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**Conference on Judicial Administration Modernization in the Arab States
Marrakech March 15-17, 2002**

Gracious Hosts, Excellencies, Distinguished Participants, Ladies and Gentlemen:

It gives me great pleasure to welcome all of you here today on behalf of UNDP. My warm thanks go to H.E. Dr. Omar Azziman, Minister of Justice, for taking the initiative to call for this conference. We are all indebted to you, Your Excellency, for convening the first regional conference on modernizing the judiciary in the Arab states. Let me also recognize and thank the distinguished speakers at this event. Your contributions will greatly enrich our discussion.

This conference has been organized in partnership with the World Bank's Legal Department and it provides a fine example of cooperation between international agencies. It gives us, for the first time, a platform to share crucial information about ongoing efforts to reform and modernize the judiciaries of the Arab world. It offers a forum for policy-makers to learn about ongoing judicial reform projects. And it represents an opportunity to generate practical recommendations to improve the performance of Arab justice systems. It is my hope that this conference will also lay the foundations of future regional collaboration in this field and encourage the articulation of development needs in the judicial sector.

UNDP in the Arab States

Before talking about judicial institutions and how UNDP sees their importance in our region, I would like to take a few minutes to briefly talk about UNDP's presence in the Arab world. UNDP has offices in 17 countries in this region managed by the Bureau that I oversee. We work directly through country offices to provide development assistance based on the needs of each Arab country. We also have a *regional* programme for the Arab States, which focuses on activities of an inter-country nature. Indeed, our support

to this conference has been organized through one of our regional initiatives -- the Programme on Governance in the Arab Region or “POGAR” as it has become known.

As you might know, UNDP’s development philosophy and mandate are based on helping countries to achieve what we call human development. This can be a difficult concept to explain, because it is not simply a matter of quantifiable economic growth. To quote from an early Human Development Report: “HD is development that not only generates economic growth but distributes its benefits equitably, that regenerates the environment rather than destroys it, that empowers people rather than marginalizes them. It gives priority to the poor, enlarging their choices and opportunities and providing for their participation in decisions affecting their lives”. In other words, human development is a holistic approach to human well being that is based on enhancing people’s capabilities, choices and scope to exercise their basic rights.

To meet this goal, UNDP programmes in the region target a broad range of development needs in collaboration with local, international, and UN partners. UNDP also makes important contributions to public debate about development in the region. You may be aware that National Human Development Reports have become an enduring feature of many Arab countries, and have had a significant impact on the development debate in the region. Encouraged by this demand, we have moved to produce the first regional Arab Human Development Report, which we will launch in May this year. We hope this Report will help to create an Arab identity of understanding and response around some of the most pressing development issues facing the region. We expect its comparative analyses of performance to generate a vigorous policy discussion.

Human Development and Governance

In my remarks, I will try to place our deliberations in the substantive context of the relationship between governance and human development. I will consider, in particular, two aspects of governance that are central to the agenda here, namely the rule of law and judicial reform. I will next look at features of the regional context that represent challenges for all of us; and I will share with you the main elements of the UNDP strategy in support of justice sector reform.

Human development and governance are closely interrelated and both take on great importance in the context of globalization. Towards the end of this century, social and economic development in the region began to undergo several changes as a result of increased globalization, changes that have opened up tremendous opportunities and challenges for integration within the global economy. Some of these challenges have emanated from legal systems that are not ready to cope efficiently with the onslaught of globalization. Indeed, this is one of the main reasons why the efficient and appropriate functioning of the judicial system, within the framework of legal structures, is becoming a high priority development issue.

In recent years, the UNDP Arab States Bureau has focused on enhancing governance through capacity building, public participation, and modern legal frameworks. Projects have emphasized accountable public administration, participation in decision-making, transparent governments, and more efficient institutions. The underlying rationale of this approach is that people directly benefit from improved public administration by gaining greater control over their own lives and by receiving quality public services. This greater say in decisions that affect them and these services are concrete expressions of what human development is about: greater voice for people; more accountability towards them and better public support to nurture their capabilities.

The Rule of Law

One major component of this governance focus is improving the rule of law. The motivation for judicial reform is to ensure that there are effective legal and judicial institutions which apply and interpret laws fairly and efficiently, have predictable outcomes, provide accessible courts regardless of income level, are efficient in processing cases and supply remedies and mechanisms for enforcing judgments.

Why is this important from a development perspective? It is widely believed that well-functioning legal institutions and a government bound by the rule of law are important for economic and human development and the fight against poverty. Not only is the rule of law associated with better overall economic performance; it is believed to foster an atmosphere for greater employment opportunity. Stable societies with effective legal and institutional frameworks generate growth and attract capital, which in turn can create

more social options under the right policies. Moreover well-functioning legal institutions empower poor people by providing fair and efficient remedies.

All this goes to show that the existence of the rule of law is both a means to achieving development objectives and an end in itself. Indeed, that is why development agencies and practitioners, together with policy-makers and judicial sector officials, have embarked on legal and judicial reform projects.

Judicial and legal reform

Judicial and legal reform projects incorporate many goals, strategies and activities. They may focus on increasing efficiency in the courts, improving access to justice, improving the legal and judicial professions, or a combination thereof. Strategies commonly include promoting the independence of the judiciary, encouraging the legislature to adopt fairer laws, strengthening the judicial and legal professions, improving access to justice, and reforming institutions through human resource management and automation.

Based on early experience with the law and development movement, many development agencies have learned to be careful in crafting legal and judicial reform projects. They have found that projects should be demand-driven and accompanied by political support. They should not emphasize merely increasing the number of judges, courts, buildings and computers at the expense of more fundamental changes. They should rather approach judicial reform in a comprehensive manner, incorporating evaluation mechanisms.

More people now understand that judicial reform – which is the specific subject of this conference -- is not the same as law reform, which focuses on legislative drafting. Yet judicial reform is still a very broad area. In some contexts, it involves building new judicial structures, or reorganizing existing structures. In other cases, the focus is on modernizing and streamlining existing processes to improve efficiency. Judicial reform projects focus on a range of activities such as judicial training, case-management and automation and subsequent sessions of this conference will look at such matters in detail.

The Regional Context

Let me now make a few remarks about the regional context for judicial reform projects. Although legal systems reflect different histories and structures, they exhibit many similarities in court structure, judicial organization, administrative support for the courts, judicial training, and so on. Most Arab countries have a professional and respected judicial corps, and established legal procedures for resolving a wide range of disputes. Several countries have also embarked on ambitious reform programmes to make their judicial systems more independent, efficient, and accessible to the public.

However, there are some common challenges across the region that I will mention briefly. ***First is the inefficient administration of justice, a challenge in most developing countries.*** Caseload delay is one of the biggest obstacles to efficient administration of justice, as is the way that judges are frequently obliged to spend too much time on administrative rather than adjudicative functions. In addition, administrative support for the courts is often inadequate. All-too-often, clerks, experts, process servers, and other key personnel are overworked and underpaid. Justice delayed is justice denied. This we have to correct.

Second is the lack of judicial independence. Although there has been quite a bit of academic dialogue on the subject of judicial independence, judiciaries in the region are generally not perceived to be independent. High profile cases contribute to the perception that the judiciary is a tool of the executive branch.

Third is the quality of judicial and legal training. In many countries, judicial training academies complain that they are forced to focus on what should have been covered in law school. As a result, other forms of training such as education of non-judicial personnel, practical rather than academic training, research, and continuing education have been slighted. Most Arab countries have made some efforts in these areas, but current judicial training academies often find that they cannot carry out all the tasks demanded of them without new resources.

This is evidently an area where regional cooperation and combined funding among judicial training academies could be especially helpful.

Fourth is the lack of information sharing in judicial affairs. Some countries have begun to make more information available online. Morocco, Kuwait, Dubai and Palestine might be seen as models in this regard. For example, the Moroccan Ministry of Justice has an informative web site; while the Palestinians have put their Official Gazette on line. Kuwait has an integrated system of information, and Dubai has created software for court proceedings. But this is only the beginning of efforts to build transparency and share information, which must continue.

On the regional level, Arab judiciaries are beginning to cooperate more. In 1983, the Riyadh Agreement for judicial cooperation instituted a formal level of judicial cooperation, and the various constitutional courts in the region established a body to share information. Yet these efforts have yet to mature, especially in areas in which great progress needs to be made such as information technology or in international commercial law.

UNDP Strategy: Access to Justice

Turning now to UNDP's strategy, the key thrust of our support to judicial reform is improved access to justice. Such access is considered a basic human right and is a practical means to reduce poverty by fostering economic and social equity.

Access to justice implies efficient administration of justice; an independent judiciary; a respected and professional judicial and legal sector; and transparency in judicial processes. Access to justice also requires paying special attention to the role of NGOs in justice sector reform; increasing judges' and lawyers' access to legal and judicial information; and increasing public access to information about legal systems.

In order to promote improved access to justice the UNDP has organized its interventions into six groups of initiatives.

We are working to incorporate NGOs into the justice sector reform programmes.

Besides exercising the government's authority to solve social disputes, justice systems also meet the government's responsibility to provide fair, efficient and impartial justice for the use of the public. Hence the potential and current users of the justice system should be treated as active players in any justice sector reform programme, particularly those programmes promoting access to justice. The participants should include, but not be limited to, human rights organizations, private sector associations, the media, universities and think-tanks. They should be invited to participate in the work from the onset of the reform programmes. Social participation also generates confidence and tends to reduce judicial corruption.

We seek to increase the legal and judicial information available for judges, lawyers, prosecutors and public defenders. Effective access to justice requires that laws and judicial decisions be written in clear language easily understood by the public and by institutional officers and judges. Legal information should be disseminated widely among the legal community so the operators of the justice system know what the rules are and what the national and international jurisprudential thinking is –particularly related to complex or controversial problems such as human rights, environment and energy, biogenetics, public safety, and economic globalization.

We also promote the freer flow of legal information for the general public. The vast majority of the population in developing countries does not know its rights and/or does not know how to exercise those rights. This limits the effective participation of people in the life of their society. An effective mechanism in reducing poverty is to provide people with an understanding of how the legal system functions so they can use it to their benefit when the law supports their interests. Fortunately, public awareness campaigns have proven to be very effective in teaching people their rights.

We support strengthening the national public defense system and increasing the quality and quantity of legal aid for the poor, women, children and adolescents, senior citizens,

the indigenous population and prison inmates. Good legal counsel is expensive and in many cases not even accessible to vulnerable groups. The result is negative both for the members of vulnerable groups and for the larger society. For instance, because they have access only to non-qualified or indifferent legal counsel, poor criminal defendants are exposed to excessively long sentences and to long periods awaiting trials. In addition to the harm to such individuals and their families, the growing unproductive inmate population negatively affects society at large, as does the rising cost of building new prisons and providing health, training and food services for more inmates than would otherwise be necessary.

We encourage alternative dispute resolution techniques (“ADR”), mainly in the application of business, family and criminal law. Demographic growth, technological development and the expansion of the market, in addition to bringing economic development, tend to increase social conflict and to foster more groups with recourse to the law. This increases the demand for legal services but does not ensure an increase in the supply, thus often producing huge court delays and unmanageable court workloads. To meet this situation, we support justice sector reform programmes that complement activities to strengthen the institutional capacity of the formal justice system with activities that promote alternative mechanisms to resolve social disputes. These mechanisms include non-judicial conciliation, arbitration, and mediation as well as the removal of some cases from review by the formal justice institutions.

And we collaborate to help reduce institutional and cultural barriers. The cult of legal formality and the bureaucratic attitude of many public servants in the justice sector have made justice institutions such as the police, the courts, and the public registries unfriendly to the user. Our experience is that simplifying legal procedures and training justice sector personnel to deal appropriately with users and the media are effective in halting the decline of public confidence in justice institutions.

Let me close by thanking you for allowing me to share with you these remarks about the challenge of judicial reform in the region, the role that UNDP seeks to play and, above

all, the importance of this conference. I extend my deep gratitude to the leadership of Morocco and the organizers of this event for stimulating this vital dialogue and for helping us to expand and unite your efforts for the sake of achieving human development in this region.