

# INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

## STATEMENT BY THE DIRECTOR-GENERAL, MS JAN BEAGLE

Foreign Affairs Committee, Italian Chamber of Deputies

Wednesday, 18 November 2020

### Introduction

I would like to start by expressing my deep appreciation for this opportunity to present IDLO and its contribution to the 2030 Agenda.

This is the first time IDLO has had the honor to address a Parliamentary Committee in our host country, Italy, and I would like to thank the Ministry of Foreign Affairs and Ambassador Vincenza Lomonaco for making this possible.

I particularly welcome this opportunity as I have made it one of my priorities to strengthen IDLO's outreach to parliamentarians as essential actors in governance and advancing the rule of law in legislative development. As part of these efforts, I recently co-chaired a global consultation of parliamentarians with the Secretary-General of the Inter-Parliamentary Union, Martin Chungong.

I was honoured to have been elected to the position of Director-General at the end of last year, and began in January 2020 at the same time that the world entered the Decade of Action to deliver the Sustainable Development Goals by 2030.

I come to this position after a long career as a national diplomat and an international civil servant in the United Nations system. My objective on taking office was to further raise the profile of organization and expand the scope of its partnerships to position IDLO as a leading change agent in the field of rule of law and justice.

Through this approach, I have sought to strengthen IDLO's contribution to the implementation of the 2030 Agenda, and to the global effort, under the Agenda, to build more peaceful, just, and inclusive societies.

The unexpected disruptions of this year, and their impact on the people we serve, have only strengthened this resolve.

### About IDLO

As this is our first time addressing the Committee, allow me to give a short introduction of our work.

IDLO was preceded by the International Development Law Institute (IDLI) which was established in 1983 in Rome, as a non-governmental organization to provide training and technical assistance to legal professionals from developing countries.

Established as an intergovernmental organization in 1988, IDLO exists outside the UN system but enjoys Observer status with the United Nations.

IDLO is proud to be headquartered here in Rome and we share our core values with our host country, particularly the principles of equity, social inclusion and human rights found in the Italian Constitution.

We also have a Branch Office in The Hague and Liaison Offices in New York and Geneva. They enable our voice to be heard in the United Nations General Assembly, the Economic and Social Council, the Human Rights Council, and with the justice community in the Hague.

We are primarily a field-based organization and have 17 Country Offices. We currently implement programs in 33 countries which help inform, and are enriched by, our global work on research, policy development, and advocacy.

IDLO has experience working in more than 90 countries around the world with various legal systems. Our network includes thousands of trusted experts, alumni, and partners.

We are a medium-sized intergovernmental organization, with 37 member parties drawn from all parts of the world and across the economic spectrum. Recent new members include Liberia, Mali, Montenegro, Sweden, Qatar, and Uganda.

We have some 400 staff members, with 110 staff at our Headquarters in Rome, out of which 37 are Italian nationals. Two members of my Senior Leadership Team, the Director of Research and Learning and the Permanent Observer to the United Nations in New York, are Italian nationals. In 2018, IDLO and Italy signed a Memorandum of Understanding to provide Junior Professional Officers to IDLO.

IDLO is a voluntary funded organization. We have an annual budget of approximately 45 million euro, of which 85 % is restricted and 15 % unrestricted. The main donors for unrestricted funding are Italy, followed by Sweden and the United States. The reliability and steadiness of Italy's financial support is crucial for our ability to plan ahead. Our total contract portfolio value is currently 167 million euro.

### **Advancing Peace and Sustainable Development through the Rule of Law**

Let me provide some key considerations rooted in the 2030 Agenda that guide our work.

The growing recognition of the importance of the rule of law and access to justice in sustaining peace and development was reflected by their inclusion in the global development agenda for the first time in 2015.

This is most prominent in the adoption of Sustainable Development Goal 16 on peace, justice, and strong institutions, but equally evident through the incorporation of the principles of equity, equality, and non-discrimination across the 2030 Agenda. IDLO is increasingly viewed as a champion of this broader vision of SDG 16.

Rule of law and access to justice play a role in eradicating poverty and hunger, for example by assisting agrarian communities in obtaining land tenure security, enhancing their livelihoods, and leading to increased food security.

Legal empowerment strategies, if backed by effective access to remedies, can help poor, marginalized and vulnerable groups access essential public services like health, education, and economic opportunity, and help to reduce inequalities.

Access to justice is also critical to women's empowerment and securing gender equality and non-discrimination.

That is why peaceful, inclusive societies, access to justice and effective, accountable institutions – the three pillars of Goal 16 - are the critical link in the sustainable development chain. That is what makes the 2030 Agenda transformative and Goal 16 an integral part of the transformation.

Rule of law can play a key role in sustaining peace by helping to address the root causes of conflict and insecurity, which often lie in issues such as discrimination and marginalization, lack of respect for human rights, corruption and impunity.

The majority of our work supports partners to make justice systems more effective and responsive to people's needs.

### *Legal empowerment*

IDLO takes a people-centred approach to justice. We work from the bottom-up to empower justice seekers through legal awareness, aid, and advisory services so that they can engage effectively with those who administer the laws and institutions that affect their daily lives.

At a time when space for civic engagement is shrinking, we bring together community representatives, civil society organizations and local government officials to resolve justice problems so that reforms are nationally owned and respond to people's needs. This is widely recognized as a key component of IDLO's advantage.

In line with our commitment to reach those furthest behind first, IDLO prioritizes the needs and human rights of the marginalized and vulnerable, and those experiencing inequality or discrimination.

For example, in Honduras, IDLO is helping municipal authorities in San Pedro Sula, which until recently had one of the highest homicide rates in the world, to tackle the root causes of violence by engaging citizens and civil society through dialogue and consultative policy making.

In developing countries, informal and customary justice systems are the most common way in which people resolve their disputes. These systems take on added significance in fragile contexts where state institutions are weak, absent or lack legitimacy and capacity.

From the Akhsakals of Kyrgyzstan to the Kadhis courts of Kenya to the Xeer system in Somalia, we engage with customary justice actors in an effort to improve access to justice, promote peace and stability and ensure respect for human rights.

### *Institutional Strengthening*

IDLO also works from the "top-down" with governments to strengthen laws and institutions, helping to make them more effective, accessible, and accountable. We help to fight corruption and discrimination and to build judicial independence and legal capacity.

The majority of this work is carried out in conflict-affected and fragile contexts, where the challenges are more pronounced, resources are scarce, and reforms may take years or be set back by recurring cycles of insecurity and violence.

A good example is Afghanistan, where we have been engaged since 2002 on building the capacity of justice institutions and are now helping them to mitigate the impact of the deteriorating security situation on their ability to operate effectively.

Another is Somalia where we are helping to lay the foundations of a modern justice system through technical assistance for legal reforms and capacity development of institutions, formal and informal, in close collaboration with the Government and citizen groups.

In northern and central Mali, partnering with the UN Mission, MINUSMA, IDLO has adopted an innovative, grassroots based consultative approach to promote inclusion and local ownership in strengthening the criminal justice chain. Drawing on the lessons from Mali, we have developed a program covering Niger and Burkina Faso as well as Mali to address cross-border criminality in the Sahel, which is a major source of insecurity and instability in the region.

Eradicating corruption and enhancing transparency is a growing area of our work. IDLO has taken a multi-track approach to the problem: building institutional capacity to investigate and prosecute corruption while also promoting preventive strategies, such as building transparency in public processes, and strengthening the monitoring and advocacy role of civil society organizations.

Our most comprehensive anti-corruption program is in Ukraine where we are working to reform the prosecution services, help set up the High Anti-Corruption Court, and improve service delivery at the municipal level through Public Service Centres.

### *Justice for Women and Girls*

Gender equality, including the ability of women and girls to enjoy the full range of their human rights and meaningfully participate in all aspects of society is a necessary condition for progress towards the entire 2030 Agenda.

Given its critical importance, IDLO promotes gender equality by pursuing it as a stand-alone goal as well as by mainstreaming it throughout our work.

Justice for women requires greater political commitment and financial investment. That is why IDLO joined with UN Women, the World Bank and the Pathfinders Taskforce on Justice to convene a High-level Group on Justice for Women.

The Report of the Group was published in 2019 making a strong business case for more investment in justice for women, emphasizing both the heavy financial and human cost of gender discrimination and the immense financial as well as moral gains that would flow from eliminating it.

We recently released a follow up report with our partners on Justice for Women Amidst COVID-19. It provides a rapid assessment of major challenges to women's access to justice in light of the COVID-19 pandemic and offers recommendations to mitigate the disproportionate impact of the crisis on women and girls.

Given the rising levels of inequality and injustice that women and girls face during this crisis, we are disseminating the findings of this report widely to policymakers and practitioners.

A major focus of our gender programs and projects has been combatting gender-based violence. In countries including Afghanistan, Kenya, Honduras, Liberia, Mongolia, and Myanmar, we are working with judges, prosecutors and lawyers as well as with women's groups and community leaders, to

help prevent GBV, strengthen the ability to investigate and adjudicate offenses, and support survivors.

We are working with UN Women to assist governments to reform gender discriminatory laws, policies and institutions in Kenya, the Philippines, and Sierra Leone.

Partnering with professional associations of women judges and lawyers, we are advocating for women's greater participation in the justice sector at global and national levels.

### *Rule of law as a driver of progress on the 2030 Agenda*

In addition to the substantial gains towards peace and sustainable development achieved through more effective, people-centered justice systems, the rule of law is key to helping catalyze progress across the entire 2030 Agenda.

A good example is our work to promote inclusive economic growth.

The rule of law encourages economic growth by providing stability and certainty for business, ensuring protection of investment and property, and resolving disputes fairly and expeditiously.

Working in partnership with the European Union, the European Bank for Reconstruction and Development and the Kuwait Fund for Economic Development, we have strengthened legal capacity in commercial economic law in a number of countries in Africa, Central Asia, Eastern Europe and the Middle East.

We support our partners to resolve commercial disputes, including through alternative dispute resolution mechanisms, and help them to enforce decisions.

I wanted to highlight an innovative program that uses a public-private partnership model, in collaboration with private law firms, to provide no-cost access to legal advice on investment issues to Least Developed Countries.

Under this program, IDLO-supported technical experts recently assisted the Government of The Gambia in receiving a favourable judgement in an international arbitration case related to licensing of offshore oil platforms.

This approach is reflected in the goals of our new Strategic Plan, which will be reviewed by IDLO's Assembly of Parties next week.

### **Contributing to the Global Response to COVID-19**

During this year, the world as we know it has been transformed by COVID-19. The pandemic has exposed, and in turn been aggravated by, the fragility and inequalities to which no country, irrespective of its stage of development, is wholly immune.

In this situation, the rule of law is critical to successfully managing the crisis - by protecting the least powerful, and giving them a voice in the debate, by enabling decision makers to balance competing interests fairly, and by increasing their ability to act decisively through effective laws and institutions.

Despite restrictions in almost all countries of operation, IDLO responded quickly to needs that emerged at the onset of the pandemic by leveraging programmatic expertise, adapting to changing contexts and drawing on our ability to mobilise multi-stakeholder coalitions.

This could not have been accomplished without our longstanding international and in-country networks, and relationships of trust with key national partners.

IDLO's contribution to the global response to COVID-19 has been focused on three strategic areas – enabling legal and policy frameworks; mitigating impact on justice systems and justice seekers; and continued investment in a culture of justice.

### *Strengthening the legal and policy framework for managing the COVID-19 emergency and its aftermath*

We have developed two innovative projects that build on IDLO's expertise and comparative advantages to help countries strengthen their response to COVID-19.

The first, developed in consultation with WHO, supports countries to strengthen their legal and policy frameworks to manage public health emergencies such as COVID-19 through a participatory, nationally owned approach.

In collaboration with FAO, IDLO is working to enhance food security through a project to assess the impact of emergency measures on access to food, especially for vulnerable groups and help identify policy and legal solutions.

The project is an important step in strengthening the collaboration between IDLO and FAO.

### *Mitigating impact on justice systems and justice seekers*

We are also supporting justice institutions to carry out key functions remotely, at a time when public health restrictions have limited physical access.

We have adapted our work on combatting gender-based violence to address the increased demand for support and services during the crisis.

In Tunisia for example, IDLO, with support from Italy, worked to develop a procedural manual for women's shelters, which was subsequently adopted by the Ministry of Women's Affairs. The manual will now serve as an official guide for women's shelters nationwide and improve the quality of support to survivors.

### *Advocating for continued political and financial support for the rule of law*

IDLO strongly believes that multilateralism and “whole of society” approaches are needed to respond effectively to COVID-19, and to lay the foundations for a more inclusive, resilient, and sustainable future.

These efforts are particularly important at a time when the toll of COVID-19 on the global economy may be reflected in decreases in ODA and public sector budgets over the next years.

In this context, we launched a Crisis Governance Forum, the first of a series of online dialogues to share insights and good practices among policymakers and other stakeholders involved in COVID-19 crisis management. The forum, which was opened by Vice Minister Emanuela Del Re, included

interventions from a diverse high-level panel featuring Ministers and senior representatives from the judiciary, international organisations and civil society.

In August, we highlighted the contribution of IDLO and other justice actors in each of these areas in a Policy Brief on Rule of Law and COVID-19. The brief recommends eight forward-looking actions to help policymakers at national, regional, and global levels to formulate rule of law responses to the pandemic, supporting pathways to Build Back Better.

### IDLO and Italy

I hope I have been able to project in my presentation the crucial role that our partnership with Italy—as our host country, the permanent *de jure* Vice-President of our main governing body, the Assembly of Parties, and as a crucial, steady donor of the organization—plays in our policy and program development and in establishing and nurturing IDLO's place in the international system.

This partnership is rooted in Italy's strong commitment to multilateralism and to advancing the rule of law-based principles of justice and social inclusion that are at the core of IDLO's mission and programs.

The political support we receive from Italy to advance our mandate, as well as the financial support, as our largest unrestricted donor, is vital to the work of the organization. We are also privileged to have distinguished Italian nationals on our Board of Advisers.

IDLO is closely aligned to the Italian multi-stakeholder approach to development cooperation, which brings together a wide range of actors – including governments, civil society organizations and the private sector.

The SDG16 Conference organized in Rome last year, in partnership with the Italian government and the United Nations, demonstrated IDLO's multi-stakeholder convening power and advanced an inclusive approach to development, while capitalizing on the unique contribution that different actors provide.

Building on the success of the Conference, we will launch a global Partnership Platform for SDG 16, based in Rome.

In this spirit, and as part of our shared interest in advancing rule of law principles in international fora, we have offered IDLO's support and cooperation to the Ministry of Foreign Affairs in connection with the Italian Presidency of the G20 next year. The Ministry has welcomed IDLO's contribution which will include participation in the work of the Anti-Corruption Working Group that Italy chairs.

In 2020, we have expanded our engagement with other Rome-based organizations.

IDLO supports the COVID-19 Food Coalition initiative and looks forward to engaging with FAO and the Coalition in line with our mandate and comparative advantages.

We are liaising with the International Fund for Agricultural Development on opportunities for collaboration on rural development and exploring partnerships with the World Food Programme.

Rome is rightly considered the capital for food security and agricultural development but as the cultural heir of Roman Law, Italy is also "the cradle of the law," and "la patria del diritto."

In keeping with this legacy, Italy has a rich ecosystem of organizations working on legal issues. IDLO enjoys collaboration with organizations like UNICRI and UNIDROIT that are directly linked to our mandate. We also have a Memoranda of Understanding with a number of Italian institutions, including with major universities.

IDLO has stepped up its engagement with organizations working on similar issues, including with Italo-Latin American Institute, ASVIS, and the UN System Staff College in Turin.

IDLO enjoys a very productive partnership with the MFA and I would like to express special thanks to Ambassador Vincenza Lomonaco and her team for their support.

In conclusion, tackling global problems requires international cooperation, solidarity, and respect for international law, including international human rights law. The 2030 Agenda, enabled by the rule of law, can promote renewed multilateralism.

In partnership with Italy, I believe that IDLO can leverage its country level experience, multi-stakeholder convening power, thought leadership, and flexibility to respond to evolving situations, to make a tangible contribution to the global response to COVID-19 and to the Decade of Action to deliver the Sustainable Development Goals.

*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.*