

THE COMPATIBILITY BETWEEN SUSTAINABLE DEVELOPMENT AND HUMAN RIGHTS: THE JURISTIC VIEW

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Abstract:

Sustainable development is proposed as a solution to achieve a fairer balance and synergy between social, environmental and economic needs. It is a holistic approach that takes into account the social, environmental and economic dimensions, recognizing that all must be considered together to find lasting prosperity. Accordingly, the law of sustainable development is described as an intersection between the three fields of international law:

- International environmental law,
- International economic law and
- International human rights law.

On the one hand, human rights provide guidance and a legal binding framework for launching the multidimensional goals of the 2030 Agenda; whereas on the other hand, the goals of sustainable development can serve as a direction towards the realization of human rights.

This paper examines the relationship between human rights and sustainable development. While analyzing the rights-based approach to sustainable development, the notion of social equity is taken into account.

Keywords: Sustainable development, human rights, goals, Agenda 2030.

“Human freedom is the common purpose and common motivation of human rights and human development” - (UNDP, 2000)

INTRODUCTION

The idea of the emergence of the concept of sustainable development is related to the danger of environmental degradation as a result of accelerated conventional economic development in the second half of the 20th century. In this period, there is a necessity for stable economic development, which should not and must not stop, but must change its course to be less destructive to the environment.

- Social equity refers to the fair and just distribution of economic and environmental costs and benefits, services such as health care and education, the ability to participate in decision-making processes. When evaluating the relationship between human rights and sustainable development, the best beginning point is the 2030 Agenda for Sustainable Development. The centre point of the Agenda is the goals of sustainable development, a set of 17 goals and 169 sub-targets in the social, economic and environmental areas of sustainable development. The sub goals of sustainable development are linked to various international human rights instruments like:
 - *The International Convention on Civil and Political Rights (ICCPR),*
 - *The International Convention on Economic, Social and Cultural Rights (ICESCR)*
 - *The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*
 - *The Convention on the Rights of the Child (CRC)*

Apart from these, various other international and regional instruments and documents are also present which are related to human rights. In other words, the *Sustainable Development Agenda 2030* and human rights are intertwined and inextricably linked. Honouring and application of human rights is a prerequisite necessity for sustainable development. This means that without recognizing and acting in defence of people's rights, attaining sustainable development is next to impossible.

SUSTAINABLE DEVELOPMENT

*“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”*¹

Sustainable development is a complex multidimensional concept for which there are more than

1. Brundtland, G.H. (1987) *Our Common Future: Report of the World Commission on Environment and Development*. Geneva, UN-Document A/42/427.

hundreds of definitions found in the literature. However, the most commonly accepted and used definition given by the *World Commission on Environment and Development (WCED)* also called ‘*Brundtland Commission*’, according to which: *“Sustainable development is development that meets the needs of present generations without compromising the ability of future generations to meet their own needs. Sustainable development is a process of changes in which the exploitation of resources, the direction of investments, the orientation of technological development and institutional frameworks are in harmony with each other and enable the satisfaction of current and future needs.”*¹

Sustainable development means achieving a quality of life that can be sustainable and possible for many generations because it is socially desirable, economically viable and environmentally acceptable. This concept recognizes the existence of natural boundaries of the bio - capacity of the Earth and insists on a balance between the development of the economy, the protection of human rights and the protection of the environment.

Accordingly, sustainable development comprises three components: environment, economic and social. Despite the existence of goals in each component of sustainable development, it can still be said that the ultimate goal and central motive in this concept is working towards achieving a sustainable quality of life for people both in the present and in the future. In other words, sustainable development is a basic condition for human multi - dimensional well - being. In order to realize this objective, the principle of fairness and the principle of social responsibility must be taken into account.

The principle of justice includes justice between nations, justice within nations, justice between current and future generations, as well as justice between man and other species of animal present on Earth.

The principle of social responsibility refers to the rational use of natural resources (especially non-renewable ones) to prevent their depletion and the damage that would occur to the environment.

THE PLACE AND ROLE OF SUSTAINABLE DEVELOPMENT IN LEGAL SCIENCES

Sustainable development is not an autonomous branch of international law, but a principle within different branches of law. Since sustainable development includes three components, the legal issues in the field of sustainable development are most simply explained as an intersection between the three fields of international law: international environmental law, international economic law and international human rights law.

Dire Tladi,² a professor of international law, at the University of Pretoria, South Africa, suggests that it would not be desirable to have a separate autonomous branch of international law that would regulate and address sustainable development because sustainable development should be integrated into all international law. Over the years, sustainable development has been linked to various areas of international law and is intended to apply and affect the whole of international law and not only certain specific areas. Understood in this context, according to some authors, sustainable development can function as principle interpretation that is, as a tool for interpreting international agreements.

1. McIntyre, G, *Sustainable Tourism Development: Guide for Local Planners*. Madrid: WTO (1993)
2. Tladi, D. *Sustainable Development in International Law: An Analysis of Key Enviro-Economic Instrument* . Cape Town: Pretoria University Law Press (PULP), (2007) pp. 93-110.

According to *Vaughan Lowe*¹ in turn, sustainable development can function as interstitial norm that is, it represents a metaphysical principle that acts on the primary rules and principles of international law and modifies the effect of the primary norms of international law in the event that there is a possibility that they overlap or are opposed to each other, so their approximation and harmonization is necessary (such as the law of development and the right to environmental protection). In addition to serving as an interstitial norm and a tool for interpretation, the role of sustainable development is to impose "rethinking" or even imply "stopping" of the principles that result in unsustainable practices.

SUSTAINABLE DEVELOPMENT AND HUMAN RIGHTS

Human rights are part of the social component of sustainable development. When analyzing the rights-based approach to sustainable development, the notion of social equity is taken into account. As stated earlier, social equity refers to the fair and just distribution of economic and environmental costs and benefits, services such as health care and education, the ability to participate in decision-making processes. Applying social equity means paying attention to disadvantaged groups in society: women, youth and children, the elderly, the domiciliary population and ethnic minorities. When considering the relationship between human rights and sustainable development, the 2030 Agenda for Sustainable Development is found to be the forerunner. At the centre of the Agenda are the goals of sustainable development, a set of 17 goals and 169 sub-targets in the social, economic and environmental areas of sustainable development. The Sustainable Development Agenda 2030 is based on human rights. The Sustainable Development Goals directly or indirectly reflect human rights standards. When analyzing the human rights underpinned by each sustainable development goal and its respective target groups, the interrelationship that emerges is, about 155 out of 169 sub goals of sustainable development The sub goals of sustainable development are related to international human rights instruments.

The following table shows the basic goals of sustainable development and their manifestation in various International Human Rights Laws.

	Goals of Sustainable Development	Human Rights Laws
1.	End poverty in all its forms everywhere. Sub-goals include eradicating extreme poverty, implementing social protection measures and ensuring equal access of men and women to economic resources.	<ul style="list-style-type: none"> • Right to an adequate standard of living (UDHR art. 25; ICESCR art. 11; CRC art. 27) • Right to social security (UDHR art. 22; ICESCR art.9; CRPD art. 28; CRC art. 26) • Equal rights of women in economic life[(CEDAW art.11, 13, 14 (2) (d), 15 (2), 16 (1)]

1. Lowe, Vaughan, 'Sustainable Development and Unsustainable Arguments', in Alan Boyle, and David Freestone (eds), *International Law and Sustainable Development: Past Achievements and Future Challenges* (Oxford, 1999);

2.	End hunger, achieve food security and improve nutrition and promote sustainable agriculture. Sub-goals include ending hunger and malnutrition, improving agricultural production, sustainable and adaptive food production, correcting trade distortions and ensuring proper functioning of food markets.	<ul style="list-style-type: none"> • Right to adequate food [UDHR art. 25; ICESCR11; CRC art.24 (2) (c)] • International cooperation including ensuring fair distribution of the world's food supply [UDHR art.28; ICESCR art. 2 (1); 11 (2)]
3.	Healthy life and well-being in all age categories. Sub-goals include reducing maternal mortality, preventing preventable infant deaths, halting	<ul style="list-style-type: none"> • Right to life [UDHR art. 3; ICCPR art. 6] especially to women [CEDAW art.12] and the children [CRC art. 6]

	epidemics of AIDS and other diseases, universal health coverage, sexual and reproductive health, supporting research and development of vaccines and drugs for communicable and non-communicable diseases.	<ul style="list-style-type: none"> • Right to health [UDHR art.25; ICESCR art.12] especially to women [CEDAW art.12] and the children [CRC art.24] • Special protection for mothers and children • [ICESCR art. 10] • The right to enjoy the benefits of scientific progress and its application [UDHR art.27; ICESCP art.15 (1) (b)] • International cooperation [UDHR art.28; DRtD art.3-4] especially in relation to the right to health and ethical rights [ICESCR art.2 (1); CRC art.4]
4.	<p>Inclusive, equal and quality education and promotion of lifelong learning opportunities for all.</p> <p>Shares include universal access to free, fair and high quality primary secondary education; improvement professional skills ; construction and upgrading of educational institutions; scholarships and teaching staff training.</p>	<ul style="list-style-type: none"> • Right to education [UDHR art.26; ICESCR art.13], especially in relation to children [CRC art.28,29], people with special needs [CRC art.23(3), CRPD art.24] and the local population [UNDRIP art.14] • Equal rights of women and girls in the field of education [CEDAW art.10] • Right to work, including technical and vocational training [ICESCR art. 6] • International cooperation[UDHR art.28; DRtD art.3-4] especially in relation to children [CRC art.23(4),28(3)], people with special needs [CRPD art.32] and the local population [UNDRIP art.39]
5.	<p>Achieving gender equality that will empower all women and girls.</p> <p>Sub-goals include eliminating discrimination and violence against women and girls everywhere, recognizing and valuing unpaid care work and motherhood, ensuring the full participation of women and equal opportunities leading positions, universal access to protection of sexual and reproductive health and women's equal access to economic resources.</p>	<ul style="list-style-type: none"> • Elimination of all forms of discrimination against women [CEDAW art. 1-5] and the girls [CRC art.2], especially in legislation, politics and public life (art.7), economic and social life (art.11,13) and family relationships (art.16) • The right to decide on the number and distance between children [CEDAW art.12, 16(1) (is); CRC art.24 (2) (f)] • Special protection for mothers and children [ICESCR Art.10] • Elimination of violence against women and girls [CEDAW art.1-6; DEVAW art.1-4; CRC art.24 (3), 35] • Right to fair and favorable working conditions [ICESCR art.7; CEDAW art.11]
6.	<p>Availability and sustainable management of water sanitation conditions for all.</p> <p>Shares include ensuring universal and equitable access to safe and available drinking water, sanitary hygiene services for all, reducing pollution, increasing efficiency of use of water and promoting the most integrated management of water resources and sanitary services.</p>	<ul style="list-style-type: none"> • The right to safe drinking water and sanitation [ICESCR art.11] • Right to health [UDHR art.25; ICESCR art. 12] • Equal access to water and sanitation in rural areas [CEDAW art.14 (2)(x)]

7.	<p>Affordable, reliable, sustainable and modern energy for all. Sub-goals include provision universal access to affordable, reliable and modern energy services for all</p>	<ul style="list-style-type: none"> • Right to an adequate standard of living [UDHR art.25; ICESCR art.11] • The right to enjoy the benefits of scientific progress and its application [UDHR art.27; ICESCR art.15 (1) 9 (b)]
8.	<p>Fostering sustained, sustainable and inclusive economic development, full and productive employment and decent work for all. Sub-goals include prompting sustainable economic growth; improving the efficiency of resources in production and consumption; full and productive employment and decent work for all; eradication of forced labour, modern slavery and human trafficking; prohibition of child labour; Protection of labour rights including migrant workers.</p>	<ul style="list-style-type: none"> • Right to work and to fair and favorable working conditions [UDHR art.23; ICESCR art.6,7,10; CRP art.27; ILO Basic conventions on human rights and ILO declaration of basic principles and rights at work] • Prohibition of slavery, forced labour and human trafficking [UDHR art.4; ICCPR art.8; CEDAW art. 6; CRC art.34-36] • Equal rights of women regarding co-employment [CEDAW 11; ILO Conventions No. 100 and No. 111] • Ban on child labour [CRC art.32; ILO Convention No. 182]. • Equal labour rights for migrant workers [CMW art.25]
9.	<p>Building resilient infrastructure, encouraging inclusive and sustainable industrialization and fostering innovation The sub-goals include available and equitable access to quality infrastructure, industrialization that generates employment, access to financial services and markets, innovation and transfer of technologies significantly improving access to information and communication technology.</p>	<ul style="list-style-type: none"> • The right to enjoy the benefits of scientific progress and its application [UDHR art.27; ICESCR art.15 (1) (b)] • Right of access to information [UDHR art.19; ICCPR art.19 (2)] • Right to adequate housing, including land and resources [UDHR 25; ICESCR 11] • Equal rights of women for financial credits rural infrastructure [CEDAW 13 (b); 14(2)]
10.	<p>Reducing inequality in countries between them. The sub-goals include gradual attainment and maintenance of income growth for the poorest 40 percent of the population; strengthening and promoting the social, political and economic inclusion of all; reducing inequality in opportunities and results; provision of social protection for all; provision of participation in making economic decisions; facilitating migration and reduction of transaction costs for remittances from migrants.</p>	<ul style="list-style-type: none"> • Right to equality and non-discrimination [UDHR art.,2; ICESCR art. 2(2); ICCPR art.2 (1), art.26; CERD art.2(2); CEDAW art.2; CRC art.2; CRPD art.5; CMW art.7; DRtD art.6 (1)] • The right to participate in public affairs [UDHR art.21; ICCPR art.25; CEDAW art.7; ICERD art.5; CRPD art.29; DRtD art.8 (2)] • Right to social security [UDHR art.22; CESC art.9-10; CRPD art.28] • Promotion of conditions for international migration [CMW art.64] • Migrants' right to transfer their income and savings [CMV art.47 (1)]
11.	<p>Inclusive, safe, resilient and sustainable cities and settlements. Sub-goals include ensuring access to housing, basic services and public transport for all; participatory planning of the human ones settlements; protection of the cultural and the</p>	<ul style="list-style-type: none"> • Right to adequate housing, including land and resources [UDHR art. 25; ICESCR art.11] • Right to participate in cultural life [UDHR art.25; ICESCR art.15; ICERD art.5.7; CRPD art.30; CRC art.31]

	natural heritage; and strengthening disaster resilience.	<ul style="list-style-type: none"> • Availability of transportation, facilities and services, especially for people with disabilities [CRPD art.9(1)] [CRC art.23] and rural women [CEDAW art.14 (2)] • Protection from natural disasters [CRPD art.11]
12.	<p>Promoting peaceful and inclusive societies for sustainable development, ensuring access to justice for all and building effective, accountable and inclusive institutions at all levels.</p> <p>Sub-goals include reducing all forms of violence, including violence against children and child trafficking; promotion rule of law and access to justice for all; reduction of illegal flows of finance and weapons, corruption and bribery; development on effective and accountable institutions; participation in decision-making at the lower levels; fight against terrorism and crime</p>	<ul style="list-style-type: none"> • Right to life, liberty and personal security [UDHR art.3; ICCPR art.6(1), 9 (1); ICPEL art.1], including freedom from torture [UDHR art.5; ICCPR art.7; CAT art.2; CRC art.37(a)] • Protection of children from all forms of violence, abuse or exploitation [CRC art.19,37(a)] including human trafficking (CRC art.34-36;CRC-OP1) • Right to access to justice and due process [UDHR art.8,10; ICCPR art.2 (3), 14-15; CEDAW art.2 (c)] • Right of legal entity [UDHR art. 6; ICCPR art.16; CRPD art.12] • The right to participate in public affairs [UDHR art.21; ICCPR art.25] • Right of access to information [UDHR art.19; ICCPR art.19(1)]
13.	<p>Strengthening of means for implementation and revitalization of the global partnership for sustainable development.</p> <p>Sub-goals include strengthening domestic and international resources; technology transfer and building capacities; encouragement of trade; coherence of policies and institutions; strengthening partnership for sustainable development ; encouraging the development of environmentally sustainable technologies; improving the availability of quality, timely and reliable data; Development of indicators for progress in sustainable development.</p>	<ul style="list-style-type: none"> - The right of all peoples to self-determination [ICCPR, ICESCR art.1(1); DRtD art.1(1)] - The right of all peoples to development and international cooperation [UDHR art.28; ICESCR art.2 (1); CRC art.4; CRPD art.32 (1); DRtD art.3-5] - The right of all to enjoy the benefits of scientific progress and its application, including international cooperation in the field of science [UDHR art.27 (1); ICESCR Art.15 (1)] - Right to privacy [UDHR art.12; ICCPR art.17] including respect for human rights and ethical principles in the collection and use of statistical data [CRPD art.31(1)]

As can be seen from the table, the 2030 Agenda for Sustainable Development and human rights are intertwined and inextricably linked. The respect and application of human rights is a prerequisite for the realization of the concept of sustainable development. This means that without recognizing and acting in defence of human creation, sustainable development is impossible. On the one hand, human rights provide legal guidance as a binding framework for starting the realization of the multidimensional goals of Agenda 2030, and on the other hand, the goals of sustainable development can serve as a direction in the process of realizing human rights

CONCLUSION

Sustainable development, analysed from a legal perspective, can be understood as a principle of international law, since it is applied and affects the entire international law. Its connection with human rights comes to the fore when analysing its goals and sub-goals, which are contained and addressed in the 2030 Agenda for

Sustainable Development, from which can be concluded that almost 90% of the sub-goals of sustainable development are linked various *International Human Rights Laws*.

List of international human rights documents and their abbreviations:

- 1948 - (UDHR) Universal Declaration of Human Rights.
- 1965 - (CERD) International Convention on the Elimination of All Forms of Racial Discrimination.
- 1966 - (ICCPR) International Convention on Civil and Political Rights.
- 1966 - (ICESCR) International Convention on Economic, Social and Cultural rights.
- 1979 - (CEDAW) International Convention on the Elimination of All Forms of Discrimination bound.
- 1984 - (CAT) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- 1986 - (UNDRTD) Declaration on the right to development.
- 1989 - (CRC) Convention on the Rights of the Child.
- 1990 - (CMW) International Convention for the Protection of the Rights of All Workers – Migrants and members of their families.
- 1993 - (DEVAW) Declaration on the elimination of violence against women.
- 2000 - (OP-1) Additional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.
- 2002 - (OP-CAT) Additional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- 2006 - (OP-CRPD) Convention on the Rights of Persons with Disabilities.

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