



NEW YORK  
CITY BAR

H.E. Mr. Ban Ki-moon  
Secretary-General  
United Nations  
760 United Nations Plaza  
New York, New York 10017

H.E. Dr. John W. Ashe  
President of the General Assembly  
United Nations  
760 United Nations Plaza  
New York, New York 10017

H.E. Mr. Sam Kutesa  
President-Elect of the General Assembly  
United Nations  
760 United Nations Plaza  
New York, New York 10017

September 2, 2014

Dear Excellencies,

We, the below signed members of the New York City Bar Association, write to urge the Member States of the United Nations to make governance a stand-alone goal in the Sustainable Development Goals and throughout the Post-2015 Development Agenda. This inclusion will serve to recognize the critical role that good governance plays in enabling a wide range of essential development objectives. As the United Nations General Assembly has affirmed in adopting *The Future We Want*, good governance fosters “sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger.”<sup>1</sup>

The Association of the Bar of the City of New York is a 144-year-old organization of more than 24,000 members from New York City, throughout the United States and around the globe with a long history of engagement in legal policy issues to promote the rule of law and governance. The Association’s over 150 committees focus on various international legal issues including international law, human rights and United Nations law.

The UN’s My World Survey,<sup>2</sup> in which more than three million people in 194 countries have participated, found that “an honest and responsive government” was among the top priorities of citizens around the world. Numerous representatives of civil society,<sup>3</sup> and statements issued by regional associations, including the Common African Position on the Post-2015 Development Agenda,<sup>4</sup> have urged that

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<sup>1</sup> General Assembly Resolution 66/288, “The Future We Want,” G.A. Res. 66/288, U.N. GAOR, 66<sup>th</sup> Sess., agenda Item 19, Annex, para. 10, U.N. Doc. A/RES/66/288 (2012).

<sup>2</sup> <http://www.myworld2015.org/>.

<sup>3</sup> See, for example, Transparency International’s Working Paper *2015 and Beyond: The Governance Solution for Development*, which can be linked to here [http://www.transparency.org/files/content/feature/2013\\_WorkingPaper1\\_MDG\\_EN.pdf](http://www.transparency.org/files/content/feature/2013_WorkingPaper1_MDG_EN.pdf).

<sup>4</sup> [http://www.ouagaplus10.org/sites/default/files/African%20Common%20Position%20-%20FINAL%20\(ENG\)%2010%20March%202014.pdf](http://www.ouagaplus10.org/sites/default/files/African%20Common%20Position%20-%20FINAL%20(ENG)%2010%20March%202014.pdf).

governance be made an essential element of the Post-2015 Agenda, and substantial work has already been undertaken in this regard as reflected in official UN documents from meetings and specialized agencies, regional organizations, and civil society organizations.<sup>5</sup>

We wish to add our voices to the calls that good governance be embedded in the heart of the Post-2015 Development Agenda.

### **What is good governance?**

Governance consists of the systems and processes of national and international institutions. Good governance results when these systems, processes and outcomes are transparent, participatory, responsive, inclusive, coherent and, above all, accountable. These standards are as applicable to institutions in the private sector, as they are to institutions in the public and not-for-profit sectors.

Firmly anchored in principles of human rights, good governance includes:

- Adherence to the rule of law and access to justice;
- Effective, responsive and accountable institutions;
- Openness and transparency from governments;
- Reduced corruption and illicit financial flows;
- Coherence among policies at different levels of governance, including the local, national and international levels;
- Empowered participation of citizens, particularly youth, women and marginalized populations, in the activities of government and civic life;
- Strengthened cooperation between the private and public sectors; and
- Inclusive international institutions fostering global cooperation.

### **How does good governance enable sustainable development?**

As UN Secretary General Ban Ki-moon has stated, good governance is both an outcome and an enabler of development.<sup>6</sup> There is overwhelming evidence of the linkages between better governance and development. The quality of public administration directly affects economic growth, social stability and environmental protection, while states where good governance is lacking are prone to instability, conflict and civil war.<sup>7</sup> Transparent governments attract greater levels of investment.<sup>8</sup> Corruption stifles sustainable development and breeds cynicism and despair, whereas adherence to the rule of law reduces

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<sup>5</sup> See Note 1, *infra*, *The Future We Want*; the proposed Sustainable Development Goals (July 14, 2014) ([www.sustainabledevelopment.un.org](http://www.sustainabledevelopment.un.org)); the Millennium Declaration (<http://www.un.org/millennium/declaration/ares552e.htm>); the Millennium Development Goals Outcome Document (<http://www.un.org/millenniumgoals/pdf/Outcome%20documentMDG.pdf>). See also "Governance and the Post-2015 development framework: a civil society proposal" (<http://www.globalintegrity.org/wp-content/uploads/2014/01/CSO-position-on-Post-2015-and-governance-Jan-2014-hi-res-version1.pdf>); Istanbul Programme of Action (<http://unohrlls.org/about-ldcs/istanbul-programme-of-action/>); European Union June 2013 Council Conclusions ([http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/143478.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/143478.pdf)); High Level Panel Report (<http://www.post2015hlp.org/wp-content/uploads/2013/05/UN-Report.pdf>); Statement Issued by the G7 ([http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/ec/143078.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/143078.pdf)); High Level Panel Report (<http://www.post2015hlp.org/wp-content/uploads/2013/05/UN-Report.pdf>).

<sup>6</sup> Report of the Secretary General, *A Life of Dignity for All: Accelerating Progress Towards the Millennium Development Goals and Advancing the United Nations Development Agenda Beyond 2015*. A/68/202, 26 July 2013, paragraph 81, which can be linked to here <http://www.un.org/millenniumgoals/pdf/A%20Life%20of%20Dignity%20for%20All.pdf>.

<sup>7</sup> See, for example, report of the United States Institute of Peace, *Governance, Corruption and Conflict*, which can be linked to here <http://www.usip.org/sites/default/files/ETC-D/NPEC/480021.PDF>.

<sup>8</sup> See, for example, report of the World Trade Organization, *The Impact of Transparency on Foreign Direct Investment*, which can be linked to here [http://www.wto.org/english/res\\_e/reser\\_e/erad-99-02.doc](http://www.wto.org/english/res_e/reser_e/erad-99-02.doc).

poverty and incentivizes investment.<sup>9</sup> Participatory decision-making results in project outcomes that are better tailored to local needs and hence more sustainable.<sup>10</sup> Moreover, aspects of governance, such as the protection of human rights, are important ends in themselves.

Good governance will facilitate the achievement of the Post-2015 Development Agenda because:

- Good governance will lead to more effective, inclusive, and sustainable development for all;
- Remedying deficiencies in governance will legitimize development policies and empower people, particularly women, youth and the most marginalized populations;
- Policy coherence at the local, national and international levels will guarantee that development goals and projects are practicable and achievable;
- Good governance of the economic and financial sectors will bolster the national and international regimes designed to protect human rights and the environment; and
- Good governance will facilitate local development that is more inclusive and based on civic participation and that will result in better service delivery across sectors that most directly impact the poor and most disenfranchised.

Good governance is thus critical to ensuring that the promise of the Post-2015 Development Agenda will be realized. In *The Future We Want*, UN member states committed to the statement that “We recognize that effective governance at the local, subnational, national, regional and global levels representing the voices and interests of all is critical for advancing sustainable development,” and resolved to “promote the balanced integration of the three dimensions of sustainable development” [economic, social and environmental].<sup>11</sup>

### **Incorporating governance into the Post-2015 Development Agenda**

Governance underpins every aspect of sustainable development, from the functions of government to the development of policies to interactions with citizens to the delivery of services. Governance is the golden thread that should be woven in to the Post-2015 Agenda, binding it into a coherent, sustainable, legitimate structure. We therefore strongly urge that the international community include a stand-alone goal in the Sustainable Development Goals related to open, accountable and participatory governance, and that governance targets be incorporated into the Post-2015 Development Agenda. By doing so the international community will ensure that the progress of global development beyond 2015 is sustainable, just, accountable, and effective for the people it most needs to serve.

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<sup>9</sup> See, for example, International Institute for Democracy and Electoral Assistance and International Development Law Organization, *Linkages Between the Rule of Law, Democracy, and Sustainable Development*, which can be linked to here <http://www.idea.int/un/upload/Concept-Note-IDEA-IDLO-Italy-rev-5-0-Final.pdf>.

<sup>10</sup> See, for example, European Sustainable Development Network, *Participatory Mechanisms in the Development, Implementation and Review of National Sustainable Development Strategies*, which can be linked to here [http://www.sd-network.eu/?k=quarterly%20reports&report\\_id=10](http://www.sd-network.eu/?k=quarterly%20reports&report_id=10).

<sup>11</sup> N. 1, *infra*, at paragraph 76.

Respectfully,

Werner F. Ahlers  
Chair  
Inter-American Affairs Committee

Robert E. Michael  
Chair  
Committee on Middle Eastern and North African Affairs

Mark R. Shulman  
Chair  
Committee on Asian Affairs

Ulysses S. Smith  
Chair  
Committee on the United Nations

Catherine Tinker  
Chair  
European Affairs Committee