

## The Planetary Future

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# The Future of the SDGs: A Comparative Constitutional Rescue Plan?

*One does not discover new lands without consenting to lose sight of the shore.*  
*André Gide*

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**Abstract.** In a world grappling with unprecedented challenges, the Sustainable Development Goals (SDGs), adopted by the United Nations General Assembly in 2015, to be achieved by 2030, stand as a beacon of hope, envisioning a future where prosperity, equity, and environmental sustainability coalesce. As the outcome of the 2023 SDG New York Summit (18-19 September) showed, the path to achieving these ambitious goals remains uneven, with persistent gaps in poverty eradication, climate action, and other critical areas. While legal frameworks, such as national development plans and international treaties, play a role, integrating the SDGs into the very foundation of governance – the constitution – offers a potentially powerful solution. Elevating the SDGs to constitutional principles grants them binding legal force, making governments accountable for their implementation. Additionally, integrating human rights and environmental protection principles embedded within the SDGs strengthens existing constitutional guarantees and opens avenues for legal challenges against unsustainable policies. Domestic policies must align with these ‘constitutionalised goals’, leading to a more holistic approach to sustainable development.

Keywords: Comparative constitutional law, constitutional design, legal system, sustainable development goals, SDG New York Summit

## 1. Introduction

This article delves into the transformative potential of legal recognition, presenting a comparative analysis of the extent to which the SDGs have been incorporated into Finland, Sweden, Brazil, Germany, Cuba, Chad, Bolivia, Iran, South Africa, Kenya, Australia, and India’s constitutional frameworks. All these countries are UN member states and, accordingly, have agreed to achieve the SDGs. This comparative analysis reveals that while constitutional alignment provides a valuable foundation, it is merely one piece of the puzzle. Effective implementation, political will, and context-specific strategies are equally essential for translating the SDGs from aspirations into reality.

The 2030 Agenda for Sustainable Development, established by United Nations (UN) member states in 2015, presents a visionary roadmap of seventeen interrelated Sustainable Development Goals (SDGs).<sup>1</sup> Their adoption signifies a commitment to fostering a comprehensive, equitable, and sustainable global development agenda, necessitating collective international action. However, to achieve their objectives, mere international

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1 UN (2015), General Assembly Resolution 70/1, “Transforming Our World: the 2030 Agenda for Sustainable Development”, New York, 25 September 2015, available at: [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_70\\_1\\_E.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf).

commitments are insufficient. A pivotal strategy involves integrating the SDGs into national constitutions, intertwining legal frameworks with the pursuit of sustainable development.<sup>2</sup>

In 2023, the UN Secretary-General urged world leaders to deliver a rescue plan for people and the planet, based on three breakthroughs: equipping governance and institutions for sustainable and inclusive transformation; prioritising policies and investments that have multiplier effects across the SDGs; and securing SDG financing.<sup>3</sup> The UN Secretary-General further offered five broad recommendations and specified several actions governments could take to support each. These include recommitting to accelerated, sustained, and transformative action; advancing concrete, integrated, and targeted policies and actions; and improving national and subnational capacity.<sup>4</sup>

In the dynamic landscape of global governance, the SDGs stand as a beacon, guiding nations toward a more sustainable and equitable future. As these goals permeate countries' agendas worldwide, this article explores the transformative potential of integrating the SDGs into national constitutions and considering transnational constitutionalism.<sup>5</sup> The aim is to provide a comparative analysis of how different countries have incorporated the SDGs into their constitutional frameworks, highlighting unique opportunities and challenges in each context. A comparative constitutional analysis of Finland, Sweden, Brazil, India, Australia, Germany, Cuba, Chad, Bolivia, Iran, Kenya, and South Africa provides a rich understanding of how different socio-political contexts influence the integration of the SDGs into constitutional frameworks. The insights achieved in this paper are based on desktop research that involved analysing constitutional provisions, legal mechanisms, and policies related to the SDGs in the selected countries.

## 2. SDGs, Legal and Policy Implications

### 2.1. *The status of the SDGs*

The SDGs were established as a universal call to action to end poverty, protect the planet, and ensure that all people enjoy peace and prosperity by 2030. Specifically, these goals entail: **1.** eliminating extreme poverty and hunger and providing access to essential services such as healthcare and education; **2.** ensuring that everyone has enough nutritious food, promoting sustainable farming practices, and tackling food waste; **3.** achieving universal access to healthcare, preventing and treating infectious diseases, and supporting people's mental and physical well-being; **4.** providing quality education to everyone and promoting lifelong learning for all ages; **5.** ensuring equal access to opportunities and rights, and promoting women and girls' safety and leadership; **6.** guaranteeing safe and readily available water and sanitation for everyone, protecting ecosystems, and promoting hygiene; **7.** providing everyone with access to sustainable and affordable energy sources, reducing reliance on fossil fuels; **8.** promoting decent work conditions, full and productive employment, and inclusive economic growth; **9.** developing sustainable infrastructure, modernising industries, and encouraging research and development for a cleaner future; **10.** narrowing the gap between rich and poor, both within and between countries, and promoting equality of opportunity; **11.** creating sustainable and liveable cities with efficient transportation, affordable housing, and resilient infrastructure; **12.** promoting responsible consumption, reducing waste, and adopting sustainable production methods; **13.** reducing greenhouse gas emissions, building climate resilience, and adapting to a changing climate; **14.** protecting marine ecosystems, managing fisheries sustainably, and combating pollution of the oceans; **15.** preserving forests and land resources, combating desertification, and protecting endangered species; **16.** fostering peace, justice, and strong institutions that respect human rights

2 For a discussion see K. Bosselmann (2021), "Sustainable Development Law", in E. Techera et al. (eds), *Routledge Handbook of International Environmental Law*, Routledge, pp. 30-42.

3 UN (2023), General Assembly Resolution 78/80-E/2023/64, "Progress Towards the Sustainable Development Goals: Towards a Rescue Plan for People and Planet, Report of the Secretary-General (special edition)", New York, 27 April 2023, para. 50, available at: <https://hlpf.un.org/sites/default/files/2023-07/SDG%20Progress%20Report%20Special%20Edition.pdf>; see also Bharat H. Desai (2023), "The 2023 New York SDG Summit Outcome: Rescue Plan for 2030 Agenda as a Wake-up Call for the Decision-Makers", *Environmental Policy and Law* 53: 221-231.

4 UN, n. 3, paras. 8-25.

5 Cf. M. Murcott (2023), *Transformative Environmental Constitutionalism*, Brill Nijhoff.

and address societal inequalities; and **17.** mobilising resources, building global partnerships, and promoting cooperation to achieve the SDGs.

The SDGs are meant to be universal, changeable, and immediately implementable through locally adapted laws and policies, giving governments enough flexibility to comply with and locally transpose existing international agreements. Thus, the legal status of the SDGs is not a matter of whether they constitute hard law or soft law, but rather the feasibility of their implementation and how they can be effectively translated into action. Despite not being legally binding, the SDGs have already had a substantial influence on local legislation and have been a significant driver of policy and action at the national and international levels.<sup>6</sup>

However, the implementation of these goals varies across different countries. For example, an analysis of the Voluntary National Reviews (VNRs) of nineteen countries with varying income levels, indicates that SDGs 1 and 8 are by far the most widely prioritised by national governments, while SDG 12 is among the least prioritised, shortly followed by SDGs 5 and 10.<sup>7</sup> Another study found that the Organisation for Economic Cooperation and Development countries (including Sweden, Finland, Australia, and Germany) are at an advanced stage in achieving various SDGs; in BRICS countries (including Brazil, India, and South Africa), government plans dominate in the process of implementing the SDGs; and in the least developed countries, such as Chad, the most basic and urgent SDGs are prioritised for implementation.<sup>8</sup>

Per recent reports, the progress towards achieving the SDGs has been slow and uneven, with many targets going in reverse due to the COVID-19 pandemic, climate change, and regional conflict.<sup>9</sup> The UN's Children's Fund flagship report highlights that in the most impoverished regions, one in five children are under-immunised, compared to one in twenty in wealthier regions.<sup>10</sup> The World Inequality Report highlights the extent of wealth and income inequality both between and within countries.<sup>11</sup> The world has returned to hunger levels last witnessed in 2005, and food prices remain elevated in more countries compared to 2015 to 2019.<sup>12</sup> Currently, it would require 286 years to eliminate gender gaps in legal protection and eradicate discriminatory laws.<sup>13</sup>

Greenhouse gas emissions are also rising, and global temperatures are expected to surpass the critical tipping point of 1.5°C above industrial levels.<sup>14</sup> Records indicate that global temperatures have already exceeded 1.35°C above pre-industrial levels.<sup>15</sup>

6 See N. Kanie et al. (2019), "Rules to Goals: Emergence of New Governance Strategies for Sustainable Development", *Sustainability Science* 14: 1745–1749; UN DESA (2020), *SDG good practices: A compilation of success stories and lessons learned in SDG implementation*, available at: <https://sdgs.un.org/sites/default/files/2020-11/SDG%20Good%20Practices%20Publication%202020.pdf>.

7 O. Forestier et al. (2020), "Cherry-picking the Sustainable Development Goals: Goal Prioritization by National Governments and Implications for Global Governance", *Sustainable Development*, 28(5): 1271-1273.

8 Y. Cheng et al. (2021), "Global Action on SDGs: Policy Review and Outlook in a Post-Pandemic Era", *Sustainability*, 13: 5-7.

9 UN (2023), *Sustainable Development Goals progress chart*, available at: <https://unstats.un.org/sdgs/report/2023/progress-chart/Progress-Chart-2023.pdf>; UNGA (2023), Seventy-eight Session, 19th Meeting coverage, *Geopolitical conflicts, economic uncertainty darkening sustainable development prospects, officials warn, as Second Committee takes up regional commissions*, GA/EF/3592, 16 October 2023, available at: <https://press.un.org/en/2023/gaef3592.doc.htm>; J.D. Sachs et al. (2023), *Sustainable development report*, Dublin University Press.

10 UNICEF (2023), *The state of the world's children 2023: For every child, vaccination*, available at: <https://www.unicef.org/media/108161/file/SOWC-2023-full-report-English.pdf>.

11 L. Chancel et al. (2022), *World inequality report*, available at: [https://wir2022.wid.world/www-site/uploads/2023/03/D-FINAL\\_WIL\\_RIM\\_RAPPORT\\_2303.pdf](https://wir2022.wid.world/www-site/uploads/2023/03/D-FINAL_WIL_RIM_RAPPORT_2303.pdf).

12 UN, n. 3, para. 5.

13 *Ibid.*

14 IPCC (2018), "Summary for Policy Makers, Global Warming of 1.5°C: An IPCC Special Report on the Impacts of Global Warming of 1.5°C above Pre-Industrial Levels and Related Global Greenhouse Gas Emission Pathways, in the Context of Strengthening the Global Response to the Threat of Climate Change, Sustainable Development, and Efforts to Eradicate Poverty", in V. Masson-Delmotte et al. (eds), *Special Report of the Intergovernmental Panel on Climate Change*, Cambridge University Press, pp. 4; M. Le Page (2023), "World predicted to break 1.5°C warming limit for first time in 2024", available at: <https://www.newscientist.com/article/2407266-world-predicted-to-break-1-5c-warming-limit-for-first-time-in-2024/>.

15 R. Lindsey and L. Dahlman (2024), "Climate Change: Global Temperature", available at: [https://www.climate.gov/news-features/understanding-climate/climate-change-global-temperature#:~:text=2023%20was%20the%20warmest%20year,average%20\(1850%2D1900\);](https://www.climate.gov/news-features/understanding-climate/climate-change-global-temperature#:~:text=2023%20was%20the%20warmest%20year,average%20(1850%2D1900);) T. Saunders (2023), "2023 on Track to be World's Hottest Year on Record, Temperatures Exceed 1.5C above Pre-Industrial Levels for First Time", available at: <https://www.abc.net.au/news/2023-09-11/global-temperatures-pass-1-5c-above-pre-industrial-levels/102836304>; J. Bateman (2024), "2023 was the World's Warmest Year on Record, By Far", available at: <https://www.noaa.gov/news/2023-was-worlds-warmest-year-on-record-by-far#:~:text=In%20fact%2C%20the%20average%20global,the%20top%20five%20warmest%20years>.

While some gains have been made since 2015, the overall message is stark: the promises enshrined in the SDGs are in peril.<sup>16</sup> Urgent action is needed to ignite progress.

## 2.2. *The SDGs' role in international law and the domestication of international law in different jurisdictions*

The relationship between the SDGs and international law is complex, as the SDGs are not formal international law, but they are grounded in and consistent with existing international commitments. The SDGs can, thus, be seen as a framework that interacts with and complements international law, providing a normative environment for sustainability.<sup>17</sup> Accordingly, playing a significant role in shaping international law and influencing the domestication of international law in various jurisdictions.

**Global commitment and normative influence:** The SDGs establish a shared vision and universal norms for sustainable development, guiding international cooperation. Cardona-Valles and Preller-Bórquez, for example, use the conflict between Ethiopia, Sudan, and Egypt over the construction of the Grand Ethiopian Renaissance Dam as a backdrop to evaluate the role of the SDGs in the harmonious interpretation and systemic integration of international law.<sup>18</sup> They argue that a perspective based on the notion of sustainable development can contribute to facilitating dialogue between the parties and ensuring compliance with their reciprocal international obligations. Similar to Barral's view, which regards 'sustainable development' as a potent interpretive tool influencing existing norms,<sup>19</sup> Cardona-Valles and Preller-Bórquez argue that the 2030 Agenda serves as a kaleidoscopic lens for aligning diverse regimes in this conflict. Ebbesson and Heyadd observe that the SDGs evoke a people-centred approach to sustainable development, making the individual the benchmark for determining the success of measures, initiatives, institutions, and legal regimes.<sup>20</sup> However, Cardona-Valles and Preller-Bórquez caution that as the SDGs are a political rather than legal agenda, trade-offs between goals may occur, challenging certain premises of international law. Bantekas and Akestoridi further assert that the SDGs represent a form of 'political normativity' extending beyond aspirational targets.<sup>21</sup> This blend of political commitment, moral persuasion, and normative influence encourages states to align actions with the SDGs, even without strict legal obligations. Challenges persist in translating these soft norms into concrete actions, with implementation gaps, a lack of accountability mechanisms, and competing interests hindering progress.<sup>22</sup>

16 UN (2023), *The Sustainable Development Goals report special edition*, United Nations Publications; D. Sharrow et al. on behalf of the UN IGME (2023), *Levels and trends in child mortality report 2022*, available at: <https://data.unicef.org/resources/levels-and-trends-in-child-mortality/>.

17 R.E. Kim (2016), "The Nexus between International Law and the Sustainable Development Goals", *Review of European Community & International Environmental Law*, 25(1): 15-26; F.S. Montesano et al. (2023), "Can the Sustainable Development Goals Green International Organisations? Sustainability Integration in the International Labour Organisation", *Journal of Environmental Policy & Planning*, 25(1): 1-15; L.A. Duvic-Paoli (2021), "From Aspirational Politics to Soft Law? Exploring the International Legal Effects of Sustainable Development Goal 7 on Affordable and Clean Energy", *Melbourne Journal of International Law*, 22(1): 1-23; cf. S. Jolly and A. Trivedi (2019), "Implementing the SDG-13 through the Adoption of Hybrid Law: Addressing Climate-Induced Displacement", *Brill Open Law*, 2: 69-100.

18 M. Cardona-Valles and S. Preller-Bórquez (2022), "The Sustainable Development Goals and the Application of International Law: The Case of the Grand Ethiopian Renaissance Dam", *Iberoamerican Journal of Development Studies*, 11(2): 144-168.

19 V. Barral (2012), "Sustainable Development in International Law: Nature and Operation of An Evolutive Legal Norm", *The European Journal of International Law*, 23(2): 377-400.

20 Cf. J. Ebbesson and E. Hey (2022), "Introduction: The Sustainable Development Goals, Agenda 2030, and International Law", in J. Ebbesson and E. Hey (eds), *The Cambridge Handbook of the Sustainable Development Goals and international law*, Cambridge University Press, pp. 1-49.

21 Cf. I. Bantekas and K. Akestoridi (2023), "Sustainable Development Goals, between Politics and Soft Law: The Emergence of "political Normativity" in International Law", *Emory International Law Review*, 37(4): 499-560.

22 A. Breuer and J. Leininger (2021), "Horizontal Accountability for SDG Implementation: A Comparative Cross-National Analysis of Emerging National Accountability Regimes", *Sustainability*, 13: 1-23; M. Bexell and K. Jönsson (2021), *The politics of the Sustainable Development Goals: Legitimacy, responsibility, and accountability*, Routledge; W.L. Filho et al. (2020), "Heading Towards an Unsustainable World: Some of the Implications of not Achieving the SDGs", *Discover Sustainability*, 1(2): 1-11; C. Kroll et al. (2019), "Sustainable Development Goals (SDGs): Are We Successful in Turning Trade-Offs into Synergies?", *Palgrave Communications*, 5: 1-11.

**Incorporation into national legal frameworks:** Numerous countries integrate the SDGs into their domestic legal structures, aligning local laws and policies with the global development agenda. The SDGs often act as a guiding reference for legislators, shaping the creation and modification of domestic legislation. However, as is the case with international law implementation, policymakers selectively engage with the SDGs, focusing on domestic priorities, thus, their implementation varies based on political preferences, governance structure, and context-specific challenges.<sup>23</sup>

**Implementation through international treaties:** Countries may enter into international treaties or agreements to collectively address specific SDGs, creating legal obligations at the international level. For example, the Paris Agreement on Climate Change (12 December 2015) links to SDG 13;<sup>24</sup> the Kunming-Montreal Global Biodiversity Framework guides SDG 15; and the Sendai Framework for Disaster Risk Reduction 2015–2030 supports SDGs 1, 9 and 16-17.<sup>25</sup> The domestic implementation of these treaties might necessitate legislative alterations or the creation of new laws to adhere to these international obligations. However, the fragmented nature of international law presents a challenge in ensuring coordinated action across jurisdictions.<sup>26</sup>

**Customary international law and state practice:** There is room to argue that consistent adherence to SDG-related norms may influence the development of customary international law that guides state behaviour.<sup>27</sup> The universality and shared goals enshrined in the SDGs could strengthen the argument for their customary nature, as they address issues with global implications and promote the common good. Furthermore, the increasing references to and incorporation of SDGs in various national and international legal instruments could bolster their potential eventual inclusion in customary international law.

**Human rights and environmental law:** The SDGs often overlap with various other international legal regimes, reflecting the interconnected nature of global challenges.<sup>28</sup> States may integrate SDG-related principles into their human rights and environmental legal frameworks. There are also other regimes in which the SDGs intersect, such as trade agreements and economic law. Balancing trade openness with protecting the environment and promoting fair labour practices is crucial.<sup>29</sup> Agreements should consider SDG targets on decent work (SDG 8), responsible consumption and production (SDG 12), and climate action (SDG 13). Other intersections relate to international criminal law; health law; labour and employment standards; cultural heritage and intellectual property law; and humanitarian, refugee, and migration law. Upholding human rights and providing legal frameworks for refugees and migrants contributes to SDGs on peace and justice (SDG 16) and reduced inequality (SDG 10).<sup>30</sup>

- 23 P. Horn and J. Grugel (2018), “The SDGs in Middle-Income Countries: Setting or Serving Domestic Development Agendas? Evidence from Ecuador”, *World Development*, 109: 73-84.
- 24 Cf. K. Lofts et al. (2017), “Brief on Sustainable Development Goal 13 on taking action on climate change and its impacts: Contributions of international law, policy and governance”, *McGill Journal of Sustainable Development Law*, 13(1): 183-192; Paris Agreement on Climate Change (12 December 2015) TIAS No 16-1104.
- 25 UNEP CBD (2022), *Kunming-Montreal Global Biodiversity Framework*, CBD/COP/DEC/15/4 (19 December 2022), available at: <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf>; UN (2015), *Sendai Framework for Disaster Risk Reduction 2015-2030*, available at: [https://www.preventionweb.net/files/43291\\_sendaiframeworkfordren.pdf](https://www.preventionweb.net/files/43291_sendaiframeworkfordren.pdf).
- 26 M. Butt et al. (2021), “The Role of the International Law in Shaping the Governance for Sustainable Development Goals”, *Journal of Law and Political Sciences*, 28(3): 87-164.
- 27 Cf. O. Spijkers (2016), “The Cross-Fertilization between the Sustainable Development Goals and International Water Law”, *Review of European Community & International Environmental Law*, 25(1): 39-49; R. Pavoni and D. Piselli (2016), “The Sustainable Development Goals and international Environmental Law: Normative Value and Challenges for Implementation”, *Veredas Do Direito*, 13(26): 13-60; P.M. Dupuy et al. (2018), *Customary international law and the environment*, *CEENRG Working Papers 2018-2*, available at: [https://www.ceenrg.landecon.cam.ac.uk/system/files/documents/CEENRG\\_WP\\_19\\_CustomaryInternationalLawandtheEnvironment.pdf](https://www.ceenrg.landecon.cam.ac.uk/system/files/documents/CEENRG_WP_19_CustomaryInternationalLawandtheEnvironment.pdf).
- 28 Cf. O.C. Ruppel and L.J. Houston (2023), “Climate Change, Human Security, the Sustainable Development Goals and the Rule of Law: African Union Quo Vadis?”, in M.S. Camara, A. Hailu and S.O. Abidde (eds), *Issues of governance, security and development in Africa*, Lexington Books; O. McIntyre (2018), “International Water Law and SDG 6: Mutually Reinforcing Paradigms”, in D. French and L.J. Kotzé (eds), *Sustainable Development Goals*, Edward Elgar Publishing, pp. 173-200.
- 29 M.C.C. Segger (2021), *Crafting trade and investment accords for Sustainable Development: Athena’s treaties*, Oxford University Press, pp. 293–310.
- 30 Cf. C.E. Broilan et al. (2017), “The Right to Health of Non-Nationals and Displaced Persons In the Sustainable Development Goals Era: Challenges for Equity in Universal Health Care”, *International Journal for Equity in Health*, 16(4): 1-4.

**Monitoring and accountability mechanisms:** The SDGs promote transparency, accountability, and reporting on progress, which may increasingly lead to establishing legal mechanisms for monitoring and review at both the international and domestic levels.<sup>31</sup>

**Judicial application:** Klare highlights the inherent ambiguity and conflicts within legal texts, requiring decision-makers to rely on external sources of understanding and value.<sup>32</sup> Courts in different jurisdictions may refer to the SDGs in their decisions, interpreting and applying international and domestic law considering global development objectives.<sup>33</sup>

**Sustainable development law — a new discipline:** The growing importance of the SDGs has catalysed the emergence of sustainable development law as a new academic and professional field. Sustainable development law encompasses a body of international legal principles aimed at addressing the intersections between international economic, environmental, and social law; emphasising cooperative international efforts to identify and establish general principles, both substantive and procedural, that promote sustainable development, also domestically.<sup>34</sup> Several universities around the world are offering courses, programmes, and research opportunities in sustainable development law.<sup>35</sup> These programmes and courses reflect the growing importance of this new legal field and the need to equip students with the skills and knowledge to address global sustainability challenges. They also demonstrate the commitment of universities to contribute to the advancement of sustainable development and the SDGs.

Consequently, the integration of SDGs into legal frameworks reflects a commitment to addressing global challenges and advancing sustainable development at both the international and national levels. However, it has been argued that while the SDGs and international law share a nexus, a clear long-term vision for sustainable development beyond 2030 is needed to fully leverage this nexus for sustainable development.<sup>36</sup>

### 2.3. *The law's impactful potential: Integrating SDGs into national constitutions*

The role of the law in the context of the SDGs is pivotal, with significant impact potential on the realisation of these global objectives. This includes examining the legal implications associated with integrating and domesticating the SDGs into national constitutions.

When nations integrate the SDGs into their constitutions, it signifies a formal commitment to aligning domestic policies, laws, and frameworks with the principles and targets outlined in the SDGs.<sup>37</sup> This legal

31 A.T.L. Choon (2022), “Parliamentary Oversight to Uphold Accountability in the Review Process of Sustainable Development Goals”, *Journal of the Malaysian Parliament*, 2: 177-199; M. Bexell and K. Jönsson (2019), “Country Reporting on the Sustainable Development Goals—The politics of Performance Review at the Global-National Nexus”, *Journal of Human Development and Capabilities*, 20(4): 403-417.

32 K.E. Klare (1998), “Legal Culture and Transformative Constitutionalism”, *South African Journal on Human Rights*, 14: 146-188.

33 Cf. A.O. Jegede et al. (2018), “Lessons on the Right to Health Litigation and MDGs for Implementing Health Related SDGs in South Africa”, *Ghana Journal of Development Studies*, 15(1): 1-21; cf. Y.S. Lee (2017), “General Theory of Law and Development”, *Cornell International Law Journal*, 50(3): 415-471.

34 M.C.C. Segger and A. Khalfan (2004), *Sustainable development law: Principles, practices and prospects*, Oxford University Press; M. Barnard (2012), “The Role of International Sustainable Development Law Principles in Enabling Effective Renewable Energy Policy - A South African Perspective”, *Potchefstroom Electronic Law Journal*, 15(2): 207-243; J.W. Futrell (2004), “Defining Sustainable Development Law”, *Natural Resources & Environment*, 19(2): 9-12.

35 Refer for instance to Stellenbosch University, <https://blogs.sun.ac.za/law/files/2021/02/LLM-Information-2021.pdf>; University of South Australia, <https://study.unisa.edu.au/courses/105397>; University of Washington, <https://www.law.uw.edu/academics/llm/sustainable-development/curriculum>; University of Milan, <https://www.unimi.it/en/education/master-programme/law-and-sustainable-development>; and University of New South Wales, <https://www.handbook.unsw.edu.au/postgraduate/courses/2024/LAWS8068?year=2024>, to name a few. Also, new journals and other publications have emerged that promote research and publications on sustainable development law, such as the Austrian Journal for Sustainable Development Law (*Zeitschrift für das Recht nachhaltiger Entwicklung*), <https://www.verlagoesterreich.at/nachhaltigkeitsrecht/99.105005-27089649-neus>.

36 Kim, n. 17.

37 K.M. Siegel and M.G. Bastos Lima (2020), “When International Sustainability Frameworks Encounter Domestic Politics: The Sustainable Development Goals and agri-food Governance in South America”, *World Development*, 135: 2; D.Z. Paget and D. Patterson (2020), “The Essential Role of Law in Achieving the Health-Related Sustainable Development Goals”, *European Journal of Public Health*, 30: i32-i33.

incorporation elevates the status of the SDGs within the national legal system, providing a solid foundation for their monitoring, implementation and enforcement.<sup>38</sup> However, the actual implementation of this commitment is not seldom hampered or influenced by domestic politics, pre-existing institutions, and power relations.<sup>39</sup> The legal implications of this integration are multifaceted. Firstly, it enhances the enforceability of SDG-related commitments, as constitutional provisions in the hierarchy of laws hold a higher legal standing compared to ordinary laws.<sup>40</sup> This ensures that the principles enshrined in the SDGs are not merely aspirational but carry legal weight, allowing for legal remedies in case of non-compliance.<sup>41</sup>

Secondly, integrating the SDGs into national constitutions enhances the domestic legal framework for institutionalising sustainable development. This among others involves aligning existing legal mechanisms, policies, and regulations with the SDGs, ensuring a coherent and coordinated approach across different sectors of the government.<sup>42</sup> However, there may also be challenges and trade-offs involved in this process, such as the need to balance the interests of different stakeholders, the availability of resources and capacities, and the compatibility of the SDGs with the existing legal and institutional frameworks.<sup>43</sup> Therefore, Okitasari et al emphasise the importance of robust governance mechanisms, interlinkages between SDGs and other agendas, and integration into budgetary processes.<sup>44</sup> Gustafsson and Ivner highlight the role of municipalities in implementing the SDGs, suggesting the need for an integrated approach and the utilisation of existing management procedures.<sup>45</sup> Hassan et al. argue for parliamentary reform to enhance inclusivity, transparency, and accountability, aligning legislative, budgetary, and oversight activities with the SDGs.<sup>46</sup>

Moreover, the legal implications extend to the accountability mechanisms inherent in constitutional governance. Citizens are empowered with legal tools to hold governments accountable for their progress or

- 38 E.U. Petersmann (2023), “Human Rights as Foundation of Transnational Constitutionalism? How to Respond to ‘Constitutional Implementation Deficits’”, in P.B. Donath et al. (eds), *Der Schutz des Individuums durch das Recht*, Springer, pp. 241–254.
- 39 See J. Tosun and J. Leiminger (2017), “Governing the Interlinkages between the Sustainable Development Goals: Approaches to Attain Policy Integration”, *Global Challenges*, 1(9): 1-12; Siegel and Bastos Lima, n. 37; S. Karlsson-Vinkhuyzen et al. (2018), “The Emerging Accountability Regimes for the Sustainable Development Goals and Policy Integration: Friend or Foe?”, *Environment and Planning C: Politics and Space*, 36(8): 1371-1390.
- 40 See M.F. del Rosario-Rodríguez (2011), “La Supremacía Constitucional: Naturaleza y alcances”, *Dikaion*, 20(1): 97-117; N.A. Hamid et al. (2019), “Erosion of the Concept of Constitutional Supremacy in Malaysia”, *International Journal of Law, Government and Communication*, 4(15): 27-35.
- 41 If these provisions are enforceable, see O. Peter and T. Oyinkan (2020), “Engendering Constitutional Realization of Sustainable Development in Nigeria”, *The Law and Development Review*, 13(1): 159-191.
- 42 See A. Halimatussadiyah (2020), “Mainstreaming the Sustainable Development Goals into National Planning, Budgetary and Financing Processes: Indonesian Experience”, MPFD Working Papers WP/20/06, available at: [https://repository.unescap.org/bitstream/handle/20.500.12870/1219/WP-20-06\\_final.pdf?sequence=1&isAllowed=y](https://repository.unescap.org/bitstream/handle/20.500.12870/1219/WP-20-06_final.pdf?sequence=1&isAllowed=y); N. Kanie et al. (2019), “Rules to Goals: Emergence of New Governance Strategies for Sustainable Development”, *Sustainability Science*, 14: 1745–1749; E.I. Ojobanikan (2022), “Learning from Millennium Development Goals for Successful Implementation and Attainment of the Sustainable Development Goals in Nigeria”, *International Journal of Social Science Research and Review*, 5(9): 589-601; T. Katramiz and M. Okitasari (2021), “Policy brief No 25 on Accelerating 2030 Agenda integration: Aligning National Development Plans with the Sustainable Development Goals”, available at: <https://sdgs.un.org/sites/default/files/2022-01/UNU-IAS-PB-No25-2021.pdf>.
- 43 Refer to K.J. Bowen et al. (2017), “Implementing the ‘Sustainable Development Goals’: Towards Addressing Three Key Governance Challenges—Collective Action, trade-offs, and Accountability”, *Current Opinion in Environmental Sustainability*, 26-27: 90–96; M. Bexell et al. (2023), “Strengthening the Sustainable Development Goals Through Integration with Human Rights”, *International Environmental Agreements: Politics, Law and Economics*, 23: 133-139; C. Allen et al. (2018), “Initial Progress in Implementing the Sustainable Development Goals (SDGs): A Review of Evidence from Countries”, *Sustainability Science*, 13: 1453-1467.
- 44 M. Okitasari et al. (2019), “Policy Brief No 18 on Governance and National Implementation of the 2030 Agenda: Lessons from Voluntary National Reviews”, available at: <https://collections.unu.edu/eserv/UNU:7386/UNU-IAS-PB-No18-2019.pdf>; see also E. Hege and L. Brimont (2018), “Institut du Développement Durable et des Relations Internationales Study No 5 on Integrating SDGs into National Budgetary Processes”, available at <https://www.iddri.org/sites/default/files/PDF/Publications/Catalogue%20Iddri/Etude/201807-ST0518-SDGs-budget-EN.pdf>.
- 45 S. Gustafsson and J. Ivner (2018), “Implementing the Global Sustainable Goals (SDGs) into Municipal Strategies Applying an Integrated Approach”, in W.L. Filho (ed), *Handbook of sustainability science and research*, Springer, pp. 301–316.
- 46 M.S. Hassan et al. (2022), “Parliamentary Reforms and Sustainable Development Goals (SDG): The Way forward for an Inclusive and Sustainable Parliament”, *The Journal of Legislative Studies*, 28(4): 578-605.

lack thereof in achieving the SDGs. This legal accountability fosters transparency, citizen participation, and judicial oversight, creating an accommodating and dynamic legal environment for sustainable development.<sup>47</sup>

### 3. Analysed Constitutions

#### 3.1. Sweden

Sweden is a constitutional monarchy with a legal system and an economy characterised by a strong focus on the rule of law, property rights, and a competitive open mixed economy. Sweden's legal system is based on civil law, with a demarcation of jurisdiction between courts and administrative authorities. The Constitution is based on four fundamental laws, namely the Instrument of Government 1974: 152 (amended by 2022:1600), which contains the central provisions and corresponds most closely to the constitution of other countries; the Act of Succession 1810 (as amended by 1979), which regulates the order in which descendants of the present King shall succeed to the throne; the Freedom of the Press Act 1949:105 (amended by 2022:1524), which contains the principle of the public nature of official documents and rules about the right to produce and disseminate printed matter; and the Fundamental Law on Freedom of Expression 1991:1469 (amended by 2022:1525), which is a fundamental law for media other than print media. In addition, Sweden has a Riksdag Act 1974:153 (amended by 2014:801), containing detailed rules about the work procedures of parliament. Along with Germany and Finland investigated in our article, Sweden is a member of the European Union (EU).

Sweden adheres to the dualist approach to international law.<sup>48</sup> The dualist approach views international legal norms as not inherently binding on domestic legal systems, necessitating governments to adjust their domestic laws to comply with international obligations.<sup>49</sup> Conversely, the monist approach regards international law as an integral component of the domestic legal order, where international law holds precedence over national law within the monistic framework. Chapter 10 Part 2 Article 3 on international relations in the Instrument of Government explicitly states that the Swedish parliament's approval is required before international agreements become binding.

With its strong tradition of environmental consciousness, the SDGs play a pivotal role in Sweden's international law considerations and serve as a guide for domestic policies, emphasising inclusive and sustainable development.<sup>50</sup> The country has established a national monitoring system to track progress towards the SDGs, and Statistics Sweden has been tasked with coordinating the indicator-based follow-up on the 2030 Agenda.<sup>51</sup> In February 2020, the government appointed a national coordinator for the 2030 Agenda (Natsam2030), whose mandate is to support the government in implementing the 2030 Agenda.<sup>52</sup> The Swedish

47 For a discussion, refer to S. Plicanic (2020), "The Role of State in Achieving Sustainable Development Goals in Slovenia", *Studia Iuridica Lublinensia*, 29(4): 233-249; F.O. Otieno, et al. (2022), "Promoting Citizen Participation for Effective and Accountable Governance", *International Journal of Humanities and Social Science*, 8(11): 1-7; O.C. Ruppel and L.J. Houston (2023), "The environmental decision-making: Some legal reflections", *Environmental Policy and Law*, 53(2-3): 125-138; H. Müllerová et al. (2023), "Building the concept of just transition in law", *Environmental Policy and Law*, 53(4): 1-14.

48 EU (2012), *Comments on the Implementation of International Human Rights Treaties in Domestic Law and the Role of Courts*, Study No 690/2012, available at: <https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL%282014%29050-e>.

49 For a discussion see K.K. Mwenda (2021), *Contemporary issues in international law*, Pretoria University Law Press, Chapter 2.

50 OECD (2021), *The short and winding road to 2030: Sweden*, available at: <https://www.oecd.org/wise/measuring-distance-to-the-SDG-targets-country-profile-Sweden.pdf>, pp. 2; Government Offices of Sweden (2021), *Voluntary National Review*, available at: [https://planipolis.iiep.unesco.org/sites/default/files/ressources/sweden\\_vnr\\_2021\\_eng.pdf](https://planipolis.iiep.unesco.org/sites/default/files/ressources/sweden_vnr_2021_eng.pdf), pp. 12; K. Delaney and A. Maguire (2022), "Implementing the Sustainable Development Goals post-COVID-19: A study of Australia and Sweden", *Alternative Law Journal*, 47(3): 168-172.

51 Refer to: <https://www.scb.se/en/About-us/main-activity/statistics-swedens-work-on-the-sdgs-and-the-2030-agenda-for-sustainable-development/>.

52 For more information: <https://agenda2030samordnaren.se/nu-gor-vi-ett-tydligare-ledarskap-for-hallbar-utveckling/foreword-and-summary/>.



government has also adopted an action plan for Agenda 2030 for the period 2018–2020.<sup>53</sup> A recently appointed investigator has also been tasked with conducting a review of the national forest policy to formulate a future forest policy that fosters sustainable Swedish forestry and facilitates the growth of the bio-economy in the long term.<sup>54</sup>

Sweden, as with the other countries discussed, does not explicitly mention the SDGs within its constitutional framework. However, both the Freedom of the Press Act and the Fundamental Law on Freedom of Expression guarantee freedom of information and expression, crucial for public awareness, participation, and holding the government accountable for achieving the SDGs. The Instrument of Government further outlines key policy aims, emphasising the exercise of public power with respect for the equal worth, liberty, and dignity of individuals. It prioritises the personal, economic, and cultural welfare of individuals, securing rights to health, employment, housing, and education. The institutions must work towards ensuring equal participation and combating discrimination based on various factors, including gender, race, national origin, etc. Public institutions must also promote sustainable development leading to a good environment for present and future generations. Additionally, opportunities are to be promoted for the Sami people and ethnic, linguistic, and religious minorities to preserve and develop their cultural and social life.

Accordingly, connections are made to SDGs 1, 3–5, 8, 10, and 16. The Swedish Environmental Code 1998:808 (amended by 2018:1427) further emphasises environmental responsibility, sustainable development, and the right to a healthy and sound environment, supporting SDGs 13–15.<sup>55</sup>

Sweden ranks 2/166 on the SDG Index.<sup>56</sup> Accordingly, Sweden has been recognised for its efforts in implementing the SDGs, with local-level actions playing a key role in its progress.<sup>57</sup> Sweden's position as a leader among the EU countries in the field of sustainable energy development is attributed to legislative activities and taxation that promote energy efficiency, indicating the country's commitment to achieving SDG 7.<sup>58</sup> Furthermore, Sweden's commitment to the SDGs is reflected in its national strategy for investment in wetlands, actively implementing the indivisible target of SDG 15.<sup>59</sup> In the context of policy translation and accountability preparation, Sweden's reporting to the UN High-Level Political Forum has been identified as a key function of SDG reporting, indicating the country's active engagement with the global agenda.<sup>60</sup> Moreover, Sweden has been recognised as the country that made the most significant progress towards SDG 8 from 2015 to 2018.<sup>61</sup> In December 2020, the parliament approved a government bill with an overarching objective for the implementation of the 2030 Agenda.<sup>62</sup> However, despite progress, income and wealth inequalities are said to

53 Swedish Delegation for the 2030 Agenda (2019), *The 2030 Agenda and Sweden—A summary*, available at: <https://www.government.se/legal-documents/2019/03/sou-201913/>; Ministry of Finance/Communication Department (2018), *Handlingsplan Agenda 2030 2018–2020*, available at: <https://www.regeringen.se/contentassets/60a67ba0ec8a4f27b04cc4098fa6f9fa/handlingsplan-agenda-2030.pdf>.

54 Read more at: <https://www.regeringen.se/pressmeddelanden/2024/02/regeringen-tillsatter-utredning-for-att-framja-skogsbruk-och-en-vaxande-bioekonomi/>.

55 A case to follow is *Anton Foley v Sweden (Aurora Case)* Nacka District Court (Nacka tingsrätt) T 8304-22, a class action filed against the Swedish government for its alleged failure to adequately mitigate climate change. The over 600 claimants argue that the violations result from Sweden's failure to take necessary measures to mitigate climate risk and prevent global temperatures exceeding 1.5°C above pre-industrial levels.

56 Refer to <https://dashboards.sdgindex.org/profiles/sweden>.

57 R.E. Engström et al. (2019), “Cross-scale Water and Land Impacts of Local Climate and Energy Policy—A local Swedish Analysis of Selected SDG Interactions”, *Sustainability*, 11: 1-28.

58 M. Tutak et al. (2020), “Studying the Level of Sustainable Energy Development of the European Union Countries and their Similarity based on the Economic and Demographic Potential”, *Energies*, 13(24): 1-31; O. Lindgren et al. (2023), “Exploring Sufficiency in Energy Policy: Insights from Sweden”, *Sustainability: Science, Practice and Policy*, 19(1): 1-15.

59 S. Seifollahi-Aghmiuni et al. (2019), “The potential of Wetlands in Achieving the Sustainable Development Goals of the 2030 Agenda”, *Water*, 11: 1-14.

60 M. Bexell and K. Jönsson (2019), “Country Reporting on the Sustainable Development Goals—The Politics of Performance Review at the Global-National Nexus”, *Journal of Human Development and Capabilities*, 20(4): 403-417.

61 B. Bieszk-Stolorz and K. Dmytrów (2023), “Application of Multivariate Statistical Analysis to Assess the Implementation of Sustainable Development Goal 8 in European Union Countries”, *The Polish Statistician*, 68(3): 27.

62 S. Svarfvar et al. (2021), *Civil Society Spotlight Report on Sweden's implementation of the 2030 Agenda: Recommendations and Review of Actions taken ahead of High-Level Political Forum*, available at: <https://concord.se/wp-content/uploads/2021/06/civil-society-spotlight-report-on-sweden-implementation-of-the-2030-agenda.pdf>, at pp.10.

persist, impacting access to healthcare, education, and other opportunities.<sup>63</sup> Also, the government has been criticised for being lackadaisical in updating its 2030 Agenda action plan.<sup>64</sup>

### 3.2. Finland

Finland has a parliamentary democracy with a multiparty political system and a civil law tradition. Finland's economy is characterised by a high level of industrialisation and a market that is largely free. The Constitution is established in the Constitutional Act 731 of 1999 (amended by 817 of 2018). Sections 93–95 of the Constitution clarify that Finland follows a dualist approach to international law.

Finland, known for its commitment to sustainability, has made significant strides in implementing the SDGs within its policy framework.<sup>65</sup> In 2016, the Finnish Environment Institute and Demos Helsinki collaborated with key actors of sustainable development in Finland to launch the Sustainable Development Key Issues and Action Plan 2030 (Avain2030) project.<sup>66</sup> This short-term initiative aimed to offer a comprehensive picture of Finland's implementation of Agenda 2030; identify Finland's strengths and weaknesses compared to other countries in terms of achieving the SDGs; and analyse the effectiveness of the indicators proposed to monitor progress toward the SDGs. The Finland We Want by 2050 serves as the country's national interpretation of the SDGs; it outlines a shared vision and long-term strategy for a sustainable and prosperous future for Finland.<sup>67</sup> The Finnish government's Report on the Implementation of the 2030 Agenda outlines the country's strategies and commitments to achieving the SDGs by 2030. It focuses on two central themes: carbon neutrality and resource efficiency; and non-discrimination, equality, and competence.<sup>68</sup> The 2030 Agenda Roadmap provides a more detailed plan with concrete actions, timelines, and responsibilities for various stakeholders to achieve specific SDG targets.<sup>69</sup> There is also the annual public discussion forum on the SDGs, which serves as a platform for open dialogue, fostering collaboration, and generating innovative ideas for implementing the SDGs in Finland.<sup>70</sup> The SDGs contribute to shaping Finland's international engagements and influence domestic legislation, emphasising environmental conservation and social equity.<sup>71</sup>

While the SDGs are not explicitly mentioned within the Constitutional Act, several elements within Finland's legal system and government policies align with various SDG goals. To illustrate, the Constitution provides the

63 Government Offices of Sweden, n. 50, p. 12.

64 D. Boman (2022), "The 2030 Agenda Call: Develop An Action Plan", available at: <https://www.aktuellhallbarhet.se/alla-nyheter/agenda-2030/agenda-2030-uppmaningen-ta-fram-en-handlingsplan/>; National Coordinator for the 2030 Agenda (2022), "A clearer leadership for sustainable development-How we can join forces to accelerate the pace of the transition", available at: <https://agenda2030samordnaren.se/wp-content/uploads/2022/03/delredovisning-en-nationell-samordnare-for-agenda-2030-220310.pdf>.

65 O. Hakkarainen et al. (eds) (2017), *Finland and the 2030 Agenda – A follow-up report by CSOs Series of Reports No 125*, available at: [https://sustainabledevelopment.un.org/content/documents/16941Kepa\\_Finlandandthe2030Agenda\\_Afollowupreport\\_of\\_CSOs\\_2017.pdf](https://sustainabledevelopment.un.org/content/documents/16941Kepa_Finlandandthe2030Agenda_Afollowupreport_of_CSOs_2017.pdf); M. Rökköläinen and A. Saxén (2022), "Pathway to the transformative policy of Agenda 2030: Evaluation of Finland's Sustainable Development Policy", in J.I. Uitto and G. Batra (eds), *Transformational change for people and the planet, Sustainable Development Goals Series*, Springer, pp. 237-250.

66 J. Lyytimäki et al. (2016), "Agenda 2030 in Finland: Key Questions and Indicators of Sustainable Development", available at: <https://demoshelsinki.fi/julkaisut/finland-has-good-potential-in-sustainable-development/>.

67 Prime Minister's Office (2020), *Towards the Finland we want by 2050: The State of Sustainable Development in 2020 in Light of Indicators and Comparative Studies*, available at: [https://sustainabledevelopment.un.org/content/documents/26VNR\\_2020\\_Annex\\_2.pdf](https://sustainabledevelopment.un.org/content/documents/26VNR_2020_Annex_2.pdf). See also <https://sdgtoolkit.org/tool/the-finland-we-want-by-2050-societys-commitment-to-sustainable-development/>.

68 Prime Minister's Office (2017), *Government Report on the 2030 Agenda for Sustainable Development: Sustainable Development in Finland– Long-term, coherent and inclusive action*, available at: [https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79455/VNK\\_J1117\\_Government\\_Report\\_2030Agenda\\_KANSILLA\\_netiti.pdf](https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79455/VNK_J1117_Government_Report_2030Agenda_KANSILLA_netiti.pdf).

69 Prime Minister's Office (2022), *The 2030 Agenda roadmap of the Finnish National Commission on Sustainable Development*, available at: [https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164200/VNK\\_2022\\_17.pdf?sequence=4&isAllowed=y](https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164200/VNK_2022_17.pdf?sequence=4&isAllowed=y).

70 Refer to: <https://sdghub.com/finland-fibs/>.

71 Publications of the Prime Minister's Office (2020), *Voluntary National Review of Finland*, available at: [https://sustainabledevelopment.un.org/content/documents/26261VNR\\_Report\\_Finland\\_2020.pdf](https://sustainabledevelopment.un.org/content/documents/26261VNR_Report_Finland_2020.pdf), pp. 49.

right to a healthy environment and places the responsibility for nature and its biodiversity, the environment, and the national heritage on everyone (Section 20)<sup>72</sup>, thereby, supporting SDGs 13–15.<sup>73</sup>

The Constitution further promotes equality and non-discrimination (Section 6); and guarantees education (Section 16); social security (Section 19); decent work (Section 18); and cultural rights (Section 17), reflecting SDGs 1, 3–5, 8, and 10.

The Constitution also establishes a framework for accountable and transparent governance, including provisions for public participation (Sections 2 and 13–14); access to information (Section 12); access to courts (Section 21); and independent oversight institutions (Sections 3 and 90). These aspects align with SDG 16.

Finland ranks 1/166 on the SDG Index.<sup>74</sup> Finland has demonstrated a commitment to policy coherence across Agenda 2030 and the SDGs, particularly regarding coordination structures across government.<sup>75</sup> The Finnish education system seamlessly incorporates the principles of sustainable development.<sup>76</sup> Finland, despite being a frontrunner in many international sustainability comparisons, still faces several challenges in fully implementing the SDGs, most notably due to its biodiversity facing threats from habitat fragmentation and the pressures of intensive forestry practices.<sup>77</sup>

### 3.3. Kenya

Kenya's legal system is based on statutory law, British common law, customary law, and Islamic law. The Kenyan legal environment underwent significant changes following the enactment of a new Constitution in 2010, which addressed longstanding political and socio-economic problems that had hindered progressive development. The Constitution created a devolved system of government, transferring power from the national level to 47 newly created county governments, and affected virtually every law in Kenya.<sup>78</sup> Kenya also has a highly diversified and dynamic economy.

Article 2(5) of the Constitution provides that the general rules of international law shall form part of the laws of Kenya. Article 2(6) further stipulates that any treaty or convention ratified by Kenya shall form part of the law under the Constitution. However, in practice, Kenya's approach to international law is a hybrid of both dualism and monism.<sup>79</sup>

The Kenyan Constitution, while not directly mentioning the SDGs, does contain correlating provisions and principles. The Constitution guarantees the right to a clean and healthy environment (Article 42); to clean and safe water in adequate quantities and to reasonable standards of sanitation (Article 43(1)(b) and (d)); promotes sustainable exploitation, management, and conservation of natural resources (Articles 60(1)(c) and 69(1)(a)); and places a duty on both the state and citizens to protect and conserve the environment and ensure ecologically

72 For a discussion on the rights, see J.R. May (2021), "Making Sense of Environmental Human Rights and Global Environmental Constitutionalism", in Techera et al. (eds), n. 2, pp. 73-86.

73 Refer to Finland's Climate Act (423/2022).

74 See <https://dashboards.sdgindex.org/profiles/finland>.

75 M. Ylönen and A. Salmivaara (2021), "Policy Coherence Across Agenda 2030 and the Sustainable Development Goals: Lessons from Finland", *Development Policy Review*, 39(5): 829-847.

76 N. Messina (2023), "Sustainable Development: A Comparison between the Finnish and the Italian Education Systems", *Sustainability*, 15: 1-22; T. Lanshina et al. (2019), "Localizing and Achieving the Sustainable Development Goals at the National Level: Cases of Leadership", *International Organisations Research Journal*, 14(1): 210-211.

77 J.R. Holz (2023), "Threatened Sustainability: Extractivist Tendencies in the Forest-based Bioeconomy in Finland", *Sustainability Science*, 18: 645–659; J. Lyytimäki et al. (2021), "Untangling the Interactions of Sustainability Targets: Synergies and Trade-offs in the Northern European Context", *Environment, Development and Sustainability*, 23: 3456-3466.

78 For a discussion, see B.C. Nyabira and Z.A. Ayele (2016), "The State of Political Inclusion of Ethnic Communities Under Kenya's Devolved System", *Law, Democracy, and Development*, 20: 131-153.

79 T. Kabau and C. Njoroge (2011), "The Application of International law in Kenya under the 2010 Constitution: Critical issues in the Harmonisation of the Legal System", *Comparative and International Law Journal of Southern Africa*, 44: 293-310; J.N. Maina (2013), "Do articles 2(5) and 2(6) of the Constitution of Kenya 2010 Transform Kenya into a Monist State?", available at: <http://dx.doi.org/10.2139/ssrn.2516706>; N.W. Orago (2013), "The 2010 Kenyan Constitution and the Hierarchical Place of International Law in the Kenyan Domestic Legal System: A Comparative Perspective", *African Human Rights Law Journal*, 13: 415-440.

sustainable development and use of natural resources (Article 69(2)). These provisions support SDGs 6 and 12–15.<sup>80</sup>

The Constitution promotes equality and non-discrimination based on various factors (Article 27); guarantees fundamental rights, such as healthcare and education (Articles 43(1)(a) and (f)); provides cultural rights and freedoms (Article 44); grants the right to be free from hunger, to have adequate food of acceptable quality, and social security (Article 43(1)(c) and (e)); and recognises the rights of marginalised groups, including women, persons with disabilities, the elderly, and children (Articles 21(3), 53–54, and 56–57). These provisions contribute to SDGs 1–5 and 10.

The Constitution also establishes a framework for accountable and transparent governance, including provisions for public participation (Articles 36 and 38); access to information (Article 35); fair administrative action (Article 47); and independent oversight institutions (Articles 79 and 160). These aspects align with SDG 16.

Kenya integrates the SDGs into its legal and policy frameworks, reflecting a commitment to global sustainability.<sup>81</sup> For instance, the 2023 Kenyan Agricultural Management Policy gives progressive domestic meaning to various SDGs (1, 3, 6, 13, and 15).<sup>82</sup>

Moreover, Kenya has Vision 2030, which is a crucial element in understanding the country's aspirations and efforts towards sustainable development.<sup>83</sup> The Fourth Medium-Term Plan serves as Kenya's blueprint for development from 2023 to 2027.<sup>84</sup> It builds upon the vision outlined in Vision 2030 and translates it into concrete actions and targets for the next five years. The Big Four Agenda is an integral part of Kenya's Vision 2030, comprising four priority areas: food security; affordable housing; manufacturing; and affordable healthcare.<sup>85</sup> Kenya's National Energy Policy further serves as a crucial roadmap for guiding the country's development and utilisation of its energy resources, aligning with SDG 7.<sup>86</sup>

Kenya ranks 123/166 on the SDG Index.<sup>87</sup> The country has demonstrated a strong political commitment to achieving the SDGs, as evidenced by the adoption of the Health in All Policies approach.<sup>88</sup> However, Mutea et al found that achieving SDG 2 by 2030 will likely remain challenging for Kenya, indicating the need for further interventions and policy adjustments to address food security in the country.<sup>89</sup> Moreover, despite improved healthcare access, maternal and child mortality rates remain high, hindering SDG 3.<sup>90</sup> Nyakwaka and Chelang'a further identify several hindrances to achieving SDG 16 in Kenya, including a lack of adequate resources; lack

80 Refer to the Climate Change Act 11 of 2016; for a discussion see C. Wambua (2019), "The Kenya Climate Change Act 2016", *Carbon & Climate Law Review*, 13(4): 257-269; R. Mwanza (2020), "The Relationship between the Principle of Sustainable Development and the Human Right to a Clean and Healthy Environment in Kenya's Legal Context: An Appraisal", *Environmental Law Review*, 22(3): 184-197.

81 Ministry of Devolution and Planning (2017), *Implementation of the Agenda 2030 for Sustainable Development in Kenya*, available at: <https://sustainabledevelopment.un.org/content/documents/15689Kenya.pdf>.

82 Ministry of Agriculture and Livestock Development (2023), *Agricultural Soil Management Policy*, available at: <https://kilimo.go.ke/wp-content/uploads/2023/12/Agricultural-Soil-Management-Policy-2023.pdf>.

83 Government of the Republic of Kenya (2007), *Kenya Vision 2030*, available at: <https://faolex.fao.org/docs/pdf/ken147841.pdf>.

84 National Treasury and Economic Planning (2022), *Fourth Medium-Term Plan 2023-2027 concept note*, available at: <https://www.planning.go.ke/wp-content/uploads/2022/02/Final-MTP-2023-2027-Concept-Note-1-Final.pdf>.

85 Refer to: <https://big4.delivery.go.ke/>.

86 Ministry of Energy and Petroleum (2018), *National Energy Policy*, available at: <https://repository.kippra.or.ke/handle/123456789/1947>.

87 Refer to: <https://dashboards.sdgindeks.org/profiles/kenya>.

88 For a discussion see J. Mauti et al. (2022), "Addressing Policy Coherence between Health in all Policies Approach and the Sustainable Development Goals Implementation: Insights from Kenya", *International Journal of Health Policy and Management*, 11(6): 757-767; see also SDGs Kenya Forum (2020), *Voluntary National Review - Civil Society Report: The Third Progress Report*, available at: <https://www.planning.go.ke/wp-content/uploads/2020/11/Civil-Society-VNR-Report-2020.pdf>, at pp.27-28.

89 E. Mutea et al. (2022), "Shocks, Socio-economic Status, and Food Security Across Kenya: Policy Implications for Achieving the Zero Hunger Goal", *Environmental Research Letters*, 17: 1-17.

90 H.M. Mwaura et al.(2023), "Sub-national Variation in Indicators of Maternal Mortality in Kenya Requires Targeted Interventions to Fast-Track SDG Attainment", (preprint), available at: <https://doi.org/10.21203/rs.3.rs-2448724/v1>; B.B. Masaba et al. (2022), "The Healthcare System and Client Failures Contributing to Maternal Mortality in Rural Kenya", *BMC Pregnancy and Childbirth*, 22: 1-12.

of capacity, technology, infrastructure, and political will; corruption and bribery; and poor implementation of laws and regulations.<sup>91</sup>

### 3.4. Brazil

Brazil follows the civil law tradition and has a highly diversified economy, being the ninth largest in the world and the largest in South America.<sup>92</sup> The federal constitutional text was enacted in 1988, with the alterations established in 1992 through 2022. Brazil is a dualist country in terms of its approach to international law (Article 5(LXXVIII)(§3)).

Akin to the other constitutions analysed, the Brazilian Constitution does not explicitly mention the SDGs but does have numerous existing provisions and principles that strongly align with various goals. The Constitution guarantees the right to an ecologically balanced environment (Article 225), which both the government and community must defend and preserve for present and future generations; emphasises the sustainability principle for resource use (Article 225(§1)); and requires the adequate use of available natural resources in line with the preservation of the environment (Articles 186(II) and 225(§4)). These provisions support SDGs 12–15.<sup>93</sup>

The Constitution guarantees fundamental rights, such as healthcare, social security, education, and decent work (Articles 6–7, 196–197, 200, 203, 205–206, and 208); promotes cultural rights (Article 215), equality and non-discrimination (Articles 3(IV) and 5); and acknowledges the rights of marginalised groups, such as the elderly and indigenous peoples (Articles 230–232). These provisions contribute to SDGs 1, 3–5, and 10.

The Constitution establishes a framework for accountable and transparent governance, including provisions for public participation (Article 1 (sole paragraph)); access to information (Article 5(XIV and XXXIII)); and independent oversight institutions (Article 2). These aspects align with SDG 16.

Brazil incorporates the SDGs into its legal landscape, reflecting a commitment to global sustainability.<sup>94</sup> There is the Agenda for a More Sustainable Brazil, which presents concrete proposals to achieve the SDGs.<sup>95</sup> Brazil ranks 50/166 on the SDG Index.<sup>96</sup> Case studies, such as the one in the municipality of Birigui, São Paulo State, underscore the significant progress made in implementing the SDGs, particularly at local levels.<sup>97</sup> However, the successful realisation of the SDGs in Brazil requires higher levels of capacity, leadership, and proper institutional design to achieve collaboration for producing coherent and integrated policies.<sup>98</sup> Renwick et al further found that, in practice, the indigenous people (with a focus on the Kaingang people) in Brazil are

91 D.A. Nyakwaka and J. Chelang'a (2021), "Peace, Justice and Strong Institutions for Sustainable Development in Kenya", *Africa Habitat Review Journal*, special issue, 3-12.

92 W. Máximo (2023), "Brazil Jumps two Places, becomes world's Ninth Largest Economy in 2023", available at: <https://agenciabrasil.ebc.com.br/en/economia/noticia/2023-12/brazil-jumps-two-places-becomes-worlds-ninth-largest-economy-2023>.

93 In the *Partido Socialista Brasileiro et al. v Federal Union of Brazil* (on Climate Fund) 2022 case (ADPF 708), the Federal Supreme Court ruled that the UN Paris Agreement is a 'supranational' human rights treaty, which takes precedence over national laws (para 17). Thereby, confirming the government's constitutional obligation to combat climate change.

94 F.T. Dias et al. (2024), "Urban Sustainability as a Social Function of the City: Strategic Correlation based on Brazilian Legislation with the New Urban Agenda and Sustainable Development Goals", *Sustainable Development*, 32(1): 1279-1290. However, see also M.G.B. Lima and K. da Costa (2022), "Quo vadis, Brazil? Environmental Malgovernance under Bolsonaro and the Ambiguous Role of the Sustainable Development Goals", *Bulletin of Latin American Research*, 41(4): 508–524.

95 Presidency of the Republic of Brazil (2022), *Agenda for a more sustainable Brazil*, available at: [https://www.gov.br/pt-br/campanhas/brasil-na-cop/copy2\\_of\\_absengwebv2.pdf](https://www.gov.br/pt-br/campanhas/brasil-na-cop/copy2_of_absengwebv2.pdf); see also Brazilian Development Association (2022), *ABDE 2030 plan for sustainable development*, available at: [https://abde.org.br/wp-content/uploads/2023/01/ABDE2030\\_ENGLISH.pdf](https://abde.org.br/wp-content/uploads/2023/01/ABDE2030_ENGLISH.pdf); Presidency of the Republic of Brazil (2020), *Federal development strategy for Brazil 2020-2031*, available at: [https://observatorioplanificacion.cepal.org/sites/default/files/plan/files/efd-2020-2031\\_v2.pdf](https://observatorioplanificacion.cepal.org/sites/default/files/plan/files/efd-2020-2031_v2.pdf).

96 Refer to: <https://dashboards.sdindex.org/profiles/brazil>.

97 T. Teixeira et al. (2022), "The Sustainable Development Goals implementation: Case Study in a Pioneer Brazilian Municipality", *Sustainability*, 14(19): 1-22.

98 See A.C. Scott et al. (2017), *Sustainable Development Goals report: Brazil 2030*, available at: <https://globaltrends.thedialogue.org/publication/sustainable-development-goals-report-brazil-2030/>; K.C. Vazquez (2022), "A Strategic and forward-looking Agenda for Brazil's Sustainable Development", *CEBRI-Journal*, 4: 79-98; N. Koga et al. (2020), "Policy Capacity and Governance Conditions for Implementing Sustainable Development Goals in Brazil", *Revista Do Serviço Público*, 71: 38-77.

experiencing renewed threats to their indigeneity.<sup>99</sup> Araújo further maintains that the National Commission for the Sustainable Development Goals in Brazil is a weak governance instrument, with limited social participation, and underrepresentation of subnational governments.<sup>100</sup>

### 3.5. Chad

Chad has a mixed economic system, with much of the population relying on subsistence farming and livestock, while private sector development depends on foreign capital. The country has a mixed legal system of civil and customary law. The country has been ruled by a military government following the death of former President Idriss Déby in 2021.<sup>101</sup> The current transitional president is General Mahamat Idriss Déby, who is the son of the late President. As a result of the institutional changes, a referendum was held in December 2023 to revise provisions in the Constitution of 2018 in favour of establishing autonomous communities, consolidating the power of the presidency, and strengthening the military's role.<sup>102</sup> Based on Articles 222–224 of the Constitution, Chad follows a monist perspective on international law.

The Chadian Constitution does have a few provisions and principles that align with various SDG goals. The Constitution recognises the right to a healthy environment (Article 51), the protection of which is a duty for all (Articles 52 and 57); guarantees fundamental rights such as education and decent work (Articles 38–40, 35, and 37); promotes culture, equality, and non-discrimination (Articles 13–14 and 36); provides for the disabled (Article 44); and recognises the political rights of marginalised groups such as women (Article 34). These interlink with SDGs 4–5, 8, 10, and 14–15. The Constitution also establishes a framework for accountable and transparent governance (Article 55), including provisions for public participation for citizens living abroad (Article 60), which supports SDG 16.

The country's focus on the SDGs is evident in its participation in initiatives related to nutrition and sustainable food systems, as outlined in the Chad country strategic plan (2019–2023) by the World Food Programme.<sup>103</sup> Additionally, the EU's Multiannual Indicative Programme for Chad for 2021–2024 aims to have a lasting transformational impact on the stability and long-term development of the country, which is linked to the Global Gateway strategy.<sup>104</sup> Another supporting mechanism is Chad's Vision 2030, which is aligned with the SDGs and has four main pillars: strengthening national unity; strengthening good governance and the rule of law; developing a diversified and competitive economy; and improving the quality of life of Chadians.<sup>105</sup> There is also the First National Climate Change Adaptation Plan, which is a significant step forward in the country's efforts to address the challenges posed by climate change (SDG 13).<sup>106</sup>

99 N. Renwick et al. (2020), "Indigenous People and the Sustainable Development Goals in Brazil: A Study of the Kaingang People", *Journal of Developing Societies*, 36(4): 390–414.

100 The National Commission for the Sustainable Development Goals was established in 2016 as a collegial body, of an advisory nature, for coordination, mobilisation, and dialogue between federative entities and civil society. It comprised eight government representatives and eight representatives of civil society and the private sector. As of 2019, this body was extinguished and the governance of the 2030 Agenda was concentrated in the Presidential Office. See A.B.A. Araújo (2019), "A Comissão nacional para Os objetivos de desenvolvimento sustentável", *Revista Brasileira De Políticas Públicas E Internacionais*, 4(2): 25–49; E.J. Grin and I. Pantoja (2023), "Agenda 2030 and the Challenges of the Sustainable Urban Development Goals in Brazil: The Case of Jundiaí", in M.A.H. García et al. (eds), *Urban policy in the framework of the 2030 Agenda*, Springer, pp. 40.

101 M.E. Kindzeka (2024), "Chad's Junta leader appoints pro-democracy figure as Prime Minister", available at <https://www.voanews.com/a/chad-s-junta-leader-appoints-pro-democracy-figure-as-prime-minister-/7424942.html>.

102 Aljazeera (2023), "Chad Holds Referendum on New Constitution Amid Opposition Protests", 17 December 2023, available at: <https://www.aljazeera.com/news/2023/12/17/chad-holds-referendum-on-new-constitution-amid-opposition-protests>; O. Adetayo, "New constitution, old playbook: Chad's Deby continues power play in Sahel", 26 December 2023, available at: <https://www.aljazeera.com/features/2023/12/26/new-constitution-old-playbook-chads-deby-continues-power-play-in-sahel>.

103 WFP (2018), *Chad Country Strategic Plan 2019–2023*, available at: [https://executiveboard.wfp.org/document\\_download/WFP-0000099388](https://executiveboard.wfp.org/document_download/WFP-0000099388).

104 Refer to: <https://international-partnerships.ec.europa.eu/countries/chad.en>.

105 Ministry of the Economy and Development Planning (2017), *Vision 2030: The Chad we want*, available at: <https://www.lse.ac.uk/GranthamInstitute/wp-content/uploads/2019/07/8879.pdf>.

106 Government of Chad (2019), *First National Climate Change Adaptation Plan of Chad*, available at: [https://unfccc.int/sites/default/files/resource/CHAD-NAP\\_EN-web.pdf](https://unfccc.int/sites/default/files/resource/CHAD-NAP_EN-web.pdf).

Chad ranks 164/166 on the SDG Index.<sup>107</sup> Per 2021 records, 57% of children of primary school age are not in school.<sup>108</sup> While the poverty rate has fallen from 46.7% in 2011 to 42.3% in 2019, significant challenges remain.<sup>109</sup> For instance, according to 2020 studies, only 5% of the Chadian population is accessing safely managed water.<sup>110</sup>

### 3.6. South Africa

South Africa's legal system is based on Roman-Dutch law, British common law and (African or traditional) customary law also playing a role. The country has a mixed economy, with key areas of economic activity including mining, agriculture, and manufacturing. Along with Chad and Kenya, South Africa forms part of the African Union (AU) among the African countries investigated for this article.<sup>111</sup> South Africa is among others also a member of the Southern African Development Community (SADC).<sup>112</sup>

Section 231 of the Constitution confirms that international agreements are only binding once they have been approved by resolution in both the National Assembly and the National Council of Provinces and enacted into national legislation. Section 232, however, provides that customary international law is law in the country unless it is inconsistent with the Constitution or an Act of parliament. Therefore, South Africa's approach to international law is a hybrid of monism and dualism.<sup>113</sup>

Numerous provisions in the Constitution, which was adopted in 1996 (amended to 2012), strongly align with various SDG goals, creating a foundation for pursuing sustainable development efforts in the country. Prominent is the incorporation of the essence of the *Ubuntu* concept; it permeates various provisions and principles, shaping the legal framework and influencing interpretations to uphold its core values, which include dignity, equality, community and interdependence, harmonious relationships, and restorative justice.<sup>114</sup> The Constitution guarantees the right to a healthy environment, promotes sustainable use of natural resources, and emphasises intergenerational equity in environmental matters (Section 24), thereby, aligning with SDGs 13–15.<sup>115</sup>

The Constitution further guarantees fundamental rights, such as healthcare (including access to sufficient food and water), reproduction, social security, access to housing, and education (Sections 12(2), 26–27, and 29); promotes equality and non-discrimination (Section 9); respects cultures (Sections 30–31 and Chapter 12 on traditional leaders); and recognises the rights of marginalised groups such as children (Section 28). These connect with SDGs 1–6 and 10.

Additionally, the Constitution establishes a framework for accountable and transparent governance, including provisions for access to information (Section 32); just administrative action (Section 33); access to courts (Sections 34 and 38); and independent oversight institutions (Chapter 9), which link with SDG 16.

107 Refer to: <https://dashboards.sdgindex.org/profiles/chad>.

108 UNICEF (2021), *Country Office Annual Report: Chad*, available at: <https://www.unicef.org/media/116221/file/Chad-2021-COAR.pdf>.

109 Minister of the Economy and Development Planning (2021), *Voluntary National Review*, available at: [https://sustainabledevelopment.un.org/content/documents/28099TCHAD\\_ENV\\_2021\\_VERSION.FINALE.23\\_06.21.pdf](https://sustainabledevelopment.un.org/content/documents/28099TCHAD_ENV_2021_VERSION.FINALE.23_06.21.pdf), at pp.14; O.A. Otekinrin et al. (2020), “Three Decades of Fighting Against Hunger in Africa: Progress, Challenges and Opportunities”, *World Nutrition*, 11(3): 86–111.

110 R.A. Ingutia, (2023), “Who is being Left Behind in Water Security towards the Achievement of the 2030 Agenda?”, *preprints*, available at: <https://researchportal.helsinki.fi/en/publications/who-is-being-left-behind-in-water-security-towards-the-achievemen>, p. 4. See also O.C. Ruppel and M. Funteh (2018), “Climate Change, Human Security and the Humanitarian Crisis in the Lake Chad Basin Region: Selected Legal and Developmental Aspects with a Special Focus on Water Governance”, in P. Kamari-Mbote et al. (eds), *Law/Environment/Africa*, Nomos, pp. 105–135.

111 See AU (2015), *Agenda 2063: The Africa we want*, available at: [https://au.int/Agenda2063/popular\\_version](https://au.int/Agenda2063/popular_version).

112 See SADC (2020), *Vision 2050*, available at: [https://www.sadc.int/sites/default/files/2021-08/SADC\\_Vision\\_2050.pdf](https://www.sadc.int/sites/default/files/2021-08/SADC_Vision_2050.pdf); SADC (2020), *Regional indicative strategic development plan 2020–2030*, available at: [https://www.datocms-assets.com/7245/1649076472-risdp\\_2020-2030\\_f.pdf](https://www.datocms-assets.com/7245/1649076472-risdp_2020-2030_f.pdf).

113 F.A. Anyogu and C. Iwuorie (2023), “Treaty Making and its Application in International Law: Nigeria and South Africa as Case Study”, *Law and Social Justice Review*, 4(2): 61.

114 O.C. Ruppel (2022), “South Africa: Climate Change, Responsibility and Liability—The Legal System, Public and Private Law Considerations”, in E. Schulev-Steindl et al. (eds), *Climate change, responsibility and liability*, vol 1, Nomos, pp. 215–216.

115 Refer to the Climate Change Bill (B9-2022); *Earthlife Africa Johannesburg v Minister of Environmental Affairs* 2017 2 All SA 519 (GP) highlights the importance of considering climate change impacts in environmental assessments and emphasises the need for responsible decision-making in South Africa.

The SDGs also inform South Africa's international engagements and contribute to the development of domestic laws, emphasising social equality and environmental sustainability.<sup>116</sup> For example, Section 24(b)(iii) of the Constitution expressly provides that everyone has the right to have reasonable legislative and other measures taken to ensure ecologically sustainable development. The National Environmental Management Act 107 of 1998 (amended by 25 of 2014) (NEMA) defines sustainable development in Section 1 as 'the integration of social, economic, and environmental factors into planning, implementation, and decision-making to ensure that development serves present and future generations.' The Act in Section 2(4) also provides for eighteen key principles of sustainable development that must be followed, emphasising the importance of environmental management that places people and their needs at the centre of decision-making. South African case law also offers a rich tapestry of judgments addressing social and economic inequalities, promoting human rights, and ensuring environmentally sustainable development.<sup>117</sup>

Another supporting mechanism is the National Development Plan, which is a comprehensive blueprint for South Africa's social and economic development.<sup>118</sup> South Africa also has its Just Transition Framework, which is a comprehensive plan for transitioning to a climate-resilient and zero-carbon economy, while ensuring fairness and equity.<sup>119</sup> It focuses on distributive, restorative, and procedural justice principles to address inequality, create jobs, alleviate poverty, restore natural systems, and ensure inclusivity. Adopted in 2022, it is backed by the Just Energy Transition Partnership, comprising several countries and organisations. The Framework emphasises the need for significant capital mobilisation, aiming to secure US \$ 250 billion over the next 30 years, with international funding playing a significant role. The Framework has been praised as a benchmark for other nations seeking to expedite their just transition endeavours.<sup>120</sup>

South Africa ranks 110/166 on the SDG Index.<sup>121</sup> Various challenges hinder the achievement of the SDGs in the country. The country is the largest greenhouse gas emitter on the African continent and among the top twenty emitters worldwide.<sup>122</sup> As Croese et al discuss, there is a lack of strong national guidance on multi-level governance processes for effective SDG implementation; local governments with varying capacities are expected to formulate their own SDG plans with little to no guidance and support from the national level.<sup>123</sup> Studies underscore the significant lag in achieving water security in South Africa, due to various political, socio-

116 D.E. Mthembu and G. Nhamo (2022), "Aligning SDG 13 with South Africa's Development Agenda: Adaptation Policies and Institutional Frameworks", *Journal of Disaster Risk Studies*, 14(1): 1-11; Department of Statistics South Africa (2023), *Sustainable Development Goals: Country report*, available at: [https://www.statssa.gov.za/MDG/SDG\\_Country\\_report.pdf](https://www.statssa.gov.za/MDG/SDG_Country_report.pdf).

117 In *Fuel Retailers Association of Southern Africa v Director-General, Environmental Management: Department of Agriculture, Conservation and the Environment, Mpumalanga Province* 2007 6 SA 4 (CC), the Constitutional Court addressed whether the evaluating authority for a petrol station's environmental authorisation should consider socio-economic factors alongside environmental ones. Initially omitted, the court ruled that such considerations were mandatory, emphasising the importance of balancing environmental, social, and economic concerns under sustainable development principles; the *Sustaining the Wild Coast NPC v Minister of Mineral Resources and Energy* 2022 (6) SA 589 (ECMk) (1 September 2022) case series, wherein the High Court invalidated Shell's exploration right to conduct seismic surveys along South Africa's coastline for oil and gas reserves. This decision stemmed from authorities neglecting to consider crucial factors such as adverse effects on marine and bird life, the cultural rights of local communities, livelihoods, and potential climate change impacts; L. Kohn (2022), "Re-thinking the "Pillar Paradigm" for Sustainable Development": An analysis of the *Bo-Kaap* Case reveals a shift to simple proportionality . . . and the fact that deference is not dead after all [Discussion of *Bo-Kaap Civic & Ratepayers Association v The City of Cape Town* 2020 2 All SA 330 (SCA)]", *Stellenbosch Law Review*, 33(4): 703-722. The case centred on striking a balance between development interests and the preservation of heritage and environmental sensitivity.

118 National Planning Commission (2013), *National Development Plan 2030: Our future — Make it work*, available at: [https://www.gov.za/sites/default/files/gcis\\_document/201409/ndp-2030-our-future-make-it-workr.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf).

119 Presidential Climate Commission (2022), *A Framework for a Just Transition in South Africa*, available at: <https://pccommissionflow.imgix.net/uploads/images/A-Just-Transition-Framework-for-South-Africa-2022.pdf>.

120 K. Connolly (2022), "5 lessons from South Africa's Just Transition Journey", available at: <https://www.wri.org/technical-perspectives/5-lessons-south-africas-just-transition-journey>.

121 Refer to: <https://dashboards.sdgindex.org/profiles/south-africa>.

122 E. Annan-Aggrey et al. (2021), "Localising the Sustainable Development Goals in Africa: Implementation Challenges and Opportunities", *Commonwealth Journal of Local Governance*, 24: 11.

123 S. Croese et al. (2021), "Bringing the Global to the Local: The Challenges of Multi-level Governance for Global Policy Implementation in Africa", *International Journal of Urban Sustainable Development*, 13(3): 440-441.



economic, and environmental factors.<sup>124</sup> Pillay and Johnson acknowledge the progress made in South Africa towards HIV targets but also highlight the need for continued efforts to eliminate HIV as a public health threat.<sup>125</sup> These studies collectively highlight the need for more sustained and coordinated efforts to address the challenges in achieving the SDGs in South Africa.<sup>126</sup>

### 3.7. Germany

Germany's legal system is a civil law system, mostly based on a comprehensive compendium of statutes, as compared to common law systems. Germany's Constitution is called the Basic Law (*Grundgesetz*) and was adopted in 1949 (amended to 2022). The federal states (*Länder*) also have their constitutions and laws. Germany's economy is the largest in Europe and the fourth largest in the world.<sup>127</sup>

Whether Germany follows a monist or dualist approach to international law is not entirely unambiguous.<sup>128</sup> It exhibits tendencies of both approaches. Several rulings by the Federal Constitutional Court acknowledge the 'friendliness towards international law' principle (*Völkerrechtsfreundlichkeit*) and interpret domestic law consistently with international law whenever possible.<sup>129</sup> Article 25 of the Basic Law confirms that the general principles of international law shall constitute an essential component of federal law. Accordingly, the general rules of international law form part of German federal law. They take precedence over laws and create rights and obligations directly for the inhabitants of the federal territory of Germany. However, Article 59(2) grants the parliament authority to veto the ratification of significant treaties, particularly those necessitating legislative implementation or affecting the fundamental status of the state within the global community.

Germany is a strong proponent of sustainable development, integrating the SDGs into its legal and policy frameworks.<sup>130</sup> Germany's Sustainable Development Strategy explicitly aligns with the SDGs and outlines plans for their implementation within the country's context.<sup>131</sup> There is also the Parliamentary Advisory Council on Sustainable Development, which is a crucial body within the German *Bundestag* (federal parliament), dedicated to promoting and monitoring sustainable development policies in the country.<sup>132</sup>

124 K. Lebek et al. (2021), "Municipal Failure, Unequal Access and Conflicts Over Water: A hydrosocial Perspective on Water Insecurity of Rural Households in KwaZulu-Natal, South Africa", *Water Alternatives*, 14(1): 271-292; N. Libala et al. (2021), *Report No. 2933/1/20 to the Water Research Commission: Mapping water and sanitation interlinkages across the Sustainable Development Goals*, available at: <https://www.wrc.org.za/>, at pp. 8-9.

125 Y. Pillay and L. Johnson (2021), "World AIDS Day 2020: Reflections on Global and South African Progress and Continuing Challenges", *Southern African Journal of HIV Medicine*, 22(1): 1-5.

126 National Planning Commission (2019), *South Africa's Voluntary National Review*, available at: [https://sustainabledevelopment.un.org/content/documents/23402RSA\\_Voluntary\\_National\\_Review\\_Report\\_The\\_Final\\_24\\_July\\_2019.pdf](https://sustainabledevelopment.un.org/content/documents/23402RSA_Voluntary_National_Review_Report_The_Final_24_July_2019.pdf). The report identifies several challenges, including the limited involvement of local governments in SDG implementation due to a lack of guidance and support mechanisms; disconnection of SDG implementation due to separate departmental responsibilities; and uneven capacities and resources across different categories of local governments.

127 International Trade Administration (2023), "Germany - Country Commercial Guide", 6 December 2023, available at: <https://www.trade.gov/country-commercial-guides/germany-market-overview>.

128 R. Wolfrum et al. (2015), "The Reception of International Law in the German Legal Order: An Introduction", in E. de Wet, H. Hestermeyer and R. Wolfrum (eds), *The implementation of international law in Germany and South Africa*, Pretoria University Law Press, pp. 2-22.

129 D. Lovric (2006), "A Constitution Friendly to International Law: Germany and its *Völkerrechtsfreundlichkeit*", *Australian Year Book of International Law*, 25(1): 75-104.

130 J. Birner et al. (2024), "Policy Integration Through the Sustainable Development Goals? The Case of the German Federal Government", *Sustainable Development*, 1-13; OECD (2021), *The Short and winding road to 2030: Germany*, available at: <https://www.oecd.org/wise/measuring-distance-to-the-SDG-targets-country-profile-Germany.pdf>.

131 Federal Government (2021), *Sustainable Development Strategy*, available at: <https://www.bundesregierung.de/breg-en/issues/sustainability/germany-s-sustainable-development-strategy-354566>.

132 Refer to: <https://www.bundestag.de/en/committees/bodies/sustainability>; <https://gemeinschaftswerk-nachhaltigkeit.de/en/aktions-tage>.

Although the SDGs are not explicitly mentioned in the Basic Law; it does mandate the state to protect the natural foundations of life for present and future generations (Article 20a).<sup>133</sup> This relates to SDGs 12–15.<sup>134</sup> The Basic Law also promotes equality (Article 3); freedom of occupation (Article 12); and education (Articles 2(1) and 7(1)).<sup>135</sup> These relate to SDGs 4–5 and 8. The Basic Law also has provisions for public participation (Article 17); access to information (Articles 5(1) and 10(1)); and independent oversight institutions (the judiciary in Chapter IX and the *Bundesrechnungshof*/Federal Audit Office in Article 114(2)), which complement SDG 16.

Germany ranks 4/166 on the SDG Index.<sup>136</sup> A recent investigation by Brolan and Smith found that the key to the country's success in implementing the SDGs is political will.<sup>137</sup> Germany has made significant strides in promoting the SDGs, particularly in renewable energy deployment, with renewables now accounting for over 40% of electricity generation; while the country also boasts a high-quality education system with low illiteracy rates and near-universal access to primary and secondary education.<sup>138</sup> Meschede further found that several German cities, particularly in metropolitan areas, have incorporated the SDGs into their local governmental websites, with a focus on education, climate protection, fair trade, energy, and mobility.<sup>139</sup> This enhances awareness and citizen participation. However, there are still several challenges in fully achieving the SDGs, such as biodiversity loss among others.<sup>140</sup>

### 3.8. Australia

Australia has a legal system based on the British common law tradition, with a strong focus on the rule of law and an independent judiciary. The legal system is a key component of the country's economic growth, with efforts to ensure an effective and efficient legal system that can contribute to economic prosperity. The legal system operates within a federal framework, with legislative power divided between the national and state (or territory) levels.

The Australian Constitution Act of 1900 (consolidated version of 2021) approach to fundamental rights is unique compared to many Western democracies. It does not have a dedicated Bill of Rights explicitly outlining specific fundamental rights and freedoms. Australia was one of the 160 countries that voted in favour of the UN General Assembly resolution recognising the right to a healthy environment as a human right.<sup>141</sup> However,

133 While not a subjective enforceable right, it does bind the legislature, executive, judiciary, and all government bodies. For example, in *Neubauer et al v Germany* (2021), young German citizens challenged the government's insufficient efforts to mitigate climate change. The Federal Constitutional Court acknowledged that Article 20a imposes a responsibility to protect the environment for future generations. This case also represents a significant victory in the fight against climate change. The ruling reaffirmed the government's duty to preserve the climate system for present and future generations.

134 Refer to the Federal Climate Change Act (*Bundes-Klimaschutzgesetz*) of 2019 (amended in 2021). See also the case of *Environmental Action Germany (DUH) and German Federation for the Environment and Nature Conservation (BUND) v Germany* (2023), wherein the Higher Administrative Court Berlin-Brandenburg mandated that the federal government implement an immediate action program (*Sofortprogramm*) within the framework of the Federal Climate Change Act. This program aims to ensure adherence to annual emission targets for the building and transportation sectors from 2024 to 2030. Unlike *Neubauer*, this decision does not primarily address fundamental rights but focuses on administrative aspects of climate governance and enforcement.

135 The fundamental right to education was confirmed by the Federal Constitutional Court in BVerfG, Order of the First Senate of 19 November 2021 - 1 BvR 971/21 - 1 BvR 1069/21.

136 Refer to: <https://dashboards.sdgindex.org/profiles/germany>.

137 C.E. Brolan and L. Smith (2020), *No one left behind: Implementing the Sustainable Development Goals in Australia*, Western Sydney University Whitlam Institute, pp. 15.

138 WEF (2023), *Fostering effective energy transition: Insight report*, available at: [https://www3.weforum.org/docs/WEF\\_Fostering\\_Effective\\_Energy\\_Transition\\_2023.pdf](https://www3.weforum.org/docs/WEF_Fostering_Effective_Energy_Transition_2023.pdf), pp. 36; Federal Government (2021), *Voluntary National Review*, available at: [https://sustainabledevelopment.un.org/content/documents/279522021\\_VNR\\_Report\\_Germany.pdf](https://sustainabledevelopment.un.org/content/documents/279522021_VNR_Report_Germany.pdf).

139 C. Meschede (2019), "Information Dissemination Related to the Sustainable Development Goals on German Local Governmental Websites", *Aslib Journal of Information Management*, 71(3): 1-17.

140 Refer to F. Pröbstl et al. (2023), "Biodiversity Policy Integration in Five Policy Sectors in Germany: How can we Transform Governance to make Implementation Work?", *Earth System Governance*, 16: 1-11; F. Cornehl et al. (2023), "SUN Institute Environment & Sustainability: Tackling the Global Biodiversity Crisis", available at: <https://www.systemiq.earth/wp-content/uploads/2023/06/Tackling-the-Global-Biodiversity-Crisis-Systemiq-Whitepaper.pdf>.

141 UN (2022), General Assembly Resolution 76/L.75, "The Human Right to a Clean, Healthy, and Sustainable Environment", New York, 26 July 2022, available at: <https://digitallibrary.un.org/record/3982508?ln=en>.

Australia has not yet formally incorporated this right into its domestic laws. The Australian Capital Territory is set to be the first Australian jurisdiction to enshrine the right to a healthy environment in its Human Rights Act of 2004 (amended to 2023).<sup>142</sup> Courts, thus, play a crucial role in interpreting and upholding fundamental rights in the country.<sup>143</sup>

The Constitution makes no reference to international law beyond the three Sections of 51, 61, and 75(i), which only relate to the power of the executive to negotiate and conclude treaties and the original jurisdiction of the High Court in matters concerning treaties. Therefore, Australia is considered a dualist state when it comes to international law.<sup>144</sup>

Regarding the SDGs, legislation and policies are vital for their implementation.<sup>145</sup> For example, the Renewable Energy (Electricity) Act 174 of 2000 (amended in 2021) contributes to SDG 7, which is interlinked with the Climate Change Act 37 of 2022 (amended in 2023); the Fair Work Act 28 of 2009 (amended in 2020) aligns with SDG 8; and the Environment Protection and Biodiversity Conservation Act 91 of 1999 (amended in 2021) aligns with SDG15. Australia's Strategy for Nature is a comprehensive framework launched in 2019 to guide the nation's efforts in conserving and managing its biodiversity and natural environments.<sup>146</sup> The Climate Change Action Strategy outlines the nation's plan to address climate change and meet its international commitments under the Paris Agreement.<sup>147</sup> Accordingly, Australia, recognising the global significance of the SDGs, incorporates their principles into its legal considerations.<sup>148</sup>

Australia ranks 40/166 on the SDG Index.<sup>149</sup> Allen et al. illustrate that Australia exhibits a mixed performance concerning the SDGs, showing significant advancements in health and education goals but encountering challenges with climate action and the reduction of inequalities.<sup>150</sup> It has further strongly been recommended that a 'real commitment' to achieving the SDGs be made by governments at all levels in Australia, through translating their SDG commitments from policy guidance to legislation (i.e., constitutional texts).<sup>151</sup> The absence of a formal Bill of Rights remains a topic of ongoing debate in Australia, with proponents arguing for a Bill of Rights to provide greater clarity and protection for fundamental rights.<sup>152</sup>

### 3.9. Cuba

Cuba's legal system and economy are characterised by a unique combination of socialist principles and a one-party political system. Cuba's economy is a state-controlled, centrally planned economy with a focus on socialist principles, as confirmed in the Constitution of 2019 (Article 4).

142 See: <https://www.justice.act.gov.au/safer-communities/right-to-a-healthy-environment>.

143 For example, in *Mabo v Queensland (No 2)* (1992): The High Court recognised the existence of native title rights for indigenous Australians, marking a significant step towards recognising their land rights and cultural heritage.

144 E. Crawford (2012), "Monism and Dualism – An Australian Perspective", Sydney Law School Legal Studies Research Paper No 12/87, available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2181729](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2181729).

145 See Department of Foreign Affairs and Trade (2018), *Voluntary National Review*, available at: <https://www.dfat.gov.au/sites/default/files/sdg-voluntary-national-review.pdf>, 115-119.

146 Commonwealth of Australia (2019), *Strategy for nature 2019–2030*, available at: <https://www.australiasnaturehub.gov.au/sites/default/files/2020-11/australias-strategy-for-nature.pdf>. See also Commonwealth of Australia (2010), *Biodiversity Conservation Strategy 2010–2030*, available at: <https://faolex.fao.org/docs/pdf/aus163028.pdf>.

147 Commonwealth of Australia, Department of Foreign Affairs and Trade (2019), *Climate Change Action Strategy 2020–2025*, available at: <https://www.dfat.gov.au/sites/default/files/climate-change-action-strategy.pdf>.

148 T. Delaney-Crowe et al. (2019), "Australian Policies on Water Management and Climate Change: Are they Supporting the Sustainable Development Goals and Improved Health and well-being?", *Globalization and Health*, 1-15.

149 See: <https://dashboards.sdgindex.org/profiles/australia>.

150 C. Allen et al. (2020), "Assessing National Progress and Priorities for the Sustainable Development Goals (SDGs): Experience from Australia", *Sustainability Science*, 15: 521–538; A. Asadikia et al. (2023), "A Systems Perspective on National Prioritisation of Sustainable Development Goals: Insights from Australia", *Geography and Sustainability*, 4: 255–267.

151 Brolan and Smith, n. 137, p. 6.

152 See R. Dixon (2016), "An Australian (partial) bill of Rights", *International Journal of Constitutional Law*, 14(1): 80-98; B. Galligan and F.L. Morton (2006), "Australian Exceptionalism: Rights Protection without a Bill of Rights", in T. Campbell, J. Goldsworthy and A. Stone (eds), *Protecting rights without a bill of rights*, Ashgate, pp. 17-40; P.T. Babie (2019), "Australia's 'bill of rights'", *University of Detroit Mercy Law Review*, 97(2): 187-220.

Cuba's approach to international law is not definitively classified as either strictly monist or strictly dualist (or a hybrid). Article 108(ñ) of the Constitution establishes that the National Assembly of People's Power has the authority to approve peace treaties. Article 137(d) notes that it is for the Council of Ministers to approve international treaties and submit them for ratification by the Council of State. In line therewith, Article 122(ñ) establishes that it is for the Council of State to ratify and renounce international treaties. Under Article 12, any treaties, concessions, or pacts that are agreed upon under conditions of inequality or that disregard or diminish the sovereignty and territorial integrity of Cuba are deemed illegal and nullified. Articles 7-8 further stipulate that the provisions outlined in international treaties currently enforced for Cuba are regarded as part of national legislative regulations, where applicable; but it is essential to note that the Constitution holds precedence over international treaties. Cuba appears to have adopted a dualist approach. However, Decree-Law No 191/1999 on International Treaties, contradicting that mandate, necessitates the involvement of the Council of State solely for specific categories of treaties. Therefore, Guardiola calls on Cuba to formally clarify its position.<sup>153</sup>

Despite not explicitly mentioning the SDGs, the Constitution does have provisions and principles that align with various SDG goals. The Constitution provides that the state shall promote the protection and conservation of the environment and respond to climate change (Article 16(f)); confers all persons the right to a healthy and stable environment (Article 75); and places a duty on citizens to promote sustainable use of natural resources (Articles 75 and 90(i-j)). These provisions align with SDGs 12–15.<sup>154</sup>

The Constitution guarantees fundamental rights, such as healthcare, reproduction, education, social security, and decent work (Articles 43, 46, 64-65, 68, 70, and 72–74); guarantees access to potable water and sanitation (Article 76); and promotes equality and non-discrimination (Articles 42–44), thereby, supporting SDGs 1, 3- 6, 8, and 10.

The Constitution also establishes a framework for accountable and transparent governance, including provisions for access to information (Article 53) and oversight (Articles 80 and 160), which aligns with SDG 16.

The National Economic and Social Development Plan 2030 serves as Cuba's blueprint for achieving sustainable and inclusive development over the next decade.<sup>155</sup> The UN Cooperation Framework for Sustainable Development in Cuba 2020–2024 outlines the strategic vision and areas of cooperation between the UN and Cuba and is aligned with the 2030 Agenda.<sup>156</sup> The Cooperation Framework is based on four strategic priorities: promoting human well-being and social development; building a resilient and sustainable economy; ensuring environmental sustainability; and strengthening governance and institutions.

Cuba ranks 46/166 on the SDG Index.<sup>157</sup> As Kirk and Walker discuss, Cuba presents a success story of SDG implementation: a country from the Global South that has managed without significant assistance from the development industry, World Bank and International Monetary Fund loans, or direction from NGOs.<sup>158</sup> Although significant strides have been made in revitalising its energy sector, Cuba still faces challenges in implementing

153 C.A. Guardiola (2021), "The Reception of International Treaties in Cuba in the Light of the 2019 Constitution", in B. Hoffmann (ed), *Social policies and institutional reform in post-COVID Cuba*, Verlag Barbara Budrich, pp. 263-280.

154 The country adopted the State Plan to Confront Climate Change (*Tarea Vida*), a broad and ambitious program to confront climate change in the national territory, through adaptation and mitigation measures. See <https://www.cubaenergia.cu/tarea-vida>; H. Yaffe (2023), "People first: Cuba's Plan to Confront Climate Change", available at: <https://www.revolutionarycommunist.org/americas/cuba/6798-people-first-cuba-s-plan>.

155 Ministry of Economy and Planning (2019), *National Economic and Social Development Plan 2030*, available at: <https://observatorioplanificacion.cepal.org/es/planes/plan-nacional-de-desarrollo-economico-y-social-2030-de-cuba-0>.

156 UN (2019), *Country programme document for Cuba (2020-2024)*, 5 December 2019, available at: <https://www.undp.org/sites/g/files/zskgke326/files/2022-08/cub-2020-2024-eng.pdf>. See also Spanish version: <https://cuba.un.org/sites/default/files/2020-11/libro%20Marco%20Coop%20%2800C%29%20version%20final.pdf>.

157 See: <https://dashboards.sdindex.org/profiles/cuba>.

158 E.J. Kirk and C. Walker (2020), "Meeting the UN's Development Targets in Cuba: Lessons from the Global South", *International Journal of Cuban Studies*, 12(2): 252-271; Ministry of Economy and Planning (2019), *National Economic and Social Development Plan 2030*, available at: <https://observatorioplanificacion.cepal.org/es/planes/plan-nacional-de-desarrollo-economico-y-social-2030-de-cuba-0>; S. McKenzie and A. Abdulkadri (2018), *Economic Commission for Latin America and the Caribbean Studies and Perspectives Series No 71: Mechanisms to accelerate the implementation of the Sustainable Development Goals in the Caribbean*, available at: <https://repositorio.cepal.org/server/api/core/bitstreams/044f7600-74f5-43f1-aea6-12cd123f219d/content>, pp. 21-22.

a transition to renewable energy.<sup>159</sup> Whitehead further argues that while Cuba has made some efforts to align its national development plans with the SDGs and to establish monitoring and evaluation mechanisms, it still lacks a clear and coherent strategy and a participatory and inclusive process.<sup>160</sup> Even though Cuba maintains a state-controlled food distribution system to combat widespread hunger and malnutrition, aligning with SDG 2, concerns regarding the quantity and quality of nutrition have emerged among growing segments of the population.<sup>161</sup>

### 3.10. Bolivia

Bolivia's legal system is primarily based on the civil law tradition, which is influenced by both Roman and Spanish legal principles.<sup>162</sup> Enshrined in the Constitution adopted in 2009, Bolivia is defined as a Unitary Social State of Pluri-national Communitarian Law, characterised by its commitment to freedom, independence, sovereignty, democracy, interculturality, decentralisation, and autonomy (Article 1). Bolivia's economy is characterised by extreme geographical disparities, socioeconomic constraints, and a structurally heterogeneous economy.<sup>163</sup>

As per Bolivia's Constitution, the country adopts a monist approach to international law.<sup>164</sup> Article 13 underscores the inviolable, universal, interdependent, indivisible, and progressive nature of recognised rights. It clarifies that the Constitution does not exclude other unenumerated rights and does not establish a hierarchy among them. International treaties ratified by the Pluri-National Legislative Assembly, which safeguard human rights and prohibit their restriction during emergencies, supersede domestic law. These rights and duties are interpreted in line with ratified international human rights treaties. Article 14(III) ensures access to rights outlined in international treaties, while Article 256 prioritises ratified human rights treaties over domestic law if they afford greater rights. Article 257 affirms the legal force of such treaties domestically. Certain treaty exceptions require popular referendum approval, as detailed in Article 259. Article 410(II) delineates the hierarchical order of legal norms, with the Constitution holding supreme authority, followed by ratified international treaties.

The Constitution does not explicitly mention the SDGs. Nonetheless, due to its extensiveness and comprehensiveness, there are principles and provisions scattered throughout that strongly align with various SDG goals. For example, the Constitution guarantees the right to a healthy, protected, and balanced environment (Article 33); mandates all citizens to safeguard an environment conducive to life and to promote sustainable use of natural resources (Articles 108(15-16)); underscores that economic progress should harmonise with environmental conservation (Articles 312(III), 316(6), and 319(I)); and obliges both the government and the populace to conserve biodiversity, utilise natural resources sustainably, and maintain environmental balance (Article 342). Living well (*Vivir Bien* in Spanish or *Suma Qamaña* in Aymara), an overarching concept, enshrined in the Preamble and Article 8, prioritises harmony with nature, community well-being, and living a meaningful life in balance with ecological, social, cultural, and spiritual dimensions.<sup>165</sup> These provisions align with SDGs 11-15.

Moreover, the Constitution guarantees fundamental rights, including healthcare, social security, education, food security, potable water and sanitation services, and decent work (Chapter VI Section I, Articles 9(5),

159 For a discussion see M. Korkeakoski (2022), "State of Play for 100% Renewable Energy Futures for Cuba: Recent Changes and Challenges", *Sustainability*, 14: 1-16.

160 L. Whitehead (2021), "Governance Challenges in Contemporary Cuba: Social Policies and the UN's Sustainable Development Goals", in Hoffmann, n. 153, pp. 17-45.

161 B. Hoffmann (2022), *Institutional reform and social policies in post-Covid Cuba: An agenda for cooperation*, Policy Brief / *Foro Europa-Cuba No 2*, available at: <https://www.ssoar.info/ssoar/handle/document/86542>, pp. 3-4.

162 A. Kim (2014), "The Plight of Bolivian Coca Leaves: Bolivia's Quest for Decriminalization in the Face of Inconsistent International Legislation", *Washington University Global Studies Law Review*, 13(3): 559-584.

163 R. Cortes and D. Ramos (2023), "Bolivia's Creaking Big State Model Rings Warning Bell in South America", 27 June 2023, available at: <https://www.reuters.com/world/americas/bolivias-creaking-big-state-model-rings-warning-bell-south-america-2023-06-27/>.

164 Kim, n. 162, p. 574.

165 See H. Fernández (2009), "Suma Qamaña, vivir bien, el Ethos de la nueva Constitución Boliviana", *Revista Obets*, 4: 41-48; Buen Vivir (2020), in W.L. Filho et al. (eds), *Good health and well-being, Encyclopedia of the UN Sustainable Development Goals*, Springer, p. 51.

16–18,20, 35–37, and 45–46); promotes equality and non-discrimination (Articles 8(II), 9(1), 11(I), 14, and 62); and recognises the rights of marginalised groups, being women, the elderly, and indigenous peoples (Articles 15(II), 30–31, 48(V–VI), and 68). Not only are cultures respected (Chapter VI Section III), but Bolivia’s Constitution is one of few to explicitly guarantee reproductive rights and freedoms (Article 66). These align with SDGs 1–6, 8, and 10.

The Constitution furthermore establishes a framework for accountable and transparent governance, including provisions for public participation (Articles 26 and 343); access to courts (Article 34); and access to information (Article 21(6)), aligning with SDG 16.

Bolivia reaffirmed its commitment to the 2030 Agenda through the Patriotic Agenda 2025, which is the long-term vision and plan for Bolivia’s development, based on the concept of *Vivir Bien* (living well), valuing harmony, diversity, solidarity, and reciprocity.<sup>166</sup> The plan is implemented through medium-term plans, such as the Economic and Social Development Plan 2021–2025, which aims to rebuild the economy, retake macroeconomic and social stability, and promote industrialisation with import substitution.<sup>167</sup> There is also Law No 300 of 2012, known as the Framework Law of Mother Earth and Integral Development for Living Well, which aims to establish a vision and principles for sustainable development in harmony and balance with Mother Earth, based on the rights and knowledge of the indigenous people.<sup>168</sup> This is complemented by the Country Programme Document for Bolivia, covering the period from 2023 to 2027, collaboratively developed with the UNDP, which outlines strategic priorities and actions aimed at sustainable development in harmony with Mother Earth.<sup>169</sup>

Bolivia ranks 87/166 on the SDG Index.<sup>170</sup> Bolivia has made considerable progress in expanding social protection coverage, especially for the elderly, children, pregnant women, and people with disabilities. However, there are still challenges and shortcomings, including the fragmentation and segmentation of the social protection system, insufficient adequacy and quality of benefits and services, the absence of fiscal sustainability and social dialogue, and the enduring issues of poverty and inequality.<sup>171</sup> The country has made progress in providing basic electricity access to rural communities, a key component of SDG 7.<sup>172</sup> In 2020, 84.7% of the population had access to improved sources of water and 62.5% had access to basic sanitation.<sup>173</sup> Forestry practices, however, continue to echo the commercial priorities of the neoliberal era, posing a significant obstacle to the post-neoliberal vision of a more sustainable and equitable relationship with nature.<sup>174</sup> Agramont et al also highlight the structural challenges concerning water access in rural areas.<sup>175</sup>

166 Available at: <https://plataformaurbana.cepal.org/en/nup/patriotic-agenda-2025>.

167 Available at: <https://www.effectivecooperation.org/bolivias-national-development-vision-and-plans>. See also WFP (2022), *Plurinational State of Bolivia country strategic plan (2023–2027)*, WFP/EB.2/2022/7-A/1/Rev.1, (12 November 2022), available at: [https://executiveboard.wfp.org/document\\_download/WFP-0000142928](https://executiveboard.wfp.org/document_download/WFP-0000142928).

168 See K. Bell (2017), ““Living well” as a Path to Social, Ecological and Economic Sustainability”, *Urban Planning*, 2(4): 19–33; K.G.A. Bedriñana et al. (2020), “Living Well” in the Constitution of Bolivia and the American Declaration on the Rights of Indigenous Peoples: Reflections on well-being and the right to development”, *International Journal of Environmental Research and Public Health*, 17(8): 1–25.

169 UNDP (2023), *Country programme document for the Plurinational State of Bolivia (2023–2027)*, 7 December 2022, available at: <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/Bolivia%20CPD%202023-2027%20ENG.pdf>.

170 Refer to: <https://dashboards.sdindex.org/profiles/bolivia>.

171 See N. Wiebe (2021), “Case study F: The Challenges of Moving Towards Universal Social Protection in Bolivia”, in E. Schüring and M. Loewe (eds), *Handbook on social protection systems*, Edward Elgar, pp. 210–216.

172 See F.J. Vela-Cobos et al. (2021), “Luces Nuevas experience Lighting Rural Bolivia: A Way to Reach SDG 7”, *Sustainability*, 13: 1–11.

173 Plurinational State of Bolivia (2021), *Voluntary National Review*, available at: [https://sustainabledevelopment.un.org/content/documents/28230Bolivias\\_VNR\\_Report.pdf](https://sustainabledevelopment.un.org/content/documents/28230Bolivias_VNR_Report.pdf), pp. 4.

174 See P. Gautreau and L.P. Bruslé (2019), “Forest Management in Bolivia under Evo Morales: The Challenges of Post-Neoliberalism”, *Political Geography*, 68: 110–121; A. McNelly (2020), “Neostructuralism and its Class Character in the Political Economy of Bolivia under Evo Morales”, *New Political Economy*, 25(3): 419–438.

175 A. Agramont et al. (2019), “Transdisciplinary Learning Communities to Involve Vulnerable Social Groups in Solving Complex Water-Related Problems in Bolivia”, *Water*, 11(2): 1–17.

### 3.11. Iran

Iran's legal system is a combination of civil and Islamic law, with the economy consisting of three sectors: public, private, and cooperative. The Supreme Leader holds significant authority over the legal system and serves as the highest-ranking political and religious figure in the country.<sup>176</sup> The Constitution, adopted in 1979, with significant revisions in 1989, clarifies in Article 77 that Iran follows a monist approach to international law.<sup>177</sup> The Islamic Consultative Assembly must approve all international treaties, protocols, contracts, and agreements. Once approved, Article 125 empowers the President or his legal representative to sign the said treaties, protocols, contracts, and agreements.

While the Constitution does not explicitly reference the SDGs, its provisions align with several goals. For instance, Article 50 emphasises the preservation of the environment as a public duty, asserting that both present and future generations have a right to a flourishing social existence within a preserved environment. Furthermore, economic, and other activities that inherently result in environmental pollution or irreparable damage thereto are forbidden, thereby, corresponding to SDGs 14 and 15. Additionally, Articles 19-20 promote equality, while Article 21 recognises the needs of vulnerable groups, particularly women, aligning with SDGs 5 and 10. Furthermore, fundamental rights such as healthcare, food security, social security, education, and decent work, guaranteed by Articles 3(12), 28–30, and 43(1), correspond to SDGs 1–4 and 8–9. Moreover, Articles 43 and 44 emphasise principles of social justice and equitable resource distribution. Article 34, which grants access to courts, supports SDG 16.

Iran acknowledges the importance of the SDGs in guiding global sustainability efforts.<sup>178</sup> Iran has adopted a 20-year National Vision, which outlines its political, economic, and social goals for the year 2025.<sup>179</sup> The Sixth Five-Year Development Plan (2016–2021) is the current medium-term plan that implements the 20-year National Vision of Iran, which aims to make Iran a developed country with a leading role in the region and an influential presence in the world by 2025.<sup>180</sup> Iran also launched a National Strategic Plan on Climate Change in 2017, which outlines the vision, objectives, and actions of the Iranian government to address the causes and impacts of climate change.<sup>181</sup>

Iran currently ranks 86/166 on the SDG Index.<sup>182</sup> According to a recent report, Iran has made numerous achievements in terms of accessibility, and universal coverage of education, health, energy, and sanitation.<sup>183</sup> However, addressing resource constraints, adapting to climate change, and fostering stronger partnerships are crucial for accelerating progress.<sup>184</sup> Additionally, overcoming internal political and economic obstacles would significantly contribute to achieving their SDG goals.<sup>185</sup> According to a study by Taghvaei et al., Iran has shown limited progress across the majority of the SDGs and their associated pillars, suggesting widespread

176 See H. Rafatiyo (2023), "Islamic Republic: An Oxymoron from a Sharia-based Religion to a Fiqh-based Cult", *Mitchell Hamline Law Review*, 49(1): 207-256.

177 For an explanation see F.R. Dizgovin (2018), "Enforcement of International Treaties by Domestic Courts of Iran: New Developments", *Virginia Journal of International Law*, 58(1): 227-260; Cf. M.A. Ghaziani and M.A. Ghaziani (2020), "Incorporation of Universal Human Rights' norms in public municipal law: An analytical study of Saudi Arabia, Iran, and India", *Review of Human Rights*, 6(1): 98-118.

178 See K. Fartash et al. (2021), "Interpretive Structural Analysis of Interrelationships of the Sustainable Development Goals (SDGs) in Iran", *International Journal of Sustainable Development and Planning*, 16(1): 155-163.

179 Available at: <https://irandataportal.syr.edu/20-year-national-vision>.

180 Available at: <https://policy.asiapacificenergy.org/node/3671>.

181 Available at: [https://climate-laws.org/documents/national-strategic-plan-on-climate-change.dcfb?id=national-strategic-plan-on-climate-change\\_cbe2](https://climate-laws.org/documents/national-strategic-plan-on-climate-change.dcfb?id=national-strategic-plan-on-climate-change_cbe2).

182 Refer to: <https://dashboards.sdgindex.org/profiles/iran-islamic-rep/fact-sheet>.

183 Government of the Islamic Republic of Iran (2023), *United Nations Sustainable Development Cooperation Framework 2023-2027*, available at: <https://unsdg.un.org/sites/default/files/2022-11/UNSDCF.Iran%20Republic%20of-2023-2027.pdf>, at p. 10.

184 See A. Mousavi et al. (2020), "Climate Change and Health in Iran: A Narrative Review", *Journal of Environmental Health Science & Engineering*, 18(1): 367-378; B. Ghafouri and S. Rudolph (2021), "Climate Policy in Iran and the Case for Carbon Pricing", *Carbon & Climate Law Review*, 15(3): 221-232.

185 M. Aloosh et al. (2019), "Economic Sanctions Threaten Population Health: The case of Iran", *Public Health*, 169: 10-13; M. Maddah (2023), "Economic Sanctions and Environmental Degradation in Iran", *Environmental Science and Pollution Research*, preprint.

underdevelopment across environmental, social, and economic dimensions.<sup>186</sup> The study particularly highlights the imperative for enhancing Iran's transportation sector to effectively pursue the objectives outlined in SDG 9. Milani-Bonab et al concur, as their research identifies food and nutrition insecurity as persistently critical issues in Iran.<sup>187</sup>

### 3.12. India

India's legal system is characterised by a blend of civil law, common law, customary law, and religious law. The country's Constitution, enacted in 1950 and one of the longest-written constitutions globally as of 2023, serves as the foundational legal document. It provides the framework for governance, fundamental rights, and the distribution of powers between the central government and the states. India has witnessed substantial economic growth in recent decades.<sup>188</sup>

Article 51(c) of the Constitution affirms that the state shall strive to promote respect for international law and treaty obligations in the interactions among organised peoples. Article 253 of the Constitution grants parliament the authority to enact laws necessary to fulfil India's international obligations arising from treaties, agreements, or decisions made in international forums or conferences. While India has traditionally been described as a dualist country concerning its engagement with international law, the Indian Supreme Court has exhibited a move along the continuum from dualism to pro-monist conceptions of engagement with international law.<sup>189</sup>

Although it does not explicitly mention the SDGs, there are provisions and principles within the Constitution that strongly align with various SDGs, creating a foundation for pursuing sustainable development efforts in the country. For example, the Constitution guarantees the right to a healthy environment (Article 21);<sup>190</sup> obligates every citizen to protect and improve the natural environment (Article 51A(g)); and requires the state to endeavour to protect and improve the environment and to safeguard the forests and wildlife (Articles 48-48A). Additionally, several provisions emphasise the conservation and sustainable use of natural resources. For example, Articles 243ZD(3) and 243ZE require the District Planning Committee and the Metropolitan Planning Committee, respectively, to consider spatial planning, water sharing, integrated infrastructure development, and environmental conservation. Municipalities, empowered by state legislature, are tasked with functions outlined in Schedule 12 of the Constitution, including urban forestry, environmental protection, and ecological promotion (Clause 8). Similar directives apply to Committees (Article 243 W(b), in conjunction with Schedule 12), aligning with SDGs 2, 14, and 15.

The Constitution also guarantees fundamental rights, including healthcare, education, and decent work (Articles 21A, 41, and 47); guarantees the rights of minorities (Articles 29-30); requires all citizens to renounce practices derogatory to the dignity of women (Article 51A(e)); guarantees the protection of children (Articles 24 and 45); and promotes equality and non-discrimination (Articles 14-16, 39(a), and 39A). These provisions contribute to SDGs 3-5 and 10.

The Constitution further establishes a framework for accountable and transparent governance, including provisions for public participation in the form of freedom of speech and expression (Article 19(1)(a)) and the right to assemble peacefully without arms (Article 19(1)(b)); access to information (Article 19);<sup>191</sup> and independent oversight institutions, such as the separation of the judiciary and Comptroller and Auditor General

186 V.M. Taghvaei et al. (2022), "Sustainable Development Goals and Transportation Modes: Analyzing Sustainability Pillars of Environment, Health, and Economy", *World Development Sustainability*, 1: 1-15.

187 A. Milani-Bonab et al. (2023), "Food and Agriculture, Nutrition and Health Related Policy Integration in Iran's national development agenda and their alignment with the Sustainable Development Goals", *Environment, Development and Sustainability*, 25: 3353-3378.

188 B. Laker (2024), "India will Grow to become the World's Third-largest Economy by 2027", 23 February 2024, available at: <https://www.forbes.com/sites/benjaminlaker/2024/02/23/india-to-become-third-largest-economy-by-2027-implications-for-leaders/?sh=54e55314fd50>.

189 See P. Ranjan (2022), "The Supreme Court of India and International Law: A Topsy-turvy Journey from Dualism to Monism", *Liverpool Law Review*, 43: 571-595.

190 As confirmed by the Supreme Court in *Charan Lal Sahu v Union of India* (1990) 1 SCC 613 and *Virender Gaur v State of Haryana* (1995) 2 SCC 577; D. Yadav and A. Yadav (2023), "Clean Environment as a Fundamental Right", *Indian Journal of Law and Legal Research*, 5(2): 1-18.

191 As confirmed by the Supreme Court in *Raj Narain v the State of Uttar Pradesh* 1975 SCR (3) 333.



(Articles 50 and 148). Article 39A provides for free legal aid. There is also public interest litigation, a legal tool that allows motivated individuals or organisations to file petitions on behalf of public interest.<sup>192</sup> These aspects align with SDG 16.

The SDGs have influenced India's development agenda, with the country taking exemplary initiatives to propel the SDG agenda forward. For example, India's Vision 2030 aims to create an India where poverty, malnutrition, littering, and illiteracy are a matter of the past.<sup>193</sup> The government think tank, NITI Aayog (National Institution for Transforming India), acts as the nodal agency for SDG implementation, coordinating efforts across ministries and providing technical support.<sup>194</sup> In recent years, India has also launched several policies to bolster its blue economy endeavours.<sup>195</sup> In 2021, it unveiled the Draft National Policy for the Blue Economy, intending to increase the GDP contribution of the ocean economy, enhancing the well-being of coastal communities, and conserving marine biodiversity.<sup>196</sup>

India ranks 112/166 on the SDG Index.<sup>197</sup> India has made significant progress in meeting SDG targets related to climate change and sustainable consumption and production.<sup>198</sup> However, Mandal et al, for example, in their research, found that around 74% of children are undernourished in Purulia, India.<sup>199</sup> Another report discusses how poverty, hunger, and gender inequality remain significant challenges, particularly in rural areas, and how effective implementation of policies and programs remains a challenge due to bureaucratic hurdles, resource constraints, and lack of awareness among target communities.<sup>200</sup> Khalid, Sharma, and Dubey share this sentiment, noting that data inadequacy gaps in SDG measurements, insufficient coordination between central and state agencies, and a lack of financing represent the primary obstacles to SDG implementation in India.<sup>201</sup>

#### 4. Challenges and Opportunities

##### 4.1. Alignments and synergies between constitutions and the principles of the SDGs

**Domestic incorporation/application of international law:** This involves integrating principles and obligations from international treaties and conventions, including those related to the SDGs, into the legal frameworks and practices of individual countries.<sup>202</sup> This can be achieved through various mechanisms, such as

192 See Z. Holladay (2012), "Public Interest Litigation in India as a Paradigm for Developing Nations", *Indiana Journal of Global Legal Studies*, 19(2): 555-573.

193 See: <https://pib.gov.in/newsite/PrintRelease.aspx?relid=187925>.

194 Refer to: <https://www.niti.gov.in/>.

195 A. Khan (2023), "Can India Spearhead the Global South's Blue Economy?", available at: [https://www.fairplanet.org/story/can-india-spearhead-the-global-souths-blue-economy/#:~:text=In%20percent%20years%2C%20India%20launched,communities%20and%20preserve%20marine%20biodiversity;KonradAdeauerStiftungIndiaoffice,EnergyandResourcesInstitute,NationalMaritimeFoundation,andtheFederationofIndianChambersofCommerceandIndustry\(2022\),BlueEconomy:India'spathwaytosustainable,secure,andresilienteconomy](https://www.fairplanet.org/story/can-india-spearhead-the-global-souths-blue-economy/#:~:text=In%20percent%20years%2C%20India%20launched,communities%20and%20preserve%20marine%20biodiversity;KonradAdeauerStiftungIndiaoffice,EnergyandResourcesInstitute,NationalMaritimeFoundation,andtheFederationofIndianChambersofCommerceandIndustry(2022),BlueEconomy:India'spathwaytosustainable,secure,andresilienteconomy), available at: [https://www.teriin.org/sites/default/files/2022-07/Blue\\_Economy\\_Publication.pdf](https://www.teriin.org/sites/default/files/2022-07/Blue_Economy_Publication.pdf).

196 Economic Advisory Council to Prime Minister of India (2020), *India's Blue Economy: A draft policy framework*, available at: [https://incois.gov.in/documents/Blue.Economy\\_policy.pdf](https://incois.gov.in/documents/Blue.Economy_policy.pdf).

197 Refer to: <https://dashboards.sdgindex.org/profiles/india/policy-efforts>.

198 NITI Aayog, Government of India (2020), *Voluntary National Review*, available at: [https://sustainabledevelopment.un.org/content/documents/26281VNR\\_2020\\_India\\_Report.pdf](https://sustainabledevelopment.un.org/content/documents/26281VNR_2020_India_Report.pdf), at pp. 105-109 and 111-115.

199 M. Mandal et al. (2023), "Rural Child Health in India: The Persistent Nature of Deprivation, Undernutrition and the 2030 Agenda", *Environment Development and Sustainability*, 1.

200 N. Sharma et al. (2021), *Queen Mary University of London Final Report: Implementing the SDGs in India: Poverty, hunger and gender*, available at: <https://www.foggs.org/wp-content/uploads/2021/03/India-SDG-implementation-QMULprojectFinalFinalReport31Mar2021.pdf>, pp. 4, 13-16. See also S.V. Subramanian et al. (2023), "Progress on Sustainable Development Goal Indicators in 707 Districts of India: A Quantitative Mid-line Assessment Using the National Family Health Surveys, 2016 and 2021", *The Lancet Regional Health – Southeast Asia*, 13: 1-17; J. Chakraborty and P. Basu (2021), "Air Quality and Environmental Injustice in India: Connecting Particulate Pollution to Social Disadvantages", *International Journal of Environmental Research and Public Health*, 18(1): 1-14.

201 A.M. Khalid et al. (2020), "Concerns of Developing Countries and the Sustainable Development Goals: Case for India", *International Journal of Sustainable Development & World Ecology*, 28(1): 1-37.

202 P.H. Verdier and M. Versteeg (2016), *Modes of domestic incorporation of international law*, University of Virginia School of Law Public Law and Legal Theory Research Paper Series 2016-2015, available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2726673](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2726673).

legislative enactments, judicial decisions, administrative regulations, and constitutional provisions. By doing so, countries align their domestic legal systems with international standards and commitments, thereby promoting the realisation of the SDGs at the national level.<sup>203</sup> For instance, South Africa's Constitution mandates courts to interpret legislation in line with international law (Section 233), offering a framework for integrating SDGs into domestic legal systems. Additionally, Section 39 requires courts to consider international law when interpreting the constitutional Bill of Rights.

**Human rights and equity:** Apart from Australia, all the constitutions analysed (albeit to differing extents) enshrine numerous fundamental human rights, such as access to food, water, healthcare, and education, aligning with SDG goals 1–4 and 6.<sup>204</sup> As Herlin-Karnell contends, sustainability serves as a framework for promoting dignity by ensuring that individuals have access to essential resources, such as clean air, water, and food, which are necessary for a dignified existence.<sup>205</sup> By prioritising sustainability in legal and policy decisions, governments can uphold the dignity of their citizens by safeguarding their basic needs and protecting their fundamental rights.<sup>206</sup>

**Environmental protection:** Apart from Australia, all the constitutions discussed recognise, in one form or another, environmental rights and mandate sustainable development, aligning with SDG goals 13–15. Integrating enforceable mechanisms within constitutions, such as environmental courts or ombudsman offices, is also crucial for ensuring the practical implementation of these rights and mandates. India has the National Green Tribunal, which is a specialised court dealing with environmental cases across the country.<sup>207</sup> Similarly, environmental cases are referred to general courts or administrative courts with environmental chambers or environmental courts that can be found in Kenya, Bolivia, Australia, Brazil, Finland, Germany, and Sweden.<sup>208</sup>

**Good governance and the rule of law:** Strong constitutional provisions on transparency, accountability, and citizen participation in decision-making can support democratic and equitable governance, aligning with SDG 16. Germany among others upholds principles of the rule of law and separation of powers, ensuring checks and balances within the government (Articles 20(2) and 28(1)), whereas Kenya explicitly guarantees access to information and public participation in environmental decision-making, empowering communities to protect their environment (Articles 10(2)(a), 55(b), and 69(1)(d)). Similarly, for the Members of the Aarhus Convention, it empowers the role of citizens and civil society organisations in environmental matters, which is founded on the principles of participative democracy.<sup>209</sup>

**Synergy is created by enhancing accountability:** Integrating SDGs into constitutions elevates them from aspirational goals to legally binding principles, making governments accountable for their implementation, as failing to meet SDG targets would constitute a breach of constitutional obligations.<sup>210</sup> This accountability is enforced through mechanisms such as judicial review, parliamentary oversight, or citizen petitions.<sup>211</sup> Central to this accountability framework is the recognition of fundamental rights enshrined in constitutions, many of which

203 C. Allen et al. (2018), "Initial Progress in Implementing the Sustainable Development Goals (SDGs): A Review of Evidence from Countries", *Sustainability Science*, 13: 1453–1467; A. de Oliveira and S. Kindornay (2021), *Progressing national SDG implementation: An independent assessment of the voluntary national review reports submitted to the United Nations High-level Political Forum in 2020*, available at: <https://www.forus-international.org/en/pdf-detail/75964-progressing-national-sdgs-implementation-report>.

204 See O.C. Ruppel and C. Dobers (2022), "SDGs und Pariser Abkommen: Symbiose zur Verwirklichung von Menschenrechten und Klimaschutz?", *Nachhaltigkeitsrecht*, 2: 462–470.

205 E. Herlin-Karnell (2023), "The Constitutional Concepts of Sustainability and Dignity", *Jus Cogens*, 5: 125–148.

206 *Ibid.*, pp. 131–134.

207 Refer to: <https://www.greentribunal.gov.in/>; National Green Tribunal Act 19 of 2010.

208 See UNEP (2021), *Environmental courts and tribunals – A guide for policymakers*, available at: <https://www.unep.org/resources/publication/environmental-courts-and-tribunals-2021-guide-policy-makers>.

209 UNTS (2001), *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters*, Aarhus, 25 June 1998, UNTS, vol. 2161, p. 447.

210 C.M. Fombad (2010), "The Constitution as a Source of Accountability: The Role of Constitutionalism", *Speculum Juris*, 24(2): 41–65.

211 S. Maganoe (2023), "Legislative Oversight and Executive Accountability in South Africa", *Potchefstroom Electronic Law Journal*, 26(1): 1–34; O.M. Fagbadebo and N. Dorasamy (2022), "Judicial Review as Anaccountability Mechanism in South Africa: A Discourse on the Nkandla Case", *African Journal of Inter/Multidisciplinary Studies*, 4(1): 126–140; S. Wekesa and N. Otieno (2022), "The Duty to give Reasons under Kenya's Fair Administrative Action Act, 2015 in Kenya: Seven years later", *Kabarak Journal of Law and Ethics*, 6(1): 99–122.

are directly linked to the SDGs,<sup>212</sup> such as, the right to health, education, a clean environment, and social security. Constitutions such as those of Kenya (Articles 2 and 24) and South Africa (Sections 2 and 36) expressly articulate this principle, emphasising the primacy of constitutional rights and the limitations placed on government actions that may infringe upon them.

**Guiding policy and legislation:** Constitutional alignment provides a clear framework for developing policies and laws aligned with the SDGs, driving systemic change across various sectors. For example, to give effect to constitutional provisions, South Africa introduced NEMA, the Water Services Act 108 of 1997 (amended by 30 of 2004), National Water Act 36 of 1998 (amended by 27 of 2014), National Health Act 61 of 2003 (amended by 12 of 2013), and the Labour Relations Act 66 of 1995 (amended by 8 of 2018), to name a few.

**Empowering citizens:** The constitutionally elevated status of the SDGs encourages transparency, inclusivity, and responsiveness in governance, as governments are held accountable not only to their citizens but also to the legal obligations enshrined in the constitution.<sup>213</sup> When SDGs are enshrined in the constitution, failing to meet the targets outlined in them constitutes a breach of constitutional obligations. This fosters greater civil society engagement as citizens become actively involved in monitoring, advocating for, and participating in decision-making processes related to sustainable development.<sup>214</sup> Brazil's Constitution recognises participatory budgeting as a legitimate tool for public participation (Articles 194 (sole paragraph (V)), 198(III), 204(II), and 227(§1)).<sup>215</sup> Bolivia has autonomous municipal governments, established by the Constitution (Article 302).<sup>216</sup> India's Constitution empowers villages and districts to elect their representatives, giving local communities a voice (Article 40 and Part IX, the *Panchayati Raj*).<sup>217</sup>

#### 4.2. Conflicts between constitutions and the principles of the SDGs

**Resource rights and exploitation:** Constitutions may grant rights to exploit natural resources, potentially conflicting with SDGs 12 and 14-15 on responsible consumption and production and sustainable use of terrestrial ecosystems. For example, Brazil's Constitution grants ownership of mineral resources and subsoil to the state but allows private concessions for exploitation (Articles 20, 49(XVI), and 176-177).<sup>218</sup> Bolivia's Constitution declares that ownership and sovereignty of the country's natural resources lie with the people (Articles 7, 309(1), and 349(1)) but also underscores that resource exploitation is prioritised for national development (Articles 298(II)(4), 348(II), 351, 355(I), 356, and 369).<sup>219</sup> In South Africa for instance, heavy reliance on fossil fuel extraction faces challenges aligning with the country's energy policies and SDG goals.<sup>220</sup>

212 M.T. Ladan (2016), "SDGs Framework as the Blueprint for Climate Change Action and Sustainable Development: Role of Law and Parliamentarians", *Tuma Law Review*, 4: 243-267.

213 H. Klug (2015-2016), "Accountability and the Role of Independent Constitutional Institutions in South Africa's Post-Apartheid Constitutions", *New York Law School Law Review*, 60(1): 153-180.

214 V. Lima (2021), "Collaborative Governance for Sustainable Development", in W.L. Filho et al. (eds), *Encyclopedia of the UN Sustainable Development Goals: Peace, justice and strong institutions*, Springer Nature, pp. 79-90; V. Bhargava (2015), "Engaging citizens and civil society to promote good governance and development effectiveness", *The Governance Brief*, 23: 1-8.

215 See R. Falanga and L.H.H. Lüchmann (2019), "Participatory budgets in Brazil and Portugal: Comparing patterns of dissemination", *Policy Studies*, 1-21.

216 E. del Campo and M.S. Reinón (2023), "Decentralisation or recentralisation in Bolivia? Autonomous territorial entities and intergovernmental relations in a decentralised state", *Public Organization Review*, 23: 1001-1016.

217 NITI Aayog (2019), *Localising SDGs: Early lessons from India*, available at: [https://www.niti.gov.in/sites/default/files/2020-07/LSDGs\\_July\\_8\\_Web.pdf](https://www.niti.gov.in/sites/default/files/2020-07/LSDGs_July_8_Web.pdf), pp. 22, 41.

218 See S. Villén-Pérez et al. (2020), "Brazilian Amazon gold: Indigenous land rights under risk", *Elementa: Science of the Anthropocene*, 8(31): 1-5; P. de Bessa Antunes (2023), "The rights of the indigenous people and the Amazon: A road ahead", *Environmental Policy and Law*, 53: 153-163; J. Alcamo et al. (2020), "Analysing interactions among the Sustainable Development Goals: Findings and emerging issues from local and global studies", *Sustainability Science*, 15: 1562-1563.

219 Refer also to O.C. Ruppel and R. Murray (2023), *A comparative constitutional analysis of natural resources protection*, *Graz Law Working Paper Series Working Paper No 07-2023*, available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4411279](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4411279); O.C. Ruppel and R. Murray (2023), "Natural resources", in *Max Planck Encyclopedia of Comparative Constitutional Law*, MPECCoL, No 393, Oxford University Press, 21 June 2023, available at: <https://oxcon.oup.com/display/10.1093/law-mpeccol/law-mpeccol-e393?prd=MPECCOL>.

220 See J. Hanto et al. (2022), "South Africa's energy transition – Unravelling its political economy", *Energy for Sustainable Development*, 69: 164-178.

**Sustainable soil management:** Conflicts between constitutions and the principles of the SDGs concerning soil management can emerge when constitutional documents do not explicitly include provisions or legal structures addressing sustainable soil management. This absence can lead to a disconnect between national legal frameworks and international sustainability goals.<sup>221</sup> For instance, SDG 2 focuses on achieving food security and promoting sustainable agriculture, SDG 12 targets sustainable consumption and production patterns, and SDG 15 aims to protect, restore, and promote the sustainable use of terrestrial ecosystems, including land and soil resources. However, if a country's constitution does not incorporate these principles or establish mechanisms for sustainable soil management, it may hinder efforts to effectively implement SDGs related to soil conservation and management.<sup>222</sup> Consequently, discrepancies between constitutional mandates and SDG objectives may undermine the country's ability to address soil-related challenges and achieve broader sustainable development goals. Only Brazil (Article 24(VI)), Bolivia (Articles 298(II)(7), 299(II)(4), 300(I)(5), 302(I)(6), and 407(6)), South Africa (Schedule 4 Part A), Kenya (Fourth Schedule Part 2(10)), and India (Eleventh Schedule Clause 2),<sup>223</sup> mention soil, but only in the legislative/authorities' power sections of their Constitutions.

**Limited interpretation:** Narrow interpretations of constitutional clauses can hinder the implementation of SDG principles. For example, while Cuba's Constitution grants the rights to political participation, freedom of speech, and press freedom (Articles 53–56 and 80), in practice, these rights are restricted.<sup>224</sup> Similarly in Iran, while women enjoy constitutional rights and protection, they experience discrimination in law and practice.<sup>225</sup>

**Gender inequality:** Discriminatory constitutional provisions regarding gender can hinder SDG goals on gender equality and the empowerment of all women and girls. Kenya's Constitution, on the other hand, implements a quota system for women's representation in parliament (Articles 97(1)(b), 98(1)(b), 100(a), and 127(2)(c)(i)).<sup>226</sup> South Africa's Constitution similarly includes a gender-based representation system ensuring women's participation (Sections 46(1), 105(1), 193(1), and 221(1)). In Australia and India, however, gender pay gaps and underrepresentation of women in leadership positions indicate further work is needed to fully achieve SDG 5.<sup>227</sup>

**Power imbalances and exclusion:** Constitutions serve as foundational legal documents that define the structure of governance and allocate power within a country.<sup>228</sup> However, in some cases, constitutional arrangements may concentrate power in the hands of specific groups or institutions, potentially excluding

221 Cf. P. Stankovics, G. Tóth and Z. Tóth (2018), "Identifying gaps between the legislative tools of soil protection in the EU member states for a common European soil protection legislation", *Sustainability*, 10: 1-17; K. Helming et al. (2018), "Assessment and governance of sustainable soil management", *Sustainability*, 10(12): 1-13.

222 Cf. P. Pereira et al. (eds) (2023), *The handbook of environmental chemistry* vol 120, Springer; O.C. Ruppel (2022), "Soil protection, food security and the nexus between climate governance and trade in agriculture", in *International Yearbook of Soil Law and Policy* (Springer, 2020), pp. 499-528.

223 Regarding Kenya, see H. Ginzky and O.C. Ruppel (2022), "Soil protection law in Africa: Insights and recommendations based on country studies from Cameroon, Kenya and Zambia", *Soil Security*, 6: 1-6.

224 Amnesty International (2023), *Cuba, Escalated repression, Amnesty International: Submission to the 44th session of the UPR working group*, 5 November 2023, available at: <https://www.amnesty.org/en/documents/amr25/6592/2023/en/>.

225 R. Begum (2022), "Iranian Women's Demands for Freedom Must be heard", 16 November 2022, available at: <https://www.hrw.org/news/2022/11/16/iranian-womens-demands-freedom-must-be-heard>; B. Mittelhammer et al. (2023), "Carnegie Europe: Rethinking the EU's Approach to Women's Rights in Iran", available at: [https://carnegieendowment.org/files/Rethinking\\_the\\_EUs\\_Approach\\_to\\_Womens\\_Rights\\_in\\_Iran.pdf](https://carnegieendowment.org/files/Rethinking_the_EUs_Approach_to_Womens_Rights_in_Iran.pdf); Amnesty International (2022-2023), *Report: The state of the world's human rights*, available at: <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>, at pp. 199.

226 For a discussion see G.N. Kenyatta (2023), "The Political Participation of Women In Kenya", *Journal of International Women's Studies*, 25(2): 1-14.

227 T. Chauhan and C. Jaffrelot (2023), "In Politics and Bureaucracy, Women are Severely Under-Represented", 3 April 2023, available at: <https://indianexpress.com/article/opinion/columns/in-politics-and-bureaucracy-women-are-severely-under-represented-8492805/>; Australian Government (2023), "National Strategy to Achieve Gender Equality: Discussion Paper", available at: <https://www.pmc.gov.au/sites/default/files/resource/download/national-strategy-gender-equality-discussion-paper.0.pdf>; Z. Fathima (2023), "Female Representation in Indian Politics", *Indian Journal of Law and Legal Research*, 5(2): 1-13.

228 C. Schmitt (2008), *Constitutional theory*, Duke University Press.

marginalised communities (e.g., indigenous) from meaningful participation in decision-making processes.<sup>229</sup> This exclusion can contradict the objectives outlined in SDGs 10 and 16. Revising constitutions to promote power-sharing mechanisms, ensuring broader representation of diverse groups, and establishing safeguards against discrimination can be crucial steps towards inclusivity.<sup>230</sup> Bolivia's Constitution explicitly recognises indigenous peoples and grants them special rights, including self-determination, land ownership, and cultural autonomy (Articles 2-3 and 30(II)).

**Weak environmental safeguards:** Inadequate environmental protection provisions in constitutions can hinder achieving SDG goals 13–15. In Brazil, weak enforcement of existing environmental laws and constitutional provisions allowing for resource exploitation contribute to rampant deforestation in the Amazon.<sup>231</sup>

**Politicisation:** Including specific targets or indicators in the constitution may politicise the SDGs, leading to vulnerability to political agendas and potential hindrances in collaboration and consensus-building. Politicians may prioritise easily achievable or popular goals, neglecting more challenging or less politically advantageous ones, thereby, distorting the holistic approach of the SDGs. This could result in political gridlock and impede collaborative efforts toward broader SDG achievement. For example, despite years of advocacy for indigenous rights recognition in Australia, a proposed referendum granting them a constitutional voice was rejected in 2023 by over 55% of voters.<sup>232</sup> Similar sentiments apply to the issue of gender equality in Iran.<sup>233</sup>

**Rigidity:** A factor to consider is the inherent rigidity of constitutional frameworks, which may impede swift adjustments to accommodate evolving SDG priorities.<sup>234</sup> Notoriously rigid, the Australian Constitution can only be amended through a referendum (Section 128). A proposed amendment must receive a double majority: a national majority (electors vote) and a majority in most states (four out of six). Additionally, both Houses of the Commonwealth Parliament must endorse the proposed law containing the amendment before it can be put to a referendum.<sup>235</sup>

**Judicial activism:** Constitutionalising the SDGs may lead to increased judicial activism, with courts being called upon to interpret and enforce the goals.<sup>236</sup> While this can promote accountability, it may also result in courts overstepping their bounds and making policy decisions better suited for the legislative or executive branches. India's Supreme Court is particularly known for often pushing the envelope in this regard.<sup>237</sup>

**Resource allocation:** Constitutionalising the SDGs may require governments to allocate significant resources to achieve these goals, potentially diverting funds from other priorities. This could lead to budgetary

229 M. Davis (2015), "Indigenous Constitutional recognition from the Point of View of Self-Determination and its Exercise through Democratic Participation", *Indigenous Law Bulletin*, 8(19): 10-14; H. Hobbs (2018), "Aboriginal and Torres Strait Islander Peoples and Multinational Federalism in Australia", *Griffith Law Review*, 27(24): 1-30.

230 N. Hedling (2011), "Principles and Cross-Cutting Themes", in M. Böckenförde, N. Hedling and W. Wahiu (eds), *A practical guide to constitution building*, International Institute for Democracy and Electoral Assistance, pp. 45-71.

231 See I. Moraes, C. Azevedo-Ramos and J. Pacheco (2021), "Public Forests under Threat in the Brazilian Amazon: Strategies for Coping Shifts in Environmental Policies and Regulations", *Frontiers in Forests and Global Change*, 4: 1-7.

232 See E. Visontay (2023), "Australia rejects proposal to recognise Aboriginal people in constitution", 14 October 2023, available at: <https://www.theguardian.com/australia-news/2023/oct/14/australia-rejects-proposal-to-recognise-aboriginal-people-in-constitution>; G. Appleby et al. (2023), "Voice versus rights: The first nations voice and the Australian constitutional legitimacy crisis", *University of New South Wales Law Journal*, 46(3): 761-790.

233 R. Alsalem (2023), "Repression of women is blocking the SDGs", 24 April 2023, available at: <https://sdg-action.org/repression-of-women-is-blocking-the-sdgs/>.

234 For a discussion see J. Fröhlich (2021), "More flexibility in favor of constitutional stability? What breaking amendment rules in Ecuador can teach us", *International Journal of Constitutional Law*, 19(3): 974–996.

235 See A. Buckley (2022), "Federalism and constitutional hyper-rigidity: A comparative analysis of the federalist amendment mechanisms within the Australian and United States Constitutions", *The Transnational Human Rights Review*, 9: 69-92.

236 Cf. L. Besco (2018), "Judicial education for sustainability", *McGill Journal of Sustainable Development Law*, 14(1): 1-28.

237 R. Abeyratne and D. Misri (2018), "Separation of powers and the potential for constitutional dialogue in India", *Journal of International and Comparative Law*, 5(2): 363–385; G. Mittal and G. Tyagi (2023), "Is judicial activism threat to the doctrine of separation of powers?", *Journal on Contemporary Issues of Law*, 3(9): 1-17; R. Henrico (2022), "Judicial review in South Africa and India: Advancing constitutionalism or undue activism?", *Obiter*, 43(4): 797-811.

constraints and trade-offs between different policy objectives, which could be doubling worrying in countries where environmental concerns already are often relegated to the bottom of budgetary priorities.<sup>238</sup>

## 5. Drawing Lessons from Legal Analysis

**Firstly, strengthening constitutional frameworks for the SDGs:** Encouraging Sweden to embed explicit references to relevant SDGs within its Constitution is a proactive step towards advancing sustainability and accountability. This could entail outlining the state's responsibility to uphold the SDGs and establishing legal mechanisms for enforcing their implementation. Sustainability goes beyond narrow conceptions of justice that focus solely on individual rights or national interests. It acknowledges the interconnectedness of human societies and the natural environment, understanding that actions taken in one part of the world can have profound implications elsewhere.<sup>239</sup> Embracing sustainability as a guiding principle in constitutional law enables societies to transcend parochialism and prioritise the common good of humanity and the planet.<sup>240</sup> Leaders in environmental policies, such as Germany and Finland should lead by example by enhancing constitutional provisions related to environmental protection and resource management. This includes addressing climate change and ensuring sustainable development, with a particular emphasis on intergenerational equity, to pave the way for a more sustainable future.

**Secondly, fostering institutional reforms for SDG implementation:** This entails establishing independent bodies tasked with monitoring SDG progress, advising on policy, and holding the government accountable. This also involves ensuring mechanisms for the meaningful participation of civil society, indigenous communities, and the private sector in SDG decision-making and implementation processes. This also requires that the capacity of judicial systems be enhanced to address SDG-related concerns and ensure access to justice for environmental and social rights violations. The Finnish National Commission on Sustainable Development, for example, plays a pivotal role in advancing sustainable development in Finland, by designing the country's national strategy for sustainable development, monitoring and reviewing the progress of SDG implementation, advising on policy, etc.<sup>241</sup> South Africa, facing challenges in institutional development, should invest in building strong and functioning institutions to support SDG implementation. Cuba should ensure mechanisms for the meaningful participation of civil society and the private sector in SDG decision-making and implementation processes. Bolivia and Brazil could enhance the capacity of their judicial systems to address SDG-related concerns and ensure access to justice for environmental and social rights violations.<sup>242</sup>

**Thirdly, addressing systemic inequalities and power imbalances:** Explicitly recognising the rights of indigenous peoples, women, minorities, and vulnerable groups in the constitution could empower them to claim their rights and participate in SDG implementation. Kenya, India, and Chad should introduce reforms focusing

238 For a discussion regarding Brazil see J. Crace (2021), "Bolsonaro slashes Brazil's environment budget, day after climate talks pledge", 24 April 2021. Available at: <https://www.theguardian.com/world/2021/apr/24/bolsonaro-slashes-brazils-environment-budget-day-after-climate-talks-pledge>; G. Quijiano and M.K. Arima Junior (2022), "Environmental degradation in Brazil—Legal and policy gaps", available at: <https://www.oecdwatch.org/wp-content/uploads/sites/8/2022/03/Bridging-Brazilian-governance-gaps-Environmental-degradation-1.pdf>; E.E.Y. Amuah et al. (2023), "Environmental impact assessment practices of the federative republic of Brazil: A comprehensive review", *Environmental Challenges*, 13: 1-12; OECD (2021), *Evaluating Brazil's progress in implementing Environmental Performance Review recommendations and promoting its alignment with OECD core acquis on the environment*, available at: <https://www.oecd.org/environment/country-reviews/Brazils-progress-in-implementing-Environmental-Performance-Review-recommendations-and-alignment-with-OECD-environment-acquis.pdf>; J. Spring (2022), "Brazil spent less than half its 2021 environmental enforcement budget", 1 February 2022, available at: <https://www.reuters.com/world/americas/brazil-spent-less-than-half-its-2021-environmental-enforcement-budget-2022-02-01/>.

239 Herlin-Karnell, n. 205, pp. 129-130.

240 *Ibid.*

241 Refer to: <https://kestavakehitys.fi/en/commission>.

242 Refer to Amnesty International, n. 225, pp. 94-95 (Bolivia) and pp. 98-101 (Brazil); World Justice Project (2022), *The rule of law in Brazil: Key findings from the general population poll*, available at: <https://worldjusticeproject.org/our-work/research-and-data/rule-of-law/brazil-2022>; World Justice Project (2022), *The rule of law in Bolivia: Key findings from the general population poll*, available at: [https://worldjusticeproject.org/sites/default/files/rule-of-law/bolivia-2022/Bolivia\\_Report\\_WJP.pdf](https://worldjusticeproject.org/sites/default/files/rule-of-law/bolivia-2022/Bolivia_Report_WJP.pdf).

on social justice, fostering equitable resource distribution, and poverty reduction. Australia should explicitly recognise the rights of indigenous peoples.

More general recommendations include encouraging research and development in sustainable technologies through constitutional provisions. According to a 2020 survey, the global average awareness score of the SDGs is just under 50%.<sup>243</sup> The digital era presents unprecedented opportunities for civil society, policymakers, and citizens to engage in the constitutional decision-making process actively. Data-driven insights can inform adaptive strategies, enhance accountability, and foster continuous improvement.<sup>244</sup> Bolivia and Brazil's Constitutions, for example, promote scientific research (Articles 103 and 218, respectively), although it is not exclusively linked to SDG studies.<sup>245</sup> Additionally, as McGregor argues, the wisdom necessary for humanity's survival may not solely originate from human sources. It is imperative to revitalise and embrace traditions that honour all forms of knowledge.<sup>246</sup> Thereby, highlighting the significance of traditional indigenous knowledge and underscoring the necessity to create, gather, and share information concerning this knowledge, especially regarding the sustainable use and preservation of natural resources.

## 6. Conclusion

The environmental events and international days scheduled for 2024 present a unique opportunity for global collaboration and policy advancement in sustainable development, biodiversity conservation, and environmental protection.<sup>247</sup> The commitment of various countries to host these gatherings demonstrates a shared dedication to addressing urgent environmental challenges and promoting multilateral cooperation.

In the upcoming decade, the world will grapple with formidable challenges, all interlinked with the SDGs.<sup>248</sup> These pressing issues include the failure to address climate action, heightened by extreme weather events that disrupt communities and exacerbate livelihood crises. The looming threat of biodiversity loss further compounds

243 Government of the Federal Republic of Germany (2020), *Report of results global survey on sustainability and the SDGs*, available at: <https://sdghelpdesk.unescap.org/e-library/global-survey-sustainability-and-sdgs-report-results>, p. 5.

244 N. Bachmann et al. (2022), "The Contribution of Data-Driven Technologies in Achieving the Sustainable Development Goals", *Sustainability*, 14(5): 1-33; H. Hassani et al. (2021), "Big data and the United Nations Sustainable Development Goals (UN SDGs) at a glance", *Big Data and Cognitive Computing*, 5(3): 1-29.

245 See J.P. Myklebust, "Shock as [Swedish] Government Axes Funding for SDGs-related Research", 4 July 2023, available at: <https://www.universityworldnews.com/post.php?story=20230704090316587>.

246 D. McGregor (2021), "Indigenous Environmental Justice and Sustainability", in S.A. Atapattu, C.G. Gonzalez and S.L. Seck (eds), *The Cambridge Handbook of environmental justice and sustainable development*, Cambridge University Press, pp. 58-71.

247 These *inter alia* include the 5th Meeting of the UNEP Working Group on Nitrogen (9-10 January); Bern III Conference on Cooperation among the Biodiversity-related Conventions (23-25 January); World Wetlands Day (2 February); 14th Meeting of the COP to the Convention on the Conservation of Migratory Species of Wild Animals (12-17 February); 6th Session of the UNEA (27 February- 1 March); World Wildlife Day (3 March); International Day of Zero Waste (30 March); 4th Session of the Intergovernmental Negotiating Committee (21-30 April); International Mother Earth Day (22 April); World Migratory Bird Day 1st birds' biannual migration event (11 May); International Day for Biological Diversity (22 May); 11th COP to the Nairobi Convention (28-30 May); 2nd Global Meeting of the Montevideo National Focal Points (3-5 June); World Environment Day (5 June); 3rd session of the Ad Hoc Open-Ended Working Group on a Science-Policy Panel (12-17 June); International Day of Clean Air for blue skies (7 September); UNGA Summit of the Future (22-23 September); UNGA High-level Meeting on Antimicrobial Resistance (24 September); International Day of Awareness of Food Loss and Waste (29 September); World Migratory Bird Day 2nd birds' biannual migration event (12 October); 26th Intergovernmental Meeting of the Coordinating Body on the Seas of East Asia (21-23 October); 16th meeting of the COP to the Convention on Biological Diversity (21 October- 1 November); 4th Global High-Level Ministerial Meeting on Antimicrobial Resistance (4-5 November); International Day for Preventing the Exploitation of the Environment in War and Armed Conflict (6 November); 29th Session of the COP to the UNFCCC (11-24 November); World Antimicrobial Awareness Week (18-24 November); and the 5th Session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution (25 November - 1 December). Refer to: <https://www.environewsnigeria.com/towards-sustainability-looking-ahead-to-environmental-moments-in-2024/>; a 'Pact for the Future', which is a proposed action-oriented outcome document currently being negotiated by member states of the UN in the lead-up to the Summit of the Future in September 2024, available at: <https://www.un.org/en/summit-of-the-future#:~:text=The%20Pact%20will%20be%20negotiated,humanity%20and%20for%20future%20generations>.

248 See WEF (2024), *The global risks report 19 ed.*, available at: [https://www.weforum.org/publications/global-risks-report-2024/full/?utm\\_source=google&utm\\_medium=ppc&utm\\_campaign=globalrisks&gad\\_source=1&gclid=CjwKCAiAtt2tBhBDEiwALZuhAEYjZRpZD5zENipUaTUSYvYHGd3-9ylfAHB2OZxxkpZ7g4FgXqJaKhoCpMsQAvD.BwE](https://www.weforum.org/publications/global-risks-report-2024/full/?utm_source=google&utm_medium=ppc&utm_campaign=globalrisks&gad_source=1&gclid=CjwKCAiAtt2tBhBDEiwALZuhAEYjZRpZD5zENipUaTUSYvYHGd3-9ylfAHB2OZxxkpZ7g4FgXqJaKhoCpMsQAvD.BwE).

the complexity of these challenges, while the erosion of social cohesion adds a layer of concern. Recognising the intricate connections between these issues is paramount in the collective pursuit of a sustainable and resilient future.<sup>249</sup>

Although recommendations were made, it is evident that countries with comprehensive constitutional provisions aligned with most SDGs are lagging while others with less alignment are ahead. This suggests that mere constitutional alignment is not sufficient for progress. This is because the SDG performance of each country is influenced by their starting point and the country's level of development.<sup>250</sup> Countries that are more developed and have more resources may have an advantage in achieving the SDGs, as they may have already addressed some of the basic needs and challenges of their population. Countries that are less developed and have fewer resources may face more difficulties and gaps in achieving the SDGs, as they may have to deal with more pressing and complex internal issues. To illustrate, in 2015 (at the starting line), the first assessment of the overall performance of high-income countries by Bertelsmann Stiftung indicated that Sweden and Finland were positioned first and fourth, respectively, out of 34 countries in their capacity to meet the SDGs, with several of the total SDG indicators having already been met.<sup>251</sup> In contrast, Chad (along with the other least developed countries) had been depicted as the crucial battleground where the success or failure of the 2030 Agenda hinges,<sup>252</sup> thereby, highlighting that the effective implementation of constitutional provisions is crucial. Constitutional alignment serves as a foundational step, but successful execution, commitment, and practical policies are equally essential for achieving the SDGs.

Establishing independent bodies to monitor SDG progress, ensuring meaningful participation of civil society and indigenous communities, and enhancing the capacity of judicial systems to address SDG-related concerns are crucial steps toward effective implementation.<sup>253</sup> In addition, encouraging research and development in sustainable technologies through constitutional provisions is vital for leveraging the opportunities presented by the digital era. By actively engaging in data-driven insights, countries can inform adaptive strategies, enhance accountability, and drive continuous improvement in sustainable development efforts.

The freedom of religion, freedom of expression, right to property, and the right to equal treatment are enshrined in 97% of national constitutions in force as of 2006.<sup>254</sup> Similarly, the right to assembly, the right to association, and the right to gender equality are found in 90% of all national constitutions as of 2006.<sup>255</sup> As of 2012, 81% of all constitutions included the right to education, 71% protected access to healthcare, 63% protected the right to social security, and 39% provided a right to housing.<sup>256</sup> According to a 2012 estimate, environmental provisions

249 L. Medina et al. (2023), *Community voices on climate, peace, and security: Senegal*, CGIAR FOCUS Climate Security, available at: <https://cgspace.cgiar.org/server/api/core/bitstreams/ae7f6413-2214-4e76-b13b-588a3ee0f71e/content>; IPCC (2022), *Summary for policymakers, technical summary and frequently asked questions, Climate change: Impacts, adaptation and vulnerability, Working Group II contribution to the Sixth Assessment Report of the IPCC*, available at: [https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC\\_AR6\\_WGII\\_SummaryVolume.pdf](https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryVolume.pdf).

250 L. Veselovská (2017), "Factors Influencing Countries on their path to Sustainable Development: Implications for Organizations", *Problems and Perspectives in Management*, 15(2-si): 475-486; D. Osborn et al. (2015), *Universal Sustainable Development Goals: Understanding the transformational challenge for developed countries, Report of a study by stakeholder forum*, available at: [https://sustainabledevelopment.un.org/content/documents/1684SF\\_-\\_SDG\\_Universality\\_Report\\_-\\_May\\_2015.pdf](https://sustainabledevelopment.un.org/content/documents/1684SF_-_SDG_Universality_Report_-_May_2015.pdf).

251 C. Kroll (2015), *Sustainable Development Goals: Are the rich countries ready?*, available at: <https://www.bertelsmann-stiftung.de/en/publications/publication/did/sustainable-development-goals-are-the-rich-countries-ready>.

252 UNCTAD (2015), *The least developed countries report 2015: Transforming rural economies*, available at: [https://unctad.org/system/files/official-document/ldc2015\\_en.pdf](https://unctad.org/system/files/official-document/ldc2015_en.pdf).

253 A.J. Mohammed (2018), "Participation, Consultation and Engagement: Critical Elements for an Effective Implementation of the 2030 Agenda", *UN Chronicle*, 55(2): 4-5; UNDP (2017), *Institutional and coordination mechanisms-Guidance note*, available at: [https://sustainabledevelopment.un.org/content/documents/2478Institutional\\_Coordination\\_Mechanisms\\_GuidanceNote.pdf](https://sustainabledevelopment.un.org/content/documents/2478Institutional_Coordination_Mechanisms_GuidanceNote.pdf); Network of Institutions for Future Generations (2019), *Looking to 2030 and beyond: How institutions for future generations can assist in SDG implementation*, available at: <https://futureroundtable.org/documents/2238847/3008114/SDG+Policy+Paper/88e3ec40-c4ae-9f93-1c94-b2862121c593>.

254 D.S. Law and M. Versteeg (2011), "The evolution and ideology of global constitutionalism", *California Law Review*, 99: 1163-1254.

255 *Ibid.*

256 A.S. Chilton and M. Versteeg (2016), "Rights without resources: The Impact of Constitutional Social Rights on Social Spending", University of Virginia School of Law, Law and Economics Research Paper Series 2016-20, available at: [https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2075&context=public\\_law\\_and\\_legal\\_theory](https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2075&context=public_law_and_legal_theory).



of some form were present in 149 out of 193 of the world's national constitutions.<sup>257</sup> Given that these dates predate the 2030 Agenda, it cannot be said to have drastically increased the formal recognition of these core human rights in constitutions (i.e. integrating the SDGs).<sup>258</sup> Regardless thereof, research on the effectiveness of constitutional rights is still in its nascent stages.<sup>259</sup> As Cope, Creamer, and Versteeg rightly argue, the failure to uphold constitutional rights does not negate the significance of constitutions.<sup>260</sup> Even in cases where complete adherence is lacking, a constitution's commitments can spur advancements in a state's respect for rights and achievement of the SDGs over time. As noted by Herlin-Karnell, sustainability broadens the notion of justice beyond short-term interests, prioritising the well-being of both current and future generations.<sup>261</sup>

Implementing transformative changes required for achieving the SDGs often demands significant political shifts, which can be hindered by vested interests and resistance from powerful stakeholders.<sup>262</sup> In fact, it requires "An Audacity of Hope Against Hope as well as a Miracle to Realize all the 2030 SDGs in the Coming Seven Years (2023–2030)"<sup>263</sup>. Each country will need to find its unique solutions, considering its specific circumstances and priorities.<sup>264</sup> The journey towards realising the SDGs is intrinsically linked to the constitutional foundations upon which societies are built, and the choices made today will resonate through the corridors of time, shaping the world of tomorrow.

257 D.R. Boyd (2013), "The Status of Constitutional Protection for the Environment in other Nations", David Suzuki Foundation Paper No 4, available at: <https://david Suzuki.org/wp-content/uploads/2013/11/status-constitutional-protection-environment-other-nations.pdf>.

258 Cf. L.M. Collins (2018), "Sustainable Development Goals and human rights: Challenges and Opportunities", in French and Kotzé, n. 28, pp. 66-90.

259 K.L. Cope et al. (2019), "Empirical Studies of Human Rights Law", *Annual Review of Law and Social Science*, 15: 155–182.

260 *Ibid.*

261 Herlin-Karnell, n. 205, pp. 136.

262 Refer to M. Beisheim (ed) (2023), "SWP Research Paper 7: Country-level Politics Around the SDGs", available at: [https://www.swp-berlin.org/publications/products/research\\_papers/2023RP07\\_UN\\_Mid-termReview.pdf](https://www.swp-berlin.org/publications/products/research_papers/2023RP07_UN_Mid-termReview.pdf).

263 Bharat H. Desai (2023), "The 2023 New York SDG Summit Outcome: Rescue Plan for 2030 Agenda as a Wake-up Call for the Decision-makers", *Environmental Policy and Law*, 53: 221-231 at 231; epl239006 (iospress.com). Also see, Bharat H. Desai (2024), "The Audacity of Hope for People and Planet: 2023 New York SDG Summit Outcome and Beyond: Part – II", EPL Blog, 25 January 2024; The Audacity of Hope for People and Planet: 2023 New York SDG Summit Outcome and Beyond: Part – II | Labs (iospress.com)

264 For a discussion see J. Vandemoortele (2017), "From MDGs to SDGs: Critical Reflections on Global Targets and Their Measurement", in P.A.G. van Bergeijk and R. van der Hoeven (eds), *Sustainable Development Goals and income inequality*, Edward Elgar Publishing, pp. 32–50.