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named after Abylai Khan

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PROJECT WORK

PROJECT TITLE: “THE ELEMENTS OF SUSTAINABLE
DEVELOPMENT”

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PLAN:

- What is sustainable development?
- The elements of sustainable development;

➤ Sustainable Development ➤

- **Sustainable development (SD)** is defined in the Brundtland Report as “development that meets the needs and aspirations of the present without compromising the ability of future generations to meet their own needs”. Thus, sustainable development is the organizing principle for sustaining finite resources necessary to provide for the needs of future generations of life on the planet. It is a process that envisions a desirable future state for



- The Brundtland report and Principle 27 of the Rio Declaration called for “further development of international law in the field of sustainable development”. Various studies have considered the relationship between sustainable development and international law, including inter alia, the 1987 WCED Principles on Environmental Protection and Sustainable Development; the 1995 UN CSD Principles of International Law of Sustainable Development; the 2000 IUCN International Covenant on Environment and Development; and 2002 ILA New Delhi Declaration of Principles of International Law Relating to Sustainable Development.



The elements of sustainable development in International Law

- 1. Sovereignty over natural resources;
- 2. The sustainable use of natural resources;
- 3. The precautionary approach;
- 4. Common but differentiated responsibility;
- 5. The right to development;
- 6. Integration and interrelationship, and
- 7. Public participation.

1. Sovereignty over natural resources

- The principle of sovereignty over natural resources entails a right of States to exploit their own natural resources and a duty to protect the environment. However, the precise content of the principle differs from one instrument to the other. Article 1(2) of the 2002 ILA New Delhi Declaration stipulates that:
- *“It is a well-established principle that, in accordance with international law, all States have the sovereign right to manage their own natural resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause significant damage to the environment of other States or of areas beyond the limits of national jurisdiction.”*



- A State's right of sovereignty over natural resources includes a right to freely dispose of its natural resources, a right to expropriation, the right to compensation for damages to natural resources caused by third parties. There is strong support for the fact that the duty to "respect" the environment covers both environment of other States and areas beyond national control. What, therefore, is meant by respecting the environment? The principle appears to be founded on the Latin maxim, *sic utere ut alienum non laedas*.
- The duty of due diligence within the transboundary context therefore contains two elements. Firstly, there is an international minimum standard required of all to meet their international obligations. States will owe a higher duty of care for activities involving hazardous substances than for other pollutants. States must also establish and enforce sufficient legal, administrative and technical measures for that State to fulfill its obligations to other States. Secondly, above the minimum standard of care required, the obligation on States may differ depending on the potential for harm, and the economic, human and material resources available to the State. Due diligence therefore appears to provide for differentiated standards of care for developed and developing States, tied directly to their particular circumstances.

2. The sustainable use of natural resources

- The sustainable use of natural resources is a key component to promoting the sustainable development in that it seeks to protect the natural resources base and supporting ecosystems from over exploitation, thus providing the basis for socio-economic development. The 1995 UN CSD Principles provide that, “the principle of sustainable use of natural resources requires States and peoples to pay due care to the environment and to make rational use of the natural wealth and resources of the areas within their jurisdiction”. The 1987 WCED Principles stipulate that, “States shall maintain ecosystem and ecological processes essential for the functioning of the biosphere, shall preserve biological diversity, and shall observe the principle of the optimum sustainable yield in the use of living natural resources and ecosystems”.
- Under the 1992 Biodiversity Convention, “sustainable use” is defined in a way that requires natural resources to be used at a rate and in a manner that does not lead to their long-term decline. The concepts of “maximum sustainable yield” and “optimal utilization” are more onerous than “sustainable use” because they do require that the maximum possible benefit be derived from the use of natural resources.

3. The precautionary approach

- The precautionary approach is an important means of protecting natural resources and supporting ecosystems in that it seeks to prevent irreversible harm. Article 4 of the ILA New Delhi Declaration stipulates that, “a precautionary approach is central to sustainable development in that it commits States, international organisations and the civil society, particularly the scientific and business communities, to avoid human activity which may cause significant harm to human health, natural resources or ecosystems, including in the light of scientific uncertainty”. Article 7 of the IUCN International Covenant provides that “lack of scientific certainty is no reason to postpone action to avoid potentially serious or irreversible harm to the environment”.
- A precautionary approach is noted as the basis behind the formulation of a number of international treaties,



4. Common but differentiated responsibility

- The notion of common but differentiated responsibility supports the position that in order to promote sustainable development there is a need to account for the differing capabilities of States.
- The 2002 ILA New Delhi Declaration identifies two elements of common but differentiated responsibility. Firstly, “the special needs and interests of developing countries with economies in transition, with particular regard to least developed countries and those affected adversely by environmental, social and developmental considerations, should be recognised”. Secondly, “developed countries bear a special burden of responsibility in reducing and eliminating unsustainable patterns of production and consumption and in contributing to capacity-building in developing countries, inter

- The notion of differentiated responsibility has been applied in various ways. Principle 23 of the 1972 Stockholm Declaration notes that, “it will be essential in all cases to consider the systems of values prevailing in each country, and the extent of applicability of standards which are valid for the most advanced countries but which may be inappropriate and of unwarranted social cost for developing countries”.