

Rule of Law must not be ignored says A4ID to Ban Ki-moon

Advocates for International Development (A4ID) has written to the UN Secretary General Ban Ki-moon urging him to include a goal focussed on promoting good governance and the Rule of Law in the UN's Sustainable Development Goals.

A4ID welcomes the Secretary-General's recent Synthesis Report and Outcome Document issued by the Open Working Group on Sustainable Development Goals, which includes proposed Goal 16 on peaceful and inclusive societies for sustainable development, providing access to justice for all, and building effective, accountable and inclusive institutions at all levels. But, the reports fail to include a dedicated goal on good governance and the Rule of Law as a stand-alone goal in the Post-2015 Development Agenda, which is a must in A4ID's view.

Yasmin Batliwala, Chief Executive of A4ID said, ***"We have a unique opportunity to include the rule of law as one of the fundamental Sustainable Development Goals. Evidence shows that if the rule of law prevails in a country, then among other benefits, economic development will advance. Indeed, the rule of law is one of the key dimensions that determine the quality and good governance of a nation state, and importantly where the eradication of poverty can become a reality.***

In our view the current focus on access to justice in Goal 16 is limited and inadequate. Having identified the key components of this principle, A4ID has proposed an alternative wording which encapsulates our objective with a view to conveying the spirit and vital importance of the rule of law. In doing this, we provide a compelling way to progress this critical Goal as an SDG and thereby move the agenda forward."

This view is equally shared by the U.N.'s own General Assembly who remarked in 2012: ***"The advancement of the rule of law at the national and international levels is essential for the realisation of sustained economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and fundamental freedoms."***

A4ID is one of many stakeholders involved in the process of formulating the new SDGs and it has sent the attached letter to Ban Ki-moon, as well as to the President of the General Assembly, Sam Kutesa and the UK's Envoy to the Post-2015 Goals, David Hallam. The letter was drafted with the support from our Legal Partners Clifford Chance, Kirkland & Ellis, and Linklaters, who also often provide pro bono support to A4ID's Development Partners.

A key outcome of the Rio+20 Conference was the agreement by U.N. Member States to develop a set of SDGs that will build upon the current Millennium Development Goals and converge with the U.N.'s post-2015 development agenda and take into account governance and Rule of Law issues.

A4ID is a non-profit organisation that enables the law and lawyers to play their full part in the eradication of global poverty. It connects legal and development professionals to maximise progress towards the UN Millennium Development Goals and from 2015, will frame its work around the SDGs. Rule of Law is a key factor.

A4ID partners with over 50,000 lawyers in more than 90 countries and almost 600 development organisations worldwide. It seeks to ensure that all those working towards the eradication of poverty have access to free legal support, while also raising awareness and leading on thinking about how the law and lawyers can play a role in fighting global poverty. Since 2006 it has provided almost £25 million of free legal advice assisting projects in over 114 countries.

To arrange an interview with Yasmin please contact: 020 3116 2799 / 07403 459 945 or Saleha.Carruthers@a4id.org

Ends

Notes to editors:

- A4ID as a charity was started in 2006 when over 1,000 London-based lawyers joined with Oxfam to make a public commitment to use their skills and expertise to reduce worldwide poverty. To date, the work of A4ID has continued to make a significant difference worldwide, working with over 50,000 lawyers in more than 90 countries to provide legal assistance to almost 600 development organisations. A4ID has provided nearly £25 million of free legal advice since 2006, assisting important projects in over 114 countries.
- A4ID brings together legal and development professionals to maximize progress towards the current Millennium Development Goals (MDGs), and from 2015, towards the Sustainable Development Goals (SDGs). We do this through ensuring that all those working towards the eradication of poverty have access to free legal support, whilst also raising awareness of how the law and lawyers can play a role in eradicating global poverty.
- A4ID offers a number of different services for its Development Partners including The Legal Health Check, Peer Mentoring and NGO Training.
- A4ID is a registered charity in England and Wales, number 1118565, and registered company number 5907641. Our registered office is at The Broadgate Tower, 20 Primrose Street, London, EC2A 2RS. For more information on A4ID visit: www.a4id.org.

Our Recommendation for SDG 16

We recommend re-wording Goal 16 as follows:

“Ensure institutions and organisations at all levels are transparent, accountable, inclusive, principles-based and fair.”

Reasons:

- Institutions and organisations - These principles should apply to all bodies, public and private, that impact people's lives.
- At all levels – These principles are universal expectations, applicable at the local, national, and international level.
- Transparent – Where citizens can observe and understand how the bodies that affect them function, this will build confidence in those institutions and organisations and the decision-makers which affect their lives. In addition, citizens must be able to easily find out what decisions and requirements apply to them.
- Accountable – For people to have faith in the institutions and organisations that affect them, there must be a belief that those bodies abide by predictable standards, and that there are ways of ensuring those standards are upheld.
- Inclusive – In order for institutions and organisations to maintain legitimacy, all stakeholders must know that they have an opportunity to participate. People must be able to engage with the public and private bodies that impact their lives.

- Principles-based – Institutions and organisations must make it clear that they operate not by whim, but according to fixed principles which determine their actions. Stakeholders must have confidence that the institutions and organisations that affect them will do so in a consistent, logical way.
- Fair – The treatment of individuals must reflect their community's view of what is appropriate in a given circumstance.

Sub-Goal 16.1

We recommend including a new Sub-Goal 16.1 as follows:

"Sub-Goal 16.1: Promote equal, fair, transparent and predictable treatment for all under the law."

Reasons:

- Equal – All citizens, regardless of wealth, power, status, or individual characteristics, must be of the same standing in the eyes of the law and must be treated in the same way.
- Fair – The treatment of individuals under the law will reflect a state's view of what is appropriate in a given circumstance, and will not be unduly light or onerous in a given context.
- Transparent – Where citizens can observe and understand how the justice system that affects them functions, this will build confidence in the institutions and figures that administer justice. In addition, citizens must be able to easily find out what laws apply to them.
- Predictable – In order for people to be able to plan their lives and anticipate the consequences of their actions, laws and sanctions must be prospective in nature and consistent in their application.
- Under the law – Justice must be administered according to standards which have been enacted through a country's proper legislative process and promulgated accordingly.

Sub-Goal 16.3

We recommend re-wording the current Sub-Goal 16.3 as follows, and retaining as a new Sub-Goal 16.2:

"Provide an accessible, independent and effective justice system."

Reasons:

- Accessible – To ensure a stable society in which disputes are consistently resolved in a peaceful manner, all citizens must be able to have disputes formally adjudicated and to seek redress for wrongs done to them.
- Independent – For citizens to have confidence in a justice system, they must know that the individuals who adjudicate disputes are independent and impartial, and not prejudiced by external influences.
- Effective – For citizens to put their faith in a system, they must believe that it will deliver results. If a system processes cases inefficiently, or if judgments are not enforced, then confidence will be lost.
- Justice System – The principles set out here must apply not only in courts or tribunals, but in all instances where the law is applied, including by police, public administrators, or other decision-makers.