

STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

ACCESS TO LEGAL INFORMATION: AN INSTRUMENT TO EMPOWER THE POOR, PROMOTE ECONOMIC GROWTH, AND ENGAGE CITIZENS TO PARTNER WITH GOVERNMENTS IN ACHIEVING INCLUSIVE, SUSTAINABLE DEVELOPMENT

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Remarks by Patrizio Civili, Permanent Observer, IDLO

Thank you Mr. Chairman for your generous, warm introduction.

As you have indicated in your opening remarks, this is a very timely initiative, as governments enter the last round of negotiations to finalize the outcome of the September Summit and, at the same time, begin to prepare the ground for living up to the commitments they will adhere to in September, and for monitoring, nationally and globally, the progress being made towards these commitments.

Let me say at the outset that I am far from being an expert of Information technology. Also as a user of technology, I am afraid I am quite well known for being - a very timid, tentative - sometimes even reluctant - user. I am as such a rather odd advocate of the technology-based solutions that are being presented at this event. But technology will not be the focus of my remarks, though it is of course a key means to the ends we will be exploring today.

The reason why I am speaking today, highlighting timeliness and arguing for relevance, indeed high relevance, of the theme of this panel to the post 2015 development agenda, is that I see the theme as an integral part of the effort to maximize the contribution of the law to advancing the 3 pillars - economic, social and environmental - of sustainable development and, equally important, to engage the law as a force to contribute to bringing about, across these three pillars, the new balance among policies and actions that is at the center of the concept of sustainability that has emerged from Rio and is central to the conception of the new Development Agenda.

These approaches to the place of the law in the post 2015 Development Agenda stem from an understanding of the rule of law - an understanding that has been at the center of our advocacy effort here at the UN and you were good enough to recognize in your introduction - that goes beyond process and focuses on outcomes - that encompasses not only certainty and predictability of the law, but also looks at whether justice is indeed being served - an understanding that is ultimately about empowerment, fairness, transparency, and accountability - about leveling the playing field and helping ensure that no one is left behind.

I myself see the theme and the intent of this discussion in this perspective, as bringing the effort of gearing the law to sustain economic progress, social inclusion, and environmental protection one

step forward in achieving concrete progress – as offering new means for advancing the outcomes that the rule of law is intended to serve.

Quite simply, unless the legal framework is known and understood and easily accessible, its impact on advancing the development objectives that it has been geared to serve is bound to be severely reduced; and as legal frameworks are being reformed/adjusted to better advance the Goals of the new Agenda, these processes, without a parallel effort to ease access and enhance transparency, are unlikely to bring about all of the fruits they are intended to produce - externally in projecting a rule-based society, transparent in its rules governing investments and enterprise development; and, internally, in projecting a rule of law based society where the rules of the game are clear, where no one is above the law and where all citizens, including the poorest, can feel protected by the law and are able to invoke the law to safeguard their rights and the environment in which they live and to advance their legitimate interests.

I am particularly sensitive to a concept that is hinted at in the title of this panel: that of presenting the endeavor of facilitating access to legal information as an integral part of the effort to engage citizens in a partnership with governments to advance the new Agenda - to legally empower citizens to support the progress to which governments will commit themselves in adopting the new Agenda - in other words, to strengthen the bond, the alliance, between citizens and their governments to sustain progress in implementing the commitments embodied in the new Agenda. Equally, the transparency of the legal framework and its application is one of the foundations in which the global partnerships that are so central to the new Agenda are bound to be anchored.

The theme of this panel is also highly relevant to another key subject currently under discussion - the processes to be mounted by governments for monitoring progress in the implementation of the new Agenda. These processes cannot not bring into play the contribution of the legal framework to this progress. And this assessment cannot not encompass the effort at transparency, at clarifying rules and their intended application, inherent in the approach to access to legal information that underlies this panel discussion. Access to legal information should in fact be in itself an indicator of progress in advancing the rule of law-related objectives that feature throughout the new Agenda. But it should equally be a key instrument in bringing about the mobilization of all components of the State, including Parliaments, and of the whole of society in assessing progress and charting the way ahead.

Obviously, it will be for each country to determine what priority the issues we are discussing in this panel today should have within the path that each will chart in pursuing the new Agenda.

Without of course prejudice to this determination, I believe this panel will have achieved an important purpose if it serves to point to 2 things:

- that these are issues that deserve a place in the discussion on Means of Implementation of the new Agenda and in the wider discourse that is ongoing in different fora on strengthening international cooperation for development; and
- that the transparency of the law and the legal empowerment of citizens are universal desiderata with a "transformative" potential - universality and the ambition to be "transformative" being 2 key features of the new Agenda- which can , as such, be among the enablers capable of advancing many of the substantive Goals that will be embodied in the post 2015 Agenda.

To these, let me add the challenge of coherence and responsiveness that these issues pose for the international system, in relation to the support that it provides itself to capacity development and also to its role as facilitator of North/South and South/South exchanges of knowledge and experience.

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.