

# STOP THE RAPE OF THE WORLD: AN ECOFEMINIST CRITIQUE OF SUSTAINABLE DEVELOPMENT

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## I. Introduction

In September of 2002, the world will meet in Johannesburg, South Africa, to review the successes and impediments towards the implementation of the objectives set out in the various binding and non-binding agreements,<sup>1</sup> including *Agenda 21*,<sup>2</sup> adopted at the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro.<sup>3</sup>

As we approach the World Summit on Sustainable Development (WSSD), it has become obvious that 10 years after the adoption of *Agenda 21*, the international community is still very far from realizing its objectives for sustainable development. The 2001 Report of the UN Secretary-General entitled "Implementing Agenda 21" recognizes that despite the number of initiatives undertaken by the United Nations Environment Programme (UNEP) and other partners, there is a lack of significant

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<sup>1</sup> The binding agreements adopted at UNCED include: *The Convention on Biological Diversity*, 5 June 1992, 31 I.L.M. 818; *United Nations Framework Convention on Climate Change*, 9 May 1992, 31 I.L.M. 849 [hereinafter *Climate Change Convention*]. The non-binding instruments include the *Non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests*, 13 June 1992, UN Doc.A/CONF.48/14, 31 I.L.M. 882; *Rio Declaration on Environment and Development*, 13 June 1992, UN Doc.A/CONF.151/5/Rev.1, 31 I.L.M. 876; and *Agenda 21: Programme for Action for Sustainable Development*, 14 June 1992, UN Doc.A/CONF.151/26/Rev.1 (Vol. I and III)[hereinafter *Agenda 21*].

<sup>2</sup> *Agenda 21, ibid.* is the non-binding, 40-chapter programme of action for sustainable development that was adopted at UNCED in 1992.

<sup>3</sup> General Assembly, "Ten-Year Review of progress achieved in the implementation of the outcome of the United Nations Conference on Environment and Development," UN GAOR, UN Doc.A/RES/55/199 (20 December 2000). This 10-year review conference is called the World Summit on Sustainable Development.

progress towards both environmental protection and the reduction of poverty.<sup>4</sup> The Report identifies four major gaps in the implementation of sustainable development. First, “a fragmented approach has been adopted towards sustainable development.”<sup>5</sup> The integration of environmental, social and economic concerns into decision-making has not been as fully implemented as it should have been. Secondly, the Report deplores the continued unsustainable patterns of production and consumption. Third, there is a lack of coherence in the areas of trade, finance, technology and sustainable development, although such coherence is crucial in an increasingly globalizing world. Finally, developed states have not lived up to their financial and technology transfer commitments, without which developing countries cannot achieve sustainable development. In fact, since 1992, official development assistance has steadily declined.<sup>6</sup>

Thus, despite the numerous international instruments aimed at protecting the global environment that have been adopted prior to UNCED and following,<sup>7</sup> the

<sup>4</sup> Commission on Sustainable Development acting as the preparatory committee for the World Summit on Sustainable Development, *Report of the Secretary-General on Implementing Agenda 21*, UN CSD, 2<sup>nd</sup> session, UN Doc.E/CN.17/2002/PC.2/7 (2002), at paras. 2-3 [hereinafter *Implementing Agenda 21*]. Some of these initiatives include the Local Agenda 21 Programme of the International Council for Local Environmental Initiatives, which aims to increase the awareness and participation of local communities to sustainable development; the Global Compact, a partnership between the UN and private companies, which calls on them to adopt nine universal principles relating to human rights, labour standards and the environment. See online: The Global Compact <<http://www.unglobalcompact.org>> (date accessed: 16 May 2002); and Capacity 21, in conjunction with UNDP, to assist developing countries in coming up with national strategies for sustainable development.

<sup>5</sup> *Implementing Agenda 21*, *ibid.*

<sup>6</sup> *Implementing Agenda 21*, *ibid.* at paras. 4-7. This lack of success was also acknowledged by the international community 5 years after 1992: United Nations General Assembly, *Earth Summit +5: Programme for the Further Implementation of Agenda 21*, UN GAOR, Spec. Sess., 23-28 June 1997, online: United Nations <<http://www.un.org/documents/ga/res/spec/aress19-2.htm>> (date accessed: 30 January 2002) paragraph 4 [hereinafter *Earth Summit+5*]. Finally, in the *Malmö Declaration* adopted in May 2000, the Ministers of Environment also echo the lack of progress by stating that they are “deeply concerned that, despite the many successful and continuing efforts of the international community since the Stockholm Conference, and some progress having been achieved, the environment and the natural resource base that supports life on Earth continue to deteriorate at an alarming rate.” See Global Ministerial Environment Forum, *Malmö Ministerial Declaration*, 6<sup>th</sup> Special Session of the Governing Council, 5<sup>th</sup> plenary meeting (31 May 2000), online: United Nations Environment Programme <[http://www.unep.org/malmo/malmo\\_ministerial.htm](http://www.unep.org/malmo/malmo_ministerial.htm)> (date accessed: January 30, 2002).

<sup>7</sup> See E. Brown-Weiss, “International Environmental Law: Contemporary Issues and the Emergence of a New World Order” (1993) 81 *Geo.L.J.* 675 at 679; see also E. Brown-Weiss, D. Magraw & P. Szasz, *International Environmental Law: Basic Instruments and References* (Ardsey-on-Hudson: Transnational Publishers, 1992).

health of the planet is deteriorating and increasing numbers of people are dying of diseases, malnutrition and a lack of clean water. The *Malmö Declaration*, written by the world's Ministers of Environment, sums up the environmental threats that the international community must face:

Environmental threats resulting from the accelerating trends of urbanization and the development of megacities, the tremendous risk of climate change, the freshwater crisis and its consequences for food security and the environment, the unsustainable exploitation and depletion of biological resources, drought and desertification, and uncontrolled deforestation, increasing environmental emergencies, the risk to human health and the environment from hazardous chemicals, and land-based sources of pollution, are all issues that need to be addressed.<sup>8</sup>

For example, despite the adoption of the *Convention on Climate Change*<sup>9</sup> at UNCED, global emissions of carbon from fossil fuel burning total 6.3 billion tons annually,<sup>10</sup> bringing the atmospheric CO<sub>2</sub> concentrations to their highest level in 20 million years.<sup>11</sup> The 1990s were recorded as the warmest decade of the last millennium, and 1998 as the warmest year.<sup>12</sup> By the end of this new century, temperatures could rise as much as 5°C higher than in 1990. Global warming poses significant risks to the natural world and human society, such as the accelerated polar warming and diminishing sea ice and ice sheets, a rise in sea level, flooded coastal cities, diminished food production, loss of biodiversity, an increase in natural

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<sup>8</sup> *Malmö Declaration*, *supra* note 6 at para. 5. For example, *Implementing Agenda 21*, *supra* note 4 at para. 118, reports a net loss of 4% of the forest area in tropical regions between 1990 and 2000. See generally World Watch Institute, *State of the World 1998* (New York: W.W. Norton & Company, 1998) [hereinafter *State of the World 1998*]; and C. Mungall & D. J. McLaren, *Planet Under Stress: The Challenge of Global Change* (Toronto: Oxford University Press, 1990) for an overview of global environmental problems [hereinafter Mungall & McLaren].

<sup>9</sup> *Supra* note 1. For a historical account of the climate change regime, see generally F. Biermann, *Saving the Atmosphere: International Law, Developing Countries and Air Pollution* (Frankfurt am Main: Peter Lang, 1995) 43-7.

<sup>10</sup> World Watch Institute, *State of the World 2001* (New York: W.W. Norton & Company, 2001) at 86.

<sup>11</sup> *Ibid.* at 86. Greenhouse gases normally absorb and return to the Earth's surface heat produced by the sun's rays, and are thus necessary in order to keep the climate warm enough for species to inhabit the planet. However, the concentrations of greenhouse gases in the atmosphere are being drastically increased by human activities such as the burning of fossil fuels, deforestation, and agriculture. In turn, increased concentrations of carbon dioxide and other greenhouse gases enhance the global greenhouse effect: see generally Mungall & McLaren, *supra* note 8 at 53-54.

<sup>12</sup> *State of the World 2001*, *supra* note 10 at 86.

disasters, and a greater prevalence of infectious diseases.<sup>13</sup>

Since developed states are responsible for 76% of the world's carbon emissions since 1950, they agreed by signing the *Kyoto Protocol*<sup>14</sup> to reduce these emissions to 5% of 1990 levels by 2008-2012.<sup>15</sup> However, despite these commitments, world consumption of oil has grown on average by 1.2% each year in the 1990s; more than ¼ of the world's global petroleum consumption occurs in the United States of America, where ½ of all garages contain SUVs.<sup>16</sup> Canada has the second-highest level of per capita greenhouse gas emissions in the world.<sup>17</sup>

On a human level, the number of people who survive on less than \$1/day, which is the poverty threshold defined by the World Bank, has remained largely unchanged since 1990 at 1.2 billion in 1998.<sup>18</sup> In certain developing regions, such as sub-Saharan Africa, South Asia and the former USSR, this number has in fact increased in the last decade.<sup>19</sup> One fifth of the world (1.1 billion people) is still malnourished, and roughly 1.2 billion still do not have access to clean water; this number could double in the next 25 years.<sup>20</sup> Although some regions have seen economic growth, there have been increasing inequalities in income between nations and within

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<sup>13</sup> *Ibid.* at 86; *State of the World 1998*, *supra* note 8 at 114.

<sup>14</sup> *Kyoto Protocol to the United Nations Framework Convention on Climate Change*, 11 December 1997, 37 I.L.M. 32.

<sup>15</sup> *State of the World 2001*, *supra* note 10 at 89. Canada agreed to a reduction of 6% of its 1990 levels but has not yet ratified the Protocol. The *Kyoto Protocol* is not yet in force. See also *Implementing Agenda 21*, *supra* note 4 at para. 135.

<sup>16</sup> *State of the World 2001*, *ibid.* at 12. Moreover, the Asia-Pacific region has seen a 42% increase in petroleum use in the last decade: *ibid.* at 89.

<sup>17</sup> D. McGuinty, "Climate Change: Treatment is Affordable" *Globe and Mail*, (29 January 2002) A11.

<sup>18</sup> *State of the World 2001*, *supra* note 10 at 4. On the other hand, a 2001 Report states that this number has decreased from 1.3 billion in 1990 to 1.2 billion. See Commission on Sustainable Development acting as the preparatory committee for the World Summit on Sustainable Development, Report of the Secretary General on Combating Poverty, CSD, Organizational Sess., UN Doc.E/CN.17/2001/PC/5 (14 March 2001) [hereinafter *Combating Poverty*]. See also *Implementing Agenda 21*, *supra* note 4 at paras. 29-31.

<sup>19</sup> *State of the World 2001*, *ibid.* at 4. The *Combating Poverty* report states that poverty rates remain largely unchanged at 42% in sub-Saharan Africa although the number of people living in poverty increased from 217 million to 291 million; in the USSR and eastern Europe, the number of people living on \$1/day or less has dramatically increased from 1 million in 1987 to 7 million in 1990 to 18 million in 1998: *Ibid.* at paras. 4, 11.

<sup>20</sup> *State of the World 2001*, *ibid.* at 12.

nations.<sup>21</sup> The gap between the richest and the poorest nations,<sup>22</sup> as well as between the rich and the poor people within each nation, has in large part increased in the last decade.<sup>23</sup> Significantly, women continue to be disproportionately represented in the world's poor.<sup>24</sup>

Environmental degradation has a disproportionate adverse impact on the poor in developing countries, especially those living in rural areas. Natural resource depletion, water pollution and other environmental problems are increasing poverty rates in many areas.<sup>25</sup> Because women directly depend on their environment for the survival of their families and communities, they are disproportionately affected by environmental degradation.<sup>26</sup>

Thus, in the face of limited success towards achieving sustainable development and the other objectives set out in *Agenda 21*, it is necessary to take a critical look at sustainable development before we embark upon another ten years of attempts to achieve it. Moreover, increased globalization and the liberalization of trade are new realities that require the international community to adopt new strategies towards the achievement of sustainable development.<sup>27</sup>

Taking an ecofeminist perspective, I argue that certain androcentric assumptions underlying sustainable development will impede it from leading to a healthy future for the planet and its inhabitants. I contend that sustainable development, as it is

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<sup>21</sup> *Combating Poverty*, *supra* note 18 at para. 12. The report states that the ratio of average income of the richest 20% of the world's population to average income of the poorest 20% increased from 60:1 in 1991 to 78:1 in 1994.

<sup>22</sup> *State of the World 2001*, *supra* note 10 at 6; World Bank, *World Development Report 2000/2001: Attacking Poverty* (Oxford: Oxford University Press, 2001) at 50.

<sup>23</sup> *State of the World 2001*, *ibid.* at 6-7.

<sup>24</sup> N. Kanji & K. Menon-Sen, "What does the Feminisation of Labour Mean for Sustainable Livelihoods?", Opinion, International Institute for Environment and Development, August 2001, online: International Institute for Environment and Development <<http://www.iiied.org/pdf/gender13.pdf>> (date accessed: 22 March 2002). See also K. Menon-Sen, *Gender, Governance and the 'Feminisation of Poverty': The Indian Experience* (India: UNDP, 2001).

<sup>25</sup> *Implementing Agenda 21*, *supra* note 4 at para. 46.

<sup>26</sup> See generally V. Shiva, *Staying Alive: Women, Ecology and Development* (London: Zed Books, 1988) [hereinafter *Staying Alive*]; M. Mies & V. Shiva, *Ecofeminism* (London: Zed Books, 1993) [hereinafter *Ecofeminism*].

<sup>27</sup> *Malmö Declaration*, *supra* note 6 at para. 9; *Implementing Agenda 21*, *supra* note 4 at para. 16.

presently conceptualized, is so fundamentally flawed that it will not likely be achieved, even if the international community focuses all its efforts on the implementation of *Agenda 21*. The main flaw of sustainable development lies in its failure to challenge the fundamental assumptions of the dominant development model that it seeks to replace, as well as its dependence on the global market economy. Furthermore, the concept of sustainable development does not sufficiently address the marginalization of the poor and especially women in developing countries, where women continue to be disproportionately affected by environmental degradation, yet are largely excluded from the process of sustainable development. Finally, we argue that sustainable development is based on the androcentric view of humans as separate and above Nature, a view that has led to the overexploitation of Nature. Unless this core concept of sustainable development is challenged, a sustainable future for the planet is impossible.

### *Ecofeminism as a theoretical framework*

I choose ecofeminism<sup>28</sup> as a theoretical framework within which to critique the concept of sustainable development for many reasons.<sup>29</sup> First, ecofeminism is based

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<sup>28</sup> Ecofeminism is not a homogeneous theory and does not lend itself to precise definition. Nonetheless, some generalisations notwithstanding and for the purposes of this paper, we adopt the definition given by Karen Warren, which encompasses the diversity of oppressions: "the position that there are important connections between how one treats women, people of color, and the underclass on one hand and how one treats the nonhuman natural environment on the other": K. J. Warren, "Introduction" in K. Warren, ed., *Ecofeminism: Women, Culture, Nature* (Bloomington: Indiana University Press, 1997) xi at xi [hereinafter *Women, Culture*]. For similar definitions, see N. Sturgeon, "The Nature of Race: Discourses of Racial Difference in Ecofeminism" in *Women, Culture, ibid.* 260 at 260; J. Plant, "Learning to Live with Differences: The Challenge of Ecofeminist Community" in *Women, Culture, ibid.* 120 at 121; E. Hughes, "Fishwives and Other Tails: Ecofeminism and Environmental Law" (1995) 8 C.J.W.L. 502 at 503; I. Diamond & G. Feman Orenstein, "Introduction" in I. Diamond & G. Feman Orenstein, eds., *Reweaving the World: The Emergence of Ecofeminism* (San Francisco: Sierra Club Books, 1990) ix-xv at xii [hereinafter *Reweaving*]; R. Braidotti et al., *Women, the Environment and Sustainable Development: Toward a Theoretical Synthesis* (London: Zed Books in association with INSTRAW, 1994) at 162 [hereinafter *Theoretical Synthesis*]; B. Wells & D. Wirth, "Remediating Development through an Ecofeminist Lens" in *Women, Culture, ibid.* 300 at 304 [hereinafter Wells & Wirth].

<sup>29</sup> Many difficulties come with choosing ecofeminism to formulate a critique of sustainable development. The first difficulty relates to the most controversial aspect of ecofeminist theories: arguments as to the connection between women and Nature. The woman/Nature connection has been criticized by certain ecofeminists and feminists for its essentialist assumption that woman's nature is nurture. The woman/Nature connection has also been under attack for justifying the continued oppression of women. Ecofeminists have also been reprimanded by women of colour, aboriginal women and women from developing countries for prioritizing gender over other forms of oppression and for failing to account for differences among women. However, many of these issues have recently been dealt with by

on the idea of "merging the critical and transformative potentials of ecology and feminism which were expected to create a new, powerful movement for cultural and social change."<sup>30</sup> Ecology is a science that recognizes and studies the interdependence and interconnectedness of all living systems.<sup>31</sup> Feminism is at the very least a movement to end male oppression of women, but which is becoming a movement to end all forms of oppression;<sup>32</sup> it speaks for the other in the male/female relationship,<sup>33</sup> and also for the other in the numerous oppressor/oppressed relationships. Ecofeminism recognizes all forms of oppression, gender being linked to all of them,<sup>34</sup> but also equates the significance of the domination of Nature to other forms of domination. The link that ecofeminism makes between these different types of oppression, including that of Nature, is therefore one of the reasons why this theoretical framework seems appropriate in the context of sustainable development.

Moreover, ecofeminism specifically recognizes the close relationship between environmental degradation and the condition of women in developing countries.<sup>35</sup>

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ecofeminists themselves. Moreover, despite the essentialist assumptions underlying the connection between women and Nature, such a connection, if properly enunciated, can serve and has served as a uniting force between women across national, cultural, racial and class boundaries. For these critiques, see the works of ecofeminists themselves; C. Merchant, *Earthcare: Women and the Environment* (NY: Routledge, 1996) at 8; V. Plumwood, *Feminism and the Mastery of Nature* (London: Routledge, 1993) at 9; *Theoretical Synthesis, ibid.*; L. Quinby, "Ecofeminism and the Politics of Resistance," in *Reweaving, ibid.* at 122; J. Biehl, *Finding Our Way: Rethinking Ecofeminist Politics* (Montreal: Black Rose Books, 1991).

<sup>30</sup> *Theoretical Synthesis, supra* note 28 at 161.

<sup>31</sup> *Ibid.* at 155; M. Bookchin, "The Concept of Social Ecology" in C. Merchant, ed., *Ecology: Key Concepts in Critical Theory* (New Jersey: Humanities Press, 1994) 152 at 155.

<sup>32</sup> K. J. Warren, "The Power and Promise of Ecological Feminism" in M. E. Zimmerman, ed., *Environmental Philosophy: From Animal Rights to Radical Ecology* (Englewood Cliffs, N.J.: Prentice Hall, 1993) 320 at 321.

<sup>33</sup> J. Plant, "Searching for Common Ground: Ecofeminism and Bioregionalism" in *Reweaving, supra* note 28, 155 at 156.

<sup>34</sup> P. Kelly, "Women and Power" in *Women, Culture, supra* note 28, 112 at 115.

<sup>35</sup> The perspective of development ecofeminists is significant in the context of sustainable development where North/South tensions are inevitable. See, for example, *Staying Alive, supra* note 26; V. Shiva, *Ecology and the Politics of Survival: Conflicts Over Natural Resources* (Tokyo: UN University Press; Sage Publications, 1991) [hereinafter *Politics of Survival*]; V. Shiva, "Development, Ecology, and Women" [hereinafter "Development, Ecology"] in J. Plant ed., *Healing the Wounds: The Promise of Ecofeminism* (London: Green Press, 1994) [hereinafter *Healing*] 80; *Theoretical Synthesis, supra* note 28; S. Bahugunal, V. Shiva & M.N. Buch, eds., *Environment Crisis and Sustainable Development*

As we will see, sustainable development fails to sufficiently address the reality of women in developing countries, and ignores of the valuable insights that these women can bring to environmental protection and the attainment of sustainable development.

In short, ecofeminism can offer the most complete critique of the androcentric assumptions of sustainable development and a promising alternative approach to its conceptualization, for the reasons best summarized in the following passage:

The empirical and linguistic data provided by ecofeminism are significant philosophically. These data suggest (1) the historical and causal significance of ways in which environmental destruction disproportionately affects women and children; (2) the epistemological significance of the 'invisibility of women', especially of what women know (e.g. about trees), for policies which affect both women's livelihood and ecological sustainability; (3) the methodological significance of omitting, neglecting, or overlooking issues about gender, race, class, and age in framing environmental policies and theories; (4) the conceptual significance of mainstream assumptions, e.g., about rationality and the environment, which may inadvertently, unconsciously, and unintentionally sanction or perpetuate environmental activities, with disproportionately adverse effects on women, children, people of color, and the poor; (5) the political and practical significance of women-initiated protests and grassroots organizing activities for both women and the natural environment.<sup>36</sup>

## II. Sustainable development through the eyes of an ecofeminist

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(Dehra Dun: Natraj Publishers, 1992) [hereinafter *Sustainable Development*].

<sup>36</sup>K. J. Warren, "Taking Empirical Data Seriously: An Ecofeminist Philosophical Perspective" in *Women, Culture, supra* note 28, 3 at 13-14. The women involved in the rubber tappers' movement in Brazil, as well as the Chipko movement in India, are two well-known examples of women challenging the dominant social paradigm and protecting their environment. See C. Campbell, "Out on the Front Lines but Still Struggling for Voice: Women in the Rubber Tappers' Defense of the Forest in Xapuri Acre, Brazil" in D. Rocheleau, B. Thomas-Slayter, & E. Wangari, eds., *Feminist Political Ecology: Global Issues and Local Experiences* (London: Routledge, 1996) 27; P. Philipose, "Women Act: Women and Environmental Protection in India" in *Healing, supra* note 35 at 67; *Politics of Survival, supra* note 35 at 103. Also, at the Women's Congress for a Healthy Planet, which took place in Miami in 1991 in preparation for UNCED, and at Planeta Femea, the NGO conference at UNCED, women across national, cultural, class and racial boundaries joined their voices to put forth common position on environmental and development issues at the international level, the *Women's Action Agenda 21*, online: Women and Sustainable Development <<http://www.iisd.org/women/action21.htm>> (date accessed: 30 January 2002) [hereinafter *Women's Agenda 21*].



### *Sustainable development as a principle of international environmental law*

Sustainable development was first defined in the *Brundtland Report*, published in 1987, as "development that meets the needs of the present without compromising the ability of future generations to meet their needs,"<sup>37</sup> thus incorporating temporal and equitable concerns into development. Sustainable development came about when the international community recognized that extending the Northern living standards to the global population was not only impossible, but would undoubtedly lead to the destruction of the planet.<sup>38</sup> Sustainable development therefore attempts to remedy the short-term, profit-maximization exploitation of natural resources taking place in the name of economic development.

By adopting sustainable development, the international community acknowledges developing countries' right to development, while trying to prevent the devastating impacts of unsustainable development projects on the environment. The right to development was defined by the 1986 *United Nations Declaration on the Right to Development* as the entitlement "to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized."<sup>39</sup> In the environmental context, this right was first mentioned at the 1972 Stockholm Conference, when it was recognized that development and environmental protection are interdependent.<sup>40</sup> In 1992, Principle 3 of the *Rio Declaration* seems to recognize the existence of a right

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<sup>37</sup> World Commission on Environment and Development (Brundtland Report), *Our Common Future* (Oxford: Oxford University Press, 1987).

<sup>38</sup> *Theoretical Synthesis*, *supra* note 28 at 24-25.

<sup>39</sup> 4 December 1986, UNGA Res. 41/128, UN Doc.A/41/53, 40 Y.B.U.N. 717, article 1. The same instrument states that the right to development is a "inalienable and universal right," although its legal status seems unclear. See K. Mickelson, "Seeing the Forest, the Trees and the People: Coming to Terms with Developing Country Perspectives on the Proposed Global Forests Convention" in Canadian Council on International Law, ed., *Global Forests and International Environmental Law* (London: Kluwer Law International, 1996) 239 at 250-53; A.D. Tarlock, "Stewardship Sovereignty: The Next Step in Former Prime Minister Palmer's Logic" (1992) 42 Wash.U.J. of Urban and Contemp.L. 21, footnote reference #37 for discussions of the legal status of this right.

<sup>40</sup> Principle 8 of the *Stockholm Declaration on the Human Environment*, 16 June 1972, UN Doc.A/CONF.48/14, 11 I.L.M. 1416 provides the following: "Economic and social development is essential for ensuring a favourable living and working environment for man and for creating conditions on earth that are necessary for the improvement of the quality of life."

to development: "The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations."<sup>41</sup>

Regardless of the legal status of the right to sustainable development, it is still often a crucial element of international environmental instruments, especially since UNCED. For example, Article 3(4) of the *Climate Change Convention* provides the following:

The Parties have a right to, and should, promote sustainable development. Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change.<sup>42</sup>

The preamble also recognizes that in order to be able to develop, developing countries' energy consumption will need to grow, thus implying that their right to develop overrides reducing emissions of greenhouse gases.<sup>43</sup> The preamble to the *Biodiversity Convention* states that development is an overriding priority for developing countries.<sup>44</sup>

The inclusion of a right to development usually plays a crucial role in the negotiations to international environmental agreements because developing states feel threatened by the push towards greater environmental protection, which they consider to be a "new wave of environmental colonialism."<sup>45</sup> From developing

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<sup>41</sup> *Rio Declaration*, *supra* note 1, Principle 3. It is important to note however that the *Rio Declaration* is not a legally binding international instrument.

<sup>42</sup> *Climate Change Convention*, *supra* note 1, article 3(4).

<sup>43</sup> *Ibid.*, preamble. Another illustration of the right to development is found in Principle 2(a) of the *Forest Principles*, *supra* note 1:

States have the sovereign and inalienable right to utilize, manage and develop their forests in accordance with their development needs and level of socio-economic development and on the basis of national policies consistent with sustainable development and legislation, including the conversion of such areas for other uses within the overall socio-economic development plan and based on rational land-use policies.

<sup>44</sup> *Biodiversity Convention*, *supra* note 1, preamble.

<sup>45</sup> J. M. Porras, "The Rio Declaration: A New Basis for International Cooperation" in P. Sands, ed., *Greening International Law* (London: Earthscan Publications Ltd, 1993) 20 at 23 [hereinafter P. Sands]; see also V.P.Nanda, *International Environmental Law and Policy* (NY: Transnational Publishers, 1995) at 13-14.

countries' perspective, the developed countries, after exploiting their natural resources and polluting the environment, cannot compel the former to limit their economic development in order to protect natural resources for the sake of the whole planet. In all fairness, developing countries should not bear the costs of the North's overexploitation and pollution.<sup>46</sup> The right to sustainable development can thus be seen as forcing the North to take developing countries' concerns over the past and present inequities of the international system seriously.<sup>47</sup> On the other hand, if the South does not take part in the global efforts to address global environmental issues such as global warming and the loss of biodiversity, the efforts of the North will be in vain. The inclusion of the right to sustainable development in international environmental instruments is thus an essential compromise because of the need for developing countries to sign on.

Sustainable development thus advocates the sustainable use and management of natural resources that entail states' acceptance of limits on their use and exploitation of these resources for the benefit of future generations.<sup>48</sup> Sustainable development thus ensures that development in the South will not lead to irreversible environmental degradation, and is thus a step in the right direction. Unfortunately, sustainable development falls short of challenging the dominant development model that has led to environmental degradation in the South and oppressed its people, especially its women.

### ***Sustainable development does not challenge the assumptions of the dominant development model***

According to the dominant development model, the solutions to "underdevelopment" were found in the global market economy though the transfer of financial resources, technology and trained personnel from developed to developing countries in the form of development aid programmes and projects, and through large-scale energy and resource intensive industrialization and modernization projects.<sup>49</sup> The dominant

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<sup>46</sup> G. Handl, "Environmental Protection and Development in Third World Countries: Common Destiny-Common Responsibility" (1988) 20 N.Y.U.J. Int'l L. & Politics 603 at 608.

<sup>47</sup> Mickelson, *supra* note 39 at 250.

<sup>48</sup> P. Sands, "International Law in the Field of Sustainable Development: Emerging Legal Principles" in W. Lang, ed., *Sustainable Development and International Law* (London: Graham & Trotman, 1995) 53 at 59.

<sup>49</sup> H. Charlesworth, "The Public/Private Distinction and the Right to Development in International Law" (1992) 12 Aus. Y.B. of Int'l L. 190 at 196-97.

development model is based on the assumption that the model of “good life” in the North is both desirable and attainable for populations of developing countries.<sup>50</sup> Modernity and progress as defined by Northern lifestyles have in this way “penetrated into virtually all corners of the globe with the help of Western media.”<sup>51</sup>

Under the dominant development model, development has meant the transformation of sustainable, subsistence-based economies into economies based on large scale development projects such as dams, energy plants, mines, irrigation schemes and cash-crop production for exports.<sup>52</sup> Unsound Western practices such as monocropping and the aggressive use of chemical pesticides and fertilizers replaced sustainable subsistence agriculture.<sup>53</sup> Under this model, subsistence

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<sup>50</sup> See *Ecofeminism*, *supra* note 26 at 55.

<sup>51</sup> *Theoretical Synthesis*, *supra* note 28 at 10. The dominant development model is accurately described by ecofeminist Vandana Shiva in the following passage:

“Development” was to have been a postcolonial project, a choice for accepting a model of progress in which the entire world remade itself on the model of the colonizing modern West, without having to undergo the subjugation and exploitation that colonialism entailed. The assumption was that western style progress was possible for all. Development, as the improved well-being of all, was thus equated with the westernization of economic categories - of needs, of productivity, of growth. Concepts and categories about economic development and natural resource utilization that had emerged in the specific context of industrialization and capitalist growth in a center of colonial power were raised to the level of universal assumptions and applicability in the entirely different context of basic needs satisfaction for the people of the new independent Third World countries.

V. Shiva, “Development, Ecology” *supra* note 35 at 80. Shiva rightly calls this “maldevelopment.”

<sup>52</sup> See S. Ghosh, “A Plea for Re-examining the Concepts of Development and Reorienting Science and Technology” in *Sustainable Development*, *supra* note 35 at 31, for a discussion of the effects of ill-conceived development programmes promoting large-scale irrigation and energy schemes, as well as the use of pesticides, on the environment in India.

<sup>53</sup> Waring explains: “The monocrop (one species) forestry approach is succored and encouraged by national income accounting. Policies encourage export cropping and market income. Women farmers concentrate on subsistence cropping and feeding people. Many of the characteristics of their traditional agri-ecosystems are socially, environmentally, and economically much more desirable than those of monocrop systems. They utilize soil resources and photosynthetically active radiation more efficiently. They resist insect pests and plant pathogens in weeds better. They produce a more varied diet. They better utilize local resources and nonhybrid, open-pollinated, locally adapted, insect-resistant seeds. They contribute to (subsistence) economic stability.” See M. Waring, *If Women Counted: A New Feminist Economics* (New York: Harper & Row, 1988) at 264 [hereinafter *If Women Counted*]; see also *Ecofeminism*, *supra* note 26 at 71-72; Wells & Wirth, *supra* note 28 at 302. Although the use of fertilizers has plateaued or declined in the North, it has continued to expand in developing countries: *State of the World 1998*, *supra* note 8 at 16.

economies are portrayed as "poverty" although they satisfy basic human needs, because they do not take part in the market economy and do not consume commodities, as explained in this passage:

Culturally perceived poverty need not be real material poverty: subsistence economies which satisfy basic needs through self-provisioning are not poor in the sense of being deprived. Yet the ideology of development declares them so because they do not participate overwhelmingly in the market economy, and do not consume commodities produced for and distributed through the market even though they might be satisfying those needs through self-provisioning mechanisms.<sup>54</sup>

Moreover, the transformation of sustainable subsistence agriculture in the South to cash crops meant for export has increased the living standards of the male elites of the South at the expense of women and children, who have been displaced by cash-crop production and are often unable to satisfy their requirements for food.<sup>55</sup> The reservation of vast areas of land for cash-crops for exports has increased the income of men who work on export cash-crops, but at the same time has increased the work burden of women<sup>56</sup> since they have to travel greater distances to find fertile soils (food), fodder and fuel in order to be able to sustain their families.<sup>57</sup> Women are then unjustly "accused of destroying the forests in search of fuel, polluting and exhausting water sources in search of drinking water, and exhausting the land resources by producing too many additional mouths to feed."<sup>58</sup>

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<sup>54</sup> *Staying Alive*, *supra* note 26 at 10; see also *Theoretical Synthesis*, *supra* note 28 at 22.

<sup>55</sup> *Ecofeminism*, *supra* note 26 at 71-75; see also *Staying Alive*, *supra* note 26 at 3. Cash crops are considered the domain of men and subsistence agriculture the domain of women: United Nations General Assembly, *Report of the Secretary General on Sustainable Development and International Economic Cooperation: Women in Development*, UNGA, 52nd Sess., UN.Doc.A/52/345 (1997) [hereinafter *Women in Development*] at para. 38.

<sup>56</sup> Kelly, *supra* note 34 at 116.

<sup>57</sup> Warren, *supra* note 36 at 8.

<sup>58</sup> *Ecofeminism*, *supra* note 26 at 279. The same authors point out that international environmental conventions such as the *Montreal Protocol on Substances that Deplete the Ozone Layer*, 16 September 1987, 26 I.L.M. 1550, and the *Climate Convention*, *supra* note 1, are often viewed as a means of dispossessing the poor in order to "save" natural resources and the global commons. As they explain, "[t]he victims are transformed into villains in these ecological plans - and women, who have struggled most to protect their children in the face of ecological threats, become the elements who have to be policed to protect the planet." *Ibid.* at 86.

Thus the people who have benefitted from development in developing countries have been mostly the ruling male elites and the urban middle classes.<sup>59</sup> In reality, development programmes have largely ignored the realities of women and as a result, have often worked to deteriorate the situation of women and children.<sup>60</sup> As a result, the social inequalities between classes that exist in the North have been reproduced and intensified in developing countries.<sup>61</sup> Cuts in public spending in order to service outside debt by developing states have affected social areas of life such as health and education and led to the marginalization and impoverishment of an increasing number of people, especially women.<sup>62</sup>

The dominant development model has also had devastating environmental impacts. Resource-intensive industries have put excessive demands on natural resources and disrupted ecological processes, thus impeding Nature from regenerating itself and leading to natural resource depletion, soil erosion and environmental degradation.<sup>63</sup> Cash crop agriculture has intensified the use of chemical pesticides and reduced the diversity of Nature to accommodate market needs. Dams and irrigation schemes necessary for industrial production and large-scale agriculture, as well as agricultural run-offs and waste discharges, have polluted freshwater sources and constitute a severe threat to the health and survival of

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<sup>59</sup> *Theoretical Synthesis*, *supra* note 28 at 26.

<sup>60</sup> The number of rural women in developing countries living in poverty has risen by 50% over the last two decades due to traditional approaches to economic development: see United Nations Development Fund for Women (UNIFEM), "Eradicating Feminized Poverty," online: UNIFEM, <[http://www.undp.org/unifem/ec\\_pov.htm](http://www.undp.org/unifem/ec_pov.htm)> (date accessed: 30 January 2002). See also H. Charlesworth, C. Chinkin & S. Wright, "Feminist Approaches to International Law" (1991) 85 Am. J. Int'l L. 613 at 621-22 & 639-40; See L. Östergaard, "Statistics" in L. Östergaard, ed., *Gender and Development: A Practical Guide* (NY: Routledge, 1992), chapter 1, which discusses the exclusion of women's economic roles in most development studies.

<sup>61</sup> Östergaard, *ibid.* at 26.

<sup>62</sup> *Ibid.* Also significant in the discourse of development has been the push for population control. In some cases, population control programmes became a pre-condition for a state to receive development aid. Population control has also been raised in the environmental debate. For example, the preamble to the *Stockholm Declaration*, *supra* note 40, states that "[t]he natural growth of population continuously presents problems on the preservation of the environment, and adequate policies and measures should be adopted, as appropriate, to face these problems." However, as expressed by Janice Jiggins, controlling births in order to control global population growth has come to mean "controlling women's fertility." See J. Jiggins, *Changing the Boundaries: Women-centered Perspectives on Population and the Environment* (Washington, D.C.: Island Press, 1994) at 12; see also Östergaard, *ibid.* at 25 and *Theoretical Synthesis*, *supra* note 28 at 23-25.

<sup>63</sup> *Staying Alive*, *supra* note 26 at 8.

children, who are the most vulnerable.<sup>64</sup> Development has also meant the introduction of powerful and polluting technologies to replace traditional and sustainable small-scale technologies.<sup>65</sup>

Furthermore, under the dominant development model, natural resources and people constitute commodities to be exchanged on the global market,<sup>66</sup> and “the organising principle for natural resource use is the maximisation of profits and capital accumulation.”<sup>67</sup> The dominant development model, anchored in a global market economy that is based on profit maximization and continuous growth, has thus been one of the major causes of environmental degradation in developing countries.<sup>68</sup>

This model of development is therefore both unattainable and unsustainable. As estimated by one author, even if the planet had an unlimited amount of resources, it would take developing countries 500 years to reach Northern levels of development.<sup>69</sup> As Maria Mies puts it, for the Northern standard of living to be attained by the entire planet's population, two more planets would be needed: one for the raw materials, and the other to dump the waste produced.<sup>70</sup> She has thus correctly called this model of development the “myth of catching up development.”<sup>71</sup> The myth of catching up development, based on a capitalist, growth-oriented economic system is the “product of white, Western, male thinking which is essentially reductionist and serves an economic structure based on exploitation,

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<sup>64</sup> *Ecofeminism*, *supra* note 26 at 81.

<sup>65</sup> *Staying Alive*, *supra* note 26 at 6.

<sup>66</sup> *Ibid.* at 9. The main indicator of development is the GNP. As we saw above, the GNP does not take into account the depletion of natural resources, the level of pollution caused by economic development, nor the unpaid work of women in subsistence economies. Moreover, as expressed by Sailendranath Ghosh, GNP is the measure of development “regardless of how much of it is usable for life’s sustenance and how much for killing life (armament)”: see Ghosh, *supra* note 52 at 31. See generally M. Waring, *Counting for Nothing: What Men Value and What Women are Worth*, 2<sup>nd</sup> ed., (Toronto: University of Toronto Press, 1999) [hereinafter *Counting for Nothing*].

<sup>67</sup> *Ibid.*

<sup>68</sup> See *If Women Counted*, *supra* note 53 at 251.

<sup>69</sup> *Ecofeminism*, *supra* note 60 at 60.

<sup>70</sup> *Ibid.* at 252.

<sup>71</sup> *Ibid.* at 55; see also *Staying Alive*, *supra* note 26, chapter 1.

profit maximization and capital accumulation in the North”<sup>72</sup> and perpetuates the oppression of what Mies and Shiva have called the “colonies”: the South, Nature and women.<sup>73</sup> From an ecofeminist perspective, development thus constitutes yet another form of colonialism, as explained by Vandana Shiva in the following:

Development was thus reduced to a continuation of the process of colonisation; it became an extension of the project of wealth creation in modern western patriarchy's economic vision, which was based on the exploitation or exclusion of women (of the west and non-west), on the exploitation and degradation of nature, and on the exploitation and erosion of other cultures. 'Development' could not but entail destruction for women, nature and subjugated cultures, which is why, throughout the Third World, women, peasants and tribals are struggling for liberation from 'development' just as they earlier struggled for liberation from colonialism.<sup>74</sup>

Sustainable development qualifies this dominant development model by including future generations' rights to natural resources. In the last ten years, we have seen a push towards more sustainable agricultural practices such as conservation agriculture and integrated pest management, more sustainable forest management including reforestation, and the use of an ecosystem approach to integrated management of land, water and living resources, including humans.<sup>75</sup> However, sustainable development is still based on the view that economic growth is the only way to achieve a decent standard of living for people in developing countries. It asks us to put our faith in sustained economic growth in the fight against environmental degradation and poverty.

***Sustainable development is dependent on sustained economic growth in a global market economy***

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<sup>72</sup> *Theoretical Synthesis*, *supra* note 28 at 110.

<sup>73</sup> *Ecofeminism*, *supra* note 26 at 251; see also *Staying Alive*, *supra* note 26 at 6, where Shiva explains that development is based on the introduction of the domination of man over Nature and women, where “Nature and women are turned into passive objects, to be used and exploited for the uncontrolled and uncontrollable desires of alienated man. From being the creators and sustainers of life, nature and women are reduced to being ‘resources’ in the fragmented anti-life model of maldevelopment.”

<sup>74</sup> *Staying Alive*, *supra* note 26 at 2. See also *Theoretical Synthesis*, *supra* note 28 at 26.

<sup>75</sup> For a complete accounting of successes towards sustainable development, see *Implementing Agenda 21*, *supra* note 4.



Sustainable development means the integration of environmental considerations into economic and developmental decision-making and of developmental considerations in the implementation of environmental objectives. For example, Principle 4 of the *Rio Declaration* provides that “[i]n order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.”<sup>76</sup> The preamble to the *Climate Change Convention* states that “responses to climate change should be coordinated with social and economic development in an integrated manner.” Article 3 of the same convention reiterates that economic development is essential for adopting measures to address climate change.<sup>77</sup>

The integration of environmental considerations into developmental and economic decision-making is a step in the right direction, considering the devastating effects that past development programmes have had on the environment in the South. However, it is also clear from the UNCED instruments that sustainable development depends on permanent economic growth and multilateral trade in the achievement of environmental protection and a decent standard of living for all people on Earth.<sup>78</sup> For example, *Agenda 21* devotes an entire chapter to the importance of economic instruments in achieving sustainable development in developing countries,<sup>79</sup> and recommends the following:

Environment and trade policies should be mutually supportive. An open, multilateral trading system makes possible a more efficient allocation and use of resources and thereby contributes to an increase in production and incomes and to lessening demands on the environment. It thus provides additional resources needed for economic growth and development and improved environmental protection. A sound environment, on the other hand, provides the ecological and other resources needed to sustain growth and underpin a continuing expansion of trade. An open multilateral trading system, supported by the adoption of sound environmental

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<sup>76</sup> *Rio Declaration*, *supra* note 1, Principle 4; see *Forest Principles*, *supra* note 1, principle 13(d).

<sup>77</sup> *Climate Change Convention*, *supra* note 1, preamble & art. 3(4). See also article 4(1)(f) which obliges states to take climate change into account in their relevant social, economic and environmental policies.

<sup>78</sup> According to Mies and Shiva, sustainable development does not question the paradigm of permanent growth: see *Ecofeminism*, *supra* note 26 at 251 and 269-70. For example, Paragraph 2.19 of *Agenda 21* states that the increase in the standard of living of people in developing countries is to be achieved through “sustained economic growth”: *Agenda 21*, *supra* note 1, paras. 2.19 and 2.23.

<sup>79</sup> *Agenda 21*, *ibid*, chapter 2.

policies, would have a positive impact on the environment and contribute to sustainable development.

There are two major problems with the interdependence of sustained economic growth and environmental protection. The first is putting environmental protection at risk by prioritizing development. The second problem with sustainable development's dependence on the global market economy is the failure to recognize the latter's exploitation of Nature, the poor and women, especially in developing states.

Because it integrates environmental and economic considerations within a global market economy, there have been concerns that sustainable development has come to signify "sustained economic growth," thus jeopardizing environmental protection. Marc Pallemmaerts warns that the integration of environment and economics suggests that there is no longer a tension between economic development and environmental protection, but rather that the former is now considered a condition for the latter.<sup>80</sup> Principle 12 of the *Rio Declaration* demonstrates this danger of integration:

States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. *Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.* Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus. [emphasis added]<sup>81</sup>

Understood in this fashion, sustainable development thus fails to question the assumption that continuous economic growth will eventually lead to the destruction of the planet. Pallemmaerts thus questions the motive behind the adoption of sustainable development as a principle of international environmental law, suspecting that mainstream sustainable development's emphasis on trade, financial resources and other economic concerns is nothing more than the desire of

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<sup>80</sup> M. Pallemmaerts, "International Environmental Law From Stockholm to Rio: Back to the Future?" in P. Sands, *supra* note 45, 1 at 17.

<sup>81</sup> *Rio Declaration*, *supra* note 1, Principle 12. See also *Climate Change Convention*, *supra* note 1, article 3(5); *Forest Principles*, *supra* note 1, principles 7(a) and 13(a).

development and growth ideologues to change their tune in order to be more "green."<sup>82</sup>

This interplay between economic growth and environmental protection, which is the essence of sustainable development, is a paradox, as explained in the following passage from an ecofeminist work:

Firstly, growth is viewed only as growth of capital. What goes unperceived is the destruction in nature and in people's subsistence economy that this growth creates. The two simultaneously created 'externalities' of growth - environmental destruction and poverty creation - are then causally linked, not to the processes of growth, but to each other. Poverty, it is stated, causes environmental destruction. The disease is then offered as a cure: growth will solve the problems of poverty and the environmental crisis it has given rise to in the first place. This is the message of the World Bank development reports, of the Brundtland Report, Our Common Future and of the UNCED process.<sup>83</sup>

The World Bank Development Report 2000/2001 entitled "Attacking Poverty" advocates for economic growth as the solution to the reduction of poverty although it also admits that this growth has not led to poverty reduction in the least developed countries:

Given the importance of growth for poverty reduction, the failure of growth to take root in some of the poorest countries with the highest incidence of poverty is particularly disappointing. One symptom of this failure is the widening gap in average incomes between the richest and poorest countries. . . . Such figures indicate that income inequality between countries has increased sharply over the past 40 years.<sup>84</sup>

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<sup>82</sup> Pallemmaerts, *supra* note 80 at 14.

<sup>83</sup> *Ecofeminism*, *supra* note 26 at 268. *Combating Poverty*, *supra* note 18 at para. 21, however, states that "[w]hile people in poverty may be driven by need and by lack of ownership, knowledge and capital to use natural resources in unsustainable ways, most resource degradation occurs through overexploitation by the non-poor."

<sup>84</sup> *World Development Report*, *supra* note 22 at 51. See also *Implementing Agenda 21*, *supra* note 4 at para. 29, which states that "[e]conomic growth has the potential to substantially reduce the number of people living in poverty."

Although some exceptions have been noted, especially in Asia and East-Asia, globalization and trade liberalization have widened the gap between the richest and the poorest nations and has largely excluded the poorest nations due to “imbalances in the global trading system.”<sup>85</sup> The Report by the Secretary-General on Implementing Agenda 21 also recognizes that the high volatility of financial flows that has characterized the last decade is “clearly an obstacle to sustainable development” but in the same breath, advocates trade as “an important factor in economic growth and sustainable development.”<sup>86</sup>

What these reports fail to address is the impact that globalization and trade liberalization have had on the poorest and most vulnerable in the world, especially women. These phenomena have contributed to the feminization of labour and the feminization of poverty.<sup>87</sup> Although the employment of women has increased, their wages are lower than men’s and their working conditions often below standards.<sup>88</sup> Their share of unpaid labour has not been reduced, which means that women must now work in both capacities.<sup>89</sup> The globalization of agriculture has also meant less available land for subsistence agriculture and local production, leaving women with little resources to sustain their families and their communities.<sup>90</sup>

Another problem with the dependence of sustainable development on economic growth is the capitalist system on which the latter is based. In the capitalist system, the “value of people and nonhuman nature lies in their utility in attaining a given end, such as economic supremacy or political power,”<sup>91</sup> rather than the survival of humanity and the planet. Marilyn Waring criticizes the global economic system for not valuing the environment as such or the unpaid work of women.<sup>92</sup> As to the

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<sup>85</sup> *Implementing Agenda 21*, *ibid.* at paras. 191, 197.

<sup>86</sup> *Ibid.* at para. 190.

<sup>87</sup> Kanji & Menon-Sen, *supra* note 24.

<sup>88</sup> In order to attract foreign investments, many countries (93) have created Export Processing Zones, to exempt multinational corporations from tax laws and labour standards. See General Assembly, *1999 World Survey on the Role of Women in Development: Globalization, Gender and Work*, UNGA, 54<sup>th</sup> Sess., UN Doc.A/54/227 (1999) [hereinafter *Globalization, Gender*].

<sup>89</sup> *Ibid.* See also, Kanji & Menon-Sen, *supra* note 24.

<sup>90</sup> Kanji & Menon-Sen, *ibid.*

<sup>91</sup> J. Biehl, *supra* note 29 at 19-20; see also J. Plant, *supra* note 28 at 123; *Theoretical Synthesis*, *supra* note 28 at 251-52.

<sup>92</sup> See *If Women Counted*, *supra* note 53; *Counting for Nothing*, *supra* note 66.

former, Waring explains that the environment is not valuable to the capitalist economic system unless it is destroyed and transformed into commodities for the world market,<sup>93</sup> in which case environmental destruction is labeled "growth" and "production."<sup>94</sup> For example, forests are seen by capitalism as "vast uninhabited spaces that are valuable only when converted to agriculture or mined for timber. Standing forest is seen as wasted and unproductive."<sup>95</sup> The benefits derived from forests such as producing food, fodder, fish and medicines, purifying and regulating water supplies and climates, providing pollination, pest control, habitat and refuge, as well as educational, recreational, aesthetic and cultural benefits are ignored.<sup>96</sup> In this economic system, what incentives exist to keep the tree standing?

In the same way that the global market system ignores the non-economic value of Nature, it disregards the unpaid labour of women, as explained by Waring in the following passage:

... all the other reproductive work that women do is widely viewed as unproductive. Growing and processing food, nurturing, educating, and running a household - all part of the complex process of reproduction - are unacknowledged as part of the production system. A women who supplies such labor is not seen by economists as performing work of value. Yet the satisfaction of basic needs to sustain human society is fundamental to any economic system. By this failure to acknowledge the primacy of reproduction, the male face of economics is fatally flawed.<sup>97</sup>

Universally used economic indicators such as the Gross National Product (GNP) and the United Nations System of Accounting fail to consider women's unpaid reproductive labour, which includes women's work in the production of goods and services for household consumption and the market, human reproductive activities such as fetching water and firewood, child-rearing, care for the elderly and disabled, and community activities.<sup>98</sup> The exclusion of women's reproductive labour is

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<sup>93</sup> *If Women Counted*, *ibid* at 20

<sup>94</sup> *Ibid.* at 31-32; see also *State of the World 1998*, *supra* note 8 at 27.

<sup>95</sup> *State of the World 1998*, *ibid.*

<sup>96</sup> *Ibid.* See also *If Women Counted*, *supra* note 53 at 261.

<sup>97</sup> *If Women Counted*, *ibid* at 28. See also *Globalization. Gender*, *supra* note 88 at paras. 42-45.

<sup>98</sup> *Women in Development*, *supra* note 55 at para. 15. Although the UNSA was revised in 1993 to change the definition of "production", the revised system still excludes "all production of services for own final consumption within households." See *Counting for Nothing*, *supra* note 66 at .xxiv-xxv. See also Wells

justified by stating that if these were included, unemployment would virtually be impossible.<sup>99</sup> The exclusion is also justified because of measurement and valuation problems related to those “non-productive” activities.<sup>100</sup> Therefore, most of women’s work is excluded from national accounts. Further, the food that women produce in developing countries for home consumption is not counted in agricultural statistics “even though it subsidizes visible agricultural development.”<sup>101</sup>

At the Fourth World Conference on Women and with the adoption of the *Beijing Platform for Action*, women demanded the inclusion of women’s work into the system of national accounts, and that technical assistance and other resources be provided to states in order for them to measure the work of women.<sup>102</sup> In the few countries that have attempted to make these measurements, they are included in satellite accounts to the GNP and GDP.<sup>103</sup>

The Commission on Sustainable Development has introduced a table of indicators for sustainable development, but only one indicator out of a list of 58 includes gender.<sup>104</sup> The UNDP has also created the Human Development Index and the Gender Development Index. In 2002, time use will be included for the first time in the Human Development Report.<sup>105</sup> However, there is still the problem that although these measures exist, they constitute a complex set of factors to consider.

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& Wirth, *supra* note 28 at 305.

<sup>99</sup> *Counting for Nothing*, *ibid.* Waring suggests revisiting the definition of unemployment as a reply to this justification.

<sup>100</sup> *Ibid.*

<sup>101</sup> Wells & Wirth, *supra* note 28 at 305.

<sup>102</sup> See *Women’s Agenda 21*, *supra* note 36 that was adopted at a Congress in November 1991, prior to UNCED. The Congress involved more than 1500 women from 83 countries. The United Nations has adopted a framework for mainstreaming gender into economic policies, which states that a prerequisite for mainstreaming gender is the integration of the paid and unpaid sector: see *Women in Development*, *supra* note 55.

<sup>103</sup> What statistics demonstrate is the magnitude and significance of the household sector. Waring thus speculates on the reasons why these activities are still confined to the satellite accounts. See *Counting for Nothing*, *supra* note 66 at xxviii-xxx.

<sup>104</sup> T. Corral & P. Ransom, “Women and Information for Participation and Decision Making in Sustainable Development in Developing Countries,” online: Gender Perspectives for Earth Summit 2002 Workshop <<http://www.earthsummit2002.org/workshop/Information%20S%20TC%20PR.pdf>> (date accessed: 30 January 2002).

<sup>105</sup> *Ibid.*

Policy makers have a hard time balancing these non-numerical factors with simple GNP and GDP numbers. Waring cautions against the use of indicators for environmental and human well-being:

But why be worried about social, religious, community, and environmental values if we can generate growth? Yet these are the outcomes that we are invited to celebrate in the extensions to the national accounting framework.

The answer does not lie in further economic abstractions or colonization of other disciplines and ways of knowing. It lies with policy-making and monitoring and evaluation with approximate accurate input of the interdependencies of the real world, and that does not necessitate a unidimensional data base.<sup>106</sup>

***Sustainable development still reflects an androcentric view of Nature as resources to be exploited***

The flaws of sustainable development outlined above can be attributed to the fundamental androcentric view of Man as separate and above Nature, where Nature constitutes a pool of "resources" there to serve human and economic ends. Sustainable development is in fact based on this androcentric view of the relationship between humans and Nature. For example, Principle 1 of the *Rio Declaration* states unequivocally that "[h]umans are at the centre for concerns for sustainable development."<sup>107</sup> At the centre of the concept are thus future generations of humans; the non-human natural world needs to be protected for the only reason that it must satisfy the needs of future generations of humans.

***The principle of sustainable development does not guarantee the participation of women***

Although some international environmental instruments such as the *Rio Declaration* recognize the important role of women in environmental management and development,<sup>108</sup> the same instruments also emphasize the role of national

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<sup>106</sup> *Counting for Nothing*, *supra* note 66 at xlvi.

<sup>107</sup> *Rio Declaration*, *supra* note 1, Principle 1.

<sup>108</sup> *Ibid*, Principle 20. The preamble to the *Biodiversity Convention*, *supra* note 1, also recognizes the "vital role that women play in conservation and sustainable use of biological diversity" and affirms the need for their full participation at all levels of policy-making and implementation. See also Principle 5(b) of the *Forest Principles*, *supra* note 1.

governments in the implementation of sustainable development.<sup>109</sup> As explained by one author, this leaves “little room for doubt that ‘sustainable development’ is an objective to be realized within the boundaries of each and every nation.”<sup>110</sup> The fact that sustainable development is to be reached within a state system that is gendered raises serious doubts as to the effective participation of women in its achievement.<sup>111</sup> Agreements addressing sustainable development issues fail to spell out concrete obligations for states to ensure the full participation of women in the design and implementation of policies on sustainable development.<sup>112</sup> Instead, the inclusion of women in sustainable development is done in non-binding instruments such as *Agenda 21*. The result is that although frameworks are designed by national governments for the participation of women in decision-making, such frameworks

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<sup>109</sup> G. Handl, “Sustainable Development: General Rules versus Specific Obligations” in W. Lang, ed., *Sustainable Development and International Law* (London: Graham & Trotman, 1995), 35 at 39. For example, the preamble to the *Forest Principles*, *supra* note 1, states:

Recognizing that the responsibility for forest management, conservation and sustainable development is in many States allocated among federal/national, state/provincial and local levels of government, each State, in accordance with its constitution and/or national legislation, should pursue these principles at the appropriate level of government.

<sup>110</sup> Handl, *ibid.* at 39.

<sup>111</sup> In fact, due to discrimination, many women are unable to exercise their full potential in the management of natural resources and environmental management, given their lack of training, status, land and property rights and capital: See *Earth Summit+5*, *supra* note 6. See also C. C. Joyner & G. E. Little, “It’s Not Nice to Fool Mother Nature! The Mystique of Feminist Approaches to International Environmental Law” (1996) B.U. Int’l L.J. 223 at 258. The follow-up report to the Fourth World Conference on Women shows that national plans adopted by signatory states include programs for gender mainstreaming. However, only 42% of signatories submitted national plans and none indicated the financial resources available to implement them: see Commission on the Status of Women, *Synthesized Report of the Secretary General on National Action Plans and Strategies for Implementation of the Beijing Platform for Action*, CSW, 42nd Sess. 2-13 March 1998, online: <<http://www.un.org/documents/ecosoc/cn6/1998/ecn61998-6.htm>> (date accessed: 30 January 2002). Moreover, follow-up to UNCED and *Agenda 21* (chapter 24 - role of women) shows that the rate of change of women in decision-making positions is small, that further action is necessary, and that in most countries and international organizations frameworks for the advancement of women have been developed but not implemented: see Commission on Sustainable Development, *Report of the Secretary-General on the Overall Progress Achieved since the United Nations Conference on Environment and Development*, UN CSD, 5th Sess., U.N.Doc.E/CN.17/1997/2/Add.22 (7-25 April 1997), paragraph 9, online: <<http://www.un.org/documents/ecosoc/cn17/1997/ecn171997-2.htm>> (date accessed: 30 January 2002) [hereinafter *Overall Progress Report*]. See also, *Implementing Agenda 21*, *supra* note 4 at para. 169.

<sup>112</sup> For example, see the UNCED agreements: *Rio Declaration*, *supra* note 1; *Biodiversity Convention*, *supra* note 1; *Climate Change Convention*, *supra* note 1; *Forest Principles*, *supra* note 1. Provisions concerning the participation of women are found in non-binding instruments or preambles.



are rarely implemented.<sup>113</sup> Although there have been some limited successes of women's participation in sustainable development initiatives, barriers continue to impede their full participation. A report commissioned by UNED Forum and written by WEDO states that barriers such as high illiteracy rates, lack of understanding of government process, lack of childcare and the continued feminization of poverty seriously impede women from participating in the achievement of sustainable development.<sup>114</sup> Although, for example, the Commission on Sustainable Development has put into place some mechanisms for the participation of women's NGOs, the majority of participant NGOs at the CSD are still from developed countries,<sup>115</sup> and there has not been "an explicit approach to gender in most countries"<sup>116</sup> in the context of Local Agenda 21 initiatives.<sup>117</sup>

### **III. Towards the true achievement of sustainable development: What decision-makers should consider at the WSSD**

Can sustainable development ever be achieved? If so, what should decision-makers consider when they meet in Johannesburg at the World Summit on Sustainable Development?

#### ***Revisiting economic growth as the only way to achieve sustainable development***

Sustainable development should mean more ecologically and socially sustainable development and be measured by the fulfillment of basic needs for all citizens rather than simply by economic growth. For this, barren economic indicators such as the GNP and the UNSA can be replaced by full cost accounting<sup>118</sup> that values the unpaid

<sup>113</sup> *Overall Progress Report*, *supra* note 111 at para. 9.

<sup>114</sup> Corral & Ransom, *supra* note 104.

<sup>115</sup> Commission on Sustainable Development acting as the preparatory committee for the World Summit on Sustainable Development, Report of the Secretary General on Major Groups, CSD, Organizational Sess., UN Doc.E/CN.17/2001/PC/4 (14 March 2001) [hereinafter *Major Groups*].

<sup>116</sup> Corral & Ransom, *supra* note 104 at 5.

<sup>117</sup> A 1996 survey of 2500 municipalities' Local Agenda 21 initiatives indicates that 53% of these reported that they include women in their processes. However, there is still a lack of information about the connections between women and the environment; there is still a lack of interest and political will among local political authorities to truly include women and a lack of desire to change existing power relations: *Ibid* at 6.

<sup>118</sup> See *Women's Agenda 21*, *supra* note 36.

work of women<sup>119</sup> and subsistence communities and accounts for natural resource depletion. In this way, progress towards development would be measured by indicators such as the health of people, their access to education, health care, food and clean water, as well as by the preservation of natural resources and general environmental quality. Furthermore, ecological and social costs must be included in the prices paid for all goods and services.<sup>120</sup> We should also look at achieving sustainable development through local, subsistence economies rather than through a global economy. Sustainable development must also be achieved through the narrowing of the gaps between those who have and those who have not at the local, national and international levels.

Sustainable development should also equally consider as valuable as humans all other species, and it should be achieved without jeopardizing the rights of future generations of all species, including humans. The inclusion of nonhuman Nature in the concept would at least ensure that species will not become extinct because of overexploitation or environmental pollution and would recognize our interconnectedness with Nature. The inclusion of women in the concept, translated by the inclusion of specific binding provisions dealing with gender equality and the special vulnerability of women to environmental degradation, would ensure that equal access to healthcare, education and land resources for women in developing countries would be given priority as an essential part of sustainable development.

### ***The full and meaningful participation of women***

One of the key areas where policy makers should focus their efforts in Johannesburg is in the active and deliberate inclusion of women in the implementation of *Agenda 21*. Women are key actors in the conservation of the environment and natural

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<sup>119</sup> The United Nations has adopted a framework for mainstreaming gender into economic policies, which states that a prerequisite for mainstreaming gender is the integration of the paid and unpaid sector: see *Women in Development*, *supra* note 55.

<sup>120</sup> Global Forum, "17 -- Treaty on Consumption and Lifestyle," online: Information Habitat <<http://www.igc.apc.org/habitat/treaties/consume.html>> (last modified: 30 August 1996) at para. 6.

resources all over the world.<sup>121</sup> Moreover, women and children living in rural areas in developing countries are especially vulnerable to environmental degradation.<sup>122</sup>

Women also make up half of the world population. Therefore, without any further justification necessary, women deserve to be full participants in the design and implementation of environmental conventions. Thus the first step towards implementing an ecofeminist approach would be to recognize "the interconnectedness of women, the environment, economic policies, development strategies, social justice and the survival of all species."<sup>123</sup>

Women's perspectives must therefore be integrated at all levels of decision-making.<sup>124</sup> For this to happen, women must be represented in equal numbers in international organizations such as United Nations agencies and bodies, national governments, development agencies and economic bodies such as the World Bank and the International Monetary Fund. Although the need to involve women in decision-making about environmental issues was recognized by the international community at UNCED,<sup>125</sup> the proportion of women in UN bodies and national governments is still meager.<sup>126</sup> The international community must give priority to

<sup>121</sup> See *Women's Agenda 21*, *supra* note 36; See United Nations, *Report of the Fourth World Conference on Women: Beijing Declaration and Platform for Action*, 1995, UN Doc.A/CONF.177/20, online: <<http://www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en>> (last accessed: 30 January 2002) [hereinafter *FWCW Report*] at paras. 248 and 250; Commission on the Status of Women, *Report of the Secretary-General on the Preparations for the Fourth World Conference on Women - Action for Equality, Development and Peace: Review and Appraisal of the Implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women*, UN ESCOR, 1995, UN.Doc.E/CN.6/1995/3/Add.9, paras. 6 and 23 [hereinafter *CSW Report*]; UNDAW/UNSD/UNPF/INSTRAW, *Expert Group Meeting on Women: Population and Sustainable Development: The Road from Rio. Cairo and Beijing*, 1996, UN Doc.EGM/WPSD/1996/REP.1, para. 28 [hereinafter *Expert Group*].

<sup>122</sup> *FWCW Report*, *ibid.*, at para. 247; *Expert Group*, *ibid.*; *CSW Report*, *ibid.*, at paras. 1, 20.

<sup>123</sup> *Women's Agenda 21*, *supra* note 36.

<sup>124</sup> See *Agenda 21*, *supra* note 1, para. 24.7.

<sup>125</sup> *Ibid.*; see also *Convention on Biological Diversity*, *supra* note 1, preamble.

<sup>126</sup> Globally, only 10% of legislative bodies seats, and an even lower proportion of ministerial positions are held by women, despite the objective of 30% set by ECOSOC to be attained by 1995. See *FWCW Report* *supra* note 121, at para. 182; see also Joyner & Little, *supra* note 111 at 231-32; *CSW Report*, *supra* note 121, paras. 17, 41, 53: the situation is not better in developed countries where "a disappointing picture still prevails regarding the access of women to top decision-making in the field of the environment." However, it seems to be slowly improving: Paragraph 34 of that report states that many national reports have noted that the number of women in decision-making positions in ministries related to the environment and agriculture has increased (although it does not state the importance of the

attaining equality of representation in all legislative bodies at the international, national and local levels and progress must be stringently monitored and evaluated.<sup>127</sup> The need for equal representation is most urgent in areas affecting women such as environment, development and population, but must eventually be extended to all areas. Women need to be equally represented in "the management of financial and corporate institutions, whose decision-making most significantly affects environmental quality."<sup>128</sup> Furthermore, a new gender-sensitive model for exercising power would have to be developed so male negotiating tactics and strategies<sup>129</sup> would not disadvantage those women in decision-making positions.<sup>130</sup>

Further, considering the significant influence of women's organizations on legal institutions in addressing the environment,<sup>131</sup> they must obtain extensive support, as suggested by the Expert Group Meeting:

Given that empowerment of women is an issue of human rights and is essential to achieving sustainable and equitable development, and given critical role played by women's organizations in the move towards more sustainable development, the United Nations and other multilateral and bilateral donors should enhance their procedures for support to women's organizations, in all their diversity. In line with agreements in Rio, Cairo and Beijing, financial and in kind assistance to women's organizations should be increased in all areas of empowerment, including support to local women to relieve their burden of multiple roles.<sup>132</sup>

Moreover, women must actively participate in the implementation of international environmental conventions. Women's perspectives must be included

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increase).

<sup>127</sup> *Expert Group, supra* note 121, par. 73; the Expert Group argues for a 30% representation, and that this objective is relevant only for institutions (i.e. international institutions and national ministries) dealing with sustainable development and population (see par. 68). However, areas such as global trade and science, for example, which also indirectly affect the environment and women, are left out.

<sup>128</sup> *FWCW Report, supra* note 121 at para. 249.

<sup>129</sup> K. Knop, "Re/Statements: Feminism and Sovereignty in International Law" (1993) 3 *Transnat. and Contemp. Probs.* 293 at 305.

<sup>130</sup> *Expert Group, supra* note 121 at para. 71.

<sup>131</sup> *CSW Report, supra* note 121 at para. 13.

<sup>132</sup> *Expert Group, supra* note 121 at para. 79.

in the planning and carrying out of all development and conservation projects.<sup>133</sup> Every funding proposal should be scrutinized for the participation of women.<sup>134</sup> Additionally, more projects specifically targeting women, such as access to drinking water, upgrading technologies and other ways to reduce their work burden, should be designed.<sup>135</sup> Studies on the impacts of development projects on women and the environment must be carried out.<sup>136</sup> Finally, involving women at the local level must include "legal reforms, policy and administrative reforms to ensure women's equal rights to natural resources, including access to, ownership and control over land and other forms of property, credit, inheritance."<sup>137</sup> Although in my opinion this last idea perpetuates the anthropocentric view of Nature, it is nevertheless a realistic way of protecting Nature by giving more control over natural resources to women.

Finally and most importantly, a gender perspective must be mainstreamed into all decision-making, policies, programmes, and institutions relating to women's issues, the environment, development, economic and trade issues, and eventually into all areas of decision-making.<sup>138</sup> The Economic and Social Council of the United Nations defines gender mainstreaming as the following:

Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.<sup>139</sup>

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<sup>133</sup> *FWCW Report*, *supra* note 121, para. 254(b); *Expert Group*, *ibid.*, para. 81, although I must note here that the Expert Group argues for "gender mainstreaming," which takes into account both women and men equally.

<sup>134</sup> *Women's Agenda 21*, *supra* note 36; *FWCW Report*, *supra* note 121 at para. 254(b)(c).

<sup>135</sup> *Women's Agenda 21*, *ibid.*, suggests that half of development resources be targeting women specifically.

<sup>136</sup> *FWCW Report*, *supra* note 121 at paras. 256(b), 258(b); *Agenda 21*, *supra* note 1 at para. 24.8.

<sup>137</sup> *Expert Group*, *supra* note 121 at para. 86; see *FWCW Report*, *supra* note 121 at para. 35; *The Women's Agenda 21*, *supra* note 36, holds that these entitlements should be regarded as human rights.

<sup>138</sup> *Women in Development*, *supra* note 55.

<sup>139</sup> Economic and Social Council, *Report of the Economic and Social Council for 1997: Agreed Conclusions 1997/2*, ECOSOC, 1997, UN Doc. A/52/3, online: Division for the Advancement of Women <<http://www.un.org/womenwatch/daw/followup/main.htm>> (date accessed: 30 January 2002). The

Gender mainstreaming is perhaps the best way of addressing women's concerns, of including their voices and of ensuring their participation in the achievement of environmental protection, but must be carried out with the full and meaningful participation of women.

### *New relationship with Nature*

The key to the protection of the environment and to the fulfillment of basic needs of humans lies in a change of our collective and individual attitudes towards Nature. Ecofeminism points out that there are important connections between how our Western society has treated and continues to treat women, the poor, and people of colour on the one hand, and how it has plundered the earth and exploited its resources on the other. It is only when we come to change our view of humankind as separate from and above Nature, and we begin to act in accordance with the reality of the interconnectedness of all species, that we can hope to live in harmony with our environment and to stop the rape of the world.

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*Women in Development*, *supra* note 55, para. 9, provides policy-makers at all levels with guidelines on the integration of a gender analysis into economic policies noting the three underlying premises:

...first, the scope of economic activity includes both the paid and unpaid sectors of the economy; second, gender is one of the factors that mediates and shapes economic decision-making and the distribution of work, productive input, income and wealth; and third, institutions themselves are structures which produce and transmit gender biases that affect all economic relations.