

# THE ILLUSION OF PROGRESS



UNSUSTAINABLE DEVELOPMENT  
IN INTERNATIONAL LAW  
AND POLICY

*Alexander Gillespie*

# Illusion Of Progress Unsustainable Development In International Law And Policy

**Fitzmaurice, Malgosa, Brus,  
Marcel, Merkouris, Panos, Rydberg,  
Agnes**

## **Illusion Of Progress Unsustainable Development In International Law And Policy:**

**The Illusion of Progress** Alexander Gillespie, 2014-05-14 Is sustainable development a charade sold to an increasingly misled public This book presents a wide ranging penetrating critique of sustainability and what it actually means The author argues that despite the rhetoric of socially and environmentally sustainable development and the ever increasing number of legislative environmental policies the real issues such as consumption population growth and equity are either sidestepped or manipulated in international policy and law Analyzing the main areas of concern economic growth market structure trade aid debt security and sovereignty he shows that the entire development structure and the underpinnings of the debate are leading down quite a different path to that intended by sustainability

**The Illusion of Progress** Alexander Gillespie, 2014-10-14 Is sustainable development a charade sold to an increasingly misled public This book presents a wide ranging penetrating critique of sustainability and what it actually means The author argues that despite the rhetoric of socially and environmentally sustainable development and the ever increasing number of legislative environmental policies the real issues such as consumption population growth and equity are either sidestepped or manipulated in international policy and law Analyzing the main areas of concern economic growth market structure trade aid debt security and sovereignty he shows that the entire development structure and the underpinnings of the debate are leading down quite a different path to that intended by sustainability

Progress in International Law Miller, Rebecca M. Bratspies, 2008-06-30 Progress in International Law is a comprehensive accounting of international law for our times Forty leading international law theorists analyze the most significant current issues in international law and their critical assessments draw diverse conclusions about the current state and future prospects of international law The material is grouped under the headings The History and Theory of International Law The Sources of International Law and Their Application in the United States International Actors International Jurisdiction and International Jurisprudence The Use of Force and the World's Peace and The Challenge of Protecting the Environment and Human Rights The book draws its inspiration from a similar survey undertaken in 1932 by Harvard Law Professor and PCIJ Judge Manley O Hudson In his book Progress in International Organization Hudson sought to demonstrate that what he perceived as an emerging international infrastructure and as moves toward the rule of law in international affairs were sure signs of human progress towards peace and cooperation Progress in International Law critically engages with that claim as a normative matter and at the same time presents the evidence by which a judgment about our own progress towards peace and cooperation might be judged

**The Evolution of Sustainable Development in International Law: Inception, Meaning and Status** Nico J. Schrijver, 2009-02-28 In a relatively short time the concept of sustainable development has become firmly established in the field of international law The World Commission on Environment and Development concisely defined sustainable development as follows development that meets the needs of the present generation without compromising the ability of future generations to meet their own

needs This definition takes into account the needs of both the present and future generations as well as the capacity of the earth and its natural resources which by clear implication should not be depleted by a small group of people in industrialized countries The aim of this book is threefold to review the genesis and to clarify the meaning of the concept of sustainable development as well as to assess its status within public international law Furthermore it examines the legal principles that have emerged in the pursuit of sustainable development Lastly it assesses to what extent the actual evolution of law demonstrates the balance and integration with all pertinent fields of international law as urged by the Rio Johannesburg and World Summit documents This is the second volume in the Hague Academy of International Law Pocket Book series it contains the text of the course given at the Hague Academy by Professor Schrijver Cet ouvrage r pond trois objectifs examiner la naissance du concept de d veloppement durable clarifier sa signification et valuer son statut dans le droit international public Il examine galement les principes juridiques n s de la poursuite du d veloppement durable Enfin il examine l volution actuelle du droit par rapport aux exigences nonc es Rio Johannesburg et au cours du dernier sommet mondial en ce qui concerne l int gration du concept de d veloppement durable dans tous les domaines pertinents du droit international

**International Environmental Law** Ulrich Beyerlin,Thilo Marauhn,2011-08-11 International

Environmental Law is a new textbook written for students practitioners and anyone interested in the subject The overall aim of the book is to provide a fresh understanding of international environmental law as a whole seen in the light of climate change biodiversity loss and the other serious environmental challenges facing the world The book has also been kept deliberately manageable in size by careful selection of topics and by adopting a cross cutting synthesis of regulatory interaction in the field This enables the reader to place international environmental law in the broader context of public international law in general revealing at the same time that international environmental law is experimental ground for developing new legal approaches towards global governance To this end the authors have combined theory and practice Apart from discussing concepts rule making and compliance the book looks at options for improved coordination harmonisation and even integration of existing multilateral environmental agreements analysing how conflicts between various environmental regimes can be avoided or at least adequately managed The authors argue that an appropriate management of international environmental relations must address the North South divide which continues to be a major obstacle to global environmental cooperation Furthermore the authors emphasise the growing human rights dimension of international environmental law This book is an ideal door opener for the further study of international environmental law Focusing on international environmental governance in a comprehensive way it serves to explain that each institution each actor and each instrument is part of a multi dimensional process in international environmental law and relations

**The**

**Contribution of International Fisheries Law to Human Development** Nienke Van Der Brugt,2012-11-01 The Contribution of International Fisheries Law to Human Development An Analysis of Multilateral and ACP EU Fisheries

Instruments examines whether and how legal fisheries instruments encompass a normative consensus on human development Focusing on both multilateral treaties and soft law as well as the ACP EU bilateral fisheries instruments Nienke van der Burgt provides a detailed analysis as to whether these different types of legal instruments reflect the principles of equity poverty eradication and participation which have been identified as key indicators of human development Moreover specific attention is paid to whether explicit reference is made to the small scale fisheries sector and to the role of women Concluding that despite increasing evidence of the potential and significant contribution of fisheries towards human development legal fisheries instruments seem to be struggling with the incorporation of a human development centred approach The Contribution of International Fisheries Law to Human Development is essential reading for all those involved in the fields of international environmental law and sustainable human development Research Handbook on International Environmental Law Fitzmaurice, Malgosia, Brus, Marcel, Merkouris, Panos, Rydberg, Agnes, 2021-11-12 This thoroughly updated and revised second edition of this foundational Handbook combines practical and theoretical analyses to cover a wide array of cutting edge issues in international environmental law IEL It provides a comprehensive view of the complexity of IEL both as a field in its own right and as part of the wider system of international law The Use of Biodiversity in International Law Andreas Kotsakis, 2021-05-05 This book presents a legal genealogy of biodiversity of its strategic use before and after the adoption of the Convention on Biological Diversity 1993 This history of genetic gold details how with the aid of international law the idea of biodiversity has been instrumentalized towards political and economic aims A study of the strategic utility of biodiversity rather than the utility of its protection under international law the book s focus is not therefore on the sustainable or non sustainable use of biodiversity as a natural resource but rather on its historical use as an intellectual resource Although biodiversity is still not being effectively conserved nor sustainably used the Convention on Biological Diversity and its parent regime persists now after several decades of operation This book provides the comprehensive answer to the question of the convention s continued existence Drawing from environmental history the philosophy of science political economy and development studies this book will be of interest to advanced undergraduate and postgraduate students in Environmental Law International Law Environmental Studies and Ecology **The Right to Development and International Economic Law** Isabella D Bunn, 2012-03-01 The United Nations is commemorating the 25th anniversary of the 1986 Declaration on the Right to Development which proclaimed the right to be an inalienable human right by virtue of which every human person and all peoples are entitled to participate in contribute to and enjoy economic social cultural and political development in which all human rights and fundamental freedoms can be realized The UN now aims to mainstream the right into its policies and operational activities and is reviewing prospects for an internationally binding legal instrument The evolution of the right to development however has been dominated by debates about its conceptual validity and practical ramifications It has been hailed as the cornerstone of the entire human rights system and

criticized as a distracting ideological initiative Questions also persist about the role of the right in reforming the international economic order This book examines the legal and moral foundations of the right to development addressing the major issues It then considers the right to development in the global economy noting the challenges of globalization and identifying key principles such as differential treatment of developing countries participation and accountability It relates the right to broad objectives such as the Millennium Development Goals the human rights based approach to development and environmental sustainability Implications for international economic law and policy in the areas of trade development finance and corporate responsibility are assessed The conclusion looks to the legal and ethical contributions and limitations of the right to development in this new context With an academic and professional background in international law human rights and moral theology the author brings a unique interdisciplinary focus to this timely project

**International Environmental Law and the Global South** Shawkat Alam, Sumudu Atapattu, Carmen G. Gonzalez, Jona Razzaque, 2015-09-17 Situating the global poverty divide as an outgrowth of European imperialism this book investigates current global divisions on environmental policy

**Genetic Resources, Equity and International Law** Camena Guneratne, 2012-01-01 This book provides a clear analysis of the multi level impacts of the existing international law regime related to genetic resources on developing countries It does so through a cogent exposition of the different areas of the law pertaining to genetic resources that are relevant and impact on people's rights and livelihoods Its focus on equity is a welcome addition to the literature Philippe Cullet University of London UK Camena Guneratne's thought provoking book critically evaluates the clash between the private property approach to genetic resources embedded in international intellectual property conventions and the competing values embedded in a variety of other conventions and laws She contests key assumptions behind intellectual property regimes supporting genetic commerce distinguishing the genetic commons from other types of resource This book provides a comprehensive scholarly dealing with the topics noted in its title but also should increase debate about policy failures in responding to the risks to the underprivileged of the instruments we use to pursue our economic interests of the majority Paul Martin University of New England Australia This is a wonderful book All too often in the quest to preserve biodiversity we forget that the equation of equity has to be at the forefront of the debates on sustainable development Dr Guneratne rectifies this mistake In doing so she shows us that in many of the most importance instances we are not only losing large parts of the natural basis on which humanity depends but also the ability to control the political and legal processes of which many of the world's poorest people depend This linkage between biodiversity politics and international law is of such a high calibre that it is likely that this work will become a key text for students and scholars alike Alexander Gillespie University of Waikato New Zealand This book examines current developments in international law which regulate the uses of plant genetic resources for food and agriculture and the various property regimes which are applied to these resources by these international agreements In the current context of the global food crisis the development and stability of

national agricultural systems is an urgent concern particularly among developing countries This stability and national food security will potentially be threatened if these countries are unable to have free access to agricultural crop plants This book analyses a range of international agreements including the recently adopted Nagoya Protocol and demonstrates that in their current implementation they favour private ownership of these resources rather than free access The book takes the position that this is inherently inequitable and these resources should be maintained in the public domain This book will be of use to a wide range of readers from students and scholars to those working in the fields of trade and intellectual property human rights environmental conservation and advocacy on international issues It contains a rigorous legal analysis of current international law development on the issue based on the negotiations which have taken place in the relevant forums and will therefore be particularly useful to lawyers and legal scholars It is also written in an uncomplicated style which makes it readily accessible to non lawyers and the case studies and empirical data used throughout the book adds to its interest

**International Courts and Environmental Protection** Tim Stephens, 2009-02-12 International environmental law has come of age yet the global environment continues to deteriorate The challenge of the twenty first century is to reverse this process by ensuring that governments comply fully with their obligations and progressively assume stricter duties to preserve the environment This book is the first comprehensive examination of international environmental litigation Analysing the spectrum of adjudicative bodies that are engaged in the resolution of environmental disputes it offers a reappraisal of their relevance in contemporary contexts The book critiques the contribution that arbitral awards and judicial decisions have made to the development of environmental law and considers the looming challenges for international litigation With its unique combination of scholarly analysis and practical discussion this work is especially relevant to an era in which environmental matters are increasingly being brought before international jurisdictions and will be of great interest to students and scholars engaged with this vital field *Global Justice and Sustainable Development* Duncan

French, 2010-09-24 In recognising the significant role law especially international law can play in supporting the objectives of global justice and sustainable development this edited collection provides a wide ranging analysis of some of the most fundamental challenges facing global society

**State Accountability for Space Debris** Peter Stubbe, 2017-11-13 In *State Accountability for Space Debris* Peter Stubbe examines the legal consequences of space debris pollution which he argues is a global environmental concern The study finds that the customary no harm rule and Article IX of the Outer Space Treaty obligate States to prevent the generation of debris and that the international community as a whole has a legitimate interest in their compliance A breach of these obligations entails the responsibility of a State and compensation must be provided for damage caused by space debris The author treats responsibility and liability separately and thoroughly scrutinizes both legal regimes with the help of common analytical elements Finally Peter Stubbe argues that a comprehensive traffic management system is required so as to ensure the safe and sustainable use of outer space

**The Three Levels of Sustainability**

Elena Cavagnaro, George H. Curiel, 2022-08-08 Understanding the complexity of sustainability is crucial for the leadership of business organizations national governments and non governmental organizations This second edition of the bestselling book *The Three Levels of Sustainability* uses the same interdependent three level and three dimensional framework as the first edition encompassing societal organizational and individual levels to clearly demonstrate what sustainability means and how to implement it This new edition incorporates important developments in reporting and measuring corporate behaviors the impact of COVID 19 and the UN Sustainable Development Goals More and more societies are becoming aware of their dependence on earth s resources However there is still a deep rooted lack of awareness of the connection between society s ambitions for economic growth earth s limitations and unequal distribution of wealth Prominent institutions and organizations and their leaders rely on the conformable belief that more quantity equals more quality and that more growth equals more development Although some progress has been made since the publication of the first edition the world is increasingly characterized by division rising dissatisfaction and growing inequality between countries communities and people At the same time it is anticipated that global warming will reach a point of no return between 2030 and 2052 The fundamental paradigm shift in the way the development process must be navigated is better served by a holistic and inclusive multilevel and multidimensional approach meant to gradually align the critical institutional and individual factors essential to the pathway toward sustainable development The book has been established as an excellent primer to explain the complex issues around sustainability for postgraduate and undergraduate students as well as busy professionals and those already in management and leadership positions in the private public or non profit sectors

*The 'Ecosystem Approach' in International Environmental Law* Vito De Lucia, 2019-03-28 The ecosystem approach broadly understood as a legal and governance strategy for integrated environmental and biodiversity management has been adopted within a wide variety of international environmental legal regimes and provides a narrative a policy approach and in some cases legally binding obligations for States to implement what has been called a new paradigm of environmental management In this last respect the ecosystem approach is also often considered to offer an opportunity to move beyond the outdated anthropocentric framework underpinning much of international environmental law thus helping re think law in the Anthropocene Against this background this book addresses the question of whether the ecosystem approach represents a paradigm shift in international environmental law and governance or whether it is in conceptual and operative continuity with legal modernity This central question is explored through a combined genealogical and biopolitical framework which reveals how the ecosystem approach is the result of multiple contingencies and contestations and of the interplay of divergent and sometimes irreconcilable ideological projects The ecosystem approach this books shows does not have a univocal identity and must be understood as both signalling the potential for a decisive shift in the philosophical orientation of law and the operationalisation of a biopolitical framework of control that is in continuity with and even intensifies the eco destructive tendencies of legal



modernity It is however in revealing this disjunction that the book opens up the possibility of moving beyond the already tired assessment of environmental law through the binary of anthropocentrism and ecocentrism

**Global Environmental Governance, Civil Society and Wildlife** Margi Prideaux, 2017-03-16 The world is entering a period of unprecedented environmental and political change By mid century climate change will cause dramatic ecosystem shifts Hundreds if not thousands of species will disappear from the earth including icons like polar bears gorillas Asiatic lions and bluefin tuna For many cultures species are place As our cultivated global community erodes international triage decisions about species and local ecosystems will commence and if we are not alert these decisions will be made on our collective behalf without local perspective or accountability Global Environmental Governance Civil Society and Wildlife illuminates a clear pathway for the environmental non governmental community to transition into a co governance role Many NGO diplomats have deeper experience and more technical knowledge about policy discussions than their government counterparts and are unburdened by sovereign constraints The book puts forward the perspectives of developing world civil society and the case that it must play a more significant role in future decision making Civil society from around the world must be welcomed by governments at the global environmental governance table if we are to hear birdsong after the storm

**Globalisation and Sustainable Development** Vladimir F. Krapivin, 2007-07-05 A characteristic of the present global ecological situation is increasing instability or put another way a crisis in the civilization system the global scale of which is expressed through a deterioration of human and animal habitats The most substantial features of global ecodynamics of the late 20th and early 21st centuries include the rapid increase in world population mainly in developing countries increase in the size of the urban population considerable growth in the number of megalopolises and increase in the scales of such dangerous diseases as HIV AIDS hepatitis tuberculosis etc With growing population size the problems of providing people with food and improving their living conditions in many regions will not only not be resolved but will become even more urgent Any possible benefit from decrease in per capita consumption as a result of increased efficiency of technologies will be outweighed by the impact of such a growth in population size Despite the predominant increase of population in developing countries their contribution to the impact on the environment will not necessarily exceed that of developed countries Key to ensuring sustainable development of the nature society system NSS is the relation ship between production and consumption as mentioned at the World Summit on Sustainable Development in Johannesburg 2002 As civilization has developed so the problem of predicting the scale of expected climate change and associated change in human habitats has become more urgent

**Company Law and Sustainability** Beate Sjøfjell, Benjamin J. Richardson, 2015-05-21 This investigation of the barriers to and opportunities for promoting environmental sustainability in company law provides an in depth comparative analysis of company law regimes across the world The social norm of shareholder primacy is the greatest barrier preventing progress and it also helps explain why voluntary action by companies and investors is insufficient By deconstructing the myth that shareholder primacy

has a legal basis and challenging the economic postulates on which mainstream corporate governance debate is based  
Company Law and Sustainability reveals a surprisingly large unexplored potential within current company law regimes for companies to reorient themselves towards sustainability It also suggests possible methods of reforming the existing legal infrastructure for companies and provides an important contribution to the broader debate on how to achieve sustainability

*Time and Environmental Law* Benjamin J. Richardson, 2017-08-03 Through the lens of time the book critiques environmental law and recommends ways to enable it to respond to nature's time scales

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## **Table of Contents Illusion Of Progreb Unsustainable Development In International Law And Policy**

1. Understanding the eBook Illusion Of Progreb Unsustainable Development In International Law And Policy
  - The Rise of Digital Reading Illusion Of Progreb Unsustainable Development In International Law And Policy
  - Advantages of eBooks Over Traditional Books
2. Identifying Illusion Of Progreb Unsustainable Development In International Law And Policy
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Illusion Of Progreb Unsustainable Development In International Law And Policy
  - User-Friendly Interface
4. Exploring eBook Recommendations from Illusion Of Progreb Unsustainable Development In International Law And Policy
  - Personalized Recommendations
  - Illusion Of Progreb Unsustainable Development In International Law And Policy User Reviews and Ratings
  - Illusion Of Progreb Unsustainable Development In International Law And Policy and Bestseller Lists
5. Accessing Illusion Of Progreb Unsustainable Development In International Law And Policy Free and Paid eBooks
  - Illusion Of Progreb Unsustainable Development In International Law And Policy Public Domain eBooks
  - Illusion Of Progreb Unsustainable Development In International Law And Policy eBook Subscription Services
  - Illusion Of Progreb Unsustainable Development In International Law And Policy Budget-Friendly Options

6. Navigating Illusion Of Progreb Unsustainable Development In International Law And Policy eBook Formats
  - ePub, PDF, MOBI, and More
  - Illusion Of Progreb Unsustainable Development In International Law And Policy Compatibility with Devices
  - Illusion Of Progreb Unsustainable Development In International Law And Policy Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Illusion Of Progreb Unsustainable Development In International Law And Policy
  - Highlighting and Note-Taking Illusion Of Progreb Unsustainable Development In International Law And Policy
  - Interactive Elements Illusion Of Progreb Unsustainable Development In International Law And Policy
8. Staying Engaged with Illusion Of Progreb Unsustainable Development In International Law And Policy
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Illusion Of Progreb Unsustainable Development In International Law And Policy
9. Balancing eBooks and Physical Books Illusion Of Progreb Unsustainable Development In International Law And Policy
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Illusion Of Progreb Unsustainable Development In International Law And Policy
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Illusion Of Progreb Unsustainable Development In International Law And Policy
  - Setting Reading Goals Illusion Of Progreb Unsustainable Development In International Law And Policy
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Illusion Of Progreb Unsustainable Development In International Law And Policy
  - Fact-Checking eBook Content of Illusion Of Progreb Unsustainable Development In International Law And Policy
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

### **14. Embracing eBook Trends**

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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