

JUSTICE 2015

APPEAL TO THE MEMBER STATES OF THE UNITED NATIONS

JUSTICE SHOULD BE INCLUDED IN THE POST-2015 DEVELOPMENT GOALS

We, the undersigned, submit this respectful yet urgent call to the Member States of the United Nations to declare now that justice, the rule of law, and legal empowerment are essential principles in the new global development framework. Around the world, billions of people live without the full protection of the law. They are unfairly driven from their land, denied essential services, extorted by officials, excluded from society, and intimidated by violence. Their lack of legal protection is a source of repression and an affront to human dignity.

Legal empowerment means giving all people the power to understand and use the law to secure justice and meet basic needs.

In the decades since the 1950s, when paralegals in South Africa began helping an oppressed people resist apartheid, legal empowerment has challenged systems and traditions that entrench inequality and has grown into a global movement. Today, grassroots legal advocates in the Philippines are helping farmers participate in nationwide agrarian reforms. In Argentina, shantytown residents are pursuing legal remedies to bring clean water and other essential services to their communities. Similar endeavors, some of great scope, some modest, are unfolding worldwide.

**LET'S MAKE ACCESS TO JUSTICE
PART OF THE GLOBAL DEVELOPMENT AGENDA.**



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For legal empowerment to succeed, individuals must live in societies dedicated to justice and governed by the rule of law. The rule of law is defined by three principles: First, the law is superior to, and thus binds, the government and all its officials. Second, the law must respect and preserve the dignity, equality, and human rights of all persons. To these ends, the law must establish and safeguard constitutional structures necessary to build a free society in which all citizens have a meaningful voice in shaping and enacting the rules that govern them. Finally, the law must devise and maintain systems to advise all persons of their rights, and it must empower them to fulfill just expectations and seek redress of grievances without fear of retaliation.

Where legal empowerment efforts take hold, the results are visible and quantifiable. Women in Bangladesh who challenge the practice of illegal dowries are reporting greater cash savings. Due to the work of community based paralegals, grievances in Liberia are resolved more equitably, resulting in greater food security. And prisoners in Kenya have returned to jobs and families after successfully appealing their sentences.

Affirming that justice, the rule of law, and legal empowerment belong in the framework for global development requires no great shift. The United Nations and many member states have already recognized the importance of the rule of law and legal empowerment in the UN Millennium Declaration, in the findings of the Commission on the Legal Empowerment of the Poor (CLEP), and in two General Assembly resolutions. Additionally, the UN Development Programme, the World Bank, and UN Women all support legal empowerment programs in many parts of the world. The Global Legal Empowerment Network was formed in 2010 to implement the CLEP's goal of using legal empowerment to advance development. As members and allies of that network, we advocate a post-2015 agenda with justice, the rule of law, and legal empowerment as its guiding principles.

The Report of the High Level Panel of Eminent Persons (HLP) on the Post-2015 Development Agenda places strong emphasis on justice and the rule of law in recognition that these principles not only "help drive development," but also "have their own intrinsic value." The HLP report offers a platform on which the world should build. By concentrating on five priorities—access to information, legal identity, rights to land and property, legal participation, and legal services—the new framework can ensure that no one is left behind.

ACCESS TO INFORMATION:

People should know about the laws and regulations that govern their lives, particularly those concerning essential services. States should commit to disseminating simple and clear statements of law and policy. They should also grant people an enforceable right to information to ensure that laws and regulations are implemented effectively.

ILLUSTRATIVE TARGET:

GUARANTEE THE PUBLIC'S RIGHT TO INFORMATION AND TO ACCESS GOVERNMENT DATA.

LEGAL IDENTITY:

Without state-issued identity documents, individuals may not be able to open a bank account, obtain a mobile phone, or secure the goods and services necessary to work and save for their families and their future. Government should ensure that access to legal identity is universal.

ILLUSTRATIVE TARGET:

ENSURE NO ONE SUFFERS FROM A LACK OF SECURE LEGAL IDENTITY.

RIGHTS TO LAND AND PROPERTY:

Approximately three billion people around the world live without secure rights to what are often their greatest assets: their lands, forests, and pastures. Increasing demand for land is leading to exploitation and conflict. Giving communities the power to manage their land and natural resources would reduce poverty and promote sustainable development. Securing property rights to all individuals, including women, is necessary to improve financial stability and personal safety.

ILLUSTRATIVE TARGET:

- **INCREASE THE SHARE OF WOMEN AND MEN WITH SECURE RIGHTS TO LAND AND PROPERTY.**
- **INCREASE THE AMOUNT OF LAND FOR WHICH COMMUNITIES HAVE SECURE TENURE AND DECISIONS ARE TAKEN THROUGH AN OPEN AND ACCOUNTABLE PROCESS.**

LEGAL PARTICIPATION:

All persons are entitled to shape the laws and policies that affect their lives. Just as communities should govern their land and natural resources, people should have a voice in how services like health care and education are delivered. Participation should not be limited to elections every few years. Citizens must have a role in shaping the fundamental, everyday work of their governments, which in turn have a duty to operate transparently and respond to the needs of their citizens.

ILLUSTRATIVE TARGET:

ENSURE THE PARTICIPATION OF CITIZENS IN MONITORING ESSENTIAL SERVICES, INCLUDING WATER, HEALTHCARE, AND EDUCATION.

LEGAL SERVICES:

Everyone should have access to fair, effective forums for resolving conflicts, for seeking protection from violence, and for addressing grievances with the state. Equitable administration of justice requires quality services from a broad range of institutions, including the police, the courts, administrative tribunals, ombudsmen, and customary authorities.

For people to have a fair shot when they approach those institutions, they need access to affordable legal aid services. Creative legal aid efforts, such as those that combine a small corps of public interest lawyers with a larger frontline of community paralegals, can seek effective solutions and engage the full range of justice institutions.

ILLUSTRATIVE TARGET:

ENSURE ALL PEOPLE HAVE ACCESS TO JUSTICE INSTITUTIONS AND LEGAL AID SERVICES THAT ARE AFFORDABLE, FAIR, AND TIMELY.

Civil society has a vital role in realizing all five of these goals. Public interest lawyers, paralegals, and other civil society actors have proven effective in helping people understand and use the law. In Jordan, advocates work with migrant women to recover salaries and passports unlawfully withheld by their employers. In Uganda, community based paralegals help communities in documenting their customary land claims, taking advantage of laws that were on the books but seldom used.

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The new development framework offers an opportunity to scale up civil society legal empowerment efforts. Governments can provide financing via autonomous bodies like ombudsman offices or public legal aid boards if the bodies genuinely respect civil society independence. Additional funding can and should come from international development agencies and foundations, as well as from client fees and contributions, however small, from those who receive legal services. A global fund for legal empowerment, moreover, could create a channel for multilateral cooperation.

There are practical ways to measure progress towards justice, and governments are making great strides in doing so. Ministries of justice already gather data on case volume and duration. National statistics offices often include questions about legal knowledge and legal access in their surveys.

But we can do even more. The High Level Panel calls for a data revolution driven by the new development framework. This opportunity must be seized to enhance data collection and analysis. Indicators can draw on diverse sources and can be adapted to country context. Data disaggregated by gender, ethnicity, and class can help governments to concentrate development efforts on those who need them most.

This opportunity to pursue what is right must be grasped. Deprivation cannot be defeated, nor can the threat of dispossession and exploitation be lifted, without legal empowerment. The world must know at once the urgency of its own survival. Respect for life and human dignity must be a common belief; tolerance must be a common bond; and law and justice must be a common purpose. We, the undersigned, thus call on the Member States of the United Nations to proclaim that justice, the rule of law, and legal empowerment belong in the new global development framework. The need is urgent. The potential is historic.

THIS STATEMENT HAS BEEN ENDORSED BY:

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