

Huck

# Sustainable Development Goals

Article-by-Article Commentary



Huck

Sustainable Development Goals

# Sustainable Development Goals

Article-by-Article Commentary

by

Winfried Huck

Assistant Editor

Jennifer Maaß

2022



*Published by*

Nomos Verlagsgesellschaft mbH & Co. KG, Waldseestraße 3-5, 76530 Baden-Baden, Germany,  
email: [vertrieb@nomos.de](mailto:vertrieb@nomos.de)

*Co-published by*

Verlag C.H.Beck oHG, Wilhelmstraße 9, 80801 München, Germany,  
email: [bestellung@beck.de](mailto:bestellung@beck.de)

and

Hart Publishing, Kemp House, Chawley Park, Cumnor Hill, Oxford, OX2 9PH, United Kingdom,  
online at: [www.hartpub.co.uk](http://www.hartpub.co.uk)

Published in North America by Hart Publishing,

An Imprint of Bloomsbury Publishing 1385 Broadway, New York, NY 10018, USA

email: [mail@hartpub.co.uk](mailto:mail@hartpub.co.uk)

ISBN 978 3 8487 6077 0 (NOMOS Print)

ISBN 978 3 7489 0206 5 (NOMOS ePDF)

ISBN 978 3 406 75351 0 (C.H.BECK)

ISBN 978 1 5099 3404 1 (HART)

First Edition 2022

© Nomos Verlagsgesellschaft mbH & Co. KG, Baden-Baden 2022. Overall responsibility for manufacturing (printing and production) lies with Nomos Verlagsgesellschaft mbH & Co. KG.

This work is subject to copyright. All rights are reserved, whether the whole or part of the material is concerned, specifically those of translation, reprinting, re-use of illustrations, broadcasting, reproduction by photocopying machine or similar means, and storage in data banks. Under § 54 of the German Copyright Law where copies are made for other than private use a fee is payable to »Verwertungsgesellschaft Wort«, Munich, Germany.

## Preface

The initial idea to write this book arose after the unanimously taken resolution of the United Nations General Assembly in September 2015, which formulated a Global Agenda with 17 goals and 169 sub-goals, unparalleled to date in form and scope. After publishing some papers and giving presentations, amongst others, in Cagliari, Cologne, Frankfurt, Havana, Mumbai, Naples, Pune, I submitted a proposal to the publishing house C.H. Beck, Munich, to write a legal commentary on precisely this resolution. However, my proposal was forwarded to Nomos Publishing House, Baden-Baden, who quickly took up the idea, and took the lead in coordinating C.H. Beck and Hart, despite the fact that a legal commentary with the focus set on a non-binding resolution could well be a hard-selling and therefore difficult product from a publisher's point of view. Nevertheless, when outlining the exposé in 2018/2019, the overwhelming impact within the legal matrix was highlighted and the concept could solidify.

The idea of such a book then gained weight from the questions that Duncan French and Louis J. Kotzé quite precisely formulated in the introduction to their book 'Sustainable Development Goals – Law, Theory and Implementation' (2018), addressing, amongst others, the question: 'How are such Goals [...] interpreted and implemented going forward, both at the international and domestic levels, in legislative, policy and importantly, judicial fora?'

I was fortunate to deepen my ideas and preparations for this book during my research stay at the Lauterpacht Centre for International Law (LCIL) at the University of Cambridge between May and July 2019. There I met many brilliant colleagues who inspired me personally greatly and who also spurred on my work on this book. In particular, I would like to acknowledge in an alphabetical order: Eyal Benvenisti, John Barker, Mihaela Barnes, Muin Boase, Marie-Claire Cordonier Segger, Gerard Conway, Markus Gehring, Joanna Gomula, Nartnirun Junngam, Avidan Kent, Paul Komba, Natalie Nunn, Hu Ren, Pablo Salas, Michele Saporiti and Isabel Staudinger. The unique atmosphere took the concept of this book steps further. Joanna Gomula opened the door initially to the LCIL, she was so kind to invite me to participate on a workshop on ASEAN in 2017, and she supported the idea of returning, for which I am deeply grateful.

Furthermore, in this academic but also personal context, I would like to mention the following colleagues in an alphabetical order who have motivated me, sometimes unconsciously, in my endeavours to achieve the outcome of this book: Daniele Amoroso, Paolo Farah, Stephen Hardy, Massimo Iovane, Markus Krajewski, Fulvio Palombino, Alicia Elias Roberts, Adriana di Stefano, Valentina Vadi and Giovanni Zarra. My gratitude is also owed to my home institution, the Ostfalia University of Applied Sciences, Wolfenbuettel, and all the people who supported me in granting a sabbatical to begin research at Cambridge University.

With the publication of this book, I reveal my immodest aim to present a manageable version of the SDGs for legal practice, which makes it possible to bring together the Global Agenda 2030 and the SDGs framed by it, with their respective legal context on different levels. The aim is to link international, European and national legal practice, to examine facts for their sustainability and to prepare the legal foundations of the Global Agenda 2030 in such a way that they become legally manageable and applicable in practice. This book, which begins with a general introduction, explains theory and practice and is generally dedicated to the practice that may accrue from the gradually yet vigorously growing implications and impacts of the SDGs on policies and areas of public and private law.

The more general exposition underlying the introduction could serve as a more universal basis for the interpretation and applicability of the SDGs in different frameworks of a broader legal array. To facilitate understanding of the interpretive approach in the second section, I provide here only a brief insight to illustrate the working method. Deemed useful,

## Preface

the focus is on a systematic approach that provides additional content for each objective of the SDGs, framed by the following structure:

- Background and Origin
- Scope and Dimensions
- Interdependences
- Jurisprudential Significance
- Conclusion

To sum it all up, I have attempted to provide a concise, systematic review and analysis with a holistic legal perspective of how and to what extent the SDGs are becoming a legal norm, not through the UN, but rather through the reception of many other international organisations and public and private entities that are applying these SDGs as something earnestly valuable with a binding character that ought to be followed.

Over the past years, I have enjoyed working with many students and research assistants, but rarely have I experienced such enthusiastic motivation as with my team, which was composed of many students and post-graduates, most of whom worked with me for only a short period of time, and yet helped to move this project forward in an extraordinary way. I owe a huge debt of gratitude to my fantastic team, mostly graduates of my own faculty. The joint work started in 2020 and continued throughout 2021 with several people who merit mention.

The following people have contributed to this book in a vast and at the same time most different way, for which I owe them my sincere gratitude and it is the least to name them to acknowledge their excellent work, and I do so in alphabetical order:

- Ahmed Tahar Benmaghnia
- Guntram von Ehr
- Sarah Maylin Heß
- Susanna Hesko
- Aria Jalal-Gündüz
- Jennifer Alexandra Katharina Maaß
- Saparya Sood
- Alexander Schulte
- Marc-Anthony Walter

The excellent work of Jennifer Maaß during the entire course of the project should be highlighted. While writing her dissertation at the SWPS University in Warsaw, she, at the same time, remarkably co-led and structured this project. Her outstanding talents in project management, language and legal research, coupled with stunning accuracy, far exceeded my expectations. Without her, this book would most likely not have been ready for print in its current form and content.

I would also like to express my sincere thanks to Dr Wolfgang Lent of C.H. Beck, Munich, for the first encouraging feedback and Dr Matthias Knopik of Nomos Publishing House and the cooperating publishers for their trust in me, and above all, for the productive conversations promoting this publication.

Without any doubt, I have to finally admit that all mistakes in this book are entirely mine.

Comments would be greatly appreciated, and please write to [w.huck@ostfalia.de](mailto:w.huck@ostfalia.de).

Braunschweig, January 2022

*Winfried Huck*

## CONTENTS

Preface .....	V
List of Abbreviations .....	IX
Table of Cases .....	XXV
Introduction .....	1
Goal 1 End poverty in all its forms everywhere .....	89
Goal 2 End hunger, achieve food security and improved nutrition and promote sustainable agriculture .....	125
Goal 3 Ensure healthy lives and promote well-being for all at all ages .....	153
Goal 4 Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all .....	182
Goal 5 Achieve gender equality and empower all women and girls .....	213
Goal 6 Ensure availability and sustainable management of water and sanitation for all .....	251
Goal 7 Ensure access to affordable, reliable, sustainable and modern energy for all .....	287
Goal 8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all .....	323
Goal 9 Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation .....	358
Goal 10 Reduce inequality within and among countries .....	387
Goal 11 Make cities and human settlements inclusive, safe, resilient and sustainable .....	419
Goal 12 Ensure sustainable consumption and production patterns .....	455
Goal 13 Take urgent action to combat climate change and its impacts .....	488
Goal 14 Conserve and sustainably use the oceans, seas and marine resources for sustainable development .....	520
Goal 15 Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss .....	554
Goal 16 Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels ..	582
Goal 17 Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development .....	614
 Epilogue .....	 633
Transforming our world: the 2030 Agenda for Sustainable Development .....	653
Index .....	685



## **List of Abbreviations**

10YFP	10-Year Framework of Programmes on Sustainable Consumption and Production Patterns
AAAA	Addis Ababa Action Agenda
AAAQ	Availability, Accessibility, Acceptability and Quality
AB	Appellate Body
ABS	Access and Benefit Sharing
ACCC	Aarhus Convention Compliance Committee
ACE	ASEAN Centre for Energy
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACHPR	African Commission on Human and Peoples' Rights
ACHR	American Convention on Human Rights
ACommHR	African Commission on Human Rights
ACP	African Caribbean Pacific Group
ACP EPA	Economic Partnership Agreements with the African, Caribbean and Pacific States
ADB	Asian Development Bank
AfCHPR	African Commission on Human and Peoples Rights
AFINUA	Action Framework for Implementation of the New Urban Agenda
AFTA	ASEAN Free Trade Area
AG	Advocate General
AI	Artificial Intelligence
AIIB	Asian Infrastructure Investment Bank
AJIL	American Journal of International Law
ALDFG	Abandoned, Lost or otherwise Discarded Fishing Gear
ALI	American Law Institute
AoA	Agreement on Agriculture
APAEC	ASEAN Plan of Action for Energy Cooperation
APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of Southeast Asian Nations
AsianJIL	Asian Journal of International Law
ASIL	American Society of International Law
ATCA	US Alien Tort Claims Act
AU	African Union
AUDA-NEPAD	African Union Development Agency - NEPAD
BBC	British Broadcasting Corporation
BIT	Bilateral Investment Treaty
BJIL	Berkeley Journal of International Law
BMJ	British Medical Journal

## List of Abbreviations

BPOA	Barbados Programme of Action for the Sustainable Development of Small Island Developing States
BRI	Belt and Road Initiative
BVerfG	Bundesverfassungsgericht (German Federal Constitutional Court)
BvL	File/register number for proceedings on the concrete review of norms to the German Federal Constitutional Court
BvR	File/register number for proceedings on constitutional complaints as well as on municipal constitutional complaints to the German Federal Constitutional Court
CADE	Convention against Discrimination in Education
CAF	Development Bank of Latin America
CAFTA	Central American Free Trade Agreement
CAFTA-DR	Dominican Republic-Central America Free Trade Agreement
CAI	China-EU Investment Agreement
CAP	Common Agricultural Policy
CBAM	Carbon Border Adjustment Mechanism
CBD	Convention on Biological Diversity
CBDR	Common But Differentiated Responsibilities
CBDRRC	Common But Differentiated Responsibilities and Respective Capabilities
CCP	Common Commercial Policy
CDRI	Global Coalition for Disaster-Resilient Infrastructure
CEDAW	Convention on the Elimination of Discrimination against Women
C-EENRG	Cambridge Centre for Environment, Energy and Natural Resource Governance
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERD	Committee on the Elimination of Racial Discrimination
CERES	Coalition for Environmentally Responsible Economies
CESCR	Committee on Economic, Social and Cultural Rights
CESR	Center for Economic and Social Rights
CETA	Comprehensive Economic and Trade Agreement
CFP	Common Fisheries Policy
CFS	Committee on World Food Security
CFS-FFA	CFS Framework for Action for Food Security and Nutrition in Protracted Crisis
CFS-RAI	CFS Principles for Responsible Investment in Agriculture and Food Systems
CFS-VGGT	CFS Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests
CGPJ	Consejo General del Poder Judicial [General Council of the Judiciary of Spain]

## List of Abbreviations

CIDA	Canadian International Development Agency
CIL	Customary International Law
CISDL	Centre for International Sustainable Development Law
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CJA	Coroners and Justice Act
CJEU	Court of Justice of the European Union
CKGR	Central Kalahari Game Reserve
CMS	Convention on Migratory Species
CMW	Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
CO <sub>2</sub>	Carbon dioxide
CoP	Conference of the Parties
Covid-19	Coronavirus Disease 2019
CRC	Convention on the Rights of Children
CRE	Conférence permanente des Recteurs, Présidents et Vice-Chanciers des Universités européennes [Standing Conference of Rectors, Presidents and Vice-Chancellors of the European Union]
CRED	Centre for Research on the Epidemiology of Disasters
CRPD	Convention on the Rights of Persons with Disabilities
CRS	Common Reporting Standards
CSD	Commission on Sustainable Development
CSIR	Council for Scientific and Industrial Research
CSR	Corporate Social Responsibility
CSRD	Corporate Sustainability Reporting Directive
CTD	Committee on Trade and Development
CTEO	Chief Trade Enforcement Officer
CUTS	Consumer Unity & Trust Society
CWiPP	Centre for Wellbeing in Public Policy
CYELP	Croatian Yearbook of European Law and Policy
DAC	Development Assistance Committee
DESA-UNSD	Department of Economic and Social Affairs-Statistic Division
DFI	Development Finance Institution
DFID	Department for International Development
DLDD	Desertification/Land Degradation and Drought
DMC	Domestic Material Consumption
DOALOS	Division for Ocean Affairs and the Law of the Sea
DP	Deputy Coroner
DPO	Disabled People's Organisation
DS	Dispute Settlement

## List of Abbreviations

DSB	Dispute Settlement Body
DSU	Dispute Settlement Understanding
EBRD	European Bank for Reconstruction and Development
EC	European Community
ECESA	Executive Committee of Economic Social Affairs
ECFR	European Charter of Fundamental Rights
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECOSOC	Economic and Social Council
ECOWAS	Economic Community of West African States
ECPA	Energy and Climate Partnership of the Americas
ECSC	European Coal and Steel Community
ECSR	European Committee of Social Rights
ECT	Energy Charter Treaty
ECtHR	European Court of Human Rights
EEA	European Environment Agency
EEC	European Economic Community
EEG	Renewable Energy Sources Act
EEZ	Exclusive Economic Zone
EFA	Education for All
EFSA	European Food Safety Authority
EGA	Environmental Goods Agreement
EIA	Environmental Impact Assessments
EIB	European Investment Bank
EIF	Enhanced Integrated Framework
EJIL	European Journal of International Law
EME	Emerging Market Economy
EMS	Environmental Management System
EOC	Equal Opportunities Commission
EPA	Environmental Protection Agency
EPO	European Patent Office
EPRS	European Parliamentary Research Services
ESCR	Economic, Social and Cultural Rights
ESD	Education for Sustainable Development
ESIL	European Society of International Law
ETD	Energy Taxation Directive
ETO	Extraterritorial Obligation
ETS	Emission Trading Scheme
EU	European Union

## List of Abbreviations

EU ETS	EU Emission Trading Scheme
eucrim	European Criminal Law Associations' Forum
EUIPO	European Union Intellectual Property Office
Euromed	Euro-Mediterranean Women's Foundation
EuZW	Europäische Zeitschrift für Wirtschaftsrecht
EYIEL	European Yearbook of International Economic Law
FAO	Food and Agriculture Organization of the UN
FCC	Federal Constitutional Court
FCN	Friendship, Commerce and Navigation Treaties
FDI	Foreign Direct Investment
FEANTSA	European Federation of National Organisations Working with the Homeless
FEMM	European Parliament Committee on Women's Rights and Gender Equality
FET	Fair and Equitable Treatment
FHC	Free Health Care
FIDIC	Fédération Internationale des Ingénieurs Conseils [International Federation of Consulting Engineers]
FIES	Food Insecurity Experience Scale
FLEGT	Forest Law Enforcement Governance and Trade
FRA	European Union Agency for Fundamental Rights
FS	Food System
FTA	Free Trade Agreement
G20	Group of Twenty
GAATW	Global Alliance Against Trafficking in Women
GANHRI	Global Alliance of National Human Rights Institutions
GAP	Global Action Programme
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GAVI	Global Alliance for Vaccines and Immunization
GC	General Court
GCED	Global Citizenship Education
GCM	Global Compact for Migration
GCSI	Global Commons Stewardship Index
GDP	Gross Domestic Product
GDPR	General Data Protection Regulation
GEF	Global Environment Facility
GEM	Global Education Meeting
GEMR	Global Education Monitoring Report
GERD	Grand Ethiopian Renaissance Dam

## List of Abbreviations

GFP	Global Focal Point for the Rule of Law
GG	Grundgesetz [German Basic Law]
GHG	Greenhouse Gas
GICA	Global Infrastructure Connectivity Alliance
GIF	Global Indicator Framework
GLAAS	Global Analysis and Assessment of Sanitation and Drinking-Water
GNH	Gross National Happiness
GPG	Gender Pay Gap
GPP	Green Public Procurement
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
GRI	Global Reporting Initiative
GSF	Global Strategic Framework for Food Security
GSML	Global Mean Sea Level
GSP	Generalised Scheme of Preferences
GSP+	Generalized System of Preferences with references to sustainable development and good governance
GSTP	Global System of Trade Preferences
HESI	Higher Education Sustainability Initiative
HILJ	Harvard International Law Journal
HJIL	Heidelberg Journal of International Law
HLDE	High-Level Dialogue on Energy
HLPF	High-Level Political Forum
HR	Human Rights
HRB	Human Rights Brief
HRBA	Human Rights Based Approach
HRC	Human Rights Council
HRE	Human Rights Education
HRQ	Human Rights Quarterly
IAA	International Arbitral Awards
IAAE	International Association Autism-Europe
IACCommHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
IAEA	International Atomic Energy Agency
IAEG-SDGs	Inter-Agency and Expert Group on SDG Indicators
IAS	Invasive Alien Species
IATT	Inter-Agency Task Team
ICAO	International Civil Aviation Organization
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights

## List of Abbreviations

ICEP	Index of Coastal Eutrophication
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICJL	International Journal of Law in Context
ICLEI	International Council for Local Environmental Initiatives
ICLQ	International & Comparative Law Quarterly
ICLS	International Conference of Labour Statisticians
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
ICRC	International Committee of the Red Cross
ICS	Improved Biomass Cookstove
ICSFT	International Convention for the Suppression of the Financing of Terrorism
ICSID	International Centre for Settlement of Investment Disputes
ICT	Information and Communication Technology
ICWE	International Conference on Water and Environment
IDA	International Development Association
IDB, IADB	Inter-American Development Bank Group
IDFC	Infrastructure Development Finance Company
IDI	Institut de Droit International [Institute of International Law]
IDL	International Development Law
IDLO	International Law Development Organization
IDS	International Development Strategy
IEA	International Energy Agency
IEAG	Independent Expert Advisory Group on a Data Revolution for Sustainable Development
IFAD	International Fund for Agricultural Development
IFC	International Finance Corporation
IFF	Illicit Financial Flow
IFI	International Financial Institution
IG-UTP	International Guidelines on Urban and Territorial Planning
IIA	International Institute of Agriculture
IIED	International Institute for Environment and Development
IISD	International Institute for Sustainable Development
IJDEE	International Journal of Developing and Emerging Economies
IL	International Law
ILA	International Law Association
ILC	International Law Commission

## List of Abbreviations

ILDC	International Law in Domestic Courts
ILO	International Labour Organisation
ILOSTAT	International Labour Organization Department of Statistics
ILUC	Indirect Land-use Change
IMF	International Monetary Fund
IMO	International Maritime Organization
INMUJERES	National Institute of Women of Mexico
INTERIGHTS	International Centre for the Legal Protection of Human Rights
IO	International Organization
IOM	International Organization for Migration
IOSR-JHSS	International Organization of Science Research Journal of Humanities and Social Science
IPCC	Intergovernmental Panel on Climate Change
IPMG	Indigenous Peoples' Major Group for Sustainable Development
IRC	International Reference Center
IRENA	International Renewable Energy Agency
IRES	International Recommendations for Energy Statistics
IRIS	International Recommendations for Industrial Statistics
ISA	International Seabed Authority
ISARM	Internationally Shared Aquifer Resources Management
IsDB	Islamic Development Bank
ISDL	International Sustainable Development Law
ISDS	Investor-State Dispute Settlement
ISIC	International Standard Industrial Classification of All Economic Activities
ISPRS	International Society for Photogrammetry and Remote Sensing
ITC	International Trade Centre
ITF	International Transport Forum
ITLOS	International Tribunal on the Law of the Sea
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
ITTU	International Tropical Timber Agreement
ITU	International Telecommunications Union
IUCN	International Union for Conservation of Nature
IUU	Illegal, Unregulated and Unreported
IWGIA	International Work Group for Indigenous Affairs
IWRM	Integrated Water Resources Management
IWT	Illegal Wildlife Trade
JCMS	Journal of Common Market Studies
JCULP	Global Studies in Japanese Cultures Program

## List of Abbreviations

JEFTA	Japan-EU Free Trade Agreement
JEP	Journal of Economic Perspectives
JHEC	Yearbook of the International Society for History Didactics
JICA	Japan International Cooperation Agency
JICJ	Journal of International Criminal Justice
JIEL	Journal of International Economic Law
JMCC	Commercial Court division of the Jamaica Supreme Court of Judicature
JMP	Joint Monitoring Programme
JPOI	Johannesburg Plan of Implementation
JRPS	Justice, Rights and Public Security unit of the World Bank
JWELB	Journal of World Energy Law & Business
KBA	Key Biodiversity Area
LCA	Life Cycle Assessment
LCT	Life Cycle Thinking
LDC	Least Developed Country
LDN	Land Degradation Neutrality
LGBTQ	Lesbian, Gay, Bisexual, Transgender, Queer/Questioning
LIBE	Committee on Civil Liberties, Justice and Home Affairs
LLDC	Landlocked Developing Country
LLIC	Low-Lying Islands and Coasts
LPG	Liquefied Petroleum Gas
MARPOL	International Convention for the Prevention of Pollution from Ships
MDAC	Mental Disability Advocacy Center
MDG(s)	Millennium Development Goal(s)
MESECVI	Follow-up Mechanism to the Bélem do Pará Convention
MF	Material Footprint
MFN	Most favoured nation
MGCI	Mountain Green Cover Index
MGoS	Major Groups and other Stakeholders
MIGA	Multilateral Investment Guarantee Agency
MIT	Massachusetts Institute of Technology
MJIL	Michigan Journal of International Law
MJSDL	McGill Journal of Sustainable Development Law
MoI	Means of Implementation
MPA	Marine Protected Area
MPI	Multi-purpose Indicator
MRS	Materials Research Society
MSME	Micro, Small and Medium-sized Enterprises
MSY	Maximum Sustainable Yield

## List of Abbreviations

MTA	Material Transfer Agreement
MTO	Money Transfer Operator
NAALC	North American Agreement on Labour Co-operation
NACE	Nomenclature statistique des activités économiques dans la Communauté européenne [Nomenclature of Economic Activities in the European Community]
NAFTA	North American Free Trade Agreement
NATO	Nord Atlantic Treaty Organization
NDC	Nationally Determined Contributions
NEC	New European Census
NEPAD	New Partnership for Africa's Development
NFRD	Non-Financial Reporting Directive
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
NIEO	New International Economic Order
NIPFP	National Institute of Public Finance and Policy
NJCL	Nordic Journal of Commercial Law
NOAA	National Oceanic and Atmospheric Administration
NQHR	Netherlands Quarterly of Human Rights
NUA	New Urban Agenda
OAS	Organization of American States
OAS-DSD	Department of Sustainable Development of the Organization of American States
OAU	Organization of African Unity
OCB	Organizational Citizenship Behaviour
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
OEF	Organisational Environmental Footprint
OETS	Oceans Economy and Trade Strategies
OHCHR	Office of the High Commissioner for Human Rights
OPAC	Optional Protocol to the Convention on involvement of children in armed conflict
OPSC	Optional Protocol to the Convention on sale of children, child prostitution and child pornography
OTLA	Office of Trade and Labor Affairs
OWG	Open Working Group
PA	Paris Agreement
PASEC	Programme d'analyse des systèmes éducatifs des la confemen
PCA	Permanent Court of Arbitration
PCA (EU)	Partnership and Cooperation Agreement

## List of Abbreviations

PCIJ	Permanent Court on International Justice
PDCA	Political Dialogue and Cooperation Agreement
PEEREA	Protocol on Energy Efficiency and Related Environmental Aspects
PEF	Product Environmental Footprint
PIACC	Programme for the International Assessment of Adult Competencies
PIL	Public Interest Litigation
PIRLS	Progress in International Reading Literacy Study
PISA	Programme for International Student Assessment
PM10	Particulate Matter with aerodynamic diameters $\leq 10 \mu\text{m}$
PM2.5	Particulate Matter with aerodynamic diameters $\leq 2.5 \mu\text{m}$
PMTCT	Prevention of Mother-to-Child Transmission of HIV
PNAS	Proceedings of the National Academy of Sciences of the United States of America
POP	Persistent Organic Pollutants
PoU	Prevalence of undernutrition
PPM	Process and Production Method
PPP	Polluter-pays principle
PPP	Public Private Partnership
PRS	Poverty Reduction Strategy
PSMA	Agreement on Port State Measures
PSONR	Permanent Sovereignty Over Natural Resources
PTA	Preferential Trade Agreement
QIL	Questions of International Law; Questions de Droit International; Questioni di Diritto Internazionale
R&D	Research and Development
RASFF	Rapid Alert System for Food and Feed
RBC	Responsible Business Conduct
RBO	International River Basin Organization
RCP	Representative Concentration Pathway
REACH	Registration, Evaluation, Authorisation and Restriction of Chemicals
RECIEL	Review of European, Comparative & International Law
RES	Resolution
RPS	Renewable Portfolio Standards
RTA	Regional Trade Agreement
RTD	Right to Development
SACMEQ	Southern and Eastern Africa Consortium for Monitoring Educational Quality
SALT	Society for Alternative Learning and Transformation
SAMOA	Small Island Development States Accelerated Modalities of Action
SARS	Severe acute respiratory syndrome

## List of Abbreviations

SARS-CoV-2	Severe acute respiratory syndrome coronavirus 2
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SCC	Supreme Court of Canada
SCI	Supreme Court of India
SCM	Agreement on Subsidies and Countervailing Measures
SCN	Supreme Court of the Netherlands
SCP	Sustainable Consumption and Production
SCSL	Special Court for Sierra Leone
SD	Sustainable Development
SDBS	Structural and Demographic Business Statistics
SDG(s)	Sustainable Development Goal(s)
SDSN	Sustainable Development Solutions Network
SE4ALL	Sustainable Energy for All
SERAC	Social and Economic Rights Action Center
SFM	Sustainable Forest Management
SFS	Sustainable Food System
SIA	Sustainable Impact Assessment
SIDS	Small Island Developing States
SLoCaT	Partnership on Sustainable, Low Carbon Transport
SME	Small and Medium-sized Enterprises
SNA	System of National Accounts
SOE	State-owned Enterprises
SPS	Agreement on Sanitary and Phytosanitary Measures
SRFC	Sub-Regional Fisheries Commission
SRH	Sexual and Reproductive Health
SSNR	Small-scale Nuclear Reactor
SSRN	Social Science Research Network
STI	Science, Technology and Innovation
SuRe	Standard for Sustainable and Resilient Infrastructure
TBT	Agreement on Technical Barriers to Trade
TECA	Technologies and Practices for Small Agricultural Producers
TECDOC	Technical Document
TEL	Transnational Environmental Law
TERCE	Tercer Estudio Regional Comparativo y Explicativo [Third Regional Comparative and Explanatory Study]
TEU	Treaty on European Union
TFA	Trade Facilitation Agreement
TFEU	Treaty on the Functioning of the European Union
TFFD	Transboundary Freshwater Dispute Database
TFM	Technology Facilitation Mechanism (UN)

## List of Abbreviations

TIMSS	Trends in International Mathematics and Science Study
TNC	Transnational Company
TRIMS	Agreement on Trade Related Investment Measures
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
TSD	Trade and Sustainability Chapter
TST	Technical Support Team of the United Nations
US	United States
UDHR	Universal Declaration of Human Rights
UHC	Universal Health Coverage
UK	United Kingdom
UN	United Nations
UN DPO	UN Department of Peace Operations
UN ESCWA	UN Economic and Social Commission for Western Asia
UN GC	UN Global Compact
UN OROLSI	UN Office of Rule of Law and Security Institutions
UN WOMEN	UN Entity for Gender Equality and the Empowerment of Women
UNAIDS	UN Programme of HIV/AIDS
UNCAC	UN Convention against Corruption
UNCCD	UN Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa
UNCED	UN Conference on Environment and Development
UNCIO	UN Conference on International Organization
UNCITRAL	UN Commission on International Trade Law
UNCLOS	UN Commission on the Law of the Sea
UNCSD	UN Conference on Sustainable Development
UNCTAD	UN Commission on Trade and Development
UNCTAD STIP	UN Conference on Trade and Development Science, Technology and Innovation Policy Reviews
UNCTAD TRAINS	UN Conference on Trade and Development – Trade Analysis Information System
UNDESA	UN Department of Economic and Social Affairs
UNDP	UN Development Programme
UNDRIP	UN Declaration on the Rights of Indigenous People
UNDROP	United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas
UNDRR/UNISDR	UN Office for Disaster Risk Reduction
UNECE	UN Economic Commission for Europe
UNECLAC	UN Economic Commission for Latin America and the Caribbean
UNEP	UN Environment Programme

## List of Abbreviations

UNEP-CTCN	UN Environmental Programme-Climate Technology Centre and Network
UNEP-WCMC	UN Environment
UNESCO	UN Educational, Scientific and Cultural Organization
UNESCO-UIS	UNESCO Institute for Statistics
UNFCCC	UN Framework Convention on Climate Change
UNFPA	UN Population Fund
UNFSA	UN Fish Stock Agreement
UNGA	UN General Assembly
UNGP	UN Guiding Principles for Business and Human Rights
UN-Habitat	UN Human Settlements Programme
UNHCR	UN High Commissioner for Refugees
UNICEF	UN Children's Fund
UNODC	UN Office on Drugs and Crime
UN-OHRLS	UN Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States
UNPRI	UN Principles for Responsible Investment
UNSC	UN Security Council
UNSCN	UN System Standing Committee on Nutrition
UNSD	UN Statistical Division
UNSG	UN Secretary General
UNSTATS	United Nations Statistical Division
UNTS	UN Treaty Series
UNWC	UN Watercourse Convention
UNWTO	UN World Tourism Organization
USA	United States of America
USAID	United States Agency for International Development
USMCA	United States-Mexico-Canada Trade Agreement
VCLT	Vienna Convention on the Law of Treaties
VCLTIO	Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations
VG-FSP	Voluntary Guidelines for Flag State Performance
VNR	Voluntary National Review
WASH	Water, Sanitation and Hygiene
WAVE	Women against Violence Europe
WCED	World Commission on Environment and Development
WCL	Washington College of Law
WCS	World Conservation Strategy
WDPA	World Database on Protected Areas

## List of Abbreviations

WDR	World Development Report
WEF	World Economic Forum
WEOG	Western European and Others Group
WFP	United Nations World Food Programme
WHO	World Health Organization
WHO FCTC	World Health Organization Framework Convention on Tobacco Control
WIPO	World Intellectual Property Organization
WIR	World Investment Report
WJP	World Justice Project
WMO	World Meteorological Organization
WSQ	Women's Studies Quarterly
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization
WTO IDB	World Trade Organization Integrated Database
WWF	World Wide Fund For Nature
YIEL	Yearbook of International Environmental Law
ZaöRV	Zeitschrift für ausländisches öffentliches Recht und Völkerrecht
ZEuS	Zeitschrift für Europarechtliche Studien



## Table of Cases

### International Courts and Tribunals

	marginal no.	Goal
<b>UNECE Aarhus Convention Compliance Committee (ACCC)</b>		
<i>Roao Luke Davey v Oxfordshire County Council</i> , ACCC/C2005/15		16
<b>African Commission on Human &amp; Peoples Rights (AfCHPR)</b>		
<i>The Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria (Ogoni Case)</i> , Comm. No. 155/96 (2001), Merits, 27 October 2001	44-8, 53-5	1, 3
<i>Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya</i>	277	1
<i>Institute for Human Rights and Development in Africa v Angola</i> , 7-22 May 2008, Communication 292/04	51-2	
<i>Les Témoins de Jehovah v Zaire</i> , Free Legal Assistance Group, Lawyers' Committee for Human Rights, Union Inter africaine des Droits de l'Homme, 25/89-47/90-56/91-100/93	48	4
<i>San Antonio Independent School District v. Rodriguez</i> , 411 U.S. 1 (1973)		
<i>Talibés children</i> , Decision No 003/Com/001/2012		4
<i>Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria</i> (Communication No. 155/96), Judgment of 27 May 2002	8-13	9
<i>Social and Economic Rights Action Center &amp; the Center for Economic and Social Rights v. Nigeria</i> , communication No. 155/96, 27 October 2001, and general comment No. 36	3	2
<i>Social and Economic Rights Action Center (SERAC) and the Center for Economic and Social Rights v Nigeria</i> , Communication No. 155/96, (2001) AHRLR 60, 27 October 2001	2-4, 7-9, 64-6	2
<b>African Committee of Experts on the Rights and Welfare of the Child (ACERWC)</b>		
<i>The Centre for Human Rights (University of Pretoria) and La Rencontre Africaine pour la Defense des Droits de l'Homme (Senegal) v Government of Senegal</i> , Decision No 003/Com/001/2012	37	16
<b>Committee on Economic, Social and Cultural Rights (CESCR)</b>		
<i>Marcia Cecilia Trujillo Calero v. Ecuador</i> , Communication 10/2015, UN Doc. E/C.12/63/D/10/2015 (26 March 2018)		5
<b>Colombia Supreme Court (CSC)</b>		
<i>Future Generations v. Ministry of the Environment and Others</i> , Judgment, 05.04.2018, Reg. No 11001-22-03-000-2018-00319-00		13

## Table of Cases

	marginal no.	Goal
<b>Commission on Human Rights of the Philippines</b>		
<i>Greenpeace Southeast Asia and Philippine Rural Reconstruction Movement, Petition to the Commission on Human Rights of the Philippines Requesting for Investigation of the Responsibility of the Carbon Majors for Human Rights Violations or Threats of Violations Resulting from the Impacts of Climate Change</i>		13
<b>Committee on the Rights of the Child</b>		
<i>Sacchi et al v. Argentina, Brazil, France, Germany &amp; Turkey, Communications n°105/2019 (Brazil), n°106/2019, (France), n°107/2019 (Germany)</i>		13
<b>Economic Community of West African States Court of Justice (ECOWAS CCJ)</b>		
<i>Women Against Violence and Exploitation in Society (WAVES) v. The Republic of Sierra Leone, Judgment of 12.12.2019, ECW/CCJ/JUD/37/19</i>	29, 32, 34	5
<b>Human Rights Committee (UNHRC)</b>		
<i>Lubicon Lake Band v. Canada, Communication No. 167/1984 (26 March 1990), U.N. Doc. Supp. No. 40 (A/45/40) at 1 (1990)</i>		7
<b>International Court of Justice (ICJ)</b>		
<i>Maritime Delimitation in the Black Sea (Romania v. Ukraine), Judgment, 16 April 2009, ICJ Reports 2009,</i>	30	16
<i>Case Concerning Pulp Mills On The River Uruguay (Argentina v Uruguay), Judgment, 20 April 2010, ICJ Reports 2010</i>	14, 49, 67-83, 90, 101, 175, 177, 197, 204-5	6, 13, 14, 15
<i>Case Concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay), Advisory Opinion, 20 April 2010, Separate Opinion of Judge Cançado Trindade</i>	89-96, 156, 160 ff.	3, 14
<i>Case Concerning the Gabčíkovo-Nagymaros Project (Hungary v Slovakia), Judgment, 25 September 1997, ICJ Reports 2010</i>	53, 140-2	13, 15
<i>Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v Nicaragua) and Construction of a Road in Costa Rica along the San Juan River (Nicaragua v Costa Rica), Reports of Judgments, Advisory Opinions and Orders, Judgment of 16 December 2015</i>	19, 100, 153, 168, 178	3, 9, 13, 14, 15, 16
<i>Certain Activities Carried out by Nicaragua in the Border Area (Costa Rica v Nicaragua), Provisional Measures, Order, 13 December 2013, ICJ Reports 398 (19)</i>		6
<i>Legality Of The Threat Or Use Of Nuclear Weapons, Advisory Opinion, 8 July 1996, ICJ Reports 1996 (I), Advisory Opinions And Orders (1996)</i>	29 f.	6, 13, 15
<i>Corfu Channel (United Kingdom v. Albania), Merits, Judgment, ICJ Reports 1949</i>	34 f.	6, 10, 15
<i>Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua), Compensation Owed by the Republic of Nicaragua to the Republic of Costa Rica, Judgment Judgment of February 2, 2018</i>		6
<i>The Gambia v. Myanmar, Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Order, 23.01.2020</i>	12, 59, 61	1, 10
<i>Case Concerning Military and Paramilitary Activities in and against (Nicaragua v. United States of America), Judgment of 27 June 1986</i>	59, 70, 202 f.	10

## Table of Cases

	marginal no.	Goal
<i>Case Concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)</i> , Judgment of 14 February 2002		10
<i>Ukraine v. Russian Federation</i> , Order, Provisional Measures, 19.04.2017, ICJ Reports 2017	22 (115), 91, 98 f., 102, 106	10
<i>Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)</i> , Judgment on 17 March 2016	34 ff., 37, 39	14
<i>Case concerning Military and Paramilitary Activities and against Nicaragua</i> , Jurisdiction of the Court and Admissibility of the App., Judgment of 26 November 1984, ICJ Reports 1984	73, 174-81	16
<i>Democratic Republic Of The Congo v. Uganda (Armed Activities on the Territory of the Congo)</i> , Case concerning Armed Activities on the Territory of the Congo, Judgment of 19 December 2005, ICJ Reports 2005	214, 216, 246 f., 259	16
<i>Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory</i> , ICJ Reports 2004	106	16
<i>Certain activities carried out by Nicaragua in the border area (Costa Rica v. Nicaragua)</i> , 2 February 2018		14, 15
<i>Construction of a road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)</i> , Judgment, 16 December 2015	104	14, 15
<i>Lake Lanoux Arbitration (France v. Spain)</i> , 16 November 1957		15
<i>Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)</i> , Judgment of 1 October 2018	171	9
<i>Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)</i> , Declaration of President Yusuf of 1 October 2018	10	9

### Special Court for Sierra Leone (SCSL)

Trial Chamber, <i>Prosecutor v Sesay, Kallon and Gbao (RUF Trial Judgment)</i> , SCSL-04-15-T, Judgment (2 March 2009) Judgment	1695	8
<i>Prosecutor v Sesay, et al.</i> , RUF Case, SCSL-04-15-T, Judgment (SCSL TCI, Mar. 02, 2009)		16

### UN Human Rights Committee (HRC)

<i>Ioane Teitiota v. New Zealand</i> (advance unedited version), CCPR/C/127/D/2728/2016, 7 January 2020	9.3	13
<i>Ominayak (Lubicon Lake Band) v. Canada</i> , Communication No. 167/1984 (26 March 1990), U.N. Doc. Supp. No. 40 (A/45/40) at 1 (1990)	32.2, 33	7
<i>Portillo Cáceres and Others v. Paraguay</i> , CCPR/C/126/D/2751/2016, Communication 2751/2016		2

## Regional Courts

### East African Court of Justice

<i>Center for Food and Adequate Living Rights et al. v. Tanzania and Uganda</i> , Application No. 29 of 2020 (Arising from Reference No. 39 of 2020), 6 November 2020		13
---	--	----

### European Court Human Rights (ECHR)

<i>Budayeva and Others v. Russia</i> , Case No. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02, Judgment of 20 March 2008	128-30, 133, 159	15
<i>M. Özel and Others v. Turkey</i> , Case No. 14350/05, 15245/05 and 16051/05, Judgment of 17 November 2015	170 f., 200	15

## Table of Cases

	marginal no.	Goal
<i>Tătar v. Romania</i> , Case No. 67021/01, Judgment of 27 January 2009	85-8, 97, 107, 113, 125	15
<i>Di Sarno and Others v. Italy</i> , Case No. 30765/08, Judgment of 10 January 2012	104-10, 113	15
<i>Papastavrou and Others v. Greece</i> , Case No. 46372/99, Judgment of 10 April 2003	33, 36-9	15
<i>Giacomelli v. Italy</i> , Case No. 59909/00, Judgment of 2 November 2006	76-82, 97 f.	15
<i>Turgut and Others v. Turkey</i> , Case No. 1411/03, Judgment of 8 July 2008	86, 90-3	15

## Court of Justice of the European Union

C-154/04, C-155/04, 12.7.2005, <i>Alliance for Natural health and Others</i> , ECLI:EU:C:2005:449	52	6
C-157/14, 17.12.2015, <i>Neptune Distribution</i> , ECLI:EU:C:2015:823	74-84	
C-269/13 P, 10.4.2014, <i>Acino v Commission</i> , ECLI:EU:C:2014:255	57 f.	6
C-296/16 P, 8.6.2017, <i>Dextro Energy v EC</i> , ECLI:EU:C:2017:437	49 ff.	
C-491/01, 10.12.2002, <i>The Queen v Secretary of State for Health, ex parte British American Tobacco (Investments) Ltd and Imperial Tobacco Ltd. (British American Tobacco)</i> , ECLI:EU:C:2002:741	123	
C-73/16, C-73/16, 27.09.2017, <i>Puškár</i> , EU:C:2017:725	59-65	6
C-164/15, 20.12.2017, <i>Protect Natur-, Arten- und Landschaftsschutz Umweltorganisation v Bezirkshauptmannschaft Gmünd</i> , ECLI:EU:C:2017:987	34, 90 f., 102	6
C-308/06, 03.06.2008, <i>The Queen on the App. of International Association of Independent Tanker Owners (Intertanko) and Others v Secretary of State for Transport</i> , ECLI:EU:C:2008:312	42-5	6
C-341/95, 14.07.1998, <i>Gianni Bettati v Safety Hi-Tech Srl</i> , ECLI:EU:C:1998:353	20	6
C-61/94, 10.09.1996, <i>Commission v Germany</i> , ECLI:EU:C:1996:313	52	6
C-176/03, 26.5.2005, <i>Commission v Council</i> , Opinion of Advocate General Ruiz-Jarabo Colomer	66-9	3, 13, 14, 15
C-5/94, 22.5.1996, <i>Queen v Ministry of Agriculture, Fisheries and Food: ex parte: Hedley Lomas (Ireland) Ltd</i> , Opinion of Advocate General Léger	98-100, 179-80	
C-378/08, 9.3.2010, <i>Raffinerie Mediterranée (ERG) SpA v Ministero dello Sviluppo Economico</i> , ECLI:EU:C:2010:126	46, 55-70	3, 14, 15
T-33/16, 14.03.2018, <i>TestBioTech v Commission</i> , ECLI:EU:T:2018:135	44 f.	
C-594/18P, 22.9.2020, <i>Österreich v Commission</i> (Hinkley Point C), Judgment, ECLI:EU:C:2020:742		7
Joined Cases C-180/18, C-286/18 and C-287/18, 11.7.2019, <i>Agrenergy Srl and Fusignano Due Srl v Ministero dello Sviluppo Economico</i> , (Tenth Chamber), ECLI:EU:C:2019:605	44, 46	7
C-379/98, 13.5.2001, <i>PreussenElektra AG v Schleswig AG, in the presence of Windpark Reußenköge III GmbH and Land Schleswig-Holstein</i> , ECLI:EU:C:2001:160	74 f.	7
C-405/16, 28.3.2019, <i>Germany v Commission</i> , ECLI:EU:C:2019:268		7
Case T-479/11 – Case T-157/12, 19.9.2018, appeal of Case C-438/16 P (General Court (GC)) <i>Commission v France and IFP Énergies Nouvelles</i> , ECLI:EU:C:2018:737		7
C-594/18 P, 22.9.2020, <i>Austria v European Commission</i> , ECLI:EU:C:2020:742		7
C-284/16, 6.3.2018, <i>Slovak Republic v. Achmea B.V. (Achmea case)</i> , (Grand Chamber), ECLI:EU:C:2018:158		7

## Table of Cases

	marginal no.	Goal
C-713/17, 21.11.2018, <i>Ahmad Shah Ayubi v. Bezirkshauptmannschaft Linz-Land</i> , ECLI:EU:C:2018:929	21, 24 f., 29	1
C-163/17, 19.03.2019, <i>Abubacarr Jawo v Bundesrepublik Deutschland</i> , ECLI:EU:C:2019:218		1
C-168/18, 19.12.2019, <i>Pensions-Sicherungs-Verein VVaG (PSV) v Günther Bauer</i> , ECLI:EU:C:2019:1128		1
C-429/09, 25.11.2010, <i>Fuß</i> , EU:C:2010:717	40	1
C-208/05, 11.1.2007, <i>ITC Innovative Technology Center GmbH v Bundesagentur für Arbeit</i> , (Third Chamber) of ECR I-181, ECLI:EU:C:2007:16	68 f.	1
C-103/88, 22.6.1989, <i>Fratelli Costanzo SpA v Comune di Milano</i> , ECR 1839, ECLI:EU:C:1989:256	33	1
C-595/12, 6.3.2014, <i>Loredana Napoli v Ministero della Giustizia – Dipartimento dell'Amministrazione penitenziaria</i> , (First Chamber), ECLI:EU:C:2014:128	48, 50	1
C-262/96, 4.5.1999 <i>Sürül v Bundesanstalt für Arbeit</i> , ECLI:EU:C:1999:228	63, 74	1
C-444/09 and C-456/09, 22.12.2010, <i>Gavieiro and Iglesias Torres</i> , EU:C:2010:819	78	1
C-443/14 and C-444/14, 1.3.2016, <i>Alo and Osso</i> , EU:C:2016:127	48, 50 f.	1
Opinion of Advocate General Stix-Hackl in C-36/02, 18.4.2004, <i>Omega Spielhallen- und Automatenaufstellungs-GmbH v Oberbürgermeisterin der Bundesstadt Bonn (Omega v Bonn)</i> , ECR I-9609		2
C-112/00, 12.6.2003, <i>Eugen Schmidberger, Internationale Transporte und Planzüge v Republik Österreich</i> , ECLI:EU:C:2003:333, ECR I-5659		2
C-43/75, 8.4.1976, <i>Gabrielle Defrenne v. Société anonyme belge de navigation aérienne Sabena (Defrenne)</i> , ECLI:EU:C:1976:56		5
C-450/93, 17.10.1995, <i>Eckhard Kalanke v. Freie Hansestadt Bremen</i> , ECR 1995 I-03051, ECLI:EU:C:1995:322		5
C-409/95, 11.11.1997, <i>Hellmut Marschall v. Land Nordrhein-Westfalen</i> , ECLI:EU:C:1997:533		5
C-407/98, 6.7.2000, <i>Katarina Abrahamsson and Leif Anderson v. Elisabet Fogelqvist</i> , ECLI:EU:C:2000:367		5
C-13/94 ECR I-2143, 30.4.1996, <i>P v. S and Cornwall County Council</i> , CECLI:EU:C:1996:170		5
C-450/18, 12.12.2019, <i>WA v Instituto Nacional de la Seguridad Social (INSS)</i> (Request for a preliminary ruling), ECLI:EU:C:2019:1075	52 f., 64 f.	5
C-366/18, 18.9.2019, <i>José Manuel Ortiz Mesonero v UTE Luz Madrid Centro</i> , ECLI:EU:C:2019:757	23-5, 36-8	5
C-109/88, 17.10.1989, <i>Handels- og Kontorfunktionærernes Forbund I Danmark v Dansk Arbejdsgiverforening, acting on behalf of Danfoss</i> ,		5
C-104/10, 21.7.2011, <i>Patrick Kelly v National University of Ireland (University College, Dublin)</i> (Second Chamber), ECLI:EU:C:2011:506		5
C-415/10, 19.4.2012, <i>Galina Meister v Speech Design Carrier Systems GmbH</i> (Second Chamber), ECLI:EU:C:2012:217		5
C-29/69, 12.11.1969, <i>Erich Stauder v. City of Ulm</i> , ECLI:EU:C:1969:57		10
C-11/70, 17.12.1970, <i>Internationale Handelsgesellschaft mbH v. Einfuhr- und Vorratsstelle für Getreide und Futtermittel</i> , ECLI:EU:C:1970:114		10
C-149/77, 5.6.1978, <i>Gabrielle Defrenne v. Société anonyme belge de navigation aérienne Sabena</i> , ECLI:EU:C:1978:130		10
C-313/99, 20.6.2002, <i>Mulligan and Others</i> , EU:C:2002:386	46	10
C-428/07, 16.7.2009, <i>Horváth</i> , EU:C:2009:458	56	10
C-24/13, 16.1.2014, <i>Dél-Zempléni Nektár Leader Nonprofit</i> , EU:C:2014:40	17	10

## Table of Cases

	marginal no.	Goal
C-395/15, 1.12.2016, <i>Mohamed Daouidi v. Bootes Plus SL and Others</i> , ECLI:EU:C:2016:917		10
C-406/15, 9.3.2017, <i>Petya Milkova v. Izpalnitelen direktor na Agentsiata za privatizatsia i sledprivatizatsionen kontrol</i> , ECLI:EU:C:2017:198	47, 55, 57	10
C-129/16, 13.07.2017, <i>Túkecej Tejtermelő Kft.</i> , CLI:EU:C:2017:547	47	13
T-330/18, 8.5.2019, <i>Carvalho and Others v Parliament and Council</i> , ECLI:EU:T:2019:324	46-50, 53	13
T-16/04, 2.3.2010, <i>Arcelor v Parliament and Council</i> , EU:T:2010:54	103	13
C-216/18 PPU, 25.7.2018, <i>Minister for Justice and Equality (Deficiencies in the system of justice)</i> , EU:C:2018:586	64	16
C-619/18, 24.6.2019, <i>Commission v Poland</i> , ECLI:EU:C:2019:531	34-6, 112	16
C-614/10, 16.10.2012, <i>Commission v Austria</i> , EU:C:2012:631	43	16
C-216/18, 25.7.2018, <i>LM</i> , Request for a preliminary ruling under Article 267 TFEU from the High Court (Ireland), ECLI:EU:C:2018:586		16
C-288/12, 8.4.2014, <i>Commission v Hungary</i> , EU:C:2014:237	51	16
C-64/16, 27.2.2018, <i>Associação Sindical dos Juizes Portugueses</i> (Grand Chamber), ECLI:EU:C:2018:117		16
C-20/12, 20.06.2013, <i>Giersch and Others</i> , EU:C:2013:411	44, 53, 56, 68	4
C-238/15, 14.12.2016, <i>Bragança Linares Verruga and Others</i> , 14 December 2016, EU:C:2016:949	43	4
C-40/05, 11.01.2007, <i>Kaj Lyyski v Umeå universitet</i> , ECLI:EU:C:2007:10	35-6, 38	4
C-542/09, 14.06.2012, <i>Commission v Netherlands</i> , EU:C:2012:346	38	4
C-147/03, 7.7.2005, <i>Commission v. Austria</i> [2005] ECR I-5969, ECLI:EU:C:2005:427	32-3	4
C-76/05, 11.09.2007, <i>Schwarz v. Finanzamt Bergisch Gladbach</i> , ECLI:EU:C:2007:492	86-90	4
C-242/87, 30.5.1989, <i>Commission v. Council (Erasmus)</i> , ECLI:EU:C:1989:217		
C-9/74, 3.7.1974, <i>Donato Casagrande v. Landeshauptstadt München</i> , ECLI:EU:C:1974:74, ECR 773	12	4
Joined Cases C-401/15 to C-403/15, 15.12.2016, <i>Noémie Depesme and Others v Ministre de l'Enseignement supérieur et de la Recherche</i> , ECLI:EU:C:2016:955		4
T-185/17 and T-636/17, Judgments of 11.7.2019 and 20.9.2019, <i>PlasticsEurope v ECHA</i> , ECLI:EU:T:2019:639	99, 101	15
T-716/14, 7.3.2019, <i>Anthony C. Tweedale v European Food Safety Agency (EFSA)</i> ( <i>Tweedale v EFSA</i> ) (Eighth Chamber), ECLI:EU:T:2019:141	94 f., 118	2, 15
T-329/17, 7.3.2019, <i>Hautala and Others v EFSA</i> , ECLI:EU:T:2019:142	92, 99 f.	2, 15
C-77/09, 22.12.2010, <i>Gowan Comércio Internacional e Serviços Lda v Ministero della Salute</i> , ECLI:EU:C:2010:803	75	15
C-442/14, 23.11.2016, <i>Bayer CropScience and Stichting De Bijenstichting</i> , EU:C:2016:890	86	15
C-644/18, 10.11.2020, <i>Commission v Italy (Valeurs limites – PM10)</i> , Judgment, EU:C:2020:895		15
C-636/18, 24.10.2019, <i>European Commission v French Republic</i> , ECLI:EU:C:2019:900		15
C-723/17, 26.6.2019, <i>Craeynest and Others</i> , ECLI:EU:C:2019:533		15
C-297/19, 9.7.2020, <i>Naturschutzbund Deutschland – Landesverband Schleswig-Holstein</i> , EU:C:2020:533	48 f.	15
C-317/93, 14.12.1995, <i>Inge Nolte v. Landesversicherungsanstalt Hannover</i> , ECLI:EU:C:1995:438	19	8

## Table of Cases

	marginal no.	Goal
C-54/07, 10.7.2008, <i>Centrum voor gelijkheid van kansen en voor racismebestrijding v. Firma Feryn NV</i> , ECLI:EU:C:2008:397	28, 34	8
C-81/12, 25.4.2013, <i>Asociația Accept v. Consiliul Național pentru Combaterea Discriminării</i> , ECLI:EU:C:2013:275	38	8
C-311/18, 16.7.2010, <i>Data Protection Commissioner v Facebook Ireland Limited and Maximillian Schrems</i> , Request for a preliminary ruling from the High Court (Ireland) (Grand Chamber), ECLI:EU:C:2020:559		9
Case T-18/10, 6.9.2011, <i>Inuit Tapiriit Kanatami (Order)</i> , ECLI:EU:T:2011:419	71, 133	13
C-4/73, 14.5.1974, <i>J. Nold, Kohlen- und Baustoffgroßhandlung v. Commission of the European Communities</i> , ECLI:EU:C:1974:51		10

## European Committee of Social Rights (ESCR)

<i>Associazione Nazionale Giudici di Pace v. Italy</i> , Complaint No. 102/2013, 5 July 2016.		8
<i>Confederazione Generale Italiana del Lavoro (CGIL) v. Italy</i> , Complaint No. 91/2013, 12 October 2015	48	8
<i>International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Croatia</i> , Complaint No. 45/2007		4
<i>International Association Autism-Europe (IAAE) v. France</i> , Complaint No. 13/2002		4
<i>Mental Disability Advocacy Center (MDAC) v. Bulgaria</i> , Complaint No. 41/2007		4

## European Court of Human Rights (ECHR)

<i>Ognevenko v Russia</i> , App. no. 44873/09, 20 November 2018		8
<i>Altınay v. Turkey</i> , App. no. 37222/04, 9 July 2013		4
<i>Dubetska and others v Ukraine</i> , App. no. 30499/03, 05 March 2011	105-6	
<i>Bergens Tidende and Others v Norway</i> , App. no. 26132/95, ECHR 2000-IV, § 51, 2 May 2000		
<i>Bosphorus Hava Yolları Turizm ve Ticaret Anonim Şirketi v. Ireland</i> [GC], no. 45036/98, § 156, ECHR 2005-VI		4
<i>Campbell and Cosans v. The United Kingdom</i> , Series A no. 48, Judgment of 25 February 1982, 4 EHRR 293	39-41	4
<i>Case “relating to certain aspects of the laws on the use of languages in education in Belgium”</i> (merits), 23 July 1968, pp. 30-32, §§ 3-5, Series A no. 6, § 10		4
<i>Case of Folgerø and Others v. Norway</i> , App. no. 15472/02), ECHR 2007-III, Judgment of 29 June 2007	53, 85-102	4
<i>Case relating to certain aspects of the laws on the use of languages in education in Belgium’ by Belgium</i> , ECtHR, Series A no. 6, Judgment of 23 July 1968	6-7, I. B. 3	4
<i>DH and others v Czech Republic</i> , Judgment of 13 November 2007, (2008) 47 EHRR 3		6
<i>Hertel v Switzerland</i> , 25.08.1998, ECtHR Reports of Judgments and Decisions 1998-VI		
<i>Iacov Stanciu v Romania</i> , App. no. 35972/05, Judgment of 24 July 2012,	120, 179	6
<i>Kök v. Turkey</i> , App. no. 1855/02, 19 October 2006	56-60	4
<i>López Ostra v Spain</i> , , App. no. 16798/90, 9 December 1994		6
<i>Mürsel Eren v. Turkey</i> , App. no. 60856/00, ECHR 2006-II	40-1	4
<i>Osmanoğlu and Kocabaş v Switzerland</i> , App. No. 29086/12, 10 January 2017		4
<i>Ponomaryovi v. Bulgaria</i> , App. no. 5335/05, § 49, ECHR 2011		4

## Table of Cases

	marginal no.	Goal
<i>Stec and Others v. the United Kingdom</i> [GC], App. no. 65731/01, § 51, ECHR 2006-VI		4
<i>Tarantino and Others v. Italy</i> , App. no. 25851/09, 29284/09, and 64090/09, ECHR 2013	43	4
<i>Tarantino and Others v. Italy</i> , App. no. 25851/09, 29284/09, and 64090/09, Partly Dissenting Opinion of Judge Pinto de Albuquerque, ECHR 2013		4
<i>Thlimmenos v. Greece</i> [GC], App. no. 34369/97, § 44, ECHR 2000-IV		4
<i>Timishev v. Russia</i> , App. no. 55762/00 and 55974/00, ECHR 2005-XII	64	4, 10, 16
<i>Kudla v Poland</i> , App. no. 30210/96, Judgment of 26 October 2000	94	
<i>Fägerskiöld v Sweden</i> , App. No. 37664/04, 26 February 2008		7
<i>Bakan v. Turkey</i> , App. no. 50939/99, Judgment of 12 June 2007	§§ 66 et seq. 37	1
<i>Soares de Melo v. Portugal</i> , App. no. 72850/14, Judgment of 16 February 2016		1
<i>Nencheva and Others v. Bulgaria</i> , App. no. 48609/06, Judgment of 18 June 2013	154	1
<i>Cour v. France</i> , App. no. 44404/02, Judgment of 3 October 2006		1
<i>Stankov v. Bulgaria</i> , App. no. 68490/01, Judgment of 12 July 2007		1
<i>Mehmet and Suna Yiğit v. Turkey</i> , App. no. 52658/99, Judgment of 17 July 2007		1
<i>Aielli and Others and Arboit and Others v. Italy</i> , App. nos. 27166/18 and 27167/18, Judgment of 10 July 2018		1
<i>Mockienė v. Lithuania</i> , App. no. 75916/13, Judgment of 27 July 2017		1
<i>Mamatas and Others v. Greece</i> , App. nos. 63066/14, 64297/14 and 66106/14, Judgment of 21 July 2016		1
<i>da Silva Carvalho Rico v. Portugal</i> , App. no. 13341/14, Judgment of 24 December 2015		1
<i>Da Conceição Mateus v. Portugal and Santos Januário v. Portugal</i> , App. no. 62235/12 and no. 57725/12, Judgment of 31 October 2013		1
<i>Koufaki and Adedy v. Greece (dec.)</i> , App. nos. 57665/12 and 57657/12 (rejected), Decision of 20 February 2012		1
<i>Özel and Others v. Turkey</i> , App. nos. 14350/05, 15245/05 and 16051/05, Judgment of 17 November 2015	170 f., 200	2
<i>Budayeva and Others v. Russia</i> , App. nos. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02 Judgment of 20 March 2008	128-130, 133, 159	2
<i>Leyla Şahin v. Turkey</i> , [GC] App. no. 44774/98, 10 November 2005	115 f., 134-42	5
<i>Opuz v. Turkey</i> , App. No. 33401/02, 9 June 2009		5
<i>Talpis v. Italy</i> , App. No. 41237/14, 2 March 2017		5
<i>Konstantin Markin v. Russia</i> , App. No. 30078/06, Judgment 22.3.2012	142	5
<i>Case of Oršuš and Others v. Croatia</i> , App. no. 15766/03, Judgment of 16 March 2010	148, 156 f., 178-85	4, 5, 10
<i>Matthews v the United Kingdom</i> App. no. 24833/94, Report of 29 October 1997	13	
<i>Guerra v Italy</i> , App. no. 116/1996/735/932, Judgment of 19 February 1998, ECLI:CE:ECHR:1998:0219JUD001496789	58	16
<i>Öneryıldız v Turkey</i> , App. no. 48939/99, Judgment of 30 November 2004, ECLI:CE:ECHR:2004:1130JUD0048 93999	71, 89-92, 118, 124-9, 134-36, 138	2, 15, 16
<i>Case of McGinley and Egan v The United Kingdom</i> , App. no. 10/1997/794/995-996, Judgment of 9 June 1998, ECLI:CE:ECHR:1998:0609JUD002182593	98, 101	16
<i>Case of Opuz v. Turkey</i> , App. no. 33401/02, Judgment of 9 June 2009	84, 170, 198	16
<i>S.M. v. Croatia</i> [GC] App.no. 60561/14, 25 June 2020	140-6, 300	8

## Table of Cases

	marginal no.	Goal
<i>Rantsev v. Cyprus and Russia</i> , App. no. 25965/04, 7 January 2010, ECHR 2010	282	8
<i>Chowdury and Others v. Greece</i> , App. no. 21884/15, 30 March 2017		8
<i>S.M. v. Croatia</i> [GC] App. no. 60561/14, 25 June 2020.		8
<i>Vladimir Kharitonov v. Russia</i> , App. no. 10795/14, Judgment of 20 July 2020		9
<i>Ahmet Yıldırım v. Turkey</i> , App. no. 3111/10 [2012] ECHR 3003		9
<i>Kalda v. Estonia</i> , App. no. 17429/10, 19 January 2016		9

### Inter-American Commission on Human Rights (IACHR)

Petition to the Inter-American Commission on Human Rights Seeking Relief From Violations Resulting from Global Warming Caused By Acts and Omissions of the United States ( <i>Inuit Petition</i> , 2005) – denied		13
Petition to the Inter-American Commission on Human Rights Seeking Relief from Violations of the Rights of Arctic Athabaskan Peoples Resulting from Rapid Arctic Warming and Melting Caused by Emissions of Black Carbon by Canada ( <i>Athabaskan Petition</i> , 2013)		13
<i>Raquel Martín de Mejía v. Peru</i> , Case 10.970, Report No. 5/96, OEA/Ser.L/V/II.91 Doc. 7		5
<i>Ana, Beatriz and Celia Gonzalez Perez v. Mexico</i> , Case 11.565, Report No. 53/01, OEA/Ser., L/V/II.111 Doc. 20 (2000)		5
<i>Tellez Blanco v. Costa Rica</i> , Petition 712-03, Report No. 29/07, OEA/Ser.L/V/II.130, doc. 22 rev. 1 (2007)	12-5	5

### Inter-American Court of Human Rights (IACtHR)

<i>Rosendo Cantú et al. v. Mexico</i> , Preliminary Objections, Merits, Reparations and Costs, (ser. C) No. 216, 31 August 2010	118	5
<i>Case of the Indigenous Community Xákmok Kásek v. Paraguay</i> , IACtHR, Judgment, Merits, Reparations, and Costs, Judgment, 24 August 2010	195-6	1, 2, 6
<i>Albán Cornejo v Ecuador</i> , Judgment, 22 November 2007	117, 176	
<i>Caesar</i> , Judgment, 11 March 2005, Series C 123	134	6
<i>Case of Bulacio c Argentina</i> , Judgment, Merits, Reparations and Cost, 18 September 2003	72	4
<i>Case of Juan Humberto Sánchez v. Honduras</i> , Judgment, Preliminary Objections, Merits, Reparations and Costs, 7 June 2003	149	4
<i>Case of Las Palmeras v. Colombia</i> , Reparations, Judgment, Merits, 6 December 2001	38	4
<i>Case of Molina Theissen v. Guatemala</i> , Merits, IACHR Series C No 106, [2004] IACHR 2, IHRL 1489 (IACHR 2004), 4 May 2004	39	4, 16
<i>Case of the 'Street Children' (Villagran-Morales et al.) v. Guatemala</i> , Judgment, Merits, 19 November 1999	8, 144, 191	1, 4, 5
<i>Case of the 19 Merchants v. Colombia</i> , Judgment, Merits, Reparations and Cost, 5 July 2004	219	4
<i>Case of the Sawhoyamaya Indigenous Community v. Paraguay</i> , Judgment, Merits, Reparations and Costs (ser. C) No. 146, 73(1) 29 March 2006	150-3, 152-55, 166(e), (h), 73(61)	1, 6
<i>Case of the Yakye Axa Indigenous Community v. Paraguay</i> , Judgment, Merits, Reparations and Costs, (ser. C) No. 125, 50.1, 50.10, 17 June 2005	158(a), (e), 161 f., 167, 169, 176, 241(6), 211-17, 221, 241(7)	1, 2
<i>Case of Fermín Ramírez</i> , Judgment of 20 June 2005, Merits, Reparations and Costs	130(f)	6

## Table of Cases

	marginal no.	Goal
<i>Girls Yean and Bosico v. Dominican Republic</i> , Preliminary Objections, Judgment, Merits, Reparations, and Costs, (ser. C) No. 130, 85(a)(1), 8 September 2005	115, 237-42	4, 10, 16
<i>Gómez Paquiyauri Brothers</i> , Judgment, Merits, Reparations and Costs, 8 July 2004	187	4
<i>Juvenile Reeducation Institute v. Paraguay</i> , Preliminary Objections, Merits, Reparations, and Costs, Judgment (ser. C) No. 112, 134.3–134.4 of 2 September 2004	230, 258-9	4
<i>López Álvarez v Honduras</i> , Judgment, 1 February 2006	54(51), 105, 106, 209	6
<i>Mónica Carabantes Galleguillos</i> , Report No. 33/02 (Friendly Settlement), Petition 12, 046, Chile, 12 March 2002		
<i>Raxcacó-Reyes</i> , Merits, reparations and costs, IACHR Series C No 133, [2005] IACHR 15, IHRL 1517 (IACHR 2005), 15th September 2005	134	6
<i>Advisory opinion OC-23/17 of 15 November 2017 on the environment and human rights</i> , series A, No. 23 (Republic of Colombia, Request for an Advisory Opinion from the Inter-American Court of Human Rights Concerning the Interpretation of Article 1 (1), 4 (1) and 5 (1) of the American Convention on Human Rights, and Advisory Opinion OC-23/17), 15 November 2017	32, 47, 50, 81, 108 ff., 242	2, 3, 6, 9, 13, 14, 15
<i>Suárez Peralta v Ecuador</i> , Judgment, 21 May 2013	101	
<i>Vélez Loor v Panama</i> , Judgment, 23 November 2010	196 ff.	6
<i>Mayagna (Sumo) Awas Tingni Community v. Nicaragua</i> , Judgment of 31 August 2001		1
<i>Street Children (Villagrán Morales et al.) v Guatemala</i> , Judgment of 26 May 2001	144, 191	1
<i>Indigenous Community Members of the Lhaka Honhat (Our Land) Association vs. Argentina</i> , Judgment, 6 February 2020		1
<i>Case of Indigenous Communities Members of the Association Lhaka Honhat (Nuestra Tierra) vs. Argentina</i> , Judgment of 6.2.2020	194 ff., 203, 243, 254	2
<i>Kawas-Fernández v. Honduras</i> , Merits, Reparations and Costs, Judgment (series C, No. 196), 3 April 2009	148, 190-4,	2, 15, 16
<i>Case of Indigenous Communities Members of the Association Lhaka Honhat (Nuestra Tierra) vs. Argentina</i> , Interpretation of the Judgment on the Merits, Reparations and Costs, 24 November 2020	28	2
<i>Miguel Castro-Castro Prison v. Peru</i> , Merits, Reparations and Costs, Judgment, Judgment (ser. C) No. 160, 25 November 2006		5
<i>González et al. (Cotton Field) v. Mexico</i> , Preliminary Objection, Merits, Reparations, and Costs, Judgment (ser. C) No. 205, 16 November 2009		5
<i>Fernández Ortega v. Mexico</i> , Judgment (ser. C) No. 215, 7 May 2009	1229	5
<i>Rosendo Cantú et al. v. Mexico</i> , Preliminary Objections, Judgment, Merits, Reparations and Costs, (ser. C) No. 216, 31 August 2010	118	5
<i>López Soto et al. v. Venezuela</i> , Judgment, 26 September 2018	174-78	5
<i>Atala Riffo and Daughters v. Chile</i> , Advisory Opinion OC-24/17, (ser. A) No. 24, 24 November 2017	201-5	5
<i>Case Of Norín Catrimán et al. (Leaders, Members And Activist Of The Mapuche Indigenous People) v. Chile</i> , Judgment, Merits, Reparations And Costs, 29 May 2014	197 f., 269	10
<i>Yatama v. Nicaragua</i> , Judgment, Preliminary objections, merits, reparations and costs (Series C, No. 127), 23 June 2005	184	10
<i>Servellón-García et al. v. Honduras</i> , Judgment, Merits, reparations and costs (Series C, No. 152), 21 September 2006	94	10

## Table of Cases

	marginal no.	Goal
<i>Expelled Dominicans and Haitians v. Dominican Republic</i> , Judgment, Preliminary objections, merits, reparations and costs (Series C, No. 282), 28 August 2014	264	10
<i>Atala Riffo and daughters v. Chile</i> , Request for Interpretation of the Judgment on Merits, Reparations and Costs (Series C no. 254), 21 November 2012	167	10
<i>Claude Reyes et al. v Chile</i> , Judgment, Order, 19 September 2006	86, 77, 166	16
<i>Case of the Caracazo v. Venezuela</i> , Judgment, Reparations and Costs (Series C No. 95), 29 August 2002	118	16
<i>Case of Bayarri</i> , Preliminary Objection, Judgment, Merits, Reparations and Costs, 30 October 2008	176	16
<i>Case of Valle-Jaramillo et al.</i> , Judgment, Merits, Reparations and Costs, 7 July 2009	233	16
<i>Case of Las Palmeras v. Colombia</i> , Judgment, Reparations and Costs (Series C, No. 96), 26 November 2002	67	16
<i>Case of Heliodoro-Portugal</i> , Preliminary Objections, Judgment, Merits, Reparations and Costs, 12 August 2008	247	16
<i>Goiburú et al. v. Paraguay</i> , Judgment, Merits, Reparations and Costs, 22 September 2006	93	16
<i>Gonzalez et al. ("Cotton Field") v Mexico</i> , Judgment, Preliminary Objection, Merits, Reparations, and Costs, 16 November 2009		16
<i>Case of Osorio Rivera and Family Members v Peru</i> , Judgment, 26 November 2013	112	16
<i>Case of García and family members v Guatemala</i> , Judgment, 29 November 2012	96	16
<i>Case of Goiburú et al. v Paraguay</i> , Judgment, 22/9/2006	93	16
<i>Yatama v. Nicaragua</i> , Judgment, Preliminary objections, merits, reparations and costs (Series C, No. 127), 23 June 2005	184-6	16
<i>Veliz Franco et al. v. Guatemala</i> , Judgment, Preliminary objections, merits, reparations and costs (Series C, No. 277), 19 May 2014	205-6	16
<i>Servellón-García et al. v. Honduras</i> , Judgment, Merits, reparations and costs (Series C, No. 152), 21 September 2006	94-5	16
<i>Case of the Hacienda Brazil Verde Workers v. Brazil</i> , Judgment, Preliminary Objections, Merits, Reparations and Costs (Series C No. 318), 20 October 2016	339, 343	8
<i>Juridical Condition and Rights of the Undocumented Migrants</i> , Advisory Opinion OC-18/03 (Series A No. 18), 17 September 2003		8

## Judicial Committee of the Privy Council

Decision from the Judicial Committee of the Privy Council, <i>Fisherman and Friends of the Sea v. The Minister of Planning</i> , Housing and the Environment, 27 November 2017	14
--	----

## Permanent Court of International Justice (Predecessor of ICJ, PCIJ)

<i>Minority Schools in Albania</i> , Advisory Opinion (1935), Ser. A/B, No. 64	4
<i>Case relating to the Territorial Jurisdiction of the International Commission of the River Oder</i> (1929), Judgment, 10 September 1929, Seventeenth (Ordinary) Session	6
Reports Of International Arbitral Awards, <i>Trail smelter case</i> (United States, Canada), 16 April 1938 and 11 March 1941, Volume III, 1950-51	16

## Table of Cases

### Arbitrational Tribunals

	marginal no.	Goal
<b>UNRIAA (constituted for that case)</b>		
<i>Trail smelter case (United States, Canada)</i> , Reports Of International Arbitral Awards, 16 April 1938 and 11 March 1941	1905-82 (VI)	15
<b>Dominican Republic – Central America FTA Dispute Resolution (CAFTA-DR)</b>		
<i>In the Matter of Guatemala – Issues Relating to the Obligations Under Article 16.2.1(a) of the CAFTA-DR</i> , Final Report Of The Panel, 14 June 2017		8
<b>ICSID</b>		
<i>Grand River Enters. Six Nations Ltd. v. United States</i> , Decision on Objections to Jurisdiction, 20 July 2006)	77	6, 13
<i>Methanex v. United States</i>		13
<i>Mondev Int'l Ltd. v. United States of America</i> , ICSID Case No. ARB(AF)/99/2, Award, 11 October 2002	88-91	13
<i>Philip Morris Brands Sàrl, Philip Morris Products S.A. and Abal Hermanos S.A. v. Oriental Republic of Uruguay (Philip Morris v Uruguay)</i> , ICSID Case No. ARB/10/7		3, 13
<i>United Parcel Service of America v. Canada</i>		13
<i>Aguas del Tunari v Bolivia (Water Wars/Cochabamba)</i> , ICSID Case No ARB/02/3, Jurisdiction, 21 October 2005		6, 13
<i>Attanasio and Sainati, Urbaser S.A. and Consorcio de Aguas Bilbao Bizkaia, Bilbao Biskaia Ur Partzuergoa v. The Argentine Republic ICSID</i> , ICSID Case No ARB/07/26, 8 December 2016	744-50, 1144, 1188-92, 1200, 1205-10	1, 13
<i>Vattenfall AB and others v. Federal Republic of Germany (I)</i> , ICSID Case No. ARB/09/6		7
<i>Vattenfall AB and others v. Federal Republic of Germany (II)</i> , ICSID Case No. ARB/12/12		7
<i>Jean-Pierre Lecorcier and Michael Stein v Italian Republic</i> , Case No. ARB/14/3; <i>Charanne v Spain</i> ; <i>Isolux v Spain</i> ; <i>Eiser v Spain</i> ; <i>Antin v Spain</i>		7
<i>Case of Landesbank Baden-Württemberg (LBBW) and others v. Kingdom of Spain</i> , ICSID Case No. ARB/15/45		7
<i>Gustav F W Hamester GmbH &amp; Co KG v. Republic of Ghana</i> , ICSID Case No. ARB/07/24, Award, 18 June 2010	123, 124	1
<i>Phoenix Action, Ltd. v. The Czech Republic</i> , ICSID Case No. ARB/06/5, Award, 15 April 2009	78	1, 16
<i>Pezold and others v. Republic of Zimbabwe</i> , ICSID Case No. ARB/10/15, Procedural Order No. 2, 26 June 2012	57	1
<i>BayWa r.e. renewable energy GmbH and BayWa r.e. Asset Holding GmbH v. Kingdom of Spain</i> , Case No. ARB/15/16		1
<i>Occidental Petroleum Corporation and Occidental Exploration and Production Company v Republic of Ecuador</i> , ICSID Case No. ARB/06/11		2
<i>Pac Rim Cayman LLC v. Republic of El Salvador</i> , ICSID Case No. ARB/09/12		2
<i>International Arbitral Awards (IAA) Eritrea-Ethiopia Claims Commission</i> , Reports of International Arbitral Awards, Final Award, Ethiopia's Damages Claims, 17 August 2009	21	

## Table of Cases

	marginal no.	Goal
Inuit Circumpolar Council Canada <i>Petition to the Inter-American Commission on Human Rights Seeking Relief from Violations Resulting from Global Warming Caused by Acts and Omissions of the United States</i> , 7 December 2005		13

### International Tribunal of the Law of the Sea (ITLOS)

<i>The MOX Plant Case (Ireland v. United Kingdom)</i> , Provisional Measures, Order of 3 December 2001, ITLOS Reports 2001	82	14
<i>Case concerning Land Reclamation by Singapore in and around the Straits of Johor (Malaysia v. Singapore)</i> , Provisional Measures, Order of 8 October 2003, ITLOS Reports 2003	92	14
<i>Request for an Advisory Opinion Submitted by the Sub-Regional Fisheries Commission (SRFC)</i> , Advisory Opinion of 2 April 2015, ITLOS Reports 2015	140	14
<i>Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area</i> , Request for Advisory Opinion Submitted to the Seabed Disputes Chamber, Advisory Opinion, 1 February 2011	99-150, 170-211, 223-41	14
<i>Southern Bluefin Tuna Cases (New Zealand v Japan; Australia v Japan)</i> , Order of 27 August 1999	77	14
<i>Camouco (Panama v France)</i> (prompt release) (2000) 125 ILR 151, (2000) 39 ILM 666		14
<i>Monte Confurco (Seychelles v France)</i> (prompt release) (2000) 125 ILR 203		14
<i>Volga (Russian Federation v Australia)</i> (prompt release) (2003) 42 ILM 159		14
<i>Juno Trader (St Vincent and the Grenadines v Bissau)</i> (prompt release) (2005) 44 ILM 498		14
<i>M/V Saiga (Saint Vincent and the Grenadines v Guinea)</i> (prompt release) (1997) 110 ILR 736, Judgment, 4 December 1997	82	14
<i>Request for an Advisory Opinion Submitted by the Sub-Regional Fisheries Commission (SRFC)</i> , Advisory Opinion, 2 April 2015	219	14
<i>Advisory Opinion Submitted by the Sub-Regional Fisheries Commission (SRFC)</i> , Advisory Opinion of 2 April 2015, ITLOS Reports 2015	114, 131, 189 f., 199	14

### NAFTA Arbitration

Matter of an International Arbitration under Chapter 11 of the North American Free Trade Agreement and the UNCITRAL Arbitration Rules, <i>Methanex Corporation v United States of America</i> , Final Award of the Tribunal on Jurisdiction and Merits, 3/8/2005	46 (232)	16
--	----------	----

### Permanent Court of Arbitration (PCA)

Case No. 2005-03/AA226, <i>Hulley Enterprises Limited (Cyprus) v. The Russian Federation</i> , App. of UNCITRAL rules, Final Award, 18.07.2014	114 (5(b)(i), 1407, 1433-8)	10
<i>Aguas Argentinas, S.A. et al. v. The Argentine Republic</i>		6
<i>Carrizosa Gelziz v The Republic of Colombia</i> , PCA Case No 2018-56, In the matter of an arbitration under the UNCITRAL arbitration rules (2013)	444	4
<i>Glencore Finance (Bermuda) Ltd. v Plurinational State Of Bolivia</i> , PCA Case No 2016-39/Aa641, Arbitration under the Rules of Arbitration of the United Nations Commission on International Trade Law		4
<i>Iron Rhine Railway (Belgium v Netherlands)</i> , Award in the Arbitration regarding the Iron Rhine ("Ijzeren Rijn") Railway between the Kingdom of Belgium and the Kingdom of the Netherlands, 24 May 2005, ICGJ 373	59	1-17 (all SDGs)

Table of Cases

	marginal no.	Goal
<i>Michael Ballantine and Lisa Ballantine and the Dominican Republic</i> , PCA Case No 2016-17, In the Matter of an Arbitration under the Dominican Republic-Central America-United States Free Trade Agreement, Signed On August 5, 2004 (The “Dr-Cafta”) and the UNCITRAL Arbitration Rules (as adopted in 2013), 3.9.2019 (Final Award)		4
<i>Philip Morris Asia Limited v The Commonwealth of Australia (Philip Morris v Australia)</i> , UNCITRAL, PCA Case No. 2012-12		3
<i>The South China Sea Arbitration</i> (The Republic of Philippines v. The People’s Republic of China), PCA Case No. 2013-19	927	14
<i>Arbitration Between the Republic of the Philippines and the People’s Republic of China</i> , PCA Case No. 2013-19, Award (July 12, 2016)		14
<i>The South China Sea Arbitration (The Republic of Philippines v. The People’s Republic of China)</i> , PCA Case No. 2013-19, Award of 12 July 2016	944	14
<i>Arbitration Between the Republic of the Philippines and the People’s Republic of China</i> , PCA Case No. 2013-19, Jurisdiction and Admissibility, 29 October 2015	244, 257, 278	14

UNCITRAL

<i>Chevron Corporation (USA) and Texaco Petroleum Corporation (USA) v Ecuador</i> , UNCITRAL, Partial Awards on the Merits, 30 March 2010	166	1
<i>Biloune and Marine Drive Complex Ltd v. Ghana Investments Centre and the Government of Ghana</i> , Award Jurisdiction and Liability, 27 October 1989, 95 ILR 18417		1
<i>Arbitration under Chapter Ten of the Dr-Cafta and the UNCITRAL Arbitration Rules (2010) between David Aven et al. and The Republic Of Costa Rica (Aven v Costa Rica)</i> , ICSID Case No. UNCT/15/3, Final Award (18 September 2018)	236-37, 734, 737-8	

World Trade Organisation (WTO)

<i>United States – Import Prohibition of Certain Shrimp and Shrimp Products</i> , WT/DS58/AB/R, Report, (6 November 1998)	129 f.	
<i>United States – Import Prohibition of Certain Shrimp and Shrimp Products (US – Shrimp)</i> , WT/DS58/23 (26 January 2001)		
<i>EC – Measures Affecting Asbestos and Asbestos-Containing Products (EC – Asbestos)</i> , WT/DS135/AB/R (5 April 2001)	119, 172	
<i>United States – Import Prohibition of Certain Shrimp and Shrimp Products (US – Shrimp)</i> , WT/DS58/23 (26 January 2001)		
<i>US – Measures Affecting the Production and Sale of Clove Cigarettes (Clove Cigarettes)</i> , WT/DS406/AB/R, Appellate Body Report (24 April 2012)	156-175	
<i>Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef</i> , WT/DS161/AB/R, WT/DS169/AB/R, AB-2000-8 Report (11 December 2000)	162	
<i>EC – Measures Affecting Asbestos and Asbestos-Containing Products, AB-2000-11</i> , Report of the Appellate Body (12 March 2001)		
<i>United States – Standards for Reformulated and Conventional Gasoline</i> , WT/DS2/R, Report of the Appellate Body (20 May 1996).		
<i>Australia – Certain Measures Concerning Trademarks, Geographical Indications And Other Plain Packaging Requirements Applicable To Tobacco Products And Packaging</i> , WT/DS435/R, WT/DS441/R WT/DS458/R, WT/DS467/R, Reports Of The Panels (28 May 2018)	7.2588	3
<i>United States – Restrictions on Imports of Tuna</i> , DS21/R – 39S/155, Report of the Panel (3 September 1991)		

## Table of Cases

	marginal no.	Goal
<i>EU and Certain Member States – Certain Measures on the Importation and Marketing of Biodiesel and Measures supporting the Biodiesel Industry Request for Consultations by Argentina</i> , WT/DS459/1, 23 May 2013		7
<i>Canada – Certain Measures Affecting the Renewable Energy Generation Sector</i> , WT/DS412 (6 June 2014)		7
<i>United States – Certain Measures Relating to the Renewable Energy Sector</i> , WT/DS510 (27 June 2019)		7
DS563, <i>United States – Certain Measures Related to Renewable Energy</i> , Request for Consultation of 14 August 2018		7
<i>Japan – Measures Affecting Agricultural Products</i> , Report of the Panel, WT/DS76/R, 27 October 1998 and Report of the Appellate Body, WT/DS76/AB/R, dated 22 February 1999		2
<i>Japan – Measures Affecting Agricultural Products</i> , Report of the Appellate Body, WT/DS76/AB/R, dated 22 February 1999	93	2
<i>EC – Hormones dispute</i> , WT/DS26/R/USA and WT/DS48/R/CAN, 18 August 1997, WT/DS26/AB/R, WT/DS48/AB/R (16 January 1998)		2
<i>EC – Trade Description of Sardines</i> , WT/DS231/AB (26 September 2002)		2
<i>Japan – Measures Affecting Agricultural Products II</i> , Appellate Body Report, WT/DS76/AB/R (19 March 1999)	105	2
<i>European Communities – Conditions for the Granting of Tariff Preferences to Developing Countries (EC – India)</i> , WT/DS246 (20 April 2004)		10
<i>European Communities – Generalized System of Preferences (EC – Thailand)</i> , WT/DS242/4, Panel requested 7 January 2002 (in consultations)		10
<i>Canada – Certain Measures Affecting the Renewable Energy Generation Sector</i> , WT/DS426/AB/R, Appellate Body Report, adopted 24 May 2013	5.181	13
<i>United States – Import Prohibition of Certain Shrimp and Shrimp Products (Shrimp-Turtle)</i> , WTO case Nos. 58 (and 61), Ruling adopted on 6 November 1998	124, 185 ff.	13
<i>Canada – Measures Relating to the Feed-in Tariff Program (Canada-FIT)</i> , WT/DS412/AB/R		13
<i>United States – Standards for Reformulated and Conventional Gasoline</i> , WTO case Nos. 2 and 4. Ruling adopted on 20 May 1996		13
<i>United States – Taxes on Automobiles</i> , ruling not adopted, circulated on 11 October 1994		13
WT/DS58/AB/R, <i>United States – Import Prohibition of Certain Shrimp and Shrimp Products (US – Shrimp I)</i> , AB Report (15 June 2001)	132	14
<i>Saudi Arabia – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights</i> , WT/DS528, Request for Consultations of 4 August 2017		16
<i>Bahrain – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights</i> , Request for Consultations of 4 August 2017		16
<i>Ukraine – Measures Relating To Trade In Goods And Services</i> , WT/DS525/1, Request For Consultations by the Russian Federation, 1/6/2017	1 f., 6, 9	16
<i>European Communities – Measures Concerning Meat and Meat Products (Hormones)</i> , WT/DS26/AB/R, WT/DS48/AB/R (16 January 1998).	124 f.	15
<i>Japan – Measures Affecting Agricultural Products</i> , WT/DS76/AB/R (19 March 1999)	277	15
<i>Japan – Measures Affecting the Importation of Apples</i> , WT/DS245/AB/R, DSR 2003:IX, 4391, (10 December 2003), DSR 2003:IX, 4391		15
<i>China – Rare Earths</i> , WT/DS431/AB/R, WT/DS432/AB/R, WT/DS433/AB/, Panel Reports (7 August 2014)	7.277	15

## Table of Cases

	marginal no.	Goal
<i>China – Measures Related to the Exportation of Various Raw Materials</i> , WT/DS394/AB/R WT/DS395/AB/R WT/DS398/AB/R (30 January 2012)	356	15
<i>China – Raw Materials</i> , WT/DS394/AB/R, WT/DS395/AB/R, WT/DS398/AB/R (30 January 2012)		15
<i>Singapore WTO Ministerial 1996: Ministerial Declaration</i> , WT/MIN(96)/DEC (18 December 1996)	4	8
<i>United States – Standards for Reformulated and Conventional Gasoline</i> , WT/DS2/AB/R, AB-1996-1 (29 April 1996)	17	8
<i>China – Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum</i> , WT/DS431/AB/R, WT/DS432/AB/R, WT/DS433/AB/R Reports of the Appellate Body (7 August 2014)	5.6 (Panel Reports, para. 7.11)	9

## Domestic / National Courts

### Conseil D’Etat (Highest Administrative Court in France)

<i>Commune de Grande-Synthe v. France</i> , Case N° 427301 (pending, declared admissible)	13
---	----

### Constitutional Court of Colombia (CCC)

<i>Center for Social Justice Studies et al. v. Presidency of the Republic et al.</i> (acción de tutela), Judgment T-622/16, unofficial English translation, 11 February 2015	5.3 [76], 7.36. [228]	13
<i>Proceedings T-2043683 and accumulated (T-291/09)</i> , Judgment, 23 April 2009		1

### Constitutional Court of Peru

<i>RJSA, widow of R (on behalf of GRS in the capacity of official guardian) v Peruvian Superior Court</i> , Appeal to the Constitutional Court, No 3081-2007-PS/TC, ILDC 969 (PE 2007), 9 November 2007	23
---	----

### Court of Appeal of Porto (Tribunal da Relação do Porto)

2ª Secção criminal, Proc. n.º 3897/16.9JAPRT, P1, 27 June 2018	16
--	----

### Court of Appeal of the Republic of Botswana

<i>Mosetlhanyane and others v. Attorney General of Botswana (Access to Water on Ancestral Lands)</i> , Civil Appeal No. CACLB-074-10, Judgment, 27 January 2011	15, 45, 73	6
---	------------	---

### District court in Herning (Retten i Herning, Denmark)

<i>Dom i nævningsag om blandt andet voldtægt (Verdict in jury trial on rape and other charges)</i> , SS 99-2571/2018, press release, 14 September 2018	16
--	----

### District Court of Mexico (First Circuit Collegiate Tribunal)

<i>Greenpeace Mexico v. Ministry of Energy and Others</i> (on the National Electric System policies), Indirect amparo proceedings (Juicio de amparo indirecto) 104/2020, 17 November 2020	169 f.	7
---	--------	---

## Table of Cases

### Dutch Supreme Court (Hoge Raad der Nederlande)

	marginal no.	Goal
<i>The State of the Netherlands v Stichting Urgenda</i> , Judgment, 20 December 2019, ECLI:NL:HR:2019:2007 and ECLI:NL:HR:2019:2006	31 (c), (d), 4.7, 5.3.1, 5.3.2, 5.6.2., 5.7.1-5.8, 7.4.3	9, 13

### Federal Constitutional Court (Germany – FCC)

1 BvL 7/16, Judgment of the First Senate of 05 November 2019, ECLI:DE:BVerfG:2019:ls20191105.1bvl000716		1
1 BvL 7/16, Judgment of the First Senate of 05 November 2019, ECLI:DE:BVerfG:2019:ls20191105.1bvl000716, key statement 1	205-9	1
1 BvR 2656/18, Order of the First Senate, 24 March 2021, ECLI:DE:BVerfG:2021:rs20210324.1bvr265618	178 f.	9, 13, 14, 15
1 BvL 10/10, Judgment of the First Senate of 18 July 2012, ECLI:DE:BVerfG:2012:ls20120718.1bvl001010	48 f., 64-6, 68	2, 10

### Federal Court of Australia

<i>McVeigh v. Retail Employees Superannuation Trust</i> , NSD 1333 of 2018, Judgment, 17 January 2019		13
---	--	----

### Federal District Court of Curitiba

<i>Institute of Amazonian Studies v. Brazil</i> , Appeal no. 5033746-81.2021.4.04.0000/PR, 19 August 2021		13
---	--	----

### Federal Supreme Court of Brazil

<i>PSB et al. v. Brazil (on deforestation and human rights)</i> , Application 11 November 2020 (pending)		13
--	--	----

### High Court of Delhi

<i>Laxmi Mandal v Deen Dayal Harinagar Hospital &amp; Ors</i> , WP(C) Nos 8853 of 2008, 4 June 2010		3
<i>Premlata w/o Ram Sagar &amp; Ors. v. Govt. of NCT Delhi</i> , W.P.C. 7687 of 2010	10	2

### High Court of Hong Kong

<i>Equal Opportunities Commission v. Director of Education</i> , No. 1555 of 2000, 22 January 2001		4, 10, 16
--	--	-----------

### High Court of Ireland

<i>Friends of the Irish Environment v Ireland</i> , 2017 No. 793 JR, Judgment, 19 September 2019		9
--	--	---

### High Court of South Gauteng

<i>Mazibuko and others v City of Johannesburg</i> , Case No 06/13865, Judgment, 30 April 2008	36, 46 f., 126, 181	6
---	---------------------	---

## Table of Cases

	marginal no.	Goal
<b>High Court of Uganda at Kampala</b>		
<i>Initiative for Social and Economic Rights v. Attorney General</i> , Civil Suit No. 353 of 2016, Ruling, 17 July 2019		4
<b>High Court of Uttarakhand at Naintal</b>		
<i>Lalit Miglani v State of Uttarakhand &amp; others</i> , Writ Petition (PIL) No. 140 of 2015, Judgment, 30 March 2017		13
<b>Higher Regional Court Hamm (Germany)</b>		
<i>Saúl Anannías Luciano Lliuya v RWE AG</i> , Order, 1 February 2018		13
<b>Lahore High Court (Punjab, Pakistan)</b>		
<i>Maria Khan et al. v. Federation of Pakistan et al.</i> , Writ Petition No.8960 of 2019, 15 February 2019		13
<b>National Green Tribunal Principal Bench (New Delhi, India)</b>		
<i>Ridhima Pandey Applicant(s) v Union of India &amp; Ors. Respo (Pandey v. India)</i> , Original App. No.187/2017, Order, 15 January 2019	vii. (b), 3, 7	14
<b>New South Wales Land and Environment Court</b>		
<i>Bushfire Survivors for Climate Action Incorporated v. Environmental Protection Authority</i> , NSWLEC, 26 August 2021		13
<b>New Zealand High Court</b>		
<i>Smith v Fonterra Co-operative Group Ltd Hook</i> , [2020] NZHC 419		13
<b>District Court (Landgericht) Essen (Germany)</b>		
<i>Lliuya v RWE AG</i> , Case No. 2 O 285/15, Judgment of 15 December 2016		9
<b>Supreme Court of Bangladesh</b>		
<i>Dr Mohiuddin Farooque v Bangladesh and Others</i> (1998) 50 DLR	84	2
<b>Supreme Court of Canada</b>		
<i>114957 Canada Ltée (Spraytech Société d'arrosage) v Hudson (Town)</i> , Judgment (28 June 2001), 2001 2 SCR 241	31 f., 55	6
<b>Supreme Court of Guyana</b>		
<i>Thomas v. EPA</i> , Application, 4 September 2020		13

## Table of Cases

	marginal no.	Goal
<b>Supreme Court of India (SCC)</b>		
<i>Subhash Kumar v State of Bihar</i> , 1991		6
<i>Vellore Citizens' Welfare Forum and State of Tamil Nadu (joining) v Union of India and ors</i> , Original public interest writ petition, 1996 5 SCC/SCR 647/241	12 f.	6
<i>A.P. Pollution Control Board II v. Prof. M.V. Nayudu</i> (2000), <i>M.C. Mehta v Kamalnath</i> , (1997)		6
<i>Narmada Bachao Andolan v Union of India</i> , Supreme Court of India (2000); <i>State of Karnataka v State of Andhra Pradesh</i> , (2000)		6
<i>Justice K.S. Puttaswamy and Another v. Union of India and Others</i> , Writ Petition (Civil) No. 494 of 2012, Judgment of 26.09.2018		1
<i>People's Union for Civil Liberties v. Union of India &amp; Ors</i> , Civil Original Jurisdiction, Writ Petition (Civil) No. 196 of 2001		2
<i>Francis Coralie Mullin v Administrator</i> , Union Territory of Delhi (1981) 2 SCR 516		2
<i>Francis Coralie v Union of Territory of Delhi</i> (1981) 1 SCC	608	2
<i>Court in Chameli Singh v. State of U. P.</i> , 1996 (2) SCC 549		2
<i>Nisha Priya Bhatia v. Union of India</i> , 2020 SCC OnLine SC 394	112 (iv)	5
<i>Danamma Suman Surpur &amp; Another v Amar &amp; Others</i> , Civil Appeal Nos. 188-189 of 2018		5
<i>Bandhua Mukti Morcha v. Union of India &amp; Ors.</i> (1997) 10 SCC 549		16
<i>M.C. Mehta v. Union of India</i> , W.P.(C) No.4677 of 1985 (2013) 16 SCC 336, 18 March 2004, and Order dated 5 April 2002		15
<i>Vellore Citizens Welfare Forum v Union of India</i> (1996), WP 914/1991, 26 April 1996 (Tanneries Case: Tamil Nadu)		15
<b>Supreme Court of Ireland</b>		
<i>Friends of the Irish Environment v Ireland</i> , Judgment, 19 September 2019		13
<b>Supreme Court of Judicature of Jamaica</b>		
<i>Algix Jamaica v J. Wray and Nephew Ltd</i> , JMCC COMM.2, 25 January 2016		16
<b>Supreme Court of the Philippines</b>		
<i>Minors Oposa vs. Secretary of the Department of Environment and Natural Resources</i> , 33 ILM 173 (1994), Judgment, 30 July 1993	173	3, 13, 15
<b>Supreme Court of the United States</b>		
<i>BP p.l.c. v. Mayor &amp; City Council of Baltimore</i> , No. 19-1189 (U.S.)		7
<i>Sierra Club v. Morton</i> , SEC. INT. No. 70-34, 405 U.S. 727, Judgment, 19 April 1972		13
<b>The Hague District Court</b>		
<i>Vereniging Milieudefensie v Royal Dutch Shell Plc</i> , C/09/571932 / HA ZA 19-379 (engelse versie), ECLI:NL:RBDHA:2021:5339		12, 13, 14, 15
<i>SyRI case</i> , ECLI:NL:RBDHA:2020:1878	6.23 f.	1

Table of Cases

	marginal no.	Goal
<b>The High Court of Kenya at Nairobi</b>		
<i>Peter K. Waweru v. Republic</i> , Misc. Civ. Appli. 118 of 2004 Judgment, 2 March 2006	4	6
<b>Tribunal Administratif De Paris</b>		
<i>Association Oxfam France Association Notre Affaire À Tous Fondation Pour La Nature Et L'homme Association Greenpeace France</i> , N°1904967, 1904968, 1904972, 1904976/4-1,		13
<b>United States Court of Appeals for the Ninth Circuit (Washington)</b>		
<i>Juliana v. United States</i> , Case No. 18-36082, Opinion, 17 January 2020		13
<i>Pakootas v. Teck Cominco Metals, Ltd. (Pakoota litigation)</i> , No. 16-35742 (9th Cir. 2018)		6
<b>United States District Court For The District Of Columbia</b>		
<i>Eiser Infrastructure Limited And Energia Solar Luxembourg S.A R.L. V. The Kingdom Of Spain</i> , Respondent. Civil Action No. 1:18-Cv-1686		7
<b>United States District Court For The Southern District Of New York</b>		
<i>Natural Resources Defense Council v. Brouillette</i> , Case No. 20-cv-9127 (S.D.N.Y., filed Oct. 30, 2020)		7
<i>York v. Brouillette</i> , No. 20-cv-9362 (S.D.N.Y., filed Nov. 9, 2020)		7
<b>US District Court, Central District Of California</b>		
<i>Cindy Baker v Nestle S.A. et al.</i> , Order Granting Defendant's Motion to Dismiss (Doc. No. 15), 3 January 2019		6

## Introduction

**Select Bibliography:** Matthew D. Adler and Marc Fleurbaey (eds), *The Oxford Handbook of Well-Being and Public Policy* (Oxford University Press, Oxford 2016); Helen Ahrens et al. (eds), *Equal Access to Justice for All and Goal 16 of the Sustainable Development Agenda: Challenges for Latin America and Europe* (LIT Verlag, Zurich 2019); Shawkat Alam and Sumudu Ataputtu and Carmen G. Gonzalez and Jona Razzaque (eds) *International Environmental Law and the Global South* (Cambridge University Press, New York 2015); Shawkat Alam and Jahid Hossain Bhuiyan and Jona Razzaque (eds), *International Natural Resources Law, Investment and Sustainability* (Routledge, UK/USA 2019); Bård-Anders Andreassen and Hans-Otto Sano and Siobhán McInerney-Lankford (eds), *Research Methods in Human Rights: A Handbook* (Edward Elgar Publishing, UK/USA 2017); Jean D'Aspremont, 'Wording in International Law' 25(3) *Leiden Journal of International Law*, 575-602; Sumudu A. Ataputtu and Carmen G. Gonzalez and Sara L. Seck (eds), *The Cambridge Handbook of Environmental Justice and Sustainable Development* (Cambridge University Press, UK/USA/Australia/India/Singapore 2021); Helmut P. Aust and Janne E. Nijman (eds), *Research Handbook on International Law and Cities* (Edward Elgar Publishing, UK/USA 2021); Susan Averett and Laura M. [VNV] Argys and Saul D. Hoffman (eds), *The Oxford Handbook of Women and the Economy* (Oxford University Press, Oxford 2018); Virginie Barral, 'Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm' (2012) 23(2) *European Journal of International Law*, 377-400; Daniel Bodansky and Jutta Brunnée and Lavanya Rajamani, *International Climate Change Law* (Oxford University Press, New York 2017); Michael Bowman and Peter G. G. Davies and Edward J. Goodwin (eds), *Research Handbook on Biodiversity and Law* (Edward Elgar Publishing, UK/USA 2016); Alan Boyle and David Freestone (eds), *International Law and Sustainable Development: Past Achievements and Future Challenges* (Oxford University Press, Oxford 1999); Thom Brooks (ed), *The Oxford Handbook of Global Justice* (Oxford University Press, Oxford 2020); Roger Brownsword and Eloise Scotford and Karen Yeung (eds), *The Oxford Handbook of Law, Regulation and Technology* (Oxford University Press, Oxford 2017); Gian Luca Burci and Brigit C. A. Toebes (eds), *Research Handbook on Global Health Law* (Edward Elgar Publishing, UK/USA 2018); Elisabeth Bürgi Bonanomi, *Sustainable Development in International Law Making and Trade* (Edward Elgar Publishing, UK/USA 2015), 9-52; Sabino Cassese (ed), *Research Handbook on Global Administrative Law* (Edward Elgar Publishing, UK/USA 2016); Cinnamon P. Carlarne and Kevin R. Gray and Richard Tarasofsky (eds), *The Oxford Handbook of International Climate Change Law* (Oxford University Press, Oxford 2016); Jason Chuah (ed), *Research Handbook on Maritime Law and Regulation* (Edward Elgar Publishing, UK/USA 2019); Caroline S. Clauss-Ehlers and Aradhana Bela Sood and Mark D. Weist (eds), *Social Justice for Children and Young People: International Perspectives* (Cambridge University Press, UK/USA/Australia/India/Singapore 2020); Marie-Claire Cordonier Segger and Christopher Gregory Weeramantry (eds), *Sustainable Development Principles in the Decisions of International Courts and Tribunals, 1992-2012* (Routledge, UK/USA 2017); Yossi Dahan and Hanna Lerner and Faina Milman-Sivan (eds), *Global Justice and International Labour Rights* (Cambridge University Press, UK/USA/Australia/India/Singapore 2016); Petra Dannecker, 'The Sustainable Development Goals: A New Space for Action?' in Cenani Al-Ekabi and Stefano Ferretti (eds), *Yearbook on Space Policy 2016* (Springer, Cham 2018), 175; Susan David and Ilona Boniwell and Amanda Conley Ayers (eds), *The Oxford Handbook of Happiness* (Oxford University Press, Oxford 2013); Sara E. Davies and Jacqui True (eds), *The Oxford Handbook of Women, Peace, and Security* (Oxford University Press, Oxford 2019); John C. Dernbach and Federico Cheever, 'Sustainable Development and Its Discontents' (2015) 4(2) *Transnational Environmental Law*, 247-287; Surya Deva and David Birchall (eds), *Research Handbook on Human Rights and Business* (Edward Elgar Publishing, UK/USA 2020); David Dodds and Felix Donoghue and Jimena Leiva Roesch, *Negotiating the Sustainable Development Goals: A Transformational Agenda for an Insecure World* (Routledge, UK/USA 2017); Mark A. Drumbl and Jastine C. Barrett (eds), *Research Handbook on Child Soldiers* (Edward Elgar Publishing, UK/USA 2019); Pierre-Marie Dupuy and Jorge E. Viñuales (eds), *International Environmental Law* (2<sup>nd</sup> ed., Cambridge University Press, Cambridge 2018); James G. Dwyer (ed), *The Oxford Handbook of Children and the Law* (Oxford University Press, Oxford 2020); Mark Elder and Magnus Bengtsson and Lewis Akenji, 'An Optimistic Analysis of the Means of Implementation for Sustainable Development Goals: Thinking about Goals as Means' (2016) 8 *Sustainability*, 962; Sally Engle Merry and Kevin E. Davis and Benedict Kingsbury (eds), *The Quiet Power of Indicators, Measuring Governance, Corruption, and the Rule of Law* (Cambridge University Press, New York 2015); Koen De Feyter and Gamze Erdem Türkelli and Stéphanie de Moerloose (eds), *Encyclopedia of Law and Development* (Edward Elgar Publishing, UK/USA 2021); Duncan French, *Global Justice and Sustainable Development* (Martinus Nijhoff Publishers, Leiden 2010); Duncan French and Louis J. Kotzé (eds), *Research Handbook on Law, Governance and Planetary Boundaries* (Edward Elgar Publishing, UK/USA 2021); Duncan French and Louis J. Kotzé (eds), *Sustainable Development Goals – Law, Theory and Implementation* (Edward Elgar Publishing, UK/USA 2018); Markus Gehring and Marie-Claire Cordonier Segger, *Sustainable Development in World Trade Law* (Kluwer Law International, The Hague 2005); Alexander Gillespie, *Long Road to Sustainability: The Past, Present, and Future of International Environmental Law and Policy* (Oxford

## Introduction

University Press, Oxford 2018); Lawrence O. Gostin and Benjamin Mason Meier (eds), *Foundations of Global Health & Human Rights* (Oxford University Press, New York 2020); Winfried Huck, 'Horizontale und vertikale Wirkungen der Nachhaltigkeitsziele der Vereinten Nationen im System des Rechts' in Achim Michalke and Martin Rambke and Stefan Zeranski (eds), *Vernetztes Risiko- und Nachhaltigkeitsmanagement, Erfolgreiche Navigation durch die Komplexität und Dynamik des Risikos* (Springer-Gabler, Wiesbaden 2018), 67; Winfried Huck, 'The UN Sustainable Development Goals and Global Public Goods, The Quest for Legitimacy' in Massimo Iovane and Fulvio M. Palombino and Daniele Amoroso and Giovanni Zarra (eds), *The Protection of General Interests in Contemporary International Law: A Theoretical and Empirical Inquiry* (Oxford University Press, Oxford 2021); Winfried Huck et al., 'The Right to Breathe Clean Air and Access to Justice – Legal State of Play in International, European and National Law' (2021) 13(10) *International Environmental Law (eJournal)*; Winfried Huck and Jennifer Maaß, 'Gaining a foot in the door: Giving Access to Justice with SDG 16.3?' (2021) 2021-5 *C-EENRG Working Paper*; Svatava Janoušková and Tomas Hák and Bedřich Moldan, 'Global SDGs Assessments: Helping or Confusing Indicators?' (2018) 10(5) *Sustainability*, 1-14; Philip N. Jefferson (ed), *The Oxford Handbook of the Economics of Poverty* (Oxford University Press, Oxford 2012); Markus Kaltenborn and Markus Krajewski and Heike Kuhn (eds), *Sustainable Development Goals and Human Rights* (SpringerOpen, Cham 2020); Markus Kaltenborn and Markus Krajewski and Heike Kuhn (eds), *Sustainable Development Goals and Human Rights* (SpringerOpen, Cham 2020); Judith E. Koons, 'What Is Earth Jurisprudence? Key Principles to Transform Law for the Health of the Planet' (2009) 18 *PENN ST. ENVTL. L. REV.* 47-69; Carol Lancaster and Nicolas Van de Walle (eds), *The Oxford Handbook of the Politics of Development* (Oxford University Press, Oxford 2018); Walter Leal Filho et al. (eds.), *Peace, Justice and Strong Institutions* (Springer, Cham 2021); Emma Lees and Jorge E. Viñuales, *The Oxford Handbook of Comparative Environmental Law* (Oxford University Press, Oxford 2019); Jennifer A. Leitch, 'Having a say: 'access to justice' as democratic participation' (2015) 4 *UCL Journal of Law and Jurisprudence*, 76-108; Carlos R. Fernández Liesa and Castor M. Díaz Barrado and Paloma Durán y Lalaguna (eds), *International Society and Sustainable Development Goals* (Aranzadi by Thomson Reuters, Spain 2016); Vito De Lucia, 'Towards an Ecological Philosophy of Law: A Comparative Discussion' (2013) 4(2) *Journal of Human Rights and the Environment*, 167-190; Mukul Majumdar et al. (eds), *Fundamental Economics – Encyclopedia of Life Support Systems – Vol. II* (UNESCO-EOLSS Publishers, Abu Dhabi 2010); James R. May and Erin Daly, 'The Role of Human Dignity in Achieving the UN Sustainable Development Goals' in Tuula Honkonen and Seita Romppanen (eds), *International Environmental Law-making and Diplomacy Review 2019* (University of Eastern Finland, Joensuu 2020), 15; Ralph Michaels, Verónica Ruiz Abou-Nigm and Hans van Loon (eds), *The Private Side of Transforming our World – UN Sustainable Development Goals 2030 and the Role of Private International Law* (Intersentia, Cambridge/Antwerp/Chicago 2021); Kate Miles (ed), *Research Handbook on Environment and Investment Law* (Edward Elgar Publishing, UK/USA 2019); Massimiliano Montini, 'Designing law for sustainability' in Volker Mauerhofer and Daniela Rupo and Lara Tarquinio (eds), *Sustainability and Law* (Springer, Cham 2020), 33-48; A.C. Onuora-Oguno, W.O. Egbewole and T.E. Kleven (eds), *Education Law, Strategic Policy and Sustainable Development in Africa – Agenda 2063* (Palgrave Macmillan/Springer Nature, Cham 2018); Anne Orford and Florian Hoffmann and Martin Clark (eds), *The Oxford Handbook of the Theory of International Law* (Oxford University Press, Oxford 2016); Ursula Oswald Spring et al. (eds), *Peace Studies, Public Policy And Global Security – Encyclopedia of Life Support Systems – Vol. VI* (UNESCO-EOLSS Publishers, Abu Dhabi 2010); Ann Petermans and Rebecca Cain (eds), *Design for Wellbeing – An Applied Approach* (Routledge, UK/USA 2019); Christopher Fleming and Matthew Manning (eds), *Routledge Handbook of Indigenous Wellbeing* (Routledge, UK/USA 2019); Ernst Ulrich Petersmann, *Multilevel Constitutionalism for Multilevel Governance of Public Goods* (Hart Publishing, UK/USA 2017); Benoit Frydman, 'From accuracy to accountability: Subjecting global indicators to the rule of law' (2017) 13(4) *International Journal of Law in Context*, 450-64; Andreas Philippopoulos-Mihalopoulos and Victoria Brooks (eds), *Research Methods in Environmental Law: A Handbook* (Edward Elgar Publishing, UK/USA 2017); Donald Rothwell and Alex G. Oude Elferink and Karen Nadine Scott (eds), *The Oxford Handbook of the Law of the Sea* (Oxford University Press, Oxford 2015); Phillipe Sands, 'International Law in the Field of Sustainable Development' (1994) 65(1) *British Yearbook of International Law*, 303-8; U. Sarangi, 'International Trade and Sustainable Development Goals (SDGs) of Economics: A Way Forward' (2017) 8 *J. Int. Econ.*, 77-101; Nico J. Schrijver and Friedl Weiss and Bruno Simma and Kamal Hossain, *International Law and Sustainable Development, Principles and Practice* (Martinus Nijhoff Publishers, Leiden 2004); Nico J. Schrijver, *The Evolution of Sustainable Development in International Law: Inception, Meaning and Status* (Martinus Nijhoff Publishers, Leiden 2008); Noha Shawki (ed), *International Norms, Normative Change, and the UN Sustainable Development Goals* (Lexington Books, London 2016); Satvinder Singh Juss (ed), *Research Handbook on International Refugee Law* (Edward Elgar Publishing, UK/USA 2019); Mike Slade and Lindsay Oades and Aaron Jarden (eds), *Wellbeing, Recovery and Mental Health* (Cambridge University Press, UK/USA/Australia/India/Singapore 2017); William Talbott, *Human Rights and Human Well-Being* (Oxford University Press, New York 2010); Erika Techera and Jade Lindley and Karen N. Scott (eds), *Routledge Handbook of International Environ-*

*mental Law* (Routledge, UK/USA 2020); Peter Meijes Tiersma and Lawrence Solan (eds), *The Oxford Handbook of Language and Law* (Oxford University Press, Oxford 2012); Luke Tomlinson, *Procedural Justice in the United Nations Framework Convention on Climate Change – Negotiating Fairness* (Springer International Publishing, Cham/Heidelberg/New York/Dordrecht/London 2015); Wouter Vandenhole and Ellen Desmet and Didier Reynaert (eds), *Routledge International Handbook of Children's Rights Studies* (Routledge, UK/USA 2015); Jorge E. Viñuales (ed), *The Rio Declaration on Environment and Development, A Commentary* (Oxford University Press, Oxford 2015); Emily Webster and Laura Mai (eds), *Transnational Environmental Law in the Anthropocene: Reflections on the Role of Law in Times of Planetary Change* (Routledge, UK/USA 2021); Inga Winkler and Carmel Williams (eds), *The Sustainable Development Goals and Human Rights: A Critical Early Review* (Routledge, UK/USA 2018); Rüdiger Wolfrum, *The Max Planck Encyclopedia of Public International Law – Volume I* (Oxford University Press, Oxford 2013).

I. Introduction .....	1
II. Outline .....	18
III. Evolutionary Aspects of Sustainable Development .....	28
1. Overview .....	28
2. The Contemporary Understanding of the SDGs .....	35
IV. Preparation for a New Approach: The Main Character of the New Approach .....	47
V. Normative Dimensions of the SDGs .....	51
VI. Dignity and the Sustainable Development Goals .....	53
VII. Theoretical Approach .....	64
VIII. Methodology .....	72
1. Operationalising the SDGs in a Theoretical Way .....	84
2. Operationalising the SDGs in a Practical Sense .....	93
3. Systematic Word Count .....	103
IX. The Internal and External Systematic Approach .....	114
X. The Internal Principles of the SDGs .....	121
1. The '5 P'-Principle .....	122
a) <i>Ratio and Correlation to Sustainability</i> .....	128
b) <i>New Approach of Extended Sustainable Development</i> .....	129
c) <i>Relationship and Interpretational Guide of the 5 Ps</i> .....	130
d) <i>SDGs 'wrapped' by Layers of Principles rooted in International Law</i> ...	131
i. <i>People (P1)</i> .....	132
ii. <i>Planet (P2)</i> .....	140
iii. <i>Prosperity (P3)</i> .....	158
iv. <i>Peace (P4)</i> .....	160
v. <i>Partnership (P5)</i> .....	164
vi. <i>Conclusion to the 5 Ps</i> .....	167
2. Multilateralism and the Inherent Care for Cooperation .....	169
3. Equity Principle .....	176
4. Principle of Access to Justice .....	184
5. Principle of Integrated Nature of the Sustainable Development Goals ...	192
6. Principle of the Three Dimensions of Sustainable Development .....	194
7. Principle of Sustainable, Inclusive and Sustained Economic Growth ...	198
8. The Matrix of Outcome Orientation .....	203
9. A Revitalized Global Partnership .....	204
10. Means of Implementation and the Revitalized Global Partnership .....	208
11. Principle of Well-Being .....	216
12. Principle of International Trade .....	219
13. Strong Economic Foundations – Essence of Sustained, Inclusive and Sustainable Economic Growth Prosperity .....	225
14. Conclusion .....	233
XI. External Principles .....	234
1. Charter of the United Nations .....	236
2. Universal Declaration of Human Rights .....	237
3. International Human Rights Treaties .....	240
4. Committee on World Food Security, 1974 .....	243
5. Declaration on the Right to Development, 1986 .....	246
6. United Nations Framework Convention on Climate Change, 1992 .....	247
7. Rio Declaration on Environment and Development, 'Earth Summit', 1992 .....	254

## Introduction

8. Conference of the Parties to the Convention on Biological Diversity, 1993 .....	255
9. Programme of Action of the International Conference on Population and Development, 1994 .....	257
10. World Summit for Social Development, 1995 .....	260
11. Beijing Platform for Action, 1995 .....	262
12. Millennium Declaration, 2000 .....	265
13. World Summit on Sustainable Development (WSSD), Johannesburg Summit, 2002 .....	267
14. New Partnership for Africa's Development (NEPAD), 2002 .....	269
15. World Summit Outcome, 2005 .....	272
16. Istanbul Declaration and Programme of Action, 2011 .....	273
17. Fourth United Nations Conference on the Least Developed Countries, 2011 .....	274
18. United Nations Conference on Sustainable Development, 2012 .....	276
19. 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns, 2012 .....	277
20. African Union's Agenda 2063 and the Agenda 2063 – The Africa We Want, 2013 .....	280
21. Rome Declaration on Nutrition and the Framework for Action, 2014 ...	282
22. Second United Nations Conference on Landlocked Developing Countries, 2014 .....	284
23. Third International Conference on Small Island Developing States (SIDS), 2014 .....	286
24. Third United Nations World Conference on Disaster Risk Reduction, 2015 .....	287
25. Addis Ababa Action Agenda, 2015 .....	288
26. Technology Facilitation Mechanism (TFM), 2015 .....	294
27. United Nations Conference on Housing and Sustainable Urban Development, 2016 .....	296
28. Instruments mentioned in the Section entitled 'Sustainable Development Goals and targets' .....	299
29. Conclusion .....	303
XII. Systematic Follow-up and Review of the Global Agenda 2030 .....	305
1. High-Level Political Forum on Sustainable Development .....	310
2. Voluntary National Reviews .....	315
3. Measurement by Indicators .....	319
4. The Importance of Indicators .....	322
5. Legal Implication of the Use of Indicators .....	325
6. Conclusion .....	327

## I. Introduction

- 1 The 17 Sustainable Development Goals (SDGs) and their related 169 targets were adopted at the United Nation's (UN) 70<sup>th</sup> birthday by a resolution of the UN General Assembly (GA) on 25 September 2015 titled 'Transforming our world: the 2030 Agenda for Sustainable Development' (Global Agenda 2030).<sup>1</sup> The SDGs came into effect on 1 January 2016 and they are supposed to stimulate action for 15 years until 2030.<sup>2</sup>
- 2 The Global Agenda 2030 consists of six interrelated sections:
  1. Preamble
  2. Declaration,
  3. 17 SDGs,
  4. Further guidance on the means of implementation and the Global Partnership

<sup>1</sup> A/RES/70/1, *Resolution adopted by the General Assembly on 25 September 2015, Transforming our world: the 2030 Agenda for Sustainable Development*.

<sup>2</sup> A/RES/70/1, para. 21.

5. Further guidance on follow-up and review
6. Instruments mentioned in the section entitled ‘Sustainable Development Goals and targets’<sup>3</sup>

A ‘solid foundation’ of the Global Agenda 2030 and the SDGs are, in particular, ‘all major United Nations conferences’ as well as the twice-cited Rio Declaration on Environment and Development (1992), each of which also serves to interpret the Global Agenda 2030.<sup>4</sup>

One of the most comprehensive websites providing detailed information to the Global Agenda 2030 is:

- <https://sdgs.un.org/goals>

Other contributory websites are:

- <https://sdg-pathfinder.org/>
- <https://sdg-tracker.org/>
- <https://sdgcompass.org/>
- <https://www.unsdsn.org/>
- <https://www.un.org/sustainabledevelopment/progress-report/>

ILA Guidelines for legal interpretation:

- 2002 New Delhi Declaration of Principles of International Law Relating to Sustainable Development
- 2012 Sofia Guiding Statements on the Judicial Elaboration of the 2002 New Delhi Declaration of Principles of International Law Relating to Sustainable Development
- 2014 ILA Declaration of Legal Principles Relating to Climate Change, Committee on Legal Principles Relating to Climate Change (Resolution 2/2014)
- 2020 ILA Guidelines on the Role of International Law in Sustainable Natural Resources Management for Development

Attempts have been made since the 1980s to bridge the divide between developed and less developed countries by way of promoting sustainable development in international law.<sup>5</sup> The term ‘sustainable development’, being the *raison d’être* of the Global Agenda 2030, is the most frequently stated word in the whole agenda.

The SDGs are not international law in a classical sense, but their basic elements, their building blocks belong to international law and are reflected and utilised in interregional law (such as in the EU, the Americas or in ASEAN) as well as in national public and private law.<sup>6</sup>

The SDGs were adopted with a non-binding resolution and can be classified as a typical expression of soft law. However, it can be observed that they invade the matrix of different vertical and horizontal legal orders and become entrenched, e.g. in free trade agreements (FTA), investment and other agreements within and outside the EU, and are discussed in a variety of different legal fields, including private law.

<sup>3</sup> Dupuy and Viñuales, *International Environmental Law* (2<sup>nd</sup> edn, 2018), 21.

<sup>4</sup> A/RES/70/1, paras. 11 f.; Dupuy and Viñuales, *International Environmental Law* (2<sup>nd</sup> edn, 2018), 21.

<sup>5</sup> Cordonier Segger, ‘Commitments to Sustainable Development Through International Law and Policy’ in Cordonier Segger and H. E. Judge Weeramantry, *Sustainable Development Principles in the Decisions of International Courts and Tribunals, 1992 – 2012* (2017), 29, 34.

<sup>6</sup> Michaels and Ruiz Abou-Nigm and van Loon (eds), *The Private Side of Transforming our World – UN Sustainable Development Goals 2030 and the Role of Private International Law* (2021); Huck, ‘The EU and the Global Agenda 2030: Reflection, Strategy and Legal Implementation’ (2020) 2020-1 *C-EENRG Working Papers*, 1-26.

## Introduction

- 10 They rather entered the legal stage as part of interpretations, guidelines or even blueprints, to later become a regulation with a normative core.
- 11 The SDGs and the Global Agenda 2030 draw their language from international treaties, resolutions, and conferences from the realm of the UN the language of which points to legal obligations between states. The origin of sustainable development can be traced to the idea of intergenerational development and the mitigation or prevention of environmental damage and potential risks of damage. The history and tradition of environmental law seems to overshadow the development of other areas, such as economic and social issues.
- 12 The frequently used lens of environmental law reflects a type of a focused 'silo-thinking' approach within the roots and traditions of environmental law itself, which the Global Agenda 2030 just vowed to avoid.
- 13 The challenge seems to be to remain an unbiased neutral observer, not trying to integrate a purely ecological mindset, but also keeping an eye on economic growth and science, technology and innovation (STI). With that being said, these perspectives are certainly not opposed to each other, but should be brought together to achieve an equilibrium through proportionality. Economic growth understood in a smart way that does not come at the expense of the environment and human rights, but is strongly supported with STI, remains the driving force for participation, good governance, and an income allowing living on a decent basis in the future. Without economic growth, inequalities are likely to persist and permeate the societies in line with the coming population growth carrying the seed of instability.
- 14 Economic growth is still recognised today as one of the forces that contribute to unleashing a destructive effect immanent to it and endangering or damaging the planetary boundaries of biophysical systems with unregulated and unrestrained growth. Therefore, new forms of a circular economy, a green and a blue economy are approaches that may succeed in generating growth while respecting planetary boundaries. Much will depend on the technology, which must succeed in satisfying the growing needs of humanity, needs that are elementary and relate to healthy food, access to safe drinking water, health, housing and still more. A growing world population will probably only be able to meet basic needs with new technologies, which is why education for everybody is so essential.
- 15 The outreach to the civil society in every country from an UN perspective is not self-explanatory. The SDGs are constructed with elements from the legal sphere to demonstrate their incapability of enforcement in a scenery of a non-binding value based setting.
- 16 It is quite a paradox that an approach emphasising the non-binding nature is even more successful in an evolutionary sense over the timeline and its impact in the legal matrix with the specific degree of adaptation to the different legal cultures in comparison to a stricter setting with binding effects.
- 17 Yet, states are integrating at least parts and concepts of the SDGs in their national policies and programmes and even in their legislation. International organisations (IOs) and interregional organisations have integrated them in their programmes and outcome. The simultaneous acceptance and behaviour of such a large number of actors (including IOs and interregional organisations) reflects not only a singular and isolated event, but a partially coordinated and sometimes simultaneous, albeit uncoordinated, but nevertheless positive reactive behaviour of many actors in the legal matrix.

However, even confronted with this enthusiastic estimation, the Global Agenda 2030 is still a resolution that poses many challenges and difficulties. One of the difficulties lies in the lack of funding for the overt educational efforts and to stem all the other efforts,

which are to be targeted through 169 sub-targets to achieve the SDGs. Other difficulties lie in the vast amount of targets, (sometimes) not coherent indicators, lack of willingness and readiness, and the different meta-theories and hermeneutics of interpretation, to name but a few. Whether the SDGs and their intentions are on the rise or in the status of decline remains an open question. However, there is no concept in sight that would build on such a broad consensus in the UN and would reach as many organisations in the legal matrix on a global scale.

## II. Outline

To understand how the key features of the SDGs reach their optimum without interfering with each other, their historical origins and starting point are first shown. Then the methods are explained to give every reader a transparent view of the normativity of the SDGs. After setting out the methods, the principles enshrined in the Global Agenda 2030 and those of the SDGs, as well as their inherent principles of normativity are discussed. 18

It should be clear that based on a systematic approach, it is worthwhile to analyse the internal and external systematic interconnections to give a perspective on how the SDGs are integrated and applied on a horizontal level in the matrix of international law referring to the UN and IOs. 19

The internal level refers to certain principles set out in the Global Agenda 2030 and the SDGs, whose meaning and function are essential for their interpretation and which need to be emphasised. Secondly, the vertical impact in the legal matrix is scrutinised, which means that the interregional level and the national level as well as the recipients of integration of the SDGs are recognised. These vertical levels encompass various degrees, legal views form from a supra-regional perspective are included and as well development of a normative level. 20

Although the *Normative Kraft des Faktischen* is coined by Jellinek, the point here is to observe and acknowledge a development of certain facts that are capable of successively condensing into a level of normativity.

The vertical level first grade means the interregional level which refers to solid relations of an interstate character, such as those of EU, ASEAN, USMCA, or CARICOM. 21

The vertical level second grade encompasses the national level, and besides, the vertical level third grade embracing the transnational standards like standards and recommendation of private NGOs and private institutions influencing in particular the applicable private law connected to the SDGs.<sup>7</sup> 22

The introduction to this commentary describes the basics of the general issues and structures that generally apply to all 17 goals and their 169 targets and associated indicators, and supports understanding of the complex and intricate foundation from which the Global Agenda 2030 has emerged. The second and disproportionately larger part of this commentary relates to the interpretation of the SDGs which, as the more specified section, builds upon and is nourished by the principles presented in the introduction. In-depth insights into each of the SDGs will be given, thereby considering those aspects deemed most gravitational by the author. 23

The vast majority of chapters in the second section of this commentary assess the systemic jurisprudential relevance of each SDG and further its normative core and impact. The task is to find out what actually is legally contained in the SDGs and how 24

---

<sup>7</sup> Michaels and Ruiz Abou-Nigm and van Loon (eds), *The Private Side of Transforming our World – UN Sustainable Development Goals 2030 and the Role of Private International Law* (2021).

## Introduction

this containment can be implemented in a legal sense. What is their meaning as a text and a notion? How can we use them, for instance, in a court or judicial hearing as arguments in any other legal environment?

- 25 This approach attempts to formulate a response based on possible guidance to the application of the normativity of the SDGs in a legal realm of any kind in practice. The main purpose is to furnish the legal dimension of the SDGs with arguments from the legal landscape in their very respective field and to try to integrate the normative arguments related to the SDGs (and their predecessors) so that specific arguments can be derived that enrich legal reasoning. Ideally, this will result in an array of arguments that come to bear as a modern and globally shared understanding and response to salient issues in matters to be legally assessed.
- 26 In order to understand the approach interpretation in the second section, it is necessary to clarify the working method. Thus, the essential document, the Global Agenda 2030, of which the SDGs are an inherent part, must be analysed with a systematic approach that will deliver additional content for any target of the SDG.
- 27 The regular scheme of the table of contents of the individual SDGs is based on the following structure:
  - A. Background and Origin
  - B. Scope and Dimensions
  - C. Interdependences
  - D. Jurisprudential Significance
  - E. Conclusion

## III. Evolutionary Aspects of Sustainable Development

### 1. Overview

- 28 The Global Agenda 2030 summarises the concept of sustainable development that has been developed together with member states, international organisations and in global partnerships for about 50 years. The concept of sustainable development is extensively described and explained.<sup>8</sup>
- 29 It is recognised to 'be more than a mere concept, but as a principle with normative value' which is likely to play a key role in determining important environmental disputes of the future.<sup>9</sup>

---

<sup>8</sup> Sands, 'International Law in the Field of Sustainable Development' (1994) 65(1) *British Yearbook of International Law*, 303-8; Boyle and Freestone, *International Law and Sustainable Development: Past Achievements and Future Challenges* (1999); Schrijver and Weiss and Simma and Hossain, *International Law and Sustainable Development, Principles and Practice* (2004); Gehring and Cordonier Segger, *Sustainable Development in World Trade Law* (2005); Schrijver, *The Evolution of Sustainable Development in International Law: Inception, Meaning and Status* (2008); French, *Global Justice and Sustainable Development* (2010); Barral, 'Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm' (2012) 23(2) *European Journal of International Law*, 377-400; Bonanomi, *Sustainable Development in International Law Making and Trade* (2015), 9-52; Cordonier Segger with H. E. Judge Weeramantry, *Sustainable Development Principles in the Decisions of International Courts and Tribunals, 1992-2012* (2017); Alam and Bhuiyan and Razzaque, *International Natural Resources Law, Investment and Sustainability* (2019); Montini, 'Designing law for sustainability' in Mauerhofer et al., *Sustainability and Law* (2020), 34; Ataputtu and Gonzalez and Seck, *The Cambridge Handbook of Environmental Justice and Sustainable Development* (2021).

<sup>9</sup> ICJ, *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*, Separate Opinion of Vice-President Weeramantry in *Gabcykovo Nagymaros*, 25 September 1997, 85.

Blatant inequality was already known in the roman antique period. The health condition of the small percentage of the wealthy class, which was only 3 per cent, superseded the average population. The growth of income remained static while the wealth of the top 1 per cent rose by factor 40 over the period of five generations. To maintain peace in Rome and elsewhere, Rome developed over time a first systematic welfare, in which subsidised food was brought to the needy poor.<sup>10</sup> The Cloaca Maxima in Rome and the great achievement of the Romans of managing fresh water and wastewater in Rome, which was for a long time unmatched, point to early concepts of water and sanitation disposal (SDG 6).<sup>11</sup>

The roots of this concept can be traced back in the professional terminology of forestry, when in Germany, inspired by the English author John Evelyn and the French statesman Jean-Baptiste Colbert, rich families began to plan their dynasties' woodlands 'nachhaltig' – in order to hand them along undiminished to future generations. The term itself was then coined in 1713 by Hans Carl von Carlowitz, head of the Royal Mining Office in the Kingdom of Saxony, to address the challenge of a predicted shortage of timber, the key resource of that time.<sup>12</sup>

'The merit to have introduced the term 'sustainable' into political language, however, belongs to the Club of Rome. In March 1972, this globally operating think-tank published the epoch-making report on the 'Limits to Growth', written by a group of scientists, led by Dennis and Donella Meadows of the 'Massachusetts Institute of Technology' (MIT).'<sup>13</sup>

In 1987 the United Nations World Commission on Environment and Development released the report 'Our Common Future', the so-called Brundtland Report which entails the influential definition of sustainable development, and emphasises intergenerational linkages and even the time bound evolution of technology and a new era for economic growth:

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. The concept of sustainable development does imply limits – not absolute limits but limitations imposed by the present state of technology and social organization on environmental resources and by the ability of the biosphere to absorb the effects of human activities. But technology and social organization can be both managed and improved to make way for a new era of economic growth.<sup>14</sup>

It should be noted that the definition of sustainable development was not considered a closed and static definition, but rather an open definition that comprises open and different frameworks and impacts where a democratic choice must be made to get it right:

Yet in the end, sustainable development is not a fixed state of harmony, but rather a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are made consistent with future as well as present needs.<sup>15</sup>

<sup>10</sup> Gillespie, *The long road to sustainability* (2017), 9.

<sup>11</sup> De Kleijn, *The Water Supply of Ancient Rome* (2001); Hansen, 'Water And Waste Water In Imperial Rome' (1983) 19.2 *JAWRA Journal of the American Water Resources Association*, 263-9; Bradley and Stow, *Rome, pollution and propriety: dirt, disease and hygiene in the eternal city from antiquity to modernity* (2012).

<sup>12</sup> Grober, *Deep roots-a conceptual history of 'sustainable development' (Nachhaltigkeit)* (2007), 6; Montini, 'Designing law for sustainability' in Mauerhofer et al., *Sustainability and Law* (2020), 34.

<sup>13</sup> Blewitt, *Understanding sustainable development* (2012), 15.

<sup>14</sup> A/42/427, *Report of the World Commission on Environment and Development: Our Common Future*, 10 March 1987 (Brundtland Report), para. 27.

<sup>15</sup> A/42/427, Brundtland Report (1987), para. 30.

## Introduction

### 2. The Contemporary Understanding of the SDGs

- 35 The concept of sustainable development as such encompasses the economic and social spheres (of development) and the ecological sphere in an equilibrated mode. They are tied together and none of these notions should be inferior to one another. The term reflects balanced scales and figuratively refers to the concept of justice as an equilibrium between different, most often conflicting interests.
- 36 Until the resolution could be adopted in its entire form and impact, a process of international negotiations lasting several years preceded it. The basis for all 17 goals lies in the concept of sustainable development itself. In the history of the UN, a broad definition of sustainable development has been introduced in the late 1980s. As one of the first official documents describing sustainable development as such, the report of the World Commission on Environment and Development called 'Our Common Future' does provide an already far-reaching definition. Sustainable development is referred to as 'development which meets the needs of the present without compromising the ability of future generations to meet their own needs'.<sup>16</sup>
- 37 The report has already pointed out the complexity of sustainable development. 'Our Common Future' recognises the state of a thriving economy, long considered the backbone of overall development,<sup>17</sup> and the resulting focus on economic growth as insufficient for sustainable development. Important factors such as technological progress, a fair distribution of resources, ecological aspects and political stability have been acknowledged as inseparable components of sustainable development.<sup>18</sup> Poverty is distinctly identified as one of the core components to be tackled within the whole process of sustainable development.<sup>19</sup> Remarkably, the report builds on the assumption that economic growth is achievable 'within the limits of environmental integrity'<sup>20</sup> and thus laid the foundation for unified international operations in subsequent years.<sup>21</sup>
- 38 In June 1992, the UN held one of the most significant conferences towards a mutual approach on sustainable development. The United Nations Conference on Environment and Development (UNCED), also referred to as 'Earth Summit', was a landmark meeting of representatives of 178 states to foster and concretise the universal goal of sustainable development.<sup>22</sup> The outstanding impact of the conference is reflected in its numerous outcomes, such as the Rio Declaration on Environment and Development and the so-called Agenda 21. Recognising the principles of the 1987 WCED report, the Rio Declaration, within the framework of its 27 principles, aimed to establish an international network of mutual cooperation between states and society in the field of sustainable development while protecting the integrity of the environment and eradicating poverty worldwide.<sup>23</sup> In this respect, the world community was called upon to comply with the given principles by fundamentally respecting human rights and environmental protective measures. Agenda 21 is a direct continuation of the principles of the Rio Declaration. It presents active steps for the implementation of strategies for sustainable

---

<sup>16</sup> Drexhage and Murphy, *Sustainable Development: From Brundtland to Rio 2012*, 6; A/42/427 (1987) Brundtland Report, 54.

<sup>17</sup> Dannecker, *The Sustainable Development Goals: A New Space for Action?* in Al-Ekabi and Ferretti, *Yearbook on Space Policy 2016, Space for Sustainable Development* (2018), 176.

<sup>18</sup> Report of the WCED 'Our Common Future' (1987), paras. 27-30.

<sup>19</sup> Report of the WCED 'Our Common Future' (1987), para. 27: 'A world in which poverty is endemic will always be prone to ecological and other catastrophes.'

<sup>20</sup> Palmer, *The Earth Summit: What Went Wrong at Rio?* (1992) 70(4) *Wash. U. L. Q.* 1005 (1011).

<sup>21</sup> Palmer, *The Earth Summit: What Went Wrong at Rio?* (1992) 70(4) *Wash. U. L. Q.* 1005 (1011).

<sup>22</sup> <https://sustainabledevelopment.un.org/sdgs>.

<sup>23</sup> United Nations Conference on Environment and Development – Report by the Director-General (1992), 3 f.

development and, despite its legally non-binding nature, represents a meaningful set of instruments. This was the first time that a highly comprehensive global plan for the implementation of sustainable development in the 21st century was adopted on more than 270 pages in 39 chapters at the global level.<sup>24</sup> Thus, the special feature of Agenda 21 was its in-depth approach on sustainable development which already addressed intertwined core areas ranging from the promotion and protection of human health over the conservation of biological diversity to women's rights.<sup>25</sup> In the pursuit of more effective implementation of sustainable development, Agenda 21 paved the way for resolution 47/191 in December 1992 which established the United Nations Commission on Sustainable Development (UNCSD).<sup>26</sup> UNCSD focused on evaluating the transformation of Agenda 21's objectives into active steps and fostering collaboration between states and governments for achieving the outcomes of UNCED.<sup>27</sup>

Meanwhile, concerns on human rights and lasting solutions for eradicating extreme poverty in the world increased.<sup>28</sup> The increasing efforts of a multitude of nations to achieve better global development in the light of more frequent UN conferences in the 1990s gave leeway for broad goals that were to set new standards and momentum at the turn of the millennium. The then UN Secretary General Kofi Annan therefore initiated the inauguration of so-called 'Millennium Development Goals' (MDGs).<sup>29</sup> In this context, on 8 September 2000, the UNGA adopted the United Nations Millennium Declaration by resolution 55/2 which, notably, was unanimously endorsed by all (then) 189 UN member states. The MDGs published within the framework of the Millennium Declaration represented an important instrument for the entire world to achieve universal development goals to which all states had committed to.<sup>30</sup>

The total of eight MDGs were to be achieved within a time frame of 15 years until 2015 and included the following subjects:

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>31</sup>

In 2007, the MDG Achievement Fund was created as a financial framework to support implementation of the MDGs.<sup>32</sup> After 15 years, the effectiveness of the MDGs

<sup>24</sup> The Stakeholder Forum for a Sustainable Future, Review of implementation of Agenda 21 and the Rio Principles, 1; see Agenda 21 – A blueprint for action for global sustainable development into the 21<sup>st</sup> century.

<sup>25</sup> See Agenda 21 – A blueprint for action for global sustainable development into the 21<sup>st</sup> century.

<sup>26</sup> Kamau, Chasek and O'Connor, *Transforming Multilateral Diplomacy: The Inside Story of the Sustainable Development Goals* (2018), 3.

<sup>27</sup> A/RES/47/191, *Institutional arrangements to follow up the United Nations Conference on Environment and Development*, 2.

<sup>28</sup> Hulme, *The Millennium Development Goals (MDGs): A Short History of the World's Biggest Promise* (2009), 10.

<sup>29</sup> Durán y Lalaguna and Burelli, *The Transition from MDGs to SDGs* (2019), 24.

<sup>30</sup> <https://www.sdgfund.org/mdgs-sdgs>.

<sup>31</sup> ICLEI briefing sheet, *From MDGs to SDGs: What are the Sustainable Development Goals?* (2015), 2.

<sup>32</sup> Durán y Lalaguna and Burelli, *The transition from MDGs to SDGs*, 29.

## Introduction

as such is still controversial.<sup>33</sup> A major criticism is that the targets should not apply universally to all countries equally. Goals 1 to 7 were intended exclusively for developing countries and thus in no way addressed any similar concerns in emerging and industrialised countries.<sup>34</sup>

- 42 Prior to the expiry of the MDGs, the UN began working on a new plan and the setting of new targets for the post-2015 era. The UN Conference on Sustainable Development Rio+20 in Rio de Janeiro in June 2012 significantly contributed to the drafting of new goals for sustainable development. 20 years after the United Nations Conference on Environment and Development with its fundamental Agenda 21, the 'Rio+20' outcome document 'The future we want'<sup>35</sup> was published, which formed the basis for the SDGs introduced three years later.<sup>36</sup> For this purpose, the MDGs were considered as a benchmark and the SDGs were intended to extend the dimension of MDGs.<sup>37</sup> 'The future we want' outlined the basic substance and the essence of the SDGs. According to this document, the SDGs should, unlike the MDGs, be universally valid for all, and should also be actively implementable and easy to understand for each state and stakeholder.<sup>38</sup> International cooperation in this respect should be intensified and an Open Working Group (OWG)<sup>39</sup> should be set up to identify the respective individual goals.<sup>40</sup> Furthermore, the importance of an uninterrupted flow of information was reaffirmed and the impetus for financial plans was given.<sup>41</sup>
- 43 In 2013, the Open Working Group consisting of representatives from 70 countries wishing to take part in the working process of the OWG inaugurated the negotiations on the establishment of the SDGs. Besides, stakeholders from governments, civil society, academia, the private sector, and of course the UN System<sup>42</sup> participated as well in the discourses of the OWG. In addition to the key aspect of determining the number of SDGs to be established, the concrete contents of each individual goal and their sub-targets were discussed and established on the basis of scientific findings in the final instance.<sup>43</sup> In 2014, the so-called SDG Fund was found 'to act as a bridge in the transition from MDGs to SDGs.'<sup>44</sup> In this context, the Addis Ababa Action Agenda (AAAA) as the outcome document of the Third International Conference on Financing for the Development was published in July 2015 addressing the financing of the post-2015 era regarding the Sustainable Development Goals.<sup>45</sup>

---

<sup>33</sup> See Guibou, Critical analysis of the Millennium Development Goals (MDGs), 2 ff.; Dannecker, The Sustainable Development Goals: A New Space for Action? in Al-Ekabi and Ferretti, *Yearbook on Space Policy 2016, Space for Sustainable Development* (2018), 179; Dasandi and Hudson and Pegram, Post-2015 Development Agenda Setting in Focus Governance and Institutions, 3 ff.

<sup>34</sup> Dannecker, The Sustainable Development Goals: A New Space for Action? in Al-Ekabi and Ferretti, *Yearbook on Space Policy 2016, Space for Sustainable Development* (2018), 178.

<sup>35</sup> Adopted by UNGA in A/RES/66/288.

<sup>36</sup> Stevens and Kanie, 'The transformative potential of the Sustainable Development Goals (SDGs)' (2016) 16 *Int Environ Agreements*, 393 (394).

<sup>37</sup> <https://sustainabledevelopment.un.org/sdgs>.

<sup>38</sup> A/RES/66/288\*, *The future we want*, para. 247.

<sup>39</sup> See A/67/L.48.

<sup>40</sup> A/67/L.48, para. 248.

<sup>41</sup> A/67/L.48, para. 251.

<sup>42</sup> Seth, 'The negotiation process of the 2030 Agenda' in Durán y Lalaguna and Díaz Barrado and Burelli (eds), *SDGs, Main Contributions and Challenges* (2019), 15.

<sup>43</sup> Seth, *The negotiation process of the 2030 Agenda* in Durán y Lalaguna and Díaz Barrado and Burelli (eds), *SDGs, Main Contributions and Challenges* (2019), 17 ff.

<sup>44</sup> Durán y Lalaguna and Burelli, 'The transition from MDGs to SDGs' in Durán y Lalaguna and Díaz Barrado and Burelli (eds), *SDGs, Main Contributions and Challenges* (2019), 30.

<sup>45</sup> See A/RES/69/313, *Addis Ababa Action Agenda*.

After a 16-month lasting period of negotiations under the auspices of the OWG, a first draft of defined Sustainable Development Goals emerged.<sup>46</sup> The results of the OWG by then served as basis for the still continuing negotiations for the Global Agenda 2030 which found an end in August 2015.<sup>47</sup>

Finally, during the 70<sup>th</sup> anniversary of the main session of the UN General Assembly on 25 September 2015, the new ‘2030 Agenda for Sustainable Development’<sup>48</sup> beheld the light of day to achieve a universal sustainable development in its economic, social and environmental aspects.<sup>49</sup> In the spirit of Art. 3 of the Universal Declaration of Human Rights (UDHR), the SDGs shall guarantee the well-being of every human being on the planet while ensuring economic progress and environmental protection.<sup>50</sup>

The growing world population of approximately 11 billion people in 2100 will need to try to maintain their livelihoods such as housing, food and drinking water, based on what should be a sustainable economic model in the face of climate change, but probably not every country will accept this new approach.

### IV. Preparation for a New Approach: The Main Character of the New Approach

The UN describes the SDGs as integrated and indivisible, and they should balance the three dimensions of sustainable development: the economic, social and environmental, a key concept that was already taken up in ‘The future we want’ from 11 September 2012.<sup>51</sup> Balancing in this regard means achieving proportionality to bring the frequently conflicting interests of all three sectors into equilibrium. The SDGs are referring to the MDGs<sup>52</sup> and revitalising a global partnership<sup>53</sup> (SDG 17),<sup>54</sup> bringing together Governments, the private sector, civil society<sup>55</sup>, the UN system and other actors. It is national governments, that therefore have the primary responsibility for follow-up and review in order to reflect at the national, regional and global levels, concerning the progress made in implementing the Goals and targets over the coming 15 years.<sup>56</sup> While the SDGs are

<sup>46</sup> Le Blanc, ‘Towards integration at last? The Sustainable Development Goals as network of targets’ (2015) No. 141 *DESA Working Paper*, 1 (3); see also: A/68/970, *Report of the Open Working Group of the General Assembly on Sustainable Development Goals*.

<sup>47</sup> Seth, ‘The negotiation process of the 2030 Agenda’ in Durán y Lalaguna and Díaz Barrado and Burelli (eds), *SDGs, Main Contributions and Challenges* (2019), 19 ff.

<sup>48</sup> With the official title being: A/RES/70/1, ‘Transforming Our World – the 2030 Agenda for Sustainable Development’.

<sup>49</sup> Huck, ‘Horizontale und vertikale Wirkungen der Nachhaltigkeitsziele der Vereinten Nationen im System des Rechts’ in Michalke and Rambke and Zeranski (eds), *Vernetztes Risiko- und Nachhaltigkeitsmanagement, Erfolgreiche Navigation durch die Komplexität und Dynamik des Risikos* (2018), 67.

<sup>50</sup> Leal Filho, *Die Nachhaltigkeitsziele der UN: eine Chance zur Vermittlung eines besseren Verständnisses von Nachhaltigkeits Herausforderungen* (2019), 2.

<sup>51</sup> A/RES/66/288, *The future we want*, para. 1.

<sup>52</sup> The Millennium Declaration, endorsed by 189 countries, committed nations to a new global partnership to reduce extreme poverty and it set out a series of targets to be reached by 2015. These have become known as the Millennium Development Goals (MDGs); A/RES/55/2, *United Nations Millennium Declaration*.

<sup>53</sup> A/RES/70/1, para. 39, the scientific and academic community is mentioned in para. 52.

<sup>54</sup> Cooper and French, ‘SDG 17: partnership for Goals – cooperation within the context of a voluntarist framework’ in French and Kotzé *Sustainable Development Goals, Law Theory and Implementation* (2018), 271 et seqq.; Dupuy and Viñuales, *International Environmental Law* (2<sup>nd</sup> edn, 2018), 20.

<sup>55</sup> Mentioned ten times in A/RES 70/1, paras. 6, 39, 41, 52, 17.17, 60, 70, 79 and 84; a definition of the term ‘civil society’, instead, is lacking.

<sup>56</sup> A/RES/70/1, para. 47.

## Introduction

mainly aspirational,<sup>57</sup> they can also be seen as part of an explicit global preparation for norm setting.

48 The distinct aspects and the multifaceted character of this wide-ranging, unique approach erect some hurdle to direct cognition on the means and effects in a legal environment. Fresh thinking is required to move beyond the (transitory) response offered and demanded by the broad concept of sustainable development.

49 A transformation will only succeed in every respective state if their societies are ready for this kind of profound transformation. If laws are passed in which the SDG's sub-targets are democratically incorporated into the societies, necessary legal instruments must be available for this purpose. The laws passed in this way must be legally reviewable by those affected before the competent courts to determine their effectiveness and depth of regulation. Without legal protection, the SDGs are a toothless tiger.

50 In particular, a reactivation of a global partnership requires, out of the spirit of equal responsibility, that people in this global partnership are considered in transparent, participatory processes. They must also be given the right to demand accountability. The results must be adopted in democratic processes, which must eventually be judicially reviewable (system of norm control). Assemblies that are general, lack impact and then fail to generate accountability are weak and will not be accepted in the long run. The SDGs only make sense if they are translated into legal formats.<sup>58</sup>

## V. Normative Dimensions of the SDGs

51 Despite being expressed as political goals, Art. 13(1) UN Charter,<sup>59</sup> member states, interregional organisations such as the EU,<sup>60</sup> ASEAN,<sup>61</sup> or CARICOM,<sup>62</sup> and international organisations<sup>63</sup> are stimulated to integrate the SDGs and their concepts and notions on a legal basis in a horizontal and vertical system by laws, regulations, decisions or agreements,<sup>64</sup> examples of which can be widely observed.<sup>65</sup> An inter-agency coordination

---

<sup>57</sup> A/RES/70/1, para. 247.

<sup>58</sup> Dupuy and Viñuales, *International Environmental Law* (2<sup>nd</sup> edn, 2018), 23, 24.

<sup>59</sup> Huck and Kurkin, 'The UN Sustainable Development Goals (SDGs) in the Transnational Multilevel System' (2018) 2 *HJIL (ZaöRV)*, 375 (383).

<sup>60</sup> Huck and Kurkin, 'The UN Sustainable Development Goals (SDGs) in the Transnational Multilevel System' (2018) 2 *HJIL (ZaöRV)*, 375 (394).

<sup>61</sup> Huck, 'ASEAN und EU: Vertrauen, Konsultation und Konsens statt "immer engerer Union"' (2018) *EuZW*, 886-91.

<sup>62</sup> The Caribbean Community (CARICOM) is an international organization of fifteen Caribbean nations and dependencies, whose main objective is to promote economic integration and cooperation among its members, to ensure that the benefits of integration are equitably shared, and to coordinate foreign policy. The organisation was established in 1973; see Seatzu, 'The Caribbean Community (CARICOM)' in Odello and Seatzu (eds), *Latin American and Caribbean International Institutional Law* (2015), 219 et seqq.; SDGs are mentioned widely here: ACP Group, ACP Negotiating mandate for a post-Cotonou Partnership Agreement with the EU [Mandate], Adopted on 30 May 2018 by the 107th Session of the ACP Council of Ministers, held in Lomé, Togo, ACP/00/011/18 FINAL.

<sup>63</sup> The Executive Committee of Economic and Social Affairs Plus (ECESA Plus) brings together 50 plus UN entities (including Funds and Programmes, Regional Commissions, Convention Secretariats, Specialized Agencies, International Financial Institutions, the WTO and ILO), as well as UN research institutes. It is convened and supported by the Department of Economic and Social Affairs (UN-DESA), building on ECESA, see <https://sustainabledevelopment.un.org/unsystem> (accessed 16.11.2021).

<sup>64</sup> Huck and Kurkin, 'The UN Sustainable Development Goals (SDGs) in the Transnational Multilevel System' (2018) 2 *HJIL (ZaöRV)*, 375 (398).

<sup>65</sup> Such as the EU Green Deal or the ASEAN Community Vision 2025; see for an overview Huck and Kurkin, 'The UN Sustainable Development Goals (SDGs) in the Transnational Multilevel System' (2018) 2 *HJIL (ZaöRV)*, 375 (392 et seqq.).

mechanism called the Executive Committee of Economic and Social Affairs Plus (ECESA Plus) brings together on horizontal level 50 plus UN entities.<sup>66</sup> It is quite amazing that all of these IOs try to integrate the SDGs in their specific realm of competence.

Towards a vertical approach, examples for an integration of the SDGs in different kinds of agreements between the EU and other states like the Japan-EU Free Trade Agreement (JEFTA)<sup>67</sup> or the Comprehensive Economic and Trade Agreement (CETA) and even the Political Dialogue and Cooperation Agreement (PDCA) between Cuba and the EU demonstrate direct effects of the SDGs.<sup>68</sup> Therefore, the SDGs could be qualified as an expression of a materially uncodified value system causing indirect effects located in the context of global governance.<sup>69</sup>

## VI. Dignity and the Sustainable Development Goals

As an agenda striving for development, the Global Agenda 2030 with its inherent SDGs touch on the root causes of inequality between people and between states, thereby striving to 'ensure that all human beings can fulfil their potential in dignity'.<sup>70</sup>

The Global Agenda 2030 sets a framework encompassing many of the relevant political and socio-economic factors which are associated with the enabling of human beings to participate dignified in life. The aspired state of societies described in the Global Agenda 2030 is shaped by its origin in and the respect for all human rights, including the right to development with the means of gender equality, women's and girl's empowerment and the promotion of peace and inclusivity within all societies.<sup>71</sup> The condition to be achieved is even further shaped by the agenda's inherent instruments. These suggest the creation of a condition that allows opportunities for all people. In realising human rights respectively in the context of each SDG in relation to peoples or states' realities or state of development 'an equitable global economic system [is established] in which no country or person is left behind, enabling decent work and productive livelihoods for all, while preserving the planet for our children and future generations.'<sup>72</sup> These condition forms as a means in itself 'the ally of people's demands for a quality of life that their equal human dignity requires'.<sup>73</sup>

<sup>66</sup> For a detailed list see EC-ESA Plus Members: <https://sustainabledevelopment.un.org/unsystem/ecesaplus>; Huck and Kurkin, 'The UN Sustainable Development Goals (SDGs) in the Transnational Multilevel System' (2018) 2 *HJIL (ZaöRV)*, 375 (375).

<sup>67</sup> Huck and Kurkin, 'The UN Sustainable Development Goals (SDGs) in the Transnational Multilevel System' (2018) 2 *HJIL (ZaöRV)*, 375 (402).

<sup>68</sup> EU Commission, EU-Cuba: new landmark agreement entering into force on 1 November 2017, IP/17/4301, 31.10.2017; Huck, 'EU und Kuba: Wirtschafts- und Nachhaltigkeitsdimensionen im ersten Political Dialogue and Cooperation Agreement' (2017) *EuZW*, 249 et seqq.

<sup>69</sup> Petersmann, *Multilevel Constitutionalism for Multilevel Governance of Public Goods* (2017), 190; Frydman, 'From accuracy to accountability: Subjecting global indicators to the rule of law' (2017) *International Journal of Law in Context*, 450-64.

<sup>70</sup> A/RES/70/1, preamble.

<sup>71</sup> A/RES/69/313, *Addis Ababa Action Agenda of the Third International Conference on Financing for Development* (Addis Ababa Action Agenda – AAAA), 17 August 2015, para. 2.

<sup>72</sup> A/RES/69/313, *Addis Ababa Action Agenda of the Third International Conference on Financing for Development* (Addis Ababa Action Agenda – AAAA), 17 August 2015, para. 2.

<sup>73</sup> In transferring the thoughts of the capability approach of A. Sen and M. Nussbaum to the question as *what* the SDGs can be understood as, yet notwithstanding the critiques on these both theories and the many other approaches which might be useful when classifying the SDGs philosophically; Sen, *Development as Freedom* (1999); Nussbaum, *Creating Capabilities, The Human Development Approach* (2011), 186.

## Introduction

- 55 In contemporary interpretation, human dignity comprises six elements: (1) Every human being has value; (2) Every human is of equal worth; (3) Dignity is inherent in human beings, independent of space and time (and thus independent of any legal acknowledgement); (4) Dignity is universally immutable (and thus bears features of intergenerational equity); (5) Dignity instantiates rights (namely those that protect the continuance of dignity); and (6) Dignity carries the standard of living to which every human being is entitled by virtue of being human (and which is articulated by many of the SDGs).<sup>74</sup>
- 56 Although the targets of the SDGs might not address all groups of people equally, it is to be understood that the fulfilment of the SDGs yield a condition that achieves a balanced form of equality between people (and between states) by melting away the most glaring inequalities, and thus protects human dignity. Where inequalities prevail or increase, however, this means in following a thought coined by Stiglitz, the ‘flipside of shrinking opportunity’<sup>75</sup>: Human dignity can only exist unimpaired when opportunities are created and provided for all.
- 57 This development towards a society with equally shared opportunities, which avoids and reduces inequality, was one of the main ideas that shaped the creation of the Global Agenda 2030.<sup>76</sup> It is this idea, too, that bears the understanding of how human dignity is to be respected and upheld following this very agenda.
- 58 Notions on dignity can be found in the Global Agenda 2030 exactly five times at prominent places with quite far-reaching connotations: as a main pillar within the preamble<sup>77</sup>; as a fundamental and irrevocable characteristic of every human being<sup>78</sup>; as a basic prerequisite for the implementation of the Agenda’s vision<sup>79</sup>; as a description of what today’s societies are lacking<sup>80</sup>; and as a part of the description of the aspired condition of all societies.<sup>81</sup> Achieving the SDGs, which implement the vision of the Global Agenda 2030, thus represents the unfettered form of dignity for all human beings.
- 59 By tracing the origins of human dignity in the evolution of sustainable development shaped by the UN’s fundamental ideas<sup>82</sup> and universal human rights instruments<sup>83</sup>, its close and inseparable linkage not only to the respect for human rights, but also for ‘the rule of law, justice, equality and non-discrimination; [and] of respect for race, ethnicity and cultural diversity’ discloses.<sup>84</sup>
- 60 The SDGs’ predecessors, the MDGs drew on a “humanistic’ and social justice [...] that put people at the centre of development’. The MDGs were nourished by Sen’s capability approach, which understands development to be a freedom of choice where

---

<sup>74</sup> May and Daly, ‘The Role of Human Dignity in Achieving the UN Sustainable Development Goals’ in Honkonen and Romppanen (eds), *International Environmental Law-making and Diplomacy Review 2019* (2020), 15 (22 f.).

<sup>75</sup> Dodds and Donoghue and Leiva Roesch (eds), *Negotiating the Sustainable Development Goals, a transformational agenda for an insecure world* (2017), 13.

<sup>76</sup> Dodds and Donoghue and Leiva Roesch (eds), *Negotiating the Sustainable Development Goals, a transformational agenda for an insecure world* (2017), 13.

<sup>77</sup> A/RES/70/1, preamble.

<sup>78</sup> A/RES/70/1, para. 4.

<sup>79</sup> A/RES/70/1, para. 8.

<sup>80</sup> A/RES/70/1, para. 14.

<sup>81</sup> A/RES/70/1, para. 50.

<sup>82</sup> Amongst others: Outcome document of the Stockholm Conference (1972); Rio Declaration; the Agenda 21; Johannesburg Declaration on Sustainable Development; Millennium Development Goals.

<sup>83</sup> Amongst others: UN Charter; Universal Declaration of Human Rights; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights.

<sup>84</sup> A/RES/70/1, para. 8.

each capability constitutes a valuable ‘being or doing’ (to be chosen by people).<sup>85</sup> This anthropocentric understanding of putting people into the centre of concern was reaffirmed during the nascence of the MDGs when former Secretary General Kofi Annan stated in his report that ‘the dignity and worth of the human person, respect for human rights and the equal rights of men and women, and a commitment to social progress as measured by better standards of life, in freedom from want and fear alike’ would form the ground of existence of the UN.<sup>86</sup>

Some authors argue that dignity in the sense of sustainable development might include the dignity of nature and the greater environment.<sup>87</sup> This might at first glance constitute a logically (and perhaps necessarily) derived expansion of the fundamental concept of sustainable development as *the* parental thought of the Global Agenda 2030 and the SDGs. However, a closer look at the Global Agenda 2030 reveals its emergence and vision borne in the Anthropocene, which manifests human beings as central point of concern. The SDGs, even the environmentally coined ones (SDGs 13, 14, 15), reveal, at least in the means of implementation, that this agenda mostly strives for *human* development and dignity.<sup>88</sup>

Whether anthropocentrism may be interpreted negatively or positively, or is shaped by the many different (legal-)philosophical considerations,<sup>89</sup> it is not to be forgotten that in the genesis of the SDGs, human beings were given central place.<sup>90</sup> Yet, environmental concerns were seen as a systemic<sup>91</sup> and life-supporting necessity,<sup>92</sup> thereby enabling for the dignified shaping of human lives. The jurisprudential interpretation, too, to a considerable extent does not indicate another view so far.

The fundamental connection of all SDGs to human rights is obvious. Human dignity is upheld through the respect and realisation of these rights, and instrumentally also through the realisation of environmental rights.

## VII. Theoretical Approach

A fresh start towards a theory must clearly take into account the different historical stratified situations and resist the attempt to understand sustainable development pri-

---

<sup>85</sup> Sen, *Development as Freedom* (1999); see also: United Nations General Assembly Open Working Group on Sustainable Development Goals, *Compendium of TST Issues Briefs October 2014*, 84.

<sup>86</sup> Annan, *We, the Peoples, the Role of the United Nations in the 21st Century* (2000), 6 [found in: May and Daly, ‘The Role of Human Dignity in Achieving the UN Sustainable Development Goals’ in Honkonen and Romppanen (eds), *International Environmental Law-making and Diplomacy Review 2019* (2020)].

<sup>87</sup> See e.g. Bosselmann, *The principle of Sustainability: Transforming Law and Governance* (2008), 135; De Lucia, ‘Towards an Ecological Philosophy of Law: A Comparative Discussion’ (2013) 4(2) *Journal of Human Rights and the Environment*, 167-90.

<sup>88</sup> See e.g. SDG 13.b, SDG 14.b, SDG 14.c (which point to the declaration ‘The future we want’ where the conservation and sustainable use of the oceans and sea contributes to ‘poverty eradication, sustained economic growth, food security and creation of sustainable livelihoods and decent work’), SDG 15.a and SDG 15.b (which are to be measured on official development assistance).

<sup>89</sup> For an overview of the manifold philosophical ground see Adelman, ‘The Sustainable Development Goals, anthropocentrism and neoliberalism’ in French and Kotzé, *Sustainable Development Goals, Law Theory and Implementation* (2018), 15-40.

<sup>90</sup> See Dodds and Donoghue and Leiva Roesch (eds), *Negotiating the Sustainable Development Goals, a transformational agenda for an insecure world* (2017), 128-35, 149-64.

<sup>91</sup> See for a further distinction of sustainable development and environmentalism: Voigt, *Sustainable Development as a Principle of International Law, Resolving Conflicts between Climate Measures and WTO Law* (2009), 48 f.

<sup>92</sup> United Nations General Assembly Open Working Group on Sustainable Development Goals, *Compendium of TST Issues Briefs October 2014*, 207.

## Introduction

marily as an issue of environmental law or to reduce the SDGs to necessary measures against climate change. Of course, the multilateral fight against human-induced climate change is an essential task. However, it does not stand-alone. Nor can there be a temporal decoupling from other SDGs. Preceding the theoretical grasp of the concept, the individual building blocks that currently make up the SDGs in their current expression are dissected. This is not about the author's assessments and views, but about a sober inventory of existing building blocks and content of the Global Agenda 2030. The first question to be asked is which content shapes the Global Agenda 2030 and what relationship exists between this content and the SDGs. If information can be provided here based on a comprehensive analysis, the further, subsequent question is: Are the SDGs as targets amenable to legal interpretation according to the classical method, in which hermeneutics, language and theoretical premises play a role? What are the essential contents covered by the SDGs and their targets? Are generally applicable, legally relevant definitions available for this? Are the SDGs and their targets consistent with the measurement points? Are the indicators consistent with the goals? Next, the scope of application of the respective SDGs must be determined, taking into account their historical development. Drawing on this, the connections with the Global Agenda 2030 will be presented.

- 65 Subsequently, it will be determined whether and to what extent decisions of international, interregional and, rather rarely, national jurisdiction exist that can be understood as an independent reflection on central concerns of the SDGs and their contents. In addition, where meaningful material is available, the decisions of, for example, WTO dispute settlement bodies and other arbitration tribunals are included insofar as they can provide a concrete reference.. The *Normative Kraft des Faktischen* will also be included. It is meant here as a factual development, that has the potential, in a sense of a tendency, to possibly expose a detectable normativity. It could not be excluded possible that the first traces of a emergence of customary law is to be witnessed, what must not be the case necessarily. The necessity to draw attention on the factual during an interpretation can be underlined with the famous WTO Appellate Body Report, *Canada – Autos*<sup>93</sup>, where Article I:1 GATT was interpreted to include legal and de facto discrimination.

Without going into greater detail on Jellineks normative power of the factual in the theoretical discourse, Jellinek looked at the emergence of law and recognised the factual as the basis. Customary law, he thought, does not arise from the popular spirit and not from the general conviction that something is law, but it arises out of the general mental quality which regards the ever-repeating factual as the normative.<sup>94</sup>

Against this background, an assessment of the respective section on the SDGs can then take place, where an appropriate classification can be made.

- 66 Of course, the relationship between the various building blocks must be examined in the sense of an internal and external system, which will have to be differentiated, since one or rather more SDGs also have interdependencies. Only then is it possible to put the facets together to form a whole. Due to the abundance of different building blocks of the SDGs, it is necessary to identify which building blocks are related to each other and how. The determination of the relationship results from the text of the resolution and from

---

<sup>93</sup> WT/DS139/AB/R, WT/DS142/AB/R, *Canada – Certain Measures Affecting The Automotive Industry*, AB-2000-2, 31 May 2000, para. 84.

<sup>94</sup> Jellinek, *Allgemeine Staatslehre* (3<sup>rd</sup> edn, processed by Walter Jellinek), 339; see Bersier Ladavac and Bezemek and Schauer (eds), *The Normative Force of the Factual* (2019); and there especially Bezemek, 'The 'Normative Force of the Factual': A Positivist's Panegyric' in Bersier Ladavac and Bezemek and Schauer (eds), *The Normative Force of the Factual* (2019), 65-77.

the number and frequency with which certain words are mentioned in the resolution, as well as from the analysis of scientific and shadow reports.

The accumulation of words can be regarded at least as an indication that a certain emphasis within the text is intended, which also points to a legal gravitas. Such a deepening of a meaning does not hold true in an absolute sense, it is rather refutable above all by later resolutions and agreements by which a term can be given a different dimension or a different weighting in a different context. In practice, however, this should be the exception rather than the rule and the word count should be a reliable indication of, firstly, a stronger or lesser significance and, secondly, also an indication of a differentiated assessment of the weighting of various terms in a context, e.g. a resolution. And it should be noted, that *cum grano salis* one additional word has the power to alter the meaning of all the others, regardless of how frequently they have been used in the text. 67

The focus is on the question of a deeper justice, which is revealed, for example, in different current points of reference. Here, the special basic elements, which I name in this way, and which precede the concept in the version of the Global Agenda 2030, are to be mentioned. In this respect, justice refers to elementary foundations that call for peace, but also for planetary stability and respect for biophysical limits. The elimination of inequalities plays a major role since inequalities add to the bitter taste of injustice. In this respect, attention must be paid to how injustice can be avoided, mitigated or neutralised. In this regard, it must be remembered that the most diverse goals of the Global Agenda 2030 have not defined goals and parameters that invite silo thinking for those who exquisitely understand 'their' SDG and silo and have precisely measured the boundaries and content of the respective thematic area. The deeper meaning and expression of the Global Agenda 2030 is precisely to bring complementary and other interests into balance with each other in the sense of an inner equilibrium to justice. This rather shows the disadvantage of a Global Agenda 2030 à la carte. 68

It fits this framework that the issue of justice is emphasised by the Global Agenda 2030 in different places. Closely linked to equity is the endeavour to resolve inequalities and, above all, to open up access to those who have hitherto stood before closed doors. The capability approach developed by Sen and Nussbaum provides the decisive basic ideas here and endorses the role of dignity across the agenda. Access thus appears as a postulate based on equality, granting everyone an equal chance to realise a concrete opportunity in life and thus enabling them to enter into a fair competition of ideas, thoughts and the realisation of goals, and thus at least advocates equality on the level of opportunity. 69

Inequality, which is incidentally seen as a deeper reason for serious research on the question of happiness in economy and society, is another concept and basic building block that has a supporting function in the structure of the Global Agenda 2030. In this respect, the research on happiness in the economy and the development of indicators to measure it are an important further argument that can underpin the rationale here. It is obvious that the subjective feeling of happiness is linked to certain factors that enter into a more or less strong correlation with the SDGs. However, most of the SDGs are also elements that serve to justify well-being and happiness. 70

The last argument that could be useful for the development of a legally workable theory concerns the question of whether and to what extent modern FTAs provide individuals or groups with access to courts or proceedings in which their concerns can be heard, appreciated and taken into account. 71

### VIII. Methodology

- 72 It is quite a challenging task to unveil the internal and external systematic principles that bring forth a salient expression of the normative core of the SDGs (→ Intro mn. 27 ff.). The first answer is thus connected to the question of what the focus is and what methodology is used to determine the normative impact and the jurisprudential significance of each of the 17 specific goals with 169 targets and 231 unique indicators.<sup>95</sup> The SDGs are complex, manifold in depth and width, rooted in historical background, wrapped in resolutions and binding treaties, converged with the AAAAA, challenging to grasp as one single piece or to even explain in one or two sentences in any regard. They are often recognisable with a legal conceptual history anchored in decisions and principles, as they are present in the state of legal, academic and practical thought and their future is foreseeable at least (to a certain degree) until 2030.
- 73 Thus, firstly, we have to look at the object (the SDGs) of our analyses and secondly, we have to brace upon the methodological approach.
- 74 The attempt is to unveil a quantum of normativity, even if it is not a real 'core', and its jurisprudential relevance ensues from systematic analyses. The background for this question is related to at least three open questions left by French and Kotzé.<sup>96</sup> They pointed to three main questions that are currently unanswered and for whose systematic application in practice a holistic view of the interconnectedness of national, interregional, international and transnational law is needed.
- 75 Firstly, an absence of the status of the goals in law, which could approach a lawyer in understanding, critiquing, and giving effect to the SDGs are lacking. Secondly, the SDGs raise questions concerning outdated notions of rights and responsibilities, culminating in the ambivalent role of civil society, which rarely be of influence in states and the global political process. Thirdly, the process of implementing the SDGs is interdisciplinary and comprises different methods and sciences, but lawyers should bring structure, clarity of language and a focus of implementation.
- 76 It is therefore essential to start with an analytical, systematic approach, which involves first deconstructing the Global Agenda 2030 covering much more than the SDGs. The pure reflection of the SDGs would be to turn a blind eye on the engulfing normative and legal aspects of the content of the entire resolution text.
- 77 The Global Agenda 2030 consists of a preamble, a declaration, and the SDGs framed by it. However, the systemic concept of the Global Agenda 2030 is not limited to these components. Preferably, it contains segments with distinct roles and effects at different levels. The means of implementation and the follow-up cannot be overlooked.
- 78 Equally, if not more critical is the measurement of the outcome of all SDGs. The quality of the implementation of the SDGs in practice is measured according to the follow-up process with indicators. Indicators can be recognised as a governance tool to measure reality within a given reference frame and to present politics a closer view if there is any need for decisive action or, at last, a justified omission.
- 79 A holistic methodological perspective thus involves embracing the comprehensive context of the Global Agenda 2030 and its interconnected elements as a prism of consid-

---

<sup>95</sup> The total number of indicators listed in the global indicator framework A/RES/71/313 (E/CN.3/2021/2, Annex) of SDG indicators is 247. However, these twelve indicators repeat under several targets: 7.b.1/12.a.1; 8.4.1/12.2.1; 8.4.2/12.2.2; 10.3.1/16.b.1; 10.6.1/16.8.1; 13.2.1/13.b.1 (with a slight amendment); 15.7.1/15.c.1; 15.a.1/15.b.1; 1.5.1/11.5.1/13.1.1; 1.5.3/11.b.1/13.1.2; 1.5.4/11.b.2/13.1.3; 4.7.1/12.8.1/13.3.1; <https://unstats.un.org/sdgs/indicators/indicators-list/>.

<sup>96</sup> French and Kotzé, 'Introduction' in French and Kotzé (eds), *Sustainable Development Goals, Law, Theory and Implementation* (2018), 11 f.

eration of the vertical and horizontal legal matrix. The question remains how to crack down the iridescent and, at the same time, precious multifaceted targets, indicators, and principles of every SDG.

Many of these principles and main concepts derive from the Rio Declaration on Environment and Development, were reformulated, and time-bound articulated incrementally over the timeline of concluded resolutions and conventions by the UNGA (→ Intro mn. 28 f., 39 ff., 254, 265 ff.). The SDGs, frequently displayed as coloured boxes with highly praised content, look-alike gifts of a birthday party, which in fact, they are, should unveil and set free their enshrined normative content, which is placed as a nucleus to every goal, target, and its specific accompanying indicator. The task is literally to 'look afresh'<sup>97</sup> into those cute, coloured boxes, to see what is in there, what could give weight for an argument needed in a case. Once the SDGs have been deconstructed into their specific systematic interconnections, it becomes visible whether there is at least any normative impact yielding from the SDGs and their indicators.

Since the SDGs and the SDG framework can be seen as a consequent evolution of the attempt to give leeway to the concept of normative development, an in-depth assessment of the principles shaping the SDG framework cannot be unfolded. Most of them are already analysed and well introduced in the practice of courts and academic writing.

The core normativity of each SDG in its own wrapped presence should be revealed as much as possible to allow them to be operationalised as an additional legal argument in any kind of legal practice. It must be taken into account that many of the principles and main narratives have their predecessor's encapsulate in international law. They do not occur unexpectedly, metaphorically speaking out of the blue, on the international stage of law but do have some evident roots in the past, and sometimes their underlying meaning remained entirely unchanged with some adjustment to the present.

We have further accepted an interpretation-grid for the outcome of the SDGs. Why is that? In reality, the success of achievement by the SDGs is based on indicators, defined to measure the outcome of the efforts to an SDG orientated achievement. Observing them properly, one will find out directly that the terms of the targets will pave the way to extensive interpretations. Mostly the indicators are narrowing and then shaping the SDGs, giving space for highflying spirits. But the indicators are the instruments that measure the facts against the aspirational targets. At least the observations through indicators and the revealed success or failure depend prominently on the measurement with the indicators and not on the goals.

## 1. Operationalising the SDGs in a Theoretical Way

To oversee one SDG, a target, one noun, or one indicator in a legal way, one should analyse on the subsequent levels following a logical order of a legal hierarchy.

First: The meaning of the specifically used noun in one of the authentic UN-languages – if there are different meanings – should be interpreted in a way that the maximum of the content could be put in place. To unfold the normative core of a noun one should interpret in a way we have described.

Second: The systematic environment of one noun, principle and so on needs to be scrutinised, so that one builds links to other similar goals, targets and / or indicators in the same field on the same hierarchical level.

Third: The external indicators or external targets surrounding or building conjunction with the specific question put first are identified.

<sup>97</sup> *Case Concerning the Gabčíkovo-Nagymaros Project (Hungary v Slovakia)*, Judgment, 25 September 1997, para. 140.

## Introduction

- 88 Fourth: Principles are detected that provide information about how the targets or indicators are legally surrounded in a direct relationship. These principles are erected as some kind of architecture to enshrine a goal, target, indicator, and will shape their specific legal or normative attribute. One can discover those principles
- a) at the same level enshrined at the indicator or the target or the goal
  - b) at the level of the explanation of the SDGs
  - c) at the preamble and the declaration to the political section of the resolution (Global Agenda 2030)
  - d) in 'integrated' internal treatises and other resolutions and legal instruments or legal concepts Addis Ababa Action Agenda (AAAA), WTO, Charter of the UN, Rio Declaration etc.
- 89 Fifth: Further external treatises, resolutions and international law (according to Art. 38 ICJ Statute) should be considered.
- 90 Sixth: Additionally, it should be observed in which trajectory the SDGs were received in the legal matrix of horizontal and vertical structures of national, interregional and international law. Is there any influence possible of neighbouring legal acts?
- 91 The analysis shows how a certain target or indicator is integrated and legally (internationally) anchored and how they work, how they are interrelated in the legal matrix, what the language or cultural and technological background means. What do legal decisions based on a specific normative core and indirectly or directly linked to a specific SDG, target or indicator mean? The following analyses refer to interregional forms of cooperation such as the EU, which is entitled to set law in different types of forms.
- 92 In the following section, the principles serve as the foundation of examination as well as a legal manifestation of primary expressions to shape the SDGs. A much more detailed analysis is provided in the following chapters.

## 2. Operationalising the SDGs in a Practical Sense

- 93 As sustainable development has grown in prominence, its critics have become more numerous and more vocal. Three major lines of criticism are that the term is 'too boring' to command public attention, 'too vague' to provide guidance, and 'too late' to address the world's problems.<sup>98</sup>
- 94 The policy space created by the concept of sustainable development is being filled by a wide variety of laws, policies, and activities. The understanding of sustainability underlying these laws and activities is the shared creation of millions of practitioners all over the world. Their constant and repeated interactions and experiences refine and improve both understanding and outcomes. Each community can be expected to work out the specific meaning of sustainability based on its own history, natural resources, economic situation and other conditions.<sup>99</sup>
- 95 Sustainable development provides an essential normative framework setting out basic criteria for making those evaluations. It does not answer all questions and there are frequently several reasonable answers to the same question, but starting in the right place makes better decisions and better laws more likely.<sup>100</sup>

---

<sup>98</sup> Dernbach and Cheever, 'Sustainable Development and Its Discontents' (2015) 4(2) *Transnational Environmental Law*, 247 (247).

<sup>99</sup> Dernbach and Cheever, 'Sustainable Development and Its Discontents' (2015) 4(2) *Transnational Environmental Law*, 247 (286).

<sup>100</sup> Dernbach and Cheever, 'Sustainable Development and Its Discontents' (2015) 4(2) *Transnational Environmental Law*, 247 (287).

And indeed it is not difficult to identify a wide and presumably not coherent understanding of sustainable development. 96

The Global Agenda 2030 with the inherent SDGs and review process have an immediate impact in the following steps, where the principles and concepts and normative impact enshrined in the SDGs are applied. That means that the framework of this agenda and its impact on the level of decision-making is increasing. Decision-making can be divided in the field of programs, action agendas and other non-legal-application driven by political framework. Another area includes decisions arising from laws, regulations, even in the area of judicial decisions, where the impact of certain SDGs or aspects of some of the SDGs can be easily identified. Legal reasoning and the applicability of laws, regulation leads to interpretational leeway in the following situations: 97

1. Interpretation during the applicability of the Goals, their target itself (in the vertical and horizontal matrix)
2. Interpretation of the scope, space and interlinkages to further principles and quoted concepts in the text leading to a new approach in order to solve or to contribute to questions in the legal realm of the vertical and horizontal matrix
3. Consideration of the building of appropriate indicators to answer to which reality / occurrence has an indicator to point, on what occurrence in the society to retrieve a sound answer
4. Reflecting and interpreting the outcome of the measurement of SDGs by indicators during the review process for political omissions and action in the vertical and horizontal political and legal matrix
5. Preparing measures and instruments to establish legal acts on international, interregional, national and local levels
6. Interpretation and filling the discretionary space with the concepts and the weight of the 'wrapped' SDGs by applying legal instruments through administrative entities or any other judicial institution
7. Considering the Global Agenda 2030 and the SDGs at a court hearing or decision about cases concerning the laws encompassing direct or indirect references to the principles of the Global Agenda 2030 and the SDGs
8. Considering the Global Agenda 2030 and the SDGs at a hearing, or any other form of participation on any form of an administrative level prior to a relevant administrative decision covering questions of planning, licensing or similar questions
9. Filling the voids in private law and standards in a transnational sense based on private contracts regarding construction, investment, shipping, company law, digitalisation, labor law and many other form of private consensus based contracts and standards deriving from powerful private organised companies and groups
10. Interpretation of discretionary powers and bases with local authorities, states, interregional institutions and international organisations
11. Interpretation of discretionary powers to pave the way towards to a Partnerships with private entities in order to achieve SDG 17
12. Interpretation and discretion and applicability of proportionality in terms of concluding an investment agreement, a public private partnership agreement with states or transnational companies in order to gain economic targets while reacting in a sustainable and equitable manner
13. Formulation of new politics, like plans, programs, guidelines etc. which will lead over the time to new legal measures reiterating the new approach
14. Formulation of new transnational, domestic, interregional and international law regardless of whether private or public law based on the Global Agenda and the SDGs

## Introduction

15. Treaties and rules of customary international law should be interpreted in the light of principles of sustainable development; interpretations which might seem to undermine the goal of sustainable development should only take precedence where to do otherwise would undermine fundamental aspects of the global legal order, infringe the express wording of a treaty or breach a rule of *jus cogens*.<sup>101</sup>
- 98 The Global Agenda 2030 and the SDGs clearly illustrate the broad foundation on which they are built. Their inherent principles can be found on innumerable horizontal and vertical levels of the matrix of law. Depending on their temporal origin, these principles can either be attributed to the nascence of the SDGs as an influencing factor or as a measure initiated by them. Due to the holistic concept, which aims to be implemented at all achievable levels,<sup>102</sup> further manifestations can be found on political, legal and civil tiers including different stakeholders and justify different levels of resilience.
- 99 The systematic approach of the Global Agenda 2030 and the SDGs influence the following analysis of the main internal and external principles of the Global Agenda 2030 bearing in mind, that the approach of universal applicability in practice relies on the integrated and indivisible character<sup>103</sup> of the SDGs and at the same time balancing the 3 dimensions of the SDGs. This makes the applicability on certain topics quite cumbersome. It is therefore useful to deconstruct the Global Agenda 2030 and its architecture in order to identify the main common principles that are necessary to work at different scales as described.
- 100 Having this in mind, it is time to turn to the Global Agenda 2030 and describe the internal and external principles which permeate the resolution as such.
- 101 The systematic separation of the Global Agenda's internal principles and its external participatory principles incorporated by reference underscores the complex overall architecture of the Global Agenda 2030 internally and externally. This particular architecture points to the resolution not only as a politically important instrument for achieving ambitious goals, but also for integrating and situating the Global Agenda 2030 in the broad concert of a multilateral order based on international law. Can these principles be at least reduced to a common nucleus that unites them in their diversity? Is there a space of a construction of a new approach already sketched in the resolution itself? Can different principles and / or a different nucleus be identified for the Global Agenda 2030 and the 17 SDGs themselves? To analyse those questions we will take a close look on the principles of the Global Agenda 2030 and differentiate between principles, which are internally viable, and those which are externally of the Global Agenda and where is a reference set either directly or indirectly.
- 102 To identify these fundamental principles and the building blocks of the SDGs, my proposal is to distinguish between internal and external principles, each of which stabilises and underpins the core of the Global Agenda 2030: the SDGs.

### 3. Systematic Word Count

- 103 Systematic word counting is a simple tool to measure the number of words used in a given text and to infer the gravity rate of the terms and their hierarchy from the result.

---

<sup>101</sup> ILA, Resolution No. 7/2012, 2012 Sofia Guiding Statements on the Judicial Elaboration of the 2002 New Delhi Declaration of Principles of International Law Relating to Sustainable Development, Guiding Statement No. 2.

<sup>102</sup> See A/RES/70/1, para 39: 'global engagement [...] bringing together Governments, the private sector, civil society, the U55N system and other actors and mobilizing all available resources.'

<sup>103</sup> A/RES/70/1, para 55.

Word count is known in many disciplines to seek for an unbiased and objective outcome.<sup>104</sup> This tool provides clarity through a quantitative analysis of the different words and their use in a text. 104

Although, the observation seems to be logical that not everything that counts can be counted and not everything that can be counted counts,<sup>105</sup> the approach of a word count provides nonetheless objective and systematic support to understand a text not primarily from interpretation or a meta-theoretical or ontological point of view, but from the pure and positive text itself, without hindrance and from any approach that clouds the sheer view and interpretation of that specific text. 105

Even if the absence of empirical objectivism is to be lamented, terms (and their notions) are nevertheless the tools with which reality is observed and constructed.<sup>106</sup> 106

Yet, it should be noted that at least any additional word *cum grano salis* can immediately change the meaning of the text and nullify even the highest count of certain words in a legal sense. But as a simple approach to a non-legal text that tends to be a source of other normative concepts and a guide to legal plans, schemes, laws and regulations in the global multi-level system of laws, it can be useful to start with. 107

The word count in A/RES/70/1 reveals the following score: 108

1. Development	205	16. Rights	23
2. Sustainable (including Sustainability)	227	17. Climate Change	20
3. 2030	75	18. Equality	18
4. Goals	64	Peace	18
5. Economic	61	Law	18
6. Technology (including technological)	53	19. Growth	17
7. Human (including Humanity)	44	20. Girls	15
8. Inclusive	40	21. Private	16
9. Social	39	22. Equitable	13
Equality (including equal and inequality)	39	Planet	13
10. Environment	35	Empower	13
11. Women	32	23. Ocean	11
12. Science (including scientific)	30	24. Addis Ababa Action Agenda	9
13. Poverty	28	International law	9
Water	28	Inequality	9
14. Innovation (including innovative)	27	25. Natural resources	8
15. Climate	26	Hunger	8
		Business	8
		26. Indicator(s)	7
		World Trade Organization	7

<sup>104</sup> 'The object of this paper is to introduce a simple technique which is of value in the study of Roman law. This is the use of word counts and word frequencies,' Honoré, 'Word Frequencies and the Study of Roman Law' (1972) 30.2 *The Cambridge Law Journal*, 280-93; 'A controversial area of forensic linguistics is 'Stylometry'. This technique involves word counts of various types, and the measurement, Gibbons, 'Language and the law' (1999) 19 *Annual Review of Applied Linguistics*, 156-73; Al-Mosaiwi, and Johnstone, 'In an absolute state: Elevated use of absolutist words is a marker specific to anxiety, depression, and suicidal ideation' (2018) 6.4 *Clinical Psychological Science*, 529-42; Stirman and Pennebaker, 'Word use in the poetry of suicidal and nonsuicidal poets' (2001) 63.4 *Psychosomatic medicine*, 517-22.

<sup>105</sup> So the title by Khalil, 'Not everything that counts can be counted and not everything that can be counted counts' (2014) 38(2) *The Psychiatric Bulletin*, 86.

<sup>106</sup> D'Aspremont, 'Wording in International Law' 25(3) *Leiden Journal of International Law*, 575-602.

Introduction

27.	Justice	6	30.	Transformation	2
	Well-Being	6		Corruption	2
28.	Prosperity	5	31.	Injustice	1
29.	Dignity	4			
	Rule of law	4			
	Multilateral	4			

- 109 Following the hierarchy of words counted up to the most ten used words in the resolution, the following sentence could be formulated only using the hierarchy of words:
- 110 Resolution 70/1 stresses that development (1) in a sustainable manner (2) should be achieved by 2030 (3) with the goals (4) by integrating the economy (5), serving the ideal of humanity (6) and by not ignoring the inclusive (7) approach of fundamental social (8) and environmental (9) aspects as well as the equality of women (10).
- 111 If one were to rely solely on the quantitative consideration of the word count, the analysis of the least mentioned terms which are mentioned only one time to a maximum of four times (see no. 27-31) would lead to the problematic conclusion that injustice (31), corruption (30), transformation (30), multilateralism (29), the *rule of law* (29) and dignity (29) firstly reflect a much lower level of attention in the resolution and secondly, as a consequence, show a lower need to pay attention to and address these issues in the multi-level system of law. The low representation of these terms in the resolution also demonstrate that only the gap between the terms mentioned many times (no. 1-10) and the terms mentioned least is reasonably high. It could be concluded that the low representation of terms such as *rule of law* indicates that the associated legal mechanisms are not seen as primary solutions in this context. The same applies to the issue of corruption, the fight against which could make a central contribution to sustainability, but is clearly not one of the primary goals and main topics driving the Global Agenda 2030.
- 112 It could lead to the disturbing question, what if in the future sustainable development supersedes the deeper meaning of the *rule of law*? Would the immense battle against climate change justify weakening the *rule of law*? Certainly that would not be called legally an acceptable idea, but it points to the perspective that to achieve the goals an acceptance of ‘weaker’ concepts and provisions like corruption and the lack of the rule of law could justify an earlier win of certain goals.
- 113 Word count could serve as an internal hierarchy of used terms to indicate, in an objective sense, whether a high or low level of attention could be diplomatically prevailed upon.

IX. The Internal and External Systematic Approach

- 114 This chapter discusses the principles and main concepts that run through the Global Agenda 2030. Those principles serve as a kind of a layer which are linked to every SDG connecting the specific goal with the different settings, concepts and arguments found in conferences as well as to the legal principles of international law. Some of them are highlighted in the resolution as particularly important in the chapter ‘Our shared principles and commitments’, while others stand out in other parts of the resolution, signalling a more limited and selective scope. It is therefore necessary to define the tasks, the scope and the hierarchy of the principles used, while explaining their respective areas of application.

Some of the principles and the most influential ideas, which shape the Global Agenda 2030 and the SDGs including their application, are clearly mentioned in the text of the resolution at the preamble or declaration and are therefore referred to as ‘principles’ in the declaration.<sup>107</sup> However, some principles were not addressed as a general term but were referred to in the context of a specific goal<sup>108</sup> or even explicitly quoted in the section of the ‘Means of implementation and the Global Partnership’.<sup>109</sup> Other principles and guiding concepts are equally mentioned and quoted in the ‘Follow-up and review’ process<sup>110</sup> of the implementation of the SDGs<sup>111</sup> or in the explanation of the ‘New Agenda’<sup>112</sup> or in the introduction to the SDGs<sup>113</sup> underlining the proposals the Open Working Group (OWG) on SDGs<sup>114</sup> and the character of the SDGs and targets as ‘integrated and indivisible’.<sup>115</sup>

The relationship and the impact of the principles is hard to separate. It is thus evident that the World Health Organisation’s Framework Convention on Tobacco Control, cited in SDG 3,<sup>116</sup> which relates to health, has limited scope in the Global Agenda 2030, despite its general importance, and will not directly influence many other goals. Sometimes explicitly named principles within the SDGs are mentioned and their specific space of applicability extends across one SDG, although they are not directly mentioned in the general principles. Those principles serve as general block to extract further guiding advice when the applicability of the SDGs get ambiguous. All principles, concepts and guidance are intended to give birth to a new agenda when the SDGs and their inherent process amalgamate with the underlying principles to form a new approach.

The Global Agenda 2030 and the SDGs can be attributed to a large number of internationally recognised principles of international law and the international law as such,<sup>117</sup> either directly or through the interpretation of the individual objectives.

Some of the main principles and Treaties of the Global Agenda 2030 and the SDGs are specified and are explicitly quoted<sup>118</sup>:

- Charter of the United Nations, including full respect for international law,
- Universal Declaration of Human Rights,
- International Human Rights Treaties,
- Millennium Declaration,
- All principles of the Rio Declaration on Environment and Development, including the principle of common but differentiated responsibilities, as set out in Principle 7
- 2005 World Summit Outcome<sup>119</sup>

<sup>107</sup> A/RES/70/1, paras. 10-3.

<sup>108</sup> A/RES/70/1, SDG 14, 14.a; see Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Tech Paralogy.

<sup>109</sup> A/RES/70/1, paras. 28, 42: Istanbul Declaration and Programme of Action or the African Union’s Agenda 2063, 47, 60-71.

<sup>110</sup> A/RES/70/1, paras. 72-91.

<sup>111</sup> A/RES/70/1, para. 75: Framework of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators. Resolution A/RES/71/313. adopted by the General Assembly on Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development on 6 July 2017.

<sup>112</sup> A/RES/70/1, para. 24: the Rome Declaration on Nutrition and the Framework for Action; para 28: 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns; A/RES/70/1, para 31: United Nations Framework Convention on Climate Change (UNFCCC).

<sup>113</sup> A/RES/70/1, paras. 54-9.

<sup>114</sup> A/RES/70/1, para. 54.

<sup>115</sup> A/RES/70/1, paras. 5, 18, 55 and 71.

<sup>116</sup> A/RES/70/1, SDG 3, 3.a.

<sup>117</sup> A/RES/70/1, paras. 10, 18, 19, 23, 30, 35, 14.5, 14.c.

<sup>118</sup> A/RES/70/1, Introduction, para. 12.

<sup>119</sup> A/RES/70/1, Introduction, para. 10.

## Introduction

119 A foundation for sustainable development was already laid through various declarations, conferences and academic writing, judicial decisions in international, interregional, e.g. European and national law, crystallizing a clear consciousness about content and reach of the term sustainable development which influenced the Global Agenda 2030 and the SDGs. Those declarations and conferences are explicitly quoted in the text of the resolution to underline the different historical layers on which the concept of sustainable development has been built. The text of the principles and commitments of the resolution quotes the following historically formative elements of influence:

- Rio Declaration on Environment and Development
- World Summit on Sustainable Development
- World Summit for Social Development
- Programme of Action of the International Conference on Population and Development
- Beijing Platform for Action
- United Nations Conference on Sustainable Development
- Fourth United Nations Conference on the Least Developed Countries
- Second United Nations Conference on Landlocked Developing Countries
- Third International Conference on Small Island Developing States
- Third United Nations World Conference on Disaster Risk Reduction<sup>120</sup>
- (once again) the Rio Declaration on Environment and Development, including, inter alia, the principle of common but differentiated responsibilities, as set out in principle 7 thereof<sup>121</sup>
- Commitment to international law<sup>122</sup>
- (indirect) commitment to Multilateralism by stating that ‘States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations’<sup>123</sup>
- Concept of sustainable development with three dimensions: economic, social and environmental<sup>124</sup>
- Principle of integrated, indivisible and balanced SDGs,<sup>125</sup> global in nature and universally applicable<sup>126</sup>
- Matrix of a vertical local, national (including governments<sup>127</sup> and national parliaments<sup>128</sup>), regional, international and horizontal level including the UN System and other international institutions extended to the private sector<sup>129</sup>, business<sup>130</sup> the civil

---

<sup>120</sup> All so far named conferences and Declaration are quoted at A/RES/70/1, para. 11.

<sup>121</sup> A/RES/70/1, para. 12.

<sup>122</sup> A/RES/70/1, paras. 18, 19, 23, 30, 35, 14.5, 14.c.

<sup>123</sup> A/RES/70/1, para. 30 and regarding trade: 17.10, 68, multilateral institutions: 74(i) and multilateral environmental agreements: 67.

<sup>124</sup> A/RES/70/1, para. 2.

<sup>125</sup> A/RES/70/1, paras. 5, 18, 58.

<sup>126</sup> A/RES/70/1, paras. 5, 18, and in particular para. 58.

<sup>127</sup> A/RES/70/1, para. 52.

<sup>128</sup> A/RES/70/1, para. 79.

<sup>129</sup> A/RES/70/1, para. 41: ‘the role of the diverse private sector, ranging from micro-enterprises to cooperatives to multinationals’.

<sup>130</sup> A/RES/70/1 para. 52.

- society<sup>131</sup>, the indigenous peoples<sup>132</sup>, philanthropic organisations<sup>133</sup>, public private partnerships<sup>134</sup> and the scientific and academic community<sup>135</sup>
- Empowerment of the most vulnerable: all children, youth, persons with disabilities (of whom more than 80 per cent live in poverty), people living with HIV/AIDS, older persons, indigenous peoples, refugees and internally displaced persons and migrants.<sup>136</sup>
- A new approach is needed regarding the interrelated commitments of conferences and summits<sup>137</sup>

The SDGs are thus more than a global agenda. Rather, their impact gives birth to something new that originally came from the scenery of environmentalism and has now evolved into a broader and complex current of a real or desired legal narrative of a somehow normative conceptual movement, aiming at the sphere where the theory of law ends and informal law begins, fulfilling the unanswered ‘new approach’ of the resolution itself.<sup>138</sup> Following the systematic approach of this commentary, one cannot ignore the principles, treatises, concepts and ideas building an architecture for the SDGs, shaping and influencing them at the same time formulated later and match perfectly into those fundamentals. The principles in the declaration and in further parts of the agenda as a political agenda ‘of unprecedented scope and significance’<sup>139</sup>, recurring to principles already developed by conferences, resolutions and reiterated often the existence of principles, which are now not encompassed directly by every SDGS but are wrapped around them and building a kind of a normative and legal cocoon or layers. The resolution is embedded in a way that the mere core as such remain a non-binding resolution but with much different kind of layers achieving a gravity in the space of the evolution of concepts, normativity they start to enter the realm of law itself.

## X. The Internal Principles of the SDGs

The resolution, as a political agenda ‘of unprecedented scope and significance’<sup>140</sup> has found its way into various political and legal levels of the international community through a wide range of measures, processes and instruments. However, there is not only evidence that the SDGS have influenced the legal level of international law but furthermore influence the interregional and national level as well. In the vertical and horizontal matrix of law and its different expressions the Global Agenda 2030 including the SDGs were subsequently integrated mostly politically but incrementally legally as well. The Global Agenda 2030 and the entailed SDGs demonstrates that their unique and striking concept of a political, ecological, social and planetary change or adjustment is unanimously accepted and therefore integrated into different levels of the realm of law in the following spheres: international, transnational, interregional, national and also in private law and standards. Therefore the SDGs are the core part but endorsed by the Global Agenda 2030, thus clearly separate but at the same time connected. The

<sup>131</sup> A/RES/70/1, para. 39: ‘the private sector, civil society’, 41.

<sup>132</sup> A/RES/70/1, paras. 23, 25, 52, 79.

<sup>133</sup> A/RES/70/1, para. 41.

<sup>134</sup> A/RES/70/1, para. 17.

<sup>135</sup> A/RES/70/1, para. 52.

<sup>136</sup> A/RES/70/1, para 23.

<sup>137</sup> A/RES/70/1, para. 13: ‘a new approach is needed’.

<sup>138</sup> A/RES/70/1, para. 13.

<sup>139</sup> A/RES/70/1, para. 6.

<sup>140</sup> A/RES/70/1, para. 6.

## Introduction

overwhelming evolution and their rootedness in international law and human rights provides a notion of closer and more distant layers bearing their own weight in the respective legal field. Therefore the internal principles catch a more decisive attention. They are interwoven in a direct sense, mostly taken from another and refined for the direct understanding. Sometimes the distinction is problematic, e.g. the AAAA is considered an integral part of the Global Agenda 2030, but was adopted at a separate conference with its own name and history. In this respect, the AAAA remains independent, even if it is referred to and integrated into the Global Agenda.

### 1. The '5 P'-Principle

- 122 The internal Principles comprise and guide the content of the resolution and the SDGs.
- 123 The overarching principles of the Global Agenda 2030 can easily be extracted from its preambular paragraphs, serving as an overarching inscription to the gate of the Global Agenda 2030. The mentioned levels 'People, Planet, Prosperity, Peace and Partnership'<sup>141</sup> describe the scope and the ambition of the Global Agenda 2030 on the highest level of a systematic internal hierarchy.
- 124 The preamble of the Global Agenda 2030 notably is similar in content with the Rio Declaration (1992), where the Rio topics were translated into the '5 Ps' from cooperation into 'peace' and 'partnership', social development into 'People' environmental protection into 'planet' and economic growth and development into 'prosperity'.<sup>142</sup>
- 125 The overarching objectives in the Global Agenda 2030 now state five key messages, abbreviated as '5 P':
- Focus on human dignity (People)
  - Protect the planet (Planet)
  - Promote prosperity for all (Prosperity)
  - Promoting peace (Peace)
  - Establishing global partnerships: (Partnership)
- 126 These five major columns illustrate the linkage of the agenda with the anthropocentric approach of the SDGs. Although the protection of 'Mother Earth' has been included in these five basic principles, it emerges that it also serves to 'support the needs of the present and future generations.'<sup>143</sup> By picking up this core principle of sustainable development and quoting indirectly *Gro Harlem Brundtland's* famous definition, the intergenerationally grounded agenda included the biological systems that are the provision for any kind of life on this particular planet. Therefore, it is an agenda, which originates and is strictly linked to human needs, which cannot be separated from this principle, thus promoting the planet as a compulsory prerequisite provision.
- 127 A consideration that would focus solely on a right of nature of whatever kind and would thus lose the interconnectedness with people would no longer be congruent with the Global Agenda 2030 and the SDGs. As demonstrated above, the SDGs are indivisible and place people at the centre of consideration, who are, however, bound in their own interest to respect nature within its limits and not to harm it without harming themselves. In the end, trade-offs have to be made in individual cases and conflicting interests have to be weighed against each other in the sense of proportionality.

---

<sup>141</sup> A/RES/70/1, preamble, 2.

<sup>142</sup> A/CONF.151/26 (Vol. I); Dupuy and Viñuales, *International Environmental Law* (2<sup>nd</sup> edn, 2018), 21.

<sup>143</sup> A/RES/70/1, preamble, 2.