Institutionalisation of SDG 16: More a trickle than a cascade?

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This article addresses the transformative potential of the Sustainable Development Goals (SDGs) through an analysis of SDG 16. Goal 16 aims to promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions. This article will aim to answer two questions. The first question is whether SDG 16 represents a collective acknowledgement of extraterritorial legal obligations to respect, protect and fulfil economic, social and cultural rights (ESCR), and creates an enabling international environment to allow states to meet these obligations. The second question is whether SDG 16 reflects and institutionalises a global moral responsibility to promote and bring about peace, justice and development by examining the institutionalisation of the goal in the procedures and operations of the major organs of the United Nations (UN), its Secretariat, and UN funds and programs. The article concludes that despite the limited legal responsibilities reinforced in the goal, SDG 16 may be framed as an 'international ethical norm', even though its institutionalisation within the UN is still limited. Nonetheless, early and innovative attempts at implementation reveal that progress towards greater institutionalisation is certainly possible in the future.

Introduction

The inclusion of SDG 16 on peace, justice and strong institutions within the post-2015 development architecture has been characterised as one of the 'transformative shifts' that underpin the new sustainable development agenda (United Nations 2013). However, its adoption was by no means inevitable. Often regarded as the most controversial of the 17 goals adopted in September 2015 by the United Nations (UN) General Assembly, Goal 16 marks a step forward in its formal recognition of the roles that peace, justice and good governance have to play in development. Whilst there is yet to be global consensus on the definitions of these terms, the targets developed for SDG 16 indicate that 'peace' has, within the context of the SDGs, been broadly understood as freedom from violence, both at the hands of state and private actors, including activities that support violence, such as human and arms trafficking. 'Justice' relates to the rule of law, non-discrimination, and remedies; and 'strong institutions' involves a lack of corruption, transparency, legal recognition and public participation. Nonetheless, the definitions of peace, justice and strong institutions are still highly contested, which may impact the implementation and measurement of SDG 16.

It has been argued that the 'radical' potential of SDG 16 disrupts and broadens the development paradigm to include peace and justice (Hearn 2016: 1). The inclusion of this goal is a departure from the more technical Millennium Development Goals (MDGs) (and, indeed, some of the other SDGs), with their focus on more traditional development priorities, and recognises the cross-cutting nature of development, peace, and security, and the importance of drawing on all the instruments available to the UN in promoting sustainable development.

In this article, we will examine the legal and moral obligations which SDG 16 may impart upon states. We will begin by exploring the relationship between SDG 16 and states' extraterritorial legal obligations. Strengthening these obligations is particularly important considering the impact that states can have beyond their own borders and the inter-state cooperation required to resolve issues of peace, justice, and development. However, a closer examination of SDG 16 reveals that its role in acknowledging and enabling states' extraterritorial legal obligations may be limited. We therefore assert that SDG 16 is better viewed as a global moral responsibility and framed as an 'international ethical norm' which 'can neither assure conformity nor legally sanction inconformity' but can provide states with a 'standard for appropriate behaviour' within which to act (Gözen Ercan 2014: 36) – an 'oughtness', as noted by Finnemore and Sikkink (1998: 891).

Finnemore and Sikkink's three-stage life-cycle of norm influence identified three stages of this process: emergence, cascade, and internalisation. The 'tipping' point dividing norm emergence and cascade – 'at which

a critical mass of relevant state actors adopt the norm' – can reasonably said to have been reached with the development of the SDGs (Finnemore and Sikkink 1998: 895). However, through an examination of relevant UN documents and processes, we observe that SDG 16 has not completed the second stage – norm cascade – which 'involves broad norm acceptance', and at the end of which norm internalisation occurs (ibid). Indeed, the cascade of SDG 16 into the day-to-day functioning of the UN, the Secretariat, and UN funds and programs, is by no means guaranteed, putting at risk the possibility of internalisation of the norm. Much has already been written about the particular difficulties of implementing and measuring this goal (Dunning 2015; Lawson-Remer 2015; Walton 2015). However, in examining current attempts at implementation, we are optimistic that these might be the key to promoting SDG 16 as a norm. As opposed to seeing internalisation and implementation of SDG 16 within the UN system as linear stages, the two can be seen as mutually complementary, and innovative approaches to implementation may be followed by increased acceptance of SDG 16, thus promoting cascade and internalisation.

Background to the Emergence of SDG 16

The premise upon which SDG 16 is based is not new. The idea that 'there can be no sustainable development without peace and no peace without sustainable development' has been explicitly recognised by the international community for some time, and was prominently featured in both the 2005 World Summit Outcome document (UNGA 2005: 2, 21, 24), as well as the 2011 *World Development Report on Conflict, Security and Development* – itself called a 'game changer' (International Alert 2011). However, the inclusion of such a goal in the development framework – cementing the link between development and peace and security which was seen as the 'missing bottom' of the MDGs (Denney 2012) and, most significantly, including targets by which to measure its success – represents a far-reaching evolution of the development agenda.

Nonetheless, agreement on the goal was not simple. The inclusion of peace and security in the post-2015 development agenda 'was the longest-debated and most divisive issue' (Saferworld 2014: 1). While the link between development and security has long been recognised, the inclusion of this goal was the subject of significant debate for two key reasons. First was the concern amongst some developing countries of a 'securitisation' of development, which was seen as promoting a Western agenda and opening the door to further donor-imposed conditionalities on development assistance which would potentially be linked to performance on governance and rule of law. The implications of this, including the possible erosion of state sovereignty and potential confusion between the mandates of the UN Security Council and the UN Development System, led several

middle-income countries to oppose the formalisation of this linkage. Perhaps unsurprisingly, given its high crime and homicide rates, Brazil resisted the inclusion of a goal around peace and security, claiming that violence is a purely domestic issue. The second point of contention was the fact that some middle-income countries claimed that the inclusion of peace and security as key areas for action would divert official development assistance away from them and into fragile and conflict-affected low-income countries.

As a result of these debates, the nature of Goal 16 shifted slightly – from initial discussions around the inclusion of a goal on 'peace and security' to one based on governance and institution-building (with 'security' conspicuously absent). However, despite some claims of a watering down of the goal, SDG 16 undoubtedly marks a sea change in the formal and recognised links between development and peace and justice, representing the commitment of the international community to 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels' (UNGA 2015b: 14).

Extraterritorial Legal Obligations and SDG 16

Whilst the inclusion of SDG 16 certainly marks a shift in global commitments around development, peace, and justice, what might the impact of the goal be on states' legal and moral obligations? This section will address whether SDG 16 strengthens the extraterritorial human rights legal obligations of states, before then moving on in the next section to consider evidence of the institutionalisation of a global moral responsibility in the work of the UN.

When analysed within a human rights framework, it becomes clear that most of the 12 targets and 23 indicators of SDG 16 reflect rights enshrined within the *International Covenant on Civil and Political Rights* (ICCPR). This is different to the other SDGs, whose goals are more closely aligned with the rights enshrined in the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). For example, access to justice in Target 16.3 relates to the right to an effective remedy (ICCPR Art 2(3)) and to be tried without delay (ICCPR Arts 9(3) and 14(3)). Inclusive and participatory decision-making in public institutions under Target 16.7 is an expression of the right to public life (ICCPR Art 25); and suppression of journalists and activists under Target 16.10 involves the right to life, freedom from arbitrary detention and torture, and freedom of expression and information (ICCPR Arts 6, 7, 9 and 19).

SDG 16 also aims to reduce illicit financial and arms flows, combat organised crime (Target 16.4) and reduce corruption and bribery (Target 16.5). Although not a human rights treaty, these targets reflect provisions

within the *Convention Against Transnational Organized Crime* (CTOC) (Arts 6, 7, 8 and 9) and its supplementary *Protocol against the Illicit Manufacturing of and Trafficking in Firearms*, *Their Parts and Components and Ammunition*, to the extent that these crimes are transnational in nature. Lastly, ending the abuse, exploitation, and trafficking of children under Target 16.2 is prohibited under the *Convention on the Rights of the Child* (CRC) (Arts 19, 34, 15 and 36), its second *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* (CRC OP 2), and the CTOC's *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.

Extraterritorial legal obligations

To consider the role of SDG 16 in acknowledging and creating an enabling environment for states to fulfil their extraterritorial legal obligations, it is necessary to examine the extraterritorial application of the ICCPR and, to a lesser extent, the CTOC and CRC, rather than ICESCR. Whereas ICESCR has no jurisdiction clause and its extraterritorial application has been affirmed in the *Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights*, the ICCPR *does* include a jurisdiction clause. According to Article 2(1), State Parties are obligated to uphold the rights of those 'within its territory and subject to its jurisdiction'. Similarly, under Article 2(1) of the CRC, State Parties must ensure the rights of 'each child within their jurisdiction'.

The jurisdiction clause in the ICCPR has been progressively and expansively interpreted by the Human Rights Committee (HRC), the International Court of Justice (ICJ), and regional and domestic courts (Hathaway et al. 2011: 390; King 2009: 523). For example, the HRC's General Comment 31 provides that the rights apply 'to anyone within the power or effective control of that State Party, even if not situated within [its] territory' (para 10). Although debate continues over the meaning of 'jurisdiction' (Abrisketa and Casas 2016; Milanovic 2011: 64-89) and 'effective control' (Hathaway et al. 2011: 422-426), the jurisprudence largely reflects the position adopted by the HRC (e.g. Liwanga 2016; Hathaway et al. 2011; King 2009). In recent times, the scope of the application of the ICCPR has expanded even further. For example, in *Munaf v. Romania*, the HRC (2009) held that a State Party 'may be responsible for extra-territorial violations … if [there] is a link in the causal chain' that has 'necessary and foreseeable consequence[s]' (para 14.2). However, this is not yet well established in the jurisprudence.

Despite these progressive interpretations, the extraterritorial application of the ICCPR is arguably still more limited than ICESCR, which has no such jurisdiction clause and whose extraterritorial application is articulated in the Maastricht Principles. It is doubtful, however, whether the two core principles of the Maastricht Principles apply fully to the ICCPR. The first principle, that state parties are obligated to respect, protect, and fulfil human rights if their actions have extraterritorial impact, only applies to the ICCPR when 'effective control' can be established. However, the second principle, which requires state parties to 'secure human rights extraterritorially through *international assistance and cooperation*' is currently beyond the ICCPR.

In comparison, extraterritorial obligations, especially international cooperation, are a core part of the CTOC. In contrast to the ICCPR, inter-state cooperation is the primary enforcement model for combating transnational organised crime (Kemp 2001: 162). The CTOC contains numerous provisions for international assistance and cooperation, including one dedicated to implementing the Convention in developing countries due to the effect of organised crime on sustainable development (Art 30). Similarly, the CRC OP 2 provides for strengthening international cooperation to implement the Protocol (Art 10).

The 'acknowledging' and 'enabling' role of SDG 16

The extent to which SDG 16 is a collective acknowledgment of extraterritorial legal obligations to respect, protect, and fulfil human rights may arguably be limited. The extraterritorial obligations of the ICCPR for cases in which the state party has 'effective control' have been well-established in the jurisprudence and by the HRC. The obligations on state parties to cooperate internationally in the CTOC and CRC OP2 are also expressly enshrined. Therefore, how much further SDG 16 serves to 'collectively acknowledge' these extraterritorial obligations is questionable, as these obligations are already well recognised.

Furthermore, whilst human rights and extraterritorial obligations may be read into SDG 16, they are not expressly stated. In fact, the lack of explicit recognition of human rights has been a criticism of the SDGs (Pogge and Sengupta 2015: 576). The civil and political rights asserted in this article have been inferred from an analysis of the goal, rather than a plain reading of the text. In addition, SDG 16 only mentions 'international cooperation' under one target (Target 16.a). Hence, although SDG 16 is an expression of global support for the role of peace and justice in sustainable development, whether this is also a collective acknowledgement of states' extraterritorial legal obligations (as opposed to moral obligations or aspirations) remains unclear.

The extent to which SDG 16 creates an enabling environment for states to meet their extraterritorial obligations may also be limited. Despite the successful inclusion of SDG 16, it was the most controversial of all the goals and 'almost threatened to derail the entire process' (Pereira 2014: 4). In the objections raised,

the desire to preserve state sovereignty reveals that the weight of extraterritorial obligations may not have featured strongly in the considerations of states. Heated negotiations also led to a 'watering down' of the goal, including last minute changes to the title to replace 'rule of law' with 'access to justice' (Sengupta et al. 2014). This reflects a retreat from committing to more robust legal obligations. The aspirational, rather than legally binding, nature of the SDGs also limit their influence.

In sum, the link between SDG 16 and extraterritorial legal obligations remains tenuous. Perhaps the most significant contribution of SDG 16 is not its acknowledgement of the extraterritorial legal obligations of states, but in planting the seed for the inclusion of peace and justice in the global development agenda. However, its limited legal force should not detract from the goal's potential moral normative force, or the progress which may be made towards more peaceful, just and inclusive societies under its name.

SDG 16 and a Global Moral Responsibility to Promote Peace and Justice

Norm cascade and internalisation: the major organs of the UN

Given the tenuous link between SDG 16 and extraterritorial legal frameworks, we instead propose that the goal should be characterised as a global moral responsibility to promote peace and justice for all: one that 'can neither assure conformity nor legally sanction inconformity' but can provide states with a 'standard for appropriate behaviour' (Gözen Ercan 2014: 36). However, even if we accept that the adoption of the goal constitutes its emergence as a nascent norm, this does not guarantee its acceptance, nor its practical application.

One way to examine the extent to which SDG 16 is being institutionalised within the UN system is to analyse whether the goal is 'anchored in language and revealed by repeated speech acts, leading to a semblance of permanence or institutionalization' (Krook and True 2010: 104), including within the General Assembly (GA), the Security Council (SC), and reports of the Secretary-General. As an enabling goal of the SDGs, one would expect to see reference to its importance throughout the UN system. However, a closer examination reveals that within the principal organs of the UN, institutionalisation of SDG 16 has been inconsistent.

In the General Assembly, SDG 16 has been referred to a number of times since 2016, including in the follow-up and review of the broader 2030 Agenda (UNGA 2016 A/RES/70/209), and in more specific contexts, such as its resolution on strengthening the UN's crime prevention and criminal justice program (UNGA 2017 A/RES/71/209). A recent report examining how the SDGs are addressed in the agendas of the GA and Economic

and Social Council (ECOSOC), however, found that while the majority of targets in SDG 16 were covered or partially covered, the targets relating to governance and the law were limited or non-existent. This highlights a serious gap in General Assembly discussions on arguably one of the most important areas of the 2030 Agenda (UN Report on Strategic Alignment 2016: 2, 58).

The links between peace, justice and development have also received high-level acknowledgement within the UN. In January 2017, the General Assembly President convened a dialogue to examine the synergies between the 2030 Agenda and sustainable peace. Major participants included the UN Secretary-General, UN Security Council President, the ECOSOC President, and the chair of the Peacebuilding Commission. One participant referred to SDG 16 as 'the powerhouse from which all other SDGs will flow', whilst others noted that sustainable development could not be achieved without peace and security, and emphasised the need for strong institutions and good governance (Lebada 2017). Many elements of SDG 16, such as justice, the rule of law, and effective institutions were seen, 'as a golden thread running through the implementation of all 17 Sustainable Development Goals' (Lebada 2017).

Given that SDG 16 provides the strongest link to date between the development agenda and peace and security, we might expect that norm institutionalisation and 'cascade' would involve not just a recognition of the importance of the goal in the UN Development System but also in the Security Council and the UN's peace and security instruments.

Indeed, there is an indication that such links are being made in certain forums. Even prior to the formal adoption of the SDGs, the June 2015 report of the High-Level Independent Panel on UN Peace Operations asserted the strong links between development, peace and security, reaffirming that, 'Inclusive and equitable economic development is a pillar for sustaining peace … [Goal 16] should be supported, making this priority even more inescapable' (UN 2015a: 37). Similarly, the report of the Advisory Group of Experts on the 2015 Peacebuilding Review encouraged UN Member States to put SDG 16 at the heart of their peacebuilding efforts (UN 2015b: 11, 58). On 25 September 2015, the Security Council released a report that espoused a 'collective recommitment' to conflict prevention and made reference to the sustainable development agenda, with Goal 16 identified as 'the most explicit expression of these relationships' between sustainable development, peace, governance, human rights, and the rule of law (UNSC 2015 S/2015/730: 3).

Moreover, numerous Secretary-General reports highlight the importance of mainstreaming Goal 16 in the operations of the UN peace and security architecture. For

example, in his report on the future of peace operations, former Secretary-General Ban ki-Moon noted that the adoption of Goal 16 'offers tremendous opportunity to strengthen collaboration between development and peace and security actors' (UNGA 2015a Doc A/70/357). These comments have been reinforced in other reports, such as on the UN and conflict prevention, UN policing, and the protection of civilians in armed conflict (UNSC 2015 S/2015/730; UNSC 2017 S/2017/414; UNSC 2016 S/2016/952).

However, despite recognition of the links between SDG 16 and the UN's peace and security architecture, there is less evidence that the Security Council itself has acknowledged such links – and little to suggest that the goal has begun to be incorporated into its everyday workings. Whilst Security Council resolutions are not the only evidence of norm institutionalisation, they have been identified elsewhere as an indication of norm acceptance within the Council (e.g. Hofman 2015) and indeed seem to be a reasonable gauge of this.

Of the 112 Security Council resolutions adopted between January 2016 and July 2017, only one makes explicit reference to the SDGs. Indeed, the absence of direct reference to SDG 16 in the vast majority of cases is particularly notable considering that Security Council resolutions *do* make frequent reference to many elements within the goal. Developing effective, accountable, and transparent institutions (Target 6), promoting the rule of law (Target 3), and reducing violence (Target 1) are all mentioned repeatedly. However, none are placed in the context of the 2030 Agenda (UNSC 2016 S/RES/2299; UNSC 2016 S/RES/2274; UNSC 2016 S/RES/2267).

It could be argued that the remit of the Security Council, and in particular an unwillingness to stray into matters of development, justify this omission. Indeed, the fact that such a blurring of lines was one of the major concerns raised during the goal's development could explain this reluctance. However, this seems unlikely in light of the prominence given to the SDGs – and Goal 16 in particular – in high-profile documents such as the Report of the High-Level Independent Panel on Peace Operations.

Alternatively, it may be argued that the spirit of SDG 16 is being institutionalised through broader references to the constituting elements of the goal, even though the goal itself is not expressly mentioned. However, an examination of Security Council resolutions passed before the SDGs were adopted reveal few differences between the Security Council's engagement with these issues pre- and post-September 2015. The adoption of the SDGs seems to have had little or no impact on the framing of such issues (e.g. UNSC 2014 S/RES/2188). This begs the question: what has changed? In the everyday dealings of the Security Council, it seems, very little. And, whilst it is unclear to what extent Security

Council support is necessary for the success of SDG 16, the Security Council's current disregard may prevent it from achieving the prominence needed to develop into an effective norm and to genuinely form 'the basis against which to assess global-level and country progress towards sustaining peace' (UN 2015b: 58).

Institutionalisation at the Secretariat

Institutionalisation of Goal 16 can also be examined through the commissions and departments of the UN Secretariat. This section will examine whether and how UN regional commissions are implementing SDG 16, and whether within the Secretariat's peace and security arm, Goal 16 has found prominence.

UN regional commissions in general seem to have increased the integration and alignment of their programs and procedures to the 2030 Agenda. However, the extent has varied and it appears that the goal is not yet a normative force at the regional level.

Most commissions appear to have aligned their implementation of the SDGs with the thematic sessions of the High Level Political Forum (HLPF), which is not reviewing SDG 16 until 2019. Despite this, there are references to the broader principles of Goal 16 in some commissions' reports (e.g. the Arab Forum on Sustainable Development (HLPF 2016); UN Economic Commission for Europe (UNECE 2017)). By contrast, Goal 16 and broader issues of governance, peace, and justice are barely mentioned in the UN Economic Commission for Latin America and the Caribbean's annual report on the 2030 Agenda (HLPF 2016).

There is evidence that commissions are assisting and supporting their member states to implement SDG 16 and the other goals. Examples include the African Sustainable Development Map (UNECA 2017), and the roadmap created by the Economic and Social Commission for Asia and the Pacific which hints at Goal 16 through stating that 'sustainable development must be underpinned by peaceful and inclusive societies, addressing inequality, and by good governance' (UNESCAP 2017: 10). At this stage, it is too early to assess the implementation of this roadmap.

It is also useful to examine what, if any, institutionalisation is taking place within the Secretariat's departments and offices, particularly those of its peace and security architecture. For example, within the UN Department of Political Affairs (DPA) there is recognition that 'Goal 16 is most explicitly tied to DPA's mandate' (DPA 2017: 14). DPA's 2016-2019 Strategic Plan references SDG 16 and includes objectives on 'strengthening the Department's role in supporting institution-building and good governance strategies of UN Country Teams (UNCTs), both in mission and non-mission settings, in

line with Goal 16' (UNDPA 2015: 19). More generally, the DPA now engages with the UN Chief Executives Board on the SDGs by supporting its attempts to understand the cross-pillar linkages between peace, justice and development, and the role of SDG 16 (UN Chief Executive Board 2015). DPA also has observer status with the UN Development Group: another example of an effort to overcome silos and promote interlinkages between the peace, security and development sectors.

Implementation via UN funds and programs

Whilst an examination of SDG 16 through the principal organs of the UN and at the regional level suggests that its cascade is partial and inconsistent, it is the support the UN can provide at the national level where SDG 16 will truly be put to the test. If implementation is successful, it may foster the conditions whereby SDG 16 can be accepted more readily by the international community, thus promoting its cascade – and eventually its internalisation – 'upwards' within the UN architecture.

Evidence that the UN is amending its practices and procedures to support implementation of SDG 16 at the ground level can be found in the work of the UN Development Programme (UNDP) and the UN Development Group (UNDG). For example, the joint UNDP and DPA programs on building national capacities for conflict prevention are now reinforcing the importance of implementing SDG 16 in projects at the country level, with peace and development advisers supporting UNCTs to facilitate discussions between civil society organisations and countries on the 2030 Agenda and SDG 16 (UNDP 2016a). UNDP will also support implementation of Goal 16 by: expanding its existing conflict-related risk assessment tool (UNDP 2016b: 8); undertaking a pilot project in seven countries to strengthen the inclusive national processes for monitoring (Acuña-Alfaro 2017); reviewing and updating UN tools and instruments supporting anti-corruption and governance measurements (Benson Wahlén 2017); and other initiatives.

The UNDG has prepared guidelines to support country reporting on the SDGs for UNCTs, providing samples of specific tools for SDG 16 (UNDG Guidelines 2016). It has also promoted SDG 16's aim of helping to 'build effective, accountable and inclusive institutions', by revising its UN Development Assistance Framework (UNDG UN Development Assistance Framework Guidance 2017). Surveys have also been conducted with UNCTs and resident coordinators to identify needs and requirements for implementation at the country level (UNDG Europe and Central Asia 2016).

In sum, it is at the operational level within the UN's development arm and, to some extent, its peace and security arm, where evidence is found that the UN is institutionalising SDG 16 even at these early stages of the 2030 Agenda. One would suspect that as countries approach the HLPF in-depth review in 2019, implementation will accelerate.

The Challenges of Implementation

Progress on Goal 16 'remains uneven across and within regions' (UN ECOSOC 2017: 16) and, if the current rate of progress continues, the SDG 16 targets will not be achieved on time (Steven 2017: 45). The UN's peace and security, human rights and development actors will need to work together more closely and coherently, and UN funds, agencies and programs would need greater capacity, knowledge, and funding to be able to assist countries in meeting the targets. However, a recent review of the functions and capacities of the UN Development System (UNDS) found the system had 'reached its exhaustion point and is insufficient to match the ambition, effectiveness and cohesion required by the new agenda' (UNGA/ECOSOC 2017: 5). Further, high levels of earmarked funding weakens coordination between entities and accountability within the organisation, and with 'current systems to manage programs, expenditure and personnel across the UNDS vary(ing) significantly', the UNDS is not fully set up to align with the SDG framework (UNGA/ECOSOC 2017: 9). A new roadmap to make the UNDS stronger to enhance delivery of the SDGs was introduced by the UN Secretary-General in July 2017 (UNGA/ECOSOC 2017: 5). It is too early to tell whether this roadmap will lead to improvements in the UNDS to help facilitate the implementation of the SDGs.

For individual countries, a significant impediment to meeting Goal 16's targets is incomplete, imperfect, or simply non-existent data. Of the 23 indicators for SDG 16, 17 are Tier II or Tier III indicators with no or limited data and/or no methodology for measurement (UN Stats 2017). The SDG 16 Data Initiative found 'lack of effective methodologies to produce parts of the data, the misalignment between certain targets and their indicators, and insufficient coverage of particular data sets' to be early challenges for implementation of the goal (SDG 16 Data Initiative 2017: 3).

Another challenge is the variance in countries capacities to collect, monitor and track indicators (IEP 2017: 3; SDG 16 Data Initiative 2017: 3). Many countries lack the capacity to strengthen their national statistical offices and accountability structures and need assistance in these areas. While countries should be encouraged to continue building their existing systems of measurement, some countries are complementing formal global metrics with other indicators that are country specific and reflect key national issues (Bizikova and Pinter 2017: 4).

The international community can support the implementation of SDG 16 by not only providing assistance to strengthen national statistical capacity and

reporting mechanisms, but also by investing in research to identify knowledge gaps, improve data collection and monitoring, and provide evidence-based analysis to better inform policymakers (Steven 2017: 46). Further, investment in conflict prevention, good governance, and the rule of law needs to be increased, and learning and exchange platforms, such as the HLPF, need to showcase best practice and positive experiences of implementation. Finally, effective communications and advocacy are needed to build a true 'multi-stakeholder movement for peaceful, just and inclusive societies' (Steven 2017: 45).

As the most ambitious of the SDGs, Goal 16 is inevitably the more difficult goal to achieve. It faces 'unique practical challenges in its measurement and implementation' (SDG16 Data Initiative 2017: 3), as well as political and practical challenges with some goals, such as SDG 16.5.1 on corruption, being extremely difficult to monitor (IEP 2017: 3). However, some innovative ideas and methods are being developed to meet these challenges, as explored in the next section.

Innovative Attempts at Implementation

True institutionalisation of SDG 16 will not only be through the UN system but also the work of UN Member States at the national level, with support from civil society and other partners. Current attempts at implementation provide optimism that innovation may be the key to promoting and institutionalising SDG 16 as a norm. It has been suggested that a roadmap is needed to guide the implementation of SDG 16, one that is 'grounded in voluntary human rights and the development cooperation system, not subordinate to international humanitarian law and the Security Council' (Hearn 2016: 1). What is unclear is exactly how such a rights-based approach would work.

The Pathfinders Initiative, championed by Switzerland, Brazil, and Sierra Leone, and with growing support by member states, has developed a road map for implementation of SDG 16 and associated targets (SDG 16+) focusing on impacts on the ground rather than only attempting to meet the targets. Over the next 5 years, this roadmap plans to accelerate the delivery of SDG 16+, with proposals for transformative strategies to further integrated action and partnerships, catalytic actions to provide practical guidance for countries, and enablers of implementation to underpin progress towards the targets through evidence and data, finance, and learning and exchange (Steven 2017: 7-8). One goal of the project is to focus on shared threats and opportunities for more effective international cooperation, accelerating action on the regional and global dimension of SDG 16+ (Steven 2017: 29).

Civil society and other partnerships will also most likely play a valuable role in creating innovative methods and tools to assist governments in implementing Goal 16. Toolkits are already available for civil society organisations to become stronger advocates (TAP Network 2016). It has been suggested that broad-based coalitions for SDG 16 could have the greatest impact on politics, which is ultimately where policy decisions are made (Whaites 2016: 8). Another innovative suggestion is to provide countries with external incentives similar to forms of accession programs used for trade blocks and global bodies, with the UN's role to nurture such innovations, and conversations to encourage greater implementation of SDG 16 (Whaites 2016: 10).

Conclusion

Our analysis has demonstrated that considerations of the legal and moral force of SDG 16 may prove to be more frustrating than fulfilling. An analysis of the international law on extraterritorial legal obligations reveals that SDG 16 may not reinforce these obligations, nor create an enabling environment where such claims may be progressed. The story to date of the institutionalisation and implementation of SDG 16 as a global moral responsibility also offers mixed results, as the goal is visible yet inconsistent across the UN. Certainly, there are references to the goal within the development arm of the UN and, to a lesser degree, in the peace and security architecture. There are also indications that implementation has started at the country level and procedures and practices are being reviewed and adapted to take into account the goal's targets and indicators. Furthermore, there is evidence of innovative attempts at implementation, which suggests that continued innovation may be the key to promoting SDG 16 as a norm. Indeed, such approaches could be central to further norm cascade, allowing SDG 16 to garner the critical mass it needs to reach the tipping point into internalisation. However, as Goal 16 will not be one of the thematic focuses of the HLPF until 2019, it may be some time before we are truly able to assess whether the goal has fulfilled its transformative potential.

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