

**After Rio+20: Moving Beyond 2105
People's Sustainability Treaties in a Post Rio+20 Future:
Advancing a Global Citizens Movement Around Sustainable Development**

**Day 01/October 15, 2012
Rio+20: A Critical Analysis**

**“Reviewing the Role of Major Groups at Rio+20” by Jeffery Huffines
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Introduction

In 1992 at Rio the leaders of the world agreed that the major cause of the deterioration of the global environment is the unsustainable path of consumption and production, particularly in industrialized countries, that aggravates poverty, inequalities and imbalances not just between countries but also within countries. Yet over the last twenty years, rights were created for corporations that far exceed the rights and commitments created for the people and the environment. What civil society said at Rio+20 is that it is time to rebalance those rights.

To address this democracy deficit civil society groups demanded at Rio+20 that governments undertake their responsibilities to act and implement their commitments made 20 years ago.

Regarding the emergence of the BRICS countries and the shift in geopolitical dynamics at play since the financial meltdown of 2008, it is important to recall that this was the first sustainable development Summit called for by a developing country, Brazil. The G77 had originally tabled the resolution for a Rio+20 in November 2008, yet it took ten months before the European Union agreed to the Summit in late September 2009. They then sent middle range civil servants to engage in the crafting of the future we want.

Once governments agreed to the Summit, they then refused to schedule in advance the necessary number of days that would be required to negotiate a serious outcome document. So over the next 2 years the Rio+20 Bureau had to add extra days as intersessionals and informals on an ad hoc basis, that included an unprecedented 5 extra days of negotiations suddenly scheduled in NY just before the Third Prepcom in June. Consequently, by the end of the Third Prepcom, the Bureau had only managed to get around 37% of the text agreed the week before Heads of State were scheduled to arrive for the Conference.

Meanwhile, in the world news, the G20 summit in Mexico completely overshadowed the prospects of the Summit. For governments from the developed world the meeting of the G20 was more important than Rio. Rather than putting their energies into creating a new green economy as called for by their Rio+20 negotiators, the G20 leaders focused almost entirely on short term measures to prop up a broken economic system.

This was a disaster in the making. Over the weekend, Brazil as Host Country took over, and dramatically changed the rules of the game. They threw out the projector where everyone kept score tit-for-tat on the competing amendments being thrown up on the wall, and informed delegates that they would no longer be negotiating text, but rather the

substantive differences that still seriously divided them, and the Brazilians would take care of drafting the text.

Many NGOs viewed this development with great alarm and deepening suspicion especially when the Brazilian chairs summarily ejected MG observers from the negotiations that Saturday night, evidently in reaction to a legal demonstration organized by the Youth Major Group in defense of the proposed Ombudsperson for Future Generations.

Nevertheless it was remarkable to witness the fact that the Brazilian government managed to accomplish in 4 days what the United Nations could not do in 2 years. It was as if the headmaster had finally entered the room, and the students suddenly got serious fearing failure at the final hour.

Some government delegates would proclaim that the Brazilians saved “multilateralism” by producing an outcome document agreed to by all, but in all seriousness one has to ask if this process is more indicative of a multilateral system in crisis where by sovereign states still refuse to give to international institutions the necessary democratic legitimacy, resources and authority to monitor and enforce the decisions that nation states had already agreed to 20 years ago.

What is clear is that governments, in particular those from the developed world, failed to invest the necessary time and resources in the two year preparatory process to utilize the Summit effectively as a platform to take up the challenge of transforming our economies towards sustainable development.

Predictably, the overwhelming reaction of many NGOs was one of anger, disappointment and frustration. The statement read by Wael Hmaidan, Director of Climate Action Network, on behalf of the NGO Major Group, at the start of the 3-day high-level segment, captured this sentiment perfectly. He stated:

“You cannot have a document entitled The Future We Want without any mention of planetary boundaries, tipping points, or the Earth’s carrying capacity. The text as it stands is completely out of touch with reality. Just to be clear, NGOs here in Rio in no way endorse this document. Already, more than 1,000 organisations and individuals have signed, in only one day, a petition called ‘The Future We Don’t Want’ which completely refuses the current text. It does not in any way reflect our aspirations, and therefore we demand that the words “in full participation with civil society” are removed from the first paragraph.”

At the same time there was serious concern on the part of some NGOs that this negative reaction, while understandable, would cloud over the hard won achievements that had been made, and indeed must be made in the follow up to Rio+20.

In terms of short-term politics and traditional benchmarks, Rio+20 could easily be seen as a bust. The top leaders of the U.S., U.K., and Germany did not bother to show. There were no treaties signed nor were there any major new agencies or funds created. However, the prime ministers and presidents of China, India, Brazil, South Africa, Indonesia, and almost 90 other nations did come to Rio, along with thousands of governors, mayors, and other officials; CEOs, business leaders, and entrepreneurs; experts, advocates and activists. In all, there were more than 50,000 people participating

in more than 3,000 side events and millions more around the world connected electronically.

The UN estimated that there were several hundred promises worth more than 500 million dollars. Shortly after Rio+20, Jacob Scherr of NRDC reported that on their “Cloud of Commitments” website, they had aggregated more than 200 of the most significant from key Rio+20 commitment registries and platforms where a number of the commitments could lead to trillions of dollars of new investments in sustainable energy, transportation, and green urban infrastructure. Other pledges were difficult to put a dollar value on, such as the pledge by 400 of the world’s largest companies, joined by the US Government, to make their supply chains deforestation free by 2020 or the promise by the Australian Prime Minister to double the size of their marine parks.

History of civil society engagement since Rio 1992

Historically, CSOs have been recognized since the inception of the UN and have a place in the UN Charter. CS engagement has expanded since the 1972 Stockholm conference on the human environment, through Rio 1992 and the World Summit on Sustainable Development in 2002, and there has been a well-established role for MGs since 1992.

The Major Groups Programme is based on Agenda 21, which recognizes nine sectors of society as the main channels through which citizens could organize and participate in international efforts to achieve sustainable development through the United Nations. The Major Groups include Women, Children/Youth, Indigenous, NGOs, LA, Workers/Trade Unions, Business/Industry, Technological/science, Farmers.

Yet the Major Groups concept was itself incomplete when it was put together nor is it adequately funded. The system is not designed to bring in additional groups like academics, volunteers and faith-based organizations, while other groups like Local Authorities feel that they belong elsewhere. Moreover, the Major Groups Programme does not permit the results of consultations by significant multi-stakeholder platforms to be fully represented. While the UN pays lip service to the rights of participation of the most marginalized, there is no real effort to include people in extreme poverty who are the ones suffering the most from the consequences of not having a genuinely sustainable world.

During the first period of CSD from 1993-1997 through the first and second CSD period through 2001, there was much more stakeholder involvement than what we have today. In 1996, on the advice of the CSD NGO Steering Committee, the UNGA Second Committee recommended that there should be multi-stakeholder dialogues at the Five-Year Review of the Earth Summit in 1997. This developed into a two-day multistakeholder set of dialogues, which was far better than what Major Groups have now with speaking rights of only three minutes.

Critiques of the 9 Major Groups System

The current approach by CSD and UNEP focusing on the nine Major Groups as the chief participation mechanism remains a source of controversy. Some argue that Major Groups does not equate with civil society which is much larger and diverse than the nine categories identified in Agenda 21. Then there is the role of business and industry which is neither civil society nor a marginalized group. (In fact, micro-, small- and medium

sized enterprises and cooperatives are not well represented in the present structure.)

NGOs have felt most frustrated when they seek to replicate the roles that governments traditionally play (when it means for example spending a lot of time negotiating a three minute intervention that has no impact on the official process). As the volume of NGO participation has increased the opportunities for them to participate effectively has decreased. Moreover, the more important the issue being discussed, the less are the NGOs allowed to participate effectively in the diplomatic process

There are problems with the current Major Groups system in the areas representation, participation and implementation. Regarding representation, at the UNFCCC process there is an analysis of NGO attendance that ensures that all groups are fairly represented that is data-driven and therefore more public and accountable. On participation, the UN should make sure that NGOs have observer status at all major decision points, are able to comment on draft documents, and receive agendas at the same time as governments. On implementation, there should be more space for citizen monitoring, reporting and verifying through ombudsman and compliance mechanisms, to push for states to follow through on their commitments under those processes.

NGOs have added value where governments themselves fail profoundly, in particular, in the area of mutual accountability where governments are typically reluctant to hold themselves accountable to the commitments that they make except to score political points. NGOs can make a significant difference in using the intergovernmental process to hold national governments accountable for the commitments that they have made to their own citizens.

NGOs face their own challenges of accountability. There is the significant gap between organized civil society and social movements which are at the leading edge of societal transformation worldwide. NGOs face the continual challenge of rising beyond their individual concerns in order to work together toward a common vision. Governments complain that Major Groups do not report back on how they are implementing decisions made by multilateral bodies.

Strengthening civil society engagement in the future high level political forum

When considering a strengthened Major Groups+ model for the future HLPF, speaking rights, tabling of technical papers and collaborative position papers by Major Groups, governments and international organizations represent a good start, but there is need for equity in whose voices are heard at such international deliberations and for greater access of marginalized people to represent themselves directly. It is not only about having time to speak, or having advocacy capacity in the corridors and at capitals, it is also about engaging in decision-making of the multilateral process. Non-state actors could then implement agreements that they have also decided upon, rather than just endorsing decisions already decided by governments at the international level.

In this regard, there are many examples of civil society and multi-stakeholder participation in the multilateral system to consider. In contrast to the formation of the Major Groups structure, civil society organizations determined the mechanism adopted by the FAO Committee on World Food Security where they have eleven different constituencies as well as regional representation, each of which are facilitated by a global consultation process. It is perhaps the only other example comparable to the

Habitat II process of civil society being able to engage in the drafting of text on a par with governments. If a government endorsed that text it became a live text. There was a proposal at the end of the Habitat conference that the UN Commission on Human Settlements should have a number of seats for NGOs, government, and industry, to do that kind of engagement putting forward recommendations into the negotiations.

There is the ombuds-role where there would be a window of opportunity for citizens to approach an international authority to hold their governments accountable for the commitments they have made internationally. Successes, though limited, have occurred in the inspection panel system of many of the IFIs, and the clean development mechanism under the Climate Change Framework Convention where citizens hold their national governments accountable by being able to approach an international forum directly to voice their complaints. The Human Rights Council's UPR is a mechanism for holding governments accountable to peer review which has generated a lot of civil society mobilization and political traction at the national level. At the ILO, there are three groups where trade unions as non-state actors discuss amendments at the same level as states along with employers.

The Friends of the Chair mechanism in the Convention on Biological Diversity (CBD) process is another innovation. There is also the Nagoya Protocol process, which led to increased ownership and a greater stake in implementation. There is also the Strategic Approach to International Chemicals Management and the Marrakesh Process on Sustainable Consumption and Production as two models to learn from.

There are also regional agreements like the Aarhus Convention based on Principle 10 now ratified by 44 European states that provides an example of on-the-ground implementation and cooperation where local law enforcement is collaborating with NGOs and community-based organizations to ensure that commitments are being kept. While an international convention in this regard was not adopted at Rio+20, a series of regional conventions may be the way to go, with the announcement of a commitment to a Latin American convention made at Rio+20 as the first step.

During the negotiations leading up to Rio+20, the Local Authorities MG argued that governmental stakeholders are not adequately recognised or engaged at the international level in governance and deliberations. They called for a more explicit recognition in the outcome document of local, city and regional governments as 'governmental stakeholders' with a specific voice, and a 'renaming' of the local authorities MG, distinct from CS and without infringing on the sovereignty of national governments. As precedent, they cited that the governance mechanisms of the Rio conventions (Framework Convention on Climate Change - FCCC, CBD) have recognised this voice since the FCCC Conference of Parties (COP 16) in Cancun, and the recent CBD meeting recognised two advisory committees to the parties, for cities and regional governments, to advise and implement.

John Matuszak of the US Department of State argued for a high level multi-stakeholder forum, which does not negotiate text, but reports on what is done and what is sought to be done, and promotes action and partnerships, is needed. He argued that such a forum must be open to entrepreneurs and philanthropists. He cited The World Economic Forum and the Clinton Global Initiative as two models to learn from.

He argued that business is not the enemy but a partner, and citizen consumers can

exercise control by making consumption decisions and punishing or rewarding corporate behaviour as a form of corporate responsibility. The Compendium of Commitments will allow for all stakeholders to publicly state their commitments and plans for implementation, which should be posted publicly so that all can be held to account.

Yet most CSOs argued at Rio+20 that voluntary commitments on the part of governments, business and citizens are not enough. SD reform must move beyond the cosmetic and tackle substantive gaps. It must address the power of corporations and introduce some semblance of control over transnational corporations and international financial institutions. So too, as technology is a major vehicle in the 'green economy', there must be enhanced advance assessment of new technologies and the dangers posed across borders and to the planet. There is need for corporate regulation through a convention on corporate accountability.

Participatory Multilateralism

To conclude, I would like to share some thoughts by Maruxa Cardama, Secretary General of Network of Regional Governments for Sustainable Development nrg4SD, in a ideas paper she wrote entitled "Gearing up to civil society and stakeholder engagement in the UN Post Rio+20 and Post 2015 processes".

"Stuck within outdated international structures, the current SD intergovernmental processes hardly accommodate the internal evolution of the regional groups sitting in the UN, nor the emergence of new leaderships, different to the traditional hegemonic powers of some nations. Moreover, these processes do not optimize the high-level expertise and grass-roots action for change that different civil society & stakeholder groups provide. The recurrent contrast between the slow, dense and sometimes obscure pace in official negotiation rooms and the dynamic and action-oriented approach embedding the CS & S parallel events at key international SD gatherings is stark. The Rio +20 Conference was one more international SD gathering to reflect a cruel and dangerous disconnect between the greener, more inclusive and more just path our societies are demanding and the ability of current SD intergovernmental processes to meet these needs and expectations.

"So, would it be too simplistic to say that SD multilateralism is dead? Probably it would. What seems to have reached its limits is a system of SD multilateralism exclusively based on intergovernmental negotiation. If we are serious about the sustainable development of all in this one Planet, the current intergovernmental multilateralism must be complemented and strengthened with 'participatory multilateralism'. A new model where timely and relevant engagement with civil society and stakeholders truly becomes one more piece of the standard SD international process at the stages of decision-making, planning, implementation and evaluation of results.

"It is not about questioning the intrinsic intergovernmental nature of the processes developed within United Nations entities. It is not about forgetting the utter need for global overarching solidarity and action frameworks of legally binding nature to tackle global common challenges. It is about recognizing that the center of gravity in terms of SD leadership does not – and should not – gravitate any more solely around national political leaders. If we are to transition all together towards a sustainable world for all, it is about embedding each step of the common intergovernmental effort in the democratic principles of participation, transparency and accountability. It is about creating better

models for engagement of civil society and stakeholders so they can be 'allies' of that 'global movement for change' that UN Secretary General Ban Ki-moon called for at the Rio +20 Conference."

'Civil Society Engagement in Sustainable Development Governance'
See http://www.un-ngls.org/spip.php?page=article_s&id_article=3781