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Sustainable Development at a
turning point

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Table of contents: 1. Introduction. 2. Sustainable development: a “grown-up concept”? 3. The three events that might change the course of sustainable development. 4. Conclusion: sustainable development at a turning point?

Abstract: The principle of sustainable development in the last three decades has reached a pivotal role in international and national policies at the crossroads between economic development, social development and environmental protection. However, it is now at a crucial turning point, which has been determined by the concurrent occurrence of three independent, and yet concatenate events, which have happened in a short period of time, during 2015:

- 1) the re-launch of the ethical dimension (due to Pope Francis’s Encyclical Letter *Laudato Si* - On care for our common home);
- 2) the approval of the United Nations Sustainable Development Goals and the 2030 Agenda for Sustainable Development, which dictates the global agenda for the promotion of sustainable development patterns for the next fifteen years;
- 3) the conclusion of the Paris Agreement on Climate Change, which recognises the need to integrate climate change and sustainable development considerations, in particular with a view to promote the increase of climate change related international investments.

* Peer reviewed.



On the basis of these recent factors, sustainable development is now at the centre of the scene and cannot hide itself any longer. As a consequence, the next few decades will be crucial to determine its success or its failure. No mid-solution seems to be possible. Therefore the question to be answered is essentially the following one: has the time finally come for the renaissance of the concept of sustainable development, aiming at its full and meaningful application, after so many years of uncertainty about its effective role, or the concept, despite the short and intense glory that it may experience in the next few years, is destined in the medium-long term to the sunset boulevard?

1. Introduction

The principle of sustainable development in the last three decades has reached a pivotal role in international and national policies at the crossroads between economic development, social development and environmental protection. However, it is now at a crucial turning point. In particular, the year 2015 might be recalled in the future as the turning point in the evolutionary path of the concept of sustainable development due to the concurrent occurrence of three independent, and yet concatenate events, which have happened in a short period of time: the publication of Pope Francis's Encyclical Letter *Laudato Sì - On care for our common home*; the adoption by the UN General Assembly of the UN Sustainable Development Goals (SDGs) and the related 2030 Agenda for Sustainable Development; the conclusion of the Paris Agreement on Climate Change by the Conference of the Parties (COP21) to the Framework Convention on Climate Change (UNFCCC).

Within such a reference scenario, the present paper explores the role that sustainable development plays in the three mentioned documents and explores the broader role that such a concept might play in the near future. The next few decades, in fact, will be crucial to determine its success or its failure. To this effect, in particular, the following question will be addressed in the present paper: has the time finally come for the renaissance of the concept of sustainable development, aiming at its full and meaningful application, after so many years of uncertainty about its effective role, or the concept, despite the short and intense glory that it may experience in the next few years, is destined in the medium-long term to the sunset boulevard?

2. Sustainable development: a “grown-up concept”?

2.1 The “evolutionary involution” of the sustainable development concept

Almost thirty years have elapsed since the publication of the Brundtland Report and the precise meaning of sustainable development is still an unresolved issue. Therefore the primary questions to be asked are: is sustainable development a “grown-up concept”? How has it changed through the years? How the progressive elaboration of the sustainable development concept has affected its current understanding?

It is commonly agreed that the starting point for the analysis of the principle of sustainable development ought to be the definition contained in the 1987 Brundtland report. According to such a well-known definition, “[*Sustainable development is*] *development that meets the needs of the present without compromising the ability of future generations to meet their own needs*”.¹ The Brundtland definition of sustainable development is essentially based on two basic concepts. On the one side, there is the concept of *needs*, which refers in particular to the needs of the future generations, in an intergenerational perspective, and to the needs of the poorest people on Earth, in an intra-generational sense. On the other side, there is the concept of *limits*, which refers not so much to the necessity to impose absolutely limits on economic development, but rather to the necessity to take into account the limitations imposed by the present state of technological development and by the socio-economic organisation on the best use of natural resources and on the capacity of the biosphere to absorb the negative effects of the anthropogenic activities.²

It is worth noting that, within the Brundtland report, sustainable development is not considered as a fixed state of harmony to be reached once for all, rather as a dynamic process of change, which is characterised by the need to find a balance between socio-economic development and environmental protection, both in the short as well as in the long term. In the Brundtland report own words, this is expressed as follows: “*sustainable development is not a fixed state of harmony, but rather a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are made consistent with future as well as present needs*”.³ Within such a context, as one can see, there is a clear focus on sustainable

¹ Brundtland Report, *Our Common Future*, Oxford University Press, Oxford, 1987, p. 8.

² Brundtland Report, *Our Common Future*, cit. pp. 8-9; see also H. C. Bugge, *1987-2007: Our Common Future Revisited*, in H. C. Bugge & C. Voigt (eds), *Sustainable Development in International and National Law*, Europa Law Publishing, Groningen, 2008, p. 7. See also D. French, *International Law and Policy of Sustainable Development*, in Melland Schill *Studies in International Law*, Manchester University Press, 2005, pp. 14-17; P. Sands, *Principles of International Environmental Law*, 3rd. ed., Cambridge University Press, 2013, p. 206.

³ Brundtland Report, *Our Common Future*, cit., p. 9.



development as a balancing instrument to accommodate the needs related to the protection of the environment within the process of socio-economic development.⁴

The evolution of the concept is, however, characterised by a progressive change in the understanding of sustainable development, as primarily supporting such a need for integration and balancing. In fact, a decade after the Rio Conference, at the 2002 Johannesburg Summit, the Parties embraced a partially different tripartite definition of sustainable development, which is based on three interlinked and interdependent pillars, namely the economic, the social, and the environmental one. In the framework of such a new definition, it is assumed that the three integrated pillars should underpin patterns of integrated sustainable development. However, the reality has shown, through the years, a different picture, according to which the tripartite definition has led to a certain marginalisation of the environmental pillar, which has been compressed by the tendency to promote socio-economic objectives at any cost, irrespective of the possible environmental shortcomings.⁵

More recently, the tripartite definition of sustainable development has been restated at the 2012 Rio+20 Conference, where the Parties have signed the Declaration “*The Future We Want*”, which confirms an understanding of sustainable development based on the three integrated and interlinked pillars, calling for the necessity to further mainstream sustainable development at all levels, within the relevant international as well as national policies, so as to achieve sustainable development in all its three dimensions. To this effect, § 3 of the Declaration, reads as follows: “*We therefore acknowledge the need to further mainstream sustainable development at all levels, integrating economic, social and environmental aspects and recognizing their interlinkages, so as to achieve sustainable development in all its dimensions*”. Within such a reference framework, there is, however, a high risk that the environmental dimension will be further marginalised with respect to the economic and social interests.

Therefore, arguing on the basis of such a brief reconstruction of the evolution of the concept of sustainable development in the last thirty years, in our opinion it may be said that, from the environmental protection point of view, the gradual transformation of the concept of sustainable development through the years should be identified as an “evolutionary involution” rather than a proper “evolution” process.

⁴ K. Bosselmann, *The principle of sustainability. Transforming law and governance*, 2nd ed., Routledge, 2016, p. 61.

⁵ M. Montini, *Investimenti internazionali, protezione dell'ambiente e sviluppo sostenibile*, Giuffrè, Milano, 2015, pp. 27-28.

2.2 The legal appraisal of sustainable development

The legal appraisal of the concept of sustainable development consists of essentially two independent and yet interlinked issues.

The first one refers to the identification of the precise content of the principle. In this sense, it may be said that the evolution of the analysis contained in the legal literature has produced many different opinions about the exact content of the principle.⁶ Within such different opinions, a common feature may be detected: it consists in the widespread view that the principle of sustainable development should not be considered as a single principle, but should rather be seen as encompassing several substantial and procedural elements.

In this sense, a leading opinion on the elements which compose the principle of sustainable development is the one proposed by Birnie, Boyle and Redgwell, according to which the essential features of the principle may be detected in the Rio Declaration, which refers to the substantial principles in articles 3 to 8 and to the procedural principles in articles 10 and 17. According to such a view, on the one hand, the substantial elements include the integration of environmental protection and economic development, the right to

⁶ On the legal literature concerning the content of sustainable development see for instance J. E. Viñuales, *The Rise and Fall of Sustainable Development*, in *Review of European Comparative & International Environmental Law (RECIEL)*, vol. 22, 2013, pp. 3 ff.; V. Barral, *Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm*, in *European Journal of International Law (EJIL)*, vol. 23, 2012, pp. 377 ff.; L. Pineschi, *La Conferenza di Rio 2012: dallo Zero Draft a The Future We Want. Rio+20 o vent'anni trascorsi inutilmente*, in *Rivista Giuridica dell'Ambiente*, vol. 6, 2012, pp. 795 ff., in particular at p. 812; R. Ramlogan, *Sustainable Development: Towards a Judicial Interpretation*, Martinus Nijhoff, Leiden 2011; D. French, *Sustainable Development*, in M. Fitzmaurice, D. M. Ong & P. Merkouris (eds.), *Research Handbook on International Environmental Law*, Edward Elgar, Cheltenham, 2010, pp. 51 ff.; A. Fodella, *I principi generali*, in A. Fodella & L. Pineschi (eds.), *La protezione dell'ambiente nel diritto internazionale*, Giappichelli, Torino, 2009, pp. 117 ff.; C. Voigt, *Sustainable Development as a Principle of International Law*, Martinus Nijhoff, Leiden, 2009; H. C. Bugge & C. Voigt, *Sustainable Development in International and National Law*, Europa Law Publishing, Groningen, 2008; D. B. Malgrave & L. D. Hawke, *Sustainable Development*, in D. Bodansky, J. Brunnée & E. Hey (eds.), *Oxford Handbook of International Environmental Law*, Oxford University Press, Oxford, 2007, pp. 613 ff.; P. Fois (ed.), *Il principio dello sviluppo sostenibile nel diritto internazionale ad europeo dell'ambiente*, XI Convegno, Alghero, 16-17 giugno 2006, Editoriale scientifica, Napoli, 2007; N. Schrijver, *The Evolution of Sustainable Development in International Law: Inception, Meaning and Status*, in *Recueil des Cours*, The Hague Academy of International Law, vol. 329, 2007, pp. 217 ff.; M. C. Cordonier Segger & A. Khalfan (eds.), *Sustainable Development Law. Principles, Practices & Prospects*, Oxford University Press, Oxford, 2006; M. Lee, *EU Environmental Law Challenges, Change and Decision-Making*, Hart Publishing, Oxford, 2005, pp. 25 ff.; D. French, *International Law and Policy of Sustainable Development*, Manchester University Press, Manchester, 2005; N. Schrijver & F. Weiss (eds.), *International Law and Sustainable Development. Principles and practice*, Martinus Nijhoff, Leiden, 2004; A. Boyle & D. Freestone (eds.), *International Law and Sustainable Development. Past Achievements and Future Challenges*, Oxford University Press, Oxford, 1999.

development, the sustainable utilisation of natural resources, the inter- and intra- generational equity.⁷ On the other hand, the procedural elements include public participation in decision making, access to information, cooperation between States and environmental impact assessment.⁸ However, such a list is not an exhaustive one. In fact, while some of the allegedly constitutive elements may be found in several legal theories, some scholars widen the list by adding other principles, such as for instance the principle of common but differentiated responsibilities, the principle of good governance,⁹ the duty to cooperate,¹⁰ the necessity to preserve the environment at least to a significant degree.¹¹

Moreover, it is worth mentioning here another similar, albeit different, identification of the principles which are said to compose sustainable development, which is the one proposed by the New Delhi Declaration of Principles of International Law Relating to Sustainable Development of the International Law Association (ILA). According to such proposal, the principle of sustainable development includes seven operational principles, namely 1) The duty of States to ensure sustainable use of natural resources; 2) The principle of equity; 3) The principle of common but differentiated responsibilities and the eradication of poverty; 4) The principle of the precautionary approach to human health, natural resources and ecosystems; 5) The principle of public participation and access to information and justice; 6) The principle of good governance; 7) The principle of integration and interrelationship, in particular in relation to human rights and social, economic and environmental objectives.¹²

⁷ This identification of the most relevant substantial principles is largely based on P. Birnie, A. E. Boyle & C. Redgwell, *International Law and the Environment*, III ed., Oxford University Press, Oxford, 2009, pp. 116-123. On this issue, see also P. Sands, *Principles of International Environmental Law*, 3rd. ed., 2013, II ed., Cambridge University Press, Cambridge, 2003, pp. 206-217; M. Fitzmaurice, *Contemporary Issues in International Environmental Law*, Edward Elgar, Cheltenham, 2009, p. 68; A. Boyle & D. Freestone, *Introduction*, in A. Boyle & D. Freestone (eds.), *International Law and Sustainable Development. Past Achievements and Future Challenges*, cit., p. 9.

⁸ This identification of the most relevant procedural principles is largely based on P. Birnie, A. E. Boyle & C. Redgwell, *International Law and the Environment*, III ed., 2009, cit., pp. 116-123. See also A. Boyle & D. Freestone, *Introduction*, in A. Boyle & D. Freestone (eds.), *International Law and Sustainable Development. Past Achievements and Future Challenges*, cit., p. 9;

⁹ N. Schrijver, *The Evolution of Sustainable Development in International Law: Inception, Meaning and Status*, cit., pp. 333 ff. e pp. 366 ff.; M. C. Cordonier-Segger, *Sustainable Development in International Law*, cit., pp. 147 ff.; V. Barral, *Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm*, cit., p. 378; M. Montini, *Il contributo allo sviluppo sostenibile derivante dall'attuazione della normativa internazionale sul cambiamento climatico*, in P. Fois (ed.), *Il principio dello sviluppo sostenibile nel diritto internazionale ed europeo dell'ambiente*, cit., p. 554.

¹⁰ D. French, *Sustainable Development*, cit., p. 58.

¹¹ D. B. Malgrave & L. D. Hawke, *Sustainable Development*, cit., p. 619.

¹² International Law Association (ILA), *New Delhi Declaration of Principles of International Law Relating to Sustainable Development*, New Delhi, India, 2-6 April 2002 (ILA Resolution 3/2002).

The brief analysis presented above shows that, despite the presence of some recurring features in most theories and proposals, no common understanding of the exact content of the main constitutive elements of the principle has emerged so far.

The second issue refers to the determination of the legal *status* of the principle of sustainable development. In this sense, the difficulty to determine the precise nature and content of the principle, as mentioned above, has represented through the years a relevant obstacle towards the definition of its precise legal *status*. It may be observed that, although in the early years of application of the principle most authors in the legal literature have focused on the question regarding the legal nature and *status* of such a principle, such a debate has not led to a commonly agreed understanding on this issue. In fact, after such a lengthy debate, there are still many different positions. Some scholars deny altogether the configuration of sustainable development as a principle of law, referring to it in various ways, such as a “meta-principle”,¹³ a “multi-faceted concept”,¹⁴ a “conceptual matrix”,¹⁵ a “political aim” or “political ideal”.¹⁶ Some authors prefer not to take clear position on the issue of its legal status;¹⁷ while some others affirm that the principle should be considered as a general principle of law,¹⁸ and some others even argue that the principle is “part of the corpus of customary International law”.¹⁹

As a consequence of this ample variety of opinions, it is not a surprise that, in more recent years, the *focus* of the legal analysis regarding the nature and the *status* of the principle has been characterised by a progressive shift towards a more pragmatic approach. Such a new approach tends to focus on the role of the principle for the progressive development of international environmental law, rather than limiting the analysis to the difficult task of determining its legal *status* on the basis of the traditional categories of

¹³ V. Lowe, *Sustainable Development and Unsustainable Arguments*, cit., p. 31.

¹⁴ N. Schrijver, *The Evolution of Sustainable Development in International Law: Inception, Meaning and Status*, cit., p. 366.

¹⁵ P. M. Dupuy, *Ou en est le droit international de l'environnement a la fin du siecle?*, cit., p. 886.

¹⁶ U. Beyerlin & T. Marahun, *International Environmental law*, cit., p. 81.

¹⁷ P. Birnie, A. E. Boyle & C. Redgwell, *International Law and the Environment*, 3rd ed., cit., p. 115-127; D. B. Malgrave & L. D. Hawke, *Sustainable Development*, in D. Bodansky, J. Brunnée & E. Hey (eds.), *Oxford Handbook of International Environmental Law*, cit., pp. 613; P.M. Dupuy & J. Vinuales, *International Environmental Law*, Cambridge University Press, Cambridge, 2015, pp. 79-82.

¹⁸ K. Bosselmann, *The principle of sustainability. Transforming law and governance*, 2nd ed., 2016, cit., p. 123; D. Tladi, *Sustainable Development in International Law*, Pretoria University Press, Pretoria, 2007, p. 112; C. Voigt, *The principle of Sustainable Development: Integration and Ecological Integrity*, in C. Voigt (ed.), *Rule of Law for Nature*, cit., pp. 146-174, at p. 154.

¹⁹ P. Sands, *Principles of International Environmental Law*, cit., 2013, p. 208.



international law, which have proven to be hardly useful to encapsulate the loose nature of the concept of sustainable development.²⁰

In our view, despite the absence of a commonly agreed opinion on the legal *status* of the principle, on the basis of the acknowledgement of the principle of sustainable development which has been made by several international treaties as well as by some courts rulings, it may be argued that sustainable development should be considered as a general principle of law, as recognised among the main sources of international law by art. 38(1)(c) of the Statute of the International Court of Justice.²¹ We are convinced that such interpretation fully acknowledges the evolutionary path of the principle occurred in the last three decades and fully recognises the important role that sustainable development may play as a relevant criterion both for the interpretation of existing provisions and the drafting of new norms of international law.

3. The three events that might change the course of sustainable development

In 2015, as mentioned above, three events took place, which might exercise a relevant influence on the future shaping of sustainable development, by decisively changing its course. These consist in the publication of Pope Francis's Encyclical Letter *Laudato Si' - On care for our common home* (May 2015), the approval of the UN Sustainable Development Goals (SDGs) and the related 2030 Agenda for sustainable development by the UN General Assembly (September 2015) and the conclusion of the Paris Agreement on Climate Change in the framework of the Paris Climate Conference (COP21) (December 2015). The Encyclical Letter *Laudato Si' - On care for our common home* brings back at the centre of the stage the inherent ethical dimension of sustainable development, which has remained quite underdeveloped so far. The SDGs promote the pivotal role of sustainable development and dictate the global agenda for the promotion of sustainable development patterns for the next fifteen years. The Paris Agreement on Climate Change recognises the need to integrate climate change and sustainable development considerations, in particular with a view to promote the realisation of climate change related international investments.

²⁰ M. Fitzmaurice, *Contemporary Issues in International Environmental Law*, Edward Elgar, Cheltenham, 2009, p. 68; F. Francioni, *Sviluppo sostenibile e principi di Diritto Internazionale dell'Ambiente*, in P. Fois (ed.), *Il principio dello sviluppo sostenibile nel diritto internazionale ed europeo dell'ambiente*, Editoriale scientifica, Napoli, 2007, p. 43; P. M. Dupuy, *Où en est le droit international de l'environnement à la fin du siècle?*, in *Revue générale de droit international public* (RGDIP), vol. 101, 1997, p. 886.

²¹ M. Montini, *Investimenti internazionali, protezione dell'ambiente e sviluppo sostenibile*, cit., pp. 56-57; C. Voigt, *The principle of Sustainable Development: Integration and Ecological Integrity*, in C. Voigt (ed.), *Rule of Law for Nature*, cit., pp. 146-174, at p. 154.



3.1 The Encyclical Letter *Laudato Si* - On care for our common home

The Encyclical Letter does not focus directly on the concept of sustainable development. However, it contains a severe critique of the current development model based on a technocratic paradigm dominated by purely economic considerations and affected by the failure to take into proper account the environmental damage that the dominant logic of the maximisation of profits brings about.

The starting point of the Encyclical Letter is represented by the recognition that “*nothing in this world is indifferent to us*”; therefore, humanity should seriously start reconsidering its relationship with nature and ecosystems. As a consequence, Pope Francis addresses his thoughts on the “*care of our common home*” to “*every person living on this planet*” (para 3). In such a context, sustainable development is mentioned as an inevitable goal to be pursued within the required quest for the necessary change. According to the “*appeal*” launched by Pope Francis, “*the urgent challenge to protect our common home includes a concern to bring the whole human family together to seek a sustainable and integral development, for we know that things can change*” (para 3). Indeed, Pope Francis suggests that humanity should reconsider its relationship with nature and embrace an “*integral ecology*” approach, in order to efficiently tackle the present ecological crisis.

The main problem of the current crisis lies in the way in which humanity is developing and making use of technology that is legitimising a destructive approach towards nature and an over-exploitation of natural resources, that is making our Planet being squeezed above any reasonable limits. In such a context, Pope Francis takes a clear stance against the belief that “*current economics and technology will solve all environmental problems*”, thus echoing the literature that warns against the idea of infinite growth in a Planet characterised by limited resources and sinks for waste.²² Along this line of reasoning, Pope Francis proposes some “*major paths of dialogue*”, engaging politics, economy, religions and science in order to escape the current “*spiral of self-destruction*” (para 163). Human beings and the environment are at the core of Pope’s reasoning, that stresses the need to redefine our notion of progress by underlining that “*a technological and economic development which does not leave in its wake a better world and an integrally higher quality of life cannot be considered progress*”.(para 194). In this sense, Pope Francis affirms that “*for new models of progress to arise, there is a need to*

²² On the impossibility of a limitless growth on a limited planet see, for instance, H. E. Daly, *Beyond Growth. The Economics of Sustainable Development*, Beacon Press, Boston, 1996. On this issue see also, for instance, E. F. Schumacher, *Small is Beautiful. A study of Economics as if People Mattered*, Vintage Books, 1973; H. E. Daly, *Steady-State Economics. The Economics of Biophysical Equilibrium and Moral Growth*, W. H. Freeman and Company, 1977; N. Georgescu-Roegen, *The Entropy Law and the Economic Process in Retrospect*, in *Eastern Economic Journal*, 1986, vol. 12, fasc. 1, pp. 3-25; F. Capra and P. L. Luisi, *The Systems View of Life. A Unifying Vision*, Cambridge University Press, Cambridge, 2014, pp. 362 ff.

change ‘models of global development’, this will entail a responsible reflection on “the meaning of the economy and its goals with an eye to correcting its malfunctions and misapplications” (para 194).²³

Starting from the consideration that “*everything is closely interrelated, and today’s problems call for a vision capable of taking into account every aspect of the global crisis*”, the Encyclical Letter proposes “*an integral ecology*”, composed by an environmental, economic and social ecology, a cultural ecology and an ecology of daily life, as the solution to tackle the present global crisis” (para 137). To this effect, it clearly states that not only “*many things have to change course, but it is we human beings above all who need to change*”, thus highlighting the necessity to address the “*great cultural, spiritual and educational challenge*” which “*stands before us*”, by developing “*new convictions, attitudes and forms of life*” (para 202). Pope Francis wording is clear and resolved, advocating a “*profound interior conversion*” of humanity in the form of an “*ecological conversion*” (para 217).

3.2 The UN SDGs

The 2030 Agenda for Sustainable Development is a plan of action for people, planet and prosperity, which also aims at strengthening universal peace and promoting a revitalised global partnership for sustainable development. The paramount role of sustainable development as a common and shared goal of the international community is affirmed in such a context with reference to both developing and developed countries, thus moving away from the more limited approach which was embedded in the previous Millennium Development Goals (MDGs). The MDGs, in fact, targeted the less developed countries only, thus being also termed “*anti-poverty goals*”,²⁴ and promoted development *tout-court*. On the contrary, SDGs apply to all countries, without any distinction made on the basis of their different degree of development. This notwithstanding, they acknowledge and recall the importance of the principle of common but differentiated responsibilities (Principle 7 of the Rio Declaration) and promote the eradication of poverty within a “*sustainable development*” reference scenario. In greater detail, with regard to its three major objective for action (people, planet and prosperity), the 2030 Agenda for Sustainable Development with regard to “*people*” aims at ending poverty and hunger, as well as promoting the fulfilment of the human potential in dignity and equality and in a healthy environment; with reference to the “*planet*”, its main goal is to “*protect the planet from degradation, including through sustainable consumption and production, sustainably managing its natural resources and taking urgent action on climate change, so that it can support the*

²³ Originally in Benedict XVI, *Message for the 2010 World Day of Peace*, 2010, p. 43.

²⁴ See UNDP, <http://www.undp.org/content/undp/en/home/mdgoverview/post-2015-development-agenda.html>.

needs of the present and future generations”; concerning “prosperity”, it aims to “*ensure that all human beings can enjoy prosperous and fulfilling lives and that economic, social and technological progress occurs in harmony with nature*”.²⁵

The wording of the 2030 Agenda shows a great determination of the international community “*to take the bold and transformative steps which are urgently needed to shift the world on to a sustainable and resilient path*”.²⁶ In this sense, the preamble of the 2030 Agenda contains a commitment of the Parties “*to achieving sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner*”. However, despite such traditional reference to the three interlinked and integrated dimensions of sustainable development, it is worth noting that an explicit definition of the sustainable development concept upon which the 2030 Agenda should be grounded is substantially missing in the SDGs. Such *lacuna* represents in our opinion a missed opportunity, insofar within the SDGs the sustainable development concept is maintained under a sort of a veil, preventing the interpreter from determining the correct relationship among the three dimensions of sustainable development, and does not provide a reference point for the future work that has to be performed in the implementation of the 2030 Agenda, particularly through the drafting of the SDGs implementation plans at national level. Therefore, it remains an open question how the international community will be able to promote the advocated shift without any clear and commonly agreed definition of sustainable development.

Furthermore, despite its fundamental and ground-breaking reference to sustainable development contained in its Preamble, the 2030 Agenda is very much focused on the pursuit of (economic) growth as its paramount objective. In the preamble of the Agenda, in fact, the Parties “*envisage a world in which every country enjoys sustained, inclusive and sustainable economic growth and decent work for all*” (para 9). Thus, the 2030 Agenda and the related SDGs do not contain any clarification on the difference between the two concepts of development and growth. In our opinion, a clear distinction between the two concepts should have been one of the logical premises of the SDGs, along the following lines. On the one side, growth, which essentially refers to a “quantitative” dimension, should be defined as “*an increase in through-put, which is the flow of natural resources from the environment, through the economy, and back to the environment as waste*”, while, on the other side, development, which is characterised by a “qualitative” dimension, should be defined as “*a qualitative change, realisation of potential, evolution toward an improve but not larger structure or system — an increase in the*

²⁵ See para. 70/1 of the Resolution.adopted by the General Assembly on 25 September 2015.

²⁶ See preamble of the Resolution.adopted by the General Assembly on 25 September 2015.

*quality of goods and services (where quality is measured by the ability to increase human well-being) provided by a given throughput?*²⁷

Indeed, any meaningful policy or set of actions promoting sustainable development should be grounded on a clear distinction between the opposed concepts of growth and development. Their assimilation, in fact, gives rise to a certain confusion and runs counter to the well-established scientific finding that a sustained economic growth can hardly be sustainable in a Planet characterised by limited natural resources and sinks for waste.²⁸ Such a finding, in fact, is firmly grounded in the second law of thermodynamics, the so-called “entropy law”, according to which the availability of energy to perform useful work for human purposes is progressively reduced every time it passes through transformations, such as the ones brought about by economic activities.²⁹ However, the mainstream economic model, which is no longer a purely economic model, having become through the years the mainstream *development* model, still fails to properly take into account its inherent contrast with the biosphere, the “*safe-operating space*”, characterised by limited natural resources and limited sinks for waste and pollution.³⁰

Quite on the contrary, in our opinion, it is time to fully recognise the biophysical impossibility of a limitless growth on a limited Planet, and consequently to abandon the “*growthmania*”³¹ which has characterised so far the mainstream economic model. This misleading “growth oriented” pattern should be replaced by a

²⁷ H. E. Daly and J. Farley, *Ecological Economics. Principles and Applications*, 2nd ed., Island Press, Washington, 2011, p. 6. On this issue see also R. Costanza and H. E. Daly, *Natural capital and Sustainable Development*, in *Conservation Biology*, 1992, vol. 6, No. 1, pp. 37-46, p. 43.

²⁸ On the impossibility of a limitless growth on a limited planet see, for instance, H. E. Daly, *Beyond Growth*, Beacon Press, Boston, 1996.

²⁹ On this issue see, for instance, N. Georgescu-Roegen, *The Entropy Law and the Economic Process*, Cambridge MA: Harvard University Press, 1971; N. Georgescu-Roegen, *The Entropy Law and the Economic Process in Retrospect*, cit..

³⁰ J. Rockström, W. Steffen, K. Noone, Å. Persson, F. Stuart III Chapin, E. Lambin, T. M. Lenton, M. Scheffer, C. Folke, H. J. Schellnhuber, B. Nykvist, C. A. de Wit, T. Hughes, S. van der Leeuw, H. Rodhe, S. Sörlin, P. K. Snyder, R. Costanza, U. Svedin, M. Falkenmark, L. Karlberg, R. W. Corell, V. J. Fabry, J. Hansen, B. Walker, D. Liverman, K. Richardson, P. Crutzen and J. Foley, *Planetary boundaries: exploring the safe operating space for humanity*, in *Ecology and Society*, 2009, vol. 14, issue 2, No. 32, at www.ecologyandsociety.org/vol14/iss2/art32/; J. Rockstrom, W. Steffen, K. Noone, Å. Persson, F. Stuart III Chapin, E. Lambin, T. M. Lenton, M. Scheffer, C. Folke, H. J. Schellnhuber, B. Nykvist, C. A. de Wit, T. Hughes, S. van der Leeuw, H. Rodhe, S. Sörlin, P. K. Snyder, R. Costanza, U. Svedin, M. Falkenmark, L. Karlberg, R. W. Corell, V. J. Fabry, J. Hansen, B. Walker, D. Liverman, K. Richardson, P. Crutzen and J. Foley, *A Safe Operating Space for Humanity*, in *Nature*, 2009, vol. 461, No. 7263, pp. 472-475. On this issue see also E. Tiezzi, *Tempi storici, tempi biologici*, Pisa, Donzelli editore, 2005; H. E. Daly, *Beyond Growth. The Economics of Sustainable Development*, Boston: Beacon Press, 1996; R. Costanza and H. E. Daly, *Natural Capital and Sustainable Development*, in *Conservation Biology*, 1992, vol. 6, No. 1, pp. 37-46.

³¹ The expression “*growthmania*” is taken from H. E. Daly, *Beyond Growth*, Beacon Press, Boston, 1996, p. 33.

“development oriented” one. Unfortunately, the 2030 Agenda for sustainable development seems to substantially ignore such a claim, by failing to address this crucial point and to depart from the very traditional “growth economy” approach. As a consequence, we may argue that the SDGs, despite their notable positive features, are still embedded in a very traditional “growth economy” reference scenario, which may prove to be not suitable to confront with the sustainable development challenge that the 2030 Agenda is called to address. However, despite the highlighted shortcomings, which are mainly related to the failure to provide an explicit and proper definition of the understanding of sustainable development upon which the 2030 Agenda is based, the SDGs are nonetheless well placed to give a renewed impetus to the promotion of sustainable development and help creating a momentum for its meaningful implementation at a global scale.

3.3 The Paris Agreement

The Paris Agreement on Climate Change represents a decisive departure from the previous approach to climate change, as embedded in the Kyoto Protocol.³² As for the present analysis, it should be underlined in particular, that it shows a completely new approach with regard to the relationship between climate change and sustainable development, which fully and strongly recognises the need to integrate climate change and sustainable development considerations.

In fact, the signatory Parties to the Paris Agreement, on the one side, in the Preamble, affirm in general terms the close link between climate change and sustainable development, by “*emphasizing the intrinsic relationship that climate change actions, responses and impacts have with equitable access to sustainable development and eradication of poverty*” and, on the other side, in article 2, state that the Agreement “*in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty*”. Moreover, with reference to the long term goal of the Paris Agreement, which consists in the progressive reduction of GHGs emissions over time aimed at “*holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 °C above pre-industrial levels*”, the Parties in article 4 agreed that: “*In order to achieve the long-term temperature goal set out in Article 2, Parties aim to reach global peaking of greenhouse gas emissions as soon as possible, recognizing that peaking will take longer for developing country Parties, and to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by*

³² M. Montini, *The Paris Agreement on Climate Change: Miracle or Disaster?*, in *Environmental Liability*, 2015, pp. 161-166.



sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty.”

As one can see, therefore, the Paris Agreement introduces a clear and strong correlation between the climate change action goals and the objective of sustainable development as interconnected and mutually reinforcing goals of the international community. This is reflected also in the language of article 6 of the Agreement, which deals with the voluntary cooperation patterns that the Parties may develop in the framework of the implementation of the Agreement in order to promote various form of joint fulfilment of their nationally determined contributions (NDCs).

In general terms, it may be said that, within such a framework, the Paris Agreement will likely promote an increase over the next few years of climate change related international investments, in connection with the implementation of the various NDCs. In such a context, sustainable development will not be an indirect and accessory objective in the climate change actions and initiatives, but will rather be a direct and integral constitutive element of the efforts made by the international community, in particular with regard to the future implementation of the new economic instrument introduced by the Paris Agreement, namely the mechanism for sustainable development. Such a new mechanism incorporates sustainable development as one of its constitutive elements and primary goal. This is a positive feature, which differentiates the new instruments from the previous flexibility mechanisms which had been introduced by the Kyoto Protocol. In fact, the two project-based instruments featured by the Kyoto Protocol, namely Joint Implementation (JI) and Clean Development Mechanism (CDM), contained a reference to the need to promote sustainability as one of the guiding factors which ought to underpin the realisation of projects. However, the implementation of these mechanisms never really managed to truly contribute to the promotion of sustainable development. In this sense, it seems that the new mechanism, which incorporates sustainable development as a direct and primary goal related to the implementation of the projects under the new mechanism, may represent a great opportunity for a meaningful promotion of sustainable development in the climate change context.

Within article 6 of the Paris Agreement, a new mechanism for the mitigation of GHGs emission and the support of sustainable development is established, namely the so-called “mechanism for sustainable development”. With respect to such a newly established mechanism, it should be noted that the Paris

Agreement does not provide any detail on its specific characteristics. It simply determines that its rules, modalities and procedures ought to be established by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session. At a first glance, it emerges that the new mechanism has the great potential to represent an improved version of the CDM foreseen by the Kyoto Protocol, with a potentially enhanced role in terms of its contribution to sustainable development, both globally and locally, in the countries involved.³³

However, it seems that it will be possible to realise the full potential of the new sustainable development mechanism only if the Parties involved in its implementation will be truly and genuinely committed towards the achievement of patterns of sustainable development through its implementation. If this will be the case, the implementation of the new mechanism could pave the way for the promotion of a series of international investments finalised to the obtainment of a “double dividend”, in the form of a contribution to the international climate action, through the realization of initiatives for the mitigation of GHGs emissions, as well as in the form of the promotion of local patterns of development in the countries where the related projects will be performed. In this sense, the actions undertaken in the framework of the new mechanism could be a terrific opportunity for the implementation of the “integration model” promoted by Goal 13 of the SDGs, which calls the international community to “*take urgent action to combat climate change and its impacts*” and in particular by the related Indicator 13.2, which calls for the need to “*integrate climate change measures into national policies, strategies and planning*.”³⁴ In fact, the implementation of the SDGs is supposed to mobilise a lot of resources, particularly in the framework of the national plans that each State of the international community is called to devise in the next few years. In such a context, the implementation of Goal 13 of the SDGs, which will take place alongside the implementation of the Paris Agreement, creates a tremendous opportunity to promote a successful integration of the related goals of climate change on the one side and of sustainable development on the other side. Therefore, if the integration of the efforts will be pursued, so as to promote in a single and comprehensive way the climate change and the sustainable development agenda, both at international level and at national level in the

³³ For a critical assessment on the contribution of the CDM to sustainable development see C. Voigt, *Is the Clean Development Mechanism Sustainable? Some Critical Aspects*, in *Sustainable Development Law & Policy*, Winter 2008, pp. 15-21, pp. 82-84.

³⁴ It should be underlined that Goal 13 of the UN SDGs, urges the international community to “*take urgent action to combat climate change and its impacts*”, while “*acknowledging that the United Nations Framework Convention on Climate Change is the primary international, intergovernmental forum for negotiating the global response to climate change*”, thus promoting the integration between the sustainable development and the climate change agendas.



single countries, this might lead to a series of investment projects with a “double dividend” being undertaken in the near future.

If, however, the climate change agenda devised for the implementation of the projects to be realised in the framework of the new sustainable development mechanism will not proceed in coordination and possibly in integration with the sustainable development agenda devised under the SDGs, such a lack of integration might be very risky. In such a case, the risk might not consist solely in the missed opportunities deriving from the failure to coordinate and integrate the efforts of the two domains, but might even lead to some paradoxical negative effects on environmental protection. In fact, in case of a lack of integration, it cannot be excluded that the realisation of investment projects under the new mechanism for sustainable development might lead, in some cases, to the realisation of projects that, despite their positive effects in terms of GHGs emission reductions, may not necessarily bring positive consequences as to their effective contribution to local sustainable development in the interested countries. In such cases, in fact, the likely increase in the number of international investment projects driven by the implementation of the new sustainable development mechanism might lead to a paradoxical increase in the pressure caused by such projects on the environmental media of the host countries, in case that sustainable development considerations are not integrated in the process of approval and implementation of the said projects. This phenomenon, which may occur in the performance of climate change related investment projects, has been defined as “internal environmental conflict”.³⁵ Such a new type of conflict seems to derive from the current international trend of conflating all the environmental issues into climate change issues. In such a context, the presence of climate change related interests has the potential to give a green light to every kind of investment (even when it may entail negative consequences for the environment), simply on the basis of GHGs emissions reductions, thus downgrading any other environmental requirement or consideration. This might have the paradoxical effect to promote the realisation of investment projects which might positively contribute to the fight against climate change, but ultimately might also cause negative effects on the environmental protection of the interested countries, thus not really contributing to the achievement of true patterns of sustainable development.

³⁵ On the “internal environmental conflicts” which may arise from climate change related investment projects see M. Montini, *The rise of “internal environmental conflicts” within the Green Economy*, in Italian Yearbook of International Law, Vol. XXIV (2014), 2015, pp. 95-112.



4. Conclusion: sustainable development at a turning point?

The fortuitous combination of the three independent, and yet concatenated, events analysed above, which happened in 2015, might be recalled in the future as a turning point of the concept of sustainable development. Such a concept, in fact, is a cornerstone in all the three mentioned documents, namely the Encyclical Letter *Laudato Si*, the UN SDGs and the Paris Agreement, which, respectively, constitute the most recent and relevant results in terms of ethical, political and environmental achievements at international level. The present paper, by grouping them under a common reference framework, has tried to highlight the reasons why they may contribute to promoting the reach of the turning point for the sustainable development concept. Drawing from Capra's reasoning,³⁶ in fact, a turning point can emerge when apparently different elements are conceived as parts of the same picture, by means of a coherent conceptual framework which highlights their common features.

However, the role that sustainable development is deemed to play, will not depend merely on the independent legacy of the three events highlighted above, but rather on their systemic integration. Acting on the basis of a piecemeal approach, in fact, will not deliver the result of being able to tackle the increasingly complex challenges posed by sustainable development. Indeed, the ethical, economic and environmental dimensions have to be pursued in a systemic way. Therefore, in our opinion, the interplay of two opposed tendencies should be pursued: on the one side, an "integrative tendency" which conceives every element as part of the whole and considers the emerging properties that arise (only) from the interaction among the various parts; on the other side, a "self-assertive tendency" which values the unique features of each element.³⁷

In conclusion, we may observe that sustainable development is now at the centre of the scene and the next few decades will be crucial to determine whether a turning point for its meaningful implementation will be reached or not. Ultimately, this will be the litmus test to determine its success or failure. No mid-solution seems to be possible. Therefore, on the basis of the analysis conducted above, we may conclude that only if the ethical, economic and environmental related dimensions will be pursued in a comprehensive, integrated and trans-disciplinary way, which at the same time takes advantage of the disciplinary insights gained so far in the traditional scientific approach, it will be possible for sustainable development to reach

³⁶ F. Capra, *The turning point*, Bantam Books, 1987 (originally Simon and Schuster, 1982), p. 16.

³⁷ F. Capra and P. L. Luisi, *The Systems View of Life. A Unifying Vision*, cit., p. 65.



its turning point. Should this happen, sustainable development might finally become a truly “grown-up concept” and complete its renaissance. On the contrary, if such an integrated and trans-disciplinary evolutionary pattern of the concept will fail to emerge, it is very likely that sustainable development, despite the possible short and intense glory that it may experience in the next few years, is destined in the medium-long term to the sunset boulevard.