



Note No. 61

March 2001

## Building Coalitions for Change: Venezuela Judicial Infrastructure Development Project

### Social Development Best Practice Elements

- Organizational and institutional analysis to ensure intended outcomes
- Institutionalized mechanisms for participation and decentralized implementation
- Ongoing monitoring and evaluation of social development outcomes by the government and community

In the early 1990s, the Government of Venezuela urgently requested assistance from the World Bank to combat corruption, improve the business climate, and create a sense of transparency and involvement of civil society in state matters. The country's judicial system was identified as the institution in which to begin such reforms, because it was widely perceived as lacking credibility and efficiency.

The Judicial Infrastructure Project aimed to improve Venezuela's enabling environment for private sector development and to reduce the private and social costs of justice. In December 1993, the Bank began negotiations with the government to develop a project that would address failings in the judicial sector. This was the first stand-alone project of this type that the Bank has funded. The project design was refined during implementation, leading to greater participation and ownership.

### Project Objectives

The objectives of the Judicial Infrastructure project were to:

- Improve efficiency in the allocation of resources and the social costs of litigation
- Increase courtroom productivity and efficiency
- Reduce the private sector costs of dispute resolution.

### Problems in the Judicial Sector

Corruption among police and judges was seen as a key problem in the judicial system. Other complaints included that judges were selected according to non-objective criteria, that they ruled on cases without adequate preparation or training, and that bribery was the common practice to resolve cases or to speed up the slow and inefficient process. Instead of being randomly

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*The views expressed in this note are those of the author(s) and do not necessarily reflect the official policies of the World Bank.*

assigned, cases were selected by judges, a procedure that encouraged corruption. Furthermore, 70 percent of the judges were temporary, thus limiting their independence.

The judicial system was suffering from a tremendous case backlog. Between 1970 and 1991, the ratio of judges to the population decreased by 29 percent. Concurrently, the time to process cases exceeded the legal processing time standards. For example, processing criminal cases required more than 10 times the legal limit of 102 days.

Top judges were leaving their positions at an alarming rate, since their poor pay, diminished public image, and limited capacity compromised their effectiveness. With the absence of experienced judges, the judicial system lost credibility. A public opinion poll conducted prior to 1992 revealed that only 7 percent of the population had confidence in the Supreme Court.

### **Coalitions for Change**

Project implementation began in 1995, but the lack of institutional capacity within the judiciary system to handle a Bank loan led to project stagnation. With astute analysis by the project team, a key social component—the need to involve citizens in the overall reform process—was identified. The team recognized that the people who use the court system need to have a vehicle through which they can voice their concerns and make suggestions to improve the judicial process. In addition, the project team identified the need for a watchdog coalition in which the judiciary and civil society could work together to establish a more trustworthy judicial process.

It quickly became apparent that, without a well-developed nongovernmental organization (NGO) sector, strengthening the role of civil society in the judicial process in Venezuela would prove very difficult. Although NGOs were present, they lacked umbrella organizations. Furthermore, judges had little understanding as to what civil society organizations were and how they could work effectively with the judiciary.

The Bank task team realized that the judges needed a consensus-building tool to gain support for the use of NGOs in the reform process. A small group of judges participated in presentations made by the Council for Court Excellence, a Washington, D.C.-

based NGO that promotes transparency in the judicial process through citizen involvement. Council members went to Venezuela to demonstrate how NGOs could be beneficial to the judiciary. For example, the judges were introduced to tracking systems used by other countries to make the courts more transparent and efficient and to monitor and publish the performance of judges. The training convinced the judges that bringing NGOs into the reform process would add value.

To eventually bring judges and NGOs together, the team decided to work first with the judges, then with the NGOs. A series of workshops involved 4 groups of approximately 30 judges each. Choosing appropriate participants was critical, as they needed to be representative of the overall judiciary in terms of gender, age, and region. The judiciary in Venezuela is fairly balanced in gender. More difficult in the selection process was choosing judges who were viewed as having integrity and the trust of their peers.

The participatory process took over six months. Focus group discussions addressed the challenges facing the judiciary. Technical training sessions followed. Reflecting on the judges' priorities and building consensus among them were essential components of the process. From these meetings, the project team identified judges who could act as "change agents" in the reform process. Change agents were seen as those who might champion the project and help build ownership of it.

Next, the NGOs were slated for participatory training. Similarly, NGOs examined how courts functioned and where the constraints existed. They confirmed the need for transparency in the judicial process. To build consensus, the NGOs developed a list of critical actions for the judicial system to take to gain efficiency and credibility.

Finally, bringing together the judges and NGO representatives proved to be a critical step in developing the partnership with civil society. During the special workshop, the two groups shared their visions and priorities. The process quickly demonstrated that the two sides had very similar goals. This understanding helped to develop "buy-in" for the project's objective of creating transparency in the judicial process. The result was a new initiative through which common goals and mutual respect for the reforms were realized.

### Lessons Learned

- Effective partnership with civil society can make a significant contribution to judicial reform.
- Capacity building workshops aid in creating partnerships among different groups of stakeholders.
- Measures to improve transparency and efficiency can be developed with the help of stakeholder consultation, which also builds ownership.
- Improved performance, lower transaction costs, and greater predictability in the judicial process increase public confidence in institutions.

### New Partnership Enables People's Access

The new partnership led to the establishment of an NGO unit within the judiciary itself. This unit has identified the needs of court users and promoted the exchange of information between the public and the judicial system management. It is through this NGO unit that individuals now can access the formal process. A specialist designated by the NGO community to act as a liaison to the judiciary operates the NGO unit. Forty-five NGOs use the services of the unit.

The judiciary NGO unit conducted a participatory assessment of the courts, drawing on stakeholders' experiences and perspectives. Specifically, it analyzed what information was needed for a citizen to participate in the legal process.

### Participatory Cooperation

A key component to successful implementation of the project was the use of participatory cooperation between the judiciary and the NGOs. Cooperation that began at the local level has permeated the system horizontally throughout the country and vertically up to the Supreme Court.

Dissemination of information has proven to be another key element in building constituencies for the reforms. The government has conducted an information campaign to publicize and share lessons of the reform process. The Bank also has provided support in developing "knowledge sharing" activities. With the Bank's support, the Supreme Court has established a website.

The cooperation between civil society and the judiciary has enabled a series of institutional reforms that have increased efficiency and

transparency in the judicial system. For example, the backlog of cases has been addressed through instituting oral arguments. Previously, lawyers had to submit written arguments, which added to the delays in processing cases. For this reform to be accepted, sensitive consultations and effective demonstrations were used to convince judges and lawyers of its effectiveness.

Publication on the Supreme Court's website of past and pending cases and decisions increases the transparency of the system. Another element of the reforms addresses the high turnover of judges through providing better compensation.

The new working relationship between civil society and the judiciary is seen as the necessary conduit for the reforms. Without building trust and confidence between the two groups, it is doubtful that the reforms would have passed. The project is already being replicated in El Salvador and Guatemala.

### Effective Supervision Produces Good Results

Good supervision improved the Venezuela Judicial Infrastructure Development Project. It has helped to establish performance indicators of outputs and judicial process indicators. Indicators are published and in the public domain in Venezuela. Supervision also has increased transparency, made justice more efficient and accessible, and built partnerships with civil society to sustain the reforms.

Effective project supervision led to the following project accomplishments:

- The partnership between the Judicial Council and the NGO, *Alianza para la Justicia*, resulted in the establishment of a judicial evaluation procedure for prescreening all judges to weed out unqualified ones. NGOs lobbied to support the passage of the law.
- The NGO *Alianza* assisted in drafting a new legal code on family law to address violence against women.
- The backlog of cases has been significantly reduced in three of the pilot states.

- The Judicial Council has become more professional and effective with the reduction of its staff from 1,200 to 400.

### **Building Capacity and Ownership**

The process of building capacity to implement reforms added to the government's ownership of the project. Members of the judiciary increased their knowledge of judicial procedures adopted elsewhere through workshops and seminars. From

initially increasing knowledge, the workshops moved to eliciting opinions and comments on the possible alternatives for Venezuela. This process facilitated decisionmaking over the reform process.

Similarly, through forming a network and participating directly, NGOs became partners in reform, rather than external critics. With the establishment of Citizens' Councils to oversee performance of judges, ongoing civil society participation in monitoring has been formalized.

