

Justice 2015

Emerging Trends in National Implementation of SDG Goal 16 and Justice Targets

Three case studies from Kenya, the Philippines and Jordan



Supporting Goal 16, Justice Targets and Indicators, along with a participatory implementation, monitoring and review framework is necessary to advance justice for all at the country level.

Prior even to their adoption, the SDGs are proving to be a valuable tool to advance and prioritize justice at the national level. These three case studies highlight how national champions have begun shaping and influencing planning processes and new policies. National level implementation will look different, but already some emerging trends on successful implementation have begun

to present themselves including on partnership, data and regional approaches. Implementation of the agenda is where a transformative agenda will move into transformative action and sufficient financial and technical support must be provided to governments and civil society to ensure they deliver, in partnership, justice for all.

The UN estimates that 4 billion people live outside of the protection of law.

While Justice and the rule of law were notably missing in the Millennium Development Goals, the new Sustainable Development Agenda has provided a generational opportunity to redress this and push forward access to justice for all.

There is mounting evidence that demonstrates how access to justice and legal empowerment are central to addressing very real development challenges. The law has the power to advance equality by protecting against abuse and by giving people a chance to shape their own lives. This is why in 2013, Namati, in partnership with the Open Society Foundation, launched the Justice 2015 Campaign to ensure that justice is central to the Post 2015 Agenda. We asked our global network of 300 grassroots legal empowerment organizations to identify priority areas needed to ensure justice for all. Out of these conversations five measurable priorities were identified: **access to legal services; access to information; participation in the delivery of basic services; legal identity; rights to land and property.** Through the efforts of multiple stakeholders across Governments and Civil Society, the SDGs currently recognize these central principles.

Goal 16 recognizes the need 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'*; this alongside other justice targets,¹ highlights the increased international commitment to justice and the recognition that justice-related targets and indicators can help realize, sustain, and monitor gains in multiple sectors. The UN Secretary General has identified justice as one of the six essential elements to frame and reinforce the universal, integrated and transformative

1 - These include targets: 1.4, 2.3, 5.5, 5a, 6b, 17.7, 17.18

nature of a sustainable development agenda. Civil Society has also been identified as central to implementing, monitoring and reviewing the new agenda.

Following the publication of the OWG document and Secretary-General's Synthesis Report, members of the Global Legal Empowerment Network began discussions on how to push forward national implementation and ownership. Namati has been supporting national leaders in the Legal Empowerment Network to host National Justice 2015 Meetings. Much has been made of the disconnect between New York and National Capitals in the post-2015 process and the aim of these meeting has been to address this, to push forward national implementation and ownership of the SDGs, to prevent implementation lag, and to ensure that civil society and governments work in partnership on implementation, monitoring and review of the SDGs.

National Justice 2015 Case Studies

The National Justice 2015 Meetings were led by member organizations of Namati's Global Legal Empowerment Network and took place in Kenya, the Philippines and Jordan between April and June 2015, bringing together multiple stakeholders from across government, civil society, development actors and the private sector. Each meeting was tied to Goal 16 and SDG implementation, but all adopted a different approach to ensure national relevance and will follow different action plans to track national implementation. While there are initial promising outcomes, much more support will be required to ensure this success translates into long term sustained action.

Kenya

Integrating Goal 16 into existing legislation and reprioritizing the legislative agenda

Organized in partnership with the legal empowerment and access to justice NGO, Kituo cha Sheria, the International Commission of Jurists Kenya and the Law Society of Kenya, the National Justice 2015 meeting had an ambitious agenda. It was looking to create an action plan for improved national justice that would cover: access to legal services; access to information; legal participation in the delivery of basic services; legal identity; rights to land and property; and the role of justice and legal empowerment in increasing security in Kenya. This meeting took place in the aftermath of the attacks in Garissa and within Kenya there was a renewed interest on how justice sector reforms could increase security. Those who attended the meeting were keen to ensure that the attacks did not allow for kneejerk policies to be passed which would hinder the rights of citizens and their ability to access justice. As Goal 16 covers justice, peace and security, it provided the necessary framework to discuss these issues in tandem.

Over the course of two days the Kenyan Parliamentary Human Rights Association, the Attorney General, Chief Justice and Human Rights Commission listened to and discussed at length justice issues being faced in Kenya. Initially, civil society had proposed that the varying stakeholder work together to produce a new, standalone, Justice Plan that would incorporate the SDG justice targets and existing National Justice Priorities. Those inside government stressed that the creation of such a policy could take several years and suggested instead that civil society and government work together to find existing legislation that could be revised and passed quickly. This was agreed to and the National Human Rights Policy and Action Plan was

seen as the obvious legislation to tackle, not only had this plan been developed through consultations with citizens, but it also had been developed in accordance with Kenya's constitution and the national development plan, Vision 2030. This Policy has been in draft form since 2008, and national actors saw the opportunity to use the momentum of the SDGs to bring this policy to the top of the legislative agenda.

The passing of such sector-wide legislation would also ensure that a necessary legal framework is in place to push forward related legislation to ensure justice for all including, amongst others: the Legal Aid Bill; Right To Information Bill; and Community Land Bill. Each of Kenya's pieces of planned justice legislation require financial resources. One of the needs for expediency in passing the bills is to ensure they can be considered alongside national budgeting plans for next year. Without the appropriate budgets in place these bills, alongside the SDGs, will remain as well-crafted documents with little impact on the lives of those they are intended to benefit.

In addition, the National Human Rights Policy already has many relevant national indicators to track progress against justice gains. These indicators, however, only included data gathered by the National Statistics office and lacked perception indicators in many areas. Civil society was able to use the debates on SDG Indicators to highlight why third party data should be included and the importance of perception indicators. The Human Rights Commission as a result of these arguments made clear that they would support a 'basket' approach for indicators that would cover administrative, objective and perception indicators.

In the short time since the meeting some initial results include: better relationships forged between government and civil society;

The Human Rights Caucus participating more in the SDG process and feeding into national positions and delegations; and most impressively the National Legal Aid Bill has moved into the next stage of law making, and is set to be finalized before the end of this sitting of parliament.

“Parliamentarians in Kenya rely on partnership with civil society, for research, knowledge, new ideas and with drafting of legislative policy. Together, government and civil society must learn from the MDGs and acknowledge why certain areas did not work. For Kenya, as we move to the SDGs we must make sure that we dedicate significant energy into the planning processes. Goal 16 is a new agenda – we are working hard to see how we can ensure access to justice for all citizens, to ensure their rights and the rule of law. We must also tackle how we will measure success; governance and rule of law can be seen as an abstract concept, you know when you have it and when you don’t, but we must ensure we have the correct indicators in place to measure success, so that by 2030 we will know if we have delivered access to justice. We need partnership within government and within civil society that will help us to implement and track success to ensure we don’t lose sight and score the goals we need to ensure that human rights are ensured for all. This meeting has been the first step in ensuring this and we have come up with an action plan for the coming months to drive forward this agenda.”

- Hon. Kenneth Okoth MP Kiberia

Philippines

Integrating Goal 16 into the new Philippine Development Plan through participatory policy making

Organized in partnership with the Alternative Law Group (ALG), an umbrella body of legal empowerment organizations, in collaboration with the National Anti-Poverty Council (NAPC), this one day meeting brought together over 60 participants from across all regions of the Philippines to discuss how Goal 16 can be integrated into the planning and formulation of the next Philippine Development Plan (PDP) 2016-2022. Alongside civil society, the NAPC, the National Economic and Development Agency (NEDA), The Philippine Statistics Authority, members of the Judiciary and the Attorney General were present, as were representatives from what are known in the Philippines as the 14 ‘basic sectors’ who represent the needs of groups in the Philippines (including for example, women, children, indigenous people, internally displaced people etc.). The positions of ‘basic sector representatives’ were introduced as a way for civil society to officially feed into government policy-making and review.

Participants agreed that there is currently a ‘justice deficiency’ in the Philippines and that the forthcoming PDP must contain a new justice section with nationally relevant SDG goals and targets integrated to tackle this deficiency. The government and civil society agreed to work in partnership to develop this section with both sides stressing this must happen prior to the Presidential elections next year to ensure timely national implementation of the SDGs. To begin this process, country wide consultations with citizens will be held to ensure their views and needs are reflected, including their views on justice, but also beyond justice recognising that participation in policy making is in itself a component of justice. The

basic sector representatives committed to leading these public consultations on justice and will have a structure in place to do this by July 2015, which will reflect SDG Target 17.7 to increase citizen participation in policy making.

Civil Society intends to use this process to create new systems and processes for participatory monitoring, review and accountability of the SDGs. Concerns were raised that citizens monitoring and measuring progress towards the SDGs would be met with political constraints. While there has been a concerted effort to ensure citizen participation in policy-making, the effectiveness of this varies by region, and there is need to improve and strengthen these processes and remove political influence. The government remained open to using third party data to monitor the justice sector and committed to using its position on the UN Statistical Commission Inter-Agency and Expert Group on Sustainable Development Goals to champion learnings from the national level.

Including justice in the PDP will also ensure that justice is recognized as an essential tool for inclusive growth and development. This reframing of justice will allow for additional funding for the justice sector including through increased national budget allocation and from international donors.

Jordan

A new Arab approach, government and civil society use Goal 16 to begin a dialogue on advancing justice across the region

As in much of the region, large segments of the Jordanian population have difficulty accessing the formal justice system. In some situations, laws and institutions impose barriers against the poor and marginalized; in others, low rights awareness, lack of affordable legal services, and inefficient or opaque institutions, mean that justice is inaccessible. Such exclusion is harmful from the perspective of conflict resilience, and has proven negative implications for economic growth, livelihoods and social equity.

With the support of HRH Prince El Hassan bin Talal and the West Asian and North African Institute, the National Justice 2015 Meeting brought together government, civil society, multilateral agencies, academia and regional participants from Palestine and Lebanon. **This meeting represented the first of its kind in Jordan to bring together these stakeholders to have honest and open dialogue on justice and SDG Implementation.** Goal 16 provided the rationale for kicking off these discussions with the hope being that this is the first of several dialogues between different stakeholders which will drive forward justice within Jordan and across the region.

Participants recognized that the SDGs represent an opportunity to reposition justice in West Asian and North African states. HRH called on States to develop authentic solutions that take into account a balanced strengthening of justice sector institutions at the governmental and non-governmental levels. The areas which were of most interest and discussed in depth included:

- **Inclusive growth:** A strong and efficient legal and regulatory system is a prerequisite to development. It is the basis for property rights, it is needed to facilitate investment and hence economic growth, and it is central to public administration, which is the basis for public revenue generation and service delivery.
- **Stability and good governance:** A fair, open and efficient justice system is integral to good governance. By contrast – and as demonstrated in the Arab Spring transitions – poor access to basic resources and limited economic opportunity, coupled with weak accountability, breeds instability.
- **Security and countering violent extremism:** An analysis of conflict in the region suggests that security cannot be achieved through arbitrary and unjust means. Policies to enhance security at the expense of justice are most often ineffective over the long-term and in certain contexts has promoted extremism and led to escalations in violence.

Following the meeting a research agenda has been developed which will look more specifically at how a regional approach to implementation of the SDGs can tackle these three areas. In Jordan, this meeting has also opened up dialogue on using the SDGs to push forward the adoption of National Legal Aid. Since this meeting there has been a follow up on legal aid and HRH Prince Hassan has included the issue of the SDGs and legal empowerment in his quarterly address. The meeting in Jordan highlighted that even in contexts where justice and legal empowerment are at an early stage of development, the SDGs, and Goal 16 specifically, are providing a platform to shift the discourse and have justice viewed as a nationally-owned priority, not an imposition placed on to the region. Allowing for varying approaches to implementation increased the credibility of the SDGs.

Emerging Trends

These meetings demonstrate the galvanizing effect that the SDGs can have in the areas of justice, governance and accountability. Being able to start discussions on implementing this agenda before its adoption at the UN shows the central importance that Goal 16 will have in reshaping development in the coming 15 years. While it is still too early to know the long term effects of these meetings there are some key learnings and emerging trends worth highlighting.

Goal 16 is an opportunity for renewed commitment to Justice, Legal Empowerment and Participation

The MDG experience demonstrated that internationally agreed goals translate into focused attention on specific development challenges, both by donors and target governments. From these pilots we have seen how Goal 16 has provided context to push forward these issues at a national level, which would otherwise not have been so well received or even possible. Civil society in Jordan highlighted that being able to speak frankly on the rule of law and justice in a public forum, with senior government representatives has never happened before and that the SDGs have provided a relevant and timely framework to focus attention on to this area. Justice, accountability and the rule of law can still be increased within the zero draft outcome document for Post 2015 in the preamble and declaration and we would welcome that.

Bridging the Gap between New York and Capital

Across all of these meetings basic knowledge of the SDGs is still low. Parliamentarians, civil servants and civil society stressed the need for basic SDG literacy and welcomed the knowledge shared in these meetings. Attendants in all pilots also stressed the need

for national representatives in New York, international civil society and development actors to do more to ensure that the agenda does not become a 'club for the few'.

National Leadership

Implementing the SDGs necessitates political will, leadership and long term planning. Across the pilot projects we have seen strong leadership and national champions pushing forward the justice agenda. In Kenya and the Philippines this leadership came from civil society who found champions within government to collaborate with, while in Jordan a more top down approach was taken using HRHs Prince Hassan's standing and commitment to legal empowerment to drive forward the agenda in a way which would not have been possible for civil society to do alone. Identifying and working through national champions will be key, especially given Goal 16's perception in some quarters as contentious.

National Ownership

All stressed the need to align the SDGs with existing processes and policy formulations. This may mean taking a staggered approach to implementation rather than sector-wide implementation. In Kenya, the government spoke of the need to prioritize legislation that could be passed in different sittings of Parliament. There is need to remember the importance of strategic politics and allowing national champions to create a technical plan of action rather than an 'all or nothing' approach. Also, aligning with existing national priorities should ensure quicker uptake and ownership of the SDGs. Participants have learning from the MDG experience where nationalizing and further localization the MDGs and its indicators was a real challenge as they were seen as parallel to national legislation.

Partnership and Participation

Attendance and contributions at these

meetings has been high, and included representatives from across the different arms of government, the judiciary, national law makers, civil society, academia, bureaucrats, statisticians, private sector, religious leaders and Royals. Being able to brand the SDGs as a shared agenda has proven incredibly useful in framing why these stakeholders must work in partnership to drive forward justice – it has allowed for a shift in discourse, even if there is much more to be done to ensure this translates into shared/collective action. The notion of participation of citizens in policy making was much more agreeable than citizen participation in monitoring, review and accountability mechanisms. The Zero Draft outcome document for the Post 2015 Summit outlines a strong role for inclusive global partnership, and of non-state actors in delivering the agenda, Member States must ensure this is sustained in the final document and translated to the national level.

Relevant National Indicators and Data

Better and more integrated data, coming from the ground up is needed to allow for better planning and policy making across the justice sector. Real and existing challenges still remain for setting national indicators and tracking the data and government representatives in the Philippines and Kenya highlighted that support in setting these indicators and tracking the relevant information would be welcomed through a skills transfer from other governments and data experts. While there was willingness to discuss third party data supplementing official data, governments highlighted that in the immediate future this data will not be seen as important as official data. Even when there is no official data, changing attitudes towards third party data will take time and concerted effort. In particular, data that is critical of governance and government corruption will be met with continued criticism. Data on service delivery will be more welcome.

Funding and Technical Transfer

Central in all of these meetings were questions and concerns around funding additional justice initiatives and the need for supplementary technical knowledge to ensure effective implementation. Funding, capacity building, technology and technical transfers will serve as important carrots for driving forward justice for all. National governments need to ensure sufficient budgets are allocated to justice. The Philippines approach to include justice as a standalone area in its new development plan was in part seen as a way to allow for new funding to be opened up, primarily national budget but also external funding. At the same time the Philippines is taking a sector-wide approach to budgeting for justice. In tandem these will allow for a more strategic approach to justice. The Addis Financing for Development Outcome Document must ensure that the Post 2015 agenda holds Member States to their ODA commitments and that new funding is targeted towards strengthening justice globally. A mechanism to ensure skills transfers between states must also be made clear.

Regional Approaches

Across all meetings participants stressed the importance of a regional integration for implementing this agenda. In Jordan and the Philippines regional observers attended the meetings to ensure that learnings could be captured and taken back to different contexts. The desire for regional justice approaches was tied in part to shared learnings, but also to regional security issues which require coordination across borders. Issues including citizenship, refugees and terrorism all necessitate regional coordination. In addition, as societies with higher levels of justice tend to have higher economic growth, the hope would be to have greater regional growth. Regional approaches were discussed as providing authentic ways to integrate the agenda in contextually appropriate ways. One

concern raised was that regional approaches must ensure that the ambition of the SDGs are not diluted, in the context of Goal 16 there was specific concerns around security and terrorism being prioritized over basic justice needs.

Conclusion

With the adoption of the SDGs less than 100 days away, Namati and the Legal Empowerment Network recognizes that there is much to be done to ensure that the SDGs allow the 4 billion in the world who do not have access to justice to move towards a new reality. While the coming months will remain of utmost importance in New York and Addis at the FFD conference, increasingly national level efforts will be needed to drive forward the ambition of the Goals.

The National Justice 2015 meetings have highlighted the appetite and ambition that exists within government and civil society to move forward justice and legal empowerment; this must be supported and further extended. The SDGs are a generational moment that organizations and government departments working on justice and legal empowerment must capitalize on, to support their advocacy efforts and where possible to forge partnerships between civil society and government in policy formation, implementation and accountability.

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