Rule of Law in the 2030 Agenda for Sustainable Development

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MDGs to SDGs: Towards a holistic and integrated vision of sustainable development

MDGs

- Limited set of partial targets

SDGs

- Integrated holistic agenda including governance
- Universal: Achieved for all
- Equality: Goals 5 and 10 and Leave No One Behind
MDGs to SDGs:
A multi-stakeholder agenda

MDGs
- Implemented and monitored by governments

SDGs
- Multi-stakeholder partnership between governments, UN, private sector and civil society
Rule of Law

Accountability of all, including the State, public and private entities, individuals

Laws are publicly promulgated, equally enforced and independently adjudicated

Consistent with international human rights norms and standards

Inclusive participation in decision-making
SDG target 16.3

Promote the rule of law at national and international levels and ensure equal access to justice for all
Four dimensions of ROL in Agenda 2030

1. A human rights-based agenda:
   - **Substantively**: all fundamental human rights (socio-economic, civic and political) are reflected in the Goals, underpinned by fundamental principle of equality and non-discrimination (leave no-one behind)
   - **Procedurally**: principles of participation, transparency and accountability, inalienability, indivisibility and universality
   - And, for every right there must be a remedy...
Human rights principles in the 2030 Agenda

- Leave No One Behind
- All goals including Goal 5 (gender equality) and Goal 10 (reducing inequality)
- 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all
- 16.6 Develop effective, accountable and transparent institutions at all levels
- 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels
- 16.9 By 2030, provide legal identity for all, including birth registration
- 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements
- 16.b Promote and enforce non-discriminatory laws and policies for sustainable development
2. Development, justice and peace

- Freedom from violence for all, including women, children, victims of trafficking
- ROL underpins justice and social contract – social cohesion. Hence UNDP prioritises values of ROL (tolerance, justice, equality) as a strategy to prevent violent extremism
- Transitional justice as an integral component of peacebuilding
Four dimensions of ROL in Agenda 2030

3. Financial crime and corruption
   • Anti-corruption
   • Illicit financial flows
   • Anti-trafficking, organized crime
4. Role of private sector

– Private sector is a critical factor for the success or failure of the SDGs, especially in Asia
– The SDGs cannot be achieved unless:
  • governments **protect** human rights against business violations,
  • business proactively **respects** human rights and
  • adequate **remedies** available for breaches
– UN Guiding Principles on Business and Human Rights provide the basis for a level playing field
– Equally applicable to public entities in the commercial sphere (e.g. China Belt and Road Initiative)
– Importance of international trade, transnational corporations and international finance – e.g. Equator principles – but how to create a level playing field?
Example: Rule of Law and Gender Based Violence

- Weak justice system
- Discriminatory norms and practices
- Discriminatory laws
- Exclusion from land and property
- Lack of jobs, livelihoods
- Lack of political participation, inclusion, accountability
- Prevalence of community violence
- GBV
- Conflict

References:
16.1, 16.2, 16.3, 16.6, 16.7, 16.8, 5.1, 5.2, 5.3, 8.5, 8.8, 10.2, 10.3, 10.4
Opportunities and Challenges of a Transformational Agenda

• **Innovating ROL and A2J for the 2030 agenda.** 1 out of 8 people face serious legal problems each year, and only one-third are solved in time. Justice is not working well enough, especially for the worst-off.

• **Role of technology including AI:** technology can increase access to justice, but AI and machine learning pose new challenges for accountability and transparency.

• **We need a data revolution:** too little data, challenge of finding meaningful and practicable indicators.

• **We need a cultural revolution:** how to build a “culture of lawfulness” (accountability, transparency, participation) at a time when liberal values are under threat? Need to raise awareness, change mindsets and practices in government, private sector and among people.

• **Partnerships:** How to get private sector, civil society and government to work together in a time of decreasing mutual trust?
UNDP, ROL and SDGs in Asia-Pacific

- **Business and Human Rights** – promoting UNGP on BHR with governments, private sector and CSOs (Bangladesh, India, Indonesia, Malaysia, Maldives, Myanmar, Sri Lanka, Thailand, Viet Nam...)
- **Promoting a Fair Business Environment in ASEAN** (private-public sector dialogue, transparent public procurement, fair business practices, anti-corruption) – Indonesia, Malaysia, Myanmar, Philippines, Thailand, Viet Nam
- **Judicial Integrity Champions in APEC** (Indonesia, Malaysia, Philippines, Thailand)
- **SDG localization** in cities and regions across Asia
- **Prevention of violent extremism** (Bangladesh, Indonesia, Maldives, Malaysia, Thailand, Philippines)
- **N-Peace** – network of women, peace and security across Asia
- **Innovation labs initiative**
- Plus country-specific projects in 36 countries
Want to get involved?

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