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The UN Rio+20 Conference on Sustainable Development—What Happened?

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Introduction

With more than 40,000 attendees from national and local governments, international organizations, businesses, and civil society, as well as more than fifty heads of state and close to 500 ministers, the Rio+20 Conference on Sustainable Development (“Rio+20” or “UNCSD”), which took place June 20-22, 2012, was

one of the largest international conferences in recent history. For the upcoming High Level Meeting on the Rule of Law at the National and International Levels later this month in New York and the recently launched Sustainable Development Solutions Network, both sponsored by the UN, Rio+20 laid important environment-focused groundwork related to governance and the rule of law. Its name invites comparison with the monumental achievements of the 1992 UN Conference on Environment and Development (“Earth Summit”), at which governments endorsed several binding and non-binding international agreements^[1] that have shaped the international discourse about sustainable development in the intervening twenty years.

In contrast, the final product of Rio+20—a negotiated statement called “The Future We Want”^[2]—marks an important shift in emphasis of sustainability policy from international law to the nexus between international and domestic law. It may achieve the pivotal impact of the 1992 Earth Summit, when taken in concert with over 700 voluntary commitments submitted to the UN Secretary-General by governments, businesses, and civil society to advance sustainable development. These include commitments by the UN Global Compact, a corporate sustainability initiative whose nearly 7,000 business signatories from 135 countries have committed to aligning their business strategies and operations with sustainability principles. Rio+20 also highlighted the need for new approaches to sustainable development challenges that draw on the strengths of multiple actors, at all levels, to bring about real change.

This *Insight* provides a brief overview of the key Rio+20 outcomes and examines how it addressed the importance of national environmental governance for sustainable

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Background and Overview

Rio+20 coincided with the twentieth anniversary of the 1992 Rio Conference on Sustainable Development and the fortieth anniversary of the 1972 Stockholm Conference on the Human Environment. It was the latest in a series of events marking the growth of international cooperation on sustainable development and the environment that includes the issuance of the Brundtland Report in 1987, the 2002 Johannesburg World Summit on Sustainable Development, and implementation of a large number of multilateral environmental agreements. The world has changed dramatically since 1992, experiencing extraordinary advances in technology, shifts in global economic relations, and geo-political re-alignments. The 2012 UNCSD presented an opportunity to take stock of the future of sustainable development.

By mandate of UN General Assembly Resolution 64/236, the UNCSD's themes were "a green economy in the context of sustainable development," "poverty eradication," and "the institutional framework for sustainable development."^[3] During the preparatory process, governments started negotiating the scope, format, and the eventual Rio+20 outcomes with a "zero-draft" of the main negotiated product of the conference, the "outcome document." The zero-draft was prepared by the Rio+20 co-chairs, based on the input of governments, UN bodies, intergovernmental organizations, and Major Groups (defined as including farmers, women, the scientific and technological community, children and youth, indigenous peoples and their communities, workers and trade unions, business and industry, non-governmental organizations, and local authorities). In its final version, "The Future We Want" sets out a common vision, renewing political commitment, elaborating on how the green economy may help achieve sustainable development, addressing institutional framework issues, articulating a framework for action and follow-up, and exploring means of implementation.

A New Kind of Conference

Rio+20 reflected a new model for international efforts to promote sustainable development. At Rio, outcomes flowing out of the informal space around the negotiations of the outcome document took on greater prominence, spurring the formation of new coalitions and commitments to advance sustainability. For example, Brazil organized discussions during the "thematic days" between the preparatory conference negotiation of the outcome document and the UNCSD where the heads of state adopted the negotiated document. These discussions and official and unofficial side events during the thematic days, and during the conference itself, engaged businesses, scientists, universities, students, civic groups, and others on a wide array of topics and highlighted their programs and initiatives. Brazilian Foreign Minister Antonio Patriota stated that 500 official and 3000 nonofficial parallel events related to the UNCSD took place in Rio.^[4]

Some considered it a new kind of summit, with greater emphasis on implementation through actions and commitments outside of the intergovernmental negotiations. One environmental NGO participant heralded this as a shift to a "potluck" approach, where a variety of stakeholders, including governments, businesses and civil society, each brings some individually worthwhile dishes (in the form of concrete actions to advance sustainability), rather than mixing everything up into one gigantic dish or outcome document. They called it "crowd-sourcing sustainability."^[5]

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The Rio+20 outcome document endorses these activities through a voluntary commitments registry and by acknowledging that governments cannot accomplish sustainable development on their own. The document also encourages civil society to share information, enter into partnerships and agreements, and take action on the three conference themes: green economy, poverty eradication and framework for sustainable development. The enhanced role of efforts outside the multilateral governmental negotiations may itself prove to be a pivotal result of Rio+20.

The Outcome Document: The Future We Want

The final outcome document covered the three themes with twenty-six separate thematic areas and cross-sectoral issues for action and follow-up, ranging from food security and sustainable agriculture to health and population to specific geographic areas such as Africa. It concluded that “eradicating poverty is the greatest global challenge facing the world today.”^[6] Ultimately, it reflected a common understanding among all of the countries on core ideas.

The International Framework for Sustainable Development (“IFSD”) theme addressed increasing the visibility of environmental matters within the UN system and improving sustainable development implementation. Delegates debated whether to start a new treaty process to create a specialized agency—an autonomous intergovernmental organization with its own independent legal basis and its own independent budget—such as a new World Environment Organization (“WEO”) or UN Environment Organization (“UNEO”) or to reform and strengthen the UN Environment Programme (“UNEP”)^[7] within its current institutional home as a subsidiary body of the UN General Assembly. In the end, negotiators opted to call on the UN General Assembly to strengthen and upgrade UNEP by expanding UNEP’s governing body from the current fifty-eight members elected by the General Assembly for four-year terms, based on the principle of equitable regional representation, to universal membership by all UN member states.

The outcome document also called for a “universal intergovernmental high level political forum” to eventually replace the UN Commission on Sustainable Development,^[8] a body created at the 1992 Earth Summit. Although the goal was stated of convening the first high-level forum at the beginning of the sixty-eighth session of the General Assembly, the details of the format and organization were not defined, but instead were left to a further negotiation process under the General Assembly.

The “Green Economy”—one of the conference’s three themes—was addressed in a section of the outcome document that did not define the term. UNEP has developed a working definition of a green economy as “one that results in improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities.”^[9] The UNCSD outcome document affirms that there are different approaches, visions, models, and approaches available to each country. It also considers a “green economy in the context of sustainable development and poverty eradication” as one of the important tools available for achieving sustainable development but one that should not be constrained by a rigid set of rules.

The heads of state and ministers showed their concern with the pace of progress on sustainable development by launching a process to develop Sustainable Development Goals (“SDGs”). The aim for the process was to identify priorities, provide indicators for assessing progress, and catalyze action. The SDGs would be global and integrated into the

broader UN development agenda beyond 2015, building on experience with the Millennium Development Goals.[10]

Finally, the outcome document identified finance, technology, and capacity-building as important for the achievement of sustainable development. The view of experts speaking at Rio+20 events was reflected in the outcome document which recognized that natural ecosystems have a tangible value for economic development and human well-being and are fundamental for pursuing goals such as food and water security.

The Nexus between International and National Governance

Effective national governance was another key issue advanced at UNCSD. As the realization of international objectives and commitments in the environmental arena is dependent on effective national- and local-level governance and institutions, implementation requires on-the-ground actions at sub-national levels. The Rio+20 outcome document recognized that sustainable development depends on “democracy, good governance and the rule of law, at the national and international levels,” including “effective, transparent, accountable and democratic” institutions.[11] It also noted the vital importance of public participation and access to information and judicial remedies in this regard. The ascendancy of these ideas built on their articulation in the 1992 Rio Declaration and the persistent support of civil society for their broader application since then. A number of satellite events at Rio focused on the crucial role of effective environmental governance at the national level for achieving sustainability.[12] These events broadly recognized that:

- Key features of effective national-level governance systems require appropriate information disclosure, public participation, clear, implementable, and enforceable laws, and implementation and accountability mechanisms (including clear delineation of authorities and roles and robust enforcement systems);[13]
- Efforts to engage vulnerable groups are critical; and
- Steps are being taken by a variety of entities to build capacity for environmental governance.

Analysis of the core features of effective governance systems and development of venues for analysis, information exchange, and coordination could aid in identifying implementation gaps and improve effectiveness and efficiency of capacity building efforts. The UNCSD’s affirmation of the importance of rule of law is consistent with the emergence of a number of new fora for advancing these issues, such as the United Nations-sponsored High Level Meeting on the Rule of Law at the National and International Levels and the World Bank-sponsored Global Forum on Law, Justice and Development.

Conclusion

The name “Rio+20” invites evaluation of the accomplishments and the changes in the intervening twenty years. Extraordinary developments in information technology, communications, and renewable energy have transformed the world to an extraordinary degree, as have shifts in the global economy, and a growing awareness of the environmental challenges and changes facing the world. A diversity of nations and stakeholders now speak with greater assertiveness. The Rio+20 Conference itself provided evidence of how profoundly the international system has transformed itself in response to global environmental challenges.

The name “Rio+20” also invites a renewed call to action to address the key rationales for the two Rio conferences—the persistent problems of hunger, poverty, and environmental degradation that threaten the lives and well-being of so many in the world today.

Drawing on the expertise, energy, and commitment of civil society and the private sector, the overall impact of Rio+20 may eventually be seen as much greater than the negotiated outcome document alone. Rio+20, particularly in the informal meetings, brought together a diverse set of stakeholders representing all sectors of society to collaborate on environmental sustainability. And in both the outcome document and at side events, Rio+20 highlighted the responsibility of governments to work with other stakeholders to enhance effective national governance systems as necessary legal foundations and enabling conditions for sustainability. Ultimately, these consequences, illustrative of the link between international commitments and objectives and effective national governance, and described by some as a process of global law formation, might be UNCSD’s real long-term legacy.

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Endnotes:

[1] Convention on Biological Diversity, June 5, 1992, 1760 U.N.T.S. 79, 143, 31 I.L.M. 818 (1992); Framework Convention on Climate Change, May 9, 1982, U.N. Doc. A/AC.237/18 (Part II)/Add.1, 31 I.L.M. 849 (1992); Agenda 21, Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests, A/CONF.151/26 (Vol. III); Rio Declaration on Environment and Development A/CONF.151/26 (Vol. I).

[2] U.N. Rio+20 Conference on Sustainable Development, June 20-22, 2012, The Future We Want, U.N. Doc. A/CONF.216/L.1 (June 19, 2012), *available at* https://rio20.un.org/sites/rio20.un.org/files/a-conf.216l-1_english.pdf [hereinafter The Future We Want].

[3] G.A. Res. 64/236, U.N. Doc. A/64/420/Add.1 (Mar. 31, 2010).

[4] Int’l Inst. for Sustainable Dev., Rio+20: Third PrepCom and the UN Conference on Sustainable Development (UNCSD), <http://www.iisd.ca/uncsd/rio20/enb/>.

[5] Jacob Scherr, *Reflections on the Road to Rio: Crowdsourcing Sustainability at Earth Summit 2012*, Natural Res. Def. Council’s Switchboard Blog (May 14, 2012), *available at* http://switchboard.nrdc.org/blogs/jscherr/reflections_on_the_race_to_rio.html.

[6] The Future We Want, *supra* note 2, ¶ 2.

[7] UNEP was created after the first Earth Summit held in Stockholm in 1972. See G.A. Res. 27/2997, U.N. Doc. A/RES/27/2997 (Dec. 15, 1972).

[8] The CSD was created in 1993. See U.N. G.A. Res. 47/191, U.N. Doc. A/RES/47/191 (Jan. 29, 1993).

[9] United Nations Environment Programme, *What is the “Green Economy”?*, <http://www.unep.org/greeneconomy/AboutGEI/WhatisGEI/tabid/29784/Default.aspx>.

[10] See Millennium Summit of the United Nations, Sept. 6-8, 2000, [United Nations Millennium](#)

Declaration, U.N. Doc. No. A/55/L.2 (Sept 8, 2000), *available at* <http://www.un.org/millennium/declaration/ares552e.htm>.

[11] The Future We Want, *supra* note 2, ¶10.

[12] Examples include the “Rio+20 Colloquium on Environmental Law & Justice,” hosted by the State Supreme Court of Rio de Janeiro (June 16, 2012), “Environmental Governance and Social Inclusion,” hosted by the U.S. Center at Rio + 20 (June 16), the “World Congress on Justice, Governance, and Law for Environmental Sustainability,” organized by the UNEP (June 17-20), and “Choosing Our Future: Open and Participatory Sustainable Development Governance,” organized by the World Resources Institute (June 19, 2012).

[13] “Rio + 20 Declaration on Justice, Governance and Law for Environmental Sustainability,” at 3, *available at* <http://www.unep.org/delc/worldcongress/Portals/24151/Outcome-Rio+20DeclarationJusticeGovernanceandLawforEnvironmentalSustainability.pdf>; *see also* INTOSAI Working Group on Environmental Auditing, *Improving National Performance: Environmental Auditing Supports Better Governance and Management – Executive Summary*, *available at* http://www.unep.org/dec/worldcongress/docs/Intosai_A4_6_LOPP-Article.pdf; C. Scott Fulton & Antonio H. Benjamin, *Foundations of Sustainability*, 28 *Envtl. Forum* (Nov.-Dec. 2011).