

**Opening Statement by Mr. Kenneth Harris,  
Representative of the US government in the theme group- Co-Chair of the G/D  
judiciary pillar, Department of Justice Liaison.**

Mr. Minister, distinguished guests.

It is a privilege to be here as representative of the U.S. Justice Department. I am working in close cooperation with other U.S. government components in particular the Department of State.

I am very happy to see the large number of countries that have attended this first working group meeting, and the high level of representation in each delegation. I know that this reflects the fact that this is the moment for this group. Just this morning, for example, I read in the newspaper of President Mubarek of Egypt's inauguration, and the program of reform and development he plans to carry out.

So we have the political will in the region to carry out our work. We have the attention of the international community on this issue. We all agree on our goals. The U.S. in particular is ready to provide strong support for the hard work on the details that is necessary now. My government has just contributed 1 million dollars for the governance of democracy initiative, of which 800,000 is for the three pillars on which UNDP-POGAR is working. This will help us complete the stocktaking phase of our work.

The U.S. is also currently engaged in technical assistance programs in the region dealing with the law enforcement and judiciary area. We have devoted many millions of dollars to these projects in countries in the region. These projects concern subjects in which countries have expressed interest and this group should consider exploiting these existing projects to serve the goals we set for ourselves. In preparation for this meeting, I reviewed these projects and can provide a summary of the most popular themes being treated.

1. Enhancing independence of the judiciary;
2. Training of judges;
3. Refining the judicial selection process;
4. Modernizing court management systems;
5. Modernizing commercial courts and practices, including Alternative Dispute Resolution;
6. Law enforcement training and institution strengthening, including extradition and obtaining evidence from outside the country;
7. Anti-corruption measures;

These are key themes. We must recognize that we cannot do everything at the same time. And the more focused our examination, the better we can reach deeper and more lasting results. Therefore, we suggest that in the first stage we focus our efforts on areas such as

these in which a strong interest has been demonstrated, and evaluate the effectiveness of existing programs and build on that work. Let me suggest three themes that are particularly important:

**Implementation of the UN Anti-corruption Convention:** This is prominently emphasized in the declaration of the Dead Sea conference. We all know the dangers to economic development, public health and safety, national security and stability posed by corruption. Ours is the main pillar of GfD that has the ability to deal with this. We must focus as one of our priorities on ensuring the tools necessary, such as implementation of penal law provisions of the convention, and its related measures, such as protection persons who report corruption, developing mechanisms for recovering stolen assets, eliminating bank secrecy as an impediment to criminal investigation and prosecution, and eliminating tax and other business advantages to engaging in bribery.

**Strengthening criminal justice investigation and prosecution effectiveness:** Perhaps I say it because of my background as a public prosecutor, but to me, the greatest deterrent to crime that discourages development and investment is a well functioning criminal justice system. It not only discourages corruption, but theft, fraud and violent crimes. It therefore creates the stability that is a precondition to development.

This means infrastructure and know-how to rapidly and accurately investigate and prosecute, including the solving of complex financial crimes that require sophisticated investigation the ability to obtain evidence such as bank and business records from financial centers outside the region, and the ability to use special investigative techniques like undercover operations.

It also means strengthening the tools accused persons have to defend themselves in order to avoid convictions of the innocent. Finally, it requires an independence of the judiciary so that political objectives don't enter into decisions on individual cases.

**Ethics:** Judicial, prosecutorial and lawyer ethics are an important component in ensuring a fair and balanced application of civil criminal and administrative law systems. Such guidance must be comprehensive and oversight mechanisms like Inspectors General in government agencies, socialized disciplinary institutions and management mechanisms like evaluation processes, periodic rotations, and automated court administration systems to avoid conflicts of interest must be implemented.

In conclusion, we have much work ahead of us. Reform efforts do not always succeed; others have been well-intentioned yet have failed. We must be well organized, focused and able to analyse a limited number of priority issues in a comprehensive fashion in order to take the first step. Then the national committees and experts can undertake a candid and in-depth national review that permits us to prepare concrete action plans and project proposals that address the most important improvements to be made. At that point, the implementation process can begin in a way that can make a real difference.

Thank you for your attention.