

STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

THE SIXTH COMMITTEE OF THE 69TH SESSION OF THE GENERAL ASSEMBLY AGENDA ITEM 82: THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS

October 13, 2014

New York

Remarks by Patrizio Civili, Permanent Observer, IDLO

Thank you Mr. Chairman

And thank you to the delegations that have kindly referred to IDLO's work in their interventions last Thursday and Friday.

At the outset, let me, as an old UN hand, and, now, as the Permanent Observer for IDLO, say what a great pleasure it is to see you preside over the Sixth Committee.

Mr. Chairman,

As you know, IDLO takes its observer status in the General Assembly, conferred on us on the recommendation of this Committee, very seriously. We consider it our duty - in that capacity and, indeed, as the only intergovernmental organization exclusively devoted to advancing the rule of law - to share with the United Nations insights resulting from both our analytical and our operational activities that may be relevant to UN policy and programme development work; and, in turn, to bring to our membership the policy guidelines that emanate from the UN, in order to try to maximize the contribution - small but, we trust, pertinent - that IDLO can make to the fulfillment of the UN peace, development and human rights missions.

We have also, for the past several years now, seized the opportunity of your annual discussions on the rule of law to provide the General Assembly, through this Committee, with a synthesis of developments in our own work and in our growing and, we feel, increasing fruitful cooperation with the UN and its programmes and agencies.

Given the development "bias", if I may so call it, advocated by our mandate, and in response to the special attention given by UN intergovernmental fora over the past several months to the process of elaborating SDGs for inclusion in a new Post-2015 Development Agenda and, thus, to identifying the factors that most impinge on the sustainability of development, IDLO's interactions with the UN have been especially intense throughout the year.

To cite some key examples: With the support of the Government of Finland, and in cooperation with the Rule of Law Unit in the Executive Office of the Secretary-General, we organized last January at the UN a well-attended roundtable on "The Rule of Law as a Driver of Inclusive Development Opportunities". In the same month, we supported the Italian Permanent Mission to the UN in

organizing a major event on “The Threat of Growing Inequalities: Building More Just and Equitable Societies to Support Growth and Sustainable Development” that featured a keynote address by Professor Joseph Stiglitz, as well as the participation, among others, of the two co-chairs of the Open Working Group on the SDGs.

In March, in cooperation with the Permanent Missions of Afghanistan and Italy, as well as the Supreme Court of Mexico, we organized another roundtable on “Justice for Women by Women: Challenges and Opportunities for Women Professional Participation in the Justice Sector”, based on extensive field research and an IDLO publication by the same title. In so doing, we began to fulfill a specific pledge we had made in the context of the 2012 High-Level Meeting on the Rule of Law.

In June, again with the support of Finland and the co-sponsorship of Tanzania, we organized an “Expert Dialogue” that also served to launch another publication of ours on “Doing Justice to Sustainable Development”. In the same month, the President of the General Assembly kindly invited our Director-General, Irene Khan, to chair and speak at one of the two panels that he had convened as part of the “High-Level Event on the Contribution of Human Rights and the Rule of Law in the Post-2015 Development Agenda”.

Then, in July, the President of ECOSOC invited Ms. Khan to address the Ministerial Dialogue of the High-Level Political Forum on “Charting Pathways to the Future We Want”. And, in the same month, IDLO was given the opportunity to participate actively in the New York session of UNCITRAL, and in the Commission’s event on “Standards for Transparency, Accountability and Good Governance”. Further initiatives during the year provided IDLO with the opportunity to support UN activities in areas ranging from biodiversity to non-communicable diseases, and from food security to the rights of indigenous peoples.

Outside of New York, also in July, we supported our host country – Italy, in the context of its presidency of the European Union – in organizing an event at FAO on “Achieving a Transformative Post 2015 Agenda: the Contribution of the Rule of Law to equity and sustainability”. This was helpful, among other things, in bringing the state of play of UN policy development in this area to the diplomatic community in Rome.

Throughout these events, our policy advocacy on the linkages between the rule of law and sustainable development has been carefully geared to provide evidence from our work – especially the experience we gain from our technical cooperation work – on the **concrete** contribution that advances in the rule of law, in its different manifestations, make, and can further make, to help forward and sustain the causes around which the three pillars of development, as defined by the Rio Conference, have been built: economic growth, social progress and social cohesion, and environmental protection.

We have purposefully refrained from promoting specific formulas or language in the process of elaborating the SDGs, which is, of course, the exclusive prerogative of governments. What we have advocated instead is a **practical, results-based** approach to the rule of law – what Amartya Sen calls a “realization-focused understanding of justice” – bringing to the table evidence of how greater justice – at the national, as indeed at the international level – can contribute concretely to furthering sustainable development. At the same time, we have emphasized the importance of national ownership and the diversity of challenges faced by different countries along the development

spectrum. Throughout, we have been guided by one of the key principles in which IDLO's work is rooted: our commitment to legal pluralism and the equal value of different legal systems, including traditional systems, consistent with human rights norms and standards.

We greatly appreciate the understanding and interest with which these approaches have been met within the UN, and we are very encouraged by the extent to which **key** elements of the rule of law – equal access to justice for all; the development of effective, accountable and transparent institutions; the provision of legal identity to all; and the promotion and enforcement of non-discriminatory laws and policies – are also being seen in the relevant intergovernmental processes at the UN as **key** elements of the drive for sustainable development.

With the same broad perspective, we at IDLO greatly appreciate your selection of the subtopic on “Sharing States’ National Practices in Strengthening the Rule of Law Through Access to Justice” as a special focus for your deliberations under this agenda item.

Supporting States in furthering access to justice is a main, distinct pillar of IDLO's work programme. In this, as in other areas, IDLO seeks to support as a matter of priority the exchange of national experiences and of lessons learned. We have a short factsheet highlighting our work in this area which is at the disposal of delegations.

Very briefly, grassroots legal empowerment, alongside capacity building in the justice sector, constitutes the core of our activities in this area – activities that IDLO pursues through a three-pronged approach: promoting gender equality and upholding the rights of women and girls; expanding legal services for poor and marginalized communities; and using the law to advance the right to health.

In our work on enhancing women's access to justice, we focus on promoting women's participation in the justice sector, both as a goal in its own right, and also as an important means to address some of the structural and cultural barriers that women face in accessing justice. We are also supporting countries in ensuring that gender equality is an integral part of constitutional and legal reform, and in initiatives to advance the legal empowerment of women in meeting sustainable development challenges, from climate change to access to natural resources, and, more generally, in seeking fairer economic opportunities.

In Afghanistan, IDLO has helped to set up Violence against Women Units, specialized in investigating and prosecuting this type of crime. So far, over 4800 cases have been registered in the eight units established across the country. Twice as many such units are planned by the Government.

Other IDLO projects, recently completed or underway, have been geared to support different needs in this area, from access to legal services, and rights awareness raising, to empowering girl victims or those at risk of trafficking, and the protection of land rights for women. These projects have been pursued in countries as diverse as Argentina, Brazil, Chile, Costa Rica, Honduras, Paraguay and Peru in Latin America; India; and Liberia, Mozambique, Uganda and Tanzania in Africa.

A second thrust of this work relates to strengthening children's access to justice, which has, so far, involved research projects in the ECE region, as well as in the MENA region – both in close partnership with UNICEF.

A third component relates to access to justice for people living with HIV and, more generally, promoting a legal environment geared to protecting and promoting health, facilitating access to life saving drugs and to prevention services, and combating discrimination .

In all of these areas we, of course, operate at the request of governments and in support of national policies and within the framework of international policy guidelines developed by the relevant UN institutions – from UNDP, UNICEF and UNAIDS, to UN specialized agencies such as the WHO – and, whenever possible, in direct collaboration with these institutions.

We seek this collaboration because of the special importance, in this type of work, of comprehensive, holistic interventions.

The fact that mutually reinforcing interventions are key to achieving long-lasting impact in promoting equitable, effective access to justice is also the reason why close interagency coordination, not only within but also beyond the UN system, is a must.

The encouragement of this Committee to further intensify such collaboration and coordination would, I believe, be extremely useful, as would the Committee's support for enhanced intra- and inter- country exchanges of experience and lessons learned – exchanges that the title chosen by the Committee for this subtopic so rightly prioritizes, and that IDLO is strongly committed to supporting and facilitating.

Let me add here, Mr. Chairman, taking advantage of the only apparent disadvantage of speaking last, that I have been very impressed by the large number of delegations that, this year, have chosen to address in depth the subtopic that you have selected for this debate, and by the clear message that so many statements have conveyed as to the priority attention that government policies are currently according to reinforcing access to justice. In addition to providing a wealth of information on policies and the specific measures being taken, most of the statements have called for an intensification of international assistance in this area and have revealed a strong interest in exchanging experiences and lessons learned – sentiments that I hope will somehow be captured and more importantly acted on. IDLO will try to do its part.

A final word on institutional development within IDLO itself. We are in the second year of implementation of the four-year Strategic Plan adopted by the IDLO Assembly of Parties in 2012. Each year, we present a Management Plan to our Assembly of Parties that assesses progress and proposes a set of critical strategic initiatives for the year ahead.

The Management Plan that will be put before our annual Assembly of Parties in November recalls the rapid expansion of our programme portfolio, from 34 million euros in 2012 to over 80 million euros in the last quarter of 2014 – a level at which we will strive to remain over the next two years covered by the Plan. We will endeavor to do so in a way that will serve to consolidate our well-established post-conflict operations in Afghanistan, East Africa and Central Asia – towards which a majority of our resources have so far been devoted – while, at the same time, striving to build a more balanced portfolio - more balanced in terms of programme countries, by pursuing new programme prospects that are opening up in francophone Africa, South and South East Asia, Latin America and the Middle East; and more balanced in terms of thematic areas, by further expanding our work on access to

justice (building also on the information and insights we have gained from this very debate) and also activities relating to women's and children's rights, informal justice, health, and climate change.

Against this backdrop, programme development will in all likelihood be a major priority in 2015, aided, in this regard, by a generous and flexible contribution from the Netherlands and the establishment of a new branch office in The Hague – an office geared to supporting a further strengthening of our competences and specialist expertise, and to helping IDLO further sharpen our comparative advantage.

Another major priority in the coming year will be to step up our ongoing effort to support an informed dialogue at the national, regional and global levels to enable governments share experiences, and to build awareness and knowledge of critical elements of the rule of law – women's access to justice certainly among them – and of ways to maximize their contribution to progress in building peace and advancing sustainable development. Disseminating learning from our programmes will continue to be an important component of this effort.

Although IDLO is in an overall healthy financial situation, our donor base, particularly for flexible funds, remains rather narrow, continuing to rely on a handful of donor countries, with Italy and the Netherlands in the lead. We hope that our performance record, together with our readiness to continue to improve and reform, will lead to a broadening of our donor base and will encourage a larger number of countries to invest in the organization.

Meanwhile, there are promising developments in our ongoing effort to widen our membership. Beyond membership, our engagement with governments – both member parties and non-members – is progressively expanding, and we expect it to further deepen in the year ahead.

We look forward to the further guidance of your Committee – the General Assembly Legal Committee – both in orienting the thrust of our rule of law activities, and in strengthening our partnerships with the UN and the wider international community.

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.