
ACHIEVING A TRANSFORMATIVE POST-2015 DEVELOPMENT AGENDA: THE CONTRIBUTION OF THE RULE OF LAW TO EQUITY AND SUSTAINABILITY

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A conference convened by the Italian Ministry of Foreign Affairs, in the context of Italy's Presidency of the Council of the European Union, in collaboration with the International Development Law Organization (IDLO).

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1. THE CONCEPT NOTE

The rule of law is increasingly emerging as a central issue in the process of framing the post-2015 development agenda. In 2012, the Outcome Document of the Rio+20 Conference on Sustainable Development stated:

“Democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger.”

In 2012, the Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels recognized:

“The advancement of the rule of law at the national and international levels is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law.”

In the Declaration, UN Member States further stated that “for this reason we are convinced that this interrelationship should be considered in the post-2015 international development agenda”.

The challenge ahead for the international community is to design a strong post-2015 development agenda, built on the foundations laid by the Millennium Development Goals (MDGs) that both complete the unfinished business and respond to new challenges.

The post-2015 development agenda has generated an unprecedented level of attention to the most pressing economic, social and environmental issues of our time. Furthermore, there has been ardent discussion as to the contributions that the rule of law can make in realizing sustainable development, including pathways that lead to inclusive economic development, equitable social development and robust environmental stewardship.

The Italian Ministry of Foreign Affairs, in the context of Italy’s Presidency of the Council of the European Union, together with the International Development Law Organization (IDLO) will convene a conference to deepen the understanding of the contributions of the rule of law in the post-2015 development agenda.

OBJECTIVE

The conference will address how the rule of law can play a role in serving as a driver to promote inclusive sustainable development.

The event will provide an opportunity for participants to:

- › Discuss the role that the rule of law plays or can play both in support of other development goals and as an outcome of development in itself;
- › Identify practical, constructive solutions afforded by the rule of law to address multiple and intersecting development objectives;
- › Explore how the rule of law works as a cross-cutting issue that impacts on other topics being discussed in the post-2015 agenda, in particular food security.

FORMAT

The conference, organized by the Italian Ministry of Foreign Affairs – Directorate General for Development Cooperation and IDLO, will take place on 21 July at FAO Headquarters in Rome, Italy. The conference will consist of a high-level opening session, followed by two interactive, multi-stakeholder panel discussions and a closing session.

The panel discussions will focus on:

- › the role of the rule of law in the post-2015 development agenda
- › food security and the rule of law

A summary document will be issued and subsequently be made available to all participants.

In addition to Ambassadors of Rome-based missions to the UN, experts leading on the post-2015 development agenda discussions are encouraged to participate from EU Member States and other capitals.

Representatives of international organizations based in Italy and other relevant stakeholders are also invited to attend.

2. THE SETTING

A conference on “Achieving a Transformative Post-2015 Development Agenda: The Contribution of the Rule of Law to Equity and Sustainability” convened by the Italian Ministry of Foreign Affairs, in the context of Italy’s Presidency of the Council of the European Union, in collaboration with the International Development Law Organization (IDLO), was held in Rome on 21 July 2014. The conference received messages of support (reproduced in Annex I) from John W. Ashe, President of the 68th session of the UN General Assembly, Jan Eliasson, Deputy Secretary-General of the United Nations, and José Graziano da Silva, Director-General of the Food and Agriculture Organization of the United Nations (FAO).

The conference was attended by some 200 participants, including Ambassadors and representatives of Embassies and Permanent Missions to the United Nations in Rome, representatives of UN agencies, international organizations and non governmental organizations, and representatives of the Italian Ministry of Foreign Affairs and other Italian Ministries.

An IDLO report on “[Doing Justice to Sustainable Development: Integrating the Rule of Law into the Post-2015 Development Agenda](http://www.idlo.int/in-sights/publications/doing-justice-sustainable-development-integrating-rule-law-post-2015)” (<http://www.idlo.int/in-sights/publications/doing-justice-sustainable-development-integrating-rule-law-post-2015>) was circulated to the Conference and the corresponding [video](http://www.idlo.int/news/videos/video-doing-justice-sustainable-development) (<http://www.idlo.int/news/videos/video-doing-justice-sustainable-development>) shown to introduce the topic.

The conference was opened by Hon. Lapo Pistelli, Vice Minister of Foreign Affairs of Italy, and Irene Khan, Director-General of IDLO. Their addresses were followed by statements by special guests Ertharin Cousin, Executive Director, World Food Programme (WFP), Amb. Michel

Mordasini, Vice-President, International Fund for Agricultural Development (IFAD), and H.E. Gerda Verburg, Chair, UN Committee on World Food Security; keynote addresses by Flavia Pansieri, United Nations Deputy High Commissioner for Human Rights, and Dr. Willy Mutunga, Chief Justice and President of the Supreme Court, Kenya; and by a briefing by Nikhil Seth, Director, Division for Sustainable Development, United Nations Department of Economic and Social Affairs (DESA), on the outcome of the work of the UN Open Working Group (OWG) on the Sustainable Development Goals (SDGs).

Following the opening session, the conference was organized into two panels dealing respectively with “Shifting the Development Paradigm: The Contribution of the Rule of Law; and “Achieving Food and Nutrition Security; Ensuring Sustainability through the Rule of Law”. Concluding remarks were made by Irene Khan and Giampaolo Cantini, Director-General for Development Cooperation in the Italian Ministry of Foreign Affairs.

Section 3 of the present report outlines the key messages resulting from the conference.

Section 4.1 contains a thematic summary of the interventions at the inauguration and opening session (reproduced in full in Annex 1).

Sections 4.2 and 4.3 highlight the main themes addressed during the two panel sessions (a summary of the panelists’ interventions and of the questions raised during the interactive part of the two sessions is at Annex 2).

Annex 3 to this report contain the concluding remarks of Mr. Cantini and Ms. Khan.

Annex 4 contains the program of the conference.

3. THE KEY MESSAGES

- › For the post-2015 development agenda to be truly transformative, it must be based on a set of bold, pragmatic and people-centered Sustainable Development Goals (SDGs) that focus on the root causes of poverty, inequality and environmental degradation and deliberately seek to redress the injustices that have resulted from them.
- › The new development agenda must address both sides of the development challenge: freedom from want and freedom from fear. One cannot be achieved without the other, and sustainable development requires both.
- › The rule of law is a key, concrete platform to advance sustainable development. Experience and evidence from the ground show that the rule of law is vital to achieve progress in relation to each of the three dimensions (economic, social and environmental) of sustainable development and across them: it provides predictability and certainty to sustain economic growth; it ensures equal opportunity and equitable access to basic services, thus helping to fight poverty and inequality and advance social inclusion; and it strengthens the legal framework to achieve sustainable resource management and protect the environment.
- › More than three quarters of the world's poorest people live in the rural areas of developing countries. This fact alone suggests that food security and rural development must be at the center of the post-2015 development agenda. The rule of law embodies many of the strategic elements that are key to transformational progress in these areas.
- › The rule of law properly understood aims to provide not only legal certainty and predictability but also substantive justice.
- › Equality, accountability and respect for human rights – economic, social and cultural rights as well as civil and political rights – are integral parts of the rule of law.
- › All goals and targets in the post-2015 development agenda must be compliant with international standards.
- › The rule of law ensures that human rights are implemented and brought to life to tackle deprivation, exclusion, discrimination and marginalization – the key factors that lie at the heart of poverty. This understanding of the rule of law is in sharp contrast to rule by law, whereby the law may be used as a tool to oppress or discriminate against people and avoid accountability under the guise of formality, legality and legitimacy.
- › We need to keep people at the center of development and focus on people as rights holders, not simply stakeholders. A transformative agenda is about bringing change to peoples' lives.
- › Access to justice is essential to creating an inclusive society. Legal empowerment and access to justice are critical so that people can claim their rights and become themselves actors in development and agents of change. Specific examples were given of how this is happening in several countries.
- › Participation, accountability, voice and agency are powerful tools of empowerment.
- › The inclusion of justice within the concept of development will ensure that human beings are transformed from objects to subjects of development.
- › The rule of law is both a means and an outcome of sustainable development. It is of intrinsic as well as instrumental value to development in delivering concrete development outcomes, locally owned and tailored to local needs. Cultural and religious traditions and local realities must be fully taken into account.
- › The attention of the conference was drawn to the framework of the SDGs that the UN Open Working Group on the SDGs had finalized the previous week for consideration by the UN General Assembly, and particularly to proposed goal 16 that reads “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” and includes a target (16.3) to “promote the rule of law at the national and international levels and ensure equal access to justice for all”.

- › It was recognized that the Working Group had gone through an extensive consultative process and had produced a draft that sought to reflect a wide range of views and perspectives. As such, the draft was an important achievement. Notwithstanding different positions on conceptual issues, it showed that there is broad agreement on many aspects of the rule of law and its contribution to sustainable development. As the General Assembly process moves forward, the main aim should be to deepen consensus - focusing, rather than on terminology and concept, on concrete issues of implementation, effectiveness and measurement of impact.
- › Beyond proposed goal 16, appropriate rule of law related targets should be reflected under all other relevant goals within the Agenda
- › The Open Working Group should be commended for its commitment to two other key rule of law related goals: on gender equality and on combatting inequalities within and among countries.
- › The rule of law is key to removing barriers preventing women from achieving their full potential. This is in turn a crucial condition for societies to fully realize their development potential.
- › The rule of law is of equal importance at the international and national levels. One neglected dimension is the reform of international economic governance. There is a need to address international financing, taxation, fiscal and trade rules that impede sustainable development so as to create a more equitable basis for social economic progress. At both levels there are demands for fairer, more transparent rules for institutions that must be met.
- › The rule of law is a global imperative of equal relevance to developed and developing countries and equally applicable to all.

4. THE PROCEEDINGS

4.1 HIGHLIGHTS OF THE INAUGURATION AND OPENING SESSION

Focusing on central issues relating to the rule of law and sustainable development, high-level speakers at the opening session provided a strong platform for the conference. As well as focusing on issues of implementation, gender equality, and human rights, the speakers urged participants to focus their minds on who the post-2015 development agenda is intended to serve, to help galvanize political will, to turn rhetoric into action, and to maintain the momentum started by the OWG.

- › RULE OF LAW SHOULD BE CONSIDERED AS INSTRUMENTAL, OR BETTER AS A “TRANSFORMATIVE ENABLER”, IN DELIVERING CONCRETE DEVELOPMENT OUTCOMES, LOCALLY OWNED AS WELL AS TAILORED TO LOCAL NEEDS.

Hon. Pistelli, Vice Minister of Foreign Affairs, Italy

IMPORTANCE OF THE RULE OF LAW TO SUSTAINABLE DEVELOPMENT

The ultimate aim of the post-2015 development agenda should be to transform the lives of the poor, marginalized and vulnerable, both now and in the future. Director-General Khan made clear that we cannot settle for anything less. While the MDGs have achieved unquestionable gains in human development, answering today's challenges requires a fundamental shift – more than just an extension of current development efforts. To achieve this shift and enable people to live sustainable and inclusive lives, development efforts should be rooted in the rule of law and a culture of justice.

- › AT ITS CORE SUSTAINABLE DEVELOPMENT IS A CALL TO ACHIEVE JUSTICE. ROOTING SUSTAINABLE DEVELOPMENT IN A CULTURE OF JUSTICE WOULD BE THE ULTIMATE GAME CHANGER.

Irene Khan, Director-General, IDLO

The rule of law was missing from the MDGs. But evidence and experience has shown that the rule of law and justice will be crucial moving forward. Nikhil Seth, who directed the secretariat of the OWG, explained that the draft SDGs produced by the OWG has confronted this deficit by, among other things, tackling inequality, endorsing inclusive economic growth, equitable use of natural resources and the protection of the natural and human environment, and by seeking to advance key elements of the rule of law geared to achieving justice for all. It is essential that these gains are maintained as intergovernmental negotiations leading to the adoption of the new agenda continue.

- › A LESSON LEARNED FROM THE MILLENNIUM DEVELOPMENT GOALS IS THAT STRONG EMPHASIS ON DELIVERING JUSTICE THROUGH THE RULE OF LAW AND ENSURING WELL-FUNCTIONING INSTITUTIONS, ANCHORED IN HUMAN RIGHTS, ENHANCES OUR EFFORTS TO ACHIEVE SUSTAINABLE DEVELOPMENT.

Message to the Conference of Jan Eliasson, Deputy Secretary-General of the United Nations

As emphasized by Vice Minister Pistelli in his opening address, the rule of law has been recognized as both a driver of development and an outcome in itself. Through legal empowerment, just laws, and capable institutions, the rule of law is a concrete basis for achieving sustainable development. A strong rule of law culture is important for preventing and recovering from conflict which can set back development gains by decades. It is critical to achieving goals across all three dimensions of sustainable development: economic, social and environmental. The rule of law is a critical underpinning in improving the human condition, regulating relationships and living conditions, creating equity, social justice, and promoting sustainable development.

- › THE RULE OF LAW AT ALL LEVELS NEEDS TO GO BEYOND A 'LAW AND ORDER' AGENDA – AND IT MUST PUT PEOPLE BEFORE MARKETS, AND RIGHTS-HOLDERS BEFORE SHAREHOLDERS.

Flavia Pansieri, Deputy High Commissioner for Human Rights, Office of the High Commissioner for Human Rights

As emphasized by UN Deputy Secretary-General Eliasson in his message, the rule of law facilitates investment and inclusive growth. For example, it fosters predictability and stability; helps to combat corruption, illicit financial flows and crime; and builds trust among states, citizens and development partners. Transparent and capable institutions promote stability as well as the sustainable and equitable use of resources. Just and fair legal frameworks and effective systems of enforcement improve the delivery of health, education and other basic services. Legal identity and equal access to independent justice helps guarantee non-discrimination and is a primary means of redress. The rule of law advances accountability, helping to ensure equitable and sustainable development for all.

- › WE WILL NOT ACHIEVE ZERO HUNGER WITHOUT PEACE AND GOVERNANCE, AND THE ELIMINATION OF CORRUPTION. WE NEED RULE OF LAW TO DO THIS...THE SDGS REQUIRE MORE THAN A SIMPLE REAFFIRMATION, THEY REQUIRE A TRANSFORMATIVE AGENDA THAT CHANGES OUR THINKING AND OUR ACTION. THE RULE OF LAW SHOULD DRIVE OUR GOALS AS WELL AS BEING AN OUTCOME IN ITSELF

Ertharin Cousins, Executive Director, WFP

The message to the Conference of the President of the General Assembly provided important context, highlighting that the present conference follows a number of events which have acknowledged the inter-linkage between the rule of law and development, including the 2012 High-level Meeting of the General Assembly's Declaration on the Rule of Law at the National and International Levels, and the President's own High-level Event on the Contributions of Human Rights and the Rule of Law in the Post-2015 Development Agenda. Based on these, and various national experiences, it is now apparent that a multidisciplinary consensus is emerging which sees the rule of law as a central driver of sustainable development.

IMPLEMENTING THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVEL

The national and international dimensions of the rule of law must both be taken into consideration when developing the post-2015 development agenda. At both levels, the rule of law is a 'transformative enabler' of global and local change.

- › OUR CHALLENGE IS TO FIND WAYS TO CONTINUE TO STRENGTHEN THE RULE OF LAW AND TO INCREASE ITS CONTRIBUTION TO SUSTAINABLE DEVELOPMENT. I AM CERTAIN THAT TODAY'S CONFERENCE WILL EXPLORE NEW WAYS FOR THIS TO HAPPEN.

José Graziano da Silva, Director-General, FAO

From his experience in the Kenyan Supreme Court, Chief Justice Mutunga in his keynote address illustrated how, through enacting a transformative constitution, Kenya has been able to set itself on a sustainable development trajectory. At the national level, transformative constitutions, progressive laws and policies, and transparent institutions give life to the rule of law. These mechanisms enable effective dialogue and participation between governments and citizens, address historical inequities, ensure accountability of both government and business, and shape governance priorities. For example, when a country amends its constitution to embrace the right to food, it significantly raises its commitment to eradicate hunger and food insecurity, explained Director-General Graziano da Silva in his message to the Conference.

- › THE CONTRIBUTION OF THE RULE OF LAW TO THE MITIGATION OF THE GLOBAL STATUS QUO IS ONE THAT HAS TO BE INTEGRATED INTO SUSTAINABLE DEVELOPMENT THAT RESULTS IN A JUST SOCIETY

Dr. Willy Mutunga, Chief Justice and President of the Supreme Court of Kenya

Implementing the rule of law at the national level is not just about adopting laws and creating institutions: institutions can be mismanaged and laws can be discriminatory, and the marginalized and the voiceless will always pay the price. Vulnerable groups who hold the fewest assets in society and have the least capacity to overcome adversity and external shocks, including the rural poor, must be given social protection and access to education, financial services, land, resources, and justice. Culture must not be forgotten

and the rule of law must work to ensure local traditions are respected in a way that upholds human rights – stressed H.E. Verburg in her presentation. Similarly, Deputy High Commissioner for Human Rights Pansieri strongly expressed that equality, accountability and respect for human rights are integral parts of the success of the rule of law, and must underscore all development efforts. These are not abstract constructs but rather are a concrete base on which to stand.

- › THE POST-2015 DEVELOPMENT AGENDA CAN, AND MUST, GIVE PRIORITY TO SOCIAL, ECONOMIC AND POLITICAL INCLUSION; EQUALITY AND EQUITY; SUSTAINABILITY; AND RIGHTS AND GOOD GOVERNANCE, INCLUDING THE RULE OF LAW.

Amb. Michel Mordasini, Vice President, IFAD

At the international level the rule of law can guide an enabling environment which ensures equality and equity between states. A truly enabling international environment must include effective, fair trade regimes; equitable international cooperation for development; respect for human rights standards; participation of all states in decision making; and the peaceful settlement of disputes. International cooperation must also be strengthened to ensure that targeted, relevant and intelligent interventions can be made. Too often international cooperation efforts are fragmented and fail to achieve durable solutions for those living in poverty. A key aspect of implementing a coordinated effort is to promote multi-stakeholder governance, which includes states as well as non-state actors, and those at the grass-roots level.

GENDER EQUALITY

The post-2015 development agenda must address gender equality, and particularly the burdens suffered by women in rural environments, a point stressed by Ambassador Mordasini. The visibility and empowerment of girls and women in national political, social and economic life, contributes substantially to the success of all development goals. The rule of law demands that the barriers that prevent women from fully achieving their potential are removed. Rule of law interventions can be applied to give women access to land, ownership rights, decision-making authority, and credit and markets. It can ensure that their voice and agency is respected. Fighting marginalization and discrimination, strengthening rights, and providing access

to justice are critical enablers for women to achieve their potential.

- › ALWAYS THINK ABOUT HOW WE CAN REALLY TRANSFORM THE SITUATIONS OF PEOPLE IN THE GRASS-ROOTS. IT IS ALWAYS ABOUT THEIR POSITION, THEIR SITUATIONS, SO WHEREVER YOU ARE AND WHENEVER YOU HAVE THE OPPORTUNITY TO NEGOTIATE, OR DECIDE, OR TO EXECUTE, PLEASE THINK ABOUT THE PEOPLE AND ESPECIALLY ABOUT THE VULNERABILITY OF WOMEN. SO, ACT GLOBAL AND LOCAL.
H.E. Gerda Verburg, Chair, UN Committee on World Food Security

MAINTAINING MOMENTUM

The success of the SDGs will boil down to political will. The ambivalence of some Member States towards the rule of law during several negotiations indicates a need for further constructive dialogue. The President of the General Assembly and the Deputy Secretary-General both reflected in their messages that the process of defining the post-2015 development agenda must be a collective endeavor to provide a life of dignity for all – a challenging task which requires the leadership and support of governments to ensure that the necessary political will is deployed.

- › I ENCOURAGE YOU TO CONTINUE TO FOSTER A CONSTRUCTIVE DIALOGUE DURING THIS CONFERENCE, RECOGNIZING THAT SOCIAL EQUITY AND JUSTICE THROUGH THE RULE OF LAW ARE CRITICAL TO DEMOCRACY, PEACE, SUSTAINABLE HUMAN DEVELOPMENT AND THE ATTAINMENT OF A UNIVERSAL DEVELOPMENT AGENDA WITH THE POTENTIAL TO BE TRANSFORMATIVE FOR ALL.

John W. Ashe, President of the 68th session of the UN General Assembly

Several rule of law related issues have led to heated debate, including in relation to national sovereignty, aid conditionality, and local ownership. However, these issues are not insurmountable. WFP Executive Director Cousin, among others, called on the international community to focus on moving from conceptual debates to implementation, and to move beyond rhetoric and abstract concepts. To achieve this, realistic financial contributions must be allocated, and progressive governments must lead by example by ensuring that their own policies and practices support the rule of law, equity

and sustainability. They must also encourage others to follow suit.

The international community must maintain the momentum created by the OWG. Seth elaborated on the work of the OWG - after 17 months of work, the OWG produced an ambitious draft of goals and targets intended to achieve sustainable development. The process engaged civil society as never before, engaged the UN system, working together as one, as never before, and brought in expert analysis like never before. The set of 17 goals and 170 targets is a reflection of this collaborative process. The final document integrates the economic, social and environmental dimensions of sustainable development, brings balance to the different political constituencies involved in the process, and shows substantial qualitative improvement from the MDGs. It represents a holistic approach to addressing the plight of those living in poverty

who should be at the center of the new development agenda. The challenge ahead is to make sure that the sense of urgency, the spirit of engagement, and the enthusiasm with which so many have joined the process is maintained and that critical gains, such as in relation to the main elements of the rule of law, are not lost.

- › THE FIVE WORDS WHICH HAVE BEEN USED VERY OFTEN IN THIS AGENDA ARE UNIVERSALITY, INTEGRATION, BALANCE, AMBITION AND TRANSFORMATION, AND I THINK WE ARE WELL ON THAT COURSE.

Nikhil Seth, Director, Division for Sustainable Development, UNDESA

4.2 HIGHLIGHTS OF SESSION 1 - SHIFTING THE DEVELOPMENT PARADIGM: THE CONTRIBUTION OF THE RULE OF LAW

With the stage set in the opening session, panelists moved to address the rule of law's contribution to sustainable development, the treatment of the rule of law in the OWG's draft SDGs, and challenges and opportunities moving forward.

THE RULE OF LAW AND A TRANSFORMATIONAL AGENDA

Making the critical link between justice and development is the paradigm shift required to ensure that the post-2015 development agenda is truly transformational. To deal with the realities of poverty and inequality, and to achieve human development, the focus must be on enhancing justice for individuals, not just putting in place laws or strengthening state institutions: the state must embrace the centrality of human voice and agency in development. Free access to information, including legal information, is important in advancing a culture of justice.

The human rights dimension of the rule of law is essential for every aspect of a transformational development agenda. This has been made clear from the constant resounding calls from all corners of the globe for the new agenda to be anchored in the principles of human rights. Human rights must permeate throughout the goals, including to ensure

respect for the principles of universality, equality, indivisibility, and accountability.

To be transformational, the SDGs need to be bold, pragmatic and people-centered, addressing inequalities and focusing on the root causes of poverty.

THE OUTCOME OF THE OPEN WORKING GROUP'S PROCEEDINGS

Over the last decade, Member States have consistently recognized the interlinkages between the rule of law and all dimensions of sustainable development. The OWG has given life to this recognition by incorporating key elements of the rule of law in a stand-alone goal (16) in the draft SDGs it has agreed to submit to the General Assembly.

The OWG draft is more ambitious than the MDGs and more in line with states' obligations under international human rights law. The existence of many 'zero' targets is a positive sign. The draft reflects the rule of law's important contribution to sustainable development through indicators and targets relating to, inter alia: access to justice; universal legal identity; gender equality; effective, accountable and transparent institutions; public access to information; the removal of discriminatory laws; and, importantly for international rule of law, the development of equity in

international trade, including through the reduction of illicit money flows, corruption and organized crime. The incorporation of a specific goal on inequality is one of the most transformation aspects of the OWG's draft.

MOVING FORWARD

It is essential that a careful balance between the rule of law at the international and at the national level be guarded, to create a truly comprehensive development agenda. The current goal 16 encompasses indicators which fundamentally advance a rule of law culture at the national and international levels.

It will also be important to ensure that the universality of the agenda is maintained, that the goals and targets are ambitious and not susceptible to being manipulated, and that accountability – both between citizens and states, and between developing and developed countries – is strengthened.

4.3 HIGHLIGHTS OF SESSION 2 - ACHIEVING FOOD AND NUTRITION SECURITY: ENSURING SUSTAINABILITY THROUGH THE RULE OF LAW

The interactive discussion gave panelists and participants the opportunity to discuss the contribution of the rule of law to the achievement of food and nutrition security. Issues canvassed included governance of natural resources, land tenure, and the peaceful resolution of environmental disputes.

THE RULE OF LAW AND FOOD SECURITY

An enabling legal framework is fundamental to securing food security and nutrition, sustainable agriculture and land tenure, and ensuring sustainable livelihoods for the rural poor. Good laws can support the four pillars of food security – availability, access, stability, and utilization – in a comprehensive and inclusive way. Safeguards embedded in law that seek to uphold responsible investment in agriculture and other land-based sectors are crucial to promote equitable social development and environmental sustainability. These safeguards are also important to secure the inclusion of a diverse range of stakeholders, such as small landholders, farmers, women, indigenous and marginalized populations. The rule of law acknowledges the important development role of all stakeholders, including smallholders and small businesses, and can be instrumental in promoting justice principles in the rural context, such as

The international community's focus should now shift to ensuring effective implementation.

Measurement will be key. We must move away from the narrow lens of measurement that currently underpins the MDGs to effectively measure poverty reduction and exclusion. It is wrong to argue that the rule of law is not 'measurable' given the advancement in the tools available to measure progress resulting from capacity building, legal empowerment and other rule of law related initiatives.

good governance, transparency, accountability and access to justice.

THE RULE OF LAW AND NATURAL RESOURCE MANAGEMENT FOR THE RURAL POOR

Engagement in the rule of law must and will increase in response to rapidly changing rural dynamics that are increasingly impacted by external factors such as urbanization. Urbanization has redefined rural transformation and has led to major changes in the rural labor force and to greater competition for land and water in rural areas. The rule of law is critical for dealing with these challenges by concretely and measurably allowing for the fundamental ability of rural populations to use and benefit from natural resources.

Pro-poor legal frameworks that are relevant, inclusive and evolving, can enable the rural poor to deal with future challenges, including in relation to food security, financing, land and water use, and the discrimination of women. Unequal power relationships are a key dimension to many of the challenges faced by the rural poor, in particular disparities in the ability of women to access markets and resources. There is a real risk that this power imbalance, which is sometimes perpetuated by laws and policies, will

worsen the economic and social marginalization of the rural poor and consolidate inequalities. However, with appropriate laws in place, resources can be managed in a way that can enhance social development and also build community resiliency against natural disasters.

Through the good regulation of the commons, the rule of law can be a tool in helping the rural poor to gain access to resources needed for achieving food security. The 'tragedy of the commons' can be appropriately mitigated with good governance, provided that the laws in place are appropriate for the given context.

LAND TENURE FOR DEVELOPMENT

Land tenure is a clear intersect between the rule of law and food and nutrition security. Agricultural intensification has taken place in a dynamic way and land tenure issues and patterns have changed with different types of agricultural practices. In the Philippines, the rule of law has been able to stabilize smallholder land and guide the appropriate use of public funds, as well as putting in place proper incentives and services to ensure that smallholder land owners are sufficiently protected. It is important that a one-size-fits-all

approach not be applied to land tenure and land titling and that local culture and conditions be taken fully into account. Appropriate titling and tenure of land regulations are also essential for a country to be able to deal with land issues arising after a natural disaster.

EQUITABLE AND PEACEFUL RESOLUTION OF ENVIRONMENTAL DISPUTES

The rule of law at the national and international levels plays an important role in regulating the relationship between natural resources and conflict – a major barrier to food and nutrition security. The international legal framework in place to regulate this relationship is becoming increasingly important and gives rise to many remedies available in both times of war and times of peace. The link between the environment and conflict was recognized in the report of the Secretary-General's High Level Panel on the Post-2015 Development Agenda, which noted that natural resource misuse is both a driver and an indicator of long-term conflict. The rule of law can play a key role in ensuring the equitable use and benefit sharing of natural resources to help avoid resource related conflicts.

ANNEX 1 STATEMENTS: INAUGURATION AND OPENING SESSION

MESSAGE FROM JOHN W. ASHE, PRESIDENT OF THE 68TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Excellencies,

Distinguished Guests,

Ladies and Gentlemen,

Let me start by expressing my regret that I am unable to participate in today's conference; however, I would like to commend the government of Italy and the International Development Law Organization for spearheading this important initiative.

Sixteenth century philosopher Thomas Hobbes in his famous work *Leviathan*, posited that without the rule of law the existence of human beings would be "nasty, brutish and short." Hobbes was in fact speaking to the role and rule of law in society in influencing and creating development outcomes and the capacity of the law to regulate relations and conduct between people as well as their interaction with the planet. Law is an instrument of social engineering and the mechanism by which we obtain justice. It is of critical importance in protecting people and planet and in the promotion of peace in human societies.

In our century, Professor Michael J Sandel has noted that "To ask whether a society is just, is to ask how it distributes the things we prize – income and wealth, duties and rights, powers and opportunities, offices and honours. A just society distributes these goods in the right way; it gives each person his or her due." Both of these philosophers were making the fundamental point that the rule of law is a critical underpinning in improving the human condition, regulating relationships and living conditions, creating equity, social justice and development.

Since the Earth Summit of 1992, a body of "hard law" characterised by principles such as "the precautionary principle" and "the polluter must pay" has found its way into the development dialogue and national and international legal instruments across the globe. Similarly, what is now widely described as "soft law" is growing in influence and acceptance as an important tool of international law and in the shaping of international norms and conventions. Both the Millennium Development Goals and the evolving Sustainable Development Goals can both be regarded as examples of soft law and in the case of the widely accepted and acted on-MDGs, their impact on development is undeniable.

For my term as President of the General Assembly, I selected "The Post-2015 Development Agenda: Setting the Stage!" as the overarching theme to guide our activities throughout the session. Against this background, and my view of the importance of the rule of law in helping to craft, support and strengthen a rights-based development agenda, I convened an event in June on Contributions of Human Rights and the Rule of Law in the Post-2015 Development Agenda. My hope is that by sharing some key messages from that event, I can make a useful contribution to your deliberations today.

Leading up to the High-level event, there were several key developments regarding discussions on the rule of law. In 2012, world leaders agreed to a Declaration that acknowledged the inter-linkage between the rule of law and development. Through varying initiatives, including a Group of Friends of the Rule of Law, Member States initiated dialogues to further consider the function of rule of law in the wider multilateral agenda. In preparation of the post-2015 discussions, the United Nations system also initiated broad-based consultations, which resulted in reports signifying the importance of rule of law to development. Building on these consultations, the Secretary General then issued a report entitled *A Life of Dignity for All* in 2013. In his report, he highlighted that [quote] "Lasting peace and sustainable development cannot be fully realized without respect for human rights and the rule of law". The Open Working Group on Sustainable Development Goals has since taken up this issue.

The purpose of my June High-level event, Contributions of Human Rights and the Rule of Law in the Post-2015 Development Agenda, aimed to examine more concretely how the rule of law in practical terms has supported and can

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support the objectives of poverty eradication and sustainable development at both the national and international levels. While its messages were in no way conclusive, they were certainly illuminating. The event provided a plenary for Member States, civil society, academia and other stakeholders to share their experiences on the synergies across human rights, rule of law at both national and international levels, and sustainable development.

Some delegations firmly debated whether rule of law had any place in a development agenda. Despite this perspective, however, there were many examples of how key aspects of the rule of law are already included in national development strategies. In addition, delegations also stressed the importance of the rule of law at the international level, particularly in the context of decision-making, international cooperation and the peaceful settlement of disputes, all of which are important in the development agenda.

During the event, we heard a number of important examples about how the rule of law was instrumental to access and foster integration into global trade; how strengthened institutions and clear legal frameworks that fostered predictability, transparency and accountability were beneficial to economic development at the national level and could help curtail corruption and the illicit exploitation of natural resources; and how better access to justice through transparent and impartial institutions fit for purpose has empowered otherwise marginalized parts of society, such as women or minorities. There were still others who gave concrete examples of how democratization and development are mutually re-enforcing, and participation of civil society in decision-making and freedom of the media, of expression, and of association and assembly support both ends.

Fundamentally, two key messages can be distilled from discussions during the event: first, that there is overwhelming acknowledgement that the rule of law underpins human rights which supports the process of sustainable development in all its dimensions; and second, that strengthening the rule of law and good governance are development outcomes in their own right. Underlying these messages, one could sense an emerging vision that a transformative sustainable development agenda must guarantee freedom from want, freedom from fear and a life of dignity for all and that both hard and soft law have a role to play guaranteeing freedom and development.

Even with the acknowledgement of the twin functions of the rule of law both in terms of process and outcome, Member States are still debating, in the context of the Open Working Group on Sustainable Development Goals, how the rule of law fits into the post-2015 development agenda: whether it should have clear specific language embedding it into the SDGs as a goal, a target or whether its acknowledgement alone is sufficient?

The ambivalence of Member States has disclosed a need for further dialogue, which addresses how the positive contributions of the rule of law to development can be addressed in the post-2015 framework in a manner that supports our common values and vision. The reality is however, that as long as the UN and global family of nations adopt and embrace a set of development goals and targets which are sufficiently authoritative and on which all Member States and civil society partners will act, then we implicitly accept the rule of law, through the presence of soft law as an instrument of development. I encourage you to continue to foster a constructive dialogue during this conference, recognising that social equity and justice through the rule of law are critical to democracy, peace, sustainable human development and the attainment of a universal development agenda with the potential to be transformative for all.

I look forward to your conclusions.

Thank you.

MESSAGE FROM JAN ELIASSON, DEPUTY SECRETARY- GENERAL OF THE UNITED NATIONS

I thank the Government of Italy and the International Development Law Organization for hosting this event and for your leadership in advancing the rule of law in the ongoing formulation of the post-2015 development agenda.

As we approach the last stretch in our campaign to achieve the Millennium Development Goals, Member States are shaping a new agenda with sustainable development at its core and poverty eradication as its highest priority. There is broad agreement on a universal, people-centred and transformational vision.

Human rights and the rule of law have a key role in such an agenda. A lesson learned from the Millennium Development Goals is that strong emphasis on delivering justice through the rule of law and ensuring well-functioning institutions, anchored in human rights, enhances our efforts to achieve sustainable development. The universal principles of non-discrimination, equality and accountability are key to a transformational and people-centred approach. Access to justice is critical.

Member States have often emphasized that the rule of law is crucial to eradicating poverty while achieving sustainable development in its interlinked economic, social and environmental dimensions. In addition to enabling development results in other areas, the rule of law is a development outcome in itself.

At the national and international levels, the rule of law facilitates investment and inclusive growth. It fosters predictability and stability; helps to combat corruption, illicit financial flows and crime; and builds trust among States, citizens and development partners. Transparent and capable institutions promote stability as well as the sustainable and equitable use of resources. Just and fair legal frameworks and effective systems of enforcement improve the delivery of health, education and other basic services. Legal identity and equal access to independent justice help guarantee non-discrimination and means of redress. The rule of law advances accountability, helping to ensure equitable and sustainable development for all.

Your meeting is an opportunity to exchange and generate ideas on these critical issues, many of which have also been examined in IDLO's excellent recent report "Doing Justice to Sustainable Development". I wish you success and count on your continuing engagement in our collective endeavor to provide a life of dignity for all.

MESSAGE FROM JOSÉ GRAZIANO DA SILVA, DIRECTOR-GENERAL, FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Ladies and Gentlemen,

The rule of law is a key principle for ensuring effective, fair and inclusive governance. We cannot accomplish our main objectives such as eradicating poverty and hunger, and achieving sustainable resource management, without developing legal practices and institutions and improving governance.

The rule of law can be crucial in shaping governance priorities. For example, when a country amends its constitution to embrace the right to food, it significantly raises its commitment to eradicate hunger and food insecurity. FAO promotes the rule of law through the development and endorsement of binding and non-binding international legal instruments. It also supports its members in strengthening their legal and institutional frameworks for food and agriculture to implement the instruments that they have agreed to. The voluntary guidelines on the right to food approved 10 years ago, the voluntary guidelines on the responsible governance of tenure approved in 2012, and the voluntary guidelines on sustainable small-scale fisheries approved this month, are examples of instruments that FAO can help countries implement.

Our challenge is to find ways to continue to strengthen the rule of law and to increase its contribution to sustainable development. I am certain that today's conference will explore new ways for this to happen.

I wish you a fruitful debate. Thank you very much.

STATEMENT BY HON. LAPO PISTELLI, VICE MINISTER OF FOREIGN AFFAIRS, ITALY

Excellencies,

Distinguished guests,

Let me begin by thanking all participants for having joined us today at this Conference jointly organized by Italy and IDLO on a fundamental topic: the role of the rule of law in ensuring equity and sustainability in development efforts. We got some inspirational words from the messages of the President of the General Assembly, the Deputy Secretary-General of the UN and the Director-General of FAO: now it is up to us to make good use of their ideas during the following working sessions.

While the concept of rule of law is very important for developed countries – think, as an example, to the issues of legality, equality, accountability, combating corruption – it encompasses many aspects that are crucial to the success of development efforts in developing countries: this is why the Italian Development Cooperation is paying careful attention to the linkage between the rule of law and development and this is the main reason behind the decision to cooperate with IDLO, with its well-known expertise, to convene today's event.

The 2012 Declaration of the General Assembly on the rule of law offers, I believe, a very positive point of departure for our discussions:

“The advancement of the rule of law at the national and international levels is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law.”

The challenge ahead for the international community is, as everyone is fully aware of, to design a strong and effective post-2015 development agenda. We cannot ignore, however, that careful attention must be paid also to “how” this agenda, once defined, will be implemented. One of the key aspects of this “how” will undoubtedly be the recognition of the important role of rule of law to promote, consolidate and achieve effective development. For example, can we imagine in the 21st century to achieve concrete development outcomes without a framework of rules and regulations ensuring the protection of the rights of all, in particular of fundamental freedoms and human rights?

The concept of rule of law offers, in other terms, a concrete basis to fight discrimination, to promote equitable and meaningful access to basic services as well as to justice, to set regulatory systems for natural resource management, to empower people to claim their rights as well as to achieve good governance and to hold institutions accountable. Rule of law should be considered as instrumental, or better as a “transformative enabler”, in delivering concrete development outcomes, locally owned as well as tailored to local needs.

What is important is to be sure that at the end of the post-2015 negotiating process we can have a new UN agenda that contains all the key elements necessary to properly guide the international community towards attaining sustainable development: we believe that the rule of law is a natural component of this future agenda. Though knowing that views vary in New York, Italy has already voiced this idea during the ongoing discussions in New York: we continue to believe that the possibility of a specific goal on “good governance and rule of law” would be an important value added.

We are confident that today's event will offer a timely occasion for analyzing more in depth how rule of law is key and instrumental to enable an equitable and sustainable development: this means to make possible for people, in particular women, minorities and other vulnerable groups, to participate and contribute to these development efforts, through law and policies that promote equality, legality, transparency, access to justice and basic services.

We are also glad that it will be possible to touch upon the issue of the links between the rule of law, food and nutrition security as well as the crucial issue of secure land tenure. These are topics of increasing importance as demonstrates the fact that FAO and WHO will organize in Rome, in November 2014, the Second International Conference on Nutrition and that the theme of EXPO Milan 2015 will be “Feeding the Planet, Energy for Life”. Italy is traditionally engaged in these issues: the Italian Cooperation is a top contributor, for example, of the FAO Multi-Donor Trust Fund Project “Support for Country Level Implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests” to which we attach high priority. I also like to remind that food and nutrition security is one of the priorities for our present semester as Presidency of the EU.

At the end of this conference we will try to sum up some key messages as they will emerge from our deliberations, while together with IDLO we will circulate to all participants, in due time, a summary of the discussions.

Thank you in advance for your contributions!

STATEMENT BY IRENE KHAN, DIRECTOR-GENERAL, INTERNATIONAL DEVELOPMENT LAW ORGANIZATION (IDLO)

Vice Minister Pistelli,

Chief Justice Mutunga,

Ertharin Cousin, Executive Director of WFP

Excellencies,

Distinguished guests, ladies and gentlemen

It is a great pleasure and privilege to welcome you to this conference which IDLO has organized in collaboration with the Italian Ministry of Foreign Affairs. It is very timely, as the negotiations on the post-2015 development agenda will soon enter the crucial, final phase in the forthcoming 69th Session of the General Assembly. I want to thank especially those who have travelled from a long distance to join us today; we look forward to listening to you with great interest.

There have of course been many discussions on the rule of law and the post-2015 agenda at the UN in New York but this is the first of its kind in Rome, and we appreciate very much the participation of the Rome-based food and nutrition agencies at this conference.

As the only inter-governmental organization exclusively devoted to the rule of law, IDLO is a trusted partner of many governments and multilateral organizations. We work in all regions of the world and across the spectrum of development, from post-conflict countries to emerging economies and middle-income countries. Drawing on our field-based experience we have contributed extensively to the debate on the relationship between sustainable development and the rule of law in the context of the post-2015 agenda.

At various fora and events in New York, I have heard a range of views on whether and how the rule of law should be made part of the post-2015 agenda. But no matter how different the views, at every meeting there was one common refrain: the post-2015 agenda must be a transformative agenda.

We all realize that we cannot settle for anything less in a world torn by armed conflict, scarred by extreme poverty and inequality, threatened by climate change, and at the same time, experiencing enormous breakthroughs in science, technology and economic growth that could make this a much better place for all. People's demand for change is deafening.

Transformational change requires that we look at sustainable development with a new lens: sustainable development is at its core a call to address the injustices created by extreme poverty, growing inequalities, over consumption and environmental degradation. No injustice can be set right without the rule of law.

Protecting the planet, eradicating poverty and hunger, fighting inequality, creating more inclusive societies, promoting economic opportunity, all require good laws and regulations that are fairly administered by transparent and accountable institutions and that produce fair outcomes for all.

Any development expert worth her salt will tell you that changes in development fortunes occur only when the poor and marginalized are empowered to act and address the root causes of their impoverishment and disempowerment. And how do we empower the poor? IDLO's field experience and research and that of others suggest that the poor are empowered through access to justice and information, just laws and capable institutions. So again, the answer lies in the rule of law.

Let me hasten to add that it is not enough to just adopt laws or create institutions. Laws can discriminate and exclude the poor, women, minorities or others. Institutions can be mismanaged and manipulated for the benefit of the privileged few. People whose rights are violated can be left without a remedy because the courts are too far away or litigation is too expensive. When that happens it becomes rule by law, not rule of law.

The rule of law, properly understood, provides certainty and predictability of the law but it also provides substantive justice. Equality, accountability and respect for human rights – both economic, social and cultural rights as well as civil and political rights – are integral parts of the rule of law in this sense.

The rule of law is not an abstract concept but a concrete basis on which to promote sustainable development. That is the thesis of IDLO's recently published report, titled *“Doing Justice to Sustainable Development: Integrating the Rule of Law into the Post-2015 Development Agenda.”*

Based on case studies from our field work and that of our partners or other development actors, the report shows that the rule of law is vital for all three dimensions of sustainable development: economic, social and environmental. It provides for predictability and certainty through a stable, transparent legal regime, which is key to economic development. By ensuring equal opportunity and equitable access to basic services the rule of law enables inclusive social development, and helps to fight poverty and inequality. By strengthening the legal framework to protect the environment, it advances the environmental dimension of development.

Stable, transparent legal regimes steer investment and economic development. From food insecurity to energy poverty, from unsustainable management of natural resources to lack of access to life saving drugs, the rule of law facilitates access to science and technology, investment and innovation through predictable, transparent and fair laws, regulations and enforcement mechanisms.

But the rule of law does more than promote economic growth and environmental sustainability, it helps to make development more inclusive and equitable. Conversely, inequality grows when the rule of law does not function properly. When the poor are locked out of markets and financial services because of discrimination, lack of education and legal awareness, when opaque institutions deny people their right to information about processes that affect their lives; when the law does not protect women and minorities against discrimination and violence; when opportunities are only open to a few based on wealth and privilege; when corruption, bribery and discrimination distort access to basic services; when corporate interests override public interests; when the law is selectively enforced in favor of the rich and powerful and against the poor - that is when poverty deepens and inequality thrives.

As we know, poverty is essentially about powerlessness. That makes access to justice critical – for resolving disputes and as a remedy when rights and entitlements have been denied. Information, legal awareness, legal aid, informal and alternative mechanisms of dispute resolution enable poor people to understand their rights and claim them.

Equal protection, equal access and opportunity, voice and accountability are so closely linked that as a law and development practitioner I find it hard to separate human rights, rule of law and development. I look forward to listening to the first panel discuss some of these aspects and the challenges that they bring and how they can be overcome.

With one in eight people on the planet undernourished, food security has emerged as a critical challenge in the 21st century, and along with it greater understanding of the contribution of the rule of law in promoting greater access to land, security of land tenure and sustainable use of natural resources. I look forward to hearing more from the second panel on the links between food security and the rule of law.

Some of our speakers will also touch on international aspects of the rule of law that affect trade, investment, intellectual property, technology transfer and climate change – where there are growing demands for fairer, more transparent rules and institutions. Properly understood and applied, the rule of law can create a level playing field – not just domestically but also internationally. It is a global issue, of equal relevance to developed and developing countries, and equally applicable to all.

Weeks of debate, discussion and negotiations at the UN Open Working Group have culminated in a text which is now making its way to the UN General Assembly through a tortuous process which will be covered by our Expert. The debate about the rule of law has not been free of controversy – on the contrary it has raised many concerns about national sovereignty and local ownership, cultural hegemony and aid conditionality, and most importantly about measurability. These issues are likely to emerge as the negotiations move forward. IDLO believes that none of them are insurmountable, and I will listen with interest to our speakers and panelists on how they believe these issues can and should be tackled.

The UN Declaration on the Rule of Law that was adopted in 2012 recognized that just as the rule of law supports development, development in turn reinforces the rule of law. The two must proceed hand in hand if governments are to meet the aspirations and demands of their people. The ultimate aim is to change people's lives – to focus on the end-users of justice. Bringing the law closer to people is key to promoting sustainable, inclusive development. Furthering a culture of justice, based on the rule of law, is key to creating a fairer, safer world. Rooting sustainable development in a culture of justice would be the ultimate game changer.

STATEMENT BY ERTHARIN COUSIN, EXECUTIVE DIRECTOR, WORLD FOOD PROGRAMME (WFP)

Excellencies,

Distinguished guests,

Ladies and Gentlemen.

Thank you for the opportunity to address this important forum on the contribution of the rule of law to equity and sustainability in the new post-2015 sustainable development agenda.

Later this week I will again travel to South Sudan. During my last visit, I sat in an open field in Southern Unity State with a group of women, many who had walked 10 to 15 kilometers with their children in search of food, clean water and safety.

When I asked what they wanted me to tell the world about them, after much animated dialogue amongst themselves, one of the women said:

“Tell the world three things for us. First, tell them thank you for providing us with assistance. Second, tell them we want our children to go to school. Third, tell them we are tired, we want to farm our land and feed our own children; we want, we need peace.”

Ladies and Gentlemen, we cannot, we will not achieve zero hunger without peace, good governance, specifically the minimization if not the elimination of corruption only achieved through design and implementation of rule of law frameworks directing and conforming community as well as state relationships and interactions.

The work we do here today is vital. When the world comes together in conferences like this, we form important political commitments, influencing the debate and selection of the world's future goals. Yes, today's dialogue – like the goals themselves – is essential. It is the chance to close the gap between theory and practice. Because the goals finally chosen will inspire our debates, influence our policies and inform our actions for decades to come.

Thankfully, we do not start at zero. The Millennium Development Goals were both ambitious and relevant for their time. We achieved a lot. We also learned a lot, about what worked and what did not, and we learned what was missing. Despite great strides in economic growth in development, hunger and poverty persist for millions of people left behind.

Our world too has changed. Challenges, once distant, already affect people's day-to-day lives. Climate change alone impacts every part of our food system from production to pricing. Consequently, answering today's development challenges requires more than a simple reformulation or extension of the MDGs. It requires a paradigm shift and goals with the power to drive global systemic reform – changing not only our thinking, but also our actions. Of course, there is no question, rule of law is essential, as both a means of achieving our goals and an outcome.

In recent years, war, conflict and lawlessness significantly reversed development gains. In Syria, the conflict has set back development progress by more than 35 years. In South Sudan, emergency efforts displaced recovery and development. Just like in Central African Republic, where violence displaced livelihoods and fractured communities. There are many more examples.

Yes, we cannot ignore these realities. When we look at the facts, we must ask whether the link between insecurity and poverty is stronger than the link between peace and development. Because two-thirds of countries furthest from achieving the MDGs experience conflict or are emerging from it. And some 1.5 billion people live in countries affected by conflict and fragility.

When you think about it, it seems obvious. Conflict, violence and crime destroy infrastructure and assets, businesses and homes...

Perhaps worst of all, they destroy people's livelihoods... leaving hunger, poverty and joblessness in their wake. In fragile states, non-state actors fill this vacuum, often providing people with services such as policing and justice from which they derive legitimacy and support.

Yet, even when there is peace, alone it is not enough. Without effective governance, peace can alienate poor and vulnerable people, depriving women, men and children of opportunities, fostering inequality, fracturing communities and ultimately generating political instability. Effective governance, together with peace, is a winning combination. It is essential if we are to achieve the potential of current and future generations.

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Rule of law has a central role in answering and preventing these problems. It can facilitate transition from conflict – enabling physical safety, legal certainty and human rights.

Social, political and economic interactions underpinned by rule of law provide a framework for state and institutional stability. And, perhaps more importantly for economic opportunity and enterprise. Without reform to strengthen and improve these interactions, we know we cannot sustainably improve food security and nutrition.

Take the example of women. Women face many barriers. Within the home, barriers shape how women and girls are nourished and educated. Outside the home, they determine who is mobile, who has land, who can take initiative, and who makes decisions.

We can do something about this. With the right frameworks in place, we can remove the barriers preventing women – the world's frontline agricultural and nutrition workers – from fully achieving their full potential.

Yes, it is not about rhetoric. It is about a new mode of working. Because when all the social, political and economic elements are in place we can invest in truly transformative resilience-building activities.

In practical terms, for an agency like WFP, it means the millions of children reached with school meals will learn in resourced schools.

It means facilitating women farmers with special programs like Purchase for Progress to sustainably and durably move beyond subsistence farming. It means we can establish safety net programs, which not only ensure access to local markets but also strengthen local economies. Ultimately, it means we can bring together too often fragmented humanitarian and development efforts that will then provide the sustainable and durable solutions the world's most vulnerable require.

To date, forty countries have achieved MDG 1, reducing hunger by half, proving we can meet the food and nutrition targets. Countries as diverse as Angola, Bangladesh and China illustrate the reality of achieving a zero hunger world. The common thread running through each of these countries is the commitment to peace, and while admittedly not perfect, the advancement and progress addressing challenges of the rule of law as well as corruption. The recent history of each country reflects incremental, sometimes thorny progress. Yes, it can be done.

Ladies and gentlemen, peace, effective governance, and rule of law were not explicitly included in our goals the first time around. Yet, the evidence shows stability, leadership and governance were crucial to success or failure in every field of development.

As you go about your work remember those women and their children in Southern Unity State, and in Aleppo and in Bangui, that's what these conferences are all about.

What are the achievable strategies going forward that will make their lives better and provide the children with an opportunity for a better tomorrow? Our responsibility to the next generation requires us to go further to achieve not just peace but stable, equitable and inclusive societies.

The SDGs and the post-2015 goals offer the world another chance to recognize the overarching importance of these issues; to combat instability, exclusion and uncertainty. Without which we will never rid the world of hunger and poverty. We can do it! In fact we must do it! We live on a small planet. All our tomorrows depend upon us getting it right today.

Thank You.

STATEMENT BY AMB. MICHEL MORDASINI, VICE-PRESIDENT, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT (IFAD)

Excellencies,

Esteemed colleagues,

Ladies and gentlemen,

I am very pleased to represent IFAD's President, Kanayo Nwanze, at this important discussion.

For my part this morning, I would like to talk about IFAD's vision for the post-2015 development agenda, and how this connects to the rule of law, equity and sustainability.

Let me begin with some familiar facts that nevertheless bear repeating.

It is often overlooked that more than three-quarters of the world's poorest people live in the rural areas of developing countries. These are the people with the fewest assets and the least capacity to overcome adversity. Thus any attempt to end global poverty must clearly make rural transformation a priority.

One of the causes of poverty is inequity, both between rural and urban areas, and between women and men. We need to level the playing field by taking action on two fronts. First, by empowering poor rural people to take charge of their own development. And second, by creating a policy environment to support them.

IFAD believes that truly inclusive rural transformation will play a pivotal role in the achievement of food and nutrition security.

But more than that, rural transformation is critical for achieving multiple benefits across the spectrum of sustainable development, including greater equity.

Sustainable smallholder agriculture is thus a vehicle to deliver multiple economic, social and environmental benefits for people no matter where they live.

In other words, rural transformation cannot be a side issue in the post-2015 development agenda. It must be front and centre.

IFAD wants a world where extreme poverty has been eradicated; where all women, men and children are well nourished; where benefits from growth are equitably distributed; where decent jobs are available to everyone; where natural resources are sustainably managed; and where temperature increases from climate change are manageable.

If that vision sounds utopian, I beg to differ. This future is within our collective reach.

The post-2015 development agenda can, and must, give priority to social, economic and political inclusion; equality and equity; sustainability; and rights and good governance, including the rule of law.

To do this, however, requires a profound course correction in policy processes, public and private investments, and development practices.

I would like to look at several of these elements in more detail, starting with investment policy in Africa, where IFAD directs about half of all new financing.

In a region where poverty rates are 48.5 per cent, there is a moral imperative to unleash the poverty-reducing power of agriculture.

It is estimated that growth generated by agriculture in sub-Saharan Africa is 11 times more effective in reducing poverty than GDP growth in other sectors.

To truly transform rural areas, however, this investment must include smallholders. If we deprive smallholders of the capacity to build their businesses, many will give up and join the exodus to the cities in search of work.

Not only will this undermine global food security, it will depopulate rural areas and lead to more food being produced by carbon-intensive farms.

In other words, ignoring the investment needs of smallholders will not address poverty, and will likely make it worse. It will also heighten the negative impacts of climate change.

Relationships between smallholders and other private sector investors can take many forms, including out-grower schemes, contract farming or joint share equity schemes, all of which can link producers to value chains.

As many of you know, IFAD is working with FAO, UNIDROIT and the World Farmers' Organisation on a legal guide for contract farming. We want to illustrate best practices for negotiating and implementing contract farming, as well as for resolving disputes.

In March, we held our first consultations for the guide with governments, farmer organizations and the private sector in Buenos Aires. The next consultation is scheduled for September in Bangkok for the Asian region, with two others to follow. We're aiming to publish the guide next year.

At IFAD, we've seen how both sides can benefit from the value-chain approach. The private sector benefits on the supply side, while farmers gain links to secure markets and access to technology, services, innovation and knowledge.

The post-2015 agenda must ensure that private sector investment contributes to pro-poor development that creates jobs, raises incomes and strengthens food security.

For this reason, IFAD strongly supports the Principles for Responsible Agricultural Investment. These principles cover such critical areas as respect for the rule of law; resource rights; and social and environmental sustainability.

African nations must do their part to create policy environments that attract public-private sector partnerships. This includes developing transparent, accountable and accessible institutions.

They must also nurture and safeguard the political stability that is so critical to economic growth. If we expect investors to respect the rule of law, then these laws must be consistent and predictable.

This brings me back to questions of equity. For laws, even if they exist, are not always implemented fairly. Moreover, informal customs and traditions often do not match the written word.

Women may represent about half of Africa's farmers, but they are too often marginalized – without secure land tenure and without access to the resources they need like credit, seeds and fertilizer. And without authority and influence. The same is often true for indigenous peoples and minorities.

Secure access to land can help families produce food for their own needs and leverage finance for their businesses. It can help them grow surplus food to raise household incomes. It can provide a safety net in times of crisis. And it can promote sustainable agricultural practices that protect, or enhance, the environment.

Over the years, IFAD has supported a range of measures to strengthen land tenure and access to natural resources for poor rural people. More recently, we supported the development of the Voluntary Guidelines on the Governance of Tenure endorsed by the Committee on World Food Security in 2012. Now we are actively contributing to their implementation.

When assessing countries' policy environment, as part of our Performance-based Allocation system, IFAD asks several questions about equity.

Are land rights equitable to all, including women, minorities and indigenous people? Is information on land rights accessible? How are land rights enforced? And who enforces them?

While we have mainstreamed equity concerns, we have also focused on these questions in specific projects.

In Bangladesh, IFAD has been helping rural people fight to secure their land. As you may know, the country's coastline is in constant motion, and each year 26,000 people lose their land due to erosion. However, newly formed land – the so-called *chars* – offers hope for alternative homes and livelihoods.

For the past 20 years, IFAD has been helping both rural women and men secure legal titles for their plots on the *chars*. In the past, villagers had to travel up to 40 kilometers to make a legal claim to their land. The project has worked with government land offices to hold public hearings right in the villages.

The project has also developed innovative tools, such as a land records management system. This database ensures the same plot of land is only assigned once. And it provides a record to beneficiaries so their land cannot be sold without their knowledge.

Apart from targeting marginalized rural families as a group, the project also focuses specifically on women. The wife's name is written first on the deed, which makes her legally entitled to half of the land. Not only does this protect her right to access land, it can also strengthen her role in decision-making. The current phase of the project, which runs until 2017, is expected to benefit 28,000 households.

I've touched on a few issues this morning that concern IFAD as we move towards a post-2015 development agenda. Inclusive, equitable rural transformation can be a catalyst to ending poverty – not only in rural areas, but across the developing world.

To achieve this kind of transformation, mechanisms like the Principles of Responsible Agricultural Investment, the Voluntary Guidelines on the Governance of Tenure, and our upcoming legal guide on contract farming are extremely useful.

However, much of our success will boil down to questions of political will. For any law, principle or guideline can be subverted. And the marginalized and the voiceless will always pay the price.

Collectively, we have a responsibility to lead by example. We must ensure our own policies and practices support the rule of law, equity and sustainability. And we must encourage others to follow suit. In this way, the post-2015 development agenda can be a success.

Thank you.

STATEMENT BY H.E. GERDA VERBURG, CHAIR, UN COMMITTEE ON WORLD FOOD SECURITY

Good morning everyone, and thanks to the Government of Italy and IDLO for organizing this important conference because it is timely and it is necessary. I was wondering why I received the invitation to address the conference this morning.

The Committee on World Food Security is a multi-stakeholder platform dealing with all topics that are related to food security and nutrition. We organize not only representations of governments, but also representatives of civil society, NGOs, private sector companies, research institutions, the Rome-based agencies, financial institutions, and others to sit around the table to try and reach agreements on topics, because we think, and we are convinced, that once we bring people around the table at a global level, and after tough negotiations – really tough negotiations – we have found consensus, people will be proud, all partners will be proud, of the results and will bring them back to grass-roots level. That is what this is all about, not only to talk at the global level, not only to reach consensus, although that is of immense importance to reach consensus at global level, but to implement and to make it applicable at grass-roots level.

Well, what am I going to add since this is only the opening session and you are longing to hear of course, to listen to the keynote speakers and the people setting the context. I would like to ask for your attention during the whole conference on three specific topics. Which are:

- › Access, and the word has been mentioned already several times. Access to education; financial services; access to lands, forestry, fisheries, but also access to starting material and access to, sometimes, the rule of law. Let me tell you, 75 per cent of poverty is in the rural area, we know that women and children, especially women, are extremely vulnerable and several times the first victims of conflicts, and a lack of peace, and access for them to all these kinds of things is one thing.
- › The second point, which is closely related, is social protection. How do we contribute to social protection of people, vulnerable people, at grass-roots level?
- › The third topic I would like to raise is culture. Let us never underestimate culture. That is already for several decades, or several generations, in place and where so many times women, girls, do not have the same opportunities as they deserve. So as you are thinking about all of these kind of things, please keep it in mind.

The second of four points I would like to make is the importance of governance. As I have told you already, I think it is necessary to change focus in this. It is not only waiting for governments, be it local or regional or national governments that can change the whole spectrum that can change practice in the field and in the far remote area. Try and invest in multi-stakeholder governance since it is possible that non-state actors together can convince politicians. I've been a politician myself so I know how politicians might think, they are thinking about the next election and sometimes they are afraid to take a decision against culture that has been executed already for so many generations. So multi-stakeholder partners at grass-roots level can encourage politicians to invest in the right policy, and, as was stated several times, in inclusive, democratic and transparent institutions.

My third point, and this is about the post-2015 process, and I am very happy that Executive Director Cousin has already mentioned that the rule of law is the end product of the OWG, but this is only the first phase of the development of the SDGs. The negotiations have to start, probably by the beginning of next year. What we need for each topic we find extremely important, like poverty eradication, food and nutrition security, sustainable agriculture, let us come forward with concrete targets and indicators. Concrete targets, concrete, measurable indicators. Let us work on reliable data, because on so many occasions, reliable data is not there so we have to make the best guess. And then of course once we have negotiated the desired outcomes that can really transform the world into the world we all desire and the society we are longing for then it is a necessary to also have the financial instruments and the financial budgets to really invest in these topics. But have in mind, and keep in mind, that this is not about what will be in the SDGs, what will be in the documents, but always think about how we can really transform the situations of people in the grass-roots. It is always about their position, their situations, so wherever you are and whenever you have the opportunity to negotiate, or decide, or to execute, please think about the people and especially about the vulnerability of women and people. So, act global and local.

My fourth and last message, before you finish this conference, would it be possible to have a sum up of messages to take home to capitals. Because my experience is that we have these kind of important conferences and that at the beginning of next year when the scene has changed, the negotiations on the post-2015 has started, the people who are involved in bringing topics, problems, items to the table are not the same that negotiate the outcomes and the scene might change into a direction we are not longing for here today. If it would be possible, Madam Chair, and the Government of Italy, think

about what kind of messages can be taken home to capitals and what kind of instruments do we really want to see next year during the negotiations on the post-2015 sustainable development goals.

Finally I wish you a bold and pragmatic conference here with desirable outcomes meant for people at grass-roots.

Thank you very much.

KEYNOTE BY FLAVIA PANSIERI, UNITED NATIONS DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS

Mr President,
Excellencies,
Distinguished representatives,
Ladies and gentlemen,

It is a privilege to join you for this important discussion.

My thanks go to the Government of Italy, as the current Presidency of the Council of the European Union, as well as to the International Development Law Organization (IDLO), for hosting and organising this very timely event.

We are at a critical juncture in the Post-2015 process. On Friday, the Open Working Group concluded its work. It will now submit the first zero draft of Sustainable Development Goals to the General Assembly. On this occasion, it is worth looking back at how far we have come:

Over the past decade – from the 2000 Millennium Summit, through the 2005 World Summit, the 2010 High-level Plenary Meeting on the MDGs, up to the Rio+20 Summit – Member States have repeatedly reinforced their commitment to ensure development that realizes the right to development and all human rights, whether they be civil, cultural, economic, political or social. The central message has been unequivocal: Human rights are relevant to every item on the development agenda. OHCHR has been very clear about this: we do not need a stand-alone post-2015 goal on human rights, because human rights standards and principles must be integrated across all new development goals.

This call has been reinforced by people from across the globe, in consultations that represent the broadest participatory outreach in UN history. One point was made frequently: Since the post-2015 agenda will be one that applies to all countries, the universally agreed and universally applicable normative framework of human rights is more relevant than ever.

It is by now clear not only *why* human rights should be integrated throughout the post-2015 agenda, but also *how* this can be done.

First, the new agenda must address both sides of the development challenge: freedom from want and freedom from fear. One cannot be achieved without the other, and sustainable development requires both.

When we look at the draft goals that are being proposed by the Open Working Group, many socio-economic goals already reflect key economic and social rights elements – and, thus, “freedom from want.” For example, the proposed Goal 11 on cities aims to ensure access “for all to adequate, safe and affordable housing and basic services”, in line with international standards.

At the same time, we need to ensure that targets do not create perverse incentives. For example a target to “upgrade slums”, without further qualification or reference to security of tenure, may inadvertently encourage forced evictions. On the other hand, proposed Goal 2 to end hunger and achieve food security refers to “safe, nutritious and sufficient food”. However, reference to food being affordable has been deleted. During the upcoming negotiations, therefore, we must make sure that the international human rights standards are integrated explicitly and systematically throughout the corresponding goal and target areas and that commitments under the SDGs do not fall below these standards.

The current zero draft also addresses “freedom from fear”, in particular through the proposed Goal 16 on peaceful and inclusive societies, access to justice and effective institutions. Targets under this goal address some key human rights concerns such as personal security, independent and impartial administration of justice and meaningful participation in public life.

In the forthcoming negotiations, it will be important to ensure that targets reflect States’ obligations under international law as the Rio+20 Outcome Document stipulates. Goals and targets must also remain firmly focused on the *people*, whose human rights are the *ultimate objectives* of development. Targets on access to justice, for example, need to ensure people’s right to a *fair* trial and the right to an effective remedy. A previous draft referred under point 16.3 to due process, a reference which it may be appropriate to maintain.

Targets on participation must, at the end, include indigenous *peoples*’ “*free, prior and informed consent*”. Targets on the reduction of violence should protect the vulnerable from all forms of violence – public and private – and should address the root causes of violence in society, in particular discrimination and inequalities. Reference under goal 16 to effective and

capable institutions is important. In addition, these institutions should be transparent. Freedom of information as well as expression, association and peaceful assembly are of particular importance to enable people to claim and defend their rights. These are essential dimensions to guarantee if we are to promote peaceful and inclusive societies and should be reinstated. It is important to note that none of this is actually new - all these aspects were already reflected in the Millennium Declaration more than a decade ago. They did not make it into the MDGs, however, partly with the argument that they were not measurable.

Today, we have the indicators. Progress in these areas can be measured. We must therefore make sure that, this time, these issues are not technocratically 'vetoed' - for perceived lack of measurability or otherwise.

Secondly, the new framework must be underpinned by the human rights principles of **equality and non-discrimination**. I commend the Open Working Group's commitment to two key goals: one on gender equality and another on equality within and among countries. These are truly transformational.

The gender equality goal includes important targets to end discrimination and violence against women and girls; these were missing in the MDGs. It also aims to ensure "universal access to sexual and reproductive health and reproductive rights". This is an improvement on the MDGs, but should be expanded to include full sexual and reproductive health and rights. We also need to be wary of a tendency to replace "women's rights" with "women's access" or to go for less than the rights that women have according to international human rights Conventions. In this context, it is worrying that the OWG report recommends reforms to give women equal rights to economic resources "in accordance with national laws". What if these laws are inherently discriminatory against women?

The broader equality goal includes targets to eliminate "discriminatory laws, policies and practices" and to "empower and promote the social, economic and political inclusion of all". This is a significant advance from the MDGs, but we must ensure we adhere to international standards on non-discrimination. There should be explicit reference to the need to eradicate discrimination on any ground as reflected in human rights instruments which Member States have already agreed on. And again, targets need to focus on people as human beings with rights, rather than treating them as commodities or inputs to economic growth. Thus we need a commitment to protect the *human rights of migrants* -- not just references to facilitating remittances or enabling 'orderly', 'responsible' or 'well-managed' migration.

Thirdly, the new agenda must include a strong global partnership which ensures that international policy is coherent with human rights standards, including the right to development. A truly enabling environment for progress must include international regimes for trade, investment, intellectual property and international cooperation for development that are fair, democratic, and respectful of human rights standards. Countries must also have the necessary policy space to be able to meet their obligations to protect human rights at home. Current targets under goals 10 and 16 to strengthen participation and "representation of developing countries in international economic and financial decision making and norm setting" are an important step in the right direction and need to be retained. It will be important to ensure that this representation is truly equitable.

Finally, the Post-2015 Agenda must be underpinned by due diligence provisions and a more effective accountability framework for both public- and private-sector actors. In practice, we need to build on existing mechanisms, at global, regional and national levels, and thus create a '*web of accountability*'. We also need to draw on information that is already being collected, including by the human rights mechanisms. Such a virtuous '*circle of information*' would help reduce countries' reporting burden. Without efforts like this, the Post-2015 Agenda will risk becoming a list of empty promises.

Mr. President,

We see great potential for a transformative Post-2015 Development Agenda, framed by an ambitious set of Sustainable Development Goals.

Even where differences of opinion remain, such as on Goal 16, there is clear convergence among a broad majority of Member States that justice, democratic participation, and personal security are essential development sectors, and that the rule of law at all levels needs to go beyond a 'law and order' agenda - and that it must also put people before markets, and rights-holders before shareholders.

There is also a strong drive to ensure that inequalities are addressed at both national and international levels; and to ensure that businesses, which directly impact development, are fully accountable.

The current zero draft of the SDGs is without doubt a significant leap forward from the MDGs. Now is the time to defend the important gains that have been made, and fill the remaining gaps.

Over the past year, we have seen impressive convergence from people and governments across regions on the substance of many of the issues that the new goals will cover. Over the coming twelve months, it will be essential to build on this substantive common ground. Let history record 2015 as the year when the international community defined the very notion of 21st century development as: “freedom from fear and freedom from want for all people, without discrimination”.

I thank you.

KEYNOTE BY DR. WILLY MUTUNGA, CHIEF JUSTICE AND PRESIDENT OF THE SUPREME COURT, KENYA

Good morning,

All protocols are observed,

Ladies and Gentlemen,

I thank IDLO for inviting me to this conference. This is my third address to international civil servants – it is a task I always find scary.

In my allocated time, which is 10 minutes, let me first reflect on integrating the rule of law and sustainable development as a global project of our times, and secondly let me relate the issue to our experiences in Kenya under the 2010 Constitution.

Eric Hobsbawm argues in his book, the *Age of Extremes: A History of the World 1914-1991* [sic], that our world risks both explosion and implosion – it must change. I believe the collective vision of the World Social Forum, that another just world is possible, would support Hobsbawm's conclusion. The World Social Forum believes that another world is possible on the basis that the current global status quo is unacceptable and unsustainable. In a century where the search for a new just world is an ongoing struggle, the vision of a social democratic sustainable development allows us to critically interrogate the two dominant paradigms of global sustainable development, and we are lucky that in this century we can debate ideological, intellectual and political issues without the dogmatism that was reflected in the era of the Cold War.

The role of law in development, once the source of serious and continuous jurisprudential debates, has acquired a consensus that the law, indeed, has a role to play in development. This consensus is multi-disciplinary and is shared by lawyers, economists, policy makers, politicians, international organizations, and think tanks. For example, IDLO argues that the rule of law is relevant to all three dimensions – economic, social and environmental – of sustainable development as conceived at the Rio conference. The rule of law enhances economic sustainability.

Sustainable development is associated with the transformative potential of social-economic, political and social rights. In my view, this vision is in part linked to Amartya Sen's work which embraces the view that long term sustainable development requires an autonomous, active, and participatory democratic citizenship endowed with minimum levels of social economic welfare best articulated in the form of rights.

Integrating the rule of law and sustainable development has found stable constitutional and legal frameworks in what we have come to call transformative constitutions. Transformative constitutions are new social contracts that are committed to fundamental transformations in society. They provide a legal framework for the fundamental transformation required, that expects solid commitment from the ruling classes. The Judiciary becomes pivotal in midwifing transformative constitutionalism and the new rule of law, and as Karl Klare [Professor of Law, Northeastern University School of Law, Boston] states, transformative constitutionalism connotes an enterprise of producing large-scale social change through non-violent political processes grounded in law. Such transformative constitutions – the ones of India, South Africa, Colombia, Kenya and others – reflect this vision of transformation.

Turning to Kenya, we are convinced that the 2010 Constitution is a progressive and transformative document and if implemented it can place Kenya on a social democratic trajectory. The Kenyan Constitution provides that sustainable development is a value and a principle to be taken into account when the Constitution is to be interpreted, as well as a guide to good governance. It is clear that sustainable development, under the Constitution, has the following pillars: sovereignty of the Kenyan people; gender equity and equality; nationhood; unity and diversity; equitable distribution of political power and resources; the whole gamut of human rights; social justice; political leadership and a civil service that has integrity; electoral systems that have integrity; strong institutions, rather than individuals; an independent judiciary; and fundamental changes in land. Public participation is the cornerstone of sustainable development and it is so provided in the Kenyan Constitution.

In the Constitution, the Judiciary is given a pivotal position in integrating the rule of law and sustainable development. It does that by implementing the Constitution and developing a progressive jurisprudence of social justice. The Constitution provides for a new justice and new rule of law to facilitate sustainable development. Judges under the Constitution must be women and men of integrity, who have security of tenure, and who would never be perceived as capable of seeking or accepting a bribe. The institution of the Judiciary is grounded in independence, both institutional and financial, and our new court, the Supreme Court, is created to patrol the frontiers of protecting the Constitution – the final protector and the

custodian of the supremacy of the Constitution. Although the Constitution guarantees the robust independence of institutions, the sovereignty of the people, and a vibrant civil society, it also builds in values of dialogue, consultation, and interdependency. This is a great factor for building a culture of nationhood and putting national interest above partisan and institutional concerns. In pursuit of sustainable development, a new vision of collaboration of the three arms of government in the national interest, is envisaged under the Constitution.

In conclusion, let me repeat Eric Hobsbawm's warning that our world risks both explosion and implosion - It must change. The contribution of the rule of law to the mitigation of the global status quo is one that has to be integrated into sustainable development that results in a just society.

Let us not be a world that says and promises what is right, but when it comes to implementation, all we witness is hypocrisy, double standards, and perfidy. There must be global political will to change the world, and we must take seriously the project of putting global citizens before profits.

I thank you.

STATEMENT BY NIKHIL SETH, DIRECTOR, DIVISION FOR SUSTAINABLE DEVELOPMENT, UNITED NATIONS DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS (DESA)

Let me start with a word of thanks to the Italian Government, represented by Deputy Minister Pistelli and subsequently by Director-General Cantini, and of course to IDLO and Director-General Irene Khan. I also want to acknowledge my mentor and friend, who is somewhere in this room, Patrizio Civili, who has also been instrumental in organizing this meeting.

I want to reflect a little on the 17 months of work of the Open Working Group (OWG), which culminated in 40 hours of almost continuous negotiations until last Saturday at 1.30 in the afternoon when the proposal of the OWG for a set of goals and targets was agreed upon with a standing applause of a type I have not seen in the UN for many years. The decision was to transmit that proposal to the GA at the 68th session for appropriate action. It was an extremely intense process. A process which engaged civil society as never before; a process which engaged the UN system working together as one as never before; a process which brought to the intergovernmental process thousands of pages of analysis; and a process which engaged a large number of experts and panelists. So, the intensity of this work was truly impressive. We ended up with a set of 17 goals and 170 targets. Some say “aren’t these too many? How are we ever going to monitor so many goals and targets?” But this number is actually a reflection of a process where every view, every expert, every constituency that I mentioned to you, including the active participation of IDLO itself, is reflected in the delicate balance that we managed to achieve on Saturday afternoon.

So, I would say that the contribution of the OWG to the intelligent design of the post-2015 development agenda is extremely significant. Of course it is just one input that will go into the design of the post-2015 development agenda. But it is a very important input that should not be lost. There will be several other inputs: among them, inputs from a committee on finance for sustainable development strategies, and an input from a conference on financing for development in Addis Ababa in the middle of next year. There are inputs that have come or will come from a large number of expert groups, including the Secretary-General’s High-Level Panel. But among these, I would say that the OWG’s product, which is a full set of goals and targets, is going to be a most influential document to shape the post-2015 development agenda. The Secretary-General is of course putting together a synthesis report, which will bring together these inputs for reflection by the political process which negotiates, and dots the last ‘i’ and crosses the last ‘t’ of this post-2015 development agenda.

To set the context, I want to bring your minds to focus on the prize. The prize is a post-2015 development agenda which is intelligently designed, which shapes national policy everywhere – North, South, East, West – and which helps enthuse the myriad actors who will make such a development agenda a reality for the lives of the people that we are hoping to change in this process. Also, an agenda which will further the development activities of the UN for the next 15 years, and an agenda which will shape development cooperation and the traditional relations between the developed and developing world in a new framework defined by the new agenda. So here you have it – the significance of the post-2015 development agenda. The prize in September 2015 – the finalization of the post-2015 development agenda – is going to set the agendas of thousands and thousands of actors over the next 15 years, after 2015.

I have been in this development business in the UN for over 25 years now, and I must say that of all the documents and declarations and platforms of action and programs of action that I have seen, there is not one that I can think of which says so much in so few words. In about 18 – 19 pages (double space pages, so they will come down to probably ten pages!) it covers so many issues, integrating so well the economic, social and environmental dimensions, and bringing balance to the different political constituencies that need to be committed to a new agenda.

So, that is the yard stick by which you need to evaluate this critical input to the design of the post-2015 development agenda. Qualitatively, if you look at the contents of this particular outcome, if the MDGs were a starter car, say a second hand Volkswagen Beetle, this is definitely a Tesla S. Look at the issue of gender and how it was handled in the MDGs and how it is being addressed in the report of the OWG. On every issue, in fact, you can see a qualitative deepening over their treatment in the MDGs agenda, bringing a sense of balance, and effectively integrating the three dimensions of sustainable development.

Let us look at the basic issue of poverty eradication. Think of the poorest person you ever met. What are the forces that prevent that poor individual from breaking out of the shackles of poverty? Of course, there is an economic factor, a lack of opportunity, no decent work, and no modern forms of energy. You have the social forces that are acting on the individual – inequalities, lack of education, poor health, hunger, social exclusion, lack of water and sanitation. Then you have the slow onset of events, which are having an inexorable impact on the poor, including climate change, water scarcity, the deplorable

state of our marine ecosystems, the deplorable state of our terrestrial ecosystems, and then the physical environment around that individual – lack of hygiene, lack of sanitation, security of life and limb, waste and waste management, exposure to disasters and shocks. This agenda has sought to bring all these forces together, away from the silos which have characterized development work over the past 30 - 40 years. For once, we have tried to bring together all the forces which act upon that poor individual who is at the center of this new development agenda.

Let me turn to the rule of law. The rule of law is really short hand for order, stability, justice, peace, and for sensible and good governance. Yet, the rule of law expression as such has sometimes become a “toxic” political expression in the UN. In my view, the best way to skirt this problem is to focus on implementation rather than dwelling too much on definitions or on conceptual issues. If you think of it, the UN has still not been able to define terrorism. There are other politically “toxic” concepts like the green economy and green growth. The important thing is to skirt these debates and to focus on implementation, which I hope will be the focus of our action after 2015.

If you deconstruct the green economy it means three things essentially –inclusiveness, efficiency of resource use and decarbonization. If you look through the goals and targets coming out of the OWG, you will see resource efficiency, inclusiveness, and decarbonization spread through the entire text. Beyond definitions, it is the new insights that the goals and targets developed by the OWG have brought to address the 3 dimensions of sustainable development in an integrated way that really counts. The way in which tackling inequality is treated in the OWG proposal is especially significant from this point of view. It signifies a new recognition that addressing inequality is not only good politics, it is good economics, good for society, and good for the environment. And this is the way in which goal 16 should be looked at.

Two of the previous panelists have already read out goal 16, so I won't go there. But what I do want to say is that if you deconstruct it from the point of view of the rule of law elements which are contained in the targets under that goal and beyond, you will see that for every aspect, the expression rule of law may have proved somewhat polarizing, but the actions required have not proved so polarizing and have indeed been extensively addressed, including justice for all, access to information, ending bribery and corruption, promoting the rule of law, ending violence, public access to information, fundamental freedoms, ending the abuse of children, stopping illicit financial and arms flows, participatory decision making, legal identity for all, and institutions. None of these have been polarizing. And it is now on action and implementation that we should put our energy. Our collective focus should be on how we implement and monitor and measure progress on all the targets which are under the broad chapeau of goal 16.

In my judgment, not because I was with this process for the last 18 months, I do think what we have begun to define is truly a transformational, never done before in the UN system, agenda. The challenge ahead is to make sure that, as we go ahead, we can capture the alarm, but also the spirit of engagement, and the enthusiasm with which so many thousands engaged in this process. This is the first time I have seen an agenda setting process, where goals have been shaped long before the finalization of the agenda. This augurs well for the future. If you look back at the Millennium Development Goals, it took several years after their adoption for them to be accepted by many as a framework for policy, for development cooperation, for activities of the UN and so on.

Though suffering from jet lag, I asked myself yesterday, “if I were to bring to you 15 of the 170 targets developed by the OWG that were to my mind the most transformational, what would they be?” So I would just like to end by giving you my sense of 15 of the 170 targets which I find truly transformational:

- > First, by 2030 poverty is to be halved in all countries. Every country will have its national definition of poverty and the document is pledging that by 2030 in every country, nationally defined poverty will be cut by half.
- > Related to that, two targets on hunger and malnutrition.
- > Reducing maternal mortality to less than 70 out of 10,000 live births.
- > Technical and vocational education for all.
- > End all forms of violence against girls and women.
- > Sanitation and hygiene for all.
- > Energy for all.
- > Global resource efficiency.
- > Income growth for the bottom forty percent of the population of all countries. In other words, promoting income equality by focusing, like the Palma Index does, on the bottom 40% of population.

- > Sustainable transportation for all, especially the old, the vulnerable, the marginalized.
- > Urgent action to combat climate change.
- > Reduce marine pollution, and we know there are whole islands of plastic as large as Australia floating around in the Pacific.
- > Restore degraded land.
- > Last but not least, promote the rule of law and ensure justice for all.

I'm just giving you these 15, as a sample of the transformational aspects of the targets that are contained in the document. I recommend it to all of you. It is not difficult to read a 15-page document of 170 targets, some pretty sharply defined, some less so, but all significant. The challenge ahead is to preserve the gains. Of course there are contentious issues. There are contentions over sexual and reproductive health and rights. There are contentions around the principle of Common but Differentiated Responsibilities, particularly in the context of climate change. But we have moved ahead in this agenda, and how do we preserve this, how do we act, how are we going to focus on implementation, this is where our thoughts should run, as we, in parallel, design and finalize the post-2015 development agenda.

So that is where we are. We are in a good place. We've got a good input now into the work of finalizing the post-2015 development agenda. We will be getting other good inputs, and I hope that we will live up to the world's expectations expressed by millions of people. All of the issues, including those captured in goal 16, have been the top priority in the public polling the UN has done of close to a million people globally. So if we can preserve that sensibly and keep our tempo and momentum up then I think we are well on the way to defining a truly significant, transformative and ambitious agenda for the post-2015 world. The four or five words which have been used very often in this agenda are universality, integration, balance, ambition and transformation, and I think we are well on that course.

Thank you very much.

ANNEX 3 SUMMARY OF INTERVENTIONS DURING THE PANEL SESSIONS

SESSION 1: SHIFTING THE DEVELOPMENT PARADIGM: THE CONTRIBUTION OF THE RULE OF LAW

Moderated by Judit Arenas, Director of External Relations, IDLO

EDRIC SELOUS, DIRECTOR, RULE OF LAW UNIT, EXECUTIVE OFFICE OF THE SECRETARY-GENERAL AT THE UNITED NATIONS

- > THE RULE OF LAW IS LIKE THE LAW OF GRAVITY: IT IS THE INVISIBLE FORCE THAT HOLDS EVERYTHING TOGETHER.

The concept of the rule of law for the General Assembly is founded in the principles of the Charter; at the international level from concepts such as the sovereign equality of States and non-interference and at the national level from the respect for human rights and fundamental freedoms. It has been further developed by the General Assembly since the 1993 Vienna World Conference on Human Rights as an essential and indivisible component of the Organization's normative framework, which together form the Human Rights Pillar and ensure justice in the UN's work in Peace and Security and Development. This was confirmed in the Millennium Summit, the 2005 World Summit and the 2012 High Level Meeting of the General Assembly. Nevertheless, since the rule of law goes to the heart of governance both at the international level and at the national level, the Assembly has been careful to balance the national and international levels to ensure a sense of justice amongst the community of States, as well as advancing justice amongst any nation's community of peoples. This essential balance was reflected in the UNGA 2012 declaration and the same tensions formed the basis for negotiating the rule of law aspects of the SDGs. The OWG has gone a long way in balancing these issues in goal 16 of their draft of the SDGs transmitted to the General Assembly on 19 July 2014.

Notable aspects of the draft relating to the rule of law include the importance placed on access to justice, a desirable outcome itself, but also one which supports many other development goals; universal legal identity to ensure the ability to access services; gender equality, both mainstreamed throughout the draft and taking a prominent place in a separate goal; effective, accountable and transparent institutions which have been recognized as the “very instrumentality of a rule of law environment”; public access to information so that ordinary people have the tools needed to understand and enforce their rights; the removal of discriminatory laws as a key means of implementation; and, importantly for international rule of law, the development of equity in international trade, including through the reduction of illicit money flows, corruption and organized crime.

Moving forward, it is essential that we guard the careful balance between the rule of law at the international level and the national level that is found in the OWG draft, to ensure we create a comprehensive development agenda. It will also be essential to be able to measure the impact of the goals and indicators. The current goal 16 includes important targets, and while these may need to be shaped to ensure compliance with the international human rights framework, they do fundamentally advance a rule of law culture at the national and international levels.

DR. FAUSTINA PEREIRA, DIRECTOR, HUMAN RIGHTS AND LEGAL AID SERVICES, BRAC

- > SIMPLY PUT, THE RESULT OF INCLUSION OF JUSTICE IN THE DEVELOPMENT AGENDA WILL ENSURE THAT HUMAN BEINGS, IN THEIR PROGRESSIVE JOURNEY, WILL BE TRANSFORMED INTO SUBJECTS RATHER THAN OBJECTS OF DEVELOPMENT.

Making the critical link between justice and development is the paradigm shift required to make the post-2015 development agenda transformational. To deal with the realities of poverty and inequality, and to achieve human development, the focus must be on enhancing justice for individuals, not just putting in place laws or strengthening state institutions.

The state does play an important role in achieving this paradigm shift. However, to enhance justice for individuals, the state must move away from a welfare model of meeting needs and evolve into a model that recognizes the centrality of human voice and agency. Doing so will make it possible to remove perpetual discrimination and disenfranchisement and will allow states to make the journey from law to justice.

How has Bangladesh achieved the development results which have made it a 'poster child' of the MDGs? A primary factor behind this 'miracle' is actively ensuring, through policies and measures, the visibility of girls and women in development sectors, especially in health and education. There has been a thrust in three key sectors of the economy which affect women and girls the most: agriculture, foreign remittances and the textile economy. In Bangladesh, as well as in other parts of the world, there have been many examples of legal empowerment as a pathway out of poverty and exclusion.

It is also fundamentally important that we move away from the narrow lens of measurement that currently underpins the MDGs, and begin to effectively measure poverty and exclusion.

IGNACIO SAIZ, EXECUTIVE DIRECTOR, CENTER FOR ECONOMIC AND SOCIAL RIGHTS

> DEVELOPMENT IS A MATTER OF JUSTICE.

Human rights have a central relevance to the post-2015 development agenda. This has been made clear from the constant resounding calls from all corners of the globe for the new agenda to be anchored in the principles of the rule of law and human rights. The expectations are that the new SDGs will be grounded in: universality, being applicable to all countries regardless of GDP; equality, to reduce the blind spots of the MDGs which ignored and in some cases exacerbated inequalities; indivisibility, recognizing the importance of *all* human rights; and accountability, so that ordinary people can hold governments to account, and poor governments can hold wealthy states accountable.

The OWG's draft of the SDGs can be assessed against these principles. Universality is covered within the chapeau, however there is room for states to set their own path. The incorporation of a specific goal on inequality is one of the most transformational aspects of the SDGs, as are commitments to pursue progressive fiscal policies. The draft's emphasis on women's equality, and on protecting vulnerable populations is also positive. However, the draft is notably weaker than earlier versions in at least one respect: a number of provisions subject targets to current national laws which may result in states restricting access to information and fundamental freedoms when it is in accordance with national legislation. Overall, however, the OWG's draft is more ambitious than the MDGs and more in line with states obligations under international human rights law. The existence of many 'zero' targets is also a positive sign.

A main area of concern is accountability. The first dimension is accountability for all actors involved in international cooperation. The rule of law at the international level is incorporated into the draft, however it will be a major challenge to reform international economic governance, including international financing, taxation, and trade rules, all of which currently constrain developing countries from achieving development goals. A second issue is the failure of states to respect, protect and fulfill human rights beyond their borders. The High-Level Panel on the Right to Development has provided concrete indicators to assess the extraterritorial aspects of human rights, and these could be incorporated into the SDGs to fill this current gap in rule of law in the international context.

DR. JONATHAN LUCAS, DIRECTOR, UNITED NATIONS INTERREGIONAL CRIME AND JUSTICE RESEARCH INSTITUTE (UNICRI)

We are seeing a globalization of crime which has resulted in states often being overwhelmed by transnational criminal organizations. This is often exacerbated by the neglect of the criminal justice system, and was a major setback to achieving a number of the MDGs, in particular the goals on maternal mortality.

This criminality is enabled by corruption on a grand scale. Corruption has spread deep within many societies and prevents the safety, well-being, and overall development opportunities of citizens. There is a need to give adequate prominence to measures to tackle corruption in the Post-2015 development agenda.

Without individual security of their citizens, many countries are blocked from achieving development goals. Personal security is currently a major concern for more than 1/10 people on the planet, and significantly more in the developing world. A lack of personal security and increased victimization are often a result of impunity in countries where an effective criminal justice system is absent.

The criminal justice system is also undermined by the inhumane treatment of defendants which is predominant in many developing countries. For the rule of law to be effective there must be improved treatment of prisoners, a reduction in prison overcrowding, and an increase in rehabilitation services.

PROF. MAURO POLITI, UNIVERSITY OF TRENTO AND FORMER JUDGE, INTERNATIONAL CRIMINAL COURT

The human rights dimensions of the rule of law are essential for every aspect of the sustainable development agenda. It is important that human rights permeate throughout the goals that will guide the implementation of the agenda. Access to justice is a key element to achieve truly inclusive societies where inequalities are reduced and human rights realized.

To make this a reality, the reaffirmation of principles of justice and of equality before the law must be accompanied by concrete measures to strengthen judicial and other government institutions which must be independent and guarantee full integrity. It is common knowledge that poverty is a result of lack of power. Where the poor are faced with a non-genuine justice system, they will continue to be powerless.

There cannot be sustainable development in conflict zones where grave international crimes are being committed: victims of injustices must have access to a third party dispute resolution mechanism. The right to access to justice and the right to be heard are very important not only at the national but also at the international level.

DISCUSSION

There were a number of contributions from the floor, including:

- › The need for four forms of transformation to achieve sustainable development in Africa:
 1. Transformation in relation to conflicts (ultimate cause of breakdown of law and order); Conflict creates a cycle of dependence.
 2. Transformation of production and productivity in Africa.
 3. Transformation in processing in African products: 80% of the population live in rural areas, without access to world markets, and where access is gained it is generally for raw materials. There also needs to be a transformation in the marketing of African products.
 4. Transformation in rural financing and the introduction of technology in Africa.
- › The need to address criminal justice issues arises in both developing and developed countries.
- › Distribution of food is just as important as the production of food when it comes to food security. There must be appropriate policies in place to ensure the effective distribution of food to the poor.
- › Domestic development cannot be separated from a just and fair international order.
- › Technology is an enabler of access to information and can, for example, be applied to make legal information freely available. This would be instrumental in advancing the rule of law in respect of all dimensions of sustainable development.

SESSION 2: ACHIEVING FOOD AND NUTRITION SECURITY: ENSURING SUSTAINABILITY THROUGH THE RULE OF LAW

Moderated by Dr. Cosimo Lacirignola, Secretary General, International Centre for Advanced Mediterranean Agronomic Studies (CIHEAM)

DR. JOMO KWAME SUNDARAM, ASSISTANT DIRECTOR-GENERAL FOR ECONOMIC AND SOCIAL DEVELOPMENT, FAO

- › ONE PERSON'S POVERTY CAN BE ANOTHER PERSON'S DEPRIVATION.

The eradication of hunger and improved nutrition have been given appropriate priority in the OWG's draft by including them as the second proposed goal of the SDGs.

One area where food security and the rule of law intersect relates to land tenure. Agricultural intensification has taken place in a dynamic way and land tenure issues and patterns have changed with different types of agricultural practices. It is important to avoid following a one-size-fits-all approach to land tenure and land titling.

The rule of law is also important for guiding the governance of the commons. The 'tragedy of the commons' can be appropriately mitigated with good governance. The rule of law properly understood should help move from protection to production. Also, we should not just help people in times of disaster. We should seek to improve their resilience at all times.

The rule of law must be distinguished from the rule by law. In its work, FAO has often witnessed conflicts between human rights and property rights. The rule of law, if applied incorrectly, can consolidate existing inequalities.

ANN TUTWILER, DIRECTOR GENERAL, BIOVERSITY INTERNATIONAL

The rule of law can be an important tool in helping the rural poor to sustainably use resources, including through good regulation of commons. Elinor Ostrom has set out a useful definition of the commons and of the conditions under which commons fail – the 'tragedy of the commons'. Using this framework, we have seen situations where governance – including through national economic plans – has acted to constrain small-holder farmers. It is essential to ensure appropriate government regulations to maintain healthy commons.

GARY HOWE, DIRECTOR OF STRATEGIC PLANNING DIVISION, IFAD

The rule of law is critical to poverty reduction and food security. The law can concretely and measurably allow for the fundamental ability of rural populations to use and benefit from natural resources. Social factors are being seen as increasingly important in rural development.

The engagement in the rule of law must and will increase in response to changing rural dynamics. These dynamics are changing rapidly due to external factors particularly urbanization, which has redefined rural transformation and has led to major changes in rural labor force. Urbanization has also led to greater competition for land and water in rural areas, in part because of the increased needs of urban areas, but also because new entities which are alien to rural areas have entered the rural space. Small farmers are also increasingly engaged in economic exchanges with socially distant third parties- actors far beyond community and local systems.

A key feature of all of these challenges is that rural actors have unequal power, particularly women, and particularly in relation to access to markets. There is a real risk that this power imbalance, which is sometimes perpetuated by laws and policies, will worsen the economic and social marginalization of the rural poor. The rule of law has the theoretical ability to regulate these power imbalances. However, laws often promote the interests of the rich against the poor. In these instances, advancing the rule of law may mean having to question the laws in place.

IFAD works to ensure that the rule of law is relevant and equitable for small hold farmers. Rural populations must be able to organize and gain access to proper spaces for participation in policy development and implementation. IFAD also works to promote pro-poor legal frameworks which are relevant, inclusive and evolving. They must be appropriate to deal with the future challenges that will face the rural poor, including in relation to frameworks for financing, public-private partnerships, land and water use, and combating discrimination of women.

PROF. CRISTIANA CARLETTI, ROMA TRE UNIVERSITY AND MEMBER, BOARD OF ADVISERS, IDLO

There is an increasing inter-relationship between the environment and security. Environmental and social threats can lead to serious security risks. The international legal framework in place to regulate this relationship is becoming increasingly important. International environmental law gives rise to many remedies in times of war as well as in times of peace. Laws applicable during peace, and international humanitarian laws have overlapping application and are no longer considered as being mutually exclusive.

There is a long history of the interrelationship between the environment and security being recognized in sustainable development declarations and outcome documents, including in the Rio+20 Outcome Document *The Future We Want*. The relationship is also recognized in many regional conventions, including within Africa.

The Secretary-General's High Level Panel on the Post-2015 Development Agenda has noted that natural resource misuse is both a driver and an indicator of long-term conflict. Violent conflict can devastate ecosystems and have lasting negative impacts on infrastructure, both physical and human, of natural resource management. Conversely, in post-conflict situations, setting rules to promote a fair, sustainable use of natural resources is key to consolidating peace.

AMB. VIRGILIO REYES, AMBASSADOR OF THE PHILIPPINES TO ITALY

2015 will see the post-2015 development agenda and a new climate deal agreed, but will also see the follow-up to the Hyogo Framework for Action to Build Resilience of Nations and Communities to Disasters, which ends in 2015. This is particularly important for the Philippines which is extremely vulnerable to natural disasters.

Land is a major issue in the Philippines. The rule of law can stabilize small land holders and can guide the appropriate use of public funds and put in place proper incentives and services to ensure small-holder land owners are adequately looked after. Titling and tenure of land is essential for a country to be able to deal with land issues arising after a natural disaster. Equally important is that the people themselves are given education to be able to understand and profit from laws and policies.

While globalization has had a major effect on the agricultural sector, it has also meant citizens moving from the country to the city, and from the city abroad. Recent typhoons are compelling the world to address climate change. Local concepts and practices have been important to ensure relevant responses to climate change.

DISCUSSION

There were a number of contributions from the floor, including:

- › It should be recognized that having a law in place will not necessarily ensure that development occurs. Rather, the law must be used to mobilize communities and resources to enable equitable development to occur.
- › Major issues debated in the OWG related to food and agriculture include: food loss, food waste, agricultural food subsidies, price volatility and food security. It is important that the expert views from the Rome-based agencies are drawn upon when discussing these issues in New York.
- › Food loss is a major issue for food security. A third of produced food is lost. Food waste is almost at 50% of food produced.
 - The simple economic solution to food loss is to increase the food price to reduce loss. However in reality, it is very complex to change: unless other factors are changed, it is not likely that food loss will be significantly reduced.
 - The room for reducing food losses, while ensuring that all else stays equal (such as food safety), is modest.
 - The issue of subsidies (both export subsidies and import subsidies) is a complex challenge for the agricultural sector. There is an important balance to be struck between export and import subsidies. The complete removal of one or the other as a panacea to food security is a myth.
- › Trade is an important piece, but not the only piece of the puzzle, to improve food security and bring about economic development. There is a need for the international community to reconsider the role of trade in the overall sustainable development context.
- › An example of the promotion of development through the rule of law, in a way that builds on cultural, religious and tribal customs and traditions is the recent creation in the Philippines of the autonomous region of Mindanao.
- › It is important that citizens are given the opportunity to advance their own concrete solutions to development issues. They also must be given the ability to pressure governments to uphold their right to food.

ANNEX 4 STATEMENTS: CLOSING SESSION

STATEMENT BY IRENE KHAN, DIRECTOR-GENERAL, INTERNATIONAL DEVELOPMENT LAW ORGANIZATION (IDLO)

We have heard here what we have heard elsewhere, namely that the post-2015 development agenda must be a transformative agenda that addresses the injustices created by poverty, inequality and environmental degradation and that tackles food security and nutrition. The goals need to be bold, pragmatic and people-centered, addressing inequalities and focusing on the root causes of poverty.

The rule of law is vital for sustainable development. The rule of law is a concrete basis on which to promote sustainable development. Experience and evidence from the ground show that the rule of law is vital for all three dimensions of sustainable development. It provides predictability and certainty for economic development. It ensures equal opportunity and equitable access to basic services and helps to fight poverty and inequality. It strengthens the legal framework to protect the environment and promote environmental sustainability. The rule of law properly understood provides legal certainty and predictability but also substantive justice. Equality, accountability and respect for human rights – both economic, social and cultural rights as well as civil and political rights – are integral parts for the rule of law.

All goals and targets must be compliant with international standards. The rule of law ensures human rights are brought to life as a means of addressing the deprivation, exclusion and discrimination that lie at the heart of poverty and marginalization. This understanding of the rule of law is in sharp contrast to rule by law, in which the law may be used as a tool to oppress people, discriminate against people and avoid accountability under the guise of formality, legality and legitimacy.

One other important distinction made was on the need to realize that human rights may at times come into conflict with property rights (for example access to medicines). It was aptly put as “one person’s property can be another person’s deprivation”.

Rule of law is both a means and an outcome of sustainable development. It is of intrinsic value to development as well as instrumental value.

The Open Working Group has gone through an extensive consultative process and has produced a draft that broadly reflects the various views. Taking into account that there are different perspectives, as we move forward the focus should be on building consensus on the Zero Draft.

The Zero Draft is an important achievement and notwithstanding different positions on conceptual issues, there is agreement on many aspects of the rule of law and therefore, it will be important to move away from discussions of terminology and concept into issues of implementation and impact. We need to keep people at the centre of development and focus on rights holders not stakeholders. The transformative agenda is about bringing change to peoples’ lives.

Access to justice is essential to creating an inclusive society.

Participation, accountability, voice and agency are powerful tools of empowerment.

Legal empowerment and access to justice are critical so that people can claim their rights and specific examples were given of how this is happening in a number of countries.

The inclusion of justice within the concept of development will ensure that human beings are transformed from objects to subjects of development.

The rule of law is of equal importance at international and national levels.

One dimension of the rule of law at the international level is the neglected field of economic governance. We need to address international financing, taxation, fiscal and trade rules that impede sustainable development and create a more equitable basis for development where there are more demands for fairer, transparent rules for institutions.

The rule of law is a global issue of equal relevance to developed and developing countries and equally applicable to all.

Cultural, traditional and religious realities must also be taken into account.

STATEMENT BY GIAMPAOLO CANTINI, DIRECTOR-GENERAL, D.G. FOR DEVELOPMENT COOPERATION, ITALIAN MINISTRY OF FOREIGN AFFAIRS

First of all I would like to thank Ms. Khan not only for the very bright, concise and to the point final remarks, but also for all the effort that has been made for organizing this meeting. Thank you very much to IDLO, we are very happy and satisfied with this joint venture which goes a long way.

I would also like to take this opportunity to thank my colleagues in the Directorate General for the effort that they have made jointly with IDLO in the organization of this meeting.

It was very appropriate having listened to so many interventions and to the discussions in the finals, it was very appropriate to focus today's discussion on the issue of food security and rural development. This is an issue which is at the core of the development strategies and at the core of the post 2015 agenda, but it is also at the heart of the sequence of processes and very crucial events: 2014 is the year of family agriculture, in a few months we will have the ICN 2 and, last but not least, the Expo 2015, where a number of strategic issues for the future of the planet and for the issues of sustainable development and sustainable agriculture and sustainable consumption will come to fruition.

So, we believe and we had the confirmation today, that these issues of food security and rural development have a crucial importance.

As far as I see, and it was very clear from today's discussion, the strategic importance of the rule of law, especially as regards food security has been reaffirmed; so there is actually the need to have the rule of law at the center of the new architecture of the development strategies and at the centre of the post 2015 agenda.

From the discussion it was clear that there is no alternative between having a goal per se on the rule of law or having it as a cross cutting issue: both are relevant to the discussion and the negotiations on the post 2015 agenda.

I would like to stress a concept, we have to be very clear and frank on this: the rule of law, governance and human rights are a public good per se, so they are valuable in themselves. We had a passionate intervention from the deputy commissioner of human rights on this issue of human rights. We believe that participation and democracy are goods per se, but I would also like to stress what Irene Khan said this morning and just pointed out in her final remarks on the rule of law as an element of certainty, predictability and substantive justice. I fully subscribe to this, but also the rule of law as a development enabler, and I stress this point: as a development enabler, is a good per se and it is valuable in itself

I fully subscribe to this, but public goods per se are ends in themselves but also the rule of law as a development enabler and I stress this point as a development enabler.

We had several interventions on the issue of access to resources.

Certainty, rule of law, predictability, protection of human rights are key to issues like land tenure, access to water and also the elements related to entrepreneurship are crucial to this effect.

I was impressed by the remarks by Mr. Sundaram, when he said that the rule of law is an essential element for the integration of farmers into production. We have to go from a concept of rule of law as a protection for farmers to bringing farmers into production. I fully subscribe to that.

Another element that was stressed in relation to the crucial importance of the rule of law was related to gender.

Ertharin Cousin this morning said that the rule of law is a key element in removing barriers that keep women from achieving their full potential. This is another fundamental point for any development strategy and for the future post 2015 agenda.

Mr. Howe this afternoon also stressed the increased role of women in agriculture, which has been a traditional element in agriculture and in the role of development (...) since we see so many processes of urbanization, urban migration and urban development that also lead to such an increased role.

Inclusive development was stressed by several interventions, and in particular Mr. Sundaram pointed to the many phenomena of increased inequalities or risk of increased inequalities, marginalization and other phenomena that are related to the urban development taking place alongside the processes of economic growth especially in Sub Saharan Africa, we constantly hear about this wide spread (...) of the rapid processes of economic growth in many parts of Sub Saharan Africa, but certainly the other side of the coin is that a number of phenomena of inequalities and marginalization

go along so, inclusive development is key to having an effective protection of human rights and actual implementation of the basic principle of inclusive development.

These reflections, suggestions and recommendations are very important and timely as pointed out by many speakers. I believe that a document of conclusions and recommendations will be extremely useful for the governments, for international organizations, for regional organizations, and it will be extremely timely and important for the further steps of the process of negotiations of the agenda post 2015. It was pointed out by Irene Khan a few moments ago, how the zero draft and now the final version of the report of the co-chairs of the OWG will fit into the process. I would also stress that further down the road we will have in a few months the final report of the SecretaryGeneral of the United Nations which in a way will set the stage for the final sequence which will last several months, namely the elaboration and negotiations of the post 2015 agenda.

In this process I think that this document, the suggestions that were made, the reflections and the recommendations that were put forward in our discussion will be also available inputs into the elaboration of the report of the Secretary- General and into the definition of the position of UN Member States.

ANNEX 6. PROGRAM

ACHIEVING A TRANSFORMATIVE POST-2015 DEVELOPMENT AGENDA: THE CONTRIBUTION OF THE RULE OF LAW TO EQUITY AND SUSTAINABILITY

A conference convened by the Italian Ministry of Foreign Affairs,
in the context of Italy's Presidency of the Council of the European Union,
in collaboration with the International Development Law Organization (IDLO)

21 July 2014 - FAO Headquarters, Rome

PROGRAM

9:00 – 9:30am	Registration Coffee will be served
9:30 – 9:45am	<p>Inauguration</p> <p>Messages from:</p> <ul style="list-style-type: none"> ▪ John W. Ashe, President of the 68th session of the General Assembly of the United Nations [written message] ▪ Jan Eliasson, Deputy Secretary-General of the United Nations [written message] ▪ José Graziano da Silva, Director-General, Food and Agriculture Organization of the United Nations (FAO) [video message]
9:45 – 11:30am	<p>Opening Session</p> <p>Address by:</p> <ul style="list-style-type: none"> ▪ Hon. Lapo Pistelli, Vice Minister of Foreign Affairs, Italy ▪ Irene Khan, Director-General, International Development Law Organization (IDLO) <p>Special Guests</p> <ul style="list-style-type: none"> ▪ Ertharin Cousin, Executive Director, World Food Programme (WFP) ▪ Amb. Michel Mordasini, Vice-President, International Fund for Agricultural Development (IFAD) ▪ H.E. Gerda Verburg, Chair, UN Committee on World Food Security <p>Keynote:</p> <ul style="list-style-type: none"> ▪ Flavia Pansieri, United Nations Deputy High Commissioner for Human Rights ▪ Dr. Willy Mutunga, Chief Justice and President of the Supreme Court, Kenya <p>Setting the Context:</p> <ul style="list-style-type: none"> ▪ Nikhil Seth, Director, Division for Sustainable Development, United Nations Department of Economic and Social Affairs (DESA)
11:30 – 12:00pm	Coffee Break
12:00 – 1:30pm	<p>Session 1</p> <p>Shifting the Development Paradigm: The Contribution of the Rule of Law</p>

	<p>The rule of law is relevant to all three dimensions of sustainable development: economic, social and environmental. By providing predictability and certainty through a stable, transparent legal regime, it creates an environment conducive to investment and enterprise. By ensuring equal opportunity and equitable access to basic services, it promotes social development and inclusive societies. By strengthening the legal framework to protect the environment, it advances the sustainable dimension of development. With rising inequality across the world, issues of rights and justice are as relevant in the developed world as they are in developing countries.</p> <p>The panelists will give short presentations setting out the key issues around integrating human rights and the rule of law in the post-2015 sustainable development agenda, followed by interventions from lead discussants and an interactive dialogue with the audience.</p> <p>Panelists:</p> <ul style="list-style-type: none"> ▪ Edric Selous, Director, Rule of Law Unit, Executive Office of the Secretary-General at the United Nations ▪ Dr. Jonathan Lucas, Director, United Nations Interregional Crime and Justice Research Institute (UNICRI) ▪ Ignacio Saiz, Executive Director, Center for Economic and Social Rights ▪ Dr. Faustina Pereira, Director, Human Rights and Legal Aid Services, BRAC <p>Lead discussant:</p> <ul style="list-style-type: none"> ▪ Prof. Mauro Politi, University of Trento and former Judge, International Criminal Court <p>Moderator:</p> <ul style="list-style-type: none"> ▪ Judit Arenas, Director of External Relations, IDLO
<p>1:30 – 2:30pm</p>	<p>Lunch</p> <p>Buffet luncheon for all participants hosted by the Permanent Representative of Italy to the UN Agencies in Rome in the Sheikh Zayed Center Lounge (Ground Floor)</p>
<p>2:30 – 4:00pm</p>	<p>Session 2 Achieving Food and Nutrition Security: Ensuring Sustainability through the Rule of Law</p> <p>Food and nutrition security and poverty reduction cannot be achieved unless issues of access to land, security of tenure and sustainable use of natural resources are addressed properly through laws and policies that promote equality, predictability, transparency, legality and fair treatment. Secure land tenure is directly correlated with greater food security, through increased investment in agriculture and improvements in the ability to produce and access food for families. Hunger and malnutrition are heightened in times of conflict and crisis when human rights are ignored and there is no recourse to justice. Access to land and environmental sustainability are critical for women, indigenous communities and other marginalized groups, and ultimately for poverty eradication and sustainable development.</p> <p>The panelists will give short presentations exploring the connection between the rule of law, food security and nutrition, with emphasis on land tenure, environmental protection and the right to food, followed by interventions from lead discussants and an interactive dialogue with the audience.</p> <p>Panelists:</p> <ul style="list-style-type: none"> ▪ Dr. Jomo Kwame Sundaram, Assistant Director-General for Economic and Social Development, FAO ▪ Ann Tutwiler, Director General, Bioversity International ▪ Gary Howe, Director of Strategic Planning Division, IFAD ▪ Prof. Cristiana Carletti, University Roma Tre and Member, Board of Advisors, IDLO <p>Lead discussant:</p>

	<ul style="list-style-type: none">▪ Amb. Virgilio Reyes, Ambassador of the Philippines to Italy Moderator: <ul style="list-style-type: none">▪ Dr. Cosimo Lacirignola, Secretary General, International Centre for Advanced Mediterranean Agronomic Studies (CIHEAM)
4:00 – 4:30pm	Coffee Break
4:30 – 5:00pm	<u>Concluding Session: Looking Ahead</u> Closing remarks: <ul style="list-style-type: none">▪ Irene Khan, Director-General, IDLO▪ Giampaolo Cantini, Director General, D.G. for Development Cooperation, Italian Ministry of Foreign Affairs

ABOUT IDLO

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