

AGENDA
JUDICIAL INDEPENDENCE CONFERENCE
LIMA, PERU
NOVEMBER 29-30, 2001

OVERALL CONFERENCE OBJECTIVES

DAY ONE: The overall objective of the first day of the conference is to present and engage participants on a set of strategic issues related directly to Peruvian judicial independence within a global, regional and country context. The discussion will include the dissemination and discussion of both country and comparative international research, best practices, emerging trends and lessons learned. The issues discussed during the first day will be directly tied to the tasks outlined for each Working Group on the second day.

DAY TWO: Overall Objective of the Working Groups: The Lima Declaration – prioritizing judicial independence issues, the development of specific strategies to implement short and long-term reforms and the identification of specific programs and best practices (in each working group and overall).

Day 1
November 29, 2001

8:30AM – 9:30 AM
Coffee and Registration

9:30AM – 11:00AM
**Welcome, Introduction and Overview of the USAID/IFES Judicial Independence Guide -
Global and Regional Perspectives**

9:30AM – 9:45AM
Welcome and Inaugural Announcement of the Judicial Independence Guide by USAID

9:45AM – 11:00AM
Ambassador James Michel
IFES/USAID

- 1) Summary of the methodology utilized to develop the Judicial Independence Guide and conference survey results (framework, overall objectives and key issues in the Global Guide and their relevance to Peruvian issues, research and survey findings)
- 2) International and regional legal norms and obligations related to judicial independence (UN, OAS, WTO, Inter-American Anti-Corruption Convention, etc) and the importance of judicial independence to the whole reform process
- 3) International research and comparative analysis and their overall regional relevance
 - Common global barriers to independence (selection, promotion, disciplinary and case assignment process, corruption, transparency and accountability)

- Global lessons learned, best practices and success stories

Discussion: 10:30AM – 11:00AM

Coffee Break: 11:00AM – 11:15AM

11:15AM – 1:15PM

Key Judicial Independence Issues Identified Through USAID/IFES Judicial Independence Guide Research: Regional Commonalities and Differences – Case Studies

Juan Enrique Vargas

Executive Director, Justice Studies Center of the Americas (CEJA) and

Margaret Popkin

Executive Director, Due Process of Law Foundation (DPLF)

- 1) Enabling environment issues and lessons learned in Latin America: cultural, legal and political forces promoting and hindering judicial independence and accountability
- 2) Framework for reform: obstacles and challenges
- 3) Constitutional reforms and other measures to reform Supreme Court selection methods (including the role of civil society and the media)
- 4) Judicial Councils – composition, mandates and challenges
- 5) Judicial Career reforms: transparency and accountability (selection, promotion, evaluation, discipline and tenure)

Panel Discussion: 12:30PM – 1:15PM

1:15PM – 2:45PM: Lunch

3:00 PM – 5:00 PM

Key Judicial Independence Issues Confronting Peruvian Society and the Government in Peru: A Historical and Contemporary Overview

Ernesto de la Jara

David Lovaton

Co-Directors, Legal Defense Institute (IDL)

- 1) Brief history of judicial reform in Peru (successes/failures and lessons learned)
- 2) Overview of current judicial reform programs and plans (including the World Bank Judicial Reform Loan, the IDB, the GTZ and others)
- 3) Examination of key judicial independence issues (identified from Peruvian research, conference survey results and experts), including:
 - Main obstacles to judicial independence
 - Issues related to institutional autonomy and the independence of individual judges in the decision making process

- Mechanisms, best practices and key issues related to judicial transparency and accountability (governmental and non-governmental) -- including the selection, promotion and disciplinary process, ethics codes and internal and external monitoring
- Experiences and challenges facing the Office of the Ombudsman in promoting judicial independence

Panel Discussion: 4:15PM – 4:45PM

Coffee Break: 4:45PM – 5:00PM

5:00PM – 7:00PM

Key Issues Confronting Judges and the Legal Profession in Promoting Judicial Independence in Peru: Challenges and Opportunities

Sergio Salas
President, Superior Court of Lima and

Antonia Saquicuray
President, Judges Association for Democracy

- 1) The role of and Challenges Related to Judicial Associations and the Development of Enforceable Judicial Codes of Ethics in Peru
- 2) The National Council of the Judiciary and the National Council of Magistrates in Peru: Emerging Issues, Challenges and Mandates
- 3) Judicial Leadership and how to create a consensus for reform within the Judiciary

Discussion: 6:15PM – 7:00PM

CONFERENCE ANNOUNCEMENTS: 7:00PM – 7:15PM

7:15PM – 8:00PM: Reception

Day Two
November 30, 2001

9AM – 4PM
Break-out Sessions

Four Working Groups with designated Chairs or Co-Chairs (based upon research related to Peru, the Guide and the Conference Survey) will meet separately and then together to develop an overall strategic framework for long-term judicial independence reforms in Peru, especially priority issues, reforms and programs on the following themes: (i) judicial selection and promotion processes; (ii) disciplinary control and performance evaluation of judges; (iii) judicial organization: structure of the judicial system, management and budgetary process; and (iv) publicity and transparency in judicial performance.

Discussions on these four themes will take into account the following issues:

- (i) Strengthening of the independence of justice sector institutions;
- (ii) Citizen participation and relations with civil society;
- (iii) Increased transparency in management;
- (iv) Increased quality of justice; and
- (v) Increased efficiency of judicial systems.

1:30PM – 2:30PM
Buffet Lunch

3:30PM – 6:00PM
Plenary Discussion

The conclusions adopted by each of the Working Groups will be presented in plenary session by a member of each Group. Each Working Group will present five problems identified by consensus – however, in case of disagreement, the coordinators may decide to present it as such –, and five proposed strategic remedies to these problems – related, of course, to the theme discussed in the each of the Working Groups. Then, this information will be transmitted to a drafting committee, formed of the experts and of the spokesmen of the Working Groups, which will be responsible for drafting the “Lima Declaration”. The Declaration will then be read to the plenary.

6:00PM – 7:30PM Reception