

Foreword

The global Sustainable Development Goals agreed in 2015 boldly proclaim that the development aspirations of all people everywhere are intimately linked with promotion of the rule of law.

The laws of a country touch on almost all aspects of economic, social and environmental development; they regulate economic transactions and contracts, provide for legal identity, gender equality and access to justice, as well as protect natural resources, such as water, minerals and forests.

The rule of law, as a principle of governance, requires that all laws must promote equality, accountability, and fairness. In this regard, the *process* by which laws are made is determinative of their ultimate quality. National legislation must be made through transparent procedures, and be drafted so as to ensure legal certainty.

Good laws therefore depend on the abilities and capabilities of legislative drafters, who are called upon to translate policy into simple, concise and lucid Bills. Bills which have clarity as their essence make the work of Parliament easier and more effective.

Legislation passed by Parliament that is clear, comprehensive, concise, and consistent, in turn, aids the work of the judiciary and public servants. It enables private enterprises and individuals to know and understand the law. It ultimately contributes to realisation of the rule of law and the promotion of sustainable development.

For many small Commonwealth jurisdictions, legislative drafting presents a significant challenge. A small jurisdiction, with perhaps just one or two parliamentary counsel, has to produce laws across the whole range of subject matter that any larger jurisdiction would also deal with. International legal obligations and regional harmonisation initiatives, as well as the pace of developments in technology, financial services, and the sciences, have further increased the need for new and amended legislation in recent years.

The Commonwealth Secretariat has, for many years, been at the forefront of providing assistance to countries in the drafting of good laws. The placement of expert advisers through the support of the Commonwealth Fund for Technical Cooperation has assisted numerous small and developing Commonwealth countries in strengthening their legislative drafting capacity.

I warmly welcome this *Commonwealth Legislative Drafting Manual* as a landmark tool for promoting the rule of law and development. Drawing on our

shared heritage of the common law, the Manual brings together an abundance of Commonwealth experience in legislative drafting.

Alongside national drafting standards and guidelines, the Manual can act as a key knowledge tool for every Commonwealth legislative drafter. I commend its use to legislative drafting offices across the Commonwealth and salute the dedication of all involved in the preparation and promulgation of our laws. Together, I am confident that we will realise the full potential of legislation and the rule of law to contribute to our common growth and development.

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Secretary-General of the Commonwealth