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Interdisciplinary Perspectives on the Interplay between Human Rights and Sustainability

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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.

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

Author: Prof. Dr. Milena Valeva

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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

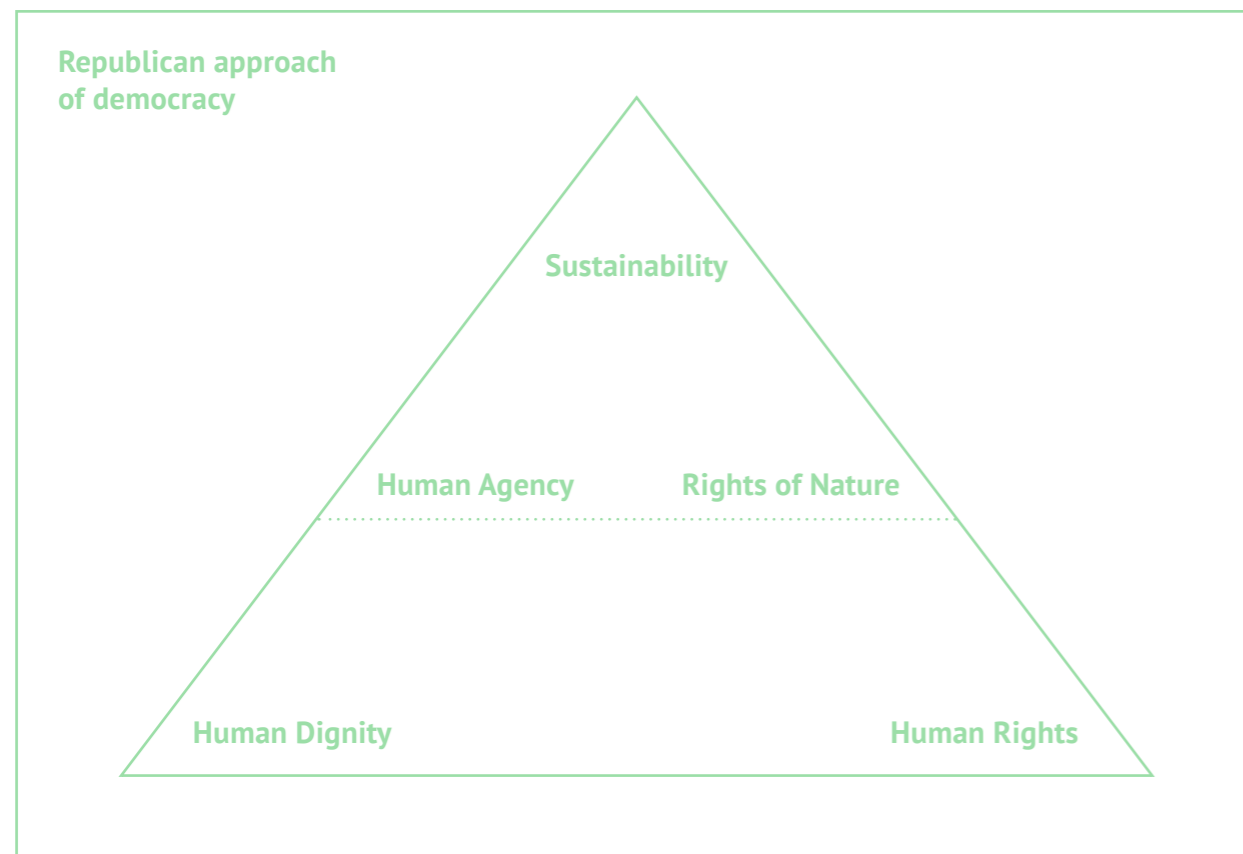


Figure 1: Relationships between the concepts of Human Dignity, Human Rights, and Sustainability within the arena of democracy (author's own figure).

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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