The notion of "Sustainable Development" merely confuses, and adds nothing positive to pursuit of environmental protection.

The concept of 'sustainable development' has been predominant in the study of environmental law since at least the early 1980s. The World Commission on Environment and Development published its formative and highly influential work on sustainable development, *Our Common Future*, commonly known as Brundtland Report, (after its chair) in 1987. The Brundtland Report was the foundation that was later built upon on international level principally by the United Nations Convention on Environment and Development (the famous Rio Earth Conference) in 1992 and by the 2002 World Summit on Sustainable Development in Johannesburg. Now, the concept of sustainable development is very widely accepted all over the world.

In Cambridge University Press publication's *Environmental Protection, Law and Policy: Text and Materials. Edition 2, Revised,* Maria Lee and Sue Elworthy quote the definitions of 'Sustainable Development' given in the Brundtland Report, and after the World Summit on Sustainable Development in Johannesburg, as under –

"The most widely quoted 'definition of sustainable development' comes from the Brundtland Report, according to which sustainable development is development that 'meets the needs of the present without compromising the ability of future generations to meet their own needs' (pp. 8 and 43). The Johannesburg *Declaration on Sustainable Development* provides an alternative in its reference to 'the interdependent and mutually reinforcing pillars of sustainable development – economic development, social development and environmental protection' (para.5), although this three-pillared approach is an evolution of earlier approaches, rather than a break with the past."[1]

With the depletion of the finite resources of the earth, mainly due to human consumption, the concept of sustainable development has been at the forefront of academic and political discussion. Environmental law enthusiasts cannot afford to neglect the topic. There have been several environmentalists who do not concur with the popular beliefs propagated regarding the

[1] Cambridge University Press publication, *Environmental Protection, Law and Policy: Text and Materials, Edition 2, Revised* (2007)

issue of sustainable development. This is mainly because the concept of sustainable development has failed to achieve what it was set out to in connection with environmental protection. At many levels the documentation of sustainable development is contradictory in approach and provokes thoughts and concerns. In order to develop a better understanding of this we shall explore the progress and adaptation of the concept with regards to development, acceptance and implementation of environmental protection laws in different countries, mainly with a focus to the European Union, as the EU countries were the forerunners in adopting the concept of sustainable development in their environmental laws. The issue of the confusion created around the concept of sustainable development would be explored from the political angle and the reasons for this discord would be studied at the sectoral level also.

In May 2004, eight Eastern European countries joined the European Union (EU). The determination of the membership of the EU was mainly on the environmental policies followed by the countries in the post 1989 period. These 'first wave' member states were the Czech Republic, Hungary, Poland, Slovakia, Slovenia and the three Baltic states of Estonia, Latvia and Lithuania. Bulgaria and Romania join the EU in 2007. The influence of EU environmental policies is however, not just restricted to the member countries but extends to entire European region. The EU also plays key role in the "Environment for Europe Process", a pan – European co-operation for environmental management. This signifies that the identification and promotion of potential prospects in the field of sustainable development form an integral part of preparing for and attaining the membership of EU. In turn, the countries also come up with their indigenous responses. The countries interested in EU membership had to adopt the *acquis cummunautaire* (body of European Community Law) of the EU, which comprises of the entire body of EU legislations, treaties and case laws. The adoption of *acquis* covered, vide range of environmental legislation and address a whole range of issues, e.g. waste management, covered by legislation and policy. There also is renewed pressure to achieve policy implementation, which was either weakly addressed or ignored all together in old communist system of governance. The European Commission monitors policy implementation and also looks into the matters of violations of the EU law.

The greatest challenge to EU environmental policy for the future lies in preparing the new member states from Central and Eastern Europe for meeting the existing pollution standards. The requirement of the treaty includes full compliance with all the directives and

regulations of the *acquis communautaire.* This requirement poses a major challenge for the countries of Central and Eastern Europe. These countries have far higher levels of pollution than in the Western countries because of the malpractices of their former communist governments. Many of these countries depend upon coal-burning power plants and factories and also on nuclear plants designed by the Soviet Union. These present grave risks and violations of safety standards. Some of the worst facilities have been closed down, but EU Commission has estimated that the cost of bringing the applicant states into total compliance with EU environmental standards could be around 120 billion ECU, which may range from 3% – 5 % of their GDP in the next twenty years. This huge capital is a worrisome prospect, especially because the resources to produce it are not clear, especially in the event of announcement of not increasing the budget of EU. So, this knowledge definitely puts a damper on the possibility of attaining sustainable development, as intended. Many new member states have expressed their dedication towards the promotion of sustainable development, which is the part of EU treaties and environmental *acquis.* Like the Estonian Parliament adopted the Act of sustainable development in 1995. The Polish National Environmental Policy of 1995 incorporated the principles of sustainable development. Poland has a separate Council for sustainable Development. Hungary also established a Commission on Sustainable Development in 1993. But the financial prospects of actual implementation still loom large without much of explanations offered.

In Earthscan publication's, *The Global Environment: Institutions, Law and Policy* by Norman J. Vig, Regina S. Axelrod it is observed -

"The commission has announced that the overall EU budget will not be increased beyond its present level (1.27 percent of member states' GDP) during the 2000-2006 period, meaning that the financial aid to accession countries must come from other EU programs. The most obvious candidates are the Common Agricultural Policy and the Structural Funds, which have been used to subsidize economic development in the poorer regions of the EU."[2]

This state of affairs is further endorsed as follows -

[2] Earthscan publication's, *The Global Environment: Institutions, Law and Policy* (1999)

In Routledge publication's *Sustainable Development* by Susan Baker it is noted -
"The Commission has estimated that the new member states would need 80 billion Euros to 110 billion Euros investment to conform to EU environmental legislation, or around 1057 Euros per capita. For example Polish compliance with the Urban Wastewater Directive alone will cost almost 7 billion Euros (CEC 2001e)." [3]

There are countries that do not have great chances of getting the funding from Common Agricultural Policy and the Structural Funds. The representatives of these countries in the European Parliament obviously have been vociferous about this issue of enlargement process. It is quite unlikely that all states would agree to the accession because votes for approval of new members must come from both the parliament as well as the new members. The members have been criticizing the divisions over financial aspects and it is unclear as to how the countries of Central and Eastern Europe would meet the current environmental standards within the pre-accession period of perhaps, five years. A report in 1997 to parliament's environment committee said that it could take them many decades to come up to the Western standards. There is also a likelihood that the enlargement may end up in lowered environmental standards than the existing ones and also result in loss of direction in attaining substantial means for sustainable development. The Amsterdam Treaty revisions failed to resolve the fundamental institutional question of how voting rights are to be allocated in an enlarged EU council. This has raised the speculation for further negotiations and also resulted in a possibility that the "green" states may not be able to assume leadership, especially in the environmental pursuits in the coming future.

The concept of sustainable development has been on the forefront since the time of 1987 Brundtland report. We shall examine the implications of the Brundtland report from the political point of view a little later after presenting some insights into the confusion created by the interpretations of the concept of sustainable development with environmental protection.

In Routledge publication's *Sustainable Development in Western Europe* Timothy O'Riordan and Heather Voisey write –

"In UK the first definition of sustainable development is set in economic terms and is more of an academic debate amongst economists. This approach seeks to use interventions in

[3] Routledge publications, *Sustainable Development* (2006)

market prices and in regulatory mechanisms to correct the imperfections of under-valuation of polluting discharges, over-depletion of non-renewable resources, and pollution damage to sites or species of aesthetic or biological significance. It is not a comprehensive statement of sustainable development, more an attempt at fine-tuning to create a more ecologically sensitive market economy. The second definition discusses the concept in the language of development, calls attention to the North- South divide, and issues of intra-generational equity, poverty and population growth. The way forward is in helping developing economies to grow in accordance with environmental protection objectives, so that economic growth is not hindered by the environmental degradation. Here the underlying rationale is still capitalist and developmental. The third approach is emerging at present in the literature of Non-Governmental Organisations (NGOs) and local government initiatives to implement LA21"[4] (Local agenda 21 is the name for initiatives that are being undertaken under chapter 40 of A21 [*UNCED, 1992*], of which the main requirement is that local authorities should consult with their communities and other stakeholders to reach a consensus on the implementation of sustainable development).

In the *World Commission on Environment and Development, 1987:8,* it is stated that [5]-

Sustainable development tends to be defined and conceptualised in three ways in UK. The first two appear in much of the government's documentation on sustainable development and the environment. All three are based on the most publicised definition of sustainable development, that of the Brundtland Commission, namely: 'development which meets the needs of the present without compromising the ability of future generations to meet their own needs'.

However there are major challenges in implementation and promotion of sustainable development. Adoption of the environmental *acquis* is just a step in the direction of implementation and enforcement of the environmental legislation. The Environmental Legislation is expensive and technically complex to implement. The new member states are required to update, extend and build infrastructure in order to be compliant with requirements of the *acquis.* For example, in order to be able to implement Urban Wastewater Directive New Wastewater treatment plants may be needed to be installed. Many a times paucity of administrative and financial resources hamper effective implementation of legislation and monitoring of the resultant efforts may also be slackened.

[4] Routledge publications, *Sustainable Development in Western Europe* 1997
[5] Oxford: Oxford University Press, World Commission on Environment and Development (1987), *Our Common Future*.

Major Challenges in Implementation of Environmental Laws in European Union

The success of the commitment of EU towards sustainable development also depends upon its commitments towards implementation and enforcement of laws towards environmental protection. First and foremost step in this is to enact EU law as national law to be brought into practice in all the member states. EU has no doubt, made much advancement towards environmental protection over the past two decades, during which, it has come up with increasingly detailed environmental directives and regulations from Brussels, the EU has also begun to revise its approach since the adoption of Maastricht Treaty in 1992 and its emphasis on the principle of subsidiarity. Meanwhile, the member states have also increased their pressure regarding freedom in implementation of the EU legislation, while continuing to support the general principles of sustainable development set out in the Fifth Environmental Action Programme. The European Commission has responded to this by introducing broader framework directives having long-term environmental targets allowing more flexibility in the methods of their achievement. It has also encouraged introduction of new policy instruments at the national and EU levels to improve performance at the environmental issues and also for improving the cost efficiency of achievements. Also, EU has led the world towards the first binding agreement on climate change at Kyoto. Still a lot more needs to be done as extension of the policy towards the eastern states and also maintaining the standards are some major challenges faced. In the 90s decade there were high levels of unemployment and economic stagnation. This had hampered the process of implementation as the public spirits were low for environmental protection. The implementation of the national laws including the environmental laws is problematic in EU member states and has left a gap between the levels of environment protection in the "green" northern states and the lesser wealthy southern states.

An excerpt from *The Global Environment: Institutions, Law and Policy* by Norman J. Vig, Regina S. Axelrod from the Earthscan publications highlights the aspect of implementation of environmental laws -

"Within the EU generally, sustainable development will require much greater integration of environmental perspectives into other policy areas such as energy, transportation, agriculture and tourism. The new Article 6 (formerly 3d) of the treaty will legally obligate all EU bodies and member states to pursue such integrated sustainable development strategies. In a

communication prepared for the Cardiff Summit of the European Council in June 1998, the commission formulated new guidelines for policy integration and called for urgent efforts to realize this goal in two areas that may define the environmental success of the European Union in the future: Agenda 2000 (enlargement) and the Kyoto Protocol (climate change). The real test of the EU governance system therefore still lies ahead."[6]

Another challenge is that the European Commission has no authority to investigate or inspect the facilities, which falter on the environmental issues. In the commission's report of 1997, there were recorded 315 suspected violations of the environmental law. This number was up by 207 in 1996. This also indicated a reversal of trend for four years, where these numbers were considerably down. Environmental violations account for more than 20% of all the EU cases. This number is higher than in any other field of law. The rate of alleged violations varies among the states. In 1997 Spain had the highest rate with 63 numbers. Finland, Luxembourg, The Netherlands and Sweden had less than 10 each. Except for Belgium, all of the other countries had succeeded in transposing at least 95% of WU environmental laws.

Article 169 of the treaty allows citizens, local authorities, businesses or interest groups to lodge complaints on the inadequate application or transposition of EU law directly before the commission. When a complaint is lodged, efforts are made to meditate the dispute or to informally persuade the national government to take appropriate action. If any party is found to be in violation of EU law, the commission can issue a formal notice to the state. If all else fails, an infringement case can be brought before the European Court of Justice (ECJ) to force compliance. Resolution of the cases can take many years and even if the government is found guilty, compliance is not guaranteed. Article 171 of the Maastricht Treaty allows the ECJ to levy financial penalties against states that fail to implement its decisions. But it would be some time before the court actually starts using its powers.

There are several reasons for variation in compliance from the states. They may be related to differences in levels of awareness of citizens and interest groups. Some states have a more number of complaints lodged because their citizens and interest groups are more alert and informed. The differences in enforcement also happen because of the variations in the budgets and other resources of governments to carry out EU mandates. Since the states choose their own

[6] Earthscan publications, *The Global Environment: Institutions, Law and Policy* (1999)

means of compliance, differences happen in the instruments used and in the severity of penalties levied against violators. For example, the ECJ found Italy guilty of non-compliance with an EU directive on protection of wild birds (79/409/EEC). Because Italy had not limited bird hunting or incorporated an amendment (86/411/EEC) to the original directive into Italian law. It was ordered to pay legal costs. In another example, the court censured France for failing to comply with EU directives on air pollution. As a consequence, France incorporated the directives directly into its laws. In Ukraine citizens are beginning to seek assistance of the courts to enforce their procedural rights. Public interest environmental law organizations are working throughout the region. One such organization is Ecopravo-Lviv (EPL). It has brought several cases to the national courts; challenging government decisions that may harm the environment or that violate the procedural rights of information and public participation. Law students in Ukraine are also playing a lead role in developing awareness and taking environment protection initiatives. More such actions are required to promote consistent sustainable development.

The packaging directive and the eco-labelling regulation also have been difficult to implement. Procedures for establishing the technical criteria for labels in each product group (like washing machines, paper products and detergents) is extremely burdensome because it requires agreement from all the national bodies as well as formal approval by the commissions. By July 1997, eco-label was provided only to 166 products from 20 companies. In order to hasten the approach the commission proposed a semi-private European eco-label organization, which would be responsible for reviewing criteria for labelling, coordinating national authorities, and verifying compliance with criteria (97/C114 09, COM (96) 603 Final). Also a system of "graded" labelling was introduced for the criteria that are met by a product.

Adoption of the environmental *acquis* may be thus, a representation of good intentions for environmental protection and sustainable development. Promoting sustainable development in transition societies is a task with lasting impact on various sectors like agricultural sector, transport sector and industrial sector. In order to explore viable options for the pursuit of long-term environmental protection it becomes necessary to study the process of adoption of sustainable development at the sectoral levels. Since efficient energy generation and consumption is an integral part of the environmental protection considerations of all the industries, it has to be looked into side by side.

Environmental Policies and Sustainable Development in the Agricultural Sector

In the agricultural sector the new member states have worked with nature and landscapes. The practices of mixed farming and low intensity agriculture have created habitats for many species of wild plants and animals. Rich and diverse landscapes ranging from coastal meadows and wet grasslands in the Baltic region to the strip-land farming landscape of southern Poland and small-scale livestock raring in the Carpathian Mountains are some examples of thriving agriculture under varied landscapes. This way sustainable development in the field of agriculture may be quite a possibility. But the sustainable development in the agricultural sector in the long-run would be a possibility only if evolved agricultural methods are put in practice in more widespread areas. One most important aspect to look at is the energy efficiency. This is relative to the agricultural sector as well as applicable to the other industry sectors also.

According to CEC (2001b)-

The Commission's energy strategy for new member states[7] –

- ► Constructing and efficient, effective and equitable energy policy.
- ► Creating the internal energy market and speeding up the liberal process.
- ► Building up oil stocks.
- ► Restructuring or closing existing solid fuel (mainly coal) plants.
- ► Promoting energy efficiency and the use of renewable energy.
- ► Promoting co-generating (combined heat and power systems).
- ► Developing demand side measures.
- ► Ensuring nuclear safety.

According to the plans there would be a phased out reduction in energy intensity by 1% per year until 2010 and also achievement of greater energy efficiency through the ecological modernisation of the energy sector mainly in terms of production, and more European states meeting its Kyoto Protocol targets. There is also considerable emphasis on renewable energy. Some of the countries like Latvia are forerunners in implementation of existing energy efficiency programme. Most electricity comes from hydro and co-generation sources in Latvia. But the development of many small hydropower stations is posing a threat to the river basin management and also has deep impact on protected species and important habitats. This shows that just ensuring a changeover to renewable energy options is not enough and wider environmental considerations need to be ensured for attaining the intended sustainable development.

[7] Adapted from CEC (2001b)

The debate on the concept of sustainable development deepens when the issue of genetically modified organisms (GMOs) is concerned. Ecologists are most likely to take up a *prima facie* position against genetic engineering mainly because it is a technology that expresses the very world view that they consider is the cause for all the trouble. The perception of this technology is that of human mastery of the non-human natural world. From this point of view the ethical argument over genetic engineering is nothing less than an argument about what our relationship with the rest of the biotic (and abiotic) community should be. This is also, they say, is inappropriate in the context of a global environmental crisis. And also, that the biocentrics find value in beings and collections of beings, which are usually not regarded as members of the moral community. This *prima facie* suspicion can be turned into complete opposition of the genetic engineering technology. This view has two possible defects – one, that the biological descriptions upon which the moral cases are based are themselves questionable. The biologists' claim to the notion that species are morally considerable would not be true because the resultant species do not exist, as such. And, complete rejection would disregard the potentially beneficial consequences of some forms of genetic engineering. After the UK based studies of *GM Nation, A Deliberative Future? An Independent Evaluation of the* GM Nation? and *Public Debate about the Possible Commercialisation of Transgenic Crops in Britain, 2003* some key messages were identified –

- People are generally uneasy about GM.
- The more people engage in GM issues, the harder their attitudes and more intense their concerns.
- There is little support for early commercialisation.
- There is widespread mistrust of government and multi-national companies.
- There is broad desire to know more for further research to be done.
- Developing countries have special interests.
- The debate was welcomed and valued.

The government response to the concerns about GMOs in UK was supportive. Environmental Protection Act 1990 provides that the purpose of legislation on GMOs is to ensure 'that all appropriate measures are taken to avoid damage to the environment which may arise from escape or release from human control of genetically modified organisms'.[8]

[8] Environmental Protection Act 1990, s. 106(1), as amended by the Genetically Modified Organisms (Deliberate Release) Regulations 2002, regulation 3(2).

Whether the technology of genetic engineering would promote sustainable development is a further debate and rather a far-fetched one. Presently there are many cases in UK alone where the law seems incapable of taking care of the implementation of the Environmental Protection Act, 1990. One such case is cited below –

In Cambridge University Press publication's *Environmental Protection, Law and Policy: Text and Materials. Edition 2, Revised,* Maria Lee and Sue Elworthy write –

"In a decision in which an organic farmer successfully challenged a decision to allow a trial planting of a GM crop near his farm, the Court of Appeal nevertheless held that the Minister had no power to order the destruction of the crop: 'the only power the Minister has to require destruction of the crop before flowering is that provided by section 111(10). But that power can only be properly exercised in pursuance of the 1990 Act purposes – i.e. with regard to considerations of health and safety and the protection of the environment. [*R v. Secretary of State for the Environment and MAFF, ex parte Watson* (1999) Env LR 310, p. 319.]. This gives some indication of how the narrow legal basis for a decision might limit the range of considerations taken into account by a decision maker, discounting the nuances of public concern on GMOs."[9]

For genetic engineering to contribute towards the concept of sustainable development much work needs to be done with respect to framing environmental laws and policies concerning genetic engineering and also by taking relevant steps towards their implementation. The task presently seems quite daunting and first requires a consensus to be reached on the globally acceptable concept of sustainable development before further steps can be taken.

Environmental Policies and Sustainable Development in the Transport Sector

Transport policy of EU has been an important source of environmental stress for a long time. Large scale infrastructure projects like road building to integrate entire Europe under single market programme have been one of the major causes. The implementation of environmental considerations into these projects has generally been slow. 'Sustainable Transport' remains poorly conceptualised in policy terms and long-term targets have not been developed.[10]

This problem is not just an issue with the EU states but also a global threat. Mainly this problem is because the growth in transport emissions has not been sufficiently disengaged from

[9] Cambridge University Press publication, *Environmental Protection, Law and Policy: Text and Materials, Edition 2, Revised* (2007)

[10] Adapted from CEC (1999c)

growth in GDP. Transport has presented a persistent environmental problem and the development of sustainable transport system would require cultural changes like changes in life styles, work patterns, leisure activities and status representations in different countries. Just conforming to a sustainable transport policy is not going to bring about changes but people may have to be given incentives and motives to change plus some workable ideas of good governance and democratic participatory practices may also needed to be initiated. Presently the situations of governance in member states demand strong government intervention in these areas. The advantages aspects of existing transport system can be leveraged. Most new EU member states have – above average rail share, lower transport energy usage, lower pollution emission per capita and less fragmentation of land from transport infrastructure, especially roads. Energy consumption and carbon-di-oxide emissions in this sector are also rapidly increasing mainly because of the growth of road transport. But with the enhancement of disposable incomes inclination towards improved standards of living have become a societal need. Increase in numbers of private cars and associated infrastructural measures like road building present major road blocks in the process of sustainable transport.

In Routledge publication's *Sustainable Development* by Susan Baker it is noted –
"The transition process, instead of maintaining existing transport advantages, has instead led to worrying trends. Transport volumes are increasing significantly, particularly road transport, in part owing to the rise of east-west trade. More significantly membership of EU has meant that the trans-European transport network (TEN-T) has been expanded eastwards. This measure pillar of the EU's Common Transport Policy mostly involves large-scale motorway building projects."[11]

There is considerable scepticism about waste management and increasing energy efficiency in the transport and industrial sector in several states. Reaching agreements can resolve issues in these directions. But the speculation regarding the transparency and "backdoor deregulation" to circumvent the laws also exists. There are concerns about European Environment Agency's effectiveness also voiced from time to time. European Commission issued a communication on voluntary agreements in late 1996 that attempted to clarify the legal and other considerations that should guide arrangements. In 1997 and 1998 the commission conducted negotiations with the European auto manufacturing association on reduction of carbon

[11] Routledge publications, *Sustainable Development* (2006)

dioxide emissions on future models, leading to a voluntary agreement to cut emissions of the new cars by about one quarter by 2008. This agreement was accepted by the Council of Ministers in October 1998, eliminating the need for new legislation in this area. This example can be used as a reference standard for more such voluntary actions rather than just framing laws, which would prove better for implementation of sustainable development.

Environmental Policies and Sustainable Development in the Industrial Sector

In the industrial sector EU regulations and technical standards have helped in raising the overall performance of environmental protection. But this progress has not been uniform across all the industries. It is quite an irony that some of the more pollution causing manufacturing sectors, say mining and chemicals have seen few improvements. Incidentally, these sectors are also the ones experiencing higher growth levels. According to EEA 2003[12], there are several sectors where lower cost technology has already been implemented making it difficult to achieve further environmental gains.

There is considerable soil and water contamination from local industrial plants. This may be caused by malpractices as well as accidents. Waste disposal also remains a major issue mainly because many of these industrial plants may not have active operations in the present times so the fines levied are not punishment enough for the polluters. Such cases are dragged for lack of enough legal evidence for environmental liability in the courts of law. As the industries increase there is also a rising demand for increasing channels of transport for industrial uses. There is also an increased growth in tourism industry. This also adds to the transport burden and waste management.

Mining is being looked upon as a potential "engine of development" for providing jobs, expanding technological capacity, and increasing the national income. At the same time mining is also viewed as a situation causing long-term damage to the environment. Mineral deposits that are explored with mining are limited and non-renewable. Even in the most developed nations like the United Sates sad examples of unregulated mining are available for all to see like Appalachian streams, which are acidic, western rivers and tributaries, which are sterile and scarred and unproductive lands in the Midwest, which are a proof of environmental destruction. Similar situations are prevailing in developing countries like Indonesia also, which has seen

[12] EEA - European Environment Agency, *State of the Environment report no.3* (2003)

extensive damage to its ecosystems and natural resources because of extensive and unregulated mining. The country has a strict regulatory regime in place with inspection and enforcement to achieve compliance. But the level of compliance with the regulatory scheme is variable for different companies. All mining activity in Indonesia is under the control of bureaucracy and politics. It is a known fact that very high levels of corruption are rampant in the system. Many high-ranking government officials or members of their families are retained as partners or consultants in joint ventures of mining and other industries. It is no secret that the former president Suharto's family members have good networks in many economic activities in Indonesia and this extends to the mining industry also. So, it is seen that plans for sustainable development may not be actually put in practice in several places.

Effects of Political Fallouts on Sustainable Development

Sustainable development is highly international in focus. It was initiated to address global problems and was developed upon organising an international effort for resolving the predicament of environment and development. It is linked closely with climate change and biodiversity and also with development of new eco-friendly technology targeted towards long-term sustenance. This requires participation at the global level because developmental projects in one country or region may have an effect on the environment and biodiversity of another.

Earth is a planet with finite resources. These resources need to be consumed rationally and conserved, and also replenished, if possible. This is the philosophy behind the concept of sustainable development while protecting the environment. This is fairly easy to understand but just an oratorical commitment is not enough to produce results. Strong political commitment and action is required. Different countries have different forms of governance and frequent change at the political helm of affairs is also an impediment. Commitment begins with the understanding that survival in the longer term would be ensured only with committed actions.

A major difficulty in attaining sustainable development is also posed by political and social conflicts in the high-consumption societies. Generally during 1983 to 1993, strong environmental concerns were voiced in the Northern countries and there was increased awareness of dependency between environment and development in the Southern countries. The essence of Earth Summit of 1992 was optimistic and committed. United Nations Conference on Environment Development (UNCED) agreements, were accepted as serious attempts to establish

the principles of sustainable development as firm foundations of environment-and-development agenda. But by 1997 there were serious incidents of fallacies in relation to aid, technology transfer, debt relief and market opening by the Northern countries. This led to lot of speculation as to the direction in which the program for environment and development was headed. In the second half of the 1990s many governments were also preoccupied with military conflicts including regional ones. There was a series of crisis in the Asian emerging economies. There were preparations for the launch of single currency in the EU. There was other turmoil also on the economic and financial front. Since, sustainable development is a process requiring lot of changes and the world was already seeing a lot of change, there may be a possibility that some stagnation came into the process because of other prevailing situations. This may be one of the reasons why many observers noted that the momentum was lost and some did predict doom. But overall it can be argued that sustainable development may have lost the feel of a star-runner, but was still in the running. Many a times it was noticed that sustainable development and environmental issues were side tracked.

As an example in Earthscan publication's, *The Global Environment: Institutions, Law and Policy* by Norman J. Vig, Regina S. Axelrod, the writers reminisce the case of The Netherlands fall of government in 1989 immediately after the initiative of National Environmental Policy Plan (NEPP) –

"If not the fundamental cause, the NEPP was the immediate reason for the fall of the government in May 1989. It was only natural that environmental issues played an important role in the election campaign. Prime Minister Rudd Lubbers, for instance surprised all parties concerned (including probably his own party) by proposing a reduction of CO_2 emissions by 8 percent in the following cabinet period (1989/1990-1994). The new government, again headed by Lubbers but now consisting of Christian Democrats and Social Democrats, took office in November 1989. It soon made clear that the 8 percent commitment was to be understood in relation to the projected 2 percent annual growth in emissions rather than to 1990 levels. Lubbers's firm language was thus reduced to reaching the stabilization target some years earlier than originally proposed in the NEPP."[13]

In the Oxford University Press publication *Implementing Sustainable Development*, William M Lafferty and James Meadowcroft argue –

[13] Earthscan publications, *The Global Environment: Institutions, Law and Policy* (1999)

"Any assessment of the future of sustainable development must take into consideration three dominant features of the idea: that it involves (1) goals and values which are at once *normative* and *relatively vague* with respect to specific policy proscriptions; (2) a 'programme' which has arisen *external* to normal national policy arenas; and (3) a political commitment which – largely due to the first two characteristics – is relatively 'soft' as a mandate for change. The combined effect of these features is to make predictions on the future of sustainable development difficult."[14]

The normative standards do change with the changing times. From time to time there arise more immediate needs and interests as well. There also arise many political conflicts in the times of rising international terrorism. Several programs that are launched with great gusto do fizzle out after a while and there are internal political situations of change that many countries are facing. Many programs started by one government face a challenge of fizzling out with the advent of another. Thus, the commitment towards sustainable development comes across many hurdles. There are several conflicts pertaining to realisation of the goals and values but there is little doubt with respect to the fundamental morals of the core principles. This simply means that there is hardly any evidence of digression from the conservational aspects of the environmental concepts. Apparently there is no change in the ecological thinking and no need has been felt for connecting economic decisions with ecologically consequences. Neither has there been a decrease in encouraging greater societal participation in environment and development decision-making. Nor there has been any reduction in the need for global participation and equating of global resources. Still the results attained in several case studies have not been as expected. It has been seen that the degree of commitment in the Rio agreements and later follow ups have not been up to the mark. The national politicians and their parties have often shown major difference of opinion over the endorsement of international agreement for sustainable development. This also deals with narrow perspectives and non-partisan attitudes. The 'politics' of sustainable development is more on the fore front in the high consumption societies and this politics seems to take the forefront more often than actual implementation of the intended concepts of sustainable development.

[14] Oxford University Press publication, *Implementing Sustainable Development* (2000)

Political Connotations of the Brundtland Report

The publication of the Brundtland Report, *Our common Future*, in 1987 made the term sustainable development popular and also politicised the term. This report resulted after three years of work by the United Nations' World Commission on Environment and Development. Twenty-three commissioners from twenty-one states around the world worked on it. Many felt that the report presented a series of compromises on the issue of sustainable development. As a highlight of all contradictions, let us examine the definition of 'sustainable development', which is defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (WCED 1987:8).[15] This was a definition created with an intention to please all the commissioners rather than for achieving brilliant interpretation to the approach and the concept of sustainable development. It also ended up being a great political slogan but presented ambiguity and elusiveness rather than clarifications or scope for further analysis. Brundtland Commission mainly talks about anthropocentric programmes and presents them industrial worldview in the garb of biocentricity.

In *Politics of Sustainable Development* from Taylor & Francis publication, by Susan Baker, in an article by Dick Richardson the problem is addressed as follows –

"The problem with Brundtland Commission was that it tried to unite the ununitable – the anthropocentric and biocentric approaches to the natural world – by means of an agreed form of words. It was an act of political consensus which sought to bring together not only governments (both Left and Right), but the business community, the scientific establishment, non-governmental organizations (NGOs) and even environmentalists. In this it has achieved considerable success."[16]

"In essence, the supporters of Brundtland do not seek to question the concept of quantitative growth measured in traditional terms, although adherents of strong sustainable development may wish to see it redirected in part along qualitative lines. In contrast, the advocates of a biocentric approach question the very concept of quantitative growth."[16]

[15] World Commission on Environment and Development (1987-8)
[16] Taylor & Francis publication, *Politics of Sustainable Development* (1997)

But the question remains that when Brundtland Commission's report has such glaring inconsistencies why is it so widely accepted and acclaimed. Such discrepancies should obviously be noticed and also should be a matter of general debate. But the governments tend to accept and operate upon the principles that are most compatible with their survival as well as promote their own thriving and fulfilment. This is rather a strong comment, which is generally not voiced for want of creating furore and disturbance in the cosy and comfortable atmosphere of general acceptance and denial of larger issues. It is a known fact that all the governments need support of industrial sector for their own survival and financial gains. Is the acceptance of Brundtland Commission report not an effort in the direction of supporting attitudes for the fear of not toppling the apple cart? This issue is as debatable as any other, perhaps more, considering the finite nature of our planet and the excessive plundering of its assets.

This particular aspect is highlighted as under in Taylor & Francis publications, Politics of Sustainable Development by Susan Baker -

"Given their inherent anthropocentricity and support of the industrial worldview, it is hardly surprising that the Brundtland principles have been endorsed, indeed welcomed, by the governments at all levels. They are the basis of the European Union's Fifth Environmental Action Programme. They are written into the Maastricht Treaty, which aspires to 'sustainable and non-inflationary growth respecting the environment'. They are reflected in the agreements reached at the Earth Summit in Rio in June 1992: the Rio Declaration; the Framework Convention on Climate Change and Agenda 21. Principle 12 of the Rio Declaration; for example, lays down that 'States should co-operate to promote a supportive and open international system that would lead to economic growth and sustainable development in all countries'. This approach is further reflected in the United Nations Commission on Sustainable Development, established after Rio as a promotional vehicle to offset the threat of the political ecology movement to national governments and global multinational business (Orton 1994:14). The UK Government's report to the UN Commission on Local Agenda 21 stated specifically that 'Sustainable development is not incompatible with economic growth' (UKLGMB 1993:2)"[17]

The wide acceptance of Brundtland Commission report is understood and the hidden agenda can be visualized very clearly. But another question also raises its ugly head now. Why did the commission take this approach? Surely, the people involved must have also seen these

[17] Taylor & Francis publication, *Politics of Sustainable Development* (1997)

discrepancies. The problem lies with the anthropocentric approach that is taken. The world is not inhabited just by the human species. Our planet belongs to the other species also – both plants and animals. Along with the anthropocentric approach another aspect that emerges is that the report fails to give due impetus to non-material needs and also does not recognize the differences between needs and wants. It eventually does exactly what should not be done – it encourages wants. There would always be discrepancies in needs and wants among the developed and developing economies. The 'needs' of one would be the 'luxuries' for another. But the concept of 'wants' is a perennially existing one, which favours both and so is existent in both. From an anthropocentric point of view, sustainable development favours and encourages aspirations for 'more' rather than focusing on satisfying the 'needs' and environmental protection takes a back seat.

The biocentric approach of 'need' is radically different. It is based upon the foundational physical and material needs, which are common to both the industrialized and industrializing countries. The state of economies is not a point of concern when basic human needs are seen. They remain the same to everyone all over the world. The right to have sufficient food, clean water, adequate clothing and shelter apply to everyone regardless of the country people are living in. Anything over and above the basics would be considered as luxuries. The biocentric approach also takes into consideration the existence of other plants and animals on the planet. Their existence is directly or indirectly dependent upon the human life and human development. And in turn there is a clear inter-dependence of the human life also on these non-human life forms. Just taking an anthropocentric approach is not enough. But anthropocentric and biocentric approaches are contradictory in nature when it comes to interpretations between development and needs and sustainability. The present definitions and acceptable interpretations tend to favour indiscriminate industrialization under the garb of sustainable development. This may be a convenient approach at present but would have grave repercussions in the longer run.

In Bideford: Green Books, *The Ultimate Heresy*, John Seymour summarizes this beautifully.
"We are a part of nature. That is the primary condition of our existence. And only when we recognize this will we awake from the evil dream that has led us down the path of self-destruction for the last two or three hundred years. That is the dream that we, mankind, can

'conquer nature'. For only when we abandon this dream will we realise again that you cannot conquer something of which you are a part."[18]

This dilemma is one of the reasons that sustainable development has become more of a subject for topical political debate and less of a reason for sitting up and taking stock of the actual situation that aspire working at the grassroots levels to find actionable long-term solutions. This is something very simple to understand but would take deeper analysis and a break-away from political gains in order to bring better perspective to the attainment of sustainable development keeping the environmental considerations in mind. Mindless twisting of the facts in order to suit individual needs has created enough confusion already.

Need for Better Management of Sustainable Energy Regimes Aimed at Sustainable Development

Just as in any industrial scenario, for successful governance and management of sustainable energy regimes addition to legislative measures at international and regional levels and developing national legal frameworks are necessary, which are culturally, economically and politically sound. Developing such laws protecting the demand and supply of energy that are conducive to environmental protection and sustainable development is an interdisciplinary task.

Cambridge University Press publication, IUCN Academy of Environmental Law. Colloquium. *The Law of Energy for Sustainable Development* by Adrian J. Bradbrook, Rosemary Lyster and Richard L. Ottinger states -

"The World Energy Assessment recognizes the ability of markets to deliver on the economic objectives of sustainable energy, but notes that markets alone cannot be expected to meet the needs of the most vulnerable groups and to protect the environment. Just as law cannot ensure that justice, responsible government, or good urban planning is achieved without simultaneous economic, social, and political strategies, market mechanisms cannot by themselves provide a solution to the pressing problems of energy issues in the absence of legal

[18] Bideford: Green Books, *The Ultimate Heresy,* (1989)

frameworks that provide normative frameworks, clear rules, criteria, and standards and where appropriate, flexibility mechanisms for more discretionary policy decisions."[19]

Although legal regimes governing sustainable energy for sustainable development are badly needed, they are inadequately developed because this is a complex area akin to toppling the apple cart and disrupting the status quo. There is a lack of political will called for by the Brundtland Report. Governments are promoting flexibility in dealing with energy issues and the point is relegated to the realm of policy. Environmental law, however, is elaborate enough to offer normative framework for addressing the broader aims of sustainable energy. The substantive laws for energy generation, transmission and efficient use would relate to renewables (wood, business, hydropower, wind, solar), fossil fuels, and atomic energy. The procedures would also have to be substantive and would require coverage of human rights aspects; establishment of precautionary principles; polluter pays principle; intergenerational equity and public participation procedures. Strict compliance and enforcement systems at the administrative, civil and criminal levels would be needed and restoration of the damaged ecosystems and resources and compensatory remedies for the damages caused would also be necessary. The present laws for energy demand and supply do not cover all these areas and hence create confusion when the issue of implementation of the concept of sustainable development is raised.

Education as the Best Alternative for Attaining Sustainable Development

The role of civil society is growing and increased awareness is visible not just in the Western countries but also in the transitions states of EU and in the developing world. Education is very important in sensitizing people to current global realities. Proper education can ultimately lead to developing better environmental ethic and responsible and responsive society. Education for sustainable development is very important for promoting social and economic development. It can lead to better management of natural resources by encouraging sustainable consumption and production and controlling population. These steps can lead to alleviation of poverty also.

Declaration of the United Nations Conference on the Human Environment held in Stockholm in 1972 recognized the importance of environmental education as essential "in order

[19] Cambridge University Press publication, IUCN Academy of Environmental Law. Colloquium. *The Law of Energy for Sustainable Development* (2005)

to broaden the basis for an enlightened opinion and responsible conduct by individuals, enterprises and communities in protecting and improving the environment in its full human dimension."[20]

The current situations in attaining sustainable development through environmental protection pursuits can be related with as baby steps in the right direction. Better efforts with global perspectives are necessary. Recognition of civic role in the international environmental laws and in framing of domestic legislation is a positive trend. There is steady growth in the power of civil society as a negotiator in international treaties and preparation of national policies, laws and regulations and also during their implementation and enforcement. Continued awareness and sustained efforts in this direction from the public and civil interest groups can bring better results and eventually have laws that are put into practice. For ensuring the life of the resources of this planet it is imperative that the environmental laws are taken seriously and pathways for sustained development are chosen with dexterity and long-term perspective. If we do not care enough for the life of our planet, very soon we shall be left homeless and indeed, lifeless.

[20] Principle 19, *United Nations, Declaration of the United Nations Conference on the Human Environment, (the Stockholm Declaration)*, Stockholm, 11 ILM 1416 (1972).

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