The Global Law, Justice and Development Forum: A conversation with Hassane Cisse

By Lelia Mooney

The week of November 15, 2011 brought to Washington, D.C. a large crowd of legal and development practitioners from all over the world to attend the Annual World Bank’s Law Justice and Development Week. This event was co-sponsored by the ABA Section of International Law, the George Washington University Law School among many other partners.

One of the highlights of the conference was the official launch of the *Global Forum on Law, Justice and Development*. This new initiative aims at generating innovative legal solutions to development challenges by promising to provide a dynamic international system of knowledge exchange amongst international organizations, government agencies, think tanks, universities and civil society organizations from the North and the South.

What follows is an interview with Hassane Cisse, Deputy General Counsel Knowledge and Research at the Legal Vice Presidency of the World Bank to discuss the foundation and objectives of this newly launched initiative.

LM: *Mr. Cisse what is the Global Forum on Law, Justice, and Development or the Forum?*

HC: The *Forum* is an initiative that started with the World Bank but is much broader than the World Bank. In a way, it grew out of the questions and
We started by developing a concept note by looking at what was out there. We found that there are many institutions and networks but there was not a global network devoted to dealing with issues that are the heart of the intersection of law and justice and justice and development. And we thought the development angle could be used as a platform to develop a coalition, a Forum open to many partners that would try to achieve a few things:

1. Be a mechanism for networking, interaction, exchange of information and knowledge creation on those themes that we call frontier issues on law and development and justice and development.

2. Act as a container that allows emergence of innovative legal solutions to these frontier issues on law, justice and development.

3. Be the vehicle that would allow a common and multidisciplinary network of professionals combining their wisdom (including lawyers) to solve complex challenges.

4. Help address issues of law, justice and development at the national, regional and global levels.

5. Facilitate easy access to legal developments, judicial decisions, research and data for a wide range of stakeholders.

6. Provide access to expertise and those experts working in different regions, legal developments and the lessons learned from dealing with a wide range of challenges on the ground.

LM: And is this linked to the gap you have identified?

HC: We found a great variety of initiatives out there. At the same time, we felt that what was needed was a space that could bring all these initiatives and actors together. Here at the World Bank we believe we have a small comparative advantage, which is the ability to convene multiple stakeholders around the world: countries, country institutions, or the international organizations, think tanks, universities and the like. We feel that the World Bank also is a repository of knowledge on law, justice and development issues because we have been doing these things for many years and we also have a wide network. So, we can act as the facilitator of bringing all these actors together to actually help fill that gap through a platform like the Forum.
LM: What are the operational objectives of the Forum, say for the first year?

HS: First and foremost, since we live in a network society, we would like to have the technology backbone established so people would have a direct connection and access to experts and information without the need to being physically present. Another immediate operational objective is to organize the various groups that are going to join the Forum into thematic groups. Some of the issues need to be addressed in terms of research so we can talk about policy analysis and research. Some of the issues need to be addressed in terms of conversations: conversations among experts among stakeholders that would result in something concrete. Some issues may need to be addressed through small pilot projects to test certain ideas and have something come out of it. Some issues need to be addressed through advocacy, some through dissemination of ideas, dissemination of information, training. So you have many modalities and types of initiatives and we want the different partners to take the leadership under the different thematic groups because we at the World Bank don’t have the answers to everything. We expect that the result of these interactions and joint work to be the catalyst of new and innovative ideas. Another direct outcome that I would like to see coming out of this initiative is that the global economic discourse will be influenced by what we are trying to achieve with the Forum. What do I mean by that? When I look at the global economic discourse today, it is characterized by almost a vacuum in terms of a sense of direction. I will give three examples to explain what I mean:

1. For the last two decades the so-called Washington Consensus has influenced much of economic circles and international organizations. Today, it has been put aside and nothing has actually replaced it.

2. It is very important to look at recent developments in the world. There is a huge demand to incorporate notions of justice, equity, people’s empowerment, social inclusion, transparency and accountability into policy discussions and decision making. These considerations that are a part of what the rule of law is about do not always find themselves translated into the economic prescriptions that are being put forward at the national or international level.

3. Finally, there are two very important recent developments that have shaken the world. The first one is the Arab Spring. This is a very good example of people saying “we are yearning not only growth but economic and social justice. We want transparency, accountability, social justice, legal empowerment and participation because economic growth is not enough.” And this is also happening in the developed world and that is linked to the second development that I want to discuss: the global financial crisis. The global financial crisis has given rise to new voices in the developed world saying also the same thing: “Growth is not enough. We need many other things.” It is the concept of inclusive and sustainable growth that the President of the World Bank, Mr. Zoellick has been talking about.
So if you look at that picture you tell yourself there is actually an opportunity to bring these considerations into the global economic discourse as they the foundational values of the economic prescriptions that are going to be given by experts around the world. The law in this respect, or rather the values that should be behind the law and justice, should have a more prominent place in the global economic discourse. I feel that the Forum, if successful, should be an important contribution to changing the global economic discourse.

LM: *One of the gaps that the rule of law field and community of practitioners is constantly challenged with and being reminded of is the lack of knowledge on the impact of their work. Will the Forum address this issue? How do we learn from what we are doing, how do we learn from the mistakes? How do we take those mistakes into the development of strategies and programming that are leading toward sustainable initiatives in different countries? Because today we are working in the development, conflict, post-conflict settings, it is so huge. More specifically, how will the Forum address this challenge?*

HC: I think that is an excellent question that is really at the core of one of the things that we want to do. I had mentioned earlier the concept of frontier issues in law and development and justice and development. When I say frontier issues these are not necessarily hardcore legal issues of how do you structure this particular transaction or how do you draft this law. There are structural problems here and what you just described is one of those: How do we make sure that we have impact? How do we know that we are having impact? How do we measure the impact? These are fundamental issues and as long as we do not know how to resolve them we will have an issue of credibility in this field. These are some of the types of issues thematic groups will deeply look into through a multidisciplinary approach because we do need a lot of expertise at the table to be able to deliver on something that is robust. So when a financier is ready to put money down on the rule of law program there will be a robust monitoring evaluation and impact framework that would actually accompany the investment of money into these types of activities. Everybody talks about results-based management and the like and it is part of the agenda. And I think that the rule of law community has to be able to do the same thing. To me, rule of law should no longer be something that people talk about as a great thing but not much is done about it. It has, in my view to be part of the mainstream of development thinking because it is about institutions and it is now fully expected that good strong institutions are a major building block of the development process. Therefore, this is something that will definitely be at the heart of the Forum’s work.

LM: *Who can participate? How can organizations join the Forum?*

HC: What we have done is to develop the concept note with some of the partners including University of Syracuse that is working on the technology backbone. Also, through the on-line consultation we have received very good feedback and that was followed by the in-person meeting that we had here in the Bank during the law, justice, and development week. Many institutions
felt that this was a very good idea and we would want the membership to be as broad-based as possible (national institutions, international organizations, multilaterals, civil society organizations, universities, think tanks and the like). We would like partners who would also be from the North and from the South although those concepts are being challenged, what's North what's South I don't know but for lack of a better word I will say North and South.

There will also be financial and intellectual partners and there will be a fundraising effort based on a decentralized and flexible approach to support the Forum.

LM: How do you envision the legacy of the Forum?

HC: I would like to see the Forum become a robust platform and institution with a broad base membership and that has the intellectual as well as the financial and technological means to sustain and support its own platform and agenda. For me the best example of success would be to see that a movement has been created, the partners are making it happen, the countries are finding benefit from it so they participate in it, they own it, international institutions and think tanks and all the types of institutions are finding benefit in this initiative. In the end, the best indicator of success would be that the Forum belongs to the global community of practitioners and not to the World Bank.


By Richard Field

A two-day meeting on financing for development took place at U.N. headquarters in New York on 7-8 December 2011. With opening remarks by Mr. Gary Francis Quinlan, Acting G.A. President (on behalf of the President of the U.N. General Assembly), Ms. Asha-Rose Migiro, U.N. Deputy Secretary General, H.E. Mr. Lazarous Kapambwe, President of the U.N. Economic and Social Council, and Ms. Rebecca Grynspan, Associate Administrator of the United Nations Development Programme (UNDP), the meeting was well-attended, primarily by national representatives but also by invited NGO and civil society organizations. The first day's meeting took place at the General Assembly Hall.

This meeting falls under General Assembly resolution 65/314 of 12 Sept 2011. The theme was "The Monterrey Consensus and Doha Declaration on Financing for Development: Status of Implementation and tasks ahead." The meeting included 4 plenary sessions with formal statements from over 50 ministers, high-level officials, and executive heads of major institutional meetings. It included a high-level session by the U.N. General Assembly, and the U.N. Economic and Social Council. The meeting also included an invited session by the U.N. Development Programme (UNDP).
stakeholders, as well as 3 concurrent multi-stakeholder round tables on the following themes:

Round table 1: Reform of the international monetary and financial system and its implications for development;

Round table 2: Impact of the world financial crisis on foreign direct investment, external debt and international trade;

Round table 3: Role of traditional and innovative forms of financial and technical development cooperation in leveraging development resources.

There was an additional informal dialogue on the theme "The link between financing for development and achieving the internationally agreed development goals, including the Millennium Development Goals". A number of country and intergovernmental representatives made statements, as did a limited number of civil society and business sector organizations.

A number of Side Events were parallel to the Round Tables. One Side Event, sponsored by the UN Capital Development Fund, was "Domestic Resource Mobilization in the LDCs [Least Developed Countries]: A Discussion of Innovative Finance Approaches to Advance Achievement of the MDGs [Millennium Development Goals]". This session reviewed a U.N.-sponsored LDC bank account savings program (MicroLead) and a project finance program (Local Economic Development Finance Initiative - LED-FI).

The meeting revisited debates, ongoing since 2002 and before, on financing for development. There was substantial discussion of the current world economic and financial crisis, as well as energy, food and climate change aspects of development assistance. Notable were the widespread calls to move governance of the international monetary and financial institutions over to the U.N. (endorsed by many speakers, though not speakers representing the EC, EU countries, and the U.S.), the call by the EC to impose a tax on international financial transactions and a micro tax (0.005%) on currency exchange transactions, with proceeds (estimated at US$25-34 billion/year) to support the MDGs, and the divergence of views between those stressing that states should be held to their official development assistance (ODA) commitments (0.7% of GNI) as the primary source of financing for development, and those who emphasized the shift toward other sources of funding, including "South-South" financing, expatriate worker remittances, trade, foreign direct investment and other capital investment, public-private partnerships, debt forgiveness, domestic governance reform, prevention of illicit financial flows, and technological innovation. Consideration was given to restructuring the MDGs post-2015.

An official summary of the meeting will be issued by the President of the General Assembly.

For further background, see:


Working Group IV of the UN Commission on International Trade Law (UNCITRAL) gathered in Vienna on October 10-14, 2011 for its first meeting after a lengthy hiatus, to take up the topic of electronic transferable records. Electronic transferable records, including electronic documents of title and
electronic negotiable instruments that were considered a difficult category of electronic records with novel legal issues. They were excluded from UNCITRAL's earlier effort, the United Nations Convention on the Use of Electronic Communications in International Contracts (2005) (the ABA has called for U.S. ratification of this Convention). One problem is that electronic versions of paper transferable records cannot simply be given equivalent legal effectiveness under a blanket rule, since there has to be a way to distinguish the official record from copies.

The UNCITRAL Secretariat plans to gather additional background materials, including national legislation, industry sector experiences and views, and case studies. It may also hold a meeting of experts to assist in drafting preparatory documents for the next Working Group meeting.

For further information, see:

http://www.uncitral.org/

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International Organizations Update

By Lelia Mooney


Security Council Extends Mandate for UN Force in Guinea-Bissau and Central African Republic

On December 21, 2011 the Security Council adopted a number of resolutions extending the mandates of the United Nations Disengagement Observer Force (UNDOF) and the integrated peace-building offices in Guinea-Bissau (UNIOGBIS) and the Central African Republic (BINUCA).

On October, 28, 2011 the Security Council released its first Report Cross-Cutting Report on the Rule of Law, covering a thematic issue which has been on the agenda of the Security Council since 2003. In order to gain an understanding of the relevance of the issue to the Council’s work, this report first analyses the relationship between the law and the Council. It then examines two main aspects of the Council’s relations with the rule of law. First, it gauges the degree to which it has been incorporated into the Council’s work in conflict and post-conflict situations on its agenda. As part of this analysis, it also examines the interaction of rule of law with two Council situations, the Democratic Republic of the Congo and Liberia. The second aspect is the degree to which the Council has been guided by the rule of law—taking into account the due process rights of those affected by Council measures—in the course of its resort to sanctions.

The full report is available for download in PDF.
Ban Welcomes approval of UN Budget for next two years

On December 24, 2011, the General Assembly approved a budget of $5.15 Billion for the period of 2012-2013, a move that was welcomed by Secretary General Ban Ki-moon as a collective achievement and a commitment to “do more and better with less.”

UN Women (http://www.unwomen.org/)

UN Women releases Progress of the World’s Women: In Pursuit of Justice

Progress of the World’s Women is UN Women’s biennial investigation of progress made towards a world where women live free from violence, poverty and inequality. Provocative and insightful, this series is the product of multi-year processes that bring together leading practitioners and academics to undertake thorough research and in-depth analyses. Progress of the World’s Women: In Pursuit of Justice, the latest in the series, focuses on women’s access to justice and offers fresh perspectives and approaches to ensuring women globally can access justice whether in the home, the workplace or in public life.

The full report is available for download in pdf at http://progress.unwomen.org/pdfs/EN-Report-Progress.pdf

International Labour Organization (http://www.ilo.org)

Former President of Chile Michelle Bachelet presents report on Social Protection Floor to President Dilma Rousseff of Brazil

The President of Brazil, Dilma Rousseff, received on 15 December from the Executive Director of UN Women, Michelle Bachelet, the Portuguese version of the report 'Social Protection Floor for a Fair and Inclusive Globalization'. The report calls for the implementation of a social protection floor in order to stimulate economic growth and increase social cohesion in light of the economic crisis.


International Criminal Court (http://www.icc-cpi.int/Menus/ICC)

Assembly of States Parties concludes its tenth session

On 21 December 2011, the Assembly of States Parties to the Rome Statute of the International Criminal Court (“the Assembly”) concluded its tenth session at UN Headquarters in New York...The Assembly approved, by consensus, appropriations totaling €111,000,000 with €108,800,000 for the budget and €2,200,000 to replenish the Contingency Fund. Furthermore, the Assembly approved a staffing level of 766.
The Assembly of States Parties will hold its eleventh session from 14 to 22 November 2012 in The Hague, The Netherlands.

Assembly of States Parties to the Rome Statute elects six judges

At the second meeting of its tenth session, the Assembly proceeded to elect the following six judges of the International Criminal Court:

- **CARMONA, Anthony Thomas Aquinas**  
  *Group of Latin American and Caribbean States (Trinidad and Tobago), list A, male*

- **DEFENSOR-SANTIAGO, Miriam**  
  *Group of Asia-Pacific States (Philippines), list B, female*

- **EBOE-OSUJI, Chile**  
  *Group of African States (Nigeria), list A, male*

- **FREMR, Robert**  
  *Group of Eastern European States (Czech Republic), list A, male*

- **HERRERA CARBUCCIA, Olga Venecia**  
  *Group of Latin American and Caribbean States (Dominican Republic), list A, female*

- **MORRISON, Howard**  
  *Group of Western European and Other States (United Kingdom), list A, male*

The judges were elected for a term of office of nine years that would commence on 11 March 2012. Information on the results of the 15 rounds of balloting may be found at the website of the Court under Assembly of States Parties [http://www.icc-cpi.int/menus/asp](http://www.icc-cpi.int/menus/asp).

Food and Agriculture Office ([www.fao.org](http://www.fao.org))

Book on Amazon plants puts science in the hands of people

A new FAO study released today shows how plants and fruits from Amazonian forests can be used to improve people's diets and livelihoods. The book — which is written in easy-to-grasp, accessible language — seeks to take science out of the ivory tower and put it to work on the ground, in the hands of people.

Corruption undermining land access, development

FAO and Transparency International release working paper, call for improved governance: "Unprecedented pressures on land have been created as new areas are cultivated, taken over by expanding urban centres or abandoned due to degradation, climate change and conflict," according to a paper jointly prepared by the UN Food and Agriculture Organization (FAO) and global corruption watchdog Transparency International (TI).
Joint United Nations Programme on HIV/AIDS (www.unaids.org)

World Summit of Mayors from Africa and the Diaspora focuses on HIV in urban areas

More than 250 mayors from sub-Saharan Africa and of African descent from the United States, the Caribbean and Latin America focused on strengthening the AIDS response in urban areas during an historic conference held in Dakar, Senegal from 15-19 December.

The 2011 Political Declaration on AIDS – Implications for Africa

Government, United Nations and civil society representatives gathered on the last day of ICASA 2011 to discuss how to deliver on the 2011 United Nations Political Declaration on HIV/AIDS for Africa. The Declaration, unanimously adopted at the UN High Level Meeting on AIDS in June 2011, sets forth bold new targets and calls on member states to redouble efforts to achieve universal access by 2015.

Office of the United Nations High Commissioner for Refugees (http://www.unhcr.org)

UNHCR Expresses Concern for Safety of Somali Refugees

The UN High Commissioner for Refugees, António Guterres, said that the agency was deeply concerned for the well-being and safety of Somali refugees, most of whom are women, children and the elderly. On Monday, an explosion killed one person and seriously injured two police officers at the Hagadera camp. On Tuesday, another improvised explosive device went off near the market at Ifo camp. According to the agency, there have also been threats against humanitarian agencies working in Dadaab. Since October, growing insecurity has crippled the ability of aid agencies to fully operate. The UN Refugee Agency and its partners are exploring options to allow full operations to resume.

Massive airlift launched to aid Sudanese refugees in South Sudan

JUBA, South Sudan, December 20 (UNHCR) – The UN refugee agency today launched a massive airlift from Kenya to bring urgently needed aid to around 50,000 Sudanese refugees in South Sudan.

The first of 18 flights using C-130 Hercules aircraft left Nairobi this morning carrying 12 metric tons of supplies, including plastic sheets and rolls, sleeping mats, blankets, mosquito nets, buckets, jerry cans and kitchen sets.

World Food Program (http://www.wfp.org/)

WFP Supports The Government Of The Philippines Response To Tropical Storm Washi

ROME - The United Nations World Food Programme (WFP) is providing
urgently needed food, supplies and logistics support to boost the Philippine government’s emergency response to help thousands of people whose lives have been devastated by Tropical Storm Washi, which battered Northern Mindanao over the weekend.

**WFP Warns More Than 2.5 Million Will Require Food Assistance In South Sudan**

WFP Country Director Chris Nikoi: "A gathering storm of hunger is approaching South Sudan, caused by crop failure and market disruption. Food prices have already doubled or tripled in some areas, leaving hundreds of thousands of children vulnerable to malnutrition at a key developmental stage of their young lives.”

**World Health Organization (http://www.who.int)**

Three-year study identifies key interventions to reduce maternal, newborn and child deaths

A new global consensus has been agreed on the key evidence-based interventions that will sharply reduce the 358,000 women who still die each year during pregnancy and childbirth and the 7.6 million children who die before the age of 5, according to a massive, three-year global study. The study, *Essential interventions, commodities and guidelines for reproductive, maternal, newborn and child health*, is designed to facilitate decision-making in low- and middle-income countries about how to allocate limited resources for maximum impact on the health of women and children.

**Malaria deaths are down but progress remains fragile**

Malaria mortality rates have fallen by more than 25% globally since 2000, and by 33% in the WHO African Region, according to the *World malaria report 2011*, issued today by WHO. This is the result of a significant scaling-up of malaria prevention and control measures in the last decade, including the widespread use of bed nets, better diagnostics, and a wider availability of effective medicines to treat malaria.

**Hague Conference on Private International Law (www.hcch.net)**

On 1 November 2011, Viet Nam deposited its instrument of ratification of the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption*. The Convention will enter into force for Viet Nam on 1 February 2012.

On November 15 2011, Brazil deposited its instrument of accession to the *Hague Convention of 25 October 1980 on International Access to Justice* and thus became the 26th Contracting State. The Convention will enter into force for Brazil on 1 February 2012.
UNIDROIT, International Institute for the Unification of Private Law (www.unidroit.org)

On December 1 2011, the 69th session of the General Assembly of the UNIDROIT member states took place in Rome. The summary conclusions of the conference and its proceedings have been posted at www.unidroit.org/english/documents/2011/ag69-conclusions-e.pdf