Sustainable development continues to be viewed as a niche area of development, and is considered by many to be synonymous with environmentalism. At the international level, environment and development issues have not been effectively integrated with one another and continue to be addressed on virtually separate tracks. This article examines how sustainable development has been recently interpreted, applied, and integrated at the international level. The article examines the treatment of the concept of sustainable development at the 2005 World Summit and by the 2006 UN High Level Panel on System Wide Coherence, revealing that world leaders at the Summit segregated the three pillars of sustainable development, while the Panel attempted to apply sustainable development as a cross-cutting issue. Neither approach, however, was successful in adopting "sustainable development as a key element of the overarching framework for United Nations activities" as required by UN General Assembly Resolution 57/253. This article posits that a different approach to integrating the pillars of sustainable development and applying the concept is needed. A framework convention on sustainable development that pulls together the various interpretations and applications of sustainable development, and that adds coherence to international environmental and development law and policy, is suggested.

1. Introduction

2. The MDGs and the Role of Sustainable Development

3. The 2005 World Summit
   3.1 Interpreting Sustainable Development
      3.1.1 Sustainable Development as a Label for Environmental Issues
      3.1.2 The Summit’s Treatment of Sustainable Development as a Development Objective Rather than a Key Element in the Overarching Framework for Development
   3.2 Applying Sustainable Development
      3.2.1 Applying the Concept of Sustainable Development Consistently
      3.2.2 Linking Environment, Economic Development, and Human Well-Being
   3.3 Guidance on Implementing the Outcome Document
   3.4 Still a Step Forward

4. Secretary-General’s High Level Panel on System-Wide Coherence
   4.1 The Panel Report
   4.2 Interpreting, Applying and Implementing the Concept of Sustainable Development
   4.3 Making Some Progress
   4.4 The Secretary-General’s and General Assembly’s Responses

5. Need for Change

6. Conclusion
Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy, and the continuing deterioration of the ecosystems on which we depend for our well-being. However, integration of environment and development concerns and greater attention to them will lead to the fulfilment of basic needs, improved living standards for all, better protected and managed ecosystems and a safer, more prosperous future. No nation can achieve this on its own; but together we can—in a global partnership for sustainable development.”¹

These words, which launched Agenda 21, highlighted the pressing need for better integration of environment and development issues through the concept of sustainable development. The commitment to achieve this integration was reiterated in Johannesburg in 2002, where world leaders vowed to assume “collective responsibility to advance and strengthen the interdependent and mutually reinforcing pillars of sustainable development—economic development,

social development and environmental protection—at the local, national, regional and global levels,” and to take immediate steps to make progress in the formulation and elaboration of national strategies for sustainable development.\textsuperscript{3}

The arrival of environment issues as priorities in general international policy documents such as the 2005 World Summit Outcome Document is directly attributable to the emergence of the concept of sustainable development. As a tool for mainstreaming development and environmental issues into international policy debates, sustainable development has been an effective policy concept and has brought these issues to the forefront of the international agenda. The 2005 World Summit Outcome document and, more recently, the report of the UN Secretary-General’s High Level Panel on System Wide Coherence both highlight environment issues as integral parts of the international agenda for the future.\textsuperscript{4}

Public consciousness of environmental issues has increased in many countries as threats to the environment become more apparent and environmental degradation worsens. An illustrative example of this is the increased awareness of the risks posed by climate change. Linking the economic, health, social, and cultural sources and impacts of these environmental issues through concepts such as sustainable development is instrumental in generating the political will to prioritize environmental issues in international policy. However, these links between

\begin{itemize}
\item \textsuperscript{3} Plan of Implementation of the World Summit on Sustainable Development at para. 162(b) in Report of the World Summit on Sustainable Development, UN World Summit on Sustainable Development, 17th Mtg., UN Doc. A/CONF.199/20 (2002) 8 [JPOI]. There are various definitions of sustainable development. Boyle and Freestone argue that the components of sustainable development include sustainable utilization of natural resources, integration of environment and development, the right to development, inter- and intra-generational equity and procedural elements. See A. Boyle and D. Freestone, International Law and Sustainable Development: Past Achievements and Future Challenges (New York: Oxford University Press, 1999 at 8-9). In 2002, the International Law Association (ILA), in its New Delhi Declaration on Principles of International Law Related to Sustainable Development, set out seven principles of international law for sustainable development. These included the duty of States to ensure sustainable use of natural resources; the principle of equity and the eradication of poverty; the principle of common but differentiated responsibilities; the precautionary approach; the principle of public participation and access to information and justice; the principle of good governance; and the principle of integration and interrelationship, in particular in relation to human rights and social, economic, and environmental objectives. See ILA, Committee on the Legal Aspects of Sustainable Development, Fifth Report of the Principles of International Law Relating to Sustainable Development (London: ILA, 2002).
\item \textsuperscript{4} The newly found importance of these issues is exemplified by the comments of the UK’s then Chancellor of the Exchequer, Gordon Brown, who, when referring to the Secretary-General’s Panel on System Wide Coherence in a speech at the UN on 20 April 2006, stated:

In the review Kofi Annan has constituted, chaired by three Prime Ministers - of Mozambique, Norway and Pakistan - and of which I am privileged to be a member, the United Nations is testing its global remit against the challenges ahead and it is clear that if we were starting afresh, environmental stewardship would play a more dominant and central role.

\end{itemize}
the pillars of sustainable development have not been made to the degree that they could. Sustainable development continues to be viewed as a niche area of development. The concept is still seen by many as synonymous with environmentalism, rather than as the solution for long-term development needs. In other words, although environment and development issues have been mainstreamed into global policy debates, they have not yet been integrated with one another. Indeed, they continue to be addressed on virtually separate tracks. The continued separation of sustainable development from mainstream development policy indicates that the concept has not yet been interpreted or applied in a manner that will facilitate the achievement of the goals established in *Agenda 21*.

Rhetoric and actual practice in the UN have differed regarding sustainable development. General Assembly Resolution 57/253 prioritized the concept as a key element of the overarching framework for UN activities, yet UN processes continue to address sustainable development as a subset of development policy. This paper explores the manner in which sustainable development has been recently interpreted, applied, and integrated at the international level. By way of introduction, the Millennium Development Goals (“MDG”) and the role of sustainable development are explored. The use of the concept of sustainable development is then examined in two key international processes—the 2005 World Summit and the 2006 UN High Level Panel on System Wide Coherence—and means for improving the future integration of the environmental, and social and economic development pillars of sustainable development are assessed.

2. THE MDGs AND THE ROLE OF SUSTAINABLE DEVELOPMENT

The *Millennium Declaration* was adopted by 189 States in September 2000 at the UN Millennium Summit. The *Declaration* outlines peace, security, and development concerns in areas including the environment, human rights, and governance. The *Declaration* led to the consolidation of a set of interconnected and mutually reinforcing development goals, targets, and benchmarks into a global agenda known as the Millennium Development Goals (“MDG”).

The MDGs set out time-bound goals to achieve quantifiable results to:

1. Eradicate extreme poverty and hunger;
2. Achieve universal primary education;
3. Promote gender equality and empower women;
4. Reduce child mortality;
5. Improve maternal health;
6. Combat HIV/AIDS, malaria and other diseases;
7. Ensure environmental sustainability; and
8. Develop a global partnership for development.

---

Each of the eight goals has targets and indicators used to measure progress.\(^7\)

Due to its overarching nature, the concept of sustainable development underpins each of the MDGs. In UN General Assembly Resolution A/RES/57/253, which adopted the outcomes of the 2002 World Summit on Sustainable Development (“WSSD”), the General Assembly agreed to adopt sustainable development as a key element of the overarching framework for United Nations activities, in particular for achieving the internationally agreed development goals, including those contained in the United Nations Millennium Declaration, and to give overall political direction to the implementation of Agenda 21 and its review.\(^8\)

This Resolution demonstrates that the General Assembly considered the application of sustainable development principles to be a crucial consideration to be taken into account in the UN’s work, and as an essential prerequisite for achieving the MDGs. It is, furthermore, intuitive that for development to be effective, it must have a long term vision addressing economic, social and environmental considerations. In other words, all development should fall under the rubric of sustainable development.

3. THE 2005 WORLD SUMMIT

The 2005 World Summit was held in New York in September 2005, with over 150 Heads of State and Government in attendance. The meeting aimed to review the implementation of the Millennium Declaration, and to serve as a follow-up to recent UN conferences and summits on economic, social, and related issues.

The Summit focused on a wide variety of UN reform issues. Its Outcome Document broadly addresses issues relating to development, peace and collective security; human rights and the rule of law; and strengthening the UN. Some of its most heralded outcomes were the agreement to establish a UN Peacebuilding Commission and Human Rights Council, as well as the elaboration of state responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.\(^9\) Agreement on other key issues such as UN Security Council reform and disarmament and non-proliferation, however, was not achieved.\(^10\)

The months leading up to the Summit were crowded with reports and key meetings, which provided inputs to the Summit itself. These included the report of the UN Secretary-General’s High-Level Panel on Threats, Challenges and Change; the international meeting for the 10-year review of the Barbados Programme of Action for small island states; the UN Millennium Project’s report entitled Investing in Development; the UN Secretary-General’s report for the Summit entitled In Larger Freedom; the Millennium Ecosystem Assessment report; the thir-

\(^7\) Ibid.


\(^9\) Issues such as UN management reform, as well as the creation of a Human Rights Council and a Peacebuilding Commission, were not addressed at the level of detail that many had hoped, leaving key aspects to be hammered out in negotiations in the UN General Assembly after the Summit.

teenth session of the UN Commission on Sustainable Development; the 2005 Financing for Development High-Level Meeting; the 2005 Economic and Social Council (“ECOSOC”) High-Level Segment; and the 2005 G8 Gleneagles Summit.

The Annex to the Secretary-General’s report In Larger Freedom was used as the basis for consultations on the Outcome Document for the Summit. These consultations were led by the President of the fifty-ninth session of the UN General Assembly over a number of months. Although the only environmental issue addressed in the Annex is climate change, the number of environmental issues to be addressed in the Outcome Document increased as the consultations progressed. Thus, the final Outcome Document evolved to address over 10 such issues, placing environmental concerns firmly as priorities on the international agenda.

Several analysts suggest that the Summit was a triumph for the environment. Morgera and Marín Durán, for example, state that

[although the Summit did not provide innovative or bold language, or initiate intergovernmental negotiations on pressing environmental issues, it nonetheless succeeded in integrating a significantly vast array of environmental concerns into the agenda for intergovernmental cooperation in the next decade.]^11

But while the Summit succeeded in placing environmental issues on the international agenda, there were also missed opportunities.

Under MDG-7 on environmental sustainability, one of the key targets is to “integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources” [Target 9]. This target has been criticized as “too general to carry great political weight,”^12 and has consequently been largely neglected.^13 Target 9 is difficult to apply as it is not a quantitative measure, nor does it have a target date.^14 Moreover, the indicators under the target for integrating the pillars are not linked to other key MDGs, such as poverty reduction.^15 As a result, few countries have integrated the pillars of sustainable development at the domestic level,^16 and many believe that they will not meet the requirements of MDG-7 by 2015.^17 This is an issue that was not squarely addressed at the summit. The

14 Ibid.
15 Ibid. The Target 9 indicators are: proportion of land area covered by forest; ratio of area protected to maintain biological diversity to surface area; energy use (kg oil equivalent) per $1 GDP (PPP); carbon dioxide emissions per capita and consumption of ozone-depleting CFCs (ODP tons); and proportion of population using solid fuels. See Indicators for Monitoring the Millennium Development Goals: definitions, rationale, concepts and sources, UN Doc. ST/ESA/STAT/SER.F/95 (2003), online: United Nations <http://unstats.un.org/unsd/mdg> at 3.
17 Ibid. at 9.
UN’s 2007 MDG Report, updating progress on meeting the MDGs, failed to address the issue entirely.\(^\text{18}\) Proposals were made in September 2007 to update Target 9 to include a target to reduce biodiversity loss, but no amendments to the language on integration were suggested.\(^\text{19}\)

The Summit provided an opportunity to strengthen the integration of the pillars of sustainable development in three distinct ways; namely, by:

a. properly interpreting the concept of sustainable development;

b. consistently applying the concept of sustainable development; and

c. providing guidance regarding the implementation of the Outcome Document.

In terms of interpreting the concept of sustainable development, delegates at the Summit construed the concept as a label for environmental issues and as a development objective, rather than a key element in the overarching framework for development. Regarding its application, delegates failed to apply it consistently throughout the Outcome Document and failed to address the links between environmental protection and the achievement of each of the MDGs.\(^\text{20}\) Finally, in terms of Outcome Document implementation, delegates at the Summit did not provide adequate guidance on mainstreaming environmental sustainability into national development and poverty reduction planning frameworks.

### 3.1 Interpreting Sustainable Development

The first matter to examine is the manner in which delegates at the Summit interpreted the concept of sustainable development. In this respect, there are two key issues that should be addressed: (i) the Summit’s interpretation of sustainable development as a label for environmental issues, and (ii) its interpretation of sustainable development as a development objective rather than as key element of the overarching framework for development.

#### 3.1.1 Sustainable Development as a Label for Environmental Issues

The section focusing on the environment in the *Millennium Declaration* is entitled “Protecting our Common Environment.”\(^\text{21}\) The focus on “our common environment” emphasizes the global environment rather than domestic environmental issues, and treats sustainable development and environmental protection as separate concepts.

The initial draft heading for the environment section in the June 2005 version of the Outcome Document for the 2005 World Summit was “Sustaining our Environment and Natural Resources Base for Development.” This heading de-emphasized the international focus used in the *Millennium Declaration* and highlighted environmental protection as a pre-

---


\(^{20}\) It was also an opportunity to recognize and account for the full value of ecosystem services in development planning, and to reaffirm environment-related concepts such as the polluter pays principle and the precautionary principle.

requisite for development. This treatment is similar in kind to that in the 2002 Johannesburg Plan of Implementation, where the environment section is entitled “Protecting and Managing the Natural Resource Base of Economic and Social Development.”

As the text of the Outcome Document evolved, the heading of its environment section was changed to “sustainable development” upon suggestions from the Group of 77 and China, leading to an interpretation of sustainable development as a niche area of development policy and equating it solely with environmental issues. During the weeks immediately before the Summit, suggestions were made to change it back in line with the Millennium Declaration’s commitment to “Protecting our Common Environment,” and finally to “Environmental Sustainability,” as used by the Secretary-General in the section on environment in his report In Larger Freedom.

The end result was a compromise, which continues to essentially use “sustainable development” as a synonym for “environment” while addressing economic and social (human well-being) development issues as separate policy areas in their own rights. The final heading reads “Sustainable development: managing and protecting our common environment.” It leaves the differentiation between environment and sustainable development in doubt, and weakens the acceptance of sustainable development as comprising both environmental protection and economic and social (human well-being) development. This heading lends itself to the inference that sustainable development issues relate only to the environment. This inference is fortified by the fact that the Document’s sections on economic and social development issues do not have the term “sustainable development” in their headings. Environment is the lone pillar of sustainable development that is treated in this manner.

3.1.2 The Summit’s Treatment of Sustainable Development as a Development Objective Rather than a Key Element in the Overarching Framework for Development

While sustainable development was misinterpreted as a label for environmental issues in the Outcome Document, it was also misconstrued as a development objective rather than as a key element of the overall framework for development. This misinterpretation is apparent throughout the Outcome Document. For example, Paragraph 19, which opens the Document’s section on “development,” states the following: “[w]e reaffirm our commitment to eradicate poverty and promote sustained economic growth, sustainable development and

22 Supra note 3 at paras. 23-44.
25 The addition of a definition of sustainable development in Paragraph 48, however, helps to alleviate any misconceptions regarding the breadth of the concept. See World Summit Outcome, UN Doc. A/60/1, 24 (October 2005) at para. 49 [Outcome Document].
26 See e.g. supra note 25 at paras. 24, 26(b), and 38. An exception to this is para. 39 on good governance, which states that “[g]ood governance at the international level is fundamental for achieving sustainable development.”
global prosperity for all ...” While this prominent reference to sustainable development asserts the importance of the concept in the context of development, it confuses its role. It places sustainable development alongside poverty eradication, economic growth, and global prosperity as a development objective, rather than as a key element of the framework under which these objectives are met. In other words, development goals such as poverty eradication, economic growth, and global prosperity should not compete with sustainable development as a development goal, but should be achieved by applying the principles of sustainable development. Another example is at Paragraph 11 of the Document, which states that “good governance and the rule of law at the national and international levels are essential for sustained economic growth, sustainable development and the eradication of poverty and hunger.” Sustained economic growth, as well as the eradication of poverty and hunger, should be objectives of sustainable development rather than separate goals to be achieved alongside it.

This conceptual problem is not limited to a couple of poorly drafted provisions, but is ingrained throughout the text. The implication of this conceptualization is that sustainable development is treated as a subsidiary issue, and that the integration of its pillars will not be achieved. Moreover, it does not place sustainable development as a key element of the overarching framework for United Nations activities as required by General Assembly Resolution 57/253. Consequently, the linkages between the MDGs are not fully identified or addressed, and many of the MDGs will be more difficult to achieve as a result.

This treatment of the concept of sustainable development is not without precedent. At the Monterrey Conference in 2002, where financing for development priorities were hammered out six months prior to the WSSD, the outcome (the Monterrey Consensus) focused on development rather than “sustainable development,” with sustainable development left as one of its three goals, along with poverty eradication and sustained economic growth. Leaders at the WSSD and the 2005 World Summit did not attempt to amend this interpretation.

This poor use of the concept of sustainable development at the 2005 World Summit did not go unnoticed. Several months after the Summit at the UNEP Governing Council / Global Ministerial Environment Forum held in Dubai in February 2006, the Swiss delegation expressed “regret that the 2005 World Summit had taken ‘a step backwards’ by subordinating environment and sustainable development within the goal of development.”

27 Ibid. at para. 11.
28 This problem arises again in para. 169 on strengthening the UN system through better UN system-wide coherence on policy issues. Here, the text categorizes sustainable development as a “main horizontal policy theme” within the UN, rather than as part of the overarching framework for UN activities, treating sustainable development as a cross-cutting issue, rather than as a general underlying principle. Ibid. at para. 169.
29 Supra note 8.
30 The Monterrey Consensus states: “Our goal is to eradicate poverty, achieve sustained economic growth and promote sustainable development as we advance to a fully inclusive and equitable global economic system.” See Monterrey Consensus (Monterrey, 22 March 2002) at para. 1.
3.2 Applying Sustainable Development

One must also examine the manner in which delegates at the Summit applied the concept of sustainable development. In so doing, two key issues should be addressed: (i) whether the concept was applied consistently; and (ii) whether delegates recognized and addressed the links between environment, economic development, and human well-being issues.

3.2.1 Applying the Concept of Sustainable Development Consistently

The Outcome Document contains over 140 references to “development,” less than 25 of which refer to “sustainable development.” While this effort at applying the concept of sustainable development is weak at best, it represents a marked improvement from the manner in which the concept was applied at the commencement of negotiations. Kofi Annan’s text proposal in In Larger Freedom referred to sustainable development only once, and the 59th General Assembly President’s initial draft text referred to sustainable development only twice. Nevertheless, by early July—two months prior to the Summit—there appeared to be momentum for a stronger text. This momentum may have been strengthened by several key speeches made at various UN fora during that time period.32 These speeches highlighted the interdependence of the MDGs and the need to integrate MDG-7 on environmental sustainability into development policies.

Non-governmental organizations, particularly the World Wide Fund for Nature (“WWF”), called for greater application of sustainable development considerations throughout development policy. Several states also made concerted efforts in this regard.33 Switzerland pressed for more references to sustainable development throughout the text, and, more specifically, Brazil suggested changing the title of the section on “Global Partnership for Development” to “Global Partnership for Sustainable Development.” None of these suggestions were effectively adopted in the Outcome Document.

3.2.2 Linking Environment, Economic Development, and Human Well-Being

By building better links between environmental principles and human and economic well-being, environmental principles can be strengthened and better integrated into development policies, thereby leading to better long-term economic, social, and environmental outcomes from decision- and policy-making. The World Summit provided an opportunity for world leaders to endorse quantifiable indicators under MDG-7 and establish stronger linkages in economic and social development policy with the targets already set out in multilateral environmental agreements. Kofi Annan, in his report for the Summit, called for “interim targets and benchmarks” on the road to meeting the MDGs by 2015. In this regard, the Outcome Document could have included targets and benchmarks, such as the target created under the Convention on Biological Diversity process to “achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to

32 See e.g. speeches by the UN Secretary-General and of the EU at the ECOSOC High-level Segment in June 2005.

poverty alleviation and to the benefit of all life on earth;”34 the WSSD’s fisheries and sanitation targets; and the Kyoto Protocol’s 2012 targets to reduce greenhouse gas emissions in developed countries. However, none of these targets or benchmarks are reflected in the Outcome Document.

A key authority for making these links is the UN’s 2005 Millennium Ecosystem Assessment. It reports that approximately 60% of the ecosystem services that support life on Earth are being degraded or used unsustainably, and warns that over the next 50 years the harmful consequences of this degradation could worsen significantly.35 The Assessment finds that 15 of 24 of the essential services that ecosystems currently provide, such as food production, water quality, disease management, and climate regulation, are under stress and being eroded. The Assessment emphasizes that progress achieved in addressing the goals of poverty and hunger eradication, improved health, and environmental protection is unlikely to be sustained if most of the ecosystem services on which humanity relies continue to be degraded.36

In this context, the World Summit provided an opportunity to recognize and account for the full value of ecosystem services in development planning, and to provide text reaffirming concepts such as the polluter pays principle and precautionary principle, as well as their links to economic and social development. Joseph Stiglitz, the 2001 Nobel Prize winner in Economics, gave a keynote address at the opening of the 2005 ECOSOC High-Level Segment stressing the need for the recognition of the environmental services performed in developing countries.37 He focused on the services performed through carbon sequestration in developing country forests, emphasizing the need to recognize and take account of these services in development policy. This idea was later promoted by then UNEP Executive Director Klaus Töpfer in various fora in the lead-up to the Summit. However, provisions on environmental services were not included in the final text. Costa Rica proposed text in July on forests that incorporated payment for environmental services and the sequestration of carbon dioxide, but it was not included.38 References to the Millennium Ecosystem Assessment, which might have


38 The Costa Rican proposal was “[to] Protect forests by supporting national strategies for investment in the forest sector, including programmes for the payment of environmental services and the sequestration of carbon dioxide, as well as other mechanisms for the protection and sustainable use of the natural resources of the tropical forest.” It was likely not adopted due to the implications it would have on negotiating a post-2012 arrangement under the Kyoto Protocol, which presently prohibits the generation of credits for many of these activities.
allowed the Outcome Document to be interpreted to endorse the recommendations in the Assessment, were also excluded.

The lack of references to sustainable development noted above is not necessarily a reflection of poor application of the concept, provided that human well-being, environmental, and economic considerations are interwoven and linked together in the text.\textsuperscript{39} However, these issues are not pervasively linked or interwoven in the final document, such as in its sections on investment,\textsuperscript{40} trade,\textsuperscript{41} and quick impact initiatives.\textsuperscript{42} The text in the Outcome Document developed significantly during the negotiations to cover over a dozen environment-related issues.\textsuperscript{43} However, these specific issues were almost all contained and addressed in the environment section of the text, and are not explicitly linked to development and social issues outside that section.\textsuperscript{44}

Organizations such as WWF and the International Union for the Conservation of Nature (“IUCN”) pushed to include text that emphasized the links between environment, poverty eradication, and human well-being. In particular, these organizations proposed that the Secretary-General’s language used in \textit{In Larger Freedom} be incorporated into the Outcome Document, stating the following:

\begin{quote}
We fundamentally depend on natural systems and resources for our existence and development. Our efforts to defeat poverty and pursue sustainable development will be in vain if environmental degradation and natural resource depletion continue unabated.\textsuperscript{45}
\end{quote}

This language was not included in any version of the Outcome Document.\textsuperscript{46}

\begin{thebibliography}{9}
\bibitem{39} The \textit{Brundtland Report} urged such integration, stating that “[t]he ability to choose policy paths that are sustainable requires that the ecological dimensions of policy be considered at the same time as the economic, trade, energy, agricultural, industrial and other dimensions – on the same agendas and in the same national and international institutions.” See \textit{Brundtland Report}, supra note 1 at 313.
\bibitem{40} \textit{Supra} note 25 at paras. 25-26.
\bibitem{41} \textit{Ibid.} at paras. 27-32.
\bibitem{42} \textit{Ibid.} at para. 34.
\bibitem{43} Much of the text on environmental issues relies on previously agreed provisions in the World Summit on Sustainable Development’s Johannesburg Plan of Implementation (JPOI), including the text on: freshwater; energy; chemicals management; oceans and seas; sustainable consumption and production; transportation of radioactive materials by sea; climate change; forests; financing environment work; and biodiversity-related issues. See JPOI, \textit{supra} note 3.
\bibitem{44} Note that there are also references to environment-related issues in the Outcome Document’s sections on science and technology. See \textit{supra} note 25 at paras. 60(a), (b), (d), and (f)), special needs of Africa (see \textit{ibid.} at para. 62(g)), ECOSOC reform (see \textit{ibid.} para. 152), and UN system-wide coherence (see \textit{ibid.} at para. 169).
\bibitem{45} \textit{Supra} note 24 at para. 57.
\bibitem{46} The \textit{Outcome Document}, supra note 25 at para. 56 (d) also links the sustainable development of indigenous peoples and poverty. A reference to the link between land degradation and poverty is also made in para. 56(b). Also note that para. 48 states that “[p]overty eradication, changing unsustainable patterns of production and consumption and protecting and managing the natural resource base of economic and social development are overarching objectives of and essential requirements for sustainable development.” It does not, however, emphasize the importance of environment considerations. A UNEP workshop on Mainstreaming Environment Beyond MDG-7 was held from 13-14 July 2005 in Nairobi focusing on,
3.3 Guidance on Implementing the Outcome Document

During the negotiations, several participants stressed the need to include mechanisms aimed at guiding the integration of sustainable development in the implementation of the Outcome Document. The Document lays significant stress on the need for national efforts at implementation.\(^{47}\) The chapeau to Paragraph 22 states that “each country must take primary responsibility for its own development and that the role of national policies and development strategies cannot be overemphasized in the achievement of sustainable development.”\(^{48}\) This chapeau was a late addition to the Document, requested by Brazil immediately before the Summit in September. It underscores the importance of sustainable development in the implementation of the Summit’s outcomes at the national level.

Further, Paragraph 22(a) of the final Outcome Document states that countries resolve to

\[
\text{[a]}\text{dopt, by 2006, and implement comprehensive national development strategies to achieve the internationally agreed development goals and objectives, including the Millennium Development Goals.}^{49}\]

As each of the pillars of sustainable development is reflected in the MDGs, this paragraph arguably serves as a hook, urging the inclusion and immediate implementation of each of the pillars in national development strategies. Nevertheless, achieving this inclusion in the short-term would be difficult, as most poverty reduction strategies were already in place and were not up for revision at that time. Moreover, without explicit reference to environmental sustainability or to the need to include \textit{each} of the MDGs, this wording did not provide the kind of tight language that might ensure integration.

Like Target 9 itself, the Outcome Document lacks solid guidance on how the integration of sustainable development in policy and decision making can be achieved on the ground.

3.4 Still a Step Forward

Unlike the WSSD’s Johannesburg Plan of Implementation (“JPOI”), the Outcome Document is a declaration of Heads of State and Government, placing its provisions—including those relating to sustainable development—as priorities on the international policy agenda. Some may argue that the Document is weaker than the JPOI because of its relative lack of detail concerning sustainable development issues. The \textit{Johannesburg Declaration}, however, provides a better comparison. Unlike the JPOI, the Outcome Document and the \textit{Johannesburg Declaration} are Head of State-level documents. The \textit{Johannesburg Declaration} does not, however,

\[^{47}\text{See also supra note 25 at para. 24, on domestic resource mobilization.}\]
\[^{48}\text{Supra note 25 at para. 22.}\]
\[^{49}\text{Ibid. at para. 22(a).}\]
delve into the same degree of detail as does the Outcome Document on sustainable development or environmental issues.\textsuperscript{50} Moreover, given the broad range of issues addressed at the 2005 World Summit, spanning all areas of UN activity, the Outcome Document was seen by many, including Kofi Annan, as being of decisive importance in setting out the international community’s objectives for the following decade.\textsuperscript{51} Given this perception, the Outcome Document’s references to sustainable development—despite their limitations—qualify it as a step in the right direction, if only a small step.

\section*{4. SECRETARY-GENERAL’S HIGH LEVEL PANEL ON SYSTEM-WIDE COHERENCE}

The Outcome Document invited the UN Secretary-General to “launch work to further strengthen the management and coordination of United Nations operational activities,”\textsuperscript{52} focusing on ensuring that the UN maximizes its contribution to achieving the internationally agreed-upon development goals, including the MDGs. This work was to focus on proposals for more tightly managed entities in the fields of environment, humanitarian assistance, and development.\textsuperscript{53}

To undertake this work, Kofi Annan announced the appointment of a high-level panel in February 2006 to explore how the United Nations system could work more coherently and effectively in these areas, and to “lay the groundwork for a fundamental restructuring of the United Nations operational work, complementing other major reform initiatives currently under way.”\textsuperscript{54} The Panel delivered its report to the Secretary-General in November 2006, and the Secretary-General made recommendations on the report to the General Assembly in April 2007.\textsuperscript{55}

The Outcome Document left uncertainty regarding the interpretation, integration and implementation of the concept of sustainable development, providing the Panel with space to make recommendations to address these problems. In this context, the Panel had the opportunity to help make sustainable development a key element of the overarching framework of the UN through its mandate to provide suggestions on how to reform the UN’s operational activities. The Panel, moreover, appeared to recognize these opportunities, identifying the fragmentation of economic, social and environmental operations as a key weakness of the present UN system. In this vein, the Panel stated that

\textsuperscript{50} See \textit{supra} note 2 at paras. 13 and 18.


\textsuperscript{52} \textit{Supra} note 25 at para. 169.

\textsuperscript{53} \textit{Ibid.}


Member States and international institutions continue to treat poverty, human health and environmental degradation as standalone threats. The United Nations system should assist countries in their integration, tackling the challenges of sustainable development across different sectors and issues.\textsuperscript{56}

The need for integration and the value of sustainable development as part of the UN’s overarching framework was further emphasized by the Panel. It stressed that:

\textit{[t]he Panel’s recommendations for development, humanitarian assistance, environment and gender equality and human rights should be viewed in the context of sustainable development. The recommendations here deal more with elevating the status of sustainable development in the United Nations institutional architecture and in country activities — and with achieving the needed balance among the three pillars (economic, social and environmental) of sustainable development.}\textsuperscript{57}

Given its focus on improving coherence and coordination throughout UN operations, one might expect that integration of sustainable development into the UN’s operational activities would be one of the Panel’s central themes, with the implementation of GA Resolution 57/253 (requiring sustainable development to be a key element of the overarching framework for UN activities) being a focal point.\textsuperscript{58} Indeed, the Report’s preamble stresses the importance of the UN in “playing a leading role in developing the concept of sustainable development,” and as a forum for promoting the implementation of the MDGs and progress in development.\textsuperscript{59}

However, despite these statements, the Panel did not recommend that sustainable development be the central focus of development. Although the concept is effectively applied in much of the text and is not generally labeled as a synonym for environment, the Panel still applied the concept as a niche area of development. It relegated sustainable development to the status of a cross-cutting issue, thus diminishing its role and the opportunity for integrating sustainable development in the UN’s operational activities.

4.1 The Panel Report

A key objective behind the recommendations in the Panel’s Report was to overcome UN fragmentation by working with countries and the international community to achieve the MDGs.\textsuperscript{60} The Panel recommended a consolidated UN presence at the country level to


\textsuperscript{57} Ibid. at para. 45.

\textsuperscript{58} This type of reform was in fact recommended by the WCED. See Brundtland Report, supra note 1 at 316-319.

\textsuperscript{59} Follow-up to the outcome of the Millennium Summit: Note by the Secretary-General, UN GA, 61\textsuperscript{st} Sess., UN Doc. A/61/583 (2006), online: United Nations <http://www.un.org/events/panel/> at para. 1 [Note by the Secretary-General].

provide full country ownership of activities, effective funding, and practical measures related to humanitarian assistance, environmental protection and gender equality, in order to strengthen the coherence, sustainability, and impact of the delivery of UN initiatives and policy.\textsuperscript{61} This streamlining approach has been dubbed by UN representatives as “the four ones”: one programme, one leader, one budget, and one UN office in each country in which the UN has a presence.

The Panel stressed that reform to improve the coherence of the UN system must focus on improving core comparative advantages by focusing UN activities in each country on areas where the UN is best able to provide leadership, maximizing the effectiveness of its operations and accountability through better business practices. To achieve these results, the Panel recommended that the UN:

- Ensure coherence and consolidation of UN activities, in line with the principle of country ownership, at all levels;
- Establish appropriate governance, managerial and funding mechanisms to empower and support consolidation, and link the performance and results of UN organizations to their funding;
- Overhaul business practices of the UN system to ensure a focus on outcomes, responsiveness to needs and the delivery of results by the UN system, as measured in advancing the MDGs;
- Ensure significant further opportunities for consolidation and effective delivery of ‘One United Nations’ through an in-depth review;
- Undertake implementation urgently but not in an ill-planned and hasty manner that could compromise permanent and effective change.\textsuperscript{62}

The Report, in short, recommends greater efficiency, accountability, and a results-oriented focus in all UN work by using more coherent governance, funding and management arrangements, and by eliminating duplication and optimizing the comparative advantages of UN entities.\textsuperscript{63}

4.2 Interpreting, Applying and Implementing the Concept of Sustainable Development

The Panel did a better job than did leaders at the 2005 World Summit in interpreting sustainable development and distinguishing it from environmental concerns. Indeed, the Panel clearly delineates the role of environmental considerations as simply one pillar of sustainable development.

The Panel also recognized the need to better apply and implement environmental sustainability considerations in development strategies at the country level in UN country operations. It emphasized that these are “critical components of national poverty reduction strategies and

\textsuperscript{61} Follow-up to the Outcome of the Millennium Summit: Note by the Secretary-General, UN GA, 61\textsuperscript{st} Sess., UN Doc. A/61/583 (2006), online: United Nations <http://www.un.org/events/panel> at para. 6.

\textsuperscript{62} Note by the Secretary-General, supra note 59 at 10.

\textsuperscript{63} Co-Chairs Letter, supra note 60 at 5.
sustainable development plans,” identifying sustainable development as a concept separate from environmental issues.\(^6^4\)

The Panel also focused on strengthening the links between the three pillars of sustainable development. It recommended that the UN Environment Programme (“UNEP”) and the UN Development Programme (“UNDP”) assist countries in “quantifying environmental costs and benefits and incorporating them into mainstream policymaking.”\(^6^5\) The Panel also identified the need to strengthen the environment pillar of sustainable development in order for the concept to be mainstreamed both at the international level\(^6^6\) and in national decision-making.\(^6^7\) The Panel further emphasized that “environmental sustainability is the foundation for achieving all the other MDGs,”\(^6^8\) stating that

\[
\text{(r)he status of sustainable development should be elevated within the United Nations institutional architecture and in country activities. The United Nations system must strive for greater integration, efficiency and coordination of the economic, social and environmental dimensions of sustainable development. At the operational level, the Panel supports a strong partnership between UNEP (normative) and UNDP (operational) and a sharper focus on environment by the resident coordinator system as part of the One United Nations at the country level.}\(^6^9\)
\]

The Panel’s recommendation to integrate the pillars of sustainable development focuses on country-owned development strategies using the above-mentioned partnership between UNEP and UNDP by building on the complementarities in their environment and development work. The Panel argues that this partnership should strengthen the analytical and technical capacities of national institutions, work with countries in implementing multilateral environmental agreements, contribute to an environmental perspective in disaster preparedness and post-disaster recovery and reconstruction, and implement UNEP’s Bali Strategic Plan for Technology Support and Capacity-building.\(^7^0\)

\(^{6^4}\) Supra note 56 at para. 32.
\(^{6^5}\) Ibid. at para. 39.
\(^{6^6}\) The Panel stresses the importance of strengthening international environmental governance and recommends the commissioning of an independent assessment of international environmental governance within the United Nations system. It also recommends upgrading UNEP with stronger normative and analytical capacity (but without operational capacity) to monitor conditions and review progress, as well as improving cooperation among UN entities. The panel also suggests the strengthening of the Environmental Management Group and the better coordination of major multilateral environmental agreements.

\(^{6^7}\) The Panel adds that “countries should consider integrating implementation needs of multilateral environmental agreements into their national sustainable development strategies, as part of the One Country Programme.” Supra note 56 at para. 39.


\(^{6^9}\) Supra note 56 at para. 41.

The report stresses that sustainable development should be mainstreamed into ECOSOC’s work by substantive consideration of reports emanating from other UN and intergovernmental bodies, and that a “sustainable development” session should be instituted in the ECOSOC High Level Segment. These actions would aim to promote a balance between the three pillars of sustainable development, focus on sustainability issues arising from the Council’s functional commissions, feed conclusions back to those commissions, and coordinate recommendations to UN entities.71

Integration may also be facilitated through the Panel’s proposal to create a Sustainable Development Board to, among other things, oversee UN operations at the country level and provide voluntary funding for country programmes.72 This proposed board was one of the more divisive issues arising from the Panel’s Report.73 The Panel suggested that the Board be established by September 2007, and convene its first session by June 2008. At the time of writing this paper, this had not yet occurred.

The Panel also recommended that a Global Leaders Forum be held during the ECOSOC High Level Segment as another means of improving integration. The Forum would “provide leadership and guidance to the international community on development and global public goods related issues,”74 which should include environmental goods and services such as water, air, and forests.75

---

71 Regarding the UN Commission on Sustainable Development (CSD), the Panel suggested that it be significantly reformed. The CSD presently functions as the UN body overseeing implementation of the outcomes of the Earth Summit and WSSD. The Panel suggested that it be reformed such that it focuses more on integrating environmental and social concerns into economic planning, and for identifying and sharing best practices. See Delivering as One, supra note 56, para. 45 recommendation. Earlier suggestions that the CSD be either abolished or ‘folded into ECOSOC’ were abandoned by the Panel in the final draft. Without proposals for bold changes, these recommendations have led to some calling them ‘management by re-labelling’, rather than true proposals for reform. See Felix Dodds, Jennifer Peer and Richard Sherman, ‘Some Way But Not All Way on UN Reform’ BBC News (11 November 2006), online: BBC News <http://news.bbc.co.uk/2/hi/science/nature/6134690.stm> [Felix Dodds et al.].

72 Interestingly, the Brundtland Report has recommended the creation of a “UN Board for Sustainable Development,” the principal function of which was “to agree on combined tasks to be undertaken by the [UN] agencies to deal effectively with the many critical issues of sustainable development that cut across agency and national boundaries.” See Brundtland Report, supra note 1 at 318-319.

73 Perhaps the most important of these functions is the consideration of the strategic plans of funds, programmes and specialized agencies with a role in delivering the MDGs and normative activities relating to sustainable development. In this context, the Panel states that the “Board would assess and strengthen system-wide operational and normative coherence, performance and effectiveness of United Nations system-wide sustainable development activities,” and adds that discretionary funding should be available to the Board to provide incentives for good performance of the various UN entities and to fund programmatic gaps and priorities. See Ibid. It is interesting to note that the Report’s text on the Board makes no references to UNEP. See supra note 68 at 278.

74 See supra note 56 at para. 59.

75 The Forum would also develop a “long-term strategic policy framework to secure consistency in the policy goals of the major international organizations” and “promote consensus-building among Governments on integrated solutions for global economic, social and environmental issues.” Ibid.
The Panel further recommended changes to the UN Chief Executives Board (“CEB”), and suggested the creation of a Development Policy and Operations Group to improve organizational coherence within the CEB framework, and to unify and integrate the United Nations global analytical and normative work with regional perspectives and country operations. A Development Finance and Performance Unit would be created under the Group to act as a coordinating clearing house and database of all UN funding sources and spending. The Unit would also assist the Sustainable Development Board with strategic financial planning and allocations, provide advice to the Board on country and regional financial allocations and allocations for global policy work, provide a common internal audit system for all United Nations sustainable development activities, and provide an annual performance and financial report on all UN sustainable development activities.

The Panel further suggested improving regional and national structures and coordination while focusing on analytical and normative work. This could have an integrative component. Also, given the complexity and seriousness of existing deficiencies in international environmental governance, the Panel proposed that the Secretary-General initiate an independent evaluation of this area.

These proposals for institutional reforms each assist in mainstreaming sustainable development in the UN’s activities; however, the Panel generally applies sustainable development as one of several “cross-cutting issues”, along with, for example, gender equality and human rights. It dedicates a separate section in its report to these issues and recommends that these cross-cutting issues be made an integral part of UN activities; however, it treats sustainable development as merely one of several factors for consideration. The Panel elevates the “status of sustainable development in the United Nations institutional architecture and in country activities,” however, it does not prioritize sustainable development or adopt it as a key element of the overarching framework for United Nations activities.

4.3 Making Some Progress

The Panel’s report is, without doubt, a step forward from the 2005 World Summit Outcome Document in terms of its interpretation of sustainable development as a separate concept from environmental protection, its integration of the concept through the many references to it throughout the report, and its proposals for institutional reform.

---

76 Ibid. at para. 63. Its recommendation is that the CEB should review its functions, in the light of experience gained since its establishment five years ago, with a view to improving its performance and accountability for system-wide coherence.
77 The report states that ‘the Group would provide vision to bring together economic, social and environmental policies and activities into an integrated whole’. See ibid. at para. 64. It would subsume the current United Nations Development Group and the Executive Committee on Economic and Social Affairs.
78 Ibid. at para. 65.
79 Ibid. at paras. 66-67.
80 Ibid. at para. 39.
81 Ibid. at para. 45.
82 As required by General Assembly Resolution 57/253. See supra note 8.
This said, the Panel’s recommendations fail to treat sustainable development as an element of the overarching framework for UN activities. In this sense, the Report retreats from the effective implementation of UN General Assembly Resolution 57/253. Like the World Summit Outcome Document, the Panel’s report still places sustainable development as an objective or as a niche area of development. It treats it as a cross-cutting issue, as opposed to prioritizing it as the central theme for development.

This is a significant missed opportunity. One of the primary means of applying the concept of sustainable development is by improving coherence, coordination, and efficiencies across policies and operations. This is also—in terms of the UN’s operations—the goal of the Panel. While, then, the concept of sustainable development is found throughout the text, it is applied as a subsidiary issue.

4.4 The Secretary-General’s and General Assembly’s Responses

In his response to the report in April 2007, UN Secretary-General Ban Ki-Moon indicated “broad support for the principle of a stronger, more coherent United Nations and for the recommendations contained in the report.”83 The Secretary-General also, however, noted the need for further deliberations to specifically address the Panel’s governance recommendations.84 He urged that efforts to implement the Panel’s recommendations be “guided by, respectful of, and closely coordinated with, the intergovernmental consideration of the Panel’s report.”85

In the General Assembly, a diversity of responses to the sustainable development-related aspects of the report followed the report’s release. One general reaction was concern with overlap between the Panel’s work and the General Assembly’s ongoing work on international environmental governance and other aspects of UN reform. Some saw the report as an external assessment, taking the view that the “real work” would be done in the General Assembly. Pakistan, for the Group of 77 and China, stated the need for “due deliberation,” stressing that there was “no rush to take decisions against artificial deadlines.”86 While some countries supported the creation of a Sustainable Development Board,87 the Russian Federation immediately questioned the need for one.88 This sentiment was echoed by India, which stressed that “the creation of a sustainable development board did not seem a ‘sustainable concept.’”89 Mexico argued that sustainable development in operational activities ought to be addressed in

83 Supra note 55 at para. 4.
84 Ibid. at para. 20.
85 Ibid.
88 Supra note 86.
89 Ibid.
the triennial policy review. Finally, some NGOs voiced skepticism regarding whether the recommendation was realistic, “given the turf wars of the different organizations and their leading donors, as well as the Board’s anticipated concentration of power.”

Although the Panel avoided taking a lowest common denominator approach (of making weak recommendations in order to gain consensus from all stakeholders), such an approach was taken during the General Assembly’s consultations on implementing the Panel’s recommendations. Discussions in the General Assembly on the sustainable development aspects of the Panel’s report came to an ignominious end in July 2008. Referring to the Panel’s recommendations on sustainable development as recommendations on “the environment”, the Co-Chairs of the Assembly’s system-wide coherence consultations reported to the General Assembly President at that time that “no appetite is detectable among member States to pursue the Environment in the inter-governmental consultations on System-wide Coherence which we currently chair.” It was felt that the Panel’s recommendations on sustainable development would instead be adequately addressed in the separate ongoing General Assembly consultations (unrelated to the Panel’s recommendations) on international environmental governance.

5. NEED FOR CHANGE

From the time that the World Commission on Environment and Development published the Brundtland Report in 1987, the definition of sustainable development has been vague and non-quantifiable. This has allowed it to be interpreted in various ways, which is positive in that it has permitted the concept to be adopted in one form or another in a wide diversity of countries and situations. However, without a consistently applied and quantifiable identity, the concept of sustainable development has also been difficult to effectively apply.

The 2005 World Summit and the Report of the High Level Panel on System Wide Coherence provide good examples of the diverse manners in which the concept has been used. The Summit provides an example of its poor application and interpretation in a document of great significance, while the Panel’s report provides an example of its better application and interpretation in a document of a lower status whose recommendations on the concept were abandoned in inter-governmental negotiations in the General Assembly. The Outcome Document inappropriately labels sustainable development as an environmental issue and as an objective of development policy, and poorly integrates the concept in its provisions. The report of the High Level Panel is superior in terms of interpreting and integrating sustainable development, but diminishes it as a subsidiary element of development policy by applying it as

90 Supra note 87.
a cross-cutting issue as opposed to an element in the overarching framework of UN development-related activities.

To some degree, there is a lack of political will to go beyond making general statements on sustainable development, as there remains a perception held by some governments that sustainable development adds conditionalities to development policy that will necessarily impede growth. Sustainable development requirements are seen by some to add unnecessary costs to the production of goods and, if they were binding and were not met, could have the potential to create barriers to trade. As a result, sustainable development provisions are often watered down and left ambiguous. The keys to addressing these concerns is the promotion of increased awareness of the long-term benefits of sustainable development and its fundamental role in achieving the MDGs, and also by applying the principles of sustainable development in international law and policy.

The general nature of sustainable development-related statements, goals, and targets, and the varying interpretations of the concept that have been derived from them have made it difficult to either achieve a level playing field or to identify long-term benefits. Another consequence of the diversity of interpretations is that sustainable development-related targets such as MDG Target 9 often lack quantifiable measures, making progress difficult to gauge. For twenty years, attempts have been made to apply the concept of sustainable development, but success in this vein has been rare. While, certainly, the concept has facilitated the inclusion of environmental matters on the global agenda, it has done little in terms of its full integration in economic or social development policy. If environmental, social and economic development considerations are to be integrated, a clearer, more quantifiable definition of sustainable development is needed, along with targets and specificity.

To facilitate the integration of the pillars of sustainable development, there is a need for the identification of better and more quantifiable indicators of progress that are clearly linked to each of the pillars. For example, the World Resources Institute (“WRI”) recommends that Target 9 focus on “specific, time-framed actions that can be monitored from year to year.” WRI also stresses that the target should be widened to engage “key institutions at other levels of governance, including local, provincial, and international agencies,” such that all relevant institutions are held accountable for their performance in this regard. The achievement of

---

94 This problem was identified as far back as 1987 by the WCED, which stated in the *Brundtland Report* that

[many developing country policymakers] see that passing along more of the real costs could reduce the competitive position of their country in some markets, and thus regard any pressure in this direction as a form of disguised protectionism from established producers. Yet it is in developing countries’ own long-term interests that more of the environmental and resource costs associated with production be reflected in prices. Such changes must come from the developing countries themselves.

See *Brundtland Report, supra* note 1 at 84.


this suggestion will be a difficult task should the international community continue to avoid the articulation of a common understanding of the concept.

Moreover, there is a need to ensure guidance in the application of the concept in order for it to be used to address new and emerging issues. In this context, it is interesting to note that the pressing issue of climate change has forced many governments, as well as the private sector, to quite rapidly integrate environmental considerations in policy and decision making. The role that the application of the concept of sustainable development can and does play in facilitating this integration is significant. This said, there is a continuing lack of international guidance regarding the manner in which the concept is applied. There is, for instance, no institutional regime that guides and fosters the concept’s use in any meaningful way. In fact, on this point, the increasing severity of the climate change crisis provides all the more urgent a need for the concept’s application and for guidance on its use. Interestingly, in May 2007 at the 15th session of the UN Commission on Sustainable Development (“CSD”)—the UN’s primary institution for fostering sustainable development—many country representatives preferred to defer discussions on sustainable development and climate change to the UN Framework Convention on Climate Change (“UNFCCC”) regime. In the end, the CSD process became paralyzed and countries were unable to reach agreement on how to address these issues. More than anything else, this was an immense lost opportunity to facilitate the integration of the pillars of sustainable development and an indication of the need for a more serious attempt to address sustainable development within the UN.

To foster the integration needed to achieve sustainable development, a common vision and commitment to achieve this goal is needed. There must, in short, be a commitment to make the concept’s definition more precise, its achievement more quantifiable, and its development and implementation more directed. The Brundtland Commission suggested that this goal could be achieved through a new Convention. The Commission stated that

… there is now a need to consolidate and extend relevant legal principles in a new charter to guide state behaviour in the transition to sustainable development. It would provide the basis for, and be subsequently expanded into, a Convention, setting out the sovereign rights and reciprocal responsibilities of all states on environmental protection and sustainable development.98

At a time at which the proliferation of multilateral environmental agreements is a significant problem in terms of international environmental governance, the creation of yet another treaty may not appear enticing. However, as a mechanism to facilitate greater order and direction in environmental, social and economic development policy and to generate consensus on indicators for their integration, it might be the best option available for both the integration of these fields and the strengthening of international governance. A framework treaty that formalizes commitments to sustainable development may prove immensely useful in succeeding where the CSD has failed. As emphasized by Dodds et al., “the proliferation of multilateral institutions and bureaucracies, often with overlapping or conflicting mandates, has not been matched with mechanisms to ensure effective co-ordination and coherence in pursuing common sustainable

---


98 Brundtland Report, supra note 1 at 332.
development goals.” A framework instrument may fill the gap and provide the direction and authority that the CSD lacks. As noted above, the Panel recommended that the Secretary-General initiate an independent evaluation of international environmental governance. This evaluation may be the first step on the road to creating an instrument—such as a framework convention—to address these issues and facilitate the integration of the pillars of sustainable development.

The true indicator of success on integration is whether each of the MDGs is met. In other words, sustainable development encompasses each of the MDGs, and can only be achieved when progress on poverty, health, education, environment and the other areas of human well-being are achieved. With the improved coordination and governance that it could provide, a framework convention would prove useful in facilitating these achievements and assist in the attainment of the MDGs.

6. CONCLUSION

Sustainable development remains a separate development objective rather than an element of the overarching development framework in many key UN development-related initiatives, such as the 2005 World Summit and the 2006 High Level Panel on System Wide Coherence.

The 2005 World Summit provided an opportunity to fully recognize the links between sustainable development and the achievement of the MDGs. It could have allowed leaders to recognize the full value of ecosystem services in development planning, provided a forum to reaffirm environment-related concepts such as the polluter pays principle and precautionary principle, and facilitated the identification of their links to human well-being. By addressing each of these issues, the Summit had the potential to play a significant role in strengthening the integration of the pillars of sustainable development.

With a mandate to focus on UN operational activities in the fields of environment, humanitarian assistance, and development, the High Level Panel on System Wide Coherence also provided the opportunity to mainstream sustainable development as the basis for all UN development activities. Indeed, in the end, the Panel’s report “generated enthusiasm about the prospects for a more profound and coherent streamlining of environmental aspects into development programmes and efforts to achieve the MDGs.” The Panel proved to be superior to the Summit in terms of interpreting and integrating sustainable development; however, it left the concept as a cross-cutting issue as opposed to an element of the overarching framework of UN operational work. Moreover, implementing the Panel’s recommendations on sustainable development came to an abrupt end in the General Assembly due to lack of political will.

99 Felix Dodds et al., supra note 71.


101 Supra note 25 at para. 169.

102 Supra note 68 at 279.
The 2005 World Summit and the Panel applied the concept of sustainable development in distinct ways. World leaders at the Summit segregated the three pillars, while the Panel attempted to integrate them; however, neither was successful in adopting “sustainable development as a key element of the overarching framework for United Nations activities.” The complexity of the concept of sustainable development and the variety of interpretations and applications that it has spawned has led some to conclude that environmental issues have “lost ground” over the past decade as policy makers try to grapple with the concept. Given this context, it is time that new approaches to the integration of the pillars are considered, particularly given the need for its application in the context of combating climate change and the need for a coordinated approach to achieving the MDGs. These approaches must pull together the various ways in which the concept is being used, better facilitate its application to new global challenges (such as, among others, climate change), allow the concept to encourage coherence in international environmental and social and economic development law and policy, and assist in achieving key international development goals (such as the MDGs). With its coordination function, a framework convention may help to address the problem of the proliferation of treaties and allow development law and policy to finally become “sustainable development” law and policy.

---

103 As required by General Assembly Resolution 57/253. See supra note 8.

104 Supra note 95 at 154.