

Sustainable Development and the SDGs: A Note on Current Development

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Abstract

Sustainable development, a new consensus on international development that aims to protect the environment and resources for future generations, is currently promoted on a global scale, as demonstrated by the United Nation's Sustainable Development Goals (SDGs). Sustainable development is an embodiment of noble reflections on the world's future, but it also presents considerable issues for developing countries that promote economic development to escape from poverty. The resource constraints faced by these developing countries create substantial difficulty for them to achieve a number of SDGs simultaneously. Also, the ways in which international financial organizations promote the SDGs, including SDG-related conditionalities attached to loans, may interfere with the right to self-determination and prevent developing countries from focusing on economic development to escape from pressing poverty. This note discusses these issues, on account of a recent article published in *Law and Development Review*, "Engendering Constitutional Realisation of Sustainable Development in Nigeria" by Peter Oniemola. This article adopts the rights-based approaches to sustainable development, and the note also offers a comment on this approach.

Keywords: Sustainable Development Goals (SDGs), developing countries, poverty, right to self-determination, development priorities

I. Introduction¹

Sustainable development, a new consensus on international development that aims to protect the environment and the world's resources for future generations, is currently promoted on a global scale, as demonstrated by the United Nation's Sustainable Development Goals (SDGs).² The SDGs include seventeen development goals, including relief of poverty; elimination of hunger; good health and well-being; quality education; gender equality; clean water and sanitation; affordable and clean energy; decent work and economic growth; industry, innovation, and infrastructure; reduced inequalities; sustainable cities and communities; responsible production and consumption; climate action; life below water; life on land; peace, justice, and strong institutions; and partnerships for the goals.³ The seventeen goals are supported by 169 targets, each of which has between one and three indicators to measure progress toward reaching the targets.⁴

Sustainable development, currently being implemented as the SDGs, is an embodiment of noble reflections on the world's future, but it also presents considerable issues for developing countries that promote economic development to escape from poverty. As listed above, the SDGs include a vast array of development goals and targets and require a massive amount of resources for their realization. The cost of implementing the SDGs globally has been estimated at US\$ 2.5 trillion per year,⁵ and the financial burden exceeds the capabilities of the developing countries. In the case of Nigeria, for example, the cost to implement the SDGs amounts to US\$ 337 billion for the period between 2019 and 2022, and this amount is over eleven times the annual government budget of Nigeria.⁶ International aid might be available but is unlikely sufficient to cover the enormous cost. The resource constraints faced by these developing countries create substantial difficulty for them to achieve

1) Parts of this note have been presented as a keynote speech at the Asia Legal Information Network (ALIN) International Conference, Chulalongkorn University Faculty of Law, August 28, 2019.

2) See United Nations, *Sustainable Development*, available at: <<https://www.un.org/sustainabledevelopment/sustainable-development-goals/>>, accessed March 29, 2019.

3) *Ibid.*

4) *Ibid.*

5) AIDDATA, *Realizing Agenda 2030*, available at: <<https://www.aiddata.org/sdg>>, accessed March 31, 2019.

6) Peter Oniemola and Oyinkan Tasie, *Engendering Constitutional Realization of Sustainable Development in Nigeria*, 13 *Law and Development Review*, no. 1 (2020), 159-191.

the SDGs.

In addition to the cost issue, the ways in which international financial institutions (IFIs) promote the SDGs raises a concern; the methods such as SDG-related conditionalities attached to loans⁷ may interfere with the right to self-determination and prevent developing countries from focusing on economic development to escape from pressing poverty. Given the extensive range of the SDGs and their numerous targets, coupled with the massive cost of implementation, it would be impossible for most developing countries to implement all the SDGs and their targets simultaneously in equal strength; sequencing and prioritizing will be inevitable. Each developing country should be free to prioritize the development goals that it considers most important, such as the relief of poverty and economic development. This note discusses these issues, on account of a recent article published in *Law and Development Review*, “Engendering Constitutional Realisation of Sustainable Development in Nigeria” by Peter Oniemola, This article adopts the rights-based approaches to sustainable development, and the note also offers a comment on this approach.

II. Evolvement of “Sustainable Development”

Since the age of the Industrial Revolution, industrialization and economic development have progressed with significant implications for the environment. Mass production, increasing use of energy, and resulting industrial wastes have put enormous pressure on global resources and the environment. The alarming extent of the environmental damage, the climate change, resource depletion, and the loss of biodiversity have raised a concern that much of the damage will be irreversible and thereby compromise the future generation’s ability to meet their needs. Thus, the concept of “sustainable development” was introduced in the 1987 WCED (World Commission on Environment and Development) report, “Our Common Future” (Brundtland

7) See e.g. Brettonwoods Project, *What are the main criticisms of the World Bank and the IMF?* (June 4, 2019), available at: <<https://www.brettonwoodsproject.org/2019/06/what-are-the-main-criticisms-of-the-world-bank-and-the-imf/>>, accessed July 24, 2019. See also, Dimitri Van Den Meerssche, *The Evolving Mandate of the World Bank: How Constitutional Hermeneutics Shaped the Concept and Practice of Rule of Law Reform*, 10 *Law and Development Review*, no. 1 (2017), 89-118.

Report), as an alternative development paradigm.⁸ The term, “sustainable development,” was defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”⁹

Since the Brundtland Report, “sustainable development” has been subject to an extensive discourse. The U.N. Conference on Environment and Development (UNCED) 1992 clarified that the world’s environmental problems are intimately linked to economic conditions and issues of social justice.¹⁰ The UNCED highlighted three main dimensions to sustainable development – environment, economic, and social, with a conclusion that the social, environmental and economic needs must be met in balance with each other for sustainable development.¹¹ The Millennium Summit in September 2000 placed the relief of poverty at the core of the development discussion, which led to the elaboration of eight Millennium Development Goals (MDGs) to reduce extreme poverty by 2015, addressing the issues of income poverty, hunger, disease, exclusion, lack of infrastructure, gender equality, education, health, and environmental sustainability.¹² Despite the focus on economic development, the message of ecological sustainability was maintained in the MDGs.¹³

The United Nations Conference on Sustainable Development in Rio de Janeiro, Brazil, in June 2012 discussed the post-MDGs agenda, with an agreement to launch a process to develop a set of more extensive development goals labeled as the “SDGs.”¹⁴ The adopted report, *Future We Want*, advocates a green economy capable of providing a firm foundation for social, economic and environmental wellbeing.¹⁵ There was growing international support for sustainable development. For example, over US\$ 500 billion was mobilized to finance sustainable development, and over 700 voluntary commitments by civil

8) World Commission on Environment and Development (WCED), *Our Common Future* (Oxford: Oxford University Press, 1987), at 11.

9) *Ibid.*

10) UNCED, *Rio Declaration on Environment and Development*, available at: <<https://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>>, accessed April 3, 2019.

11) *Ibid.*

12) United Nations, *Millennium Declaration*, A/RES/55/2, available at: <<http://www.un.org/millennium/declaration/ares552e.htm>>, accessed April 3, 2019.

13) *Ibid.*

14) *Supra* note 2.

15) United Nations, *The Future We Want*, A/CONF.216/L.1 (2012).

society groups, businesses, governments, and universities were made to support sustainable development.¹⁶ These efforts culminated in the final process for the agreement of the SDGs: in January 2015, the General Assembly began the negotiation process on the post-2015 development agenda, leading to the adoption of the 2030 Agenda for Sustainable Development in September 2015, with the seventeen SDGs at its core.

Three decades after the adoption of the Brundtland Report, the concept of “sustainable development” is still in the process of evolvement, and there is no universal understanding of its precise meaning. A year after the Brundtland Report, Pearce identified at least twenty-five definitions that had been reported by 1988.¹⁷ A decade after, Fowke and Prasad identified at least 80 different, often competing or contradictory, definitions of sustainable development.¹⁸ The vast range of development goals and targets included in the SDGs¹⁹ has expanded the conceptual parameters of “sustainable development” and not helped at all narrow down the range of possible definitions. Despite the lack of clarity and diversity of topics now covered under the umbrella of “sustainable development,” it seems that environmental protection is still at the core.²⁰ However, the discourse inevitably extends into various other areas, as witnessed at the summits and conventions, because there are other dimensions (*e.g.*, economic and social) that affect environmental protection.

Sustainable development addresses the global agenda, but the concept fails to address local variances that should have been contemplated at the beginning of the discourse. The world may share the “Common Future” as a result of the environmental implications of industrialization and development, but it does not share the “Common Past.” The requirements of sustainability and each country’s responsibility are not identical across the board. The requirements and responsibilities for developed and other advanced developing countries, where decades and even centuries of industrialization led to the economies that consume a disproportionate share of world resources and have made a disproportionate impact on the environment, cannot be identical to those for the

16) *Ibid.*

17) D. Pearce, A. Markandya, and E. B. Barbier, *Blueprint for a Green Economy* (London: Earthscan, 1989), at 28.

18) R. Fowke and D. Prasad, *Sustainable Development, Cities and Local Government*, 33 *Australian Planner* (1996), at 63.

19) *Supra* note 2.

20) The core of the concept is currently understood as environmental protection and sociopolitical agenda promoted by the West.

smaller developing countries where there has been no significant industrialization with little responsibility over the global environmental damage and resource depletion. What is sustainable (or “feasible” as further discussed in the next section) in one country may not be in another with very different socioeconomic conditions, and “sustainable development” must address this diversity on its conceptual level. The current concept, which does not address these differences, seems to reflect the neoliberal standpoint of the 1980s – one size fits all – that proves to be increasingly inapplicable.

III. Resource Constraints and SDGs

The implementation of the seventeen SDGs and 169 targets are an extremely costly undertaking that requires a massive amount of resources. As discussed in the introduction, the cost of implementation is estimated at US\$ 2.5 trillion per year,²¹ and the amount well exceeds the financial capabilities of developing countries. The SDGs and the numerous targets are a long list of ideal development objectives, which could very well be applicable to improve the conditions of some of the developed countries, as well as developing ones. The stated goals and tasks are well beyond achieving the adequate subsistence level and providing access to essential services required to sustain life and support the society at the minimum level (*e.g.*, access to clean water, basic sanitation and elementary-level education) that are sorely lacking for many developing countries. The SDGs do not take into account the large differences that exist among developing countries in terms of the level of development but impose uniform development goals and targets regardless of their substantial costs that most of developing countries cannot afford.

For example, the cost to implement the SDGs in Nigeria reportedly amounts to US\$ 337 billion from 2019 to 2022, and this amount is over eleven times Nigeria’s annual government budget.²² Any serious attempt to meet the SDGs and their targets would likely put enormous pressure on the limited financial resources and personnel capacity in most developing countries currently facing resource constraints. International aid might be available (over US\$ 500 billion was raised to finance sustainable development, and over 700 voluntary commitments by civil society groups, businesses, governments, and universities

21) AIDDATA, *supra* note 5.

22) Oniemola and Tasie (2020), *supra* note 6.

were made to support the SDGs²³), but international aid is unlikely sufficient to cover the large cost. Due to the resource constraints, sequencing and prioritization would be inevitable, and developing countries will have to choose the most pressing and financially feasible priorities among the SDGs and targets. A better approach would have been to create separate sets of the SDGs and targets in accordance of the level of development,²⁴ in full consideration of the financial, administrative, and technical capacities of the developing countries in each group.

The reality of resource constraints suggests that the rights-based approaches to development are not feasible with respect to most developing countries facing resource constraints. A recent study by Peter Oniemola and Oyinkan Tasie, “Engendering Constitutional Realization of Sustainable Development in Nigeria,” argues that Nigerian constitution supports sustainable development, and a clause in the constitution (Section 6(6)(c)) that precludes courts from adjudicating claims arising from the constitutional provision that protects sustainable development (Chapter 2) must be removed.²⁵ This study supports the rights-based approaches to development: *i.e.*, the rights under sustainable development should be enforced by courts.²⁶ As seen above, implementing the SDGs in Nigeria places the financial burden (US\$ 337 billion) that cannot be met with the country’s financial resources. Thus, if the rights-approaches were to be adopted and if courts should decide on claims on sustainable development accordingly, the government will be forced to implement a program that may well be financially unfeasible. Section 6(6)(c) of the Nigerian constitution has legitimacy on this ground.

IV. Sustainable Development and the Right to Self-Determination

Lastly, the promotion of the SDGs by intergovernmental organizations, such

23) OECD, *supra* note 15.

24) For stages of economic development, see Yong-Shik Lee, *General Theory of Law and Development*, 50 Cornell International Law Journal, no. 3 (2017), 415-471, at 440, n. 146; and Yong-Shik Lee, *Law and Development: Theory and Practice* (Abington: Routledge, 2019), at 44 n. 259.

25) Oniemola and Tasie (2020), *supra* note 6.

26) *Ibid.*

as the World Bank, might lead to breach of the right to self-determination. The right to self-determination, which is embodied in the Charter of the United Nations,²⁷ is the right of peoples to determine their political status independently and freely pursue their economic, social and cultural development.²⁸ The international community may suggest a particular set of development goals and objectives, such as the SDGs, for the good of humanity, but the imposition of present goals and objectives is a potential breach of the right to self-determination. The problematic imposition could take place in the following manners. First, if the IFIs, such as the World Bank, attach SDG-related conditionalities to the loans that it makes to particular countries, such conditionalities could become an imposition that is not consistent with the right to self-determination. IFIs have used conditionalities related to governance and the protection of the environment.²⁹ Although the IFIs have justified the use of conditionalities for its need to ensure proper use of the loan,³⁰ the conditionalities have also worked to reduce the autonomy of the recipient countries to pursue development as it deems most appropriate for themselves, as guaranteed under the right to self-determination.

Secondly, a potential breach may take place in the form of indirect imposition or pressure; for example, the promotion of the SDGs with a publicized evaluation of each country's performance under the SDG goals and targets or any other form of promotion that creates political pressure on the subject countries might also be inconsistent with the right to self-determination. A claim that sustainable development has assumed the status of international law would also be inconsistent,³¹ except, perhaps, for the cases of clear environmental damage across the borders. As discussed above, the precise content of sustainable development has never been agreed upon, and all of the seventeen SDGs and their numerous targets, implementation of which will

27) *Charter of United Nations* (1945), art. 1.2, available at: <<https://treaties.un.org/doc/publication/ctc/uncharter.pdf>>, accessed April 3, 2019.

28) UNPO, *Self-determination* (September 21, 2017), available at: <<https://www.unpo.org/article/4957>>. See also, *International Covenant on Civil and Political Rights*, G.A. Res. 2200A (XXI) (Dec. 16, 1966), art. 1.1; *International Covenant on Economic, Social and Cultural Rights*, G.A. Res. 2200A (XXI) (Dec. 16, 1966), art. 1.1.

29) For a relevant discussion, see Meerssche (2017), *supra* note 7.

30) *Ibid.*

31) P. Sands, "International Law in the Field of Sustainable Development: Emerging Legal Principles", in W. Lang, (ed.), *Sustainable Development and International Law* (Oxford: Oxford University Press, 1999), at 53.

require a massive amount of resources exceeding the financial capability of most countries, could certainly not have attained any status under international law. The ambiguities and uncertainties about the content and scope of sustainable development render the latter incapable of being enforceable under international law. The goals and targets must remain as such and should not be required or imposed on developing countries, many of which face serious resource restraints and must be allowed to reserve limited resources and to focus on the most pressing development needs, such as relief of poverty and sorely needed economic development.

V. Conclusions: Setting Priorities and Sequences

Sustainable development and the SDGs are an outcome of noble reflections on the world's future. However, it is not possible for developing countries facing resource constraints to undertake all of the SDGs and their tasks simultaneously in equal strength due to the enormity of the cost and resource requirements to implement them. Sequencing and prioritization would, therefore, be inevitable, and the international community must support this approach. The uniform SDGs and targets may not meet the varied development needs of the developing countries undergoing vastly different stages of development, and each country should be allowed to focus on its most pressing development needs, as guaranteed under the right to self-determination. It is still the case that many developing countries have not yet achieved the level of development that meets the basic subsistence needs of their people. For these countries, it only stands to reason that meaningful development has to take place before one may question its sustainability. With no development in place, there is nothing to sustain.

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