December 12, 2014

His Excellency Ban Ki-moon
Secretary General of the United Nations
United Nations Headquarters
New York, NY 10017

Dear Mr. Secretary General,

I am writing to you today as the President of the American Bar Association (ABA), on behalf of its more than 400,000 members around the world, to inform you that the ABA is committed to working with the United Nations in its efforts to adopt Sustainable Development Goals (SDGs) and to implement the UN’s broader post-2015 development agenda. The ABA has long supported an effective United Nations as essential to achieving peace, promoting sustainable development and advancing the rule of law.

The ABA is the largest voluntary professional association in the world. It regards human rights and the rule of law as cornerstones of a free and just society and is committed to strengthening them in the United States and internationally. As a non-governmental entity with consultative status with the Economic and Social Council of the UN and as a civil society organization active in the field of the rule of law, the ABA strongly supports the UN’s initiatives to enhance the rule of law at the national and international levels.

The rule of law is widely accepted as fundamental for advancing inclusive and sustainable development. Thus, this part of the ABA’s core mission is fully consistent with the UN’s efforts to promote sustainable development. Further, while the ABA will continue to champion the importance of the rule of law in sustainable development, the ABA has additional practical expertise that can be brought to bear on a wide range of sustainability topics – including human rights, gender equality, fair labor practices, corporate social responsibility, energy, infrastructure, climate change and ecosystems.

Dating back to 1991, through its policy making body the ABA House of Delegates (HOD), the ABA has made a series of commitments to support sustainable development. In particular, resolutions adopted in 2003 and 2013 in the aftermath of the UN global sustainable development conferences in 2002 and 2012 (to which the ABA sent delegations), provided additional momentum for sustainability activities across many ABA sections and entities.

In 2003, the HOD recognized “that good governance and the rule of law are essential to achieving sustainable development” and the ABA encouraged all governments “to promote sustainable development, including by adopting and implementing appropriate measures with respect to their own facilities and activities.” Again in a 2013 resolution, the ABA urged “all
governments, lawyers, and ABA entities to act in ways that accelerate progress toward sustainability.”

On September 16, 2014 at the opening session of the General Assembly, you said: “Let us join forces to establish a set of sustainable development goals and a development agenda that wipe out poverty over the next 15 years. Let us commit to take on the climate change challenge and leave a cleaner and greener planet for posterity.” From a high level review of the SDG draft we believe that a majority of the 17 draft SDGs are covered in part by existing ABA policies adopted by the HOD as well as the work of our Rule of Law Initiative (ROLI) and the World Justice Project.

Earlier in 2013, you met with my two immediate predecessors as ABA President, James Silkenat and Laurel Bellows, to express your desire that the ABA work more closely on sustainable development issues. And again, at our 2014 “ABA Day at the UN,” your senior staff made clear your desire that ABA lawyers should play a stronger role in the sustainable development field. I fully support that role for our members and, through various ABA activities in the coming year during my tenure as ABA President, we will engage with and support the UN as the post-2015 development agenda and the SDGs are finalized.

I supported the continuation of the ABA Presidential Task Force on Sustainable Development established by Mr. Silkenat and I have instructed Lee DeHihns, the Task Force Chair, to review the development of the SDGs to find a proper role for ABA involvement. Following up on the Rio+20 Conference and its outcome report, the Task Force is exploring ways that the ABA can provide leadership, nationally and internationally, on sustainability issues, as well as assist the UN in implementing “The Future We Want” outcome document.

After our preliminary review of the proposed SDGs, The Task Force observes that the assistance of ABA members may be helpful in providing legal meaning to the terms “ensure” and “inclusiveness” which appear prominently in several goals without elaboration. Similarly, with respect to “means of implementation,” the Task Force suggests that ABA could offer advice on achieving certain goals through public-private partnerships.

The ABA recognizes that the SDGs integrate goals, targets and implementation. The integration process is the key to successfully achieving the SDGs. We believe that this approach is precisely what the ABA envisioned in the 2003 and 2013 resolutions noted above.

The ABA is well-positioned to give voice to the legal community – an important and, we believe, an underrepresented group in the international sustainability dialogue on issues beyond our traditional strength in the rule of law -- and provide input on the full range of sustainability issues identified in the draft SDGs. The ABA has started to pursue several pathways for input, which I summarize below. We welcome further suggestions from your staff regarding opportunities for us to engage.

Within UN leadership, we have been in contact with Mr. Thomas Gass who has been responsible for the SDG process and Post-2015 Development Agenda. Mr. Gass spoke with us about the SDG process when we met with him at ABA Day at the UN on March 31, 2014. Similarly, members of our Task Force have closely worked with Ms. Amina Mohammed in connection
with the UN’s technical support team for the SDGs. We are also aware that the President of the General Assembly recently appointed co-leaders for the coordination of further discussions on the post-2015 agenda -- Mr. David Donoghue of Ireland and Mr. Macharia Kamau of Kenya. In the interest of facilitating the effective input and coordinated support of the ABA, I have copied each of these individuals on this letter.

I also note that ABA members have contributed to ongoing UN initiatives such as the UN Global Compact and Sustainable Energy for All and that we will continue to actively participate. The ABA is also in communication with other organizations focusing on the SDGs and the post-2015 agenda, such as the World Business Council on Sustainable Development (WBCSD) and the Global Reporting Initiative (GRI). In particular, by cooperating with these groups, we want to raise awareness of the SDGs and post-2015 agenda among not only lawyers but also across the broader business, finance and governmental communities.

In the US, the ABA will continue to use its dialogue with the State Department and at the U.S. Environmental Protection Agency as another conduit for our input to the UN post-2015 process. For example, several members of our Task Force have already had direct input into the U.S. Government’s consideration of the various draft SDGs.

Finally, we are copying U.S. Mission Ambassador Elizabeth M. Cousens on this letter to inform her of our commitment to advancing the SDGs and the post-2015 agenda. Earlier this year, the U.S. Mission to the UN indicated it would work with the ABA Task Force to identify a role for the ABA to review and perhaps have input on the U.S. position on the SDGs. We look forward to working with Ms. Cousens and her staff in New York City on these issues.

We appreciate that the final work product of the Open Working Group (OWG) on SDGs was styled as a “proposal” for the further consideration of the General Assembly. We also understand that the SDGs are but one component of the broader post-2015 agenda. It is clear that much work remains to be done before the process concludes in late 2015. I promise that the ABA and its members will actively engage through a multiplicity of activities to help ensure a successful outcome to these efforts.

Sincerely,

William C. Hubbard

cc: Ms. Amina J. Mohammed, Secretary General’s Special Advisor for Post-2015 Development Planning
Mr. Thomas Gass, UN Assistant Secretary-General for Economic and Social Affairs
Hon. Elizabeth Cousens, Ambassador, U.S. Mission to United Nations
Mr. David Donoghue, Permanent Representative of Ireland
Mr. Macharia Kamau, Permanent Representative of Kenya