

Towards a New Consensus on Access to Justice
Summary of Brussels Workshop, 29-30 April 2008

EXECUTIVE SUMMARY

This report summarises the discussion of a donor workshop organised by the U.K. Department for International Development (DFID) and the Open Society Justice Initiative (an operational programme of the Open Society Institute). The workshop was the first global meeting aimed at contact points in donor and international organisations working on the justice sector field.

The objective of the workshop was to increase consensus among donors and international organisations on the relevance and approaches to support improved access to justice and the rule of law. It provided a forum to: (i) identify best practice and lessons learned in the field of justice assistance, and (ii) determine interest and willingness for greater collaboration among donors in promoting access to justice for the poor. In particular, the workshop sought to identify practical steps to establish a ‘community of practice’.

The workshop provided an opportunity for mutual learning and the sharing of ideas directed at joint or coordinated work between donors at headquarters level. It began with a discussion on the “state of the field” from the perspective of donor agencies. This was followed by presentations on areas that reflect promising innovations: sector-wide approaches (SWAps); criminal justice; informal justice; measurement and indicators. The discussion identified both priority challenges to strengthen the field of justice assistance, and areas where donors might be able to come together to respond to these challenges.

The workshop reached a broad agreement on the need to build a “community of practice” on justice assistance. To achieve **greater policy coherence**, there should be more exchanges between donor agencies and a consensus on policy objectives. **Improved programme delivery** was required, based on aid effectiveness principles. This should be informed by **empirical research and appropriate indicators** – a body of evidence of what worked, and more effective ways of measuring and communicating results.

Workshop participants agreed on the following next steps:

- **Agree on a common agenda** to establish a community of practice and hold **follow-up meetings** to report on progress. These could be global meetings aimed at donor agencies, or on more targeted issues.
- Form **affinity groups** to explore further some of the thematic issues raised and undertake **joint empirical research projects**.
- Explore and adopt new tools to facilitate **more effective information sharing**, such as a web-based compendium, linking together existing web-sites.

1. IS THERE A CONSENSUS ON POLICY RATIONALES?

1.1 Policy coherence

Laure-Hélène Piron, Justice Adviser, Department for International Development (DFID) and **Dominique Dellicour**, Head of Unit, EuropeAid's Cooperation Office opened the workshop by identifying recent trends in donor policy and practice, from the point of view of a bilateral and a multilateral agency, respectively.

In 2000, **DFID** adopted an explicit poverty reduction focus in its 'Safety, Security and Accessible Justice' policy and guidance. This approach aims to respond to poor people's experience of insecurity and a lack of justice, and strengthen sector-wide linkages. Over the last few years, DFID's justice programmes have mostly focused on criminal justice and links to security as well as to post-conflict and fragile states. Some other programmes were designed with other overarching goals in mind, such as accountability or growth.

According to its statutes the **European Commission's** policy on development cooperation must contribute to the general objective of developing and consolidating democracy and the rule of law, and that of respecting human rights and fundamental freedoms. There is, moreover, a European consensus that the protection of human rights, good governance and democratisation are fundamental for poverty reduction and sustainable development.

Workshop participants deliberated whether it is possible or necessary to reach a consensus on policy goals or rationales among justice assistance institutions. Donors in the justice sector have varying programmatic priorities and underlying motivations. While donors generally seek to promote "justice", this goal was subsumed by donors' development work which justice assistance, among other activities, must serve. **Lisa Bhansali**, Senior Public Sector Management Specialist, World Bank, noted that even within the Bank it is difficult to coordinate across different parts of the organisation (e.g. private sector development, social development, governance, etc). There is a need for greater internal cohesion.

Given the reality of different strategic objectives, most workshop participants argued that working within the confines of such objectives is unavoidable. The diversity of objectives poses a challenge to developing common sector-wide policy rationales and could prove a risk of incoherent assistance within the same sector to recipients. Differences in approaches have real-world implications that should be addressed. While the amount of funds expended in the justice sector is undoubtedly significant it is difficult to analyse the impact of these programmes collectively or even to come up with an overall figure due to the lack of comparability between approaches and even projects. Some participants commented, however, that provided donors' activities don't undermine each other or overly focus on one aspect of justice reform only, a multiplicity of approaches need not be harmful to the sector as a whole.

The **Open Society Justice Initiative** reported that it is mapping donor agencies' policies and approaches towards criminal justice. Once finalised, the study will help identify policy trends across organisations and could form the basis of further discussion.

1.2 Policy relevance

The workshop discussed how best to demonstrate that justice reform is relevant to donors' overarching development goals. Proposals included:

- thinking strategically about what may follow the Millennium Development Goals (MDGs) once these “expire” in 2015 and ensuring that any post-MDG discourse includes justice-related issues;
- supporting research that documents the relationship, in cause and effect, between justice sector reform, democratic consolidation, and economic development;
- promoting justice sector reform as a mechanism for reducing poverty and promoting the security, safety, and justice of the poor;
- more active engagement of rule of law practitioners in the security sector reform (SSR) movement; and
- promoting justice for its own sake, given its relationship with development, good governance, and the rule of law.

The workshop agreed that each of these strategies requires new and rigorous research, additional consultations, and collaboration among participants.

1.3 The field of justice assistance

Workshop participants posed the question whether justice assistance collectively represented a “disciplinary field”. Though there were disagreements over terminology, there was broad agreement that the activities of the justice assistance community addresses an interconnected set of issues, actors, and institutions. As such, **justice reform constitutes a coherent “sector of assistance”**. For example **United Nations** member states have recognised the importance of the rule of law as a sector of assistance and are strengthening the UN’s ability to provide assistance. The Secretary General has issued two reports and a recent guidance note setting out the UN’s approach.

A disciplinary field is more than a “sector” for donor assistance. It requires a community of scholars; a tradition or history of inquiry; a mode of inquiry that defines how data is collected and interpreted, as well as defining the requirements for what constitutes new knowledge; and the existence of a communications network. In other words, there needs to be a degree of consensus about theory, methods, techniques, and problems.

As such, participants suggested that **the rule of law was an “emerging” field**. There is limited academic research. Practitioners need to agree on the propositions they seek to answer and on the tools to obtain those answers. They need to share and rigorously critique research results, and identify new questions for research. Such progress could be achieved through investment in knowledge generation, and linking academic research to government and donor programmes.

2. HOW TO ENSURE FIELD PRACTICE REFLECTS POLICY?

The workshop considered the extent to which donor justice policies are translated into practice. Participants commented that **decentralised aid agencies in particular have little control over policy implementation at the country level**. It is difficult to centrally

control and assure the quality of aid implementation; identify good practices; or avoid repeating implementation mistakes. On the plus side, a decentralised model enables context-specific responses and greater flexibility in the face of changing local demands.

2.1 Weaknesses in implementation

An illustration of some of the challenges was provided by **Dr. Garton Kamchedzera**, Legal and Development Consultant and Professor of Law at the University of Malawi, who presented the preliminary findings of a European Commission (EC) funded study on justice sector assistance to African, Caribbean, and Pacific countries. The justice sector appears relatively incoherent compared to other sectors, such as health or education. This is because it is typically comprised of a multitude of agencies with different and even competing goals. As a consequence of this incoherence, donor programmes tend to marginalise justice projects because they perceive them as too complex. Moreover, the effectiveness of donor programmes in the justice sector varies due to a lack of knowledge of sound implementation methodologies. For example, in the projects mapped by the EC funded study, few had reliable baseline data to permit an evaluation of impact. The study also found that donors tend to overlook the importance of ensuring popular acceptance of the interventions they fund and empowering civil society to effectively demand the provision of justice.

Dr. Linn Hamnergren, Consultant and former Senior Public Sector Management Specialist with the World Bank, presented preliminary research findings from a study commissioned by the Open Society Justice Initiative which seeks to investigate imbalances in donor support for criminal justice reform in three countries (Cambodia, Guatemala, and Nigeria). ‘Imbalance’ was explored from a number of angles: among any of the several elements of the criminal justice system; between donor goals and the nature and scope of the intervention; between donor goals and activities; between what donors purported to do and what was implemented; and within individual donor programmes or among their collective contributions. In the countries analysed, donors supported a broad range of criminal justice activities. Prisons and traditional justice mechanisms are the only ones that appear to have been neglected. **Implementation imbalances were found to be common.** These were caused by insufficient government commitment and donors’ focus on relatively easy and “rapid-result” deliverables. The draft study concludes that in-country donor coordination tends to be inadequate and erratic.

Participants then discussed regional challenges facing programme implementation.

- The **Africa** discussion focused on the benefits and limitations of Sector Wide Approaches (see section 2.2 below). Participants agreed that prison modernisation was often a neglected aspect of assistance. This was partly explained by concerns that funding prison construction would lead to increases in incarceration. Donors also need to assist partner governments implement reforms and monitor their implementation. Governments may be unsure of their priorities and have limited policy coordination capacity.
- On **Asia**, participants examined governments’ commitment to reform and analysed different country contexts within which donors operated. Government willingness to reform could lead donors to support service delivery

improvements; an absence of government could lead to funding NGO activities; while unwillingness to reform might require a greater focus on advocacy.

- For **Latin America**, the discussion focused on the country of Guatemala as a case study. After significant investments in the justice sector, the country's criminal justice system remains to date ineffective and donors are addressing high levels of impunity. Guatemala, however, offers some examples of good practice in projects that address access to justice for indigenous peoples. Group participants stated that it would be important for donors to listen more to those that used, as well as those that didn't use, donor funded justice services.

Overall, many participants expressed that **implementation of aid programmes at the country level fell short of head office expectations**. The reasons for this vary, and include:

- decentralised agency structures;
- overly ambitious programming within unrealistically short timeframes;
- inadequate attention to power relationships between national justice institutions;
- a failure to consider the political context in which aid implementation occurs; and
- the expertise and quality of programme implementers.

Additional collective efforts are needed to improve the quality of donor assistance.

Participants agreed to prioritise some strategies to prevent or respond to implementation weaknesses. For example, learning and training opportunities for implementers and policy makers could improve the quality of programmes, if complemented by monitoring and support from headquarters.

2.2 Sector wide approaches and aid effectiveness

The workshop heard about an increasingly popular way of promoting coordinated aid at the sector level: Sector-Wide Approaches (SWAs). SWAs can facilitate the translation of government policies into concrete investments and operational plans that donors finance through budget support or other arrangements, including projects. SWAs have not worked in places where government political will to reform is weak, or where government lacks the capacity to administer and effectively spend significant amounts of donor aid.

Nina Berg, Justice Adviser, Democratic Governance Group, United Nations Development Programme (UNDP), reflected on her experiences in **Mozambique**. The change in aid modalities towards Direct Budget Support and harmonized monitoring and reporting placed new demands on both government and donor agencies. These included: donors becoming more knowledgeable at both the technical and political level in their relations with the justice sector institutions; improving donor political skills with regard to their relationships with government representatives; developing monitoring and evaluation systems that measured real outcome and impact of national efforts and the effect of donor engagement; being more forthright about potential aid conditionality; and working more closely with civil society to address justice issues of importance to it.

Daniel Muwolobi, Governance Advisor, Irish Aid, and **Dr. Per Sevastik**, Senior Program Officer: Division for Democratic Governance, Swedish International Development Cooperation Agency (SIDA), shared their experiences from current SWAp

processes in **East Africa**. In Uganda, donor coordination around the justice SWAp (Justice, Law and Order Sector – JLOS) works with the Ministry of Finance playing an important role. However, the approach is only seven years old so it is premature to categorise it as a success. It has also been difficult to demonstrate the poverty reduction impact of the programme, which lost its budget protection through the Poverty Action Fund. In Kenya, the Governance, Justice, Law and Order Sector (GJLOS) SWAp is coordinated by the Ministry of Justice, which facilitates donor disbursement rather than policy coordination. It is a complex programme with 5 ministries and 20 institutions. **Lisa Bhansali**, World Bank, noted it could be difficult for the Bank to participate fully in basket funds though it could coordinate at a policy level.

Participants agreed that there is **much to learn from justice SWAps as found in Africa. Joint research and lesson learning would be useful.**

Participants discussed the relevance of the **Paris Declaration on Aid Effectiveness** to generate improvements in justice sector implementation. The EC, for example, has worked in line with these policy orientations and is transitioning away from (small) isolated projects to a sector-wide approach. A voluntary European Union (EU) **Code of Conduct on Division of Labour in Development Policy** presents operational principles for EU donors regarding complementarity. The Code's aim is to enhance donor effectiveness by reducing transaction costs, and improving overall development results and impact for poverty reduction, through a division of labour between donors. The Code directs EU donors to focus their active involvement in a partner country on a maximum of two sectors, based on two criteria: (i) formal government identification of the sector as a priority in its poverty reduction strategy, and (ii) donor comparative advantage recognised by the government and other donors.

Participants agreed that there could be greater efforts towards joint strategic assessments and programming. **Dr. Mark Shaw**, Inter-regional advisor with the UN Office for Drugs and Crime (UNODC), for example, introduced a new toolkit on criminal justice assessment prepared by UNODC which other agencies are encouraged to use. **Rick Gold**, Chief, Rule of Law Division, United States Agency for International Development (USAID), encouraged donors to undertake joint strategic analysis of the justice system; sequence interventions depending on their priority and linkages; and identify donor comparative advantages. **Shelley Inglis**, Rule of Law Officer, UN Rule of Law Unit in the Office of the Deputy Secretary-General, described how the UN system was moving towards joined up assessments and unified programmes in support of government-owned strategies. She explained that this is a key part of the coherent and coordinated UN system-wide approach that was recently issued by the Secretary-General in a Guidance Note on the UN Approach to Rule of Law Assistance (copies were distributed to workshop participants).

3. HOW TO ENSURE POLICY REFLECTS LESSONS FROM THE FIELD?

Were donors collectively able to learn from their programmes and re-adjust their policies and implementation modalities? The workshop explored mechanisms through which headquarter representatives – such as the workshop participants – could benefit from developments and findings from the field to refine policies.

There was broad consensus that **monitoring and evaluation of individual donor programmes was generally poor**. M&E is weak in part due to little interest, or capacity, within partner governments or civil society organisations. Where lesson learning does take place, it tends to be *ad hoc* and not shared within each organisation as a whole. Knowledge sharing of country-based activities and performance between donor organisations is rarer still.

There was broad consensus that **creative and rigorous research could be helpful in conveying lessons from the field back to headquarters**. In particular, jointly commissioned research that reflects the perspectives of those closer to the ground might be a means of generating shared learning.

Participants noted there are **few mechanisms to share best practice between practitioners, given the absence of a coordinated donor structure for justice policy and assistance**. DFID is developing a rule of law and access to justice practitioners' course in partnership with the US Institute of Peace. The aim of this course is to share core principles and lessons learned. A curriculum and resource pack are being developed and the course could support learning for other governments and international organisations.

Different mechanisms to share lessons were discussed. There is a gap in sharing of policies, guidelines and lessons between headquarters-based representatives from donor agencies. There are no established forums to share such information. Meetings of country representatives provide a rich source of very specific inter-institutional learning. However, they do not represent a viable option for high-level institutional learning, given the large number of topics, countries, and people that would have to be involved.

4. THEMATIC AREAS FOR POTENTIAL COLLABORATION

The following four areas were identified and discussed at the workshop: (i) criminal justice; (ii) informal justice; (iii) justice for the poor; and (iv) the development of indicators. This list was not fixed, and participants were encouraged to suggest additional themes for future joint work and learning.

4.1 Criminal justice

Dr. Mark Shaw (UNODC) suggested ways to improve donor assistance to criminal justice. He called on donor assistance to make **greater use of international standards and norms in the area of crime prevention and criminal justice**.

Donors and technical assistance agencies could do more to strengthen civilian oversight and capacity in the justice sectors where they work. Many governments lack trained personnel to manage and oversee criminal justice reforms. For similar reasons government institutions often need assistance in the field of leadership and strategy development. Generally, there should be more emphasis on crime prevention and experimenting with new models to better understand what may work in a specific national context. At the same time, empowering states to effectively respond to complex crimes such as corruption and organised crime is important given their impact on governance and the poor.

Rob Varenik, Acting Director, Open Society Justice Initiative, described the challenges faced in mapping what donor agencies are undertaking in the field of criminal justice. There is too little digestible information on which donors are engaging on which activities, and a need to standardise such information to make it more accessible and comparable. It would be helpful if donors paid more attention to research and documentation in respect of activities and interventions they fund. It might also be helpful if some evaluation results of donor activities are shared with other donor organisations so that a “peer review” process in respect of such evaluations can take place.

Participants of the breakout groups **agreed that there is a poor understanding of the scale and outcomes of donors’ rule of law and justice funding**. A need exists for a more sophisticated understanding of what donors are doing in this area – but it could be extremely hard for an individual donor agency to identify what it is funding globally, let alone its impact.

4.2 Informal / primary justice

There was broad unanimity among workshop participants that donor **support for the justice sector tends to focus on top-down formal justice sector mechanisms and institutions**. This is because support to enhance the rule of law and improve the functioning of the formal justice institutions is an important goal in its own right. However, given the slow pace of reform, technical top-down improvements often have not sufficed to improve access to justice in countries where much of the population is rural and poor. In such places a majority of disputes are resolved informally at the local level. Consequently, any comprehensive access to justice strategy needs to take greater account of informal justice systems.

Ruth Asha Banda, Assistant Legal Officer, Catholic Commission for Justice and Peace (CCJP), Lilongwe District, **Malawi**, spoke about engaging traditional and community-based justice by delivering “primary” justice. Primary justice is the way people resolve disputes and access justice within their own social and cultural contexts. It involves a broad set of stakeholders, including faith- and community-based organisations, and NGOs. Extending the scope of primary justice and supporting capacity-building among primary justice organisations could enable communities to reclaim justice for themselves in ways that respect human rights, and reach far more people than formal justice systems.

Some 80% of Malawians live in rural areas and are too poor to afford legal services. As a result, some 80% to 90% use primary justice mechanisms to resolve disputes. The CCJP has trained community leaders in conflict management, and held awareness raising meetings and “citizen forums” to inform the public of its rights. They have also translated the Malawian Constitution into local languages and are distributing the same.

Richard Gold (USAID), agreed that it was important to engage with non-state / informal systems. He gave examples of a wide range of USAID projects, from East Timor to Guatemala. He introduced the new guidelines that USAID was about to issue, also referring to DFID’s 2004 Briefing Note on the subject.

The workshop heard about a collaborative project by **UNICEF, UNIFEM, and UNDP** on access to informal justice. The one year project will undertake a number of case studies on informal justice mechanisms in the developing world to better understand links with the formal justice system and explore human rights concerns.

Workshop participants recognised that working in the informal justice sector is complicated by a number of factors. These include: disagreement over key terms and definitions; a lack of government interest; a low knowledge base among donors about what works; difficulty of ‘exporting’ what are in essence local models to additional countries; potential ethnic and/or religious cleavages; and a sometimes tenuous relationship between informal justice processes and human rights.

Participants agreed that in such a new and sensitive area for donor assistance, it would be essential to **develop a collective knowledge base**, drawn from donors’ projects to date and existing studies, such as the joint UN project. Participants also **recommended developing ‘minimum standards and shared principles’ for work on non-state justice.**

4.3 Justice for the poor

Christina Biebesheimer, Chief Counsel, Legal Vice Presidency of the World Bank, briefed the workshop on the **World Bank’s Justice for the Poor (J4P)** approach to justice reform. The J4P programme is a global research and development programme aimed at informing, designing and supporting pro-poor approaches to justice reform. It is an approach that conceptualises justice from the perspective of the indigent and marginalised; is grounded in social and cultural contexts; recognises the importance of demand in building equitable justice systems that value the perspectives of users, particularly the poor; and understands justice as a cross-sectoral issue.

Concepts of justice are closely intertwined with the social, economic, and political structures of a given society. Any attempt at pro-poor justice reform, therefore, needs to commence with a detailed understanding of these structures and processes whereby the poor achieve or are denied justice. Participants agreed it would be **important to understand better the priorities of the poor and welcomed new research methodologies.**

4.4 Indicators of safety and justice

Dr. Todd Foglesong, Senior Research Fellow at the Kennedy School of Government, Harvard University, described the existing global indicators of safety and justice. There are a number of difficulties with indicators in use around the world today. Few indicators reward change given that criminal justice practices and outcomes change at a pace too slow for most indicators to measure effectively. Many indicators, moreover, do not incite change, because they are not aligned with political responsibility for non-compliance. Indicators fail to accurately pick up and quantify the human dimension in the administration of justice, such as discriminatory attitudes and practices. Additionally, some indicators are abstract and fail to connect activities to outcomes. Many others, while good at measuring a very discrete aspect of justice sector performance, fail to provide a comprehensive measure of the health of the sector as a whole.

There was general consensus among workshop participants that it is **necessary to have broad indicators that are applicable across countries, both for comparative purposes and to monitor the implementation of international conventions.** For advocacy purposes indicators need to have some international legitimacy. Thus, a small set of broadly accepted indicators, used effectively, could influence global opinion on selected issues.

Most workshop participants also felt that it was **a difficult undertaking to come up with an internationally agreed-on set of indicators.** Moreover, often the most meaningful indicators need to be designed with local needs and conditions in mind and in collaboration with local civil society. Harvard is planning a project to help build southern capacity to design and use indicators, which could also facilitate exchanges between the various ongoing justice indicators projects.

5. NEXT STEPS

The workshop underlined the importance of ongoing sharing of experiences (in smarter ways than exist now) and coordination. Participants welcomed the creation of a ‘community of practice’ of rule of law practitioners. They discussed a number of concrete follow-up proposals at the level of policy, programming, and empirical research.

On **policy**, there is a need to share donor policies framing the field and help develop a common language. Additional coordination is needed to ensure common definitions that will allow cross-programme comparisons and learning. There is an absence of ‘global leadership’ bringing agencies together. Workshop participants already represent a solid constituency which should be brought together regularly around a common agenda. Participants should identify others who might want to contribute, for example from foundations and civil society groups. The Open Society Justice Initiative’s mapping study could provide the basis for a future discussion. The UN system, which is improving its internal coherence, would be interested in developing effective partnerships with other agencies. Participants also agreed on the need to improve exchanges between rule of law and security sector reform forums.

On **programming**, it is important to identify the areas that should be tackled as a matter of priority. Participants agreed there is a need for more joint assessments, strategies, programmes and evaluations. Shared resources for country-based programme implementers could cover issues such as: what constitutes genuine demand for justice assistance; priorities and sequencing in assistance; moving from supporting service delivery to fostering advocacy capacity to back up reforms; shared assessment tools; principles for greater awareness of the political dimensions of reforms; and a shared understanding on SWAs. Joint learning and training opportunities for implementers and policy makers could also improve the quality of programmes.

On **applied research**, a shared agenda should be identified. Joint and/or shared research should explore empirical issues of common interest. This would contribute to developing a ‘rule of law field’. It is important to research and publicise justice assistance success stories, in particular how they impacted peoples’ lives. It could also be useful to learn from other fields. Evidence on SWAs would be particularly important as they are

becoming a dominant approach, especially in Africa. Suggestions included joint evaluations or projects which could be co-funded within a region. UN agencies could share information on their informal justice study to help develop a common approach; Harvard University on their work on safety and justice measurement and indicators; and the Open Society Justice Initiative on the impact of pretrial detention and legal aid reform on the poor.

Workshop participants agreed on the below follow-up activities:

- **Agree on a common agenda** to establish a community of practice. Plan and hold **follow-up meetings** to report on progress. DFID would be willing to facilitate future events to support this process. The UN would be interested in hosting a meeting with donors and the international financial institutions to improve coordination and coherence across the field. Meetings could also focus on more specific issues, involving subgroups of workshop participants. For example the EC could invite other agencies to help inform the development of new justice guidelines.
- Form **affinity groups** to explore further some of the thematic issues raised (e.g. criminal justice, informal justice, justice for the poor, measurement and indicators). Affinity groups would be responsible for **designing and undertaking joint and cross-cutting empirical research projects**. The Open Society Justice Initiative indicated its hope that a criminal justice subgroup could be developed from a core of workshop attendees, and was willing to bring resources to bear in particular on some of the pretrial detention and access to justice issues within criminal justice. A number of participants confirmed their interest in joint learning on SWAs in Africa.
- Explore and adopt new **tools to facilitate more effective information sharing**. The workshop discussed the possibility of creating a “wiki”, as well as a web-based compendium with links to existing websites. Such activities would, however, need to take into account donors’ limited staff resources and are likely to rely on new or outside capacity.

APPENDICES

A: Workshop agenda

B: List of workshop participants

Towards a New Consensus on Access to Justice

29-30 April 2008

Verbond van Belgische Ondernemingen (VBO)
Ravensteinstraat 4
1000 Brussels
T +32 2 515 08 11

Agenda

Day 1

- 8:30 to 9:00** **Registration and light breakfast**
- 9:00 to 9:30** **Welcome and introduction**
Rob Varenik, Director (acting), Open Society Justice Initiative.
Dr. Kenny Dick, Head (acting), Conflict, Humanitarian and Security
Department, United Kingdom Department for International
Development (DFID).
- 9:30 to 11:00** **Reflections on the state of the field of justice assistance**
Short panel presentations followed by plenary Question & Answer
Chair: Rob Varenik, Open Society Justice Initiative
1. Bilateral perspective
Laure-Hélène Piron, Justice Adviser, DFID
 2. Multilateral perspective
Dominique Dellicour, Chef d'Unité, European Commission –
EuropeAid Cooperation Office
 3. EC study on justice sector assistance to African, Caribbean and
Pacific countries
Dr. Garton Kamchedzera, Professor of Law, University of
Malawi
- 11:00 to 11:30** **Break**
- 11:30 to 13:00** **Sharing innovation and good practice**
Panel presentations followed by Question & Answer
Chair: Dr. Kenny Dick, DFID
1. Country-led approaches to sector-wide justice sector reforms –
experiences from Mozambique
Nina Berg, Justice Adviser, United Nations Development
Programme
 2. Delivering 'primary' justice – engaging traditional and community-
based justice systems
Ruth Asha Banda, Catholic Commission for Justice and Peace,
Malawi
- 13:00 to 14:15** **Lunch**

14:15 to 16:00

Have donors adopted a ‘balanced’ approach to justice?*Plenary followed by break-out groups*

Chair: Martin Schönreich, Senior Legal Officer, Open Society Justice Initiative

Plenary – Dr. Linn Hammergren, former Senior Public Sector Management Specialist with the World Bank, will present the main lessons emerging from Justice Initiative country case studies on criminal justice spending and approaches**Break-out groups***Participants will identify patterns of assistance in different regions and regional lessons***Africa:** Chair: Lisa Bhansali, Senior Public Sector Management Specialist, World Bank

Resource person: Dr. Uju Agomoh (Nigeria case study)

Americas: Chair: Denise Tomasini-Joshi, Associate Legal Officer, Open Society Justice Initiative

Resource person: Jan Perlin (Guatemala case study)

Asia: Chair: Stéphane Roberge, Senior Analyst, Canadian International Development Agency

Resource person: Naomi Bang (Cambodia case study)

16:00 to 16:30

Break

16:30 to 17:15

FeedbackChair: Martin Schönreich, Open Society Justice Initiative
Short presentations of group findings and lessons

17:15 to 17:30

Conclusion of Day 1

Laure-Hélène Piron, DFID

Day 2

9:00 to 9:15

Introduction to Day 2

Zaza Namoradze, Director, Budapest Office, Open Society Justice Initiative

9:15 to 11:00

How to work together – possibilities for joint work:***Generating new approaches to criminal justice reform****Presentations followed by facilitated group discussions*

Chair: Zaza Namoradze, Open Society Justice Initiative

1. National criminal justice reform – experiences from the field

Dr. Mark Shaw, Inter-regional Adviser, UN Office on Drugs and Crime

2. Indicators of safety and justice

Dr. Todd Foglesong, Senior Research Fellow, Kennedy School of Government, Harvard University

3. Mapping research, coordination and piloting

Rob Varenik, Open Society Justice Initiative

- 11:00 to 11:20** **Break**
- 11:20 to 13:00** **How to work together – possibilities for joint work:**
Policy and practical guidance on informal/non-state justice and other strategies to enhance the accessibility of justice
Presentations followed by facilitated group discussions
 Chair: Ivan Parks, Security and Justice Team Leader, DFID
1. Justice for the Poor
 Christina Biebesheimer, Chief Counsel: Legal Vice
 Presidency, World Bank
 2. Informal justice
 Richard Gold, Chief: Rule of Law Division, USAID
- 13:00 to 14:00** **Lunch**
- 14:00 to 15:40** **Opportunities for future collaboration**
Moderated discussion in plenary
 Moderator: Laure-Hélène Piron, DFID
- Feedback from morning's sessions.
 Participants to share suggestions for collaborative opportunities.
- 15:40 to 16:00** **Break**
- 16:00 to 17:00** **Next steps**
Moderated discussion in plenary
 Moderator: Rob Varenik, Open Society Justice Initiative
- Moderators will help summarise the discussion of the two days, and seek agreement on practical steps that will enable greater information sharing and, if possible, joint projects.

APPENDIX B**Towards a New Consensus on Access to Justice**

APRIL 29-30, 2008

LIST OF PARTICIPANTS

(Alphabetical by Last Name)

AGOMOH, Dr. Uju
 Consultant
 Open Society Justice Initiative
ujuagomoh1@yahoo.co.uk

BAIRD, Michelle India
 Consultant
 Open Society Justice Initiative
indiaviva@earthlink.net

BANDA, Ruth Asha
 Assistant Legal Officer
 The Catholic Commission For Justice and
 Peace Lilongwe Diocese
justice-peace@malawi.net

BANG, Naomi
 Consultant
 Open Society Justice Initiative
njbang@comcast.net

BERG, Nina
 Justice Advisor: Democratic Governance
 Group
 United Nations Development Programme
 (UNDP)
nina.berg@undp.org

BHANSALI, Lisa
 Senior Public Sector Management Specialist
 (Legal / Judicial)
 The World Bank
lbhansali@worldbank.org

BIEBESHEIMER, Christina
 Chief Counsel: Justice Reform Practice
 Group, Legal Vice Presidency
 The World Bank
cbiebesheimer@worldbank.org

COSGROVE, Simon
 Program Officer
 MacArthur Foundation
scosgrov@macfound.org

CUNNEEN, Mary
 Human Rights Adviser: Human Rights,
 Democracy and Good Governance Group
 Foreign and Commonwealth Office (FCO)
Mary.Cunneen@fco.gov.uk

DELLICOUR, Dominique
 Chef d'Unité
 European Commission - EuropeAid Co-
 operation Office
dominique.dellicour@ec.eu.int

DICK, Dr. Kenny
 Head: Conflict, Humanitarian and Security
 Department
 U.K. Department for International
 Development (DFID)
K-Dick@dfid.gov.uk

EMINENTE, Micol
 Directorate for Operations Quality Support
 European Commission - EuropeAid Co-
 operation Office
Micol.Eminente@ec.europa.eu

FITZROY, Claire
 Project Officer: Security and Justice Team
 U.K. Department for International
 Development (DFID)
C-Fitzroy@dfid.gov.uk

FOGLESONG, Dr. Todd
Senior Research Fellow and Coordinator:
Justice Systems Workshop
Kennedy School of Government, Harvard
University
Todd_Foglesong@harvard.edu

GOLD, Richard
Chief: Rule of Law Division,
DCHA/Democracy and Governance Office
United States Agency for International
Development (USAID)
richard@usaid.gov

GRANDJEAN, Anne
Child Protection Specialist
United Nations Children's Fund (UNICEF)
agrandjean@unicef.org

HAMMERGREN, Linn
Consultant
Open Society Justice Initiative
lhammergren29@gmail.com

INGLIS, Shelley
Rule of Law Officer: Rule of Law Unit
United Nations Office of the Deputy
Secretary-General
inglis@un.org

KAMCHEDZERA, Dr. Garton
Professor of Law / Legal and Development
Consultant
University of Malawi
garton.kamchedzera@googlemail.com

MARTINEZ, Emily
Director of Special Initiatives
Open Society Institute
emartinez@osi-dc.org

MUWOLOBI, Daniel
Governance Advisor
Irish Aid
daniel.muwolobi@dfa.ie

NAMORADZE, Zaza
Director: Budapest office
Open Society Justice Initiative
namoradz@osi.hu

OGORODOVA, Anna
Associate Legal Officer: National Criminal
Justice Reform
Open Society Justice Initiative
aogorodova@osi.hu

PARKS, Ivan
Team Leader: Security and Justice team,
Conflict, Humanitarian and Security
Department
U.K. Department for International
Development (DFID)
I-Parks@dfid.gov.uk

PERLIN, Jan
Consultant
Open Society Justice Initiative
japerlin@gmail.com

PIRON, Laure-Hélène
Justice Adviser: Conflict, Humanitarian and
Security Department
U.K. Department for International
Development (DFID)
LH-Piron@dfid.gov.uk

ROBERGE, Stéphane
Senior Analyst: Rule of Law, Office for
Democratic Governance
Canadian International Development Agency
(CIDA)
stephane_roberge@acdi-cida.gc.ca

SCHÖNTEICH, Martin
Senior Legal Officer: National Criminal
Justice Reform
Open Society Justice Initiative
mschoenteich@sorosny.org

SEVASTIK, Dr. Per
Senior Program Officer: Division for
Democratic Governance
Swedish International Development
Cooperation Agency (SIDA)
Department for Democracy and Social
Development, Division for Democratic
Governance (DESO/DESA)
Per.Sevastik@sida.se

SHAW, Dr. Mark
Inter-regional Adviser: Human Security
Branch
United Nations Office on Drugs & Crime
(UNODC)
Mark.Shaw@unodc.org

TOMASINI-JOSHI, Denise
Associate Legal Officer: National Criminal
Justice Reform
Open Society Justice Initiative
dtomasini@justiceinitiative.org

VANDER-ESPT, Pascale
Chef d'Unité
European Commission - EuropeAid Co-
operation Office
Pascale.VANDER-ESPT@ec.europa.eu

VARENIK, Robert
Acting Executive Director
Open Society Justice Initiative
rvarenik@justiceinitiative.org

VINCKE, Pierre
Governance Advisor
Belgian Technical Cooperation (BTC)
Pierre.Vincke@btcctb.org

VON LINGEN, Ann Isabelle
Policy Officer
Open Society Institute
annisabelle.vonlingen@osi-eu.org