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Written input by UN-Habitat

Agenda Item 8: Promoting peaceful and inclusive societies and providing access to justice for all

Building Institutions to Promote Peaceful and Inclusive Societies and Provide Access to Justice for All

Sustainable Development Goal 16 refers to "peaceful and inclusive societies", "access to justice for all" and "effective, accountable and inclusive institutions." The Covid-19 pandemic has highlighted the importance of strong institutions, including the leading role of national governments and the equally crucial place of subnational and local governments, in implementing appropriate responses on the ground and developing future recovery strategies for the socio-economic impacts of the crisis. The pandemic experience demonstrates the importance of coordination and cooperation among these different levels of government and sectoral institutions, a coordination which is often challenging in fragile states and countries affected by conflict. This pandemic also threatens to weaken or destabilize governance institutions by undermining democracy, human rights, and the rule of law. Governmental bodies, such as parliaments and courts, are unable to physically convene, or face restrictions, for deliberations and to hold executives to account. Executive arms of government face unprecedented demands and sometimes struggle to maintain public confidence in the face of those demands. The introduction of emergency measures raises concern about the disproportionate infringement of fundamental rights and freedoms and equal concern about their removal in a timely manner.

Executive coordination is vital for ensuring overall government effectiveness and reconstituting legitimacy through constitutional reform and re-establishment and allocation of functions and authorities across branches and levels of government. Regardless of the levels of decentralisation, there is always a need for cities to work with national governments to ensure an effective implementation of nation-wide measures or develop place-based responses in line with national frameworks and initiatives (whole-of-government approach). In conflict-affected societies, this coordination should also engage armed groups if they hold territory or exert strong influence over local civilians. There are precedents for cross-conflict cooperation that can act as useful benchmarks. International agencies have backed cooperation across conflict lines when organising mass vaccination campaigns. Non-state armed groups have already assumed some responsibility for COVID-19 responses. The most powerful non-state armed group in Myanmar, the United Wa State Army, rapidly introduced travel restrictions and launched public health information campaigns. The Barisan Revolusi Nasional (the National Revolutionary Front) in Thailand has ceased all hostilities against the Thai military on humanitarian grounds because of the pandemic. The latter example shows how sudden crises can change patterns of behaviour, sometimes generating shared interest in ending violence. Local organisations can also play a vital role by gathering accurate information and persuading local communities to change behaviour since people in conflict-affected zones often mistrust or fear government or INGOs representatives including even health workers.

Well designed and executed public revenue and expenditure management systems and processes allow for transparent and accountable distribution of government funds aligned with the country's public service needs. Successful government employment strategies and strengthening public administration capacity is also crucial to the challenge of rebuilding effectiveness. UN-Habitat's projects in Syria have shown that the delivery of services has emerged as a key aspect of legitimacy for peace-building and territorial integration. One of the lessons learnt, which can act as a useful model for other fragile societies, is that moving towards early recovery and eventually reconstruction depends on realigning service provision in a manner that ensures local ownership while allowing for a reasonable level of economies of scale to emerge. On another level, service provision is an important entry point for de-escalation and gradual introduction of win-win solutions to local problems. Ensuring equitable service delivery and creating infrastructural linkages between different municipalities has been an essential part of UN-Habitat's peace building efforts in Syria.

Effective local governance and introducing a "whole-of-society" approach is crucial in both reconstituting legitimacy and rebuilding effectiveness. Cities are major destinations for people displaced by conflict, both internally displaced people and refugees. It is in cities that they hope to find safety, livelihood opportunities and access to basic services. In 2015, 60 per cent of the 14.4 million refugees worldwide and 80 per cent of the world's 38 million internally displaced persons resided in urban areas. In the post-pandemic era, measures to gather and report on qualitative and quantitative data will make a significant difference for remote areas and for the marginalised groups who otherwise often remain invisible. By introducing an area-based approach, planned interventions should improve urban systems and benefit both local and refugee communities. Local representation and engagement as well as of displaced populations for accurate identification and prioritization of host and displaced populations' needs becomes an integral component of state-building. Given that gender inequalities are worsened during conflict and crisis, the indirect impact of Covid-19 is likely to disproportionately affect women thus aggravating gender-based violence. Addressing underlying societal norms and gender relations will contribute to peace and resilience. Additional challenges are faced by children, and in many cases, specifically girls, e.g. as they are facing disruption in education, especially when schools and protection systems are reduced.

Access to justice is a basic principle of the rule of law. In the absence of access to justice, equality, human rights and accountability of decision makers are undermined. The United Nations Declaration of the High-level Meeting on the Rule of Law (A/RES/67/1) emphasizes the right of equal access to justice for all, including members of vulnerable groups who cannot afford legal advice or representation. However, justice is often taken to mean improving and implementing laws. As a result, actions tend to focus on increasing the capacity of legal institutions such as the police and courts. Access to dispute resolution systems is important but it is only part of what is needed for peace. "Access" is no guarantee of the quality or fairness of a justice system while equal access to the law is different from equality before it. Accordingly, while the fairness of both formal and informal justice systems should remain a common preoccupation, more emphasis should be placed on how to build more just societies. Justice is not merely dispensed through courts and the police but is rather experienced either positively or negatively through the quality of opportunities, relationships, transactions and behaviours right across the society.

Poverty, insecurity and injustice are often man-made consequences of unfair policies which will invariably fuel insecurity and violence. To improve people's experiences of justice, a wider selection of actors beyond the legal fraternity (civil societies, the private sector, community groups) must be involved. People's lives are multi-dimensional based on their political, social, cultural and economic experiences.

To create inclusive and just societies, authorities and development actors need to promote legislative effectiveness by assessing the compatibility of domestic legal frameworks with international human rights, refugee and humanitarian law and related standards. At the city level, these policies are often outlined in a regulatory instrument which is normally a strategic plan e.g. Master Plan, which includes a vision for the city, scenarios for potential growth, and regulations guiding development along with mechanisms for implementation and delivery. Where national and local authorities face challenges in delivery and law enforcement, it is fundamental for humanitarian and development partners to support solutions that increase capacity for the provision of integrated services. The achieved outcome of participatory processes should be inclusive, more equitable and safer cities – to ensure no one is left behind.