

Proposal for discussion at the Global Futures Forum, Peace and Security theme, 20 – 21 March 2023

Title:

UN assistance to member states to improve their legal systems under the UN principles of the Rule of Law

Proposal:

The UN establish an advisory service available to member states that are low on the [World Justice Project Rule of Law Index](#) to assist them to enhance their legal systems in line with the [UN principles of the Rule of Law](#), including to ensure that *“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,”* through the adoption of *“measures to ensure adherence to the principles of supremacy of the 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.”* (UN principles on the Rule of Law).

Details:

I am representing the Institute for Cultural Diplomacy (ICD), based primarily in Berlin, Germany. The ICD aims to promote cultural diplomacy globally and, by doing so, contribute to achieving global peace by strengthening intercultural relations. See <https://www.culturaldiplomacy.org/index.php?en>.

The work of the ICD is based on five principles:

- Respect and recognition of cultural diversity and heritage
- Constant global intercultural dialogue
- Justice, equality and interdependence to all
- Protection of global human rights, and
- Global peace and stability

The ICD World Forum on Democracy & Peace recently, February 15th – 18th 2023, had its focus on "Growing Threats for Democracy Around the World". One topic concerned the role of the Rule of Law in protecting democracy. There was agreement that the Rule of Law sometimes plays a very important role. This is so, for example, when it comes to “the criminality threat” and “the dissolution threat” to democracy. We can see examples of these threats today in Haiti, Mexico, Libya, Somalia and Mali.

I and the ICD believe that vulnerable countries often need help from the outside in creating a stronger Rule of Law to protect them against such threats as those mentioned. States need

- a solid, thorough and comprehensive Constitution which is difficult to change,
- effective and well-functioning Laws on crimes, procedure, corruption etc.,
- stable and well-organized Courts, and
- diligent and efficient authorities with good resources.

Some States already today give assistance to others in building a strong Rule of Law. But much is missing. The United Nations could do a lot of good, in helping States in need of such assistance, to improve the Constitution and other Laws and to give advice on the organizing of Courts and authorities. Experts could be sent to the countries which ask for it, and their experts could be welcomed to the UN for courses, seminars, advice etc. To some extent this already exists, but the system could be much improved.

This is a simplified example of how the Rule of Law of a country can be organized:

The country has a Constitution saying 1) that the People shall decide through free elections every fourth year who will sit in Parliament, 2) that Parliament will decide by a majority vote who will be the Prime minister, 3) that the Prime minister will form the Government, which must get final acceptance by Parliament, 4) that Parliament decides on all Laws of the country based on 5) proposals by the Government, 6) that no other "laws" are valid and 7) that the Laws are valid and binding in the whole country. 8) For the Constitution to be changed, there is a need for either a 2/3 majority or two decisions by Parliament with an election in between. 9) The Courts of the country are set up according to specific rules in the Constitution, 10) must abide by the Laws and 11) must not be under any political influence. 12) A police force and a prosecutor's office are set up according to specific Laws, 13) placed in all the regions of the country and 14) given such resources that they will be able to grow much stronger if needed. 15) The Constitution and its system of Government are also protected by specific rules about a military force, 16) which is under the constitutional control of the Government and 17) given such resources that it will be able to grow much stronger if needed. 18) Laws are set up to protect, in all possible ways, the decision making of the Courts and authorities from corruption.

Countries in need, which are assisted by experts in forming such a Rule of Law, will be much better protected from being taken over by criminals or clans, or dissolved for other reasons, than countries with a weaker system.

Therefore, I and the ICD propose for the Global Futures Forum to discuss,

Better assistance for countries in creating an efficient Rule of Law.

Göran Lambertz