

ENHANCING GLOBAL RULE OF LAW ASSISTANCE

20-21 APRIL, NEW YORK

MEETING CONCEPT PAPER

Background and justification

The rule of law is at the heart of the United Nations' mission. It is an end as well as a means to attain the goals of peace and security, human rights and poverty reduction. The Organization supports the development and strengthening of a rule of law framework at the national level that consists of: a constitution; a legal framework and the implementation thereof; institutions of justice, governance, security and human rights; transitional justice processes and mechanisms; and a public and civil society that contributes to strengthening the rule of law and holds public officials and institutions accountable.¹

In his recent report "Strengthening and coordinating United Nations rule of law activities" (A/63/226), the Secretary-General stated that rule of law assistance could significantly benefit from greater coherence among multilateral and bilateral assistance providers. He recommended to donors in the rule of law field to work towards this objective "*by fostering consensus on assistance policies, applying the Paris Declaration on Aid Effectiveness to rule of law assistance and establishing donor coordination structures to support coherent and well-resourced rule of law efforts.*"

In follow-up to this report, the UN will host, in cooperation with United Kingdom's Department for International Development (DFID), a meeting with donors and relevant organizations to explore how to improve coordination and coherence in this field. The UN's global reach and multilateral character make it a good forum for promoting international cooperation that enhances overall policy coherence and effectiveness of rule of law assistance.

The meeting has evolved from the conclusions of the roundtable discussion on "Cooperation Between the United Nations and Rule of Law Assistance Providers" organized by the UN Rule of Law Unit in November 2007. This meeting concluded that donors and bilateral assistance providers tend to approach rule of law work with distinct agendas and perspectives, and that effective mechanisms to mitigate the adverse impact of this are needed. It also builds on the outcome of a meeting organized by the DFID and

¹ For the United Nations the rule of law refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency (S/2004/616; Guidance Note of the Secretary-General on a UN Approach to Rule of Law Assistance).

the Open Society Justice Initiative in Brussels in April 2008, where participants agreed that more work needs to be done to develop consensus on policy objectives; improved programme delivery, based on aid effectiveness principles; empirical research; and more effective ways of measuring and communicating results.

Objectives

The meeting aims to:

- Take stock of donors' experiences of and approaches to rule of law assistance, with a view to seeking common policy ground;
- Develop ideas for improving donor coherence, knowledge management and the measurement of the effectiveness of rule of law assistance;
- Explore agreement on a set of recommended actions to improve the coordination and coherence of rule of law assistance, with a view to implementation and review of progress thereafter. These would be technical recommendations from participants developed in the course of the meeting.

Format and agenda

The meeting will be a 2-day forum held on 20-21 April 2009 at the United Nations in New York. Participants will be expert-level representatives from the UN, governments, international/regional organizations, and other significant rule of law assistance providers. It will be organized to promote maximum interaction and participation, and will include brief presentations, facilitated discussions and working groups. Background materials for key agenda items will be provided in advance to assist the dialogue.

The agenda will cover current donor policy and expenditure trends in rule of law assistance. Using specific country examples, panel discussions will focus on donor coherence and coordination in development, and fragile and conflict-affected contexts, exploring how to ensure national ownership and respect for aid effectiveness principles. In parallel working groups, participants will discuss ways and means to increase policy, programming and funding coherence in rule of law assistance. A part of the meeting will be dedicated to examining the need for a research agenda to assess the effectiveness of assistance provided. A session will gather thoughts on the United Nations' role in contributing to these objectives. At the closing session, key points of the discussions will be summarized and a series of recommended actions considered for follow-up.