

PRINCIPLES OF INTERNATIONAL ECONOMIC LAW, AND THE RIGHT TO ECONOMIC DEVELOPMENT, VIS-À-VIS THE GUIDING PRINCIPLES OF SUSTAINABLE DEVELOPMENT*

Abstract

International economic law as a branch of law is interested in the development of states through trade, investment and economic legal policies. In the quest for development, many states have caused damage to the ecosystem which now constitutes a threat to humanity. At the wake of this peril, there was need to make a clarion call on sustainable principles for development to flourish. Unfortunately, the fate of the developed nations is at variance with that of the 3rd world countries. The need to strike a balance between these contending views has generated a strong argument on the real purport of sustainable development. The capitalistic threats to development have proved to be averse to sustainable development because of its excesses, while the helplessness of the 3rd world countries has created a dangerous porosity to achieve development. Indeed, one cannot sustain a development that does not exist. Yet there has to be a balance to move the world economy forward. There is need for international concern to harmonize development strategies to protect the developed and underdeveloped countries, with a view to preserving the world environment. This paper seeks to address the challenges associated with the topic.

Introduction

International economic law has widely been conceived in terms of a branch of international law; alongside such other branches like international humanitarian law, international human rights law, international law of the sea, etc. In which case, it stands on the pivot of international law, while keeping its particular peculiarities. These peculiarities expose its content and concern to the economic development of states as structured by the international community. Be that as it may, issues of economic concern affect the individual in a given state where the person is governed by municipal law. Hence, every state has an underlying obligation to enhance the economic development of its populace. This ultimately affects the coexistence of different states and therefore becomes of international concern. Indeed, when in 1948 the International Bill on Human Rights¹ was produced, it was viewed as a mere international law instrument. Later, it stood out as a measure of international and national commitment to the respect for the dignity of man. Nations embraced the political aspect and over looked the social and economic angles. Today, it has become evident that political rights will not flourish in the absence of social and economic rights. Obviously, the progress and growth in political rights in a state is measured by the growth of development which is encapsulated in economic rights. Therefore, there is no gainsaying the fact that economic activity is central to government affairs in the promotion of economic welfare. This is why the exigencies of domestic economic and legal system are germane to the development of international economic law. It is trite that the concern of international economic law lies in the shaping of a state's economic sovereignty. Hence, political sovereignty without economic sovereignty

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¹ See: Bill of Rights; United Nations Publications 1948; see also Van Boven, T. Some Remarks on Special Problems Relating to Human Rights in Developing Countries (Revue des Droits de L'Homme) 1970, p. 383

translates into a mockery of independence. Indeed, the notion of equality of states and the power to enter into treaty obligations with other states draws from the status of economic sovereignty². Sovereignty in the international economic sphere relates mainly to a state's permanent resources, its economic system and to the rules of engagement in international economic relations.³

In the search for economic sovereignty, developing states supported and pushed for the establishment of the New International Economic Order (NIEO).⁴ This "new" order emphasized the permanent sovereignty of states over natural resources. In pursuit of NIEO, other emphases relating to environment and sustainable development also developed.⁵ Following from these developments, a state that is desirous of economic development can tap into these rights; to wit.⁶

- Permanent sovereignty over its natural resources
- Sovereignty over the non-natural resources or economic activities within its territorial jurisdiction; including its human resources
- Inalienable right to choose and conduct its own economic self determination and governance
- Rights of non-interference in its economic affairs through the threat or use of force.

Based on the foregoing, International economic law charges state members with the responsibility of respecting and preserving the ecosystem. Closely tied to this notion is a charge prohibiting states not to involve themselves in a development strategy that will satisfy the needs for today and jeopardize the expectations of the future generation. In other words, international economic law recognizes the need for the preservation of the environment and the sustainable use of natural resources. This obligation is incumbent on every state and there is a further obligation on the state not to damage the environment of other states or constitute environmental nuisance thereof.

a) **Elucidation on Key Concepts**

International economic law as explained above regulates the international economic relations of states enhancing their sovereign equality, promoting reciprocity and ensuring economic sovereignty. It encompasses activities in areas of trade, commerce, investment, and development.

Under the auspices of international economic law, the NIEO for the development of the "third-world" countries was adopted by the United Nations General Assembly.

Article 1, 2, 4 and 5 outlined the economic rights and duties of states in a more concrete manner.

² See Articles 38(I) of the Statute of the International Court of Justice

³ Qureshi A.H. **International Economic Law**, London, Sweet and Maxwell, 2007, p. 35

⁴ 4. See: Black C.E; "Challenges to an Evolving Legal Order" in Falk R.A. and Black C.E (eds) **The Future of the International Legal Order**, Vol 1, New Jersey, Princeton University Press, pp.3-31

⁵ *Ibid*

⁶ Qureshi A.H. *op.cit* p. 37

Hence, article 1, provides that:

Every state has the sovereign and inalienable right to choose its economic system as well as its political, social and cultural systems in accordance with the will of its people, without outside interference, coercion or threat in any form whatsoever.

Article 2 provides as follows:

- 1) Every state has and shall fully exercise full permanent sovereignty, including possession, use and disposal, over all its wealth, natural resources and economic activities.
- 2) Each state has the right:
 - a) To regulate and exercise authority over foreign investment within its national jurisdiction in accordance with its laws and regulations and conformity with its national objectives and priorities. No state shall be compelled to grant preferential treatment to foreign investment;
 - b) To regulate and supervise the activities of transnational corporations within its national jurisdiction and take measure to ensure that such activities comply with its laws, rules and regulations and conform with its economic and social policies. Transnational corporations shall not intervene in the internal affairs of a host state. Every state should, with full regard for its sovereign rights, co-operate with other states in the exercise of the right set forth in this sub paragraph;
 - c) To nationalize, expropriate or transfer ownership of foreign property; in which case, appropriate compensation should be paid by the state adopting such measures, taking into account its relevant laws and regulations and all circumstances that the state considers pertinent. In any case, where the question of compensation gives rise to a controversy, it shall be settled under the domestic law of the nationalizing state and by its tribunals, unless it is freely and mutually agreed by all states concerned that other peaceful means be sought on the basis of the sovereign equality of states and in accordance with the principle of free choice of means".

Article 4 provides thus:

Every state has the right to engage in international trade and other forms of economic cooperation irrespective of any differences in political, economic and social systems. No state shall be subjected to discrimination of any kind based solely on such differences. In the pursuit of international trade and other forms of economic co-operation, every state is free to choose the forms of organization of its foreign economic relations and to enter into bilateral and multilateral arrangements consistent with

its international obligations and with the needs of international economic cooperation.

Article 5 provides as follows:

All states have the right to associate in organizations of primary commodity producers in order to develop their national economies; to achieve stable financing for their development and, in pursuance of their aims, to assist in the promotion of sustained growth of the world economy. In particular accelerating the development of developing countries. Correspondingly, all states have the duty to respect that right by refraining from applying economic and political measures that would limit it.

Although the Charter was not a "hard law" instrument having binding legal effect, many of the principles embodied in it have been regarded as representing the basis for the development of International Economic Law. Indeed, the Charter reiterates some of the principles that were already widely accepted as representing customary rules of international law, such as permanent sovereignty of states over their natural resources.

Under this resolution, the Charter of Economic Rights and Duties of States (CERDs) brought its central theme to bear. Furthermore, Article 1 of the U.N. resolution 1986, provides that the right to development is an inalienable human right which every human being and all people are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development. It also recognizes the right and duty of the states to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active free and meaningful participation in development.

b) Economic Development

Development in the economic sense implies activities that will lead to good or positive change, which manifests in increased capacity of people to have control over material assets, intellectual resources and ideology; and obtain physical necessities of life, (food, clothing, and shelter), employment, equality, participation in government, gender equality, sustainable development and peace.⁷

The term development has over time generated quite a volume of controversies and consequently theories. Most theories have been noted to be pro-capitalist or pro-communist in texture while some theories have been based on the developmental experiences of advanced economies. Others have rested on the circumstances of developing economies and of the third world. While highlighting the great importance of the entrepreneur to economic development, Schumpeter⁸ saw real development as a

⁷ see: Dudley S. "The Meaning of Development." Eleventh World Conference of the Society for International Development, New Delhi, 1969. p.3 see also Ebomuche N.C. and Njoku A.C., **Development Economics**, Owerri I.G. Publishers, 2005, p. 17

⁸ *Ibid*

process generated within a society by forces propagated and invigorated by the actual members of that society, and that such a process cannot be started or sustained by foreign participation. The major weakness of Schumpeter's analysis of economic development lies in his perception of the relationship between the social structure and economic development whereat he insisted that there cannot be economic development unless the social structure was organized to near perfection.⁹

While acknowledging that entrepreneurship is a key factor in economic development, it must be observed that other factors such as Government economic policies, capital flow, technology, infrastructure, energy etc. are equally significant. Karl Marx¹⁰ was of the view that technological progress was a prime mover of capitalist growth and assigned an important place to the entrepreneur in his development analysis. He saw technological progress as essentially labour-saving and capital-absorbing, the net result of which is that as technological progress gains momentum, workers are displaced, adding to the industrial reserve army of unemployed. In replacement of labour by capital, wages are kept low by capitalists, and this results in a class struggle in which the capitalist class is defeated, and, secondly, the capitalists find investments unprofitable because wages which determine total consumption have dropped to subsistence level.

Again Marx refused to accept that problems of population pressure were inevitable in a true development situation. Nevertheless, Marx's analysis of the social consequences of economic development provides a positive insight into the need to take social factors into consideration in economic development policies and strategies.

According to Hoffman,¹¹ economic development in any nation provides essential indices of status and growth, but their true significance for social (human) development must be measured by the extent to which potential well-being is translated into the actual welfare and development of the people.

Hoffman goes further to describe human development as being measured in terms of the physical, intellectual, social, and moral development and welfare of man in the same way that a truly developed society must be a moral society, a physically healthy society, and an intellectually capable society.¹² It follows from this point of view that development is just not an economic phenomenon, reflected mainly in terms of per capita income and gross national product, rather, it includes physical, intellectual, social, cultural, and moral development of the people and society.

According to Pearce and Warford,¹³ economic development is defined as achieving a set of social goals, and since these goals change over time, economic development is to some extent, a process. The authors went further to opine that a society in the process of economic development is likely to experience a combination of three sets of changes which include, firstly, an advance in the utility experienced by

⁹ *Ibid*

¹⁰ See: Onyemelukwe C.C. **Economic Underdevelopment; An Inside View**. London Longman 1974, pp. 1-3

¹¹ See: Hanson and Brembeck (eds): **Evaluation and Development of Nations**, New York, Holt Rinehart and Winston Inc. (1966)

¹² *Ibid*. See also: Nwosu E.J. *Op. Cit.*

¹³ Pearce D.W. and Warford J.J. **World Without End: Economics, Environment and Sustainable Development** York, Oxford University Press 1993.

individuals in society. A corollary to this is that the well-being of the most disadvantaged sectors must be given greater weight in a developing society than that of society as a whole, since according to the authors, if the well-being of society as a whole improves but that of the most disadvantaged sectors worsens, it would appear reasonable to conclude that such a society is not developing. Secondly, advances in the realms of education, health, and general quality of life which in other words, translate positively to advances in skills, knowledge, capability, and choice. Thirdly, presence of self-esteem and self-respect. It is the authors' view that a society is developing if it exhibits a growing sense of independence either from domination by others or from the State. Whereas the authors pre-occupation with the social qualities of development is *in tandem* with current trends in modern development strategies particularly in advanced economies, the major shortcoming of their analysis is that infrastructural facilities, energy, technology, transportation, capital flow, and communication which all constitute a major setback to economic development in the third world seem to be taken for granted. Nevertheless, their analysis presents a plausible guide towards sustainable economic development.

According to Brundtland,¹⁴ sustainable development is development which meets the needs of the present generation without compromising the ability of the future generation to meet their own needs. Development therefore is the qualitative improvement of the living standard of the people. Indeed, Furtadu¹⁵ explained development in terms of a type of social change in which new ideas introduced higher per capita income and level of living through more modern production methods and improved social organization. Invariably, development implies general growth and advancement; it is a human related change to improved existence. It is an activity, action, or alteration that changes underdeveloped property (state) into a developed one. Sustainable development therefore calls for the integration of environmental sustainability into policies and programmes so as to reverse the quantum of environmental losses, reduce the rate of biodiversity loss, and thereby improve on life expectancy. Sustainable development is not a fixed state of harmony, but a process of change in which the exploitation of resources, the direction of investment, the orientation of technological development and institutional changes are made consistent with future as well as present needs.¹⁶

Developmental Stages of the Term or Concept of Sustainable Development Global Attempts on Sustainable Development

International Economic Law did not pay early attention to environmental concerns. International economic and commercial activities continued to expand until recently with little concern for the harm done to the environment by these activities.

The main international economic agenda in the post-Second World War period involved promoting the free movement of goods and capital across borders and enabling states to exploit their natural resources to the maximum extent possible for their economic development.

¹⁴ See: 1985 Report of the World Commission on Environment and Development (WCED)

¹⁵ Furtadu C. "Development" – International Social Science Journal, United Nations Vol. 6 1997, p. 243

¹⁶ *Ibid*

International economic law tried to catch up with this expansion of international economic and commercial activities and regulate wherever and whichever aspect possible, but without paying much serious attention to environmental aspects of economic development.

However, more recently, development taking place within international environmental law has influenced the development of international economic law. The international environmental law principle of sustainable development, a relatively new principle, has had a profound impact on international economic law. Within the UN's economic development agenda, a significant shift in emphasis in the theory of economic development began in 1987 with the introduction of the concept of sustainable development, which sought to impose some restraints on economic development in favour of the need to protect the environment.

The 1985 report of the World Commission on Environment and Development (WCED) (popularly known as the 'Brundtland Commission') popularized the phrase 'sustainable development', 'embodying both states' right to economic development and their obligation to pay particular attention to any degradation of the environment resulting from developmental activities. In other words, it was a phrase coined to express the balance that had to be reached between the right of states to use or exploit their natural resources in accordance with their developmental policies and the duty inherent upon them to preserve the environment in carrying out such developmental activities.

The Commission defined the term 'sustainable development' as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.

In the opinion of the commission, economic development that undermined the environment or led to the excessive exploitation of natural resources to the detriment of future generations was not sustainable development. Hence, it was felt that the need to preserve and make rational use of the natural resources of a country in the interests of the environment and future generations was inherent in the concept of sustainable development

The Rio Conference¹⁷ considered both the environment and development, displaying the importance attached to the elements embodied in both words.

Principle 1 of the Rio Declaration on Environment and Development declared that human beings were at the centre of concerns for sustainable development. It recognized the right of states under international economic law to exploit their own resources pursuant to their own environmental policies.

Principle 2 of the Declaration provides that States have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or areas beyond the limits of their national jurisdiction.¹⁸

Although the Rio Declaration widened the scope of the principle of sustainable development to include not only conservation of natural resources, but also a host of other elements, it gave this principle a credible international standing.

¹⁷ This conference is considered the largest ever in the history of international relations, it was held in 1992 at Rio De Janeiro in Brazil

¹⁸ This provision draws from Principle 21 of the Stockholm Declaration

What is more, principle 12 of the Rio Declaration injects the sustainable development dimension into international economic law issues and highlights the importance of international economic law principles for the effective operation of the rules of international environmental law.

Principle 12 provides that, States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing trans-boundary or global environmental problems should, as far as possible, be based on an international consensus.

Sustainable Development

The emergence and continued relevance of sustainability as the bedrock of developmental concerns established itself at the end of the 20th century. The shift in paradigm from the ultimate desire for economic growth to sustainability becomes the new order, which international economic law strives to achieve. A wholesome understanding, acceptance, adjustment and implementation of the concept of sustainable development stand out as the major tool for achieving a balance between economic, social and environmental objectives.¹⁹

Origin

The USA congress fired the first shot when it passed a bill on National Environment Policy Act (NEPA) in 1969, to ensure a safe and healthy environmental concern for all Americans. They were charged with the protection of public and ecological health. The mandate of NEPA included the following:

- 1) Protection of the environment for future generation
- 2) Ensuring aesthetically pleasing and healthful surrounding.
- 3) Attainment of maximal beneficial environmental uses while minimizing degradation.
- 4) Preservation of natural diversity
- 5) Maximization of the use of renewable resources and re-cycling of depleted resources.²⁰

This law from the U.S. Congress was an eye opener and a trail brazier on the need for sustainable development in issues of economic development.

Thereafter, the world conservation strategy followed in 1980 and thereafter, the Rio Earth Summit and declaration came up in 1992.

It was at the 1980 strategy meeting that the following definition emerged.

¹⁹ Nwafor J.C. **E.I.A. For Sustainable Development: The Nigeria Perspective**, Enugu, EDPCA Publications 2006, p. 396

²⁰ Schmidt C.W. "Messenger from the White House; Council on Environmental Quality, Environmental, Health Perspectives", 2003, p.225

“for development to be sustainable, it must account for social and ecological factors, as well as economic ones; of the living and non living resource base, and the long term as well as the short term advantages and disadvantages of alternative action.”²¹

In another exposition Reid²² reports that development can be sustainable if it makes our lives better in all respects by enabling us to achieve a long, healthy life, education, access to resources for a decent standard of living, political freedom, guaranteed human rights and freedom from violence. It therefore, became clear that in all matters concerning future resources exploitation for social and economic development, the issue of sustainable development must be the paramount consideration.

Definition of Sustainable Development

- 1) Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
 - The concept of needs in relation to poverty eradication
 - Imposition on technological development and social organization on environment as not to jeopardize the future.

We must consciously avoid any act that will destroy their tomorrow for the sole benefit of our today.²³

- 2) Sustainable development in respect of the third world and their over-population is directly concerned with increasing the material standard of living of the poor at the grassroots level, which can be quantitatively measured in terms of increased food, real income, education services, health-care, sanitation and water supply, emergency stocks and cash etc; and only indirectly concerned with economic growth at the aggregate commonly national level.²⁴

In other words, the purport of the concept of sustainable development is the primary objective of reducing the absolute poverty of the world's poor through the provision of lasting and secure livelihoods that minimize resource depletion, environmental degradation, cultural disruption and social instability.

- 3) Sustainable development is defined as a pattern of social and structural economic transformation (that is development) which optimizes the economic and social benefits available in the present, without jeopardizing the likely potentials for similar benefits in the future.²⁵

²¹ See: World Conservation Strategy: Living Resources Conservation for Sustainable Development (IUCN) 1980

²² Reid, D. **Sustainable Development: An Introductory Guide**. London: Earthscan publications, 1996

²³ See: WCED, 1987, Brundtland Report, P.43

²⁴ Barbier E. B. “The Concept of Sustainable Economic Development.” **Environmental Conservation** 14(2). p. 159-165 at p. 103

²⁵ Goodland, R.; Ledec G, (1987) “Neo-classical Economics and Principles of Sustainable Development” *Ecological Modelling*, 38, p.19-46 at p. 36

In other words, there must be overt ambition to achieve a reasonable and equitable distribution level of economic wellbeing that can be perpetuated continually for many human generations.

- 4) Sustainability is a much broader phenomenon (than sustainable development) embracing ethical norms pertaining to the survival of living matter, to the rights of future generations and to institutions responsible for ensuring that such rights are fully taken into account in policies and actions.²⁶

Based on the foregoing, the concept of sustainable development must be understood in terms of:

- a) A desired goal for resource management
- b) A balance among societal, economic and environmental objectives
- c) Development and not just growth is the paramount consideration.
- d) Human desires are balanced e.g. the necessity to preserve environmental integrity.
- e) Presumptions for economic growth are balanced by the requirements of social equity.²⁷

International economic law must develop a legal framework that will at the same time address economic, social and environmental consideration. In other words, the driving force in advancing the concept must be captured in a legal framework. Law as an instrument of social engineering must advance its relevance as the major instrument of coexistence by providing enabling environment for the attainment of sustainable development. While economic development is pursued through growth to eradicate poverty and enhance empowerment; its efficiency and stability should be measured through environmental assessment. Issues of biodiversity, pollution, and other ecological consequences must be addressed. The control of these consequences will ensure intergenerational equity, achieve targeted objectives and preserve the ecosystem for the future.

The nature of sustainable development is a process encompassing the entire economy in its relationship to the natural order.²⁸

Economic Growth and Economic Development

According to Okoye "It is now generally accepted that development should imply not simply an increase in the productive capacity or income - which may mean just growth without development - but major transformations in the socio-economic structures whose inequalities and rigidities resulting from outmoded systems of land tenure, administrative hierarchies, inadequate and elitist educational systems, have tended to inhibit all-sided and even development of many third world societies".²⁹ In 1970, Robert S. McNamara, (then World Bank Chairman,) declared that "The

²⁶ O' Riordan, T. "The Politics of Sustainability" in Thurner R. K (eds) **Sustainable Environmental Management; Principles and Practice**. Belhaven Press, London 1988

²⁷ Nwafor, J.C. *op.cit* p. 402-403

²⁸ Mikesell R.F. "Environmental Assessment and Sustainability at the Project and Programme level." In Goodland R. and Edmundson V. (eds) **Environmental Assessment and Development**, World Bank, Washington D. C. p. 20-25, at p.20

²⁹ In Nwosu E.J. (ed), **Achieving Even Development in Nigeria: Problems and Prospects**, Nwogu, Fourth Dimension publishers 1985, p. 59-60

evidence is accumulating that economic growth alone cannot bring about that steady social transformation of a people without which further advances cannot occur. In short, we have to admit that economic Growth ... will not have itself been enough to accomplish our development objectives." Also in 1971, McNamara emphasized that, "Development has for too long been expressed in terms of growth of output. There is now an emerging awareness that the availability of work, the distribution of income and the quality of life are equally important measures of development."³⁰ As such real development involves a structural transformation of the economy, society, politics, and culture that permits a re-direction of science and technology, the self-generating and self-perpetuating use and development of the people's potentialities and improvement in the machinery of administration and productive institutions to meet the rising demands of society. It will also involve widespread education and literacy, a relative freedom from external bondage and elimination of exploitation, a fair and equitable distribution of social wealth and the presence of a ruling elite that is strong enough to eliminate the corrupt elements of its own ranks, relatively competent and seriously devoted to public welfare and the reform of existing inequalities.³¹ Development is therefore viewed as a dynamic process which constantly ushers in changes that lead to improvement and progress. According to Robert E. Ashers,³² "Development is not a stage reached when per capita income attain some specified level, or after a particular list of obstacles has been overcome. It is a process - dynamic, pervasive, never ending, destructive as well as constructive. The essence of the process is the inculcation of new attitudes and ideas, of states of mind eager for progress, hospitable to change, capable of applying scientific approaches to an ever wider range of problems."

From every analysis, economic development is a much wider concept than economic growth. Economic growth is generally defined as an increase over time in the level of real Gross National Product (G.N.P) and per capita income. The distinction between development and growth is important, for it means that prefixing sustainable to the term development separates sustainable economic development from sustainable economic growth and the two terms do not carry the same meaning. However, sustainable development and sustainable growth are somewhat inter-related, in that a society that does not maintain or improve its real income per capita is unlikely to be developing. And, on the other hand, if it achieves growth at the expense of other social and political components, its development is being compromised. To sustain development is to maintain its visible effects on the people and economy such that when one index depreciates, it is compensated for by a rise in another index in an equal or higher degree to the end that overall stability or improvement is continuously sustained.

According to Pearce and Warford,³³ development is sustainable if and only if the stock of overall capital assets in the economy remains constant or rises over time.

³⁰ *Ibid*

³¹ Nwosu E.J. *op. cit* p. 60

³² Asher R.E. **Development Assistance in the 70's for the United States**, Washington D.C. The Bookings Institutions, 1970

³³ Pearce, D.W. and Warford J. J. *op.cit*

And these assets include manufactured capital (machine, roads, and factories), human capital (knowledge, skills, job opportunities), and environmental capital (forests, soil quality and rangeland).

Circumstantial Emphasis for Developing Countries

Though sustainable development has a universal concept, however there is a pragmatic angle to the application of the concept in respect of developing countries. It is a truism that the concept must respond to environmental, socio-economic, political and developmental indices. Therefore, the circumstances of the developing countries must be different. The developed countries are mostly concerned with ecological problems, pollution, global warming, climate change, waste management, clean air, clean water, protection of the ecosystem. The developing (underdeveloped) countries apart from the foregoing are battling with poverty, hunger, subsistence, insecurity, diseases. (HIV/AIDS scourge, malaria, low life expectancy, human misery, infant mortality), illiteracy and gross basic under development, which are of greater importance and necessity to them. A cursory look at the above distribution shows that while every body is stressing on the need for sustainable development, the developing countries are far from the centre of the world concern. Their peculiar situation needs to be addressed, because one needs to be basically developed before the issue of sustainability can be of real concern to them. Obviously, if the ecosystem of the developing countries is threatened by population pressure which enthrones degradations of sorts, deforestation, and limitless pollution, what they need is economic emancipation. When development is achieved, human reasoning can begin to combat and ensure sustainable development.

Meanwhile the impact on the environment from different spheres of technological development occasioned by the developed countries has had adverse effect on the developing countries who have no capacity to determine their fate. Since the developed countries are the greatest polluters, while the developing countries feel the degradation most, may be, the developing countries should stop all advances towards further economic development. This certainly will be a dangerous position for all. However, there is need for the developed countries to check their excesses in relation to the endless quest for unrestrained development.

Finally it is good to think of development so as to save the succeeding generation from the scourge of war, hunger, and degradation. It is better to think of sustainable development through such programmes like the millennium development goals. It is best to address these desires through realizable and realistic approaches. One cannot talk of sustainable development in the absence of development at all. It is only when development is achieved that its sustainability can be canvassed.

For the producer countries, there is the need for an effective and efficacious legal framework to control the adverse/negative effects of economic and technological advancement on humanity. For the consumer countries, every effort must be put in place to save them from the scourge of poverty, corruption, illiteracy, and pollution. The exploitation and exploration of mineral resources in the developing countries must be done in a way as to preserve their ecosystem. Capitalistic approaches to mineral explorations, whereby the ecosystem is destroyed, aquatic life exterminated, and the air polluted through unending gas flaring must be discouraged. A simple

experience from the Niger Delta region for example, shows that the oil explorers are not respecting the principles of sustainable development, because they are enriching themselves for today, to the gross detriment of the environment and the future subsistence or survival of the people.

It must be of international concern to harmonize development strategies to protect both the rich and poor countries; the developed and underdeveloped countries, and indeed, the first and third world countries. What affects the environment of one affects the environment of all.

