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The United Nations Commission on Sustainable Development

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The United Nations Commission on Sustainable Development

As the United Nations (“UN”) Commission on Sustainable Development (“CSD”) begins its ninth year, the United Nations Food and Agriculture Organization (“FAO”) believes that many of the goals set at the 1992 Earth Summit in Rio de Janeiro have still not been met. One of the goals was to help developing countries use resources more efficiently through sustainable agriculture and rural development programs. However, many efforts are still getting off the ground, while land degradation, loss of biodiversity, and climate changes continue. In a report prepared for the CSD’s yearly meeting held last year (“CSD-8”), the FAO stated that progress has also been slow in reducing the excessive use of pesticides and mineral and livestock waste fertilizers, as well as the loss of soil productivity. The report also describes some “isolated successes” that serve as models for others. The “sectoral theme” of the CSD-8 was the integrated planning and management of land resources. A “cross-sectoral theme” included financial resources, trade, investment, and economic growth. In addition, the commission discussed the recent decision of the Intergovernmental Forum on Forests to create a UN body on forests.

A BRIEF HISTORY OF THE COMMISSION ON SUSTAINABLE DEVELOPMENT

The CSD¹ emerged from Agenda 21,² the program of action adopted by the United Nations Conference on Environment and Development (“UNCED”) in Rio de Janeiro in June 1992.³

¹ The Commission on Sustainable Development (“CSD”) was created in December 1992 to ensure effective follow-up of UN Conference on Environment and Development (“UNCED”); to monitor and report on implementation of the Earth Summit agreements at the local, national, regional and international levels. The CSD is a functional commission of the UN Economic and Social Council (“ECOSOC”), with 53 members.

² Agenda 21, UNCED, U.N. Doc. A/CONF.151/26 (1992), *reprinted in* 31 I.L.M. 874 (1992), *available at* <http://www.un.org/esa/sustdev/agenda21.htm> [hereinafter “Agenda 21”].

³ In 1992, more than 100 heads of state met in Rio de Janeiro, Brazil for the UNCED. The Earth Summit was convened to address urgent problems of environmental protection and socio-economic development. The assembled leaders

Agenda 21 called for the creation of the CSD to: ensure effective follow-up of UNCED; enhance international cooperation and rationalize intergovernmental decision-making capacity; and examine progress in Agenda 21 implementation at the local, national, regional, and international levels.⁴ In 1992, the 47th session of the United Nations General Assembly ("GA") set out the terms of reference for the CSD, its composition, guidelines for the participation of non-governmental organizations ("NGO"), its organizational scheme, the CSD's relationship with other UN bodies, and Secretariat arrangements.⁵ The CSD held its first substantive session in June 1993 and has met annually since then.

In June 1997, five years after UNCED, the GA held a Special Session ("UNGASS") to review implementation of Agenda 21. Negotiations held in a Committee of the Whole, as well as several ministerial groups, produced a Program for the Further Implementation of Agenda 21.⁶ Among the decisions adopted at UNGASS was a new five-year CSD work program, which identifies sectoral, cross-sectoral and economic sector/major group themes for the subsequent four sessions of the CSD.⁷ Overriding issues to be addressed each year include poverty, as well as consumption and production patterns. CSD-8 (2000) was to focus on the integrated planning and management of land resources, financial resources, trade, investment, agriculture, and economic growth.

The CSD-8 Chair, Juan Mayr Maldonado, outlined the organization of work for CSD-8 and established three drafting groups to conduct negotiations during the session: Drafting Group I on Integrated Planning and Management of Land Resources, and Agriculture chaired by Patrick McDonnell (Ireland); Drafting Group II on Financial Resources and Mechanisms, and Economic Growth, Trade, and Investment chaired by Choi Seok-Young (Republic of Korea); and Drafting Group III on preparations for the ten-year

signed the Framework Convention on Climate Change and the Convention on Biological Diversity; endorsed the Rio Declaration and the Forest Principles; and adopted Agenda 21, a 300-page plan for achieving sustainable development in the 21st century.

⁴ See Agenda 21, *supra* note 2.

⁵ See G.A. Resolution 191, U.N. GAOR, 47th Sess., U.N. Doc. A/RES/47/191 (1992).

⁶ See G.A. Resolution 2, U.N. GAOR, 47th Sess., U.N. Doc. A/RES/S-19/2 (1992).

⁷ *Id.*

review of UNCED and “other matters” chaired by Zvetolyub Basmajiev (Bulgaria).

AGENDA 21 — ISSUES AT CSD-8

As stated earlier, the theme of the CSD-8 was the integrated planning and management of land resources, and financial resources, trade, investment and economic growth. These subjects were discussed in detail with four main areas of concentrations: agriculture, finance, land management, and trade. All four of these subjects, and their sustainable development objectives were originally outlined in Agenda 21.

AGENDA 21 — AGRICULTURE AND RURAL DEVELOPMENT

Chapter 14 of Agenda 21 addresses sustainable agriculture and rural development. By the year 2025, 83 percent of the global population is expected to be living in developing countries. However, it remains uncertain whether adequate resources and technology will be available in these countries to satisfy their food demands. Agriculture has to meet the increased production needs either on lands already in use or on lands that are not suitable for cultivation.

AGENDA 21 — FINANCE

Chapter 33 of Agenda 21 deals with international finance and what is required for sustainable development. Specifically, the GA, in Agenda 21, decided that the United Nations Conference on Environment and Development should:

identify ways and means of providing new and additional financial resources for environmentally sound development programmes and projects in accordance with national development objectives, priorities and plans and to consider ways of effectively monitoring the provision of such new and additional financial resources so as to enable the international community to take further appropriate action on the basis of accurate and reliable data, . . . [and to] [c]onsider various funding mechanisms, including voluntary ones, and examine the possibility of a special international fund and other innovative approaches, with a view to ensuring, on a favourable basis, the most effective and expe-

ditious transfer of environmentally sound technologies to developing countries.⁸

AGENDA 21 — LAND MANAGEMENT

Chapter 10 of Agenda 21 focuses on integrated planning and management of land resources, and deals with the sustainable use and development of natural resources, including soils, minerals, water and biota. This integrative view of land resources is the basis of Agenda 21's, and the CSD's, consideration of land issues. Expanding human requirements and economic activities are placing ever increasing pressures on land resources, which will require future development with environmental protection and enhancement, thus helping to achieve the objectives of sustainable development.⁹

AGENDA 21 — TRADE AND ENVIRONMENT

Chapter 2 of Agenda 21 addresses trade, environmental issues, and "[i]nternational co-operation to accelerate sustainable development in developing countries and related domestic policies."¹⁰ It is believed that trade liberalization and globalization can have both positive and negative effects on sustainable development. Agenda 21 suggests that there is a continuing need to support developing nations' efforts to integrate themselves into and derive benefits from multilateral trading systems. However, attention must be given to promoting the contribution of the multilateral trading systems to sustainable development.

According to the draft of Agenda 21, this can be accomplished through "a supportive international climate for achieving environmental and developmental goals by: (a) promoting sustainable development through trade liberalisation; (b) making trade and the environment mutually supportive; (c) providing adequate financial resources to developing countries dealing with international debt; and (d) encouraging macroeconomic policies conducive to environment and development."¹¹

⁸ Agenda 21, *supra* note 2, at ch. 33

⁹ Agenda 21, *supra* note 2, at ch. 10.

¹⁰ Agenda 21, *supra* note 2, at ch. 2.

¹¹ *Id.*

COMMISSION ON SUSTAINABLE DEVELOPMENT —
EIGHTH SESSION

The delegates to CSD-8 conducted meetings resulting in draft reports that both analyze the present situation of all the above areas and make recommendations as to how to achieve the objectives of Agenda 21.

SUSTAINABLE AGRICULTURE AND RURAL DEVELOPMENT
("SARD")

In accordance with its multi-year program of work, agriculture as an economic sector was a major focus of CSD-8 in 2000, along with integrated planning and management of land resources. Supporting documentation and discussions highlighted the linkages between the economic, social, and environmental objectives of sustainable agriculture. The Commission reaffirmed that the major objectives of SARD are to increase food production and enhance food security in an environmentally sound way so as to contribute to sustainable natural resource management. It noted that food security, although a policy priority for all countries, remains an unfulfilled goal. It also noted that agriculture has an important place in society and helps to sustain rural life and land.

CSD decision 8/4, which resulted from these deliberations, identifies 12 priorities for action, including: implementation of SARD goals; access to resources; poverty eradication; financing for SARD; technology transfer and capacity-building; biotechnology; genetic resources; integrated pest management and integrated plant nutrition; desertification and drought; access to land and security of tenure; emergency preparedness; and water resources. It also includes a number of measures to increase international cooperation, addressed to Governments, the UN, and other international organizations, including the FAO and the CSD Secretariat. In consultation with these partners, the Commission hopes to continue the stakeholder dialogue on SARD in preparation for the 10-year review of Agenda 21 in 2002.

The United Nations Economic and Social Council delivered a report of the Secretary-General to the Commission on Sustainable Development, entitled *Sustainable Agriculture and Rural Develop-*

ment.¹² This report focused on four areas of interest to agriculture and rural development: (1) sustainable agriculture, food security, and economic development; (2) agriculture and social development; (3) agriculture and the environment; and (4) challenges and options for further action. The FAO also submitted three addenda with the report; Addendum 1 — urbanization and sustainable agriculture development,¹³ Addendum 2 — biotechnology for sustainable agriculture,¹⁴ and Addendum 3 — linkage between agriculture, land and water.¹⁵

FINANCE

In the area of finance, as related to sustainable development, no independent reports were filed at the CSD-8, however, it was discussed in the final report of the CSD-8.¹⁶

LAND MANAGEMENT

An independent report, entitled *Integrated Planning and Management of Land Resources*, was prepared for the CSD-8.¹⁷ In the CSD-8 final report, the section on integrated planning and manage-

¹² The report was prepared by the Food and Agriculture Organization of the United Nations, as task manager for chapter 14 of Agenda 21, in accordance with arrangements agreed to by the Inter-Agency Committee on Sustainable Development. In preparing the report, it benefited from extensive consultations and information exchange between United Nations organizations, interested Governments and non-governmental organizations, and a range of other institutions and individuals.

¹³ See U.N. ESCOR, 54th Sess., U.N. Doc. E/CN.17/2000/7/ADD.1 (2000).

¹⁴ See U.N. ESCOR, 54th Sess., U.N. Doc. E/CN.17/2000/7/ADD.2 (2000).

¹⁵ See U.N. ESCOR, 54th Sess., U.N. Doc. E/CN.17/2000/7/ADD.3 (2000).

¹⁶ See Commission on Sustainable Development, Report on the eighth session, U.N. ESCOR, 54th Sess., U.N. Docs. E/2000/29 & E/CN.17/2000/20 (2000). Decisions on finance for sustainable development were taken by the Commission at its second, third, fourth, sixth and eighth sessions and by the General Assembly at its nineteenth Special Session [Earth Summit + 5] in its Resolution S/19-2 on the Program for the Future Implementation of Agenda 21.

¹⁷ See U.N. ESCOR, 54th Sess., U.N. Doc. E/CN.17/2000/6 (2000). The report was prepared by the Food and Agriculture Organization of the United Nations, as task manager for chapter 14 of Agenda 21, in accordance with arrangements agreed to by the Inter-Agency Committee on Sustainable Development. In preparing the report, it benefited from extensive consultations and information exchange between United Nations organizations, interested Governments and non-governmental organizations and a range of other institutions and individuals.

ment of land resources,¹⁸ noted the importance of addressing sustainable development through a holistic approach, such as ecosystem management, in order to meet the priority challenges of desertification and drought, sustainable mountain development, prevention and mitigation of land degradation, coastal zones, deforestation, climate change, rural and urban land use, urban growth and conservation of biological diversity. The Commission felt that any approach should take into consideration the opportunities of people living in poverty in rural areas.

The Commission identified six priorities for future work, including: prevention and/or mitigation of land degradation; access to land and security of tenure; critical sectors and issues (such as biodiversity, drylands, rehabilitation of mining areas, wetlands and coastal zones, coral reefs, natural disasters, and rural-urban and land management interactions); access to information and stakeholder participation; international cooperation, including that for capacity-building and information-sharing technology transfer; and minerals, metals and rehabilitation of land degraded by mining in the context of sustainable development. Furthermore, all governments were urged to support the implementation of a number of international agreements, including the UN Convention to Combat Desertification, the UN Convention on Biological Diversity, the UN Framework Convention on Climate Change and its Kyoto Protocol, and the Habitat Agenda adopted by the UN Conference on Human Settlements in 1996.

TRADE AND ENVIRONMENT

Trade and environment were discussed at the first, second, third, fourth and fifth session of the Commission. Within the framework of the Commission's multi-year program of work, this issue was again discussed at the eighth session, together with economic growth and investment, as major cross-sectoral themes. The Task Manager for trade and environment is the United Nations Conference on Trade and Development

During CSD-8, the report of the Secretary-General, *Economic Growth, Trade and Investment*, was presented.¹⁹ The report fo-

¹⁸ See Commission on Sustainable Development, Report on the eighth session, U.N. ESCOR, 54th Sess., U.N. Docs. E/2000/29 & E/CN.17/2000/20 (2000).

¹⁹ See U.N. ESCOR, 54th Sess., U.N. Doc. E/CN.17/2000/4 (2000). The report was prepared by the United Nations Conference on Trade and Development

cused on three areas of concern to the CSD in regards to trade and the environment: economic growth, trade and the environment, and making foreign direct investment work for sustainable development. CSD-8 concluded that CSD could contribute to confidence-building and improved dialogue between countries with a view to moving forward the discussions on trade, environment and development.

THE MILLENNIUM SUMMIT

In his Millennium Report [hereinafter "Report"],²⁰ Secretary-General Kofi A. Annan identified, among other things, pressing challenges related to sustainable development, and proposed a number of priorities for Member States to consider. The Report stated, "[e]nvironmental sustainability is everybody's challenge. In the rich countries, the by-products of industrial and agribusiness production poison soils and waterways. In the developing countries, massive deforestation, harmful farming practices and uncontrolled urbanization are major causes of environmental degradation."²¹

Within the Chapter, "Sustaining our Future," Annan focused on five major environmental issues: coping with climate change; confronting the water crisis; defending the soil; preserving forests, fisheries, and biodiversity; and building a new ethic of global stewardship. According to the report these goals must meet the economic needs of the present without compromising the ability of the planet to provide for the needs of future generations.²²

("UNCTAD") secretariat as task manager for trade, environment and sustainable development, in accordance with arrangements agreed to by the Inter-Agency Committee on Sustainable Development ("IACSD"). It is the result of consultation with the United Nations Environment Program ("UNEP"), the Department of Economic and Social Affairs of the United Nations Secretariat and the World Trade Organization ("WTO").

²⁰ Kofi A. Annan, *We the Peoples: The Role of the United Nations in the 21st Century*, U.N. Doc. A/54/2000 (2000), available at <http://www.un.org/millennium/sg/report>.

²¹ See *id.* at 55.

²² See *id.* at 55.

COPING WITH CLIMATE CHANGE

The report states that the challenge of climate change is one of the most important tasks of the twenty-first century.²³ According to the report, preventing harmful climate changes will require reductions in emissions of “greenhouse gases” responsible for global warming. In order to reduce these emissions to meet targets specified by the 1997 Kyoto Protocol, the international community must require cleaner and more efficient technologies in the energy, transport and industrial industries.²⁴

Annan called upon Millennium Summit members to promote the adoption and implementation of the Kyoto Protocol. Specifically, he urged those States whose ratifications are needed to bring it into effect to take the necessary action in time for entry into force by the tenth anniversary of the Rio Summit (“Rio+10”) in 2002.²⁵

CONFRONTING THE WATER CRISIS

According to the report, about one third of the world’s population already lives in countries considered to be “water stressed.” Exploitation of water resources is a particular source of concern. The withdrawal of groundwater in quantities greater than nature’s ability to replace it is widespread in parts of the Arabian Peninsula, China, India, Mexico, the former Soviet Union, and the United States. There is already strong competition over limited amounts of water for irrigation and power generation in some regions of the world, which is likely to strengthen as the world’s population increases.²⁶

Shortage of necessary freshwater is not the only problem facing the world. Fertilizer run-off and chemical pollution threaten both water quality and public health. Additionally, more than one-

²³ See *id.* at 56–60 (providing that “spurred by a quadrupling of carbon emissions during the past half-century alone, Earth’s atmosphere is warming at an increasing rate. The hottest 14 years since systematic measurements began in the 1860s have all occurred in the past two decades; the summer of 1998 was the hottest on record . . . [r]educing the threat of global warming requires, above all, that carbon emissions be reduced. The burning of fossil fuels, which still provide more than 75 percent of energy worldwide, produces most of these emissions The need to promote energy-efficiency and greater reliance on renewable resources is obvious.”).

²⁴ See *id.* at 58.

²⁵ See *id.* at 59–60.

²⁶ *Id.*

fifth of freshwater fishing stocks are found to be vulnerable or endangered because of pollution or habitat modification. However, the most pressing issues are that over 1 billion people lack access to safe drinking water and half of the globe's population lacks sufficient sanitation.²⁷

The World Water Forum's Ministerial Conference, which met in March 2000, considered a set of reasonably reachable goals on water and sanitation. In his report, Kofi Annan, asked the Millennium Summit to endorse these targets and to expand them in the future. Specifically, Annan urged the Summit to adopt the target of reducing by half, by 2015, the share of people who lack access to affordable and safe water sources.²⁸

DEFENDING THE SOIL

According to the Report, the location of good soils and favorable growing conditions do not closely align with the geographical distribution of the world's population. The increasing problem of land degradation exacerbates this problem; only 2 billion hectares of land are currently arable. Additionally, each year an additional 20 million hectares of agricultural land becomes too degraded for crop production, or is lost to urban sprawl.²⁹ Annan announced his intentions to convene a public policy network to address these and related concerns regarding both the risks and opportunities associated with the increased use of biotechnology and bioengineering for food production.³⁰

BUILDING A NEW ETHIC OF GLOBAL STEWARDSHIP

The Secretary-General believes that the ecological crises the globe confronts have many causes, including poverty, negligence, greed, and above all, failures of governance. These causes are not easy to admit to, nor is there a consensus on uniform solutions. Annan recommended four priorities for the world to focus on in developing a new ethics of global stewardship. First, a major effort is needed in public education. A real comprehension of the challenges facing the earth is terrifyingly low. People worldwide must understand that every choice they make on consumer purchases has

²⁷ *Id.*

²⁸ *See id.* at 61.

²⁹ *See id.*

³⁰ *See id.* at 62.

an effect on the environment. Second, every policy-making process must consider environmental issues in its final decision. According to the Report, this is a major obstacle to achieving long-term sustainable development. Third, environmental regulations can only be created and enforced by government and governmental agencies. Additionally, it is government that can devise more environment-friendly incentives for both internal and external markets. Finally, the Report states that it is impossible to develop comprehensive environmental policy unless it is based on reliable scientific information. Annan points to one specific factor that could help solve environmental damage to the Earth — to date, there has never been a comprehensive evaluation of the world's major ecosystems. Annan in his report called on Member States to help provide the necessary financial support for the Millennium Ecosystem Assessment and to become actively engaged in it.³¹

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³¹ *See id.*

