

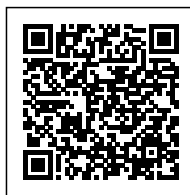
THE RULE OF LAW MOVEMENT, FRANCIS NEATE

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IBA President Francis Neate believes that the erosion of access to justice and civil rights is an urgent issue for the business and legal community.

El presidente de la IBA (International Bar Association), Francis Neate, considera que el acceso a la justicia y a los derechos civiles es de vital importancia. El Estado de Derecho parece algo reciente y frágil. Incluso en aquellos países donde en el pasado se respetaba como principio básico, éstos empiezan ahora a desestimarlos, provocando así su propia guerra, la llamada "Guerra contra el terror". Neate cree que los abogados tienen el deber de reaccionar frente a esto. Al fin y al cabo, las empresas sólo pueden prosperar allí donde se respeta el imperio de la ley, y, si no es el caso, la libertad y la democracia no pueden existir, y menos aún los abogados.

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The Rule of Law seems a very recent phenomenon and a very fragile one. Unfortunately, even those countries with a history of respect for the Rule of Law have begun to abandon its basic principles, while inventing their own war – the so-called War on Terror.

We lawyers have a duty, as well as an interest, to respond. Business can only flourish where there is adherence to the Rule of Law. Without it freedom and democracy cannot exist. Nor can lawyers.

Lawyers and judges must be able to practise their profession without interference; all citizens must have access to justice and their civil rights must be respected. Without these fundamental rights democracy cannot and will not function.

The origins of the International Bar Association's (IBA) Rule of Law Movement can be found in the Resolution passed by the governing Council a year ago. It declares concern at the erosion of the Rule of Law around the world, sets out some of the essential characteristics of the Rule of Law and calls upon all members of the IBA to support and promote its fundamental principles. The Resolution is an important document – an authoritative statement by the worldwide legal profession.

In promoting the Rule of Law Movement we hope not only to mobilise the world's legal profession into active steps to promote, support and build the Rule of Law across the world, but also to bring together into a powerful coalition all those numerous other organisations (for example governments, NGOs, foundations, international business), whose objects or interests involve the same fundamental requirement.

Initially, the Movement will have two principal themes. The first is education. We all need to understand better what the Rule of Law means and why it is so fundamentally important. We also need to understand better how to contribute effectively to building the Rule of Law in different societies, to learn from others' experiences and to support each other's efforts. To this end, the IBA will be organising a series of seminars around the world. In addition, a Task Force will be appointed to develop the Resolution and to identify more completely the essential characteristics of the Rule of Law.

The second theme is to provide mechanisms whereby those already involved in efforts to build the Rule of Law, and those who wish to become involved, can be brought together more effectively to identify, fund and carry out specific projects to strengthen the Rule of Law at the grass roots in individual countries. Local Bar Associations and individual members of the IBA are ideally positioned to contribute to this effort. Many international law firms and other legal organisations are eager to do so, and international business can also help to identify the needs.

The Rule of Law Movement will seek to channel their goodwill and expertise into concrete actions which we can only hope will ultimately help to build a better world. Over the past five years the IBA's Human Rights Institute has implemented a wide range of Rule of Law projects, however, its and others' efforts can always be supplemented.

I believe that the developed world has become complacent. We are taking the Rule of Law for granted. We cannot afford to do this. We must speak up, and we lawyers – through the IBA – must lead the way.

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