Security, the Rule of Law and the post 2015 development agenda

The Millennium Development Goals (MDGs), established in 2000 following the United Nations Millennium Summit, committed the nations of the world to achieving certain goals across eight priority areas of social and economic development by 2015. However, some critical issues   such as Security, Rule of Law and Social Justice, while present in the Millennium Declaration, were not operationalized in the MDGs.

In the past few years, there has been explicit acknowledgment of the fact that progress on the "qualitative" dimensions of development, such as Human Rights, Access to Justice, Good Governance, Rule of Law and Security, is very much a part of any framework for sustainable and equitable growth.

1) Rule of Law and Development

The importance of rule of law for development and economic growth has been recently reiterated in the 2012 UN *Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels*[1]. The advancement of the rule of law nationally and internationally is seen as essential for the full realization of sustainable development, inclusive economic growth, the eradication of poverty and hunger. In turn, progress in each of these areas may reinforce the rule of law more generally. For these reasons, the Declaration recognizes the importance of improvements to governance and of the strengthening of justice and security institutions, ensuring that they are accessible and responsive to the needs and rights of all individuals.

In terms of Justice, this translates into the existence of legal frameworks, enforced in a predictable and transparent manner, that ensure that *'all persons, institutions and entities, public and private, including the State itself, are accountable to just, fair and equitable laws and are entitled without any discrimination to equal protection of the law.'*[2]

There is clear evidence that ineffective criminal justice systems cannot protect citizens and that they allow crime and violence to prevail, encourage corrupt practices, and hamper social and economic development. They are thus unable to protect citizens' basic rights to safety and security. In the same vein, justice systems with well-planned crime prevention strategies are not only better at preventing crime and victimization, but also promote community safety and contribute to sustainable development of countries. Seen in this perspective a future global goal may plausibly seek to pair justice and safety as equally important and possibly inseparable objectives.

Furthermore, the *World Development Report 2011* directly links development and justice, arguing that threats to development stemming from organized violence, conflict, and fragility, cannot be resolved by short-term or partial solutions without legitimate institutions that provide all citizens equal access to security, justice, and jobs.[3] As such, efforts to strengthen justice systems, manage and reduce vulnerabilities, and legally empower the poor, are not only crucial for dealing with crime effectively, but are also key for national development planning and policy. As noted in the report from the *UN System Task Team on the Post-2015 UN Development Agenda*, implementation of a post-2015 development agenda will depend on effective governance capacities, based on the rule of law, and on the legal and

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[1] A/Res/67/1

[2] A/Res/67/1

[3] World Development Report 2011: Conflict, Security and Development - The International Bank for Reconstruction and Development / The World Bank (Washington, 2011).

economic empowerment of people, especially those most excluded to participate effectively in national and local decision-making.[4]

Of particular concern is the link between weak rule of law at the national and international levels, and illicit trade[5], considering the broad impact that this phenomenon has on development. As a main source of income for organized criminal groups, illicit flows present a unique challenge in that they are intimately linked with a range of other threats to the development agenda, including drug cartel violence; corruption; money laundering; weak rule of law; negative health and development consequences; convergence between insurgents and organized criminal groups; prolongation of conflict; forms of modern slavery and exploitation; and the deterioration of governance.

2) Security and Development

Providing for the security of their citizens is the core responsibility of all States and is indeed the very basis for development of any kind. However, every day, violence destroys lives and livelihoods, breeds fear and terror, and has a profoundly negative impact on human development. Whether in situations of conflict or crime, it imposes enormous costs on States, communities and individuals. The risks of violence and the responses to it are shared by countries across divides of income, national identity, religion, and ideology. Violence closes schools, depletes social capital, empties markets, burdens health services, destroys families, weakens the rule of law, and prevents humanitarian assistance from reaching people in need.

Armed violence kills -- directly and indirectly -- hundreds of thousands of people each year and injures countless more, often with lifelong consequences and threatening permanently, respect for human rights. The Secretary General's 2009 report on Promoting Development through the Reduction and Prevention of Armed Violence drew particular attention to the specific impacts of armed violence on development.[6] In addition, the international community has stated that living free from the threat of armed violence is a basic human need and a precondition for human development, dignity, and well-being.[7] The fear of physical harm particularly plagues the marginalised and disempowered populations that are most in need. Populations of States that are fragile or just emerging out of a period of strife, where the structures of governance are weak are most at risk.

As noted by the *UN System Task Team on the Post-2015 UN Development Agenda*, the prevention and reduction of all forms of violence and abuse should be at the heart of any agenda which fully recognizes the centrality of human security, both as a human rights imperative and as being integral to development.[8]

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[4] 'Realizing the Future we Want for All', Report to the Secretary General – UN System Task Team on the Post-2015 UN Development Agenda (New York, June 2012).

[5] The World Economic Forum Global Agenda Council on Illicit Trade defines illicit trade as *"money, goods or value gained from illegal or commonly viewed to be unethical activity, and which generates economic, social, environmental or political harm."*

[6] General Assembly A/64/228);

[7] The Geneva Declaration on Armed Violence and Development, 2006

[8] 'Realizing the Future we Want for All', Report to the Secretary General – UN System Task Team on the Post-2015 UN Development Agenda (New York, June 2012).

The violence that disrupts governance and compromises development also includes local violence involving militias or between ethnic groups, gang violence, local resource-related violence and violence linked to trafficking (particularly drug trafficking), and violence associated with global ideological struggles This violence is often recurrent, with many countries now experiencing repeated cycles of civil conflict and criminal violence.

When people are unsafe they are reluctant or unable to participate fully in processes of governance and development. Further, the social space that they thus vacate may well lead to fissiparous forces and vested criminal interests occupying nodal power positions . Inflows of investment decline, as a consequence, productive capacities suffer. The arrested social development in countries affected by violence is evident in the poor showing in human development indicators. Development in these countries is lagging on nearly every indicator associated with the MDGs. The 'development deficit' is thus concentrated in fragile and conflict-affected and recovering states, which account for 77 percent of school-age children not enrolled in primary school, 61 percent of the poverty, and 70 percent of infant mortality.[9]

Subnational violence can have severe socioeconomic consequences in middle-income countries. In countries with stronger economies and institutions, impacts tend to be relatively localized, but they still hold back key segments of human development and reduce the flow of foreign direct investment (FDI) into affected areas. Political and criminal violence both disrupt development—and occur in repeated cycles.
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3) The Post-2015 Agenda

For the reasons stated above, security and rule of law must be an integral part of any global development agenda. As the consultation for the formulation of the post-2015 MDG agenda takes centre stage, the international community has a unique opportunity to prioritize these as goals and as enabling conditions.

Addressing Security and the Rule of Law requires a systemic and integrated approach, based on the engagement of all concerned parties, i.e. governments, civil society and private sector. All have key roles to play whether in developing and enforcing regulatory frameworks, preventing crime or raising social awareness. A systemic approach is required because of the interlinkages with major global risks such as corruption (both a driver and consequence of criminal behaviour), fragile states (massive illicit trade often being a cause and nearly always an important consequence), or economic disparities (which contribute to and are exacerbated by a lack of security and the rule of law.)

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[9] World development Report 2011