CORA Cork Open Research Archive
Cartlann Taighde Oscailte Chorcaí

Title	International law and the sustainable development goals
Authors	Guiry, Niamh
Publication date	19/03/2024
Original Citation	Guiry, N. (2024) 'International law and the sustainable development goals', The Boolean: Snapshots of Doctoral Research at University College Cork, 7, pp. 1-5. https://doi.org/10.33178/boolean.2024.1.1
Type of publication	Article (peer-reviewed)
Link to publisher's version	10.33178/boolean.2024.1.1
Rights	© 2024, the Author(s). This work is licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 licence (CC BY-NC-ND 4.0) - https://creativecommons.org/licenses/by-nc-nd/4.0/
Download date	2026-11-15 17:58:21
Item downloaded from	https://hdl.handle.net/10468/15763



UCC
University College Cork, Ireland
Coláiste na hOllscoile Corcaigh

THE BOOLEAN
SNAPSHOTS OF DOCTORAL RESEARCH AT UCC

UCC
University College Cork, Ireland
Coláiste na hOllscoile Corcaigh

International Law & The Sustainable Development Goals

Niamh Guiry[1,*]

[1] *Centre for Law and the Environment, School of Law, University College Cork, Ireland.*

[*] *Corresponding author: 116361346@umail.ucc.ie*

At a Glance

Law and policy are essential tools to tackle ongoing and emerging environmental challenges and are critical to the fulfilment of sustainable development. Adopted by all 193 United Nations (UN) Member States, the 2030 Sustainable Development Goals (SDGs, also known as the 2030 Agenda) act as the 21st-century framework for sustainable development. This doctoral project seeks to investigate the interactive dynamics between international law and the SDGs to discern the potential of this relationship to strengthen, reinforce, and facilitate the realisation of existing and emerging obligations in international law.

Keywords: 2030 Sustainable Development Goals; International law; Sustainable development; Environmental law; Global governance.

Introduction

Of the nine identified planetary boundaries deemed to be critical to environmental stability and long-term ecological functionality, six have already been exceeded according to a 2023 study, with two of the remaining three deemed to be within a safe operating space and one nearing its identified planetary limitation.[1] It has long been understood that our unsustainable consumption and production practices, over-exploitation of natural resources, dependency on fossil fuels, and pursuit of limitless growth are responsible for emitting large quantities of greenhouse gases. These activities have resulted in an average global temperature increase of 1.1 degree Celsius since 1880. In light of the intensifying climate and biodiversity crises, it is clear that society needs to radically transform its systems and transition to a low-carbon economy, for the well-being of our people and the planet.

That we need to live and work in harmony with the natural world is not a new realisation and has been on the radar of the international community for decades. The first explicit definition of sustainable development can be found in the 1987 *Report of the World Commission on Environment and Development*.[2] It was described as 'development that meets the needs of

CC BY NC ND

the present without compromising the ability of future generations to meet their own needs'. This definition recognises the 'needs' of people and the importance of improving standards of living, human rights, and economic opportunities whilst understanding the need to safeguard the environment and to better manage the exploitation of natural resources for present and future generations. Since the publication of this report, the concept of sustainable development has evolved significantly in the context of international law and policy to a point where it has now become a global priority, a principle of international law, and a universal framework known as the Sustainable Development Goals (SDGs).

The SDGs

Established in 2015, the SDGs represent a universal pledge to address ongoing human rights issues, environmental degradation, and economic advancement, seeking to facilitate transformational change and to create an equitable world for all. The SDG framework is made up of 17 individual goals and 169 targets that rely on long-term political commitment and collaborative partnerships between states to achieve non-binding objectives. Using lessons learned from the Millennium Development Goals,[3] the SDGs are described as being 'integrated and indivisible' and to 'balance the three dimensions of sustainable development: the economic, social and environmental'.[4] This is a significant characteristic of the framework as it endorses a holistic approach to sustainable development challenges and solutions. The realisation of each SDG is dependent on the realisation of all the SDGs, and if the integrated nature of the goals is ignored by states, there is a risk of 'perverse outcomes' and target setbacks.[5]



Figure 1: The 17 Sustainable Development Goals

The ambitious nature of the SDGs is evident in its 'transformative' agenda that envisions a world free from poverty and violence where all individuals have equal rights and access to resources while living in safe and healthy environments (see Figure 1). Undoubtedly, it is not

an easy feat to realise these objectives and in an effort to ensure the implementation of the SDGs, states committed to engage with systemic follow-up and review mechanisms to help track national implementation progress. The onus of engaging with these processes falls upon individual states and while described as a 'collective journey', the 2030 Agenda emphasises the role that national ownership plays in sustainable development.[4]

The SDGs & International Law

As mentioned, the 2030 Agenda is a non-binding framework, meaning that states are not legally bound to realise these objectives. However, if one examines the drafting sessions of the goals as well as the details within the SDGs themselves, it becomes clear that the elaboration of the SDGs was significantly informed by the norms, principles, and treaties of general and customary international law, and they were developed to be implemented in accordance with existing and emerging principles and obligations under international law. Correlations can also be drawn between the specific targets of the SDGs and existing international legal regimes.[6] Overall, the goal-oriented framework seems to deviate from the traditional method of law-making to one that centres around shared state responsibility and collective values over strictly binding systems to identify and address extremely complex and interconnected problems.[7]

Main Research Aims & Methods

This research is focused on how the SDG framework functions to influence the elaboration and realisation of obligations under international law and seeks to carry out a comprehensive exploration of the relationship between the SDGs and international law to allow for the potentially transformative effect of the SDGs on the elaboration, implementation, and interpretation of international law to be evaluated and mapped. To realise this objective, this project will investigate the legal nature and effects of the SDGs by critically analysing the framework in the context of general and customary international law to establish how these goals have or could be used to shape the legal landscape.

This research project will mainly employ doctrinal methodologies, examining relevant primary and secondary materials in order to identify the normative context of key rules and principles of international law that correspond to the SDG framework. This will allow for a comprehensive investigation of the role of law in the SDG formation process as well as a comparative examination of the relationship between several case study SDGs and their corresponding sub-fields of international law (including climate law, marine law, biodiversity, human rights, and economic law). While doctrinal methodologies will be the main approach adopted in this project, this will be supported by theoretical frameworks, socio-legal, and comparative elements.

This project will feature the following four SDG case studies to allow the legal relationships between the SDGs and international law to be explored in more depth: SDG 6 (Clean Water & Sanitation), SDG 12 (Responsible Consumption & Production), SDG 14 (Life Below Water),

and SDG 15 (Life On Land). These case studies were chosen as they seem to broadly align with the three dimensions of sustainable development in addition to the fact that each goal is connected to one another by virtue of a strong environmental element. While a comprehensive exploration of all 17 SDGs would be out of the scope of this project, it will be necessary to refer to cross-cutting goals, such as SDG 16 (Peace, Justice, & Strong Institutions) and SDG 17 (Partnership for the Goals) to facilitate a multi-faceted application of this analysis. Overall, an extensive exploration of these case studies will allow for the identification of the interactions that are taking place between the respective goal and its corresponding subfield of international law and an investigation of its potential to be used as a tool to further the realisation of critical international law objectives.

Conclusion

The realisation of sustainable development is one of the world's greatest challenges but also one of our greatest opportunities. Whilst not without flaws or limitations, the SDG framework has had impacts across many levels of society and has been universally embraced by virtually all countries in the world, facilitating state cooperation and instigating voluntary reporting practices. As the 2030 deadline approaches, the interactions between the SDGs and international law must be fully established in order to understand how the SDGs can operate to achieve the critical environmental, human rights, and developmental goals set out in key legal commitments, and furthermore, how this understanding can inform the creation of a more effective post-2030 Agenda.

Acknowledgements

I would like to sincerely thank my supervisors Prof Owen McIntyre and Dr Dug Cubie for their continued support and feedback.

Declaration of Interests

Nothing to declare.

Author Bio

Niamh Guiry, BSc (UCC), LLM (UCC), is a second-year IRC-EPA PhD scholar at the School of Law, University College Cork. Her PhD project, 'Mapping the Legal Influences of and Implications for International Law of the 2030 Sustainable Development Goals', explores the interrelationship between the SDGs, global environmental governance, and evolving patterns of international law-making. Niamh is a climate activist and has extensive experience in environmental communication and community engagement.

References

[1] K. Richardson et al. Earth beyond six of nine planetary boundaries. *Science Advances*, 9:1–16, 2023.

[2] United Nations General Assembly. Report of the World Commission on Environment and Development (4 August 1987). https://documents-dds-ny.un.org/doc/UNDOC/GEN/N87/184/67/IMG/N8718467.pdf?OpenElement, 1987. accessed 3rd August 2023.

[3] United Nations General Assembly. Resolution 55/2: United Nations Millennium Declaration (18 September 2000). https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/559/51/PDF/N0055951.pdf?OpenElement, 2000. accessed 3rd August 2023.

[4] United Nations General Assembly. Resolution 70/1: Transforming our world: the 2030 Agenda for Sustainable Development (21 October 2015). https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact, 2015. accessed 3rd August 2023.

[5] M. Nillson, D. Griggs, and M. Visbeck. Policy: Map the interactions between Sustainable Development Goals. *Nature*, 534:320–322, 2016.

[6] R. E. Kim. The Nexus between International Law and the Sustainable Development Goals. *Review of European, Comparative International Environmental Law*, 25:15–26, 2016.

[7] O. McIntyre. *Sustainable Development Goals: Law, Theory and Implementation*, chapter International water law and SDG 6: mutually reinforcing paradigms, pages 173–200. Edward Elgar Publishing, 2018.