

Insights into Emerging Economies

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N°7 , October 2016



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Perspective on... Justice and sustainable development

Beyond the obvious

Justice favorable to sustainable development

By Joël Ruet and Fanny Costes

Among the seventeen sustainable development objectives adopted by the UN in September 2015, the 16th objective makes a clear link between the rule of law and the possibility of sustainable growth for all.



Objective 16: Promote peaceful and inclusive societies for sustainable developments, facilitating access to justice for all and to create effective, accountable and inclusive institutions at all levels.

Last June, at a workshop organized in the Netherlands, the International Development Law Organization (IDLO) raised the following question: how can Objective 16 contribute to achieving the sustainable environment objectives? In its view, an increasing number of environmental programs recognized that "while scientific and technical solutions have made a great deal of progress, a missing link has been the support and upgrading of clear legal and policy framework backed by accountable institutions."

Like Irene Khan, IDLO Director General, we think that the rule of law and a clear legal framework are "a premise without which development cannot be sustained."

And we view these as essential on several counts – first of all, social, then economic and industrial, and of course environmental.

Guarantee of fairness

Promoting the rule of law is of course a condition for guaranteeing the equality of all before the law, but so is fair access to resources, be they educational, juridical, administrative, natural, economic, or energy-related. Socially speaking, this means, for example, women's empowerment, training being accessible to rich and poor alike, electrified and connected villages, and information for all.

Economically, the stakes are central to sustainable development. The establishment of the rule of law makes it possible to tackle corruption, reinforce investor confidence, and set up frameworks that are conducive to biodiversity conservation and thus to the development of a country's natural and human capital.

And the impact on industry is far from negligible. It should be emphasized that clear legal and regulatory frameworks, especially for environmental matters, will likely help protect land, without which the agrifood industry cannot flourish, and preserve water resources that are essential to extractive industries, agriculture, and the energy sector. It would also foster a "protected" environment for deploying innovations that are key to mitigating global warming and the changes this triggers. Bridge Tank president Joël Ruet insisted on this point at the conference "Achieving the Agenda 2030 and Agenda 2063: the rule of law as a driver of Africa's sustainable development," organized by IDLO in Dar Es Salam in June this year. He effectively underlined the linkage between development and innovation, and the need for a legal framework that takes this into account.

In fact, entrepreneurs and industrialists have everything to gain by participating in the elaboration of a sound and transparent legal framework and by reconciling the interests of foreign or national firms and those of local actors, in order to build up economic and competitive advantages over the long run and ultimately contribute to creating green and inclusive growth.

The rule of law is built collectively

On paper, anchoring the rule of law is clearly a prerequisite for sustainable development. Yet, in practice, there is no ready-made blueprint for this. We should bear in mind that it is not enough for a few lawmakers – even if they are wholeheartedly won over to sustainable development causes – to draft legislation or lay down new rules. As Irène Khan clearly pointed out at the United Nations on 12 July this year, "Laws and institutions by themselves do not protect, laws can be enablers or barriers to human rights. We know of laws that discriminate. We know of institutions that can be mismanaged, can be corrupt, can be manipulated.... When that happens, that's rule by law not rule of law."

The law is therefore wanting. And safeguards are needed. As Professor Jean-Didier Boukongou remarked at a conference on law at the service of development in Africa, organized by the Institut Afrique Monde:⁽¹⁾ "If justice works well in many respects in Africa, corruption is an obstacle to the application of justice and thus to development. What about the results of the national anti-corruption commissions? And we could also take the African Union, whose ambition is to bring African solutions to African problems. That's good. But the whole question is knowing how States take on ownership of such and such a measure, and whether the decisions taken by the courts are applied."

Building up the rule of law as a force for sustainable development calls for adaptation to natural, social, and economic contexts. It is thus necessary to bring in a new generation of laws as the societal changes that sustainable development entails are transformational. The regulatory framework chosen by a country not only needs to take into account its local environmental requirements, but also to serve as an incentive rather than a deterrent. As the IDLO states in a framing paper: "The societal change required is transformational, requiring nuanced regulatory approaches that combine limits with incentives in a balance that can be adapted as progress is made. Rather than one legal instrument, often a framework of laws and policies are needed that 'speak the language' needed to engage the broad sectors needed to be involved."

This point is a clear reminder that a soundly constructed rule of law is co-invented and co-maneuvered. The approach must be collective. All of the actors need to be consulted at some point or other – the private sector included. And if the State is to be governed sustainably, not only does each citizen have to have access to information, but also an entire generation needs to access training that will enable this governance to be well managed and to develop. Training judges, lawyers, arbitrators, legal experts in environmental matters – regardless of names, bank accounts, or opportunistic ententes – is also a crucial step in building up a rule of law that guarantees sustainable development.

(1) On septembre 5th 2016 in Paris

(2) Connecting the dots across the SDGs: Environment, Justice and People, What can we learn from biodiversity mainstreaming?

Perspective on...Justice and Sustainable Development

Press Review



World Economic Forum : « There's a research revolution going on in China – and one day it could save your life »

China spends more than \$200 billion on research annually, a level of investment that is second only to the United States. Chinese President Xi Jinping has positioned science-based innovation near the top of the national agenda. www.goo.gl/TtvmBn

THE BRIDGE TANK TAKE

In fact, China is developing innovation ecosystems in many areas. Furthermore, at the T20, where The Bridge Tank was present, the country placed innovation at the top of the priority list for the G20 agenda. Innovation must be at the same time financial, technological, and behavioral.



The Guardian : « Historical documents reveal Arctic sea ice is disappearing at record speed »

Arctic sea ice extent in recent years is by far the lowest it's been, with about half of the historical coverage gone, and the decline the fastest it's been in recorded history . www.goo.gl/FI48bm

THE BRIDGE TANK TAKE

What is happening at the poles cannot be separated from what is happening in the Sahel or to coral reefs. It is absolutely essential to link among these the three COP: Climate, Biodiversity, Desertification.



Tweet of Ibrahim Mayaki

« Africa has been a force for proposals at the #G20China. Leaders like @macky_sall have demonstrated that we have a vision for the future ! »

THE BRIDGE TANK TAKE

Africa has indeed expressed its own vision for the future, and now wants to develop independently. This strategy of empowerment is becoming increasingly popular on the continent, and must become the dominant view.

Focus on... NICTs and Sustainable Agriculture

Pointers to Emerging Trends

What digital solutions for agricultural challenges?

The state of play is well known. Not only will it be necessary to feed 9 billion people in 2050, but also to produce more using less. Less water, fewer chemical inputs, less available land. The challenge is huge on a planetary scale, and even more so in the Global South, in Africa or Southeast Asia, where the effects of global warming are already felt and where most farmers are smallholders with limited resources.

It is even more challenging since, according to the World Bank, growth in the agricultural sector "is about two to four times more effective in raising incomes among the poorest," compared to other sectors. As the Bank points out: "This is important for 78 percent of the world's poor who live in rural areas and depend largely on farming to make a living."

To meet these economic, social, and environmental challenges, academics and experts from the field have identified new information and communication technologies (NICTs) as being relevant and effective tools. A sea change has come about due to the interactivity offered by the Internet and mobile telephony. Thus, since 2012, the UN International Fund for Agricultural Development (IFAD) has counted on these ICTs in order to transmit early warning signals for climate risks via mobile phone networks, under its Adaptation for Smallholder Agriculture Programme (ASAP).

At the G20 Agriculture Ministers meeting in China in early June 2016, FAO Director-General José Graziano da Silva again advocated the deployment of ICTs as a support tool for sustainable agriculture. As he pointed out "Information and communication technology helps in the monitoring of crop growth, utilization of new techniques, field management and harvests." He added that, looking further ahead, these can increase the welfare of populations and guarantee equal access to opportunities.

Promising examples

On the ground, the first results are encouraging. Free or affordable services accessed via mobile telephones are multiplying – for example, the WeFarm, M-Farm, and iCow applications, or the e-agriculture projects in Africa.

Created by a Kenyan farmer, iCow is an SMS and voice application that helps farmers improve their productivity by giving them access to knowledge and expert advice. In Botswana, the Modisar application enables farmers to manage their animals by directly monitoring their records, the changes in their livestock, operating costs, and their income from sales.

First launched in Uganda and Kenya before expanding into Tanzania and Côte d'Ivoire, the WeFarm platform works on the same principle. Practically, it is similar to a messaging service that allows farmers in different regions or countries to exchange advice and information. When a farmer sends a question via SMS to the WeFarm number, an algorithm selects 20 to 30 farmers with the appropriate profile and knowledge to reply. In just over a year, there have been some 8 million interactions between farmers. In fact, while rural areas in developing countries are often not connected to the Internet, the choice of an SMS tool is particularly appropriate as 90% of smallholders have access to basic mobile telephones.

In addition to these applications that help break down the isolation of small farmers and give them access to information, other digital tools are now being developed in order to enable them to access markets and, above all, to increase their awareness of resource utilization.

Again in Kenya, in Cheptais, the M-Farm application allows small-scale, mostly women farmers to periodically receive information on market prices for food crops and to contact consumers directly.

Focus on... NICTs and Sustainable Agriculture

Pointers to Emerging Trends

The project Tools for the Enhancement of Irrigation Efficiency in West Africa, funded by the African Union, aims to bring digital solutions to optimize the management and prudent use of water. It has notably developed a tool that provides advice on irrigation scheduling. Thanks to sensors installed in various localities, meteorological data have been collected to create a sort of irrigation guide. A website allows the user to select a crop and a place and then receive a schedule indicating the right time to irrigate and the right quantities of water to use.

Further, more and more States are integrating ICTs into their agricultural plans. Côte d'Ivoire, for example, is working on an e-agriculture project in collaboration with the Agence nationale du service universel des télécommunications-TIC (National universal telecom and ICT service agency – ANSUT).

A technical capital to be transmitted

But before Web-3.0 farms can grow in greater number, efforts still need to be made, particularly when it comes to using new technologies. As the FAO Director General insisted in June this year, "we have to bear in mind that small farmers in developing countries are often constrained in their access to inputs, technology, and markets. In order to ensure that farmers fully leverage the ICT opportunities it is essential to provide digital tailored access, foster capacity development and facilitate the exchange of experiences."

The public and private actors active in deploying e-agriculture are cognizant of the need to train small-scale farmers. On the *lesafriques.com* website, Ibrahim T. Konaté, deputy managing director of ANSUT in Côte d'Ivoire, recalls that "the mechanical, robotic part is easy to implement, but we must first promote human capital, train human resources". In India, this need has already been recognized. For example, since 2006, the Digital Green not-for-profit organization has been working to enhance agricultural productivity by training small farmers via short educational videos.

Adapting technical capital to natural capital is a prerequisite for exploiting it... sustainably

But for growth to be sustainable, technical capital –which now includes ICTs – must adapt to the specificities of natural capital and its use. However, many policies aimed at protecting the environment adopt an opposite strategy. Their approach takes the view that natural capital is marginal to the growth dynamic and that financing such protection should be ensured by taxes levied on the conventional economy. In this worldview, natural capital becomes a burden for the economy, and protecting it only succeeds if the economy is doing well and generating the surpluses required for what then becomes a luxury – protecting the environment.

On the contrary, making the exploitation of natural capital into a core element of the economic growth dynamic acts as an incentive to exploit this capital, while at the same time respecting or even regenerating it. This means that technical and human capital needs to be adapted to the specific characteristics of natural capital; combined, they determine the nature and relationship between growth and natural capital.⁽¹⁾

(1) This analysis, based on part of Edouard Lanckrie's PhD thesis, will give rise to further publications on the Bridge Tank website, including an upcoming Policy Brief entitled "Considering natural capital as a factor of growth and not as a burden is the best way of regenerating it".

Zoom sur... NTIC et agriculture durable

In Brief



Launch of the International Solar Coalition

The International Solar Coalition, an initiative launched jointly by France and India and announced during the COP21, will see its concrete establishment in early October in New Delhi in the presence of Ségalène Royal. Involving 121 countries located between the Tropic of Capricorn and the Tropic of Cancer, and working alongside multinationals and international institutions, the organization's main challenge will be to reduce the costs of solar energy to accelerate its expansion.

The organization will focus specifically on the mobilization of funding in developed countries, the development of technologies, and the promotion of knowledge sharing and cooperation on R&D. The target figure was set at \$1 billion investment in solar energy by 2030.

The foundations were already set in January in Gurgaon by Francois Hollande and Narendra Modi, with the establishment of the organization's headquarters at the National Institute of Solar Energy. In June, the World Bank also announced its partnership with the International Solar Coalition, and India and the United States announced a joint initiative for off-grid solar energy.

India is particularly invested in this project, in line with its ambitious targets in terms of "decarbonization" of its energy mix; the country is targeting a solar capacity of 100GW by 2022, which would represent an increase of 30%. The main obstacle is probably the reluctance expressed by the United States towards the eventual realization of this alliance in a binding treaty, still considered a sine qua non of its effectiveness.

In Guangzhou, the G20 Makes Climate Finance a Priority

The G20 held in Hangzhou, China in September 2016 set as a priority sustainable, balanced, and inclusive growth. And the development of climate finance is one of the solutions. Even if climate finance is not new to the international agenda, the last G20 under the Chinese presidency marks a definite turning point in terms of its recognition.

It is particularly symbolic that such a change occurred during the summit in China, which faces a huge challenge in terms of the investment necessary for environmental protection, renewable energy, energy efficiency, and sustainable public transportation. Concrete decisions have already been taken in August by the Chinese government with the adoption of the "Rules for the Establishment of a Green Finance System".

Today, there is a global movement, and the leaders of the G20 countries have all stressed the need to place green finance at the heart of their economic strategies. If everyone is in agreement on the objective, the challenge now lies mainly in how to mobilize the private sector to encourage "green" investments and to develop the appropriate tools for this.

News and Events

The Bridge Tank Voice

The Bridge Tank in the media

- « Together, regularly, and not only during annual global rounds, governments, industry, start-ups, and civil society should produce solutions that are cost effective, replicable, and localized in regional economic ecosystems. We are also advocating for a place for permanent dialogue between industrialists and financiers, between innovators and states, between legislators and entrepreneurs, and of course civil society. » Article in L'Opinion by Joël Ruet, Adam Thiam, Matthieu Wemaëre « *Pour une COP22 de l'action ... Pour un Forum permanent des parties prenantes* »
<http://www.lopinion.fr/edition/international/cop22-l-action-forum-permanent-parties-prenantes-103129>

- « South-south and South-North Co-Innovation is to be promoted. Balanced participation from northern and southern countries is felt to be a need regarding adaptation and mitigation in response to global climate change. Stakes pertaining to co-innovation between northern and southern countries are high. We must look at how technology and knowledge at local levels can coordinate to create new capacity and know-how for adaptation and building resilience » Article in *Diplomatic Courier* by Sara Bentefrit, Molly Mamaril, and Joël Ruet on Behalf of the Collective of the 4th International Meeting of the Youth Forum in Dakhla « *Green Economy: An Opportunity for Youth Employment* ».
<http://www.diplomaticcourier.com/2016/09/09/green-economy-opportunity-youth-employment/>

THE BRIDGE TANK TOUR

October 12, Kenya: After the Business Dialogue held in Tangiers in July on the theme of water, the General Confederation of Enterprises of Morocco is organizing a new Business Dialogue in Kenya on the theme of agriculture. Joël Ruet, the president of The Bridge Tank, will be in attendance.

October 31, China: The Bridge Tank will speak at the workshop of Finance Training China-UK held in Hangzhou by the Guangdong-Nottingham Advanced Finance Institute.

November 7-10, Morocco: The Bridge Tank is invited to the first International Summit of Southern Multinationals, organized on the sidelines of the COP22 in Marrakech by the Amadeus Institute.

Read all the latest about THE BRIDGE TANK on <http://thebridgetank.org>