WHERE THE OREGON TRAIL MEETS THE SILK ROAD: WHY CHINA’S PATH TO SUSTAINABILITY SHOULD BYPASS OREGON

Samuel A. Rodabough

Abstract: With a substantial population and continued exponential economic growth, China is perceived as exerting ever-increasing pressure on its natural environment. The concept of sustainable development has been posited by many in the international community as a means of overcoming China’s bleak environmental outlook, while simultaneously preserving its economic prosperity. However, because of widespread disagreement as to the precise nature, scope, and practical application of sustainable development, the concept remains elusive and has proven difficult to implement. In its most basic form, sustainable development seeks to simultaneously meet environmental, economic, and social needs. With respect to these needs, China has affirmed that continuing its rapid economic expansion is paramount.

Oregon State is recognized as a sustainability leader in the United States, and is rapidly becoming the gateway through which China and other developing nations are discovering sustainable development. China, in particular, has expressed interest in studying Oregon’s sustainability practices. A critical analysis of Oregon’s sustainability practices further reinforces the ambiguity that inheres in the concept of sustainable development and its accompanying inability to produce meaningful results. Worse, replication of sustainable development practices in China, as envisioned by Oregon and others in the international community, could lead to results that contravene China’s stated best interests. Accordingly, China should resist international pressure to commit further resources to this elusive concept and should instead continue to pursue its recent path of economic and social reform.

I. INTRODUCTION

It is often repeated that “China’s problems are the world’s problems.”\(^1\) With approximately 1.25 billion inhabitants, over one-fifth of the world’s population, such an assertion is likely incontrovertible.\(^2\) China’s economy is the fastest growing in the world,\(^3\) and will likely continue its rapid pace due to its recent accession into the World Trade Organization.\(^4\) Continuing this

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\(^{3}\) See infra Part III.A.

exceptional pattern of economic growth remains a top priority for China. Accordingly, some scholars predict that China’s economic ambition will hasten an environmental fallout that could reach far beyond its borders. The international community has mobilized to avert such a fallout. Oregon State is one of many in the international community offering its expertise to avert China’s perceived environmental crisis.

In its outreach efforts to China, Oregon is speciously asserting itself as a pioneer of new strategies to maintain environmental quality and economic prosperity. Historically, Oregon Trail settlers could claim an entire square mile of the Oregon Country’s fertile farmland and vast forests at no cost. In today’s vastly different world, Oregon views “costs” as more than monetary; they are tradeoffs between environmental, economic, and community needs. In an effort to balance these needs, Oregon is once again pioneering new territory—“sustainable development.”

Widespread international disagreement as to the precise nature, scope, and practical application of the concept of sustainable development complicates Oregon’s sustainability outreach—for there is no “one size fits
all" approach to sustainability. Ultimately, implementation of sustainable development practices in China, as envisioned by Oregon and others in the international community, could contravene China's stated best interests.

This Comment asserts that China should reject international pressure to adopt sustainable development by using Oregon State as a case study. Oregon is a particularly fitting case study because it has been recognized as a sustainability leader in the United States and, more importantly, because it is currently exporting its sustainability expertise to China. Part II of this Comment examines various definitions of sustainable development and demonstrates that, even in its most articulate form, the concept remains amorphous. Part III summarizes China's best environmental, economic, and social interests, as stated in China's most recent Five-Year Plan. Part IV outlines Oregon's sustainability approach via its legislative framework and identifies the sustainability ties between Oregon and China. Part V asserts that Oregon's approach to sustainable development contravenes China's stated best interests because it limits economic growth. Accordingly, this Comment concludes that China should resist outside pressure to commit further resources to this elusive concept, and recommends that China continue its recent path of economic and social reform.

II. THE PRECISE NATURE, SCOPE, AND PRACTICAL APPLICATION OF SUSTAINABLE DEVELOPMENT REMAINS UNCLEAR

No single definition of "sustainable development" prevails, despite the concept's formal endorsement by the nations of the world. The concept is so malleable that it has been defined in more than seventy

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16 See infra Part IV.B for a discussion of Oregon's exportation of sustainability expertise to China.
18 The concept of sustainable development was endorsed by 178 nations at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992. Id. at 274.
different ways. Even the most spirited advocates of sustainable development characterize it as “elusive” and “amorphous.” Accordingly, the term is often described in the negative and its actual application remains a veritable work in progress.

Although the term “sustainable development” was defined by the World Commission on Environment and Development in 1987, it did not receive general acceptance until after the United Nations Conference on Environment and Development (“UNCED”) in Rio de Janeiro in 1992. UNCED resulted in two nonbinding texts that are considered the building blocks of sustainable development: the Rio Declaration on Environment and Development and Agenda 21. Because these texts are nonbinding, assenting nations retain no obligation to pursue any particular sustainability course and may even reject the concept in its entirety. The Rio Declaration enumerates twenty-seven principles that are essential to attaining sustainable development. Exemplary of these principles are the principle of

19 Id. at 276.
22 See DONELLA H. MEADOWS ET AL., BEYOND THE LIMITS: CONFRONTING GLOBAL COLLAPSE, ENVISIONING A SUSTAINABLE FUTURE 210-13 (1992) (articulating an exhaustive list of what a sustainable society is not); Ruhl, supra note 14, at 35 (“[S]ustainable development is neither resourcism, nor environmentalism, nor a Solomonic compromise between the two.”).
25 See supra note 18 and accompanying text.
28 The Rio Declaration affirms that “[s]tates have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies . . . .” Rio Declaration, supra note 26, at prin. 2. Such exploitation yields only to the limitation of sic utere. See id. Sic utere tuo ut alienum non laedas is the common law maxim that one should utilize his property “[s]o . . . as not to injure another’s . . . .” BLACK’S LAW DICTIONARY 1690 (7th ed. 1999).
29 See Rio Declaration, supra note 26.
intergenerational equity,\textsuperscript{30} the precautionary principle,\textsuperscript{31} and the polluter-pays principle.\textsuperscript{32} Agenda 21 is an 800-page blueprint, or global strategy, for implementing sustainability.\textsuperscript{33} It is largely based on the twenty-seven Rio Declaration principles.\textsuperscript{34}

Despite widespread acceptance of the Rio Declaration and Agenda 21, perhaps the most conventional definition of "sustainable development" derives from the World Commission on Environment and Development: "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."\textsuperscript{35} Another widely accepted explanation of sustainable development finds its genesis in Agenda 21, which itself embraces no single, explicit definition.\textsuperscript{36} Rather, it supports a tripartite approach consisting of the integration of the three Es: environment, economy, and equity.\textsuperscript{37} Notwithstanding the definitional variations, the common thread that binds the concept is the recognition that development and the environment are interconnected.\textsuperscript{38}

Sustainable development is intended as a drastic departure from traditional environmentalism.\textsuperscript{39} Instead of asserting why and how environmental protection should ensue, sustainability dictates how society itself should be organized.\textsuperscript{40} Thus, as a "world system,"\textsuperscript{41} sustainable

\textsuperscript{30} Intergenerational equity obligates current generations to hold natural resources in trust for future generations. See id. at princ. 3.

\textsuperscript{31} The precautionary principle requires ceasing actions with potentially deleterious effects on the environment in the face of scientific uncertainty. See id. at princ. 15.

\textsuperscript{32} The polluter-pays principle obligates nations, to the extent feasible, to quantify and internalize the environmental costs of pollution, thereby ensuring that the polluter bears the "true" cost of polluting. See id. at princ. 16.


\textsuperscript{34} Dernbach, supra note 24, at 50.

\textsuperscript{35} OUR COMMON FUTURE, supra note 24, at ch. 2, para. 1.

\textsuperscript{36} Smith, supra note 17, at 278.

\textsuperscript{37} See Agenda 21, supra note 27, at 1.1, 8.4; Dernbach, supra note 24, at 49. Various terminologies have been employed to convey essentially the same sustainability approach. See, e.g., Ruhl, supra note 14, at 35 (defining "sustainable development" in terms of three parameters: environment, economy, and equity); Ben Boer, Institutionalising Ecologically Sustainable Development: The Roles of National, State, and Local Governments in Translating Grand Strategy into Action, 31 WILLAMETTE L. REV. 307, 318 (1995) (defining "sustainable development" in terms of three objectives: environmental, economic, and social).

\textsuperscript{38} May, supra note 20, at 199.


\textsuperscript{40} Taylor, supra note 39, at 378.

\textsuperscript{41} MEADOWS ET AL., supra note 22, at 213. As a global pursuit, achieving sustainability necessarily requires all sectors of society to collectively work toward that end, including government, private enterprise, and non-governmental organizations. Thomas, supra note 21.
development's parameters extend far beyond environmental control mechanisms. Some scholars see this significant change as an improvement upon the environmental movement because sustainability incorporates more equity into the equation than traditional environmentalism conceives.

Sustainable development presumes developed country leadership in which sustainability expertise is transferred from developed to developing nations. The concept of developed country leadership is premised on the idea that developing countries are fortuitously positioned to learn from the past unsustainable practices of developed nations that favored rapid economic expansion over environmental preservation. Thus, sustainability is often a source of friction and conflict between countries of varying stages of development. Developing nations justifiably prefer to mirror the behavior of their developed predecessors, which favored economic expansion at any cost. In contrast, developed nations proffer sustainable development to their developing counterparts to prevent replication of the very same environmental harms that resulted from their own past practices.

Ultimately, the definitional parameters of sustainable development remain hotly debated. Even in its most articulate form, the precise nature, scope, and practical application of sustainable development remains unclear. Indeed, developing nations, including China, should rightly consider whether this elusive concept serves their best interests.

III. CHINA'S BEST ECONOMIC, ENVIRONMENTAL, AND SOCIAL INTERESTS

Every five years, China undergoes a rigorous self-evaluation to determine its national priorities and enact goals to further its best interests. The document that encapsulates these interests is known as its Five-Year

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42 No aspect of life is to remain untouched by sustainability. Smith, supra note 17, at 266. For example, sustainable development encompasses "fiscal policy, international trade, industrial strategies, technology applications, labor rights, living conditions, natural resource conservation, and pollution reduction...." Thomas, supra note 21, at 544 (quoting MOSTAFA K. TOLBA & IWONA RUMMEL-BULSKA, GLOBAL ENVIRONMENTAL DIPLOMACY: NEGOTIATING ENVIRONMENTAL AGREEMENTS FOR THE WORLD: 1973-1992, at 7 (1998)).

43 See Ruhl, supra note 14, at 32-33 ("Environmental law has nonetheless developed over the past three decades as if the economy is its enemy and equity a sideshow.... Environmentalism is dead. Long live sustainable development.").

44 See Dernbach, supra note 24, at 56-57.
45 Id.
46 See May, supra note 20, at 201.
48 See Dernbach, supra note 24, at 56-57.
Plan. It establishes a relative hierarchy of priorities for the nation, including the parameters of sustainability: economic, environmental, and social concerns. China’s current Five-Year Plan explicitly positions economic growth as its paramount interest. The plan also makes environmental preservation and raising its citizens’ standard of living as priorities to be addressed via economic growth.

A. Economic Growth Is China’s Stated Paramount Best Interest

According to China’s most recent Five-Year Plan, maintaining rapid economic growth is China’s highest priority. From 1980 to 1999 China’s Gross Domestic Product (“GDP”) averaged 10.4% growth per annum, far outpacing any other nation as the fastest growing economy in the world. Incredibly, China’s current Five-Year Plan includes a goal to double its year 2000 GDP by the year 2010. This unparalleled growth is expected to continue as China transitions from a state-planned to a socialist market economy.

The primary purpose for maintaining such economic growth is to overhaul China’s industrial infrastructure. An industrial restructuring, including a shift to more non-state industries, will likely improve economic efficiency and technological innovation, while replacing China’s outdated,
polluting industrial sector.\textsuperscript{58} If China continues its current pace of economic growth, it will replace Japan as the cornerstone of the Asian economy.\textsuperscript{59}

\textbf{B. According to China's Stated Best Interests, Environmental Preservation and Stability Yields to Economic Considerations}

In addition to economic growth, China's Five-Year Plan includes environmental preservation among its concerns,\textsuperscript{60} but recognizes that economic growth is a necessary prerequisite.\textsuperscript{61} Thus, although China recognizes the value of a clean environment, it views a robust economy as a means of achieving that end.\textsuperscript{62} Many scholars assert that the increased consumption that accompanies economic growth will exacerbate China's environmental problems because it already has a disproportionately small amount of the world's natural resources.\textsuperscript{63} Although China's prioritization of economic growth over environmental preservation remains the subject of much criticism, such a prioritization is one China is entitled to make as a sovereign.\textsuperscript{64}

While bleak assessments of China's environmental outlook are pervasive,\textsuperscript{65} China's economic expansion over the past two decades has been achieved "under relatively stable conditions of environment."\textsuperscript{66} In other words, China's environmental conditions have deteriorated in some respects,
but they have also been marked with equivalent improvements in others.⁶⁷ China’s impressive array of environmental laws and regulations, which are “unquestionably in the front rank” of other developing nations, have likely contributed to this relative success.⁶⁸ In addition to environmental protection, the Five-Year Plan also addresses China’s social needs.

C. Improving Social Conditions Through Economic Development Is Also in China’s Stated Best Interests

China’s stated best interests also include improving its citizens’ standard of living. This is the “starting point” of the current Five-Year Plan.⁶⁹ For China, a robust economy and clean environment serve little benefit if traditional indicators of social progress do not show corresponding improvement. Indicators used by China to evaluate social progress include poverty and employment levels, personal income, income distribution, life expectancy, and mortality rate, among others.⁷⁰ China has already seen considerable improvement among these indicators over the past few decades.⁷¹

China’s Five-Year Plan specifically places economic growth as its paramount priority. Economic growth is the engine intended to facilitate environmental preservation and improved social conditions. Due to China’s rapid economic expansion, perceived environmental degradation, and concern over social conditions, the international community has urged China to adopt sustainable development practices.

IV. Oregon’s Emerging Role as a Sustainability Consultant to China

Because Oregon is renowned for its sustainability leadership,⁷² its sustainability practices are frequently cited as a model that other U.S. states,⁷³ the United States as a whole,⁷⁴ and other countries should emulate.⁷⁵

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⁶⁷ Id.
⁶⁸ See CHINA: AIR, LAND, AND WATER, supra note 56, at xvi.
⁶⁹ 5-Year Plan, supra note 51.
⁷⁰ Id.
⁷¹ Id.
⁷² See supra note 15.
That Oregon has taken a role in facilitating sustainability practices in China is, therefore, not surprising. Although China’s sincerity in integrating sustainability practices into its economic planning has been questioned, it has nonetheless expressed interest in studying Oregon’s practices.76

Superficially, it may appear as though the state of Oregon and the nation of China represent an unusual combination for fostering sustainability exchanges. A fundamental understanding of U.S. federalism, however, assists in better understanding the Oregon-China combination. Because sustainability calls for developed country leadership,78 many scholars have challenged the United States to take a leading role in the global sustainability pursuit.79 Yet, because most aspects of sustainable development fall outside the U.S. federal government’s powers, individual U.S. states are principally responsible for this particular policy area.80 Thus, states such as Oregon are emerging as sustainability leaders and foreign sustainability liaisons, with the U.S. federal government playing only a supporting role.81

74 Environment Treaty Implementation Review: Hearing Before the Committee on Senate Environment and Public Works and Committee on Foreign Relations, 107th Cong. 89-91 (statement of John C. Dernbach, Professor of Law, Widener University), available at 2002 WL 20319318.

75 Cf. Bill Bradbury, Oregon Secretary of State, Sustainability Report to the Oregon Legislature, available at http://www.oregonsolutions.net/documents/sb/sb_report_03.pdf (last visited Nov. 15, 2003) ("As the national leader, Oregon will economically benefit as other states and countries send persons here to study Oregon’s success in sustainability.").

76 See supra note 50.

77 E.g., Memorandum of Understanding Between the Ministry of Science and Technology of the People’s Republic of China and the State Government of Oregon of the United States of America on the Establishment of the China-U.S. Center for Sustainable Development (Apr. 9, 1999) (on file with author) [hereinafter Sustainability Memorandum]; Laurence M. Cruz, Focus Put on ‘Green’ Legislation, STATESMAN J., Mar. 25, 2003, at IC (quoting Oregon Governor Kulongoski as stating that “[t]he Chinese recognize Oregon as a world leader in sustainable economic development, and [Oregon] will capitalize on this reputation.”).

78 See supra note 44 and accompanying text.

79 E.g., Dernbach, supra note 24, at 59.

80 Pendergrass, supra note 73, at 709. States retain plenary authority over the police powers—the authority to regulate the health, safety, and welfare of the citizenry. Accordingly, they may regulate most aspects of development, including land use and the environment. Id. (citing Celia Campell-Mohn et al., Sustainable Environmental Law §3.2(A) (1993)).

81 Because U.S. states are primarily responsible for sustainability, it is doubtful that the United States will formulate a comprehensive national sustainability policy. Thus, sustainability expertise will continue to emerge at the state level as Oregon and other states continue their innovation. See A Background Report on the Proposed Oregon Environmental Stewardship Plan: A Goal and Outcome-Based Environmental Management Approach to Achieve Sustainable Development, § VI, available at http://cwch.uoregon.edu (last visited Nov. 15, 2003) [hereinafter Background Report]. Sustainability has not been entirely neglected at the U.S. federal level. President Clinton created the President’s Council on Sustainable Development. Molly Harriss Olson, Accepting the Sustainable Development Challenge, 31 Willamette L. Rev. 253, 257-59 (1995).
Because states, and not the federal government, are driving the sustainability movement in the United States, the state of Oregon is appropriately positioned to offer the nation of China its sustainability expertise. Oregon is now asserting itself as a gateway through which China and other developing nations are discovering sustainable products, services, and policies. It is doing so not only to increase its own sustainability reputation, but also for pecuniary gain.

A. Oregon's Sustainability Approach

Before addressing the sustainability ties that exist between Oregon and China, a brief exploration of Oregon's sustainability approach assists in understanding why Oregon is renowned for its sustainability efforts and what expertise it may export to China. Oregon's sustainability framework is best described as fragmented, with various isolated programs and policies that collectively promise a more sustainable Oregon. Nonetheless, Oregon maintains the ambitious goal of attaining sustainability within one generation—by 2025. Such a goal is likely unattainable inasmuch as "the exact nature of a sustainable society is unknown." Oregon's definition of sustainable development combines the World Commission on Environment and Development definition with Agenda 21's tripartite approach.

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82 See supra note 81 and accompanying text.
83 For a discussion of Oregon's exportation of sustainability expertise to China, see infra Part IV.B.
84 See News Release, Offices of Senate President Gene Derfler and House Speaker Mark Simmons, Senate President, House Speaker Meet with Chinese Vice Premier (May 29, 2002) [hereinafter News Release] (on file with author) ("Selling the concept of a sustainability... will help increase Oregon's image in China....").
85 See Bradbury, supra note 75.
86 See Background Report, supra note 81, § IV.A (reasoning that achieving sustainability in Oregon would require "greatly improved coordination across traditionally isolated environmental and economic programs."); H.R. 3135, 70th Leg. Assem. (Or. 1999) (not enacted), reprinted in STATE OF THE STATES, supra note 15, at 73 ("Oregon lacks an integrated strategy for achieving [sustainability] goals concurrently.").
87 See Oregon Exec. Order No. EO-00-07 (May 17, 2000), Development of a State Strategy Promoting Sustainability in Internal State Government Operations, reprinted in 39-7 Or. Admin. R. Bull. 4 (July 1, 2000). Oregon’s goal of attaining sustainability by 2025 likely represents a fundamental misconception of sustainable development. Because most definitions of the concept require the present generation to provide for its economic, environmental, and social needs while simultaneously enabling future generations to do likewise, sustainability is never achieved or complete. See Pendergrass, supra note 73, at 701.
88 Dernbach, supra note 24, at 50.
89 For the World Commission on Environment and Development definition of sustainable development, see supra note 37 and accompanying text.
90 For the Agenda 21 definition of sustainable development, see supra note 35 and accompanying text.
Sustainability means using, developing and protecting resources at a rate and in a manner that enables people to meet their current needs and also provides that future generations can meet their own needs. Sustainability requires simultaneously meeting environmental, economic and community needs.\(^9\)

Despite this definition, Oregon has not explicitly focused its sustainability framework on either the Rio Declaration or Agenda 21.\(^9\) Rather, Oregon’s sustainability framework is focused on isolated key initiatives, which include Senate Bill 100,\(^9\) Executive Order EO-00-07,\(^9\) the Oregon Sustainability Act,\(^9\) and the Oregon Progress Board,\(^9\) among others.\(^9\)

1. Oregon’s Land Use System, Senate Bill 100

The year 2003 marked the thirtieth anniversary of Oregon’s comprehensive, statewide growth management and land use planning statute, the cornerstone of Oregon’s sustainability framework.\(^9\) In 1973, Oregon became the first state to adopt such a planning scheme.\(^9\) The statute is widely considered the nation’s most restrictive and far-reaching of its kind.\(^9\)

The statute, still referred to as Senate Bill 100,\(^9\) promotes nineteen statewide planning goals.\(^9\) The plan’s approach is best described as “top-
down,” with the state controlling all planning stages to ensure that local land use decisions comport with statewide goals. All Oregon cities and counties must implement the statewide goals by adopting comprehensive land use plans, including establishing urban growth boundaries (“UGBs”). UGBs should contain only the city’s urban core and sufficient land reserves for twenty years of growth. With few exceptions, land outside the UGBs is zoned exclusively for farming, ranching, or forestry, thereby confining growth within the UGBs. In addition to restrictive zoning, the planning system has traditionally been heavily based on conditioning of proposed land uses.

Oregon’s land use system embraces five principles that are recognized as central tenets of sustainable development: (1) efficient use of land and energy resources; (2) full utilization of urban services; (3) mixed and various use of retail, offices, residences, schools, and recreation; (4) transportation options, including bicycle paths and walkways; and (5) detailed, human-scaled design. In addition to its land use system, Oregon is attempting to integrate sustainability practices into its internal government operations.

2. Institutionalizing Sustainable Development

The centrally coordinated functions of local and state governments have been the focus of recent sustainability efforts in Oregon. Modifying internal government affairs to reflect sustainability is necessary for Oregon to reach its ultimate goal of sustainability within one generation.

On May 17, 2000, former Oregon Governor John A. Kitzhaber issued Executive Order EO-00-07 (“Order”), directing state agencies to develop

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104 Or. Rev. Stat. § 197.175(2)(a), (b).
105 Or. Rev. Stat. § 197.296(2).
108 See Timothy V. Ramis et al., Dolan v. City of Tigard: First Reactions, in ALI-ABA COURSE OF STUDY MATERIALS: INVERSE CONDEMNATION AND RELATED GOVERNMENT LIABILITY § I (May 4-6, 1995).
109 Pendergrass, supra note 73, at 706.
110 Many local governments have made great efforts toward institutionalizing sustainable development in Oregon. See, e.g., Timothy Grewe et al., Portland, Oregon: A Case Study in Sustainability, 2/1/02 GOVT FIN. REV. 8, available at 2002 WL 15830935. This section of this Comment, however, focuses solely on state government efforts.
111 See Exec. Order EO-00-07, supra note 87, at 4.
and implement policies and programs to assist Oregon in attaining its sustainability goals. In 2001, the Oregon State Legislature enacted the Oregon Sustainability Act ("Act") making sustainability within state government a part of state law. The Act largely mirrored the Order.

The express goals of the Order include: (1) increasing Oregon’s economic viability; (2) increasing energy, water, material resource, and land use efficiency; (3) reducing releases of substances harmful to human health and the environment to air, water, and land; and (4) reducing adverse impacts on natural habitats and species. Noteworthy among the Order’s specifics, are the adoption of new guidelines for the siting, design, construction, deconstruction, operation, and maintenance of state buildings. The Order also seeks to expand state purchasing power, increase renewable energy use, and establish a sustainability work group. Efforts in achieving demonstrable results under the Order have been mixed. Some of the more celebrated results derive from innovative technology purchases, including hybrid and natural gas-powered vehicles in the state’s motor pool, and increased use of "green power."

3. Benchmarks

Another frequently cited display of Oregon’s sustainability proficiency is its adoption of benchmarks to measure progress toward sustainability. After recovering from a recession in the late 1980s, Oregon leaders and citizens adopted a vision for a "prosperous Oregon that excels in all walks of life." The Oregon Progress Board now measures progress toward this strategic vision in its Oregon Shines biennial report. Although the original benchmarks in Oregon Shines were not explicitly adopted as measures of sustainable development, the Order and the Act

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112 Id.
114 Exec. Order EO-00-07, supra note 87, at 4.
115 Id. at 5.
116 Id. The Governor’s Work Group on Sustainability updates the governor and state legislature on state progress toward sustainability and makes recommendations for further action. See, e.g., The Sustainability Work Group Initial Report, supra note 11.
118 E.g., Pendergrass, supra note 73, at 710.
120 Id.
called for the Board to update its benchmarks to more fully encompass sustainability principles.121

B. Oregon’s Sustainability Influence in China

Relations between Oregon State and China have been steadily amplified over the years. Oregon-China sister city relationships have facilitated cultural and economic exchanges.122 Trade between China and Oregon has increased exponentially over the past decade, with Oregon exports to China growing from US$ 172 million in 1999 to approximately US$ 682 million in 2002.123 Oregon’s most recent export to China, sustainability,124 is being fostered by the establishment of the China-U.S. Center for Sustainable Development, preparations for the 2008 Beijing Olympic Games, and the activities of Oregon non-governmental organizations (“NGOs”) and businesses that focus their sustainability expertise on the Chinese market.

1. China-U.S. Center for Sustainable Development

On April 9, 1999 the Chinese Ministry of Science and Technology signed a Memorandum of Understanding with the State of Oregon to establish the China-U.S. Center for Sustainable Development (“Center”).125 The Center’s express purpose is to facilitate sustainable development exchanges between China and the United States.126 The press release announcing the agreement to form the Center stated that “Oregon is a leader in sustainable development practices . . . . China is making serious efforts to integrate environmental factors into its economic planning and has expressed

121 See Exec. Order EO-00-07, supra note 87, at 5; Or. Rev. Stat. 184.423. The Order recognized that Oregon Shines “reflects values that balance community, environmental and economic aspects of life in Oregon,” which is the central premise of sustainable development. For more on how the benchmarks were altered to better reflect sustainability principles, see Jeff Tryens & Bob Silverman, Measuring Sustainability: The Role of Oregon Benchmarks, at http://www.econ.state.or.us/opb/links/sustain.pdf (last visited Nov. 15, 2003); Jeff Tryens & Bob Silverman, The Oregon Benchmarks as a Measurement System for Sustainability, at http://www.oregonsolutions.net/agency/PB_report.cfm (last visited Nov. 15, 2003).


125 Sustainability Memorandum, supra note 77.

126 The Center’s explicit focus areas include sustainable land use planning, agriculture, rural development, forestry, environmental technology, industrial production, city planning, renewable energy, marine environment, water resources, and sustainable development capacity building. Id.
interest in learning from Oregon's expertise." Thus, although the Center bears the United States' name, its primary focus is on Oregon's practices. The Center draws heavily upon Oregon's expertise, offering local sustainability achievements as models of success.

One of the more significant programs administered by the Center is the China-U.S. Sustainable Land Use Training Program ("Program"). The Program instructs Chinese delegates in successful implementation of sustainable land use policy. The need for such training arose after China implemented a nationwide land use planning initiative, the Land Management Law, but subsequently lacked the local expertise necessary for its effective implementation. Accordingly, the Program's five-year goal is to train 400 Chinese land use officials in sustainable land development practices. In addition to being pursued for its sustainability expertise, Oregon is taking affirmative steps to further apply its sustainability expertise in China for pecuniary gain.


128 This does not mean that the U.S. federal government has discounted China's sustainability needs. Several notable U.S. dignitaries have shown concern over China's commitment to sustainability, including former Vice-President Al Gore and former U.S. Dep't of Energy Sec'y, Hazel O'Leary. See Lawrence A. Sullivan, The Three Gorges Dam and the Issue of Sustainable Development in China, in The Global Environment: Institutions, Law, and Policy 300, 301 (Norman J. Vig & Regina S. Axelrod eds., 1999).

129 The U.S. Secretariat for the China-U.S. Center for Sustainable Development is the Portland-based International Sustainable Development Foundation. See Sustainability Memorandum, supra note 77. Curriculum for the program is developed with the assistance of Portland State University's School of Urban Studies & Planning. China-U.S. Center for Sustainable Development Pamphlet, at 8 (on file with author).

130 For example, delegates visit the Columbia River Gorge National Scenic Area, an interstate commission authorized to preserve a scenic area, and Metro, a directly elected regional government that oversees transportation, land use planning, waste disposal, and recycling, among others. Brian J. Back, China Comes to Portland to Explore Land Use Planning, PORTLAND BUS. J., July 26, 2002.

131 The China-U.S. Sustainable Land Use Training Program was conceived in June 2000 during Vice Minister (Ministry of Land and Resources) Li Yuan's visit to the United States. Id.


135 Id.
2. 2008 Beijing Olympic Games

Oregon anticipates playing a prominent role in the sustainability efforts of the 2008 Olympic Games in Beijing ("Games"). Because sustainable development has recently become one of the Olympic movement's fundamental objectives, China's sustainability progress will be scrutinized during the Games.\(^{136}\) To increase both trade and its own sustainability reputation, Oregon hopes to receive some of the international attention.\(^{137}\) Consequently, Oregon state legislators have proposed that Oregon host a sustainable development park at the Games.\(^{138}\) Among other things, the park seeks to benefit Oregon's sustainability industries.

The Beijing Bid Committee went to great lengths to demonstrate China's commitment to sustainability in its candidature file.\(^{139}\) China is expected to spend US$ 33.8 billion on the Games, a sizeable portion of which will be dedicated to sustainability projects.\(^{140}\) With its slumping economy,\(^{141}\) Oregon has embraced the potential expansion of its sustainable industries trade.\(^{142}\)

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\(^{137}\) See News Release, supra note 84.


\(^{140}\) See China Vowing to Curb Corruption with Olympics Projects Construction, NEW CHINA NEWS AGENCY [XIN HUA SHE], Mar. 10, 2003, 2003 WL 16018010.


\(^{142}\) See News Release, supra note 84.
3. **Oregon Sustainability Industry**

Consistent with its policy of building relationships between private and public spheres to achieve sustainability, Oregon is fertile territory for sustainable industries. Numerous sustainability-based businesses, including the Oregon Seed Council and Team Oregon LLC, specifically market their innovation toward the Asian market.

The Oregon Seed Council’s China Forages Project (“CFP”) utilizes Oregon’s forage and turf grasses expertise to control erosion and desertification in China resulting from the Three Gorges Dam Project. The CFP is promoted as sustainable because it purportedly generates economic development while simultaneously exercising environmental stewardship. Oregon currently exports 3.5 million pounds of grass seed to China each year. That number may grow to as much as 100 million pounds if the CFP is successful.

Team Oregon is another Oregon-based business that is exporting its sustainability expertise to China. Team Oregon is an alliance of four Portland-based for-profit environmental firms that assist Asian cities in converting routine urban planning projects into sustainable projects by improving buildings and infrastructure and curbing pollution and habitat destruction. Team Oregon first consulted with Taiwan on its national sustainability strategy, but is now increasingly focusing its efforts on the

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143 Exec. Order No. EO-00-07, supra note 87, at 5. Most scholars believe that support from the larger business community is necessary for substantial progress to occur in the area of sustainable development. See generally Thomas, supra note 21.
144 See Cole, supra note 9.
146 Oregon Seed Council, supra note 145.
147 See Or. Dep’t of Agriculture, supra note 145.
148 Id. Oregon’s grass seed may be the centerpiece of its proposed sustainability pavilion at the 2008 Beijing Olympic Games. See Yih, supra note 138.
149 See Back, supra note 124.
150 Id.
Chinese market. A recent example is its proposal to refurbish a heavily polluted section of the Grand Canal in Hangzhou, China.

Oregon is undoubtedly emerging as a sustainability consultant to China. Through the establishment of the China-U.S. Center for Sustainable Development, preparations for the 2008 Beijing Olympic Games, and Oregon NGOs and businesses that target the China sustainability market, Oregon continues to export its sustainability approach to China and the rest of Asia. Before adopting these sustainability practices, however, China should explore the utility of adopting sustainable development by examining Oregon’s progress in implementing this elusive concept.

V. IMPLEMENTATION OF SUSTAINABILITY IN CHINA, AS ENVISIONED BY OREGON, WOULD CONTRAVENES CHINA’S STATED BEST INTERESTS

As China continues its rapid economic growth, it will undoubtedly face increased pressure from the international community to intensify its sustainability efforts. Proponents of sustainability are currently calling for developed countries to be worldwide sustainability catalysts. Accordingly, China and other developing countries may vicariously explore the utility of adopting sustainable development, without significant dedication of resources, by merely analyzing the sustainability progress of their developed counterparts. If sustainability progress is only minimal, developing countries should justifiably be skeptical of the application of sustainable development within their own borders.

Oregon is currently the best sustainability model that the United States has to offer. The adoption of sustainable development in China, however,
as typified by the Oregon approach, would contravene China's stated best interests. In this respect, an analysis of Oregon's sustainability approach in its entirety and at the individual initiative level is instructive.

A. When Viewed in Its Entirety, Oregon's Sustainability Model Favors Environmental Preservation Over Economic Growth—The Inverse of China's Stated Best Interests

Because continued rapid economic expansion is China's express paramount interest, a course of development that favors the environment at the expense of the economy would contravene China's stated best interests. China has expressly indicated that economic growth is a necessary precursor to environmental protection. Oregon's sustainability model, however, operates in an inverse manner—functioning instead as a proxy for environmentalism. Although environmental protection is undoubtedly laudable, it is problematic when pursued under the guise of sustainable development because the concept is advertised as a drastic departure from environmentalism. When used as a surrogate for environmentalism, the concept of sustainable development fails to enhance society's current understanding of the tradeoffs between the economy and the environment.

A recent executive order issued by Oregon Governor Kulongoski all but confirms that Oregon's sustainability model is appreciably skewed in favor of environmental protection. In that order, Governor Kulongoski

sustainability received global endorsement at the Rio Summit in 1992. Although these measures pre-dated the sustainability movement, the principles incorporated into them are considered sustainable by today's standards. See Pendergrass, supra note 73, at 706.

See infra Part III.A for a discussion of China's best economic interests as enumerated in the most recent Five-Year Plan.

Oregon State Governor Kulongoski has stated that environmental protection is a precursor to a strong economy. See Cruz, supra note 77 ("A healthy environment is essential to a livable Oregon and a strong economy.").

For example, Oregon's land use system is praised by environmentalists and featured as the most extensive plan of its type in environmental and land use textbooks alike. See PERCIVAL ET AL., supra note 100, at 776; DANIEL R. MANDELKER & JOHN M. PAYNE, PLANNING AND CONTROL OF LAND DEVELOPMENT: CASES AND MATERIALS 680-86 (5th ed. 2001). Similarly, three of the four express purposes of Exec. Order EO-00-07 focused exclusively on environmental concerns to the exclusion of the social and economic parameters of sustainable development. See supra note 114 and accompanying text.

Cf. Ruhl, supra note 14, at 34-36. Sustainable development is intended to demonstrate the interconnectedness of the economy and the environment. May, supra note 20, at 199. Remarkably, however, Oregon's strategies to maintain social and economic policies are not being coordinated with environmental policies. See Background Report, supra note 81, § II.


157 See infra Part III.A for a discussion of China's best economic interests as enumerated in the most recent Five-Year Plan.

158 Oregon's sustainability model, however, operates in an inverse manner—functioning instead as a proxy for environmentalism.

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conceded that "Oregon's economy is in distress." Referring to Oregon's apparent focus on the environment to the detriment of the economy, the Governor then admitted, "We should not continue to trade one essential aspect of well-being off against another, but we should take actions that will sustain Oregon's assets and put Oregon on the path to long-term prosperity in all aspects of life." An analysis of the most prominent studies evaluating sustainability in the United States only further confirms that this has been Oregon's approach for years.

In the Resource Renewal Institute's State of the States report, Oregon received the top honor as the U.S. state with the best capacity to achieve sustainable development. Remarkably, however, the Report's measurement index acknowledged its near complete exclusion of economic and social considerations, two of the three parameters of sustainable development. Conversely, in the Institute for Southern Studies Gold and Green 2000 report, which equalizes economic and environmental considerations in its analysis, Oregon's overall score ranked nowhere near the top tier of states. In fact, Oregon was one of the few states with a strong environmental record coupled with a sub-par economic performance. When viewed in tandem, these studies indicate that when sustainability properly balances economic and environmental needs, Oregon is no better off than many other U.S. states. Yet, Oregon appears to have invested more financial resources in the name of sustainability than any other U.S. state.

164 Id. at 4.
165 Id.
166 See STATE OF THE STATES, supra note 15; INSTITUTE FOR SOUTHERN STUDIES, GOLD AND GREEN 2000 [hereinafter GOLD AND GREEN 2000].
167 The Resource Renewal Institute ("RRI") is a nonprofit organization founded in 1985 to support innovative environmental management worldwide. See Resource Renewal Institute, http://www.rri.org/about/aboutmission.html (last visited Nov. 15, 2003). RRI's State of the States report remains one of the most comprehensive sustainable development studies to date.
168 STATE OF THE STATES, supra note 15, at vii and 35.
169 Id. at i. The exclusion of social and economic factors from the report's index is a "serious flaw." Pendergrass, supra note 73, at 714.
170 The Institute for Southern Studies was founded in 1970 to bring social and economic change to the Southern region of the United States. See GOLD AND GREEN 2000, supra note 166.
171 See id. The report gave each of the fifty states a rank on twenty economic, "Gold," and twenty environmental, "Green," performance indicators. Id. Although the Gold and Green 2000 report does not expressly rate sustainable development, it is considered a better indicator of sustainable development than the Resource Renewal Institute's index. See Pendergrass, supra note 73, at 717.
173 Oregon received a top score of "high" in the State of the States indicator for its "Fiscal and Program Commitment Sub-Index," which measures state budgets for environmental agencies' expenditures on public transit and recycling, among others. See STATE OF THE STATES, supra note 15, at 17, 19.
China has already indicated that environmental protection is in its best interests.\textsuperscript{174} China, however, views a robust economy as a necessary prerequisite to environmental protection.\textsuperscript{175} Although this prioritization has been the subject of much international criticism, this has long been the enunciated principle behind China's development.\textsuperscript{176} In 1992, the Chinese government assembled a report for submission to the preparatory committee of UNCED, entitled Environment and Development Report.\textsuperscript{177} The report stands for the proposition that "[f]or developing countries such as China, the prerequisite to accomplishing the harmonious development of their economies and environments is to achieve economic development."\textsuperscript{178} Indeed, Oregon's prioritization of the environment over its economy is the inverse of China's approach to the same environment-economy dichotomy.

B. Oregon's Individual Sustainability Initiatives Further Highlight the Defects of Oregon's Sustainability Approach, and Its Likely Inability to Achieve Meaningful Results in China

Although Oregon's individual sustainability initiatives have been widely praised for their innovation, their results have been largely nominal. An analysis of Oregon's individual sustainability initiatives only further reinforces the defects in Oregon's sustainability approach and its accompanying inability to achieve demonstrable results. Inasmuch as Oregon's sustainability progress is only minimal, China should justifiably be skeptical of the application of sustainable development within its own borders.

1. Oregon's Sustainability Model Constrains Economic Growth, A Proposition That China Should Find Untenable

Although an analysis of any number of Oregon's individual sustainability initiatives would indicate that its sustainability model stifles economic growth, perhaps none is more instructive than its land use planning system. Indeed, Oregon's land use system has been heralded as the

\textsuperscript{174} For a discussion of China's best environmental interests as enumerated in the most recent Five-Year Plan, see infra Part III.B.
\textsuperscript{175} See supra note 61 and accompanying text.
\textsuperscript{176} See Edmonds, supra note 50, at 115.
\textsuperscript{177} Baozhong Wu et al., The Status and Trend of China's Policies on Climate Change, in ENERGIZING CHINA: RECONCILING ENVIRONMENTAL PROTECTION AND ECONOMIC GROWTH 541, 544 (Michael B. McElroy et al. eds., 1998).
\textsuperscript{178} Id.
standard bearer in environmental preservation. However, the system has done little to foster a healthy economic climate in Oregon.

The economic toll of Oregon's land use system is high. First and foremost, the overly restrictive system is largely responsible for perpetuating an unfriendly business environment. High bureaucratic processing costs and lengthy review processes are hallmarks of the system. Ultimately, the net result of the burdensome system is to prevent businesses and desperately needed jobs from relocating to Oregon. It has also created a gross deficiency of shovel-ready commercial and industrial land available for construction in Oregon. That such a deficiency is unnecessarily self-inflicted is best illustrated by the fact that only 2% of Oregon's land area is developed. Lack of business draw due to Oregon's exclusionary land use system also exacerbates the state's dismal unemployment situation, the nation's worst over the past four years. Indeed, Oregon's sustainability approach has done little to spur economic development.

Curbing economic growth in the name of sustainability would contravene China's stated best interests. In fact, China's experience indicates that maintaining a healthy economy is necessary to bring about both environmental preservation and social improvements. For example, China stands out from other developing nations as greatly improving the lives of its citizens. Ironically, human beings are the central focus of

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179 See infra Part IV.A.1.
180 As with any complex economy, the precise causes of Oregon's poor economic performance cannot be isolated. Nonetheless, Oregon's notoriously dismal economy is almost certainly partially attributable to its sustainability efforts. See supra note 141.
181 See Exec. Order EO-03-01 (Feb. 20, 2003), Regulatory Streamlining, reprinted in 42-4 Or. Admin. Bull. 4 ("To enable the private sector to more easily do business, and to encourage economic investment and opportunity in Oregon, state government must streamline its regulatory processes... ").
182 Id. See also Laura Oppenheimer, Changes Brewing in Land-Use Process, OREGONIAN, Apr. 19, 2003, at B01.
184 Id.
185 U.S. Dept. of Agriculture, Natural Resources Inventory: Highlights of Natural Resource Conditions and Trends in Oregon from 1982 to 1997, http://www.or.nrcs.usda.gov/technical/ini/Oregon%20NR%20Fact%20Sheet.pdf (last visited Nov. 31, 2003). Former Oregon Governor Tom McCall, the architect of Oregon's land use system, was adamant that the land use system limit growth from outsiders pondering relocation to Oregon. More than thirty years later, that exclusionary approach remains codified in Oregon law and continues to encumber the State's economic performance. "Please come visit us in Oregon again and again... But for heaven's sake, don't come here to live." Eileen Keerdoja et al., McCall: How to Win A Losing Battle, NEWSWEEK, Dec. 13, 1982, at 18.
186 See supra note 141; see also Peter Sleeth, Joblessness at 17-Year High, OREGONIAN, July 12, 2003, at A01.
187 See infra Parts III.B & C.
sustainable development, yet China has experienced great social improvements without significantly devoting itself to the concept. For example, from 1978 to 1984, the number of poor in China decreased from 250 million to 125 million, and by 1998 that number had decreased to 42 million. This decrease in poverty coincided with a per capita net income increase from 206 yuan in 1985 to 1318 yuan in 1998 in those counties that were identified as poor. The transformation of China’s controlled economy to embrace a socialist market economy has also bridged much of the gap between China’s rural and urban sectors. In addition, life expectancy is considerably higher than in other economies of similar size, the mortality rate has significantly declined, agricultural yield is more productive per acre, and calorie and protein consumption per capita has significantly increased. In contrast, however, despite Oregon’s focus on sustainable development, the extent of its own poverty is emphasized by the fact that it currently has the highest hunger rate in the United States. China has been well-served by its intense focus on the economy. Following Oregon’s model of sustainable development, which seeks to constrain economic growth, would only slow the social gains that have accompanied China’s recent economic growth.

2. **Oregon’s Sustainability Approach is Costly to Implement—A Significant Impediment to its Replication in China**

China has indicated that fiscal prudence is crucial to continuing its exponential economic growth. Accordingly, a sustainability approach that expends significant resources, yet yields few, if any, returns would contravene China’s stated best interests. Many of the products and services that the Oregon approach to sustainability promotes as sustainable are much costlier than other available alternatives. Thus, under Oregon’s approach,

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188 See Rio Declaration, supra note 26, at princs. 1, 5 (“Human beings are at the centre of concerns for sustainable development” and “eradicating poverty [is] an indispensable requirement for sustainable development.”).
189 See Ryan & Flavin, supra note 63, at 126.
190 See Yuxin et al., supra note 66, at 93.
191 Id.
192 Id. at 93-94.
195 See 5-Year Plan, supra note 51.
196 WORLD BANK, supra note 65, at 51. After converting the Oregon governor’s mansion to green power, Governor Kulongoski urged the public to pay “slightly higher rates” to do likewise. See Governor Theodore R. Kulongoski, Address at the Oregon Sustainability Conference (May 30, 2003).
sustainability is achieved at a high cost. Although this approach is feasible for wealthy, developed countries, it tends to ignore the root cause of environmental degradation in China and other developing nations—poverty.\textsuperscript{197}

One of the costly ways in which Oregon is institutionalizing sustainable development within state government is through the purchase of innovative technological solutions, including hybrid cars and green power.\textsuperscript{198} Few doubt that if such alternatives were not so costly, developed nations would have already widely adopted such solutions.\textsuperscript{199} Experience demonstrates that the primary obstacle to the adoption of even the most rudimentary of pollution controls in developing countries is not utter disregard for the environment.\textsuperscript{200} Rather, it is a lack of the economic resources necessary to do so.\textsuperscript{201} China currently finds itself in such a situation.\textsuperscript{202} Indeed, China spends approximately 0.7\% of its GNP on environmental protection, compared to 3.4\% in the United States.\textsuperscript{203} Thus, while Oregon cites its innovative technological solutions as a sign that it is achieving sustainable development, China is likely unable to afford such luxuries on a large scale.

Proponents of sustainability in Oregon have called for the widespread adoption of innovative technologies in China.\textsuperscript{204} When such technologies are employed by developing countries striving for sustainability, they are often referred to as “leapfrog” opportunities.\textsuperscript{205} China should take a skeptical look at the adoption of leapfrog technologies to achieve sustainable development.\textsuperscript{206} Not only are they more expensive to implement than other

\textsuperscript{197} See Yuxin et al., supra note 66, 194.
\textsuperscript{198} See infra Part IV.A.2 for a discussion of Oregon’s chosen means for institutionalizing sustainable development. See also Laurence M. Cruz, Agencies Ordered to Sustain Resources, STATESMAN J., June 20, 2003, at 2C.
\textsuperscript{199} Taylor, supra note 39, at 394.
\textsuperscript{200} Id.
\textsuperscript{201} Id. at 394-95.
\textsuperscript{202} See Yuxin et al., supra note 66.
\textsuperscript{203} See Ryan & Flavin, supra note 63, at 130. The percentage of GNP that China spends on environmental protection is “a comparatively high figure for a developing country.” Chris P. Nielsen & Michael B. McElroy, Introduction and Overview, in ENERGIZING CHINA: RECONCILING ENVIRONMENTAL PROTECTION AND ECONOMIC GROWTH 1, 15 (Michael B. McElroy et al. eds., 1998).
\textsuperscript{204} The International Sustainable Development Foundation (“ISDF”) lists “leapfrog” opportunities as one of the strategic initiatives of The China-U.S. Center for Sustainable Development. See ISDF Objectives Folio (on file with author). Referring to negotiations with the Chinese over advanced technologies for sustainability, one representative of an Oregon business stated, “[t]he basic question for China is, do they use advanced technology and sustainability to grow, or do they go through another Industrial Revolution?... We’re saying ‘Don’t do what we do, but what we will do. Skip over us.’” Sustainable Asian Ties, supra note 151.
\textsuperscript{205} Taylor, supra note 39, at 393.
\textsuperscript{206} Id. at 393-95.
conventional alternatives, but they represent a subtle form of hypocrisy displayed by sustainability proponents. The premise behind the propagation of leapfrog technologies is that developing countries are not entitled to the same luxuries afforded to the West during its development and industrialization, including cheap energy sources and careless waste and pollution disposal.²⁰⁷ However, the Rio Declaration, a document fundamental to the sustainable development movement, appears to affirm just the opposite: “In view of different contributions to global environmental degradation, States have common but differentiated responsibilities.”²⁰⁸ In other words, developed nations should bear the onus of reducing environmental degradation, while developing nations should face no such constraint.²⁰⁹

Ultimately, Oregon’s sustainability approach, which relies heavily on innovative technologies, tends to discount poverty as the true cause of environmental degradation in China and other developing nations. It is ironic, therefore, that Oregon has made no secret about its intent to profit from the sale of its sustainable industries in China.²¹⁰ Unlike Oregon, in which environmental problems are the result of industrialization and urbanization, a substantial portion of China’s ecological deterioration is the direct result of poverty.²¹¹ Approximately ninety-five percent of China’s poor live in the countryside, relying upon farming for their livelihood.²¹² Thus, insofar as they are directly dependent upon the land for their subsistence, there is a high correlation between the environment and poverty in China.²¹³ Empirical data suggest that economic growth initially worsens environmental quality in developing nations, but eventually contributes to environmental improvements.²¹⁴ In other words, the environment is a luxury good for developing countries.²¹⁵

²⁰⁷ Id.
²⁰⁸ Rio Declaration, supra note 26, at princ. 7.
²⁰⁹ Dernbach, supra note 24, at 56.
²¹⁰ See supra note 85 and accompanying text.
²¹¹ See Yuxin et al., supra note 66, at 93.
²¹² Id. at 119.
²¹³ Id. In Oregon, by contrast, a growing number of the population is no longer in the renewable natural resources business. Now, only roughly twenty percent of all Oregon jobs are dependent on renewable resources, such as fish and timber. OREGON SHINES, supra note 119, at 66.
²¹⁴ See Taylor, supra note 39, at 392. The fact that China’s growth over the past decades had been marked by fairly stable environmental conditions may be a testament to this concept. See supra note 66 and accompanying text.
3. **Oregon’s Sustainability Model Achieves Few Tangible Results, Yet Expends Significant Resources**

Oregon’s sustainability approach has achieved token results, despite substantial dedication of resources to the concept. The individual sustainability initiatives that illustrate this best are Oregon’s land use system and its institutionalization of sustainable development in state government. Similarly, China and other developing countries could expend significant resources in the elusive pursuit of sustainability and obtain merely token results.

Despite all of the acclaim that Oregon’s restrictive land use system has received, by Oregon’s own measures, the system has failed to achieve its primary purpose—preservation of agricultural land. In Oregon’s biennial “report card” to the Oregon State legislature, Oregon Shines, the Oregon Progress Board gave Oregon an “F” grade for its key benchmark for agricultural land preservation. One study showed that Oregon lost an estimated 1195 acres of prime crop and pasture land for each 10,000 new residents between 1982 and 1992. This was almost triple Washington State’s average and six times the rate in California. After thirty years of Oregon’s restrictive land use policies, an “F” grade in one of its primary objectives is indicative of the fact that Oregon’s sustainability pursuit may simply be an academic exercise that does not deliver on its promises.

The China-U.S. Sustainable Land Use Program is currently training Chinese land use officials in the virtues of Oregon’s restrictive land use policies. Yet, by most accounts, retention of agricultural land is even more critical for China than it is for Oregon. The amount of arable land per capita in China is 43% of the world’s average. China had a net loss of 135,300 hectares of arable land in 1997, a loss of 261,000 hectares in 1998, and a loss of 437,000 hectares in 1999. Recent reforms in China’s land

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217 See OREGON SHINES, supra note 119, at 65.
218 See Franzen, supra note 216.
219 Id. These statistics appear to be contradicted by the Oregon Shines assessment which stated that between 1982 and 1997, Oregon converted agricultural land to urban development at a slower rate than both California and Washington. See OREGON SHINES, supra note 119, at 65.
220 See infra Part IV.B.1.
221 Miangsheng Wang, Land Use Planning in China (June 1, 2000) (unpublished manuscript, on file with author).
222 Id.
use system are already having a substantial impact in preserving agricultural land.\textsuperscript{223}

A review of the preliminary implementation of both Executive Order EO-00-07 and the Oregon Sustainability Act also reveals the difficulty in the actual application of sustainable development.\textsuperscript{224} Although the Governor and the Oregon State Legislature were successful in conveying the importance of sustainability within state government, the initiatives “lack[ed] . . . clarity on how agencies and employees should proceed to implement sustainability measures.”\textsuperscript{225} Thus, those charged with executing Oregon’s sustainability initiatives understood the importance of sustainability, but lacked the ability to determine what specific actions they could perform in their respective capacities to achieve it.\textsuperscript{226} The difficulty in implementing these initiatives is underscored by the fact that Oregon has an unusually high number of citizens that support sustainable development, and presumably comprehend its ends.\textsuperscript{227}

As previously indicated, China faces significantly more hurdles to the adoption of sustainable development than Oregon.\textsuperscript{228} If those charged with implementing sustainability in Oregon are unable to determine the specific actions necessary to bring about sustainability, their Chinese counterparts are perhaps even more likely to be so ill-equipped. Experimental sustainability projects in China have already failed, largely due to a lack of clear objectives and popular support at the local level.\textsuperscript{229}

VI. CONCLUSION

Despite mixed results in the adoption of sustainability measures, Oregon State remains a leader in sustainable development. Many in the

\begin{itemize}
  \item \textsuperscript{225} Id. at iii.
  \item \textsuperscript{226} Id. Lack of clear directives is not only an Oregon dilemma, but it is a criticism that plagues the sustainable development movement as a whole. See Ruhl, supra note 14, at 36 (asserting that sustainable development is often cast as a “philosophy” as opposed to a cookbook set of recipes.).
  \item \textsuperscript{227} A poll of registered Oregon voters revealed that a “clear majority” believe that sustainable development should start right now. STATE OF THE STATES, supra note 15, at 37.
  \item \textsuperscript{228} See supra note 155.
  \item \textsuperscript{229} See, e.g., May, supra note 20, at 200; Michael Pickles, Note, Implementing Ecologically Sustainable Development in China: The Example of the Heilongjiang Province, 14 GEO. INT’L ENVT'L. L. REV. 577 (2002).
\end{itemize}
international community, including Oregon, cite sustainable development as China’s solution for maintaining economic growth while simultaneously preserving environmental quality and fostering positive social change. However, consistent with well-established principles, China and other developing nations are under no obligation to accept any particular sustainability course, and may even reject the concept in its entirety.

Widespread disagreement as to the precise nature and scope of sustainable development has rendered the concept largely meaningless, as evidenced by the difficulty in its practical application. For example, in Oregon the concept currently operates as a surrogate for traditional environmentalism. When employed in such a manner, sustainable development adds little to the ongoing public discourse regarding the interaction between environmental quality, economic growth, and social improvement. Further, Oregon’s experience demonstrates that sustainable development curbs economic growth, is costly to implement, and achieves few, if any, tangible results.

China has been derided for placing undue emphasis on economic development while downplaying environmental protection. Yet, in recent years, as China has progressed from a centrally-planned economic system into a socialist market economy, China has experienced unprecedented economic growth, dramatically improved the lives of its people, and maintained relatively stable environmental conditions. Accordingly, China would be justified in continuing to pursue rapid economic growth and charting its own course of development, including further movement toward a free market economy and recognizing greater individual liberties.