



## **International Definitions of the Rule of Law**

(Prepared by the Center for Teaching the Rule of Law)

### **United States Agency for International Development:**

“The Rule of Law ensures that individuals are subject to, and treated equally according to the law, and that no one is subject to arbitrary treatment by the state. A rule of law that contributes to the building of sustainable democracy is one that protects basic human rights ... It is one in which market based economic activity is enabled, and freely operates. It is one in which the processes and institutions of justice are available to all individuals ... A Democratic Rule of Law is also one in which the processes and institutions of justice work efficiently and effectively to establish justice and resolve disputes.” (From *Handbook of Democracy and Governance Programs Indicators* (1998), 19.)

### **The United Nations:**

“...a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.” ([Report of the Secretary-General: The rule of law and transitional justice in conflict and post-conflict societies](#)” (2004))

The UN definition supports a rule of law framework that includes, among other practices, the following:

A Constitution that represents the law of the land;

“[A] clear and consistent legal framework”;

“[S]trong institutions of justice, governance, security and human rights, “and “fundamental freedoms”;

Peaceful resolution of disputes;  
Efficient and effective “transitional justice processes and mechanisms”;  
A civil society that actively participates in government;  
Government officials and institutions bound by the law; and  
“[T]he rule of law and democracy are interlinked and mutually reinforcing.”

**The World Justice Project ([www.worldjusticeproject.org/what-rule-law](http://www.worldjusticeproject.org/what-rule-law)):**

The rule of law is a system of rules and rights that enables fair and functioning societies. The World Justice Project defines this system as one in which the following four universal principles are upheld:

1. The government and its officials and agents as well as individuals and private entities are accountable under the law.
2. The laws are clear, publicized, stable, and just; are applied evenly; and protect fundamental rights, including the security of persons and property.
3. The process by which the laws are enacted, administered, and enforced is accessible, fair, and efficient.
4. Justice is delivered timely by competent, ethical, and independent representatives and neutrals who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

**Peter Shivute:**

“The Rule of Law is the notion that the powers of State and government can be exercised legitimately only in accordance with the applicable laws and according to laid down procedures. Thus, the legitimacy of all organs of state and its institutions must have roots in the law. And as administrative lawyers in common law jurisdictions would say: the exercise of any power of state or government must be traceable to an applicable written law and procedure. In this regard every public office bearer and every public official is accountable for every act done that the law does not authorize, as is any private person. Doubtless, the Rule of Law as a principle is intended to be a safeguard against arbitrary and capricious governance and abuse of power, and to enforce limitations on the power of the State and all its institutions of government.” (“Address...for Sub-Saharan African Stakeholders’ Conference on the “Rule of Law,” Mombasa, Kenya, 12-16 September 2007)

**Tom Bingham:**

"The core of the existing principle is ... that all persons and authorities within the state, whether public or private, should be bound by and entitled to the benefits of laws publicly made ... and publicly administered in the courts." (*The Rule of Law* (2010), 8.)

**F. A. Hayek, *The Road to Serfdom* (1944):**

“Stripped of all technicalities, this [the rule of law] means that government in all its actions is bound by rules fixed and announced before-hand – rules which make it possible to foresee with fair certainty how the authority will use its coercive powers in given circumstances and to plan one’s individual affairs on the basis of this knowledge.” (Quoted in Brian Tamanah, *On the Rule of Law* (2009), 65-66.)