



## *The World Justice Project*

***“Rule of Law”*** refers to a rules-based system of self-government with a strong and accessible legal process. It features rules that are fair, public, understandable, and resilient and diverse, competent and independent lawyers and judges. The rule of law is the foundation for sustainable communities of opportunity and equity.

### **THE RULE OF LAW MATTERS**

We live in a world with a rule of law deficit. This shortcoming undermines efforts to ensure basic human security, fight poverty, eradicate corruption, improve public health and enhance public education. On the other hand, communities that adhere to and invest in the rule of law can minimize these problems and indeed offer sustainable economic opportunity and fair government. We all are stakeholders in advancing the rule of law.

### **WORKING TOGETHER ON THE RULE OF LAW**

#### ***International Rule of Law Symposium, November 2005***

In an effort to explore how individuals and organizations – governmental and non-governmental – can strengthen efforts to advance the rule of law around the world, the American Bar Association, together with other organizations committed to advancing the rule of law, convened an International Rule of Law Symposium in Washington, D.C. in November 2005. The Symposium witnessed a remarkable gathering of 400 leaders from 40 countries in the fields of business, government, law, public health, civil society, international development, and others.



**Supreme Court Justices Anthony Kennedy, Sandra Day O'Connor, and Stephen Breyer at ABA Int'l Rule of Law Symposium session moderated by Judge Robert Henry.**

Panelists and attendees shared their insights about the nexus between the rule of law and poverty, violence, corruption, public health, and economic opportunity. The Symposium had numerous highlights, including a panel discussion with U.S. Supreme Court Justices Sandra Day O'Connor, Stephen G. Breyer and Anthony M. Kennedy on the rule of law and the judiciary, and keynote speeches by, among others, Secretary of State Condoleezza Rice and Senator Hillary Rodham Clinton. At the Symposium's close, Philippines Chief Justice Hilario Davide's declaration that a "Rule of Law Movement" had been launched was met with a standing ovation.

## ***ABA-IBA Rule of Law Symposium: A Plan of Action, September 2006***

In March 2006, Symposium Honorary Co-Chair Justice O'Connor invited a group of leaders composed largely of November 2005 Symposium participants to attend a half-day discussion on ways to capitalize on the momentum generated by the Symposium. Among other things, the International Bar Association and the ABA agreed to jointly convene a follow-on Symposium in Chicago in September, the chief aim of which was to develop a more robust commitment on the part of the world's legal profession to advance the rule of law worldwide. That symposium led to the creation of working groups that will promulgate policy papers for adoption by national bar associations worldwide.

### **STRENGTHENING THE RULE OF LAW MOVEMENT: THE WORLD JUSTICE PROJECT**

The Rule of Law Symposia held in November 2005 and September 2006 have raised awareness of the importance of the rule of law and energized much of the core constituency for this cause. The challenge now is to expand this constituency and give it the data, tools, and other resources necessary to strengthen the rule of law. Discussions at the symposia suggested an inclusive approach to advancing the rule of law worldwide and pointed to four follow-on initiatives, including a World Justice Forum. These four initiatives comprise the near-term work of the World Justice Project (WJP).

#### **A Consultative, "Big Tent" Approach: Multidisciplinary Outreach Meetings**

In addition to leaders from business, government, the law, nongovernmental organizations and the funding community, the WJP will involve leaders from other disciplines – architecture, the clergy, education, engineering, environment, labor, media, medicine, and the military. Members of these and other disciplines are natural stakeholders in a more robust rule of law, because of the nexus between the rule of law and these groups' specific goals. The WJP will hold two multi-disciplinary outreach meetings to seek broad participation from these stakeholders. The first will be held February 28, 2007 in Washington, DC, and the second – which will have a more international focus – will be held outside of the United States in the spring.

These outreach meetings will assemble leaders from disparate disciplines and from around the world to explore ways to integrate rule of law advancement into their work. The WJP expects these meetings to begin a sustained, long-term dialogue among various disciplines on the implementation of the rule of law. (See *Multidisciplinary Conferences Concept Paper*.)

#### **The Rule of Law Index: Defining and Assessing the Rule of Law**

A universally accepted definition of "the rule of law" is needed, as is a means by which to measure adherence around the globe. Currently, although many organizations do excellent work measuring aspects of the rule of law, no organization comprehensively measures and reports on the status of the rule of law. The WJP is developing an "alpha test version" of a Rule of Law Index that will be vetted and enhanced at the two multi-disciplinary meetings and other hearings. The WJP will use these hearings to develop Version 1.0 of the Rule of Law Index by summer 2007. It will be applied in five countries, refined into a Version 2.0 and run in an additional five countries. The data gathered from Versions 1.0 and 2.0 will be used to develop Version 3.0 of the Index, which will be the subject of a plenary session at the World Justice Forum in spring 2008. (See *Rule of Law Index Concept Paper*.)

#### **Scholarship Regarding the Importance of the Rule of Law**

Although research and anecdotal evidence suggest a relationship between the rule of law and communities of opportunity and equity, there is a need for more rigorous scholarship about how and why the rule of law may be important to communities. To foster scholarly discussion of the rule of law, the WJP will convene a workshop of leading academics from different fields in summer 2007. Following the workshop, participating scholars will write academic papers on the rule of law from the perspective of their areas of expertise. These papers will be published before the World Justice Forum in spring 2008 and will be the subject of a plenary session there.

The WJP expects discussions at the Forum to develop into plans for a comprehensive, definitive study of the rule of law's relationship to achieving public benefits such as enhanced public safety, reduced poverty, decreased corruption, improved public health and greater access to education. (See *Rule of Law Research Program Concept Paper*.)

## World Justice Forum

Although the rule of law receives considerable attention in a variety of global events, there is no meeting regularly devoted to this critical subject. The ABA, working with other organizations, will convene a *World Justice Forum* in spring 2008. At the Forum, the diverse constituents of the rule of law will share perspectives, garner commitments from various organizations and policy-makers to prioritize the rule of law, and devise and implement collaborative programs to advance this cause. Thus, the Forum will serve both as an educational event and an incubator for new and enhanced programs to advance the rule of law. (See *World Justice Forum Concept Paper*.)

*For more information about the World Justice Project, please contact Claudia Dumas at [dumasc@staff.abanet.org](mailto:dumasc@staff.abanet.org) or at 202-662-1037.*

## MULTIDISCIPLINARY CONFERENCES: Concept Paper

The rule of law is the predicate for success in most fields of endeavor; it is the essential platform for creating communities of opportunity and equity. Advancing the rule of law makes more effective efforts to enhance public safety, reduce poverty, decrease corruption, improve public health and increase access to quality education, among others. For this reason, leaders from many disciplines and sectors are stakeholders in strengthening the rule of law around the world and are in a position to help advance it.

The World Justice Project (WJP) will convene two multidisciplinary conferences of leaders from diverse fields. Both conferences will include participants from around the world, but the first will be held February 28, 2007, in Washington, D.C., and will have a more domestic emphasis. The second will be held in spring 2007 outside of the United States and will focus on international leadership.

Attached as Appendix A is a draft agenda for the first conference. The conferences will explore how the rule of law is important to work in attendees' respective fields. Additionally, the WJP will ask for their feedback on a working definition of the rule of law, which is based on four principles:

1. A system of self-government subordinate to the citizenry;
2. A system based on fair, public, understandable and resilient rules (laws);
3. A robust and accessible legal process providing the framework for transactions and dispute resolution; and
4. Diverse, competent and independent lawyers and judges.

The WJP will also use the conferences as hearings to vet and enhance "alpha test" and "beta test" versions of the Rule of Law Index, and the WJP will use feedback received at the hearings to develop Version 1.0 of the index, the first version that will be applied to five countries after summer 2007.

Finally, attendees will be asked to help develop a plenary session at the World Justice Forum to be held in summer 2008 that will examine how and why the rule of law is important to the work of various disciplines and sectors and how different organizations can integrate advancing the rule of law into their activities.

*For information about the Multidisciplinary Conferences, please contact Claudia Dumas at [dumasc@staff.abanet.org](mailto:dumasc@staff.abanet.org) or at 202-662-1037.*

**DRAFT**

**AGENDA FOR  
WORLD JUSTICE PROJECT  
MULTI-DISCIPLINARY OUTREACH MEETING**

**Wednesday, February 28, 2007**

**9:00 a.m. – 5:00 p.m.**

**Ritz-Carlton**

**Salon III**

**Washington, D.C.**

- I. The World Justice Project (9:00 – 9:45 a.m.)
- Overview and Working Definition of Rule of Law (*William Neukom, 10 min.*)
  - Multidisciplinary Outreach Meetings (*Elizabeth Andersen, 5 min.*)
  - Rule of Law Index (*Claudia Dumas, 5 min.*)
  - Rule of Law Scholars Conference and Ensuing Papers (*Robert Nelson, 5 min.*)
  - World Justice Forum (*William Hubbard, 5 min.*)
- II. Why Does the Rule of Law Matter? (9:45 – 10:45 a.m.)
- Introduction: “Connecting the Dots” Between the Rule of Law and Other Disciplines’ Work (*William Neukom, 10 - 15 min.*)
  - Sectoral break out sessions
    - Architecture/Engineering
    - Clergy
    - Education
    - Environment
    - Labor
    - Media
    - Public Health
    - Military
    - Business
    - Law Firms
- Break (15 min)
- III. Report of Break-Out Groups and Multidisciplinary Discussion (11 a.m. – 12:30 p.m.)
- Moderator: Michael Posner
  - Scrivener: Karl Camillucci

## APPENDIX A

- IV. Lunch (12:30 – 1:30 p.m.)
  - Speaker: TBD
- V. Discussion of Beta Test Version of the Rule of Law Index (1:30 – 2:15)
- VI. Cross Discipline Collaboration to Advance the Rule of Law: How is This Best Done? (2:15 p.m. – 2:45 p.m.)
- VII. Identifying Potential Co-Sponsoring Organizations and Participants for International Multidisciplinary Outreach Conference (2:45– 3:15 p.m.)
- Break (15 min.)
- VIII. Remarks by Justice Anthony M. Kennedy (3:30 – 4 p.m.)
- Break (15 min.)
- IX. Wrap-up and Reporting (4:15 – 4:45 p.m.)
  - Reporteur: Steve Saltzburg

## RULE OF LAW INDEX: CONCEPT PAPER

The “rule of law” is a frequently used term which is rarely defined. Many organizations have done important work measuring aspects of the rule of law, but few attempts have been made to comprehensively measure adherence to it. Developing a definition and an assessment tool is critically important because the rule of law is the platform for communities of opportunity and equity and is essential to addressing the world’s most persistent and harmful ills. For this reason, the World Justice Project (WJP) is developing a draft Rule of Law Index (see Appendix A) which is informed by existing, more focused indices (see Appendix B).

The WJP proposes a working definition of the rule of law comprised of four universal principles:

1. A system of self-government subordinate to the citizenry;
2. A system based on fair, public, understandable and resilient rules (laws);
3. A robust and accessible legal process providing the framework for transactions and dispute resolution; and
4. Diverse, competent and independent lawyers and judges.

The Index will measure adherence to the rule of law. Preliminarily, the WJP has identified nine principle factors by which a country’s adherence can be measured (see Appendix A) and is developing more specific corresponding sub-factors.

The WJP will prepare a Rule of Law Index Report that describes its findings. The Report will also provide analysis that will guide efforts to strengthen the rule of law in the country in question.

The WJP Rule of Law Index Director will oversee the vetting and enhancement of “alpha and beta test versions” of the Index at two multidisciplinary conferences and other hearings in order to develop a public Version 1.0 by summer 2007. Version 1.0 will be applied in five countries and refined into a Version 2.0, which will be run in five additional countries. The data gathered during the application of Versions 1.0 and 2.0 will inform the development of Version 3.0, which will be the subject of a plenary session at the World Justice Forum in spring 2008. The WJP expects regularly enhanced versions of the Index to be applied in new and previously evaluated countries over time.

*For information about the Rule of Law Index, please contact Claudia Dumas at [dumasc@staff.abanet.org](mailto:dumasc@staff.abanet.org) or at 202-662-1037.*

## Appendix A

### Draft Rule of Law Index Factors

1. **Open and Accessible Self-Government:** The executive, legislative and judicial branches, and, more generally, the workings of government, are open and accessible to the general public through a free media and other channels of communication.
  
2. **Participatory Political Processes:** The public can effect change through participation in a political process, which includes regularly held, free and fair elections of government leaders, ranging from local level officials to national leaders.
  
3. **Fair, Public, Understandable, and Resilient Laws (Rules) that, among other things, guarantee:**
  - a) **Comprehensive human rights:** through legislation, effective state enforcement and an accessible justice system, the rights of individuals and groups are guaranteed in all spheres of life. Those rights include: freedom of speech, religion, association and the press.
  - b) **Comprehensive property rights:** the opportunity to hold and transfer real and personal property.
  - c) **Public Safety:** the state protects persons and property from violence and other harm committed by private or public sector actors.
  
4. **Robust and Accessible Legal Process** providing the framework for transactions and the resolution of disputes, featuring:
  - a) **An administrative law system that is procedurally and substantively fair and efficient.**
  - b) **A criminal justice system that is procedurally and substantively fair and efficient.**
  - c) **A civil justice system that is procedurally and substantively fair and efficient.**

**5. Diverse, Competent and Independent Legal Profession, which is large enough to meet the demand and which is willing and able to represent unpopular clients and causes.**

**Subfactor: Availability of quality, accessible legal education.**

**6. Diverse, Competent and Independent Judiciary, which is large enough to meet the demand and:**

- a) Resolves disputes fairly and impartially.**
- b) Provides a check on other power centers, including the executive and legislative branches, as well as private actors.**

**7. Lack of Corruption: The state effectively discourages and acts against public as well as private sector corruption.**

**8. A Legal Environment, including legislation, regulation, and a legal process, which is conducive to economic activity and investment, both foreign and domestic.**

**9. Adherence to International Law: The state conducts itself in a lawful and reasonable manner through compliance with international law and through responsible and good faith participation in rule-making and standard-setting bodies operating at a regional or international level.**