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Special Issue 2/2024

Theoretical
Impulses + Case
Studies

Interdisciplinary Perspectives on the Interplay between Human Rights and Sustainability

Prof. Dr. Milena Valeva,
Prof. Dr. Kathrin Nitschmann (Ed.)

InDi 

Institut für Internationale &
Digitale Kommunikation

Trier University
of Applied Sciences

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Preface

The following collection of manuscripts emerged from an interdisciplinary virtual exchange held during the Winter semester of 2023/2024 at the Environmental Campus Birkenfeld, organized by Prof. Dr. Milena Valeva and Prof. Dr. Kathrin Nitschmann. Additionally, Prof. Dr. Héctor Bombiella Medina, a lecturer of anthropology in the Department of World Languages and Cultures at Iowa State University, contributed to the virtual exchange and supervised case studies 3 and 4, bringing his extensive experience in this field and facilitating the international exchange. Within the elective module on Human Rights, students from the Bachelor's programs "Nonprofit and NGO Management" and "Environmental and Business Law," as well as the Master's program "Energy and Corporate Law," explored the interconnections between human rights and sustainability.

In an era marked by unprecedented environmental challenges and profound social transformations, the intersection of human rights and the rights of nature has emerged as a critical area of inquiry and debate. Today, as we face the dual crises of climate change and biodiversity loss, the traditional boundaries between human and environmental rights are increasingly blurred. This confluence demands a fresh, interdisciplinary approach to understanding and addressing the complex and interrelated issues at hand.

Human rights, fundamental to the dignity and freedom of individuals, are deeply impacted by environmental degradation. Communities worldwide are experiencing firsthand the devastating effects of polluted air, contaminated water, and deforested landscapes, all of which undermine basic human rights to health, livelihood, and well-being. Conversely, recognizing the rights of nature – the intrinsic value of ecosystems and species – challenges us to reconsider our legal, ethical, and philosophical frameworks. It calls for a paradigm shift from an anthropocentric world-

view to one that embraces the interconnectedness of all life forms.

Engaging in robust discussions and research on these topics is essential in today's context. By exploring interdisciplinary perspectives, we can forge innovative solutions that honor both the rights of individuals and the integrity of nature. This special issue aims to contribute to this vital discourse, providing insights and fostering dialogue on how we can collectively navigate the complex landscape of human rights and environmental sustainability.

The first chapter „Human rights and SDGs in the context of democracy“ examines the significance of international human rights in today's context and links them to new value systems like sustainability.

The second chapter, the case study „Rights of Nature“ explores the concept of granting legal rights to nature itself by comparing laws from various countries to show how it combats environmental exploitation.

The third chapter, the case study „Traditional coca leaf consumption and drug trafficking in Colombia“ delves into the complex issues surrounding coca cultivation in Colombia, highlighting its economic, social, and political impacts.

The fourth chapter, the case study „The artisanal fishing community of Chorrillos, Peru“ aims to provide theoretical insights and recommendations for improving the livelihoods of artisanal fishing communities in Peru, considering legal, ethical, and environmental perspectives as well as how economic liberalization, privatization, and deregulation affect the community's socio-economic conditions.



Conceptual Human rights and SDGs in the context of democracy

From Human Dignity and Human Rights to Sustainability within the context of Democracy

Author: Prof. Dr. Milena Valeva

Table of contents

1 Introduction	12
2 The paradigm of sustainability within the framework of democracy	12
3 Human Dignity and Human Rights – necessary foundations for democracy	14
4 Relations between Human Dignity and Sustainability	14
5 Relations between Human Rights and Sustainability	15
6 A Triangle of Human Dignity, Human Rights, and Sustainability within the arena of democracy. The crucial role of Human Agency and Rights of Nature	15

1 Introduction

The goal of this contribution is to provide an overview of the conceptual connections between the constructs of human rights, sustainability, and democracy, emphasizing the historically significant role of human dignity. This overview serves as an overarching introduction to the students' articles in Chapter One, which explore selected relationships between these concepts.

The first student's article, authored by Yannick Wagner, focuses on a specific case concerning the role of Catholic health institutions in fostering human rights and sustainability in the USA. The following three contributions are conceptual in nature. Christine Wetter's article explores the links between human rights and sustainability, while Jacob Mayer's article examines the potential of liberal democracies to promote values and human rights. Lastly, Pauline Nicolay's contribution takes a legal perspective and discusses the potential of alternative dispute resolution for handling human rights issues in various contexts.

One main assumption of this overview is that the concept of human dignity is central to the in-

stitution of human rights, and human rights are instrumental in ensuring human dignity. Another key assumption relates to democracy, which is viewed as the framework for shaping human dignity, human rights, and sustainability. This article first focuses on the relationship between sustainability and democracy. It then analyzes the links between human dignity and human rights, followed by a discussion on the connections between human dignity and sustainability, and between human rights and sustainability. Finally, it concludes with an examination of the triangle formed by human dignity, human rights, and sustainability within the context of democracy, emphasizing the crucial roles of human agency and the rights of nature. Clarifying these links is essential for future empirical research to develop specific practical recommendations for sustainability transformation, including human rights, within a democratic context.

2 The paradigm of sustainability within the framework of democracy

The call for sustainability is globally recognized and widely interpreted through the UN Sustaina-

One of the primary limitations of liberal democracy in promoting sustainability lies in its focus on individualism and personal freedom. These principles, while crucial for human rights, can lead to a prioritization of personal and corporate interests over collective environmental needs.

ble Development Goals (SDGs). These universal prescriptions follow a goal-oriented framework, where actions (as means) must be undertaken to achieve the established sustainable development goals (as ends). While it may initially seem that democracy is neutral towards sustainability, a more in-depth analysis is necessary.

This analysis contains two theses on the relation between democracy and sustainability:

- Liberal democracy has limited capacity to support sustainability.
- Republican democracy has the potential to fully support the sustainability transformation.

On the one hand, liberal democracy characterized by its emphasis on individual rights, market freedom, and pluralistic governance, has been the dominant political system in much of the world. While it has provided a robust framework for protecting civil liberties and fostering economic development, its effectiveness in addressing sustainability challenges is increasingly questioned. The inherent focus on short-term gains, individual autonomy, and economic growth often conflicts with the long-term, collective actions necessary for achieving sustainability (Heidenreich, 2023).

One of the primary limitations of liberal democracy in promoting sustainability lies in its focus on individualism and personal freedom. These principles, while crucial for human rights, can lead

to a prioritization of personal and corporate interests over collective environmental needs. The rights of individuals to consume resources freely, for example, often take precedence over the imperative to conserve resources for future generations or to protect ecosystems. This tension is evident in the difficulty liberal democracies face in enacting stringent environmental regulations that might limit personal or economic freedoms. According to Dryzek (2021), the emphasis on market mechanisms and individual choice within liberal democracies can undermine the collective actions needed to address environmental issues like climate change.

Moreover, liberal democracies often struggle with the concept of collective responsibility, which is essential for addressing global environmental challenges. The liberal emphasis on individual rights can make it difficult to build the social solidarity and shared commitment needed for sustainability. For example, policies aimed at reducing carbon emissions often face resistance from groups or individuals who perceive them as infringing on personal freedoms or economic opportunities. This resistance can lead to policy gridlock, where necessary sustainability measures are delayed or diluted, compromising their effectiveness (Eckersley, 2004).

Republican democracy, on the other hand, with its emphasis on the common good, civic virtue, and collective decision-making, presents a promising framework for addressing the complex challenges of sustainability. One of the key strengths of republican democracy is its emphasis on civic responsibility and the common good. In this political framework, citizens are encouraged to engage in public life and consider the welfare of the community, including future generations, when making decisions. This contrasts with the more individualistic approach of liberal democracy, where personal interests often dominate. According to Pettit (1997), republican democracy fosters a sense of collective responsibility, which is crucial for addressing environmental challenges that require coordinated action and shared sacrifice. This collective orientation aligns well with the principles of sustainability, which demand long-term thinking and the prioritization of ecological and social well-being over short-term economic gains.

By fostering a culture of civic responsibility, republican democracy can help shift societal values towards greater environmental consciousness and action. Furthermore, the emphasis on the common good can support global sustainability efforts by encouraging cooperation between nations to address sustainability issues like climate change and biodiversity loss (Dobson, 2003).

As a preliminary conclusion, we can infer that as environmental challenges become urgent, the principles of republican democracy may offer a viable path towards a more sustainable future.

3 Human Dignity and Human Rights – necessary foundations for democracy

The philosophical roots of human dignity can be traced back to the works of Immanuel Kant in the 18th century, who emphasized that human beings should be treated as ends in themselves, not merely as means to an end. This principle has been pivotal in shaping modern human rights frameworks, reinforcing the idea that every individual possesses inherent worth that must be respected and protected.

Human dignity is ascriptive, meaning it is assigned to the social group of *Homo sapiens sapiens* and not to individuals. It is an expression of value judgment, whereby the condition for ascription is the fact of belonging to the human species. The ascription of human dignity equals a non-negotiable and unerasable positive valuation of human beings to prevent any dehumanizing devaluation (Valdés, 2009). Human dignity is universally given, meaning that dignity is equally distributed to all human beings. Equal humanity presupposes dignity.

The operationalization of human dignity is achieved through human rights. Through them, the concrete formulation, implementation, and prevention of violations of human dignity are achieved. In practice, human dignity functions as human rights; therefore, a violation of human rights equals a violation of human dignity, ergo human rights are non-negotiable.

Human dignity is unconditional and thus an expression of the human condition. This expression needs human rights. At the same time, human dignity requires democracy as an appropriate political system. Democracy incorporates human rights, translating the positive moral value (human dignity)

into a set of rights and duties that shape the potential for making claims (human rights). The transfer between individually assigned human rights and the socially performed practice of democracy is mediated by the concept of human rights (Valdés, 2009). A preliminary conclusion can be derived: the abstract concept of human dignity needs, in practice, both democracy as a social coordination practice and human rights as a functional expression in terms of claim-making by human beings. In turn, human dignity and human rights are foundational for democracy.

4 Relations between Human Dignity and Sustainability

The call for sustainability is omnipresent but also controversial. The ambiguity of the term "sustainability" induces practical problems in implementing policies for sustainability transitions. Sustainability encompasses three dimensions: social, environmental, and economic. However, a historical reconstruction reveals that the emergence of these dimensions lacks solid theoretical foundations. The existing theoretical fragments from different schools of thought lead to an insufficient operationalization of the term (Purvis, Mao, Robinson, 2019). According to the widely recognized definition from the 1987 UN Brundtland Commission, sustainability means "meeting the needs of the present without compromising the ability of future generations to meet their own needs" (UN, 2024). This definition has been critiqued for its implicit anthropocentrism, which suggests that humans are the most influential and important entities (Fox & Alfred, 2021).

Sustainability is both a value (as part of a value system, such as that of the EU) and a goal (interpreted as SDGs) (Herlin-Karnell, 2023). Despite the lack of clarity surrounding the term sustainability, the relationship between sustainability and human dignity needs more attention. It is evident that an intact environment is vital for human dignity, as a sustainable environment protects human dignity from violations. Conversely, sustainability incorporates respect for human dignity but extends beyond it by calling for social action to preserve the environment for future generations. This claim assumes human power and the possibility for influence. In the epoch of Anthropocene, the

power of humans is omnipresent. Given this power surplus in comparison to natural entities it is just rational to use it for intended collective goals. The paradigm of sustainability offers the common denominator among humans for collectively designed influence, which is defined as human agency.

5 Relations between Human Rights and Sustainability

In this section, the relationship between human rights and sustainability is the focus. From a content perspective, there is significant overlap between these two concepts. The 2030 Agenda for Sustainable Development and its 17 SDGs, introduced by the United Nations General Assembly in 2015, embody the regulative idea of sustainability. Human rights, on the other hand, are legally anchored in the institutional system of the UN and can be legally enforced – the United Nations Office of the High Commissioner for Human Rights (OHCHR) is the main entity responsible for human rights policy within the UN. In contrast, achieving the SDGs is a national responsibility, to be accomplished through partnerships with actors from the public, business, and non-profit sectors at local, regional, national, and global levels. There are no compulsory means or international monitoring systems for fulfilling the SDGs, which enhances the possibility of free interpretation at the national level (Kamau, Chasek, & O'Connor, 2018).

The differences between human rights and SDGs can be classified into three dimensions (Bexell, Hickmann, & Schapper, 2023):

- Normative Dimension: SDGs are conceptualized as goals and address a variety of entities, whereas human rights are directed towards individuals and are primarily based on the concept of human dignity.
- Institutional Dimension: Human rights and SDGs are organized differently, including their legal rules and enforcement powers at both national and international levels.
- Substantive Dimension: The interplay between SDGs and human rights can be characterized by both synergies (thematic overlap) and tensions or conflicts (such as the shortfall in preserving human rights while generating private profit maximization).

While human dignity is crucial for respecting all individuals and preventing unjustifiable actions that have negative consequences, human agency shifts the perspective to view humans as powerful actors capable of intentionally triggering both positive and negative outcomes.

The integration of SDGs into global policy frameworks has raised questions about the uniqueness of human rights, particularly when juxtaposed with the emerging discourse on the rights of nature. Traditionally, human rights have been centered on human dignity and the protection of individual and collective human interests. However, the SDGs expand this focus to include environmental sustainability, implicitly endorsing the notion that nature itself may possess rights. This shift challenges the anthropocentric foundations of human rights by suggesting that natural entities might hold intrinsic rights deserving of protection and respect (Stone, 1972; Cullinan, 2011).

6 A Triangle of Human Dignity, Human Rights, and Sustainability within the arena of democracy. The crucial role of Human Agency and Rights of Nature

Democracy, when interpreted in a republican sense that emphasizes the common goals of societies, provides the necessary foundation for the flourishing of sustainability. As previously mentioned, sustainability is a goal-based concept, and thus, it aligns well with the goal-oriented nature of republican democracy. Historically and substantively, human dignity has preconditioned the concept of human rights. Human rights, in turn, are vital for democracy, which ultimately enables the realization of human dignity. In summary, human dignity and human rights are fundamental to a democratic understanding of social practice.

However, for sustainability transformation to occur, the concept of human dignity must evolve to include human agency. While human dignity is crucial for respecting all individuals and preventing unjustifiable actions that have negative consequences (where humans are seen as passive recipients of such consequences), human agency shifts the perspective to view humans as powerful actors capable of intentionally triggering both positive and negative outcomes. This proposed evolution from human dignity to human agency anticipates human influence on the world without diminishing respect for human subjects. Additionally, human rights must be further enriched by incorporating the concept of the rights of nature. The move towards republican democracy facilitates the path to sustainability, including the introduction of nature's rights alongside human rights. While human rights are paramount for maintaining democratic order and are integral to sustainability, they are insufficient for addressing

the environmental dimensions of sustainability. The recognition of the rights of nature, as demonstrated by legal advancements in countries like Ecuador and Bolivia, where constitutions acknowledge nature's rights, prompts a reconsideration of the exclusivity of human rights. It challenges the human rights community to determine whether human rights can remain distinct or need to evolve to encompass broader ecological considerations (Knauß, 2018). This development underscores the necessity for a more integrated approach that harmonizes human rights with the rights of nature, reflecting an interdependent relationship essential for achieving sustainable development. Therefore, a more inclusive understanding of sustainability rights is needed, one that encompasses and clarifies both human rights and the rights of nature.

While these integrations alone cannot guarantee a turn towards sustainability (as they represent insufficient conditions), they are essential

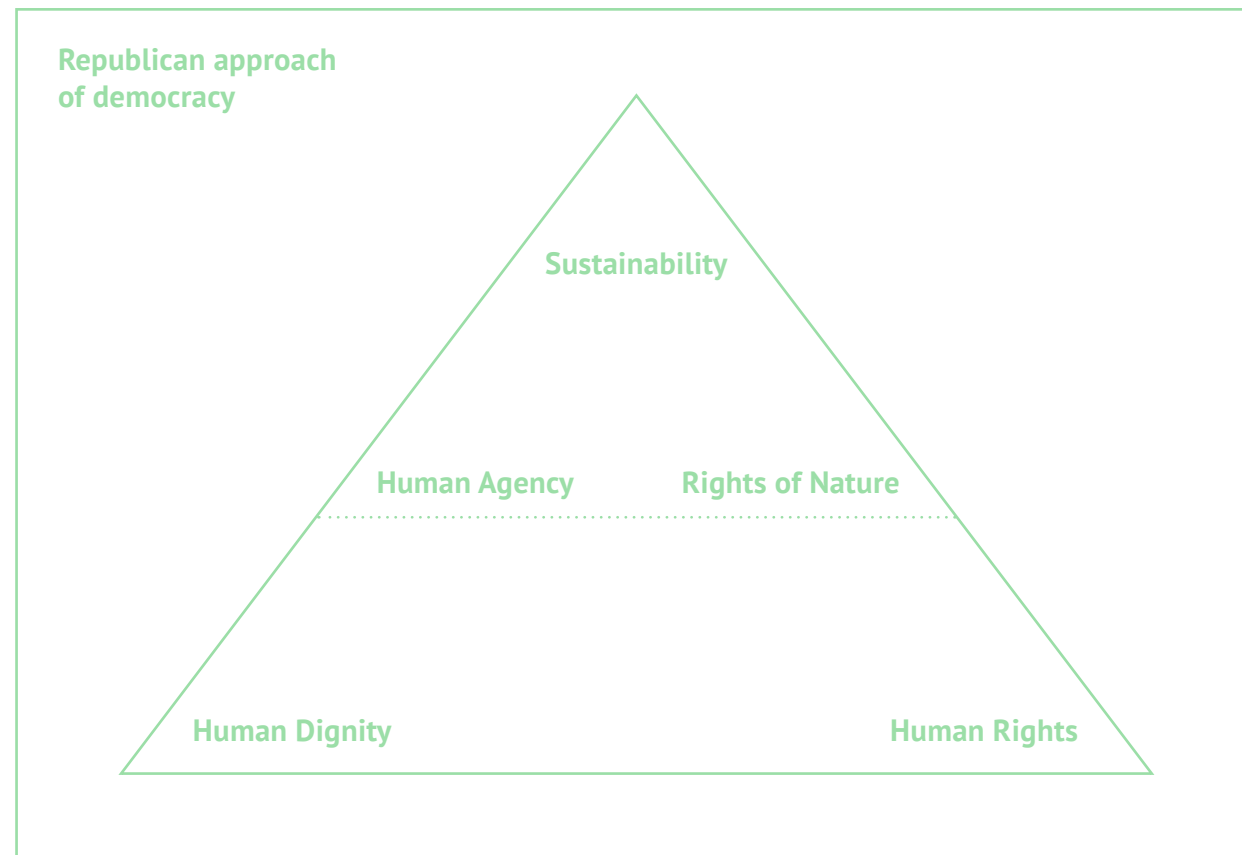


Figure 1: Relationships between the concepts of Human Dignity, Human Rights, and Sustainability within the arena of democracy (author's own figure).

steps on the path towards sustainability within the framework of republican democracy (as necessary conditions). The relationships discussed are visually summarized below (Figure 1).



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Introduction

In this chapter, the four authors consider the significance of international human rights in a current context. Using various focal points and examples, human rights are linked to newer value systems such as the Sustainable Development Goals (SDGs) and are challenged using practical contexts. Taking into account other topics, such as democracy or socio-religious issues, the four articles in this section cover a broad spectrum of questions and challenges in the context of human rights.

The first article in this section, "The relationship between the SDGs, human rights, and Catholicism in the United States, on health-related issues", written by Yannick Wagner, presents the intersection of the SDGs, human rights, and the Catholic Church in America as a complex and multifaceted landscape. As a global framework for addressing pressing societal and environmental challenges, the SDGs provide a roadmap for achieving a more just and sustainable world by 2030. Concurrently, human rights principles underscore the inherent dignity and equality of all individuals, serving as a moral compass for social justice advocacy. Within this context, the Catholic Church, with its vast network of institutions and adherents, occupies a unique position of influence and responsibility in promoting these values. Exploring the relationship between the SDGs, human rights, and the Catholic Church in America unveils a dynamic interplay of ethics, policy, and action that shapes contemporary social and environmental discourse. This article delves into the ways in which the Catholic Church in America engages with the SDGs and human rights principles, examining both the challenges and opportunities inherent in this intersection, in relation to healthcare.

Following this, the second article in this section "Comparison Human Rights and Sustainable Development Goals" by Christine Wetter, sets the foundations for the question of the actuality of human rights. This article provides an overview of

the evolution of human rights and the SDGs, examining their alignment and potential conflicts. It categorizes the SDGs into thematic clusters to illustrate their compatibility or divergence from human rights principles. The analysis highlights areas of convergence and disparities, aiming to enhance understanding of their interconnectedness and tensions. By exploring the interplay between human rights and the SDGs, the article contributes to understanding the implications for global development and social justice. Overall, it offers a detailed exploration of their interrelationships, aiming to foster appreciation for aligning diverse global goals with principles of human dignity and equality.

Following this, the third article in this section "The challenges and opportunities of liberal democracies in promoting international value systems" by Jacob Mayer, deals with questions about what needs to be done to put value systems such as human rights and the SDGs into practice and ensure their long-term resilience. By looking at various databases and statistics on the current situation of democracy, human rights and the SDGs worldwide, these three factors are linked and common challenges are identified. Subsequently the research question is pursued, in order to analyze the role of liberal democracies in solving these challenges in a national and international context.

Lastly in the fourth chapter, Pauline Nicolai discusses "Effective conflict resolution through ADRs: opportunities, challenges and applications in different contexts". Tackling environmental conflicts is essential for maintaining environmental sustainability and is vital for ensuring equitable access to justice. The increasing environmental pressures resulting from the continuous expansion of the global population and the inadequate global utilization of renewable energy sources have had profound effects on the environment, resulting in a notable increase in environmental conflicts.

Considering the substantial variations in judicial systems across nations and the frequently ineffective nature of these systems, there is an urgent need to reevaluate and enhance alternative dispute resolution mechanisms. This is particularly important in the context of environmental conflicts, where traditional legal processes may fall short in providing timely and satisfactory resolutions.

The relationship between the SDGs, human rights, and Catholicism in the United States, on health-related issues

Author: Yannick Sebastian Wagner

Table of contents

1 Abstract	20
2 Introduction – The role of the catholic church in American health care	20
3 Catholic hospitals and the ERDs	21
3.1 The social responsibility of catholic health care services.....	21
3.2 The pastoral and spiritual responsibility of catholic health care.....	21
3.3 The professional patient relationship.....	22
3.4 Issues in care for the beginning of life.....	23
3.5 Issues in care for the seriously ill and dying.....	24
3.6 Collaborative arrangements with other health care organizations and providers.....	24
4 Catholicism and public health	25
5 Conclusion	26

1 Abstract

The following article is intended to provide an initial overview about the relationship between the United Nations Sustainable Development Goals of 2015, as well as their Universal Human Rights of 1948, and catholic healthcare in the United States of America. The aim is to show why Catholicism in the US, despite its constitutional secularity, still has a major influence on ensuring adequate health care for all citizens and where religious influence conflicts with the basic principles of the SDGs and the UN's Universal Human Rights. This is done using the example of catholic hospitals and the role of Catholicism in the field of public health.

2 Introduction – The role of the catholic church in American health care

The importance of the catholic Church for the American healthcare system can be easily assessed

by its percentage share of healthcare related services. In 2020, the share of catholic facilities for acute care hospitals amounted to 15.6 %. There was a clear upward trend, an increase by 28.5% compared to 2001 (Solomon, et al., 2020). In 5 states, the proportion of such facilities is over 40% and 30% respectively (ibid.). Particularly relevant are 52 regions, in which catholic hospitals offer the only option for inpatient treatment in their respective communities (ibid.) and therefore have a special responsibility in regional healthcare provision.

Another area in which religion, and therefore the catholic Church, is significantly involved in health related services (Ko, 2014) is the public health sector. In contrast to healthcare facilities, the influence of the catholic Church cannot be quantified here in exact figures. Public health includes all activities that have a direct or indirect

impact on human health, such as caring for the homeless, mobile care services for the elderly or preaching in church, which could potentially influence the health behavior of the faithful.

Since charity usually has a positive impact on the health of those who benefit from it both physically and mentally the catholic Church's influence on this can best be measured by the number of people who benefit from it. 13 million Americans benefited from services provided by Catholic Charities in 2020 (Catholic Charities USA, 2021). Around 40% of all Americans attend religious services every week (VanderWeele and Koenig, 2017). If you put this in relation to the number of people who belong to the catholic Church one fifth of all Americans (Masci and Smith, 2018) statistically more than 27 million Americans attend catholic services every week.

In the following, these two aspects of catholic healthcare in the US will be examined in more detail and critical reference will be made to possible areas of conflict and potential synergies with the SDGs and general human rights of the UN.

3 Catholic hospitals and the ERDs

In the US, the ERDs, the Ethical and Religious Directives of the Catholic Bishops' Conference, have formed the framework for medical practice in catholic healthcare facilities since 1948. They have been adapted several times over the years. The currently valid version is the sixth edition from 2018 (United States Conference of Catholic Bishops, 2018). This comprises 77 directives, divided into six thematic areas (ibid.). The latter will be analyzed individually below and compared with the related SDGs and general human rights of the UN. Unless otherwise indicated, the sources are always the sixth edition of the ERDs (ibid.), the UN Declaration of Universal Human Rights (United Nations, 1948) or the SDGs (United Nations, 2016) defined by the same.

3.1 The social responsibility of catholic health care services

The first part of the ERDs emphasizes Christ's mandate to protect the core elements of the Christian faith. This includes respect for human dignity, the caring for the poor, protecting the common good, ensuring adequate medical care and respecting a

pluralistic society. At first glance, these formulations do not appear to contradict the UN's SDGs or general human rights. They seem to be in line with SDGs 3, 5 and 10, as well as with UN's human rights articles 1 to 3. However, these formulations are repeatedly subject to certain restrictions in line with Christian moral concepts. This restriction can be found explicitly in directives 1 and 4 and thus subjects aid for the needy, as well as medical research and teaching, to the imperative of Christian morality. The idea of pluralism, which can be found in the introduction, is also severely restricted by this and the refusal of treatment is justified by Christian morality. All employees of catholic healthcare facilities are obliged to adhere to church morals. The resulting contradictions with the SDGs and general human rights are not specified in this part but will become more evident, analyzing the following parts of the ERDs. As explained in more detail in Part 6, the sixth edition of the ERDs extends this mandatory consideration of Christian morality even further and now also applies it to non-church healthcare facilities that cooperate with the catholic church and presupposes strict compliance with the ERDs as the basis for maintaining cooperation (Penan and Chen, 2019).

3.2 The pastoral and spiritual responsibility of catholic health care

This section describes in detail the forms of spiritual care that must be provided in a catholic hospital. It emphasizes that, in addition to medical care, spiritual support is a basic prerequisite for holistic recovery - both physical and psychological. From a scientific perspective, a connection between spirituality and an improvement in general health can be observed not only in the field of public health - as explained in more detail in the corresponding chapter - but also in a clinical context. Studies have shown that religious practice has a stress-reducing effect (Whitehead and Bergeman, 2020) and can even alleviate depressive symptoms, resulting of stressful life events (Lorenz, et al., 2019). There is also a link between delayed wound healing and stress, which increases the risk of wound infection or other complications (Guin and Kiecolt-Glaser, 2011). In addition, positive effects of religious practice in dealing with pain, as the most common non-drug coping strategy and

a greater perceived meaning of life in patients in palliative care were shown (Puchalski, 2001).

Thus, spiritual care can also be considered a relevant recovery factor in inpatient treatment from a scientific perspective. As an actual recovery factor, one could therefore argue that every patient has the same right to spiritual care during their treatment, derived from the UN Declaration on the Right to Health of 2008, which states: *"The right to a system of health protection providing equality of opportunity for everyone to enjoy the highest attainable level of health"* (United Nations, 2008). Since spiritual care can have a measurably positive impact on health, as previously proven, it should be available to every patient, regardless of their faith, in accordance with the principle of equality from Article 1 of the Universal Declaration of Human Rights and SDG 10. The ERDs do not meet this requirement. They only contain guidelines for catholic care and the treatment of Christians of other denominations, should they ask for spiritual assistance on their own initiative. This is possible according to canon law (c.844 §3,4), but only through a catholic clergyman. A clergyman of another Christian denomination is explicitly not permitted. Other religions are not mentioned. This is particularly critical in regions where there are only catholic hospitals, which means that believers of other religions are denied spiritual assistance. One could argue that they could also pray independently, but studies, as discussed in more detail later, show that people particularly benefit health-wise from organized religious activities, such as masses or prayers with their clergymen (VanderWeele and Koenig, 2017).

Directive 15 should also be critically scrutinized. It states that patients who are not conscious may also receive the holy sacraments if there is reason to believe that they would have consented to this if they were conscious and of sound mind. Particularly in the case of patients without relatives, this gives those responsible a high degree of discretion over the patient.

3.3 The professional-patient relationship

Part 3 elaborates on the principles set out in Part 1 and how these are to be implemented in the relationship between medical staff and patients. In addition to the equal treatment of all people, this

Catholic hospitals inform their patients of their legal rights but override them if they are contrary to catholic morality. This restriction also applies to informing patients about treatments and treatment alternatives, whereby patients are only informed about church-compliant treatment methods, despite the treating physicians' knowledge of other treatment options.

section places particular emphasis on providing patients with comprehensive information about all treatment options, their legal rights, and the requirement that treatment should only be carried out with the explicitly expressed consent of the patient or, in the case of incapacity, by the patient's representative. These directives are also limited by the imperatives of the catholic faith. Catholic hospitals inform their patients of their legal rights but override them if they are contrary to catholic morality, as stated in directive 24. This restriction also applies to informing patients about treatments and treatment alternatives, whereby patients are only informed about church-compliant treatment methods, despite the treating physicians' knowledge of other treatment options. This restriction by directive 27 contradicts the claim of the ERDs mentioned in the introduction to this part, according to which there should be a free exchange of information, free from manipulation. In this respect, the ERDs partially violate the UN's right to medical information as part of the right to health (United Nations, 2008) and SDGs 3 and 10, as the ecclesiastical restrictions may prevent more helpful treatment and leave the patient in the dark about its possibility. The latter also contradicts the goal of fewer inequalities, leaving the patients depending on their own level of medical education. Once again, this particularly affects

people who live in regions with exclusively catholic healthcare facilities.

Regarding organ donation, both living and after death, there is no potential for conflict between catholic and secular healthcare institutions. In the "Evangelium Vitae" No. 86, Pope John Paul II describes the act of organ donation as an act of Christian charity (John Paul II, 1995). This also corresponds to directive 30, which also permits living donation under the premise of non-violence towards the donor.

A foretaste of the greatest area of conflict between catholic healthcare and secular human rights, concerning part 4 is, is provided by directive 36, which sets out how to deal with victims of sexual violence. Victims should receive physical and psychological care and institutions should cooperate with law enforcement agencies. After being raped, women are granted the right to receive medication to prevent an unwanted pregnancy, but only if no pregnancy could previously be detected by testing. This restriction contradicts SDG 5, particularly subsection 5.6, which states that women have the right to reproductive health care and self-determination. Even though this right is not explicitly mentioned in the UN's general human rights, it has become increasingly important in the past. Even if this right is not explicitly mentioned in the UN's general human rights, the UN clearly positioned themselves in favor of women's right to abortion, including mentioning their concern about the recent tightening of abortion law in the US (United Nation, 2022). In doing so, they refer to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted by the UN General Assembly in 1979, particularly Article 12, which guarantees free access to medical care related to family planning and pregnancy (United Nations, 1979). In addition, the trauma of pregnancy resulting of rape also causes psychological suffering, which means that the ERDs here are also incompatible with SDG 3.

3.4 Issues in care for the beginning of life

The catholic church, and therefore also its hospitals, takes the clear position that life is sacred from on conception. Abortions are therefore prohibited under all circumstances, even if the pregnancy results from rape, as mentioned in the pre-

vious example. Married couples who wish to have children should be supported medically, but only to the extent that the chance of natural fertilization is increased. Fertilization itself must take place through sexual intercourse between the spouses. Couples should also be informed about alternatives such as adoption and taking in a foster child. Interventions that threaten the life of the fetus during pregnancy are permitted if there is a significant risk to the mother and it is impossible to delay the intervention. In some cases, this meant that women who were carrying a fetus that was not viable, only received help when they suffered from sometimes life-threatening bleeding or other complications. They had previously been refused help and were sent home, because although the fetus was not viable, it still had a heartbeat (Shepherd, et al., 2018). Although the women suffered severely from their condition, the ERDs prohibited them from receiving medical assistance that would jeopardize their pregnancy because the fetus, even though it would be unable to live after birth, still had a heartbeat, and the women were not in acute danger to their lives. The regulations of the ERDs subsequently placed these women in life-threatening situations that they wouldn't have gotten into in non-Catholic institutions.

Contraceptive methods are rejected, and patients are not informed about their options. Instead, married couples are to be introduced to the church doctrine of responsible parenthood and advised on natural family planning. Prenatal diagnostics are only permitted if they serve to prepare the parents-to-be to deal responsibly with a disabled child.

This part of the ERDs is particularly in conflict with the SDGs and the general human rights of the UN. Here too, this relates to SDG 5.6, and Article 12 of the CEDAW. However, further contradictions to UN law can be derived from this part of the ERDs. Studies show that women of color disproportionately often give birth in catholic hospitals (ibid.). In the state of New Jersey, for example, 4% of all deliveries by white women took place in catholic hospitals during the observation period. This compares to 17% of all deliveries by Hispanic women (ibid.). In Maine, this ratio between white and black women was 11 to 32% (ibid.). This is particularly problematic as the risk of miscarriage before the

20th week of pregnancy is significantly higher for black women than for white women (Mukherjee, et al., 2013). The main factors here are assumed to be pre-existing socio-economic disadvantages of the black population in America. The black women in Mukherjee's study became pregnant younger on average, had a lower level of education, a significantly lower income, were more likely to be overweight and were less well insured (ibid.). Thus, although black women have an increased need for reproductive care due to more frequent pregnancy complications, they are disproportionately bound to treatments according to the ERDs, which increases the inequalities between the white and black population in the US. Thus, there is also a conflict between the ERDs and SDGs 3 and 10, as well as Articles 1 - 3 of the UN Human Rights and Article 12 of the CEDAW. The latter particularly emphasizes the responsibility of the state to guarantee women's rights. The US has not yet fulfilled this responsibility.

3.5 Issues in care for the seriously ill and dying

This section offers little potential for conflict between the ERDs and UN law. This is mainly since the UN avoids taking a clear stance on euthanasia. When it does take a position, it is not explicitly for or against euthanasia, but merely against its expansion, for example against the current international trend of accepting disabilities as a legitimate reason for euthanasia (de la Hougue, 2021). The ERDs reject any form of euthanasia based on Christian teaching. They place their emphasis on palliative care on facilitating the most dignified life possible until death. This is to be ensured through the administration of pain-relieving medication, even if this potentially brings about death more quickly, and spiritual support. Patients have the right to refuse life-sustaining measures if their illness cannot be considered curable and leads to death soon and if, in their own feelings, such measures would only prolong their suffering. The fact that the illness must be incurable and soon fatal is not explicitly stated, but can be derived indirectly from directive 59, which emphasizes that the refusal of life-sustaining measures is to be accepted unless this is contrary to Christian morality. As this rejects suicide, any form of support for a person who is willing to die, who could

overcome their illness with medical help or live with it permanently, is not permissible from the Church's point of view.

Furthermore, the ERDs are also in favor of organ donation as soon as the death of the donor has been clearly established. The use of aborted fetuses for therapeutic or research purposes is not permitted. There are no clear contradictions to the SDGs or general human rights on this topic.

3.6 Collaborative arrangements with other health care organizations and providers

No direct contradiction to UN law is evident in the last part of the ERDs either. Indirectly, however, it can be considered relevant for all previously identified areas of conflict. The most significant changes in the sixth edition of the ERDs compared to its predecessor can be found in this part and serve to increase the influence of the catholic church and its teachings on the American healthcare system (Penan and Chen, 2019). Directives 70 - 74 clearly state that in the event of cooperation between a non-church healthcare institution and catholic actors - whether in acquisition, governance, or management - these institutions must also comply with the ERDs. According to directive 75, only the bishop of the relevant diocese may judge whether all catholic standards have been met or whether there is a risk of "scandal" and, if necessary, take measures or have measures taken to comply with the ERDs.

This expansion of ERDs can have a major impact on the regional provision of medical services that are not compatible with the ERDs. For example, in 2018, the Catholic Health Initiative system took over 22% ownership of Premier Health, the largest non-church health care provider in Southwest Ohio (Solomon, et al. 2020). Under the new ERDs, all Premier Health facilities must now abide by them, even though they are non-church and remain majority owned by them. Catholic healthcare institutions are also trying to expand their influence on the education system. In 2019, it became known that the University of California has numerous links to catholic healthcare facilities and often places students in these facilities after graduation, where they must submit to the ERDs from on their first employment as health care professionals (ibid.). Cooperation with catholic he-

althcare providers should therefore be considered carefully in advance. The moral implications of the latest ERDs must therefore be scrutinized by non-church institutions, and the government should carefully monitor future developments in the national healthcare system against this background and, if necessary, take regulatory measures to curb the ever-growing influence of ERDs on American hospitals and educational institutions.

4 Catholicism and public health

Public health is still a relatively new field of research. This is particularly true in a country characterized by individualism and liberalism such as the US, where healthcare and medicine are primarily associated with the detection and proper treatment of diseases (Rozier, 2014).

The easiest way to measure the importance of the catholic church to public health is to look at the reach of its aid programs. The umbrella organization of catholic charities in the US is Catholic Charities USA (CCUSA), which was founded in 1910. According to its own data (Catholic Charities USA, 2021), CCUSA helped 13 million people in 2020, as already mentioned. Aid was provided in the fields of affordable housing, immigration and refugee, disaster service, food and nutrition, integrated health, and social enterprise. The association spent \$4.7 billion, of which 88% were spent on their projects, and raised \$4.9 billion in the same period. The three main sources of income were government grants (41%), own income (34%) and donations (18%). In addition to their own ethical

guidelines, the ERDs are also considered seriously in the work of the CCUSA (Smith and McGrath, 2021). This means that the areas of conflict between the ERDs, UN law and SDGs described for catholic hospitals can also be expected to be apparent in the field of integrated health services, provided by CCUSA.

In addition to the organized form of catholic care, it is also of interest to observe the influence of Catholicism, in a more implicit way, on the health of Americans. One factor that has both direct and indirect influence on individual health is the psyche. For example, as previously mentioned, stress can slow down wound healing. Mental illnesses such as depression influence a person's health behavior in many ways. Poor hygiene, too little or too much sleep, unhealthy eating habits, giving up hobbies, social withdrawal, poorer education, drug or game addictions, self-harm, suicide, physical or psychological violence towards others, neglecting social duties or an increased susceptibility to errors in exercise of responsible activities, with negative consequences for others, are just some of the possible consequences of depressive illnesses. In this respect, studies that investigate the connection between mental health and religiosity are of great interest. Longitudinal studies have shown that people who attend religious services weekly or more often are 30% less likely to suffer from depression (VanderWeele and Koenig, 2017). In relation to American Catholics who attend religious services at least once a week, this statistically results in the following positive influence of catholic practice compared to non-religious Americans: With a prevalence of 9.2% (Goodwin, et al., 2022), 2,484 million out of 27 million non-religious Americans statistically develop a major depression within one year. With a 30% reduction in prevalence, statistically 1,739 million of the 27 million American Catholics who attend religious services at least once a week develop a major depression during the same period. This corresponds to a difference of 745000. A major depression usually has a noticeable impact on various areas of life and therefore restricts the subjective as well as the measurable quality of life and thus impairs personal health. Over 80% of those affected by a major depression report noticeable restrictions in coping with work or so-

Studies that investigate the connection between mental health and religiosity are of great interest. Longitudinal studies have shown that people who attend religious services weekly or more often are 30% less likely to suffer from depression.

cial life, resulting of their mental condition (Brody, et al., 2018). This would potentially equate to 596000 catholic Americans being able to better manage their daily lives through their religiosity and even 745000 Americans at all, being happier and enjoying healthier lives because of their belief. One possible explanation as to why religious practice has a positive effect on mental health is, in line with Victor Frankl's logotherapy, the assumption that a stronger sense of meaning in life also promotes mental resilience and thus prevents depression. Studies have even been able to prove this connection on a neuroscientific level (Schaefer, et al., 2013). A connection between perceived meaning in life and physical health has also been found (Roepke, et al., 2013). As lastly an increased sense of meaning through religiosity has also been identified (Krok, 2014), this could provide an explanation for the lower prevalence among regularly practicing Catholics.

A further potential for the Catholic Church to contribute to public health lies in preventive healthcare. A study that examined the relationship between religious affiliation and attitudes towards climate change found that a not insignificant proportion of American Catholics believe in a certain level of competence of religious authorities, including scientific issues (Alper, 2022). 45% of Catholics attributed at least some competence in this area to religious authorities. They believed them to be more competent than elected officials, to whom only 41% attributed this competence (ibid.). Another study showed that religious Americans had a high level of trust in their church's stance on vaccination against Covid-19. After their personal doctor, the church's advice was the most trustworthy source of information to them (Nortey and Lipka, 2021). Thus, religious authorities could, for some extend, have played a crucial role during the nationwide vaccination campaign. Among the Catholics surveyed, 52% stated that the topic had not been discussed to a relevant extent in their church. 42% stated that they had been encouraged to be vaccinated by their religious authorities. Only 3% of Catholics reported a negative attitude towards Covid vaccination from clergy (ibid.). The influence of the Vatican, especially Pope Francis, on the attitude of Catholics towards vaccinations will probably only become

more clearly during the next epidemic or pandemic crisis. Until 2022, the Pope avoided a clear statement for or against the Covid-19 vaccination, although in 2021 he already described it positively as an "Act of love" (Watkins, 2021).

Since 2022, he has clearly described vaccination as a "moral obligation" to Christians and warns against ideologically motivated misinformation (Pullella, 2022).

Making a clear statement about similarities and contradictions between public health related topics, comparing church and UN activities and positions generally, proves to be difficult and possibly also not expedient, as their assessment is heavily dependent on the respective definition of the relatively new term public health. A topic-related approach seems to be more promising here. The catholic church's clear stance on reproductive medicine issues and the resulting conflicts with UN law and the SDGs can also be applied to catholic counseling centers, which, as already mentioned, also take the ERDs seriously into account. The fact that religiosity can contribute to improving the mental health of a society, which also has a positive effect on physical health and the opportunity to participate in society, should be particularly emphasized at this point. This is because access to religious events is not highly dependent on income or origin. The catholic church can therefore contribute to achieving the goals of SDGs 3 and 10 and support SDGs 1 and 2 through its aid organizations. Through its global role, it will also play an important role in achieving the goals of SDG 17 in the future. The attitudes of the catholic church that undermine SDG 5 and Article 12 of the CEDAW and lastly also conflict partially with Articles 1 - 3 of the UN's Universal Declaration of Human Rights, must be viewed with concern.

5 Conclusion

As can be clearly seen from the examples given in this article, religion must also be considered when assessing a society in terms of its condition and its development potential in terms of the SDGs and UN's general human rights. In this regard, the Catholic Church in America paints a mixed picture. In the area of inpatient healthcare, the catholic church is extending its influence on majority non-Catholic hospitals by tightening the ERDs and is

also attempting to do so in the education sector. As a result, progress already achieved through scientific research, particularly in reproductive medicine, is at risk. By expanding their sphere of influence, more and more women, especially women of color, are denied access to modern, CE-DAW-compliant reproductive medicine.

In the field of public health, on the other hand, the positive aspects of Catholicism in America are becoming increasingly apparent, even if it should be emphasized that many aspects, such as religious-political interdependencies for example, have not been considered in this study. The low-threshold access to religious activities, which has the potential to mitigate negative socio-economic effects on the mental and physical health of disadvantaged sections of the population, should be particularly emphasized and therefore being supported, but also being critically assessed regularly, by all included decision makers in the future.

Hopefully, this overview of an extremely complex, and especially in the field of public health, under-researched topic presented here, will provide an incentive for further research in the future.



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Comparison of Human Rights and Sustainable Development Goals

Author: Christine Wetter

Table of contents

1 Abstract	28
2 Human Rights	29
2.1 History of Human Rights.....	29
2.2 Monitoring compliance with Human Rights.....	29
3 Sustainable Development Goals	30
3.1 History of the Sustainable Development Goals.....	30
3.2 Monitoring compliance with Sustainable Development Goals.....	31
4 Comparison Sustainable Development Goals and the Human Rights	32
4.1 Transfer of the Human Rights into the Sustainable Development Goals.....	32
4.2 Partly match.....	33
4.3 No match.....	34
5 Conclusion	34

1 Abstract

This article aims to provide a concise yet comprehensive overview of the evolution of human rights and the Sustainable Development Goals (SDGs), tracing their historical development to the ongoing monitoring initiatives today. As we delve into the core of the discussion, a critical examination will be conducted to assess the alignment between the SDGs and human rights. The focal point will be a nuanced exploration of whether these two frameworks are in sync or if there are discernible deviations and potential conflicts of goals between them.

To facilitate a more in-depth analysis, the SDGs will be systematically categorized into distinct clusters, enabling a clearer illustration of their compatibility or divergence from human rights principles. By breaking down the SDGs into specific thematic areas, we aim to shed light on both the areas where alignment is evident and

those where disparities with human rights may exist. This comparative approach seeks to enhance our understanding of the interconnectedness and potential tensions between the SDGs and human rights.

Moreover, the exploration will not only highlight the points of convergence but also delve into the complexities of ensuring a harmonious coexistence between these two vital frameworks. By examining the interplay of human rights principles with the diverse goals encapsulated within the SDGs, this article endeavors to contribute to a nuanced understanding of the broader implications for global development and social justice.

In summary, this expanded article aspires to offer readers a more detailed exploration of the interrelationships between human rights and the Sustainable Development Goals, navigating through the clusters of SDGs to unveil areas of agreement and potential divergence. Through this

analysis, we seek to foster a deeper appreciation for the complexities of aligning diverse global goals with fundamental principles of human dignity and equality.

2 Human Rights

2.1 History of Human Rights

The Universal Declaration of Human Rights, signed in 1948, was influenced by the history of various member states of the UN, which was founded in 1945. In the course of history, the idea that people must be protected from the arbitrary power of the ruler has developed again and again. Here are some examples.

In the Middle Ages, the law was also known as "Magna Charta Libertatum" (1215 England) for the protection of the nobles and clergy, but also in the approach of the peasants against exorbitant taxes of the royal family. This was later enshrined in the English Constitution.

In the United States of America, on July 4, 1776, Congress adopted the Declaration of Independence drafted by Thomas Jefferson. "*We hold the following truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that this includes life, liberty, and the pursuit of happiness,*" reads the 15-article declaration that became the basis of the U.S. Constitution.

In France, during the Revolution of 1789, the National Assembly promulgated the Declaration of the Rights of Man and of the Citizen. There it was stated in Article 1: "*Man is born free and equal in rights and remains so.*" Article 2 reads: "*The aim of all plodding societies is the preservation of the natural and inalienable rights of man. These rights are liberty, property, security, and the right to resist arbitrary oppression.*" the fundamental rights set out in 17 articles were incorporated into the new constitution of 1791. The French "Declaration of the Rights of Man and of the Citizen" had an impact on the whole of Europe and brought about a new beginning of platitude in thinking.

There was a revolution in Germany in 1848. It was in this context that the National Assembly gathered in Frankfurt's Paulskirche and proclaimed the fundamental rights of the German people on 17 December 1848. It included the following

points: "*equality before the law, protection against arbitrariness by the authorities, freedom of the press, freedom of religion, freedom of assembly, the right to form associations, independence of the courts, public trials, freedom of property*". Unfortunately, these were not supported by all states and King Frederick William IV of Prussia also refused to be elected emperor. (Lohmann, 2004)

After World War II the United Nations (UN) was founded in New York in 1945 with the aim of "saving the world from the scourge of war", it took 2 years until the "Universal Declaration of Human Rights" was promulgated on December 10, 1948. The declaration, comprised of 30 articles, articulates a comprehensive framework of rights and freedoms inherent to all individuals, regardless of nationality, ethnicity, or any other distinction. These rights include civil and political rights, economic, social, and cultural rights, as well as the right to equality and non-discrimination. The UN had at this time 56 member states, of which 48 voted yes and eight abstained from voting.

The Declaration has become a touchstone for advocates of human rights, providing a universal reference point for holding nations accountable for their treatment of individuals. As the world continues to grapple with evolving challenges, the Declaration of Human Rights remains a foundational document, reminding humanity of its shared commitment to the dignity and worth of every person.

2.2 Monitoring compliance with Human Rights

Human rights are not merely abstract ideals but rather concrete principles, legally binding through international treaties and conventions. States that ratify these agreements commit to upholding and protecting the rights outlined within them. In the course of time, these rights become ingrained in the collective consciousness of societies, as they are continually talked about discussed and debated, again and again.

As a body attached to the UN General Assembly, the Human Rights Council has assumed the supervisory function. Members serve for staggered three-year terms and can be re-elected. The geographical distribution ensures a degree of diversity in the council's membership, allowing for broader perspectives.

What the Human Rights Council does:

- Serves as an international forum for dialogue on human rights issues with UN officials and mandated experts, states, civil society, and other participants;
- Adopts resolutions or decisions during regular sessions that express the will of the international community on given human rights issues or situations. Adopting a resolution sends a strong political signal which can prompt governments to take action to remedy those situations;
- Holds crisis meetings known as special sessions to respond to urgent human rights situations, 36 of which have been held to date;
- Reviews the human rights records of all United Nations Member States via the Universal Periodic Review;
- Appoints the Special Procedures, independent human rights experts who serve as the eyes and ears of the Council by monitoring situations in specific countries or by looking at specific themes; and
- Authorizes commissions of inquiry and fact-finding missions, which produce hard-hitting evidence on war crimes and crimes against humanity.

(United Nations Human Rights Council, 2024)

3 Sustainable Development Goals

3.1 History of the Sustainable Development Goals

The genesis of the Sustainability Development Goals can be traced to a series of international conferences and summits held in the late 20th and early 21st centuries.

The concept of sustainable development gained prominence at the United Nations Conference on Environment and Development, also known as the Earth Summit, held in Rio de Janeiro in 1992. The "Agenda 21" has been a comprehensive action plan in which 178 governments have set themselves the task of taking sustainable action in all areas where humans have an impact on the environment.

At the New York Millennium Summit in September 2000, 189 countries came together and adopted the Millennium Declaration at the Summit Conference. This gave rise to the 8 Millennium Development Goals, which had the following objectives by 2015:

- of halving hunger and poverty among the world's population,
- providing primary education for all,
- strengthening gender equality and women's rights,
- improving communicable diseases and maternal health,
- protecting the environment,
- building global development partnerships. (UN, 1992)

Since not all goals were achieved, the international community adopted the "2030 Agenda" in 2015, as well in New York. All 193 states of the United Nations have agreed on the plan, more precisely on the document "Transforming our world: the 2030 Agenda for Sustainable Development". These are 17 goals, also known as the Sustainable Development Goals, with 169 targets, covering a broad spectrum of issues including poverty, hunger, health, education, gender equality, clean water, climate action, and more. The adoption marked a historic moment as countries committed to a universal and transformative agenda that applies to all nations, recognizing the interconnectedness of global challenges. The ecological, social and economic goals are interconnected, recognizing that



Figure 2: Overview SDGs

addressing one goal often involves addressing multiple others. (UN, Department of Economic and Social Affairs, Sustainable Development, 2015)

The interconnection of the Sustainable Development Goals (SDGs) is a fundamental aspect of the 2030 Agenda, recognizing that progress in one goal often influences and is influenced by progress in others. Let's consider an example:

Clean Water and Sanitation (SDG 6) and Good Health and Well-being (SDG 3) Improving access to clean water and sanitation (SDG 6) contributes directly to promoting good health (SDG 3). Access to safe drinking water and proper sanitation reduces the risk of waterborne diseases, which, in turn, enhances overall public health.

3.2 Monitoring compliance with Sustainable Development Goals

There is no single monitoring body or system. The "2030 Agenda" stipulates that each member

state should conduct regular and review of progress at national and subnational level. To this end, a set of indicators has been developed by the "Interagency and Expert Group on Sustainable Development Goals Indicators" at UN level. This is constantly being developed and adapted to the given circumstances. In addition to the set of Sustainable Development Goals monitoring indicators developed by the Interagency and Expert Group, each country can create its own indicators for national monitoring and measure themselves against them. The fact that each country sets its own indicators results in a variety of monitoring approaches, which are not comparable with each other. The member states meet annually to inform and exchange information on their progress. The problem, however, is that all member states act independently and prepare their own reports. Also, the Sustainability Development Goals are not binding and have no legal basis, so that there are

no direct consequences or any sanctions for the failing state. Due to this lack of commitment, the goals are repeatedly neglected, in order to gain other advantages for one's own country. Often, it is economic or political benefits, whether they are industrial countries or developing nations.

4 Comparison Sustainable Development Goals and the Human Rights

In figure 3, three distinct clusters are divided. The circle itself presents the human rights. As seen, some goals are transferred out of the human rights, some goals are based on the human rights and the last part is not in context with the human rights. In this part I will compare the Sustainable Development Goals with the single articles of the Declaration of Human Rights.

4.1 Transfer of the Human Rights into the Sustainable Development Goals

The first cluster would be the exact correspondence between the SDGs and parts of human rights. Often one SDG includes several different Articles of the Declaration of Human Rights.

Goal 1 "No Poverty: End poverty in all its forms everywhere." This can be found, for example, in Article 23 (2) "Everyone, without any discrimination, has the right to equal pay for equal work", or as well in Article 25 (1) "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

Even if it is not taken literally, it can be assumed that equal pay as well as a standard of living that ensures the family's health and well-being is a measure against poverty.

Goal 2 "Zero Hunger: End hunger, achieve food security and improved nutrition, and promote sustainable agriculture." is also found in Article 25 (1) of the Declaration of Human Rights, which states that health and well-being include food.

Goal 3 "Good Health and Well-Being: Ensure healthy lives and promote well-being for all at all ages." is reflected in some articles of the Decla-

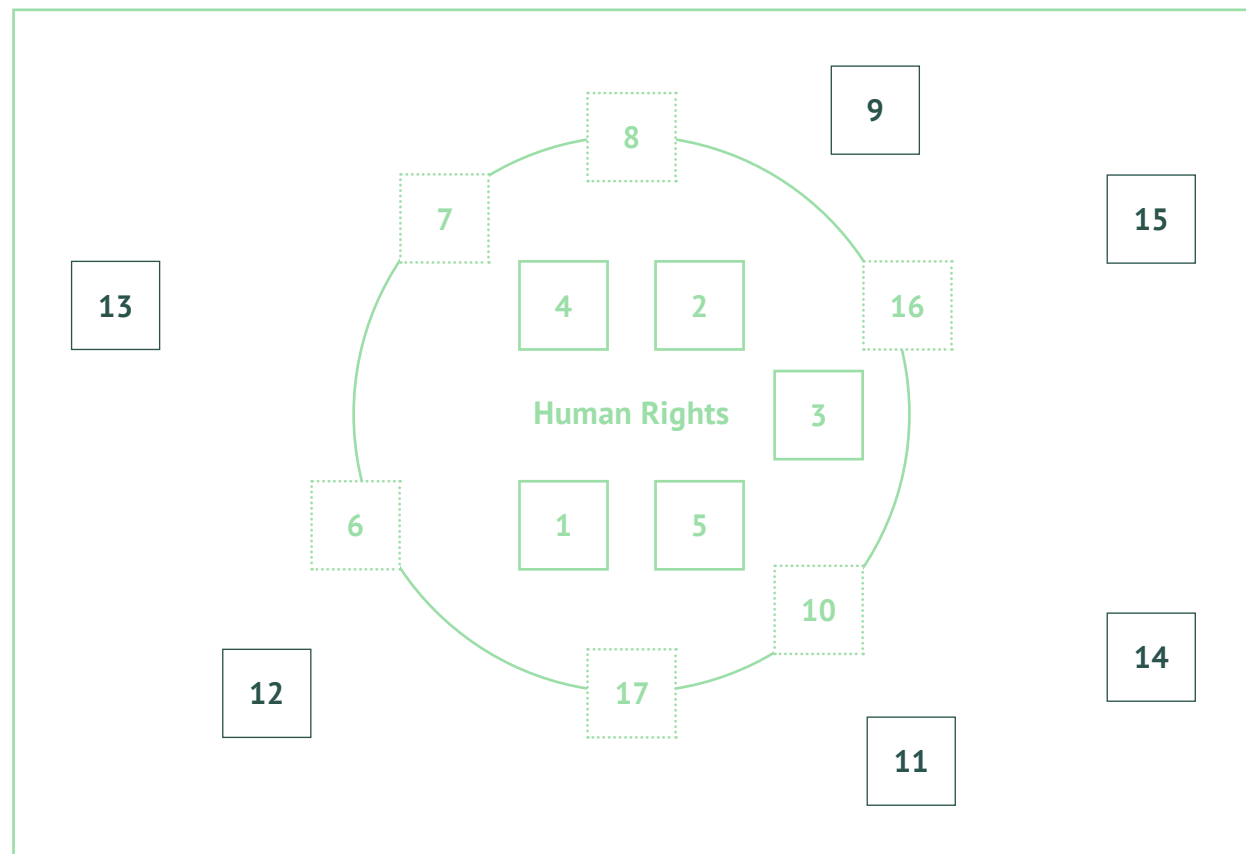


Figure 3: Overview Comparison SDGs a Human Rights

ration of Human Rights. Article 5 "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Although it refers more to torture and slavery, it can also be interpreted to mean that if there is no torture and slavery, people are well off, and their well-being is taken care of Article 24 states that "everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay, from which well-being and health can also be derived." This is because overwork and no free time has a negative effect on them. Article 25 also refers to health. This is even mentioned verbatim in the article.

Goal 4 "Equal Education: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all" is explicitly stated in Article 26. Here it says:

"1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children." Education is also derived from Articles 23 and 24, since without them there is no possibility of qualified work.

Goal 5 is "Gender Equity: Achieve gender equality and empower all women and girls". Equality is an important topic in human rights and all articles are accompanied by the reference that human rights apply to everyone. Articles 1 and 2 deserve special mention here. Article 1: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." And Article 2 is more actual, then thought, when it was formulated 1949: "Everyone is entitled to all the rights and freedoms set forth in this Decla-

ration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty". The Sustainable Development Goal also points to equality. For the 1949 version of human rights, equality between men and women, but also of different origins, was already a step forward, which from today's perspective does not go far enough, as people still feel disadvantaged in this regard.

4.2 Partly match

The next aspect to consider is the set of Sustainable Development Goals (SDGs), which are founded on human rights but cannot be directly derived from them. To identify specific Sustainable Development Goals within the realm of human rights, certain assumptions need to be made.

Goal 8 "Decent work and economic growth: Promote sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work for all" can be derived from all human rights articles that relate to work. For example, article in Article 23 (3) which states, "Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection." Article 4 and 24 also deal with the work of the individual, but not with companies. This can therefore only be freely deduced by saying that if everyone has a decent job, is fairly paid and the social system behind it is also right, there is the possibility of economic growth, because through the appropriate remuneration people have the opportunity to use the goods and services they produce because they can afford it. Through sales, development and research can continue and the economy has an opportunity to grow and create new opportunities, jobs and fair conditions.

What is easier to interpret is the Goal 10 "Reduce inequalities: Reduce inequality within and among countries". It is about inequalities between individual countries but also within one's own so-

ciety. On the one hand, the fact that rights apply to everyone already makes it clear that there must be no inequalities between people. Human rights also mention globality and freedom to travel beyond the borders of one's own country, which also points to a certain extent to equality. Article 13 (2) of Human Rights states: *"Everyone has the right to leave any country, including his own, and to return to his country."* On the other hand, human rights also specify that everyone must be and be treated equally before the law. This is set out in Article 6. *"Everyone has the right to recognition everywhere as a person before the law."*

Goal 16 "Peace, Justice and Strong Institutions: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable, and inclusive institutions at all levels" could be interpreted into any article of human rights or seen as the quintessence of all human rights. This is also summed up well in Article 30 of the Human Rights Act: *"Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein"*. Because without peace, justice and strong institutions that implement the rights and control their monitoring and advocate for their enforcement, it makes no sense. As far as the Sustainable Development Goals are concerned, the same principle applies here as well. Everyone needs to work together and pursue the goals together so that the line can be reached.

This is followed by Goal 17 "Partnerships for the goals: Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development", because human rights and the Sustainable Development Goals can only be implemented in the community.

Goals 6 "Clean water and sanitation: Ensure availability and sustainable management of water and sanitation for all." and 7 "Affordable and clean energy: Ensure access to affordable, reliable, sustainable, and modern energy for all" are more difficult. This could be seen as a basic requirement for Article 25, because without water and energy, health cannot be guaranteed. This is one of the basic needs that should be self-evident and that does not need to be pointed out first.

4.3 No match

The third group refers to the Sustainable Development Goals that deal with nature and the climate, these are Goal 9 "Industry, Innovation and infrastructure: Build resilient infrastructure, promote inclusive and sustainable industrialization, and foster innovation", Goal 11 "Sustainable cities and communities: Make cities and human settlements inclusive, safe, resilient, and sustainable", Goal 12 "Responsible consumption and production patterns", Goal 13 "Climate Action: Take urgent action to combat climate change and its impacts", Goal 14 "Life Below Water: Conserve and sustainably use the oceans, seas, and marine resources for sustainable development" and Goal 15 "Life on land: Protect, restore, and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss". In 1949, the subject and research were not yet so advanced, and so was the background problem from which human rights were born in 1949, clearly focused on people and not on nature. But there is no doubt that nature also needs a voice in order for life on earth to continue and will be discussed in more detail in a later chapter of this book.

5 Conclusion

In conclusion, it can be asserted that the 17 Sustainable Development Goals represent, to some extent, a refinement of human rights principles. However, the absence of legally binding obligations diminishes their efficacy, especially considering that violations have existential implications for all life on the planet. Surprisingly, no country or government seems willing to acknowledge full responsibility for these transgressions. Instances like wars exert a severe toll on both the environment and the well-being of the population.

Various injustices persist, undermining the spirit of the Declaration of Human Rights and contravening the ideals of the Sustainable Development Goals. Examples include corporations depleting groundwater in impoverished regions, leaving the local population without access to essential water resources. Additionally, the exploitation of children in mines for the extraction of rare earths, depriving them of education, merely to secure a

meager income for their families, constitutes a clear violation of human rights and the objectives set by the SDGs.

These injustices underscore the urgent need for a shift in societal attitudes and behaviors. The prevalent lack of awareness or delayed recognition of the imperative nature of these issues by governments necessitates a comprehensive reassessment by the entire population. Initiating a boycott against companies engaged in harmful practices becomes crucial to stimulate corporate reconsideration.

Moreover, political leaders should play a more assertive role, enforcing stringent measures that compel major industries to align their practices with the principles outlined in the Sustainable Development Goals. By taking a proactive stance, politicians can not only raise awareness but also hold corporations accountable for their impact on human rights and sustainable development. It is imperative that a collective effort has to be undertaken to prompt a reevaluation of priorities, fostering a global commitment to the ideals encapsulated in both the Declaration of Human Rights and the Sustainable Development Goals.



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The challenges and opportunities of liberal democracies in promoting international value systems

Author: Jacob Mayer

Table of contents

1 Introduction	36
1.1 Addressed issue	36
1.2 Structure of this paper	37
2 Comparison of data	37
2.1 Human Rights Index (2022)	37
2.2 Sustainable Development Report (2023)	37
2.3 SDGs and country income level	38
2.4 Democracy Index (2022)	38
2.5 Observations and interrelations	38
3 Promoting international value systems	39
3.1 Role of liberal democracies	39
3.1.1 Challenges faced by Liberal Democracies	39
3.1.2 Opportunities for Liberal Democracies	40
3.2 Resilience of universal human rights and SDG's	41
4 Conclusion	41

1 Introduction

1.1 Addressed issue

In 1948, the United Nations proclaimed the Universal Declaration of Human Rights as a guideline for the protection of human rights. Not legally binding, the declaration represents an ideal that must be promoted by those who are committed to it. Among other amendments adopted since 1948, in 1998 the General Assembly passed a declaration seeking to strengthen the responsibility and right to protect human rights. „Stressing that all members of the international community shall fulfill, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all“ (UN General

Assembly, 1998,) this declaration is one of the central starting points of this paper.

The Universal human rights formed the basis for many subsequent international treaties and agreements, one of the most recent being the 2030 Agenda with the SDGs. The legal situation of these agreements differs greatly in terms of their binding nature and enforceability. These issues will be examined in more detail in the following parts of this publication series. However, it should be noted here that successful implementation of the written goals requires voluntary debate and implementation. In today's multicultural, international context, some countries have significantly higher financial as well as social capital to fulfill these responsibilities.

Based on the assumption that many of the existing liberal democracies fulfill these criteria of higher capacities, which will be discussed again in the course of the data analysis, this paper attempts to answer the question of what special responsibilities but also what opportunities are offered in this particular position.

1.2 Structure of this paper

To begin with, the current data situation will be examined in more detail. The focus here is on the international comparison of various reference values that are relevant to the issue at hand. First, we will take a brief look at the Human Rights Index (HRI), as processed by Our World in Data, what characteristics it has in international comparison and what questions and challenges can be derived from it. We will then take a look at the 2023 Sustainable Development Report (SDR). Here, again, we will try to recognize certain patterns in the international comparison. In a second step, we will link the progress of the individual countries with the respective income level, as already shown in the SDR. In addition, we include the Democracy Index, published by The Economist, in our data analysis. In the final step, we use all the data to build an overall picture that allows us to see the progress of global development in our area of interest and the associated challenges.

In the following step, the results of this data analysis will be combined with further research findings and the question of the responsibility of liberal democracies in an international context. The challenges but also opportunities and possible benefits of promoting human rights and SDGs will be examined in more detail. Before concluding, we will try to generalize our findings to paint a picture of the inherent resilience of human rights and SDGs.

2 Comparison of data

In the following sections of the data analysis, the respective indices are first briefly described. Subsequently, the respective observations that are relevant to the research question are highlighted. The observations are summarized in section 2.5.

2.1 Human Rights Index (2022)

It is important to note that different organizations may develop their own human rights index using

The variable ranges from 0 to 1 (most rights):

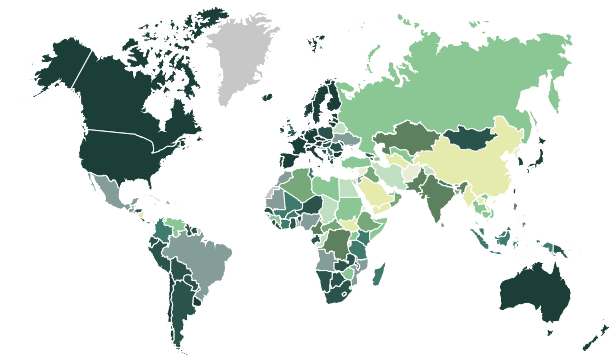
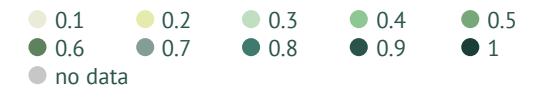


Figure 4: Human Rights Index (V-Dem, 2023)

different methodologies and indicators. Today we look at the HRI, which is published by Our World in Data and is based on research by the Varieties of Democracy (V-Dem) project.

The index tool uses a simple scale from 0 to 1, with 1 indicating the best level of human rights development. The data shows the development over time with initial assessments since 1789 as well as the current situation in international comparison shown in Figure 4.

The first thing to note is the considerable differences between human rights developments. In 2022, North Korea is at the lowest end of the scale with a score of 0.01, followed by 5 other countries with a score below 0.1. Sweden, New Zealand and Denmark are at the highest end of the scale with a score of 0.95 (V-Dem, 2023).

2.2 Sustainable Development Report (2023)

The Sustainable Development Report provides a comprehensive analysis of how countries are performing in terms of meeting the various targets set out in the 2030 Agenda for Sustainable Development. As one of the most important instruments for the global development of the United Nations, the annual report enables the improvement of activities to achieve the goals and highlights the remaining challenges.

The world map in Figure 5 shows the development status of the SDGs on a scale from 0 to 100, where 100 is equivalent to achieving all 17 goals. As with HRI, there are major differences in

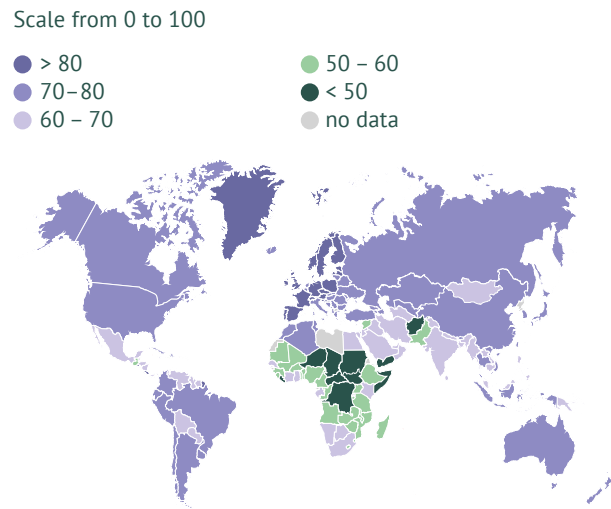


Figure 5: SDG overall score 2023 (Sachs, et. al., 2023)

the international comparison. A special factor that was taken into account when calculating the SDG Index is so-called spillovers. Negative and positive effects, for example along international supply chains, are included in this calculation. Examining these effects more closely and including them in the discussion on global sustainable development is one of the most important points in the question of responsibility. In the 2023 report, the researchers point out that high-income countries (HICs) have a significantly higher negative impact than low-income countries (Sachs et. al., 2023)

2.3 SDGs and country income level

The classification by income level is published by the World Bank every year on July 1. As can be seen in Figure 3, a distinction is essentially made between four income classes, the decisive factor being the value of the gross national income (GNI) per capita.

The SDG Index and country income levels are intricately connected, reflecting the interplay between economic development and progress towards achieving the SDGs. Lower-income countries may face challenges in allocating resources to address multiple SDGs simultaneously. They may prioritize basic needs such as poverty reduction, access to clean water, and healthcare before tackling more complex sustainability issues. It is therefore not unexpected that there is a certain similarity between Figures 6 and 7, which will be discussed in more detail in Section 2.5.

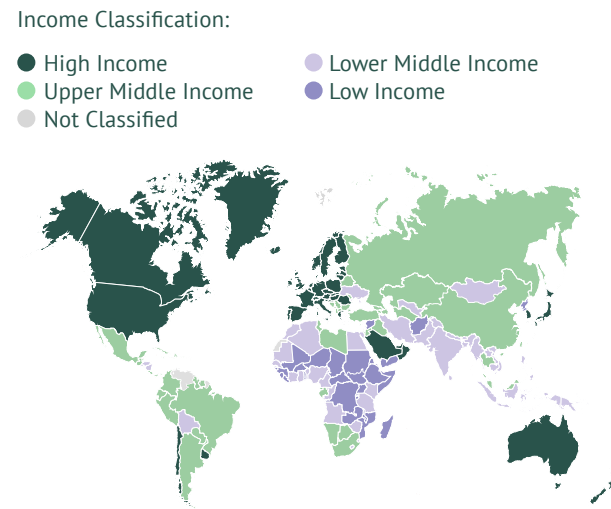


Figure 6: Country Income Level (Hamadeh, et. al., 2022)

2.4 Democracy Index (2022)

The Democracy Index is a comprehensive tool designed to evaluate and measure the state of democracy in countries around the world. On a scale of 0 to 10, all countries worldwide are compared in terms of the implementation of fundamental democratic rights. Produced by The Economist, the index provides a systematic assessment of political freedoms, electoral processes, government functionality, and civil liberties. By assigning scores to nations based on a set of criteria, the Democracy Index offers insights into the quality and health of democratic governance globally.

Figure four again shows major international differences. When looking at this indicator, it becomes particularly clear that regional and historical characteristics also play a major role in the evaluation of the results.

2.5 Observations and interrelations

The HRI, the SDG Report, the country income level, and the Democracy Index represent distinct but interconnected tools for assessing and understanding various aspects of a country's development and governance. Each index contributes a unique perspective to the broader narrative of global progress, and they often converge in highlighting the intricate relationship between human rights, sustainable development, income, and the quality of democratic governance. To emphasize the global differences, the respective results for Afghanistan and Sweden are shown side by side in Table 1.

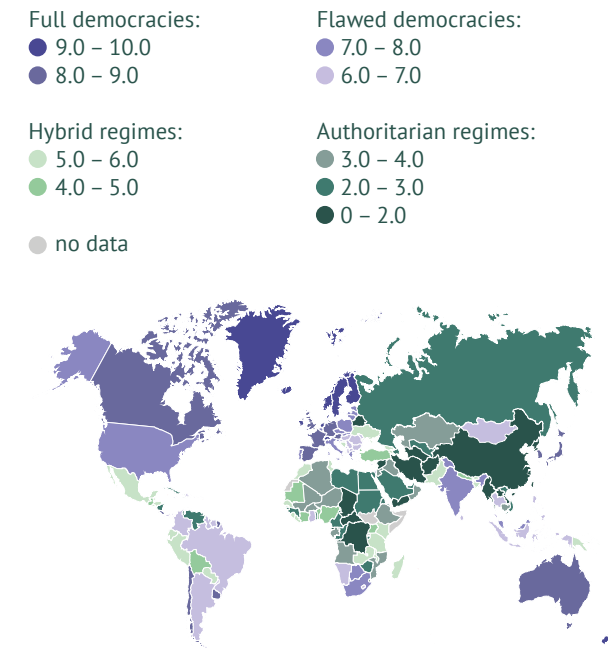


Figure 7: Democracy Index, 2022 (The Economist, 2023, p. 5)

Sweden represents an economically strong liberal democracy and performs above average in all rankings. In contrast, Afghanistan shows how countries with low incomes and a low level of freedom and human rights are also lagging behind in terms of sustainable development.

To conclude the data analysis, reference should be made once again to the previous graphs. Because they show particularly clearly that correlations are recognizable. Not only human rights and democracy complement each other, but also economic success and the subsequent progress in achieving the SDGs.

3 Promoting international value systems

The preceding data analysis not only makes it clear that there are significant differences in the progress of the implementation of the value systems examined, but also that these are intertwined and are also influenced by external factors such as the financial situation. In his publication "Actualizing Human Rights", Jos Philips describes three main issues: the challenge of global inequality, the challenge of future people and the question of motivation (Philips, 2020). In the following section, the role of liberal democracies in promoting international values systems will be considered on the basis of these three issues.

Characteristic	Afghanistan	Sweden
Democracy Index	9.39	0.32
Human Rights Index	0.02	0.95
SDG Score	49.0	86.0
Income level	Low income	High income

Table 1: Overall comparison of Afghanistan and Sweden (own visualization)

3.1 Role of liberal democracies

Liberal democracies are characterized not only by a stable democratic system but also by a high degree of realized human rights and, with a few exceptions, a good GNI. These countries therefore have a particularly good starting point when it comes to issues of sustainable development and international cooperation. And it is not only the aforementioned UN declaration that calls on the international community to provide mutual support, voices are also currently being raised calling on the international community to act. In its latest annual report, Amnesty International draws attention to the special role of international support and also denounces the different treatment of various conflicts. Abuses are particularly denounced when Western states see no personal economic risk in raising their voices (Amnesty International, 2023). This problem leads to the first more specific question about the responsibility of liberal democracies. What challenges do they face when trying to stand up for their values and achievements internationally?

3.1.1 Challenges faced by Liberal Democracies

In his remarks on the challenge of global inequality Philips concludes that even in an ideal world, a certain degree of inequality in the protection of human rights is inevitable. This is attributed to the persistence of largely sovereign states with different capacities to protect human rights, to differences in wealth and technology, and to limited external assistance. However, it also emphasizes the importance of having very good reasons for denying equal protection to ensure that vulnerable populations are not neglected. He concludes

that in this less than ideal world, many inequalities in protection are often linked to global injustices that require immediate efforts for change (Philips, 2020).

In the recently published World Inequality Report the authors add another layer to the topic of inequality. They show that, in addition to inequality between individual countries, particularly large inequalities within countries are also becoming a problem (Chancel et. al., 2022). In Germany, for example, inequality has increased further in recent years and the top 10% currently earn on average ten times as much as the bottom 50% (Chancel et. al., 2022). A rise in inequality therefore poses several challenges for liberal democracies. On the one hand, they must face up to the challenging fact that their economic superiority in a globalized world means that they should also take responsibility for problems in other countries. On the other hand, they must become aware of the growing inequality in their midst in order to prevent their own destabilization.

The challenge of future people not only raises the question of the rights of future generations, but generally also the question of the balancing of the rights of different stakeholder groups against each other. These questions lead to a deep examination of various human rights factors. At what point can they be asserted, what degree of equality should be sought if, as noted in the last question, complete equality is not possible at all.

The challenge of future people not only raises the question of the rights of future generations, but generally also the question of the balancing of the rights of different stakeholder groups against each other. These questions lead to a deep examination of various human rights factors.

From these questions, Philips develops a possible framework with the help of which such dilemma situations could be dealt with (Philips, 2020).

Inevitably linked to these issues are the pressing challenges of climate change. This topic brings together almost all of the issues mentioned so far. One term that unites all these issues is the call for climate justice. The Unicef Climate Justice Roundtable, which brought together a group of activists and experts, defines the term as "combatting social injustice, gender injustice, economic injustice, intergenerational injustice and environmental injustice" and see the logical consequence and solution in large-scale systemic change (UNICEF, 2022). Therefore, the call for climate justice can be seen as one of the central challenges for governments, especially for those who have benefited from injustice in the past. To bridge the gap to the challenge of future people it should also be noted at this point that although the topics addressed are more important than ever, they are by no means as new as their prominent place on the everyday agenda. Already in 1972 at the United Nations Conference on the Human Environment these claims were represented:

„To defend and improve the human environment for present and future generations has become an imperative goal for mankind—a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of worldwide economic and social development (United Nations, 1972).“

The list of challenges mentioned is certainly not exhaustive, many challenges arise in everyday political life and differ in each country, the problems presented are intended to focus on systemic responsibility. Following on from this, the next section will focus on the possibilities and opportunities and use the question of motivation to paint a picture of how and why a commitment to international value systems can be worthwhile.

3.1.2 Opportunities for Liberal Democracies

The question of motivation as discussed by Philips goes into great theoretical depth as to which material and immaterial needs of people must be met in order to guarantee that they do not violate the rights of others. Similarly, the question of which needs can or must be fulfilled to what extent in

order to maintain a society of human rights over several generations, with fluctuating priorities of their needs, is also discussed very theoretically. In his conclusions, he finally addresses the optimism of the theories presented and suggests them as a means of achieving an ideal to strive for in decision-making situations (Philips, 2020).

So what scope do the various threats and the question of motivation open up for decisions in terms of internationally realized human rights and sustainability goals? To approach an answer to this question, an example at the national level will be used in the following to finally make a theoretical transfer to the international level.

In one of her publications, Sonja Grimm discusses the extent to which respect for human rights is a commitment to democracy. Similar to her considerations, the following section also assumes that respecting human rights is a desirable goal of political action. In one of her publications, Sonja Grimm discusses the extent to which respect for human rights is a commitment to democracy. Similar to her considerations, the following section also assumes that respecting human rights is a desirable goal of political action. In her final remarks, Grimm comes to the conclusion that political participation is part of the self-determination given by human rights. Consequently, political participation should be made possible for everyone (Grimm, 2004). The fact that even countries with a high degree of realized democracy can improve can be illustrated by the example of Germany. On the one hand, statistical surveys show a decline in confidence in the government (Statista, 2024) and on the other hand the demands for political participation rights that go beyond the right to vote are becoming louder and more urgent. For example, through the demands of the climate activist group „Letzte Generation“, which is calling for a social council to solve climate policy issues (Letzte Generation, 2024).

Finally, climate policy issues also draw attention to the international context. They draw a link to the demands of the United Nations SDGs and what means are needed to assume international responsibility. In her analysis of securing human rights, Sonja Grimm comes to the conclusion that even military deployment abroad could be justified if proportionality is maintained (Grimm, 2004). In

defense of climate justice, strict economic actions and conditions, such as functional supply chain laws, could be well justified. Scientific findings from the V-Dem Democracy Report support this thesis. It shows that the economic power of autocratic states is increasing significantly and that the share of global trade between democratic states has fallen from 74% to 47% in the last 24 years. The authors therefore call for a closer examination of the growing power of autocratic states and how these trends can be counteracted (Papada et. al., 2023)

3.2 Resilience of universal human rights and SDG's

The final question of resilience will not be answered with certainty. The above observations and findings only allow some conclusions to be drawn about the long-term existence of international value systems. First of all, it must be noted that the trends of radicalization and strengthening autocracies show that human rights, democracy and the associated objectives of the SDGs are by no means immanently resilient to attacks.

On the other hand, the many different institutions dedicated to the protection and implementation of these ideas show that there is a strong international civil society that has acquired knowledge and tools for the defense of liberal democracies over many years. V-Dem analyzes the example of countries in which autocratic processes have been reversed and comes up with five effective means of redemocratization. United opposition uniting with civil society and international support and protection of democracy are two of these means (Papada, et. al., 2023), and they support the assumption that the above-mentioned challenges and opportunities of liberal democracies and a systematic exploration of scope for action can lead to effective policies

4 Conclusion

Firstly, in the previous sections, both in the data analysis and in the following discussion of the theoretical and practical opportunities and risks, it was emphasized at various points how closely the various topics are intertwined and connected. And regarding the question of motivation, Philip's comment on aspirational ideals was also mentioned. However, if one assumes that the status

achieved in liberal democracies is the aspirational goal for other countries, the aspirational goal for liberal democracies could be even more far-reaching. In concrete terms, liberal democracies could use the freedom available to them to pursue goals that transcend national borders. When considering arguments about historical or spillover effects that contribute to responsibility for negative consequences abroad, aspirational goals in terms of international responsibility should almost be self-evident.

Secondly, the idea of resilience developed in the previous section should be emphasized and specified once again. The resilience of international value systems is not predetermined, but grows and falls with the mass of people and institutions that are involved in defending and promoting them.

Finally these conclusions give rise to a network of social responsibility and self-preservation interests for liberal democracies. They are called upon to promote active engagement and dissemination of these ideas and to enforce the nationally applicable values and norms in their actions in the international context.



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Effective conflict resolution through ADRs: opportunities, challenges and applications in different contexts

Author: Pauline Nicolay

Table of contents

1 Introduction	43
2 History	44
3 The function of alternative dispute resolution in the pursuit and attainment of justice	44
3.1 Negotiation.....	45
3.2 Conciliation and Mediation	45
3.3 Arbitration	46
4 Practical application of ADR methods	47
4.1 Returning the protected status to natural areas in the Lviv region (Ukraine).....	47
4.2 IPPC permit for the Kunda Pulp Plant Factory (Estonia).....	47
4.3 Saaremaa Harbour (Estonia)	47
4.4 Szentgal regional landfill (Hungary).....	48
4.5 Conclusion of the Case study.....	48
5 The incorporation of ADR in addressing environmental conflicts on a global scale	48
6 The standard of justice, administration and representativeness of environmental ADR	49
7 Conclusion	50

1 Introduction

The achievement of sustainable development hinges on safeguarding the environment, preserving natural resources, and fostering economic growth that is intricately linked with responsible resource utilization. In simpler terms, sustainable development is contingent upon maintaining environmental sustainability. Conversely, Goal 16 of the 2030 Agenda for Sustainable Development emphasizes the need for global peace, justice, and robust institutions, aiming to uphold the rule of law and facilitate access to justice on a worldwide scale. Addressing environmental conflicts is an integral facet of environmental sustainability and a crucial

component of ensuring access to justice. The escalating environmental challenges stemming from the relentless growth of the global population and the insufficient global adoption of renewable energy resources have significantly impacted the environment, leading to a corresponding surge in environmental conflicts.

Given the considerable diversity in the judicial systems of nations worldwide and the often inefficacious nature of these systems, there arises a pressing need to reconsider and reconstruct effective alternative dispute resolution mechanisms, especially concerning their role in environmental conflicts. However, it is essential to acknowledge

that Alternative Dispute Resolutions (ADR) come with their own set of barriers and drawbacks. (Alk-hayer, Gupta, Gupta, 2022)

This paper delves into a comprehensive examination and analysis of the role played by ADR methods in addressing environmental disputes. It assesses the effectiveness of these methods and conducts research to identify the factors that contribute to their success or failure.

2 History

Throughout most of the human history, the world's population constituted only a minuscule fraction of its present size. In the last 200 years the population increased by approximately 7 billion. (Ritchie et. al., 2022) This period witnessed transformative events such as two World Wars, technological advancements, and heightened awareness of environmental threats. These changes underscored the imperative for international collaboration to steer them towards serving the world and its inhabitants through the pursuit of sustainable development and averting associated hazards. (Pufé, 2014)

The Earth Summit held in Rio de Janeiro, Brazil, in June 1992 marked the initial step, where over 178 nations endorsed the so-called Agenda for 2021 – a comprehensive strategy fostering global cooperation to enhance sustainable development, improve lives, and safeguard the environment. A subsequent milestone was the World Summit on Sustainable Development in South Africa in 2002, which adopted the Johannesburg Declaration on Sustainable Development and the Plan of Implementation. These documents reaffirmed the global community's environmental responsibilities while underscoring the necessity of multilateral collaborations. (United Nations, 1992)

In January 2015, this trajectory reached a pinnacle when the General Assembly initiated negotiations for the post-2015 development agenda. By September 2015, the United Nations Sustainable Development Summit accepted the 2030 Agenda for Sustainable Development. This agenda outlines a shared vision among member states for achieving prosperity and lasting peace for humanity and the world. Central to the agenda are the Sustainable Development Goals (SDGs), considered its core and an urgent call for all nations, both

developed and developing, to collaborate within a universal framework. (United Nations, 2023)

Of particular significance is Goal 16th of the 2030 Agenda, which focuses on enhancing the rule of law and ensuring access to justice on a global scale. (United Nations, 2023) This goal serves as a vital link between sustainable development and ADR methods. (BMZ, 2023) The interplay among various objectives of sustainable development is crucial to realizing environmental sustainability. Swift and effective resolution of environmental conflicts is a key aspect of both environmental sustainability and the 16th Goal of the 2030 Agenda for Sustainable Development. To attain peaceful resolutions in environmental matters, there is a need to re-evaluate and revamp dispute resolution systems. (Pufé, 2014)

In the 1970s, Alternative Dispute Resolution (ADR) was first introduced as an experiment to cope with court congestion and resolve environmental and natural resource disputes. In 1985, the Attorney General recognized the importance of ADR to achieve time and cost savings in civil matters. Several years later, the Department of Justice reaffirmed the benefits of ADR when the Assistant Attorney General for the Office of Legal Counsel testified before Congress in support of the first ADR legislation passed by Congress in 1990. (OPM, n.d.)

3 The function of alternative dispute resolution in the pursuit and attainment of justice

As already mentioned, attaining justice stands out as one of the primary objectives within the framework of sustainable development. ADR has demonstrated itself as a practical and successful alternative to conventional methods, particularly when considering the significant challenges and impediments faced by official judicial authorities and national courts. Therefore, the role of ADR as an alternative method for settling disputes and an essential avenue for accessing and achieving justice cannot be overlooked. (DIS, n.d.)

In the United Nations the ADR are regulated in the Directive on Alternative Dispute Resolution for the Settlement of Consumer Disputes. (Official Journal of the European Union, 2013) ADRs are settled in the Permanent Court of Arbitration in

Unlike other ADR methods, negotiation does not require the involvement of a neutral third party to render a final and binding decision. The resulting binding agreement is an outcome of the negotiation process conducted directly between the disputing parties themselves.

the Hague. (PCA, n.d.) The ADR encompasses a range of non-traditional dispute resolution methods, including negotiation, conciliation, mediation, and arbitration. These mechanisms serve a function akin to that of the official judiciary system in resolving disputes between various entities, whether physical or legal. However, ADR methods distinguish themselves through their cost-effectiveness, time efficiency, flexibility, and consensual resolution processes. Simultaneously, certain types of ADR methods share advantages with the judicial process, such as the issuance of binding awards and the ability of official authorities to intervene and enforce the parties' compliance with the binding content of ADR awards. (DIS, n.d.)

In essence, ADR awards yield results that are legally enforceable, akin to judicial decisions. Additionally, the consensual nature of the ADR process enhances its suitability for the parties involved in disputes. Consequently, conducting thorough research and delving into the examination of the role of ADR in sustainable development, particularly its contribution to accessing justice in environmental challenges and disputes, requires a foundational understanding of each individual ADR method. (DIS, n.d.)

3.1 Negotiation

As described in Art. 16 of the Aarhus Convention and Art. 25 of the Minamata Convention on Mercury, Negotiation stands out as the simplest and most consensual method within ADR. Unlike other ADR

methods, negotiation does not require the involvement of a neutral third party to render a final and binding decision. The resulting binding agreement is an outcome of the negotiation process conducted directly between the disputing parties themselves. This approach is grounded in the rationale that if the parties initiated the negotiation process independently, without the intervention of a third party, to create a contract stemming from a dispute, it is logical to employ a similar negotiation process to reach an agreement for resolving the dispute without external intervention. It is crucial to underscore that the negotiation process is distinct from judicial or arbitral procedures. In other words, the outcome of negotiation should not be construed as an arbitral award or judicial decision. Rather, it can be considered a new agreement or contract that is binding, guided by the principle of the obligatory nature of contracts. This means that the parties involved in the dispute can alter the results of the negotiation at any time if all parties agree to these changes. It can be stated that the result of the negotiation is binding but not final, in contrast to judicial decisions or arbitral awards, which are both binding and final and cannot be altered after their issuance. (Shamir and Kutner 2003)

3.2 Conciliation and Mediation

Conciliation and mediation represent alternative dispute resolution (ADR) methods that involve a collaborative approach facilitated by an impartial and unbiased third party, commonly referred to as a "conciliator" or "mediator." In these processes, the third party oversees constructive dialogue sessions among the disputing parties, guiding them in discussing their contentious issues to reach a solution. The conciliator or mediator assumes a consulting and advisory role, suggesting potential resolutions and remedies for the conflicts. The outcomes of the conciliation and mediation processes result in a binding and final settlement agreed upon by the parties. Both processes are voluntary, contingent on the will and consent of the disputing parties, and uphold confidentiality, prohibiting the disclosure of proceedings to external parties. These methods are particularly popular in delicate, confidential, and private conflicts, prioritizing the parties' interests and relationships over legal standards. (ICSID, n.d.)

In contrast to an arbitrator or judge, the mediator does not wield decision-making authority. Instead, the mediator's role is to facilitate the parties in reaching a mutually acceptable resolution to the dispute. Even when parties have initially agreed to engage in mediation, they retain the freedom to withdraw from the process at any point following the initial meeting if they determine that its continuation does not align with their interests. Nevertheless, it is common for parties to actively engage in the mediation once it commences. If the parties opt to proceed with the mediation, they collaborate with the mediator to determine the manner in which the process should unfold. (PCA, n.d.)

While conciliation and mediation are sometimes used interchangeably, it is essential to recognize that facilitation primarily enhances dialogue between parties, whereas mediation aims to establish an agreement. Through the exploration of their interests and open dialogue, mediation often leads to a settlement that generates more value than would have been possible without the occurrence of the underlying dispute. The non-binding and confidential nature of mediation minimizes risks for the parties while yielding substantial benefits. It can be asserted that mediation never truly fails, even when a settlement isn't reached, as it prompts the parties to define the facts and issues of the dispute, thereby laying the groundwork for potential arbitration or court proceedings. (WIPO, n.d.)

Fundamentally, while the settlement agreement arising from mediation and conciliation is expected to bind and conclude the dispute for the involved parties, it does not necessarily elevate to the status of an arbitral award or judicial decision in terms of enforceability. Consequently, the question arises: what recourse has a party if another party refuses to abide by the agreement's terms? In jurisdictions like India, the conciliation settlement agreement is deemed to have the same value and effect as an arbitral award issued by an arbitral tribunal. Conversely, in other jurisdictions, settlements resulting from conciliation and mediation may lack enforceability or support from official authorities. In such cases, the settlement is regarded as a new agreement or contract, binding based on the compulsory nature of contracts. (ICC, n.d.)

Instances where disputes emerge from the implementation of a conciliation or mediation agreement may necessitate recourse to an arbitral or judicial process to validate official authority intervention. Nevertheless, this does not diminish the significance of conciliation and mediation as ADR methods, particularly in dealing with highly sensitive contentious issues. In such scenarios, parties may be hesitant to opt for binding and enforceable methods like arbitration, which yield a final and binding award, leaving them with no avenue to alter or amend its terms. (Alkhayer et. al., 2022)

3.3 Arbitration

Arbitration stands out as one of the ADR's, closely resembling the judicial process, given its adjudicative nature rather than a consensual approach. In essence it can be viewed as a mixture of litigation and ADR. It is a process in which, through mutual agreement, parties submit a dispute to one or more arbitrators empowered to render a binding decision. By opting for arbitration, the parties select a private mechanism for resolving their dispute rather than pursuing a resolution through the formal court system.

For prospective disputes arising from a contract, parties typically incorporate an arbitration clause into the relevant contractual agreement. In the case of an existing dispute, parties can initiate arbitration through a submission agreement. It is important to note that, unlike mediation, withdrawal from arbitration cannot be undertaken unilaterally by a single party.

The decision is made to establish a three-member arbitral tribunal – each party responsible for appointing one arbitrator. Subsequently, these two arbitrators collaborate to select the presiding arbitrator. The parties delineate their jurisdiction and specify applicable procedural laws. Parties can also determine the seat of arbitration and the language used during the proceedings. (WIPO, n.d.)

In the contemporary context, heightened awareness of environmental perils necessitates a corresponding awareness of environmental justice, an integral component of overall justice. Access to justice, a crucial goal in sustainable development, must encompass access to environmental justice, particularly in the governance of natural re-

sources. Environmental justice assumes a pivotal role in shaping effective policies, and neglecting environmental preservation can undermine the vision of sustainable development. This underscores the importance of promoting channels for accessing environmental justice, with ADR methods representing noteworthy options within this array of channels. (ICC, n.d.)

4 Practical application of ADR methods

UN member states exhibit variations in the adoption of ADR methods, influenced by factors such as the nature of the dispute and the most appropriate procedure for resolution. ADR implementation may take the form of a local panel for addressing complaints or grievances, an institutional panel, and may be conducted either confidentially or publicly. Successful experiences with ADR have been noted in cases where parties exhibit a willingness to engage in negotiation, compromise, and make concessions to achieve an agreement, irrespective of procedural intricacies.

In general, the active participation of all relevant parties and stakeholders, coupled with their genuine intention to achieve an agreement and their commitment to safeguard environmental public interests, stands out as a crucial contributing factor to the success of ADR methods. However, in contrast, certain cases have revealed that the involvement of multiple parties, without their influential participation, hinders the attainment of a solution. Overall, factors such as a lack of trust between parties, reluctance to agree on a specific ADR approach, or an unwillingness to make concessions for a mutually satisfactory settlement, pose challenges to reaching a final resolution through ADR. The following paragraph examines cases from different countries to illustrate how these mentioned factors impact ADR mechanisms. (Alkhayer, et. al., 2022)

4.1 Returning the protected status to natural areas in the Lviv region (Ukraine)

In the Lviv Region, the reinstatement of protected status to natural tracts served as a noteworthy example, demonstrating the utility of the ADR method in expeditiously preserving vital forest lands that might have otherwise faced deforestation. Environmental Non-Governmental Organi-

sations (NGOs) and experts collaborated to contest the Regional Council's decision to declassify the region as a protected area without a scientific foundation. Informally and virtually, media campaigns acted as a "facilitator," supporting discussions that culminated in the formation of a panel comprising key stakeholders responsible for assessing and determining the status of protected areas. (Tharakan and Lahoti 2019)

4.2 IPPC permit for the Kunda Pulp Plant Factory (Estonia)

The ICCP permit for the Kunda Pulp Plant Factory in Estonia serves as a successful example of mediation between an NGO and developers. A legally binding agreement regarding the conditions of an Integrated Pollution Prevention and Control (IPPC) permit was achieved. In this case, AS Estonian Cell aimed to construct a Greenfield aspen pulp plant in the eastern part of Kunda Laane-Virumaa, Estonia. An environmental impact assessment was conducted following Estonian environmental impact assessment regulations and subjected to the Environmental Auditing Act of 2000. The approved environmental impact assessment was granted by the Ministry of Environment on July 29, 2002. (Tharakan and Lahoti, 2019)

The AS Estonian Cell applied for an IPPC permit, which prescribed pollution prevention measures. The Estonian Fund for Nature was the first to challenge the IPPC, expressing concerns about its shortcomings posing a severe threat to the Baltic Sea's marine ecology. A negotiation process ensued among the stakeholders, leading to an agreement to modify the conditions, resulting in the issuance of a new IPPC. While the mediation technique proved valuable in demonstrating the potential for key stakeholders to reach an agreement, the final outcomes required substantial concessions from both sides, leaving neither entirely satisfied. Additionally, factors such as a lack of time and experience, especially on the part of the NGOs, contributed to the complexity of the process. (ibid)

4.3 Saaremaa Harbour (Estonia)

Contrastingly, the situation at the Saaremaa Harbour illustrates that ADR may not be a feasible option when there is a lack of willingness from either side to arrive at a solution, resulting in dis-

satisfaction among all involved parties. In this scenario, the proposal to construct a port on Saaremaa Island within a gulf designated as a Special Protected Area for birds faced opposition from environmentalists. NGOs contested the environmental impact assessment and water usage permissions issued by the ministry. Despite the NGOs making efforts to engage in negotiations with the construction company to explore a potential resolution, the Ministry declined to participate, leading to the rejection of the initiative. (Tharakan and Lahoti, 2019)

4.4 Szentgal regional landfill (Hungary)

The Northern Lake Balaton Regional Waste Disposal Facility was part of a larger initiative aimed at overhauling solid waste disposal practices in the country, and the project received an environmental permit. However, challenges to the permit were raised by neighbouring communities. Two NGOs attempted to mediate the conflicts among the parties by providing information on suitable measures for resolving the disputes. Unfortunately, none of the parties agreed to initiate any of the proposed measures. Faced with disagreement on a specific method, the NGOs initiated facilitated negotiations. However, due to the reluctance of some conflicting parties and the absence of others, no resolutions were achieved. This case underscores the crucial role of trust among conflicting parties, as the lack thereof emerges as the primary factor leading to the failure of ADR methods in environmental conflicts. (ibid)

The case of the Szentgal regional landfill underscores the crucial role of trust among conflicting parties, as the lack thereof emerges as the primary factor leading to the failure of ADR methods in environmental conflicts.

4.5 Conclusion of the Case study

The instances mentioned underscore that engaging in ADR processes within the realm of environmental conflicts not only enhances public and NGOs' access to justice but also proves to be both time and cost-efficient. Additionally, the parties in conflict gain a deeper understanding of the issues at hand, resulting in greater satisfaction with the solutions reached. This, in turn, paves the way for long-term benefits in case of any subsequent or consequential concerns. However, the slow adoption of ADR is largely attributed to low levels of commitment, particularly among public authorities, who harbour concerns about relinquishing power and are hesitant to depart from the entrenched litigation culture.

The effectiveness of ADR measures, as a general concept, faces challenges due to the complexity of certain issues or an increasing number of stakeholders involved. Despite these obstacles, a careful evaluation of the advantages and disadvantages leads to the conclusion that ADR methods hold significant promise for the future.

5 The incorporation of ADR in addressing environmental conflicts on a global scale

The initiation of promoting access to environmental justice can be traced back to the Rio Declaration of 1992. Principle 10 of the Rio Declaration outlined three fundamental rights regarding environmental challenges, establishing key pillars of environmental governance. It underscored the importance of making information about environmental hazards accessible to the public, ensuring public participation in decision-making processes, and providing accessible channels for individuals to seek justice. (UNEP, 2016)

Taking a significant stride forward, the Aarhus Convention of 1998 further endorsed the principles set forth in the Rio Declaration. Article 16 of the Aarhus Convention supported the general standards articulated in the Rio Declaration and encouraged the resolution of disputes through amicable methods such as conciliation and mediation, or any other type of conflict resolution. Additionally, it allowed for the pursuit of binding methods like arbitration and adjudication if amicable approaches proved unsuccessful. (BMUV, n.d.)

United Nations General Assembly Resolution 65/283, building on these foundations, urges the consolidation of mediation as a peaceful method for settling disputes, preventing conflicts, and resolving existing conflicts. The resolution highlights the crucial contributions of various entities, including Member States, regional and international organisations, institutions, and civil society activities. It emphasizes the need to explore new perspectives and ideas to enhance the adaptation of mediation and amicable methods to contemporary conflicts. (United Nations, 2011)

The importance of ADR in conflict resolution gained further validation with the signing of the Minamata Convention on Mercury in 2013, which came into force in 2017. Article 25 of the Minamata Convention echoed the stance of Article 16 of the Aarhus Convention, supporting the amicable resolution of disputes through peaceful means chosen by the parties, such as negotiation and mediation, before resorting to mandatory methods like arbitration or adjudication. (UNEP, 2019) This underscores the international community's recognition of the substantial theoretical value attributed to ADR as a peaceful method for resolving a wide range of contemporary disputes and conflicts, spanning civil disputes to environmental cases and beyond. (BVL, n.d.)

6 The standard of justice, administration and representativeness of environmental ADR

The acceptance of ADR methods in addressing environmental challenges is contingent on two crucial pillars: efficiency and justice. While the efficiency of ADR methods is generally acknowledged, a debate surrounds the extent to which these methods meet the standards of justice applied by the courts. Concerns about the justice of ADR methods have been raised, emphasizing that the process relies on the will of the parties involved, potentially compromising justice standards set by the courts. It is argued that the parties' will, which forms the basis of ADR methods, may lower the standards and conditions of justice. In contrast, the courts or judicial authorities cannot disregard these standards, as they cannot invoke the pretext of the parties' will. Additionally, the absence of accountability of third parties in

private conflict settlement may lead to the loss of several legal values and principles crucial in public litigation, such as the neutrality of third parties. (Brown, 2000)

Another concern revolves around the administration of ADR methods. The consensual and private nature of ADR methods increases the difficulty of inspection by official authorities and the public, resulting in a lower level of transparency compared to judicial methods. In environmental conflicts, the representativeness of all parties is deemed the most critical element, especially considering the subsequent impact of these disputes. Ensuring public and representative stakeholder engagement in environmental disputes is necessary. In the field of sustainable development, this element should extend to include the representation of future generations.

To address these issues, it is essential to note that ADR methods are not solely based on the will of parties; they are recognized and established by laws and regulations issued by legislative authorities in most countries. These laws administer and regulate ADR methods, imposing limitations and restrictions on the process. While the mentioned problems are not concentrated in ADR methods themselves, but rather in the laws and regulations governing them, the extent of freedom of the ADR method can be influenced by these laws. (United Nations, 1994)

The administrative system of ADR processes has become crucial in the present time, with many member states adopting ADR as a legal resort. Various organisations and institutions have been established to facilitate the administrative aspects of ADR methods, such as Arbitration Centres and Mediation Councils. There is also a trend towards institutionalizing ADR methods, with some countries delegating tasks to arbitral institutions instead of supreme or high courts. Scholars argue that addressing the representativeness issue should consider all its aspects, particularly in the context of environmental issues where changes affect future generations. Public acceptance and knowledge of ADR methods need to be enhanced through education, training, and active media campaigns to ensure that representativeness in settling environmental disputes through ADR mechanisms is maximized. (Alkhayer et. al., 2022)

7 Conclusion

While the nature of environmental conflicts is complex and intricate, various countries have successfully utilized arbitration, mediation, conciliation, and negotiation – the four primary types of ADR – for settling environmental disputes. Even in cases where ADR methods have not led to a final resolution, positive outcomes such as the alignment of viewpoints and a reduction in the scope of conflicts have been observed. Additionally, in more intricate conflicts, the adoption of ADR methods has revealed and addressed obstacles to reaching a settlement, such as a lack of trust between parties or the participation of numerous parties with inactive roles. Identifying the reasons for failure is considered a step toward success.

As a result, the implementation of ADR methods in environmental disputes has the potential to be successful, if not fully, at least partially. The primary challenge lies in the obstacles that impede the adoption of ADR mechanisms. Lack of acceptance, stemming from a lack of awareness and knowledge, stands out as a crucial obstacle. Considering that resolving environmental conflicts is integral to the environmental conservation approach – a foundational element of sustainable development – and contributes to accessing justice and reinforcing the rule of law, the use of ADR methods becomes indispensable. However, the issue extends beyond mere necessity; it should open avenues for enhancing existing ADR methods and innovating new ones, guided by the principle that constant change entails constant creation and innovation.



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Conclusion

The four authors in the previous section describe a wide variety of challenges that can be considered and negotiated using the guidelines of human rights and SDGs. Even though some of these guidelines are several decades old, they are still relevant today, but must also be examined and applied differently in the various contexts. The authors compare various guidelines, relate them to different problem complexes of the present day and present solution models. The most important conclusions are summarized below.

In her comparison, Christine Wetter comes to the conclusion that the 17 Sustainable Development Goals partially refine human rights principles but lack legally binding obligations, diminishing their effectiveness amid violations with global consequences. Despite this, no government seems willing to fully acknowledge responsibility for these transgressions, with conflicts such as wars exacerbating environmental degradation and societal well-being. Persistent injustices, like corporations depleting groundwater in impoverished regions or exploiting children in mines, challenge both human rights and SDG ideals. Addressing these injustices requires a societal shift in attitudes and behaviors, including initiating boycotts against harmful practices and political leaders enforcing stringent measures on major industries. Ultimately, a collective effort is necessary to prompt a reevaluation of global priorities, aligning with the principles of both the Declaration of Human Rights and the SDGs.

In summary, Jacob Mayer comes to three conclusions in his consideration of the responsibility of liberal democracies. Firstly, liberal democracies should not only set themselves the goal of their own preservation, but should also keep an eye on the global political climate and represent their values beyond their own borders, due to their own interests. Secondly, the strength of international value systems grows with the mass of people who credibly support them. Institutions and individu-

als therefore have a responsibility and cannot rely solely on the internal resilience of these systems. Finally, it is emphasized once again that an active commitment to human rights and SDGs is a significant part of their strength. Liberal democracies can be particularly active here and should make use of this opportunity.

Yannik Wagner closes his article with the following conclusions. The nexus between the Sustainable Development Goals, human rights, and the Catholic Church in America underscores the imperative for collective action towards a more inclusive and just healthcare system. As stewards of social justice and advocates for the marginalized, the Catholic Church still plays a pivotal role in achieving the SDGs and upholding human rights principles. By aligning its teachings and actions with the objectives of the SDGs, the Church holds the potential to contribute significantly to global efforts for sustainable development, instead of undermining them by outdated dogmas. Moving forward, fostering collaboration among diverse stakeholders, including governments, civil society, and the private sector, will be essential for realizing the transformative vision outlined by the SDGs and provide appropriate healthcare to everyone.

Pauline Nicolay concludes this chapter and her article with her observations as she recognizes the potential for success in implementing Alternative Dispute Resolution (ADR) methods in environmental conflicts exists, albeit not necessarily in its entirety, but at least to some extent. The primary challenge lies in overcoming the obstacles of acceptance which hinders the adoption of ADR mechanisms. Recognizing that resolving environmental conflicts is essential for environmental conservation. The importance goes beyond mere necessity; it should also serve as a catalyst for improving existing ADR methods and developing new ones. This process should be guided by the principle that continual change necessitates continual innovation and creation.

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