МЕЖДУНАРОДНОЕ ПРАВО В СФЕРЕ УСТОЙЧИВОГО РАЗВИТИЯ: АСПЕКТЫ МЕДИАПРАВА
INTERNATIONAL LAW ON SUSTAINABLE DEVELOPMENT: MEDIA LAW ASPECTS

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Аннотация. Фрагментарный характер международного права, преследование жизненно важных национальных интересов и наличие конфликтующих международных политических блоков свели к минимуму эффективность права на международном уровне, усложнили будущее устойчивого развития стран мира и углубили цепочку неравенства между нациями. Эти трудности побудили ученых предложить пересмотреть саму природу нынешних бюрократических институтов международного права и начать изучение нового правового поля — международного права устойчивого развития, чтобы противостоять пагубным вызовам с целью проложить путь для развития всех правовых сфер. Хотя нормативная база международного права устойчивого развития в основном состоит из несистематизированных норм «мягкого права», у нас есть Повестка ООН на период до 2030 г., Нью-Делийские принципы и отчеты о деятельности Комиссии международного права ООН, в которых прямо подчеркиваются роль медиаправа, права журналистов, свобода выражения мнений и информации, свобода интернета и доступ к нему. Тем не менее недостаточно научных работ о важности положений медиаправа для целей устойчивого развития, и существует настоятельная необходимость взглянуть на международное право устойчивого развития с точки зрения норм медиаправа.

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Abstract. The fragmentary nature of international law
together with the pursue of vital national interests and along
with the conflicting international political blocks has already
minimized the effectiveness of law at the international level,
added complexities for the future of sustainable develop-
ment of the world countries and deepened the chain of
inequalities among the nations. These difficulties led inter-
national scholars to propose to review the very nature of
the current bureaucratic international law institutions and to
initiate the examination of the new legal field — internation-
al sustainable development law in order to stand against all
harmful challenges and with the purpose to draw the path
for the development of all legal areas. Although the norma-
tive basis of international sustainable development law is
mostly comprised of non-systemized "soft law" norms, we
have UN 2030 Agenda, New Delhi Principles and the ac-
tivity reports of the UN International Law Commission where
there are direct highlights about the role of media law,
rights of journalists, freedom of expression and information,
Internet freedom and access to the Internet. Yet, there are no
enough academic works on the importance of media law
regulations for the sustainable development goals and there
is a significant need to look to the international sustainable
development law from the angle of media law rules.

INTRODUCTION

The primary weaknesses of international law such as
decentralization of law-making procedure, collision of
national interests pursued by powerful countries, frag-
mentary nature of international law areas, lack of cer-
tainty and unclear system of obligations may be noticed
in every and each area of international legal mechanism.
The current state of international law is characterized by
scholars as a fragmentary legal plane what is supported by
us as a logic conclusion of unpunished grave internation-
al law violations [6, p. 328]. Indeed, one may consider
that modern international has already lost its tradition-
al-historical perspectives and purposes. International
law of nowdays is much broader in meaning and scope
than it was in 20th century. This enlargement did not
only widen the subject matter of international law, but
also added lots of administrative, bureaucratic, financial
challenges undermining the bilief of developing coun-
tries and nations for future sustainable development. In
general, all legal spheres are now complex and its hard
to resolve on time any of legal violations what is against
the very cornerstone of sustainable development. Law
as a type of regulation of social relations should preserve
its primary functions such as accountability, regulation,
prevention, etc. We may claim that international law of
current period is not effective in neither the regulation of
international public relations nor in prevention or pun-
ishment of international law violations. Thus, we do need
a relatively new area of international law — the interna-
tional sustainable development law in order to mix and
combine all the traditional spheres of public and private
international law with the purpose to re-design their sub-
ject matters, methodology and interrelations.

International law on sustainable developmet cur-
rently has no a unified convention or treaty as its legal
source, but there are plenty of customary international
law norms as well as general principles along with the
case law and scholarly writing what may assist us for the
academic study. It is particularly interesting that there
are no many scientific works on the links of media law
with sustainable development programs, but almost all
international soft law documents on international sus-
tainable development law covers wide range of journal-

istic activities. A very prominent one of them is the New Delhi Principles of the International Law Association [5]. In the light of the above-mentioned considerations, the academic purpose of the current study is primarily reflected by the multidisciplinary approaches to the links between international sustainable development law and media law. From the historical point of view, legal-conceptual ideas about sustainable development law and media law had been heard long before the formation of UN Agenda 2030. Nevertheless, putting development to the sustainable path was a long-standing problem in front of international law and interstate organization. Together with the outcomes of the Rio Declaration and New Delhi Principles, the UN 2030 Agenda later puts a demand to define the roles of media actors, their obligations and duties in the framework of international sustainable development programs as well as leading concepts of Human Rights-Based Approach. In this regard, the international individual and collective right to development enshrined within the 1986 UN Declaration on the Right to Development also includes the standards of public awareness, knowledge share, equality in the access to information what makes us look to media law from a different angle.

MEDIA AND SUSTAINABLE DEVELOPMENT

It is without doubts that the media is extremely important to people's daily lives. The most crucial instrument for communication, which is available in a variety of formats, is the mainstream media, which has been vital in influencing public opinion and raising awareness of sustainable development law. Advertising and media agencies as well as mass media corporations use a range of strategies to spread scientific knowledge among the general public. Print, electronic, internet, radio, and a variety of new media are mostly included. The role of media for sustainable development can be examined from various economic, social, political and even cultural aspects. Communication that is introduced by media platforms is vital for people to hear and to be heard what is the cornerstone principle and pre-condition for good governance. In this respect, media actors implement their civil society obligations while linking the state and non-state actors with the ordinary people. With the help media people raise their critical voices about their concerns, problems while power-holders listen to them and try to find resolvements [8, p. 4].

The majority of media consumed today is electronic or digital (or at least, has a website or blog), which successfully primes a group for message reinforcement and the introduction of innovations. With the assistance of governmental representatives, environmental activists, scientists, business people, and broadcasters, mass media

is rapidly and effectively spreading knowledge about the SDGs and have jointly established the agenda for raising awareness concerning today. It is without doubts that sustainable development is crucial for achieving economic and social long-standing success. Taking into account the role of free media's importance in sustainable development, the UN Secretary-General Ban Ki-moon noted that the freedom of expression, independent media and universal access to knowledge will strengthen the efforts for people and the planet [7]. Over the past few decades, the rapid advancements in communication technology have made it more accessible to the masses. This, coupled with increasing economic pressures, has led to significant changes in the roles, operations, and practices of new media and news professionals. The digital age has witnessed numerous successful social campaigns in print and visual media on a global scale. Audio-visual media has played a major role in addressing sustainability issues such as climate change, poverty, ecosystem, environmental protection, inequality, education and economic development, with a lot of governmental and non-governmental support and initiatives. As mass media, electronic media has a huge appeal to the common person as well. News, features, documentaries, and development campaigns regarding SDGs are created in a way that generates interest in the minds of the viewers. In this regard, some scholars propose a new type of media for sustainable development under the title "development media" [1, p. 181]. The content is made contemporary to attract people of all ages and classes and is successfully capable of influencing people to take part in development programs.

The media has a clear role in promoting preventive measures to reduce violations of child rights and eradicate diseases through education and science, as well as curative approaches such as counseling on daily health and programs like on TV. Correctional approaches, such as addressing the need for education and eliminating poverty and hunger, are also important. The media can also provide information about NGOs that are making a positive impact on society. By taking efforts to promote socio-economic, environmental, and cultural development, the media can help to achieve the SDGs and raise awareness about them. Scientific content, such as articles, films, shows, and advertisements, should be used to create awareness and provide information about the SDGs at the grassroots level. Effective popularization in both print and audio-visual media requires a special kind of discourse that not only simplifies messages but also has its own characteristics, values, and difficulties. The media's role in achieving the SDGs through innovative ideas and tricks that consider the positive receptivity of the public is significant.

SUSTAINABILITY AND MEDIA LAW AS ELEMENTS OF INFORMATION LAW

The application of global ICT systems in the world has brought about significant changes in the economic activity of states and international economic blocks. Currently, these changes are not only evident in the economy, but also in the realm of human rights and other aspects of the SDGs. The importance of ICT in economic, social, political, and other development programs was recognized in 2010 under the UN Millennium Development Goals. However, the impact of ICT on the SDGs and its effects on the process are relatively new scientific and practical challenges. Additionally, the relationship between human rights and the SDGs in terms of ICT has not been thoroughly analyzed. The UN High Commissioner for Human Rights has established a communication system between the SDGs and human rights, but it does not adequately address the potential role of ICT in integrating human rights and the relevant SDGs. In our view, it is worth considering the potential issues that may arise from implementing ICT in the SDGs and human rights within the context of the right to information. This the same right to information what is the cornerstone for media law area. The relationship between the SDGs and human rights is closely intertwined with other emerging areas of law, such as criminal law, civil law, administrative law, and the emerging field of information law. The question of how the SDGs relates to the field of information law and information rights can be answered based on these concepts. We believe that the interaction between the SDGs and the field of information law can begin with the exchange of information. Logically, the establishment of the field of information law is linked to society's transition to the next stage of development, which involves accelerating its progress. The legal regulation of ICT, which is the main focus of information law, is also a consequence of development in all spheres of society.

The Sustainable Development Goals (SDGs) and the 2030 Agenda, in contrast, are the outcome of a comprehensive and integrated development process. This process encompasses various aspects such as ICT, information rights, and the 2030 Agenda, which collectively contribute to the formation of an "information society" and a "knowledge society". The analogy of computer programs can effectively illustrate this form of interaction. Matters like the legal framework for computer programs, safeguarding personal information's confidentiality and security, and analyzing pertinent legal norms primarily fall under the purview of information law.

Simultaneously, ensuring the proper and secure utilization of these computer programs aligns with the objectives of multiple entities, including the governmental organs, innovative approaches, effective technology utilization, purposeful energy resource management, enhanced food security, advancements in healthcare, and more. Consequently, the field of information law not only examines relevant human rights but also investigates the impact of ICT across both public and private domains, along with its various applications. The criteria for legally regulating ICT are duly considered during the implementation of the Sustainable Development Goals.

It is important to consider that one of the objectives of information law is to examine freedom of information as a subjective entitlement. Additionally, certain Sustainable Development Goals encompass aspects of freedom of information within the 2030 Goals. For instance, the 2030 Agenda strives to promote a healthy lifestyle and overall well-being. Freedom of information encompasses the utilization of digital technologies in healthcare, safeguarding medical information through new technologies, analyzing electronic databases, and informing the public about these matters. It also entails timely dissemination of information to the public regarding obstacles that impede the enhancement of public welfare, as well as the right to digital development. Conversely, the 2030 Agenda highlights gender equality and women's involvement in public life as issues that require attention. Information law norms also mandate that women have unrestricted access to technology and participate in the exchange of information between the public and private sectors without any form of discrimination.

The 2030 Agenda is committed to fostering industrialization and embracing a forward-thinking strategy. This innovative and technological approach guarantees unrestricted Internet access and the unhindered utilization of digital information. Simultaneously, the Sustainable Development Goal framework encompasses the provision of inclusive and sustainable housing. It is inconceivable to envision secure and stable cities and settlements without the freedom to access information. Furthermore, the 2030 Agenda strives to cultivate a harmonious and all-encompassing society, ensuring justice for all and establishing effective, accountable, and inclusive institutions at every level. To achieve these objectives, the agenda emphasizes the importance of public access to information, transparent governance, and the fight against corruption.

The notion of sustainable development in the context of information law encompasses various aspects such as the information society, the shift towards the next phase of development, the knowledge society, and the utilization of ICT for sustainable development. These concepts can be comprehended through asceticism. The realm of human rights, as a whole, provides a solid scientific foundation for studying SDGs and the fundamentals of sustainable development. Consequently, education in this field can be structured to cover topics like the right

to sustainable development and progress, social welfare and sustainable development, environmental rights and sustainable development, labor rights and sustainable development, and so on.

Furthermore, the endeavors in the realms of education, science, and innovation, which are encompassed within the framework of the Sustainable Development Goal, foster an environment that allows for a fresh outlook on resolving and coordinating various matters within the information society. It is imperative to recognize that contemporary education is a dynamic process, and thus, we must not perceive the education system as a mere mechanism solely focused on imparting or acquiring knowledge. The establishment of sustainable development conditions in the field of media law necessitates a collaborative approach involving both governmental and non-governmental entities. In this sense, many European universities offer different subjects and curricula for studying SDGs [3, p. 1].

In our perspective, the educational process encompasses more than just the fulfillment of the right to education; it also involves the exchange of information. From a human rights standpoint, the educational process encompasses nearly all information rights and freedoms. This is because during education, new ideas are conveyed, ideas are critiqued, judgments are challenged, scientific research is conducted, and new theories are formulated, among other things. Simultaneously, education is not solely about utopian concepts, but rather about disseminating real and factual information to society, as well as transmitting, transforming, and comprehending that information. In this regard, the educational process and the right to education fall within the purview of information law, representing a new level of utilizing information rights. From another perspective, education is a system that fosters the conditions for personal and social development of individuals. This perspective highlights the close relationship between the right to education and the right to collective development. The inclusion of education as a distinct goal in the Sustainable Development Goals further supports our viewpoint. Although education is viewed in the 2030 Agenda not only as a subjective right but also as a prerequisite for sustainable development, ultimately, education remains an information exchange and advocacy mechanism that is crucial for all SDGs. This is why education plays an exceptional role in shaping a sustainable information society.

MEDIA LAW AND SUSTAINABILITY OF INFORMATION SOCIETY

The concept of the information society holds significant importance in the field of information law. The overall progress of the information society is closely tied to advancements in information and communication technology, making the analysis of the Sustainable Development Goals in this context a crucial matter. The information society and the SDGs intersect in various aspects. Key characteristics of the information society include the growth of the non-manufacturing sector, the reliance of the social and public sectors on information infrastructure, and more. By comparing these features with the core principles outlined in the 2030 Agenda for the SDGs, we can identify several similarities. However, it can be argued that the primary connection between the information society and the international law on sustainable development lies in information security.

The protection of individual information or personal data along with cyber security can be considered as fundamental human rights. If an individual has the right to physical safety and security, it is only logical to extend this right to the security of their personal information. In terms of information security, there is also a collective right to information security. This aligns with the monitoring function of non-state mechanisms. While there are numerous laws governing cybersecurity in various countries, they are insufficient. Experts stress the importance of creating international agreements and global governance to coordinate efforts in cyberspace. Many international organizations have the responsibility of ensuring information security, but the diverse forms of information flow hinder the achievement of this goal. Each organization establishes its own information security standards based on their activities. The lack of a unified global information security strategy can be attributed to the vast differences in local conditions across regions and countries.

Different stages can be identified in the historical formation and progression of societies worldwide. Initially, societies took the form of primitive communities such as tribes, clans, and other small associations, representing a collective way of life. During this time, the exchange of information among individuals occurred through rudimentary methods. Subsequently, the development of spoken and written language, culture, and the advent of printing and electronic mechanisms complicated the process of information exchange. Consequently, the concept of the information society can be approached both narrowly and broadly. In a broader sense, the information society has evolved from the initial stages of information exchange among people to encompass artificial intelligence, digital rights, and other contemporary advancements. This evolution spans thousands of years of history. In a narrow context, the information society can be defined by a distinct rise in the significance of information in recent decades, accompanied by the rapid

advancement of information technology. The emergence of the information society, seen as a new phase of development both nationally and internationally, has given rise to several crucial concerns. Consequently, the role of information security and national security within this concept has become one of the key challenges faced by contemporary society. Numerous approaches to information security have been proposed, with one potential approach being the consideration of human rights. Human rights play a vital role in fostering an efficient information society and should serve as the foundation for information security. Moreover, a human rights-based approach can also be applied to address cyber security issues. Human rights have various implications for information security, and currently, the right to information is recognized as a distinct area of law, allowing for exploration of the relationship between human rights and information security within this domain. Researchers and scientists have expressed the legal framework for ensuring information security using different terms, such as "information security", "cyber security", and "Internet security".

The concept of "digital security" encompasses a wider scope that goes beyond just information security. It involves ensuring the security of even the smallest digital details, including elements that are not typically considered as information. Security can be viewed as a system of measures and opportunities aimed at protecting something from potential threats. In the context of information security, this means safeguarding all elements of an information nature. The role of human rights in this process is multifaceted, with many human rights being intertwined with the flow of information that directly or indirectly affects information security. Cybersecurity issues also have a significant impact on human rights, particularly in terms of privacy, freedom of expression, and the free flow of information. When it comes to information, the emphasis should be on freedom of expression and information. It is worth noting that information security breaches are not always considered human rights violations, even though they can interfere with freedom of thought and expression. However, we tend to focus on interference in the information space and overlook the relevant human rights. Freedom of expression and information is not the only concept linking information security to human rights.

Ensuring equal information security for everyone encompasses the traditional principle of equality. Safeguarding personal information from external interference can be viewed as a contemporary aspect of the right to personal freedom and inviolability. The protection against unlawful interference also encompasses the legal safeguarding of information rights. The modern interpre-

tation of property rights by international organizations may also encompass the ownership of websites and information products. Conversely, the right to enhance information security, the right to engage in cultural activities, the right to foster creativity, and so forth can also be linked to this concept. These instances demonstrate that various human rights organizations embrace the notion of information security from civil, political, social, and cultural standpoints.

However, the human rights system encompasses more than just information security. The digital landscape also presents opportunities for activities that infringe upon information rights. These instances serve as a clear indication that an excessive amount of freedom in accessing information can lead to significant security issues. It is important to acknowledge that encountering such difficulties is both inevitable and logical. This is primarily due to the fact that, during the process of integration on a regional and global scale, the concept of complete national information spaces can only be understood relatively. This relativity is further compounded by the vast and diverse nature of the information space itself. The same holds true for the Internet, where individuals can easily connect with organizations and citizens from different countries. Consequently, certain countries utilize platforms like Facebook and Instagram, which boast a large number of social media and internet users. While social media transcends geographical boundaries, it also makes it challenging to identify and address various violations. The Internet plays a significant role in individual development and contributes to the overall intellectual growth of society. Therefore, it is crucial to not curtail internet freedom solely based on information security concerns, but rather to establish appropriate control mechanisms. This notion of control and regulation should encompass not only the rights applicable to the internet during active usage, but also the rights that extend beyond the digital realm and into real life.

CONCLUDING REMARKS

In the era of economic globalization and digitalized world the harmonization of the ideas of international sustainable development law, UN SDGs and national media law regulations introduces a number of challenges. These challenges put obstacles on the efficient realization of the information rights requirements set out in the UN 2030 Agenda. International sustainable development law requires a more complex type of integration and peaceful co-existence of the world countries. One may claim that the clashes between national political, economic and social goals interests significantly minimzes the comprehensive implementation of the Sustainable Devel-

opment Goals. As a result, rich and powerful countries implements the SDGs more fruitfully, while poor countries performs more weakly due to the lack of needed resources. Even more, there is a different understanding of the concept of sustainable development between rich and poor governments. Richer governments highlights international law on sustainable development from the angles of environmental sustainability, fight against climate change and better realization of soft investment strategies with the help of big international business companies — transnational corporations. On the other side of the coin, poor and developing states pay more attention to the nationalization of economies, better protection of human rights, digitalization frameworks and information society. This difference of the theoretical approaches harms the ideas of equality among regions. We think that such a conclusion significantly increases the importance and special weight of cooperation in the area of media law, information law, human rights education and research in addressing the difficulties associated with the SDGs. The above-mentioned considerations let us introduce new group of needs standing in front of sustainability concept of media law:

a) to initiate a more complex and multidisciplinary academic investigation in order to define the role of media law rules for the better implementation of the international legal principles of sustainable development;

b) to attempt to produce a new and more detailed guidelines for developing and poor countries on their way to sustainable development achievements;

c) to introduce an updated program of actions to reform the fragmentary and vogue nature of international law norms on sustainable development;

d) to elaborate the system of information rights and freedoms linking them with the sustainable development goals;

e) to elaborate the system of obligations and duties of state and non-state actors in terms of transparency of information databases, good governance of information society and media law actors as well;

f) to introduce new legal techniques to developing and poor countries for renewing their legal system, since the traditional approach of vast majority of legal system to international sustainable development law leaces minor space to hope a bright future;

g) to re-arrange again education programs relevant to the role of mass media in the realization of sustainable development strategies.

It should be mentioned that in the implementation of the SDGs, along with traditional entities such as the state and international organizations, civil society organizations, especially scientific institutions, have serious responsibilities [4, p. 64] Media law actors are mostly private sector participants and the private sector obligations are usually more economic in nature. Yet, new look to the international law of sustainable development demands the mix of obligations for the better realization of information rights and freedoms.

As it is for the other development programs, the UN 2030 Agenda and the overal principles of the international law on sustainable development can only be realized if knowledge and technology are shared effectively [2, p. 266] Therefore, international law on sustainable development and its media law links should be studied within individual academic programs and cources at the bachelor, master and doctoral levels of education. We think that the inclusion of relevant subjects and master education curriculum may be established at the academic institutions of the Republic of Azerbaijan too. The new academic approach to the international sustainable development law is quite useful for a number of legal areas. Thus, separate topics on UN SDGs are of criminal law, civil law, constitutional law, business law, tax law nature. Yet, we consider human rights, information law and media law as the most relevant areas for the legal analysis of the SDGs as these areas may apply a Human Rights-Based Approach.

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