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Introducing an analytical lens to investigate the normative dynamics between international law and the 2030 Sustainable Development Goals

Wykorzystanie perspektywy analitycznej
w badaniach normatywnych dynamik pomiędzy prawem
międzynarodowym a celami rozwoju zrównoważonego 2030*

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Abstract: The conceptualisation of sustainable development has evolved from a seemingly ambiguous term to a focused suite of non-binding global objectives known as the Sustainable Development Goals (SDGs). The relationship between the SDGs and related subfields of international law could be taken as an example of a novel regime interaction, but how can one theorise and decipher the normative interactivity that may be taking place? Building upon the work of Oran R. Young concerning institutional linkages in international society, this article introduces an analytical lens through which the SDG-international law interconnections can be analysed. The following six types of ‘institutional linkages’ are used to explore and elucidate the potential normative effect of the SDGs on the elaboration, implementation, and interpretation of international law: 1) Embedded, 2) Nested, 3) Clustered, 4) Overlapping, 5) Negating, and 6) Sectional.

Keywords: sustainable development, Sustainable Development Goals, international law, institutional linkages

* The title, the abstract and the keywords translated into Polish by the Editors.

Abstrakt: Konceptualizacja rozwoju zrównoważonego wyewoluowała z pozornie niejednoznacznego terminu do koncentrującego na sobie uwagę świata zestawu nieobowiązkowych celów znanych jako Cele Zrównoważonego Rozwoju 2030 (Agenda 2030). Związek między Agendą 2030 a powiązanymi z nimi podobszarami prawa międzynarodowego można uznać za przykład nowego systemu współdziałania. Ale jakie powinno być podejście teoretyczne i jak powinno się odszyfrować współdziałania normatywne, jakie mogą w związku z tym zachodzić? Opierając się na pracy Oran R. Younga dotyczącej połączeń instytucjonalnych w społeczeństwie międzynarodowym, niniejszy artykuł wprowadza pewną perspektywę analityczną, przez pryzmat której można przeanalizować wzajemne połączenia międzynarodowego prawa w obszarze Agendy 2030. Wykorzystano następujące sześć typów „połączeń instytucjonalnych” w celu zbadania i wyjaśnienia potencjalnego skutku normatywnego Agendy 2030 na opracowanie, wcielenie w życie oraz interpretację prawa międzynarodowego: 1) Zanurzenie, 2) Zagnieżdżenie, 3) Skupienie, 4) Zachodzenie, 5) Zaprzeczenie, 6) Sekcyjność.

Słowa kluczowe: rozwój zrównoważony, Cele Rozwoju Zrównoważonego, prawo międzynarodowe, połączenia instytucjonalne

1. Introduction

The United Nations (UN) Sustainable Development Goals (SDGs also known as the 2030 Agenda) were developed to act as a ‘comprehensive, far-reaching and people-centred’ framework, uniting all nations in the pursuit of the common goal of sustainable development (Transforming our world, Preamble). Seeking to create a just, equitable, and sustainable world, the SDGs are a set of highly ambitious yet universal objectives, non-binding and integrated in character. Arguably the SDGs may act as a ‘non-traditional method of rule-making’ as the realisation of these non-binding ambitions is wholly dependent upon political engagement and global cooperation (Guiry 2023b). Despite its ‘soft’ nature, it is evident that the elaboration and ongoing implementation of the SDGs has been shaped by the existing norms and overarching values of international law (Guiry 2023a, b). In light of such dynamics, this article introduces an analytical lens to explore the benchmark normative interconnections between international law and the SDGs. The purpose of this lens is to help tether the objectives outlined in the SDGs to their related subfields of international law and to demonstrate how complying with existing hard and soft-law commitments, as outlined in international law and governance structures, correspond with, and facilitate the realisation of the goals, and *vice versa*. Furthermore, this lens may allow for intentional (and unintentional) interconnections to be identified and facilitate an assessment of whether these are altogether reinforcing or conflicting interactions, enabling the overall normative jigsaw of sustainable development to be assembled.

To elucidate these interconnections, this approach draws upon the work of Oran R. Young, primarily his theory of institutional linkages in international society (Young 1996). Exploring the dynamics that influence and shape the actions and ‘practice[s]’ of the international community, Young examines the governance structures of international regimes and the possible ‘consequences’ of institutional linkages (Young 1996: 1–2). To begin, it is worth stating that Young describes institutional linkages as ‘issue-specific regimes [that] exhibit complex linkages to other institutional arrangements, and the resultant institutional interactions have significant consequences for the outcomes flowing from the operation of each of the affected regimes’ (Young 1996: 1). Whilst his analysis deals with ‘international society’ and is focused on binding and non-binding ‘classic regimes’ (Young 1996: 1–2), there is an opportunity to build upon and adapt this conceptualisation in order to apply it to the SDGs. Section 2 of this paper begins by providing an overview of the 2030 Agenda and the synergistic normative connections between international law and the SDGs. Following this, Section 3 explores the six types of institutional interactions that comprise this analytical lens which allow the SDG-international law interrelationship to be examined in more depth: 1) Embedded institutions, 2) Nested institutions, 3) Clustered institutions, 4) Overlapping institutions, 5) Negating institutions, and 6) Sectional institutions. Finally, Section 4 concludes with a brief reflection on the significance of establishing the theoretical and practical interactivity that is occurring between the SDGs and international law.

2. Background

Formally adopted in 2015, the SDGs are said to represent the ‘21st century framework for sustainable development’ (Guiry 2023a). Comprising of 17 goals and 169 corresponding targets, the 2030 Agenda seeks to address a plethora of shared environmental, social, and economic challenges including ensuring equal access to education and water, promoting the sustainable use of natural resources, and reducing social inequalities. With no strict enforcement or compliance mechanisms, 248 indicators function as a means of monitoring and reviewing domestic and international progress towards the realisation of the goals. Said to act as a ‘collaborative partnership’ (Transforming our world, Preamble), the SDGs have garnered near-universal support from 193 UN Member States, the objectives of which are to be fully implemented by 2030.

Synergistic normative connections between international law and the SDGs may manifest in a variety of ways. Paragraph 18 of the 2030 Agenda clearly acknowledges such links, stating that ‘we reaffirm our commitment to international law and emphasize that the Agenda is to be implemented in a manner

Table 1. The 17 SDGs

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

that is consistent with the rights and obligations of States under international law' (Transforming our world, para. 18). Due regard was also given to presiding international principles, including but not limited to the principle of common but differentiated responsibilities, intra- and intergenerational equity, and state sovereignty. Indeed, such strong alignments can be drawn between specific objectives of the framework and corresponding subfields of international law that the SDGs have been described 'as a subset of existing intergovernmental commitments' (Kim 2016: 16). Furthermore, the SDGs are being integrated into domestic frameworks in addition to being acknowledged as critical to the realisation of emerging international policy, as seen in the 2022 Kunming-Montreal Global Biodiversity Framework adopted by the conference of the parties (COP) of the Convention on Biological Diversity (Convention on Biological Diversity 2022). Concurrently, Bantekas and Akestoridi have commented that whilst the SDGs 'reinforce the existing legal dimension of obligations', the goals can also assist the 'integration of the different international agreements within the cluster in those instances where their targets overlap' (Bantekas and Akestoridi 2023: 560). In light of these complex normative dynamics, further investigation is required to fully establish the nature and extent of the interactions taking place.

3. SDG-international law analytical lens

In his 1996 paper, Young identifies four related yet distinct types of institutional linkages: Embedded institutions, nested institutions, clustered institutions, and overlapping institutions. Whilst not seeking to account for all potential linkages that may occur in the international sphere and acknowledging that ‘not all linkages are alike’ (Young 1996: 2), these classifications can serve as a useful conceptual framework to further explore SDG-international law interactivity. In addition to Young’s four forms of institutional linkages, two additional categories have been identified by the author and incorporated into this tool to assist this exploration: Negating institutions and sectional institutions.

3.1. Embedded linkages

The embedded aspect of Young’s theory refers to the broad network of established principles of the international system and ‘overarching institutional arrangements’ under which the regimes in question function (Young 1996: 2–3) that are altogether ‘rooted in some deeper social order or common worldview’ (Young 2013: 97). While he writes that there is usually no explicit reference to such foundational principles (Young 1996: 3), the 2030 Agenda clearly outlines many of its ‘shared principles’ including principles of equality and non-discrimination found in the Charter of the UN and the Universal Declaration of Human Rights (Transforming our world, para. 10). The principles of the Rio Declaration are also reaffirmed, with explicit reference to the principle of common but differentiated responsibilities (Transforming our world, para. 11–3). Ideas of intra- and intergenerational equity underpin the principle of sustainable development and thus have consequently been incorporated into the SDGs. Such principles of equity are also evident in the overriding ethos and goal of the framework, *i.e.* that ‘no one is left behind’. Another principle of international law encapsulated by the SDGs is the principle of state sovereignty, and that of the principle of Permanent Sovereignty over Natural Resources more particularly. As stated in the Preamble: ‘We reaffirm that every State has, and shall freely exercise, full permanent sovereignty over all its wealth, natural resources and economic activity’ (Transforming our world, para. 18). Overall, it is through this unified language of solidarity and justice alongside the principles of international law that states are empowered and responsible for the execution of these commitments that offer a holistic approach which, according to Nilsson and Persson, ‘can be less concerned with pushing one set of objectives onto another set, and more concerned with maintaining competencies

while exploring mutual interests and forming new alliances for action across sectors' (Nilsson and Persson 2017: 38).

Evidence of the influence of the principles of international law on domestic integration of SDG policy can be found within the *Progressing National SDG Implementation 2022* report, where the Voluntary National Reviews (VNRs) of 33 out of 44 countries mentioned the principle of human rights and 19 referenced intergenerational responsibility (Sautejeau et al. 2023: 62). A recommendation of 'good practice' that emerged from this report involved expressly recognising the linkages and overlap between the SDGs and domestic and international human rights norms (Sautejeau et al. 2023: 63). The significance of the consistent recognition of the overarching ethos of human rights approaches to sustainable development was also noted, albeit possibly limited in terms of practical implications, stating that this 'would imply that these principles have permeated and established themselves within polities, at least at a discursive level, which is a positive, although superficial, trend' (Sautejeau et al. 2023: 64).

Indeed, the SDG objectives were purposefully designed to be 'integrated and indivisible and balance the three dimensions of sustainable development' (Transforming our world, para. 5), seemingly channelling the principle of integration in their development and implementation, alongside demonstrating the 'authority and relevance of international human rights law and culture on the SDGs' (Guiry 2023a). As written by Cubie and Natoli, explicit mentions of 'integration' in frameworks such as the 2030 Agenda aim to 'encourage states to take a holistic view across all policy areas at the domestic level' (Cubie and Tommaso Natoli 2022: 59). Operating under the established norms of international law, the integrative effect of the SDGs is not undisputed nor straightforward to realise, however, as Nilsson and Persson argue it could be better described as 'harmonization' as it draws together environmental, social, and economic concerns in a non-hierarchical manner or 'in a weaker form, coordination' as to avoid policy conflicts (Nilsson and Persson 2017: 37). Altogether, achieving such integrative thinking and overarching action-orientated approaches is challenging as it is not just about implementing a series of objectives but 'an entire 'agenda' in the face of established principles and policy frameworks, existing domestic priorities, bureaucratic processes, and international relations (Nilsson and Persson 2017: 37). While the SDGs embody, to a certain degree, the established and authoritative language found in international law and policy, undoubtedly, these factors pose ongoing challenges to unlocking the full integrative power of the framework and the achievement of the SDGs overall. Altogether, embedding the SDGs within the overarching framework of principles that underpin the international law landscape could be seen to

provide an all-encompassing normative lens and establish an overall linguistic cohesiveness to facilitate integrative thinking and sustainable development solutions.

Given their normative disposition, the SDGs could have the power to impact our understanding of existing and emerging obligations of international law, as the SDGs themselves ‘may be used to clarify and develop the meaning of treaties’ (Scholtz and Barnard 2018: 228–9). In the context of international water law, for example, McIntyre notes that the commitments of SDG 6 (Clean Water and Sanitation) ‘are likely to act as a strong catalyst for the continuing, progressive development of international and domestic rules for sustainable water management’ (McIntyre 2018: 174). Indeed, target 6.5, which establishes the objective of integrated water resource management through transboundary cooperation, emulates the duty to cooperate which is a staple principle of international water law (see Rahaman 2009: 207–223; Leb 2015: 21–32). For instance, numerous references to cooperation can be found in the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (hereinafter Escazú Agreement). Under Article 1, one of the objectives of the Escazú Agreement is to ‘guarantee’ the ‘creation and strengthening of capacities and *cooperation*, contributing to the protection of the right of every person of present and future generations to live in a healthy environment and to sustainable development’ [emphasis added], a clear reference to intra- and intergenerational equity (Escazú Agreement, Article 1). Likewise, Article 11 is dedicated to regional and transnational cooperation within and between states as well as non-state actors, such as civil society stakeholders and private organisations (Escazú Agreement, Article 11). Similar commitments to bilateral and multilateral cooperation can be seen in the Convention on the Law of the Non-navigational Uses of International Watercourses (Article 5, 8, 23, 25), the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Preamble, Article 2, 5, 9, 10), and the UN Convention on the Law of the Sea (Article 100, 118, 123, Part XII Section 2, Part XIII Section 2, Part XIV Section 2). This language of cooperation could be taken as an example of the shared values and language between these two international frameworks, altogether indicating a level of complementarity and embeddedness that has been achieved between the SDGs and international water law regimes. This factor of embeddedness, therefore, can serve to identify evidence of existing complementarity between the overarching principles of international law and the 17 SDGs.

3.2. Nesting linkages

Nesting can be said to describe a ‘situation where regional or issue-specific international institutions are themselves part of multilateral frameworks that involve multiple states or issues’ (Alter and Meunier 2006: 363). Unlike embedded institutions, nesting is the way in which an institution is linked to the ‘broader regime’ as a whole rather than being connected to a particular set of principles or processes (Young 1996: 4). It is worth noting that nesting is not necessarily always comprehensive, and some incidents of partial nesting may result in policy conflicts (Blavoukos and Bourantonis 2017: 308–9). SDG 13 (Climate Action) seems to offer a useful example of nesting within an international legal framework. This goal seeks to enhance global action to tackle the climate crisis and is composed of five objectives and eight indicators. Correspondingly, the three agreements making up the international climate change regime include the UN Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, and the Paris Agreement, the latter of which was being negotiated around the same time as the drafting of the SDGs. SDG 13 acknowledges the UNFCCC as the ‘primary international, intergovernmental forum for negotiating the global response to climate change’ (Transforming our world, SDG 13), the purpose of which is said to establish a clear separation between the SDGs from the Paris Agreement to avoid any potential policy tensions (Bodansky 2022: 329). Bearing this in mind, while SDG 13 is seen to replicate the ambitions and aims of the international climate change regime, it ‘does not fill a gap in international policy’ nor establish any new commitments (Bodansky 2022: 329–30). The objectives of SDG 13 are altogether quite general, but firmly rooted in the structures and ambitions of the UNFCCC.

As the language of the SDGs was subject to lengthy discussions by stakeholders before approval, one can safely assume that states are aware of the linkages between the commitments of the 2030 Agenda and existing international regimes. When reporting on the interlinkages between the SDGs and international instruments, the Paris Agreement continues to be the most commonly referenced instrument in VNRs with the ‘global aid/development effectiveness agendas’ being the least (Sautejeau et al. 2023: 54–5). Other commonly cited agreements, exhibiting moderately fluctuating VNR trends from 2018–2022, include the Addis Ababa Action Agenda, the Convention on Biological Diversity, and the Sendai Framework for Disaster Risk Reduction (Sautejeau et al. 2023: 74). Young remarks that ‘[t]he advantages of nesting are indisputable in the case of evolving programmatic regimes’ as the objective of such regimes is to facilitate ‘activities that are intended to lead to a broadening and deepening of the regimes in question’ (Young 1996: 16). As the SDG framework evolved from and built upon the experiences of the 2000 Millennium Development

Goals, one could say that nesting the norms of international law within the novel global paradigm of the SDGs could be used as a means to broaden and deepen legal understanding and thinking around soft law-hard law dynamics in the international field. Thus, assessing the degree of nesting exhibited by the SDGs may help in the navigation of these complex regime interactions.

3.3. Clustering linkages

According to Young, clustering takes place ‘when those engaged in the formation or operation of differentiable governance systems find it attractive to combine several of these arrangements into institutional packages’ (Young 1996: 5). Moltke writes that international environmental regimes can be clustered together to enhance their ‘efficiency and effectiveness’ and notes several ‘tools’ related to the process of clustering that promote coordination between regimes, including the COP, regime subsidiary bodies, and secretariats (Moltke 2001: 3, 5–8). Clustering is not unusual in the field of international environmental law (See Oberthür 2002) and evidence of SDG clustering can be found if one examines the eight objectives of SDG 6, for example. SDG 6 addresses water-related issues including achieving universal access to clean water, reducing water pollution, improving water management, and facilitating transboundary cooperation around shared water resources, all of which are clustered around the pursuit of a single overarching goal, to ‘[e]nsure availability and sustainable management of water and sanitation for all’ (Transforming our world, SDG 6).

According to Young’s theory, clustering regimes could be used as a means of awareness-raising of particular issues and allow for the development of a ‘shared vision’ that can act as a ‘politically potent construct’ (Young 1996: 5). He further notes that clustering can facilitate the creation of an ‘image’ of a unified group of stakeholders in pursuit of a specific matter or working in a specific area (Young 1996: 6), which allows an interesting parallel to be drawn between institutional clustering and the SDGs. The SDG framework itself could be viewed as an ‘institutional package’ within which the three overarching and overlapping policy clusters of sustainable development (environmental, social, and economic) are amalgamated. Indeed, the SDGs are based on political commitment, rather than binding legal obligations, and are very much dependent on state-state cooperation to realise the common ‘vision’ of the 2030 Agenda. Whilst different issues are tackled by each individual SDG, all objectives are ultimately aspiring toward the universal goal of sustainable development. In this instance, the above-mentioned ‘tools’ of clustering, i.e. COP, subsidiary bodies, and secretariats, could be particularly useful so as to investigate the

effect and extent of this interlinkage between the SDGs and the corresponding subfield of international law.

3.4. Overlapping linkages

Overlapping linkages refer to the inadvertent impacts that different regimes can have on each other, even when they are issue-specific and lack explicit references to one another (Young 1996: 6). Young contends that these are often ‘unforeseen’ or ‘unintended’ institutional impacts by the drafters of the regimes and references the overlap between environmental and economic trade regimes as particularly significant in this context (Young 1996: 6). Going further than simply identifying normative coherence between international law and the SDGs, it is worth considering the ability of the objectives and language of the SDGs to impact the progression of their related subfields of international law, an under-elaborated area of legal scholarship. In the context of international water law, Spijkers has identified three means of ‘cross-fertilization’ that can occur between the two frameworks, including enabling states to adopt ecosystem approaches to water management and encouraging greater public participation with water law, policy, and governance (Spijkers 2016: 39). He contends that ‘attaching’ the SDGs to the standards and agreements of international water law will allow the framework to embody normative obligations and assist in their realisation by acting as implementation ‘guidelines’ (Spijkers 2016: 39, 42). Following this logic, if one were to tether relevant SDGs to their subfield of international law with which they overlap, there would be potential for a holistic and comprehensive ‘cross-fertilization’ of the SDGs and international law as a whole.

3.5. Negating linkages

Institutional linkages between the SDGs and international law are not necessarily always reinforcing. That is to say that, in some respects, the linguistic mimicry of international law norms within the framework could generate non-reinforcing dynamics. Such normative interconnections could risk undermining the established international environmental and human rights law regimes that the SDGs are trying to respect and channel. Therefore, negating linkages refers to those that may have a weakening or altogether subversive effect on the corresponding institution or subfield of international law. As aforementioned, the normative considerations found within the 2030 Agenda could be used to interpret the aims of each SDG, whilst attempting to reinforce and respect existing legal instruments. However, as Koskeniemi remarks in the context

of international law, '[s]hared vocabulary does not necessarily entail unity of purpose' (Koskenniemi 1991: 404). Given this, just because the SDGs encapsulate normative language does not necessarily mean that all SDG signatories are in agreement with the aims, approaches, and values of the related sub-fields of international law.

As illustrated, the 2030 Agenda replicates the established languages of non-discrimination, equity, and inclusion of all persons, principles which act as the cornerstone of international human rights law.¹ Nevertheless, the interests of marginalised groups, such as the LGBTQI+ community, remain ambiguous and contested by some under the SDG framework, despite the fact that discrimination based on one's sexuality or gender identity is indeed a human rights violation (Guiry 2023a, c). The reasons for such contradictions can be summarised as follows: 'International law is based on values, traditions, standards, and norms accepted globally, although not necessarily by *every* culture or country' (Wilets 2011: 632). Therefore, one cannot assume that the mere replication of the established language of international law will result in universal agreement with the rights and obligations to which they correspond or action toward the realisation of SDG objectives. The SDGs contain strong and unified language to enact transformational change but are at the same time described as 'aspirational' objectives and are an inherently political agenda (Transforming our world, para. 55). It is reasonable to question if the same terms and language should be used for binding and non-binding commitments, as it could risk diluting the authority of 'hard' norms. This negating factor, therefore, could be used to determine if there are any compromising effects as a result of this SDG-international law relationship.

3.6. Sectional linkages

Lastly, sectional linkages refer to the limited incorporation of the established international norms in which a regime is embedded, nested, clustered, or with which they overlap. Sectional institutions could allow for the normative limitations of the SDG-international interrelationship to be accounted for, namely when the established regimes of international law are embodied by the SDG framework, but not to their full extent. An example of this can be seen in an overall shortcoming of the framework which is that the vocabulary of international human rights law has not been comprehensively embraced by the SDGs to the same extent as international partnership and transnational coopera-

¹ SDG 10.2 outlines the following: 'By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status.'

tion. There are no references to international human rights treaties within the 17 SDGs,² and whilst alignments can be made with the commitments of the SDGs and human rights norms, they are often ‘weaker’ and less comprehensive in relation to those they seek to protect (Collins 2018: 68–9).³ Paragraph 19 of the 2030 Agenda outlines that it is the responsibility of ‘all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and fundamental freedoms for all’ (Transforming our world, para. 19). Collins makes the point that using ‘promote’ instead of ‘fulfill’ softens and diminishes the very ‘basic canon of international human rights law’ (Collins 2018: 69). French summarises these criticisms as follows:

As has been widely remarked upon, despite the increasing attempt to couple business, development and human rights in recent years, the Global Goals are reflective of the MDGs in overtly failing to utilise human rights, and human rights language, in the text of their wording. Notwithstanding the universalism of human rights, the Global Goals are singularly shorn of their human rights implications, beyond the barest of references (French 2017: 159).

These references to international law instruments provide the overall ‘context’ to the 2030 Agenda, but do not seek to explicitly ‘conceptualise the goals and targets as realisation of rights’, such as a right to a healthy environment, right to bodily autonomy, amongst many others (Esquivel 2016: 12). From this perspective, the SDGs have only partially incorporated the language of human rights law. Thus, it is through the sectional dimension of this analytical lens that the characteristics that could be seen to compromise and potentially undermine the existing language and obligations of international human rights law can be established and used to demonstrate a selective inclusion of the language and norms of international law by the SDGs.

4. Conclusion

The SDGs represent an imperfect framework that has been rightly criticised for its limited political impacts (See Biermann et al. 2022). The goals have, however, at the same time gained near-universal state support and ‘permeated many aspects of social organizations, including global governance, international relations, and inter- and transnational law’ (Guiry 2023b). Young has remarked that ‘institutional linkages are destined to loom larger in the future as interdependencies among functionally distinct activities rise in international

² It should be noted that reference is made to the Universal Declaration of Human Rights in the Preamble of Transforming our World.

³ Collins points out the lack of reference to the rights of Indigenous peoples or related legal instruments.

society and the density of international regimes increases' (Young 1996: 1). As such dynamics continue to progress in international society and with six years until the deadline of the 2030 Agenda, insights into the ongoing and emerging (quantified and unquantified) impacts of the SDG-international law relationship must be acquired so as to discern if and how the SDGs are shaping related subfields of international law (and *vice versa*) and our broader understanding of the international field overall.

The embedded, nesting, clustering, overlapping, negating, and sectional dimensions of this analytical lens seek to facilitate an exploration of the interactions that are taking place between the SDG framework and international law, altogether discerning the normative value of this relationship by evaluating and mapping the effect of the SDGs on the elaboration, implementation, and interpretation of international law. It is acknowledged that this lens could not exhaustively represent all types of interactions that may be taking place, and furthermore, it may not be possible to carry out a comprehensive examination of all 17 SDGs and 169 targets. This lens can, however, assist in the characterisation and visualisation of the types of existing interlinkages and the degree of correlation between SDG commitments and corresponding international norms, altogether providing a conceptual pathway between the theoretical and practical applications of the SDGs and international law.

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List of abbreviations

- UN – United Nations.
- SDG – Sustainable Development Goals.
- UNFCCC – United Nations Framework Convention on Climate Change.
- VNRs – Voluntary National Reviews.
- COP – Conference of the Parties.

References

Legal acts

Convention on Biological Diversity, 15/4. Kunming-Montreal Global Biodiversity Framework, 19 December 2022, CBD/COP/DEC/15/4.

- Convention on the Protection and Use of Transboundary Watercourses and International Lakes (adopted 17 March 1992, entered into force 6 October 1996) 1936 UNTS 269.
- Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (adopted 4 March 2018, entered into force 22 April 2021) [Escazú Agreement].
- United Nations Convention on the Law of the Non-navigational Uses of International Watercourses (adopted 21 May 1997, entered into force 17 May 2014) 36 ILM 700.
- United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3.

Secondary sources

- Alter, Karen J., and Sophie Meunier. 2006. Nested and overlapping regimes in the transatlantic banana trade dispute. *Journal of European Public Policy* 13(3): 362–382. DOI: 10.1080/13501760600560409.
- Bantekas, Ilias, and Katerina Akestoridi. 2023. Sustainable Development Goals, Between Politics and Soft Law: The Emergence of “Political Normativity” in International Law. *Emory International Law Review* 37(4): 499–560.
- Biermann, Frank, and Thomas Hickmann, Carole-Anne Sénit, Marianne Beisheim, Steven Bernstein, Pamela Chasek, Leonie Grob, Rakhyun E. Kim, Louis J. Kotzé, Måns Nilsson, Andrea Ordóñez Llanos, Chukwumerije Okereke, Prajal Pradhan, Rob Raven, Yixian Sun, Marjanneke J. Vijge, Detlef van Vuuren, Birka Wicke. 2022. Scientific evidence on the political impact of the Sustainable Development Goals. *Nature Sustainability* (5): 795–800. DOI: 10.1038/s41893-022-00909-5.
- Blavoukos, Spyros, and Dimitris Bourantonis. 2015. Nested Institutions. In: *Palgrave Handbook of Inter-Organizational Relations in World Politics*, (eds.) Joachim Koops and Raphael Biermann, 303–317. London: Palgrave Macmillan.
- Bodansky, Daniel. 2022. SDG 13: Take Urgent Action to Combat Climate Change and Its Impacts. In: *The Sustainable Development Goals and International Law*, (eds.) Jonas Ebbesson and Ellen Hey, 328–353. Cambridge: Cambridge University Press.
- Collins, Lynda M. 2018. Sustainable Development Goals and human rights: challenges and opportunities. In: *Sustainable Development Goals: Law, Theory and Implementation*, (eds.) Duncan French and Louis J. Kotzé, 66–90. Edward Elgar Publishing.
- Cubie, Dug, and Tommaso Natoli. 2022. Coherence, Alignment and Integration: Understanding the Legal Relationship between Sustainable Development Climate Change Adaptation and Disaster Risk Reduction. In: *Creating Resilient Futures. Integrating Disaster Risk Reduction, Sustainable Development Goals and Climate Change Adaptation Agendas*, (eds.) Stephen Flood et al., 45–64. Palgrave Macmillan.
- Esquivel, Valeria. 2016. Power and the Sustainable Development Goals: a feminist analysis. *Gender & Development* 24(1): 9–23. DOI: 10.1080/13552074.2016.1147872.
- French, Duncan. 2017. The Global Goals: Formalism Foregone, Contested Legality and “Re-imaginings” International Law. In: *Ethiopian Yearbook of International Law 2016*, (eds.) Zeray Yihdego, Melaku Geboye Desta and Fikremarkos Merso, 151–178. Springer International Publishing.

- Guiry, Niamh, 2023a. A Critical Exploration of LGBTQI+ Issues and the Sustainable Development Goals (Manuscript submitted for publication).
- Guiry, Niamh, 2023b. Why Do States Adhere To The Sustainable Development Goals? (forthcoming) *Transnational Environmental Law*.
- Guiry, Niamh. 2023c. No One Will Be Left Behind: The SDG Framework and LGBTQ+ Rights. *Cork Online Law Review*, 29 June 2023. <https://www.corkonlinelawreview.com/single-post/no-one-will-be-left-behind-the-sdg-framework-and-lgbtq-rights>.
- Kim, Rakhyun E. 2016. The Nexus between International Law and the Sustainable Development Goals. *Review of European, Comparative and International Environmental Law* 25(1): 15–26. DOI: 10.1111/reel.12148.
- Koskenniemi, Martti. 1991. Future of Statehood. *Harvard International Law Journal* 32(2): 397–410.
- Leb, Christina. 2015. One step at a time: international law and the duty to cooperate in the management of shared water resources. *Water International* 40(1): 21–32. DOI: 10.1080/02508060.2014.978972.
- McIntyre, Owen. 2018. International water law and SDG 6: mutually reinforcing paradigms. In: *Sustainable Development Goals: Law, Theory and Implementation*, (eds.) Duncan French and Louis J. Kotzé, 173–200. Edward Elgar Publishing.
- Nilsson, Måns, and Åsa Persson. 2017. Policy note: Lessons from environmental policy integration for the implementation of the 2030 Agenda. *Environmental Science and Policy* (78): 36–39. DOI: 10.1016/j.envsci.2017.09.003.
- Oberthür, Sebastian. 2002. Clustering of Multilateral Environmental Agreements: Potentials and Limitations. *International Environmental Agreements: Politics, Law and Economics* 2: 317–340. DOI: 10.1023/A:1021364902607.
- Rahaman, Muhammad Mizanur. 2009. Principles of international water law: creating effective transboundary water resources management. *International Journal of Sustainable Society* 1(3): 207–223. DOI: 10.1504/IJSSOC.2009.027620.
- Scholtz, Werner, and Michelle Barnard. 2018. The Environment and the Sustainable Development Goals: ‘We are on a road to nowhere’. In: *Sustainable Development Goals: Law, Theory and Implementation*, (eds.) Duncan French and Louis J. Kotzé, 222–249. Edward Elgar Publishing.
- Spijkers, Otto. 2016. The Cross-fertilization between the Sustainable Development Goals and International Water Law. *Review of European, Comparative and International Environmental Law* 25(1): 39–49. DOI: 10.1111/reel.12152.
- Wilets, James D. 2011. From Divergence to Convergence – A Comparative and International Law Analysis of LGBTI Rights in the Context of Race and Post-Colonialism. *Duke Journal of Comparative & International Law* 21: 631–685.
- Young, Oran R. 1996. Institutional Linkages in International Society: Polar Perspectives. *Global Governance* (2)1: 1–23.
- Young, Oran R. 2013. Sugaring off: enduring insights from long-term research on environmental governance. *International Environmental Agreements: Politics, Law and Economics* 13: 87–105. <https://doi.org/10.1007/s10784-012-9204-z>.

Reports

Moltke, Konrad von. 2001. *On Clustering International Environmental Agreements*. *International Institute for Sustainable Development*. https://www.iisd.org/system/files/publications/trade_clustering_meas.pdf.

Sautejeau, Nicolas and Javier Surasky, Eleonora Bonaccorsi, Oli Henman, Bihter Moschini, Elena Kosolapova, Alma Citlalli Galicia Cruz, and Hajra Atiq. 2023. *Progressing National SDGs Implementation*. *International Institute for Sustainable Development*. <https://www.iisd.org/publications/report/progressing-national-sdgs-2022>.

United Nations General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, 21 October 2015, A/RES/70/1 [Transforming our world].