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WHERE ARE WE AT WITH THE ENVIRONMENTAL DIMENSION OF THE MDGs?

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With only five years left before States and international organizations come to the deadline they set themselves to deliver on the Millennium Development Goals (MDGs),¹ this note will assess the outcome of the UN MDG Summit (the High-level plenary meeting of the UN General Assembly on the MDGs, held on 20-22 September 2010 at the UN Headquarters in New York).² Specifically, attention will be drawn to the relevance for environmental policy and law of the General Assembly Resolution “Keeping the promise: united to achieve the Millennium Development Goals” (A/65/RES/1),³ in the light of the evolution of the MDGs and the increasing prominence of their environmental dimension.

Background

The MDGs have a relatively tortuous, and often misunderstood, history. At the Millennium Summit held in September 2000, UN member States unanimously adopted the Millennium Declaration (A/RES/55/2). On that basis, various UN agencies under the stewardship of the UN Secretary-General and in consultation with the International Monetary Fund, the Organization for Economic Cooperation and Development and the World Bank, distilled the MDGs, with a view to harmonize reporting on the development goals in the Millennium Declaration and other international development goals. The MDGs comprise eight goals, supported by 18 targets and tested against 48 indicators, to be achieved by 2015 in the areas of: poverty and hunger, education, gender, child mortality and maternal health, major diseases, environmental sustainability and a global partnership for development.

The MDGs were presented to UN member States during the 56th session of the General Assembly (2001), as an annex to the Secretary-General’s report titled “Roadmap towards the implementation of the UN Millennium Declaration.” States only took note of the report and recommended that the roadmap be considered a “useful guide” in implementing the Millennium Declaration by the UN System in 2001 (A/RES/56/95). Clearly, not all States immediately endorsed the MDGs, arguing that they had not been inter-governmentally negotiated and adopted. Nonetheless, there was already broad acceptance of the Goals as benchmarks of progress on the part of several donors, developing countries, civil society and main development institutions.

It was only at the 2005 UN World Summit that States endorsed the MDGs,⁴ committing to adopt, by 2006 – a significantly tight timeline – and implement

¹ The UN webportal on the MDGs can be found at: <http://www.un.org/millenniumgoals/>.

² The website of the Summit can be found at: <http://www.un.org/en/mdg/summit2010/>.

³ 19 October 2010, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/512/60/PDF/N1051260.pdf?OpenElement> (hereinafter, MDG Summit Outcome).

⁴ World Summit Outcome Document, UN Doc. A/RES/60/1, 24 October 2005, para. 22(a). For a more detailed discussion, see E Morgera, “The 2005 UN World Summit and the Environment: The Proverbial Half-Full Glass?”, (2006) 15 *Italian Yearbook of International Law* 53-80.

comprehensive national development strategies to achieve the internationally agreed development goals and objectives, including the MDGs.

The environmental dimension of the MDGs

Among the eight MDGs, the penultimate (MDG-7) concerns environmental sustainability. Its targets originally included to: integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources; by 2015, reduce by half the proportion of people without access to safe drinking water and basic sanitation; and by 2020 achieve significant improvement in the lives of at least 100 million slum dwellers. MDG-7 is perhaps the least quantifiable goal within the MDGs, with few measurable indicators against which progress can be effectively assessed. The first target lacks a time indication and a quantitative result, being expressed in very broad and open-ended terms. In addition, the third target is the only target expressed in absolute terms, rather than as a proportion, and has been recognized to be inadequate: in its current form, it covers only 10% of the existing worldwide slum population, which, if not properly addressed, could multiply threefold to 3 billion by the year 2050.⁵

In the lead-up to the 2005 World Summit, States increasingly recognized the importance of jointly addressing environment and poverty reduction under the MDGs at the 2002 World Summit on Sustainable Development (WSSD) and in the framework of several Multilateral Environmental Agreements (MEAs).⁶ In parallel, the report of the UN High-Level Panel on Threats, Challenges and Change, released at the end of 2004, underscored the importance in the global security dialogue of environmental degradation, mostly in terms of climate change impacts on natural disasters and human diseases.⁷ The UN Secretary-General's report "In Larger Freedom," that followed suit, took a broader approach to environmental issues, calling for concrete steps on desertification and biodiversity, stressing the importance of investing in resource management, including integrated water resource management, as well as underscoring the need for broad policy reforms in MEA implementation at the national level, and the importance of ensuring environmental sustainability as a priority issue for the international community, particularly the implementation of the Rio Conventions. Notwithstanding this more comprehensive approach to environmental issues in the report, the UN Secretary-General's recommendations, composing a proposed text for adoption at the 2005 World Summit

⁵ Summary of the twentieth session of the Governing Council of the United Nations Human Settlements Programme: 4-8 April 2005, *Earth Negotiations Bulletin* (ENB) vol. 11 n. 54, 11 April 2005, p. 9.

⁶ At the UNEP Governing Council, the President's Summary, UN Doc. UNEP/GC.23/L.3/Rev.1, 24 February 2005, addresses: environment and poverty (MDG-1); environmental sustainability in relation to water, sanitation and human settlements (MDG-7); and gender and environment (MDG-3). The fifth meeting of the Joint Liaison Group (30 January 2004, Bonn, Germany) recognized that the Rio Conventions had the common objective of contributing to sustainable development and the MDGs (see report of the meeting available online at <http://www.biodiv.org/cooperation/liason.shtml>). UNFCCC COP-9 created the special climate fund and the least-developed country fund to achieve WSSD objectives and the MDGs (decisions 5/CP.9 and 6/CP.9); and CBD decision 7/32 ("The programme of work of the Convention and the Millennium Development Goals") recognized links between MDG-1 and 7.

⁷ Report of the High-Level Panel on Threats, Challenges and Change "A More Secure World: Our Shared Responsibility", UN Doc. A/59/565, 2 December 2004, paras. 22 and 53.

referred to sustainable development once only, in the section on international environmental governance, and only to one environmental issue, climate change.⁸

Following intense negotiations at the World Summit, the final Outcome Document used the term 'sustainable development' twenty-five times and addressed nine environmental issues: sustainable consumption and production, climate change, desertification, biodiversity, freshwater, forests, chemicals and hazardous wastes, energy, oceans and seas, and the transportation of radioactive materials by sea through SIDS. Respect for nature was included among the values and principles,⁹ and sustainable development was considered "a key element of the overarching framework of United Nations activities." Overall, the Outcome Document did not provide innovative or bold language on international environmental protection, nor initiate intergovernmental negotiations on pressing environmental issues, or emphasized the role of the fair use of natural resources and of environmental sustainability to ensure peace and stability. Nonetheless, the Summit succeeded in integrating into the agenda of intergovernmental cooperation over the next decade a vast array of environmental issues, going well beyond the formulation of MDG-7. In addition, with the Summit's unanimous acknowledgement of the MDGs as the international framework for development, and a specific reference in that context to the Johannesburg Plan on Implementation adopted at the WSSD, came also the recognition of the strategic and necessary role of environmental sustainability for the achievement of the other MDGs.¹⁰

Following the endorsement by the World Summit,¹¹ the General Assembly of the 2010 target on biodiversity loss, this was incorporated as a new target under the MDGs (reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss).¹²

Review of Progress

Five years later, following the MDG Summit (during which discussions emphasized the interconnectedness of the MDGs¹³), the General Assembly at the beginning of its sixty-fifth session adopted by consensus the resolution "Keeping the Promise: United to Achieve the Millennium Development Goals," which takes stock of progress and challenges in achieving the MDGs, and includes an action agenda for achieving the Goals by 2015.

The resolution starts by emphasizing the deep concern of Heads of State and government concerning limited progress in the achievement of the Goals and in particular the multiple and interrelated crises, making explicit reference to volatile energy and food prices, concerns over food security and the increasing challenges posed by climate change and biodiversity loss, that have increased vulnerabilities and

⁸ Report of the UN Secretary-General "In Larger Freedom: Towards Development, Security and Human Rights for All", UN Doc. A/59/2005, 21 March 2005, paras. 57-59, and Annex "For decision by Heads of State and Government", 55-62, paras. k-i.

⁹ World Summit Outcome Document, para. 4.

¹⁰ These were the conclusions in Morgera, "The 2005 UN World Summit and the Environment: The Proverbial Half-Full Glass?", n. 5 above.

¹¹ World Summit Outcome Document, para. 56.

¹² See <http://www.cbd.int/2010-target/>.

¹³ MDG Summit Bulletin, vol. 153, no 9, 25 September 2010, at 1, available at: <http://www.iisd.ca/yimb/mdg/summit2010/html/yimbvol153num9e.html>.

inequalities as well as adversely affecting development gains, in particular in developing countries.¹⁴ The resolution also points to the continued determination of world leaders to collectively advance and strengthen the global partnership for development, also on the basis of the Johannesburg Plan of Implementation, reiterating that respect for nature is one of the common fundamental values in this respect, and pointing to the importance of culture for development and the achievement of the MDGs.¹⁵

Several of the successful approaches identified as initiatives that should be replicated and scaled up for accelerating progress are relevant from an environmental policy perspective: macro-economic policies leading to sustainable growth and promoting agricultural and industrial development; promotion of national food security strategy supporting smallholder farmers; support to community-led strategies; promotion of public-private partnerships; as well as the various references to good governance and public participation.¹⁶

In addition, world leaders systematically point to the role of climate change in limiting slowing or reversing progress in achieving the MDGs: recognizing the risks and challenges that it poses to all countries, especially developing ones; stating that addressing climate change is of “key importance” in safeguarding and advancing progress towards achieving the MDGs; and recognizing that its adverse effects represent significant risks, particularly for Small Island Developing States (SIDS), both with regards to the full and effective implementation of the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of SIDS and in grappling with natural disasters.¹⁷ Notably stronger language has been adopted with respect to the international climate change regime, when compared with the 2005 World Summit Outcome Document: in the MDG Summit Outcome, world leaders emphasize that the UN Framework Convention on Climate Change (UNFCCC) is the “primary international intergovernmental forum for negotiating the global response to climate change,” whereas in 2005 they referred to it as the “appropriate forum.” In addition, the MDG Summit Outcome emphasizes world leaders’ commitment to addressing climate change in accordance with the principles and provisions of the UNFCCC, including the principle of common but differentiated responsibilities and respective capabilities, omitting any reference to the Kyoto Protocol – which was, instead, explicitly included among other relevant international agreements, albeit with the qualification “for many of us,” in the 2005 World Summit Outcome.¹⁸

The way forward

The section of the MDG Summit Outcome devoted to “The way Forward” includes several cross-cutting issues to be taken into account in accelerating progress towards the achievement of the MDGs, including: coherent and mutually supportive policies across economic, social and environmental issues; the contribution of trade to the attainment of the MDGs and the need for an early and successful conclusion of the Doha Round of negotiations; energy issues, including access to affordable energy,

¹⁴ MDG Summit Outcome, paras. 1 and 6.

¹⁵ *Ib.*, paras. 7, 13 and 16.

¹⁶ *Ib.*, para. 23.

¹⁷ *Ib.*, paras. 26, 32 and 35.

¹⁸ Compare para. 26 of the MDG Summit Outcome, and para. 51 of the World Summit Outcome.

energy efficiency and sustainability of energy resources and use; respect, protection and promotion of human rights and the need to take positive steps to ensure respect of indigenous peoples' rights; gender mainstreaming; the involvement of the private sector and the importance of the UN Global Compact (which includes three principles concerning environmental sustainability¹⁹).²⁰ In addition, several paragraphs are devoted the critical question of international funding for the achievement of the MDGs, with important qualifications as to innovative funding mechanisms, which are to be considered a supplement, rather than a substitute for traditional sources of funding; and to South-South cooperation, which is to be understood as a complement rather than a substitute for North-South cooperation.²¹

The central part of "The way forward" sets out actions to accelerate progress towards achieving each of the MDGs: in addition to the environment-specific section on MDG-7, environmental concerns are explicitly integrated only with reference to MDG-1 (eradication of extreme poverty and hunger) and, to a lesser extent, MDG-8 (global partnership for development).

Under MDG-1, world leaders commit to, *inter alia*: adopt forward-looking economic policies that lead to inclusive and equitable growth and sustainable development, promoting agricultural development and reducing poverty; develop comprehensive, effective, inclusive and sustainable global responses to multiple crises (implicitly referring also to climate change and biodiversity loss); promote full employment and decent work for all, including indigenous peoples and women; promote rural women's empowerment in rural development and food security, ensuring equal access to productive resources, lands and markets; promote efforts to improve capacity building in sustainable fisheries management, especially in developing countries; support a comprehensive and coordinate response to the global food crisis; promote a strong enabling environment for enhancing agricultural production, productivity and sustainability in developing countries, through land-use planning and water management among others; support small-scale producers to increase production of traditional and other crops and livestock; and accelerate progress on the challenges faced by indigenous peoples in the context of food security. In addition, this section of the MDG Summit Outcome also contains a commitment by world leaders to address environmental challenges to sustainable agriculture development, such as water quality and availability, deforestation and desertification, land and soil degradation, dust, floods, drought and unpredictable weather patterns and biodiversity loss; and to promote the development, dissemination and transfer of appropriate, affordable and sustainable agricultural technologies on mutually agreed terms.²²

The section devoted to MDG-7 includes a reiteration of commitments to: pursue sustainable development according to the principles of the Rio Declaration on Environment and Development, with specific reference to the principle of common but differentiated responsibility, and with the specific objectives of effectively implementing major summit outcomes and addressing new and emerging issues; adopt national planning and legal frameworks, with capacity-building and financial

¹⁹ Namely, principles 7-9. For the full text of the UN Global Compact principles, see <http://www.unglobalcompact.org/>.

²⁰ MDG Summit Outcome, paras. 41-42, 46, 53-56

²¹ *Ib.*, paras. 61-62.

²² *Ib.*, para. 70(b), (c), (d), (i), (m), (o), (p), (w) and (t).

support for developing countries, as well as technology transfer; support the implementation of the UN Convention to Combat Desertification, taking into account the ten-year strategic plan and framework to enhance the implementation of the Convention (2008-2018); continue to pursue a more efficient and coherent implementation of the three objectives of the Convention on Biological Diversity, with specific mention of the preservation and maintenance of traditional knowledge and the conclusion of the negotiations of a protocol on access and benefit-sharing.²³

In addition, world leaders commit to: strengthen action at all levels to effectively implement the global objectives on forest and sustainable forest management of all types of forests, both to reduce the loss of forest cover and to improve the livelihoods of forest-dependent people, through financing, good governance, the involvement of stakeholders and local and indigenous communities at the national and international levels, as well as through enhanced international cooperation to address the threats posed by illicit activities.²⁴ Divergent objectives related to energy are also combined, with world leaders expressing commitment to: support the implementation of national policies and strategies to combine the increased use of new and renewable energy sources and low-emission technologies, energy efficiency, greater reliance on advanced energy technologies including cleaner fossil fuel technologies, and the sustainable use of traditional energy sources, as well as promoting access to modern, reliable, affordable and sustainable energy services and technology transfer.²⁵

The action plan for MDG-7 further confirms commitments in relation to access to drinking water and sanitation, with explicit reference to the promotion of integrated water management in national planning and the exploration of innovative ways of improving the tracking and monitoring of water quality; redoubling efforts to close the sanitation gap; and work towards cities without slums.²⁶ Furthermore, world leaders commit to promoting integrated waste management, supporting efforts to preserve fragile mountain ecosystems, promoting sustainable consumption and production patterns; and fostering a greater level of coordination among national and local institutions responsible for economic and social development and environmental protection, including with respect to the promotion of investments relevant for sustainable development.²⁷ Another paragraph expresses the world leaders' commitment to take measures to ensure the sustainable management of marine biodiversity and ecosystems, including fish stocks, which contribute to food security and hunger and poverty eradication efforts, including through ecosystem approaches to ocean management, and to address the adverse effects of climate change on the marine environment and marine biodiversity.²⁸ Leaders further commit to maintain the UNFCCC as the primary international, intergovernmental forum for negotiating a global response to climate change, and work towards a successful UN Conference on Sustainable Development in 2012.²⁹

Finally, the section devoted to actions to accelerate progress towards MDG-8 includes commitments to promoting the strategic role of science and technology, in particular

²³ *Ib.*, para. 77(a), (b), (c) and (e).

²⁴ *Ib.*, para 77(d).

²⁵ *Ib.*, para. 77 (f).

²⁶ *In.*, para. 77(h), (j) and (k).

²⁷ *Ib.*, para. 77 (i), (m)-(o).

²⁸ *Ib.*, para. 77 (l).

²⁹ *Ib.* para. 77 (g) and (p).

in relation to agricultural productivity, water management and energy security, noting an urgent need for the international community to facilitate the availability of environmentally sound technologies and corresponding know-how.³⁰

Where are we at?

The 2010 MDG Summit confirmed that a broad range of global issues is at play in accelerating progress towards the achievement of the environmental sustainability Goal. Specific environmental issues that were not addressed at the 2005 World Summit have also been firmly attached onto the global agenda for development, such as marine biodiversity. The MDG Summit further confirmed the intrinsic relation between MDG-1 and MDG-7, emphasizing that climate change and biodiversity loss are among the global crises blocking or even reversing progress towards the MDGs, and calling attention to small-holder farming and the special situation of Africa.³¹ It remains to be seen whether annual reporting on the action plan for accelerated progress towards the MDGs³² will effectively contribute to keeping in the next five years the international community focused on, and accountable for, delivering on its holistic commitment to meeting the multifaceted environmental challenges on which global development depends.

³⁰ *Ib.*, para. 78 (u).

³¹ *Ib.*, para. 33.

³² UN press release, "Confident that despite uneven progress, setbacks, Millennium Development Goals can still be achieved by 2015, leaders adopt action agenda on the way forward", GA/10993, 22 September 2010.