive stress and (2) an ability to recover from or adjust easily to misfortune or change.\footnote{MERRIAM-WEBSTER DICTIONARY, http://www.merriam-webster.com/dictionary/resilience.} In the context of sustainable development, resilience typically refers to the (2), the ability of the Earth to recover from the anthropogenic influences.

The real question is whether the Earth’s ecosystems can be sufficiently resilient to replenish and restore themselves given the heavy impact of humans. The relationship between humans and the environment requires reassessment. However, in terms of a global agreement, such as the FOD, emphasis must be placed on regulating human behavior through targeted policies that reduce and
rebalance the use of natural and manmade resources. Humans, who are involved in ecosystem management and degradation, should also work to build resilience in all its forms.

The FOD suggests that there are ways to build resilience in cities and in terms of biodiversity and ecosystem restoration. Perhaps the next step in this multilateral process will be for governments to agree on the forms of human management of resources critical to building ecosystem resilience, conserving natural resources, and improving humans own ability to understand their role and collective impact on the environment. This is particularly important given the increasingly unsustainable patterns of consumption and production worldwide.

Many countries, especially emerging economies, believe they have an unfettered “right to development,” which was the original Rio Principle 3, and thus they are not willing to change their patterns of consumption and production because they believe that they are not responsible for previous environmental harm caused by the industrialization of the West. These developing countries feel entitled to continue manifest degradation of ecosystems in the name of development. This entitlement, enshrined in 1992 Rio Principle 2, which gives a nation the right to exploit its natural resources, contradicts the global cooperation being attempted through the FOD. In fact, to have the kind of global management of planetary resources required for true resilience, Principle 2 must be overturned such that countries cannot exploit their resources in isolation. Even as we articulate this radical idea, we understand the enormous global mind shift that must occur to begin that overturning.

C. Sustainable Development Goals

Global sustainability goals are one avenue that could herald the global coordinating mechanisms required to manage the planet’s sustainable development. The FOD leaves open questions on what sort of action needs to be taken on the critical areas identified because many goals were not agreed upon; instead there was agreement to negotiate “Sustainable Development Goals” or SDGs. Some of these SDGs were fleshed out in the separate sections of the FOD. Key questions on SDGs were and are: What are they? Who will define them? Who will implement them? How will they be measured? Who will assess progress?

The Zero Draft conceptualizes a “Framework for action and follow up” that constructively identifies those areas in which SDGs are needed. Initial goals proposed include “sustainable consumption and production patterns as well as priority areas such as oceans; food security and sustainable agriculture; sustainable energy for all; water access and efficiency; sustainable cities; green jobs, decent work and social inclusion; and disaster risk reduction and resilience.”

SDGs proposed in the Zero Draft were left without substance in the Final Outcome Document. The conference did not agree to a single tangible goal but only to the ideology behind setting goals, which, “should be action-oriented, concise and easy to communicate, limited in number, aspirational, global in nature and universally applicable to all countries while taking into account different national realities, capacities and levels of development and respecting national policies

49 Zero Draft Para 107.
and priorities.” These are to be a complement to the Millennium Development Goals (MDGs), but language asking for measurement and evaluation by 2030 was taken out.

The FOD describes a process for setting SDGs and references experience with MDGs, which expire in 2015, in the sense that the SDGs must be complementary and fully integrated into the MDGs. The FOD resolves “to establish an inclusive and transparent intergovernmental process on sustainable development goals that is open to all stakeholders, with a view to developing global sustainable development goals to be agreed by the General Assembly.” The FOD describes the establishment of "Open Working Group" whose role is to prepare a detailed document on SDGs before the 67th UN General Assembly (GA) to be ratified at the 68th UN General Assembly.

The FOD describes a “Registry of Commitments,” and the UN Secretary General mentioned in his comments after Rio+20 that there were over 700 commitments registered. Since SDGs have not yet been established, at this juncture voluntary ad hoc commitments are the only commitments the globe has on sustainable development.

D. Implementation

As stated in the introduction, Rio+20 was to be a conference of implementation of the original Rio Principles. How are we monitoring 700 commitments made – some national, some regional, and some private and voluntary? The Zero Draft sets out commitments in the areas of food security, water, energy, cities, green jobs and social inclusion, oceans, seas and Small Island Developing States (SIDS), natural disasters, climate change, forests and biodiversity, land degradation and desertification, mountains, chemicals and waste, sustainable consumption and production, education, and gender equality acceleration. Here the drafters refer to COP-17, Nagoya Protocol, UNCCD, SAICM, and UN Women. The Zero Draft also refers to voluntary commitments. The Zero Draft also refers to voluntary commitments.

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50 FOD, Para 247.
51 The language on SDGs reads:

We propose that the Sustainable Development Goals could include sustainable consumption and production patterns as well as priority areas such as oceans; food security and sustainable agriculture; sustainable energy for all; water access and efficiency; sustainable cities; green jobs, decent work and social inclusion; and disaster risk reduction and resilience…

We consider that the Sustainable Development Goals should complement and strengthen the MDGs in the development agenda for the post-2015 period, with a view to establishing a set of goals in 2015, which are part of the post-2015 UN Development Agenda…

We also propose that progress towards these Goals should be measured by appropriate indicators and evaluated by specific targets to be achieved possibly by 2030, and request the Secretary-General for proposals in this regard.

Zero Draft, Paras 245-251.
52 FOD, Para 245.
53 FOD, Para 248.
54 “Rio+20 concludes with big package of commitments for action and agreement by world leaders on path for a sustainable future,” http://www.un.org/en/sustainablefuture/pdf/rio20%20concludes_press%20release.pdf. These voluntary commitments are by civil society groups, businesses, governments, universities, and others. Multilateral development banks also made commitments in terms of financing sustainable development. Id.
Implementation in the FOD is discussed in terms of commitments, sustainable development, Agenda 21, strengthening coherence and coordination, operationalization, transparency, assessing, remaining gaps in implementation. Section VI. Means of implementation breaks down into the following sections: (A) Finance (B) Technology (C) Capacity building (D) Trade (E) Registry of commitments.

“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 (Integration, Implementation, Coherence)” in the Zero Draft became the section entitled, “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” in the FOD. 55

The FOD was supposed to fill in the gaps in terms of adding detail to the Zero Draft in the sections mentioned. However, instead of providing concrete goals and timelines, the FOD largely provides commitments to further discussions, conferences, and future commitments. 56

There is an understanding based on the FOD that sustainable development must be designed at national and local levels. This principle of subsidiarity is laudable but marginalizes the critical need to assess how these local and national policies impact ecosystems, which are transboundary. Our current human understanding seems insufficient to bring about the amount of global change needed to truly promote sustainable development practices across borders such that we can actually live within our planetary boundaries. What has emerged from Rio+20 is the positive interaction of businesses and civil society with government such that all key stakeholders are taking up the mantle of sustainable development, even if through purely voluntary commitments, to make the necessary changes to protect the Earth and its citizens.

Registered voluntary commitments include: planting 100 million trees by 2017; greening 10,000 square km of desert; saving 1 Megawatt-hour of electricity per day; empowering 5,000 women entrepreneurs in green economy businesses in Africa; establishing a Masters programme on sustainable development practice; developing an Environmental Purchasing Policy and Waste Minimization & Management strategy; and recycling 800,000 tons per year of PVC by 2020. 57 Companies are preparing sustainability reports, for example through the Global Reporting Initiative. 58 Some of these commitments are from corporations such as Microsoft, Unilever, Nike, and Pepsi.

55 Notably both sections discuss climate change.
56 The FOD does agree to establish an intergovernmental process under the auspices of the General Assembly to assess financial needs and prepare a report proposing options for a sustainable development financing strategy. This will be completed in 2014 and will be submitted to GA for appropriate action. FOD, Paras 255-256.
57 “Rio+20 Voluntary Commitments.” http://www.unsd2012.org/content/documents/790Summary%20of%20Voluntary%20Commitments%20Registered%20at%20Rio20%20v6.pdf ; See also “Voluntary Commitments.” http://www.unsd2012.org/rio20/allcommitments.html. Examples of other commitments include many SIDS pledging to renewable and sustainable energy targets and UN agencies partnering with NGOs to make further commitments, such as UNDP and IUCN partnering for the Ecosystems-based Adaptation Programme to fight climate change. Id.
V. Conclusion

This analysis illustrates how the widening of the participation and increased knowledge sharing in the multilateral negotiation process results in greater specificity in treaty language, which contributes to a better shared understanding of the meaning and importance of sustainable development. Thus there is now greater consensus in key areas for pathways to sustainable development. There has been widespread recognition of geographic, regional, and cultural specificities needed to create tailored solutions and build resilience as well as recognition of limits placed on these locally tailored solutions by our interconnectedness. These conceptual advances at the multilateral level are praiseworthy and must be viewed as tangible progress.

One key outcome of Rio+20 was the utilization of cross and trans-disciplinary approaches to finding sustainable development solutions, primarily reflected in the insistence on the interdependence of the social, economic, and environmental dimensions. The approach of implementing various commitments simultaneously in terms of renewable energy, green investment, and greening businesses can also be used in the climate change context.

IFSD was supposed to be an outcome of Rio+20, but it was largely not fleshed out. Implementation is happening, but not within a visible and agreed IFSD. Even though Implementation is a key section in the FOD, it is only going to be pursued at the GA by nation states. Some individual countries are establishing Sustainable Development Councils and new sustainable development policies around the world. Also, businesses and civil society are making voluntary commitments to implement the mandates of sustainable development.

The UN General Assembly has been meeting since September 2012 in New York and we will witness how much clarity has been provided by the FOD. The GA is focusing on setting SDGs and setting up frameworks and processes to further sustainable development. However, this is a pro forma institutional structure for how the UN should further concerted action for the global community.

It remains to be seen whether governments and civil society will assume their obligations to integrate the dimensions of sustainable development to create necessary and long-lasting change. The latest extreme natural disaster, Hurricane Sandy, which caused widespread devastation across communities in the United States and the Caribbean, demonstrates that even the richest countries in the world are no longer immune to the adverse impacts of climate change. It is clear that to build resilience, countries as well as businesses, NGOs, and civil society organizations will need to work together across national, ethnic, and cultural lines to make fundamental changes to the way that we develop as a globe.

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