



THE CANADIAN
BAR ASSOCIATION
L'ASSOCIATION DU
BARREAU CANADIEN

INFLUENCE. LEADERSHIP. PROTECTION.

May 27, 2016

Via email: FAAE@parl.gc.ca

The Honourable Robert D. Nault, P.C., M.P.
Chair, Foreign Affairs and International Development Committee
Sixth Floor, 131 Queen Street
House of Commons
Ottawa ON K1A 0A6

Dear Mr. Nault:

RE: Countries of Focus for Canada's Bilateral Development Assistance

I am writing on behalf of the International Initiatives Committee of the Canadian Bar Association (the CBA Committee), in response to your study on the effectiveness of Canada's country of focus model for bilateral development assistance and the three sectoral themes that prioritize the work in that context.

The CBA is a national association of over 36,000 lawyers, law students, notaries and law teachers. Among our primary objectives are improvement in the law and the administration of justice, and promoting the rule of law and fair justice systems in Canada and internationally. The CBA membership embodies the unique blend of experience found in Canada's dual legal system and a rights-based approach to public policy, legislative development and access to justice.

The CBA has engaged in international development work for over 25 years. We have mobilized Canadian lawyers to share their skills and experience to strengthen the rule of law in developing countries and countries in transition, which has contributed to Canada's global leadership position on this issue.

The rule of law involves not only consistent application of rules. As defined by the Secretary General of the United Nations, it "requires that legal processes, institutions and substantive norms are consistent with human rights, including the core principles of equality under the law, accountability before the law and fairness in the protection and vindication of rights."¹

The CBA Committee seeks to contribute to strengthening the rule of law and promoting "just, peaceful, and inclusive societies" (Sustainable Development Goal 16, or SDG 16) and suggests that

¹ [Rule of Law and Human Rights](#)

the Government of Canada consider countries requiring support to meet SDG 16 targets. These may be countries in development or transition in the following conditions:

- Undergoing or planning significant policy, legal and judicial reform, including institutional reform
- Seeking support to address violence against women, children, and other vulnerable groups
- Seeking support to increase equal access to justice
- Seeking support to strengthen national institutions and enhance capacity to address corruption, bribery, and illicit financial flows
- Seeking reinforcement in relation to environmental governance and protections so as to ensure economic development is fully sustainable in the longer term.

The CBA Committee suggests that the rule of law become a priority thematic sector in partner countries as well as a cross-cutting theme in Canada's future international development assistance. The rule of law is also critical as an enabler of the other SDGs.

To achieve the proposed poverty-reduction, education, health, environmental sustainability, economic growth, innovation and equality goals in the United Nations Sustainable Development Agenda (Agenda 2030), the rule of law provides an enabling framework through:

- *Legislation* based on international law standards and informed by public engagement – that include effective and equitable regulations and implementation mechanisms;
- Capable, inclusive, responsible and transparent institutions to implement the laws;
- Accessible, fair and transparent *dispute-resolution processes* and *reliable enforcement mechanisms*; and
- An *empowered civil society* able to claim its rights to resources and services, and to demand accountability of those responsible for the implementation of the SDGs.

Canada's support to partner countries' SDG plans should include the establishment of effective legal frameworks, the strengthening of governance and legal institutions, and the empowerment of communities, including women, the poor and the marginalized.

We would welcome an opportunity to discuss with you the importance of including the rule of law as a priority theme cutting across all of Canada's international development assistance.

Yours truly,

(original letter signed by Tamra Thomson for William Louis Ryan)

William Louis (Mick) Ryan, Q.C.
Chair, CBA International Initiatives Committee