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**A COMPARATIVE CONSTITUTIONAL ANALYSIS OF WOMEN'S
EMPOWERMENT FOR A SUSTAINABLE DEVELOPMENT:
A CASE STUDY OVER AN ENEL GREEN POWER' PROJECT**

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*A mio nonno,
che è stato la roccia
su cui è costruita
la mia casa*

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Summary

Introduction

The ‘Transforming Our World: 2030 Agenda for Sustainable Development’ was approved by the UN General Assembly on the 25 September of 2015 and it contains 17 shared goals divided into 169 objectives. Among those goals there is no poverty, zero hunger, good health and wellbeing, gender equality, climate action, reduce inequalities, partnerships for the goals and so on. The starting point is connected to the fact that a process of achieving a sustainable development cannot leave concrete actions, political initiatives, legislative interventions out of consideration if the expected results are to reduce or eliminate the economic, legal, social and cultural discriminations.

In particular, sustainable development and the empowerment of women are two concepts that were deeply analysed by the literature especially in the last years in many different fields of study: from historians to lawyers, from philosophers to sociologists, from economists to scholars of the natural sciences, the literature has been giving a growing attention to those topics in their own field of research. Yet these two concepts have seldom been put in connection one with the other, particular by legal scholars.

This thesis, with a comparative law perspective, aims to answer two different research questions: (1) What is the relationship between the principles and concepts of Empowering Women and Sustainable Development? (2) Can concrete projects such as the Barefoot College with Enel Green Power be models for cooperation between public and private sectors also aiming to reconnect sustainable development with women empowerment?

In order to do so, the entire work was divided into three different chapters each analysing one of the aspects included in the two research question: the Sustainable Development, the Empowerment of Women and the case-study of the Barefoot College project in cooperation with Enel Green Power.

In the first chapter, via a constitutional perspective, the concept of Sustainable Development is analysed in depth.

The starting point of the chapter are the origins of the concept of Sustainable Development. In this chapter it was analysed the historical evolution of the concept of

Sustainable Development starting from the clarification of the distinction between the three types of development, because the meaning of the term depends on the context in which it is used. Those three types are the social development, development of the physical environment and the economic development. After that the concept of Sustainable Development was briefly introduced, it were explained the origins of awareness of the physical limits of the Planet. In this sense, the uncontrolled economic growth of the XX century resulted, starting from the 60s, in the idea to connect the research of economic well being balanced with the attention of the ecosystem and the environment surrounding man. In addition to that, the works of Boulding¹ and Carson² were used to demonstrate that there were new cultural and social ferments that led to a new way of looking at the Earth and the environment, connecting also, with the work of Georgescu-Roegen, the environmental problems to economic aspects³. Other studies such as the ones of Forrester and Meadows were analysed connected to the need of finding new development models⁴.

In the subsequent paragraph it was analysed the birth of the concept of Sustainable Development starting from the International context to the Constitutional orders. In doing so it was firstly analysed the contribution of scientific environmentalism to the perception of environmental risks through a literature review including works such as the ones of Luhmann, Pellizzoni, Rosa, Beck. After that it was underlined the importance of the first major international conferences of the United Nations with an historical excursus starting from the Conference in San Francisco in 1945 to the Brundtland Report in which it was introduced for the first time the organic definition of the concept of sustainable development. The work continues with the study of the Rio de Janeiro Conference and the local dimension of sustainable development promoted by

¹ See Boulding K., *The economics of the coming Spaceship Earth*, in H. Jarrett, a cura di, *Environmental Quality in a Growing Economy*, Johns Hopkins University Press, Baltimore, 1966, 3-14.

² Cf. Carson R., *Silent spring*, Mifflin, Boston, 1962.

³ See Georgescu-Roegen N., *The entropy law and the economic process*, Harvard University Press, Cambridge MA, 1971.

⁴ Cf. Forrester J. W., *World Dynamics*, Productivity Press, Portland Oregon, 1970.

Agenda 21. The last emphasis is on the Sustainable Development Goals and Strategies for the New Millennium.

In the third paragraph of this first chapter, the concept of Sustainable Development is analysed under a comparative constitutional approach, considering it as a new constitutional 'key concept', which like sovereignty, democracy, rule of law, equality or freedom, imposes itself on the attention of constitutionalists⁵. In this sense, the principle of Sustainable Development needs to be interpreted, balanced and applied. Following this, there was the need for some clarifications connected to the two different central aspects of Sustainable Development: it is a close link with the future and it develops in the field of environmental protection. After that there was an analysis of the multiplicity of alternatives which may result from the application of the concept of sustainable development given that the term Development already lends itself to various and different meanings and can be used in different contexts and its combination with the term Sustainable is a complication since it leads us to consider the limits and conditions of development that cannot be classified objectively and universally. Some of the findings of the analysis in these paragraphs are linked to the fact that since in the very idea of constitutionalism is inherent a sort of progression of peoples towards conditions of well-being⁶, the notion of sustainability in constitutional law is closely connected to intergenerational responsibility⁷. To conclude this first chapter, it was conducted a practical comparative analysis based on the Constitutions of different countries. The starting point was a research made by Groppi on 193 countries and their Constitutions analysing whether the concept of Sustainable Development is actually present within the constitutionals guidelines of the various countries and consequently accepted and pursued⁸. After that, with a website that allows you to compare Constitutions and searching for keywords, in this last part there were presented the results of personal data

⁵ Cf. Bosselmann K., *The Principle of Sustainability. Transforming Law and Governance*, London, 2008, 64.

⁶ Cf. Barbera A., *Le basi filosofiche del costituzionalismo*, Laterza, Roma, 1997, 3.

⁷ Cf. Gosseries A., *Constitutions and Future Generations*, in *The Good Society*, 2, 2008, 32.

⁸ See Groppi T., *Sostenibilità e costituzioni: lo Stato costituzionale alla prova del futuro*, Il Mulino, 2016.

coming from the analysis of the presence of Sustainable Development in the Constitutions of different countries with a focus on the European context and the Latin American situation. The findings of this research shows that the recent appearance of the principle of Sustainable Development in contemporary Constitution is accompanied by few lights and many shadows.

In the second chapter it is presented an analysis of the concept of Gender Equality. It is intended to study how women as 'agents for change' are recognized in the field of social and international issues. The chapter moves from a constitutional analysis based on the concept of equality, highlighting the veiled but fundamental relationship between women empowerment and sustainable development. Although the former is considered a concept in evolution, it is necessary to consider it as a fundamental contribution oriented to the achievement of sustainable development. The analysis proposed in this second chapter is also important in order to frame theoretically the second concept of the first research question of the thesis.

This paragraph stems from the idea that there is the need to analyse women's rights separately by virtue of the fact that even today, although in an undoubtedly different manner from in the past, an unfair condition of asymmetry of power between the genders still persists.

Starting from an analysis of the principle of equality, which has its roots in modern constitutionalism, has been point out in detail that the concept of equality cannot be understood only in a rigid and formal sense⁹. Indeed, considering the Italian Constitution as an exemplary model, followed the analysis of the democratic principle of equality, in all its essence.

Moreover, it has been demonstrated how the revolution pledged by gender equality has not yet taken place completely and that even today women need protection measures, targeted interventions that can lead the legal, institutional and social system to equality. Therefore, precisely to combat this situation of gender inequality, many States have resorted to the so-called 'positive actions' that, according to the definition given by

⁹ Cf. Baines B., Rubio-Marín R., *Toward a Feminist Constitutional Agenda*, in *The Gender of Constitutional Jurisprudence*, Cambridge University Press, 2005.

European law and the Court of Justice of the European Union, have the purpose of eliminating the disparities, in fact, to which women are subjected during their lives.¹⁰ Hence, the positive actions has been taken as examples of practical commitment of public policies on women empowerment, and confuted in the successive paragraph. In this regard, after having provided a series of definitions, which helped to trace better the significance of these initiatives, it has been analyzed how the contribution of good practices for gender equality have proved to be fruitful in challenging, improving, changing and motivating change towards greater gender equality.

After that, the analysis moved to the investigation of the sociological theoretical framework of both the concepts in evolution, sustainable development and gender equality. In recent years international bodies and scholars have highlighted the importance of developing a discussion on the role of women in sustainable development. Women, seen as a group, have been marginalised and so have their potential contribution to economic and social development and environmental protection. On the contrary, it is believed that better use of the female population could promote economic growth, reduce poverty, spread social welfare and thus contribute to ensuring sustainable development in all countries¹¹. Eliminating the gender gap depends on enlightened public policies that take the gender dimension into account.

Taking as a starting point the reflection of the Nobel prize-winner Amartya Sen, according to whom, the growth index of ‘global society’ can no longer be identified or associated only with economic growth in terms of GDP, but it must be associated with new substantial freedoms, and so demonstrating that the progress of gender culture as a founding value of sustainable development is fundamental. Therefore, a critical approach to the development has been investigated, indeed among the reflections that

¹⁰ «The concept of positive action embraces all measures which aim to counter the effects of past discrimination, to eliminate existing discrimination and to promote equality of opportunity between women and men, particularly in relation to types or levels of jobs where members of one sex are significantly under-represented.» See: Commission of the European Communities, Communication by the Commission to the Council and the European Parliament on the Interpretation of the Judgment of the European Court of Justice on October 17, in case C-450/93, Kalanke v. Freie Hansestadt Bremen, COM (96), ECR I-03051,1995.

¹¹ See Stiglitz J.E., Sen A., Fitoussi J.P., *Report by the Commission on the Measurement of Economic Performance and Social Progress*, 2010.

began to question the development model for the growing impacts on the environment and on the different social components from the 1960s on, the most significant has been the 'ecofeminism'. On the one hand, with the contributions of several ecofeminist thinkers, such as Plumwood, Sturgeon, Warren, Iverson, etc, has been given attention to women's issues and the rights of women and men in different societies prevails, and on the other hand, to ecological egalitarianism in which human beings, plants, animals and abiotic components of ecosystems are bearers of the same rights. Indeed, a common feature of all ecofeminist experiences is the recognition of a parallel between the oppression of women and the oppression of the earth.

Going through the chapter and through the reflection on the dynamics between development and the feminine question, two main passage seem particularly relevant. As a matter of fact, the evolution from the approach of Women in Development (WID) to the approach Gender and Development (GAD), it is consistent to the whole analysis of the concepts of gender equality and women empowerment¹². Indeed, the conceptual revision, verified during the 1990s and analysed more in detail by the social policy specialist Moser, led to the formulation of the new strategy of 'gender mainstreaming' as a model of intervention to be adopted in all development actions to promote gender equality¹³.

In the light of this, the dissertation over the articulated concept of gender equality continued providing further clarifications focused on the understanding of the various and complex social categories related to the term 'gender'.

So, to conclude the second chapter, the plural dimensions of sustainable development and gender issue has been put into contact. Indeed, it is possible to affirm that after having long underestimated the importance of women in achieving sustainable development, we are therefore moving in the right direction, addressing from a gender perspective all those issues that affect humanity. In the ensuing paragraph it has been highlighted that in achieving sustainability, women have a particular and precise role to

¹² Cf. Razavi S., Miller C., *From WID to GAD: Conceptual Shifts in the Women and Development Discourse*, United Nations Research Institute for Social Development, 1995.

¹³ Cf. Moser C., *Gender Planning and Development: Theory, Practice and Training*, New York and London, 1993.

play, not only because they are affected or sensitive to the issue, but also because of the key role they play in society as educators, consumers, providers of basic health care or administrators of resources. In the light of this, has been analysed as the promotion of gender equality and women's empowerment as essential conditions for environmental sustainability emerges in all the final documents and in the objectives set by the various UN world conferences. In particular, it has been stressed the cross-cutting importance of empowerment of women in the design of the Sustainable Development Goals. Indeed, among the 17 SDGs, in particular the SDG-5 aims to fully achieve gender equality and empower all women and girls. So, gender equality and empowerment are explicit as objectives to be achieved, but looking at the many targets not related to SDG-5, one discovers that many other issues and targets are immediately translatable in terms of empowerment of women: this is the case of access to energy or mitigation of the effects of climate change that particularly affects the most vulnerable groups of the population, which almost always include women.

In the third and last chapter, after the in-depth examination of the themes presented in the previous chapters, it has been presented a practical case study that is connected and based upon both the two theoretical concept of sustainable development and women empowerment.

Starting from an analysis of Enel S.p.A. in the Italian public and administrative law doctrine¹⁴, reconstructing in time the various phases that led to its privatization through the main regulatory interventions, paying also particular attention to the crucial case for the European Law: the *Costa v. Enel*, related to the nationalization of the energetic sector via the creation of Enel and which led to a fundamental decision of the European Court of Justice. Successively, it has been analyzed Enel's organizational structure and its relationship with the concept of sustainability and the Sustainable Development Goals¹⁵. In particular it has been highlighted the major effort of Enel Green Power, the company in the Group that deals with the generation of renewable energy and in which the concept of innovation reaches its maximum expression.

¹⁴ See Clarich M., *Manuale di diritto amministrativo*, Il Mulino, Bologna, 2015.

¹⁵ Cf. Caia G., Aicardi N., *La struttura organizzativa dell' Enel e il regime giuridico della sua attività*, in *Storia dell'industria elettrica in Italia*, vol. V, Laterza, Roma, 1994.

This case study consists in the analysis of a project developed by the Company in collaboration with Barefoot College that is particularly interesting in understanding how the creation of a successful model of interaction between Women Empowerment and Sustainable Development, applied concretely to rural communities of several least developing countries, can demonstrate that the two issues can and should, more and more, be connected and so how women empowerment can contribute to the achievement of most of the objectives of Agenda 2030 and therefore to a model of sustainable development. After the presentation of the case study, it was proposed an analysis on the possibility for this project to represent a model for future new programmes, answering the second and last research question.

Chapter 1. The concept of Sustainable Development: a Constitutional Perspective

1.1 The origins of the concept of Sustainable Development

1.1.1 Historical evolution of the concept of Sustainable Development

The propensity of man to improve his own living conditions, and to challenge the knowledgeable to the spasmodic search for an anthropocentric dimension, characterized by dominion over all and over everything, is a fundamental element of human history¹⁶. Its evolution, characterized by such behaviour, has led, however, to the subjugation and the total exploitation of everything that surrounds it: the environment. Mankind has exploited its riches, has upset its rules, and has damaged its balance in order to adapt it to its own growing needs, at times going too far. Having caused a physiological alteration of the existing balances, the price of such an attitude is very high, for all the effects that this entails, and this requires how it is necessary to intervene properly as soon as possible, and on several fronts; however, this must not be at the expense of progress and development that can be enjoyed by all. It is within this dynamic that the innovation of the concept of sustainable development can be placed, the object of study examined here: innovation that can involve at the same time, real and lasting development, a less onerous sacrifice for the environment and advantageous from an economic, social and cultural aspects.

The need to fully understand the importance and centrality of this subject, especially in recent times, has prompted more and more authors to investigate the subject and its interdisciplinary character. Because of the complexity of the concept of sustainable development, due to the direct relations with multiple aspects of different disciplines and topics, it is necessary to provide a broad analysis framework, translating it from a general perspective to a more specific one.

Historians, lawyers, philosophers, sociologists, economists and scholars of the natural sciences, regardless of their specific field of investigation, when they find themselves

¹⁶ See Pellegrino G., Di Paola M., *Nell'antropocene. Etica e politica alla fine di un mondo*, DeriveApprodi, 2018.

involved in studies related to it, often risk encroaching beyond their own field of competence. Dividing barriers between neighbouring disciplines are diminishing as adequate responses to the sustainability issue could not be achieved without trans-shipping to other areas. The further is possible to go within a problem, the more easily is possible to see a road in the problem that tends to cross disciplinary boundaries. The need for correlation is also valid in retracing the main stages that gave rise to the concept of sustainable development.

Therefore, from a methodological point of view, in order to compose an exhaustive picture on the subject, it will be necessary to consider the various connected disciplines. In fact, if the importance of sustainable development were exclusively focused on safeguarding the planed, it would be enough for environmental associations and the sensitivity of politics to pass specific laws in its favour. However, attention to future generation, the search for a good life that can be achieved through the integral development of man, transect the boundaries of a few disciplines, imposing itself as the new ideal of the 21st century, to which an evolved society must aspire.

First of all, it is necessary to clarify what it is meant by development, since it is a concept that has evolved over time. In general, the meaning of the term depends on the context in which it is used.

We can distinguish three types of development:

- the social development, which means an improvement in the quality of life of people living in certain geographical areas or belonging to certain social groups, and greater participation by these people in the decisions taken for their future;
- the development of the physical environment in which planning and the presence of emerging expectations and capabilities are key objectives, as there is a belief that the built environment will be able to meet these expectations. The fundamental objective of land use planning is to build structures in harmonious and functional relationship with the environment;
- and the economic development that still today has different meanings, for some indicates economic growth, growth in production, consumption, average annual

income, while for others improvement in the living conditions of the population as a result of the lack of misery and improved distribution of income.

The taking root of the concept of sustainable development, as indeed other phenomena in history, has been the result of a variety of causes and concauses well intersected with each other, which we will retrace in these pages.

Over the years it has been shown how this type of development can coexist with growth if we understand it as an increase in economic levels that takes place within the limits of ecological possibilities, the ecosystem and its ability to meet the needs of current generations in the South, North, East and West of the world and future ones.

The path to arrive at metabolizing the idea of development in a way compatible with the limits imposed by nature has not been easy, nor has it been arduous, rich in cultural and political impulses and drastic steps backwards. In fact, in order that the concept of sustainable development was accepted, the first step was the rethinking of the economic model, which considered the limit as an irreplaceable variable, as well as being structured to promote a more efficient distribution of income, in order to mitigate the inequalities between rich and poor countries and, within the same country, between different social strata of the population. In this context, the concept of sustainable development ceases to be an issue in itself, but becomes the heart of future economic and social action.

If sustainability integrates and achieves a better quality of life, an efficient distribution of income, respect for the environment and for future generations, it will be clear that the conceptual difference between development and sustainable development will disappear.

It will no longer be considered a particular meaning of development, but will coincide with development itself, so that referring to one or the other will no longer make sense.

Therefore, proceeding in a research that fundamentally starts from the environmentalist culture and extends, favoured by the trans-disciplinarity of the matter, also to political, as well as sociological, philosophical and legislative, spheres, implies continually measuring oneself with new questions and problems that arise on the way. However, every single field of study maintains its importance and singularity. Therefore, the

analysis that will be proposed in this thesis will focus mainly on the legislative aspect of the concept of sustainable development.

The basic idea is that sustainable development must play a fundamental role in political agendas, and in programmes that responsibly set out to create a better society, more civil because it respects nature and future generations, firmly convinced that man's mission is to give a concrete response to all those problems that prevent him from progressing, not only economically, but also socially, culturally and in other words, as a man who aspires to civil coexistence and the search for a personal and collective happiness.

1.1.2 The origins of awareness of the physical limits of the Planet

Some historical theses on the disappearance of the people of Rapa Nui, the original name of Easter Island, refer to the impoverishment of natural resources on the island, one of the reasons for the decline of the civilization of Rapa Nui. It was the work *How societies choose to fail or succeed* by Jared Diamond¹⁷ that set out the thesis in a rigorous and scientific way, underlining how the world of Rapa Nui could be compared to ours. In fact, because of isolation, for the inhabitants it constituted the whole world, the resources present were scarce and had to be managed with rationality, otherwise society will decline, as, in fact, will happen for the islanders.

The scarcity of resources is not the only cause of the disappearance of the inhabitants of Rapa Nui and perhaps not even the main one, however, beyond any accurate search for the historical truth about the actual causes, it has had considerable contribution, and is disarming the image that will have the visitor moving on the island almost deserted and bare of vegetation, which once abounded.

As has been said, this affair lends itself well to parallelism with our world, to what can be called the crucial problem of our society. The environmental issue, we will see in the following pages, is undoubtedly an awareness that implies a new way of looking at the

¹⁷ Cf. Diamond J., *How Societies Choose to Fail or Succeed*, Viking, New York, 2004.

world, abandoning that vision of an infinitely generous nature, which can be exploited unconditionally.

The history of Easter Island, therefore, takes us back to the idea of the limit, particularly in the exploitation of resources, the limit necessary if we want to preserve ecosystems.

The limits of development are an obligatory reference for the emergence of the environmental question and to promote a new vision of the world attentive to the problems of the globe.

We therefore begin to go through the most important historical stages that have favoured this new vision of the world and in particular the birth of an environmental sensibility. In this section we will deal with the individual joint stages of the historical events that inspired them, trying to show how awareness of environmental issues has gradually begun to be raised.

The words of the future President of the United States are suggestive in this sense:

«We stand today on the edge of a New Frontier (...) a frontier of unknown opportunities and perils»¹⁸. These are the words of Massachusetts Senator John Kennedy during his speech for the formal acceptance of the candidacy for President of the United States, at the Memorial Coliseum in Los Angeles, 15th July 1960, in the presence of 80,000 people. An emblematic phrase used by the future president of the United States to spur the Americans to face the new decade, that of “unfulfilled hopes and threats”, with the same courage and spirit of sacrifice as the ancient American pioneers. The speech summarises in an exemplary way the cultural, social and political climate of the 1960s. Alongside the great progress of humanity, the widespread economic well-being, it is

¹⁸ Senator John F. Kennedy in the presence of Governor Stevenson, Senator Johnson, Senator Buttler, Senator Symington and Senator Humprey, began his speech at the National Convent of Democrats with these words: «For I stand tonight facing west on what was once the last frontier (...). Today some would say that those struggles are all over – that all the horizons have been explored – that all the battles have been won – that there is no longer an American frontier. But I trust that no one in this vast assemblage will agree with those sentiments. For the problems are not all solved and the battlers are not all won – and we stand today on the edge of a New Frontier – the frontier of the 1960’s – a frontier of unknown opportunities and perils, a frontier of unfulfilled hopes and threats. (...) the New Frontier is here, whether we seek it or not. Beyond that frontier are the uncharted areas of science and space, unsolved problems of peace and war, unconquered pockets of ignorance and prejudice, unanswered questions of poverty and surplus».

From: *Presidential Nomination Acceptance Speech* by John F. Kennedy, 15 July 1960. The original document and video of the conference are the property of the John F. Library Foundation and are available at: <http://www.jfklibrary.org/JFK/Historic-Speeches.aspx>

perceived as counterbalancing the fear for a nuclear war and the feeling that wealth is not always key to achieving happiness.

The hopes and fears, the uncertainty for the future and the great opportunities of those years were the key factors in the birth of new cultural and social ferments, including a new way of looking at the earth and the environment surrounding man. Ecology, as a civic problem, is gradually beginning to impose itself as a science and an emergency.

The explosive impact that Kenneth Boulding's essay *The Economics of the Coming Spaceship Earth* has had on economic literature and beyond, in which for the first time the problem of resource limitations has been tackled in a systematic and complete manner, can confirm our thesis. Through the evocative image of the cowboy and the spacecraft, the author dwells on the comparison between an open and a closed economy.

«For the sake of picturesqueness, I am tempted to call the open economy the 'cowboy economy', the cowboy being symbolic of the illimitable plains and also associated with reckless, exploitative, romantic, and violent behavior, which is characteristic of open societies. The closed economy of the future might similarly be called the 'spaceman' economy, in which the earth has become a single spaceship, without unlimited reservoirs of anything, either for extraction or for pollution, and in which, therefore, man must find his place in a cyclical ecological system which is capable of continuous reproduction of material form even though it cannot escape having inputs of energy.»¹⁹

Boulding questioned the significance of the gross domestic product, pointing out that it was not able to represent in the calculation model the problems of limited natural resources, environmental degradation and related costs. The innovative scope of his work was such as to deconstruct the old way of understanding the problems of the economy. The idea is beginning to emerge that resources will not always be available, their limited nature will represent an economic cost, but also a social and political one.

¹⁹ See Boulding K., *The economics of the coming Spaceship Earth*, in H. Jarrett, a cura di, *Environmental Quality in a Growing Economy*, Johns Hopkins University Press, Baltimore, 1966, 3-14.

The attention to the problems of the ecosystem is beginning to be of interest to the public opinion. Marine biologist Rachel Carson shook the world with her book *Silent Spring*, where she analyzed the devastating effects of pesticides and chemicals on nature and humans.

The work immediately became a classic of environmentalist thought and still today remains a reference point of great topicality. Written in 1962, the author, with a wealth of scientific research and analysis, highlighted the irreversible damage to the environment and the balance of nature caused by the indiscriminate use of pesticides. A frank work, supported by a rigorous theoretical framework that validated her theses. The publication of the book was a serious blow for the entire production sector that achieved huge economies of scale on pesticides. Carson was violently attacked by the multinationals of the chemical and food industry, through a campaign of delegitimization and denigration.²⁰ Until then, few people had been concerned about environmental problems: she denounced the effects of intensive techniques in agriculture, the only one to highlight the damage caused to health by the indiscriminate use of pesticides, the most brilliant to highlight the dangers of man's uncontrolled destructive intervention on nature. Moreover, *Silent Spring* is dedicated to Albert Schweitzer, Nobel Peace Prize winner of 1952. Schweitzer was one of Carson's most esteemed contemporary personalities for the concept of ethics that inspired the Nobel Prize. Albert Schweitzer used to repeat: «Man has lost the capacity to foresee and to forestall. He will end by destroying the earth.»²¹

The new way of understanding nature and the first steps towards a collective awareness were officially recognized on the first Earth Day, April 22 1970, when 20 million Americans mobilized to create a demonstration in defense of the earth. The promoter was the Democratic Senator Gaylord Nelson, who had the merit of bringing the health of the planet to the center of American politics. The first Earth day was defined by the

²⁰ Rachel Carson, who had not only developed scientific theses, but also a thought movement in which environmentalists from all over the world were recognized, died two years after the publication of her *Silent Spring*, crushed by a breast tumor.

²¹ Cf. Carson R., *Silent spring*, Mifflin, Boston, 1962.

authoritative American Heritage Magazine (October 1993) as: «one of the most remarkable happenings in the history of democracy.»²²

A few years later, Greenpeace's activities began. Among the protagonist of Greenpeace, a leading role was played by McTaggart. In 1972 he started the first real environmental battle of the organization. On board of the 'Vega' he sailed to Muroa with the aim of stopping the French atomic tests in the atmosphere. On that occasion McTaggart only managed to delay the tests, but the following year he returned with his crew to Muroa to oppose the French nuclear tests. An operation full of excited moments, in which the French boarded the Vega and wounded the ecologist. A photographer of his crew took everything and spread the news that in a short time rouse outcry and indignation. The demonstration of the men of the Vega resulted in the abandonment in 1974 of nuclear experiments in the atmosphere.

Thereafter, Hans Jonas, shaken by the dramatic events of the destruction of much of the Black Forest in Germany, because of acid rain, published in 1979, the famous classic *The Imperative of Responsibility: In Search of an Ethics for the Technological Age*²³, a work anticipating themes and reflections that continue today.

The author starts from the observation of the state of health of nature, put at risk by the indiscriminate and utilitarian action of man. With great acumen he documents the passage from the euphoric dream of modernity to awakening in a deceptive and not very idyllic reality, in which it is no longer nature that threatens the human species, but the very power exercised by man to dominate it.

It is becoming increasingly clear that environmental problems are linked to economic aspects. In 1971 Nicholas Georgescu-Roegen wrote that the entropy of the physical universe constantly increases given the continuous qualitative and irreversible

²² See American Heritage Magazine, Gordon J. S., *The American Environment*, Volume 44, Issue 6, October 1993. Available at: <https://www.americanheritage.com/content/american-environment>

²³ This text, which is of fundamental importance for the reconstruction of the idea first and then of the meaning of the concept of Sustainable Development, has played and continues to play a fundamental role in the construction of a model that is able to combine increasingly complex relationships between man and nature, development and the environment, present and future generations. Jonas will be among the first to conceptualize the importance of linking public intervention, environment and economy with future generations. See Hans J., *The Imperative of Responsibility: In Search of Ethics for the Technological Age*, University of Chicago Press, Chicago, 1979.

degradation of the order of chaos. The entropic nature of the economic process, which erodes natural resources and alters the environment, is a serious danger. Man must learn to rationalize the few resources available if he has the intention of planning his existence in the long term.²⁴ From this derived, according to the Romanian author, the need to radically rethink economic science, making it capable of incorporating the principle of entropy and ecological constraints.

Scientific and academic circles are also not immune from ecological ferments, in particular after the publication of Carson's work. In the 70s the 'Club of Rome', a non-governmental association, with the aim of discussing and questioning the sustainability of the economic model of that specific historical period, or its effectivity over time, raising awareness in the world about the potential risks that could be encountered, was founded. Sensing the potential of a model of 'systems dynamics', the Club invited in the same year its inventor to a meeting in Bern. The meeting between the members of the Club of Rome and Jay W. Forrester generated, in a completely unexpected way, a strong enthusiasm in the scientist, who immediately began to work on a series of models of dynamics of the systems applied to the load capacity of the Earth. Forrester developed in a short term two models: *World one*, *World two*.²⁵ Following the publication of the two models, the scientific world was immediately captured by their potential, in particular by *World two* much more elaborate than the first. Its applications included important interrelationships between world population, industrial production, pollution, natural resources and food. This is why the Club of Rome asked Jay Forrester to develop a further model. Forrester refused to take care himself of the new processing and had one of his doctorates entrusted to him: Dennis Meadows. Meadows' new model, *World three*, was virtually similar to *World two*, but

²⁴ Georgescu-Roegen left Romania in 1948 and in 1949 was appointed professor of Economics at Vanderbilt University in Nashville, Tennessee. He was a member of the American Economic Association. Between 1970 and 1976 he wrote important articles and essays on the relationship between environment and economy. See Georgescu-Roegen N., *The entropy law and the economic process*, Harvard University Press, Cambridge MA, 1971.

²⁵ This book, published in 1970 is much less known than the subsequent work that the Club of Rome commissioned to MIT and Forrester. Cf. Forrester J. W., *World Dynamics*, Productivity Press, Portland Oregon, 1970.

its success was worldwide. *World three* was published in the famous book *Limits to Growth* in 1972 and translated into all languages. In both models (World one and World two), the results highlighted through a theoretical, organic and effective formalization, the risks of an imminent collapse of the socio-economic system. The greenhouse effect, the scarcity of resources, was considered crucial problems that generated very high costs in economic, social and environmental terms. To sum up, if we did not change the model of development based on unlimited growth, we risked seriously compromising future generations. The tones used, perhaps too apocalyptic, object of numerous criticisms and exploitation, had the merit, however, of sensitizing the scientific community and public opinion to the destructive developments of an economy with exponential growth. *Limits to Growth* was written in a friendly style that made it accessible to non-technical readers, but also with an intellectual freshness that gave scientificity to themes that had until then been relegated to the simple sensitivity of the individual.

It is necessary to remind that the model was published at a time when the first major oil crisis was erupting. The energy issue therefore became one of the main concerns of every single state on the planet. A problem that involved not only governments, but also most of the social contexts, equally concerned about the future of energy. Fortunately, the Club of Rome's gloomy forecasts did not materialise: most of the oil reserves were expected to be exhausted by the year 2000. The error of estimation is not discernible in the method by which the survey was conducted, but in having excluded as a determining variable of the model, the hypothesis of the discovery of new deposits.

However, that report, with its clearly and rigorously expressed theories, still serves as a warning and underlines that the problems raised are not being solved.²⁶ Of course, environmental and energy policies have become part of government agendas, but it is possible to believe that humanity is not yet at a turning point.

The culture of sustainability could only develop in those years, with the New Deal behind that had not kept its promises of well-being and happiness and with an uncertain

²⁶ Beyond the predictions and the correctness of the model, the report commissioned by the Club of Rome had the merit of reading the facts of the world with a systemic and scientific approach, in which the productive choices of each individual state are not an end in themselves, but can have effects on the planet as a whole.

and difficult to predict future. That historical period marked the birth of a new culture and a new science that pushes us to question ourselves about the problems of the ecosystem and to find the most appropriate solutions to ensure the survival of the planet. It is necessary to ask ourselves the question of the 'limit', in the present productive systems, and in the economic theories that claim to give concrete answers to the problems of the accumulation and distribution of the resources, after years in which the planet was considered as an enormous mine to be exploited indiscriminately.

1.2 Sustainable Development: from the International context to Constitutional orders

1.2.1 The contribution of scientific environmentalism to the perception of environmental risks

In the first part it has been retraced the main stages in the evolution of environmental sensitivity in contemporary society. In this part of the work we will focus on the concept of sustainable development and how it has been treated at institutional level as a necessary model to contain the risk of environmental crisis.

The term risk is not used by chance. There is a risk if the occurrence of a harmful event is related to a human decision on the conduct to be adopted; there is also a danger when a harmful event occurs regardless of any wrong conduct on the part of man.²⁷

To this definition is possible to integrate the variable of uncertainty, understanding the risk as the possibility of the calculation of the probabilities of the happening of an event, while the uncertainty concerns the impossibility of carrying out the calculation itself. The economist Keynes used to distinguish the probabilities in objective and subjective²⁸. The first one refers to those deriving from empirical calculations, while the second one

²⁷ Cf. Luhmann N., *Sociologia del rischio*, Mondadori, Milano, 1996, 11.

²⁸ Cf. Keynes J.M., *Treatise on Probability*, Macmillan & Co., London, 1921.

are fruit of the suppositions or personal intuitions of the single individual.²⁹ For Ulrich Beck, the development of science and technology is accelerating and their growth requires a more reflective individual and collective attitude.

With reference to the environment issue, risk is linked to the probability of occurrence of damaging events linked to human decisions. In this fields, however, subjective and personal probabilities take on importance, also because there is often a lack of reliable empirical data on which to base the forecasts. Contemporary society has considered as problematic all those events that presented themselves in terms of threat. The environmental crisis is no exception. Eugene A. Rosa brilliantly pointed out as: «risk is typically connected to environmental concerns».³⁰

Humanity has had the opportunity to gradually develop this consciousness, spurred on by the tragic events that have affected the environment and questioned the relationship between man and nature. In other words, it is easy to understand how, in the face of the threat posed by the environmental problem, sensitivity to the perception of risk linked to human activity increases. Moreover, the greenhouse effect, the limited resources, were considered crucial problems that led to a revision of the current model of development, based on unlimited growth, in order to pay the highest costs worldwide, seriously compromising future generations.

Each ecosystem, as a whole, can count on a multiplicity of exhaustible resources and therefore limited in a given moment, which cannot support all the organisms present. Even if the biophysical limit varies over time, it can be both negative and positive: in the first case for environmental degradation; in the second case for technological improvements. Contemporary ecosystems do not have the physiognomy and original character because of the intervention of man, who since prehistoric times has modified and, in some cases shaped the environment around him to its advantage.

²⁹ Cf. Pellizoni L., Osti G., *Sociologia dell'ambiente.*, Il Mulino, Bologna, 2003, 54.

³⁰ Cf. Rosa E. A., *Modern theories of society and the environment: The Risk Society*, in Spaargaren G., Mol A., Buttel F., edited by, *Environment and Global Modernity*, Sage Publications Ltd, London, 2000, 73-101.

Climate change, environmental degradation are contemporary problems, or as Ulrich Beck maintains of a second modernity³¹, but they have their roots in human history or rather, they are the result of a process of long-term modification of ecosystems. The discovery of the negative impact of an excessive and uncontrolled modification of the surrounding nature, i.e. the rise of an environmental issue and of the sensitivity to risk that it entails, was a sort of small Copernican revolution, which implies the need to evaluate in the future the effects of contingent human activities.³² The threat of catastrophic events related to anthropogenic degradation has been a common concern since the late 1960s.

Carson's work has undoubtedly prepared the way, *Silent Spring* and with it we can say that the movement that has been defined as scientific environmentalism starts, that is, it is linked not only to a sensitivity towards the environment, but also capable of sounding justified and vital alarms for the survival of the planet, with the help of rigorous, analytical and scientific studies. Scientific environmentalism has ancient roots that go back to Darwin's research, who placed the environment in a central position for the development of his theory of evolution. Carson has had the merit of bringing the environmental problem to the attention of public opinion to characterize environmentalism as a necessary battle precisely because it is justified by scientific studies on the unsustainability of our model of growth. The fact that scientific environmentalism has then changed into a political movement, through the birth of the green parties, does not imply the basic assumption: beyond ideologies, scientificity and the rigour of positions must push any party and any institutional actor to confront these issues.

1.2.2 The first major international conferences of the United Nations and the birth of the concept of Sustainable Development

³¹ Cf. Beck U., *La società del rischio. Verso una seconda modernità*, Carocci Editore, Roma, 2006, 114-117.

³² It is interesting how, with respect to the history of human evolution, it has been little more than fifty years that it is considered the limit of growth, technology and science. This limit poses a serious question mark over the ability of post-modern societies to interpret the real risk we are running. Cf. Beck U., *op. cit.*, 114.

Although the *Charter of the United Nations*, adopted in San Francisco in 1945, does not contain explicit rules on sustainable development, the protection of the environment or the conservation of natural resources, because at the time it was drawn up the sensitivity of States to these issues had not yet developed sufficiently, the contribution of the United Nation was instrumental in promoting, at international level, a reflection on development and the environment, especially through the convening of major intergovernmental conferences. The international community, after the growing awareness of the environmental issue, could not remain inactive.³³ A comprehensive response was needed to the distortions in economic growth and the resulting environmental problems.

The first fundamental stage of this global reflection was represented by the ‘United Nations Conference on Human Environment’ or ‘Stockholm Conference’³⁴ of 1972,

³³ It should be underlined that it is precisely the concept of growth and the limits of development that are ‘under analysis’. There are several factors that support this thesis. The crisis of the welfare state, more and more expensive for the states and less efficient for the citizens, the crisis of Fordism as a productive model based on the large industry present in the territory, the serious energy crisis triggered by Arab countries as a consequence of the Kippur war. The 70s, therefore, marked in an unequivocal way a deep crisis in the Western economies, which led to a radical restructuring of production methods. In reality, what is going through a crisis starting at 70s is the Keynesian idea that a strong social spending would have a positive effect on growth. For the economist, public expenditure increased investment and was therefore a harbinger of economic development. In the 70s this virtuous circle was interrupted and, on the contrary, structural unemployment increased due to a series of causes and co-causes that can be traced back to the change taking place in society. (e.g. technological innovation replacing part of the labour force, increased presence of women in employment, population growth, etc.)

³⁴ It was Sweden that in 1968 proposed to the United Nations the idea of organizing a world conference on the environment and it was in Stockholm that in 1972 the conference was held, at which the USSR and many countries of the socialist bloc did not participate. During the Conference, the environment became part of the major international issues. As is often wrongly reported, the expression ‘sustainable development’ was not adopted at the time. Henry Kissinger, National Security Advisor to President Richard Nixon and Secretary of State only in 1973, made a significant contribution to the realization of the Conference. The role of the then Counsellor was crucial because, quite unexpected, there was convergence between the positions of developing countries and developed countries, through a Joint Declaration and an Action Plan with 109 recommendations. Naturally, in a totally unpredictable way, the compromise between the two positions brought two concepts and two very different ideas closer together, and on an equal footing: environment and economic growth. Henry Kissinger at the same time was working on the easing of relations between China and the U.S. that led to the meeting in China in 1972 between Richard Nixon and Mao Tse-tung. This meeting attracted a great deal of public attention and gave Kissinger the opportunity to carve out a role of strong influence in international politics. Finally, it is important to remind that China in 1972 was not yet the world economic power we know today, but represented those developing countries capable of playing a crucial role for the United States.

during which the concept of sustainable development was elaborated for the first time. In response to growing public concern about deteriorating environmental conditions, delegates from 113 nations met and produced a Joint Declaration setting out 26 principles and policy guidelines to which States committed themselves in environmental protection, and an Action Plan with 109 operational recommendations regarding human rights and responsibilities in relation to the global environment. Thus, it began to be affirmed that appropriate strategic planning, management of natural resources, maintenance and restoration of the Earth's capacity to produce renewable resources were indispensable conditions for the benefit of present and future generations. Another fundamental characteristic that emerged from the Stockholm Conference of 1972 was the new way of conceiving the environment: no longer the set of individual elements that compose it, but an indivisible whole whose problems must be analyzed and solved in an organic and unitary context, with actions at regional and world level.³⁵

The 'United Nations Environmental Programme' (UNEP) was born here, the UN programme relative to environmental issues, which had the objective of coordinating and regulating all the environmental policies of the UN Agencies, and whose headquarters were located in Nairobi, Kenya.

The World Conservation Strategy, launched in 1980 by the International Union for Conservation of Nature (IUCN), the UNEP, and the World Wildlife Fund (WWF), drew attention to the fact that, in order to initiate and support development, it would be necessary to safeguard the living resource base on which it depended. Similarly, environmental protection would not have been possible if certain minimum development standards had not been met, such as the basic needs of food, housing and clean water for the entire world population.³⁶

In 1983, following a resolution of the General Assembly of the United Nations, the 'World Commission on Environment and Development' was instituted, with the objective of elaborating a global agenda for change, proposing new forms of

³⁵ Cf. UN, *Report on the United Nations Conference on the Human Environment*, Stockholm: United Nations, 1972.

³⁶ Cf. IUCN, *World Conservation Strategy: Living Resource Conservation for Sustainable Development*, Gland, Switzerland: IUCN, 1980.

international cooperation and promoting awareness and commitment on environmental matters, also with the collaboration of non-governmental organizations, companies, research institutes and individual citizens. The Commission was chaired by Norwegian Gro Harlem Brundtland, and in 1987 published a report entitled 'Our Common Future', but better known as the 'Brundtland Report'³⁷, which introduced for the first time an organic definition of the concept of sustainable development:

«Humanity has the ability to make development sustainable to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs.»³⁸

«Yet in the end, sustainable development is not a fixed state of harmony, but rather a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are made consistent with future as well as present needs.»³⁹

However, if on the one hand: «sustainable development requires meeting the basic needs of all and extending to all the opportunity to fulfil their aspirations for a better life» on the other hand: «imply limits - not absolute limits but limitations imposed by the present state of technology and social organization on environmental resources and by the ability of the biosphere to absorb the effects of human activities. But technology and social organization can be both managed and improved to make way for a new era of economic growth.»⁴⁰

This definition had the merit of introducing the principle of intra-generational equity, and the right to aspire to satisfy one's own needs, as a necessary condition to ensure the sustainability of development. Sustainable development began to be conceived as a

³⁷ The Brundtland Report, shortened name of Our Common Future, is the report published in 1987 by the World Commission on Environment and Development established in 1983 by the UN General Assembly. Eponym is Mrs Gro Harlem Brundtland, President of the Commission, former Head of the Norwegian Labour Party and President of the Norwegian Government.

³⁸ Cf. WCED, *Our Common Future - Brundtland Report*, Oxford University Press, Oxford, 1987, 23.

³⁹ Cf. WCED, *Our Common Future - Brundtland Report*, Oxford University Press, Oxford, 1987, 30.

⁴⁰ Cf. WCED, *Our Common Future - Brundtland Report*, Oxford University Press, Oxford, 1987.

multidimensional concept, impossible to synthesize or quantify through traditional indices and indicators, aimed at ensuring a certain balance between the environmental, economic and social dimensions, in an attempt to overcome instead the economic vision that defined well-being exclusively as a basket of goods available to a person.

The Brundtland Report marks a decisive moment in the awareness of the challenges facing humanity. For many, it is a key reference point for planning and setting global goals. A map that can determine the direction to take. A turning point that will have a profound impact on the political choices of many governments, even the most refractory, distrustful and even hostile to changes of this magnitude. What is to come already creates a chance of certainty in envisaging a breakthrough at national and international level.

Since the publication of the WCED Report, the pursuit of sustainable development has become an increasingly important topic for organisations and bodies. The contributions of scholars from different scientific disciplines to the debate multiplied, and the concept was introduced and elaborated in many documents and declarations of national, regional and international bodies.

One of the most important contributions was the publication in 1991, by IUCN, UNEP and WWF of the Report 'Caring for the Earth: A Strategy for Sustainable Living', which provided a further definition of sustainable development, understood as: «improving the quality of human life while living within the carrying capacity of supporting ecosystems».⁴¹

While the Brundtland Commission's definition focused on the link between satisfying human needs and intergenerational responsibility, the 'Caring for the Earth' Report also stressed the importance of respecting the Earth's capacity for regeneration while striving to improve the quality of life of man. The two definitions together gave a clear understanding of the concept of sustainable development as a benefit to people and ecosystems.

⁴¹ Cf. IUCN/UNEP/WWF, *Caring for the Earth: A Strategy for Sustainable Living*, Switzerland, 1991, 10.

1.2.3 The Rio de Janeiro Conference and the local dimension of sustainable development promoted by Agenda 21

The urgent need to identify a universal path to build sustainable development led the world community to meet in 1992 in Rio de Janeiro, Brazil, during the ‘United Nations Conference on Environment and Development’ (UNCED), better known as the ‘The Earth Summit’. In the margins of the official meeting attended by delegates from 178 nations, 107 Heads of State and more than 2,000 representatives of non-organizations, initiatives, debates and conferences promoted by numerous associations active on environmental, social and cultural issues were held in parallel. It has been estimated that in June 1992 almost 30,000 people attended these meetings.⁴²

The Conference concluded with the approval of three agreements: Agenda 21, the Rio Declaration on Environment and Development and the Declaration of the Forest Principles; and two Conventions, one on Climate Change and one on Biodiversity.

A first and important result of the Conference was the definitive welding between development and environment, conceived as two inseparable factors, whose bond could not be broken without compromising the salvation and progress of humanity. The acceding countries recognised that environmental issues should be addressed in a universal manner and that solutions should involve all States. Also extremely significant was the recognition of the idea that, in order to achieve the objectives set for the environment, it would have been necessary to promote the participation not only of governments, bodies and associations, but also of all interested citizens, making the scientific information held widely available.⁴³

To oversee the implementation of the agreements signed, the United Nations Commission on Sustainable Development, UNCSD, was created, with the mandate to make known the issues of sustainable development within the system of the UN, to develop policy guidelines for future activities, and to promote dialogue and the building

⁴² Cf. Perman R., Ma Y., McGilvray J., Common M. *Natural Resource and Environmental Economics*, Harlow, Essex, U.K.: Pearson Education Limited, 2003.

⁴³ Cf. UN, *Report on the United Nations Conference on Environment and Development*, Rio de Janeiro: United Nations, 1992a.

of partnerships between governments and social groups. The most important agreement that came out of the Rio de Janeiro Conference has been the Agenda 21, a broad and articulated action programme, which constitutes a sort of manual for the sustainable development of the Planet for the 21st century, to be carried out on a global, national and local scale, with the widest possible involvement of all the stakeholders operating on a given territory. Starting from a social and economic framework in which the programme intends to be inserted, it identifies and includes in a long and systematic list all the areas of action, the actors involved and the necessary means in the future process of transformation towards a sustainable society.

The document pays particular attention to the local level, which is recognised as having a decisive role in encouraging gradual progress in the environmental field:

«Because so many of the problems and solutions being addressed by Agenda 21 have their roots in local activities, the participation and cooperation of local authorities will be a determining factor in fulfilling its objectives. Local authorities construct, operate and maintain economic, social and environmental infrastructure, oversee planning processes, establish local environmental policies and regulations, and assist in implementing national and subnational environmental policies. As the level of governance closest to the people, they play a vital role in educating, mobilizing and responding to the public to promote sustainable development.»⁴⁴

After the international meeting in Rio de Janeiro and the drafting of the Agenda 21 action plan, there were significant repercussions at the level of regional and national legal systems. One of the most important was the ‘Charter of European Sustainable Cities and Towns Towards Sustainability’, in which the principles of Local Agenda 21 gradually gave shape to real political commitments, at least at European level. Also known as the ‘Aalborg Charter’, it is a document signed in 1995 by 80 European Local

⁴⁴ Cf. UN, *Agenda 21 United Nations Conference on Environment and Development*, Department of Economic and Social Affairs Division for Sustainable Development, Rio de Janeiro: United Nations, 1992b, 28.1.

Authorities and 253 representatives of international organizations, national governments, scientific institutes, consultants and individual citizens. The signatories of the document stated that sustainable development at the local level would not be achieved by a traditional and specific approach, but that each entity should find its own peculiarities. The task of Local Authorities is to integrate the principles of sustainability in their respective policies, and start from the resources of different cities to build appropriate local strategies. Cities recognize that sustainability is not an immutable state or vision, but rather a local, creative process to achieve the balance that embraces all areas of decision making. In this document, the local administrations acknowledged their own responsibilities for having contributed with their own behaviour to many of the environmental problems that afflict the Planet, but at the same time proposed themselves as the main actors in a process of change, requiring greater powers and a solid financial basis to be able to achieve the objectives set.⁴⁵

In 1994, the International Council for Local Environmental Initiatives provided a further definition of sustainable development which was very successful and became one of the most cited because it placed the emphasis on local aspects of sustainability. The ICLES, in fact, defined sustainable development as:

«Sustainable development is development that delivers basic environmental, social, and economic services to all, without threatening the viability of the ecological and community systems upon which these services depend.»⁴⁶

The European Union was the most active regional body in the attempt to translate into policies and concrete actions the principles sanctioned and promoted by the Rio de Janeiro Declaration. The 'Environmental Action Programmes' have been the main instruments through which the European Union has sought to harmonize and indicate the strategic lines of the policies for the protection of the environment of the Member

⁴⁵ Cf. European Commission, *Charter of European Cities & Towns towards Sustainability (Aalborg Charter)*, Aalborg: European Commission, 1994.

⁴⁶ Cf. International Council for Local Environmental Initiatives, International Development Research Centre, United Nations Environment Programme, *The Local Agenda 21 Planning Guide. An Introduction to Sustainable Development Planning*, Toronto: ICLEI, 1996, 4.

States. The current programme, the seventh of its kind (the first was introduced in 1973), was adopted by the European Parliament and the Council of the European Union in November 2013 and will run until 2020. In these programmes, the European Commission has always stressed the need to encourage the implementation of environmental legislation currently in force, to integrate environmental issues into all political, economic and social strategies, and, finally, to increase the sense of responsibility of citizens towards the protection of the territory and the environment in which they live.

The seventh 'Environmental Action Programme' sets out clear objectives and priority measures to be applied to the main challenges of sustainable development: climate change and clean energy, sustainable transport, sustainable consumption and production, conservation and management of natural resources, public health, social inclusion, demographic development and migration. The European Sustainable Development Strategy also called on Member States to develop their own national sustainable development strategies.

In June 2009, the famous 'European Union climate and energy package', better known as the '20-20-20 Plan', launched by the European Union with Directive 2009/29/EC, which set the objective of achieving a 20% reduction in carbon dioxide emissions compared to 1990 levels, a 20% increase in the production of energy from renewable sources, and a 20% reduction in primary energy consumption compared to the status quo, by 2020. Having become the main guideline for European energy and climate policy, this programme has also included operational measures to achieve the desired results, such as the reorganisation of emission trading mechanisms and the commitments made by Member States, the improvement of the environmental quality of fuels, the introduction of new emission limits for vehicles, and the promotion of investments to improve the mechanisms of carbon capture and geological storage.

As already mentioned, returning to the international level, one of the documents arising from the UNCED in Rio de Janeiro in 1992 was the 'United Nations Framework Convention on Climate Change', an international environmental treaty with the aim of achieving the stabilization of greenhouse gas concentrations in the atmosphere at a level

sufficiently low to prevent anthropogenic interference harmful to the world climate system. The treaty, as originally stipulated, did not set mandatory limits for greenhouse gas emissions to individual nations, and was, therefore, legally non-binding. It does, however, include the possibility of the signatory parties adopting additional acts, known as protocols ‘Conference of Parties’, which would set mandatory emission limits.

Over the years, these international meetings became increasingly important and soon became the privileged forum for discussing environmental issues and agreeing on policy actions at global level. During the Third Conference of the Parties, in 1997 in Kyoto, Japan, was drawn up the most famous of the Protocols, which became much better known than the UNFCCC itself. The ‘Kyoto Protocol’, which came into force in 2005, provided for an overall reduction of 5.2% in global climate-changing emissions in the period 2008-2012, compared to 1990 levels, with specific objectives that differed for the various member countries, on the basis of the principle of a “common but differentiated responsibility”.

Despite the efforts and the economic and legal instruments promoted by the Agreement, the objectives have not been fully achieved, greenhouse emissions have not decreased substantially, and the problem of global warming and the resulting climate change has now become the main environmental challenge to be addressed on the path towards sustainability.

An important recognition of the importance of the concept of sustainable development and its transposition into international law came with the judgement of the International Court of Justice of September 1997, concerning the dispute between Hungary and Slovakia concerning the Gabčíkovo-Nagymaros dam project on the Danube.⁴⁷ For the first time, in fact, an international legal body dealt with the principle of sustainable development. The Court avoided explicitly recognising sustainable development as a mandatory principle and confined itself to stating that the concept was a good illustration of the need to reconcile economic development and environmental

⁴⁷ Cf. International Court of Justice, *Gabcikovo Nagymaros Project (Hungary/Slovakia)*, ICJ Rep.7, 1997, par 140. Judge Weeramantry wrote in his separate opinion: «Throughout the ages, mankind has, for economic and other reasons, constantly interfered with nature. In the past, this was often done without consideration of the effects upon the environment (...)The need to reconcile economic development with the protection of the environment is aptly expressed in the concept of sustainable development.»

protection. However, the way opened for entry into international jurisprudence on sustainable development as a legitimate objective to condition the interpretation and application of international standards.

Another important step in the historical evolution of the concept of sustainability was the approval in 1998 of the ‘Convention on Access to Information, Public Participation in Decision-making and access to justice in environmental matters’, better known as the ‘Aarhus Convention’.

This international treaty was created with the idea that greater public involvement and awareness of environmental problems should lead to an improvement in environmental protection. It aims to help safeguard the right of every individual, of present and future generations, to live in an environment which is adequate for health and well-being. In order to achieve this objective, the Convention aims to ensure public access to information on the environment held by public authorities, to facilitate public participation in decision-making which has an impact on the environment, and to extend the conditions for access to justice in environmental matters.

Ensuring environmental sustainability was defined as one of the eight ‘Millennium Development Goals’ that all 193 UN Member States committed to achieve by 2015. The Millennium Development Goals were included in the ‘UN Millennium Declaration’ adopted in September 2000. This important and symbolic document specified that in order to achieve the objective of environmental sustainability, it would be necessary to integrate the principles of sustainable development into countries' policies and programmes, reverse the current trend in the loss of environmental resources, reduce the process of eliminating biodiversity, reduce by half the percentage of the population without access to drinking water and basic sanitation, and achieve a significant improvement in the living conditions of at least 100 million inhabitants of world slums. For each of these goals, official indicators were identified, and partnerships between States, international organizations and non-governmental organizations were promoted to help achieve them.⁴⁸

⁴⁸ Cf. United Nations, *United Nations Millennium Declaration*, New York: United Nations, 2000.

1.2.4 Sustainable Development Goals and Strategies for the New Millennium

Ten years after the Rio de Janeiro Conference, the UNCSO decided to convene a new World Summit to take stock of the situation regarding environmental protection and sustainable development.

From 26 August to 4 September 2002, the World Summit on Sustainable Development took place in Johannesburg, South Africa. More than 100 Heads of State and Government and 22,000 delegates attended, including 8,000 from business, labour and non-governmental organisations, 10,000 from governments and organisations, and 4,000 journalists. The main purpose of the event was to verify whether and how what was decided during the 1992 Conference was being completed, with specific reference to the implementation of Agenda 21, and to plan the path for the next decade to address the new challenges of the century just begun. An analysis of the world situation revealed that ecological degradation had worsened, the fight against poverty was proving ineffective, trade liberalisation in 1990s seemed to have had a negative impact on the environment, and the gap between industrialised and so-called developing countries had widened.

In the light of the picture found 10 years after what had been the most important summit to safeguard the world's environment, and which should have provided the means and the answers to guide the planet towards sustainable development at any political social and economic level, the UN noted a substantial failure of results, and unfortunately Johannesburg was not in turn a turning point. The States adopted a 'Declaration on Sustainable Development' in 34 points divided into 6 sections, and an 'Implementation Plan', a programmatic document, divided into ten chapters, containing recommendations on issues such as the conservation of natural resources, access to drinking water and sanitation for developing countries, poverty and the use of renewable energy.⁴⁹

Among those who work in the field (e.g. Sachs, 2002), it is shared the consideration that both Documents had little legal impact, also testified by the fact that they did not

⁴⁹ Cf. United Nations, *Report of the World Summit on Sustainable Development*, Johannesburg: United Nations, 2002.

constitute the basis for the evolution of new principles of conduct by the States, nor did they set concrete objectives and precise time limits. In Johannesburg, the principles and guidelines that emerged from the previous summit in Rio de Janeiro were reaffirmed, but there was no common purpose or the political conditions necessary to go further. Although 2012 was indicated as the deadline for achieving the objective of reducing greenhouse gases responsible for climate change, and achieving some of the important ‘Millennium Development Goals’, not even the World Conference held that year had the strength to renew efforts and introduce the innovative elements in the field of environmental protection and international cooperation that had characterized the famous Summit 20 years earlier in Rio de Janeiro. In fact, in the very city of Brazil, in June 2012, the ‘United Nations Conference on Sustainable Development’ was held also known as the ‘Rio+20 Conference’. The objective of the Conference was to renew the political commitment for sustainable development, to review the state of implementation of international commitments undertaken over the last two decades, and to seek to channel the efforts of governments and civil society as a whole towards common goals and new challenges. After two years of intense and difficult negotiations, the Summit conclude with a mainly programmatic document, entitled ‘The Future We Want’, which launched numerous international and national processes on issues considered crucial for the future of the Planet.

These include, in the first place, the process of defining new Global Objectives for sustainable development, and the creation of a High-Level Political Forum on sustainable development. The Conference focused on two main themes: on the one hand, the “green economy”, understood as a new economic paradigm that seeks to alleviate global threats such as climate change, loss of biodiversity, desertification, depletion of natural resources, and at the same time promote the social and economic well-being of populations and reduce poverty, and on the other hand, the definition of a global governance system for sustainable development, which includes all international institutions dealing with this issue.⁵⁰

⁵⁰ Cf. United Nations, *The Future We Want*, Rio de Janeiro: United Nations, 2012.

In September 2015, during the United Nations Sustainable Development Summit in New York, more than 150 world leaders adopted the document ‘Transforming Our World: the 2030 Agenda for Sustainable Development’, a universal reference framework to help all countries eradicate poverty and achieve sustainable development by 2030. The first global agreement defining a universal and comprehensive programme of action, Agenda 2030 also includes the 17 new ‘Sustainable Development Goals’ and the 169 specific associated targets, which affect national policies and require the mobilisation of all countries and stakeholders to achieve them. The adoption of Agenda 2030 marked the culmination of an inclusive three-year process, characterised by unprecedented participation by civil society and other stakeholders. It follows on from the Millennium Development Goals set in 2000, at the Rio+20 conference on sustainable development and the conferences on financing for development.

The preamble of the text states:

«We are determined to end poverty and hunger, in all their forms and dimensions, and to ensure that all human beings can fulfil their potential in dignity and equality and in a healthy environment. (...)

We are committed to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner.

As we embark on this great collective journey, we pledge that no one will be left behind.»⁵¹

The draft outcome document highlights poverty eradication as the overall objective of the new Development Agenda, focusing on economic integration and the social and environmental dimensions of development. The 17 ‘Sustainable Development Goals’ aim to address systemic obstacles to sustainable development, such as inequality, unsustainable production and consumption systems, inadequate infrastructure, lack of decent employment, gender inequalities and difficulties in accessing the justice system. The environmental dimension of sustainable development, on the other hand, is covered

⁵¹ Cf. United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, New York: United Nations, 2015a.

by measures relating to the sustainable management of oceans and marine resources, combating desertification and soil degradation, protecting forests and biodiversity, providing accessible and clean energy services, access to drinking water and basic sanitation, and the sustainable management of cities and human settlements. The implementation instruments foreseen focus on financial and technological resources, and on the development of new production capacities. The Stated underlined that the desired changes will require the abandonment of “business as usual”, to begin an intensified international cooperation on several fronts. The new Agenda also includes a robust monitoring and review mechanism, which will allow monitoring of progress in its implementation and ensure that states take responsibility for their citizens.⁵²

The last stage of this long journey through the most significant moments that have marked the evolution of the concept of sustainable development and international cooperation on the environment is represented by the recent Summit on climate change, the 21st Conference of the Parties of the UNFCCC (COP21), which was held in Paris, France, from 30 November to 12 December 2015. The objective of the Conference was to conclude, for the first time in more than twenty years of mediation by the United Nations, a binding and universal agreement on climate, accepted by all States.

According to the organizing committee, the key achievement was to set the goal of limiting the increase in global warming to less than 2°C compared to pre-industrial levels, and to achieve zero anthropogenic greenhouse gas emissions during the second half of the 21st century.

The main limit of the Agreement is that every country that ratified the treaty will be required to set an emission reduction target, but the quantity will be voluntary and will not have to set a precise deadline, nor will there be any sanction if defined target is not met, but only a system “name and shame”, or a list of defaulting countries, which represents an incentive to implement the climate plan.⁵³

⁵² Cf. United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, New York: United Nations, 2015a.

⁵³ Cf. United Nations, *Adoption of the Paris Agreement*, Paris: United Nations, 2015b.

The paragraph just concluded has attempted to summarise the main institutional stages in achieving sustainable development. Although these meetings have produced documents almost exclusively in the sphere of ‘soft law’, i.e. not legally binding, they are the expression of a political commitment on international cooperation on the environment at the highest level ever achieved and, therefore, of worldwide historical importance.

1.3 Sustainable Development: a new constitutional ‘key concept’

1.3.1 The principle of Sustainable Development

The concept of Sustainable Development places the need to focus on the possible convergences between man and nature, according to the relationship in which neither the two point of reference is absorbed by the other.⁵⁴

This succeeds in opposing both the unreasonable claims of the fundamentalist environmentalism which prescind from the objective evaluation of the data and assumes forms of prejudicial refusal of modernity, and the opposite radically anthropocentric tendencies which have dominated during time, supporting interests, powers and behaviours which, in fact, have largely tolerated the exploitation of the resources, in the name of the freedom of man and of his presumed omnipotence with respect to everything around him.

It is important to recognise that economic development and growth bring collective benefits that can only be appreciated if they contribute to improving the quality of life, i.e. if they are ‘sustainable for the environment’, which, in turn, is essential for human existence.

This orientation invites to reflect on the need for the people of the present time to preserve the environment, as they are aware that they are only temporary custodians of a heritage that must be passed on to those who come after them. This consideration had

⁵⁴ Cf. Lombardi G., *Iniziativa economica privata e tutela dell’ambiente*, in C. Murgia (edited by), *L’ambiente e la sua protezione*, Milano, 1991, 260-261.

been translated into legal form by constitutionalism with reference to the ‘rights of future generations’.

First of all, it is possible to affirm that sustainability by now constitutes a constitutional ‘key concept’ which, like sovereignty, democracy, rule of law, equality or freedom, imposes itself on the attention of the constitutionalists⁵⁵: it too needs to be interpreted, balanced and applied.

But it is necessary to clarify what is meant by sustainable development.

In the already mentioned Brundtland Report, the first international document in which the concept appears for the first time, albeit in the form of sustainable development, it is possible to outline the presence of two central aspects that characterize it:

- a) it has a close link with the future, more particularly with future generations;
- b) it develops in the field of environmental protection.

In addition, this last point does not imply that the concept of sustainability, neither in common nor in legal and constitutional language is limited to environmental issues.⁵⁶

The concept of sustainability «is nothing more than the long term interest of the political community.»⁵⁷ Meaning that it implies the aspiration that a certain value, currently present, such as a country's wealth or environment, tourism activity or budgetary balance, can continue to exist in the future. From a more technical perspective, it can be said that the use of a good or a resource is ‘sustainable’ when it does not destroy the good or resource, but allows its transmission to future generations.

⁵⁵ Cf. Jakab A., *Sustainability in European Constitutional Law*, University of Salzburg, 2015, available at: <http://ssrn.com/abstract=2593371>. Moreover, Bosselmann points out that as early as 1989, the New Zealand Minister for the Environment, the first country - according to what he said - to give legal application to sustainability, had written: «Sustainability is a general concept and should be applied in law in much the same way as other general concepts such as liberty, equality and justice». Cf. Bosselmann K., *The Principle of Sustainability. Transforming Law and Governance*, London, 2008, 64.

⁵⁶ In this regard it is possible to make similar consideration, in general, for the problem related future generations: it too made its first appearance in the context of environmental issue, but afterward it arises in other contexts, from that of biotechnologies to that of economic policies: cf. Bifulco R., *La responsabilità giuridica verso le generazioni future tra autonomia della morale e diritto naturale laico*, in D’Aloia A., *Diritti e costituzione*, Milano, 2003, 171.

⁵⁷ Cf. Jakab A., *Sustainability in European Constitutional Law*, University of Salzburg, 2015, 2.

Therefore, sustainability contains in itself an intergenerational relationship, as has been repeatedly underlined by many international documents⁵⁸: it requires us to consider, with reference to a good of collective interest, its temporal projection, its capacity to remain in time and to be ‘enjoyed’ also by future generations.

In the light of the appearance of the principle in contemporary constitutional law is possible to underline an important phenomenon that is put in relation with the first one, it consists in the ‘internationalization’ of constitutions⁵⁹: it is in fact, as for that, closely related, of ‘future generations’⁶⁰, a notion developed in international law, and from here migrated to the constitutional one, taking advantage of the permeability of contemporary constitutions to external influences.

So far as we can see, the underlying reasons for the relatively recent emergence of sustainability, first in international law and then in constitutional law are similar and are linked to important technological developments and changes in public ethics in recent decades. It could be said that the starting point is constituted by unprecedented innovations in the history of mankind (as already mentioned above in this chapter), which in a short space of time have led man to acquire a hitherto unknown capacity for influencing the environment and the human species itself, for example biotechnologies or similar.

This was followed by the birth, much slower and more difficult, of a new public ethic, which involves the acquisition of awareness not only of the danger of such

⁵⁸ Cf. UN General Assembly, *United Nations Conference on the Human Environment*, 15 December 1972, A/RES/2994, Principle 1 of which states «the common conviction that man bears a solemn responsibility to protect and improve the environment for present and future generations.» United Nations Conference on Environment and Development, *Agenda 21, Rio Declaration, Forest Principles*, 1992, Principle 3 states that «[t]he right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations»; UN, *Outcome Document of the Rio+20 Conference*, 2012, paragraph 67 states: «We will also consider the need for promoting intergenerational solidarity for the achievement of sustainable development, taking into account the needs of future generations, including by inviting the Secretary-General to present a report on this issue». And this report has been presented in 2013: Ban Ki-Moon, *Intergenerational solidarity and the needs of future generations* – Report of the Secretary-General, 5 August 2013, A/68/322.

⁵⁹ Cf. Chen Chang W., Rong Yeh J., *Internationalization of Constitutional Law*, in Rosenfeld M., A Sajò (Eds.), *The Oxford Handbook of Comparative Constitutional Law*, Oxford, 2012, 1165 ss.

⁶⁰ In this regard it is possible to make reference to the expression of the United Nations Charter of 1945, which refers to the desire to “save succeeding generations from the scourge of war”. Cf. United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI.

developments for the future of humanity, but also of the need for rapid and effective collective responses.

In other words, it can be said that it is a matter of a double awareness that human beings are developing, and trying to translate into juridical norms, in these last decades.

In the light of this background, it is not surprising that the origin of the notion of sustainable development can be traced back to international law⁶¹. Indeed, the fact that we are starting to talk about environmental protection naturally shifts the debate, by the very nature of the protected good, to the global level.

It could be underlined the fact that in the face of environmental issues, national borders lose their importance and, with them, also their national constitutions, which on these borders remain firmly anchored in terms of effectiveness, despite the ever increasing legal circulation, especially in the field of dialogue between courts.⁶²

However, the extension of the principle of sustainable development to constitutional law, through the insertion of explicit clauses in national constitutions, should not be considered irrelevant, given the limited binding legal force of international law. In fact, this is often translated into instruments of soft law and, in any case, even when it operates through treaties, it encounters significant problems of effectiveness⁶³, also because it is not assisted by adequate jurisdictional guarantees at the international level⁶⁴, as demonstrated by the events subsequent to the Rio Conference in 1992 and the

⁶¹ In this respect cf. International Court of Justice, *Gabcikovo Nagymaros Project (Hungary/Slovakia)*, 1997, ICJ Rep. 7. Moreover, cf. International Court of Justice, *Pulp Mills on the River Uruguay (Argentina/Uruguay)*, 2010, ICJ Rep. 14, par 124, separate opinion of Judge Cançado Trindade who stated: «Inter-generational equity thus came to the fore in connection with the acknowledgement of the “principle of sustainable development”»

In this case law cf. Barral V., Dupuy P.-M., *Sustainable Development through Integration*, in Viñuales E. (Ed.), *The Rio Declaration on Environment and Development*, cit., 172.

⁶² In respect of horizontal dialogue on the environment cf. Benvenisti E., *Reclaiming Democracy: The Strategic Use of Foreign and International Law by National Courts*, in *The American Journal of International Law*, 2008, 241.

⁶³ On the problems of the effectiveness of international environmental law, see also for a critical re-reading of the concept of sustainable development, Montini M., *Revising International Environmental Law Through The Paradigm of Ecological Sustainability*, Academy of European Law, 2013.

⁶⁴ On the need for international law to use a ‘decentralized enforcement’, at regional or national level, cf. de Wet E., *The Constitutionalization of Public International Law*, in Rosenfeld M., A Sajò (Eds.), *The Oxford Handbook of Comparative Constitutional Law*, cit., 1227.

substantial failure of the attempt to tackle, through international conventions, the issues of climate change and biodiversity.

It is no coincidence that, precisely in the area of environmental protection, it is at national level that those who call for more rigorous protection continue to look, even today, even in the face of phenomena that are inevitably and clearly global, such as CO₂ emissions into the atmosphere.⁶⁵

1.3.2 The multiplicity of alternatives which may result from the application of the concept of sustainable development

The protection of the environment can not be separated from the problems of economic development and depends, to a large extent, also on the state of knowledge which, in the nowadays technological era, is in a continuous and swirling state of flux.

Hence the need to promote a dynamic propensity for legal and environmental protection. Environmental legislation, in fact, is conditioned by many variables that affect the quality of economic growth and contribute to determining, in practice, the notion of environmental sustainability of human activities aimed at development. It seems appropriate to start by saying that the legal definition of sustainable development is problematic.

The term ‘development’ already lends itself to various and different meanings and can be used in different contexts. The combination with the adjective ‘sustainable’ is a complication, since it leads us to consider the limits and conditions of development that

⁶⁵ In this respect, the example of Norway is significant, a country that over the years has distinguished itself for the intensive exploitation of underground resources (gas and oil), especially in the Arctic regions. The Constitution of Norway, amended in 2014, introduces a more stringent guarantee of environmental rights and it is precisely the enforcement by the Norwegian courts, in primis of the Supreme Court, that it is looked at from the perspective of protection against new government programs of exploitation of the Arctic. Cfr. Sjøfjell B., Halvorssen A.M., *The Legal Status of Oil and Gas Exploitation in the Arctic: The Case of Norway*, 2015, University of Oslo Faculty of Law Research Paper No. 2015/17, available on: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2636542

Where it is stated: «Indeed, the courts are our last resort, in a democratic system, when the state does not uphold the values that are meant to be safeguarded by the Constitution. This is especially important in the current situation, where we do not have in place binding international agreements with sanctions and enforcement possibilities to ensure that we stay within the two-degree limit».

can not be classified objectively and universally. If the historical context, the economic conditions and the social environment change, so do the meanings.

The meaning that is useful for the jurist is the one that refers to man and his behavior, configuring the relationship between the purpose to be achieved, the lawful means and the limits, set through rules, while for the historian, the political scientist, the sociologist and the economist the same concepts can take on other meanings. It is therefore necessary to have recourse to a convention that makes understanding and dialogue between the science possible. On the one hand, it is good to always be aware of the relative meaning of the notions used, on the other hand it is appropriate to check whether it is possible to refer to a common understanding of the concept of sustainable development.

From the lessons that can be drawn comparing the doctrine dealing with international law, the idea is that sustainable development must be seen in relation to primary environmental resources and their limited availability, always taking into account the relationship between economic expansion, population growth and environment.

The expression sustainable development underlines the need, confirmed by the international community, to adopt useful initiatives to reconcile the different positions taken by industrialised and developing countries, without constraints of cultural and political subordination.⁶⁶

The Brundtland Report of 1987, summarizing the themes of the previous occasions of debate at international level, considered the relationship between development and the environment as decisive for assessing the environmental question in its entirety.⁶⁷ In that report, the concept of sustainable development was a 'new approach' to environmental issues, closely linked to the need to reconcile economic growth with environmental protection. The United Nations Industrial Development Organization, at the world conference in Copenhagen in 1991, had the question of ecologically sustainable industrial development at the centre of its discussion. At that meeting, priority was

⁶⁶ Cf. Neuhold H., Lang W. e Zemenek K., *Environmental Protection and International Law*, Graham & Trotman, London-Dordrecht-Boston, 1991.

⁶⁷ Cf. WCED, *Our Common Future - Brundtland Report*, Oxford University Press, Oxford, 1987.

given to the issue of relations between industrialised and developing countries, and the difficulties of dialogue and the many misgivings emerged which, in Rio the following year, were and obstacle to the adoption of more incisive concrete measures.

The meeting did not dispel the doubts that developing countries represented to their interlocutors when discussing production methods and the effective compatibility between industrial development and environmental protection.⁶⁸ Evidence of the significant benefits that the application of the methods summarized in the 'clean production' formula could bring to the economic growth of a country was not entirely convincing for many Third World countries. For their part, they supported the reasons for development as a priority with respect to other purposes, insisting on the advisability of not entering into 'essentially unilateral' commitments and of not subjecting themselves to externally imposed conditions, albeit for the purposes of environmental protection.

It was noted that the advanced countries had initially completely neglected the environmental requirements in favour of economic growth and, in a second phase, had the possibility of resorting to costly and avant-garde technological applications. This had allowed domestic industries to gradually convert their production processes according to parameters which, while taking account of certain environmental constraints, also took into account, with equal rigour, the costs borne by the producer. Thus, for a long time, internal environmental legislation had been very weak and the principles relating to environmental protection were absent from the fundamental texts.

⁶⁹

This gradual approach should also have been allowed to Third World countries. Consequently, the imposition of obligations on States justified by the need to protect

⁶⁸ The European Union has taken into account the difficulties that developing countries encounter when committing themselves to integrate the environmental dimension into their policies, adopting specific financial support measures. See Regulation 2493/2000 of the European Parliament and of the Council of 7 November 2000 on measures to promote the full integration of the environmental dimension in the development process of developing countries, *Official Journal L 288,15/11/2000 - 0005*. The Regulation sets out the activities in support of 'sustainable development' that are eligible for Union financial support, provided in the form of grants.

⁶⁹ Cf. Atapattu S.A., *Emerging Principles of International Environmental Law*, Ardsley New York, 2006.

environment, in accordance with the principle of ‘sustainable industrial development’, was likely to aggravate the backwardness in which developing countries already found themselves, since they did not have the financial resources necessary to promote ‘clean production’. The studies promoted by UNIDO showed that it was possible to achieve important results in the field of industrial change towards the widespread application of environmentally safe technologies, however, those studies also highlighted the difficulty of achieving significant effects without substantial resources for investment and without the use of sophisticated and costly technology⁷⁰, two conditions that were precluded to many States.

The legislators and governments of many developing countries, therefore, while, agreeing, in principle, to the theoretical approach of sustainable development and while incorporating this principle in their respective constitutional and regulatory texts, did not draw immediate consequences, rather, in the concrete guidelines of environmental policy and resource management, there were opposing trends: *a)* the intensive exploitation of natural resources; *b)* the removal of limits that could slow down development; *c)* protectionist measures towards the outside; *d)* very weak sanctions, especially when the transgressors are the public authorities themselves.

1.3.3 Constitutionalism and sustainable development

In the very idea of constitutionalism is inherent a sort of progression of peoples towards conditions of well-being.⁷¹

The notion of sustainability, in constitutional law, is closely linked to intergenerational responsibility, i.e. the possibility that the constitution obliges political decision-makers of the present time to also consider future generations when it comes to making choices whose effects are such as to prejudice their needs.

⁷⁰ Cf. Costanza R., *Ecological Economics: The Science and Management of Sustainability*, Columbia University Press, New York, 1991.

⁷¹ Cf. Barbera A., *Le basi filosofiche del costituzionalismo*, Laterza, Roma, 1997, 3.

Before to address the complex issue of the ‘right’ - if one may say out of a need for synthesis - of future generations⁷², which has seen in recent years, even in Italian doctrine, valuable studies⁷³, it is necessary to recall that contemporary constitutions by their very nature look to the future, much more than other types of legal norms, and therefore appear particularly suitable for trying to ensure that present generations do not ignore, in their choices, intergenerational solidarity.⁷⁴

In dealing with the issue of the rights of future generations, or in other words in trying to establish whether or not these generations have rights, what, if any, the subject of these rights may be and how their usability is currently recognised, it is necessary, albeit briefly, to report on the difficulties that, also at an ethical-philosophical level, pose the problem of the question of justice between generations.

The problem of sustainable development, as outlined in recent history, is based on the consideration that the possibilities that the present generation of adults and those immediately following have of influencing, for better or for worse, and at a global level, future generations, even those that will exist in a distant future, would seem to be enormously greater than those that any other previous generation has ever had. This means that the problem of our responsibility towards posterity is of greater importance than it could reasonably have been for previous generations.⁷⁵

⁷² The debate on the possibility of establishing genuine 'rights of future generations' is very wide-ranging. To give just one example, in the drafting of the 1997 UNESCO Declaration, the title initially envisaged was 'Declaration for the Rights of Future Generations', but it was changed into 'Declaration on the Responsibilities of Present Generations towards Future Generations' by Edith Brown-Weiss, one of the first and most authoritative American jurists to study intergenerational responsibility.

⁷³ Cf. D'Aloia A., R. Bifulco R., *Un diritto per il futuro*, Napoli: Jovene, 2008.

⁷⁴ Cf. Gosseries A., *Constitutions and Future Generations*, in *The Good Society*, 2, 2008, 32.

⁷⁵ Reference can be made to a number of conditions that exemplify this situation. Firstly, the current energy policy characterised, especially in Western countries, by the use of non-renewable energy sources (fossil fuels, coal, oil and gas and nuclear fuels); secondly, both fossil and nuclear fuels are highly polluting and, together with the systematic destruction of large tropical forests, this pollution is considered one of the main causes of the greenhouse effect which, in turn, leading to global warming, causes ever greater desertification and an increase in sea levels with the consequent flooding of areas that are today densely populated. Finally, it is necessary to consider the problems linked to the increase in the world population and those linked to recent developments in biomedical science, biotechnology and genetic engineering since they have the possibility of influencing the very composition of future generations.

The fundamental problem, around which ethics is debating the problem of future generations, is essentially whether it is correct to believe that, given that these have rights, those rights, even though they are inherent to people or groups that do not yet exist, can be executed now or whether, on the contrary, it should not be assumed that they will have rights only to the resources that will exist then; and again: assuming that they have rights, the problem is still to establish whether their ‘conditional’ right can be put on an equal footing with the effective rights of individuals currently existing.⁷⁶

The answer to these questions are particularly problematic, but the complexity of the problem and the frequency with which reference is made to the rights of future generations, require that the theme be explored from a viewpoint that is as broad as possible.

The solemn declaration “We, the People of the United Nations determined to save succeeding generations from the scourge of war”, proclaimed in the Charter of the United Nations, approved in June 1945, is a statement where, in international law, explicit reference is made to future generations. The belief that there are other scourges, apart from the war from which future generations must be saved, was making rapid headway, but it was only with the Stockholm Declaration on the Human Environment, drawn up within the framework of the Stockholm International Conference in 1972, that it was finally stated that:

«defend and improve the human environment for present and future generations has become an imperative goal for mankind (...))»

The first principle of this declaration states that:

«men (...) bears a solemn responsibility to protect and improve the environment for present and future generations»;

while the second principle prescribes that:

«the natural resources of the earth, including the air, water, land, flora and fauna (...) must be safeguarded for the benefit of present and future.»⁷⁷

⁷⁶ Reference can be made to the report ‘Unless We Act Now’ of 2015 prepared by UNICEF in collaboration with UNEP and OECD, which describes the impact that environmental changes have on children and that affects not only the present but, above all, the future of our planet and its inhabitants.

⁷⁷ Cf. UN, *Report on the United Nations Conference on the Human Environment*, Stockholm: United Nations, 1972.

The Stockholm Declaration leads directly to the creation at the United Nations of the United Nations Environment Program and is likely to have some influence on the process of increasing the number of countries incorporating the rights of future generations into their own constitutions.⁷⁸

In the light of this, the ethical problems mentioned above seemed to have found a solution, not only at the level of more or less evident statements at the international level, but even by provisions inserted within the positive law of some state legal systems through the most authoritative legal instrument, the normative source par excellence: the Constitutional Charter.

Successively, it is worth remembering that the concept of sustainable development that emerged from the report 'Our Common Future', which has been mentioned several times, is essentially based on the concept that economic growth must necessarily be commensurate with the rights of future generations, and from this it follows that, through the Rio Declarations⁷⁹, whenever reference is made to the sustainability of development, an implicit reference to the rights of future generations follows. At this point, there are countless pieces of legislation that would guarantee these rights, both at national and at Community level, but even if the rights of future generations are explicitly mentioned, there is no lack of examples of both. In the Community context, although the Treaty - including the Amsterdam version - makes no precise reference to these rights, sustainable development is included among the objectives of the Union and

⁷⁸ The phenomenon of the so-called 'greening' of Constitutions, in recent years has meant that in many Constitutions, including European ones (e.g. those of Greece, Spain, Portugal, Belgium), an article has been inserted where, in various ways, international ideological demands have been accepted; it is in the Latin American Constitutions, however, that explicit rights of future generations can be found: thus the 1988 Brazilian Constitution, Art. 225, stated that it is the duty of the public authorities and the community to protect the environment and to "preserve it for present and future generations"; while the 1994 Argentine Constitution, following the formula used by the Brundtland Commission, Art. 41, stated that: «Todos los habitantes gozan del derecho a un ambiente sano, equilibrado, apto para el desarrollo humano y para que las actividades productivas satisfagan las necesidades presentes sin comprometer las de las generaciones futuras; y tienen el deber de preservarlo.» The Constitution of Japan, 1946, Art. 97, establishes that the fundamental rights enshrined in it «are fruits of the age-old struggle of man to be free; (...) and are conferred upon this and future generations in trust, to be held for all time inviolate.»

⁷⁹ Cf. United Nations Conference on Environment and Development, *Agenda 21, Rio Declaration, Forest Principles*, 1992, Principle 3 states that «[t]he right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.»

the European Charter of Fundamental rights⁸⁰, and in many Community legislative and non-legislative acts, the term 'future generations' appears explicitly.

The growing tendency to affirm the rights of future generations highlights the concern for current uses of resources and their effects that may manifest themselves beyond the horizon of present generations; the duty of sustainability for the conservation of natural heritage takes on a new dimension and is projected into the perspective of time.

Alongside environmental law, a right of future generations is emerging which is not only the right to environmental conservation but also the right to economic development and in other words, to safeguard the expectations of future citizens.⁸¹

The very notion of sustainable development enshrined in the Rio de Janeiro document of 1992 is aimed at the right of future generations to have the natural resources to survive. Biodiversity itself is seen in relation to the rights of future generations, as the principle of equal opportunities between different generations, in other words, future generations must have the same opportunities as present generations.

The right to peace should also be taken as an affirmation of the right of future generations, and in many international conventions and treaties it is reiterated that peace is a fundamental element not only for civil life but also for ensuring the prospects of future generations.

Hence, the dissemination of sustainability clauses, as well as clauses referring to the needs of future generations, in contemporary constitutions therefore appears - as well as a result of the influence of international law, as has been said - a consequence of the perception that the constitution is the most appropriate regulatory framework to force today's political decision-makers to take into account the needs of the future.

⁸⁰ See European Union, *Charter of Fundamental Rights of the European Union*, 2012, 2012/C 326/02. The Preamble states that: «Enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human community and to future generations.»

⁸¹ Cf. Brow W., *Our Right and obligations to future generations for the Environment*, in *American Journal of International Law*, 1990, 198.

1.3.4 Sustainable Development and Constitutions: a comparative analysis

Starting from an empirical research presented by Tania Groppi⁸², based on the analysis of the emerging concept of ‘sustainable development’ on the text of the constitutions of the 193 member states of the United Nations, it has been possible to highlight whether and how the new concept has been introduced into the different constitutional texts of the UN member countries. This empirical research has proved to be extremely useful in the ultimate aim of understanding whether the concept of sustainable development is actually present within the constitutional guidelines of the various countries and consequently accepted and pursued. Following the outcomes of the research, mentioned above, it is possible to state that actually only 54 of them use the noun ‘sustainability’ or, more frequently, the adjective ‘sustainable’. Furthermore, it has been possible to underline how the new concept, even if not explicitly present, is however include and in reference to the different aspects of society.

All these references can be found in constitutions adopted, or modified, in recent decades, however, after 1987, when the already cited Report entitled ‘Our Common Future’ defined ‘sustainable development’ as «the development that meets the needs of the present without compromising the needs of the future generations.»

A reference to sustainability or to the adjective ‘sustainable’ has been found, on the basis of the research mentioned⁸³, in 54 current constitutions.⁸⁴

⁸² See Groppi T., *Sostenibilità e costituzioni: lo Stato costituzionale alla prova del futuro*, Il Mulino, 2016.

⁸³ Cf. Annex 1 of Groppi T., *Sostenibilità e costituzioni: lo Stato costituzionale alla prova del futuro*, Il Mulino, 2016. This is a search of constitutional texts conducted from official sources (government sites, parliament or constitutional court), or, alternatively, from the website www.constituteproject.org, which contains texts in English. The words searched for were ‘durab*’ in French, ‘sustentable’ and ‘sostenib*’ in Spanish, ‘sustainabl*’ and ‘durab*’ in English.

⁸⁴ The Charter of Fundamental Rights of the European Union could be added to the 54 constitutions listed in Annex 1 of Groppi T., *Sostenibilità e costituzioni: lo Stato costituzionale alla prova del futuro*, Il Mulino, 2016. The Preamble reads as follows: «The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels; it seeks to promote *balanced and sustainable development*»(italic added). And Article 37 (Protection of the Environment): «A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.» The concept also appears in the TEU, Art. 3.3: «The Union shall establish an internal market. It shall work for

Even more numerous are the constitutions that contain references to future generations (69 according to the calculation, which also includes the 16 constitutions that are limited to a mention in the preamble)⁸⁵, references which in many cases appear in provisions relating to the environment (53 constitutions in this sense).

The link between sustainability and the future is made clear by the fact that in many constitutions (25 out of 54) the term sustainability (or the adjective ‘sustainable’) is used together with the reference to future generations.

By limiting to an examination of the explicit clauses, very few are the references to sustainability contained in the preambles (only 5 constitutions), which, instead, much more frequently refer to future generations (30 constitutions).⁸⁶

There are no references to sustainability or to the adjective ‘sustainable’ in the ‘eternity clauses’: that is, in the clauses, more and more frequently found in the Constitutions, which place explicit limits on the constitutional revision and which tend to constitute the ‘place’ in which the founding values of the order are identified and protected by political majorities, even those usually qualified necessary for the constitutional revision.⁸⁷

Most constitutions (38) contain the term ‘sustainable development’, while only 10 contain the term ‘sustainability’.

Latin american constitutionalism offers several examples. Indeed, Article 80 of the Constitution of Colombia (1991, repeatedly reformed in subsequent years) states: «The

the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.»

⁸⁵ Cf. Annex 2 of Groppi T., *Sostenibilità e costituzioni: lo Stato costituzionale alla prova del futuro*, Il Mulino, 2016. The research on the English text of Constitutions has used the words ‘futur*’, ‘generat* and environment*’, ‘sustainab*’, ‘durab*’ and ‘natur*’; the research on the French text has focused on the following words: ‘futur*’, ‘génération* and environnement*’, ‘durab*’, ‘natur*’; for Spanish texts, reference has been made to the words: ‘futur*’, ‘generación y medio ambiente’, ‘sustenable’, ‘natur*’.

⁸⁶ For a classification of the generational clauses contained in the Constitutions, cf. Tremmel J., *Establishing Intergenerational Justice in National Constitutions*, University of Tuebingen, 2006 190.

⁸⁷ About these ‘eternity clauses’ or ‘unamendable provisions’ cf. Klein C., Sajò A., *Constitution making: Process and Substance*, in Rosenfeld M., A Sajò (Eds.), *The Oxford Handbook of Comparative Constitutional Law*, 419.

state shall plan the handling and use of natural resources in order to guarantee their sustainable development, conservation, restoration, or replacement.»⁸⁸

In this context, sustainability is placed in relation to the exploitation of natural resources and configured as a need that justifies centralised public intervention, according to a planning model. The Colombian constitutional text, therefore, uses an ‘international’ formula in a rather traditional context.

Moreover, Article 41 of the Argentine Constitution, reformed in 1994⁸⁹, does not use the expression ‘sustainable development’ but uses a more general formula, that of “human development”.

This expression seems to correspond to wider styles such as those summarized in the formulas ‘quality of life’ and ‘healthy environment’, to bring out the relationship between human person and environment.

This is a constitutional guideline which is reflected in other texts such as: the 1967 Uruguayan Constitution (reformed in 1996), Article 47 states that: «The protection of the environment is of general interest. Persons must abstain from any act that causes grave depredation, destruction or contamination to the environment. The law shall regulate this provision and may provide sanctions for transgressors»; the Brazilian Constitution of 1988, Article 225 makes use of expressions such as: «ecologically balanced environment, which is a public good for the people's use and is essential for a healthy life» incorporating environmental constitutional formulas that have found consensus by the constituent legislators of various continents.⁹⁰

⁸⁸ See Constitution of Colombia, Article 80: «The state shall plan the handling and use of natural resources in order to guarantee their sustainable development, conservation, restoration, or replacement. Additionally, it shall caution and control the factors of environmental deterioration, impose legal sanctions, and demand the repair of any damage caused. In the same way, it shall cooperate with other nations in the protection of the ecosystems located in the border areas.»

⁸⁹ See Constitution of Argentine, Article 41 provides: «All inhabitants enjoy the right to a healthful, balanced environment fit for human development, so that productive activities satisfy current needs without compromising those of future generations, and have the duty to preserve the environment.»

⁹⁰ See Constitution of Brazil, Article 225: «Everyone has the right to an ecologically balanced environment, which is a public good for the people's use and is essential for a healthy life. The Government and the community have a duty to defend and to preserve the environment for present and future generations.»

Moreover, Article 117 of the Constitution of El Salvador (1983, reformed in 2000) explicitly mentions sustainable development and sets it as an essential guideline for guaranteeing biological diversity and environmental integrity, stating: «It shall be the State's duty to protect the natural resources, as well as the diversity and integrity of the environment, and to guarantee sustainable development.»⁹¹

Similarly, the Venezuelan Constitution of 1999 offers relevant examples both with regard to the attention devoted to the principles of international derivation and with regard to the detailed articulation of the guidelines drafted to outline the framework of the fundamental matters. In that text direct reference is made to environmental education as an obligation to be assigned to the educational system, while Chapter IX outlines the constitutional environmental rights, with particular precision in Articles 127, 128 and 129.⁹²

⁹¹ See Constitution of El Salvador, Article 117: «It shall be the State's duty to protect the natural resources, as well as the diversity and integrity of the environment, and to guarantee sustainable development.

The protection, conservation, rational enjoyment, and the restoration or replacement of natural resources is hereby declared to be of social interest in accordance with the terms established by law.

The introduction of nuclear residues and toxic waste into the national territory is hereby prohibited.»

⁹² See Constitution of Venezuela, Article 127: «It is the right and duty of each generation to protect and maintain the environment for its own benefit and that of the world of the future. Everyone has the right, individually and collectively, to enjoy a safe, healthful and ecologically balanced life and environment. The State shall protect the environment, biological and genetic diversity, ecological processes, national parks and natural monuments, and other areas of particular ecological importance. The genome of a living being shall not be patentable, and the field shall be regulated by the law relating to the principles of bioethics.

It is a fundamental duty of the State, with the active participation of society, to ensure that the populace develops in a pollution-free environment in which air, water, soil, coasts, climate, the ozone layer and living species receive special protection, in accordance with law.» Article 128: «The State shall develop a zoning policy taking into account ecological, geographic, demographic, social, cultural, economic and political realities, in accordance with the premises of sustainable development, including information, consultation and male/female participation by citizens. An organic law shall develop the principles and criteria for this zoning.» And Article 129: «Any activities capable of generating damage to ecosystems must be preceded by environmental and socio-cultural impact studies. The State shall prevent toxic and hazardous waste from entering the country, as well as preventing the manufacture and use of nuclear, chemical and biological weapons. A special law shall regulate the use, handling, transportation and storage of toxic and hazardous substances. In contracts into which the Republic enters with natural or juridical persons of Venezuelan or foreign nationality, or in any permits granted which involve natural resources, the obligation to preserve the ecological balance, to permit access to, and the transfer of technology on mutually agreed terms and to restore the environment to its natural state if the latter is altered, shall be deemed included even if not expressed, on such terms as may be established by law.»

Taken as a whole, these fundamental texts show an attention that has its roots in the ancient culture of the Latin American peoples, making important qualities and values re-emerge, in a more evident way than elsewhere, to guide the ordinary legislation and political initiative of the rulers. The Latin American Constitutions, reformed in recent times, have recognized fundamental environmental rights that are struggling to be accepted into the universal sphere as those relating to water and future generations.

Indeed, although the reference to sustainability is present in institutions belonging to different geographical areas, it finds a particularly wide space in those that go under the name of ‘new Andean costs’⁹³: the recent constitutions of Bolivia⁹⁴, Ecuador⁹⁵ and Venezuela contain countless provisions on sustainability and sustainable development, including economic and financial aspects.

It can be noted as the primary concern is to allow the State, through the reserve of the law, to publicise any natural resource that may be of significant economic interest and constitute a precious asset for the community. The texts envisage a guideline aimed at highlighting the need to reserve to the State any decision regarding the use of the precious resources of the Country, often configuring sustainable development in close connection with public duties and economic planning.

It seems clear that, in addition to the right to the environment, a right of future generations is increasingly emerging in the world that is not, however, simply a right to environmental conservation but takes on a precise connotation in terms of economic and social development and, overall, stands as a bulwark to protect the expectations of future citizens.

⁹³ Concerning environmental protection, the research of Boyd D.R. has shown that Latin America is at the forefront of the process of constitutionalising these rights, including in terms of creativity. See. Boyd D.R., *The Environmental Rights Revolution, A global Study of Constitutions, Human Rights, and the Environment*, UCB Press, 2012, 282.

⁹⁴ See Constitution of Bolivia, Article 108: «The duties of Bolivians are: (...) To protect and defend the natural resources, and to contribute to their sustainable use in order to preserve the rights of future generations.»

⁹⁵ Where sustainability is configured as a genuine right, in reference to environmental protection: see Constitution of Ecuador 2008 (revised 2015), Article 14 states that: «The right of the population to live in a healthy and ecologically balanced environment that guarantees sustainability and the good way of living (sumak kawsay), is recognized.»

In the European context, it can be observed that the Constitutions that have inserted 'environmental articles' rarely refer directly to sustainable development.

In the German Constitution, following the amendment in 1994 that led to the insertion of the new Article 20a in Title II, even if the expression 'sustainable development' is not directly present, its conceptual bases are strongly affirmed and protected. In fact, according to Article 20a: «its responsibility toward future generations that the state shall protect the natural foundations of life.»⁹⁶

The principle of sustainable development is certainly present in this fundamental norm, in that speaking of 'intergenerational justice' means affirming that the natural and cultural heritage of a Country must be guaranteed to future generations through an eco-compatible development model that uses resources in a rational way, or through a consumption of renewable resources that does not exceed their possibilities of regeneration and a consumption of non-renewable resources maintained at minimum levels.

The Swiss Constitution, which was reformed in 1999 and incorporates the content of Article 20a of the German Constitution, also states in Article 2 that it is necessary «to promote the common welfare, sustainable development, internal cohesion and cultural diversity of the country» and that the Confederation is committed to «the long term preservation of natural resources and to a just and peaceful international order». Moreover, Article 73, which is expressly entitled Sustainable Development, states that the Confederation and the cantons are committed to a sustainable and balanced relationship between nature, its capacity for renewal and its use by mankind.⁹⁷

⁹⁶ See Constitution of Germany, Article 20a: «Mindful also of its responsibility toward future generations, the state shall protect the natural foundations of life and animals by legislation and, in accordance with law and justice, by executive and judicial action, all within the framework of the constitutional order.»

⁹⁷ See Constitution of Switzerland, Article 2: «1. The Swiss Confederation shall protect the liberty and rights of the people and safeguard the independence and security of the country. 2. It shall promote the common welfare, sustainable development, internal cohesion and cultural diversity of the country. 3. It shall ensure the greatest possible equality of opportunity among its citizens. 4. It is committed to the long term preservation of natural resources and to a just and peaceful international order.» Article 73: «The Confederation and the Cantons shall endeavour to achieve a balanced and sustainable relationship between nature and its capacity to renew itself and the demands placed on it by the population.»

Other European Core Charters also take a direct view of sustainable development. These include the Portuguese Constitution, Article 66 of which, after establishing the existence of everyone's right to a healthy human environment and balanced from an ecological point of view, recognizes that the State has a series of detailed duties to ensure real 'sustainable development', understood in its threefold (environmental, economic and social).⁹⁸

Among the neo communitarian countries, which became members of the European Union by law on May 1, 2004 with the entry into force of the acts of accession signed in Athens on April 16, 2003, the interesting content of the Polish Constitution should be emphasized. Article 74 states the duty of public authorities to 'protect the environment' together with the duty to ensure 'the ecological security of current and future generations'.⁹⁹

Thereafter the European state that, however, has affirmed the principle of sustainable development most constitutionally, is certainly France.

The 'Charte de l'environnement', approved by France with the constitutional law of 1st March 2005, n. 2005 on the initiative of the President of the French Republic, in order to add to the constitutional principles certain provisions expressly aimed at

⁹⁸ See Constitution of Portugal, Article 66: «1. Everyone shall possess the right to a healthy and ecologically balanced human living environment and the duty to defend it. 2. In order to ensure enjoyment of the right to the environment within an overall framework of sustainable development, acting via appropriate bodies and with the involvement and participation of citizens, the state shall be charged with: a.Preventing and controlling pollution and its effects and the harmful forms of erosion; b.Conducting and promoting town and country planning with a view to a correct location of activities, balanced social and economic development and the enhancement of the landscape; c.Creating and developing natural and recreational reserves and parks and classifying and protecting landscapes and places, in such a way as to guarantee the conservation of nature and the preservation of cultural values and assets that are of historic or artistic interest; d.Promoting the rational use of natural resources, while safeguarding their ability to renew themselves and maintain ecological stability, with respect for the principle of inter-generational solidarity; e.Acting in cooperation with local authorities, promoting the environmental quality of rural settlements and urban life, particularly on the architectural level and as regards the protection of historic zones; f.Promoting the integration of environmental objectives into the various policies of a sectoral nature; g.Promoting environmental education and respect for environmental values; h.Ensuring that fiscal policy renders development compatible with the protection of the environment and the quality of life.»

⁹⁹ See Constitution of Poland, Article 74: «1. Public authorities shall pursue policies ensuring the ecological security of current and future generations. 2. Protection of the environment shall be the duty of public authorities. 3. Everyone shall have the right to be informed of the quality of the environment and its protection. 4. Public authorities shall support the activities of citizens to protect and improve the quality of the environment.»

environmental protection, has also dedicated a specific attention to sustainable development.

So, the Charter of the Environment has integrated the French Constitution to be considered, therefore, as the most comprehensive constitutional text in Europe from the point of view of environmental protection and sustainable development.

The definition of sustainable development in the Brundtland Report is fully included in the Charter, as are the principles of 'prevention' (Article 3), 'precaution' (Article 5), 'liability' for environmental damage (Article 4) and 'information' and 'participation' in the elaboration of public decisions (Article 7) already drawn up at international level.

Furthermore, Article 6, recalling the content of Article 37¹⁰⁰ of the Charter of Fundamental Rights of the European Union signed in Nice in 2000, considers sustainable development as a fundamental programmatic principle for future national policies: «Public policies shall promote sustainable development. To this end they shall reconcile the protection and enhancement of the environment with economic development and social progress.»

That provision must then be read in conjunction with Article 10: «This Charter shall inspire France's actions at both European and international levels.»

It follows from this that sustainable development according to the French expression, is not only a necessary domestic public policy objective for France but also an international one. France should also remember Law 99-533 of 25 June 1999¹⁰¹, which states that the national policy of management and sustainable development of the territory, within a framework of coherence and solidarity at European level, must be aimed at a balanced social and economic development of the country in full compliance with environmental protection. Moreover, in the Charter's Preamble, where some introductory remarks are made, it is made clear: «The environment is the common

¹⁰⁰ See Charter of Fundamental Rights of the European Union, Article 37, Environmental Protection: «A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.» Cf. European Union, *Charter of Fundamental Rights of the European Union*, 26 October 2012, 2012/C 326/02, available at: http://www.europarl.europa.eu/charter/pdf/text_en.pdf

¹⁰¹ See Law 99-533, 25 June 1999, on sustainable land use planning and development, amending Law No. 95-115. available at: https://www.legifrance.gouv.fr/jo_pdf.do?id=JORFTEXT000000760911

heritage of all mankind» and «In order to ensure sustainable development, choices designed to meet the needs of the present generation should not jeopardise the ability of future generations and other peoples to meet their own needs». It is the same preamble that recognises then, that environmental protection must be achieved because it constitutes a “fundamental interests of the Nation”. The French constitutional framework, thus, recomposes both the principles set out in the international charters on the environment and the characteristics of the historical model, supplementing the current Constitution with provisions of principle specifically aimed at safeguarding the environment, in the perspective of sustainable development.

As far as the Italian Constitutional Charter is concerned, sustainable development has not found a definite place, not even in its component of protecting the rights of future generations, as well as the environment initially (only recently entered into the lexicon of the Constitution, following the reform of Title V of the Constitution which took place with Constitutional Law no.3 of 18 October 2001¹⁰²).

In the context of a series of proposals to amend Article 9, which deals directly with the protection of the landscape, there has been discussion, and still is discussion, of an inclusion of the concept of sustainable development, but this eventuality seems destined not to materialize because of the general vision of this principle as a simple environmental policy, characteristic of the landscape of the Millennium, but not necessarily destined to last over time. Only by interpreting a combined set of constitutional provisions (Article. 2, 9 , 32, 41 and 42) could one risk the implicit existence of the principle in the Italian Constitution; however, proceeding in this way, one would be forced to use general and hypothetical arguments which, according to the jurisprudential test, would not support the comparison with the hitherto consolidated constitutional interpretations of the norms which can be referred to for this purpose. The difficulty in obtaining an interpretation of the principle of sustainable development from the current constitutional provisions does not prevent, however, the power to attribute to the principle itself a fundamental role in any case in the Italian constitutional order. In

¹⁰² See Legge costituzionale 18 ottobre 2001, n. 3, *Modifiche al titolo V della parte seconda della Costituzione*, pubblicata nella *Gazzetta Ufficiale* n. 248 del 24 ottobre 2001. available at: <http://www.parlamento.it/parlam/leggi/01003lc.htm>

fact, at a time when a number of values protected by the Constitution are in conflict, the Judge of Laws proceeds to balance them according to reasonableness. The principle of sustainable development resurfaces strongly and imposes itself precisely at the balancing stage as a tool for resolving conflicts between the values involved, and this because the search for compatibility between economic development and the protection of the environment and human health is intrinsic to the concept of sustainable development. This balance, which presides over the definition of a balanced relationship between conflicting values, when non-specific legislative statements are made, seems to guide political and jurisdictional decisions as an evaluation tool.

Moreover, it can also be stressed that in some constitutions the use of the noun or adjective 'sustainability' or 'sustainable', concerns other issues. In particular, the Constitutions of Italy (Article 81,97 the reference is only made to the economic sustainability), Kosovo (Article 120, only fiscal sustainability), Spain (Article 135 only economic sustainability) and Hungary (Article 17 only economic sustainability) only contain references to economic and financial sustainability as specified.

Ultimately, for sustainable development as well as for environmental protection and intergenerational responsibility, the question that arises concerns the suitability of the current constitutional clauses to respond to the current challenges, or rather to those that have been defined as 'sustainability challenges'. It can be affirmed that, the recent appearance of the principle of sustainable development in contemporary constitutions is accompanied by few lights and many shadows. The need to which we want to respond, namely the adoption of future-oriented decisions, is undoubtedly valuable and, indeed, dramatically urgent.

In general, it seems that the insertion of this concept in the constitutional texts depended, principally, on temporal reasons, in that, before making a textual adaptation, a certain sedimentation of the international declarations was necessary (in particular, the Final Act of Rio de Janeiro). In addition, it can be underlined that the right of the human person to live in a healthy environment and the right to sustainable development, as a better quality of life, have also been enshrined in many recent constitutions of developing countries.

Furthermore, the comparative comparison gives the impression that the constitutional legislators, in adhering to a completely heteronomous principle, intended to adapt it to the internal legal systems, configuring it in a dynamic key and proposing it as a synthesis that effectively summarizes a strategic direction of sustainable development policy.

Chapter 2. Women as “Agents of change”

«Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.»¹⁰³

The achievement of Gender Equality is a fundamental goal in its own right but also represents a pivotal factor for each aspects of development, specifically: sustainable economic growth, social development and environmental sustainability. The attainment of a sustainable development that guarantees the same interests of women and men, taking them into account in the allocation of resources, is deeply influenced by the provision of equal opportunities to women and men. Gender equality is not only a fundamental human right, but the necessary condition for a prosperous, sustainable and peaceful world¹⁰⁴. Indeed, ensuring equal access for women and girls to education, health care and decent work, as well as representation in political and economic decision-making processes, will promote sustainable economies, from which societies and the whole of humanity could benefit.

Through data, statistics, projections and case studies, the United Nations Agency has shown that for the achievement of almost every single Target of the Objectives of Sustainable Development, the position of women, girls and elderly people is fundamental for the construction of fairer and more inclusive societies and stable and lasting economic growth.

In this regard, the following chapters will deal specifically with the issue of gender equality, and then how the promotion and achievement of gender equality and the strengthening of women's position can be concretized in a successful project.

In this second chapter will follow the inclusion and analysis of the concept of Gender Equality. It is intended to study how women, ‘agents for change’, are recognized in the field of social and international issues, moving on from a constitutional analysis based on the concept of equality, highlighting the veiled but fundamental relationship between

¹⁰³ See United Nations Conference on Environment and Development, *Agenda 21, Rio Declaration, Forest Principles*, 1992, Principle 20.

¹⁰⁴ Cf., Hudson V., et al., *Sex & World Politics*. Columbia University Press, 2014.

women empowerment and sustainable development. Although it is considered a concept in evolution it is necessary to consider it as fundamental contribution oriented to the achievement of sustainable development.

The analysis proposed in this second chapter is also fundamental to frame theoretically one of the two concept related to the case study presented in the third chapter. Indeed, in the next chapter, the in-depth examination of the themes presented in the previous chapters will be connected with a practical demonstration. The practical case study that will be presented in the next chapter is connected and based upon both the two theoretical concept of sustainable development and women empowerment. It is important, then, to better understand this second concept and give it an analytical frame in the following chapter.

2.1 Gender Equality from a Constitutional Perspective

The issue of equality, in general, has been, and continues to be, largely dealt with by the doctrine and jurisprudence of every democratic country. It has many facets, but one in particular is becoming increasingly important in today's world. It is about gender equality, and today, it plays a central role in the laws and policies of many states.

This paragraph stems from the idea that the need, in fact, to analyse women's rights separately by virtue of the fact that even today, although in an undoubtedly different manner from in the past, an unfair condition of asymmetry of power between the genders still persists. There is no country in the world where the situation of women is comparable to that of men, as shown by the analysis of a wide range of indicators such as education, well-being, work and politics.¹⁰⁵ It is no coincidence that the problem of

¹⁰⁵ Data can be easily consulted in: World Economic Forum, *The Global Gender Gap Report 2017*. Available at: http://www3.weforum.org/docs/WEF_GGGR_2017.pdf

Moreover, in this regard, the European Institute for Gender Equality (EIGE), an autonomous agency of the European Union, published in 2013 the first 'EIGE Index on Gender Equality', a synthetic indicator of gender disparities in the European Union and in individual Member States, which takes into account six different areas (Labour, Money, Knowledge, Time, Power and Health) and can be between 1 and 100, where 1 indicates absolute gender inequality and 100 marks the achievement of full gender equality. This report, which is regularly updated, shows that disparities between men and women, despite more than fifty years of policies in support of equality, are still evident in the European Union of 27 States, which

the small number of women at the top of the economic, social and political pyramid of the various countries, both European and non-European, has acquired increasing importance in the debate on gender status in modern societies.

Starting from the eighteenth century, constitutionalism brought the promise of a new basis of legitimacy for the political order based on equality. At the same time, the Constitutions, as documents of a historical nature, were conceived by their respective founding fathers with the aim of reflecting and guaranteeing what these men considered to be the natural and pre political social order. The idea that there were two separate legal spheres, the public one, centred on civil society, the market and the state apparatus - understood as the sphere in which the modern promise of egalitarianism would have explain its effects - and the private one, based on a family model whose linchpin was her husband, which was entrusted with the task of guaranteeing its economic support - a juridical sphere where nature and biology would continue to form the model of reference - was simply accepted as an element of the material Constitutions, or superstructure, of the societies of the time, which entrusted women with the role of reproducing and caring for the family.¹⁰⁶ It is precisely the explicit challenge to this deontic tradition - linked to the separation of the public and private spheres - that wanted the men protagonists of the first, and the women relegated to the second - that has given rise to the gender constitutionalism of the new millennium.¹⁰⁷

In fact, with the beginning of the 21st century, lively constitutional challenges have emerged all over the world, which have called into question the traditional distinction between public and private law, and have become part of various debates such as, for

has an average index of 54,0. It is interesting to consider the strong difference between the indices of the individual Member States, ranging from a minimum of 35,3 of Romania to a maximum of 74,3 of Sweden, which shows that the Member States pay different attention to achieving the equality objectives. Italy's position is particularly negative, with an index of 40,9 ranking 23 out of 27 Member States. The Scandinavian countries stand out at the top of this list, with values above 70, while France has an index of 57,1, Germany 51,6 and Spain 54,0. The report is available at: <https://eige.europa.eu/rdc/eige-publications/gender-equality-index-2017-measuring-gender-equality-european-union-2005-2015-report>

¹⁰⁶ Cf. Baines B., Rubio-Marín R., *Toward a Feminist Constitutional Agenda*, in *The Gender of Constitutional Jurisprudence*, Cambridge University Press, 2005.

¹⁰⁷ See Ruiz B.R., Rubio-Marín R., *De paridad, igualdad y representación en el Estado democrático*, *Revista española de derecho constitucional*, 2007.

example, same-sex marriages and civil unions, which challenge the heteronormative nature of the institution of marriage; the adoption of gender quotas in Parliaments and works councils with the aim of seeking a massive incorporation of women into key roles in the management of the public sphere; as well as, more recently and in a revolutionary way, there have been changes that question the persistence of a distinction in gender roles and that emphasize the enhancement and distribution of responsibilities within the family.¹⁰⁸ A project created in 2013 by The Guardian uses the data collected by both the UN and the World Bank on women's rights in the different countries. Its objective is to present a comparative analysis of the legislations of the different countries: it is a qualitative comparative analysis with the creation of dichotomous variables that express the presence, 1/yes, or the absence, 0/no, of legislation in each sector analyzed. The sectors taken into account are the legislations upon different areas: it includes the themes of women violence or harassment, laws on abortion, the legislative situation connected to property or employment rights and also discrimination and equality. In the database produced by The Guardian¹⁰⁹, which can be sorted also by geographical macro areas, it is also included a comparison between the different Constitutions on two concepts: the existence of a non-discrimination clause (and if it refers directly to the 'gender' issue) and the legal guarantee of equality before the law in the Constitution. The World Bank database, 'Women, Business and the Law', contains also the updated data on women's rights legislation especially those laws that restrict women's opportunities in the economic sector.¹¹⁰

¹⁰⁸ Cf. Rubio-Marín R., *The (dis)establishment of gender: Care and gender roles in the family as a constitutional matter*, Oxford University Press, 2016, 789-790.

¹⁰⁹ The database produced by The Guardian is available for download at the following link: https://www.theguardian.com/global-development/ng-interactive/2014/feb/04/womens-rights-country-by-country-interactive?CMP=tw_t_gu

¹¹⁰ The World Bank database, Women Business and The Law, is available for download at the following link: <https://datacatalog.worldbank.org/dataset/women-business-and-law>

The general principle of equality has its roots in modern constitutionalism¹¹¹ and has been affirmed since the first constitutional documents of the eighteenth century. The definitive rejection of a society divided into classes affirms the fundamental principle that birth cannot be a source of privileges: by virtue of the principle of equality, therefore, all citizens are subject to the same law, general and abstract, and discrimination based on their personal conditions is not admissible.¹¹² As has been pointed out in detail¹¹³, the equal recognition of political rights and duties had the effect of raising the idea of equality to the status of an institutionalised social value and at the same time of providing a basis for each individual to demand the integration or completion of political equality with equal social and economic opportunities.¹¹⁴

However, equality cannot be understood only in a rigid and formal sense. There are, in fact, categories of disadvantaged people who, if treated in the same way as the others, would continue to live in a constant state of disadvantage, also and above all with regard to the enjoyment of the rights enshrined in the Constitution. To strengthen, therefore, the scope of the principle of equality in the formal sense, democracies have equipped themselves with the so-called principle of substantial equality. The latter acts directly on disadvantaged groups, establishing the duty of the State to remove, through special measures, the obstacles that prevent full equality between citizens. The fundamental task of substantial equality is, in fact, to make the principle of formal equality full effective.

The wide debate on equality issues, within which the objective of gender equality and the question of the protection of women's rights are placed, has always involved jurists,

¹¹¹ See: *U.S. Declaration of Independence*, 1776; *Declaration of the Right of Man and the Citizen*, 1789, Art.1 and Art.6; *Constitution of France*, 1814, Art.1; *Constitution of France*, 1830, Art.1; *Constitution of Belgium*, 1831, Art.6; *Constitution of France*, 1848, Art.10; *Constitution of Germany*, 1949, Art.3; *Constitution of Spain*, 1978, Art.9 and Art. 14; *Constitution of Swiss*, 1999, Art.8.

¹¹² Cf. Cerri A., see *Uguaglianza*, Enciclopedia Giuridica Treccani.

¹¹³ In this regard, see Alber J., *Dalla carità allo stato sociale*, il Mulino, Bologna, 1986; Luciani M., *Sui diritti sociali*, in AA. VV., Romboli R., *La tutela dei diritti fondamentali davanti alle Corti costituzionali*, Torino, 1994.

¹¹⁴ See Art. 3.2 in Bifulco R., Celotto A., Olivetti M., *Commentario alla Costituzione*, Torino: UTET giuridica, 2006.

sociologists and, in general, scholars from different disciplines, in the search for solutions that undermine some consolidated convictions linked to the democratic project, which, lamentably, in its infancy excluded the female gender from the legal and political possibilities of the male citizen. Indeed, many arguments are used to support the need for a rebalancing between the female and male conditions, for example: the one that invokes the need to achieve, in accordance with one of the cornerstones of democratic constitutionalism, a truly substantial equality (and not only formal) between people of different sexes, from a perspective of solidarity and social justice.¹¹⁵ Moreover, it is possible to affirm that the revolution promised by the principle of equality has not yet managed to be fully achieved, the greatest obstacles are still represented by the parameters of sex with respect to which our Legislator is ethically and gender-oriented, equal and neutral as would require the timing and the same constitutional provisions.

In this regard, the case represented by the Italian Constitution may prove to be exemplary. The Italian Constitutional Charter opens with the affirmation of Fundamental Principles among which the democratic principle stands out, an all-inclusive dogma that summarizes and encloses within itself all the other fundamental values such as: the personalist and pluralist principle and also the basic principle of equality.

The democratic principle, as said, postulates the very existence of civil liberties, linking to pluralist, personalist, worker principles and the principle of equality, summing them up in an inseparable unicum. These are the fundamental principles underpinning the constitutional construction, they represent a limit to the constitutional revision, as the binding core of the Constitution, and they express values and criteria that not only cannot be eliminated, but neither can they be partially waived. The sequence of the first three articles of the Italian Constitution is certainly no coincidence: Article 1 postulates the democratic principles¹¹⁶, Article 2 deals with inviolable rights and binding duties¹¹⁷,

¹¹⁵ Cf. Del Re A., *Rappresentanza*, in Ribero A., *Glossario. Lessico della differenza*, Centro Studi e documentazione pensiero femminile, Torino, 2007.

¹¹⁶ See Constitution of Italy, Article 1: «Italy is a democratic Republic founded on labour. Sovereignty belongs to the people and is exercised by the people in the forms and within the limits of the Constitution.»

while it is up to Article 3 to crystallise the principle of equality in the Fundamental Charter¹¹⁸. With this process, the mothers and fathers of the Constitution wanted to affirm a framework of democracy as a political system in which though the exercise of freedom they tend to achieve ever more perfect conditions of equality.

Therefore, equality is an ethical, social and religious value, a juridical principle considered essential since the times of ancient Greece and there is no order that does not recognize it as a value.¹¹⁹ In short, the principle of equality is configured as a ‘very general principle’, a ‘super-norma’ destined to operate as a ‘closing norm’ of the order, influencing and orienting the interpretation of all other constitutional provisions.¹²⁰

The problem is to define concretely the content, the essence of equality because it is not a *de facto* condition since human beings are essentially different from each other. The principle of equality therefore wants to go beyond appearances to consider equal what is not equal, however this logical-legal operation cannot lead to a homogenization that makes everyone equal in everything, for this reason the rule of equality not to prove to be devoid of content and useless must first determine between who there must be equality and with respect to what.¹²¹ Equality does not therefore mean identity; the

¹¹⁷ See Constitution of Italy, Article 2: «The Republic recognises and guarantees the inviolable rights of the person, both as an individual and in the social groups where human personality is expressed. The Republic expects that the fundamental duties of political, economic and social solidarity be fulfilled.»

¹¹⁸ See Constitution of Italy, Article 3: «All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions. It is the duty of the Republic to remove those obstacles of an economic or social nature which constrain the freedom and equality of citizens, thereby impeding the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the country.»

¹¹⁹ In this sense cf. Bifulco R., Celotto A., Olivetti M., *Commentario alla Costituzione*, Torino: UTET giuridica, 2006.

¹²⁰ About these definitions cf. Mazziotti Di Celso M., *Lezioni di diritto costituzionale*, II, Giuffrè, Milano, 1993.

¹²¹ In this regard, these are the questions that Norberto Bobbio asks: “equality between whom?” and “equality with respect to what?”. The subjective field of application can now be counted among the ‘problems’ in the sense that, once the literal interpretation has been overcome, the application of equality is ensured no longer only to Italian citizens, but also to foreigners, private and public legal persons. From the point of view of content, the principle of equality is substantiated in the subjection of all to a single law, so that distinctions based on subjective characteristics are normally excluded: the maximum possible universality of rules is sought even if such universalization cannot have different situations treated in the same way, here therefore is how in the multi-layered State normative distinctions become possible, indeed necessary, if they appear aimed at the final realization of the same principle of equality. On this point cf.

concept of equality necessarily implies diversity. Equality is a relational concept, relative to a parameter that is different from itself, so that any judgement of equality always has a degree of uncertainty: we are faced with a concept that by its nature is fluid and dynamic. Equality in itself is a general and empty concept, which if not specified or filled does not mean anything.

As highlighted by the brief discussion of Article 3, it calls for an ‘equality revolution’ and states that the parameter of sex - alongside others - cannot be used as a discriminating factor. The affirmation of equality without distinction of sex assumes a particular meaning considering that women effectively contributed to the drafting of the Fundamental Charter, showing themselves particularly attentive to the declension of the paradigm of equality.¹²²

Thanks to their contribution, the examination of our Constitution from the point of view of gender equality is quite reassuring; in fact, from the very first articles of our Constitutional Charter, one has the feeling that the problem of equality and female equality was decidedly felt. In this sense, the affirmation of equality without distinction of sex is already manifested in the first article of the Constitution which, in affirming the belonging of sovereignty to the people, refers to a concept, that of the people, which is asexual in itself. The sovereignty of the people includes women and men on an equal

Bobbio N., *Eguaglianza ed egualitarismo*, in *Rivista internazionale di filosofia del diritto*, 53, 1976; Cerri A., *L'eguaglianza*, Laterza, Roma, 2005; Bifulco R., Celotto A., Olivetti M., *Commentario alla Costituzione*, Torino: UTET giuridica, 2006.

¹²² Twenty-one women were elected to the Constituent Assembly and, of these, five were also part of the ‘Commission of 75’ charged with concretely drafting the Constitutional Charter. Nine of the twenty-one Constituents belonged to the Christian Democracy and nine to the Communist Party; two had been elected to the Socialist Party and one was a member of the Party of Any Man. The Constituent Women represented about 4% of the Assembly, but even though they were a small percentage, they succeeded - even in their ideological diversity - in creating a transversal and modern collaboration, for the affirmation, in the Charter, of the basic principles of equality, trying to create a text inspired by the juridical equality of all citizens, ‘without distinction of sex’. The Constituent Mothers presented themselves as compact, above the parties to which they belong, bound by the common interest of gender felt as a responsibility towards other women. They put in place a sort of ‘consociativism’ to act outside the party structures, which had always been male, trying to characterize the Constitutional Charter but also the subsequent legislation according to the principle of equality and parity. They must therefore be credited with having contributed decisively to unhinging the patriarchal structure of the family, with the affirmation of equal duties and rights of spouses and parents, and also with having affirmed gender equality at work and in general in the management of public affairs. In this regard, cf. Serantoni L., *Il genio femminile delle “madri costituenti” - Il contributo delle donne all'Assemblea Costituente 1946*, Bologna, 2009.

footing. In the following articles, our Charter recalls sex or expressly women in many provisions: such references appear necessary in the context of the spirit of equality that permeates the entire constitutional text and also, more pragmatically, considering the position of little legal importance hitherto attributed to the female component of Italian society.

In conclusion, it is possible to underline the great attention paid by the Italian Constitutional Charter to the problem of gender equality, which is applied in all fundamental sectors: from the family to work and public offices. However, even today, Italy suffers from significant delays in the areas of employment, the reconciliation of work and family time and in the management of parental care, most of which are left exclusively to the female component of society. In short, it must be admitted that the revolution pledged by gender equality has not yet taken place completely and that even today women need protection measures, targeted interventions that can lead the legal, institutional and social system to equality. Only when having equal effective starting situations will 'positive actions' no longer be necessary. Therefore, precisely to combat this situation of gender inequality, many States have resorted to the so-called 'positive actions' that, according to the definition given by European law and the Court of Justice of the European Union, have the purpose of eliminating the disparities, in fact, to which women are subjected during their lives.¹²³

Hence, positive actions, as a strategic means of achieving gender equality, will be the subject of the next paragraph.

¹²³ «The concept of positive action embraces all measures which aim to counter the effects of past discrimination, to eliminate existing discrimination and to promote equality of opportunity between women and men, particularly in relation to types or levels of jobs where members of one sex are significantly under-represented.» See: Commission of the European Communities, Communication by the Commission to the Council and the European Parliament on the Interpretation of the Judgment of the European Court of Justice on October 17, in case C-450/93, Kalanke v. Freie Hansestadt Bremen, COM (96), ECR I-03051, 1995.

See Treaty on the Functioning of the European Union, Art 157 co. 4: «With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.»

2.1.1 Practical commitments: examples of public policies and positive actions on women empowerment

The issue is addressed in the recent ‘European Parliament Resolution on the Role of Women in the Green Economy’¹²⁴, which calls on the European Commission and the Member States to integrate gender equality objectives into all environment-related policies. The document stresses, among general considerations, the need for societal change by implementing a green economy model in which environmental requirements are put on an equal footing with sustainability, i.e. greater equality between women and men and greater social justice.

It is believed that women can play a fundamental role in the adoption of models of consumption, production and management of natural resources for a durable and sustainable development, with the aim of preserving the quality of life for present and future generations. As stated by the Beijing Platform in 1995¹²⁵, in fact, it is part of the culture of gender difference (protection, enhancement and strengthening of identities and diversity), the harmonization of the relationship with environmental issues: biodiversity, sustainable development, welfare and quality of life.

The available documents and studies analyse the role of women in this context, providing policy indications, especially from certain points of view: sustainable consumption, transport and production, social sectors and green jobs, and climate change. With regard to consumption, research shows that women tend to adopt more sustainable lifestyles and consumption patterns than men. This implies using resources in a way that minimises environmental damage while supporting people's well-being. The data¹²⁶ also show that there is a clear distinction by type of consumption (as well as by income, social affiliation, etc.). Women are affected by the fact that, in general and

¹²⁴ See European Parliament, *Role of women in the green economy*, Resolution of 11 September 2012, 2012/2035/INI.

¹²⁵ Cf. United Nations, *Report of the Fourth World Conference on Women*, A/CONF.177/20, Beijing, 1995.

¹²⁶ Cf. OECD, *Gender and Sustainable Development: Maximising the Economic, Social and Environmental Role of Women*, 2008. Available at: <https://www.oecd.org/greengrowth/40881538.pdf>

also on the basis of the differentiation of roles, earn less than men and have less money. They also often reflect broader views of society, a different conception of one's identity, and a greater focus on the long-term well-being of the family. The implication for public policies, in order to promote sustainable consumption patterns for the economy and society, include the possibility to focus on consumer feminine preferences. Secondly, it is considered that a better understanding of women's and men's consumption behaviours, could both allow the identification of more effective initiatives to promote sustainable consumption and in general sustainable development, and steer lifestyles, attitudes and interests of society.

A further aspect is that the concept of a green and sustainable economy also means strengthening equal opportunities. From this point of view, one of the limits of the current economy is that it does not consider certain goods and services, including those often carried out by women, such as childcare, food preparation, agricultural work, etc., as well as other goods and services. In other words, they are invisible to the economy. Nevertheless, women reinvest the earnings of their work in local communities and the importance of their role, economic and social, requires visibility and enhancement by communities, through interventions to ensure greater sharing of responsibilities and care commitments. This could enable them to participate in the social and political life of the community, to the benefit of the community.

For the realization of a sustainable and lasting development, as we have said, it is fundamental the contribution of all individuals, each with his own specificities. However, there is a need to manage diversity by valuing individual assets, potential and the roles played by people. Over time, many 'positive actions' have been taken to remove obstacles faced by women and to ensure that disadvantaged positions are overcome. However, initiatives dedicated to women should not remain isolated but should form part of a comprehensive and structured framework of interventions. Otherwise, there is a risk that they will result in actions that are limited in effectiveness and temporary, or that, while promoting gender equality, have limited effects on the

causes that trigger discrimination against women.¹²⁷ In some circumstances, however, they may raise an ethical issue¹²⁸, or even one of legitimacy.

As has been said before, a pervasive and structured approach to achieving gender equality has been in place since the end of the last century. It provides for the adoption of strategies, policies and measures aimed at lasting changes to the dominant culture, recognising the principle of equal opportunities for all as a priority objective to be achieved. In this respect, there is talk of so-called gender mainstreaming, the origin of which is probably to be traced back to the aforementioned World Conference of Women in 1995.¹²⁹

Gender mainstreaming involves the integration of the gender perspective in all plans, programmes, projects, policies and, more generally, in all decisions and interventions of public bodies at different levels, both national and supranational, each within the scope of its institutional powers, but with a unified and shared vision. In carrying out activities and activating procedures - from the planning phase to the monitoring of results - it is necessary, therefore, to take into account the effects of public actions on the living conditions of men and women. This concept, however, has been subject to different interpretations, and many meanings have been attributed to it by scientific literature and practice.¹³⁰

¹²⁷ «The main problem is a focus on women as the subject of change, and a focus on fitting women into the status quo rather than transforming the status quo.» See Verloo M., *Mainstreaming Gender Equality in Europe. A Critical Frame Analysis Approach*, Leipzig, 2002, 14.

¹²⁸ This is the case, for example, where specific actions to eliminate discriminatory conditions against women result in discriminatory conditions against men. This has been said about this: «Positive discrimination finds many supporters among women's rights activists, but throughout most of the world it remains a controversial and divisive approach, raising questions about fairness and the individual rights of men who are thus discriminated against.» Cf. Hafner-Burton E., Pollack M.A., *Mainstreaming Gender in Global Governance*, *European Journal of International Relations*, 2002, 342.

¹²⁹ In this case the United Nations, unlike other occasions, have used the term 'gender' in the generally accepted and universally accepted sense, that is, with reference only to the differences existing between men and women. The President of the Beijing Conference has in fact expressly stated that «the word 'gender' as used in the Platform for Action was intended to be interpreted and understood as it was in ordinary, generally accepted usage.» See United Nations, *Report of the Fourth World Conference on Women*, Annex IV - Statement by the President of the Conference on the commonly understood meaning of the term 'gender', Beijing, 4-15 September 1995.

¹³⁰ For a full examination of the concept of gender mainstreaming see Walby S., *Gender mainstreaming: Productive tensions in theory and practice*, University of Leeds, 2004.

In the light of all these considerations and the growing need for positive action, we find it possible to take as an example initiatives that have proved fruitful in challenging, improving, changing and motivating change towards greater gender equality. These initiatives are generally referred to as ‘good practices’ and can be an important tool for promoting gender equality and sharing successful experiences. The concept of good practice for gender equality in gender mainstreaming has been widely discussed in an attempt to define it comprehensively. Establishing what a good practice is theoretically allows to distinguish it from what it is not. However, the borders would still seem uncertain, as we will see in the diversity of approaches that exist.

Looking back for a moment at the simple choice of the term ‘good’ practice, we can see how many definitions have been given: sometimes they are presented as ‘best practices’, rather than as ‘lessons learned’, ‘promising practices’ or ‘learning practices’. Although all these terminologies are sometimes used as synonyms, according to the European Institute for Gender Equality (EIGE) there is a distinction between the concept of ‘good practices’ and ‘best practices’.¹³¹ The concept of better in itself would seem to be a presupposition for the way considered as the best way to transmit the rules and obtain the results. The other concepts, including the good, would instead seem to lack this definition of superiority, assuming that each situation requires a different approach, which is not openly defined as the ‘best’.

EIGE generally identifies the concept of good practice as a positive example of an approach or practice that produces results considered to be of value: «positive examples of some practice or approach that produces results deemed as valuable.»¹³²

The Food and Agriculture Organization of the United Nations identifies good practice as a specific method that delivers results in harmony with the values of its advocates.¹³³

¹³¹ See European Institute for Gender Equality, *Good practices in Gender Mainstreaming*, Luxembourg: Publications Office of the European Union, 2013.

¹³² Cf. European Institute for Gender Equality, *Good practices in Gender Mainstreaming*, Luxembourg: Publications Office of the European Union, 2013, 12.

¹³³ FAO's definition of good practices: «Any collection of specific methods that produce results that are in harmony with the values of the proponents of those practices.» Available at:http://www.fao.org/ag/wfe2005/glossary_en.htm

Here too we find, as in the definition of EIGE, the fact that good practice is the producer of valid results, of value for those who support it, demonstrating how the achievement of the objectives set by those who started it are crucial to define a 'good' practice. Another interesting definition of good practice is provided by the Inter-Agency Standing Committee (IASC): «an action or a set of actions that, based on quantitative and/or qualitative evidence, has been demonstrated to have had a positive and tangible impact on a given protection issue, problem or challenge, thus resulting in enhanced protection of and respect for the rights of persons of concern.»¹³⁴

In this definition, too, we find reference to a positive and tangible impact, and more specific reference is made to a result on the protection of and respect for the rights of the persons concerned. AISC states that this impact must be demonstrated on the basis of quantitative or qualitative evidence. A further definition of best practice is provided by the U.S. Agency for International Development: «a best practice is a specific action or set of actions exhibiting quantitative and qualitative evidence of success together with the ability to be replicated and the potential to be adapted and transferred. Best practices represent the “Gold Standard” of activities and tools that can be implemented to support program objectives.»¹³⁵

This definition again refers to an impact that must be demonstrated by relying on quantitative or qualitative evidence as in the IASC definition, but it also refers for the first time to qualities such as replicability and the potential to be adapted and transferred.

The persistent condition of gender inequality gives rise to some reflections on the interventions that public policies should adopt in order to try to minimize, if not resolve, this disharmony. This type of measure, provided for in both Community and national legislation, forms part of the broader framework of positive action, which aims to overcome the discrimination suffered by certain disadvantaged groups. These measures

¹³⁴ The definition provided by the Inter-Agency Standing Committee is available at: <http://www.unhcr.org/4aa76e97378.pdf>

¹³⁵ Cf. European Institute for Gender Equality, *Good practices in Gender Mainstreaming*, Luxembourg: Publications Office of the European Union, 2013, 12.

are temporary and will come to an end at the same time as their objective is fully achieved.

It should also be stressed that gender mainstreaming is much more than simply promoting equality through the implementation of specific measures in favour of women, or in some cases of under-represented sex, because it implies the mobilisation of all general policies and measures with the specific aim of achieving such equality. This aim, in particular and as an institutional example, is pursued by the European Parliament through a dual approach¹³⁶ - involving not only the competent parliamentary committee (FEMM), but also other committees¹³⁷ - and by the European Commission through gender impact assessments and evaluation procedures. A policy that encourages information and the press to systematically take gender equality into account is certainly desirable, but it is also necessary to focus attention on education, so that an educational process based on equality can begin from a very young age, in order to eliminate stereotypes and thus bring about a real cultural change. Rigid gender roles can hinder individual choice and limit the potential of future women and men. Equality between women and men is a necessary condition for the achievement of the objectives of growth, employment and social cohesion that the European Union set itself, first with the Lisbon Strategy of 2000, and then with that of 'Europe 2020'. Inequality is, in fact, a burden for an economy that aims to be intelligent, sustainable and supportive, and that aims to achieve high levels of employment, productivity and social cohesion. Women's potential and talents must be used more widely and more effectively. This issue is certainly delicate, even if the European Union pursues one of the most advanced equality policies in the world. It is therefore no coincidence that the European

¹³⁶ See European Parliament Resolution of 17 November 2011 on gender mainstreaming in the work of the European Parliament, 2011/2151(INI). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011IP0515&from=EN>

¹³⁷ The European Parliament also pursues the objective of the continued development of the parliamentary network for gender mainstreaming, for which each committee has appointed a member responsible for implementing gender mainstreaming in its work.

Parliament has affirmed that gender equality must be and continue to be a characteristic element of European cultural and political identity.¹³⁸

The gap between men and women in terms of life expectancy, access to education and medical care and professional opportunities is at the root of the inequalities that still exist in modern society, even if it takes different forms all over the world. It can be considered as a not homogeneous phenomenon, but a collection of disparate and interconnected problems,¹³⁹ whose most reliable measure is estimated annually by the World Economic Forum through an index, the Global Gender Gap Index. This examines the gap between men and women for the various countries of the world according to four fundamental categories: economic participation and opportunities, the level of education, health and finally political power. The data are not reported in absolute terms, but are converted into the ratio between men and women, so as to allow effective comparison between countries. The most virtuous countries in the ranking (figures for 2017) are Iceland, Norway, Finland, Rwanda and Sweden, while Italy is only 82nd out of 144 countries.¹⁴⁰ The sector that explains this ranking most is that of job opportunities: the labour force participation rate¹⁴¹ stands at 73% for men, while it remains at 54.3% for women; the gap is even wider when the average wage is taken into account.¹⁴²

Nevertheless, it is possible to highlight some provisions that focus on overcoming gender inequality. As far as Italy is concerned, the principle of equal pay for women and children is of great importance compared to the treatment of adult men for equal work

¹³⁸ See European Parliament Resolution of 17 June 2010 on Assessment of the result of the 2006-2010 Roadmap for Equality between women and men and forward looking recommendations, 2009/2242(INI). Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P7-TA-2010-0232+0+DOC+PDF+V0//EN>

¹³⁹ Cf. Sen A., *Many Faces of Gender Inequality*, McGill University, 2001.

¹⁴⁰ See World Economic Forum, *The Global Gender Gap Report 2017*.

¹⁴¹ Defined as the ratio of the workforce (employed+unemployed) to the total population of working age.

¹⁴² Cf. World Economic Forum, *The Global Gender Gap Report 2017*, 186-187.

(understood as equal duties) contained in Article 37 of the Constitution.¹⁴³ Article 3.2 of the Italian Constitution also enshrines the principle of substantive equality, which justifies State intervention to restore equality between citizens: «It is the duty of the Republic to remove those obstacles of an economic or social nature which constrain the freedom and equality of citizens, thereby impeding the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the country.»

In addition to the remuneration aspect, specific measures will be adopted to guarantee equal opportunities through positive action, governed by Legislative Decree no. 198 of 11 April 2006, also known as the ‘Code of equal opportunities for men and women’¹⁴⁴, which has incorporated the previous provisions on the subject (dictated by Law No. 903 of 1997, No. 125 of 1991 and Legislative Decree No. 196 of 2000).

This evolution of the system is referred to as a shift from protection to equality, i.e. from strict protection (maternity, marriage, occupation, working hours) disincentives for women to effective equality in access to employment, working conditions and careers, which is intended to affect discriminatory acts in the workplace, which consist of an unjustified difference in treatment due to a given factor typified by the law. The Community Directives highlight discrimination on the grounds of trade union, political, religious, racial, ethnic, language, sex and age, and distinguish between direct and indirect discrimination. Discrimination is direct when it results from the application of a differentiation criterion prohibited by law, indirect when the criterion adopted is formally neutral, but results in a disadvantage for workers protected by law.

In the light of this, it can be affirmed that much more needs to be done in the near future as regards the position of women in the world of work and of economy, in the models of governance and political participation and in all the others and fundamental sectors that are related to the development of the global society.

¹⁴³ See Constitution of Italy, Article 37: «Working women are entitled to equal rights and, for comparable jobs, equal pay as men. Working conditions must allow women to fulfil their essential role in the family and ensure appropriate protection for the mother and child (...)»

¹⁴⁴ See Legislative Decree no. 198 of 11 April 2006, Gazzetta Ufficiale n.125 del 31 maggio 2006 - Supplemento Ordinario n. 133. Available at: <http://www.camera.it/parlam/leggi/deleghe/06198dl.htm>

2.2 Gender equality and Sustainable Development: a concept in evolution

2.2.1 How empowering women can contribute to Sustainable Development: a sociological theoretical framework

In recent years international bodies and scholars have highlighted the importance of developing a discussion on the role of women in sustainable development. In one of the most authoritative studies on the subject¹⁴⁵, the Organisation for Economic Cooperation and Development (OECD), in underlining how sustainable development requires long-term investment in economic, human and environmental capital, also highlights the fact that the proportion of human capital held by women is undervalued and underutilised throughout the world. Women, seen as a group, have been marginalised and so have their potential contribution to economic and social development and environmental protection. On the contrary, it is believed that better use of the female population could promote economic growth, reduce poverty, spread social welfare and thus contribute to ensuring sustainable development in all countries. Eliminating the gender gap depends on enlightened public policies that take the gender dimension into account.¹⁴⁶

As has already been pointed out, the concept of sustainable development must always be borne in mind. According to the definition given in the Brundtland Commission Report¹⁴⁷, three interconnected components are taken into account in this concept: ecological or environmental, human or social, and economic. The acquisition that sustainability and the green economy are interrelated issues has also become established, since sustainable development presupposes not only economic growth but

¹⁴⁵ See OECD, *Gender and Sustainable Development: Maximising the Economic, Social and Environmental Role of Women*, 2008. Available at: <https://www.oecd.org/greengrowth/40881538.pdf>

¹⁴⁶ Cf. World Bank, *Gender equality and the Millennium Development Goals*, 2003; Goldman Sachs Global Investment Research, *Women's Work: Driving the Economy*, 2013.

¹⁴⁷ Cf. World Commission on Environment and Development, *Our Common Future - Brundtland Report*, Oxford University Press, Oxford, 1987.

also social and environmental sustainability.¹⁴⁸ In particular, in the dimension of economic sustainability, development parameters that also relate to people's quality of life and work, as well as the quality of the environment, must be considered and measured. In the dimension of social sustainability, in order to promote stable and lasting development, consideration must be given both to safeguarding the social equity of interventions, human and civil rights, gender equality and transparency of decisions towards citizens, as well as greater democracy and effective participation.

The reflections of the Nobel prize-winner Amartya Sen help to better understand the concept from a gender perspective: the growth index of a country, a city, a 'global society' can no longer be identified or associated only with economic growth in terms of GDP, that is consumption, which studies indicate as no longer sustainable (greenhouse effect, hunger, environmental devastation). This index must be associated with new lifestyles, with the enlargement of rights, opportunities, capacities, with what Sen calls substantial freedoms: the level of education, the level of health, good employment, environmental and social quality, the absence of discrimination, the return to a full and participatory democracy. In this context, the progress of gender culture as a founding value of sustainable development is fundamental.¹⁴⁹

The OECD report shows, through the results of research carried out at international level, that gender equality is important for sustainable development as it promotes the pursuit of objectives such as poverty reduction, improving the health of populations, reducing the mortality rate of women and children, combating HIV and other diseases, environmental sustainability, especially in developing countries and rural areas with access to water and energy. Challenging as a failure for countries the under-utilisation of female human capital, linked to gender stereotypes based on the division of male and female roles, the OECD report provides an exploration of various aspects of sustainable development from a gender perspective, taking into account the role of women in economic, social and environmental development. The assumption is that the

¹⁴⁸ Cf. European Parliament's Committee on Women's Right and Gender Equality, *The role of women in the green economy: the issue of mobility*, 2012; European Parliament, *Role of women in the green economy*, 2012/2035/INI, Resolution of 11 September 2012.

¹⁴⁹ See Stiglitz J.E., Sen A., Fitoussi J.P., *Report by the Commission on the Measurement of Economic Performance and Social Progress*, 2010.

persistence of the gender gap entails economic costs, while the enhancement of women's human capital can bring numerous benefits (economic growth, reduction of poverty, growth of fertility rates, greater effectiveness of government policies, reduction of damage from unsustainable activities, etc.). This enhancement of women's contributions, along with strategies that can be implemented together by women and men to meet the needs of future generations, requires the implementation of specific public policies: for example, reconciling life and work, promoting the economic and entrepreneurial role of women, also enhancing the economic value of traditionally female sectors of work, encouraging the presence of women in scientific and technical careers which, adopting a gender approach to health services, improving the integration of migrants into the labour market and society, developing the gender perspective in environmental policies, including by increasing the presence of women in decision-making positions, etc., can all have a positive impact on the quality of life.

2.2.2 Eco-Feminism as a critical approach to the Development

Among the reflections that began to question the development model for the growing impacts on the environment and on the different social components from the 1960s on, the most significant is the 'ecofeminism'.¹⁵⁰ Ecofeminism, born as a social and political movement with strongly antagonistic characterizations, around the 80s of the last century chooses, like other movements and experiences of the environmental world, proactive forms of dialogue and integration with the processes taking place at an international level by entering into reflections on the paths of alternative development. During the 80's, in fact, the movement became more institutionalized with the appearance of scientific journals and research institutions dealing with the problem. Although ecofeminist thinking is more than forty years old, reflections on the relationship between emancipation and exclusion of women and negative impacts of development seem to be rediscovered in the last fifteen years, conveyed by the cultural

¹⁵⁰ For a review of the different strands of environmental and ecological thought see: Worster D., *Storia delle idee ecologiche*, Il mulino, Bologna, 1994; Shroeder S., Benso B., *Pensare ambientalista*, Paravia, Firenze, 2000.

climate of sustainable development. Ecofeminism means a set of social practices and theoretical reflections that arise from the integration of feminist and ecological thought.

¹⁵¹ Ecofeminist thinking oscillates between radical political positions, which refer to the strands of political ecology and social ecology, and more mystical-religious positions linked to the experiences of deep ecology.¹⁵² On the one hand, attention to women's issues and the rights of women and men in different societies prevails, on the other hand, attention is paid to ecological egalitarianism in which human beings, plants, animals and abiotic components of ecosystems (such as air, rocks, water) are bearers of the same rights. A common feature of all ecofeminist experiences is the recognition of a parallel between the oppression of women and the oppression of the earth.¹⁵³ The reconstruction of the genesis of environmental problems and of the ecological crisis caused by the Western development model, which consumes resources, takes place in parallel with the reconstruction of the processes by which men have separated society from natural relations with the land, controlling and limiting the privileged relationship between women and nature. According to ecological thinking, Western society is based on the opposition between man-woman, nature-culture, human beings-other living beings. The ecofeminist thought would like instead to reconstruct a deep relationship between society and nature, rediscovering the image of the mother earth that should replace the image of a no-man's land, anonymous object from which to extract resources without any constraint or limit.¹⁵⁴

Beyond the particular aspects and the different theoretical nuances, the major contribution of ecofeminist thought in the elaboration of alternative development

¹⁵¹ For a framework of the themes of ecofeminist thought, see the following works: Plumwood V., *Feminism and the Mastery of Nature*, Routledge, London, 1993; Sturgeon N., *Ecofeminist Natures: Race, Gender, Feminist Theory, and Political Action*, Routledge, London, 1997; Warren K.J., *Ecofeminism, women, culture, nature*, Indiana University Press, 1997.

¹⁵² Cf. Naess A., *Ecology, Community and Lifestyle*, London, 1991.

¹⁵³ See Alcoff L., *Cultural Feminism versus Post-Structuralism: The Identity Crisis in Feminist theory*, *Journal of Women and Culture*, 1998.

¹⁵⁴ Cf. Iverson S., *The potential of ecofeminism to develop 'deep' sustainability competencies for education for sustainable development*, Kent State University, 2015.

models lies in focusing on development as overcoming the separations¹⁵⁵ and breaking the ties between the different components of the socio-environmental system in order to choose the definitive and contemporary reconstruction of stronger relations between man and women, development and the environment.

2.2.3 The evolution from Women in Development (WID) to Gender and Development (GAD)

In the reflection on the dynamics between development and the feminine question, two passages seem particularly relevant.¹⁵⁶ During the end of the second decade of development promoted by the United Nations (the 1970-1980 decade), attention was focused on the role of 'women in development' (WID). Under this approach, development resources were to be used to improve the situation of women and to explain the role of women in society: women were thus considered a priority category of beneficiaries of development projects. Although it was a first attempt to prioritise actions by taking into account the female component, the approach had two fundamental limitations: the failure to take into account the inequalities of departure and the distribution of power between men and women, and the limited attention to women only. However, this was a necessary step that facilitated the theoretical re-execution and re-analysis of practical experiences and led to the definition of the gender approach. During the 1990s, the United Nations system undertook a profound review of the issue of development, focusing on the conditions of power imbalance between men and women and leading to the formulation of the new 'gender and development' (GAD) approach. According to the GAD, political, social, economic structures and development policies must be analysed from the point of view of gender relations. This conceptual revision has led to the formulation of the new strategy of 'gender

¹⁵⁵ Cf. Certomá C., *Ecofemminismo: In relazione, dall'Ecofemminismo all'etica ambientale*, Filosofia ambientale, 2001.

¹⁵⁶ Cf. Razavi S., Miller C., *From WID to GAD: Conceptual Shifts in the Women and Development Discourse*, United Nations Research Institute for Social Development, 1995.

mainstreaming' as a model of intervention to be adopted in all development actions to promote gender equality.

Established seventy years ago to assist the United Nations Economic and Social Council (ECOSOC), the United Nations Commission on the Status of Women (UNCSW) is tasked with assessing progress in the field of gender equality, discussing emerging issues and priorities for action and putting forward proposals for strategies for action at global level, as well as carrying out preparatory work for the adoption of relevant declarations and conventions.

Twenty years later, CSW's work continues today to be guided by the objective of fully implementing the Declaration and Platform for Action of the Fourth World Conference on Women held in Beijing in 1995, translated operationally into the promotion of the gender paradigm and perspective: gender mainstreaming. Gender mainstreaming was defined by ECOSOC in its 1997 conclusions, reiterated in subsequent years as:

«the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.»¹⁵⁷

CSW's work is summarised in the annual sessions of the Commission, which take place for ten days every March in New York, where a very important task is carried out by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), as the secretariat of CSW, facilitator of the participation of civil society representatives and coordinator of parallel events organised by the United Nations. The 59th session, in March 2015, closed with a commitment to do everything possible to integrate gender equality into all debated and actions on sustainable development, to launch from 2016 a ministerial component of the CSW to demonstrate stronger political

¹⁵⁷ See UN-ECOSOC, *Official Records of the General Assembly, Fifty-second Session*, Supplement No. 3(A/52/3/Rev.1), 1997, Chap. IV, para. 4.

will to accelerate progress on gender equality, empowerment and the full realisation of women's human rights. The Secretary-General has undertaken to submit future reports that are richer in national data in relation to the objective of improving the availability and quality of sex-disaggregated data. The priority theme of the 60th session of the Commission in March 2016 was the link between women's empowerment and sustainable development. So, 2016 represents an important juncture for policies to promote sustainable development, because the immediate follow-up to the Agenda of 17 Objectives for Sustainable Development, adopted on 25 September 2015 by the General Assembly of the United Nations, can be considered as the definition of a solid system of indicators and statistical data necessary to monitor and guide the political strategies defined by the Agenda itself.

The issue of gender mainstreaming is closely related to the issue of power and the issue of gender empowerment. Equality between women and men requires rebalancing the management of power, what the United Nations¹⁵⁸ calls the 'transformative change' that leads women to participate in the construction of policies and decisions at every level of society. According to the social economist Naila Kabeer, empowerment cannot be granted, but must be self-generated by facilitating women's access to resources that allow them greater control over their lives, and the choice of the type of relationships they want to live.¹⁵⁹

A more detailed analysis of the transition from the WID approach to GAD is provided by Caroline Moser¹⁶⁰ (see table 1), who identifies a series of stages that will then lead to the maturation of the concept of empowerment, the nodal point of every action and reflection on the relationship between gender and sustainability.

¹⁵⁸ Cf. United Nations, *World Survey on the Role of Women in Development*, A/54/227, New York, 1999.

¹⁵⁹ Cf. Kabeer N., *Reversed Realities: Gender Hierarchies in Development Thought*, London, 1994.

¹⁶⁰ Cf. Moser C., *Gender Planning and Development: Theory, Practice and Training*, New York and London, 1993.

2.2.4 Gender equality: an articulated concept

The term 'gender' expresses a complex social category, referring to the diversity of roles that men and women play in society.¹⁶¹ Since this concept is not exclusively linked to the biological characteristics of individuals but to the social and cultural identity prevailing over a given period, it must be consistently interpreted.¹⁶² Gender equality refers to the provision of equal opportunities for men and women in all spheres of social and economic life. However, the availability of the same opportunities does not guarantee that all actors have equal access. It follows that, in order to achieve concrete and effective gender equality, it is essential to remove any obstacles that prevent individuals from being able to take advantage of the opportunities offered, taking into account the historical and cultural background on which the current status of individuals is based (gender equity). Gender equity is therefore part of a wider process of rebalancing the distribution of resources and the value created on the basis of people's own rights. It is generally accepted that a fairer world would also be a more sustainable one.¹⁶³ The equity dimension is, in fact, one of the cornerstones of sustainable development, the latter defined by the already mentioned Brundtland Report of 1987 as «the development that meets the needs of the present without compromising the ability of future generations to meet their own needs».¹⁶⁴

¹⁶¹ For a definition of the term 'gender' see: Nicholson L., *Interpreting Gender, Signs*, Journal of Woman in Culture and Society, 1994, 1(20); United Nations, *Report of the Expert Group Meeting on the Development of Guidelines for the Integration of Gender Perspectives*, in United Nations Human Rights Activities and Programmes, UN Doc. E/CN.4/1996/105, 1995; ILO, *ABC of Women Workers' Rights and Gender Equality*, ILO, Geneva, 2000; World Economic Forum, *The Global Gender Gap Report*, Geneva, 2011.

¹⁶² See: «(...) An equal visibility, empowerment and participation of both sexes in all spheres of public and private life...[it] is not synonymous with sameness, with establishing men, their life and conditions as the norm (...) means accepting and valuing equally differences between women and men and the diverse roles they play in society». Council of Europe, *Gender Mainstreaming. Conceptual framework, methodology and presentation of good practices*, Strasbourg, 1998, 7-8.

¹⁶³ Cf. Daily G.C., Dasgupta P., Bolin B., Crosson P., *Food Production, Population Growth, and the Environment*, Science, 1998; Ehrlich P.R., Ehrlich A.H., *One with Nineveh: Politics, Consumption, and the Human Future*, Island Press, Washington, 2005.

¹⁶⁴ Cf. World Commission on Environment and Development, *Our Common Future - Brundtland Report*, Oxford University Press, Oxford, 1987.

The above definition implicitly contains the concept of equity, understood as equal access to resources for all citizens of the planet (intragenerational justice or equity) and as equal opportunities between successive generations (intergenerational equity¹⁶⁵). In this context, gender inequalities are a concrete obstacle to the development of sustainable growth paths.

The 2014 ‘World Survey on the Role of Women in Development’¹⁶⁶ also emphasises the central role of gender equality in the pursuit of the conditions for sustainable development at global level, through the launch of policies that: enhance women's rights and capacities; reduce unequal treatment in terms of pay; and broaden the participation of women in decision-making processes.

In fact, the causes of poor sustainability in development policies and substantial gender inequality are closely related: both derive from growth models mainly aimed at maximising economic results immediately, through the excessive exploitation of both natural resources and human resources, to the detriment of the socio-environmental impacts of their actions.¹⁶⁷ These growth paths are based on, and encouraged to maintain, substantial gender inequality, which translates into lower labour costs for women than for men and lower social costs linked to lower labour protection for mothers. Conversely, a focus on long-term growth and the conscious use of resources in accordance with the legitimate expectations of a wide range of stakeholders emphasised the mutual relationship between economic development and environmental protection issues and the role of social actors in the process of growth and the promotion of human rights.

¹⁶⁵ Cf. Lanza A., *Lo sviluppo sostenibile*, il Mulino, Bologna, 2006; Leist A., Holland A., *Conceptualising sustainability*, Policy Research Brief, Number 5, Environmental Valuation in Europe, Cambridge Research for the Environment, 2000.

¹⁶⁶ Cf. United Nations, *World Survey on the Role of Women in Development: Gender equality and Sustainable Development*, 2014.

¹⁶⁷ Cf. Wichterich C., *The Future We Want: A Feminist Perspective*, Publication Series on Ecology, 2012; United Nations, *op. cit.*, 2014.

2.3 Women, Environment and Development

2.3.1 The plural dimensions of sustainable development and the gender issue

After having long underestimated the importance of women in achieving sustainable development, and having often denied the obvious contribution already made so far, we are therefore moving in the right direction, addressing from a gender perspective all those issues that affect humanity. In achieving sustainability, women have a particular and precise role to play, not only because they are affected or sensitive to the issue, but also because of the key role they play in society as educators, consumers, providers of basic health care or administrators of resources. The educational mission of every woman within the family and community makes her privileged actress of the necessary evolution and the means for a sudden change of mentality.

An important document is the 'Women's Action Agenda 21'¹⁶⁸, the result of two years of intense work by WEDO, Women's Environment Development Organization, an international collective that organized in 1991 the Miami Conference: Congress of Women for a Healthy Planet, in preparation for the Earth Summit in Rio in June 1992. During the conference a pitiless, precise and detailed analysis of the environmental damage of the planet was made, noting from concrete cases and testimonies, how these threaten human health. All too often, one of the first victims is women, who, while making a significant contribution to the development and well-being of humanity through their daily work in all areas of life, have always been one of the most vulnerable groups in society. Women's Action Agenda 21 is a twenty-page document that expresses a sharp, forward-looking political conscience. It brings together the key ideas of women's thinking on the issue of sustainable development, which were taken up and explored at various international conferences. It is a lucid observation and a project of very constructive, responsible and innovative society, which contains a preamble 'Toward a Healthy Planet', and thirteen chapters that, describing the contemporary

¹⁶⁸ See United Nations, *Agenda 21 United Nations Conference on Environment and Development*, Department of Economic and Social Affairs Division for Sustainable Development, Rio de Janeiro: United Nations, 1992b, Chapter 24. Available at: <http://www.un-documents.net/a21-24.htm>

context, clarify connections and interconnections between ecological degradation and the most diverse living conditions.¹⁶⁹ In particular, reference is made to unequal access to resources and wealth, the relationship between war economies, with armed communities and the environment is analysed, and the absence of moral and spiritual values and the lack of sense of responsibility towards future generations is acknowledged. The document places particular emphasis on the need for a fair distribution of power between women and men, at all stages and in all forms of decision-making, so that the issue of sustainable development is a matter for all. The promotion of gender equality and women's empowerment as essential conditions for environmental sustainability emerges in all the final documents and in the objectives set by the various UN world conferences: above all, the 1992 'Earth Summit' in Rio de Janeiro, the 1995 'Women's Conference' in Beijing, and the 2002 'Summit on Sustainable Development' in Johannesburg. It is therefore to be hoped that more and more women will reach decision-making positions where they can better influence the sustainable management of natural resources. But it is above all the acquisition of a greater awareness of their role that will allow women themselves to make themselves heard, so as to combat also those eminently social aspects that contribute to environmental degradation such as, among others, poverty, overpopulation and precisely, gender inequality. The involvement of women in environmental development plans, either at global or local level, can help to gain more detailed knowledge of daily patterns of existence, leading to more sensitive public policies and more focused environmental policies, which not only take account of socio-economic changes, but also take account of and value cultural and gender diversity. In addition, women's engagement can help to assess the positive, negative and neutral impacts of different environmental policies. It is undeniable, therefore, that the value attached to sustainability is increasing thanks to the efforts of women, particularly because of the importance they attach to the informal sector and to private life. But all the training

¹⁶⁹ See United Nations, *Women's Action Agenda 21*, Outcome of the Miami Women's Conference, 1991. Available at: <https://www.earthsummit2002.org/es/inter-agree/Women%20%26%20Sustainable%20Development%20Resources/Women%27s%20Action%20Agenda%201991.pdf>

offered, institutional or otherwise, that combines gender issues with sustainability issues should also be enhanced and enhanced. Adequate training can only help to improve women's empowerment, with effects that are only good for public policies and environmental ones.

The decades-long revival of the relationship between development and the environment, which has developed the concept of sustainable development over the past twenty years, was at an important turning point at the Rio de Janeiro Summit. In Rio we can say that sustainable development ceases to be as a reduction of development problems to the relationship with the environmental dimension and a new phase of development re-exemptions is inaugurated, characterized by the attention paid to social actors. In the last fifteen years the theme of sustainable development seems to leave more and more room to other important dimensions that are needed in order to achieve the substantive development, as the 'local' or the 'institutional' one. We are witnessing opposing processes that on the environmental issue and on the others try to integrate a fourth dimension into the mature concept of sustainable development: that of politics. A different development should therefore see a virtuous balance not only between the economy, ecosystems and society, but also include the creation of new institutions in which powers, interests and rights find the appropriate path for their expression. This is why, in this 'institutional' dimension of sustainable development, all the reflection on gender and on a new governance that is able to include in the decision-making processes, in addition to the different social actors, their further articulation in terms of gender¹⁷⁰ and age (men, women, the elderly and young people), is well placed. In the Agenda 21 signed in Rio, Chapter 24 is entitled 'Global Action for Women towards Sustainable and Equitable Development'¹⁷¹; the chapter opens the third part of Agenda 21 dedicated to strengthening the role of the 'major groups'. Women are therefore

¹⁷⁰ Cf. Braidotti R., Charkiewicz E., Husler S., Wieringa S., *Women, the environment and sustainable development: towards a theoretical synthesis*, Zed Books Ltd, London, 1994.

¹⁷¹ See Chapter 24, *Global Action for Women Towards Sustainable and Equitable Development*, in UN, *Agenda 21 United Nations Conference on Environment and Development*, Department of Economic and Social Affairs Division for Sustainable Development, Rio de Janeiro: United Nations, 1992b. Available at: <http://www.un-documents.net/a21-24.htm>

considered to be an important social actor in achieving sustainable development. In fact, while Chapter 24 deals specifically with the strategies necessary for the equal participation of women in order to achieve sustainable development, the whole document addresses the issue of gender in several parts, putting gender mainstreaming into practice. Perhaps the most decisive commitment of Agenda 21 concerns point 24.2 c), which provides for «to consider developing and issuing by the year 2000 a strategy of changes necessary to eliminate constitutional, legal, administrative, cultural, behavioural, social and economic obstacles to women's full participation in sustainable development and in public life.»¹⁷²

In fact, the issue of women and sustainable development was not assessed either during Rio +5 or in Johannesburg. Therefore, in the last decade, the main effort has been to 'regenerate' the gender issue in sustainable development policies in terms of recommendations and warnings rather than real evaluations of the actions undertaken. The international conferences that took place over the decade from 1992 to 2002 provided a framework for the issues that need to be taken into account to achieve gender equity in sustainable development:

- «women's human rights and control over their lives;
- poverty eradication;
- women's access to resources and services;
- women's control and management of resources;
- globalisation;
- finance for development;
- health, including environmental health.»¹⁷³

¹⁷² Cf. United Nations, *Agenda 21 United Nations Conference on Environment and Development*, Department of Economic and Social Affairs Division for Sustainable Development, Rio de Janeiro: United Nations, 1992b, 24.2.

¹⁷³ Cf. United Nations, *Women and Sustainable Development 2000-2002, Recommendations in Agenda 21 and Related Documents and Suggestions for a Review of Implementation*. Paper Prepared by the CSD NGO Women's Caucus for Discussion at the UN Commission on Sustainable Development; Intersessional Working Group, 22 February - 3 March and Its 8th Session, 24 April - 5 May, February 2000, B.2. Available at: <https://www.earthsummit2002.org/wcaucus/Caucus%20Position%20Papers/wandsd.html>

In order to achieve gender equity in sustainable development, the following strategies have been identified:

- «full and equal participation of women in the formulation of all policies and decision-making;
- awareness-raising, capacity-building, education and training of women and men; and of all people in decision-making positions in all sectors and at all levels (incl. developing gender sensitivity trainings; guidelines for gender mainstreaming, etc.
- institutional mechanisms for the advancement of women;
- making gender disaggregated information available and supporting relevant research;
- collecting and sharing practices at local, national and international levels; including peer group review of (good) practice and promoting successful strategies.»¹⁷⁴

Moreover, in the Johannesburg Plan of Implementation¹⁷⁵, the gender issue is referred to in several places throughout the document, in particular in the following areas of action:

- poverty eradication;
- changing unsustainable patterns of consumption and production;
- protecting and managing the natural resource;
- health and sustainable development;
- sustainable development for Africa.

In all these areas, the need for policy development and decision-making involving women, the need to adopt a gender perspective in the formulation of choices, to ensure gender equity and access to information is mentioned. In the instruments of implementation of the plan in order to pursue sustainable development are proposed:

¹⁷⁴ Cf. United Nations, *Women and Sustainable Development 2000-2002, Recommendations in Agenda 21 and Related Documents and Suggestions for a Review of Implementation*. Paper Prepared by the CSD NGO Women's Caucus for Discussion at the UN Commission on Sustainable Development; Intersessional Working Group, 22 February - 3 March and Its 8th Session, 24 April - 5 May, February 2000, B.3.

¹⁷⁵ See United Nations 'Plan of Implementation of the World Summit on Sustainable development', *Report of the World Summit on Sustainable Development*, Johannesburg: United Nations, 2002, 6-75.

- gender-sensitive regulatory and policy instruments¹⁷⁶;
- education and training ensuring gender equity¹⁷⁷;
- integration of a gender perspective into sustainable development indicators¹⁷⁸.

Hence, the implementation plan concludes by defining the institutional framework for sustainable development, i.e.

«good governance is essential for sustainable development. Sound economic policies, solid democratic institutions responsive to the needs of the people and improved infrastructure are the basis for sustained economic growth, poverty eradication, and employment creation. Freedom, peace and security, domestic stability, respect for human rights, including the right to development, and the rule of law, gender equality, market-oriented policies, and an overall commitment to just and democratic societies are also essential and mutually reinforcing.»¹⁷⁹

Furthermore, it is necessary to underline that the Plan refers to the role of ECOSOC (United Nations Economic and Social Council) in stepping up its efforts to ensure that gender mainstreaming is an integral part of the activities concerning the implementation

¹⁷⁶ See United Nations ‘Plan of Implementation of the World Summit on Sustainable development’, *Report of the World Summit on Sustainable Development*, Johannesburg: United Nations, 2002, XI. Point 129 states: «Strengthen national and regional information and statistical and analytical services relevant to sustainable development policies and programmes, including data disaggregated by sex, age and other factors, and encourage donors to provide financial and technical support to developing countries to enhance their capacity to formulate policies and implement programmes for sustainable development.»

¹⁷⁷ See United Nations ‘Plan of Implementation of the World Summit on Sustainable development’, *Report of the World Summit on Sustainable Development*, Johannesburg: United Nations, 2002, XI. Point 126 states: «Support local, national, subregional and regional initiatives with action to develop, use and adapt knowledge and techniques and to enhance local, national, subregional and regional centres of excellence for education, research and training in order to strengthen the knowledge capacity of developing countries and countries with economies in transition through, inter alia, the mobilization from all sources of adequate financial and other resources, including new and additional resources.»

¹⁷⁸ See United Nations ‘Plan of Implementation of the World Summit on Sustainable development’, *Report of the World Summit on Sustainable Development*, Johannesburg: United Nations, 2002, XI. Point 130 states: «Encourage further work on indicators for sustainable development by countries at the national level, including integration of gender aspects, on a voluntary basis, in line with national conditions and priorities.»

¹⁷⁹ Cf. United Nations ‘Plan of Implementation of the World Summit on Sustainable development’, *Report of the World Summit on Sustainable Development*, Johannesburg: United Nations, 2002, XI, 138.

of Agenda 21.¹⁸⁰ Consequently, it is necessary to focus at national level too. In the light of that the strengthening of the institutional framework for sustainable development must include the participation of women in policy and decision-making¹⁸¹ and the adoption of mainstreaming and the gender perspective in all activities.

2.3.2 Empowerment of women and Sustainable Development Goals

With the new Development Agenda 2030, sustainable development becomes a global issue, in which all countries are called upon to play an active role, overcoming the old dichotomies between the North and South of the world. Poverty eradication, combating inequality and combating climate change are priorities that affect the whole world, and it is only by combining the efforts of all countries that concrete results can be achieved. The issue of gender equality is dealt with in its entirety by implementing actions in the perspective of gender mainstreaming, including attention to both men and women so that policies lead to a change in society.

In this context, it is possible to underline how the numerous social problems facing our time can be summarized in the need for gender equality that can include all in the process of acquiring skills, as well as in respect for human rights.

In 2000, the Millennium Goals were launched, goals that all the Member States of the United Nations have set themselves to be achieved by 2015 and that have only been

¹⁸⁰ See United Nations 'Plan of Implementation of the World Summit on Sustainable development', *Report of the World Summit on Sustainable Development*, Johannesburg: United Nations, 2002, XI. Point 144 states that «the Council should: (a) Increase its role in overseeing system-wide coordination and the balanced integration of economic, social and environmental aspects of United Nations policies and programmes aimed at promoting sustainable development; (b) Organize periodic consideration of sustainable development themes in regard to the implementation of Agenda 21, including the means of implementation. Recommendations in regard to such themes could be made by the Commission on Sustainable Development; (...) (g) Intensify its efforts to ensure that gender mainstreaming is an integral part of its activities concerning the coordinated implementation of Agenda 21.»

¹⁸¹ See United Nations 'Plan of Implementation of the World Summit on Sustainable development', *Report of the World Summit on Sustainable Development*, Johannesburg: United Nations, 2002, XI. Point 164 states that «All countries should also promote public participation, including through measures that provide access to information regarding legislation, regulations, activities, policies and programmes. They should also foster full public participation in sustainable development policy formulation and implementation. Women should be able to participate fully and equally in policy formulation and decision-making.»

achieved in part. As a matter of fact, it was only with the Agenda 2030 that the United Nations have women's and girl's rights, gender equality and the empowerment of women and girls a special place as a goal to be achieved by 2030 and as a cross-cutting goal to be taken into account in all respects, integrated in the indicators of all sustainable development objectives.¹⁸² The novelty of this agenda is that for the first time it overcomes the dichotomy between the North and South of the world by promoting a sustainable development in which all states must commit themselves in the same way: only with a collective commitment will it be possible to observe concrete results.

On the occasion of the 20th anniversary of the Beijing Platform, the Beijing+20 Platform in 2015, we had the opportunity to analyse the progress made but also to renew everyone's political commitment to change towards gender equality and the empowerment of women.¹⁸³ The Beijing review of progress at the 59th Session of the UN Commission on the Status of Women in March 2015 showed, as UN-Women documents state, that no country has yet completed its agenda of commitments: women earn less than men and more likely to work in low quality jobs.

According to data from the International Monetary Fund, which, like the World Bank, considers women's rights as instrumental to the objective of economic growth and not as an end in itself according to the human development approach, over 850 million women, mostly in developing countries, would have the potential to contribute more to their economies, societies and political systems, if only gender equality were promoted.

¹⁸⁴ The United Nations 2014 global survey on the role of women in development also

¹⁸² Cf. United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, A/RES/70/1, New York: United Nations, 2015.

¹⁸³ See UNECOSOC, *Review and appraisal of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the 23rd special session of the General Assembly. Report of the Secretary General*, E/CN.6/2015/3, New York, 15 December 2014.

¹⁸⁴ See World Bank, *Voice and Agency: Empowering Women and Girls for Shared Prosperity*, Washington, D.C., 2014.

highlights the proven synergies between women's empowerment and social, economic and environmental sustainability, i.e. sustainable development.¹⁸⁵

The active participation of women in decision-making facilitates the allocation of public resources to investments in human development priorities (education, health, nutrition, employment and social protection). Empirical evidence clearly demonstrates the correlation between increasing female education levels and reducing newborn and child mortality rates and improving household health. Similarly, the statistics on agriculture and nutrition disseminated by UN Women were echoed in 2015 at the Milan Expo: if women had the same access as men to productive assets, agricultural production in 34 developing countries would increase by 4%, which could lead to a 17% reduction in the number of undernourished people, or 150 million fewer people suffering from hunger.¹⁸⁶ These figures are worrying, despite the undeniable successes achieved compared with the past in adopting laws that have promoted gender equality and have combated violence against women. Progress has been made, but it has been slow and uneven: the level of education of women has increased considerably, but this has not been matched by a corresponding reduction in discrimination on the labour market, starting with that in the field of pay. Legislation must be implemented, institutional barriers must be removed and social standards must be discriminated against, and attention must be focused on these points. Development cooperation tends to translate the commitments undertaken for the empowerment of women into initiatives focused on social sectors, in line with what was, after all, the framework of the MDGs that had defined the reference framework between 2000 and 2015. The 17 SDGs and 169 targets came into force in January 2016 and should be regularly monitored by 2030. The UN Secretary General stressed the cross-cutting importance of empowerment of women in the design of the SDGs, as highlighted in the document of the end 2014, which outlines their structure in six key words: people (to ensure the inclusion of women and children), dignity (to combat poverty and inequality), prosperity (for inclusive growth and economic

¹⁸⁵ See UN Women, *The World Survey on the Role of Women in Development 2014: Gender Equality and Sustainable development*, E.14.IV.6, New York, 2014.

¹⁸⁶ Cf. UN Women, *In Brief: Economic Empowerment of Women*, UN Women publications, New York, 2013.

transformation), justice (to promote effective institutions), partnership (to ensure solidarity at the international level), and environment (to protect the ecosystem).¹⁸⁷ The issue of the empowerment of women, in fact, more or less explicitly crosses the priority themes indicated.

Among the 17 SDGs, in particular the SDG-5 aims to fully achieve gender equality and empower all women and girls.¹⁸⁸ Gender equality and empowerment are explicit as objectives to be achieved. Comparing this objective with the commitment on the previous agenda, MDG-3, was to promote gender equality and empower women.¹⁸⁹ In essence, in this case, the general discourse of the SDGs is valid in direct continuity with the setting of the MDGs whose work should be completed: what was promoted with the MDGs, with the SDGs, must be fully realized; what was the empowerment of women in general with the MDGs, becomes the empowerment of all women and girls with the SDGs.

But it is by looking at the target level the differences between the MDGs and the SDGs are best understood: the only target of MDG-3 limited women's empowerment to the field of discrimination in education, speaking of “eliminating gender disparity in primary and secondary education (preferably by 2005, and for all levels of education by 2015)”. SDG-5, on the other hand, has several targets:

«5.1 End all forms of discrimination against all women and girls everywhere;
(...)

5.5 Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life;
(...)

5.b Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women;

¹⁸⁷ See United Nations, *The Road to Dignity by 2030 – Synthesis report of the Secretary General on the post-2015 Agenda*, New York:United Nations, 4 December 2014.

¹⁸⁸ See United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, A/RES/70/1, New York:United Nations, 2015.

¹⁸⁹ See United Nations, *United Nations Millennium Declaration*, New York: United Nations, 2000.

5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.»¹⁹⁰

These are priorities which are absent from the MDGs and relevant in relation to the data reported on the state of the various forms of discrimination against women in the world and which concern not only school participation, but also economic, political and social life, sexual and reproductive rights, including family workload and unpaid care. Priorities and rights that have met with resistance in the negotiation process, as in the case of those opposed by the Vatican (observer state) to the target for sexual and reproductive rights of women and girls, but which were welcomed by the majority as a significant step forward compared to the MDGs. Looking at the many targets not related to SDG-5, one discovers that many other issues and targets are immediately translatable in terms of empowerment of women: this is the case of access to energy or mitigation of the effects of climate change that particularly affects the most vulnerable groups of the population, which almost always include women.

¹⁹⁰ Cf. United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, A/RES/70/1, New York:United Nations, 2015, 20.

Table 1. The Concept of Empowerment

Approach	Description
Welfare	First approaches between 1950-70. The original idea was to bring women into development as better mothers. Women were seen as well passive cyars of development. The reproductive role of women was recognised and an attempt was made to respond to their needs and priorities through top-down food aid measures, the reduction of malnutrition and family plans.
Equity	This is the first original, true WID approach used between 1975-1985 during the UN-sponsored Women's Decade. The aim was to improve equity for women who were seen as active participants in development. Women were given a triple role, trying to respond to gender needs and strategic priorities through direct state intervention to increase political and economic autonomy and reduce inequality with men. It was a question of giving women a subordinate position.
Anti Poverty	The second WID approach shifts the focus to the productivity of poor women. Women's poverty is seen as a consequence of underdevelopment and not of subordination. The productive role of women is recognised and efforts are made to respond to women's needs and priorities for income generation by focusing on small-scale income-generating projects.
Efficiency	This is the third WID approach adopted in particular in the decade 1980-1990 in parallel with the debt crisis in developing countries. The aim is to ensure that development is more efficient and effective through the economic contribution of women and participation often seen as equivalent to equity. An attempt was made to respond to the needs and priorities of the three roles of women with an elastic approach to women's times.
Empowerment	This is the first phase of the post-WID approach promoted by women in developing countries or the first GAD phase. The aim is to strengthen women through self-reliance. It recognises the triple role of women and seeks to respond to women's needs and strategic priorities indirectly through bottom-up mobilisation on ender participative needs.
Equity and Human Rights	This is the most recent GAD approach since the Fourth Beijing Women's Conference (1995) and has been widely adopted by governments and international aid agencies. It introduces the concept of equity as a human right, underlines that issues of power sharing and a fairer partnership between men and women are social, economic and political prerequisites for sustainable and person-centred development.

Source: Moser, 1993

Chapter 3. Case Study: the Barefoot College Project with Enel Green Power

3.1 Enel as a company in the Italian public and administrative law doctrine

Enel S.p.A., originally known as Ente Nazionale per l'Energia Elettrica, is an energy multinational and one of the leading global integrated operators in the electricity and gas sectors. The Company operates in thirtyfour countries on five continents, produces energy through a managed capacity of more than 86 GW, sells gas and distributes electricity over a network of approximately 2.2 million km. With almost 73 million end users worldwide, it has the largest customer base of its European competitors and it is one of the leading electricity companies in Europe in terms of installed capacity and reported EBITDA¹⁹¹. The group of the company is made up of approximately 63,000 people, men and women from all over the world whose work is based on four fundamental values of Responsibility, Innovation, Trust and Proactivity. Furthermore, Enel is one of the largest Italian companies that have continuously implemented initiatives aimed at enhancing the impact of activities carried out in the territorial, social and environmental context, as well as the integration of Environmental Social Governance (ESG) issues within business strategies¹⁹².

The process of nationalization of the energy sector, culminated in 1962, was a trend common to other countries in Europe as well. The trend is part of a much bigger frame where the states were trying to enhance their role in the public life. While right before the Second World War the European trend seemed to be connected with the so-called *laissez faire* with very little to none intervention of the states in the public life, the following years were connected, instead, with welfare state policies and interventions. In those years, the interventions of the states were in many different sectors of the

¹⁹¹ EBITDA stands for Earning Before Interest Taxes Depreciation & Amortization, and indicates the company's profit before honouring the payment of interest, taxes, depreciation and amortization.

¹⁹² For the description of Enel and its Sustainability Report, reference is made to the website: <https://www.enel.com> and *Seeding Energies - Sustainability Report 2017*. Available at: https://www.enel.com/content/dam/enel-com/governance_pdf/reports/annual-financial-report/2017/sustainability-report-2017-enel.pdf

economy and so, this included, clearly, also the energy sector and led to processes of nationalization all over Europe. The actions of the different states had two different objectives: the first was to reduce if not eliminate monopolies and the second was connected to the need of improve those activities that were somehow considered as particularly interesting and strategic for the states. In this sense, it is possible to underline two different examples, apart from the Italian case that will be analysed later: the French and English case. In the case of France, in 1946, over 15 years before of Italy, it was founded the *Électricité de France* and the nationalization process saw both the expropriation via compensation of electricity companies and the compensation to the single shareholders. Even in the case of the United Kingdom the method used was the expropriation via compensation and the nationalization started one year after the French case in 1947, and resulted in the foundation of the British Electricity Authority that was a newly created entity in charge of 14 different regional public bodies.

In the case of Italy, the nationalization process culminated in 1962 when, after a long parliamentary debate following which the Chamber of Deputies, began the nationalization of the country's electricity system engaged in post-war reconstruction. Enel was conceived and set up as a public economic body, i.e. a body responsible for carrying out an economic-productive activity using the company's own instruments¹⁹³. Enel was to become, in the project of its founders, a body capable of acting autonomously on the market, not through third parties, which was the case, on the other hand, with State-owned bodies. Enel assumed the right and the monopoly of absolute management of the production and distribution of electricity in the national territory. The private sector was precluded from taking any future initiative of its own, since the entire sector was now managed by the new entity.

As a 'legal person governed by public law', as stated by Article 1.2 of the Law number 1643 passed on 6 December 1962¹⁹⁴, Enel was in all respects a public body. It belonged

¹⁹³ Cf. Caia G., Aicardi N., *La struttura organizzativa dell' Enel e il regime giuridico della sua attività*, in *Storia dell'industria elettrica in Italia*, vol. V, Laterza, Roma, 1994.

¹⁹⁴ See «È istituito l'Ente nazionale per l'energia elettrica (Enel), al quale è riservato il compito di esercitare nel territorio nazionale le attività di produzione, importazione ed esportazione, trasporto, trasformazione, distribuzione e vendita dell'energia elettrica da qualsiasi fonte prodotta (...) L'Ente nazionale ha personalità giuridica di diritto pubblico ha sede in Roma, è sottoposto alla vigilanza del

to the kind of economic public bodies, it was given by the fact of carrying out an industrial-commercial activity in entrepreneurial terms. It operated in accordance with the rules of 'private law', both in its relations with its own employees and in its activities. The entity was also forced to act according to 'economic criteria', with the lowest possible operating costs. On the other hand, Enel cannot be considered to be a competitive undertaking. However, it should not be forgotten that the institution remained a public subject and therefore addressed to an end of public interest, namely the consequent socio-cultural development. Enel could therefore be described as an instrumental body of the State. The latter, however, could not ask Enel for uneconomic conduct precisely because of the legislative nature of the entity, which implied economic success in its management. This meant the the State, in the figure of the Parliament, could not charge the Body with tasks that were not its own or, if it did, it would also have to grant it the financial instruments to carry them out. Enel's task could have seemed extremely complex, since apparently opposing interests were in force. Yet the economic entity structure (basically Enel was a state enterprise) was chosen and proved to be suitable for the performance of its public service: the supply of electricity. The first, huge and most visible difference between a private undertaking and Enel was that it could not exist independently, but its life was guaranteed by a third party, the State, which also determined its legal status. While this may seem a limitation to the power of the Entity, there were also various advantages in being a public institution. First of all, it could not have fallen prey to bankruptcy. Furthermore, the assets of the entity actually used for the realisation of its public electricity supply service could not be used for any other purpose by the judicial authorities.

Moreover, as it is underlined by Clarich while referring to Enel as one of the examples, the distinction between public and private entities becomes a deciding factor for the determination of whether the Acts adopted by one entity fall under the jurisdiction of an administrative judge. In particular, for those companies' activities that are of public

Ministro per l'industria e il commercio e svolge le proprie attività secondo le direttive di un Comitato di Ministri, presieduto dal Presidente del Consiglio dei Ministri o, per sua delega, da un Ministro, e composto dai Ministri per il bilancio, per il tesoro, per l'industria e il commercio, per i lavori pubblici, per le partecipazioni statali e per l'agricoltura e foreste.» Cf. *Gazzetta Ufficiale n.316 del 12-12-1962*, Article 1.

interest and for those companies created and disciplined by special laws (and this is the case of Enel, indeed), there are several of what Clarich defines as ‘indexes of publicity’. Among those indexes: creation by law, public scope, instrumental relationship with the State or a territorial entity, State's control and steering powers, attribution of public powers by law, and so on¹⁹⁵.

Since the birth of Enel, the Government has had a series of powers that could intervene in the management and organisation of the Authority. However, these prerogatives were not excessively intrusive, so as to give Enel the freedom to decide how to remedy the directives imposed on it from above.

At its inception, Enel was, therefore, a very centralised body, although in its original structure a certain dislocation of tasks had been foreseen in its peripheral offices. Enel's entire structure was based on central offices, which had management and coordination tasks, and peripheral offices, the latter with operational functions in the sectors of electricity production and sales. The central organisation was to be divided into services, while the territorial organisation was to be divided into departments, which in turn were to be divided into districts and zones. There was an official or director at the head of each unit. The structure of the central organisation was presented with the central directorate cascading through other central directorates and offices with special tasks. Detached in the area, but dependent on the relevant central management, there were design and construction centers and research centers.

In 1964, only two years after the creation of Enel as a public body, the nationalization of the energetic sector via the creation of Enel started a crucial case for the European law: the *Costa v. Enel*¹⁹⁶ which led to a fundamental decision of the European Court of Justice. Briefly, what led to the judgement is the request of an Italian citizen: he owned shares of another company in the Italian energy sector and he asked the Italian courts to assess if the newly created Enel was the creditor of his electricity bill or if it was, as he suggested, the other company. Indeed, he opposed the decision of the Italian State to nationalize the energy sector justifying this with the fact that this was a violation of the

¹⁹⁵ See Clarich M., *Manuale di diritto amministrativo*, Il Mulino, Bologna, 2015.

¹⁹⁶ See European Court of Justice, Case 6/64, *Flaminio Costa v E.N.E.L.*, ECR 585 at 593, 1964.

Treaty of Rome and the Italian Constitution. The case was referred to both the Italian Constitutional Court and the European Court of Justice, and the decision of the latter can now be considered one of the most important in the European law. The Italian Constitutional Court ruled that the Treaty of Rome could not prevail over the nationalisation while the European Court of Justice ruled the opposite, specifying that:

«the Treaty instituting the E.E.C. has created its own order which was integrated with the national order of the member-States the moment the Treaty came into force; as such, it is binding upon them. (...) It follows from all these observations that the law stemming from the treaty, an independent source of law, could not, because of its special and original nature, be overridden by domestic legal provisions.»¹⁹⁷

The process of privatization of Enel was, as it was already analysed at the beginning of this paragraph part of a bigger trend in Europe, exactly in the same way as it was for both the *laissez faire* and the welfare state policies and interventions before. Starting from the 80s, indeed, the welfare state policies were, in some cases, replaced by the new-liberalism inspired by Thatcher.

Enel's history as a State-owned company ended with a Decree-Law No 333 of 11 July 1992, which was confirmed by Law No 359 of 8 August 1992¹⁹⁸. The entity was transformed into a joint-stock company. Successively, in 1999, the Bersani Decree¹⁹⁹ launched the liberalization of the electricity market, resulting in a corporate restructuring of Enel with the separation of the activities of production, transmission, distribution and sale of energy, entrusted to three separate companies: Enel Produzione,

¹⁹⁷ Cf. ECJ, Case 6/64, *Flaminio Costa v E.N.E.L.*, ECR 585 at 593, 1964.

¹⁹⁸ See «L'Istituto nazionale per la ricostruzione industriale - IRI, l'Ente nazionale idrocarburi ENI, l'Istituto nazionale assicurazioni- INA e l'Ente nazionale energia elettrica - ENEL sono trasformati in società per azioni con effetto dalla data di entrata in vigore del presente decreto. (...) Le azioni delle società di cui al comma 1 sono attribuite al Ministero del tesoro.» Cf. *Gazzetta Ufficiale n.333 del 11-07-1992*, Article 15, capo III, comma 1-3.

¹⁹⁹ See *Gazzetta Ufficiale n.79 del 16-03-1999*, Article 1.

Enel Distribuzione and Terna (Terna's ownership was completely transferred by Enel in 2005). In addition, Enel has established a maximum threshold for the production of electricity equal to 50% of its entire production on national soil. Consequently, Enel was privatised for 31.7% under the new ownership structure.

The 'energetic reform', that started the liberalization process of the energy sector in Italy started, as it was already explained, in the very beginning of the 90s. Since the 90s the energy sector was entirely revolutionized through a process in which «liberalization, deregulation and reregulation represented complementary and not alternative instruments»²⁰⁰ making the sector an «example of the so-called 'paradox of the liberalization', given that the pro-competitive interventions provided far more space for the regulation, both technical and economic, with the objective to ensure service provision continuity, users' protection and environmental political target reaching.»²⁰¹

In addition to this, a study included in the LUISS Law Review analyses the different interventions that led to the complete privatization of the energy sector by listing all the major regulatory actions. The first intervention that is listed is the Law No. 9/1991 which reduced the regulatory restrictions included in the law from 1962 about the nationalization and makes it possible for private player to enter the phase of electricity generation. The second intervention shortly follows the first one and it is the one already analysed: the Decree-Law No 333 of 11 July 1992 that transformed Enel into a joint-stock company.

In 1995 with the Law No. 481/1995 the AEEG was created. The AEEG was the Authority for electricity and gas, an independent entity with both control and regulation powers that has the objective to protect consumers, promote competition, efficiency and the accessibility of the services.

After that, another important intervention was the already discussed Bersani Decree that resulted in the substantial liberalization of the electricity sector. The Decree included many different innovation from the liberalization of the eventual sale, the international exchanges and the generation of electricity to the separation of property and

²⁰⁰ Cf.: <http://dream.luiss.it/2013/02/02/le-liberalizzazioni-nel-settore-elettrico-italiano/>

²⁰¹ See: <http://dream.luiss.it/2013/02/02/le-liberalizzazioni-nel-settore-elettrico-italiano/>

management of the network (which were later reunited by the Law No. 290/2003), from the institution on GME (Gestore del Mercato Elettrico) to the creation of a AU society (Acquirente Unico) and many other interventions with the aim to ensure a fair competition and reduce the incumbent powers.

In 2004 with the Law No. 239/2004 all users became free, starting from 1st July 2007, to choose their seller.

The other interventions are mostly from the 2010 decade with the implementation of different Directives all with the common aim to protect consumers and ensure, promote and enhance competition.

In conclusion, from a financial point of view, the privatization process that started in the 90s saw the listing on the stock exchange where Enel shares were listed on the Italian Stock Exchange at a price of 4.30 euros per share (corresponding to 8.60 euros following the grouping of 2001) and the total offer was 4.183 billion shares for a total value of 18 billion euros. A new life had begun for Enel S.p.A..

3.2 Current Enel business organization

The decade from 2000 to 2010 was characterized by a number of policies to reduce the environmental impact of energy production and by a gradual internationalization of Enel through numerous acquisitions and mergers.

Today, after its transformation Enel S.p.A. currently has the following shareholding structure: 57,5% of shareholding is held by institutional investors (banks, insurance companies, social security institutions, etc.), while 23,6% of the shareholding is held by the Ministry of the Economy and Finance and 18,9% by retail investors²⁰².

At present, Enel is an international holding company. Its activities take place not only in Italy, but also in Europe (France, Spain, Portugal, Germany, Greece, etc.), North America (United States of America and Canada), in several countries of Latin America (as Brazil, Argentina, Chile, Perú, Colombia, Uruguay etc.), in Africa (Morocco,

²⁰² See Enel S.p.A., *Seeding Energies - Sustainability Report 2017*. Available at: https://www.enel.com/content/dam/enel-com/governance_pdf/reports/annual-financial-report/2017/sustainability-report-2017-enel.pdf

Algeria, Zambia, South Africa), in Asia (India and Indonesia), but also in Australia, South Korea, Taiwan and Japan.

Since 2015, Enel has adopted a specific policy on values and behaviour, the ‘Open Power’ model, which is based on various operational aspects, in order to increase the involvement and participation of the people who work for Enel, and which is the reference point for all processes for the management and development of people. Based on the already cited four fundamental values (Responsibility, Trust, Innovation and Proactivity), this model consists in the Company's Mission 2025 and it summarized the intent of the group to experiment with an opening to all fields in the following areas:

- access to energy for as many customers as possible;
- the use of new technologies;
- the extension of energy management to individuals;
- the search for new uses for energy;
- opening up to more partnerships.

In the first area, the company, through the development of company dimensions, reaches and supplies customers with safe and sustainable energy, even in sparsely urbanized areas such as South America and Africa. In the second area, on the other hand, it promoted the development and introduction of new technologies to generate and distribute electricity in a sustainable manner, favouring renewable energy sources and smart grids. For the third area, Enel is always looking for new and more efficient ways, in response to the real needs of individuals, of using and managing energy (for example through smart meters and digitization). For the fourth area, the group is always looking for new services in addition to energy supply, such as connectivity and electric mobility. Finally, in the fifth and last area, the group promotes the continuous search for partnerships, with a view to new products, solutions and marketing.

3.2.1 Integration of sustainability in the Company processes

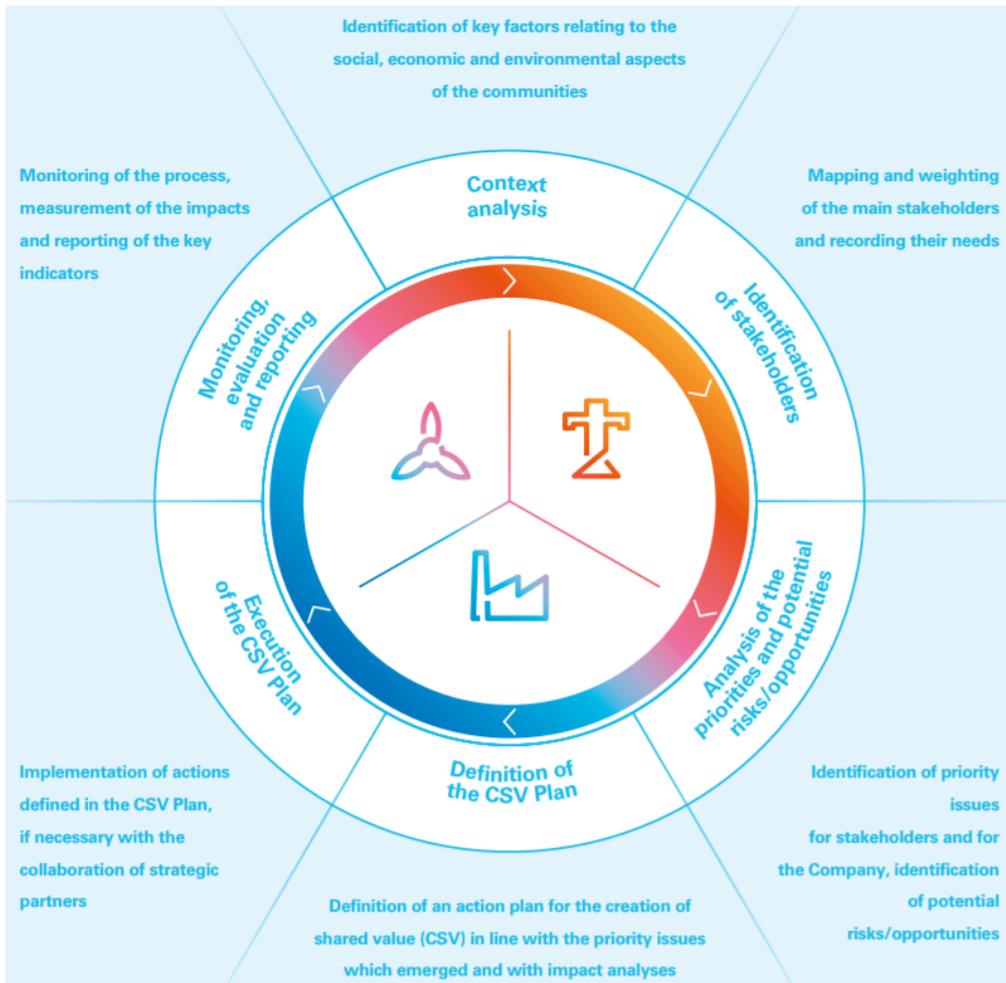
As it is stated in the 2017 Enel Sustainable Business Model, Enel faces a context that is continuously and rapidly changing and this can lead to both new risks and opportunities.

Its sustainable business model aims to reduce the environmental impact of the company but also to work closely with the local communities and to increase the safety of the suppliers and the employees. In doing so, Enel is both relying on the synergistic efforts of the different business lines and on new solutions that lead to innovations. Thanks to this model, Enel is able to face the new challenges of the energy transition, not only reacting to risks, but seizing all opportunities without ignoring their social implications. The strategic and operational approach of Enel is described as ‘Open Power’ and it is based on the concept of «openness, where sustainability and innovation are an essential combination, framing this are the principles of ethics, transparency, anti-corruption, respect for human rights and protection of health and safety»²⁰³. As a sign of the efforts of the company to promote sustainable development and implement policies and decisions in line with it, Enel has also been a member of the United Nations Global Compact since 2004.

Enel has, as explained previously, chosen to combine sustainability and innovation in its business model. The aim of this is also creating value for the Company and all its stakeholders, considering the fact that sustainable policies can also lead to growth and development. As a matter of fact, sustainability at Enel takes shape in the adoption, starting from 2015, of the Creating Shared Value (CSV) model. This is a model that, through a careful analysis of the context, makes it possible to integrate social and environmental factors into business processes and into the three phases of the value chain (Business Development, Engineering & Construction, Operation & Maintenance), generating opportunities and benefits for the Group, for the environment and for local communities. After the context analysis, according to the CSV model, the next step is to identify the different stakeholders mapping their needs. Furthermore, there is a risk, opportunities and priorities analysis followed by the execution of the CSV plan and its evaluation that eventually leads to a new context analysis and the repetition of this cyclical process. The Enel CSV Plan operationalisation with more details is available below in the chart that explains the entire process.

²⁰³ The 2017 Enel Sustainable Business Model is available for download at: <http://annualreport2017.enel.com/en/report-operations/sustainability/sustainable-business-model>

ENEL CSV Model



Source: Enel S.p.A., *Seeding Energies - Sustainability Report 2017*

3.2.2 Enel Green Power: leader in renewables and Sustainable Development

Enel Green Power (EGP) is the company in the group that deals with the generation of renewable energy and in which the concept of innovation reaches its maximum expression.

Enel Green Power, founded in December 2008, is the Enel Group company dedicated to the development and management of activities for the generation of energy from renewable sources at an international level. EGP is present in 30 countries in Europe, Africa, America, Asia and Oceania with more than 1200 plants (more than 100 of which

consolidated) and approximately 38 GW of managed capacity relating to the main renewable sources: wind, solar, hydroelectric, geothermal and biomass. With an annual output of around 86 TWh, the Company is able to satisfy the consumption of almost 200 million households and avoid the emission of more than 54 million tonnes of carbon dioxide into the atmosphere every year.

Enel Green Power plays a decisive role in the achievement of targets for the reduction of greenhouse gas emissions and the dissemination, on a global scale, of clean and accessible energy. One of the Enel Green Power's main objectives is sustainable development, and to do so it wants to pass through innovation and clean energy that comes only from renewable sources.

It is possible to emphasize how one of the underlying concepts of the company's industrial strategy is sustainability integrated into business, as explained in the previous paragraph. In the light of this specific vision it is possible to combine business and stakeholder needs, produce energy and at the same time reduce and mitigate environmental impacts, even if the path to achieving these traditionally conflicting and irreconcilable goals can be considered difficult.

EGP works to create shared value in contexts in which it is integrated with the aim of combining the pursuit of industrial objectives and the concrete contribution to the socio-economic development of territories through a long-term perspective and the construction of stable and positive relationships²⁰⁴.

According to the Chief Executive Officer and General Manager of Enel, Francesco Starace, Enel Green Power integrate “sustainability into its strategic vision in order to work innovatively, less and less in the logic of reaction to critical issues and more with a proactive approach”²⁰⁵.

²⁰⁴ The informations contained in this part of the chapter were obtained through the consultation of different websites such as: <https://www.enelgreenpower.com/about-us>, <https://www.enelgreenpower.com/it/paese-italia>, <https://www.enelgreenpower.com/about-us/a/2017/09/sustainability>.

²⁰⁵ The words of Enel CEO Francesco Starace can be found on: <https://www.enelgreenpower.com/about-us/a/2017/09/sustainability>

Every step of the company's work, as already mentioned above, is guided by the CSV model through the integration of work tools into the processes. The application of the CSV model has given rise to 'best practices', based on the different dimensions of sustainability. As it is stated in the Enel Green Power website in the section about sustainability²⁰⁶ there are three dimension of sustainability: environmental, social and governance. Each of them if defined as it follows:

- Environmental: the main objective is to support environmental protection at the various stages of the development process, paying attention to reducing impacts and developing the principle of circular economy;
- Social: the approach starts from the will of an accurate analysis of the contexts, to build and maximize the shared value;
- Governance: EGP's corporate governance model is based on international best practices and involves the adoption of instruments aligned with the requirements of the main sustainability indices.

Enel's constant commitment to sustainability has enabled it to be included in the most important sustainability indices, such as Dow Jones Sustainability, and to be admitted to the list of the Carbon Disclosure Project, the sustainable finance index most used by shareholders in the choice of companies that pay particular attention to the issue of climate change. This list includes those companies that have been selected out of more than 2000 participants for the effectiveness of their strategy to combat climate change. Its effectiveness has also been recognised by the 'Science-based target' initiative, promoted by some of the most important organisations on a global scale, such as: World Wildlife Fund, World Resources Institute, United Nations Global Compact. In this regard, the 2020 target, corresponding to a 25% reduction in greenhouse gas emissions compared to the base year, has been defined as 'Science-based', i.e. consistent with the international macro-objective of decarbonisation by 2050 and in line with the request of the scientific community to contain the increase in the average global temperature to below 2° C²⁰⁷.

²⁰⁶ The section on sustainability of the Enel Green Power website is available at: <https://www.enelgreenpower.com/about-us/a/2017/09/sustainability>

²⁰⁷ Cf. Enel S.p.A., *Seeding Energies - Sustainability Report 2016*.

The Company also actively participates in the main associations and organizations in the energy sector, promoting a model of growth and sustainable development, attentive to managing the challenges of climate change and socio-economic pressures, of particular interest to the sector. As an example, starting from 2014, Enel's Chief Executive Officer, Francesco Starace, is a member of the Advisory Board of Sustainable Energy for All (SE4ALL), an initiative launched by the United Nations in 2011 with the aim of promoting the development of renewable energy sources and ensuring their access on a global scale²⁰⁸. Afterward, in 2016 Enel joined the World Business Council for Sustainable Development (WBCSD), a global network of more than 200 companies committed to promoting the sustainable development of the business community in their respective countries. Likewise, the 'Corporate Carbon Policy Footprint' of InfluenceMap, published on September 2017, awarded the Company a place among the fifteen most virtuous multinationals in terms of environmental sustainability linked to climate change and able to positively guide the choices of governments in policies to combat climate change²⁰⁹.

Finally, the growing international attention on climate change is forcing the energy sector to consider the risks and opportunities associated with it. In this regard, the Company has launched a pilot project on production sites in Iberia and Latin America to assess the vulnerability and ability of assets to adapt to natural phenomena related to climate change, such as hurricanes. The policy responses to climate change can be of two different kind: mitigation and adaptation. While the former is connected to the efforts to reduce the greenhouse gas emissions and so it aims address the causes of climate change, the latter involve the efforts to reduce the risks connected to the consequences of climate change²¹⁰. In the case of Enel, the adoption of a strategy to adapt climate change that, through specific actions, is able to protect production assets

²⁰⁸ Further informations on Enel CEO Francesco Starace can be found on its website, available at: <https://www.francescostarace.it/en.html>

²⁰⁹ Cf. InfluenceMap, Report: *Corporate Carbon Policy Footprint*, September 2017.

²¹⁰ Further information on this distinction are available at: <https://www.theguardian.com/environment/2012/feb/27/climate-change-adaptation>

from the risks associated with this phenomenon, has enabled the Group to be included in the main international sustainability stock exchange indexes and to attract an increasingly large number of Social Responsible Investors in the last years²¹¹.

A key element of the Company's approach is the adoption of ESG (Environmental, Social and Governance) support indicators throughout the value chain, not only to report on the results achieved, but above all to anticipate decisions and develop a proactive attitude, in line with the United Nations' 2030 Sustainable Development Goals.

3.2.3 EGP's efforts and contribution to the achievements of the SDG goals

In September 2015, the United Nations launched the 17 Sustainable Development Goals (SDGs) to be achieved by 2030, inviting institutions and companies to adopt them and integrate them into business strategies. Enel responded to the United Nations invitation by identifying four priority objectives, indicating the quantitative results it intends to achieve and integrating the SDGs into its industrial strategy.

In particular, four out seventeen have a formal commitment, with precise timelines:

- SDG-4: ensure inclusive and equitable quality education and promote lifelong learning opportunities for all;
- SDG-7: ensure access to affordable, reliable, sustainable and modern energy for all;
- SDG-8: promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all;
- SDG-13: take urgent action to combat climate change and its impacts²¹².

²¹¹ See Enel S.p.A., *Seeding Energies - Sustainability Report 2016*.

²¹² Cf. United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, New York: United Nations, A/RES/70/1, 2015.

Enel has made significant progress with regard to its 2017-2020 Sustainability Plan²¹³, both in terms of ESG (Environmental, Social and Governance) performance and with regard to the commitments made in the SDGs listed above. Significant progress has been made in meeting commitments to the Goals:

- as far as SDG-4 is concerned, the target has been exceeded for 2020 on access to quality, inclusive and equitable education, reaching some 600,000 beneficiaries, against the objective of 400,000 beneficiaries by 2020;
- with regard to SDG-7, substantial progress has been made in providing access to clean and affordable energy, reaching 1.7 million beneficiaries in Africa, Asia and Latin America, compared to the target of 3 million beneficiaries by 2020;
- with regard to SDG-8 in terms of employment and sustainable and inclusive economic growth, the beneficiaries are currently 1.5 million, against the new target (compared to the initial 500 thousand) of 1.5 million by 2020;
- and with reference to SDG-13, progress has been made towards full decarbonisation.²¹⁴

Alongside all these important commitments of the Company, the engagement that Enel signed in 2015 is also exemplary as regards the promotion and achievement of women's empowerment. In this regard, in January 2015, Enel signed the Women Empowerment Principles (WEP), an initiative promoted by the United Nations Global Compact and United Nations Women, aimed at promoting gender equality by calling on companies to apply seven principles on the promotion of women in business²¹⁵.

Moreover, the key of numerous projects carried out by Enel in many countries in which it operates is to bring energy through women empowerment. According to the Enel's

²¹³ The strategic pillars of Enel's 2017-2020 Sustainability Plan are: 1. engaging the local communities; 2. engaging the people working with Enel; 3. aiming at operating efficiency and innovation; 4. decarbonizing the energy mix.

²¹⁴ See Enel S.p.A., *Seeding Energies - Sustainability Report 2017*. Available at: https://www.enel.com/content/dam/enel-com/governance_pdf/reports/annual-financial-report/2017/sustainability-report-2017-enel.pdf

²¹⁵ See United Nations Global Compact, United Nations Development Fund for Women, *Women's Empowerment Principles - Equality Means Business*, Available at: http://www.un.org/en/ecosoc/newfunct/pdf/womens_empowerment_principles_ppt_for_29_mar_briefing-without_notes.pdf

Head of Sustainability Projects and Practice Sharing, Maria Cristina Papetti, the way to ensure sustainable development and open communities to the growth, innovation and culture of diversity is to “bring energy to the most remote places on the planet, focusing on women.”²¹⁶

Ensuring universal access to electricity, produced in a sustainable, secure and affordable manner, is now recognised as a vitally important factor, not only for economic and social development, but also for gender equality and the possibility of growth, including economic growth, for women. Without access to energy, women and young girls have even less chance of approaching education and the world of work, having to spend a large part of their time on household chores. The possibility of using electricity, on the other hand, makes it possible to improve many aspects of women's lives in remote communities, increasing their participation in public life and increasing their political and economic influence.

3.3 The ‘Solar Mamas’: overview on the sustainable project

In this paragraph, it will be briefly presented a practical case study related to Enel Green Power and a non-governmental organization. It is a project that is connected, as it will also be explained in the next paragraph in more depth, with both of the concept already analyzed in this thesis in the previous two chapters. This case study consists in the analysis of a project developed by the Company in collaboration with Barefoot College that is particularly interesting in understanding how the creation of a successful model of interaction between Women Empowerment and Sustainable Development, applied concretely to rural communities of several least developing countries, can demonstrate that the two issues can and should, more and more, be connected and so how women empowerment can contribute to the achievement of most of the objectives of Agenda 2030 and therefore to a model of sustainable development.

²¹⁶ The words of Enel's Head of Sustainability Projects and Practice Sharing Maria Cristina Papetti can be found on: <https://www.enel.com/it/media/news/d/2016/05/sviluppo-sostenibile-la-gender-equality-nei-progetti-enel>

Barefoot College, founded by Sanjit Bunker Roy and located in Tilonia, is a non-governmental association that has been fighting since 1972 to make the world's most disadvantaged rural communities self-sufficient in an economically sustainable way.

The founder, in 1967, after having received an education in the schools of the Indian elite, found himself in rural Tilonia, Rajasthan, working as an unskilled labourer. This experience, that lasted for five years, changed completely the way Bunker Roy considered the formal education and paper-qualified degrees. Indeed, according to him, certified professionals were “paper experts without any practical experience.”²¹⁷ Later on, in 1972, Bunker Roy with a rural farmer from Tilonia, Meghraj, a young city graduate, started a collaboration and gave birth to the Barefoot College. After that the Barefoot College has been registered as the Social Work and Research Center (WSRC), started its operations. First of all, they inaugurated the Barefoot College's activity by conducting a survey of water supplies, but, later on, they enlarged their focus to other areas such as education, health, and handicraft, sustainability and how they could empower the rural women. In a brief period of time, the whole organization, from being only composed by economists, doctors, social workers, geologists, and etc., embraced also local people that started becoming a part of the collective decision-making process. So, from 1980, the successful model of the association has been defined: a community-driven leadership, that relying on rural wisdom and finding local solutions could tackle the problems of the community.

The founder, who in 2010 was included by the weekly Time in the ranking of the hundred most influential personalities of the planet²¹⁸, said that he was inspired by Mahatma Gandhi and indeed, the whole voluntary organization is inspired by the ideals of equality and sustainability. In the light of this, the main characteristic of the organizational setup of the association is that it is based on bottom-up approach, in the

²¹⁷ More about Sanjit Bunker Roy can be found at:
http://www.undp.org/content/dam/india/docs/human-development/BAREFOOT_COLLEGE_INDIA_PRESENTATION.pdf

²¹⁸ Under the heading ‘thinkers’ it is possible to find the name of Barack Roy, see *The 2010 TIME 100*. The article is available at:
<http://content.time.com/time/specials/packages/completelist/0,29569,1984685,00.html>

sense that all the activities are owned and managed by the whole community. So, it is possible to define it as a college managed by poor and for the poor. The College believes that for any rural development activity to be successful and sustainable, it must be based in the village as well as managed and owned by those whom it serves. Indeed, the whole activity of the voluntary association is to work, teach, learn and unlearn with the purpose of return to one's own community. Hence, all Barefoot initiatives whether social, political or economic, are planned and implemented by a network of rural men and women who are known as 'Barefoot Professionals'.

The efforts of this voluntary organisation focus on basic needs: water, health, education, energy, environmental regeneration and gainful employment building on existing skills, while enrolling individuals in the processes that govern their lives. In the regards of the energy area of interest, the solar activity of the College started in 1986 with a mission of electrifying undeveloped communities, which had no possibility to have neither light or power. So, this first initiative of the organization, focused on solar energy, has been considered to be one of the long series of successful sustainable projects. At the beginning, it started with the formation of the so-called Barefoot Solar Engineers (BSE), semi-literate and uneducated Indian men and women, later on the College move to train only illiterate or semi-illiterate women from small rural communities coming from India and around the world. As a matter of fact the method adopted places trust in women as natural educators within a whole rural community.

Roy explained that, with an anti-academic approach, by using for example puppets, colors and sign language, and just by "learning by doing", his college is the only one where diplomas are not awarded, but the only final diploma is the one that women engineers will teach to their community; in fact, he points out that only at the Barefoot College a women, without ever having studied, can be able to become an engineer. Indeed, it is possible to affirm as the whole approach of education and training entirely challenges the supposition of formal education.

Following are reported some testimonies of women who participated in the Solar Mama project, confirming the uniqueness of the whole project idea:

“I never thought I could do anything. My life revolved around planting corns and cassava, I only studied till class six you know, I don’t read or write much. I had no idea what a solar panel is or that sun can bring electricity. I was surprised to even discover a solar lamp when I first came here. But now I can fix a solar light.”²¹⁹

“I thought I would never be able to understand anything – let alone be able to do it on my own. I didn't even know that we could use the sunlight to light up our homes at night ... I was as amazed as the other villagers.”²²⁰

“People here are poor too. But they are using their hands to make their lives better. I want to go back home and teach people to use their hands. If I can learn at this age, so can anyone.”²²¹

In order to realize the projects and initiatives conceived by the non-governmental organization, it is crucial the role of funds that the College receives from both national and international funding agencies, which involve both government and non-government sectors. The projects include several important sectors that need to be supported by a financial point of view in order to realize the whole activities. For example the Ministry of External Affairs of the Indian government provides the funding for international solar training, or the Ministry of New and Renewable Energy, provides

²¹⁹ These words are the testimony of a just one of the numerous women that enjoyed the possibility to become a Barefoot Solar Mama, she is Florentine and came from Belize. More can be found at: <https://www.synergiesolaire.org/en/projet/solar-training-center-for-women-and-electrification-of-their-villages/#testimonial>

²²⁰ These words are the testimony of a just one women that enjoyed the possibility to become a Barefoot Solar Mama, she is Santosh and came from Rajasthan, India. More can be found at: <https://www.theguardian.com/global-development/2011/jun/24/india-barefoot-college-solar-power-training>

²²¹ These words are the testimony of a just one women that enjoyed the possibility to become a Barefoot Solar Mama, she is Matildah Chikwata, 43 and came from Zimbabwe. More can be found at: <https://www.theguardian.com/global-development/2011/jun/24/india-barefoot-college-solar-power-training>

for indian solar training; the Dalai Lama Trust provide general donations; while the department of UN Women, UNDP, One United National, or the Barr Foundation, Enel Green Power, etc., provide funds for solar equipment and training of the participants of the projects based all over the world²²².

Every year more than sixty illiterate, semi-illiterate and uneducated women, mothers and grandmothers between 35 and 50 years old, from rural and underdeveloped communities of India and eighty women coming from other remote villages of other countries arrive to Tilonia, in Rajasthan, northwestern state of India, and start the six month solar engineering training program. They are called the ‘Solar Mamas’, the solar grandmothers. Indeed, it is possible to consider the result of the solar training of those women and the consequent electrification as an exemplar and multiform contribution to the poverty alleviation, empowerment of women and protection of environment.

Hence, at the NGO women learn how to fabricate sophisticated charge controllers, invertors, LED solar lanterns, establish a Rural Electronic Workshop (REWs) and install fixed solar systems in individual houses. With the REW in every solar electrified village, the Solar Mamas carried out all repairs and maintenance, so that after six month they become ‘Barefoot solar engineers’, and back to their villages they can install the panels and turn on the light for the whole community. It is important to underline the fact that this light will mean new perspectives, new style of life, safe and clean habits, and especially development. Moreover, these communities can be considered as the example of the first technically and financially self-sufficient solar electrified villages in the world.

The success of the project is based on the partnerships and collaborations established between the various governmental and non-governmental agencies and the communities that joined the solar electrification. The essence of the success of the several initiatives that enabled the solar program to reach the least developed, rural and marginalized realities in developing countries is the capacity of the College to bring together different

²²² More informations about the funding agencies and the structure of funds received by the Barefoot College are available at:
http://www.undp.org/content/dam/india/docs/human-development/BAREFOOT_COLLEGE_INDIA_PRESENTATION.pdf

partners, such as the business sector, multilateral organizations, government agencies and private actors, having as common purpose the sustainable development.

The poorest villages around the world are, indeed, affected by four main issues: poverty, pollution, access to clean water and energy and gender inequality²²³. In front of these severe difficulties, among the several important solutions that government, international actors, non-governmental organizations engage, women should and could be considered as part of these solutions always more frequently. Women's voice, potential and resources are now more and more used as means to inspire and transform. This approach is based on empowering women model and releasing their potential, and this inspired the cooperation that Enel Green Power decided to start with the Barefoot College, strong of the numerous successful proofs of the already completed projects.

So, in 2012 Enel Green Power started the collaboration with the Barefoot College, and also with local NGOs, Rural electrification Offices and local departments of the United Nations Development Programme and of the United Nations Women, for the “Enabling Electricity” project, a medium-long term programme aimed at reducing the energy divide in rural areas of Latin America²²⁴. The collaboration between Enel Green Power and the Indian NGO can be taken as an example of the commitment that the Company is pursuing to the ultimate goals of Sustainable Development and a model of sustaining and creating development in a concrete and measurable way since 2012. Enel Green Power has been a partner of Barefoot College, first only in Latin America and then also in Africa, in the training of specialized professionals able to provide their rural communities with energy produced from renewable sources.

The pioneer project involved illiterate women coming from isolated and poor villages without access to electricity in Peru, Chile, Guatemala, México, Colombia, El Salvador, Brasil, Ecuador, Panamá. These women have spent six months in the North of India, at the Barefoot College, to learn how to install and maintain small photovoltaic systems.

²²³ More details can be available at: UNDP Global Environmental Finance Unit, *Annual Performance Report* 2017. <http://www.undp.org/content/undp/en/home/librarypage/poverty-reduction/global-environmental-finance/2017-undp-gef-annual-performance-report.html>

²²⁴ More informations about the EGP initiative can be found at: <https://www.enel.com/it/media/news/d/2014/01/enabling-electricity-brucia-le-tappe>

Following the trip to India they return to their homes as solar technicians and lead their activity using photovoltaic kits provided by Enel Green Power, and bring light, development and work to the areas. Furthermore, Enel assists women and grandmother until they arrive in India (visas, passports, transport, etc.), then donates the solar panels and monitors the project for five years, in collaboration with local NGOs. In each community, a ‘solar committee’ is created to analyse the energy costs saved by each family and create a cash fund that will be used to pay for ‘solar mamas’, also for maintenance, and to purchase spare parts. The goal is the sustainability of the community, as already stated, its full self-sufficiency: the experience circulates, the benefits multiply, the process of stable access to clean energy accelerates and the life of the whole community changes.

Moreover, Enel Green Power has the policy of creating value for the communities in which it operates²²⁵. Indeed it is possible to underline, on one hand, there has been the creation of important and primary values for the stakeholders, such as the access to electricity, energy cost savings but also the generation of new job opportunities and local socio-economic development predominantly for women thanks to female empowerment. On the other hand, Enel has also enjoyed the creation of significant values, such as, for example: experience of the application of the CSV model in different contexts of isolated and rural areas besides the achievement of the access to Electricity SDG goal and the Empowerment of women SDG goal.

In the light of this, the whole project is to be considered a small revolution. The entire collaboration is exemplary because, according to the Head of sustainability of Enel Green Power, Antonella Santilli, the difference with traditional philanthropy lies in the fact that, recognizing the need and importance of promoting access to energy even for the most rural and backward communities of the territory, rather than just donating solar panels to the villages, with the risk of creating real technological cemeteries over time, “the goal here is to make the local communities self-sufficient through empowering

²²⁵ The section on shared value for sustainable development of the Enel Green Power website is available at: <https://corporate.enel.it/en/media/news/d/2016/11/shared-value-for-sustainable-development>

women. This is why we train more mature women: because they will go back to their villages'²²⁶.

²²⁶ The words of Enel Green Power Head of Sustainability Antonella Santilli can be found on:
<https://www.enel.com/stories/a/2018/04/energy-solar-with-barefoot-college-and-enel-also-in-africa>

3.4 Progresses of the project and possible future development: a benchmark for the future?

An analysis of the progresses of the project can be found inside the Three-Year Strategic Focus (2015-2018) of the Barefoot College. Since 2012, the project involved 41 communities in cooperation with 10 local NGOs, impacting more than 19 thousand people who benefited from the electrification promoted by the project with the installation and distribution of more than 3.500 solar kits. Over time, the project has evolved and, since 2016, has also landed in Africa: thanks to Enel, five Masai women in Kenya have been trained in India. The Company also helped to build and set up a training centre in Tanzania. An absolute novelty for the project: up to 2014, the training has taken place only in the homeland of Bunker Roy, the Indian founder of the Barefoot College.

The global impact and success of the Barefoot Gandhian model resulted in the Ministry of External Affairs and the Ministry of New and Renewable Energy of India approving the establishment of Barefoot Vocational Training Centres in Senegal, Burkina Faso, Liberia, Madagascar and Zanzibar. Precisely in Zanzibar, with the approval by the Government to establish a training centre, in August 2015 has been inaugurated by the President of Zanzibar the Barefoot Training Centre for women solar engineers²²⁷.

In the light of the manifest successes coming from the application and adoption of the Barefoot model of women empowerment, during the years the Barefoot College has signed several Memorandum of Understandings with major United Nations organisations, such as United Nations Women, United Nations Educational, Scientific and Cultural Organization and the Global Environment Facility Small Grants Programme of UNDP²²⁸.

²²⁷ Further informations can be found inside the India Perspectives, Vol. 30, Is. 5, September-October 2016 available at: https://issuu.com/indiadiplomacy/docs/india_perspectives_september_octobe

²²⁸ See Barefoot College, Three-Year Strategic Focus (2015-2018), *Powering the future we believe in*, Rajasthan, India, 2015. Available at: <https://www.barefootcollege.org/wp-content/themes/barefoot-college/download/strategic-plan.pdf>

Moreover, a massive international support from philanthropy foundations, such as Coca Cola, Apple India, Cartier, Oak Foundation, etc., has defined the enormous endorsement to the Solar Mamas model.

This project can indeed be considered as capable of combining both renewables and social progresses: on the one hand it promotes the emancipation of women in culturally and economically disadvantaged realities and on the other it promotes the use of clean sources, allowing remote villages to have access to electricity.

Moreover, this is part of a network of other projects that Enel Green Power founds or promotes. EGP, with the numerous projects completed in recent years, has given access to electricity to more than one million people and expects to double this figure in the next three years, through the Enabling Electricity program. More than one billion people in the world do not have stable access to electricity and this precludes them from opportunities that are taken for granted in most developed countries²²⁹.

In particular, this collaboration between Enel Green Power and the Barefoot College is a simple and revolutionary example of how to make the inconceivable possible: contributing to the common good of people living in regions of the Earth often considered irreparably excluded from development and contributing to the achievement of a worldwide sustainable development.

It is also important to underline that this project has represented a unique case study in this work for many different reasons.

First of all, it is a project that combines the idea of the importance of sustainable development with the need to improve women conditions and empower them. These two concepts, largely analysed in the previous chapters, are indeed connected between each other and empowering women can also be a driver for the process of reaching and improving a sustainable development.

Another reason why this project represents an important case to analyse is also related to the fact that in the previous chapters the focus was mainly on the legislative level,

²²⁹ See International Energy Agency, International Renewable Energy Agency, United Nations Statistics Division, World Bank Group, World Health Organization, *Tracking SDG-7: The Energy Progress Report 2018*, Washington DC, 2018. Available at: https://trackingsdg7.esmap.org/data/files/download-documents/tracking_sdg7-the_energy_progress_report_full_report.pdf

with Constitutional and laws comparisons and examples of policies in those areas. A project such as the one presented for this case study is a practical project created by the joint efforts of both an NGO and a private company: next to the steps and progresses that are being made in the legislative sector by the legislators, for examples including the concepts in the Constitution or improving women conditions with the implementation of laws and policies connected with women's rights, projects such as the one analysed in this chapter also represent a way to reach new progresses in these areas.

Moreover, this project testifies also the importance of the support of the private sector, given that Enel is a private company (with all the clarifications already explained in this chapter). Public and private sector can work together towards the improvement of women's conditions and a sustainable development: the joint efforts coming from these kinds of projects and the legislative sector can, indeed, lead to more effective improvements.

A fundamental impact of this project in this sense is the change produced considering the 'social status' of the women. While it is most certainly important that becoming 'engineers', in this particular case Barefoot Solar Engineer, results in them being more self confident and empowers them, what makes this project unique is also the fact that the women become part of the decision making process and earn the respect of their local communities for their newly learned skills and capabilities.

Not only that, this project is also a platform that women use to exchange different kinds of notions and knowledge considering the fact that their birth or origin countries are different between each other: they can learn from each other far more notions that those already taught during the project itself.

Another point to take into consideration is the fact that they learn a new language, also with technicals terms, that they can reuse in other circumstances once they go back to their local communities. This is another skill that this project allows women to learn which can result in being very valuable back home.

Lastly, women change their 'social status' also because when they go back to their communities they have new leadership roles that they did not have previous to the

project: this new position empowers both them personally and the other women of the communities that now have a normalized female leadership role model to look up to.

A question that remains now open is whether this can represent a benchmark reusable under other circumstances and whether this project can constitute a positive and successful model useful to recreate.

Lauren Remedios, the Director of the Friends of Barefoot College²³⁰, an American-based organization that promotes and helps the Barefoot College project, stated that:

«the approaches of Barefoot, best practices, and lessons learnt can be easily replicable and generalized since these activities and philosophes are participatory, self-reliant, sustainable, and simple»²³¹.

While it is most certainly true that the model of this project could be easily recreated because of the way it is structured it is also important to underline the fact that it needs fundings, collaboration between the private and public sector and cooperation at different levels. An important progress that has been made in this sense is the creation of a network of 14 grassroots rural organizations that are independent from each other but that work together and collaborate. The SAMPDA network²³² is the result of the collaboration of these 14 rural organizations and the role of the Barefoot College in the SAMPDA is to connect the organizations with both government and funding agencies. The organizations part of the network meet during seminars or workshops to exchange informations around the different projects they have and their results, risks and opportunities: it a way to improve the projects and include possible positive improvements.

²³⁰ More informations about the American-based organization Friends of Barefoot College can be found on their website: <http://fobc-usa.org>

²³¹ The declaration of Lauren Remedios, the Director of Friends of the Barefoot College, can be found at: http://www.undp.org/content/dam/india/docs/human-development/BAREFOOT_COLLEGE_INDIA_PRESENTATION.pdf

²³² The composition of the SAMPDA network can be found at: <http://www.barefootsara.org/sampada-network.php>

Projects such as the one analysed in this paragraph are initiatives that promote the empowerment of women and that revolve around the women themselves. In addition to this, the project is also connected to the energy sector which is, as already analysed, a rapidly changing sector which needs new and innovative ideas in order to promote sustainable development: given the results of the project itself, the role of women in this appears be very important if not fundamental. Future development of these kind of projects that revolve around both sustainable development and empowering women need to see the cooperation of both activists and women rights organisations.

However, that might not be enough and what is needed is that policies and actions, coming from the government, that are about those two different topics (sustainable development and women empowerment), to align and relate. Gender, the role of women and their rights need to become a well-integrated part or component of policies related to sustainable development in order to ensure better results and improvements in both fields. It is also clear that there is a need for efforts coming both from a national and international or global level: starting from the rights to be included in the Constitutions to international instruments providing a legislative frame that, working together and alongside with projects such as the Barefoot College, could result in tangible and concrete improvements both in women's conditions and in the implementation of a sustainable development for the society.

Conclusion

The propensity of man to improve his own living conditions, and to challenge the knowledgeable to the spasmodic search for an anthropocentric dimension, characterized by dominion over all and over everything, is a fundamental element of human history²³³. Its evolution, characterized by such behaviour, has led, however, to the subjugation and the total exploitation of everything that surrounds it: the environment. Mankind has exploited its riches, has upset its rules, and has damaged its balance in order to adapt it to its own growing needs, at times going too far²³⁴. Having caused a physiological alteration of the existing balances, the price of such an attitude is very high, for all the effects that this entails, and this requires how it is necessary to intervene properly as soon as possible, and on several fronts; however, this must not be at the expense of progress and development that can be enjoyed by all. It is within this dynamic that the innovation of the concept of Sustainable Development can be placed, the object of study examined through this thesis: innovation that can involve at the same time, real and lasting development, a less onerous sacrifice for the environment and advantageous from an economic, social and cultural aspects.

Over the years, it has been shown how this type of development can coexist with growth if we understand it as an increase in economic levels that takes place within the limits of ecological possibilities, the ecosystem and its ability to meet the needs of current generations in the South, North, East and West of the world and future ones. The path to arrive at metabolizing the idea of development in a way compatible with the limits imposed by nature has not been easy, nor has it been arduous, rich in cultural and political impulses and drastic steps backwards. In fact, in order that the concept of sustainable development was accepted, the first step was the rethinking of the economic model, which considered the limit as an irreplaceable variable, as well as being structured to promote a more efficient distribution of income, in order to mitigate the inequalities between rich and poor countries and, within the same country, between

²³³ See Pellegrino G., Di Paola M., *Nell'antropocene. Etica e politica alla fine di un mondo*, DeriveApprodi, 2018.

²³⁴ Cf. Diamond J., *How Societies Choose to Fail or Succeed*, Viking, New York, 2004.

different social strata of the population. In this context, the concept of sustainable development ceases to be an issue in itself, but becomes the heart of future economic and social action. If sustainability integrates and achieves a better quality of life, an efficient distribution of income, respect for the environment and for future generations, it will be clear that the conceptual difference between development and sustainable development will disappear.

The basic idea is that sustainable development must play a fundamental role in political agendas, and in programmes that responsibly set out to create a better society, more civil because it respects nature and future generations, firmly convinced that man's mission is to give a concrete response to all those problems that prevent him from progressing, not only economically, but also socially, culturally and in other words, as a man who aspires to civil coexistence and the search for a personal and collective happiness.

The starting point is connected to the fact that a process of achieving a sustainable development cannot leave concrete actions, political initiatives, legislative interventions out of consideration if the expected results are to reduce or eliminate the economic, legal, social and cultural discriminations. In particular, sustainable development and the empowerment of women are two concepts that were deeply analysed by the literature especially in the last years in many different fields of study: thanks to the efforts of several historians, lawyers, philosophers, sociologists, economists and scholars of the natural sciences, the literature has been giving a growing attention to two main fundamental topics in their own field of research and came to the major discovery that development is sustainable only if it includes a balanced perspective of the gender contribution to its maintenance²³⁵.

Therefore, in this thesis has been developed a research that deeply analysed the concept of Sustainable Development and Women Empowerment, answering to the two different research questions: (1) What is the relationship between the principles and concepts of Empowering Women and Sustainable Development? (2) Can concrete projects such as

²³⁵ Cf. Braidotti R., Charkiewicz E., Husler S., Wieringa S., *Women, the environment and sustainable development: towards a theoretical synthesis*, Zed Books Ltd, London, 1994; OECD, *Gender and Sustainable Development: Maximising the Economic, Social and Environmental Role of Women*, 2008.

the Barefoot College with Enel Green Power be models for cooperation between public and private sectors also aiming to reconnect sustainable development with women empowerment?

In the light of the analyses provided in the first and second chapter, it has been possible to answer to the first research question. Thanks to the constitutional analyses of both the concept of Sustainable Development and Gender Equality, and the description of practical examples, it has been possible to highlight the veiled but fundamental relationship between women empowerment and sustainable development. Indeed, the achievement of Gender Equality is a fundamental goal in its own right but also represents a pivotal factor for each aspects of development, specifically: sustainable economic growth, social development and environmental sustainability²³⁶. The attainment of a sustainable development that guarantees the same interests of women and men, taking them into account in the allocation of resources, is deeply influenced by the provision of equal opportunities to women and men. Gender equality is not only a fundamental human right, but the necessary condition for a prosperous, sustainable and peaceful world²³⁷. Indeed, ensuring equal access for women and girls to education, health care and decent work, as well as representation in political and economic decision-making processes, will promote sustainable economies, from which societies and the whole of humanity could benefit.

Furthermore, thanks to the practical case study that has been presented in the third and last chapter, it has been possible to answer to the second research question of the whole analysis. Indeed, the collaboration between Enel Green Power and the Barefoot College is a simple and revolutionary example of how to make the inconceivable possible: contributing to the common good of people living in regions of the Earth often considered irreparably excluded from development and contributing to the achievement of a worldwide sustainable development. The project combines the idea of the importance of sustainable development with the need to improve women conditions and

²³⁶ OECD, *Gender and Sustainable Development: Maximising the Economic, Social and Environmental Role of Women*, 2008.

²³⁷ Cf., Hudson V., et al., *Sex & World Politics*. Columbia University Press, 2014.

empower them. These two concepts, are indeed connected between each other and empowering women can also be a driver for the process of reaching and improving a sustainable development. Moreover, a project such as the one presented for this case study is a practical project created by the joint efforts of both an NGO and a private company: next to the steps and progresses that are being made in the legislative sector by the legislators, for examples including the concepts in the Constitution or improving women conditions with the implementation of laws and policies connected with women's rights, projects such as the one analysed also represent a way to reach new progresses in these areas. Moreover, this project testifies also that public and private sector can work together towards the improvement of women's conditions and a sustainable development: the joint efforts coming from these kinds of projects and the legislative sector can, indeed, lead to more effective improvements.

Gender, the role of women and their rights need to become a well-integrated part or component of policies related to sustainable development in order to ensure better results and improvements in both fields.

In conclusion, it has been also highlighted that there is a need for efforts coming both from a national and international or global level: starting from the rights to be included in the Constitutions to international instruments providing a legislative frame that, working together and alongside with projects such as the Barefoot College, could result in tangible and concrete improvements both in women's conditions and in the implementation of a sustainable development for the society.

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Summary

Introduction

The propensity of man to improve his own living conditions, and to challenge the knowledgeable to the spasmodic search for an anthropocentric dimension, characterized by dominion over all and over everything, is a fundamental element of human history²³⁸. Its evolution, characterized by such behaviour, has led, however, to the subjugation and the total exploitation of everything that surrounds it: the environment. Mankind has exploited its riches, has upset its rules, and has damaged its balance in order to adapt it to its own growing needs, at times going too far. Having caused a physiological alteration of the existing balances, the price of such an attitude is very high, for all the effects that this entails, and this requires how it is necessary to intervene properly as soon as possible, and on several fronts; however, this must not be at the expense of progress and development that can be enjoyed by all. It is within this dynamic that the innovation of the concept of sustainable development can be placed, the object of study examined here: innovation that can involve at the same time, real and lasting development, a less onerous sacrifice for the environment and advantageous from an economic, social and cultural aspects.

The ‘Transforming Our World: 2030 Agenda for Sustainable Development’ was approved by the UN General Assembly on the 25 September of 2015 and it contains 17 shared goals divided into 169 objectives. Among those goals there is no poverty, zero hunger, good health and wellbeing, gender equality, climate action, reduce inequalities, partnerships for the goals and so on. The starting point is connected to the fact that a process of achieving a sustainable development cannot leave concrete actions, political initiatives, legislative interventions out of consideration if the expected results are to reduce or eliminate the economic, legal, social and cultural discriminations.

In particular, sustainable development and the empowerment of women are two concepts that were deeply analysed by the literature especially in the last years in many

²³⁸ See Pellegrino G., Di Paola M., *Nell'antropocene. Etica e politica alla fine di un mondo*, DeriveApprodi, 2018.

different fields of study: from historians to lawyers, from philosophers to sociologists, from economists to scholars of the natural sciences, the literature has been giving a growing attention to those topics in their own field of research.

This thesis, with a comparative law perspective, aims to answer two different research questions: (1) What is the relationship between the principles and concepts of Empowering Women and a Sustainable Development? (2) Can concrete projects such as the Barefoot College with Enel Green Power be models for cooperation between public and private sectors also aiming to reconnect sustainable development with women empowerment?

In order to do so, the entire thesis was divided into three different chapters each analysing one of the aspects included in the two research question: the Sustainable Development, the Empowerment of Women and the case-study of the Barefoot College project in cooperation with Enel Green Power.

Chapter 1. The concept of Sustainable Development: a Constitutional Perspective

In the first chapter, via a constitutional perspective, the concept of Sustainable Development is analysed in depth. The starting point of the chapters are the origins of the concept of Sustainable Development. In this paragraph it was analysed the historical evolution of the concept of Sustainable Development starting from the clarification of the distinction between the three types of Development because the meaning of the term depends on the context in which it is used.

We can distinguish three types of development:

- the social development, which means an improvement in the quality of life of people living in certain geographical areas or belonging to certain social groups, and greater participation by these people in the decisions taken for their future;
- the development of the physical environment in which planning and the presence of emerging expectations and capabilities are key objectives, as there is a belief that the built environment will be able to meet these expectations. The

fundamental objective of land use planning is to build structures in harmonious and functional relationship with the environment;

- and the economic development that still today has different meanings, for some indicates economic growth, growth in production, consumption, average annual income, while for others improvement in the living conditions of the population as a result of the lack of misery and improved distribution of income.

Precisely in the light of the distinction of the concept of development, it is possible to highlight that the taking root of the concept of sustainable development has been the result of the connection of the different meanings of development and of a variety of causes and concauses well intersected with each other.

Over the years it has been shown how this type of development, a sustainable one, can coexist with growth if we understand it as an increase in economic levels that takes place within the limits of ecological possibilities, the ecosystem and its ability to meet the needs of current generations in the South, North, East and West of the world and future ones.

The path to arrive at metabolizing the idea of development in a way compatible with the limits imposed by nature has not been easy, nor has it been arduous, rich in cultural and political impulses and drastic steps backwards. In fact, in order that the concept of sustainable development was accepted, the first step was the rethinking of the economic model, which considered the limit as an irreplaceable variable, as well as being structured to promote a more efficient distribution of income, in order to mitigate the inequalities between rich and poor countries and, within the same country, between different social strata of the population²³⁹. In this context, the concept of sustainable development ceases to be an issue in itself, but becomes the heart of future economic and social action.

In this sense, the uncontrolled economic growth of the XX century resulted, starting from the 60s, in this ideology connected to the research of economic well being balanced with the attention of the ecosystem and the environment surrounding man. In

²³⁹ Cf. Forrester J. W., *World Dynamics*, Productivity Press, Portland Oregon, 1970.

addition to that, the works of Boulding and Carson²⁴⁰ were used to demonstrate that there were new cultural and social ferments that led to a new way of looking at the Earth and the environment, connecting also, with the work of Georgescu-Roegen, the environmental problems to economic aspects²⁴¹. Other studies such as the ones of Forrester and Meadows were analysed connected to need of finding new development models.

Hereafter, it was necessary to analyse the birth of the concept of Sustainable Development starting from the International context to the Constitutional orders. In doing so it was firstly analysed the contribution of scientific environmentalism to the perception of environmental risk through a literature review including works such as the ones of Luhmann, Pellizzoni, Rosa, Beck. After that it was underlined the importance of the first major international conferences of the United Nations with an historical excursus starting from the Conference in San Francisco in 1945 to the Brundtland Report in which it was introduced for the first time the organic definition of the concept of sustainable development. The thesis continues with the study of the Rio de Janeiro Conference and the local dimension of sustainable development promoted by Agenda 21. The last emphasis is on the Sustainable Development Goals and Strategies for the New Millennium.

Furthermore, the concept of Sustainable Development is analysed under a comparative constitutional approach, considering it as a new constitutional 'key concept', which like sovereignty, democracy, rule of law, equality or freedom, imposes itself on the attention of constitutionalists²⁴². In this sense, the principle of Sustainable Development needs to be interpreted, balanced and applied.

²⁴⁰ Cf. Carson R., *Silent spring*, Mifflin, Boston, 1962.

²⁴¹ See Georgescu-Roegen N., *The entropy law and the economic process*, Harvard University Press, Cambridge MA, 1971.

²⁴² Cf. Bosselmann K., *The Principle of Sustainability. Transforming Law and Governance*, London, 2008, 64.

The concept of Sustainable Development places the need to focus on the possible convergences between man and nature, according to the relationship in which neither the two point of reference is absorbed by the other.²⁴³

Indeed, the 'Brundtland Report', which introduced for the first time an organic definition of the concept, defined it as: «the development that meets the needs of the present without compromising the ability of future generations to meet their own needs».²⁴⁴

It is important to recognise that economic development and growth bring collective benefits that can only be appreciated if they contribute to improving the quality of life, i.e. if they are 'sustainable for the environment', which, in turn, is essential for human existence.

This orientation invites to reflect on the need for the people of the present time to preserve the environment, as they are aware that they are only temporary custodians of a heritage that must be passed on to those who come after them. This consideration had been translated into legal form by constitutionalism with reference to the 'rights of future generations'. Some of the findings of the analysis in these paragraphs are linked to the fact that since in the very idea of constitutionalism is inherent a sort of progression of peoples towards conditions of well-being, the notion of sustainability in constitutional law is closely connected to intergenerational responsibility.

Moreover, the concept of sustainable development that emerged from the report 'Our Common Future', is essentially based on the concept that economic growth must necessarily be commensurate with the rights of future generations, and from this it follows that, through the Rio Declarations²⁴⁵, whenever reference is made to the sustainability of development, an implicit reference to the rights of future generations

²⁴³ Cf. Lombardi G., *Iniziativa economica privata e tutela dell'ambiente*, in C. Murgia (edited by), *L'ambiente e la sua protezione*, Milano, 1991, 260-261.

²⁴⁴ Cf. World Commission on Environment and Development, *Our Common Future - Brundtland Report*, Oxford University Press, Oxford, 1987.

²⁴⁵ Cf. United Nations Conference on Environment and Development, *Agenda 21, Rio Declaration, Forest Principles*, 1992, Principle 3 states that «[t]he right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.»

follows. At this point, there are countless pieces of legislation that would guarantee these rights, both at national and at Community level, but even if the rights of future generations are explicitly mentioned, there is no lack of examples of both.

To conclude this first chapter, it was conducted a practical comparative analysis based on the Constitutions of different countries. The starting point was a research made by Groppi on 193 countries and their Constitutions analysing whether the concept of Sustainable Development is actually present within the constitutional guidelines of the various countries and consequently accepted and pursued. After that, with a website that allows you to compare Constitutions and searching for keywords, in this last part there were presented the results of personal data coming from the analysis of the presence of Sustainable Development in the Constitutions of different countries with a focus on the European context and the Latin American situation.

This empirical research has proved to be extremely useful in the ultimate aim of understanding whether the concept of sustainable development is actually present within the constitutional guidelines of the various countries and consequently accepted and pursued. Following the outcomes of the research, mentioned above, it is possible to state that actually only 54 of them use the noun 'sustainability' or, more frequently, the adjective 'sustainable'. Furthermore, it has been possible to underline how the new concept, even if not explicitly present, is however include and in reference to the different aspects of society.

Chapter 2. Women as “Agents of change”

In the second chapter it is presented an analysis of the concept of Gender Equality.

The achievement of Gender Equality is a fundamental goal in its own right but also represents a pivotal factor for each aspects of development, specifically: sustainable economic growth, social development and environmental sustainability. The attainment of a sustainable development that guarantees the same interests of women and men, taking them into account in the allocation of resources, is deeply influenced by the provision of equal opportunities to women and men. Gender equality is not only a

fundamental human right, but the necessary condition for a prosperous, sustainable and peaceful world²⁴⁶. Indeed, ensuring equal access for women and girls to education, health care and decent work, as well as representation in political and economic decision-making processes, will promote sustainable economies, from which societies and the whole of humanity could benefit. Through data, statistics, projections and case studies, the United Nations Agency has shown that for the achievement of almost every single Target of the Objectives of Sustainable Development, the position of women, girls and elderly people is fundamental for the construction of fairer and more inclusive societies and stable and lasting economic growth.

It is intended to study how women as ‘agents for change’ and so are recognized in the field of social and international issues. The chapter moves from a constitutional analysis based on the concept of equality, highlighting the veiled but fundamental relationship between women empowerment and sustainable development. Although the former is considered a concept in evolution, it is necessary to consider it as a fundamental contribution oriented to the achievement of sustainable development. The analysis proposed in this second chapter is also important in order to frame theoretically the second concept of the first research question of the thesis.

This paragraph stems from the idea that there is the need to analyse women's rights separately by virtue of the fact that even today, although in an undoubtedly different manner from in the past, an unfair condition of asymmetry of power between the genders still persists.

Starting from an analysis of the principle of equality, which has its roots in modern constitutionalism, has been point out in detail that the concept of equality cannot be understood only in a rigid and formal sense²⁴⁷. Indeed, from the eighteenth century, constitutionalism brought the promise of a new basis of legitimacy for the political order based on equality. At the same time, the Constitutions, as documents of a historical nature, were conceived by their respective founding fathers with the aim of reflecting and guaranteeing what these men considered to be the natural and pre

²⁴⁶ Cf. Hudson V., et al., *Sex & World Politics*. Columbia University Press, 2014.

²⁴⁷ Cf. Baines B., Rubio-Marín R., *Toward a Feminist Constitutional Agenda*, in *The Gender of Constitutional Jurisprudence*, Cambridge University Press, 2005.

political social order. The idea that there were two separate legal spheres, the public one, centred on civil society, the market and the state apparatus - understood as the sphere in which the modern promise of egalitarianism would have explain its effects - and the private one, based on a family model whose linchpin was her husband, which was entrusted with the task of guaranteeing its economic support - a juridical sphere where nature and biology would continue to form the model of reference - was simply accepted as an element of the material Constitutions, or superstructure, of the societies of the time, which entrusted women with the role of reproducing and caring for the family.²⁴⁸ It is precisely the explicit challenge to this deontic tradition - linked to the separation of the public and private spheres - that wanted the men protagonists of the first, and the women relegated to the second - that has given rise to the gender constitutionalism of the new millennium.²⁴⁹

In fact, with the beginning of the 21st century, lively constitutional challenges have emerged all over the world, which have called into question the traditional distinction between public and private law, and have become part of various debates such as, for example, same-sex marriages and civil unions, which challenge the heteronormative nature of the institution of marriage; the adoption of gender quotas in Parliaments and works councils with the aim of seeking a massive incorporation of women into key roles in the management of the public sphere; as well as, more recently and in a revolutionary way, there have been changes that question the persistence of a distinction in gender roles and that emphasize the enhancement and distribution of responsibilities within the family.²⁵⁰

Indeed, considering the Italian Constitution as an exemplary model, followed the analysis of the democratic principle of equality, in all its essence.

²⁴⁸ Cf. Baines B., Rubio-Marín R., *Toward a Feminist Constitutional Agenda*, in *The Gender of Constitutional Jurisprudence*, Cambridge University Press, 2005.

²⁴⁹ See Ruiz B.R., Rubio-Marín R., *De paridad, igualdad y representación en el Estado democrático*, *Revista española de derecho constitucional*, 2007.

²⁵⁰ Cf. Rubio-Marín R., *The (dis)establishment of gender: Care and gender roles in the family as a constitutional matter*, Oxford University Press, 2016, 789-790.

Moreover, it has been demonstrated how the revolution pledged by gender equality has not yet taken place completely and that even today women need protection measures, targeted interventions that can lead the legal, institutional and social system to equality. Therefore, precisely to combat this situation of gender inequality, many States have resorted to the so-called 'positive actions' that, according to the definition given by European law and the Court of Justice of the European Union, have the purpose of eliminating the disparities, in fact, to which women are subjected during their lives²⁵¹. Hence, the positive actions has been taken as examples of practical commitment of public policies on women empowerment, and confuted in the successive paragraph. In this regard, after having provided a series of definitions, which helped to trace better the significance of these initiatives, it has been analyzed how the contribution of good practices for gender equality have proved to be fruitful in challenging, improving, changing and motivating change towards greater gender equality.

After that, the analysis moved to the investigation of the sociological theoretical framework of both the concepts in evolution, sustainable development and gender equality. In recent years international bodies and scholars have highlighted the importance of developing a discussion on the role of women in sustainable development. Women, seen as a group, have been marginalised and so have their potential contribution to economic and social development and environmental protection. On the contrary, it is believed that better use of the female population could promote economic growth, reduce poverty, spread social welfare and thus contribute to ensuring sustainable development in all countries²⁵². Eliminating the gender gap depends on enlightened public policies that take the gender dimension into account.

²⁵¹ «The concept of positive action embraces all measures which aim to counter the effects of past discrimination, to eliminate existing discrimination and to promote equality of opportunity between women and men, particularly in relation to types or levels of jobs where members of one sex are significantly under-represented.» See: Commission of the European Communities, Communication by the Commission to the Council and the European Parliament on the Interpretation of the Judgment of the European Court of Justice on October 17, in case C-450/93, Kalanke v. Freie Hansestadt Bremen, COM (96), ECR I-03051,1995.

²⁵² See Stiglitz J.E., Sen A., Fitoussi J.P., *Report by the Commission on the Measurement of Economic Performance and Social Progress*, 2010.

Taking as a starting point the reflection of the Nobel prize-winner Amartya Sen, according to whom, the growth index of 'global society' can no longer be identified or associated only with economic growth in terms of GDP, but it must be associated with new substantial freedoms, and so demonstrating that the progress of gender culture as a founding value of sustainable development is fundamental. Therefore, a critical approach to the development has been investigated, indeed among the reflections that began to question the development model for the growing impacts on the environment and on the different social components from the 1960s on, the most significant has been the 'ecofeminism'. On the one hand, with the contributions of several ecofeminist thinkers, such as Plumwood, Sturgeon, Warren, Iverson, etc, has been given attention to women's issues and the rights of women and men in different societies prevails, and on the other hand, to ecological egalitarianism in which human beings, plants, animals and abiotic components of ecosystems are bearers of the same rights. Indeed, a common feature of all ecofeminist experiences is the recognition of a parallel between the oppression of women and the oppression of the earth.

Going through the chapter and through the reflection on the dynamics between development and the feminine question, two main passage seem particularly relevant. As a matter of fact, the evolution from the approach of Women in Development (WID) to the approach Gender and Development (GAD), it is consistent to the whole analysis of the concepts of gender equality and women empowerment²⁵³. Indeed, the conceptual revision, verified during the 1990s and analysed more in detail by the social policy specialist Moser, led to the formulation of the new strategy of 'gender mainstreaming' as a model of intervention to be adopted in all development actions to promote gender equality²⁵⁴.

In the light of this, the dissertation over the articulated concept of gender equality continued providing further clarifications focused on the understanding of the various and complex social categories related to the term 'gender'.

²⁵³ Cf. Razavi S., Miller C., *From WID to GAD: Conceptual Shifts in the Women and Development Discourse*, United Nations Research Institute for Social Development, 1995.

²⁵⁴ Cf. Moser C., *Gender Planning and Development: Theory, Practice and Training*, New York and London, 1993.

So, to conclude, the plural dimensions of sustainable development and gender issue has been put into contact. Indeed, it is possible to affirm that after having long underestimated the importance of women in achieving sustainable development, we are therefore moving in the right direction, addressing from a gender perspective all those issues that affect humanity. In the ensuing paragraph it has been highlighted that in achieving sustainability, women have a particular and precise role to play, not only because they are affected or sensitive to the issue, but also because of the key role they play in society as educators, consumers, providers of basic health care or administrators of resources. In the light of this, has been analysed as the promotion of gender equality and women's empowerment as essential conditions for environmental sustainability emerges in all the final documents and in the objectives set by the various UN world conferences. In particular, it has been stressed the cross-cutting importance of empowerment of women in the design of the Sustainable Development Goals. Indeed, among the 17 SDGs, in particular the SDG-5 aims to fully achieve gender equality and empower all women and girls. So, gender equality and empowerment are explicit as objectives to be achieved, but looking at the many targets not related to SDG-5, one discovers that many other issues and targets are immediately translatable in terms of empowerment of women: this is the case of access to energy or mitigation of the effects of climate change that particularly affects the most vulnerable groups of the population, which almost always include women.

Chapter 3. Case Study: the Barefoot College Project with Enel Green Power

In the third and last chapter, after the in-depth examination of the themes presented in the previous chapters, it has been presented a practical case study that is connected and based upon both the two theoretical concept of sustainable development and women empowerment.

Starting from an analysis of Enel S.p.A. in the italian public and administrative law doctrine²⁵⁵, reconstructing in time the various phases that led to its privatization through

²⁵⁵ See Clarich M., *Manuale di diritto amministrativo*, Il Mulino, Bologna, 2015.

the main regulatory interventions, paying also particular attention to the crucial case for the European Law: the *Costa v. Enel*, related to the nationalization of the energetic sector via the creation of Enel and which led to a fundamental decision of the European Court of Justice. Successively, it has been analyzed Enel's organizational structure and its relationship with the concept of sustainability and the Sustainable Development Goals. In particular it has been highlighted the major effort of Enel Green Power, the company in the Group that deals with the generation of renewable energy and in which the concept of innovation reaches its maximum expression.

Furthermore, it has been presented a practical case study related to Enel Green Power and a non-governmental organization. This case study consists in the analysis of a project developed by the Company in collaboration with Barefoot College that is particularly interesting in understanding how the creation of a successful model of interaction between Women Empowerment and Sustainable Development, applied concretely to rural communities of several least developing countries, can demonstrate that the two issues can and should, more and more, be connected and so how women empowerment can contribute to the achievement of most of the objectives of Agenda 2030 and therefore to a model of sustainable development.

Enel Green Power has been a partner of Barefoot College from 2012, first only in Latin America and then also in Africa, in the training of specialized professionals able to provide their rural communities with energy produced from renewable sources. The project involved illiterate or semi-illiterate women, mothers and grandmothers between 35 and 50 years old, coming from isolated and poor villages without access to electricity. They arrived to Tilonia, in Rajasthan, northwestern state of India, and started the six month solar engineering training program. These women after having spent six months at the Barefoot College, learnt how to install and maintain small photovoltaic systems, they returned to their homes as solar technicians and lead their activity using photovoltaic kits provided by Enel Green Power, and bring light, development and work to the areas. Furthermore, Enel assists women and grandmother until they arrive in India (visas, passports, transport, etc.), then donates the solar panels and monitors the project for five years, in collaboration with local NGOs. So, it is possible to consider the result

of the solar training of those women and the consequent electrification as an exemplar and multiform contribution to the poverty alleviation, empowerment of women and protection of environment. In the light of this, the whole project is to be considered a small revolution. The entire collaboration is exemplary for many different reasons that are analysed in the last paragraph of the thesis, finding an explicative answer to the second research question presented at the beginning of the whole thesis.

Indeed, the collaboration between Enel Green Power and the Barefoot College is a simple and revolutionary example of how to make the inconceivable possible: contributing to the common good of people living in regions of the Earth often considered irreparably excluded from development and contributing to the achievement of a worldwide sustainable development.

The project combines the idea of the importance of sustainable development with the need to improve women conditions and empower them. These two concepts, are indeed connected between each other and empowering women can also be a driver for the process of reaching and improving a sustainable development.

This project can indeed be considered as capable of combining both renewables and social progresses: on the one hand it promotes the emancipation of women in culturally and economically disadvantaged realities and on the other it promotes the use of clean sources, allowing remote villages to have access to electricity.

Another reason why this project represented an important case to analyse is also related to the fact that in the previous chapters the focus was mainly on the legislative level, with Constitutional and laws comparisons and examples of policies in those areas. A project such as the one presented for this case study is a practical project created by the joint efforts of both an NGO and a private company: next to the steps and progresses that are being made in the legislative sector by the legislators, for examples including the concepts in the Constitution or improving women conditions with the implementation of laws and policies connected with women's rights, projects such as the one analysed also represent a way to reach new progresses in these areas.

Moreover, this project testifies also the importance of the support of the private sector, given that Enel is a private company (with all the clarifications already explained).

Public and private sector can work together towards the improvement of women's conditions and a sustainable development: the joint efforts coming from these kinds of projects and the legislative sector can, indeed, lead to more effective improvements.

A fundamental impact of this project in this sense is the change produced considering the 'social status' of the women. While it is most certainly important that becoming 'engineers', in this particular case Barefoot Solar Engineer, results in them being more self confident and empowers them, what makes this project unique is also the fact that the women become part of the decision making process and earn the respect of their local communities for their newly learned skills and capabilities. Not only that, this project is also a platform that women use to exchange different kinds of notions and knowledge considering the fact that their birth or origin countries are different between each other: they can learn from each other far more notions than those already taught during the project itself.

Another point to take into consideration is the fact that they learn a new language, also with technical terms, that they can reuse in other circumstances once they go back to their local communities. This is another skill that this project allows women to learn which can result in being very valuable back home.

Lastly, women change their 'social status' also because when they go back to their communities they have new leadership roles that they did not have previous to the project: this new position empowers both them personally and the other women of the communities that now have a normalized female leadership role model to look up to.

A question that remains now open is whether this can represent a benchmark reusable under other circumstances and whether this project can constitute a positive and successful model useful to recreate.

Conclusion

While it is most certainly true that the model of this project could be easily recreated because of the way it is structured it is also important to underline the fact that it needs fundings, collaboration between the private and public sector and cooperation at different levels.

Projects such as the one analysed in this last paragraph are initiatives that promote the empowerment of women and that revolve around the women themselves. In addition to this, the project is also connected to the energy sector which is a rapidly changing sector which needs new and innovative ideas in order to promote sustainable development: given the results of the project itself, the role of women in this appears be very important if not fundamental. However, that might not be enough and what is needed is that policies and actions, coming from the government, that are about those two different topics to align and relate. Gender, the role of women and their rights need to become a well-integrated part or component of policies related to sustainable development in order to ensure better results and improvements in both fields.

It is also clear that there is a need for efforts coming both from a national and international or global level: starting from the rights to be included in the Constitutions to international instruments providing a legislative frame that, working together and alongside with projects such as the Barefoot College, could result in tangible and concrete improvements both in women's conditions and in the implementation of a sustainable development for the society.

So, the basic idea is that sustainable development must play a fundamental role in political agendas, and in programmes that responsibly set out to create a better society, more civil because it respects nature and future generations, firmly convinced that man's mission is to give a concrete response to all those problems that prevent him from progressing, not only economically, but also socially, culturally and in other words, as a man who aspires to civil coexistence and the search for a personal and collective happiness.