Law and Development RoL panel
DK comments

Panel on February 10th, 2005, bridge week, U of T Faculty of Law, Bennett Hall, 1.30-3.30pm, Toronto

• Full disclosure: What I will not do—
• Legal expert comments, instead as an economist
• Canadian aid effectiveness – CIDA-bound (Danielle Goldfarb)...
Law and Development: where more focus, or re-focus, is needed

1. 
   *Application* of Rule of Law – principles, even model drafting, are well understood, challenge is in the implementation, application, enforcement – why measurement, analysis and implications needs to go beyond the formality of rule of law (Dean Daniels ex. On bilateral investment treaties; Audrey Macklin on int’l treaties)

2. 
   *Informality* of rules applying in parallel – and often superseding de jure norms, rules/regs/institutions

3. *Influence* as an institution: key expression of an informal institution. Undue influence due to potentate vested interests

4. Corruption as a key institution of informality

5. State Capture: More extreme, but not uncommon, interplay between private and public sector, integrating influence and bribery/corruption: purchase laws, regs/policies, instits – MNCs role in this all (Audrey also)…

6. Redefining Judicial Independence: Economic/Financial Independence, not just political independence from the executive

7. Rethinking Legal/Judiciary Reforms: a. part of problem or solution? If problem, a-c agencies, laws, training/study tours not answer. Instead, external accountability – leg/judic ngos; ADRs, K-mkt development; treasury; Georgia: abolish the traffic police, replace judges, etc. Data for monitoring, FDI also

8. Within *Development*: enormity of Variance (as economic/statistics: rich)– there are 3 worlds: 2nd, 3rd, 4th Chile vs Spain; Chile vs Paraguay/Ecuador, let alone Zimbabwe. Templates from rich OECD may have some application in 2nd world, but not in 3rd, 4th.