



**Action plan for the development of the judiciary in
the Arab countries**



In recent times, the tone of the debate and the pace of work on the subject of the judicial reform in the Arab countries have accelerated.

This reform is caused by the interest of the governmental and the non governmental parties in the Arab and international level in this subject and by emphasizing on the link between the concepts of the rule of law, democracy and development and the increased awareness of the centrality of the judicial reform from for any major effort of reformation in the Arab countries.

The World Bank (World Bank) and the United Nation Development Program (UNDP) and the American Agency for International Assistance (USAID) were the main supporters to the judicial reform projects, as for the Middle East Partnership Initiative (MEPI) and the Mediterranean Partnership Initiative (Euro Med) played an additional role in increasing the momentum towards the anticipated reform.

The World Bank and the American Agency for the International Assistance initiatives and projects focused on the themes of developing laws, in particular laws of economic nature, computerization, efficiency of the court proceedings and pleadings, training of judges on trade issues. As for the United Nations Development Program, in particular through the regional office for the Arab States "Program of Governance in the Arab States (POGAR)", focused on launching projects of different nature. The initiative of the Governance for the Service of Development (GFD) in the year 2005 addressed the independence of the judiciary, the effectiveness of the implementation of its judgments and building capacities in the framework of the United Nations Convention against Corruption (UNCAC). In the same year, the development project of public prosecutions focused on building the knowledge and capacity of public prosecutions, processing the public prosecutor offices and strengthening its relationship with the civil society organizations in order to enhance the security of citizens under the rule of law and respect for human rights.

In addition to these projects, there is the reawakening of the Arab civil society and its claimant of the judicial reform in the Arab states. That is evident through the number of declarations, charters and initiatives related to the judiciary and the rule of law in the Arab region. All these projects, declarations and conventions, in addition to the proposals of the Arab governments, drew a wide range of developmental proposals that constitutes in general a huge comprehensive reform project.

"Promoting the Rule of Law and Integrity in the Arab States" Project which was carried out by "the Arab Center for the Development of the Rule of Law and Integrity (ACRLI)" between the year 2005 and 2007 is considered an additional step on the road of the above mentioned reform. The analysis and the monitoring of the judiciary, taken by the Arab center in Lebanon, Jordan, Egypt and Morocco, have shown that the problems of the judiciary in these countries are divided into two categories. The first category is the weakness of the independence and integrity of the judicial which is reflected through considering the judiciary as a public service without real independence from the executive authority or the ability to perform the role of integrity far from the different forms of interferences.



The second is related to the weakness of efficiency and effectiveness of the judiciary which is reflected through the lack of the judicial capabilities and the incapability of the courts to meet the needs of the citizens for justice according to the time and level requested.

The Arab center presented, after consulting a wide range of experts in the judicial affairs of the Arab region, a "publican for the development of the judiciary in the Arab countries". It shall be implemented during the three coming years, in collaboration with its partners in the "group of Arab labors for the development of the rule of law" which was launched in Amman on the 28th of November 2006 within the third forum for the future.

The plan was discussed and approved at the regional Conference held in Cairo. A final declaration and an action plan for the development of the judiciary in the Arab states were issued as following:

A regional conference was held to discuss the national reports and comparative report on the status of the judiciary in Jordan, Lebanon, Egypt, morocco and to discuss the Iraqi judicial initiative in Cairo on the 26- 27 of January 2006. This conference was supported by the program of the "administration of the governance in the Arab countries" of the United Nations Development Program (UNDP-POGAR) with the cooperation of the Arab Lawyers Union.

The conference was attended by more than 60 participants representing nine Arab countries, Jordan, Bahrain, Tunisia, Algeria, Iraq, Lebanon, Egypt, Morocco and Yemen in addition to the representatives of the United Nations Development Program (UNDP), the League of Arab States, International Foundation for election system (IFES), a number of civil society organizations and the media.

The participants commended the effort done by the Arab center for the Development of the Rule of Law and Integrity (ACRLI) and then discussed the national and comparative reports that was accomplished by national experts according to a specific methodology based on " principles and standards of good justice" (Principles and Benchmarks) prepared by the Arab Center in collaboration with the international Foundation for Election Systems and in consultation with a group of experts and partners in the Arab region.

The participants emphasized on the need to edit further the content of the reports in order to strengthen the data and information mentioned and taking into consideration the comments and objections made during the conference.



At the end of the conference the participants issued the following recommendations:

1- Issuing "Principles and Standards of good justice" which is considered as a special accomplishment in the Arab region in terms of being a proactive mechanism on the international level to assess the status of the judiciary and measure its performance in terms of independence, fairness, efficiency and effectiveness of the judiciary in the hope that it will form a framework for developing the judiciary and measuring its performance of the Arab countries.

2- Adopt the charter of the coalition of the Arab group for the development of the rule of law (AROL) signed by the members of the coalition in Amman, Jordan, on the 28th of November 2006 which included representatives from 11 Arab countries and opened the door of invitations to join in and they demanded the Arab Center for the Development of the Rule of Law and Integrity (ACRLI) to provide technical and logistical support for their work.

3- Calling the group for the development of the rule of law to implement the following action plan for the development of the judiciary in the Arab countries and securing technical and financial support to them.

- To continue monitoring, through national and regional reports, the status of the judiciary in the Arab countries involved in this project (Jordan, Lebanon, Egypt and Morocco). Expanding these reports to include additional countries. These reports should become an annual tradition in monitoring and providing a following up of the development happening in the reform process and to identify the developmental needs of the judiciary in each state.
- Establish and support national and regional knowledge networks composed of experts and professionals in the areas of justice, judges, lawyers, representatives of the institutes of the judicial and law faculties, academics, independent experts, judicial assistants, and representatives of the relevant parliamentary committees in addition to members of the media representatives of the civil society organizations in the Arab countries. These networks will be specialized on specific subjects such as gender, rule of law or judicial reform, youth and the rule of law to be a permanent forum for dialogue and exchange of knowledge, expertise and experience and the implementation of projects and activities that would contribute to the development of Arab countries.

❖ Support the independence and impartiality of the judiciary through:

A- To develop a guide for a model law to the judiciary according to "the principles of good justice" and to work on developing a framework for the measurement of the actual application of the law through clear measurable



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indicators. The guide model unit should ensure the independence of the judiciary from the executive authority and external influences on the level of the institution and individuals. The guide should ensure the establishment of the higher committee of the judiciary enjoying administrative and financial autonomy and has the freedom to take its own decisions concerning the judiciary that includes the selection system and appointment, promotion and transfer, assignment, discipline and removal of judges, identifies internal standards to facilitate access to information to promote transparency and the fight against corruption within the judiciary.

- B- To formulate a regional indicative code of the attitudes and ethics of judges and lawyers in the Arab countries in order to be adopted by the concerned parties and to formulate an operational mechanism to ensure translation of the code at the national level.
- C- To organize national and regional workshops according to a structured schedule in order to raise the level of interest of judges and lawyers and the ability to work for the independence and impartiality of the judiciary by focusing on ways to develop according to the best practices.
- D- To prepare a guide of establishment of associations of judges in the Arab countries and to work on promoting the right of assembly and expression of judges through the promotion of the establishment and support of such associations with the focus on women's empowerment judge and the enhancement of their role in the development of the judiciary.
- E- To issue periodic electronic bulletins to monitor impartiality of the courts, judges and lawyers and to present the comments on its sentences, to highlight good or wrong practices in this area and to address developments and related events.
- F- To design an incentive system, to improve the integrity of the judicial performance through organizing the national Arab day of justice, which will be considered an event to honor judges of remarkable achievements in this field, in addition to provide financial and professional recognition to distinguished, impartial and independent judges.

❖ **Support the efficiency and effectiveness of the judiciary through :**

- A- Modernization of a guide concerning the development of laws, regulations and its implementation (procedure code) in order to be clearer, more transparent and effective.
- B- Monitoring a guide concerning the performance indicators and the means to assess the effectiveness of the judiciary in a way that could be measured and based on polls and scientific statistics related to a number of issues including the fast resolving of the litigation, implementation of the sentences, collection of due debts etc.



- C- Drafting a guide dealing with the development notifications procedures and case management in order to raise the effectiveness of the judiciary , introducing modern electronic means and providing alternative methods in dispute resolutions.
- D- Preparing a guide in Continuing Legal Education for the judges in specialized subjects and with high technical levels and to present it to the judiciary school in order to raise the level of competence of the judges.
- E- Preparing a training manual for judicial assistants in order to raise the level of efficiency, effectiveness and increase their awareness in the judicial reform issues and involve them in the process of translation of the principles, standards and good practices for the modernization of the judiciary.
- F- Organizing of conferences and scientific forums for law professors and students, enhancing the communication with the colleges and institutes of law and that to promote awareness concerning their role in the development of the judiciary especially in terms of efficiency and to contribute to the implementation of the proposed action plan.

The working plan is the contribution of the regional conference in the dialogue and efforts to develop the judiciary in the Arab countries. It consists more than general recommendations; it is a serious action plan that can be applied in reality through executive programs in a framework of partnership and cooperation among various concerned parties including governmental and governmental organizations.

The participants urged the Arab Center for the Development of the Rule of Law and Integrity to work and to coordinate the efforts for the implementation of this action plan, as they called the donors to provide support to the Arab Center for the Development of the Rule of Law and Integrity and the agencies that will implement the activities which have been approved unanimously.