THE EMPEROR HAS NO CLOTHES: THE CONUNDRUM OF SUSTAINABLE DEVELOPMENT

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Most of us would like to embrace the theory of sustainable development. When the Brundtland Report (l987) enunciated its version of the theory, many of us wanted to believe that a formulation was at last in hand to reconcile the competing claims of economic development and environmental protection.[1] Now that the applause for the report has died down, doubts are creeping in again. The consensus that emerged in some quarters seems to be unraveling. Is the term an empty hope? Does the theory have substance? Does anyone know what it really means in practice?

The Brundtland Report uses the term "sustainable development," to embrace two differing sets of concerns. In the first sense, the term was a label pasted over a loosely assembled group of ideas that included the concepts of rational development (or "wise use") and some elements of eco-development. This assembly of ideas was poorly integrated and failed to deal with the split of opinion between the technological optimists and those who believe in a decentralized model of development based on alternative technologies.[2]

The report also places heavy emphasis on the need for equity in the distribution and control of resources, though this is not rooted very well in an environmental rationale. In the report, social equity is handled as if it were a free-standing goal that was not derived from the definition of sustainable development. And indeed, in the United States, the President's Council on Sustainable Development has treated it in this manner. It probably is treated in this manner because politicians have wanted to use the concept as a way to reconcile competing claims from the environmental community, the

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1. *See* WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT, OUR COMMON FUTURE 43 (1987).

2. *See, e.g.*, Kenneth E. Boulding, *The Economics of the Coming Spaceship Earth, in* ENVIRONMENTAL QUALITY IN A GROWING ECONOMY 3 (1966), *reprinted in* ECONOMICS OF THE ENVIRONMENT (Robert Dorfman & Nance S. Dorfman eds., 3d ed., 1993).

business community and labor and the poor. Politicians have wanted to accord legitimacy to all of these claims, while giving little thought to the logical basis for reconciling them.

The Brundtland definition reflects a concern with equity mainly in the inter-generational sense (i.e., limiting development to protect the options of future generations). There is only a faint suggestion in the definition of concern for distributive justice in the intra-generational sense (i.e., in its commitment to meeting "the needs of the present"). Meeting the needs of the present could be read as meeting the needs of everyone within this generation, or it could also be read as simply meeting the needs of the generation taken as a whole.

The basic notion of sustainable development implies that development would be guided by physical and environmental constraints (i.e., development which is "sustainable"). Such constraints could provide a source of ideas about social equity. For instance, it can be argued that a fairer distribution of wealth may reduce drain upon natural resources. Needless depletion occurs if society is compelled both to provide for the needs of the deprived and to protect privilege; for the privileged hoard resources which could be shared more broadly. The upshot is that either some lack what they need, or society must overproduce to duplicate shares that are hoarded.

The Brundtland Report, however, did put forth a basic definition of sustainable development which broke new conceptual ground. It has been widely quoted and invites analysis. It defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."[3] This definition of sustainable development is notable in a number of regards.

It is a definition that frankly is anthropocentric in nature. It focuses much more on development than sustainability. It is committed to harnessing nature to human needs and growth. Its concern is with development and assumes that human needs will be met regardless of future population size. It assumes that the technical means exist to allow society to choose the right course of action—the one that allows future human populations to meet their needs. Thus, in this respect, it is very optimistic. One might almost say that this optimistic definition of sustainability assumes the

3. OUR COMMON FUTURE, *supra* note 1, at 43.

problem away because the fundamental question is indeed whether present and future needs can be so neatly harmonized. This optimistic definition of sustainability reflects a belief that the limitations of development are not rooted in the natural environment so much as in the rate at which human technology and social institutions develop. Thus, it reflects a view that the environment is incredibly adaptive and resilient.

Although the Brundtland Report's definition of sustainability addresses some key issues, the definition has some serious flaws. For instance, the definition seems to assume that the problem only involves meeting the needs of human beings.[4] However, there is also the question of meeting the needs of other living things and affording them living space, whether or not they are of use to human populations. Much of modern environmental thought turns on the belief that humans must share the planet with other life and that this is an ethical obligation. Certainly this belief entails protecting the survival of other species, but it also involves providing for subspecies, genetic variability within species, space for species to be abundant, and the health of ecosystems generally. The Brundtland definition ignores this dimension as it seeks to reconcile the environment and development.

The Brundtland definition does attempt to deal with the debate between those who see the natural world as finite and those who see human ingenuity as infinite in being able to overcome all limits. Unlike old definitions of sustained yield for a given natural resource that posited an indefinite need for it, the Brundtland definition of sustainability proposes that substitutes for a given natural resource will be found in the future. It imposes limitations on exhausting resources only to the extent that future discoveries do not provide substitutes.

However, this approach suffers from the supposition that present planners can foresee the future ad infinitum. How could officials in the 1850s have foreseen the development of nuclear power (and all its tradeoffs) in deciding whether to worry about the declining availability of whale oil for lighting and whether to limit whaling? It is also not rational to assume that economic demands in the indefinite future will be the same as today.

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4 It should be noted, though, that the Brundtland Report does include a chapter on "Species and Ecoystems" which recognizes the importance of conserving nature. However, these are treated predominantly as resources for development. *See generally, id.* at 155.

Nonetheless, the Brundtland definition of sustainability does provide a service in casting the question in a broader context than with limited notions of sustained yield. The definition assumes concern with a wide variety of needs and the shifts and evolution among them. It assumes changes in society, technology and in the environment. Undoubtedly, this is more realistic. But it raises a question as to whether the viability of the environment will survive such a series of assumptions.

The Brundtland definition of sustainability suggests that the underlying conditions for success in biological enterprises will be maintained. This involves maintaining sources of seeds and cultivars, maintaining fertility and habitat quality, and keeping nourishing geophysical systems in good repair (e.g., rainfall, weather, climate, etc.) This is a broader concept than merely limiting take to recruitment levels or balancing take and growth (as in forestry). The Brundtland definition implies concern with managing impacts far beyond the immediate area involved. In the minds of many environmentalists, it also means maintaining habitat for other species and complex ecosystems in tandem with efforts to cultivate species for immediate human benefit. Thus, whatever cultivating techniques are employed, they must sustain not only the desired species but many others too within the general area involved.

The Brundtland definition also works far better for renewable resources than for non-renewable ones. Exactly what is being sustained is not obvious with depletable mineral resources. The Brundtland report says "future options" are to be sustained. But it sheds little light on how to foresee how long such depletable resources should be rationed out to keep options open. And even if we could foresee that solar-generated hydrogen will be the fuel of the future to replace fossil fuels, do we then want to encourage faster rates of burning them? That would hardly maintain the quality of the planet's climate since even more greenhouse gases would be emitted. Perhaps the answer is that depletion is to be governed by needs to sustain natural life support systems.

The Brundtland Report's definition of sustainability reflects a belief that the limitation on development is the ability of the environment to meet production demands for human use with recourse to the state of technology and management available. However, this definition keeps the environment under constant stress to meet ever greater human demands, with the facile assumption that unforeseeable human discoveries in the future will rescue us, and not

make matters worse. This definition trades off current pressures, which can be ascertained, against future discoveries which cannot. What can be better ascertained, at any given moment, is what is needed to sustain global life support systems and to maintain biological diversity. And rather than trading these off, they should be viewed as limitations on human development.

These problems, which are implicit in both the idea of sustainable development and the Brundtland optimistic definition of it, go far to explain why the consensus which emerged about the idea is breaking down. It is not an operational concept. At best, it is a concept and a hope. But its reach is so broad and its hope is so great that it disintegrates when examined closely.

One of the corollaries of the concept in the report also excited great hope at the time. This was the idea that development that was not sustainable would prove to be no development at all—that it would fail to deliver human benefits for very long.[5] This proposition, which was designed to reconcile the imperatives of environment and development, was linked to a matching proposition: that environmental protection could not succeed without development.[6] Both propositions were designed to put an end to the strain between these rallying cries.

Let me conclude by examining these hopes. Having concluded that the idea of sustainable development is a fine phrase without much meaning, I am then also led to conclude that the corollary proposition has little significance since it depends on the viability of sustainable development. The notion that non-sustainable development will fail ignores the problem of time scales and how long it takes investors to earn their money back with a profit. Failure of a development after 20-30 years is of little significance to investors; in that time, their project can pay off profitably. The discount rate used in development decisions ignores what happens after that time. [7]

So unless a project is so poorly planned that it will fail in such a short time, the market will not pay attention. The market should pay

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5. For example, in the Brundtland Report attention is called to the fact that "many forms of development erode the environmental resources upon which they may be based," and "that environmental" degradation can undermine economic development. *Id*. at 3.

6. *See, e.g.*, the comment in the Brundtland Report that "[a] world in which poverty and inequity are endemic will always be prone to ecological and other crises." *Id*. at 43-44.

7. *See, e.g.*, EDWARD GOLDSMITH & NICHOLAS HILYARD, THE SOCIAL AND ENVIRONMENT EFFECTS OF LARGE DAMS 265-66 (1984); RAYMOND F. MIKESELL & LAWRENCE F. WILLIAMS, INTERNATIONAL BANKS AND THE ENVIRONMENT 42 (1992).

attention to projects containing these weaknesses. While some development projects financed by international lending institutions fail even such short-run tests, our greater concern is with the viability of projects over longer periods of time, and with resources that do not appear in project accounts. With respect to these concerns, the weakness of the concept of sustainability offers us little solace. What is more easily measured is how compatible these projects are with current environmental constraints, and not with future human inventiveness.

The matching proposition also deserves comment. It posits that environmental protection is dependent on development, and that the absence of development will cause environmental problems to mount.[8] This proposition is less than straightforward. It is true that pollution control and cleanup requires steadily increasing funding, which only prosperity and development can provide, but that need for funding is proportional to the degree of development and industrialization. Countries with little development have little pollution and therefore, little need for such funding. Undeveloped regions have no need for it.

It may also be true that nations whose populations are growing rapidly and getting poorer are forced to ravish their environment in order to survive.[9] However, these impacts are usually limited to the periphery of presently populated areas and do not immediately transfer themselves into remote areas, unless development projects build access roads into them. The areas surrounding present populations have generally been changed already and are being changed even further from their natural conditions.

Adding even more confusion to the point, the development process itself can add stress to the environment, even if it brings greater prosperity. High rates of economic development usually consume great quantities of natural resources and land and generate high quantities of pollution. Lower rates produce less impact than the normal development process, but trigger other undesirable impacts, such as concentration on export crops which damage the environment and scavenging by the poor. These relationships are complex and varied, and neither high nor low rates of economic

8. *See supra* text accompanying note 6.

9. *See, e.g.*, Alan Durning, Poverty and the Environment: Reversing the Downward Spiral 6, 40-54 (Worldwatch Paper No. 92, 1989).

development come without accompanying stress to the environment. Both also produce stress for human populations.

In concluding, let me lament the declining faith in the concept of sustainable development. Intuitively, it seems to make sense and has an inspiring scope. It represents an advance over self-congratulatory terms of "wise use" or "rational use." It gets us beyond the tunnel vision implicit in "sustained yield" for a single output. It makes a noble attempt at grappling with the argument over escaping nature's limits by human ingenuity. It tries to reconcile the contending goals of development and the environment. And, in the Brundtland report, the exponents of it pledge allegiance to almost everyone's goals.

Yet, if "the emperor has no clothes on," we must in the end acknowledge it. There was a day when we needed the high hope and the fine inspiration represented by the concept. But today, we need a useable line of thought—an operational reality. We need a line of thought which can be extended rationally into the detail of research, planning and application. And sustainability does not seem to be that thought.

What we now fear is that "sustainability" will prove to be no more than a boon to publicists who will paste new labels on old bottles and claim that every project that makes their clients rich is sustainable. In the absence of any operational definition, who is to prove them wrong?