

HUMAN RIGHTS IN THE ANTHROPOCENE, THE SUSTAINABLE DEVELOPMENT GOALS AND THE SIGNIFICANCE OF SDG 17 'PARTNERSHIPS FOR THE GOALS'¹

INTRODUCTION

The recognition of the Anthropocene casts stark light upon the impact of human activity upon our environment. In so doing, it frames the way in which we must now view and manage our relationship with the environment, creating an imperative that we adopt an approach which holds human and environmental interests and rights in balance. Without that, we leave the future of the planet and all its inhabitants in jeopardy. Part of this requires a reconsideration of how we approach the relationship between human rights and the environment.

The concept of 'sustainable development' already recognises the inter-relationship of social, environmental and economic development. This chapter builds upon this recognition, proposing that the consideration and pursuit of human rights in the Anthropocene be located squarely within the paradigm of sustainable development.

While the Johannesburg Declaration recognised in 2002 that sustainable development is based upon the three pillars of environmental, social and economic development, there is still a tendency for some to see it as an essentially environmental concept. Countering this tendency and supporting the evaluation and furtherance of the protection of human rights in the Anthropocene necessitates an 'integrated conceptualisation' of sustainable development. The United Nations Sustainable Development Goals provide evidence of the international community's broad recognition of the practical inter-relationship between, and mutual dependency of, human rights and the environment. There are however a number of factors which pose obstacles to the operationalisation of such an integrated conceptualisation, not least of which is the very

¹ Emily Reid, Professor of International Economic Law and Sustainable Development, Southampton Law School, University of Southampton, UK. Email e.s.reid@soton.ac.uk

structure of the international legal order. This chapter evaluates the potential contribution and significance of SDG 17, 'Partnerships for the Goals' to overcoming the obstacles and meeting this challenge.

Part 1 therefore sets out the need to locate the consideration and pursuit of human rights in the Anthropocene within the frame of an integrated conceptualisation of sustainable development, such as that manifested in the United Nations Sustainable Development Goals. Part 2 identifies key challenges to the operationalisation of the integrated conceptualisation of sustainable development and the pursuit of human rights within that frame, including obstacles resulting from the fragmented architecture of international law. Part 3 explores various means by which to mitigate this, focusing in particular on the potential offered by SDG 17, evaluating its weaknesses and considering the significance of partnerships. Within this part, brief consideration will be given to the theoretical framework in which these issues are or might be addressed.

The final part will offer some conclusions.

PART 1 HUMAN RIGHTS, THE ANTHROPOCENE AND SUSTAINABLE DEVELOPMENT

The claim that the Anthropocene necessitates that human rights, looking forward, must be considered within a paradigm of sustainable development merits some unpacking. Not least, it might ring alarm bells with those who view sustainable development as primarily an environmental concept, and who might be concerned that placing human rights within that frame would subordinate them to environmental protection, or even to economic development.² There are therefore two connected elements to explore here: the first concerns the definition or conceptualisation of sustainable development and the second evaluates the argument that the pursuit of human rights should be undertaken within the paradigm of sustainable development.

SUSTAINABLE DEVELOPMENT: AN EVOLVING CONCEPT

While 'sustainable development' as it is now recognised had its origins in the context of environmental and then development negotiations it has evolved considerably since the 1970s.³

² It might equally concern environmentalists, who might worry that it could compromise the achievement of environmental standards.

³ James May indeed observed the ethos of 'sustainable development' much earlier than this, in Leonardo Da Vinci's *Codex Leicester*, J. R. May, 'Of Development, Davinci and Domestic Legislation: The Prospects for Sustainable Development in Asia and its untapped Potential in the United States' 3 WIDENER L. SYMP. J. 197,

STOCKHOLM

Recognition that the protection, stewardship and sustainability of the environment is strongly inter-twined with economic development and social and cultural quality of life and development can already be seen in the early international environmental texts. Thus, in the 1972 Stockholm Declaration⁴

‘Principle 1 – ‘Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations...

-Principle 2 – ‘The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate’

-Principle 4 – ‘Man has a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat, which are now gravely imperiled by a combination of adverse factors. Nature conservation, including wildlife, must therefore receive importance in planning for economic development.’

-Principle 5 – ‘The non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure the benefits from such employment are shared by all mankind’

...

Principle 8 – ‘Economic and social development is essential for ensuring a favourable living and working environment for man and for creating conditions on earth that are necessary for the improvement of the quality of life’

Even in that early environmental context, the need to conserve the environment was recognised as a multi-dimensional imperative which fed into, and was supported by, both economic development and social and cultural quality of life and development.

THE BRUNDTLAND COMMISSION REPORT – LINKING ENVIRONMENT AND DEVELOPMENT

198 (1998). Others, including Judge Weeramantry have observed that many traditional non-western cultures have long histories of the integration of environmental concerns in economic activity. *Gabcikovo-Nagymaros Project (Hung. v. Slovak.)*, 1997 I.C.J. 97, 97-110 (separate opinion of Judge Weeramantry) (*Gabcikovo-Nagymaros Project*). See further Alhaji B.M. Marong, ‘From Rio to Johannesburg: Reflections on the Role of International Legal Norms in Sustainable Development’, 16 *GEO. INT’L ENVTL. L. REV.* 21 (2003).

⁴ Declaration of the United Nations Conference on the Human Environment, A/CONF.84/14 (1972) [hereinafter Stockholm Declaration].

Subsequently what was to become, and remains, the seminal definition of sustainable development was articulated in the 1987 Report of the Brundtland Commission, as development which ‘ensures that it meets the needs of the present without compromising the ability of future generations to meet their own needs.’⁵ The Brundtland Commission had been asked by the General Assembly of the United Nations to develop ‘A Global Agenda for Change’, and its broad remit included a request that it:

‘recommend ways concern for the environment may be translated into greater co-operation among developing countries and between countries at different stages of economical and social development and lead to the achievement of common and mutually supportive objectives that take account of the interrelationships between people, resources, environment, and development’.⁶

While some had argued during the formulation of the terms of reference of the Commission that it should focus only on ‘environmental issues’, the view of the Chair was that this would have been erroneous: ‘The environment does not exist as a sphere separate from human actions, ambitions, and needs, and attempts to defend it in isolation from human concerns have given the very word "environment" a connotation of naivety in some political circles’. Noting that ‘development’ had also been ascribed a narrow focus by some, the Chair’s foreword crucially continues: ‘environment is where we all live; and ‘development’ is what we all do in attempting to improve our lot within that abode. The two are inseparable.’⁷

This explicit recognition of both the inherent link between environment and development, and the links between poverty, inequality and environmental degradation which underpin the report, is of crucial importance, and provides a foundation for future developments. In recognising this link, the Brundtland Report acknowledged environmental protection both as a means by which to pursue economic and social development, in particular the alleviation of poverty, and as a free-standing interest to be pursued in its own right. The Commission also concluded however that compartmentalisation, whereby Government agencies and departments have specific sectoral remits, means that institutional organisation has not kept pace with developments in the international economy and this fundamental flaw requires change.⁸

THE RIO DECLARATION

Following the report of the Brundtland Commission, the next key point in the shaping of ‘sustainable development’ was the United Nations Conference on Environment and Development in Rio in 1992 (Rio

⁵ Article 27, ‘Our Common Future: Report of the World Commission on Environment and Development’ (Brundtland Report) available at: <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>

⁶ Brundtland Report, *ibid.* Foreword.

⁷ *Ibid*

⁸ Brundtland Report, Overview, 1.4. See also Alhaji B.M. Marong, *supra* n. 1 and see part 2 below.

Conference). In addition to the focus on environment and development, the Conference marked the opening for signature of the UN Framework Convention on Climate Change and the Convention on Bio Diversity. As French notes, however, the endorsement of sustainable development as an international objective was central to the conference's objectives.⁹

Consistent with Brundtland, acknowledgement of the integral relationship between environmental protection and development is again apparent in the Rio Declaration on Environment and Development (Rio Declaration)¹⁰: Principle 3 provides: 'The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations'. This is interesting on two counts; first, that while Principle 3 recognises a 'right to development', there is no mention of either environmental rights, or of a right to 'sustainable development' in the Rio Declaration. Secondly, Principle 3 affirms the Brundtland concern with the needs of both current and future generations. Principle 4 provides that 'In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.' Significantly, this reinforces the centrality of a focus upon environment as a contributor to development. Agenda 21¹¹, the 'action plan' for sustainable development which emerged from Rio recommended the establishment of a Commission on Sustainable Development in 1992, and this has been key to the 'Rio Process', which established a degree of political momentum in pursuit of sustainable development.

Accordingly, following Rio, there were two progress reviews, the first was a special session of the UN General Assembly in 1997, which noted that despite some positives, 'overall trends with respect to sustainable development are worse today than they were in 1992. We emphasize that the implementation of Agenda 21 in a comprehensive manner remains vitally important and is more urgent now than ever'¹² The second was at the World Summit on Sustainable Development (WSSD), Johannesburg, 2002.

THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT: THE INVOCATION OF 'THREE PILLARS'

As noted above, the Johannesburg Declaration recognised the 'interdependent and mutually reinforcing pillars of sustainable development- economic development, social development and environmental protection'. The inclusion of 'social development' was significant – although the Brundtland Report and Rio Declaration had

⁹ D. French *International Law and Policy of Sustainable Development* 2005, Manchester University Press, at p. 18.

¹⁰ Rio Declaration on Environment and Development, https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CNF.151_26_Vol.I_Declaration.pdf.

¹¹ Agenda 21, <https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>

¹² RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY [without reference to a Main Committee (A/S-19/29)] S/19-2. Programme for the Further Implementation of Agenda 21 A/RES/S-19/2, 19 September 1997, para 4.

referenced social issues, their inclusion as one of three pillars of sustainable development marks a significant shift in the conceptualisation of sustainable development. French has highlighted the significance of the contribution to this made by the Copenhagen Declaration and Programme of Action on Social Development¹³, in particular, that the three pillar invocation of sustainable development reflects that contained in the Copenhagen declaration.¹⁴

In addition, the WSSD also signalled, through the agreement of a 'Plan of Implementation' a desire to move sustainable development from political objective or aspiration, to operationalisation.¹⁵ The Plan of Implementation is significant for present purposes in that it starts to give some substance to what is encapsulated within the social pillar: Paragraph 5 refers to 'Peace, security, stability and respect for human rights and fundamental freedoms, including the right to development as well as respect for cultural diversity, are essential for achieving sustainable development and ensuring that sustainable development benefits all.'

The Brundtland Report had earlier recognised the relationship between the requirement that everyone have 'the opportunity to satisfy their aspirations for a better life' and the fulfilment of everyone's needs. Yet while the fulfilment of aspirations is in practice reliant on enjoyment of fundamental rights, there is an important distinction between the fulfilment of collective needs (and the rights associated with this) and protection of individual rights. The choice of human rights prioritised is liable to give quite different results regarding 'fulfilment of aspirations' or 'welfare gain'. There is no escaping the political choices which require to be made in protecting human rights, the Plan of Implementation steers this towards pursuit of benefits for all. This reinforces the need to locate the pursuit of human rights in the Anthropocene within the framework of sustainable development. This also highlights an important point however, that there has been traditionally something of a tendency to view the relationship between economic, environmental and social development in binary terms: economic v. environment; social interests v. economic. Yet, environment and social interests may also clash, as may specific human rights within the social pillar.

PRAGMATISM: UNDERPINNING THE NEED FOR AN INTEGRATED CONCEPTUALISATION OF SUSTAINABLE DEVELOPMENT

This brief overview of the evolution of sustainable development highlights that it is, not least, a matter of pragmatism that underpins the drive for sustainable development to be understood as an integrated concept, holding in balance the three pillars of development articulated in the Johannesburg declaration. Pragmatic

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https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_C_ONF.166_9_Declaration.pdf

¹⁴ D. French, above n. 9 at 22.

¹⁵ Plan of Implementation of the World Summit on Sustainable Development, https://www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/WSSD_PlanImpl.pdf

because the pursuit of economic development without consideration of its environmental impacts is clearly unsustainable. Similarly, pursuit of environmental protection with no consideration of its social or cultural impact (e.g. on means of earning a living or way of life) would be problematic. Equally, both environmental and social considerations may come at an economic cost and consequently impact upon economic development.

This is not to say that none of these interests can ever be held above the others, but rather that no single one of these interests can always (even presumptively) be held above the others. Their interactions require case by case analysis leading to decisions on the facts as to which to prioritise in the given instance.¹⁶ The principle, however, is clear: sustainable development holds these three fundamental interests – social/human, environmental and economic – in balance.

Rereading the Brundtland Report three and a half decades after its publication is disquieting: its call to action, if not totally unheeded, was insufficiently responded to. The natural environmental issues highlighted, including drought, famine and flood ought to have been enough to spur action. The devastating impact, upon people and planet, of the human caused catastrophes which occurred while the Report was being drafted (Chernobyl, Bhopal chemicals factory leak, Mexico City gas tank explosion, the leak of agricultural chemicals into the Rhine) was stark enough.¹⁷ But a greater challenge had not yet reached general public awareness: climate change. Even once widespread recognition of climate change itself was achieved, it would take years longer for it to be accepted that climate change was caused by human behaviour. The capacity of climate change both to catalyse and to exacerbate natural environmental disasters is significant. The call to action of Brundtland may have been a faint cry in the wind, but climate change adds an unprecedented urgency to the challenges now facing the international community, and the imperative to achieve the aspirations of the last three decades.

Climate change casts a very bright light upon the relationship between environment and quality of life and upon the need to secure a stable environment in order to ensure and enjoy human rights. The interconnections between environment and welfare, and between economic, social and environmental security are exposed beyond doubt by climate change. This relates to the other striking aspect on re-reading the Brundtland report, despite its observation of the compartmentalisation of institutions and governance, and the challenge this poses, there has been very little concrete action to address this. The interconnections between human/social, economic and environmental interests and issues, exposed by the impact of climate change, are also evident in the substance of Agenda 30¹⁸ and the Sustainable Development Goals

¹⁶ This raises myriad questions, among which who should undertake this analysis and how.

¹⁷ See further Brundtland Report, note 5.

¹⁸ https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

THE SUSTAINABLE DEVELOPMENT GOALS

Agenda 30 and the Sustainable Development Goals (SDGs) were adopted in 2015 with a view to building on the progress made towards and realising the Millennium Development Goals¹⁹. The Millennium Development Goals were to: (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; and (8) develop a global partnership for development. It is striking that while reference to ‘sustainability’ was made with regard to environment, the development goal itself was firmly focussed around economic development and aid. This is not inconsistent with the focus on tackling poverty, and the development context in which the Millennium Goals were grounded, but it is a reminder that recognition of the interdependence of environmental, social and economic interests was not only absent in the context of early environmental negotiation, despite the observations underpinning the Brundtland Report.²⁰ Although progress was made on individual goals, the work was not yet complete by the target date of 2015.

The Preamble to Agenda 30 is clear:

‘The 17 Sustainable Development Goals and 169 targets which we are announcing today demonstrate the scale and ambition of this new universal Agenda. They seek to build on the Millennium Development Goals and complete what they did not achieve. They seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental’²¹

Agenda 30 and the SDGs have been hailed as marking a new way of thinking and working to achieve sustainable development. It is significant that in contrast to the top down, single issue approaches of the past, Agenda 30 and the SDGs call for a cross sectoral approach, engaging bottom up initiatives, supported by top down experience.²² The key characteristic of the SDGs is the recognition of the need for integrated and

¹⁹ The Millennium Development Goals had been adopted as the main outcome of the United Nations Millennium Summit, which recognized that ‘the central challenge of today is to ensure that globalization becomes a positive force for all, acknowledging that at present both its benefits and its costs are unequally shared’, A/RES/55/2 Resolution adopted by the General Assembly [without reference to a Main Committee (A/55/L.2)] 55/2. *United Nations Millennium Declaration*, available at <https://undocs.org/A/RES/55/2>

²⁰ See note 5 above.

²¹ A/Res/70/1 Resolution adopted by the General Assembly on 25 September 2015 Assembly [without reference to a Main Committee (A/70/L.1)] 70/1. *Transforming our world: the 2030 Agenda for Sustainable Development* available at https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

²² See *THE SDG PARTNERSHIP GUIDEBOOK: A practical guide to building highimpact multi-stakeholder partnerships for the Sustainable Development Goals*, Darian Stibbe and Dave Prescott, The Partnering Initiative

collaborative approaches engaging relevant stakeholders, locating the individual goals within their context, and addressing these holistically. As the preamble to Agenda 30 makes clear, the social, environmental and economic dimensions of sustainable development are indivisible, and securing human rights comprises a key element of the goals. Echoing the early references to sustainable development, in Brundtland and Rio, in the context of development, the Goals commit the international community, above all, to the objective of eradicating poverty. This is seen as not only the greatest challenge, but also the key to realisation of the other goals. Without addressing the impacts of climate change, however, it will not be possible to eradicate poverty.

Anthropogenic climate change provides us with stark evidence of the impact of human activities upon the planet, and its inhabitants. That impact is deeply unequal in its effects: geographically, on women, on young people, on the developing world, on socio-economic development. Those diverse impacts not only pose distinct challenges, responding to which is integral to achieving the SDGs but also raise significant issues of social justice. The SDGs are themselves substantively deeply intertwined, thus as noted above, without action on climate (Goal 13) it will not be possible to realise Goal 1, 'No Poverty' or Goal 15, Life on Land. The achievement of the goals is mutually dependent. The SDGs thus demonstrate that it will be impossible to deliver many fundamental human rights without addressing environmental issues/climate change; that economic development cannot be sustainable without regard to human and environmental issues. An integrated conceptualisation of sustainable development, such as that encapsulated by the Goals, must therefore be the frame within which human rights protection is considered in the Anthropocene. Yet the operationalisation of a fully integrated conceptualisation of sustainable development requires a paradigm shift in the way in which international law and governance is conceived, applied and undertaken.

2. THE CHALLENGE OF THE FRAGMENTED ARCHITECTURE OF INTERNATIONAL LAW

While it may be necessary to operationalise an integrated conceptualisation of sustainable development, it is not straightforward. There is no single overarching legislative structure framing international law. Amongst other consequences, this means that as international law has developed and proliferated it has done so in 'fragmented' or siloed fashion. Thus, as was noted in the foreword to the Brundtland Report, institutions and law have developed to deal with single sector issues.²³ There is a significant body of literature exploring and evaluating the impact of the 'fragmentation' of International Law, and whether this is wholly problematic or indeed provides an opportunity.²⁴ What it does mean, however, and this is key for present purposes, is that

and UNDESA 2020, p. 10, available at <https://www.thepartneringinitiative.org/wp-content/uploads/2020/07/SDG-Partnership-Guidebook-1.0.pdf>

²³ See note 5 above, Brundtland Report, foreword.

²⁴ P. Sands 'Turtles and Torturers: The Transformation of International Law' 33 NYUJ Int'l Law and Policy 527 (2000-2001); Sands, 'Treaty, Custom and the Cross-fertilization of International Law' available at:

international environmental law has developed distinct from international human rights law and both are outside the jurisdiction of economic (trade) law and institutions. This gives rise to a number of practical challenges – how do the separate regimes interact when they come into contact (or conflict)? How is a determination made as to which law should be applied in such an instance? What is the impact for states which are bound by all of their commitments in international law? In practice, such questions are answered through cooperation and respect among the different legal orders, through the application of particular provisions of treaties, and through general principles of international law, as well as the rules of customary international law.²⁵ The complexity however is real and arises both horizontally and vertically i.e. between different branches of international law, and also relating to obligations emanating from different levels such as the national level and the United Nations or European Union.²⁶

This structural complexity has a significant bearing upon the operationalisation of an integrated conceptualisation of sustainable development. For example, where environmental law collides with trade law, the court or decision maker can only operate within its own limited jurisdiction; even where it is able (or chooses) to draw guidance from other legal orders it cannot intervene in these, nor can it apply any law other than that directly within its remit. The forum chosen in which to air a dispute has a direct bearing upon the applicable law: thus the Swordfish Dispute²⁷ concerned a long-running issue between the European Community and Chile, relating to the sustainable development of swordfish fisheries. When Chile banned Spanish trawlers from unloading their catch at Chilean ports, the issue became a dispute. The EC invoked world trade rules, taking the matter to the World Trade Organisation dispute settlement system. Chile however, in response, took the matter to the International Tribunal of the Law of the Sea (ITLOS), invoking

<https://digitalcommons.law.yale.edu/yhrdlj/vol1/iss1/4/>; ‘Fragmentation of International Law: Difficulties arising from the Diversification and Expansion of International Law’ Report of the Study Group of the International Law Commission, finalized by M. Koskeniemi. UN General Assembly, Distr. LIMITED A/CN.4/L.682 13 April 2006 Original: ENGLISH Part B – Fragmentation as a Phenomenon (paras. 5-45) and Part G – General Conclusions (paras 481-493.) available at: http://legal.un.org/ilc/documentation/english/a_cn4_l682.pdf; Peters A. ‘The refinement of international law: From fragmentation to regime interaction and politicization’ I•CON 15 (2017), 671–704 available at: https://www.mpil.de/files/pdf5/Peters_Refinement_of_IL1.pdf

²⁵ See generally J. Pauwelyn, *Conflict of Norms in Public International Law: How WTO Law Relates to other Rules of International Law*, CUP 2003.

²⁶ Case C-402/05P *Kadi v Council and Commission*, Opinion of the AG, 16 January 2008 and Case C-415/05 P *Al Barakaat International Foundation v the Council and Commission*, Opinion of the AG, 23 January 2008 (pending) (Both cases are appeals following judgments of the Court of First Instance).

²⁷ 26 April 2000, WTO WT/DS193/1; *Chile - Measures Affecting the Transit and Importation of Swordfish, Request for Consultations by the European Communities*, <http://www.wto.org/english/tratop-e/disputes>;

environmental law.²⁸ This could have led to two different rulings, with different outcomes, as the WTO Dispute Settlement Panel would have been bound to apply WTO Law, and the ITLOS would have been bound to apply the UN Convention on the Law of the Sea (UNCLOS). While in the event proceedings were suspended in both forums, it is possible that the WTO Panel could have ruled the Chilean measure to be in breach of WTO Law, while the ITLOS might have ruled that the measure was legitimate under UNCLOS. Chile would then have been required to remove the WTO violation, while maintaining consistency with its obligations under UNCLOS. This, of course is far from impossible but demonstrates that a ruling that a measure is valid in a particular forum does not tell the whole story with regard to the validity of the measure.

THE IMPACT OF THE VARYING FORCE AND CONSEQUENT ASSYMETRY OF INTERNATIONAL LAW

The matter is complicated still further by the fact that the different bodies and instruments of international law have different effects, both in terms of their force, and also upon whom they have that effect. Thus *Jus Cogens* norms, such as the prohibition of torture or genocide, bind all states, and cannot be derogated from.²⁹ Customary international law binds all states, although some derogation is possible. In contrast, Treaty law binds the parties to the Treaty but does not bind non-parties.³⁰ In addition, whereas some rules of international law are recognised as comprising 'hard law', others, including for example the Rio Convention and the SDGs themselves carry elements of 'soft law'.³¹ Hard law comprises strictly legally binding instruments and norms (e.g. treaties, legislation, or legally enforceable obligations) whereas soft law is the term used to describe non-binding instruments such as guidelines, resolutions, declarations, recommendations. The distinction between these hinges upon the effect of the instrument or norm, specifically whether it is legally binding or not. It is worth noting that what is on its face a hard law instrument (for example a treaty) may contain elements of soft law. It is also worth noting that soft law frequently also encompasses an expectation of behaviour change. There is a significant political element to the determination of whether a particular instrument will ultimately hold the characteristic of hard or soft law.

Even if a body of law constitutes 'hard law' its binding effect will be impacted by the enforcement and compliance mechanisms put in place within it. This is another point at which the will of states, politics, is

²⁸ *Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean* (Chile /European Community), Constitution of Chamber, Order 2000/3)

²⁹ Vienna Convention on the Law of Treaties, https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf Article 53

³⁰ Vienna Convention on the Law of Treaties, https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf Article 26.

³¹ This is generally accepted to be the case, although it is contested by some, eg. D. French note 9 above.

significant and it matters because it impacts in turn upon the relationship between different bodies of law, and their respective force.

The long-standing political focus of the international community upon economic matters can be seen in the form and effect of WTO Law. WTO Law is hard law, it has binding force, and this binding force is underpinned by a highly developed, sophisticated binding dispute settlement system.³² Article 3.2 of the Dispute Settlement Understanding (DSU) provides that:

‘The dispute settlement system of the WTO is a central element in providing security and predictability to the multilateral trading system. The Members recognize that it serves to preserve the rights and obligations of Members under the covered agreements, and to clarify the existing provisions of those agreements in accordance with customary rules of interpretation of public international law. Recommendations and rulings of the DSB cannot add to or diminish the rights and obligations provided in the covered agreements’

The force of WTO Law, its binding effect and enforcement mechanism reflect choices made by the international community when the WTO treaty was negotiated.

These are very different choices to those which has been made in the context of human rights. Even labour standards, which can be seen to perhaps bridge economic and social/human issues, do not have the force of WTO Law, notwithstanding the fact that the International Labour Organization (ILO) Conventions³³ are hard law and bind those parties which have ratified them. The mixed record of ratification of the ILO Conventions, however, tells its own story: it was not until August 2020 that the Convention on the Worst Forms of Child Labour became the first of the ILO Conventions to be ratified by all ILO members.³⁴ The ILO Declaration, which all ILO members are signed up to, commits all members to respect, promote and pursue the realisation of the Conventions. Yet it is soft law; it has political, persuasive force, but is not binding. While ILO rights and standards are implemented (or not) at national level, the ILO does have a system of oversight through which to monitor compliance. Under this process, it is provided that

‘[i]n the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the International Court

³² Understanding on rules and procedures governing the settlement of disputes, Annex 2 of the WTO Agreement, https://www.wto.org/english/tratop_e/dispu_e/dsu_e.htm

³³ <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12000:0::NO>

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https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312327:NO ; Regarding ratification by all members https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_749858/lang--en/index.htm

of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.³⁵

However, this process is very much a process of last resort, and was invoked for the first time in 2000, against Myanmar, following a finding of widespread and systematic use of forced labour.

Similarly, human rights treaties, while binding upon their parties, have mixed records with regard to their capacity for enforcement. The Universal Declaration of Human Rights,³⁶ seen as the foundation of human rights law is itself declaratory, lacking legal binding effect, notwithstanding that some of its provisions have the force of customary international law.

There is thus, it seems, a disjuncture between the commitment made by states to economic matters, and the extent to which they have been willing to bind themselves to compliance with human rights or environmental rules, giving rise to an imbalance between economic and social/environmental rights in international law. This is important because it impacts on the force and status of economic rules compared with environmental and social/human. There is no equivalent to WTO Law, and crucially WTO dispute settlement.

Yet environmental and social matters do interact with economic and in the absence of any other forum such matters, particularly conflicts between trade and environmental rules, tend to find themselves the subject of WTO dispute settlement. This means that it tends to be the WTO Dispute Settlement Body which makes the decisions currently on the balance between trade rules and environmental regulation where these come into conflict. This has the potential to create an asymmetry in compliance and enforcement, particularly if trade law matters were to be resolved without reference to other branches of international law and the commitments therein. The WTO Appellate Body in particular has been alert to the need to take account of environmental rules, and not be seen to inappropriately override national regulatory choices.³⁷ The WTO is, however, a trade organisation. Its dispute settlement body therefore has a mandate, first and foremost, to ensure the application of WTO rules; it may take account of other rules to inform the interpretation and application of WTO rules, but it cannot give effect to non WTO rules. The Appellate Body has, in fact, been extremely sensitive in its handling of the relationship between trade and environmental rules, being careful to seek to remain within its mandate, and mitigate inevitable legitimacy questions when ruling on such issues.

³⁵ Article 33, ILO Constitution available at:

https://www.ilo.org/dyn/normlex/en/f?p=1000:62:22842669772803::NO:62:P62_LIST_ENTRIE_ID:2453907:NO

³⁶ <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

³⁷ E. Reid (2020). 'Trade and environment in the EU and WTO: legitimacy, proportionality and institutional power play', in R. Krämer-Hoppe (Ed.), *Positive Integration - EU and WTO Approaches Towards the "Trade and" Debate (Vol. 10, pp. 87-119)*. (*European Yearbook of International Economic Law*) Springer.

https://doi.org/10.1007/978-3-030-25662-3_5

Whether meeting these concerns should be left to what might be termed judicial sensitivity is moot. The relationship between trade and human rights is even more complex.³⁸ The WTO Singapore Ministerial Declaration indicated that the ILO is the appropriate forum to deal with Labour standards,³⁹ yet WTO rules can collide with international labour standards and or national labour regulation. That said, there has not to date been any case law relating to the relationship between labour standards and WTO rules.

The brief outline of issues arising in respect of WTO dispute settlement highlights a related issue, concerning who makes the decisions regarding the relationship and balance between economic, environmental and social/human rights interests. The asymmetry in legal regimes reflects an institutional structure which continues to manifest the compartmentalised character highlighted over thirty years ago by the Brundtland Commission. This institutional structure gives rise to questions about the legitimacy and accountability of decision makers.

There is however a further issue, implicit in the above account, but which bears mention in this context: the traditional structures of international law recognise states as the subjects of international law. This fails to fully reflect the current actors engaged in international governance.

If, as a matter of pragmatism, it is recognised that human rights in the Anthropocene must be pursued within the frame of an integrated conceptualisation of sustainable development, it is necessary to find the means by which to bring together different branches of law, pursuing different objectives to recognise the interactions between these, and to avoid the asymmetry potentially arising as a result of the current fragmented structure. It will also be necessary to engage a wider range of actors which more fully reflects twenty first century governance and actors, ensuring the accountability and legitimacy of the decisions taken by those actors.

It is equally a matter of pragmatism, however, to argue that despite the structural flaws of the international legal order as regards an integrated conceptualisation of sustainable development, we cannot tear it up and start again with the institutions we would like. We must, instead, work with the institutions and structures which exist, and seek to recast their interactions in a manner which supports the near universal commitment to sustainable development, and the sustainable development goals. The starting point for this process must be to take a closer look at the substance of the SDGs, and in particular Goal 17 – Partnerships for the Goals.

³⁸ E. Reid *Balancing human rights, environmental protection and international trade: Lessons from the EU experience*. (Studies in International Trade Law; Vol. 16). Oxford: Hart Publishing Ltd (Bloomsbury) 2015. <https://doi.org/10.5040/9781474201247>

³⁹ Singapore Ministerial Declaration, https://www.wto.org/english/thewto_e/minist_e/min96_e/wtodec_e.htm

SUSTAINABLE DEVELOPMENT GOAL 17: PARTNERSHIPS FOR THE GOALS

SDG 17 'Partnerships for the Goals' seeks both to secure the implementation of the SDGs and Agenda 2030, and also to enhance and improve collective action globally in pursuit of sustainable development. This recognises that while traditional approaches have not worked, we must use, and make better use of, the institutions and actors which exist. SDG 17 thus recognises first, the multi-disciplinarity of sustainable development, and the consequent necessity of collaboration to achieve the SDGs. Secondly, SDG 17 recognises the variety of actors public and private, at global, national, regional and local level which can, and must, contribute to achievement of the Goals. The SDGs cannot be delivered through state action alone, notwithstanding the central position states play in the structure of international law. SDG 17 builds upon Goal 8 of the Millennium Goals, Partnerships for Development. The significance of partnerships for sustainable development can also be traced back to the Foreword of the Brundtland Report and Johannesburg Declaration. There has long been recognition of the need for action at local, regional, national and international levels in pursuit of sustainable development.

As has been seen however, such partnerships are far from straightforward in the current international legal architecture and would carry significant implications for global governance. This part therefore evaluates both the potential contribution of Goal 17 to supporting the paradigm shift required by the fully integrated conceptualisation of sustainable development which is necessary for the achievement of the SDGs, and the implications such a shift carries for global governance. Without the operationalisation of a fully integrated conceptualisation of sustainable development, and real progress on the goals, it will not be possible to sustainably pursue the protection of human rights.

SDG 17- A GOAL CHARACTERISED BY CONSERVATISM AND NOVELTY

On its face the objectives and ethos of Goal 17 are entirely positive. The overview for Goal 17, however, is focussed primarily upon development aid and, post pandemic highlights the 3.7 billion people globally who are still not online as well as the need of lower and middle income countries for additional financing for data and statistics, to face the challenges of the pandemic.⁴⁰ Beyond the overview, in its targets, SDG 17 places a very strong emphasis upon economic initiatives and global partnerships. It includes targets relating to technology transfer, development support, financial support and recognises the input of the established international institutions including recognising the role to be played by the WTO (target 17.10).

THE LIMITS OF GOAL 17

⁴⁰ <https://sdgs.un.org/goals/goal17>

There is a real concern arising from this therefore that SDG 17, despite its promise, amounts to a lost opportunity, entrenching, as French and Kotze fear, 'a largely traditional understanding of the role of trade, finance and international institutions inter alia in achieving development, even though it is now clothed as 'sustainable development'.⁴¹ While Agenda 30 and the SDGs have been heralded as indicating a step away from the traditional sectoral, top down approach to sustainable development, in fact there is a risk that they reinforce traditional approaches and thinking. The focus upon financial measures and institutions in the context of Goal 17 is consistent with the traditional approach to pursuit of development, which was conceived essentially as economic development. While the SDGs speak to an integrated conceptualisation of sustainable development, the drive towards implementation continues to be predominantly envisaged in very traditional, economically driven terms, and the focus of the SDGs continues, explicitly, to pursue economic growth. Continued economic growth is not consistent with environmental sustainability.

This then, does not inspire confidence in the pursuit of human rights (or environmental protection) within the frame of sustainable development, and raises significant questions about the substance underpinning the integrated conceptualisation of sustainable development. Adelman indeed provides an excoriating critique of sustainable development⁴², characterising it as 'a neoliberal form of green capitalism' and highlighting its inherent anthropocentrism, as well as the fundamental impossibility of 'sustainable' growth on a planet with finite resources. 'Ecological sustainability will not be delivered by neoliberalism and it cannot be achieved through the dystopian anthropocentrism that disfigured the Holocene but is perpetuated by the SDGs'.⁴³

With regard to the SDGs, Adelman references the old joke, about a tourist asking for directions, only to be told, 'I wouldn't start from here'.⁴⁴ It may well be more straightforward to start from elsewhere, Adelman himself suggests a starting point directed towards 'ecological sustainability', an objective which it would be difficult to oppose. Like the apocryphal tourist, however, we are 'here'; the question with which we must engage therefore is how to get from where we are, to where we need to be.

There is no doubt that there is an oxymoron at the heart of sustainable development as currently conceived. On the one hand, sustainable development calls for an integrated approach, holding economic, environmental and social interests in balance. On the other hand, it is premised around the pursuit of continued economic

⁴¹ Duncan French and Louis J Kotze 'SDG 17: Strengthening the Means of Implementation and Revitalize the Global Partnership for Sustainable Development' E. Hey and J. Ebbesson (eds.), *Cambridge Handbook on SDGs and International Law* (CUP, forthcoming).

⁴² Adelman 'The Sustainable Development Goals, anthropocentrism and neoliberalism' in Duncan French and Louis Kotzé (eds.), *Sustainable Development Goals: Law, Theory and Implementation*, Cheltenham, Edward Elgar Publishing, 2018 at p. 15.

⁴³ *Ibid* at p. 27.

⁴⁴ *Ibid* at 39.

growth which is not reconcilable with such a balance. In its pursuit of economic growth there is a continuation, reflecting the emergence of sustainable development from the development sphere. This is almost inevitable given the development context from which it emerged, but also given the need to achieve agreement among states. What is new, and radical, is the move away from top down, single issue approaches, to collaborative bottom up cross sectoral approaches. The question is whether this emergent impetus can be harnessed to become the dominant focus of sustainable development. Is there enough in the commitment to an integrated conceptualisation, and partnerships, to move beyond the economic growth mantra and realise balanced ecologically, socially and economically sustainable development?

There is a long standing question about the extent to which the global south is part of the sustainable development process, reflecting the critique that too often development is done to, imposed upon the South. Many of the targets of Goal 17, focussed as they are upon economic institutions and including the World Trade Organisation, do little to assuage this concern

THE OPPORTUNITY OF GOAL 17

Further down the list of Goal 17 targets however, tucked away almost as if an afterthought, are Targets 17.16 and 17.17. Target 17.16 looks to ‘multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries, in particular developing countries’ and 17.17, seeks to ‘Encourage and promote effective public; public-private; and civil society partnerships. The indicators to these targets are: the ‘number of countries reporting progress in multi-stakeholder development effectiveness monitoring frameworks that support the achievement of the sustainable development goals’ (17.16) and the ‘Amount of United States dollars committed to public-private and civil society partnerships’ (17.17). These targets are crucially important: they acknowledge the need for engagement among a broader range of actors, resulting from which there might be genuine engagement with local views and decision makers, key to achieving the SDGs. It is these targets which raise the possibility that SDG 17 might hold the key to the operationalisation of an integrated conceptualisation of sustainable development.

These targets speak to the shift away from the top down, single issue approaches of the past, which are to a great extent affirmed by the focus on the financial and economic institutions referenced above. The question is how they can be made to count: to what extent can this be the starting point in the journey to a fully integrated conceptualisation of sustainable development.

Many commentators have expressed concern at the anthropocentric focus of the SDGs, and that this will fundamentally undermine their capacity to deliver ecosystem sustainability.⁴⁵ Scholtz and Barnard conclude

⁴⁵ Adelman *ibid*, Kotze, ‘The Sustainable Development Goals: an existential critique’ in French and Kotze above note 42.

that ‘the development detour in the SDGs indicates that the environment remains of secondary concern for the international community and that we are on a road to nowhere’.⁴⁶ Kotze argues that the sustainable development expressed within the SDGs prioritises socio-economic development at the cost of environmental integrity’ continuing however that had they ‘instead embraced a strong notion of ecological sustainability they would arguably automatically have had to import some form of hierarchy between the 17 goals, especially to the extent that those goals aiming to protect Earth system integrity must be afforded a higher ranking than all the others if we are to remain in a ‘safe operating space’.⁴⁷ This observation gets to the heart of the matter: the establishment of such a hierarchy would require choices that the international community were not yet ready to sign up to. Whatever we might think about it, it is inconceivable that many states would at this stage be ready, politically, to sign up to anything that would unambiguously challenge their ability to make their populations richer. The reality is that it would not be possible to achieve a consensus among the international community of states to place socio-economic considerations below environmental in any kind of formal developmental hierarchy. The hard-fought negotiations around the development agenda in the WTO demonstrate the stalemate that can develop and obstruct any progress or the emergence of consensus.

To a great extent the SDGs reflect what was possible to find agreement upon in a context of complex, politicised negotiations: that is a recognition of the need to hold economic, environmental and social interests in balance. The challenge of the future, key to achieving sustainable development, will be to use what was agreed as a floor, rather than a ceiling, and to challenge any move drive towards dominant neo-liberalism in pursuit of the goals.

It is helpful therefore, at this juncture, to step back from focus upon the limitations of ‘sustainable development’ as defined in the SDGs and focus instead upon what the SDGs offer. Turning the focus back, specifically to human rights, Collins, in the same volume as Kotze and Edelman critique the SDGs from an ecological sustainability perspective, notes that ‘with respect to the recognition of and redress for environmental deprivations of existing rights, the SDGs – if implemented – have tremendous potential.’ In particular, she notes their potential contribution to the substantive elaboration of a right to a healthy environment. She concludes that ‘Even a partial achievement of the SDGs would advance the goals of human rights, particularly with respect to social, environmental and economic rights.’⁴⁸

⁴⁶ W Scholtz and M Barnard The environment and the Sustainable Development Goals: we are on a road to nowhere’ in French and Kotze above note 42

⁴⁷ Kotze ‘The Sustainable Development Goals: an existential critique alongside three new millennial analytical paradigms’ in French and Kotze above note 42, at 63.

⁴⁸ Lynda Collins ‘Sustainable Development Goals and human rights: challenges and opportunities’, in Kotze above note 42 at 89.

As stated above, the SDGs offer a public, near universal commitment to an integrated conceptualisation of sustainable development. The political significance of this declaration should not be underestimated. Moreover, while there is considerable criticism of the aspirational nature of some of the goals, and concern that they might be simply rhetorical in their ambition, many of the goals are underpinned by quite concrete targets and indicators, conferring upon them a degree of normativity. While this does not extend to all the goals it is nonetheless present in some. Recognition of the SDGs as the product of an uneasy compromise, may engender greater tolerance of their limitations, and prompt strategic thinking about how to build on their achievements. For, notwithstanding their flaws, they are a starting point. This brings consideration back to Goal 17 – Partnerships. Despite the economic focus of many of the partnerships referred to in Goal 17, targets 17.16 and 17.17 indicates that there is more envisaged for this Goal. The type of multi-level partnerships referred to including in these targets would in fact also be instrumental in the delivery of Earth Systems Governance. Multi-level, cross sectoral partnerships are also key to mitigating the compartmentalised, or fragmented structure of international law, and are in fact essential to the achievement of the goals, which requires a departure from traditional state-centric policy and institutional silos. Such partnerships bring their own challenges, however, not least concerning coherence, and also with regard to legitimacy and accountability.⁴⁹

LOOKING FORWARD: CHALLENGES AND OPPORTUNITIES

Chan et al highlight the potential of polycentric governance in securing that coherence and note that this is consistent not only with the Rio Declaration, but also the outcomes of the WSSD.⁵⁰ Significantly, they attribute the acceptance of such partnerships in the context of sustainable development to states' prior agreement of the SDGs. As noted above, the hard-won compromise of Agenda 30 and the SDGs may be limited, but it provides a foundation for precisely the type of activity which will be essential to secure an integrated conceptualisation of sustainable development. It needs to be acknowledged however that partnerships are not necessarily a panacea, they are subject to a risk of dominance of participants from the North and, potentially, the problem of asymmetry.

If a theoretical framework is sought to give shape to what is emerging from the SDGs, and the action to deliver them, it is worth revisiting Kingsbury's examination of the Trade-Environment interface in the WTO. He concluded that while political realism was dominant, its focus on states was ultimately sub-optimal in this context. Liberal theory, providing as it does for norms of interaction of individuals and groups in trans-national society, offers greater potential. The strength of the liberal theoretical approach is that it recognises the reality

⁴⁹Sander Chan, Gabriela Iacobuta, and Ramona Hägele 'Maximising Goal Coherence in Sustainable and Climate Resilient Development? Polycentricity and Coordination in Governance' in Sachin Chaturvedi · Heiner Janus · Stephan Klingebiel, Li Xiaoyun, André de Mello e Souza, Elizabeth Sidiropoulos, Dorothea Wehrmann (eds) *The Palgrave Handbook of Development Cooperation for Achieving the 2030 Agenda* Palgrave Macmillan

⁵⁰ Ibid at 31.

of both market influences and wider transnational pressures in the development of legal rules and institutions, while also taking account of the regulatory power of non-state bodies. This has clear resonance to the operationalisation of sustainable development. There is a risk here that a focus on single state actors could be replaced with a focus on a single interest such as liberal trade, however even this risk can be mitigated if it is recalled that the pursuit of liberal trade, as in the WTO context, is in pursuit of welfare gain, rather than trade liberalisation as an end in itself.

The history of the understanding of, and narrative around the purpose of liberal trade, and the GATT itself in this respect can be instructive here. While the GATT was conceived as a compromise of 'embedded liberalism'⁵¹ it was subsequently characterised by the emergence of what Howse has described as a neo-liberal technocracy.⁵² Yet despite this development and the dominance of its accompanying ideological narrative, this has been pushed back against, and the narrative contested.⁵³ While the WTO Dispute Settlement Panel did adopt a relatively technocratic approach to the balance between trade and 'non-trade' interests such as environment, the Appellate Body has adopted a more nuanced approach, expending, as noted above, significant effort in mitigating the legitimacy questions which might be asked of the WTO if it took too narrow a view of the relationship between trade and non-trade.⁵⁴ Accompanying the more nuanced approach of the Appellate Body, there has been some contestation of the one time dominant neo-liberal account. In terms of reassurance to those who are concerned that the SDGs offer 'a road to nowhere'⁵⁵ the WTO, and the ideological accounts pinned upon it at different times offer two lessons: first, that the direction of the SDGs in terms of their realisation of the balance between economic, environmental and social issues is in the hands of the actors, including, non-state, non-traditional stakeholders. Second, similarly that the political or ideological framing of the goals is contestable. It is therefore in the hands of stakeholders and interested parties to take the Goals, work with them, and use the opportunities they provide, even if these opportunities are perceived to be slim.

CONCLUSION

⁵¹ J. G. Ruggie 'International Regimes, transactions and change: Embedded liberalism in the postwar economic order' *International Organization* 2, no.2 (Spring 1982) 379.

⁵² R. Howse 'From politics to technocracy – and back again: the fate of the multilateral trading regime' *American Journal of International Law* (AJIL) 96 (2002) 94.

⁵³ J.G. Ruggie, above note 51; A. Lang, 'Reconstructing Embedded Liberalism: J. G. Ruggie and Constructivist Approaches to the Study of the International Trade Regime' *Journal of International Economic Law* (JIEL), Volume 9, Issue 1, March 2006, Pages 81–116; R Howse, *ibid*; G. Moon, & L. Toohey (Eds.), *The Future of International Economic Integration: The Embedded Liberalism Compromise Revisited* Cambridge University Press.

⁵⁴ See text accompanying note 37 above.

⁵⁵ Including W. Scholtz and M. Barnard in D. French and L. Kotze, above note 42.

It has been shown that in the Anthropocene it is essential that human rights are pursued within the paradigm of an integrated conceptualisation of sustainable development, specifically that manifested in the SDGs. Yet while this may pragmatically recognise the practical links between human rights, environmental and economic interests it is also clear that the fragmented structure of the international legal order, with its siloed legal regimes and single issue institutions does not readily lend itself to the operationalisation of an integrated conceptualisation of sustainable development. It has also been acknowledged that there is a risk that the SDGs reinforce traditional priorities and hierarchies, specifically through a focus on economic development. Crucially, this is at odds with the imperative that we start to live within the planet's means in order to secure the future.

Goal 17 has its limitations, to the extent that some might view it as fundamentally flawed. It has been argued here however that notwithstanding these limitations, Goal 17 offers the potential to engage the range of stakeholders and interests that will be required to work together in order to deliver the integrated conceptualisation of sustainable development. In so doing it offers the possibility to carve out the necessary cooperative and regulatory space which will facilitate the securing of both ecological sustainability, and the sustainable enjoyment of human rights. The apparent presumption within Goal 17 that the key actors and initiatives will be economic, means that an approach focussed upon Goal 17 carries risks. But 17.16 and 17.17 provide the possibility to contest that presumption, and WTO history demonstrates the possibility to contest and reshape the dominant narrative driving the interpretation and application of rules.

As noted above, the basis of this argument lies in pragmatism. A sustainable future which addresses the profound environmental challenges of the time is essential to secure the enjoyment of fundamental human rights. Ideally there might be better places to start from to secure that sustainable future, but that is not where we are. The SDGs provide a starting point, and significantly they are a starting point which has near universal support. It is therefore in the hands of stakeholders to drive the partnerships and shape the direction of travel from here.