

STATEMENT OF THE INTERNATIONAL DEVELOPMENT
LAW ORGANIZATION

TO THE SIXTH COMMITTEE OF THE 68TH SESSION OF THE GENERAL ASSEMBLY ON
AGENDA ITEM 85: RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVEL

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Mr. Chairman,

The International Development Law Organization extends its congratulations to you and the rest of the Bureau upon your election and we wish to state our commitment and support to the work of the Sixth Committee.

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. As the only inter-governmental organization exclusively devoted to advancing the rule of law – we greatly appreciate the opportunity to share our views and experience at this debate on the rule of law at the national and international levels.

Global trends reinforce the rule of law as a fundamental building block for peace, security, human rights and development, and as such, the rule of law is a critical contributor to international and national efforts to build a safer, fairer world.

Last year's landmark "Declaration on the Rule of Law at the National and International Levels" [A/67/L.1] further restated the centrality of the rule of law in addressing the many complex political, social, economic and environmental challenges of our times.

During the High Level Meeting, IDLO highlighted the "global crisis of the rule of law, ... the dangerous deficit of public trust in institutions and the deep disconnect between the formal mechanisms of the rule of law and people's lived experience of justice and equity." We stressed the importance of the renewed commitment to the rule of law made by Member States and today we welcome this continued commitment to the rule of law by Member States through the adoption of the Declaration, last year's High Level Meeting and the current debate.

This reflects the address made IDLO's Director-General Irene Khan at last year's High Level Meeting on the rule of law at the national and international levels as recalled in paragraph 2 of the Secretary-General's report before the Committee this year, A/68/213.

As we work to create a true "culture of justice", IDLO remains committed to tackling the enormous challenge of restoring people's confidence in justice systems.

In September 2012, at the High-level Meeting of the 67th Session of the United Nations General Assembly (UNGA) on the Rule of Law at the National and International Levels,

Last year, IDLO pledged to identify and analyze the barriers women face in the justice sector as legal professionals, and more broadly in accessing justice.

By drawing attention to the challenges faced by women in the justice sector, IDLO wishes to encourage national governments and the international community to direct more resources and

energies towards addressing the unique needs and challenges faced by women in the justice system and to ensure that women enjoy democratic freedoms and equality of opportunity as an integral aspect of their human rights. IDLO is working actively to fulfill its pledge and we look forward to reporting on the results of our pledge.

IDLO is also honored to report that we are currently implementing our new strategic plan, and in this framework, we are closely following the policy orientations articulated by the UN General Assembly to advance the rule of law.

IDLO is equally committed to contribute to the current discussions on integrating the rule of law into the post 2015 Development Agenda, in line with the policy guidance set out in the Declaration adopted by the High Level Meeting.

We have noted with great interest the intention of the President of the General Assembly to focus on this issue in the months ahead. Meanwhile, we have endeavored to seize the important opportunities that the high level events held in the Assembly in the past several days have offered us to project specially as the rule of law as a key factor in sustaining human security and development.

Mr Chairman, inequality is a major factor behind the uneven and inadequate progress. That silence has had a huge human cost: pregnant women who cannot access life-saving health care, children who drop out of school, people who are condemned to live in dire poverty in countries that that have made remarkable economic progress. Inequality is a social problem, moral concern, and also a political issue. Grossly unequal societies are often unstable societies. Gross disparities are morally reprehensible, legally untenable and politically, economically and socially dangerous.

We in IDLO strongly believe that the post-2015 Development Agenda must give priority and prominence to the reduction of inequality, as a stand-alone goal, as has been strongly advocated by the UN High Commissioner for Human Rights, as well as a cross-cutting theme. Fighting disparity and discrimination are fundamental to eradicating poverty, ending hunger and promoting an inclusive and sustainable framework for development. In practice, this means translating equality and non-discrimination into good laws, policy and regulations, and enhancing people's participation in decision-making processes that affect their lives and livelihoods. The new development framework must be based on a clear commitment to human rights and the rule of law.

We cannot fight poverty or promote sustainable development or inclusive economies when justice and accountability systems do not properly function; when poor people are not able to participate freely in decisions that affect their lives and livelihoods; when the law itself discriminates against women and minorities; when opportunities are only open to a few based on wealth and privilege, and when corruption and bribery distort access to justice and basic services.

Mr Chairman, without respect for the rule of law and human rights, we will fail, not only to make development work equally for everyone, but will also fail to prioritize those who are the most vulnerable, the most marginalized and most in need.

To this end:

- we talked about the importance of inclusive development for all at the High Level Meeting on Disability and Development;
- we explained how the inclusion of the rule of law in the post-2015 development agenda can fill some of the gaps of the Millennium Development Goals at the General Assembly's Special Event Towards Achieving the Millennium development Goals;

- we gave concrete examples of how the rule of law can work on the ground to improve the lives of real people at the UNDP organized Global Dialogue on the Rule of Law and Post-2015 Development Agenda; and
- we highlighted the role of the rule of law and human rights in providing fair development outcomes for migrants at the High Level Dialogue on International Migration and Development

We have continued to use our advocacy and convening capacity to support the UN in following-up on the Declaration and building consensus on the intrinsic and instrumental value of the rule of law at national and international levels. In programmatic terms, we have:

- Continued to strengthen the rule of law, rights and good governance in developing countries, those in transition and crisis, as well as those emerging from conflict;
- Offered legal expertise, resources and professional support to governments, multilateral partners and civil society organizations; and

Our work covers most of the areas in which the UN is engaged, as outlined in Chapter III on "United Nations approach to the rule of law at the national level" of the Secretary-General's report. Some examples include:

Legal frameworks

One of IDLO's priorities is to work with government institutions to establish legislative and constitutional frameworks based on locally defined parameters and respectful of legal pluralism, but aligned to international standards and enriched by regional and global best practices. IDLO also supports the transition process by strengthening ministries and justice sector institutions to implement constitutional and legal reform. Part of our approach is to encourage and facilitate participatory processes and multi-stakeholder consultations to assist the constitution making process.

Capacity development

IDLO has a long tradition of supporting new, more effective ways of developing capacity, promoting the integrity and independence of the judiciary and establishing systems for transparent, timely and competent decision-making. We actively promote strategies for successful transition to local partners and strive to ensure sustainability.

Access to justice and informal justice systems

Formal legal systems are neither affordable nor always accessible to those who are poor and marginalized. Those who form "the bottom of the pyramid" often struggle to access basic legal services and safeguard their rights, interests and assets. Innovative legal solutions are needed to meet the requirement of these actors in the informal economy and help support more sustainable livelihoods. By combining our core-competency of institution-building, our understanding of informal legal systems, our knowledge of legal empowerment and working with partners and stakeholders, we have worked to develop strategies to expand legal services and cost-effective dispute resolution mechanisms for the empowerment of poor and marginalized communities and vulnerable groups, including women.

Sustainable development

Global challenges such as climate change, resource scarcity and financial crises are threatening to set back decades of socio-economic progress. Legal and institutional reform can make an important contribution to tackling these problems, but many developing countries lack the capacity and know-how to use law to promote sustainable development, or to access the benefits of trade, intellectual property, technology or the green economy equitably.

Mr Chairman, during this debate we have heard of the interest that exists in the rule of law. There is a growing demand for rule of law assistance from a wide range of countries across the spectrum, including middle-income countries, for constitutional and legal reform and judicial capacity building to support trade, investment and sustainable development. There is no doubt however that, not only for us as IDLO, but across the board of the international system, the level of resources available in the rule of law area does not match demand.

Despite this, IDLO is pleased to let the Committee know that we have significantly increased our program portfolio to 56 projects around the world. A generous multi-year grant of flexible funding from the Netherlands has enabled us to reform internally and to open a Branch Office in The Hague in late 2013 that will provide additional capacity for furthering the rule of law around the world. We would also like to thank the United States as President of IDLO, Kuwait as Vice-President and Italy, as host country and Vice-President, for their continued support.

IDLO is guided by and seeks to contribute to the new arrangements for enhanced coordination as outlined in chapter IV of the Secretary General's report. We are pleased to continue our longstanding interactions with UN DESA, UN Women and UNDP's Bureau of Development Policy, with consultations with UNDP's Bureau for Crisis Prevention and Recovery to explore new possibilities of cooperation at both the global and the field level.

We also welcome the strengthened arrangements launched by the UN for joint engagement at the country level and look forward to contributing to their goal of enhancing the coherence and impact of international cooperation particularly for countries emerging from conflict.

With regard to the Rule of Law Unit, we greatly appreciate the spirit of openness and dialogue that characterizes its work and have sought to contribute actively to the extensive process of consultations it has launched in the follow up to the High Level Meeting on the Rule of Law. We also look forward to playing our part in the expanded partnerships and strategic dialogue that the Secretary-General intends to pursue, in support of the essential work of the UN Rule of Law Coordination and Resource Group.

IDLO knows from its work around the world that the rule of law can play a crucial role in closing the gap between the promise of development and the reality of deprivation and discrimination. Good laws and regulations, fairly administered by responsive and accountable institutions, can transform societies, especially when such measures are accompanied by the legal empowerment of citizens and full participation of civil society.

Bringing the law closer to people is key to promoting sustainable and inclusive development. Furthering a culture of justice, based on the rule of law, is essential for a safer, fairer world.

Thank you, Mr. Chairman.

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.