

11th International Anti-Corruption Conference: Workshop 2.4

Presentation Abstract

1. Panelist Name: Keith E. Henderson, Sr.

2. Workshop Title: Judicial Integrity

3. Title of case-study or paper: A Strategic Monitoring and Reporting Framework for Promoting Judicial Integrity and High Priority Reforms Across Regions: A Global Survey of Best Practices.

I). PROGRAM GOALS

Brief Description: The overall plan is to organize the panel into an informal roundtable interactive format that includes brief presentations of: (i) a country case study (Argentina); (ii) a global survey paper that captures best practices related to monitoring and reporting mechanisms (Henderson/Oxner) and (iii) a model monitoring and reporting framework designed to promote judicial integrity best practices and quantify reform progress for multiple audiences, including civil society, judges, the broader legal profession, the business community and donors (Henderson/Oxner). Emphasis will be placed on issues related to holistic but high priority judicial reform strategies, judicial transparency and accountability, civil society leadership, public-private partnerships, judicial and public access to information, implementation of constitutional and international norms and how to possibly incorporate emerging anti-corruption and rule of law indicators of progress, such as those proposed in the newly proposed \$5 billion U.S. Millennium Challenge Fund (MC Fund), into monitoring and reporting frameworks. In order to ensure its practical usage and readability by anti-corruption reformers, the survey paper will be written more in the form of a how-to tool kit rather than an academic paper.

Main Goal: To review and discuss effective strategies and global experiences designed to promote high priority issues related to judicial integrity, including the passage, implementation and enforcement of constitutional, regional and international norms and principles necessary to create the enabling environment for judicial integrity and a rule of law culture in countries where the judiciary is weak and/or corrupt and generally held in public distrust. Part of the paper will include a strategic framework for a Model Annual State of the Judiciary Report, which will include a uniform method for monitoring and reporting on high priority judicial integrity reforms across borders. It will be geared towards promoting high priority judicial integrity norms and international principles by various stakeholders through concrete, practical programming and a discussion of how this framework could help countries and NGOs obtain additional anti-corruption funds under new anti-corruption programs such as those in the proposed MC Fund.

Scope of Paper: Lessons learned from various sectors, such as the monitoring and reporting undertaken by the human rights, environmental and labor communities, as well as watchdog NGOs, and a discussion of how countries and NGOs might develop monitoring and reporting frameworks/reports necessary to qualify for anti-corruption funds that may be made available under the proposed MC Fund (which is geared towards targeted countries that can demonstrate progress, among other things, on ruling justly and addressing corruption).

Problems/Questions the Paper/Roundtable Discussion Addresses: The need to promote targeted high priority reforms and more governmental and judicial accountability through concrete monitoring and reporting mechanisms that are strategically focused on creating the enabling environment necessary to create a rule of law culture.

II.). SPECIFIC MONITORING AND REPORTING ISSUES COVERED IN THE PAPER AND THE ROUNDTABLE DISCUSSION INCLUDE:*

1. Passing and Implementing an Access to Information Law and Policy for the Judiciary
2. Developing Consensus on High Priority Judicial Integrity Reforms
3. Implementing Income and Asset Disclosure Laws for the Judiciary
4. Implementing Transparency and Accountability Programs Designed to Promote the Integrity of the Judicial Council and an Open Judicial Selection/Confirmation Process
5. Designing and Implementing Strategically Targeted Monitoring and Reporting Programs Geared Towards Creating the Enabling Environment for a Rule of Law Culture
6. Providing Information and Justification to Donors Needed to Illustrate Progress on Key Principles Related to Addressing Corruption and the Rule of Law

III). POTENTIAL IMPACT ON SUSTAINABLE REFORM AND FUNDING:

The wide dissemination of concrete information and monitoring and reporting tools that can be used by multiple audiences to promote best practices and international norms related to targeted judicial integrity issues at the country, regional and international levels and to enhance the capacity of country reformers and NGOs to qualify for strategic anti-corruption reforms from donors.

* Several respondents will possibly join us for the interactive, group discussion portion of the program, including Judge Wilkinson (US), Manuel Lezertua (COE), Petter Langseth (UNDP) and the CJ of the South Korean Supreme Court (invited).

