

**GENERAL ASSEMBLY
Sixty-seventh session**

**High-level meeting on the rule of law
at the national and international levels
24 September 2012**

**Statement of the
International Institute of Higher Studies in Criminal Sciences (ISISC)
Non-Governmental Organization authorized by letter of the
President of the General Assembly, dated 7 September 2012**

Mr. President, Participants at the High-level meeting, Distinguished Delegates:

I start by recalling General Assembly Resolution 66/102 of 13 January 2012, which states: "...*Convinced* that the promotion of and respect for the rule of law at the national and international levels, as well as justice and good governance, should guide the activities of the United Nations and of its Member States, ..."

I also recall General Assembly Resolution A/66/749 of 16 March 2012, whose summary states:

Respect for the rule of law at the international and national levels is central to ensuring the predictability and legitimacy of international relations, and for delivering just outcomes in the daily life of all individuals. While responsibility for strengthening the rule of law lies with Member States and their citizens, the United Nations is ideally placed to support Member States' efforts and to provide integrated and effective assistance. To galvanize efforts to strengthen the rule of law at the national and international levels, the Secretary-General proposes that the General Assembly adopt a programme of action for the rule of law, agree to a process to develop clear rule of law goals and adopt other key mechanisms to enhance dialogue on the rule of law. Member States should also take the occasion of the high-level meeting of the General Assembly on the topic "The rule of law at the national and international levels" during the sixty-seventh session to make individual pledges related to the rule of law.

I further recall the *Guidance Note of the Secretary-General: UN Approach to Rule of Law Assistance* of April 2008, which identified the important characteristics of effective rule of law assistance programs to be provided by the United Nations and others.

Mr. Chairman,

1. International civil society strongly supports the efforts of the Secretary General, the various Agencies and Bodies of the United Nations system, as well as the many governmental, inter-governmental organizations, and non-governmental organizations who support the rule of law, both in its broadest sense which encompasses the higher values of law and justice, and in its implementation at the legal and administrative levels.

2. The rule of law, in its broadest sense, encompasses many of the functions of international, inter-governmental, governmental, and non-governmental organizations. Rule of law is also about providing support for an effective legal, administrative, and social infrastructure whose ultimate purpose is to ensure the protection of the higher values of life, liberty, human dignity, equality, and justice. This approach to rule of law is indispensable in sustaining democracy and freedom.

3. Historically, rule of law has been interpreted as addressing laws and legal institutions, specifically law enforcement, prosecution, the judiciary, correctional services, and administrative legal processes. But it also encompasses preventing wrongs and providing remedies for victims, as reflected in the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (G.A. Res. 147, U.N. Doc. A/RES/60/147 (March 21, 2006)).

4. The time has now come to focus on rule of law capacity-building at the United Nations. It is time to increase rule of law's effectiveness rather than expand its scope to include every value and goal of international and national societies. In order for this initiative to be successful, the United Nations must avoid the generalities and vagueness that seems to pervade the present trend in rule of law programing. Instead, UN Agencies and Bodies need to embrace specificity in their rule of law programs.

5. Notwithstanding the interests of the UN Agencies and Bodies engaged in rule of law programs, it is important not to compromise or diffuse the broad operational design of this new initiative by assigning different aspects to separate Agencies and Bodies in order to accommodate particular interests. The diffusion of rule of law activities between different UN Agencies and Bodies will present a challenge to the effective implementation and executive of such programs. There is already some diffusion of the administration of rule of law programs at the United Nations, which has limited their effectiveness. Further diffusing this important rule of law initiative by assigning important functions to various UN Agencies and Bodies will only increase these difficulties and limit its impact.

The following is therefore recommended:

1. The establishment of a special Council or Committee within the Secretary-General's office to coordinate the programs of all UN Agencies and Bodies involved in the funding and administration of rule of law activities.
2. The Council or Committee should represent all UN Agencies and Bodies working on rule of law issues, with a special focus on developing and applying best policies and practices across the United Nations, as well as promoting cooperation and synergy where appropriate. In addition, this Council or Committee should establish a database of national and international experts, as well as experienced professional and administrative personnel to be used by UN Agencies and Bodies working on rule of law initiatives.
3. The Council or Committee should also include representatives of inter-governmental, governmental, and non-governmental organizations in order to make use of their experiences and resources, as well as enhance cooperation and synergy where appropriate, both between themselves and with UN Agencies and Bodies.
4. The Council or Committee should encourage and support national rule of law programs, as well as enhance the efforts of donor states, inter-governmental, governmental, and non-governmental organizations, especially by sharing best practices and promoting cooperation and synergy.

5. With regard to fact-finding missions and special procedures, the Office of the High Commissioner for Human Rights, in cooperation with the Human Rights Council, should undertake the necessary steps to identify best policies and practices, and ensure greater uniformity in the operation of these fact-finding missions and special procedures. This includes, but is not limited to, developing a common, standardized database system which would make the work of fact-finding missions and special procedures more uniform and streamlined. These steps would also develop greater synergy between such bodies whenever they have similar goals or address related subjects, thereby making them more effective.

6. The Office of the High Commissioner for Human Rights should also develop guidelines for best policies and practices for national fact-finding commissions, such as the South African Truth and Reconciliation Commission, the Peruvian Truth and Reconciliation Commission, and the Bahrain Independent Commission of Inquiry. This would enhance the operations of national initiatives, and also relieve the United Nations system of the responsibility of undertaking an increasing number of such tasks.