

Issue Brief

SDG 16



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SUSTAINABLE DEVELOPMENT GOAL 16 (SDG 16) - PROMOTE PEACEFUL AND INCLUSIVE SOCIETIES FOR SUSTAINABLE DEVELOPMENT, PROVIDE ACCESS TO JUSTICE FOR ALL AND BUILD EFFECTIVE, ACCOUNTABLE AND INCLUSIVE INSTITUTIONS AT ALL LEVELS

Environmental dimension of SDG 16

SDG 16, with its emphasis on realizing peaceful, inclusive and just societies, provides the foundations for achieving all other SDGs. No resource or tool is more powerful in making progress, economically, environmentally and socially, than a sum of persons empowered to fulfill their potentials in a safe and secure environment, where rule of law prevails.



The environment and related issues permeate through this goal and its targets, offering a critical entry point for governments and stakeholders to strengthen institutions and promote good governance at all levels. SDG 16 is relevant to procedural environmental rights, such as the right of access to information on environmental issues, the right to public participation in environmental decision-making and the right of access to justice in environmental matters.

Despite this, 4 people are killed on average defending the environment and empowering local communities; and for every 1 person killed, 20 to 100 others are harassed, sued or arrested. In 2017 alone, 207 people were murdered across the world protecting environmental rights, which refer to human rights related to the enjoyment of a safe, clean and sustainable environment and which are guaranteed in over 150 national constitutions. In countries and communities where the legislative and justice system is weak, the environment has become yet another venue for depriving, harassing and unduly persecuting already marginalized populations.

Gaps identified and key challenges

Since the adoption of the 1972 Stockholm Declaration on the Human Environment, environmental laws and institutions have expanded dramatically across the globe. All countries have at least one legislation or regulation on the environment. Most countries have established and, to varying degrees, empowered environmental agencies. In many instances, these laws and institutions have helped to slow or reverse environmental degradation. This progress is accompanied, however, by a growing recognition that a considerable implementation gap has opened, in both developed and developing countries, between the requirements of environmental laws and their implementation and enforcement. Environmental rule of law, which describes the state in which laws are widely understood, respected, and enforced, is key to addressing this implementation gap.

As of 2017, 176 countries around the world have environmental framework laws that are being implemented by hundreds of agencies and ministries. And since the 1970s, 88 countries have adopted a constitutional right to a healthy environment, with additional 62 countries enshrining environmental protection in their constitutions in some form. All 193 UN member States are also a party to at least one of over 1,300 multilateral environmental agreements and 2,200 bilateral environmental agreements in existence today. Too often, however, environmental laws exist mostly on paper because government implementation and enforcement remain irregular, incomplete and ineffective.

The state of the environment has consequently continued to deteriorate in many respects, with a staggering 1 million species facing extinction due to human actions and the concentration of carbon dioxide and other long-lived greenhouse gases on an ever upward trajectory.

Human activities are in fact causing increasing amounts of pollution, to the extent that this is now recognised as the biggest single risk to human health worldwide.

The SDG 16 Targets

- **16.1** Significantly reduce all forms of violence and related death rates everywhere
- **16.2** End abuse, exploitation, trafficking and all forms of violence against and torture of children
- **16.3** Promote the rule of law at the national and international levels and ensure equal access to justice for all
- **16.4** By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime
- **16.5** Substantially reduce corruption and bribery in all their forms
- **16.6** Develop effective, accountable and transparent institutions at all levels
- **16.7** Ensure responsive, inclusive, participatory and representative decision-making at all levels
- **16.8** Broaden and strengthen the participation of developing countries in the institutions of global governance
- **16.9** By 2030, provide legal identity for all, including birth registration
- **16.10** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements
- **16.A** Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime
- **16.B** Promote and enforce non-discriminatory laws and policies for sustainable development



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Weak implementation and enforcement of law also manifest in unfettered spikes in environmental crimes. Although there is no universally agreed definition of “environmental crime”, it is often understood as a collective term to describe illegal activities harming the environment and aimed at benefitting a set of individuals or groups from the exploitation of, damage to, and trade or theft of natural resources. Many environmental crimes – from illegal logging and poaching and trafficking of animals to illegal mining and dumping of toxic waste – have become part of a larger global network of transnational organized crimes. In 2016, the monetary value of environmental crimes was estimated to be around 91-258 billion USD annually (up 26% from the 2014 estimate), with illegal trade in wildlife estimated at 7-23 billion USD per year. The value makes environmental crimes the fourth largest crime in the world after drug trafficking (344 billion USD), counterfeit crimes (288 billion USD) and human trafficking (157 billion USD).

Case Study

Malawi, identified by the Conference of the Parties to the Convention on International Trade in Endangered Species (CITES) as a country of “primary concern”, has lost 50% of its elephant population since the 1980s. With support from the Global Environment Facility-funded project, *Engaging policymakers and the judiciary to address poaching and the illegal trade in Africa*, Malawi’s National Assembly passed amendments to its Wildlife and National Parks Act in December 2016 that stiffened criminal penalties for poachers and traffickers of listed species, namely rhinos and elephants. Under these amendments, convicted offenders face prison sentences of up to 30 years. In October 2017, a Malawi court sentenced convicted rhino poachers to 18 years in prison, the most severe penalty ever handed down for poaching in Malawi history. This paved the way for tougher penalties to effectively deter the poaching and killing of the country’s iconic species.

Rising environmental crimes stemming from weak environmental rule of law are posing a grave threat to entire ecosystems, which provide the very foundation of sustainable development such as clean water and clean air, food security and income. Illegal gold mining in the Amazon region, for example, is causing water contamination with mercury and cyanide, poisoning fish and causing brain damage to humans living as far as 400 km downstream. Appropriate policy support is urgently needed to enable governments and stakeholders to develop and enforce effective laws to combat environmental crimes.

Examples of policies and practices that are working

One of the essential requirements for establishing environmental rule of law is to ensure access to information and public participation. Principle 10 of the Rio Declaration on Environment and Development (1992) states that “Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes.” UNEP promotes the implementation of Principle 10 by supporting regional negotiation processes for a legally binding agreement.

In addition to contributing to the adoption of the UN Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention, 1998), UNEP provided critical support to member States in the negotiation and conclusion of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement, 2018).

UNEP is also focused on helping member States improve legal instruments to regulate illegal trade in wildlife and forest products and prevent, detect and penalize any violations. This effort follows the adoption of resolutions at the UN Environment Assembly – 1/3 “Illegal trade in wildlife” (2014) and 2/14 “Illegal trade in wildlife and wildlife products” (2016) – both of which request the Executive Director to provide relevant capacity building to national Governments.

In addition to publishing an analysis entitled “Strengthening legal frameworks for licit and illicit trade in wildlife and forest products: Lessons from the natural resource management, trade regulation and criminal justice sectors”, UNEP has organized, in collaboration

with members of the UN Inter-Agency Task Force on Illicit Trade in Wildlife and Forest Products and other partners, two symposiums on strengthening legal frameworks to combat wildlife crime, first targeting African and Asian countries, followed by those specifically for the Central and West African countries.

Key messages



- SDG 16 has a strong environmental dimension that can easily be overlooked. Ecosystem deterioration, natural resource deprivation, environmental catastrophes and attendant displacement of populations endanger the maintenance of peace and security and reverse years of development gains.
- Conversely, the core elements that hamper progress toward SDG 16 – such as pervasive corruption, unaccountable institutions, lack of transparency and situations of conflict and instability – greatly impair inclusive and effective environmental governance, which in turn can instigate a downward spiral into illicit exploitation of resources and unaddressed pollution. These negative environmental outcomes disproportionately affect the health and wellbeing of the most vulnerable communities.
- Environmental rule of law and good governance through effective environmental laws, implementation and enforcement provide a powerful pathway to achieving the SDGs.
- The fight against illegal trade in wildlife requires active engagement of indigenous peoples and local communities. Community-based approaches are frequently written off as ineffective, even before the necessary effort has been made to put in place the conditions that will make them effective. Building robust opportunities for indigenous peoples and local communities to be heard and to exercise their rights at all levels is critical in promoting effective wildlife conservation strategies.
- UNEP supports member States and relevant stakeholders in strengthening their environmental rule of law, including by providing technical capacity building on strengthening laws to combat wildlife crimes.
- The key to achieving environmental rule of law and SDG 16, however, remains in the political will of member States.

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