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Essential Frameworks for an Integrated Approach

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# Human Rights Based Sustainable Development: Essential Frameworks for an Integrated Approach

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*Abstract: What are the needs and implications for centering human rights on sustainable development? This article addresses the theoretical and practical implications that human rights have when placed at the core of a sustainable development model. Through an examination of limits of legal definitions of human rights and of sustainable economic development, the article advances multidisciplinary perspectives for a rights-based model relevant to international sustainable development programs. The human rights and institutional responsibilities for sustainable development are reviewed in relation to their ethical, legal, economic and social consequences.*

*Keywords: Rights-based development, sustainable development, environmental rights, human rights*

## Introduction and Summary

Since the 1987 Report of the World Commission on Environment and Development (WCED), Our Common Future (the Brundtland Report), sustainability has been recognized as integral to economic development, social responsibility, natural capital, and, indirectly, to human rights.<sup>1</sup> The close connection between sustainable development and human rights emerged more clearly in the 1992 UN Conference on Environment and Development (UNCED) held in Rio (the Earth Summit) and the consequent Agenda 21, the action plan for implementing sustainable development.<sup>2</sup> From the right to participate, which emerged strongly during the Earth Summit, to the articulation of environmental rights and intellectual property rights, the connections between responsibilities and rights are becoming more prominent in the concepts and practices of sustainable development.<sup>3</sup>

Unlike social responsibility and sustainability, where the connection with human rights has been illustrated in numerous studies,<sup>4</sup> the relationship between human rights and sustainable development has received very little regard in academic studies. It is clear that the concept of sustainable development involves the rights of future generations. They also include environmental rights, indigenous rights, and collective rights to development. Yet, most studies and practices, for the most part, keep these concepts separate. As civil societies intensify their

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<sup>1</sup> World Commission on Environment and Development. (1987). *Our common future*. Oxford: Oxford University Press.

<sup>2</sup> United Nations Conference on Environment and Development. (1993). *Agenda 21 : programme of action for sustainable development ; Rio Declaration on Environment and Development ; Statement of Forest Principles: The final text of agreements negotiated by governments at the United Nations Conference on Environment and Development (UNCED)*, 3-14 June 1992, Rio de Janeiro, Brazil. New York, NY: United Nations Dept. of Public Information.

<sup>3</sup> Sachs, A., & Worldwatch Institute. (1995). *Eco-justice: Linking human rights and the environment*. Washington, DC: Worldwatch Institute. Mukherjee, T. K., Singh, R. K., & Srivastava, R. C. (September 01, 2009). Traditional knowledge systems, intellectual property rights and their relevance for sustainable development. *Current Science*, 97, 5, 616-617. Zillman, D. N., Lucas, A. R., Pring, G. W., International Bar Association., International Institute for Environment and Development., & Mining, Minerals, and Sustainable Development Project. (2002). *Human rights in natural resource development: Public participation in the sustainable development of mining and energy resources*. Oxford: Oxford University Press.

<sup>4</sup> Those linkages are clearly expanded in notions of stakeholders, triple bottom line and human dignity among others. See Epstein, M. J. (2008). *Making sustainability work: Best practices in managing and measuring corporate social, environmental and economic impacts*. Sheffield, UK: Greenleaf Pub.; Henriques, A., & Richardson, J. (2004). *The triple bottom line, does it all add up?: Assessing the sustainability of business and CSR*. London: Earthscan.; Davila, G. A. M., & Crowther, D. (2011). *Human dignity and managerial responsibility: Diversity, rights, and sustainability*. Farnham: Gower.

demands for the quality of our social and natural environments, governments and international organizations need to use a more integrated approach. Finding a united framework may, in practice, translate into significant revisions of the ways we have been conceiving both “human rights” and “sustainable development”. Such an integrated framework presents a holistic approach that goes beyond narrow views of development separating access to economic capitals from the social, cultural, environmental and political factors necessary to achieve sustainable development.<sup>5</sup>

This study provides a conceptual framework to integrate human rights in sustainable development initiatives. Building on the rights-based approach to development, which is currently promoted by many International Development Agencies and non-governmental organizations (NGOs), the integrated model presented here introduces an integrated framework where both the rights of human development and the institutional responsibilities toward the protection, preservation and sustainability of natural resources are equally represented. The model is based on the authors’ 40 years of sustainable development practices and on the review of innovative and empirical studies in these fields. The purpose of this study is to recognize the human rights based approach to sustainable development as an ongoing process centered upon empowerment and accountability. The point of departure of this study centers on the notion of human right empowerment (rights holders) and institutional accountability (rights bearer) will enable us to distill the fundamental dimensions of this unified framework. The paradigm we propose is called “Human Rights based approach to Sustainable Development (HR<sub>2</sub>SD)”. Through the HR<sub>2</sub>SD lens policy makers will be able to study, analyze and select the most important policy strategies. The paper draws lessons for academic research, policy makers and NGO practices. Specifically, it serves intergovernmental organizations (IGOs) engaged in international development, capacity building and accountability systems for human rights and sustainable development.

Before we explain the HR<sub>2</sub>SD we need to highlight the needs for an integrated model. In spite of narrow legalistic trends in human rights or green business interpretations of sustainable development we reaffirm the need for new integrated paradigms. First, we need to address the traditional view of human rights as merely “legal obligations”. Building on other integrated and comprehensive studies of human rights looking at indigenous, cultural and social rights we suggest a notion of human rights as economic instruments and incentives.<sup>6</sup> Second, we must see sustainability as a state of human reality and as an experience that has fundamental characteristics influencing all we do in our societies. Hence, we propose a notion of sustainable development that it is not only about economic, social or environmental sustainability but also about institutional capacity and the realization of our interdependence and interconnectedness, as expressed by numerous indigenous populations and worldviews.<sup>7</sup> The realization of our interpersonal and systemic ‘rights and responsibilities’ will ultimately provide the necessary foundation to develop and monitor sustainable societies worldwide.

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<sup>5</sup> See the arguments for integrated approaches to development provided in Weaver, J. H., Rock, M. T., & Kusterer, K. C. (1997). *Achieving broad-based sustainable development: Governance, environment, and growth with equity*. West Hartford, Conn: Kumarian Press.

<sup>6</sup> For an overview of the debate and integration of a legalistic notion of human rights into a more cultural, gender and economic rights approach see: Bauer, J. R., & Bell, D. (1999). *The East Asian challenge for human rights*. Cambridge, UK: Cambridge University Press. Kerr, J. (1993). *Ours by right: Women's rights as human rights*. London: Zed Books. Bell, L. S., Nathan, A. J., & Peleg, I. (2001). *Negotiating culture and human rights*. New York: Columbia University Press.

<sup>7</sup> For an overview of the connection between indigenous spiritualities and cultures with our modern ways of defining sustainability see: Circumpolar Universities Cooperation Conference, Jentoft, S., Minde, H., & Nilsen, R. (2003). *Indigenous peoples: Resource management and global rights*. Delft: Eburon. See also: Jelinčič, K. (January 01, 2003). Sustainability and indigenous people: the Inuit case. *Anthropological Notebooks*, 1, 103-122.

### *The Need for New Paradigm: Rights and Responsibilities*

Several studies on topic of international development call for an urgent need for a new, integrated paradigm.<sup>8</sup> The notions of universal human rights and the concept of sustainability are integrated paradigms aiming to address today's multi-faceted and complex global issues. However, the relationship between rights and responsibilities becomes more complicated and difficult to understand when we recognize rights of nature (environmental rights) and the rights of future generations (intergenerational responsibilities). The 1997 UNESCO Declaration on the Responsibilities of the Present Generation Towards the Future Generation integrates rights with responsibilities in the context of sustainable development and 'intergenerational solidarity.' Article 1 of the declaration states that "the present generations have the responsibility of ensuring that the needs and interests of present and future generations are fully safeguarded."<sup>9</sup> The rights and responsibilities toward future generations are at the core of the very notion of sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."<sup>10</sup>

Indeed the notion of rights of present and future generations must be integrated with institutional and stakeholder's responsibilities toward humankind and its environment. This has been recognized in various international instruments, including the Convention for the Protection of the World Cultural and Natural Heritage (UNESCO 1972), the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity (Rio de Janeiro, 1992), the Rio Declaration on Environment and Development (UN Conference on Environment and Development, 1992), the Vienna Declaration and Programme of Action (World Conference on Human Rights, 1993) and a number of UN General Assembly resolutions relating to the protection of the global climate for present and future generations adopted since 1990.

In an era of economic globalization and greater connectivity, human rights have come to be a major concern in international relations, trade agreements, international laws and grassroots activism.<sup>11</sup> Today, we witness a major debate on different notions of the rights of nature, environmental ethics and environmental rights.<sup>12</sup> These rights are critical to attain certain aims in the quantity and quality of human welfare and standards of life as in the case of diminish the quantity of carbon dioxide (CO<sub>2</sub>) released into the atmosphere). They are also central for discerning *jurisprudence* of environmental rights (whether they are rights or not), its *justiciability* (the limits of legal issues over which a court can exercise authority) and its *rule of law* (how one is to be sanctioned if those rights are violated). Even more than determining the responsibilities of corporations on human rights violations, determining responsibilities on environmental 'common' properties is even more multifaceted and intricate. The sometime murky jurisprudence on environmental law in addition to ineffective international human rights legal mechanisms may question the idea that 'environmental human rights' may be plausible or defensible.<sup>13</sup>

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<sup>8</sup> See Griesgraber, J. M., Gunter, B. G., & Center of Concern (Washington, D.C.). (1996). *Development: New paradigms and principles for the twenty-first century*. London: Pluto Press. See also Edwards, A. R. (2005). *The sustainability revolution: Portrait of a paradigm shift*. Gabriola, BC: New Society Publishers. And also: Baker, S. (2006). *Sustainable development*. London: Routledge.

<sup>9</sup> UNESCO Declaration on the Responsibilities of the Present Generations Towards Future Generations Adopted on the report of Commission V at the 27th plenary meeting, on 12 November 1997. Retrieved from <http://unesdoc.unesco.org/images/0011/0011102/110220e.pdf#page=75>

<sup>10</sup> World Commission on Environment and Development. (1987). *Our common future*. Oxford: Oxford University Press.

<sup>11</sup> Blau, J. R., & Moncada, A. (2009). *Human rights: A primer*. Boulder: Paradigm Publishers. See also Nault, D. M., & England, S. L. (2011). *Globalization and human rights in the developing world*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan.

<sup>12</sup> Boyd, D. R. (2012). *Environmental Rights Revolution, The: A Global Study of Constitutions, Human Rights, and the Environment*. UBC Press; Bullard, R. D. (Ed.). (2005). *The Quest for Environmental Justice: Human Rights and the Politics of Pollution (1st ed.)*. Sierra Club Books; Nash, R. F. (1989). *The Rights of Nature: A History of Environmental Ethics*. University of Wisconsin Press.

<sup>13</sup> Woods, K. (2010). *Human rights and environmental sustainability*. Cheltenham, UK: Edward Elgar Pub.

In 1968, ecologist Garrett Hardin explored this debate over the rights and responsibility of natural ‘common’ properties in his groundbreaking article *The Tragedy of the Commons*.<sup>14</sup> Who holds the rights to exploit resources with unknown resources (*res nullius*) or common property (*res communis*)? Who holds the responsibility for protecting and regulating ‘common’ ownerships (as in numerous indigenous societies) of natural resources? What are the institutional responsibilities and policy solutions to properly manage the commons? Hardin recommended that the tragedy of the commons could be prevented either with government regulations (state solutions) or privatization (market solutions).<sup>15</sup> However, Nobel Prize winning economist, Elinor Ostrom suggests that giving control of local areas to national and international regulators risks creating further problems. She argued that common pool problems could be solved by voluntary organizations rather than by a coercive state.<sup>16</sup>

Market-based solutions to environmental problems do not go far enough. The market is blind when it comes to recognizing and acting upon the fundamental attributes embodied in the proper management of the environment because the allocation mechanisms are weak to reflect the “spatial” and “inter-temporal” nature of natural resources use and management. Cap-and-trade and other carbon trading mechanisms have actually failed to address pollution and climate change.<sup>17</sup> Given the significant environmental challenges we face, and the dominance of human rights as a normative framework, there is a need to forge a new foundation for sustainable development on human rights. We suggest that in order to have human rights fully considered in sustainable development solutions we need to recognize ‘human rights’ and other assets such as ‘natural environment’ as a form of capital. Numerous studies have argued that property rights could be instrumental for understanding the causes and possible solutions to environmental and resource degradation.<sup>18</sup> Peruvian economist Hernando de Soto Polar has largely contributed to the field of development by recognizing the ‘capitals’ of developing economics and focusing on property rights of the poor.<sup>19</sup>

The notion of human rights as a form of ‘capital’ could be instrumental for implementing and requiring legal mechanisms for people’s participation in development projects. The right for public participation in the decision making process, particularly for those affected by natural resource development is essential.<sup>20</sup> However, the rights to participate and the responsibilities for the protection of economic, social and cultural rights pertain to actors beyond the state. Incorporating human rights with sustainable development is a responsibility of other non-state

<sup>14</sup> Hardin, G. (January 01, 1968). The tragedy of the commons. *Science* (New York, N.Y.), 162, 3859, 1243-8.

<sup>15</sup> Bromley, D. W., & Feeny, D. (1992). *Making the commons work: Theory, practice, and policy*. San Francisco, Calif: ICS Press.

<sup>16</sup> Ostrom, E. (1990). *Governing the commons: The evolution of institutions for collective action*. Cambridge: Cambridge University Press. Moran, E. F., & Ostrom, E. (2005). *Seeing the forest and the trees: Human-environment interactions in forest ecosystems*. Cambridge, Mass: MIT Press.

<sup>17</sup> See the reviews and cases advanced by Nadeau, R. (2003). *The wealth of nature: How mainstream economics has failed the environment*. New York: Columbia University Press. See also the failures of the UN Climate Change Conference, COP16, held in Cancun, Mexico in the year 2010 as discussed in Campbell, D., Klaes, M., & Bignell, C. (January 01, 2010). After Cancun: The Impossibility of Carbon Trading. *University of Queensland Law Journal*, The, 29, 2.)

<sup>18</sup> See for example Devlin, R. A., & Grafton, R. Q. (1998). *Economic rights and environmental wrongs: Property rights for the common good*. Cheltenham, UK: Edward Elgar. Echeverria, J. D., & Eby, R. B. (1995). *Let the people judge: Wise use and the private property rights movement*. Washington, D.C: Island Press. D’Auria, G., & Institute of Economic Affairs (Great Britain). (1999). *Property rights and the environment*. London: IEA Environment Unit.

<sup>19</sup> Hernando de Soto’s Institute for Liberty and Democracy (ILD) has been instrumental for institutional capacity and legal reforms for allowing people to access to property and business rights and fully participate in the national and global economy. Soto, H. (2000). *The mystery of capital: Why capitalism triumphs in the West and fails everywhere else*. New York: Basic Books. See also his arguments and solution toward human security through capital economic inclusion in Soto, H. (2002). *The other path: The economic answer to terrorism*. New York: Basic Books.

<sup>20</sup> Zillman, D. N., Lucas, A. R., Pring, G. W., International Bar Association., International Institute for Environment and Development., & Mining, Minerals, and Sustainable Development Project. (2002). *Human rights in natural resource development: Public participation in the sustainable development of mining and energy resources*. Oxford: Oxford University Press.

actors such as transnational business, international financial institutions and global civil society organizations.<sup>21</sup>

Legal processes and rule of law are essential to human rights. However, human rights need to be addressed from a multidisciplinary perspective – recognizing their inherent ethical, political, economic, social and environmental implications.<sup>22</sup> Addressing human rights within a restricted framework of legal compliance or legal enforcement would limit our theoretical comprehensions and practical applications of these rights into the real world. This is the reason why integrating human rights with sustainable development is so important. Just as the human rights paradigm cannot be understood solely in a legalistic manner; the sustainable development paradigm cannot be comprehensive or effective without the equal integration of the social, financial and environmental aspects.

### ***The Need for an Integrated Paradigm: Sustainable Development***

Because of the term's comprehensiveness, several interpretations of sustainable development often overlook essential elements. The often-cited definition of sustainable development in the 1987 publication *Our Common Future* by the World Commission on Environment and Development (WCED), or Brundtland Commission attempted to integrate poverty concerns with environmental limits. "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. ... Even the narrow notion of physical sustainability implies a concern for social equity between generations, a concern that must logically be extended to equity within each generation."<sup>23</sup> The issue of equity and poverty reduction was important in the formula for sustainable development. The United Nations Development Programme (UNDP) recognized this trend of 'losing' the poor on the way to sustainability and attempted to reintegrate the 'human and social' with the economic and environmental aspects in the various thematic Human Development Reports (HDR) since 1990.<sup>24</sup> The key issues identified in the 1998 HDR were human rights in the context of economic, social, cultural, civil and political, collective well-being. "Human development is not a concept separate from sustainable development—but it can help rescue 'sustainable development' from the misconception that it involves only the environmental dimension of development."<sup>25</sup>

Sustainability is more than 'being green'. It is primarily about the integration of economic, environmental and social values (capitals). It is about fostering economic stewardship (valuing financial continuity over profit) while pursuing an environmental/ecological stewardship (maintenance and renewal of "natural capital") and a social stewardship (equitable distribution of resources, human, and community well-being).<sup>26</sup> The notion of a triple bottom line (TBL) as people, planet and profit has attempted to integrate financial capital with social capital and natural capital.<sup>27</sup> Christopher Laszlo suggested the need for an integrated triple bottom line for

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<sup>21</sup> Salomon, M. E., Tostensen, A., Vandenhoe, W., & European Cooperation in the Field of Scientific and Technical Research (Organization). (2007).  *Casting the net wider: Human rights, development and new duty-bearers*. Antwerp: Intersentia.

<sup>22</sup> Meckled-García, S., & Cali, B. (2006). *The legalization of human rights: Multidisciplinary perspectives on human rights and human rights law*. London: Routledge.

<sup>23</sup> World Commission on Environment and Development. (1987). *Our common future*. Oxford: Oxford University Press, paragraphs 1 and 3 of chapter 2.

<sup>24</sup> See the Human Development Report website at <http://hdr.undp.org/en/>

<sup>25</sup> UNDP (1998), Human Development Report, Consumption for Human Development. Available at <http://hdr.undp.org/en/reports/global/hdr1998/chapters/>

<sup>26</sup> See Bridges, C., & Wilhelm, W. (January 01, 2008). Going Beyond Green: The Why and How of Integrating Sustainability Into the Marketing Curriculum. *Journal of Marketing Education*, 30, 1, 33-46.

<sup>27</sup> Savitz, A. W. (2006). *The Triple Bottom Line: How Today's Best-Run Companies Are Achieving Economic, Social and Environmental Success -- and How You Can Too* (1st ed.). Jossey-Bass; Elkington, J. (1998). *Cannibals with forks: The triple bottom line of 21st century business*. Gabriola Island, BC: New Society Publishers.

sustainable values and sustainable companies.<sup>28</sup> As reaffirmed in 2012 UN Conference on Sustainable Development (Rio+20), sustainability assessment using the three pillars has become the norm.<sup>29</sup> However, the triple-bottom-line approach in sustainability reporting tends to take the economy as its primary point of focus with the domain of the environmental as the key externality. 'Circles of Sustainability' is a more recent attempt at promoting more equal integration and measurement along four domains: economics, ecology, politics, and culture. Currently used in the United Nations Global Compact Cities Program, the Circle of Sustainability offers an integrated method to determine the critical issues associated with responding to complex problems.<sup>30</sup>

Even with this expanded definition, green development does not adequately integrate social and economic factors with environmental ones.<sup>31</sup> Proponents of sustainable development argue that environmental sustainability needs to be fully integrated with social and economic development.<sup>32</sup> The Venn diagram often used to explain sustainable development attempts to integrate the economic, social and environmental aspects of sustainability. However, the diagram is often misinterpreted showing the three pillars as separated. A fragmented view of economic, social and environmental sustainability is inconsistent with the 1987 Brundtland Commission Report, which emphasized the interlinkages between economic development, environmental degradation, and population pressure instead of three objectives.<sup>33</sup> The report proposed a sustainable development model centered on the idea of balancing the fulfillment of human needs with the protection of the natural environment in order to fulfill also the needs of future generations.

Since the 1990s, the 'sustainable development' has become popular among most development agencies. However, the integrated and innovative values of the model have created more of a change in terminology (or mere add-ons) rather than a fundamental change in their overall approach. In addition, the diverging interpretations of the term have enabled a wide range of actors to endorse and pursue 'sustainability' and 'development' on separate tracks. Others have argued that the adoption of sustainable development goals and programmes need to be conceptual and programmatic rather than simply terminological and corollary.<sup>34</sup> Of course, terminological innovations are necessary and welcomed. But changes in the names of programmes and policies without realignment of the social forces driving them will produce little impact. This means that truly integrated understandings of sustainable development must recognize that reversing environmental degradation requires a reduction in social inequities.

Two other elements inherent to the idea and realization of sustainable development are a concrete plan of action and the moral obligations towards people in poverty and future generations. These elements and concerns were the main purpose behind the formulation of two main documents: Agenda 21 and the Earth Charter.

Agenda 21 is a blueprint on how to make development socially, economically and environmentally sustainable. It is a plan of action following the 1992 United Nations Conference on Environment and Development (UNCED) Rio Declaration on Environment and Development.

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<sup>28</sup> Laszlo, C. (2003). *The sustainable company: How to create lasting value through social and environmental performance*. Washington, DC: Island Press; Laszlo, C. (2008). *Sustainable Value: How the World's Leading Companies Are Doing Well by Doing Good*. Stanford Business Books.

<sup>29</sup> Chasek, P., & Wagner, L. M. (Eds.). (2012). *The Roads from Rio: Lessons Learned from Twenty Years of Multilateral Environmental Negotiations*. Routledge.

<sup>30</sup> Read more at <http://citiesprogramme.com/aboutus/our-approach/circles-of-sustainability>

<sup>31</sup> Adams, W. M. (2009). *Green development: Environment and sustainability in a developing world*. London: Routledge.

<sup>32</sup> For a comprehensive and critical review of the notion of sustainable development see: Atkinson, G., Dietz, S., & Neumayer, E. (2008). *Handbook of sustainable development*. Cheltenham: Edward Elgar. See also: Roosa, S. A. (2010). *Sustainable development handbook*. Lilburn, Ga: Fairmont Press.

<sup>33</sup> World Commission on Environment and Development. (1987). *Our common future*. Oxford: Oxford University Press.

<sup>34</sup> See: Barraclough, S. L., & UN Research Institute for Social Development. (2001). *Toward integrated and sustainable development?*. Geneva: UN Research Institute for Social Development.



(UNCED, 1992). A less known document but an essential one stating practically insights for integrating environmental and economic programs at the policy, planning and management levels.<sup>35</sup> With its emphasis on interdependence between institutions for social development and environmental protection, Agenda 21 has been the blueprint for most international development agencies.<sup>36</sup>

The Earth Charter was developed several years after the Rio Earth Summit in 1992 and launched officially in 2000. It represents an attempt to integrate sustainability with morality while providing a useful articulation of the values and principles of sustainability. Formulated by the Earth Charter Commission, an independent international entity, the document has been endorsement by over 4,500 organizations, including many governments and international organizations. The legitimacy of the document is that of a soft law document that, like the Universal Declaration of Human Rights, is considered to be morally, not necessary legally, binding. State governments that agree to endorse and adopt these principles, use them as basis for the development of hard law.<sup>37</sup>

### ***Human Rights Based Approach to Sustainable Development***

We need to recuperate the people-centered approach to sustainable development. The integration of true sustainable practices in human development would benefit from re-centering our understanding and practices into human rights.

In the last two decades, the need for integrating human rights with development has become a priority. The United Nations Development Programme (UNDP) and numerous non-governmental development organizations (NGDOs) have been promoting a human rights-based approach to development (HRBA).<sup>38</sup> From the end of WWII to the fall of the Berlin wall in 1989, the human rights and human development efforts were not integrated. Today, human rights are more clearly articulated in relation to human development, sustainable development and other topics like the right to water.<sup>39</sup> In general the inclusion of human rights into development discourse has also brought along a certain language of rights beyond market-based, humanitarian, charity or 'project based' approaches to development.<sup>40</sup> In the attempt to move beyond a welfare model and reducing local communities' dependency on aid, numerous development international agencies and NGOs have embraced this blended human rights and capacity building approach. The stakeholders in this rights-based model are both the communities (rights holders) and the institutions obligated to fulfill those rights (duty bearers). The approach focuses on a comprehensive development method for strengthening institutional capacity (accountability) while increasing the human rights capacity (empowerment) of holders.

Since 1997 the human rights based approach to development cooperation has contributed to a better understanding of the importance of merging the two separate tracks of human rights and social and economic development. Although this process was meant to become a way for comprehensive reform of the UN system into a more human security centered model, the rights-

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<sup>35</sup> Robinson, N. A. (1993). Agenda 21: Earth's action plan. Oceana Publications, Inc., Chapter 8 of the Agenda.

<sup>36</sup> Read more that <http://www.un.org/esa/dsd/agenda21>

<sup>37</sup> Read more at <http://www.earthcharterinaction.org>

<sup>38</sup> For an overview of the HRBA approach see: Mohamed, A. (2012). *The Rights-Based Approach to Development in the UN Programming: Cases of the World Bank and UNDP MDGs*. LAP LAMBERT Academic Publishing; Molyneux, M., & Lazar, S. (2003). *Doing the Rights Thing: Rights-Based Development and Latin American NGOs*. Practical Action; Gready, P., & Ensor, J. (Eds.). (2006). *Reinventing Development?: Translating Rights-Based Approaches from Theory into Practice*. Zed Books.

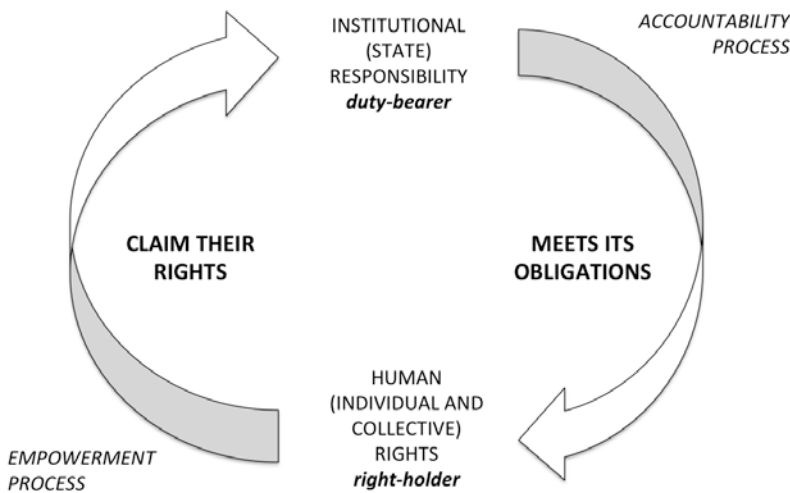
<sup>39</sup> See for example: Filmer-Wilson, E. (January 01, 2005). The Human Rights-Based Approach to Development: The Right to Water. *Netherlands Quarterly of Human Rights*, 23, 2, 213-242. See also Alston, P., Robinson, M., & New York University. (2005). *Human rights and development: Towards mutual reinforcement*. Oxford: Oxford University Press.

<sup>40</sup> Hickey, S., & Mitlin, D. (Eds.). (2009). *Rights-Based Approaches to Development: Exploring the Potential and Pitfalls*. Kumarian Press. See also: Gready, P., & Ensor, J. (Eds.). (2006). *Reinventing Development?: Translating Rights-Based Approaches from Theory into Practice*. Zed Books.

based approach has reaffirmed development as a human right. Hence, there is general consensus that “the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”<sup>41</sup>

A rights-based typical intervention focuses on increasing the capacity of the rights-holders to claim their rights as well as increasing the capacity of the duty bearers to fulfill the rights of the rights-holders. The focus on rights is ultimately a contribution to increasing the institutional and people-centered sustainability. Through this approach the human rights and institutional responsibilities are seen as part of the same equation for empowerment, accountability and, ultimately, capacity development. This is at the core of the human rights based approach to development.

### Relationships Between Human Rights and Institutional Responsibilities



The rights-based approach to development builds on people’s aspirations for a better quality of life and dignity. However, this extends beyond a traditional needs-based vision of development by expanding and reframing needs for water, health, food and land as human rights. They do not limit their action into grassroots advocacy but incorporate these rights into laws, policies and institutions that are representative and democratic. In other words, the rights-based development approach integrates a pro-poor political side of development with institutional capacity development aimed at making legal frameworks more just and supportive of the rights of the poor and excluded.

The human rights based approach to sustainable development (HR<sub>2</sub>SD) expands on the human rights-based approach to development (HRBA) by integrating and centering the notion of human rights and human development with the economic, social, environmental pillars of sustainability. Rather than adding other ‘pillars’ to the sustainable development concept, the institutional, collective and moral dimensions as soon as central capitals instrumental to the

<sup>41</sup> *The Declaration on the Right to Development*, UN GA Res. 41/128, article 1/1, 4 December 1986.

realization of sustainably developed societies. Dr. Alfredo Sfeir-Yunus, the first environmental economist hired by the World Bank, has been a pioneer in recognizing the moral, cultural and institutional responsibilities centered at the core of the sustainable development agenda.<sup>42</sup>

Beyond the current debate on green economic developments, the 'human rights' frameworks reframe the trajectory beyond volatile and often unregulated market solutions. Instead, the human rights paradigm makes a case for fully integrating social, cultural, environmental and even moral assets into the process for sustainable development. In a way, it provides the reconceptualization of the essential components for a more democratic, participatory and culturally intelligent sustainable development.<sup>43</sup>

The spiritual (moral-individual), cultural (collective-organizational) and institutional (systemic-structural) dimensions are at the center of the HR<sub>2</sub>SD model. The 'human rights' element in this model is critical to re-center development efforts on the human and social capitals. Rather than simply adding another adjective, human rights should serve as a paradigm for assessing the value and impact of sustainable development projects and initiatives. Human rights are inclusive or basic, political, social, economic and cultural rights and in relation to poverty reduction and human capacity development.<sup>44</sup> Overall, the relationship between poverty and human rights has not been clearly understood in the context of sustainable development.<sup>45</sup> The prevailing view in economic development literature is that poverty alleviation programs are so diverse and encompassing that it will be through poverty alleviation programs that human rights will be fulfilled. Economic solutions alone will not produce sustainable impact. Solutions based only on 'market' that do not consider the systemic causes of poverty will ultimately provide little impact. The advantage of integrating 'rights' into a development approach is the prioritization of both the empowerment processes of right holders parallel to institutional capacity development for the right-bearer.

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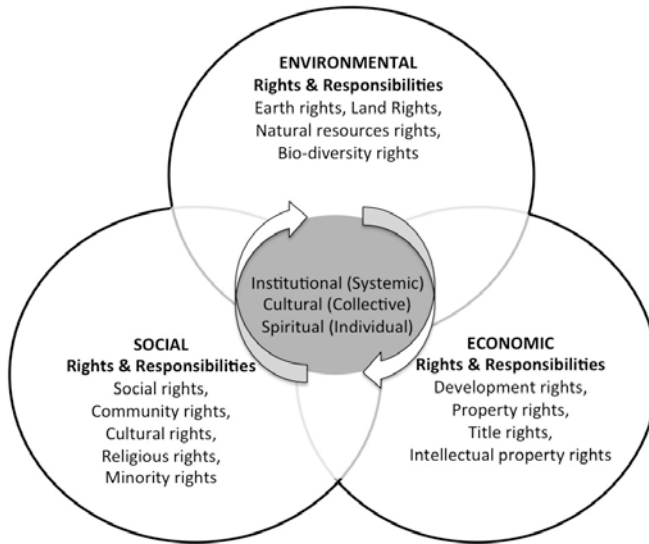
<sup>42</sup> Sfeir-Younis, A. (January 01, 2003). Human Rights and Economic Development: Can they be reconciled?: a View from the World Bank. *World Bank, IMF and Human Rights: Including the Tilburg Guiding Principles on World Bank, IMF and Human Rights*, 1-43. See also: Sfeir-Younis, A. (January 01, 2002). On the road to sustainable peace and human security: Key determinants in implementing the right to food. *For an Effective Right to Adequate Food: Proceedings of the International Seminar on the "right to Food : a Challenge for Peace and Development in the 21st Century"*, from 17 to 19 September 2001, 131-165.

<sup>43</sup> Barsh, R. L. (August 01, 1991). The Right to Development as a Human Right: Results of the Global Consultation. *Human Rights Quarterly*, 13, 3, 322-338.

<sup>44</sup> Sfeir-Younis, A. (January 01, 2004). The violation of human rights as a determinant of poverty. *International Social Science Journal*, 56, 2, 321-325.

<sup>45</sup> There are a few exceptions in the literature. Some of the notable works are Kumar, A. (2006). *Human rights and sustainable development*. New Delhi: Sarup & Sons. See also Sachs, A., & Worldwatch Institute. (1995). *Eco-justice: Linking human rights and the environment*. Washington, DC: Worldwatch Institute. See: Joshi, D. P. (2006). *Poverty and sustainable development*. New Delhi: Gyan Pub. House.

## Human Rights Based Sustainable Development (HR<sub>2</sub>SD)



The emphasis on human rights capital, which includes both the capacity to claim rights and to monitor accountability in responsible institutions, has become central to poverty alleviation programs. This is a form of capital endowment that will provide a common framework to assess how violations of human rights become a major determinant of poverty. By limiting the ability of poor people to accumulate human rights capital may result in perpetuating poverty.

If one defines material poverty as an inability to accumulate capital (assets like infrastructure, money, knowledge, natural resources, culture) in the economy, such emphasis may prove useful to the present debate on racism, discrimination and poverty (e.g., against indigenous peoples). In the last several decades, much focus has been placed on the poor people and their ability to accumulate physical (e.g., infrastructure), financial (e.g., credit), and human capital (e.g., education). Much less attention has been paid to how the poor accumulate other forms of capital, like natural capital and human rights capital.

For the poor *institutional capital* is essential: organizational arrangements, role of different actors, incentive structures and instruments, participation, empowerment, governance. In other words it is crucial to emphasize the importance of the *normative and rule-making aspects of development*. Hence, although all bear responsibilities (institutions, collectivities and individuals), in the eyes of the poor and disenfranchised of our global societies are the public and private institutions that carry most of the responsibilities.<sup>46</sup>

<sup>46</sup> The classic approach of states as responsible for human rights is embedded in the overall moral debate of institutional responsibilities. See: Erskine, T., British International Studies Association., & International Studies Association. (2003). *Can institutions have responsibilities?: Collective moral agency and international relations*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan. More recently, the complexity of human rights have raised the debate to expand itself into the institutional responsibilities of non-state actors. See Erskine, T., British International Studies Association., & International Studies Association. (2003). *Can institutions have responsibilities?: Collective moral agency and international relations*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan.

Incorporating this (human) rights-based approach into the framework of sustainable development helps us to see the world as a system—a system that connects space, time, resources, economies, peoples, organizations, institutions and values. In general, the concepts and practices of sustainable development are centered on the concerns and efforts to maintain and enhance environmental, social and economic resources in order to meet the needs of current and future generations. However, this becomes both more promising and challenging when incorporated with the human rights based approach. Issues like indigenous human rights, which are integrally related to environmental, collective and cultural rights become a paradigm for articulating and expanding the environmental, social and economic frameworks of sustainability.

Indigenous populations are at the core of this model - especially those that experience ongoing and systemic discrimination on their cultures, values, collective ways and economic models. They, more than anyone else, have recognized the centrality of cultural rights and institutional responsibilities for a sustainable future. Biodiversity is essential for sustainability like ethno-diversity is for sustainable development. The Food and Agricultural Organization of the United Nations (FAO) has recognized how in developed and developing countries all over the world, indigenous people hold the key to conservation of biocultural diversity and sustainable management of agro-ecosystems. Climate change continues to threaten particularly those indigenous impoverished communities located in precarious geographical areas. However, it would be limiting to simply consider indigenous people as 'victims'. Indigenous knowledge can be crucial for sustainable development solutions. For example, indigenous communities are experts in the knowledge and skills of genetic and biological diversities that could be vital for adapting to climate change. Indigenous perspectives should also be embedded in the indigenous 'human' rights perspective. Far from representing a nostalgic or idealistic view, indigenous populations demand concrete steps toward an indigenous human rights based sustainable development. These include appropriate legislations for protecting traditional ecological knowledge; intellectual property rights and benefits sharing, and natural resource management.<sup>47</sup>

### ***Implications and Applications***

The 2012 Rio+20 reflections reaffirmed human rights as central sustainable development.<sup>48</sup> They reiterated what was expressed in the Principle One of the 1992 Rio Declaration on Environment and Development: "Human beings should be placed at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature."<sup>49</sup> Although the language of 'rights' and 'sustainability' had evolved in twenty years, the human rights-based approach is still considered critical to both moving towards a green economy and building the institutional framework for sustainable development. The pursuit of sustainable and human development is intricately linked to recognition, advocacy and articulation human rights. A healthy environment is a critical factor for the promotion of human health and life. Hence, the promotion of basic human rights is interlinked to the advancement of sustainable development. However, an integrated principle cannot be enough unless we also integrate effective strategies and policies. These need also to be 'translated' by integrated assessment tools and measuring

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<sup>47</sup> International Congress of Ethnobiology, Stepp, J. R., Wyndham, F. S., Zarger, R. K., & International Society of Ethnobiology. (2002). *Ethnobiology and biocultural diversity: Proceedings of the Seventh International Congress of Ethnobiology*. Athens, GA: International Society of Ethnobiology.

<sup>48</sup> United Nations Conference on Sustainable Development Rio+20 Official website: <http://www.uncsd2012.org/index.html>

<sup>49</sup> Top of Form

United Nations Conference on Environment and Development. (1993). *Agenda 21 : programme of action for sustainable development ; Rio Declaration on Environment and Development ; Statement of Forest Principles: The final text of agreements negotiated by governments at the United Nations Conference on Environment and Development (UNCED), 3-14 June 1992, Rio de Janeiro, Brazil*. New York, NY: United Nations Dept. of Public Information.

systems that integrate the human rights approach to sustainable development. Beyond voluntary reporting, such assessment strategies should require the active participation and voice of all stakeholders.

The central implication of the human rights based approach to sustainable development relates to participation. Specifically it implies the rights and responsibilities for setting appropriate and effective mechanisms for civil society, indigenous people and other stakeholders to fully participate in the decision-making processes, monitoring and evaluations of sustainable development initiatives. “Procedural rights, such as rights to information, participation and access to justice, have the potential to empower civil society groups to make social and environmental claims and to hold State bodies and private sector actors accountable for their actions or omissions, while exercising basic civil and political rights to be free from harassment and abuse.”<sup>50</sup> There are numerous conventions, including the Convention on Biological Diversity (CBD), that upholds the rights of key stakeholders like the indigenous people to participate in decision-making process to ensure equitable sharing of the benefits arising from the utilization of their knowledge and sustainable use of their natural resources. The appropriate participation will also be instrumental for avoiding ‘bio-piracy’ effects of ‘bio-prospecting’ with good intentions in the Maya ICBG Project in Chiapas, Mexico.<sup>51</sup> The International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989),<sup>52</sup> while setting clear standards for safeguarding land rights of indigenous peoples it also clearly requires direct participation of indigenous peoples in formulating development plans, as well as in setting up environmental impact studies that may affect them. Unfortunately, the reality of numerous government sponsored or private development programs is that the participation level and actual voice, representation and veto power of indigenous and civil society organization is systematically diminished or disregarded.<sup>53</sup> The respect for indigenous rights is, in this case, not ‘special’ but vital to the monitoring of other civil and democratic human rights.

The human rights based sustainable development model is integrated but complex. The theme of environmental rights and responsibility, for example, is not short of controversies, both conceptually and in its application and implementation. Environmental rights are, for the moment, derived rights. This makes the debate rather difficult, although the connection with other rights better illustrates some of the foundations of the right to a clean and safe environment. Its jurisprudence is linked to many other fundamental rights, examples of which are: (1) right to life –people will not be able to live if the natural environment is destroyed; (2) right to an adequate standard of living –the environment is a major source of human betterment and material welfare; (3) right to health –a dirty environment implies diseases and illnesses that decrease wellbeing; (4) right to food –the production of basic foods comes mainly from land, water, and other natural resources and, thus, to destroy the environment will create hunger and famines; (5) right to water –as in the other natural resources, humans cannot live without clean and safe water; (6) right to property–this is an essential right in relation to the way in which natural resources are accessed, allocated, managed and controlled; (6) right to information –it is essential to inform the public of the hazards and negative externalities caused by the progressive deterioration of the

<sup>50</sup> United Nations Nongovernmental Liaison Services, NGLS (2002). Human Rights Approaches to Sustainable Development. NGLS Roundup 90 May, p. 1. Available at <http://www.un-ngls.org/orf/pdf/ru90hrsd.pdf>

<sup>51</sup> Feinholz-Klip, D., García Barrios, L., & Cook Lucas, J. (2009). The Limitations of Good Intent: Problems of Representation and Informed Consent in the Maya ICBG Project in Chiapas, Mexico. In R. Wynberg, D. Schroeder, & R. Chennells (Eds.), *Indigenous Peoples, Consent and Benefit Sharing* (pp. 315–331). Dordrecht: Springer Netherlands. Retrieved from <https://springerlink3-metapress-com.ezproxy1.lib.depaul.edu/content/q41g3180v05544p5/resource-secured/?target=fulltext.pdf&sid=1jgzdh5xv4hftrtbqbr4j43&sh=www.springerlink.com>

<sup>52</sup> ILO-C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169), Convention concerning Indigenous and Tribal Peoples in Independent Countries. Retrieved from

[http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_ILO\\_CODE:C169](http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C169)

<sup>53</sup> Price-Cohen, C. (1998). *Human rights of indigenous peoples*. Transnational Publishers, Incorporated.

environment or the depletion of natural resources (e.g., biodiversity); (7) right to equality –this has to do with issues of burden in terms of both who is affected by a deteriorated environment (ozone layer depletion, global warming, depletion of Amazon) and who is to bear the cost of abatement or of implementing a comprehensive precautionary principle-based development strategy; (8) right to participation –as the natural resources in the ultimate, belong to the human collective, or have clear collective dimensions, the participation of potential beneficiaries or those who will be affected by changes in environmental quality, participation is seen as an essential right; (9) right to cultural preservation and diversity—the environment is an essential component of cultures and their capacity to survive in this age of globalization and, thus, the connections between the quality of the environment and culture (there are other dimensions); and (10) the rights of indigenous peoples—the ancestral nations who actually have protected and maintained the Earth resources for thousands of years are to participate and be heard, and their rights protected, respected, and realized.

These are all human rights that have extensive jurisprudence and, in most cases, have clear justiciable elements associated to them. Attempts to link human rights and the environment have been made for a number of years. While there is no international agreement as to exactly what Environmental Human Rights are, they can be broadly grouped in three areas as: (a) *the right to clean and safe environment*: these are 'substantive' rights. They are the most basic rights, and the hardest to define. Many organizations would support the idea that "clean water and food security" are "basic human rights"; (b) *The right to protect the environment*: This right is inherent in the UN Declaration and associated Conventions, through the right to organize and to free assembly; (c) *The right to information, to access to justice, and to participate in environmental decision-making*: These rights enable citizens to play an active part in creating a healthy environment, and they are directly linked to the key points in several UN Conventions and Declarations.<sup>54</sup>

## Lessons and Conclusions

Since the 1992 United Nations Conference on Environment and Development, the concept of sustainable development has evolved toward a broad and integrative concept. Its definition has expanded including important concepts such as intergenerational social equity, social justice and environmental protection. Adding human rights to that already broad definition does not want to simply increase the jargon-laden debate. Instead it attempts to bridge the gap between theory and practice while avoiding the temptation of easy market solutions. Growing socio economic forces often exasperated by mounting human security and climate change issues, threaten the realization and prioritization of sustainable development goals. Centering human rights at the core of sustainable development promotes a more integrated, systemic and human understanding of sustainability values and practices. The hierarchical interpretation of human rights and sustainability from development would simply decrease the rights and possibilities of future generations. The HR<sub>2</sub>SD approach reminds us that a human and natural centered development is no longer an option for the 21<sup>st</sup> century.

It is now the time to restart our efforts to develop concrete, achievable and measurable sustainable development goals centered on human rights. During the Rio+20 Conference in June 2012 a series of universal sustainable development goals (SDGs) were proposed for policy makers. The proposed SDGs are meant to address the broad challenges of poverty eradication, environmental protection and sustainable consumption and production. The final version of the SDGs will expand on the UN's Millennium Development Goals (MDGs) and provide a

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<sup>54</sup> The integral relations between human rights and environmental rights are visible in the United Nations Declaration on the Rights of Indigenous People, Ecuador Constitutional Rights To Nature and the UNECE 'Aarhus Convention', the European Convention on Access to Information, Public Participation and Access to Justice in Environmental Decision-Making).

foundation for a global sustainable development agenda. The document emerged from Rio+20 reiterated centrality of the rights to participate, the rights to development and equality. “Ensuring equity and participation is essential for advancing the transition to sustainable development across countries, societies and within individuals, while building resilience against natural and man-made hazards. Further, the three dimensions of sustainable development help reduce risk and vulnerability to environmental, economic, and social risks.”<sup>55</sup>

Promoting human and sustainable development without real changes in systems would simply be making a “Washington consensus with a human face.”<sup>56</sup> In the attempt to overcome these limits the authors have introduced the concepts of rights and responsibilities at the core of sustainable development practice. They also have suggested that human rights should be considered as a form of ‘capital’ along side financial capital, social capital and environmental capital. This definition is important because it puts at the same level of concerns about growth (accumulation of capital), development (distribution of benefits from that accumulation), and sustainable development (the balance among all forms of capital). A ‘capital’ framework for human rights and sustainable development forces us to think and act in a more integrated approach for decision-making. It bypasses a fragmented view of sustainability and leads us toward a deeper understanding of the quality of life.

The future of sustainable development lies on the creation of a collective consensus about the quality of life we want to have as humanity on one planet. This consensus will be attained out of empowering people. In turn, this will be attained out of meaningful participation and representation in decision and policy making. Thus, the next paradigm shift in development will be “Empowered Development”. This is not just political power. But, it is a composite of inner and outer power, so that people become sensitive to the values of nature, over space and time, and to the contributions nature brings in terms of both material and spiritual transformation. In sum, human rights are a human experience and not an abstract concept detached from our daily reality and relate to all of us, so that one day, we live in societies where all beings are equal. In some ways, it is this understanding that provides the platform to going beyond sustainable development and into “Empowered Development”. It is this self-realization process that will empower people, individually and collectively, so that rights are respected and realized rather than being violated.

The Human Rights based Sustainable Development (HR<sub>2</sub>SD) integrated model attempts to reclaim the interdependency message of sustainability itself. The Earth is not something separate from us, even if we experience such a state and form of relationship that way. This experience of separateness is no more and no less than an error of the intellect. It is the mirror image of our relatively low level of consciousness and coherence that does not enable us to truly embrace wholeness and unity. It is our experience that we are inseparable from all living beings and all living beings are inseparable from us. Human life is completely interdependent—in all senses—of other living beings and nature. The idea of differentiated intelligence—more or superior intelligence versus less and inferior intelligence—is a creation of the human intellect and ego. In many ways our intellect and ego have separated us, and fragmented us, from what is an integral part of our selves.

The expanded and integrated human rights based and sustainable development model suggested here is indicative of our interdependence societies. A sustainable solution to our global complex problems like poverty requires a collaborative cross-sector and multilateral approach. A piecemeal approach to development that does not integrate the economic development (financial capital) with social development (human, social capital) and environmental development (natural

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<sup>55</sup> Institute for Global Environmental Studies (IGES), 2011. Download a copy of the report at <http://www.iges.or.jp/en/rio20/>

<sup>56</sup> Lilly, N. (August 1996). From Paradigm to Practice: The Politics and Implementation of Sustainable Human Development: The Example of Uganda, Research Paper 2, Centre for the Study of Global Governance, London School of Economics.



capital) will not provide a sustainable solution. It is ultimately through capacity-building centered model – based on human rights empowerment and institutional accountability – that we can integrate the institutional and cultural dimensions alongside the economic, social and environmental pillars of sustainability.

## ABOUT THE AUTHORS

***Dr. Marco Tavanti:*** Dr. Marco Tavanti has more than 25 years of experience working internationally in the field of sustainable development, poverty reduction and community development. He is currently an Associate Professor in the School of Public Service. He is a member of the presidential Sustainability Taskforce Committee at DePaul University. He is director of various international programs, including the Sustainable Chiapas Program, teaching this course with a human rights based approach to sustainable development. He is a Research Fellow for the International Human Rights Law Institute (IHRLI), Senior Wicklander Fellow for the Institute for Business and Professional Ethics (IBPE) and Faculty Advisor for the Coleman Center for Entrepreneurship. Since 1998, Dr. Tavanti has been collaborating with various indigenous Mayan community organizations and Mexican NGOs, including International Service for Peace (SIPAZ). Dr. Tavanti is currently working on a book entitled Sustainable Development Leadership. Other publications include *Las Abejas: Pacifist Resistance and Syncretism identities in a Globalizing Chiapas* (Routledge 2003), analysis of the collective identity of an indigenous civil society organization and their struggle for land rights.

***Alfredo Sfeir-Younis:*** Dr. Alfredo Sfeir-Younis is a Chilean economist, spiritual leader and healer, presently President of the Zambuling Institute for Human Transformation, founded in 2005 in Washington, DC. Before opening the Institute, Sfeir-Younis had a twenty-nine year career at the World Bank where he was hired as the World Bank's first environmental economist in 1976 and later was appointed Director of the World Bank Office in Geneva, Switzerland. He served as Special Representative to the United Nations and the World Trade Organization from 1996 to 1999. In both institutions Sfeir-Younis worked in the general fields of human rights, peace, and social justice; within this broader context he initiated and promoted policy in such areas as poverty eradication, international trade and finance, financing of development, gender and women's issues, trade and development, role of indigenous peoples, sustainable management of forestry and fisheries, water management and irrigation, desertification, biodiversity, culture and spirituality in sustainable development, and alternative medicine. He has received numerous awards from international organizations, including the Lifetime Ambassador of Peace (2001), Peace and Tolerance Award (2002), World Healer Award (2002), Messenger of Peace (2002), Peace, Mercy and Tolerance Award (2003), Supreme Advisor of the Buddhist Spiritual Forum Award, World Peace Mercy and Tolerance Award (2004), Diamond Peace Award (2005), and Peace Ambassador Award (2006).

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