

The evolution of sustainable development in Public International Law

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PROPOSITIONS

accompanying the dissertation

The evolution of sustainable development in public international law: How does it inform the application and interpretation of WTO agreements covering the domestic regulation of trade in goods?

By **Michelle A. C. KRISTY**

1. The decomposition of the principle of sustainable development into six components allows for a more comprehensive analysis as compared to an approach based only on the integration of the environmental, economic and social dimensions *per se* (this thesis).
2. The reference and interpretation of “sustainable development” as a treaty objective sheds light on the intentions of the negotiators of the Marrakesh Agreement and adds colour, texture and shading to the reading and interpretation of the WTO agreements (this thesis).
3. WTO panels and the Appellate Body have not sufficiently exploited the reference to “sustainable development” in their interpretation of WTO agreements covering the domestic regulation of trade in goods. Interpreting certain terms beyond the current interpretation would strengthen the operationalization of the principle of sustainable development in WTO agreements (this thesis).
4. WTO provisions covering the domestic regulation of trade in goods enable WTO Members to operationalize the principle of sustainable development (this thesis).
5. The reflection of the six components of the principle of sustainable development in the GATT 1994, the TBT Agreement and the SPS Agreement reveals opportunities to better integrate the principle of sustainable development into the reading and interpretation of the WTO agreements. It provides policy makers and lawyers with clarifications on the role of the principle of sustainable development in WTO law.
6. The Rio Declaration in 1992 and Agenda 21 strongly influenced the inclusion of the explicit reference to “sustainable development” as one of the objectives of the WTO.
7. The WTO was not created to achieve sustainable development *per se*. However, it plays a crucial role to achieve the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs), in particular post the COVID-19 crisis.
8. Despite the contentious debates among legal scholars for almost three decades, international tribunals appear hesitant to discuss the legal nature and status of the concept of sustainable development in public international law.
9. The COVID-19 pandemic and measures imposed to contain its spread have helped to set priorities and focus on what matters most in life, including finalizing a PhD.