

# **Judicial Reform in Latin America and the Caribbean**

## **Improving Governance through the Sector Justice**

**April 15, 2004 - 2:00 to 2:30 p.m.**

**MC C2-Studio 1 (MC-C2-115)**

### **Opening Address: ROBERTO DAÑINO**

Good afternoon. It is truly a great pleasure to be able to participate in the inauguration of this program. I do so with a special interest given that I believe that this program offers all of us an opportunity to reflect upon how we can better advance the process of judicial reform given its importance for both the governance of our countries and for their economic growth with social fairness.

We are all conscious of the complexity of this effort, and also know that this is a long term process during which today's actions or omissions may take several generations to materialize. We also know that lasting solutions must actively involve a multiplicity of actors with dissimilar interests and needs: civil society, the private sector, non-governmental organizations, professional associations, academia, the executive branch, the legislature and, naturally, a country's own judges and judicial sector employees, but – above all – society as a whole. Lastly, we know that this topic is also one which is a relatively new area of work for multilateral development organizations such as World Bank.

In spite of the complexity of this effort, however, no one doubts the crucial importance of the judicial system as an essential component of the rule of law, governance and development. We are fully conscious of the complex reality which faces the Justice sector in our region's countries; but we also aware of its fundamental role as a powerful social actor that protects the rule of law, ensures the protection of human rights, and efficiently fulfills a State's public and public obligations.

For this reason, since assuming my position a few months ago, I have promoted an internal reflective process between different Bank departments in order to formulate an integrated Bank strategy and address the diverse approaches to legal and judicial reform. The World Bank has led 1,300 such efforts in this field as part of its regular loan operations. Additionally, we have approximately 30 loans dedicated exclusively to judicial reform. It is for us, then, a good moment to evaluate, with sincerity, the accumulated experience, our successes and our failures, in order to better face the pending challenges in the most effective way. In this context, this joint reflective exercise we initiate with you today is a most valuable component of this process. At this time, permit me to share with you some initial observations with respect to the experience of our institution:

First, it is my impression that the Bank has addressed judicial reform in a fragmented way. This is due in part to the multidisciplinary and multi-sector nature of the subject matter. Thus, different Bank departments have provided support and assistance in this subject area, but have done so with a myopic and, therefore, limited effect. As a result, we must design an integrated Bank strategy.

Second, we must begin to evaluate our successes and our failures. I recognize that it is very difficult to measure the progress achieved in judicial reform projects given that it is not easy to measure their qualitative results. I also recognize that many of these initiatives are long-term in nature and that their results are not immediately apparent to the different actors involved. Nevertheless, we must do our best to evaluate these efforts in the most complete and sincere manner possible.

Lastly, although the subject of judicial reform generally receives political support from the highest political levels of our member countries, as it also does within the Bank, this support has not always been given the same priority when it comes to the allocation of economic resources or to the required concrete, daily actions of the diverse actors involved.

I trust then that the conclusions gathered over the next few weeks will allow us to formulate a more precise assessment of our respective experiences and also to formulate more successful courses of action. In this context, permit me to suggest that our discussions focus, at least, on four dimensions which, for me, are essential for process of judicial reform:

- First, institutions. It is obvious that we need strong, reliable and independent institutions, staffed by trained professionals, to effectively support the administration of justice through the transparent application of the law.
- Second, the legal system. It is essential to have a modern legal structure which is transparent and reflective of social conditions to ensure that justice sector institutions can fulfill their mandate in an efficient and effective way.
- Third, "enforcement". This means the capacity of institutions to effectively implement the legal framework. This is achieved by the practical and effective application of the law, by means of dynamic, equitable and transparent legal institutions which apply the law in a just and transparent way based upon a solid legal foundation. In this sense, I speak not only of judges, but also of public prosecutors, the police, and other actors.
- The fourth essential dimension of an efficient judicial reform is, for me, the level of societal commitment- as a whole- to the process. None of the previous elements is sustainable over time without the commitment and active participation of society. For this reason, it is essential to have regular ties and a consistent dialogue between all actors involved: government, legislators, the judiciary, political parties, and civil society.

Through the reflective process we have begun today, I hope that we can initiate a sincere dialog which will allow us to develop a mutual understanding and enrich our respective experiences. In this manner, I hope that the Bank can improve its programs and, in so doing, better support the judicial reform initiatives of each of our countries. To achieve this, I hope that this process also allows us to respond in a concrete manner to specific and basic questions: What have been the principal limitations to achieving success in judicial reform efforts; What concrete actions could be taken to obtain more successful processes; and, How could the World Bank more closely collaborate with you and your communities to support that process?

In conclusion, permit me to express to you my admiration, and respect, for the very important daily task for which you are responsible. Permit me also to wish you great success during this exercise which, I hope, will contribute to creating judicial systems better able to contribute to good governance, economic growth and the social fairness.

Thank you very much.