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May 8, 2015

Via email: rob.nicholson@parl.gc.ca; minister@acdi-cida.gc.ca

The Honourable Rob Nicholson, P.C., Q.C., M.P.
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, ON K1A 0G2

The Honourable Christian Paradis, P.C., M.P.
Minister of International Development
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Gatineau, QC, K1A 0G4

Dear Minister Nicholson and Minister Paradis:

Re: Post-2015 Development Agenda – Government of Canada Priorities

We write to you in response to the invitation to provide feedback on the Government of Canada Priorities for the Post-2015 Development Agenda.

We are a group of Canadian institutions and organizations with long-standing experience in international development work focused on rule of law and good governance, and a think tank focused on international law and governance innovation. We follow the ongoing global debate to determine the Post-2015 Development Agenda. We appreciate the Government of Canada's openness to discuss and consult with Canadian organizations and the public on this important issue. In January 2015, we invited the Deputy Head of the Post-2015 Task Force from DFATD to speak to an informal roundtable on rule of law and the Post-2015 Development Agenda, including proposed Goal 16 which focuses on peaceful and inclusive societies, access to justice and effective, accountable and inclusive institutions. Members of our group have also participated in DFATD's consultation meetings with civil society, organized with CCIC.

While recognized as “cornerstones” to the achievement of sustainable development, rule of law and governance have not been included as a priority in Canada's post-2015 development priorities. **We encourage the Government of Canada to continue to demonstrate its commitment to rule of law by recognizing it as a core priority for Canada under the post-2015 agenda.**

Rule of Law is recognized as both a fundamental characteristic of a just and equitable society, and a condition that enables nations to achieve other fundamental development goals¹. With increasing globalization, rule of law includes strong legal frameworks and institutions, both at international and national levels. It is critical to achieving development goals in any sector, including Canada's suggested Priorities, and as an end goal in itself². Simply supporting efforts to ensure that "freedom..., democratic governance, human rights and rule of law" are "integral components of the Post-2015 Agenda" fails to recognize this crucial role.

i. Principles

We appreciate Canada's commitment to "pursuing a realistic, focused and measurable Post-2015 Development Agenda that integrates the three dimensions of sustainable development – social, economic, and environmental" and the focus "on the eradication of poverty, with an emphasis on the world's poorest and most vulnerable, especially women and children", as well as Canada's continued recognition that partnership is essential to success, as Canada's Principles for the Post-2015 Development Agenda Priorities.

ii. Core Priorities

Literature and practical experience have shown that countries with stronger rule of law and governance systems made more progress toward achieving the Millennium Development Goals (MDGs). Failure to include governance in the MDGs contributed to the limited progress in some countries³ and "good governance and the rule of law at the national and international levels are essential for sustained, inclusive and equitable economic growth, sustainable development and the eradication of poverty and hunger"⁴. Canada has long recognized the importance of freedom, democratic governance, human rights and rule of law in its international development as core values that underpin our foreign policy and international development assistance.⁵ This reflects core characteristics of Canadian society and Canadian expertise in supporting rules-based governance, respect for human rights and effective and accountable institutions. Rule of law is an essential component of the former Canadian priorities of "advancing democracy" and "promoting stability and security" which are no longer included, as well as in ensuring human rights and freedoms.

Rule of law is also fundamental to achieving Canada's proposed Core Priorities through the development of enabling legal frameworks, strengthening of institutions and empowering of people.

¹ United Nations Secretary-General, *The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet, Synthesis Report of the Secretary-General on the Post-2015 Agenda*, New York, advance unedited 4 December 2014.

² www.un.org/disabilities/documents/reports/SG_Synthesis_Report_Road_to_Dignity_by_2030.pdf

³ *Global Dialogue on Rule of Law and the Post-2015 Development Agenda Report*, December 2013:

www.worldwewant2015.org/node/417693

⁴ *Global Thematic Consultation on Governance and the Post-2015 Development Framework Report*, The World We Want, 2013, www.worldwewant2015.org/governance/finalreport

⁵ UN General Assembly, "Keeping the promise: United to achieve the Millennium Development Goals", 17 September 2010 at pg. 3. Available at:

www.un.org/en/mdg/summit2010/pdf/mdg%20outcome%20document.pdf

www.international.gc.ca/development-developpement/priorities-priorites/democracy-democracie.aspx?lang=eng

Canada has made significant contributions to **maternal, newborn and child health** globally, and we praise Canada's continued leadership on this vital issue. Rule of law supports progress in ensuring child and maternal health through:

- Creation of necessary regulatory systems, such as birth registration and vital statistics;
- Ensuring the right to access healthcare services;
- Access to legal assistance for children in need of protection;
- Women's rights with respect to their ability to provide for their children (e.g. property rights, the right to housing, economic rights); and
- Accountability of government institutions.

Sustainable economic growth has also been a priority for Canada for some time, recognizing that economic development contributes to the alleviation of poverty. We are pleased to see that Canada still intends to take a leadership role in this area. For sustainable economic growth, rule of law supports:

- Improving legal and regulatory frameworks and systems to provide a sound and transparent framework for economic development;
- Strengthening dispute resolution processes to protect private sector investments internationally;
- Ensuring equitable access to resources by micro, small and medium-sized private sector businesses, including those operated by women;
- Access to competent, knowledgeable, legal assistance on business, finance and trade issues; and
- Transparency and accountability of institutions at all levels.

As Canada has historically been a leader in discussions related to aid effectiveness, accountability and transparency, we appreciate Canada's intent to continue to support this issue. We share the Government of Canada's concern that the Sustainable Development Goals are not sufficiently focused, the current targets and indicators lack clarity and may be difficult to measure, and strong monitoring frameworks are required. However, the Core priority of "Accountability" is currently framed too narrowly. Transparency and accountability are necessary for citizens to hold their governments and other organizations to account. This extends beyond the framework of the Post-2015 Development Agenda and is fundamental to an open and equitable society. Rule of law fosters broader accountability and, in that context, enables the public to monitor and hold government accountable, including in the implementation of the Post-2015 Development Agenda.

We recommend a wider consideration of the Accountability priority be adopted.

iii. Governance and Rule of Law as a Cross-Cutting Priority

Rule of law is fundamental to achieving Canada's proposed Core Priorities and the overall Post-2015 Development Agenda through the establishment of legal frameworks, development of strong institutions and empowerment of people. Also with the proposed

current cross-cutting priorities, rule of law is necessary to ensure equality of women and girls, protection from discrimination and violence, access to resources, and protection of children from violence, exploitation, including protection from child, early and forced marriage.

Alternatively, we recommend at a minimum that governance and rule of law be recognized as a cross-cutting priority, with specific targets and indicators developed to show measurable progress.

We would welcome an opportunity to discuss with you and your officials the importance of rule of law as a goal and an enabling factor in Canada's priorities and in ensuring that rule of law and access to justice is captured and recognized in the Post-2015 Development Agenda, not limited only to Goal 16, but also in the indicators and monitoring frameworks, and further as it relates to implementation.

Yours truly,

(original letter signed by Michele H. Hollins)

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