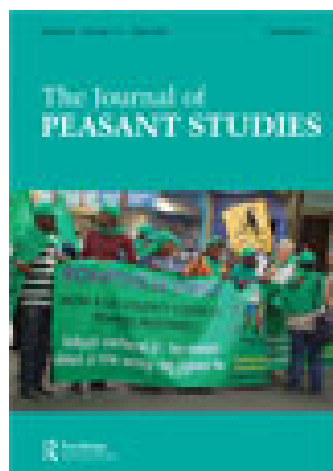


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The right to resist: disciplining civil society at Rio+20

Catherine Corson, Bridget Brady, Ahdi Zuber, Julianna Lord and Angela Kim

Drawing on a collaborative ethnographic study of the United Nations (UN) Conference on Sustainable Development (Rio+20) and its preparatory meetings, we examine how the official UN ‘participatory’ process for engaging civil society in Rio+20 negotiations simultaneously enabled and disciplined contestation through processes such as seeking consensus around a common statement, professionalizing civil society representatives and controlling protests in order to protect broad access to negotiations. We document how, in doing so, the official participatory process undermined the right to voice diverse positions. We also find that Southern access to negotiations was limited by lack of funding, human resources, location and language. Finally, we illustrate how a group of non-governmental organizations based primarily in the Global South utilized the official UN Major Groups ‘participatory process’ to build alliances to protect resource rights language in the negotiating text. Ultimately, we argue that, through the struggle to build alliances, activists critical of the green economy became enlisted in reproducing its hegemony.

Keywords: global environmental governance; Rio+20; civil society; green grabs; social movements; green economy

In the wake of the triple financial, food and fuel crisis in 2008–2009, the United Nations Environment Programme (UNEP) released its proposal for a ‘Global Green New Deal’ to stimulate global economic recovery (Barbier 2009). Its subsequent Green Economy Initiative laid out sector-specific ideas for a green economic system (UNEP 2011). In December of 2009, the United Nations (UN) officially endorsed ‘the green economy’ as a central theme for the June 2012 UN Conference on Sustainable Development (Rio +20), held in Rio de Janeiro on the twentieth anniversary of the 1992 Earth Summit. In anticipation of the meeting, non-governmental organizations (NGOs), businesses and governments, such as the Republic of Korea and Brazil, began re-framing their strategic plans, shifting funding priorities and re-drafting their explanatory rhetoric around the green economy (e.g., Huberman 2010; Federal Democratic Republic of Ethiopia 2011; Webb and Esakin 2011). Other states and civil society¹ organizations – from the Bolivarian Alliance for the Peoples of Our America (ALBA) countries² to the People’s Summit for Social

¹Recognizing the problematic nature of the term ‘civil society’, we follow the UN Major Groups practice and use the term to refer to non-national state actors, including business and local government. We use the term ‘NGO’ when we are specifically referring to non-profit organizations.

²The ALBA nations include Cuba, Bolivia, Ecuador, Nicaragua, San Vincent and The Grenadines, Antigua and Barbuda, and Venezuela.

and Environmental Justice – condemned it (e.g., *Climate and Capitalism* 2011; *Cúpula dos Povos* 2012).

With its promises to reduce carbon dependency, promote resource and energy efficiency and lessen environmental degradation (UNEP 2011, 16), the green economy comprises a successful political strategy to engage economists, finance ministers and financial investors in environmental politics. Yet it also moves beyond ‘selling nature to save it’ (McAfee 1999) to advocate selling nature to save the economy. With its narratives of crisis and scarcity, constructs of nature as capital, novel privatizations of rights to nature, and creation of new speculative frontiers, it has created the conditions for contemporary ‘green grabbing’ or ‘the appropriation of land and resources for environmental ends’ (Fairhead, Leach, and Scoones 2012, 238). The green economy has become a key discursive framework through which struggles over land and resource rights and access around the world take place. It has become intertwined with the expansion of global land grabs (for more on global land grabs, see Borras et al. 2011; Borras and Franco 2013; Borras, Franco, and Wang 2013; Margulis, McKeon, and Borras 2013; Wolford et al. 2013).

Because of its timing and UN efforts to solicit civil society input, Rio+20 and its lead-up meetings offered an ideal arena in which to observe struggles over the green economy unfolding. Drawing on a collaborative event ethnography (CEE)³ of the Rio+20 conference and associated preparatory meetings held at the UN headquarters in New York City (NYC) between December 2011 and June 2012,⁴ we examine how the official UN ‘participatory’ process for engaging civil society in Rio+20 negotiations shaped NGO efforts to contest the green economy. Then, we focus on the ways in which a group of NGOs based primarily in the Global South used the official participatory process to mobilize a movement, which they titled ‘Rights-at-risk’, in order to preserve language in the final conference document that protected equity in resource rights.

We argue that while the formal UN structure designed to facilitate civil society participation in UN negotiations opened up access for marginalized groups and offered a platform for organizing, it also disciplined activists into manageable subjects through processes such as seeking consensus around a common statement, professionalizing civil society representatives and controlling protests in order to protect broad access. These disciplining processes, we contend, suppressed the fundamental democratic right to voice a diversity of positions. In addition, we found that Southern access was limited by lack of funding, human resources, location and language. Finally, the designation of the green economy as the focus of the Rio+20 conference created an institutional context in which activists and proponents alike felt that they had to frame their agendas through the green economy in order to be heard, and, through their dynamic struggle to define and reshape the green economy, reinforced its discursive hegemony.

We begin with a discussion of the rise of the green economy discourse and associated shifts in public–private–non-profit relations in global environmental governance. We review academic debates about participatory process and rights-based resistance movements in order to provide the institutional and ideological context for our observations.

³CEE entails an innovative method that combines collaborative ‘rapid or time-constrained ethnographic assessment [...] with institutional and organizational ethnography’ in order to ‘capture engagements between scientific experts, decision-makers, and private sector and NGO actors in the context of a time-condensed meeting’ (Brosius and Campbell 2010, 248; see also Campbell et al. 2014; Corson et al. 2014).

⁴The preparatory meetings began in December 2010, but we only conducted research at those between December 2011 and June 2012.

We then present our rationale for studying the negotiation of these processes at international conferences and we summarize our methodology. Our findings explore how civil society access and participation have expanded between the first Earth Summit and Rio+20, albeit disproportionately for Northern and Southern actors, while their political influence has declined. We then analyze the ways in which resistance to the green economy is disciplined and ultimately co-opted to reproduce its hegemony.⁵ To illustrate these core arguments, we trace how the alliance of predominately Southern activists utilized the formal participatory process, alongside other tactics, to protect the inclusion of basic human rights in the negotiated text. Finally, we discuss the implications of our findings for both democratic processes and the hegemony of the green economy discourse.

The green economy and neoliberal environmental governance

The green economy's ascendance reflects the culmination of a 20-year process of transformation. Guided by Keynesian principles, 1970s environmentalism hinged on a confidence in state regulation and social protection, a belief in natural resource limits to economic growth and a commitment to redressing the negative environmental effects of growth (Meadows et al. 1972; UN 1972; McCarthy and Prudham 2004). By the 1980s, however, neoliberalism – with its worship of the market, antipathy toward state regulation and associated privatization of state services – had penetrated environmental politics. The 1987 *Brundtland report*, through the concept of sustainable development, institutionalized the idea that economic growth and environmental conservation were compatible (UN 1987). By the 1990s, aided by the rise of global environmental institutions, environmental degradation was increasingly framed as the result of market failure and best addressed through market-based mechanisms, such as payment for ecosystem services, biodiversity offsets and carbon trading (Igoe, Sullivan, and Brockington 2009; Brockington and Duffy 2010; Arsel and Büscher 2012; Büscher et al. 2012; Roth and Dressler 2012). Recently, the growing financialization of markets has led to rising speculation on land, carbon and wildlife. As these initiatives promote the privatization of new rights to nature, the creation of new commodities and the establishment of new markets for their exchange, they enclose formerly common resources, draw nature into financialized markets and offer investment opportunities for over-accumulated private capital (Harvey 2003; Bracking 2012; Corson and MacDonald 2012; Sullivan 2013).

Intertwined with the rise of market-based environmentalism has been a transformation in relations of governance, as the privatization of state services and withdrawal from social protection measures has paved the way for increased participation by private and non-profit organizations in public policy (Keck and Sikkink 1998; Mohan and Stokke 2000; Hart 2001; Ferguson and Gupta 2002; McKeon 2009). This rising prominence of non-state actors in global environmental governance was both reflected and reinforced at the 1992 Earth Summit conference. After hundreds of 'civil society' organizations, from indigenous groups to trade organizations, registered for access to the Earth Summit, held in Rio de Janeiro, Brazil, the UN established a formal 'Major Groups' (MGs) structure to facilitate

⁵In using the term 'resistance', we refer to a diversity of forms of 'pushing back', or the multitude of ways in which diverse sets of actors use conferences to contest or reshape hegemonic discourse. Following Hollander and Einwohner (2004), we understand resistance as relational and socially constructed, entailing both action and opposition, and not always overt or recognized. Furthermore, in emphasizing the complexities of social interactions, we hope to avoid any tendency toward a binary between resistance and domination (Brown 1996) or the romance of resistance (Sparke 2008).

participation in the post-1992 process (Chatterjee and Finger 1994). It divided civil society into nine MGs, the eclectic nature of which reflected the most vocal and influential groups at the time: Women, NGOs, Children and Youth, Business and Industry, Workers and Trade Unions, Local Authorities, Farmers, Indigenous Peoples, and the Scientific and Technological Community. In doing so, it embraced a broad definition of ‘civil society’: these groups included government officials, as well as business and industry representatives, who also lobbied separately through organizations such as the World Business Council on Sustainable Development and the International Chamber of Commerce.

However, even as participatory structures like the MGs have become more established in the past 20 years, they have often masked power dynamics behind the rhetoric and techniques of participation. They have co-opted activist agendas, exacerbated power differentials, legitimized hegemonic discourse and policy and ultimately further disempowered already-marginalized populations (Edwards and Hulme 1996; Young 1999; Mohan and Stokke 2000; Cooke and Kothari 2001; Ford 2003). McKeon (2009, 2) argues that, despite UN efforts to expand civil society involvement since the early 1990s, ‘it has failed thus far to move from generic and often episodic participation to meaningful incorporation of these actors into global political process’.

In addition, the concurrent increase in corporate influence has complicated power dynamics within these participatory structures. By the 2002 Johannesburg World Summit on Sustainable Development, the idea that sustainable development was best pursued through public–private–non-profit partnerships was well entrenched (Scherr and Gregg 2006). As many environmental NGOs that had historically operated as external agents of change sought to attract greater financial and political attention to the biodiversity cause, they partnered not just with governments, but also with multinational corporations, the financial sector and the entertainment industry (Chapin 2004; Dowie 2005; Duffy 2006). Concurrently, however, globalization and technological advancement have enabled activists to transcend geographic boundaries in new ways, developing virtual transnational networks, and linking international and domestic movements as they endeavour to counter these changes (Keck and Sikkink 1998; Tarrow 2005). The combined result of these transformations is that contemporary forms of global environmental governance are increasingly cultivated through transnational and dynamic networks of public, private and non-profit organizations that blur boundaries among the market, state and civil society (Lemos and Agrawal 2006; Corson, MacDonald, and Neimark 2013).

Globalizing politics from ‘below’

Among these new transnational social movements are a growing cadre of movements that link environment, livelihoods and political rights in battles against the dismantling of state protection and regulation. Many of these movements are articulating rights to land and resources as basic human rights, and, in doing so, they offer potential Polanyian counter movements to land and resource privatization and commodification (Cotula 2013).

Rights framings have been particularly effective in the UN, where activists can appeal to the 1948 UN Universal Declaration of Human Rights, as well as to the more recent 1986 Declaration on the Right to Development and the 2007 Declaration on the Rights of Indigenous Peoples, and the UN Human Rights Council resolutions on human rights and the environment. Like indigenous groups (Doolittle 2010; Kashwan 2013), agrarian movements are increasingly articulating their agendas in terms of human rights and using the UN to legitimate their claims (Edelman and James 2011; Suárez 2013). Of particular note are the 2012 inclusion of the right to food in the Voluntary Guidelines on the

Responsible Governance of Land, Fisheries and Forests at the Committee on World Food Security (Golay and Biglino 2013; McKeon 2013) and the push for a UN Declaration on the Right of Peasants (Edelman and James 2011). Often, the process of fighting for rights can be as important as the attainment of those rights. Rights-based movements bring attention to the ethical dimensions of the commodification and privatization of nature, and they emphasize government responsibility for these rights (Anand 2007). In doing so, they shift the terrain of global environmental policy-making, introducing new narratives and aligning new relationships that can open up unforeseen opportunities for progress.

Critical scholars continue to debate the effectiveness of using rights-based discourses to contest the privatization and commodification of nature. The framing of resource rights as basic human rights often constitutes an effective means of countering hegemonic powers (Miroso and Harris 2012; Cotula 2013; Franco, Mehta, and Veldwisch 2013; Künnemann and Suárez 2013). In fact, writing about the 1980s and 1990s growth of transnational social movements, Keck and Sikkink (1998, 121) argue that it was precisely because 1990s environmental activists did *not* frame their arguments in terms of rights that they had 'a harder time giving their campaigns a human face'. However, the protection of rights does not necessarily ensure access to resources (Ribot and Peluso 2003) or offer a secure challenge to their privatization (Bakker 2007), and formalizing rights can undermine customary forms of resource access (Franco, Mehta, and Veldwisch 2013).

Capturing 'politics from below' across sites and scales

Despite the expanding literature in agrarian studies and political ecology that critiques green capitalism and analyzes rights-based social movements against land grabs, less attention has been paid to how transnational movements that strive to build resistance to global land and resource grabs operate within formal UN participatory processes (cf. McKeon 2009, 2013; Edelman and James 2011; Golay and Biglino 2013). By focusing on negotiations around the green economy discourse at Rio+20, we respond to calls by Borras et al. (2011) for research on how land deals are discursively justified and legitimized, as well as challenged and opposed. We build on scholars who argue that land grabs and green grabs come about through 'changing contexts, emergent process and forces and contestations' (Peluso and Lund 2011, 669) and that the confluence of processes, people and relationships entailed therein are best analyzed through place-specific ethnography (Wolford et al. 2013). However, we contend that such studies should not be restricted to 'local sites'. The material and meaningful struggles that are central to land grabbing span locales from villages to the halls of international conferences, and it is paramount to examine 'politics from below' (Borras and Franco 2013) across these sites and scales.

International conferences offer critical sites in which actors who are normally dispersed in time and space – including representatives from NGOs, indigenous communities, the private sector, trade associations, universities and research organizations – come together to negotiate policy, organize resistance and promote particular agendas. They are important not only for the official agreements and statements that are negotiated at them, but also for the public–private–non-profit relationships that they align around sanctioned concepts, such as the green economy (MacDonald and Corson 2012; Suarez and Corson 2013). Even as they may fail to extract binding commitments from Parties, the informal relationships developed, narratives solidified and ideas circulated at these events shift the terrain on which hegemonic environmental discourse is crafted. Furthermore, they serve as focal points for activists to lobby and organize transnational resistance to officially sanctioned agendas (Tarrow 2005; Death 2010). Thus, conferences comprise critical terrain on

which struggles over hegemonic discourses are fought and critical sites for the manufacture of civil society's consent (Gramsci 2010 [1971]). Importantly, they are also sites in which these struggles become visible to researchers (Corson, MacDonald, and Campbell 2014).

Just as the 1992 Earth Summit launched sustainable development into mainstream discourse, the 2012 Rio+20 conference constituted a critical moment in the green economy's rise, and it offered a unique opportunity to study how the green economy emerged and became hegemonic in a time-condensed setting. Despite the debates about it, the green economy remained a core theme of Rio+20 and the framework through which most state, private and non-profit organizations articulated their positions. The result was that, even though the Rio+20 conference failed to agree to any binding targets, in what *Guardian* columnist George Monbiot (2012) called 'the greatest failure of collective leadership since the first world war', the conference still became a pivotal moment in manufacturing the green economy as a new global environmental paradigm.

Collaborative ethnography methods

The Rio+20 conference brought together some 50,000 people over the course of 14 days in Rio de Janeiro, Brazil, to finalize and adopt the official conference outcome document, *The future we want* (UN 2012b). However, the bulk of negotiations over a fittingly titled 'zero draft', took place in preparatory meetings at the UN Headquarters in NYC. For these meetings, staff from UN Department of Economic and Social Affairs (UNDESA) served as advisory and logistics liaisons between the MGs and the UN. Appointed, or self-nominated, Organizing Partners (OPs) for each group were responsible for coordinating input from their members and for liaising with the Communication and Outreach Branch of UNDESA. UNDESA also contracted the Stakeholder Forum, an international organization that facilitates the engagement of non-state stakeholders in global policy development and advocacy, to assist with outreach and to offer capacity-building workshops for new civil society representatives. The UN Non-Governmental Liaison Service provided some funding, particularly for representatives from the global South, to attend meetings. Finally, during preparatory meetings and the final conference, two OPs co-chaired the MGs' morning meetings, at which representatives summarized the previous day's negotiations, provided important logistical information and made announcements.

Between December 2011 and June 2012, we – as a team of six researchers⁶ – carried out ethnographic research on the involvement of civil society in five of the Rio+20 preparatory meetings, as well as at the Rio+20 conference itself. At these events, we observed negotiations, press briefings, coffee and lunch hours, protests, receptions, morning civil society organizing and debriefing meetings, capacity-building workshops and side events (thematic presentations and panels organized by delegates and/or civil society groups in order to circulate information and ideas). While we focused on the official UN process, we also attended rights-based and other discussions at the June 2012 alternative People's Summit, held in Flamengo Park, about 50 miles from Riocentro, the main venue. Many activists moved between Riocentro and the People's Summit, as they invoked 'inside' and 'outside' strategies. Secondly, we conducted 34 semi-structured interviews with individuals identified through stratified and snowball sampling, including the OPs for all of the

⁶The team was comprised of a professor and five undergraduate students, and we worked as part of a larger 'umbrella' team that included four other professors and three graduate students (Campbell et al. 2013; Wilshusen and MacDonald in prep.).

MGs, state delegates, UN officials and civil society liaisons, and representatives from think tanks, NGOs, private companies and other organizations.⁷

Our findings show that while the MG structure opened up access for marginalized groups and offered a platform for organizing, it also disciplined their positions through processes such as seeking consensus around a common statement, professionalizing civil society representatives and controlling protests in order to protect broad civil society access. In this way, the participatory process diminished civil society's democratic right to voice a diversity of positions. Ultimately, we became interested in how a group of actors, representing organizations ranging from NGOs to trade unions to women's groups, worked both inside and outside the MG structure to contest the bracketing – or proposed deletion – of rights-based language from the draft negotiating text. We argue that, by aligning with advocates who endorsed a 'human rights-based approach to the green economy' in order to build alliances to protect this language, they became enlisted in reproducing the green economy's hegemony.

Institutionalizing participation in a changing political landscape

Civil society representatives and state delegates who had been at the first Earth Summit repeatedly underscored the exceptional access to state negotiations that non-state actors had in 2012 compared to 1992. During most of the preparatory meetings for Rio+20 and the conference itself, any organization affiliated with an MG and accredited by the UN could observe plenary and small 'contact group' negotiations. One interviewee highlighted the importance of the UN decision to open contact groups to civil society: 'I can tell you all these stories because we are in the room ... in 20 years, step by step, we have been able to be in there a lot more'.⁸ MGs were also invited to submit suggested text for the original zero draft,⁹ and a UN-civil society liaison reflected on the invitation: 'This is the first time the UN [has done] that, and also for the first time ever, Major Groups were able to sit in the room for the negotiation and say, "on paragraph 45 we think that you should add that"'.¹⁰ This latter statement referred to the invitation for selected representatives from each of the MGs to deliver end-of-day 2–3-minute interventions to delegates. Finally, formally scheduled 'discussions' between members of the Bureau and civil society, as well as UN-sanctioned press conferences, offered members additional opportunities to present their positions.

Many MG members stressed that this formal access was critical for developing relationships with delegates, especially for those who could not approach their governments at home '[because of] the lack of representation structures in the other [arenas]'.¹¹ They also acknowledged that financial and logistical support and training sessions enabled them to make effective use of that access. Once accredited, activists could also work outside of the formal consultative processes to lobby delegates or build alliances. As an NGO representative observed, 'A lot of the UN negotiation never really happens on the

⁷In order to protect confidentiality, we refer to interviewees by general position, rather than by name.

⁸Interview with an NGO representative, 20 June 2012.

⁹UNDESA compiled the initial zero draft from 677 submissions received from political groups, member states, UN organizations, intergovernmental organizations and civil society. The majority of the submissions, 493 (or 73 percent) were from civil society. The Bureau then created a massive compilation document, which was released in January, 2012 (UN 2012a).

¹⁰UN-civil society liaison, MGs Training Session, 12 June 2012.

¹¹Interview with an OP, 22 June 2012.

floor; it always happens in the corridors So we sit one on one... catch them when they're going to the toilet, or when they're walking to coffee'.¹² Another interviewee summarized the diverse tactics s/he used to influence the negotiations, once in the door: 'You can divide it into participating through the NGO MG process . . . , doing direct bilateral [lobbying of] agencies and governments [and] having autonomous, thematic-based initiatives, working with other civil society organizations not necessarily within the frame of the MG process'.¹³ Here, s/he refers to how MG members organized themselves around thematic clusters, or voluntary associations, to develop common policy positions and lobbying strategies with respect to specific issues.

Declining and unequal influence over negotiations

Even as they pointed to increased access, however, MG members also expressed concern about their limited influence over negotiations. Some cited the contemporary absence of the energy, mobilization and ideas that had characterized civil society organizing at the 1992 Earth Summit:

[In 1992], there was a serious amount of deliberation Every evening we would come together and strategize for the next day. I don't see that any more. It's just about people announcing . . . what happened [in the negotiations]. I don't see any kind of emotions in that room.¹⁴

Others underscored that the targets of environmental activism have become more difficult to pinpoint:

We need to look, not only at the fragmentation and incoherence in governance at the global level, but also at the national level [where] we are finding domination by the financial sector.... We're not quite sure, now, where we go to do business, because the rules of the game that the UN used to represent – a fair arena – are being undermined by the G20 [Group of Twenty major economies] and by a variety of [other] arenas.¹⁵

In short, broader global political economic transformations have underpinned the rising role of the financial sector in international politics and weakened states' ability to regulate the private sector. As a result, the multinational companies that many activists seek to challenge have become stronger. McKeon (2009, 2) reflects, 'the geopolitical and economic powers that have underwritten the neoliberal agenda that these civil society actors contest are more determined than ever to defend their interests'. An activist similarly observed, 'The "Spirit of Rio," remains more of a spirit . . . the 1992 Rio agreements . . . suffered from being over-written by the globalization agreements, particularly the WTO [World Trade Organization] and later on the Free Trade Agreements'.¹⁶

In this context, the MG process ultimately reflected and reinforced, rather than confronted, the inequalities entailed in global power structures, and our findings echo those of Duffy (2013, 222) that 'the inclusion of non-state actors [in international negotiations] can serve to reinforce and deepen existing global inequalities'. Northern and transnationally

¹²Interview with an NGO representative, 22 March 2012.

¹³Interview with an NGO representative, 4 May 2012.

¹⁴Interview with an NGO representative, 21 March 2012.

¹⁵NGO representative, Side Event, 'Towards the People's Summit at Rio+20: alternative civil society perspectives on the zero draft', 23 March 2012.

¹⁶Side Event, 'What Rio+20 must do to achieve the future we want', 13 June 2012.

operating actors often have more ability to influence negotiations. Civil society access to UN negotiations has been limited to a ‘fairly exclusive club’, in which more radical groups have been marginalized (Ford 2003, 123), and national and regional NGOs have only been permitted to apply for UN Economic and Social Council accreditation since 1996 (McKeon 2009). The UN trust fund, which supports travel and lodging costs for participants from the Global South, depends on member country support and has limited funds. Thus, the location of most of the preparatory meetings in NYC gave US- and European-based groups an advantage. Furthermore, the reliance on English as a negotiating language limited participation by non-native English speakers.¹⁷ The result, as an interviewee underscored, was that Northern-based groups – whose interests ‘are not necessarily concomitant with those of the Southern NGOs’ – dominated the MG process. This asymmetry in access was reinforced by the fact that many activists from the global South are often stretched thinly:

The reason why sometimes you don’t have the strong voices with the movements [here] is because many of our [groups] are dealing with frontline issues You don’t have capacity to engage at this level because it requires resources. You need the funding and we don’t always have that.¹⁸

Rectifying this imbalance, the first interviewee summarized, ‘boils down to the question of funding and resources for Southern NGOs’.¹⁹ We argue that, while protecting legal *rights* among Northern and Southern NGOs to negotiations is important, so too is ensuring equivalent *access*, and Southern access was limited by lack of funding, human resources, location and language, among other factors.

Disciplining resistance through formal participation

Many people we interviewed were also frustrated by the orchestration of formal mechanisms for civil society input, such as the end-of-day, 2–3-minute interventions on the negotiating floor and formal discussions with Bureau members. They argued against the rigidity of these orchestrated performances and the conservative approach of their facilitators: ‘Our 2-minute statement is, in my view, killing imagination I think that [we can] push boundaries a little bit every time’.²⁰ These structured encounters gave an appearance of influence, but limited input to short, formal statements that elided the complexities of underlying concerns.

Interviewees also expressed concern about the associated disciplining of radical views in order to maintain civil society access and the fact that to present a unified front, the MG process discouraged radical action. At capacity-building workshops, in addition to providing logistical updates and information, organizers discussed topics such as formal dress, appropriate positions to raise and how to approach and lobby delegates. They constantly reiterated the importance of not losing hard-won access: ‘Of course we should lobby, but lobby right . . . being allowed to sit in the chair, inside the plenary and speak [is] the least

¹⁷As is normal in UN negotiations, simultaneous translation into all of the official UN languages was available to delegates, but text negotiation was conducted exclusively in English. While diplomats usually have language training and/or translators readily available to them, members of civil society who do not speak English find it challenging to participate in the process.

¹⁸Interview with an NGO representative, 3 May 2012.

¹⁹Interview with an NGO representative, 22 March 2012.

²⁰Interview with an OP, 22 June 2012.

important point for lobbying; it's engaging the delegates here [that's important]'.²¹ In sum, the push for professional activism – carried out through appropriate dress, language and moderation in advocacy – protected access, but also disciplined activists into manageable subjects.

This disciplining was most overt during the conference itself where all protests were to be registered 24 hours in advance and approved by conference organizers. During the daily morning debriefing sessions, attended by a few hundred civil society organizations, UN staff underscored that accredited members should behave so as to not threaten others' access:

This is the most participatory conference the UN has ever had. We're going to reach 10,000 people registered today.... It's only by working together and following the rules without pushing the envelope from the outside that we're going to get more participation.²²

A panel speaker reminded attendees during an MG meeting in Rio that the UN had removed accreditation from NGOs who participated in unapproved protests at the climate change negotiations in Copenhagen.²³ Another reinforced this claim:

Your outside strategy needs to stay outside. When you bring your outside strategy inside, it compromises the access that so many of us have worked for and compromises the real good work that all of us are doing deep inside.²⁴

Finally, attempts to develop common positions within and across the nine MGs funnelled diverse voices into one, watering down the more radical positions. Several MG representatives emphasized that private-sector actors within the groups often overpowered their voices. For example, the internal cohesion of the farmers' group, which encompassed members ranging from Via Campesina to multinational agribusiness, broke down over the attempt to develop a unified position on the promotion of private investment and market access in the negotiating text. This subordination of radical views also appeared in an effort during the final preparatory days to develop a Common Statement, in response to a UN request, which detailed a single 'civil society' position, including its red-lines, or positions on which civil society was unwilling to compromise. The task was enormous: as one OP reflected, 'We can't even have a common statement among NGOs, let alone among all the different groups, including industry'.²⁵

Ironically, the result was the exclusion of controversial subjects. A UN-civil society liaison summarized: 'Some of the things that business and industries would reserve on, about the role of the private sector, were purposely left out'.²⁶ Four of the nine groups refused to sign a statement that stated anything less than their red-lines, and some of the NGOs from the Global South refused to sign onto a common statement that endorsed the green economy. One OP retorted, 'I am not going to water down my red-lines I am not going to communicate to governments that I am ready to accept less'.²⁷ S/he added,

²¹UN-civil society liaison, MG Training Session, 19 March 2012.

²²UN-civil society liaison, MG Morning Meeting, 22 June 2012.

²³UN-civil society liaison, MG Morning Meeting, 18 June 2012.

²⁴UN-civil society liaison, MG Morning Meeting, 16 June 2012.

²⁵Interview with an NGO representative, 20 June 2012.

²⁶Interview with a UN-civil society liaison, 2 June 2012.

²⁷Interview with an OP, 22 June 2012.

This idea that if we come together that makes us stronger is true only if we are saying more than what we would say alone. We should not be coming together to say the minimum. We should come together to pull us up and not down.²⁸

Ultimately, the nine MGs agreed to a statement with an uncontroversial chapeau that emphasized the need to protect civil society access in the structures that emerged from Rio+20, together with a compilation of separate groups' statements of red-lines.²⁹ In doing so, however, civil society relinquished one of its foremost democratic rights – the right to a diversity of opinions – in exchange for access and formal participation. While state delegates presented and defended their polarizing opinions during negotiations, civil society – representing some of the most disparate groups imaginable – were expected to come to a consensus outside of this arena. Rather than the rich and creative result of democratic debate, the MGs had to embrace the least common denominator, which diluted the diversity of positions within the MGs, as well as avoided advocating for more radical agendas.

Reproducing the green economy's hegemony

The UN designation of the green economy as the focus of the Rio+20 conference created the context in which delegates and activists alike felt that they had to engage with the concept in order to 'be heard'.³⁰ A UN–civil society liaison argued that they needed to use the green economy language in order to influence negotiations:

How do you speak to negotiators if you're not speaking their language?... Do you make up some random term [that] confuses people when they try to read it and they say, well how does this relate to the green economy? Or do you use their language and accept the failings of that as an intellectual concept, but accept it for the purposes of actually achieving a dialogue?³¹

Other liaisons pushed MG members to try to reshape, rather than to reject, the green economy discourse, arguing that, 'The role of civil society ... is to help build into the negotiations criteria that establish what a truly green economy should be, so that corporations, governments and communities can be held to a certain standard'.³² In short, the embrace of the green economy as the starting point for negotiation, and the time-pressure posed by the impending Rio+20 conference, limited the ability to challenge it. A Brazilian activist complained, 'We want a democratic green economy, but we don't have time to do this. It was just put from the top into our hands'.³³

Furthermore, like sustainable development, the ambiguity about the green economy's definition was critical to its success. A Southern NGO leader retorted,

They're even avoiding ... defining what the green economy is. And this is deliberate, I think, because by keeping the definition open and vague, you can promote bio-fuels, nuclear energy,

²⁸Interview with an OP, 22 June 2012.

²⁹Interview with a UN–civil society liaison, 2 June 2012; MGs – Rio+20 common statement discussion paper, Final, endorsed version, 19 June 2012.

³⁰UN–civil society liaison, MGs Training Session, 19 March 2012.

³¹Interview with a UN–civil society liaison, 2 June 2012.

³²UN–civil society liaison, MGs Training Session, 19 March 2012.

³³Brazilian civil society facilitator for Rio+20, Side Event, 'Towards the People's Summit at Rio+20: alternative civil society perspectives on the zero draft', 23 March 2012.

carbon trading, the financialization of natural resource, geo-engineering, etc. as being part of green economy.³⁴

As both delegates and civil society debated at length what the green economy actually was, they reinforced its hegemony and dispersed the energy against it. An observer summarized: 'For the last 2 years, most of the energy of this conference [went] into defining what is the green economy, what it is not ... and this has sucked away most of the energy of the conference'.³⁵ As those against the green economy sought to use it to push their own agendas, radical critiques against it were transformed in efforts to reshape it. Fractured by diverse and complicated positions, spanning advocates such as South Korea and India and critics such as Venezuela and Bolivia, the UN Group of 77 Developing Nations (G77) pushed to use the terminology 'green economies' to represent the multiple pathways to a green economy, as well as to demand the provision of technology transfer and foreign aid to help developing countries realize green economies. In turn, many organizations pushed for an 'inclusive' green economy that would protect social welfare. Finally, more moderate delegates and civil society organizations simply sought to differentiate it from 'green growth'.³⁶ Through their dynamic struggles to reshape the green economy discourse, all of these actors – whether advocating for the green economy or contesting it – helped to reproduce its discursive hegemony.

Rights-at-risk in the green economy

Intrigued by their effort to use official MG processes to build a movement that was critical of the green economy, we traced how a group of activists from mostly Southern-based organizations strategically utilized side events, morning meetings, thematic clusters, letters, petitions and protests as means to organize a movement to protect rights language in the zero draft. This movement, which we refer to as the 'Rights-at-risk' movement, appealed to a broad constituency by framing its agenda around the protection of a diversity of basic human rights and the preservation of the Rio Principles from the 1992 Earth Summit. In pre-Rio events, it attracted more than 500 participants, 80 percent of whom were from the Global South (Rights for Sustainability 2012, 2). Even as they used official participatory structures, its leaders also abandoned the MGs structure, as necessary, to take more critical actions, such as holding unapproved protests at the conference itself.

Early documents by the Rights for Sustainability (R4S) initiative, which led the Rights-at-risk movement, condemned the green economy as: promising growth, but not poverty eradication; favouring big business; extending the life of the brown economy; not sufficiently addressing the climate crisis; favouring the privatization and enclosure of nature; and further constraining the ability of developing countries to balance environment and development (Verzola and Paul Quintos 2011). One of its leaders summarized their concerns:

For us – many civil society organizations, particularly those from the global South ... we remain deeply uncomfortable with the green economy concept as it's being elaborated [There is] a great reluctance on the part of governments to make concrete commitments to

³⁴NGO representative, Side Event, 'Towards the People;s Summit at Rio+20: alternative civil society perspectives on the zero draft', 23 March 2012.

³⁵NGO representative, Side Event, 'What Rio+20 must do to achieve the future we want', 13 June 2012.

³⁶UN–civil society liaison, MG Morning Meeting, 19 March 2012.

do anything ambitious in terms of achieving sustainable development [and] there is a lot of emphasis now on the role of the private sector in promoting sustainable development [and] in implementing the green economy agenda.³⁷

The initiative also endorsed regional civil society declarations opposing the green economy, such as the 'Position of Civil Society in Latin America and the Caribbean on Rio+20 and the Green Economy', the Nairobi Declaration on 'Reclaiming Rights at Rio: Civil Society Consultation to the African Agenda in the Rio+20 Summit' and the 'Asia Pacific People's Declaration on Rio+20'.

The Rights-at-risk movement advocated for the protection of a range of rights – from indigenous rights to the rights of Mother Earth to rights to water – in the negotiating text. It organized around a 'basic message... that, when states and member states make commitments at the Rio conference, they do so [by] respecting and certainly not undermining human rights obligations'.³⁸ As one of the organizers of the Rights-at-risk movement recounted:

[W]e did not start with a human rights agenda looking at Rio, rather we started by studying the green economy proposal and becoming very, very worried ... We thought, 'should we try to advocate for a peoples' green economy?' Looking at the geopolitics of the negotiations upcoming, we realized that that's not the way to go. The way to go was to work on human rights ... And so we embarked on a campaign for rights for sustainability, which was meant to coordinate civil society organizations, not to be fragmented, but to convince them that the human rights agenda is the best way to go to strengthen the social pillar in Rio. On the other hand, outward, outside, we embarked on a strong no to corporate green economy agenda.³⁹

Referring to a letter described below, an organizer for the movement reflected on the choice to mobilize resistance to the green economy around human rights within the UN: 'The rights advocacy of course has a universal resonance among civil society, so that's why when we raise alarm on Rights-at-risk, within 24 hours we had over 300 signatures'.⁴⁰ The Rights-at-risk metaphor allowed the movement to reach out to those concerned about bracketing of the rights to food, water, development and land, as well as the rights of women, indigenous peoples, workers and nature. It also enabled them to connect to an organized movement for democratic rights, encompassed in the Access Initiative, which has sought to promote Principle 10 of the Rio Declaration, or 'the right and ability of people to influence decisions that affect their lives and the resources they depend on'⁴¹ (see also Banisar et al. 2012).

Protecting the Rio Principles

The Rights-at-risk movement gained substantial momentum in March 2012, when it utilized side events and roundtable discussions to draw attention to proposed deletions of references to particular resource rights in the zero draft. An organizer of one event summarized,

³⁷NGO MG representative, Green Economy Press Conference, 4 May 2012.

³⁸Representative from the Office of High Commissioner on Human Rights, Side Event, 'Roundtable discussion on rights at risk in the Green Economy', 24 April 2012.

³⁹NGO representative, Press Conference, 'No sustainable development without human rights – honoring Principle One', 19 June 2012.

⁴⁰Interview with an NGO representative, 4 May 2012.

⁴¹Interview with an NGO representative, 22 March 2012.

There was concern that [the] human right to water might be an issue, but we also know there have been attacks on other rights and again, all the other Rio Principles. So, I think that we have to keep organizing. Part of this is a roundtable discussion on... strategies for how we can work together.⁴²

On 26 March, an open letter entitled 'Rights-at-Risk' was circulated to the Secretary General of Rio+20, expressing concern about the attempted removal by some Parties of 'nearly all references to human rights obligations and equity principles in the text' (Ibon International et al. 2012). The accompanying petition gained 1000 signatures in just a few weeks. A March speech by one of the movement's organizers, called 'Deleting our rights, bracketing our future: why we need a Peoples' Summit' (Quintos 2012), called for a social movement organized around protecting the Rio Principles:

We have been witnessing the systematic attempt by some powerful states to weaken, bracket or outright eliminate nearly all references to human rights obligations and equity principles in the text [for] Rio +20.... We must call on governments to alter the direction of negotiations at the moment, stand for rights, stand for Rio Principles in '92... calling on them not to backtrack on the human rights [or] obligations [in the] Rio Principles.⁴³

In this manner, the protection of the Rio Principles became the red-line for the Rights-at-risk movement. As a panellist in a side event stated,

If you go by the baseline of the origin of the Earth Summit [which] is grounded in human rights – this is precisely the baseline [that] we cannot allow Rio+20 to fall under. We cannot allow any regression on these principles or these rights.⁴⁴

By linking the rights-based discourse with the protection of the Rio 92 principles, the Rights-at-risk movement mobilized a large constituency and raised larger questions about global inequality and transnational corporate influence.

Framing the resistance movement around Rights-at-risk and protecting the Rio Principles also allowed the activists to engage the UN Human Rights Commissioner. In March 2012, the High Commissioner for Human Rights, Navi Pillay, sent an open letter to all Permanent Missions in Geneva and NYC, arguing that 'The [1992] Rio Declaration was celebrated by the international community [because] it was thoroughly infused with human rights considerations essential to sustainable development' (Pillay 2012). A number of Special UN Rapporteurs sent other open letters to state negotiators regarding the outcome document for Rio+20. These interventions proved critical in convincing delegates to back down on the proposed deletions.

A human rights-based approach to the green economy

However, while the engagement of the UN High Commissioner for Human Rights was pivotal in reinstating rights in the text, the Commissioner's letter reframed the protection

⁴²NGO representative, Side Event, 'Round table discussion on rights at risk in the Green Economy', 24 April 2012.

⁴³NGO representative, Side Event, 'Towards the People's Summit at Rio+20: alternative civil society perspectives on the zero draft', 23 March 2012.

⁴⁴NGO representative, Side Event, 'The need for a rights-based approach to sustainable development', 14 June 2012.

of rights not as opposition to the green economy, but as the *means* to it. The letter argued, 'At Rio, Member States should commit to ensuring full coherence between efforts to advance the green economy, on the one hand, and their solemn human rights obligations on the other', producing 'a human rights-based approach to the green economy ... to pursue a model of economic growth that is socially and environmentally sustainable, just and equitable, and respectful of all human rights' (Pillay 2012, emphasis added). So, despite the movement's 'outside strategy' condemning the green economy, its 'inside strategy' appeared to condone it by association.

Moreover, rather than pushing for radical change, its strategic goal – to preserve the Rio Principles – was to protect the status quo. As civil society groups and developing countries called for the reaffirmation of common but differentiated responsibility, precautionary principles, equity and human rights, all of which were emphasized in the Rio Principles, the ambition for Rio+20 became simply not to regress at the conference itself, and to turn instead to the post-Rio+20 process to push for more radical change:

So we've come to this – our expectations are: please, reaffirm the Rio Principles and especially common [but] differentiated responsibility Please renew your pledge on finance and technology, even if you don't quite mean it These are all steps backwards. If we prevent these backwards steps, we at least reaffirm what it was 20 years ago, and if we take measures to save it after the conference ... although it may not sound very fantastic, it may, in realistic terms, start processes that may be more durable and long lasting than what Rio was 20 years ago.⁴⁵

By the June 2012 preparatory meeting and conference, previously bracketed rights language was back in the zero draft, and it remained in the final Brazilian proposed text, which was presented to the heads of state on 20 June. However, while effective at mobilizing a successful social movement and engaging high-level political figures, the framing of resistance around rights elided larger challenges to the commodification of nature and the privatization of resource rights, as well as the structural reforms needed to reshape the new green economy, which were highlighted in early publications by R4S. Ultimately, it focused radical attention on protecting the status quo.

Conclusion

As one of the more radical and active movements within the Rio+20 official preparatory process, the Rights-at-risk movement used side events, UN officials, protests, letters and other means to successfully mobilize a movement to preserve rights-based language in the text. However, as it attracted a broad constituency by articulating the movement's mission as protecting the Rio Principles, its goal became to maintain the status quo, rather than to advance beyond it. By linking with authorities such as the UN High Commissioner for Human Rights, who endorsed the green economy, its message became protecting rights as a means of *achieving* the green economy, rather than the means to *protest* it. Through this struggle to build critical alliances, activists who had used rights to contest the green economy appeared to support it.

The struggle over the green economy at Rio+20 illustrates how international conferences, in bringing together and aligning actors around officially sanctioned agendas, and

⁴⁵NGO representative, Side Event, 'What Rio+20 must do to achieve the future we want', 13 June 2012.

in enabling activists to organize resistance to these same agendas, become critical sites in the production of hegemonic environmental discourses. The designation of the green economy as the focus of the Rio+20 conference created a context in which there appeared to be no alternative but to embrace the green economy in order to be heard. It became the framework through which material and discursive struggles over land and resource rights were fought. In building common positions, UN–civil society liaisons encouraged activists to reshape, rather than reject, the green economy, and radical critiques of global structures of inequality and green capitalism in the G77 gave way to alliances for human rights-based, inclusive green economy or green economies. Rather than challenging the overarching framework of the conference, critics became enlisted in reshaping provisions in the negotiating text. Ultimately, through the dynamic struggles to reshape the green economy, proponents and opponents collectively reproduced its discursive hegemony.

In these struggles, while the MG structure provided activists with important access to delegates and a platform for organizing resistance, it also disciplined them in the name of protecting broad-based civil society influence. Likewise, insufficient funds to bring in delegates from the global South and the presence of business actors within the civil society group reinforced, rather than confronted, global power inequalities. Finally, processes such as seeking consensus around a common statement, professionalizing civil society representatives and controlling protests muted radical agendas. In this manner, civil society was expected to speak as one ‘voice’, even as governmental negotiations broke down over a lack of consensus. Here, a significant ‘right-at-risk’ in the participatory process was the loss of civil society’s democratic right to voice diverse and radical positions.

As Rio closed, many activists conveyed a mixture of satisfaction and discontent with the text’s outcome as language that each had been concerned about ultimately ended up in the text, yet the document as a whole fell short of original aspirations for the second Earth Summit. Since the failings of Rio+20 to produce an ambitious agenda for global sustainable development, civil society has turned to two post-2015 processes – an intergovernmental Open Working Group on Sustainable Development Goals that will succeed the Millennium Development Goals and an intergovernmental High-Level Political Forum, which replaced the Commission on Sustainable Development – in efforts to ensure ongoing multi-stakeholder engagement. But in focusing on preserving access, will these efforts also lose sight of the importance of voicing diverse views, whether Northern or Southern, mainstream or radical?

The maintenance of hegemony requires constant work, and it is within the constant struggle to contest it that we find the moments for transformative action. Fifteen years ago, Fisher (1997, 458) argued that ‘The transformative potential of the NGO sector may emerge less from ordered and controlled participation than from relatively chaotic sets of multiple opportunities and interdependencies’. We agree that it is not always through the official structures of participation or orchestrated resistance that progressive action takes place, but often through the unforeseen moments of opportunity that such structures and movements enable. The ultimate goal must be not only to build systems that create these moments, but also to use them to advocate for a robust democracy – one that relies on the constant negotiation of diverse positions in order to reach meaningful and representative compromise. We conclude with a quote from an NGO leader: ‘[We need] to make sure we don’t leave this Rio process up to our leaders. We need to assert and claim our rights in order to defend them’.⁴⁶ One of the rights that should be continually asserted and defended

⁴⁶NGO MGs Representative, Women, NGO, and Indigenous Peoples Major Group Press Conference, 4 May 2012.

is the right to voice diverse positions, even in protest, in order to challenge hegemonic paradigms and to shift the terrain of negotiation, lest activists continue to find themselves enlisted in defending the status quo.

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