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Rio+20: How the Tension Between Developing and Developed Countries Influenced Sustainable Development Efforts

Kailyn Ellison

Pacific McGeorge School of Law

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Rio+20: How the Tension Between Developing and Developed Countries Influenced Sustainable Development Efforts

Kailyn Ellison*

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*Sustainability is a political choice, not a technical one. It's not a question of whether we can be sustainable, but whether we choose to be.*¹

I. INTRODUCTION

Sustainable development has been on the international agenda for decades, yet difficulties persist in developing an effective regime to address it. Problems with developing an effective legal regime to address sustainable development began in 1992 at the United Nations Conference on Environment and Development (“UNCED”) held in Rio de Janeiro, Brazil.² UNCED marked the

* J.D., University of the Pacific, McGeorge School of Law, to be conferred May 2014; B.A. Political Science, minors in Legal Studies and Mathematics, California Lutheran University, 2011. I would like to thank my faculty advisor, Professor Rachael Salcido, for her valuable insight and guidance throughout the development of this comment. I would also like to thank my family for their encouragement and support.

1. Quote from Gary Lawrence, Director, Seattle Planning Department. *Agriculture & Sustainable Development*, CHANGING THE PRESENT, <http://changingthepresent.org/cause/2> (last visited Oct. 14, 2013).

2. PATRICIA BIRNIE, ALAN BOYLE & CATHERINE REDGWELL, *INTERNATIONAL LAW & THE ENVIRONMENT* 50 (3d ed. 2009).

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point where sustainable development became a primary focus of the international agenda.³ UNCED produced two outcome documents—the Rio Declaration on Environment and Development⁴ and Agenda 21⁵—that attempted to balance the needs of both developing and developed countries in regard to sustainable development.⁶ Yet in attempting to strike this balance, economic development was prioritized over environmental protection.⁷

Problems with implementing an effective sustainable development regime persisted ten years later at the United Nations World Summit on Sustainable Development (“WSSD”) held in Johannesburg, South Africa.⁸ By this time, sustainable development was no longer the primary focus of the international agenda,⁹ resulting in relatively weak outcomes from the summit.¹⁰ Because of this, WSSD was generally seen as a disappointment.¹¹

In June 2012, the international community convened in Rio de Janeiro, Brazil for the United Nations Conference on Sustainable Development (“UNCSD”).¹² UNCSD is commonly referred to as Rio+20 since it marked a return to Rio de Janeiro twenty years after the 1992 UNCED.¹³ The conference concentrated on two themes related to sustainable development: 1) developing a green economy in the context of sustainable development and poverty eradication,¹⁴ and 2) developing the institutional framework for sustainable development.¹⁵ The outcome of the conference was a document entitled “The Future We Want.”¹⁶ Rio+20 and its outcome document have been heavily criticized as weak¹⁷ and doing little to advance the goals of sustainable development.¹⁸

3. *Id.* at 53.

4. See United Nations Conference on Environment and Development, Rio de Janeiro, Braz., June 3-14, 1992, *Rio Declaration on Environment and Development*, U.N. Doc. A/CONF.151/26/Rev.1 (Vol. 1) [hereinafter *Rio Declaration*].

5. See U.N. GAOR, 46th Sess., Agenda 21, U.N. Doc. A/CONF.151/26 (June 14, 1992) [hereinafter *Agenda 21*].

6. See Michael J. Kelly, *Overcoming Obstacles to the Effective Implementation of International Environmental Agreements*, 9 GEO. INT’L ENVTL. L. REV. 447, 453 (1997).

7. *Id.*

8. See BIRNIE ET AL., *supra* note 2, at 52–53.

9. See *id.* at 53.

10. See *id.*

11. *Id.*

12. See *generally About the Rio+20 Conference*, RIO+20-UNITED NATIONS CONFERENCE ON SUSTAINABLE DEVELOPMENT, <http://www.uncsd2012.org/about.html> (last visited Oct. 6, 2013).

13. Christopher C. Horner, *An Assessment of the June 2012 Rio+20 UN Conference on Sustainable Development*, 13 ENGAGE: J. FEDERALIST SOC’Y PRAC. GROUPS 60, 60 (2012).

14. The Future We Want, G.A. Res. 66/288, ¶ 12, U.N. DOC. A/RES/66/288, Annex (Sept. 11, 2012).

15. *Id.*

16. See *generally id.*

17. Anne-Sophie Tabau, *International*, 2 CARBON & CLIMATE L. REV. 167, 168 (2012).

18. E.g. David Banisar et al., *Moving From Principles to Rights: Rio 2012 and Access to Information, Public Participation, and Justice*, 12 SUSTAINABLE DEV. L. & POL’Y, Spring 2012, at 8.

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In the background of these efforts lies the tension between developing and developed countries. Developing countries view sustainable development as a means of socio-economic upward mobility that will help solve their problems with poverty.¹⁹ Conversely, developed countries view sustainable development as a quality of life issue²⁰ that requires immediate protection of the environment.²¹ Efforts to reconcile these divergent viewpoints have proven to be difficult, and most recently resulted in Rio+20's one-sided outcome document.²²

This Comment argues that the outcome document of Rio+20 favors the perspective of developing countries and will therefore ultimately prove to be ineffective at advancing sustainable development on a global scale. First, this Comment explores the concept of sustainable development and the different viewpoints of developing and developed countries in relation to it.²³ Then, it discusses the Rio+20 Conference, its outcomes, how the outcome document reflects the divergent viewpoints, and the conference's successes and failures.²⁴ Lastly, it will conclude with an explanation of the future of sustainable development given the outcomes of Rio+20.²⁵

II. BACKGROUND

A. *The Evolution of Sustainable Development*

Sustainable development is an evolving concept in international environmental law.²⁶ It lacks any universally agreed upon definition,²⁷ but is seen as a compromise between environmental protection on the one hand and economic development on the other²⁸ “that meets the needs of the present without compromising the ability of future generations to meet their own needs.”²⁹ This

19. Kelly, *supra* note 6, at 454.

20. *Id.*

21. BIRNIE ET AL., *supra* note 2, at 51.

22. *See infra* Part III.A.2.

23. *See infra* Parts II.A–B.

24. *See infra* Parts III.A–B.

25. *See infra* Part III.C.

26. Marie-Claire Cordonier Segger, *The Role of International Forums in the Advancement of Sustainable Development*, 10 SUSTAINABLE DEV. L. & POL'Y 4, 4 (2009).

27. Hari M. Osofsky, *Defining Sustainable Development after Earth Summit 2002*, 26 LOY. L.A. INT'L & COMP. L. REV. 111, 112 (2003); Luis A. Aviles, *Sustainable Development and the Legal Protection of the Environment in Europe*, 12 SUSTAINABLE DEV. L. & POL'Y 29, 29 (2012).

28. BIRNIE ET AL., *supra* note 2, at 55.

29. Brundtland Comm'n, Report of the World Commission on Environmental & Development: Our Common Future, ch. 2, ¶ 1, U.N. Doc. A/42/427 (Oct. 1987) [hereinafter Brundtland Report].

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concept is anthropocentric rather than ecocentric,³⁰ it emphasizes the needs of human beings³¹ rather than focusing on the needs of the ecosystem as a whole.³²

When the modern era of international environmental law began at the 1972 Stockholm Conference on the Human Environment (“Stockholm Conference”), the concept of sustainable development was just emerging in the international community.³³ The Stockholm Conference produced the Stockholm Declaration on the Human Environment (“Stockholm Declaration”).³⁴ Even though the Stockholm Declaration was “soft law,” in that it did not have a binding effect,³⁵ it struck a balance between the needs of developing and developed countries³⁶ and set the tone for international environmental policies in the years to come.³⁷

For example, Principles 13 and 14 incorporate components of environmental protection in development planning by urging states to adopt rational planning techniques that consider the environment.³⁸ Furthermore, Principles 8 and 9 recognize the importance of economic and social development in developing countries and call for financial and technological transfers to assist developing countries in their sustainable development efforts.³⁹ Additionally, under the Stockholm Declaration, all countries continue to have an obligation to conserve the environment for future generations.⁴⁰ Yet, the highlight of the Stockholm Declaration is Principle 21, which grants countries the right to exploit their natural resources to further environmental policies so long as they do not cause environmental harm outside of their borders.⁴¹ Principle 21 has been well received and now reflects customary international law.⁴²

30. Osofsky, *supra* note 27, at 118.

31. *E.g., id.* at 111.

32. *E.g., id.*; *see also* Aviles, *supra* note 27, at 29.

33. The phrase sustainable development was not used until the Brundtland Commission issued “Our Common Future” in 1987. *See* Brundtland Report, *supra* note 29; *see also* Aviles, *supra* note 27, at 29.

34. United Nations Conference on the Human Environment, Stockholm, Swed., June 5-16, 1972, *Declaration of the United Nations Conference on the Human Environment*, U.N. Doc. A/CONF G.48/14/rev.1 [hereinafter *Stockholm Declaration*].

35. Kelly, *supra* note 6, at 451.

36. *See generally* *Stockholm Declaration*, *supra* note 34.

37. Kelly, *supra* note 6, at 451.

38. “States should adopt an integrated and coordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment.” *Stockholm Declaration*, *supra* note 34, at princ. 13. “Rational planning constitutes an essential tool for reconciling any conflict between the needs of development and the need to protect and improve the environment.” *Id.* at princ. 14.

39. *Id.* at princ. 8–9.

40. *Id.* at princ. 1–5.

41. *Id.* at princ. 21.

42. Bradford Mank, *Can Plaintiffs Use Multinational Environmental Treaties as Customary International Law to Sue Under the Alien Tort Statute?*, 2007 UTAH L. REV. 1085, 1148 (2007). *See also* Kelly, *supra* note 6, at 451.

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The concept of sustainable development finds its roots in the Brundtland Report.⁴³ Following the Stockholm Conference, the World Commission on Environment and Development issued the Brundtland Report in 1987.⁴⁴ The Brundtland Report was the first to use the term “sustainable development.”⁴⁵ Like the approach taken under the Stockholm Declaration, the Brundtland Report recommends that sustainable development adopt a balancing approach in furthering environmental protection and economic development.⁴⁶ It defines sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”⁴⁷ Under this definition, sustainable development is a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations.⁴⁸ This balancing approach was then put into effect a few years later at UNCED.⁴⁹

In 1992, countries from around the world gathered in Rio de Janeiro, Brazil for UNCED. UNCED made sustainable development a “leading concept of international environmental policy.”⁵⁰ Two of the primary documents responsible for this result were the Rio Declaration on Environment and Development (“Rio Declaration”)⁵¹ and Agenda 21.⁵²

These documents attempted to balance the needs of both developing and developed countries; however, they tipped the balance in favor of economic development.⁵³ Most notably, Principle 21 of the Stockholm Declaration, which allowed countries to exploit their own natural resources as long as their actions did not cause environmental harm beyond their borders,⁵⁴ was reaffirmed in Principle 2 of the Rio Declaration.⁵⁵ However, Principle 2 goes one step further and allows countries to exploit their natural resources, not only for environmental objectives, but for economic development as well.⁵⁶ This shift in the power struggle between economic development and environmental protection has

43. Brundtland Report, *supra* note 29.

44. *Id.*

45. BIRNIE ET AL., *supra* note 2, at 50.

46. *See* Brundtland Report, *supra* note 29.

47. *Id.*

48. *Id.* at ¶ 15.

49. *See generally* Rio Declaration, *supra* note 4; *see generally* Agenda 21, *supra* note 5.

50. BIRNIE ET AL., *supra* note 2, at 53.

51. *See generally* Rio Declaration, *supra* note 4.

52. *See generally* Agenda 21, *supra* note 5.

53. Kelly, *supra* note 6, at 453.

54. Stockholm Declaration, *supra* note 34, at princ. 21.

55. Rio Declaration, *supra* note 4, at princ. 2; BIRNIE ET AL., *supra* note 2, at 55.

56. Rio Declaration, *supra* note 4, at princ. 21; PHILIPPE SANDS & JACQUELINE PEEL, PRINCIPLES OF INTERNATIONAL ENVIRONMENTAL LAW 42 (3d ed. 2012).

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continued to favor economic development at the expense of environmental protection ever since.⁵⁷

Ten years later, sustainable development had taken a backseat on the international agenda. In 2002, the United Nations convened the World Summit on Sustainable Development in Johannesburg, South Africa. WSSD's main contribution to the sustainable development regime was adding a third pillar to the concept of sustainable development.⁵⁸ Along with environmental protection and economic development, social development became a recognized element of sustainable development.⁵⁹ Despite this contribution, WSSD was seen as a disappointment overall.⁶⁰ The outcome documents of WSSD—the Declaration on Sustainable Development⁶¹ and the Plan of Implementation⁶²—are relatively weak compared to the Rio Declaration,⁶³ in that they do not set forth any new principles, nor do they establish a plan for the future.⁶⁴ As a result, sustainable development, and international environmental law in general, were no longer seen as priorities for the international community.⁶⁵

After WSSD, proponents for getting sustainable development back on the global radar stressed that what was needed was “implementation of the Rio instruments and more progress towards the goals already agreed” upon by the international community.⁶⁶ International leaders approached Rio+20 in June 2012 with the achievements and problems of previous environmental conferences in mind.⁶⁷

B. Developing and Developed Countries

Underlying all of these international conferences on sustainable development is the sharp tension between developing and developed countries, due to their divergent viewpoints on how to approach sustainable development.⁶⁸ These

57. See Todd B. Adams, *Is There A Legal Future For Sustainable Development in Global Warming? Justice, Economics, and Protecting the Environment*, 16 GEO. INT'L ENVTL. L. REV. 77, 100 (2003).

58. Osofsky, *supra* note 27, at 123.

59. *Id.*

60. BIRNIE ET AL., *supra* note 2, at 53.

61. World Summit on Sustainable Development, Johannesburg, S. Afr., Sept. 2-4, 2002, *Johannesburg Declaration on Sustainable Development*, U.N. Doc. A/CONF.199/20.

62. Plan of Implementation of the World Summit on Sustainable Development, A/CONF.199/20 (Sept. 4, 2002).

63. BIRNIE ET AL., *supra* note 2, at 53.

64. *Id.*

65. *Id.* (finding “environmental issues have once again become peripheral concerns of global governance”).

66. *Id.*

67. See *Institutional Framework for Sustainable Development*, RIO+20 UNITED NATIONS CONFERENCE ON SUSTAINABLE DEVELOPMENT, <http://www.uncsd2012.org/index.php?page=view&type=12&nr=228&menu=63> (last visited Sept. 21, 2013).

68. Kelly, *supra* note 6, at 454–55.

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remarkably different perspectives have led to the tension between the two groups as they struggle to define and implement sustainable development.⁶⁹ The tension can be seen most recently in the negotiations and outcomes of the Rio+20 Conference.⁷⁰ This section explores the views of and differences between developing and developed countries.

1. Perspective of Developing Countries

Leadership in developing countries is primarily concerned with upward mobility, sovereignty, the costs of sustainable development, and the causes of environmental degradation.⁷¹ Developing countries approach sustainable development from the viewpoint of a need within their countries for socio-economic upward mobility.⁷² It is difficult for leaders in these countries to prioritize the environment when other domestic issues, such as poverty and hunger, are left unresolved, and the country could benefit from exploiting natural resources.⁷³ Unlike in developed countries, one of the main causes of environmental degradation in developing countries is poverty.⁷⁴ Therefore, developing countries view development as a way of helping their countries overcome these problems.⁷⁵ This often results in prioritizing development over environmental protection.⁷⁶ Thus, the underlying problem of poverty must be addressed for sustainable development to become practicable for developing countries.⁷⁷

Likewise, sovereignty is a major concern for leaders in developing countries in approaching negotiations for sustainable development.⁷⁸ Many leaders in developing countries are fearful and resentful of encroachment by developed countries into their internal, domestic environmental policies.⁷⁹ Thus, they stress the importance of doctrines like those found in Principle 21 of the Stockholm Declaration⁸⁰ and Principle 2 of the Rio Declaration⁸¹ that allow them to exploit

69. *Id.* at 455.

70. *See generally* United Nations Conference on Sustainable Development, Rio de Janeiro, Braz., June 20-22, 2012, *Report of the United Nations Conference on Sustainable Development*, U.N. Doc. A/CONF.216/16.

71. *See* Kelly, *supra* note 6, at 454–56.

72. *Id.* at 454.

73. *Id.* at 455.

74. Osofsky, *supra* note 27, at 115.

75. *See* Kelly, *supra* note 6, at 455–56.

76. *See id.*

77. This is part of the rationale behind emphasizing the green economy in light of sustainable development and poverty eradication as a theme of Rio+20. *See id.*

78. *See id.*

79. *E.g., id.* at 455.

80. *Stockholm Declaration*, *supra* note 34, at princ. 21.

81. *Rio Declaration*, *supra* note 4, at princ. 2.

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their natural resources as long as it does not cause environmental harm beyond their borders.⁸²

There is also tension between developing and developed countries over the costs and burdens of sustainable development.⁸³ Developing countries believe that since developed countries have historically been responsible for causing environmental degradation themselves, developed countries should bear more of the costs and burdens of sustainable development than developing countries.⁸⁴ Similarly, since part of the reason developed countries were able to prosper in the first place was because they exploited their natural resources,⁸⁵ leaders of developing countries often are unsympathetic when developed countries urge them to forego the same exploitation process.⁸⁶ In fact, leaders in developing countries find this proposition fundamentally unfair.⁸⁷

There is also tension over what is more harmful to the environment: overpopulation or overconsumption.⁸⁸ People in developing countries tend to believe overconsumption causes more harm.⁸⁹ Thus, developed countries with higher per capita consumption⁹⁰ cause more harm, and should bear a greater share of the costs and burdens of sustainable development.⁹¹ This is in sharp contrast to the views of leaders in developed countries that tend to believe overpopulation causes more environmental harm.⁹² Accordingly, they believe developing countries with higher population growth⁹³ should share in the costs and burdens of sustainable development.⁹⁴

The negotiations at UNCED provide an example of how developing countries have approached sustainable development in constructing international environmental law. These countries will typically bind together as a group to combat the influence of wealthier, more politically powerful, developed countries.⁹⁵ At UNCED, developing countries approached sustainable

82. *Id.*

83. BIRNIE ET AL., *supra* note 2, at 51.

84. *See* Osofsky, *supra* note 27, at 115; *see also* BIRNIE ET AL., *supra* note 2, at 51.

85. Osofsky, *supra* note 27, at 115; Kelly, *supra* note 6, at 455.

86. Osofsky, *supra* note 27, at 115; Kelly, *supra* note 6, at 454.

87. Osofsky, *supra* note 27, at 115; Kelly, *supra* note 6, at 454.

88. *See* Osofsky, *supra* note 27, at 115. *See infra* Part IV.B for a discussion on how developed countries approach this question.

89. *See* Osofsky, *supra* note 27, at 115.

90. *See id.*

91. *See id.*

92. *See id.*

93. *See id.*

94. *See id.*

95. *E.g.*, BIRNIE ET AL., *supra* note 2, at 50–51 (notably, developing countries were not able to act as a group on the topic of climate change due to their unique geographic features, which result in different impacts from climate change. However, these concerns about climate change do not invade developing countries' approach to addressing sustainable development as a group).

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development with an emphasis on creating long-term goals and policies.⁹⁶ As a group, developing countries were also concerned about encroachment on sovereignty within their territories,⁹⁷ as reflected in the Rio Declaration⁹⁸ and Agenda 21.⁹⁹ Because of this concern, leaders of developing countries resisted any approach to sustainable development that might threaten their right to exploit their natural resources.¹⁰⁰ This ultimately resulted in reaffirming Principle 21 of the Stockholm Declaration,¹⁰¹ which allows countries to exploit their own resources to further domestic environmental policies and goals, with the limitation that they must refrain from causing harm beyond their borders.¹⁰²

UNCED also addressed developing countries' view that they should not share as much of a burden as developed countries in sustainable development by calling for technology transfers from developed to developing countries.¹⁰³ By placing the burden on developed countries, this solution was a way to make it easier for developing countries to meet sustainability goals because they would not be required to invest in a more expensive infrastructure to pursue sustainable development.¹⁰⁴ When this assistance is implemented effectively, it also helps offset the feeling that sovereignty is being infringed upon because developed countries are being helped to gain technology that produces less of a negative impact on the environment.¹⁰⁵ It was with this precedent and concern about upward mobility, sovereignty, the costs of sustainable development, and the causes of environmental degradation that leaders from developing countries approached Rio+20.¹⁰⁶

2. *Perspective of Developed Countries*

Leadership in developed countries is primarily concerned with sustainable development as a quality of life issue, with environmental degradation being principally caused by overpopulation.¹⁰⁷ Developed countries approach sustainable development from a different starting point than developing countries.¹⁰⁸ Because developed countries are more economically secure, they

96. *Id.* at 51.

97. *Id.*

98. *See Rio Declaration, supra* note 4.

99. *See Agenda 21, supra* note 5, ¶¶ 40.7, 40.19.

100. BIRNIE ET AL., *supra* note 2, at 51.

101. *Stockholm Declaration, supra* note 34, at princ. 21; *Rio Declaration, supra* note 4, at princ. 2.

102. *Stockholm Declaration, supra* note 34, at princ. 21.

103. *Rio Declaration, supra* note 4, at princ. 9; *Agenda 21, supra* note 5, at ¶ 34.

104. *See Rio Declaration, supra* note 4, at princ. 9; *see Agenda 21, supra* note 5, at ¶ 34.4.

105. *See Kelly, supra* note 6, at 454.

106. *See id.*

107. *See id.*

108. *Id.*

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tend to focus on sustainable development as a quality of life issue.¹⁰⁹ Thus, when the environmental movement emerged in developed countries in the late 1960s and early 1970s,¹¹⁰ emphasis was placed more on protecting the earth's natural resources than on economic development.¹¹¹ Ever since, developed countries have traditionally approached sustainable development from an environmental protectionist point of view.¹¹² To this end, sustainable development is seen as an immediate problem, which needs immediate, but not necessarily long-term, solutions.¹¹³ Developing countries generally prioritize long-term goals in sustainable development and do not share this concern.¹¹⁴

In the debate as to whether overpopulation or overconsumption causes more environmental harm, people from developed countries tend to believe overpopulation causes more harm.¹¹⁵ From this perspective, developing countries cause more environmental harm than developed countries because they have rapidly expanding population growth leading to greater consumption of resources compared to developed countries with relatively stable population growth.¹¹⁶ Thus, developing countries should share in the costs and burdens of sustainable development since they are partially responsible for environmental harms.¹¹⁷ Yet, this mindset conflicts with the viewpoint of developing countries, whose leaders believe overconsumption in developed countries causes more harm,¹¹⁸ and consequently developed countries should bear more of the costs and burdens of sustainable development.¹¹⁹

Developed countries approached UNCED from this point of view and were looking for immediate solutions to environmental degradation.¹²⁰ For these countries, environmental protection was the priority.¹²¹ Concerns about environmental protection can be seen throughout the Rio Declaration¹²² and Agenda 21.¹²³ For example, Principle 4 of the Rio Declaration specifically

109. Kelly, *supra* note 6, at 454.

110. E.g., David B. Spence, *Paradox Lost: Logic, Morality, and the Foundations of Environmental Law in the 21st Century*, 20 COLUM. J. ENVTL. L. 145, 145 (1995).

111. See Kelly, *supra* note 6, at 454.

112. *Id.*

113. BIRNIE ET AL., *supra* note 2, at 51.

114. *Id.*

115. Osofsky, *supra* note 27, at 115.

116. *Id.*

117. See *id.*

118. *Id.*

119. *Id.*

120. BIRNIE ET AL., *supra* note 2, at 51.

121. E.g., Kelly, *supra* note 6, at 454.

122. E.g., *Rio Declaration*, *supra* note 4, at princ. 4.

123. E.g., Agenda 21, *supra* note 5, at ¶ 16.20 (“[e]nvironmental protection is an integral component of sustainable development.”).

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stressed that “environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.”¹²⁴

Furthermore, the position from which developed countries approach sustainable development as a quality of life issue was also seen in the Rio Declaration¹²⁵ and Agenda 21.¹²⁶ For instance, Agenda 21 noted that sustainable development should address environmental concerns from a holistic point of view that included improving the quality of life for all.¹²⁷

Emphasis on overpopulation as the main cause for environmental degradation also took root at UNCED.¹²⁸ In particular, Agenda 21 recognized that population growth adds stress to life-supporting natural resources,¹²⁹ that population programs are needed to aid sustainable development,¹³⁰ and that sustainable development policies should reflect the consequences of population growth.¹³¹ It was from this starting point with concerns about quality of life and overpopulation that developed countries approached Rio+20.

III. RIO+20

Rio+20 was held between June 20 and 22, 2012 in Rio de Janeiro, Brazil under a remarkably different political climate than UNCED held twenty years earlier.¹³² Specifically, the recent financial and economic crises influenced the choices and motivations of policymakers.¹³³ Looming in the background was the belief that the sustainable development regime needed improvement because current development and economic policies were largely responsible for many of the world’s social, environmental, and economic problems.¹³⁴ Still other policymakers went into Rio+20 with a political climate urging them to scale back

124. *Rio Declaration*, *supra* note 4, at princ. 4.

125. *E.g.*, *Rio Declaration*, *supra* note 4, at princ. 8 (“[t]o achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.”).

126. *E.g.*, Agenda 21, *supra* note 5, at ¶¶ 5.16, 5.43.

127. Agenda 21, *supra* note 5, at ¶ 5.16.

128. *See, e.g.*, Agenda 21, *supra* note 5, at ¶¶ 5.16, 5.3, 5.43; *see also Rio Declaration*, *supra* note 4, at princ. 8 (“[s]tates should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.”).

129. Agenda 21, *supra* note 5, at ¶ 5.3.

130. *Id.* at ¶ 5.43.

131. *Id.* at ¶ 5.16.

132. Roger Martella & Kim Smaczniak, *Introduction to Rio + 20: A Reflection on Progress since the First Earth Summit and the Opportunities that Lie Ahead*, 12 SUSTAINABLE DEV. L. & POL’Y 4, 6 (2012).

133. *Id.*

134. J.C. Suresh, *UN Stresses Role of Science for Peace and Development*, IDN-INDEPTHNEWS (Nov. 10, 2012), <http://www.indepthnews.info/index.php/global-issues/1256-un-stresses-role-of-science-for-peace-and-development>.

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on “international support, rather than [increase] financial or other commitments of resources toward sustainable development.”¹³⁵

Also menacing ominously in the background was the fact that little progress had been achieved in regard to advancing sustainable development since UNCED.¹³⁶ The sustainable development paradigm was seen as too fragmented; it lacked coordination and had problems with enforcement, efficiency, and engagement of non-state actors.¹³⁷ Part of the objective of Rio+20, as the twenty-year follow-up to UNCED, was to renew past commitments to sustainable development, assess progress, identify implementation gaps, and address new challenges in the sustainable development field.¹³⁸ Unfortunately, Rio+20 ultimately failed to address these concerns.¹³⁹

A. Outcomes

The outcomes of Rio+20 reflect the needs of developing countries at the expense of the views of developed countries.¹⁴⁰ The outcome document for Rio+20 is entitled “The Future We Want.”¹⁴¹ The conference adopted the themes of developing a global green economy and reforming the institutional framework for sustainable development.¹⁴² In particular, the conference sought to begin the process of establishing sustainable development goals, developing a framework for implementing the green economy, and establishing sustainability reporting measures in industry.¹⁴³ Commitments contained in “The Future We Want” cover a wide range of areas including jobs, energy, urbanization, food security, water, oceans, and readiness for natural disasters.¹⁴⁴ All commitments stated within the document are voluntary, and the document has no binding effect.¹⁴⁵

One of the key outcomes of the conference was recognizing that little had been done since UNCED to advance sustainable development.¹⁴⁶ To begin to address problems with sustainable development, the outcome document sought to

135. Martella & Smaczniak, *supra* note 132, at 6.

136. Aviles, *supra* note 27, at 31.

137. Martella & Smaczniak, *supra* at note 132, at 6.

138. Marianne Kettunen & Patrick ten Brink, *Nature, Green Economy and Sustainable Development: The Outcomes of UN Rio+20 Conference on Sustainable Development*, NATURE CONSERVATION, Aug. 24, 2012, at 1, available at <http://www.pensoft.net/journals/natureconservation/article/3704/>.

139. *See infra* Part III.B.

140. *See infra* Part III.A.i–ii.

141. The Future We Want, *supra* note 14.

142. *Id.* at ¶ 12, 19; Kettunen & ten Brink, *supra* note 138, at 1–2.

143. *UN Experts Call for More Protection of Human Rights of Vulnerable Groups Affected by Business Activities*, UN NEWS CENTRE (Nov. 3, 2012), <http://www.un.org/apps/news/story.asp?NewsID=43412&Cr=business&Cr1=>.

144. Kettunen & ten Brink, *supra* note 138, at 2.

145. The Future We Want, *supra* note 14, at ¶ 283; Kettunen & ten Brink, *supra* note 138, at 4.

146. The Future We Want, *supra* note 14, at ¶ 20; Kettunen & ten Brink, *supra* note 138, at 2.

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reaffirm previous commitments.¹⁴⁷ Thus, paragraph 1 states that the parties “renew [their] 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.”¹⁴⁸ In the same vein, the parties made additional commitments to address implementation gaps from previous conferences.¹⁴⁹

Overall, “The Future We Want” largely reflects the views of developing countries at the expense of the views of developed countries.¹⁵⁰ This is evident in the numerous times developing countries are mentioned in the outcome document, how the themes of the conference were addressed, the topics covered, and responses by these groups to the outcome document.¹⁵¹ This section will first address how the outcome document exemplifies the views of developing countries, and then it will discuss how the perspective of developed countries was missing from “The Future We Want.”

1. Reflecting the Views of Developing Countries

The views of developing countries predominate throughout every section of “The Future We Want.”¹⁵² The sheer number of times developing countries are mentioned, especially unnecessarily, is one way that the outcome document subliminally favors the views of developing countries.¹⁵³ In fact, developing countries are specifically referred to over one hundred times throughout the document.¹⁵⁴ Paragraph 11 provides a typical example of how developing countries are referred to in “The Future We Want.” Paragraph 11 reaffirms commitments “to strengthen international cooperation to address challenges related to sustainable development for all, in particular in developing countries.”¹⁵⁵ Like the reference in paragraph 11, singling out developing countries is unnecessary and overly excessive the majority of the time they are mentioned in “The Future We Want.”¹⁵⁶ It is unnecessary and excessive because when a principle applies to all countries, the document makes a point of stating that it should apply particularly to developing countries.¹⁵⁷ For instance, paragraph 19 states that the parties “affirm the continued need for the full and

147. The Future We Want, *supra* note 14, at ¶¶ 1, 14–18.

148. *Id.* at ¶ 1.

149. *Id.* at ¶ 104.

150. *See infra* Part III.A.1–2.

151. *See infra* Part III.A.1–2.

152. *See generally* The Future We Want, *supra* note 14.

153. *See generally id.*

154. *See id.*

155. *Id.* at ¶ 11.

156. *See, e.g., id.* at ¶¶ 19, 20, 25, 91, 128, 190, 205, 227, 253.

157. *E.g., id.*

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effective participation of all countries, in particular developing countries, in global decision-making.”¹⁵⁸ Yet, if the participation of *all* countries is necessary, then there is no need to single out developing countries, and the insertion is superfluous. As a further example, consider paragraph 20, which acknowledges that part of the reason for little progress in advancing sustainable development since 1992 has to do with new crises that have hampered “all countries, in particular developing countries.”¹⁵⁹ If the crises hindered sustainable development efforts in all countries, then why was it necessary or even appropriate to add that this was so particularly in developing countries?

Additionally, the theme of developing a global green economy in the context of sustainable development and poverty eradication further evidences that Rio+20 favors developing countries. The green economy is envisioned as “a low carbon, resource efficient and socially inclusive economy that aims to improve human well-being and social equity while significantly reducing environmental risks and ecological scarcities.”¹⁶⁰

“The Future We Want” seeks to implement a global green economy by allowing countries to adopt different approaches on how to make the green economy a reality.¹⁶¹ In other words, there “should not be a rigid set of rules” for putting the green economy into effect.¹⁶² Instead, each country can choose a path that is appropriate with its own domestic sustainable development policies.¹⁶³

Part of the reason behind the lack of concrete specifications of the green economy is that the terms “sustainable development,”¹⁶⁴ and “green economy” lack universally agreed upon definitions.¹⁶⁵ Thus, the G-77 Group and China have found the term “green economy” to be “undefined and ambiguous.”¹⁶⁶ This ambiguity has led to two opposing views on how to think about the green economy.¹⁶⁷ Leaders from developed countries envision the green economy as a way to “transition to a cleaner and more resource-efficient economy.”¹⁶⁸ Leaders in developing countries, however, see the green economy as a means of “green growth” that will allow their countries to prosper while using less environmentally harmful business practices.¹⁶⁹

158. The Future We Want, *supra* note 14, at ¶ 19.

159. *Id.* at ¶ 20.

160. Kettunen & ten Brink, *supra* note 138, at 2.

161. The Future We Want, *supra* note 14, at ¶ 56.

162. *Id.*

163. *Id.* at ¶ 59.

164. Osofsky, *supra* note 27, at 112.

165. Horner, *supra* note 13, at 62.

166. *Id.*

167. *Id.*

168. *Id.* at 63.

169. *At UN-backed Conference, African Countries Adopt Sustainable Development Measures*, UN NEWS CENTRE (Sept. 14, 2012), <http://www.un.org/apps/news/story.asp?NewsID=42897&Cr=sustainable+development&Cr1=>. See also Horner, *supra* note 13, at 63.

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The lack of definitions and conflicting visions ultimately favors developing countries because some leaders in developing countries are antagonistic towards the concept of a global green economy.¹⁷⁰ For example, Venezuela resents the concept of the green economy and even refers to it as “green capitalism.”¹⁷¹ Bolivia also epitomizes the hostility of developing countries towards the concept of a green economy by stressing that, ultimately, countries should consider that “the green of nature prevails over the green of money and profit.”¹⁷² Without agreement on how to advance the concept of a green economy, Rio+20 favors developing countries because it prevents developed countries from implementing concepts that developing countries vehemently oppose.¹⁷³

“The Future We Want” also aims at eradicating poverty.¹⁷⁴ “The Future We Want” follows past outcome documents like the Rio Declaration,¹⁷⁵ which recognized the need to eradicate poverty as a requirement for sustainable development.¹⁷⁶ Yet, unlike past outcome documents, the emphasis on eradicating poverty is at the forefront; in fact, poverty is mentioned over fifty times in “The Future We Want.”¹⁷⁷ This was an important aspect of the outcome document for developing countries because poverty has been a major obstacle to fully implementing sustainable development practices in the past.¹⁷⁸ As discussed previously,¹⁷⁹ leaders of developing countries find it difficult to prioritize sustainable development when exploitation of their natural resources can be used as a tool for social-economic upward-mobility.¹⁸⁰ Accordingly, leaders acknowledge in “The Future We Want” that poverty “is the greatest global challenge facing the world today”¹⁸¹ and stress “the importance of supporting developing countries in their efforts to eradicate poverty.”¹⁸² This emphasis on poverty suggests the outcome document favors developing countries since reducing poverty helps them gain the ability to participate in sustainable development efforts, which is not an obstacle for developed nations.¹⁸³

170. Horner, *supra* note 13, at 62.

171. *Id.*

172. *Id.*

173. Osofsky, *supra* note 27, at 122.

174. The Future We Want, *supra* note 14, at ¶ 12.

175. *Id.* at ¶ 15.

176. Rio Declaration, *supra* note 4, at princ. 5.

177. *See generally* The Future We Want, *supra* note 14. Note that the Rio Declaration only mentions poverty once. Rio Declaration, *supra* note 4, at Principle 5.

178. *E.g.*, Osofsky, *supra* note 27, at 123–24 (referring to Agenda 21).

179. *See supra* Part II.B.1.

180. *See Kelly, supra* note 6, at 455.

181. The Future We Want, *supra* note 14, at ¶ 2. “Poverty eradication, changing unsustainable and promoting sustainable patterns of consumption and production and protecting and managing the natural resource base of economic and social development are the overarching objectives of and essential requirements for sustainable development.” *Id.* at ¶ 4.

182. *Id.* at ¶ 23.

183. *See Kelly, supra* note 6, at 455.

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Moreover, the outcome document prioritizes the needs of developing countries by calling for technology transfers from developed to developing countries.¹⁸⁴ Developing countries generally support technology transfers.¹⁸⁵ The transfers make it easier for developing countries to meet sustainability goals because they do not have to invest in expensive infrastructure.¹⁸⁶ “The Future We Want” specifically points out the importance of technology transfers from developed to developing countries¹⁸⁷ as a means of closing the technology gap between the two groups.¹⁸⁸ Despite this call for action, the outcome document contains little guidance regarding which technologies should be transferred¹⁸⁹ and, at best, encourages voluntary donations from the international community.¹⁹⁰ Leaders of many developing countries see the emphasis on technology transfers as a victory.¹⁹¹ For example, the Democratic People’s Republic of Korea wants to use “The Future We Want” as a tool for facilitating technology transfers from developed to developing countries in the future.¹⁹² Yet if technology transfers were called for in the past and did not occur,¹⁹³ why would Rio+20 be any different?

Moreover, “The Future We Want” favors developing countries by respecting their concerns about sovereignty within their borders.¹⁹⁴ Like the Stockholm and the Rio Declarations,¹⁹⁵ “The Future We Want” adopts the policy of respecting national sovereignty to the extent that each country is entitled to exploit its own natural resources.¹⁹⁶ This is an important component of the document because leadership in developing countries is fearful of encroachment by developed

184. The Future We Want, *supra* note 14, at ¶¶ 73–74 (“the efforts of developing countries that choose to implement green economy policies . . . should be supported through technical and technological assistance.”).

185. Matthew Burns, Comment, *A Sustainable Framework for International Green Technology Transfer*, 23 COLO. J. INT’L ENVTL. L. & POL’Y 405, 411–12 (2012).

186. *See supra* Part II.B.1.

187. *E.g.*, The Future We Want, *supra* note 14, at ¶ 73.

188. *See id.* at ¶ 48.

189. *Id.* at ¶ 187.

190. *Id.* at ¶¶ 19, 48, 73, 74, 187, 191.

191. *See UNGA Debate Speakers Urge Post-2015 Cohesiveness, Rio+20 Implementation*, SUSTAINABLE DEVELOPMENT POLICY & PRACTICE, (Oct. 1, 2012), <http://uncsd.iisd.org/news/unga-debate-speakers-urge-post-2015-cohesiveness-rio20-implementation/158364/> [hereinafter: *UNGA Debate Speakers*]; *see, e.g.*, *Advancing Internet Access in Developing Countries Can Help Achieve Sustainable Economies—UN official*, UN NEWS CENTRE, (Nov. 9, 2012), [http://www.un.org/apps/news/story.asp?NewsID=43459&Cr=internet&Cr1=\(Haiyan Qian, Director of the Division for Public Administration and Development Management of the United Nations Department of Economic and Social Affairs, believes technology transfers will help developing countries with economic growth.\)](http://www.un.org/apps/news/story.asp?NewsID=43459&Cr=internet&Cr1=(Haiyan+Qian,+Director+of+the+Division+for+Public+Administration+and+Development+Management+of+the+United+Nations+Department+of+Economic+and+Social+Affairs,+believes+technology+transfers+will+help+developing+countries+with+economic+growth.))

192. *UNGA Debate Speakers*, *supra* note 191.

193. *See, e.g.*, *Rio Declaration*, *supra* note 4, at princ. 9.

194. Kettunen & ten Brink, *supra* note 138, at 2. *See also supra* Part II.B.1 (regarding leaders of developing countries concerns about sovereignty).

195. Kettunen & ten Brink, *supra* note 138; *Stockholm Declaration*, *supra* note 34, at princ. 21; *Rio Declaration*, *supra* note 4, at princ. 2.

196. The Future We Want, *supra* note 14, at ¶ 58; Kettunen & ten Brink, *supra* note 138, at 2.

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countries into their domestic environmental programs.¹⁹⁷ Thus, respect for sovereignty is yet another way “The Future We Want” favors the views of developing countries.¹⁹⁸ Therefore, given the contents of “The Future We Want,” the views of developing countries were prioritized at Rio+20.¹⁹⁹

2. *The Missing Viewpoint*

The views of developed countries on sustainable development are largely absent from “The Future We Want.”²⁰⁰ This can be seen from the number of times developed countries are mentioned, when they are mentioned, the issues covered in the document,²⁰¹ and participation by leaders of developed countries at Rio+20.²⁰²

The absence of the views of developed countries can be seen from the number of times and the context in which developed countries are mentioned in “The Future We Want.”²⁰³ Compared to developing countries, which were mentioned over one hundred times, developed countries are mentioned specifically only about ten times.²⁰⁴ A typical example of when developed countries are specifically referred to can be found in paragraph 48, which recognizes the need to work together in closing the technology gap between developed and developing countries.²⁰⁵ Although it is true that previous outcome documents such as the Rio Declaration, rarely singled out developed countries, they also did not single out developing countries as much.²⁰⁶ For example, the Rio Declaration only mentioned developed countries once,²⁰⁷ yet it also only mentioned developing countries twice.²⁰⁸ The newfound disproportionality in “The Future We Want” illustrates but one way the views of developing countries are given precedence over those of developed countries.²⁰⁹

Furthermore, as can be seen in the example above, when developed countries are mentioned, it is mostly in the context of how they can be used as tools to aid developing countries with funding and technology transfers.²¹⁰ As another example, consider paragraph 258, which demonstrates an instance where

197. See Kelly, *supra* note 6, at 454–55.

198. See *supra* Part III.A.i.

199. See *supra* Part III.A.

200. See generally The Future We Want, *supra* note 14.

201. See generally *id.*

202. Kettunen & ten Brink, *supra* note 138, at 2.

203. See generally The Future We Want, *supra* note 14.

204. See generally *id.*

205. *Id.* at ¶ 48.

206. See generally Rio Declaration, *supra* note 4.

207. *Id.* at princ. 7.

208. *Id.* at princs. 6, 11.

209. See *supra* Part III.A.ii.

210. E.g., The Future We Want, *supra* note 14, at ¶ 258.

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developed countries are singled out.²¹¹ This paragraph calls for developed countries to keep previous commitments to devote 0.7 percent of their gross national product to assist developing countries, and 0.15 to 0.2 percent to assist least developed countries by 2015.²¹² Yet developed countries generally are opposed to new commitments for funding and technology transfers.²¹³ For example, the United States opposed such commitments as an outcome from Rio+20.²¹⁴ Since developed countries are principally only mentioned in the context of what they can do for developing countries, the outcome document favors developing countries by prioritizing their need for assistance over the needs of developed countries.²¹⁵

The issues covered within “The Future We Want” also demonstrate how the document reflects the views of developing countries at the expense of developed countries.²¹⁶ The approach to population growth and quality of life issues are illustrative of the missing viewpoint of developed countries.²¹⁷ As discussed above,²¹⁸ developed countries see increased population growth in developing countries as a primary cause for environmental degradation.²¹⁹ Leaders of developed countries were able to work this concern into past documents such as Agenda 21, which recognized the problem of overpopulation.²²⁰ They called for the development of population programs²²¹ and forwarded a policy of considering the consequences of overpopulation in sustainable development efforts.²²² However, “The Future We Want” glosses over this concern by failing to acknowledge population growth as a problem for environmental degradation²²³ and merely acknowledging that there is an increased need for sustainable development because “the world’s population [is] projected to exceed 9 billion by 2050.”²²⁴ Therefore, the missing viewpoint of developed countries on overpopulation as a major cause of environmental harm is a substantial flaw in “The Future We Want.”²²⁵

211. *Id.*

212. *Id.*

213. *See, e.g.,* JANE A. LEGGETT & NICOLE T. CARTER, CONG. RESEARCH SERV., R42573, RIO+20: THE UNITED NATIONS CONFERENCE ON SUSTAINABLE DEVELOPMENT (2012).

214. *Id.*

215. *See supra* Part III.A.2.

216. *See generally* The Future We Want, *supra* note 14.

217. *Id.* at ¶¶ 21, 30.

218. *See supra* Part II.B.2.

219. Osofsky, *supra* note 27, at 115.

220. Agenda 21, *supra* note 5, at ¶ 5.3.

221. *Id.* at ¶ 5.43.

222. *Id.* at ¶ 5.16.

223. *See generally* The Future We Want, *supra* note 14.

224. *Id.* at ¶ 21.

225. *See supra* Part III.A.2.

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Moreover, “The Future We Want” fails to consider sustainable development as a quality of life issue.²²⁶ Unlike previous agreements that specifically refer to sustainable development in the context of quality of life,²²⁷ “The Future We Want” does not contain any statements referring to sustainable development as a quality of life issue.²²⁸ To be fair, it does refer to issues such as poverty, which are encompassed within a broader definition of the quality of life concept,²²⁹ but it does not mention quality of life specifically like the Rio Declaration²³⁰ or Agenda 21.²³¹ The Rio Declaration explicitly envisioned sustainable development as a means of achieving a higher quality of life in Principle 8.²³² Likewise, Agenda 21 stressed how sustainable development could be used as a means of achieving a higher quality of life for all.²³³ The absence of a corresponding principle in “The Future We Want”²³⁴ demonstrates yet another way the viewpoint of developed countries was missing from Rio+20.

Part of the reason for the missing viewpoint is likely because some major developed countries did not heavily participate in Rio+20.²³⁵ For example, prominent leaders of developed countries, such as U.S. President Barack Obama, U.K. Prime Minister David Cameron, and German Chancellor Angela Merkel, chose not to attend the conference.²³⁶ Without these leaders, it is not surprising the views of developed countries were missing from “The Future We Want.” Given the missing viewpoint, the one-sided outcome document was bound to be a failure since it marked the lack of consensus and cooperation between developed and developing countries.²³⁷

B. Successes and Failures

Although Rio+20 had a few successes, they have largely been overshadowed by its perceived failures.²³⁸ Some categorize Rio+20 as a success because it was able to attract a large number and variety of participants.²³⁹ The participants also

226. See generally *The Future We Want*, *supra* note 14.

227. E.g., *Rio Declaration*, *supra* note 4, at princ. 8.

228. See generally *The Future We Want*, *supra* note 14.

229. See *supra* Part III.A.1.

230. *Rio Declaration*, *supra* note 4, at princ. 8.

231. Agenda 21, *supra* note 5, at ¶¶ 5.16, 5.43.

232. *Rio Declaration*, *supra* note 4, at princ. 8.

233. Agenda 21, *supra* note 5, at ¶¶ 5.16, 5.43.

234. See *supra* Part III.A.2.

235. Horner, *supra* note 13, at 60.

236. Polly Botsford, *Environmental Law Gets Radical*, 66 NO. 5 IBA GLOBAL INSIGHT 34, 37 (2012). See also Horner, *supra* note 13, at 60 (stating President Obama and Prime Minister Cameron did not plan on attending the conference).

237. Kelly, *supra* note 6, at 454.

238. Kettunen & ten Brink, *supra* note 138, at 4.

239. *Id.* at 2.

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took the first step of acknowledging the unresolved problems from previous conferences and recognized the need for “an inclusive, transparent, strengthened and effective multilateral system” to address sustainable development.²⁴⁰ Furthermore, the outcome document identified “the growing gap between what countries need to do, what they have pledged to do, and what they are actually doing.”²⁴¹ This general acknowledgment of the problems and need to further sustainable development is a step forward in the right direction. Therefore, some leaders in developing countries have embraced Rio+20²⁴² and have even moved for “swift implementation” of its commitments.²⁴³ This is not surprising given the contents of the outcome document discussed above.²⁴⁴ Thus, while some developing countries believe Rio+20 did not meet their original expectations,²⁴⁵ they still see it as “a platform for continued discussions on sustainable development.”²⁴⁶ However, Rio+20 marks but one-step on the long journey toward attaining sustainable development.

“The Future We Want” has faced sharp criticism and been viewed as a disappointment by a variety of groups²⁴⁷ that see it as “vague and weak” because of the results caused by the lack of cooperation and consensus between the developed and developing nations.²⁴⁸ For example, environmental and anti-poverty advocates have criticized Rio+20 for lacking the detail and ambition required to address challenges of sustainable development and poverty eradication.²⁴⁹ Additionally, the European Union Environment Commissioner, Janez Potocnik, stressed that Rio+20 “did not lead to all the results [the European Union] hoped for.”²⁵⁰ The Office of the United Nations High Commissioner for

240. *UN Meeting Debates how to Improve Multilateral System for Sustainable Development Aims*, UN NEWS CENTRE (Sept. 24, 2012), <http://www.un.org/apps/news/story.asp?NewsID=42977&Cr=ecosoc&Cr1=>.

241. Tabau, *supra* note 17, at 168.

242. *UNGA Debate Speakers*, *supra* note 191 (the outcome document finds particular support from Angola, the Democratic People’s Republic of Korea, Djibouti, Dominica, Grenada, Oman, Portugal, Sierra Leone, and Sri Lanka among others.).

243. *Id.* (finding Angola favors implementing The Future We Want). *See also Egypt: Minister – Sustainable Development Requires Political Will, Regional Cooperation*, ALL AFRICA (Oct. 5, 2012), <http://allafrica.com/stories/201210060240.html> (finding Arab countries are seeking to implement the recommendations of The Future We Want); *At UN-backed Conference, African Countries Adopt Sustainable Development Measures*, *supra* note 169 (finding over forty African countries are seeking to implement the recommendations of The Future We Want.).

244. *See supra* Part III.A.i.

245. *E.g.*, *UNGA Debate Speakers*, *supra* note 191 (referring to Dominica and Sri Lanka).

246. *Id.*

247. Kettunen & ten Brink, *supra* note 138, at 4.

248. Tabau, *supra* note 17, at 168.

249. *See* Banisar et al., *supra* note 18, at 8 (criticizing Rio+20 for the “lack [of] specificity of what reforms are needed to achieve [the themes], who needs to be involved in decision-making, and how the [themes] will be achieved.”).

250. Martin Banks, *EU Commissioner Admits Rio+20 Failed to Live Up to Expectations*, THE PARLIAMENT (Oct. 1, 2012), <http://www.theparliament.com/latest-news/article/newsarticle/eu-commissioner-admits-rio-20-failed-to-live-up-to-expectations/>.

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Human Rights even released a statement calling Rio+20 a “missed opportunity.”²⁵¹

Some of this criticism stems from the lack of new or detailed plans on how to pursue sustainable development.²⁵² Especially when this is combined with the lack of any timeline for implementation, the outcome document fails to suggest that it will be effective in addressing problems.²⁵³ For example, the parties did not agree on any definition²⁵⁴ or general guidelines for the green economy.²⁵⁵ This is a problem because any effective regime for sustainable development must take “definitional issues into account rather than simply gloss over them,”²⁵⁶ which is precisely what happened in the outcome document.²⁵⁷ Another fundamental problem with “The Future We Want” was the discussion of the two themes of the conference—the green economy and institutional framework for sustainable development—“in isolation of each other.”²⁵⁸ This division suggested that they were somehow mutually exclusive concepts despite critics’ calls for discussion of the themes in combination with each other.²⁵⁹ Nor did “The Future We Want” address other important issues such as “greening” existing systems in the economy,²⁶⁰ removing the economic incentives for exploiting natural resources,²⁶¹ specifying Sustainable Development Goals (“SDGs”),²⁶² or addressing the interaction between human rights and the new green economy.²⁶³ Likewise, Rio+20 has been criticized for appearing to concentrate more on economics than environmental protection.²⁶⁴ Even if some of these problems were fixed, the outcomes of Rio+20 would likely still be seen as weak, simply because all commitments are voluntary²⁶⁵ and the outcome document lacks enforcement mechanisms.²⁶⁶ Overall, “The Future We Want” and Rio+20 have faced sharp criticism in the international community, leaving the future of sustainable development hanging in the balance.

251. *UN Experts Call for More Protection of Human Rights of Vulnerable Groups Affected by Business Activities*, *supra* note 143.

252. Kettunen & ten Brink, *supra* note 138, at 4.

253. *Id.*

254. Banisar et al., *supra* note 18, at 8.

255. *See* Kettunen & ten Brink, *supra* note 138, at 2.

256. Osofsky, *supra* note 27, at 119.

257. *See generally* The Future We Want, *supra* note 14.

258. Banisar et al., *supra* note 18, at 8.

259. *Id.*

260. Kettunen & ten Brink, *supra* note 138, at 3.

261. *Id.*

262. *Id.* at 4.

263. *UN Experts Call for more Protection of Human Rights of Vulnerable Groups Affected by Business Activities*, *supra* note 143.

264. Horner, *supra* note 13, at 61.

265. Kettunen & ten Brink, *supra* note 138, at 4.

266. *Id.*

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C. Future of Sustainable Development in Light of Rio+20

Given the tension between developing and developed countries, the outcomes of Rio+20, and the lack of participation by developed countries at Rio+20, the outlook for the future of sustainable development is bleak.²⁶⁷ United Nations Secretary-General Ban Ki-moon put it best when he said, “Rio+20 has given us a solid platform to build on, and the tools to build with. Now is the time to follow up, to get down to work, to get practical.”²⁶⁸ Fortunately, there is a wide range of interest in sustainable development from countries around the world.²⁶⁹ Yet, there is a growing consensus that the future success of sustainable development does not lie in the hands of international lawmakers, but instead depends on the actions of individual countries, companies, and individual citizens as opposed to agreed-upon collective actions by the international community.²⁷⁰

The Egyptian Minister of State for Environmental Affairs, Moustafa Hussein Kamel, observed how “realizing sustainable development requires political will and regional cooperation.”²⁷¹ Both of these necessary elements were absent at Rio+20.²⁷² “The Future We Want” is correct when it reiterated “the need to work collectively” to achieve sustainable development;²⁷³ however, when major developed countries do not fully participate²⁷⁴ and their views are not captured in an outcome document,²⁷⁵ any outcome is bound to be a failure. What is needed is a conscious choice by the international community to reach an agreement that takes into account the viewpoints of both developing and developed countries.²⁷⁶ Accordingly, future agreements should incorporate issues that are important to these two groups. For example, future agreements should respect the views of both developing and developed countries and look to both overpopulation and overconsumption as causes of environmental degradation that need to be rectified. Reaching this balance is a difficult, but necessary task. Thus, given the current political stance of developing and developed countries, the future of

267. *Id.*

268. *UN Meeting Debates How to Improve Multilateral System for Sustainable Development Aims*, *supra* note 240.

269. Kettunen & ten Brink, *supra* note 138, at 1.

270. *Id.*

271. *Egypt: Minister–Sustainable Development Requires Political Will, Regional Cooperation*, *supra* note 243.

272. *See supra* Parts III.A-B. *See generally* The Future We Want, *supra* note 14.

273. The Future We Want, *supra* note 14, at ¶ 166. *See also* J.C. Suresh, *supra* note 134 (finding a need for collective collaboration within the international community at all levels).

274. Botsford, *supra* note 236, at 37.

275. *See supra* Part III.A.2.

276. *UN Meeting Debates How to Improve Multilateral System for Sustainable Development Aims*, *supra* note 240 (President of United Nations General Assembly Vuk Jeremic stating, “the outcome of the Rio+20 conference highlighted, once again, that more coherence and coordination is required if the diverse challenges we face today are to be decisively and successfully addressed.”).

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sustainable development appears grim unless countries are willing to make the conscious choice to cooperate to further sustainable development efforts.

IV. CONCLUSION

Unfortunately, the tension between developing and developed countries resulted in Rio+20 producing a one-sided outcome document favoring developing countries.²⁷⁷ The views of developed countries were notably absent in the outcomes encompassed in “The Future We Want.”²⁷⁸ This marked a change from previous international environmental agreements like the Rio Declaration and Agenda 21 that respected the views of both groups.²⁷⁹

The one-sided nature of Rio+20 undermined advancing sustainable development on a global scale,²⁸⁰ which resulted in it being a failure overall.²⁸¹ Efforts on the international level will continue to fail until the leadership in all countries makes the conscious choice to cooperate with each other.²⁸² Without the necessary political will, little more will be done internationally to advance sustainable development.

277. *See supra* Part III.A.1.

278. *See supra* Part III.A.2.

279. *See supra* Parts III.A.1-2.

280. *See supra* Part III.B.

281. *See supra* Part III.B.

282. *See supra* Part III.C.