

STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

IDLO ASSEMBLY OF PARTIES

Ministry of Foreign Affairs and International Cooperation

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Delivered by Irene Khan, IDLO Director-General

Mr. President,
Excellencies,
Distinguished delegates, special guests, colleagues and friends,

It is a great pleasure and privilege to address the annual meeting of the Assembly of Parties once again.

I would like to start by thanking His Excellency the Foreign Minister of Italy for opening the Assembly, and for his inspirational and insightful statement on the rule of law. We are very grateful to Italy for its significant political and financial support, and for your reassurance, Excellency, that we will continue to receive such support in 2019. We greatly value the substantive contribution that Italy makes to our governance and policy making as a founding Member, as a generous host country, and as a committed partner. We look forward to working with you to further strengthen our partnership.

I extend a very warm welcome to our distinguished delegates and guests, many of whom have travelled from far to be with us, and especially to Ambassador Inga King, President of ECOSOC and of the High-level Political Forum who will give the keynote address at the Partnership Forum.

I thank warmly our Member Parties and partners for your support of and interest in IDLO's work.

Let me take this occasion also to recognize my colleagues, some of whom are in the room - including some from our country offices - but most of whom are working diligently in faraway places, often in difficult and insecure circumstances. Their dedication and hard work are truly commendable.

This year marks IDLO's thirtieth anniversary. In 1988 eight governments, including Italy, came together to set up a small training institute in Rome to build the legal capacity of developing countries. Today, IDLO is the world's only intergovernmental organization exclusively devoted to advancing the rule of law. Our membership has grown to 34 Member Parties, soon to become 35. Our operational span now extends across four continents. Through our programs, policy advocacy and partnerships, we make a valuable contribution to peace, justice, and sustainable development.

As you, Mr. Minister, said, IDLO's mission has gained new relevance in these turbulent times. The international rules-based order is under attack. Humanitarian principles are being set aside with impunity. Even as we celebrate the 70th Anniversary of the Universal

Declaration of Human Rights, the norms it established are coming under unprecedented pressure from growing authoritarianism and intolerance. Even as grassroots campaigns gain momentum, the space for civil society is being restricted. Women are half the world's population but gender discrimination and gender-based violence remain a global problem. Millions have been lifted out of poverty, but wealth is concentrated in the hands of a few. Stock markets are climbing, but so is inequality.

Sustaining peace, eradicating poverty, reducing inequality and promoting sustainability defy easy solutions. There is no silver bullet. But there are silver threads which the international community has woven into a tapestry known as the UN 2030 Agenda for Sustainable Development. At the heart of that tapestry is access to justice and the rule of law, whether mentioned explicitly as a goal and target in SDG 16, or captured by references to equity, equality, rights, fair standards and accountability in other Goals across the Agenda, from gender equality to food security, decent jobs to health care.

That vision is fully in line with IDLO's vision of the rule of law as an enabler and outcome of sustainable development. The Partnership Forum this afternoon and tomorrow morning will provide us with an opportunity to explore the challenges and opportunities of promoting the rule of law, and along with that, a sober understanding of the cost of failure and the importance of greater investment.

Strategy 2020, IDLO's Strategic Plan which this Assembly adopted two years ago, is inspired by the 2030 Agenda on Sustainable Development and sets out two major goals:

- Empowering people to access justice and rights
- Building fair laws and effective institutions

Together they reflect IDLO's "top-down, bottom-up" approach to advance the rule of law, working with both state institutions and civil society organizations in a non-prescriptive way that is sensitive to local context and committed to local ownership.

This year marks the halfway point in IDLO's Strategy 2020, and therefore is a good time for us to take stock of where IDLO stands.

Let me give you a snapshot of the organizational situation:

- IDLO is financially and operationally stable with an impressive growth trajectory; for a voluntarily funded organization, that is an important key performance indicator.
- The program portfolio continues to grow in a healthy and balanced way, geographically and thematically. Africa is now our largest and fastest growing region of operations, while Central America has grown thanks to a new program on police capacity development in Mexico.
- Program implementation is proceeding well, demonstrating our enhanced capacity to deliver results. We expect to end the year above the target set in the 2018 Approved Budget.
- Through strong policy advocacy we have raised our visibility and successfully carved out a space for ourselves as a champion of justice.

- Independent evaluations confirm our results while our internal reform to strengthen reporting and learning, and enhance transparency and cost-effectiveness show that we are not resting on our laurels.
- Our main vulnerability remains the inadequate level of core or unrestricted funds that constrains our ability to invest, innovate and generate knowledge.

We are grateful to those of our member parties, including Italy, the US, and Sweden, that provide us with unrestricted funds, and to the Netherlands and Kuwait for soft earmarked funding.

Needless to say, the level of our resources will determine how far, how fast, how well we are able to advance Strategy 2020.

Let me now delve deeper into three areas: Results; Reforms and Resources.

Results

I would like to highlight five key areas of our programs.

Because any conversation on justice must start with justice seekers, let me start with justice for women and girls.

Justice for women and girls is at the heart of inclusive and sustainable development. SDG 5 on gender equality and SDG 16 on access to justice are inter-connected: women and girls cannot fight discrimination or claim their rights without access to justice. That is why SDG 5 and SDG 16 combined together are a key driver for the achievement of all development goals of the 2030 Agenda. Yet, laws and justice institutions are often unresponsive to the needs of women and girls, and do not attract enough attention or investment.

As the first woman Director-General of IDLO, I am proud of what my colleagues and I have been able to achieve in a relatively short time since 2015, when IDLO adopted its first Gender Strategy. IDLO today is widely recognized as a leading voice on justice for women.

A key focus of our program has been the eradication of sexual and gender-based violence, both through institution-building as well as legal empowerment.

You have read in my report the significant achievements we have made in our work to combat gender-based violence in Afghanistan, Liberia and Mongolia. We will hear more about that from the Attorney General of Afghanistan, and the Deputy General Prosecutor of Mongolia.

Increasingly we are also working on economic and social empowerment of women, in Uganda and Tanzania for example, with an innovative approach to social accountability and legal empowerment. In Jordan, we are carrying out research on the legal barriers faced by women entrepreneurs. The findings and recommendations, we hope, will help to open up new opportunities for empowering women in the Middle East and North Africa.

Given the huge gap between the justice that women receive and the justice they want and need, IDLO believes that programming alone is not enough. Therefore, over the last year we have ramped up our policy advocacy in two ways:

Firstly, we are championing the increased participation of women in the justice sector. The quality of justice for women improves when women are not only consumers of justice, but also justice providers. Today, we launched a report, entitled *Women Delivering Justice: Contributions, Barriers, Pathways*, which argues that closing the gender gap within the justice sector is essential if the justice institutions themselves are to be truly effective, inclusive and accountable.

Secondly, we have been co-convening with the World Bank and UN Women a high-level multi-stakeholder group on Justice for Women. The objective is to highlight the relationship between SDG 16 and SDG 5 and call for greater investment to accelerate justice for women. The Report of the High-level Group will be published during the UN Commission on the Status of Women.

This is a challenging time for women's rights but also an exciting time as grassroots movements create a new momentum for change. Riding that wave, IDLO hopes to also advance the cause of justice for women.

The second area of results that I want to highlight relates to something the Minister mentioned, and that is inclusion. We are working with civil society for inclusive governance. What does this mean? It means strengthening the relations between civil society, communities and local governments, so that laws, policies and institutions are more responsive to the needs of justice seekers.

A good example is our work in San Pedro Sula in Honduras. Our aim is to reduce violence and homicide by helping the municipality to develop policies through a consultative process with the community. This year we helped the municipal government to work closely with the community and develop policies on alternatives to correction, protection of prisoners' rights, to look at issues such as violence against children, interfamilial violence, and criminal recidivism.

In Myanmar, we followed the same objective of building confidence between state and citizen by getting communities and local government officials to reach out and explore and find solutions to local justice issues.

As we do this kind of work, we realize that there is a missing piece in the justice mosaic, and that is customary and informal justice. In developing countries, customary and informal justice are the main means by which most people resolve disputes. They take on an added significance in conflict affected situations where state institutions are weak, absent or lack legitimacy. Ensuring proper linkages between the formal and informal or customary systems are crucial to close justice gaps and strengthen the state-building exercise. For instance, in Somalia we are working to link the traditional *Xeer* system with the formal state justice institutions by supporting the Ministry of Justice to establish three alternative dispute resolution centres where traditional judges can adjudicate cases.

In Uganda we have designed, through a co-creation process with local actors, a major new program that will link community-based dispute resolution systems to formal courts through paralegals, and enhance support that people need to access justice.

Given the growing interest in informal and customary systems and the controversies that surround them, because although they are accessible, affordable and culturally relevant, they can be procedurally flawed and are not always fair to women or other vulnerable groups, we are going to publish a series of briefing papers next year and open a multi-stakeholder dialogue.

Let me now come to a key issue that the minister underlined: institution building for peace and justice.

Much of our institution building work is carried out in conflict-affected countries to stabilize fragile situations and build peace.

Research has shown that countries improve their resilience to shocks and crises when there is public trust in their justice institutions. For IDLO, that often means working to strengthen the criminal justice chain which is closely related to physical security. Such reforms cannot be dictated by outsiders but must be locally owned and led, tailored to the specific context and inclusive in approach. Community-level engagement helps to build mutual trust and confidence.

That is what we are doing in northern Mali, where we have organized Consultation Groups (*Cadres de Concentration*) that bring together local justice officials and communities to jointly identify and address their most pressing needs through an iterative problem-solving process. Preliminary findings of the mid-term review show that these Consultation Groups have evolved into important forums and play a vital role in increasing the public familiarity with and trust in the criminal justice system.

Building on the lessons from Mali, we are now designing a more ambitious, a multi-country initiative, covering Mali, Burkina Faso and Niger, to tackle the causes of cross-border criminality.

Let me also say that in Somalia, we welcomed the new National Development Plan and the New Partnership for Somalia, where the government and the international community have placed high priority on the rule of law. There are significant challenges, and no one knows it better than us, as we have been working in that country for a number of years. But again, we are careful to design the work we are doing in close collaboration with both government institutions and citizen groups. In the absence of national capacity, we are drawing on the talents of the Somali diaspora to help rebuild a justice system ravaged by decades of conflict.

Institution-building is a long-term endeavor. May I say to donors and investors that long-term engagement is essential to make things work. Our engagement in Afghanistan is proof of that. It began in 2003 with assistance from Italy, when Italy was leading the justice

sector. Over the years, not only have we built the capacity of thousands of judges, prosecutors, investigators and lawyers in Afghanistan, we have helped to build the capacity of Afghan justice institutions, to train their staff and employees. Nevertheless, it has been important for us to continue to remain engaged with the nascent Afghan institutions and to help them roll out the new Penal Code.

Corruption is corrosive to public trust and invariably goes hand in hand with fragility. It has become an increasingly urgent priority for many countries and is a rapidly growing area of IDLO's work.

Our largest program is in Ukraine, where corruption remains a politically charged issue five years after the protests in Maidan Square. We are employing a multi-track approach, supporting the specialized anti-corruption institutions, including the recently established High Anti-Corruption Court, but at the same time working to simplify and make more transparent government processes, and to make public services more accessible and open, through Public Service Centres. Last year I visited the Public Service Center in the Kharkiv region, and I must say that I was envious of it! I believe that there could be other countries, including some countries in western Europe, that would benefit from such open and responsive public service centers.

I see our engagement in Kenya as a particularly successful example of institution-building for peace and justice, going back to 2010 when the new Constitution was adopted in the wake of political violence. Our support has been broad, not only in the criminal justice sector, but encompassing all three arms of government – legislature, executive and judiciary – implementing the provisions of the 2010 Constitution to address some of the root causes of past violence by tackling gender equality, devolving powers to local government and transforming the Judiciary to make it more accessible, transparent and independent.

One of our key partners in Kenya has been the judiciary. IDLO works closely with the judiciary in many countries – which is not surprising given that a strong judiciary is essential both for a healthy democracy and a thriving economy. We are now facilitating the Chief Justices Forum in East Africa as a solidarity network among the judiciary. We are encouraging regional networks of women judges in North Africa.

Finally, let me focus on economic development and the rule of law. The SDGs' promise to leave no one behind on the road to sustainable development requires economic growth, but additionally, requires that economic growth be equitable and sustainable. The rule of law is a prerequisite for both.

We are working with partners – the Kuwait Fund for Arab Economic Development (KFAED) and the European Bank for Reconstruction and Development – to strengthen the capacity of many countries in Eastern Europe, Central Asia and the Mediterranean, to build that capacity so that there can be confidence of investors and business.

I am pleased to report that we are expanding our work geographically to Sub-Saharan Africa, to Kenya, where we are working to strengthen the capacity of the judiciary to resolve commercial disputes.

Let me mention an important initiative that we have launched with the support of Italy, and in cooperation with the U.N. to provide on-demand support and legal advice to least developed countries (LDCs) on trade, investment negotiations and dispute resolution. What is innovative about this is that it is a public-private partnership driven by the demand of the least developed countries, and with the support of over 25 law firms ready to provide advice for no cost or low costs. We are beginning to receive queries from the LDCs, and we hope there will be more LDCs taking this approach.

Let me now turn to organizational reforms.

Under *Strategy 2020*, our Strategic Plan, we are committed to pursuing eight Major Initiatives to enhance program quality, organizational effectiveness, efficiency and accountability, and to increase our political and financial support.

As the size of our program portfolio and geographic span expands, so do the operational complexities. In order to manage our programs effectively and efficiently we ramped up some of our institutional improvements this year.

As you may remember, we were preoccupied last year with the New Employment Model and Rules in 2017. This year, our top priority this year has been financial and ICT systems improvements. We operationalized our internal audit function, adopted a new cost policy and have begun rolling out Enterprise Resource Planning software to improve the accuracy and oversight of financial management processes while delegating more responsibility to the field.

We have also developed a Program Results Framework and reviewed our project monitoring system so that we are better able to measure our results against the goals that have been set in *Strategy 2020*.

Recognizing the importance of embedding change in our human resources, we will launch an Integrated Learning Program next year. We will take the first step towards it by inviting all our Country Managers to a workshop here in Rome.

In an increasingly volatile environment, we also are reinforcing our efforts to ensure we are legally protected through host country agreements. I am pleased to report that this year we signed agreements with Jordan, Mali, and Somalia.

Now let me turn to the important issue of financial resources.

We are on a healthy trajectory for program revenue. It indicates a high level of donor confidence in IDLO's performance. Yet, ironically, we are struggling to raise core funds. That is not because we do not deserve them, but because donors are moving away from core

contributions, creating a major shortage of flexible funds in the market of overseas development assistance.

Our program growth reinforces the need for unrestricted funds, or soft earmarked funds. We need more flexible funding to invest in innovation, research, learning, program development, new skills and further improvement of our systems.

In the past year IDLO received voluntary contributions from only seven of its 34 Member Parties. I appreciate the generosity of those donors who have provided unrestricted funding, and I very much hope that more Member Parties will respond to the joint appeal which the President, the two Vice Presidents and I made to you some weeks ago. As an intergovernmental organization, we rely on our Member Parties for financial as well as political support. While it is true that there is no financial obligation attached to membership, I hope the moral appeal and our good performance will resonate with Member Parties.

Let me add, however, that this year we have been able to attract two new donors to IDLO, and to receive a pledge of 1 million euros from the European Union for the Investment Support Programme I mentioned earlier. That is of course extremely encouraging for us.

In our drive to increase political support, we have set a target of 40 new members by the end of 2020. Our membership having already increased from 26 in 2012 to 34 this year, I am confident that we will reach our target. I am also conscious of the need to enhance the level of engagement with our current members. I look to you for advice and guidance on how we can best do that.

Mr. President,
Mr. Minister,
Ladies and Gentlemen,

We are at an interesting moment in time, where the rule of law has never been more relevant and at the same time, never more contested by those whom we would have expected to champion it. It is precisely at such a moment that an organization like IDLO can help to build consensus on this issue.

Let me end by recalling the former UN Secretary General, Kofi Annan, whom we lost earlier this year. Among his legacies has been an articulation of the rule of the law as a principle of good governance and due process, based on human rights. It is that understanding of the rule of law as substantive justice that makes it such a valuable enabler and outcome of sustainable development, an essential ingredient for sustaining peace. It is that understanding of the rule of law that puts people at the center of justice. Justice seekers are our focus—not systems, not rules, not laws.

Thank you for your continued support that allows IDLO to pursue its lofty mission.

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.