UNLIKELY BEDFELLOWS: THE EVOLUTION OF THE RELATIONSHIP BETWEEN ENVIRONMENTAL PROTECTION AND DEVELOPMENT

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Abstract Poverty and environmental degradation are two of the gravest issues facing the planet today. The most obvious means of addressing each issue, however, appears ostensibly to undermine the other. While environmental and development strategies are largely associated with the concept of sustainable development that emerged in the 1990s, the debate between these two interests dates back to the 1940s. This article seeks to fill an apparent gap in environmental scholarship by presenting a history of the environmental protection/development relationship. It will argue that, rather than being the product of an organic development process, the concept of sustainable development and the principles underlying it were consciously shaped by a number of international actors with vested interests in their trajectory. Understanding why and how this was permitted is important not only for its capacity to throw light on the past, but also for its ability to assist in understanding and predicting the future.

Keywords: Brundtland Report, Founex, green economy, Rio Conference on Environment and Development, Stockholm Conference on the Human Environment, sustainable development.

I. INTRODUCTION

Poverty and environmental degradation are two of the gravest issues facing the planet today. Both pose a threat to the survival and quality of human and non-human life and are accordingly of great concern to the international community. The most obvious means of addressing each issue, however, appears ostensibly to undermine the other. While the development of underdeveloped nations is generally accepted as one of the primary solutions to the problem of global poverty, it is also accepted that the process of development is one of the greatest contributors to environmental degradation.[1] If developing countries

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[1] This is distinct from the environmental Kuznets curve hypothesis, which proposes that environmental degradation rises with increasing income per capita. See S Dinda, 'Environmental Kuznets Curve Hypothesis: A Survey' (2004) 49 *Ecological Economics* 431.

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are to be brought out of poverty by following the same development path as developed countries, the environmental impact will likely be irreparable. Over the years, the interests of development and environmental protection have been drawn together in an attempt to overcome this apparent conflict. However, as the relationship has evolved, development interests have exerted increasing influence within the environmental movement, resulting in a shift in the respective balance between the weight given to environmental protection and that given to development. The purpose of this article is to trace the evolution of the relationship between these two interests and identify when and how specific interests have sought to exert influence over and redirect the environmental movement.

If sustainable development is to remain central to global environmental discourse, as seems likely, it is important that scholars and delegates understand the relationship that underlies it and the interests and circumstances that influenced its evolution. The development/environmental protection relationship has evolved in an incremental and sometimes incohesive manner. This has meant that subtle changes in the balance between the environment and development interests on the overall trajectory of the law have at times gone unnoticed. By placing these changes within a wider historical narrative, this article will highlight their combined impact on the international environmental movement and suggest that rather than being incidental, many have been strategically influenced.

II. THE INDEPENDENT INTERESTS OF NATURE AND NATURAL RESOURCES: 1947–1968

The origins of the development/environmental protection relationship can be traced back to the 1940s and 1950s when States began to acknowledge, and take steps to mitigate, the impact of human activities on the environment. This saw the emergence of two different views regarding the underlying value and purpose of environmental preservation. The 1968 United Nations resolution convening the 'Global Conference on the Human Environment' was a critical juncture in the evolution of the environmental protection/development relationship. The anthropocentric framing of environmental protection within the resolution provided a foundation for the introduction of human development concerns into environmental discourse and, ultimately, for their prioritization.

A. 'Nature' and 'Natural Resources'

Concern over the potential impact of depleting natural resources and pollution on human development and quality of life rose in the 1940s and continued to grow into the 1960s. It was understood that ecological damage had reached a point where, as one commentator put it 'at best, the quality of life was

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threatened and at worst the long-term survival of humanity could be imperilled'.[2]

Nations responded through the adoption of a number of policies to combat environmental fallout. These largely fell into one of two categories: those that sought to preserve natural resources to the extent necessary to ensure their availability for continued human use (the 'natural resources approach'), and those that sought to protect nature for its own sake (the 'nature-focused approach'). The two approaches were not in direct conflict; both shared the objective of preserving certain aspects of the natural world, but differed as to the breadth of what warranted protection and the value-based judgment on which it was based. In any event, they were pursued independently. This changed, however, with the 1968 proposal for a world conference on the 'Human Environment'.

B. *Putting Humans First*

The World Conference on the Human Environment (the 'Stockholm Conference') was announced in a 1968 United Nations General Assembly (UNGA) resolution titled 'Problems of the Human Environment'.[3] The use of the phrase 'human environment' can be traced back to a resolution of the United Nations Economic and Social Council (ECOSOC),[4] which was in turn based on a proposal introduced by Sweden for the convening of a conference on 'The Problems of the Human Environment'.[5] As the use of 'environment' rather than 'nature', for example, was typical of the period,[6] it is perhaps unsurprising that the parties involved did not appear aware of how significant of the adoption of the phrase 'human environment' really was.[7]

1. *The power of words*

The term 'environment' is not stand-alone. It is necessarily linked to a subject. 'Environment' is defined in the Oxford Dictionary as 'the surroundings or conditions in which a person, animal, or plant lives or operates'.[8] This can be

[2] MW Holdgate *et al., The World Environment 1972–1982* (Tycooly International Publishing Ltd 1982) 5.

[3] UNGA Res 2398(XXIII), 23rd session (1968) para 4.

[4] ECOSOC Res 1346, 45th Session (1968).

[5] Letter dated 20 May 1968 from the Permanent Representative of Sweden addressed to the Secretary-General of the United Nations, UNGA 45th Session, UN Doc E/4466/Add.1 (1968).

[6] For example, during the ECOSOC meeting where the Swedish proposal was considered, reference was made to reports of the Food and Agriculture Organization of the United Nations and the World Trade Organization on 'the environment', and to an initiative by the Economic Commission for Europe to convene a meeting on 'problems relating to the environment': ECOSOC, 'Activities of United Nations Organisation and Programmes Relevant to the Human Environment: Report of the Secretary General' (1968) UN Doc E/4553 at [6].

[7] See ECOSOC, 'Report of The Economic and Social Council: 5 August 1967 – 2 August 1968' (1968) UN GAOR, 23rd Session, Sup No 3 (A/7203) from para 252.

[8] A Stevenson, *Oxford Dictionary of English* (3rd edn, Oxford University Press 2010) 587.

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contrasted with, for example, 'nature', which is defined as 'the phenomenon of the physical world collectively, including plants, animals, the landscape and other features and products of the earth; as opposed to humans or human creations'.[9] The value of a given environment is derived from its ability to support the subject that operates within it. Unlike 'nature', the term 'environment' does not carry a sense of inherent value independent of that subject.

The use of the phrase 'human environment' was largely limited to the 1972 Stockholm Conference.[10] At later conferences the word 'human' was dropped and references were made simply to 'the environment'. While 'environment' was undoubtedly imbued with the legacy of the 'human environment' terminology, the word on its own carried a subtle but significant anthropocentric value judgement.

An unavoidable consequence of the 'human environment'/'environment' terminology was the loss of the view of nature as possessing an inherent value irrespective of its worth to man. This may not have been realized at the time. However, as would be seen in the years following, the consequence of framing environmental protection solely as a human interest is that environmental imperatives will necessarily be prioritized based on human needs. This became increasingly significant when development interests entered environmental discourse.

III. SOLIDIFYING THE DEVELOPMENT ENVIRONMENT RELATIONSHIP: 1971–1972

The 1972 Stockholm Conference is often described as a seminal moment. However, it was the less referenced Founex Meeting of Experts held in 1971 that ensured Stockholm's success. Prior to Founex, environmental protection and development interests were pursued independently and were often posited in potential competition. Founex, presented an argument not only for the compatibility of environmental and development interests but also for their interdependence. This was the first significant incursion of development interests into the environmental movement. The result was the acknowledgement of development as an independent and legitimate goal within the environment movement, which in turn led to arguments as to the relative prioritization of development and environmental goals. Later at Stockholm, the scope of these accepted development goals would be broadened. For these reasons, the meeting of experts at Founex is the second critical juncture in the evolution of the environment/development relationship.

[9] ibid 1183.

[10] Though it was also used by the United Nations Commission on Environment and Development. The Commission's work is discussed in section IVC 'Defining Sustainable Development'.

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In this section and later sections the position of the developing South and the developed North are presented as being more or less cohesive. This cohesion is reflected across broad lines and is noted by many of those who were present at the various events. While this broad level of assessment serves the purposes of this article, it is important to acknowledge that within these two groups there did exist a diversity of views and at times strong tensions.

A. Founex—A Crucial Compromise

The international development movement grew out of decolonization and the recognition of the legitimate goal of developing nations to obtain the same level of economic and social development as their industrialized counterparts. By the 1960s development was one of the most prominent forces in global relations. In 1961 the United Nations announced the first 'development decade',[11] and in 1965 the United Nations Development Programme (UNDP) was established.[12] It was in this context, triggered by the UNGA resolution of 1968 convening the Stockholm Conference, that the environmental movement began to gain traction at the international level.

While the world's developed nations supported the Stockholm Conference, developing countries were largely unsupportive. Many considered the developing world's concern with environmental protection to be a luxury of the rich.[13] Further, they were concerned that the environmental movement would divert attention and resources away from their development concerns.[14] The participation of developing States at Stockholm was, however, critical to its success. By this stage, the causal relationship between development and environmental damage was widely accepted by the international community. It was clear that the greatest potential threat to the environment was the anticipated development of the developing South. If these countries followed the same damaging path to industrialization that the countries of the developed North had, the environmental fallout would be catastrophic.

Developing countries were anxious to ensure that their concerns were addressed and were aware that they could use their attendance at the Conference as leverage to achieve this. Brazilian representative, Ambassador Miguel Ozo Rio De Almeida presented a compelling case for the pressures on developing nations, and in 1971 indicated that developing countries were considering boycotting the Conference.[15] Importantly, the draft conference agenda did not address developing countries' concerns. Aware of the dire impact that a boycott would have on the Conference, Maurice Strong, the Conference Secretary General, presented a revised agenda. This called for 'a

[11] GA Res 1710 (1961) 16th Session.
[12] GA Res 2029 (1965) 20th Session.
[13] MF Strong, *Where on Earth Are We Going* (Texere Publishing 2001) 123.
[14] ibid.
[15] ibid.

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redefinition and expansion of the concept of environment to link it directly to the economic development process and the concerns of developing countries'.[16]

Writing later, Strong recorded that the key to obtaining developing nation buy-in was to insist that their needs would be best served by treating the environment as an integral dimension of development, not an impediment.[17] It was with this in mind that Strong called a meeting of experts and policymakers in Founex, Switzerland, to discuss and conceptualize the relationship between environment and development. Years later Strong would describe the meeting at Founex as 'the most important single event in the run-up to Stockholm' and 'a milestone in the history of the environmental movement'.[18]

The Founex meeting of experts comprised 27 experts and policy leaders, with representatives of United Nations agencies attending as observers. Three views emerging from Founex were directly relevant to the environment/development relationship. The first concerned the existence of a causative link between underdevelopment and environmental degradation. The Founex Report explained that while pollution in the developed world was largely the result of the process of development, pollution in the developing world was often a direct result of the lack of choices available to those existing in poverty.[19] Accordingly, instead of just being the cause of the major environmental problems faced, in developing nations, development also becomes the cure.[20] It followed that concern for the environment should not and need not detract from the world's overriding task of ensuring the development of the developing regions of the world.[21] This argument became a central tenet of the developing nations' position in future negotiations.

The second view emerging from Founex was an acknowledgement that some environmental measures were luxuries that developing nations could not be expected to pursue over development needs. One expert argued that the ability of developed nations to consider long-term objectives like environmental protection was directly linked to their level of development. Unlike underdeveloped nations, they are not driven by the urgency of short-term objectives vital to survival.[22] Another noted that developing countries' disengagement with environmental concerns was the result of their 'extreme preoccupation with the urgent demands of sheer existence'.[23] The final Report stated that while the concern for the human environment in

[16] ibid. [17] ibid 124. [18] ibid 127, 128.

[19] E Iglesias, 'Development and the Human Environment: Panel of Experts on Development and Environment Background Paper No 1' in Maurice F Strong Papers: 1948–2000, Environmental Science and Public Policy Archives, Harvard College Library, Box 40, Folder 395, 9–10.

[20] *Development and Environment: Report and Working Papers of a Panel of Experts Convened by The Secretary-General of The United Nations Conference on The Human Environment* (Mouton Publishing 1971) [hereafter: 'Founex Report'] para 1.4. [21] ibid para 1.5. [22] Iglesias (n 19) 14.

[23] P Pant 'Some Aspects of Environmental Degradation and Its Control in India: Panel of Experts on Development and Environment Background Paper No 3', in Maurice F Strong Papers (n 19) in Box 40, Folder 395, 6.

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developing countries can only reinforce the commitment to development, it should not impact upon the actual process of development itself.[24]

The third view emerging from Founex was the need for developed countries to commit to providing additional aid to their developing counterparts. One of the greatest hurdles preventing developing countries from accepting environmental interests was the cost of doing so. The Report declared unequivocally 'if the concern for human environment reinforces the commitment to development, it must also reinforce the commitment to international aid'.[25] This promise of aid was crucial to obtaining buy-in from the developing world.

The combined effect of these views was significant. By presenting development as the solution to environmental degradation in the context of underdevelopment, the Report removed the perceived conflict between environmental protection and development for developing countries. Any residual concern over the possibility that environmental measures would hinder the future development of developing nations' was abated by the acknowledgment that development objectives could be prioritized over environmental concerns. Finally, the promise of additional aid provided a positive incentive for developing countries to participate.

Led by Indian Prime Minister Indira Ghandi, one by one the developing nations agreed to attend Stockholm. Without the progress achieved at Founex the environmental movement may have remained a project of the developed North. This alone would have guaranteed its failure.

B. A Push for Prioritization within the Environment/Development Relationship

In addition to introducing development interests into the environmental movement, Founex also introduced a claim to prioritization. Developing nations were prepared to acknowledge the need for environmental protection, but not to the extent that it would inhibit their development goals. Concerns over the potential negative impact that environmental policies might have on developing States' trade, for example, were prominent during discussions.[26] The Founex Report stressed that concern for the environment should not detract from the global commitment to 'the overriding task of development'.[27] In developing nations, environmental policies that support or reinforce economic growth would be more readily accepted within the hierarchy of objectives. However, environmental policies that conflict with economic growth, particularly in the short-to-medium term, would be subject to 'more

[24] Founex Report (n 20) para 1.7.

[25] ibid, para 1.15. See comments in F Dodds *et al., Only One Earth: The Long Road via Rio to Sustainable Development* (Routledge 2012) 6.

[26] Founex Report (n 20) paras 4.1–4.19; UNCTAD 'The Implications of Environmental Measures for International Trade and Development', Background Paper No 5 (4 June 1971) appended to Founex Report (n 20) 198.

[27] See Founex Report (n 20) para 1.5.

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difficult choices … regarding the ''trade-off'' between these and the narrower growth objectives'.[28] The Report emphasized that decisions relating to environmental and growth objectives could only be made by nations themselves.[29]

C. Stockholm—A Meeting of Worlds

The Stockholm Conference was considerably larger and more diverse than the Founex meeting. It was attended by 113 State delegations, representatives from selected United Nations and specialized agencies, non-governmental organization representatives and observers from a number of intergovernmental organizations.[30] The more balanced representation between those actors who sought to promote environmental interests and those pursuing a development agenda was reflected in the Conference Declaration, which presented the two interests in a relatively even manner.

The division between States from the developed North and those from the developing South was demonstrated early on. Publicly, the developed countries identified their overarching concern to be the problem of pollution, while their secondary concern was protection of the planet's genetic and natural resources.[31] Following the release of archives many years later, however, it was discovered that a secret select group of developed nations including Britain, the United States, Germany, Italy, Belgium, the Netherlands and France had been meeting secretly around this time.[32] The group, which called itself the Brussels Group, wanted to restrict the scope of Stockholm and remove certain topics relevant to their respective economies from negotiations.[33] Importantly, the group was determined to resist the demands of developing nations for increased aid and prioritization of their developmental concerns.[34] This concern was shared by other developed nations not included in the Group.[35] In private conversations with delegates from the United Kingdom and Sweden, Russian delegates commented that they were disinclined to accommodate developing nations' demands,[36] and considered that the negotiations should be focused on the environment.[37]

[28] ibid para 1.7.

[29] ibid.

[30] 'Report of the United Nations Conference on the Human Environment' (1972) UN Doc A/CONF.48/14 and Corr.1 [hereafter: *Stockholm Report*] ch VII, para 13.

[31] Holdgate *et al., The World Environment 1972–1982* (n 2) 6.

[32] M Hamer, 'Plot to Undermine Global Pollution Controls Revealed' *New Scientist Online* (January 2002). Following an extensive search at the United Kingdom National Archives, where they were held, it appears that these archives are no longer publicly available.

[33] United Kingdom internal memo regarding a meeting of the Group held in Geneva in December 1971: cited in Hamer, ibid.

[34] ibid.

[35] Holdgate *et al., The World Environment 1972–1982* (n 2) 6.

[36] Letter from R Arculus, 9 Feb 1971 to Mr Ure, 'Preparatory Committee for the UN Conference of the Human Environment: Second Session: Geneva – 8 to 19 February 1971', United Kingdom National Archives, folder FCO 55/670.

[37] 'Note of a Conversation with Ambassador Swartz of Sweden on 8 February 1971, Geneva' attached to Letter from R Arculus, 9 Feb 1971 to Mr Ure, 'Preparatory Committee for the UN

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Internal communications sent from the United Kingdom delegation to the Foreign and Commonwealth Office show that they were wary that developing nations 'would seek out any fund that they could get'.[38] Other delegates, including Maurice Strong himself, stressed the need to ensure that the Conference not 'become another UNCTAD'.[39] They emphasized that development objectives should not be allowed to 'flood out any serious consideration of the questions of pollution and other uses of natural resources which were … the original purpose of the Conference'.[40] These sentiments were not new. Internal communications from the United Kingdom delegation at the General Assembly a year earlier during the drafting of the 1970 UNGA resolution on Development and Environment suggest that there had been discomfort with the strength of the wording.[41] No objection was made publicly as it was anticipated that doing so would 'incur unnecessary odium' for the United Kingdom delegation.[42] However, these concerns later fed into the United Kingdom's participation in the Brussels Group.

The concerns of the developed North may have been sparked in part by the strong position taken by Brazil prior to the Conference. In a speech during the drafting of one of the final UNGA resolutions directing preparations for the Conference, Brazilian delegate Ambassador Miguel Ozo Rio De Almeida stressed the link between underdevelopment and environmental damage. It would, he considered, be 'highly inappropriate for the Conference to discuss [the pollution of poverty] outside the framework of economic development'. 'If Stockholm must tackle this problem then Stockholm must become an economic development conference'.[43] Despite this call to draw the Conference further towards development, most delegations from the developing South approached Stockholm hoping to have the issues identified

Conference of the Human Environment: Second Session: Geneva – 8 to 19 February 1971', United Kingdom National Archives, folder FCO 55/670, documenting 'Russian views gleaned on his visit to Moscow'.

[38] Telegram, Crowe (no initial given) UK Mission to New York, 2 December 1971 to D Williams, ODA, Mrs Halley, Treasury, MW Holdgate, DOE, United Kingdom National Archives, folder FCO 55/674.

[39] 'Note of Conversation with Mr Maurice Strong on 11 February 1971, Geneva' attached to Letter from R Arculus, 9 Feb 1971 to Mr Ure, 'Preparatory Committee for the UN Conference of the Human Environment: Second Session: Geneva – 8 to 19 February 1971', United Kingdom National Archives, Folder FCO 55/670; David Martin memo, 'International Environmental programmes: Notes on a discussion between Dr WM Holdgate and Dr RWJ Keay', 1 Feb 1971, Royal Society Archives London, folder ENV/6/I.

[40] Letter DM Kitching to Mr Williams and Mr Mathieson (first initials not given), UK Foreign and Commonwealth Office, 24 September 1971, United Kingdom National Archives, folder FCO55/672.

[41] Letter DJ Halley, Treasury to K MacInnes, UN Department, Foreign and Commonwealth Office, 2 December 1971, United Kingdom National Archives, folder FCO 55/674.

[42] Draft Letter K MacInnes, UN Department, Foreign and Commonwealth Office, to DJ Halley, Treasury (undated), United Kingdom National Archives, folder FCO 55/674.

[43] 'Statement of Ambassador Miguel Ozo Rio De Almeida, on item 97 of the Agenda (United Nations Conference on the Human Environment), 24th Session of the General Assembly Second Committee, 29 November 1971, 12, United Kingdom National Archives, FCO 55/674.

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at Founex acknowledged and addressed by the wider international community. Aware that they already had too few resources to support their own development, they were wary of the risk that policies agreed at Stockholm might lead to the imposition of possible additional constraints or costly environmental measures.[44]

1. Striking a balance

The Stockholm Declaration on the Human Environment reflected elements of compromise between the interests of developed and developing countries and set a relatively equal balance between environmental protection and development. Staunch opposition from the developed North, including members of the Brussels Group, ensured that there was no reaffirmation of the prioritization of development articulated at Founex. The Declaration stated that the defence and improvement of the human environment was an imperative for all mankind 'to be pursued together with, and in harmony with … the goals of peace and of worldwide economic and social development'.[45] The impact of Founex on the Declaration was, however, evident. The Declaration recognized the link between underdevelopment and environmental problems, and posited the development of underdeveloped nations as a means of environmental improvement. 'Environmental deficiencies generated by the conditions of under-development', it stated, 'can best be remedied by accelerated development.'[46] Echoing Founex, the Declaration emphasized that 'environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries'.[47] Balancing these development-focused elements, the Declaration stated that '[n]ature conservation, including wildlife, must … receive importance in planning economic development'.[48] The balance achieved by the Declaration is best reflected in Principle 2, which stated that '[b]oth aspects of man's environment, the natural and the man-made … [are] essential to his well-being and to the enjoyment of basic human rights'.[49]

The apparently even weighting attributed to environmental protection and development was offset slightly, however, by the strong anthropocentric focus of the Conference. While subtle, this influence was not insignificant. The importance of protecting and improving the environment was linked to its impact on 'the well-being of peoples and economic development throughout the world'.[50] Similarly, the purpose of environmental protection was to provide for 'present and future generations [of humankind]'.[51] The Declaration retained some traces of the early nature-focused approach,

[44] Holdgate *et al., The World Environment 1972–1982* (n 2) 6.
[45] 'Declaration of the United Nations Conference on the Human Environment' in *Stockholm Report* (n 30) [hereafter: 'Stockholm Declaration'] Preamble para 6.
[46] ibid, Principle 9. [47] ibid, Principle 11. [48] ibid, Principle 4. [49] ibid, Principle 2.
[50] ibid, Preamble para 2. [51] ibid, Preamble para 6.

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acknowledging humankind's 'special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat'.[52] However, it is clear that the nature-focused perspective had been surpassed by a human one. One reflection or consequence of this was the expansion of the scope of the 'development' element of the environmental/development relationship. The Declaration acknowledged the legitimacy of devolvement interests not only in order to reduce environmentally damaging underdevelopment, but also to achieve a better quality of life for all of humankind.[53] It declared the existence of 'broad vistas for the enhancement of environmental quality and the creation of a good life'[54] and professed that, 'through fuller knowledge and wiser action, we can achieve for ourselves and our posterity a better life in an environment more in keeping with human needs and hopes'.[55]

The recognition of broader development aims at Stockholm was one of the earliest indications of a push from within the development movement in the 1970s for approaches to development beyond simple economic growth. In the years that followed, development advocates called for a conception of development aimed at achieving 'justice, dignity and wellbeing for everyone';[56] and '[d]evelopment designed to ensure the humanisation of man, beyond the satisfaction of basic needs'.[57] Stockholm signalled the beginning of the incorporation of the wider development movement into international environmental discourse that went beyond just the incorporation of a developing world perspective. This foreshadowed a stronger shift that would occur some 30 years later at the Rio Conference on Environment and Development.

2. *The price of compromise*

Development is one of the most significant causes of environmental damage. The acceptance and encouragement of developing countries' continued development at Founex, and later by the international community at Stockholm, was therefore also an acceptance of significant future environmental damage. From this point on, the environmental movement was incapable of either holding a purely environment focus or of rejecting as unacceptable any degree of environmental damage. It had admitted development into the environment equation and was therefore committed to engaging in an ongoing balancing exercise. Indeed, the later failure of an attempt in 1980 to reintroduce a purely 'nature' focused approach through the World Charter for Nature demonstrated the degree to which development

[52] ibid, Principle 4. [53] ibid, Preamble para 3. [54] ibid, Preamble para 6.
[55] ibid, Preamble para 6.
[56] J Tinbergen, *Reshaping the International Order – A Report of the Club of Rome* (1976) cited in J Lozoya *et al., Alternative Views of the New International Economic Order: A Survey and Analysis of Major Academic Reports* (Pergamon Press 1979) 10–11.
[57] Dag Hammarskjöld Foundation, *What Now: Towards Another Development* (1975) cited in Lozoya *et al.* (n 56) 19.

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was entrenched in international environmental discourse.[58] The acceptance of this price in return for ensuring the participation of developing nations at Stockholm (and therefore within the international environmental movement) can be understood from a pragmatic perspective. It recognized that the overall environmental damage resulting from development carried out in accordance with international environmental principles (like those agreed at Stockholm) would be less damaging in the long run than if the environmental movement maintained a singular environmental focus and development activities continued external to the environmental movement's sphere of influence. Diluting the environmental focus of the movement was essentially the price that was paid for ensuring that the development activities of all countries fell within this sphere of influence.

IV. 'SUSTAINABLE DEVELOPMENT' AND A STRATEGIC SHIFT OF BALANCE: 1978–1992

The period between 1978 and 1992 was one of transition. The search for an overarching concept to regulate the environment/development relationship eventually led to the adoption of the term 'sustainable development' at the 1992 Rio Conference. Rio also signalled a significant shift in the relative balance between development and environment, largely attributable to a concerted effort on the part of the developing nations, led by the Group of 77.[59] These factors combine to make Rio the third critical juncture.

A. The Need for an Overarching Concept

Following Stockholm there was a clear need for an overarching framework to regulate the balance between environmental protection and development interests. At the 1972 session of UNCTAD, just months before Stockholm, a number of delegates stressed the importance of 'a more comprehensive approach to the interrelationship between development and the environment, and the need to take into account both the positive and the negative consequences of the growing concern with environment'.[60] While neither the Stockholm Declaration nor Report resolved this need, commentators note that the concept of 'ecodevelopment' emerged as a central theme from the Conference.[61]

Broadly speaking, ecodevelopment can be described as 'an approach to development aimed at harmonising social and economic objectives with

[58] GA Res 37/7, 37th Session (1982).

[59] A coalition of developing nations, designed to promote its members' collective interests and provide a centralized joint negotiating capacity in the UN.

[60] UNCTAD, 'Proceedings of the United Nations Conference on Trade and Development' (1972) UN Doc TD/180 Vol1, para 274.

[61] Holdgate *et al., The World Environment 1972–1982* (n 2) 7.

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ecologically sound management'.[62] Work on building the concept of ecodevelopment was picked up by the United Nations Environment Programme (UNEP) in the mid-1970s as part of its work into the relationship between environmental concerns and development interests.[63]

In 1980, however, the concept of ecodevelopment in international discourse was abruptly replaced by the concept of 'sustainable development'. It appears that this was less a case of one concept being discarded for the other, than the culmination of a gradual evolution and reformulation. None of the available reports include discussion of both as separate or competing concepts, and the notion of sustainability can be seen in early conceptualizations of ecodevelopment within UNEP. In 1974, Luis Sanchez, Director of UNEP Division of Economic and Social Programmes, described ecodevelopment as:[64]

> [A]n approach to development … which harmonizes economic and ecological factors to assure better use of both the human and natural resources of the region to best meet the needs and aspirations of the people on a *sustainable basis*.

Writing some years later, Maurice Strong, who was director of UNEP in the 1970s, equated ecodevelopment to sustainable development, referring to the latter simply as the term that 'caught on'.[65]

B. The Emergence of Sustainable Development

The exact origin of the phrase 'sustainable development' is somewhat murky. In 1983 the UNGA resolved to establish a World Commission on Environment and Development, which was mandated, inter alia, to 'propose long-term environmental strategies for achieving *sustainable development* to the year 2000 and beyond'.[66] The text of the resolution was taken almost word for word from a draft proposal submitted by UNEP.[67] Up until 1979, reports of the UNEP Governing Council focused on ecodevelopment as the conceptual framework to address the relationship between environment and development.[68] In 1980, as a result of UNEP's collaborative work in drafting

[62] Ignacy Sachs, cited in *Eco-development: Concepts, Projects, Strategies* (Pergamon Press 1984) 25.

[63] See for example 'Report of the Governing Council of the United Nations Environment Programme on the Work of its Third Session: General Debate' (2 May 1975) available at <http://www.unep.org> at para 66.

[64] 'Memo to UNEP Staff', Maurice F Strong Papers: 1948–2000 (n 19) in Box 37, folder 370 (emphasis added). See also MF Strong, 'To Win the Battle for a Quality Environment' (1976) 3 *Catalyst* 3 2.

[65] Strong, *Where on Earth Are We Going?* (n 13) 195.

[66] GA Res 38/161 (1983) 38th Session (emphasis added).

[67] UNEP/GC Res 11/3, 11th Session (1983), referred to in GA Res 38/161 (n 66) para 1.

[68] See UNEP Governing Council Reports from its Third, Fourth, Sixth and Seventh sessions (n 63).

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the 1980 World Conservation Strategy,[69] sustainable development had replaced ecodevelopment as the guiding principle.[70]

While the World Conservation Strategy is often credited as being the first published reference to sustainable development, it was in fact published in a 1979 report of the International Institute for Environment and Development (IIED) titled *Banking on the Biosphere*.[71] It has been suggested that the terminology first arose from the IUCN's 'Conservation for Development' programme, which was set up in 1979 under Maurice Strong's leadership to 'achieve more effective conservation and more *sustainable development*'.[72] Other sources claim that Barbara Ward, who was the Director of IIED at the time that *Biospehere* was written[73] and worked closely with Maurice Strong,[74] was the first to pioneer the concept of sustainable development.[75] Whatever the moment of its initial inception, it is clear that sustainable development was the outcome of attempts by a number of agencies working in the late 1970s and 1980 to better conceptualize the interrelated relationship between environmental protection and development.

C. *Defining Sustainable Development*

Despite references in the World Conservation Strategy, *Banking on the Biosphere* and the 1983 UNGA resolution establishing the World Commission on Sustainable Development, no definition of sustainable development was put forward. This task eventually fell to the World Commission, dubbed the 'Brundtland Commission' after its Chairman, Gro Harlem Brundtland.

The definition ultimately adopted by the Commission bears striking similarities to a definition contained in one of the Commission's background reading papers, which defined sustainable development as:[76]

[69] IUCN, UNEP, WWF, FAO, UNESCO *World Conservation Strategy: Living Resource Conservation for Sustainable Development* (1980) ISBN 2880321018.

[70] 'Report of the Governing Council of the United Nations Environment Programme on the Work of its Eighth Session' (29 April 1980) <www.unep.org> [UNEP GC 8th Session Report] para 262.

[71] RE Stein and BDG Johnson, *Banking on the Biosphere* (Aero Publishing Ltd 1979). The report is cited in the Strategy, albeit in a different context: *World Conservation Strategy* (n 69) section 15, para 11, fn 3.

[72] M Holdgate, *The Green Web: A Union for World Conservation* (Earthscan Publications Ltd 1999) 156 (emphasis added).

[73] Barbara Ward was President of IIED from 1979 and Chairman from 1980.

[74] M Strong, cited in D Satterthwaite, *Barbara Ward and the Origins of Sustainable Development* (IIED 2006) 17; I Borowy, *Defining Sustainable Development for Our Common Future: A History of the World Commission on Environment and Development (Brundtland Commission)* (Routledge 2014) 3.

[75] Satterthwaite (n 74) 9.

[76] R Goodland and G Ledec, 'Some Principles of Sustainable Development' cited in Borowy (n 74) 98.

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> [A] pattern of social and structural economic transformations (i.e., 'development') [that optimizes] the economic and other societal benefits available in the present without jeopardising the likely potential for similar benefits in the future.

The paper, which advocated for ecological economics as an alternative to growth-based neoclassical economic theory,[77] was not cited in the Commission's report or at any of the Commission's meetings. This was possibly due to concerns that being identified with non-growth thinking 'might have doomed fruitful Commission work'.[78] When the Commission's report, *Our Common Future*, was published just over a year later it defined sustainable development as:[79]

> [M]eeting the needs of the present without compromising the ability of future generations to meet their own needs.

1. What is in a name?

Two things are striking about the definition adopted by the Commission. The first is the articulation of current and future human needs as the only limitation on development. This is almost a complete reversion to the natural resources approach of the 1960s. One explanation for this oddly narrow focus is that the Commission did not expect the definition to be removed from the context of the whole report. Jim MacNeill, Secretary General of the Commission, has explained that, contrary to popular opinion, the Commission included three definitions of sustainable development.[80] The first was ecological and referred to the need to live within nature's limits.[81] The second was social and referred to consumption levels.[82] The final definition, which was ethical, was the definition that captured international attention, set out above.

It is perhaps understandable that this third definition has been adopted at the expense of the other two. It is the only one of the three that is preceded by the words 'sustainable development is …', and it is also the opening sentence in the chapter of the Report titled 'Towards Sustainable Development'. Indeed, the leading commentary on the Commission suggests that the ecological and social elements highlighted by MacNeill were included by way of elaboration of the core definition, not as separate elements of it.[83] Writing later, MacNeill has said that he has always regretted the way in which the Commission's report has been interpreted as presenting

[77] R Goodland and G Ledec, 'Neoclassical Economic and Principles of Sustainable Development' (1987) 38 *Ecological Modelling* 19. [78] Borowy (n 74) 99.
[79] *Report of the World Commission on Environment and Development: Our Common Future* (Oxford University Press 1987) [hereafter: *Brundtland Report*] ch 2, para 1.
[80] J McNeil, 'Brundtland Revisited' at <https://www.opencanada.org/features/brundtland-revisited/>. [81] *Brundtland Report* (n 79) ch 2, para 9. [82] ibid, ch 2, para 4.
[83] Borowy (n 74) 122–3.

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this singular intergenerational definition. While intergenerational equity is an important feature of any viable definition of sustainability, 'standing alone to the exclusion of the others, it doesn't make sense'.[84]

The second thing that is striking about the definition is that it articulates the apparent conflict between development and environmental protection – that human activities today will limit the earth's capacity to sustain human activities in the future – but does not adopt a position on how that conflict should be resolved. This applies equally, though to a lesser extent, if the three parts of the definition are read together. Commentary on the meetings of the Commission suggests that this was intentional. The vagueness of the definition left it open to misconception, but equally made widespread acceptance possible.[85] As no later conventions or summits attempted a replacement definition, the substantive content of sustainable development and its internal priorities and balance were able to change and evolve without requiring reconceptualization.

D. Rio: A Strategic Turning Point

The success of the Brundtland Report paved the way for the convening of the 1992 Conference on the Environment and Development at Rio. Rio signalled a turning point for both the international environmental movement and the international development movement. As the international focus on environmental concerns was growing, the international development movement was losing prominence. Rather than dropping away, however, the interests behind the development movement sought to incorporate development imperatives deeper within environmental discourse on sustainable development. This was demonstrated both by the manner in which states approached the Rio negotiations, and the outcomes agreed.

Countries from the developed North came to the Rio Conference concerned to ensure that their access to raw materials was not compromised. They were also invested in seeing the adoption of two instruments—the Draft Biodiversity Convention and the Draft Convention on Climate Change.[86] While delegations from the European Community presented a concerted front, the strength of the Northern position was weakened by the apparent lack of engagement by the United States, a nation that had shown strong leadership at Stockholm. The United States' position was largely negative and defined by reference to what it did not want to commit to. In particular, it was steadfastly opposed to any serious consideration of the problem of Northern overconsumption.[87]

[84] MacNeill, 'Brundtland Revisited' (n 80).
[85] Borowy (n 74) 123.
[86] Strong, *Where on Earth Are We Going* (n 13) 212.
[87] SA Hajost, 'The Role of the United States' in T Treves *et al.* (eds), *The Environment after Rio: International Law and Economics* (Kluwer Law International 1994) 17.

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The countries from the developing South were highly organized in their approach. Facilitated by the South Centre, an influential intergovernmental organization of developing countries,[88] the Southern States compiled a strategy document[89] which set out two key strategic goals: ensuring that the South had adequate 'environmental space'[90] for its future development, and closing the resource gap. Two key negotiating strategies were proposed to achieve these goals. First, that developing States undertake not to enter into agreements in the three environment-related negotiations (The Conference Declaration, the Climate Change Framework Convention and the Convention on Biological Diversity) unless their agreement was given in return for international action and firm commitment on North-South development issues and global economic relations. Second, that developing States collectively insist that the balance in negotiations be tilted towards development considerations.[91] A number of principles included in the Rio Declaration suggest that the latter strategy, at least, was implemented.

Underlying the South Strategy was a concern, shared by a number of developing countries, that environmental protection measures and sustainable development would be used to impose environmental conditionality on development. During negotiations Mexico indicated that it would not co-sponsor a draft UNGA resolution concerning preparations for the Conference unless all references to sustainable development were removed.[92] Similar demands were made by Brazil, on behalf of the Group of 77.[93] In reality, both the North and South were hesitant to grant too much traction to the concept. The North's concerns were the converse of the South's. They feared that wholesale adoption of sustainable development would weaken their ability to resist demands for additional development assistance.[94] It was not until later, after these concerns had been abated through carefully negotiated provisions in the Rio Declaration,[95] that the North and South finally embraced the concept. As discussed later, the principles adopted at Rio signalled a significant shift in the balance between environment and development within the concept of sustainable development.[96]

[88] See <www.southcentre.int>.

[89] South Centre, 'Environment and Development: Towards a Common Strategy for the South in the UNCED Negotiations and Beyond' (Geneva 1991) (copy kindly provided to the author by the Centre).

[90] 'Environmental space' pertains to the environmental fallout required to achieve certain levels of development. The development of the South, the Strategy insisted, 'can in no way be compromised by the North's pre-emption of the global environmental space', ibid 4.

[91] ibid 7, 9–12.

[92] L Engfeldt, *From Stockholm to Johannesburg and Beyond* (Government Offices of Sweden 2009) 120.

[93] ibid.

[94] ibid 139.

[95] 'Rio Declaration on Environment and Development adopted by the UNGA on 22 December 1992' GA Res 47/190, 47th Session (1992) [hereafter: 'Rio Declaration'].

[96] For a more detailed analysis of the Rio Declaration see JE Viñuales (ed), *The Rio Declaration on Environment and Development: A Commentary* (Oxford University Press 2015).

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E. Tipping the Balance

The period between 1978 and 1992 saw a partial merging of the international development movement into the international environmental movement. The resulting prominence of development interests in international environmental discourse can be seen in two shifts in the relationship between environment and development that culminated at Rio.

The first shift concerns the manner in which development was viewed within the environmental/development equation, specifically, in respect of what development interests were considered to be legitimate. This was a continuation of the changes that began at Stockholm.[97] Following Stockholm, the Brundtland Report stated that '[s]ustainable development requires meeting the basic needs of all and extending to all the opportunity to satisfy their aspirations for a better life'.[98] In the period between Brundtland and Rio, the UNDP issued its first and second Human Development Reports. The first, in 1990, stated that the 'basic objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives'.[99] A year later, the second report stated that the objective of development was 'to enlarge the range of people's choices to make development more democratic and participatory'.[100] This included access to income and employment, education and health, a clean and safe environment and guaranteed participation and individual freedoms.[101] A year later, the Rio Declaration declared poverty eradication to be an independent and core goal of sustainable development in its own right, rather than as a means of reducing environmental damage.[102]

The second shift in the environmental protection/development relationship concerned the respective priority placed on environmental and developmental objectives. The Stockholm Declaration had presented both objectives as relatively balanced. Both it and the later Brundtland Report expressly recognized a right to an environment adequate for health and wellbeing.[103] The balance between environmental protection and development peaked and shifted at Rio. Development, in the context of poverty eradication, was placed in a position of priority over environmental protection. The failure to acknowledge a right to a healthy environment at Rio stood in contrast to the express recognition of both a right to development[104] and the reference to poverty eradication as an 'essential task' of all States.[105] The prioritization of development interests over environmental interests was accompanied by a

[97] See the discussion above in section IIIC.1 'Striking a balance'.
[98] *Brundtland Report* (n 79) report overview: 'Our Common Future, From One Earth to One World' at para 4.
[99] UNDP, *Human Development Report: 1990* (Oxford University Press 1990) 9.
[100] United Nations Development Programme, *Human Development Report: 1991* (Oxford University Press 1991) 1.
[101] ibid.
[102] Rio Declaration (n 95) Principle 5.
[103] *Brundtland Report* (n 79) Annex I, para 1.
[104] Rio Declaration (n 95) Principle 3.
[105] ibid, Principle 8.

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stronger articulation of the anthropocentric nature of sustainable development with Principle 1 of the Rio Declaration unequivocally declaring human beings to be 'at the centre of concerns for sustainable development'.

V. THE CHALLENGE OF THE GREEN ECONOMY: 2002–2012

The green economy was developed in the late 1980s in response to growing frustration at the failure of the global community to implement sustainable development. Initially presented as a conceptual challenge, the green economy was eventually characterized as a sub-category of sustainable development. Its tentative acceptance at the World Conference on Sustainable Development (Rio+20) in 2012 is the fourth critical juncture.

A. Disillusionment and the Implementation Gap

In the years that followed Rio, a failure on the part of the international community to implement both the environmental and development goals of sustainable development led to disillusionment.[106] In 2002 the Johannesburg World Summit on Sustainable Development was convened to address this implementation gap.[107] However the 9/11 attacks that occurred during the preparatory stages of the Summit altered the terms of the discussion. Poverty and the resulting feelings of hopelessness and alienation that it cultivated were increasingly viewed as a global security threat. It was believed that by targeting poverty, governments could address the core issues of both terrorism and sustainable development.[108] As a result, the Johannesburg Declaration concentrated predominantly on development goals and only made sparse mention of environmental interests.[109] The articulation of three 'pillars of sustainable development', only one of which concerned environmental protection, further reflected the priorities that emerged from Johannesburg.[110]

B. The Green Economy Solution

The origin of the term 'green economy' can be traced back to a 1989 publication by a number of prominent economists titled *Blueprint for the Green*

[106] Nitin Desai, cited in S Johnson, *UNEP: The First 40 Years: A Narrative* (United Nations Environment Programme 2012) 188–90.
[107] ibid.
[108] Dodds *et al., Only One* Earth (n 25) 95.
[109] For example, taking the report as a whole and excluding references to conference or report titles, the term 'environment' appears only five times, two of which are references to commitments made at previous UN Conferences. 'Biodiversity' appears twice. By contrast, the term 'development' appears 16 times, including two references to previous commitments and excluding references within the phrase 'sustainable development': 'Johannesburg Declaration on Sustainable Development', para 11, annexed to: 'Report of the World Summit on Sustainable Development' (2002) UN Doc A/CONF.199/20 [hereafter: 'Johannesburg Declaration']. Word counting is a blunt instrument, however, in this context it is generally indicative of the relative weight placed on each of the two interests.
[110] Johannesburg Declaration, ibid, para 5.

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Economy.[111] They argued that sustainable development was unattainable and proposed the green economy as an alternative. By reconceptualizing the environmental movement to align with the language of economics and development, the green economy sought to implant environmental imperatives into development policies.

The green economy was introduced into international environmental discourse in a 2009 UNEP policy brief titled the 'Global Green New Deal', which argued that the concept should be used as a guide for the international community's response to the global economic crisis.[112] In December 2009, shortly after the UNEP policy brief was published, the UNGA convened the 2012 UN Conference on Sustainable Development ('Rio+20'), one of the two themes of which was the green economy.[113]

Unlike *Blueprint*, neither the *Global Green New Deal* brief nor the UNGA resolution presented the green economy as a challenge to sustainable development. Indeed, the UNGA resolution referred to 'a green economy *in the context of sustainable development* and poverty eradication'.[114] Views expressed by State delegations during the preparatory meetings leading to the Rio+20 Conference make it clear that the green economy was considered to be a subsidiary of sustainable development, rather than its replacement.[115] The centrality of sustainable development was one of the core points of international agreement. It represented hard won advances from drawn-out negotiations. Neither the developed North nor the underdeveloped South were willing to give it up.[116]

C. *Rio+20: A Difficult Sell*

Rio+20 saw the tentative acceptance of the green economy into the sustainable development paradigm, and thus the relationship between development and environmental protection. Throughout the Rio+20 negotiations, delegations were enthusiastic about the opportunities presented by the green economy, but hesitant to commit to a rigid formulation of the concept, or to a set path for implementation.[117] These sentiments were, if anything, stronger at the

[111] D Pearce *et al., Blueprint for a Green Economy* (Earthscan Publications 1997).

[112] UNEP, 'Global Green New Deal: Policy Brief' Nairobi, March 2009 <http://www.unep.org/pdf/A_Global_Green_New_Deal_Policy_Brief.pdf> at 1, 3.

[113] GA Res 64/236, 64th Session (2009) para 20.

[114] ibid (emphasis added).

[115] International Institute for Sustainable Development 'Summary of the first PREPCOM for the UN Conference on Sustainable Development: 17–19 May 2010' (2012) 27 Earth Negotiations Bulletin 1, 5. See also the comments at 6.

[116] This was expressly acknowledged in a UNEP follow-up publication *Towards a Green Economy* in 2011: UNEP, *Towards a Green Economy: Pathways to Sustainable Development and Poverty Eradication* (2011) Foreword.

[117] See for example comments in: UNCTAD 'The Green Economy: Trade and Sustainable Development Implications: Report of the Ad Hoc Expert Meeting' (2010) UN Doc UNCTAD/DITC/TED/2011/8, 4; see also Summary of the first PREPCOM for the UN Conference on Sustainable Development: 17–19 May 2010 (n 115) at 5–6.

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Conference. During negotiations, Brazil noted that obtaining a consensual definition of the green economy was unlikely and that green economy tools should not be rigid or prescriptive; Qatar suggested that there was no need to define the green economy, while Ecuador noted that the concept should allow for flexibility in definition.[118]

This reluctance to define or prescribe green economy measures was reflected in the Conference report. In contrast to previous UN conference reports and declarations, the Rio+20 Report is expressed in language that is decidedly non-obligatory. Rather than declaring principles, the Report 'encourages' 'recognizes' 'acknowledges' and 'stresses' its core tenants. It endorsed the green economy as an 'important tool available for achieving sustainable development'[119] but declined to provide a definition of green economy or adopt a road map for its implementation. Similarly, no agreement was reached regarding whether the green economy was to be the preferred 'means to achieve sustainable development' or just as a mere 'decision-making framework to foster integrated consideration of the three pillars of sustainable development'.[120]

As discussed further below, it appears that States' hesitancy to embrace the green economy only increased in the years following Rio+20.

VI. A NEW KIND OF COLLABORATION: 2012–2015

The short period following Rio+20 saw the creation of 17 Sustainable Development Goals (SDGs).[121] The integration of the SDGs into the 2030 Agenda for Sustainable Development (2030 Agenda) and its endorsement by the UNGA in 2015 is the fifth and final critical juncture.[122]

As the 2030 Agenda was adopted only months prior to writing, it is too early to reach any conclusions on its impact. At this stage, we may instead consider two important uncertainties that the Agenda and the SDGs raise in respect of the environmental protection/development relationship. The first is whether the SDGs and the 2030 Agenda should be characterized as sustainable development initiatives at all, and the second is whether the 2030 Agenda is a sign of the demise of the green economy.

[118] 'Summary of the First Intersessional Meeting for the UN Conference on Sustainable Development: 10–11 January 2011' (2012) 27 Earth Negotiations Bulletin 2, all at 4.

[119] '*The Future We Want*' in 'Report of the United Nations Conference on Sustainable Development' (2012) UN Doc A/CONF.216/16, at para 56.

[120] E Morgera and A Savaresi 'A Conceptual and Legal Perspective on the Green Economy' (2013) 22 RECIEL 14, at 22.

[121] UNGA, 'Report of the Open Working Group on Sustainable Development Goals Established Pursuant to General Assembly Resolution 66/288' GA68/309 (12 Sept 2014) UN Doc A/RES/68/309.

[122] GA Res 70/1, 'Transforming Our World: The 2030 Agenda for Sustainable Development' (2015) 70th Session [hereafter: '2030 Agenda'].

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A. Characterizing Agenda 2030 and the SDGs

It is questionable whether the SDGs and the 2030 Agenda can accurately be considered sustainable development initiatives (stemming from the legacy of the environmental movement), or whether they ought more properly to be characterized as development initiatives (born from the legacy of the Millennium Development Goals (MDGs)). This is significant in light of the implications that the content of the SDGs might have for the projected trajectory of the environmental protection/development relationship.

It is apparent that the SDGs were not independent from the MDGs. The Rio+20 declaration stated that the SDGs were to be based on the principles agreed at Rio+20 but also that they were to be 'coherent with and integrated into the United Nations development agenda beyond 2015'.[123] One of the first questions faced by the SDG working group was the degree to which the MDGs would be integrated into the SDGs. Despite the suggestion that some parties at least considered combining the MDGs and SDGs to be problematic,[124] documents released from the first meeting of the SGD Working Group make it clear that the top priority of participant member States remained the key social areas addressed by the MDGs.[125] By the end of the working group's second meeting, it had been agreed that the MDGs were to be the point of departure for the SDGs.[126]

This significantly influenced the manner in which the working group approached the SDGs and, eventually, their content. Indeed, it is clear that the SDGs were viewed, at least in some quarters, as a development initiative. An early report from the Secretary-General of the Working Group described sustainable development as representing 'a natural step in the evolution of the development agenda' by joining environmental interests to existing economic and social dimensions of the development movement.[127]

It was likely the strong influence of the MDGs, combined with concern for the 'unfinished business' of the MDGs[128] that led to an overriding development focus of the SDGs. In the end, every one of the eight MDGs was rearticulated or expanded on in the SDGs, and 13 of the 17 goals reflect development objectives. Only four of the SDGs contain core environmental protection elements.[129]

[123] *The Future We Want* (n 119) para 246.

[124] South Centre, 'Concept Paper by the South Centre on Sustainable Development Goals (SDGs)' (Geneva 2013) available at <https://sustainabledevelopment.un.org> at para 14.

[125] UNGA, 'Initial Input of the Secretary-General to the Open Working Group on Sustainable Development Goals' UN Doc A/67/634, paras 13–17.

[126] Open Working Group on Sustainable Development Goals 'Co-Chairs' Summary bullet points from OWG-2' (New York, 2013) <https://sustainabledevelopment.un.org/content/documents/1826bullet2.pdf> 1.

[127] UN Doc A/67/634 (n 125) para 5.

[128] Open Working Group on Sustainable Development Goals 'Co-Chairs' Summary bullet points 'from OWG-2' (n 126) 1.

[129] Open Working Group on Sustainable Development Goals 'Report of the Open Working Group of the General Assembly on Sustainable Development Goals', UN A/68/970 at 10.

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Development is also the prevailing focus of the 2030 Agenda, which adopted and expanded upon the SDGs. While the Agenda declares those participating to be 'setting out … on the path towards sustainable development', it describes this as 'devoting ourselves collectively to the pursuit of global development and of 'win-win' cooperation which can bring huge gains to all countries and all parts of the world.[130] Only two of the 38 paragraphs summarizing the new agenda are focused on environmental protection. One of these addresses climate change, while the other, which declares the participants' commitment to conserve and sustainable use elements of the natural world, begins by expressly recognizing 'that social and economic development depends on the sustainable management of our planet's natural resources'.[131] Mirroring the natural resources approach that emerged in the 1940s and 1950s, the importance of conservation is once again characterized by reference to developmental or human needs.

If the SDGs and 2030 Agenda represent the next step in the progression of the environmental protection movement, it is clear that their overriding focus on development would signal a complete loss of balance between environmental protection and development within the concept of sustainable development. This is not, however, a given. In light of the strong influence of the MDGs in the creation of the SDGs, the SDGs and 2030 Agenda might also be viewed as the next step in the progression of the parallel development movement that was partially sidelined at Rio in the early 1990s. The introduction of the concept of sustainable development through the SDGs could therefore suggest a widening of the influence of the concept and the environmental protection movement into mainstream development discourse. Indeed, when the UNGA endorsed the SDGs in 2014 it stated that they were to form the 'main basis for integrating sustainable development goals into the post-2015 development agenda'.[132] Which of these two alternatives reflects the true impact of the SDGs and 2030 Agenda is yet to be seen.

B. Sidelining the Green Economy?

The second area of uncertainty surrounding the SDGs and Agenda 2030 concerns the role (or lack thereof) of the green economy. Despite the centrality of the green economy at Rio+20, it is notably absent from the final SDGs, the report of the SDG working group and the 2030 Agenda. The concept appears to have been discussed at the fifth session of the SDG working group and is mentioned in the position papers presented at the meeting,[133] but is mentioned only in passing in the reports released following

[130] 2030 Agenda (n 122) para 18. [131] ibid, para 33.

[132] UNGA 'Report of the Open Working Group on Sustainable Development Goals Established Pursuant to General Assembly Resolution 66/288' GA68/309 (12 Sept 2014) UN Doc A/RES/68/309.

[133] See United Nations Technical Support Team in support of the General Assembly Open Working Group 'TST Issues Briefs' at <https://sustainabledevelopment.un.org>. The author understands that the papers titled 'TST Issues Brief: Macroeconomic policy questions' and 'TST

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it.[134] This is perhaps especially unusual in light of the significant portion of the 2030 Agenda report devoted to implementation.

There is little explanation in the documents available for the absence of the green economy. It is possible that the prominent focus on the MDGs led discussions away from concepts like the green economy, which are seen as stemming more from the legacy of the environmental movement. What seems more likely, however, is that the concept did not gain traction because States remain hesitant to adopt it. Throughout the evolution of the environmental protection/development relationship, there has been consistent reluctance to subscribe to concepts that could impose hidden (or not so hidden) limitations or obligations on State conduct. This was seen first in the scepticism with which States approached sustainable development in the early 1990s,[135] and was seen again at Rio+20, where delegations were enthusiastic about the opportunities presented by the green economy, but hesitant to commit to a rigid formulation of the concept, or to a set path for implementation.[136] In the absence of first-hand reports or accounts of the actual negotiations, however, it is only possible to speculate.

The importance of the absence of the green economy will depend largely on whether the SDGs and 2030 Agenda are sustainable development initiatives, or whether it becomes apparent that they fall more appropriately within the development movement. As discussed above, it appears from the negotiation documentation at least, that the SDGs and Agenda appear to have been built upon the foundation laid by the MDGs, rather than that laid at Rio+20. While this may imply some things about how States view the SDGs and Agenda, the true characterization of the SDGs and 2030 Agenda will only really be clear from the manner in which States and interested parties refer to them over time.

VII. CONCLUSION

The evolution of the relationship between environmental protection and development has seen its internal balance shift strongly in favour of development. This can largely be attributed to the influence of the development movement and the strategic efforts by certain interested parties. The influence of the development agenda and its ability to alter the balance within the environmental protection/development relationship stems from the

Issue Brief: Sustained and Inclusive Economic Growth, Infrastructure Development, and Industrialization', which mention the green economy, were presented at the fifth session. The green economy is mentioned by other issues briefs included in the compilation, however, it is not clear from the information available at the time of publication at what sessions these were presented.

[134] See 'General Assembly Open Working Group on Sustainable Development Goals Fifth Session' (27 November 2013) at 2–4; and 'Draft Concluding Remarks of Co-Chairs: 5th Session of Open Working Group on SDGs' (undated)—both available at <https://sustainabledevelopment.un.org>.

[135] Discussed above in section IVD 'Rio: A Strategic Turning Point'.

[136] Discussed above in section VC 'Rio+20: A Difficult Sell'.

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anthropocentric framing of environmental concerns. Once human beings are placed at the centre of environmental protection, it logically follows that human needs—and not simply those that are compatible with environmental protection—will become the driving force behind the policies imposed and the exceptions to those policies. Where the fulfilment of a human need will have an adverse impact on the environment, a balancing exercise must be carried out between the human benefit from environmental protection in the long term and the human benefit from the fulfilment of that need. The more urgent and serious the need, the less likely it is that it will be outweighed by the interests of environmental protection. To the extent that urgent needs such as those associated with poverty will outweigh the benefit of environmental protection from a human perspective, development will be granted priority over environmental protection. Accepting this, the prioritization of development interests over environmental protection can be traced back to the influence of the anthropocentric natural resources approach of the 1950s and 1960s and the adoption of the phrase 'human environment' by the UNGA in 1968.

The human-centred conceptualization of environmental protection is also in part responsible for the reoccurring division between the interests of developed and underdeveloped nations. If the ultimate aim of environmental protection is to preserve its ability to benefit human beings, it logically follows that there will be tension over what benefits can be protected, what can be enjoyed, when and by whom. The inherent bias on the part of States towards ensuring the greatest benefit for their own interests, and the tension between short-term benefits and future benefits also underlie the need to incentivize implementation and participation. How this 'tension of benefits' is played out will likely determine the long-term success of the environmental/development balancing exercise.

The actions of developing nations to influence the balance between environment and development in order to advance their own development objectives cannot be criticized. The urgency and significance of the pressures that they face on a daily basis is self–evident. Their defensible position does not, however, resolve the tension caused by the lack of balance between environmental and development interests at the international level. At the heart of the problem is the assertion, which was first articulated at Founex, that the two interests are not in conflict. If this were true then there would be no occasion to claim prioritization of one over the other. In reality, there are some areas where the advancement of both interests overlap, while in others the two interests are in competition. The purpose of this article has not been to present a critique of sustainable development. However, it might be suggested that part of the failure of sustainable development to live up to expectations may be attributed to the fact that it is presented as a workable framework not only for those areas where development and environment interests overlap, but also for those areas where they do not.

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