[*Original in Arabic*]

Ministry of Justice
Lebanese Republic

Good Governance for Development (GfD) in Arab Countries Initiative

First Ministerial Meeting on Developing the Arab Principles for a Good Judiciary

Beirut, Lebanese Republic

20 August 2008

Final Declaration

In the framework of *the Good Governance for Development (GfD) in Arab Countries Initiative*, a core group of Arab Ministers of Justice met in Beirut (Lebanon) on 20 August, 2008, under the high patronage of His Excellency, the Lebanese Minister of Justice, Mr. Ibrahim NAJJAR with the support of the United Nations Development Programme – Programme on Governance in the Arab Region (UNDP-POGAR). The meeting was attended by Ministers of Justice from the Hashemite Kingdom of Jordan, the occupied Palestinian territories, the Lebanese Republic, and the Republic of Yemen as well as a high-level representative of the Minister of Justice in the Kingdom of Morocco.

The meeting came in the context of an initiative proposed by number of Arab Ministers of Justice, an initiative that developed as a result of a series of regional consultations that started on the side of the *Regional Conference on Supporting UNCAC implementation in Arab Countries* held in the Dead Sea (Jordan) on 21-23 January 2008 and continued during the *Second Regional Conference for Justice*, held in Doha/Qatar on April 27th and 28th of 2008.

These consultations culminated in the formation of a ministerial steering group that took upon itself to prepare for, coordinate and supervise the **development of an Arab guiding framework of principles, standards and benchmarks for the judiciary**, with a view to:

(1) Strengthening the capacity of decision-makers, especially in justice ministries and judicial authorities, to properly design policies and reform plans by allowing them to objectively and analytically assess the state of the judiciary and accordingly identify needs and priorities in a more methodological and well-planned manner; and

(2) Enabling the measurement of judicial performance periodically, thus enabling the monitoring of achieved progress in areas of judicial reform.

The importance of this guiding framework emanates from the Arab countries' deep conviction that there is a pressing need to increase the momentum of judicial modernization and development, in light of globalization, the integration of societies and their openness to

values of justice and human rights; in the framework of internationally agreed principles, standards and best practices related to human rights in the administration of justice; and finally, in light of the increasing evidence of linkages between judicial performance on the one hand and development, progress and the strengthening of trust between citizens and their governments on the other.

Indeed, despite the current national and regional efforts aimed at developing the justice sector in the Arab region, which have achieved positive results in more than one area, there continues to be a strong need to adopt a comprehensive benchmarking approach to judicial performance that would strengthen the decision-makers' capacity to detect obstacles and challenges and identify solutions in a more effective manner, in addition to enabling the benchmarking of judicial performance methodologically and periodically.

Certainly, the proposed guiding framework is not intended to replace international and regional principles, standards and frameworks that are related to the judiciary; on the contrary, it seeks to build on them, classify then and then organize and develop them into standards that are measurable and capable of objective analysis, thus transforming them into benchmarks for judicial reform. Furthermore, this guiding framework seeks to benefit from successful experiences in the history of the Arab culture which is rich in its religious and societal values and which creates an enabling environment for the establishment of a model judiciary that delivers justice in accordance with international and regional principles, standards and frameworks.

Accordingly, participants discussed a number of ideas with a view to designing a plan to develop this guiding framework and have consequently agreed on the following:

ROOTED in the **Document on Development, Modernization and Reform** that was adopted by the sixteenth Arab Summit held in Tunisia in 2004, and which calls for respecting the rule of the law, achieving justice and equality between citizens, respecting human rights and guaranteeing judicial independence;

BASED on the recommendations of the Council of the Arab Ministers of Justice and the recommendations issued within the framework of the *Good Governance for Development in the Arab Countries Initiative*, and especially the related Dead Sea statement issued by ministers of justice during the *Regional Conference to Support UNCAC implementation in Arab Countries* held in Dead Sea region (Jordan) on 21-23 January 2008, calling for the intensification of efforts to the strengthen the rule of the law in the Arab region;

CONVINCED that the judiciary is the cornerstone of the rule of the law and a key entry point to reform in general because it constitutes the genuine guarantee for individual rights and freedoms; an effective engine for economic growth and investment; one of the guarantees against corruption and the mismanagement of public affairs and funds; and the fundamental structure for citizen security and stability;

THE PARTICIPATING MINISTERS:

- STRESS the importance of international and regional principles related to the judiciary and their role in guiding the work of judicial authorities in Arab states, such as the United Nations Basic Principles on the Independence of the Judiciary (1985); the Bangalore principles on Judicial Conduct (2002); the Sharjah Document on the Ethics of Judges (2007) issued by heads of the judicial inspection bodies in

the Arab states; the Riyadh document for the Arab judge (2007) issued by the presidents of the legal training institutes in the Arab states as well as other relevant documents, standards and principles;

- CONFIRM the need for developing a comprehensive guiding framework, structured according to modern scientific methodologies in areas of measurement and quality assessment; based on the corpus of internationally agreed principles and standards; and inspired by good experiences in the history of the Arab culture with its religious and societal values in order to improve the decision-makers' capacity to carry out an analytical assessment of the state of judiciary in a scientific and objective manner, according to which policies may be designed to develop judicial performance with a view to serving justice and the rule of law in accordance with the needs and priorities of the Arab countries;
- ALSO CONFIRM that this guiding framework also constitutes measurable standards and indicators to monitor the quality of judicial performance and evaluate progress in areas of judicial reform;
- DECLARE the establishment of a preparatory steering ministerial group as a standing committee that supervises the development of this guiding framework, noting that member ministers shall appoint an expert in each of their respective countries to coordinate the technical aspect of this process in the framework of a regional technical group;
- CALL UPON UNDP-POGAR to develop and implement an action plan in accordance with the guidelines that have been agreed upon during the meeting, in order to utilize international and regional expertise to develop this guiding framework and submit it for the approval of the ministerial steering group before presenting it for endorsement during the regional justice conference that will be held in Paris in mid 2009, with the support of France and Qatar, in preparation for its final submission to the Council of the Arab Ministers of Justice for its adoption as an advanced tool for policymaking and measurement of performance and reform progress in the area of judicial reform;
- INVITE Arab funds and international donors, to take note of the important role of this initiative in increasing momentum towards strengthening the rule of law and justice, protecting human rights and public freedoms as well as its contribution to the promotion of investment and the achievement of political, economic and social development in the region, and eventually sustainable human development.

In conclusion, the participating Ministers of Justice and their representatives express their appreciation and gratitude to His Excellency the Lebanese Minister of Justice, Mr. Ibrahim NAJJAR, for his patronage, as well as to UNDP-POGAR for its efforts in preparing and organizing this first ministerial meeting of its kind within the framework of the G*ood Governance for Development in the Arab Countries Initiative*.

Beirut, on 20 August 2008