

XI Congress of Judges of the Republic of Kazakhstan

Presentation of the President of IACA, Prof. Dr. Luis María Palma

Astana, Kazakhstan, October 4th, 2024

Dear Mr. President, esteemed delegates, and guests of the IX Congress of Judges of the Republic of Kazakhstan:

On behalf of the International Association for Court Administration (IACA), I extend my profound appreciation for the invitation to partake in this significant and historic event.

It is a distinct honour for me to meet those who contribute daily to fortifying justice and the judicial system, both at a national and international scale.

Judges are entrusted with what I consider to be the most paramount responsibility of any public official: the resolution of disputes and the consequent promotion of social harmony. To succeed in this role, effective court administration is essential as the workload and its complexity continue to increase.

IACA, which gathers judicial experts from over 100 countries, has consistently endeavoured to establish a judicial system that is equitable, accessible, and autonomous. Comparative analysis of global judicial reform approaches reveals shared challenges faced by judicial systems, such as the encumbrance of judiciary by executive structures, thus curbing their independence and capacity to dispense genuine justice. In this context, Kazakhstan's approach emerges as an exemplar of pioneering solutions.

Your audacious decision to institute an autonomous system for judicial financing represents an excellent initiative. This approach effectively emancipates the judiciary from other governmental branches, thus captivating the attention of the global community. It transcends mere structural reform, serving as the cornerstone for instituting a judiciary liberated from political or economic pressures.

Furthermore, your establishment of the Judicial Administration has elicited international interest. This model has disentangled administrative and judicial functions, thereby significantly enhancing court operations and liberating judges from non-inherent responsibilities.

Whilst considering reforms aimed at improving the quality of judicial systems, it is evident that many countries are striving to enhance their efficiency and accessibility. Kazakhstan has implemented advanced court management solutions and has also demonstrated their efficacy in practice. For instance, the creation of the Administrative Procedural and Process Code (APPC) and specialized courts has opened new avenues for dispute resolution, a crucial factor in attracting investors and international business.

Initiatives such as the introduction of the APPC and the establishment of specialized courts are shaping a legal environment that is capturing the attention of the global business community. When assessing jurisdictions for their projects, investors consider the level of legal protection and respect of property rights, as well as the speed and transparency of judicial processes. Kazakhstan's commitment to creating a stable and predictable judicial system is essential for business and international cooperation.

The reforms also exemplify how the independence of the judiciary can be effectively combined with accessibility, fostering economic development and bolstering public trust in the legal system. The investment attractiveness of a country significantly hinges on the existence of an independent judiciary, and Kazakhstan has made noteworthy progress in this regard, setting an example for other nations.

By observing the progress of judicial reforms in the country, it is evident that the commitment to modernising the judicial system is paving the way for new opportunities. The introduction of IT-based solutions and the digitalization of courts are pivotal elements of development, both optimizing judicial processes and enhancing transparency and accessibility for citizens. This is particularly significant in the era of globalisation, where justice must adapt to contemporary challenges.

Additionally, the election of Kazakhstan's representative to the position of Vice President of IACA for the Central Asia region serves as a resounding affirmation of the country's contribution to the development of judicial systems, regionally and internationally. This appointment underscores the significance of the nation's experience for the global community and the high-level recognition of the successful reforms implemented in its judicial system and its contribution to the diffusion of those of other countries. Among these valuable achievements, I would like to highlight the meeting of the Chief Justices of Central Asia and India, which took place in Astana last year. The Kazakh model of judicial administration and the development of smart courts received high praise at the event.

All the innovation-oriented strides I'm referring to lead to a more profound objective—the establishment of the “court of the future.” This concept, discussed at the previous IACA Conference in my country, Argentina, underscores extraterritoriality and accessibility of justice for all the people, regardless of their place of residence. The court of the future is not solely reliant on technology; it signifies a new philosophy of people-centred justice. Kazakhstan is already embarking on this path, introducing modern technologies and constructing a legal infrastructure that could potentially serve as a model for other countries.

Your expertise in establishing an independent judicial system and implementing advanced solutions warrants the close attention of the global community. Kazakhstan's transformation of its judicial system and its impact on global justice processes have garnered the interest of investors, business communities, and experts. IACA remains committed to contributing to your endeavours and facilitating the dissemination of your experiences worldwide.

In conclusion, I would like to highlight some ideas and potential courses of action:

1. Modern digital solutions ensure the efficiency and transparency of judicial processes and underpin the foundation for justice that is universally accessible, transcending borders and territories. With this aim, it is of the greatest importance the development of the "court of the future" through the lens of innovation and IT-based developments.
2. Moreover, it is imperative to continue bolstering the trust of citizens and the international business community through mechanisms of court administration and proactive engagement with investors. Your judicial system has already demonstrated its capacity to establish an appealing legal environment, and further advancement of these mechanisms will be key in fortifying trust and fostering economic growth.
3. We encourage you to share your positive experiences with counterparts from other nations. The upcoming IACA Conference in Singapore, scheduled for November 11th to 14th, 2024, will address the theme of "Building Trust in the Judiciary" and provide a unique platform for this purpose. Kazakhstan has been allocated a dedicated session to showcase its achievements and deliberate on future steps in the advancement of global justice.

We inhabit a world where borders are progressively dissipating, and justice must endure as a steadfast and accessible entity despite these transformations. The court of the future, grounded in the principles of extraterritoriality, transparency, and accessibility, is an initiative that could set a new standard of excellence for other nations. Kazakhstan has made substantial progress along this trajectory, and I am confident that sharing this and other related experiences will accrue benefits for the global community through greater and better access to justice, social cohesion and peace.

Thank you so much for your attention, and my best wishes to you all.

Prof. Dr. Luis María Palma

President of IACA