

**AMERICAN BAR ASSOCIATION****ADOPTED BY THE HOUSE OF DELEGATES****February 13, 2006****RECOMMENDATION**

RESOLVED, That the American Bar Association adopts the attached Statement of Core Principles of the legal profession, adopted by the international bar presidents meeting in Paris, France, on November 19, 2005.

FURTHER RESOLVED, That the American Bar Association urges bar associations throughout the world actively to support and advance the Rule of Law.

## STATEMENT OF CORE PRINCIPLES

**Adopted by the Bar Association Presidents Meeting in Paris, France  
November 19, 2005**

*Maison du Barreau*

The legal profession throughout the world, in the interest of the public, is committed to these core principles:

- 1) An impartial, and independent, judiciary, without which there is no rule of law.
- 2) An independent legal profession, without which there is no rule of law or freedom for the people.
- 3) Access to justice for all people throughout the world, which is only possible with an independent legal profession and an impartial, and independent, judiciary.

And that, these core principles shall not yield to any emergency of the moment.

## REPORT

This American Bar Association report and recommendation urges adoption of the Statement of Core Principles of the legal profession, which was adopted unanimously by the approximately one hundred international bar presidents and leaders who met in Paris, France, November 19, 2005, and calls on bar associations throughout the world actively to support and advance the Rule of Law, in recognition of the indispensable role that the Rule of Law plays in ensuring transparent and just governments that promote stable societies and that respect the basic human, civil and legal rights of all people.

The Statement of Core Principles sets forth three fundamental principles of a justice system governed by the Rule of Law: an impartial and independent judiciary, an independent legal profession, and access to justice for all. This Statement is intended to provide a framework for collaborative efforts among bar associations throughout the world to promote the Rule of Law. More importantly, the Statement is intended to inform people of the fundamental principles to which the legal profession throughout the world is committed. The statement further asserts that these core principles should not be compromised as a matter of expediency.

As a global leader of Rule of Law issues, the ABA has consistently supported efforts to help build a cohesive and effective global movement to promote adherence to the fundamental principles associated with the Rule of Law. The principles enumerated in the Statement of Core Principles are supported by long-standing ABA policies. The ABA is also on record that it is first and foremost the responsibility of the organized bar in every nation to promote these principles and oppose any efforts to erode them. The organized bar must provide a constant reminder that society should be ruled by law, not by the passions of the mob or the whims of powerful leaders.

Regrettably, people throughout the world continue to live with corruption, poverty, and widespread human rights abuses, at the hands of authoritarian regimes and in the chaos caused by failed national governments. We all live in growing anxiety that a disease that starts in one small nation, or the terrorist who hides in one remote haven, can strike quickly and brutally at all nations. There is nothing esoteric about the rule of law. While it defines our quest to live in a world of stability, freedom and justice, it also goes to the heart of some of our greatest global challenges, such as terrorism, worldwide pandemics, corruption, and poverty.

The lawyers of the world know that the Rule of Law is the best antidote to these and other problems. A vital step for all lawyers and judges to take is to recognize that the legal professions throughout the world comprise but one legal community, and that we have the responsibility to work together to solve these problems through the establishment and maintenance of stable societies based upon the Rule of Law. The Statement of Core Principles constitutes such recognition.

The ABA has adopted a wide range of policies supporting fundamental principles associated with the Rule of Law. This recommendation does not seek to supplant, redefine or modify any of those principles. However, the ABA has not previously adopted a formal policy to encourage other bar association and legal professional organizations throughout the world formally to

assume the responsibility of actively supporting and advancing the Rule of Law. Education on the need to support the Rule of Law, both by the legal profession and by laypersons, can best be supported, encouraged, and undertaken by those involved in the legal profession.

Accordingly, the purpose of this recommendation is to place the ABA on record as strongly supporting the efforts of bar associations worldwide to promote the Rule of Law, and for them to recognize that this is not only an opportunity but also a duty. Such support is also expressed through numerous partnerships between the ABA and foreign and international bar associations. The International Bar Association has, for example, formally acknowledged the responsibility of all bar associations throughout the world to foster and further the Rule of Law. The present recommendation to the House of Delegates broadens the Association's existing role as a convener and supporter of Rule of Law initiatives by encouraging and reaching out to all bar associations, including those with which the ABA does not currently have a partnership, to promote the Rule of Law.

Since the founding of the ABA Central European and Eurasian Law Initiative (CEELI) in 1990, the Association's formal initiatives to promote the Rule of Law globally have expanded to cover more than forty countries on five continents through the ABA Asia Law Initiative, the ABA Africa Law Initiative, the ABA Latin America Law Initiative and, most recently, the ABA Iraq Initiative. These projects are making a quantifiable difference in advancing the rule of law internationally.

In addition, the ABA Section of International Law has a long and distinguished history of building relationships with the legal professions of many nations. The ABA Section of Individual Rights & Responsibilities has fostered national leaders who have taken on, among their leadership responsibilities, the duty to promote the Rule of Law, and the IR&R section has also contributed invaluable to encouraging and providing education among the legal profession and laypersons of the need to promote and support a just Rule of Law in our country. The ABA Center for Human Rights advances the ABA's advocacy of human rights observance as a key element of the Rule of Law.

The Association's important international Rule of Law initiatives today promote judicial reform and integrity, strengthen the legal profession and support legal education system, combat corruption and human trafficking, and promote gender equality, to name just a few areas. These initiatives, which are vital to the work of many ABA entities, are most effective when undertaken in partnership with foreign and international bar associations, non-governmental organizations, and other entities and individuals dedicated to advancing the Rule of Law. More important, these ABA initiatives not only help developing democracies to stabilize their legal systems to protect human rights, they also help develop and advance the economic interests of those democracies and of the United States.

In November 2005, the ABA took a major step forward in building a global rule of law movement by convening the first International Rule of Law Symposium. This symposium, organized by ABA-CEELI, provided a unique opportunity for a diverse group of stakeholders to coalesce around a shared vision of the importance of the Rule of Law. Never before had such a tremendous range of elected and appointed officials, judges, bar association leaders, non-

governmental organizations, academicians, corporate leaders, philanthropists, and others gathered to address issues related to the promotion of the Rule of Law.

The ABA Center for Rule of Law Initiatives was created in August 2005 to strengthen the Association's Rule of Law programs by marshalling resources and providing a unified ABA brand for the Association's rule of law technical assistance work. Adoption of this recommendation will encourage the ABA Center for Rule of Law Initiatives and other ABA entities working on the international stage to reach out to foreign and international bar associations to further build on the momentum created by the work of the regional councils and successful programs such as the International Rule of Law Symposium.

What happened in Paris, France, on November 19, 2005, at the meeting of close to one hundred bar presidents and leaders from around the world was extraordinary and historic: the unanimous adoption of a simply-worded Statement of Core Principles that clearly informs everyone in the world of (a) what lawyers stand for, the core principles to which the lawyers of the world are committed for the benefit of people everywhere; and (b) the recognition that the legal profession throughout the world is not fragmented, but one -- united in its unwavering commitment to those principles that protect the Rule of Law and thus freedom for all people: an independent judiciary, an independent legal profession, and access to justice for all people of the world.

It is for these reasons that I ask the House of Delegates to adopt this recommendation.

Respectfully submitted,

Michael S. Greco  
President, American Bar Association  
February 2006

GENERAL INFORMATION FORM

To Be Appended to Reports with Recommendations  
(Please refer to instructions for completing this form.)

Submitted By: Michael S. Greco, President, American Bar Association

1. Summary of Recommendation(s).

Recommends that the ABA adopt the attached Statement of Core Principles of the legal profession, adopted by the international bar presidents who met in Paris, France, November 19, 2005, and urges bar associations throughout the world to support and advance the Rule of Law.

2. Approval by Submitting Entity.

N/A

3. Has this or a similar recommendation been submitted to the House or Board previously?

The Association has several policies in support of the Rule of Law, including those relating to the independence of the judiciary and the profession, and access to justice.

4. What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?

This recommendation supports the current policies by encouraging bar associations around the world to support the Rule of Law in their communities.

5. What urgency exists which requires action at this meeting of the House?

It is important that the ABA be supportive of the Rule of Law, especially in light of activities around the world that seek to diminish the Rule of Law.

6. Status of Legislation. (If applicable.)

N/A

7. Cost to the Association. (Both direct and indirect costs.)

N/A

8. Disclosure of Interest. (If applicable.)

None.

9. Referrals.

This Report with Recommendations will be circulated to various Sections and Divisions prior to the Midyear Meeting.

10. Contact Person. (Prior to the meeting.)

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11. Contact Person. (Who will present the report to the House.)

Same

EXECUTIVE SUMMARY

## 1. Summary of the recommendation:

This recommendation urges adoption of the Statement of Core Principles of the legal profession adopted by the approximately one hundred bar association presidents and leaders who met in Paris, France, November 19, 2005, and calls on bar associations throughout the world to support and advance the Rule of Law.

## 2. Summary of the issue which the recommendation addresses:

The maintenance and expansion of the Rule of Law throughout the world holds the most promise for promoting stability, freedom and justice. The organized bar in all nations has the responsibility to promote the fundamental principles associated with the Rule of Law. The efforts of the American Bar Association and bar associations worldwide to promote the Rule of Law are most effective when undertaken in a cooperative and coordinated fashion.

## 3. Explanation of how the proposed policy position will address the issue:

The ABA has a wide range of existing substantive policies on the Rule of Law, but no affirmative statement encouraging all bar associations to promote the Rule of Law and work cooperatively to do so. This policy will broaden the Association's existing role as a convener and supporter of international Rule of Law initiatives.

## 4. Summary of minority views or opposition:

No minority or opposing views have been identified.