

# GLOBAL LESSONS AND BEST PRACTICES:

## FIGHTING CORRUPTION AND PROMOTING THE RULE OF LAW THROUGH TRANSPARENCY, OPENNESS AND JUDICIAL INDEPENDENCE<sup>1</sup>

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*“Sunlight is the best disinfectant.”*

*- Former United States Supreme Court Justice Louis Brandeis*

*By*

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The IFES Rule of Law Series is a collection of papers focused on capturing emerging global best practices and lessons learned on themes related to democratic principles, fundamental human rights and the Rule of Law. Professor Henderson teaches “Global Corruption and the Rule of Law” at American University’s College of Law and is IFES’ Senior Rule of Law Advisor and Anti-Corruption Fellow. It reflects the opinions of the author only. Any person or organization is welcome to quote from this paper as long as proper citation is made.

# GLOBAL LESSONS AND BEST PRACTICES: FIGHTING CORRUPTION AND PROMOTING THE RULE OF LAW THROUGH TRANSPARENCY, OPENNESS AND JUDICIAL INDEPENDENCE<sup>1</sup>

## ABSTRACT

IFES believes all countries, including China, should publish an annual State of the Judiciary Report that will serve as both an internal and external tool that can be used by multiple stakeholders for multiple purposes, including promoting and systematically reporting on needed reforms and key issues. It should be disseminated to the public at large, as well as to targeted stakeholders, such as the business and human rights communities, bar associations, judges, reformers, policy-makers and donors. We believe the publication and distribution of the report will increase the quality and quantity of concrete information on the judiciary, more transparency, accountability and public awareness, qualitative comparative research and valuable cross-country lessons learned and judicial competition. We invite and challenge you to demonstrate your firm commitment to the important task ahead.

## I. Introduction

I recently just finished one of the most insightful and thought-provoking books I've read in some time, and I highly commend it for those working in the rule of law vineyards in China or any country in the world. [How the Scots Invented the Modern World](#), by Arthur Herman, is a marvelous historical account of how one of the smallest, poorest, most illiterate, most religious countries in the Old World, became one of the intellectual, economic and political forces for modern governance from the 18<sup>th</sup> Century to the present. From a development perspective, this little giant among nations, in about fifty years or so, revolutionized economic development theory. So how did the Scots do it, what lessons can we learn from it and what was the role of the law, philosophy, history and religion in this process?

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1 This paper attempts to incorporate and build upon global research and numerous regional and global White Papers authored or co-authored by Keith Henderson over the last ten years, including one written for the Organization of American States in 2000, which proposed and promoted a model whistleblower law for Central America and another written for the International Development Bank, which developed and proposed a monitoring and reporting framework for judiciaries across the region and a Presentation recently made at the World Jurist Congress in Beijing, China (September 2005). See: [Breaking the Culture of Secrecy: Strong Support for an Independent Judiciary, Human Rights and an Independent Media – Including the Right to Free Expression, Access to Information, and the Full Utilization of Technologies, such as the Internet, is Key to a Successful Anti-Corruption Initiative and the Fair and Effective Implementation of Open Government Laws](#), (November 2000), [www.oas.org/whistleblowing](http://www.oas.org/whistleblowing); A Model State of the Judiciary Report for the Americas (IDB 2003), [www.idb.org](http://www.idb.org); a Regional Strategy for Promoting Freedom of the Media in the Middle East and North Africa (IFES 2005); Global Best Practices: Income and Asset Disclosure Requirements for Judges (2003) and other rule of law and anti-corruption publications found at: [www.ifes.org](http://www.ifes.org).

In a nutshell, Herman attributes Scotland's meteoric rise and Renaissance to a number of historical, socioeconomic, political and legal factors, but his story centers on the intellectual and political leadership of several influential historical figures who were not afraid to embark upon an uncharted path to the future. These include Lord Kames, Frances Hutchinson, David Hume and, of course, one greatest economists of all times, Adam Smith. While they often disagreed with each other on many important issues of the day, such as religion and politics, they all marched to the same drummer when it came to their common overarching objective of developing a form of governance that would unleash the forces of a free economy and the engagement and support of its citizenry. In general, their innovative ideas and provocative economic and political theories, blossomed into a national discussion among all levels of society. It occurred in town halls, schools and universities and all government institutions at the local and national levels, as well as among the rich and poor and the young and old.

The result, in a remarkably short period of time, literally transformed a closed, tradition-bound, rule-less culture into an entirely new culture based on openness, innovation and the rule of law. Herman notes that this unique discussion, and its result, was propelled more from the knowledge accumulated and adapted from the world around this small but determined country, than any particular internalized ideals. They literally reinvented governance principles, as they had been known and practiced for centuries, and they revamped the economy and the legal system to meet evolving needs, changing times and natural and moral reason. They also believed that man's laws were a living thing, not a lifeless chain of tradition, and that it should be used for a means to attain order and justice and change as society enriches itself with new thoughts, new discoveries and new arguments.

However, they also believed that the law also needed to be based upon a firm set of natural, moral and codified principles that would be enforced and upon which everything else could rest.<sup>2</sup> Even though most attention is usually given to Adam Smith's path breaking economic theories on capitalism, his musings on the transformative nature of the nature of law are revealing and relevant today as well. He and others of this most gifted generation of unconventional thinkers, all wanted to create a form of governance and legal system that would be based upon reasoned, logical decision-making, citizen engagement and entrepreneurship and the universal right to own property.

## **II. So What Have We Learned From Them and Where Should We Be Going Today?**

Over the last ten years or so, international practitioners, policymakers and reformers have learned, often the hard way, that there is a clear nexus between addressing corruption, good governance, transparency and the rule of law. We have also learned that addressing corruption issues within the judiciary and law enforcement community should be a matter of highest priority for all governments and civil society, since we all have a universal right to fair and impartial justice and the administration of justice with integrity. If these key institutions are too weak, unprofessional or corrupt, then property rights and impartial justice are illusory.

In the 21<sup>st</sup> Century, what is most needed in most countries are not new constitutions, laws or treaties, but the political will and strong, independent institutions to implement them, as well broad public support.

My thesis is that recent passage of the UN Convention Against Corruption (UNCAC) provides us a new opportunity to advance a global judicial reform, anti-corruption, open government agenda, if we will just

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<sup>2</sup> It is interesting to note that modern day development economists, such as Hernando de Soto of Peru, and organizations such as the World Bank, have only relatively recently acknowledged the key role law plays in development and that corruption is one of the biggest barrier to development.

seize it. This treaty, negotiated through informal and formal debate over many years, has been ratified by over 30 countries, including China. If you examine it closely, you will see that it provides us a roadmap on how to conceptualize and prioritize this Herculeon task.

In today's globalizing world and the age of terrorism and international political and economic competition, it behooves every country to adopt and implement an anti-corruption agenda grounded in a rule of law culture. One of the essential institutions necessary to accomplish this societal goal is a strong, independent, predictable judiciary.

In its most simple terms, judicial independence means that the judiciary and individual judges are relatively free from undue interference in the decision-making process and that justice is the norm not the exception. Impartiality within the justice system is the end goal.<sup>3</sup>

### III. Lack of Political Will and Broad Support

While it is true that many countries are struggling with how to create or nurture an independent judiciary within different socio-economic contexts, the reality is that most have not succeeded because of a lack of both political leadership and broad-based public support - - and not because judicial independence is conceptually too abstract to define or to complex to structurally implement.

Indeed, research and analysis in the Guide from 26 countries leads one to conclude that the legal and political superstructure for a 21st Century independent judiciary is built upon five mutually supporting strategic pillars and values, namely:

#### **Five Mutually Supporting Pillars and Values for Judicial Integrity**

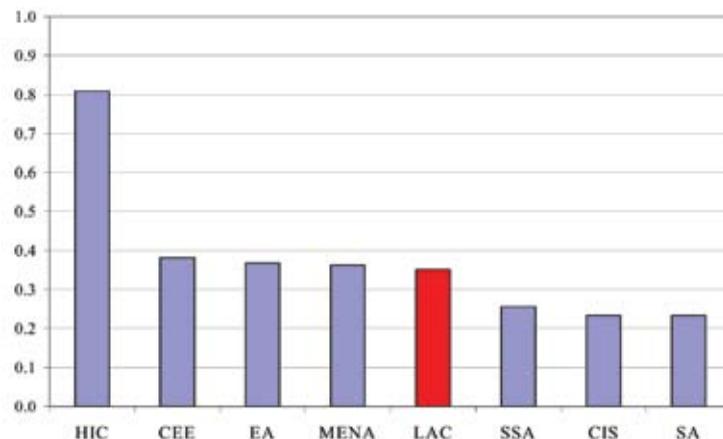
- (i) impartiality;**
- (ii) integrity;**
- (iii) transparency;**
- (iv) accountability and**
- (v) public trust.**

The basic enabling and structural environment for an independent judiciary must also be in place or these pillars will not have the political, legal or economic roots needed to nourish complex, inter-related reforms. A panoply of governance issues, such as a transparent appointments, promotion and disciplinary process, financial and administrative independence, personal security of judges, security of tenure, the fair and effective enforcement of court orders, access to judicial rules and decisions and addressing judicial interference and corruption, are all high priority, inter-related reform issues in virtually all countries. Support for an engaged media and public are also critical environmental issues.

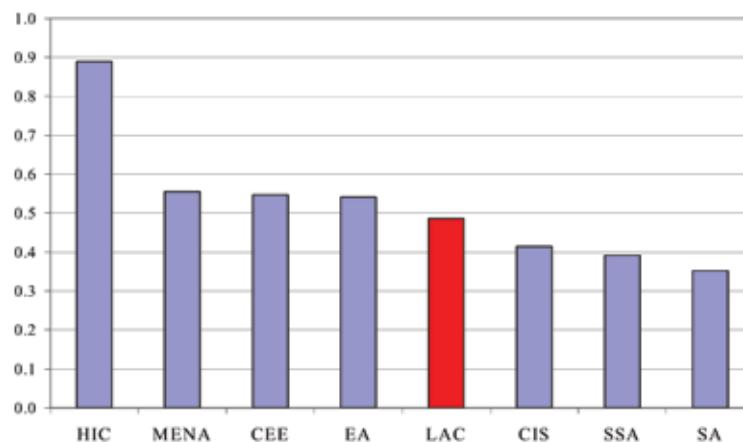
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3 While we will explore the issue in some detail in this paper, there are a series of IFES Judicial Reform White Papers that fully explain the rationale, and provide the research, in support of a global framework and universal definition of judicial independence. See: [www.ifes.org](http://www.ifes.org)

**Corruption Index – Comparing World Regions (Absence of Corruption)<sup>4</sup>**



**Rule of Law Index – Comparing World Regions (Respect for the Rule of Law)<sup>5</sup>**



4 Source: Kaufmann, Kray and Zoido-Lobatón (2001)  
 The indicator has been normalized from 0 to 1 with higher scores indicating lower levels of corruption. HIC = High Income Countries; CEE = Central and Eastern Europe; EA = East Asia; MENA = Middle East and North Africa; LAC = Latin America and Caribbean; SSA = Sub-Saharan Africa; CIS = Former Soviet Republics; SA = South Asia.

5 Source: Kaufmann, Kray and Zoido-Lobatón (2001)  
 The indicator has been normalized from 0 to 1 with higher scores indicating greater degrees of respect for the rule of law.

#### IV. Key Global and Regional Obstacles to Judicial Independence

A comparative analysis of some of the main research from twenty-three countries around the world reveals that the top four obstacles to judicial independence include:<sup>6</sup>

**IFES Global Experts Survey (2001)**  
**Top Four Obstacles to Judicial Independence and Impartiality**

1. **Corruption -- 18 out of 23 countries.**
2. **Executive Interference -- 16 out of 23 countries.**
3. **Judicial Hierarchy Interference -- 11 out of 23 countries.**
4. **Political Party Networks -- 9 out of 23 countries.**

The number one barrier to judicial independence, corruption, was self-defined by the experts to this survey. However, it is clear that it is as much of a problem in one region as another, particularly in countries where corruption is systemic.

Another clear conclusion from this research is that many of these issues, such as corruption and political party networks, are closely inter-related and that one issue can not be analyzed or addressed without considering several others. Thus, more qualitative research and functional assessment work needs to be undertaken before we can either fully diagnose the exact nature of the underlying problems or propose strategic solutions to real-world situations. Until this analytical work is done on a country-by-country basis, most reform programs will likely continue to focus on the symptoms and barriers to judicial independence and not on addressing its underlying causes.

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6 “Global Guidance for Promoting Judicial Independence and Impartiality” (USAID/IFES – 2002); [www.usaid.gov](http://www.usaid.gov) and [www.ifes.org](http://www.ifes.org). The Guide included expert research over a two-year period in 23 developing and transition countries representing every region of the world. However, because of the inherently subjective nature of research, even though each expert was carefully selected and well respected in his or her field, this comparative data is being presented by IFES mainly for the purpose of provoking discussion and debate. IFES readily acknowledges that it would not be appropriate to read too much into the data, particularly in terms of trying to rank countries on some kind of global judicial independence scale. Nonetheless, IFES believes that presenting the results will help highlight the profound important role of research and debate on what is perhaps the most important crosscutting global issue confronting reformers and donors. Presenting this data in comparative form also helps establish a global judicial independence baseline, for the first time, and it a useful tool for imparting complex information and engaging debate among all judicial independence stakeholders. While narrative information from USAID commissioned research was the underlying source for this data, IFES transposed the data into objective format, which necessarily requires some subjective interpretation and analysis. However, it is worth noting that the objective data compiled by IFES was verified by the majority of the experts who participated in the country surveys. It was then analyzed by a team of attorneys from different countries, led by IFES’ Senior Rule of Law Advisor and Research Fellow, Keith Henderson. The analysis was then compared to the regional and thematic research papers in the Guide and to external global research from a variety of resources referenced in this paper.

Other key issues highlighted and deduced from the research in the Guide, include:

#### **Key Issues and Findings in the IFES Global Experts Survey (2001)**

1. Whether the process for selecting and appointing judges was rather objective or rather subjective? 12 of 22 countries answered rather subjective.
2. Whether the process for promoting judges was rather objective or rather subjective? 10 of 22 answered rather subjective.
3. Whether the process for disciplining judges was rather well defined or rather poorly defined? 12 of 22 answered rather poorly defined.
4. Whether the process for evaluating the performance of a judge was effective or ineffective? 14 of 21 answered ineffective.
5. Whether there is an effective judicial code of ethics (or any code)? 18 of 21 answered ineffective (or that none existed).
6. Whether other constituencies for judicial independence were somewhat involved or involved very little? 11 of 19 answered involved very little.
7. Whether judges associations played some role or almost no role in promoting judicial independence? 15 of 22 answered almost no role.
8. Whether measures to reduce judicial corruption were effective (or rather effective) or ineffective (or rather ineffective)? 15 of 21 answered rather ineffective.

#### **V. Transparency is Key to Promoting Judicial Independence and a Rule of Law Culture and Addressing Corruption**

While all of these questions and issues are important to address, a recurring theme in virtually all of the research in the Guide, and one that all of the global experts believed would have a significant crosscutting impact on many reforms, is transparency. Over the years we have learned that transparency is the best daily prescription for preventing or promoting a remedy to corruption, to promoting economic efficiency, competitiveness and a rule of law culture. The Guide's research supports these principles within the specific context of judicial independence reforms, particularly with respect to such high priority transparency issues as the selection, appointments, promotion, disciplinary and case assignment processes, judicial decision-making, judicial tenure, conflict of interest, judicial budgets and the publication of judicial decisions and court rules, procedures and fees.

Even though some of the experts and advisors to the Guide could not agree on one approach to resolving problems concerning each of these areas, there was a clear consensus that promoting transparency within each programmatic area was most important. This important global finding among some of the world's most informed judicial experts, is also consistent with democratic and market-based economic theory and practice, as well as my own experience and observations.

Unless transparency principles permeate the entire judicial process, reformers inside and outside the judiciary and the general populace will not have the information necessary to evaluate or monitor reforms, court policies or judicial decisions. Unless transparency and open government principles also permeate the entire governmental process, the culture of secrecy that exists will continue to stop reform initiatives dead in their tracks. Unless transparency principles are part and parcel of the legal profession, it will be unable to enforce any code of professional ethics and the law enforcement community will not be able to obtain the information and evidence it needs to convict those guilty of violating various laws and judicial corruption.

While the dramatic democratic and free market global reforms and trends of the last two decades have no historical parallel, we know now that their long-term sustainability can be best sustained through an independent judiciary and the rule of law culture, coupled with a free media and an ethos of open government.

From this experience, we have concluded that three of the most important, interrelated lessons of this historical transitory era include:

### **Three Overarching Lessons From Global Judicial Reform Experience**

1. **The need to build Public Trust.** Open government laws, policies and institutions, such as those related to whistle blowing and access to information, and an independent judiciary supported but also checked by the media, are critical building blocks in developing, transition and developed countries.
2. **The need to address Corruption.** Open government laws and policies provide the vital fuel necessary for exposing, addressing and preventing corruption and developing a rule of law culture.
3. **The need for Holistic Reform and Judicial Independence.** An independent judiciary is the sine quo non to creating a rule of law culture and fair and effective enforcement of an array of economic, political, administrative and institutional reforms. Open government laws and policies, not unlike those related to privatization, public procurement or criminal procedure reform, may only serve to instill further public cynicism in the rule of law, good governance and free markets unless they are part of a holistic package of reforms, including support for the institutions necessary to support, implement and enforce them fairly and effectively, such as an independent judiciary.

Today, then, the great challenge for most countries is how to develop and implement a balanced reform agenda for creating an independent judiciary and a rule of law culture. This will enable countries to be economically and politically competitive, internationally and nationally, and it will help them simultaneously address a host of other high priority global problems, such as crime, corruption, terrorism and environmental degradation.

## **VI. Transparent and Accountable Judiciaries: A Model Reporting and Monitoring Framework**

Increasing access to quality information for both the judiciary and the public will create a more open justice system, increase public trust in the judiciary and advance judicial independence, transparency and accountability and a rule of law culture.

Based on the principle that access to more, higher-quality information will empower reformers and the public with the democratic ammunition and participatory process essential to promote key institutional and cultural reforms, including a more independent and accountable judiciary, IFES has made an institutional investment in developing comparative and country-specific empirical and qualitative information for regional and domestic policy-making and reform programs. The information steppingstone for this undertaking was initially provided in a path breaking IFES/USAID publication entitled *Guidance for Promoting Judicial Independence and Impartiality [the Guide]*.<sup>7</sup> The *Guide* has since been presented in a number of regional conferences and strategic workshops

<sup>7</sup> IFES/USAID, *Guidance for Promoting Judicial Independence and Impartiality*, USAID Technical Publication, 2001 ([www.ifes.org/rule\\_of\\_law/judicial\\_independence.pdf](http://www.ifes.org/rule_of_law/judicial_independence.pdf))

and has been complemented by additional research and analysis in related areas of the rule of law, such as open government, the enforcement of judgments and access to the legal and judicial system.<sup>8</sup>

There is a lack of effective and systematized monitoring mechanisms to promote judicial reform, including those related to judicial independence, transparency and accountability.

IFES has identified 18 Judicial Integrity Principles [JIP] as core components of its model reporting and monitoring framework. The JIP are intended to serve as guideposts for the drafting of annual State of the Judiciary Reports which would monitor and report on compliance with key principles of judicial independence, judicial accountability, judicial transparency, judicial ethics and enforcement of judgments and assist in building support for high-priority judicial reforms.

#### **IFES Rule of Law Tool – Judicial Integrity Principles**

- JIP.1** Guarantee of judicial independence, the right to a fair trial, equality under the law and access to justice
- JIP.2** Institutional and personal/decisional independence of judges
- JIP.3** Clear and effective jurisdiction of ordinary courts and judicial review powers
- JIP.4** Adequate judicial resources and salaries
- JIP.5** Adequate training and continuing legal education
- JIP.6** Security of tenure
- JIP.7** Fair and effective enforcement of judgments
- JIP.8** Judicial freedom of expression and association
- JIP.9** Adequate qualification and objective and transparent selection and appointment process
- JIP.10** Objective and transparent processes of the judicial career (promotion and transfer processes)
- JIP.11** Objective, transparent, fair and effective disciplinary process
- JIP.12** Limited judicial immunity from civil and criminal suit
- JIP.13** Conflict of interest rules
- JIP.14** Income and asset disclosure
- JIP.15** High standards of judicial conduct and rules of judicial ethics
- JIP.16** Objective and transparent court administration and judicial processes
- JIP.17** Judicial access to legal and judicial information
- JIP.18** Public access to legal and judicial information

The JIP are aimed at fostering an enabling environment and legal culture necessary for the rule of law to take root, with specific emphasis on judicial integrity. IFES has also designed a number of indicators to assess compliance under each of these principles. These indicators are intended to constitute an evolving checklist to gather quantitative and qualitative data in relation to the JIP.

In designing the JIP, IFES relied on a number of international and regional governmental and non-governmental conventions, standards, guidelines and case law addressing judicial integrity, to identify consensus principles and trends.<sup>9</sup> IFES also examined a number of relevant documents and studies, including the work of the

<sup>8</sup> See, HENDERSON, Keith, *A Background Paper on Open Government Laws and Policies in Central America*, prepared for the OAS, 2000; HENDERSON, Keith and Alvaro Herrero, *El Costo de la Resolución de Conflictos en la Pequeña Empresa: El Caso del Perú [The Cost of Resolving Conflicts for Small Businesses: The Case of Peru]*, IFES/IDB (2003); HENDERSON, Keith, Peter Khan and Others, *Barriers to the Enforcement of Court Judgments and the Rule of Law*, IFES (2003).

<sup>9</sup> These documents are referenced in Annex I. An IFES Occasional Paper analyzing these conventions, standards and guidelines, as well as relevant case law of international and regional courts and commissions, is available at IFES upon request.

Open Society Institute to monitor judicial independence, judicial capacity and anti-corruption policy in European Union accession countries and the Millennium Challenge Account. The JIP represent high-priority consensus principles or emerging best practices found in virtually all global and regional governmental and non-governmental instruments related to the independence and impartiality of the judiciary.

One of the best ways to promote the implementation of reforms, including those that relate to transparency and accountability in the judiciary, is to increase the access to quality information on the state of the judiciary through participatory monitoring and reporting mechanisms.

A well-designed monitoring framework is essential. Previously mentioned declarations, such as the Beijing Declaration, have identified consensus principles, but most countries have not implemented them in practice. The model framework for an annual **State of the Judiciary Report** has been designed by IFES as a flexible monitoring and reporting tool built around these principles. Its main focus is to enlist public support for judicial reform through the collection and dissemination of concrete information related to the status of the judiciary as a institution that dispenses justice in an impartial, timely manner.

The IFES monitoring and reporting framework is based on a multifaceted methodology that relies on a variety of formal and informal sources to gather the information necessary to assess the state of the judiciary in a given country. The information is collected based on a set of indicators developed under each JIP.<sup>10</sup>

#### **Proposed Model Outline for a State of the Judiciary Report:**

- (i) Country legal, political and socioeconomic background, scope and methodology of the **State of the Judiciary Report**;
  - (ii) Relevant international, regional and country-specific legal and institutional framework;
  - (iii) Assessment of compliance with the IFES JIP or a set thereof identified through a flexible prioritization process that takes into account technical and political factors as well as the economic feasibility and sustainability of reforms;
  - (iv) Overview of key relevant developments and characterized violations and abuses, with a special focus on key cases affecting judicial independence; and
  - (v) Most important problems, priority reforms and suggested remedies and recommendations.
- The **State of the Judiciary Report** could serve to promote high-priority reforms and as a base-line monitoring, reporting and implementation tool for establishing the enabling legal environment to globalise the rule of law.

## **VII. Conclusion**

IFES believes all countries, including China, should publish an annual **State of the Judiciary Report** that will serve as both an internal and external tool that can be used by multiple stakeholders for multiple purposes, including promoting and systematically reporting on needed reforms and key issues. It should be disseminated to the public at large, as well as to targeted stakeholders, such as the business and human rights communities, bar associations, judges, reformers, policy-makers and donors. We believe the publication and distribution of the report will increase the quality and quantity of concrete information on the judiciary, more transparency, accountability and public awareness, qualitative comparative research and valuable cross-country lessons learned and judicial competition. We invite and challenge you to demonstrate your firm commitment to the important task ahead.

<sup>10</sup> The JIP and the corresponding indicators are components of the IFES Rule of Law Toolkit. An overview of the Toolkit is attached in Annex II.

## ADDITIONAL RESOURCES

1. [A New Economy? The Changing Role of Innovation and Information Technology and Growth](#), Organization for Economic Cooperation and Development, OECD 2000.
2. [Corruption and Government, Causes, Consequences, and Reform](#), Susan Rose-Ackerman, Cambridge University Press 1999.
3. *Initiatives in Legal and Judicial Reform*, The World Bank, May 2000.
4. [Global Electronic Commerce, A Policy Primer](#), Catherine L. Mann, Institute for International Economics, July 2000.
5. *The Media's Role in Curbing Corruption*, Rick Stapenhurst, The World Bank Institute, 2000.
6. *Media Responses to Corruption in the Emerging Democracies*, Keith Henderson, Louise Lief, P.J. O'Rourke, David Addis and James Denton, Freedom House, May 1999.
7. *TI Newsletter, Recent Reforms*, Transparency International, September 1999, [www.transparency.de/documents/newsletter](http://www.transparency.de/documents/newsletter).
8. *Witness Protection in South Africa – Problems and Solutions*, Unpublished 1997 (on deposit at WCL, American University).
9. *Why Anti-Corruption Crusades Often Fail to Win Lasting Victories, Presentation by the United Nations*, Guido Bertucci and Elia Yi Armstrong, The Anti-Corruption Summit 2000, Arlington, Virginia.
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11. *Using an Ombudsman to Oversee Public Officials*, PREMnotes, The World Bank, April 1999, Volume 19, [www.worldbank/prem/governance](http://www.worldbank/prem/governance).
12. [The Annual Report of the Parliamentary Commissioner for Data Protection and Freedom of Information 1999](#), Dr. Laszlo Majtenyi, DP & FOI Commissioner, Hungarian Parliament, Budapest 1999.
13. *Basic Principles on the Independence of the Judiciary*, United Nations High Commissioner for Human Rights, 1985. [www.unhchr.ch/html/menu3/b/h\\_comp50.htm](http://www.unhchr.ch/html/menu3/b/h_comp50.htm).
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15. *Reforming Legal Systems in Developing and Transition Countries*, Cheryl Gray, The World Bank, September 1997, [www.worldbank.org/publicsector/](http://www.worldbank.org/publicsector/).
16. *Diagnosing Judicial Performance: Toward a Tool to Help Guide Judicial Reform Programs*, Linn Hammergren, The World Bank, November 1999 (working draft prepared for Transparency International).
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18. *Training Journalists to Expose Corruption*, David Pezzullo, World Bank Institute and *Resisting Bribery in the Rush for Procurement Contracts*, Donald Strombom, Economic Perspectives, November 1999, USIA Electronic Journal, [www.usia.gov/usis.html](http://www.usia.gov/usis.html).
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20. *Measuring Judicial Independence of USAID's Administration of Justice Portfolio in Latin America: Some Lessons Learned*, Lawrence C. Heilman, presented to the First Global Rule of Law Conference, National Center of State Courts, USAID, July 13-15, 1994 (on deposit at WCL/American University).

21. *Beijing Statement on Principles of the Independence of the Judiciary in the Law Asia Region*, The Law Association for Asia and the Pacific, The Asia Foundation, 1997.
22. *An analysis of the Causes of Corruption in the Judiciary*, Edgardo Buscaglia and Maria Dakolias, The World Bank, Legal and Judicial Reform Unit, Legal Department, August 1999
23. *Judicial Independence and Judicial Accountability: The Shifting Balance in Reform Goals*, Linn Hammergren, The World Bank, October 2000.
24. *What Conditions are Necessary for the Judiciary to Curb Corruption?*, presented at the Comprehensive Legal and Development Conference, the World Bank, June 6, 2000, [www.worldbank.org/wbi/governance](http://www.worldbank.org/wbi/governance).
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27. *Citizen Security in Central America: Addressing Conceptual and Operational Challenges*, August 2000, No.17, Woodrow Wilson International Center for Scholars, [www.wwic.si.edu](http://www.wwic.si.edu).
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29. *Towards a Representation Revolution – Constitutional Reform, Electoral Systems, and the Challenges to Democracy in Latin America*, Matthew Soberg Shugart, prepared for The Carter Center, Atlanta, Georgia, October 16-18, 2000.
30. *Threats to Democracy in the Americas*, Maxwell A. Cameron, Canadian Foundation for the Americas, May 2000, [www.focal.ca](http://www.focal.ca).
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