

# **Judicial Reform for Improving Governance in Turkey**

## **Concluding Remarks**

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### **Introduction**

Good afternoon.

It is truly a pleasure to offer my concluding remarks for the final session of , the Program: Judicial Reform for Improving Governance in Turkey. This important program has offered a unique opportunity for all participants, including those from the World Bank, to reflect upon how we can better advance the process of judicial reform in Turkey. Through a six step integrated and participatory process, this Program has been enriched by the contributions of a broad spectrum of judicial reform specialists, practitioners, and representatives. I am extremely pleased by the commitment and high level of participation that you all have made during these past few months, and would particularly like to recognize the efforts of the Minister of Justice, Mr. Cemil Cicek, Bilgi University of Istanbul and the many outstanding institutions that have participated in the program. You have succeeded in contributing to a better understanding of the issues involved in judicial reform in Turkey by establishing very realistic and valuable goals towards the improvement of the Judicial system.

If you permit me to draw one overall conclusion from this program it would be that while no judicial system is perfect, it can also be said that no assistance or development program has been fully successful in assisting client countries, to successfully implement all of their judicial reform goals. The Bank recognizes the crucial importance of each country's own initiative and leadership in the area of legal and institutional reform; and we were pleased to be able to support this program.

To further strengthen the Bank's ability to serve all our client countries, we are also renewing our efforts in the area of justice reform. The Bank has accumulated substantial substantive experience in this field, but our practical approach to judicial reform has been fragmented. As a result, in June, we launched the Legal Modernization Initiative (LMI) which will prepare an integrated Bank-wide action plan for judicial reform. To accomplish this task, a Steering Committee including Bank Vice-Presidents will oversee a stocktaking process to identify our most successful efforts and to finalize draft action plans. By identifying our strengths and improving our delivery of services, I believe the Bank can be more effective in our judicial reform work in Turkey and in all our client countries.

## **Program Modules**

There are four essential dimensions for the process of judicial reform. These are: institutions, the legal system, enforcement and social commitment. Following a review of the various module summaries, it is my view that not only were you successful reflecting upon these four elements, but you also succeeded in developing concrete and practical follow-up activities to improve the process of judicial reform.

Let me reflect for a moment on what we have learned during this Program:

In **Module 1**, we examined the Principle Problems of the Judiciary establishing basic definitions, agreed on essential principles and also reviewed case load management, the practice of calling experts, and judicial personnel policy. In doing so, we emphasized the importance of establishing case load management and court administration systems and the need to review the expert system to enable a more effective and efficient judiciary in Turkey.

In **Module 2**, we discussed Ethical Standards, their Enforcement for Judges and the Legal Professionals and Accountability of the Judiciary. It is clear that public participation in the legislative process can strengthen the rule of law.

In **Module 3**, we reflected on the crucial role of Appointment, Promotion, Discipline and Removal of Judges and the complex nature of independence and accountability.

In my view, judicial independence serves two important functions. The first is to limit government power, and the second is to protect the rights of individuals. When a judiciary is truly independent, then its decisions are respected and enforced and the institution is less subject to political influence. However, judicial independence must be balanced by accountability of the judiciary and the obligation to carry out its duties while following the highest ethical standards. Judicial corruption ultimately destroys judicial independence.

In **Module 4**, we focused on European Union Accession in relation to access to justice and continuing legal education. These two topics are not only important for Turkey, but also for many countries interested in increasing the willingness and ability of the public to access and be served by the justice system. We examined the structural and substantive reforms required to improve access, and we identified the institutional processes which contribute to sustained access for all in society particularly the disadvantaged and vulnerable populations.

In **Module 5**, we discussed access to justice in relation to alternative dispute resolution (ADR) given that such services also improve the ability of a legal system to offer and deliver justice. This can mean increasing access to existing services, reducing the case load for the courts, expanding access to facilitate or encourage the use of dispute resolution mechanisms for vulnerable and non-traditional users; and it can mean creating new legal standing to advance the interests of classes of individuals.

In *Module 6*, today we reviewed our discussions, noted points of fundamental agreement, and received your Action Plans which will become a useful guide for follow-up activities. Among the conclusions we reached were the important link between judicial reform and economic and social development, the crucial role of long-term vision and commitment, the importance of judicial independence and a judicial career, and the need for improved access to justice particularly by the most vulnerable. The results of your fruitful discussions during these past few weeks and your Action Plans provide extremely useful input to our continued work to advance the process of judicial reform in Turkey.

Permit me to again express my appreciation and gratitude to all of you for your extremely successful and valuable efforts over these past few months. I am confident that your work will contribute greatly to the development of judiciary, and in doing so, make a lasting contribution to good governance, economic growth, and social fairness in Turkey.

Thank you very much.