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DETERMINATION OF THE LEGAL IMPLICATION OF SUSTAINABLE DEVELOPMENT AS A NECESSARY COROLLARY TO HUMAN DEVELOPMENT

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Abstract

The investigation focuses on the concept of sustainable development and attendant goals (SDGs) with a view to finding out if it is indeed a corollary to human development. Sustainable development principles help to create an enabling environment for meeting human development goals in terms of preserving natural resources and providing ecosystem services upon which the economy and society depends on. Human development as a matter of deductively approximates to a condition where humans flourish in the fullest sense in matters that allow them the freedom of wellbeing and given choices in terms of opportunities. It was discovered that this can be achieved when sustainable development goals are utilized by governments by way of drawing enactments that inculcate these SDGs which can improve the quality of peoples' lives thus enhancing human development. Consequent on the above, the author focused argument on the combined effect of the enactment of Environmental Impact Assessment (EIA) as well as renewable energy that have been legislated on by various governments evidencing sustainable development principles. The author maintained that a well-rounded human development, sustainable practices must be put in place to enhance this development. The paper further insisted that aggressive steps ought to be taken to strengthen the relationship between sustainable development and human development. The paper finally concluded that achieving a well-rounded development for humans inclusive of sustainable development is a desideratum.

Keywords: Sustainable, Human, Development, Environment, Legal, Legislative framework, Renewable

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1. Introduction

The major purpose of criminal law is to *inter-alia*, forbid and prevents conduct that unjustifiably inflicts or threatens substantial harm to individuals or public interest.¹ It is for this purpose and to ensure justice that criminals are punished. However, the punishment of crimes must go through a

¹ U. J. Idem, & N. E. Udofia "Sentencing and administration of Criminal Justice in Nigeria," (2018) Vol. 4 (1) Pp. 001-010 January, 2018. Donnish Journal of law and Conflict Resolution Available at <https://www.researchagete.net/publication/347452115_sentencing_and_the_Administration_of_Criminal_Justice_in_Nigeria> (Accessed May 23, 2022)

process accepted as just in order for justice to be seen as manifestly done. A deviation from a just process in prosecuting offenders can mar the whole decision to the extent of setting the offender free. Therefore, in the pursuit of justice, it is not only necessary to prosecute offenders, but such prosecution must be in accordance with proper judicial process.

The Administration and Criminal Justice Act² was enacted in 2015 by the former President Goodluck Jonathan's Administration in order to unify and transform the Criminal Justice System in Nigeria. It repealed the Criminal Procedure Act and the Criminal Procedure Code of the Southern and Northern Nigeria respectively.

The primary objective of the act is to guarantee a competent and efficient structure in the criminal administration of justice in Nigeria in a bid to advance the expeditious dispensation of justice and to deter the further commission of crime, thereby protecting the rights and interests of suspects, defendants, victims and the society at large. The then Chief Justice of Nigeria, Honourable Justice Walter Onnoghen, once observed that 'delay in the administration of justice is a major challenge facing the Nigerian Judiciary.' Delay has over the years, no doubt been a cog in the wheel of effective and brisk dispensation of criminal justice in Nigeria. The Act was therefore enacted to cure and address this issue as well as concerns.

The Act is made up of 495 sections divided into 49 parts which spread across virtually every major aspect of criminal justice system. Consequent on the above, there is need to examine the contents of the Act, more particularly, the provisional sections, guiding the administration of criminal justice in Nigeria. It is expected that a proper and thorough implementation of the Act would revolutionize the criminal justice system in Nigeria. Furthermore, it is expected that a critical examination of some of these provisions will operate to uncover several lacunae inherent in the Act, which may render the Act inefficient. There also exist challenges which may impede the successful implementation of the provisions of the Act. This paper seeks to discuss some of the provisions in the ACJA that allows for the effective and speedy dispensation of Criminal cases. It also goes further to discuss the loopholes and challenges that may be a clog in the wheel of implementation of the Act.

2.ACJA Provisions as catalyst for effective dispensation of justice

Some of the problems faced in the Nigeria Criminal system were solved by the ACJ. The first of them is providing a uniform Criminal Justice Procedural rule for the whole of the country as opposed to the two divergent systems of law that existed prior to the ACJ.

² [Hereafter, The ACJA]

The ACJ Act has fixed the absurd length of time for the commencement and conclusion of actions in certain courts. Section 110 provides for a timeline in which criminal trials must be commenced and concluded in Magistrates' Courts. The Act stipulates that a Criminal trial must commence within thirty days of filing and the trial must be concluded within a reasonable time. It goes further to provide that in the case where a trial is not commenced within stipulated time (30 days) and concluded within 180 of arraignment, the particulars of the charge shall be forwarded to the Chief Judge containing the reasons why such an action was not commenced or concluded within the stipulated time. It would therefore follow that in accordance with the Act; reasonable time means not more than 180 days of arraignment. The Act also provided that the interval between each adjournment shall not exceed 14 working days.³ Where it becomes impracticable to conclude the trial after both parties have exhausted five adjournments each, section 396 (5) operate to the effect that the interval between courts is also mandated to award reasonable costs. This is aimed at discouraging frivolous adjournments.⁴

An important factor that hindered the effective and speedy dispensation of justice in our court system over the years has been cases tried *de novo* because the judge presiding over the case got elevated to a Superior court. The legislators considered this issue while drafting the ACJ and treated it. Section 396 (7) allows a judge of the High Court who has been elevated to the Court of Appeal to preside as a High Court judge for the purpose of concluding a criminal case pending before the judge at the time of the elevation. The case shall however be concluded within a reasonable time. The ACJ also makes provisions for a mandatory return every 90 days of persons held in custody for more than 180 days after the date of arraignment.⁵

3.The Innovative features of the ACJA 2015

As a matter of fact, there are certain innovative features flowing from the ACJA. Some of these provisions were introduced in order to cure the defects inherent in the two legislations applicable to the Northern and Southern parts of the country.

- I. Unlawful Arrest
- II. Plea Bargain.⁶
- III. Trial of Corporation⁷
- IV. Suspended Sentence and Community Service.⁸
- V. Speedy Trials

³ Section 395 (4)

⁴ Section 396 (6)

⁵ Section 111

⁶ Section 270 ACIA (2015)

⁷ Section 477 ACIA (2015)

⁸ Section 460 ACIA (2015)

VI. Electronic Recordings of Confessional Statements.⁹

VII. Remand Time.¹⁰

VIII. Compensation to Victims of Crime

However, there are observable lacunae in the ACT, notwithstanding the numerous merits and achievements of the ACJA. The Act is not perfect as it contains certain loopholes and shortcomings. The first of these comes with the abolishment of the Criminal Procedure Act and Criminal Procedure code.

Two questions arise from this: First, with its abrogation of the CPA and CPC, what then happens to Area Courts, Upper Area Courts and Magistrate Courts as the Federal Government does not regulate these Courts? The second is a question of what Criminal Procedure Law will apply there?¹¹

It is important to consider these questions as the present situation of things reveals that apart from the FCT where Magistrate Courts are regulated by the Federal Government, Magistrate Courts were enacted by the Magistrates' Courts' Laws of the various states of the Federation, Area Courts by the Area Courts' Laws of the various Northern States while the High Courts of the various States were specifically created by the Constitution of the Federal Republic of Nigeria 1999. The criminal procedure in these other courts was guided by the Criminal Procedure code and the Criminal procedure Act. The ACJA having repealed the Act and the Code, failed to address this question in view of the fact that ACJA applies only to Federal Court.¹²

The ACJA also provides for the execution of pregnant women found guilty of a capital offence after delivery and weaning of their babies.¹³ This should be revisited considering and having regard to the position of international frameworks and perspectives on conviction of pregnant women. Furthermore, criminal legislation in the past and in some States of the Federation provided that a death sentence shall not be passed on a woman who is pregnant and convicted of a capital offence, but her death sentence shall be substituted with imprisonment for life.¹⁴ This

⁹ Section 15(4) ACJA (2015)

¹⁰ Section 296 ACJA (2015)

¹¹ Rose Ugbe., & A. Agi., "A Critique of the Nigerian Administration of Criminal Justice At 2015 and Challenges in the implementation of the Act" Available at

<https://www.researchgate.net/publication/341313899_A_CRITIQUE_OF_THE_NIGERIA_ADMINISTRATION_OF_CRIMINAL_JUSTICE_ACT_2015_AND_CHALLENGES_IN_THE_IMPLEMENTATION_OF_THEACT>

Accessed May 23, 2022

¹² See I. Mariazu, 'A Critique of Administration of Criminal Justice Act (ACJA) 2015' Available at <https://www.pressreader.com/nigeria/thisday/20151006/281792807850335> Accessed May 23 2022.

¹³ Section 404

¹⁴ See Section 368(2) of the repealed Criminal Procedure Act.

position is even more commendable and should be adopted by the ACJA. It could be argued that the ACJA has, by sentencing a pregnant woman to death and staying execution till delivery and weaning of the baby, proved more retributive than all the other legislation because in the act, it has failed to consider the welfare of the child who will grow up without the love of a biological mother. Such a child may in fact grow up to see the law as evil, thus giving rise to a rebellious disposition. Furthermore, the execution of a woman after her baby is weaned negates the provision of restorative justice. The woman may become reformed and eligible for parole.

Other shortcomings of the Act include the lack of proper definition of the meaning of infanticide which is provided for section 232 and expressly distinguished from Murder. Some have also argued that the act is not so gender sensitive as it still makes use of the Male pronouns such as “he, his & himself.”

Lastly, the act make provision for trial in the absence of a defendant, who after been granted bail, jumps bail and fails to attend court without reasonable explanation.¹⁵ This is a welcome development and a defendant can no longer stall proceedings against him just by refusing to turn up for his trial. If he does not, the trial will continue and he will be convicted but sentencing will be kept in abeyance until he is arrested or submits to court. However, what happens where at trial, bail is refused for capital offence and the defendant escapes from detention. Should trial continue? Can this provision be invoked to defend continuation of trial in his absence? The drafters of the law need to look into this and fix the lacuna as defendants may take advantage of it, engineer jail breaks and disappear into thin air while in detention before bail is granted to them.

4. Conclusion

From the foregoing discussion, it is clear that one of the challenges facing administration of criminal justice in Nigeria is the slow pace which Criminal Justice is delivered. This, of course, is not peculiar to our nation, for every country has its own share of challenges. But, in Nigeria, there is no doubt that sentencing is a difficult matter considering the technicalities that delay the trial process. The administration of criminal justice Act was enacted basically to remedy this problem.

Regardless of the fact that the Administration of Criminal Justice Act arrived with innovations which are expected to help promote quick dispensation of justice, some of its provisions are inadequate, especially when juxtaposed with subsisting international instruments. On the other

¹⁵ Section 352(4)

hand, it is obvious that some provisions of the Act are retributive or inconsistent with the provisions of the constitution.¹⁶

It was examined the issue of conviction of pregnant women. Arguments were put forward to condemn the provision on grounds that a death sentence shall not be passed on a woman who is pregnant and convicted of a capital offence, but her death sentence shall be substituted with imprisonment for life. This thinking was premised on the fact that sentencing a pregnant woman to death and staying execution till delivery and weaning of the baby, proved more retributive in nature, in comparison to defunct legislations, having failed to consider the welfare of the child who will grow up without the love of a biological mother.

Notwithstanding the subsisting lacunae in ACJA 2015, there are however, rooms for further improvement:

- I. The Act should be reviewed to entrench international best practices. Some provisions of the Act that are optional should be made mandatory to ensure compliance.
- II. Subsidiary legislation should be made to aid in the implementation of the Act. If this recommendation is accommodated, the real intention and objectives of the ACJA will be achieved.



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1 Introduction

Sustainable Development is a concept that was formulated by the World Commission on Environmental and Development (WCED) 1987 commonly known as the Brundtland Report 1987.¹⁷ The commission defined sustainable development as, ‘....the ability to make development sustainable to ensure that it meets the needs of the present without compromising

¹⁶ The Constitution of the Federal Republic of Nigeria, 1999

¹⁷Rechkemmer, A., *Global Governance and UN Reform Challenges and Opportunities for Environment and Human Security* (BONN:UNU:-EHS: 2005)PP. 10-11

the ability of future generations to meet their own needs.¹⁸ Furthermore, promoting resources of the earth into consideration and hereby respects the planetary boundaries.¹⁹

Sustainable development evolved with the need to balance environmental protection alongside economic growth as without an enabling and conducive environment, there would be no real development in terms of economic growth which would translate to human development. The 2002 World Summit on sustainable development adopted a declaration and an action plan known as the Declaration on sustainable development and the plan of implementation and identified three interdependent and mutually reinforcing pillars of sustainable development comprising of economic development, social development and environmental protection.²⁰

This has in turn in terms of implementation obligated governments to think in somewhat different terms on the social, political and economic choices to make, what weight should be given; to natural resource exploitation over nature protection, to industrial development over the air and water quality, to land-use development over conservation of forests and wet lands, to energy consumption over the risks of climate change.

In fact, Birnie observed that the choices to be made may result in wide diversities of policy and interpretation.²¹ The first UNDP Human Development Report published in 1990 stated that the basic objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives.²² According to the Human Development Report 2001, people are the real wealth of nations.²³ Sustainable development in a nutshell is a way of organizing society so that it can exist in the long term and this involves taking into account both the imperatives present and those of the future such as the preservation of the environment and natural resources or social and economic equity.²⁴ Where the environment is degraded without adequate accountability, development particularly, human development would be the worst for it.

To this end, the paper considers the concept of sustainable development alongside with human development in the first part of the investigation. The second part looks at the relationship between these two concepts. Part three examines the sustainable development goals and its impact on human development. Part four discusses the legal implication of sustainable development and part 5 deals with conclusion and recommendations.

2. The relational basis between the Concept of Sustainable Development and Human Development

A. Sustainable Development

Sustainable development is an approach to development which uses resources in a way that allow resources to continue for others.²⁵ Sustainable development is simply defined as

¹⁸ United Nations, "Sustainability" <<https://www.un.org/sustainability>> accessed 5th April 2024

¹⁹ Liedreiter, A "How can Renewable Energy help in Achieving Sustainable Goals" < [https://www. Power –to-the people –net/2015/09/how-renewable –energy-help-in –achieving-the-sustainable-development-goals](https://www.Power-to-the-people-net/2015/09/how-renewable-energy-help-in-achieving-the-sustainable-development-goals) > accessed February 27, 2024

²⁰ Patricia Birne, Alan Boyle, Catherine Redgwell, *International Law and the Environment* (New York: Oxford University Press: 2009) p. 54

²¹ *ibid*

²² Rajashree Dasgupta, "Human Development: Meaning, Objectives and Components" <https://www.SEM4_GeoG_C...asuments.pdf> accessed 27 December 2023

²³ *Ibid*

²⁴ Conceicao Pedro, "Human Development and the SDGs" < [http://www. Hdr. Undp. Org](http://www.Hdr.Undp.Org) > accessed 4/8/23

²⁵ Thomas, C. F. (2015) "Nahali Zing Sustainability Discourse: Paradigm, Practices and Pedagogy of Thoreau, Leopold and Wilson: Phd Thesis: Arizona University cited in Mensah Justice and Sandra Ricart Caradevall

development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.²⁶ This simply means that sustainable development relates to the concept and the organizing principle for meeting human development goals while at the same time sustaining the ability of natural systems to provide the natural resources and ecosystem services upon which the economy and society depends.

Agenda 21 of the 1972 Stockholm refers to the concept of sustainable development in its preamble on the need for a global partnership for sustainable development and it is noted that most of its provisions, together with the principles laid down in the Rio Declaration are intended to promote implementation of the concept.²⁷ The preamble lays the platform for sustainable development efforts by recognizing the critical role of environmental sustainability in shaping policies and actions towards a more balanced and sustainable future.²⁸ Thus, it aims at achieving social progress, environmental equilibrium and economic growth.²⁹ Ikaga., et al., states that in meeting the demands of sustainable development, emphasis should be made on the need to move away from harmful socio-economic activities and engage in activities that have positive environmental, economic and social impacts.³⁰ This is because of the fact that on a daily basis, population keeps increasing while natural resources available for the satisfaction of human needs and wants do not.³¹

B. Human Development

Human Development is said to refer to creating through action at policy level, the condition for facilitating sustainable human development such as appropriate education, health, material wellbeing, participation, social empowerment etc.³²

Human development is defined as a process of expanding options as everyday a human being makes series of economic, social, political and cultural choices.³³ Human Development is about humans flourishing in the fullest sense in matters of public, private economic, social, political and spiritual³⁴. This is expanded to embrace all aspect of human progress ranging from health to economic and political liberties. It is also stated that human development is about the expansion

“Sustainable Development: Meaning, History, Principles, Pillars and Implications for Human Action: Literature Review 4 < <https://www.doi.org/10.1080/23311886.2019.1653531> > accessed 5th February 2024

²⁶ Sustainable Development Commission, “What is sustainable development” < <https://www.sd-commission.org.uk/pages/what-is-sustainable-development.html#:~:text=%22Sustainable%20development%20is%20development%20that,to%20meet%20their%20own%20needs.%22> > accessed 4th April 2024

²⁷ Patricia Birnie, Alan Boyle and Catherine Redgwell, *supra*, at note 4

²⁸ IDRC, *A Guide to Agenda 21*, (IDRC Books, 1993) p.12

²⁹ Mohieldin., M, (2017) “The sustainable development goals and private opportunities, EAFIT University of Medellin < <http://pubdocs.worldbank.org> > The Sustainable Development Goals – and – Private-Sector- Opportunities. Pdf > accessed 6th January 2024

³⁰ Justice Mensah and Sandra Ricart Caradevall “Sustainable Development: Meaning, History, Principles, Pillars and Implications for Human Action: Literature Review 4 < <https://www.doi.org/10.1080/23311886.2019.1653531> > accessed 5th February 2024

³¹ Ukaga, U., Maser, C., & Reichenbach, M. (2011) “Sustainable development: Principles, Frameworks and case studies” *International Journal of Sustainability in Higher Education*, 12 (2)

³² You matter, “Sustainable Development – What is it? Definition, History, Evolution, Importance and Examples,” < <http://www.youmatter.world> > accessed 4th March 2024

³³ Ibid

³⁴ Basiago, A. D., *Economic, Social and Environmental Sustainability in Development Theory and Urban Planning Practice: The Environmentalist*, (Boston: Kluwer Academic Publishers (1999) Google Scholar.

of people's choices. The central theme of human development is on the freedom for wellbeing and focuses on what people are free to do and what they do.³⁵

According to Miahai-Marcel Neag,³⁶ human development can be defined as a process of expanding options every day. Human development is also seen as the process of enlarging people's freedoms and opportunities and improving their well-being.³⁷ It is further stated to be about the real freedom ordinary people have to decide who to be, what to be, what to do and how to live. He further alludes to the fact that a human being makes a series of economic, social, political and cultural choices and the ultimate goal of human development is not create to wealth or achieve greater economic growth but to create an avenue for the expansion for choices for every human being.

Significantly, people's choices expand when they gain more abilities and enjoy more opportunities to use these skills. This is extended to mean that human development focuses on opportunities to make choices which presuppose that people have to participate in different decision-making processes, implementing these decisions and monitoring them.³⁸ Human development has been recognized to have four essential pillars which are equality, sustainability, productivity and empowerment.³⁹

Human development focuses on enhancing individuals' well-being, which consists of aspects like health, education, a clean environment and freedom to express oneself. The United Nation Development Programme report on human development defines this concept as a progressive advancement in individual's opportunities with a particular emphasis on factors such as longevity, education accessibility and the attainment of a satisfactory standard of living⁴⁰. This work opines that the option of choice enables or encourages a person to develop him/herself where there is an enabling environment. To buttress this, the Human Development Report 2001 states that the ultimate goal of human development is not to create greater wealth or achieve greater economic growth but the expansion of choices for every human being. This work submits that these definitions appear to be all encompassing as it covers all sector of life that concerns and affect humans.

The absence of having choices to choose skills can lead to human frustration. Sustainable development has as its primary objective to improve the quality of citizen's lives at the same level of use of natural resources without impairing the capacity to regenerate the environment. This is so as the ultimate goal of development is to increase people's capabilities. Development through people and for people highlights an important dimension of human development. It is worthy to state that one objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives.⁴¹ To be able to achieve this, it is canvassed that the principles of sustainable development be utilized as a platform for the achievement of all round development. It is acknowledged that human development provides better opportunities for all the people and contributes to a long and healthy life, access to knowledge, access to acceptable living standards.

³⁵ Mansuri, H. A. & S "Concept of Human Development and sustainable Development Goals (SDGs)" <<https://www.ijsi.in>: in October- December, 2020 Doi:10.25215/24551/0504001> accessed 14/8/22

³⁶ Ibid

³⁷ INEAG, Mi hai - marcel & Halmagli, Elisabeta -Emilia" Correlation between human development and Sustainable development- condition of Human security" *Scientific Bulletin* vol. xxxiv. No. 1(4) 2019, p.52

³⁸ Ibid

³⁹ KFF "Human Development Approach Provides Route to Achieve SDGs" <<http://www.kff.org/news-summary/human-development-approach-provides-route-to-achieve-sdgs/>> accessed 23rd February 2024

⁴⁰ Kemi Anthony, Emina, "Sustainable Human Development: Issues and Challenges", *Pinisi Journal of Art, Humanity & Social Studies*, Vol.3No.4,2023, p.274

⁴¹ Neag, Mihai - Marcel & Halmaghi, Elizabeth - Emilia, (n33), p. 53,

A view posits that sustainable development implies not merely limits on economic activity in the interest of preserving or protecting the environment but encompasses an approach to development which emphasizes the fundamental importance of equity within the economic system. To this end, equity in this context refers to both intra-generational and intergenerational. Intra generational in the sense that it seeks to redress the imbalance in wealth and economic development between the developed and developing worlds by giving priority to the needs of the poor and inter-generational in seeking a fair allocation of costs and benefits across succeeding generations.⁴² This is further explained to mean that development will only be sustainable if it benefits the disadvantaged without disadvantaging the needs of the future.⁴³

It is opined that decision-makers need to be consistently mindful of the relationship, complementation and trade-offs among the three pillars of the environment, economy and society in the sense that responsible human behaviour and actions at the international, national, community and individual levels are upheld and to promote the tenets of this paradigm in the interest of human development.⁴⁴

To further expand the above position, Ben-Eli sees sustainability as a dynamic equilibrium in the process of interaction between the population and the carrying capacity of its environment such that the population develops to express its full potentials without producing irreversible adverse effects on the carrying capacity of the environment upon which it depends.⁴⁵

Thomas also points out that sustainability brings into focus human activities and their ability to satisfy human needs and wants without depleting or exhausting the productive resources at their disposal.⁴⁶ This therefore provokes thoughts on the manner in which people should lead their economic and social lives drawing on the available ecological resources for human development.

Therefore, for sustainable development to be seen as a corollary to human development, it requires political action by states if it is to be implemented.

3. Essence of Sustainable Development

Sustainable development evolved with its first major international recognition in 1972 at the United Nations Conference on Human Environment held in Stockholm.⁴⁷ At the Conference, the International Community agreed on the fact that a relationship between development and the environment exists. As a result of these developments, the World Commission on Environment and Development renewed the call for sustainable development.⁴⁸ At the Rio Earth Summit in 1992, recommendations led to the United Nations Commission in Economic Development which had several key outcomes for sustainable Development and these were outlined in the Conference document named Agenda 21.⁴⁹ It was stated that sustainable development should become a priority item on the agenda of the International Community and proceeded to recommend that natural strategies be designed and developed to address economic, social and environmental aspects of sustainable development.

⁴² Ibid

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ Justice Mensah and Sandra Ricart Caradevall "Sustainable Development: Meaning, History, Principles, Pillars and Implications for Human Action: Literature Review 4" <<https://www.doi.org/10.1080/23311886.2019.1653531>> accessed 5th February 2024

⁴⁶ Ben-Eli (2015) "Sustainability: Definition and five core principles a new Framework the sustainability laboratory New York," <WY info@sustainability labs.orgs www.sustainabilitylabs.org> accessed 23rd January 2024

⁴⁷ Justice Mensah, et al, supra at note 29

⁴⁸ Ibid

⁴⁹ Ibid

In 2012, sustainable development was identified as one of the five key priorities by the then UN's Secretary General Ban. Ki. Moon by highlighting the key role sustainable development should play in international and national development policies, programmes and agendas.⁵⁰

In the quest to achieve sustainable development, it is argued that there is inter relationship between social, environmental and economic sustainability as everything man does or plans to do on earth has implications for the environment, economy or society.⁵¹

It is argued that where proper decisions on sustainable resource management are made, it will bring about sustainable growth for a sustainable society.⁵² Principle 4 of the Rio Declaration provides that environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it. This has also been interpreted by the international court in the case of *Gabcikovo v Nagymaros*,⁵³ the court referred for the first time to the "need to reconcile economic development with protecting of the environment which is aptly expressed in the concept of sustainable development."⁵⁴

Research shows that as far back as 1789, Malthus postulated that humans population tended to grow in a geometric progression while subsistence grows in only an arithmetic progression and he envisaged that population growth was most likely to out strip the capacity of the natural resources to support the needs of the increasing population.⁵⁵ He further postulated that if measures were not taken, to check the rapid population growth rate, exhaustion or depletion of natural resources would occur resulting in misery for humans.⁵⁶ It is recorded that with time, global concerns have heightened about the non-renewability of some natural resources which threatens production and long-term economic growth resulting from environmental degradation and pollution. In fact, it has been observed that:

If a man in a geographical area lacks a job (economic) he is likely to be poor and disenfranchised (social); if he is poor and disenfranchised, he has an incentive to engage in practice that harm ecology, for example by cutting down trees for firewood to cook his meals and warm his home (environmental) as his actions are aggregated with those of others in his region cutting down trees, deforestation will cause vital minerals to be lost from the soil (environmental). If vital minerals are lost from the soil, the inhabitants will be deprived of the dietary nutrients required to sustain the intellectual performance needed to learn new technologies, for example, how to operate a computer and this will cause productivity to reduce or stagnate (economic). If productivity stagnates (economic) poor people will remain poor or poorer (social) and the cycle continues.⁵⁷

It is thus posited that if the above situation occurs, this in turn will hinder human development. This shows that the need for sustainable development is imperative as both concepts are universally beneficial to ensure a well-functioning society as against the above illustration painted above.

⁵⁰ Ibid

⁵¹ Ibid

⁵² Yang, L. X. (2019) "From General Principles of Civil Law to General Provisions of Civil Law: A historical leap in Contemporary Chinese Civil Law" *Social Sciences in China* 2, 85-91

⁵³ *Gabcikovo v Nagymaros Dam Case* ICJ Reports 1997, 7

⁵⁴ Ibid

⁵⁵ Justice Mensah, *supra*, at note 31

⁵⁶ Ibid

⁵⁷ Ibid

4. Discussion on the relationship between Sustainable Development and Human Development

The link between sustainable development and human development is recognized as very important and relevant. According to Pedro Conceicao,⁵⁸ Director of the United Nations Development Programme in Human Development Report, agreed with the above statement by stating that while “SDG provide a development destination, human development allows one to design the route to get there”. For development to be truly sustainable, it is necessary to assume the political commitment of all the world’s states as well as the close collaboration between the specialists in the economy, environmental protection and social development.⁵⁹

It is acknowledged that the issues of ensuring sustainable development which leads to the improvement of the quality of life in a balanced and global way are more frequently mentioned in the international discourse in analysing the stage of human development.⁶⁰ It is stated that any development process must have human purpose and sustainable development is a way of development that supports human progress not only in a few places and for a few years but for the population of the entire planet and for a long-term future.⁶¹ Human development can contribute to sustainable development by fostering a holistic approach that prioritizes human well-being alongside sustainability such that when factors like education and health are improved upon, there is every likely tendency for the society to become better equipped to make informed decisions that balance economic, social and environmental needs which promotes sustainable practices and outcomes.⁶²

This means that sustainable development is a continuous improvement of the quality of life and well-being by the promoting a dynamic economy through health, social and territorial cohesion and environmental protection in a secure world which respects cultural diversity. This shows that there is an inter connection between sustainable development and human development where man and his needs are met.

The concept of sustainable development requires accommodation, reconciliation and integration between economic growth, social justice (Human Right inclusive) and environmental protection objectives, towards participatory improvement in collective quality of life for the benefits of both present and future generations.⁶³ This concept aligns with human development which focuses on the wellbeing of people living healthy lives in an enabling environment that is preserved not for them only but their future generations. However it has been noted that countries with high human development levels often face challenges related to unsustainable practices, like large carbon dioxide emissions and this underscores the importance of aligning human development efforts with sustainable practices to avoid detrimental impacts on natural capital.⁶⁴

The right to development means the right to improvement and advancement of economic, social, cultural and political conditions that can be improved by the global quality of life. This refers simply to the drafting of and implementation of policies that endures preservation of every

⁵⁸ Ibid

⁵⁹ Sabina Alkire & Severine Deneulin,” Chapter 2 introducing the Human Development and Capability Approach” https://www.ophi.org.uk/wup-contents/uploads/ssAlkire-Deneulin_Ch2.pdf accessed 3rd March 2024

⁶⁰ Ibid

⁶¹ United Nations Department of Economic and Social Affairs, “Sustainable Development 17 Goals” <<https://www.sdg.org>> accessed 3rd March 2024

⁶² Kemi Anthony., et al, supra, at note 24 p.277

⁶³ Ibid

⁶⁴ UNDP, “Human Development and Sustainability” < <https://www.hdr.undp.org/content/human-development-and-sustainability>> accessed 24th March 2024

person's life and their humanity.⁶⁵ These policies must include the eradication and alleviation of wide spread conditions of poverty, unemployment and inequitable social conditions which the sustainable development goals covers and thereby expands the richness of the economy as it focuses on people and their opportunities and choices.

I. Examination of Sustainable Development Goals

The evolution of Sustainable Development Goals (SDGs) is anchored on the RIO Earth Summit of 1992 where countries adopted Agenda 21, a comprehensive plan of action to build a global partnership for sustainable development to improve lives and protect the environment.⁶⁶ In September, 2000, member's states adopted the Millennium declaration which led to the elaboration of eight Millennium Development Goals to reduce extreme poverty by 2015. In 2015, General Assembly of the United Nations proceeded to adopt the 2030 Agenda for Sustainable Development with 17 SDGs. The goals cover issues of policy, zero hunger, good health and wellbeing, quality education, gender equality, clean water and sanitation, affordable and clean energy, decent work and economic growth, industry, innovation and infrastructure, reduced inequalities, sustainable cities and communities' responsible consumption and production, climate action, life below water, life on lands peace, justice and strong institutions and partnerships for the goals.⁶⁷

These goals place emphasis and focus on people as well as taking into cognizance of the need to create an enabling environment that would ensure that they are free to make choices which would lead to living a healthy and balanced life. This is in consonance with the first UN human development report as it recognizes people as the real wealth of nations.⁶⁸ The new goals are unique in that they call for action by all countries; poor, rich and middle income to promote prosperity while protecting the planet.⁶⁹

They acknowledge that ending poverty must go hand in hand with strategies that build economic growth and thus addresses a range of social needs including education, health, social protection and job opportunities while tackling climate change and environmental protection. While Sustainable Development Goals are not legally binding, governments are expected to take ownership and establish national frameworks for the achievement of its 17 goals. The intent of this is to enable the citizens have accessibility to the goals outlined by Sustainable Development. This will help building the capacity as well as the capability of a person thereby aiding human development.⁷⁰

The 17 Sustainable Development Goals with 169 targets are broader in scope and go further than the MDGs by addressing the root causes of poverty and the universal need for development that works for all people.

⁶⁵ UNDP Human Development Reports, "Human Development and SDGs"
<<https://www.hdr.undp.org/content/human-development-and-sdgs>> accessed 7th March 2024

⁶⁶Ibid

⁶⁷Ibid

⁶⁸The Millenium Development Goals are eight and are aimed at reducing extreme poverty & hunger, achieving universal access to primary education, promoting gender equality and empowering women, reducing infant mortality, improve maternal health, combat HIV/AIDS, malaria and other diseases, ensure environmental sustainability and creating a global partnership for development

⁶⁹ Mosteanu Danut et al, "The Sustainable Development- Human Development" <<https://www.armyacademy>> accessed 26th December 2023

⁷⁰ IPL, "The importance of Sustainability and Human Development", <<https://www.ipl.org>> accessed 10th January 2024

These goals cover the three dimensions of Sustainable Development; economic growth, social inclusion and environmental protection.⁷¹ In this context, sustainability is based on the idea that human activities are dependent on the surrounding environment natural resources. The health, social security and economic stability of the society are essential in defining the quality of life.⁷² It is acknowledged now that the concept of Sustainable Development has expanded beyond environmental issues to include the concept of quality of life in its complexity to which the economic, social and ecological components are closely related.

The importance of Sustainable Human Development according to Mr. James Gustare stated that development ensures that it distributes its benefits equitably, regenerates the environment rather than destroying it, empower people rather than marginalizing them enlarging their choices and opportunities and provides for their participation in decisions affecting them.⁷³ The essence of human development,⁷⁴ which requires basic necessities like diet, education, health care and house, much more is required by people to achieve their full potential which includes a stimulating culture, programme and facilities for meaningful work, fulfilling authorities and supportive communities.⁷⁵

It is further acknowledged that sustainable development generates a trend towards a global society which emphasizes the need to shape a common global consciousness, the elimination of the human gap caused by the distance between the growing complexity and the ability to cope with it.⁷⁶ This reinforces the need for sustainable development to be considered in human development.

The three primary objectives of sustainable development have been identified as economic growth in terms of building a strong, competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and identify the coordinating development requirements.⁷⁷ Environmental protection which contributes to protecting and enhancing our natural and developed environment while helping to improve biodiversity, use natural resources wisely, minimizing waste and pollution, adapting and helping to decrease climate change which includes a global shift to low-carbon economy.

Social inclusion involves supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high-quality of development with accessible local services that reflects the community's needs and support its health, social and cultural well-being. These objectives are applied across all sectors of development including urbanization, agriculture, infrastructure, energy use, water availability and transportation. Sustainable development practices help countries grow in ways that adapt to the challenges posed by climate change, which will in turn help to protect important natural resources for ours and future generations. It has been estimated by the year 2050 that global population will likely reach 9 billion and the challenge of sustainable development will be how to move forward in such a way that every single one of these people will be able to enjoy a

⁷¹ Bartleby, "Importance of Sustainability and Human Development"< <https://www.bartleby.com>> accessed 12th January 2024

⁷² Ibid

⁷³ Monsteanu, Danut, supra at note 46

⁷⁴ Emeraldbe , 'What is Sustainable Development and why is it so important?'<<https://www.emeraldbe.com.sustainable>>accessed 8th March 2024

⁷⁵ Ibid

⁷⁶ Ibid

⁷⁷ Ibid

sustainable quality of life without being detrimental to the natural resources and give them choices to develop in the best way possible.⁷⁸

II. The Elements of Sustainable Development

Sustainable development incorporates the following elements that would help the creation of a sustainable environment capable of enhancing the growth of human development.

a. Integration of environmental protection and economic development

As stated earlier, Principle 4 of the Rio Declaration provides that environmental protection shall form an integral part of the development process and cannot be considered in isolation from it. This has been recognized as ensuring that development decisions do not disregard environmental considerations as integration of these competing values are fundamental to the concept of sustainable development and this is seen from Agenda 21 which refers to the more systematic consideration of the environment when decisions are made on economic, social, fiscal energy, agricultural, transportation, trade and other policies are drawn. For instance, since 1989, the world bank and other multilateral development banks have sought to integrate environmental assessment into their lending policies.⁷⁹

b. The right to development

This concept embraces not just the promotion of economic development by states but also the social and cultural aspects of human development found in the 1966 United Nations Covenant on Economic, Social and Cultural Rights. The Principle 3 provides that the right to development must be fulfilled equitably so as to meet both developmental and environmental needs of present and future generations.⁸⁰

c. Inter-generational equity

This theory requires each generation to use and develop its natural and cultural heritage in such a manner that it can be passed on to future generations in no worse condition than it was received.⁸¹ The essence of this concept is the need to conserve options for the future use of resources which includes their quality and the natural environment.

d. Intra-generational equity

Intra-generational equity addresses inequity within the existing economic system. Several substantive provisions of the Rio Declaration and that of Climate change and Biological Diversity Conventions imply that intra-generational concerns are now an element in the contemporary development of international environmental law.

5. Legal Implication of Sustainable Development

⁷⁸ Bartley Research, Importance of Sustainability and Human Development, < <https://www.Bartley.com/essay/Importance-of-Sustainability-And-Human-Development-P3ZJDSTX94F>> Accessed 28th March 2024

⁷⁹ Patricia Birnie, et al, *supra*.

⁸⁰ *Ibid*

⁸¹ Brown, Weiss, *In Fairness to Future Generations* (Dobbs Ferry, 1988) cited in Patricia Birnie, *ibid*, p.119

The legal implication of sustainable development comprise of the capacity of the concept to generate legal standards that are applied globally across a broad range of uses of land, water, air and natural resources and the enforceability of such standards. In achieving this, legal frameworks provide accountability mechanisms to monitor progress, track compliance and address potential violations of setbacks.⁸²In this wise, governments can enact laws and regulations that encourage sustainable practices, promote responsible business conduct and promote business opportunities that ultimately aids human development. These legal mechanisms such as the environmental impact assessment and strategic planning processes can help integrate sustainability considerations into decision- making at all levels.⁸³

Legal frameworks serve as the cornerstone for achieving the sustainable development goals and by enacting laws and regulations aligned with the goals, governments can create an enabling environment for the rapid growth for sustainable development and human development. These frameworks serve as a legal basis for action and ensure that policies and practices are in line with sustainable principles. An example of this is renewable energy. In Nigeria presently, there is no separate legislation for renewable energy rather it is subsumed in the Electricity Act 2023 which does not define renewable energy. The Federal Ministry of Environment has various policies which includes the Renewable Master Plan 2005 which establishes a target for Nigeria to generate 10% of its electricity from renewable sources by 2025.⁸⁴

The Federal Ministry of Environment is responsible for implementing policies and programmes to protect and manage the environment and plays a crucial role in promoting renewable energy as it issues guidelines for carrying out Environmental and Social Impact Assessment in respect to renewable energy projects. Despite these policies, the growth of renewable energy has been rather slow. It is argued that with a renewable energy law in place, it would aid the growth of economic development for small scale enterprises in Nigeria as well as enhance the quality of life for Nigerians. The reverse is the case in Ghana which has enacted its Renewable Energy Law since 2011 and this has helped in the economic development of the country.⁸⁵

Another legal implication is that sustainable development goals are deeply rooted in the principles of human rights and social justice and law serves as a tool for safeguarding these principles and protecting vulnerable population as legal frameworks can address social inequalities, discrimination and exclusion as they ensure that no one is left behind in achieving sustainable development in the sense that government can promote equitable access to education, health services, housing and other basic necessities which in turn enhances human development.

The place of legislative frameworks cannot be underscored as it plays a pivotal role in linking sustainable development with that of human development and helps to complement both as the creation of a sustainable environment propels the impact it has on human development.

6. Conclusion and Recommendations.

An examination has been made of sustainable development and its relationship with human development and it is safe to state that sustainable development has become a necessary corollary for human Development as people are not only important but the creation of an

⁸² LinkedIn, "The Law and the SDGs, Empowering Young People to achieve SDGs by 2030"<<https://www.linkedin.com/pulse/Law-sdgsandme>>accessed 1st January 2024

⁸³ Ibid

⁸⁴ ICLG, "Renewable Energy Laws and Regulations Nigeria,<[www://https.iclg.com](https://www.iclg.com)> accessed 6th January 2024

⁸⁵ Conventus Law," The Impact of Renewable Energy On Ghana's Economy",<<https://www.conventuslaw.com/report/the-impact-of-renewable>>, CNR, "Achieving 10% renewables in Ghana's energy:RE4CCin the Frontline(Article),< <https://www.citinewsroom.com/2023/08/achieving-10-renewable>> accessed 4th January 2024

enabling environment is also very important for the development of people as it creates a platform to enable people make choices that would enhance their lives. In conclusion, sustainable development and human development are interconnected concepts that must be integrated to achieve a more inclusive, equitable and environmentally sustainable future for man and the environment.

A. Recommendations

As a result of the above analysis, the following recommendations are suggested;

- I. That the sustainable development goals should more than ever be intentionally and deliberately inculcated by all nations when carrying out development programmes.
- II. That continuous sensitization and awareness programmes be carried out to the general public of the relationship between sustainable development with human development where communities can be stakeholders and participate in such programmes.
- III. That government agencies be given mandate to ensure that sustainable development be made a part of human development

B. Conclusion

In concluding, It has been seen from the above discourse that sustainable development is a necessary corollary to human development as both are interconnected and should be integrated when carrying out projects to achieve a more inclusive, equitable and environmentally sustainable environment for an overall human development.



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