

**November 29, 2005**  
**International Conference & Showcase on Judicial Reforms**  
**Manila, Philippines**

**2<sup>nd</sup> Plenary Session**  
**Theme: Improving Access to Justice**

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Ladies and gentlemen; good morning. It is a privilege for me to be able to speak at this conference and to such a prestigious group. I wish I could have been able to participate in the conference in person, but I did not want to miss the opportunity to at least share with you – by video – some thoughts regarding the topic of access to justice in the context of judicial integrity.

My remarks today will hopefully offer the opportunity to reflect on the topic of access to justice. By promoting Access to Justice, we can each play a crucial role in fighting poverty. Access to justice also increases transparency and accountability thereby strengthening the integrity of the judiciary.

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## 1. Poverty and Legal Institutions:

As you know, since the year 2000, world leaders have assumed a mutual responsibility for development and the elimination of poverty under the framework of the Millennium Development Goals (“MDGs”). The MDGs set 8 clear goals, ranging from providing universal primary education to halting the spread of HIV/AIDS, all by the target date of 2015. Chief among those goals is to reduce in half extreme poverty. The MDGs, in turn, have galvanized unprecedented efforts to meet the needs of the world’s poorest.

The World Bank has also made poverty alleviation its mission, and has identified two sides of the coin in this fight. The **first side of the coin** is growth through a strong investment climate. Evidence confirms that the pace of overall economic growth is the main factor that determines how quickly poverty declines. Simplifying business regulations, strengthening property rights, improving labor market flexibility, and increasing firms' access to finance are necessary for raising living standards and reducing poverty.

This growth, to be sustainable, has to be equitable and inclusive: in other words, Pro-Poor. This is the **second side to the coin** in fighting poverty:

equity. Effective participation involves bringing the influence of poor people into the development process, enabling them to develop their capabilities and to contribute and benefit from growth. This may range from something as basic as access to water, electricity and education. In other contexts, it may call for an emphasis on strengthening institutions that help to deliver titles that build on customary tenure systems.

Effective action in *both* areas is crucial for sustained poverty reduction, and legal institutions are vital to guaranteeing that action in both areas is effective, sustainable and equitable.

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As the World Bank affirms in its *2006 World Development Report on Equity and Development*, “legal institutions including courts play a key role in the distribution of power and rights. They also underpin the forms and functions of other institutions that deliver public services and regulate market practices. Justice Systems can provide a vehicle to mediate conflict, resolve disputes, and sustain social order.”

Strong legal institutions are thus crucial to sustained equitable development.

With respect to Courts; for example, easy contract enforcement leads to more accessible credit; this eases entry of new firms and creation of new jobs by existing firms; and court efficiency translates into economic progress.

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## **2. Access to Justice:**

Now, people's rights remain imaginary if the institutions charged with enforcing them cannot be reached. People need to have the knowledge and capacity to claim their rights. They should also be able to find a lawyer, a notary, a bailiff and a judge. And they should be able to afford their services. If not, the state should help. In reality, for many poor and vulnerable people, these things remain elusive. Because of that, they are denied the chance to take part in the fight against their own poverty. In particular, they are excluded from basic political and economic activities.

Quite often, formal institutions, such as courts, lie outside of the everyday lives of the poor and vulnerable. Courts may exist far away in the large cities; their procedures can be lengthy, complicated and expensive; and any trust in the courts is eroded by sometimes corrupt and arbitrary decisions.

There thus exist many and great obstacles for poor people to access justice and its corresponding institutions. These obstacles in turn impede directly the inclusion, participation and empowerment of the poor and vulnerable, which lie at the heart of development. **Therefore promoting access to justice is a key to fighting poverty.** Legal education and information; legal aid, advice and representation; accessible dispute resolution mechanisms, including community mediation centers, lay judges and mobile courts are all means through which inclusion, participation and empowerment of the poor and the vulnerable can be made real.

Consider, for example, the situation of many widows in Africa. These women have to cope with the recent loss of both their husband, and an income source to support and secure the future of their children. But as their most immediate threat, these women often find themselves being chased off their land, even by family members of their recently deceased husband. In

this particular case, access to justice is a matter of survival. It is about securing one's livelihood but also about fighting discrimination. What use are inheritance and land laws, in these situations, if there is no way to enforce them effectively? Indeed, the law and its institutions are of cold comfort if there is no way of accessing them.

Land, Discrimination, Corruption are key topics.

**Land** is a key asset for poor people. Owning it provides a means of livelihood to many, facilitates access to credit markets, has an insurance value, determines influence in local affairs, permits participation in social networks, and influences household dynamics. At the same time, it can also represent one of the biggest sources of frustration and legal dispute for many poor people. Yet many land holders may face a basic lack of access to justice. They may not be able to secure title to their land, use their land as collateral in transactions, and inherit in a smooth and predictable way, and so on. A lack of access to justice in these cases means that a crucial gap arises between, on the one hand, the importance that land plays in the lives of poor people and, on the other hand, the ability for them to use the law to

reap the benefits of their land and to seek protection when that key asset is threatened or in dispute.

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**Discrimination** also means that whole groups find themselves excluded from economic and political life. Too often, laws or their application only serve a narrow elite group in society – denying the benefits of growth to the majority. “When power is in the hands of a narrow elite, the rights of most citizens are unstable.” The absence of laws can also reinforce unequal power relations such as in the case of domestic violence, which is often relegated to the non-legal private realm. Yet **equality before the law** is the most fundamental precept of a strong and equitable justice system. Access to justice can thus serve as a crucial tool for breaking down these obstacles, by challenging discriminatory laws and practices. Framed in this light, access to justice becomes both an essential means to achieving equality before the law, and a clear sign that this equality actually exists.

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We also cannot ignore **Corruption** in this picture. Even where poor and vulnerable groups are able to access the justice system, they may again find themselves excluded by corrupt practices. Too often, citizens will abandon any hope of enforcing their rights through the justice system because, at every step – from the initial filing of a complaint with the police or the court, to the rendering of judgment – they discover that the speed and success of their case will actually be determined by payments of small bribes and considerations of patronage. Empirical evidence shows that the impact of these obstacles is felt much more drastically by the poor. Corruption merely serves to compound the already high costs that often exist, and exclude the poor from accessing the formal justice system. Corruption erodes any trust that the poor and vulnerable have in the justice system. The most crucial outcome is that the poor and vulnerable are deprived of their rights.

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In sum, access to justice is vital to fighting poverty because “ensuring equality before the law and securing both personal and property rights for a

broad section of the community give individuals the incentive and the opportunity to take part in economic and political life.”

### **3. The Role of Courts in Enhancing Access to Justice:**

What then is the role of courts and in particular of Chief Justices in fighting poverty and ensuring Access to Justice?

You are privileged to be a moral voice to judges and the whole legal system. You set the tone for everyone else. Of course financial resources are always insufficient but access to justice is not only a matter of funding but also a matter of perspective and priorities. In the most austere environments you still have a unique ability and endless opportunities to shape policies and ensure that they reflect commitment to access to justice. You can send a strong and clear message: the poor and vulnerable are not to be denied the fundamental protections of the law under your watches.

You can act as catalysts for the needed changes. Decision makers and lawyers look up to you and listen to you. Legal reforms give the poor the opportunity to assert their individual and property rights; improved access to

justice empowers the poor to enforce those rights. I praise your meaningful reform in your justice systems and I encourage you to bring the same energy and commitment to the issue of access to justice. This may mean placing more emphasis on understanding the legal needs of the poor and addressing barriers to justice. New legislation, subsidized legal services, alternative dispute resolution, citizen education programs, court fee waivers and information technology, are means to improve access. So are mobile courts, such as the justice on wheels program in the Philippines.

You play a pivotal role in securing integrity of the legal system and fighting corruption -- the most corrosive barrier to justice. It is unacceptable for justice to be denied, simply because of the improper motivations of court officials and the failure to hold them accountable. At a minimum, by taking a strong stance and action against corruption within your justice systems, you will be sending an equally strong message to other institutions in your countries about the most basic steps both to efficiency and effectiveness of your courts but also to fighting poverty.

#### **4. The World Bank & Access to Justice**

The Bank has been a long time advocate of legal and judicial reforms and has provided support to many of your countries for building a well performing and independent judiciary. There is a large number of countries where the Bank has directly supported the justice sector through loans or grants.

Traditionally, the Bank has focused on commercial justice, which has perhaps the most direct link to the investment climate and growth and subsequently to poverty. Increasingly, however, the Bank has taken a pro-poor lens in its assistance and has focused more and more on securing access to justice for the poor and vulnerable. The unequal situation and discrimination of women and indigenous peoples in many regions has become our target. The cost of justice, its proximity but also cultural prejudices have been at center of the projects. A lot, however, remains to be done, to bring justice closer to the poor.

These days, the Bank is at the brink of taking its comprehensive approach to justice reform to the next level, through the recognition of the significance of criminal justice and informal legal institutions. The Bank has recognized that security and safety are the biggest concern of the poor and therefore functioning criminal justice is critical for development. The bank has come to recognize the significance and power of informal legal institutions, which reflect local cultures, in people's lives.

To conclude, the Bank, and our other multilateral and bi-lateral partners are all engaged in the same mission: fighting poverty. I encourage you each to rise to the challenge to make judiciaries a vital partner in the reduction of poverty. Take the lead and act urgently. We look forward to joining you, in confronting the most critical issue of promoting access to justice.

Thank you very much.