

# Deciphering Sustainable Development within the Framework of the International Human Rights System

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**Abstract:** *Today, sustainable development seems to not only have become the paradigm of new development, but its link to human rights has also become evident, considering the influence exerted on it by the main normative instruments that reflect these rights. It should come as no surprise, therefore, that this issue is now a priority within the UN's framework for action. While traditional normative instruments such as international treaties and other conventions establish the criteria for the protection of human rights, new mechanisms, such as the Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs) are increasingly helping to reinforce these rights as well. This paper aims to contribute in 'deciphering' the enigma of sustainable development, by understanding the importance of these new mechanisms, especially that of the SDGs, which are the main focus of our analysis, in order to identify their link to human rights. For this, we will provide an overview of the concept of sustainable development, analysing it from its origins in the field of international law to its current place in the Global Development Agenda. While defining the true nature of sustainable development remains a challenge, sustainable development, and more specifically the SDGs, are imbued with a human rights component.*

**Keywords:** *Human Rights, SDG, Sustainable Development, 2030 Agenda, Environmental Law*

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## I. A look at the evolutionary trajectory of sustainable development through international summits

Although it has been pointed out that sustainable development is difficult to define<sup>1</sup>, in the field of international law, the document that gave rise to the most widespread interpretation of its meaning is known as the *Brundtland Report*.<sup>2</sup> This document refers to sustainable development in the following terms: ‘Humanity has the ability to make development sustainable to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs’.<sup>3</sup>

Years before the adoption of this report, the Declaration of the 1972 United Nations Conference on the Human Environment (Stockholm Declaration) already stated, in line with the Brundtland Report, that ‘The protection and improvement of the human environment for present and future generations has become an imperative

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<sup>1</sup> Barral V, ‘Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm’ 23(2) *European Journal of International Law*, 2012, 383.

<sup>2</sup> The Brundtland Report, also called *Our Common Future*, was prepared in 1987 by the World Commission on Environment and Development. It is named after the Norwegian politician Gro Harlem Brundtland, who was at the time head of that body.

<sup>3</sup> World Commission on Environment and Development, *The Brundtland Report*, 1987, para 27.

goal of humankind'.<sup>4</sup> Although its twenty-six principles offer a perspective aimed primarily at environmental protection, and despite its lack of legal binding force, the Stockholm Declaration can be considered a pioneering document, among other reasons because it brought to the field of international law an innovative language that proposed to get rid of outdated formulas based on the rights and duties imposed on States, to adopt a more current, participatory approach, and more in line with the new demands of the prevailing social landscape.<sup>5</sup>

In relation to the previous document, mention should be made of the *Meadows Report*, a reference work in the field of environmental sustainability and a recurring quotation in discussions on this subject. In it, its authors warned that, over a period of fifty years, the accelerated demographic increase, the overexploitation of natural resources by human beings, as well as other global trends, would lead to catastrophic consequences for the future of the planet.<sup>6</sup> Along the same lines, the World Charter for Nature also refers expressly to sustainability in one of its principles, stating that 'Ecosystems and organisms, as well as the land, marine and atmospheric resources that are utilized by man, shall be managed to achieve and maintain optimal sustainable productivity, but not in such a way as to endanger the integrity of those other ecosystems of species with which they coexist'.<sup>7</sup>

It is easy to see from the above-mentioned texts that sustainable development at its inception was strongly linked to the environmental issue, and although this trend continues today, two new and equally important dimensions have been added to this concept: the economic and the social. We will have the opportunity to verify this in the following paragraphs, where we will refer briefly to some of the international summits held under the auspices of the United Nations, in which the subject of sustainable development has been present. We will highlight the most relevant ones.

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<sup>4</sup> It was adopted at the United Nations Conference on the Human Environment held from 5 to 16 June 1972 in Stockholm, Sweden. A/CONF.48/14/Rev.1 United Nations Conference on the Human Environment, *Stockholm Declaration*, 1972, para 6.

<sup>5</sup> Sohn LB, 'The Stockholm Declaration on Human Environment' 14(3) *The Harvard International Law Journal*, 1973, 513.

<sup>6</sup> Meadows DH et al, *The Limits to Growth*, Universe Books, New York, 1972.

<sup>7</sup> The World Charter for Nature was adopted on October 28, 1982 by UNGA Resolution A/RES/37/7. UNGA, *World Charter for Nature*, 1982, principle 4.

## A. The 1992 United Nations Conference on Environment and Development

In 1992, the Rio de Janeiro Declaration (Rio Declaration on the Environment) was adopted within the framework of the United Nations Conference on Environment and Development (Earth Summit).<sup>8</sup> This document reaffirmed the content of the Brundtland Report and, in contrast to previous documents, although the environmental orientation continued to predominate in the new 1992 declaration,<sup>9</sup> the three-dimensional approach to sustainable development (economic, social, and environmental) was beginning to take shape. The creation that same year of the Commission on Sustainable Development undoubtedly helped to reinforce the commitments made at this and subsequent summits, in the interest of a broader conceptualization of *sustainable development*.<sup>10</sup>

## B. From the United Nations Conference on Environment and Development to the 1997 Earth Summit+5

With the Conference on Environment and Development, sustainable development will come to the forefront of the international community's main objectives,<sup>11</sup> and in subsequent years the regular holding of other international summits will help to keep this purpose alive, as will be stated in the *background document* drafted for the Earth Summit +5:

At the Earth Summit +5, Heads of State, and government authorities, in broad-based consultations at all levels, from local to international, will conduct a comprehensive and honest assessment of where we stand in relation to the goals set at the Earth Summit. The objective is to identify and recognize progress in implementing the

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<sup>8</sup> The Rio Declaration on Environment and Development was adopted in June 1992 during the United Nations Conference on Environment and Development held in Rio de Janeiro.

<sup>9</sup> Thus, Principle 1 of the Declaration on the Environment states that: 'Human beings are at the center of concerns for sustainable development. (And that) They are entitled to a healthy and productive life in harmony with nature'.

<sup>10</sup> More information about the Commission on Sustainable Development at: Sustainable Development Knowledge Platform, 2020 <https://sustainabledevelopment.un.org/csd.html> on 22 November 2020.

<sup>11</sup> Rodrigo Hernandez AJ, *El desafío del desarrollo sostenible*, in Fundación Privada Centro de Estudios Internacionales, Marcial Pons, Barcelona, 2015, 28.

agreements reached at the Earth Summit and to promote similar agreements worldwide.<sup>12</sup>

The hopeful tone of the above quote contrasts, however, with the discouragement that will permeate some of the publications that will be published after the summit, where the main agents of change will be urged to make even greater efforts to meet at least the goals set at the 1992 conference:

. . . it will be necessary to show stronger political will and promote genuine global solidarity, considering the special needs and priorities of developing countries. This approach remains as relevant and urgently needed as ever. It is clear from the above assessment that, while progress has been made in some areas, a major new initiative is needed to achieve the Goals set by the United Nations Conference on Environment and Development.<sup>13</sup>

Broadly speaking, the main conclusions on the progress that had been made in fulfilling internationally established obligations to strengthen sustainable development by reconciling the different dimensions of sustainable development pointed to a lack of commitment on the part of States and international environmental organisations.<sup>14</sup>

## C. The Millennium Summit of 2000

The ‘wake-up call’ addressed to the actors (not) committed to sustainable development after the *Earth Summit* +5, will not take long to be answered, with the celebration of the great Millennium Summit in the year 2000, where the MDGs will be adopted (we will dwell on them later).<sup>15</sup>

The Millennium Declaration (the outcome document of this summit) aims to achieve goals such as ensuring that all countries (especially the most disadvantaged) reach an adequate level of development that will in turn serve as the main vehicle for the establishment of lasting peace and security worldwide, contributing to the eradication of extreme poverty and the protection of the environment, and achieving a

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<sup>12</sup> ‘Cumbre para la Tierra +5’, UN Public Information Department, 2020 <https://www.un.org/spanish/conferences/cumbre&5.html> on 22 November 2020.

<sup>13</sup> UNGA, *Programme for the Further Implementation of Agenda 21*, UN A/RES/S-19/2 (19 Sept. 1997).

<sup>14</sup> Rodrigo Hernandez AJ, ‘Cumbre de la Tierra +5: Una Evaluación de la Situación del Derecho Internacional del Medio Ambiente’ 49(2) *Revista Española de Derecho Internacional*, 1997, 345.

<sup>15</sup> More about the Millennium Summit at: Asamblea del Milenio, 2020 <https://www.un.org/spanish/milenio/> on 20 November 2020.

solid commitment to human rights and democratic governance.<sup>16</sup> Although these undoubtedly ambitious goals will not be fully achieved, they will help pave the way for a new way of tackling common challenges, putting names and surnames to the needs previously identified by the global players who gathered in New York for the Millennium Summit. Professor Jeffrey Sachs put it this way:

The Objectives are aimed at the person on the street, not at theoreticians. It is important not to lose sight of this. The Goals are formulated so that they can be understood in the villages and slums, in the places where poor people live, work and struggle to survive. They serve to guide humanity in its attempt to meet a great moral challenge: to improve the living conditions of the most vulnerable people on the planet. Their purpose is to move society to action: governments, businesses, communities, families, religious groups, academics, and individuals. They seek to promote broad-based social change, not tinkering here and there'.<sup>17</sup>

The point of difference with respect to the initiatives formulated previously at other major summits would lie, as we understand from Sachs' statement above, in the fact that the 2000 Development Agenda makes use of more inclusive language and more pragmatic aspects focused on achieving a real impact on people's lives.

## **D. The Johannesburg Summit on Sustainable Development 2002**

In 2002, 10 years after the 1992 *World Summit on Environment and Development*, the Johannesburg Summit (Rio +10) was held. The time had come once again to renew commitments made in the past and to set new goals.

In addition to defending an *environmental, social, and economic* model based on sustainable development, the summit will address, among other issues, poverty, which will be presented as the antithesis of sustainable development; uncontrolled production and consumption; and the overexploitation of natural resources in the current globalized world context.<sup>18</sup>

Paragraph 18 of the Johannesburg Declaration on Sustainable Development (outcome document of the 2002 World Summit on Sustainable Development) refers to 'access to basic services, such as safe drinking water, sanitation, adequate housing,

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<sup>16</sup> UNGA, *Millennium Declaration*, UN A/RES/55/2\* (13 September 2000).

<sup>17</sup> Sachs JD, 'La Era del Desarrollo Sostenible' Deusto, New York, 2014, 180.

<sup>18</sup> See: Report of the World Summit on Sustainable Development, para. 9-42. These paragraphs are included in the Plan of Implementation of the World Summit on Sustainable Development, annexed to the same Report.

energy, health care, food security' and others. This fact shows the importance that the social dimension of sustainable development will acquire at this summit, a dimension that will experience its consolidation in the framework of the 2030 Agenda with its insertion in the SDGs.<sup>19</sup>

But also in the Johannesburg Summit, as in some of the previous ones, there would be a place reserved for nonconformism, as Pavey and Williams expressed a few months after the Summit:

Environmental NGOs were generally dissatisfied with the results of the WSSD. Governments and corporate leaders were criticized for their lack of action on issues such as trade and development aid, privatization of public services, biodiversity, and over-consumption in developed countries. There was a general concern that international trade agreements continue to trump those involving the environment.<sup>20</sup>

## E. The 2012 Conference on Sustainable Development

Following the Johannesburg Summit, it was to be expected that the mantra of sustainable development and its renewed configuration (more explicitly recognizing the economic, social, and environmental dimensions as the main pillars of sustainable development) would be maintained in the future. It is not surprising, therefore, that the outcome document of the 2012 UN Conference on Sustainable Development<sup>21</sup> was entitled '*The Future We Want*'.

The preparatory events for the 2012 Conference on Sustainable Development (Rio+20)<sup>22</sup> were structured around an objective that encompassed three distinct actions: to ensure that the political terms agreed upon in terms of sustainable

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<sup>19</sup> Lopez I et al, 'La Dimensión Social del Concepto de Desarrollo Sostenible: ¿la Eterna Olvidada?' 27(1) *Revista Española de Sociología*, 2018, 29.

<sup>20</sup> Pavey B and Williams T, 'Canada and the 2022 World Summit on Sustainable Development' 2022 *Effective Development Co-operation Summit*, 2022 <https://publications.gc.ca/Collection-R/LoPBdP/BP/prb0258-e.html> on 21 November 2020. For further information on the Summit's results: La Viña AG, Hoff G, and De Rose AM, 'The Outcomes of Johannesburg: Assessing the World Summit on Sustainable Development', *SAIS Review: A Journal of International Affairs*, 23(1), 2003, 8.

<sup>21</sup> The UN Conference on Sustainable Development was held from June 20-22, 2012, in Rio de Janeiro.

<sup>22</sup> UNGA, *Resolution on the Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21, and the outcomes of the World Summit on Sustainable Development*, A/RES/64/236 (24 December 2009).

development to date were renewed, to take stock of the results achieved in this regard, and to address future challenges.

The main topics to be addressed at the conference were also highlighted, including the *green economy* in terms of sustainable development and the fight against poverty, and, secondly, facilitating the optimal positioning of sustainable development issues within international institutions.<sup>23</sup>

It is in this context that the document *The Future We Want*<sup>24</sup> was drafted, the validation of which, by the way, encountered some difficulties, mainly due to a discordance of criteria among the different States gathered for its adoption in Rio de Janeiro,<sup>25</sup> although the situation was finally resolved.<sup>26</sup>

The attendance at the Rio+20 Conference can only be described as successful, given the large turnout of participants (more than 40,000), which included more than a hundred leaders, close to two hundred official delegations, many non-profit organizations, and other stakeholders.<sup>27</sup>

Probably one of the most significant actions resulting from Rio+20 was the decision to set up an ad hoc working group for the development of the SDGs.<sup>28</sup> Although the 17 SDGs contained in the *2030 Agenda* were not established on this occasion, it was decided that these Goals would have to ‘(...) be action-oriented, concise, and easy to communicate, limited in number and ambitious, global in nature and universally applicable to all countries, (...)’.<sup>29</sup>

Regarding the brevity referred to in the previous paragraph, it should be recalled that long before Rio+20 there was already a process in which Goals aimed at achieving inclusive development at the global level had also been identified. This was the MDGs,

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<sup>23</sup> UNGA, *Resolution on the Implementation of Agenda 21*.

<sup>24</sup> The Declaration ‘The Future We Want’ was adopted by UNGA Resolution 66/288, July 27, 2012.

<sup>25</sup> Hidalgo Garcia MM, ‘Rio +20: Un Comienzo hacia el Desarrollo Sostenible’ Instituto Español de Estudios Estratégicos, Working Paper Number 37, 2012, [https://www.iecee.es/Galerias/fichero/docs\\_informativos/2012/DIEEEI37-2012\\_RIO20\\_CambioRumboSalvarPlaneta\\_MMHG.pdf](https://www.iecee.es/Galerias/fichero/docs_informativos/2012/DIEEEI37-2012_RIO20_CambioRumboSalvarPlaneta_MMHG.pdf) on 21 November 2020.

<sup>26</sup> <https://news.un.org/en/story/2012/06/413702> on 21 November 2020.

<sup>27</sup> See the official website of the UN Department of Economic and Social Affairs, <https://sdgs.un.org/partnerships> on 1 October 2022.

<sup>28</sup> UNGA, *The Future We Want*, para 248. Its creation was validated by the UNGA in January 2013. See: UNGA, *Open-ended Working Group of the General Assembly on Sustainable Development Goals (SDGs)*, A/67/L.48/Rev.1 (15 January 2013). Its creation was validated by the UNGA in January 2013. See: UNGA, *Open-ended Working Group of the General Assembly on Sustainable Development Goals (SDGs)*, A/67/L.48/Rev.1 (15 January 2013)

<sup>29</sup> UNGA, *The Future We Want*, para 247



whose ‘relative’ success was attributed precisely to their limited scope,<sup>30</sup> although Sachs distances himself from this thinking by pointing out, on the contrary, that this feature constituted one of the great strengths of the MDGs.<sup>31</sup>

In this author’s opinion, the mere fact that the outcome document of Rio+20 (*The Future We Want*) was adopted is already a major achievement. The answer would probably be different if the question posed were to lead us to make a judgment on whether the commitments made at the time by the States materialized at the desired pace.

Having made a historical overview of sustainable development in the field of international law, it seems clear that for the international community, summits or (macro) meetings have become the main scenarios for discussion to address this issue. The controversy over whether these international forums are the best way to achieve optimal results is almost guaranteed, taking into account, among other things, that the greater the number of partners who have to validate the decisions, the less likely it is that consensus positions will be reached.

The so-called *Earth Summits*<sup>32</sup> have been characterized by being multitudinous meetings in which significant agreements have been reached, although it could be said that many of the disappointments were also because the effective implementation of these agreements, in most cases, did not live up to the expectations set forth in the documents resulting from these meetings.

For us, a fair-minded stance would be to accept that in some cases, initiatives such as the MDGs have been successful. The fact that more than a hundred states agreed to adopt a set of goals and place them at the centre of the development discussions that have for some time now occupied a central place on the international agenda is of great significance.

However, for Vandermoortele (considered the main architect of the MDGs), international instruments such as the major international forums that have traditionally served to propose actions with global impact are only fruitful to a certain extent.

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<sup>30</sup> Although the MDG-based development model seems to have met with some acceptance, there has been no shortage of critics based on some of the weaknesses in its implementation. See in this regard: Besada H, McMillan Polenenko L, and Agarwal M, *Did the Millenium Development Goals Work? Meeting Future Challenges with Past Lessons*, Policy Press, 2017, 3.

<sup>31</sup> Sachs JD, ‘From Millennium Development Goals to Sustainable Development Goals’, 379(1), 2012, 2206.

<sup>32</sup> Expression that refers to the Conferences on Environment and Development held by the UN. See: <http://www.upv.es/contenidos/CAMUNISO/info/822941normalc.html> on 12 December 2020.

Therefore, this author recommends considering the lessons learned from past experiences, pointing out that, for the implementation of the current Sustainable Development Agenda, it would be necessary to make use of the positive results achieved with the MDGs.<sup>33</sup>

## II. The transition to the SDGs through the MDGs

Although in this paper we focus on analysing sustainable development and the SDGs, to provide an assessment of how they fit within the normative framework of international human rights law, we have also seen fit to refer to the MDGs, albeit only for the purpose of highlighting their importance in the formulation of the SDGs.

As a first approximation to what the MDGs and SDGs are, it can be said, as their name indicates, that they are objectives established by the international community in favour of development. The SDGs have their precedent in the MDGs. The latter are the prelude to the former and, as we will see below, there are great parallels between the two.

Although the MDGs were officially scheduled to be completed by 2015, with the adoption of the 2030 Agenda that same year, some of the goals set out in the MDG Agenda were extended. We therefore understand that the SDGs, now at the forefront of the international development agenda, are probably a foretaste of what the development policies of tomorrow will be. With the advent of the third millennium, a differentiation will be established with respect to the preceding period, in terms of the patterns of action designed by the United Nations in relation to development. In this sense, both the MDGs and the SDGs represent an evolution towards a new intervention model, based on the establishment of quantifiable, defined and (supposedly) achievable measures.

Expectations regarding the effectiveness of both instruments test the degree of fidelity of the international community to its own commitments, while at the same time subjecting the decisions designed to address them to public scrutiny. As Besada and Mc Millan have pointed out, these ‘Global Development Goals’ have inspired many States

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<sup>33</sup> Vandemoortele J, ‘Advancing the global development agenda post-2015: some thoughts, ideas and practical suggestions’ UN System Task Team on the Post-2015 UN Development Agenda, 2012, 14 [https://www.un.org/millenniumgoals/pdf/jan\\_vandemoortele\\_Aug.pdf](https://www.un.org/millenniumgoals/pdf/jan_vandemoortele_Aug.pdf) on 23 November 2020.

and actors in the orientation of their policies and strategies.<sup>34</sup> This, in our opinion, denotes a certain confidence (or at least hope) in the effectiveness of these instruments.

The MDGs have contributed to giving greater visibility to the most pressing social problems of our time, placing them among the priority areas of the international development agenda. Improving the living conditions of society's most vulnerable people mainly means improving their access to basic resources such as health, education, food, employment, and housing; in short, freeing them from poverty. It is therefore logical to think that the MDGs are clearly aimed at combating poverty.<sup>35</sup> It is no mere coincidence that the eradication of poverty is the first of the eight MDGs.<sup>36</sup> For the time being, it seems that addressing this goal continues to be a matter of the utmost urgency, as Sachs points out, given that poverty is also the first to be highlighted among the 17 Goals that make up the 2030 Agenda for Sustainable Development.<sup>37</sup>

Although the establishment of the MDGs helped many countries to bring about considerable socioeconomic improvements in their respective territories,<sup>38</sup> the fact is that the fifteen-year timeframe set for their fulfilment proved to be insufficient to achieve all the targets set. Moreover, the MDGs seemed to have been conceived specially to solve the problems of developing countries, since it is striking that in a

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<sup>34</sup> Besada H et al, *Did the Millennium Development Goals work? Meeting future challenges with past Lessons*, Policy Press, Bristol, 2017, 5.

<sup>35</sup> Agea S, 'Los objetivos del milenio. ¿Una relectura del pacto internacional de derechos económicos, sociales y culturales? Origen, aprobación y desarrollo' in Bartlett Castellá ER et al, *Del Pacto Internacional de Derechos Económicos, Sociales y Culturales a Los Objetivos del Milenio*, JM Bosch Editor, Barcelona, 2007, 51.

<sup>36</sup> See below a list of the MDGs:

- 1: Eradicate extreme poverty and hunger.
- 2: Achieve universal primary education.
- 3: Promote gender equality and empower women.
- 4: Reduce child mortality.
- 5: Improve maternal health.
- 6: Combat HIV/AIDS, malaria, and other diseases.
- 7: Ensure environmental sustainability.
- 8: Develop a global partnership for development.

<sup>37</sup> Sachs JD, 'The Age of Sustainable Development', Columbia University Press, New York, 2014, 559.

<sup>38</sup> In the case of African countries, for example, positive results were achieved regarding the MDGs 2, 3 and 6. In: United Nations Economic Commission for Africa (UNECA), 'Assessing progress in Africa toward the millennium development goals', Addis Ababa, 2015, xiii.

On the achievement of MDG 2 in African countries, see also: UNECA, 'Assessing progress in Africa', 2.

document as relevant as the final report on the MDGs, references to developed countries are so insignificant (they are limited to MDGs 7 and 8) and are too generic.

However, despite this argument, Vandemoortele has assured us that the MDGs were built on premises aimed at addressing challenges that have been elucidated on a global scale, and that these are not confined to certain geographic areas. Therefore, and I quote: ‘the content of the MDGs is universally applicable because it reflects fundamental economic and social rights’.<sup>39</sup> We must insist, however, that the author’s perception contrasts with the widespread assumption that the MDGs were primarily aimed at achieving progress in the least developed countries with the help of the most prominent global economies.<sup>40</sup>

To continue the work that led to the creation of the MDGs, the SDGs were adopted in 2015, with outcomes expected to be achieved by 2030. The SDGs pursue essentially the same goals (albeit with a broader spectrum of objectives) as the MDGs, but with the stamp of sustainability stamped on them.

### **III. The Sustainable Development Agenda for the Year 2030: New mechanism for promoting global development**

In September 2015, the seventieth session of the UN General Assembly became the scene of an event of great significance for most countries, given that the document resulting from that meeting (the 2030 Agenda or Post-2015 Agenda), adopted under the slogan ‘Transforming our world’, received the validation of all state representations that met in New York on its adoption. The 2030 Agenda for Sustainable Development, adopted under the slogan ‘*Transforming our world*’,<sup>41</sup> was validated by all the state representations that met in New York for its approval.<sup>42</sup>

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<sup>39</sup> See: Vandemoortele J, ‘The MDGs: ‘M’ for Misunderstood?’ UNU-WIDER, 2007 <https://www.wider.unu.edu/publication/mdgs-%E2%80%98m%E2%80%99-misunderstood> on 28 November 2020.

<sup>40</sup> See, for example: Khalema NE et al, ‘Conclusion: Africa Beyond 2015 – MDG Prospects, Its Discontents, and Implications’ in Andrews N et al, *Millennium Development Goals (MDGs) in Retrospect*, Springer International Publishing, Cham, 2016, 310.

<sup>41</sup> The declaration ‘Transforming Our World: The 2030 Agenda for Sustainable Development’ was adopted by UNGA resolution A/RES/70/1 on 25 September 2015.

<sup>42</sup> See introduction in: UN, *Transforming Our World: The 2030 Agenda for Sustainable Development*, 4.

The 2030 Agenda for Sustainable Development is intended to serve as a reference for international and national policies on their way to reaffirming a multidimensional model of sustainable development. It places economic, social, and environmental aspects on the same level, as fundamental parts of the development paradigm in today's societies. It is clear from its very title that this Agenda is expected to be 'transformative', as it has high expectations on the part of the international community and a significant number of stakeholders interested in its proper implementation.

Despite the understandable scepticism that this type of commitments may have generated in the past, the approval of the *2030 Agenda for Sustainable Development* leads us to believe that the spirits are not flagging and that, on the part of the decision-makers of change, the will to put an end to the current threats that prevent us from moving towards more sustainable economic, social, and environmental patterns is still evident.

The document *Transforming our World: 2030 Agenda for Sustainable Development* is not only an invitation to action (see the first paragraph of its preamble). Its content has an important symbolic value, since it embodies one of the main aspects to be considered when fighting for a common cause, i.e., consensus among the parties involved.

Even at the risk of appearing somewhat pretentious in its terms, the 2030 Agenda alludes to causes that at first sight could well be considered idealistic, in line with the statements issued by the then UN Secretary General, Ban Ki-moon, prior to the document's approval:

... The new agenda is a promise that leaders are making to people around the world.

It is a universal, integrated, and transformative vision for a better world.

It is a pro-people agenda to end poverty in all its forms.

It is an agenda for our planet, our common home . . . .<sup>43</sup>

The 2030 Agenda is a global *action plan* designed, among other things, to eradicate poverty worldwide, eliminate socioeconomic inequalities between countries and between individuals, foster partnerships between nations, prevent natural disasters by exercising greater control over human action, and halt the ecosystemic degradation

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<sup>43</sup> United Nations, 'Secretary-General's remarks at Summit for the Adoption of the Post-2015 Development Agenda' UN Secretary-General, New York, 25 September 2015 [https://www.un.org/es/sg/messages/2015/sdg\\_summit\\_2015.shtml](https://www.un.org/es/sg/messages/2015/sdg_summit_2015.shtml) on 28 November 2020.

of our environment (see its preamble). Environmental challenges are of particular concern, not least in view of the unflattering forecasts contained in some studies on the subject.<sup>44</sup> Based on many of the conclusions contained in documents such as this one, it would be prudent to start taking seriously the warnings made by different experts on this issue, since what is at stake is nothing more and nothing less than the continuity of our species, since we are facing a challenge of planetary magnitude. It is indisputable that we are facing an issue of the highest priority and because of all these concerns, we understand, as Sands and Peels have pointed out, that measures such as the establishment or existence of a specific area of international environmental law are very pertinent.<sup>45</sup> That said, it should be borne in mind that, despite its seriousness, this fact does not detract from the importance of the other two aspects of sustainable development (economic and social) which, like the environmental aspect, also demand great attention from the international community.

In keeping with this integrated vision of sustainable development, the 2030 Agenda uses the SDGs to formulate a series of measures that constitute a synthesis of the main challenges of sustainable development at the global level.

The SDGs are made up of seventeen general Goals, a total of one hundred sixty-nine Targets, and two hundred thirty-four Indicators, which constitute the guidelines delimiting the specific aspects that will help achieve each of the Goals:

Goal 1. End poverty in all its forms and throughout the world.

Goal 2. End hunger, achieve food security and improved nutrition, and promote sustainable agriculture.

Goal 3. Ensure healthy lives and promote well-being for all ages.

Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.

Goal 5. Achieve gender equality and empower all women and girls.

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<sup>44</sup> On some examples of environmental damage caused by human action, see: United Nations Environment Programme (UNEP), *Keeping Track of Our Changing Environment: From Rio to Rio+20 (1992-2012)*, Nairobi, 2011 [https://sustainabledevelopment.un.org/content/documents/212Keeping\\_Track\\_UNEP.pdf](https://sustainabledevelopment.un.org/content/documents/212Keeping_Track_UNEP.pdf) on November 28, 2020.

<sup>45</sup> Sands P and Peel J, *Principles of International Environmental Law*, Cambridge University Press, Cambridge, 2012, 3-4.

Goal 6. Ensure the availability and sustainable management of water and sanitation for all.

Goal 7. Ensure access to affordable, reliable, sustainable, and modern energy for all.

Goal 8. Promote sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work for all.

Goal 9. Build resilient infrastructures, promote inclusive and sustainable industrialization and foster innovation.

Goal 10. Reduce inequality within and among countries.

Goal 11. Make cities and human settlements inclusive, safe, resilient, and sustainable.

Goal 12. Ensure sustainable consumption and production patterns.

Goal 13. Adopt urgent measures to combat climate change and its effects.

Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

Goal 15. Protect, restore, and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, halt and reverse land degradation and halt biodiversity loss.

Goal 16. Promote peaceful and inclusive societies for sustainable development, facilitate access to justice for all, and build effective and accountable inclusive institutions at all levels.

Goal 17. Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development.

It is true that the SDGs seem for now to be confined to the most elementary notion of sustainable development, but we should not overlook the fact that they have been designed to cover multiple areas. We are thus approaching a much broader approach to the concept, with a holistic vision that reveals the true nature of these Goals, whose importance, as Barrado and Miguel argue, transcends their own content.<sup>46</sup>

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<sup>46</sup> Díaz Barrado CM, 'Los Objetivos de Desarrollo Sostenible: Un principio de naturaleza incierta y varias dimensiones fragmentadas', *Anuario español de derecho internacional*, 32, 2016, 11-12 doi 10.15581/010.32.9-48.

The SDGs represent an evolution of the concept of *sustainable development*, to the point that in certain circles some do not dismiss the idea, based on this premise, that *sustainable development* can be considered a human right.<sup>47</sup> With the SDGs, it can be said that sustainable development has become one of the main objectives of contemporary global society, although it is inevitable to wonder whether 15 years (the period of validity of the 2030 Agenda) will be enough time to deal with a commitment of such magnitude.

The agenda's observance and applicability are intended to be universal, as is repeatedly stated throughout its content. In paragraph two of its preamble, the 2030 Agenda clearly sets out this vision, with the idea of overcoming the limitations and at least matching the achievements of the MDGs. For the implementation of the proposals contained in the SDGs, the coordinated participation of States will be indispensable, without losing sight of the fact that the performance of these functions entails subsequent accountability to the world (para. 47). Based on the above-mentioned provisions and others contained in the 2030 Agenda that are based on a similar perspective, we can affirm that the interest in achieving effective compliance with the SDGs is universal. A separate issue is the question of whether, through their adoption and practical implementation, the goals set out therein are being achieved.<sup>48</sup>

The SDGs make a positive contribution in that they identify some of the most important challenges that currently concern humanity. This fact facilitates the adoption of strategies in line with current challenges. Considering the 2030 Agenda's preamble's second paragraph, it can be concluded that all States have agreed to adopt the necessary means to achieve the SDGs. It is no longer an Agenda designed by rich countries for their (under)developed counterparts, but the consequences of its success concern everyone in equal measure, honouring its universal nature, as has been commented.<sup>49</sup>

Now that we are a little more than a third of the way through the SDGs, the results achieved in these first years of implementation could be a litmus test for the credibility of the international community. However, it must be said that the final balance of the previous MDGs does not allow us to be overly optimistic about the fruits that will be harvested in the year 2030. In the meantime, Diaz Barrado predicts,

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<sup>47</sup> Fernández Liesa CR, 'Transformaciones del Derecho Internacional por los objetivos de desarrollo sostenible', *Anuario español de derecho internacional*, 32, 2016, 58 doi 10.15581/010.32.9-48.

<sup>48</sup> To find out about some progress made in the course of implementing the Sustainable Development Agenda until 2019, see: United Nations, 'Report of the Secretary-General on SDG Progress 2019 Special Edition', United Nations, New York, 2019 [https://sustainabledevelopment.un.org/content/documents/24978Report\\_of\\_the\\_SG\\_on\\_SDG\\_Progress\\_2019.pdf](https://sustainabledevelopment.un.org/content/documents/24978Report_of_the_SG_on_SDG_Progress_2019.pdf).

<sup>49</sup> Sanahuja JA, 'Del milenio a la sostenibilidad: Retos y perspectivas de la agenda 2030 para el Desarrollo Sostenible', *Política y Sociedad*, 54(2), 2017, 539.



in line with what we have already mentioned above, that ‘the mere formulation and gradual achievement of the SDGs will constitute the foundations of a new principle in the international order’.<sup>50</sup>

To assess whether there is any legal connotation behind the SDGs, it is true that the SDGs are not human or fundamental rights in the traditional sense of the expression, since such a denomination would have required a priori a formulation through the conventional channels or procedures for the adoption of this type of instrument. However, we believe that there is a fine line separating one from the other. These major objectives constitute an important reinforcement of the terms that appear in many of the treaties originating in the international human rights sphere and are to some extent accelerating the resolution of global problems that seemed in some cases to have remained stuck in the normative abstraction of international agreements and conventions.

## **IV. Considerations on the legal nature of sustainable development and its synergy with human rights**

Paragraph 10 of the 2030 Agenda for Sustainable Development states the following:

The new Agenda is inspired by the purposes and principles of the Charter of the United Nations, including full respect for international law. Its foundations are the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Document.

To analyse this epigraph, we consider it appropriate to begin by highlighting that the doctrinal discussion on the imprecision of the concept of *sustainable development* is a latent issue in the field of doctrine. Thus, authors such as Angel J. Rodrigo are of the opinion that this imprecision facilitates the framing of sustainable development in the most heterogeneous spheres.<sup>51</sup> In this sense, it is worth noting that the fact that the literature on sustainable development has been enjoying a certain degree of coverage in

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<sup>50</sup> Díaz Barrado CM, ‘Los Objetivos de Desarrollo Sostenible: Un principio de naturaleza incierta y varias dimensiones fragmentadas’, *Anuario español de derecho internacional*, 32, 2016, 9-48, 12 <https://doi.org/10.15581/010.32.9-48>.

<sup>51</sup> Rodrigo Hernandez AJ, *El desafío del desarrollo sostenible*, 78.

different spheres for some years now seems to be moving into areas that have traditionally been reserved for international legal norms. One of the arguments that have a lot of echo among the specialized sector when it comes to explaining this link is based on the idea that sustainable development meets the necessary conditions to be considered a human right.<sup>52</sup> In any case and bearing in mind that sustainable development was born as an alternative to the concept of development,<sup>53</sup> it must be said that this assessment is not new, since the recognition of the right to development as a human right had already been proclaimed by the UN in 1986 (UNGA Resolution 41/128).<sup>54</sup> However, since the right to development is not the focus of our discussion here, and at the risk of exceeding the scope of this paper, we prefer to refer the reader to the extensive bibliographical catalogue that already exists on this subject.

Despite the controversy surrounding the parallel between *human rights and sustainable development*, there is clear evidence that the two concepts share some similarities. At least as far as the 2030 Agenda is concerned, it must be recognized that many of the SDGs are human rights already fully recognized in international texts, and that both human rights and the SDGs aim to meet the needs of a society that aspires to improve the lives of individuals and countries in an integrated and equitable manner. In this way, the SDGs appear to be linked to the satisfaction of certain fundamental human needs, reconverted into human rights. Such would be the case of food (SDG 2), health and well-being (SDG 3) or education (SDG 4), which are included in articles 11, 12 and 13 of the ICESCR, respectively.

In addition to this, the manifest transversality or interrelation between the SDGs (see para. 17 of the 2030 Agenda), evokes the principle of interdependence that exists between human rights.<sup>55</sup> Regarding the latter, even the 1993 Vienna Declaration refers to the interdependent link between development and human rights in its point I, para. 8, where it states that: 'Democracy, development and respect for human rights

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<sup>52</sup> Barral V, 'Sustainable Development in International Law', 383 and ss.

<sup>53</sup> Barral V, 'Sustainable Development in International Law', 27.

<sup>54</sup> Alfargi S, 'Relator Especial de las Naciones unidas sobre el Derecho al Desarrollo', United Nations Human Rights Special Procedures, 2018 [https://www.ohchr.org/Documents/Issues/Development/SR/SRRightDevelopment\\_IntroductiontoMandate\\_SP.pdf](https://www.ohchr.org/Documents/Issues/Development/SR/SRRightDevelopment_IntroductiontoMandate_SP.pdf) on November 30, 2020.

<sup>55</sup> The Danish Institute for Human Rights has drawn up a table containing a list of articles of the different international human rights instruments that are related to the SDG 11, as well as to the reso of the objectives. Source: Danish Institute for Human Rights, 'The Human Rights Guide to the Sustainable Development Goals' <https://sdg.humanrights.dk/es> on 12 December 2020.

and fundamental freedoms are interdependent and mutually reinforcing concepts'.<sup>56</sup> Likewise, when the preamble of the Agenda refers to the fact that the 17 SDGs 'also aim to realize human rights', the proximity between the two concepts can be appreciated.

It must be said, however, that in the field of specialized doctrine, the invoked normative appearance of sustainable development continues to be a matter of debate, for arguments such as the fact that this concept does not strictly conform to the classic canons of the provisions found in international normative instruments.<sup>57</sup> For Fernández Liesa, a differentiating nuance between sustainable development and human rights would be that 'These new concepts of development are not measured in classic terms of international obligations (as in the case of human rights), but in terms of per capita income, GDP, social indicators, human development, nutrition, energy services, rate of biodiversity loss and many others'.<sup>58</sup> In other words, we interpret here that human rights represent an elementary vision of what sustainable development entails, since the latter concept would be more oriented to the achievement of specific results,<sup>59</sup> while human rights would be governed by other criteria.

It is not easy to adequately frame sustainable development in the international normative context. Even if we try to synthesize the subject of sustainable development by focusing on its normative perspective, we find that its classification within this category remains unclear. Are we perhaps looking at a new manifestation of *soft law*, as some authors seem to suggest,<sup>60</sup> or is it simply an amalgam of principles pointing in various directions, given its multidimensional nature?<sup>61</sup> Faced with the possibility of such varied interpretations, we can only acknowledge that the conclusions drawn about

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<sup>56</sup> It was adopted in the World Conference on Human Rights, A/conf.157/24 (Part I Chapter III), Vienna, 1993.

<sup>57</sup> Barral V, *Le développement durable en droit international : essai sur les incidences juridiques d'une norme évolutive*, Bruylant, Brussels, 2015, 154-159.

<sup>58</sup> Fernández Liesa CR, 'Transformaciones del Derecho Internacional por los objetivos de desarrollo sostenible', *Anuario español de derecho internacional*, 32, 2016, 57.

<sup>59</sup> Tezanos S, 'Agenda 2030 para el Desarrollo Sostenible: 7 riesgos, 7 oportunidades', Somos Iberoamérica, 17 October 2018 <https://www.somosiberoamerica.org/tribunas/agenda-2030-para-el-desarrollo-sostenible-7-riesgos-7-oportunidades/> on 30 November 2020.

<sup>60</sup> See: Tezanos S, 'Agenda 2030 para el desarrollo sostenible', 71. Also on the same line: Barral V, *Le développement durable en droit international*, 120 and Sanahuja JA, 'La Agenda 2030 y los ODS: sociedades pacíficas, justas e inclusivas como pilar de seguridad', *La Agenda 2030 y los ODS: Nueva Arquitectura para la Seguridad* in Ministerio de la presidencia Relaciones con las Cortes e Igualdad, 2019, 21.

<sup>61</sup> This line of thought is defended by Díaz Barrado on Sanahuja JA 'La Agenda 2030 y los ODS', 17.

the true identity of sustainable development are far from being axiomatic, since it is clear that the task of delimiting it continues to entail many difficulties. What cannot be denied (based on the idea that sustainable development aims to facilitate the harmonious coexistence of different interests to effectively resolve collective challenges) is that the Sustainable Development Agenda makes use of a human rights-based approach, and at the same time includes a practical perspective on what this concept implies.<sup>62</sup>

## V. Conclusion

Although sustainable development has today become one of the main purposes of the UN, the antecedents of this phenomenon in the field of international law date back several decades. In 1987, the *Brundtland Report* stated that the mission of sustainable development was ‘to meet the needs of the present without compromising the ability of future generations to meet their own needs’, and this definition became the main reference for the notion of sustainable development until then.

Although it is true that the first international documents that allude to this term linked it mainly to environmental causes, over the years, the narrative of sustainable development was extended to other areas as well, until it reached its current configuration, where the main dimensions that integrate it are: economic, social, and environmental. In this process, it is worth highlighting the role played by the *Earth Summits*, as well as other major multilateral forums held by the UN with the theme of sustainable development as a banner. As a result of this current, in 2015, the adoption of the 2030 Agenda took place within the framework of the so-called *United Nations Summit on Sustainable Development*.

For many, it is in the 2030 Agenda that the most up-to-date configuration of sustainable development is reflected today. However, defining the true nature of sustainable development remains a challenge. Some consider it to be a legal standard, although there are discrepancies within the doctrine when it comes to establishing its nature within this category. Moving on to more specific examples, we highlight here that of the SDGs contained in the 2030 Agenda, which, in the opinion of some, can be equated to human rights. However, in this case, as in the previous one, there is no shortage of disagreements either.

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<sup>62</sup> Mumare M, ‘Los Objetivos de Desarrollo Sostenible y la protección de los Derechos Humanos’, *Revista Internacional de Derechos Humanos*, 8(8), 2018, 92.

The 17 SDGs were adopted with the aim of 'leaving no one behind'. However, the time that has elapsed since their adoption in 2015 has not been sufficient to achieve satisfactory results in terms of their implementation. This is reflected in the United Nations report on the SDGs in 2021. Significant progress has yet to be made on a large part of the 169 targets, bearing in mind, moreover, that the effects of the HIV/AIDS pandemic declared at the beginning of the same year were also counterproductive for the achievement of these goals.<sup>63</sup>

Whether or not we are facing a new manifestation of human rights is not easy to guess, as this is a question about which there are still many questions. What does seem clear, however, is that sustainable development, and more specifically the SDGs, are imbued with a human rights component. One only has to look at their wording to see that a large part of them correspond to some of the human rights that we find included in the main international instruments that protect these rights. From this analysis, it can be concluded, in our opinion, that both concepts are related.

Gone are the days when authors such as Alston criticized the excessive polarization that existed between human rights and development issues, which, according to the author, was being fuelled by the very international agents in charge of promoting these values.<sup>64</sup> Sustainable development is an instrument that undoubtedly challenges the logic of the classic normative paradigm of the international legal order. The SDGs bring to the table issues that have been debated at the international level for years and whose implementation is not without its complexities. The time seems to have come for international human rights instruments in their traditional configuration to adapt to the standards demanded by the new global society.

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<sup>63</sup> The United Nations, *The Sustainable Development Goals Report 2021*, 2021.

<sup>64</sup> Alston P, *Making Space for New Human Rights: The Case of the Right to Development*, Harvard Human Rights Yearbook, 1, 1988, 3-40.