

Rule of Law: Questions and Answers

What is the rule of law?

The “rule of law” refers to a system of transparent, predictable, understandable, and fair rules and institutions that facilitates the efficient and just functioning of societies.

What is its practical significance?

The rule of law is more than just a call for “good government.” Rule of law is a vital tool in creating functioning economies and in the fight against terrorism, disease, poverty and a host of international ills.

Some of the most uplifting international events of the past 15 years, such as the return of democracy and independent courts to some former Soviet republics, have involved the restoration of the rule of law.

Conversely, some of our worst disasters have involved nations where the rule of law broke down—such as Afghanistan in 2001, where al Qaeda had found a safe haven.

Countries without the rule of law are ill-equipped to prevent gross human rights violations, starvation and other horrors. And rampant corruption makes it hard to battle potentially deadly health threats. In a number of African countries, for example, many drugs intended to help people with malaria, HIV/AIDS, tuberculosis and other emerging health threats simply disappear into the black market.

And finally, many businesses will not invest in countries where there is no enforcement of contracts or protection of intellectual property. This inhibits needed economic development and exacerbates poverty.

The billions of dollars spent annually on specific conditions, such as hunger, cannot be truly effective without a concerted effort to build sound legal systems around the world.

What is the purpose of the Symposium?

For more than 40 years, international donors have sought to advance the rule of law as part of development assistance strategies. After the fall of the Berlin Wall, these efforts expanded, with notable successes in some countries and disappointments in others. Today, the twin challenges presented by a globalized economy and the international threat of terrorism give the rule of law cause a new urgency.

The Symposium is part of the American Bar Association’s response, aimed at broadening and strengthening the existing movement to promote the rule of law globally. The Symposium will focus on persuading the various stakeholders of their common interest in this effort, will explore what strategies have and haven’t worked to promote the rule of law, and begin to develop a new common vision of the role that rule of law promotion should play in U.S. governmental and non-governmental engagement in the world.

How can a Symposium affect real-world events challenging the rule of law?

Over the past decade, governments, development banks, donors, foundations, multi-national corporations, civil society, etc., have demonstrated a growing commitment to strengthen the rule of law. While these efforts have frequently borne fruit, they have been limited in scope and often modestly funded.

What is needed are more comprehensive strategies that harness the resources and expertise of a larger group of stakeholders, and this Symposium will be a catalyst to their development.

It will bring together the various stakeholders in government, civil society, donor agencies, and the private sector and identify and assess the tools at their disposal to advance the rule of law. These tools include trade benefits, the Millennium Challenge Account, technical legal assistance, moral suasion, political censure, and setting conditions on loans.

The Symposium will help identify best practices in employing these tools and also expand on those tools, looking to:

- Find ways to more effectively support the current efforts of reformers at the local level who are promoting the rule of law. In attendance will be more than 40 leading reformers from throughout the world, including a number of constitutional and supreme court justices, ministers of justice, and leading non-governmental representatives.
- Encourage local organizations to pool their efforts and strategies to promote targeted rule of law goals.
- Increase U.S. public awareness of and support for global legal reform efforts and the connection between establishing the rule of law and political and socio-economic development, public health, environmental protection, human rights and international security.
- Identify the elements of effective rule of law promotion efforts by the emerging network of stakeholders that will harness their individual resources in a strategic and coordinated fashion.
- Increase public and private sector commitment to funding global rule of law assistance programs.
- Urge governments, international businesses and the media all to focus more closely on rule of law issues when they work to combat the problems that threaten to destabilize societies or thwart their development.

Why is the American Bar Association the convener?

Promoting international rule of law is a central mission of the association. The ABA has operated rule of law initiatives since 1990, following the fall of the Berlin Wall, and has worked to promote the rule of law in more than 130 countries around the world. The ABA's international entities have worked closely with foreign lawyers, judges, government officials and NGOs to promote the values and tools of rule of law.

Will non-American perspectives play a significant role at the Symposium?

Great efforts have been made to ensure a global perspective at the Symposium on International Rule of Law. Dignitaries have been invited from all regions of the world and many speakers are from other nations. Partnerships with local groups are integral to the promotion of rule of law.

How is human rights related to the rule of law?

Human rights is a core value of the rule of law. Stable court systems, fair and independent judiciaries and independent defense lawyers all effectively promote human dignity and security. Countries lacking a stable legal and court system cannot peacefully resolve disputes or protect the basic rights of their citizens, making such countries in turn vulnerable to violence and conflict.

How is this event funded?

The Symposium is being financed through grants by private sector organizations, including the ABA, corporations, and leading foundations. A few participants are receiving hotel and travel costs, but the vast majority are paying their own way.

What other organizations are participating?

A number of other organizations have provided in-kind and organizational support for this initiative. These “Rule of Law Partners” are: the American Society for International Law; Business Coalition for Capacity Building; Center for International Private Enterprise; EastWest Institute; Freedom House; International Bar Association; International Republican Institute; National Center for State Courts; National Democratic Institute; Open Society Justice Initiative; Partners for Democratic Change; New Perimeter; and Transparency International-USA.

Are there any places to learn about Rule of Law in greater depth?

The official symposium Web site is <http://www.rolsymposium.org>. In addition, by clicking on “Web Dialog,” located on the Web site’s home page, you can access online discussions among specialists in this field.