

The Role of Legal Certainty in Achieving Sustainable Development Goals in International Law

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DOI: <https://doi.org/10.31918/twejer.2584ELI.08>

Published:2/11/2025

Abstract

This article examines the legal certainty in international law, which refers to clarity, stability, predictability, consistency, accessibility, and non-retroactivity of international legal rules, in relation to Sustainable development which identifies a form of progress that meet the need of present generation without compromising the ability of future generations to meet their needs, which encompasses the interplay between legal certainty and economic growth, environmental protection and social inclusion, for this purpose, analytical research method is employed. Finally, we concluded that the legal certainty in international rules plays a crucial role in achieving sustainable development goals.

Keyword: Legal certainty, Sustainable Development, and International Law.

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1. Introductions:

Social fragmentation, economic disparity, climate change and human rights violations, represent significant challenges in today's complex and interconnected world. Sustainable development, which encompasses an approach to growth that aligns with human rights as well as social, economic, and environmental goals, seeks to fulfill current needs without jeopardizing the capacity of future generations to meet their needs. Legal certainty, as a fundamental principle of international law, is essential for fostering trust, predictability and stability within the global legal framework. In the realm of sustainable development, legal certainty is crucial for enabling states, international organizations, and private entities to engage in long-term planning and investment aimed at addressing urgent global issues such as climate change, poverty, and environmental degradation. As the international community works toward the United Nations Sustainable Development Goals (SDGs), the demand for clear, consistent and enforceable legal frameworks become increasingly vital. Legal certainty not only aids in compliance with international law but also empowers stakeholders to innovate and collaborate in the pursuit of sustainable solutions. This study shows that how strong legal mechanisms can enhance accountability, promote fair resource distribution, and ultimately contribute to a more equitable and sustainable global future.

1.1 Research Methodology:

In this paper we are going to utilize analytical research method to examine the significance of legal certainty in facilitating sustainable development, aiming to offer an in-depth understanding of the role of legal certainty in achieving sustainable development goals.

1.2 Research questions:

the research framework is organized to explore the following essential inquiries:

- 1-What is the principle of legal certainty in international law?
- 2- What is the concept of sustainable development?
- 3- How legal certainty affects the achievement of sustainable development goals in international law?

2. Content of research

In order to control all aspects of the research, we are going to classify it to three sections in addition to abstract and introduction, in the first section we describe the conceptual framework of the research which includes the principles of legal certainty and sustainable development.

In the second section we analyse the legal nature of sustainable development, and in the third section the role of legal certainty in achieving sustainable development in international law, finally, we present conclusion and recommendations, in addition to the list of references.

2.1 Conceptual Framework

2.1.1 legal certainty

Legal Certainty Defined as the assurance that laws are clear, public, stable, and applied consistently. It is essential for the effective enforcement of rights and obligations. (Sullivan, 2018; 43). This principle is a fundamental legal principle that forms the foundation of all legal systems, whether at the national or international level. (Gribova Evangelina Nikolaevna, 2023: 68) It is considered as a crucial pillar of the rule of law within the international legal framework. (Kagan, 1989: 17) The idea of legal certainty is a relatively modern idea, which was established and originated in Germany since 1961, and has been internationally recognized by the European Court of Justice and the European Court of Human Rights since 1981, as it emphasizes the necessity of preserving the constitutional nature of rights and freedoms. (Ayat Muhammad Saud, 2022: 368)

Among the international texts that addressed the principle of legal certainty is the Declaration of the Rights of Man and of the Citizen of 1789, where Article 2 of it indicated that the goal of political organizations is to guarantee the natural rights that cannot be taken away by law or custom for the human being, the basic rights, and these rights are freedom, property, security, and resistance to injustice. Article 28 of the Universal Declaration of Human Rights also stated that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." In support of the above, the principle of legal certainty has been given special importance in the judiciary of the European Union, as it was applied by the European Court of Justice since 1969. It was decided in its rulings that the principle of legal certainty, which forms part of the legal system of European Union law,

assumes that the procedure should be clear and specific and should be brought to the attention of those concerned. From this standpoint, legal certainty, as an element of the rule of law, represents an obligation on everyone, which means that European judiciary has focused on the importance of establishing this principle in European national legislation so that there is no infringement on the rights and positions of individuals by the systems and legislation issued by the state. It is understood from the above that the components of the principle of legal certainty vary between the clarity of legal texts and the availability of access to them through their registration and publication and their non-contradiction with other legal texts, in addition to respecting acquired rights and enhancing their stability, so that they can be molded by protecting the human right to trust legal texts and enjoy a system. (Ayat Muhammad saud,2022:371) but it has not received sufficient attention at the international level, except the French Shura Council which has provided a concept that can be relied upon, based on a number of legal principles, which must be adhered to by both the courts and the legislator in any country or society, based on the rule of the legal rule, which is based on the idea of legal certainty or legal stability.(Ayat Muhammad saud,2022:370)

Legal certainty is considered one of the most complex terms in public international law, because it contains many criteria that fall within its cognitive scope, and is directly linked to the necessities of the legal system, meaning that it does not exist except with the establishment of the international legal system, and it is inherent to it. The term can be employed in two ways. The first is when it is done by imposing a system on the international community by using it as a means of controlling the various international rules. Here we call it security through law. As for the second, it lies in the quality of international rules, meaning that this characteristic is revealed after delving into the spirit of the law to study the quality of the rules. We mean by it the certainty of international rules, which is the narrow meaning. (Rober KLOB, 2002: 109) The meaning of legal certainty of international rules is thus directed to two areas: legal certainty of objective rules, which focuses on the obligations of the international community towards all its members, which are those comprehensive rules of a general and comprehensive nature, where its criteria are directed towards legal certainty, clarity of rules, and the legitimacy of international decisions. As for the second area, it lies in the subjective legal certainty of international rules reciprocal between the parties to limited legal relations, and here it is related to mutual trust and good faith in implementing international obligations. (Si Ali Muhammad Aladel Almustafa, 2024: 187)

2.1.2 Sustainable Development

Sustainable Development Often framed by the 1987 Brundtland Report and further articulated in the 2030 Agenda for Sustainable Development, emphasizing the need for economic growth, social inclusion, and environmental protection. It can be defined in economic, social, environmental aspect. (Atmanand, 2009:2) According to the environmental approach, sustainability means not reducing environmental quality in the long term, and according to the economic approach, it means not reducing individual well-being in the long run. (Fiore,

2002:6) The most common and established definition of sustainable development is the one provided by the Brundtland Commission, “sustainable development is development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs”.(Our Common Future, 1986:27) Of course, some authors consider this classic definition, (Drexhage and others, 2010:6) which was presented to solve global environmental problems but does not directly refer to environmental protection, to be worthless, and others claim that this definition is too vague to gain normative status in international law. (Van Harmelen and others, 2005:11-16) Therefore, the Brundtland Commission's definition of sustainable development which has been very influential in the public and academic debates, requires clarification. Whereas sustainability is not only a descriptive concept that presents a realistic view of a particular subject, but also reflects the value and importance of sustainability to people. (Taebi, 2011:132) In another definition provided by the International Law Association, sustainable development is the right of all human beings to an adequate standard of living based on active, genuine and free participation in the development process and in the equitable sharing of its benefits. (ILA, 2002: 211) The International Institute for Sustainable Development has also described sustainable development as environmental, economic and social well-being for today and tomorrow. (IISD,2012:2)

In a general sense, the term sustainable development law refers to an emerging body of international legal instruments and principles that ensure the interaction between economic, social and environmental rights for the benefit of present and future generations. The strength of the concept of sustainable development lies in its implicit implication that economic development and environmental protection are mutually reinforcing and its aim is to provide a practical solution to the traditional conflict between these areas. (Hujjat Salimi Turkmani, 1391:54)

Despite the fact that more than 200 definitions of sustainable development have been proposed in the 25 years since its proposal by the Brundtland Commission, the concept remains vague and confusing. (Steger, 2005:27) International law governing sustainable development is still vague and is in the process of further definitions. (Second preparatory committee, 2002:1) In any case, regardless of the definitions proposed, the basic goal of sustainable development is to preserve or enhance existing human or social public assets, both natural and artificial, Sustainable Development is often regarded as an ambiguous concept, however, it has provided the necessary flexibility for its intergration into legal frameworks, encompassing both hard law and soft law, across international, regional, national and local levels. (Daniel Barstow Magraw & Lisa D. Hawke, 2007: 620-621) It is characterized as a comprehensive concept, especially concerning human rights as well as social, economic and environmental goals. (NICO SCHRIJVER & FRIEDL WEISS, 2004:153) Sustainable development has its roots in the 19th and 18th centuries, with the connection between nature preservation and economic development being established in the Stockholm Declaration Principles. The modern understanding of sustainable development is largely the result of UN-led promotion operation,

which officially started in 1972 with the Stockholm Conference on the Human Environment. The 1992 Rio Conference on Environment and Development and its Declaration Principles brought sustainable development within the legal sphere, with strong legal terms and 12 different principles. The social pillar of sustainable development was added in 1997 and Rio + 5, and the Johannesburg Summit for Sustainable Development in 2002 confirmed this rebalancing. The Rio + 20 Conference on Sustainable Development is scheduled for June 2012, but more conceptual additions may be added. The conception, articulation, and dissemination of sustainable development on the international plane are the result of 20 to 30 years of intense UN-led activity, which is testimony to the International Community's wide support for sustainable development. (Virginie Barral, 2012: 379-380.)

2.1.3 Legal Status of Sustainable Development

The legal status of sustainable development is still debated, because it is a binding principle of international customary law. (Kai Gan, 2011.) So, there is ongoing discussion regarding whether sustainable development constitutes a new principle of customary international law that is obligatory for all States, or only for those States that are signatories to treaties incorporating the principle, or if it is simply a non-binding guideline that serves as a general policy goal within international law. (Segger, *supra* note 51, at 117.)

Numerous treaties highlighted the significance of sustainable development within their preambles, including the agreement establishing the world trade organization (WTO), however, they acknowledged that it does not constitute a binding legal principle. (Marrakesh Agreement, *supra* note 103)

The United Nation framework convention on climate change (UNFCCC) incorporates sustainable development within its objectives as articulated in the preamble. Furthermore, it identifies sustainable development as one of its guiding principles in Article (3) of the main text. However, these principles are intended solely as guidelines for the parties to the treaty. (The UN Framework Convention on Climate Change). Sustainable development has, nonetheless, emerged as a recognized objective of the international community and has attained a certain level of normative significance within international law.¹(Int'l Law Ass'n, New Dehli Conference, Apr. 2-6, 2002) its legal nature depends on its legal scope and its penetration into recognized international law sources. A proposition can be legal if it is formulated with the intention to modify elements of the existing legal order or achieve this result. The Rio

⁽¹⁾- Development could be considered as the outcome of the third-world's engagement and demand for participation in international law. Over the years, the concept and normative position of the rules of development has undergone a historical evolution. The right to development initially conceived with a purely economic perspective and essential to create a new economic order, gradually took on new conceptual dimensions, such as social development. Reception of these aspects has led to the establishment of new concepts such as human development, millennium development, and also sustainable development. The latter has been regarded as the self-actualization of the concept of development by combining the three pillars of economic, social, and environmental development in the form of a sustainable construction. Explaining the nature of sustainable development has been one of the most challenging subjects in the current international law system in which scholars have yet to come to a consensus in this regard. Considering the evolution and the functions of sustainable development, this article using a descriptive-analytical method tries to determine the normative position of sustainable development as an international obligation in international law.

Declaration and many binding and non-binding documents include propositions relating to sustainable development. However, a proposition must also be recognized as binding and a valid rule of law, which typically originates from international law sources like conventions, customs, and general principles. (Virginie Barral, 2012: 383.)

2.1.4 International law and sustainable development

Sustainable development has gained a prominent position at the international level since the nineties of the last century, as it has become one of the primary concerns of governments, countries and international organizations alike. Conferences have been held and international treaties have been concluded for it, until it was considered a basic common requirement for all countries of the world, and joint bodies have been established to achieve its goals, until the prevailing belief became that there is no sustainable development without placing it within its international framework and allocating international law to it. (Ahmad Husein, 2022:398)

2.1.4.1 Sustainable Development and Written International Law

Sustainable development has been widely recognized in non-binding international legal documents over the past 30 years, including declarations, resolutions, programs of action, and codes of conduct. However, it is not recognized as a formal source of international law, making it incapable of giving rise to valid rules. Despite this, it is included in over 300 conventions, with 112 multilateral treaties addressing universal participation. The inclusion of sustainable development in conventional law is particularly significant, as 207 of these references are found in the operative part of the conventions, which are technically binding on parties. The formulation of provisions relating to sustainable development in formally binding international treaties can be flexible, making them difficult to establish valid rules of international law. (Baxter, 1980: 554.) However, the softness of the obligation set out in a treaty provision should not be an obstacle to its validity and binding legal nature, because, many conventional provisions that set out an incentive, such as those where parties commit to 'strive to' or 'promote', are in and of themselves perfect legal rules, they are valid norms of international law. (Weil, 1983: 8.)

Following this line of thought, the softness of the provisions relating to sustainable development does not bar them from being valid normative propositions, rather, it just increases the margin of appreciation of the contracting parties in the execution of their obligations. (Virally, 1983: 331.) Certainly, in most cases conventional provisions relating to sustainable development are too soft to impose an obligation on states to develop sustainably. (Lowe, 1999, at 19.) But they may still impose an obligation on states to 'strive to achieve' or 'promote' sustainable development. Such an obligation, an obligation of means, far from being deprived of normative character, is just a norm with a different object, not one that requests a result to be achieved, but only means to be put in place to try to achieve that result. Such conventional provisions can clearly grant sustainable development its normativity. The relative

effect of treaties however means that any conventional provision relating to sustainable development will, in principle, be binding only on the parties to that agreement. In order to ascertain whether sustainable development benefits from a general normative reach, it must find reflection in customary international law. (Virginie Barral, 2012: 383-385)

2.1.4.2 Sustainable Development and Customary International Law

Sustainable development has been widely recognized in non-binding international legal documents, including declarations, resolutions, programs of action, and codes of conduct. However, it is also included in over 300 conventions, with 112 multilateral treaties aiming for universal participation. The inclusion of sustainable development in conventional law is significant, as it is often found in the operative part of the conventions, which is technically binding on the parties. The formulation of provisions relating to sustainable development in formally binding international treaties can be flexible, with vague and imprecise wording. This makes them less likely to give rise to valid rules of international law. However, the softness of the obligation set out in a treaty provision should not hinder its validity and binding legal nature. Conventional provisions that set out an incentive, such as those committing to "strive to" or "promote," are valid norms of international law. In most cases, conventional provisions relating to sustainable development are too soft to impose an obligation on states to develop sustainably, but they can grant sustainable development its normativity. To determine whether sustainable development benefits from a general normative reach, it must find reflection in customary international law. (Virginie Barral, 2012:385)

Sustainable development is a meta-principle acting upon other legal rules and principles, exercising interstitial normativity. It is a legal concept that pushes and pulls the boundaries of true primary norms when they threaten to overlap or conflict. Its primary object is to set an objective to legal subjects, regulating their conduct. As a modifying or interstitial norm, sustainable development may be employed as a standard against which conduct will be measured and acquires its normativity as a tool in the hands of judges. It is capable of affecting the outcome of cases by "coloring the understanding of the norms that it modifies." On this analysis, sustainable development would be a purely hermeneutical judicial tool, empty of any binding content purporting to regulate legal subjects' conduct. It is perceived as an objective for the international community and is a primary norm of international law. However, its indeterminate character is less than the indeterminate character of what is reasonable. (Virginie Barral, 2012: 387.)

Sustainable development is a legal concept that regulates legal subjects' conduct by pushing and pulling boundaries of primary norms. It can be used as a standard for measuring conduct and gaining normativity as a tool for judges. It is a hermeneutical judicial tool, affecting case outcomes by changing the understanding of the norms it modifies. Academic objection to the existence of a general rule of customary international law relating to sustainable development has been fierce, and is based on a variety of arguments. If some see enough evidence of opinio

juris and state practice to prove the existence of a customary rule, be it a very abstract and general one that requires case by case concretization, (Maljean-Dubois and Mehdi, (2000): 9) Sustainable development is a legal concept that regulates legal subjects' conduct by pushing and pulling boundaries of primary norms. It can be used as a standard for measuring conduct and gaining normativity as a tool for judges. It is a hermeneutical judicial tool, affecting case outcomes by changing the understanding of the norms it modifies. Others avoid this difficult question by emphasizing that the relevance of sustainable development is to be found elsewhere than in its legal nature, some argue that the relevance of sustainable development lies beyond its legal nature, rather than in its legal nature. and notably in the influence it exerts on international law as a new branch of that discipline. The study significantly impacts international law as a new branch within the discipline. Yet another stream of commentary denies that sustainable development has reached the stage of being a customary norm, or is even capable of that. (Boyle and Freestone 1999: 23) Another perspective argues that sustainable development is not yet a customary norm or even capable of achieving this status. The most powerful objection to sustainable development's customary status has been articulated by Lowe, for whom 'there is, in the catalogue of treaty provisions, declarations and so on that use the term "sustainable development", a lack of clear evidence that the authors regarded the concept as having the force of a rule or principle of customary international law'. (A. Boyle and D. Freestone, 1999: 24) Lowe argues that there is a lack of clear evidence in treaty provisions and declarations that the term "sustainable development" has the force of customary international law. And that is because 'the concept of sustainable development is inherently incapable of having the status . . . of a rule of law addressed to States and purporting to constrain their conduct'. (Virally, 1968: 531) The concept of sustainable development is not a rule of law that can regulate states' conduct. Lowe reaches this conclusion because treaty and other provisions relating to sustainable development lack fundamentally norm creating character and cannot, as such, form the basis of a general rule of international law. In his view only a formula such as 'states must develop sustainably' would have this character. (Art. 38(1) of the ICJ Statute)

Lowe argues that treaties and provisions on sustainable development lack norm-creating character, making them insufficient for establishing a general rule of international law.

It is apparent from the foregoing that when commentators assess sustainable development's customary nature they look for an answer to the question: Is there a general obligation to develop sustainably? and certainly the answer is no. The flexible formulations relating to sustainable development mean that evidence of opinio juris and state practice of an obligation to develop sustainably is impossible to ascertain. However, to conclude that there is no such general obligation does not mean that sustainable development does not find reflection in custom. Commentators, often question the general obligation to develop sustainably in sustainable development, but the answer is no due to flexible formulations. However, sustainable development still finds reflection in custom, despite the absence of such an obligation. Such customary character can indeed flow from a positive answer to a different

question: is there an obligation to implement measures aimed at achieving sustainable development? Or is there a general obligation to promote sustainable development? A positive answer to these questions would affect only the normative category (obligations of means rather than of result) sustainable development belongs to, not its normative nature. The customary character of sustainable development can stem from a positive answer to the question of whether there is an obligation to implement sustainable development measures. The international lawyer searching for the customary nature of a legal proposition naturally turns to case law for support, as judicial assertions, in ensuring the law's foreseeability, offer a degree of security for legal subjects. Judicial assertions thus radiate well beyond the parties to the case, (Art. 38(1)(d) of the ICJ Statute.)

3.The interplay Between Legal Certainty and Sustainable Development

The relationship between legal certainty and sustainable development is deeply intertwined, as legal certainty serves as a foundational pillar for achieving sustainable development goals. Legal certainty refers to the clarity, predictability, and stability of laws and regulations, which are essential for fostering trust, investment, and long-term planning, on the other hand, it aims to meet the needs of the present without compromising the ability of future generations to meet their own needs, balancing economic growth, social inclusion, and environmental protection.

3.1 The interplay between Legal certainty and Economic Growth

Within the framework of the countries of the world seeking to attract and encourage investments, whether local or foreign, given the great importance of the latter in the national economy and driving the wheel of global economic development. In light of the intensification of international competition to attract foreign investment, it has become imperative for host countries to establish a suitable legal climate for investment by enacting laws regulating investment, stabilizing them and activating them, with the aim of maintaining a balanced economic system. It has also become one of the most important requirements for investment for the state to achieve the principle of legal certainty, given its great effectiveness in attracting foreign investments. This is represented in the unification of the decision to invest in the host country. The opposite occurs in the event of a lack of legal certainty for investment laws, which causes investors to be repelled by transferring their capital to a legally stable country, where the role of legal certainty is embodied in making the investment decision, which is based on assessing the risks that they will face later. Legal certainty has several aspects, including those related to the principles of equality and financial and judicial protection that the legislator has provided in the form of guarantees, incentives and legal privileges granted by the host country to the investor. (Khaled Hassan Ahmed Lotfy, 2022.)

Raising the level and percentage of investments in any country requires a precise strategy to avoid the obstacles that stand in the way of attracting it. Accordingly, creating a suitable climate for this is an indispensable necessity to form an attractive force for investment based on a clear

legal system that enjoys a degree of stability, quality and lack of conflict between them. In addition to independent judicial institutions that apply the law correctly in a way that achieves the formation of a degree of trust between the investor and the receiving country and what follows from that in terms of achieving development in all fields. (Ruqayya Awaashiya, 2016: 35)

Legal certainty is a cornerstone of economic growth, as it provides a stable environment for investment, innovation, and trade. However, several challenges can undermine legal certainty, thereby hindering economic development. Legal certainty encourages domestic and foreign investment by providing a stable and predictable legal environment. Investors are more likely to commit resources to projects that align with sustainable development goals, such as renewable energy or green infrastructure, when they trust that the legal framework will not change arbitrarily. (United Nations Conference on Trade and Development, 2020.)

Legal certainty is critical for attracting foreign direct investment (FDI) in sustainable development projects. Investors require assurance that their investments will be protected by stable legal systems, particularly in developing countries where sustainable infrastructure is most needed. the World Bank highlights the importance of legal and regulatory frameworks in promoting sustainable investment. (World Bank, World Development Report 2017.)

3.2 The interplay between Legal certainty and Environmental Protection

Legal certainty plays a crucial role in environmental protection by providing a stable and predictable framework for regulating human activities that impact the environment. It ensures that laws, regulations, and policies are clear, consistent, and enforceable, which is essential for achieving long-term environmental goals, because Clear and enforceable environmental laws ensure that natural resources are managed sustainably. Legal certainty in environmental regulations helps businesses and governments plan for long-term environmental sustainability, reducing the risk of resource depletion and environmental degradation. (United Nations Environment Programme: First Global Report, 2019).

International environmental agreements, such as the Paris Agreement on climate change, rely on legal certainty to ensure compliance and enforcement. Clear and predictable legal frameworks enable states to implement policies that balance economic growth with environmental protection. the Paris Agreement (2015) establishes binding commitments for states to reduce greenhouse gas emissions, supported by transparent reporting and accountability mechanisms. (United Nations Convention on Climate Change, Paris Agreement (2015).

3.3 The interplay between Legal certainty and Social Equity

Legal certainty in laws related to labor rights, land tenure, and social protection ensures that vulnerable populations are not excluded from the benefits of development. This is crucial for achieving the social dimension of sustainable development. (International Labour Organization, 2018), The Legal certainty ensures that laws are applied equally and fairly, protecting vulnerable populations from exploitation and environmental harm. This is particularly important in the context of sustainable development, where marginalized communities often bear the brunt of environmental degradation. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) emphasizes the need for legal frameworks that protect indigenous rights in sustainable development projects. (Declaration on the Rights of Indigenous People, 2007).

When laws are applied consistently and fairly, individuals and communities are more likely to trust the legal system and comply with its rules. This trust reduces social conflicts and promotes cooperation among diverse groups. For Example: In post-conflict societies like Rwanda, rebuilding legal institutions and ensuring legal certainty have been critical to restoring social trust and stability. United Nations Development Programme (UNDP) reports on rule of law and social cohesion. Legal certainty plays a crucial role in social development by providing a stable and predictable framework within which individuals, businesses, and governments can operate. It is a fundamental principle of the rule of law and is essential for fostering trust, economic growth, and social cohesion. Below is an explanation of its role in social development, supported by relevant sources and examples. Legal security plays a crucial role in achieving sustainable development. Legal security serves as a fundamental pillar in building strong and prosperous societies, ensuring the protection of rights and freedoms and enhancing trust and social and economic stability. By strengthening legislation and developing the legal infrastructure, we can build a fair and sustainable legal environment that works to achieve sustainable development. (Al-Tayyib Bil-Wadih, Al-Amn Al-Qanuni wa Tahqiq Al-Tanmiya, 2019.)

4. Conclusion and recommendations

4.1 Conclusion

At the end of this study we concluded that Sustainable development is a central objective in international law, but its legal status remains contested. While over 300 international conventions reference sustainable development, these provisions are often framed as "soft" obligations, weakening enforceability. Legal certainty is crucial for achieving sustainable development goals, facilitating investment, empowering communities, and ensuring accountability. It fosters trust and predictability among states, businesses, and communities, enabling effective policy implementation to address global challenges like poverty, inequality,

and climate change. Legal certainty also encourages investment in sustainable practices and promotes cooperation between international actors. To enhance this role, lawmakers and stakeholders must prioritize creating and enforcing clear legal standards aligning with sustainable development mandates. Balancing flexibility with stability is essential for sustainable development through international law.

4.2 Recommendations

1.treaty provisions must be drafted with precise language in order to Clarify Legal Obligations and convert soft obligations into actionable duties and Encourage states to adopt domestic legislation aligning with sustainable development goals.

1.Promote consistent state practices to establish customary status and utilize international bodies like the ICJ to acknowledge sustainable development as a guiding principle in disputes.

2.Harmonize hard law and soft law instruments by embedding sustainable development in binding agreements.

3.Train judges to apply sustainable development as an interpretive tool, balancing competing norms and Establish specialized tribunals or committees to monitor compliance and resolve disputes.

By addressing these gaps, the international community can transform sustainable development from a contested concept into a robust, actionable framework that harmonizes economic, environmental, and social imperatives.

5.Resources

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