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The Role of Bar Associations in  
Promoting the Rule of Law and  
Defending Human Rights

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## Purpose

The purpose of this article is to inspire national bar associations to take a look at the status of the rule of law within their respective countries to see if there are ways in which they can contribute to improving the situation.

A free and independent bar is an indispensable component in a state under the rule of law. Obviously, one of the foremost duties of a bar association is to look after the interests of its members and the organisation itself. But the duties of the organisation and its members go much further than that. It seems that some representatives of national bar associations are missing a very important component with respect to their responsibility, namely their obligation – flowing from the fact that they have been privileged with a legal education – towards the society in which they work. With this follows a moral and ethical obligation to speak up in defence of the rule of law and to contribute to educating the general public about this phenomenon. Hence the appeal at the end of this article.

## The Rule of Law: Definition

With respect to the meaning of the rule of law there are many attempts to define it. Of particular importance in this context is to keep in mind that the members of the United Nations have come to an understanding that the rule of law is an indispensable prerequisite for international peace and security. See e.g. the resolution adopted by the UN General Assembly on 24 September 2012 entitled *Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels*.<sup>1</sup>

<sup>1</sup> UN Doc. A/RES/67/1\*, available at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/67/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/1)

The following two paragraphs in this Declaration are of particular relevance here:

1. We reaffirm our solemn commitment to the purposes and principles of the Charter of the United Nations, international law and justice, and to an international order based on the rule of law, which are indispensable foundations for a more peaceful, prosperous and just world.

5. We reaffirm that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations.

With respect to the definition of the rule of law, reference could be made to the one that appears in Secretary-General Kofi Annan's report to the General Assembly in 2004, entitled *The rule of law and transitional justice in conflict and post-conflict societies*:

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.<sup>2</sup>

For my part I often use a very straightforward and brief definition, consisting of four elements: (1) democracy; (2) proper legislation respecting international human rights standards; (3) the institutions to administer this law, including independent and impartial courts; and (4) the individuals with the integrity and the knowledge to administer these institutions.

There is a special interdependence between the two first elements. Many countries are not yet democracies. It is, however, necessary to develop a legal order through legislation also in those countries. At the same time, to be fully legitimate, legislation has to be adopted by a national assembly that is elected in free and fair elections. And such can only be held in democratic societies. This means that there will be a fairly long transitional period in many countries before the two first conditions for the rule of law are met.

The third element, the institutions, including independent and impartial courts, is an obvious component.

However, the real challenge lies in the fourth element: the individuals with the integrity and the knowledge necessary to administer these institutions. This requires education. One could even say upbringing! As will

<sup>2</sup> Paragraph 6 in UN Doc. S/2004/616\*, available at [www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2004/616](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2004/616)

be further developed below, this is where national bar associations have an important role to play.

## The Need for the Rule of Law

In a geopolitical perspective, it is imperative that a concerted effort is made to establish human rights, the rule of law and democracy in order to achieve proper world governance. It is crucial that the two paragraphs in the Declaration by the high-level meeting of the United Nations General Assembly just quoted are taken seriously.

Against this background the need for the rule of law, of which respect for human rights is a core element, and democracy in the world community is apparent. States that fall short in this respect deserve to be criticised; in present-day society this matter can no longer be considered internal within the meaning of Article 2(7) of the UN Charter.

The rule of law is an indispensable prerequisite for proper global governance. In addition, and most importantly, the rule of law is not only a legal matter. It is much more comprehensive. It encompasses ethical elements that must be supported by all – also at the grassroots level.

The following two additional paragraphs from the Declaration just referred to could be quoted in this context:<sup>3</sup>

12. We reaffirm the principle of good governance and commit to an effective, just, non-discriminatory and equitable delivery of public services pertaining to the rule of law, including criminal, civil and administrative justice, commercial dispute settlement and legal aid.

13. We are convinced that the independence of the judicial system, together with its impartiality and integrity, is an essential prerequisite for upholding the rule of law and ensuring that there is no discrimination in the administration of justice.

In a geopolitical perspective it is also important to be aware of the challenges associated with establishing the rule of law. An initial challenge is the requirement that the states themselves actually abide by the rule of law and that international organisations live up to their own proud declarations on the importance of the rule of law. Another challenge is the growing world population which can lead to tensions that may have negative effects, in particular if aggravated by climate change that may have serious consequences for the human habitat.

An additional challenge is armed conflict, in particular conflicts generated by religious extremists. Yet another challenge is terrorism, which has to be vigorously combated, not through a “war on terror” – a very dangerous

<sup>3</sup> See n 1 *supra*.

misnomer – but through law enforcement. A further major challenge is transnational organized crime, which has extremely serious effects even on the proper governance of states. There is also an inherent risk that the territories of “failed states” and states that do not have proper defence and police forces may become platforms for such criminal activity.<sup>4</sup>

However, in the present context it is of particular importance to point to one of the most serious challenges in implementing the rule of law, namely corruption. It is an extremely harmful factor, which causes great damage to the efforts of establishing the rule of law. States have to act with determination here and live up to their obligations. The following paragraph from the Declaration just referred to deserves to be quoted here:<sup>5</sup>

25. We are convinced of the negative impact of corruption, which obstructs economic growth and development, erodes public confidence, legitimacy and transparency and hinders the making of fair and effective laws, as well as their administration, enforcement and adjudication, and therefore stress the importance of the rule of law as an essential element in addressing and preventing corruption, including by strengthening cooperation among States concerning criminal matters.

Protection of human rights and criminal justice are core elements in a rule of law system. Any governance system that cannot deliver in this respect is doomed to be defective. In the worst-case scenario a state with a weak governance system risks developing into a “failed state”. With the increasing globalisation and interconnection among states, those states that fall behind in establishing democratic governance under the rule of law will pose a threat to international peace and security, thus putting also other states, even states that are fairly stable democracies, at risk.

At present, there is no alternative to the existing system of world governance, which is through sovereign nation states interacting within the United Nations where almost all of them (193) are members. It is obvious that we should concentrate on how to improve the existing system. The governance has to be democratic and the rule of law must be applied. And, as always, where power is exercised it must be scrutinised, in particular by watchful and critical media. Furthermore, state sovereignty has to be exercised in the interest not of a sovereign but of the people, and relations to other states should be based on good neighbourliness.

The problem here is that states have a tendency to identify their national interests in a very narrow perspective, not to say on the basis of sheer self-interest. What is required in this analysis is more statesmanship and, in case there is an argument, a preparedness to listen to others and, if possible, to adjust in a manner that may take also their interests into consideration.

<sup>4</sup> Reference is made to the United Nations Convention against Transnational Organized Crime, available at [www.unodc.org/unodc/en/treaties/CTOC/](http://www.unodc.org/unodc/en/treaties/CTOC/).

<sup>5</sup> See n 1 *supra*.

It is important that people understand what the problems are and what needs to be done. What is necessary today is to get people on Earth, and not least their representatives, to realise that there are common pressing problems that need to be solved in collaboration.

What all this boils down to is that people must gain knowledge and insight about what needs to be done and find the political will and the necessary techniques to achieve this. In this context it is absolutely necessary to see to it that education about human rights and the rule of law is given in schools as early as possible. But the general public must also be educated.

Looking at conflicts around the world and what causes them, a common denominator is that the root causes are basically the same: democracy and rule of law are missing. As just said, a core ingredient in the rule of law is human rights. It is therefore necessary to strengthen the protection of human rights. This can be done mainly through education and legal technical assistance.

With respect to education and legal technical assistance it is important to continue the work that is already done by international organisations, states, and non-governmental organisations. The challenge is to coordinate this work and interact with the receiving states in a constructive, effective, and determined yet respectful manner. Useful tools in this context should be the various existing systems for assessing the situation in individual states with respect to human rights, corruption, the rule of law, and other features. Reference is made to material produced by the Human Rights Council, the United Nations High Commissioner for Human Rights, the World Bank and Transparency International, and to the Rule of Law Index developed by the World Justice Project (WJP). This will be further explained below.

However, in the final analysis it is the specific circumstances in different countries that have to be taken into consideration when the methods are developed. And this is where national bar associations have an important role to play.

## The Role of Bar Associations

### At the International Level

With respect to the international level the *International Bar Association (IBA)* should be mentioned first.<sup>6</sup> Founded in 1947, it describes itself as the “global voice of the legal profession”. Among the objectives laid down in its Constitution we find: “to establish and maintain relations and exchanges

<sup>6</sup> See [www.ibanet.org/](http://www.ibanet.org/).

between Bar Associations and Law Societies and their members throughout the world” and “to promote the administration of justice under the rule of law among the peoples of the world”. It is further said that the IBA should promote in the execution of its objectives the principles and aims of the United Nations in their legal aspects, and cooperate with, and promote coordination among, international judicial organisations having similar purposes.

Among the components within the IBA should in this context be mentioned the Bar Issues Commission (BIC)<sup>7</sup> and the Human Rights Institute (IBAHRI).<sup>8</sup> They are both able to assist national bar associations in various ways.

There are also several other organisations that can provide assistance to national bar associations. Among them is *Union Internationale des Avocats (UIA)* with its three working languages (English, French, and Spanish).<sup>9</sup> Within the UIA we find the Institute for the Rule of Law (UIA-IROL) working to promote the rule of law and address essential human rights issues.

There is also the *Council of Bars and Law Societies of Europe (CCBE)*.<sup>10</sup> Among its most important missions we find: the regulation of the profession, the defence of the rule of law, human rights and democratic values.

In Africa we have the *African Bar Association*.<sup>11</sup> Among its objectives we find encouraging adherence to the rule of law and the independence of the judiciary.

In the Americas we have the *Inter-American Bar Association (IABA)*.<sup>12</sup> It represents a permanent forum for the exchange of professional views and information for lawyers to promote the rule of law and protect the democratic institutions in the Americas.

In Asia we have *LAWASIA*.<sup>13</sup> It is a regional association of lawyers, judges, jurists and legal organisations, which advocates for the interests and concerns of the Asia Pacific legal profession.

In this context should also be mentioned the *International Law Association (ILA)*.<sup>14</sup> Its objectives are “the study, clarification and development of international law, both public and private, and the furtherance of international understanding and respect for international law”. There might be situations where also the ILA can assist national bar associations.

<sup>7</sup> See [www.ibanet.org/barassociations/bar\\_associations\\_home.aspx](http://www.ibanet.org/barassociations/bar_associations_home.aspx).

<sup>8</sup> See [www.ibanet.org/IBAHRI.aspx](http://www.ibanet.org/IBAHRI.aspx).

<sup>9</sup> See [www.uianet.org/en](http://www.uianet.org/en).

<sup>10</sup> See [www.ccbe.eu/](http://www.ccbe.eu/).

<sup>11</sup> See [www.afribar.org/](http://www.afribar.org/).

<sup>12</sup> See [www.iaba.org/about-us/](http://www.iaba.org/about-us/).

<sup>13</sup> See [www.lawasia.asn.au/](http://www.lawasia.asn.au/).

<sup>14</sup> See [www.ila-hq.org/index.php](http://www.ila-hq.org/index.php).

The same goes for the *International Commission of Jurists (ICJ)*.<sup>15</sup> The focus of the ICJ is on the international obligations of states to respect, protect, and fulfil human rights through the rule of law, to protect victims of human rights violations, and to hold states and non-state actors accountable for these violations and abuses. The ICJ International Law and Protection Programme focuses on specific areas of the international law, among them independence of judges and lawyers and global security and the rule of law.

Another important resource is the assistance provided by the *United Nations Office on Drugs and Crime (UNODC)*.<sup>16</sup> UNODC has been providing assistance to Member States in strengthening judicial integrity, accountability and professionalism since 2000, by supporting the development of the Bangalore Principles of Judicial Conduct and producing various tools to help judiciaries to that effect. One such tool is the *Global Judicial Integrity Network*.<sup>17</sup>

In this context should also be mentioned the *Central and Eastern European Law Initiative (CEELI)*.<sup>18</sup> The CEELI Institute is an independent, non-profit organization dedicated to providing training, exchanges, and education to legal professionals.

*The American Bar Association's Rule of Law Initiative (ABA ROLI)* should also be mentioned here.<sup>19</sup> The mission of the ABA ROLI is to promote justice, economic opportunity and human dignity through the rule of law. They have been active for more than 25 years and have performed work in more than 100 countries.

### At the National Level

With respect to what national bar associations can do I am fully aware of that one size fits all is definitely not the solution here. However, a common point of departure in this effort could be a systematic analysis of the state of the rule of law in the country in question. This analysis could be based on available national material and material produced by the Human Rights Council, the United Nations High Commissioner for Human Rights, the World Bank, Transparency International and the WJP. Reference is made to the educational material presented below.

Of particular importance is that the executive body of the respective bar associations takes the initiative to and performs this analysis as thoroughly as possible.

<sup>15</sup> See [www.icj.org/](http://www.icj.org/).

<sup>16</sup> See [www.unodc.org/](http://www.unodc.org/).

<sup>17</sup> See [www.unodc.org/ji/](http://www.unodc.org/ji/).

<sup>18</sup> See <http://ceeliinstitute.org/>.

<sup>19</sup> See [www.americanbar.org/advocacy/rule\\_of\\_law.html](http://www.americanbar.org/advocacy/rule_of_law.html).

On the basis of this analysis, the bar associations should make an assessment of which specific areas the association should focus on and what methods should be used: contacts with the government; political parties; individual politicians; other associations, e.g. national associations of judges or prosecutors; non-governmental organisations that focus on the rule of law; and, of course, academia.

A common feature in this effort should be advocacy for the rule of law, using available means in the country in question.

An important element in this analysis is also a risk assessment. In some countries lawyers who speak up in defence of human rights and the rule of law risk being subjected to harassment and even persecution.<sup>20</sup> In the final analysis this may influence what measures should be applied.

Depending on the situation contacts could also be made with the IBA to see what kind of support could be provided in the particular situation. Similar contacts could also be made with the other organisations mentioned above, including CEELI and ABA ROLI, depending on the situation.

Another avenue is interaction with the business community. Here action could be taken with reference to the Global Compact<sup>21</sup> and the Guiding Principles on Business and Human Rights.<sup>22</sup> The business community is always stressing the importance of a level playing field, the rule of law and anti-corruption, so there should be a common interest here.

Networking should also be mentioned. Personal contacts with colleagues in similar situations and with experiences of rule of law work in other countries are important. The sharing of experiences in meetings or informal get-togethers is often of great value. Suitable venues could be the annual meetings of the organisations mentioned above or conferences organised by them.

In sum, national bar associations have a critical role to play when it comes to education about and working for the rule of law, including the ethical elements that are of particular importance in the legal profession. Many countries are plagued with corruption. This unethical and criminal activity is the worst enemy of the rule of law.<sup>23</sup> A special focus should therefore be on anti-corruption.

<sup>20</sup> On 5 July 2018, the American Bar Association adopted a resolution concerning the ill-treatment and killings of judges, lawyers, other members of the legal profession, and their extended families throughout the world for serving in their designated capacities. See [www.americanbar.org/content/dam/aba/images/abanews/2018-AM-Resolutions/106a.pdf](http://www.americanbar.org/content/dam/aba/images/abanews/2018-AM-Resolutions/106a.pdf)

<sup>21</sup> See [www.unglobalcompact.org/](http://www.unglobalcompact.org/).

<sup>22</sup> See [www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf).

<sup>23</sup> See [www.unodc.org/](http://www.unodc.org/). Reference is also made to An Appeal to Judges Worldwide by the Legal Counsel made at the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption, held in Merida, Mexico, 9 December 2003, available at [www.un.org/law/counsel/english/corruption\\_appeal.pdf](http://www.un.org/law/counsel/english/corruption_appeal.pdf).

## The Rules that Apply

In order to be able to educate it is important to be aware of the rules that apply – in particular rules developed at the international level. In this context it is necessary to focus on the basic rules.

A document of fundamental importance in this context is the Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly 10 December 1948.<sup>24</sup> This declaration has now acquired the status of customary international law. In other words: it is binding on all states.

Some argue that the UDHR is a Western invention. It is definitely not.<sup>25</sup> It is therefore important that we all defend the integrity and the universality of the UDHR.

The UDHR was the first step in this field within the United Nations. In 1966, the UDHR was followed by the two covenants: the International Covenant on Economic, Social and Cultural Rights<sup>26</sup> and the International Covenant on Civil and Political Rights.<sup>27</sup> The covenants have now been followed by many other conventions in the field of human rights, including at the regional level. As examples could be mentioned: the International Convention on the Elimination of All Forms of Racial Discrimination (1966), the International Convention on the Suppression and Punishment of the Crime of Apartheid (1973), the Convention on the Rights of the Child (1989), and the Convention on the Rights of Persons with Disabilities (2006). The regional conventions on human rights in Africa, the Americas and Europe should also be mentioned.

Parties to these treaties are under an obligation to ascertain that their national legislation is in conformity with the legal obligations contained therein. This actually requires a methodical approach both in the legislative work, and in applying the law at the national level, be it within the administration or in the judiciary.

It is also necessary to focus on documents containing basic principles that are of particular importance in this context and how this material can be used in defending the rights of lawyers and in educational efforts.

<sup>24</sup> Now available in more than 440 translations. See [www.ohchr.org/EN/UDHR/Pages/Introduction.aspx](http://www.ohchr.org/EN/UDHR/Pages/Introduction.aspx).

<sup>25</sup> See e.g. Ove Bring, "The Notion of Human Rights and the Issue of Cultural Relativism" in *The International Legal Order: Current Needs and Possible Responses: Essays in Honour of Djamchid Momtaz*, edited by James Crawford, Abdul G. Koroma, Said Mahmoudi and Alain Pellet, Brill/Nijhoff, 2017, XXXII.

<sup>26</sup> See [www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx).

<sup>27</sup> See [www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx).

The first is the *United Nations Basic Principles on the Independence of the Judiciary* from 1985.<sup>28</sup> According to their wording, these basic principles should “be brought to the attention of judges, lawyers, members of the executive and the legislature and the public in general”. A fundamental element among the principles is that “the judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason”.<sup>29</sup>

The second document is the *United Nations Basic Principles on the Role of Lawyers*.<sup>30</sup> In this document it is emphasised that “professional associations of lawyers have a vital role to play in upholding professional standards and ethics, protecting their members from persecution and improper restrictions and infringements, providing legal services to all in need of them, and cooperating with governmental and other institutions in furthering the ends of justice and public interest”.

The following paragraphs in the document should be highlighted here:

4. Governments and professional associations of lawyers shall promote programmes to inform the public about their rights and duties under the law and the important role of lawyers in protecting their fundamental freedoms.

9. Governments, professional associations of lawyers and educational institutions shall ensure that lawyers have appropriate education and training and be made aware of the ideals and ethical duties of the lawyer and of human rights and fundamental freedoms recognized by national and international law.

24. Lawyers shall be entitled to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity. The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference.

In these basic principles there is also a reference to a third document that should be mentioned in this context, namely the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.<sup>31</sup> In this declaration it is said, among other things, that the responsiveness of judicial and administrative processes to the needs of victims should be facilitated

<sup>28</sup> Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985, available at [www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx).

<sup>29</sup> Paragraph 2.

<sup>30</sup> Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Havana, Cuba, from 27 August to 7 September 1990, available at [www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx).

<sup>31</sup> Adopted by General Assembly resolution 40/34 of 29 November 1985, available at [www.ohchr.org/EN/ProfessionalInterest/Pages/VictimsOfCrimeAndAbuseOfPower.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/VictimsOfCrimeAndAbuseOfPower.aspx).

by “providing proper assistance to victims throughout the legal process”. The following paragraph is also of particular interest here:

18. “Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions *that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights*. (Emphasis by the author)

A fourth document that should be borne in mind in this context is the *United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*.<sup>32</sup> Reference is made here in particular to Principles 11, 17 and 18 relating to the right of a person detained to be assisted by counsel and to communicate and consult with his or her legal counsel.

In this context should also be mentioned the 2002 *Bangalore Principles of Judicial Conduct*.<sup>33</sup> This document contains principles relating to six values and explains how these principles should be applied. The six values are: independence; impartiality; integrity; propriety; equality; and competence and diligence. In the preamble of this document it is noted among other things that a competent, independent and impartial judiciary is essential if the courts are to fulfil their role in upholding constitutionalism and the rule of law. It is also said (section 6.4) that a judge “shall keep himself or herself informed about relevant developments of international law, including international conventions and other instruments establishing human rights norms”.

One area which one should always keep in mind in addressing the rule of law and its core element human rights is empowerment of women. Empowerment of women is one of the most important issues for the future. This may be a sensitive issue in some countries. However, looking at the Convention on the Elimination of All Forms of Discrimination against Women from 1979, it has now 189 parties. Compare with the UN which is currently made up of 193 Member States.

It is obvious that in a modern world women must be allowed to participate in governance (note in this context Article 21 of the UDHR) as well as in family planning. This should be in the interest of all states. And since there is a direct correlation between the standing of the women in a

<sup>32</sup> Adopted by General Assembly resolution 43/173 of 9 December 1988, available at [www.ohchr.org/Documents/ProfessionalInterest/bodyprinciples.pdf](http://www.ohchr.org/Documents/ProfessionalInterest/bodyprinciples.pdf).

<sup>33</sup> The Bangalore Draft Code of Judicial Conduct 2001 adopted by the Judicial Group on Strengthening Judicial Integrity, as revised at the Round Table Meeting of Chief Justices held at the Peace Palace, The Hague, 25–26 November 2002, available at [www.unodc.org/pdf/crime/corruption/judicial\\_group/Bangalore\\_principles.pdf](http://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf).

society and the level of development in that society, states that are lagging behind in this respect will suffer in the long time perspective.

## Additional Educational Material

With respect to educational material reference should not only be made to the material just mentioned, but also to the resources that are produced by the Human Rights Council,<sup>34</sup> and the Office of the High Commissioner for Human Rights (OHCHR).<sup>35</sup> Specific reference is made to the publications published by OHCHR.<sup>36</sup> See also their “Human Rights by Country”.<sup>37</sup>

It is obvious that this material can be used also when members of bar associations engage in educating the general public about the rule of law. Needless to say, in this effort bar associations should also connect with the central educational authorities in their countries in order to discuss how the educational material used at different levels in schools should be elaborated.

As already mentioned, other sources of information are the World Bank,<sup>38</sup> and Transparency International with their Country Profiles.<sup>39</sup>

There are also specific tools that are very useful in educating different audiences about the rule of law. A special reference is made to the WJP Rule of Law Index.<sup>40</sup> This index, including the spider diagrams, can be used to see where the need for reform and improvement is the greatest. This work is a continuum. In a sense it will never be finished since it has to reflect the situation in contemporary society.

With respect to the role of bar associations in educating society about the rule of law there is one category that should be borne in mind in particular, namely politicians. This applies to politicians at all levels, but there should be a special focus on those in government and in the national legislative assembly. A person who drew attention to this was Helmut Schmidt, former Chancellor of Germany. In a meeting of the InterAction Council of Former Heads of State and Government in 2008 he questioned whether politicians really understand their responsibility for establishing the rule of law. To make a long story short, this prompted the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Sweden and the Hague Institute

<sup>34</sup> See [www.ohchr.org/en/hrbodies/hrc/pages/aboutcouncil.aspx](http://www.ohchr.org/en/hrbodies/hrc/pages/aboutcouncil.aspx).

<sup>35</sup> See [www.ohchr.org/EN/pages/home.aspx](http://www.ohchr.org/EN/pages/home.aspx).

<sup>36</sup> See [www.ohchr.org/EN/PublicationsResources/Pages/Publications.aspx](http://www.ohchr.org/EN/PublicationsResources/Pages/Publications.aspx).

<sup>37</sup> See [www.ohchr.org/EN/countries/AsiaRegion/Pages/IRIndex.aspx](http://www.ohchr.org/EN/countries/AsiaRegion/Pages/IRIndex.aspx).

<sup>38</sup> See <http://databank.worldbank.org/data/databases/rule-of-law>.

<sup>39</sup> See [www.transparency.org/](http://www.transparency.org/) and [www.transparency.org/country#IRN](http://www.transparency.org/country#IRN).

<sup>40</sup> This material can be found at <http://worldjusticeproject.org/rule-of-law-index> and <http://data.worldjusticeproject.org/#grid>.

for Internationalisation of Law (HiIL) in the Netherlands to elaborate a short guide – not more than some 40 pages – on the subject matter entitled *Rule of Law – A guide for politicians*.

This guide is now available free of charge in 25 languages for downloading and printing from the web.<sup>41</sup> This guide could be used by bar associations in their educational efforts. As suggested in the Foreword to the guide, it should also be useful to other decision-makers and policy-makers and to journalists and others who need to orient themselves in the topic.

With respect to the bar associations themselves, reference is made to the “BIC Programme for Excellence”.<sup>42</sup>

## The Future

Finally, a brief look to the future. An immediate reflection is that we need statesmen and stateswomen who are able to govern the world more wisely than we see today. This is in particular since we now also have additional threats generated by a growing world population and climate change. The growth of the world population is exponential. We were some 2 billion when the UN was established in 1945. We are now some 7.6 billion, and, according to the UN Population Division, we will be 9.8 billion by mid-century.<sup>43</sup>

On 25 September 2015 the UN general Assembly adopted the 17 Sustainable Development Goals.<sup>44</sup> As a matter of fact, one of these goals is necessary to attain all the other goals, namely Goal 16:

Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

Among the targets of this goal are “promote the rule of law at the national and international levels”, and “substantially reduce corruption and bribery in all its forms”. These are absolutely crucial elements for creating the legal order that is a prerequisite for achieving all the other goals.

And this is where lawyers have a very important role to fulfil. Irrespective of where we discharge our professional duties – be it in the bar; the judiciary; national, regional or local government; business; intergovernmental organisations; non-governmental organisations – we have an obligation to

<sup>41</sup> Available at <http://rwi.lu.se/2017/03/rule-law-guide-politicians/>.

<sup>42</sup> Available at [www.ibanet.org/barassociations/BIC-resources.aspx](http://www.ibanet.org/barassociations/BIC-resources.aspx).

<sup>43</sup> See [www.un.org/en/development/desa/population/events/other/21/index.shtml](http://www.un.org/en/development/desa/population/events/other/21/index.shtml).

<sup>44</sup> UN Doc. A/RES/70/1, available at [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1)

engage in establishing the rule of law and in explaining that the rule of law is an indispensable element in creating a world society where humans can live in peace and dignity with their human rights protected.

## Appeal

With reference to the foregoing I appeal to all national bar associations to analyse the status of the rule of law in their respective countries and decide about ways in which they can contribute to improving the situation. The appeal is directed to all national bar associations for the simple reason that no state is above criticism here.