

# PROBLEMS AND PROSPECTS FOR THE IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT IN DEVELOPING COUNTRIES: A CRITIQUE OF THE BRUNDTLAND REPORT

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## 1. Introduction.

Since the Report of the World Commission on Environment and Development (WCED) (the Brundtland Report) in 1987,<sup>1</sup> the debate concerning the direction and interaction of development and environmental issues has focused on the concept of sustainable development. The adoption of the Rio Declaration on Environment and Development in 1992 is ample evidence of this.<sup>2</sup> This short comment offers a critique of the concept of sustainable development, as originally propounded in the Brundtland Report, in its application to developing countries. It argues that the Brundtland Report did not provide a realistic assessment of the developmental and environmental problems of developing countries. Furthermore, the faith engendered by the Brundtland Report in legal, institutional and policy reforms in developing countries, as the principal means of implementing sustainable development, was unfounded. The fact that many of the Commission's recommendations were endorsed at Rio suggests that the United Nations Conference on Environment and Development (UNCED) also failed to address some of the most deeply rooted impediments to development.

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1 WCED *Our Common Future*, Oxford University Press, Oxford, 1987.

2 Principle Four, Rio Declaration on Environment and Development, adopted at the United Nations Conference on Environment and Development (UNCED), Rio de Janeiro, 3-14/6/1992, (1992) 31 *ILM* 874.

## 2. The Definition of Sustainable Development.

The Brundtland Report defined sustainable development as development which meets the needs of the present without compromising the ability of future generations to meet their own needs.<sup>3</sup> This definition had both physical and political dimensions.

The Commissioners of the Brundtland Report (the "Brundtland Commissioners") argued that the long term survival of humanity will only be achieved by placing development on the path of physical sustainability.<sup>4</sup> However, the Brundtland Report did not deal with the argument raised by some economists that it is better for developing countries to fuel their initial stages of development by mining their natural resources even if this leads to degradation of the environmental resource base in the short term.<sup>5</sup> The proponents of this view argue that once development 'takes off', there will be more financial resources available to rehabilitate and improve environmental quality. They point to the experience of the developed countries as the proof of their hypothesis.<sup>6</sup> Why, they argue, should the present level of resources in developing countries be taken as the starting point for calculations of sustainability if more profitable alternatives present themselves? The argument that rehabilitation measures invariably cost more than preventative ones<sup>7</sup> is countered by the critics who argue that the extra wealth generated by temporarily mining resources will increase the amount of revenue

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3 WCED *supra n 1*, at 43.

4 Physical sustainability, or sustained yield management, requires that in the exploitation of a renewable natural resource, production should not exceed the incremental growth rate applicable for that resource. The Brundtland Report added to this definition of physical sustainability the need to take into account the 'system-wide effects' of exploitation which may impair the regenerative ability of whole ecosystems. WCED *supra n 1* at 45.

5 This argument is reviewed in Tisdell, P, *Natural Resources, Growth and Development*, New York, Praeger Publishers, 1990, at 1-4.

6 Hurrell, A, 'Global Warming and Developing World Priorities,' A lecture given at a Seminar on *Law and Politics of Global Climate Change*, South-North Centre for Environmental Policy in association with the British Branch of the International Law Association, 6/12/1991.

7 An example of this reasoning is WCED *supra n 1*, at 241.

available for cleaning up activities in subsequent years. Whether or not this is so, the Brundtland Commissioners failed to make an irrefutable case for the adoption of sustainable development policies in developing countries.

If the goal of physical sustainability is, nevertheless, an appropriate one for developing countries to adopt, there remain major obstacles for developing countries who wish to put sustainable development policies into operation. The technical knowledge required for sustained yield management is not always readily available. Even if the technical expertise is present, there remain the endemic problems of insufficient funding, inadequate numbers of trained personnel and poor planning, management and regulatory capacities which have for decades frustrated the full implementation of development agendas.<sup>8</sup> Recommendations exhorting more technical assistance and more funding for institutional development in developing countries<sup>9</sup> simply ignore the limited impact which previous programmes of institutional assistance have had.<sup>10</sup>

The political dimension of sustainable development was also of great importance to the WCED. In the view of the Brundtland Commissioners, it is only when the basic needs and legitimate aspirations of poor people are met that the recourse of the latter to environmentally destructive survival strategies will stop.<sup>11</sup> If the needs of poor people are to be met, then equitable access to the resources necessary for development must be secured for all. Sustainable development, the Commissioners argued, implies a concern for social equity not only between generations but also within generations.

The concern of the Brundtland Commissioners for greater social equity was not neglected at Rio. Principle Five of the Rio Declaration on

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8 Lele, U, *The Design of Rural Development: Lessons From Africa*, Baltimore, John Hopkins University Press, 1975.

9 An example is at WCED *supra n 1*, at 256.

10 O'Riordan, T and D Sewell (Eds), *Project Appraisal and Policy Review*, Chichester, John Wiley and Sons, 1981; Adams, W, *Green Development: Environment and Sustainability in the Third World*, New York, Routledge, 1990, at 143-167.

11 WCED *supra n 1*, at 33.

Environment and Development states that,

All States and all people shall co-operate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.<sup>12</sup>

However, neither the Brundtland Commissioners nor the state representatives meeting at Rio proposed a radical agenda for obtaining social equity. On the contrary, the Brundtland Commissioners in particular, took the view that greater social equity should be achieved by redistributing the benefits of growth. This redistribution should be implemented by employing a range of institutional, educational and legal resources.<sup>13</sup>

Leaving aside the international significance of the call for greater equity within generations, the question remains whether legal, educational and institutional mechanisms can be successfully employed within developing countries to achieve a more equitable distribution of income and resources. The history of the law and development debate suggests that such programmatic goals are beyond the scope of the law.<sup>14</sup> It has been suggested that there are limits inherent in the nature of law which make it an ineffective instrument for radical change.<sup>15</sup> The literature has emphasised the impotence of legal and institutional mechanisms in developing countries. For example, the governments of developing countries often do not have the resources necessary to implement the most ambitious legislation in their statute books. Corruption and other institutional weaknesses characteristic of the 'soft state' frequently

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12 Principle Five, Rio Declaration on Environment and Development, *supra* n 2.

13 WCED *supra* n 1, at 46.

14 Bryde, B, *The Politics and Sociology of African Legal Development*, Hamburg, Institut Fur Internationale Angelegenheiten Der Universitat Hamburg, 1976; Merryman, J, 'Comparative Law and Social Change: On the Origins, Style, Decline and Revival of the Law and Development Movement', (1977) 25 *AJCL* 457; Allott, A, 'The Past and Future Contribution of Law to Development in Africa' (1980) 1 *Jahrbuch Fur Afrikanisches Recht* 3.

15 Allott, A, *The Limits of Law*, London, Butterworths, 1980, at 287.

undermine the efficacy of the law.<sup>16</sup> The Brundtland Commissioners, constrained by the dictates of international diplomacy, chose to ignore these fundamental problems of legal administration in developing countries. In so doing, the Commission produced recommendations for action which lack credibility in the national context of many developing countries.

### **3. Sustainability and Poverty.**

The Brundtland Report drew particular attention to situations in which poor people are forced, by their immediate need to survive, into adopting strategies which undermine the prospects for long term, sustainable growth.

Poverty itself pollutes the environment ... Those who are poor and hungry will often destroy their immediate environment in order to survive. They will cut down forests; their livestock will overgraze grasslands; they will over use marginal land; and in growing numbers they will crowd into congested cities. The cumulative effect of these changes is so far reaching as to make poverty itself a major global scourge ... A world in which poverty is endemic will always be prone to ecological and other catastrophes.<sup>17</sup>

The Commissioners argued that the environmental consequences of poor peoples' activities is a matter of global concern. Thus, argued the Commissioners, the survival of all rests on eradicating the poverty which drives the most vulnerable into ecologically destructive lifestyles.<sup>18</sup>

The view that poverty is a major cause of environmental degradation is open to criticism. For example, in many instances it is the expansion of commercial agriculture by relatively affluent capitalist entrepreneurs which degrades the environment, either directly, by expansion into forest land or indirectly, by driving poor people off their land and onto marginal land under the pressure of market forces. In both situations, the root of

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16 Myrdal, G, *The Challenge of World Poverty*, London, Penguin Press, 1970, at 208.

17 WCED *supra* n 1, at 28, 44.

18 *Ibid* at 44.

environmental destruction lies in the expansion of commercial agriculture and not simply in the phenomenon of poverty.<sup>19</sup> The Commission's firm commitment to increasing the exports of developing countries<sup>20</sup> is not easily reconcilable with this scenario.

The Brundtland Report did at least favour greater support for small holder farming rather than large scale capitalist agriculture.<sup>21</sup> The Commissioners anticipated that support for small holder agriculture would help to counteract the process of environmental degradation which results from growing landlessness.

The idea that meeting the basic needs of poor people, by increasing the productivity of their existing agricultural land in consonance with sound environmental practices, will reduce the threat to marginal and forest land fails to take into account the potentially unlimited desire of 'poor' people to increase their wealth by acquiring more land for commercial farming. Contrary to the argument of the Brundtland Report, the threat to marginal and forest land may actually be increased if farmers, in meeting their basic needs, acquire sufficient resources to expand their farms into areas of vulnerable or reserved land.<sup>22</sup> Pressures of this kind are evident in many developing countries today. The Brundtland Report was blind to this possibility in part because it failed to distinguish between poor but economically viable farmers who are exploiting the environment in order to expand their commercial enterprises and the plight of the poorest people who frequently do not have the time, energy or financial resources with which to invest in agricultural expansion.<sup>23</sup>

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19 De la Court, T, *Beyond Brundtland: Green Development in the 1990s*, London, Zed Books, 1990 at 24-5; Browder, J, 'Development Alternatives for Tropical Rain Forests,' in Leonard, HJ et al, *Environment and the Poor: Development Strategies for a Common Agenda*, Oxford, Transaction Books, 1989, 111 at 113.

20 WCED *supra n 1*, at 52.

21 *Ibid* at 143.

22 The expansion of commercial cocoa farming by small and large scale farmers alike, threatens the viability of some forest reserves in Western Ghana and is a well known cause of forest depletion in the Amazon.

23 The existence of economic differentiation in the rural societies of developing countries has been recognised by social scientists for a long time. See, for example, Hill, P, 'The Myth of the Amorphous Peasantry: A Northern Nigerian

The Brundtland Report raises the spectre of land reform as a possible solution to growing landlessness and to ensure that basic needs receive priority in agricultural production patterns.<sup>24</sup> However, for these problems to be effectively tackled, not only land reform but radical changes in international market demand, which encourages cash crops to be grown at the expense of subsistence crops, and in the political power of capitalist entrepreneurs, who may undermine law reform, are required. These changes do not appear immediately feasible nor consistent with the vision of enlightened growth which pervades the Report and was endorsed in the Rio Declaration.<sup>25</sup> If the issue is fundamentally one of competition between the rich and the poor for scarce resources, there is no indication in the Report of the power base and method by which poor people can themselves radically improve their access to resources.<sup>26</sup>

There are other arguments which suggest that the Brundtland Report placed a disproportionate emphasis on the environmentally destructive role of poor people. Even where poor people are at the forefront of environmental degradation, the scale of their activities is relatively insignificant when compared to the impact of commercial or government sponsored developments.<sup>27</sup> The flooding of tropical forests to build hydro-electric dams is a case in point.

It can also be argued that the Commission's negative portrayal of poor people does not do justice to their frequently environmentally benign cultures and lifestyles. These range from isolated communities' awareness

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Case Study,' (1968) 10 (3) *Nigerian Journal of Economic and Social Studies* at 239. Powerlessness, vulnerability, physical weakness, poverty and isolation are the constraints which prevent the poorest members of society participating in forest encroachment, except as landless labourers who make little or no profit out of the venture. On the nature of integrated rural poverty see Chambers, R, *Rural Development: Putting the Last First*, Harlow, Longman, 1987, at 108-114.

24 WCED *supra n 1*, at 141.

25 Principle Twelve, Rio Declaration on Environment and Development, *supra n 2*, at 874.

26 The same weakness was evident in the model of ecodevelopment. See, Glaeser, B, (Ed), *Ecodevelopment - Concepts, Projects, Strategies*, Oxford, Pergamon Press, 1984, at 36.

27 Browder, *supra n 19* at 113.

of tropical forest ecosystems to the practical recycling of material goods by impoverished urban communities. Many environmentalists consider that governments and western societies have much to learn from these alternative lifestyles.<sup>28</sup>

In summary, the Brundtland Report failed to identify the complex nature of poverty and political society in developing countries and, as a result, it failed to make recommendations sufficiently radical to give operational content to the call for poverty alleviation and greater social equity.

#### 4. The Need for Renewed Economic Growth.

The Brundtland Commissioners argued emphatically that renewed global economic growth is essential in order to eradicate the poverty which, in their view, is a major cause of environmental degradation.<sup>29</sup> They argued that the current global recession has adverse impacts on the environment as conservation programmes take a low priority and as more people are forced into environmentally destructive survival strategies.<sup>30</sup> The Report called for economic growth in the order of at least three per cent per annum in developing countries as a whole.<sup>31</sup> Progressive industrialisation<sup>32</sup> in developing countries and increased levels of international trade<sup>33</sup> were among the Commission's objectives for a world of ever increasing interdependence. In response to fears that growth of this magnitude will undermine the resource base and create pollution, the Report called for greater use of environmentally clean and resource

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28 Richards, P, 'Alternative Strategies for the African Environment,' in International African Institute, *African Environment: Problems and Perspectives*, London, Oxford University Press, 1975 at 102-114; de Klemm, 'Culture and Conservation: Some Thoughts for the Future,' in McNeely, J and D Pitt (Eds) *Culture and Conservation*, London, Croom Helm, 1985, at 239-257.

29 WCED *supra n 1* at 50.

30 *Ibid* at 70.

31 *Ibid* at 50.

32 *Ibid* at 214.

33 *Ibid* at 52.



efficient technologies.<sup>34</sup> Several of these objectives and recommendations were incorporated into the Rio Declaration.<sup>35</sup>

Many environmentalists doubt the ability of global ecosystems to provide for and absorb the level of growth envisioned in the Brundtland Report whether or not greater use is made of environmentally clean technologies.<sup>36</sup> Perhaps an even greater flaw in the argument of the Commission, however, is the reality of the economic situation faced by many developing countries. The record of the 1980s certainly gives no cause for optimism that the targeted growth can in fact be achieved in all developing countries. Without decisive action to cancel developing country debt and to enhance the terms of trade in their favour it is likely that growth will remain as elusive for many developing countries in the 1990s as in the 1980s. Although the Brundtland Report considered the need for more debt relief<sup>37</sup> and improved international commodity prices,<sup>38</sup> it remained far from taking a firm stand on these pre-requisites to renewed growth. The Rio Declaration also failed to confront these issues. Once again, the optimism of the Brundtland Commissioners looks unfounded in the light of a realistic assessment of many developing countries' economic prospects.

## **5. Mutual or Conflicting Interests? The Logic of Resource Development.**

At the heart of the Brundtland Report lies a firm belief in the ability of national governments to act in a rational, enlightened fashion in order to achieve sustainable development. The Commissioners clearly believed that the logic of sustainable development, as the only guarantee of mutual

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34 *Ibid* at 59.

35 Principles Eight, Nine and Twelve, Rio Declaration on Development and Environment, *supra* n 2.

36 Trainer, F, *Abandon Affluence!*, London, Zed Books, 1985, at 2-3; Hardin, G, 'Living on a Lifeboat', in Hardin, G and J Baden (Eds), *Managing the Commons*, San Francisco, WH Freeman and Co, 1977 at 261-277; De la Court, *supra* n 19 at 15.

37 WCED *supra* n 1 at 73-5.

38 *Ibid* at 71.

security in an increasingly inter-dependent world, would be self evident to decision-makers in positions of authority. Faced with a choice between environmental insecurity or the adoption of sustainable development, the Commissioners were optimistic that the governments of the world would take on board their recommendations for long term planning, rational resource management and basic needs development policies. Fundamentally, the Brundtland Report was, and remains, a rallying call for an international environmental consensus.

The basic assumption of the Brundtland Report that effective sustainable development policies can be brought about by appealing to mutual interests is questionable, however. Environmental resources are scarce commodities.<sup>39</sup> This means that countries, classes, communities and individuals may ultimately have to compete for their control. In this situation, political conflict is an outcome equally, if not more likely, than mutual consensus.

Conflict over access to resources is a recurring theme in the literature on the political economy of developing countries.<sup>40</sup> It is a hidden agenda in some of the literature on basic needs and people's participatory approaches to development.<sup>41</sup> The impact of political and social conflicts on environmental programmes within developing countries is a theme which has entered some recent literature on environment and development.<sup>42</sup> The links between international relations of dependency

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39 Tisdell *supra* n 5 at 1.

40 See, for example, Marenin, O, 'The Managerial State in Africa: A Conflict Coalition Perspective', in Ergas, Z (Ed), *The African State in Transition*, London, Macmillan Press, 1987 at 61-85; 'Deep Politics: Political Response, Protest and Conflict' in Chazan, N et al, *Politics and Society in Contemporary Africa*, Boulder, USA, Lynne Rienner Publishers, 1992, at 189-210.

41 Sen, G, and C Grown, *Development Crises and Alternative Visions*, New York, Monthly Review Press, 1987, at 116; Dankelman, I, and J Davidson, *Women and Environment in the Third World* London, Earthscan Publications, 1988; Chambers, R, *supra* n 23; Blankson, C, 'The Food Crisis in West Africa: An Examination of Theoretical Approaches,' (1987) 27 *Rural Africana*, 1.

42 O'Riordan, T and Sewell, D, *supra* n 10, at 288; Adams, *supra* n 10, at 76-87; Redclift, M, *Sustainable Development: Exploring the Contradictions*, London, Routledge, 1987, at 199. Links between environmental degradation and military

and environmental degradation have been highlighted by some scholars<sup>43</sup> and were tentatively acknowledged in the Brundtland Report.<sup>44</sup>

The 'conflict versus consensus' paradigm also has a long history in legal sociology ...

Society is characterized by diversity, conflict, coercion and change, rather than by consensus and stability ... law is a result of the operation of interests, rather than an instrument that functions outside of particular interests. Though law may control interests, it is in the first place created by interests ... law incorporates the interests of specific persons or groups; it is seldom the produce of the whole society ... Unlike the pluralistic conception of politics, law does not represent a compromise of the diverse interests in society, but supports some interests at the expense of others.<sup>45</sup>

Whereas some analyses of the conflict model of law recognise the diffusion of power between various competing interest groups,<sup>46</sup> a Marxist analysis of law holds that, in capitalist economies, the interests of the capitalist class dominate political and legal institutions.<sup>47</sup> Law is then an instrument of control used by the capitalist class to promote its own

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conflicts are explored in Hjort af Ornes, A and M Salih (Eds), *Ecology and Politics: Environmental Stress and Security in Africa*, Motala, Sweden, Scandinavian Institute of African Studies, 1989, at 255.

43 Redclift, *supra n 42*, at 36; Blaikie, P, *The Political Economy of Soil Erosion*, London, Longman, 1985; De la Court, *supra n 19*, at 24-25.

44 WCED *supra n 1*, at 67-90.

45 Quinney, R, 'The Social Reality of Crime', quoted in Lloyd and Freeman, *Lloyd's Introduction to Jurisprudence*, 5th Edition, London, Stevens and Sons, 1985, at 620. For a fuller discussion of conflict models of law see Chambliss, W and R Seidman, *Law, Order and Power*, Reading, Massachusetts, Addison-Wesley Press, 1971, at 45-73. For a discussion of the applicability of the consensus model of law to Africa, see, Seidman, R, 'Law and Economic Development in Independent, English-Speaking, Sub-Saharan Africa,' (1966) *Wisconsin Law Review*, 999.

46 Cotterrell, R, *The Sociology of Law*, London, Butterworths, 1992, at 113.

47 *Ibid* at 106-118; Harris, J, *Legal Philosophies*, London, Butterworths, 1980, at 251-256. For a fuller discussion of Marxist theory and law see, Collins, H, *Marxism and Law*, London, Oxford University Press, 1982.

economic interests at the expense of the proletariat.<sup>48</sup> If the vested interests of the ruling class in every new law are not always immediately self evident, it is nevertheless arguable:

not that each legislative choice is directly motivated by the interests of the ruling class, but that the economic basis of class interests will filter out and render ineffective all laws which are not.<sup>49</sup>

The 'conflict versus consensus' paradigm has been discussed in the context of the law and development debate. Seidman, for example, has ably argued that a conflict perspective on law is appropriate for African states:

The state and the legal order can never be neutral ... they reflect not consensus but conflict.<sup>50</sup>

If the legal and administrative machinery of states are fora for competing interest groups of unequal political and economic power, or alternatively, if they are instruments of class rule serving prevailing economic interests, the faith of the Brundtland Commissioners in legal and institutional solutions to environmental problems looks misplaced. This is because rational solutions based on mutual interests will be readily sacrificed to the more immediate concerns of dominant political and economic interests.

The realisation that scarce resources are vulnerable to fierce political conflicts regarding their exploitation and development suggests that without radical alterations in the power configuration of national and international societies, any attempt to redistribute entitlements to those resources or the fruits of their exploitation will be of only limited success.<sup>51</sup> Similarly, the expectation that developing country governments will readily bow to the anticipated needs of future

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48 Cotterrell, *supra n 46* at 107; Harris, *supra n 47*, at 252; Collins, *supra n 47* at 27-8.

49 Harris, *supra n 47*, at 253.

50 Seidman, R, *The State, Law and Development*, London, Croom Helm, 1978, at 93. See also, Snyder, F, 'Law and Development in the Light of Dependency Theory', (1980) 14 (3) *Law and Society Review*, at 723.

51 Adams, W, *supra n 10*, at 66-83.

generations looks overly optimistic in the light of this analysis. What weight are developing country governments, in reality, likely to give to the interests of future generations when the unsatisfied demands of the existing generation are so pressing? It is the present generation, after all, which determines the fate of its political leaders. With the population explosion in full swing, it appears simply naive to expect developing country governments to seriously burden themselves with duties towards their future citizens which they cannot even secure for the present generation. The analysis in the Brundtland Report ignores the very real possibility that meeting the basic needs of the present generation may require short term policies which conflict with the less tangible needs of future generations.

Clearly, the Brundtland Report raises, but does not dare to confront, important questions about the distribution and balance of political power in developing countries and about the role of law in society. Accumulated evidence from the literature on political economy and legal sociology highlights the significance of interest group conflicts in the exploitation and regulation of resources. The Brundtland Report disregarded this evidence and chose instead to rely on enlightened action based on mutual consensus including legal and institutional reform. This is its weakest point. In neglecting to seriously address the critical issues of political economy, the Report failed to provide an adequate operational agenda for the full implementation of sustainable development policies in developing countries.

## **6. Conclusion: The Need For a More Pragmatic Approach.**

The Brundtland Report failed to move the environmental agenda forward because it lacked feasible recommendations for the implementation of its goals. Like previous international reports and documents, it sought widespread approval at the expense of radical solutions. It emphasised consensual, enlightened decision-making but failed to offer solutions in situations where consensus is unlikely. Because of this, the Report adopts an unrealistic philosophy, the implementation of which has been readily stalled in the current economic climate despite the general support given to the concept of sustainable

development at Rio.

It is only when the nature and extent of conflicts which affect resource exploitation are fully exposed that a realistic debate on the prospects for environmental conservation in developing countries will become possible. In highlighting the issues of competition and conflict, as opposed to mutuality of interests and consensus, the aim of this critique is not to put forward a pessimistic, doomsday scenario. On the contrary, by exposing these realities, more concrete, more pragmatic and less idealistic environmental programmes may be promoted.<sup>52</sup> By attempting to foresee the potential conflicts and by drawing widely on the experience of development, it may be possible to overcome some of the obstacles to success which have frustrated earlier programmes. At the very least, a more open recognition of the magnitude of social problems which underlie environmental issues should inspire a more balanced assessment of the priority to be afforded to financing environmental protection activities in preference to other equally pressing and sometimes more urgent development goals.

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52 An alternative scenario which is not explored in this article is radical reform of existing institutional and legal structures in developing countries. See further, Redclift, *supra* n 42.