

Degrowth and International Law: Assessing the Compatibility of Degrowth and the Principle of Sustainable Development

Jessie Phyffer

<https://orcid.org/0000-0002-8103-9913>

University of Pretoria

jessphyffer@gmail.com

Abstract

This article explores whether the international law principle of sustainable development is compatible with the degrowth development framework. Sustainable development is a guiding and binding principle of international law which calls for development that meets the needs of the current generation without compromising the ability of future generations to meet their own needs. This article is grounded in the international law principle of sustainable development because of the significant position it occupies in international law as a guiding principle of the United Nations. Degrowth calls for the intentional downscaling of production and consumption at all levels to bring human activity back within planetary boundaries while securing decent levels of human well-being. It challenges the common-sense understanding that economic growth is an indispensable part of development and instead relies on policies which redistribute already existing wealth to fund social development projects. An approach to social concerns in this way ensures that less environmental capital is needed to develop States. This article takes a broad approach to sustainable development and degrowth and argues that they are complementary because they share the same base, namely the intersection between economic development, social development, and environmental protection. This article ultimately concludes that the principle of sustainable development is compatible with and is most purely manifested within a degrowth framework.

Keywords: Degrowth; the principle of sustainable development; international law; environmental protection; social development

The solution to the climate crisis is not going to be achieved with more green capitalism and more global carbon markets. The solution is civilisation change, to move towards an alternative model to capitalism.*

Introduction**

Climate change and complete environmental collapse are the greatest threats facing humanity today.¹ This human-induced environmental crisis has come about as a result of the relentless pursuit of economic growth.² Economic growth is painted as indispensable in addressing development problems such as poverty, and access to health, housing and education.³ But this capitalist, growth-obsessed type of development necessarily impacts and degrades the environment.⁴ As such, there is a constant battle between growing economies, in a supposed attempt to address these social development problems, and protecting the environment.⁵ The pursuit of infinite economic growth demanded by the capitalist system that dominates the global economy today⁶ has not delivered on its promise of development for several millions of people and has ravaged the environment in the process.⁷ The need to address social development problems remains present and pressing, but the environment cannot physically and indefinitely sustain a development path which inexorably pursues economic growth. There is, therefore, a dire need for international course correction.

International law has a crucial role to play in this course correction because the environmental crisis is not one which can be solved by individual States. The environmental crisis is not new and international law's answer to balancing

* 'Bolivia Denounces "Carbon Colonialism" at COP26' (*Reuters*, 2 November 2021) <<https://www.reuters.com/video/watch/idOVF1WUHJ5>> accessed 25 November 2021.

** Jessie Phyffer is an LLD student at the University of Pretoria. She would like to thank the National Research Foundation of South Africa (NRF) because this work is based on research supported wholly by the NRF (Grant Number: 144988).

1 UNGA, 'Report of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change' (26 July 2022) UN Doc A/77/226 para 1.

2 Sumudu Atapattu, Carmen Gonzalez, and Sara Seck, 'Intersections of Environmental Justice' and Sustainable Development: Framing the Issues' in Sumudu Atapattu, Carmen Gonzalez, and Sara Seck (eds), *The Cambridge Handbook of Environmental Justice and Sustainable Development* (CUP 2021) 1.

3 Giorgos Kallis, Susan Paulson, Giacomo D'Alisa and Fredrico Demaria, *The Case for Degrowth* (Polity Press 2020) 13–14.

4 Atapattu and others (n 2) 1. When employing capitalism or capitalist, this article is referring to the pursuit of economic growth as a salient feature of capitalism.

5 UN News, 'IPCC report: "Code Red" for Human Driven Global Heating, Warns UN Chief' (*UN News*, 9 August 2021) <<https://news.un.org/en/story/2021/08/1097362>> accessed 29 November 2021.

6 Claiton Fyock, 'What Might Degrowth Mean for International Economic Law? A Necessary Alternative to the (un)Sustainable Development Paradigm' (2022) 12 *Asian Journal of International Law* 44.

7 Atapattu and others (n 2) 1.

environmental protection, and economic growth since the 1980s has been the international environmental law principle of sustainable development.⁸ The principle of sustainable development is a binding, overarching principle of public international law that attempts to balance environmental protection and economic development.⁹ More specifically, it demands that resources be used in a manner which equitably meets the needs of the current generation without compromising the ability of future generations to meet their own needs.¹⁰ Degrowth is a multi-faceted, anti-capitalist framework that potentially offers a pathway for the international law goals of sustainable development to be met. Degrowth critiques provides an alternative to the idea that economic growth and environmental sacrifice are the only ways to address social development concerns. It calls for the intentional reduction or downscaling of production and consumption at a local and global level while simultaneously increasing human welfare and well-being.¹¹ Its primary concern is environmental sustainability and it promises to deliver this, as well as, better standards of living for the global population without relying on economic growth.¹² The relationship between degrowth and international law, though underexplored, is not new.¹³ This article seeks to contribute to this literature by asking whether the international environmental law principle of sustainable development is compatible with a degrowth framework. That is, can the principle of sustainable development be interpreted in such a way that it supports the alternative approach to development that degrowth offers.

Sustainable development has been subject to heavy criticism. Several authors consider that it is impossible to balance economic growth with environmental protection¹⁴ because sustainable development cannot be divorced from the capitalist background in

-
- 8 Ruth Gordon, 'Unsustainable Development' in Shawkat Alam, Sumudu Atapattu, Carmen G. Gonzalez and Jona Razzaque (eds), *International Environmental Law and the Global South* (CUP 2015) 60.
- 9 Dire Tladi, 'Sustainable Development In International Law: An Analysis Of Key Enviro-economic Instruments' (PULP 2007) 104; UNGA, 'World Summit on Sustainable Development' (21 February 2003) UNGA Res 57/253 para 3 reads, in part, '[d]ecides to adopt sustainable development as a key element of the overarching framework for United Nations activities'; See generally UNGA, 'Report of the United Nations Conference on Environment and Development' (12 August 1992) A/CONF.151/26 (Vol. I) (hereafter the Rio Declaration).
- 10 *The World Commission on Environment and Development, Our Common Future* (OUP 1978) (hereafter the Brundtland Report) 43.
- 11 François Schneider, Giorgos Kallis and Joan Martínez-Alier, 'Crisis or Opportunity? Economic Degrowth for Social Equity and Ecological Sustainability. Introduction to this Special Issue' (2010) 18(6) *Journal of Cleaner Production* 512; Jason Hickel, 'Less is More: How Degrowth Will Save the World' (Penguin Random House 2020) 206; Frederico Demaria, François Schneider, Filka Sekulova and Joan Martinez-Alier, 'What is Degrowth? From an Activist Slogan to a Social Movement' (2013) 22(2) *Environmental Values* 209.
- 12 Demaria and others (n 11) 209; Hickel (n 11) 206; Schneider and others (n 11) 512.
- 13 See for example Atapattu and others (n 2); Fyock (n 6); and to a lesser extent, Geoffrey Garver, 'The Rule of Ecological Law: The Legal Complement to Degrowth' (2013) 5 *Sustainability*.
- 14 See for example Atapattu and others (n 2); Gordon (n 8); Ashish Kothari, Frederico Demaria and Alberto Acosta, 'Buen Vivir, Degrowth and Ecological Swaraj: Alternatives to Sustainable Development and the Green Economy' (2014) 57 (3–4).

which it was drawn up.¹⁵ These authors believe that the application of the principle of sustainable development will always be used to sacrifice the environment for the sake of economic growth. While not denouncing these valid critiques of sustainable development, this article disagrees that environmental sacrifice is a forgone conclusion when interpreting the principle of sustainable development. It takes an, admittedly, optimistic approach and argues that the principle of sustainable development manifests most purely when it is interpreted in line with the degrowth framework. Instead of abandoning the principle altogether, this article is written against the background of the urgent need to address the environmental crisis. It argues that this urgency demands existing international law be used to address the crisis rather than relying on the long, slow process of multilateral treaty-making. Finally, it should be noted that this article looks at sustainable development and degrowth through a broad lens and does not attempt to explore every aspect of either in-depth. Rather, the purpose of this article is to open the door to future research in this area by showing that sustainable development manifests most purely when interpreted in line with degrowth.

Part 2 of this article explains the principle of sustainable development in international law. Part 3 concerns degrowth and is cleaved into three smaller sections: the first gives an overview of degrowth, the second section discusses degrowth's critiques of the economic growth development model and finally, section three explains steady-state economies as the end goal of degrowth. Part 4 explains the principle of sustainable development and degrowth as separate concepts and indicates how the principle of sustainable development cannot be properly realised through economic growth-centred development. Part 5 is the main argument of the article and argues that the principle of sustainable development manifests most purely when it operates within a degrowth framework. Finally, part 6 concludes.

The International Law Principle of Sustainable Development

This article argues that the international law principle of sustainable development is compatible with the degrowth framework. This approach is taken because of the position that sustainable development occupies in international law. Sustainable development is a legally-binding environmental and development principle of international law that guides the actions of the United Nations (UN).¹⁶ On this basis, this section explains the principle of sustainable development by discussing its two constitutive parts (inter- and intragenerational equity)¹⁷ and three pillars (economic,

15 Fyock (n 6) 45.

16 See Tladi (n 9) 104; See Christina Voigt, 'Sustainable Development as a Principle of International Law: Resolving Conflicts Between Climate Measures and WTO Law' (Martinus Nijhoff Publishers 2009) generally 145–186; Phillippe Sands, 'Principles of International Environmental Law' (2nd edn, CUP 2003) 254; World Summit on Sustainable Development (n 9) para 3.

17 Virginie Barral, 'Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm' (2012) 23(2) European Journal of International Law 380–381; See also Voigt (n 16) 50–54 where she refers to it as 'transgenerational justice'; See Tladi (n 9) 40.

social, and environmental).¹⁸ The purpose is to provide a holistic understanding of the principle of sustainable development in international law and lay the foundation for the argument that the degrowth framework is compatible with it.

Sustainable development has been described as a ‘concept’,¹⁹ a ‘policy’,²⁰ and an ‘objective’²¹. It has various descriptors because there are authors that believe that its status in international law is not a settled matter. Lowe accuses sustainable development of being without normative character due to its lack of precise definition.²² Barral considers that there is no general obligation on States to develop sustainably in the absence of a treaty obligation to do so.²³ There are, however, several other authors such as Sands, Tladi, Voigt and even Judge Weeramantry that believe that the principle either has binding force,²⁴ or at the very least, is a principle which continues to shape international law.²⁵ The purpose of this article is not to dive further into the discussion on the legal status of the principle of sustainable development. Rather, this article accepts and works from the premise that it is a binding principle of international law that guides all UN activities.²⁶

Sustainable development as a feature of international law came about in the 1970s and 1980s as a sort of catch-all that could address the environmental (and economic) concerns of the developed Global North and the economic concerns of the developing Global South.²⁷ The Global North was, at that time, developed enough to start concerning itself with the protection and preservation of the environment while the several States in the Global South had just come into being and were attempting to develop their economies in the same way the North had.²⁸ But the high cost of the development of the North made it clear that it would not be possible for the South to

-
- 18 WCED, ‘Report of the World Summit on Sustainable Development’ (26 August–4 September 2002) UN Doc A/CONF.199/20 at the Johannesburg Plan of Implementation para 2; See Tladi (n 9) 78.
- 19 Case Concerning the Gabčíkovo-Nagymoros Project (Hungary/Slovakia), Judgement [1997] ICIJ Rep. 7 (Gabčíkovo-Nagymoros) para 140.
- 20 Vaughan Lowe, ‘Sustainable Development and Unsustainable Arguments’ in Alan Boyle and David Freestone (eds), *International Law and Sustainable Development: Past Achievements and Future Challenges* (OUP 1999) 30.
- 21 UNGA, ‘Annex to the letter dated 6 August 2002 from the Permanent Representative of Bangladesh to the United Nations and the Chargé d’affaires a.i. of the Permanent Mission of the Netherlands to the United Nations addressed to the Secretary-General of the United Nations’ (9 August 2002) UN Doc A/CONF.199/8 (New Delhi Declaration) preamble.
- 22 Lowe (n 20) 25–24.
- 23 Barral (n 17) 386.
- 24 Tladi (n 9) 104; Voigt (n 16) 145–186; Sands (n 16) 254.
- 25 His Excellency Judge Christopher Gregory Weeramantry, ‘Achieving sustainable justice through international law’ in Marie-Claire Cordonier Segger, and CG Weeramantry (eds), *Sustainable development principles in the decisions of international courts and tribunals, 1992-2012* (Routledge 2017) 118, 120.
- 26 World Summit on Sustainable Development (n 9) para 3.
- 27 Gordon (n 8) 51.
- 28 *ibid* 50–51.

pursue that same development model.²⁹ The move towards universal environmentalism insisted upon by the North threatened the development plans of the South and as such, there was a need to reconcile the seemingly irreconcilable—the environment and the economy.³⁰ It is out of this necessity that the Brundtland Report and the principle of sustainable development came to be in international law.³¹

The Brundtland Report is not a binding source of international law. Rather, it is the report of the World Commission on the Environment and Development, chaired by Gro Harlem Brundtland, the future Norwegian Prime Minister.³² The General Assembly tasked the Commission with coming up with long-term sustainable development strategies³³ and the Commission produced a comprehensive report on strategies to reconcile the environment with development. It was the first text to define sustainable development and it defined it as development that ‘meets the needs of the present without compromising the ability of future generations to meet their own needs.’³⁴ This definition has two constitutive parts: inter- and intragenerational equity.³⁵ Intergenerational equity is aimed at future generations and places a burden on current generations to protect the environment to the extent that future generations do not reap fewer benefits from its use than current generations.³⁶ What exactly future generations might seek to do with their environmental capital is not knowable,³⁷ but the principle of sustainable development places a duty on all of humanity to ensure that future generations are not left wanting for environmental capital.³⁸ In addition to securing the living standards of future generations, sustainable development also demands intragenerational equity which focuses on the development of current generations.³⁹ Intragenerational equity demands equitable enjoyment of the benefits and costs of using the environment and environmental capital across all peoples and societies.⁴⁰ It is, at its core, about fair distribution of costs and resources within and between States, and most often, between the Global North and Global South.⁴¹ The principles of inter- and intragenerational equity are not prescriptive and how to abide by either is not inherent in the principles.⁴²

29 *ibid.*

30 *ibid* 51–52.

31 *ibid* 52; 60.

32 *ibid* 60.

33 UNGA, ‘Process of preparation of the Environmental Perspective to the Year 2000 and Beyond’ UN Doc (19 December 1983) A/RES/38/161.

34 Brundtland Report (n 10) 43.

35 Barral (n 17) 380–381; Voigt (n 16) 50–54; See Tladi (n 9) 40.

36 Barral (n 17) 380; See Tladi (n 9) 41.

37 Voigt (n 16) 53.

38 *ibid* 51; See Tladi (n 9) 42.

39 Barral (n 17) 380.

40 *ibid.* See Tladi (n 9) 48.

41 Tladi (n 9) 48.

42 Voigt (n 16) 41.

In addition to the two constitutive parts, the principle of sustainable development has three pillars—economic development, social development, and environmental protection.⁴³ Each pillar, of course, has a different focus, but they are interrelated and must be balanced, or integrated, when States make decisions that concern the environment, the economy and social development.⁴⁴ Generally, the three pillars concern different and somewhat competing principles that require trade-offs and to centre one principle over the other two,⁴⁵ but not necessarily to the exclusion of the others.⁴⁶ The flexibility of the principle has led to it being accused of being able to bend to suit the purpose, be it environmental, economic, or social, of whoever is employing it.⁴⁷ According to Tladi, the pillar (economic, social or environmental) that is centred in the application of an instrument which employs the principle depends on the instrument and the regime and practice surrounding that instrument.⁴⁸ Pallemmaerts disagrees with this kind of flexibility and accuses the principle of presenting economic growth and environmental protection as complementary rather than antithetical principles within the economic growth paradigm.⁴⁹ Degrowth scholars tend to agree with Pallemmaerts' position.⁵⁰

43 Johannesburg Plan of Implementation (n 18) para 2; Atapattu and others (n 2) 4; Neil Dawe and Kenneth Ryan, 'The Faulty Three-Legged-Stool Model of Sustainable Development' (2003) 17(5) *Conservation Biology* 1458.

44 See Tladi (n 9) 79–102.

45 Klaus Bosselman, 'Strong and Weak Sustainable Development: Making Differences in the Design of Law' (2006) 13(1) *South African Journal of Environmental Law and Policy* 44.

46 Tladi (n 9) 81.

47 *ibid* 76; See also Tladi at 102 where he explains 'that the application of sustainable development ... will not have a predetermined result' because it is a principle and not a rule. The flexibility inherent in sustainable development has also contributed to its longevity, although it has hampered its implementation, see Philippe Cullet, 'Confronting Inequality beyond Sustainable Development: The Case for Eco-human Rights and Differentiation' (2022) 31 *Review of European, Comparative and International Environmental Law* 9.

48 *ibid* 83. Tladi justifies his position based on his argument that the principle of integration is a key part of sustainable development.

49 Marc Pallemmaerts, 'International Environmental Law from Stockholm to Rio: Back to the Future' (1992) 1(3) *Review of European, Comparative and International Environmental Law* 263. This position is shared by several other authors as well, see Cullet (n 47) 8; Gordon (n 8) 68, Kothari and others (n 15) 366, Atapattu and others (n 2) 6.

50 See Demaria and others (n 11) 196 where the authors argue that 'sustainable development' is an oxymoron.

Degrowth

An Overview of Degrowth

Degrowth is a multi-faceted framework⁵¹ that gained traction after the simultaneous environmental, economic, and social crises of the late 2000s.⁵² It is a broad, transdisciplinary framework that responds to, critiques and provides an alternative to capitalism.⁵³ There are multiple intellectual sources that underpin the framework⁵⁴ and in order to avoid a reductionist approach to degrowth,⁵⁵ it is important to give an overview of degrowth.

Broadly, degrowth is a framework that calls for the intentional reduction or downscaling of production and consumption at a local and global level while simultaneously increasing human welfare and well-being.⁵⁶ Its core concern is environmental sustainability, and its core promise is to deliver increased standards of human well-being while remaining within planetary boundaries.⁵⁷ It seeks to challenge the seemingly unchallengeable discourse around the positive relationship between human well-being and economic growth; specifically, it argues that growthism—the pursuit of economic growth for the sake of it⁵⁸—cannot lead to equitable levels of human well-being and development across the global population.⁵⁹ It further argues that growthism leads to unsustainable environmental practices and environmental degradation.⁶⁰

It should be noted from the outset that degrowth’s core argument is not that growth itself is bad. Rather, its core argument is that growthism, that is, economic growth for the sake of it, is what is unnecessarily pushing the planet towards breaching its planetary

51 This is how it is described in Giorgos Kallis, ‘In Defence of Degrowth’ (2011) 70(5) *Ecological Economics* 874.

52 Schneider and others (n 11) 511; See Demaria and others (n 11) at 195 for a short history of degrowth and its roots in French philosophy.

53 See Hickel (n 11) who starts his book on degrowth by giving a history of capitalism and capitalist modes of production and continuously grounds the framework in an anti-capitalist framework; See also Demaria and others (n 11) 194.

54 *ibid* 195–201 lists six sources of degrowth scholarship: ecology, critiques of development and praise for anti-utilitarianism, meaning of life and well-being, bioeconomics, democracy, and justice as dominant backgrounds of degrowth scholarship; See also Kallis and others (n 3) 19 where the authors explain that ‘[d]egrowth does not claim one unitary theory or plan of action.’

55 *ibid* 206 argue that a failure to consider all of the intellectual sources of degrowth can lead to reductionist or incomplete arguments that might be completely incompatible with the overall framework of degrowth.

56 Demaria and others (n 11) 209; Hickel (n 11) 206; Schneider and others (n 11) 512.

57 Kallis (n 51) 874; Hickel (n 11) 29. Garver defines planetary boundaries as ‘normative, interrelated ecological limits of “safe operating space” for humanity, beyond which humans face an unacceptable risk of deleterious or even catastrophic environmental change at continental to global scales’ see Garver (n 13) 319.

58 Hickel (n 11) 94–101.

59 Demaria and others (n 11) 209; Hickel (n 11) 207; Schneider and others (n 11) 512.

60 Demaria and others (n 11) 209; Hickel (n 11) 206; Schneider and others (n 11) 512.

boundaries.⁶¹ In other words, the level of resource extraction and use, and material throughput that is required to sustain growth does not lead to improvements in the well-being of vast swathes of the global population.⁶² This kind of growth, which is inherent in capitalism⁶³ and dominates the global economy today,⁶⁴ is considered pointless and dangerous and is what is critiqued by degrowth. Its dominance essentially ensures that there is no other way for States to grow.⁶⁵ Based on this, this article accepts that growth, in its current form, manifests as growthism, and as such uses the terms interchangeably unless otherwise specified.

Degrowth as a Critique of the Growth Model

This section illustrates some shortcomings of the capitalist growth model that dominates the global economy. The purpose of this section is not to explore the relationship between degrowth and international economic law—which has been done well by Fyock.⁶⁶ Rather, this section seeks to highlight certain shortcomings of the growth model as far as human well-being and development, and environmental protection and preservation are concerned. It also shows how degrowth developed as a response to these shortcomings. Its larger purpose in the article is to provide a basis for the arguments in parts 4 and 5 of this article.

Degrowth is a critique of and response to growth as a development model.⁶⁷ There are three broad points of the growth model that degrowth questions and responds to. The first is on the idea of Gross Domestic Product (GDP) and what it measures.⁶⁸ GDP is a central idea in the economic growth model that is used to measure the total monetary value of all the final goods and services that a State produces within their borders over

61 Demaria and others (n 11) 209; Hickel (n 11) 206; Schneider and others (n 11) 512.

62 Demaria and others (n 11) 209; Hickel (n 11) 192–193; Kallis and others (n 3) 9; Schneider and others (n 11) 512.

63 Hickel (n 11) 86; Most degrowth scholars approach their work from an anti-capitalist or post-capitalist viewpoint, see Demaria and others (n 11) 194.

64 Fyock (n 6) 44.

65 Hickel (n 11) 95; See also Tim Jackson and Peter Victor, ‘Productivity and Work in the ‘Green Economy’: Some Theoretical Reflections and Empirical Tests’ (2011) 1(1) *Environmental Innovation and Societal Transitions* 102, where they explain how capitalist economies have created a ‘productivity trap’. The basic premise is that capitalist economies rely on three inputs for their efficiency—capital, technological innovation and labour. Increased labour productivity leads to a stimulation on demand because costs have been driven down. This leads to bigger more efficient economies, but more efficient economies need fewer labourers to produce the same amount of goods from one year to the next. If the economy does not grow fast enough to offset this, people lose their jobs. If unemployment persists, less money circulates in the economy, divestment occurs and the economy falls into a recession. As such, governments are trapped in this cycle and therefore trapped on a path that pursues growth.

66 Fyock (n 6).

67 See also Demaria and others (n 11) 194.

68 Kallis and others (n 3) 9; Hickel (n 11) 92.

the course of a year.⁶⁹ It is generally accepted as measuring the health of an economy—a higher GDP indicates a healthier economy while lower or negative GDP indicates an economy that is failing.⁷⁰ Higher GDPs are said to correlate with better standards of living while lower GDPs and recessions have a number of negative social impacts.⁷¹ Higher GDPs do lead to more environmental degradation, but this is seen as a necessary and temporary sacrifice in raising the living standards of human beings.⁷² Degrowth economies will lead to declining GDPs, but this is a by-product of degrowth, not its purpose.⁷³ While the consequences of this may, at first, appear so detrimental so as to be avoided at all costs, a deeper look at what GDP does and does not measure can abate this fear.

GDP measures the health of an economy, but it does not distinguish between ‘good’ and ‘bad’ economic activity, in other words, the environmental or social cost of an economic activity is irrelevant as long as there is an exchange of money.⁷⁴ Further, it does not contain any information on the distribution of income nor does it measure human well-being in any meaningful way.⁷⁵ As such, a high GDP simply indicates that a population is consuming and spending at high volumes, but this does not necessarily translate into a healthier, happier population.⁷⁶ Degrowth scholars thus question the ability of higher GDPs to deliver on human well-being and development promises, and maintain that these promises can be delivered where GDP falls or even contracts.⁷⁷ Importantly, degrowth does not vilify GDP, but it argues that pursuing growth to maintain or increase GDP percentages is not an effective way to address human and environmental.⁷⁸ GDP is likely to contract through degrowth, but because this contraction is intentional, it will not lead to the typical ills associated with a recession.⁷⁹

The second broad response of degrowth to growth models is related to the idea that pursuing higher GDPs will lead to better living standards.⁸⁰ States are encouraged to

69 Dan O’Neill, ‘Gross Domestic Product’ in Giacomo D’Alisa, Federico Demaria and Giorgos Kallis (eds), *Degrowth: A Vocabulary for a New Era* (Routledge 2015) 133.

70 Kallis and others (n 3) 9.

71 *ibid*; Schneider and others (n 11) 516.

72 Hickel (n 11) 30; Schneider and others (n 11) 512.

73 Daniel O’Neill, ‘Measuring Progress in the Degrowth Transition to a Steady State Economy’ (2011) *Ecological Economics* 1; Hickel (n 11) 30.

74 Hickel (n 11) 92; O’Neill (n 69) 134.

75 Hickel (n 11) 92; O’Neill (n 69) 133–134; Amit Kapoor and Bibek Debroy, ‘GDP Is Not a Measure of Human Well-Being’ (*Harvard Business Review*, 4 October 2019) <<https://hbr.org/2019/10/gdp-is-not-a-measure-of-human-well-being>> accessed 17 November 2021.

76 See Schneider and others (n 11) 512; See also Clifford Cobb, Ted Halstead and Johnathan Rowe, ‘If the GDP is Up, Why is America Down’ (1995) 276(4) *The Atlantic Monthly* 60; O’Neill (n 69) 134; see also Hickel (n 11) 176–177 where he uses life-expectancy (and thus health) as a measure of the effectiveness of high GDPs leading to higher levels of human well-being.

77 Hickel (n 11) 207; Schneider and others (n 11) 512.

78 Hickel (n 11) 207; Schneider and others (n 11) 516.

79 Hickel (n 11) 207; Schneider and others (n 11) 516.

80 Kallis and others (n 3) 9.

pursue higher GDPs based on the promise that it will lead to a reduction in poverty.⁸¹ Degrowth scholars disagree with this and point out that while global GDP has grown at between two and four per cent per year since 2000,⁸² extreme poverty remains endemic with some 689 million people still living below the USD 1.90 poverty line as of 2017.⁸³ While the COVID-19 pandemic will push more people into poverty, poverty reduction rates were decreasing even before the onset of the pandemic, especially in Sub-Saharan Africa.⁸⁴ The world is the richest it has ever been, yet poverty remains endemic. Degrowth accepts that GDP growth is not the answer to poverty, and rather argues for the redistribution of already existing wealth.⁸⁵

The third broad response of degrowth is that growth is far more destructive to, than protective of, the environment.⁸⁶ It is common cause that as GDP grows, so too does pollution.⁸⁷ Additionally, growing GDPs needs energy. Currently, most energy needs are met by fossil fuels such as coal, oil, and gas.⁸⁸ Extracting and transporting these resources causes extensive damage to the environment, as does the waste that is generated by these activities.⁸⁹ Growing GDPs is, therefore, not kind to the environment. However, it has been argued that increases in GDP leads to technological innovations that can make environmentally harmful activities less harmful or even eradicate these activities completely.⁹⁰ This provides an incentive to keep growing on the basis that humanity will eventually be able to offset environmental harm through better technology. Growth and the environment, therefore, do not have to compete.

Degrowth points out that indefinite growth is unsustainable and that, at current growth projections, humanity will not be able to exclusively rely on renewable energy to sustain

81 World Bank Group, 'Poverty and Shared Prosperity: Reversals of Fortune' (The World Bank 2020) xi.

82 This statistic is taken from the period 2000 and 2020 and does not include the global contraction in 2008 and 2009 as a result of the 2008 global recession, see World Bank Data 'GDP Growth (annual %)' (World Bank Group) <<https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?end=2020&start=2000&view=chart>> accessed 31 October 2021.

83 World Bank Group, Poverty and Shared Prosperity: Reversals of Fortune (n 81) 1 and 2.

84 *ibid* 2.

85 Joshua Farley, 'Steady State Economies' in Giacomo D'Alisa, Federico Demaria and Giorgos Kallis (eds), *Degrowth: A Vocabulary for a New Era* (Routledge 2015) 77; Hickel (n 11) 229; Kallis and others (n 3) 79; Schneider and others (n 11) 516.

86 Demaria and others (n 11) 196; Farley (n 85) 78; Hickel (n 11) 101–107.

87 Vanessa Thompson, 'The Tragic Simplicity of GDP' (*Berkley Economic Review*, 23 April 2020) <<https://econreview.berkeley.edu/the-tragic-simplicity-of-gdp/>> accessed 17 November 2021; Tristan Bove, 'How GDP Negatively Affects Climate Change Policy' (*Earth.Org*, 7 January 2021) <<https://earth.org/gdp-climate-change/>> accessed 17 November 2021; Kallis and others (n 3) 35.

88 Farley (n 5) 78.

89 Kallis and others (n 3) 9; Hickel (n 11) 140.

90 One such example is the idea of carbon capture facilities, see Jack Losh, 'Can Carbon Capture Facilities Reverse Climate Change?' (*AlJazeera*, 1 November 2021) <<https://www.aljazeera.com/news/2021/11/1/cop>> accessed 18 November 2021.

its economies.⁹¹ Based on historic trends, Hickel argues that growing the global economy at three per cent per year will double it every twenty-four years.⁹² At that point, in order to simply be sustained, that is, to not fall into a recession or depression, the world would have to use double the amount of energy and resources that it is currently using.⁹³ Current growth habits are pushing the planet towards breaching its planetary boundaries.⁹⁴ It is nonsensical to continue to strive for GDP and economic growth if the environmental capital on which it is based is finite.⁹⁵ The physical reality of our environment means that economies cannot grow indefinitely. As for relying on technology to save us, renewables cannot sustain a global GDP rate of three per cent per year, and some of the promises of life-saving technology do not even exist yet, or if they do, they are woefully inadequate.⁹⁶ Degrowth, therefore, argues that reducing production in the most environmentally harmful industries will not only bring us back within planetary boundaries but also that this reduction need not have a disastrous effect on human well-being.

Steady-State Economies

As seen above, degrowth scholars argue that the pursuit of growth for the sake of it should be discarded. However, it must also be asked at what point economies should stop degrowing; in other words, when should the downscaling and reduction stop? After all, if economies cannot grow indefinitely, they also cannot degrow to the point of regression. The ultimate purpose of degrowth is to bring economic activity back within ecological boundaries, but to still have economies that are able to sustain decent standards of living. This sweet-spot is achieved when economies have fully transitioned into steady-state economies.⁹⁷ Steady-state economies are economies that have a

91 Hickel (n 11) 140–141.

92 *ibid* 140.

93 *ibid*.

94 Farley (n 85) 78.

95 *ibid*.

96 Hickel (n 11) 140–141 and 146; see also Losh (n 90); Geoengineering refers to a set of technologies (including carbon capture) which manipulate the environment in an attempt to offset or delay climate change and has been increasingly called upon as a solution to climate change (see Harvard University, ‘In Science magazine, scholars call for more comprehensive research into solar geoengineering’ (*Phys.org*, 11 November 2021) <<https://phys.org/news/2021-11-science-magazine-scholars-comprehensive-solar.html>> accessed 25 November 2021). But that technology is not without its problems, specifically that the impacts of geoengineering on the natural ecosystem are not predictable (see Ted Alcorn, ‘The Hot Debate Over Solar Geoengineering and Its Impact on Climate’ (*Wall Street Journal*, 13 May 2021) <<https://www.wsj.com/articles/the-hot-debate-over-solar-geoengineering-and-its-impact-on-climate-11620932402>> accessed 25 November 2021).

97 Research and Degrowth, ‘Degrowth Declaration of the Paris 2008 conference’ (2010) 18 *Journal of Cleaner Production* 524 at point 5 which reads, ‘[o]nce right-sizing has been achieved through the process of degrowth, the aim should be to maintain a “steady state economy” with a relatively stable, mildly fluctuating level of consumption.’

constant human population and a constant level of throughput.⁹⁸ These economies require high levels of income equality and full employment which is also what degrowth promises to deliver.⁹⁹ As such, fairer distribution of resources is necessary for a steady-state economy.¹⁰⁰ Degrowth is, therefore, a process that will end in steady-state economies, and eventually a steady-state global economy.¹⁰¹

Degrowth and the Principle of Sustainable Development

As was just briefly discussed, degrowth is based on the idea that growthism and environmental protection are incompatible, and degrowth scholars consider that development based on economic growth cannot ever be sustainable.¹⁰² The environmental protection pillar of sustainable development cannot be divorced from the social pillar because people are part of, not outside of, the environment.¹⁰³ The social pillar aims to address problems often associated with under development such as poverty, and access to food, water, healthcare, housing and education.¹⁰⁴ Degrowth promises to address the social pillar and deliver what economic growth has said it would but never has for large swathes of the population—decent standards of living for all.¹⁰⁵ Its framework promises both inter- and intragenerational equity and in doing so, addresses the pervasive environmental injustice currently experienced under growthism.¹⁰⁶ This section seeks to further discuss and highlight how the principle of sustainable development and its environmental and social pillars cannot achieve its goals or abide by its promises within a development framework that is based on and prioritises growthism.

Hickel points out the relationship between GDP growth and humanity's material footprint, which is the sum of what humans extract from the planet and use every year.¹⁰⁷ As GDP grows, so too does the global material footprint.¹⁰⁸ GDP thus grows at the expense of the environment, which means that growth models are, practically speaking, unsustainable because they rely on a finite resource base—the environment.¹⁰⁹ This

98 Throughput is defined as 'the extraction of raw materials from nature and their return to nature as waste' see Farley (n 85) 76; See also O'Neill (n 73) 2 citing Herman E Daly, 'A Steady-State Economy' Opinion Piece for Redefining Prosperity, The Sustainable Development Commission, UK 2008.

99 O'Neil (n 73) 2.

100 *ibid.*

101 *ibid* 1.

102 See Demaria and others (n 11) 196.

103 Ataputta and others (n 2) 4.

104 *ibid.*

105 Demaria and others (n 11) 209; Hickel (n 11) 206; Schneider and others (n 11) 512;

106 Jean Martínez-Alier, 'Environmental Justice and Economic Degrowth: An Alliance between Two Movements' (2012) 23 *Capitalism Nature Socialism* 64.

107 Hickel (n 11) 101–104.

108 *ibid* 102, 104.

109 Hickel (n 11) 103; see also Kallis (n 51) 874.

relationship between the economic and environmental pillars of the principle of sustainable development is recognised in the Brundtland Report.¹¹⁰ The Report, like degrowth, acknowledges the fact that the environment is finite,¹¹¹ and that, because of this, growth has limits.¹¹² As was pointed out above, global GDP grows at between two and four per cent per year, and this growth is compounded, which means that a global GDP rate of an average of three per cent per year will double the size of the economy every twenty-four years.¹¹³ To sustain this kind of growth requires increased resource extraction and use, and energy production, which also leads to increased waste that finds its way into the environment.¹¹⁴ Growthism, therefore, is inherently environmentally destructive, and Pallemmaerts' point about economic growth and environmental protection being antithetical rather than compatible stands.¹¹⁵

Poverty is also bad for the environment.¹¹⁶ Endemic poverty can lead to the over-exploitation of environmental capital and general environmental degradation.¹¹⁷ Growth is always presented as the answer to poverty,¹¹⁸ but whether this is true is questionable. As mentioned above, the number of people living in extreme poverty, that is, on or below the very low poverty line of USD 1.90 per day, was 689 million in 2017,¹¹⁹ even though the global GDP had grown between two and four per cent per year from 2000 to 2020.¹²⁰ The rate at which extreme poverty was decreasing had also slowed by 2017.¹²¹ Accordingly, it appears as though there is a disconnect between rising GDP (therefore, economic growth), and extreme poverty eradication. But, of course, the benefits of this growth have to be felt somewhere. From 1980 to 2016, the top one per cent of the global population captured twice as much growth as the bottom fifty per cent.¹²² As of 2019, the richest one per cent of the global adult population owned forty-three per cent of

110 Brundtland Report (n 10) 29.

111 *ibid* 29; Hickel (n 11) 103; see also Kallis (n 51) 874; Farley (n 85) 76.

112 Brundtland Report (n 10) 45.

113 Kallis and others (n 3) 25; Hickel (n 11) 140.

114 Kallis and others (n 3) 34–35; Brundtland Report (n 10) 29; Hickel (n 11) 140.

115 The Brundtland Report relies on advances in technology to mitigate the environmental impact of growth (Brundtland Report (n 10) 45), but as pointed out above, Hickel argues there is a tendency to rely on inadequate or non-existent technology to solve problems that already exist and are having a very real impact, see Hickel (n 11) 140–141, 146.

116 Brundtland Report (n 10) 49.

117 *ibid* 49, 52. Of course, there is a difference between deforestation as a result of large-scale logging for commercial gain and people forced to overuse trees as their only means to cook or provide heat for themselves, but in both cases, there remains environmental degradation, albeit at different scales.

118 World Bank Group, *Poverty and Shared Prosperity: Reversals of Fortune* (n 81) 6 explains how achieving the World Bank's original target of only three per cent of the people living in poverty by 2030 can only be achieved in a post-COVID-19 world where global GDP grows at 8.5 per cent per year; See also Brundtland Report (n 10) 44.

119 World Bank Group, *Poverty and Shared Prosperity: Reversals of Fortune* (n 81) 1.

120 'GDP Growth Annual %' (n 82).

121 World Bank Group, *Poverty and Shared Prosperity: Reversals of Fortune* (n 81) 2.

122 Inequality.org, 'Global Inequality' (Inequality.org, 2021) <<https://inequality.org/facts/global-inequality/#global-wealth-inequality>> accessed 4 November 2021.

global wealth¹²³ with most of that wealth concentrated in the Global North.¹²⁴ As such, those who would gain from growth the most are not the ones benefitting from it.¹²⁵ In addition to the distribution problem, economic growth as a poverty eradication strategy is unsustainable because it is based on the assumption that there are infinite environmental resources available to grow the economy.¹²⁶ As already pointed out above, this is not true.

Accordingly, it is not possible to balance social development and environmental protection with growthism, the version of economic growth that dominates the global economy today.¹²⁷ Growthism continues to ravage the environment apparently for the sake of poverty eradication, but it is falling short of this goal, which renders environmental degradation virtually pointless. Nowhere is this clearer than in the Global South where the people and the environment are ravaged for economic growth in the Global North.¹²⁸ For those most marginalised people in the South, none of the pillars of the principle of sustainable development are ever met. Their environments and social development needs are sacrificed for the economic growth and social development of those in the North.¹²⁹ Such an approach to sustainable development, in other words, one which widens the wealth gap and entrenches environmental injustice fails to meet the promises of the principles of inter- and intragenerational equity.¹³⁰ Furthermore, refusing to treat the environment and its resources as finite, robs future generations of their own environmental capital.

If both the environmental pillar and the social pillar of the principle of sustainable development are being compromised for the sake of economic growth, and the principles of intra- and intergenerational equity are being discarded, it must be asked whether the principle of sustainable development can ever deliver on its key promises under an economic order dominated by growthism? Are current development practices truly *sustainable*? Degrowth scholars do not think so. Although degrowth scholars have denounced the principle of sustainable development,¹³¹ this article will now argue that this position is short-sighted and based on a misunderstanding of the true purpose of the principle. Degrowth and sustainable development are compatible in several ways, and

123 *ibid*; As of 2018, twenty-six billionaires held as much wealth as the bottom fifty per cent of the global population, see Inequality.org, ‘Wealth of the World’s Poorest Shrinks Relative to Billionaires – 2020’ (Inequality.org, 2021) <<https://public.tableau.com/app/profile/ips.inequality/viz/WealthoftheWorldsPoorestShrinksRelativetoBillionaires-2020/Dashboard1>> accessed 2 November 2021.

124 ‘Global Inequality’ (n 122).

125 Brundtland Report (n 10) 44 points out that developing States are those that ‘need’ economic growth to address poverty in their States.

126 Kallis and others (n 3) 25–28.

127 Hickel (n 11) 94, 101.

128 Gordon (n 8) 60; Martínez (n 106) 54.

129 Gordon (n 8) 60; Martínez (n 106) 54.

130 Martínez (n 106) 62, 65.

131 See Demaria and others (n 11) 196; Kothari and others (n 14) 366.

as will be argued below, sustainable development can only achieve its true purpose through degrowth.

Degrowth as the Purest Manifestation of Sustainable Development

Sustainable development has been heavily criticised as being a principle which purports to show concern for the environment but actually centers economic concerns and specifically economic growth at any expense.¹³² It is for this reason that degrowth scholars have denounced ‘sustainable development’ as an oxymoron,¹³³ but this article is more optimistic and argues that sustainable development manifests most purely when applied within a degrowth framework. Degrowth is a response to the simultaneous environmental, social and economic crises of the late 2000s.¹³⁴ The principle of sustainable development consists of these same three pillars: environmental protection, social development and economic development.¹³⁵ The two ideas, therefore, cover the same broad areas of concern. While the current reality of the state of sustainable development centres economic development, degrowth elevates social development and environmental sustainability to the same level, but relatively far above, almost at the expense of, economic development.¹³⁶ As far as economic development is concerned, the approach is layered,¹³⁷ but generally, degrowth is not concerned with economic health and considers a fall or contraction of GDP to be inevitable but ultimately inconsequential as far as human well-being is concerned.¹³⁸ As a very basic premise, degrowth recognises that the environment is finite, and it seeks to work within planetary boundaries when addressing human well-being.¹³⁹ As such, it necessarily shifts addressing human well-being through economic growth to addressing it through redistributive means.¹⁴⁰ These ideas are not unique to degrowth; they actually appear in the Brundtland Report.¹⁴¹

The Brundtland Report acknowledges the finite nature of the environment and the impact that highly industrialised economic activities can have on the environment.¹⁴² It also acknowledges that inequality leads to environmental degradation, and that there is a need to address poverty in all States.¹⁴³ The Report calls for the full realisation of growth potential to address poverty, and it seemingly endorses growth as a necessary

132 Attaputa and others (n 2) 5; Gordon (n 8) 51; Kothari and others (n 13) 366.

133 See Demaria and others (n 11) 196; Kothari and others (n 13) 366.

134 Schneider and others (n 11) 511.

135 Johannesburg Plan of Implementation (n 18) para 2; See Tladi (n 9) 78.

136 Demaria and others (n 11) 209; Hickel (n 11) 206; Schneider and others (n 11) 512.

137 Hickel accepts that growth will have to happen in developing States, but purpose-driven growth, not growth for the sake of it, see Hickel (n 11) 189.

138 Schneider and others (n 11) 512; see also Hickel (n 11) 30.

139 In this way, it reflects tenets of environmental justice, see Martínez (n 106) 64.

140 Hickel (n 11) 229; Kallis and others (n 3) 78–79; Schneider and others (n 11) 516.

141 Brundtland Report (n 10) 29, 52.

142 *ibid* 29, 227.

143 *ibid* 46.

part of achieving the goals of sustainable development.¹⁴⁴ However, it does not appear to be endorsing growthism. Rather it calls for a sustainable and non-exploitative¹⁴⁵ version of growth,¹⁴⁶ and a ‘change in the content of growth ... to make it more equitable in its impact.’¹⁴⁷ It also calls for ‘consumption standards that are within the bounds of the [ecologically] possible and to which all can reasonably aspire’,¹⁴⁸ and for ‘[t]he process of economic development [to be] more soundly based upon the realities of the stock of capital that sustains it.’¹⁴⁹ These aspirational goals are, as shown above, not being met under growthism, and are arguably a better representation of development within a degrowth framework.

Degrowth approaches the related issues of poverty eradication and the ecologically sound use of environmental capital primarily through redistributing already accumulated wealth and reducing investment and production in industries that are harmful to the environment.¹⁵⁰ It calls for a universal basic income (UBI) and universal basic services (UBS) funded by taxing not only the wealthy but also environmentally harmful behaviour such as carbon emissions, pollution, and toxic waste.¹⁵¹ UBS entails bringing several basic services such as transport, energy, and access to food, housing and healthcare within the public domain so every individual’s basic survival needs are met.¹⁵² This ‘reclaiming of the commons,’ as Hickel, Kallis and others call it, along with the provision of a UBI reduces pressure on individuals to earn private income and, therefore, gives them an opportunity to work in less environmentally harmful industries.¹⁵³ Redistributive policies also address issues of inequality between the rich and the poor and ensure that the pattern of the rich using more than their fair share of environmental resources ends.¹⁵⁴ As Cullet says, ‘[t]he need of the hour is thus better sharing of existing resources and well-being.’¹⁵⁵

Redistributive policies and public services are two ways of reducing the scale of environmental damage caused by growthism. The other, more direct, way to do this is to simply downscale and divest in environmentally harmful industries such as the fossil fuel industry, the military industry, and the beef industry which are all large carbon-

144 See for example *ibid* 44, and 49–54.

145 Kallis and others (n 3) 36–41 argue that exploitation is a vital ingredient for growth.

146 Brundtland Report (n 10) 44.

147 *ibid* 52.

148 *ibid* 44.

149 *ibid* 52.

150 Hickel (n 11) 229; Kallis and others (n 3) 8, 78, 79; Schneider and others (n 3) 512.

151 Kallis and others (n 3) 78, 79.

152 *ibid* 70, 75; Hickel (n 11) 217.

153 Kallis and others (n 3) 71; Hickel (n 11) 176–177.

154 Cullet (n 47) 8; This is also a tenet of environmental justice, Martínez (n 106) 63–66.

155 Cullet (n 47) 10.

emitters and have dire environmental consequences.¹⁵⁶ This is a scary prospect, not only from an economic perspective, but from an employment perspective. The Brundtland Report considers a job to be an essential need and therefore a major objective of development.¹⁵⁷ Downscaling industries will lead to job losses, but degrowth's answer to this is a shorter work week.¹⁵⁸ This may seem counterintuitive at first—the answer to losing work is to work less. But, the purpose of a shorter work week is to distribute labour more evenly.¹⁵⁹ The idea is that the amount of labour needed in industries that will be expanded (renewable energy, healthcare, and education)¹⁶⁰ will increase, which means that the overall amount of necessary labour in a given society will not decrease but might, in fact, increase.¹⁶¹ As such, more work will be available for more people to do for fewer hours. Of course, (re)training programmes and public jobs guarantees form part of this plan to ensure that people are able to change industries, and a UBI can fund affected workers for the period that they are without work.¹⁶² Breaking from overproduction also results in a decrease in energy consumption, and therefore raw material use and extraction.¹⁶³

Finally, the operative word in sustainable development is *sustainable* which means that development, whatever its form, must be able to be 'continued or sustained'.¹⁶⁴ As already pointed out above, a global GDP growth rate of three per cent per year which doubles the global economy every twenty-four years¹⁶⁵ relies on an infinite resource pool,¹⁶⁶ which simply does not exist. Growth cannot be infinite if the resources on which it is based are not. As such, growing global GDP is inherently unsustainable. Additionally, growing GDP is supposed to help alleviate poverty.¹⁶⁷ However, if there is an end-point to the resources that can be used for growing GDP, logically there must be an end-point for the ability of GDP to alleviate poverty. In other words, if GDP growth is the only technique used to alleviate poverty and GDP must eventually stop, then this method of poverty alleviation is also flawed and unsustainable. Growth, and specifically growthism, is therefore incompatible with the basic purpose of sustainable development.

156 Hickel (n 11) 219. See also UNHRC, 'Report of the Special Rapporteur on the right to food, Olivier De Schutter' (24 January 2014) UN Doc A/HRC/25/57 paras 8 and 9 for a discussion on the environmental impacts of the beef industry.

157 Brundtland Report (n 11) 43.

158 Hickel (n 11) 223.

159 *ibid.*

160 Kallis and others (n 3) 75.

161 Hickel (n 11) 223–224.

162 *ibid.* 224.

163 Kallis and others (n 3) 75–77.

164 Maurice Waite (ed), *Paperback Oxford English Dictionary* (7th edn, OUP 2012) 735.

165 Kallis and others (n 3) 25; Hickel (n 11) 140–141.

166 Hickel (n 11) 103; see also Kallis (n 53) 874.

167 Brundtland Report (n 10) 50–51.

Fyock is not as optimistic as this author and has dismissed the idea that degrowth and the principle of sustainable development are complementary.¹⁶⁸ He argues that the salient feature of capitalism—its unrelenting pursuit of economic growth—is the background assumption on which the principle of sustainable development was created.¹⁶⁹ As such, the principle of sustainable development will always be tethered to capitalism.¹⁷⁰ In a somewhat similar vein, Dawe and Ryan opine that a system which creates a problem cannot be the same system that is relied on to solve that problem.¹⁷¹ It is indeed capitalism and capitalist growth that has created the problem in which we find ourselves. But this author considers that sustainable development need not always be tethered to capitalism. The fact that degrowth, an anti-capitalist framework, can manifest in the principle of sustainable development means that the principle is not inherently capitalist. The principle of sustainable development can be used to serve the interest of whoever is employing it.¹⁷² The problem does not lie with the principle then, but with the dominant economic and political ideology of today. As this article has shown, all hope is not lost—it is indeed possible to untether some existing international law from its background and use it to pursue anti-capitalist ideas and frameworks.

The policies that degrowth offers as a way to stay within planetary boundaries while still ensuring that all people are able to attain decent standards of living are not far off from the true purpose of sustainable development. The redistribution of wealth (which is simply the concentrated accumulation of growth) in the form of UBS and UBI is a way to address the intragenerational equity principle inherent in sustainable development and even the Brundtland Report calls for redistributive policies to address poverty.¹⁷³ Although the Report also calls for growth, the ecologically sustainable version of growth that it encourages does not and cannot exist within a growthism paradigm. It can, however, exist within the degrowth paradigm. The principle of intergenerational equity is also addressed by degrowth through divesting in harmful activities that are causing humanity to breach ecological boundaries, and instead reinvesting in industries that concern human well-being such as education and housing.¹⁷⁴ By addressing these two principles, degrowth addresses the social and environmental pillars of sustainable development. Admittedly, degrowth does not pay due weight to the economic pillar of sustainable development, but the purpose of that pillar is to fund the social pillar.¹⁷⁵ If social concerns can be addressed without relying on economic growth, then why should that pillar continue to factor so heavily in the principle of sustainable development? Degrowth is able to comfortably address two of

168 Fyock (n 6) 45.

169 *ibid.*

170 *ibid.*

171 Dawe and Ryan (n 42) 1458.

172 Tladi (n 9) 76–83.

173 Brundtland Report (n 10) 52.

174 Kallis and others (n 3) 75; Hickel (n 10) 207.

175 Brundtland Report (n 10) 50 states ‘A necessary but not a sufficient condition for the elimination of absolute poverty is a relatively rapid rise in per capita incomes in the Third World.’

the pillars and the two constitutive parts of sustainable development, and as such, it allows sustainable development to reach its goals, abide by its promises and manifest in its purest form.

Conclusion

This article set out to answer whether the principle of sustainable development could accommodate the approach to development that is espoused by the degrowth framework. This is important because it is a way for States to use already existing international law to address the environmental and social crises that face humanity. Degrowth and sustainable development share the same three interrelated pillars—environmental protection, social development, and economic development. The current manifestation of sustainable development centres economic development, supposedly for the purposes of social development, at the expense of environmental protection. However, even though global GDP and wealth are the highest it has ever been, hundreds of millions of people continue to live in extreme poverty. Additionally, the material footprint of humanity is rising in step with GDP. As such, the current status quo of centering the economic pillar of sustainable development is becoming increasingly detrimental to the other two pillars. Degrowth, on the other hand, centres the social and environmental pillars of sustainable development. While it does not care much for the economic pillar, it is able to achieve the goals of the social and environmental pillars without economic growth. It does this through various redistributive and divestment policies that address human well-being while still remaining within planetary boundaries.

Against this understanding, this article argued that development that relies on growthism, the form of limitless economic growth that dominates global and domestic economies, as a means to address social concerns is unsustainable simply because the resource base on which it relies is finite. Further, the promises made to future and even current generations by the principle of sustainable development are not being and cannot be met within a growth paradigm. As such, this article showed that the overarching international law principle that marries the environment and development, sustainable development, is most purely reflected when exercised within the degrowth framework.

References

Alcorn T, 'The Hot Debate Over Solar Geoengineering and Its Impact on Climate' (*Wall Street Journal*, 13 May 2021) <<https://www.wsj.com/articles/the-hot-debate-over-solar-geoengineering-and-its-impact-on-climate-11620932402>> accessed 25 November 2021.

- Atapattu SA, Gonzalez CG, and Seck SL, 'Intersections of Environmental Justice and Sustainable Development: Framing the Issues' in Sumudu A Atapattu, Carmen G Gonzalez, and Sara L Seck (eds), *The Cambridge Handbook of Environmental Justice and Sustainable Development* (Cambridge University Press 2021).
<<https://doi.org/10.1017/9781108555791>>
- Barral V, 'Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm' (2012) 23(2) *European Journal of International Law*
<<https://doi.org/10.1093/ejil/chs016>>
- 'Bolivia Denounces "Carbon Colonialism" at COP26' (*Reuters*, 2 November 2021)
<<https://www.reuters.com/video/watch/idOVF1WUHJ5>> accessed 25 November 2021.
- Bosselman K, 'Strong and Weak Sustainable Development: Making Differences in the Design of Law' (2006) 13(1) *South African Journal of Environmental Law and Policy*.
- Bove T, 'How GDP Negatively Affects Climate Change Policy' (*Earth.Org*, 7 January 2021)
<<https://earth.org/gdp-climate-change/>> accessed 17 November 2021.
- Case Concerning the Gabčíkovo-Nagymoros Project (Hungary/Slovakia) (Judgment) [1997] ICJ Rep. 7.
- Cobb C, Halstead T, and Rowe J, 'If the GDP is Up, why is America Down' (1995) 276(4) *The Atlantic Monthly*.
- Cullet P, 'Confronting Inequality Beyond Sustainable Development: The Case for Eco-Human Rights and Differentiation' (2022) 31 *Review of European, Comparative and International Environmental Law* <<https://doi.org/10.1111/reel.12439>>
- Dawe NK, and KL Ryan, 'The Faulty Three-Legged-Stool Model of Sustainable Development' (2003) 17(5) *Conservation Biology* <<https://doi.org/10.1046/j.1523-1739.2003.02471.x>>
- Demaria F, Schneider F, Sekulova F, and Martinez-Alier J, 'What is Degrowth? From an Activist Slogan to a Social Movement' (2013) 22(2) *Environmental Values*
<<https://doi.org/10.3197/096327113X13581561725194>>
- Farley J, 'Steady State Economies' in Giacomo D'Alisa, Federico Demaria, and Giorgos Kallis (eds), *Degrowth: A Vocabulary for a New Era* (Routledge 2015).
- Fyock C, 'What Might Degrowth Mean for International Economic Law? A Necessary Alternative to the (un)Sustainable Development Paradigm' (2022) 12 *Asian Journal of International Law* <<https://doi.org/10.1017/S2044251322000030>>
- Garver G, 'The Rule of Ecological Law: The Legal Complement to Degrowth' (2013) 5 *Sustainability* <<https://doi.org/10.3390/su5010316>>

- Gordon R, 'Unsustainable Development' in Shawkat Alam, Sumudu Atapattu, Carmen G. Gonzalez, Jona Razzaque (eds), *International Environmental Law and the Global South* (Cambridge University Press 2015).
- Harvard University, 'In Science Magazine, Scholars Call for More Comprehensive Research into Solar Geoengineering' (*Phys.org*, 11 November 2021) <<https://phys.org/news/2021-11-science-magazine-scholars-comprehensive-solar.html>> accessed 25 November 2021.
- Daly HE, 'A Steady-State Economy' Opinion Piece for Redefining Prosperity (The Sustainable Development Commission, UK 2008).
- Hickel J, '*Less is More: How Degrowth Will Save the World*' (Penguin Random House 2020).
- Inequality.org, 'Global Inequality' (*Inequality.org*, 2021) <<https://inequality.org/facts/global-inequality/#global-wealth-inequality>> accessed 4 November 2021.
- Inequality.org, 'Wealth of the World's Poorest Shrinks Relative to Billionaires – 2020' (*Inequality.org*, 2021) <<https://public.tableau.com/app/profile/ips.inequality/viz/WealthoftheWorldsPoorestShrinksRelativetoBillionaires-2020/Dashboard1>> accessed 4 November 2021.
- Jackson T, and Victor P, 'Productivity and Work in the "Green Economy" Some Theoretical Reflections and Empirical Tests' (2011) 1(1) *Environmental Innovation and Societal Transitions* <<https://doi.org/10.1016/j.eist.2011.04.005>>
- Kallis G, 'In Defence of Degrowth' (2011) 70(5) *Ecological Economics* <<https://doi.org/10.1016/j.ecolecon.2010.12.007>>
- Kallis G, Paulson S, D'Alisa G, and Demaria F, *The Case for Degrowth* (Polity Press 2020).
- Kapoor A, and Debroy B, 'GDP Is Not a Measure of Human Well-Being' (*Harvard Business Review*, 4 October 2019) <<https://hbr.org/2019/10/gdp-is-not-a-measure-of-human-well-being>> accessed 17 November 2021.
- Kothari A, Demaria F, and Acosta A, 'Buen Vivir, Degrowth and Ecological Swaraj: Alternatives to sustainable development and the Green Economy' (2014) 57(3-4) *Development* <<https://doi.org/10.1057/dev.2015.24>>
- Losh J, 'Can Carbon Capture Facilities Reverse Climate Change?' (*AlJazeera*, 1 November 2021) <<https://www.aljazeera.com/news/2021/11/1/cop>> accessed 18 November 2021.
- Lowe V, 'Sustainable Development and Unsustainable Arguments' in Alan Boyle and David Freestone (eds), *International Law and Sustainable Development: Past Achievements and Future Challenges* (Oxford University Press 1999) <<https://doi.org/10.1093/acprof:oso/9780198298076.003.0002>>

- Martínez-Alier J, 'Environmental Justice and Economic Degrowth: An Alliance between Two Movements' (2012) 23 *Capitalism Nature Socialism* <<https://doi.org/10.1080/10455752.2011.648839>>
- O'Neill D, 'Gross Domestic Product' in Giacomo D'Alisa, Federico Demaria and Giorgos Kallis (eds), *Degrowth: A Vocabulary for a New Era* (Routledge 2015).
- O'Neill DW, 'Measuring Progress in the Degrowth Transition to a Steady State Economy' (2012) 84 *Ecological Economics* <<https://doi.org/10.1016/j.ecolecon.2011.05.020>>
- Pallemaerts M, 'International Environmental Law from Stockholm to Rio: Back to the Future' (1992) 1(3) *Review of European, Comparative and International Environmental Law* <<https://doi.org/10.1111/j.1467-9388.1992.tb00044.x>>
- Research and Degrowth, 'Degrowth Declaration of the Paris 2008 conference' 18 (2010) *Journal of Cleaner Production* <<https://doi.org/10.1016/j.jclepro.2010.01.012>>
- Sands P, *Principles of International Environmental Law* (2nd edn, Cambridge University Press 2003) <<https://doi.org/10.1017/CBO9780511813511>>
- Schneider F, Kallis G, and Martínez-Alier J, 'Crisis or Opportunity? Economic Degrowth for Social Equity and Ecological Sustainability. Introduction to this Special Issue' (2010) 18(6) *Journal of Cleaner Production* <<https://doi.org/10.1016/j.jclepro.2010.01.014>>
- Thompson V, 'The Tragic Simplicity of GDP' (*Berkley Economic Review*, 23 April 2020) <<https://econreview.berkeley.edu/the-tragic-simplisticity-of-gdp/>> accessed 17 November 2021.
- Tladi D, *Sustainable Development in International Law: An Analysis Of Key Enviro-economic Instruments* (Pretoria University Law Press 2007).
- UN News, 'IPCC Report: "Code Red" for Human Driven Global Heating, Warns UN Chief' (*UN News*, 9 August 2021) <<https://news.un.org/en/story/2021/08/1097362>> accessed 29 November 2021.
- Voigt C, *Sustainable Development as a Principle of International Law: Resolving Conflicts Between Climate Measures and WTO Law* (Martinus Nijhoff Publishers 2009) <<https://doi.org/10.1163/ej.9789004166974.i-428>>
- Waite M (ed), *Paperback Oxford English Dictionary* (7th edn, Oxford University Press 2012).
- Weeramantry CG, 'Achieving Sustainable Justice Through International Law' in Marie-Claire Cordonier Segger, and Judge C.G. Weeramantry (eds), *Sustainable development principles in the decisions of international courts and tribunals 1992-2012* (Routledge 2017) <<https://doi.org/10.4324/9781315769639-4>>

World Bank Data ‘GDP Growth (annual %)’ (*World Bank Group*)

<<https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?end=2020&start=2000&view=chart>> accessed 31 October 2021.

World Bank Group, ‘Poverty and Shared Prosperity: Reversals of Fortune’ (The World Bank 2020).

World Commission on Environment and Development, *Our Common Future* (Oxford University Press 1978).

United Nations Document

WCED, ‘Report of the World Summit on Sustainable Development’ (26 August-4 September 2002) UN Doc A/CONF.199/20.

United Nations General Assembly

UNGA ‘Annex to the letter dated 6 August 2002 from the Permanent Representative of Bangladesh to the United Nations and the Chargé d’affaires a.i. of the Permanent Mission of the Netherlands to the United Nations addressed to the Secretary-General of the United Nations’ (9 August 2002) UN Doc A/CONF.199/8.

UNGA ‘Process of preparation of the Environmental Perspective to the Year 2000 and Beyond’ (19 December 1983) UN Doc A/RES/38/161.

UNGA ‘Report of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change’ (26 July 2022) UN Doc A/77/226.

UNGA ‘Report of the United Nations Conference on Environment and Development’ (12 August 1992) A/CONF.151/26 (Vol. I).

UNGA ‘World Summit on Sustainable Development’ (21 February 2003) UNGA Res 57/253.

United Nations Human Rights Council

UNHRC, ‘Report of the Special Rapporteur on the right to food, Olivier De Schutter’ (24 January 2014) UN Doc A/HRC/25/57.