



Our Ever-Evolving Values:

Defining Sustainability and the Opportunity for Market-Driven Progress

July 2022

Sara P. Schoenfeld*
Executive Director, The Trade Impact Foundation

EXECUTIVE SUMMARY

“Sustainable.” A variation of this word is everywhere.

We sell sustainable products.

We are sustainable.

We must become sustainable.

Our products are sustainably sourced.

Shop sustainably with our products.

Become more sustainable – buy our products.

Are you sustainable?

But what is the meaning of this term and when did “sustainable” become our communal metric and goal?

Pursuant to the Merriam Webster dictionary,¹ “sustained” is defined as being maintained at length without interruption or weakening. The word “sustainable” is defined as (1) Capable of being sustained; or (2) Of, relating to, or being a method of harvesting or using a resource so that the resource is not depleted or permanently damaged.

* Thank you to all those who contributed to various research ultimately culminating in this paper, including: Kaili Emery, Gabriella Jacobs, Harold Scheeran, Abigail Sintim, and Victoria Zhou.

¹ Merriam Webster, *Sustainable*, Definition, <https://www.merriam-webster.com/dictionary/sustainable>, last visited June 15, 2022.

The meaning and use of the term has evolved over time:

- **1713:** “Sustainable yield” was used in a German forestry handbook regarding the harvesting of trees, and the term was later used in regard to other industries.
- **1972:** A series of scientific papers argued the industrial way of life is not sustainable.
- **1987:** The United Nations (UN) issued a report on the issues of development and environment, where the organization defined “**sustainability**” as “**meeting the needs of the present without compromising the ability of future generations to meet their own needs.**” In this report, the UN linked economic, social and environmental issues to the concept of sustainability.
- **2005:** Sustainability was recast to encompass People, Planet and Profit at the World Summit on Social Development.
- **2015:** The UN published the Sustainable Development Goals (SDGs) with its major focus areas of People, Planet, Prosperity, Peace, and Partnership.

These 2015 UN SDGs consist of the following 17 goals “to transform our world:”²

1. No Poverty
2. Zero Hunger
3. Good Health and Well-being
4. Quality Education
5. Gender Equality
6. Clean Water and Sanitation
7. Affordable and Clean Energy
8. Decent Work and Economic Growth
9. Industry, Innovation and Infrastructure
10. Reduced Inequality
11. Sustainable Cities and Communities
12. Responsible Consumption and Production
13. Climate Action
14. Life Below Water
15. Life on Land
16. Peace and Justice Strong Institutions
17. Partnerships to achieve the Goal

The SDGs continue to have a strong influence across the world. Governments, international organizations, NGOs, and private actors often rely on these 17 wide-ranging SDGs to set goals and to measure and encourage progress.

However, a close examination of the SDGs, which encompass wide-ranging issues such as world hunger, poverty, carbon emissions, toxic pollution, peace and equality, leaves one with many questions. First, the **lack of progress** regarding each SDG is stark and, in many ways, overwhelming. Each one of the 17 SDGs is far from its targets, and the recent COVID 19 pandemic has only widened existing gaps.

² United Nations, The 2030 Agenda for Sustainable Development (2015), *Sustainable Development Goals*, available at <https://sdgs.un.org/goals> (last visited July 5, 2022).

When examining the SDGs, other questions which arise include:

Why did we select these 17 goals?

Who selected these goals for the world?

How do we prioritize progress between and within these goals?

Can we ever achieve these 17 wide-ranging goals?

Can my company make real contributions towards achieving these 17 goals?

Can I make any real contribution towards achieving these 17 goals?

How do we move forward in a concerted effort to achieve these 17 widespread SDGs?

The SDGs were published in 2015 as an effort to put forth modern human rights goals incorporating our more expanded and inclusive view on human rights. To understand the role of these goals one must first examine how we arrived at this point.

The evolution of our communal values can be broadly categorized into four distinct phases:

- 1. Pre-1900:** The first phase of modern human rights recognition lasted centuries, and mainly focused on discrete rights of the individual on a national level. Beginning with the Magna Carta which protected economic liberty, other key documents followed with increasing aims of protecting innate human rights. Among these are the English Bill of Rights and the U.S. Bill of Rights, each of which outlined protections of individual rights.
- 2. 1919-1986:** The second phase of modern human rights recognition began after WWI and emphasized the right to peace and previously unseen international cooperation. The first attempt to achieve international cooperation towards global peace was the League of Nations. The second and more successful attempt at international cooperation followed WWII with the creation of the UN. Early UN efforts to protect human rights are guided by key documents such as the UN Charter (1945) and the Universal Declaration of Human Rights (1948). These documents represented efforts to put into practice the values upon which the League and the UN were founded - beginning with the universal human right to peace and security.
- 3. 1986-2015:** The third phase of human rights evolution is largely characterized by the recognition of the fundamental human right to development as set out by the UN Millennium Development Goals. Pursuant to the right to development, all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development.
- 4. 2015-Present:** In the fourth phase, which continues today, we have expanded the right to development to incorporate notions of sustainability. The Right to Sustainable Development is set out by the UN SDGs and incorporates our expanded human rights definition, including the right to a healthy environment and planet.

Recognizing the ever-evolving nature of our values, we can see the important opportunity presented today. Our globalized world is more connected and more technologically capable than ever. Our collective values continue to expand, resulting in raised expectations for ourselves and each other. The interests of consumers, employees, business leaders, non-governmental organizations (NGO's), and broader communities have aligned in many ways behind the objective of societal progress and balancing our own needs with the needs of others (both in present and future generations).

These notions already influence the decisions we make every day as consumers, business professionals and leaders. An increasing percentage of society seeks to analyze information presented and to balance People, Planet and Profit in each decision. Looking to the future, imagine if we had greater visibility to the real impact of our decisions on People and Planet. **The power of the market, driven by individual decision-making, could drive progress all over the world and in every key human rights area.**

We dream of a more sustainable world, but there are no clear instructions or roadmaps. Goals, standards and metrics continue to arrive in the form of government regulation, international agreements, industry-specific collaborations or otherwise. Yet, the truth remains that we all live in this uncertain world together. In this same vein, and as we have seen throughout history, we can continuously grow and evolve together. **Market-driven progress provides a practical solution to the lofty and ever-evasive notion of a sustainable world.**

I. Our Ever-Evolving Values

Since the first documents acknowledging human rights to the current UN SDGs, the evolution of societal understanding of human rights has been constant, reflecting the periods in which the world found itself. Early human rights documents reflect a growing societal understanding of the rights of individuals and of universal human rights. During and after the World Wars, the attention was on protecting people's civil and political rights and ensuring global peace. As the world moved further away from this dark period, the focus shifted to people's right to development, to enjoy their economic, social, and cultural rights. The world has now entered a fourth phase in which environmental rights are recognized and the goals have moved towards sustainable development. As evidenced by the SDGs and the ongoing human rights issues worldwide, the world must now strive to incorporate all four generations of human rights movements as we move forward.³

The following sections detail the evolution of our human rights expectations.

A. Early Understanding of Human Rights

The idea of human rights has existed for centuries, though the first widespread international standard was the Universal Declaration of Human Rights (Universal Declaration) created by the UN in 1948, which incorporates ideas from several key historical documents. The earliest of these, the Magna Carta, was signed in 1215 and is one of the earliest recorded documents on human rights.⁴ Other key documents include the English Bill of Rights (1689),⁵ and the United States Bill of Rights (1791).⁶ In this section we take a closer look at these three documents that paved the way for the UN and a new era's revitalized recognition of human rights.

1. Magna Carta

³ Recent events in Ukraine, Afghanistan and elsewhere are proof that we must keep focus on the most foundational human rights despite the welcome expansion of our definition of human rights.

⁴Magna Carta, (June 15, 1215), available at <https://www.bl.uk/magna-carta/articles/magna-carta-english-translation>; British Library, *The clauses of Magna Carta*, <https://www.bl.uk/magna-carta/articles/the-clauses-of-magna-carta> (Last visited on July 21, 2021).

⁵English Bill of Rights, (Dec. 16, 1689), available at https://avalon.law.yale.edu/17th_century/england.asp.

⁶United States Bill of Rights, (December 15, 1791), available at <https://www.archives.gov/founding-docs/bill-of-rights-transcript>.

The Magna Carta, signed in 1215 AD, famously put into writing the principle that no man is above the law.⁷ In a society where sustained use of land was the foundation of economic independence and wealth, deprivation of the right to own property equated deprivation of a fundamental right. Thus, the Magna Carta put forth the proposition that free men have the right to their personal property, and through it, liberty.

The Magna Carta states: “[n]o free man shall be seized or imprisoned, or stripped of his rights or possessions. . .” except as set forth under the law. While the Magna Carta focuses in large part on property rights to land and protecting the rights of the English Church, we discover further in the text how twelfth-century English society’s view of the law and the individual revolved around the concept of individual rights.

“To no one will we sell, to no one deny or delay right or justice.”
- Magna Carta (1215 AD)⁸

We find this concept in the right to trial by jury. We find this concept in the declaration against unfounded government seizure of debtor property. And we find this concept in the limitations on government fines and “evil customs.”⁹ Later, human rights documents such as key UN instruments would build off foundational ideas embedded in the Magna Carta.

2. English Bill of Rights

A similar trend appears in the English Bill of Rights.¹⁰ By 1689 when the document was adopted, English society had evolved to embrace a much more sophisticated understanding of government, the individual, and the law’s interplay between the two. Of note within the English Bill of Rights are the listed specific rights of individuals — such as **speech, assembly, and election** — that fortify our modern perception of human rights.¹¹ In other words, **the English Bill of Rights bridges the gap between an older world order’s understanding of the rights of the individual, and the modern world’s appreciation of fundamental human rights.**

3. U.S. Bill of Rights

The drafters of the U.S. Bill of Rights¹² likely looked to the English Bill of Rights and the Magna Carta for inspiration.¹³ Notably, these documents show important similarities in espousing rights protecting the individual – an emphasis which directly advanced the modern notion of fundamental human rights.

⁷Magna Carta, (June 15, 1215), available at <https://www.bl.uk/magna-carta/articles/magna-carta-english-translation>.

⁸*Id.*

⁹*Id.*

¹⁰See English Bill of Rights, (Dec. 16, 1689), available at https://avalon.law.yale.edu/17th_century/england.asp.

¹¹See *id.*

¹²See United States Bill of Rights, (Dec. 15, 1791), available at <https://www.archives.gov/founding-docs/bill-of-rights-transcript>.

¹³See *Today in History, Dec. 15: Bill of Rights*, Library of Congress (last visited Nov. 9, 2021), <https://www.loc.gov/item/today-in-history/december-15/> (noting that the Founding Fathers looked to the Magna Carta, English Bill of Rights, later English and American efforts at expanding fundamental rights, and also George Mason’s Virginia State Declaration of Rights for inspiration).

The U.S. Bill of Rights, signed in 1791, further elaborated on rights guaranteed to all individuals and unrestricted by the government. The document specifically protected the people's fundamental rights to free speech, freedom of religion, right to bear arms, right to due process of the law and trial by jury, among others. Notably, Amendment Nine of the Bill of Rights states, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." This clause importantly clarifies that there are other protected basic rights which are not listed **but should not be limited**.

B. The 20th Century Quest for International Cooperation: An Emphasis on World Peace Following Two World Wars (1919-1948)

The 20th century brought a heightened international focus on the importance of protecting human rights, and placed a heavy emphasis on international cooperation as a means of protecting global peace and human rights. Following each devastation caused by World Wars I and II, the international community resolved to establish a mechanism to settle disputes, and facilitate broader peace. The Treaty of Versailles (1919) was the first attempt, creating the League of Nations ("League").¹⁴ The establishment of the UN after the conclusion of WWII, through the UN Charter of 1945, was the second and more successful attempt at international cooperation.

The newly created UN set forth the 1948 Universal Declaration which established a harmonized set of international human rights standards that were then put into practice throughout the UN work in later years, and which continue to guide broader human rights development today.

All these developments and events reflect the global understanding that human rights cannot be adequately and universally upheld and protected without a stable backdrop of peace and an increased effort towards international cooperation.

1. 1919: The Treaty of Versailles: League of Nations

The League was the first large-scale attempt at global cooperation aimed at preserving peace and protecting human rights. However, it failed in its major objective to prevent another World War, ultimately leading to WWII.

One positive legacy of The Treaty of Versailles is the establishment of the International Labour Organisation ("ILO"), which today functions under the UN as a special agency. The ILO's main tenet is the belief that "universal and lasting peace can be established only if it is based on social justice."¹⁵ However, the League did not apply its principles equally - though it was partly founded

¹⁴Treaty of Versailles (June 28, 1919), available at https://www.census.gov/history/pdf/treaty_of_versailles-112018.pdf; International Labour Organisation (ILO), *Brief history and timeline*, <https://www.ilo.org/washington/ilo-and-the-united-states/brief-history-and-timeline/lang--en/index.htm> (Last visited July 21, 2021).

¹⁵ILO Constitution, (June 28, 1919), available at http://www.ilo.ch/dyn/normlex/en/F?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO. It currently pursues this objective in part by setting and promoting international labor standards. ILO, *Mission and impact of the ILO*, <https://www.ilo.org/global/about-the-ilo/mission-and-objectives/lang--en/index.htm> (last visited on July 22, 2021).

on the guarantee of self-determination, this right did not extend to the French nor English African colonies.¹⁶

The League ultimately failed for a variety of reasons. For example, the US, one of its main proponents, did not become part of the League due to domestic opposition.¹⁷ The League was further flawed as it had no security or defense mechanism in place to ensure the protection of its member countries, thus failing to counter aggression by countries such as Germany, which ultimately led to WWII.

2. 1941: WWII-Era Ideals: Hopes for a Better Future

The establishment of the UN after the conclusion of WWII, through the UN Charter of 1945, was the second and more successful attempt at international cooperation. The principles evoked in the UN Charter likely drew inspiration from historical human rights documents in addition to two key contemporary sources: **U.S. President Roosevelt’s “Four Freedoms” Speech (1941)¹⁸ and the Atlantic Charter (1941).**¹⁹ Both were written in 1941, at a time where Nazi Germany had subjugated most of Western Europe. They looked forward, providing aspirations of what a post-war future could, and should be.

Roosevelt gave the **“Four Freedoms”** Speech at his State of the Union Address on January 6, 1941, where he presented his case for American intervention in WWII.²⁰ In his speech, Roosevelt declared that a peaceful future would consist of a world “founded upon four essential human freedoms:” freedom of speech and expression; freedom of worship; **freedom from want, and freedom from fear.**

The **Atlantic Charter**, a joint declaration between UK Prime Minister Winston Churchill and President Roosevelt issued later that year, similarly aspired to a peaceful future, declaring that it would “afford assurance that all men in all lands may live out their lives in **freedom from fear and want.**” The leaders drafted The Atlantic Charter together at their first wartime meeting in August 1941, with Churchill hoping to bring America into the war and Roosevelt aiming to increase American support for intervention.²¹ Although, at the time, they failed in their aims, the Atlantic Charter and its principles later served as an example for future international cooperation in the establishment of the UN and the formulation of international human rights.

3. 1945: The United Nations is Born

The UN was formally founded on October 24, 1945, through the UN Charter. In its preamble, the UN Charter provides the 3 pillars upon which the UN was founded: **Human Rights, Peace & Security, and Development.**²² The importance of human rights is reiterated in Article 1 of the UN Charter, where it states that one of the UN’s principal purposes is the achievement of “international

¹⁶The National WWII Museum New Orleans, *‘The League is Dead. Long Live the United Nations.’* (April 19, 2021), <https://www.nationalww2museum.org/war/articles/league-of-nations>.

¹⁷PBS, *The League of Nations*, <https://www.pbs.org/wgbh/americanexperience/features/wilson-league-nations/> (Last visited July 21, 2021).

¹⁸Franklin D. Roosevelt, State of the Union Address (January 6, 1941), (“Four Freedoms” Speech), available at <https://voicesofdemocracy.umd.edu/fdr-the-four-freedoms-speech-text/>.

¹⁹The Atlantic Charter, (August 14, 1941), https://www.nato.int/cps/en/natohq/official_texts_16912.htm.

²⁰FDR Library, *FDR and the Four Freedoms Speech*, <https://www.fdrlibrary.org/four-freedoms> (Last visited on July 22, 2021).

²¹US Office of the Historian, *The Atlantic Conference & Charter, 1941*, <https://history.state.gov/milestones/1937-1945/atlantic-conf> (Last visited on July 22, 2021).

²²UN, *The Three Pillars of the United Nations*, <https://www.un.org/un70/en/content/videos/three-pillars/index.html>.

cooperation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”²³

4. 1948 Universal Declaration: Articulating Fundamental Human Rights

The Universal Declaration, published in 1948 by the UN General Assembly, focused on clarifying which rights fall under human rights to help States achieve the UN Charter objectives and to create a “common standard of achievement for all peoples and all nations.”²⁴ The rights contained within the Universal Declaration can be separated into two categories: (1) civil and political rights, and (2) economic, social and cultural rights. The foundation of civil and political rights is found in Article 3, stating:

“Everyone has the right to life, liberty and security of person.”
- Universal Declaration (1948)

These rights are detailed in Articles 3-21 and include such rights as freedom from slavery, freedom of opinion, and the right to asylum. There is no limitation to these rights. Articles 22-27 detail economic, social rights, such as the right to work and the right to education. Unlike civil and political rights, the Universal Declaration states that economic, social and cultural rights are realized “in accordance with the organization and resources of each State.” Although the Universal Declaration is not a legally binding document, it has guided the international human rights discussion since its publishing.

C. Building the United Nations: A Multilateral Body (1948 – 1986)

Following the founding of the UN, representatives of nations across the globe worked together to build the architecture of a multilateral body that would enable international cooperation and prevent future wars and violence between nations. This work generally aimed to **put into practice the values set forth in earlier documents**.

1. 1966: An Attempt for Actionable International Human Rights Laws

In 1966, the UN adopted the International Covenant on Civil and Political Rights (“ICCPR”) and the Economic and Social Covenant, two treaties that aim to make the rights under the Universal Declaration legally binding.²⁵ In addition to enshrining most of the rights found in the Universal Declaration, both treaties recognize the right to self-determination as a human right. The Universal Declaration, the ICCPR, and the Economic and Social Covenant are referred to as the “International

²³United Nations Charter, (June 26, 1945), available at <https://www.un.org/en/about-us/un-charter>.

²⁴Universal Declaration of Human Rights, (1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

²⁵International Covenant on Civil and Political Rights (Civil Covenant), (Adopted 1966, entry into force 1976), <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; International Covenant on Economic, Social, and Cultural Rights (Economic and Social Covenant), (Adopted 1966, entry into force 1976), <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

Bill of Human Rights” and together they reflect a growth in international cooperation geared towards fostering human rights growth and protection.²⁶

- a. **The International Covenant on Civil and Political Rights:** The ICCPR covers most of the civil and political rights from the Universal Declaration in much greater detail, although it omits some rights (such as the right to asylum). Importantly, the ICCPR established the Human Rights Committee to oversee its implementation by receiving regular reports from States and provide a forum for States to file complaints against other States for not following their obligations under the treaty.²⁷
- b. **The Economic and Social Covenant:** The Economic and Social Covenant covers most of economic, social, and cultural rights from the Universal Declaration. In similar fashion to the Universal Declaration, the Economic and Social Covenant states that these rights are limited by the resources of States, and thus only requires States to take “steps” in implementing these rights. Additionally, the Economic and Social Covenant allows these rights to be limited by States’ laws, as long the laws are “compatible with the nature of [economic, social, and cultural] rights and solely for the purpose of promoting the general welfare in a democratic society.”²⁸ In contrast, the ICCPR contains no such limitation, only allowing certain rights to be limited in times of “public emergency.”²⁹

2. Other “Core” UN Human Rights Treaties: Treaty Monitoring Committees

In 1993, the UN General Assembly established the UN Office of the High Commissioner (OHCHR) as the leading UN entity on human rights. This role focuses on the realization of “civil, cultural, economic, political, and social rights, including the right to development.”³⁰ Outside of the Economic and Social Covenant and the ICCPR, other “core” UN human rights instruments address racial and sexual discrimination, rights of immigrants, rights of those with disabilities, rights of children, and protections against cruel and unusual punishment or torture.

In total, the OHCHR recognizes nine “core” human rights instruments (including the Economic and Social Covenant and the ICCPR).³¹ However, not all UN member States are parties to each of these conventions, and other UN treaties exist regarding human rights.³²

D.A New Way to Think About Development (1986-2000): The Right to Development and the Millennium Development Goals

²⁶UN Office of the High Commissioner for Human Rights (OHCHR), *Fact Sheet No.2 (Rev.1), The International Bill of Human Rights*, (1996), <https://www.ohchr.org/documents/publications/factsheet2rev.1en.pdf>.

²⁷*Civil Covenant*, arts. 28-45.

²⁸*Economic and Social Covenant*, art. 4.

²⁹*Civil Covenant*, art. 4. Rights that cannot be limited are the rights to life (art. 6), to freedom from torture (art. 7), to freedom from slavery and servitude (art. 8, para. 1-2), to freedom from imprisonment for debt (art. 11), to freedom from retroactive penal laws (art. 15) to recognition as a person before the law (art. 16), and to freedom of thought, conscience and religion (art. 18). See *supra* note 2.

³⁰OHCHR, *Who We Are*, <https://www.ohchr.org/en/aboutus/pages/whoweare.aspx> (Last visited August 9, 2021).

³¹OHCHR, *The Core International Human Rights Instruments and their monitoring bodies*, <https://www.ohchr.org/en/professionalinterest/pages/coreinstruments.aspx> (Last visited on July 21, 2021).

³²Several other instruments are just as important but lack a monitoring committee. Such instruments include the Convention on the Prevention and Punishment of the Crime of Genocide (adopted in 1948 and entered into force in 1951), which was the first human rights treaty the UN General Assembly adopted. UN Office on Genocide Prevention and the Responsibility to Protect, *Genocide Convention*, <https://www.un.org/en/genocideprevention/genocide-convention.shtml> (Last visited on August 9, 2021). The Genocide Convention defined the term “genocide” and recognized genocide as an international crime.

The 1986 Declaration of the Right to Development followed by the development goals from the Millennium Declaration (2000)³³ reflect the evolution of the international community's shifting view on human rights. Adopted by the UN General Assembly, **these resolutions are linked by a fundamental, newly emphasized, human right: The Right to Development.**

1. 1986 Declaration of the Right to Development: The Declaration on the Right to Development states:

*“All human beings have a responsibility for development.”³⁴
- Declaration on the Right to Development (1986)*

This responsibility authorizes States to create policies furthering development while eliminating obstruction. In the process, States encourage access to basic resources and independence. This definition of development encompasses core freedoms and respect for the human rights of all “without distinction as to race, sex, language, or religion.”³⁵

The “Right to Development” is defined in the 1986 Declaration as “an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”³⁶ The Declaration on the Right of Development established a framework, recommending that States implement measures to ensure “equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income.”

2. 2000: Millennium Development Goals:

In September 2000, 189 world leaders assembled in New York at the Millennium Summit. Their agenda was to realize the role of the UN at the turn of a new century. Their goal was to help the world's poorest countries achieve the basic standards of life by the year 2015. Over the course of three days, the nations discussed and ultimately ratified the Millennium Declaration.

The Millennium Development Goals, or MDGs, derived from this Declaration. The MDGs are comprised of eight goals and 21 measurable targets. Building upon the Declaration on the Right to Development, the Millennium Development Goals (MDGs) united the themes of development and human rights.³⁷ The MDGs created a narrow framework, applying only to developed countries,³⁸ but with ambitious targets such as providing universal access to reproductive health by 2015. However, most MDGs failed to meet their targets.

³³Millennium Declaration, GA Res 55/2, (Sept. 8, 2000), available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/Millennium.aspx>; Transforming our world: the 2030 Agenda for Sustainable Development, GA Res 70/1, https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E.

³⁴Declaration on the Right to Development, GA Res 41/128, (December 4, 1986), available at <https://www.ohchr.org/en/professionalinterest/pages/righttodevelopment.aspx>.

³⁵*Id.*

³⁶*Id.*

³⁷Surya P. Subedi, Introductory Note: Declaration on the Right to Development, (2021), UN Audiovisual Library of International Law, (“It can be argued that the agenda of the multilateral cooperation set by the Millennium Declaration by uniting the key themes and challenges of the new millennium, such as development, poverty eradication, and human rights, democracy, and good governance was a continuum of the agenda set by the DRTD.”), https://legal.un.org/avl/pdf/ha/drd/drd_e.pdf.

³⁸OHCHR, *Human Rights and the 2030 Agenda for Sustainable Development*, <https://www.ohchr.org/en/issues/SDGS/pages/the2030agenda.aspx> (Last visited on July 22, 2021).

By 2015, the UN’s target regions had met around half their MDGs. A few measurable targets for the first five MDGs saw success or near success: Those targets include halving poverty, achieving universal primary education, enrolling equal levels of girls in primary school, and reducing the maternal mortality rate by three-quarters.³⁹

E. Sustainable Development Goals Expand the Right to Development (2015-Present):

The 2015 SDGs highlight the world’s progression since the Magna Carta’s initial recognition of individualism and property rights. This expansion in our understanding of human rights is also reflected in various recent developments such as the Paris Climate Accord, the New Atlantic Charter, and the 2021 UN Declaration that Environmental Rights are Human Rights.

1. Further expansion of human rights: 2015 Sustainable Development Goals

The year 2015 and the end of the MDGs did not represent the end of a failed attempt — rather, it marked the beginning of an era. By the time the MDGs came to an end in 2015, the UN had recognized that human rights, especially economic, social, and cultural rights, were the foundation for future sustainable development.⁴⁰

On September 25, 2015, the UN General Assembly’s 193 countries voted to adopt the 2030 Agenda for Sustainable Development. According to UN deputy Secretary General Amina Mohammed, this Agenda took “four years to shape.”⁴¹ To create the Agenda, the UN “had a conversation with the world.”⁴² Focusing its public consultations on the voices of the most vulnerable as well as engaging deeply with civil society, the UN compiled a comprehensive report in December 2014 which led to the creation of the 2030 Agenda for Sustainable Development. Pursuant to the Preamble to the SDG Agenda the major focus areas of the SDGs are as follows: **People, the Planet, Prosperity, Peace, and Partnership.**

2. Sustainable Development: Building on the MDGs

The 2030 Agenda for Sustainable Development created the Sustainable Development Goals (“SDGs”). In part, the SDGs recommit to the realization of the MDGs. However, by building off past successes and failures, the SDGs go further than the MDGs – they craft a universal framework that applies to all countries. **The SDGs created a “shift from the traditional model of development,” to a “planet-centered, human-rights based, and gender-sensitive” model of sustainable development.**⁴³

Some SDGs, such as gender equality, reducing child and maternal mortality, and access to clean water and sanitation, were directly copied from unmet MDG goals.⁴⁴ These goals have been

³⁹ But, perhaps unsurprisingly to the world in 2021, the two MDGs which saw the least progress were establishing environmental sustainability and reducing infectious diseases.

⁴⁰ See OHCHR, *SDG UN HR Table*, https://www.ohchr.org/Documents/Issues/MDGs/Post2015/SDG_HR_Table.pdf (Last visited on July 22, 2021).

⁴¹ Amina Mohammed, Deputy Secretary-General, United Nations interview with United Nations Chief Sustainability Officer Audrey Choi (Sept. 22, 2021) https://www.youtube.com/watch?linkId=132840006&fbclid=IwAR1zz9XJkUabeMmeDj7K03awDog-0SdpOdk5wmPIO5kYKv_1r3TkB9YOm54&v=Gf5PYMKvOuQ&feature=youtu.be.

⁴² *Id.*

⁴³ See OHCHR, *SDG UN HR Table*, https://www.ohchr.org/Documents/Issues/MDGs/Post2015/SDG_HR_Table.pdf (Last visited on July 22, 2021).

⁴⁴ See *id.*

critically re-evaluated and now include many more targets. Other SDGs, such as reducing poverty, eliminating hunger, and international partnerships, had previously seen great success through their last life cycle as MDGs. The UN enhanced these SDGs, aiming for the ultimate elimination of need — whether that pertains to hunger, economic stability, or increased international cooperation. Put together, the one hundred sixty-nine targets of the SDGs depict an idyllic world.

3. 17 Sustainable Development Goals:

The SDGs encompass seventeen (17) goals and one hundred sixty-nine (169) measurable targets.⁴⁵ Notably, the SDGs take a heavy-handed approach to environmental protection objectives. Nearly half the SDGs focus on climate change prevention or an aspect of creating sustainability in our ecosystem.

To implement the SDGs, the UN Office of the High Commissioner on Human Rights created a four-year Management Plan setting out a roadmap for progress on the SDGs from 2018 to 2021 (inclusive).⁴⁶ **Despite much effort, by the end of 2020, each SDG had already been falling behind the goal. The COVID-19 pandemic then moved these goals even further out of reach by the end of 2021.**

4. Other Recent Developments

Recent developments illustrating our expanded view on human rights include the Paris Climate Accord, the New Atlantic Charter, and the 2021 UN Declaration that Environmental Rights are Human Rights.

- a. **The Paris Agreement and Climate Change Conferences:** In 2015, the Paris Agreement,⁴⁷ an international treaty on climate change, called for participating countries to limit average global warming to well below 2 degrees Celsius. Adopted by 196 parties, the treaty required that countries submit a long-term climate plan to the UNFCCC to collectively combat climate change. During the latest Climate Change Conference, the UN COP26 Conference held at the end of 2021, substantial commitments were made and we saw increased collaboration and financial backing to support the research and development of new climate technologies, such as the Glasgow Financial Alliance for Net Zero (GFANZ).⁴⁸
- b. **The New Atlantic Charter (2021):** On June 10th, 2021, U.S. President Joseph Biden and U.K. Prime Minister Boris Johnson signed the New Atlantic Charter,⁴⁹ 80 years after the original. This new document recommits to past ideals of peace and security in a vastly different world. The New Atlantic Charter maintains the original's prominent focus on peace and security,

⁴⁵See *id.*

⁴⁶See OHCHR, *Management Plan 2018-2021*, https://www2.ohchr.org/english/OHCHRRReport2018_2021/OHCHRManagementPlan2018-2021.pdf. After consulting with State representatives, external stakeholders, and OHCHR staff at all levels and in over one hundred countries, the OHCHR finally published its four-year Management Plan. The Plan built off past experience and newly-realized expert input, creating six 'pillars' of focus on the path to accomplishing the 2030 Agenda. These pillars are: human rights mechanisms, development, peace and security, non-discrimination, accountability, and participation. See OHCHR, 2030 Agenda for Sustainable Development, <https://sdgs.un.org/2030agenda>.

⁴⁷The Paris Agreement, United Nations, 2015, https://unfccc.int/sites/default/files/english_paris_agreement.pdf.

⁴⁸Amount of finance committed to achieving 1.5°C now at scale needed to deliver the transition, GFANZ, (Nov. 3, 2021), available at <https://www.gfanzero.com/press/amount-of-finance-committed-to-achieving-1-5c-now-at-scale-needed-to-deliver-the-transition/>. The GFANZ has already received \$130 trillion of private capital. New data indicates the private sector could ultimately deliver 70 percent of the capital required to achieve net-zero by 2050, and based on the magnitude of the problem it is becoming increasingly clear that the future of climate progress will rely on private and public funding, collaboration and innovation.

⁴⁹New Atlantic Charter, White House Briefing Room (June 10, 2021), available at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/10/the-new-atlantic-charter/>.

- while expanding its goals to address “modern threats” such as cyber, space, nuclear, and terror, as well as environment challenges, citing protection of biodiversity and fighting climate change.
- c. **2021 UN Designation of Environmental Rights as Human Rights:** In September 2021 the UN Human Rights Council for the first time recognized that having a clean, healthy and environmentally sustainable environment is a human right.⁵⁰ Following this landmark decision, the UN High Commissioner of Human Rights submitted an updated statement on environmental rights, noting the triple planetary crises — **climate change, pollution, and loss of biodiversity.**⁵¹ The High Commissioner highlighted how environmental issues force populations into increasingly vulnerable situations and highlights that “the most vulnerable segments” of society are among the most acutely impacted, and urged States to take a “balanced, human rights based approach” to facilitate sustainable development in a reference to the UN SDGs.

II. The Power of Our Decisions to Create a More Sustainable Future: A Market-Driven Approach

How do we create a globalized world that is “sustainable”? A world that meets the needs of today and tomorrow’s generations? A world without today’s human rights failings? Despite much progress and valuable efforts, we are falling short on many accounts. We are dramatically behind schedule in terms of SDG progress, and the gaps continue to widen. Hunger, conflict, inequality, and environmental degradation persist around the world.

As shown in Part I of this paper, societal goals and standards have been driven by our ever-evolving values. Questions which drive this evolution include - What rights do we collectively view as “human rights”? Who should set the standards we are all expected to follow? Can we create inclusive standards which translate across cultures and communities? What actions today can drive a better future?

Our societal view of what constitutes a “human right” has vastly evolved over time. The first formal recognition of modern human rights found in the Magna Carta focused on man's inherent right to property and (some level) of equality under the law. This acknowledgment eventually grew into concerted international efforts to protect such rights by encouraging global peace. It has ultimately evolved to include a new and expanded vision of human rights which includes first development rights and now sustainable development rights incorporating environmental rights and concerns. These standards are today cataloged within the UN SDGs.

A. The Need for a Market-Driven Approach

⁵⁰ Human Rights Council Res. 48/13, (Sept. 13 2021).

⁵¹ 48th session of the Human Rights Council: global update by the High Commissioner Statement by Michelle Bachelet, UN High Commissioner for Human Rights (13 Sept. 2021).

Recent statements by UN representatives regarding the gap in human rights progress articulate the need for a paradigm shift in our approach to human rights. Since the UN's inception we have seen efforts by international organizations and global actors to solve the world's most difficult, complex, and wide-reaching problems. But how can we expect a single group of people – no matter the resources, knowledge, access and activities – to solve all the world's human rights problems? The work done by these organizations must continue, as there is much good and important work in progress. However, each one of us can play a role in creating a better future.

Given the enormity of the challenge to achieve a world where we can meet our widespread human rights goals as articulated by the 17 far-reaching UN SDGs, a market-driven approach is warranted. In our complex and globalized world, market-driven progress can create a more sustainable future through many individual decisions. Daily decisions are already driving positive change, and have the potential to move us much closer to that elusive notion of a sustainable world.

Our expanded definition of human rights is an indication of the road ahead. While direct financial cost to the purchaser and profits for private entities will always influence our decisions, evidence⁵² suggests an increasing percentage of individuals would choose to balance the direct economic consideration of purchasing and business decisions along with the impact on People and Planet. This emphasis on factoring in the human rights impact when making everyday decisions can drive real progress towards a more sustainable world.

Consumers have communicated this need for years. And today, companies have incorporated these aims throughout their organizations. Claims regarding the sustainability of a company and their products are constant. Furthermore, corporations take increasingly active roles in dealing with human rights issues around the world. In doing so, companies are clearly responding to the consumer's demand (as well as demand by other stakeholders) for an ethical marketplace which actively participates in driving a sustainable future.

B. We Can Create a More Sustainable World through Informed and Impactful Decision-Making

Our “evolved” and globalized world must evolve well beyond what we see today. And, given the current widespread passion for change, for improvement, and for a sustainable future, the time is now.

We have recently seen unprecedented focus on balancing economic gains with gains throughout social and environmental impact. At the same time, there is unprecedented potential for our advanced human innovation and technological capability to bring about a more sustainable world. However, **decision-makers must be able to factor impact into daily decisions** – whether as consumers, professionals, or leaders. By increasing transparency and education surrounding the human rights impact of marketplace decisions, each one of us will be empowered to make more informed and impactful decisions in support of market-driven progress and a more sustainable world.

⁵² For example, evidence suggests an increased market share for more “sustainable” products and research indicates consumer willingness to pay higher prices for products marketed as “sustainable.” See e.g., NYU Stern, Center for Sustainable Business, Randi Kronthal-Sacco and Tensie Whelan, *Sustainable Market Share Index, Research on 2015-2020 IRI Purchasing Data Reveals Sustainability Drives Growth, Survives the Pandemic* (updated July 16, 2020) (For example, across all categories studied, sustainability-marketed products account for 16.1% share of market (\$) in 2019, up from 13.7% in 2015), available at <https://www.stern.nyu.edu/sites/default/files/assets/documents/NYU%20Stern%20CSB%20Sustainable%20Market%20Share%20Index%202020.pdf>; Harvard Business School Online's Business Insights Blog, Tim Stobierski, *15 EYE-OPENING CORPORATE SOCIAL RESPONSIBILITY STATISTICS*, (June 15, 2021) (For example, an estimated 90 percent of companies on the S&P 500 index published a CSR report in 2019, compared to just 20 percent in 2011), available at <https://online.hbs.edu/blog/post/corporate-social-responsibility-statistics>.

The road to a sustainable globalized world begins and ends with the individual. We can shift our mindset to personalize our global challenges, as well as to personalize the implications of our participation in the global marketplace. While financial cost will remain influential in purchasing and business decisions, our environmental and social impact is and will increasingly become a factor in these decisions. Propelled by the passion and power of the individual, this more balanced view of cost and value will likely gain popularity as we grow as a society.

- **Balanced Cost:** Incorporates financial, social and environmental cost. Under this view, the direct and indirect financial cost is assessed along with the People cost and the Planet cost.⁵³
- **Balanced Value:** Incorporates financial, social and environmental value. Under this view, positive impact is recognized as value just as utilitarian or aesthetic value is factored into purchasing decisions.⁵⁴

Pursuant to free market economic principles, individual decision-making can drive a more sustainable future. **The individual, seeking to balance their own interests with the interests of the global community, can factor in positive and negative human rights impact behind marketplace decisions.** As we grow, increased awareness coupled with greater transparency can lead to more informed marketplace decisions and enable widescale market-driven progress.

⁵³ As a consumer, “balanced cost” could be considered: **Purchase Price + People Cost + Planet Cost**. As a business decision-maker, “balanced cost” could be considered generally aligned with the more well-known “triple bottom line,” which is comprised of People, Planet and Profit.

⁵⁴ “Balanced value” could be considered: [**Utilitarian Value + Aesthetic Value + Sentimental Value**] + [**People Value + Planet Value**].