

**STATEMENT OF THE INTERNATIONAL DEVELOPMENT
LAW ORGANIZATION
HIGH LEVEL DIALOGUE**

**“BUILDING SUSTAINABLE PEACE FOR ALL: SYNERGIES BETWEEN THE 2030 AGENDA
FOR SUSTAINABLE DEVELOPMENT AND SUSTAINING PEACE”**

WORKSHOP III: Strengthening transparent, inclusive, and accountable institutions

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Excellencies, distinguished delegates,
Ladies and gentlemen,

I am pleased to address you today representing the International Development Law Organization (IDLO), the only intergovernmental organization exclusively devoted to promoting the rule of law.

Whether you read a newspaper, watch the TV or get your news online there is no denying the magnitude of the task facing us as we try to prevent conflict and build peaceful, inclusive and equal societies.

Decades of international experience have shown that the rule of law is indispensable to international peace and security.

Arriving at peace or political accords in crisis or post-conflict situations is only an initial step in the process of bringing about stability; after the accords, comes the difficult task of building people's trust and confidence in institutions to ensure successful peacebuilding. In countries recovering from conflict, recurring violence, weak political consensus, the lack of political legitimacy, inadequate resources and capacity make it particularly difficult for institutional and legal reform to take root. Justice sector reform is overshadowed by the security sector issues.

“Embedding” rule of law reforms requires local ownership, but in societies torn apart by conflict the legitimacy of local stakeholders is itself questioned – there may be no democratic government or genuinely representative local authorities. Accountability for past human rights crimes are caught on the horns of the dilemma between pursuing peace or ensuring justice: transitional justice is either ignored or left to fall by the way side, leaving grievance unaddressed and creating room for new ones.

Before I turn to the work that the Organization I represent today is doing on peace, justice and sustainable development, I would like to make a reference to the Global Peace Index



previously mentioned by the Moderator. I highly recommend this invaluable tool that measures the rule of law as one of the key component of peace.

IDLO is a program-based organization, working to advance the rule of law across the spectrum of development, from post-conflict to middle income countries and the bulk of our program in fragile and post conflict states. Allow me to share with you some lessons learned from our field-based practical experience.

1. The rule of law is an essential ingredient of both sustainable development and sustainable peace

IDLO works in some of the poorest and most insecure parts of the world, as well as in emerging economies. No matter where in the development spectrum a particular country stands, whether establishing peace, eradicating poverty or encouraging economic opportunity, it needs good laws and regulations that are fairly administered by transparent and accountable institutions and that, most importantly, produce fair outcomes for all.

Earlier today the Secretary-General reminded us of the clear link between failing economies and the potential fragility of societies, institutions and even states.

Insecurity drives poverty, and we see insecurity and violence thrive in the absence of the rule of law: when the state does not have the capacity or the will to protect the people or their property, when women are discriminated and have no recourse against gender-based violence, or when institutions are not strong enough to resolve social or political conflict, or tackle organized crime. It is no mere coincidence that post-conflict countries are among the poorest, or that the poorest neighborhoods, even in wealthy countries, are often the ones most likely to suffer from crime and violence.

Drafting constitutions is key, but going beyond that and translating words into action is what will bring about the transformative change we are all aiming for.

In Kenya, IDLO had been working to ensure that Kenya's 2010 Constitution, which provides for one of the most ambitious devolution processes anywhere in the world, helps bolster the quality of justice, the delivery of services and the legislative process. IDLO supported the review of proposed legislation and policies covering human rights, land, natural resources and the environment to ensure alignment with the Constitution. The process benchmarked all laws and policies against international examples and best practices, identifying gaps and making recommendations where necessary.

In Somalia, IDLO provided its support to the drafting of the Provisional Constitution adopted in 2012. The document constitutes major progress towards rebuilding the basic functions of the state. Since then, IDLO has been working to help realize the Constitution's rule-of-law dimension by establishing a Policy and Legal Drafting Unit within the Ministry of Justice and helping enhance the skills of lawyers whose role is to defend the Constitution on behalf of all

Somalis. IDLO also launched, in collaboration with the fledging Somali Bar Association and the Chief Justice of the Supreme Court of Mogadishu, a Fair Trial Manual – a significant contribution to the nascent stock of tools and resources specifically tailored to the Somali legal system.

2. Laws are not enough, institutions matter

Predictability, clarity, legality, and due process guarantees are the most commonly understood and widely used concepts in the interpretation of rule of law – but the rule of law is much more than that. It embodies the notion of justice, and the absence of bias and discrimination, as a pursuit and realization of equality, and as a norm or virtue that permeates institutions of governance.

Developing effective, accountable, and transparent institutions at all levels is recognized as a priority in the 2030 Agenda - explicitly in SDG 16 and implicitly in the other SDGs. The rule of law is no longer considered an optional extra, but a premise without which development cannot be sustained. The relationship between the rule of law and Agenda 2030 goes deeper than Goal 16 being the rule of law both an outcome and an enabler of sustainable development.

Institutions play an important role in defining the relationship between the state and citizens, and in strengthening development gains. Through their oversight role, institutions play an important role not only in resolving disputes but also in ensuring equitable access to and quality of social services, transparency, accountability in the procurement and delivery of development projects, and proper enforcement of environmental laws and regulations. They are also key in ensuring peaceful democratic transition. For instance, Kenya enhanced judiciary's requirements in preparation of the 2017 elections.

In **Kyrgyzstan**, IDLO has been engaged for some years in strengthening the justice system through a range of measures, including e-justice, using information technology to create greater transparency and public trust in the court system. IDLO provided technical assistance to draft and implement conflict of interest laws as well as laws on transparency and access to legal information.

3. Priority needs to be given to building trust

Public trust and confidence in institutions, including those in the justice sector, are essential to ensuring that disputes are resolved peacefully: the alternative is an accumulation of grievances with the potential to result in violence, arbitrary rule or state failure. Without such trust and confidence, investment and commercial transactions are also at risk and so are development and broader social progress.

Trust and confidence in justice sector institutions are determined by many factors. In the most fragile states, poverty or conflict may severely test efforts to strengthen the rule of law.

However, we have seen through our work in countries like Afghanistan, that even in the midst of adversity, we can make positive contributions through providing technical assistance, capacity building where judges and the judiciary are under attack. We cannot lose sight of the importance of creating a culture of justice even in the most difficult situations. In Somalia, for instance, IDLO supported the justice sector towards fostering a peaceful society where sustainable development could flourish.

Building trust and confidence also entails promoting integrity. Enabling the justice sector to address corruption, abuse and arbitrariness – both by governing institutions and within their own ranks is key. The ability to hold the state and other constituencies (including the private sector) accountable is intrinsic to the rule of law, good governance, preventing conflict and building peace.

Effective institutions can do much to eradicate poverty and reduce inequalities, but they themselves need to be transparent and subject to scrutiny. Institutions can be vulnerable to elite capture, when resources designated for the benefit of poorer populations are usurped by a few powerful individuals or groups, leading to increased levels of inequality. To guard against this, financial and technical legal support for rule of law assistance must be accompanied by efforts to build political will in support of new reform agendas. An important strategy for resisting elite capture of institutions is the empowerment of civil society and rights holders, including through greater access to information.

In Kyrgyzstan, IDLO provided technical assistance for the development of new important draft laws – the Conflict of Interest Law and Laws on Transparency and Access to Judicial Information – as well as the finalization of an updated bench book for Kyrgyz and a Russian-language version of Annotations to the Civil Code.

IDLO also supported the development of the country's first mandatory continuing legal education program for sitting judges, which covers all areas of both substantive and procedural law, including criminal law and administrative offenses, civil law, and economic and administrative law. To improve the efficiency of the Kyrgyz Judiciary, IDLO also provided IT support and infrastructure that also enhanced transparency and accountability.

4. Institutions are not enough

We know from our experience that the law and institutions by themselves are not enough to establish the rule of law. There may be situations where the law discriminates and institutions exclude and marginalize poor people: for example, when the law discriminates against women and minorities, or denies birth registration to children who are then deprived of legal identity.

In **Myanmar** IDLO, in partnership with UNDP, has set up four Rule of Law Resource Centers in different locations across the country to train legal aid providers and civil society organizations on the rule of law and to promote human rights awareness through community outreach. This project was personally promoted by Daw Aung San Suu Kyi during the transition period.

Through legal empowerment we are creating a constituency in support of rule of law and in that process, contributing to strengthening democracy.

An important and emerging aspect of our access to justice work is to bring together institutional service providers and organizations representing justice seekers. This is a key dimension of our program in San Pedro Sula in **Honduras**, where we are supporting Honduran institutions and civil society groups to work together to reduce homicide and improve access to justice for women, children and youth in detention.

5. Local context matters

National ownership and understanding of the national and local context are fundamental to a proper application of the rule of law to development, and to having institutions that work for the people

In over 30 years of working in the rule of law sector, IDLO has learned that national ownership, supported by political will, is key to ensuring meaningful and lasting results in justice-making, legal reform and institution building. In that regard, in 2013 IDLO developed and launched in Afghanistan its largest program ever. It focused on building the capacity of over 9,000 legal professionals in the criminal justice sector in Afghanistan and on transitioning the training capacity to the relevant Afghan institutions. Legal pluralism is another basic principle of IDLO's work around the world.

Working with the Ministry of Justice and the judiciary of **Peru**, as well as with indigenous leaders, IDLO supported the creating of a Protocol on Intercultural Justice. This ensured that indigenous perspectives, norms and linguistic diversity were brought together in the administration of justice in the country.

Partnerships is the name of the game and the diversity of actors is essential: from civil society to youth, from the judiciary and the bar association to the private sector, just to name a few. The new IDLO Strategic Plan contributes to implement and deliver the new development framework as set up in Agenda 2030 by focusing on innovation, multi-stakeholder engagement and partnerships.

In summary, investing in the rule of law is an integral part of sustainable development, as the 2030 Agenda has made clear. By strengthening institutions, the rule of law ensures justice and accountability. By empowering people, it helps to build resilient societies. The more the international community invests in the rule of law, the better equipped we will all be to build sustainable peace.

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.