Rule of Law in the 2030 Agenda for Sustainable Development

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From MDGs to 2030 Agenda

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<th>MDGs</th>
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<td><strong>Limited coverage excluding governance and rights</strong></td>
<td><strong>Comprehensive, integrated agenda including governance and rights</strong></td>
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<td>Limited targets of aggregate achievement</td>
<td><strong>Achieved for all</strong> – leave no one behind, and inequality as a cross-cutting goal</td>
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<td>Implemented and monitored by governments</td>
<td>Implemented and monitored by all – multi-stakeholder partnership of governments, parliaments, civil society and private sector</td>
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SDG target 16.3

Promote the rule of law at national and international levels and ensure equal access to justice for all.
A principle of governance
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
supremacy of law,
equality before the law,
accountability to the law,
fairness in the application of the law,
separation of powers,
participation in decision-making,
legal certainty,
avoidance of arbitrariness
and procedural and legal transparency

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
An integrated agenda: how ROL-related SDG targets address drivers of GBV
Four dimensions of ROL in Agenda 2030

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
Four dimensions of ROL in Agenda 2030

4. Role of private sector:
   – Private sector as 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)
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 is collected about how well ROL and A2J is working, or even what resources are spent.

- **We need a cultural revolution:** how to build a “culture of lawfulness” (accountability, transparency, participation) at a time when liberal values are under threat?

- **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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