

**Keynote Address**  
**Mr. Luc Stevens, UN Resident Coordinator/UNDP Resident Representative**

**TIJ Public Forum on the Rule of Law and Sustainable Development**  
**22 February 2017**  
**Bangkok, Thailand**

Good morning.

Her Royal Highness Princess Bajrakitiyabha Mahidol,

Executive Director of the Thailand Institute of Justice, Dr. Kittipong Kittayarak

Distinguished delegates and colleagues

On behalf of the United Nations Development Programme and the United Nations Country Team in Thailand, I am honoured to share some thoughts with you about what I think is the most powerful of all the Sustainable Development Goals – Number 16 which relates to peaceful and inclusive societies, providing access to justice for all and building effective, accountable and inclusive institutions. This goal is both an end in itself and a critical element of delivering on sustainable development in all countries. It is in fact, *the* transformational Goal that ensures all others are achieved.

But I would be remiss without first congratulating Her Royal Highness on her appointment as Goodwill Ambassador for the Rule of Law in Southeast Asia for the United Nations Office on Drugs and Crime (UNODC). Her resumé in this area is widely appreciated by all of us here today. In particular, her work on the Bangkok Rules<sup>1</sup> -- which have been adopted by the UN General Assembly – has created meaningful progress in addressing gender gaps in provision of and access to justice and in expanding our appreciation of all aspects of the rule of law. Her ambassadorship will certainly galvanize support from governments, civil society, business, academia and citizens to achieve justice reform and advance the global goals on sustainable development.

Let's be clear: this term, "the rule of law," does not only refer to criminal justice. That oversimplifies the incredible significance rule of law has not only directly in our own lives, but also in the realization of the world's commitment to sustainable development.

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<sup>1</sup> Bangkok Rules or the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders

Importantly, when we speak about “the rule of law” we are expressing the principle of a mutually reinforcing relationship across rule of law, democracy and human rights. The result, to use Nobel Laureate Amartya Sen’s words, is development as freedom: it is the space of freedom created where all people, regardless of what they look like, what they believe, where they work, where they are born and who they love, can achieve their highest potential and be protected from arbitrary tyranny. This principle of the Rule of Law *is the enabler of sustainable development*. Rule of Law is about “equal protection, accountability and transparency”<sup>2</sup> *without exception*.

Indeed, this sentiment is reflected in the Political Declaration that introduces the Sustainable Development Goals. I think it is worth quoting:

“The new Agenda recognizes the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights...on effective rule of law and good governance at all levels and on transparent, effective and accountable institutions.”

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<sup>2</sup> International Development Law Organisation, “The Rule of Law and the 2030 Agenda: The road Ahead, Background Note for Interactive Debate, 23-24 November 2015.

In fact, former Secretary-General Ban Ki-moon called it “the Golden Thread” that weaves throughout the SDGs. In other words, this Golden Thread represents the “good laws and regulations that are fairly administered by transparent and accountable institutions” – accountable to the public, to us the citizens – and “that, most importantly, produce fair outcomes for all”<sup>3</sup> people, everywhere, under all conditions.

I want to also be clear on another point. In a world where democratic values have come under increasing pressure and where states fall short in meeting obligations as duty bearers of human rights, we must not be fooled when the Rule **by** Law is casually expressed as synonymous with the Rule **of** Law. Why’s the difference so important? Let me explain.

The two share superficial similarities. But those who rule **by** Law, do so not because the law is higher than oneself, but because it is convenient to do so and inconvenient not to do so. When Rule **by** Law, governments do not serve the law, but rather they use the law to govern because it is the most convenient – most

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<sup>3</sup> International Development Law Organisation, op cit.

convenient and expeditious in the SHORT RUN. This results in increasing social and political inequalities, double standards, arbitrariness, deterioration in social cohesion, and undermines the ability of societies to achieve long-lasting, sustainable development. Rule **by** Law often short changes societies on democracy and human rights, the complementary core aspects of Rule **of** Law.

Rule **of** Law remains fundamental to achieving sustainable development. And human rights and democratic governance remain two sides of the same coin that we call Rule **of** Law. Citizens, civil servants, political leaders, military, police and all those whose duty it is to protect us and keep us safe, we are all subservient to the same law, equally applied, equally interpreted, equally understood and equally transparent.

The SDGs squarely place Rule **of** Law and justice at the heart of the world's development agenda: it is no longer optional. Development cannot be sustained over the long-run – what we call sustainable in development jargon – without the instrumental role played by the confluence of rule of law, democratic governance and human rights.

It is also worth reminding ourselves that democracy, as a key aspect of the Rule of Law, should not be mistaken solely with periodic voting. It is so much more. As the UN Independent Expert on the Promotion of Democracy and Equitable International Order, Alfred de Zayas, explained: democracy means a genuine correlation between the will of the people and legislation and policies that affect them. Effective, inclusive democracy requires respect for the right to access to information and alternative information sources, freedom of opinion and expression, and meaningful public participation in decision-making, as provided for in the International Covenant on Civil and Political Rights (ICCPR). These core enabling factors of sustainable, durable, development are all framed, re-enforced, protected and fulfilled through the Rule **of** Law.

As we talk today about the challenges ahead of us in promoting the Rule of Law throughout this region, I hope that we take a few moments to ponder the concept comprehensively, acknowledging its fundamentally critical aspects of human rights and democratic governance. If we do this, we recognise the awesome power SDG 16 has, not only as an outcome unto itself, but as transformative enablers that ensure achievement across ALL the SDGs. Rule of Law, SDG 16: truly the Golden Thread that runs throughout.

At UNDP, we reflect the will of the United Nations Members States as articulated in the SDGs and countless General Assembly resolutions relating to sustainable development and democratic governance. We utilize human rights based approaches to human development and are committed to ensuring equal access to justice for all people, wherever they live, whatever nationality they have, whatever they believe, whatever political convictions they hold.

Our approaches, deeply embedded in the principles the governments of the world articulated in the SDGs, ensure that no one is left behind in national development, and national development is not used to compromise on the fundamental building blocks of long-term, sustainable and inclusive social, economic and political advancement.

In Thailand and the region, the United Nations remains committed to these fundamental principles and to the transformative impacts made possible by strengthened Rule **of** Law. The Thailand Institute of Justice plays a critical role and has long been a strong advocate for strengthening Rule of Law frameworks. And for this we and many here today are grateful.

The United Nations in Thailand looks forward to the continued leadership of Thailand and collaboration with the UN in this area under the United Nations Partnership Agreement Framework and through the implementation of the SDGs with the aim to help bring inclusive development – built on a firm foundation of the confluence of Rule of Law, human rights and democratic governance – to all people in Thailand.

Thank you very much.