



ILAC

The first
20 years



ilac

International
Legal Assistance
Consortium

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Introduction

Twenty years ago in November 2002, the International Legal Assistance Consortium was formally launched in Stockholm, Sweden.

As members began to plan our 20th Anniversary celebration, the ILAC Advisory Council set up a committee to help in that planning. With thought-provoking contributions from our members, this publication is the work of that ILAC 2022 Committee.

ILAC emerged out of the conflict in the Balkans in the 1990s and a perception that the many international efforts to reconstruct post-conflict justice systems needed rapid response and coordination. Even as ILAC reflects on its own work and development during the past two decades, we now have a theatre of war in Ukraine with daily reports of atrocities and ongoing conflicts in such places as Yemen, Sudan and Syria.

There continues to be a need for international entities – states, international organisations, NGOs – to come together to support domestic and international justice systems to achieve peace, ensure accountability, administer justice and sustain the rule of law.

The earliest conversations that first conceived, developed and named ILAC began during a series of conferences convened by The Stanley Foundation between 1997 and 2000. Reports from these early Stanley discussions are available on the ILAC website (www.ilacnet.org). ILAC's history, publications and reports on its various programmes may be found on this same site.

The articles here will provide readers with perspectives and reflections of selected ILAC leaders and members



The Stanley Foundation Conference 1997 co-chairs Paul Williams and Mark Ellis.

who have been involved with the organization's work over the past two decades and more.

As ILAC looks ahead to our future and the strategic roles we might play, we also celebrate the work and accomplishments of the past two decades. We hope that the articles here will lead readers to be inspired, to evaluate and to reflect on ILAC's journey and its future possibilities.

The ILAC 2022 Committee

*Elizabeth Howe
Nicholas Stewart
Joan D. Winship*

May 2022



AGM, Japan 2017

ILAC's Principal Activities 2002–2022

In September 2002 ILAC, registered as a non-governmental organization (NGO) under Swedish law, opened its doors in Stockholm under the stewardship of Executive Director Christian Åhlund. ILAC's programming had begun.

2002

Publication

Rule of Law Assessment Report: Timor-Leste

2003

Publications

Rule of Law Assessment Report: Iraq

Rule of Law Assessment Report: Liberia

Rule of Law Assessment Report: Afghanistan

Programmes

Afghanistan

Iraq

2004

Publications

Peace Needs Women and Women Need Justice, Report of the Conference on Gender Justice in Post-Conflict Situations, organised by ILAC and the United Nations Development Fund for Women (UNIFEM), in New York City, United States of America.



Welcome of the ILAC Assessment Team, led by Executive Director Christian Åhlund, at the airport in Dili, East Timor, in November 2001 (before 2002 independence from Indonesia), with Nina Lahoud (UNTAET) joining.

Programmes

Afghanistan

Iraq

Liberia

2005

Publications

Rule of Law Assessment Report: Haiti

Building Partnerships for Promoting Gender Justice in Post-Conflict Societies: Report of the High-Level Meeting organised by the Swedish Ministry for Foreign Affairs, in cooperation with the United Nations Development Fund for Women (UNIFEM) and ILAC, in Stockholm, Sweden.

Programmes

Afghanistan

Haiti

Liberia

2006

Publications

Gender Justice in Liberia The Way Forward, Report of the High-Level Meeting in Monrovia organised by ILAC and the United Nations Development Fund for Women (UNIFEM), in cooperation with the Ministries of Gender and Development and Justice, Republic of Liberia.

Programmes

Afghanistan
Haiti
Iraq
Liberia

2007

Publications

Gender Justice Best Practices, Haiti, Report commissioned by the International Legal Assistance Consortium upon request by the Haitian Ministry of Women's Affairs and Women's Rights, presented at a seminar in Haiti.

Advancing Gender Justice in Conflict Affected Countries, Report from The African High-Level Regional Meeting for Gender Justice in Cape Town Organised by ILAC and the United Nations Development Fund for Women (UNIFEM), in cooperation with the Ministry of Justice and Constitutional Affairs of South Africa.

Programmes

Afghanistan
Haiti
Iraq
Liberia

2008

Publication

The Role of The Judiciary in Promoting Gender Justice in Africa, Report of the Partners for Gender Justice Conference hosted by the Judicial Service of Ghana.

Programmes

Afghanistan
Haiti
Iraq
Liberia

2009

Publication

Rule of Law Assessment Report: Democratic Republic of Congo

Programmes

Afghanistan
Haiti
Iraq
Liberia

Stockholm Human Rights Award

created by ILAC, the International Bar Association and the Swedish Bar Association.

First recipient: Richard Goldstone, former Justice, Constitutional Court of South Africa; former Chief Prosecutor, UN International Criminal Tribunals for the former Yugoslavia and for Rwanda.

2010

Publication

Rule of Law Assessment Report: Kenya

Programmes

Afghanistan

Haiti

Liberia

Stockholm Human Rights Award

Navanethem (Navi) Pillay, former UN High Commissioner for Human Rights; former President, International Criminal Tribunal for Rwanda; former Judge, International Criminal Court.

2011

Programmes

Haiti

Tunisia

Stockholm Human Rights Award

George Soros, Founder and Chairman, The Open Society Foundation, and Aryeh Neier, President Emeritus, Open Society Institute; co-founder Human Rights Watch.

2012

Programme

Tunisia

Stockholm Human Rights Award

Thomas Hammarberg, former Council of Europe Commissioner of Human Rights, and the European Roma Rights Centre, Budapest.

2013

Publication

Rule of Law Assessment Report: Libya

Programmes

Middle East and North Africa (MENA)

Syria

Stockholm Human Rights Award

M. Cherif Bassiouni, Professor and 'Father of Modern International Criminal Law'.

2014

Publication

ILAC/CEELI Institute Report: Emerging Faces: Lawyers in Myanmar



Members of International Association of Women Judges in Tunis with judges from the MENA region. ILAC MENA programme 2014.

Programmes

Middle East and North Africa (MENA)
Syria

Stockholm Human Rights Award

B'Tselem, Israeli human rights organisation.

2015

Publications

Assessment of the Tunisian Court System

Programmes

Cuba
Middle East and North Africa (MENA)
Syria

Stockholm Human Rights Award

Prince Zeid Ra'ad Al-Hussein, former UN High Commissioner for Human Rights.

2016

Publication

Learning While Doing: Experiences from Piloting the SDGs, Summary report of ILAC's session at Stockholm Forum on Peace and Development in 2016, Stockholm International Peace Research Institute.

Programmes

Cuba
Middle East and North Africa (MENA)
Syria

Stockholm Human Rights Award

Mary Robinson, former President of Ireland; former UN High Commissioner for Human Rights.



Cuba 2016 – visit by ILAC President and Executive Director with Cuban programme manager Rhodri Williams to Havana University Law Faculty.

2017

Publications

Rule of Law Assessment Report: Syria

Rule of Law Assessment Report: Central African Republic

Good Practices in Security and Justice Reform, Summary report on ILAC's session at Stockholm Forum on Peace and Development in 2017, Stockholm International Peace Research Institute.

How can the New Deal and SDG16+ be Achieved? Summary report of ILAC's session at Stockholm Forum on Peace and Development in 2017, Stockholm International Peace Research Institute.

Programmes

Cuba
Middle East and North Africa (MENA)
Syria



Swedish Bar Association on the occasion of the presentation of the Stockholm Human Rights award to the International Criminal Court 2017.

Stockholm Human Rights Award
International Criminal Court, The Hague.

2018

Publications

Rule of Law Assessment Report: Guatemala

Assessment of the Administrative Tribunal of Tunisia

Discussion paper: Judges as Peacebuilders: How Justice Sector Reform Can Support Prevention in Transitional Settings

Programmes

Cuba

Middle East and North Africa (MENA)

Syria

Stockholm Human Rights Award

Judge Thomas Buergenthal, Professor and Judge, including International Court of Justice and Inter-American Court of Human Rights.

2019

Publications

Rule of Law Assessment Report: Still Looking for Justice: Customary Law, the Courts and Access to Justice in Liberia

ILAC Policy briefs:

- *SDG 16: The rule of law at a crossroads*
- *Judicial Nominations in Guatemala: Pockets of Resistance in a Closing Space*
- *Closing Space for Judges in Palestine*
- *“Rule of Law Washing” and the Sustainable Development Goals*

Programmes

Cuba

Middle East and North Africa (MENA)

Syria

Stockholm Human Rights Award

International Rescue Committee and its President and CEO David Miliband.

2020

Publications

Rule of Law Assessment Report: A Window of Opportunity: Support to the Rule of Law in Guatemala

Justice in the Time of COVID-19: Challenges to the Judiciary in Latin America & the Caribbean

Discussion paper: Protecting homes and properties in times of conflicts

ILAC Policy briefs:

- *A Pandemic is not the Time for Reforming Judicial Nominations in Guatemala*
- *Judicial Independence Hanging by a Thread in Guatemala*

Programmes

Cuba
Middle East and North Africa (MENA)
Syria

Stockholm Human Rights Award

Hina Jilani, Advocate of the Supreme Court of Pakistan and human rights activist.

2021

Publications

Rule of Law Assessment: Syria

Discussion papers:

- *Access to Justice for Vulnerable Groups in Times of Covid-19 – Tunisia, Libya and Palestine*
- *ILAC/Cyrus R. Vance Center for International Justice Report: Haiti: The Rule of Law in Peril*
- *ILAC/Public International Law and Policy Group Report: The Impact of the War on Yemen's Justice System*

ILAC Policy briefs:

- *Judges on the Front Line – Is the Rule of Law Losing its Guardian? Examples from the West Bank and Guatemala*
- *The Shadow Pandemic: COVID-19 and Justice for Gender-Based Violence Survivors in Conflict-Affected and Transitional Settings*
- *Politically Smart and Adaptive Approaches to Rule of Law Support in Situations of Conflict and Fragility*
- *Digitalisation of Justice in MENA's Fragile Contexts*

Programmes

Cuba
Latin America
Middle East and North Africa (MENA)
Syria

2022

Publications

Discussion papers:

- *ILAC/Cyrus R. Vance Center for International Justice: Attacks against Judges: Institutional Weakness and Lack of Guarantees for Judicial Independence in Colombia, Guatemala and Mexico*
- *ILAC/Cyrus R. Vance Center for International Justice: Judges as Anti-Corruption Actors in Colombia, Guatemala and Mexico*
- *ILAC/International Association of Women Judges: Judicial Diversity – A Tool to Increase Access to Justice in Colombia, Guatemala and Mexico*

Programmes

Cuba
Latin America

2002–2022 Vision: Q & A with Mark Ellis, ILAC President

Mark, you have been ILAC President just since last year but the idea for ILAC started with you more than 20 years ago. Can you remember when it first came into your head? And what exactly were those first thoughts?

Yes, it was during my time as executive director of CEELI (Central and Eastern European Law Initiative). We were involved in assisting with restructuring legal systems throughout Central and Eastern Europe and the former Soviet Union after the fall of the Berlin Wall in 1989. During my ten years directing CEELI, I noticed that various technical legal assistance providers would interact with these countries. All of us were trying to initiate the same types of projects. I thought it would be more efficient, both for the host countries and the international assistance providers, to collaborate on the types of assistance needed and to coordinate who would initiate relevant projects among the assistance providers. So, the idea of a consortium made a lot of sense. I then reached out to see if others agreed with my sentiment. One of these individuals was Bill Meyer. Bill and I had worked together at CEELI, and I had immense respect for his opinion. Therefore, I knew if Bill supported the idea, I was on the right track. I wrote a law review article setting out my vision, including the name: “International Legal Assistance Consortium.” That was how ILAC was born.

The project had come a long way by the time we got to a planning meeting in Saltsjöbaden in December 2000. What had happened in between?

Well, actually, the first meeting was held in Virginia at the Airlie House. I had reached out to Joan Winship, who was part of the Stanley Foundation and was indispensable in working to secure funding to convene a meeting of various providers of international technical legal assistance to discuss the idea of ILAC. During that two-day retreat, I realised that ILAC would become a reality because of the enthusiasm of those who attended the retreat. However, I might add that I never imagined that ILAC would grow into the organisation it is today and that credit goes to all the member organisations who have made ILAC so successful.

Saltsjöbaden was when it became clear that ILAC was going to happen. Tell us about that meeting.

Saltsjöbaden was the first formal meeting of ILAC, and I remember marvelling at the number of organisations and individuals who attended and their enthusiasm for what ILAC could become. The one personal disappointment at the meeting was the decision to exclude my idea of including “accountability” within ILAC’s mission. However, that is the concession that one makes when creating a consortium.

Although we had that crucial meeting in Sweden, it was only decided later that Stockholm would be ILAC’s HQ and legal seat. How did that happen and how has that worked out?

I had initially envisioned ILAC to be headquartered in London. I had just been hired to become the Executive Director of the International Bar Association, and my predecessor Paul Hoddinott, who was essential in supporting the creation of ILAC, was going to still be in

London. I thought it made great sense to have ILAC headquartered in London. However, UK charity laws at that time were quite draconian and, for several reasons, would not recognise an organisation like ILAC. Fortunately, Christian Åhlund suggested that Sweden (Stockholm) would be a good host for ILAC. That was one of the most critical decisions regarding the creation of ILAC – the fact that ILAC would be headquartered in Sweden and, in addition, that Christian would become its executive director and Paul, its president. Those decisions would make sure that ILAC became its success today.

Once ILAC had launched in 2002, what was your own role in those early days?

I felt it was necessary as the originator of ILAC that I step back and allow the new members of the consortium to drive ILAC in the way they felt best. I still maintained an active interest and continued to support everything ILAC was doing. In addition, I made sure that the International Bar Association, as a founding member of ILAC, continued to support ILAC.

ILAC is not an advocacy group, although we support the rule of law and effective implementation of human rights. Where do we fit in the broader picture. Are we doing something valuable that no one else is quite doing?

One of the essential elements of ILAC is the diversity of its membership and its mission to collaborate closely when providing support for post-conflict countries. And although we are not an advocacy group per se, our mission is, at its heart, about advancing the rule of law, which has served us well over all these years. It's also a reminder that rule of law challenges still exist throughout the world, and therefore ILAC's mission is more critical than ever.

As you have just noted, the rule of law is at the heart of everything ILAC is trying to achieve. Are you concerned that across the world the rule of law is under greater threat than when ILAC started 20 years ago? Or are we making progress after all?

Yes, I am concerned. Today the arbitrary power of the state is emboldened by a dramatic rise in both populism and nationalism. We were not witnessing this when ILAC was created. I suspect over ILAC's time, countries have had to face the reality of economic liberalism and greater integration. These elements of an open society can be harsh at times and can cause the rise of populism, born of unfulfilled expectations, a perceived loss of cultural identity, and the struggle against the rise of globalisation, crumbling local economies and a dramatic increase in income disparity. Nationalism is even more sinister. It is characterised by an "us vs them" mentality and is often draped in xenophobia, venomous intolerance and a weaponised hatred of others. We have seen the effects of this movement in many of the countries ILAC has worked in over the last 20 years.

The values and ideas associated with liberal democracy, values that have been the foundation of international order since WWII and were celebrated and reinforced with the fall of the Berlin Wall, are disappearing. Russia's attack on Ukraine is the latest manifestation of this crisis. This is why the mission of ILAC is more important than ever.

Given that ILAC's core work is directed to assistance in conflict and post-conflict situations, while Ukraine is an immediate crisis, it would be odd if we did not mention Afghanistan. Is that country an intractable problem? Can you see a potential effective role for ILAC?

ILAC and the International Bar Association played a crucial role in creating the Afghanistan Independent Bar Association. Through ILAC, the International Bar Association has been actively engaged in the country. So it was with

enormous sorrow that we witnessed the implosion of Afghanistan, the rise of the Taliban, and the destruction of the independent Afghan bar association. It is too early to determine if ILAC has any future role in Afghanistan; however, I have been promoting the creation of a new Afghan bar association in exile, and I am hoping ILAC can play a role in supporting this initiative.

Naturally, an ILAC team can't just walk into a country and start getting involved in its judicial system unless invited and at least tolerated (and preferably welcomed). Is this a serious obstacle to our work? Have you been encouraged or discouraged by countries' willingness to accept ILAC's work and presence?

The critical success for any international technical assistance is the political will of the host country for that assistance. Therefore, I think ILAC's requirement that the host country invites us to assist in their restructuring efforts is both appropriate and necessary. I do not think this requirement is a detriment at all because we have no other option. The reality is that ILAC can only work if in partnership with host countries. So far, states have accepted this premise and have shown a willingness to embrace ILAC's assistance. I do not see that changing.

As we discussed at the outset, ILAC is your brainchild and you have been actively involved over our whole life so far. How come it's taken 20 years for you to be ILAC President?

I will be forever grateful to Sweden and its government for supporting ILAC in its early days. I've always marvelled at Sweden's role in the international community considering its geographical and financial size. Per capita, Sweden probably does more internationally than any other country. You are correct, I've always been a massive supporter of ILAC, and I believe passionately in its mission. I take very little credit for ILAC's success. That success is due to its

staff and members. I never felt it was appropriate for me to take on a leadership role within ILAC, considering the significant number of talented people involved with ILAC. However, when I was approached last year to consider becoming president, I felt I might be able to add something important in guiding ILAC to its next 20 years.

Mark Ellis is ILAC President, elected 2021.

A video recording of a fuller interview with Mark Ellis is available on the ILAC website www.ilacnet.org

ILAC's Early Years

Paul Hoddinott

The milestone of ILAC'S 20th Anniversary casts my mind back to events leading up to ILAC's formal inauguration in 2002. Mark Ellis's idea to create ILAC was discussed, promoted and refined at seminars sponsored by the Stanley Foundation in the late 1990s.

In early 2000, collaborating with Mark, Joan Winship, then Stanley Foundation Vice President for Programs, convened individuals who were committed to Mark's vision to identify specific next steps to move the initiative forward. Among participants who have since been prominent in ILAC were Christian Åhlund, Bill Meyer, Nina Lahoud and, now as our new President, Mark Ellis.

A conference at Saltsjöbaden in Sweden followed in December 2000, attended by delegates representing nearly every NGO engaged in the delivery of technical legal assistance to countries emerging from conflict. The Swedish Government met in-country expenses, while the International Bar Association (IBA) provided administrative support. The conference strongly endorsed the establishment of ILAC.

In 2001 events conspired to position the ILAC office in Stockholm, which enhanced ILAC's acceptability as a non-aligned organisation, while the Swedish Ministry of Foreign Affairs became ILAC's prime source of funding. Christian Åhlund was appointed Executive Director with one assistant. Seed-corn funding was provided by the IBA's Section on Business Law, whose members recognized the importance to their clients of re-



PHOTO: PETRA LINDGREN

Paul Hoddinott and Rodger Chongwe, Stockholm AGM 2007.

establishing a functioning justice system in countries emerging from conflict so that trade and commerce could flourish. Within the tight finances, bureaucracy was eschewed and business was almost entirely by email and conference telephone calls with only a very occasional face to face meeting of the Management Committee.

Even before ILAC's first AGM in 2002, there was a call from the UN Administrator in East Timor, Sergio de Mello, spurred on by Nina Lahoud, to send an assessment team. ILAC raised a strong team with appropriate credentials,

some of whom were fluent in Portuguese but for, colonial legacy reasons, not from Portugal. The ILAC report was well received by the UN and by the few legal professionals who survived in East Timor. However, as the attention of international donors shifted to Afghanistan, follow-up funding for East Timor was sadly not immediately available.

A programme in 2003 for which funding was available was in Iraq. The UN took a limited role in Iraq's post-war reconstruction but one responsibility was to encourage international assistance for the rebuilding of Iraq's justice system. The UN Special Representative was Sergio de Mello, who asked ILAC to identify a handful of projects that could be initiated quickly to build momentum and show Iraqis that things were changing. The ILAC team, led by Christian Åhlund, visited Iraq, consulted widely and reported to Sergio five projects that they had identified, which Sergio approved. Two hours after the ILAC team left Sergio's Baghdad office, it was blown up by a truck bomb with heavy casualties, including Sergio who was killed. The UN promptly withdrew all its people from Iraq but ILAC pressed ahead with the five projects, funded by the UK's Department for International Development and the Swedish MFA. Over the next 3 years, a third of Iraq's judges, over half the prosecutors, more than 400 lawyers and about 70 government officials attended courses run by ILAC member organisations, with ILAC providing overall coordination, transportation from and back to Iraq, and contact with the Iraqi authorities.

At ILAC AGMs, I always felt truly privileged to be in the Chair as I looked around at probably the most experienced people in the world for the delivery of legal assistance projects. ILAC is no ivory tower, its members are the doers, people who are or have been on the ground and know the realities of working in countries emerging from

conflict. It is ILAC's members, with their experience, the breadth of their legal backgrounds, the spread of ethnicity and language that are ILAC's strength, a unique strength upon which ILAC goes forward to the next 20 years.

Paul Hoddinott was ILAC Chair 2002–2011.

ILAC in Iraq: The Canal Hotel bombing

Christian Åhlund

On 20 March 2003, a small coalition of countries under the leadership of the United States and the United Kingdom invaded Iraq. The Iraqi dictator Saddam Hussein was deposed and the rule of the country was taken over by the so-called Coalition Provisional Authority (CPA), under the leadership of the US diplomat Paul Bremer, who reported to the US Secretary of Defense Donald Rumsfeld.

The CPA had far-reaching but – as it would turn out – unrealistic ambitions. The intention was in a short time to transform Iraq into a democracy under the rule of law which would serve as an example for other countries in the regions, and thus trigger a regional domino effect. The transformation was to be implemented by mainly US consultancy firms with the assistance of returning Iraqi exiles, to the tune of 18 billion US dollars financed by the sale of Iraqi oil reserves.

The UN changes tack

The invasion lacked the support of the United Nations and was consequently an act of aggression in violation of international law. But when the invasion was a fait accompli, the UN reversed its position and decided to take an active part in the reconstruction of the country. On 22 May, the UN Security Council adopted Resolution 1483, which declared the US and the UK as an occupying power and mandated this power to govern Iraq until an

internationally recognised Iraqi government could take over.

The Brazilian diplomat Sérgio Vieira de Mello was chosen to lead the UN activities in Iraq. De Mello was widely considered one of the UN's top diplomats and had repeatedly been mentioned as a possible candidate for the position of Secretary-General. Only one year earlier, de Mello had been appointed the UN Commissioner for Human Rights. Initially, he had declined to lead the UN in Iraq, but eventually, after persuasion by President George W. Bush and US Secretary of State Condoleezza Rice, he agreed to take the position for a limited period of four months.

ILAC had previously worked with de Mello when he was leading the UN activities in East Timor, and in July 2003 we received a request from de Mello to take part in the reconstruction of the legal system of Iraq. Our answer was positive. We had also had strong reservations about the legality of the invasion, but the fact that the UN and de Mello were now involved convinced us to get on board.

Shortly after the request from de Mello, ILAC was also contacted by the British government. We were told that Tony Blair's newly appointed Attorney General, Peter Goldsmith, was giving high priority to the reform of the Iraqi legal system and that the British government was willing to provide financial resources for ILAC's involvement "within reasonable limits". This commitment was made without any political strings attached.

ILAC forms a team

ILAC moved quickly to put together an assessment team, consisting of Judy Chirlin, proposed by the American Bar Association, Finn Lynghjem, proposed by the International Bar Association, and Kadhim Lami, appointed by the Arab Lawyers Union. In my capacity as ILAC's Executive Director, I was appointed team leader.

Judy is dynamic and lively and at this time served as a judge with the Los Angeles Superior Court, the largest

court in the US. Finn is a former attorney and judge from northern Norway. He is a man of few words, but in the mid 1990s, in the aftermath of the Bosnian war, Finn had made himself known as a principled and respected chair of the Independent Election Commission in Bosnia, where he had repeatedly struck war lords and corrupt candidates from the ballots, ignoring angry protests both from political parties and foreign powers. Kadhim worked as an attorney with a practice in London and Baghdad. Diplomacy is perhaps not Kadhim's strongest point, but his command of Iraqi law and his vast local network would turn out to be indispensable assets for our work.

In the afternoon of Monday 11 August 2003, Judy, Finn and I checked in at the Hotel Intercontinental in Amman. Kadhim was by then already in Baghdad. Before dawn the next morning, we took a taxi to the UN section of Amman airport. After being delayed for several hours by a sandstorm, we boarded the white UN aircraft which would take us to Baghdad. On arrival at Baghdad airport, we were met by Kadhim and his son Ali. In preparing for this trip, we had obviously discussed our security arrangements.

Regarding ground transport, we had two options. We could rent bullet-proof SUVs with drivers and security guards, which was by far the most common practice for foreign visitors. But apart from being very expensive, this arrangement would have attracted unwanted attention and risked deterring potential interlocutors. Instead, we had chosen to go for a low visibility approach, and it turned out Ali had the perfect car for this: a beaten-up and rusty Toyota Camry with tinted windows in the back. With Ali at the wheel, Kadhim in the passenger seat and us Westerners hidden in the back, we blended very well into the chaotic Baghdad traffic. I should mention that the security situation had not yet deteriorated into

the brutal and bloody terror that would grip the city for the coming years. On later ILAC visits to Baghdad, it was obvious that bulletproof cars, safety guards, body armour and helmets were essential.

A hectic week in Baghdad

The first impression on arrival in Baghdad was the heat. During our entire visit, the temperature hovered around fifty centigrade. The heat turned out to have political consequences. When the invasion was launched at the end of April 2003, it was initially fairly well received by the Iraqi public, particularly in Baghdad. Many were relieved to see Saddam go. But at the end of May, Paul Bremer decided to dissolve the Iraqi army. With a stroke of a pen, he sent tens of thousands of suddenly unemployed young men with military training on to the streets of Baghdad.

After that, the security situation began to deteriorate rapidly. Increasing acts of sabotage caused frequent cuts in the power and water supply, which with the extreme heat created very difficult living conditions for those hundreds of thousands of Baghdad residents who lived in high-rise buildings, with now little or no access to lifts, air conditioning or even water. The obvious inability of the occupational powers to repair and restore the power and water supplies rapidly undermined its authority.

The next week, we maintained a hectic schedule of meetings with courts, prosecutors, attorneys, and the law faculty of Baghdad University, as well as with the CPA and the UN. We were scheduled to return to Amman on 20 August, and in the afternoon of 18 August we had a debriefing session with de Mello in his office at the UN local headquarters in what was known as the Canal Hotel. We gave an account of our meetings and findings and outlined our proposal for an ILAC legal reform programme for the following three years. De Mello's

reaction was very positive, and it was agreed that we would return the next day to present our proposal to a larger group of his staff.

But the following morning, when we had already arrived at the Canal Hotel for the second part of our debriefing, we were suddenly contacted by the Interim Governing Council, the country's provisional cabinet, appointed by the CPA. We were told that the Minister of Justice, an Iraqi known as Judge Dara, wanted to see us. We agreed with de Mello to postpone our debriefing until the afternoon, and left for the Green Zone, the heavily fortified area of Baghdad where the CPA, the Interim Governing Council and the US Embassy were located.

As we came out of our meeting with Judge Dara and were about to return to the Canal Hotel, we were informed by a couple of US soldiers that the Canal Hotel had just been targeted by a major bomb attack, but the extent of the damage was not yet known. So instead of returning to Canal Hotel, we decided to go back to our hotel, the Mount Lebanon, which also lodged a large number of UN employees, in order to gather further information there.

Death and destruction at the Canal Hotel

The hotel lobby was a shocking sight, full of bloodied and disoriented UN employees, who had just arrived from the Canal Hotel. We were told that a huge car bomb had exploded in the street just below de Mello's office. The building had been partially destroyed and many UN employees had died or were trapped in the debris. De Mello's office had been totally destroyed. He was said to be still alive, but trapped between slabs of concrete. During the evening the news came that de Mello had died before it had been possible to extricate him from the collapsed building, and with him some twenty members of his staff. Many more were seriously injured.

The news of the attack on the Canal Hotel was obviously

already all over the international media, and we spent the rest of the evening on the roof of the hotel, taking turns on our only satellite phone trying to reach and reassure families and friends.

According to our original plans, we were scheduled to fly back to Amman the following morning. But it was obvious that all flights to Amman in the following days would be occupied by casualties from the Canal Hotel. On the advice of Kadhim, we decided instead to go to Amman by taxi. The distance from Baghdad is approximately 750 kilometers, mostly a decent four-lane freeway that mainly runs through the desert.

So, at dawn the next day, we all piled into a large Chevrolet Suburban, which Ali had been able to arrange during the night. The driver, who had returned from Amman only a few hours earlier, told us that the greatest risk during the drive to Amman was robbery, and that we should hide our cash and valuables as best we could. As the team leader, I was carrying a considerable amount of US dollars. I put this money into my shoes, fully aware of the futility if we were to be stopped by armed highwaymen.

After about an hour's drive, as we were passing the city of Ramadi, the driver unexpectedly informed us that we were running out of petrol and that we had to go into Ramadi to fill up. This was very bad news. Ramadi is one of three cities west of Baghdad which made up what would become known as the "triangle of death", and was already at this time widely known for violence and lawlessness. And to find petrol in Ramadi turned out to be easier said than done. There seemed to be no functioning petrol stations, so for more than an hour we went in and out of innumerable backyards in what appeared to be an increasingly hopeless search to find someone who would have petrol to sell. The taxi driver appeared to be as disoriented as we were, and our desperation grew. None of us said anything, but we were all realizing that our

prospects were gloomy if we were to end up in Ramadi with an empty tank. But then, suddenly, we were in luck. Somewhere in one of the alleys of this chaotic city, the driver had found someone who was willing to sell us enough fuel to take us to the border. The remaining six-hour journey to the Jordan border was uneventful. But at the border there was total chaos, and it took us several hours to get across. At midnight we checked in at the Amman Intercontinental.

The occupation of Iraq was launched in violation of international law. The reasons for the occupation (Saddam's alleged possession of weapons of mass destruction) were fabricated and the ambitions were unrealistic. The CPA's goal of building an Iraqi showcase democracy on the basis of oil sales was illusory to begin with and soon went up in flames as a result of the massive terror campaign that began with the attack on the Canal Hotel. The civilian death toll as a result of the violence and terror in the wake of the occupation eventually amounted to hundreds of thousands. The CPA decision to dissolve the Iraqi army was a major contributing factor to the terror and a catastrophic self-inflicted error. In fact, the frequent and deadly terror attacks put an effective end to all major nation-building and training activities inside the country. Still, the CPA would not approve of holding such activities outside Iraq, as they feared that this would be interpreted as a sign that they had lost control over the security situation.

Nevertheless, the training program that ILAC had proposed to de Mello, in his office the day before the bombing, largely became reality. As the training could not for security reasons take place inside Iraq, ILAC, regardless of CPA policy, arranged to fly the participants from Baghdad to Prague and Dubai, where the authorities were very accommodating regarding visas and security. The flights were chartered from a Ukraine carrier and

expertly administered by Paul Hoddinott, ILAC's then President. Because of the security situation, we were obviously very concerned about every flight, and also about the bus transport between the centre of Baghdad and the airport, but during the whole war, there were no security incidents relating to those flights.

Training a thousand Iraqi lawyers

In Prague, the ILAC members American Bar Association and the CEELI Institute ran a course for judges called Judging in a Democratic Society. In Dubai, other ILAC members, namely the International Bar Association together with the International Association of Prosecutors, arranged a series of training sessions on international human rights for judges, prosecutors and lawyers, with the emphasis on due process and fair trial. (Iraq had actually before Saddam's time signed, ratified and incorporated into Iraqi law the 1966 International Covenant on Civil and Political Rights, so technically this covenant, with its legal guarantees and safeguards, was still part of Iraqi law, although it had been neglected and forgotten for decades.)

During the period 2004-2007, almost one thousand Iraqi judges, prosecutors and lawyers took part in these training activities. In relation to the ambitions and the resources of the CPA, ILAC's contribution was modest. But although it was a truly joint venture, with several governments and legal organisations playing important parts, ILAC's program was designed and implemented independently of any hidden or open political agenda and in spite of the bloody chaos in Iraq. As such, ILAC's program in Iraq is a good illustration of the comparative advantages of the kind of hands-on, high quality and no-strings-attached legal reform activities that ILAC is able to offer.

Christian Åhlund was ILAC Executive Director 2002-2015.

ILAC and the building of the Rule of Law

Hans Corell

The International Legal Assistance Consortium coordinates the work of international and regional actors in our core mission of strengthening independent judicial institutions and legal professions in conflict-affected and fragile countries.¹

At the heart of all ILAC's work lies the central aim of promoting and securing the rule of law.

This article examines the crucial elements of the rule of law, how it may best be protected and who are responsible for ensuring its solid and permanent place in a civilised society.

What is the rule of law?

A valuable starting point is the definition by United Nations Secretary-General Kofi Annan, in his 2004 report to the UN General Assembly "*The rule of law and transitional justice in conflict and post-conflict societies*":²

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

1. ILAC is a Swedish non-profit association regulated by its By-Laws: see http://ilacnet.org/wp-content/uploads/2021/11/ILAC-By-Laws_-2018.pdf
2. Paragraph 6 in UN Doc. S/2004/616*, available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2004/616

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.

There are useful definitions from other organizations, such as the Council of Europe³ – including the check-list elaborated by its Venice Commission.⁴ With respect to the European Union reference could be made to a communication from the European Commission of 17 July 2019.⁵ The Organisation for Security and Co-operation (OECD) in Europe also provides important material.⁶

Other regional organizations of interest are the Asian-African Legal Consultative Organization,⁷ the African Union,⁸ the Organization of American States,⁹ and the Inter American Bar Association.¹⁰

A helpful and straightforward definition might include these four elements: (1) democracy; (2) legislation respecting international human rights standards; (3) institutions to administer this law, including independent and impartial courts; and (4) individuals with the integrity and knowledge to administer these institutions. Integrity is crucial: corruption is one of the worst enemies of the rule of law.¹¹

3. See under "RULE OF LAW" at <https://www.coe.int/en/web/portal>.

4. See [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)007-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)007-e).

5. See <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019DC0343&from=EN>.

6. See <https://www.osce.org/odihr/rule-of-law>.

7. See <https://www.aalco.int/>.

8. See <https://au.int/en>.

9. See <https://www.oas.org/>.

10. See <http://www.iaba.org/>.

11. See the comprehensive anthology *Integrity in International Justice* (edited by Morten Bergsmo and Viviane E. Dittrich), Torkel Opsahl Academic EPublisher, Brussels, 2020. Available at <https://www.toaep.org/nas-pdf/4-bergsmo-dittrich>.

Positions of the UN General Assembly and Security Council

Importantly, the members of the United Nations have recognised that the rule of law is indispensable for peace and security. The resolution of the UN General Assembly on 24 September 2012 “Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels”¹² included:

“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.”

On 21 February 2014, the Security Council recalled this declaration in a Presidential Statement recognising the need for universal implementation of the rule of law and the vital importance it attached to promoting justice and the rule of law as an indispensable element for peaceful coexistence and the prevention of armed conflict.¹³

These firm commitments by the General Assembly and the Security Council to the need for observing the rule of law must also be reflected at the national level in the UN Member States.

UN Sustainable Development Goal 16

The 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015, provides a

shared blueprint for peace and prosperity for people and the planet, now and into the future. At its heart are the 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries – developed and developing – in a global partnership.

SDG 16 is key:

*Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.*¹⁴

This goal, with its focus on the rule of law and anti-corruption, makes the point that achieving this vision is a precondition for achieving all the other SDGs.

In September 2019, an SDG Summit was held at UN Headquarters in New York. The summit resulted in a Political Declaration, “*Gearing up for a decade of action and delivery for sustainable development*”¹⁵ The reporting on SDG 16 was poor and the rule of law is not even mentioned in the declaration. However, it does contain an expression found in target 6 of SDG 16, namely “strengthening institutions for more integrated solutions”.

Explicit recognition of the rule of law as an essential ingredient of the SDGs, particularly in SDG 16 and target 6, is seen in two valuable ILAC studies:

- ILAC Policy Brief 1 September 2019 “*SDG 16: The rule of law at a crossroads*”¹⁶ and
- ILAC Policy Brief 4 December 2019 “*‘Rule of law washing’ and the Sustainable Development Goals*”¹⁷

12. A/RES/67/1* available at <https://undocs.org/en/A/RES/67/1>

13. S/PRST/2014/5 available at <https://undocs.org/S/PRST/2014/5>

14. See <https://sdgs.un.org/goals>.

15. See <https://undocs.org/en/A/RES/74/4>.

16. See <https://newilac.wpengine.com/wp-content/uploads/2019/11/ILAC-Policy-Brief-1-1.pdf>.

17. See http://ilacnet.org/wp-content/uploads/2019/12/Using-SDG16-for-rule-of-law-washing_20191217_V4_Final2.pdf.

Millennium Development Goals and Sustainable Development Goals

In September 2000, 189 UN Member States signed the historic Millennium Declaration, in which they committed to achieving a set of eight measurable, time-bound goals (Millennium Development Goals or MDGs) that ranged from halving extreme poverty and hunger to promoting gender equality and reducing child mortality. These goals were primarily focused on developing countries and the target date was 2015.

As the timeframe for the MDGs was ending, the UN began a collaborative process to develop the new 2030 Agenda for Sustainable Development. The 2030 Agenda was adopted 25 September 2015 by all 193 United Nations Member States. The heart of the Agenda is its 17 Sustainable Development Goals (SDGs), which are an urgent and universal call for action by all countries – developed and developing – to ‘end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity.’

[see <https://sdgs.un.org/goals> and <https://www.undp.org/sustainable-development-goals>]

“The seventeen Sustainable Development Goals are our shared vision of humanity and a social contract between the world’s leaders and the people,” said UN Secretary-General Ban Ki-moon in 2016. “They are a to-do list for people and planet, and a blueprint for success.”

[www.un.org/millenniumgoals/]

Particularly relevant for ILAC is SDG16: *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.*

In 2022 UN Secretary General Antonio Guterres has invoked SDG 16 as he has addressed such current issues as peace, transparency, the Covid-19 pandemic, the press, peace-keeping, and refugees.

[<https://www.un.org/sustainabledevelopment/peace-justice/>]

Whose responsibility is the rule of law?

This is a key question: who are responsible for ensuring implementation and observance of the principles of the rule of law?

Everyone’s responsibility

The simple and the right answer is: everyone. The rule of law is vital for relations between individuals and legal persons such as companies and associations. It affects not just the criminal law but, for example, family law issues, the purchase and sale of real estate or goods and damages for personal injuries. It is crucial that all individual actors respect the rules and trust the legal system to apply them fairly to everybody. This must also work in transnational activities, not least in the area of trade.

Many believe that the rule of law is only for lawyers. But it is not. The rule of law is not just a legal issue but is much more comprehensive. It includes ethical elements that must be supported by all – also at the grassroots level. While, as explained below, some citizens and institutions have a special responsibility, all of us have a duty and role in supporting and defending the rule of law.

Special responsibility of political leaders

Political leaders have a special position which clearly carries a heavier responsibility. They must know and keep themselves informed about the meaning of the rule of law. At a 2008 meeting of the InterAction Council of Former Heads of State and Government¹⁸ it was emphasized that especially members of national legislatures or other bodies that have the power to issue rules and regulations at the national level must have a good knowledge of what the constitution and international law prescribes for the requirements and quality of legislation.

18. See <https://www.interactioncouncil.org/about-us>

The same applies to members of municipal and regional councils and boards with powers to make and apply laws and regulations affecting the rights and obligations of individual citizens. Within national governments, the rule of law is not just for the Minister of Justice. It is the responsibility of all ministers, for the simple reason that work on legislation is normally distributed among ministries, who promote and guide legislation within their own areas of responsibility.

Valuable help for politicians can be found in *Rule of Law – A guide for politicians*, a short publication inspired by the 2008 meeting just mentioned (and now available free on the web in 26 languages, with more to come).¹⁹

With respect to international organisations for politicians, reference may be made to the Interparliamentary Union²⁰ and Parliamentarians for Global Action.²¹

The role of judges

Judges have a pivotal position in a state under the rule of law. This follows from the principle of division of power between the legislature, executive and judiciary. All documents at the international level, as mentioned above, refer to the essential need for independent and impartial courts. Particular mention may be made of the *Basic Principles on the Independence of the Judiciary*, endorsed by the United Nations General Assembly in 1985.²²

A common feature of national constitutions is special provisions declaring and protecting an independent judiciary. Currently the independence of the judges is

19. Rule of Law – A guide for politicians. A Guide elaborated under the auspices of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law at Lund University, Sweden (and an ILAC organisational member), and the Hague Institute for the Internationalisation of Law (HiIL), the Netherlands <https://rwi.lu.se/publications/rule-law-guide-politicians/> See <https://www.ipu.org/>.

20. <https://rwi.lu.se/publications/rule-law-guide-politicians/> See <https://www.ipu.org/>.

21. See <https://www.pgaction.org/>.

22. See <https://www.ohchr.org/en/professionalinterest/pages/independencejudiciary.aspx>.

threatened in several countries. In September 2019, the Council of Europe’s Commissioner for Human Rights issued a commentary – *The independence of judges and the judiciary under threat* – with strong criticism of what was happening in countries such as Poland, Romania, Turkey and Hungary.²³ Such threats are serious, and action must be taken to restore this basic component of the rule of law.

The same applies to corruption. If the judge is corrupt, he or she will undermine any efforts to fight this plague.

With respect to international organisations for judges, reference may be made to the International Association of Judges,²⁴ and the International Association of Women Judges.²⁵

The responsibility of civil servants

In any developed society, it is not only judges but civil servants and other officials who must apply the law and make decisions affecting citizens. This applies with particular force to the prosecution service and the police and to all civil servants.²⁶ It exists within the various branches of the administration from central government to the local level in states, provinces, regions and municipalities – all depending on how the administration in the country in question is organised. Examples are tax authorities, the employment services and environmental protection or planning agencies. It is vital that those who

23. See <https://www.coe.int/en/web/commissioner/-/the-independence-of-judges-and-the-judiciary-under-threat>.

24. See <https://www.iaj-uim.org/>.

25. See <https://www.iawj.org/>.

26. For standards for prosecutors, see UN Guidelines on the Role of Prosecutors 1990 Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No.E.91.IV.2), chapter I, sect. C.26, annex; and the International Association of Prosecutors (IAP) Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors 1999 [https://www.iap-association.org/Resources-Documents/IAP-Standards-\(1\)](https://www.iap-association.org/Resources-Documents/IAP-Standards-(1)) . The IAP is an ILAC organisational member.

represent authority at all these levels abide by the law and, not least, that they do not engage in corruption.

Lawyers' responsibility

Lawyers have a central role in building a society under the rule of law – an effort that will never really be completed. The rule of law must be constantly defended. Free and independent lawyers play a key role. Free and independent bar associations are indispensable in societies that want to call themselves states under the rule of law. The International Bar Association (IBA), with its Human Rights Institute, carries out important work as “*The global voice of the legal profession*”,²⁷ including its publication of the “*IBA Standards for the Independence of the Legal Profession*”.²⁸ The IBA is an organisational member of ILAC.

Against this background, it is important that lawyers have a good knowledge not only of the rules governing the protection of human rights but also of the instruments that require the existence of independent lawyers in a state under the rule of law. Reference may be made to the United Nations “*Basic Principles on the Role of Lawyers*”.²⁹ Lawyers have a great responsibility for the rule of law both at the national and international level.

The rule of law must be developed from grassroots level in all societies. It is a matter of education, and lawyers have an important role to play here, wherever they perform their duties. Contacts between national bar associations and teachers of political science should be encouraged. What does the teaching material used at different levels in schools and universities look like? How is the rule of law explained there? Lawyers have an

27. See <https://www.ibanet.org/>.

28. See <https://www.ibanet.org/MediaHandler?id=F68BBBA5-FD1F-426F-9AA5-48D26B5E72E7>

29. See <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>.

obligation to participate in the work related to the rule of law and explain that the rule of law is obligatory in creating a world community where people can live in peace and dignity with their human rights protected. It is vital that lawyers are aware of their responsibility and know that their voices must be heard in the general debate on these issues.

Responsibility of journalists

A cornerstone in a state under the rule of law is that freedom of opinion and expression is effectively guaranteed and that free and independent media, civil society organisations and individuals are able to report and comment on government policies without fear of retaliation. Journalists have a special responsibility to be aware of the obligations that the authorities and their representatives must respect in a state governed by the rule of law. Journalists should closely monitor what is happening in this field and contribute to keeping those in power accountable. It is notable that challenges to the independence of journalists are increasing in any number of countries today.

With respect to international organisations for journalists, reference may be made to Reporters Without Borders,³⁰ the International Institute for Journalism,³¹ and the International Center for Journalists.³²

Responsibility of the military

The military also have a responsibility in the area of the rule of law, mainly in two respects. The first is to assist in maintaining law and order in crises. The second concerns respect for humanitarian law.

An example of the first is when the UN administered

30. See <https://rsf.org/en>.

31. See <https://ijjigeria.com/>.

32. See <https://www.icfj.org/>.

both Kosovo and East Timor in the years around the turn of the millennium. In both these situations, the UN was responsible for the exercise of authority and for the maintenance of law and order in the provinces. The vacuum that arose when it took time to recruit police officers, prosecutors and judges was quickly filled with criminal elements. In such situations, there is no other way but to turn to the military to avoid sheer anarchy.

My experiences and discussions with people around the world who have participated in peace operations, where they have been forced to work to maintain law and order under very difficult conditions, led me to the following conclusion in the light of my view that small countries must eventually be part of defence alliances:

An important task for every country in the community of states is to maintain order in its own territory. If a state is unable to do this, there is a great risk that its territory becomes a platform for all kinds of illegalities. It may involve assaults by fundamentalist groups, particularly religious extremists who threaten not only their own country but also other countries in the region. But it can also involve downright criminal elements that note that the absence of a military defense constitutes a vacuum that they can use for their own activities, not least in the form of transnational criminality.³³

This means that it is important that the military and the police consult and that plans are made for the situation where the military must assist if the country is hit by a serious crisis.

33. Hans Corell. Defence Alliances – A Future Necessity. In: Bevara alliansfriheten Nej till Nato-medlemskap! Ed. Anders Björnsson & Sven Hirdman. Lund: Celanders förlag (2014), available at <https://www.havc.se/res/SelectedMaterial/20141116defencealliances.pdf>

Responsibility of the business community

The business community can clearly realise the ways in which they can contribute to strengthening the rule of law. The Global Compact, which was launched by the then UN Secretary-General Kofi Annan in July 2000, may be mentioned here.³⁴ Participation in the UN Global Compact is open to any company that is serious about its commitment to work towards implementation of the Compact principles throughout its operations and sphere of influence. Companies from any industry sector are eligible for participation, except companies that meet certain exclusionary criteria.³⁵

The Global Compact contains ten universal principles in the areas of human rights, labour law, the environment and anti-corruption. Today, the Compact covers thousands of companies, other stakeholders, and trade organisations, both national and international, from all regions of the world. It includes international trade unions or other unions, global NGOs, business schools and UN agencies.

The UN *Guiding Principles on Business and Human Rights*, endorsed by the UN Human Rights Council in June 2011,³⁶ set out principles established as the global standard that all states and companies now are expected to follow. Although not legally binding, these principles explain the importance of existing standards and practices for states and companies. They contain elements that are regulated in both international and national law. The principles are arranged in three pillars:

- The state's duty to protect human rights.
- Corporate responsibility to respect human rights.
- Individuals' right to have access to remedy for violations.

34. See <https://www.unglobalcompact.org/>.

35. For details see <https://www.unglobalcompact.org/participation/join/who-should-join>

36. See A/HRC/RES/17/4 Human rights and transnational corporations and other business enterprises, available at <https://undocs.org/A/HRC/RES/17/4>.

To provide further details and assistance in understanding the guiding principles, the Office of the UN High Commissioner for Human Rights has issued a special guide focusing on corporate responsibility for respecting human rights.³⁷

In this area, we also have the OECD guidelines for multinational companies.³⁸ These are recommendations from governments to multinational companies for how business operations are conducted responsibly, regardless of where the companies operate. The guidelines contain non-binding principles, but the countries that have acceded to the guidelines make a binding commitment to apply them. The guidelines were last revised in 2011.

The governments of the acceding countries have also committed themselves to promoting the OECD guidelines by setting up National Contact Points. In addition, various stakeholders can report companies that they believe have violated the guidelines. The National Contact Points must also inform about and promote the application of the guidelines and be a forum for dialogue concerning the implementation of the guidelines.

Responsibility of teachers

Teachers have an obvious special responsibility in this area, particularly teachers in universities and colleges, where a special responsibility rests on those who teach law and political science. But it is of great importance that teaching about the basic features of the rule of law is also communicated at lower levels. Teachers in both primary and secondary schools should also contribute. It is important that all young people, whenever they leave school, have received basic education on the principles of the rule of law and on human rights. This brings us to the need for education.

37. See https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

38. See <https://www.oecd.org/daf/inv/mne/48004323.pdf>.

The need for education

People must be able to gain knowledge and understanding of what needs to be done to realise the principles of the rule of law and find the political will and the necessary techniques to achieve this. In this context, it is imperative to ensure that education on human rights and the rule of law is provided in schools as early as possible, and then in secondary schools and at universities and colleges. Politicians and the general public must also be educated.

When it comes to education about the rule of law, it is important to be clear about the challenges facing humanity. A first challenge is that states themselves comply with the rule of law and that international organisations live up to their own often proud pronouncements of the importance of the rule of law. Another is the growing world population, which can lead to tensions with negative effects, especially if they are exacerbated by climate change, with its serious consequences for the human habitat. Armed conflicts are another challenge, especially conflicts created by religious and ideological extremists. Terrorism is another constant threat, which must be fought vigorously, not through a “war on terror” – a dangerous misnomer – but through law enforcement and prosecution as a crime. Transnational organised crime is yet another continuing menace, with its serious effects on state governments. There is also an inherent risk that the territories of “failed states”, and states that do not have a proper defence and a functioning police force, can become platforms for such criminal activities.

This requires teaching material suitable for every educational level. The responsibility for making such material available rests primarily with the relevant public authorities, but academics and NGOs can also contribute valuably. The goal should be for everyone to have a clear idea of what is meant by the rule of law and to

understand that its principles must be respected. Depending on where in society individual citizens are active, they must also have the special knowledge of what is required of them in their daily work in order for the principles of the rule of law to be fulfilled in their particular activities.

With regard to voluntary organisations, there are many who contribute to the work of strengthening the rule of law. Some have already been mentioned. Special mention may be made of the International Commission of Jurists,³⁹ the International Law Association,⁴⁰ Amnesty International,⁴¹ Human Rights Watch,⁴² and Transparency International⁴³.

The World Justice Project (WJP), which is an organisational member of ILAC, is an independent, multidisciplinary organisation with the direct focus of working to create knowledge, build awareness, and stimulate action to advance the rule of law worldwide.⁴⁴ Of particular interest are their annual *Rule of Law Index Reports*.⁴⁵ The scores and rankings in their most recent report in 2021 which measured the rule of law in 139 countries are derived from more than 138,000 household surveys and 4,200 legal practitioner and expert surveys worldwide.

ILAC's focus

While legislation and capable institutions are central to ILAC's mission, our consortium also sees the need for changing mindsets and behaviour of legal professionals and for working with broader political reforms. ILAC does this through its network of legal professionals, bar

39. See <https://www.icj.org/>.

40. See <https://www.ila-hq.org/index.php>.

41. See <https://www.amnesty.org/en/>.

42. See <https://www.hrw.org/>.

43. See <https://www.transparency.org/en/>.

44. See <https://worldjusticeproject.org/about-us>.

45. See <https://worldjusticeproject.org/our-work/publications/rule-law-index-reports>.

associations and other non-governmental organisations. Together with its member organisations and experts, ILAC focuses on:

- identifying justice needs and providing recommendations for addressing them
- coordinating adaptive programmes responding to people's justice needs; and
- contributing to international policy and development dialogue on justice and rule of law reform.

An important element in ILAC's work is rule of law and justice sector assessments. The purpose of these assessments is to provide independent and specific recommendations on how legal institutions can uphold the rule of law and ensure people's access to justice. ILAC assesses whether the justice system is able to deliver on these fundamental principles in practice. An important tool here is a UN document *The United Nations Rule of Law Indicators*.⁴⁶

This activity is fundamentally important for the work of ILAC. Through these assessments programmes can be formulated, with appropriate participation of collective and individual members of ILAC. The assessment relating to Syria may be seen as a successful example.⁴⁷

The contribution by members of ILAC is a crucial element in its work. A notable success is our work in Liberia, which has continued to contribute to the development of the national system for the rule of law, in particular the performance of the judiciary.⁴⁸

Proposal for an additional method

Looking at ILAC's Guiding Principles, one particular element that comes to mind is that ILAC "shall work

46. See https://www.un.org/en/events/peacekeepersday/2011/publications/un_rule_of_law_indicators.pdf.

47. See <https://ilacnet.org/publications/syria-rule-of-law-assessment/>.

48. See <https://ilacnet.org/new-ilac-assessment-report-still-looking-for-justice-in-liberia/>.

closely with local NGOs, local stakeholders, and other experts in affected environments to ensure their immediate involvement in the assistance projects”.

One way of supporting this principle would be to seek the advice of the individuals with whom ILAC is interacting in an assistance project at the local level about possible contacts in the categories discussed above: politicians, judges, civil servants, lawyers, journalists, the military, the business community, and teachers. Individuals who hold leading positions and who are responsible for their performance would be the obvious contact points.

These individuals may benefit from having sight of this article with its references in order to sow the seed of an effort that they themselves could start in order to strengthen their ability to sustain and enhance observance of the rule of law in their own country. This would not burden the particular effort in which ILAC is involved at the national level. However, it could serve as an encouragement to the categories mentioned who could themselves engage in appropriate activities, using the assistance that can be offered by the relevant organisations referred to, many of which are members of the ILAC consortium.

Hans Corell is an ILAC honorary member and was Under-Secretary-General for Legal Affairs and the Legal Counsel of the United Nations 1994–2004.

ILAC – a Revelation

Elizabeth Howe

ILAC was a revelation to me.

This happened when I attended my first ILAC AGM in Edinburgh in 2009, as the representative of the International Association of Prosecutors.

I suppose I expected just another ‘talking shop’: lots of talk and no action. What I discovered was an organisation comprised of dynamic and highly committed members with a diversity of knowledge and skills – from all over the world. This was an organisation that ‘did stuff’. It was outward facing, little preoccupied with internal politics and individual egos, and engaged the expertise and know-how of its members to achieve its purpose, i.e. to support the regeneration of fractured justice systems.

I was hooked.

As I became more involved, I was able to see for myself how ILAC could make a difference. Being part of an assessment team in Libya in 2013 was an experience I shall never forget. I have a lasting memory of meeting a judge in Zabratha, surrounded by shell-damaged buildings, discussing his caseload and the challenge of delivering justice on a day by day basis.

ILAC’s unique brand of practitioner experience and knowledge sets it apart from other comparable organisations. I have seen for myself how much and widely that is welcomed and valued by those who serve to benefit from ILAC’s efforts. It is that brand which must endure.

Elizabeth Howe was ILAC President 2015–2021.

ILAC: A Judge's View

Ivana Hrdličková

The International Legal Assistance Consortium (ILAC) has been a leading body in the field of human rights and the promotion of the rule of law for the last twenty years. There are many distinguishing features associated with the ILAC, such as great vision, extraordinary leadership, enthusiasm amongst the members and remarkable programmes. Moreover, the fact that ILAC is a legal consortium makes a real difference. It enables the most experienced and diverse experts to be assembled to work together. In handling its programmes, the consortium is not limited to a narrow area of expertise, but can call on the potential skills of a large number of legal experts from various organisations which are part of the consortium.

There is considerable competition among organisations that provide assistance to the promotion of the rule of law, human rights and transitional justice. Many are highly professional. However, some of them are rather limited in their scope. This is because they are often obliged to have a narrow focus, which consequently impinges on the reach of their networks of experts; and as single organisations, they are unable to practically handle large and varied projects by themselves. The ILAC consortium, on the other hand, has an enormous advantage in its ability to use all the relevant experts from its member organisations. Hence, by collaborating with judges, lawyers, prosecutors, and court administrators from around the world, ILAC's work to strengthen the rule of law and independence of legal and judicial institutions is highly effective.

I have spent a significant amount of time dealing with transitional justice matters in various countries. My extensive interest in this field undoubtedly originated in the early 1990s from my own experience as a young judge in my own country, the Czech Republic. At that time, I was not only very enthusiastic about building an independent judiciary, but also about strengthening the perception that the proper administration of justice does not interfere with judicial independence. On the contrary, the proper execution of the administration of justice strengthens that independence significantly.

I have been personally involved in ILAC programmes since 2012, in particular on judicial training in Tunisia. That programme, which started as an immediate reaction to the Arab Spring, was a great success. This was due to the role played by the ILAC with its particular leadership and training methods, but perhaps more importantly, because of the possibility of allowing various panels of faculty members to become involved under the umbrella of one organisation.

It feels like yesterday when I attended the opening training in the Tunisian programme, together with the other faculty members – who were US judges and lawyers. I prepared for the training, “Judging in a Democratic Society”, taking into account my studies regarding international and Islamic Law, which I considered highly relevant. We had begun the training with an informal discussion with the group of judges. The other faculty members and I also discussed similar topics, where there was an obvious overlap, although naturally each of us took a different perspective, based on our very personal experiences.

I met judges who had a desire for an independent judiciary, both institutionally and personally, but who saw at the same time many obstacles in the way. Moreover, they hesitated to raise some of the issues that they were

concerned about, such as financial and personal security of judges and the security of the court buildings. Could they really raise these issues in a discussion whose aim was to discuss the real independence of judges? They were full of ideas and enthusiastic to achieve a truly independent and functional judiciary in their countries. However, was it perhaps too shallow to express their concerns about their salary and a personal feeling of lack of security?

How I understood them! I saw myself in the 1990s, when we had been facing very similar problems. For a moment, I said to myself, are you really going to – now in 2012 – share with this group of judges your feelings and ideas from the 1990s? Some of my ideas and perspectives from that time sounded even silly and not relevant after all those years. At the same time, I saw the faces of the judges – enthusiasm and scepticism at the same time. That made me go ahead and share with them my experience, not only our problems and their solutions, but also my very own feelings, enthusiasm and fears and doubts. Once I started talking, my forgotten feelings and ideas arose to the surface.

We found we were answering the same questions – each of us from our own perspective and experience. The ice broke and it was as if the judges had melted. This ability to bring together such diversity of experiences and perspectives, originating from very different backgrounds and conditions, is one of the greatest strengths of ILAC.

In our current unstable world, where there is a critical need to strengthen the rule of law and the independence of justice, ILAC is what the world needs. It is what is needed by people like me, by the Tunisian judges and many others who are at different stages of their life journey, in order to achieve world peace and justice. I believed in such a mission when I was a young judge in

my own country, working hard to have an independent judiciary, and I continue to believe it now after 30 years of experience in national and international courts. Without such organisations as ILAC, this progress in the development of independent judiciaries would not have been possible.

Ivana Hrdličková is an ILAC member and President of the Special Tribunal for Lebanon.



Ivana Hrdličková and Joan D. Winship, AGM in Japan 2017.



AGM, Ghana 2010

The Road to Gender Justice

Shelby Quast

This has been a fascinating journey, stepping back two plus decades and reviewing how gender justice came to be core to ILAC's mission. I reread, and relived, the many meetings, discussions, missions, and reports involving gender justice and the behind the scenes workings of, quite frankly, a most amazing group of thought leaders, visionaries, change-makers and legal minds.

There was tremendous collaboration, cooperation and goodwill across all levels – it was a particularly synergistic and special time and it was a privilege to have been part of it. This brief overview cannot begin to fully capture those early days but it attempts to provide a glimpse into the start of ILAC's journey toward gender justice, and a peek at what the future might hold for gender-informed and transformational rule of law.

Gender Justice is not a different or special system of justice for women but a system that provides women together with all others, however they may identify, with authentic access to justice and promotes the participation of all people in the justice sector – without which there can be no development of genuine rule of law. There was a tendency to view gender justice as a women's issue – to be solved by women, women's organizations or gender ministries. At the time, gender equality and gender equity within rule of law were radical concepts.

Today there is much greater awareness of and response to addressing gender-based discrimination as a societal issue that undermines rule of law and peace, more

generally. Gender-based violence is no longer just an accepted social norm, but more widely recognized as a crime and human rights violation.

There have been commitments at the highest levels to prioritize these issues and both mainstream and target gender-based inequality, violence and discrimination in NGO, government and international community responses. We need to remain vigilant to these commitments, so they reach the lives of the people they are intended to protect and empower and help underpin genuine rule of law and ensure lasting peace.

As we reflect on where we have been, there may be some useful lessons and best practices for where we can go on the road toward gender justice in conflict affected societies.

The Early Years: 1997–2000

Gender justice was not central to those initial series of discussions on ways to improve the international community's approach to post-conflict justice and restoration of rule of law. Indeed, when we drafted ILAC's initial guiding principles in early 2000, the landmark UN Security Council resolution 1325 on Women Peace and Security (Resolution 1325) had not yet entered into being. When we held the Saltsjöbaden conference in late 2000 to develop the framework to create ILAC, Resolution 1325 had been adopted only one month earlier on 31 October 2000.

Although ILAC and Resolution 1325 came into being around the same time, they were not initially intertwined. Women's rights activists had been fighting long and hard to highlight the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction. They stressed the importance of women's equal participation and full

involvement in all efforts for the maintenance and promotion of peace and security.

The adoption of Resolution 1325 shone a bright light on the need to mainstream gender justice and gender equality in conflict prevention, conflict resolution and peace-building processes. Resolution 1325 calls on all actors to increase the participation of women and incorporate gender perspectives in all United Nations peace and security efforts. It also calls on all parties to conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, in situations of armed conflict.

At the same time, separate discussions were taking place on the creation of a mechanism to facilitate and coordinate international efforts in bringing perpetrators of international crimes to justice and in rehabilitating the national judicial systems of affected states. Rule of law experts were exploring how in the aftermath of violent conflict the international community could focus its efforts beyond peacekeeping and humanitarian missions and include comprehensive efforts to support structures that will ensure lasting peace.

ILAC was created to address the need to bring together and coordinate NGO, government and UN efforts to rehabilitate rule of law in the national judicial and legal systems in conflict affected environments. At that time, gender justice and gender equality were not necessarily viewed as integral to rule of law, or its restoration in the post-conflict period. They were more of a side issue.

2001–2003

Responding to Resolution 1325's call for further study on women, peace and security, the Executive Director of UN Fund for Women (UNIFEM) appointed Ellen Johnson

Sirleaf⁴⁹ and Elisabeth Rehn⁵⁰ to conduct an independent assessment of women, war and peace. During 2001 – 2002, the two travelled to 14 conflicted affected areas to report on the impact of armed conflict on women and women's role in peacebuilding and reconstruction. UNIFEM issued their report in 2002: *The Independent Experts' Assessment on the Impact of Armed Conflict on women and Women's Role in Peacebuilding*, which included a specific chapter on Justice.⁵¹

During that same time period, ILAC was coming into fruition and conducting, at the invitation of UN Peacekeeping Missions, its own missions and visits to conflict affected areas: East Timor (2001), Afghanistan (2003) Iraq (2003) and Liberia (2003). During these assessment visits, we⁵² heard women speak of the violations they experienced during and after conflict and how rule of law and the legal system so often failed them. We saw the tenacity and leadership of the women who were working to rebuild their countries and address the challenges around rule of law and access to justice that women and girls faced.

We also saw how women were often excluded from participating in the reconstruction process and the legal system more generally, as well as the patriarchy and power imbalances toward women when women's rights or gender justice issues were discussed, both among international and local actors. We saw first-hand that gender justice was largely illusive in conflict affected and post-conflict societies.

49. Ellen Johnson Sirleaf, former Finance Minister in Liberia (later elected President of Liberia)

50. Elisabeth Rehn, former Defense Minister in Finland

51. The UNIFEM report was brought to the attention of the Security Council but was not issued as a Security Council document.

52. I use the term "we" in a broad sense, it encompasses various configurations of stakeholders, including: the ILAC Secretariat, ILAC Council, ILAC Member Organizations, UN personnel at headquarters and in missions, women leaders, survivors, activists, among others.

In 2002, ILAC was organized in Sweden, a global leader on gender equality, which was a bit serendipitous for our work in gender justice.⁵³

2004: Peace Needs Women and Women Need Justice

Also serendipitously for ILAC's work in gender justice, Nina Lahoud, who worked with the UN Department of Peacekeeping Operations and with whom we collaborated on our first mission to East Timor (2001), was, for a limited time, on special assignment to UNIFEM. Nina had been actively involved in a seminar in Windhoek on "Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations" in May 2000, hosted by the Namibian Government and organized by the United Nations (UN) Department of Peacekeeping Operations, which produced two ground-breaking outcome documents that had an enormous impact on the adoption of Resolution 1325 five months later.⁵⁴

Over many cups of coffee, we gave ourselves permission to imagine a new way forward. What if national women stakeholders had a platform to guide implementation of Resolution 1325 and inform the global narrative on women, peace and security: speaking truth to power regarding the violations they experience, the challenges they face and the solutions and leadership they bring to post-conflict reconstruction in their countries. We explored how UNIFEM and ILAC might contribute to this effort in the justice sector. We dreamed big and unabashedly tapped professional and personal connections across all our networks – the vision took flight.

Building on the observations and recommendations on justice in the Independent Experts Assessment, UNIFEM and ILAC organized a three-day conference on Gender

53. Although the earlier attempt to organize in the UK was not successful, the strong connections built in the process proved very helpful, especially with the UK being a permanent member of the UN Security Council and funding connections within DFID.

54. See UN Doc. A/55/138-S/2000/693 of 14 July 2000, Annexes i and ii.

Justice in Post Conflict Situations: "*Peace Needs Women and Women Need Justice*".⁵⁵ The pioneering meeting was a dream team of both gender justice and rule of law experience and expertise: including women leaders from conflict affected countries, senior UN officials, Permanent Representatives of Member States, regional organizations, financial organizations, NGOs, academia and private entities. At the high-level conference, these critical national women stakeholders examined whether the gender justice aims of Resolution 1325 were being implemented in national and international justice-related activities undertaken in post-conflict societies, identified measures and actions needed to implement the Independent Experts' recommendations on justice, prioritized those measures and actions in view of local needs, and identified potential partners to assist with such implementation.

While gender justice and post conflict reform are extremely contextual, certain themes, common across conflict affected environments, were highlighted, including: reforming national laws, including customary/traditional systems of laws, and constitutions to address discrimination and protect women's rights, in conformity with international law; ending impunity for crimes against women; establishment of gender-sensitive justice mechanisms; enhanced involvement of women and their access to justice in the judicial infrastructure; increased employment of and training for, women judges, prosecutors and lawyers; establish/strengthen government institutions, policies and strategies and NGO/civil society organizations to redress gender-based disparities; increased participations of women and incorporation of gender dimensions in all phases of UN

55. The UN Ambassadors from the UK, the Republic of South Africa, Sweden and the Hashemite Kingdom of Jordan brought the report to the attention of the Security Council. It was issued as a document of the Council, ensuring the report was translated into all official UN language and delivered by the Security Council to all UN Member States.

Peace Operations. Today these themes may seem commonplace but at the time they were quite bold.

It was recognized that the UN system, much less UNIFEM, did not have the expertise or sufficient capacity to alone provide all the required support – it was essential to build and sustain strategic and complimentary gender justice partnerships. That expertise and capacity would need to be drawn from a range of international partners, including governments, regional organizations, academia and NGOs, among others.

Partners for Gender Justice

The Partners for Gender Justice was born – created to form a more coordinated and integrated system of collaboration to assist national stakeholders in achieving gender justice in post conflict societies. ILAC, created to do the same thing for rule of law, was a natural partner. Gender justice and rule of law were each being recognized as integral to the achievement of the other.

A series of Partners for Gender Justice (PGJ) conferences, ILAC missions, toolkits, and high-level meetings followed, each building on and responding to previous recommendations and further refining the idea of gender justice and partnership while taking concrete steps to towards implementation of that ideal in post-conflict societies. To bring the agenda forward, Sweden and South Africa agreed to co-chair, with support from UNIFEM and ILAC, the Partners for Gender Justice.

The PGJ events brought together women leaders in post-conflict countries, senior UN officials, Member States, regional organizations, NGOs, including ILAC member organizations, and other relevant actors around prioritizing follow-up actions to promote gender justice and a gender perspective in the rule of law. The ground-breaking PGJ conferences were led by barrier breaking women in prominent positions of leadership in their

countries, with support from UNIFEM and ILAC, and focused on different aspects of gender justice within rule of law, including: implementation of recommendations and donor funding; regional cooperation; sharing best practices; bringing together gender and justice ministries; and, the role of the judiciary in promoting gender justice. The reports were shared with the Security Council by a variety of UN Permanent Representatives and each report issued as a Security Council document, thereby helping to prioritize gender justice at the highest levels of the UN.

2005 Building Partnerships for Promoting Gender Justice in Post-Conflict Societies, Stockholm, Sweden

Under the leadership of Sweden’s State Secretary for international Development Cooperation, Annika Söder, and Minister of Foreign Affairs, Laila Freivalds, this PGJ conference developed recommendations on how relevant actors can prioritize the follow-up actions needed to promote gender justice and a gender perspective in the rule of law and peace-building, including implementation and funding and prioritizing the need for regional cooperation.

2006 Gender Justice in Liberia: The Way Forward, Monrovia, Liberia

Ellen Johnson Sirleaf had just been elected President, becoming Liberia’s, and the African Continent’s, first woman head of state. Under the leadership of Liberia’s Minister of Gender, Vabah Gayflor, this PGJ conference brought together key stakeholders with Liberia’s Ministers of Justice and Gender and Development to ensure that gender justice requirements in Liberia were taken into account across the national development plan and by all national, regional and international actors – and to ensure that gender justice was not relegated to a side issue. As a result of the meeting, ILAC placed a



High Level Meeting on Gender Justice, Liberia 2006 – with President Ellen Johnson Sirleaf and Shelby Quast in centre.



ILAC/UNIFEM High-Level Meeting on Building Partnerships for Promoting Gender Justice in Post-Conflict Societies, chaired by Swedish State Secretary Annika Söder (second row, centre), Stockholm, Sweden, 2005.

dedicated representative in Liberia assisting the Ministries of Justice and Gender and Development with a program for implementing this Plan of Action in the judicial sector.

2007 Advancing Gender Justice in Conflict Affected Countries Cape Town, South Africa

Organized by South Africa's first woman Minister of Justice and Constitutional Development, Brigitte Mabandla, this PJG meeting brought together ministries of justice with ministries of gender from 12 conflict-affected African countries, many ministers meeting their colleagues for the first time. The meeting focused on: joining gender and justice, strengthening regional cooperation and identifying best practices.

2008 The Role of the Judiciary in Promoting Gender Justice in Africa, Accra, Ghana

At the invitation of Ghana's first female Chief Justice, Georgina Wood, and collaborating with ILAC member organization the International Association of Women Judges, this PGJ meeting brought together members of the judiciary from 24 countries, spanning five regions across Africa, and Sri Lanka, the UK and the US to examine the issues facing women in need of accessing justice or seeking roles within the justice system. It focused on changing attitudes and biases, the single biggest challenge facing women trying to access justice.

The collaborations, learnings and synergy on gender justice continued, both internally and externally - at the national level, regionally, within the UN, within ILAC and its missions, and among ILAC members. While the path was not without obstacles, we could see the impact of gender justice was both local and far reaching. We listened more than we spoke; we did not arrive with a set agenda but worked to understand the local context,

challenges and local thoughts on how to overcome them.

As a neutral party, ILAC was often able to work around power imbalances by bringing various stakeholders to the same table, providing a seat for women to engage and lead. We were often allowed into spaces, both literal and figurative, where the UN or individual Ministers were not. One of ILAC's unique competencies was the ability to facilitate dialogue, often among key stakeholders who rarely interacted with each other: ministers of justice with ministers of gender; survivors of violence with legislators and members of the judiciary; high-level UN leadership with national stakeholders; men with women legal actors.

Some ILAC member organizations had experience working and leading on gender issues, while others did not. Like many transformative matters, it was through relationships and relationship building, information sharing, engaging with national stakeholders, national and international leaders that many were exposed to the gendered issues impacting rule of law and post-conflict reconstruction.

Member organizations opened themselves up to learning more, applying their legal expertise to gender justice, and many took that information back to their organizations and networks, while members who were leading in the gender-justice field had the opportunity to help guide ILAC's work and take forward gender-justice programs. Gender justice champions rose up, men and women, both within and outside of ILAC, generously sharing their experiences and expertise; ILAC by-laws were amended to reflect a firm commitment to applying a gender perspective in assessment missions, reports and recommendations; and, member organizations were engaged in implementing post-assessment gender justice programs. ILAC's annual general meetings, hosted by member organizations in various locations

around the world, often included meetings, receptions and seminars on gender-transformative justice and the rule of law.

The new international landscape

The international landscape for gender equality, equity and justice has changed dramatically from those early days.

More than two decades and nine additional resolutions later, women, peace, and security has become one of the main thematic pillars of the Security Council's work. And gender equality, equity and justice are integrated across not only the UN's work but reflected in regional bodies, donors, and national governments.

The Sustainable Development Goals (SDGs)⁵⁶ include gender issues throughout all of the 17 goals, including Goal 16 to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. The gender inclusiveness of the SDGs is due largely to the women rights activists and civil society members around the world that were included in the many discussions around creating the goals and targets, a major departure from the less inclusive development of the Millennium Development Goals.⁵⁷

Many of the themes, unpacked in those early UNIFEM/ILAC and Partners for Gender Justice conferences, are reflected in new partnerships and opportunities: including the Spotlight Initiative (EU and UN) - an unprecedented global effort to invest in gender equality

56. The 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet to be achieved by 2030. The 17 Sustainable Development Goals are an urgent call for action by all countries – developed and developing – in a global partnership.

57. Millennium Development Goals were a set of eight goals to be achieved by 2015 that formed a blueprint agreed to all the world's countries and all the world's leading development institutions.

as a precondition and driver for the achievement of the Sustainable Development Goals; the new Compact on Women, Peace and Security and Humanitarian Action, which proposes to reshape peace and security and humanitarian action processes to systematically include women and girls in the decisions that affect their lives; Gender Responsive Peacebuilding; United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict, created to assist national authorities in strengthening the rule of law, with the aim of ensuring criminal accountability for perpetrators of conflict-related sexual violence; UN High-level Task Force on Financing for Gender Equality; the Gender Equality Marker for how funds are allocated and spent; among others. The international courts continue to advance gender justice: first conviction of forced pregnancy⁵⁸, additional conviction on rape as a war crime.⁵⁹

A long way to go still

Gender justice has come a long way in the last more than 20 years but there is still a long way to go. We must remain vigilant against the backsliding of hard-won gains and review the new threats and challenges alongside the new opportunities around gender justice. Human rights, rule of law, and development are now more intertwined around gender equality, gender equity and gender justice. There is greater recognition of the intersectionality of discriminations people face: including race, sex, gender identity, gender orientation, religion, ethnicity, age and socio-economic status and their impact on justice.

58. In July 2020, the International Criminal Court convicted Dominic Ongwen, a former member of the Lord's Resistance Army in Uganda, of war crimes and crimes against humanity, including forced pregnancy – the first conviction at the Court for this crime.

59. In November 2020, in the Democratic Republic of the Congo, former armed group commanders Ntabo Ntaberi Sheka and Serafin Lionso were convicted of war crimes, including rape and sexual slavery, committed in North Kivu (S/2021/312, para. 30)

Our understanding of gender has expanded and along with it, our recognition that gender justice is not binary. Survivors are breaking the silence around gender-based violence, discrimination and barriers to justice. Youth leaders and activists are challenging the social norms and patriarchy that allow these discriminatory practices to continue and are playing a greater role in rebuilding their countries after conflict and humanitarian crises. There are increased calls to listen intently to survivors and local youth, women and LGBTQI+ rights groups and meaningfully include them in national policy making, planning, and legal reforms. There is heightened recognition of the colonialism and patriarchy that creep into post-conflict international aid and assistance and the need to intentionally prevent it when designing and implementing local programs. There is an urgent need for greater inclusiveness and diversity within NGOs, government and international efforts on rule of law and post-conflict reconstruction. We are also learning more about the impact of climate change, natural resources and humanitarian crises, like the COVID 19 pandemic, on rule of law and gender justice in conflict-affected countries.⁶⁰

After 20 years of barrier-breaking work on rule of law and gender justice in conflict affected countries, ILAC has a lot to celebrate. It also presents an excellent occasion to stand on that solid foundation and review where we are today: the current challenges and opportunities. We should give ourselves permission to reimagine the way forward and dream big.

Shelby Quast was ILAC USA Director-General 2002–2013.

60. ILAC has an excellent series of policy briefs on this topic.

The UN Secretary General's 2021 Report on Women and Peace and Security⁶¹

- Bi-lateral aid to fragile and conflict-affected context and countries continues to increase; however, the share of bilateral women's rights organizations and movements in fragile or conflict-affected countries remains strikingly low, only 0.4 per cent, and has been stagnant since 2010. Groups working to reduce intersecting forms of marginalization receive even less funding. National machineries for gender equality remain stunningly underfunded.
- In conflict and post-conflict countries, women hold only 18.9 per cent of parliamentary seats, compared with 25.5 per cent globally, which itself is a figure that is still too low.
- Women's representation in public administration in fragile and conflict-affected countries averages just 23 per cent, less than half of the average in all other countries.
- Women account for 21.9 per cent of ministers globally, and just 19.2 percent in conflict and post-conflict countries.
- The percentage of peace agreements with gender provision is only 28.6 percent. None of the ceasefire agreements reached between 2018 and 2020 included gender provisions.

61. https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2021_827.pdf

Reflections upon ILAC

Bill Meyer

When Mark Ellis first broached his vision to me in 1998, the idea seemed a bit Quixotic. The concept of creating an international mechanism to coordinate international rule of law efforts in post-conflict situations seemed at the same time eminently logical and practically unattainable. Sitting in my Colorado office, I did some head scratching, but decided if Mark wanted some help, why not give it a try.

The next several years were a revelation for a boy raised in small town Iowa. While I had embarked on several boots-on-the-ground missions for the American Bar Association and other groups, my experience was primarily in working with local reformers in the heady, post-Communist environment of the 1990s. Building a new international organization from the ground up, particularly one intended to work in diverse locales prone to spasmodic violence was, as they say, a bit above my pay grade.

But slowly, a plan began to coalesce, as Mark induced some folks to join the effort. Soon we were working with remarkable individuals from around the globe such as Christian Åhlund, Paul Hoddinott, and Shelby Quast, trying to create a structure to carry out the original vision. The quest involved meetings with potential allies in diverse locations ranging from Airlie House to Oberammergau to Saltsjöbaden to London. One day, four years after Mark originally contacted me, word came from Christian that the Swedish government had agreed

to fund this new outfit called the “International Legal Assistance Consortium.”

In the years since, I’ve been lucky enough to watch and participate in ILAC’s evolution into the organization that it is today. In the tripartite chain of donor-implementer-client, we always have focused on the target closest to my heart: the client. Whether it is a defense lawyer in Haiti, or a trial judge in Tunisia or Liberia, ILAC’s goal has been to help those working in their local communities to facilitate the rule of law.

On a personal level, the journey created lifelong friends among the many brilliant lawyers, judges and academics who generously contributed their talents to ILAC. Seldom is one lucky enough in life to combine professional passion with personal relationships that transcend the task at hand. To Agneta Johansson, Juan Bennazar, Elizabeth Howe, Rodger Chongwe, Alastair Cameron, Mike Enwall, Rolf Ring, Nick Stewart, Joan Winship, and our dear much-missed friend Håkan Henning— everyone who contributed to ILAC’s successes – thank you.

Bill Meyer was ILAC Chair 2011-2015.



Bill Meyer (with his wife Jane and Kimitoshi Yabuki). Temple Church AGM London 2019.

Building Bridges to Syria

Sanjeewa Liyanage

One day in 2010 my colleague, Jason Yoder, asked me whether I had heard about ILAC. Jason, US appellate counsel in Carrboro, North Carolina, was working with International Bridges to Justice (IBJ) in Geneva at that time. That was my introduction to ILAC. We at the IBJ agreed to apply for membership and I remember Jason communicating with the ILAC President Bill Meyer during IBJ's application.

Later, I would meet Bill in person at ILAC AGMs, who warmly welcomed IBJ to ILAC. Bill appreciated IBJ's mission which is early access to a competent counsel for the accused, in protecting due process rights and preventing violations within the criminal justice system. But my first meeting with ILAC staff was at Christian Åhlund's office.

Thereafter, I got to meet with key ILAC pillars, most of them eminent, larger than life legal personalities, at ILAC AGMs. I witnessed their passion and deep commitment to justice. At times I felt intimidated by their presence yet comfortable in their company, because of the humility they possessed despite decades of legal experience and seniority. Through many AGMs, I learned how ILAC was formed and evolved to be possibly the largest consortium working on legal assistance and rebuilding justice systems.

Coincidentally, ILAC and IBJ were both created around 2000. Therefore, like ILAC, IBJ is celebrating 20 years of achievements as an organization leading a global movement on early access to counsel for every woman,

man and child. There are parallels: both ILAC and IBJ were set up to fill a gap—ILAC because there was then no such consortium of like-minded organizations and individuals working on rebuilding justice systems, and IBJ because, while there were many organizations working on human rights and legal issues, no one was prioritizing early access to counsel by the accused.

A unique approach

Thus, IBJ brought to ILAC this rather unique approach with a focus on criminal defense lawyers as a key group to prevent torture and rights violations within the criminal justice system. At times I felt odd when I spoke about the role of a defense lawyer in preventing rights violations at ILAC AGMs because I felt I was the only person talking about the defense lawyer's role when discussions were around judges and prosecutors. But many ILAC seniors like Bill Meyer supported and encouraged me to share IBJ's experience.

A key turning point was when IBJ joined with ILAC to work in Syria. This was a unique opportunity to assist defense lawyers in that country. That program was a ground-breaking initiative in many ways: first, it was one of the first programs to support defense lawyers inside Syria. IBJ, through the project supported by ILAC, was able to train and support lawyers in the northwestern region of Syria. During this work we came to realization that while there were many efforts to support judges in Syria (some of whom were already outside the country), there was no concerted effort to support lawyers. IBJ finds this is often the case in other countries—many development agencies take for granted that lawyers do not need support, assuming they know the law and how to practice it. Furthermore, the role of lawyers is often only seen as seen important when assisting victims of grave crimes in post-conflict contexts. However, lawyers, especially

defense lawyers around world do need support. They need to train themselves to improve their skills: from interviewing techniques to investigation methods to trial skills. While these skills are taught systematically in legally developed countries, in many developing countries lawyers have to learn entirely by watching their seniors practicing inside and outside the court rooms.

There is an IBJ presence in Asia, Africa, the Middle East, Eastern Europe and Latin America. In Africa especially, we have country programs in four countries and projects in 17 countries. A recent project was to create a community of 100 female lawyers through convening female lawyers in ten countries with the support of Swedish Postcode Foundation.

New resource for Syrian defenders

IBJ developed the first comprehensive 169-page (English-Arabic) defender manual for Syrian lawyers. This manual was adopted by bar associations of Aleppo, Homs, and Hama as a mandatory resource for all its lawyers. Aleppo Bar Association also adopted a series of eLearning modules designed by the IBJ to improve practical skills of defense lawyers, such as on the rights of the accused, defender's rights and duties, criminal courts in Syria among several other topics.

There was then a ground-breaking IBJ Training of Trainers to a group of senior lawyers from Aleppo, Idlib, Homs, Hama, and Damascus. This important training not only was first of its kind but also an opportunity to regroup various bar associations in Syria. In the fringes of this meeting, presidents of key bar associations met to set up the Unified Bar Association of Syria. From 2018 to 2021 IBJ trained lawyers in the northwestern part of Syria who provided pro bono legal representation to 1,814 Syrians, mostly displaced people in dire situations in that region.

Lawyers trained in Syria not only provided legal representation. They also worked as a catalyst of change within the criminal justice system—they convened justice stakeholders, such as judges, prosecutors, and police through roundtable events to educate them and set up practice standards. One of such roundtables in Aleppo focused on the accused's right to remain silent. Surprisingly, many police who attended such roundtables told the lawyers they had not been aware of such principles before. Lawyers in Syria also took part in activities to educate the population about their legal rights, including the right not to be tortured, the right to counsel and the right to remain silent. The same rights were introduced and discussed in judicial roundtables to have justice and law enforcement officials agree to implement them. This was a radical and unprecedented change of role for Syrian lawyers. They took tremendous risks doing that work as their personal security was compromised at times by extremist groups. However, they continued selflessly.

IBJ's Senior Legal Advisor, Husein Bakri, told me that prior to 2011 when the conflict in Syria started, there was no rule of law in the country. The Syrian justice system had not been complying with international norms and standards. Ironically, many Syrian lawyers and judges learned of these important norms after 2011, often when most of them were already displaced. These amazing and brave groups of lawyers began implementing international standards through tribunals functioning in the middle of a civil war.

Getting in early – and staying

This brings us to an important point: often many organizations and donor agencies wait until a conflict is over to intervene in a country. In other words, there is a preference to intervene in post-conflict situations. Syrian lawyers have convinced me that very important

work can be done during the conflict. In fact, that is exactly what IBJ-trained Syrian lawyers are doing in right now.

One good example is something Yasin Hilal, former president of the Aleppo Bar Association, told me when I first met him in 2017. He told me the tragic story of his family. His whole family was killed in an aerial bomb attack. The only survivor was his youngest, a 4-year-old boy, who was displaced and could not be found. But Yasin explained the importance of criminal defense, the right to have a fair trial and, more importantly, the right of an accused to have legal representation. He told me that the person who had bombed his home and killed his family “has the right to counsel for the trial to be fair.” I was deeply touched. This example illustrates the maturity of legal professionals like Yasin as well as their commitment to uphold the rule of law in Syria. And such understanding did not exist among most lawyers in Syria prior to 2011.

ILAC brings together a unique coalition of organizations, sharing common goals and a similar approach in working towards them. Members bring their rich and unique experiences and ILAC acts as a bridge to connect them. IBJ built a bridge to connect to lawyers in Syria with the help of ILAC. This bridge is a strong one. As a result, lawyers in Syria have built bridges among themselves, such as the creation of the Unified Bar Association. Today, lawyers in Syria, especially in the northwestern region, are unified as a community. These lawyers are true agents of change within the legal system. They are not only advocating for the rule of law, they are practicing it and are also compelling prosecutors, judges and law enforcement officials to practice international norms and standards.

All of this is happening within a context of civil war, where bombs are exploding, lawyers are targeted with IEDs and where many are on the run. IBJ feels privileged

to know these legal warriors. At the time of writing, the funding for this amazing group of lawyers has run out. However, I know that they continue to help their communities in all ways possible. This reminds me of what Dr. Innocent Maja, current Dean of the Faculty of Law of University of Harare, Zimbabwe and IBJ Zimbabwe Country Director, told Zimbabwean lawyers during a defender skills training in 2009: “lack of resources is never an excuse for injustice.”

In late March this year I met with Hassan Al-Mousa, current president of Aleppo Bar Association, in Gaziantep in Turkey. He reminded me that lawyers in Syria are without resources but doing an incredible job to protect the rights of their community, but they do need sustained support of the international community. Rebuilding justice systems cannot be done within three or five-year projects—it is a long-term task, so our commitment to such efforts should also be long term. In conclusion, I thank ILAC for supporting IBJ’s work in Syria and urge the international community to continue to support the community of Syrian lawyers. Please do not abandon them.

Sanjeewa Liyanage is International Program Director of ILAC member organisation International Bridges to Justice.



Sanjeewa Liyanage with a checklist of the rights of the accused, at Syrian defense lawyer training in Gaziantep, March 2019, part of the joint IBJ-ILAC project.

ILAC Secretariat 2015. From left: Mazin Albalkhi, Quinn O'Keefe, Ismaël Benkhalifa, Per Lagerström, Rhodri Williams, Agneta Johansson, Mikael Ekman, Olof Sjögren, Hanna Johnsson.



Twenty years with ILAC: Reflections from Stockholm

Agneta Johansson

Just before ILAC was established, I was Secretary to a Parliamentary Commission with a mandate to develop and propose a new Swedish Policy for Global Development. The Commission met with a significant number of government representatives, organisations and individual experts from all parts of the world to obtain as much information, understanding and knowledge as possible.

I especially remember a very experienced and modest man from Tanzania who had been working within the field of development assistance for many years. When asked for his opinion on how development aid to his country could be improved, he answered: *“Please, don’t send us any more experts on Africa. We know Africa. We need your professional expertise in different areas. We need you to come as colleagues and share your professional knowledge with us. That is what we need.”*

When Christian Åhlund introduced me to the idea behind ILAC and asked me to become his deputy, my thoughts returned to the man from Tanzania, as that was exactly what he had asked for. Like so many of our members, I was immediately attracted to the practical approach of ILAC and the idea of colleagues supporting each other.

I have had the privilege of working with ILAC for

twenty years, the first 13–14 years as Christian’s deputy and since 2015 as ILAC Executive Director. During those twenty years, ILAC and its secretariat have passed through many stages and survived a number of challenges. During the first ten years, Christian, Annika Lindgren and I were able to run ILAC with a small and non-bureaucratic secretariat with a total focus upon our activities and projects.

When the Swedish Ministry of Foreign Affairs (MFA) handed the responsibility for ILAC to the Swedish International Development Agency (Sida), we embarked upon an extensive re-structuring of both secretariat and governance. Sida provided us with a helpful organisational consultant, but I am glad I also had Elizabeth Howe and fantastic staff members at my side during these years. It was a very good exercise, and I believe that we grew as an organisation. Nonetheless, we found ourselves spending more and more time on developing, presenting and updating internal policies, manuals, plans, strategies etc.

Fortunately, we managed to remain on our path of providing technical legal assistance, and I have so many amazing memories and stories that I could share.

One such was the “aha experience” when Tunisian judges met judges from Eastern Europe and realised their common understanding of the situation the Tunisian judges found themselves in following the end of a long-term dictatorship; and how the Tunisian judges could be supported to enable them to assert their role in a new more open and democratic society. It was a great programme, led by the International Bar Association and the Central and Eastern Europe Legal Initiative, which reached almost every sitting judge in Tunisia by the time the programme ended in 2017.

Another highlight was ILAC member and former USA judge Mike Enwall’s work in Liberia. There he acted as a mentor to judges, lawyers and prosecutors, always

professional and respectful but also very pragmatic in his down to earth manner. I recall so well another ILAC member and a British judge, Keith Raynor, interviewing Syrian lawyers and obtaining their confidence by asking informed questions about the courtroom set-up and judicial proceedings, which helped them to open up and offer insights which might otherwise have been lost.

Likewise when Bill Meyer, ILAC member and American attorney, and I met lawyers and judges in Libya just weeks after Gaddafi was killed and could invite around 30 of them to a meeting arranged by ILAC in Tunisia. For most of them it was their first time outside Libya and their undisguised joy and enthusiasm on meeting colleagues from different countries and jurisdictions are unforgettable.

We still face this challenge, to keep up with our donors' requirements and at the same time maintain and enhance our practical, flexible and collegiate approach.

I am convinced that our way of providing assistance is still in demand. We are often working with institutions, and this will continue. But when institutions are not ready or do not have the capacity to absorb technical legal assistance, or do not want to, we can continue to work with and support the human component in these institutions – our colleagues.

Agneta Johansson has been ILAC Executive Director since 2015.





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