



**IBA** 2-27 November  
**2020**  
**VIRTUALLY TOGETHER**



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**Monday 2 November 2020**

**OPENING CEREMONY**

**International Bar Association Annual Conference**

**‘Virtually Together’**

**BAN KI-MOON**

**Deputy Chair of The Elders**

**Keynote Speech**

Dear President Bernades Neto, dear members of the International Bar Association,

Thank you for your warm introduction. It is a privilege to address the annual conference of the International Bar Association for a second time.

Last year, we met in my home city of Seoul. Today, I am still in Seoul but am addressing a global digital audience. COVID-19 has disrupted every aspect of our lives in 2020 and will continue to do so in the coming months, but I am heartened that we can be “virtually together” to discuss crucial issues of justice, equality and the rule of law.

I am speaking to you today in my capacity as Deputy Chair of The Elders, the group of former world leaders founded by Nelson Mandela to work for peace, justice and human rights.

Earlier this month, The Elders had our own virtual board meeting where we expressed our grave concern at the failure of global leadership in response to the pandemic and the inequality it has both exposed and exacerbated.

In a statement issued at the end of our meeting, we called on world leaders to “assume their responsibilities to address the long-term drivers of inequality. This includes tackling racial and gender discrimination, violence against women, the pernicious legacy of colonialism, inadequate social security nets and workers’ rights, and chronic indebtedness across the nations of the global South.”

Justice is at the heart of all these issues. Indeed, justice is on the frontlines of this pandemic. Justice actors face daunting responsibilities as they design, implement, and enforce new measures to prevent the spread of infection. Measures that heighten the risk of human

rights abuses can undermine trust, at a time when the justice system most needs to maintain the public's confidence.

Furthermore, there are serious implications of the economic downturn for common justice problems that have an economic dimension – disputes over housing and land, conflict at work, problems with debt, disputes within families, or trouble obtaining access to public services.

Most importantly, justice has a central role in building back better after the pandemic. It is time for a commitment to justice in its broadest sense – as a system that protects those who need it most, that promotes fairness in the economy, and that strengthens the bonds which bring us together as a society.

Access to justice is a key priority for The Elders in our ongoing work to fulfil the mandate bestowed on us by Nelson Mandela to “support courage where there is fear, foster agreement where there is conflict and inspire hope where there is despair”.

My esteemed colleague and fellow Elder Hina Jilani represented our group as one of the co-chairs of the Task Force on Justice in 2019, together with the governments of Sierra Leone, Argentina and The Netherlands.

In the Justice for All report released last year, this Task Force on Justice noted that 1.5 billion people had a justice problem that they could not resolve. Marginalized communities – already poorly served by justice systems – face the highest risks, as do vulnerable groups. The pandemic is widening the justice gap, with a sharp increase in the problems that many people face just as the ability of justice actors to respond is declining.

We will not be able to reduce this justice gap without significant action and reform by the legal profession. The legal profession needs to adapt, and the disruption caused by the pandemic should be harnessed and deployed as a catalyst to longer-term, progressive reforms.

One possibility is to embrace paralegals, who represent a cost-effective way of expanding legal empowerment services, particularly in resource-poor countries without large numbers of lawyers. Sierra Leone and Indonesia are two positive examples of countries that have recognised paralegals which has enabled them to expand access to justice services.

Financing for access to justice is also central to closing the justice gap. Funding for access to justice has declined by 40% in the last 4 years and the economic downturn puts even greater pressure on financing. The IBA frontline legal aid fund is an innovative example of how different actors can come together to increase funding for access to justice. The Elders were also proud to support the COVID19 Grassroots Justice Fund which launched on Nelson Mandela Day and is delivering urgent funding to grassroots actors on the frontline of the pandemic

Beyond these day-to-day challenges, we all need to recognise that COVID-19 is far more than a health crisis.

The pandemic has laid bare manifold failures, including insufficient coordination and information-sharing to contain the pandemic, inadequate economic coordination by the

G20 to protect the global economy, and insufficient financial assistance to support the global South.

There has been near-paralysis in the UN Security Council as geopolitical rivalries trump humanitarian priorities, and sustained attacks on democratic safeguards, human rights and the rule of law, sometimes under the pretext of “emergency measures”.

From the Black Lives Matter protests in the United States to the recent killing of protesters by police and security forces in Nigeria, we have seen far too many examples of disproportionate use of force, disregard for the law and impunity for those who abuse their powers.

In this regard, I am deeply concerned at the increasing attacks on lawyers around the world, sometimes from the highest levels of government. Legal professionals are being harassed, threatened or in some instances killed simply for doing their job. Attacks on lawyers undermine the rule of law. Labelling lawyers who are simply doing their jobs as “activists” is both disingenuous and dangerous.

Where lawyers are afraid to do their jobs due to fear and intimidation, the rule of law and the independence of the legal profession is weakened which weakens the very fabric of our societies.

If governments are genuine in their commitment to “build back better” from the pandemic, then they must uphold their international human rights obligations and refrain from turning lawyers into political scapegoats.

Dear friends, these are challenging and turbulent times, and the clear and principled voice of the legal profession is needed more than ever.

I would like to end my remarks by paying tribute to a particularly remarkable member of your profession, the late US Supreme Court Justice Ruth Bader Ginsburg. Her clarity and principles helped shape the rule of law in the United States for decades, and will continue to do so in the years to come.

She said: "Fight for the things that you care about, but do it in a way that will lead others to join you."

It is in this spirit of solidarity and determination that I greet you today, and I wish you a most successful and stimulating conference.

Thank you.