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Taking Stock of Sustainable Development at 20: A Principle at Odds with Itself?

Introduction

*Stephen C. McCaffrey**

Is the principle of sustainable development a viable paradigm for harmonizing efforts to protect the environment with the forces of economic development in developed countries and the goal of alleviating poverty in developing nations? Where do we stand twenty years after the principle was famously articulated and fleshed out in the 1987 report of the Brundtland Commission, formally known as the World Commission on Environment and Development (WCED)?¹

To seek answers to these questions, Pacific McGeorge's Institute for Sustainable Development, together with its Institute for Development of Legal Infrastructure, organized a symposium entitled *Taking Stock of Sustainable Development at 20: A Principle at Odds with Itself?*, which was held November 16 and 17, 2007, at the Pacific McGeorge campus in Sacramento. We are very pleased to offer in this issue of the Pacific McGeorge Global Business and Development Law Journal some of the papers that were presented at the symposium and two articles related to the conference topic.

The first day of the symposium was devoted to the impact on sustainable development of the "brain-drain cycle," in which younger, educated workers migrate from developing regions to metropolises, and outsourcing, in which back-office services migrate from developed economies to newly industrialized developing countries. Thus the first day's panels examined, first, "The Brain Drain and Economic Development" and, second, "Outsourcing and Economic Development." The first panel was moderated by Dr. Michael Malloy of Pacific McGeorge and included a submission² by Dr. Ali Mansoor, Secretary of Finance, Ministry of Finance and Economic Development, Mauritius, on which comments were offered by Professor Anupam Chander of the University of California, Davis, School of Law (King Hall) and Professor Miriam A. Cherry of Pacific McGeorge. The second panel was moderated by Professor Brian Landsberg of Pacific McGeorge and featured panelists including Professor Mark Baker of McCombs Business School, University of Texas at Austin, Professor Barbara

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1. WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT, OUR COMMON FUTURE (1987).
2. Unfortunately, Dr. Mansoor was unable to participate in person but sent a presentation which was summarized by Dr. Malloy.

Crutchfield George of California State University, Long Beach, College of Business Administration, and Dr. Michael Malloy of Pacific McGeorge. This issue of the Journal also includes an article relating to the theme of the symposium's first day by Michael Owen, entitled *Legal Outsourcing to India: The Demise of New Lawyers and Junior Associates*.

The symposium's second day traced the origins and current status of the concept of sustainable development and its influence on state practice by focusing on two key anniversaries: the twentieth anniversary of the Brundtland Commission report, and the tenth anniversary of the UN Convention on International Watercourses. The first session of the program began with introductory remarks, delivered via videorecording, by Gro Harlem Brundtland, the Chair of the commission which is widely known by her name. Dr. Brundtland, a physician by training, is a former Prime Minister of Norway and served as Director General of the World Health Organization. She is presently Special Envoy on Climate Change for UN Secretary-General Ban Ki-moon. Dr. Brundtland's remarks lead off this issue of the Journal. They are followed by a paper, delivered next at the symposium, by Ambassador Alberto Székely of Mexico, a member of the Brundtland Commission's Experts Group on Environmental Law, entitled "*The Promise of the Brundtland Report: Honored or Betrayed?*" Professor David D. Caron of the University of California, Berkeley, School of Law (Boalt Hall) led off the program's second session, with remarks entitled "Sustainable Development: From Rhetorical Bridge to Substantive Content." Professor Caron was followed by a videorecording of remarks by Dr. Iwona Rummel-Bulska, Chief of the Law Branch, Division of Policy Development and Law, United Nations Environment Programme, Nairobi, Kenya. Dr. Rummel-Bulska spoke on "Development of the Principle and Concept of Sustainable Development."

At lunch on the symposium's second day Professor Malin Falkenmark of the Stockholm International Water Institute delivered the day's Keynote Address, "Durable River Basin Agreements: Sustainability in a Hydrological Perspective." The final session of the symposium's second day continued to consider sustainability in the context of internationally shared freshwater resources. In particular, this session focused upon the 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses. Ms. Flavia Loures, Freshwater Programme Officer of the World Wildlife Fund, spoke on "The UN Watercourses Convention: How Would a Thirsty World Benefit from its Entry into Force and Implementation?" Her presentation was followed by my remarks, "The 1997 UN Convention on International Watercourses: Retrospect and Prospect," which appear as an article in this issue. A final piece relating to this session was contributed by Margaret J. Vick, a JSD candidate in International Water Resources Law at Pacific McGeorge, entitled *International Water Law and Sovereignty: A Discussion of The ILC Draft Articles on the Law of Transboundary Aquifers*. This article also appears in the present issue of the Journal.

We at Pacific McGeorge hope that the proceedings published in this issue of the symposium on the twentieth anniversary of the Brundtland Commission's report and the tenth anniversary of the UN Watercourses Convention will be of interest to readers of the Journal and others working in the fields of international business, environmental law, development assistance, international water law, and sustainable development generally. Many of the issues discussed at the symposium are the subject of further study within the Institute for Sustainable Development. We encourage readers of the Journal interested in further information to contact the Institute through the Pacific McGeorge website.³

3. The website may be found at www.mcgeorge.edu.

