

STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

AFRICA AND THE RULE OF LAW

Italian Ministry of Foreign Affairs and International Cooperation

May 18, 2016

Rome

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As the head of the only multilateral organization in the world exclusively devoted to advancing the rule of law and development, headquartered here in Rome and present in a number of African countries, I am honored to address the first Italy Africa Ministerial Conference.

As Vice Minister Giro mentioned, the international community has a shared interest in resolving Africa's challenges, both because Africa is important and because Africa's challenges are also global challenges.

That violence, insecurity and crime are major impediments to sustainable development is a well-known fact. It is no mere coincidence that the most conflict-prone, insecure countries are also among the poorest.

At the root of insecurity and poverty is often a deficit of the rule of law: when the state does not have the capacity or the will to protect people or their property or their human rights, when the institutions are not strong enough to resolve social and political conflicts, when the laws discriminate against women and leave them with no recourse, when institutions are not strong enough to resolve political or social conflict, or tackle terrorism or organized crime, or address urban violence.

The rule of law provides the framework for transparent, responsive and accountable institutions which strengthen people's trust and confidence, and by doing so, promote peaceful societies as well as sustainable development.

The rule of law provides the basis for sustainable development, encouraging investment to grow, for the environment to be protected, for the poor to be empowered, for women to become agents of their own destiny, for young people to find hope and opportunity in the future. People, especially young people, want jobs as well as justice and the two are closely linked.

In practical terms, investing in the rule of law means drafting good constitutions; reforming laws and courts; empowering citizens; ensuring equality and access to justice for women and girls; regulating for fair access to markets and services; promoting land policies that enhance food security, and fiscal regimes that encourage foreign direct investment; and so on.

Though impressive steps have been taken to build the rule of law in many African countries, the very existence of persistent conflict, the growing threat of terrorism, the increasing levels of crime and urban violence indicate the urgency for renewed efforts.

As an organization that works on the ground in a number of African countries to enable governments and empower people to reform laws and institutions, we are acutely aware of the challenges that face countries emerging from conflict, or striving towards democracy or seeking to build their economies.

Developing countries need more international support for capacity building. The ones most vulnerable to violence and insecurity, terrorism or organized crime are usually the ones with the greatest need for development aid but face the risk that assistance for institution building is likely to be diverted into humanitarian assistance or supporting asylum seekers arriving in Europe. Refugees need help and must of course be helped, but it is shortsighted to think that “robbing Peter to pay Paul” is the answer. Post conflict countries need assistance for reconstruction and rehabilitation, as delegation after delegation have pointed out.

Judicial and legal reforms are often a poor cousin to security sector reform in peace-building operations. Time is often underestimated by donors in the rush to get quick, visible and measurable results.

More must be done to ensure local ownership of international assistance. Africa is marked by its diversity of ethnicities, races, cultures, and religious beliefs; its legal systems mirror this diversity.

By local ownership I have in mind ownership at the community level, where people live. For example, in many communities people use informal systems of justice; many people simply do not go to a court to resolve a dispute. Yet, very little attention continues to be paid to how and whether justice is being delivered under these informal systems.

We need to focus on the end users of justice. Institutions should not be seen in a vacuum - disconnected from the citizens who are supposed to benefit from them. People do not have trust and confidence in institutions when they do not see any concrete results, any concrete improvements, coming from the institutions into their own lives. Citizens today want both clean government and clean water.

It is also imperative not to forget the importance of women and girls, as highlighted by the opening speakers. Unless we put special emphasis on how institutions respond to the special needs of women and girls, the job of building effective, accountable institutions will not be done. And justice will not be served.

Building the rule of law takes vision, time and money. But it is the soundest investment there is. The more governments and the international community are willing to invest in it, the less they will have to scramble to address humanitarian emergencies like famines or refugee crises.

It is no mere coincidence that in the UN's icon for SDG Goal 16, the dove of peace is holding fast onto the gavel of justice. The message is clear: peace, progress and sustainability are built on the foundations of justice.

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.