

**SUSTAINABLE DEVELOPMENT GOALS
AND HUMAN RIGHTS**

AN INDIVISIBLE BOND

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Foreword

On 18 April 2018 the Advisory Council on International Affairs (AIV) received a request from the Minister of Foreign Affairs (BZ) and the Minister for Foreign Trade and Development Cooperation (BHOS) for an advisory report on how human rights and the Sustainable Development Goals (SDGs) reinforce each other.

In the request for advice, the ministers observed that respect for human rights and freedoms is a key condition for sustainable development and conflict prevention. The SDG agenda, they argued, cannot be implemented successfully if human rights are not observed, and vice versa. Experts regard the SDGs and international human rights instruments as frameworks for an enduring commitment to preventing violent conflict. The two agendas can be mutually reinforcing in many ways, according to the ministers.

However, there has so far been no systematic research into potential for promoting human rights by striving to achieve the SDGs – and vice versa. The government therefore asked the AIV to address the following questions:

Main question:

How can the Dutch commitment to the SDGs and Dutch foreign policy on human rights, as set out in the policy letter ‘Justice and Respect for All’,¹ reinforce each other?

Subsidiary questions:

1. Where do the two agendas intersect and how do they complement each other?
2. What specific opportunities exist that would allow the SDGs to contribute more to promoting human rights at international level?
3. How can Dutch foreign policy on human rights make an optimum contribution to achieving the SDGs that relate to Dutch policy priorities?

The request for advice is attached to this report as Annexe I.

Shortly after the AIV received the request, the Minister of Foreign Affairs and the Minister for Foreign Trade and Development Cooperation published two policy documents directly related to the subject. The policy document ‘Investing in Global Prospects: For the World, for the Netherlands’² (18 May 2018) states that BHOS policy will be guided by the SDGs in the years ahead. The Human Rights Report 2017³ (28 May 2018) presents an update of the Netherlands’ human rights policy. The AIV has taken the liberty of referring to these two policy documents in responding to the request for advice.

1 Parliamentary Papers 32735, no. 78, appendix 233168.

2 Parliamentary Papers 34952, no. 1, appendix 842376.

3 Parliamentary Papers 32735, no. 198, appendix 848109.

Background and procedure

This advisory report was prepared by a joint committee consisting of members of the Human Rights Committee (CMR) and the Development Cooperation Committee (COS): Professor E.M.H. (Ernst) Hirsch Ballin (chair), Professor K.C.J.M. (Karin) Arts, Professor M.S. (Maurits) Berger, Professor C.P.M. (Tineke) Cleiren, Professor Y.M. (Yvonne) Donders, Professor J.H. (Janneke) Gerards, A.P. (Arjan) Hamburger, Professor N.M.C.P. (Nicola) Jägers, Professor R.A. (Rick) Lawson, Professor B.E.P. (Egbert) Myjer, B.W. (Bart) Schermer, N. (Naema) Tahir and H.M. (Heikelien) Verrijn Stuart (members of the CMR), Professor R.E. (Rolph) van der Hoeven, M. (Manuela) Monteiro and Professor J.B. (Hans) Opschoor (members of the COS).

The executive secretary was R.A.G. (Robert) Dekker, assisted by trainees M. (Merit) Guldmond, N.S. (Neha) Bagga, A.A. (Adája) Stoetman and M.A. (Jodie) in 't Groen.

L. (Lotte) Hofste and H.B.J.W. (Henk) Hulshof were the civil service liaison officers from the Ministry of Foreign Affairs.

This advisory report is based primarily on a literature study and an examination of source material. The committee also consulted a number of experts from the business sector and civil society organisations. The persons consulted are listed in Annexe II. The AIV is very grateful to them for their contributions.

The AIV adopted this advisory report on 10 May 2019.

Introduction

In September 2015, the representatives of the 193 member states of the United Nations (UN) unanimously adopted the 2030 Agenda for Sustainable Development.⁴ At the heart of this agenda are the Sustainable Development Goals (SDGs). These are 17 goals with 169 targets that address transnational issues facing the international community, such as poverty, inequality, access to healthcare, sustainable economic growth, a better living environment, climate change, security and human rights. The SDGs are 'integrated and indivisible',⁵ with countries being able to set national priorities based on their own level of development, national needs and financial capacity.⁶ World leaders will meet again in September 2019 to discuss the progress of the 2030 Agenda.

Box: The 17 Sustainable Development Goals

1. End poverty in all its forms everywhere
2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture
3. Ensure healthy lives and promote well-being for all at all ages
4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
5. Achieve gender equality and empower all women and girls
6. Ensure availability and sustainable management of water and sanitation for all
7. Ensure access to affordable, reliable, sustainable and modern energy for all
8. Promote sustained, inclusive and sustainable economic growth, full productive employment and decent work for all
9. Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation
10. Reduce inequality within and among countries
11. Make cities and human settlements inclusive, safe, resilient and sustainable
12. Ensure sustainable consumption and production patterns
13. Take urgent action to combat climate change and its impacts
14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development
15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification and halt and reverse land degradation and halt biodiversity loss
16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
17. Strengthen the means of implementation and revitalise the global partnership for sustainable development

The text of the 2030 Agenda and a comprehensive overview of the SDGs, targets and indicators can be found at <<https://undocs.org/A/RES/70/1>> and <<https://undocs.org/A/RES/71/313>>.

4 United Nations General Assembly, A/RES/70/1, Transforming our World: The 2030 Agenda for Sustainable Development, 25 September 2015.

5 Ibid., preamble.

6 Ibid., para. 5: '[The Agenda] is accepted by all countries and is applicable to all, taking into account different national realities, capacities and levels of development and respecting national policies and priorities.'

Partnership

Partnership (SDG17), both national and international, is a key concept for the implementation of the 2030 Agenda: *all* countries are *together* responsible for achieving *all* the SDGs. The SDG principles of universality, indivisibility and inclusiveness are articulated in the 2030 Agenda's motto: 'Leave no one behind'. The SDGs are therefore not only directed at developing countries. Richer countries must also take measures to achieve the SDGs for their own peoples in their own countries, as well as show solidarity with the efforts of developing countries, for example by providing financial support or sharing data and knowledge.⁷ Responsibility for the SDGs, furthermore, lies not only with governments but with the whole of society, because they cannot be achieved without changes in individual lives and behaviour. Public authorities, businesses, civil society organisations and citizens have a shared responsibility to and for each other.

President Roosevelt's four freedoms

In early 1941, US President Franklin D. Roosevelt proclaimed that four freedoms should be achieved 'everywhere in the world'.⁸ He named not only areas in which government power should be reined in, but also the freedoms that every person should enjoy: freedom from want and freedom from fear. He declared that the more traditional freedoms – of religion and of expression – were indivisible from socioeconomic and social development.

After the Second World War, Roosevelt's four freedoms were fleshed out in the Universal Declaration of Human Rights (UDHR). By adopting the UDHR⁹ – more than 70 years ago, on 10 December 1948 – the members of the United Nations undertook to respect human rights worldwide. In doing so, they added a new dimension to their international obligation to renounce wars of aggression and settle disputes peacefully, and gave expression to article 1, paragraph 3 of the Charter of the United Nations, which sets the following goal: 'To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion'. The Universal Declaration formed the basis of an extensive rules-based human rights system of binding multilateral and regional treaties established in the post-war period.

7 Ibid., para. 5: 'These are universal goals and targets which involve the entire world, developed and developing countries alike. They are integrated and indivisible and balance the three dimensions of sustainable development.'

8 Franklin Delano Roosevelt, State of the Union 1941, 6 January 1941. See: <<http://www.let.rug.nl/usa/presidents/franklin-delano-roosevelt/state-of-the-union-1941.php>>.

9 The UDHR was adopted by 48 countries with no votes against. South Africa, Saudi Arabia, the Soviet Union and five other Eastern Bloc countries abstained.

Box: The four freedoms

President Roosevelt's 'Four Freedoms' speech can be seen as a starting point for the development of the post-war human rights system. In his State of the Union address of 1941 Roosevelt named four freedoms that should be available to everyone 'everywhere in the world':

1. Freedom of speech and expression;
2. Freedom of every person to worship God in his own way;
3. Freedom from want;
4. Freedom from fear.

Roosevelt's four freedoms underpinned the Universal Declaration of Human Rights (UDHR). The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights are further elaborations of the UDHR. Nearly all nations have signed these covenants. Together with the UDHR they are known as the International Bill of Human Rights.

Although the 'Four Freedoms' speech was addressed primarily to a domestic audience – to garner political and public support for an end to America's isolationist foreign policy and for its involvement in the Second World War – the speech had a far wider impact. At a time when the international arena was shaped by the power politics and national interests of sovereign states, Roosevelt introduced the concept of individual and inalienable rights for all people. He presented the four freedoms as universal values of a free and peaceful world.

The contours of human dignity can be seen in the four freedoms. The first two relate to fundamental rights; freedom from want refers to the need for socioeconomic development and freedom from fear deals with human security, although Roosevelt expressed it chiefly in military terms.

Gradually there was increasing international awareness that these rights are not realised as soon as they are enshrined in legal texts addressed to states; they must be achieved through resilient social and economic development processes. Lesbian, gay, bisexual, transgender and intersex (LGBTI) rights, for instance, have been enacted in law in many countries, but they still encounter public resistance in practice. The request for advice rightly states therefore that 'human rights cannot be upheld by law alone. They must be embedded in the fabric of society.'¹⁰

This insight has gradually been further elaborated as part of the international protection of human rights, particularly in the Vienna Declaration and Programme of Action on Human Rights of 1993. It places the relationship between the rights to freedom and economic, social and cultural rights in a dynamic perspective: 'Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.'¹¹ The SDGs, which are of course principally political and social policy goals, must therefore be seen in relation to the issues raised in the Vienna Declaration.

¹⁰ See annexe I.

¹¹ World Conference on Human Rights, Vienna Declaration and Programme of Action, Vienna, 25 June 1993, I para. 8. See: <<https://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>>.

The 2030 Agenda: a turning point

The proclamation of the SDGs marked a new phase in the United Nations' engagement with development issues.¹² Since the 1990s the Human Development Reports of the UN Development Programme (UNDP) have mapped out various aspects of development policy, including human security (1994), gender (1995), globalisation (1999), human rights (2000) and democracy (2002). In 1992 and 2002 major UN conferences raised the issue of sustainable development.¹³ The Millennium Development Goals¹⁴ (MDGs) (2000/2015) and the current Sustainable Development Goals are programmatic follow-ups to those conferences.

In the 2030 Agenda, the UN member states explicitly acknowledge that the SDGs will be driven by human rights. The resolution puts it as follows:

They seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental.¹⁵

And:

The new Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. It is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome. It is informed by other instruments such as the Declaration on the Right to Development.¹⁶

12 'The UN was founded on four great principles: peace and negotiation in place of war and aggression; sovereign independence for all countries; economic and social development to raise living standards worldwide; and human rights for all. Initially these four principles were mostly pursued in parallel and often by different parts of the world organization. But beginning in the 1980s, the four concerns have increasingly been brought together and seen to be interrelated parts of a broader and more balanced process of human development, combining peace and security, democratic governance, sustainable and equitable development, and human rights.' Richard Jolly, 'Human Development', in: Weiss, T.G. and Daws, S. (2018), *The Oxford Handbook on the United Nations* (2nd ed.), Oxford, Oxford University Press, p. 751.

13 They were: (1) the UN Environment and Development Conference, Rio de Janeiro 1992, resulting in the Declaration of Rio de Janeiro on Environment and Development, Agenda 21, with secondary results including the UN Framework Convention on Climate Change and the UN Convention on Biodiversity; and (2) the UN Sustainable Development Conference, Johannesburg 2002, resulting in the Johannesburg Declaration on Sustainable Development.

14 The Millennium Development Goals were: 1. Eradicate extreme poverty and hunger; 2. Achieve universal primary education; 3. Promote gender equality and empower women; 4. Reduce child mortality; 5. Improve maternal health; 6. Combat HIV/AIDS, malaria and other diseases; 7. Ensure environmental sustainability; 8. Develop a global partnership for development. See also <<https://www.theguardian.com/global-development/datablog/2015/jul/06/what-millennium-development-goals-achieved-mdgs>>.

15 A/RES/70/1, Preamble.

16 Ibid., para. 10.

The 2030 Agenda thus re-affirms the intertwined relationship between human rights and sustainable development, as initially expressed in President Roosevelt's four freedoms and elaborated upon in the Universal Declaration of Human Rights. In addition, the 2030 Agenda adds an environmental dimension. The AIV recommends that the government consider its SDG policy in this perspective, at national and European as well as international level. Promoting the SDGs is essential to the achievement of human rights, especially those that can only be fully realised through socioeconomic development, such as the rights to freedom from want and from fear. Conversely, human rights are essential to successful development processes.

Core conclusion

Development is a key condition for the achievement of human rights, and human rights provide protection and scope for individual and community development. Pursuit of the SDGs therefore goes hand in hand with the realisation of human rights. Implementation of the 2030 Agenda requires an integrated, rules-based approach to the social, economic, cultural and ecological dimensions of development. Human rights and the SDGs are pathways, each in their own way, to human dignity.

The interaction between human rights and their necessary embedding in the development of a society as a whole has given rise to the concept of a comprehensive 'right to development'. The remainder of this advisory report will explain how this interaction works and operationalise its main points.

Potential of the SDGs

The SDGs are designed to bring about change processes throughout the world. They are not human rights in a different guise. They have a different, more collective, goal, as the term implies: sustainable development.

As human rights are embedded in the 2030 Agenda, the Netherlands and the European Union are able to discuss human rights in a sustainable development framework with countries that are usually unsympathetic to or dismissive of a traditional human rights dialogue. Conversely, the SDGs provide a tool for holding richer countries accountable for their financial and general solidarity with less developed countries, their willingness to share their achievements with them, and their responsibility to change their environmentally harmful production and consumption patterns.

For states that resist the obligatory nature of international human rights treaties, the SDGs offer an 'alibi' of sorts, allowing them to place human rights in a wider, more voluntary context. The 2030 Agenda could even be misused in this way to weaken human rights instead of strengthen them. The Netherlands' foreign policy should be constantly alert to this. In any dialogue with those states, the Netherlands should consistently stress that achieving the SDGs is not voluntary and that human rights in particular – with their fixed minimum international standards – are cornerstones of countries' explicit and enforceable obligations.¹⁷

17 See AIV advisory report on the relationship between the EU and China, forthcoming in 2019.

In her announcement of the Netherlands' candidacy for membership of the UN Human Rights Council (for the 2020-2022 term) the Minister for Foreign Trade and Development Cooperation highlighted the link between human rights and the SDGs. 'Each individual has the right to live in dignity and freedom, and no one should be left behind,' she said. 'Freedom spurs empowerment and inclusive sustainable development.'¹⁸

Sustainable development, as cast in the SDGs, requires democracy, good governance and the rule of law, not only in the sense of elected and democratically controlled institutions, but also in that of participation in and through civil society alliances. This is not only a challenge for Western nations.¹⁹ In this light, former UN Secretary-General Ban-Ki Moon and Independent Expert²⁰ Alfred de Zayas summarised the significance of the 2030 Agenda as follows:

The [Sustainable Development] Goals demonstrate an important dynamic: effective democratic governance enhances quality of life for all people, and human development is more likely to take hold if people are given a real say in their own governance and a chance to share in the fruits of progress [...]. [...] Direct, participatory and responsive democracy has been shown to be conducive to achieving a more just world order. Only such an approach will allow progressing from predator societies to human rights oriented societies.²¹

Democracies always need the safeguards that typify the rule of law, such as an independent judiciary, independent scrutiny of the executive, and human rights guarantees. SDG16 (Peace, justice and strong institutions) requires the steadily advancing realisation of democracy governed by the rule of law. Advocacy of the other SDGs must not be viewed separately from this.

Time is short

The AIV recognises that the SDGs require direct and sustained action to address urgent global social, economic and environmental risks. Climate change is having a profound impact on people and communities. Parts of the earth are already in danger of becoming uninhabitable. Widening income inequality demands structural changes in the global economy and measures that prevent the abuse of power and corruption and promote good governance. A systematic approach to other global problems, such as terrorism and forced or mass migration, requires the achievement of development, human rights and peace and security everywhere for all. The SDGs and respect for human rights are not only in the global general interest but evidently also in the Netherlands' own enlightened self-interest. There is an ongoing need for developed and less developed countries to work together on the basis of solidarity instead of ignoring or competing with each other.

18 See: <<https://www.government.nl/documents/speeches/2019/02/26/speech-by-the-minister-for-foreign-trade-and-development-cooperation-sigrid-kaag-at-the-human-rights-council>>.

19 See AIV, 'The Will of the People? The Erosion of Democracy under the Rule of Law in Europe', no. 104, June 2017.

20 Full title: United Nations Independent Expert on the Promotion of a Democratic and Equitable International Order.

21 See: <<https://news.un.org/en/story/2016/09/539032-democratic-principles-core-un-2030-sustainability-agenda-ban-says-international>>.

The effects of treaties and declarations

In addition to international treaties,²² UN declarations have played an important part in the development of the international legal order. The best known example is the Universal Declaration of Human Rights.²³ It was not a treaty and did not need ratifying, yet it has been instrumental in the development of international law and remains so today. It has been incorporated into human rights treaties, including the European Convention on the Protection of Human Rights and Fundamental Freedoms (1950), the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966). The preambles to these and other treaties specifically refer to the Universal Declaration.

Internationally accepted normative declarations, including certain resolutions of the UN General Assembly, are sometimes described as 'soft law'.²⁴ Although they cannot be used to underpin binding commitments between states under international law, they can certainly be significant in diplomatic talks and as guidelines in interpreting treaties or smoothing the path to laying down obligations in treaties. Soft law often relates to 'issues of almost universal agreement, such as sustainable development or human rights, and can provide powerful justifications for action.'²⁵ The Sustainable Development Goals, set out in a resolution of the UN General Assembly,²⁶ are a prime example, as is the aforementioned Vienna Declaration and Programme of Action.²⁷

The importance of soft law is also due to the fact that treaties themselves have divergent normative effects. Although treaties typically create obligations vis-à-vis other states, not all disputes regarding their implementation are suitable for settlement in international legal proceedings at, for instance, the International Court of Justice. Nor do treaties always entail rights that individuals can invoke in national or transnational proceedings. Article 94 of the Dutch Constitution states that national laws will not apply in so far as they are 'in conflict with provisions of treaties or of resolutions by international institutions that are binding on all persons'. In the field of human rights, however, not all treaty provisions lend

22 Article 2, paragraph 1 of the Vienna Convention on the Law of Treaties (1969, Dutch Treaty Series 1985, 79) describes a treaty as 'an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation'.

23 A/RES/217.

24 The relationship between treaties and other normative instruments was recently discussed at the UN in connection with the drafting of the Global Compact on Migration and the Global Compact on Refugees. The government stressed that they were non-binding documents (in e.g. Parliamentary Papers, Senate, 2018–2019, 34964, p. 5), but this of course does not mean that they entail no obligations.

25 Charlesworth, H. 'Law-making and sources', p. 198, in: Crawford, J. & Koskeniemi, M. (2012), *The Cambridge Companion to International Law*, Cambridge University Press, pp. 187-202.

26 A/RES/70/1.

27 A/RES/48/121.

themselves to this form of enforcement by national courts.²⁸

The 'hardness' of different treaty provisions varies greatly. The way in which their enforcement is regulated often provides an indication. If a treaty's enforcement is only the subject of international evaluation conferences, it allows considerable scope for differing national emphases. Even if a treaty lays down how individual complaints should be dealt with or provides for court proceedings, as is the case with a substantial number of human rights treaties (or is at least an option for many signatories), this will not automatically result in the treaty's uniform application. In the words of the European Court of Human Rights (ECtHR), signatories may have a 'margin of appreciation'. Where treaty provisions are open to different interpretation, soft law instruments can provide guidance. The SDGs also provide a framework for calling states to account for their duty to follow up on human rights treaty provisions.

It is therefore entirely in keeping with current developments in the international legal order to attach significance both to treaties, such as those that protect human rights, and to non-binding normative instruments, such as the SDGs. Declarations, action programmes and other international normative soft law instruments have also enabled a highly significant extension of the development of international law. Since, unlike treaties, they no longer impose obligations on states alone, they create scope for calling non-state actors to account for taking responsibility and providing capacity for its further development.

In the case of the SDGs, this is particularly true of cities and the business community. The authorities governing the megacities that are springing up all over the world need the SDGs and their underlying fundamental rights more than states do, and are often better equipped to achieve them. SDG11²⁹ is the principal point of departure but in effect all the SDGs require the responsibility and commitment of these city authorities. While it is states as subjects of international law that conclude treaties, cities must take the lead in efforts to achieve the SDGs and other forms of international soft law.³⁰ Following the adoption of the United Nations Global Compact in 2000, moreover, businesses, and especially multinationals, are also now expected to be involved in the achievement of the SDGs.³¹

Purpose of this advisory report

The primary purpose of this advisory report is to respond to the questions in the government's request for advice. The final chapter summarises the AIV's main findings and presents its policy recommendations. The AIV also aims to raise public awareness of the need for the Sustainable Development Goals and their interaction with human rights. The analysis offers interested readers a deeper insight into the substance of this topic.

28 Vlemminx, F.M.C. & Meuwese, A.C.M., commentary on article 94 of the Constitution, in Hirsch Ballin, E.M.H. and Leenknecht, G. (eds), *Artikelsgewijs commentaar op de Grondwet* (web edition, 2019), <www.Nederlandrechtsstaat.nl>.

29 'Make cities and human settlements inclusive, safe, resilient and sustainable'.

30 See, for instance, 'Getting Started with the SDGs in Cities: A Guide for Stakeholders', (UN Sustainable Development Solutions Network & Deutsche Gesellschaft für Internationale Zusammenarbeit, 2016), <<http://unsdsn.org/wp-content/uploads/2016/07/9.1.8.-Cities-SDG-Guide.pdf>>.

31 'Guide to Corporate Sustainability: Shaping a Sustainable Future' (2014), <https://www.unglobalcompact.org/docs/publications/UN_Global_Compact_Guide_to_Corporate_Sustainability.pdf>.

Structure of this report

This advisory report is organised as follows.

Chapter I explains the relationship between human rights and sustainable development. The point of departure is that they both seek the same goal: the realisation of human dignity. Human rights and sustainable development are two sides of the same coin. Given the interdependence of rights and goals, the Netherlands' human rights and development policies will be most effective if they are formulated and implemented in conjunction. A suitable framework is available in the form of the 2030 Agenda, which embeds inclusive sustainable development in human rights.

Chapter II zooms in on four SDGs that in the AIV's opinion most clearly express the relationship between the social, economic and environmental dimensions of development and human rights: SDG1 (End poverty), SDG10 (Reduce inequality within and among countries) and SDG13 (Climate action). SDG16 (Peace, justice and strong institutions) is concerned with stability and basic security, democracy governed by the rule of law and access to justice for all.

Chapter III focuses on SDG17 (Strengthen the means of implementation and revitalise the global partnership for sustainable development). A broad-based national and international partnership of countries, governments, businesses, civil society organisations, knowledge institutions, young people, etc. is crucial to the 2030 Agenda's success. A global partnership also means emerging and developing countries must have a representative voice in multilateral organisations and alliances.

The decision to concentrate on certain specific SDGs in chapters II and III is not intended to imply that the other SDGs are less important or deserve less attention. The 2030 Agenda takes a coherent approach and should be pursued as a comprehensive whole.

Chapter IV looks at monitoring and accountability for the implementation of the 2030 Agenda. Various instruments and indicators have been developed within the international human rights system to monitor compliance with the treaties. They are a means to improve oversight of SDG implementation and reinforce the bond between the SDGs and human rights.

The summary and recommendations follow in Chapter V.

The domestic dimension of the 2030 Agenda

As stated above, the Sustainable Development Goals are not only a matter for developing countries. Rich and more developed countries also have a duty to achieve the social, economic and environmental goals in their own countries. The Netherlands' SDG efforts abroad therefore cannot be seen separately from its domestic efforts to accomplish the 2030 Agenda. The Netherlands' foreign policy will be credible only if it is supported by its domestic policy.

The Minister for Foreign Trade and Development Cooperation is also responsible for coordinating the line ministries' SDG policies in the Netherlands. This advisory report therefore also considers – to a limited degree – the domestic human rights dimension of the 2030 Agenda.

Kingdom of the Netherlands

Foreign policy is a 'Kingdom affair'.³² References in this report to the Netherlands should read as the Kingdom of the Netherlands, comprising the countries of the Netherlands, Aruba, Curaçao and St Maarten. Given the great importance and coherence of the 2030 Agenda, achieving the SDGs in the individual countries cannot be seen in isolation from the international responsibility of the Kingdom as a whole and should therefore be on the agenda of the Council of Ministers for the Kingdom.

³² Charter for the Kingdom of the Netherlands, article 3, paragraph 1(b).

I The relationship between human rights and development

I.1 Human dignity

The government's request for an advisory report on the relationship between human rights and the Sustainable Development Goals is itself an immediate indication that these two fields, as benchmarks of international relations, are in fact intertwined. This report is intended to shed more light on that relationship in order to optimise coordination of the Netherlands' global and domestic sustainable development and human rights policies so that they reinforce each other. However, it considers the domestic dimension of these two policies only where there is a link to international policy.

In essence, national and international efforts to promote sustainable development and human rights serve the same purpose: the opportunity for all people to lead and shape their lives with dignity and in solidarity with others. The development perspective is inherent in the realisation of human rights. The Charter of the United Nations³³ and the Universal Declaration of Human Rights define human dignity as an integral characteristic of all people: 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.'³⁴

The pursuit of human dignity is built on this concept in nearly all international and regional human rights treaties. Chapter 1 of the Charter of Fundamental Rights of the European Union (2000), for instance, is devoted entirely to dignity. Article 1 states, 'Human dignity is inviolable. It must be respected and protected.'³⁵ The African Charter on Human and Peoples' Rights (1981) states, 'Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status.'³⁶ The preamble to the Arab Charter on Human Rights (2004) affirms the faith of the Arab nation in the dignity of the human person.³⁷ Human dignity is a leading principle in the European Court of Human Rights' case law regarding the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950). Despite differences in interpretation and effect, human dignity is therefore in essence a universally recognised and supported concept.

The concept of human dignity is not articulated as explicitly in the development discourse, but it is nonetheless an important driver. After all, development is concerned with the creation of conditions (political, economic, social, environmental, etc.) in which people – as

33 United Nations, Charter of the United Nations, 26 June 1945, 1 UNTS XVI, preamble.

34 United Nations General Assembly, Universal Declaration of Human Rights, GA Res 217A (III), 10 December 1948.

35 Charter of Fundamental Human Rights of the European Union, (2000/C 364/01), 18 December 2000.

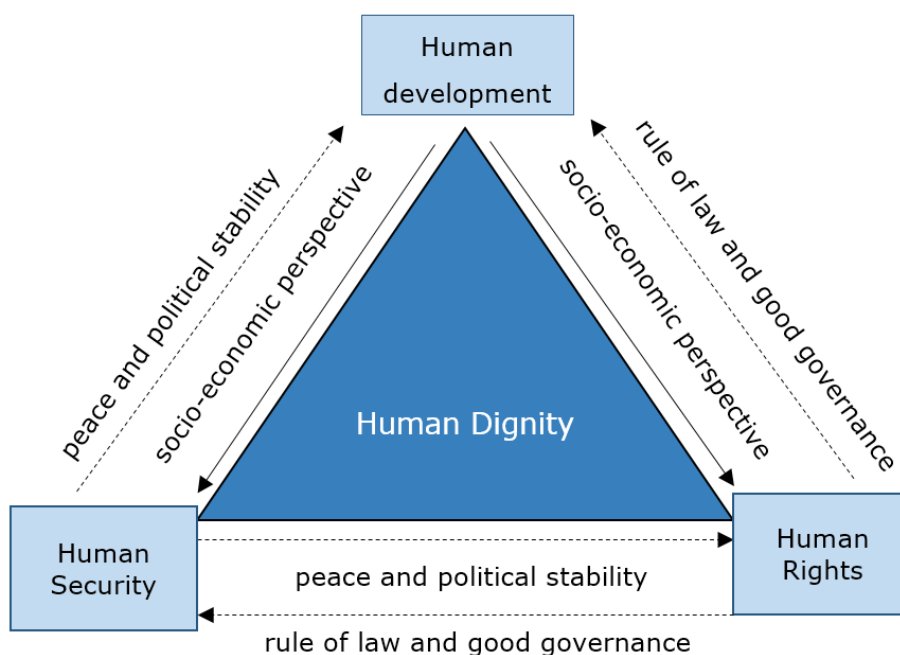
36 African Charter on Human and Peoples' Rights, 27 June 1981, art. 5.

37 League of Arab States, Arab Charter on Human Rights, 22 May 2004. See: <<http://hrlibrary.umn.edu/instatee/loas2005.html>>.

individuals or as members of a group – can develop themselves and lead their lives in freedom and safety. The 2030 Agenda states, ‘(...) the dignity of the human person is fundamental (...)’.³⁸

Human dignity is a powerful concept. The idea that every person – individually and collectively – possesses an inherent dignity simply because he or she is a human being clearly has significant appeal.³⁹ It is striking, however, that not a single human rights treaty unambiguously defines human dignity. There is no agreed definition of human dignity in the literature either.⁴⁰ De Gaay Fortman has provided an interpretation of human dignity that can be used for this AIV report: he writes that human dignity comprises human development and human security as well as respect for human rights.⁴¹ As depicted in the figure below, there are three components of human dignity.

Figure: Components of human dignity



38 A/RES/70/1, para. 4.

39 McCrudden, C. (2014), 'In Pursuit of Human Dignity: An Introduction to Current Debates', in McCrudden, C. (ed.) (2014), *Understanding Human Dignity*, British Academy, p. 1.

40 Ibid., p. 723. See also Waldron, J.J. (2013), 'Is Dignity the Foundation of Human Rights?', New York University Public Law and Legal Theory Working Papers, paper 374, and Cliteur, P.B. and van Wissen, R.G.T. (1998), 'De menselijke waardigheid als grondslag voor mensenrechten: Een beschouwing over het werk van Kant en Schopenhauer in relatie tot de filosofische reflectie over mensenrechten', in van der List, G.A. (ed.) (1998), *De rechten van de mens: liberale beschouwingen*, Professor B.M. Teldersstichting, The Hague, pp. 25-43.

41 De Gaay Fortman, B. 'The Golden Triangle of Human Dignity: Human Security, Human Development and Human Rights', in: Muller, M. & de Gaay Fortman, B. (eds.) (2004), *From Warfare to Welfare: Human Security in a Southern African Context*, Royal Van Gorcum, p. 2.

As the figure shows, human rights, development and security cannot be seen in isolation but are mutually dependent.⁴² Political stability, the rule of law and good governance, and socioeconomic conditions determine the scope for achieving human dignity. The consequence for Dutch foreign policy is that human rights policy and development cooperation policy should be implemented in conjunction. As early as 2003 the AIV concluded: 'The common denominator of human rights policy and development cooperation policy is and must remain the promotion and protection of human dignity.'⁴³

1.1.1 Human rights

The introduction to this report stated that President Roosevelt's four freedoms formed the basis for the Universal Declaration of Human Rights. Building on the principles laid down in the Universal Declaration, an extensive system of global and regional human rights treaties, instruments and oversight mechanisms has been developed since the Second World War.⁴⁴ This multilateral human rights system is an impressive milestone. The main human rights treaties have been ratified by more than 150 countries and contain binding agreements on compliance, reporting obligations and monitoring by independent committees known as treaty bodies. Equally important, human rights treaties require states to adopt national implementing legislation. The Netherlands, for instance, has set up the independent Institute for Human Rights to monitor human rights in the Netherlands. The Children's Ombudsman (under the National Ombudsman) ensures that the government respects the rights of children laid down in the UN Convention on the Rights of the Child.

The treaty-based human rights system is currently under pressure. The universality of human rights is being eroded by countries selectively emphasising civil and political rights or social, economic and cultural rights. Authoritarian states that adhere to cultural relativism are not the only offenders. Western states that have adopted the multilateral human rights system but fail to comply in full with the treaties they have signed are equally culpable.⁴⁵

In the US and Europe, human rights are losing ground on the societal agenda to national and individual security, economic interests and national identity. As explained in the AIV advisory report 'The Will of the People? The Erosion of Democracy under the Rule of Law in Europe' (2017), many people across Europe now feel that the institutions of democracy under the rule of law mainly benefit 'others', and not themselves. They look upon the rights of others as an obstacle to the exercise of their own freedoms. From there it is a small step to curtailing those rights, and the position of human rights in the fabric of society is in danger of coming under pressure. Critics point out that the Western human rights movement has concentrated in recent decades more on civil and political rights, and far less on the socioeconomic fundamental rights laid down in the Universal Declaration

42 See also United Nations Secretary-General, 'In Larger Freedom: Towards Development, Security, and Human Rights for All', A/59/2005, para. 17: 'we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed.'

43 See AIV, 'A Human Rights based Approach to Development Cooperation', no. 30, April 2003, p. 44.

44 See: <<https://ijrcenter.org/ihr-reading-room/overview-of-the-human-rights-framework/>>.

45 See also AIV, 'Universality of Human Rights and Cultural Diversity', no. 4, June 1998, and AIV, 'Universality of Human Rights: Principles, Practice and Prospects', no. 63, November 2008.

on Human Rights and the treaties it inspired.⁴⁶ With economic inequality widening around the world, including in richer countries, sections of the population are becoming alienated from the very democratic institutions that are vital to protect their rights.

The AIV therefore believes it is important to emphasise in this report the indivisible character of human rights. Human rights – civil, political, social, economic, cultural and environmental – are inherent in human dignity and are intertwined. As a matter of principle, there must be no ranking of rights.⁴⁷

1.1.2 Development

The concept of ‘development’ has evolved over recent decades from fulfilling basic needs, with an emphasis on economic development (in the 1970s-1980s), to human development, human security (1990s) and sustainable development (1990s and beyond). This has led to the concept of inclusive sustainable development set out in the 2030 Agenda. This evolution has increased international understanding that human rights are an inextricable part of development processes.

Human development

The UNDP defines human development as ‘a process of enlarging people’s choices. The most critical ones are to lead a long and healthy life, to be educated and to enjoy a decent standard of living. Additional choices include political freedom, guaranteed human rights and self-respect’.⁴⁸ In this definition, the aim of development is not only individual socioeconomic wellbeing but also scope for personal development.

Human security

The concept of human security was introduced in the UNDP *Human Development Report 1994* to widen the scope of security beyond the military protection of the territory of a sovereign state. The report drew on President Roosevelt’s four freedoms:

There have always been two major components of human security: freedom from fear and freedom from want. This was recognized from the beginning of the United Nations. But later the concept was tilted in favour of the first component rather than the second. The founders of the United Nations, when considering security, always gave equal weight to territories and to people.⁴⁹

Inspired in part by the end of the Cold War, the *Human Development Report* attempted to focus more attention on the position of the individual in traditional security matters. To this end it introduced seven components of security: economic security, food security, health security, environmental security, personal security, community security and political security.⁵⁰

46 See Moyn, S. (2018), *Not Enough: Human Rights in an Unequal World*, Harvard: Harvard University Press.

47 UNFPA, ‘Human Rights Principles’ (2005), <<https://www.unfpa.org/resources/human-rights-principles>>.

48 UNDP, *Human Development Report 1990*, p. 10.

49 UNDP, *Human Development Report 1994*, p. 24.

50 *Ibid.*, pp. 24-33.

Sustainable development

Recognition of environmental issues in the 1970s led to the birth of the concept of sustainable development, which unifies the social, economic and environmental dimensions of development. Sustainable development was defined as '[...] development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.⁵¹ This definition attempts to neutralise the inherent tension between economic growth, conservation of a healthy and clean environment and prosperity, and provide new development pathways. In this respect, people, planet and profit (PPP) are often referred to as the three pillars of sustainable development.⁵² It should be noted that the term 'sustainable development' sometimes has an economic connotation in Dutch, whereas in English it has a wider meaning that also embraces social and ecological goals, including inclusivity and green growth.

The concept of 'inclusive and sustainable economic development' has gained currency since the UN Conference on Sustainable Development (Rio+20, 2012). Its primary aim is social development subject to a minimum standard of social conditions and a maximum degree of global impact on economic resources and the environment. The UN member states also decided at the Rio conference to develop the Sustainable Development Goals. This resulted in 2015 in the 2030 Agenda, in which two new pillars were added to sustainable development: *peace* (SDG16) and *partnership* (SDG17).⁵³

Future generations

A key concept of sustainable development is taking account of the interests of future generations. This includes not only people who have not been born yet but also children and young people who cannot yet participate in society's decision-making processes. Some find it difficult to grant moral standing, let alone rights, to people who have not yet been born.⁵⁴ Yet many others fully see the logic of recognising an obligation to respect rights-holding future generations. As people who have not yet been born evidently cannot be granted individual rights, future generations hold these rights as groups.⁵⁵

51 United Nations General Assembly, Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992. See also World Commission on Environment and Development (1987), *Our Common Future: Brundtland Report of the World Commission on Environment and Development*, Oxford, Oxford University Press.

52 See also the final text of the UN Conference on Sustainable Development in Rio, 2012 ('The Future We Want'): '(...) ensuring the promotion of an economically, socially and environmentally sustainable future for our planet and for present and future generations' (para. I). See: <<https://sustainabledevelopment.un.org/content/documents/733FutureWeWant.pdf>>.

53 A/RES/70/1, preamble.

54 Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, Report to the Human Rights Council on the Relationship between Children's Rights and Environmental Protection (2018), A/HRC/37/58, para. 67.

55 Lewis, B. (2016), 'Human Rights Duties towards Future Generations and the Potential for Achieving Climate Justice', *Netherlands Quarterly of Human Rights*, 34(3), pp. 206-226. See also Brown Weiss, E. (1990), 'Our Rights and Obligations to Future Generations for the Environment', *American Journal of International Law*, 84, p. 198 ff, and see: <<http://scholarship.law.georgetown.edu/facpub/1627>>.

The principle that the current generation's pursuit of prosperity should not compromise the opportunities of future generations has been included in various international human rights and sustainability declarations, and in the 2030 Agenda. It should be noted, however, that there are still few legally binding instruments that oblige states to protect future generations. The UN Secretary-General has outlined several options for safeguarding intergenerational solidarity within the UN system, including the appointment of a Commissioner for Future Generations and a Special Envoy of the Secretary-General, as well as better coordination among the UN organisations.⁵⁶

1.2 Human rights and development

Right to development

The link between human rights and development was explicitly acknowledged at international level⁵⁷ in 1986 when the UN General Assembly (UNGA) adopted the Declaration on the Right to Development. The Declaration recognised that the observation and protection of civil, political, economic, social and cultural rights were necessary to promote development. It defined the individual right to development as 'an inalienable human right'.⁵⁸ More than 30 years later, operationalisation of the individual and collective right to development remains a challenge. This is due in part to the different international interpretations of this right. Within the UN Human Rights Council, less developed countries are calling for binding agreements on international cooperation, covering such areas as financial aid, improved terms of trade, access to technology and debt relief. Donor countries reject such specific obligations and point out that the right to development does not outrank other human rights.⁵⁹

The AIV is aware that opinions differ regarding the utility of the concept of the right to development, but this report is of course not concerned with the terminology employed. Unlike the rights codified in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), the right to development is not a specific enforceable right held by individuals or groups but is an articulation of the obligatory character of promoting and collaborating on development. This report is concerned with the intrinsic relationship between realising human rights and the resulting achievement of development goals.

56 United Nations Secretary-General, 'Intergenerational Solidarity and the Needs of Future Generations', A/658/322, 2013. Some treaties include provisions of this kind, such as the UN Convention on the Law of the Sea (UNCLOS) with its principle of the 'common heritage of mankind', the Convention on the Protection and Use of Transboundary Watercourses and the Framework Convention on Climate Change.

57 The right to development was included in the African Charter on Human and People's Rights as early as 1981; see preamble and art. 22.

58 United Nations General Assembly, A/RES/41/128, 4 December 1986, art. 1. For an assessment of the right to development in international law, see Arts, K. & Tamo, A. (2016), 'The Right to Development in International Law: New Momentum Thirty Years Down the Line?', *Netherlands International Law Review*, 63, pp. 221-249.

59 *Ibid.*, p. 224.

Human rights-based approach to development

In the human rights-based approach to development, development cooperation is directed at enabling individuals (rights holders), and especially marginalised groups, to hold their own governments (duty bearers) accountable for their human rights obligations and thus realise their civil, political and social, economic and cultural rights. The human rights-based approach removes development cooperation from the realm of voluntary action and caring for passive individuals and is directed instead at empowerment and promoting participation.⁶⁰ This gives development cooperation a wider significance. In 2003 the various UN institutions decided in a Common Understanding that their development programmes should be aimed at achieving human rights,⁶¹ although there are indications that the programmes of key multilateral players such as the World Bank only pay lip service to the human rights-based approach.⁶²

In 2003 the AIV issued an advisory report on the human rights-based approach to development cooperation.⁶³ It asked whether classifying everything associated with development as human rights constituted inflation of the concept of human rights. In particular, it referred to the danger of 'paper rights' that have no roots in society and are difficult if not impossible to realise:

Not all development issues are related to human rights, but development cooperation policy as a whole is pervaded by human rights. In this context, it is also worth mentioning the value of the right to development, which lies mainly in its connective and integrative nature. By emphasising this nature, it is possible to achieve an even better correlation between development policy and the principle that the promotion and observance of human rights as a whole should form the basis of the human rights based approach to development.⁶⁴

In the AIV's opinion, the 2030 Agenda provides a global framework for a coherent (comprehensive) approach to sustainable development and human rights. Reaching the SDGs can also help achieve many economic, social and environmental human rights goals.⁶⁵ This would strengthen the multilateral human rights system and increase support for it. The socioeconomic rights in the system have not received the attention they deserve.

60 See Broberg, M. & Sano, H.O. (2018), 'Strengths and Weaknesses in a Human Rights-based Approach to International Development: An Analysis of a Rights-based Approach to Development Assistance based on Practical Experiences', *International Journal of Human Rights*, 22(5), pp. 664-680.

61 See: <<https://hrbportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies>>.

62 Nelson, P.J. & Dorsey, E. (2018), 'Who Practices Rights-based Development? A Progress Report on Work at the Nexus of Human Rights and Development', *World Development*, 104.

63 AIV, 'A Human Rights Based Approach to Development Cooperation', no. 30, April 2003.

64 Ibid., p. 38.

65 Collins, L.M. (2018), 'Sustainable Development Goals and Human Rights: Challenges and Opportunities', in: French, D. & Kotzé, L.J., (eds.) (2018), *Sustainable Development Goals: Law, Theory and Implementation*. Cheltenham: Edward Elgar Publishing, p. 89.

The lack of consideration of the consequences of global environmental problems for the realisation of human rights is also a serious shortcoming. More consideration of the SDGs can help fill this gap.⁶⁶

1.3 The government's policy framework

The Minister for Foreign Trade and Development Cooperation (BHOS) and the Minister of Foreign Affairs (BZ) published two policy documents in spring 2018 that relate directly to the subject of this report: 'Investing in Global Prospects: For the World, for the Netherlands'⁶⁷ (18 May 2018) and the Human Rights Report 2017⁶⁸ (28 May 2018). These documents set out the Netherlands' BHOS policy and human rights policy for the years ahead.

'Investing in Global Prospects: For the World, for the Netherlands'

The BHOS policy document designates the SDGs as guiding principles for foreign trade and development cooperation policy. It identifies four overarching goals of Dutch policy: prevention of conflict and instability; reduction of poverty and social inequality; promotion of sustainable, inclusive growth and global climate action worldwide; and enhancing the Netherlands' international earning capacity. Gender equality and empowerment of women and girls is a cross-cutting goal. The document links these goals to the corresponding SDGs. BHOS policy would therefore contribute to the achievement of virtually all the SDGs.

The government places new emphases in the policy document: poverty reduction remains a key priority but is now described as the best way to tackle instability and reduce the risk of armed conflict.⁶⁹ The focus of development cooperation has therefore shifted to the unstable regions of West Africa/Sahel, the Horn of Africa, the Middle East and North Africa, including Jordan, Lebanon and Iraq. According to the criteria set by the Organisation for Economic Co-operation and Development (OECD), these middle income countries are actually too prosperous to receive development aid.⁷⁰

The policy document states that the SDGs were drawn up from a human rights perspective and help promote international human and labour rights for all. This, it states, 'ties in with

66 See Arts, K. (2017), 'Inclusive Sustainable Development: A Human Rights Perspective', *Environmental Sustainability*, 24, pp. 58-62.

67 Parliamentary Papers 34952, no. 1, appendix 842376; in English at <<https://www.government.nl/documents/policy-notes/2018/05/18/investing-in-global-prospects>>.

68 Parliamentary Papers 32735, no. 198, appendix 848109; in English at <<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2018/05/28/mensenrechtenrapportage-2017/Mensenrechtenrapportage+2017+-+EN.pdf>>.

69 'Investing in Global Prospects', p. 29.

70 A further elaboration of the policy document (Parliamentary Papers 34952, no. 33) distinguishes between three different forms of development partnerships, including a 'broad SDG relationship' directed at an 'integrated commitment to several development cooperation themes/SDGs'.

the central role that human rights play in the Netherlands' foreign policy.⁷¹ The policy document refers in this connection to the Minister of Foreign Affairs' Human Rights Report 2017.

Updated human rights policy

The Human Rights Report 2017 summarises Dutch efforts in that year and updates the Netherlands' human rights policy. The number of priorities has been reduced to the following six themes:

1. freedom of expression,
2. freedom of religion and belief,
3. equal rights for women and girls,
4. human rights defenders,
5. equal rights for LGBTI persons,
6. promotion of security and the international legal order and the fight against impunity.

Two themes are no longer policy priorities: 'business and human rights', and 'combating serious violations of human rights'. According to the minister, however, business and human rights will remain a major focal point. Given its common ground with national and international corporate social responsibility and supply chain sustainability, this theme will in future be included in Dutch BHOS policy, according to the report. Other areas that the report says may be tackled with integrated BZ and BHOS measures are equal rights for women and girls, the rights of refugees, migrants and displaced persons in countries of reception, space for civil society, international financial institutions and security and the rule of law.

Assessment

In its request for advice, the government asks how the Dutch commitment to the SDGs and Dutch foreign policy on human rights can reinforce each other. It is therefore curious that, while BHOS policy is explicitly placed in an SDG framework, the Sustainable Development Goals are mentioned only in passing in the Human Rights Report. Conversely, the human rights policy priorities are not mentioned in the BHOS policy document. On the whole, it remains uncertain what precisely the human rights-based approach involves in the Netherlands' foreign policy. Furthermore, there is a danger of 'SDG washing',⁷² with SDG labels simply being stuck onto the existing BHOS policy. The question is whether this will be enough, or whether achieving the SDGs requires a different or additional policy.

The AIV finds it striking that 'business and human rights' has been dropped as a separate priority in the update of Dutch human rights policy. Businesses are important partners, both in achieving the SDGs and in complying with human rights in supply chains. The business theme does resurface in the BHOS policy document, but primarily in the context of international corporate social responsibility. The BHOS policy document, moreover, does not make sufficiently clear how the policy goal of 'enhancing the Netherlands' international earning capacity' will be assessed against SDG and human rights criteria. The AIV believes

71 'Investing in Global Prospects', p. 23.

72 See: <<https://oecd-development-matters.org/2017/09/25/ever-heard-of-sdg-washing-the-urgency-of-sdg-due-diligence/>>.

that an integrated policy requires input from both BZ and BHOS, including on this theme, and not switching back and forth between policy fields.

Dutch human rights policy is directed chiefly at civil and political rights, whereas BHOS efforts make a significant (financial) contribution to the promotion of socioeconomic development and rights. In the AIV's opinion, human rights and development processes can be pursued only in conjunction with each other. The AIV therefore welcomes closer coordination of BHOS policy and human rights policy, but feels the integrated approach could be better elaborated. Ideally, the environmental dimensions of sustainable development and human rights should also be included, and a single, comprehensive policy framework should be sought for all these areas, with the overarching goal of promoting and protecting human dignity.

Domestic dimension

The one-sided orientation towards civil and political rights in foreign human rights policy also seems to be reflected in a reluctance to promote internationally protected social, economic and cultural rights in the Netherlands itself. The Dutch government did not ratify the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD) until 2016. The optional protocol to the International Convention on Economic, Social and Cultural Rights (2008), which allows people to submit complaints ('communications') to the UN Committee that monitors compliance with the Convention, has still not been ratified. Although the government announced that the protocol would be put to parliament for approval in 2018,⁷³ it had not yet completed its own decision-making on the matter in early 2019.⁷⁴

In its advisory report number 107, 'Fundamental Rights in the Kingdom of the Netherlands: Equivalent Protection in All Parts of the Kingdom' (July 2018), the AIV observed that several important human rights treaties signed by the Kingdom of the Netherlands apply only to the Netherlands in Europe. When the treaties were ratified, including the aforementioned UN Convention on the Rights of Persons with Disabilities, an exception was made for the Caribbean countries of the Kingdom (Curaçao, St Maarten and Aruba) and the Netherlands in the Caribbean (Bonaire, St. Eustatius and Saba). The government claims human rights should apply to everyone, everywhere and at all times, but they do not yet within the Kingdom itself. This undermines the international credibility of the Netherlands' human rights policy.

73 Parliamentary Papers II 2017–2018, 34775 V, no. 66, annexe. See also Dibbets, A, Buyse, A. & Timmer, A. (2014), *De juridische gevolgen van ratificatie door Nederland van het Facultatief Protocol bij het Internationaal Verdrag inzake economische, sociale en culturele rechten: Onderzoeksrapport in opdracht van het Ministerie van Onderwijs, Cultuur en Wetenschap*, Netherlands Institute of Human Rights (SIM), Utrecht University.

74 Parliamentary Papers I 2018–2019, 24170, D.

II The 2030 Agenda illustrated

The 2030 Agenda makes an explicit link between the SDGs and human rights, with the preamble referring to international law and human rights treaties (see the Introduction to this report). Nevertheless, the human rights-based approach is far less prominent in the SDGs and targets. Target 4.7 is the only one to refer explicitly to ‘human rights’. Apart from goals regarding women and children, the SDGs devote no attention to the rights of specific vulnerable groups, such as indigenous people, sexual minorities and human rights defenders. Given the 2030 Agenda’s motto (leave no one behind), this is a serious omission.⁷⁵

The human rights component of the SDGs must therefore be realised chiefly through their implementation. According to the Danish Institute for Human Rights, 156 of the SDGs’ 169 targets are (indirectly) connected to human rights instruments or labour standards.⁷⁶ These connections provide opportunities to specifically link the SDGs and human rights in Dutch foreign policy.

Box: The Human Rights Guide to the Sustainable Development Goals

The Danish Institute for Human Rights has developed a valuable, user-friendly database (available in seven languages) (<http://sdg.humanrights.dk>) that makes concrete links between the SDGs and the relevant international or regional human rights treaties and vice versa. Users can find links down to the level of the targets and treaty provisions.

The database can be used to develop a comprehensive human rights and development-based approach to the SDGs in practice. The SDGs related to each of the treaties the Netherlands has signed can be considered in, for example, the national reporting obligation and the bilateral human rights dialogue with other treaty parties.

The UN High Commissioner for Human Rights (UNHCHR) and the UN Children’s Fund (UNICEF) have also compiled useful databases.⁷⁷

The previous chapter discussed, in general terms, the complementary nature of sustainable development goals, environmental protection and the promotion of human rights. This chapter illustrates the 2030 Agenda by means of several specific SDGs. Since it is beyond the scope of this report to consider all the SDGs in detail, the AIV will highlight four of them against the background described above: SDG1 (End poverty in all its forms

75 Collins, L.M. (2018), ‘Sustainable Development Goals and Human Rights: Challenges and Opportunities’, in French D. & Kotzé L.J. (eds.) (2018), *Sustainable Development Goals: Law, Theory and Implementation*, Cheltenham, Edward Elgar Publishing, pp. 83-88.

76 Danish Institute for Human Rights, ‘The Human Rights Guide to the Sustainable Development Goals’, <<http://sdg.humanrights.dk/en>>. This database establishes a link between international human rights and the SDGs.

77 See: <https://www.ohchr.org/Documents/Issues/MDGs/Post2015/SDG_HR_Table.pdf> and <https://www.unicef.org/agenda2030/files/SDG-CRC_mapping_FINAL.pdf>.

everywhere), SDG10 (Reduce inequalities within and among countries), SDG13 (Action to combat climate change and its impacts) and SDG16 (Promote peaceful and inclusive societies, provide access to justice for all and build effective, accountable and inclusive institutions at all levels).

These SDGs are not more important than the others, but they most clearly illustrate the original link between socioeconomic rights on the one hand and civil and political rights on the other, as articulated in President Roosevelt’s four freedoms (see Introduction). They therefore implicitly define the concept of the right to (sustainable) development. Furthermore, these SDGs are in the public spotlight because society is increasingly being undermined by poverty, inequality and climate change, while SDG16 relates to the achievement of democracy governed by the rule of law and access to justice for all.

II.1 SDG1: End poverty in all its forms everywhere

SDG 1: NO POVERTY	Related human rights
<p>End poverty in all its forms everywhere</p> <p>Targets include eradicating extreme poverty, implementing social protection measures and ensuring equal access of men and women to economic resources.</p>	<ul style="list-style-type: none"> • Right to an adequate standard of living [UDHR art. 25; ICESCR art. 11; CRC art. 27] • Right to social security [UDHR art. 22; ICESCR art. 9; CRPD art. 28; CRC art. 26] • Equal rights for women in economic life [CEDAW arts. 11, 13, 14(2)(g), 15(2), 16(1)]

Source: Office of the United Nations High Commissioner for Human Rights.⁷⁸ See Annexe II for a list of major human rights treaties.

Ending poverty is essential to ensure a minimum standard of human dignity.⁷⁹ Reducing poverty has therefore been central to international development efforts for many decades. It was first formulated as a concrete and measurable goal in the Millennium Development Goals, adopted in 2000: to halve the proportion of people living in poverty by 2015 (MDG1). This goal has been achieved. The number of people with an income of less than \$1.90⁸⁰ a day fell from nearly 2 billion in 1990 to 736 million in 2015, a decline in the global poverty

78 See: <https://www.ohchr.org/Documents/Publications/Session5_OHCHR_SDG_HR_Table.pdf>.

79 Marks, S.P, ‘Poverty and Human Rights’, in: Moeckli, D., Shah, S., Sivakumaran, S. & Harris, D. (eds.) (2017), *Textbook on International Human Rights Law*. Oxford: Oxford University Press, p. 597. See also UN Guiding Principles on Extreme Poverty and Human Rights, A/HRC/21/39, para. 3.: ‘Poverty is an urgent human rights concern in itself. It is both a cause and a consequence of human rights violations and an enabling condition for other violations. Not only is extreme poverty characterized by multiple reinforcing violations of civil, political, economic, social and cultural rights, but persons living in poverty generally experience regular denials of their dignity and equality.’

80 The World Bank raised the poverty threshold from \$1.25 a day to \$1.90 in 2015 ‘but the incidence of global poverty is largely unchanged’. See: <<http://www.worldbank.org/en/news/feature/2016/01/13/principles-and-practice-in-measuring-global-poverty>>.

rate from 36% to 10%.⁸¹ Without doubt this is an impressive result, but a number of caveats should be noted. Firstly, from a human rights perspective there is no justification for limiting the decline in global poverty to half. Not a single person should have to live in poverty. Secondly, the decline in global poverty is due mainly to the rapid economic growth of China, which helped reduce the proportion living in poverty in East Asia from 62% in 1990 to just over 2.5% in 2015. In Sub-Saharan Africa, however, more people are still living in extreme poverty than in the rest of the world put together (413 million, or 41% of the population). Thirdly, global poverty declined by just 1% between 2013 and 2015. If this trend continues, it is doubtful that SDG1 will be realised.⁸²

The figures above are based on a narrow income-related measure of poverty. Poverty, however, is much more than lack of money due to, for instance, unemployment. Poverty is also a product of poor access to basic amenities such as healthcare, good education and housing, and of environmental factors such as inadequate access to clean drinking water and clean air, and the effects of climate change. Social exclusion and physical security also play a role. In order to properly reflect these diverse factors the Global Multidimensional Poverty Index (MPI) has been developed.⁸³ Using this broader index, approximately 1.3 billion people were still living in extreme poverty in 2018,⁸⁴ nearly twice as many people as when measured solely by income.

II.1.1 SDG1 and human rights

The MPI shows that a broad-based development approach cannot eradicate poverty by itself; human rights also have an important part to play. In particular, people have a right to a minimum standard of public amenities and governments have a duty to provide them. This approach is articulated in the Sustainable Development Goals. SDG1 again puts ending poverty at the centre of the development goals. It aims to end poverty in *all its forms everywhere*. This is a fundamental qualitative difference from the Millennium Development Goals. What is more, SDG efforts must also be directed at eradicating relative poverty in rich countries. This means that every country has its own best efforts obligation.⁸⁵

SDG1's targets and indicators are aimed at eradicating extreme poverty (target 1.1) and reducing poverty 'in all its dimensions' (target 1.2). To this end, SDG1 has targets to implement social protection programmes (target 1.3), ensure equal rights to economic resources, including basic services, land, technology and financial services (target 1.4), and build the resilience of the poor and reduce their exposure and vulnerability to climate-related extreme events and other economic shocks (target 1.5). Separate SDGs have been formulated to combat other dimensions of poverty. They include SDG2 (Zero hunger), SDG3 (Good health), SDG4 (Quality education), SDG6 (Clean water and sanitation) and SDG8 (Decent work and economic growth). This shows how closely the SDGs are

81 See: <<https://sustainabledevelopment.un.org/sdg1>>.

82 World Bank, 'Poverty and Shared Prosperity 2018: Piecing Together the Poverty Puzzle' (2018); World Bank Poverty and Equity Portal: <<http://povertydata.worldbank.org/poverty/home>>.

83 See: <<http://ophi.org.uk/policy/multidimensional-poverty-index/>>.

84 See: <<https://ophi.org.uk/multidimensional-poverty-index/global-mpi-2018/#t1>>.

85 This can build in part on the growing awareness of the significance of urban development. The Global Charter-Agenda for Human Rights in the City linked development to human rights as long ago as 2011. See: <https://www.uclg-cisdp.org/sites/default/files/CISDP%20Carta-Agenda_ENG_0.pdf>.

intertwined. The MPI is one of the indicators used to measure progress on SDG1.

II.1.2 The domestic dimension of SDG1

There is no extreme poverty in the Netherlands in Europe, but some people do live in relative poverty. They do not earn enough to enjoy a level of consumption that is considered the minimum necessary to live in dignity in the Netherlands and prevent social exclusion. According to Statistics Netherlands (CBS), the number of people living in poverty increased from 5.8% of the Dutch population in 2011 to 7.4% in 2013. Economic growth subsequently reduced that figure to 6.8% in 2016.⁸⁶ The Netherlands Institute for Social Research (SCP) reported a similar development. Using a wider definition of poverty that took account of the resources necessary to participate in society (the 'not much but sufficient' criterion), poverty in the Netherlands increased from 870,000 persons (5.6% of the population) in 2008 to 1.2 million (7.6%) in 2013 before falling to 980,000 (6%) in 2016.⁸⁷ Despite the decline between 2013 and 2016, on balance the situation has deteriorated in comparison with the preceding period. In its second measurement of the SDG indicators, moreover, the CBS found that the SDG1 indicators were predominantly negative.⁸⁸ According to the SCP, nearly 605,000 people in the Netherlands suffer from long-term poverty.⁸⁹

In the Netherlands in the Caribbean (Bonaire, St Eustatius and Saba), poverty and its social consequences are serious and widespread problems. It cannot currently be objectively stated exactly how many people on these islands live below the poverty line because a minimum income standard has not been set for them.⁹⁰ The government recently concluded from a study⁹¹ it had commissioned, however, that 'about a third of the households in the Netherlands in the Caribbean (...) have a disposable income that is at or below the lower limit set in [the study]'.⁹² Bearing in mind that poverty has multiple dimensions, the Netherlands Institute for Human Rights observed that many people living in poverty in the Netherlands in the Caribbean suffer from health complaints and cannot find good housing. There is also a relationship between poverty and the prevalence of child abuse on the islands.⁹³

86 CBS, *Duurzame ontwikkelingsdoelen: de stand voor Nederland*, The Hague (2018), pp. 22-23.

87 SCP, *Armoede in kaart* (2016 and 2018).

88 CBS, *Duurzame ontwikkelingsdoelen: de stand voor Nederland*, The Hague (2018), pp. 22-23.

89 SCP, *Armoede in kaart* (2018).

90 The 'differentiation provision' (now laid down in article 132a, paragraph 4 of the Dutch Constitution) provides for differentiation of rules between the European and Caribbean Netherlands in many areas. However, pursuant to article 1 of the Constitution, different treatment between the European and Caribbean Netherlands with regard to the achievement of certain human rights is permitted only in so far as circumstances are not equal or there is an objective justification for such a difference. See also AIV, 'Fundamental Rights in the Kingdom of the Netherlands: Equivalent Protection in All Parts of the Kingdom', no. 107, June 2018.

91 Regioplan, *Onderzoek naar een ijkpunt voor het sociaal minimum in Caribisch Nederland* (2018): appendix to Parliamentary Papers 34775 IV, no. 45.

92 Parliamentary Papers 34775 IV, no. 45, p. 4.

93 Netherlands Institute for Human Rights, *Mensenrechten in Nederland: Armoede, sociale uitsluiting en mensenrechten* (Annual Report, 2016), p. 130.

II.2 SDG10: Reduce inequality within and among countries

SDG 10: REDUCE INEQUALITY	Related human rights
<p>Reduce inequality within and among countries</p> <p>Targets include promoting higher growth rates for the bottom 40 per cent; promoting social, economic and political inclusion; reducing inequalities in opportunities and outcomes; ensuring social protection for all; securing participation in economic decision-making; facilitating migration, and reducing transaction costs for migrant remittances.</p>	<ul style="list-style-type: none"> • Right to equality and non-discrimination [UDHR art. 2; ICESCR art. 2(2); ICCPR arts. 2(1), 26; CERD art. 2(2); CEDAW art. 2; CRC art. 2; CRPD art. 5; CMW art. 7; DRtD art. 8(1)] • Right to participate in public affairs [UDHR art. 21; ICCPR art. 25; CEDAW art. 7; ICERD art. 5; CRPD art. 29; DRtD art. 8(2)] • Right to social security [UDHR art. 22; ICESCR arts. 9-10; CRPD art. 28] • Sound, equitable and humane conditions for international migration of workers [CMW art. 64] • Right of migrants to transfer their earnings and savings [CMW art. 47(1)]

Source: Office of the United Nations High Commissioner for Human Rights.⁹⁴ See Annexe II for a list of major human rights treaties.

A key omission in the Millennium Development Goals was the lack of attention paid to inequality. By concentrating on absolute progress, such as reducing extreme poverty everywhere, the MDGs ignored underlying inequalities. Reducing inequality *within* and *among* countries (SDG10) is therefore a significant enrichment by the 2030 Agenda.⁹⁵ Inequality must be reduced in order to achieve SDG1 (End poverty) and other SDGs, and can therefore be regarded as a precondition for implementing the entire Agenda.⁹⁶ At the launch of the 2030 Agenda, the then UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, referred to it as 'an agenda for equality'.⁹⁷

94 See: <https://www.ohchr.org/Documents/Publications/Session5_OHCHR_SDG_HR_Table.pdf>.

95 A/RES/70/1, (2015), para. 27.

96 The first target of SDG10, 'By 2030 progressively achieve and sustain income growth of the bottom 40% of the population at a rate higher than the national average', is weak. It is the outcome of a compromise between those who wanted to include an indicator of national inequality and those who were opposed. A proposed indicator (the Palma ratio, a ratio of the richest 10% of the population's share of gross national income to the poorest 40%'s share) was not accepted. However, if the share at the bottom remains unchanged but the top 10% become increasingly richer, the middle classes will be squeezed. This can lead to serious social and economic tensions. See Bergeijk, P.A.G. and van der Hoeven, R.E. (2017), *Sustainable Development Goals and Income Inequality*, Edward Elgar Publishing; and MacNaughton, G. (2017), 'Vertical Inequalities: Are the SDGs and Human Rights up to the Challenges?', *The International Journal of Human Rights*, 21(8).

97 See: <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16514&LangID=E>>.

Globalisation and the deep financial and economic crisis after 2007 sharply increased income inequality in many countries. According to the World Inequality Report 2018,⁹⁸ 57% of global income growth between 1980 and 2016 was enjoyed by the richest 10% (and 50% by the richest 1%), whereas the poorest 50% advanced by only 12%. The work of Thomas Piketty has drawn attention to inequality in wealth.⁹⁹ According to Oxfam, in 2018 the 26 richest people in the world had as much money as the poorest 50% (3.8 billion people), in comparison with 43% in 2017. On balance, the very richest added approximately \$900 billion (EUR 790 billion) to their wealth in 2018, while the poorest half of the world population saw their wealth decline by 11%.¹⁰⁰ At the same time, the World Bank observed that economic inequality among countries had declined since the 1990s,¹⁰¹ mainly on account of economic growth in China and India.

The AIV would refer in this respect to a tension in SDG10 that has been largely overlooked: the increase in inequality *within* countries is due in part to the decrease in inequality *among* countries. The economic growth of China and India has been enabled mainly by the transfer of low-paid manufacturing jobs from the West to Asia. In richer countries this has resulted in unemployment, especially at the bottom end of the labour market, and wage stagnation. This background provides some insight into the daunting challenges that must be overcome to reduce global economic inequality. It also calls for concessions from influential political and economic decision-makers to share power and wealth.

An effective policy instrument to realise SDG10 is fiscal reform: reducing the taxation of labour on the one hand and increasing the taxation of capital and natural resources on the other. SDG10's targets and indicators, however, do not consider higher income groups. Target 10.1 is concerned only with improving the income of the bottom 40% of the population, yet income and capital are being accumulated by the top 1% and 10%. SDG10.1, moreover, is concerned with absolute income growth while inequality, by definition, concerns the relative shares of income within society. Target 10.4 refers in general terms to fiscal policy as a means 'to progressively achieve greater equality', but no measurable indicator has been formulated.¹⁰²

II.2.1 SDG10 and human rights

International law recognises that realising social, economic and cultural rights depends on the level of a country's development and the financial and other resources available to its government. Socioeconomic inequality is not unjust in and of itself but must not be allowed to persist unchecked if it denies part of society their human rights. An international consensus is steadily growing that income disparity and sociocultural disadvantage lead to unequal opportunities regarding health, education, housing, work, etc. Inequality also has potential political consequences because, on the one hand, it concentrates economic power in a small privileged group and because, on the other,

98 World Inequality Lab, World Inequality Report 2018 (2018), p. 46. See: <<http://wir2018.wid.world/files/download/wir2018-full-report-english.pdf>>.

99 Piketty, T. (2014), *Capital in the Twenty-First Century*, Cambridge: Harvard University Press.

100 Oxfam, 'Public Good or Private Wealth?', Oxford, 2019, <<https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620599/bp-public-good-or-private-wealth-210119-en.pdf>>.

101 The World Bank, 'Poverty and Shared Prosperity 2016: Taking on Inequality' (2016) pp. 81, 87.

102 See: <<https://undocs.org/A/RES/71/313>>.

people who feel socially and economically disadvantaged lose confidence in the efficacy of political participation. In essence, reducing inequality is therefore a matter of social and political choices, which usually involve public debate.

The primary aim of SDG10 is to reduce income inequality. International human rights treaties offer few specific tools in this area.¹⁰³ Like poverty (SDG1), inequality is more than just a matter of income. SDG10 therefore includes targets to promote social, economic and political inclusion and combat discrimination based on, for example, ethnicity and sex. There is a clear overlap between SDG10 and the international human rights system, which after all is based on the principles of equality and non-discrimination.¹⁰⁴ The principle of non-discrimination, for example, is specifically laid down in the Universal Declaration of Human Rights (article 2) and in many multilateral and regional human rights treaties, including the International Covenant on Civil and Political Rights (article 2), the International Covenant on Economic, Social and Cultural Rights, (article 2), the International Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities.¹⁰⁵

II.2.2 The domestic dimension of SDG10

In its second national measurement of the SDGs, CBS found that differences in income in the Netherlands were small and stable by European standards,¹⁰⁶ largely because the Dutch tax and social security system redistributed income from higher to lower income groups. However, according to the Scientific Council for Government Policy (WRR) the gap between the top and the bottom income deciles has widened in recent decades¹⁰⁷ and wealth inequality is a cause for concern in the Netherlands. A recent calculation by the OECD ranked the Netherlands second only to the US among OECD countries for wealth inequality.¹⁰⁸

The WRR has also studied the potential social, political and economic consequences of economic inequality in the Netherlands. It found that higher income inequality was associated with less upward social mobility, less social trust and less political trust in the

103 Alston, P., Report of the Special Rapporteur on extreme poverty and human rights, 27 May 2015, A/HRC/29/31, para. 3.

104 See: <<http://www.cesr.org/inequality-can-human-rights-make-difference-0>>.

105 For a comprehensive summary (in Dutch), see: <<https://www.mensenrechten.nl/nl/internationale-verdragen-non-discriminatiebeginsel>>.

106 CBS, *The Sustainable Development Goals: The Situation for the Netherlands*, The Hague (2018), pp. 42-43.

107 WRR, *WRR Investigates Economic Inequality in the Netherlands* (2014), <<https://english.wrr.nl/publications/press-releases/2014/04/06/wrr-investigates-economic-inequality-in-the-netherlands>>. See also Salverda, W. and van Bavel, B., 'CBS meet méér ongelijkheid, maar verkoopt het als minder', MeJustice.nl, 4 April 2017.

108 'Wealth inequality, as measured by the net wealth share held by the top 10% of households, is highest in the United States, followed by the Netherlands and Denmark, and lowest in the Slovak Republic and Japan', Balestra, C. and Tonkin, R., 'Inequalities in Household Wealth across OECD Countries: Evidence from the OECD Wealth Distribution Database', *OECD Statistics Working Papers*, OECD Publishing: Paris (2018), p. 7.

rule of law and parliament. Income inequality can also put a brake on economic growth by reducing consumption and investment in human capital (education and healthcare).¹⁰⁹

II.3 SDG13: Combat climate change

SDG 13: CLIMATE ACTION	Related human rights
<p>Take urgent action to combat climate change and its impacts</p> <p>Targets include strengthening resilience and adaptation to climate change and natural disasters, including in marginalised communities; implementation of the Green Climate Fund.</p>	<ul style="list-style-type: none"> • Right to health including the right to safe, clean, healthy and sustainable environment [UDHR art. 25(1); ICESCR art. 12; CRC art. 24; CEDAW art. 12; CMW art. 28] • Right to adequate food & right to safe drinking water [UDHR art. 25(1); ICESCR art. 11] • Right of all peoples to freely dispose of their natural wealth and resources [ICCPR, ICESCR art. 1(2)]

Source: Office of the United Nations High Commissioner for Human Rights.¹¹⁰ See Annexe II for a list of major human rights treaties.

Environmental cluster

Alongside People, Prosperity (Profit), Peace and Partnership, care for the environment (Planet) is the sixth pillar of the 2030 Agenda. The Agenda does not, however, include an overarching goal for the environment and climate. SDG6 (Clean water and sanitation), SDG13 (Combat climate change), SDG14 (Sustainable use of oceans and seas) and SDG15 (Sustainable use of forests and halt biodiversity loss) are together referred to as the 'environmental cluster'.¹¹¹ Several other SDGs also refer (in their targets) to various environmental aspects, such as SDG7 (Sustainable energy), SDG11 (Sustainable cities) and SDG12 (Responsible consumption and production).

The environmental cluster reveals a tension in the 2030 Agenda between care for the environment on the one hand and economic growth on the other. SDG8 (Inclusive economic growth, employment and decent work for all) and SDG9 (Infrastructure for sustainable industrialisation) are at best uncomfortable bedfellows with the environmental cluster. This is a serious shortcoming; the planet needs a robust global environmental agenda that is not dominated by a one-sided economic agenda.

109 WRR, 'WRR Investigates Economic Inequality in the Netherlands' (2014), <<https://english.wrr.nl/publications/press-releases/2014/04/06/wrr-investigates-economic-inequality-in-the-netherlands>>.

110 See: <https://www.ohchr.org/Documents/Publications/Session5_OHCHR_SDG_HR_Table.pdf>.

111 Kim, R.E. (2016), 'The Nexus between International Law and the Sustainable Development Goals', *Review of European, Comparative & International Environmental Law*, 25(1), p. 18; Scholtz, W. & Barnard, 'The Environment and the Sustainable Development Goals: We Are on a Road to Nowhere', in: French, D., Kotzé, L. J. (eds.) (2018), *Sustainable Development Goals: Law, Theory and Implementation*, Cheltenham: Edward Elgar Publishing, p. 231.

This section focuses particularly on SDG13 within the environmental cluster. Climate change is affecting people and communities independently of their responsibility for it. The most vulnerable groups, including people living in poverty, children, minorities and indigenous peoples, are suffering the most from the negative consequences.¹¹² Disappointing harvests and lower economic productivity, desertification, health effects (disease and mortality) and migration flows prompted by extreme weather conditions are already established consequences of climate change.¹¹³ They are currently affecting developing countries the most. Between 2008 and 2015, an estimated 21.5 million people were displaced on average each year, mainly in Asia, as a result of climate-related risks.¹¹⁴ Several recent international reports¹¹⁵ conclude that the impact of climate change will accelerate in the coming decades, including in developed countries. The UN Intergovernmental Panel on Climate Change (IPCC) believes the earth is approaching a tipping point, after which it will no longer be possible to stop climate change.

International cooperation to combat climate change has been sought for some time. This is reflected in a separate SDG in the 2030 Agenda. At the same time, the Agenda acknowledges that the UN Framework Convention on Climate Change (1992) and the Paris Agreement (2015) form the basis for international cooperation on climate change.¹¹⁶ At issue is the extent to which SDG13 adds any value, other than as an acknowledgement that the climate theme is relevant to sustainable development and as a fall-back option for the countries that have not signed or ratified the Paris Agreement.

II.3.1 SDG13 and human rights

The position of environmental rights in the human rights system is still not clear enough and needs to be more widely recognised nationally and internationally. In recent years the relationship between human rights and the environment has mainly developed indirectly on the basis of regional human rights treaties, multilateral declarations and resolutions, and the case law of regional human rights courts such as the European Court of Human Rights. These sources recognise that environmentally harmful activities are at odds with various fundamental human rights, including the rights to life, privacy, wellbeing and health, and a good standard of living, as well as procedural rights such as access to

112 Patz, J. (2015), 'Climate Change, Human Rights and Social Justice', *Annals of Global Health*, 81(3), pp. 310-322.

113 IPCC (Inter Governmental Panel on Climate Change), 'Climate Change: Impacts, Adaptation and Vulnerability', Assessment Report, (2014), <<https://www.ipcc.ch/report/ar5/wg2/>>.

114 IDMC/NRC, 'Displacement due to Natural Hazard-induced Disasters', June 2011, p. 4, See: <https://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_1079.pdf>.

115 See IPCC, *Global Warming of 1.5°C: A Special Report on the Impacts of Global Warming of 1.5°C above Pre-industrial Levels* (2018) <www.ipcc.ch/report/sr15/>; IEA, *World Energy Outlook 2018*, <<https://webstore.iea.org/world-energy-outlook-2018>>; WMO, *WMO Greenhouse Gas Bulletin*, 14, 22 November 2018 <https://library.wmo.int/doc_num.php?explnum_id=5455>.

116 A/RES/70/1, (2015), para. 31.

information, participation in political decision-making and remedy.¹¹⁷ There is still not enough agreement on the right to a clean and healthy environment, however, to include it in a binding, multilateral human rights treaty.

Box: UN climate agreements

The UN Climate Agreement (United Nations Framework Convention on Climate Change) aims to stabilise the concentration of greenhouse gases at a safe level. It entered into force in 1994 and has been ratified by nearly all UN member states. Within the framework of the UN Climate Agreement, the Kyoto Protocol was concluded in 1997 and the Paris Agreement in 2015.

It was agreed in the Paris Agreement that the average global temperature must be kept below 2 degrees Celsius above pre-industrial levels and that efforts must be pursued to limit the temperature increase even further to 1.5 degree Celsius. The Paris Agreement entered into force on 4 November 2016 following its ratification by 55 countries. The Agreement is binding but national plans to combat climate change are not,¹¹⁸ nor are national contributions (\$100 billion per annum) to the Green Climate Fund to help developing countries adapt to the impact of climate change. Within the Kingdom of the Netherlands, the Paris Agreement is currently in force only in the Netherlands in Europe.

The December 2018 Katowice Climate Conference in Poland did not significantly strengthen the Paris Agreement's undertakings and goals. A negative development was the US's announcement that it intended to withdraw from the Paris Agreement. Other countries, including Brazil and Saudi Arabia, also employed delaying tactics in Katowice. Climate action in the US by states, cities and NGOs below the federal level is undiminished, however.

Human rights are not mentioned in the UN Climate Agreement,¹¹⁹ but this dimension has since become more prominent,¹²⁰ partly on account of the Human Rights Council's Resolution 7/23 (2008) on human rights and climate change.¹²¹ This contributed to the passage in the preamble to the Paris Agreement stressing that parties:

117 See United Nations Independent Expert, Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John H. Knox: Mapping Report, A/HRC/25/53 (2013).

118 The Paris Agreement refers to 'nationally determined contributions to the global response to climate change' (NDCs).

119 Article 3 (4) of the treaty states: 'The parties have a right to, and should, promote sustainable development': <http://unfccc.int/cop4/conv/conv_005.htm>.

120 See, for example, Sinden, A. (2007), 'Climate Change and Human Rights', *Journal of Land, Resources and Environmental Law*, 27, pp. 255-272; Sachs, W. (2008), 'Climate Change and Human Rights', *Development*, 51, pp. 332-337; Rathgeber, T. (2009). 'Climate Change Violates Human Rights', Berlin, Heinrich Böll Foundation; Limon, M. (2009), 'Human Rights and Climate Change: Constructing a Case for Political Action', *Harvard Environmental Law Review*, 33, pp. 439-476.

121 See: <http://ap.ohchr.org/documents/e/hrc/resolutions/a_hrc_res_7_23.pdf>.

should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.¹²²

The Paris Agreement may be the first binding instrument to recognise the relevance of human rights to climate policy, but it barely recognises it in the main body of the text.¹²³ The 2030 Agenda does not refer specifically to human rights in SDG13, either.

II.3.2 The domestic dimension of SDG13

According to Statistics Netherlands (CBS), the Netherlands is responsible for the fourth-highest greenhouse gas emissions per capita in the European Union.¹²⁴ It also scores in the lower regions of the European Union on other indicators, such as gross domestic energy consumption, the proportion of renewables in the energy mix, and imports of fossil energy carriers (oil, natural gas and coal).¹²⁵ In June 2015, The Hague district court held that the State of the Netherlands had a duty under the European Convention for the Protection of Human Rights and Fundamental Freedoms to protect its people from the consequences of climate change, and ordered it to reduce the emission of greenhouse gases by 25% by 2020 compared with 1990 levels. The case had been brought by the environmental organisation Urgenda, together with nearly 900 other claimants. The judgment was upheld on appeal in October 2018. The State of the Netherlands has appealed in cassation to the Supreme Court. At the end of January, the Netherlands Environmental Assessment Agency announced that the Netherlands would not achieve its climate goals for 2020, including the reduction in greenhouse gas emissions.¹²⁶

In its coalition agreement, the third Rutte government announced it would introduce a national climate agreement to reduce the emission of greenhouse gases by 49% by 2030 compared with 1990 levels. In late 2018, businesses, civil society organisations and public authorities reached agreement on a draft national climate agreement containing many measures that will affect the whole of society.¹²⁷ In March 2019, the Netherlands Environmental Assessment Agency (PBL) and the Netherlands Bureau for Economic Policy Analysis (CPB) calculated that the measures would probably not be enough to achieve the Netherlands' climate goals. The estimated cost of the national climate agreement is projected to rise to approximately €1.6 – 1.9 billion per annum by 2030, less than initially

122 See: <<https://wetten.overheid.nl/BWBV0006603/2017-08-27>>.

123 See also Hey, E., Violi, F. (2018), 'The Hard Work of Regime Interaction: Climate Change and Human Rights', *Koninklijke Nederlandse Vereniging voor Internationaal Recht*, Preliminary report, announcements, no. 145. The Hague, Asser Press, pp. 1-24.

124 CBS, *The Sustainable Development Goals: The Situation for the Netherlands*, The Hague (2018), pp. 49-50.

125 CBS, *Monitor brede welvaart 2018* (2018), pp. 106-108.

126 See: <<https://www.pbl.nl/nieuws/nieuwsberichten/2019/doelen-urgenda-zaak-en-energieakkoord-voor-2020-niet-in-zicht>>.

127 See: <<https://www.klimaataakkoord.nl/documenten/publicaties/2018/12/21/ontwerp-klimaataakkoord>>.

estimated.¹²⁸ The national climate agreement is separate from the Climate Act that the House of Representatives passed in December 2018. Under the Act, the Netherlands must be almost climate neutral by 2050 (95% reduction in CO2 emissions compared with 1990 levels).

II.4 SDG16: Peace, justice and strong institutions

SDG 16: PEACE, JUSTICE AND STRONG INSTITUTIONS	Related human rights
<p>Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels</p> <p>Targets include reducing all forms of violence; ending violence against and trafficking of children; promoting the rule of law and justice for all; reducing illicit financial and arms flows, corruption and bribery; developing effective institutions; participation in decision-making at all levels; legal identity for all.</p>	<ul style="list-style-type: none"> • Right to life, liberty and security of the person [UDHR art. 3; ICCPR arts. 6(1), 9(1); ICPEd art. 1] including freedom from torture [UDHR art. 5; ICCPR art. 7; CAT art. 2; CRC art. 37(a)] • Protection of children from all forms of violence, abuse or exploitation [CRC arts. 19, 37(a)], including trafficking (CRC arts. 34-36; CRC-OP1) [UDHR art. 19; ICCPR art. 19(1)] • Right to access to justice and due process [UDHR arts. 8, 10; ICCPR arts. 2(3), 14-15; CEDAW art. 2(c)] • Right to legal personality [UDHR art. 6; ICCPR art. 16; CRPD art. 12] • Right to participate in public affairs [UDHR art. 21; ICCPR art. 25] • Right to access to information [UDHR art. 19; ICCPR art. 19(1)]

Source: Office of the United Nations High Commissioner for Human Rights.¹²⁹ See Annexe II for a list of major human rights treaties.

Concepts such as good governance, the rule of law, justice, peace and security have long been part of the UN development debate. States have recognised that good governance and the rule of law are essential to economic growth and sustainable development and to ending poverty and hunger.¹³⁰ The 2030 Agenda also highlights their interdependence.¹³¹ Yet agreement still could not be reached on a practical goal. Instead the negotiators opted for the formulation, 'Promote peaceful and inclusive societies for sustainable

128 Netherlands Environmental Assessment Agency (PBL), 'Effecten Ontwerp Klimaatakkoord', 13 March 2017; Netherlands Bureau for Economic Policy Analysis (CPB), 'Doorrekening ontwerp-Klimaatakkoord', CPB policy document, March 2019.

129 See: <https://www.ohchr.org/Documents/Publications/Session5_OHCHR_SDG_HR_Table.pdf>.

130 United Nations General Assembly, 2005 World Summit Outcome, 24 October 2005, A/RES/60/1, para. 11; Arajärvi, N. (2017). 'The Rule of Law in the 2030 Agenda', KFG Working Paper Series, 9, pp. 6-20.

131 United Nations General Assembly, A/RES/70/1, (2015), para. 8, 9, 35.

development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels' (SDG16).

It could be said that SDG16 is vague and confusing because it does not set out a straightforward goal but refers to several wide-ranging concepts such as peace and security, the rule of law, good governance and access to justice. Its internal coherence is not particularly clear. However, SDG16 is a clear improvement on the Millennium Development Goals. The Millennium Declaration referred to the importance of the rule of law in combination with democracy, compliance with international obligations and dispute settlement, but did not attach any specific goals to them.

II.4.1 SDG16 and human rights

Peace and security

Instability and conflict undermine development and human rights. War, human trafficking, domestic violence, violence against women and children and sexual abuse are clear violations of human rights and human dignity. The illegal arms trade and organised crime also have serious human rights implications. Globally there are 40 million displaced persons and more than 25 million refugees, 85% of them in developing countries.¹³² Precise figures on human trafficking are not available. The number of victims of modern slavery is estimated at more than 40 million, with 24.9 million people carrying out forced labour and 15.4 million being forced to marry. In 17% of the cases of forced labour, the victim is a child.¹³³ These areas are covered by human rights treaties and international agreements that can be applied to realise SDG16.

In 2009 the AIV found that a basic level of security was necessary for a state's development.¹³⁴ It referred in this regard not only to physical security but also to basic services in socioeconomic areas and in the field of human rights and the rule of law, with the often vulnerable position of women and girls requiring special attention (SDG5). Development is not possible without security, and development as such does not provide security. Basic security does not mean that all threats have to be eliminated, but they have to be reduced to a level at which society can function and develop further, for example by strengthening the rule of law.¹³⁵

Rule of law

The 2030 Agenda's inclusion of targets for the rule of law was not a foregone conclusion. Supporters, including the Netherlands, wanted the rule of law to be integrated as a goal in its own right and as a condition for the achievement of the other SDGs. Opponents pointed

132 See: <<https://www.unhcr.org/figures-at-a-glance.html>>.

133 International Labour Organization (ILO) & Walk Free Foundation, 'Global Estimates of Modern Slavery. Forced Labour and Forced Marriage', (Geneva, 2017).

134 See AIV, 'Crisis Management Operations in Fragile States: The Need for a Coherent Approach', no. 64, March 2009.

135 See also Etzioni, A. (2007), *Security First: For a Muscular, Moral Foreign Policy* (New Haven & London: Yale University Press).

out that there was no universally agreed model for the rule of law and that the right balance had to be struck between promoting the rule of law at national and international level. Others stated that formulating a goal for the rule of law would constitute undesirable interference in the national governance.

The concept of the rule of law¹³⁶ was therefore replaced in SDG16 with 'access to justice', which some countries regarded as a more neutral and therefore more acceptable stance. Access to justice, however, is a narrower concept than the rule of law, which encompasses access to justice. It is also confusing that one of SDG16's targets does refer to the rule of law. Target 16.3 is 'to promote the rule of law at national and international levels and ensure equal access to justice for all'. This has been translated into Dutch as '*het garanderen van de rechtsregels op nationaal en internationaal niveau en gelijke toegang tot het rechtssysteem voor iedereen*' ('guarantee legal principles at national and international level and ensure equal access to justice for all'). It is unclear why the Dutch translation does not refer to the rule of law, especially as the Netherlands was one of the countries that was dissatisfied with SDG16's omission of the term 'rule of law'.¹³⁷ Whatever the reason, it is clear that target 16.3 is broad in scope and difficult to measure. It is not the case, however, that SDG16 cannot be measured. The World Justice Programme, for example, has developed a 'Rule of Law Index' to measure implementation of the rule of law using eight factors: constraints on government power, absence of corruption, open government, fundamental rights, order and security, civil justice and criminal justice.¹³⁸

Good governance and global governance

Since the 1990s, good governance has been widely seen as a key driver of economic and social development. By way of illustration, the annual cost of global corruption in the form of bribery, money laundering, embezzlement, tax avoidance, etc., is estimated at \$3.6 trillion (€3.1 trillion).¹³⁹ There is no international consensus, however, on the interpretation and application of the term 'good governance'. International financial institutions such as the International Monetary Fund (IMF), the World Bank, the European Investment Bank and other development banks tend to link their aid programmes to strict one-size-fits-all conditions. Priority is usually given to reducing the size of government, deregulation and privatisation and to attracting foreign investment for an export-based economy. Developing countries, by contrast, think more account should be taken of national circumstances.

It has been repeatedly pointed out at the UN that the strict conditions set by international financial institutions are not compatible with the principles of economic, social and cultural

136 No clear definition is available of 'the rule of law'. The AIV has previously reported on its meaning in detail, stating that it is recognised in Europe that democracy, the rule of law and human rights are inextricably linked. This trinity is more disputed internationally. See AIV, 'The Rule of Law: Safeguard for European Citizens and Foundation for European Cooperation', no. 87, February 2014, and AIV, 'The Will of the People? The Erosion of Democracy Under the Rule of Law in Europe', no. 104, June 2017.

137 Arajärvi, N. (2017), *The Rule of Law in the 2030 Agenda*, KFG Working Paper Series, 9, pp. 18-19, 28.

138 See: <<https://worldjusticeproject.org/our-work/publications/rule-law-index-reports/wjp-rule-law-index-2017-2018-report>>.

139 See: <<https://www.un.org/en/events/anticorruptionday/>>.

rights.¹⁴⁰ The EU's Economic Partnership Agreements also include strict restrictions on, for instance, partner countries' independent trade and industrial policies.¹⁴¹ Developing countries often accept these restrictions because they would otherwise be denied financial aid.¹⁴² For these reasons, and on account of the growing share of emerging developing countries in the world economy, they are seeking a greater say in multilateral institutions. The result is target 16.8, 'Broaden and strengthen the participation of developing countries in the institutions of global governance'.

II.4.2 The domestic dimension of SDG16

CBS has reported on progress in achieving SDG16 in the Netherlands using a series of indicators, including the number of registered criminal offences, registered cases of murder and manslaughter, the number of victims of crime, the percentage of the population that does not feel safe in their own neighbourhoods and the number of prisoners. The indicators showed a downward trend.¹⁴³ CBS also found that trust in institutions such as the police, the judiciary, the House of Representatives and the European Union was increasing.¹⁴⁴ The Netherlands thus scores relatively well among European countries. However, there is only limited overlap between the indicators used by CBS and the international indicators used for SDG16, such as psychological and sexual violence and human trafficking.

140 See Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Development of guiding principles for assessing the human rights impact of economic reform policies, 20 December 2017, A/HRC/37/54, <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/364/96/PDF/G1736496.pdf?OpenElement>>. See also <<http://www.brettonwoodsproject.org/2018/04/lost-decade-human-rights-assessing-austerity-alternatives-10-years-financial-crisis/>>.

141 See AIV, 'ACP–EU Cooperation After 2020: Towards a New Partnership?', no. 93, May 2015.

142 See AIV, 'The Post-2015 Development Agenda: The Millennium Development Goals in Perspective', no. 74, May 2011.

143 CBS, *The Sustainable Development Goals: The Situation for the Netherlands*, The Hague (2018), pp. 56-58.

144 CBS, *Monitor Brede Welvaart 2018* (2018), pp. 98-99, 111-112; CBS, *Vertrouwen op de kaart: Statistische trends* (2018).

III Global partnership: precondition for the 2030 Agenda

III.1 SDG17: Global partnership for sustainable development

The 2030 Agenda can only succeed with the cooperation of many global and national actors and the availability of sufficient financial resources.¹⁴⁵ Those actors include governments, businesses, civil society organisations, knowledge institutions and the general public. The international community's success at forging this broad partnership is the ultimate test of the 2030 Agenda signatories' commitment to achieving the SDGs. This is a formidable challenge, not least because the benefits of and need for international cooperation and the resources available to finance it are currently subject to global debate.

SDG17 is a wide-ranging goal to create the political and economic conditions needed for the 2030 Agenda. Its targets cover many themes (finance, technology, capacity building, trade and systemic issues such as international policy coherence) and are directed chiefly at supporting developing countries by means of development aid, technology transfer, improved market access, etc. Although these are exceptionally worthy ambitions in themselves, SDG17 does not clearly define the term 'partnership', the reciprocal responsibilities of developed and less-developed countries, or the specific roles of the various actors (governments, businesses, civil society organisations, the public) in achieving the SDGs.

SDG 17: PARTNERSHIPS FOR THE GOALS	Related human rights
<p>Strengthen the means of implementation and revitalise the global partnership for sustainable development</p> <p>Targets include strengthening domestic and international resources; debt sustainability; technology transfer and capacity building; promoting trade; enhancing policy and institutional coherence; respecting countries' policy space; promoting multi-stakeholder partnerships; measurements of progress, disaggregated data.</p>	<ul style="list-style-type: none"> • Right of all peoples to self-determination [ICCPR, ICESCR art. 1(1); DRtD art. 1(1)] • Right of all peoples to development, & international cooperation [UDHR art. 28; ICESCR art. 2(1); CRC art. 4; CRPD art. 32(1); DRtD arts. 3-5] • Right of everyone to enjoy the benefits of scientific progress and its application, including international cooperation in the scientific field [UDHR art. 27(1); ICESCR art. 15(1)] • Right to privacy [UDHR art. 12; ICCPR art. 17], including respect for human rights and ethical principles in the collection and use of statistics [CRPD art. 31(1)]

Source: Office of the United Nations High Commissioner for Human Rights.¹⁴⁶ See Annexe II for a list of major human rights treaties.

145 For further details, see AIV, 'Financing the International Agenda for Sustainable Development', advisory letter no. 27, April 2015.

146 See: <https://www.ohchr.org/Documents/Publications/Session5_OHCHR_SDG_HR_Table.pdf>.

III.2 Business

Unlike the Millennium Development Goals, the 2030 Agenda recognises the private sector – ‘ranging from microenterprises to cooperatives to multinationals’¹⁴⁷ – as an important partner in the achievement of the SDGs. Given its responsibility for people and the environment as well as creating jobs and innovation, partnership with the private sector is vital.¹⁴⁸ A number of front runners in the private sector are already actively pursuing policies to enhance sustainability and human rights in their operations. But most still have some catching up to do. Sustainable development is possible only if human rights receive the attention they deserve in global value chains.¹⁴⁹

About 80% of international trade currently takes place in the production networks of transnational companies.¹⁵⁰ The International Labour Organization (ILO) has estimated that global value chains in 40 countries (which together account for 85% of global gross domestic product) are responsible for 453 million formal jobs.¹⁵¹ This does not include the hundreds of millions of informal jobs that rely on these chains. According to the ILO, some 780 million people do not earn enough to lift themselves and their families out of poverty. Furthermore, 40 million new jobs are needed every year until 2030 simply to keep pace with the growth of the labour force.¹⁵² The ILO further estimates that some 25 million people worldwide are subject to forced labour, over 70% of whom are women and girls.¹⁵³ About 152 million children worldwide are victims of child labour, with 73 million working in dangerous conditions.¹⁵⁴

147 A/RES/70/1, para. 41. See also Addis Ababa Action Agenda on Financing for Development, A/RES/69/313.

148 See ‘Business, Human Rights and the Sustainable Development Goals: Forging a Coherent Vision and Strategy, a paper from Shift commissioned by the Business and Sustainable Development Commission, November 2016, <<https://s3.amazonaws.com/aws-bsdc/BSDC-Biz-HumanRights-SDGs.pdf>>.

149 The AIV has reached this conclusion in several previous advisory reports. See AIV, ‘Private Sector Development and Poverty Reduction’, no. 50, October 2006; AIV, ‘Unequal Worlds: Poverty, Growth, Inequality and the Role of International Cooperation’, no. 80, October 2012; AIV, ‘Interaction between Actors in International Cooperation: Towards Flexibility and Trust’, no. 82, February 2013; AIV, ‘New Paths to International Environmental Cooperation’, no. 84, March 2013.

150 United Nations Conference on Trade and Development, *World Investment Report 2013 – Global Value Chains: Investment and Trade for Development*, 2013, p. 135. See: <http://unctad.org/en/PublicationsLibrary/wir2013_en.pdf>.

151 ILO, *World Employment and Social Outlook 2015: The Changing Nature of Jobs* (2015).

152 ILO, *Decent Work and the 2030 Agenda for Sustainable Development* (2017).

153 ILO & Walk Free Foundation, *Global Estimates of Modern Slavery, Forced Labour and Forced Marriage* (2017).

154 See: <<https://www.ilo.org/global/topics/child-labour/lang-en/index.htm>>.

In 2016 the Council of the European Union, under the Netherlands' Presidency, pointed out the need to make global value chains sustainable in order to achieve the SDGs, with an emphasis on respect for human rights.¹⁵⁵ The Council referred to the UN Guiding Principles on Business and Human Rights (UNGPs), which the UN Human Rights Council adopted in 2011. But the Principles receive scant attention in the SDGs. Although they are mentioned in the 2030 Agenda,¹⁵⁶ there is little to be seen of them in SDG17 and its targets.¹⁵⁷

Box: UN Guiding Principles on Business and Human Rights

The UN Guiding Principles on Business and Human Rights (UNGPs) were adopted unanimously by the UN Human Rights Council in 2011. They have been a significant catalyst in thinking about corporate responsibility for human rights violations. The UNGPs emphasise that businesses can have an impact on *all* human rights.

The UNGPs lay down three principles:

- (i) the state duty to protect against human rights abuses by businesses;
- (ii) the corporate responsibility to respect human rights;
- (iii) the right of victims of human rights abuses to have access to remedy.

As an instrument of soft law, the UNGPs are not legally binding. This does not mean, however, that they have no impact; the corporate duty to protect reflects public expectations and has been included in many international, regional and corporate standards. The duty to respect is included in the OECD Guidelines for Multinational Enterprises. Various international organisations, including the European Union, the African Union and the Organization of American States, have drawn up guidelines on the application of the UNGPs. The central concept of the UNGPs – human rights due diligence – is also being included in a growing body of national law. France, for instance, has introduced a statutory obligation for French businesses operating abroad to care for people and the environment.

Various organisations, including the UN Working Group on Business and Human Rights and the High Commissioner for Human Rights, have expressed concerns about the trust placed in the private sector to realise the SDGs while there is limited discussion of corporate accountability.¹⁵⁸ All parties involved in financing and implementing the SDGs, including the private sector, should be accountable at national and international level.

155 Council of the European Union, Council Conclusions on Business and Human Rights, 20 June 2016, Brussels, <https://ec.europa.eu/anti-trafficking/publications/council-conclusions-business-and-human-rights-foreign-affairs-council_en>.

156 United Nations General Assembly, A/RES/70/1, para. 67.

157 SDG12 (Responsible consumption and production) is an exception. Target 12.6 is, 'Encourage companies, especially large and transnational companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle'. Sustainability reporting has improved significantly in recent years. Reporting on the impact on human rights is part of the due diligence required by the UNGPs.

158 See: <<https://www.business-humanrights.org/sites/default/files/documents/UNWG-SDG-recommendations-30-Jun-2017.pdf>>.

States must observe SDG-related human rights standards, but they must also ensure that third parties, including businesses, respect human rights. National progress reports on SDG implementation should therefore also consider the compatibility of national legislation, multi-stakeholder partnerships and private initiatives with the UNGPs.¹⁵⁹

To date, attention has been focused on the positive, voluntary contribution businesses can make towards the achievement of the Sustainable Development Goals. This is due in part to the prominence in recent years of international corporate social responsibility (ICSR). The ICSR discourse emphasises voluntary action rather than binding legislation. It is often more difficult to discuss how the negative impact of a company's own activities can be addressed.¹⁶⁰ The Netherlands has positive experience with voluntary ICSR agreements in which businesses, trade unions, civil society organisations and public authorities agree to implement the UNGPs in certain industries and prevent violations in the areas of human rights, labour law and the environment.¹⁶¹ This innovative approach deserves to be adopted internationally, as it provides a foundation for shaping business involvement in the achievement of the SDGs and human rights.

Corporate respect for human rights is a responsibility, not a choice. Government has a duty to put the right mix of legislation in place to ensure that minimum standards are upheld and to encourage businesses to make a successful transition to corporate sustainability. The government must not shy away from binding legislation alongside cooperative initiatives. Interestingly, several large companies that support sustainability and human rights are also in favour of this, arguing that it would create a level playing field for businesses.¹⁶² The private sector can therefore benefit from clear human rights legislation.

A working group of the UN Human Rights Council¹⁶³ is currently exploring avenues for a binding treaty on business and human rights. The countries that launched this initiative – including Ecuador – want the agreement to apply only to companies with transnational operations. The EU and the Netherlands,¹⁶⁴ by contrast, think it should apply to all businesses, and not only transnational corporations. Otherwise, they fear, it will mainly be Western businesses that are bound by the treaty. Furthermore, the EU and the Netherlands want the treaty to support the UNGPs. The zero draft treaty proposed by

159 See: <<http://www.ohchr.org/Documents/Issues/MDGs/Post2015/AccountabilityAndThePost2015Agenda.pdf>>.

160 Shift (2016), *Business, Human Rights and the Sustainable Development Goals: Forging a Coherent Vision and Strategy*, pp. 30-32. See <<http://s3.amazonaws.com/aws-bsdc/BSDC-Biz-HumanRights-SDGs.pdf>>.

161 See: <www.imvoconcevanten.nl>.

162 The AIV arrived at this conclusion after interviewing representatives of large companies for its advisory report, 'The Dutch Diamond Dynamic: Doing Business in the Context of the New Sustainable Development Goals', no. 99, April 2016.

163 Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights. See: <<https://www.business-humanrights.org/en/binding-treaty/intergovernmental-working-group-sessions>>.

164 Given the policy theme (trade and human rights), competence is shared by the EU and the member states.

Ecuador in July 2018 does not mention the UNGPs. It is not yet clear whether or when this process will lead to formal negotiations.¹⁶⁵

III.3 Civil society organisations

The AIV understands civil society organisations to include all organised groups in society that make formal or informal efforts to promote their own interests or a general public interest. The term is broader than non-governmental organisations and often includes associations with an economic or social goal, such as trade unions, cooperatives, associations with a religious background and self-organising informal groups. Youth organisations, academic institutions, political and cultural organisations and community groups, environmental organisations and the media are also part of civil society.

Civil society organisations were closely involved in negotiating the Sustainable Development Goals. The 2030 Agenda names them as partners in achieving the SDGs,¹⁶⁶ although states retain primary responsibility in this regard.¹⁶⁷ Their role includes a broad palette of activities,¹⁶⁸ requiring a great deal of coordination and cooperation between development and human rights organisations in order to be effective.¹⁶⁹ Above all, civil society organisations, in cooperation with governments, businesses and other actors, can translate the SDGs to the national level. Ideally, every country should draw up its own development plan to realise the SDGs on the basis of national priorities. Civil society organisations can provide input and help implement the SDGs based on their own specific expertise and networks. They can play a particularly important role in developing countries, where government capacity is often still limited, by providing basic public services such as education, healthcare, housing and food. This role as service provider is a second way in which civil society organisations can participate in SDG partnerships.

From a human rights perspective, (see Chapter I), it is civil society organisations that hold governments and businesses (duty bearers) to account for their responsibility to achieve the SDGs and human rights, while at the same time making the public (rights holders) aware of both the SDGs and the rights to which they are entitled. By organising training programmes, for instance, civil society organisations can strengthen the resilience and political participation of marginalised groups in particular. Where the public interest and the rights of individuals and groups are not automatically protected by the state, it is up to civil society organisations and independent media to expose violations and to press for

165 Parliamentary Papers 32735, no. 210.

166 United Nations General Assembly, A/RES/70/1, paras. 52 and 60.

167 See Committee on Economic, Social and Cultural Rights, General comment No. 24 on state obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, 23 June 2017, UN Doc. E/C.12/GC/24.

168 Aho, E. & Grinde, J. (2017), *Shrinking Space for Civil Society – Challenges in Implementing the 2030 Agenda*, Forum Syd, pp. 20-22; Democracy Development Programme (2016), 'The Roles of Civil society in Localising the Sustainable Development Goals', position paper prepared for the African Civil Society Circle.

169 See: <<https://www.opendemocracy.net/openglobalrights/mart-n-abreg/new-strategies-for-tackling-inequality-with-human-rights>>.

remedial action and, where necessary, legislation and its enforcement.¹⁷⁰

Finally, civil society organisations can help monitor progress in achieving the SDGs and respect for human rights. Through their contacts and networks in the field, close to the public, they are usually well informed and can collect data for, for instance, environmental studies. Supplementing reports issued by national governments, reports issued by civil society organisations are an essential source of information for UN institutions and other international organisations.

Obstruction of civil society organisations and human rights defenders (shrinking civic space)

It is particularly worrying that the above-mentioned role played by civil society organisations has been deliberately restricted by governments in less democratic or non-democratic countries in recent years. This can take many forms, for example the introduction of restrictive laws ostensibly to protect national security, the restriction or prohibition of financial support from foreign donors, compulsory registration, travel bans, bureaucratic interference such as temporary shutdowns based on workplace health and safety rules, curtailment of independent media outlets, disinformation on alleged foreign interference in national affairs and intimidation or persecution of activists.¹⁷¹

In 1998 the UN General Assembly adopted the Declaration on Human Rights Defenders.¹⁷² Ten years later, the EU adopted the EU Guidelines on Human Rights Defenders.¹⁷³ Nevertheless, in 2017 the governments of some 109 countries – more than half the UN member states – obstructed the work of civil society organisations and human rights defenders using the kinds of measures described above. According to Civicus (a global alliance of NGOs) civil society organisations are able to operate independently and with full freedom in just 26 countries.¹⁷⁴ There are also examples of countries, including the US, Russia, China, Egypt and Argentina, trying to restrict civil society organisations' access to the UN institutions.¹⁷⁵

A second cause of the shrinking space for civil society lies in the policies of donor countries. Evaluations have shown how important it is for civil society organisations in

170 See: <<https://geneva.usmission.gov/2011/09/15/civil-society-promoting-all-human-rights/>>.

171 Aho, E. & Grinde, J. (2017), *Shrinking Space for Civil Society – Challenges in Implementing the 2030 Agenda*, Forum Syd.

172 United Nations General Assembly, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, A/RES/53/144 (1998). See: <<https://www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx>>.

173 See: <https://eeas.europa.eu/headquarters/headquarters-homepage_en/3958/EU%20Guidelines%20on%20Human%20Rights%20Defenders>.

174 Civicus Monitor, 'Tracking Civic Space': See <<https://monitor.civicus.org/>>. See also Amnesty International, 'Laws Designed to Silence: The Global Crackdown on Civil Society Organisations', February 2019.

175 See International Service for Human Rights, 'The Backlash Against Civil Society Access and Participation at the United Nations: 10 Case Studies', Geneva (2018).

richer and developing countries to form coalitions, both nationally and internationally.¹⁷⁶ They are being impeded, however, because donors often do not prioritise support for civil society organisations in middle-income countries. Donors can also be apprehensive of the political nature of human rights activities. This creates financial insecurity and jeopardises the sustainability of such organisations.¹⁷⁷ The Ministry of Foreign Affairs' Policy and Operations Evaluation Department (IOB) has previously called for long-term core financing instead of the traditional project- or even programme-based approach often taken in development cooperation.¹⁷⁸

III.4 European cooperation

III.4.1 European Union

The European Union played an active part in negotiating the 2030 Agenda and the Sustainable Development Goals. In November 2016, the European Commission presented the EU response to the Agenda in a Communication,¹⁷⁹ a form of discussion document for the EU member states. It stated that the EU was 'committed to be a frontrunner in implementing the 2030 Agenda and the SDGs, together with its member states, in line with the principle of subsidiarity'. The last point means the EU will act only when doing so is more effective than the member states taking national, provincial or municipal measures of their own. The EU member states therefore bear primary responsibility for achieving the SDGs.

Internal

The Commission's Communication outlines two ways in which the Union can implement the 2030 Agenda. Firstly, it can fully integrate the SDGs into EU policy as a whole and into the Commission's work.¹⁸⁰ Secondly, it can reflect on a European sustainability strategy for after 2020. The strategy will be implemented by the new Commission, which is expected to take office in 2019 with a new Multiannual Financial Framework for 2021-2027.

Further to the Communication, the Council of the European Union asked the Commission to present a detailed plan in mid-2018 on how the 2030 Agenda could be fully integrated into EU policy.¹⁸¹ The Commission's Reflection Paper¹⁸² was published in January 2019; it

176 IOB, *Opening Doors and Unlocking Potential – Key Lessons from an Evaluation on Support for Policy Influencing, Lobbying and Advocacy (PILA)*, 2017.

177 See Pratt, B. (2016), Special issue overview: civil society sustainability, *Development in Practice*, 26(5), pp. 527-531.

178 IOB, Evaluation of Dutch support to human rights projects 2008-2011, p. 15.

179 European Commission, 'Next Steps for a Sustainable European Future' Strasbourg, 22 November 2017, COM(2016) 739 final.

180 For the policy priorities of the current Commission, see: <https://ec.europa.eu/commission/priorities_nl>.

181 Council of the European Union, 'The EU Response to the 2030 Agenda for Sustainable Development – A Sustainable European Future', Council Conclusions (10370/17), 20 June 2017.

182 See: <<http://ec.europa.eu/transparency/regdoc/rep/1/2019/NL/COM-2019-22-F1-NL-MAIN-PART-1.PDF>>.

sketches three potential scenarios for the new Commission. The first is an overarching EU SDG strategy to guide all the actions of the EU and its member states with concrete and time-bound targets. The second integrates the SDGs into EU policy, but does not impose compulsory measures on the member states. The third prioritises external EU action to help other countries realise the SDGs. The Reflection Paper does not refer specifically to the SDGs' human rights dimension.

Eurostat, the statistical office of the European Union, issues annual reports based on data from the member states on the implementation of the SDGs in the EU.¹⁸³ The indicators used in its progress reports are partly in line with those adopted by the UN for the SDGs.

To give tangible shape to the concept of partnership, the Commission established a high-level multi-stakeholder platform in May 2017 to advise it on the implementation of the 2030 Agenda and the preparation of the Reflection Paper. The platform is chaired by the First Vice-President of the European Commission, Frans Timmermans, and is made up of 30 representatives of non-governmental organisations, knowledge institutions, businesses, the European Economic and Social Committee and the European Committee of the Regions. Other organisations, such as the European Sustainable Development Network (ESDN), are observers.

In November 2017, the Council of the European Union installed an SDG working group at civil service level so that member states could consult each other on the SDGs' internal, external and multilateral implementation. The working group's mandate is defined broadly: 'to regularly follow up, monitor and review the implementation of the 2030 Agenda for Sustainable Development across internal and external policies at the EU level'.¹⁸⁴ Other, already existing working groups also consider issues related to the 2030 Agenda, such as the environment, development cooperation and human rights.

External

The Global Strategy for the European Union's Common Foreign and Security Policy (CFSP) calls fulfilling the SDGs a condition for prosperity: 'While a prosperous Union is the basis for a stronger Europe in the world, prosperity must be shared and requires fulfilling the Sustainable Development Goals (SDGs) worldwide, including Europe'.¹⁸⁵ The Sustainable Development Goals are presented chiefly as a cross-cutting theme within the CFSP rather than as a policy field requiring a dedicated EU approach.¹⁸⁶

183 For the 2018 report, see: <<https://ec.europa.eu/eurostat/documents/3217494/9237449/KS-01-18-656-EN-N.pdf/2b2a096b-3bd6-4939-8ef3-11cfc14b9329>>.

184 2030 Agenda for Sustainable Development: establishment and mandate of a dedicated Working Party, 24 November 2017 (14809/17).

185 'Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy', June 2016, p. 14, <<https://europa.eu/globalstrategy/en/shared-vision-common-action-stronger-europe>>.

186 *Ibid.*, p. 50: 'Echoing the Sustainable Development Goals, the EU will adopt a joined-up approach to its humanitarian, development, migration, trade, investment, infrastructure, education, health and research policies, as well as improve horizontal coherence between the EU and its Member States.'

The European SDG strategy is elaborated most concretely in the Union's development cooperation policy. The EU is the biggest donor of development aid in the world. In 2017 the member states, the Commission and the European Parliament agreed the New European Consensus on Development.¹⁸⁷ It describes the 2030 Agenda and the SDGs as the framework for EU development activities in the years ahead. Eradicating poverty remains the primary aim. The EU and its member states commit themselves to 'a rights-based approach to development cooperation, encompassing all human rights'.¹⁸⁸ The consensus also calls for greater coordination and coherence between the EU and the member states.

Fundamental Rights Agency

The European Union Agency for Fundamental Rights is engaged chiefly in research and data collection in the field of fundamental rights in the European Union and its member states. It works to flesh out the human rights dimension of the 2030 Agenda in Europe by including the SDGs in its studies and linking existing human rights studies to the SDGs.¹⁸⁹ EU member states can use this information to improve their national SDG reports. The 2019 edition of the Agency's annual Fundamental Rights Report will include a chapter on human rights and the SDGs.

III.4.2 Council of Europe

The Council of Europe is made up of 47 states. It was established to protect democracy, the rule of law and human rights in Europe. In this light it is understandable that the Council of Europe seeks to contribute to the SDGs partnership. A document entitled 'Council of Europe Contribution to the United Nations 2030 Agenda for Sustainable Development Goals'¹⁹⁰ summarises the areas in which the Council can play a supporting role, particularly with regard to monitoring, accountability and technical assistance. It has developed an extensive system of standards for assessing the state of the rule of law, in part through resolutions of the Parliamentary Assembly, that can be used as indicators for the SDGs. The Council of Europe's treaty system comprises more than 220 treaties, partial agreements, conventions and protocols, some of which are open to non-European countries. The European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR) is the best known. The European Court of Human Rights' case law also intersects with virtually all of the SDGs.

The European Social Charter is one of the Council of Europe's major human rights instruments.¹⁹¹ It enshrines a series of socioeconomic rights that are directly related to the SDGs, including the right to protection against poverty and social exclusion (SDG1),

187 Joint statement by the Council and representatives of the governments of the member states meeting with the Council, the European Parliament and the European Commission, 'The New European Consensus on Development: Our World, our Dignity, our Future', (2017/C 210/01), 30 June 2017.

188 Ibid., para. 16.

189 See: <https://www.sdgwatcheurope.org/wp-content/uploads/2018/06/SDGs_Overview-Relevant-Fundamental-Rights-Agency-studies.pdf>.

190 See: <<https://www.coe.int/en/web/un-agenda-2030/home?desktop=true>>.

191 See: <https://wetten.overheid.nl/BWBV0001800/2006-07-01/0/#Verdrag_2/Verdragtekst_1>.

the right to safe and hygienic working conditions (SDG3), the right of employees to equal opportunities and equal treatment (SDG5) and freedom of association for employers and employees and the right to collective bargaining (SDG8). The European Committee of Social Rights (ECSR) ensures that the Council of Europe member states comply with the Charter's standards for socioeconomic human rights. The Committee publishes the outcomes of its legal assessments in 'Conclusions'. It also publishes 'Decisions' on complaints dealt with under the complaints procedure of the European Social Charter. Both the Conclusions and Decisions have significant common ground with virtually all the SDGs.

The work of the European Court of Human Rights and the European Commission for Democracy through Law (the Venice Commission) also relates to human rights and the rule of law. The Venice Commission advises states that seek to reform their laws and state institutions. The Committee of Ministers of the Council of Europe monitors enforcement of decisions of the European Court of Human Rights and has final jurisdiction in assessing complaints of non-compliance with the European Social Charter. The Parliamentary Assembly of the Council of Europe can also play a part in this process.

Nearly all institutions of the Council of Europe carry out activities that are related to SDG16 (Peace, justice and strong institutions) but the Council of Europe also actively promotes other SDGs. The Council of Europe's website¹⁹² lists the institutions of the Council of Europe that are developing activities on specific SDGs.

192 See: <<https://rm.coe.int/un-sdgs-and-cooperation-activities/16808acd54>>.

IV Monitoring and accountability

The introduction to Chapter II stated that although the 2030 Agenda itself is rooted in human rights, this dimension is only partially fleshed out in the SDGs, targets and indicators.¹⁹³ This can also be seen in the UN's 2018 SDG report. The term 'human rights' is mentioned only five times, mainly in relation to SDG16 (Peace, justice and strong institutions).¹⁹⁴ There is therefore still room for improvement. Two areas, admittedly less politically visible, in which the link between SDGs and human rights can be strengthened the most in practical terms are monitoring and accountability. Monitoring structures have been developed in both areas, but it is uncertain whether they can function effectively in conjunction with each other and where this linkage could be further developed. The basic principle is that monitoring and accountability must be based on verifiable objective facts. International consensus on the indicators makes it easier to accept the monitoring results.

IV.1 Monitoring structure for human rights and the 2030 Agenda

IV.1.1 Human rights

Within the UN, human rights are monitored principally by the UN Human Rights Council, which is also responsible for the Universal Periodic Review (UPR). The UPR is an international human rights instrument that all 193 UN member states use to assess each other in turn in the form of an interactive dialogue on their domestic human rights situation. This system provides the Human Rights Council with periodic National Reports and additional information from both UN organisations and civil society organisations. National human rights institutions can contribute to the UPR by providing their countries' human rights reports. As observers, they can also address the Council, subject to conditions, immediately after their countries' government delegation.¹⁹⁵ The UPR results in a report with recommendations for each UN member state. The member states are expected to declare whether or not they will adopt the recommendations.

193 See: <<https://undocs.org/A/RES/71/313>>.

194 United Nations, The Sustainable Development Goals Report 2018, New York (2018).

195 These are 'A status' national human rights institutions, i.e. those that fulfil certain conditions (set out in the Paris Principles – adopted by the UN). For a detailed description of the role played by national human rights institutions in the UPR process, see: <<https://www.ohchr.org/Documents/HRBodies/UPR/InfoNoteNHRIUPR2ndCycle.pdf>>.

Table: Bodies based on the UN Charter: the Human Rights Council and its ancillary bodies

Year	Body	Goals	Monitoring mechanisms
2006	Human Rights Council	Protect and promote human rights everywhere	Universal Periodic Review, advisory committee, Special Procedures, complaints procedure
1947	Special Procedures of the Human Rights Council	Reports and recommendations on human rights from a thematic or country-specific perspective	Special Rapporteurs, Special Representatives, Independent Experts, working groups
2007	Universal Periodic Review	Review of the human rights situation in all UN member states	Universal Periodic Review working group
2007	Complaint procedure of the Human Rights Council	Dealing with reports by alleged victims of human rights violations	Communication working group and Situations working group
2007	Human Rights Council Advisory Committee	Acts as a think tank for the Human Rights Council	Reports

Countries that have ratified a particular human rights treaty are required to report periodically to a treaty body on their compliance with the treaty. Treaty bodies are made up of independent experts. They include, for instance, the UN Committee on the Rights of the Child and the Committee Against Torture.

Bodies whose work is relevant to the SDGs include the Committee on Economic, Social and Cultural Rights (CESCR), which oversees UN member states' compliance with the International Covenant on Economic, Social and Cultural Rights. States are required to report to it every five years. The Committee uses the country reports to draw up concluding observations with its concerns and recommendations. The CESCR now recommends as a matter of course that countries place their economic, social and cultural obligations within the framework of the 2030 Agenda. It also recommends that independent national mechanisms be established to monitor the achievement of the SDGs in accordance with the principles of participation, accountability and non-discrimination.¹⁹⁶ Other treaty bodies, including the Committee on the Rights of the Child, are increasingly referring to the

¹⁹⁶ The most recent report on the Netherlands (6 July 2017) included this recommendation in its Concluding Observations on the Sixth Periodic Report on the Netherlands, para. 58 (E/C.12/NLD/CO/6).

SDGs.¹⁹⁷ This can sharpen states' focus on achieving the SDGs and how efforts in this area are monitored from a human rights perspective.

Table: UN treaty bodies

Year	Treaty	Body	Monitoring and enforcement mechanisms
1965	International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	Committee on the Elimination of Racial Discrimination	Reports, individual complaints under article 14, inter-state complaints, early warnings
1966	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights	Reports, individual complaints under the Optional Protocol, the United Nations Economic and Social Council (ECOSOC)
1976	International Covenant on Civil and Political Rights (ICCPR)	Human Rights Committee	Reports, inter-state complaints
1979	Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)	Committee on the Elimination of Discrimination Against Women	Reports, individual complaints and studies, inter-state complaints, early warnings
1984	Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment (CAT)	Committee against Torture; Subcommittee to Prevent Torture	Visits, reports, individual complaints under article 22, studies
1989	Convention on the Rights of the Child (CRC)	Committee on the Rights of the Child	Reports, individual complaints under the Optional Protocol
1990	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (CMW)	Committee on the Protection of the Rights of All Migrant Workers and Members of their Families	Reports, individual complaints under article 77
2006	Convention on the Rights of Persons with Disabilities (CRPD)	Committee on the Rights of Persons with Disabilities	Reports, individual complaints under the Optional Protocol
2006	International Convention for the Protection of All Persons From Enforced Disappearance (ICPED)	Committee on Enforced Disappearances	Reports, individual complaints

Several specialised UN organisations are also involved in drawing up human rights treaties. The most prominent is the International Labour Organization (ILO), which has concluded more than 150 instruments regarding working conditions and social services. UNESCO, the UN Food and Agriculture Organization (FAO) and the World Health Organization (WHO) have also developed treaties and declarations to protect human rights.

197 Arts, K. (2019), 'Children's Rights and the Sustainable Development Goals', in Kilkelly, U. & Liefwaard, T. (eds.) (2019), *International Human Rights: International Children's Rights Law*, Singapore: Springer, pp. 537-561.

Alongside this global framework, regional human rights instruments have been developed over the years. In Europe, comprehensive instruments have been introduced by the European Union (provisions of the EU treaties, the Charter of Fundamental Rights, the European Union Agency for Fundamental Rights), the Council of Europe (the European Convention on the Protection of Human Rights and Fundamental Freedoms, the European Social Charter, the European Court of Human Rights) and, to a lesser extent, the Organization for Security and Co-operation in Europe (e.g. the High Commissioner on National Minorities).

IV.1.2 The 2030 Agenda

Global monitoring of the 2030 Agenda process (the Follow-up and Review (FUR) process) is a task of the High-level Political Forum (HLPF), which reports to the UN Economic and Social Council (ECOSOC).¹⁹⁸ ECOSOC is one of the UN's main organs; it coordinates the economic, social and environmental activities of all UN institutions. The HLPF is an intergovernmental platform for all UN member states in which representatives of civil society organisations can also participate. It shares information and provides advice but does not have specific powers to influence decision-making or directly coordinate the actions of governments or UN organisations. The HLPF convenes once a year, and its findings are laid down in recommendations in the Ministerial Declaration. It convenes under the auspices of the General Assembly at head of state and government level once every four years. The next meeting at this level will be in September 2019.

The HLPF draws on the annual SDG progress report issued by the UN Secretary-General and the periodic Global Sustainable Development Report¹⁹⁹ drawn up by an independent group of researchers appointed by the Secretary-General. The chair of ECOSOC can also issue a more detailed summary of findings and conclusions as an HLPF progress report, but to date has not done so.²⁰⁰ The HLPF's third key instrument is its discussion of national reviews submitted voluntarily by the member states, in which UN member states render account for their implementation of the 2030 Agenda. The purpose of these Voluntary National Reviews is to share experiences within and among member states. In accordance with the principle of partnership necessary to achieve the SDGs, countries are encouraged to involve a broader range of civil society organisations such as non-governmental organisations, businesses, knowledge institutions and national human rights institutions in the preparation of the Voluntary National Reviews. In 2018 the HLPF discussed the national reviews of 47 UN member states.

The EU member states act jointly in the HLPF, for example in the negotiations on the annual political declaration. Several UN member states attempt to renegotiate politically sensitive issues such as gender equality. The EU tries to present a united front wherever possible. In addition to the EU member states' national SDG reports, the European Commission issued the first EU report on SDG implementation as part of the 2019 Voluntary National Review.

198 See Resolutions of the UN General Assembly on the FUR process: A/RES/67/290 (HLPF), A/RES/68/1, A/RES/70/1 (para. 74), A/RES/70/299 (FUR) and A/70/684 (report of the Secretary-General on the Follow-up and Review).

199 See the Annexe on the Global Sustainable Development Report of the Ministerial Declaration of the High-level Segment of the 2016 ECOSOC session, E/HLS/2016/1 (Annex), para. 2-4 and 7-8.

200 According to the UN Secretary-General in his report on the FUR process, A/70/684, para. 33-36.

A universally accepted model to monitor the progress of the SDGs (comparable with the Universal Periodic Review based on compulsory national human rights reports) could potentially accelerate the implementation of the 2030 Agenda.²⁰¹ It has proven impossible, however, to monitor the SDGs along the lines of the UPR model. The country reports submitted to the HLPF are voluntary. Monitoring the SDGs could be brought more into line with the UPR model if, for example, the Voluntary National Reports were standardised and where necessary simplified so that all member states reported in the same way on the same subjects, including human rights. Conversely, the UPR reports could consider the human rights aspects of the SDGs. In addition, human rights reports and SDG reports would be more consistent with each other if they used the same indicators. The Human Rights Council could organise an annual SDG session and make its own contribution to the HLPF.

Monitoring and accountability within the Kingdom

The Netherlands' Voluntary National Review for the HLPF relates to the entire Kingdom of the Netherlands. After all, the four countries of the Kingdom (the Netherlands, Aruba, Curaçao and St Maarten) together have one seat in the UN. The Kingdom issued its first report in 2017.²⁰² It was signed by the Prime Ministers of Aruba, Curaçao and St Maarten and the Minister for Foreign Trade and Development Cooperation of the Netherlands.

Each of the four countries followed its own reporting procedure, after which a common document was drawn up that also considered similarities and differences between the countries. It is worth noting that the report looked in detail at the SDG partnership in the Netherlands but not in the three other countries. The Kingdom is expected to report to the HLPF again in 2021-2022. The statistical offices of the four countries have formed a technical alliance (Dutch Caribbean Statistical System) to make data available to improve monitoring.

In principle, each of the four governments is responsible for achieving the SDGs in its own country and for submitting progress reports to its parliament. The Netherlands has opted to submit an annual report to the House of Representatives on national SDG implementation, including the Netherlands' contribution to the realisation of the goals abroad (through BHOS policy). Three such reports have been issued to date.²⁰³ They were prepared jointly by central government and organisations representing business, civil society, knowledge institutions, young people and children.

The first Dutch SDG report (2017) also considered progress towards achieving a number of goals in the Netherlands in the Caribbean. The second (2018) focused mainly on the situation in the Netherlands in Europe because no 'SDG activities have currently been prepared for the public bodies of Bonaire, Saba and St Eustatius and their implementation

201 See the report of the UN Secretary-General on the FUR process, A/70/684, para. 77.

202 Kingdom of the Netherlands, Report on the implementation of the Sustainable Development Goals, United Nations High-level Political Forum on Sustainable Development 2017, (2017).
See: <<https://sustainabledevelopment.un.org/content/documents/16109Netherlands.pdf>>.

203 See Parliamentary Papers 26485, no. 246, appendix 809944, no. 288, appendix 842400 and 34298, no. 27, appendix 883104.

of the SDGs therefore lags behind that of municipalities in the Netherlands.²⁰⁴ In the third SDG report (2019), the poverty issue in the Caribbean Netherlands is cited in the contribution of the Netherlands Institute for Human Rights.

The Netherlands has a loose national structure to coordinate SDG policy. Each minister is responsible for the achievement of the SDGs that fall within their remit. As the national coordinator, the Minister for Foreign Trade and Development Cooperation monitors the coherence of the annual SDG report submitted to the House of Representatives.

IV.2 Indicators and data

The 17 SDGs and 169 targets are supported by 232 indicators. A comprehensive system of indicators was sought that would generate high-quality, accessible, up-to-date, reliable and detailed information to measure progress in achieving the SDGs.²⁰⁵ The indicators were a controversial subject in the negotiation of the SDGs and as a result the most accurate or methodologically appropriate indicators were not always selected. Many of the discussions about the SDG indicators were similar to debates on human rights indicators.

Indicators fall into various categories. *Quantitative* indicators roughly coincide with figures and statistics. *Qualitative* indicators provide more information and context. Both are necessary to monitor the SDGs and human rights. Quantitative indicators, for example, can contribute to qualitative indicators by providing figures and percentages that are indicative of the extent of the factors being monitored. Conversely, qualitative indicators can put figures and statistics into context. Indicators can also be categorized as *objective* (based on facts or events) or *subjective* (based on opinion and interpretation). Objective indicators can be verified, subjective ones cannot.

The Office of the UN High Commissioner for Human Rights (OHCHR) has described a human rights indicator as:

specific information on the state or condition of an object, event, activity or outcome that can be related to human rights norms and standards; that addresses and reflects human rights principles and concerns; and that can be used to assess and monitor the promotion and implementation of human rights.²⁰⁶

One criticism of the SDG indicators is that they are too limited a measure of all dimensions of the extensive and complex SDGs. Many of the indicators are vague or do not measure their chosen goal or target. The SDGs cover compound and multidimensional themes that cannot be easily encapsulated by clear, measurable indicators. The same is true of human rights. Many of the indicators, moreover, measure outcomes. Outcomes are not unimportant, but a state's procedures and actions to achieve those outcomes are also crucial.²⁰⁷ It is demonstrably neither possible nor desirable to develop worldwide indicators

204 Parliamentary Papers, no. 288, appendix 842400, p. 6.

205 A/RES/70/1 (2015), para. 74.

206 OHCHR, 'Human Rights Indicators: A Guide to Measurement and Implementation', 2012, p. 16.

207 Danish Institute for Human Rights, 'Human Rights in Follow-Up and Review of the 2030 Agenda for Sustainable Development', May 2016, pp. 37-38.

for either the SDGs or human rights, especially if they have to comprise more than quantitative information. National, context-specific indicators must be developed as well.²⁰⁸

The SDG indicators and data partially overlap with the human rights indicators and data. According to a study by the Danish Institute for Human Rights, about 50% of the SDG indicators generate data that is of direct relevance to monitoring specific human rights instruments. A further 10% are indirectly relevant to human rights. The remaining 40% are not directly relevant to monitoring human rights instruments but say something about the context in which human rights are at issue.²⁰⁹ These percentages relate to the SDGs as a whole. Regarding individual SDGs, the indicators' relevance to assessing the human rights situation varies. For the SDGs considered in this report, the indicators for SDG1, SDG13 and SDG16 are highly relevant to human rights, while the indicators for SDG10 and, especially, SDG17 often contribute 'only' background information.

Inclusiveness, equality and non-discrimination are important cross-cutting themes of the SDGs and human rights. These goals in particular require disaggregated data in order to analyse the situation of specific groups as well as general situations and trends.²¹⁰ It should be borne in mind that an authoritarian state could misuse this data. The OHCHR has issued an advisory report on a human rights-based approach to data collection.²¹¹

Clearly, not all the necessary statistical data on all areas of the SDGs and human rights is available and not all the disaggregated information is available for many of the indicators. Another aspect of the 2030 Agenda's principle of 'leaving no one behind' is that countries should not be left behind other countries. Developing countries in particular are disadvantaged by their lack of capacity and information to measure SDG and human rights indicators. International partnership among national statistics offices and within the Inter-agency and Expert Group on SDG Indicators²¹² can strengthen the integration of SDG and human rights indicators and the exchange of knowledge on data collection and statistics.

IV.3 National human rights institutions

National human rights institutions (NHRIs) can play a part in monitoring SDG implementation. SDG16 (Peace, justice and strong institutions) recognises this by making the presence of an independent human rights institution one of its indicators.²¹³

208 OHCHR, 'Human Rights Indicators: A Guide to Measurement and Implementation', 2012, p. 50.

209 Danish Institute for Human Rights, 'Human Rights in Follow-Up and Review of the 2030 Agenda for Sustainable Development', May 2016, p. 40.

210 A/RES/70/1 (2015), para. 74(g).

211 OHCHR, 'Human Rights Indicators: A Guide to Measurement and Implementation', 2012, and OHCHR, 'A Human Rights Approach to Data; Leaving No One Behind in the 2030 Agenda for Sustainable Development', Guidance Note, 2018. See also United Nations General Assembly, Fundamental Principles of Official Statistics, A/RES/68/261, 29 January 2014.

212 See: <<https://unstats.un.org/sdgs/iaeg-sdgs/>>.

213 See also United Nations General Assembly, A/RES/70/163, December 2015.

NHRIs are slowly but surely beginning to acknowledge the importance of the SDGs in their work. In 2015, the Mérida Declaration on the Role of National Human Rights Institutions in Implementing the 2030 Agenda for Sustainable Development was adopted at the 12th international NHRI Conference.²¹⁴ It declares both that the international human rights system is an important framework for achieving the SDGs, and that the achievement of the SDGs contributes to the realisation of human rights.

The principle of equality and non-discrimination is at the centre of the SDGs. It is also at the heart of the NHRIs' activities, in the Netherlands and elsewhere. NHRIs can work with national and local authorities to ensure that the SDGs are implemented as transparently and inclusively as possible and that states do not lose sight of the human rights obligations to which they have committed themselves.

NHRIs can assist in formulating and monitoring national indicators and collecting data. To do so they can use existing international and regional reports and human rights monitoring methods.²¹⁵ NHRIs can also help inform the High-level Political Forum. It is particularly important that national human rights institutions in developed countries closely monitor the national implementation of the 2030 Agenda because these countries may be inclined to look upon the SDGs mainly as an aspect of international development and foreign policy.

The Netherlands established an independent national human rights institution in 2012. The Netherlands Institute for Human Rights has a statutory mandate to protect, advance, monitor and shed light on human rights in the Netherlands, paying special attention to equal treatment. Combating discrimination is also a priority of the Public Prosecution Service. The other countries of the Kingdom do not yet have an independent human rights institution.

The Netherlands Institute for Human Rights was not involved in the preparation of the Voluntary National Review of the Kingdom of the Netherlands (2017) or the first two SDG reports submitted to the House of Representatives (2017, 2018). For the third report, issued in mid-May 2019, it provided a contribution on SDG1 (End poverty in all its forms) and SDG5 (Gender equality and empowerment of women and girls).

214 The Mérida Declaration, 'The Role of National Human Rights Institutions in Implementing the 2030 Agenda for Sustainable Development', Report DHRI. See: <<https://nhri.ohchr.org/EN/ICC/InternationalConference/12IC/Background%20Information/Merida%20Declaration%20FINAL.pdf>>.

215 See Danish Institute for Human Rights, 'Human Rights in Follow-up and Review of the 2030 Agenda for Sustainable Development', May 2015.

V Summary and recommendations

Seventy years ago – on 10 December 1948 – the member states of the United Nations adopted the Universal Declaration of Human Rights. It was the first document in which the international community recognised and affirmed the ‘inherent dignity and [...] the equal and inalienable rights of all members of the human family’. The Universal Declaration is not a binding treaty, but it is universally accepted as a moral and legal standard for human rights.

The foundations of the Universal Declaration had been laid seven years before by President Franklin D. Roosevelt. His ‘Four Freedoms’ speech outlined his vision of a world in which everyone could rely on freedom of speech, freedom of religion, freedom from want and the freedom from fear. Roosevelt was keenly aware that these four freedoms were inseparable. Without basic needs such as food and security, freedom of speech is of limited value. Freedom of expression is in turn necessary in order to demand social and economic justice. This understanding found expression after the end of the Second World War in the Universal Declaration, which laid down both civil and political rights (art. 1-21) and social, economic and cultural rights (art. 22-27).

The Universal Declaration of Human Rights is the source of a network of legally binding human rights treaties to which all countries in the world have committed themselves in one way or another. Together they form the multilateral human rights system, whose significance should not be underestimated. Human rights treaties and the national laws based on them have made the rights and freedoms of hundreds of millions of people all over the world visible and tangible, helping them to speak out for better living conditions, and to be and develop themselves. This global achievement must be cherished and defended, if necessary in the face of opposition.

At the same time, unremitting poverty, hunger, economic inequality, environmental degradation, war and violence compellingly expose the fallacy that human dignity can be achieved simply by signing legally enforceable national and international agreements. True universality of human rights also requires sustained and popular support for development processes, both at home and abroad. Development is a precondition for the achievement of human rights, and human rights are necessary for development.

Human rights and development cooperation have long been seen – wrongly – as separate policy fields. Moreover, Western governments and human rights organisations in particular have traditionally prioritised the promotion of civil and political rights. Social, economic and cultural rights are also part of the treaty-based human rights system, but they have not always received the attention they deserve. Human rights, including environmental rights, are inherently inseparable. Interaction between development and human rights organisations did not commence until the 1980s, and it remains an ongoing challenge. Major multilateral actors such as the World Bank still seem reticent about making human rights a central focus of their programmes.

The Netherlands’ foreign policy is not yet truly integrated either. Its human rights policy focuses on traditional civil rights, while its development policy prioritises the creation of social, economic and environmental conditions conducive to development. In the AIV’s opinion, this compartmentalised approach is understandable from a historical perspective but it weakens the impact of policy and is counterproductive. The AIV

welcomes the initiatives the Minister of Foreign Affairs and the Minister for Foreign Trade and Development Cooperation have taken to foster harmonisation, but the relationship between the two policy fields, as set out in the Human Rights Report 2017 and the policy document Investing in Global Prospects: For the World, For the Netherlands, rests, on balance, on weak foundations.

The AIV believes the 2030 Agenda for Sustainable Development provides a practicable worldwide framework for a coherent (integrated) approach to sustainable development and human rights. The Sustainable Development Goals (SDGs) are concrete social, economic and environmental goals, and achieving them can also deliver many human rights goals in these fields. The 2030 Agenda also recognises that the Universal Declaration of Human Rights and international human rights treaties are the framework in which the SDGs must be achieved. The SDGs therefore recapitulate and reaffirm the reciprocal relationship between human rights and sustainable development, as originally articulated by President Roosevelt. The 2030 Agenda and the SDGs therefore provide a unique opportunity to realise this close association, both in theory and in policy and practice. The Netherlands must not miss this opportunity. Overcoming the major social, economic and climate-related challenges facing the world requires urgent action at a time when international solidarity is coming under heavy pressure.

The acceptance of the SDGs, including by the Kingdom of the Netherlands, makes it easier to implement the traditional foreign policy priority of promoting human rights. The AIV believes the SDGs and human rights can strengthen each other in a variety of areas.

Opening for dialogue

The SDGs provide an opportunity for the Netherlands to engage with countries that are reticent about, or even dismissive of, the traditional human rights dialogue, which tends to be narrowly legalistic and sometimes cursory and ritualised. The goal of human dignity is a good starting point, as it is a universally recognised and widely held ambition. Both sustainable development and human rights are aimed at achieving human dignity. The SDGs, moreover, stress the overarching principle of 'leaving no one behind'. They also require a discussion of issues that are directly related to social, economic and environmental rights, such as good healthcare, education, clean drinking water, food security, gender equality, good working conditions and housing. Human rights in many of these areas are already laid down in international treaties. Talks can be held on how they can be achieved in tandem with the SDGs.

Support

The leaders of the UN member states adopted the 2030 Agenda unanimously. The SDGs' legitimacy is also founded on the willingness of many countries to report voluntarily to the High-level Political Forum that oversees the SDGs' progress. Support for the multilateral human rights system can be strengthened, with the help of the SDGs, by giving human rights greater prominence. With hundreds of millions of people facing inequality, suffering extreme poverty and living in fear, it is no surprise that they rarely make a priority of pressing for their other human rights. By means of an integrated rights approach to the social, economic and environmental dimensions of sustainable development, it can be made clear that human rights make a tangible contribution to improving the daily living conditions of citizens. This can create and foster public support for human rights.

Oversight and monitoring

Both the SDG process and the human rights tools are aimed at measuring and assessing the action taken and results achieved, as well as collecting information and data. Currently, however, these processes often occur separately from each other. Knowledge and insight would probably be enhanced if more information were shared and used jointly. Integration of SDG and human rights data would also lighten the burden of the many international reporting requirements imposed by the 2030 Agenda and human rights treaties. The requirements are particularly onerous for countries with less well developed civil services. The data and reporting requirements, however, create a source of basic information that governments need to pursue meaningful and effective policy. The integration of SDG and human rights data and reports would therefore have a welcome multiplier effect and could significantly improve national problem analysis, planning and policy.

In view of the above, the AIV has drawn up the following policy recommendations. For each one, a number of suggestions are included on how foreign policy could be made operational.

1. INTEGRATE DEVELOPMENT, HUMAN RIGHTS AND ENVIRONMENTAL POLICY.

Dutch foreign policy should consistently promote and invoke sustainable development as a necessary condition for human rights, and human rights as a condition for development. Achieving the SDGs requires a comprehensive, rights-based approach to the social, economic and environmental dimensions of development processes. The close substantive relationship and interaction between these dimensions cannot be ignored.

The AIV believes that the Netherlands' development, human rights and environmental policies can be strengthened by increasing their coherence. The 2030 Agenda and the SDGs provide a good framework for deepening this integration. Policy on foreign trade and development cooperation is already explicitly situated in the 2030 Agenda framework, but the human rights dimension of the policy should be better elaborated. Conversely, the annual Human Rights Report could explain how various priority issues contribute to the SDGs. A human rights-based approach to sustainable development must be established and made binding at intraministerial and interministerial level. Ideally, there should be just one overarching policy framework.

The indivisibility of human rights requires *foreign* policy to focus more consistently on both political and civil rights on the one hand and social, economic, cultural and environmental rights – both individual and collective – on the other. An important step to strengthen coherence with *domestic* human rights policy would be ratification of the optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Priority 4 of the Netherlands' human rights policy – support for human rights defenders – must provide sufficient scope to support advocates of social, economic, cultural and environmental rights.

In its capacity as a donor, the Netherlands can urge multilateral development organisations such as the World Bank to put human rights at the heart of their development programmes.

The AIV recommends that both the Minister for Foreign Trade and Development Cooperation and the Minister of Foreign Affairs take part in parliamentary debates on human rights policy.

2. USE AGENDA 2030 TO STRENGTHEN THE MULTILATERAL HUMAN RIGHTS SYSTEM.

There is a risk that some countries will use the SDGs, with their emphasis on collective social, economic and environmental rights, to undermine the legal obligations laid down in international human rights treaties. This requires vigilance from the Netherlands during international consultations. In bilateral and multilateral talks it must consistently emphasise that, when it comes to achieving the SDGs, human rights – with their established international minimum standards – are the cornerstones of countries' explicit and enforceable obligations.

In the UN Human Rights Council, international financial institutions, the European Union, the Council of Europe and elsewhere, the Netherlands must consistently draw attention to the indivisible relationship between respect for human rights and the achievement of the 2030 Agenda's Sustainable Development Goals.

As the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities show, binding treaties can be effective instruments to establish and implement specific human rights. Other instruments include UN declarations (e.g. on human rights defenders), resolutions (e.g. the 2030 Agenda), Global Compacts (e.g. on business and on migration) and the UN Guiding Principles on Business and Human Rights. The AIV recommends that the Netherlands determine whether one or more specific socioeconomic rights, such as the right to clean drinking water and the right to a healthy environment, can be further elaborated with the aid of these human rights instruments.

3. IMPROVE SUPERVISION OF AND ACCOUNTABILITY FOR THE IMPLEMENTATION OF THE 2030 AGENDA AND ESTABLISH A LINK WITH INTERNATIONALLY RECOGNISED HUMAN RIGHTS INSTRUMENTS.

To make a success of the 2030 Agenda, a transparent and straightforward system of verifiable supervision and accountability is needed. There is still a great deal to be achieved in this area, and the Netherlands could play a leading role. The Netherlands should ask the UN Secretary-General to make proposals to streamline and lighten the burden of reporting to the High-level Political Forum and the UN Human Rights Council. The Netherlands can highlight the intertwined nature of human rights and the SDGs by consistently referring to the 2030 Agenda in its own recommendations for the Universal Periodic Review.

The Netherlands can ask the UN Human Rights Council's Advisory Committee to identify ways to enhance the SDGs' international policy coherence. It should also urge signatories of human rights treaties to address the SDGs in the national reports that they are required to issue.

The Netherlands could also mobilise financial and human resources to help less developed countries build capacity to collect and interpret data and prepare SDG and human rights reports. Moreover, the Netherlands could also help national human rights bodies and civil society organisations improve national reporting obligations.

Within the Inter-agency and Expert Group on SDG Indicators (IAEG-SDGs), the Netherlands could make proposals for the further refinement and operationalisation of the SDG indicators. To that end, it could use human rights indicators developed to measure, for instance, inclusion, gender and other forms of equality, and non-discrimination, drawing on the expertise of the Office of the UN High Commissioner for Human Rights and the EU Agency for Fundamental Rights.

The AIV welcomes the involvement of the Netherlands Institute for Human Rights in the preparation of the third SDG report to be submitted to the House of Representatives. The Institute should be permanently involved in both the SDG report and the Voluntary National Reviews that the Kingdom of the Netherlands submits to the High-level Political Forum.

4. MAKE TACKLING INEQUALITY WITHIN AND BETWEEN COUNTRIES A STANDARD TOPIC IN INTERNATIONAL CONSULTATIONS.

The AIV recommends that the Netherlands draw attention to inequality in various international forums. At the High-level Political Forum at the level of heads of state and government in September 2019, the Netherlands could organise a prominent side event on income and capital inequality and its relationship with the SDGs, working in a broad-based partnership with one or more like-minded countries (North and South), multilateral organisations (World Bank, ILO), non-governmental organisations (Oxfam, Transparency International) and multinational businesses and banks. The Netherlands could subsequently organise similar side events during, for instance, the UN General Assembly and the annual World Economic Forum in Davos.

5. PROMOTE THE REFORM OF GLOBAL GOVERNANCE.

In the AIV's opinion, the Netherlands, with its exceptionally open economy and strong international orientation, should actively promote international policy coherence and global governance. The global partnership necessary to achieve the SDGs can only work on the basis of equality. The Netherlands must work internationally to give emerging and developing countries a stronger voice in multilateral organisations and partnerships.²¹⁶ This applies particularly to their say in the composition of the executive boards of the main international financial institutions. Global governance also includes the network of SDG partners.

6. MAINTAIN THE NETHERLANDS' LEADING ROLE ON BUSINESS AND HUMAN RIGHTS.

The Netherlands should pursue a stronger relationship between business, human rights and the SDG agenda. Eliminating 'business and human rights' as a human rights policy priority must not be allowed to diminish the Netherlands' international prominence in this area. Cooperation with the business community on achieving the SDGs should be strengthened in both human rights policy and foreign trade and development policy.

If the private sector is to play a major part in achieving human rights and the SDGs (for example those in the area of climate change and the environment), government must actively oversee how business fulfils that role. The AIV recommends that the government prepare a second national action plan on business and human rights in order to clarify the relationship between human rights, business and the SDGs, further flesh out states' duty to protect against human rights abuses by third parties, and identify instruments that encourage businesses to help achieve the SDGs while respecting human rights.

In addition to encouraging businesses to self-regulate (through international responsible business conduct agreements), the Netherlands should retain the option of binding

²¹⁶ The AIV previously supported developing countries' ambitions to have a stronger international voice and more opportunity to create independent national policy in its advisory report no. 89, 'Improving Global Financial Cohesion: The Importance of a Coherent International Economic and Financial Architecture', no. 89, August 2014.

regulations as a policy tool to deal with companies that lag behind on human rights. It should make an active, constructively critical contribution to the exploratory talks on a business and human rights treaty currently being held in the UN Human Rights Council. After all, international agreements help create a level playing field for national and multinational businesses alike.

7. MAKE COMBATING ‘SHRINKING CIVIC SPACE’ AN INTEGRAL PART OF HUMAN RIGHTS AND DEVELOPMENT POLICY.

Civil society organisations play an indispensable role in the SDG partnership. That is why the Netherlands’ human rights and development policy should include targeted activities to prevent deliberate government action, either political or financial, to shrink civic space. The Netherlands should *publicly* highlight the importance of independent civil society organisations and human rights defenders more often. The European Commission should be urged to do the same.

Measures should therefore be taken to strengthen the embassies’ knowledge and capacity regarding human rights and attacks on civil society. Dutch embassies in countries where human rights organisations are under fire should implement the EU directives on human rights defenders, which are based on the UN Declaration on Human Rights Defenders (1998).

The Ministry of Foreign Affairs’ support for civil society organisations should be strategic and flexible, preferably using long-term core financing (rather than short-term project financing). The Netherlands should not support civil society organisations established by repressive governments.

8. ACTIVELY INVOLVE YOUNG PEOPLE IN IMPLEMENTING THE 2030 AGENDA.

The Netherlands should press for a special representative in the UN system to focus attention on the interests of future generations. Acting on a proposal by the UN Secretary-General (see chapter I), the Netherlands could encourage the High-level Political Forum for the 2030 Agenda to make the rights of future generations a standard item on its agenda.

The annual SDG report submitted to the House of Representatives includes a section on young people written by the National Youth Council. This is undoubtedly a positive move by the Ministry of Foreign Affairs. However, the AIV believes the Dutch government should make far more use of young people’s ability to promote action on the SDGs. It should be standard practice for youth organisations to be involved in Dutch policymaking on the 2030 Agenda and have a say in related policy fields, such as education, climate change and sustainable development, health and equality. By guaranteeing young people a seat at the table, including at line ministries and in local government, government would increase knowledge and awareness of human rights and sustainable development among new generations.

9. STRENGTHEN THE COORDINATION AND COHERENCE OF NATIONAL AND INTERNATIONAL ACTION ON THE SDGS.

Responsibility for coordinating internal and external SDG policy rests with the Minister for Foreign Trade and Development Cooperation. This can create the impression that the Netherlands’ primary focus in implementing the 2030 Agenda lies abroad. But the 2030 Agenda must be implemented in every country, including the Netherlands. The

Netherlands' international efforts on the SDGs will be convincing only if it puts its own house in order. This is a responsibility of the government as a *whole*.

The annual SDG progress report submitted to the House of Representatives should include a standard section on SDG efforts, including human rights, in the Caribbean Netherlands (Bonaire, St Eustatius and Saba). Although the islands of the Caribbean Netherlands are an integral part of the Netherlands, their specific development and human rights challenges do not receive the attention they deserve from the European Netherlands. The annual SDG report should also consider the coordination of SDG policy between the four countries that make up the Kingdom of the Netherlands (the Netherlands, Aruba, Curaçao and St Maarten).

Given the overwhelming importance of the 2030 Agenda to society as a whole, the AIV calls on the prime minister to accentuate the Netherlands' European and international profile on the SDGs and human rights in the run up to the High-level Political Forum at the level of heads of state and government in September 2019, for example by hosting the side events referred to in recommendation 4.

Annexes

Request for advice

Professor Jaap de Hoop Scheffer
Chairman of the Advisory Council
on International Affairs
P.O.Box 20061
2500 EB The Hague

Date 12 April 2018

Re Request for advice on human rights and the SDGs

Dear Professor De Hoop Scheffer,

After the Second World War, a wide range of international human rights instruments were developed. They were based on the Universal Declaration of Human Rights adopted by the United Nations (UN) in 1948, in which the universality of human rights was confirmed at international level for the first time. This heralded a period spanning several decades in which the protection of human rights steadily improved, in part through the adoption of a number of legally binding human rights agreements. Nevertheless, human rights cannot be upheld by law alone. They must be embedded in the fabric of society.

The adoption of the Sustainable Development Goals (SDGs) by UN member states in 2015 generated worldwide momentum for sustainable development and more extensive global cooperation. Specific targets have been set to end poverty and inequality and halt climate change by 2030. The SDGs highlight the importance of rights, respect and dignity under the overarching principle that no one may be left behind. Their strong focus on human rights provides helpful support for a political and rights-based approach to development, with human interests at its core.

Respect for human rights and freedoms, as laid down in international agreements, is a key precondition for sustainable development and conflict prevention. The SDG agenda cannot be implemented successfully if human rights are not observed, and vice versa. Experts regard the SDGs and human rights instruments as frameworks for an enduring commitment to preventing violent conflict. The two agendas can be mutually reinforcing in many ways.

However, there has so far been no systematic research into specific potential for promoting human rights by striving to achieve the SDGs – and vice versa. In light of the above, the government would request that the Advisory Council on International Affairs (AIV) issue an advisory report, by the end of 2018 at the latest, addressing the following questions:

Main question: How can the Dutch commitment to the SDGs and Dutch foreign policy on human rights, as set out in the policy letter 'Justice and Respect for All', reinforce each other?

Subsidiary questions:

1. What overlap is there between the two agendas and how do they complement each other?
2. What specific opportunities exist that would allow the SDGs to contribute more to promoting human rights at international level?
3. How can Dutch foreign policy on human rights make an optimum contribution to achieving the SDGs that relate to Dutch policy priorities?

We look forward to receiving an operational advisory report containing specific guidance on Dutch foreign policy, with a particular focus on human rights and the SDGs.

Yours sincerely,

Stef Blok
Minister of Foreign Affairs

Sigrid A.M. Kaag
Minister for Foreign Trade and Development Cooperation

Major human rights treaties

CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women (1979)
CERD	Convention on the Elimination of all forms of Racial Discrimination (2006)
CMW	Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990)
CRC	Convention on the Rights of the Child (1989)
CRC-OP1	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)
CRPD	Convention on the Rights of Persons with Disabilities (2006)
DRTD	Declaration on the Right to Development (1986)
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
ICCPR	International Covenant on Civil and Political Rights (1966)
ICESCR	International Covenant on Economic, Social and Cultural Rights (1966)
ICPED	International Convention for the Protection of All Persons from Enforced Disappearance (2006)
UDHR	Universal Declaration of Human Rights (1948)

List of persons consulted

J.W. van der Braak	Worldconnectors / SBI Foundation
J. van Gennip	Socires
J. Hamilton	Dutch Federation for the Integration of Homosexuality COC
N. ten Have	Ministry of the Interior and Kingdom Relations
J.A. de Koning	Unilever / UN Global Compact Network Nederland
S. Laban	Hivos
H. Mulder	True Price Foundation / SDG Charter
Professor N.J. Schrijver	Leiden University
N. Sprokel	Amnesty International
M. Visser	Free Press Unlimited
M. Visser	Confederation of Netherlands Industry and Employers/ Royal Association MKB-Nederland
A. van Wezel	Trade Union Confederation FNV

List of abbreviations

AIV	Advisory Council on International Affairs
BHOS	foreign trade and development cooperation
BZ	Foreign Affairs
CBS	Statistics Netherlands
CESCR	UN Committee on Economic, Social and Cultural Rights
CFSP	Common Foreign and Security Policy
CMR	Human Rights Committee
COS	Development Cooperation Committee
ECOSOC	UN Economic and Social Council
ECtHR	European Court of Human Rights
ECSR	European Committee of Social Rights
ESDN	European Sustainable Development Network
EU	European Union
EUROSTAT	statistical office of the European Union
FAO	Food and Agriculture Organization
FUR	Follow-up and Review
HLPF	High-level Political Forum
HRC	Human Rights Council
IAEG-SDGs	Inter-Agency and Expert Group on Sustainable Development Goals Indicators
ICSR	international corporate social responsibility
ILO	International Labour Organization
IMF	International Monetary Fund
IOB	Policy and Operations Evaluation Department
IPCC	Intergovernmental Panel on Climate Change
LGBTI	Lesbian, gay, bisexual, transgender and intersex
MDGs	Millennium Development Goals
MPI	Multidimensional Poverty Index
NGO	non-governmental organisation
NHRI	National human rights institution
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
PPP	People, Planet, Profit
SCP	Netherlands Institute for Social Research

SDGs	Sustainable Development Goals
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	UN General Assembly
UNGP	United Nations Guiding Principles on Business and Human Rights
UPR	Universal Periodic Review
WHO	World Health Organization
WRR	Scientific Council for Government Policy

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* Issued jointly by the Advisory Council on International Affairs (AIV) and the Advisory Committee on Issues of Public International Law (CAVV).

** Joint report by the Advisory Council on International Affairs (AIV) and the General Energy Council.

*** Joint report by the Advisory Council on International Affairs (AIV) and the Advisory Committee on Migration Affairs (ACVZ).