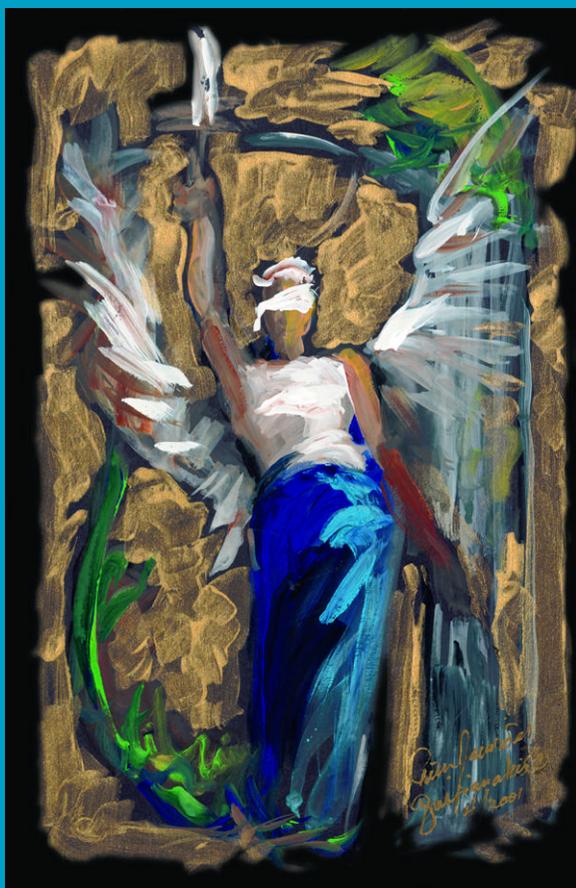




Legal Vice Presidency  
The World Bank

# Initiatives in Legal and Judicial Reform



2004 Edition

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in Legal and Judicial Reform**

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# Initiatives in Legal and Judicial Reform

## Introduction

The last decade has witnessed an increased emphasis on legal and judicial reform by the World Bank and its partners in the development community. Such emphasis grew out of a realization that, in order to achieve sustainable development, the development process must be comprehensive, and that legal and judicial reforms are critical components of that process.<sup>1</sup> Indeed, legal and judicial reform is one of the main pillars of the Comprehensive Development Framework that World Bank President, James D. Wolfensohn, proposed. This comprehensive approach encompasses the Bank's mission of fighting poverty for lasting results. Poverty cannot be fought and gains cannot be sustained without effective and equitable legal systems.

In recent years, a number of factors have contributed to the prominence accorded to legal and judicial reform in the development agenda.<sup>2</sup>

- The dramatic political and economic transformation in Eastern Europe and the former Soviet Union in the late Eighties and early Nineties led to fundamental changes in the legal framework of these countries. These changes naturally mandated institutional reforms and required creating legal and institutional infrastructure to support, implement, and enforce the new legal system.

- The Asian financial crisis of the Nineties vividly illustrated that economic growth without the firm foundation of effective laws and legal institutions was vulnerable and unsustainable. The financial contagion left many institutions bankrupt and millions impoverished.
- In other countries, development experience over a longer period also showed that the rule of law promotes effective and sustainable economic development and good governance. Lack of the rule of law significantly hinders economic growth and corruption regressively taxes the poor.
- The developing countries' transition toward market economies necessitated strategies to encourage domestic and foreign private investment. This goal could not be reached without modifying or overhauling the legal and institutional framework and firmly establishing the rule of law to create the necessary climate of *stability* and *predictability*.
- In the course of pursuing economic development, countries had often misused, degraded or depleted their natural resources. As a result, environmentally sustainable development mandates rigorous regulatory regimes, clear property rights, and appropriate institutional frameworks.
- While globalization has spurred economic development, its benefits have been uneven, affecting different segments of society. The poor continue to lack legal rights that empower them to take advantage of opportunities and provide them with security against arbitrary and inequitable treatment. Discriminatory or arbitrarily enforced laws deprive individuals of their individual and property rights, raise barriers to justice and keep the poor poor.

These experiences have led development institutions to focus on the role of law in economic development and have prompted many countries to promote the rule of law as a *sine qua non* of development. The rule of law prevails where (1) the government itself is bound by the law; (2) every person in society is treated equally under the law; (3) the human dignity of each individual is recognized and protected by law; and (4) justice is accessible to all. The rule of law requires

transparent legislation, fair laws, predictable enforcement, and accountable governments to maintain order, promote private sector growth, fight poverty, and have legitimacy. Legal and judicial reform is a means to promote the rule of law.

### **The Bank's Experience since the Nineties**

The Bank's legal and judicial reform programs have expanded considerably since the Nineties. Initially, the Bank focused primarily on assisting countries through law reform, helping them to develop legal environments that encouraged local and foreign private investment – including stable and predictable systems to protect and honor property and contractual rights. Since beginning its activities in governance in 1991, the Bank has addressed judicial reform as countries began to recognize that enacting legislation alone could not yield the desired reforms without adequate infrastructure to implement, enforce, or modify the law. Subsequently, the focus became building and reforming the institutions needed for dispute settlement as well as for access to dispute resolution mechanisms and qualified and affordable legal representation.

The Bank provides support under a variety of lending instruments (see explanation below), and in the context of a wide range of lending operations. Lending operations for capacity building and institutional development often included components related to legal reform. In other operations, such reforms were stipulated as conditions or components of structural adjustment programs supported by Bank financing.

There are approximately 600 Bank-financed projects related to legal and judicial reform, among them:

- The Mongolia Banking, Enterprise and Legal Technical Assistance Credit Project (BELTAC),<sup>3</sup> included a component to strengthen the Bailiff's office, established a collateral registry for movable property, and trained legal professionals.
- Under the Guatemala Land Administration Project,<sup>4</sup> the Bank is strengthening the legal and institutional framework for land registry and cadastre services nationwide.

- The Togo Public Enterprises Restructuring and Privatization Project<sup>5</sup> included components to strengthen the legal and judicial system through a round table to build consensus on legal and judicial reforms and seminars on the Treaty to Harmonize Commercial Law in Africa (OHADA),<sup>6</sup> updated and disseminated legal information, and supported the Ministry of Justice.
- Under the Zambia Financial and Legal Management Upgrading Project,<sup>7</sup> the Bank financed various activities to improve the Judiciary, the Office of the Attorney General, and legal training institutes, and trained judges, magistrates, and state attorneys.
- The Cambodia Technical Assistance Project<sup>8</sup> included: a legal diagnostic study; an assessment of legal training needs; preparation and implementation of a legislative program, including workshops for lawyers, judges, and other legal professionals; and establishment of an automated system to publish laws, higher court decisions, and explanatory leaflets. The preparation and review of draft economic and commercial legislation was envisioned under this.

Other examples include drafting economic legislation in Armenia, environmental legislation in El Salvador, and health insurance legislation in Argentina.<sup>9</sup>

The Bank has also supported “freestanding” legal and judicial reform projects. To date, there are 16 active projects in four regions, with another seven projects in the pipeline. Seven projects have been completed. The first legal reform project was the China Economic Law Reform Project, which is a line of credit that can be drawn for approved sub-projects – primarily for study tours, training, and consultants to assist in legal drafting. In 1992, the Bank approved the first freestanding judicial reform project: the Venezuela Judicial Infrastructure Project concentrated on infrastructure, technology, and some substantive studies in other areas, such as justices of the peace. During project implementation, however, the project was substantially revised to include support for the Judicial Council, judicial training, and workshops that promoted judges' involvement in the reform process. The Bank's early experience in Venezuela showed that greater stakeholder participation should be elicited during project design.

The Bank's approach to legal and judicial reform has evolved significantly to incorporate judicial sector assessments and diagnoses, which are used to design appropriate project components. In 1994, the first judicial sector assessment was completed in Ecuador, and was updated in 2003.<sup>10</sup> The Assessment examined different aspects of the administration of justice, including court and case administration; selection, promotion, and disciplining of judges; training of judges, lawyers, and law students; access to justice and its gender dimension; and alternative dispute resolution mechanisms. Similarly, other development partners completed several studies that guided the choice of components included in the Bank-financed Judicial Reform Project in Bolivia.

Judicial sector assessments are now regarded as highly desirable prerequisites to ensure that projects meet the needs of the country and achieve intended objectives. To date, the Bank has completed twenty-five legal and judicial sector assessments.<sup>11</sup> For example, assessments were undertaken in Argentina, Bulgaria, Georgia, Mongolia, Peru, and Trinidad and Tobago, to facilitate discussions with the governments on defining appropriate components for individual lending operations. As a result of the sector assessments, such as in Ecuador, the projects included a broader range of components than had been included in the first project in Venezuela.

Legal and judicial reform projects are continually evolving as the countries embrace a more holistic approach for longer-term legal and institutional reform. Emphasizing *empowerment*, *opportunity*, and *security*, especially as each affects the poor, has deepened the understanding of ways in which legal and judicial programs can distribute more equitably the benefits of economic growth. Laws and institutions must provide a safety net to those who are particularly vulnerable to discrimination, neglect, and the ravages of illness, violence, natural disaster, and economic dislocation. Individuals must have legal rights that are enforceable and protected. This requires transparency and accountability in government, public participation, and legal institutions and processes that are not only effective and efficient but also provide equitable remedies for all in society. A well functioning legal and judicial system is critical both as an end in itself as well as a means to facilitate and leverage the achievement of other development objectives.

Key elements in legal and judicial reform programs now include promoting judicial independence through improved appointment, financing, and disciplinary procedures; modernizing judicial administration and case management; and training judges and court personnel. For example, the Legal Development Project in West Bank and Gaza and the Legal Reform Project in Mongolia, address court administration, judicial training, and legal drafting. Additional freestanding projects such as the Judicial Reform Project in Georgia and others are helping to promote integrity and accountability. Broader legal infrastructure improvements encompass strengthening good governance (including anti-corruption); building capacity in public agencies; supporting bar associations and civil society organizations; and improving legal education. Increased access can be fostered through organizations that provide legal counseling and advocacy, particularly for the vulnerable, and through developing alternative dispute resolution mechanisms and modernizing court facilities.

This comprehensive approach requires emphasis on legislation to provide access, equality, and opportunities for growth as well as support for formal dispute resolution institutions and for civil society. Such efforts can develop sustainable mechanisms to promote reforms and provide a means of accountability of those reforms.

## **Lending Instruments for Legal and Judicial Reform**

The Bank has various financing instruments for legal and judicial reform efforts, including adjustment, investment, learning and innovation, and adaptable program loans. The Bank also conducts diagnostic studies in preparation for its lending activities. A variety of factors – including the subject matter of the reform, its scope, the anticipated duration, and the type of assistance sought – guide the selection.

After being introduced as a lending instrument, structural and sector adjustment loans<sup>12</sup> were the Bank's most common instrument to induce changes in legislation and reforms in the administration of justice in borrowing countries. The “conditionality” of these loans often includes the preparation and adoption of certain laws and regulations that reflect policies agreed upon with the Bank. In such cases, the Bank does not directly finance the legal work required; rather, the adjustment

loan supports the country's balance of payments. However, adjustment loans are meant to be disbursed quickly, and therefore, they are intended for reforms that can be implemented in the short term.<sup>13</sup> Nevertheless, a series of adjustment loans to the same country could address reforms to be implemented over a number of years if their scope and sequencing could be identified from the beginning.<sup>14</sup>

For typical legal and judicial reform measures that are to be implemented over two to five years, investment operations, especially for institution-building and technical assistance, are the main financial instruments.<sup>15</sup> These instruments have been used in many countries, including Ecuador, the Philippines, Russia, Venezuela, West Bank and Gaza to support freestanding legal and judicial reforms. The largest is the Legal Reform Project in Russia, supported by a US\$58.0 million loan.

The Bank has adopted two new lending instruments that can be used to support legal and judicial reform. The Learning and Innovation Loan (LIL) provides structured support for small, time-sensitive programs to build capacity, pilot promising development initiatives or experiment and develop locally-based models prior to large-scale interventions. Legal and judicial reform programs can be facilitated with a LIL by building capacity to manage projects and implement reform on a small scale and later transferring those abilities on a much larger scale.<sup>16</sup> LILs have been used for the Argentina Model Court Development Project to finance pilot courts as well as for the Venezuela Supreme Court Project, the Yemen Judicial and Legal Development Project, the Mongolia Legal and Judicial Reform Project, the Croatia Court and Bankruptcy Administration Project, and the Colombia Judicial Conflict Resolution Improvement Project.

The Adaptable Program Lending Loan (APL) provides phased, yet sustained support for the implementation of a long-term development program that reflects economic priorities and contributes to poverty reduction. The client government and the Bank agree on a long-term strategy and phased lending through a series of loans and further agree on the performance indicators that serve as triggers to move from one phase to the next. This instrument can facilitate a longer-term program, often a necessity for legal and judicial reform. For example, the Guatemala Judicial Reform Project and the Bangladesh Legal and Judicial Capacity Building Project are APLs.

The Bank has also provided grants from its Institutional Development Fund (IDF)<sup>17</sup> and the Japan Social Development Fund (JSDF).<sup>18</sup> Since 1992, there have been approximately 60 IDF grants in the area of legal and judicial reform. In that same year, the Bank used an IDF grant to finance a judicial sector review in Argentina of court administration, alternative dispute resolution mechanisms, legal aid, bar associations, procedural codes, legal education and training, infrastructure, and successful reform efforts in the country. An IDF grant to Indonesia financed training to improve legal skills and upgraded court management to improve the efficiency of the court system. Other examples include assistance in drafting a cultural property protection law in Albania; antitrust and antidumping laws in the Arab Republic of Egypt; value-added tax legislation in India; property, secured transactions, and company law in Belarus; and assistance in reviewing commercial, financial, and investment laws and in training judges in Lebanon. Since 2001, there have been three JSDF grants which support civil society to build capacity and participate in legal and judicial reform. JSDF grants support legal aid services to poor and abused women and children in Sri Lanka and Jordan; in Ecuador the program assists non-governmental organizations (NGOs) to provide to the poorest and most vulnerable people assistance in such areas as alternative dispute resolution, indigenous dispute resolution, and access to legal services.

In addition, the Bank's Legal Vice Presidency provides advice on draft legislation in a number of areas related to project lending. While laws are country-specific, they benefit from regional harmonization and from incorporation of global best practice principles to foster empowerment, security, and opportunities. Promoting markets and private sector development frequently requires reform in areas such as financial and banking laws, companies law, corporate governance and insolvency, infrastructure, and property rights. Since the late Eighties, the Bank has supported law reform in the economic and commercial realm, including a telecommunication law in Ghana, electricity law in Bangladesh and Colombia, anti-monopoly law in Argentina, and commercial arbitration laws in many countries.<sup>19</sup> The Bank has assisted the legal reform process in Indonesia, the Republic of Korea, and Thailand.<sup>20</sup> Bank lawyers and external consultants have advised the three governments on immediate legal responses to

<b>BANK SUPPORT FOR LEGAL AND JUDICIAL REFORM</b>	
<p>Since 1986, the Legal Vice Presidency has worked closely with the Regions as well as with external legal partners (law professors, law firms) to assist 85 countries in more than 50 main subject areas. The Bank's lawyers or their consultants have provided specialized assistance in the areas listed below.</p>	
Main Areas of Specialized Legal Assistance	
<ul style="list-style-type: none"> <li>• Judicial reform</li> <li>• Court administration</li> <li>• Legal education</li> <li>• Legal training for the legal profession</li> <li>• Legislative drafting</li> <li>• Computerization of laws and legal information</li> <li>• Air quality law</li> <li>• Anti-corruption</li> <li>• Banking</li> <li>• Capital market law</li> <li>• Child labor</li> <li>• Civil law</li> <li>• Collateral law</li> <li>• Company law</li> <li>• Contract law</li> <li>• Customs law</li> <li>• Education law</li> <li>• Electricity law</li> <li>• Energy and mining law</li> <li>• Environmental law</li> <li>• Financial sector law</li> <li>• Foreign investment law</li> <li>• Forestry law</li> <li>• Gender and the law</li> <li>• Human rights</li> <li>• Indigenous peoples laws</li> <li>• Industrial pollution</li> <li>• Intangible property law</li> <li>• Intellectual property</li> <li>• Intellectual property law</li> <li>• International law</li> <li>• Labor law</li> </ul>	<ul style="list-style-type: none"> <li>• Land administration law</li> <li>• Land law reform</li> <li>• Land tenure reform</li> <li>• Marine conservation law</li> <li>• Natural resources law</li> <li>• Notaries law</li> <li>• Pension law</li> <li>• Personal property law</li> <li>• Post-conflict reconstruction</li> <li>• Privatization</li> <li>• Procedural law</li> <li>• Procurement and government contracting</li> <li>• Project finance law</li> <li>• Public health law (including with AIDS-related laws)</li> <li>• Real property law</li> <li>• Regulatory framework for lawyers</li> <li>• Road legislation</li> <li>• Rural credit</li> <li>• Sanitation and sewerage law</li> <li>• Securities regulation</li> <li>• Securitization of assets</li> <li>• Structuring infrastructure investments</li> <li>• Taxation</li> <li>• Telecommunications law</li> <li>• Trade law</li> <li>• Utilities regulation</li> <li>• Waste water law</li> <li>• Water law and water user associations</li> </ul>

implement financial and corporate restructuring. Increasingly, sustainable and equitable growth has moved the Bank's efforts beyond traditional areas, to law reform in areas such as environment, water and forests, and land titling, as well as gender equity and indigenous peoples. The Bank funds these advisory services which provide a bridge until the governments are able to bring in their own advisers. Even then, very often the governments continue to draw on the advice of the Bank because of its comparative knowledge of reforms.

Furthermore, Bank activities in legal and judicial reform have involved the preparation of in-depth studies (sector assessments) for the purpose of assessing reform needs for a better administration of justice as described above.<sup>21</sup> In a number of African countries, the Bank has supported comprehensive diagnostic studies of the legal system, often as an input to the preparation of a legal reform component or project.<sup>22</sup> Studies such as the legal needs assessment conducted in Mongolia and Vietnam facilitate a dialogue with the government on future reforms.

## **Knowledge Sharing**

**B**ecause legal and judicial systems must be founded on solid knowledge, creating and disseminating global knowledge on legal and judicial reform has become a major new focus of the Bank. After the high turnout for the Bank's June 2000 Global Conference on Comprehensive Legal and Judicial Development, the Bank launched an electronic forum to reach those who were unable to attend the conference and to build upon the partnerships forged during the conference. More than 600 subscribers from around the world participated in this "virtual" discussion on legal and judicial reform. The launch of the Development Gateway for Law and Justice highlighted judicial and legal reform and international environmental law, and has provided a more permanent electronic clearinghouse for legal and judicial reform. In May 2001, an electronic forum was launched in advance of the July 2001 Global Conference "Empowerment, Security and Opportunity through Law and Justice," in St. Petersburg, Russia, with the objective of building momentum for the conference's sessions and of providing a forum for those unable to attend. Additional electronic forums have been launched since then to link experts and continue discussions on current issues in legal and

judicial reform. In addition, other fora have included regional conferences in Africa, Eastern Europe and Central Asia, Latin America, and the Middle East.<sup>23</sup>

Since 2001, the Bank's International Advisory Council on Law and Justice, made up of leading jurists and legal scholars, has been providing guidance and insight into law and justice activities. A pilot distance-learning course for Bangladesh, Indonesia, the Philippines, Sri Lanka and Thailand, entitled "Judicial Reform: Improving Performance and Accountability," was designed and launched in cooperation with the World Bank Institute. The course focused on judges, case management, empirical research and anti-corruption. This distance-learning course was replicated in Latin America and in Africa. The World Bank's Legal Yearbook, a new publication launched in collaboration with the IFC and MIGA, offers seminal articles as well as case studies and legal materials.<sup>24</sup>

#### THE WORLD BANK INTERNATIONAL ADVISORY COUNCIL ON LAW AND JUSTICE

- **The Honourable P. N. Bhagwati**, *Former Chief Justice of India and Vice Chairman UN Human Rights Committee*
- **The Honorable Associate Justice Stephen Breyer**, *Supreme Court Justice, United States*
- **Lloyd Culter**, *Senior Counsel, Wilmer, Culter and Pickering*
- **The Honourable Daniel R. Fung**, *, QC, SC, Former Solicitor General, Hong Kong, Senior Counsel, Des Voex Chambers*
- **Advocate Bience Gawanas**, *Ombudswoman, Namibia*
- **Professor Rogelio Pérez-Perdomo**, *Instituto de Estudios Superiores de Administración (IESA, Caracas, Venezuela)*
- **Ko-Yung Tung**, *Partner, O'Melveny and Myers, Chairman of the World Bank International Advisory Council on Law and Justice*
- **The Right Honourable The Lord Wolf**, *The Lord Chief Justice of England and Wales*

## Lessons Learned

Experience since the Nineties shows that legal and judicial reform programs may present challenges for client countries and affect the balance among the various branches of their governments. Such concerns are particularly important to development assistance agencies, given the relative novelty of projects in this area. Therefore, it is imperative to distill, examine, and consider the lessons of the experience from such agencies in designing and structuring new operations. A number of lessons can be drawn from the World Bank's experience in this area:

- *Legal and judicial reform is a long-term process*, surpassing the time frame of a typical Bank operation. Very often, the reforms are implemented in stages and the sequencing of these stages should take into account priorities as well as the country's capacity to implement the reforms.
- *Legal and judicial reform should come from within the country and respond to its specific needs*. To determine which elements are in most need of reform, a review of the country's conditions is helpful. This review should examine the legal framework as well as the judiciary and related legal institutions, taking into account the country's cultural, political, social, and economic environment as well as identifying priorities.
- *Legal and judicial reform requires government commitment*. In many instances, pressures from interest groups intent on maintaining the *status quo* or directing programs to accommodate particular agendas impede reform. Thus, it is important to build coalitions to overcome vested interests. Only with true ownership and genuine commitment from all branches of government can reform succeed.
- *Legal and judicial reform projects should be conducted through a participatory approach*. Participation is needed to gain ownership and commitment from stakeholders, which include different branches of government, bar associations, law schools, NGOs, and citizens. Ownership, which can be achieved through workshops and town meetings to plan the reforms, can contribute

significantly to a project's success. For example, Thailand conducted such a process and in Guatemala, judges led community consultations on the reforms.<sup>25</sup> In addition, social assessments are being conducted in countries such as Argentina and elsewhere to understand better the impact of the reforms on stakeholders. Participation should include those at the grassroots level; legal and judicial reform efforts should not overlook the needs of the marginalized segments of society who lack the resources to enforce their basic rights. Voices that often go unheard should be heeded during project preparation. The Judicial Reform Project in Ecuador, for example, included legal services for poor women to afford them access to the judicial process and other dispute resolution mechanisms. Similar activities are being implemented in Jordan and Sri Lanka. Participation, together with political consensus, should assist in achieving sustainable reforms.

- *Wholesale importation of legal systems may not be appropriate.* While comparative law can inform, it should be adapted to the national legal system and the particular requirements of the society concerned. In addition, the benefits from foreign experts who provide a comparative perspective should be fused with knowledge of the local legal community – knowledge of the language, social norms, and the socioeconomic factors underpinning the country's political structure and legal traditions.
- *Coherence of legal reform requires a comprehensive approach that ensures that the modernized legal system will not suffer from internal inconsistencies.*
- *Economic growth generates greater demand for a consistent legal framework and reliable legal tools.* A positive economic situation sometimes masks the need to upgrade substantive laws and may result in weak legal institutions. Weak or ineffective laws usually generate more laws and regulations; such over-regulation of economic activity undermines new investments, increases the cost of existing investments, and leads to corruption.
- *Legal and judicial reform projects are difficult to evaluate, particularly in the short term.* The Bank is constantly developing and refining performance indicators that will allow objective

evaluations that include long term strategies with clear milestones. It is also important to define realistic goals that take into account the political economy and social dimensions. To conduct evaluations, knowledge of the legal and judicial sector is essential and this knowledge can be enhanced through empirical research. The Bank, for example, completed research on court performance and indicators.<sup>26</sup> With the availability of empirical information, performance standards can be developed to evaluate the progress, impact, and outcome of legal and judicial reforms. These standards should address qualitative and quantitative developments.

- *Coordination among all concerned development institutions, multilateral and bilateral, is critical.* After the political changes in the former Soviet Union and Eastern Europe, abundant resources from institutions including the U.S. Agency for International Development, CIDA, GTZ, the European Development Bank, and the Asian Development Bank, were not being coordinated. Developing a global plan for legal and judicial reform with the stakeholders and development agencies is one way to coordinate. This action plan has been tried in Ecuador, where it served as the basis to determine each donor's role and coordinate their respective activities. Such coordination is important to avoid duplication of efforts, ensure consistent advice, and optimize the use of available resources.
- *Partnerships to share knowledge and experience can enhance legal and judicial programs.* Such partnerships can be made with the private legal sector, academics, civil society groups, and NGOs. For example, partnerships have been formed with the Supreme Courts of Latin America as well as with NGOs in the Americas to share information and experiences. Another example is the African Environmental Law Development Partnership.

<b>AFRICA - ENVIRONMENTAL LAW DEVELOPMENT PARTNERSHIP</b>
<b>OBJECTIVES</b>
<ul style="list-style-type: none"> <li>• Development of environmental law in selected African countries</li> <li>• Harmonization of specific environmental laws and regulations in selected subjects at sub-regional level</li> <li>• Development of arrangements for capacity building, including</li> </ul>
<b>PROJECT ACTIVITIES</b>
<ul style="list-style-type: none"> <li>• Elaboration of environmental framework law (EFL)</li> <li>• Development of high priority sectoral statutes as decided by national committees</li> <li>• Development of high priority implementing regulations under the EFL or sectoral statutes</li> <li>• Legal reports and reviews</li> </ul>
<b>ACHIEVEMENTS</b>
<ul style="list-style-type: none"> <li>• With joint project assistance, four countries have adopted EFL by December 1997 and three bills have been developed and are pending before respective Parliaments</li> <li>• Sectoral environmental laws have been drafted or are being drafted with special emphasis on EIA, solid and hazardous wastes management and natural resources related laws</li> <li>• Promulgation of numerous other laws/regulations pending</li> </ul>
<b>PARTNERS</b>
<ul style="list-style-type: none"> <li>• The Government of Netherlands (Donor)</li> <li>• United Nations Environmental Programme</li> <li>• United Nations Development Programme</li> <li>• The World Bank</li> <li>• Food and Agriculture Organization of the United Nations</li> <li>• International Union for Conservation of Nature</li> </ul>

## Conclusion

The objective of these projects is to ensure that the legal framework serves the country's economic and social needs, and that the judiciary and other institutions responsible for the operation of the legal framework and resolution of disputes are competent and efficient. Judicial reform should be considered especially when contemplating any legal reform because, without a functioning judiciary, laws cannot effectively be enforced. Successful legal reform is not confined to the revision of existing laws and introduction of new laws and regulations. It should also address measures required to establish appropriate processes, to ensure the proper functioning of institutions, and to improve access to justice. As a result, comprehensive legal and judicial reform can make an important contribution to the overall development process. Any program on legal and judicial reform should be measured in the context of promoting the rule of law and whether an activity has a significant impact on economic performance, particularly to benefit the poor.

Equitable laws and effective judicial systems form the foundation for promoting sustainable economic development and poverty alleviation. Lessons from successes and failures have taught us that the Bank's activities must be grounded firmly on knowledge gained from country-specific diagnostic assessments. Such knowledge must be shared to assure broad ownership and commitment and must inform the legal and judicial reform activities. Laws must simultaneously incorporate world-class best practice principles and be tailored to the particular country. Wholesale importation of foreign laws cannot take root when the laws are alien to the culture and values of the people. Well-drafted laws themselves are not self-executing. Complementary institutions and well-trained staff must be present to implement those laws. The judiciary must have independent judges with the utmost professional integrity. Law schools need to educate the country's lawyers, making them better professionals. Legal services must reach the poor and the vulnerable. In sum, these are the underpinnings of a holistic approach to legal and judicial reform projects.

The following pages describe projects where the focus is legal and judicial reform.<sup>27</sup>

# **Freestanding Legal and Judicial Reform Project and Grant Summaries**

## **AFRICA REGION**

### **BURKINA FASO**

#### *Gender/Legal Literacy for Women Project*

IDF Grant approved June 22, 2000 for US\$268,000

In June 1997, the Government of Burkina Faso formalized its commitment to improving the position of women in society through the establishment of the Ministry for the Promotion of Women's Affairs (Ministère de la Promotion de la Femme, MPF). The role of the MPF is to coordinate initiatives that advance the socioeconomic and legal status of women. The MPF's has built alliances with both national institutions and associations involved in legal aid and legal initiatives at the local level.

The purpose of this grant was to support the MPF in establishing mutual working relationships with other actors in the field in order to maximize and sustain initiatives that advance the socio-economic and legal status of women.

The grant supported three main activities: (a) strengthening the capacity of the MPF, including (i) producing gender and law-related information and (ii) developing staff communication and management skills; (b) developing MPF's outreach capacity by enhancing alliances with national institutions and those organizations active in the promotion of the empowerment of women at the

regional and provincial levels; and (c) supporting the Association of Women Jurists of Burkina Faso (AFJBF) in developing the technical tools needed to extend the outreach of its legal literacy and legal aid initiatives.

With the support of the grant, the AFJBF initiated two studies into the barriers faced by women in Burkina Faso. The first outlined lessons learned in promoting access to legal services for the poor and the second examined issues relating to legal literacy and legal education. These studies will be used to support a gender-responsive legal reform process. The grant also assisted the MPF to draft training manuals for legal and paralegal staff providing legal aid services and supported the development of legal literacy tools.

The grant closed in FY03.

## **BURUNDI**

### *Capacity Building for Gender-Responsive Legal Reform*

IDF Grant approved May 23, 2003 for US\$460,000

The lack of accessible legal services for the poor and socially vulnerable in Burundi reinforces socio-economic disadvantage and disempowerment. Important areas of unmet legal need include: protection of property, succession and inheritance, women's and children's rights, reparation and/or compensation of victims of sexual offences, and issues related to the willful transmission of HIV/AIDS.

The purpose of this grant is to support institutional and capacity building efforts in Burundi to promote gender-responsive legal reform, and to improve legal literacy and access to legal aid services for the poor and socially vulnerable.

The grant supports three main activities: (a) training staff in the Ministry of Social Action and the Advancement of Women (MAS/PF); (b) building partnerships between MAS/PF and civil society NGOs (such as the Association of Women Jurists, AFJ, and the Association of Catholic Jurists, AJC), including (i) creating a Legal Action Plan for the elimination of gender-discriminatory legislation, (ii) designing legal literacy and education initiatives and (iii) promoting access to basic legal services for the poor and socially vulnerable; and (c) developing outreach initiatives in order to serve the needs of local communities and facilitate the interaction between formal legal mechanisms and traditional customary practices.

To date, the partnership and outreach initiatives have led to two main achievements. A Provincial Office for outreach services has been established in Gitega, and a training network for province-based parajurists through the zonal centers of Ngozi, Gitega, Bururi and Bujumbura has been initiated.

## **CAPE VERDE**

### *Strengthening the Rule of Law*

IDF Grant approved on July 17, 2003 for US\$388,000

The purpose of this grant is to strengthen the rule of law and bolster the development of legal and judicial reform in Cape Verde.

The grant supports the Ministry of Justice (Directorate of Studies, Legislation and Documentation) to implement three main activities: (a) designing training for judges and clerks and a public education program; (b) disseminating legal information, including (i) publishing Cape Verdean Supreme Court decisions and (ii) designing a comprehensive Cape Verdean legal database; and (c) monitoring and evaluating the provision of legal services to the poor.

## **GHANA**

### *Legal Reform*

IDF Grant approved on July 30, 2002 for US\$400,000

The Government of Ghana is currently trying to address the needs of the poor and socially disadvantaged in a country characterized by a significant number of female-headed households and HIV/AIDS related orphans. Within this context, the legal status and rights of women are a crucial aspect of the development process.

The purpose of the grant is to enhance efforts by both the government and civil society to launch a gender-responsive legal reform process.

The grant supports three main activities: (a) strengthening the capacity of the Attorney General's Office and the Ministry for Women and Children's Affairs by (i) improving the technical skills of staff, (ii) enhancing management capabilities, and (iii) enabling advocacy and strategic partnership building at both central and regional levels; (b) strengthening the capacity of the Ministry of Justice to enhance its leadership in (i) identifying gender-discriminatory provisions and practices in the national constitution, national and state law, religious

law, and customary law, (ii) drafting new gender-responsive legislation, and (iii) carrying out legal literacy initiatives; and (c) developing a more comprehensive approach to legal aid by (i) building partnerships between government and civil society and (ii) extending the outreach of legal and judicial aid programs.

## **KENYA**

### *Justice and Integrity Project (under preparation)*

A new Government, committed to reintroducing ethics and integrity into public life, came into power in Kenya in January 2003. Within this broad mandate, the Government has undertaken to address problems of governance and corruption -- key prerequisites for economic growth -- to develop a reform strategy that will make the justice system accessible to Kenyans. To support the Kenyan government in its legal and judicial reform efforts, an international donor group has been set up to coordinate activities and to ensure that support strategies are mutually reinforcing.

The objective of the proposed Justice and Integrity Project is to improve the administration of justice and enhance the accountability, predictability, integrity and fairness of the Judiciary and other institutions in the Justice Sector in Kenya. The project aims to make the justice system more accessible, independent and transparent, and aims to increase the quality of justice available to Kenyans. The project also aims to improve the performance of staff of the Judiciary and the Ministry of Justice and Constitutional Affairs (MOJCA), and lawyers and paralegals in the private and public sector.

The proposed project has seven main components: (a) reforming the court system by (i) introducing simplified proceedings and ADR, (ii) improving performance and service standards for judicial staff, (iii) designing automated recordings of court proceedings, (iv) enhancing case management, (v) introducing computerization of document management in registries, (vi) rehabilitating courts, and (vii) acquiring essential furniture and equipment; (b) developing a comprehensive judicial training program; (c) strengthening the capacity of the MOJCA; (d) developing a comprehensive legal education and training program for lawyers and paralegals, including establishing a College of Law; (e) improving access to justice through a capacity building program to support the Office of the Public Defender and legal aid offices;

(f) designing a program of law reform to support the Government's strategic plan and the new Constitution; and (g) initiating a five year campaign to reduce corruption in Kenya.

The project is particularly timely in light of the current constitutional debate in Kenya. This debate has led to the development of a number of new institutional bodies such as the Public Defenders Office, the Human Rights Commission, and the Anti-Corruption Commission. It is also likely that a new or revised constitution will be introduced in Kenya by the middle of 2004. Many of the country's laws are therefore in urgent need of revision and the Bank project will provide technical assistance to the Law Reform Commission to assist them with this process.

The project is scheduled for FY05.

## **LESOTHO**

### *Legal and Judicial Reform Project (under preparation)*

The Government of Lesotho identified the law and justice sector as one of the priority sectors in need of reform. The Government requested that the Bank undertake an assessment of the legal and judicial sector to assist Lesotho plan and implement an appropriate reform strategy.

Following discussions with representatives of the Bank in June 2003, a comprehensive Legal and Judicial Sector Assessment was proposed as an initial step to establish baseline knowledge of the current functioning of the sector in Lesotho. It will be carried out in a participatory manner with national consultations involving a full range of stakeholders representing a cross section of Lesotho's polity. The knowledge generated from this Assessment will provide the basis to design a program aimed at enhancing the performance of the legal and judicial sector in Lesotho.

The project is scheduled for FY06.

## **MAURITANIA**

### *IDF Grant for the Application of the Law and the Advancement of the Legal Status of Women*

IDF Grant approved July 27, 1999 for US\$285,830

Legal reform is seen as an important aspect of equitable development in Mauritania. The purpose of this grant was to support

efforts by both the government and civil society to promote greater women's participation in the legal and judicial reform process.

The grant supported three main activities: (a) establishing the Association of Women Jurists of Mauritania (AMAFEJ) to undertake legal training and legal literacy initiatives; (b) promoting increased access to alternative methods of conflict resolution, including mediation and conciliation provided by civil society, NGO services, as well as the Bar Association; and (c) supporting the formation of strategic alliances between the government (Secrétariat d'Etat à la Condition Féminine, SECF, and the Ministry of Justice) and AMAFEJ. Cooperation between both groups was instrumental in implementing the legal section of the National Strategy for the Advancement of Women (1995) and in paving the way for the formulation of the new strategy in 2001.

The grant closed FY02.

## **MAURITANIA**

### *Legal Reform and Private Sector Capacity Building Project*

IDF Grant approved September 28, 2001 for US\$500,000 (equivalent)

The purpose of this grant is to support law reform initiatives that facilitate private sector growth in Mauritania.

The grant supports four main activities: (a) strengthening the capacity of the judicial system and the Ministry of Justice by (i) improving the Inspection Judiciaire, (ii) enhancing the Legal Information Center of the Official Gazette, and (iii) supporting the commercial legal reform process; (b) strengthening the institutional capacity of key agencies in charge of private sector development, including the Chamber of Commerce, Industry and Agriculture and the National Committee for Public Sector-Private Sector Dialogue; (c) undertaking national workshops intended to foster legal reform and private sector growth; and (d) monitoring the implementation of the grant initiatives.

A number of activities have already been undertaken. A legal Internet database has been established through the Global Legal Information Network (GLIN). The database has been created in three different languages (English, French, and Arabic) and will be used to compose the decrees necessary to implement the Commercial Code ratified in 2000 as a result of a previous Bank-funded project. GLIN

has also helped to create a pilot website for environmental laws that has opened up lines of communication within the legal community.

With the support of the grant, an atelier in Chinguetti is being set up to address difficulties in creating a legal system comprised of both Western and Islamic legal components.

## **NIGERIA**

### *Grant for Legal Reform and Legal Aid*

IDF Grant approved February 25, 2002 for US\$400,000 (equivalent)

This grant is modeled on projects launched in 13 other African countries, such as the one implemented in Ghana outlined above. As in many other countries in the region, the number of female-headed households and of HIV/AIDS related orphans means that the legal status and rights of women need to be actively promoted in any program aimed at providing legal assistance to the poor and socially vulnerable.

The objective of the grant is to support efforts by both the government and civil society to launch a gender-responsive legal reform process.

The grant supports three main activities: (a) strengthening the capacity of the National Centre for Women's Development by (i) improving the technical skills of staff, (ii) enhancing management capabilities, and (iii) enabling advocacy and strategic partnership building at both central and regional levels; (b) strengthening the capacity of the Legal Affairs Division of the Federal Ministry of Women Affairs and Youth Development to support their leadership in (i) identifying gender-discriminatory provisions and practices in the national constitution, national and state law, religious law, and customary law, (ii) drafting new gender-responsive legislation, and (iii) carrying out legal literacy initiatives; and (c) developing a more comprehensive approach to legal aid by (i) building partnerships between government and civil society and (ii) extending the outreach of the legal aid program.

The project has been able to draw on the experience of other countries in the region tackling similar issues. For example, Nigerian women are learning from the women in the Ministry of Justice in Eritrea about approaches to gender-responsive reforms that have been successful in that country. It is hoped that implementing similar projects across different countries in the region will allow further sharing of technical expertise, experience, and collaboration in the future.

**RWANDA**

*Institutional Strengthening Initiative for the Legal Advancement of Women*  
IDF Grant approved June 18, 2001 for US\$400,000 (equivalent)

Given the rising numbers of female-headed households and HIV/AIDS related orphans in Rwanda, there is an increased necessity for government and civil society agencies to provide extensive legal and judicial assistance to the poor and socially vulnerable. In addition, the traumatic experiences surrounding the recent genocide have increased the need for legal aid. In response to the legal inequities that women face in Rwanda, the Ministry of Gender and Women in Development (MIGEPROFE) developed a Plan for the Elimination of all Discriminations against Women. The Government has also developed a Legal Action Reform Plan-- a roadmap for gender-responsive legal reform.

The purpose of this grant is to support the efforts of the government and civil society of Rwanda to launch the gender-responsive legal reform process as defined in the Legal Action Reform Plan.

The grant supports four main activities: (a) institutional strengthening and capacity building for the MIGEPROFE; (b) training for MIGEPROFE staff and selected non-governmental organizations at the central and regional levels; (c) the development of training materials and dissemination of legal information through literacy and communication campaigns; and (d) coordinating, monitoring and evaluating grant-assisted activities.

One of the lessons highlighted by the project to date is the positive impact of effective cooperation with local NGOs on the coherence, efficacy and sustainability of project initiatives.

**TANZANIA**

*Legal Sector Reform Project*

IDF Grant approved on January 2, 2001 for US\$373,000 (equivalent)

The purpose of this grant is to support the capacity building efforts of the Ministry of Justice and Constitutional Affairs (MJCA) and to provide assistance in the management and implementation of its legal sector reform program.

The grant supports four main activities: (a) strengthening the capacity of the Ministry of Justice by (i) improving program management

and coordination, (ii) enhancing education and communication, and (iii) strengthening the management and coordination of reforms; (b) implementing change management training for local staff and study tours for the project Steering Committee in countries where major changes in legal systems have been successfully introduced; (c) running consultative workshops for stakeholders in the legal reform process; and (d) designing public awareness activities as a means of stimulating the reform process and educating the public on the changes taking place in the legal sector. Under the public awareness component, training for designing and producing print and audio-visual materials will be provided and initial costs for the production and broadcasting of radio and TV programs on key topics in legal sector reform will be covered.

Limited resources and management capacity has meant that progress under the project has been slower than expected. However, despite these limitations, several activities have been progressing, such as the technical assistance training programs which have been designed, and a National Stakeholders workshop which was held at the beginning of 2003. Two trips dedicated to observing alternative management skills in other regions have been planned. Finally, a public awareness campaign has been undertaken and the topics for a newsletter and publication have been selected.

## **EAST ASIA AND THE PACIFIC REGION**

### **CAMBODIA**

*Creation of a Legal Regulatory Framework for Higher Education*  
IDF Grant approved June 20, 2000 for US\$252,000 (equivalent)

The purpose of this grant was two-fold: (1) assist the Government of Cambodia in developing a comprehensive legal and regulatory framework for both public and private higher education in the nation, and (2) help build a national consensus to support this framework through consultation, training, and workshops. The grant aimed to promote a collaborative effort between international and local legal experts, the Ministry of Education, and the Forum of Heads of Higher Education Institutions to draft the laws and regulations needed to guide the development and management of higher education in Cambodia.

The grant supported four main activities: (a) developing an appropriate legal and regulatory framework for higher education; (b) strengthening financial management systems in higher education; (c) developing a system of institutional accreditation and a framework for quality assurance in higher education; (d) creating training programs to build consensus and share information about the different activities.

The activities undertaken with the support of the grant were seen to yield very positive results. A technically sound legal framework was developed through a participatory process that included a wide range of stakeholders. This participatory process improved confidence among stakeholders, empowered groups to present alternative viewpoints, and ultimately helped build national consensus. In Cambodia, where there is great respect for seniority, developing a participatory and inclusive process posed some challenges; however, the process was extremely constructive and the results reached were arguably more sustainable.

The grant closed in FY02.

### **CAMBODIA**

*Rule of Law Development*

IDF Grant approved June 3, 1998 for US\$470,000 (equivalent)

The objective of the grant is to support the development of laws and regulations pertaining to the rights of women and children, particularly in relation to labor and education.

The grant has four main components: (a) preparing training materials, including (i) designing a textbook, student workbook, and judge's bench book, and (ii) developing training pamphlets and other materials on existing labor legislation and regulations; (b) developing training in labor law and employment-related issues for labor inspectors, judges, women's vocational training center managers, officials, employers and employees, women's groups, students, and educational inspectors; (c) developing a pilot-program for dispute resolution between women workers and their employers in Phnom Penh which could later be replicated in other parts of Cambodia; and (d) developing forums for the empowerment and promotion of labor rights for women and children.

## **CAMBODIA**

### *Legal and Judicial Reform Project (under preparation)*

Following three decades of war and civil strife, Cambodia embarked on a program of national reconstruction in 1993, which included the rehabilitation of its legal and judicial system. A number of donors are currently assisting the Royal Government of Cambodia (RGC) in the rehabilitation of the country's legal and judicial system. The Bank has recently undertaken a Legal and Judicial Sector Assessment to provide baseline knowledge of the sector and support the government's strategy for reform in this sector.

The objective of the proposed Legal and Judicial Reform Project is to support the building of an efficient, credible, and transparent legal and judicial system in Cambodia.

The proposed project has five main components: (a) enhancing legislative reform and strengthening the capacity of agencies and institutions to consider, initiate, review, and adopt legislation; (b) strengthening judicial institutions; (c) improving legal training; (d) enhancing public access to legal information; and (e) establishing a Law and Justice Facilitation Fund.

The project is scheduled for FY05.

**CHINA***Economic Law Reform Project*

Credit No. 2654-CN approved October 18, 1994 for US\$10.0 million (equivalent)

The Economic Law Reform Project in China provides support for the reform of China's legal system as it moves to a market economy. It grew out of several years of systemic analysis of the legal framework for China's transition to a market economy; its importance has been heightened with China's accession into the WTO. The dialogue between the Bank and Chinese legal officials began as far back as 1989, with legal aspects included in Bank-supported technical assistance on enterprise reforms. Project preparation included discussions with Chinese legal officials and other donors on the Chinese legal agenda. Consultations with Chinese legal academics, and brainstorming sessions in Washington with premier foreign scholars of the Chinese legal system further informed the process.

To keep pace with the "twists and turns" of economic reform, the project took a "line of credit" approach to allow for the development of different components. This formula responded to a Chinese concern that rigidly programmed assistance would not be sufficiently flexible in the face of its rapidly changing economic reform agenda. In practice, the project has allowed for flexible targeted interventions developed in collaboration with Chinese implementing agencies. The project has also created a focus for meetings of the Legislative Advisory Group, comprised of representatives of the key executive and legislative agencies involved in legal reform, chaired by the Bank's formal counterpart, the Ministry of Finance, and has spawned semi-annual informal meetings of foreign donors in the legal field in China.

The project has three main components: (a) strengthening the legislative process, including (i) preparing laws and regulations included in the legislative agenda of the National People's Congress (NPC) and the State Council and (ii) enhancing the skills of local drafters through knowledge-sharing and education; (b) training; and (c) institutional strengthening of key agencies such as the legal offices of the legislature and the executive and the Ministry of Justice.

The legislative strengthening component has supported more than 15 agencies involved in drafting more than 50 laws and regulations. Key project-supported laws and regulations that have been

enacted include: Contract Law, Insurance Law, Guarantee Law, Lawyers' Law, Partnership Law, Futures Market Law (interim), Bidding Law, Sole Enterprise Law, Seeds Law, Patent Law (revisions), and Trust Law. Laws and regulations under consideration or revision include: Property Law, Bankruptcy Law, and Anti-Monopoly Law. Sub-components more recently introduced under this component of the project have focused on compliance with WTO requirements in basic economic and fiscal legislation, and legislation to promote development in rural areas.

Innovative training initiatives involving government officials, judges, and legal professionals are being used to promote the implementation of laws. Training in WTO principles and U.S. administrative law for government legal drafters at national and local levels has been developed. Four institutions are receiving support under the project to provide continuing legal education to public officials, private lawyers and businesses, and judges: Deheng College of Law, Jilin University, Shanghai Institute for Foreign Trade, Wuhan University and the International Business Management Institute in Beijing. The project is also supporting the development of a revised curriculum for new judges training at the National Judges College.

The institutional strengthening component of the project supported the implementation of the China Legislative Information Network System (CLINS) under the State Council's Office of Legislative Affairs to provide the central ministries and regional government offices (and eventually the public) electronic access to China's national and local laws and regulations. The project also supports the Supreme People's Court in studying court and personnel management reforms and the Ministry of Justice in developing the new unified exam for lawyers, judges, and prosecutors.

Reviews by Chinese counterparts during the project have highlighted the quiet success of the different initiatives. While impacts are considered difficult to measure, Chinese counterparts expressed confidence that, in retrospect, the project would be considered "one of the most successful of the Bank's Technical Assistance Projects in China."

**CHINA***Rural Land Contracting Law Project*

IDF Grant approved January 1, 2003 for US\$300,000

The purpose of this grant is to support the implementation of legislative and policy reforms and the development of supporting institutions related to rural land tenure in China.

The grant supports five main activities: (a) drafting regulations for the "Rural Land Contracting Law" (RLCL), and making recommendations for secondary and subsidiary legislation based on a thorough analysis of the provisions of this law; (b) implementing the RLCL; (c) developing supporting institutions for rural land tenure reforms by (i) undertaking comparative research and analysis of local circumstances, (ii) training judges and legal aid staff, (iii) developing administrative institutions for dispute resolutions under the RLCL, and (iv) developing recommendations for national and regional land tenure-related institutions; (d) designing training for local officials about rural land tenure laws and policies; and (e) assessing the long-term impacts of RLCL implementation on agricultural reform objectives.

**LAO PEOPLE'S DEMOCRATIC REPUBLIC***Legal Framework Development*

IDF Grant approved April 7, 1998 for US\$496,000

The purpose of this grant was to support legal institutional development in Lao People's Democratic Republic in the broad areas of market-oriented economic growth, private sector development, and good governance.

The grant supported four main activities: (a) developing a medium-term national legal framework plan; (b) undertaking training for staff in the Ministry of Justice, the Law Reform Commission and the National Assembly Standing Committee; (c) insuring the publication of court decisions by developing a computerized program for Supreme Court decisions, and creating a handbook of court decisions; and (d) reviewing the legal implications of Lao PDR's membership in ASEAN and proposed adhesion to World Trade Organization.

The grant closed in FY02.

**MONGOLIA***Legal and Judicial Reform Project*

Credit No. 3595-MOG approved December 21, 2001 for US\$5.0 million (equivalent)

During the past few years, Mongolia has moved toward establishing a political democracy, modernizing its legal system, and creating a market economy. In 1998, the *Ih Hural* (Parliament) of Mongolia committed to implementing a legal reform program. The following year, the Bank financed a Legal Needs Assessment for Mongolia which identified three main priorities of the sector: (1) creating a legal environment conducive to private sector development and a market economy, (2) enhancing the protection of human rights and (3) improving legal education and public awareness. Based on this Assessment, the Parliament adopted a “Strategic Plan” for the justice system of Mongolia in May 2000.

The objective of the Legal and Judicial Reform Project is to promote a more transparent, equitable, accessible, and effective legal and judicial system.

The project has three main components: (a) establishing an administrative court system; (b) building capacity for a unified system of legal and judicial information; and (c) improving legal education and professional standards.

The Center on Legal and Judicial Research, Training, Information and Publicity, is under construction in Ulan Bator. The Government of Mongolia is proceeding with implementation of the project and continues to demonstrate a commitment to the project and the overall aims of achieving public trust and confidence in the legal system.

**PHILIPPINES***Judicial Reform Support Project*

Credit No. 71910 approved August 19, 2003 for US\$21.9 million (equivalent)

In 1999, the Philippine Judiciary received a Policy and Human Resources Development Fund Grant to study the court system and make recommendations for improvements. Six key challenges were identified: (1) delays in the delivery of justice and challenges with

access to justice; (2) widespread perception of corruption; (3) ineffective administrative structures and operating systems; (4) deficient court technologies and facilities; (5) inadequate human resource strategies; and (6) a lack of public information and collaboration with civil society. In response to these findings, the Philippine Supreme Court published its Action Program for Judicial Reform (APJR) in November 2000. The APJR set out a comprehensive plan for reforming the courts and requested assistance from the Bank for its implementation. The Bank's project is intended to support discrete components of the government's APJR. Responsibility for the coordination of the project and the overall ARJR lies with the Philippine Judiciary under the leadership of the Chief Justice and the direction of an Executive Committee of the AJPR.

The objective of the Judicial Reform Support Project is to support the development of an accessible judicial system that fosters public trust and confidence. By improving the delivery of justice, the project also aims to increase business confidence and enhance economic growth.

The project has four main components: (a) improving case adjudication and access to justice by (i) enhancing case management techniques and (ii) upgrading information and communication systems; (b) enhancing institutional integrity by (i) strengthening the Codes of Ethics for judges, lawyers and court personnel, (ii) implementing a computerized Judicial Performance Management System, (iii) developing a gender-sensitive human resources strategy for non-judicial personnel, and (iv) enhancing the role and capacity of the Philippine Judicial Academy; (c) strengthening the institutional capacity of the Judiciary by (i) installing computer-based financial and administrative systems, (ii) developing model court facilities, and (iii) supporting ongoing policy, research, and development strategies; and (d) ensuring stakeholder support for the reform process by enabling the participation of judges and other stakeholders in the development and implementation of key reform activities.

**TIMOR-LESTE***Institutional Development of the Ombudsman*

IDF Grant approved February 21, 2003 for US\$300,000

As part of its efforts to rebuild an independent government, the Republica Democratica de Timor-Leste has established an independent oversight body-- Provedor de Direitos Humanos e Justica, an ombudsman-type office. The new institution has two important mandates: to fight corruption and to promote good governance and respect for the rule of law.

The purpose of the grant is to support the creation and the institutional development of the Provedor's Office. The grant aims to facilitate the development of an effectively functioning organization that is able to safeguard the fundamental rights of the Timorese people.

The grant supports three main activities: (a) providing technical assistance and training in establishing the structure and systems of the Provedor's Office; (b) establishing the systems and capacity that will enable the Provedor to function in a credible, transparent, and technically competent manner, e.g. anti-corruption and good governance technical assistance and training in establishing the rules and procedures of the Office; and (c) improving citizen awareness of and access to the Provedor's services and resources by undertaking initiatives such as outreach services and a National Information Campaign on citizens' rights.

The Government's commitment to the Provedor's office is substantial as demonstrated in the National Development Plan and in the budget allocations for 2002 and 2003. The Grant will make possible certain exceptional technical assistance and training activities for the launching of the office and support one-time costs such as establishing a technical library.

**VIETNAM***Managing Legal Sector Reforms Project*

IDF Grant approved June 28, 2002 for US\$300,000 (equivalent)

The purpose of the grant is to support capacity building initiatives for the Ministry of Justice and other related agencies in the areas of strategic management in Vietnam. The project aims to assist the government in its efforts to improve and effectively implement its strategy for the development of its legal system.

The grant supports three main activities: (a) developing strategic leadership capacity, including the capacity to formulate policy alternatives and disseminate international best practices in the management of legal reforms; (b) strengthening the capacity of the Secretariat for Legal System Development established within the Ministry of Justice to provide support for the implementation of the strategy for legal development; and (c) developing and promoting coordination between both local agencies and international donors.

## EUROPE AND CENTRAL ASIA REGION

### ALBANIA

#### *Legal and Judicial Reform Project*

Credit No. 3323-AL approved March 21, 2000 for US\$9.0 million (equivalent)

The Government of Albania has adopted a comprehensive reform program to strengthen the country's institutional and governance capacity and its ability to enforce its laws and regulations. In its National Strategy for Social and Economic Development (NSSED) Progress Report dated May 8, 2003, the Government stressed judicial reform as a priority--in terms of improving its efficiency and fairness and improving access to justice, especially for disadvantaged Albanians. The Legal and Judicial Reform Project focuses on some of the most important elements that underpin a more efficient and transparent functioning of the state, based on the rule of law.

The objective of the Legal and Judicial Reform Project is to provide required resources for technical assistance, training, goods, and works that are needed to implement important aspects of the government's institutional agenda for legal and judicial system reforms, thereby helping to strengthen the rule of law in Albania. The project has four main components: (a) improving legal education; (b) strengthening the justice system; (c) enhancing alternative dispute resolution; and (d) improving the dissemination of legal information.

Progress has been made under the project. Under the legal education component, the University of Tirana's Faculty of Law has improved its capacity to implement its reform plans.<sup>28</sup> The plans provide for important structural, organizational, managerial and budgetary reforms, in addition to a fundamental revision of curricula and teaching methods. While experiencing some tangible progress, this component has faced significant challenges and progress to date has been slower than expected. More significant progress has occurred in the Magistrate's School, which has expanded its programs to train not only new judges but also current judges, prosecutors and court administrators. The Magistrate's School is continuing to develop more training courses and avenues of funding are currently being explored to ensure the school's sustainability.

The administration of justice in Albania has also improved. The quality of the judicial system has been enhanced due to better qualified judges and prosecutors, an improved system of judicial appointment and evaluation, a more organized High Council of Justice, better court administration, internal regulations and published decisions, and a better record of enforcing judgments in civil cases. A proposed automated information system has been developed and plans to introduce it into different parts of the court system have been initiated.<sup>29</sup>

Under the alternative dispute resolution component of the project, the first independent Commercial Mediation and Arbitration Center was opened on June 5, 2003, and it has already accepted its first commercial arbitration case. A law on mediation has been drafted and the development of a new regime for commercial arbitration is being explored.

Under the legal information component of the project, the State Publication Center (SPC) has published and disseminated normative acts and key judicial decisions. Further, an electronic database has been designed to ensure the adequate availability of legal information in Albania.

In mid 2003, as a result of developments under the project, additional activities were included in the project plan, namely: (a) expanding judicial training courses for the Magistrate's School; (b) undertaking a needs assessment and pilot-program for permanent training for court administrators at the Magistrate's School; (c) increasing support to the Albanian Commercial Mediation and Arbitration Center; (d) establishing a public information center at the MOJ; (e) assessing the design and implementation of the requirements for the Legal Access Network (LAN) system in the MOJ; (f) formulating an inventory of equipment required for public access to the electronic legal database and the procurement of this equipment; and (g) formulating an inventory of technical needs to roll out the case management automation system to all courts of Albania.

**ARMENIA***Judicial Reform Project*

Credit No. 3417-AM approved September 21, 2000 for US\$11.4 million (equivalent)

The Government of Armenia requested the Bank's financial assistance to support its ongoing judicial reform program as early as 1996. At that time, the Bank was providing technical assistance to the government to draft new economic legislation through the Institution Building Loan and Structural Adjustment Technical Assistance Credits (SATAC I and SATAC II). In response to the Government's request, the Bank undertook a Judicial Sector Assessment in 1997. Based on the conclusions of the Assessment and consultations with the Government and the Judiciary, a freestanding operation in the judicial sector was prepared.

The objective of the Judicial Reform Project is to assist in the development of an independent, accessible, and efficient Judiciary in the Republic of Armenia. The project aims to promote good governance, rule of law, and economic growth.

The project has five main components: (a) strengthening the institutional capacity of the Judiciary; (b) rehabilitating judicial infrastructure; (c) developing a comprehensive institutional base for continuing education for judges and court personnel; (d) strengthening the service for enforcement of court decisions; (e) developing a comprehensive legal information system accessible to judges, legal professionals, the business community and citizens, and (f) promoting public awareness of laws and public institutions.

Institutional strengthening of the judicial branch has faced a number of challenges. The role of the Council of Court Chairmen (CCC) as the governing body of the Judiciary remains unclear. It continues to be seen as unrepresentative of the interests of all judges, being comprised purely of the chairmen of the courts. There is also continued concern about delays in court procedures and a recognized need for automated systems for case-processing and information exchange.

Under the infrastructure rehabilitation component, three of the proposed sixteen courts have been completed. Nine more are currently under construction. Delays in this process have been caused by problems with proposed sites and difficulties in finding alternative locations.

The judicial training component has also experienced substantial delays. The training component was initially designed to support the establishment of the Judicial Training Center (JTC) in the context of an existing grant from the European Union-Technical Assistance Program for the Commonwealth of the Independent States (EU-TACIS). Unfortunately, the EU-TACIS program was canceled which left the JTC without the resources to develop a training program. There are currently no state budget allocations for the training of judges. In response to these challenging circumstances, the Judiciary has proposed the establishment of a new educational structure to train lawyers who want to become judges. This concept is currently under preparation and the main strategy is expected to be ready by the end of February 2004.

The Enforcement Service Department (ESD), established under the Ministry of Justice (MOJ), is fully functioning and is meeting the existing requirements of the system. A series of training sessions have been organized for the bailiffs, improving their overall qualifications and professionalism. An automated information system is currently under preparation, and computer training commenced in October 2003. The new information technology system is expected to automate many business processes and increase the effectiveness, efficiency and transparency of the ESD department.

The government has developed a plan outlining the proposed scope, aims and operation of the Armenian Legal Information System (ARLIS). The system is currently under preparation.

Due to challenges faced under the project, four priorities for building the institutional capacity of the Judiciary have been identified: (i) strengthening the self-governing bodies of the Judiciary; (ii) developing a modern administration system; (iii) designing new case management models; and (iv) enhancing the automation of courts. Rehabilitation of all the remaining court buildings in Armenia remains a crucial factor in the overall judicial reform process. Furthermore, careful consideration needs be given to the effective and targeted use of resources available for training of judges and other court personnel. Finally, a number of strategies to improve the public awareness campaign have been identified: (i) developing of a comprehensive public relation strategy for the Judiciary and establishment of a public relations office within the CCC; (ii) undertaking training on legal and

judicial issues for journalists; (iii) supporting the production of 40 TV programs which focus on various aspects of the legal and judicial sector; and (iv) undertaking judicial surveys to assess the effectiveness of the project and capture public attitudes towards the Judiciary and the law. These priorities and strategies are being incorporated into the next stages of the project.

## **CROATIA**

### *Court and Bankruptcy Administration Project*

Loan No. 4613-HR approved June 15, 2001 for US\$5.0 million

A 1998 report on the state of the Judiciary in Croatia detailed problems with the sector and recommended proposals for reform. The report included two thorough analyses of the judicial system prepared by ABA/CEELI and USAID in 1994 and 1998 respectively. In response to this report, the Government of Croatia is undertaking a phased approach to legal and judicial reform, starting with a set of actions aimed at the commercial courts, specifically in the area of bankruptcy.<sup>30</sup>

The objective of the Court and Bankruptcy Administration Project is to assist the Government of Croatia in its efforts to modernize its commercial courts, increase the professionalism and competence of judges, commercial court staff and bankruptcy trustees, and advance orderly insolvency proceedings. The long-term aim of the project is to establish a legal and institutional framework that can effectively protect private property, enforce contracts, defend economic rights against infringement, and establish a secure environment for private investment.

The project has five main components: (a) testing a replicable model of court administration and case management at three selected first instance and second instance commercial courts; (b) designing an effective system of management for bankruptcy professionals; (c) training court and bankruptcy professionals; (d) identifying the basic parameters of a legal information system for bankruptcy administration; and (e) increasing awareness of entrepreneurs, bankers, judges, legal professionals, and government officials about bankruptcy and insolvency.

One of the unique features of this project is that it involves a four-party agreement involving the Government (MOJ), the World

Bank, USAID, and the European Union (EU). The partnership was set up during project implementation to develop an integrated court case management automation system for the Croatian Judiciary. In May 2003, the three donor agencies and the Ministry of Justice signed a Cooperation Memorandum committing to the design and development of such a system. Under this agreement, which supports the first component of the project, USAID is financing the development of the functional specifications, the Bank is financing the development of technical specifications, and the EU and the Bank are jointly financing the development of the system software. The EU is also responsible for the purchase of any necessary hardware.

The remaining project components have all been initiated and the MOJ remains committed to moving the judicial reform process forward. It is envisaged that the project would be followed by further initiatives replicating the new court administration and case management techniques in the rest of the court system. The outcomes of the project are also important in the ongoing preparation of the Programmatic Adjustment Loan in Croatia where the reform of the justice system represents one of the core pillars.

## **CROATIA**

### *Institutional Capacity Building for Judicial Efficiency*

IDF Grant approved December 20, 2002 for US\$350,000

The purpose of this grant is to support the Government of Croatia's efforts to improve judicial efficiency through institutional capacity building. The Court leadership, the Ministry of Justice, the Administration, and local self-government are all involved in the process of collecting comprehensive and reliable data on the functioning of courts, conducting an analysis of their findings, and monitoring overall judicial performance within Croatia.

The grant supports four main activities: (a) developing an automated system for collecting, processing and maintaining court statistics and a system of monitoring judicial performance in a number of selected courts; (b) developing workload modules and other judicial performance indicators designed to effectively monitor the caseloads and judicial performance of the legal system; (c) strengthening the institutional capacity of the Supreme Court and Judicial Councils within large county courts; and (d) managing the procurement and financial aspects of the implementation process.

Activities supported by the grant have commenced. The data collection and research have begun, however it is still too early to confirm the outcome of these studies. The purchasing of the necessary technical goods and equipment has been initiated and once the process has been finalized, the training services component of the project will commence.

## **GEORGIA**

### *Judicial Reform Program*

Credit No. 3263-GE approved June 29, 1999 for US\$13.4 million (equivalent)

With the enactment of the 1995 Constitution, Georgia embarked on a process of designing and implementing a judicial reform program. The Bank funded a Technical Assistance Operation (SATAC II) that financed the preparation of a master plan for a new court administration structure, new case management procedures, design standards for rehabilitation of the court infrastructure, and the introduction of computer technology. A Judicial Sector Assessment was also undertaken, which examined the legal and institutional framework of the Georgian Judiciary, access to justice issues, public perceptions of the Judiciary, available alternative dispute resolution mechanisms, legal education, and the professional arrangements of lawyers. The Judicial Sector Assessment also provided a framework for donor coordination by defining the respective areas of donor intervention.

The objective of the Judicial Reform Program is to assist in the development of an independent and professional Judiciary, committed to high standards of judicial ethics and capable of efficient and effective dispute resolution. The project supports key interventions to assist in the establishment of the Judiciary as an independent third branch of the government. The Council of Justice, a twelve-member group appointed by each branch of government, oversees the project. The Department for Logistical Support to Courts (DLS) and the Project Implementation Unit (PIU) handle actual project implementation.

The project has six main components: (a) improving case management and court administration procedures, including computerizing appellate and district courts, and providing funds for audio equipment; (b) rebuilding court infrastructure, including creating

training facilities; (c) strengthening mechanisms to enforce court judgments; (d) drafting legislation; (e) designing training programs; and (f) implementing public information and education programs.

A new court administrative structure composed of the Court Administrative Committee of General Courts (as the rule-making body) and the Coordinating Council of the Conference of Judges (as the executive organ of court administration) has been established. The design of a new case management system has been developed and is currently being implemented. A major computerization effort to complement both the new court administration and case management is underway.

Under the public information and education component, a new NGO has been created and assumed responsibility for improving public awareness of how the judicial system works. The NGO has disseminated information about the reform program, individual rights, the Judiciary's interaction with the public, and the coverage of legal and judicial issues by the media. User surveys, conducted since the initiation of the project, have found an increased degree of satisfaction with the courts in Georgia--49% say judges are conscientious, and 57% are satisfied with judges' performance. The sustainability of this activity has received a major boost through the recent commitment of the European Union to a rule-of-law program.

## **KAZAKHSTAN**

### *Legal Reform Project*

Loan No. 4467-KZ approved May 13, 1999 for US\$16.5 million (equivalent)

The Kazakhstan Legal Reform Project was the first comprehensive institution building legal and judicial reform project in Central Asia.

The objective of the Legal Reform Project was to strengthen the legal and regulatory systems and institutions in key areas to the functioning of a market economy. The project had four main components: (a) strengthening the legal drafting and institutional capacity of the legislature; (b) strengthening the institutional capacity of the Judiciary; (c) disseminating legal information and enhancing public awareness; and (d) strengthening project management.

Under the first component, technical assistance for drafting economic laws and regulations was provided and training programs in legislative drafting for government lawyers were given. Under the judicial strengthening component, a Judicial Training Institute was developed to provide training for judges and court personnel. Court administration reforms using a pilot-based approach and the automation of courts were also implemented under this component. The legal information and public awareness component helped develop electronic systems for organizing and disseminating legal information for legal practitioners, the private sector, government officials, and the public at large.

The project was cancelled in FY02.

### **KYRGYZ REPUBLIC**

*Court Information and Management System Development*  
IDF Grant approved May 7, 2002 for US\$350,000

The purpose of this grant is to assist the Kyrgyz Republic in the development of a court information management system for courts of general jurisdiction. The proposed information management system includes a legal database of court decisions, case management systems and a record management system for the collection and maintenance of court statistics.

The grant supports seven main activities: (a) undertaking an analysis of the courts' workload distribution and developing an automated case management system; (b) evaluating the case management system upon its development and installation; (c) training for judges and other court personnel on the new court information and management system; (d) supporting study tours for judges and other court personnel to assist them in the implementation and operation of the new court information and management system; (e) developing an automated system for collecting, processing and maintaining court statistics and monitoring performance indicators; (f) acquiring the necessary equipment and software; and (g) strengthening the management and monitoring of project activities.

Activities under the project have commenced. The status of the legal information systems has been reviewed and recommendations have been made for planned improvement. Technical advisors are currently being selected to work on different areas of the project.

**LATVIA***Implementation of Laws Governing Administrative Procedures and Information Openness Project*

IDF Grant approved January 31, 2002 for US\$280,000

The purpose of the grant is to provide support to the Ministry of Justice of Latvia to strengthen the new Administrative Procedures Law (APL) and Law on Information Accessibility (LIA). The project also aims to improve appellate bodies within the public administration, upgrade training programs for judges and civil servants, enhance the impartial application of the law and provide education to the public about rights and responsibilities under the law. Historically, the Latvian public has viewed the state as an oppressive body rather than an institution with responsibilities to organize public life. Ultimately, it is therefore hoped that the project activities may assist in altering the negative perceptions of the state.

The grant supports six main activities: (a) developing compensation mechanisms for wrongful decisions by public servants in cooperation with the Ministry of Finance so that they are designed in accordance with the country's budget capabilities; (b) developing administrative appeal mechanisms within various ministries and administrative bodies in line with a new Latvian draft law; (c) strengthening judicial capacity and training; (d) creating training programs for public officials, including training for trainers and developing a manual on Administrative Procedures Law; (e) creating public education programs, including the preparation of materials and information sessions on the new law; and (f) strengthening the capacity of the State Data Inspectorate, the institution in charge of the implementation of the law on data protection, and other public bodies.

Activities under the grant are progressing well. A working group, under the guidance of the Ministry of Finance of Latvia, has been established to develop regulations on compensation mechanisms. The working group has prepared a draft law that has been submitted to cabinet. The process of reviewing appeal mechanisms in public administration has faced difficulties due to budgetary pressures on the central government and the large investments required to make the process operational. However, the Prime Minister has issued a resolution creating a new working group that has already prepared a checklist and survey instrument of public bodies.

Under the judicial capacity building and training initiative, drafting Administrative Procedures Law and training programs have been developed. Teachers from the Judicial Training Center, the Public Administration School, and the local municipalities' training centers have all attended a standard course on APL at a German judicial training center. Brochures on the new APL, designed for the general public, have been published and disseminated. Finally, amendments have been made to the Freedom of Information Law designating the State Data Inspectorate as the institution responsible for the implementation of the law. The inspectorate has prepared a draft action program for the strengthening of the implementation of the Freedom of Information Law.

## **ROMANIA**

### *Strengthening Institutional Capacity Building for Legal Drafting and Regulatory Management*

IDF Grant approved February 4, 2002 for US\$250,000

The purpose of the grant is to enhance the capacity of government agencies involved in legal drafting and regulatory management, including the Ministry of Justice, the Parliament's Legislative Council, and the Ministry of Public Finance.

The grant supports five main activities: (a) developing an effective framework for legal drafting; (b) designing regulatory impact assessments and providing training to the respective agencies who will carry out the assessments; (c) developing performance monitoring procedures for new legislation and providing technical assistance and training for their implementation; (d) establishing transparency (anti-corruption) procedures in the drafting process; and (e) strengthening budget management.

To date, the terms of reference to design a Regulatory Impact Assessment Program have been finalized and plans for a policy formation workshop are underway. It is envisaged that the activities facilitated by the grant will lead to the development of a broader legal and judicial reform strategy in Romania.

The project is scheduled for FY04.

**RUSSIAN FEDERATION***Legal Reform Project*

Loan No. 4036-RU approved June 13, 1996 for US\$58.0 million (equivalent)

The objective of the Legal Reform Project is to improve the performance of the Russian legal system in key areas to the effective functioning of market institutions. The project aims to assist economic growth by providing a legal framework to protect private property, defend economic rights, and provide a secure environment for investment and market relations. The project is being implemented by a quasi-governmental organization, the Russian Foundation for Legal Reform (RFLR), which is managed by a Board of Trustees.

The project has four main components: (a) enhancing legal drafting by improving the legislative framework at both the federal and regional levels; (b) collecting and disseminating legal information; (c) undertaking legal education and public education campaigns, including supporting eight law schools to produce innovative teaching materials and implement activities aimed at increasing public awareness; and (d) supporting judicial reform and ADR initiatives.

The project has had some significant results. The government has created a center for coordinating legislative drafting called the Commission on Legal Drafting Initiatives. The Public Legal Information Centers (PLICs) have been developed and have become important new institutions in raising public awareness in their regions. The support for the PLICs by the Ministry of Culture also demonstrates a new commitment by the government to improving access to justice.

The project's support for the eight law schools under the Legal Education sub-component has resulted in the introduction of new courses, libraries, and support for clinical legal education. The Ministry of Education is now working on a proposal to incorporate law-related topics into secondary schools curricula, indicating a significant institutional change in attitudes towards public education. The Judiciary is working to improve the recording of its proceedings under the Judicial Reform component in order facilitate higher courts reviews of lower court decisions and to enhance transparency and public trust in the system.

**RUSSIAN FEDERATION***Judicial Reform Project (under preparation)*

In November 2001, the Government of Russia adopted a federal targeted program, the Development of the Russian Judicial System for 2002-2006, to reform the judicial system. The program aims to create a viable legal, organizational and technological infrastructure for the Judiciary. The program emphasizes the importance of the Judiciary's ability to function efficiently as an independent and autonomous branch of government in strengthening both the rule of law and economic development.

The objective of the proposed Judicial Reform Project is to improve the dispute resolution process in Russia. Since dispute resolution in Russia is concentrated in the courts, modernization of the Judiciary represents the core of the proposed project.

The proposed project has six main components: (a) capacity building for the courts of general jurisdiction and the arbitrazh courts, including improving case management and court administration; (b) enhancing transparency and accountability; (c) providing legal education in secondary schools; (d) enabling access to essential legal services; (e) providing alternative dispute resolution; and (f) capacity building for the Ministry of Economic Development and Trade to enable research on justice system reform issues and improve legislative drafting.

The project is scheduled for FY05.

**SERBIA***Strengthening the Court Administration System*

IDF Grant approved June 10, 2002 for US\$300,000

The purpose of this grant is to assist the Ministry of Justice (MOJ) and the Judiciary in Serbia to develop a modern court administration system.

The grant supports four main activities: (a) preparing a diagnostic review of the current system in Serbia, including recommendations for short-term measures to strengthen administration capacity of the MOJ and the courts; (b) training, including seminars, an international expert workshop, and study visits for MOJ staff and judges; (c) developing a pilot court administration information system

at the MOJ; and (d) developing a plan for the medium-to-long-term reform of the court administration system in Serbia.

The unstable political climate in Serbia and the recent assassination of its Prime Minister have caused delays in activities supported by the grant. At the same time, key stakeholders, such as the MOJ and the courts, remain committed to the initiatives.

## **SLOVAKIA**

### *Bankruptcy Reform Project*

IDF Grant approved March 7, 2000 for US\$400,000

The purpose of this grant was to help the government develop a better bankruptcy framework in Slovakia.

The grant supported three main activities: (a) improving judicial infrastructure to strengthen the bankruptcy framework by (i) undertaking capacity building programs to prepare for the establishment of judicial training institutions focusing on the business and finance area, (ii) improving the capacity of court staff, and (iii) establishing computer systems for information and case management; (b) developing detailed rules of bankruptcy and restructuring procedures, including (i) establishing professional criteria, a professional regulatory organization and educational programs for bankruptcy trustees and liquidators, (ii) designing procedures for trustee/liquidator compensation, and (iii) creating a handbook for trustees, liquidators and enterprise restructuring experts; and (c) creating an education and public awareness program for the bankruptcy/restructuring process.

Due to challenges in project implementation, the Government revised the matrix of activities and the procurement plan to ensure that that the grant objectives could be achieved.

The project closed in FY03.

## **SLOVAKIA**

### *Legal and Judicial Reform*

IDF Grant approved February 4, 2002 for US\$389,050

The purpose of this grant is to improve the planning capacity of the Judiciary and support the policy design for managing the legal profession. The long-term aim of the initiative is to increase the performance of the courts, enhance the quality of laws, and improve access to legal and judicial services.

The grant supports three main activities: (a) preparing a legal and judicial reform strategy; (b) undertaking a study of the regulatory framework for bailiffs and notaries; and (c) evaluating the impact of these laws and regulations. One of the early successes has been the development of a new judicial map that re-aligns the courts based on demographics of need and demand, condenses the courts to a three-tier system by consolidating jurisdictions, and reduces costs. In addition, a new law on notaries has been prepared that removes barriers to entry, and the two bar associations have been merged into one.

## **SLOVAKIA**

### *Judicial Reform Project (under preparation)*

In 2000, the Government of Slovakia requested the Bank's assistance in the area of justice sector reform. A comprehensive Legal and Judicial Sector Assessment was undertaken. Following this Assessment, the 2001 Country Assistance Strategy (CAS) for the Slovak Republic and the 2003 Development Policy Review identified reform of the justice sector as a priority.

There are three major challenges faced by the justice sector that have been identified: (1) laws are frequently amended subsequent to their passage by Parliament; (2) the courts have earned a reputation for delays, low quality decisions, and corruption; and (3) individuals in Slovakia have difficulty accessing affordable legal services. The design of the Legal and Judicial Reform Project reflects the results of a joint Bank-Government analytical exercise, lengthy and intensive discussions with the justice sector's key stakeholders, and knowledge gained from the implementation of the IDF Grant outlined above. It is hoped that these factors will enhance both the Government's and community's commitment to the project.

The objectives of the proposed Legal and Judicial Reform Project are to increase understanding of the impact of laws and regulations in selected areas, enhance legislative processes, improve court productivity, increase capacity within the Ministry of Justice, and increase access to legal services for disadvantaged groups.

The proposed project has seven main components (under consideration): (a) conducting a Regulatory Impact Assessment (RIA), including (i) designing analytical methods and data collection strategies and (ii) integrating this information into decision-making processes and

training; (b) improving court performance, including (i) redesigning spatial organization within selected courts, (ii) modernizing systems for document management, (iii) consolidating human resources management and (iv) establishing a training institute for judges and other court staff; and (c) improving legal aid services by (i) designing efficient and effective systems for subsidized legal services and (ii) piloting legal aid programs for the Slovak Republic's most vulnerable groups.

The project is scheduled for FY06.

## **REGIONAL**

### *Prague Training Institute*

IDF Grant approved November 27, 2002 for US\$300,000

The purpose of the grant is to pilot a regional approach to reinforcing the technical capacity of judicial administrators for policy analysis. It is expected that judicial administrators will greatly benefit from strengthening their technical skills and exposure to regional and global experiences. The grant activities are being implemented by the CEELI Institute, headquartered in Prague, Czech Republic and complement the Institute's on-going training activities.

The grant supports two main activities: (a) implementing a pilot regional training program for judicial administrators and (b) developing a strategy for institutionalizing regional capacity building in justice sector management.

The activities supported by the grant will primarily benefit a number of low-income Europe and Central Asia countries with active legal and judicial reform programs--including Albania, Armenia, Georgia, Kazakhstan, Kyrgyz Republic, Moldova, and Serbia. It is envisaged that pooling resources and knowledge through a multi-national approach to judicial training will be beneficial.

## LATIN AMERICA AND THE CARIBBEAN REGION

### ARGENTINA

#### *Model Court Development Project*

Loan No. 4314-AR approved April 3, 1998 for US\$5.0 million

The Bank carried out a Judicial Sector Assessment in Argentina in 1992. The study, and consultations with key stakeholders about the findings in 1995, assisted the Argentinean Government in defining a 'National Judicial Reform' program. As a first step in the reform program, a Model Court Development Project was prepared as a Learning and Innovation Loan.

The objective of the Model Court Development Project is to identify, establish, and evaluate conditions that support the realization of judicial administrative reform and eventually form part of an overall legal and judicial reform program.

The project has three main components: (a) improving court management by (i) designing a pilot-program to improve the organizational structure and processes of court and case management in twelve selected model courts and (ii) creating systems to enhance records and information management, human resource management and court administration and organization; (b) developing judicial skills, including training for selected courts on new case management techniques, judicial discretion, leadership, change management, information technology, records management and budget preparation; and (c) improving accountability through the evaluation and dissemination of information, including (i) undertaking a number of public opinion surveys of the model courts, (ii) establishing judicial information centers and (iii) developing outreach.

Despite the recent economic crisis in Argentina, the model courts judges and staff have remained committed to the project and its objectives. The project has reinforced the fact that collaboration is needed between all players in the legal and judicial sector, in addition to the Judiciary, including the bar associations, law schools, civil society organizations and the private sector, to bring about effective and sustainable reform. Currently, the twelve model courts are implementing new case management techniques and the judges and staff are undergoing training.

**BOLIVIA***Judicial Reform Project*

Credit No. 2705-BO approved April 13, 1995 for US\$11.0 million (equivalent)

In 1994, the Government of Bolivia passed constitutional amendments that established a number of key legal sector institutions, including the Judicial Council, the Constitutional Tribunal and the Ombudsman's Office. These developments, and the creation of the Ministry of Justice, prepared the way for comprehensive judicial reform in Bolivia.

The objective of the Judicial Reform Project was to support the development of a judicial system that contributed to economic growth in Bolivia by facilitating private sector activity and promoting social welfare by guaranteeing the basic rights of all citizens.

The project had two main components: (a) reforming the judicial system, including (i) improving judicial process, (ii) strengthening human resource management, (iii) capacity building, and (iv) creating a judicial training program; and (b) supporting the development and work of the Ministry of Justice, including (i) implementing constitutional reforms, (ii) developing alternative dispute resolution services, (iii) implementing legislative reforms to facilitate private sector activity; and (iv) capacity building.

The project, overall, was successfully implemented. Under the first component, a manual information system was introduced to monitor court workloads and the duration of proceedings in civil courts. The system is now operational in the nine judicial districts and has helped to develop a statistical database to identify critical bottlenecks in the court system. Furthermore, a computerized case-tracking system was developed and introduced across the judicial sector at the end of 2000.

In human resource management, personnel management criteria were developed in the areas of recruitment, performance evaluation, and career advancement. The Judicial Council launched the first open competition for judgeship positions in April of 1999 and developed a set of ethical standards for judges. Further, an in-depth study on the Judiciary's organization focusing on human resource policies, job skills, courtroom administration and organizational guidelines was undertaken. The Judicial Council's Strategic Program 2000-2004 reflects the study's conclusions and recommendations.

The project financed the first training program for civil judges in Bolivia, focusing on case management, fact-finding and the formulation and drafting of decisions. Forty judges were trained as course trainers and were then able to train an additional 250 civil judges. Curricula and instructional packages were developed and disseminated. Finally, under this component, the project supported policy development and the establishment of the Judicial Development Fund to promote demand-driven solutions to judicial administration issues and to cultivate a competitive environment for innovation among judicial districts.

Under the second component of the project, the MOJ was provided with assistance to draft laws and regulations and support the operation of both the Constitutional Tribunal and the Judicial Council. Courses and information campaigns were conducted to disseminate information to the legal community on the Tribunal proceedings and the functions of the Council. In order to improve the rules governing private sector activities, the MOJ prepared: a new Code of Civil Procedure, amendments to the Civil and Commercial Codes, and a new Law of Administrative Procedures. The project also financed studies on the establishment and promotion of alternative dispute resolution mechanisms in marginal and indigenous communities.<sup>31</sup> Finally, the project supported the Ministry's programs to develop a legal database of primary and secondary legislation, prepare guidelines for the formulation of draft laws and regulations, and establish a reference library.

The project closed in FY00.

## **COLOMBIA**

### *Judicial Conflict Resolution Improvement Project*

Loan No. 7081-CO approved November 8, 2001 for US\$5.0 million

The Judicial Conflict Resolution Improvement Project constitutes the first phase of a long-term initiative, undertaken by the Colombian Supreme Council of the Judicature (SCJ), aimed at improving judicial conflict resolution services in the civil, labor and family law jurisdictions. The project is expected to improve the Judiciary's social legitimacy and ability to respond effectively to the society's justice needs, increase incentives for conflicts through peaceful means, and enable a cheaper, more effective enforcement of contracts, thereby enhancing private sector development.

The objective of the Judicial Conflict Resolution Improvement Project is to improve the efficiency, quality and productivity of the Judiciary in discharging its conflict resolution functions.

The project has seven main components: (a) improving judicial management; (b) enhancing human resource competencies and capabilities; (c) strengthening institutional organization and structure; (d) designing performance evaluation programs; (e) designing information systems; (f) improving court facilities; and (g) monitoring and evaluating the reform process. The project aims to promote a comprehensive 'Change Management Strategy' in at least 37 participating civil circuit courts by: (i) developing organizational culture and competencies aligned with the proposed changes in conflict resolution services; (ii) improving the courts' organizational structure, work flows and administrative processes; (iii) developing incentives to align the Judiciary's performance evaluation with the Change Management Strategy; (iv) supporting training and infrastructure development for the introduction of computerized court management systems; (v) improving filing systems and physical facilities; and (vi) strengthening accountability through monitoring and evaluation systems. Judicial Change Teams (JCTs) have been established in Bogota, Medellin, Bucaramanga and Cali.

During the first half of 2003, the project helped design the overall JCT Change Management Strategies. The specific missions and visions of each JCT have been defined and respective performance measurements have also been developed. This stage of the project has focused on resistance and flexibility to change and the nurturing of new values, competencies, and practices. Members of the JCTs have undertaken training focusing on organization and technical change strategies. Other judicial staff have undertaken training on project aims and initiatives.

Some work on organizational change has begun in the JCT Courts. Judicial activities and work processes of court staff have been adapted to enable the implementation of modern case management techniques. Computerized case management systems have been installed in a number of JCT Courts. A Public Information Center has been created in a JCT Court in Medellin, with a capacity to serve 500 users a day with more than 40,000 files. JCT Courts are being refurbished to improve organizational layout and facilitate a modern

court filing system. Monitoring and evaluation systems for the JCT Courts are being prepared.

The project has also provided assistance to the SCJ to assess and revise its judicial staff performance evaluation system. A pilot program of individual and team incentives has been prepared to reward performance of JCT members and other judicial staff. The Bank has recommended that such incentives be extended to judges and judicial staff who are currently not included in the project.

The project is ultimately a pilot aimed at testing two innovative hypotheses: (1) whether the proposed Change Management Strategies will generate a significant change dynamic within the various groups of participating judges; and (2) whether comprehensive organizational change strategy, aimed at tackling both institutional and organizational factors, affects the way courts deliver judicial conflict resolution services. If successful, this project may be followed by a regular investment operation aimed at replicating the proposed strategy nationwide.

## **ECUADOR**

### *Judicial Reform Project*

Loan No. 4066-EC approved April 13, 1995 for US\$10.7 million (equivalent)

The Judicial Reform Project was designed to implement part of the Government of Ecuador's overall Administration of Justice Reform Strategy (Plan Integral de Reforma).<sup>32</sup> The strategy was based on a Legal and Judicial Sector Assessment undertaken by the Bank in 1994,<sup>33</sup> as well as consultations with a broad range of local stakeholders and international donors.

The object of the Judicial Reform Project was to improve access to justice, the efficiency of judicial services and the participation of civil society in judicial reform.

The project had three main components: (a) implementing court reform, including (i) improving case administration, (ii) designing information management systems, (iii) enhancing judicial training, and (iii) strengthening infrastructure; (b) designing a court-annexed mediation program; and (c) supporting law and justice supported activities initiated by civil society by (i) implementing a Law and Justice Fund grant program, (ii) designing a professional

development program for law professors, (iii) undertaking a study on the state of legal education and developing of standard curriculum in key areas, (iv) monitoring and evaluating the pilot mediation centers, and (v) supporting legal aid centers for poor women.

The project, overall, was considered successful. Under the first component, new case administration and information systems were piloted in a total of 71 courts in the cities of Quito, Guayaquil, and Cuenca. The pilot courts demonstrated an 85 percent reduction in the average duration of cases. For example, among the 12 pilot courts in the city of Quito, the average case duration in the pilot stage ranged from 175 to 422 days across different courts, compared to 840 to 1,732 days during the pre-pilot stage. In addition, the clearance rate increased in the pilot court from 44% to 135%. For example, the model was most successful in the city of Cuenca (135%). Since 2001, the number of cases disposed has been higher than the number of filed cases in each of the cities. There has also been an 85% reduction in the duration of cases. For example, in one city, the time was reduced from 1,700 days to 922 days.

The second component of the project supported a successful pilot program of court-annexed mediation centers in Quito, Guayaquil, and Cuenca with more than 400 cases mediated.

Finally, the third component, the Program for Law and Justice, financed a professional development program for law professors and a study on the state of legal education, as well as research and evaluation of pilot mediation centers and legal aid centers for poor women. In addition, the Fund for Law and Justice was established to finance proposals from civil society in the areas of (i) legal education and information, (ii) access to justice, and (iii) law research and reform. Grants were awarded, up to \$100,000, and a total of 24 grants were financed to support poor women, children, indigenous populations, legal non-governmental organizations, and law faculties. For example, "Promotores de Justicia y Derechos de Machala," in El Oro province, was a grant for young people to conduct civic education about rights and laws in schools. The education program was adopted and replicated by the province in all schools.

The Ecuador project adopted a comprehensive and innovative approach to legal and judicial reform. The project supported pilot activities from both the supply and demand side of the legal system,

based on the premise that it is not enough for a judicial system to be efficient if it is not accessible to those with legitimate claims. As a result, the project combined a top-down and bottom-up approach that ensured that the Judiciary, the legal community and civil society contributed to the reform process. The Law and Justice Fund was an innovative and effective way for civil society to participate in the legal and judicial reform process. The five legal aid clinics for poor women had positive effects; legal representation for these women reduced domestic violence by 17 percent and increased their children's school attendance by almost five percent.<sup>34</sup> This project provided the groundwork for further reforms going forward. Legal and judicial reform continues to be a priority in Ecuador. In 2000, an updated Legal and Judicial Reform Strategy was prepared and in 2003 the Bank undertook an updated Legal and Judicial Sector Assessment. Based on the updated Assessment and Strategy, two grants were prepared for the government of Ecuador to continue the reform process.

The project closed in FY03.

## **ECUADOR**

### *Law and Justice for the Poor*

JSDF Grant approved June 2002 for US\$1.78 million

### *Institutional Strengthening of the Solicitor General's Office*

IDF Grant approved June 27, 2002 for US\$394,000

The purpose of the first grant from the Japanese Social Development Fund (JSDF) is to support NGOs who provide assistance to the poorest and the most at risk people in Ecuador. The grant supports four main activities: (a) enhancing alternative dispute resolution mechanism, (b) improving legal services for the poor, (c) supporting indigenous dispute resolution initiatives, and (d) improving access to legal services.

The purpose of the second grant from the Institutional Development Fund (IDF) is to strengthen the institutional capacity and the role of the Solicitor General's Office of Ecuador. The grant supports three main activities: (a) enhancing the Office's legal, administrative and management capacity, (b) creating commercial mediation offices, and (c) designing public legal education activities.

**EL SALVADOR***Judicial Reform Project*

Loan/Credit No. 7135-ES approved August 1, 2002 for US\$18.2 million (equivalent)

The Government of El Salvador has committed to judicial reform as a priority on the National Agenda. With the Bank's support, the current project was developed through a participatory process involving judges, technical and administrative staff, lawyers, bar associations, businesses, NGOs, municipalities, government institutions, donor representatives, media, law faculties, women's associations, labor unions and Salvadorians living abroad.<sup>35</sup>

The objective of the Judicial Reform Project objective is to improve El Salvador's judicial system by promoting measures aimed at enhancing the effectiveness, accessibility, and credibility of its Judicial branch.

The project has five main components: (a) strengthening the institutional management capacity of the Judicial branch by (i) developing administrative quality standards, (ii) designing an integrated planning system, and (iii) developing an international grant resource management program; (b) modernizing the court system, including (i) developing a court re-mapping plan, (ii) strengthening of the automated judicial and administrative case management program, (iii) updating models of judicial organization, and (iv) expanding judicial infrastructure; (c) knowledge-sharing to foster access to justice, transparency and understanding of the Rule of Law by (i) designing a system for inspection and control of judicial services, (ii) carrying out legal outreach programs aimed at civil society groups, and (iii) upgrading judicial documentation centers and libraries; (d) enhancing professionalism of judicial officers and court staff by (i) improving the Judicial branch's human resources policies and (ii) promoting the role of judges in El Salvador's economic and social development; and (e) increasing accountability through project management, and monitoring and evaluation, including (i) strengthening the capacity of the Project Coordination Unit, and (ii) carrying out project studies, audits and reviews.

**GUATEMALA***Judicial Reform Project*

Loan/Credit No. 4401-GU approved October 22, 1999 for US\$33.0 million (equivalent)

The Guatemalan Judicial Branch Modernization Commission has committed itself to a comprehensive plan to reform the Guatemalan Judiciary (Plan de Modernización del Organismo Judicial). The reform program was developed in consultation with the Bank, other bilateral and multilateral partners,<sup>36</sup> local judges, court administrators, and NGOs.<sup>37</sup>

The objective of the Judicial Reform Project is to support the Guatemalan Judiciary in implementing its modernization plan.<sup>38</sup> The project aims to improve the administration of justice, strengthen judicial independence and accountability, and increase access to justice and confidence in the judicial system.

The project has four main components: (a) strengthening the institutional capacity of the Judiciary branch by (i) improving court administration and human resource management, (ii) strengthening judicial career initiatives, and (iii) improving the operation of courts; (b) designing anti-corruption initiatives, including (i) designing ethical standards and training programs (ii) establishing a judicial sector anti-corruption commission and (iii) enhancing administrative and disciplinary procedures; (c) improving access to justice by (i) introducing and expanding ADR mechanisms, such as justice-of-the-peace courts, mediation centers and mobile courts, (ii) improving service delivery to court users and (iii) developing a civil society participation program; and (d) supporting the reform process by (i) enhancing the Judiciary's communication with other stakeholders, (ii) supporting the Judiciary Branch Modernization Commission and Project Coordination Unit, and (iii) developing a monitoring and evaluation program.

**GUATEMALA***Strengthening the Ombudsman Office*

IDF Grant approved May 5, 2003 for US\$130,000 (equivalent)

The purpose of this grant is to provide support to the Ombudsman Office for Indigenous Women (DEMI) in Guatemala. The aim of DEMI is to improve access to justice for indigenous women and

create new laws to protect their rights. The needs of indigenous women are a priority under the 1996 Peace Accords, thus enhancing the role of DEMI is a critical part of the Government's objectives.

The grant will support four main activities: (a) designing a planning and evaluation method to monitor DEMI's work; (b) supporting the work of the Unit for Attention To and Treatment for Victims of Domestic Violence, including (i) undertaking a research study into domestic violence, its causes and its consequences, (ii) analyzing models of treatment for domestic violence available in urban and rural settings, and (iii) undertaking a study into the needs and preferences of the women who use the judicial services of the DEMI; (c) capacity building workshops and training for women, including (i) training in judicial processes and (ii) developing a program to enable indigenous women to work in the community justice centers; and (d) improving knowledge management and dissemination by (i) translating information on DEMI and indigenous women's rights into four Mayan languages, (ii) disseminating this information across the 23 ethno linguistic areas of Guatemala, and (iii) piloting radio programs with basic information on indigenous rights and laws pertinent to indigenous women and DEMI.

## **HONDURAS**

### *Judicial Branch Modernization Project (under preparation)*

The objective of the proposed Judicial Branch Modernization Project is to improve the judicial system in Honduras by enhancing its effectiveness, efficiency, accountability, accessibility, and credibility. The project is built on the idea that on-going judicial reform needs to adopt a more holistic approach, should be informed by past experience and should be more focused on the users, especially the poor and disadvantaged.

The proposed project has four main components: (a) strengthening governance, human resources and judicial independence by (i) establishing a normative framework to promote stability of judicial posts and to enhance professionalism among both judicial and administrative staff, (ii) increasing incentives for judges, (iii) increasing educational standards and improving training, and (iv) monitoring judicial performance; (b) modernizing the Supreme Court and the lower courts by (i) developing an organizational model for

courts and (ii) designing information management systems; (c) strengthening access to justice, focusing on the most vulnerable segments of society--the poor, women, children, and indigenous populations; and (d) promoting transparency and anti-corruption mechanisms.

The proposed project is currently under preparation. The Judiciary plans to hold a series of consultations about the project with a variety of stakeholders--judges, court administrators, legal sector officials, lawyers, NGOs, women's groups, bar associations, small business groups, municipalities, academia, parliamentarians, and Hondurans living abroad. The aim of these consultations is to build consensus, commitment, and ownership among key stakeholders.

The project is scheduled for FY04.

## **MEXICO**

### *Community Access to Justice at the State Level (Judicial Modernization Project under preparation)*

The objective of the proposed Judicial Modernization Project is to improve the institutional performance of the state courts in Mexico. The Comisión Nacional de Tribunales Superiores de Justicia (NCSC) in Mexico is working in partnership with the Bank, through a consultative process, to design a judicial reform strategy. The project aims to build on past lessons and facilitate knowledge-sharing among various stakeholders that are involved in the legal and judicial sector.

The proposed project has five main components: (a) strengthening institutional capabilities, culture, and knowledge by designing systems for the formulation and evaluation of judicial policies; (b) improving the efficiency and effectiveness of the judicial branch by (i) developing human resource norms and training standards, (ii) supporting infrastructure developments and (iii) improving organizational and procedural management; (c) increasing judicial transparency by (i) creating disciplinary and accountability mechanisms for judges, (ii) implementing measures to combat corruption, and (iii) improving user access to judicial information; (d) strengthening access to justice, by (i) developing citizen education programs, particularly targeting women, children, small businesses and the general public, (ii) developing mediation centers and mobile small claim courts, and (iii) adapting physical infrastructure to local

user needs; and (e) enhancing effective project management and evaluation by supporting training, monitoring and evaluation processes.

The proposed project is currently under preparation. The strategy and elements of the judicial modernization process have been disseminated through a series of participatory workshops in several states. A number of background studies have also commenced.

The project is scheduled for FY04.

## **PARAGUAY**

### *Legal and Judicial Reform Project*

IDF Grant approved May 1, 2000 for US\$440,000

The purpose of this grant is to support the Supreme Court of Justice and the Council of Magistrates in Paraguay to improve their ability to supervise and plan the delivery of judicial services.

The grant supports four main activities: (a) strengthening the jurisdictional function by (i) improving judicial selection and on-the-bench performance, (ii) improving case flow management, (iii) identifying problems in the handling of non-criminal cases, and (iv) enhancing alternative dispute resolution mechanisms; (b) improving judicial administration by (i) enhancing resource management and (ii) procurement training; (c) strengthening judicial governance by developing tools to monitor performance within the Judiciary; and (d) strengthening the capacity of public registries by (i) enhancing performance and (ii) establishing a sustainable administrative framework.

To date, steps to revise the processes and organization of the Public Registry Directorate have been undertaken and refurbishment plans have begun. A review the Judicial Career and performance standards for Judges, and training on judicial transparency have been initiated.

## **PERU**

### *Ombudsman's Office Institutional Development*

IDF Grant approved February 1, 1999 for US\$500,000

The Defensoría del Pueblo (Ombudsman's Office) is an autonomous Peruvian agency responsible for protecting the constitutional rights of citizens and supervising the compliance of

public administration duties and the provision of public services. The Ombudsman's Office is independent from any other state organ and is a key institution in the promotion of citizen's rights in Peru.

The purpose of the grant was to enhance access to the services of the Ombudsman's Office, and to improve the efficiency of the internal processing of complaints against other state agencies.

The grant supported four main activities: (a) modernizing the administrative structure and operation of the Ombudsman's Office; (b) improving the performance of the Ombudsman's national and regional offices; (c) enhancing the coordination between state authorities and civil society; and (d) improving user knowledge of and access to the Ombudsman's services.

The grant was the first Bank-financed initiative that supported improvements to an Ombudsman's Office.<sup>39</sup> Activities funded by the grant strengthened a young institution and enhanced its performance. Grant activities also supported greater public demand and accessibility to services through knowledge-sharing and the dissemination of information. One of the most innovative aspects of this grant was the development of systemic solutions for problems identified as affecting particular groups within the community. Instead of dealing with such cases on an individual basis, the Ombudsman's Office catalyzed a dialogue between state authorities and civil society, proposing solutions to particular problems. This "class action" (or institutional policy) approach proved extremely efficient in dealing with certain issues as compared with the traditional "case-by-case" complaint mechanism.

The grant supported the independence of the Ombudsman's Office at a time when other state institutions were subject to authoritarian rule. Even in the unfavorable environment of Peru between 1998-2000, the Ombudsman's Office retained a high level of credibility and influence and was able to assist in the development of public sector reform policies. The Ombudsman's Office is now in a better position to respond expeditiously and effectively to the needs of Peruvian citizens.

The grant closed in FY00.

**PERU***Justice Services Modernization Project (under preparation)*

Following ten years of externally imposed reforms, Peru's justice sector institutions are arguably at a critical crossroad. They enjoy independence from political control but retain a negative reputation as inaccessible and corrupt. The Bank is assisting the Judiciary and other legal sector institutions in developing a more service-orientated sector aimed at benefiting a variety of potential users, consolidating the positive aspects of recent innovations, and gaining citizen respect for their decisions.

The objective of the proposed Justice Services Modernization Project is to set the basis for sustainable justice sector reform by strengthening sector institutions and enhancing access to justice by the poor. The project aims to increase public confidence in the Judiciary and other legal sector institutions by ensuring the basic rights of users. It is also expected that it will facilitate private sector activities by improving mechanisms to protect personal, economic and property rights.

The proposed project has three main components: (a) improving service delivery, by (i) supporting capacity building, (ii) developing leadership and management skills within the Judiciary, (iii) strengthening independence between sectors, (iv) developing information management systems and (v) strengthening court operations and case management systems; (b) improving human resource management by (i) introducing a modern concept of human resource planning into key sector institutions, (ii) encouraging coordinated planning among institutions for human resource management purposes, and (iii) promoting decentralized planning and monitoring of judicial offices; and (c) enhancing access to justice by (i) strengthening the capacity of civil society organizations to provide legal aid services, (ii) strengthening alternative dispute resolution services, (iii) providing training and support for lay judges, and (iv) developing information strategies that raise awareness among the Peruvian population about the value of an independent, competent and equitable justice sector.

The project is scheduled for FY04.

**VENEZUELA***Judicial Infrastructure Development Project*

Loan/Credit No. 3514-VE approved August 6, 1992 for US\$30.0 million (equivalent)

In 1989, the Venezuelan Government undertook a reform program to redefine the role of the state in public life. These reforms led to a consensus between government officials and the private sector about the need for comprehensive judicial reform in Venezuela.

The objective of the Judicial Infrastructure Development Project was to improve Venezuela's prospects of private sector development and reduce both the private and social costs of justice.

The project had four main components: (a) strengthening the planning, budgeting, and management capacity of the Judicial Council and the Executive Directorate of the Judiciary (D.E.M.); (b) reorganizing and streamlining courtroom management; (c) enhancing the institutional capacity of the Judicial School; and (d) building and renovating courthouses. Other project activities were undertaken related to indigenous justice, minors' rights, gender sensitivity, and perceptions of the justice system among the poor.

The project was successfully implemented and in a number of areas exceeded initial goals. Under the first component, regional administrative directorates were set up, a strategic information technology management plan was implemented and an integrated financial management system (SIGECOF) was developed. Knowledge-sharing and transparency were enhanced through publications such as annual reports.

Under the court management component, a new court organizational model with an integrated case management system (Juris 2000) was implemented in pilot cities and elsewhere. As a result of this initiative, court backlogs and delays were reduced. In the pilot courts, for example, the average processing time for a lease contract dispute was reduced from 368 days to 180 in Ciudad Bolivar; for debt disputes, from 744 to 242 in Ciudad Bolivar; and for a social benefits dispute, from 785 to 257 in Barquisimeto.<sup>40</sup> Further, as a result of these initiatives, court information is now readily available to citizens through the judicial website portal.<sup>41</sup>

The last component of the project successfully improved a number of court facilities, particularly in regional areas, and more than

22 Justice Centers (Sedes Alternas) were built. At the same time, this remains an area where more work is still needed in order to overcome the dilapidated conditions under which courts operate in Caracas and elsewhere.

The project was completed in FY03.

## **VENEZUELA**

### *Supreme Court Modernization Project*

Loan/Credit No. 4270-VE approved December 30, 1997 for US\$4.7 million (equivalent)

A strategy for the modernization of the Venezuelan Supreme Court was prepared by the Government of Venezuela in 1997, after consultation with the Bank and other key stakeholders, including judges, court staff, NGO's, and other legal sector members.

The objective of the Supreme Court Modernization Project was to improve the Supreme Court's performance in areas of transparency, administrative efficiency, case management, and timeliness in the publication of decisions.<sup>42</sup>

The project had four main components: (a) enhancing communication, policy research and quality assurance; (b) improving caseload administration; (c) supporting the dissemination of Supreme Tribunal's decisions; and (d) improving court administration and management.

The project, overall, was successfully implemented. Under the first component, a Civil Society Unit was set up to facilitate communication and collaboration between civil society and the Court. The unit was seen to make the Supreme Tribunal more accessible and transparent, and was seen to increase court-community interactions through activities and workshops held in and outside Caracas.<sup>43</sup> The project also supported the creation of the "Alianza Social Para la Justicia", an umbrella group representing the views of forty-five NGOs, and "IUDICIS", a virtual knowledge network for Ibero-American courts for knowledge-sharing on judicial reform issues. It initiated the "Voices of the Poor" study, a survey of disadvantaged communities and their views on the justice system.<sup>44</sup> Moreover, the project supported information technology innovations within the Court, such as the creation of a judicial portal<sup>45</sup> and kiosks providing information to Court users.

Under the second component, the "TEPUY XXI" instrument, a software package for modern case management, was installed in the Court. This initiative, along with other innovations such as pooling of law clerks, served to increase transparency and efficiency within the Court. For example, from 2000 to 2001, the number of cases decided rose from 7,675 to 8,842. During the same period, settlement of cases increased by 59 percent in the Constitutional and Administrative Chambers, and many chambers cleared cases pending since the 1940s, 1950s and 1960s.

As a result of the third component, virtually all court decisions were made immediately available via the Court's website-- a vast improvement on the seven years it previously took for some decisions to become publicly accessible.

Under the final component of the project, measures were taken to improve working conditions for court staff and to enhance the institution's image. Activities included knowledge-sharing and training activities, and the creation of new manuals and job descriptions for staff.

In general, the project activities included initiatives to promote dialogue with civil society, women's and indigenous rights groups, and NGOs working in the area. This collaborative approach was seen as instrumental in the success of the project. The project's success also arguably demonstrates that the development of new work methods, attitudes, and behaviors have an effect on the performance and the promotion of further judicial reform.

The project was completed in FY02.

## MIDDLE EAST AND NORTH AFRICA REGION

### JORDAN

#### *Legal Aid for Poor Women*

JSDF Grant approved July 31, 2001 for US\$191,000

The purpose of the grant is to support local NGOs in Jordan to provide legal services to poor women. This grant replicates the legal aid services program initially tested and implemented under the Ecuador Judicial Reform Project.

The grant supports five main activities: (a) promoting legal aid services with a multidisciplinary approach to assist women with legal, psychological and medical issues; (b) undertaking public education on laws affecting women, including developing and distributing information in courts, police stations, and public hospitals; (c) training of judges and court personnel on gender-sensitivity in handling cases, and the existing national laws and international treaties dealing with women; (d) developing a proposal to make the legal aid services sustainable through partnerships with the private sector and new self-funding mechanisms; and (e) developing monitoring indicators with baseline standards for service delivery to low-income citizens.

### MOROCCO

#### *Judicial and Legal Reform Project*

Loan No. 4563-MO approved June 15, 2000 for US\$5.3 million (equivalent)

The 1997 Free Trade Agreement with the European Union spurred a renewal of the legal and regulatory framework for business-related activities in Morocco. In 1998, the Bank carried out a Private Sector Assessment update for the Government of Morocco with significant stakeholder participation. The Assessment identified a number of priority areas in need of reform, including the legal and judicial sector. Reform of the legal and judicial sector has since been incorporated as an essential component of Morocco's five-year economic development plan.

The objective of the Judicial and Legal Reform Project is to enhance the justice system's role in economic reform by improving the operations and performance of the commercial courts and commercial

registries, updating the training program for judges and strengthening the capacity of the Ministry of Justice.

The project has six main components: (a) improving the legislative and regulatory framework for commercial transactions and the resolution of commercial disputes by supporting efforts to draft a modern Arbitration Code and to revise existing legislation and regulations; (b) strengthening the judicial system's capacity to adjudicate business-related cases efficiently, transparently and reliably by introducing modern case management techniques and automated tools in all commercial courts; (c) strengthening the capacity of local registries to register and record essential information and provide ready access to the public by introducing appropriate automated systems; (d) improving training of judges and court administrative staff by upgrading the teaching methods, curriculum and resources of the Institut National d'Etudes Judiciaires (INEJ); (e) strengthening the capacity of the Ministry of Justice to collect, manage and disseminate legal, judicial and regulatory information and to promote wide ranging communication and public awareness programs, and (f) ensuring adequate sustainable capacity within the Ministry of Justice in order for the project to be implemented effectively.

While consisting of numerous components, the project is compact and targeted. Though there has been positive progress in the program overall, there have been substantial delays in the implementation of the training and communication components of the project. The delays highlight the difficulties often faced when attempting to reform many aspects of a complex system at once. It is therefore suggested that one lesson from this experience may be that capacity building and reforming the legal and regulatory framework should often be precursors to training.

It is of interest to note that a Legal and Judicial Sector Assessment was undertaken during the life of the project, rather than during project preparation. The Assessment was deemed useful in paving the way for further developments in the ongoing project. It is clear that while the project is addressing some of the critical areas of concern raised by the Assessment, the project was never intended to address all aspects of the legal and judicial sector in Morocco. A new commercial registry code and amendments to commercial laws and regulations have been completed. Computer systems have been installed in each commercial court registry, and staff have been trained

in the new system. Thus far, this system has contributed to improvements in the courts.

### **WEST BANK AND GAZA**

#### *Legal Development Project*

World Bank Trust Fund No. 26063-GZ approved June 24, 1997 for US\$5.5 million (equivalent)

The Palestinian Ministry of Economy and Trade (MET) has set out a clear legal reform agenda for the Palestinian Authority. The Legal Development Project represents one of the first steps in the Palestinian Authority's quest to establish the rule of law in the parts of the West Bank and Gaza under its control.

The objective of the Legal Development Project is to implement an adequate legal framework to support a modern market economy and private sector growth, and to increase the efficiency, predictability, and transparency of the judicial process. While there has been some clear progress in the project, the conflict situation in the West Bank and Gaza impedes project implementation.

The project, as originally conceived, has three main components: (a) unifying and developing the existing legal framework; (b) improving the judiciary's administrative and case management procedures; (c) introducing selected training programs for judges; (d) expanding the use of alternative dispute resolution (ADR) mechanisms within the judiciary; and (e) disseminating legislation and court precedents to the legal, judicial, academic, and business communities, and the public at large. In December 2001, three of the project components were cancelled: the court administration component, the ADR component, and the judicial training component. Further, the construction of courthouses has been postponed due to the current conflict in the West bank and Gaza.

Implementation of the remaining components-- unification and development of legislation and the provision of legal information--continue to move forward slowly. The Project Implementation Unit is continuing to work on draft laws, and the first volume of a five-volume collection containing all legislation and decrees enacted by the Palestinian Authority has recently been published. Further, the Quarterly Legal and Judicial Journal has been published and a legal awareness campaign has been launched in conjunction with Al Azhar University in Gaza and the Palestinian Bar Association.

**REPUBLIC OF YEMEN***Legal and Judicial Reform Project*

Credit No. 3274-RY approved June 28, 1999 for US\$2.5 million (equivalent)

Until unification in 1990, the People's Democratic Republic of Yemen (South) and the Arab Republic of Yemen (North) had different legal regimes. While North Yemen's legal system drew heavily on legal traditions of the Ottoman system, South Yemen's system had a distinctly common law influence resulting from decades of British reign. The Reunification Constitution of the Republic of Yemen (approved by referendum in 1991) espouses the principles of the separation of powers and the independence of the Judiciary. However, the transitional system faces serious problems in terms of efficiency, quality, and the enforceability of laws.

The objective of the Legal and Judicial Reform Project was to assess the potential of a judicial training pilot program to enhance the effectiveness of the judiciary and strengthen the capability of the Ministry of Legal and Parliamentary Affairs (MOLPA) to prepare and advise on business and economic legislation.

The project had three main components: (a) supporting judicial reform by (i) undertaking training for the judiciary and arbitrators, (ii) undertaking an assessment of court administration and judgment execution regulations and practices, and (iii) rehabilitating court infrastructure; (b) supporting legal reform by (i) strengthening the institutional capacity of the MOLPA, (ii) assessing the legal frameworks governing business, economic, and financial activities, and (iii) developing a legal framework for land tenure, transfer, titling, and registration; and (c) undertaking a public awareness campaign.

Despite the instability experienced in Yemen during the last year or so, the project was successfully implemented. The Supreme Judicial Training Institute in Egypt trained 220 members of the Judiciary, 26 courses were provided to over 650 judges, arbitrators and clerks of the High Judicial Institute and the Yemen Arbitration Center. In sum, approximately 80% of judges received training through the project. The project is seen to have provided the groundwork for further developments in legal and judicial reform in Yemen.

The project closed in FY02.

## **SOUTH ASIA REGION**

### **BANGLADESH**

#### *Legal and Judicial Capacity Building Project*

Credit No. 3845-BD approved March 29, 2001 for US\$30.60 million (equivalent)

The Government of Bangladesh developed a Strategy for Legal and Judicial Reforms following extensive consultations with civil society, legal professionals and government officials throughout the country. The Legal and Judicial Capacity Building Project covers the first phase of the government's long-term strategy to build a well-functioning legal system capable of improving the financial, commercial, industrial and social life of Bangladesh. The project is being implemented under the leadership of the Ministry of Law and the Supreme Court, with the active cooperation of legal professionals working in both the Supreme Court and the District Courts.

The objective of the Legal and Judicial Capacity Building Project is to improve the civil justice system in Bangladesh in order to stimulate private sector development and render the system more accessible to the poor, women and the disadvantaged.

The project has four main components: (a) judicial capacity building by modernizing case management and court administration in the Supreme Court and in 23 identified districts of Bangladesh; (b) improving access to justice; (c) promoting legal literacy and public awareness; and (d) legal reform capacity building.

Under the judicial capacity building component, a draft "Case Management Model" (Model) and a draft "Court Administration Structure" (Structure) for district courts have been developed. The Model includes early managerial intervention by a judicial officer in case preparation, case timetabling, initiating alternative dispute resolution (ADR), and case tracking. The Structure sets out a centralized filing system for all the courts in a district, replacing the localized filing of cases in each court. Under the centralized filing system, an administrative judge is in charge of filings and the Chief Judge of the district is responsible for distributing cases evenly among all the judges in the district. The Model is being implemented in the Supreme Court, and both the Model and the Structure are being tested in the pilot districts of Gazipur, Khulna, Dhaka, Comilla and Rangpur.

Based on experience in the pilot districts, the Model and the Structure will be refined and then replicated in the remaining 18 project districts over the course of the project period.

Refurbishment and improvement of court infrastructure has also started under the project. As an aid to case management and court administration, a computerized management information system (CMIS) is being developed, and will be introduced in the project districts and the Supreme Court. Training facilities for the judges and court staff are being updated and the curricula modernized.<sup>46</sup>

The Bangladesh Government has taken a number of initiatives to implement the project. They have enacted the Civil Procedure Code (CPC) and a new Money Loan Court Act, which enables judicial intervention in case preparation and empowers judges to attempt ADR for resolution of cases. Judges and selected lawyers have been trained in mediation techniques and mediation has already produced encouraging results in out-of-court settlements and in increased debt recovery by financial institutions.

Under the access to justice component, a study is being initiated to examine the sources and effectiveness of legal aid in Bangladesh. This study also aims to look at ways of improving public awareness and legal literacy. Under the legal reform component, technical assistance has been provided to strengthen the Drafting Wing of the Ministry of Law, and a pilot project to strengthen and modernize the Bangladesh Law Commission is being developed.

## **PAKISTAN**

### *Reform in Regulatory and Legal Policy Environment Project*

IDF Grant approved February 25, 2002 for US\$330,000 (equivalent)

In January 2002, the Government of Pakistan, under the Minister of Industries & Production (MOI&P), established a Committee on Reforms in the Regulatory Legal and Policy Environment (the Committee). The Committee was formed in order to move forward on the Government's agenda to deregulate industry rules, regulations, laws, and institutions. Building on on-going deregulatory reforms, the Committee is expected to map out a comprehensive reform program and the steps needed to lower the costs of doing business in Pakistan. The Minister of Industries & Production chairs the Committee, comprised predominantly of private sector representatives.

The purpose of this grant is to support the Committee in its goal to improve the investment climate and export competitiveness.

The initial stages of the project have been progressing successfully. A detailed review of the regulatory regime and recommended changes to outdated and market-unfriendly laws, regulations, procedures, and institutions are being undertaken. Revision of labor legislation generally, the Factories Act 1934, and the Drug Act 1976 are underway. Work on reviewing the interface between the private sector and government institutions, in order to improve the investment climate for business, is also being undertaken.

The next stages of the project include seeking stakeholder feedback on the reforms implemented, and undertaking a number of further reviews focusing on company law, industrial policy, and areas where there are monopolies, cartels and price controls in Pakistan.

## **SRI LANKA**

### *Legal and Judicial Reforms Project*

Credit No. 3384-LK approved June 20, 2000 for US\$18.2 million (equivalent)

The Legal and Judicial Reforms Project is being implemented at a time when the Sri Lankan Government is undertaking an ambitious program to modernize Sri Lanka's economy and bring political and social stability to a country that has experienced decades of civil war. It is being overseen by a Steering Committee which includes the Chief Justice of Sri Lanka (Chair of Committee), the Attorney General, the Secretary of the Ministry of Justice, the Secretary of the Ministry of Internal and International Food and Commerce, the Secretary of the Ministry of Finance, the Legal Draftsperson, the Secretary of the Judicial Services Commission, and the Private Secretary to the Minister of Justice, Law Reform and National Integration.

The objective of the Legal and Judicial Reforms Project is to improve Sri Lanka's existing legal and judicial framework by making it more efficient, transparent, and responsive to the needs of the public at large, and to those of the private sector in particular.

The project, as originally planned, had three main components: (a) enhancing legal reform by (i) drafting new commercial legislation; (ii) strengthening the capacity of the institutions responsible for law reform and legal education in the area of commercial law by providing

training, launching campaigns and disseminating materials to develop public awareness; (iii) providing training for lawyers in the Attorney General's office, and (iv) developing an on-line Legal Information Network (LAWNET), which includes statutes, government regulations, and case information/court decisions; (b) capacity building of the Office of the Registrar of Companies, and (c) reforming the judicial system by (i) undertaking judicial education and training for court staff, (ii) reorganizing the Judicial Services Commission, (iii) designing model courts, and (iv) establishing a formal mediation center for commercial disputes. After some preparatory work, the government decided to withdraw the Company Registry Component of the project and to implement it separately. It was agreed at the end of 2003 that the Labour Tribunals would be included in both the court reform and judicial training initiatives.

There are several areas thus far where the project has been successfully implemented, in particular in the areas of commercial law reform, commercial mediation, professional development, law school curricula development, LLM training for government officials and the civil works for the court modernization process. Seven commercial draft laws and amendments have been prepared including contracts, civil law, misrepresentation, financial instruments, sale of goods, partnership and products liability. In addition, there has been a 25% increase in commercial law enrollment in law school due to the new curriculum. At the same time, the project has faced significant challenges in other areas such as developing a plan for the judicial training program or introducing measures to enhance the operation and management of the Judicial Services Commission.

### **SRI LANKA**

#### *Legal Aid Services to Poor Women*

JSDF Grant approved July 31, 2001 for US\$282, 000

The Legal Aid Services for Poor Women Grant provides funds to local NGOs in Sri Lanka--Sarvaodaya Legal Services Movement (Sarvodaya), Women-in-Need (WIN) and Lawyers for Human Rights (LHRD)--to provide legal services to poor women. The grant replicates the legal aid services to women program, initially tested and implemented under the Ecuador Judicial Reform Project, and aims to complement the existing Sri Lankan Legal and Judicial Reforms Project.

The purpose of the grant is to improve access to justice for women in Sri Lanka. The Grant supports four main activities: (a) promoting legal aid services with a multidisciplinary approach to assist women with legal, psychological and medical issues; (b) undertaking public education on laws affecting women, including developing and distributing information in courts, police stations, and public hospitals; (c) training of judges and court personnel on gender-sensitivity in handling cases, and the existing national laws and international treaties dealing with women; (d) developing a proposal to make the legal aid services sustainable through partnerships with the private sector and new self-funding mechanisms; and (e) developing monitoring indicators with baseline standards for service delivery to low-income citizens.

The grant has thus far successfully supported the activities of each NGO. Sarodaya has conducted an extensive nationwide survey on the provision of legal aid to women. WIN has used funds to replicate a model of a one-stop-crisis center for battered women. LHRD has generated an increased demand for its legal training programs. There have been village training, legal awareness seminars, and paralegal training. There are four crisis centers for battered women, one-stop crisis centers in two hospitals and legal aid centers in 9 districts. Since 2003, over 400 women have been assisted.

Plans for the remaining two components of the project are underway, including plans to incorporate training on gender issues into weekend seminars presently conducted by the Sri Lanka Judges Training Institute.

## **Sample Projects with Legal and Judicial Reform Components and Other Activities**

### **BOLIVIA**

#### *Institutional Reform Project*

Loan No. 3245-BO, approved June 15, 1999 for US\$32.0 million (equivalent)

The objective of the Institutional Reform Project is to improve the effectiveness, efficiency, and transparency of the Bolivian administration in order to strengthen the country's ability to implement its economic and social development programs and reduce poverty. The first phase of the project intends to reform the basic institutional framework of the public sector and pilot those institutional strengthening reforms in several key institutions.

There are five project components: (a) strengthening performance evaluation including (i) adjusting the regulatory framework, (ii) designing management and evaluation systems, and (iii) capacity building; (b) initiating anti-corruption campaigns by (i) reforming the legal framework, (ii) developing prevention policies, (iii) establishing an ombudsperson's office, (iv) streamlining bureaucratic procedures, (v) reforming the procurement process, and (vi) increasing social communication, particularly with a citizen education program; (c) reforming the civil service by (i) implementing the legal framework, (ii) developing personnel systems, and (iii) building institutional

capacity; and (d) reforming the organizational structure of pilot agencies (including the National Judiciary) and establishing a professional cadre in the ministries.

## **INDONESIA**

### *Partnership to Support Governance Reform in Indonesia*

IDF Grant approved June 26, 2001 for US\$350,000

Judicial and legal reform has emerged as a key component in Indonesia's efforts to fight corruption and establish good governance in both the public and private sector. At the request of the government, the Bank has taken the lead in coordinating donor activities in legal reform.

The objective of the Partnership to Support Governance Reform was to generate and disseminate knowledge on good practices in governance, promote reform initiatives and coordinate reform efforts by monitoring governance initiatives and organizing coordination meetings. The partnership focused on formulating and implementing a judicial reform program, identifying coherent donor approaches to decentralization and developing programs for supporting capacity building in governing institutions. It aimed to reduce corruption, promote democratic oversight, develop a corporate governance framework, and support NGOs engaged in the promotion of reform.

The grant closed in FY03.

## **KOREA**

### *Financial and Corporate Restructuring Assistance Project*

Loan No. 4385-KO approved August 6, 1998 for US\$48.0 million

The objective of the Financial and Corporate Restructuring Assistance Project was to provide technical assistance to support reforms in Korea's financial and corporate sectors and provide a basis for sustained and stable growth in this area. The overall project comprised of six main components, one of which focused on legal and regulatory reform of the corporate insolvency system and the corporate governance framework.

The objective of the legal and regulatory reform component was to build a reliable corporate insolvency system that ensured a balance of stakeholder interests. The component had seven

sub-components: (i) strengthening incentives for creditors and debtors to negotiate debt agreements; (ii) improving the capacity of the courts to assess the potential viability of distressed corporations and to oversee corporate reorganizations; (iii) evaluating the benefits of establishing bankruptcy courts; (iv) training judges, officials and insolvency practitioners on reforming the insolvency system; (v) improving the principal laws concerned with corporate insolvency; and (vi) increasing public awareness of the benefits of a reliable and credible insolvency system.

The project was successfully implemented. The main activities supported undertaking a diagnostic review of the corporate insolvency system, revising insolvency laws establishing bankruptcy courts, undertaking a training program for judges, officials and insolvency practitioners and disseminating information to the public about the insolvency system. A comparative international analysis of corporate governance standards and practices was also undertaken. This study led to the enactment of legislation in July 2001 to raise minority shareholder protections and strengthen corporate boards. Finally, a proposal for the incorporation of judicial reform as part of the Korean longer-term economic law reform strategy is being developed.

The project closed in FY01.

## **KOSOVO**

### *Private Sector Development Technical Assistance*

Loan No. 21783-KOS approved March 5, 2001 for US\$3.0 million (equivalent)

As part of the Transitional Support Strategy for Kosovo and the joint European Commission/World Bank Program for Reconstruction and Recovery in Kosovo, the objective of the Private Sector Development Technical Assistance Project is to improve the business environment for private sector growth. The project has three main component: (a) establishing a modern company registry system by (i) designing a legislative/administrative instrument establishing the new business registry, (ii) developing infrastructure technology for the new registry, (iii) supporting business registry application and database development, and (iv) developing a public information campaign on the new business registration system and training key personnel at the Commercial Court; (b) strengthening the capacity of the Commercial

and Supreme Courts and improving the quality of legal services by (i) training commercial judges and legal practitioners, (ii) drafting commentaries for the new package of commercial regulations, (iii) assisting the judges of the Commercial Court, (iv) establishing a law library in the Commercial Court, and (v) developing a pilot legal aid program focused on small businesses; and (c) assisting in the development of basic accounting standards and training for local accountants.

## **NIGERIA**

### *Economic Management Capacity Building Project*

Credit No. 3345-UNI, approved May 11, 2000 for US\$40.0 million (equivalent)

In 1999, the Bank resumed its lending program for Nigeria. In the wake of its transition from military dictatorship to civilian rule, the Nigerian Government requested assistance from the Bank for the legal sector. In response to this request, a legal and judicial reform component (LJR) was included in the Economic Management Capacity building Project (EMCAP).

The legal and judicial reform component was placed under the leadership and overall supervision of the Chief Justice of Nigeria. The Administrator of the National Judicial Institute directs the project. A comprehensive legal and judicial reform program for Nigeria is being formulated in a participatory manner through stakeholder consultation workshops across the country with active involvement from a full range of individuals and officials representing a cross-section of Nigeria's polity. Other donors including DFID, EU, UNDP and USAID have provided additional support for initiatives under the component.

## **PERU**

### *Urban Property Rights*

Loan No. 4384-PE approved August 8, 1998 for US\$38.0 million (equivalent)

Over the past few decades, urban migration has increased dramatically in Peru as a result of the 1968 Agrarian Reform. While Peru has quickly become a predominantly urban community, the formal property system was not designed to effectively deal with this new reality. The system to provide formal recognition to real property rights only worked for a select minority and did not reach the poor.

Government agencies were not effective in issuing titles and the courts were not able to effectively resolve conflicts, facilitate mediation, or validate these titles.

In 1996, the Ley de Promoción del Acceso a la Propiedad Formal (Decree Law No. 803) was passed, launching a National Formalization Plan (NFP) to reform the regulation of property rights in Peru. An autonomous agency, the Comisión de Formalización de la Propiedad Informal (COFOPRI) took over the functions of approximately 14 separate central and municipal entities previously involved in the titling process and was tasked with implementing the NFP.

The objective of the Urban Property Rights Project was to support COFOPRI and the implementation of the NFP. The project aimed to create a system of formal and sustainable real property rights in selected, predominantly poor, urban settlements in order to increase their ability to access credit for economic and social development.

The project had three main components: (a) initiating a series of legal, regulatory, and institutional reforms, including developing mechanisms to enhance the market use of property rights and land value assessments; (b) strengthening the two national organizations for urban property by (i) strengthening operational infrastructure, (ii) developing administrative manuals, (iii) designing management information systems, (iv) undertaking computer system audits, and (v) designing a knowledge management and human resources management strategy; and (c) securing property rights by supporting the conversion of informal property arrangements to formal property rights through registered titles.

As a result of the project, positive impacts have been recorded in both access to credit and the development of real property markets. Urban land tenure continues to be regularized and substantial legal and institutional reforms have been achieved. The institutional consolidation of a centralized national land registration system that can provide tenure security for different types of property (urban, rural, public, private and communal) is in progress. The National Superintendence of Public Registries and COFOPRI are also developing a strategy to strengthen the capacity of the municipalities to enhance the sustainability of the registry system.

The Peruvian Government is supportive of project outcomes and has endorsed the identification and preparation of a proposed follow-up project.

**PERU***Property Rights Consolidation Project (under preparation)*

The proposed Property Rights Consolidation Project is a follow-up project to the Urban Property Rights Project. The proposed project will build on its predecessor to establish a sustainable and comprehensive system of property rights in Peru.

The objective of the Property Rights Consolidation Project is to improve access to the effective protection of property rights through integrated registry-cadastre services and decentralized formalization services to enhance the welfare and productive opportunities of property owners.

The proposed project has four main components: (a) generating comprehensive land administration policies that deal with the origins of informal property; (b) improving access to quality registry-cadastre services by the poor; (c) developing cost-effective and sustainable services to continue the formalization of real property rights, consistent with the ongoing decentralization process in Peru; and (d) facilitating the mobilization of formalized properties through market mechanisms.

The project is scheduled for FY04

**ROMANIA***Programmatic Adjustment Loan Project (under preparation)*

The objective of the proposed Programmatic Adjustment Loan project is to support the Romanian Government's medium term program of policy and institutional reform. The proposed project includes a number of reform initiatives in the Romanian Justice sector.

The Justice Sector Reform Component aims to strengthen capacity within the courts and improve institutional and case management processes. It also aims to rationalize the network of the Romanian Courts and review the geographic and subject matter jurisdictions. The Justice Sector Reform Component has three sub-components: (a) developing a regulatory framework and training for court managers, (b) establishing a court statistics and judicial performance monitoring system, and (c) developing a plan for court system rationalization.

The project is scheduled for FY04.

**SRI LANKA***Land Titling and Related Services Project*

Credit No. 3496-LK approved March 27, 2001 for US\$6.78 million (equivalent)

The majority of land in Sri Lanka remains state-owned and controlled. In order to facilitate the creation of an effectively functioning property market, the Sri Lankan Government has made a commitment to land-related reform and land titling.

The objective of the Land Titling and Related Services Project is to develop an efficient, cost-effective, and sustainable land titling program. The project aims to establish a legal framework and capacity for implementing land titling that will lay the foundation for increased tenure security and an effectively functioning land markets. The project is also expected to increase confidence in the land titling system and provide a basis for further longer-term reform.

The project has two main components: (a) improving operational methods of land titling and (b) developing the institutional framework and capacity for land titling and related services.

The project has made successful progress in a number of areas. Case studies and operational manuals have been developed and communication materials have been disseminated. Project staff are also carrying out field research into titling methods and working with legal experts on the revision of the Registration Title Act.

**TANZANIA***Financial and Legal Management Upgrading Project*

Credit No. 2413-TA approved July 9, 1992 for US\$20.0 million (equivalent)

The objective of the Financial and Legal Management Upgrading Project was to strengthen the institutional and organizational infrastructure of the new open market economy in Tanzania that had emerged since the mid-1980s under the Economic Recovery Program of the Tanzanian Government.

The Legal Component of the project had two main sub-components: (a) capacity building in key organizations such as the Judiciary and the Attorney General's Office by providing training, equipment and resources; and (b) undertaking a systematic policy

review of the key strategic issues facing the sector over the medium and long-term.

The project, overall, was successfully implemented. Technical equipment and information resources were supplied to the High Court, the Attorney General's Office, and the Law Reform Commission, all of which previously lacked adequate information technology and law library systems. The project supported the revision of a number of laws dating back to 1965, the updating of Case Law Reports from 1983, and a review of commercial and related laws. The Tanzania Law Reports 1983-1992 for the High Court and the Court of Appeal were published in book and CD-ROM formats in May 1998. Since this time, the Government has planned to produce CD-ROMs to bring publication up to date. Training was undertaken in subjects as diverse as judicial administration, white-collar crime, fraud and corruption prevention, legislative drafting, capital markets, and word processing. More than 1100 Tanzanian officials received training, including 600 primary court magistrates.

The project also supported the work of the Legal Sector Reform Task Force (LSRTF), a group of Tanzanian legal experts that undertook a series of studies on particular issues such as legal aid, the dissemination of legal information, legal education and the administration of justice. The report of the LSRTF was issued in 1996 and led to the Government's Legal Sector Reform Program, Medium Term Strategy and Action Plan, 2000-2005, launched in December 1999.

The Tanzanian commitment and focus were seen as the key factors in the outcomes of the FILMUP. The project was a Tanzanian initiative from the outset and was driven by national "champions," a new generation of professionals, including accountants, auditors and lawyers with a strong commitment to the project. This local level leadership meant that an essentially 'supply driven project' was able to facilitate broader impacts on organizational change.<sup>47</sup> Many of the participating organizations already had their own internal momentum for reform, contributing to a drive for modernization that had Tanzanian roots. In this context, the injection of resources was able to accelerate and facilitate change, without controlling the process.

The project closed in FY99.

**TANZANIA***Accountability, Transparency and Integrity Program (under preparation)*

The proposed Accountability, Transparency and Integrity Program aims to build on the outcomes realized through the Financial and Legal Management Upgrading Project and address some of the key issues identified as bottlenecks to enhanced growth of the economy of Tanzania. The proposed project is built on findings from a comprehensive anti-corruption mission undertaken by the Bank in February 1998, at the request of the Tanzanian Government. This mission highlighted the need for more effective and sustainable systems of governance.

The objective of the proposed Accountability, Transparency and Integrity Program is to support the implementation of Tanzania's strategic framework of good governance. The program aims at to improve the impacts of development programs on the poor by enhancing the quality of governance.

The proposed project has four main components: (a) strengthening the legal and judicial system by (i) modernizing the legal and regulatory framework, (ii) strengthening judicial independence, (iii) improving management and coordination of legal sector institutions, (iv) building competence, motivation and integrity of personnel, (v) improving pre-service training of legal professionals, (vi) enabling access to justice for the poor and the disadvantaged, and (vii) improving the work environment for legal and judicial officers; (b) enhancing public financial accountability by (i) developing an effective and transparent public procurement system, (ii) undertaking an internal audit system, (iii) establishing an independent Office of the Comptroller and Auditor General, (iv) enhancing professional standards, and (iv) strengthening records management and information dissemination systems; (c) strengthening oversight and watchdog institutions (OWIs); and (d) improving program management and coordination by (i) providing technical assistance to the project implementation unit, (ii) improving monitoring and evaluation, and (iii) establishing a Fund for Enhanced Accountability and Transparency Initiatives.

The project is scheduled for FY05.

**THAILAND***Financial Sector Implementation Assistance Project*

Loan No. 4233-TH approved September 11, 1997 for US\$15.0 million

As part of the Financial Sector Implementation Assistance Project, the Thailand Government committed to a program of economic law reform. The objective of the Economic Law Reform component is to strengthen Thailand's institutional framework for strategic coordination in economic law reform. The initiative, coordinated by the Economic Law Development Institute (ELDI) of the Council of State, aims to improve the country's capacity for consensus-based consultative processes in the development of new laws, and the implementation or adaptation of existing laws and dispute resolution processes. This component makes up almost a third of the budget for the overall project.

The Economic Law Reform Component has three sub-components: (a) developing a National Advisory Committee for Coordination of Economic Law Reform to (i) serve as an mechanism for leadership and the strategic coordination of economic law reform activities, (ii) advise the government on a strategy for economic law reform, (iii) prioritize laws that need to be amended, developed or implemented, and (iv) direct the formation of working groups to undertake analyses and develop policy recommendations; (b) establishing working groups to (i) pilot participatory, consensus-based, country-led analyses of law reform issues, (ii) develop proposals for legal reform in priority areas, (iii) organize and implement information, education and communication campaigns, and (iv) establish research/knowledge centers for economic law reform; and (c) developing a comprehensive strategy for economic law reform which includes longer term goals and a strategy for judicial reform.

Progress on the Economic Law Reform Component has been relatively slow, however a number of laws-- including bankruptcy and related laws--are currently under review. Numerous other laws have also been identified as being in need of revision or at least review.

The project has led the Government of Thailand to look at comprehensive legal and judicial reform as a necessary complement to economic law reform. The Office of the Judiciary is also developing a comprehensive approach to judicial reform, including case management, information and records management, and mediation

services. Both the Office of the Judiciary and the Department of Justice Administration in the Ministry of Justice are currently undertaking reviews of the legal and judicial sectors. The Bank is looking into the possibility of providing assistance to carry out these reviews and to integrate the work into one report. The Bank is also looking into the possibility of assisting the Office of the Judiciary with its reform plans, and supporting the further development of mediation mechanisms for non-financial cases.

The Economic Law Reform Project are particularly relevant in Thailand at this time due to the relative lack of other donor activity in this area.

## **TUNISIA**

### *Economic Competitiveness Loan I*

Loan No. 4069-TUN approved July 25, 1996 for US\$75.0 million (equivalent);

Project closed on June 30, 1998.

### *Economic Competitiveness Loan II*

Loan No. 4461-TUN approved April 20, 1999 for US\$159.0 million (equivalent);

Project closed on June 30, 2001.

### *Economic Competitiveness Loan III*

Loan No. 7094-TUN approved December 20, 2001 for US\$252.5 million

The Economic Competitiveness Adjustment Loans (ECAL I and II) supported a reform program aimed at achieving a sustainable increase in the rate of economic growth in Tunisia while improving the international competitiveness of the economy. ECAL I was the first of a series of operations to upgrade the private sector and to prepare it for the establishment of free trade under the implementation of the Free Trade Agreement with the European Union. The main objective of the ECAL II was to increase the soundness, efficiency, and competitiveness of the financial system.

Activities conducted under ECAL I included the preparation of a draft law introducing new port regulations and a draft law introducing a Company Code. ECAL II supported a program of reforms in the financial sector. The Legal Reform Component of the

project had three sub-components: (a) initiating bank privatization, consolidating the banking sector, and reforming the governance regime for public sector banks; (b) modernizing the banking laws and upgrading of bank prudential regulation; and (c) enhancing the regulatory framework of non-bank financial intermediation, performed by mutual funds, securities firms, and insurance companies.

The objective of the ECAL III is to continue support for the reforms commenced under ECALs I and II. The project aims to improve governance and transparency through a more streamlined business environment, and enhance regulation, competition, and efficiency in the insurance sector.

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<sup>1</sup> Legal Vice Presidency, World Bank. *Legal and Judicial Reform: Strategic Directions*, (January 2003).

<sup>2</sup> I. F. I. Shihata, *Complementary Reform, Essays on Legal, Judicial and Other Institutional Reforms Supported by the World Bank*, Kluwer Law International, 1997, p. 90.

<sup>3</sup> Cr. 2948-MOG, approved May 1, 1997, closed on June 30, 2001.

<sup>4</sup> Cr. 4415-GU, approved December 3, 1998.

<sup>5</sup> Cr. 3045-TG, approved March 5, 1998, closed on June 30, 2002.

<sup>6</sup> *Traite Relatif a L'Harmonisation du Droit des Affaires en Afrique* (OHADA Treaty) was signed on October 17, 1993. The member nations are: Republic of Benin, Burkina Faso, Republic of Cameroon, Republic of Chad, Central African Republic, Comoros, the Republic of Congo, Côte d'Ivoire, Gabonese Republic, Republic of Equatorial Guinea, Republic of Mali, Republic of Niger, Republic of Senegal, Republic of Togo.

<sup>7</sup> Cr. 2535-ZM, approved July 13, 1993, closed on June 30, 2000.

<sup>8</sup> Cr. 2664-KH, approved December 6, 1994, closed on December 31, 2004.

<sup>9</sup> Armenia Institutional Building Project (Loan No. 3585-AM, approved April 7, 1993; closed on November 30, 1997); El Salvador Energy Power Sector Technical Assistance Project (Loan No. 3389-SV, approved Jul 11, 1991; closed on March 31, 1998); Argentina Health Insurance (Loan No. 4002-AR, approved April 26, 1996; closed December 31, 1998).

<sup>10</sup> Legal Vice Presidency, World Bank. *Ecuador Legal and Judicial Sector Assessment* (December, 2002).

See, <http://www.worldbank.org/ljr>

<sup>11</sup> The complete list of legal and judicial sector assessments is on page 89.

<sup>12</sup> These are loans to finance general imports in the context of a program of policy reforms.

<sup>13</sup> Shihata, p. 91.

<sup>14</sup> Shihata, p. 91.

<sup>15</sup> Shihata, p. 91.

<sup>16</sup> See generally M. Dakolias and J. Said, *Judicial Reform: A Process of Change Through Pilot Courts*, 1999.

<sup>17</sup> This is financed through transfers from the Bank's net income to finance detailed legal work in-depth studies of certain issues, including studies of the administration of justice.

<sup>18</sup> The JSDF is a grant facility that supports innovative programs that can provide rapid, demonstrable and sustainable benefits to respond to the needs of the poorest and most vulnerable groups. These grants help build capacity, participation and empowerment of civil society – local communities and NGOs.

<sup>19</sup> See generally, Douglas Webb, text of an address to a conference on "Legal and Institutional Reform/Rule of Law" organized by USAID and held in Virginia, U.S.A. on September 14-17, 1998.

<sup>20</sup> Webb, p. 12.

<sup>21</sup> Shihata, p. 92.

<sup>22</sup> Webb, p. 9.

<sup>23</sup> The regional conferences are: *All Africa Conference on Law, Justice and Development* (Abuja, Nigeria, 2003), *Strategies for Modernizing the Judicial Sector in the Arab Countries* (Marrakech, Morocco, 2002), *New Approaches for Meeting the Demand for Justice* (Mexico City, Mexico, 2001), *Legal and Judicial ECA Forum* (St. Petersburg, Russia, 2001), and *Africa Regional Workshop* (Washington, DC, 2000). For more information, visit: <http://www.worldbank.org/ljr>

<sup>24</sup> Legal Vice Presidency. *The World Bank Legal Review: Law and Justice for Development*. (Volume I, February 2003).

<sup>25</sup> Webb, p. 8.

<sup>26</sup> See Legal and Judicial Sector at a Glance, visit: <http://www.worldbank.org/ljr>

<sup>27</sup> This compilation of information was prepared by the Legal and Judicial Reform Practice Group. While it is meant to be a comprehensive overview, it may not include all of the projects that could be characterized as legal and judicial technical assistance, such as various sector analytical studies and conditionality related to legal issues under adjustment loans. Unless otherwise specified, the amounts indicated represent the Bank's total amount of the loan/credit/grant for the respective projects.

<sup>28</sup> Its comprehensive reform program is set out in the Faculty's 1999 "Action Plan."

<sup>29</sup> A report on the "Civil Case Management Information System/Functional Analysis" (CCMIS) presented at the National Judicial Conference in December 2003 covers salient aspects of the new system.

<sup>30</sup> The Court and Bankruptcy Administration Project was prepared under a Policy and Human Resources Development Fund Grant.

<sup>31</sup> The studies covered the three major indigenous groups (Aymara, Quechua, Guarani) and urban-marginal communities.

<sup>32</sup> "La Administración de Justicia en Ecuador: Plan Integral de Reformas," Grupo de Trabajo Conjunto del Sector Justicia y Corporación Latinoamericana para el Desarrollo (CLD), May 1995.

<sup>33</sup> *Ecuador Judicial Sector Assessment* (World Bank Report No. 12777-EC, August 19, 1994)

<sup>34</sup> See, *Impact of Legal Aid: Ecuador* (World Bank, Legal Vice-Presidency, February 2003). Above, n.6

<sup>35</sup> The Preparatory process was funded by a Policy and Human Resources Development Fund Grant.

<sup>36</sup> Other organizations involved in the planning include the Inter-American Development Bank, the United Nations Development Program, the United Nations Mission for Guatemala, the Governments of the United States, Canada, Japan, Sweden, Norway, Denmark, the Netherlands, Italy, Austria, Switzerland, Spain and others.

<sup>37</sup> See Plan de Modernización del Organismo Judicial, 1997-2002, Comisión de Modernización del Organismo Judicial, Guatemala, approved by the Supreme Court of Guatemala.

<sup>38</sup> The Guatemala Judicial Reform Program was developed in line with the CAS strategy- See Country Assistance Strategy, Report No 18036-GU, June 19, 1998.

<sup>39</sup> The Judicial Reform Project (Loan 4256-PE) included a component for the Ombudsman's Office but the project was cancelled.

<sup>40</sup> Average duration of cases in number of days from filling to disposition. Source: Dirección Ejecutiva de la Magistratura of the Supreme Tribunal of Justice, Caracas, Venezuela.

<sup>41</sup> See [www.tsj.gov.ve](http://www.tsj.gov.ve).

<sup>42</sup> The Supreme Court was reorganized as the Supreme Tribunal of Justice with the new Constitution in 1999.

<sup>43</sup> See the Report of the Danish Center for Human Rights (DCHR), which reviewed the performance and outcome of this Project component and lessons learned about civil society participation.

<sup>44</sup> This initiative was winner of the Development Marketplace 2000 Competition.

<sup>45</sup> See the Supreme Tribunal of Justice's Website at: [www.tsj.gov.ve](http://www.tsj.gov.ve).

<sup>46</sup> In this component DANIDA is financing the training part and IDA is providing funds for building a new complex for the Judicial Administration Training Institute.

<sup>47</sup> The characteristics of the supply-driven approach usually include an emphasis on the supply of equipment, training and civil works, a vague strategy of organizational change and few demand pressures from customers or citizens.



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