



**Achieving a Transformative Post-2015 Development Agenda:
The Contribution of the Rule of Law to Equity and Sustainability**

**Message on Behalf of the President of the United Nations General
Assembly, H. E. Dr. John W. Ashe**

**New York
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Excellencies,
Distinguished Guests,
Ladies and Gentlemen,

Let me start by expressing my regret that I am unable to participate in today's conference; however, I would like to commend the government of Italy and the International Development Law Organization for spearheading this important initiative.

Sixteenth century philosopher Thomas Hobbes in his famous work Leviathan, posited that without the rule of law the existence of human beings would be "nasty, brutish and short." Locke was in fact speaking to the role and rule of law in society in influencing and creating development outcomes and the capacity of the law to regulate relations and conduct between people as well as their interaction with the planet. Law is an instrument of social engineering and the mechanism by which we obtain justice. It is of critical importance in protecting people and planet and in the promotion of peace in human societies.

In our century, Professor Michael J Sandel has noted that "To ask whether a society is just, is to ask how it distributes the things we prize – income and wealth, duties and rights, powers and opportunities, offices and honours. A just society distributes these goods in the right way; it gives each person his or her due." Both of these philosophers were making the fundamental point that the rule of law is a critical underpinning in improving the human condition, regulating relationships and living conditions, creating equity, social justice and development.

Since the Earth Summit of 1992, a body of "hard law" characterised by principles such as "the precautionary principle" and "the polluter must pay"

has found its way into the development dialogue and national and international legal instruments across the globe. Similarly, what is now widely described as “soft law” is growing in influence and acceptance as an important tool of international law and in the shaping of international norms and conventions. Both the Millennium Development Goals and the evolving Sustainable Development Goals can both be regarded as examples of soft law and in the case of the widely accepted and acted on-MDGs, their impact on development is undeniable.

For my term as President of the General Assembly, I selected “The Post-2015 Development Agenda: Setting the Stage!” as the overarching theme to guide our activities throughout the session. Against this background, and my view of the importance of the rule of law in helping to craft, support and strengthen a rights-based development agenda, I convened an event in June on *Contributions of Human Rights and the Rule of Law in the Post-2015 Development Agenda*. My hope is that by sharing some key messages from that event, I can make a useful contribution to your deliberations today.

Leading up to the High-level event, there were several key developments regarding discussions on the rule of law. In 2012, world leaders agreed to a Declaration that acknowledged the inter-linkage between the rule of law and development. Through varying initiatives, including a Group of Friends of the Rule of Law, Member States initiated dialogues to further consider the function of rule of law in the wider multilateral agenda. In preparation of the post-2015 discussions, the United Nations system also initiated broad-based consultations, which resulted in reports signifying the importance of rule of law to development. Building on these consultations, the Secretary General then issued a report entitled *A Life of Dignity for All* in 2013. In his report, he highlighted that [quote] “Lasting peace and sustainable development cannot be fully realized without respect for human rights and the rule of law.” [end quote]. The Open Working

Group on Sustainable Development Goals has since taken up this issue.

The purpose of my June High-level event, *Contributions of Human Rights and the Rule of Law in the Post-2015 Development Agenda*, aimed to examine more concretely how the rule of law in practical terms has supported and can support the objectives of poverty eradication and sustainable development at both the national and international levels. While its messages were in no way conclusive, they were certainly illuminating. The event provided a plenary for Member States, civil society, academia and other stakeholders to share their experiences on the synergies across human rights, rule of law at both national and international levels, and sustainable development.

Some delegations firmly debated whether rule of law had any place in a development agenda. Despite this perspective, however, there were many examples of how key aspects of the rule of law are already included in national development strategies. In addition, delegations also stressed the importance of the rule of law at the international level, particularly in the context of decision-making, international cooperation and the peaceful settlement of disputes, all of which are important in the development agenda.

During the event, we heard a number of important examples about how the rule of law was instrumental to access and foster integration into global trade; how strengthened institutions and clear legal frameworks that fostered predictability, transparency and accountability were beneficial to economic development at the national level and could help curtail corruption and the illicit exploitation of natural resources; and how better access to justice through transparent and impartial institutions fit for purpose has empowered otherwise marginalized parts of society, such as women or minorities. There were still others who gave concrete examples of how democratization and development are mutually reinforcing, and participation of civil society in decision-making and freedom of the media, of expression, and of association and assembly support both ends.

Fundamentally, two key messages can be distilled from discussions during the event: first, that there is overwhelming acknowledgement that the rule of law underpins human rights which supports the process of sustainable development in all its dimensions; and second, that strengthening the rule of law and good governance are development outcomes in their own right. Underlying these messages, one could sense an emerging vision that a transformative sustainable development agenda must guarantee freedom from want, freedom from fear and a life of dignity for all and that both hard and soft law have a role to play guaranteeing freedom and development.

Even with the acknowledgement of the twin functions of the rule of law both in terms of process and outcome, Member States are still debating, in the context of the Open Working Group on Sustainable Development Goals, how the rule of law fits into the post 2015 development agenda: whether it should have clear specific language embedding it into the SDGs as a goal, a target or whether its acknowledgement alone sufficient?

The ambivalence of Member States has disclosed a need for further dialogue, which addresses how the positive contributions of the rule of law to development can be addressed in the post-2015 framework in a manner that supports our common values and vision. The reality is however, that as long as the UN and global family of nations adopt and embrace a set of development goals and targets which are sufficiently authoritative and on which all Member States and civil society partners will act, then we implicitly accept the rule of law, through the presence of soft law as an instrument of development. I encourage you to continue to foster a constructive dialogue during this conference, recognising that social equity and justice through the rule of law are critical to democracy, peace, sustainable human development and the attainment of a universal development agenda with the potential to be transformative for all.

Thank you.