

Posted by Joan Russow

Friday, 10 July 2015 08:43 - Last Updated Thursday, 23 July 2015 09:23

By Joan Russow □ PhD Global Compliance research Project



If states comply with these many instruments, the global community will have more respect for the rule of international law, and more faith in the United Nations, including for the compliance with and implementation of the SDGs.

Credit: UN Photo/Joao Araujo Pinto Project from <http://www.ipsnews.net/2015/04/the-u-n-at-70-a-time-for-compliance/>

1 June 2015 The Co-chairs of the SDGs affirmed that the overarching Theme would be “Transforming the world: realizing the post-2015 development agenda” and that there would be six themes for the interactive dialogues during the UN Summit for the adoption of the post-2015 development agenda (25-27 September, 2015).

<https://sustainabledevelopment.un.org/?page=view&nr=139&type=230&menu=2059>

Co-chairs, however, then stated a caveat;

“we wish to emphasize that it has no formal or legal status, and in no way establishes a precedent. It is intended purely to assist in preparations for the Summit and participation in the interactive dialogues.”

To realize what would be needed to transform the world, the member states could both discuss how best both to enact the necessary legislation to strengthen the rule of international law, to prohibit practices and action, that impede the positive transformation of the world, and secure the transfer of funds from the activities that undermine the SDGs.

STRENGTHENING THE RULE OF INTERNATIONAL LAW

In the interactive dialogues, the Member States of the United Nations could undertake to discuss how the years of obligations derived from treaties, conventions and covenants could be discharged, and the commitments from Declarations, resolutions and conference action plans could be acted upon and fulfilled. This body of international obligations and commitments form legal precedents and international peremptory norms that could really transform the world.

□ Peremptory norms are deemed to □ arise from

1. commitments made through un conference action plans adopted through consensus by state delegation of the United Nations

2. obligations incurred through treaties conventions, and covenants that have been either signed or ratified by all states or by a broad group of member states from a range of legal systems and of geographical areas

Ratifying key legally binding agreements

International Covenants such as on Civil and Political Rights (ICCPR) and its protocols, on Economic, Social and Cultural Rights (ICESCR); Conventions such as Law of the Sea (UNCLOS), on Torture (UNTC), on Biological Diversity (CBD) and its protocols, on Endangered Species (CITES), on Climate Change (UNFCCC), on World Heritage Convention / WHC), on Desertification (UNCCD), on Ozone (MP), on Rights of the Child (CRC), on Women (CEDAW) and its protocols, on Racial Discrimination (ICERD), on Genocide (CPPCG) on Rights of Migrant Workers, on Labour (ILO), on Transnational Organized Crime and the Protocols Thereto (CTOC) on Persons with Disabilities (CRPD); Declarations such as Rights of indigenous Peoples UNDRIP; peace Treaties, such as NPT, Comprehensive Test Ban Treaty (CTBT), Anti_Personnel-Mine-(APM), Cluster Munitions (CCM), Arms Trade (ATT). □ Etc. Respect for the jurisdiction and decisions of the ICJ, and the ICC Rome Statute is paramount.

Most of these legally binding instruments can be used in disputes brought to the international Court of Justice, either for a legal opinion or for a decision. To transform

the world, not only the jurisdiction but also the decisions of the international Court of Justice must be binding. No longer should states, when they oppose the ICJ decisions, be permitted to defy the decisions or deny the jurisdiction of the court. If there is to be a true transformation, no state can be deemed to be above international law. In addition, many instruments have a provision for individuals and groups to challenge state compliance by submitting communications, to committees, about state practices; states are then compelled to respond. Similarly, with some instruments, such as NPT, an organization, such as the IAEA, has been set up to monitor and inspect compliance, by the parties, with the treaty. □

While I note, that, in the SDGs, there is the occasional reference to existing international □ instruments, □ I am concerned that the SDGs, by not affirming the fact that many of the SDG goals exist already as obligations and commitments□ and by not explicitly urging□ states to comply with existing international obligations and commitments, the SDGs appear to be functioning in an international legal vacuum. ELIMINATING THE PRACTICES THAT IMPEDE THE POSITIVE TRANSFORMATION OF THE WORLD.

See;□ [Sustainable Development Goals \(SDGs\):the world we want is impeded by the continuation of the world we do not want](#)

A. Prevent war and conflict

B Avert Environmental Devastation and Health Problems

C. Cease Exploitative Trade

D Stave off Corporatism and Financial Institutions

E. End social injustice and violation of Human Rights

F. Abandon the disregard for the rule of international law and legal precedents

http://pejnews.com/index.php?option=com_content&view=article&id=10112:sustainable-development-goals-sdgsshaping-the-world-you-want-is-impeded-by-the-continuation-of-the-world-you-do-not-want&catid=74:ijustice-news&Itemid=216

TRANSFERRING OF FUNDS FROM THE ACTIVITIES THAT UNDERMINE THE SDGS .

Throughout the years, through international agreements, member states of the United Nations have recognized that the military budget has been a waste and misuse of resources. Currently the Global Community is now spending 1.7 trillion per year on the military budget at a time when many basic needs and fundamental have not been met or fulfilled. Not only has militarism been a waste and misuse of resources, but also militarism is a major drain on funds that could fund the SDGs

years of global commitments related to militarism and disarmament

Through international agreements, member states of the United Nations have undertaken to address militarism;

In 1976 at Habitat 1, member states of the United Nations affirmed the following in relation to the military budget: "The waste and misuse of resources in war and

armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

In 1981, in the General Assembly resolution entitled Resolution on the reduction of the military budget, the member states

(i) reaffirmed "the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget";

(ii) recognised that "the military budget constitutes a heavy burden for the economies of all nations, and has extremely harmful consequences on international peace and security";

(iii) reiterated the appeal "to all States, in particular the most heavily armed States, pending the conclusion of agreements on the reduction of military expenditures, to exercise self-restraint in their military expenditures with a view to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries" (Resolution on the Reduction of Military budgets, 1981).

These appeals were further reinforced in a 1983 General Assembly Resolution on the Relationship between Disarmament and Development, that "curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries."

In the 1984 General Assembly Resolution entitled the Right of Peoples to Peace, there were "Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of ...measures at both the national and the international level." (4. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

In 1992, all member states recognized that "Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992), and in Chapter 33, of Agenda 21, member states of the United Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e)

In 1994, in adopting the statement from the International Conference on Population and Development, the member states of the United Nations concurred that "the attainment

of quantitative and qualitative goals of the present Programme of Action clearly require additional resources, some of which could become available from a reordering of priorities at the individual, national and international levels. However, none of the actions required nor all of them combined are expensive in the context of either current global development or military expenditures." (Article 1.19)

In 1995, similarly, states in adopting the statement from the Social Development Summit endorsed the calling for the reallocation of military spending to ensure a greater pocket of resources to expand public services.

□ Again, in 1995, member states of the United Nations reconfirmed these commitments by adopting the Platform of Action at the UN conference on Women, Equality, Development and Peace. In the Platform of Action, States have made a commitment to maintain peace and security at the global, regional and local levels, together with the prevention of policies of aggression ... and the resolution of armed conflict" (Art. 14) and to reduce "...military expenditures" (Art. 15), states have also made a commitment to the "prevention and resolution of conflicts? "(Art.15) and to "increase and hasten, ... the conversion of military resources and related industries to development and peaceful purposes" (145a).

Unfortunately, institutional memory is either short or member states ignore precedents.

CONCLUSION

The proposed Themes are the □ the following:

Ending poverty and hunger Tackling poverty in all its dimensions; achieving food security and addressing malnutrition; completing the unfinished business of the MDGs.

Tackling inequalities, empowering women and girls and leaving no one behind
Tackling inequalities within and between countries and supporting countries in special situations; supporting all vulnerable groups; achieving gender equality; ensuring access for all to education, health care, social protection and safe and affordable drinking water and sanitation.

Fostering sustainable economic growth, transformation and promoting sustainable consumption and production
Building resilient and dynamic economies and ensuring sustainable consumption and production patterns; promoting inclusive and sustainable industrialization and fostering innovation; investing in sustainable agriculture and rural development, energy and infrastructure; supporting youth employment and decent work for all.

Protecting our planet and combatting climate change
Promoting resilience and disaster risk reduction; promoting sustainable consumption and production; ensuring conservation and sustainable use of oceans, seas, biodiversity and ecosystems; addressing land degradation and desertification; and supporting sustainable cities and human settlements.

Building effective, accountable and inclusive institutions to achieve sustainable development
Strengthening institutions at all levels; promoting peaceful and inclusive societies; securing access to justice for all; and respecting all human rights, including the right to development

Delivering on a revitalised Global Partnership Meeting all commitments on the means of implementation, including on financing for development, science, technology, innovation and capacity building; engaging all stakeholders and people worldwide, especially children and young people, in the realisation of the universally applicable SDGs; ensuring comprehensive follow-up and review and shaping effective multi-stakeholder partnerships. <https://sustainabledevelopment.un.org/?page=view&nr=139&type=230&menu=2059>

The Overarching Theme and Themes of the SDGs should be based on international law, legal precedent.

Posted by Joan Russow

Friday, 10 July 2015 08:43 - Last Updated Thursday, 23 July 2015 09:23

Transforming the world could be realized if States respected the rule of international law by ratifying key international instruments enacting the necessary legislation to ensure compliance, removing the impediments to achieving the positive themes of transformation, and reallocation funds from militarism to implementing the SDGs