



## **“Our Common Agenda”**

### **Thematic Consultation 2**

#### **Accelerating the Sustainable Development Goals Through Sustainable Financing and Building Trust**

**14-15 February 2022, UN Headquarters New York**

**Statement by  
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Excellencies,

International IDEA strongly supports the commitments made by world leaders in commemoration of the 75<sup>th</sup> Anniversary of the United Nations for reinvigorating solidarity and multilateralism. Commitments #4 and #6 related to strengthening the rule of law and building trust by listening to and consulting with people, respectively, are particularly relevant to today’s thematic consultation.

Building trust is no easy task. Achieving trust requires multi-stakeholder efforts, the inclusion of all voices and the representation of all groups, along with solving the deep-rooted issues – from systemic inequality to corruption – that have fueled mistrust in the first place. There is no better tool to achieve this than democracy.

International IDEA’s definition of democracy is compatible with the spirit of these commitments and with this objective. Our definition of democracy is simple, yet profound: “popular control over decision-making (and decision-makers) and equality in the exercise of that control.”<sup>1</sup> Popular control and the equality in the exercise of that control is not reduced to regular free and fair elections. It is spread along several key aspects of governance. These include fundamental

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<sup>1</sup> International IDEA. (2021). “The Global State of Democracy Indices Methodology”, p. 12. Available at: <https://www.idea.int/gsod-indices/sites/default/files/inline-files/global-state-of-democracy-indices-methodology-v5.pdf>, last accessed: 2022-02-08.

rights, the controls to which authorities are subject to and the right to a meaningful and equal political participation of all groups and members of society.

This combination of attributes enables people to lead the lives they value, to be actively engaged in civic spaces, to shape key decisions about their societies and – as a consequence – to trust government and its institutions. Democracy guarantees basic rights to citizens that allow them not only to vote and be voted, but also to have a continuous and active participation in their communities. Through freedom of expression and association and the rule of law people can debate, organise, advocate, and influence public policy and decisions. Self-determination and participation are democracy’s main motivations<sup>2</sup>.

Democracy also has an instrumental value and can therefore contribute to development and to achieving all 17 Sustainable Development Goals (SDGs). Those fundamental rights and the rule of law give the people the opportunity to express their concerns and demand public action<sup>3</sup>. Without a voice and influence in decision-making, it is less likely that the needs of the people – from quality education (SDG 4) to climate action (SDG 13)—will be listened to and addressed by governments<sup>4</sup>.

Commitment #6 of the UN75 declaration highlights the importance of listening to and consulting with people to build trust. In this process, strengthening the rule of law and access to justice (commitment #4) are essential. *Our Common Agenda’s* new vision for the rule of law builds on SDG16 and on the 2012 Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels and aims to put people at the centre of justice systems<sup>5</sup>.

SDG16 on peace, justice and accountable institutions aims at promoting inclusive societies with access to justice for all and with effective, accountable, and inclusive institutions at all levels. To achieve this, UN member states have set twelve targets and 24 official indicators<sup>6</sup>. While relevant and useful, these indicators need to be complemented with other data and analysis so we have

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<sup>2</sup> International IDEA. (2021). “The Global State of Democracy Indices Methodology”. Available at: <https://www.idea.int/gsod-indices/sites/default/files/inline-files/global-state-of-democracy-indices-methodology-v5.pdf>, last accessed: 2022-02-08.

<sup>3</sup> Sen, A.K. (1999). “Democracy as a Universal Value”. *Journal of Democracy* 10(3):3-17. Available at: <https://www.journalofdemocracy.org/articles/democracy-as-a-universal-value/>, last accessed: 2022-02-08.

<sup>4</sup> International IDEA (2020). “SDG 16 Data Initiative Global Report”. Available at: [https://www.idea.int/sites/default/files/events/SDG16DI%20Global%20Report%202020\\_0.pdf](https://www.idea.int/sites/default/files/events/SDG16DI%20Global%20Report%202020_0.pdf), last accessed: 2022-02-08

<sup>5</sup> United Nations (2021). “Our Common Agenda”. Available at: [https://www.un.org/en/content/common-agenda-report/assets/pdf/Common\\_Agenda\\_Report\\_English.pdf](https://www.un.org/en/content/common-agenda-report/assets/pdf/Common_Agenda_Report_English.pdf), last accessed: 2022-02-08

<sup>6</sup> United Nations Department of Economic and Social Affairs (2021). “SDG Indicators: United Nations Global SDG Database”. Available at: <https://unstats.un.org/sdgs/indicators/database>, last accessed: 2022-02-08

a more comprehensive and accurate measure of what matters to humanity's well-being and survival<sup>7</sup>.

As part of the SDG 16 Data Initiative,<sup>8</sup> International IDEA has provided complementary measures and analysis relevant to the areas addressed by this goal (in particular targets 16.3, 16.5, 16.6 and 16.7). The SDG16 Data Initiative shows that the combination of official and non-official data contributes to deepening the analysis of these targets by means of indicators that fully measure the underlying concepts of access to justice, inclusive institutions, and the rule of law.

Specifically, for target 16.3 (Promote the rule of law and ensure equal access to justice for all) International IDEA highlights the need to draw on additional measures. Currently, target 16.3 is measured through three indicators: proportion of victims of violence; unsentenced detainees as a proportion of overall prison population; and proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism. However, the rule of law and access to justice go beyond the number of victims, convictions, and the use of a dispute resolution mechanism.

The rule of law and access to justice are also related to the quality of said dispute resolution mechanisms and to the legal context where these operate. Having a system where the law is applied equally and consistently to everyone, with effective institutions that guarantee basic rights, matters. These rights include, but are not limited to: judicial review, the right to an effective remedy, the right to a fair and public hearing, due process and fair trial rights and the right to be presumed innocent.<sup>9</sup>

In this respect two complementary democracy attributes that are measured through International IDEA's Global State of Democracy Indices may prove useful: Access to Justice and Judicial Independence.<sup>10</sup> Access to justice denotes the extent to which the legal system is fair (citizens are not subject to arbitrary arrest or detention and have the right to be under the jurisdiction of – and to seek redress from – competent, independent, and impartial tribunals without undue delay).<sup>11</sup> This subattribute draws upon five indicators: access to justice for men, access to justice for women, judicial corruption, judicial accountability and fair trials. Judicial independence denotes the extent to which courts are not subject to undue influence from other

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<sup>7</sup> United Nations (2022). "Our Common Agenda" Thematic Consultation 2 Background Note. Available at: <https://edelegate.un.int/portal/doc/placegaplenary/download?uploadName=61fd3fbf21efdb0011849613~Background%20Note%20-OCA%20Thematic%20Consultation%202.pdf&fileName=Background%20Note%20-OCA%20Thematic%20Consultation%202.pdf>, last accessed: 2022-02-08

<sup>8</sup> SDG16. "SDG16 Data Initiative." Available at: <https://www.sdg16hub.org/data-initiative>, last accessed: 2022-02-08

<sup>9</sup> Concha, H., Lara Otaola, M.A, Orozco, J. (2021). "Towards a Global Index of Electoral Justice." Available at: <https://www.idea.int/publications/catalogue/hacia-un-indice-global-de-justicia-electoral?lang=en>, last accessed: 2022-02-08

<sup>10</sup> International IDEA. "Global State of Democracy Indices." Available at: <https://www.idea.int/gsod-indices/democracy-indices>, last accessed: 2022-02-08

<sup>11</sup> International IDEA. "Global State of Democracy Indices: About." Available at: <https://www.idea.int/gsod-indices/about>, last accessed: 2022-02-08

branches of government, especially the executive.<sup>12</sup> Six indicators are combined to form this index: high court independence, lower court independence, compliance with high court rulings, compliance with the judiciary, law and order and judicial independence.<sup>13</sup>

Building (and rebuilding) trust also requires revamping and reinvigorating social contracts. This requires trust in, and legitimacy of, the law, which in turn depends on trust in, and legitimacy of, the law-givers – i.e. political representatives. International IDEA is the only intergovernmental organization with a sole mandate to promote democracy. Through its priority programmatic areas of supporting elections and constitution building, International IDEA strengthens political representation, public accountability and constitutional values which provide the foundations for the social contract.

In line with this, International IDEA's Global State of Democracy Report 2021 advances a three-point agenda based on delivery, rebuilding and prevention.<sup>14</sup> '*Deliver*' calls government institutions, in close consultation with civil society, to recraft social contracts. These contracts should be the result of inclusive societal deliberation. '*Rebuild*' proposes the reform of democratic institutions, processes, relationships, and behaviours to better cope with the challenges of the 21<sup>st</sup> century and emphasises the (re) building of mutual trust between citizens and their representatives. '*Prevent*', calls for investing in democracy education by buttressing democracy's pillars that ensure accountability, including broad participation and access to information.

International IDEA believes in human dignity and that people are the best judges for their own interests.<sup>15</sup> As such, the voice and participation of people in public affairs should be guaranteed. *Our Common Agenda* indicates that at this inflection point in history, humanity faces the stark and urgent choice of breakdown or breakthrough.<sup>16</sup> There is no better way to achieve breakthrough than by listening to the people and rebuilding the social contract. The most effective, inclusive and sustainable means to do this is through democratic institutions, processes, and values.

I thank you.

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<sup>12</sup> International IDEA. "Global State of Democracy Indices: About". Available at: <https://www.idea.int/gsod-indices/about>, last accessed: 2022-02-08

<sup>13</sup> Details on these indicators, sources and measurement can be found on IDEA's Global State of Democracy Indices website, available at: <https://www.idea.int/gsod-indices/democracy-indices>, last accessed: 2022-02-08

<sup>14</sup> International IDEA. (2021). "The Global State of Democracy 2021". Available at: [https://www.idea.int/gsod/sites/default/files/2021-11/the-global-state-of-democracy-2021\\_0.pdf](https://www.idea.int/gsod/sites/default/files/2021-11/the-global-state-of-democracy-2021_0.pdf), last accessed: 2022-02-08

<sup>15</sup> Beetham, D. in International IDEA. (2021). "The Global State of Democracy Indices Methodology". Available at: <https://www.idea.int/gsod-indices/sites/default/files/inline-files/global-state-of-democracy-indices-methodology-v5.pdf>, last accessed: 2022-02-08

<sup>16</sup> United Nations. "United Nations Secretary-General's Report "Our Common Agenda"". Available at: <https://www.un.org/en/content/common-agenda-report/>, last accessed: 2022-02-08