

**TOWARDS THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT:
CRAFTING LEGAL RULES FOR INTEGRATING ECONOMIC, ENVIRONMENTAL AND SOCIAL CONCERNS**
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The environment, the economy, security and human rights – these are the global issues of our day. An abundance of international treaties and principles have proliferated to address them, but little has been done to deal with areas in which they overlap in the overall field of “sustainable development”. Without a comprehensive legal superstructure, nations find themselves bound to an increasingly complex web of unrealistic – and at times contradictory – legal obligations. The current situation is particularly unmanageable for developing countries. International legal experts recently tackled these topics – and the inter-linkages among them – at a high-level panel held during a preparatory meeting for the World Summit on Sustainable Development, to be held in Johannesburg, South Africa from 26 August through 4 September 2002 – ten years after the “Rio Earth Summit”.

More than 80 senior government officials as well as representatives of international organisations and civil society gathered at the United Nations headquarters in New York for the launch of a new draft “Jurists Mandate” which highlights past, present and prospective contributions of international law to sustainable development. As a survey of existing integrated instruments, the mandate will help political and legal decision-makers focus on areas of intersection between economic, environmental and social law. It is currently being made available for consultations and the final draft will be launched at a major international conference, *Sustainable Justice 2002: Implementing International Sustainable Development Law*, to be held in Montreal from 22-25 May 2002.

Agreements for the protection of the environment have proliferated in this century, with over 300 multilateral treaties now in existence. However, only in the last decade have these instruments seriously begun to integrate economic and development concerns. One of the best examples is the 1992 Convention on Biological Diversity (CBD), which includes several provisions integrating sustainable use of biological resources and access to benefits arising from this use for communities and countries of origin. Likewise, the CBD’s first legally binding sub-agreement, the 2000 Cartagena Protocol on “Biosafety”, employs economic and development measures such as trade sanctions to address environment and health concerns regarding the release of genetically modified organisms. The 1994 Desertification Convention emphasizes the need to increase political participation of rural communities in government decision-making as a means to prevent the loss of arable land. Despite these advancements, international law continues to lag behind political developments in the field of sustainable development.

To redress this imbalance, a concerted effort is being made to develop principles of international law for sustainable development. In the International Law Association (ILA), international jurists have spent ten years debating a dozen legal principles, which were finally announced at the United Nations panel. Indeed, an integrated approach in legislating economic, environmental and human rights is required to achieve a just balance in the emerging framework of international sustainable development law – a concept which can now draw upon the jurisprudence of the International Court of Justice (ICJ). For example, in the international *Gabcikovo-Nagymaros* case between Hungary and Slovakia, the ICJ emphasized the need to reconcile development with the protection of the environment as expressed in the concept of sustainable development. In two cases from India and Bangladesh, hydro-electric dams were constructed in a manner that caused negative impacts on the environment, people and their communities. In both cases, the respective Supreme Courts stopped the construction work and highlighted the need for development to occur in a socially and environmentally sound manner. According to Dr. Kamal Hossain, Chair of the International Law Association Committee on Sustainable Development, as a first principle, there is a need for a human rights framework to overlay international sustainable development law, particularly as a means to enhance environmental protection and to eradicate poverty.

At the recent UN negotiations concluded on 5 April 2002, the chairman’s paper on governance reflected many of the recommendations which emerged from the panel of legal experts. Not only does it promote the role of international sustainable development law (ISDL) in decision-making and implementation at the local, national and global levels; it mandates the United Nations Commission on Sustainable Development to periodically consider significant developments in this legal arena. Because ISDL fosters a balanced approach to supporting sustainable livelihoods around the world, the text encourages governments to integrate environment and social considerations into international economic law.

The implementation of international sustainable development law, however, will require significant efforts by the legal community, and training of legal practitioners, judges and negotiators in this emerging field, particularly in developing countries. The WTO Ministerial meetings held in Doha, Qatar last December set a precedent in this regard: it opened the door to including the multilateral environmental agreements in trade negotiations, thereby providing an additional forum for furthering international sustainable development law. Likewise, at the UN Conference on Financing for Development held in Monterrey, Mexico this March, civil society argued that the fulfilment of human rights – in particular economic, social and cultural rights – would require governments to enhance the quality and quantity of international measures to finance development. The Johannesburg Summit should build on these initiatives by building the legal community’s capacity for research and analysis regarding areas of intersection between the economic, environmental and social objectives, which together comprise sustainable development.

N.B. The following paragraph provides factual information, but is not essential to the article (already at 800 words).

“Legal Rules, Common Future 2002: Principles and Best Practices of International Sustainable Development Law” was hosted by the new Montreal-based Centre for International Sustainable Development Law (CISDL) in conjunction with United Nations Environment Programme (UNEP) and the World Bank as well as the Governments of Canada and Switzerland. Keynote speakers included Professor Alexandre Timoshenko, University of Notre Dame and Dr. Kamal Hossain, the UN Special Rapporteur for Human Rights in Afghanistan; it was chaired by CISDL Directors Marie-Claire Cordonier Segger and Ashfaq Khalfan of the CISDL. Along with a similar event CISDL hosted at the Monterrey conference on Human Rights Obligations related to Financing for Development, this panel set the stage for a major international conference, ***Sustainable Justice 2002: Implementing International Sustainable Development Law***, to be held in Montreal from 22-25 May 2002. ***Sustainable Justice 2002*** operates in partnership with EnviroLaw 2002, a major conference to be hosted by South Africa’s legal community in Durban from 22-25 August 2002. Both the Durban and Montreal meetings will rally the resources and expertise of the global legal community towards the World Summit for Sustainable Development to be held in Johannesburg, South Africa from 26 August through 4 September 2002 – ten years after the “Rio Earth Summit.” For more information, email conference@cisdl.org or see www.cisdl.org.