

# WILLIAM & MARY POLICY REVIEW SYMPOSIUM TRANSCRIPT: JUSTICE CONCERNS WITH THE UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS<sup>1</sup>

Irene Wang:\* Good afternoon everyone, thank you all very much for joining the annual symposium hosted by the *William & Mary Policy Review*. We are a student-run, academic journal that publishes scholarly work twice every year. Today our topic will be on the justice concerns in the latest United Nation's Sustainable Development Goals 2016-2030. We are very honored to have our three speakers here on the panel. They are all both academic and field experts in economic development. We will have our speakers each speak for about 20 minutes, and then we will open up the floor for discussions. Before we start, I would like to introduce our three speakers:

Dr. Ingo Keilitz is the principal of CourtMetrics, a management consultancy in Williamsburg, Virginia, specializing in performance measurement and management in the justice sector. He is also a research associate at the Institute for the Theory and Practice of International Relations, and a research professor at the Thomas Jefferson Program in Public Policy at the College of William and Mary. Additionally, he is an adjunct professor at Victoria University in Melbourne, Australia. He is a former Senior Justice Reform Specialist at the World Bank in Washington, D.C. and former Vice President of the National Center for State Courts. He has worked with over a hundred justice institutions and legal organizations in Africa, the Balkans, Eastern Europe, the Mid-East, East Asia and the Pacific, Canada, and the Caribbean, as well as all 50 states of the United States, helping them to build world-class performance measurement and management processes.

Mr. Steven Sharp is an international development professional with over 25 years of field experience in community development and citizen participation. He supported global local government programs at USAID and was instrumental in establishing the Democracy Center there. Subsequently, he managed large civil society strengthening programs in Sri Lanka, Cambodia, D.R. Congo and Kenya. Last semester he taught a course at William and Mary on International Development at the Community Level. Mr. Sharp has a Masters in Urban and Regional Planning from Florida State University.

Mr. Jeremie Amoroso is a Consultant in the Education Global Practice at the World Bank Group. Prior to joining the Bank, he worked in management consulting, specifically in valuation and financial risk management. Mr. Amoroso's background in finance and consulting is utilized to provide advisory services to Ministries of Education, implementing agencies, and universities in Croatia, Romania, Kazakhstan, and the Russian Federation. At the World Bank,

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<sup>†</sup> The transcript has been lightly edited for clarity and brevity.

\* Ms. Wang is the Executive Editor of the *William & Mary Policy Review*.

he has been a contributing author for various World Bank publications on higher education financing, school resource use, school infrastructure, skills, and PISA analytics. He has also performed *ex ante* and *ex post* economic analyses on the financing of investment projects in education. Mr. Amoroso is an alumnus from the Public Policy program who graduated in 2012. We are very honored to have all of our speakers here today.

Without further ado, I will turn the podium over to Dr. Keilitz.

Dr. Ingo Keilitz: Thank you Irene. Thanks all of you for coming. I appreciate it. And thank you and Steven and Jeremie for reviewing and commenting on my paper.

What is sustainable development? Let us think about that. Sustainable development is an organizing principle trying to achieve economic, environmental, and social well-being for the present and the future in addressing the world's problems. It is really an ambitious sort of thing. The central theme is a balance between the present and the future. You can see that in the problem of coal emissions in developing countries. They want to maintain their coal industry, knowing full well that if emissions continue, small island nations would no longer exist as they are inundated by rising oceans caused by rising temperatures.

In September last year, the United Nations adopted the Sustainable Development Goals, the "SDGs." The 17 goals, and 169 sub-goals that the UN call performance targets, took effect on January 1.<sup>2</sup> This is also when the predecessor goals, the Millennium Development Goals [MDGs] expired. And so the aim of the SDGs is to set the global agenda - how we tackle the world's problems until 2030. The idea is not only to engage governments but also civil society, entrepreneurial, private sector, not for profit, philanthropic, scholars throughout the world and students like you. The Sustainable Development Goals, outside this country actually gets as much attention as [presidential candidate Donald] Trump does. Here are the 17 goals with the major focus highlighted in red.

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<sup>2</sup> See "Sustainable Development Goals," United Nations, at <https://sustainabledevelopment.un.org/?menu=1300> for more information.

## SUSTAINABLE DEVELOPMENT GOALS

- 1 End **poverty** in all its forms everywhere
- 2 End **hunger**, achieve food security and improved nutrition and promote sustainable agriculture
- 3 Ensure **healthy lives** and promote well-being for all at all ages
- 4 Ensure inclusive and equitable quality **education** and promote lifelong learning opportunities for all
- 5 Achieve **gender equality** and empower all women and girls
- 6 Ensure availability and sustainable management of **water** and sanitation for all
- 7 Ensure access to affordable, reliable, sustainable and modern **energy** for all
- 8 Promote sustained, inclusive and sustainable **economic growth**, full and productive employment and decent work for all
- 9 Build resilient **infrastructure**, promote inclusive and sustainable industrialization and foster innovation
- 10 Reduce **inequality** within and among countries
- 11 Make **cities** and human settlements inclusive, safe, resilient and sustainable
- 12 Ensure sustainable **consumption and production** patterns
- 13 Take urgent action to combat **climate change** and its impacts
- 14 Conserve and sustainably use the **oceans**, seas and marine resources for sustainable development
- 15 Protect, restore and promote sustainable use of **terrestrial ecosystems**, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- 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
- 17 Strengthen the means of implementation and revitalize the **global partnership** for sustainable development

Figure 1: UN SDGs (This figure was taken from Prof. Keilitz's presentation with the author's approval.)

The SDG we will be concentrating on is Goal 16. The theme of my talk is suggested by a comparison of the wording of Goal 16 and Goal 1, “End poverty in all its forms everywhere.” Now listen to Goal 16: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable, and inclusive institutions.” One is sharp, pithy, and to the point. The other is a mouthful.

In terms of a goal setting effort, the SDGs have been widely praised. The UN Secretary Ban Ki-moon said it was a defining moment in human history. On the other hand, critics were not quite so kind. They contended that [the SDGs] were difficult to understand, unmeasurable, and because they were unmeasurable, they were unmanageable. You cannot manage what you cannot measure. *The Economist* was probably among the harshest critics. They said that the SDGs were a “mess.” They said it would be “worse than useless” and that the effort of the SDG drafting committee “was sprawling and misconceived.” Further, that the efforts were ambitious on a biblical scale, and not in a good way. This was a view, probably shared, maybe not quite as harshly, by many observers including me.

Far too many of the sub-goals related to the goals read like Subgoal 4.7 of Goal 4: Ensure equitable quality education and promote lifelong learning.

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.

*The Economist* quipped, “try to measure that.” It is hard to see how countries are going to take this and incorporate it into their planning and policy development. You might expect, again, this is not rocket science, that when you start with a large, ambitious goal, and you want

to break that into measurable, actionable kinds of things, that you would have a narrowing, an operational defining. Something that makes it clearer and clearer as you go along. This Subgoal 4.7 does the opposite. It is a much more sprawling and expansive statement than the initial goal.<sup>3</sup> Some of the work is shockingly poor in that sense. Why could this happen with the august folks and massive amount of money that they put into the SDGs? I think this is a political process and that is part of the problem.

To complicate matters, a separate effort that was not necessarily directly connected to the folks who formulated the SDGs, the Statistics Commission of the United Nations got a group of experts together, from 90 countries. They took a look and tried to throw out provisional indicators and measures for the SDGs and the subgoals and targets. So in addition to the 17 goals, which are quite a lot, and the 169 sub-goals, now they have added, as of last month, 231 provisional indicators. You have got this massive structure.

My paper is both expository and critical. Its focus is on justice, which I consider to be an all-encompassing concept that touches on many of the goals. Take Goal 1, poverty, the poverty in all its forms, everywhere. Now *The Economist* would say that the opposite of poverty is wealth, right? Many of my colleagues and I believe that the opposite of poverty, and the removal of poverty everywhere in all its forms, is justice for all. My lament, really, in the paper, is that the justice concept, which is a fairly important concept that can be woven into almost every one of the goals, gets lost in translation when you take this ambitious kind of a goal and try to break it down into actionable kinds of things. What we have for Goal 16, 37 pieces of a puzzle:

Goal 16 - Promoting peaceful and inclusive societies, providing access to justice, and building effective, accountable and inclusive institutions at all levels.

**3 (or 4) Elements of the Goal + 12 Sub-Goals (called "targets") +  
21 Provisional Indicators = 37 Pieces of a Puzzle**

I will argue that the three or four elements that are highlighted are separable elements. We have got peace, inclusive societies, and then there is access to justice. Notice it is not just justice. It is only *access* to justice. You get access but you do not really get justice. What does that mean? Then you add inclusive and strong institutions and you have four elements. Then you've got 12 subgoals or targets. In addition to that, you have 21 provisional indicators. My argument in the paper is that this entire package is not SMART. The goals, the performance targets, and the indicators are certainly not SMART.

<u>GOAL SETTING</u>	<b>Specific:</b> be focused, clear, and unambiguous, and target a specific area
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<sup>3</sup> The initial goal reads: "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all," see "Goal 4," United Nations, available at <https://sustainabledevelopment.un.org/sdg4>

S	Specific	for improvement in a manner that is easy to understand. <b>Measurable:</b> quantify progress and success (e.g., in terms of how much and how many). <b>Achievable:</b> be realistic and actionable <b>Relevant:</b> link and matter to what is trying to be achieved in a meaningful and worthwhile way (i.e., consistent with visions, values, and strategic goals). <b>Time-bound:</b> include a time-frame for accomplishment.
M	Measurable	
A	Attainable	
R	Relevant	
T	Time - Bound	

Now SMART – the acronym has been around for quite some time. The typical meanings are identified and are pretty straightforward. Once you’ve got a SMART goal, you want to identify some performance targets. And once you have the performance targets, you then also want in a SMART way to articulate the performance measures you are going to use for that. Going through this SMART process is pretty straightforward and is relatively the same whether you are talking about the Sustainable Development Goals or one’s personal goals. Say we, the speakers, come to you with a personal goal of becoming healthy. Would you help us to achieve that? What are you going to say to us? You would say, “what are you interested in? Are you interested in physical health? Mental health? Spiritual health? Are you interested in physical fitness?” If we are all over the place, what are you going to do? First, you have to operationalize the goal. Secondly, you then have to say, what might be your performance target? I might say that I want to walk 10 kilometers at least five times a week. I’ve got two very clear things there. I’ve got the performance measure and target and I want to be able to sustain that for X amount of time. Then, then you might go further and ask how we might measure that? I might suggest that I want to do 9,552 steps as calibrated on my FitBit wristband that has been calibrated by an accredited bunch of researchers. That has not been done. Those things are not SMART.

The bulk of my paper focuses on SDG 16 and its associated 12 targets and 21 provisional performance indicators and I look at these in the context of the Sustainable Development Goals as a whole. I conclude that they need to be made SMART and they need to be made SMART very quickly if they are going to have an impact that is comparable to the predecessors, the Millennium Development Goals, the MDGs, by 2030. The more limited MDGs, which expired at the end of 2015, applied to poor countries and did not really include richer countries, except as donors. The SDGs are meant to be universally applicable to rich countries and poor countries. The reasoning for that is that if you are talking about climate change, for example, you need to involve the rich countries, the big countries such as the United States and China. The SDGs are much broader, they cover all the countries, and they go much further. The MDGs only included eight goals and 21 targets, as opposed to 17 and 169 in the SDGs. You see the problem evolving. Mind you, the SDGs were adopted without much debate, to the surprise of many people around the world. Everybody thought, my God, there is going

to be a lot more quibbling and handwringing, but they were adopted almost as written six months to nine months ahead of time.

By most accounts, the MDGs were successful precisely because they were SMART. They were also meant to be understood by average citizens, by people on the street, rather than just high theorists. Jeffrey Sachs, the economist at Columbia who is very much involved in the Sustainable Development Goals, said, when talking about the MDGs: “This is important to appreciate. The [MDG] goals are phrased in a way that they can be understood in the villages, in the slums, the places where poor people live and work and fight for their survival.” He said that the SDGs have to be understood by ordinary citizens. As a whole, all the Sustainable Development Goals, I argue, and the justice goal in particular, are not understandable and actionable as currently defined. They do not meet the kinds of things that Jeffrey Sachs had in mind.

In the conclusion of the paper, I outline three courses of actions that I recommend should be done to correct this so that the Sustainable Development Goals, in particular Goal 16, can actually make a difference: (1) a more narrowly defined goal; (2) A clearly defined goal; and (3) a streamlining and pairing of them to make them simpler. Simplicity is very important. Cass Sunstein, who is a professor at Harvard, wrote a book entitled *Simpler: The Future of Government*. He contends that when people are confronted with an initiative that they do not understand, one that they find is somewhat unclear and unmanageable, they attribute this not necessarily to complexity *per se*, but rather that the initiative is wrong and that the idea has no merit. Complexity can kill. The current version of the SDGs has a lot of complexity and people are going to walk away from them. I have worked with people at the highest level in government and quite frankly, when they do not understand something, they do not say “I must not be smart enough to understand this.” No, they say it makes no sense.

The first thing that needs to be done, I think, is that the goals, the targets, need not only be identified and named, they need to be operationally defined and that takes a certain amount of rigor. There are models for this. I have been involved in one of them, called the *Global Measures of Court Performance*, in an article that is coming out in [the *William & Mary Policy Review*].

Second, the 12 targets and indicators should be pared to a vital few. Again, complexity kills. They are too complex. Five or six would be fine. Very much like the MDGs. Is that going to be easy? Of course it is not going to be easy to do, but you have to remember that the initial communication should be much like an elevator speech. Folks are going to walk away so you better be clear and concise. That is just a reality of effective communication. That is what SMART means. Give me the essence, I only have this much time. Consider if Moses came down with 169 commandments.

The final thing that I would recommend, and this gets a little bit more into a wonky type of things, is that to ensure that local institutions responsible for the justice areas, the courts, the ministries of justices, ombuds offices, civil society in justice area they take ownership of this SDG Goal 16 framework. Local ownership is absolutely critical in sustainable development. Ownership is widely regarded as a central ingredient in the recipe for sustainable development. Nobody likes to have consultants and other third parties fly in and then fly back out. Justice institutions and justice systems that take responsibility for measuring and managing

their own performance in delivering justice, from the bottom up, supporting local ambitions, local values, and building on the legitimate authority of the people who are in a position to influence the kinds of changes that we seek are much more likely to succeed. Local ownership, in my experience, is absolutely critical. The countries and local institutions that take ownership are making the efforts that are going to be sustainable over time. I'll end by asking a question to try to make the point of local ownership. How many of you rented a car in the last two years? Of those who rented the car, how often did you wash that car? We don't wash rental cars. We wash the cars that we own.

Thank you.

Prof. Steven Sharp: I would like to thank Irene and the editors of the *William and Mary Policy Review* for inviting me to review and comment on this paper. The paper focuses on one of the most challenging aspects of international development, "are we really achieving our goals and objectives, and if so, how will we know?"

In considering the issues surrounding the appropriateness or measurability of Sustainable Development Goal 16 (SDG 16), one needs to first look at the larger context. Why was this particular goal written this way? Encompassing, as it does, aspirations for peaceful societies, access to justice and accountable institutions (or governance), the Goal is intended to be both comprehensive in a crowded field and to appeal to many different constituencies. The author of the paper has framed it as the "Justice" goal, as have others.<sup>4</sup> There is also support for the notion of a "Peace" goal,<sup>5</sup> while elsewhere it is welcomed as the "Governance" goal.<sup>6</sup> While inclusiveness is important (the goal also includes two references to "inclusive"), these multiple threads make it difficult to communicate in simple terms what the goal is about. This complexity, as the author notes, also makes it problematic to craft the Goal in SMART terms.

For this development practitioner, the Goal is clearly the "Democracy and Governance" (D&G) component of a comprehensive panoply of sustainable development solutions, of which peace, justice, and accountability are integral parts. Note, however, that the goal has been carefully written not to use either of the terms "democracy" or "governance."<sup>7</sup> This reflects sensitivity on the part of the drafters to the fact that many UN Member States are not democracies and would not submit to any assessment of their democratic practice. The goal in draft form was, in fact, opposed by representatives of Brazil, Russia, China, Pakistan, India and most of the G77 group, although developing countries emerging from conflict tended to support the goal.

Thus, when we talk about the sector, we use the term "democracy and governance," wherein governance is understood to be "good governance," even if not practiced as part of a

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<sup>4</sup> Jessica, Harper, "The 2030 Sustainable Development Agenda: Why goal 16 on justice is critical for the WANA region", WANA Institute, (Aman, Jordan: 2015).

<sup>5</sup> "Basic Guide to Peace in The Post-2015 Development Agenda" Global Partnership for the Prevention of Armed Conflict, January 2015, accessed at [www.gppac.net/documents/](http://www.gppac.net/documents/)

<sup>6</sup> "Sustainable Development Goal 16: Governance" Foundation for Democracy and Sustainable Development, June 12, 2015, accessed at [www.fdsd.org/sustainable-development-goal-16-governance/](http://www.fdsd.org/sustainable-development-goal-16-governance/)

<sup>7</sup> The only reference to governance is in Target 16.8, strengthening "the participation of developing countries in the institutions of global governance", but that does not assess the governance of individual countries.

democratic state system. And good governance is accountable, which is in line with one of the main threads of the Goal. In democracy and governance work, programming typically includes, rule of law, freedom of elections, media, and association, accountable governance, and increasingly, conflict mitigation and post-conflict recovery strategies.

We need to examine the implicit message or value system that is reflected in the Goal. In the case of the MDGs, these were straightforward. Irrespective of the socio-cultural context and values of a country, there would be no disagreement on the importance and necessity of some of the Goals, for instance, reducing child mortality or ending hunger or reducing poverty. Nearly everyone would concur that these are important and necessary measures to take, however ambitious achieving them might be for a poor country. The Peace, Justice and Governance Goal on the other hand, (as well as the one on Gender Equality), could be said to reflect Western bias.

Take justice, for example. Most Americans believe they have a pretty good idea about what a good justice system should comprise; due process, an independent judiciary, trial by jury. Under SDG 16, a country that practices Sharia law would be considered to be in compliance. On the other hand, some in the West would consider *that* system to be a travesty of justice.

Some have suggested SDG 16 should be an overarching or crosscutting goal, inasmuch as it represents the institutional framework necessary for achieving all the others. These are, after all, Goals to be implemented by the *governments* of UN Member States that will have to strengthen or put in place the systems, investments, and infrastructure to achieve the Goals. In such a scenario, then, relevant good governance and justice Targets and Indicators would be written into each SDG.

The eight predecessor Millennium Development Goals (MDGs), which focused on human capital, environment, and human rights, were criticized for being too limited or else lacking in sufficient justification for the inclusion of *those* particular goals over others. Nonetheless, the MDGs inspired country governments and donors around the world to address these challenges. Drawing upon the lessons of the MDG process, and in an effort to rectify the limitations of the MDGs, we now have 17 SDGs and 169 associated Targets that are criticized for being all over the place – the paper’s author describes them as “sprawling.”

In fact, there are only five new focus areas in the SDGs: Economic Growth, Infrastructure, Urbanization, Global Inequality, and Peace; Eradicating Poverty and Hunger are now two separate SDGs and Environment was split into six. The drafters of the SDGs intended them to be comprehensive and reflective of the entire range of development challenges in the contemporary world, not just key priorities. However, if these are to be accepted as Goals rather than aspirational vision statements for a better future, then the SDGs need to be written using SMART criteria -- Specific, Measurable, Achievable, Relevant, and Time-Bound -- which would provide the quantifiable elements to enable member governments, donors, and the UN system to determine whether, or the extent to which, individual countries, and we as a global community, are achieving the Goals.

Considering that the SDGs were adopted unanimously by the 193 Member States of the United Nations last September, it does not appear that there is much scope for modifying the Goals to make them SMART. The clock has already started ticking on the next 15-year

undertaking. But, if it were possible to make them quantifiable, it would be interesting to see what could be done to improve upon the Goal. One problem with addressing the “Specific” criterion of SMART, which Ingo alluded to, is that the Goal is comprised of three phrases strung together with three “ands.” In social science research, comparable “double-barreled questions” are bad practice because you cannot be certain which concept the respondent is giving an answer to. This would explain why MDG 1, Eradicate Extreme Poverty and Hunger, was split into two. Having so many concepts in one goal makes it harder to measure. Is the Goal about Peace or Justice or Accountable Institutions? Inclusive is used twice. Will inclusive institutions ensure inclusive societies?

Given the positioning of the phrases in the Goal, one could argue that peaceful and inclusive societies are the priority, while providing access to justice and ensuring accountable institutions would be better structured as the means, or Targets, to achieve the goal. The presumption is that access to justice and accountable institutions will lead to a peaceful and just society. Some of the existing Targets mirror the Goal. For instance, Target 16.3, “*Promote the rule of law at the national and international levels and ensure equal access to justice for all*” makes the justice case, while Target 16.6, “*Develop effective, accountable and transparent institutions at all levels,*” and Target 16.7, “*Ensure responsive, inclusive, participatory and representative decision-making at all levels*” are restatements of the governance sub-goal.

Alternatively, the Goal could be broken out into three (though unlikely, considering that the present number of goals – 17 – is deemed too numerous). But there is precedent, as seen in the Poverty and Hunger MDG and Environment being expanded from one goal to six in the SDGs.

Notwithstanding the opposition from some quarters, would it be practical to have a “Peace Goal?” One of the most significant deficiencies of the Goal will be obtaining universal compliance in reporting on conflict. It is likely that many country reports will exclude one of the most significant contributors to reversal of a positive trend in sustainable development: civil war and interstate conflict. Note that the language of the relevant target and indicators is unequivocal. Target 16.1 aims to “*Significantly reduce all forms of violence and related death rates everywhere,*” while associated Indicator 16.1.1 includes *conflict-related deaths per 100,000 people* and Indicator 16.1.2 aims to measure “*the percentage of the adult population aged 18 and older, subjected to violence within the last 12 months.*” These do not sound as though they were written to exclude war.

But, unless the definitions of the Targets are crafted to specifically exclude interstate and civil conflict, it is unlikely that any state would report an increase in violent deaths due to a civil conflict, or if it did, would put a political spin on its reporting. In the case of a civil war such as the one taking place in Syria, would the government only report on losses among its military forces and the civilian population under its control, leaving out civilians and armed groups in opposition zones? Or would they claim *force majeure* and not report at all? How would an aggressor report its soldiers killed in the country it invaded? If military forces are not included in the measure, how are deaths among allied militias and self-defense groups to be treated? Consider the impact on the baselines, since many countries would have to actually record reverse progress on the issue. And of course, including statistics from armed conflict

would obscure any progress in the justice and governance interventions to reduce violence and death in the civilian context.

I will now look at the author's recommendations for transforming the Goal, Targets, and Indicators into a cohesive framework for assessing progress.

Considering that the SDGs are definitively completed and adopted, the author argues that we should accept the Goals and Targets as written and instead work backwards from the Provisional Indicators, which are subject and susceptible to revision and fine-tuning. The paper provides an extensive and detailed analysis of some of the issues and complexities for accomplishing this. The challenge will be to determine whether the indicator really measures the desired outcome. In democracy and governance programs, as elsewhere in development, we regularly record the "Number of People Trained" in a given skill – advocacy, investigative journalism, or elections monitoring, for instance – but all we really know is how many people were trained, not whether they were the right people to train, whether they used the acquired skills when they got back to their organization, much less if they were persuasive or effective in using those skills.

Assuming we can create SMART indicators, a major challenge exists with the baselines against which performance is measured. Finalizing the indicators expeditiously is critical for member states so that they can begin establishing the baselines for each indicator. The MDGs used 1990 as the baseline year, and for those original goals, most countries should have baselines of some reliable quality for the SDGs. The economist William Easterly, in his insightful book on donor-led development, *The Tyranny of Experts*, describes how Ethiopia appeared to make remarkable progress on reducing child mortality and meeting the MDG goal. However, the baseline was obtained from an estimate by the World Health Organization (WHO), which acknowledged patchy and incomplete data collection capacity in Ethiopia, such that both the baseline and reported results were subject to extremely wide margins of error. Later the UN's MDG monitoring site reported higher levels of child mortality in Ethiopia than the WHO. We need now to quickly finalize the indicators so that countries can begin developing procedures for collecting and establishing baselines that are based on more reliable data collection methods. This is an area where developing countries' statistical offices will also need technical support.

The paper further recommends reducing the number of indicators to "a vital few." This is critical from a country buy-in and general cost effectiveness standpoint. Some of the problems with the indicators could be addressed by rigorous definition of the terms used in the indicators and targets, a challenge outlined in the paper. For example, we would have a precise definition of the meaning of "conflict-related" deaths in Indicator 16.1.1, which would clarify whether the term is an expansion of "homicide" or includes civil conflict and extraterritorial aggression.

The main challenge is that to be able to determine whether we are making progress, we will likely need *more* indicators rather than fewer. Take for example 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,*" for which there is only one indicator, "Total volume of inward and outward illicit financial flows." Notwithstanding this indicator received a CBB rating (the lowest given by the Inter Agency Expert Group on SDG Indicators),

how will an even more robust version of this indicator tell us if we are making any progress on the illegal arms trade, recovery of stolen assets or making an impact on organized crime?

Similarly, Target 16.10, which lumps together access to information and protection of human rights, has a single indicator for each theme, but which one would you drop? 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.*” It received a CBB rating as well, so it would seem to be a suitable candidate for deletion. But how would you measure human rights protection otherwise? And, shouldn’t there be a separate indicator for extra judicial killings and disappearances and another for detention and torture?

Alternatively, Target 16.9, “*By 2030, provide legal identity for all, including birth registration,*” only has 1 indicator, “*Percentage of children under 5 whose births have been registered with civil authority*” (which received a AAA rating), but this is recognized in the Target as only one form of legal identity – a concept that is particularly nuanced and subject to the cultural dimension I discussed earlier.

Highlighting these challenges is not to suggest adding more indicators is necessarily a good thing. I managed an Advocacy and Policy Change program in Kenya that had over 62 indicators, a number of which were added by the donor during implementation. But at a threshold level, you need to have enough of the right indicators to know how you are doing. An unprecedented initiative of this magnitude and complexity is attempting to assess and monitor progress on every aspect of sustainable development globally. There is no question the nuts and bolts of doing it is going to be a major undertaking. The author’s suggestion that responsible sectoral agencies be involved in the process makes perfect sense.

As Ingo argues, country buy-in and ownership of the Goals, Targets and Indicators is critical to their success. Full and broad participation in the fine-tuning of the Indicators is important, as is building capacity of the respective national statistical agencies. The extent to which this data collection and monitoring can be delegated to the national implementing agencies, as the author describes in the case of the International Consortium for Court Excellence in the justice sector, will help build broad-based ownership and take some of the burden off the national statistical offices.

There are some challenges with this, however. In many instances, the data required for the indicators is not currently collected by the country, but by outside advocacy groups. Data on corruption, for example, is reported by Transparency International’s “Corruption Perceptions Index,”<sup>8</sup> illicit arms traffic by Small Arms Survey,<sup>9</sup> corruption, conflict, and resource extraction by Global Witness,<sup>10</sup> human trafficking by Human Rights Watch,<sup>11</sup> victims of torture and other abuses by Amnesty International,<sup>12</sup> and so on. Only this week massive and

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<sup>8</sup> “Corruption Perceptions Index 2015,” Transparency International, (2016) accessed at [www.transparency.org/cpi2015](http://www.transparency.org/cpi2015)

<sup>9</sup> “Reducing Illicit Arms Flows and the New Development Agenda,” Small Arms Survey, (2016), accessed at [www.smallarmssurvey.org/](http://www.smallarmssurvey.org/)

<sup>10</sup> “Conflict Diamonds,” Global Witness (2016), accessed at [www.globalwitness.org](http://www.globalwitness.org)

<sup>11</sup> “Human Trafficking: It’s not just about sexual exploitation,” Human Rights Watch (November 6, 2014) accessed at [www.hrw.org](http://www.hrw.org)

<sup>12</sup> “Human Rights Facts and Figures for 2014,” Amnesty International, accessed at [www.amnesty.org](http://www.amnesty.org)

specific data on illicit funds transfers has become available through the disclosure of the Panama Papers. These external groups are involved because many nations have engaged in such illegal behavior with impunity and have no desire or motivation to make this kind of information public. This same constraint will also come into play in reporting conflict-related deaths, as described above. It is a stretch to expect that a country's vote to adopt the entire package of SDGs really involved, from their perspective, any commitment to actually collect data on all 304 Indicators. The vote to adopt the SDGs is, after all, non-binding on member states.

I hate to end this on a negative note, because the Sustainable Development Goals really are a significant accomplishment. After fifty years of international development effort, we now have a common agenda, vocabulary, and framework for measuring progress. We now need to put in the heavy lifting of making it work.

Mr. Jeremie Amoroso: I would discuss the article both generally in terms of the Sustainable Development Goals, and specifically the justice goal. With some discussion about examples of practices in education that could be applicable to justice. Ingo, you mentioned Moses having 10 commandments and if he had come down from Sinai with 169 it would have been a completely different story, at least how it was written. I am not sure if you are familiar with a comedy sketch, I forget who did it, Moses actually came down with 15 commandments and dropped one of the tablets which had 5 commandments on it, so he started saying "I have brought you these 15 commandments" and then when he dropped it he just said, "well it's these 10 commandments now." And that's how the story was written.

You discussed the operationalization aspect and I was hesitant to use some of the acronyms that have become so prevalent in development, but since you have plugged in some, I will do that later on. As a whole I agree with the article. I think you also [showed] the Sustainable Development Goals as being positive and ambitious, but it's when you get into the details that you think about it as falling short in many different aspects. Not being SMART, referring specifically to the M in SMART as being Measurable, and also with the imprecise definitions.

I must compliment the author on the clear explanation of a very complex topic of justice, even if it was not done as clearly in the Sustainable Development Goals - which would take us far for the next 15 years - particularly from the explanation of how the indicators were set, it seems that the feasibility, the suitability, and the relevance and more broadly in evaluating the indicators and how they came about. To play devil's advocate, both Ingo and Steven mentioned that it is not SMART but do these Sustainable Development Goals necessarily need to be SMART? We are looking at an historic approach in combating problems that have existed for decades and when we talk about the Sustainable Development Goals, you immediately talk about the success, whether you consider the MDGs successful or not, or a moderate success, the comparison is immediately drawn. And I would argue that it's actually an apples and oranges comparison. Because it's like the MDGs [were] a small scale pilot, there were some lessons learned. And then you have the Sustainable Development Goals, which are going to apply to all countries and then the anticipated approach is that those problems that plague countries more than some other problems, in terms of education, health,

justice reform, and peace in general, it is a different approach needed. The MDGs –a lot of lessons can be drawn from them –but it may not apply to all countries. And because it is this historic approach or formulation, however you want to look at it, it is not necessarily a just comparison, especially when you compare it in terms of strictly the numbers, you have eight goals under the MDGs and 21 targets. Then you look at 17 and 169. Well what is the benchmark? We don't really know, whether there is a happy middle or a medium.

As I was reading the article, I thought there would actually be more indicators and you had mentioned this as well. I would be interested in discussing the role of new development agencies in helping countries achieve the goals of the SDGs and by extension the justice goal because it is so intertwined with the other SDGs. The two new development agencies that are being established are the AIIB, the Asian Infrastructure Investment Bank, and the New Development Bank, which was referred to as the BRICS Bank. One is, of course, further along in the process of being established. But those two agencies are expected to be large agencies of, I believe, the capital of about one hundred billion dollars each. Those are focused more towards infrastructure and innovation, but then when you look at the context, especially for the New Development Bank, it is Brazil, Russia, India, China. When you speak about the Millennium Development Goals, a lot of the progress that was made in terms of poverty reduction and poverty elimination, is merely just one country: China. And having India involved as a founding member of one of the new agencies, places them in the driving seat to have better relations with many existing agencies. Being able to draw human capital from the existing agencies to work with the new organizations and have a front seat in helping countries which have a lot of resources but they have not been added quickly and appropriately used in the past 20 years or so.

More broadly, in terms of the role of development agencies, if we try to match, just let us say we are playing a game where you are matching agencies by their comparative advantage. The World Bank has really become one of the leaders in terms of poverty alleviation and by 2030 the twin goals are to boost shared prosperity and end extreme poverty. You have other agencies like UNESCO which have a specialty in education. The OECD has a specialty in different assessments and different human development aspects. There is no clear leader in justice and peace. It may be because it is so intertwined with everything else and you touch on it a bit and you have leaders in human rights [such as] Amnesty International but they are not involved in large scale operations and activities to really be on the ground, it is a lot of technical support and advisory services, state of the world reports, and publications compared to what UNESCO and the World Bank are able to provide.

Of the 3 courses of action that [Professor Keilitz] proposed, I agree completely with the first, which relates to the operational aspect or the operationalization of Goal 16 and perhaps the SDGs as a whole. On the second course of action, I am a bit skeptical in that it sounds like a lot, 169 or 231 depending on where you are quoting from. But it may be still too early to tell if it is too much or if it is not enough. And why is this? This is a bit of a round-about explanation, but when you think of qualities such as empathy, perseverance, motivation, and conflict-management, how would you describe those qualities?

Prof. Keilitz: More individual, personal.

Mr. Amoroso: They are traits, right? There has been an emerging school of thought in education and labor economics and research that those are actually skills that could be developed. There are many interventions being introduced globally, both on the large scale and in hybrids, and a lot of impact evaluations are being done in education. Connecting what we initially thought of as traits and it is just something that you develop as an individual and really not necessarily institutionalizing it but formalizing it into helping individuals develop and helping to provide those skills. And the reason why I mention this, is that you touch on it as well in the article, you talked about the people's index and a new database approach that would be released later this year. I am optimistic in thinking that some of the ways of measuring things that are currently not measured could still be developed in the next few years. The technical capacity is there, the resources are certainly there, even though countries may not necessarily be pledging what they actually say they will be pledging. But I am optimistic that new approaches will emerge to at least be able to measure, we know the time-bound aspect is there, 2030 as a hard deadline, but when you get into the nitty gritty of the SMART framework, it is the measurement that is a concern particularly for the justice goal.

On the third course of action, the ownership of indicators, I am a bit skeptical of this in terms of where justice reform falls on the policy agenda at a particular point in time. During election periods, it could be withholding data highlighting a lack of performance in key areas, and/or releasing such data after elections if the government changes, creating a lot of problems and challenges for ministries of education, ministries of labor, and ministries of social justice and social reform. Taking ownership is important, but ownership without accountability and transparency would likely prove to be counterproductive to the intent of this course of action.

Ms. Wang: Now we will open the floor for questions.

Question: Wondering about people who are concerned about the scope or the complexity of these SDGs, I am wondering if anybody had thought of it being broken down and focusing more on some indicators first that have more available ways to measure, to get general consensus, and break them down and then maybe use lessons learned and apply them to others and sort of go piece by piece?

Prof. Keilitz: I think it is inevitable. You know you have got to make choices. Eventually you have to figure out what job you are going to take on. You are not going to take 169 jobs. The decisions have to be made and choices have to be made. And the same is true if this thing is going to move forward. There has to be a concentration. I have been involved in this measurement process for years and there was a time when the *Global Measures of Core Performance*, the predecessor initiative, had 68 measures and I was proud of that. I said these are just like 68 PhD dissertations. Little did I know at the time, that this does not play well with ordinary citizens who do not care about PhD dissertations. The 68 measures eventually got pared down to 10 because 68 are not consumable.

Prof. Sharp: I think the risk with that is you go back to the original eight which are easy and everybody agrees on, and you will have different countries prioritizing this or that. But in terms of having a global picture, I don't think you will see that.

Question: With so many objectives there and national governments very unwilling or unable to take on 169 different objectives, do you see the role of NGO's, smaller organizations that are more specific to maybe one indicator or one set of indicators, as a pressure valve for dealing with just so much?

Prof. Keilitz: It is not only a pressure valve; it is a necessity. Governments cannot do it alone. There is a book written by a bunch of Deloitte people called the *Solutions Economy*, the whole point is that in some instances, governments just need to get out of the way. The amount of development aid coming from philanthropic organizations dwarfs that coming from other places. Specific organizations, private entrepreneurs, they are working for "alternative currencies" to money. Some of you are interns not being paid what you are worth, you are doing it for what? For status, for leverage to do something else. A lot of people want to work and make changes that are this Solutions Economy.

Mr. Amoroso: It does not necessarily have to be this massive undertaking. It could work on a very small scale. In some countries, teacher absenteeism is a huge problem. One simple intervention has been having students text a certain number to say if their teacher showed up or not on a particular day so that we are actually getting the feedback directly from individuals who are involved in the process. It's generally very reliable. But it is small scale, easy to implement, low cost, [and] using existing technology. Some of those interventions could be applied in justice. I also wanted to mention, you talked about access and that's where it stops. In education, that has generally been the first approach, especially where access has been very limited. Access first, then focus on student outcomes. If you are focusing on the outcomes and looking forward, you are going to courtrooms and you can do surveys over the phone "Do you feel as though you have been treated fairly?" "Yes? No? Why? Why yes? Why no?" and get feedback from individuals on a very small scale.

Prof. Keilitz: Little things like in Liberia having a court watcher. Some people who wanted a peaceful Liberia said "you know one of the ways I can get a peaceful society in Liberia and Monrovia is to help the justice system get better." They come in and they give the court a score and then they share it with the court. You know what this has caused? Increased attendance by the judges. When judges do not show up they get their name in the paper. It has increased the attendance of the judges. These little things can make a big difference.

Prof. Sharp: One advantage, and it kind of touches on your question, to having the SDGs, is even if a country decides to focus on say justice or child mortality you have the same indicators being reported for what that country is doing. You have the potential of aggregating your data even if it is incomplete so that everyone is more or less saying the same thing about what they are doing in a different country and donors that are assisting the country can also use the same

framework for programming what they do. There are advantages in that respect even if the goals are not SMART.

Question: Each of you mentioned the importance of local ownership. Does local ownership improve incentives for governments to follow through with these goals? Is one of the negatives of having the SDGs be so complex is that their own populations then cannot hold them accountable?

Prof. Keilitz: I would say that local ownership has to be an incentive and is an incentive. Why would you want to engage in this stuff? Here you are in Liberia or Cambodia and all of a sudden the UN or the World Bank comes and says "You are going to have to use these measures, and by the way, Jeremie is going to be the consultant that is going to judge you on that and he is going to be here three weeks in July and then he's going to be gone and write a report." To whom? First his stakeholders, and their interests. Are the World Bank's values the same as Liberia's? Are they the same as Cambodia's? The incentive has to be improvement at the local level. Giving authority to the local group through accountability. Saying "You are the single version of the truth. You own it, it is yours and you can make it to support your ideals from the bottom up." That is the incentive.

Mr. Amoroso: I think that is also where you can have international organizations that really understand the local context. And it is helpful when you have partnerships with multiple organizations and it is not just the World Bank or the OECD, it is a plurality of multiple organizations like the Open Society Foundation that has a track record of going into areas or countries where transparency and accountability is lacking and having partnerships with multiple organizations tends to create more buy-in at the local level.

Question: And then thinking a little bit more about local ownership, what is the proper course of action when having more local ownership is counter to what the overall world community wants? An example would be negotiations during the Paris Climate Change conference concerning how developing nations utilize their natural resources or how island nations negotiated specific temperature targets.

Prof. Keilitz: I would say that local ownership helped in that instance in terms of the emissions standards. The example is these poor nations that have really no power, the small island nations that are going to be inundated unless they get actually lower than the 2 percent increase in emissions. and you know the whole world was against that. But you know what they had? They had that local incentive and they made a good argument to everybody. They said "Look folks, we're going to be under water. We are not going to have a country. A sovereign country for the first time is going to be gone." They had a simple, straight-forward argument, they had local ownership, they owned that measure. They said even if we only stay at two percent, we are going to be underwater. And then Costa Rica and other nations joined with them, supported by smart-thinking people, and all of a sudden they had a coalition of 100 countries. They made a difference. They did not go all the way, but there was even a hint of a threat: "We are going to

get money from you. If we are underwater and we need to go someplace, you are going to help us buy another country." I think local ownership was power. Performance measurements are more than simply diagnostic exercises. They are instruments of power. And I think that was exercised there. But I think it came from the power of their local thinking.

Mr. Amoroso: It also depends on the field. The silver lining that I see is that some countries are able to skip certain stages of infrastructure development and investment. In some countries in Africa, phone lines are just being bypassed to go directly to cellular networks. 3G, a few years ago, that was the big ticket item, and now it is fairly slow. But in terms of the value chain, they are able to create higher paying jobs at an earlier stage of the process by avoiding the investment in things like coal and other energy sources that are not environmentally friendly.

Question: I can see why local ownership makes sense, but would you worry about data reliability? Just take an anecdotal example: for China, we are suffering from environmental pollution and both the Chinese government environmental protection agencies and the local U.S. Embassy report the standard of measuring respiratory particles, but the levels that the Chinese government report are far lower than the levels that you can see on the U.S. Embassy's website. Would you worry if you give too much power to local government or local agencies, would you worry about the data?

Prof. Sharp: That is the whole point of the ownership issue. If it becomes an exercise to satisfy United Nations SDG Secretary or whoever is managing the process, it won't go anywhere. And you will have a problem from the people at the community level if you are registering babies or whatever the issue is, all the way up, and you will have no certainty that the data that you are getting and that is being reported is of any value. But if the country wants to make a change in a particular sector or area, then that data management information is going to become very critical and they will make certain that they have something that they can use.

Prof. Keilitz: The purpose of measurement is not to get to certainty. We will never get to certainty. It is to reduce uncertainty. When China put in place their air quality monitoring systems before the last Olympics on the hills, instead of right next to the Bird Nest stadium, that is a little bit of local fiddling, but they at least are taking that measurement and it did provide information that reduced uncertainty about the level of pollution in Beijing.

Mr. Amoroso: Depending on where the feedback is coming from, it is critical to get a cross-section. You do not want to use whatever data is coming from the government, whatever government it is, and take it at face value. You have to get it from the local authority, the users, people who are there at different parts of the process. Then you would get a clearer idea that there are some unreliability issues.

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*“The Trouble with Justice in The United Nations Sustainable Development Goals 2016 -2030” has further illuminated the points made in the article and help point the way forward for international development.*