

Law; an Instrument of Social Change in the Attainment of Sustainable Development.

Ibironke Odetola¹

Abstract.

The need for peace and justice as pillars of sustainable development cannot be overemphasized. It has persisted as a major hurdle for nations throughout the globe, especially third-world countries like Nigeria. Successive governments in different countries the world over have repeatedly churned out different policies in a bid to build stronger institutions and maintain peace and justice to induce sustainable development. The purpose of this paper, therefore, is to navigate the role of law in sustainable development and specific challenges to proffer adequate solutions to the looming problems of insecurity and underdevelopment. This study was carried out doctrinally by examining the history of sustainable development and the impact of law on sustainable development with a specific focus on law as a tool to bring about peace and justice.

Date of Submission: 13-02-2023

Date of Acceptance: 26-02-2023

I. Introduction.

Before delving into the issue proper, it is expedient to understand the terminologies. First, what is law? Law is "a body of rules of action or conduct prescribed by a controlling authority, and having binding legal force. That which must be obeyed and followed by citizens subject to sanctions or legal consequence is a law."² Law refers to a system of rules and regulations established by a government or society to govern behaviour and maintain order. Laws can be written or unwritten, enforceable by a judicial or other authority and often backed by the use of punishment or penalties for those who violate them. The purpose of law is to ensure fairness, protect individual rights, and maintain social stability. It must be stated though that all definitions of the term 'law' are arbitrary and ad-hoc as law can mean different things to different people at different times.

Law is the most visible and dominant social control mechanism in all modern societies. It is the policy instrument most relied upon, by governments and society to bring about change and reforms in many areas needing intervention. Policy directions of government ultimately have to be enacted as law to give policies a bite.³ Law is often used as a tool to effect social change. It can set standards for behaviour, protect marginalized groups and provide a framework for resolving disputes and promoting equality. However, the process of changing laws to reflect shifting social values can be slow and laws themselves can be a source of resistance to change. It is important for lawmakers to continually evaluate existing laws and adapt them as necessary to ensure they align with contemporary social norms and values.⁴

In the context of sustainable development, the law refers to the legal framework and regulations that are put in place to ensure that economic, social, and environmental development is sustainable over the long term. This includes laws that address issues such as environmental protection, resource management, climate change, and human rights. Sustainable development law is both an emerging body of legal principles and instruments, as well as an 'interstitial norm,' a concept that serves to reconcile conflicting environmental, social,

¹IbironkeOdetola, (Assistant Chief Legal Officer, Ministry of Justice, Ekiti State)

² Black's Law Dictionary, 6th ed.

³Ahmadu Maliki, 'Law and Social Change in Nigeria; A Contextual Analysis ' (2015) 3(2), Zaria Journal of Social Sciences, 53-79.

⁴OishikaBanerji, 'How the Law can be used as an Instrument of Social Change' (20 December 2020).

<<https://www.google.com/amp/s/blog.ipleaders.in/can-law-used-instrument-creating-social-change/>> accessed 15 January 2023.

and economic development norms in international law, in the interest of the present and future.⁵ The goal of sustainable development law is to balance economic growth and social development with the need to protect the environment and preserve natural resources for future generations. It is an interdisciplinary field that draws on principles from environmental law, human rights law, and international development law.

What is social change? Social change refers to a transformation in the patterns of behavior and norms of a society, which can be caused by various factors such as technological innovations, economic shifts, political movements, cultural factors, and historical events. Sociologists describe social change as the gradual shift in human interactions that transforms existing cultural and social institutions over time.⁶

What is sustainable development? Sustainable development is a development that meets the needs of the present without compromising the ability of future generations to meet their own needs.⁷ Sustainable development is a concept that aims to balance economic growth, social well-being, and environmental protection in a way that meets the needs of the present without compromising the ability of future generations to meet their own needs. It seeks to create a balance between human development and the preservation of natural resources, with the goal of ensuring a livable planet for future generations.

Law as an Instrument of Social Change.

Law is a crucial tool for promoting and regulating social change and sustainable development. It creates a framework for society to operate within, sets standards for behavior and decision-making, and provides a means for enforcing and protecting the rights and interests of individuals and communities. In the context of sustainable development, laws and policies can support the transition to more sustainable systems and practices, protect the environment and natural resources, and ensure that development takes place in a manner that meets the needs of present and future generations. However, the law also must keep pace with changes in society and respond to new challenges, such as climate change and its impacts. Effective implementation and enforcement of sustainable development law are essential for achieving progress toward a more sustainable future.

The law can serve as a powerful instrument for promoting social change by setting standards, shaping norms and behaviors, and protecting the rights and interests of marginalized or disadvantaged groups. It can also help to address social, economic, and environmental problems and promote more equitable and sustainable outcomes. By establishing a legal framework for addressing social issues and protecting the rights of citizens, the law can facilitate change by creating a level playing field and providing avenues for redress and justice. For example, laws aimed at promoting gender equality, protecting the environment, or advancing human rights can help to create a more just and equitable society. However, the law is just one tool among many for achieving social change, and its impact will depend on effective implementation, enforcement, and the support of other social, political, and economic institutions and actors.⁸

Historical Impact of Law on Social Change.

The law, through legislative and administrative responses to new social conditions and ideas, as well as through judicial re-interpretations of Constitutions, statutes, or precedents, increasingly not only articulates but sets the course for major social change. Law plays an indirect role in changing society by changing social institutions. For years, litigation has affected social change more than anything.⁹ The law has enormous potential for meaningful social change to be initiated. The face of many cultures all over the world has been transformed by legal changes. In several developing countries, issues such as low levels of literacy and gender

⁵Segger, Marie-Claire Cordonier and Khalfan, Ashfaq, 'Sustainable Development Law: Principles, Practices, and Prospects', (Oxford University Press, 2004) 365.

⁶ 'What is Social Change & Why is it Important?' (29 November, 2020) <<https://www.alliant.edu/blog/what-social-change-why-it-important>> accessed 15 January 2023.

⁷ 'Sustainable Development', International Institute for Sustainable Development, <<https://www.iisd.org/mission-and-goals/sustainable-development>> accessed 15 January 2023.

⁸Ibid at 4.

⁹Bhamini, 'Understanding the law as a means of social change', Legal Services e-journal, <<https://www.legalserviceindia.com/legal/article-4883-understanding-the-law-as-a-means-of-social-change.html>> accessed 20 January 2023.

inequality have been removed due to legal frameworks to tackle the issue. Legislation has the power to influence societal change. It is meant to bring about a social order where human rights are safeguarded.¹⁰

Some changes in society that have been brought about by law in different jurisdictions are; women's suffrage - the 19th Amendment to the US Constitution, passed in 1920, granted women the right to vote. This was the result of a long struggle by women's rights activists who used the law as a tool for social change, abolition of dowry death and *sati* practice - barbaric murder of Hindu widows in India¹¹, abolition of slavery in the United States via the 13th Amendment to the Constitution in 1865, ending slavery in America, environmental protection - laws that have been enacted to protect the environment and address environmental challenges include the Clean Air Act, Clean Water Act and the Endangered Species Act in the US, which regulate air and water pollution and protect endangered species, civil rights - in the mid-20th century, laws were used to challenge racial segregation and discrimination in the US. The Civil Rights Act of 1964 and the Voting Rights Act of 1965 were key pieces of legislation that helped to end segregation and ensure equal rights for all Americans.¹²

These examples demonstrate the power of law to drive social change and advance progress on key issues such as human rights, equality, and environmental protection. The impact of law on social change is not always immediate, but its cumulative effect can be far-reaching and enduring.

Sustainable Development Goals.

The Sustainable Development Goals (SDGs) are a set of 17 interrelated goals adopted by the United Nations in 2015 as part of the 2030 Agenda for Sustainable Development. The SDGs are a universal call to action. They are;

- 1) No poverty.
- 2) Zero hunger.
- 3) Good health and well-being.
- 4) Quality education.
- 5) Gender equality.
- 6) Clean water and sanitation.
- 7) Affordable and clean energy.
- 8) Decent work and economic growth.
- 9) Industry, innovation and infrastructure.
- 10) Reduced inequalities.
- 11) Sustainable cities and communities.
- 12) Responsible consumption and production.
- 13) Climate action.
- 14) Life below water.
- 15) Life on land.
- 16) Peace, Justice and Strong Institutions.
- 17) Partnership for the goals.

The SDGs are meant to be integrated and indivisible, and the success of one goal is dependent on the success of others. Achieving the SDGs will require collective action by governments, civil society, the private sector, and individuals.¹³

Historical Impact of Law on Sustainable Development.

Law has had a significant impact on sustainable development throughout history, both positively and negatively. Laws have been used to protect the environment and address environmental challenges. For example, the 1972 United Nations Conference on the Human Environment led to the creation of the United Nations Environment Programme (UNEP) and the adoption of the Stockholm Declaration on the Human Environment. This marked the beginning of international cooperation on environmental issues and set the stage for the development of international environmental law.

¹⁰ Ibid.

¹¹ Ibid.

¹² H. Marcuse and F. Neumann, 'A History of the Doctrine of Social Change', (1994) 1(1) Wiley Online Library, 116-143. <<https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1467-8675.1994.tb00008.x>> accessed 20 January 2023.

¹³ 'The 17 Sustainable Development Goals', United Nations. <<https://sdgs.un.org/goals>> accessed 23 January 2023.

Both domestic and international laws have been developed to address the issue of climate change, including the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, which established the goal of limiting global temperature rise to well 2 degrees Celsius above pre-industrial levels. Furthermore, laws have been used to regulate the use and conservation of natural resources, such as forests, fisheries, and minerals. Laws have also been used to protect biodiversity and preserve the natural environment. For example, the Convention on Biological Diversity (CBD) was established to promote the conservation of biodiversity and the sustainable use of its components.

Law has played an important role in the achievement of the Sustainable Development Goals (SDGs), as it provides a framework for implementing and enforcing sustainable development policies and actions. Laws can help to set standards and allocate responsibilities for achieving the SDGs, provide avenues for redress and accountability, and protect the rights and interests of marginalized or disadvantaged groups.

For instance, laws and policies aimed at reducing greenhouse gas emissions, conserving biodiversity, and promoting renewable energy can help to address the root causes of climate change and promote sustainable energy systems. Laws and policies aimed at protecting the rights of workers, advancing gender equality, and promoting inclusive and sustainable economic growth can help to reduce poverty and inequality and promote sustainable development.

The impact of law in the achievement of the SDGs however, also depends on effective implementation, enforcement, and compliance with legal obligations. There are also often trade-offs and tensions between different SDGs, and decisions made in one area can have unintended consequences for other goals. In any case, the law remains a critical tool for promoting sustainable development and achieving the SDGs, and efforts to enhance the legal framework for sustainable development must continue.

Peace, Justice, and Strong Institutions.

'Peace, Justice, and Strong Institutions' is number 16 on the list of Sustainable Development Goals adopted by the United Nations in 2015 as part of the 2030 Agenda for Sustainable Development. This goal recognizes the importance of peace, justice, and strong institutions for sustainable development, and seeks to promote peaceful and inclusive societies, access to justice for all, and accountable and inclusive institutions.¹⁴

A peaceful society is one in which individuals and communities can live without fear and insecurity, and where human rights and the rule of law are respected. SDG 16 aims to reduce violence, conflict, and terrorism, and promote stability, security, and peace. Access to justice is essential for promoting the rule of law, protecting human rights, and resolving conflicts. SDG 16 seeks to ensure that all people have equal access to justice and effective remedies and that the justice system is fair, transparent, and accountable.

Strong institutions are essential for promoting sustainable development, protecting human rights, and ensuring that the rule of law prevails. SDG 16 seeks to build and strengthen institutions at all levels, including the judiciary, the police, and the media, and to promote transparency, accountability, and participation. SDG 16 seeks to promote inclusiveness and ensure that all individuals and groups, including women, children, minorities, and people with disabilities are able to participate in decision-making processes and access justice.

Combating corruption: Corruption undermines the rule of law, erodes public trust, and contributes to poverty and inequality. SDG 16 seeks to reduce corruption, promote transparency, and hold those in power accountable. To achieve SDG 16, collective action is required by governments, civil society, the private sector, and individuals. The goal also requires sustained investment in peace, justice, and strong institutions, and a commitment to upholding the rule of law and protecting rights.¹⁵

Role of Law in Achieving Sustainable Development Goals.

Achieving the 17 Sustainable Development Goals is not a walk in the park. There are several factors that come into play. However, the law still remains a strong contender and it can determine which, if any, of all the SDGs are achieved. The law can be used as a tool to endure achievement of the Sustainable Development Goals by; successful implementation of laws/policies and treaties, clear and standard legal framework, domestication of treaties so they can become national laws with binding force, international collaboration, and partnerships, increased access to justice as well as promotion of public participation in sustainable development via legal education and awareness campaigns.

¹⁴ Ibid.

¹⁵ 'Goal 16: Promote Just, Peaceful and Inclusive Societies', United Nations Sustainable Development Goals, <<https://www.un.org/sustainabledevelopment/peace-justice/>> accessed 23 January 2023.

Conclusion - Other Factors in the Achievement of Sustainable Development Goals.

In addition to law, there are several other factors that play a role in promoting social change and sustainable development. These include; economic systems, advancement in technology, cultural backgrounds and attitudes, level of education, prevalent political systems, and social movements (pressure groups, advocacy groups, and NGOs). Through activism, advocacy, and public engagement, social movements can raise awareness, build public support, and bring about systemic change. All these factors interact and influence each other in complex ways. The impact of these factors on social change and sustainable development will depend on the specific context and circumstances. To achieve a sustainable future, it is important to understand and consider the interplay of these factors, and to take a holistic and integrated approach to promote social change and sustainable development.

Sustainable Development; The Way Forward.

The way forward with sustainable development will depend on a range of factors, including economic, political, social, and environmental conditions, as well as technological advancements and innovations. Key steps to be taken to promote sustainable development include: promoting sustainability in all sectors - sustainability should be integrated into all sectors, including the economy, energy, transportation, agriculture, and urban planning. This may involve reforms to the way that these sectors operate, as well as investments in new technologies and systems that are more sustainable and resilient.

Building resilience to environmental and social challenges, such as climate change and natural disasters, is critical for achieving sustainable development. This may involve investments in infrastructure, technology, and social systems that can help to mitigate and adapt to these challenges. Also, to achieve sustainable development, it is necessary to address the underlying systemic issues that contribute to environmental degradation, social inequality, and economic instability. This may involve reforms to economic systems, political processes, and cultural attitudes, as well as the development of new technologies and innovations.

Effective implementation of sustainable development requires the participation and engagement of all stakeholders, including governments, businesses, civil society organizations, and individuals. Collaboration and cooperation across sectors and stakeholders can help to build a shared vision for a sustainable future and ensure that everyone has a role to play in its achievement. Strong governance is critical for ensuring that sustainable development is implemented effectively and equitably. This may involve reforms to political processes and institutions, as well as the development of new governance mechanisms, such as multi-stakeholder partnerships, to ensure that all stakeholders have a voice in decision-making processes.

Furthermore, significant investments will be needed to achieve sustainable development, including investments in sustainable technologies, infrastructure, and social systems. This will require a combination of public and private funding, as well as innovative financing mechanisms, such as green bonds and impact investing.

Finally, regular monitoring and evaluation of progress toward sustainable development are essential to ensure that efforts are on track and to make course corrections as needed. This may involve the use of metrics and indicators to measure progress, as well as the development of frameworks and systems to assess the impact of interventions and policies.

II. Recommendations.

Law has a place in the furtherance of SDG 16 - peace, justice, and strong institutions. It is recommended that governments should not only focus on policy-making and enacting of laws but also create mechanisms to ensure the implementation of those laws or policies. Without implementation, such laws will be mere pieces of paper left to rot. There should be regulatory frameworks, where appropriate, to ensure compliance and promote sustainable development standards for businesses and organizations. There should also be stricter sanctions for those - whether individuals or businesses who fail to adhere to the prescribed standards.

The government should insist on the integration of sustainability into economic systems by creating incentives for sustainable practices and penalizing unsustainable ones. For example, governments can offer tax incentives for companies that adopt sustainable business practices, and impose taxes or penalties on activities that harm the environment. Law plays a critical role in promoting sustainable development and social change, by providing the framework for regulating human behaviour and protecting the environment for future generations. A lot has been done already but there is still so much to be done and with the instrument of law, we can go all the way.

Bibliography.

- [1]. Ahmadu Maliki, 'Law and Social Change in Nigeria; A Contextual Analysis ' (2015) 3(2), Zaria Journal of Social Sciences.
- [2]. Black's Law Dictionary, 6th edition.

- [3]. OishikaBanerji, 'How the Law can be Used as an Instrument of Social Change' (20 December 2020). <<https://www.google.com/amp/s/blog.iplayers.in/can-law-used-instrument-creating-social-change/>> accessed 15 January 2023.
- [4]. Segger, Marie-Claire Cordonier, and Khalfan, Ashfaq, 'Sustainable Development Law: Principles, Practices, and Prospects', (Oxford University Press, 2004).
- [5]. 'What is Social Change & Why is it Important?' (29 November, 2020) <<https://www.alliant.edu/blog/what-social-change-why-it-important>> accessed 15 January 2023.
- [6]. 'Sustainable Development', International Institute for Sustainable Development, <<https://www.iisd.org/mission-and-goals/sustainable-development>> accessed 15 January 2023.
- [7]. Bhamini, 'Understanding the law as a means of social change', Legal Services e-journal, <<https://www.legalserviceindia.com/legal/article-4883-understanding-the-law-as-a-means-of-social-change.html>> accessed 20 January 2023.
- [8]. H. Marcuse and F. Neumann, 'A History of the Doctrine of Social Change', (1994) 1(1) Wiley Online Library, <<https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1467-8675.1994.tb00008.x>> accessed 20 January 2023.
- [9]. Sustainable Development Goals, United Nations, <<https://sdgs.un.org/goals>> accessed 23 January 2023.

Ibironke Odetol, et. al. "Law; an Instrument of Social Change in the Attainment of Sustainable Development." *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 28(2), 2023, pp. 23-28.