

Member State and Civil Society Roundtable, 24 February 2015

Latin American and Caribbean Perspectives on the ‘Means of Implementation’ for SDG 16 and Peaceful and Inclusive Societies in the Post-2015 Development Agenda

Meeting Summary

Background

On 24 February 2015, the Igarapé Institute and NYU’s Center on International Cooperation (CIC) convened a meeting bringing together representatives from UN member states and agencies as well as civil society organizations for an interactive discussion on Latin America and the Caribbean’s (LAC) experience in relation to the ‘means of implementation’ for Sustainable Development Goal (SDG) 16: *to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.*

H.E. Mr. Antonio de Aguiar Patriota, Permanent Representative of Brazil to the United Nations, delivered the keynote speech on SDG 16 and Brazil’s experience in promoting access to justice for all. Two short presentations were delivered by CIC Associate Director and Senior Fellow, Ms. Sarah Hearn, and the Igarapé Institute Research Associate, Dr. Renata Giannini. CIC Director, Ms. Sarah Cliffe, provided introductory remarks and facilitated the discussion. Since the Open Working Group (OWG) proposed a framework for the SDGs in 2014, the intergovernmental negotiations on the SDGs and on Financing for Development (FfD) have increasingly focused on the ‘means of implementation’. The meeting was intended to provide an opportunity for member states and civil society organizations to discuss best practices that LAC countries can apply within the region as well as share across other regions for implementing SDG 16.

Topics covered included: opportunities and challenges of implementing the SDGs in LAC countries; measurement of SDG 16 and the potential role of different types of indicators; necessary measures to address financing and implementation gaps; existing capacities of LAC countries as well as their experiences and vulnerabilities; national, regional, and local implementation, including measuring and monitoring of the SDGs; the role of civil society in the monitoring and implementation phase.

Key messages

One speaker noted the argument that a new ‘Rio Consensus’ had replaced the so-called ‘Washington Consensus’, underlining that this signifies a major paradigmatic shift for development towards a universal and integrated agenda. The SDGs constitute a huge undertaking and countries would therefore need to exchange ideas and experiences on a universal level for achieving all the SDGs. This included developed countries, which also have much to achieve and to learn from other countries.

The OWG negotiations on framing SDG 16 had forced a strong international debate. The guiding principle of 'access to justice for all' resonates with all countries, as it allows for the consideration of multiple dimensions of vulnerabilities and injustices and provides a broad platform for a rights-based socially inclusive set of goals and targets. This principle enabled a breakthrough in conceptualizing SDG 16 because there is a strong correlation between access to justice and poverty eradication. Civil society had also emphasized the importance of 'access to justice for all' in the SDGs. Personal safety and institutions of security and justice are not limited to SDG 16, as they are embedded in several other goals.

The SDGs adopted a holistic approach toward institutions and governance. SDG 16 in particular represented a delicate political compromise made possible through the integration of a broad set of issues related to peace, institutions, justice, governance, and public safety in the SDGs, on the basis of the concept of access to justice. There can be no "one-size-fits-all" approach to the application of concepts such as "the rule of law" and "good governance", which fail to grasp national specificities, the plurality and diversity of national contexts and needs. More attention should be paid to the international dimension of governance and rule of law.

Brazil's experience in SDG 16 rested upon rights-based approaches, such as free and universal birth registry, outreach to all citizens to provide them with legal identities, the provision of free legal aid, and national strategies to strengthen access to non-judicial dispute settlement services, such as mediation and conciliation. Cities such as Rio have made impressive strides in reducing interpersonal violence through community-based policing approaches. Brazil had developed a national index on access to justice to monitor its progress, combining judicial with non-judicial indicators, such as levels of income, georeferences, and inequalities.

It would be very important to distinguish between conflict and violence in SDG 16: challenges such as interpersonal violence and crime were issues for development, *not* the UN Security Council. LAC is virtually free of conflict, and the few remaining conflicts seem to have promising ends in sight. Parts of LAC remained vulnerable to interpersonal violence, illicit flows, and natural disasters and shocks. LAC has very high compliance rates in the international rule of law.

One speaker noted that SDG 16 was a progressive articulation of a universal agenda that had been dominated by securitized, if not militarized, approaches over the last decade or more. This presented the opportunity to replace 'fragile states' lists with universal monitoring. SDG 16 was also important for the countries most behind on the MDGs. Accelerating institutional development to the rates that LAC achieved in the twentieth century could reduce the global absolute poverty count substantially by 2030. The speaker emphasized that the world needs LAC to assist with SDG 16, for example through smarter partnerships as well as assistance with developing non-prescriptive indicators (which had been too dominated by aid conditionalities in the past).

One speaker noted that the rule of law and development are mutually reinforcing. Other speakers highlighted the linkages between poverty, violence, and exclusion. Drawing on the experience of their own country, one speaker noted that providing access to justice and legal empowerment had proven crucial for tackling the root causes of poverty and exclusion.

In this regard, the role of disaggregated data could prove valuable in assessing people's participation and decreasing levels of discrimination. A speaker underscored that data disaggregation allows for better evidence-based approaches to policy design. One speaker called for different types of indicators, including perception and capacity-based indicators. The combination of such indicators could bolster efforts on measurement and monitoring.

A number of speakers agreed that the combination of SDG 16 on peaceful societies and SDG 10 on inequality could be powerful as a new way of addressing people's development concerns. Indeed, having a development agenda that resonates with a younger generation on these two issues will be very important.

Many speakers agreed that there is no 'one-size-fits-all' approach when it comes to the implementation of SDG 16 within Latin America. Effective implementation will hinge on LAC countries' ability to ensure national ownership and policy space. To that end, one speaker stressed the importance of aligning the SDGs to national development plans. Another speaker emphasized the specific challenges facing Island States. Because of their GDPs, these countries were no longer classified as developing countries. Yet they faced vulnerabilities to crime and to natural disasters and did not necessarily have the development finance to meet these challenges. A universal development agenda would need to address the specific needs of Island States and of other countries who had just 'graduated' to the Middle Income Countries group.

Another speaker noted that the key difference in the new development agenda is the implementation by *all* stakeholders. In this regard, LAC countries can continue to promote people's participation as an important means to implement the post-2015 agenda in the public and private sector alike. For the post-2015 agenda to be truly inclusive for civil society in LAC countries, it is crucial that discussions in the lead up to the UN Summit in September are also held in the Spanish language. Although there is no 'one-size-fits-all' approach to achieving SDG 16, LAC did have very important experiences to share globally. A LAC platform for SDG 16 was proposed.

At the outset, it became clear that while Latin America and the Caribbean do not have a common position on SDG 16, there is convergence on key issues, particularly on the demand-driven approach when it comes to implementation. The different nuances underline more or less restrictive understandings of the rule of law definition, ranging from access to justice to respect of all fundamental human rights.