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The rule of law at the national and international levels**Strengthening and coordinating United Nations rule
of law activities****Report of the Secretary-General****Addendum***Summary*

The present report, submitted in response to the request of the General Assembly in paragraph 41 of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels (resolution [67/1](#)), identifies some of the most important linkages between the rule of law, human rights, peace and security and development. It highlights how the Assembly and other United Nations organs have engaged with such linkages to date, concluding that the rule of law at the international and national levels is a multifaceted principle underpinning issues across the agenda of the Assembly. The report identifies institutions as a key means for the Assembly to develop such linkages and proposes a number of ways for it to develop this agenda further.



I. Introduction

1. As the world continues to be afflicted by conflict and poverty, growing strains and tensions are evident in the multilateral system. The possibility of reaching universally agreed responses to these enduring challenges is being tested as an increasingly assertive multipolarity is not always matched by a unifying vision of common humanity. The United Nations can provide such a common vision through its universally agreed normative framework, implemented nationally and internationally through the rule of law.

2. This was recognized at the high-level meeting of the General Assembly on the rule of law at the national and international levels. In the resulting declaration (resolution 67/1), Heads of State and Government unanimously agreed that the “collective response to the challenges and opportunities arising from the many complex political, social and economic transformations before us must be guided by the rule of law, as it is the foundation of friendly and equitable relations between States and the basis on which just and fair societies are built”.

II. Mandate and preparation of the report

3. In paragraph 41 of the declaration, the General Assembly emphasized the importance of its continued promotion and consideration of the rule of law in all its aspects and decided to pursue its work in developing further the linkages between the rule of law and the three pillars upon which the United Nations is built: peace and security, human rights and development. To this end, the General Assembly requested the Secretary-General to propose ways and means of developing, with wide stakeholder participation, further such linkages and to include this in his report to the Assembly at its sixty-eighth session. The present report is submitted pursuant to that request.

4. As requested in the declaration, consultations have been held with a wide set of stakeholders. Written input from Member States was sought and 13 responses, including two group submissions, were received. To complement these, a panel discussion open to all Member States was held at the Secretariat in New York in February 2014 and consultations with regional groups, covering all Member States, were held in April and May 2014.

5. Web-based consultations were initiated during 2013 and yielded responses from a broad demographic group from more than 70 Member States. Participants in the consultation were 60 per cent male and 40 per cent female and were from age groups ranging from 13 to 80. Responses were submitted by individuals in their personal capacity as members of the general public and by civil society organizations, academic institutions and the private sector. The web-based consultation input was combined with that of the e-consultations conducted in 2013 and led by the United Nations Development Programme (UNDP) on the rule of law and the post-2015 development agenda.

6. Substantive input was also received from the Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General, and representing the principals of 20 United Nations entities engaged in strengthening the rule of law.

III. Three pillars of the United Nations system

7. While the mandate of the Organization for its work in peace and security, development and human rights is found in the Charter of the United Nations, its conceptualization into three pillars has its origins in the Millennium Declaration (General Assembly resolution [55/2](#)). Member States recognized certain fundamental values to be essential to international relations in the twenty-first century. They declared that “men and women have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice”.

8. That vision was further articulated in the report of the Secretary-General entitled “In larger freedom: towards development, security and human rights for all” ([A/59/2005](#)). The three pillars were framed around three fundamental freedoms which the United Nations must promote: freedom from fear to address peace and security challenges; freedom from want to further development; and freedom to live in dignity to promote human rights and the rule of law.

9. At the high-level plenary meeting of the sixtieth session of the General Assembly, in resolution [60/1](#) (the 2005 World Summit Outcome), Member States affirmed “that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being”.

10. The present report sets out an analysis of how the rule of law relates to and furthers each of the three pillars. It is important to stress, however, that those are not vertical silos since “peace and security, development and human rights are interlinked and mutually reinforcing” (*ibid.*). As the Secretary-General noted, “there will be no development without security and no security without development. And both development and security also depend on respect for human rights and the rule of law” ([A/59/2005](#), annex, para. 2). Wherever possible, therefore, the present report will seek to highlight such interconnectedness.

IV. Human rights: freedom to live in dignity

11. In his report, the Secretary-General noted that “while freedom from want and fear are essential they are not enough. All human beings have the right to be treated with dignity and respect” (*ibid.*, para. 27). Such dignity and respect are afforded to people through the enjoyment of all human rights and are protected through the rule of law.

12. The backbone of the freedom to live in dignity is the international human rights framework, together with international humanitarian law, international criminal law and international refugee law. Those foundational parts of the normative framework are complementary bodies of law that share a common goal: the protection of the lives, health and dignity of persons.

13. The rule of law is the vehicle for the promotion and protection of the common normative framework. It provides a structure through which the exercise of power is subjected to agreed rules, guaranteeing the protection of all human rights.

14. As defined by the Secretary-General, the rule of law requires that legal processes, institutions and substantive norms are consistent with human rights,

including the core principles of equality under the law, accountability before the law and fairness in the protection and vindication of rights (see [S/2004/616](#), para. 6, for a definition of the rule of law). There is no rule of law within societies if human rights are not protected and vice versa; human rights cannot be protected in societies without a strong rule of law. The rule of law is the implementation mechanism for human rights, turning them from a principle into a reality.

15. Devoid of the human rights framework, the rule of law is merely “rule by law”, a term describing legal or rule-based frameworks, without a normative underpinning to secure substantive justice. Worse, so-called rule of law, without respect for human rights, can be used as a tool for the arbitrary and oppressive exercise of power.

16. While universally agreed human rights, norms and standards provide its normative foundation, the rule of law must be anchored in a national context, including its culture, history and politics. States therefore do have different national experiences in the development of their systems of the rule of law. Nevertheless, as affirmed by the General Assembly in resolution [67/1](#), there are common features founded on international norms and standards.

17. In summary, the rule of law and human rights are two sides of the same principle, the freedom to live in dignity. The rule of law and human rights therefore have an indivisible and intrinsic relationship.

18. That intrinsic relationship has been fully recognized by Member States since the adoption of the Universal Declaration of Human Rights, in which it is stated that it is essential, “if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law”.

19. In the Millennium Declaration, Member States agreed to spare no efforts to strengthen the rule of law and respect for all internationally recognized human rights and fundamental freedoms. In the 2005 World Summit Outcome, Member States recognized the rule of law and human rights as belonging to the universal and indivisible core values and principles of the United Nations. In the declaration on the rule of law, Member States emphasized that human rights and the rule of law were interlinked and mutually reinforcing.

A. Human rights and the rule of law in the intergovernmental process

20. The relationship between the rule of law and human rights is evident in its development through the intergovernmental process. The General Assembly first considered the rule of law at the World Conference on Human Rights in Vienna in 1993. The Vienna Declaration and Programme of Action was adopted by the Conference calling on the United Nations to establish a comprehensive programme to strengthen national structures that would have a direct impact on the observance of human rights and the maintenance of the rule of law. Following the Conference, the Third Committee of the General Assembly, dedicated to social, humanitarian and cultural issues and responsible for most of the human rights work of the Assembly, adopted yearly resolutions on strengthening the rule of law until 2003.

21. In addition, the Third Committee has made significant advances in strengthening the rule of law when considering specific human rights issues. The

Committee regularly considers a wide range of issues related to the rule of law, including human rights in the administration of justice, the protection of human rights and fundamental freedoms while countering terrorism, strengthening the rule of law and the reform of criminal justice institutions, and the right to privacy in a digital age.

22. The Human Rights Council has also actively advanced the rule of law. A series of resolutions have been adopted by the Council that directly relate to both human rights and the rule of law, including, inter alia, resolutions 18/12 on the administration of justice, in particular juvenile justice; 19/2 on promoting reconciliation and accountability in Sri Lanka; 19/31 on the integrity of the judicial system; and 19/36 on human rights, democracy and the rule of law.

23. Moreover, the Human Rights Council has established several special procedure mechanisms directly related to the rule of law, such as the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Working Group on Arbitrary Detention.

24. In addition, human rights treaty bodies and the universal periodic review directly contribute to strengthening the rule of law. The Human Rights Committee has issued a number of general comments that are directly pertinent to the understanding and application of the rule of law, for instance general comment No. 32 on the right of equality before courts and tribunals and to a fair trial. Under the universal periodic review, many recommendations pertain to core rule of law issues, such as the administration of justice.

B. Ensuring due process and equality before the law

25. The interdependence of the rule of law and human rights can be clearly seen in the due process guarantees of judicial systems, for instance those relating to detention and fair trial contained in articles 9 and 14 of the International Covenant on Civil and Political Rights. Here, fundamental human rights norms dictate not only the content of national laws, but the process by which laws are applied to people through the justice process. Those human rights norms ensure that the rule of law produces just outcomes.

26. Due process ensures that the rule of law gives effect to the fundamental human rights principles of accountability, non-discrimination and participation within judicial processes. The principles of accountability and non-discrimination are foundations of the rule of law. As Member States noted in the declaration on the rule of law, “all persons, institutions and entities, public and private, including the State itself, are accountable to just, fair and equitable laws and are entitled without any discrimination to equal protection of the law” (para. 2). In terms of participation, due process requires a person’s right to be tried without undue delay and in his presence. All persons are subject to the presumption of innocence, without being compelled to testify against themselves. Accused persons also have the right to defend themselves effectively.

27. Due process also guarantees the provision of justice that is timely, independent and accessible. The independence and impartiality of the judiciary and the integrity

of the judicial system, as well as an independent legal profession, are essential prerequisites for the protection of human rights through the rule of law.

C. Advancing economic, social and cultural rights and the right to development

28. The rule of law has played an integral part in anchoring economic, social and cultural rights in national constitutions, laws and regulations. Where such rights are justiciable or their legal protection is otherwise ensured, the rule of law provides the means of redress when those rights are not upheld or public resources are misused.

29. The rule of law also supports the implementation of economic, social and cultural rights through national policies and programmes. In addition, the judicial and administrative mechanisms of the rule of law contribute to ensuring that the application of those policies is in accordance with the law and exercised on a non-discriminatory basis.

D. Dealing with a legacy of serious violations of humanitarian law and gross human rights violations

30. One of the key areas in which the rule of law supports human rights is in providing accountability for serious violations of humanitarian law and gross human rights violations. Addressing such atrocities through the rule of law also strengthens peace and security and development.

31. In the declaration on the rule of law, Member States reaffirmed a universal commitment to ensuring that impunity is not tolerated for the worst human rights violations: genocide, war crimes and crimes against humanity, or for violations of international humanitarian law and gross violations of human rights law. The rule of law is essential to addressing such atrocities, which can otherwise undermine peace and security and hamper development.

32. The United Nations has made substantial strides in developing a global accountability framework for serious international crimes. The ad hoc international criminal tribunals set up by the Security Council paved the way for the creation of the International Criminal Court. Alongside the Court, United Nations tribunals and the tribunals assisted by the United Nations, such as the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, the Special Tribunal for Lebanon, the Residual Special Court for Sierra Leone and the Residual Mechanism for International Criminal Tribunals have addressed specific accountability and legacy issues.

33. The primary responsibility for ensuring prosecutions for atrocity crimes and other gross violations of human rights lies with Member States at the domestic level. That is one of the core principles underpinning the Rome Statute of the International Criminal Court (see article 17 of the Statute). It is for this reason that the Assembly of States Parties to the Rome Statute has called for further commitment from the United Nations to strengthen national capacities in this area. The Security Council has also noted that the strengthening of competent national judicial systems is crucially important to the rule of law (resolutions [1503 \(2003\)](#) and [1534 \(2004\)](#); see also [A/67/308](#)).

34. In addition to judicial mechanisms, gross human rights violations can also be addressed through broader transitional justice measures. Those encompass the range of non-judicial mechanisms employed to achieve redress for serious international crimes and include truth and reconciliation commissions and reparations. As stressed by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, transitional justice measures have the potential to lay the necessary foundations for peace and security and for sustainable development (see resolution 67/368).

35. In this respect, in 2005 the General Assembly adopted the Basic Principles 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 (resolution 60/147, annex), which highlighted the importance of, and detailed the measures States should adopt to ensure, access to justice for victims of gross violations of international human rights law and serious violations of international humanitarian law (see resolution 66/102).

V. Peace and security: freedom from fear

36. In the declaration on the rule of law, Member States noted the importance of the rule of law as one of the key elements of conflict prevention, peacekeeping, conflict resolution and peacebuilding.

A. Peace and security and the rule of law in the intergovernmental process

37. The interrelationship between the rule of law and peace and security has been advanced by the Security Council and by the General Assembly through its First, Third, Fourth and Sixth Committees, in addition to the work of several subsidiary bodies.

B. Respect for the Charter of the United Nations

38. Article 1 of the Charter of the United Nations states that one of the purposes of the United Nations is to “bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”. The rule of law ensures that international law and the principles of justice apply equally to all States and are equally adhered to. Respect for the rule of law generates an enabling environment for achieving the purposes of the Charter.

39. The Charter provides the normative basis for friendly relations between States. Together with the wider body of international law, it provides a structure for the conduct of international relations. It creates reciprocity between States as sovereign equals, accords predictability and legitimacy to their actions within an agreed multilateral system and provides a means to resolve disputes arising. Of particular importance to peace and security are the principles of territorial integrity, non-use of threat or force in any manner inconsistent with the Charter and the commitment to implementation of international legal obligations.

40. Many of these aspects have been discussed by the General Assembly. Since 2006, under the agenda item entitled “The rule of law at the national and international levels”, the Sixth Committee has considered several aspects of the rule of law at the international level, developing the concept further and adopting annual resolutions.

C. Rule of law in the prevention of conflict

41. Article 33 of the Charter is critical for the prevention of conflict and the peaceful settlement of disputes. Parties to an international dispute have access to diverse measures and mechanisms for dispute resolution, including negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement and resort to regional agencies or arrangements. The Sixth Committee debated the peaceful settlement of disputes at the sixty-eighth session under the agenda item entitled “The rule of law at the national and international levels”, providing several ideas for developing the linkage further.

42. At the national level, it is increasingly recognized that States marked by weak rule of law and a failure to respect human rights pose significant threats to peace and security. Cycles of violence in States undermine development and adversely affect regional and international peace and security.¹ A strong rule of law, which protects human rights, helps prevent and mitigate violent crime and conflict by providing legitimate processes for the resolution of grievances and disincentives for crime and violence. Conversely, weak economic development and inequality can be a trigger for crime and violence.

43. In this context, the principle of the responsibility to protect, adopted by the General Assembly in the 2005 World Summit Outcome, is relevant. It highlights the importance of supporting national rule of law and human rights institutions to ensure that Governments have all the tools necessary to comply with their obligations to protect their populations from genocide, crimes against humanity, war crimes and ethnic cleansing, and calls upon the international community to support such efforts.

D. Rule of law in armed conflict

44. In situations of armed conflict, the protection of civilians is a United Nations priority. Any protection activity, be it physical, political or through the establishment of a protective environment, must be based on the rule of law and aims to give the applicable laws practical relevance in difficult circumstances.

45. The applicable normative framework and the obligations of Member States thereunder are critical to all protection work. To protect civilians better, Member States must adhere to the relevant international treaties, include their provisions in national legislation and establish well-functioning institutions and internal controls. Similarly important are education and information concerning compulsory norms and prohibited practices and criminal enforcement in cases of serious breaches.

¹ See World Bank, World Development Report 2011: Conflict, Security and Development (Washington, D.C., 2011).

46. The importance of protecting civilians during armed conflict through the implementation and application of the applicable normative framework has been highlighted by the Security Council, which since 1999 has met regularly on the issue of the protection of civilians. Similarly, the General Assembly has discussed this subject in the Special Committee on Peacekeeping Operations. It has also discussed humanitarian law in plenary meeting and in the Sixth Committee (see, e.g., resolutions [67/93](#), [68/101](#) and [68/102](#)).

47. Respect for international humanitarian and human rights law by the United Nations itself in carrying out its responsibilities to protect civilians, including through the use of force, is also of fundamental importance. United Nations personnel have to be held accountable for any misconduct they might commit. The General Assembly has worked on the issue through the Special Committee on Peacekeeping Operations and a dedicated ad hoc committee.

E. Rule of law in post-conflict situations

48. Establishing rule of law institutions is vital to ensuring immediate security and the necessary stability for peacebuilding to take root. Strong justice and corrections institutions, together with accountable police and law enforcement agencies, which fully respect human rights, are critical for restoring peace and security in the immediate post-conflict period. They allow for perpetrators of crimes to be brought to justice, encourage the peaceful resolution of disputes and restore trust and social cohesion based on equal rights. Establishing such conditions is equally important to peace and security and to sustainable development.

49. In this regard, the United Nations recognizes the need to employ a broad approach by supporting the entire criminal justice chain. As part of a comprehensive approach to enhancing the rule of law and human rights, it is essential to support nationally owned efforts to reform the security sector.

50. The different organs of the United Nations have fully recognized the strong link between peace and security in post-conflict situations and the rule of law. The General Assembly and the Security Council have identified the strengthening of rule of law institutions as essential to stabilization and sustainable peace (see, e.g., Security Council resolution [2086 \(2013\)](#), para. 8 (e)). Support for the rule of law is currently included in 18 out of 28 mandates of Security Council missions. The Special Committee on Peacekeeping Operations of the General Assembly, which provides policy and guidance on both the rule of law and security sector reform in peacekeeping contexts, has also given guidance on the implementation of those mandates.

F. Transnational threats

51. Some of the greatest challenges to peace and security are crimes which, while committed on national territory, permeate national borders and affect entire regions and ultimately the international community as a whole. This is an evolving challenge for the rule of law and the protection of human rights and illustrates well the strong linkages with peace and security.

52. Terrorism brings violence and instability, can limit freedom of movement and access to employment and educational opportunities, degrades the quality of life and threatens the basic rights of people, including the right to life and security. Terrorism represents a threat to security and stability and can undermine economic and social development.

53. Eighteen universal instruments (14 conventions and 4 protocols) against international terrorism, including the relevant Security Council resolutions, have been elaborated within the framework of the United Nations relating to specific terrorist activities. In addition, on 8 September 2006, the General Assembly adopted the United Nations Global Counter-Terrorism Strategy (resolution 60/288).

54. While all pillars of the Strategy rely on strong rule of law measures, its fourth pillar, entitled “Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism”, stresses the crucial place of human rights and the rule of law in counter-terrorism efforts.

55. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism emphasizes that counter-terrorism measures that are compliant with human rights help to prevent the recruitment of individuals to commit acts of terrorism and that human rights abuses have all too often contributed to the grievances which cause people to make the wrong choices and to resort to terrorism (see [A/HRC/20/14](#), para. 32).

56. Similarly, transnational organized crime in diverse areas threatens peace and security and undermines the economic and social development of societies around the world. The General Assembly and the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols Thereto have stressed the negative impact that transnational organized crime has on human rights and the rule of law.²

57. Organized criminal networks corrupt officials, obstruct justice, intimidate witnesses and victims, threaten the obligation of the State to ensure law and order and undermine the basic rights of individuals. In States where the rule of law is already weakened, the influence exercised by criminal groups can pose a threat to political stability and undermine sustainable development.

58. Strengthening the rule of law is a powerful way of combating transnational organized crime. The adoption of the United Nations Convention against Transnational Organized Crime in 2000 and its entry into force in 2003 marked an historic commitment by Member States to counter organized crime. That Convention, which is close to achieving universal adherence, is supplemented by its three Protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition.

² See, e.g., General Assembly resolution 67/1, para. 24, and the preamble to resolution 6/1 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols Thereto.

VI. Development: freedom from want

59. In the declaration on the rule of law, Member States noted that “the rule of law and development are strongly interrelated and mutually reinforcing, that the advancement of the rule of law at the national and international levels is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law”. They therefore called for consideration of that interrelationship in the post-2015 international development agenda.

60. At the international level, the body of international instruments, including those concerning international trade and finance, climate change and protection of the environment and the right to development, establishes internationally agreed standards which support sustainable development.

61. At the national level, the rule of law is necessary to create an environment for providing sustainable livelihoods and eradicating poverty. Poverty often stems from disempowerment, exclusion and discrimination. The rule of law fosters development through strengthening the voices of individuals and communities, by providing access to justice, ensuring due process and establishing remedies for the violation of rights. Security of livelihoods, shelter, tenure and contracts can enable and empower the poor to defend themselves against violations of their rights. Legal empowerment goes beyond the provision of legal remedies and supports better economic opportunities.

62. In order for the rule of law to further sustainable development outcomes, it must ensure protection for all human rights, including economic, social and cultural rights and the right to development. While “rule by law” may provide a legal framework, contractual certainty and dispute resolution mechanisms that support economic growth and development, it is only the rule of law, consistent with international human rights, which can provide for development that is also inclusive and sustainable.

63. As highlighted by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, recent experience demonstrates that narrow developmental efforts that exclude justice and rights considerations fail to achieve sustainable human development ([A/68/345](#), para. 64).

A. Development and the rule of law in the intergovernmental process

64. The Second Committee of the General Assembly has considered many of the linkages between the rule of law and development in the context of the legal empowerment of the poor, which stress the rule of law and access to justice as the enabling framework to make progress on poverty eradication through increased protection of land and property and labour rights (see, e.g., resolution [64/215](#)).

65. The General Assembly has highlighted, inter alia, the importance of access to justice for all, and in this regard encouraged the strengthening and improvement of the administration of justice, and emphasized that respect for the rule of law and property rights and the pursuit of appropriate policy and regulatory frameworks

encourage business formation, including entrepreneurship, and contribute to poverty eradication (see, e.g., resolutions [63/142](#) and [64/215](#)).

B. Protection of land and property

66. Improved security of tenure for land and property can make a critical contribution to ensuring social and economic progress in rural and urban settings, supporting poverty reduction and furthering gender equality and peace and security. Land tenure, including a range of tenure types appropriate to local conditions and needs, such as community property rights and the protection of resource commons, creates certainty about what can be done with land or property and its use and can increase economic opportunities and benefits through investment.

67. Security of tenure, in line with human rights standards, such as the right to housing, protects from seizure and other encroachments, enhances food security and income generation and slows deforestation.³ It strengthens the ability to mitigate land and property disputes, which often risk fuelling larger-scale conflicts. Securing different forms of tenure, such as individual or collective ownership and property rights, particularly for women, also supports other rights and priorities, including improving health, financial stability and personal safety. The guiding principles on security of tenure for the urban poor, recommended by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, could be helpful in this regard (see [A/HRC/25/54](#)).

C. Exploitation of natural resources

68. More broadly, ensuring the rule of law in the exploitation of natural resources is essential to ensuring inclusive and sustainable economic growth and development and in respecting, protecting and fulfilling the human rights of persons. Sustainably and transparently managed natural resources can be the engine for economic well-being and a basis for stable and peaceful societies. Resources such as transboundary water resources require a high degree of cooperation among sharing countries and appropriate legal frameworks to support sustainable management.

69. Proper management of natural resources, in accordance with the rule of law, is also a key factor in peace and security, highlighting the interconnectedness of the three pillars of the United Nations system. At least 40 per cent of internal conflicts over the last 60 years are linked to competition for natural resources.⁴ The risk of violent conflict is elevated when the exploitation of natural resources causes environmental damage and loss of livelihoods, or when benefits are unequally distributed.

³ Community-owned forests and participation in rule-making are linked to significantly lower carbon emissions in a sample of 80 forests in East Africa, South Asia and Latin America. See Ashwini Chaatre and Arun Agrawal, "Trade-offs and synergies between carbon storage and livelihood benefits from forest commons".

⁴ United Nations Environment Programme, "From conflict to peacebuilding. The role of natural resources and the environment", 2009.

70. To this end, ensuring the accountability of the private sector for its activities is critical. The Guiding Principles on Business and Human Rights constitute the authoritative global framework for ensuring that the private sector not only benefits from, but also adheres to, the rule of law. In addition, at the international level, adherence to voluntary compliance initiatives, such as the Kimberley Process Certification Scheme for Rough Diamonds, can play a critical role.

D. Sound legal frameworks

71. As Member States recognized in the declaration on the rule of law, “fair, stable and predictable legal frameworks” are essential for generating inclusive, sustainable and equitable development, economic growth and employment and investment and facilitating entrepreneurship. The World Bank has also noted that economic growth is enhanced when sound laws are in place to enforce contracts, resolve business disputes and respect property rights.⁵ For example, laws protecting women’s inheritance rights or ability to enter into contracts can be significant for economic growth, as well as for promoting gender equality and women’s empowerment.

72. The General Assembly has also acknowledged that the implementation and effective use of modern commercial law standards are essential for advancing good governance, sustained economic development and the eradication of poverty and hunger.⁶

E. Enhancing access to justice

73. A vital means of strengthening the linkages between the rule of law and the three pillars of the United Nations system, and of empowering people is to enhance access to justice. An estimated 4 billion people live outside the protection of the law.⁷ Without equal access for all, without discrimination, to effective justice mechanisms, those people can be easily cheated by employers, driven from their land and intimidated by violence. Without access, human rights protection and guarantees included within the law are not always realized on the ground, particularly for the poorest and most vulnerable.

74. In 2012, the Special Rapporteur on human rights and extreme poverty outlined in detail the continuing barriers that the poor and marginalized groups continue to face in accessing justice, including the costs associated with accessing justice institutions, lack of information and lack of legal recognition, as well as institutional barriers, such as lack of resources, corruption and lengthy court procedures (A/67/278). Women are among those who face significant barriers in accessing justice systems. Children also face significant challenges with poorly functioning justice systems or in accessing justice systems in order to ensure their rights are respected or to seek protection.

⁵ World Bank, “New directions in justice reform”, 2012.

⁶ To further the progressive harmonization and unification of international commercial law, the General Assembly established the United Nations Commission on International Trade Law by resolution 2205 (XXI) in 1966.

⁷ Report of the Commission on Legal Empowerment of the Poor, *Making the Law Work for Everyone*, vol. I (New York, United Nations, 2008).

75. As emphasized by the Special Rapporteur on the independence of judges and lawyers, legal aid is an essential element of access to a fair, humane and efficient system of administration of justice. It is a foundation for the enjoyment of other rights, including the right to a fair trial and the right to an effective remedy, a precondition to exercising such rights and an important safeguard that ensures fundamental fairness and public trust in the administration of justice (A/HRC/23/43). To this end, in December 2012, the General Assembly adopted the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems.

F. Legal identity

76. Legal identity, especially birth registration, also plays a critical role in ensuring that institutions are accessible and that legal frameworks guaranteeing rights can be enjoyed in practice. Without identity documents issued by the State, individuals, in particular marginalized groups, including women, may not be able to open a bank account, obtain health care or education, buy property or prove the right to inherit property, vote or obtain a passport. Of course, the lack of legal identity should never be used to deny access to essential services such as health and education. Without legal identity, children are also more vulnerable to discrimination and exploitation, including violence and trafficking, and to recruitment and use in conflict by armed forces and groups. Birth registration also serves a statistical purpose, essential in the planning and implementation of sustainable development policies. Article 7 of the Convention on the Rights of the Child specifies that every child has the right to be registered at birth without discrimination.

77. Similarly, without a nationality, stateless persons are susceptible to serious deprivations of their fundamental human rights, including the right to recognition as a person before the law. Despite international recognition of the right to a nationality, the anomaly of statelessness continues to affect at least 10 million people around the world. A key challenge for the United Nations is to prevent new situations of statelessness due to succession of States, arbitrary deprivation of the nationality of specific minority populations, discrimination against women in nationality laws and technical gaps in nationality laws and documentation procedures. Law and policy reform in a number of States are also necessary to resolve protracted situations. Implementation of the safeguards against statelessness that are set out in the Convention on the Reduction of Statelessness of 1961 is critical to those efforts.

G. Corruption

78. Transparency and accountability in both the development and application of the law are powerful tools for ensuring public oversight of the use of public resources and preventing waste and corruption.

79. Corruption hinders the development of fair market structures and distorts competition, which in turn deters investment. Corruption reduces investor confidence, exacerbates the effects of poverty and can very often lead to increased violence in societies. Where corruption has occurred, returning illicitly acquired

assets to their countries of origin is both a matter of justice and of economic development.

80. Strengthening the rule of law is critical to combating corruption. In this respect, the General Assembly adopted the United Nations Convention against Corruption on 31 October 2003. The Convention entered into force on 14 December 2005 and there are now 171 States parties to it. The Secretary-General, especially through the United Nations Office on Drugs and Crime as the secretariat of the Convention, has developed a number of tools and programmes to support Member States in the implementation of the Convention. The Mechanism for the Review of Implementation of the Convention, adopted by States parties, is widely considered a successful model.

VII. Means of strengthening linkages: institutions

81. A strong rule of law which promotes and protects human rights standards is essential for sustainable and inclusive development and for bringing durable peace and security.

82. Open and accountable institutions play a critical role as the mechanism for delivering the rule of law and respect for human rights, as well as strengthening peace and security and development, both at the international and national levels. In order to strengthen institutions, it is important to ensure that they are both open and accountable to their constituencies, whether they are Governments or individuals.

A. International adjudicative mechanisms

83. At the international level, adjudicative mechanisms are an important tool for Member States to peacefully resolve disputes, supporting constructive international cooperation and providing stability and certainty in the international system.

84. The International Court of Justice is the principal judicial organ of the United Nations and is central to the maintenance of peace and security, as well as addressing issues that are critical for development. The broad jurisdiction of the Court which includes “all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force”⁸ provides Member States with an effective tool to resolve their differences. For this reason, a campaign has been launched aimed at increasing the number of States that recognize the compulsory jurisdiction of the Court.

85. Other international judicial mechanisms, such as the International Tribunal for the Law of the Sea, also play critical roles in specific areas of international cooperation, strengthening the maintenance of peace and security and furthering development in those areas.

⁸ Statute of the International Court of Justice, article 36 (1).

B. International financial institutions

86. It is important for sustainable development that the global trading system and its institutions are open, rule-based and fair. Such institutions, based on the rule of law, create an accessible platform for inclusive growth and the stability and prosperity to maintain conditions conducive to peace and security. The international financial institutions, including the World Bank Group, the International Monetary Fund, the World Trade Organization and the regional development banks, play an influential role in development policies, notably in the areas of trade, aid, finance, technology transfer and debt, many of which are increasingly outside the control of individual Governments.

87. That was clearly noted in the 2005 World Summit Outcome, in which Member States affirmed their commitment to an open, equitable, rule-based, predictable and non-discriminatory trading and financial system and this continues to be critical for inclusive and equitable development.

88. Similarly, the declaration on the rule of law takes note of important decisions on reform of the governance structures, quotas and voting rights of the Bretton Woods institutions, better reflecting current realities and enhancing the voice and participation of developing countries, and reiterates the importance of reforming the governance of those institutions in order to deliver more effective, credible, accountable and legitimate institutions.

C. United Nations

89. As other institutions at the international level must be accessible and accountable, it is important to ensure the same of the United Nations itself. Representative and responsive governance at the international level, based on the rule of law, makes for a more credible, influential and effective organization and thus strengthens its work in the areas of peace and security and sustainable and inclusive development.

90. In the 2005 World Summit Outcome and in the declaration on the rule of law, Member States noted their support for early reform of the Security Council in order to make it more broadly representative, efficient and transparent and thus to enhance further its effectiveness and the legitimacy and implementation of its decisions. There have also been efforts to reform the working methods of the Security Council.⁹ The declaration also highlights the importance of continuing the efforts to revitalize the General Assembly and to strengthen the Economic and Social Council. The Secretary-General stands ready to support such efforts, and will also keep under review the United Nations system of administration of justice to ensure internal accountability.

⁹ For example, Security Council resolution 1904 (2009) introduced measures to increase the fairness and transparency of the sanctions regime imposed on Al-Qaida, Usama bin Laden and the Taliban, thereby improving the protection of due process. The resolution established the Office of the Ombudsperson to review requests from individuals, groups, undertakings or entities seeking to be removed from the sanctions list.

D. National institutions

91. In the report entitled “A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015” (A/68/202), the importance of building peace and effective governance based on human rights and the rule of law through sound institutions was underlined. Accountable and accessible institutions support the implementation and application of the rule of law and human rights and thereby strengthen the ability to maintain durable peace and build sustainable development for all.

92. Administrative law, judicial review and related dispute resolution processes play a key role in holding institutions accountable, constraining arbitrary decision-making, promoting the effective delivery of basic services, enforcing regulatory frameworks and constraining the illicit capture of public resources. The openness and accountability of institutions is also strengthened by ensuring the rights of peoples to freedom of speech, association, peaceful assembly and access to information, including through human rights education. A free, independent and pluralistic media also plays an important role in building open and accountable institutions.

93. Justice institutions are at the heart of strengthening the rule of law and protecting human rights at the national level. They include the judiciary, police, corrections facilities, parliaments, human rights institutions and ombudspersons, electoral commissions, public defender systems and legal aid bodies. Access to effective, fair, gender-sensitive, responsive and accountable justice institutions is essential for addressing the underlying causes of lack of human security, poverty, inequality, discrimination and marginalization.

94. Justice institutions also include informal systems. The obligation to respect, protect and fulfil human rights in the administration of justice, including through the provision of justice and legal remedies, extends to formal and informal systems alike. Both types of justice systems can violate human rights, reinforce discrimination and neglect principles of procedural fairness.¹⁰

VIII. Ways of strengthening the linkages: options for the General Assembly

95. The present report has sought to identify some of the most important linkages between the rule of law, human rights, peace and security and development, and how the General Assembly through its Main Committees and subsidiary organs — and in some cases in cooperation with other main organs — has engaged with them. It has highlighted how the rule of law at the international and national levels is a multifaceted principle underpinning issues across the agenda of the Assembly.

¹⁰ See, for instance, United Nations Entity for Gender Equality and the Empowerment of Women, United Nations Children’s Fund and UNDP, *Informal Justice Systems. Charting a Course for Human Rights-based Engagement* (New York, September 2012).

A. Institutional mechanisms

96. Specific aspects of the rule of law have been considered and developed by all the Main Committees of the General Assembly and several of the subsidiary organs of the Assembly. Some of the relevant issues, such as the accountability of United Nations officials and experts on mission, corruption, legal empowerment of the poor and terrorism have been considered in parallel by several of the Main Committees, by a Main Committee and the plenary, or by a Main Committee and a subsidiary body.

97. It is recommended that the high-level meeting on the rule of law at the national and international levels and the present report be followed up with periodic consideration of the rule of law and its linkages with the three pillars of the United Nations in a full and comprehensive manner. Such a comprehensive discussion can be held in plenary meeting, in a Main Committee or through the establishment of a subsidiary body.

98. The General Assembly may also wish to consider benefiting from a closer interaction with some of the existing subsidiary bodies, such as the United Nations Commission on International Trade Law or the International Law Commission, in developing the linkages between the rule of law and the three pillars.

B. Possible tools

99. The General Assembly has used a number of different tools to consider complex and multifaceted issues. The development of a strategy or programme of action has been used in the past. For instance, in 2006, the Assembly adopted the United Nations Global Counter-Terrorism Strategy and Plan of Action.¹¹ Further, on the issue of human trafficking, the Assembly adopted the Global Plan of Action to Combat Trafficking in Persons in 2009.

100. The General Assembly may therefore wish to consider developing a plan of action, or a strategy on developing further the linkages between the rule of law, human rights, peace and security and development.

101. Another tool which the General Assembly has used to develop further specific issues is the elaboration and adoption of guidance, principles or standards. For instance, in 2005, the Assembly adopted 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. Other examples include the adoption of the Standard Minimum Rules for the Treatment of Prisoners in 2013 and the Standard Minimum Rules for the Administration of Juvenile Justice in 1985.

102. The General Assembly may also wish to consider developing further the linkages between the rule of law, human rights, peace and security and development by elaborating guidance, principles or standards on specific issues related to the rule of law where such guidance is lacking. The Secretary-General stands ready to

¹¹ The Plan of Action incorporated many suggestions made by the Secretary-General in his report on uniting against terrorism (A/60/825).

suggest possible issues for further consideration by the Assembly, based upon the breadth of issues covered in the declaration.

C. Including other stakeholders

103. There are key stakeholders in the rule of law at the international and national levels which the General Assembly may wish to consider including in its discussions, or benefiting from their expertise in other ways. They include legal professionals, non-governmental organizations, academics, the private sector and think tanks. In addition, the Assembly may consider enriching its discussions through seeking regional and subregional inputs.

104. Building on the wide stakeholder consultation initiated for this report, the General Assembly may wish to consider requesting the Secretary-General to continue to act as a conduit for further stakeholder consultation and to report back to the Assembly.

105. The General Assembly may also wish to consider including different stakeholders directly or indirectly in its discussions. That can be done through informal meetings, briefings or more interactive panel discussions. The Secretary-General stands ready to support Member States in this task and can develop a programme of stakeholder consultations, including engaging regional organizations and other regional actors, for consideration by the Assembly.

D. Pledges

106. The declaration on the rule of law acknowledges efforts to strengthen the rule of law through voluntary pledges in the context of the high-level meeting on the rule of law in September 2012. Over 400 pledges from 40 Member States and Observers were received and have been made public through the United Nations rule of law website (www.unrol.org). Member States are encouraged to monitor implementation of those pledges and share lessons learned.

107. The Secretary-General stands ready to provide a platform or otherwise support and facilitate the work of Member States to this end. In addition, Member States may wish to consider making further voluntary pledges individually or jointly, based on their national priorities in the rule of law.