

Preparations for the Rio +20 Summit

Written evidence submitted by the Foundation for Democracy and Sustainable Development

A. Introduction and Summary

A.1 The Foundation for Democracy and Sustainable Development is a charity which works to find ways to equip democracy to deliver sustainable development.

A.2 *Section B* of this submission is an overall stock-take structured according to two of the three objectives of the 2012 UN Conference on Sustainable Development ('Rio + 20') and its two themes. In *Section C* we address the Committee's six questions in turn. We draw the following key points to the Committee's attention by way of summary.

A.2.1 A crisis of political short-termism is among the emerging challenges that threaten progress on sustainable development. This is linked to lack of proper regard for the needs of future generations in the context of sustainable development. Both can and must be tackled through the Rio + 20 process.

A.2.2 Rapidly evolving recognition of the fundamental constraints, and the urgency, of tackling planetary boundaries and their associated tipping points must be reflected in the political outcomes of Rio + 20, in particular through the adoption of a Declaration on Planetary Boundaries.

A.2.3 Given gradual erosion in the currency of 'sustainable development' at national and global levels, the UK must ensure that renewed political commitment to sustainable development reflects a progressive vision of sustainable development.

A.2.4 The UK must play a full part in ensuring that 'the green economy' is positioned as 'the green and fair economy'; not 'green growth'.

A.2.5 People, not businesses, must be at the centre of commitments to a green and fair economy. Policy measures to secure a green and fair economy cannot rely only on technological innovation and the power of competition. Social and political change is also required to deliver the necessary political will.

A.2.6 Rio + 20 should mark the creation of a new institution or office for future generations within the UN; for example a UN High Commissioner for Future Generations.

A.2.7 Commitments on institutional frameworks for sustainable development must address national, regional and subnational levels of sustainable development governance where innovative practice flourishes. The UK Government should actively provide space for local authorities and devolved administrations to participate in preparations for Rio + 20 within both the EU and the UN, alongside a commitment to actively enabling and promoting participation by NGOs and community based organisation.

B. Taking Stock

Renewed political commitment to sustainable development

B.1 There are signs of erosion in the overall global political commitment to sustainable development. One weakness of the 1992 UN Conference on Environment and Development was its inadequate regard for the social dimension of sustainable development. This had partly been overcome by the time of the 2002 Johannesburg World Summit on Sustainable Development (WSSD). However, the imperative to reduce and ultimately eradicate poverty, a centre-piece of WSSD, led to over-emphasis on the economy and economic growth in the sustainable development equation. As new policy areas such as labour rights were added to the overall negotiating mix there was a worrying loss of clarity and precision in the concept of sustainable development. Even more concerning, the importance of the idea of integration across the three pillars of sustainable development (environment, economy, society) diminished. **In Rio +20, we see a risk that the centrality of intergenerational and intragenerational equity to sustainable development could be further eroded.**

B.2 Today, the term ‘sustainability’ is often used in preference to ‘sustainable development’ in order to distinguish between the process and the end goal of ‘sustainable development’. We are concerned that **the *ex post* introduction of a distinction between sustainable development and sustainability carries with it the risk of watering down the significance of the words ‘sustainable development’ in earlier UN instruments** by relegating them to commitments related to the process of sustainable development (rather than its goal: sustainability). In the remainder of our evidence, references to sustainable development are to both the process of sustainable development and its goal.

B.3 The failure of the UN Commission for Sustainable Development’s 19th session to reach agreement earlier this year [1] augurs badly for Rio + 20. One cause may have been a tendency to trade negotiating issues arising in other settings, bringing them into the sustainable development arena. **The UK must show leadership by example by not allowing foreign policy priorities arising outside the Rio + 20 process to determine its substantive position on the Conference objectives and themes.**

New and emerging challenges

B.4 Weakness in global governance is itself among the rapidly evolving (if not emerging) challenges of sustainable development. The intergovernmental global governance system has failed to demonstrate sufficient adaptive capacity effectively to rise to contemporary governance challenges including economic globalisation (most particularly in the failure to develop adequate global frameworks, such as a convention, for corporate accountability) and climate change. It is clear, equally, that reliance on multi-stakeholder partnerships (which was in vogue at the time of WSSD) is inadequate to fill the gaps.

B.5 To any obvious list of new and emerging challenges such as the impacts of rapid economic growth in so-called ‘emerging economies’; high food prices; and resource scarcity; we would add another: **a crisis of short-termism in political decision-making, including within UN processes, and the challenge of developing the institutional architecture needed to engage openly and transparently in the balancing acts that are needed for political decision-making to deliver regard for the needs of future generations in ways that serve sustainable development.**

B.6 Here in the UK, the government frequently appeals to the needs of future generations or the long term when justifying controversial policy decisions, including spending cuts, increases in tuition fees, and controversial aspects of proposed planning reforms. This is the ‘horizon shift’ to which the Coalition government is committed. [2] However, **without an institutional space in which to evaluate the competing needs of future generations; let alone a time horizon for determining which future generation(s) or which needs, the result is simply political advocacy of unpopular policy choices** without engagement of the wider population and, consequently, a missed opportunity to build real support or a culture of participation and deliberation.

The green economy

B.7 Much of the negotiating time and political energy in preparations for Rio + 20 thus far have been devoted to the green economy. Already, the potential for international commitments to generate transformational change has been eroded by lack of clarity over the substantive meaning of the term ‘green’ (and in particular whether this incorporates a commitment to the social dimension of sustainable development); and polarised discussion over issues such as technology transfer and financial assistance.

B.8 **There is a real risk that Rio + 20’s green economy theme will deliver little more than ‘slightly greened business as usual’, particularly given the difficult economic circumstances in which many nations find themselves. The UK government must play a full part in ensuring that ‘the green economy’ is positioned as ‘the green and fair economy’; and not ‘green growth’ or even ‘green and fair growth’.**

Institutional frameworks for sustainable development

B.9 There is a marked contrast between the ‘international institutional’ topics that have been dominant in discussions to date and the reality that local, regional and national institutions are critically important in the pursuit of sustainable development.

B.10 Reform of international institutions alone will not deliver changes in institutional frameworks at the national and subnational levels, nor at the regional level. Much more attention needs to be given to these levels of sustainable development governance as preparations for Rio + 20 gather pace.

C. The Committee’s Questions

1. Issues that should be urgently addressed, and any that should be avoided

C.1 Issues that should be urgently addressed include:

- the reality of planetary boundaries and their associated tipping points
- the problem of political short-termism as a barrier to sustainable development
- creation of institutional frameworks to ensure that the needs of future generations are brought into the heart of decision-making from the local to the global levels in ways that serve the overall goal of sustainable development

C.2 Three things in particular should be avoided:

- placing business (or the private sector), not people, at the centre of efforts to pursue and achieve sustainable development
- any outcome in which only international, rather than national regional and local, frameworks for sustainable development are addressed in the political declaration and actions emerging from Rio + 20
- further weakening the concept of the sustainable development through a renewed political commitment that is in reality a retrograde step, for example through any express mention of commitment to continued economic growth

2. The extent to which greening the economy can help eradicate poverty, including the tensions between growth and prosperity in the context of sustainable development

C.3 The tensions between growth and prosperity in the context of sustainable development are well described in Professor Tim Jackson's 2010 book and associated report, *Prosperity Without Growth*. [3] We add that it will not be possible to deliver 'prosperity without growth' unless political systems are themselves capable of delivering the policy frameworks needed to support it.

C.4 One approach is simply to understand 'greening' of the economy as a call to unleash the power of business and social enterprise to do good; in particular through social and technological innovation in support of sustainable development. However, implementing policy measures to achieve this end does nothing to ensure that those parts of the economy that are 'unfair' or not 'green' wither.

C.5 Policy measures to secure 'greening of the economy' cannot rely only on technological innovation and the power of competition. Social and political change is also required to deliver the necessary political will. Rio + 20 needs to deliver express political recognition of this fact.

C.6 Political systems must be equipped to overcome the short-termism of electoral cycles; to have regard to the needs of future generations, and to engage people on important issues in styles that are far more participatory and deliberative than is the norm. Rio + 20 can play an important role in setting the right tone, including through a commitment not only to the 'environmental democracy' [4] reflected in Principle 10 of the Rio Declaration, [5] but to a genuine 'sustainable development democracy'.

C.7 In liberal democracies such as that of the UK, the challenges are compounded. Only when elected representatives feel free to prioritise policy priorities that *do not* actively support economic growth is it likely that we will be able consistently to deliver consistent policy for sustainable development. That is unlikely to happen without a) consistent and charismatic political leadership of the kind that can inspire commitment of hearts and minds, or b) cultural transformation so that people actively consent to, and pursue, prioritisation of policies that allow collective needs and wellbeing to be met in support of sustainable development, rather than pursuit of selfish self-interest.

C.8 If the current threats of severe climate change and resource scarcity were to come to fruition, societal innovation and resilience could prove a far more useful commodity than business-centred policies for growth, whether green or not. **A people-centred, socially transformative route to a green and fair economy offers a far better ‘win-win’ prospect for change than a business and technology-centred approach that further erodes cultures of democratic decision-making.**

C.9 The Brundtland Commission’s 1987 report stated that ‘overriding priority’ should be given to the essential needs of the world’s poor people. [6] This has been interpreted as justification for a continued emphasis on economic growth, including in the World Summit on Sustainable Development.

C.10 It is alarming that the terms ‘green economy’ and ‘green growth’ appear increasingly to be used interchangeably in the UK policy context. It is important that they do not come to be seen to be synonymous. There is considerable wishful thinking in the idea that global economic growth can continue *and* at the same time a bolt-on ‘green economy’ (even if it is a fair one) will deliver massive dematerialisation of consumption and production (i.e. reduction in reliance on natural resources) on the scale needed to deliver sustainable development.

C.11 The wishful thinking is exemplified in the statement of the European Commission’s Communication on Rio + 20 that responses to the challenges of meeting demands for better lives and addressing environmental pressures will not come from ‘slowing growth’. [7] Planetary boundaries must circumscribe any commitment to the green economy as a necessary condition precedent for sustainable development (see further the *Annex* below).

3. The institutional frameworks (at international, regional, national and local levels) required to deliver a ‘green economy’ and a more sustainable future for all, now and into the future

C.12 Institutional frameworks for sustainable development need to be addressed in relation to the overall challenge of achieving sustainable development, not only the ‘green economy’. One particular risk of associating institutional frameworks for sustainable development with the green economy is that it may give rise to a tendency to see *business*, rather than people, as a centrepiece of ‘institutional frameworks for sustainable development’.

C.13 As resource scarcity and climate change make political choices related to sustainable development more difficult at national and international levels, much of the innovation and good practice that is needed will be found at local levels. **We are concerned that there has not thus far been much effort to explore what commitments might be possible at Rio + 20 in relation to the regional, national and subnational levels.**

C.14 Regional, national and subnational governments and institutions should use Rio + 20 as an opportunity to share ideas on how best to integrate sustainable development – including regard for the needs of future generations - into regional and domestic policy decisions. Examples include the idea of guardians, commissioners or ombudspersons for future generations, building on the institutional trailblazing of Hungary’s Parliamentary Commissioner for Future Generations; and legal and policy mechanisms to deliver respect for planetary boundaries.

C.15 We have two suggestions on institutional innovations in global governance frameworks for sustainable development. **a) we support emerging efforts to bring the needs of future generations into the overall global governance framework, for example in proposals for the creation of a new office of a UN High Commissioner for Future Generations,** b) we propose that **political recognition of the concept of planetary boundaries as a precondition for sustainable development be linked with the adoption at Rio + 20 of a Declaration on Planetary Boundaries** as a precursor to a global Convention on Planetary Boundaries (as to which see further the *Annex* prepared by Barrister Peter Roderick below).

4. The objectives and roles the UK Government should assume in order to drive ambition in the run-up to the Conference and at Rio, including its part in the EU preparations and negotiations;

C.16 The UK's ability to engage meaningfully in preparations for the Conference is not assisted by the fact that the government has chosen not to develop a publicly available sustainable development strategy, and has recently abolished some key planks in the overall institutional framework for sustainable development (including the Royal Commission on Environmental Pollution and the independent Sustainable Development Commission). Furthermore, **recent indications are that the government fails effectively to recognise the concept of sustainable development as providing guidance for domestic policy.** This is exemplified in the proposed approach to the 'presumption in favour of sustainable development' (defined in effect as a presumption in favour of development) within the proposed National Planning Policy Framework.

C. 17 In light of the imperative to recognise that respect for planetary boundaries is a necessary precondition for sustainable development, and drawing on the potential international leadership role of the Climate Change Act, the **UK should adopt a leading role in championing the need for recognition of environmental limits, more specifically in the form of planetary boundaries.**

C.18 Recognising that much of the innovation for sustainable development must in future come from subnational levels, including devolved administrations and local authorities, **the UK Government should actively provide space for local authorities and the devolved administrations to participate in preparations for Rio + 20 within both the EU and the UN; showcasing those areas where their approaches offer potentially transferrable insights.** The Welsh Government's commitment to develop a Sustainable Development Bill is particularly noteworthy in this regard, as is the appointment of a Commissioner for Sustainable Futures.

5. The ideal outcomes from Rio+20, and how any agreements should be subsequently monitored

C.19 Ideal outcomes from Rio + 20 would include the following elements:

C.19.1 **Political recognition of respect for planetary boundaries as a prerequisite for sustainable development.** This should be linked to a commitment to development of a political and institutional architecture capable of supporting that recognition. In an ideal outcome, we would want to see a **Declaration on Planetary Boundaries adopted at Rio + 20 as a precursor to a UN Convention on Planetary Boundaries** (as to which, see further the *Annex* below).

C.19.2 Renewed political commitment to sustainable development in a form which a) repositions *full integration* of economic development, environmental protection and social development at the heart of sustainable development, AND b) explicitly restates the political commitment to securing intergenerational and intragenerational equity.

C.19.3 Political commitment to place people, not businesses, at the heart of efforts to secure a green and fair economy and deliver sustainable development. This would in an ideal outcome be complemented by adoption of a global convention on corporate accountability to provide redress to those affected by the worst excesses of transnational corporate irresponsibility.

C.19.4 Renewed commitment to guaranteeing wide rights of public participation, access to information and access to justice for people around the world, whoever and wherever they might be, in line with the principles and spirit of the Aarhus Convention and in accordance with the July 2011 Chisinau Declaration of the meeting of the parties to the Convention (ECE/MP.PP/2011/CRP.4/rev.1). **Rio + 20, in an ideal outcome, would be a milestone in global commitment to guaranteed access to justice, public participation and access to information across the pillars of sustainable development (economy, environment and society).**

C.19.5 Political recognition that political short-termism is a significant barrier to sustainable development. This should be linked to a clear commitment to development of institutional frameworks, from the local to the global, that are capable a) of delivering actions in support of sustainable development informed by long-termism and regard for the needs of future generations, and b) doing so in ways that respect the need for intragenerational equity.

C.19.6 Support for the creation of a new UN institution or office with a mandate to integrate the needs of future generations within the overall institutional framework for sustainable development at the global level.

C.19.7 Broad-based and wide-ranging **engagement by civil society and subnational governments in both the formal governmental and less formal non-governmental processes associated with Rio + 20**, with a view to sharing good practice and catalysing the next generation of practical activism and social innovation for sustainable development.

6. The potential risks to the ideal outcomes being achieved, and any lessons that should be learnt from previous conferences.

C.20 We wish to identify three potential risks:

C.20.1 Lack of political will or ambition for either Rio + 20 or, more generally, for the concept of sustainable development, as its realisation is made increasingly politically difficult by rapid economic and population growth and their side-effects. Effective mobilisation of civil society is part of the key to countering this risk and to ensuring more generally, by helping to foster new civil society alliances, that intergovernmental outcomes are not the only outcome of the process. We trust and hope that the UK will take seriously not only the substantive analytical and advocacy capacities within UK civil society (including non-governmental organisations and community based organisations), but also our comparative advantage as among the global hubs of sustainable development expertise.

C.20.2 That a political commitment to economic growth within national governments will taint both the substance of the political commitment to sustainable development, and specific commitments on the green economy, and lead to a weak focus on the importance of 'sustainable development democracy' in delivering sustainable development.

C.20.3 That the need to transform the internal incentives within political and other public policy decision-making systems in favour of sustainable development (and, conversely, away from short-termism or prioritisation of economic growth) will not be recognised at Rio + 20, even though it has a critically important role to play in determining the quality of development on the ground.

Annex: Rio + 20 and Planetary Boundaries

The UK's Climate Change Act 2008 is an example of environmental limits legislation, which the Sustainable Development Commission described as a "*robust and world-leading approach [which] needs to be extended as a matter of urgency to other environmental limits*" [1]

An innovative approach to this question, which offers a new approach to sustainable development, is the planetary boundaries concept. Launched by 29 scientists in 2009, it posits that there are nine non-negotiable Earth-system processes and associated thresholds that we need to respect and keep within, in order to protect against the risk of deleterious or even catastrophic environmental change at continental to global scales. This would create a safe operating space for humanity, and within this space economy and society would play out. According to the concept's authors, three of the nine suggested thresholds have already been crossed (for climate change, biodiversity and the nitrogen cycle). [2]

What is new about the concept is that rather than understanding environment, economy and society as three pillars of sustainable development, it focuses on the initial importance of biophysical realities as necessary pre-conditions for sustainable development. Environment, economy and society would remain the pillars of sustainable development, but in future they would do so against a non-negotiable backdrop of biophysical reality.

The idea has been taken up by the Secretary-General's High-Level Panel on Global Sustainability: the overall goal for its report later this year and input into Rio+20 is "*To eradicate poverty and reduce inequality, make growth inclusive, and production and consumption more sustainable while combating climate change and respecting the range of other planetary boundaries.*" The UK's Institution of Civil Engineers has said that "*the concept is clear and sufficiently intuitive that we can begin to explore ways in which society can stay within such boundaries.*" [3]

We need to recognize, respect and be responsible for not transgressing planetary boundaries – internationally, regionally, nationally and locally. Recognition would imply that States and the UN System acknowledge that planetary boundaries exist; research their nature, parameters, variables, thresholds and inter-actions; gather, collate and present data and information by reference to planetary boundaries; identify the human activities that affect them; implement in law a scientific, transparent and participative process for establishing and reviewing them, and their parameters, variables, thresholds and inter-actions, and for advising on them; and give the concept an over-arching institutional home which cooperates with

current institutions with responsibilities across the range of human activities that affect planetary boundaries.

In time, such an institution could become, under a UN Convention on Planetary Boundaries, an over-arching Planetary Boundaries Commission.

Respect for planetary boundaries implies, for example, ensuring they are not transgressed; accepting the advice provided through a scientific, transparent and participative process, unless there are clear, imperative, stated and legally-challengeable reasons for not doing so; designing public and private sector institutions, as well as policies, laws and strategies, to minimise the risk of transgressing any of them or, where one or more have already been transgressed, to pull back; making decisions to minimise that risk or to pull back; and integrating recognition of planetary boundaries into international, regional and national decision-making processes across the range of human activities that affect them.

Being responsible for not crossing the boundaries implies, for example, over-arching legal objectives and obligations to recognise and respect them across the range of human activities that affect them; rights to information about them; rights to participate in decisions which affect them; and rights to go to court to ensure they are respected.

Rio +20 is an obvious opportunity to adopt the innovative approach to sustainable development offered by the planetary boundaries concept, which could be significantly developed over the coming years. In this way, the biophysical pre-conditions for achieving the Millennium Development Goals – and for other associated commitments that could be adopted at Rio, such as Sustainable Development Goals and/or Millennium Consumption Goals – would be acknowledged.

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[1] See <http://www.iisd.ca/csd/csd19/>

[2] See http://www.libdems.org.uk/news_detail.aspx?title=Nick_Clegg_speech%3A_Horizon_shift&pPK=f8f7b543-d586-40e2-b4c9-e7be68970bf3

[3] http://www.sd-commission.org.uk/data/files/publications/prosperity_without_growth_report.pdf

[4] The term is used in the Chisinau Declaration of the Conference of the Parties to the Aarhus Convention: ECE/MP.PP/2011/CRP.4/rev.1, 1 st July 2011

[5] <http://www.unep.org/Documents.Multilingual/Default.asp?documentid=78&articleid=1163>

[6] World Commission on Environment and Development (WCED), *Our common future*, Oxford University Press, 1987, page 8

[7] European Commission Communication, Rio + 20: towards the green economy and better governance (COM(2011) 363 final, 20 th June 2011)

[1] NEWP Discussion Document, An Invitation to Shape the Nature of England, SDC Consultation Response, December 2010, page 4, available online at: http://www.sd-commission.org.uk/publications/downloads/SDC%20Response%20to%20NEWP_Discussion%20paper.pdf

[2] Rockström , J et al. Planetary boundaries: Exploring the safe operating space for humanity. Ecology and Society [online] 14, 32 (2009). Available online at www.ecologyandsociety.org/vol14/iss2/art32 .

[3] Engineering to live within planetary boundaries: Civil engineering research needs, Institution of Civil Engineers, October 2010, available here: <http://www.ice.org.uk/Information-resources/Document-Library/Engineering-to-live-within-planetary-boundaries>