

HOW THE RULE OF LAW CAN PROMOTE SUSTAINABLE DEVELOPMENT ACROSS THREE CORE PILLARS

AKO MÔŽE PRÁVNÝ ŠTÁT PODPORIŤ TRVALO UDRŽATEĽNÝ ROZVOJ NAPRIEČ TROMI ZÁKLADNÝMI PILIERMI

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ABSTRACT

A global consensus on the UN's 2030 Agenda for Sustainable Development identifies the societal, economic, and environmental dimensions of 17 interdependent goals. Often overlooked, the rule of law plays a crucial role in advancing those sustainable dimensions. This paper highlights the importance of the rule of law as a critical component for promoting the 2030 Agenda and imparting sustainability in practices towards durable development across economic, social, and environmental dimensions. It argues that a stable, transparent legal system is necessary for economic prosperity as well as social and environmental sustainability because it ensures fair access to services, promotes equal opportunities, and enforces environmental protection laws. This analysis also looks at how robust legal frameworks, strong institutional capacities, and the empowerment through law are essential for promoting sustainable development and safeguarding the environment, offering a broad picture of how legal structures and institutions can be improved for holistic development and sustainability.

ABSTRAKT

Globálny konsenzus o Agende OSN 2030 pre udržateľný rozvoj identifikuje spoločenské, ekonomické a environmentálne rozmery 17 navzájom prepojených cieľov. Často prehliadaný právny štát zohráva kľúčovú úlohu pri podpore týchto udržateľných rozmerov. Tento dokument zdôrazňuje význam právneho štátu ako kritickej súčasti pre podporu Agendy 2030 a zabezpečenie udržateľnosti v praxi smerom k trvalému rozvoju v ekonomických, sociálnych a environmentálnych rozmeroch. Tvrdí, že stabilný, transparentný právny systém je nevyhnutný pre ekonomickú prosperitu, ako aj pre sociálnu a environmentálnu udržateľnosť, pretože zabezpečuje spravodlivý prístup k službám, podporuje rovné príležitosti a presadzuje normy ochrany životného prostredia. Táto analýza sa tiež zaoberá tým, ako robustné právne rámce, silné inštitucionálne kapacity a posilnenie prostredníctvom práva sú nevyhnutné pre podporu udržateľného rozvoja a ochranu životného prostredia, pričom ponúka široký obraz o tom, ako možno zlepšiť právne štruktúry a orgány pre holistický rozvoj a udržateľnosť.

I. INTRODUCTION

Sustainability is a widely acknowledged concept that continues to evolve over time. The idea of sustainable development has become the prevailing phrase in international conversations regarding

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both development and the environment. Today, no nation would claim to be against it. However, the path to achieving it remains unclear, as there is no definitive blueprint for sustainability. The term "sustainability" originates from the Latin word "*sustinere*," where "*tenere*" means to hold and "*sus*" means up. In contemporary usage, sustainability refers to the ability of something to be long-term maintained or supported. It serves as a paradigm for envisioning the future, where environmental, societal, and economic factors are harmonized to enhance overall quality of life. Today, no country can be deemed fully developed in terms of sustainability. All nations are advancing within this framework, essentially categorizing them all as developing countries. It is possible that humanity may always be in pursuit of it. Similar to the pursuit of justice, the complete attainment of sustainability might never be realized, but this does not diminish the importance of striving towards it.

Sustainability and sustainable development are distinct concepts. Some authors argue that sustainable development is contradictory due to the challenge of sustaining infinite economic growth on a finite planet.² Sustainability is the ability of a human system, whether it is natural, human-made, or a combination of both, to persist or adjust to internal or external changes indefinitely.³ On the other hand, sustainable development refers to a purposeful process of making improvements to a system to retain or enhance its attribute, while also serving the demands of the population. From this standpoint, sustainable development is regarded as the method to attain sustainability, with sustainability acting as the ultimate objective in the long run. It refers to development that meets present needs without jeopardizing the ability of future generations to meet their own needs.⁴

In September 2015, world leaders gathered at a United Nations summit in New York and approved the General Assembly Resolution: Transforming our world: the 2030 Agenda for Sustainable Development.⁵ This resolution outlines a comprehensive plan called the Sustainable Development Goals (SDGs), which consists of 17 goals and 169 targets. The SDGs aim to address various aspects of economic, social, and environmental development and are applicable to all countries globally. The SDGs were introduced as a replacement for the Millennium Development Goals (MDGs), which consisted of 8 goals and 18 targets.⁶ The number of objectives and targets, as well as their scope and aspirations, have significantly increased from the MDGs to the SDGs. Significantly, in the context of this study endeavor, the SDGs have brought novel objectives and benchmarks in the realms of social and political affairs, specifically pertaining to the rule of law, effective governance, and access of justice.

Consequently, this paper seeks to underscore the considerable significance of the rule of law in advancing sustainable economic growth, facilitating social development, and ensuring environmental protection. It discusses the ways in which embracing the rule of law as a fundamental concept contributes to the advancement of social, economic, and environmental development, which are the three key pillars of the UN Sustainable Development Agenda 2030.

² RUGGERIO Carlos Alberto, Sustainability and sustainable development: A review of principles and definitions, *Science of The Total Environment*, v. 786, 2021, 147481, ISSN 0048-9697, DOI: <https://doi.org/10.1016/j.scitotenv.2021.147481>.

³ DOVERS, Stephen; HANDMER, John, Uncertainty, sustainability and change. *Global Environmental Change*, v.2, n.4, p.262-276, 1992, DOI: [https://doi.org/10.1016/0959-3780\(92\)90044-8](https://doi.org/10.1016/0959-3780(92)90044-8).

⁴ World Commission on Environment and Development, *Our Common Future*, U.N. Doc. A/42/427 (Aug. 4, 1987).

⁵ United Nations General Assembly, *Transforming Our World: the 2030 Agenda for Sustainable Development*, A/RES/ 70/1, (Oct. 21, 2015).

⁶ United Nations General Assembly, *United Nations Millennium Declaration*, A/RES/55/2, (Sep.18, 2000).

II. UNDERSTANDING THE LEGAL STATUS OF SUSTAINABLE DEVELOPMENT

Legal scholars worldwide have been exploring the legal implications and status of sustainable development since its introduction.⁷ Some authors argue even that sustainable development is not a legal concept; while it may hold philosophical or political significance, it does not inherently constitute a legal objective.⁸ Others consider sustainable development as a rhetorical instrument to strengthen legal arguments.⁹ To adequately address this question, it is most effective to quickly revisit history and examine all the occurrences and documents in which sustainable development has been referenced and supported thus far. Although sustainability continues to be an aspirational goal, environmental and supranational organizations such as the European Union and the United Nations have devoted considerable attention to the notion of sustainable development ever since its inception in the mid-1970s.¹⁰ The contemporary notion of sustainable development stemmed from the 1971 Founex Seminar on Environment and Development¹¹, followed by the 1972 Stockholm Conference and its declaration.¹² Subsequently, the concept of sustainable development has been reiterated and endorsed in several international documents, such as the Brundtland Report (1987), Rio Declaration (1992), Johannesburg Declaration, New Delhi Declaration (2002), UN Conference on Sustainable Development (Rio+20, 2012). The Rio de Janeiro Earth Summit laid the groundwork for the Sustainable Development Goals¹³, offering a new set of goals similar to the Millennium Development Goals (MDGs)¹⁴ but with a broader focus on sustainable development. The SDGs were established in September 2015 through the adoption of the document titled "Transforming our world: the 2030 Agenda for Sustainable Development," also known as the 2030 Agenda¹⁵.

Although numerous treaties aim to attain sustainable development, they frequently do not present it as a legal obligation but rather as a goal for parties to pursue in conjunction with their environmental and developmental policies. This is evident both directly and indirectly in the decisions of international courts and tribunals. The International Court of Justice (ICJ) in the *Gabčíkovo-Nagymaros* case recognized the need to balance development with environmental protection.¹⁶ The Court urged parties to update old treaty provisions to modern sustainability standards, requiring the redefinition of conventional obligations. By referencing sustainable development in this case, Sands suggests that the ICJ implied a legal function of the term.¹⁷ In the *Iron Rhine* case, sustainable development influenced conflict resolution, easing the strict

⁷ PEETERS, Marjan. SCHOMERUS, Thomas. *Sustainable Development and Law*. In: Heinrichs, H., Martens, P., Michelsen, G., Wiek, A. *Sustainability Science*. Springer, Dordrecht, 2016, pp.109-118. DOI: <https://doi.org/10.1007/978-94-017-7242-69>.

⁸ FIEVET, Gilles. *Réflexions sur le concept de développement durable: prétentions économiques, principes stratégiques et protection des droits fondamentaux*. RBDI 128 (2001). [online]. Available at: https://www.stradalex.eu/fr/se_rev/toc/rbdi2001_1-fr/doc/rbdi2001_1. pp.128 Accessed 20.02.2024.

⁹ ELLIS, Jaye. *Sustainable Development as a Legal Principle: A Rhetorical Analysis* (2008). [online]. Available at: SSRN: <https://ssrn.com/abstract=1319360>, Accessed 15.01.2024. DOI: <http://dx.doi.org/10.2139/ssrn.1319360>.

¹⁰ STIVERS, Robert. *The Sustainable Society: Ethics and Economic Growth*. (1976) [online]. Available at: <https://archive.org/details/sustainablesocie0000stiv> Accessed 25.02.2024. DOI: <https://doi.org/10.1093/jcs/21.3.580>.

¹¹ The Founex Report: [online]. Available at: <https://mauricestrong.net/index.php?option=comcontent&view=article&id=149&Itemid=75> Accessed 02.05.2024.

¹² United Nations, Report of the UN Conference on the Human Environment, Stockholm (June 1972) UN Doc. A/CONF.48/14/Rev.1.

¹³ UNGA Res A/RES/66/288 (27 July 2012).

¹⁴ A/RES/55/2: United Nations Millennium Declaration.

¹⁵ A/RES/70/1.Ibid.

¹⁶ *Gabčíkovo-Nagymaros Project (Hungary v. Slovakia)*, Judgment ICJ Reports (1997) 7, at para. 141.

¹⁷ SANDS, Philippe. *International Courts and the Application of the Concept of "Sustainable Development"*, *Max Planck Yearbook of United Nations Law*, 1999, pp.389-405, DOI:10.1163/187574199X00108.

enforcement of an old treaty's terms.¹⁸ Belgium sought to reactivate a railway through the Netherlands under the 1839 Treaty of Separation, with the Netherlands requesting additional environmental protections. The tribunal validated Dutch environmental demands based on sustainable development principles, aligning environmental and economic considerations. It also adjusted financial responsibilities to reflect this balance, advocating for shared liability despite Belgium's initial responsibility for construction costs.¹⁹ This illustrates sustainable development's role in redefining legal responsibilities to integrate modern environmental and economic principles. Sustainable development was also mentioned in the Pulp Mills²⁰ and Whaling in the Antarctic cases.²¹ It is anticipated that this method of interpretation will become increasingly prevalent in future conflicts concerning the implementation of older agreements. The judges may need to employ these procedures to guarantee the ongoing significance of these treaties, particularly when their initial purpose is remote, and their present-day implementation requires the examination of more recent regulations. This shift in treaty interpretation might be compared to Darwin's process of natural selection: treaties must either adjust to preserve their usefulness or face the possibility of becoming outdated.²² It's essential to emphasize that the ICJ and tribunals have not officially recognized the international legal status of sustainable development as customary or conventional law, or as a principle of international environmental law. Instead, it is regarded as a "concept".²³ The situation is largely similar with World Trade Organization (WTO) Panels as well. In its ruling in the Shrimp/Turtle case, the WTO Panel emphasized that the WTO Agreement's Preamble explicitly recognizes the "objective of sustainable development."²⁴ The Appellate Body referenced sustainable development when interpreting the WTO Agreements, highlighting the efficient utilization of resources in accordance with sustainable development goals. The Appellate Body concluded that sustainable development involves simultaneously safeguarding the environment and promoting economic and social progress. Additional cases in which sustainable development or its variations, such as the sustainable use of natural resources, have been mentioned include the Southern Bluefin Tuna case before the International Tribunal for the Law of the Sea (ITLOS), and the China-Rare Earth case before the WTO.²⁵ Lastly, it is acknowledged that sustainable development can have both procedural and substantive impacts in normative terms. It is worth noting that international courts and tribunals prioritize sustainable development as a key factor in guiding their decisions, even when these decisions have significant transformative effects.

Cooperation, rather than subordination, is the basic defining feature of international law, which states both create and primarily subject to. According to some authors, there has to be a new approach to international cooperation that takes into account the interconnectedness of all changes

¹⁸ BAETENS, Freya, *The Iron Rhine Case: On the Right Track to Sustainable Development?* (April 8, 2013). *Sustainable Development Principles in the Decisions of International Courts and Tribunals 1992-2012*, M. C. Cordonier Segger, ed., 2013, Available at SSRN: <https://ssrn.com/abstract=2246844>. DOI: <https://doi.org/10.4324/9781315769639-12>.

¹⁹ *Arbitration regarding the Iron Rhine Railway between The Kingdom of Belgium and The Kingdom of the Netherlands*, Award of 24 May 2005, UNRIAA XXVII 35.

²⁰ *Argentina v. Uruguay (Case Concerning Pulp Mills on the River Uruguay)* International Court of Justice 2010 I.C.J. 135 (Apr. 20).

²¹ WATKINS, Casey, *Whaling in the Antarctic: Case Analysis and Suggestions for the Future of Antarctic Whaling and Stock Management* (March 30, 2012). *New York International Law Review*, Vol. 25, June 2012, Available at SSRN: <https://ssrn.com/abstract=2035631> Accessed 10.02.2024.

²² BAETENS, *Ibid.*

²³ SANDS, *Ibid.*

²⁴ WTO Appellate Body Report, *United States – Import Prohibition of Certain Shrimp and Shrimp Products* (12 October 1998) WT/DS58/AB/R.

²⁵ DAS, Onita. *Sustainable development and environmental peacebuilding*, Chapters, in: Daniëlla Dam-de Jong and Britta Sjöstedt (ed.), *Research Handbook on International Law and Environmental Peacebuilding*, chapter 2, 2023. pp. 17-41, Edward Elgar Publishing. DOI: <https://doi.org/10.4337/9781789906929>.

and involves a wide range of interested parties.²⁶ Many authors have pointed out that the Paris Agreement on climate change, investment and trade agreements, and other such frameworks can help bring about sustainable development.²⁷ Some argue that global environmental agreements should prioritize policy integration, while others call for further action in this area.²⁸ A key component of sustainable development, the promotion of environmentally friendly technology alongside the active participation of local communities, has recently been proposed.²⁹ Approximately 112 multilateral treaties include references to sustainable development, with around 30 aiming for universal participation.³⁰ Treaties that mention sustainable development typically impose obligations on states to incorporate environmental considerations into their economic development projects and to prevent any harm to the environment. Some treaties even suggest the adoption of further measures. In addition to its increasing presence in international legal texts, sustainable development is also being recognized in national³¹ and regional laws and conventions³². As previously mentioned, scholars debate the legal status of sustainable development. Some contend that it falls short of meeting the criteria for being recognized as a legal principle,³³ while others assert that it is evolving into one.³⁴ However, sustainable development is acknowledged as a concept with substantial legal impact, often classified as a "soft-law" principle that has attained worldwide acknowledgment as a crucial objective for natural resource management.³⁵

III. THE RULE OF LAW AND SUSTAINABLE DEVELOPMENT

3.1. The rule of law theoretical background

The importance of the rule of law, both internationally and domestically, is a point on which most nations and professionals can agree. The rule of law and sustainable development are consistently present in the modern news cycle. Despite being a ubiquitous concept frequently wielded as a powerful rhetorical tool, people often struggle to understand the fundamental principles of the rule of law. That is because there is no universal agreement on the meaning of the rule of law. It has many shades. The World Justice Project refers to it as "a durable system of laws, institutions, norms, and community commitment that delivers four universal principles:

²⁶ SANWAL, Mukul. Trends in Global Environmental Governance: The Emergence of a Mutual Supportiveness Approach to Achieve Sustainable Development. *Global Environmental Politics*, 4,2004, pp. 16-22. DOI: <https://doi.org/10.1162/glep.2004.4.4.16>.

²⁷ SEGGER, Marie-Claire. *Crafting Trade and Investment Accords for Sustainable Development* (2021). Available at: https://www.bennettinstitute.cam.ac.uk/wpcontent/uploads/2020/12/Crafting_trade_and_investment_accords_for_sustainable_development.pdf Accessed 08.01.2024. DOI: <https://doi.org/10.1093/oso/97801>.

²⁸ AZIZI, Dona., BIERMANN, Frank., KIM, Rakhyun. Policy Integration for Sustainable Development through Multilateral Environmental Agreements. *Global Governance: A Review of Multilateralism and International Organizations*.25,2019, pp.445-475. DOI:10.1163/19426720-02503005.

²⁹ FRENCH, Duncan. Managing global change for sustainable development: technology, community and multilateral environmental agreements. *International Environmental Agreements: Politics, Law and Economics*, 7, 2007, pp.209-235. DOI: 10.1007/s10784-007-9035-5.

³⁰ BARRAL, Virginie. Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm. *European Journal of International Law* 23, 2012, pp.377–400. DOI: <https://doi.org/10.1093/ejil/chs016>.

³¹ Environment Protection and Biodiversity Conservation Act 1999. Article 1. (b) [Online]. Available: <https://www.legislation.gov.au/C2004A00485/latest/text> Accessed: 26.02.2024.

³² Article 3(5) Treaty of EU.

³³ BEYERLIN, Ulrich., MARAUHN, Thilo. *International Environmental Law* (Hart 2011) pp. 81. [Online]. Available: <https://archive.org/details/internationalenv0000beye> Accessed 10.12.2023. DOI: <https://doi.org/10.5771/9783845265582>.

³⁴ WEISS, Friedl SCHERZER, Bernhard. (Existence of) Common or Universal Principles for Resource Managements (?) in Marc Bungenberg and Stephan Hobe (eds), *Permanent Sovereignty over Natural Resources* (Springer 2015) pp.55. DOI: <https://doi.org/10.1007/978-3-319-15738-23>.

³⁵ DAS, Ibid.

accountability, just law, open government, and accessible and impartial justice."³⁶ According to Jowell, the rule of law encompasses a political and legal system in which all individuals are obligated to abide by laws that are unambiguous and definite.³⁷ It ensures that people have access to courts to address their issues and conflicts, and that they can contest decisions concerning them in an impartial and just manner. There are various formulations and concepts, but at the heart of it all is the belief that the law should function in a manner that is responsible and just, ensuring equal treatment for all.

Various theorists have contributed to the development of the rule of law tradition, but it was AV Dicey, an English constitutional scholar, who formulated the version we know today.³⁸ Dicey outlined three key principles: first, punishments such as arrest or fines should be administered based on established law in ordinary courts rather than through discretionary decisions of royals or politicians; second, the law should be applied equally to all individuals, regardless of status; and third, individual rights are best safeguarded by common law, allowing courts to develop legal principles rather than relying on formal constitutions. While Dicey's framework has influenced the public law of England and Wales and other countries globally, it has faced criticism.³⁹ One critique relates to the idea of discretion, with some questioning the practicality of entirely avoiding ministerial discretion in modern governance.⁴⁰ Another criticism suggests that Dicey's concept may be too narrow, as it focuses primarily on the manner in which the law operates rather than considering broader considerations such as individual liberty and due process.⁴¹ This critique has led to debates about whether the rule of law should also encompass what the law should be, not just how it functions.⁴² Scholars have argued for a thicker or substantive notion of the rule of law, which includes considerations of human dignity and distinguishes between good and bad laws.⁴³ While historical figures like Montesquieu, Aristotle, and Dicey have shaped our understanding of the rule of law, contemporary interpretations, such as Lord Bingham's, align more closely with modern conceptions of the concept. Lord Bingham's explanation of eight principles connects the rule of law with contemporary democratic ideals.⁴⁴ Emphasizing the significance of accessible, clear, and predictable laws, this principle raises questions about the accessibility, comprehensibility, coherence, publicity, volume, and stability of the law. The second principle highlights the importance of making decisions based on legal grounds rather than personal judgment. The third principle supports the fair and consistent application of laws, while also recognizing the need for reasonable distinctions based on objective factors. Public officials are

³⁶ World Justice Project, What is the Rule of Law? [Online]. Available: <https://worldjusticeproject.org/about-us/overview/what-rule-law> Accessed 20.12.2023.

³⁷ The Bingham Centre Schools Project, [Online]. Available <https://www.youtube.com/watch?v=wgVAyYzhHd0> Accessed 02.03.2024.

³⁸ WALTERS, Mark. Dicey's Legal Constitution. In: A.V. Dicey and the Common Law Constitutional Tradition: A Legal Turn of Mind. Cambridge Studies in Constitutional Law. Cambridge University Press; 2020, pp.135-161. DOI: <https://doi.org/10.1017/9781139236249.009>.

³⁹ MATCZAK, Marcin. Why Judicial Formalism is Incompatible with the Rule of Law. Canadian Journal of Law & Jurisprudence. 2018, 31(1), pp. 61-85. DOI:10.1017/cjlj.2018.3.

⁴⁰ JOWELL, Jeffrey. OLIVER, Dawn. The Rule of Law. The Changing Constitution. 5 ed. 2011, p 35. DOI: <https://doi.org/10.1093/he/9780199579051.001.0001>.

⁴¹ BEDNER, Adriaan, "The promise of a thick view" ELECD 601; in May, Christopher; Winchester, Adam (eds), "Handbook on the Rule of Law" (Edward Elgar Publishing, 2018) 34, Appelbaum, E. (2014). High-Performance Work Practices and Sustainable Economic Growth. DOI: <https://doi.org/10.4337/9781786432445.00008>.

⁴² YOUNG, Alison. The Rule of Law in the United Kingdom: Formal or Substantive? ICL Journal, 6, 2012, pp.259 - 280. p. 269. DOI: <https://doi.org/10.1515/icl-2012-0204>.

⁴³ BEDNER, Ibid.

⁴⁴ BINGHAM, Lord. THE RULE OF LAW. The Cambridge Law Journal, 2007,66, 67 - 85. DOI: <https://doi.org/10.1017/s0008197307000037>.

expected to exercise their powers conscientiously and adhere to prescribed limits and purposes, as outlined in the fourth principle. The legal system is required to protect fundamental human rights as a core principle. The sixth principle emphasizes the importance of ensuring access to justice, including the provision of free legal representation. Ensuring fairness is a fundamental aspect of all legal proceedings, whether they are civil or criminal in nature. Adherence to international legal obligations is mandated by the eighth principle, which emphasizes the importance of aligning with conventions such as the European Convention on Human Rights and the Universal Declaration of Human Rights. In this paper we argue for a comprehensive understanding of the rule of law combined with human rights, in recognizing its crucial role in advancing SDGs.

When it comes to international legal frameworks, the rule of law is noticeably absent. The rule of law can often be assumed from the preambles, structures, and contents of international treaties, but it is more commonly implied rather than explicitly expressed. Treaties contain numerous elements of the rule of law. In addition, the aims of upholding the principles of legal governance are often advanced in rulings handed down by international tribunals. The rule of law, however, is not adequately addressed by existing international legal systems. An expanding body of informal rules known as "soft law" is working to define "the rule of law" consistently around the globe. Based on a range of declarations, resolutions from the UN General Assembly, and international discussions, the UN Secretary-General has defined the 'rule of law' as the principle of governance where everyone, including both public and private entities along with the State, is held accountable to laws that are publicly announced, uniformly applied, and fairly judged, all while aligning with global human rights norms and standards.⁴⁵

3.2. Critical connection between the rule of law and sustainable development

During the World Summit in September 2005, more than 170 global leaders acknowledged the critical connection between the rule of law and sustainability. They emphasized that good governance and adherence to the rule of law are essential for fostering economic growth, promoting sustainable development, and eliminating poverty and hunger. They have made a commitment to safeguarding human rights, democracy, and the rule of law, recognizing the interconnectedness of these principles.⁴⁶ In 2012, the UN emphasized the importance of the rule of law being universally applied to all states and international organizations, including the UN itself. This recognition underscores the significance of the rule of law in promoting predictability and legitimacy in global affairs.⁴⁷ In 2015, the UN demonstrated its strong commitment to the rule of law by adopting the 2030 Agenda for Sustainable Development.⁴⁸ The 2030 Agenda holds immense potential for transformation, as it ensures that the legal focus is reflected in all of its goals. Addressing health, gender equality, climate change, or discriminatory practices, the law is widely acknowledged as a crucial factor or a significant contributor in every domain. SDG 16, which is one of the 17 objectives in the 2030 agenda, emphasizes the crucial importance of the rule of law in sustainable development. The necessity to "promote the rule of law at the national and international levels and ensure equal access to justice for all" is emphasized in SDG 16.3. It is noted that SDG 16.3 is not an island unto itself; rather, success on SDG 16.3 and Goal 16 in general is inextricably linked to

⁴⁵ UN Secretary-General, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, UN Doc. S/2004/616 (23 August 2004).

⁴⁶ UN General Assembly (2005) *World Summit Outcome*, UN Doc. A/Res/60/1, para 119,134.

⁴⁷ UN General Assembly (2012) *Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels*, UN Doc. A/RES/67/1, para 2.

⁴⁸ United Nations Development Programme (UNDP) (2015) *The 2030 Agenda for Sustainable Development*. <https://sustainabledevelopment.un.org/post2015/transformingourworld>.

the accomplishment of other SDGs. The 2030 Agenda does not explicitly explain the content and duties of states under Target 16.3, the exact relationship between sustainable development and the rule of law, or how these two concepts interact with one another. There are various approaches, views, models, and tools accessible to every country, depending on its specific circumstances and priorities, and this is acknowledged in the Agenda.⁴⁹ It stands out by positioning the rule of law as an essential element of development, transforming it from a mere optional addition to the core substance that facilitates sustainable development. Therefore, the principle of the rule of law is depicted as the guiding force.

3.3. The Rule of Law's Dual Function

More detailed analyses reveals that the connection between the rule of law and sustainable development encompasses both the rule of law as an objective of development (SDG Target 16.3) and the rule of law as a facilitator of development. In practice, these two concepts are intertwined. This acknowledges the dual role of the rule of law in sustainable development - as both a desired outcome and a crucial instrument for its promotion and achievement. The inclusion of SDG Target 16.3 recognizes the rule of law as a crucial development objective. It reflects a shared commitment among nations to prioritize justice, human rights, and accountability by strengthening legal frameworks and institutions.

Furthermore, the statement emphasizes that the rule of law serves not only as an end in itself but also as a means to foster development. The SDGs implicitly acknowledge that the rule of law is an essential guiding principle for achieving any form of development, be it social, economic, or environmental.⁵⁰ It is noted that without a solid basis of the rule of law, it would be challenging to make advancements in social, economic, and environmental development. To attain the goals outlined in the Agenda for Sustainable Development, certain targets must be met. These targets include the implementation of the rule of law at both national and international levels (target 16.3), the establishment of effective, accountable, and transparent institutions (target 16.6, also referenced in target 16.a), and the adoption of non-discriminatory laws and policies for sustainable development (target 16.b).⁵¹ The rule of law serves as a direct pathway to sustainable development and the realization of the SDGs, while also forming the foundation for progress, justice, and a more effective society. The rule of law establishes a system where societies are governed by recognized laws and procedures, fostering fairness, accountability, and equitable treatment. By integrating the rule of law as a guiding principle, the SDGs underscore its pivotal role in fostering sustainable and inclusive development across different sectors and aspects.

The achievement of sustainable development relies on the alignment of environmental, economic, and social objectives.⁵² Frequently, integration is misconstrued as a basic procedural need or diminished to shallow environmental deliberation, fostering unregulated economic expansion. Occasionally, it is perceived as simply equilibrating three fundamental components. Nevertheless, both perspectives are imperfect. Undertaking integration without a defined objective or a suitable decision-making structure is a precarious undertaking that is likely to result in unsustainable consequences. The action must be intentional and in accordance with a larger goal.

⁴⁹ A/RES 70/1, *Ibid.* para 59.

⁵⁰ UNGA Res 70/1 - Transforming our world: the 2030 Agenda for Sustainable Development (21 October 2015), para 9. Available at: <https://sdgs.un.org/documents/ares701-transforming-our-world-2030-agen-22298>, Accessed 05.04.2024.

⁵¹ *Ibid.*, Goal 16, pp. 25-26.

⁵² ILA, Committee on International Law on Sustainable Development, Resolution 07/12, and ILA Resolution 3/2002, annex as published as UN Doc. A/57/329, New Delhi Declaration of Principles of International Law Relating to Sustainable Development, available at: www.ila-hq.org.

IV. THE RULE OF LAW AND THREE PILLARS OF SUSTAINABLE DEVELOPMENT

Sustainable development has established itself as a natural extension of the economic concept of "development." It aims to integrate economic, environmental, and social considerations, both for the present and, crucially, for the future. The UN Agenda 2030 consists of a Preamble, a Declaration, Specific Goals and Targets, Means of Implementation and the Global Partnership, and provisions for Follow-up and Review. Its Preamble extends the MDGs' focus on poverty eradication by adopting a holistic approach across economic, social, and environmental dimensions. This is encapsulated in the five 'Ps': People, Planet, Prosperity, Peace, and Partnership.⁵³ Hence, the idea of sustainable development is commonly structured around the three foundational pillars: economic, social, and environmental.

4.1. The Importance of the Rule of Law for social development

The fundamental concept of sustainable development is to provide a gratifying way of life for everyone while minimizing the adverse effects on the environment. Achieving this goal will need a redistribution of social wealth that is both equitable and effective in raising living standards and stimulating economic development. Social development itself, as defined by the World Bank, involves increasing individuals' assets and capabilities to enhance their well-being.⁵⁴ Social development is influenced by social practice and human development. It is a crucial part of the wider sustainable development agenda. It focuses on enhancing life quality and securing social wellbeing for both today's and tomorrow's generations.⁵⁵

Social development covers various elements like fairness, peace, education, health, and involvement. It's deeply linked with environmental and economic sustainability.⁵⁶ Yet, it frequently gets sidelined in discussions on development, highlighting the necessity for a deeper grasp and advocacy of social sustainability. This calls for a move to a more holistic strategy in social development policy, emphasizing both local and global viewpoints.

Additionally, social development encompasses the capacity of social groups to exercise agency, transform relationships, and participate in development processes. The distribution of resources across generations and the distribution of resources between men and women are two aspects of sustainable development that pertain to gender: intra-generational justice, which pertains to the distribution of resources among men and women, and inter-generational justice, which examines the question of whether resources are divided evenly between present and future generations based on gender. In that context, empowering women is key to sustainable development because it tackles gender inequalities that impede progress.⁵⁷ Women, facing greater discrimination, often have less access to jobs, education, and healthcare, and suffer more from poverty. Sustainable development must be inclusive, removing discrimination and ensuring everyone has access to opportunities and benefits. The rule of law plays a vital role in empowering individuals, particularly the poor and

⁵³ The UN Sustainable Development Goals: The 5 P's of a Sustainable Future, [Online]. Available: <https://www.embracerelief.org/the-un-sustainable-development-goals-the-5-ps-of-a-sustainable-future/#:~:text=The%20%2%80%9C5%20Ps%2%80%9D%20of%20the%20UN%20Sustainable%20Development,sustainable%20and%20more%20prosperous%20world%20for%20future%20generations>. Accessed 10.02.2024.

⁵⁴ MORSE, Stephen. World Bank Social Indicators of Development. In: Michalos, A.C. (eds) Encyclopedia of Quality of Life and Well-Being Research. Springer, 2014, pp 7247–7253. DOI: https://doi.org/10.1007/978-94-007-0753-5_3277.

⁵⁵ PACZKA, Edyta. Social dimension of the concept of sustainable development. *Studenckie Prace Prawnicze, Administratywistyczne i Ekonomiczne*. V. 22, 2017, pp. 21-33. DOI: <https://doi.org/10.19195/1733-5779.22.2>.

⁵⁶ MENSAH, Justice. Social Sustainability: A Dwarf among giants in the Sustainable Development Pillars? *Asian Journal of Management*. v.12, Issue 2, 2021, pp 127-138. DOI: <https://doi.org/10.52711/2321-5763.2021.00019>.

⁵⁷ WARTH, Lisa., KOPARANOVA, Malinka. Empowering Women for Sustainable Development. United Nations Economic Commission for Europe, Geneva, N12,1, 2012, pp.4-24. Available at: https://unece.org/fileadmin/DAM/Gender/publications_and_papers/UNECE_Discussion_Paper_2012.1.pdf, Accessed 10.05.2024.

marginalized, to assert and exercise their rights. Accountability, access to justice, fair laws, transparent government are four universal principles important for social development. By highlighting its practical application and perception by the general people, these concepts are in line with Waldron's notion of how citizens perceive the rule of law.⁵⁸ In reality, the rule of law protects individuals from the arbitrary actions of government authorities in many fields, including healthcare, education, welfare, and policing. Even while the law does not treat everyone the same, it does make sure that everyone in similar situations is treated objectively according to consistent criteria. People are allowed to contest decisions that impact them because to the rule of law, which provides recourse and guarantees fair hearings before impartial adjudicators. Fundamental components that demonstrate the rule of law's vitality in society are equitable legal processes and transparency in lawmaking. The rule of law can be seen as an informal social norm that requires legal obedience, and its prevalence can vary across different societies and cultures. In societies where the rule of law prevails, individuals and institutions are more likely to comply with legal rules and regulations, and they are better able to utilize the law as an expressive tool. This means that the law can be used not just to punish wrongdoing, but also to communicate important social values and norms. In this way, societies where the rule of law prevails can use the law as an expressive tool to promote social values and norms, and to reinforce the importance of legal compliance.

The principle of the rule of law guarantees equal justice access for all individuals. Access to justice is closely linked to improvements in health, education, and other development areas. In numerous countries, judges, legal aid lawyers, public interest lawyers, and paralegals play a key role in promoting the fair distribution of social services and addressing violations of various social rights. To tackle inequalities and discrimination in social service delivery, integrating access to justice within sustainable development frameworks is essential. The efficient administration and enforcement of justice also depend on strengthening the security and justice sectors. A project in rural Punjab, Pakistan, is truly making a positive impact by increasing women's financial literacy, decision-making abilities, and understanding of their rights.⁵⁹ In Nepal, women's NGOs are bridging the gap, helping disadvantaged women get the legal help they need (Becker, 2015).⁶⁰ These findings highlight how crucial paralegals and support networks are in opening doors to justice and championing women's rights.

The rule of law is essential to the advancement of social justice and equality. It guarantees impartiality in the eyes of the law for all, in accordance with the constitutional principles of freedom, justice, brotherhood, and equality, which are fundamental to political, economic, and social democracy. The fundamental tenets of social democracy are dignity, equality, and social justice. The multifaceted notion of equity is fundamental to these conflicts. Although perspectives on equality and social justice may differ depending on the setting, the rule of law continues to be a fundamental tool in the pursuit of societal fairness. These critical points help us understand the impact of the rule of law on society. They remind us that the rule of law is not absolute and that it is subject to interpretation and discretion. However, the rule of law remains an essential principle

⁵⁸ Legal philosopher Jeremy Waldron highlighted a disparity between theoretical interpretations of the Rule of Law and its practical understanding. Everyday citizens tend to focus on procedural aspects, such as fair hearings, legal protections, and understanding the law's impact on them.

⁵⁹ CHEEMA, Abdu Rehman., RIAZ, Mehvish. Community-based paralegals to build just societies: insights from a legal empowerment project in Pakistan. *Community Development Journal*, Volume 57, Issue 4, October 2022, pp.695–712, DOI: <https://doi.org/10.1093/cdj/bsab041>.

⁶⁰ BECKER, Margaret. Constructing SSLM: Insights from Struggles over Women's Rights in Nepal. *Asian Studies Review*, 39,2015, pp. 247 - 265. DOI: <https://doi.org/10.1080/10357823.2015.1021754>.

that ensures fairness, justice, and accountability in society. Governments should observe the rule of law to ensure that their actions are justifiable and in line with the principles that guide society.

4.2. The rule of law and economic development

Available literature has examined the economic consequences of the lack of rule of law in various forms, such as anarchy⁶¹, extortion⁶², and lawlessness⁶³. The legal framework of an economy is commonly seen as the set of regulations that establish the rules by which economic actors engage in their activities. However, the crucial factor that determines the motivation of these agents is the level of effectiveness and adherence to the principles of the "rule of law". The rule of law is of paramount importance in fostering economic progress through the establishment of a secure and open legal framework. The rule of law boosts investment and efficiency, making economies more competitive. It guarantees fair enforcement of agreements between businesses and the government, reduces coercion and unfair practices, and strengthens institutions to handle violations properly. Effective laws and better ability to settle business disputes create equal opportunities for all economic players, encouraging entrepreneurship, supporting small and medium businesses, and driving innovation. Scholars have emphasized the significance of the "Rule of Law" in fostering economic development.⁶⁴ *Sutrisno* highlights the rule of law as crucial for justice and supporting small businesses.⁶⁵ Some authors link it to better capital market growth.⁶⁶ Others argue that a strong rule of law is vital for ongoing economic growth.⁶⁷

Together, these studies suggest that the rule of law is essential for boosting investment, efficiency, and innovation in the economy. However, the fundamental concept connecting law to economic development operates through two distinct yet closely interrelated pathways: the impact of property rights on investment and the influence of contract enforcement on trade.⁶⁸ Firstly, property rights have a significant impact on investment. When individuals and businesses have secure and enforceable rights over their property, they are more likely to invest in and develop it, leading to economic growth. Secondly, the enforcement of contracts is essential for fostering trade. Reliable contract enforcement ensures that parties can engage in transactions with confidence, promoting economic activities and facilitating trade relationships. In a business scenario involving an investor and a partner, the investor's decision to invest hinges on the partner's choice to either cooperate or take the money without working. Without the rule of law, such as enforceable contracts, the worker may opt for non-cooperation without facing consequences, discouraging the investor from investing. This results in no gain for either party. However, with the rule of law ensuring that the partner faces penalties for non-cooperation, there's a greater likelihood of

⁶¹ HIRSHLEIFER, Jack. Anarchy and its breakdown. *Journal of Political Economy*, 103, 1995, pp.26–52. DOI: <https://doi.org/10.1086/261974>.

⁶² KONRAD, Kai., SKAPERDAS, Stergios. Extortion. *Economica*, 65(260), 1998, pp.461–477. DOI: <https://doi.org/10.1111/1468-0335.00141>.

⁶³ DIXIT, Avinash. *Lawlessness and economics, alternative modes of governance*. Oxford, UK: Oxford Univ. Press.2004.DOI: <https://doi.org/10.1515/9781400841370>.

⁶⁴ KNACK, Stephen, KEEFER, Philip *Institutions and Economic Performance: CrossCountry Tests Using Alternative Institutional Measures*. *Economics and Politics* 7 (November):1994, pp.207-227.DOI: <https://doi.org/10.1111/j.1468-0343.1995.tb00111.x>.

⁶⁵ SUTRISNO, Endang. Role of Law in Construction and Development of Small Scale Industries Through Normative Perspective. *Journal of Dinamika Hukum*, 15, 2015, pp. 317-323. DOI: <https://doi.org/10.20884/1.jdh.2015.15.3.411>.

⁶⁶ DIMA, Bogdan., BARNA, F.M., & Năchescu, M.L. Does rule of law support the capital market? *Economic Research-Ekonomska Istraživanja*, 31,2018, pp. 461 - 479.DOI: <https://doi.org/10.1080/1331677x.2018.1432371>.

⁶⁷ IRMEN, Andreas., KUEHNEL, Johanna. Innovation, Growth, and the Optimal Enforcement of the Rule of Law.2009, DOI: <https://doi.org/10.2139/ssrn.1972171>.

⁶⁸ HAGGARD, Stephan, MacIntyre Andrew, Lydia Tiede, Lydia. "The Rule of Law and Economic Development." *Annual Review of Political Science* 11 (2008), pp. 205-234.DOI: <https://doi.org/10.1146/annurev.polisci.10.081205.100244>.

collaboration, encouraging investment and mutual benefit. This scenario highlights how laws and regulations foster trust and security, essential for investment and collaboration, leading to economic growth and collective prosperity. These two pathways highlight how the rule of law, by safeguarding property rights and enabling effective contract enforcement, creates a favorable environment for economic development. The preservation of property rights and the integrity of contracts, which are supported by the rule of law, are critical for facilitating investment and commerce, thereby stimulating economic expansion.

Despite its lack of legal force, the United Nations Guiding Principles on Business and Human Rights (UNGPs) have become the preeminent framework for the intersection of business and human rights. Industry standards, such as the voluntary principles on security and human rights in the extractive sector, and the OECD guidelines for multinational enterprises were both revised in 2011 to incorporate due diligence provisions, demonstrating their impact. There has been a movement lately toward enshrining the UNGPs in national law. In 2017, for example, France passed the French Duty of Vigilance Law, which requires a number of big corporations to monitor their effects on human rights and the environment.⁶⁹ Similarly, the Netherlands passed a law in May 2019 mandating investigation into the use of child labor in supply chains⁷⁰; Switzerland is also considering a bill along these lines, as are other nations such as Germany, the United Kingdom, and Finland. Due to the novelty of these legal developments, businesses are confronted with substantial legal ambiguity in the absence of precedent. The contradictory messages that businesses may get about their legal responsibilities are shown by recent UK case law, such as the 2019 Vedanta case.⁷¹ Although the UK Supreme Court hinted that UK parent firms would be liable for individuals harmed by their overseas branches, previous decisions concerning Unilever and Shell came to different results. Businesses are reevaluating their worldwide risk management and due diligence procedures in light of this legal uncertainty. Compliance activities are already complicated when businesses operate across borders, which exposes them to several regulatory settings. As a result, the idea of obligatory due diligence rules is gaining traction among businesses as a means to establish fairness and legal clarity throughout the supply chain. Furthermore, rights organizations push for these kinds of regulations, stressing how critical it is to provide people whose human rights have been violated by corporations with the means to seek redress. Businesses have a two-fold impact on human rights. On one hand, they can have a positive impact by generating job opportunities and bolstering tax revenues. However, they can also have a detrimental effect on human rights. This can happen both internally, through labor rights violations like restrictions on freedom of association, and externally, resulting in negative impacts on individuals, communities, and the environment. Businesses have the potential to infringe upon various human rights, encompassing civil and political rights, as well as economic, social, and cultural rights. Instances of corporate human rights abuses, such as the Bhopal disaster in India⁷² and the collapse

⁶⁹ CLERC, Christophe, The French 'Duty of Vigilance' Law: Lessons for an EU Directive on Due Diligence in Multinational Supply Chains (January 13, 2021). ETUI Research Paper - Policy Brief 1/2021, Available at SSRN: <https://ssrn.com/abstract=3765288> DOI: <http://dx.doi.org/10.2139/ssrn.3765288>.

⁷⁰ CHAMBER, Rachel, VASTARDIS, Anil, Human Rights Disclosure and Due Diligence Laws: The Role of Regulatory Oversight in Ensuring Corporate Accountability, *Chicago Journal of International Law*, v.21, n.2, 2021, pp.323-366. Available at: <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1789&context=cjil>, Accessed 12.05.2024. DOI: <https://doi.org/10.2139/ssrn.3497421>.

⁷¹ OJEDA, Elvis. Transnational Corporate Liability Litigation and Access to Environmental Justice: The Vedanta v Lungowe Case. *LSE LAW REVIEW*, Vol VI, 2021. pp. 223-248. DOI: <https://doi.org/10.61315/lse.lr.166>.

⁷² BROUGHTON, Edward. The Bhopal disaster and its aftermath: a review. *Environmental Health* volume 4, Article number: 6 (2005). DOI: <https://doi.org/10.1186/1476-069x-4-6>.

of the Rana Plaza factory in Bangladesh⁷³, serve as stark reminders of the failures to prevent or adequately address these violations.

The World Bank, also, assesses the effectiveness of a country's legal system by evaluating its ability to uphold property rights and contractual rights.⁷⁴ So, adherence to the rule of law, along with the protection of property and contractual rights, are critical factors in driving economic growth. The World Bank measures a country's legal system effectiveness by its ability to protect property and contractual rights, rating them on a 1 to 6 scale, with 1 being the lowest. The 2012 global average was 2.9. Countries like Afghanistan, the Central African Republic, and Zimbabwe scored 1.5, reflecting poor economic outcomes with low GDP per capita due to issues like poor living standards, unstable governance, and weak adherence to the rule of law. In contrast, nations with robust legal systems and strong property rights generally see better economic growth.

Moreover, in addition to the previously mentioned, two more factors were added in the ongoing discussion. These factors involve guaranteeing individual safety and implementing systems of checks and balances to limit the exercise of governmental power.⁷⁵ Early contract theorists, particularly Hobbes, described the state of nature as a constant threat to personal security and property.⁷⁶ The rule of law primarily aimed to ensure security, as it would be meaningless to discuss property protection and contract integrity if individuals were not secure themselves. However, the literature on the relationship between the rule of law and economic growth has often overlooked the fundamental issue of controlling violence. Some theoretical studies have explored the economic consequences of the absence of the rule of law in various forms, such as anarchy, extortion, private predation, and lawlessness.⁷⁷ Empirical research has shown the devastating impact of civil conflicts on economic growth, with civil wars reducing growth by approximately 2.3% annually.⁷⁸ Even without full-fledged civil wars or state failures, personal insecurity caused by criminal activity also hinders development. Decreasing the homicide rate by 10% has been estimated to increase per capita GDP by 0.7-2.9% over the subsequent five years.⁷⁹

The shift towards the rule of law is significantly shaped by the transition to a market economy in different countries.⁸⁰ This transition carries immense significance for both foreign investors and economic development. The rule of law in the commercial sector promotes economic stability and growth, encourages investment, creates job opportunities, improves living standards, and contributes to general prosperity.⁸¹ The unique aspects of the rule of law necessary for a market economy influence lawmaking by the legislature, dispute resolution by the judiciary, and economic regulation by the executive branch. Collectively, these government branches must establish and manage a legal system that offers a framework for efficient economic operations and a dispute

⁷³ 10 years after the deadliest garment factory accident, Online, available: <https://www.npr.org/2023/04/26/1172289981/10-years-after-the-deadliest-garment-factory-accident#:~:text=Rana%20Plaza%20was%20a%20pretty%20typical%20commercial%20building,the%20world%20and%20the%20fashion%20industry%2C%20in%20particular>. Accessed 01.02.2024.

⁷⁴ WGI 2022 Interactive > Home (worldbank.org).

⁷⁵ HAGGARD, Stephan., TIEDE Lydia. *The Rule of Law and Economic Growth: Where are We?*, 39(5), 2011, pp.673–685. DOI: <https://doi.org/10.1016/j.worlddev.2010.10.007>.

⁷⁶ Ibid.

⁷⁷ Hirshleifer, Ibid.

⁷⁸ COLLIER, Paul. *The bottom billion*. Oxford: Oxford University Press. 2017.pp.27, DOI: <https://doi.org/10.1002/9781405165518.wbeos1025>.

⁷⁹ World Bank, *Crime, violence and economic development in Brazil: Elements for effective public policy*. Washington, DC. Working Paper No. 36525.2006.

⁸⁰ TARTAGLIA Polcini., *The Rule of Law as a Condition for Development toward Sustainability*. *The International Journal of Social Quality*, 7(2),2017, DOI:10.3167/IJSQ.2017.070206.

⁸¹ UNCITRAL Legislative Guide on Insolvency Law | United Nations Commission On International Trade Law.

resolution mechanism to address conflicts within the economic system.⁸² Ideally, this trend will go beyond its impact on commercial matters and have a positive influence on other domains, fostering values such as human rights and democracy. In the realm of political science and legal scholarship, independent judiciaries and institutional checks on executive power are considered essential aspects of the rule of law. These checks and balances are economically significant due to the time-inconsistency problem faced by governments, whereby they have the ability and incentives to break their commitments. Therefore, for the rule of law, property rights, and contract enforcement to be credible, effective limitations on executive discretion must exist.⁸³ Various institutional restraints have been studied, including democratic systems, constitutional arrangements, electoral rules, independent central banks, regulatory agencies, and, notably, independent judiciaries.⁸⁴ Studies have shown the relationship between these institutional checks and economic growth, policy volatility, foreign direct investment, and infrastructure development.

The food sector is among the most heavily regulated in both social and economic contexts. The IDLO policy brief highlights three key elements for transforming food systems via the rule of law: firstly, empowering the most vulnerable populations with limited food access to assert their rights; secondly, improving food system governance through the establishment of strong legal and regulatory frameworks and effective institutions; and thirdly, augmenting and safeguarding equitable access to essential resources like land, water, and natural resources.⁸⁵ A worldwide food law system is developing, advocating for the use of scientific methods and risk assessment, and strengthening the regulatory frameworks of individual nations.⁸⁶ This system acts as an overarching framework for the food industry.

As industries expand across sectors, they establish diverse economic forces with which the government may be required to engage in negotiations. In order to enhance the credibility of their commitments, governments may consider constitutionally separating powers, limiting their own authority, and respecting property rights. Economic growth can lead governments to limit their power, illustrating the reciprocal relationship between the rule of law and economic development. This dynamic not only shows how the rule of law can drive economic progress, but also how economic development can impact the implementation and nature of the rule of law. Nevertheless, it is the rule of law that turns developing countries into secure and dependable investment partners, fostering their economic growth and enhancing the prosperity of their citizens.

4.3. Rule of Law and Environmental Protection

Environmental degradation and climate change pose significant risks to everyone's health and well-being, hitting the poorest and most marginalized communities the hardest. Climate change is causing severe effects like extreme weather, droughts, and loss of farmland. Some point out that low-income communities, children, the elderly, and individuals with preexisting health conditions are disproportionately affected by environmental issues.⁸⁷ *Kensa* highlights how environmental degradation contributes to health problems, such as the spread of diseases carried by insects, food

⁸² BUFFORD, Samuel, *International Rule of Law and the Market Economy* (2006). *Southwestern Journal of Law and Trade in the Americas*, Vol. 12, No. 303, 2006, Penn State Law Research Paper, Available at SSRN: <https://ssrn.com/abstract=2676872>.

⁸³ Haggard, *Ibid.*

⁸⁴ *Ibid.*

⁸⁵ Rule of Law for Food Systems Transformation | IDLO - International Development Law Organization.

⁸⁶ MEULEN, Bernd. *The Global Arena of Food Law: Emerging Contours of a Meta-Framework*. *Erasmus law review*, 3, 2010, pp.217-240. DOI: <https://doi.org/10.5553/elr221026712010003004003>.

⁸⁷ WHITE-NEWSOME, Jalonne., MEADOWS, Phyllis., KABEL, Cris. *Bridging Climate, Health, and Equity: A Growing Imperative*. *American journal of public health*, 108, 2017. DOI: <https://doi.org/10.2105/ajph.2017.304133>.

insecurity, and worsening existing health conditions.⁸⁸ *Kassab* stresses the importance of the private sector's involvement in mitigating these risks, calling for joint efforts to safeguard the environment and public health.⁸⁹ If trends persist, an additional 1.8 billion people could face water scarcity, and up to 600 million more in Africa could suffer from malnutrition.⁹⁰ The poor, living in vulnerable locations, are especially at risk from water shortages and pollution due to their limited resources. Environmental damage from natural resource extraction threatens ecosystems, wildlife, and indigenous communities.

Effective environmental protection needs strong legal structures aligned with global standards and enforcement by solid institutions. Holding these institutions accountable and supporting community and indigenous rights to a clean environment are crucial. The rule of law should enforce regulations considering environmental impacts, involve communities in shaping environmental laws, ensure legal systems can handle land disputes, empower indigenous management of resources, and improve environmental protection monitoring.

The rule of law that applies to environmental issues is known as a concept of environmental rule of law, and it pertains to a situation where laws are comprehensively understood, adhered to, and enforced, thereby ensuring that both humanity and the natural world derive benefits from environmental protection efforts.⁹¹ The first mention of environmental rule of law in an intergovernmental setting was in February 2013, at the UNEP Governing Council.⁹² It is commonly understood as the legal framework that encompasses both procedural and substantive rights and obligations, incorporating the principles of ecologically sustainable development within the rule of law.⁹³ Since then, UN Environment has engaged with stakeholders, such as prosecutors, judges, and legislators, to define environmental rule of law and build capacity among stakeholders.

The foundation of environmental rule of law rests on three essential elements: robust legal frameworks (which means efficient political, administrative, and judicial institutions), access to information and justice. In order to enhance the effectiveness of environmental law in promoting sustainable development, it is crucial to bolster environmental rule of law initiatives. This entails developing institutions that are capable and willing to provide access to information, foster public participation in environmental decision-making, and facilitate access to justice. Without environmental rule of law and the enforcement of legal rights and obligations, environmental governance may become arbitrary, discretionary, subjective, and unpredictable.⁹⁴

Environmental rule of law has some unique elements that make it stand out. One such element is the intergenerational aspect, which is integral to sustainable development. The intergenerational dimension of environmental rule of law acknowledges the enduring impact of present-day environmental decisions on future generations. It underscores the imperative to safeguard and conserve the environment for the well-being of both current and future populations. This involves promoting sustainable utilization of natural resources, maintaining ecological equilibrium, and adopting responsible practices. By integrating this intergenerational perspective, environmental rule of law highlights the significance of responsible stewardship and sustainable approaches in ensuring a prosperous and healthy future for all. Another is the need to deal with scientific

⁸⁸ KENSA, Mary. ENVIRONMENTAL DEGRADATION AND HEALTH ISSUES. *Kongunadu Research Journal*. 6(1): 56-60, 2019. DOI: <https://doi.org/10.26524/krj288>.

⁸⁹ KASSAB, Hanna. Environmental and Health Vulnerabilities. In: *Prioritization Theory and Defensive Foreign Policy*. Palgrave Macmillan, 2017, Cham. DOI: https://doi.org/10.1007/978-3-319-48018-3_5.

⁹⁰ Human Development Report 2007/2008: Fighting Climate Change. UNDP, 2008, p. 9.

⁹¹ Environmental Rule of Law: First Global Report | UNEP - UN Environment Programme Accessed 10.04.2024.

⁹² UNEP Governing Council Dec. 27/9, supra note 1.

⁹³ Environmental Rule of Law: First Global Report | UNEP - UN Environment Programme. Accessed 10.04.2024.

⁹⁴ SDG16.pdf(unesp.org) . Accessed 10.04.2024.

uncertainty, which requires a precautionary approach and the principle of "in dubio pro natura". This means that when there is insufficient scientific evidence to determine the potential harm to the environment, the decision-maker should prioritize environmental protection and choose measures that minimize potential risks. Hence, the objective of the precautionary principle is to offer guidance in the formulation and implementation of global environmental legislation, as exemplified by Principle 15 of the Rio Declaration of 1992 from the United Nations Conference on the Human Environment.⁹⁵ By adopting this precautionary principle, environmental rule of law promotes a proactive and cautious approach to ensure the preservation and conservation of natural resources and ecosystems. Environmental rule of law also has a progressive element, with many judicial decisions calling for increased protection for the environment over time. The concepts of environmental law that are closely associated with the concept of sustainable development in this context encompass also the polluter-pays principle. According to this principle, the people or organizations that are responsible for causing pollution should be the ones to bear the costs that relate to reducing the harmful effects of that pollution. The polluter-pays principle is intricately connected to the regulations that govern civil and state liability concerning environmental harm. This principle has been adopted as customary law in the European Union (EU), the Organization for Economic Cooperation and Development (OECD), and the United Nations Economic Commission for Europe (UNECE). The building of the proposed framework is going to be based on a foundation that is provided by both the idea of sustainable development and the standards of environmental legislation.

More than half of the countries in the world guarantee their citizens the right to a clean, healthy, safe environment. However, the litmus test for environmental rule of law is to give meaning to these provisions and ensure they are not just words on paper. Environmental rule of law links back to human rights, as the quality of the natural environment is intricately associated with traditional human rights, such as the right to life, health, and housing. UN Environment has built a whole program around environmental rule of law, sensitizing all stakeholders involved to ensure that it delivers results for people and the planet. At the national level, there has been a development in recognizing the importance of the environment as a human right. However, the international community has yet to catch up with this recognition.

V. CONCLUSION

The rule of law is crucial for achieving social, economic, and environmental development. The SDGs and other development goals recognize it as crucial for their successful implementation. The Rule of Law acts as the critical "software" component of governmental regulation, essential for running the "hardware" of sustainable development. Promoting the Rule of Law can significantly boost economic growth, as an infrastructure fostering legal rights is vital for economic development. The rule of law promotes economic development, and promoting a functional government can ensure the necessary environment for reliable investment. Conversely, the total costs incurred by a modern economy lacking the rule of law are substantial.

The rule of law prevents arbitrary and weak governance by promoting transparency, accountability, effectiveness, and inclusiveness. Moreover, it safeguards rights and freedoms, ensuring that no one's human rights are compromised. The rule of law guarantees equal access to justice for all individuals, regardless of their background or status. When state agencies execute their power, the rule of law creates an effective legal and operational infrastructure that protects the rights and interests of all. Sustainable development, among other things, seeks to improve the

⁹⁵ Rio Declaration of 1992 of the United Nations Conference on the Human Environment.

quality of life. The rule of law is essential to improving quality of life by guaranteeing impartiality, responsibility, and equal chances; preventing arbitrariness; and supporting societal qualities. It underpins social justice and equality—the building blocks of sustainable development in all its dimensions.

Humanity faces daily threats like environmental degradation and climate change, carrying severe risks that disproportionately affect the poorest. A system is necessary for adequate environmental protection and the rule of law can uphold that system. Hard legal barriers and community input are equally important components in this framework. Since 2003, legal frameworks for sustainable development have universally recognized international environmental law. Also, making a line-sound connection between environmental law and human rights is necessary for sustainable development.

KEY WORDS

The rule of law, sustainable development, legal framework, social development, economic development, environmental development.

KLÚČOVÉ SLOVÁ

právný štát, udržateľný rozvoj, právny rámec, sociálny rozvoj, hospodársky rozvoj, environmentálny rozvoj

BIBLIOGRAPHY

1. A/RES/55/2: United Nations Millennium Declaration.
2. Arbitration regarding the Iron Rhine Railway between The Kingdom of Belgium and The Kingdom of the Netherlands, Award of 24 May 2005, UNRIAA XXVII 35.
3. Argentina v. Uruguay (Case Concerning Pulp Mills on the River Uruguay) International Court of Justice 2010 I.C.J. 135 (Apr. 20).
4. AZIZI, Dona., BIERMANN, Frank., KIM, Rakhyun. Policy Integration for Sustainable Development through Multilateral Environmental Agreements. *Global Governance: A Review of Multilateralism and International Organizations*.25,2019, pp.445-475. DOI:10.1163/19426720-02503005.
5. BAETENS, Freya, The Iron Rhine Case: On the Right Track to Sustainable Development? (April 8, 2013). *Sustainable Development Principles in the Decisions of International Courts and Tribunals 1992-2012*, M. C. Cordonier Segger, ed., 2013, Available at SSRN: <https://ssrn.com/abstract=2246844>.DOI: <https://doi.org/10.4324/9781315769639-12>.
6. BARRAL, Virginie. Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm. *European Journal of International Law* 23, 2012, pp.377–400. DOI: <https://doi.org/10.1093/ejil/chs016>.
7. BECKER, Margaret. Constructing SSLM: Insights from Struggles over Women's Rights in Nepal. *Asian Studies Review*, 39,2015, pp. 247 - 265. DOI: <https://doi.org/10.1080/10357823.2015.1021754>.
8. BEDNER, Adrian, "The promise of a thick view" ELECD 601; in May, Christopher; Winchester, Adam (eds), "Handbook on the Rule of Law" (Edward Elgar Publishing, 2018) 34, Appelbaum, E. (2014). *High-Performance Work Practices and Sustainable Economic Growth*. DOI: <https://doi.org/10.4337/9781786432445.00008>.

9. BEYERLIN, Ulrich, MARAUHN, Thilo. International Environmental Law (Hart 2011) pp. 81. [Online]. Available: <https://archive.org/details/internationalenv0000beye> Accessed 10.12.2023. DOI: <https://doi.org/10.5771/9783845265582>.
10. BINGHAM, Lord. THE RULE OF LAW. The Cambridge Law Journal, 2007,66, 67 - 85. DOI: <https://doi.org/10.1017/s0008197307000037>.
11. BROUGHTON, Edward. The Bhopal disaster and its aftermath: a review. Environmental Health volume 4, Article number: 6 (2005). DOI: <https://doi.org/10.1186/1476-069x-4-6>.
12. BUFFORD, Samuel, International Rule of Law and the Market Economy (2006). Southwestern Journal of Law and Trade in the Americas, Vol. 12, No. 303, 2006, Penn State Law Research Paper, Available at SSRN: <https://ssrn.com/abstract=2676872>.
13. CHAMBER, Rachel, VASTARDIS, Anil, Human Rights Disclosure and Due Diligence Laws: The Role of Regulatory Oversight in Ensuring Corporate Accountability, Chicago Journal of International Law, v.21, n.2,2021,pp.323-366. Available at: <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1789&context=cjil>, Accessed 12.05.2024. DOI: <https://doi.org/10.2139/ssrn.3497421>.
14. CHEEMA, Abdu Rehman, RIAZ, Mehvish. Community-based paralegals to build just societies: insights from a legal empowerment project in Pakistan. Community Development Journal, Volume 57, Issue 4, October 2022, pp.695–712, DOI: <https://doi.org/10.1093/cdj/bsab041>.
15. CLERC, Christophe, The French ‘Duty of Vigilance’ Law: Lessons for an EU Directive on Due Diligence in Multinational Supply Chains (January 13, 2021). ETUI Research Paper - Policy Brief 1/2021, Available at SSRN: <https://ssrn.com/abstract=3765288> DOI: <http://dx.doi.org/10.2139/ssrn.3765288>.
16. COLLIER, Paul. The bottom billion. Oxford: Oxford University Press. 2017. pp.27, DOI: <https://doi.org/10.1002/9781405165518.wbeos1025>.
17. DAS, Onita. Sustainable development and environmental peacebuilding, Chapters, in: Daniëlla Dam-de Jong and Britta Sjöstedt (ed.), Research Handbook on International Law and Environmental Peacebuilding, chapter 2, 2023. pp. 17-41, Edward Elgar Publishing. DOI: <https://doi.org/10.4337/9781789906929>.
18. DIMA, Bogdan, BARNA, F.M., & Năchescu, M.L. Does rule of law support the capital market? Economic Research-Ekonomska Istraživanja, 31,2018, pp. 461 - 479. DOI: <https://doi.org/10.1080/1331677x.2018.1432371>.
19. DIXIT, Avinash. Lawlessness and economics, alternative modes of governance. Oxford, UK: Oxford Univ. Press.2004. DOI: <https://doi.org/10.1515/9781400841370>.
20. DOVERS, Stephen; HANDMER, John, Uncertainty, sustainability and change. Global Environmental Change, v.2, n.4, p.262-276, 1992, DOI: [https://doi.org/10.1016/0959-3780\(92\)90044-8](https://doi.org/10.1016/0959-3780(92)90044-8).
21. ELLIS, Jaye. Sustainable Development as a Legal Principle: A Rhetorical Analysis (2008). [online]. Available at: SSRN: <https://ssrn.com/abstract=1319360>, Accessed 15.01.2024. DOI: <http://dx.doi.org/10.2139/ssrn.1319360>.
22. Environment Protection and Biodiversity Conservation Act 1999. Article 1. (b) [Online]. Available: <https://www.legislation.gov.au/C2004A00485/latest/text> Accessed: 26.02.2024.
23. Environmental Rule of Law: First Global Report | UNEP - UN Environment Programme Accessed 10.04.2024.
24. Environmental Rule of Law: First Global Report | UNEP - UN Environment Programme. Accessed 10.04.2024.

25. FIEVET, Gilles. Réflexions sur le concept de développement durable: prétentions économiques, principes stratégiques et protection des droits fondamentaux. RBDI 128 (2001). [online]. Available at: https://www.stradalex.eu/fr/se_rev/toc/rbdi_2001_1-fr/doc/rbdi2001_1. pp.128 Accessed 20.02.2024.
26. FRENCH, Duncan. Managing global change for sustainable development: technology, community and multilateral environmental agreements. *International Environmental Agreements: Politics, Law and Economics*, 7, 2007, pp.209-235. DOI: 10.1007/s10784-007-9035-5.
27. Gabčíkovo-Nagymaros Project (Hungary v. Slovakia), Judgment ICJ Reports (1997) 7, at para. 141.
28. HAGGARD, Stephan, MacIntyre Andrew, Lydia Tiede, Lydia., “The Rule of Law and Economic Development.” *Annual Review of Political Science* 11 (2008), pp. 205-234. DOI: <https://doi.org/10.1146/annurev.polisci.10.081205.100244>.
29. HAGGARD, Stephan., TIEDE Lydia. The Rule of Law and Economic Growth: Where are We?., 39(5), 2011, pp.673–685. DOI: <https://doi.org/10.1016/j.worlddev.2010.10.007>.
30. HIRSHLEIFER, Jack. Anarchy and its breakdown. *Journal of Political Economy*, 103, 1995, pp.26–52. DOI: <https://doi.org/10.1086/261974>.
31. Human Development Report 2007/2008: Fighting Climate Change. UNDP, 2008, p. 9.
32. ILA, Committee on International Law on Sustainable Development, Resolution 07/12, and ILA Resolution 3/2002, annex as published as UN Doc. A/57/329, New Delhi Declaration of Principles of International Law Relating to Sustainable Development, available at: www.ila-hq.org.
33. IRMEN, Andreas., KUEHNEL, Johanna. Innovation, Growth, and the Optimal Enforcement of the Rule of Law. 2009, DOI: <https://doi.org/10.2139/ssrn.1972171>.
34. JOWELL, Jeffrey. OLIVER, Dawn. The Rule of Law. The Changing Constitution. 5 ed. 2011, p 35. DOI: <https://doi.org/10.1093/he/9780199579051.001.0001>.
35. KASSAB, Hanna. Environmental and Health Vulnerabilities. In: *Prioritization Theory and Defensive Foreign Policy*. Palgrave Macmillan, 2017, Cham. DOI: https://doi.org/10.1007/978-3-319-48018-3_5.
36. KENSA, Mary. ENVIRONMENTAL DEGRADATION AND HEALTH ISSUES. *Kongunadu Research Journal*. 6(1): 56-60, 2019. DOI: <https://doi.org/10.26524/krj288>.
37. KNACK, Stephen, KEEFER, Philip Institutions and Economic Performance: CrossCountry Tests Using Alternative Institutional Measures. *Economics and Politics* 7 (November):1994, pp.207-227. DOI: <https://doi.org/10.1111/j.1468-0343.1995.tb00111.x>.
38. KONRAD, Kai., SKAPERDAS, Stergios. Extortion. *Economica*, 65(260), 1998, pp.461–477. DOI: <https://doi.org/10.1111/1468-0335.00141>.
39. MATCZAK, Marcin. Why Judicial Formalism is Incompatible with the Rule of Law. *Canadian Journal of Law & Jurisprudence*. 2018, 31(1), pp. 61-85. DOI:10.1017/cjlj.2018.3.
40. MENSAH, Justice. Social Sustainability: A Dwarf among giants in the Sustainable Development Pillars? *Asian Journal of Management*. v.12, Issue 2, 2021, pp 127-138. DOI: <https://doi.org/10.52711/2321-5763.2021.00019>.
41. MEULEN, Bernd. The Global Arena of Food Law: Emerging Contours of a Meta-Framework. *Erasmus law review*, 3, 2010, pp.217-240. DOI: <https://doi.org/10.5553/elr221026712010003004003>.

42. MORSE, Stephen. World Bank Social Indicators of Development. In: Michalos, A.C. (eds) Encyclopedia of Quality of Life and Well-Being Research. Springer, 2014, pp 7247–7253. DOI: https://doi.org/10.1007/978-94-007-0753-5_3277.
43. OJEDA, Elvis. Transnational Corporate Liability Litigation and Access to Environmental Justice: The Vedanta v Lungowe Case. LSE LAW REVIEW, Vol VI, 2021. pp. 223-248. DOI: <https://doi.org/10.61315/lse.lr.166>.
44. PACZKA, Edyta. Social dimension of the concept of sustainable development. Studenckie Prace Prawnicze, Administratywistyczne i Ekonomiczne. V. 22, 2017, pp. 21-33. DOI: <https://doi.org/10.19195/1733-5779.22.2>.
45. PEETERS, Marjan. SCHOMERUS, Thomas. Sustainable Development and Law. In: Heinrichs, H., Martens, P., Michelsen, G., Wiek, A. (eds) Sustainability Science. Springer, Dordrecht. 2016, pp. 109-118. DOI: https://doi.org/10.1007/978-94-017-7242-6_9.
46. Rio Declaration of 1992 of the United Nations Conference on the Human Environment.
47. RUGGERIO Carlos Alberto, Sustainability and sustainable development: A review of principles and definitions, Science of The Total Environment, v. 786, 2021, 147481, ISSN 0048-9697, DOI: <https://doi.org/10.1016/j.scitotenv.2021.147481>.
48. Rule of Law for Food Systems Transformation | IDLO - International Development Law Organization.
49. SANDS, Philippe. International Courts and the Application of the Concept of "Sustainable Development, Max Planck Yearbook of United Nations Law , 1999, pp. 389-405, DOI: 10.1163/187574199X00108.
50. SANWAL, Mukul. Trends in Global Environmental Governance: The Emergence of a Mutual Supportiveness Approach to Achieve Sustainable Development. Global Environmental Politics, 4, 2004, pp. 16-22. DOI: <https://doi.org/10.1162/glep.2004.4.4.16>
51. SEGGER, Marie-Claire. Crafting Trade and Investment Accords for Sustainable Development (2021). Available at: https://www.bennettinstitute.cam.ac.uk/wpcontent/uploads/2020/12/Crafting_trade_and_investment_accords_for_sustainable_development.pdf Accessed 08.01.2024. DOI: <https://doi.org/10.1093/oso/97801>.
52. Societies, UN Doc. S/2004/616 (23 August 2004).
53. STIVERS, Robert. The Sustainable Society: Ethics and Economic Growth. (1976) [online]. Available at: <https://archive.org/details/sustainable-society-ethics-and-economic-growth> Accessed 25.02.2024. DOI: <https://doi.org/10.1093/jcs/21.3.580>.
54. SUTRISNO, Endang. Role of Law in Construction and Development of Small Scale Industries Through Normative Perspective. Journal of Dinamika Hukum, 15, 2015, pp. 317-323. DOI: <https://doi.org/10.20884/1.jdh.2015.15.3.411>.
55. TARTAGLIA Polcini,. The Rule of Law as a Condition for Development toward Sustainability. The International Journal of Social Quality, 7(2), 2017, DOI: 10.3167/IJSQ.2017.070206.
56. The Bingham Centre Schools Project, [Online]. Available <https://www.youtube.com/watch?v=wgVAyYzhHd0> Accessed 02.03.2024.
57. The Founex Report: [online]. Available at: https://mauricestrong.net/index.php?option=com_content&view=article&id=149&Itemid=75 Accessed 02.05.2024.
58. UN General Assembly (2005) World Summit Outcome, UN Doc. A/Res/60/1, para 119, 134.
59. UN General Assembly (2012) Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels, UN Doc. A/RES/67/1, para 2.

60. UN Secretary-General, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict*.
61. UNCITRAL Legislative Guide on Insolvency Law | United Nations Commission On International Trade Law.
62. UNGA Res 70/1 - Transforming our world: the 2030 Agenda for Sustainable Development (21 October 2015), para 9. Available at: <https://sdgs.un.org/documents/ares701-transforming-our-world-2030-agen-22298>, Accessed 05.04.2024.
63. UNGA Res A/RES/66/288 (27 July 2012).
64. United Nations Development Programme (UNDP) (2015) *The 2030 Agenda for Sustainable Development*. <https://sustainabledevelopment.un.org/post2015/transformingurworld>.
65. United Nations General Assembly, *Transforming Our World: the 2030 Agenda for Sustainable Development*.
66. United Nations General Assembly, *United Nations Millennium Declaration*, A/RES/55/2, (Sep.18, 2000).
67. United Nations, *Report of the UN Conference on the Human Environment, Stockholm (June 1972)* UN Doc. A/CONF.48/14/Rev.1.
68. WALTERS, Mark. *Dicey's Legal Constitution*. In: A.V. Dicey and the Common Law Constitutional Tradition: A Legal Turn of Mind. Cambridge Studies in Constitutional Law. Cambridge University Press; 2020, pp.135-161. DOI: <https://doi.org/10.1017/9781139236249.009>.
69. WARTH, Lisa., KOPARANOVA, Malinka. *Empowering Women for Sustainable Development*. United Nations Economic Commission for Europe, Geneva, N12,1, 2012, pp.4-24. Available at: https://unece.org/fileadmin/DAM/Gender/publications_and_papers/UNECE_Discussion_Paper_2012.1.pdf, Accessed 10.05.2024.
70. WATKINS, Casey, *Whaling in the Antarctic: Case Analysis and Suggestions for the Future of Antarctic Whaling and Stock Management (March 30, 2012)*. New York International Law Review, Vol. 25, June 2012, Available at SSRN: <https://ssrn.com/abstract=2035631> Accessed 10.02.2024.
71. WEISS, Friedl., SCHERZER, Bernhard. (Existence of) Common or Universal Principles for Resource Managements (?) in Marc Bungenberg and Stephan Hobe (eds), *Permanent Sovereignty over Natural Resources (Springer 2015)* pp.55. DOI: https://doi.org/10.1007/978-3-319-15738-2_3.
72. WHITE-NEWSOME, Jalonne., MEADOWS, Phyllis., KABEL, Cris. *Bridging Climate, Health, and Equity: A Growing Imperative*. American journal of public health, 108, 2017. DOI: <https://doi.org/10.2105/ajph.2017.304133>.
73. World Bank, *Crime, violence and economic development in Brazil: Elements for effective public policy*. Washington, DC. Working Paper No. 36525.2006.
74. World Commission on Environment and Development, *Our Common Future*, U.N. Doc. A/42/427 (Aug. 4, 1987).
75. World Justice Project, *What is the Rule of Law?* [Online]. Available: <https://worldjusticeproject.org/about-us/overview/what-rule-law> Accessed 20.12.2023.
76. WTO Appellate Body Report , United States – Import Prohibition of Certain Shrimp and Shrimp Products (12 October 1998) WT/DS58/AB/R.

77. YOUNG, Alison. The Rule of Law in the United Kingdom: Formal or Substantive? ICL Journal, 6, 2012, pp.259 - 280. p. 269. DOI: <https://doi.org/10.1515/icl-2012-0204>.

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