# SDG 17: PARTNERSHIPS FOR THE GOALS


# A LEGAL GUIDE

This Legal Guide to the Sustainable Development Goals (SDGs) was first published by Advocates for International Development (A4ID).

## Disclaimer

The information contained within this Guide is correct as at the date of publication.

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## About A4ID

Advocates for International Development (A4ID) was founded in 2006 to see the law and lawyers play their full part in the global eradication of poverty. Today, A4ID is the leading international charity that channels legal expertise globally toward the achievement of the UN Sustainable Development Goals. Through A4ID, the world's top lawyers are able to offer high-quality, free legal support to NGOs, social enterprises, community-based organisations, and developing country governments that are working to advance human dignity, equality, and justice. A4ID also operates as a knowledge and resource hub, exploring how the law can be better used to help achieve the SDGs through a range of courses, publications, and events.

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# Foreword

## The SDG Legal Initiative

There are now fewer than ten years left to meet the lofty ambitions of the UN Sustainable Development Goals (SDGs), with their target date of 2030. Aware of the challenge, Advocates for International Development (A4ID) has been continuing its innovative work towards meeting these targets, by harnessing the power of the law and the work of lawyers. A4ID's SDG Legal Initiative has been developed because it is now more important than ever that lawyers worldwide come together to use their skills to advance positive global change.

For this reason, A4ID's SDG Legal Initiative aims to reach every lawyer in the world and provide them with the knowledge and opportunities to take practical action to end poverty, protect the planet, and ensure that all people enjoy peace and prosperity. The SDG Legal Initiative also aims to build thought leadership, to create communities of practice, and to amplify the role of the legal sector in achieving the SDGs.

## Legal Guide to the SDGs

As part of its SDG Legal Initiative, A4ID has developed the world's first Legal Guide to the SDGs. The Legal Guide has been developed as a unique resource, providing a foundational analysis of the role that law can and should play in the achievement of the SDGs. Developed in collaboration with lawyers, academics, and development practitioners, the Guide is made up of 17 distinct chapters, each focussed on one of the 17 goals. Each chapter provides an overview of the relevant regional, national, and international legal frameworks, highlighting how the law can be applied to promote the implementation of the SDGs. The Guide also offers key insights into the legal challenges and opportunities that lawyers may encounter, presenting clear examples of the actions that lawyers can take to help achieve each goal.

## Role of law in promoting Partnerships for the Goals

The SDG Agenda is a global agenda. It does not belong to a single State, party or person, but is a universally agreed set of priorities, goals and indicators that will require coordinated efforts to succeed. To do so, SDG 17 acts as a bedrock upon which this principle rests; that no global objective can be achieved without the combined action of international and regional organisations, national governments, civil society, NGOs and the private sector.

To make this shared vision a reality, SDG 17 calls upon all stakeholders, including the legal profession, to draw on their expertise and position to make progress towards the other SDGs.

Marking a dramatic improvement from its predecessor, the Millennium Development Goals, SDG 17 promotes a model for North-South, South-South and triangular cooperation which mandates that 'global partnerships' should be established on mutually agreed terms as a relationship of equals. It further ensures collaborative efforts are not simply dependent on shared financial resources, but on policy coherence, knowledge sharing and capacity building. At its very core, SDG 17 thus helps to ensure a foundation on which strengthened outcomes emerge from the collective ownership of the 17 goals and 169 targets: a shared vision for a shared future.

**Yasmin Batliwala MBE**

**Chief Executive**

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# The Sustainable Development Goals

The UN Sustainable Development Goals (SDGs) are a universal call to action to end poverty, protect the planet, and ensure that all people can enjoy peace and prosperity.

Also known as the Agenda 2030, the SDGs were agreed in 2015 by the UN General Assembly (Resolution 70/1). They were adopted by all UN Member States, and 2030 was set as the deadline for achieving them.

Compared to the Millennium Development Goals (MDGs), which they succeed, the SDGs cover more ground, with wider ambitions to address inequalities, climate change, economic growth, decent jobs, cities, industrialisation, oceans, ecosystems, energy, sustainable consumption and production, peace, and justice. The SDGs are also universal, applying to all countries, whereas the MDGs had only been intended for action in developing countries.

The 17 interdependent goals are broken down into 169 targets. At the global level, progress is monitored and reviewed using a set of 232 indicators. The Addis Ababa Action Agenda provides concrete policies and actions to further support the implementation of the 2030 Agenda. Each year, the UN Secretary General also publishes a report documenting progress towards the targets. In addition, the annual meetings of the High-level Political Forum on Sustainable Development (HLPF) continues to play a central role in reviewing global progress towards the SDGs.

At the national level, even though the SDGs are not legally binding, governments are expected to implement country-led sustainable development strategies, including resource mobilisation and financing strategies, and to develop their own national indicators to assist in monitoring progress made on the goals and targets.

SDG 17 stresses the importance of multi-stakeholder partnerships to achieve the goals. The mobilisation of governments, local authorities, civil society, and the private sector is needed to achieve this aim. Today, progress is being made in many places, but, overall, action to meet the SDGs is not yet advancing at the speed or scale required. This decade must therefore deliver rapid and ambitious action to meet the SDGs by 2030.

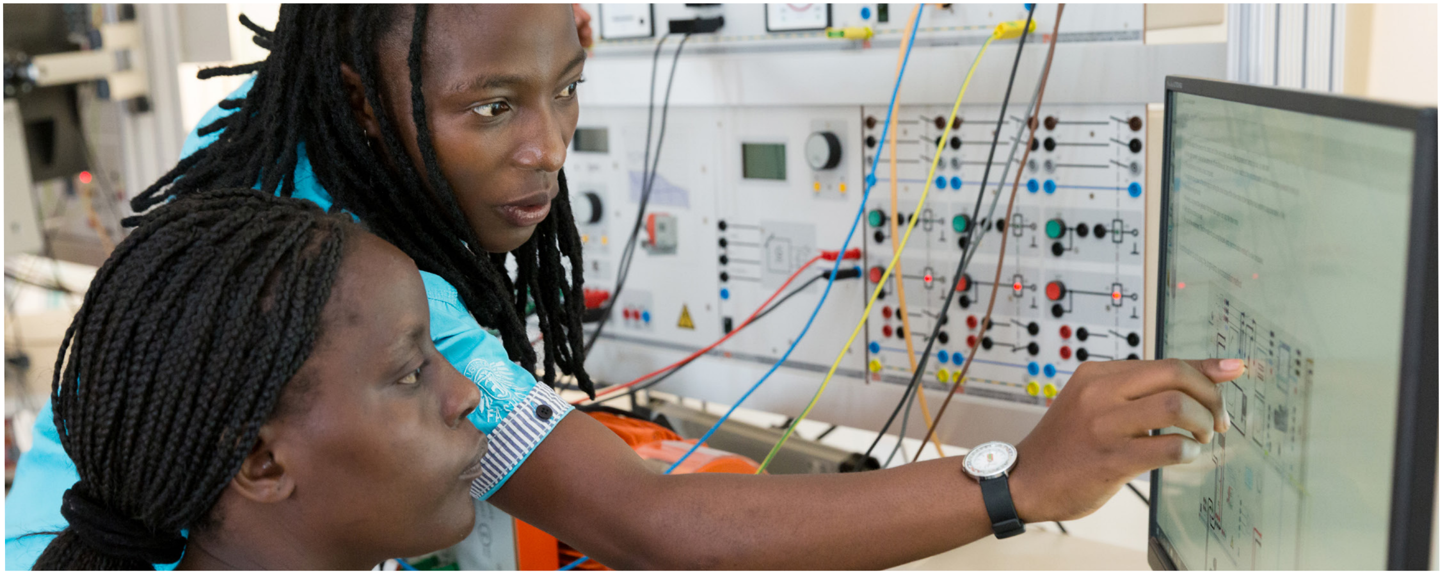
# Key terms

## Strengthen the means of implementation and revitalise the global partnerships for sustainable development.

In the context of Goal 17 and developing global partnerships, the following terms mean:

**'Global Partnerships'**: Refers to any partnerships led by Governments, including multi-stakeholder partnerships in which *"resources, knowledge and ingenuity of the private sector, civil society, the scientific community, academia, philanthropy and foundations, parliaments, local authorities, volunteers and other stakeholders"* are used *"to mobilize and share knowledge, expertise, technology and financial resources, complement the efforts of Governments, and support the achievement of the sustainable development goals"*.[1]

'**Means of implementation**': Refers to the development and dissemination of technology, financial resources and capacity-building, as well as inclusive and equitable globalisation and trade, and regional integration, to create a more enabling environment for the implementation of sustainable development outcomes.[2] There are therefore many different approaches to partnership that may be considered.



# Overview of the targets

The SDGs acknowledge that every part of the global community has a role to play in promoting and protecting sustainable development – both on an individual basis, and more powerfully, by acting together in partnership.

The public sector and civil society have traditionally been the major driving forces in international development. However, it is apparent that to meet the ambitious targets of the SDGs, the active participation of the private sector is also required. As the UN has stated: "*a successful development agenda requires inclusive partnerships – at the global, regional, national and local levels - built upon principles and values, and upon a shared vision and shared goals placing people and the planet at the centre*." [3]

A particular aim of SDG 17 is therefore to unlock the transformative power of private resources to deliver on sustainable development objectives and secure long-term investments, including foreign direct investment (FDI), that are needed in a variety of areas including sustainable energy, infrastructure, transport, and information and communications technologies.

The role of States also remains important, and special attention is given to the role of official development assistance (ODA) commitments by developed countries, particularly in assisting least developed countries (LDCs).

**In promoting partnerships for sustainable development, SDG 17 (much like SDG 16) acts as a "foundational" goal within the SDG Agenda: providing a platform for action to make it easier to achieve the other "standalone" aims expressed by Goals 1-15.**

Importantly, in setting out its targets, SDG 17 moves beyond traditional North-South support, as promoted in the previous Millennium Development Goals, and instead encourages 'North-South, South-South and triangular regional and international cooperation,' whilst also recognising the role of public-private and civil society partnerships. By its very nature, SDG 17 therefore encourages all stakeholders wanting to contribute to a sustainable future to take action.

TARGET 17·1

**Strengthen domestic resource mobilisation, including through international support to developing countries, to improve domestic capacity for tax and other revenue collection**

Taxation is a powerful tool to help finance the aims of the SDGs as a primary revenue stream for financing basic public services. In addition, fair and effective domestic and international tax policies can play an important role in reducing inequalities and promoting sustainable development. For example, targeted tax policies may help to protect the environment (for example by incentivising the production and use of renewable energy) or promote healthy living (by taxing alcohol and exempting healthy foods).[4]

Broadly, the international community recognises that domestic resource mobilisation is key to achieving the SDGs. Of particular note, the Addis Ababa Action Agenda, which sets out the global framework for financing the SDGs, has identified tax as a cornerstone priority and sets out detailed commitments to mobilise domestic public resources.[5]

However, substantial gaps in raising tax revenues persist between developed and developing countries, and in many developing nations, public revenues are largely insufficient to meet sustainable outcomes. Therefore, reforms to tax systems are needed to generate revenues to complement external sources of finances such as ODA.

In this context, a particular point of focus is the impact of financial flows which can drain a countries' resources, such as aggressive tax planning strategies by multinational companies that exploit international tax rules (often legally) to artificially shift profits to lower tax locations. In support of sustainable development, further international action is still required to combat this.

TARGET 17·2

**Developed countries to implement fully their official development assistance commitments, including the commitment by many developed countries to achieve the target of 0.7% of ODA/GNI to developing countries and 0.15 to 0.20% of ODA/GNI to least developed countries; ODA providers are encouraged to consider setting a target to provide at least 0.20% of ODA/GNI to least developed countries**

The target of 0.7% of the gross national income (GNI) devoted to official development assistance (ODA) was first introduced in a UN General Assembly Resolution in 1970.[6] For more than 40 years, this engagement has been repeatedly re-endorsed by the international community. Yet, by 2017, only 5 States had reached this threshold (Denmark, Luxembourg, Norway, Sweden, and the United Kingdom) and, overall, ODA represented 0.31% of donors' GNI.[7]

Despite the effects of COVID-19 on available financing, 2021 saw net ODA flows amounting to a new peak at 0.33% of donors' combined GNI.[8] However, at the rate of a mere rise of 0.02% over 4 years, the target goal of 0.7% will be unattainable by 2030. It has therefore been suggested that new additional sources of funding need to be found to increase overall ODA. Some suggestions put forth in advance of the SDG Summit in September 2023 (marking the halfway point of the 2030 Agenda) include the imposition of new levies on high-income and upper-middle-income countries for $CO_2$ emissions as well as the possibility of a globally coordinated wealth tax on 'ultra-high-net' worth individuals.[9]

### Mobilise additional financial resources for developing countries from multiple sources

Two indicators are used to measure progress against target 17.3 for mobilising financial resources:

i. Foreign direct investment, official development assistance and South-South cooperation as a proportion of gross national income (closely linked therefore with target 17.2); and

ii. Volume of remittances (in United States dollars) as a proportion of total GDP.

FDIs are a vital income stream for many developing countries with FDI continuing to act as the largest external source of finance for LDCs after remittances.

In recent years, global FDI flows have painted a fairly positive picture, with 2021 figures showing an increase of 64% from 2020, surpassing pre-pandemic levels.[10] However, flows to least developed economies saw a slower growth of 13% as compared with the 30% growth witnessed in developing economies and the 100% growth witnessed in developed economies.

Whilst FDI flows to LDCs has somewhat improved in recent years, with an increase of 3% from $20 billion (2011) to $28 billion (2021), several LDCs are still witnessing a decline in inflows and, comparatively speaking, FDI continues to be stronger amongst other developing economies.[11] There are also significant variations from country to country, which paint a complex picture. Whilst on one hand, sectoral diversification of FDI in several LDCs is positive, on the other, it remains the case that only investment in the energy sector has witnessed notable growth in the last decade, while other sectors including private sector development, structural change and transportation have shrunk.[12]

Promisingly, despite global remittances having been expected to sharply decline by almost 20% in 2020 because of the COVID-19 pandemic and related economic crisis, remittance flows to low- and middle-income countries actually grew by 8.6%, reaching $605 billion in 2021.[13] This should, however, be contextualised against a backdrop of rising economic uncertainty for many migrants who faced loss of employment, wage cuts and decreased job security as a result of economic downturn and various lockdowns.[14] Many of these impacts were intensified by the over-representation of migrants in industries highly affected by the pandemic, including service industries, the informal economy and those sectors demanding in-person work throughout various lockdowns.[15]

As noted above, the proportion of ODA provided as a percentage of donors' combined GNI has remained relatively stagnant at just over 0.3%; even though the total ODA figure rose to an all-time high of $179 billion in 2021 (on account of COVID-19 assistance).[16] It is noted that economic growth in developing countries has resulted in a decline of relative weight of aid flows to the receiving countries' development finance since 2003. For example, in 2017, the ratio of ODA relative to GNI in developing countries went from 13% to 7%.[17]

Of the ODA disbursements provided to developing countries, more than 25% have been received in the form of loans, often for investment in productive sectors. This has contributed to a significant increase of external debt for developing countries, which more than doubled between 2007 and 2017.[18]

TARGET 17·4

### Assist developing countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and address the external debt of highly indebted poor countries to reduce debt distress

In 2018, 40% of low-income countries were facing high risk of debt distress with a debt increase of 21% since 2013.[19] Over the last couple of years, the cumulative impacts of COVID-19 alongside food and fuel shortages and the war in Ukraine, have intensified the need for increased borrowing. In its latest report concerning financing for sustainable development, the UN pointed out the 'great finance divide' in which greater borrowing power amongst developed countries provided access to ultra-low interest rates, whereas the poorest countries have been limited by fiscal constraints.[20] In looking to post-COVID-19 recovery, many LDCs have had to reprioritise internal budgets with cutbacks in critical sectors including health and education, exacerbating structural inequalities and compromising sustainable development outcomes.

As rising inflation continues, tightened conditions for global financing have placed more countries at risk of debt distress, with 60% of LDCs and other low-income countries now contending with these issues. Debt risk mitigation must therefore be addressed by debtors, including through strengthened institutions and transparency to improve borrowing power for public and private actors. At the same time, calls have been made for improvements to the Common Framework for Debt Treatment beyond the Debt Service Suspension Initiative including expanding eligibility to highly indebted middle-income countries, as well as addressing sovereign debt challenges and allowing for debt swaps.[21] Other recommendations include aligning financial flows with sustainable development and creating a more complete information ecosystem to allow for better risk management and resource distribution.

TARGET 17·5

### Adopt and implement investment promotion regimes for least developed countries

As of March 2023, The UNCTA recognises 46 countries as the world's least developed countries, including Afghanistan, Angola and Bangladesh.[22] The adaptation and implementation of investment promotion regimes for these countries require strong national and international partnerships. The characteristics of investment promotion regimes include favourable interest rates and promotion of revenue generating sectors including energy, telecommunication and financial services for foreign investors.[23]

Due to a wide array of methods for promoting foreign investment abroad (including more informal and ad hoc methods) coupled with limited public data for assessing implementation, there is some difficulty in measuring progress against this target.[24] Nevertheless, policy trends amongst LDCs in the period between 2011-2021 demonstrate a favourable trend towards investment. Of these, investment promotion and facilitation regimes represented approximately one third of new developments, with investments in extractive industries continuing to make up a large proportion.[25]

Wider examples of initiatives working towards target 17.5 include the Enhanced Integrated Framework and World

Association of Investment Promotion Agencies who have started a project aimed at enhancing investment promotion capacities in LDCs. The main priority here has been to improve coordination of local investment agencies through advocacy work and regional and global networking coordination.[26]


### Enhance North-South, South-South and triangular regional and international cooperation on and access to science, technology and innovation and enhance knowledge sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level, and through a global technology facilitation mechanism

International knowledge-sharing is highly dependent on internet connectivity and rapid development of broadband networks. This is reflected by the performance indicator for target 17.6 that measures 'Fixed internet broadband subscriptions per 100 inhabitants, by speed.' Despite enhanced connectivity, particularly during the pandemic, concerns have been voiced that access to the internet has grown unevenly, with the world's poorest communities struggling with digital exclusion.[27] As a result, the experiences of many vulnerable communities during COVID-19 have not been properly understood, documented or captured within SDG reporting. Fixed broadband coverage remains limited within LDCs at 1.4 subscriptions per 100 inhabitants only.[28] This is in part due to limited financing for broadband infrastructure, alongside prohibitive costs for the consumer where the infrastructure is in place.[29] In 2019, average prices for broadband were found to be over 39% of monthly GDP per capita for the lowest income countries in Sub-Saharan Africa.[30]


**Promote the development, transfer, dissemination and diffusion of environmentally sound technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed**

The indicator for target 17.7 is 'The total amount of funding for developing countries to promote the development, transfer, dissemination and diffusion of environmentally sounds technologies' (those technologies being ones *"that reduce environmental risk and minimise pollution as well as energy and resource use and are essential in the fight against climate change")*.[31] The importance of these technologies, including solar PV cells, water filters, hemp and flax fibres, waste incinerators and gas filters, have been mapped against almost all other SDG targets highlighting their importance towards a sustainable future.

At the Doha ministerial Conference in 2001, WTO members agreed on pursuing negotiations on the reduction and elimination of tariffs on environmental goods and services. Outside the WTO in 2012, the Asia-Pacific Economic Cooperation (APEC) compiled a list of 54 environmental goods against which tariffs were either reduced or eliminated.[32] Since then there have been attempts (such as the Environmental Goods Agreement and the Trade in Services Agreement) at forming binding multilateral agreements that limit tariffs and liberalise markets including environmental services, but these have stalled during negotiation stages.[33]

Nonetheless, significant progress has been made to address trade barriers that can otherwise hinder the development and promotion of environmentally sound technologies in low-income countries. Indeed, since the beginning of the 2000s until 2014, average tariffs for environmental goods in low-income countries declined by almost 67%.[34]


**Fully operationalize the technology bank and science, technology and innovation capacity-building mechanism for least developed countries by 2017 and enhance the use of enabling technology, in particular information and communications technology**

ICTs and internet access have been recognised as foundational blocks for developing the digital economy, reducing the global digital divide and driving progress towards the SDGs.[35] By fostering development and innovation, alongside providing rural communities with new communication and learning channels, the impacts of target 17.8 are noted against all other SDGs including SDG 5 and 9.[36] For example, recent trends show a positive relationship between FDI inflows and enhanced ICT development and innovation in LDCs. This is by and large owing to the capability of these technologies to facilitate knowledge sharing, ideas exchange and the advancement of education, science and innovation through capacity building.

Key to this is the internet as a primary tool for connectivity and a platform for decentralised information; with internet access being the indicator for measuring progress against target 17.8.[37] Given the rapid expansion of smartphones, mobile-broadband networks are a primary way in which internet access has proliferated. However despite an estimated 95% of the world's population enjoying mobile-broadband, significant gaps of access are still present amongst LDCs and landlocked developing countries.[38] Indeed, the proportion of internet users in LDCs was measured at just 27% in 2021 as compared with Europe and North America (89.6%) or Australia and New Zealand (90.5%).

Nonetheless, general trends continue to move in the right direction with the highest increase in the number of internet users worldwide having been recorded in 2020 with an increase of 10.2% from the following year.[39]

**"The massive spike in the use and importance of Internet connectivity, triggered by the COVID-19 crisis, stands in sharp contrast to the slowing growth in Internet users globally, and the persistent, pernicious digital divide." - ITU Report, 2021.**

TARGET 17·9

**Enhance international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the sustainable development goals, including through North-South, South-South and triangular cooperation**

This target calls for multi-stakeholder partnerships to implement effective and targeted capacity-building in developing countries. Capacity building has been a key part of the global agenda to work towards sustainable development since the Johannesburg Plan of Implementation (JPOI) and the Samoa Pathway. This is in recognition of national capacities and institutions as a key means by which implementation for achieving the SDGs can remain sustainable and ensure long-term success. As driven by the Addis Ababa Action Agenda, the emphasis here is rightly placed on the need for capacity development to be country-driven, suited to the specific needs and conditions of the recipient country and aligned with the national strategies and policies of the latter.

The indicator for target 17.9 is the 'Dollar value of financial and technical assistance (including through North-South, South-South and triangular cooperation) committed to developing countries'; closely linked to target 17.3 (to 'Mobilise additional financial resources for developing countries from multiple sources'). To date, robust valuations of South-South cooperation have been lacking and estimates can vary greatly owing to an emphasis on non-financial modalities for reporting, along with differing definitions that restrict comparability. For example, an emphasis has been placed on knowledge-sharing platforms for mutual learning[40] and digital capacity building for SDG implementation;[41] both of which can be difficult to quantify in monetary terms. However, qualitative analysis into best practice examples has demonstrated the benefits of global solidarity in the form of South-South and triangular cooperation, especially in the face of widescale challenges such as those posed by COVID-19.[42]

TARGET 17·10

**Promote a universal, rules-based, open, non-discriminatory and equitable multilateral trading system under the World Trade Organization, including through the conclusion of negotiations under its Doha Development Agenda**

To date, a single multilateral trading system under the World Trade Organization (WTO) has not been agreed, and there are large variations across tariff schemes. Broadly, the trend continues that the lower the income of a country, the higher the overall tariff level.[43]

There has, however, been a progressive reduction of import tariffs through multilateral and other commitments.[44] Indeed, the world tariff rate (an applied, weighted mean) has continuously declined since the 1990s; peaking in 1994 at 8.6% and falling to 2.6% in the most recent figures (2017).[45] This progression helps to pave the way towards the creation of a rules-based, open, non-discriminatory and equitable multilateral trading system contemplated by this target.

It is noted that a number of more recent events have threatened to hamper further progression. Since 2018, with the emergence of economic conflict following the introduction of tariffs and other trade barriers between two of the world's leading exporters, China and the US, exports from both countries have drastically fallen and a hostile and closed trade environment was left in their wake. These tensions have but exacerbated as the rise of the COVID-19 pandemic widened inequalities in fiscal capacity between nations and hampered global trade with economic downturns as production and consumption was scaled back. More recently, with the outbreak of the war in Ukraine, the WTO have cautioned that higher prices for food and energy, coupled with the imposition of sanctions and export restrictions could have a greater impact on world trade than it has already on global GDP.[46] The net result of all these developments is that whilst the beginning of 2022 saw modest improvements in global trade growth,[47] rising interest rates, economic recessions, price volatility and geopolitical tensions present further obstacles to achieving target 17.10 and a multilateral and open global trading system.

Furthermore, there has yet to be a conclusion to the Doha Development Agenda. This forum for trade negotiations among WTO members aims to achieve international trade reforms by introducing lower trade barriers and revised rules to improve trade prospects for developing countries.[48] Since 2001, there have been 10 conferences pursuant to this agenda, and progress has been made on a broad range of issues. However, to date, agreement has not been reached on certain specific issues, and there has been some disagreement about the value of continuing the agenda.

**Remarkably, while it usually takes considerable time to develop and form a partnership, during COVID-19, partnerships were built up rapidly in just a few weeks or months." - Partnerships in Response to COVID-19: Building back better together (2021).**

**Significantly increase the exports of developing countries, in particular with a view to doubling the least developed countries' share of global exports by 2020**

Low-income countries' contribution to world exports has increased significantly, especially in East Asia where integration of LDCs into Global Value Chains (GVCs) integration of LDCs has increased both South-North and South-South trade. During the period of 2017-2018, trade increased by about US$ 1 trillion for East Asian countries (excluding China) primarily due to regional GVC integration and trade with China.[49] Even with the onset of the pandemic in East Asia, where exports were hit hardest in Q1 2020, the region has demonstrated strong trade resilience, recovering faster than any other developing regions; not only with regard to international exports, but intra-regional trade as well.[50]

On a broader scale, merchandise exports for developing countries recovered a lot faster than in developed countries, at +26% above pre-pandemic levels by Q3 2021 as compared with developed countries at +10%.[51] However, whilst developing country exports largely recovered, for LDCs a decline of 12% in commodity exports and 35% in export services in 2020 has not just hampered, but reversed the progress made over the last decade.[52] Faced with these realities, the international community failed to reach their goal of doubling developing country and LDC share of global exports by 2020.

**"Although some increases in exports and imports of least developed countries have been recorded over the past decade, their contribution to world trade remains small and unlikely to fulfil target 17.11 of the sustainable development goals." – UNCTAD**[53]

**Realize timely implementation of duty-free and quota-free market access on a lasting basis for all least developed countries, consistent with World Trade Organization decisions, including by ensuring that preferential rules of origin applicable to imports from least developed countries are transparent and simple, and contribute to facilitating market access**

On 19 October 2021, the LDC Trade Minister's Declaration was adopted to the effect of calling on all WTO members to fulfil the mandate of the 2013 Bali Ministerial Decision[54] and provide duty-free quota-free (DFQF) market access for at least 97% of products from LDCs.[55]

In support of these ambitions, most high-income countries grant DFQF market access to LDCs;[56] for example, the UK government passed the Taxation (Cross-Border Trade) Act in 2018 to introduce a trade preferences scheme granting DFQF access and reduced tariffs to 48 LDCs and other low-income countries.[57]

Nonetheless, whilst a host of schemes and arrangements are already in place to stimulate DFQF conditions, UNCTAD has recommended that the new 2022-2031 programme of action (to be decided at the 5th UN Conference on LDCs, March 2023) should focus more heavily on ways to better align these measures with the productive and institutional capacities of LDCs to increase their usefulness. In this way, it is hoped not only that LDCs will be able to better use DFQF market access opportunities but do so in a way that will stimulate economic growth and diversification.[58]

TARGET 17·13

## Enhance global macroeconomic stability, including through policy coordination and policy coherence

The SDG Agenda emphasises that the SDGs are indivisible and that the three components of sustainable development – economic, social and environmental development – must be pursued simultaneously. The specific targets on policy coherence encourage national governments to ensure coherence between their cross-sectoral policies on, for instance, climate change and gender equality; with cross-cutting issues reflected not only in national policymaking but within regional domestic policies too.

However, most sectoral policies are developed in silos, a problem often exacerbated in developing countries due to aid donors targeting their financial support on specific issues. Moreover, the vagueness of targets 17.13 to 17.14 and the absence of clear and measurable indicators, coupled with limited quantifiable data, raises concerns that these ambitions may not be realised.

TARGET 17·14

## Enhance policy coherence for sustainable development

Target 17.14 acts as a key means of implementation for the rest of the targets and SDGs. Policy coherence for sustainable development refers to the identification of trade-offs and risk mitigation between policies in general[59] with Policy Coherence for Sustainable Development (PCSD) recognised as a primary means of implementation. Indeed, by focusing on the interlinkages between the SDGs, the OECD refers to coherence as a "*policy tool to integrate economic, social, environmental and governance dimensions of sustainable development at all stages of domestic and international policy making.*" [60]

Policy coherence aims to produce mutually reinforcing policies that will collectively realise SDG targets in a more coordinated and effective fashion, whilst recognising that the mechanisms to ensure better policy coherence may vary between countries in light of existing practices. By way of example, the UN Environment Programme has created a global methodology to capture the various forms of coherence including: intra-ministerial coordination, cross-sectoral cooperation, policy linkages, participatory processes and alignment across governmental levels. This provides a means by which to measure progress against target 17.14 by measuring the: "number of countries with mechanisms in place to enhance policy coherence of sustainable development." [61]

TARGET 17·15

## Respect each country's policy space and leadership to establish and implement policies for poverty eradication and sustainable development

Target 17.15 reflects the fact that in achieving sustainable development on a global basis, partners must respect the fundamental principle of State sovereignty.

This target echoes the Paris Declaration on Aid Effectiveness which sets commitments to respect principles of:

i. Ownership: empowering developing countries to set their own development strategies, and
ii. Alignment: encouraging donor countries and organisations to align with national development strategies whilst also making use of local systems.[62]

Target 17.15 reflects the fact that in achieving sustainable development on a global basis, partners must respect the fundamental principle of State sovereignty.[63]

TARGET 17·16

## Enhance the global partnership for sustainable development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries, in particular developing countries

SDG 17 seeks to encourage effective public-private collaborations, building on existing partnerships, to promote and accelerate the development of sustainable economic growth, particularly in developing countries.

Effective partnerships can also serve as a tool to combat or reduce the severity of crisis scenarios. The COVID-19 pandemic has clearly underscored the importance of global partnerships and effective collaboration amongst different sectors and stakeholders, as the need to mobilise knowledge exchange, expertise and technology became critical to first respond to the outbreak and, later, to coordinate vaccine response measures.[64]

To address the need for global partnerships, the UN Department of Economic and Social Affairs, UN Office for Partnerships, UN Global Compact and the Partnering Initiative launched the 2030 Agenda Partnership Accelerator in 2019 to accelerate collaborative action in support of implementing the SDG Agenda.[65]

**Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships**

Target 17.17 recognises the fundamental role, not only of the public sector, but of the for-profit and non-for-profit private sectors in mobilising funds, knowledge, expertise and technology to achieve the sustainable development goals.

This target reflects the overarching business case for the SDGs; that a mutually dependent relationship exists between businesses and sustainable development. As such, in the same way that businesses are impacting sustainable development, sustainable development trends are also influencing good business.

Through new international, national and regional policies, laws and regulations, as well as changes in consumer consciousness, the role of business, value chains and consumer goods and services is becoming more and more prominent. Consequently, stakeholders are expecting more from the for-profit sector in terms of aligning itself with the principles of sustainable development, including seeking social and environmental outcomes rather than purely financial gain.

Moreover, these values and principles are permeating ever deeper within organisations such that they increasingly form the backbone of business activities. For example, CSR departments are increasingly interlinked with all areas of operations,[66] and a focus on sustainability along the entire supply chain has necessitated that these considerations are at the forefront of business negotiations, inherent within contracts and terms of engagement, and embedded in policies and procedures as part of the due diligence process.

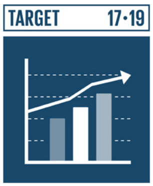
**By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts**

Given the SDG Agenda's role as an international framework for measuring progress (not just delivering on outcomes), data availability and tracking is vital to understand whether implementation of the SDGs has been successful, as well as for identifying gaps in implementation and hotspots where implementation has been particularly strong. Accordingly, given the dependency of data and statistics in making the SDG Agenda 'work', this indicator was set to be achieved by 2020 unlike the majority of other SDG targets. Nonetheless, the evident lack of data, particularly for the technology and capacity building targets of SDG 17, suggests that there is still a lot of work to do in this space.

One of the indicators to measure target 17.18, is the proportion of sustainable development indicators produced at the national level with full disaggregation when relevant to the target, in accordance with the Fundamental Principles of Official Statistics. This indicator is measured using the Statistical Capacity Indicator which gives an overview of countries' national statistical system capacity by assessing their methodology, source data, periodicity and timeliness.[67] Recent reports suggest that most Western and Asian countries have a score of 80-100, whilst the data from Africa depicts a much wider range of scores between 20-90 demonstrating a lack of consistency in data capacity for this region.[68]

Another indicator used to measure target 17.18 is "the number of countries that have national statistical legislation that complies with the Fundamental Principles of Official Statistics." These principles include the need for impartiality and equal access to data, accountability and transparency of statistics, confidentiality and prevention of misuse as well as relevant legal and regulatory frameworks for operating statistical systems. Notably, Principle 8 and 9 call for consistency in concepts and classifications at both a regional and international level so as to allow for data comparability, and Principle 10 insists on: "*Bilateral and multilateral cooperation in statistics [to] contribute to the improvement of systems of official statistics in all countries*."[69] According to the latest mapping, there are currently 159 records of national statistical legislation that meets these standards[70] indicating that reliable data is still not available in all countries.

Finally, in respect of indicator 17.18.3, "the number of countries with a national statistical plan that is fully funded and under implementation", the UN SDG Tracker has recorded 29 countries with plans that are deemed to be 'under implementing', 119 plans with funding from the government, 78 that were fully funded, 52 plans were funded from donors, and 21 plans with funding from other sources.[71]




**By 2030, Build on existing initiatives to develop measurements of progress on sustainable development that complement gross domestic product, and support statistical capacity-building in developing countries**

Today's technology makes it possible to collect the data necessary to measure progress towards the SDGs. However, capacity-building, international cooperation and political will are necessary to ensure that reliable, timely, accessible and sufficiently disaggregated data is collected, processed, analysed and disseminated.

Establishing strong, coherent and feasible national statistical plans that have political support has proven effective in building capacity across entire national data systems. Among developing regions, Sub-Saharan Africa leads the effort of implementing national statistical plans. However, few of these plans are fully funded and the share of ODA dedicated to statistical capacity-building remains very low (around 0.3%) despite the growing awareness of the importance of statistics.

**Establishing strong, coherent and feasible national statistical plans that have political support has proven effective in building capacity across entire national data systems.**

# Key actions lawyers can take

The final section of this chapter provides more details on how the international legal community can engage in efforts to achieve SDG 17. However, the following short summary describes some of the key actions that lawyers can take to contribute to the sustainable development agenda on partnerships for SDGs.

## Learn and educate

Lawyers can bolster their ability to contribute to SDG 17 by developing their understanding of international trade regimes, investment opportunities and frameworks for capacity building through knowledge, expertise and technology exchange programmes.

## Integrate

As professionals that are well-versed in helping their clients negotiate different interests, form strategic relationships and manage change, lawyers have valuable skillsets in creating successful partnerships for the goals.

Lawyers can help clients structure business relationships and other arrangements with the essence of SDG 17 in mind.

## Act

Lawyers can seize opportunities to join strategic partnerships that promote sustainable development, such as through pro bono projects delivered in collaboration with development organisations, other law firms and public sector organisations. Through partnerships, law firms can partake in an exchange of knowledge and expertise, whilst increasing their pro bono contributions and impact footprint.

SDG 17 presents a tremendous opportunity for the legal community to act – utilising all of the things lawyers and law firms do well – negotiation, bringing parties together across diverse networks and sectors, local and often global reach, and above all, advising on a party's legal position and how to achieve a goal within the prevailing legal framework.

# Elements of the international legal framework

SDG 17 undoubtedly presents an opportunity for multi-stakeholder partnerships particularly those involving private enterprise, to play an important role in sustainable development. However, regardless of how it is structured, a partnership cannot be a success if the underlying legislative frameworks and legal mechanisms underpinning the relationship hamper its ability to function properly.

Governments and international bodies therefore have a significant role to play in implementing and monitoring frameworks, regulations and incentive structures that promote and reinforce cross-border partnerships in their delivery of the sustainable development goals. This includes mechanisms for enabling investment opportunities, facilitating the work of international organisations, providing certainty of contract for creating and managing partnership activities, strengthening national oversight mechanisms such as supreme audit institutions and legislative oversight functions, and facilitating open and responsible access to data and information so that performance and progress can be monitored (ensuring accountability and transparency).[72]

The sections below set out a selection of legal instruments key to progressing the targets of SDG 17. Given the breadth of topics captured by this goal, this list does not purport to include all laws, agreements or other instruments that may be relevant to meeting its objectives.

## Addis Ababa Action Agenda[73]

**Adopted at the 3rd International Conference on Financing for Development on 16 July 2015 by 193 States (endorsed by the General Assembly of the UN on 27 July 2015)**

The Addis Ababa Action Agenda, which was adopted shortly before the SDG Agenda, was intended to "*further strengthen the framework to finance sustainable development and the means of implementation*" for the SDG Agenda, as well as strengthen the financing for development to ensure that the actions committed to are implemented.[74] This agenda reflects the international community's commitment to addressing the challenges of financing and creating an enabling environment at all levels for sustainable development in the spirit of global partnership and solidarity.

The Addis Ababa Action Agenda provides a comprehensive set of policy actions by UN Member States, with a package of over 100 concrete measures to achieve the SDGs by promoting inclusive economic growth, protecting the environment, and promoting social inclusion. These actions focus on seven action areas: domestic public resources, domestic and international private business and finance, international development cooperation, international trade as an engine for development, debt and debt sustainability, addressing systemic issues, and science, technology, innovation and capacity building. These action areas are closely aligned to the targets of SDG 17, particularly targets 17.1 to 17.5 which cover financing.

In relation to partnerships, the Addis Ababa Action Agenda specifically recognises that knowledge, expertise, technology and financial, resources, is mobilised through multi-stakeholder partnerships between the *"private sector, civil society, the scientific community, academia, philanthropy and foundations, parliaments, local authorities, volunteers and other stakeholders"* to address the challenge of financing. The global partnership should therefore recognise that the SDGs are global in nature and universally applicable to all countries, while taking into account different nuances, capacities realities and needs nationally.

## Paris Declaration on Aid Effectiveness

**Adopted at the Second High Level Forum on Aid Effectiveness on 2 March 2005 (re-endorsed at the Third High Level Forum on Aid Effectiveness in 2008)**

The Paris Declaration recognises that aid could - and should - be producing better impacts, and seeks to base development efforts on first-hand experience of what works and what does not work with aid. It is formulated around five central pillars: Ownership, Alignment, Harmonisation, Managing for Results and Mutual Accountability.

In 2008, all OECD donors, more than 80 developing countries and some 3,000 civil society organisations joined representatives of emerging economies alongside the United Nations and multilateral institutions and global funds in endorsing the Accra Agenda for Action which reaffirms commitment to the Paris Declaration and calls for greater partnership between different parties working on aid and development.

As of March 2023, 137 countries and territories are listed as endorsing the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action.[75]

## Trade Facilitation Agreement

**First entered into force in 1948**

The Trade Facilitation Agreement was agreed at the 2013 Bali Ministerial Conference and entered into force in 2017 following its ratification by two-thirds of WTO membership. The agreement contains provisions for expediting the movement, release and clearance of goods, and sets out measures for effective cooperation between customs and other authorities on trade facilitation and customs compliance issues. In addition, the agreement contains provisions for technical assistance and capacity building.[76]

As well as supporting the objectives of SDG 17 on trade and capacity building, the agreement has further provisions that are directly relevant to other SDG targets including SDG 9.C (increasing access to the internet) and SDG 8.3 (supporting the formalisation and growth of micro, small and medium-sized enterprise).

## General Agreement on Tariffs and Trade (GATT)

**Entered into force on 22 February 2017**

Currently signed by over 160 nations, the General Agreement on Tariffs and Trade is designed to reduce tariffs and other trade barriers, treat other member countries equally regarding trade tariffs, promote communication and coherence between States on trade related matters, and ensure that any trade-related disputes are resolved peacefully.

The GATT has been revised multiple times including in 1994 when it gave rise to the Marrakesh Agreement establishing the WTO;[77] thus paving the way for SDG 17.10's ambitions for a universal, rules based, open, non-discriminatory and equitable multilateral trading system.

## General Agreement on Trade in Services

**Entered into force in January 1995**

All WTO members are subject to the General Agreement on Trade in Services, which seeks to promote the creation of a credible system of international trade rules, ensure fair and equitable treatment of all participants, stimulate economic activity through guaranteed policy bindings and promote trade and development.

Under the agreement, members are held immediately and unconditionally, to extend services or services suppliers of any other member country, "*treatment no less favourable than that accorded to like services and services suppliers of any other country.*"

The agreement enshrines in its preamble the objective of facilitating the increasing participation of developing countries in services trade and, under the agreement, members are required to negotiate specific commitments to the strengthening of developing countries domestic services capacity.[78]

## Preferential market access for goods and services from LDCs

The WTO has made a number of decisions which provide a legal basis for permitting preferential treatment for LDCs with regards to the provision of goods and/or services (noting that the most-favoured nation would otherwise apply).[79] These decisions include:

- **Preferential Tariff Treatment for Least-Developed Countries Decision on Waiver, 1999:** Through the adoption of a special waiver, in 1999 developing country WTO members were allowed to extend preferential market access to LDCs. The waiver was initially granted for 10 years and has since been extended on several occasions, most recently to 2029.[80]

- **Preferential Treatment to Services and Service Suppliers of LDCs (WT/L/847), 2011:** This decision allowed Members to provide preferential treatment to services and service suppliers of LDCs with respect to market access and, subject to approval by the Council for Trade in Services, any other measures.[81]

- **Preferential Rules of Origin for LDCs (WT/L/917), 2013:** Adopted at the Ninth Ministerial Conference in Bali in 2013, this decision provided multilateral guidelines for preferential rules of origin to help LDCs better use preferences accorded to them, and encouraged WTO members to draw upon elements of the guidelines when they develop the rules of origin of their preferential market access schemes for LDCs. This decision was subsequently updated in 2015 to provide more detailed directions on specific issues.[82]

# Examples of regional legal and policy frameworks

## Addis Tax Initiative (2015)[83]

**Adopted on 16 July 2015 at the Third International Financing for Development Conference, the initiative comprises of 30 partner countries, 20 development partner countries and 20 supporting organisations (as of March 2023)**

Emerging from the Addis Ababa Action Agenda, the Addis Tax Initiative is a multi-stakeholder partnership which aims to enhance domestic revenue mobilisation in developing countries, including by addressing issues of tax avoidance and tax evasion.[84] In 2020, ATI members (then 20 development partners and 24 partner countries) reaffirmed these commitments in the form of the ATI Declaration 2025, noting that strengthened domestic revenue mobilisation and improved capacity to collect taxes in a transparent, accountable and equitable matter is central to fulfilling the promise of the SDG Agenda. The declaration establishes domestic revenue mobilisation, policy coherence and the social contract as the primary political priorities for the 'Decade of Action'.[85]

## European Consensus on Development

**Statement made on behalf of the European Parliament, the European Council and the European Commission on 7 June 2017**

The European Consensus on Development (the Consensus) provides the framework for a common approach to development policy applied by EU institution and member states, which guides actions in cooperation with developing countries. The Consensus is the cornerstone of the EU's development policy, and forms part of the overall EU response to the SDG agenda.

As set out in the Consensus, the EU views multi-stakeholder partnerships as key to the implementation of the SDGs, and also notes the benefits of EU-level development cooperation. It commits to forging stronger partnerships beyond government including with the private sector and civil society, and to continued support in capacity building efforts for these actors.

In addition, the Consensus recognises the fundamental aims of capacity building and knowledge sharing, and commits to supporting the mobilisation and effective use of domestic public finance, and capacity building for nationally owned monitoring frameworks and quality data collection, disaggregation and analysis.

In terms of ODA, the Consensus confirms that the EU has collectively committed to contributing 0.7% of their GNI to ODA by 2030, and also undertakes to meet the target of 0.15 - 0.20% of ODA/GNI to LDCs in the short term and to reach 0.20% by 2030.[86]

## SAMOA (SIDS Accelerated Modalities of Action) Pathway[87]

Agreed at the third International Conference on Small Island Developing States (SIDs) in September 2014, the SAMOA Pathway aims to address unique challenges faced by SIDS through the creation of "*genuine and durable partnerships*." The pathway supports sustainable development through coordinated follow-up to the Programme of Action for the Sustainable Development of SIDS, as well as in undertaking advocacy work in favour of SIDS in partnership with relevant parts of the UN as well as with civil society, media, academia and foundations.

During the 2018 mid-term review of the Samoa Pathway, the continuing need for a special case to support SIDS in their sustainable development was reaffirmed[88] and a new SIDS strategy for 2019-2025 was developed by the UN Industrial Development Organization.[89]

## Economic Partnership Agreements (EPAs)

In addition to the European Consensus on Development, the EU has further developed a number of EPAs. EPAs are trade and development agreement negotiations between EU and African, Caribbean and Pacific (ACP) countries, through which the EU grants zero duties and zero quotas to imports coming in from ACP countries. EPAs are implemented across 32 ACP countries as of March 2023.[90]

## African Continental Free Trade Area[91]

The African Continental Free Trade Area (AfCFTA) brings together the 55 countries of the African Union and eight Regional Economic Communities to create a single continental market, as part of the African Union's long-term development strategy for transforming the continent into a global powerhouse.

As part of its mandate, the AfCFTA eliminates trade barriers and boosts intra-Africa trade. In particular, it's aim is to advance trade in value-added production across all service sectors of the African Economy.

The AfCFTA entered into force on 30 May 2019 after 24 member states ratified the agreement, and trading under the AfCFTA commenced on 1 January 2021.

## Common Framework for Debt Treatments beyond the DSSI[92]

The Common Framework for Debt Treatments beyond the DSSI is an agreement of the G20 and Paris Club countries to coordinate and cooperate on debt treatments for up to 73 low income countries that were eligible for the Debt Service Suspension Initiative (a temporary measure set up in response to the COVID-19 pandemic). The framework is designed to ensure broad participation of creditors with fair burden sharing.

Debt treatments under the Common Framework are initiated at the request of a debtor country on a case-by-case basis, and can be used to address a wide range of sovereign debt challenges.

# Insights for the Legal Profession

## a) Examples of Case Studies for Partnerships

### Finance

### UN Alliance for SDG Finance

The UN Alliance for SDG Finance is an international partnership of three platforms (each a collaborative network of organisations in their own right) focused on sustainable finance and investment. The three platforms include: the UN Global Compact (a network of 9,500+ companies committed to doing business responsibly); the UN Environment Programme Finance Initiative (UNEP-FI) (a network of banks, insurers and investors seeking to bridge the SDG financing gap); and the Principles for Responsible Investment (PRI) (a UN supported proponent of responsible investment with over 4,800 signatories).

The Alliance works to bring together actors from both the private sector (investors, companies, financial institutions) and the public sector (international organisations, states and municipalities) in pursuit of coordinated policies and practices for finance mobilisation (17.3) and investment promotion regimes (17.5). It does so through the provision of research and guidance, capacity building and the development of shared definitions, reporting and benchmarking.

**"An estimated $5-$7 trillion a year are needed to realise the 2030 Agenda for Sustainable Development worldwide. The international community has made clear that the private sector plays and will play a fundamental role in the realisation of this agenda" (UN Alliance for SDG Finance).**

Key developments from these partnerships include:

**1. The Legal Framework for Impact (2021)**

The UN Global Compact (in collaboration with PRI) developed the 'Coping, Shifting, Changing' reports (2014 and 2017 respectively), containing recommendations and strategies for how investors could best address market short-termism.

More recently, in July 2021, the Legal Framework for Impact, a joint report between PRI, UNEP-FI, the Generation Foundation and Freshfields Bruckhaus Deringer was published. This report looked to identify legal barriers and enablers to sustainable investment within 11 jurisdictions across the world, including: The EU, Australia, Brazil, Canada, China, France, Japan, South Africa, the Netherlands, UK and the US. The report covered issues such as investment powers, stewardship and the scope (and limits) of fiduciary duty, whilst also making specific policy recommendations to facilitate 'investing for sustainability impact' (17.14).[93]

**2. UNEP Finance Initiative (2020)**

UNEP released two tool prototypes in 2020 aimed at building capacity amongst financial actors for delivering on the SDG Agenda. The first, the 'Corporate Impact Analysis Tool', is used to help banks and investors gain an insight into the impact status of clients and potential investee opportunities, by analysing the performance of the individual company in terms of their business activity and the needs of the countries they operate in. The second, the 'Portfolio Impact Analysis Tool for Banks' was developed as a collaborative venture with PRI, and acts as a similar tool but for analysing the banks' own portfolio, utilising a top-down approach.[94] These two tools provide a practical means by which banks, investors and their service providers may implement a more holistic approach to impact analysis and management.

## Capacity-Building

### CIFAL Global Network

The CIFAL Global Network is a partnership initiative designed to foster knowledge exchange amongst public and private sector leaders. With 25 international training centres, the network has provided training activities to thousands of professionals across the world on sustainable development practices. This includes sharing knowledge and expertise on issues as diverse as environmental sustainability, urban governance and planning, and economic development.[95]

CIFAL's training programmes encourage multistakeholder collaboration, and provide technical support and resources for capacity building, whilst also contributing to local and national strategies. In particular, the network is designed to support the UN Institute for Training and Research (UNITAR) in its efforts to provide support at the forefront of development at local city level.

## Science & Technology

### Global Alliance for Vaccines and Immunisations (GAVI)

GAVI, established in 2000 by the Bill and Melinda Gates Foundation, is a public-private partnership between the World Health Oranization (providing vaccine regulation and local implementation), UNICEF (providing vaccine procurement), the International Finance Facility for Immunisation (set up by the World Bank to facilitate financing), industrialised countries' governments (as principal donors); developing countries' governments (providing co-finance and direct immunisation programmes), civil society organisations (delivering immunisation programmes and advocating for policy reforms), and the pharmaceutical industry (providing technical expertise).

For over 20 years, GAVI has played an integral role in maintaining good health and wellbeing amongst children in the poorest parts of the world, and has highlighted the value of partnerships in achieving the SDG Agenda. More recently, its response to the COVID-19 pandemic has also highlighted the wide-ranging benefits of partnerships in responding to crisis scenarios. Through leveraging its partnership, GAVI was able to invest as much as $29 million in the health systems of 13 lower-income countries to support with resources such as personal protective equipment and COVID tests. It also co-led the development of the COVAX vaccine alongside the Coalition for Epidemic Preparedness Innovations (CEPI), the World Health Organization and UNICEF.[96]

## Legal Aid and Pro Bono Outreach

### The Cornerstone Initiative

The Cornerstone Initiative is a five-year project based in Kigali, Rwanda, running from 2019 to 2024 to improve well-being in Kigali's poorest communities. The project, funded by global law firm Clifford Chance and supported by A4ID as a global partner, works on a series of projects to improve access to justice and the well-being of the poorest communities of Kigali. It comprises three key workstreams, including:

i. Supporting local Rwandan civil society organisations that provide free high-quality legal aid, focusing on strengthening current initiatives and scaling up existing services provided by: HAGURUKA, Human Rights First Rwanda Association and Association Rwandaise pour la Défense des Droits de l'Homm;
ii. Identifying law schools in Rwanda that run legal aid clinics to help them instil a culture of pro bono among their trainee lawyers through awareness-raising sessions and mentoring; and
iii. Instilling pro bono culture in the future of the legal profession by supporting legal aid clinics.

By the end of 2021/2022, 52,647 people in Kigali directly benefitted from the Cornerstone Project, and a further 925,189 indirectly benefitted. Examples of partnership projects undertaken by the Cornerstone Initiative include:

- Providing free legal services to the poorest communities in Kigali: building the capacity of civil society organisations to deliver free legal services and strengthening pro bono culture within Rwandan law firms and law schools.

- Engaging children in STEM: engaging with children from high-poverty government schools in Kigali through a series of virtual innovation challenges focused on issues of local importance with the opportunity to build STEM knowledge in designing innovative solutions e.g. vaccine distribution, creation of urban gardens and the development of green schools.

- Teaching schoolgirls how to code: training 230 girls in Information and Communications Technology (ICT), and plugging skills learned into real world situations to apply their ICT skills and develop knowledge of coding.

- Economic empowerment of young genocide survivors: a three-year project, in partnership with The Survivors Fund, supporting young genocide survivors who have dropped out of education, by helping them set up small businesses, secure internships and access vocational training.

## b) Legal context and challenges

SDG 17 undoubtedly presents an opportunity for multi-stakeholder partnerships, particularly those involving private enterprise, to play a greater role in sustainable development. However, it must also be acknowledged that there are risks and challenges associated with entering into and operating a partnership. These are issues members of the legal profession will need to contemplate, both when advising parties to a partnership, and when entering into partnerships themselves.

A particular risk for all partnerships, and particularly those with different types of stakeholders, is that stakeholders may have different priorities, agendas, or risk appetites; with conflicting priorities arising more frequently or becoming more sensitive in certain areas or industries. For example, in partnerships involving science and technology, partners may have different views about the extent to which scientific or technological advancements should be protected or licensed, as opposed to being shared in the advancement of the SDGs.

Differing positions can cause friction within the partnership and/or hamper the effectiveness of a project, necessitating at the outset that all parties and their legal representatives understand the particular objectives and priorities of the other partners, and collectively agree the aims and scope of their relationship.

Specific partners may also require certain standards to be met to comply with their own obligations. For example, partnerships involving ODA or other public money, may be subject to greater scrutiny to ensure accountability, thus requiring more extensive due diligence processes. Additional monitoring and reporting mechanisms may also be in place where ODA-supported private investments have profitability as their primary motive. Therefore, before entering into any publicly funded partnership, it is important that all parties establish the degree of transparency and accountability required for the transaction to proceed.

In the context of sustainable development, the multi-national and cross-border nature of many partnerships can also raise challenges and uncertainty due to the myriad of national and international frameworks at play and, in some circumstances, the existence of systemic barriers caused by competing regulations or legislation.

In situations involving FDI, the imposition of specific prohibitions and restrictions placed on foreign investment by some countries, can create barriers of entry with certain industries closed to foreign participants. In Bangladesh, for example, investors in infrastructure and the natural resource sectors must seek prior approval from relevant government ministries.[97] Likewise, in South Sudan, medium and large companies must have 31% South Sudanese ownership and small companies must be "*the domain of South Sudanese nationals only*".[98] It is noted, however, that a number of developing country governments are increasingly recognising the importance of FDI in promoting economic growth, with countries such as Sudan,[99] Myanmar (Burma),[100] Malawi,[101] Timor-Leste,[102] and Liberia[103] having implemented legislative frameworks to promote and protect foreign investment (including prohibitions on fiscal and legal discrimination against foreign investors).

National rules may also restrict the creation of new partnerships, particularly those with an international dimension, where there are controls over foreign cash flows, or restrictions on visas for international employees. Such barriers have been noted in countries such as Russia, China, Hungary and India in recent years, as national policies and legislation move to restrict the operations of international NGOs within cross-border partnership building.

Taking a broader view of risk, investments or other activities involving developing countries may enhance a range of risks including: corruption; non-independent and outdated legal systems; a lack of transparency or difficulty accessing information; lack of infrastructure; lack of skilled and unskilled labour; sanctions (and continuing reputational damage after sanctions are lifted); and human rights issues.

As with any investment or transaction, any party to a potential partnership for sustainable development and their legal representatives must seek to understand the relevant legal frameworks, and conduct extensive diligence to identify legal, commercial and other risks. The parties must also consider and agree how best to structure the partnership.

## c) So, what can lawyers do?

Lawyers act as key advisors to stakeholders entering into and operating in partnerships, and may also be direct stakeholders in the partnership structure itself. Some lawyers and law firms may even have opportunities to contribute to the international infrastructure supporting the SDGs by developing or consulting on new regimes, policies and legal frameworks for stimulating cross-border trade, investment and ventures.

### Learn and Educate

Lawyers can bolster their ability to contribute to SDG 17 by developing their understanding of international trade regimes, investment opportunities and frameworks for capacity building through knowledge, expertise and technology exchange programmes. They can also develop an understanding of how the SDGs may be promoted through partnerships, and an awareness of existing partnerships. By understanding the objectives of the SDG Agenda, lawyers may be able to advise clients on how to act in a more sustainable way in line with the SDG Agenda, and may even be able to develop new connections and expertise by diversifying the projects they engage with.

### Integrate

As professionals that are well-versed in helping their clients negotiate different interests, form strategic relationships and manage change, lawyers have valuable skillsets in creating successful partnerships for the goals. Even where they are not specifically advising a client in relation to the establishment and operation of a partnership, lawyers can help clients structure business relationships and other arrangements with the essence of SDG 17 in mind. By way of example, a tax lawyer may seek to ensure that advice relating to the payment of tax for activities in developing countries is aligned with the SDG 17.1 target to improve domestic revenue mobilisation.

More generally, the broad themes of SDG 17 including capacity building, knowledge and technology exchange, resource mobilisation, and market access, as well as the general principles of principles of openness, transparency, certainty, and non-discrimination can guide lawyers' approach to providing legal advice in a way that is consistent with the goals of SDG 17.

**As professionals that are well-versed in helping their clients negotiate different interests, form strategic relationships and manage change, lawyers have valuable skillsets in creating successful partnerships for the goals.**

## Act

By aligning their work with the SDGs, lawyers can be confident they are taking practical steps towards a comprehensive and inclusive roadmap for sustainable development. They can also seize opportunities to join strategic partnerships that promote sustainable development, such as through pro bono projects delivered in collaboration with development organisations, other law firms and public sector organisations. Through these partnerships, law firms can partake in an exchange of knowledge and expertise, whilst increasing their pro bono contributions and impact footprint.

SDG 17 therefore represents a tremendous opportunity for the legal community to act – utilising all of the things lawyers and law firms do well – negotiation, bringing parties together across diverse networks and sectors, local and often global reach, and above all, advising on a party's legal position and how to achieve a goal within the prevailing legal framework.

Lawyers therefore have the opportunity to contribute to the SDGs in a meaningful and impactful way, without stepping outside the realms of their day-to-day practice. Indeed, lawyers are in the uniquely privileged position of having existing relationships as trusted advisors to groups and organisations representing all the key stakeholders working to achieve the SDGs (including the public and private sectors, as well as those within civil society). By proxy part of a lawyer's role, and distinctive skillset, is the ability to 'speak the language' of a diverse group of peoples, understanding the ambitions of each and how best to navigate any conflicting interests that may arise. Lawyers can use this convening power to bring members of these groups together, facilitate introductions (around the globe, if necessary), and provide a forum for discussions and a springboard for future action.

The role of lawyers practising in private law firms and undertaking in-house roles can at times be reactive – as is the nature of being in a professional services industry led, understandably, by one's client(s). However, SDG 17 offers the opportunity for leadership from the legal community. This is particularly so where law firms enter into partnerships for goals as a party in their own right such as by way of pro bono projects supporting the creation and management of new partnerships. This can also be achieved through initiatives such as A4ID's SDG Legal Initiative providing an opportunity for law firms to contribute to thought leadership and capacity building efforts on topics of sustainable development and its intersection with legal expertise.

**Lawyers are in the uniquely privileged position of having existing relationships as trusted advisors to groups and organisations representing all the key stakeholders working to achieve the SDGs (including the public and private sectors, as well as those within civil society).**

# Endnotes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