



## CLA-ACE 2007-2008 Student Chapter Theme Document

### *Sustainable Development: Economic Development, Social Development and Environmental Protection*

"It is our collective and individual responsibility to protect and nurture the global family, to support its weaker members and to preserve and tend to the environment in which we all live."

- Dalai Lama

#### 1. CLA-ACE Annual Theme

Each year our Student Chapter Program focuses on a theme. The purpose is to allow students to gain a better understanding of pressing international issues so that they can use this knowledge to help educate others and contribute to **finding solutions**. Our motto is: **LEARN, THINK, DO!**

Student Chapters are expected to educate themselves, the wider academic community and the general public on the theme through various activities (e.g., organizing seminars and speakers, writing articles, participating in conferences). The topics that we choose each year are intentionally interdisciplinary. *They can't be understood properly by only looking at them through the lens of the law.*

#### 2. This year's topic is "Sustainable Development."

##### a) What does Sustainable Development mean?

The Brundtland Report in 1987 defined sustainable development as:

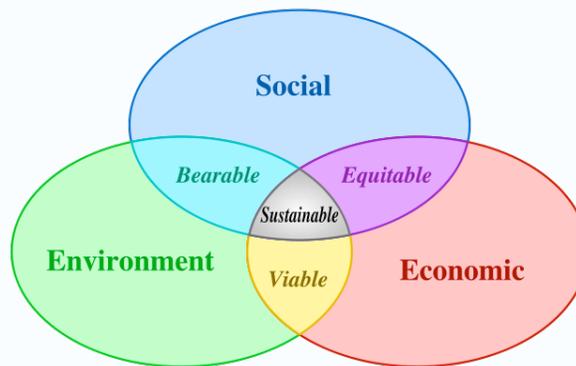


“Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

Having a broad understanding of sustainable development is crucial if we are going to tackle the interdisciplinary nature of the world's development problems.

### b) The Three Pillars of Sustainable Development

Sustainable development links with many different areas. Its link with environment is obvious. But the concept captures other issues. It can be broken down into three policy areas or pillars: Economic, Social and Environmental.



To focus on one pillar alone would be to ignore other pivotal parts of the puzzle. As the 2005 World Summit Outcome Document emphasizes economic development, social development and environmental protection are “independent and mutually reinforcing pillars” of sustainable development.

**Economic development** expands the availability of work and the ability of individuals to secure an income to support themselves and their families. Economic development includes industry, sustainable



agriculture, as well as integration and full participation in the global economy. A key legal question: How can it be ensured that the international trading regime and institutions such as the WTO have a positive impact on developing countries and sustainable development?

**Social development** implies that the basic needs of the human being are met through the implementation and realization of human rights. Sustainable human development is thus directed towards the promotion of human dignity and the realization of all human rights - economic, social, cultural, civil and political. A key legal question: What is the best way to ensure the progressive realization of human rights?

**Environmental sustainability** can be defined as the ability of the environment to continue to function properly indefinitely. The goal of environmental sustainability is to minimize environmental degradation, and to halt and reverse the processes they lead to. A key legal question: What is the role of international law in addressing regional and global environmental problems such as acid rain, marine pollution, depletion of the ozone layer, global warming, and deforestation?

### c) **The links between the pillars**

You don't have to think hard to see how these three pillars of sustainable development are inextricably linked. For example:

- The global trade regime affects the environment. This is apparent by the fact that trade agreements often include provisions that consider impacts on the environment (e.g. GATT Article XX, provisions in the SPS and TBT Agreements, and the NAAEC as a side agreement to NAFTA).

- Climate change will affect the world's economy. In October, 2006, Sir Nicholas Stern, a former chief economist for the World Bank, issued a report stating that global warming could shrink the world economy by 20%.



- Without a healthy environment or a fair and balanced trade regime, social development in the developing world suffers. To take just one example, trade agreements and structural adjustment programs that have encouraged the privatisation of water resources are controversial. Critics argue that such initiatives have had a negative impact on the social development of some developing nations.

**Find out more about each pillar and Canada's policies in the area at the Appendix at the end of the Guide.**

### **3. Suggested events:**

CLA-ACE Chapters are expected to explore the theme throughout the year through formal and/or informal events. Some suggestions:

1. Have a discussion about the definition of sustainable development and the overlapping nature of the three pillars. Start off the discussion with one of these webcasts (they really are thought-provoking!)

- **Alex Steffen on inspired ideas for a sustainable future:**

<http://www.ted.com/index.php/talks/view/id/74>

- **Ngozi Okonjo-Iweala on trade vs. aid:**

<http://www.ted.com/index.php/talks/view/id/152>

- **Midge Ure advocating for free healthcare for Africa:**

<http://www.youtube.com/watch?v=NtnEMBXsMhg>

- **Jeff Dunoff on the future of the WTO:**

<http://www.youtube.com/watch?v=KiXgIEZZYr4>

- **Debapriya Bhattacharya on the role of the LDCs in the international trade system:**

[www.youtube.com/watch?v=tY0OuNuWYz4&mode=related&search](http://www.youtube.com/watch?v=tY0OuNuWYz4&mode=related&search)



**- Mary Robinson on Climate Change and Justice:**

<http://www.youtube.com/watch?v=kK0SeUZuQiM>

**- BBC World report on child labour:**

[http://www.youtube.com/watch?v=ruh0O\\_mj1v0&mode=related&search](http://www.youtube.com/watch?v=ruh0O_mj1v0&mode=related&search)

**- Gem slaves – Tanzanites Free Labour**

<http://www.youtube.com/watch?v=geQrt1LDvu8>

2. Discuss Canada's current policies in one or more of the pillar areas. Are there conflicts/tensions between any of the three pillars?

3. Invite a professor or other knowledgeable speaker to discuss one or more of the international agreements and instruments that deal with sustainable development issues.

4. Show a topical film such as: Stephanie Black's film on the impact of the WTO on Jamaica, Life and Debt, or Al Gore's film An Inconvenient Truth.

5. Choose a country as a case study and explore the sustainable development issues facing that country. Invite someone to speak on an issue who is from that country or who has first hand knowledge of it.

6. Invite a past CLA-ACE interns (or other students who have interned with international ngos) to speak about his or her experience, including the challenges and the successes.

7. Organize for your members to attend the Canadian Council on International Law (CCIL) Conference, "Canada's Contribution to International Law" at the uOttawa Faculty of Ottawa (October 18-20<sup>th</sup>).

Every year the CCIL hosts a Conference on a topic relating to international law. This year the topic is: In the past, CLA-ACE has



hosted a cocktail reception and participated in the Student Job Fair and Forum which provides information about work and internship opportunities in international law. Students may be eligible for travel assistance. To find out more, go to: [www.ccil-ccdi.ca](http://www.ccil-ccdi.ca).

**If there's interest, CLA-ACE will host a pub night for Student Chapter members.**

8. Submit articles about sustainable development issues and the law to your student newspaper and to CLA-ACE. We often publish articles of interest to our members on our website.

9. Organize a group to attend the University of Ottawa Law School's conference on Sustainable Development (date to be confirmed)





## APPENDIX

### *I. LOOKING AT THE THREE PILLARS IN MORE DEPTH*

#### **(a) Economic Development/Trade**

In recent years, the issue of trade and development has become increasingly discussed in the context of the world trade regime. This is no surprise given that more than 2/3 of World Trade Organization (WTO) members are developing countries.

The WTO Doha “Development Round”, launched in 2001, was an attempt to address some of the problems specific to developing countries including implementation-related issues and concerns and agricultural subsidies. The round attempted to favour poor countries’ ability to develop and prosper from global trade, while acknowledging the unequal nature of global trade, dominated by industrialized countries, at the expense of the developing world.

The Doha Round talks collapsed in July of 2006. Although there are many reasons for the failure, the issue of agricultural concessions was a primary one. Several developing countries became vocal in their demands and expectations from the Round and refused to meet the demands of the developed world which they considered unfair and hypocritical. At the time, India’s commerce minister, Kamal Nath noted:

This is a Development Round, completing it is extremely important but equally important is the content of the Round. The content has to demonstrate new opportunities for developing countries, primarily market access of developing countries into markets of developed countries.

This Round is not for perpetuating the flaws in global trade especially in agriculture, it’s not to open markets in developing countries in order for developed countries to have access for their subsidized products to developing countries.



We say the Round should correct the structural flaws and distortions in the system and there should be fair trade, not only free trade. They [the US] “we want market access and only if we get it the way we want it can we correct the structural flaws.”  
There is no equity in that argument.

This debate isn't confined solely to the WTO. It is echoed in the numerous regional trade agreement regimes and bilateral arrangements around the world. Several African countries for example, are currently debating the potential benefits and drawbacks of the Economic Partnership Agreements negotiated with the European Union.

Understanding the link between trade and sustainable development is pivotal to the future prosperity of the developing world. The topic invites philosophical discussions about the nature of the world trade regime, economic analysis of the impacts of different kinds of trading and structural adjustment programs (World Bank, IMF etc.), and requires patience for the vastly different opinions out there on this topic.

*Useful Websites:*

- [www.wto.org](http://www.wto.org)
- [www.unctad.org](http://www.unctad.org)
- [www.ictsd.org](http://www.ictsd.org)
- [www.unmillenniumproject.org/reports/tf\\_trade.htm](http://www.unmillenniumproject.org/reports/tf_trade.htm)
- [www.itd.org](http://www.itd.org)

**(c) Social Development**

This pillar is the most difficult of the three to define. The United Nations Research Institute for Social Development (UNRISD) provides some context to this issue. UNRISD was created in 1963 as part of the first United Nations Development Decade. The Decade emphasized a “new approach to development”, in which “purely economic indicators of progress were seen to provide only limited insight and might conceal as



much as they indicate”. UNRISD thus became a pioneer in developing social indicators and broadened the development debate.

The Institute promotes a holistic and multidisciplinary approach to social development by focusing on decision-making processes, often conflicting social forces, and the question of who wins and who loses as economies grow or contract and societies change. The Institute explores, for example, thematic issues in the developing world related to pro-poor macroeconomics, gender dimensions, democratization, commercialization of health care, and water privatization. Other issues that could be included under the heading of social development are education, access to clean water, shelter, and food, as well as corporate social responsibility.

UNDP takes an approach that places people at the centre of all development activities. In 1998, the UN High Commissioner for Human Rights, Mary Robinson, stated in a UNDP policy document entitled integrating human rights with sustainable development the following that “(p)overity is a brutal denial of human rights.” She went on to say that the UNDP “advocates the realization of human rights as part of sustainable human development, an approach that places people at the centre of all development activities. The central purpose is to create an enabling environment in which all human beings lead secure and creative lives. Sustainable human development is thus directed towards the promotion of human dignity-and the realization of all human rights, economic, social, cultural, civil and political.”

*Useful Websites:*

<http://www.unrisd.org/>

<http://www.sustainableresearch.com/>

[http://www.undp.org/governance/docs/HR\\_Pub\\_policy5.htm](http://www.undp.org/governance/docs/HR_Pub_policy5.htm)

<http://www.hrea.org/learn/guides/development.html>

<http://www.cisd.org/about.html>



### **(c) Environmental Sustainability**

Environmental sustainability is defined as the ability of the environment to continue to function properly indefinitely. This involves meeting the present needs of humans without endangering the welfare of future generations. The goal of environmental sustainability is to minimize environmental degradation, and to halt and reverse the processes they lead to.

Environmental sustainability is a vast subject. A good place to start is the United Nations Rio Declaration on Environment and Development. Signed in 1992, the Rio Declaration consisted of 27 principles to guide future sustainable development around the world.

In 2002, the United Nations hosted the Earth Summit in Johannesburg. The goal of the Summit was to reconcile development and economic growth with environmental sustainability. The organisers said the summit must "conserve our natural resources in a world that is growing in population, with ever-increasing demands for food, water, shelter, sanitation, energy, health services and economic security" It took place against a backdrop of famine in southern Africa, caused partly by climate change, which is reducing rainfall, and a lack of clean water and sanitation.

One of the planks of the 1992 convention was trying to reduce emerging economies' reliance on fossil fuels. Some have argued that Rio helped pave the way for the Kyoto protocol on cutting carbon dioxide emissions. However, carbon dioxide emissions have risen by nearly 10% since Rio.

Kevin Watkins, Oxfam's senior policy adviser, said at the time that the 10 years since Rio had seen an "unmitigated triumph for globalisation". While world output had increased by 50%, there were still 1 billion people living in poverty.

The Kyoto Protocol to the United Nations Framework on Climate Change was drafted in 1997. It is an amendment to the international



treaty on climate change, assigning mandatory emission limitations for the reduction of greenhouse gas emissions to the signatory nations. Countries that ratified this protocol committed to reduce their emissions of carbon dioxide and five other greenhouse gases or engage in emissions trading if they maintain or increase emissions of these gases. Kyoto is underwritten by governments and is governed by global legislation enacted under the UN's aegis.

The Kyoto Protocol now covers more than 160 countries globally and more than 60% of countries in terms of global greenhouse gas emissions. As of December 2006, a total of 169 countries and other governmental entities have ratified the agreement (representing over 61.6% of emissions from Annex I countries). Notable exceptions include the United States and Australia. Other countries, like India and China, which have ratified the protocol, are not required to reduce carbon emissions under the present agreement. Although Canada was one of the first to sign the protocol in 1998, in 2006 the government pulled out from its commitments under the Kyoto Protocol.

Environmental sustainability is literally a hot topic these days as the planet heats up and the effects of climate change are becoming more evident to the average individual. While the majority of people and leaders now recognize climate change as a real threat, there are still varying opinions on how to approach the problem. The Kyoto Protocol is one attempt to have the nations of the world work under a common framework for change. Like the global trade regime, it is an issue fraught with different opinions, expectations and goals. However, it is a starting point from which to move forward.

*Useful Websites:*

- <http://untreaty.un.org/English/notpubl/kyoto-en.htm>
- <http://www.un.org/esa/sustdev/documents/agenda21/index.htm>
- [www.iisd.org](http://www.iisd.org)



## ***II. WHAT ABOUT CANADA?***

### **1. Economic Development/Trade**

As the Department of Foreign Affairs and International Trade website suggests Canada is a trading country, and international commerce is the lifeblood of our economy: “Canada is the most open of the globe’s major economies. We are the world’s ninth largest exporter and tenth largest importer— trade is equivalent to more than 71% of our GDP. Exports account for almost 40% of our economy, and are linked to one in five of all Canadian jobs. Increased exposure to international competition has energized our economy, spurred innovation, attracted foreign investment and created hundreds of thousands of jobs for Canadians.”

International trade is thus a major pillar of our foreign policy and the country is generally committed to WTO, NAFTA and other multilateral trading regimes. In theory, by being a member of various trading regimes, we are guaranteeing ourselves access to other markets as well as the comfort of a rules based system that offers some security and recourse in the form of dispute settlement processes.

With regard to Canada’s position on the WTO and the developing world, the government states that “the needs of developing countries is central to Canada's objectives at the WTO. For this reason, Canada supports effective special and differential treatment for developing countries; the provision of trade-related technical assistance and capacity-building; and greater institutional and policy coherence between the WTO, the World Bank, the International Monetary Fund and other international institutions, to help developing countries manage their transition to full participation in the global economy.”

Although it is difficult to generalize on Canada’s position vis-à-vis other developed countries’ positions on trade in the developing world, Canada’s trade policies are generally more development friendly than some others. For example, the developing world was most concerned about the agricultural subsidies in the US and the EU during the Doha



Round. Having said that, Canada is not above reproach in this area, and it has been argued by some that some aspects of Canada's agricultural policies are not WTO-compliant. For example, the dairy supply management scheme and Wheat Board have been targeted. Keep in mind the domestic policy reasons for these programs in any analysis of the issue.

One good example of Canada's more progressive stance on trade policy for the developing world came in the form of the patent debate a few years ago. Canada was the first developed country to change its patent laws to ensure the availability of generic drugs for poor countries.

Canada also extended in 2003 duty and quota-free access for exports from LDCs, with the exception of dairy, poultry and eggs. In extending this access, Canada took specific steps to ensure that this access was not hampered by excessively complicated rules of origin.

Canada also has a number of schemes for enhances market access (through lower than usual tariff rates) for specific groups of developing countries, but these schemes have generally exempted the same three products above, as well as textiles and clothing.

## **2. Social Development**

Canada's foreign aid policy has been generally good at recognizing the link between sustainable development and social development. The Canadian International Development Agency (CIDA) has as its mandate to support sustainable development in developing countries in order to reduce poverty and to contribute to a more secure, equitable, and prosperous world. CIDA's priorities are poverty reduction, democratic governance, private sector development, health, basic education, equality between women and men, and environmental sustainability. These are areas in which Canadian expertise can make a difference. Furthermore, Canada is part of a global community committed to meeting the Millennium Development Goals.



In CIDA's "Sustainable Development Strategy" (2007-2009), CIDA expands the three traditional "pillars" of sustainable development to include a fourth pillar, governance." It includes under the rubric of democratic governance, freedom and democracy, human rights, rule of law, and accountable public institutions. See: <http://www.acdicida.gc.ca/CIDAWEB/acdicida.nsf/En/RAC-1129144152-R4Q#21>.

Interestingly, CIDA introduces the fourth pillar of governance. Should sustainable development include the concept of governance? How does Canada's policy in this area intersect with the other two areas? Are there conflicts and inconsistencies? Where are we making a difference? Where can we improve?

### **3. Environmental Sustainability**

As noted above, although Canada was one of the first to sign the Kyoto Protocol in the 90s, the current government has pulled out of its commitment to Kyoto and decided to pursue a "made in Canada" approach to greenhouse gas production. This plan involves amendments to the Clean Air Act, amongst other initiatives. Some suggest that meeting the committed Kyoto targets is impossible at this point and a "made in Canada" approach is a better strategy at this point. This stance has been not only controversial domestically, but internationally, especially in Europe, which has generally been supportive of Kyoto and committed to the regime.

What is Canada's role in the climate change issue? According to the Auditor General: "Relatively speaking, Canada is a major source of greenhouse gas emissions that contribute to climate change. Per capita, Canadians are among the highest emitters in the world. Since producing and consuming energy from fossil fuels accounts for 80 percent of man-made greenhouse gas emissions, experts suggest long-term solutions involve changing to low-carbon economy and energy systems."

