

**Points by the Russian delegation on proposed Goal 16
“Achieve peaceful and inclusive societies,
rule of law, effective and capable institutions”**

(Open working group on Sustainable development goals, 19 June 2014)

- It does not correspond to “Rio+20” decisions which are the basis and the framework for GA processes on post-2015 development agenda, including SDGs (Section V of the “Rio+20” outcome document does not mandate activities on such issues as peaceful and non-violent societies, rule of law, capable institutions, peace and security, post-conflict peace-building *etc.*)

- Goal 16 constitutes a clear attempt to bring in the so-called “fourth dimension” into sustainable development which is alien to the agreed three-dimensional concept

- Introduction of the “4th dimension” will have far-reaching and systemic negative impacts:

- discussions on the same issues will go on parallel tracks

- GA 2nd Committee and ECOSOC, including HLPF under their auspices, will be forced to deal with issues extraneous to them

- monitoring on development commitments and SDGs will be extremely complicated

- chaos in the activities of UN system will be increasing which will undermine effectiveness and authority of UN as the most universal and legitimate international organization

- A door will open for interference in the internal affairs of states, politicizing the development discourse, creation of conditionalities for external assistance and other international relations between countries

- Basically, Goal 16 is about how the States should be governed. Leaving it "as is" means we agree that the UN will be advising Member States on how to handle their internal affairs. Not only it will be in direct violation of Article 2 (7) of the UN Charter,

but also will create a situation where the UN Secretariat will be giving "grades" to the Member States or "ranking" them. Consequently, there will be "good" and "bad" (or "right" and "wrong") ways of governance and development.

- There is also a possibility that the task of ranking States will be seconded to NGOs currently active in this domain (e.g. to the World Justice Project - the organization invited to a series of the UN rule of law events with one single purpose - to demonstrate that the rule of law can and must be measured on a national level).

- There is a risk that the attention of the world community can be distracted from the root causes of political and economic instability which are poverty and social inequality. At the same time, gaps in social, economic and environmental fields might be identified as threats to peace and security and used as an excuse for interference in internal affairs

- One of the most dubious elements is rule of law:
 - it is an extremely broad concept that has no consensual definition or scope agreed upon by the Member States
 - even the main proponents of the rule of law concept fail to have a unified common understanding of this concept. On the national level, numerous rule of law programmes are being implemented bringing nothing but devastation to the "assisted" countries; it happens due to inability or rather unwillingness to take into consideration local legal, historical, cultural, religious and other specificities; this phenomenon is known as "legal implants" - attempts to introduce pre-tailored set of legal norms and state institutions copied from a third "model" state (usually, Western state-model);
 - Article 2 (7) of the UN Charter clearly indicates that the Organization cannot deal with issues lying essentially within the domain of internal affairs of its Member States; thus, any attempt to subject the very ways of State internal governance and organization to the UN scrutiny and assessment would constitute a dangerous precedent of evasion and dilution

of the provisions of the UN Charter to create quasi-implementation/monitoring mechanism

- it is one of the reasons why the Western states chose to put even more emphasis on the promotion of the rule of law than on human rights in the post-2015 development agenda: human rights are better defined and codified and already have monitoring mechanisms, making it harder to arbitrarily interpret them for political purposes; another irritant for the Western states are issues like the right to development or the right to water

- Argument that the chapeau of Goal 16 uses "agreed language" from "Rio+20" is not convincing. First - there is no such wording in the "Future we want" document: throughout 283 paras thereof rule of law is mentioned only 3 times as an element of the overall context and even without being called "enabler"

- Goal 16 might be for some reasons important to certain groups of countries or regions. But at the same time, SDG should be universal. Universality of goals implies that they can be equally applicable worldwide because they are based on common approaches, stay within the agreed framework of "Rio+20" and enjoy support by everyone. This is clearly not true in the case of Goal 16. Furthermore, global goals do not exclude existence of regional or sub-regional ones. So, depending on the circumstances at place, regions are free to establish their own specific development goals

- Many of Goal 16 targets can hardly be measured with practical quantitative indicators

- In sum, there is very little legitimacy to have Goal 16 as a separate global goal. Nevertheless, some of its practical elements pertaining to national developmental capacity might be kept under other goals. In our view, these are targets 16.13 (provide legal identity for all), 16.14 (improve public access to information and government data) and 16.15 (ensure that all laws are publicized). They can be placed under Goal 10. This would constitute a compromise