



International Development Law Organization
Organisation Internationale de Droit du Développement

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**Statement by Patrizio Civili, Permanent Observer of the
International Development Law Organization (IDLO), to the Sixth Committee of
the 67th Session of the General Assembly on
Agenda item 83: Rule of Law at the National and International Level**

10 October 2012

Mr. Chairman,

Let me at the outset, thank you and, through you, the Committee, for giving us the opportunity to intervene, as we have done in the past several years, in your debate on the rule of law at the national and international levels.

Over the years, the International Development Law Organization (IDLO) has come to regard your annual consideration of this agenda item as a welcome opportunity to share with the General Assembly highlights of developments in our institution that have some relevance to the Assembly's rule of law work, and to review the state of play in our collaboration with different parts of the United Nations.

In my statement last year, I noted that, as the intergovernmental organization associated with the United Nations exclusively devoted to advancing the rule of law and its contribution to socio-economic progress, IDLO benefits immensely from the growing attention that intergovernmental debates and other events within the Organization are giving to the whole problematique of the rule of law. I indicated then that IDLO very much looked forward, and hoped to contribute actively to the High-level Meeting on the Rule of Law - its preparations and, equally, its follow-up.

IDLO was deeply honoured to be inscribed in the list of speakers for the High-level Meeting. In her intervention, IDLO's Director General Irene Khan, highlighting the timeliness of the renewed commitment to the rule of law embodied in the Declaration, said that, across the world, the rule of law is undergoing a profound "global crisis". She spoke of a dangerous deficit of public trust in institutions, and of a deep disconnect between the formal mechanisms of the rule of law and people's lived experience of justice and equality. Restoring people's confidence in justice systems – she said - is an enormous challenge that calls for a major, renewed effort by national governments and the international community to create a true "culture of justice". And she committed IDLO to do its part in this endeavour, working across all of the interrelated dimensions of such a culture: supporting efforts to strengthen the functioning and responsiveness of legal and judicial

institutions; working to enable governments to uphold human rights and empower people to claim them; and gearing the law to advance sustainable development and economic opportunity.

In the pledging process that accompanied the High-level Meeting's proceedings, IDLO put forward a specific pledge, undertaking to carry out a global survey of the role of women in justice sector institutions and of legal barriers to women's access to justice. We committed to do so with a timetable geared to the elaboration of the post-2015 Development Agenda, hoping to contribute to ensuring that women's increased participation in the justice system and legal reforms to enhance women's rights are accorded due priority in that Agenda.

Both our overall institutional commitments and this specific pledge are rooted in a broad process of consultations that we have carried out over the past several months with a wide range of stakeholders – Member States but also representatives of communities with whom and for whom we work – to elaborate IDLO's proposed Strategic Plan for 2013-2016.

This Plan - that will be acted on at the forthcoming Assembly of IDLO Member Parties to be held in Rome next month - seeks to define a space between justice, institutions and people in which IDLO's comparative advantage can most usefully be exercised. By helping make institutions of law and justice work for people, IDLO can – we believe – make a distinctive contribution to strengthening the social contract between the citizens and the state, and, in this way, help set the foundations for more stable and inclusive societies in which there is opportunity for all, and all can live in dignity under the rule of law.

We see the rule of law as having both intrinsic and instrumental value. In this perspective, and having analyzed not only overall trends but also country priorities as they emerge from demand for our services, we propose, under the Plan, to recast our programmes to focus on a small number of specific policy goals. I would like to highlight here 3 of them in particular, which speak more directly to the effort to advance a culture of justice to which I have referred earlier: First, helping build confidence in the justice sector, by assisting in constitution-making and legal reform, and, more broadly, responding to countries' demand for support in their efforts to enhance the integrity and quality of the work of the justice sector and the transparency and accountability of governance institutions. Second, helping enhance access to justice, serving as an enabler not only in upholding human rights but also in empowering people to claim them, with a specific focus on 3 areas: promoting gender equality; the development of legal services and of dispute resolution mechanisms to empower poor and marginalized communities; and the use of the law to advance the right to health. The third goal is to promote innovative legal approaches to support sustainable development and the expansion of economic opportunities - from contributing to legal preparedness for climate change and advising on legal and regulatory reforms to improve the management of natural resources, to supporting legal capacity development in trade, information technology and intellectual property.

In carrying forward this work, IDLO will be guided by the policy orientations articulated in the High-level Meeting's Declaration, many of which, in turn, build on the policy lines set in the resolutions on the rule of law adopted by the General Assembly in previous years on the recommendation of this Committee. In particular, IDLO has, since its inception, strongly acknowledged the plurality of legal systems and has been committed to the principle of national and local ownership of rule of law initiatives. These approaches, and a deepening of our commitment and capacity to act on them, are key features of the Plan we are now submitting to our membership.

In terms of methods of work, in line with the General Assembly's repeated calls for closer interagency collaboration, stronger policy coherence, and greater effectiveness in rule of law assistance, we intend to give high priority in the period ahead to working in strategic partnership with others, gathering and disseminating best practices and lessons learned; and to strengthening our research and evaluation capabilities in support of our programmatic work, sharing results across the international system. Supporting the United Nations in the exercise of its essential policy coordination role will be a constant concern in this effort.

The United Nations itself is, of course, at the very centre of our partnership building strategies. The Rule of Law Unit in the Executive Office of the Secretary-General, UNDP, UN DESA, UN Women, and the units working to advance the rule of law in the peace-keeping area, are among IDLO's key partners. In relation to other organizations in observer status with the United Nations, we are working in close cooperation, in particular, with IPU and with International IDEA. And it is with these institutions and UN entities that we have sought to team up in order to do our part to contribute to the preparations for the High-level Meeting and to help maintain the momentum for reflection and action generated by the Meeting. Thus, last May, as preparations for the High-level Meeting were beginning to take shape, we joined with UNDP in organizing a roundtable on "The rule of law and sustainable human development: sharing experiences in building national capacity", and we co-sponsored with UN DESA a panel discussion on "The Contribution of Law to the Rio+20 agenda". Subsequently in the week before the High-level Meeting, our Director-General participated in a panel discussion on electoral justice and the rule of law organized by International IDEA with UNDP and the UN Department of Political Affairs and the co-sponsorship of the Permanent Mission of Mexico. Thereafter, in the days immediately following the High-level Meeting, we joined with UNDP and UN Women in organizing an event on "Seeking Justice through Informal and Customary Systems" co-sponsored by the Permanent Mission of Germany, where the Foreign Minister of Uganda provided the keynote address; and we joined IPU in organizing a panel discussion on "Parliaments and the Rule of Law: Towards Justice for All", co-sponsored by the Permanent Mission of Italy.

Since I intervened in this Committee last year, IDLO's programme portfolio has further expanded and there are clear, strong indications that, within the framework of our new strategic plan, and aided by the political momentum generated by the High-level Meeting, demand for our programmes will continue to grow. This demand obviously emanates in good measure from countries emerging from conflict but extends also to other developing countries across all regions, and covers the whole spectrum, from constitutional and judicial reform to legal capacity building geared to supporting trade, investment and sustainable development. We are most grateful to Italy, the Netherlands, the United States and indeed some of our developing country member parties, and to several non member party donors as well as private institutions such as the Gates Foundation, that are supporting generously our work. There is no doubt however that, not only for us but across the board of the international system, the level of resources available in the rule of law area is nowhere near the level of demand. Also, as our Director-General recalled in her address to the High-level Meeting, transforming institutions is a long term endeavor while international assistance too often tends to put disproportioned focus on "quick wins", which are unsustainable without addressing fundamental weaknesses in the institutional capacities of the state or the broader socio-economic problems that the country faces. Part of the international system's response to resource constraints must be to strive for innovation, excellence and a strengthening of partnership, but the fact remains that, if the goals embodied in the High-level Meeting's Declaration are to be seriously advanced, international assistance for rule of law programming will need to be significantly expanded.

Let me close, Mr. Chairman, as IDLO's Director-General did in her statement at the High-level Meeting, by pledging to bring all of IDLO's strengths, including its advocacy and convening capacity, to support within its mandate the United Nations in following up on the High-level Meeting's Declaration, and in building consensus on the intrinsic and instrumental value of the rule of law at national and international levels.

Thank you, Mr. Chairman.
