

CHAPTER 1
SUSTAINABLE DEVELOPMENT AND THE UNITED STATES

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This book is about the meaning of an essential and challenging idea for the United States: sustainability.

Sustainable development is among the most important ideas to come out of the twentieth century—and it may be, in the long run, the most important. Sustainable development deserves that label because it provides a framework for humans to live and prosper in harmony with nature rather than, as we have for centuries, at nature's expense. Everything we care about—a growing economy, human wellbeing, and security—is compromised, undermined, or lessened by environmental degradation. Conversely, a cleaner environment contributes to a greater quality of life, a growing economy, and more security

The United States, as we know, has the world's biggest economy, the world's most powerful military, impressive scientific and technological capability, a system of higher education that draws students from every continent, and considerable (if recently diminished) moral and political influence.

This book evaluates recent U.S. actions from a sustainable development perspective and, of greater importance, provides a roadmap or agenda for sustainability for the next five to ten years. While most of us have at least a vague idea that the United States (along with the rest of the world) is not on a sustainable course, we do not have a

particularly clear idea of what to do. This book's forty-one contributing authors provide a detailed and comprehensive answer to the big question: What does sustainable development mean for the United States?

We live in times of growing danger and growing opportunity. The world's population is likely to increase by about three billion in the next half century,¹ and the world's economy is projected to increase to four to five times its present size in the same period.² Yet with today's population and today's economy, the overall condition of Earth's ecosystems, on which human life and wellbeing depend, is worsening. In addition, the 2.6 billion people (40 percent of the world's population) who now live on less than two dollars per day³ should have an opportunity to improve their lives. The sooner we act to put the United States on a more sustainable course, the more likely we are to be able to ensure a better quality of life for those who follow us. The longer we wait, the fewer choices we will have, and the greater dangers we will face. Time is not a renewable resource.

Sustainability draws on a long (albeit too sparse) history of humans living harmoniously with the rest of creation in specific places or contexts. Some indigenous peoples have lived for millennia without damaging their surrounding environment. More recently, many modern societies have been successful in protecting parts of the environment, or reducing or eliminating particular ecological threats, for the benefit of future generations. But until the United Nations Conference on Environment and Development, commonly known as the Earth Summit, in 1992 in Rio de Janeiro, the nations of the world had never committed themselves to *systematically* pursuing sustainable development in all places and contexts. The audacity of the project—a set of

principles known as the Rio Declaration⁴ coupled with a global plan of action called Agenda 21⁵—is exemplified by the commitment made by virtually every nation to implement these principles and action plan. These commitments have given global visibility to the idea of sustainable development.

As Agenda 21 made clear, sustainable development needs to be realized in the particular economic, natural, and other setting of each specific country.⁶ And the United States will move toward sustainability, or not, only if it is more beneficial to us than conventional development. We will not do it because we agreed to do it at an international conference, or because it is the right thing to do, or because we care about the environment, although these motivations are important. We will move toward sustainability only if—and then because—it makes both us and our descendants better off.

This book starts with a simple but powerful premise: *Sustainable development would make the United States more livable, healthy, secure, and prosperous.* Policies that promote sustainability would reduce risks to our national security, improve our economic efficiency and productivity, enhance our health and communities, improve the lives of the poorest among us, and foster greater human wellbeing in other countries. And it would achieve these things while protecting and restoring the environment for our generation and for generations that follow.

The Rio agreements also make clear that developed countries must lead the effort to achieve sustainability; they have the most resources, the most sophisticated technologies, the greatest know-how—and also the greatest responsibility for causing many of the environmental problems that sustainable development addresses. While all

countries have a role to play, developed countries have the greatest responsibility. And among the developed countries, the dominant nation—in economic, military, educational, scientific, and technological terms—is the United States.

This country thus has a major role to play. Our nation’s global energy, ecological, and economic footprint is so large that it is difficult to imagine how the world can achieve sustainability unless the United States also does. We can lead or follow, but we are too big to get out of the way. What we do within our own borders, moreover, can influence other countries, both positively and negatively. We can create models of sustainability that are so attractive that other countries will want to emulate or improve on them. Or, by appearing fearful or indifferent in spite of our wealth and power, we can dissuade less wealthy and powerful countries from doing what they also need to do.

For better and for worse, the success or failure of the United States in moving toward sustainability will influence and perhaps determine whether the rest of the world succeeds in the project of sustainable development. The ancient Greek mathematician Archimedes famously said, “If I had a lever big enough, I could move the world.” The United States could be that lever for sustainable development. This book is going to press as the United States is in its sixth year of the war in Iraq, which has undermined America’s standing in the eyes of many. In addition, our status as the “one great superpower” is likely to change with the growth of Chinese and Indian economic and political power and the continuing integration of Europe. Because of America’s global footprint and its history of international leadership on other issues, however, the United States could—and should—take a leadership role on sustainable development.

Understanding Sustainable Development

Although there are many definitions of sustainable development, the most important is the one that has been approved by the world's nations, including the United States, at several summit meetings. This definition first requires an historical understanding of “development,” the word that “sustainable” modifies.

The United States led an effort at the end of World War II to create an international system based on economic development, human rights, and peace and security, all grounded on good governance and the rule of law.⁷ We worked to establish the United Nations, certain in our conviction that an effective international organization was needed to ensure peace and security. We conceived and provided most of the funding for the Marshall Plan, which played a key role in the reconstruction of Europe. We helped found the major institutions and treaties that ensure the stability of the global economy: the International Monetary Fund, the General Agreement on Tariffs and Trade, and the World Bank. We helped draft the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948, which provides the foundation for major human rights treaties. Taken together, these things—peace and security, economic development, and human rights—constitute development as the term is internationally understood. Development is intended to promote human opportunity, quality of life, and freedom. And development has done just that: The global economy has grown, creating greater wealth for more people; there has been no third world war; people are living longer in many nations; and people are better educated. These achievements, of course, are not simply of interest to specialists. They capture what we mean by progress.

But these international agreements and this framework did not address the environment and natural resources, and tacitly accepted the then-prevailing view that environmental degradation is not serious or can be managed. This kind of blindness to environmental problems existed because we either did not look for them or did not treat seriously what we saw. When we do look, we now see that environmental conditions around the world are deteriorating. Conventional development has come with a price, and it is a price we can no longer afford to pay.

Sustainable development adds environmental protection and restoration to the post-World War II international system's goals of economic development, peace and security, and human rights. Environmental degradation is longer the price of progress; environmental protection and restoration is part of what progress means. But sustainable development also recognizes that the historical goals of development—the quality of human life, opportunity, and freedom—should continue to be our ultimate objectives. Sustainable development is ecologically sustainable human development. Because of several global conferences, it is now the internationally approved framework for maintaining and improving the human condition.

In 1983 the U.N. General Assembly created the World Commission on Environment and Development (known as the Brundtland Commission) to address growing concerns “about the accelerating deterioration of the human environment and natural resources and the consequences of that deterioration for economic and social development.”⁸ The Commission's 1987 report, *Our Common Future*, provides what is still the best known definition of sustainable development: “Development that meets the needs of the present without compromising the ability of future generations to meet their

own needs.”⁹ The Commission concluded that sustainable development would provide a way for the world to address environmental degradation and poverty, and that the two problems are inextricably linked. Poverty contributes to environmental degradation, and environmental degradation contributes to poverty. *Our Common Future* also provides two additional clues to the meaning of sustainable development. First, unsustainable development occurs when there is increasing poverty and environmental degradation. Second, we will know that we are on the road to sustainability when poverty diminishes and environmental conditions improve.

American experience provided much of the intellectual foundation for this report. The conservation movement in the United States in the early twentieth century showed that the productivity of U.S. agriculture, for example, depended on soil conservation, and that the continued availability of municipal water supplies required protection of the watersheds from which the water flowed. Sustainable development applies conservation to a broader range of issues.¹⁰

The 1992 Earth Summit was convened in Rio de Janeiro in response to *Our Common Future*. At the Earth Summit, where the United States and other countries approved the Rio Declaration and Agenda 21, each nation agreed to work toward sustainable development within its own borders and as part of its international activities. Agenda 21 is divided into four sections covering social and economic issues, conservation and management of natural resources, the role of major groups, and the means of implementation. Each of its forty chapters includes recommended actions for governments and others on subjects as diverse as poverty, production and consumption patterns, deforestation, waste management, and the role of business and industry.

Of the twenty-seven principles in the Rio Declaration adopted at the Earth Summit, the key action principle is integrated decision making. Conventional development decisions by governments and private actors—for transportation projects or economic development, for example—must be based on environmental considerations and result in environmental protection.¹¹ Other Rio principles include reduction of unsustainable production and consumption patterns, appropriate population policies,¹² the precautionary approach (i.e., that the lack of complete scientific certainty on environmental matters should not be used as an excuse for delaying action),¹³ common but differentiated responsibilities (i.e., all countries are responsible for sustainable development but developed countries have a greater responsibility because of their impact and capabilities),¹⁴ intergenerational equity,¹⁵ and public participation and access to justice.¹⁶

Finally, countries also agreed at Rio that there ought to be periodic reviews of progress toward sustainable development. Agreements without follow-up and evaluation, they reasoned, mean nothing at all. Toward that end, they created the Commission on Sustainable Development,¹⁷ which meets annually to review progress on specified topics.

The international commitment to Agenda 21 and the Rio Declaration was reaffirmed at the 2002 World Summit on Sustainable Development in Johannesburg.¹⁸ And the Johannesburg Plan of Implementation moved the sustainable development agenda forward in two important ways. First, it gave greater attention to poverty, describing poverty eradication “as the greatest global challenge facing the world today and an indispensable requirement for sustainable development.”¹⁹ Less than two years earlier, the U.N. General Assembly adopted the Millennium Development Goals

(MDGs). Although the MDGs addressed security, environment, and human rights, they are perhaps most influential for their ambitious poverty-reduction agenda, including halving by 2015 the fraction of the world's population that earns less than one dollar per day.²⁰ At the Johannesburg summit, nations explicitly reaffirmed the world's commitment to the MDGs.²¹

Second, the Johannesburg Plan of Implementation also relied more on partnerships for implementation than does Agenda 21. The premise is that national and international goals should not and cannot be achieved by governments alone but by governments acting together with nongovernmental organizations and the private sector.²²

In truth, the goals of environmental protection and poverty reduction coexist in uneasy tension. Developed countries bring the environmental protection agenda to the table because of problems such as climate change, to which their own high level of development has disproportionately contributed. Countries such as China and India have been more concerned about economic development because of their lower development levels and much greater poverty. Yet the world's finite ability to absorb environmental degradation and the obvious needs of the world's poor make both environmental protection and poverty reduction necessary. For that reason, most governmental and nongovernmental entities involved in sustainable development are working for both environmental protection and poverty reduction.

Of course, there continue to be questions about the meaning of sustainable development.²³ The Rio Declaration, Agenda 21, and the Johannesburg Plan of Implementation provide a set of internationally endorsed principles and actions that help

define the meaning of sustainable development for specific contexts. While some continue to search for a single and more precise definition, that search is probably misguided. Sustainable development may not be open to a more specific meaning any more than concepts like freedom or democracy.²⁴ We all have a general idea of what freedom and democracy mean; each embraces a set of core principles, and we can surely identify obvious examples of unsustainable development or the absence of democracy. The challenge in any given situation, however, is to determine what is necessary to achieve sustainable development. Disputes about the sustainability of a particular project or activity are inevitable, but a more precise rendering of the term is not likely to help resolve them.²⁵ We will define and further sustainable development, in other words, by the actions we take and by what we learn from those actions.

The security dimensions of sustainability also raise questions, particularly for those who see sustainability as having just three substantive components—environment, economy, and equity (or social). Yet peace and security are part of the Earth Summit agreements. The Rio Declaration states: “Warfare is inherently destructive of sustainable development.”²⁶ It also states: “Peace, development and environmental protection are interdependent and indivisible.”²⁷ These conclusions are deeply rooted in both common sense and human experience; most activities are difficult or impossible in the absence of peace and security. At the same time, under the Rio texts, security does not trump sustainability’s other dimensions. For many domestic issues, in fact, where decisions may have little or no effect on security, it is fine to limit a discussion to sustainability’s economic, social, and environmental dimensions. But even here, as we were tragically reminded on 9/11, peace and security provide a foundation.

Is sustainable development a destination, or is it a journey? The destination is a society in which the ordinary effects of human activity protect and restore the environment and minimize or eliminate poverty. That is plainly not the world we have today, and in that sense sustainable development is a destination. The journey toward a sustainable society should not be confused with the destination itself, any more than a traveler from the United States to Europe should confuse the plane ride with the continent. Yet we are not likely to get to this destination in a generation, or even in our lifetimes; it may take until mid-century before we can say we have even made a transition to sustainability.²⁸ Most if not all of our time and energy, in other words, will be devoted to the journey, away from activities that are less sustainable toward those that are more sustainable. While it is appropriate to focus our efforts on the journey, we should not confuse it with the destination.

The destination versus journey question is not just about the choice of a metaphor; it goes to the heart of what sustainable development means. In a world where most of our activities have some negative environmental impact, actions that merely reduce our negative impact are better—and could be labeled as steps toward sustainability—but they are probably not sustainable. In fact, the idea of sustainable development emerged as a reaction to continuing environmental degradation. In a sustainable society, by contrast, an ordinary effect of human behavior will be to protect and restore the environment.

Finally, sustainable development raises profound questions about our ethical or religious duties toward other humans. When projects and activities pollute the air or otherwise hurt the environment, they almost always harm other people sooner or later.

Similarly, when we make serious progress toward a sustainable society, we will make ourselves and future generations better off.

Plan and Purpose of the Book

This book assesses U.S. efforts on sustainable development since the 2002 Johannesburg Summit.²⁹ The period after 2002 nearly coincides with the time since the September 11, 2001, terrorist attacks, and it includes most of the George W. Bush presidency. The assessment is needed to understand where we are and where we are heading.

This book also offers recommendations for the next five to ten years, when a new president will be in office. The recommendations are needed to help us understand what we need to do in the near future to make progress toward sustainability. The journey toward sustainability will likely take a much longer time than the next five to ten years, but implementation of these near-term recommendations would put us well on our way. The book focuses on law and policy because law and policy provide much of the structure for our society and the decisions we make. Changing laws and policies is an obvious and important way to move toward sustainability.

Although the book addresses the international activities of the United States, it is primarily focused on domestic actions. For the United States, international leadership on sustainable development is less about what we tell other countries than what we do at home. The United States could also have a profound effect on other countries by creating attractive and compelling models of sustainability.

The contributors to this book bring extraordinary expertise in their particular fields. Their chapters cover a wide range of topics, focusing mostly on the environmental dimension of sustainability (as opposed to, for example, economic and social sustainability or its national security aspects).

Each chapter describes what sustainable development means and does not mean for that particular topic, describes and assesses sustainable development efforts in the United States since 2002, and makes specific recommendations for the next five to ten years. The contributing authors explicitly or implicitly use Agenda 21, the Rio Declaration, and other internationally agreed texts to determine the meaning of sustainability for their topic. Readers may or may not agree with each of the recommended actions, but the proposals provide a platform for a constructive dialogue on how to proceed.

Section I includes two chapters that summarize the findings and recommendations contained in this book—a report card on U.S. progress since 2002 and an overview of the book’s recommendations, or agenda, for a sustainable America. Section II focuses on six areas where the most progress has been made since 2002: local governance, brownfields redevelopment, business and industry, colleges and universities, kindergarten through 12th grade education, and religious organizations. These are not the only areas where progress has been made, and the choice of which areas to include is a judgment call. In fact, the authors in each of these chapters identify major efforts that are still needed. The point of this section is to not only to show that there is some good news, but to stimulate questions about why we are making more progress in these areas, and what can be

learned from these areas that could be applied elsewhere. The rest of the book is organized by topic.

The theologian Thomas Berry has said that ecologically sustainable human development is the “Great Work” in front of us—our challenge and opportunity to make a significant contribution to the human venture.³⁰ The challenges of sustainable development are different from other challenges we have faced, and are perhaps more difficult as a result. Yet they also provide considerable opportunities—not only economic opportunities but also opportunities for greater international cooperation and for a society that more consciously and effectively protects the interests and wellbeing of present and future generations.

The decisions we make about sustainable development are defining decisions for the United States. They are decisions about who we are, what we want, what we value, and how we want to be remembered.

With this book, the question is no longer whether there is a way for the United States to achieve sustainability.³¹ The question instead is whether we are willing to summon what is best about us—our ingenuity, creativity, determination, capacity for hard work, cooperative spirit, sense of fairness, and compassion for those who follow us—to do the great work of achieving a sustainable America. The road map contained in this book provides a point of departure for the rest of the journey.

¹ U.S. Census Bureau, International Data Base, Total Midyear Population for the World: 1950–2050, available at www.census.gov/ipc/www/idb/worldpop.html (projecting 2050 population of 9.5 billion).

² NAT'L RESEARCH COUNCIL: OUR COMMON JOURNEY: A TRANSITION TOWARD SUSTAINABILITY 70 (1999)

³ U.N.DEVELOPMENT PROGRAMME, HUMAN DEVELOPMENT REPORT 2007/2008, at 25 (2007).

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- ⁴ U.N. Conference on Environment and Development (UNCED), Rio Declaration on Environment and Development, U.N. Doc. A/CONF.151/5/Rev.1, 31 I.L.M. 874 (1992) [hereinafter Rio Declaration].
- ⁵ UNCED, Agenda 21, U.N. Doc. A/CONF.151.26 (1992) [hereinafter Agenda 21].
- ⁶ *Id.* at para. 1.6.
- ⁷ ELIZABETH BORGWARDT, *A NEW DEAL FOR THE WORLD: AMERICA'S VISION FOR HUMAN RIGHTS* (2005); GREG BEHRMAN, *THE MOST NOBLE ADVENTURE: THE MARSHALL PLAN AND THE TIME WHEN AMERICA HELPED SAVE EUROPE* (2007); STEPHEN C. SCHLESINGER, *ACT OF CREATION: THE FOUNDING OF THE UNITED NATIONS* (2003).
- ⁸ G.A. Res. 41/187, pmbi., U.N. Doc. A/RES/41/187 (Dec. 11, 1987).
- ⁹ WORLD COMM'N ON ENV'T & DEV., *OUR COMMON FUTURE* 43 (1987).
- ¹⁰ INT'L UNION FOR CONSERVATION OF NATURE & NATURAL RES., *THE WORLD CONSERVATION STRATEGY: LIVING RESOURCE CONSERVATION FOR SUSTAINABLE DEVELOPMENT* (1980).
- ¹¹ Rio Declaration, *supra* note 4, at princ. 4 (“In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.”); John C. Dernbach, *Achieving Sustainable Development: The Centrality and Multiple Facets of Integrated Decisionmaking*, 10 IND. J. GLOBAL LEG. STUD. 247 (2003).
- ¹² Rio Declaration, *supra* note 4, at princ. 8.
- ¹³ *Id.* at princ. 15.
- ¹⁴ *Id.* at princ. 7.
- ¹⁵ *Id.* at princs. 3 & 21.
- ¹⁶ *Id.* at princ. 10.
- ¹⁷ Agenda 21, *supra* note 5, at paras. 38.11 & 38.13.
- ¹⁸ World Summit on Sustainable Development (WSSD), Plan of Implementation (2002), available at www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/WSSD_PlanImpl.pdf.
- ¹⁹ *Id.* at para. 7.
- ²⁰ G.A. Res. 55/2, U.N. Doc. No. A/RES/55/2 (2000), available at www.un.org/millennium/declaration/ares552e.pdf.
- ²¹ WSSD Plan of Implementation, *supra* note 18, at para. 1.
- ²² *Id.* at para. 3.
- ²³ See, e.g., David G. Victor, *Recovering Sustainable Development*, FOREIGN AFF., Jan./Feb. 2006, at 91.
- ²⁴ Michael Jacobs, *Sustainable Development as a Contested Concept*, in FAIRNESS AND FUTURITY, ESSAYS ON ENVIRONMENTAL SUSTAINABILITY AND SOCIAL JUSTICE 21, 25 (Andrew Dobson ed., 1999).
- ²⁵ *Id.* at 25–26.
- ²⁶ Rio Declaration, *supra* note 4, at princ. 24.
- ²⁷ *Id.* at princ. 25.
- ²⁸ OUR COMMON JOURNEY, *supra* note 2, at 7.
- ²⁹ This book is a successor to *STUMBLING TOWARD SUSTAINABILITY* (John C. Dernbach ed., 2002), a much larger volume published just before the Johannesburg Summit. *STUMBLING TOWARD SUSTAINABILITY* assessed United States efforts in the ten years after the 1992 Earth Summit and, like this volume, made recommendations for the next five to ten years. Both are efforts by and for Americans to understand what sustainable development can and should mean in an American context. These two volumes represent the only nongovernmental effort to assess U.S. sustainable development efforts in a continuous and comprehensive manner.
- ³⁰ THOMAS BERRY, *THE GREAT WORK: OUR WAY INTO THE FUTURE 2* (1999). “The Great Work now, as we move into a new millennium, is to carry out the transition from a period of human devastation of the Earth to a period when humans would be present to the planet in a mutually beneficial manner.” *Id.* “What is needed is a sustainable way of life.” *Id.* at 114.
- ³¹ And its predecessor, *STUMBLING TOWARD SUSTAINABILITY* (John C. Dernbach ed., 2002).