

# Input of the International Development Law Organization for the HLPF 2023

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IDLO's experience confirms that through open, transparent and effective institutions, as well as the promotion for access to justice for all, SDG 16 is a foundational element of the other SDGs and sustainable development as a whole. IDLO takes a holistic approach to SDG 16 and rule of law and works on issues, such as customary and informal justice, health law, justice for women and climate justice. Our research and on-the-ground programmes highlight the conceptual and practical interlinkages between the SDGs. This can serve to promote implementation of the SDGs under review, as well as conversations and concrete action proposed in the SDG Summit in September 2023.

## **SDG 16 as an enabler for SDGs under review for HLPF 2023**

In the context of the SDGs under review in 2023, states should consider the ways that SDG 16 can help to support the implementation of these SDGs, especially SDG 6 and 7. The critical targets of SDG 16 that are especially relevant are the rule of law (SDG 16.3); anti-corruption (SDG 16.5); effective, accountable and transparent institutions at all levels (SDG 16.6); inclusive, participatory and representative decision-making at all levels (SDG 16.7); legal identity for all (SDG 16.9); public access to information (SDG 16.10) and non-discriminatory laws and policies (SDG 16b).

### ***SDG 6: water and sanitation***

The rule of law and SDG 16 are important enablers for SDG 6, including through legal frameworks, laws and regulation that support “universal and equitable access to safe and affordable drinking water for all,” including by enshrining the right to clean water into laws. Laws and regulation are also critical in “reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials” (SDG 6.3), including to establish a level playing field among all actors, and in protecting and restoring water-related ecosystems (SDG 6.6).<sup>1</sup> Legal identity is often an essential requirement in many countries to access public services, including water and sanitation. Laws and regulation that do not discriminate are critical to ensure equitable access to water, sanitation and hygiene (SDG 6.1 and 6.2).

Across all targets of SDG 6, effective, accountable and transparent institutions that are free of corruption at all levels are essential because they will determine whether authorities at the national, regional and local levels are able to provide “universal and equitable access to safe and affordable drinking water for all” (6.1) and “access to adequate and equitable sanitation and hygiene for all” (6.2); “improve water quality” (6.3); “implement integrated water resources management at all levels” (6.5); and “protect and restore water-related ecosystems” (6.6). Strengthening the capacities of these institutions, improving their effectiveness, accountability and transparency contributes to achieving several targets of SDG 6.

Institutions that are able effectively manage disputes over water resources are critical as climate change and population growth is putting more pressure on natural resources, increasing the potential for conflicts that can descend into violence. The rule of law improves inclusive governance of land and

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<sup>1</sup> See IDLO, [Sustainable Water Management: Compendium of Legal Best Practices](#) (2012).

natural resources, increases climate-resilient development and empowers climate-vulnerable people to actively participate in managing their natural environments, enabling the conditions for peace and development to flourish.

At the international level, institutions that manage such conflicts, including over transboundary water resources (SDG 6.5), are rather prevalent, prompting countries to cooperate. At the sub-national and local levels, however, such institutions are often weak or missing. IDLO is supporting alternative dispute settlement mechanisms in several countries, including Somalia.

Inclusive, participatory and representative decision-making at all levels are important ingredients in the management of natural resources (6.5), including water-related ecosystems (6.6), which is also recognized in target 6b (Support and strengthen the participation of local communities in improving water and sanitation management).

IDLO provides support to individuals, communities and local populations to exercise their rights, participate in decision-making and protect their resources. For example, in Rwanda, IDLO launched a comprehensive review of challenges that local communities face in resolving climate-related disputes. It also assessed past decisions, with a focus on how well they upheld gender equality principles and on analysing local institutional capacities. New findings will help improve Rwanda's overall system for dispute resolution, contributing to fairer outcomes.

### ***Access to justice for indigenous rights, land rights and redress against private sector for water pollution***

As IDLO advocates through the entirety of our work on climate action, access to justice for people and communities empower them to claim their rights. This is also the case for water-related rights. Strengthened access to justice and empowerment of people and communities, including indigenous groups, can hold governments accountable for water management and access to clean water. They can equally be used to hold the private sector accountable for water pollution in affected communities.

Customary, informal and indigenous actors can govern access to land and natural resources for many of the most climate-vulnerable people, but who are often excluded from decision-making and their rights over national resources disregarded. Through IDLO's work on customary and informal justice, it is evident that in areas and communities where national legal structures have limited capacity, presence or authority, customary and informal justice systems can be effective in adjudicating disputes over natural resources, including water and water usage.

### ***SDG 7: energy***

For SDG 7, the promotion of developing countries participation in global governance (SDG 16.8) is a tool to encourage, advocate and promote technical support and capacity building for the transition to renewable energy. This can include developing countries using global governance to facilitate the technology transfer of renewable energy.

The arguments above in relation to SDG 6 are also valid in part for SDG 7. Several targets of SDG 16 are relevant for SDG 7, including the rule of law (SDG 16.3); anti-corruption (SDG 16.5); effective, accountable and transparent institutions at all levels (SDG 16.6); legal identity for all (SDG 16.9); public access to information (SDG 16.10) and non-discriminatory laws and policies (SDG 16b).

The rule of law and SDG 16 are important enablers for SDG 7, including through legal frameworks, laws and regulation that ensure “universal access to affordable, reliable and modern energy services” (SDG 7.1). Legal identity is also often an essential requirement to get access to public utility networks, including those related to modern energy. Laws and regulation that do not discriminate are critical to “ensure universal access to ... modern energy services” (SDG 7.1). Legal frameworks are also important to provide the right incentives to “increase substantially the share of renewable energy in the global energy mix” (SDG 7.2), which is what the MoU between IDLO and the International Renewable Energy Agency (IRENA) focuses on.<sup>2</sup> This MOU aims to support just and inclusive energy transition and climate-resilient development. This will be achieved through strengthening regulatory frameworks to facilitate a just and inclusive transition to sustainable energy through cooperation, and collaborating in research, policies, capacity development and programmes related to just energy transitions. This is in line with IDLO’s broader policy on climate justice.

Again, across all targets of SDG 7, effective, accountable and transparent institutions that are free of corruption at all levels are essential because they will determine whether authorities at the national, regional and local levels are able to provide “universal access to affordable, reliable and modern energy services” (7.1).

### ***SDG 9: infrastructure, industrialization and innovation***

Several targets of SDG 16 are relevant for SDG 9, including the rule of law (SDG 16.3); anti-corruption (SDG 16.5); effective, accountable and transparent institutions at all levels (SDG 16.6) and inclusive, participatory and representative decision-making at all levels (SDG 16.7). The rule of law, including commercial law, are important for all economic transactions and efficient operations of a market economy, while at the same time protecting consumers and the environment.

Inclusive and participatory decision-making is particularly important for (large) infrastructure projects (SDG 9.1) to ensure that the views of the population are reflected in why, how, where and what is build with minimal negative social and environmental impacts.

IDLO’s Investment Support Programme for Least Developed Countries provides on-demand legal and professional assistance to LDCs for investment-related negotiations and dispute settlement. This support can facilitate investment in LDCs that can be used for industrialization and infrastructure development projects.

### ***SDG 11: cities***

Similar to the other SDGs, there are several targets of SDG 16 that are especially relevant for SDG 11, including the rule of law (SDG 16.3); anti-corruption (SDG 16.5); effective, accountable and transparent institutions at all levels (SDG 16.6) and inclusive, participatory and representative decision-making at all levels (SDG 16.7). Too often, the international community, focuses on capital cities at the expense of other cities and towns. SDG targets 16.5, 16.6 and 16.7 are in some ways more important in cities other than the capital because it is there that most people will interact with authorities, get access to public services and want to participate in decision making. It is, therefore, no surprise that inclusive and

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<sup>2</sup> See also IDLO, [Green Economy for Sustainable Development: Compendium of Legal Best Practices](#) (2012).

participatory decision-making (SDG 16.7) is also recognized in SDG 11.3 (“participatory, integrated and sustainable human settlement planning and management”).

And the same reasons why inclusive and participatory decision-making is important for (large) infrastructure projects (SDG 9.1), it is important for “safe, affordable, accessible and sustainable transport systems for all” (SDG 11.2).

### ***SDG 17: partnerships***

As SDG 16 is an enabler of the achievement of other SDGs, partnerships around SDG 16 are particularly important and can serve as an enabling multiplier.

IDLO organizes a number of conferences meant to strengthen knowledge sharing around SDG 16 and that strengthen partnerships. For example, IDLO partners with UN DESA and the Ministry of Foreign Affairs of Italy to organize an annual, multi-day conference aimed at bringing the UN, governments, academia, civil society and the private sector together to analyze, discuss and share best practices around SDG 16. IDLO also co-sponsored the High-level Regional Conference on Land and Conflict in East and Horn of Africa with the Intergovernmental Authority on Development (IGAD) and others, in Kampala, Uganda in 2023. This conference promoted partnerships and information sharing not just on SDG 16 (related to access to justice for land governance and peaceful settlement of land disputes) but also contributed to partnerships for SDG 2 (land rights and food security), SDG 5 (land rights for women and girls), and SDG 13 (land rights and climate change adaptation).

IDLO’s Investment Support Programme for LDCs was included in the Doha Programme of Action, and is an example of partnerships between an IGO, private sector and governments to achieve financing for development and SDG implementation. The support provided by ISP/LDCs seeks to address capacity constraints that LDC governments and eligible state-owned or private sector entities may face in investment relationships with foreign counterparts. By doing so, the Programme supports LDC beneficiaries in deriving the maximum benefit from existing investment opportunities, increase sustainable investment flows and promote greater economic diversification.

### ***Accelerating the recovery from the coronavirus disease (COVID-19) and the full implementation of the 2030 Agenda for Sustainable Development at all levels through the lens of SDG 16 and the rule of law***

The COVID-19 pandemic has had a negative effect on many, if not all of the SDGs, including those under review for 2023. SDG 16, with its emphasis on the rule of law and access to justice – is central to a more peaceful, just and inclusive recovery.

Accountable and inclusive justice systems can help tackle inequalities by constraining the arbitrary and unfair exercise of power and ensuring everyone is able to enjoy their human rights, including persons in marginalized or vulnerable situations. They are also essential for upholding democratic principles, and challenging the discriminatory laws, policies, social norms and stereotypes that hold people back from realizing their development potential.

Rule of law can play a key role in sustaining peace by helping to address the root causes of conflict and insecurity, which often lie in issues such as discrimination and marginalization, lack of respect for human rights, unequal distribution of public goods and services, corruption, impunity, and lack of accountability.

Effective laws and institutions can promote inclusive economic recovery, strengthen preparedness for future crises, and help us transition to a greener and more climate-resilient development model.

For example, gender equality and the empowerment of women and girls, as envisaged by SDG 5, requires the abolishment of discriminatory laws and investments in access to justice for women; Combating climate change and its impacts under SDG 13 requires empowering the climate vulnerable by enabling them to claim their rights and ensuring that climate policies are informed by and responsive to their needs; Strengthening land rights for small-scale producers, including women, and reforming regulatory frameworks can transform food systems and promote food security under SDG2; Improving inclusive economic growth under SDG 8 involves developing laws and policies that promote and strengthening national capacity to resolve commercial disputes through judicial or alternative dispute resolution mechanisms. It also involves promoting women’s economic empowerment by removing legal barriers to realize their entrepreneurial potential; and Strengthening legal frameworks to respond to public health emergencies and health laws that support universal health coverage and the development of public health systems bolster SDG 3.

IDLO’s Policy Brief on [Rule of Law and COVID-19](#) outlines some of the challenges that COVID-19 presents for sustainable development. It also identifies eight priority actions that collectively set out such a *Roadmap for a Rule of Law-Based Recovery*:

- [Foster participation, involve and empower people in decision-making processes](#)
- [Ensure that emergency restrictions are anchored in the rule of law](#)
- [Promote fair laws and policies for recovery](#)
- [Invest in justice services and expand legal aid](#)
- [Foster equitable justice innovation](#)
- [Engage with alternative dispute resolution and customary and informal justice in line with international standards](#)
- [Enhance justice for women and girls](#)
- [Promote a renewed spirit of multilateralism in alignment with the SDGs](#)

### ***SDG 2: Food Systems***

The war in Ukraine has created a global food crisis. IDLO argues that rule of law and SDG 16 can strengthen the resiliency of food systems and to ensure access to food in times of crisis. IDLO, in collaboration with the Food and Agriculture Organization has developed programs that identify legal and policy solutions to food security during emergency response and recovery. It has also assessed the impact of emergency laws and regulations on access to food for vulnerable groups. Assessment of national laws have been piloted in Honduras and Uganda in this regard.

### ***SDG 3: Access to healthcare***

Implementation of SDG3 has severely backslid since the onset of the COVID-19 pandemic. As states focus not only on pandemic recovery, but future pandemic preparedness, SDG 16 can provide some protection for vulnerable groups to access healthcare. IDLO argues that the right to available, accessible, acceptable, and affordable health care, particularly vaccines and medicines, must be enshrined in law and must be provided to vulnerable groups.

In collaboration with the World Health Organization, IDLO has been contributing to national preparedness and response systems through enhanced understanding and compliance of governments with the International Health Regulations and strengthened capacity to ensure that emergency restrictions are in adherence with international law and human rights.

IDLO has provided technical support to the Government in Uganda in analyzing legislation and providing technical recommendations on ways to strengthen public health emergency prevention in line with international standards. IDLO has also assisted the Government in Zambia in operationalizing the National Public Health Institute through the development of statutory instruments, also in line with international standards.

### ***SDG 5: justice for women and girl survivors of gender-based violence***

COVID-19 exacerbated the risks of gender-based violence, which saw a concerning uptick in the last few years and is greatly hindering the achievement of gender equality. SDG 16 can provide support to access to justice to address these issues. Policies and justice institutions that take into account the unique needs of women are essential, and increased assistance for legal aid can help close the gender justice gap.

IDLO has a number of programmes geared towards access to justice for survivors of gender-based violence and has recently published a report on this issue, entitled [Survivor-Centred Justice for Gender-Based Violence in Complex Situations](#).

In Tunisia, IDLO partnered with Avocats Sans Frontières to pilot a legal aid scheme to provide outreach and referrals to free legal aid for survivors of gender-based violence. To address the women's inability to leave abusive situations due to lack of economic independence, the Tunisian Government and IDLO adapted and promoted a web- and mobile device-based application that enables women artisans to list and sell their products. The application also enables women to network with each other and access information about their rights.

### ***SDG 10: deepening inequalities***

COVID-19's negative effect on health, food systems, the world economy, and education have disproportionately affected those living in poverty, as well as vulnerable and marginalized groups, thereby deepening inequalities. SDG 16 can facilitate legal and policy frameworks that help reduce inequalities both among and within nations.

For example, *among nations*, IDLO's Investment Support Programme for Least Developed Countries provides on-demand legal and professional assistance to LDCs for investment-related negotiations and dispute settlement. This is an example of both SDG 16 and SDG 17 working in tandem to address inequalities. This helps to put LDCs on an equal footing with other countries in regards to legal capacity, including with respect to economic and commercial law.

*Within nations*, IDLO is working to address inequalities for women, which have worsened during the pandemic. In countries where women's access to justice is already poor, the pandemic either slowed or completely halted legal proceedings, thereby increasing the divide for women's access to justice.

In partnership with UN Women, IDLO published its [Justice for Women Amidst COVID-19 report](#), which identified threats to women's justice, as well as interventions to strengthen women's access to justice during the pandemic.

In Mongolia, IDLO supported the development and adoption of rules and regulations for justice institutions to formalize coordination among justice sector actors, and ensured effective responses to domestic violence cases along the justice chain. To further strengthen the professional capacity of first responders, targeted training was delivered to relevant justice sector actors and domestic violence knowledge was institutionalized within justice institutions. Lastly, training programs expanded from Ulaanbaatar to more remote regions of the country and the project piloted a criminology survey on causes of domestic violence and proposed effective ways of combating and preventing it.

### **Key Messaging for the Political Declaration of the SDG Summit 2023**

SDG 16 and the rule of law is a critical enabler for all SDGs and an important instrument to address the interlinked crises that the world is facing, which should be reflected in the political declaration.

Fair and effective laws and institutions that work to address people's priority needs can have a catalytic effect across the SDGs. They are key to ensuring the delivery of public services and strengthen resilience against global crises [and a vital tool in our arsenal to accelerate progress on implementation. Providing clear guidance and concrete steps for Member States and other actors on how to bolster action around SDG 16 can revitalize action on all the SDGs.

To achieve this, the political declaration of the SDG Summit should include a reference to the need for greater political and financial support for the rule of law and access to justice, as enablers of the 2030 Agenda.

It would be important to reference, the need to put people and their needs at the center of justice systems, promote rule of law's catalytic role as a driver of peace and sustainable development, and address complex transnational challenges through fair and equitable processes grounded in the rule of law and human rights.

The Declaration should also incorporate findings and recommendations from upcoming events and summits that will bring together a wide range of actors. The HLPF in 2023 will be one such event.

One such event is IDLO's annual SDG 16 Conference, organized in partnership with UN DESA and Italy, which will explore interlinked crises and the catalytic contribution that SDG 16 and the rule of law can make in addressing them. While providing a platform for Member States to discuss key themes related to Goal 16, the Conference will also provide space for diverse voices and thought-leadership through the participation of civil society, academia, women, youth and marginalized groups. Outcomes from gatherings such as these should be used to create a declaration that reflects the transformative and innovative conversations that are taking place outside of the UN.