

9

Children's Rights and the Environmental Dimension of Sustainable Development

Ellen Desmet

INTRODUCTION

Over the past decades, “sustainable development” has become an overarching policy framework that is widely endorsed, albeit not uncontested as to its precise meaning and implications.¹ Milestones in this process of gaining worldwide policy relevance included the report “Our Common Future” of the World Commission on Environment and Development (WCED) of 1987² and the UN Conference on Environment and Development (UNCED, also known as the Earth Summit) held at Rio de Janeiro in 1992.³ The process recently culminated – as for now – in the adoption of the Sustainable Development Goals (SDGs) by the UN General Assembly in September 2015. During roughly that same time span, the issue of children's rights rose on the international legal and policy agenda, with the adoption of the UN Convention on the Rights of the Child (UNCRC) in 1989 being a key moment.⁴

This chapter explores the interrelation between children's rights and the “environmental dimension” of sustainable development. At least three clusters of factors

justify such a focus. First, the environmental objective of sustainable development can be considered a distinguishing feature of sustainable development compared with other (traditional) development paradigms.⁵ The exact weight to be attached to environmental issues within sustainable development policy remains subject to debate though. Giddings, Hopwood and O'Brien have identified three main ways in which sustainable development has been conceptualised.⁶ The first, best-known approach understands sustainable development as consisting of three “dimensions” (or “pillars”), namely the environmental, the social and the economic dimension, which are then schematically represented as three interconnected rings.⁷ This approach has been criticised for leading to a compartmentalised view, not doing justice to the fundamental links between the environment, society and economy. Based on the starting point that the ecological limits of the planet should provide the boundaries of human action, an alternative, “nested model” of sustainable development has been proposed. This implies that the economy is dependent on society to develop, and both the economy and society should develop within the limits of the ecological carrying capacity of the planet.⁸ Finally, Giddings et al. suggest a more integrated model of sustainable development, in which the economy – as a subsector of society – is merged with society, and the boundaries between “human well-being” and the environment are fuzzy, reflecting the constant interaction between them.⁹ The point I wish to make is that whichever model of sustainable development one prefers or subscribes to, the “environmental dimension” constitutes a key component of each of them, be it as one of three interconnected dimensions or as the overarching factor constraining and facilitating the development of society and the economy (nested model) or the realisation of human well-being in general (integrated model). Given this centrality of the environmental dimension to sustainable development, it makes sense to analyse how this dimension relates to children's rights.¹⁰

A second reason for examining the relationship between children's rights and the environmental dimension of sustainable development is that children's health and well-being are strongly dependent upon healthy ecosystems. Children are at greater

¹ This research has been funded by the Interuniversity Attraction Poles Programme initiated by the Belgian Science Policy Office, more specifically the IAP “The Global Challenge of Human Rights Integration: Towards a Users' Perspective” (www.hrintegration.be).

See, for example, B. Giddings, B. Hopwood and G. O'Brien, “Environment, Economy and Society: Fitting Them Together into Sustainable Development” (2002) 10 *Sustainable Development* 187, 187–188; J. Meadowcroft, “Sustainable Development: A New(ish) Idea for a New Century?” (2000) 48 *Political Studies* 370 (focusing on how governments in industrialised countries have engaged with the idea of sustainable development).

² World Commission on Environment and Development (WCED), “Our Common Future” (UN Doc. A/42/427, 1987), www.un-documents.net/our-common-future.pdf.

³ See N. Quental, J. M. Lourenço and F. Nunes da Silva, “Sustainable Development Policy: Goals, Targets and Political Cycles” (2011) 19 *Sustainable Development* 15, 20–21.

⁴ UN General Assembly (UNGA), *Convention on the Rights of the Child* (UN Doc. A/RES/44/25, 20 November 1989) 1577 UNTS 3.

⁵ See T. Waas et al., “Sustainable Development: A Bird's Eye View” (2011) 3 *Sustainability* 1637, 1640.

⁶ Giddings et al., “Environment, Economy and Society”, 188–194.

⁷ In recent years, a fourth dimension is often added, referred to as “democracy” or “governance”. See Waas et al., “Sustainable Development”, 1651.

⁸ Compare with A. Ross, “Modern Interpretations of Sustainable Development” (2009) 36 *Journal of Law and Society* 32 (pleading for ecological sustainability to be recognised as the moral and legal principle underpinning the concept of sustainable development).

⁹ Giddings et al., “Environment, Economy and Society”, 193–194.

¹⁰ The incorporation of this chapter in a book addressing sustainable development as a whole diminishes the risk of artificially separating the environmental dimension from the other dimensions of sustainable development. This contribution must therefore be read together with the other chapters, to obtain a holistic insight in the complexities of the sustainable development concept.

risk than adults to environmental hazards because of their “physical size, immature organs, metabolic rate, behaviour, natural curiosity and lack of knowledge”.¹¹ The figures are daunting: “Globally, about 43% of the total burden of disease due to environmental risks falls on children under 5 years of age, even though they make up only 12% of the population.”¹² There are large regional disparities, with sub-Saharan Africa bearing the largest burden.¹³ Also the proportion of deaths attributable to environmental factors among children 0–14 years of age (36 per cent) lies significantly higher than the overall figure (23 per cent).¹⁴ This greater sensitivity of children to environmental degradation and pollution warrants explicit and tailored attention for children in sustainable development policies.

A final rationale underlying this contribution is that in participation processes concerning the environment, children risk being overlooked or only given tokenistic attention.¹⁵ However, children are arguably the most important stakeholders as far as a healthy environment is concerned, not only because of their current heightened vulnerability but also because as adults, they – and their children – will continue to suffer the consequences of unsustainable decisions made today. Although in recent years efforts have been made to address this kind of generational discrimination, as elaborated in the following discussion, much remains to be done.

Different reasons thus underpin this chapter’s focus on the interplay between children’s rights and the environmental dimension of sustainable development. A few words are needed on how these terms are understood for the purposes of this contribution. To start, “children’s rights” are understood as the human rights of children.¹⁶ Children’s human rights have been codified most importantly in the UNCRC, which recognises children as rights holders rather than beneficiaries. Intergenerational equity is an important principle of sustainable development. Children are then often seen as representing these future generations. The rights of future generations *as such* are not dealt with in this chapter.¹⁷ Future generations

¹¹ See UNEP, UNICEF and WHO, *Children in the New Millennium: Environmental Impact on Health* (UNEP, UNICEF and WHO, 2002), 7.

¹² K. R. Smith, C. F. Corvalán and T. Kjellström, “How Much Global Ill Health Is Attributable to Environmental Factors?” (1999) 10 *Epidemiology* 573, 582.

¹³ *Ibid.*

¹⁴ A. Prtiss-Üstün and C. Corvalán, *Preventing Disease through Healthy Environments: Towards an Estimate of the Environmental Burden of Disease* (World Health Organisation, 2006).

¹⁵ See, for example, M. Liebel, “Discriminated against Being Children: A Blind Spot in the Human Rights Arena”, in M. Liebel (ed.), *Children’s Rights from Below: Cross-Cultural Perspectives* (New York: Palgrave Macmillan 2012), 103; S. Stephens, “Children and the UN Conference on Environment and Development: Participants and Media Symbols” (1992) *Barn Research on Children in Norway* 44.

¹⁶ See D. Reynaert et al., “Introduction: A Critical Approach to Children’s Rights”, in W. Vandenhoele et al. (eds.), *Routledge International Handbook of Children’s Rights Studies* (London: Routledge, 2015), 5–7.

¹⁷ See generally L. Westra, *Environmental Justice and the Rights of Unborn and Future Generations: Law, Environmental Harm and the Right to Health* (London: Earthscan, 2008).

are sometimes mentioned, though, especially when they are the closest reference to children that can be found in a document.¹⁸

As any concept, the concept of “environment” has been the carrier of a variety of meanings. Whereas it often functions as a shortened reference to “natural environment”, in other contexts a broader meaning is attached to the term. This seems especially the case when used in scholarship regarding children and their rights. For instance, a “child’s right to a healthy environment”¹⁹ has been interpreted in the literature as including the right to a family environment for children of prisoners as well as other social issues such as violence and slavery.²⁰ Similarly, a lobby document of UNICEF in the run-up to the 2030 Agenda for Sustainable Development stated: “Children ... have the right to survive, live and grow up in a decent environment, with all that implies: attending school, enjoying good health and nutrition, and living and growing in safety and security.”²¹ In these instances, the concept of “environment” is used in a way that goes beyond its ecological dimensions. Nevertheless, in line with the dominant interpretation given to the term in the context of sustainable development, the notion “environmental dimension” in this chapter relates to all “natural” environmental issues, excluding societal challenges. In addition, the theme of climate change is not touched upon because this is addressed by Karin Arts in Chapter 10 of this volume.

The analysis is undertaken from two perspectives: a children’s rights perspective and a sustainable development perspective. First, it is investigated how environmental concerns have been taken up in international children’s rights law and policy (“The Environmental Dimension of Sustainable Development in Children’s Rights Law and Policy Agendas”). The major part of this chapter enquires whether and how children and their rights are recognised within sustainable development policy agendas, with a focus on environmental issues. After a historical review of the key documents on sustainable development (“Children and Their Rights in Sustainable Development Agendas”), particular attention is paid to the recently adopted 2030 Agenda for Sustainable Development (“Children and Their Rights in the 2030 Agenda for Sustainable Development”). The chapter closes with some final reflections (“Final Reflections”).

¹⁸ This is for instance the case for the 1972 Stockholm Declaration (see “The Environmental Dimension of Sustainable Development in Children’s Rights Law and Policy Agendas”).

¹⁹ No general, legally binding “child’s right to a healthy environment” is as yet recognised. For a plea in that sense, see D. van Kalmthout, “Out of Isolation: A Claim for Explicit Attention for Children in the Movement toward Recognition of an Environmental Right”, in E. Brems, E. Desmet and W. Vandenhoele (eds.), *Children’s Rights Law in the Global Human Rights Landscape: Isolation, Inspiration, Integration?* (London: Routledge, 2017), 251.

²⁰ See J. Garbarino and G. Sigman (eds.), *A Child’s Right to a Healthy Environment* (New York: Springer, 2010).

²¹ UNICEF, “Sustainable Development Starts and Ends with Safe, Healthy and Well-Educated Children” (2013), www.unicef.org/socialpolicy/files/Sustainable_Development_post_2015.pdf.

THE ENVIRONMENTAL DIMENSION OF SUSTAINABLE
DEVELOPMENT IN CHILDREN'S RIGHTS LAW AND POLICY AGENDAS

There exists a complex, reciprocal relationship between the environment and human rights, including those of children. On the one hand, a healthy environment is vital for the enjoyment of human rights. As the preamble of the Aarhus Convention of 1998 states, "[A]dequate protection of the environment is essential to human well-being and the enjoyment of basic human rights, including the right to life itself."²² By contrast, the exercise of certain human rights may be important to maintain or improve the state of the natural environment. In the words of Shelton, "[T]he fulfilment of human rights, especially the right to information and procedural guarantees of participation and access to remedies, is crucial to preventing environmental harm."²³ This reciprocal relationship between human rights and the environment is also apparent from the Draft Principles on Human Rights and the Environment. Its preamble expresses concern that "human rights violations lead to environmental degradation and that environmental degradation leads to human rights violations".²⁴

The desirability and feasibility of recognising a substantive human right to the environment has been and continues to be the subject of intense debate. Challenges in recognising such a right include the demarcation of its exact content and scope, the anthropocentrism inherent in recognising a "human" right to environment and the added value of such a right.²⁵ At the level of the United Nations, various texts have reflected an interest in the idea of a substantive human right to environment,²⁶ but as of today, no global human rights instrument enshrines this right in a legally binding way. Within the African and Inter-American human rights systems, however, the right to a healthy environment has been recognised.²⁷ Also at national level, an increasing number of constitutions has incorporated this right.²⁸

²² UN Economic Commission for Europe, *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters* (25 June 1998) 2161 UNTS 447.

²³ D. Shelton, "Environmental Rights", in P. Alston (ed.), *Peoples' Rights* (Oxford University Press 2001), 186.

²⁴ UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, "Human Rights and the Environment" (UN Doc. E/CN.4/Sub.2/1994/9, Annex, 6 July 1994).

²⁵ See E. Desmet, *Indigenous Rights Entwined with Nature Conservation* (Cambridge: Intersentia, 2011), 188–190.

²⁶ See, for example, UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, "Human Rights and the Environment"; UNESCO General Conference, *Declaration of Bizkaia on the Right to the Environment* (UN Doc. 30 C/INF.11, 24 September 1999).

²⁷ See article 24 of the Organisation of African Unity, *African Charter on Human and Peoples' Rights* (OAU Doc. CAB/LEG/67/3 rev. 5, 27 June 1981) 21 ILM 58 (1982); article 11 of the *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights* (Protocol of San Salvador, 17 November 1988) 28 ILM 156 (1989).

²⁸ See D. R. Boyd, *The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment* (Vancouver: University of British Columbia Press, 2012).

In the preamble of its 2011 Resolution on Human Rights and the Environment, the Human Rights Council recognised that "environmental damage is felt most acutely by those segments of the population already in vulnerable situations".²⁹ Children were identified as among these vulnerable groups by the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John H. Knox.³⁰

Turning to children's rights law, the UNCRC contains a balanced image of the child, as being vulnerable (protection paradigm) yet holding agency (liberation paradigm).³¹ The Convention does not refer to sustainable development and contains only two mentions of environmental issues. The impact of environmental degradation is referred to in the context of the right to health: to pursue the full implementation of the child's right to the enjoyment of the highest attainable standard of health, State Parties shall take measures "[t]o combat disease and malnutrition, . . . through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution".³² Moreover, the education of children should be directed to "the development of respect for the natural environment".³³ This limited attention for environmental issues in the UNCRC reflects the lesser urgency of environmental matters at the time of drafting and adopting the Convention. Given the increase in the nature and severity of environmental challenges during the last decades, particularly as regards children, the UNCRC is arguably not well equipped to address these.³⁴

At the 1990 World Summit for Children, the political leaders adopted the World Declaration on the Survival, Protection and Development of Children, in which they committed to a 10-point programme to safeguard the rights of children and their living conditions.³⁵ One point of action was "to work for common measures for the protection of the environment, so that all children can enjoy a safer and healthier future".³⁶ The Plan of Action for implementing this Declaration in the 1990s contains a separate section on "children and the environment", which

²⁹ UN Human Rights Council, "Human Rights and the Environment" (UN Doc. A/HRC/RES/16/11, 12 April 2011).

³⁰ UN Human Rights Council, "Report of the Independent Expert on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, John H. Knox" (UN Doc. A/HRC/22/43, 24 December 2012).

³¹ See W. Vandenhoele and J. Ryngaert, "Mainstreaming Children's Rights in Migration Litigation: Muskhadzhiyeva and Others v. Belgium", in E. Brems (ed.), *Diversity and European Human Rights: Rewriting Judgments from the ECHR* (Cambridge: Cambridge University Press, 2013), 71.

³² UNCRC, article 24(2)(c) (emphasis added).

³³ UNCRC, article 29(1)(e).

³⁴ See, for example, van Kalmthout, "Out of Isolation".

³⁵ UNGA, "World Declaration on the Survival, Protection and Development of Children" (UN Doc. A/45/625, 30 September 1990).

³⁶ *Ibid.*, [20(9)].

commences as follows – explicitly referring to sustainable development: “Children have the greatest stake in the preservation of the environment and its judicious management for sustainable development as their survival and development depends on it.”³⁷ The goals set in the Plan of Action are considered to be “highly compatible with and supportive of environmental protection”.³⁸ A socialisation paradigm, pointing to an image of “children as future citizens”,³⁹ is underlying the provision that “programmes for children . . . which inculcate in them respect for the natural environment . . . must figure prominently in the world’s environmental agenda”.

At the special session of the UN General Assembly on children in 2002, the document “A World Fit for Children” was adopted.⁴⁰ World leaders stressed their commitment to complete the unfinished agenda of the World Summit and to create a world fit for children. One of the principles and objectives of the agenda is “Protect the Earth for Children”. This implies the commitment to “give every assistance to protect children and minimise the impact of natural disasters and environmental degradation on them”, which points to an image of a vulnerable child.⁴¹ A socialisation approach is also present in relation to environmental matters, namely in the pledge to “educate all children and adults to respect the natural environment for their health and well-being”.⁴² In general, an image of children as rights-bearers is noticeable: they are identified as key actors for partnerships, who must be enabled to exercise their right to express their views freely.⁴³

Summing up, the main children’s rights policy agendas at UN level of the past decades pay considerable attention to environmental issues as being relevant for the realisation of children’s rights. When the documents focus specifically on environmental challenges, the paradigms of protection (image of children as vulnerable beings) and, to a lesser extent, socialisation (image of children as future citizens) prevail. This predominance of a protectionist approach when dealing with environmental challenges is confirmed by an analysis of the concluding observations of the UN Committee on the Rights of the Child on natural resource exploitation in Latin America.⁴⁴ Also here, the focus was mostly on the protection of children (against economic exploitation, against negative health impacts), viewing them as

³⁷ UNGA, “Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children” (UN Doc. A/45/625, Annex, 30 September 1990), [26].

³⁸ *Ibid.*, [27].

³⁹ See note 51.

⁴⁰ UNGA, “A World Fit for Children” (UN Doc. A/RES/S-27/2, 11 October 2002).

⁴¹ *Ibid.*, [7(10)]. See also [26] (on environmental problems and trends that need to be addressed) and [37(25)] (on the development of legislation, policies and programmes to prevent the exposure of children to harmful environmental contaminants).

⁴² *Ibid.*, [28].

⁴³ *Ibid.*, [32].

⁴⁴ See E. Desmet and J. Aylwin, “Natural Resource Exploitation and Children’s Rights” in W. Vandenhoe et al. (eds.), *Routledge International Handbook of Children’s Rights Studies* (London: Routledge, 2015), 401–403.

“in danger” in relation to resource extraction. Only rarely did the Committee refer to the agency and resilience of children in a resource exploitation context.

CHILDREN AND THEIR RIGHTS IN SUSTAINABLE DEVELOPMENT AGENDAS: A HISTORICAL OVERVIEW

Three questions have guided the analysis of the sustainable development policy documents in this and the following section: (1) Which child images seem to underlie these agendas?; (2) How do human rights in general, and children’s rights in particular, appear in these documents? and (3) What attention is paid to children and their rights in relation to the environmental dimension of sustainable development in particular? The focus of this chapter on environmental issues implies that other themes in relation to which children are mentioned in these agendas, such as infant and child mortality, education, child labour and HIV/AIDS, are not addressed, unless they are particularly relevant in answering one or more of the three questions previously identified.

According to the Declaration of the United Nations Conference on the Human Environment (UNCHE) of 1972, better known as the Stockholm Declaration, both the natural and the man-made aspects of the environment are essential to the enjoyment of basic human rights.⁴⁵ Children are not explicitly mentioned in the Declaration, but implicitly included in the reference to “present (and future) generations”. Concretely, man’s responsibility to “protect and improve the environment for present and future generations” is laid down in Principle 1, while Principle 2 provides that the natural resources of the earth must be safeguarded for the benefit of present and future generations.

In 1980, the International Union for Conservation of Nature (IUCN), the UN Environment Programme (UNEP) and the World Wide Fund for Nature (WWF) issued the “World Conservation Strategy (WCS) – Living Resource Conservation for Sustainable Development”.⁴⁶ As the title indicates, the document mainly focuses on environmental matters, and in particular the conservation of living resources, as a way of achieving sustainable development. A “strategy for human rights” is needed next to the proposed conservation strategy to assure human survival and well-being.⁴⁷ Human rights thus do not form part of this strategy. The WCS refers to children in the context of the ethical imperative underlying conservation: “We have

⁴⁵ UN Conference on the Human Environment, “Declaration of the United Nations Conference on the Human Environment” (UN Doc. A/Conf.48/14/Rev.1, 5–16 June 1972), [1].

⁴⁶ IUCN, UNEP and WWF, *World Conservation Strategy – Living Resource Conservation for Sustainable Development* (IUCN, UNEP and WWF, 1980). In 1991, these organisations published *Caring for the Earth: A Strategy for Sustainable Living*. The document only refers once to children in relation to malnutrition and preventable disease. IUCN, UNEP and WWF, *Caring for the Earth: A Strategy for Sustainable Living* (Gland, Switzerland: IUCN, UNEP and WWF, 1991), 4.

⁴⁷ IUCN et al., *World Conservation Strategy*, [8].

not inherited the earth from our parents, we have borrowed it from our children".⁴⁸ It is not clear from the text whether "our children" should be interpreted literally or as a proxy for "future generations".⁴⁹ In the remainder of the WCS, "schoolchildren and students" are identified as one of the main target groups of environmental education programmes.⁵⁰ The underlying child image in these provisions appears to be one of "children as future citizens": children are to be taught how to behave in an environmentally responsible manner (socialisation paradigm).⁵¹

The 1987 report "Our Common Future" of the WCED is often referred to as the Brundtland Report, after its Norwegian chair. It contains the probably most known definition of *sustainable development*, as development that "meets the needs of the present without compromising the ability of future generations to meet their own needs".⁵² The concept of human rights is only marginally present in the Brundtland Report.⁵³ Compared to the previous documents on sustainable development, the weight given to children slowly increases. Decision-makers are called upon to act, as "we risk undermining our children's fundamental right to a healthy, life-enhancing environment."⁵⁴ This is the first time that children are explicitly recognised as "bearers of rights" in a sustainable development policy agenda. This seems to reflect the zeitgeist, as the drafting process of the UNCRC was coming to a close in the second half of the 1980s. As regards environmental issues, children are mentioned as particularly vulnerable to the consequences of exposure to pesticide and chemical residues⁵⁵ and to diseases in cities, most of which are "environmentally based and could be prevented".⁵⁶ The Brundtland Report also explicitly links the well-being of "our children" to environmentally unsustainable practices: many such practices "may show profit on the balance sheets of our generation, but our children will inherit the losses. We borrow environmental capital from future generations with no intention or prospect of repaying".⁵⁷ In contrast to the WCS, here "our children" seems to be used to refer to "future generations". Finally, the Brundtland Report aptly points to the tension between the interests of decision-makers and young people: "*Most of today's decision makers will*

⁴⁸ Ibid., [5].

⁴⁹ This is different in the Brundtland Report, see following text.

⁵⁰ Compare with article 29(1)(e) UNCRC on the aims of education.

⁵¹ See A. T. Kjørholt, "Small Is Powerful – Discourses on 'Children and Participation' in Norway" (2002) 9 *Childhood* 63, 69.

⁵² WCED, "Our Common Future", [27].

⁵³ The Brundtland Report contains only two mentions of the term "human rights", one in relation to population growth (ibid., 8) and one in the speech of a speaker, who refers to the "problems of human rights in Africa" (ibid., [19]). The right to self-determination in the context of family planning, especially for women, is referred to various times (ibid., [6], [43] and [51]).

⁵⁴ Ibid., 8.

⁵⁵ Ibid., ch. 5, [26].

⁵⁶ Ibid., ch. 9, [11].

⁵⁷ Ibid., "Our Common Future", [25]. This paragraph ends as follows: "[F]uture generations do not vote; they have no political or financial power; they cannot challenge our decisions".

be dead before the planet feels the heavier effects of acid precipitation; global warming, ozone depletion, or widespread desertification and species loss. *Most of the young voters of today will still be alive.*"⁵⁸ Given the reference to young "voters", this will often not include "children" according to the UNCRC definition,⁵⁹ unless voting rights are awarded from 16 years onwards. Interestingly, "the young" were heard by the Commission, and clearly spoke out: "*In the Commission's hearings it was the young*, those who have the most to lose, *who were the harshest critics* of the planet's present management."⁶⁰ This implies a recognition of the participation rights and agency of "the young", even though it is not clear how this term is to be interpreted here.

At the UNCED, the world's political leaders formally endorsed sustainable development as new development model.⁶¹ The 1992 Declaration on Environment and Development (Rio Declaration)⁶² emphasises the environmental dimension of sustainable development: "In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process."⁶³ The Rio Declaration does not adopt a human rights perspective, only the right to development⁶⁴ and the sovereign right of states to exploit their own resources⁶⁵ are included. The Declaration does not refer to "children" either, only to "youth": "The *creativity, ideals and courage* of the youth of the world should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better future for all."⁶⁶ Interesting, no reference is made to the *rights* of young people, but they (and especially their creativity, ideals and courage) are rather seen as a *resource* to be used to achieve sustainable development. This approach of youth has also been observed in relation to children. In some participatory projects in Norway, for instance, an image of "children as resources" was present, that is, "as a valuable tool or instrument to realize aims other than children's rights", here sustainable development.⁶⁷

In Agenda 21,⁶⁸ the policy agenda accompanying the Rio Declaration, human rights remain at the margins, but children are more present.⁶⁹ "Children and youth" are established as one of the Major Groups, and a complete chapter is dedicated to

⁵⁸ Ibid., [26] (emphasis added).

⁵⁹ Article 1 of the UNCRC reads: "For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier".

⁶⁰ WCED, "Our Common Future", [26] (emphasis added).

⁶¹ Waas et al., "Sustainable Development", 1642.

⁶² UN Conference on Environment and Development (UNCED), "Rio Declaration on Environment and Development" (UN Doc. A/CONF.151/26 (vol. I), 12 August 1992).

⁶³ Ibid., Principle 4.

⁶⁴ Ibid., Principle 3.

⁶⁵ Ibid., Principle 2.

⁶⁶ Ibid., Principle 21 (emphasis added).

⁶⁷ See Kjørholt, "Small Is Powerful", 70.

⁶⁸ UNCED, "Agenda 21" (UN Doc. A/CONF.151/26 (vols. I-III), 12 August 1992).

⁶⁹ The concept "human rights" is only mentioned three times, in a 351-page document (ibid.).

them (chapter 25, “Children and Youth in Sustainable Development”). Agenda 21 hosts a mixture of child images. This is illustrated by the paragraph that provides the “basis for action” of the section on children in sustainable development in chapter 25:

Children not only will inherit the responsibility of looking after the Earth, but in many developing countries they comprise nearly half the population [children as future citizens]. Furthermore, children in both developing and industrialized countries are highly vulnerable to the effects of environmental degradation [children as vulnerable beings]. They are also highly aware supporters of environmental thinking [children as resources]. The specific interests of children need to be taken fully into account in the participatory process on environment and development in order to safeguard the future sustainability of any actions taken to improve the environment [children as resources].⁷⁰

The absence of the notion of “children as bearers of rights” in this paragraph is striking. Whereas children are conceptualised subsequently as future citizens, vulnerable beings and “resources”, they are not seen as bearers of rights. This is particularly evident from the last sentence: the specific interests of children need to be considered, but not because they have an inherent right thereto – as guaranteed however by article 12 UNCRC. The rationale for considering the interests of children seems an instrumentalist one, namely to guarantee the future sustainability of environmental improvement measures. The participation of children is further addressed to some extent in chapter 36 on “Promoting Education, Public Awareness and Training”. There, the requirement of children’s involvement is mentioned in relation to studies on environmental health drafted by schools and in “relevant activities, linking these studies with services and research in national parks, wildlife reserves, ecological heritage sites etc”.⁷¹ Moreover, “support programmes to involve young people and children in environment and development issues” should be developed by UN agencies and nongovernmental organisations.⁷²

In the remainder of chapter 25 and in Agenda 21 as a whole, the image of children as vulnerable and in need of protection is predominant. This is especially the case in relation to environmental (health) issues. Chapter 6, on protecting and promoting human health, identifies “infants and children”, as younger than 15 years old, and “youth”, as younger than 25 years old, as two of the “vulnerable groups” in relation to health.⁷³ As the link between children and the environmental dimension of sustainable development is concerned, it is recognised that “[t]he health of children

⁷⁰ Ibid., [25.12].

⁷¹ Ibid., [36.5e].

⁷² Ibid., [36.10j].

⁷³ Ibid., [6.19] and [6.20]. Here, a discrepancy with the UNCRC definition of children is thus noticeable (see article 1 UNCRC). Pursuant to article 24(1) UNCRC, “States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health”.

is affected more severely than other population groups by . . . adverse environmental factors”.⁷⁴ To that end, national governments should “[p]rotect children from the effects of environmental and occupational toxic compounds”.⁷⁵ Also with regard to other environmentally related matters, children are mentioned as groups particularly susceptible to certain threats or risks, mostly together with women through the sentence “in particular women and children”. For instance, in chapter 19 on the environmentally sound management of chemical toxics, it is acknowledged that women and children “are at greatest risk” and should therefore be the primary target groups of training and education on chemical risks.⁷⁶ Also as regards hazardous waste management, children and women are recognised as particularly vulnerable.⁷⁷ Both in chapter 6 on health and regarding other environmental issues, the vulnerability of children thus stands central. This prevalence of the image of the vulnerable child is also evident from the passive manner in which the objectives concerning children in chapter 25 are formulated: governments should take measures to “[e]nsure the survival, protection and development of children” as well as to “[e]nsure that the interests of children are taken fully into account in the participatory process for sustainable development and environmental improvement”.⁷⁸ Children should thus not necessarily be involved themselves (as is however required by article 12 UNCRC), but their interests should be “taken into account” by others, that is adults. This stands in contrast with the active formulation of the programme area on youth in the same chapter, which reads: “advancing the role of youth and actively involving them in the protection of the environment and the promotion of economic and social development.”⁷⁹ This subtle difference between the capacity and agency attributed to children and youth in Agenda 21 is confirmed by the following excerpt on capacity building concerning health issues:

Governments should promote, where necessary, . . . (ii) *women’s organizations, youth groups and indigenous people’s organizations* to facilitate health and consult them on the creation, amendment and enforcement of legal frameworks to ensure a healthy environment for *children, youth, women and indigenous peoples*.⁸⁰

Whereas the target groups for ensuring a healthy environment are “children, youth, women and indigenous peoples”, children are left out when referring to the types of

⁷⁴ Ibid., [6.19].

⁷⁵ Ibid., [6.27, a, iv].

⁷⁶ Ibid., [19.22].

⁷⁷ Ibid., [20.20].

⁷⁸ Ibid., [25.13].

⁷⁹ Ibid., [25.1]. On the conceptualisation of “children” and “youth”, see E. Desmet, “Implementing the Convention on the Rights of the Child for Youth: Who and How?” (2012) 20 *The International Journal of Children’s Rights* 3; E. Desmet, “Inspiration for Children’s Rights from Indigenous Peoples’ Rights” in Brems et al. (eds.), *Children’s Rights Law in the Global Human Rights Landscape*.

⁸⁰ Ibid., [6.31] (emphasis added).

organisations that should be promoted and consulted to that end: only organisations of women, youth and indigenous peoples are mentioned. Research has shown, however, that also children are very capable of organising themselves.⁸¹ Moreover, according to UNICEF, “[H]undreds of examples are known from around the world where child and youth empowerment has been a catalyst for child-driven change for sustainable development.”⁸²

This paternalistic attitude of governments towards children, which seems to underlie the language in Agenda 21, is confirmed by Sharon Stephens’s account of the actual participation of children in the Earth Summit.⁸³ Children played a significant role in the opening ceremony, in which a ship arrived with children from various countries, bearing the following UNICEF banner: “Keep the Promise . . . For a Better World for All the Children.” Children also received much attention in international press coverage. In the actual convention negotiations, however, they felt that their views were not taken seriously. This was evident, for instance, from the fact that only four government officials attended the “Children’s Hearing”, in which children presented their views. According to Stephens, not only children but also youth were frustrated about their participation in UNCED, even though the texts of the Rio Declaration and Agenda 21 recognise the agency of youth to a somewhat larger extent than that of children, as indicated here in the preceding text.

The Millennium Declaration was adopted by the UN General Assembly at the Millennium Summit in 2000 and formed the basis of the eight Millennium Development Goals (MDGs).⁸⁴ “Respect for nature” is one of the fundamental values considered to be essential in international relations in the twenty-first century, in accordance with the precepts of sustainable development. The chapter on environment explicitly recognises the link between children and environmental protection: “We must spare no effort to free all of humanity, *and above all our children and grandchildren*, from the threat of living on a planet irredeemably spoilt by human activities, and whose resources would no longer be sufficient for their needs.”⁸⁵ Human rights gain in importance in the Millennium Declaration, with a separate chapter on “Human Rights, Democracy and Governance” (chapter V). As children are concerned, the heads of state and government recognise their duty to uphold the principles of human dignity, equality and equity “to all the world’s people, especially the most vulnerable and, in particular, the children of the world, to whom the future belongs”.⁸⁶ This phrase reflects a mixed image of children, as

⁸¹ See, for example, M. Liebel, “Working Children as Social Subjects: The Contribution of Working Children’s Organizations to Social Transformations” (2003) 10(3) *Childhood* 265.

⁸² UNICEF, “Safe, Healthy and Well-Educated Children”, 15.

⁸³ Stephens, “Children and the UN Conference”, 44.

⁸⁴ UNGA, “United Nations Millennium Declaration” (UN Doc. A/RES/55/2, 18 September 2000).

⁸⁵ *Ibid.*, [21].

⁸⁶ *Ibid.*, [2].

both vulnerable and future citizens. Age is not mentioned as a possible ground of discrimination in efforts to uphold respect for the equal rights of all; only race, sex, language and religion are.⁸⁷ In the remainder of the Declaration, the image of the vulnerable child again prevails. In chapter V on human rights, women and migrants are identified as particular categories of rights holders, and the heads of state and government resolve to implement the Convention on the Elimination of all Forms of Discrimination against Women.⁸⁸ Children, in contrast, are not mentioned in this chapter as holding human rights. They are referred to in chapter VI, entitled “Protecting the Vulnerable”. Such an approach essentialises children as being “inherently vulnerable”. The commitment to encourage the ratification and full implementation of the UNCRC and its (then) two optional protocols is also included in the latter chapter, whereas it would have been more logical to incorporate this in chapter V on human rights. More than a decade after the adoption of the UNCRC, the Millennium Declaration did not recognise children as bearers of human rights but categorised them (only) as vulnerable beings to be protected.

In general, the UN World Summit on Sustainable Development (WSSD) in 2002 was less successful and influential than UNCED.⁸⁹ The Johannesburg Declaration on Sustainable Development refers to the “interdependent and mutually reinforcing pillars of sustainable development”, namely economic development, social development and environmental protection.⁹⁰ Remarkably, the concept of human rights is not mentioned once. With respect to children, however, it is interesting that the Johannesburg Declaration explicitly refers to the participation of children in the summit:

At the beginning of this Summit, the children of the world *spoke to us* in a simple yet clear voice that *the future belongs to them*, and accordingly challenged all of us to ensure that through our actions they will inherit a world free of the indignity and indecency occasioned by poverty, environmental degradation and patterns of unsustainable development.⁹¹

The image of children is again mixed, but of a different nature: children are presented as participants (exercising their right to participation under article 12 UNCRC) and as future citizens. The latter image is confirmed by paragraph 4, which emphasises that children “represent our collective future”. The importance of the participation of children is again indirectly referred to in the context of “stable partnerships with all major groups”⁹² and in the statement that implementation

⁸⁷ *Ibid.*, [4].

⁸⁸ *Ibid.*, [25].

⁸⁹ See Waas et al., “Sustainable Development”, 1643.

⁹⁰ UN World Summit on Sustainable Development, “Johannesburg Declaration on Sustainable Development and Johannesburg Plan of Implementation” (UN Doc. A/CONF.1999/20, 4 September 2002), [5].

⁹¹ *Ibid.*, [3] (emphasis added).

⁹² *Ibid.*, [26].

should be an inclusive process, “involving all major groups”.⁹³ In contrast to previous documents, the Johannesburg Declaration does not construct children as vulnerable, but as rights bearers (at least of the right to express their views) and as future citizens.

This shift from viewing children predominantly as vulnerable towards a more nuanced approach is also visible in the Johannesburg Plan of Implementation. According to its introduction, the implementation of the summit’s outcomes “should benefit all, particularly women, youth, children *and* vulnerable groups”.⁹⁴ By juxtaposing vulnerable groups with children and youth, the latter are not automatically presumed to be vulnerable. The change is also noticeable in relation to the environmental dimension of sustainable development, as in chapter VI on “Health and Sustainable Development”, it is stated that

There is an urgent need to address the causes of ill health, including environmental causes, and their impact on development, with particular emphasis on *women and children, as well as vulnerable groups of society*, such as people with disabilities, elderly persons and indigenous people.⁹⁵

The first explicit recognition of the agency of children in a sustainable development policy agenda, occurs in relation to clean drinking water and adequate sanitation in the WSSD Plan of Implementation: education and outreach on these issues should focus on “children, as agents of behavioural change”.⁹⁶ Although children are included in the major groups and thus in the provisions on the participation of these groups,⁹⁷ more emphasis is placed on the role and participation of youth, as in Agenda 21. For instance, all stakeholders are called upon to recognise the “specific role of youth, women and indigenous and local communities in conserving and using biodiversity in a sustainable way”.⁹⁸ Also, “youth participation” in programmes and activities relating to sustainable development is to be promoted and supported,⁹⁹ and the capacity of youth to participate is to be developed.¹⁰⁰ One could imagine similar formulations regarding the participation of children, so as to give effect to the participation provisions of the UNCRC (articles 12–15).

Turning to the environmental dimension of sustainable development, the WSSD Plan of Implementation recognises the particular relationship between children and the environment, referring for instance to the special needs of children in relation to

⁹³ Ibid., [34].

⁹⁴ Emphasis added.

⁹⁵ Emphasis added, leaving aside here the essentialisation of those included in the category of vulnerable groups (ibid., [55]). However, the vulnerability of children remains emphasised in the context of sustainable development in Africa (ibid., [65]).

⁹⁶ Ibid., [8(d)].

⁹⁷ Ibid., [168]–[170].

⁹⁸ Ibid., [44(k)].

⁹⁹ Ibid., [170].

¹⁰⁰ Ibid., [127(c)].

environmental health threats¹⁰¹ and the particular attention to be paid to children in the “reduction of respiratory diseases and other health impacts resulting from air pollution”.¹⁰² The WSSD also launched the Global Initiative on Children’s Environmental Health indicators.¹⁰³ Finally, data should be disaggregated by sex, age and other factors.¹⁰⁴

In 2003, the Governing Council of UNEP adopted a “[l]ong-term strategy on engagement and involvement of young people in environmental issues”.¹⁰⁵ Under the label of “Tunza”,¹⁰⁶ the six-year strategy aimed to increase the participation of young people in environmental issues. *Young people* is used as an umbrella term: young people under the age of 15 years are referred to as “children”, whereas “youth” indicates young people between the ages of 15 and 25.¹⁰⁷ Children are represented by the Tunza Junior Board and youth constitute the Tunza Youth Advisory Council. The Tunza strategy comprises four key focus areas for activities: awareness building, participation in decision-making, capacity building and information exchange.¹⁰⁸ Whereas the focus areas of awareness building, capacity building and information exchange are directed towards “young people” (i.e., both children and youth), the facilitation of the involvement in decision-making processes is limited to “youth leaders”.¹⁰⁹ In 2009, a second long-term strategy (2009–2014) was adopted, focusing on six thematic priorities: climate change, environmental governance, resource efficiency, ecosystem management, disasters and conflicts, and harmful substances and hazardous waste.¹¹⁰

One outcome of the Tunza programme was that the conferences for children and youth that were until then organised separately by UNEP (the International Children’s Conference on the Environment and the UNEP Youth Global Forum) were merged into one annual Tunza Conference.¹¹¹ Such conferences are not without importance: in interview research, young environmental leaders have indicated the

¹⁰¹ Ibid., [7(f)].

¹⁰² Ibid., [56].

¹⁰³ See World Health Organization, *From Theory to Action: Implementing the WSSD Global Initiative on Children’s Environmental Health Indicators* (Geneva: World Health Organization, 2004).

¹⁰⁴ WSSD, “Johannesburg Plan of Implementation”, [129].

¹⁰⁵ Governing Council of the United Nations Environment Programme, “Policy Responses of the United Nations Environment Programme to Tackle Emerging Environmental Programmes. Report of the Executive Director. Addendum: Long-Term Strategy on Engagement and Involvement of Young People in Environmental Issues” (UNEP/GC.22/3/Add.1/Rev.1, 19 December 2002).

¹⁰⁶ “Tunza” means “to treat with care of affection” in Kiswahili, an Eastern African language (ibid., n. 1).

¹⁰⁷ Ibid., n. 2. A discrepancy with the UNCRC definition of children is again noticeable.

¹⁰⁸ Ibid., [11].

¹⁰⁹ Ibid. However, in the detailed description of the programme activities on participation in decision-making, this distinction is not upheld consistently. See, for example, [22] (“children and youth representatives”) and [23] (“young people”).

¹¹⁰ Governing Council of the United Nations Environment Programme, “Final Review of the Long-Term Strategy on the Engagement and Involvement of Young People in Environmental Issues” (UN Doc. UNEP/GC.25/10, 28 October 2008).

¹¹¹ Governing Council of the United Nations Environment Programme, “Policy Responses”, [19].

influence of “groups, conferences and gatherings” on their engagement in environmental action.¹¹² In 2011, the Tunza International Children and Youth Conference took place in Bandung, Indonesia and aimed to provide input to the upcoming UN Conference on Sustainable Development (UNCSD) of 2012. In the Bandung Declaration, children and youth “[urged] governments to respond and not to ignore the demands of the children and youth”.¹¹³ They make a range of commitments in the Declaration, such as to lobby governments and adopt more sustainable lifestyles. They also give their vision on what green economy and governance means for them, and call upon governments and business leaders to “come to Rio and deliver”.¹¹⁴

The UNCSD, also known as Rio+20, aimed to secure a renewed political commitment for sustainable development, and to address the themes of a green economy, poverty eradication and the institutional framework for sustainable development. In its outcome document, “The Future We Want”, human rights and its international law instruments are given more weight than in the WSSD texts.¹¹⁵ The importance of “respect for all human rights, including the right to development and the right to an adequate standard of living, including the right to food” is emphasised,¹¹⁶ as well as the responsibilities of all states to respect, protect and promote human rights, without discrimination.¹¹⁷ It seems, however, a missed opportunity that “age” is not mentioned as a possible ground of discrimination, even though it could fall under “other status”.¹¹⁸ Also, it is to be deplored that data are only to be disaggregated as to sex, not as to age or other factors.¹¹⁹

¹¹² In this research, “young environmental leaders” were individuals between 16 and 19 years of age. A serious limitation of the study was the homogeneous sample: all interviewees were from Nova Scotia (Canada), white, not from low-income backgrounds, and mostly female. See H. E. Arnold, F. G. Cohen and A. Warner, “Youth and Environmental Action: Perspectives of Young Environmental Leaders on Their Formative Influences” (2009) 40 *The Journal of Environmental Education* 27.

¹¹³ Tunza International Children and Youth Conference, “The Voice of Children and Youth for Rio+20 (Bandung Declaration)” (2011), www.unep.org/pdf/Bandung_Declaration_Final.doc.

¹¹⁴ Ibid.

¹¹⁵ UNGA, “The Future We Want” (UN Doc. A/RES/66/288, Annex, 11 September 2012).

¹¹⁶ Ibid., [8]. Compare with article 6 (right to life, survival and development) and article 27 UNCRC (right to an adequate standard of living).

¹¹⁷ Ibid., [9]. See also the principle of non-discrimination enshrined in article 2 UNCRC.

¹¹⁸ Paragraph 9 reads: “We reaffirm the importance of the Universal Declaration of Human Rights, as well as other international instruments relating to human rights and international law. We emphasize the responsibilities of all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and fundamental freedoms for all, *without distinction of any kind to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth, disability or other status*”. Emphasis added. This paragraph was also included in the 2030 Agenda for Sustainable Development (see UNGA, “Transforming Our World: The 2030 Agenda for Sustainable Development” [UN Doc. A/RES/70/1, 21 October 2015]). This list of discrimination grounds is almost the same as the one in article 2(1) UNCRC, with the exception that “ethnic origin” is included in the convention. “Age” is thus not mentioned in the UNCRC as a separate discrimination ground either.

¹¹⁹ Ibid., [136] (on sustainable urban planning) and [239] (in general).

A more nuanced construction of childhood appears from “The Future We Want”. The images of children as both vulnerable and future citizens seem to underlie the phrase on the need of the “protection, survival and development of all children to their full potential, including through education”.¹²⁰ Children and youth are explicitly identified as beneficiaries of and participants to sustainable development: “We emphasize that sustainable development must be inclusive and people-centered, *benefiting and involving* all people, including youth and children”.¹²¹ In addition, a separate paragraph is dedicated to emphasising the importance of children’s and youth’s participation, and of their contribution to achieve sustainable development, even though an instrumentalist undertone remains:

We stress the importance of the active participation of young people in decision making processes as the issues we are addressing have a deep impact on present and future generations, and as the contribution of children and youth is vital to the achievement of sustainable development. We also recognize the need to promote intergenerational dialogue and solidarity by recognizing their views.¹²²

Furthermore, in the section on implementation, the importance of the full enjoyment of human rights, in particular for women and children, is emphasised.¹²³ Regarding the environmental dimension of sustainable development, “harmony with nature” is presented as a precondition to achieve sustainable development.¹²⁴ The document calls for “holistic and integrated approaches to sustainable development”.¹²⁵ Within the chapter on the institutional framework of sustainable development, a separate section is devoted to the “[e]nvironmental pillar in the context of sustainable development”, reaffirming the need to strengthen international environmental governance.¹²⁶ In the thematic sections, children are mentioned in relation to poverty eradication, food security and sustainable agriculture, sustainable cities, and health and population. It is remarkable, however, that children are not referred to in the more exclusively environmentally related sections (e.g., on oceans and seas, climate change, forests, biodiversity, desertification, mountains, chemicals and waste, sustainable consumption and production, mining).

In conclusion, analysing the key sustainable development policy agendas of the past five decades leads to some interesting observations on the three guiding questions identified in the preceding text. First, as regards the role given to children,

¹²⁰ Ibid., [11].

¹²¹ Ibid., [31].

¹²² Ibid., [50]. “Young people” seems to be used here as an umbrella term, covering both “children” and “youth”, in line with the UNEP Strategy (see note 107). This paragraph forms part of the section “Engaging Major Groups and Other Stakeholders”, in which the importance of specific groups/actors in advancing sustainable development is recognised.

¹²³ Ibid., [102].

¹²⁴ Ibid., [39].

¹²⁵ Ibid., [40].

¹²⁶ Ibid., [87].

an evolution is noticeable from no (Stockholm Declaration) or scarce (WCS) mentioning to an increased presence of children in the sustainable development agendas. The child images underlying these references are often mixed. Children are then represented as “future citizens” (e.g., WCS, Agenda 21), as “resources” (e.g., Agenda 21), or as proxies for future generations (e.g., Brundtland Report). In the majority of the agendas, however, the image of the vulnerable child is predominant. Only from the WSSD onwards, a more nuanced approach towards children seems to emerge, in which children are not automatically seen as vulnerable. Moreover, the absence of references to children as bearers of human rights is salient, with the Brundtland Report and “The Future We Want” being notable exceptions. As a consequence, the place given to children’s *rights* in the sustainable development agendas is limited. Although the importance of the participation of children is increasingly mentioned, this has been justified referring to an instrumentalist rationale (e.g., Agenda 21, “The Future We Want”) rather than on the basis of a rights-based approach in line with the UNCRC. Moreover, greater attention is paid to the agency and participation of youth, compared with those of children (e.g., Rio Declaration, Agenda 21, Johannesburg Plan of Implementation).

Regarding the weight given to human rights in general, no linear evolutions can be discerned. In most documents, human rights are only ephemerally referred to (e.g., Stockholm Declaration, WCS, “Our Common Future”), or even not at all (e.g., Rio Declaration and Johannesburg Declaration). The Millennium Declaration and “The Future We Want” adopt a clearer human rights approach. Finally, as the relationship between children and the environmental dimension of sustainable development is concerned, the environmental sections of the agendas either focus on children’s vulnerability in relation to environmental risks (e.g., Agenda 21) or do not mention children (e.g., WCS, “The Future We Want”). The overall tendency in the sustainable development policy agendas to disregard the agency of children thus seems to play out even stronger in relation to the environmental dimension, given the inclination to focus on the vulnerable aspects of being a child in the context of environmental hazards.

CHILDREN AND THEIR RIGHTS IN THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT: TRANSFORMING OUR WORLD?

At the UN Sustainable Development Summit, which was held from 25 to 27 September 2015 in New York, the UN General Assembly unanimously adopted the document entitled “Transforming Our World: The 2030 Agenda for Sustainable Development” (2030 Agenda).¹²⁷ This document contains 17 SDGs and 169 targets, to follow up on the MDGs. Priority is given to eradicating poverty as “the greatest

¹²⁷ UNGA, “Transforming Our World”.

global challenge”.¹²⁸ The agenda has come into effect on 1 January 2016 and is to be fully implemented by 2030. After a brief overall appraisal, the three questions that guided the analysis of the previous sustainable development agendas (child images; role of human and children’s rights; role of children and their rights regarding the environmental dimension of sustainable development) will also be addressed with respect to the 2030 Agenda.

In general, various positive elements can be noted – without being exhaustive. First, the agenda is the result of a broad consultation process and engagement with civil society and other stakeholders, “which paid particular attention to the voices of the poorest and most vulnerable”.¹²⁹ Also, the SDGs are directed to all states, whereas the MDGs only focused on developing countries. As the conceptualisation of sustainable development is concerned, the three dimensions of sustainable development – economic, social and environmental – are to be achieved “in a balanced and integrated manner”.¹³⁰ Such an integrated approach implies “deep interconnections and many cross-cutting elements across the new Goals and targets”.¹³¹ Whereas the dimensions of sustainable development are often referred to as the three “Ps,” “People, Planet, Profit”,¹³² the 2030 Agenda refers to “Prosperity” instead of “Profit”. This seems to indicate a more holistic perspective on the economic dimension of sustainable development, which is to be applauded.¹³³ The 2030 Agenda is also very comprehensive, trying to tackle the major challenges of our times.

This comprehensivity is at the same time one of the major weaknesses of Agenda 2030 though: how will efforts be focused and progress be monitored? Furthermore, the emphasis on states’ “full permanent sovereignty over all its wealth, natural resources and economic activity” may limit the transformative potential of the SDGs in case of “unwilling” governments, even though the Agenda is to be implemented in a manner consistent with international law.¹³⁴ From an ecological perspective, the explicit “people-centred” nature of the SDGs and targets¹³⁵ can be criticised. This people-oriented approach is also evident from the order in which the different dimensions of sustainable development are addressed: the social dimension is treated first, then the economic dimension and then the environmental dimension.¹³⁶ This seems to subordinate the environmental dimension to

¹²⁸ *Ibid.*, [2].

¹²⁹ *Ibid.*, [6].

¹³⁰ *Ibid.*, [2].

¹³¹ *Ibid.*, [17].

¹³² See Waas et al., “Sustainable Development”, 1651.

¹³³ Two more Ps are added as “areas of critical importance for humanity and the planet”, namely Peace and Partnership (UNGA, “Transforming Our World”, preamble).

¹³⁴ *Ibid.*, [18].

¹³⁵ *Ibid.*, [2].

¹³⁶ This is the case in the section “The New Agenda” (*ibid.*, [18]–[38]) as well as in the order of the 17 SDGs.

the interests of human beings, whereas recent conceptualisations of sustainable development suggest that the carrying capacity of the earth should serve as the limiting framework for any human action.¹³⁷ The repeated reference to “sustained economic growth”¹³⁸ as a goal does not seem to recognise the inherent environmental limits to growth either. However, a more holistic perspective seems to underlie the vision set out in paragraph 7, namely a world “where all life can thrive”, as this phrase could be interpreted as including nonhuman life.

Turning to the three main questions guiding the analyses in this chapter, human rights play a prominent role in the 2030 Agenda. In the preamble, the realisation of the human rights of all is explicitly stated as the objective of the SDGs and targets. Gender equality and the empowerment of women and girls also stand central.¹³⁹ The pledges that “no one will be left behind” and that “we will endeavour to reach the furthest behind first”¹⁴⁰ are equally in line with a human rights-based approach.¹⁴¹

Compared to the zero draft, important provisions recognising the agency and rights of children and young people have been added in the 2030 Agenda. This may at least partly be a consequence of the lobbying of the Major Group of Children and Youth (MGCY), who claimed in a statement responding to the zero draft that “we [children and youth] must be seen as actors and contributors, and beyond just ‘vulnerable populations’”.¹⁴² In the zero draft, there was only a “token” reference to young people in paragraph 44: “The future of humanity and of our planet . . . lies also in the hands of today’s younger generation, who will pass the torch to future generations.” The MGCY argued that “[t]his [reference] is not good enough in recognising the significant contribution that ‘today’s younger generation’ have already made to the agenda and will continue to make.”¹⁴³ From a children’s rights perspective, the final 2030 Agenda contains stronger language than the zero draft. Two provisions merit particular attention. In paragraph 25 on education, the following sentence was added:

We will strive to provide children and youth with a nurturing environment for the *full realization of their rights and capabilities*, helping our countries to reap

¹³⁷ See introduction to this chapter.

¹³⁸ *Ibid.*, for example, [3], [9], [13], [21], [27] and Goal 8.

¹³⁹ *Ibid.*, for example, [20].

¹⁴⁰ *Ibid.*, [4].

¹⁴¹ Regarding environmental issues, see R. Bratspies, “Do We Need a Human Right to a Healthy Environment?” (2015) 13 *Santa Clara Journal of International Law* 31, 53: “The human rights approach demands special attention to those groups most vulnerable to environmental harms . . . as well as to those already overburdened by environmental harms”.

¹⁴² UN Major Group for Children and Youth, “Major Group for Children and Youth (MGCY) Response to the Zero-Draft of the Post-2015 Declaration” (2015), <http://childrenyouth.org/2015/07/02/major-group-for-children-and-youth-mgcy-response-to-the-zero-draft-of-the-post-2015-declaration/>.

¹⁴³ *Ibid.*

the demographic dividend including through safe schools and cohesive communities and families.¹⁴⁴

This paragraph recognises children and youth as holders of rights and capabilities, although an emphasis remains on the commitment of governments to *provide* children and youth with a nurturing environment. An agentic approach is more explicitly endorsed in the equally new paragraph 51:

Children and young women and men are *critical agents of change* and will find in the new Goals a platform to channel their infinite capacities for activism into the creation of a better world.¹⁴⁵

To a lesser extent, this phrase also reflects an image of children and youth as “resources” for the creation of a better world. Somewhat strangely, the UNCRC is only mentioned as one of the international standards and agreements that the business sector should respect.¹⁴⁶

The opportunity was missed again to mention “age” as a possible ground for discrimination in the general prohibition of discrimination in implementing international human rights law, a provision copy/pasted from “The Future We Want”.¹⁴⁷ Nevertheless, the 2030 Agenda explicitly includes age as a prohibited ground of discrimination regarding particular issues, namely access to lifelong learning opportunities and the promotion of social, economic and political inclusion.¹⁴⁸ Moreover, it is explicitly provided that data collection should be disaggregated by, among other factors, age.¹⁴⁹ Data disaggregation by age was also included in the Johannesburg Plan of Implementation,¹⁵⁰ but was lacking in “The Future We Want”.¹⁵¹ However, the MGCY had recommended to go further in the disaggregation of data, namely towards age groups within the group of children and youth: early childhood (0–5); childhood (5–10); adolescents (10–19) and young people (15–24). This recommendation was thus not taken up.¹⁵²

As regards the reviews of progress by member states at national and subnational levels, the 2030 Agenda provides that these reviews should “draw on contributions from indigenous peoples, civil society, the private sector and other stakeholders”.¹⁵³ It is a pity that children and youth are not explicitly mentioned here, although they may of course be included in the term “other stakeholders”. In this sense, this provision does not live up to the recommendation of the MGCY to provide “legally

¹⁴⁴ Emphasis added.

¹⁴⁵ Emphasis added.

¹⁴⁶ UNGA, “Transforming Our World”, [67].

¹⁴⁷ See note 118; UNGA, “Transforming Our World”, [19].

¹⁴⁸ UNGA, “Transforming Our World”, [25] and target 10.2.

¹⁴⁹ *Ibid.*, target 17.18, and [74(g)] (in relation to follow-up and review processes).

¹⁵⁰ See note 104.

¹⁵¹ See note 118.

¹⁵² MGCY, “Response to the Zero-Draft”.

¹⁵³ UNGA, “Transforming Our World”, [79].

mandated, well-resourced and specifically designated measures for meaningful and effective youth participation in monitoring and review".¹⁵⁴

Concerning the relationship between children and the environmental dimension of sustainable development, four of the most important environmentally related goals do not mention children.¹⁵⁵ Youth are mentioned once as an important group whose capacity is to be raised in relation to climate change-related planning and management in least developed countries.¹⁵⁶ This confirms the observation of the previous sustainable development agendas that regarding specific environmental issues, the role of children, especially as actors, is not duly acknowledged.

FINAL REFLECTIONS

This chapter has analysed the relationship between children's rights and the environmental dimension of sustainable development from two perspectives: international children's rights law and policy, on the one hand, and sustainable development policy, on the other. Particular attention was paid to the images of children underlying the approaches in these agendas. In recent policy agendas on sustainable development and children, the rights-bearing capacity and agency of children are increasingly recognised at a general level. When looking at the environmental issues addressed in these documents, however, two different scenarios prevail. In a first situation, particularly prominent in the sections on environmental sustainability of the sustainable development agendas, children are not explicitly mentioned or addressed. This does not correspond to the proven particular sensitivity of children to environmental hazards, as indicated in the introduction. If, in a second scenario, children are mentioned in the environmental sections of the sustainable development and children's rights policy documents, then the weight shifts to an image of children as vulnerable beings, which need to be protected. This is, of course, to a certain extent justified, given the more vulnerable situation in which children may find themselves when faced with environmental hazards, due to their physiology and evolving capacities. Another child image that is predominant in environmental sections, especially but not exclusively in the children's rights policy agendas, is that of children as future citizens, to be educated towards being environmentally responsible (socialisation paradigm). In relation to the environmental dimension of sustainable development in particular, it thus seems that the potential

¹⁵⁴ MGCY, "Response to the Zero-Draft".

¹⁵⁵ Goal 12. Ensure sustainable consumption and production patterns; Goal 13. Take urgent action to combat climate change and its impacts; Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development; Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (UNGA, "Transforming Our World").

¹⁵⁶ *Ibid.*, means of implementation 13.b.

for recognising the rights and agency of children remains to a certain extent untapped. The Tunza programme of UNEP, which aims to enhance the participation of children and youth in environmental issues, is a step in this direction.

Finally, although this chapter focuses on the rights of children in relation to the environmental dimension of sustainable development, it must be emphasised that the human rights of children should not be considered in isolation. Shiva has pointed to the risks associated with artificially separating the environmental interests of children from those of women: "[T]he issue of justice between generations can only be realized through justice between sexes. Children cannot be put at the centre of concern if their mothers are meantime pushed beyond the margins of care and concern."¹⁵⁷ Also more in general, it can be argued that exclusively or mainly focusing on the rights of children without considering the rights of their parents and other adults may turn out to be unfavourable for them.¹⁵⁸ Thus even from a children's rights perspective, it makes sense to consider the rights of children and young people not exclusively separately but also in relation with the rights of other human beings.

¹⁵⁷ V. Shiva, "The Impoverishment of the Environment: Women and Children Last", in M. Mies and V. Shiva (eds.), *Ecofeminism* (London: Zed Books, 1993), 84.

¹⁵⁸ See Desmet and Aylwin, "Natural Resource Exploitation", 404 (illustrating this argument in relation to natural resource exploitation).