

# THE TROUBLE WITH JUSTICE IN THE UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS 2016 -2030

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*In this paper, the author argues that Goal 16 of the United Nations Sustainable Development Goals (SDGs), and its associated 12 performance targets and 21 proposed provisional indicators, as well as the SDGs package as a whole adopted by the United Nations in September 2015, are not sufficiently specific, measurable, achievable, relevant, and time-bound. He explores two intertwined problems at the root of the problem with Goal 16—peace, non-violence, safety, and security; access to justice, and just and inclusive societies; and effective, inclusive, and accountable institutions. The first problem lies in the lack of conceptual clarity and imprecise definitions of the goal. The second is the difficulty of translating the stated ambitions of the goal, targets and indicators into actionable performance measures of success and, ultimately, meaningful development outcomes. The author argues these problems may be more acute for Goal 16 and its 12 associated targets and 21 indicators than those of the SDGs as a whole. The goal needs to be made measurable and actionable in order for it to have a positive impact on sustainable development by 2030, the deadline set by the UN, comparable to that of the narrower predecessor Millennium Development Goals (MDGs), which expired at the end of 2015. The paper concludes with the recommendation of three courses of action that the author believes will result in a cohesive framework, including a set of precise indicators that constitute a balanced scorecard for assessing progress toward the elements of Goal 16— peace; just and inclusive societies; and effective, accountable and inclusive institutions. First, formulate detailed operational definitions and instructions for the performance indicators and associated targets; second, streamline the proposed provisional indicators to a more limited number of measures, i.e., a vital few trimmed from the current 21 provisional indicators; and, third, ensure that countries and their statistical offices and performance measurement departments take ownership of the framework of indicators.*

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## I. INTRODUCTION

On September 25, 2015, the United Nations General Assembly adopted the Sustainable Development Goals (SDGs), officially known as “Transforming Our World: The 2030 Agenda for Sustainable Development.”<sup>1</sup> Leading up to the adoption of the SDGs, the prolonged debate about the goals the world set for 2030 had been heated, fraught with seemingly endless consultations. Nonetheless, the sprawling package of SDGs, including 17 overarching goals and a mind-boggling 169 associated targets, was adopted virtually unchanged from that proposed on August 12, 2014, by the Open Working Group of the General Assembly on Sustainable Development Goals.<sup>2</sup> The 17 goals and 169 associated targets of the SDGs, which took effect on January 1, 2016, set a new global agenda for the next 15 years that, at their best, promise to engage the whole world community, not only governments but also multinational companies, philanthropic foundations, civil society, non-government organizations, scientists, scholars, and students around the world.

Goal 16 of the SDGs, along with its associated 12 targets (see Box 1), joins several broadly conceived constructs or “elements” of justice: (1) peace, non-violence, safety, and security; (2) access to justice and just and inclusive societies; and (3) effective, inclusive, and accountable institutions.<sup>3</sup> The purpose of this paper is both expository and critical. I will argue that there is a disconnect between the concept of justice in these elements as a powerful moral imperative,<sup>4</sup> on the one hand, and the relatively weak connection of this moral imperative to clear development outcomes and social good, on the other. This disconnect imperils the power and scope of justice reform. The paper explores this disconnect of Goal 16, its dozen so-called associated “targets” and 21 proposed provisional indicators, in the context of the SDGs as a whole.

Sections II and III of the paper in turn identify two intertwined problems at the root of the trouble with Goal 16, problems that plague the SDGs as a whole: (1) a lack of conceptual clarity, imprecise definitions, and the resulting incomprehensibility of the goal, targets, and indicators; and (2) the difficulty of translating these vaguely-defined ambitions into actionable performance measures and indicators of success and, ultimately, meaningful development outcomes. I argue that SDG 16, along with its associated targets and provisional proposed indicators, simply do not meet the SMART criteria: specific, measurable, attainable, relevant, and time-bound.

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<sup>1</sup> General Assembly resolution 70/1, *Transforming our World: the 2030 Agenda for Sustainable Development*, A/RES/70/1 (Sept. 25, 2015), p. 14, available from [undocs.org/A/RES/70/1](http://undocs.org/A/RES/70/1).

<sup>2</sup> United Nations, General Assembly, *Report of the Open Working Group of the General Assembly*, A/68/288 (12 August 2014), p. 10-24, available from [undocs.org/A/68/288](http://undocs.org/A/68/288).

<sup>3</sup> *Ibid.*

<sup>4</sup> For example, as part of its Updated Governance and Anticorruption Strategy, the World Bank notes that “a lack of access to justice is itself a central dimension to poverty.” World Bank, *New Directions in Justice Reform* (Washington, DC: World Bank, 2012) 1.

In Section IV, I conclude that the SDGs and targets need to become SMART—and quickly— by a rigorous process of performance measurement and management that is as inclusive of the UN member countries as the consultations on SDGs were leading up to their adoption. This will not be easy because it was just such an inclusive process that produced the sprawling SDGs. I suggest a way forward, recommending three courses of action: (1) formulate detailed operational definitions and instructions for the indicators and associated targets; (2) streamline the proposed provisional indicators to a more limited number of measures, i.e., a vital few instead of an overwhelming many that are largely unmeasurable and unmanageable; and (3) ensure that countries and their statistical offices and performance measurement departments take ownership of the framework of indicators.

**Box 1. Goal 16 and 12 Associated Targets of the United Nations Sustainable Development Goals (SDGs): Peace, Justice and Strong Institutions:**

*Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.*

**Targets**

- 16.1 Significantly reduce all forms of violence and related death rates everywhere.
- 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children.
- 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all.
- 16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.
- 16.5 Substantially reduce corruption and bribery in all their forms.
- 16.6 Develop effective, accountable and transparent institutions at all levels.
- 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels.
- 16.8 Broaden and strengthen the participation of developing countries in the institutions of global governance.
- 16.9 By 2030, provide legal identity for all, including birth registration.
- 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.
- 16.a Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.
- 16.b Promote and enforce non-discriminatory laws and policies for sustainable development.

## II. IMPRECISE DEFINITION

*“There is no greater impediment to the advancement of knowledge than the ambiguity of words.”*

– Thomas Reid (1710-1769), Scottish philosopher<sup>5</sup>

As an ambitious goal-setting effort, the SDGs are widely lauded as a significant contribution to sustainable development. Asking whether the goals matter and, specifically, whether the UN goals will actually make a difference, Jeffrey D. Sachs, world-renowned economics professor, syndicated columnist, senior UN advisor, and author of *The Age of Sustainable Development*, answers that setting goals is one of the best tools that we have for sustainable development in terms of broad social mobilization, an agreed orientation toward specific directions, peer pressure, bringing together expert-knowledge communities, and mobilization of stakeholder networks.<sup>6</sup> But stating goals is merely the first step to sustainable development, something that Sachs acknowledges. Scholars, researchers, and other commentators, while agreeing that the SDGs are a huge step toward universal goals that present the opportunity for the global community to come together to create a sustainable future, worry that the SDGs’ imprecise definition may hinder or even prevent implementation.

In this section I explore this problem, first, in terms of SDGs agenda development as a whole and, second, for the justice goal, SDGs 16. The first part of this section is intended to provide context to the exploration of Goal 16 and not necessarily a general indictment of the overall SDGs agenda development.

### A. THE SDG EFFORT AS A WHOLE

The SDGs’ agenda was hailed by UN Secretary General Ban Ki-moon as nothing less than “a defining moment in human history.”<sup>7</sup> Critics, on the other hand, contend that the details of the SDGs do not bear close scrutiny. They complain that the SDGs are difficult to understand, unmeasurable and unmanageable, and will amount to little. *The Economist* was among the harshest in its criticism of the SDGs. In the first of two articles on the SDGs in March 28, 2015, the news magazine opined that the SDGs were a “mess,” would be “worse than useless,” and that the efforts of the SDGs drafting committees are “sprawling and misconceived” and “are ambitions on a Biblical scale, and not in a good way,”<sup>8</sup> a view shared by other observers. Using a “traffic light” color evaluation scheme—green (well developed), amber (should be more specific), and red (require significant work)—a recent report of an independent review of the 17

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<sup>5</sup> Thomas Reid, *Essays On The Powers Of The Human Mind: An Essay On Quantity. An Analysis Of Aristotle's Logic* (London: Thomas Tegg, 1827).

<sup>6</sup> Jeffrey D. Sachs. *The Age of Sustainable Development* (New York: Columbia University Press, 2015), 489–491.

<sup>7</sup> “Secretary-General’s Remarks” (Statement, United Nations, Summit for the Adoption of the Post-2015 Development Agenda, New York, 25 September 2015), <http://www.un.org/sg/statements/index.asp?nid=9015>.

<sup>8</sup> “The 169 Commandments,” *The Economist*, March 28, 2015, 14.

SDGs and 169 targets by the International Council for Science (ICSU) and the International Social Science Council (ISSC), though more charitable in its language than *The Economist*, concluded that only a third of the targets are green, i.e., well developed.<sup>9</sup>

The more limited Millennium Development Goals (MDGs), which expired at the end of 2015, applied largely to poor countries and involved rich ones mostly as donors. The SDGs in contrast are meant to be universally applicable to developing and developed countries alike. They are much broader and go further than the MDGs, which include only eight goals and 21 targets versus the SDGs 17 goals and 169 targets. By most accounts, the predecessor MDGs goal-based development was successful precisely because the eight goals, separately and as a whole, were SMART—they were specific, measureable, attainable, relevant, and time-bound. They were meant to be understood by the average person, not only by high theorists. Scholar Jeffrey D. Sachs underscored the point:

This is important to appreciate. The goals are phrased in a way that they can be understood in the villages, the slums, the places where poor people live and work and fight for their survival. The goals serve to orient humanity around a great moral challenge: to improve the life conditions of the most vulnerable people on the planet. They exist to spur action across the society...They are meant to spur broad social change, not just a few technical fixes here and there.<sup>10</sup>

When world leaders met in Rio de Janeiro in June 2012 at the United Nations Conference on Sustainable Development, informally known as the Rio+20 Summit, they committed themselves to a course of focused and coherent action. In the resulting document, *The Future We Want*, they stressed that the SDGs “should be action-oriented, concise and easy to communicate, limited in number, [and] aspirational.”<sup>11</sup> As a whole, the SDGs are anything but. An assessment of the SDGs 17 goals and 169 as a whole might easily conclude the opposite of the UN’s aspirations. The package of far too many goals is not actionable, and it is imprecise and difficult, if not impossible, to understand.

In the second article on March 28, 2015, provocatively titled “The Good, the Bad and the Hideous,” *The Economist*<sup>12</sup> summarized the work of the Copenhagen Consensus Center,<sup>13</sup> a not-for-profit think tank, which asked more than a hundred researchers to look at all 17 SDGs and to

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<sup>9</sup> International Council for Science (ICSU) and International Social Science Council (ISSC), *Review of the Sustainable Development Goals: The Science Perspective* (Paris: International Council for Science, 2015), 5-7.

<sup>10</sup> Sachs, *Sustainable Development*, at 144.

<sup>11</sup> United Nations General Assembly Resolution 66/288, *The Future We Want*, A/RES/66/288, (July 27, 2012), p. 47, available from [undocs.org/A/RES/66/288](http://undocs.org/A/RES/66/288).

<sup>12</sup> “The Good, the Bad and the Hideous,” *The Economist*, March 28, 2015, 63, available at <http://www.economist.com/news/international/21647316-which-mdgs-did-some-good-and-which-sdgs-might-work-good-bad-and-hideous>.

<sup>13</sup> Copenhagen Consensus Center, “Nobel Laureates Guide to Smarter Global Targets to 2030,” available at [http://www.copenhagenconsensus.com/sites/default/files/outcomedocument\\_col.pdf](http://www.copenhagenconsensus.com/sites/default/files/outcomedocument_col.pdf).

determine how much social, environmental, and economic good could be achieved by investing in their 169 associated targets. The Center used the standard tools of economics to calculate which among the 169 targets offered best rate of return (i.e., are the most cost effective). It found that 19 of the SDGs' 169 targets would return \$15 for every \$1 spent on them.<sup>14</sup> Not surprisingly, the 19 targets with the most benefit were ones that *The Economist* found the most concise and able to understand and to measure. All but three of the cost-beneficial 19 targets were ones associated with the first four SDGs devoted to ending poverty and hunger, ensuring healthy lives, and inclusive education for all. None were associated with the justice goal, SDG 16. Approximately half of the 19 were concise health interventions such as the reduction of deaths by tuberculosis by 90 percent which would save up to 1.3 million lives a year at a cost of \$8 billion.<sup>15</sup>

In the same article, *The Economist* lamented that too many of the 169 targets resemble SDG 4.7 in the area of education:

By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.<sup>16</sup>

"Try measuring that," quipped *The Economist*.<sup>17</sup> Indeed, it is difficult to see how nations can incorporate such targets into their national planning processes, policies and strategies, as envisioned by the UN.

#### 1. *Goals Versus Target Performances*

A goal, such as SDG Goal 16 (*Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*), can be defined as a long-term ambition, vision, or aim. It is typically expressed in terms that bring broadly phrased ambitions, visions, and aims into clearer focus. Clear and focused goals help individuals and organizations agree on direction and make the task of formulating aligned targets of performance easier. Targets are best expressed in terms of operational definitions that include measurable outcomes aligned with a goal (e.g., *Target 16.8: By 2030, provide legal identity for all at all levels*). By hitting a target, one achieves a goal. A target, especially one associated with a comprehensible number, gives policymakers something specific to aim at, and against which they can measure success.

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<sup>14</sup> Ibid. *The Economist* reported that 18 rather than the Copenhagen Centers finding of 19 targets offering social good more than \$15 back on every \$1 spent.

<sup>15</sup> "The Good, the Bad, and the Hideous," *The Economist*, 64.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

It is difficult, if not impossible, to reach a goal without targets. One might expect, therefore, that so called targets such as SDG 4.7, one of the targets for SDG 4 quoted above, would translate the broad ambition and aim of the goal (*To ensure inclusive and equitable education and promote lifelong opportunities for all*) into measurable outcomes. Instead of a target performance aligned with the goal, SDG 4.7 seems more ambitious and sprawling than the goal itself.

On February 13, 2015, the International Council for Science and the International Social Science Council (ICSU-ISSC) released a report of an independent scientific review of the SDGs, representing the work of over 40 leading researchers from 21 countries covering a range of fields across the natural and social sciences. The report offers an analysis of the SDGs and associated targets, collectively and individually, assessing whether they are backed up by scientific evidence, whether they address the economic, social, and environmental dimensions of sustainable development in an integrated way, and whether they are sufficiently specific to be effectively implemented and monitored. The ICSU-ISSC concluded that the SDGs will not achieve their stated policy objectives without clearer, more measurable targets. Of the 169 targets, only 49 (29 percent of the total) were found to be “well developed,” 91 targets (54 percent) could be “strengthened by being more specific,” and 29 (17 percent) “require significant work.” The report concludes that, “Some targets lack the focus to enable effective implementation... Many of the targets may also contribute to several goals, and some goals and targets may conflict.”<sup>18</sup> Generally, the report concludes that the SDGs do not adequately reflect a “transformative development pathway.” Missing are a “narrative of change,” a “theory of change,” and a “clear means-end continuum,” i.e., how the pursuit of specific goals would lead to broader outcomes.<sup>19</sup>

## 2. *Limiting the Number of Goals and Targets*

Most observers agree that simply winnowing down the number of goals and targets of the SDGs would have made them more concise and easier to communicate. For example, David Cameron, Britain’s prime minister, said that there were too many proposed SDGs “to communicate effectively” and thought there should be between 10 and 12 instead.<sup>20</sup> The Sustainable Development Network (SDNS), a distinguished group of scientists, policymakers, and business and civil society leaders around the world convened by scholar Jeffrey Sachs at the invitation of UN Secretary-General Ban Ki-moon, proposed a concise set of 10 SDGs each with only three associated targets.<sup>21</sup>

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<sup>18</sup> ICSU-ISSC, *Review of the Sustainable Development Goals*, at 6.

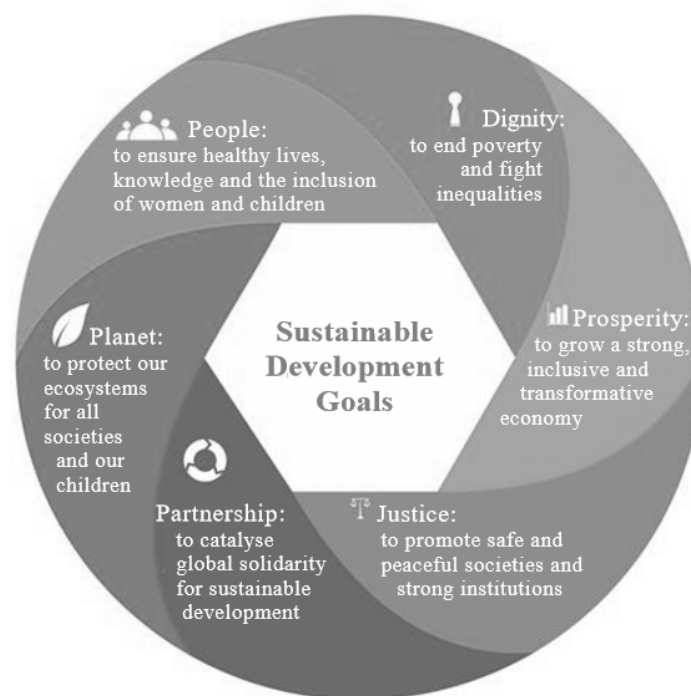
<sup>19</sup> *Ibid.*

<sup>20</sup> See “The Economics of Optimism,” *The Economist*, January 24, 2015, <http://www.economist.com/news/finance-and-economics/21640361-debate-heats-up-about-what-goals-world-should-set-itself-2030>.

<sup>21</sup> Sachs, *Sustainable Development*, at 485-489.

The ICSU-ISSC reviewed the overall framework of the SDGs and recommended that the SDGs be aggregated to better describe their interactions.<sup>22</sup> It concluded that “some clustering of the goals seems not only feasible but essential in order to communicate the framework to a wider lay audience.”<sup>23</sup> The ICSU-ISSC conclusion and recommendation are consistent with the UN’s own hopes that the SDGs would be limited in number and easier to communicate.<sup>24</sup> The ICSU-ISSC recommendation points with favor to the Synthesis Report of the UN Secretary-General of December 2014 that proposed an “integrated set” of six “essential elements” for delivering on the SDGs including one devoted to justice, i.e., to promote safe and peaceful societies and strong institutions<sup>25</sup> (see Figure 1).

**FIGURE 1 – SIX ESSENTIAL ELEMENTS FOR DELIVERING THE SUSTAINABLE DEVELOPMENT GOALS**



Source: United Nations

<sup>22</sup> ICSU-ISSC, *Review of the Sustainable Development Goals*, at 10.

<sup>23</sup> Ibid.

<sup>24</sup> See United Nations, *The Future We Want*, and accompanying text.

<sup>25</sup> Synthesis Report of the Secretary General on the Post-2015 Agenda, *The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet* (New York: United Nations, 2014), p. 20, available from <http://www.un.org/en/development/desa/publications/files/2015/01/SynthesisReportENG.pdf>.



By clustering the 17 SDGs into six *essential* elements, using simpler language than the wording of the SDGs, the UN implicitly acknowledged that a total of 17 SDGs and 169 targets simply is too unwieldy and imprecise for effective implementation.

The clustering of the 17 SDGs into six essential elements also suggests a specific prioritization of goals not achieved in the adopted package of 17 SDGs. Justice occupies a central position among the six essential elements, something not lost on members of the international justice community such as members of the World Bank's Justice, Rights and Public Security (JRPS) unit, which had lobbied hard for inclusion of a specific justice goal in the SDGs.<sup>26</sup> This centrality of justice in the SDGs was not long-lived, a point I return to in the next section.

Whether or not this fundamental problem of imprecise definition is rooted in the endless consultation and negotiations over the SDGs, with every interest and lobby group pitching its own goals and targets, that occurred between the time of the Rio+20 Summit and the adoption of the SDGs, one thing seems clear. The hard work of translating the SDGs into a limited set of actionable, concise, easy to communicate and, perhaps, even easy to execute solutions remains to be done.

#### B. THE JUSTICE GOAL AND ITS TWELVE TARGETS

*Mankind's moral sense is not a strong beacon light, radiating outward to illuminate in sharp outline all that it touches. It is, rather, a small candle flame, casting vague and multiple shadows, flickering and sputtering in the strong winds of power and passion, greed and ideology. But brought close to the heart and cupped in one's hands, it dispels the darkness and warms the soul.*

– James Q. Wilson (1993)<sup>27</sup>

Justice is a wonderful idea that gets lost in its translation in the SDGs. In this section, I explore the problem of a lack of conceptual clarity and imprecise definition specifically for Goal 16. I argue that it may be more acute for the goal and its twelve targets than the SDGs as a whole.

##### 1. *Justice as a Moral Imperative and an Interpretive Concept*

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<sup>26</sup> Heike Gramckow & Nicholas Menzies, "Justice Proposed for Sustainable Development Goals," *Governance for Development*. Blog: February 9, 2015, <http://blogs.worldbank.org/governance/justice-proposed-sustainable-development-goals>.

<sup>27</sup> James Q. Wilson, "What is Moral, and How Do We Know It?" *Commentary*, June 1, 1993, <https://www.commentarymagazine.com/articles/what-is-moral-and-how-do-we-know-it/>.

The imprecision of SDG 16 and its dozen targets (10 identified by number and two by letter; see Box 1 above) is no better and, in many ways, worse than the SDGs as a whole. The concept of justice at the center of SDG 16 is conceived as a broad moral imperative and ideal. The problem begins with the fact that the goal includes not just one ideal but three elements that are not well integrated: promoting peaceful and inclusive societies, providing access to justice, and building effective, accountable, and inclusive institutions at all levels. Justice is joined with concepts of peace, inclusion, access, and the effectiveness and accountability of government without much integration.

In a commendable attempt to communicate Goal 16 in a way that is understood by ordinary people, the three elements of the goal were summarized simply on the United Nations website, “Sustainable Development Knowledge Platform,” by the tagline “peace, justice, and strong institutions,” and depicted by the familiar symbols of peace and justice of a dove holding an olive branch perched on a gavel, the latter presumably symbolizing justice and authority of strong government (see accompanying depiction). This attempt at conceptual clarity and plain language suggests the struggle over definitional issues that faces Goal 16. The problem is that its broad conception makes its precise meaning much more elusive than the more concrete and singular concepts such as hunger, health, education, energy, and climate change at the center of the other SDGs, each with its own goal. For example, in contrast to Goal 16, the UN website describes Goal 1 (*End poverty in all its forms everywhere*) with the simple tagline “No poverty” accompanied by a cartoon of six people of different ages and gender.<sup>28</sup>



As noted above, in its resolution of September 25, 2015 adopting the SDGs, the UN General Assembly makes reference to the set of “essential elements” that were articulated in the Synthesis Report of the UN Secretary General of December 2014 (see Figure 1). In the Preamble of the report, it promises that the goals and targets “will stimulate action over the next 15 years in *areas of critical importance* for humanity and the planet” (emphasis added).<sup>29</sup> Four of these “critical areas” are the same as those considered “essential” less than a year earlier: people, planet, prosperity, and partnership. In this conceptualization of areas of critical importance, “dignity” has been dropped and “peace” is added, the latter defined in terms of “peaceful, just and inclusive societies which are free from fear and violence,” which is part of the definition of SDG 16. Conspicuously absent is any mention of “justice” *per se*. This omission of justice from the framework of critical areas, I would argue, has less to do with any loss of force of justice as a

<sup>28</sup> “Sustainable Development Goals,” United Nations, available at <https://sustainabledevelopment.un.org/?menu=1300>.

<sup>29</sup> United Nations, *The Future We Want*, at 1.

moral imperative – indeed, justice remains a part of the UN’s vision for the SDGs<sup>30</sup> – and more to do with its lack of conceptual clarity.

The idea of justice as an intrinsic good,<sup>31</sup> and the understanding of the connections of justice to not just peace and good governance, the two goals grafted into Goal 16 along with that of justice, but also a host of development outcomes, are broadly accepted. Justice influences how and how well people live; including their health and education, safe water and shelter, personal security, dignity, voice and empowerment, and equality of opportunity.<sup>32</sup> It is conceived as a moral imperative that touches on most of the SDGs, not just those identified in SDG 16 and its 12 targets. This broad conceptualization of justice is consistent with the views of scholars.

For example, Amartya Sen notes that “redressable injustice” is central to our thinking about the social and political concepts of justice and injustice, and the rule of law, as well as the applications and manifestations of these concepts in practice.<sup>33</sup> Justice is a part of the normative framework of human development and well-being. It is conceived as critical for striking at the root causes of poverty including discrimination, victimization, deprivation, exclusion, and vulnerabilities of people.<sup>34</sup> In his 2014 book, *Just Mercy: A Story of Justice and Redemption*, Bryan Stevenson, social justice activist, founder of the Equal Justice Initiative and a professor at the New York University School of Law, averred that the “opposite of poverty is not wealth; the opposite of poverty is justice.”<sup>35</sup>

However, combining the elements of justice, peace, and strong institutions into a single goal complicates the practical task of translating the goal into precise performance targets and actionable performance measures. As noted above,<sup>36</sup> in order to translate goals into action, they

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<sup>30</sup> “We envisage a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination.” *Ibid.*, at 4.

<sup>31</sup> As contrasted with an instrumental good that is the means to some other good.

<sup>32</sup> United Nations. *A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development*. The Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda. (New York: United Nations). Accessed December 15, 2015 <http://www.post2015hlp.org/wp-content/uploads/2013/05/UN-Report.pdf>.

<sup>33</sup> Amartya Sen. *The Idea of Justice*. (Cambridge, MA: Harvard University Press, 2009.), vii.

<sup>34</sup> United Nations *Extreme poverty and human rights*. Report of the Special Rapporteur on extreme poverty and human rights, 67<sup>th</sup> Session, General Assembly, (A/67/278), August 9, 2012, <http://www.ohchr.org/Documents/Issues/Poverty/A-67-278.pdf>.

<sup>35</sup> Bryan Stevenson, *Just Mercy: A Story of Justice and Redemption* (New York: Spiegel & Grau, 2014), 18. Stevenson was recognized by *Time* magazine as one of the 100 most influential people of 2015 for his pioneering work with poor and the incarcerated, and described as “America’s young Nelson Mandela” by Nobel Prize laureate Desmond Tutu. The linking of poverty and justice can be traced to Lucius Caecilius Firmianus Lactantius (c. 250 – c. 325), who was an early Christian author and advisor to the Roman emperor Constantine I, and who said that “[n]o one is poor unless he stands in need of justice.”

<sup>36</sup> Section II.A.1, “Goals Versus Target Performances.”

must be expressed in terms of precise operational definitions that include measurable outcomes aligned with the goals.

Notwithstanding the link of justice to a host of development outcomes identified by the SDGs, it is noteworthy that those who have attempted to operationalize the concept of justice have excluded peace and strong institutions from their definition of justice. For example, Harvard University political philosopher Michael J. Sandel defines a “just society” as one that distributes the things we prize – income and wealth, rights and obligations, power and opportunities, offices and honors – in the right way, giving each person his or her due. What people are due in this distribution of goods is determined according to the ideals of maximizing welfare, respecting freedom, and promoting virtue.<sup>37</sup> Sandel’s definition of a just society is reflected in the idea of a “people’s index” of just and balanced corporate behavior based on an annual survey of 40,000 Americans. The index, to be launched in September 2016 by JUST Capital, a non-profit organization, tracks and ranks how much 1,000 companies are in synch with American public’s view of “justness,” inequality, and the average worker. Research conducted by JUST indicates that, despite a lack of trust in business, the public believes that companies can play a positive role in building a more just society. At the heart of the idea of the index, according to the Chairman of JUST, Paul Tudor Jones, is the concept of a “shifting corporate behavior” and a “rebalancing of corporate interests.”<sup>38</sup> A majority of people polled by JUST said that it was important to measure corporate performance on these issues because if the information were available to them it would influence their decisions to buy, invest, and work for the ranked companies.

Finally, the legal scholar and philosopher Ronald Dworkin reminds us that terms such as religion and justice are “interpretive concepts.” That is, people who use these terms may not agree about precisely what they mean. When they use the term, Dworkin says, “they are taking a stand about what it *should* mean” (emphasis added).<sup>39</sup> Amartya Sen is making the same point, I believe, when he writes that central to the idea of justice is that “we can have a strong sense of injustice on many different grounds, and yet not agree on one particular ground as being *the* dominant reason for the diagnosis of injustice.”<sup>40</sup>

As long as justice remains an interpretive concept expressed mostly in terms of a moral imperative – albeit a powerful one – especially when it joined with arguably other interpretive

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<sup>37</sup> Michael J. Sandel, *Justice: What’s The Right Thing To Do?* (New York: Farrar, Straus and Giroux, 2011), 19.

<sup>38</sup> Paul Tudor Jones, “Just Business,” *The World in 2016* (London: *The Economist*). 46.

<sup>39</sup> Richard Dworkin, *Religion Without God*. (Cambridge, MA: Harvard University Press, 2013), 7. Dworkin, who has had a lifelong concern about “interpretism” as a theory of law-making, provides this very neat definition of “interpretive concepts” in his last book. See also Richard Dworkin, Chapter 8, “Conceptual Interpretation,” in *Justice for the Hedgehogs* (Cambridge, MA: Belknap Press of Harvard University Press, 2011).

<sup>40</sup> Sen, *The Idea of Justice*, at 2.

concepts like peace and good government, as it is in Goal 16, its translation into sustainable development outcomes will be problematic.

## 2. *Definitional Issues*

The distinction between broad goals and specific performance targets, and the necessity of translating one into the other for sustainable development, discussed earlier in this paper,<sup>41</sup> seem to be missing in the formulation of Goal 16 and its twelve targets. Means and ends are conflated, and inputs, activities and outputs, and sustainable development outcomes are not clearly distinguished. Most of the targets do not move Goal 16 toward operational definitions that can serve to help identify measures of performance. Instead, most are tautologies, reformulations, or additional broad goal statements.

As part of ICSU-ISSC's independent scientific review of the SDGs, Professors Marc A. Levy and Michelle Scobie address two tough questions of each of the three "elements" of the Goal 16: peace; just and inclusive societies; and effective, accountable, and inclusive societies. Do these elements enhance "human well-being and make sustainable development more achievable?" Are the likely benefits sufficient to justify the effort?<sup>42</sup>

While these two scholars have much good to say about the three justice elements of SDG 16 as moral imperatives, they are critical of their imprecise definition. On the positive side, they conclude and cite research to support that, on balance, Goal 16 rests on reliable science that matters for well-being and for the ability to achieve sustainable development. Regarding peace, they conclude that "there is no doubt that both armed conflict and broader forms of violence undermine human well-being and reduce the ability of societies to achieve development."<sup>43</sup> However, the target linked to peace calling for reducing "all forms of violence," they point out, is not a target but rather a restatement of the goal. At least at the country level, they argue that the second element, justice and inclusion, has a "less clear relationship to development outcomes." Finally, regarding the last of the three elements, they contend that effective, accountable, and inclusive institutions are hard to identify objectively. "To say that effective institutions make a difference is simply a tautology," they write.<sup>44</sup>

Of the 12 targets of Goal 16, only one (i.e., 16.9, *By 2030, provide legal identity for all, including birth registration*) was deemed to be sufficiently well developed and "good to go" for implementation. It elicited no critical comments from Professors Levy and Scobie. Of the other eleven targets, all of which garnered critical comments, eight (67 percent) were judged to be in

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<sup>41</sup> Section I.A.1, "Goals Versus Target Performances."

<sup>42</sup> ICSU-ICCS, *Review of the Sustainable Development Goals*, 75-78. Marc Levy is Deputy Director, Center for International Earth Science Information Network; and Adjunct Professor, School of International and Public Affairs, Columbia University / Earth Institute, United States. Michelle Scobie is Lecturer at the Institute of International Relations, University of West Indies, Trinidad and Tobago.

<sup>43</sup> *Ibid.*, 75. "On balance, then, this goal rests on reliable science that the goal matters for well-being and for the ability to achieve sustainable development."

<sup>44</sup> *Ibid.*, 75.

need of more work – i.e., vague, unclear, merely a reformulation of the goal, not specific enough, and redundant of other government targets for other goals). Finally, three (25 percent) were considered to need “much” more work to make them clear, specific, and actionable.

Target 16.7 (*Ensure responsive, inclusive, participatory and representative decision-making at all levels*) is among the three that Levy and Scobie found particularly problematic, commenting that it “provides no guidance as to how to make it a practical goal.” They recommended that it be merged with Target 16.6 (*Develop effective, accountable and transparent institutions at all levels*), which they found equally problematic: “Canons of effectiveness in governance are unclear (how can causality be proved, impact measured etc.)-making this hard to measure and monitor.”<sup>45</sup> Target 16b (*Promote and enforce non-discriminatory laws and policies for sustainable development*) is the third Levy and Scobie found to need of much more work to make it clear, specific, and actionable.

This assessment of the twelve targets of Goal 16 is certainly no better, and arguably worse, than the ICSU-ISSC review of the 169 targets of the SDGs as a whole summarized earlier. Using for comparison ICSU-ISSC’s simple “traffic light” color scheme assessment, less than one in ten (8 percent) of the Goal 16 targets were considered green (well developed) versus one in three (29 percent) of the 169 of the SDGs as a whole; 67 percent of the Goal 16 targets versus 54 percent of all the SDGs were judged to be amber (should be more specific); and 25 percent versus 29 percent were considered red (stop; needs much work or delete).

The definitional issues of Goal 16 identified by Levy and Scobie are not restricted to lack of clarity and precision *per se*. They also relate to justice conceived as an expansive and interpretive concept, an ideal. We can have a strong sense that justice means all the conditions invoked by Goal 16 – i.e., peace; non-violence; effective and accountable government; access to and inclusion by government and its institutions, as well as society as a whole; and, generally, well-being – and yet not agree on one particular dominant meaning.

As pointed out by ICSU-ICCS, the SDGs are not well integrated. Instead, they are presented using a “silo approach” of separate elements in isolation from each other. It recommends developing interlinked targets that are common to different goals.<sup>46</sup> This interlinking of Goal 16 and its targets as currently conceived, across the other SDGs, may be particularly difficult given the expansive nature of Goal 16 and its interdependent targets. Levy and Scobie, for example, found that peace and effective, accountable, and inclusive government are strongly implicated in the prospects for success across the full range of the SDGs framework, not just Goal 16, especially in crisis and post-crisis conditions. Their analysis finds that Goal 16 can be strongly linked to all the other SDGs “because peace, justice, inclusion and accountability, fit-for purpose institutions, strongly influence everything else and are in turn influenced by everything else, and because governance is the process meant to steer the entire

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<sup>45</sup> Ibid., 76.

<sup>46</sup> Ibid., 9.

collection of goals toward effective outcomes.”<sup>47</sup> The goal is especially strongly linked, they contend, to five SDGs and associated targets: SDG 1 (poverty reduction), SDG 4 (equitable education), SDG 5 (gender equality), SDG 9 (resilient infrastructure), and SDG 17 (means of implementation).

### III. MEASUREMENT AND MANAGEMENT

*[We] now need to optimize measurements for management decisions... We need to move from alchemy to the equivalent of chemistry and physics.*

– Douglas W. Hubbard<sup>48</sup>

Conceptual clarity and focus are requirements of good definitions of goals that make measurement of success possible. As noted in the previous section, many of the SDGs are imprecisely defined. In this section, I argue that many, if not most, of the SDGs are not measurable and manageable as currently formulated.

The concept of measurement means various things to different people across professions, fields, and disciplines. Generally, however, the scientific community sees measurement as a quantitatively expressed reduction of uncertainty based on one or more observations. As noted in the Introduction, well formulated goals and targets are SMART. That is, they are specific, measurable, attainable (actionable), relevant, and time-based. Conceived in this way, precise definition and effective measurement are necessary and sequential processes to reduce uncertainty that go hand in hand.

However, measurement does not need, nor can it in most situations, eliminate uncertainty altogether. Its value, instead, lies in its ability to *reduce* uncertainty. As astutely noted by Douglas Hubbard, “[e]ven if scientists don’t articulate this definition exactly, the methods they use make clear that this is what they really mean. The assumption that some amount of error is unavoidable but still is an improvement on prior knowledge is central to how experiments, surveys, and other scientific measurements are performed.”<sup>49</sup> In short, measures and measurement need not be perfect to be valuable for decision making.

As in the previous section, I begin this section with an exploration of the SDGs and its associated targets as a whole, and then turn to the justice goal, SDG 16, and its twelve targets.

#### A. THE MEASUREMENT OF THE SDGs AS A WHOLE

In its independent scientific review of the SDGs, the International Council for Science and the International Social Science Council (ICSU-ISSC) contended that major analytical and political effort is needed to improve the SDGs and that “in order to drive change quantified

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<sup>47</sup> Ibid., 75-76.

<sup>48</sup> Douglas B. Hubbard, *How To Measure Everything: Finding the Value of “Intangibles” in Business*. 2nd Edition (Hoboken, NJ: John Wiley & Sons, 2010), xiii.

<sup>49</sup> Ibid., 23.

targets and time frames are required to determine whether sufficient progress is being made.”<sup>50</sup> That effort is underway.

On March 6, 2015, at its forty-sixth session, the United Nations Statistical Commission<sup>51</sup> created an Inter-Agency and Expert Group on SDG Indicators (IAEG-SDGs), comprised of UN member states and included representatives of regional and international agencies as observers. The IAEG-SDGs would provide a proposal of a global indicator framework (and associated global and universal indicators) for consideration by the Statistical Commission. The UN gave the Statistical Commission and IAEG-SDGs until March 2016 to figure out how to measure progress toward the SDGs.<sup>52</sup>

The IAEG-SDGs will report back to the Statistical Commission regularly in the following years and will review any updates of the global indicator framework “based on the guidance received by the intergovernmental process and relevant technical developments.” In parallel with the work of the IAEG-SDGs, the Statistical Commission agreed that a High-level Group (HLG) should be established under its auspices “to provide strategic leadership for the SDG implementation process as it concerns statistical monitoring and reporting.”<sup>53</sup>

Echoing the UN General Assembly’s aspirations for the SDGs, the Statistical Commission stated that “given the possibility of measurement and capacity constraints of Member States, the global indicator framework should only contain a limited number of indicators [and] strike a balance between reducing the number of indicators and policy relevance.”<sup>54</sup>

As part of its technical process, the Statistical Commission conducted an initial assessment of 304 proposed provisional indicators based on the views of 70 experts from

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<sup>50</sup> ICSU-ISSC, *Review of the Sustainable Development Goals*, 11.

<sup>51</sup> The Statistical Commission consists of UN member states represented at the technical level by chief statisticians and heads of national statistical offices is the leading entity of the global statistical system and intergovernmental focal point for the elaboration and review of the indicators used in the United Nations system. Accessed January 6, 2016 <http://unstats.un.org/unsd/statcom/>.

<sup>52</sup> At its third meeting in Mexico City March 30- April 1, 2016, shortly before this paper went to press, the IAEG-SDG agreed to a work plan to complete prior to their fourth meeting in the fall of 2016 including a tier system indicating the degree to which the global indicators are conceptually clear; an established methodology and standards for data regularly produced by countries; a global reporting mechanisms and data flows on SDG indicators from the national to the global level; and procedures for the refinement of indicators and review of the indicator framework. United Nations Statistical Division, *Report on the Third Meeting of the Inter-Agency and Expert Group on the Sustainable Development Goal Indicators Mexico City, Mexico, 30 March – 1 April 2016*, ESA/STAT/AC.318/L.3, April 26, 2016, .

<sup>53</sup> ICSU-ISSC, *Review of the Sustainable Development Goals*, at 5.

<sup>54</sup> United Nations Statistical Commission. *Technical Report on the Process of the Development of an Indicator Framework for the Goals and Targets*. (New York: United Nations, March 6, 2015), 1.



national statistical offices and systems.<sup>55</sup> The indicators were compiled from the proposals of the experts from international agencies and associated with the goals and targets.

The indicators included, for almost all targets, one or two provisional indicators per target, with the exception of Target 3.3, where more than two indicators were included. The indicators were assessed according to criteria, their *feasibility* (i.e., methodology exists and data are available), *suitability* (i.e., the expert supported the measure) and *relevance*, giving them a ranking from “A” to “C” for each of these three criteria. The following three (where applicable four) items articulated the criteria and categories that were used to elicit the assessments of the indicators:

1. Indicate the *feasibility* of the proposed provisional indicators according to the following three categories:
  - A: Easily feasible (methodology exists and data is available)
  - B: Feasible with strong effort
  - C: Difficult, even with strong effort
2. Indicate the *suitability* of the proposed provisional indicators according to the following categories:
  - A: We support this indicator
  - B: We need to discuss and/or consider other indicators
  - C: We do not support this indicator
3. Indicate whether the proposed provisional indicator is *relevant to the target* according to the following categories:
  - A: Very relevant
  - B: Somewhat relevant
  - C: Not relevant
4. For indicators that propose *disaggregation beyond age and sex*, rate the feasibility of the additional dis-aggregations according to the following categories (only 23 indicators where applicable):
  - A: Easily feasible (methodology exists and data is available)
  - B: Feasible with strong effort
  - C: Difficult, even with strong effort

Based on these criteria and categories, respondents gave three-letter ratings to each indicator, one letter for each of the three criteria. An indicator rated “AAA,” for example, was found to be easily feasible, suitable, and very relevant to measure the respective target for which it was proposed by a majority (i.e., 60 percent or more) of national statistical offices. In a similar way, an indicator rated “CCC” was found by a significant number (at least 40 percent) of national statistical offices to be not feasible, not suitable, and not relevant to measure the

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<sup>55</sup> Ibid., Annex 5.

respective target for which it was proposed (none of the 304 indicators was so rated). In all other cases, i.e., when the respondents showed no such agreement about “A” or “C,” the indicator was rated “B.”<sup>56</sup> A rating of CBB was the lowest given to any one of the proposed provisional indicators. For 23 indicators, an additional fourth assessment was made concerning the feasibility of the proposed disaggregation or breakouts for the indicators beyond age and sex.

The results of this initial assessment of the proposed provisional indicators by the UN Statistical Commission and its IAEG-SDGs are sobering, suggesting that measuring the success of the SDGs will not be easy. National experts indicated that not all of the proposed provisional indicators were clearly formulated or sufficiently specified, making their assessment difficult. Out of the 304 proposed provisional indicators, a mere 50 indicators (16 percent) were evaluated as *feasible, suitable and very relevant* (the top rating, a rating of AAA). A total of 95 indicators (31 percent) received the rating CBB, apparently the lowest rating, meaning that they were considered *difficult even with strong effort, in need for further discussion and somewhat relevant*. Thirty-nine indicators (13 percent) received the rating BAA, meaning that those indicators were considered *only feasible with strong effort, but suitable and very relevant*; eighty-six indicators (28 percent) received a rating of BBB, meaning that those indicators are considered *only feasible with strong effort, in need for further discussion and somewhat relevant*.<sup>57</sup>

It is interesting to note that the IAEG-SDGs considered none of the indicators as unsuitable, i.e., giving it a rating of “C” (We do not support this indicator), the raters choosing a more diplomatic and noncommittal rating of “B” (We need to discuss and/or consider other indicators) for 15 of the 21 (71 percent) proposed indicators. Finally, 20 out of the 23 indicators assessed for the feasibility of disaggregation or breakouts beyond age and sex were found *feasible with strong effort* (a rating of “B”).

This sobering assessment by the IAEG-SDGs should not be surprising. After all, even though the ICSU-ISSC in its February 2015 report of an independent scientific review of the 17 SDGs and 179 targets focused on their definitions<sup>58</sup> and not on indicators for measuring success, the Council did conclude that the SDGs will not achieve their objectives without more measurable targets. It recognized that “measurability will depend on the availability of data and capacity to measure the targets,” identified areas where key indicators may need to be developed, and made recommendations in support of a framework for monitoring progress toward

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<sup>56</sup> Ibid. The process of this initial assessment is explained in Section III of the Statistical Commission’s technical report; Section IV of this report provides an overview of the results and Section V suggests the way forward. Annex 4 describes the methodology and limitations of this initial assessment.

<sup>57</sup> In its summary of results, the Statistical Commission’s total tallies of proposed indicators and percentages of all ratings do not equal 305 and 100 percent respectively. UN, *Technical Report*, 4 – 5.

<sup>58</sup> See Section II.A.1, “Goals Versus Target Performances.”

implementation.<sup>59</sup> For example, for Target 10 of SDG 10 (*Reduce Inequality Within and Among Countries*) ICSU-ISSC experts call for maximizing well-being by “national policies that increase subjective and objective measures of well-being rather than GDP per capita.”<sup>60</sup> Generally, they recommend that the SDG process should “facilitate and support the broad consensus building required to move beyond both GDP and the established alternative Human Development Index (HDI) to more appropriate measures of progress toward sustainable development.”<sup>61</sup>

Based on its initial assessment of the 304 proposed provisional indicators by 70 experts from national statistical offices and systems, the Statistical Commission reached a consensus on the necessity to:

- “Define an architecture for an integrated monitoring framework that would include global indicators and different levels of regional, national and thematic monitoring;”
- “Limit the indicator framework to a small number of indicators;” and,
- “Ensure national ownership of indicators.”<sup>62</sup>

#### B. THE PROPOSED INDICATORS OF THE SDG 16 JUSTICE GOAL ARE NOT SMART

Effective goals, objectives, and targets, as well as indicators, are easy to understand and to know when they have been done. The popular mnemonic acronym “SMART” has been used to guide the setting of goals and objectives, and the formulation of performance targets, in the fields of management for more than 50 years.<sup>63</sup> The following are the most common meanings of the requirements of the SMART criteria:

- *Specific*: be focused, clear and unambiguous, and target a specific area for improvement in a manner that is easy to understand
- *Measurable*: quantify progress and success (e.g., in terms of how much and how many)
- *Achievable*: be realistic and actionable
- *Relevant*: link to what is trying to be achieved in a meaningful and worthwhile way (i.e., consistent with visions, values, and strategic goals)
- *Time-bound*: include a time-frame for accomplishment (e.g., in six months or 15 years)

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<sup>59</sup> ICSU-ISSC, *Review of the Sustainable Development Goals*, at 7.

<sup>60</sup> *Ibid.*, at, 52.

<sup>61</sup> *Ibid.*, at, 9.

<sup>62</sup> UN Statistical Commission, *Indicator Framework*, at 8.

<sup>63</sup> SMART criteria are often attributed to management guru Peter Drucker's “management by objectives” concept popularized in his 1954 book *The Practice of Management*. Peter Drucker, *The Practice of Management*, (New York: Harper & Row, 1954), 121-136.

On its face, the package of 21 proposed provisional indicators of SDG 16 (see Table 1 below) is not well conceived. While some of the 21 indicators for the 12 associated targets meet one or two of the SMART criteria, only two come close to meeting all of them: Indicator 16.1.1 (*Homicide and conflict-related deaths per 100,000 people*) associated with Target 16.1 (*Significantly reduce all forms of violence and related death rates everywhere*) and Indicator 16.9.1 (*Percentage of children under 5 whose births have been registered with civil authority*) associated with Target 16.9 (*By 2030, provide legal identity for all, including birth registration*). In its initial assessment of 21 indicators, the UN Statistical Commission and its IAEG-SDGs rated these two indicators “AAA” and “BAA” (see Table 1). Both of these pairs of targets and indicators are, on their face, specific, measurable, and relevant. However, while Target 16.1 and associated Indicator 16.1.1 considered together are relatively specific, precisely how much reduction in violence is sought and the definitions of “conflict related deaths” and “homicides” are not specified.<sup>64</sup> Also, neither the target nor the indicator are time-bound, which begs the question of whether they are achievable. The other target and indicator pair of 16.9 and 16.9.1, on its face, meets all five criteria including the inclusion of a time-frame, though its reach of legal identity for all by 2030 might be considered overly ambitious.

In its initial assessment of 21 indicators, the IAEG-SDGs rated the indicators for Goal 16 even more poorly than the ratings of the SDGs as a whole, with only two (10 percent) of the targets rated as AAA or *feasible, suitable and very relevant*. 10 (48 percent) of the 21 indicators were rated BBB or better, but not AAA (i.e., BAA, BBA, or BBB). The remaining nine indicators (43 percent) were considered not necessarily feasible and *difficult even with strong effort*. Only one indicator (16.5.1) was also evaluated on the feasibility of additional proposed disaggregation beyond age and sex; it was rated as “B,” *feasible with strong effort*. The last column of Table 1 summarizes the IAEG-SDGs ratings of the all the proposed provisional 21 indicators of peace, justice, and strong institutions.

**TABLE 1 – ASSESSMENT OF THE PROPOSED PROVISIONAL INDICATORS FOR GOAL 16**

<b>Target and Indicator</b>	<b>Description</b>	<b>Rating</b>
Target 16.1	Significantly reduce all forms of violence and related death rates everywhere	
Indicator 16.1.1	Homicide and conflict-related deaths per 100,000 people	AAA
Indicator 16.1.2	Percentage of the adult population aged 18 and older, subjected to violence within the last 12 months, by type (physical, psychological	BAA

<sup>64</sup> Deaths resulting from fatal beatings or executions where the victims are in custody in the justice system may not be counted as conflict related deaths or homicides.

	and/or sexual)	
Target 16.2	End abuse, exploitations, trafficking and all forms of violence against and torture of children	
Indicator 16.2.1	Percentage of young adults aged 18-24 years who have experienced violence by age 18, by type (physical, psychological and/or sexual)	BBA
Indicator 16.2.2	Number of victims of human trafficking per 100,000 people	CAA
Target 16.3	Promote the rule of law at the national and international levels and ensure equal access to justice for all	
Indicator 16.3.1	Percentage of people who have experienced a dispute, reporting access to an adequate dispute resolution mechanism	CBB
Indicator 16.3.2	Percentage of total detainees who have been held in detention for more than 12 months while awaiting sentencing or a final disposition of their case	BAA
Target 16.4	By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime	
Indicator 16.4.1	Total volume of inward and outward illicit financial flows	CBB
Target 16.5	Substantially reduce corruption and bribery in all their forms	
Indicator 16.5.1	Percentage of <i>population</i> who paid a bribe to a public official, or were asked for a bribe by these public officials, during the last 12 months	CBB
Indicator 16.5.2	Percentage of <i>businesses</i> that paid a bribe to a public official, or were asked for a bribe by these public officials, during the last 12 months	CBB
Target 16.6	Develop effective, accountable and transparent institutions at all levels	
Indicator 16.6.1	Actual primary expenditures per sector and revenues as a percentage of the original approved budget of the government	BBB
Indicator 16.6.2	Proportion of population satisfied with the quality of public services, disaggregated by service	BAA
Target 16.7	Ensure responsive, inclusive, participatory and representative decision-making at all levels	
Indicator 16.7.1	Diversity in representation in key decision-making bodies (legislature, executive, and judiciary)	BBA
Indicator 16.7.2	Percentage of population who believe decision-making at all levels is inclusive and responsive	CBB
Target 16.8	Broaden and strengthen the participation of developing countries in the institutions of global governance	

Indicator 16.8.1	Percentage of voting rights in international organizations of developing countries	CBB
Target 16.9	By 2030, provide legal identity for all, including birth registration	
Indicator 16.9.1	Percentage of children under 5 whose births have been registered with civil authority	AAA
Target 16.10	Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements	
Indicator 16.10.1	Percentage of actual government budget, procurement, revenues and natural resource concessions that are publicly available and easily accessible	BBA
Indicator 16.10.2	Number of journalists, associated media personnel and human rights advocates killed, kidnapped, disappeared, detained or tortured in the last 12 months	CBB
Target 16. a	Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime	
Indicator 16.a.1	Percentage of requests for international cooperation (law enforcement cooperation, mutual legal assistance and extraditions) that were met during the reporting year	BBB
Indicator 16.a.2	Existence of independent national human rights institutions (NHRIs) in compliance with the Paris Principles	BBB
Target 16.b	Promote and enforce non-discriminatory laws and policies for sustainable development	
Indicator 16.b.1	Proportion of the population reporting and perceiving to be discriminated against directly and/or indirectly, and hate crimes	CBB
Indicator 16.b.2	Proportion of the population satisfied with the quality of public services, disaggregated by service	BBB

There is little doubt that the lack of specificity and other definitional problems of SDG 16 and its 12 targets discussed in the previous section contributed to the overall poor quality of the 21 provisional indicators as seen by the UN Statistical Commission. Indeed, in their assessment of Goal 16 and its associated 12 targets that was part of ICSU-ISSC's independent scientific review of the SDGs, Professors Marc A. Levy and Michelle Scobie concluded that the 12 targets are so poorly specified to make them unmeasurable. "Only one of twelve targets has a numerical target (16.2), only one has available data (16.8), only one could be measured without significant difficulty (16.9)," and three are not susceptible to quantification, according to these researchers.<sup>65</sup>

<sup>65</sup> Levy & Scobie in ICSU-ICCS, *Review of the Sustainable Development Goals*, at 76.

Well-conceived and well-designed indicators and measures are closely aligned with and relevant to goals and objectives. They begin with a clear operational definition that describes the measures in terms of the variables, terms, objects, entities, and processes needed to determine their existence, duration, quantity and/or quality. The procedures of measurement, including the calculation of the indicator, should be understood and repeatable for anyone reading the operational definition. When goals and targets are poorly specified, it is not surprising that measures and indicators of those goals and targets might not be feasible, suitable, and relevant.

What is surprising, however, is the overall generality and paucity of the proposed provisional indicators considered together with their corresponding targets and the overall SDG 16. The *specificity* criterion of the SMART scheme requires that a goal considered together with associated targets and indicators describe what needs to be accomplished, why it is important to do, how it will be done, especially what will be counted and how, and by whom. All of the 21 proposed provisional indicators fall far short of this requirement to varying degrees. Moreover, one might expect that as one moves from consideration of the description of the goal and, in turn, the associated target and then the corresponding indicator, the descriptions would go from general to highly specific.

For the most part, this is not the case. Instead, the descriptions of the overall goal, the targets, and proposed indicators are no more than three short *general* statements. Given the significant effort that the UN and other stakeholders throughout the world have contributed to the effort of formulating the SDGs and attempting to make them measureable and manageable, this generality and sparseness is not only surprising but disappointing. The “products” constituting the 21 trios of simple statements of goal-target-indicators are no more than modest and spare beginnings. In my view, they might have been developed in a single day of brainstorming by a panel of international justice and rule of law experts familiar with models and guides for the development of indicators and measures such as the International Consortium for Court Excellences’ *Global Measures of Court Performance*<sup>66</sup> and the Vera Institute’s *Measuring Progress toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector*.<sup>67</sup>

Compare the relatively robust Indicator 16.3.2 (*Percentage of total detainees who have been held in detention for more than 12 months while awaiting sentencing or a final disposition of their case*) and associated Target 16.3 (*Promote the rule of law at the national and*

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<sup>66</sup> Dan H. Hall & Ingo Keilitz, “International Framework for Court Excellence: Global Measures of Court Performance,” *International Consortium for Court Excellence, Global Measures of Court Performance*. November 9, 2012, accessed January 19, 2016, [http://www.courtexcellence.com/~media/Microsites/Files/ICCE/Global%20Measures\\_V3\\_11\\_2012.ashx](http://www.courtexcellence.com/~media/Microsites/Files/ICCE/Global%20Measures_V3_11_2012.ashx). <http://www.courtexcellence.com/>.

<sup>67</sup> Vera Institute, “Measuring Progress toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector,” (New York: *Vera Institute*, (November 2003), 27-28.

*international levels and ensure equal access to justice for all*) with the description in Box 2 of the *brief* version of the comparable performance measure of the *Global Measures of Court Performance*, which is part of the International Framework for Court Excellence developed by the International Consortium for Court Excellence.<sup>68</sup> While this brief version of the measure of duration of pretrial custody cannot be said to meet all the SMART requirements, particularly achievability and availability of data,<sup>69</sup> it goes much further than the corresponding indicator-target pair (16.3 and 16.3.1) of SDG 16.

### **Box 2. Brief Version of Measure 5 – Pre-Trial Custody**

This is a measure of the average elapsed time criminal defendants are held in custody awaiting trial.

Some performance measures are better than others. They bring people together for joint performance across institutional boundaries – the courts, law enforcement, jails, prosecution and defence services. Such measures can be used at the highest policy levels to measure progress toward an overarching purpose and shared strategic goal that the separate institutions are expected to achieve together.

Duration of pre-trial custody—expressed in terms of central tendencies (mean and median days) and ranges of length of pre-trial detention—is one such measure. As it is clear, focused, and actionable across all justice system partners, and taps fundamental values such as equality and access to justice embodied by the International Framework of Court Excellence (IFCE), duration of pre-trial custody can be the rallying point of reform and improvement efforts that depend on justice system partners working together.

Similar to Measure 4, *On-Time Case Processing*, focuses on time elapsed between two case processing milestones: the date a defendant in a criminal case is detained and taken into custody and the date of his or her trial. This may be separately calculated for different categories of criminal defendants.

Applying this measure requires, first, an operational definition of a pre-trial detention day. Other requirements for taking this measure include: (a) the identification and definition of the criminal case types involving pre-trial detention; (b) the operational definition of the two case processing milestones, i.e., custody date and trial date; and (c) the number of elapsed days between those two milestones.

<sup>68</sup> This description is drawn from the International Consortium’s forthcoming *Global Measures of Court Performance - Brief Version*, a summary of its forthcoming Second Edition of the full version of the *Global Measures of Court Performance*. The first edition is accessible at International Consortium, *Global Measures*.

<sup>69</sup> Counting the elapsed days a defendant is in custody requires at least three pieces of data: (1) the precise date a defendant was taken into custody; (2) the date on which the count was made; (3) verification that the defendant was in custody on that date; and (4) the date of the trial, if one has occurred. These data typically are not available, if available at all, from just one source such as courts, jails or prisons, and must be gathered from two or more sources and reconciled.



**Formula**

Average Duration of Pre-Trial Custody = A/B

A = Total number of elapsed days spent by criminal defendants in pre-trial custody within a specified time period (e.g., year) B = Total number of pre-trial defendants in custody

The description of Measure 5 in the full version of the *Global Measures of Court Performance*, from which the brief description in Box 2 is drawn, goes into greater detail including operational definitions, an explanation of the purpose of the measure and its integration with other measures, methodology including how the measure is calculated and reported, and some commentary on its effective use.<sup>70</sup>

#### IV. CONCLUSION: A WAY FORWARD

SDG 16 and its associated 12 targets and 21 proposed provisional indicators, as well as the SDGs package as a whole, are not sufficiently SMART – specific, measurable, achievable, relevant, and time-bound. They need to be made so in order for the SDGs to make a positive impact on sustainable development by 2030 comparable to that of the narrower predecessor Millennium Development Goals (MDGs), which expired at the end of 2015.<sup>71</sup> I believe this can be achieved by taking three courses of action that promise to result in a cohesive framework with a limited set of indicators that constitute a balanced scorecard to assess progress toward justice outcomes:

- 1) formulate detailed operational definitions and instructions for the provisional indicators and associated targets;
- 2) streamline the proposed provisional indicators to a more limited number of measures, i.e., a vital few; and,
- 3) ensure that countries and their statistical offices and performance measurement departments take ownership of the framework of indicators.

First, in order to meet the SMART requirements, the indicators and associated targets need to be more than merely identified and named. They need conceptual clarity and to be defined in operational terms with detailed instructions sufficient for policymakers and practitioners to understand and to use the indicators and targets to measure and to manage progress toward SDG 16. This first course of action requires answering fundamental questions, “What should we measure?” and “How might we measure it?”

Serious attention to these two fundamental threshold questions entails an iterative process of reformulation, integration, and reframing not only of the indicators but also of the elements of the overall goal and associated targets. It begins by operationally defining such nebulous terms

<sup>70</sup> Hall & Keilitz, “International Framework for Court Excellence,” Consortium, *Global Measures*, at 30.

<sup>71</sup> See Levy & Scobie in ICSU-ICCS, *Review of the Sustainable Development Goals*, at 75, noting that many of the countries “that made rapid progress on the MDGs have poor provisions for justice and inclusion.”

as “promote” (Goal 16.3 and Goal 16.b; see Box 1), “ensure” (Goals 16. 3, 16.7 and 16.10), “develop” (Goal 16.6), and “broaden” and “strengthen” (Goals 16.1 and 16.a) need to be defined in operational terms. Without more, “promote” in Goal 16.3 (*Promote the rule of law at the national level and international levels and endure equal access to justice for all*), for example, can mean almost any action or strategy. “Promote” could mean as little as a senior judicial official merely declaring at an international conference his or her country’s intentions to strengthen its laws and regulations regarding access to justice. Or, it could mean achieving quite significant outcomes such as eliminating the disparity in the average times rich and poor criminal defendants in the country are held in custody awaiting trial. It is precisely such fundamental efforts of precise definitions and a resulting reformulation, integration, and reframing of goals, targets and indicators that I believe the researchers of the ICSU-ICCS had in mind in their February 2015 report of their independent scientific review of the SDGs.<sup>72</sup>

This will not be easy but, as noted in the previous section, models and guides exist for such a process of measurement development that includes operational definitions, specific instructions for measurement, alignment of measures with values and strategic goals, and integration of multiple measures to achieve a “balanced scorecard” of success.<sup>73</sup> The *Global Measures of Court Performance*, for example, “describes eleven focused, clear, and actionable core court performance measures,” including the measure of *pre-trial custody* summarized in Box 2, that are aligned with 10 judicial values (e.g., equality under law, transparency, and certainty) and seven areas of court excellence (e.g., user satisfaction and affordable and accessible court service) that are part of the International Commission for Court Excellence’s *International Framework for Court Excellence*.<sup>74</sup> This guide not only aligns performance measures with values and areas of excellence but also helps to clarify these values and performance areas in terms of measures of results-based outcomes in ways that help ensure that they become the foundation of all justice strategy and operation. The guide deconstructs the key question “How are we performing?” by giving detailed enabling answers to practical follow-up questions:

- Why should we measure performance?
- What should we measure?
- How should we measure it?

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<sup>72</sup> ICSU-ICCS, *Review of the Sustainable Development Goals*, at 7.

<sup>73</sup> A single measure is rarely a good indicator of success. A defining characteristic of a “balanced scorecard” in performance measurement and management is the combination (i.e., scorecard) of a vital few number of performance metrics that together constitute a balanced coverage across key success factors and performance areas. The term “balanced scorecard” is rooted in performance management strategy and was first popularized by Robert S. Kaplan and David P. Norton Kaplan in their paper, “The Balanced Scorecard: Measures That Drive Performance.” *Harvard Business Review*, January – February (1992): 71 – 79.

<sup>74</sup> Hall & Keilitz, “International Consortium Framework for Court Excellence.,” at 1-2, 9-10. *International of Court Excellence*, accessed January 19, 2016, <http://www.courtexcellence.com/>.

- How can we use the results to achieve court excellence?

The *Global Measures* help policymakers and practitioners in their selection, definition, design, development, and use of the “right” performance measures aligned with their values, missions, and strategic goals.<sup>75</sup>

The second related course of action is the streamlining of the indicators. This should be facilitated by the efforts along the first course of action as some indicators are dropped and others are joined. The sheer numbers of indicators (21) associated with targets (12) for Goal 16 alone are overwhelming and, in the context of the SDGs 17 goals, 169 targets, and 304 proposed provisional indicators, unmanageable in any meaningful way. As discussed in Section II. A, “The SDG Effort as a Whole,” in their development of the SDGs, the UN and the various working groups stressed that the SDGs should be limited in number in order that they would be easy to communicate and be understood by ordinary citizens. The same requirement should hold for the targets and indicators. Jeffrey Sachs’ Sustainable Development Network (SDNS), a network created at the invitation of UN Secretary-General Ban Ki-moon, proposed only 10 SDGs, each with only three associated targets, and no more than 10 specific numerical indicators to track progress on the SDGs and targets.<sup>76</sup>

Some of the 21 indicators of Goal 16 are better than the others and should be considered among the vital few in a streamlined list of indicators. Two criteria could be used to winnow the current list 21 proposed indicators: (1) a clear alignment with the underlying goal and sub-goals (i.e., targets), values and ideals of the three elements of SDS 16; and (2) a focus on outcomes that matter to ordinary citizens (e.g., changes in their status or condition) instead of inputs, activities and outputs of justice institutions (e.g., the number of judges and the number of court hearings held). For example, Indicator 16.3.2 (*Percentage of total detainees who have been held in detention for more than 12 months while awaiting sentencing or a final disposition of their case*) and Indicator 16.9.1 (*Percentage of children under 5 whose births have been registered with civil authority*) are two provisional indicators that meet these criteria. Both are clearly aligned with the overall Goal 16 and two clearly articulated associated sub-goals (see Box 1). Both focus on outcomes that matter to citizens, i.e., how vulnerable segments of the population, individuals who have been incarcerated and young children and their families, are treated by government and society.

These two indicators have the potential of becoming a rallying point, bringing people together for joint performance across institutional and sector boundaries. Indicator 16.3.2 implicates the courts, law enforcement, jails, prosecution, and defense services in government, as well as advocates and other stakeholder in the private and non-profit sectors responsible for and interested in access to justice, just and inclusive societies, effective, inclusive, and accountable institutions, as well as a reduction of violence. Similarly, Indicator 16.9.1 focuses on interests not

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<sup>75</sup> Ibid., at 3. International Consortium, *Global Measures*, at 4-5.

<sup>76</sup> Sachs, *Sustainable Development*, at 486-489.

only of concern to the government agencies responsible for registering births and providing identity cards, but also human rights organizations and advocacy groups for children and mothers.<sup>77</sup> Such measures can be used at the highest policy levels to measure progress toward an overarching purpose and shared strategic goal that government institutions, perhaps in partnership with organizations in the private and non-profit sectors, are expected to achieve together.

The 21 proposed indicators of SDG 16 should be pared to a vital few instead of an overwhelming many. Complexity is harmful. It can have serious adverse effects on the achievement of goals. In his book, *Simpler: The Future of Government*, Harvard Law School Professor and former Administrator of the U.S. Office of Information and Regulatory Affairs, Cass R. Sunstein, points out that resistance to an initiative may be due to complexity, ambiguity, or misunderstanding, and not necessarily to the idea or merits of the initiative.<sup>78</sup> Sunstein argues that governments should do much better to rid themselves of unnecessary complexity and make things simpler. Benefits of less complexity, he notes, include decreased financial and human costs for ordinary citizens who are the consumers of services, and economic savings for government and businesses.<sup>79</sup>

Simplicity, along with the attendant focus and clarity, are qualities of effective leadership and management. Successful leaders, writes researcher, motivational speaker and business consultant Marcus Buckingham, is the discipline to describe a joint future precisely and vividly, and thereby turn people's uncertainty about their performance into confidence. "All evidence" he writes, "suggests that...something in our DNA makes us yearn for short, clear answers to complex problems."<sup>80</sup> A set of a vital few core performance indicators helps provide this clarity and simplicity.

The third and final recommended course of action is to ensure that countries take ownership of the framework of indicators. Local ownership of reform in international development is vital. It is widely regarded as an essential ingredient in the recipe for sustainable development and social change.<sup>81</sup>

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<sup>77</sup> In some Islamic states, children of unmarried women become orphans without identity when their mothers are executed for fornication, and in China, many children have few rights and no identity cards entitling them to government services.

<sup>78</sup> "If one does not understand a person, Carl Jung wrote in his *Mysterium Coniunctionis*, "one tends to regard him as a fool." Quoted in Jolande Jacobi (ed.), *C.G.Jung: Psychological Reflections: A New Anthology of His Writings 1905-1961* (New York: Routledge, Taylor and Francis Group), 222.

<sup>79</sup> Cass R. Sunstein, *Simpler: The Future of Government* (New York: Simon & Schuster, 2013).

<sup>80</sup> Marcus Buckingham, *The One Thing You Need to Know...About Great Managing, Great Leading, and Sustained Individual Success* (New York: Free Press, 2005), 283.

<sup>81</sup> In a recent lecture on international sustainable development, philanthropists John and Marcy McCall MacBain, founders of the McCall MacBain Foundation, emphasized the importance of ownership by reminding the audience

In its meeting at the UN on February 25 – 26, 2015, the Inter-agency and Expert Group on SDG Indicators (IAEG-SDGs) reached consensus on the necessity of “[ensuring] national ownership of indicators” and drawing from “existing integrated statistical frameworks.”<sup>82</sup> Shortly thereafter, the UN’s Statistical Commission “stressed the urgent need for investments to enhance national statistical capacity, especially in developing and least developed countries, to measure progress towards the post-2015 development agenda at the national, regional and global levels and enable national statistical offices to play a leading and coordinating role in this process.”<sup>83</sup> This principle of local ownership also was endorsed by the ICSU-ISSC in its independent scientific review of the SDGs.<sup>84</sup>

In the previous issue of this Journal,<sup>85</sup> I argued that justice institutions and justice systems that take responsibility for measuring and managing their own performance in delivering justice using the discipline and technology of performance measurement and management, rather than relying on external assessment such as typically is done in program evaluation and global indicators, are likely to have more success and gain more legitimacy, trust and confidence in the eyes of those they serve.

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that no one washes a rental car. John MacBain & Marcy McCall MacBain, “Philanthropy in Health and Education: Some Personal Insights,” (Chancellor’s Lecture, Victoria University, Melbourne, Australia, March 10, 2016).

<sup>82</sup> Bureau of the United Nations Statistical Commission, *Technical Report on the Process of the Development of an Indicator Framework*, March 6, 2015, 8, [https://sustainabledevelopment.un.org/content/documents/6754Technical%20report%20of%20the%20UNSC%20Bureau%20\(final\).pdf](https://sustainabledevelopment.un.org/content/documents/6754Technical%20report%20of%20the%20UNSC%20Bureau%20(final).pdf).

<sup>83</sup> United Nations Statistical Commission, *Decisions*, UN General Assembly, Forty Sixth Session, March 6, 2015, 312, accessed January 22, 2015.

<sup>84</sup> ICSU-ISSC, *Review of the Sustainable Development Goals*, at 86, concluding that “member states would set their own national targets for the implementation of the global SDGs at the national level. Since national governments are mainly accountable to their own citizens, governments should be urged to formulate these national targets and to report on their implementation with the broadest possible participation of civil society and other stakeholders in order to foster local ownership.”

<sup>85</sup> Ingo Keilitz, “How Are We Doing? A Greater Role for Organizational Performance Measurement and Management in International Development.” *7 Wm. & Mary Pol’y Rev.* 1 (Fall 2015), 33-35. See also Rachel Kleinfeld, *Advancing the Rule of Law Abroad: Next Generation Reform*, (Washington, DC: Carnegie Endowment for International Peace, 2012), 33, noting that because outside reformers are not there for the long haul, while locals stay, reformers must work through local actors to achieve sustainable or societal change; and Christopher E. Stone, “Problems of Power in the Design of Indicators of Safety and Justice in the Global South,” in *Governance by Indicators: Global Power through Quantification and Rankings, Indicators in Development: Safety*, edited by Kevin E. Davis, Angelina Fisher, Benedict Kingsbury, and *Justice Series, Program in Criminal Justice Policy and Management*, Harvard Kennedy School, 1 and 3., Sally Engle Merry, 281- 294. Oxford, UK: Oxford University Press, 283, calling for “those operating at the global level, and particularly those working in the domain of justice and safety, justice, and the rule of law” to develop what he calls “country-led indicator development” ... “from the bottom up, supporting local ambitions and building on the legitimate sources of authority close to the operations they seek to influence, rather than starting with ambitions and power at the global level.”

Clearly, as noted earlier in this paper, the SDGs as currently conceived are not SMART but need to become so by a rigorous process of indicator design, development, and use that is as inclusive of the United Nations member countries as the consultations on SDGs were leading up to their adoption. This will not be easy because it is just such an inclusive process that produced the sprawling current version of the SDGs.<sup>86</sup>

Was the adoption of the current SDGs, including the proposed provisional framework of indicators, made possible solely because it allowed for what everyone wanted no matter how unmeasurable and unmanageable? Has the hard work of making the SDGs action-oriented, concise and easy to communicate, and limited in number, merely been postponed and moved to the measurement phase? Will the inclusiveness of the technical process laid out by the United Nations Statistical Commission doom indicator framework to the same “messy” results of the current SDGs? As we move ahead with the process of development of measures and indicators for the SDGs, it is probably prudent to remind ourselves that performance measurement is not merely a technical diagnostic process but also an instrument of power and control available to different actors with varying degrees of moral hazards and conflicts of interests, asymmetric power relationships, and perverse incentives.

Whether the indicator framework of the SDGs will engage the global community and generate enthusiasm, knowledge production, and positive social outcomes or, alternatively, degenerate into bureaucratic infighting over special interests remains a matter of debate that will be watched over the next few years.

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<sup>86</sup> The outcome of the meeting March 30- April 1, 2016, shortly before this paper went to press, of the United Nations Statistical Commission’s Inter-Agency and Expert Group on SDG Indicators (IAEG-SDGs), charged with producing an “Indicator Framework,” showed some progress. See United Nations Statistical Division, Report on the Third Meeting of the Inter-Agency and Expert Group on the Sustainable Development Goal Indicators Mexico City, Mexico, 30 March – 1 April 2016, ESA/STAT/AC.318/L.3, April 26, 2016. As part of its work, the IAEG-SDGs produced a “metadata compilation” for most of the indicators including much needed definition and description of methods of computation, rationale and interpretation, data sources and data collection. See <http://unstats.un.org/sdgs/iaeg-sdgs/metadata-compilation/>.