

Helping to achieve the sustainable development goals through pro bono services - Pro Bono Committee, May 2018

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In 2015, the global community formulated and agreed to a new United Nations framework to address global poverty and work towards the three pillars of sustainable development – environmental, social and economic. The Millennium Development Goals (MDGs) had expired, and while incredible gains had been made to lift millions out of extreme poverty, it was clear that the MDGs had limited impact.

An ambitious agenda was framed through 17 sustainable development goals (SDGs) (officially known as ‘Transforming our world: the 2030 Agenda for Sustainable Development’), which were broad thematic areas of focus for the global community (for instance, goal 2 is ‘Zero Hunger’; goal 8 is ‘Decent Work and Economic Growth’).^[1] These broad areas were broken down into 169 targets that focus on specific achievements for the fulfilment of each goal. For instance, target 1.2 (part of goal 1 ‘No Poverty’) is ‘By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day’. In July 2017, a framework of indicators was agreed, that provide a set of statistical yardsticks to measure compliance with, and achievement of, the goals.^[2] For instance, indicator 2.1.1, to demonstrate achievement of Zero Hunger, is ‘prevalence of undernourishment’. What precise percentage will be deemed successful and how to measure this is a matter of continuing debate.

A framework created by consensus and consultation, Agenda 2030 had its critics for being both overly ambitious and unachievable but, as a base, it sets the challenge for the global community. While the SDGs are primarily for states to achieve, the framework recognises that all bear responsibility for achieving the goals, including business, which relevantly includes law firms.

Which SDGs can legal pro bono help to achieve?

Goal 16 – providing access to justice for all and building effective, accountable and inclusive institutions – is an obvious SDG the legal industry can play its part to achieve. Targets for this goal include promoting the rule of law, reducing corruption and bribery, public access to information and building effective institutions. These targets fall within the basic pro bono work of many international firms but, beyond this, the broader range of SDGs and targets provide fertile inspiration for firms to take on more ambitious pro bono activities. By aligning pro bono work with the SDGs, firms can directly demonstrate their development impact.

The role of lawyers in the SDGs

Implementation of the SDGs will require transforming lofty goals into legally enforceable domestic and international regulation and accountability mechanisms. Collection of statistical indicators will require legal advice on issues such as data protection. Human Rights are symbiotic with the SDGs and a core vehicle for individuals to remedy infringements that undercut the underlying principles of the SDGs: peace, poverty, people, prosperity and planet.^[3] These and other issues need legal minds to implement and devise effective solutions.

There is also the business case for understanding the SDGs. Regulatory frameworks implemented by governments to achieve the SDGs will impact on client operations, who will expect firms to be able to advise and provide expert guidance on compliance. Obvious areas for this relate to tax avoidance, climate change, labour rights and infrastructure regulation. The need for this technical capability is not merely confined to human rights experts (although progressive firms are seeing the business case for retaining these professionals too); all lawyers need a baseline understanding to identify SDG issues in their practice areas, including lawyers in tax, project finance, M&A, planning and others. Clients, particularly those taking a proactive attitude to the SDGs, will expect firms to understand the SDGs and may partner with firms that make an effort to share them.^[4]

Finally, firms as business entities have responsibilities to ensure that their own operations further the goals, particularly with respect to issues such as non-discrimination, the environment and supply-chain awareness, which are now crystallising into hard regulation, such as under the UK's Modern Slavery Act.

How firms have shown leadership

A number of international firms are taking leadership on SDG-centric activities (these are merely a few examples and there are many other firms doing incredible work). Linklaters has reviewed its business against the SDGs and how it is working to address them.^[5] Additionally, it has advised a number of organisations that explicitly further the SDGs, including 'Align 17', a digital investment platform that allow parties to invest in ventures that address the SDGs.^[6] White & Case's *Social Responsibility Review* measures its activities against the SDGs.^[7] It is early days in legal engagement on the SDGs, and new and innovative profit and non-profit initiatives are surely to feature in the future.

What A4ID is doing for the SDGs

Advocates for International Development (A4ID) is a London-based charity that works with the global legal community for the eradication of poverty and SDGs are at the heart of its mission. A4ID's core activity is matching lawyer time and skills with legal needs in the development sector through its brokerage service. This service is uniquely designed to generate and facilitate pro bono projects that advance the SDGs. A4ID requires civil society organisations that seek pro bono legal support to consciously engage with the SDGs and international development. A4ID also measure which SDGs each pro bono project engages and is building a useful data set to understand the areas where legal pro bono has the greatest impact.^[8]

A4ID also trains lawyers – both in the UK and internationally – on the fundamental principles of international development, sustainable development and business and human rights. It offers a Law and Development Training Programme; in-house training for lawyers on Business and Human Rights; and has delivered training in East Africa and India on responsible business practices.^[9]

In 2018, A4ID will be launching the Legal Guide to the SDGs, a report completed in partnership with a number of international law firms, providing a comprehensive analysis of the domestic and international legal framework applying to each SDG.

A4ID's objective is to ensure lawyers speak the language of SDGs and meaningfully integrate them into their pro bono and fee-earning practice.

Meaningful engagement with the SDGs

If firms embark on an SDG-centric approach to their work, there are significant benefits. However, there are a number of traps to avoid. SDG uptake must go beyond a box-ticking exercise, where pre-

existing activities are retrospectively classified as furthering goals. Meaningful engagement requires building SDG targets into strategies and future activities. Further, it requires focussing on the SDGs where firms can have the most impact but not losing sight of the necessary interrelatedness of the Goals. It requires generating partnerships with other stakeholders – clients, staff, pro bono partners, international organisations, NGOs – to achieve the goals (indeed, ‘Partnerships’ is its own SDG, number 17). Finally, it requires a culture change, support from upper-management and buy in from fee-earners, other professionals and support staff. Through such meaningful engagement, lawyers can be part of the pledge underlying the whole SDG framework – *that no one will be left behind*.

Notes

^[1] UN General Assembly, Resolution 70/1 *Transforming our world: the 2030 Agenda for Sustainable Development*, UN Doc A/RES/70/1, available

at: www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E. Further information is available at: <https://sustainabledevelopment.un.org/>.

^[2] Resolution adopted by the General Assembly on *Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development*, Annex, UN Doc A/RES/71/313, available at <https://undocs.org/A/RES/71/313>.

^[3] For further thoughts on this see IBA Human Rights Institute, *The Obligation to Mobilise Resources: Bridging Human Rights, Sustainable Development Goals, and Economic and Fiscal Policies* (2017), Introduction.

^[4] See generally, American Bar Association, *Final Report of the ABA Task Force on Sustainable Development* (2015), pp 2–4.

^[5] Linklaters, *How we align to the Sustainable Development Goals*, available at www.linklaters.com/en/about-us/responsibility/sustainable-goals.

^[6] Linklaters, *Linklaters advises on the launch of new digital platform mobilising private wealth towards the United Nations Sustainable Development Goals*, 24 January 2018, available at www.linklaters.com/en/about-us/news-and-deals/deals/2018/linklaters-advises-on-the-launch-of-new-digital-platform.

^[7] White & Case, *Social Responsibility Review* (2016), available at www.whitecase.com/system/files_force/files/download/sections/white_case_social_responsibility_review_2016.pdf.

^[8] See generally www.a4id.org/sdg/.

^[9] See generally www.a4id.org/learning/.