

Towards a New Consensus on Justice Reform: Mapping the Criminal Justice Sector

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Executive Summary

Justice development is a relatively new field, but one in which sufficient field experience exists to inform a more systematic and coordinated approach. Due to its complexity and all-encompassing nature, it requires a greater level of effort than other areas of development. As a consequence, the first task necessary to achieve such systematization and coordination is to formalize a functional definition of the sector that is agreed upon across donor institutions and recipient countries, and which goes beyond the discussion of rationales for justice development or mere lists of activities. Accomplishing this task will help clarify the policy issues involved and permit donors to frame justice development in a way that adapts to donor concerns, while also facilitating coordination with other donors and recipient countries.

Justice is an important component of development. What is lacking is a common vision of what a “comprehensive criminal justice strategy”¹ might look like. Such a vision is essential to the success of projects in this sector. Coordination will require more in-depth and perhaps interdisciplinary efforts. To promote a coordinated approach to the implementation of projects at the country, regional, and international levels, more regular and systematic communication within and among donor organizations is necessary.

The data on donor investment in justice indicates, despite its shortcomings, that it is a growing area of activity. Donors are dedicating time and financial assistance to encouraging justice reform from a variety of perspectives (human rights, civil society strengthening, post-conflict peace-building and reconstruction, governance, security sector reform, and legal and judicial development). However, donors lack the appropriate tools to ensure coherent and effective aid activities in the field.

This period of rapid growth in donor investment has not been accompanied by a refinement of goals, policies, and indicators shared among donors. Donors complain of limited results, while approaches to justice development have broadened. Often programs yield contradictory results, undermining one rationale for justice development while supporting another. For example, more effective policing has resulted in increased delays and overcrowding in courts and prisons, strict adherence to new legislation has led to increased arrests, construction of new prisons has meant an increase in the prison population, and a focus on prosecutorial reform has sometimes neglected indigent legal aid. Many donors report that formal justice systems are overemphasized, while the informal, community, and traditional systems upon which many people rely to resolve disputes, most often without resorting to imprisonment, are ignored. Alternative sentencing and diversion programs have been developed, but lack the necessary infrastructure to permit them to operate. Finally, donors concede that they have generated unrealistic expectations of justice sector reform, particularly in the short-term, and now recognize the need for long-term engagement.

¹ While this report refers to justice development aid generally, the focus is on criminal justice.

1. Introduction

As recently as twenty-five years ago, a typical development assistance portfolio lacked any significant aid for legal institutions, laws, and legal actors. Over the last fifteen years, international donors have come to embrace justice reform, and particularly criminal justice reform, as an integral component of support for democratization efforts in transitional societies and development in less-developed countries.

Criminal justice reform is part of a broader “rule of law” reform movement that began almost thirty years ago in Latin America.² The movement continued in Eastern Europe and South Africa in the 1990s, and in recent years has reached other parts of Africa and Asia. Donors tend to agree that the more general “law and development movement” that began in the 1960s and 1970s had moved in the direction of “developing favourable economic conditions” by the 1980s. In the 1990s, this movement then changed its focus to “governance and human rights” in places such as South Africa and Eastern Europe. The model employed for justice work in Latin America in the 1980s and 1990s embodied the fundamental norm for donor assistance in other regions. Today, in light of new conceptions of justice aid work, the donor community is revisiting this twenty-five year history and its new and broadened conception of justice aid, and is asking questions about how best to design and implement justice programs and to measure the success of those efforts.

The focus on rule of law originally arose from the idea that justice reform could generate changes in society in linear fashion. That, in effect, the problem was deficient laws or deficient application of the law. Based partly on human rights principles such as judicial independence, due process guarantees, and equal application of the law, these efforts were directed strictly at a state’s formal institutions of justice (judges, prosecutors, defense). This reform movement presumed that change in the justice system would generate change in society.

Over time, it became evident that formal justice institutions were merely a part of a larger, more complex machinery of change. However, it was also clear that the legitimizing function of the justice system was an essential component for the success of that overall change. As a consequence, participants learned the basic lesson that the justice system cannot right all wrongs; its function is geared more toward calibrating the balance of the social pact than toward changing it.³ One might go so far as to say that the

² For a discussion of the evolution of this reform in Latin America, see Máximo Langer, *Revolución en el Proceso Penal Latinoamericano: Difusión de Ideas Legales desde la Periferia*, available at http://www.cejamericas.org/doc/documentos/revolucionenprocesopenal_Langer.pdf, and in English in *American Journal of Comparative Law* 55(2007): 617.

³ “Such apparently simple concepts as judicial independence have in practice proved much less straight forward and introduced far more fundamental debates about the role of the various branches of government, their individual and collective accountability to their citizens, and the values their actions should uphold. The initial agreement on the need to eliminate judicial poverty has now raised issues about how much societies should spend on justice, and who should pay the bill. Demands for more resources have also led to questions about the returns on these investments and how they should be measured. It has been suggested that the frequent complaints about the lack of progress in reform may be based on

best measure of a functioning justice system is not the quantity of its decisions, but rather its ability to achieve that equilibrium. This has become particularly evident in the experience of transitional societies, fragile states, and less-developed countries, where the difficulties in transforming justice systems point to the fundamental lack of consensus on values that could make the momentary political consensus for change a lasting one.

The rationales for supporting justice reform have shifted, as a result of two factors. First, a readjustment in emphasis by the development aid community, as ideas have changed about how development actually occurs and preferred development topics have shifted accordingly. Second, the experience acquired in justice reform, which has demonstrated its extremely complex social and political nature, reflected in the challenges faced by projects seeking to fundamentally alter existing justice systems and practices.

The consequence of this second factor has been an uneven expansion in the definition of the scope of justice reform. While some justice programs continue to be perceived as promoting rule of law and security, other efforts emphasize protection of human rights as a justice function.⁴ Still others concentrate on resolving conflicts and promoting solutions that reduce the level of conflict in society. These differing goals of justice reform require different indicators; this has been a source of some confusion regarding the effectiveness of justice reform work. Another source of confusion is an overarching belief in the importance of justice reform, which has generated high expectations regarding its goals. Thomas Carothers has said that, for many of those involved, justice sector assistance “is at the cutting edge of international efforts to promote both development and democracy abroad.”⁵

Other rationales for justice reform are related to specific policy considerations. As crime and organized crime become international concerns, and as peace-building becomes an integral part of donor country foreign policy considerations, the international community has taken on the challenge of defining the contours of a functional justice system. This is most clearly reflected in international instruments, many of which form part of the body of soft international law.⁶

unrealistic expectations as to what could be accomplished—better courts will not eliminate crime or societal conflict, nor can they more than marginally affect gross social inequities. Clearly Latin American societies were not served well by their court systems, nor did they serve the latter adequately. However, a marked improvement on both counts is only a necessary but not sufficient condition for addressing more basic social ills.” Linn Hamnergren, *Fifteen Years of Judicial Reform in Latin America: Where We Are and Why We Haven’t Made More Progress* (2002), available at: <http://www.pogar.org/publications/judiciary/linn2/index.html#intro>.

⁴ This notion emphasizes the relationship of the individual to the state. It seeks to protect against abuses of power and to ensure that the state exercises its power to protect individual (e.g., International Covenant on Civil and Political Rights) and collective rights.

⁵ Thomas Carothers, “Promoting the Rule of Law Abroad: The Problem of Knowledge,” *Carnegie Endowment for International Peace, Rule of Law Series, Democracy and Rule of Law Project #34* (2003).

⁶ While some binding international conventions contain rules on how justice systems should function, most of the more detailed instruments containing such rules are either principles or guidelines adopted by the United Nations General Assembly or by special conferences or agencies. For example, *Guidelines on the Role of Prosecutors, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, August 27 to September 7, 1990*, U.N. Doc. A/CONF.144/28/Rev.1 at 189 (1990).

At the national level, recent experiments by the international community⁷ have served as a testing ground for the implementation of justice development. In these experiments, justice actors compare criminal processes, seeking a systemic balance between differing legal traditions, human rights principles, and the emerging body of international criminal law dealing with accountability for grave human rights violations.

These shared experiences have opened the door to the idea that there is more than one way to fashion a functioning justice system. In practice, a justice system's greatest assets are the legitimacy and confidence it enjoys among the public and its ability to resolve conflicts.⁸ Thus, for example, security sector reform, once understood as part of the demilitarization process, has been incorporated into justice reform. The legitimacy of other public institutions is also believed to affect the ability of the legal system to operate. Justice development aid has also been seen to include strengthening the ability of civil society to use the legal system to ensure rights, thus expanding beyond the traditional vision of justice reform as pertaining only to the public sector.

Justice work is carried out under a number of rationales. It is firmly ensconced in human rights promotion activities (i.e., preventing and punishing torture, guaranteeing due process, and the like) and as part of the modernization trend (professional career legislation for justice sector actors. It can even include actors from the informal justice sector (such as members of indigenous justice systems who operate outside the formal state justice sector). In this connection, mediation and alternative conflict resolution programs have been viewed as part of justice work, if not formally integrated into that category. Finally, management and efficiency standards have also been incorporated as principles for guiding institutional development in the justice sector; these principles sometimes conflict with more value-centered goals of justice reform.

A more limited approach to justice reform has also developed alongside this broader conception of justice work. It has led to the categorization of justice development aid as related principally to formal justice institutions. That conception is beginning to change. As will be explored further in this report, the ability to define justice aid in broader terms depends on the ability of programs to utilize a multidisciplinary approach and to include

International treaties containing rules on justice systems include the Convention against Torture, the International Covenant on Civil and Political Rights, and the Rome Statute of the International Criminal Court.

⁷ For example, the International Criminal Court, the International Tribunals for Rwanda and the former Yugoslavia, and the Special Court for Sierra Leone.

⁸ This insight has emerged from a more multidisciplinary focus on justice reform. New York University sociology professor Tom Tyler has published widely on issues surrounding perceptions of justice systems and the factors that generate a sense that a system is fair. He also explores why people obey laws. This material, as well as comparative studies of criminal procedure (such as *The Origins of Adversary Criminal Trial* (Oxford Univ. Press, 2003), "The Criminal Trial Before the Lawyers," *University of Chicago Law Review* 45 (1978): 263, and *Prosecuting Crime in the Renaissance: England, Germany, France* (Harvard Univ. Press, 1974, reissued 2005), all by John Langbein; *The Faces of Justice and State Authority* (Yale University Press, 1986) and *Evidence Law Adrift* (Yale University Press, 1993), both by Mirjan Damaska, among others), should be mandatory reading for those working on the substantive aspects of justice sector reform.

sectors and institutions outside the formal state justice institutions.

In an important shift, donors today are proposing a more development-oriented approach to justice reform. This is in part due to a global shift in donor thinking centered on the UN-backed Millennium Development Goals, which establish poverty reduction as the official objective of development policy.⁹ Donors have identified a need to devote increased resources to ensuring the safety and security of the most vulnerable and marginalized, and are defining increased access to justice as a “precondition for economic growth.”¹⁰ Demonstrating this interdependence in practice, however, is more difficult.¹¹ An authoritarian society can enjoy high levels of physical security and freedom from street-level crime, but may also suffer from official impunity for abuses of power. Post-conflict transitional societies, meanwhile, have demonstrated significant levels of insecurity, generated by the shifting power relations that characterize the transitional context.

Today justice reform, whether it is conceived under the heading of rule of law, human rights promotion, access to justice, democracy, or governance, permeates the development world. It is instrumental in negotiating change and establishing a balance that allows other activities to take place. All these factors—shifting conceptions of the scope of justice reform, reform’s relationship to concepts of society and politics, and its interaction with other areas of development—contribute to the lack of a coherent understanding of, or agreement on, which kinds of interventions have been successful and which have not, and why.

This report explores the existing body of knowledge among the donor community regarding support for justice development around the world, principally in the field of criminal justice. It aims to assess and identify the quality and quantity of information on those efforts, identify some information gaps, and offer proposals for steps the international development community can take to further a coherent concept of the scope of justice development aid and donor coordination.

This report is part of a broader long-term effort by the Open Society Justice Initiative to better document the global situation regarding alternatives to pretrial detention and the provision of legal services, with an eye towards generating more dynamic and widespread efforts on these justice-related issues. It is also part of an effort spearheaded

⁹ A World Bank report, Deepa Narayan, *Voices of the Poor: A 23-Country Study for the WDR 2000/01 on Poverty, Stiglitz Summer Research Workshop on Poverty, Washington DC* (1999), available at <http://siteresources.worldbank.org/INTPOVERTY/Resources/WDR/stiglitz/Narayan.pdf>, highlights the importance of fear of crime in the lives of the very poor. A recent paper in the *World Bank Legal Review* refers to the “growing acceptance among scholars and practitioners that reducing high levels of crime and increasing access to justice among the poor are important aspects of governance with significant implications for development.” Caroline Mary Sage and Michael Woolcock, eds., *Law, Equity, and Development*, vol. 2 of *World Bank Legal Review* (Martinus Nijhoff Publishers, 2006), at <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTICE/0,,contentMDK:21085047~pagePK:210058~piPK:210062~theSitePK:445634,00.html>.

¹⁰ *Ibid.*

¹¹ “Order in the Jungle,” *The Economist*, March 13, 2008.

by the U.K. Department for International Development (DFID), but gaining currency among a number of donors, to improve communication and collaboration among international donors concerned with justice reform, with the goal of raising the quality and success of donor activity in the field.

2. Methodology

Information for this report was initially collected through publicly available online research. In addition, selected donors participated in telephone or in-person interviews about their policies and practices, projects, modalities, expenditures, and collaboration with other donors. Donors included some who work closely with the Justice Initiative or DFID, were referred by other donors or NGOs, or are recognized leaders in the justice field. They formed the core of those interviewed.¹²

To supplement this research, two regional visits were conducted. The first took place in October 2007 in Chile and Peru, where meetings were held with donors and NGOs working in Latin America. The second took place in February 2008 in Kampala, Uganda, to conduct a two-day meeting with donors and NGOs working in East Africa. In addition, in both regions, one-on-one interviews were conducted with lawyers, judges, magistrates, academics, and government representatives involved in criminal justice reform. In all, interviews were conducted with twenty major donors, NGOs, and representatives from the offices of the Open Society Initiative for East Africa.¹³ We recognize that this list is incomplete and that some relevant agencies may not have been contacted. However, a broad spectrum of actors in justice development from the donor, recipient, and civil society sectors provided input for this study.

It should be noted that each donor has its own titles and ways of identifying specialists in criminal justice reform. While some institutions assign personnel directly to justice development, at other institutions the relevant resource personnel were distributed among different geographic or thematic areas.

It should be emphasized that this report is not an analysis of the success or failure of any one donor or project. Nor does it attempt to provide a detailed summary of the funding situation in any one country or region. It seeks, rather, to provide a global snapshot of donor support for justice development and to identify actions that donors can take to ensure a regular and thorough exchange of information, which will most certainly result in better donor coordination and more effective development aid for justice.

¹² For purposes of this report, international financial institutions that provide assistance in the form of loans are included in the general category of donor. The United Nations and its agencies are also included as donors, although typically these agencies lend technical assistance either from their general operating funds or through donations to the U.N. It should be noted that various U.N. agencies are included in the OECD CRS Database under the rubric of multilateral donors. See discussion of available database information and other online systematization efforts in Database Annexure C.

¹³ In this report interviewees are identified only by sector. No individual attributions are provided for the interviews conducted for this report unless the interviewee explicitly authorized the attribution.

3. Existing Information on Donor Support for Justice Development

This section explores the quality, accessibility, and quantity of information available in the public domain about donor activity in justice development. Generally, online searches found little detailed, easily-accessible information about donors and their activities in the justice sector. There are a few possible reasons for this. It is possible that donors have not systematized this type of detailed information for public consumption, or that their reporting guidelines do not include a detailed examination of activities, or that information is contained in disbursement program and policy documents that serve the internal hierarchy of activities and decision-making. However, some donors interviewed were currently conducting their own internal assessments of programs being funded in the criminal justice sector. These included the Tinker Foundation, CIDA, OHCHR, and the SDC. Other donors, such as the Ford and MacArthur Foundations, have already conducted internal assessments of their policies, projects, and current status, both at their headquarters and at the regional level.

Even where donors have excellent internal search engines, compiling a comprehensive list of criminal justice projects presents a challenge. The OECD's database¹⁴ is an excellent resource for information on areas in which bilateral and multilateral organizations provide aid and amounts being spent in various countries and regions. The OECD database allows searches by donor, recipient, and themes.¹⁵ However, only very brief, general descriptions of the projects can be found in the database. This means that, while the data on expenditures is very useful, users will be disappointed if they are interested in more qualitative information, including details on programming, implementation, and indicators (including modalities, partners, counterparts, results, and lessons learned). Some substantive information on projects is available on websites that systematize studies and analyses of justice programs, such as the World Bank Thematic Group on Justice and Legal Institutions, the Center for Justice Studies in the Americas, and academic institutions and think-tanks that engage in investigation of justice development. Some foundations also direct funding towards the study of advances in justice development and lessons learned in the countries in which they work, as a means of supporting civil society involvement in policy making. However, it is unclear how that information is assimilated beyond country-specific venues.

Some smaller donors, such as private foundations, provide full lists and summaries of projects they support, but these lists tend to be limited to the past two- to three-year

¹⁴ Development Cooperation Directorate (DCD-DAC), Development Database on Aid Activities: CRS Online, available at http://www.oecd.org/document/0/0,2340,en_2649_34447_37679488_1_1_1_1,00.html.

¹⁵ The name of the sub-topic—Legal and Judicial Development—reveals a bias in justice work that tends to focus disproportionately on the judicial function and case processing in the courts, and less on other components of the formal state justice system or other players in the criminal process, such as victims, or the interaction of non-state justice systems with state systems. However, there has been a more recent focus on all of these components by the donor community, including public demand for justice services, particularly with regard to vulnerable or marginalized sectors of the population.

period, which likely reflects funding cycles. On the other hand, some have made efforts to publish materials on lessons learned from their approaches to justice work.¹⁶

Donors set forth their policies and objectives on their websites, but consideration of the relationship between overall policy goals and the projects being implemented is generally lacking. A discussion of ways in which implementation furthers policy goals is difficult, given the nature of justice development work, unless national political direction and other donor efforts are taken into account. However, only a handful of donors reference other donors on their websites. This usually occurs only when the donor has partnered with another donor on a concrete task, such as a project or a report.¹⁷ In practice, many efforts have been made to coordinate donor activities, as evidenced by documents such as the Paris Declaration¹⁸; international collaboration to mount major justice reform programs in transitional countries; and in-country efforts by donors to collaborate with others in the international community operating in the same country or geographic region.¹⁹

Justice reform experts commented that people with extensive project experience in various countries often possess a wealth of practical knowledge and analytical observations about their activity that is rarely recovered and systematized or replicated in a format that could inform future project design, implementation, or coordination among donors. As a consequence, few “lessons learned” reports or other reflective documents are available from donors for public consumption. Those reports that do exist are not widely distributed or assimilated even within the supporting institutions. It is often necessary to speak directly with donor representatives working on the ground to obtain this kind of qualitative information on an *ad hoc* basis. As one donor observed, “Those who work directly on justice reform do not write, and those who write usually do not work directly on justice issues.” This state of affairs may be due to a reluctance to air problems in project implementation, or to the absence of an appropriate forum or regularized activity directed at processing and assimilating this information.²⁰ Of course,

¹⁶ See, e.g., Mary McClymont and Steven Golub, *Many Roads to Justice: The Law-Related Work of Ford Foundation Grantees around the World* (Ford Foundation, 2000).

¹⁷ For more detail on the information available through the internet on donor activity, see the attached Annexure A, which systematizes the organizations engaged in justice development activities.

¹⁸ Paris Declaration on Aid Effectiveness, March 2, 2005, available at: <http://www.oecd.org/dataoecd/11/41/34428351.pdf>.

¹⁹ For more information on concrete examples of donor coordination, see the Open Society Justice Initiative reports on balanced justice: Jan Perlin, *A Balanced Justice Model for Donors: Guatemalan Case Study* (Open Society Justice Initiative, 2008); Naomi Jiyoung Bang and Andrea Panjwani, *A Balanced Justice Model for Donors: Cambodian Case Study* (Open Society Justice Initiative, 2008); Uju Agomoh, *A Balanced Justice Model for Donors: Nigerian Case Study* (Open Society Justice Initiative, 2008); Linn Hammergren, *Balanced Justice and Donor Programs in Three Regions of the World* (Open Society Justice Initiative, 2008). Other modes of donor coordination to date include sector-wide approaches (SWAPs) (Uganda, Vietnam), and collaboration to effectively implement peace processes, in most cases facilitated by the United Nations, with the participation of bilateral and other multilateral organizations.

²⁰ The United Nations Department for Peacekeeping Operations has a Lessons Learned Unit, and the U.N. publishes guidelines on some activities for strengthening justice in the field, particularly for peace missions and post-conflict transitions. But while donors may contribute to studies carried out by academic institutions, their internal evaluations of projects tend to be oriented towards verifying compliance with project terms, rather than entering into a broader analysis. In addition, these documents are sometimes treated as internal documents and not shared. Information policies on internal project evaluations are not

donors are also under varying obligations and constraints. Ministries will respond to parliaments and freedom of information requests, but may not release information unless they know why a researcher is interested in the issue and obtain assurances as to how the materials will be used. Often, the information is not readily available and needs to be compiled. All of these factors affect the availability of digestible information on justice reform activities.

Regular exchanges that analyze the relationship of policy to both project design and implementation may help to bridge this information gap and provide guidelines for developing appropriate indicators. If these analytic discussions were based on concrete experience in the field, they would generate a more cohesive view of justice sector development. This type of reflection is necessary in addition to the normal project evaluation cycles and fiscal controls.

4. Donors that Support Criminal Justice Reform

The pool of donors that support criminal justice reform is limited, largely due to the complexity of this area of work, as well as the fact that it requires a concentrated approach in a specialized area of knowledge and a long term commitment to see even modest results. In addition, some donors are reluctant to participate in an area of development that may be compromised on occasion by repressive policies and human rights violations in recipient countries. Moreover, transforming justice systems is a relatively new area of activity, and not all donors feel confident about taking part in it.

While it is not possible to compile a precise list of donors, as they fluctuate over time, a relatively consistent group of donors has maintained its involvement in criminal justice development. Among them is the United Nations, which has a Rule of Law Resource and Coordination Group. The U.N. Secretary General has also issued reports and guidelines concerning U.N. engagement in justice reform, as have a number of U.N. agencies and departments that are involved in this area in some capacity. Also in this group are a substantial number of bilateral donors.²¹ Multilateral contributors include international financial institutions and the European Commission. Finally, private foundations, such as the Ford Foundation and the Open Society Institute, have specifically designated programs for developing justice initiatives.

always clear. An indication of this reluctance is the fact that, while the International Development Law Organization directory has invited donors to upload evaluations, none has done so, even though a large number have contributed information on their projects to the website. In general, donors will more readily share reports that are the product of joint evaluations about lessons learned in a country or area if the projects being examined correspond to more than one donor.

²¹ The top five bilateral donors, measured by gross disbursements overall for the years 2002 to 2006, measured according to the OECD CRS database are: (i) Legal and Judicial Development: United States, Australia, Sweden, Germany, and the United Kingdom; and (ii) Human Rights: Sweden, United States, Norway, United Kingdom, and Germany. The top, and only, multilateral donors registered with the OECD Database worldwide for these two purpose codes are, first, the European Commission, and second, UNICEF. This would suggest that international financial institutions either do not categorize their development aid under these two purpose codes, the loans they provide do not qualify as development aid, or they do not report funding information to the OECD.

In general, donors can be divided into five groups:

- Bilateral Aid Agencies
- International Financial Institutions
- International Foundations
- Multilateral Aid Agencies
- United Nations²²

4.1 Bilateral aid agencies²³

Most countries have bilateral assistance programs that allow them to grant government funds to developing countries or countries in transition. They also give aid to, and engage with, civil society organizations. These programs are generally coordinated through the modality of development aid agencies, which are often attached to an executive branch foreign affairs department or ministry.

Certain foreign policy concerns, such as immigration, international or organized crime, terrorism, and environmental, labor, and trade relations issues, which are government priorities, may result in foreign cooperation programs being carried out directly by the respective executive agencies responsible for these substantive concerns. These policy objectives, which differ from the core rationales donors normally point to as justifications for justice development aid (i.e., long-term democracy-building or development goals for justice development, contrasted with goals determined by short-term, issue specific performance results) can be counterproductive.

4.2 International financial institutions²⁴

The World Bank, the Inter-American Development Bank, and the Asian Development Bank have all extended millions of dollars in loans for justice reform. This includes over \$800 million alone in loans for judicial reform from 1992-2002. The African Development Bank, to a lesser degree, also provides loans for criminal justice reform.

In 2007, the World Bank launched Justice for the Poor (J4P), a project to support access to justice in non-criminal cases, described on the Bank's website as, "an attempt by the World Bank to grapple with some of the theoretical and practical challenges of promoting

²² For purposes of the OECD databases, the United Nations is a multilateral donor agency. This report has chosen to treat the U.N. more as a multilateral institution providing technical assistance than as a "donor agency" *per se*; it is therefore included in a separate category for purposes of clarity.

²³ The following bilateral agencies and institutions are substantially engaged in justice development aid programs: Australian Agency for International Development (AusAID), Belgian International Development Corporation, Belgian Technical Cooperation, Canadian International Development Agency (CIDA), Danish Development Corporation (DANIDA), Department for International Development (Finnida), Deutsche Gesellschaft für Technische Zusammenarbeit / German Agency for Technical Cooperation (GTZ), French Ministry of Foreign Affairs, Ministry for Foreign Affairs of Finland, IrishAID, Netherlands Ministry of Development Cooperation, Norwegian Agency for Development Cooperation (NORAD), Norwegian Ministry of Foreign Affairs, Swedish International Development Cooperation Agency (SIDA), Swiss Agency for Development and Cooperation (SDC), United Kingdom Department for International Development (DFID), United States Agency for International Development (USAID).

²⁴ These include the African Development Bank, Asian Development Bank, Inter-American Development Bank, and the World Bank.

justice sector reform in a number of countries in Africa (Kenya and Sierra Leone) and East Asia (Indonesia and Cambodia).”²⁵

J4P reflects an “understanding of the *need for a demand-oriented, community-driven approach to justice and governance reform*, which values the perspectives of the users, particularly the *poor and marginalized such as women, youth and ethnic minorities*.”²⁶ It is unclear what studies or information led to the determination to take this approach. It is novel principally in its focus on a demand-driven or community-driven approach (its focus on less privileged, discriminated, and vulnerable groups has been a constant of access to justice programs). This new approach is also reflected in a recent USAID call for proposals.²⁷

The judicial reform projects in which the World Bank has primarily engaged have, to date, explicitly excluded criminal justice. Nevertheless, their focus on strengthening judicial institutions, including judicial training, case tracking systems, and access to courts, by helping to build infrastructure and provide equipment, has indirectly supported the activities of other donors that invest in criminal justice. Strengthening the judiciary as an institution will necessarily affect all cases processed by the judicial branch. Until now, however, the World Bank’s focus has been on civil law, and sometimes on mediation or alternative conflict resolution.

The Inter-American Development Bank has likewise shied away from supporting the repressive aspects of justice administration directly. It does, however, finance criminal justice reform, providing support to prosecutors, police investigations, the judiciary, prisons, legal aid, and programs to strengthen civil society. This support is geared towards modernization, which includes enhancing the accountability, efficiency, and accessibility of the justice system.

4.3 International Foundations

Only a small number of private foundations focus on justice reform. One senior NGO director commented that “you can count the foundations [that] support criminal justice on one hand.” Among the major foundations, several are recognized for both donating resources and providing leadership on methods of approaching criminal justice reform. These include the Ford and MacArthur Foundations and the Open Society Institute.

Some foundations, such as the Konrad Adenauer Stiftung, employ a targeted approach in their justice work. The Adenauer Stiftung works primarily with judges. It participates in justice development by strengthening the work of constitutional courts, as a means of

²⁵ See World Bank website on Justice for the Poor, “About Us”:

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTICE/EXTJUSFORPOOR/0,,contentMDK:21172652~menuPK:3282951~pagePK:210058~piPK:210062~theSitePK:3282787,00.html>.

²⁶ Ibid (emphasis added).

²⁷ USAID is currently advertising positions for a “Justice Sector Development program in the Russian Federation that will increase the credibility, professionalism, and accountability of, *and the focus on citizens’ needs by*, legal system actors in Russia” (emphasis added). See <http://webdomino1.oecd.org/dcd/notification.nsf/a8ddbce63b89da83c12570070044999e/01984f410191f6abc12574820064ae90?OpenDocument>.

promoting democracy and ensuring a principled and coherent body of law in interpreting fundamental rights.

Some smaller foundations make significant contributions in specific regions; these include the Tinker Foundation in Latin America and the Asia Foundation in Asia. While a number of other richly-endowed foundations exist, including the Bill and Melinda Gates Foundation, the Omidyar Foundation, and the Skoll Foundation, they are only beginning to explore ways to provide support for access to justice and rule of law, although not for criminal justice.

International foundations tend to plan their interventions strategically and ally closely with national actors involved in implementing projects. Foundations may also ally with other donors in the field to augment the impact of their activities. Foundations have the advantage of being smaller than governments and multilateral organizations, which allows a better flow of information within the institutions and permits more dynamic reorientation of projects in the field when necessary. Often, too, foundations have predetermined policy directions that remain constant over time. For example, the Ford Foundation has engaged in justice-related work for over forty years under the general rubric of Peace and Social Justice.²⁸ Like most international foundations, it has prioritized action directed at the NGO community. Foundations also work with governments, but they place emphasis on strengthening the ability of civil society to make use of state institutions and effectively channel public demand for justice.

4.4 Multilateral aid organizations²⁹

Multilateral organizations also undertake aspects of criminal justice development aid. The European Commission³⁰ is by far the largest donor in this field, according to an analysis of ten countries in the OECD database. The EU definition of rule of law concentrates on the judiciary and case processing. Though this also involves work on prisons, it is difficult to extrapolate from available data exactly what portion of the aid supports that type of work. Experience in Latin America suggests that the bulk of aid is applied to the pre-sentencing stage. The EU definition also includes access to justice for vulnerable or discriminated groups. This refers to eliminating “economic..., cultural, gender-based and geographical curbs to accessing justice.”³¹

²⁸ The Ford Foundation’s justice portfolio includes support for strategic litigation, clinical legal education programs and pro bono legal services, and strengthening NGOs that engage in these activities. For 2008, the Ford Foundation’s financing of peace and social justice programs will reach nearly \$94 million for an estimated 340 grants. In order to determine the amount of funds dedicated to justice activities, it would be necessary to conduct a study to break down the amount of each grant and determine their particular topics.

²⁹ The OECD database includes United Nations agencies and international financial institutions under the rubric of multilateral donors, but they are discussed separately in this report. However, the amount of aid granted by the EC is the largest in this sector, even if the U.N. and international financial institutions are included in the calculation. This assertion is based on an analysis of purpose code 15130, Legal and Judicial Development, contained in the OECD CRS Database.

³⁰ The Council of Europe is also an important player, though more by virtue of its standard-setting activities for members and aspiring members of the European Union than due to actual aid programs.

³¹ See European Commission website, External Cooperation Programs, Governance & Democracy/Justice, available at:

http://ec.europa.eu/europeaid/what/governance-democracy/justice/index_en.htm.

The EU's definition of work in the field of security is much broader, and arguably includes justice development aid: "Internal security is about *crime prevention and control*, maintenance of public order and internal crisis management. Many parts of the developed world take internal security for granted thanks to complex law enforcement and *legal systems* that, by and large, *keep the peace and allow people to enjoy their freedom*."³²

In a donor analysis of lessons learned from justice development aid,³³ the EC enumerates the following categories of aid to sub-Saharan Africa as an example:

- Rule of law: good governance, fighting corruption, security.
- Criminal justice: rights of suspects, penitentiary, statistics, inspectorate.
- Human rights, judiciary clinics, paralegals, information dissemination.
- Transitional justice, special court.
- Commercial justice, registries, legal security.
- Joint common sector support strategy.³⁴
- Capacity building, training.³⁵

Some of the categories mentioned are clearly substantive (human rights, transitional justice, rights of suspects), while others represent modalities of implementation (capacity building and training, information dissemination, joint common sector support strategy). This kind of categorization does not help to determine a conceptual scope for the field of justice development. It combines, rather than separating, the separate discussions on implementation modalities, on the one hand, and policy issues, on the other. As a consequence, it obfuscates the underlying purposes of these activities. A clearer methodology for defining the scope of justice development and a reflection on the best modalities for implementation, given contextual variations according to country, would be helpful to program officers and implementers in the field.

Regional multilateral arrangements that promote human rights (the Inter-American Human Rights Commission and Court, the European Court of Human Rights, and the African Commission on Human and Peoples' Rights) also have a substantive influence on justice aid development, by generating jurisprudence on due process and access to justice rights. Their work is not part of aid that is directly transferred to recipient

³² See European Commission website, External Cooperation Programs, Security (emphasis added), accessible at: http://ec.europa.eu/europeaid/what/security/security/index_en.htm.

³³ *Study for the Support to the Justice Sector in ACP [African, Caribbean and Pacific] Countries: Review of Past Experiences and Guidelines for Future Interventions*, Background Paper Project No. 2007/147536 - Version 1, Consultation Workshop with Select Development Agencies and NGOs Working in the Justice Sector in ACP Countries June 10, 2008 (hereinafter *Consultation Workshop Report*).

³⁴ This appears to relate to the SWAP, or sector-wide approach to development aid. The sector-wide approach to donor assistance places responsibility on the national leadership to conduct programs, while international donors follow up and dialogue with national leadership to see how best they can support the leadership in the tasks they confront.

³⁵ *Towards a New Consensus on Access to Justice*, Summary of a Workshop held in Brussels, 29-30 April 2008, p 5.

countries; however, these organizations are themselves supported by bilateral or multilateral funding, and their purpose is to interpret regional agreements so that countries can, in turn, obtain guidance on concrete application of certain guarantees (due process, rights to liberty and physical security and integrity).

4.5 United Nations

In 2004, the United Nations Secretary General issued a report on rule of law and transitional justice and the role of the Rule of Law Unit in the U.N. system. Many U.N. agencies, including the United Nations Development Programme, the United Nations Office on Drugs and Crime, and the Office of the High Commissioner for Human Rights, devote time, institutional resources, and outside funding to access to justice and human rights issues. UNICEF (the United Nations Children’s Fund), UNIFEM (the United Nations Development Fund for Women), and other U.N.-based entities provide some type of support to criminal justice reform efforts internationally.

Criminal justice reform has been identified as central to the mandate of the United Nations. The U.N. has held occasional congresses on criminal justice since 1955. The Vienna Declaration and Program of Action³⁶ highlighted the importance of criminal justice reform. The Commission on Crime Prevention and Criminal Justice³⁷ has continually underscored the importance of effective global responses in this field. The mandate to assist states in building fair and effective criminal justice systems is also contained in resolutions by the main policy making organs of the United Nations, the General Assembly and the Economic and Social Council. Moreover, in April 2008, the United Nations Secretary General issued a set of parameters for engaging in justice reform activities.

United Nations activity in justice reform is heavily centered on post-conflict states and has an evident human rights component—particularly in regard to due process and access to justice. The U.N. identifies code-drafting, institution strengthening, and anti-corruption efforts as part of justice reform activity, and includes a civil law focus.

4.6 Other role players

Aid assistance, including donor support for justice and criminal justice reform, is not straightforward. It is, according to one interviewee, “typically a chain, involving multiple links in the donor country, and more in the recipient country.” A bilateral organization such as FINNIDA or AusAID, and multilaterals like the European Commission, may provide grants directly to a recipient country or organization, but they may also provide aid through other organizations, both national and international, that in turn provide support to justice efforts in the countries they hope to assist. This includes U.N. agencies, international NGOs such as Penal Reform International, local NGOs, academic

³⁶ UNGA A/CONF.157/23, July 12, 1993.

³⁷ This is a subsidiary body of the United Nations General Assembly’s Economic and Social Council. Its mandate includes: international action to combat national and trans-national crime, including organized crime, economic crime and money laundering; promoting the role of criminal law in protecting the environment; crime prevention in urban areas, including juvenile crime and violence; and improving the efficiency and fairness of criminal justice administration systems.

institutions, private contractors, and think tanks sponsored by regional organizations, such as the Center for Justice Studies in the Americas. These organizations may then become “donor” agencies to recipients such as local NGOs, provide technical assistance to government and local actors, or may receive funds to implement projects. These are complicated relationships. For those working on the ground, it is often difficult to have a clear picture of who is actually funding justice development work. For the purposes of this report, these “secondary” donors will not be discussed, but this context should be taken into account when designing modalities for donor coordination in the field.

5. Donor Policies

5.1 Donor rationales

With some exceptions, it appears that donor rationales justifying support for criminal justice development aid are based on one or more of the following five primary aims and approaches:

- Promoting poverty reduction. Here the focus will likely concentrate on access to justice, particularly civil justice, to ensure economic and social rights, the denial of which is more directly related to the situation of poverty (Poverty).
- Protecting against human rights abuses within justice systems, and investigating and prosecuting human rights violations more effectively. A human rights approach may also be framed as non-discrimination or equality (Human Rights).³⁸
- Improving outdated or inefficient justice systems, or introducing justice systems as a function of government, or promoting civil society participation (Governance).
- Combating perceived insecurity (high crime rates or other indicators) (Safety and Security).
- Conflict prevention and post-conflict peace building, which often focuses on developing policies and strengthening or even creating justice institutions, such as an independent judiciary, civilian police, and the like. This will include legal development and fostering participation by civil society in justice concerns. Justice development in this context is often highly political and can involve the civil justice system as well (Countries in Transition).

These distinct rationales reflect, to some extent, the division of categories contained in the OECD CRS Database. However, it is clear both in practice and in the coding exercise for the database that, while a project may be listed in only one category, it is likely to contain components related to other categories as well. This overlap means that justice related development aid is found under each of these different rationales, and in the distinct categories represented in systematization efforts such as the OECD Aid Activities Database. For instance, establishing a project to reduce the number of persons in pretrial

³⁸ A broader human rights rationale might include the right to a judicial remedy, including civil disputes, and the obligation of the state to protect the person and guarantee the exercise of his or her rights. Indeed, this focus has sometimes entered into apparent conflict with some national justice systems, which apply principles that arguably violate human rights—as for example in the case of Sharía law, which may discriminate against women.

detention could be categorized under a human rights (guarantee against arbitrary detention, right to liberty and physical security) or justice perspective (ensure the rule of law where this right is already contemplated in the legislation, or due process), and even a poverty reduction perspective, if one considers the economic consequences for a poor person of extended pretrial detention, especially when the resolution of the case does not involve incarceration.

In order to capture all the dimensions of justice sector development aid, databases should include a secondary classification that permits recognition of this focus in other categories of aid, in recognition of the cross-cutting nature of justice development. In addition, a clearer conceptual definition of justice development aid would help set the parameters of the definition, even if the number and types of activities grows or varies over time, depending on the recipient country's context and donor policy.

Even when projects are similar at the level of implementation, the underlying policies of the donors and beneficiaries supporting the projects may differ in focus. Our research found this to be true in some cases. However, even when institutional policies differed, the fundamental goals and anticipated outcomes of the projects were aligned. For example, the aim of eradicating violence against women is gender-focused and includes activities directed at public education and at helping public servants to develop policies and programs that will allow them to respond to the problem appropriately. Among the institutions that must respond is the justice system; therefore, a gender-focused program may include a component relating to enforcement through the justice system. A justice-identified project dealing with violence against women would sensitize justice sector actors to the problem, provide tools for ensuring appropriate solutions to different situations in which it arises, and develop the capacity within justice institutions to respond to the population that confronts these situations; it would support policy and institutional development to that end. The challenge for donor coordination is finding a mechanism to reinforce the potential impact of both programs—the gender-based or human rights based project, and the more general justice development institutional strengthening efforts. Donors should develop guidelines for this kind of collaboration.

In other situations, even when donor policies are similar, the types of projects they choose to support may be vastly different. For example, the World Bank and the Asia Foundation both mention poverty reduction directly in their policy statements. However, the World Bank's justice reform projects are often directed more at the judiciary and other formal justice institutions and involve the creation of new infrastructure and management systems. By contrast, the Asia Foundation's projects are usually more community focused; they include helping expand community legal services through support to locally based NGOs. Both aim to address poverty and increase access to justice, but in dramatically different ways. Decisions about where in the justice system to direct support seem to be tied to institutional history, experience, and the development over time of general policies within a donor's area of expertise. Certainly, the contexts in which donors have operated will influence their perspectives on how best to achieve institutional goals as a component of development aid. Policy considerations on the part

of bilateral and multilateral donors also color project focus. However, one usually finds multiple donors contributing to similar areas.

Although donors still follow widely varying policies, increasingly the major bilateral and multilateral donors are explicitly linking justice reform to poverty reduction. This is not surprising, given the apparent relationship of justice to many other development goals: democracy, human rights, equality and non-discrimination, transparency and accountability, and strengthening civil society, among others. Adding the civil side of justice administration allows us to include health, access to public services, and education—areas in which the justice system may intervene to adjudicate conflicts regarding how and to what extent the state should provide these services.

While some donors, and especially private foundations, have maintained a focus on justice principally from a human rights perspective, others are shifting from more politically-based rationales for justice work (such as governance, democracy, safety and security) to an economic analysis, focusing on poverty reduction and public demand for justice services as an overarching goal. New projects will now begin to shift their focus to this logic.

One example of the focus on justice as a component of poverty reduction is found in DFID's *2000 Policy Statement on Justice and Poverty Reduction*. Canada's CIDA views "democratic governance" as "essential for poverty reduction and long-term sustainable development." AusAID states that the "aim of the program is to assist developing countries reduce poverty and achieve sustainable development, in line with Australia's interest." The Swedish development agency, SIDA, notes that "the more technical or institutional approach is thus giving way to a perspective which focuses on achieving equitable access to security, justice, and the judicial system for the poor and disadvantaged." This last approach seems more related to the focus on access to justice for marginalized groups that has characterized justice development in the past. Access to justice echoes the "demand driven" approach to justice services and situates this perspective at the forefront of justice development efforts. However, the poverty reduction rationale takes this logic one step further, as the governance and democracy rationales³⁹ have done in the past.

By contrast, the World Bank has always expressed its hope for a "world free of poverty," and economic development has been an underlying goal of loans tied to justice aid. However, the Bank is increasingly connecting this aid with a governance perspective and is more directly supporting justice programs. The international financial institutions generally express a more economics-based approach in all their programs.

³⁹ Efforts to link the promotion of democracy and governance with justice development have also encountered difficulties. While conceptually it is clear that a relationship exists between a democratic vision and the type of justice system that is established, or between governance and the existence of a functioning, relatively efficient and credible justice system, the cause and effect relationship between improving justice functioning and improved democracy and governance has been more difficult to sustain in concrete terms.

Despite this apparent shift to a poverty-reduction focus, accompanied by a broader spectrum of programs defined as justice-related, some justice reform experts and practitioners point out that the rationale for tying changes in justice systems to poverty reduction has not been clearly spelled out. In terms of direct cause and effect, the connection is tenuous.⁴⁰ It is more evidently related to an idealized view of the role the justice system should play in society to remedy poverty and promote development. However, other important factors must also be considered before a justice system can play that role. Programs designed to guarantee judicial independence may improve a difficult situation, but such programs are not often determinative in achieving a credibly functioning justice system. Other practices outside of the judiciary may affect its ability to operate independently, despite improvements in judicial training, resources, and salaries.

The question is whether this shift in focus will alter programmatic and implementation strategies and actions, and what will constitute the short- and medium-term indicators for success. It is difficult to propose concrete answers to these questions, as they are just now coming to the fore. It is clear, however, that it is important to anticipate them and to provide for more methodical approaches to programming and follow-up, so that these shifts in focus do not cloud the monitoring and lessons-learned efforts⁴¹ related to justice development pursued thus far. It is also clear that, most recently, informal justice systems and public demand for justice services have begun to be considered factors in justice programming strategies, as a consequence of some hard-learned lessons. One of these lessons is that building a new justice system is costly, given the more immediate needs of the developing world. A second lesson learned from past experience is that transplanting systems is ineffective, and therefore methodologies must be found to engage local actors who can develop systems based on local realities and comparative experiences. Finally, changing justice systems often means addressing social and political interactions in a way that fundamentally alters power or is perceived to challenge existing power relations in a country, making implementation all the more complex.

DFID has been at the forefront of the debate about the importance of criminal justice reform to the lives of poor people and to poverty reduction more generally. A British government White Paper, *Eliminating World Poverty: A Challenge for the 21st Century*,⁴² recognizes that poor people, particularly women, are the most vulnerable to all

⁴⁰ One bilateral organization interviewed for this report stated that, while the trend is “moving away from human rights as a (central) theme towards poverty reduction, the link between criminal justice and poverty reduction is still not that clear... everyone is talking about it, but not too sure how to do it.” Another bilateral donor conceded, “We are still struggling to make these arguments about poverty reduction resonate with” its own Ministry of Finance.

⁴¹ The fundamental lessons learned have to do with modes of engagement, taking into account national contexts, investing over the long-term and, most recently, the importance of non-state conflict resolution mechanisms. Perhaps the most fundamental lesson learned is that the justice system is not a palliative for all of society’s ills. Justice development must take place in a context in which other public policies minimize the possibility of conflict, thus reducing the need to turn to the justice system. This understanding has led to support for more preventive action—prevention of torture, for example, or appointment of human rights ombudsmen who can address systemic problems and suggest solutions.

⁴² *White Paper on International Development Presented to Parliament by the Secretary of State*

forms of crime and civil conflict, and that in many cases, formal justice systems fail to protect them. The United Nations, other bilateral donors, and private foundations have also recognized the importance of providing access to justice for the most vulnerable and marginalized sectors of society; they have, however, voiced this as a human rights or equality concern. Each of these rationales, human rights and equality, make it possible to work on both the demand (citizens and civil society) and supply (legislation and administration, legal frameworks, judiciary, administrative justice and alternative dispute resolution, public safety and police, penal systems) sides of justice development. A strict focus on “rule of law” is more likely to focus only on the supply side of justice development.

Countries may specialize in certain areas of assistance because of their particular expertise or availability of resources. The U.K., for instance, has special expertise because of its history in founding modern policing, which is focused on police-community relations. Other examples include the United Nations, which specializes in rights protection and justice systems, and the World Bank, which has developed expertise in modernization programs for the judiciary, particularly case tracking systems and other forms of judicial management. Donors also tend to concentrate activities in justice on countries with which they have a historical relationship.

The overwhelming majority of donor assistance in security sector reform and management is bilateral. Only in Europe and Sub-Saharan Africa was any appreciable multilateral aid in this sector registered in the OECD CRS Database, for the years 1994, 2000, and 2006. Support for anti-terrorism programs seems to originate in countries’ foreign affairs offices, not with bilateral development agencies or other donors. As a consequence, this aspect is less publicized and can only be discerned when governments announce major policy initiatives.

Thus, another factor that influences donor focus is domestic policy concerns. As a consequence, programs concerning transnational crime have become something of a conflicting concern: they require concentrating programs on terrorism, narcotics, and arms trafficking, which often generates specialized legislation in countries receiving aid that can test the limits of due process and human rights guarantees. To a lesser degree, over the last few years a shift has taken place towards linking justice reform with efforts to combat terrorism, trafficking, and other transnational crimes and to ensure public security at the level of street crime.

One bilateral organization told researchers that this duality of justice development aid and national policy concerns on the part of donors is “constantly creating conflict” from a conceptual perspective. In an examination of two major bilateral donors and their spending on development assistance in the area of law enforcement in 2006, it was found that most of the resources spent were not primarily intended to improve public safety or

for International Development by Command of Her Majesty, November 1997, available at <http://www.dfid.gov.uk/Pubs/files/whitepaper1997.pdf>. Compare DFID 2006 White Paper, *Eliminating Poverty: Making Governance Work for the Poor*, Section 3 on security sector reform, available at <http://www.dfid.gov.uk/pubs/files/whitepaper2006/wp2006section3.pdf>.

widen access to justice, but to make criminal justice agencies abroad more effective at combating the forms of crime that are considered the most threatening to the donor countries, such as terrorism, illegal narcotics, money-laundering, and trafficking in persons. These programs are aimed at more short-term results, and are not designed as long-term reform programs that would invest in institutional re-engineering.

Shifting funds away from human rights and towards counter-terrorism tends to discourage a focus on alternatives to pretrial detention and legal aid. This occurs because all energies are focused on prosecutions, and in the perception of prosecutors, law enforcement, and political leaders, there should be no alternative to preventive detention for these crimes. This concentration on exceptional cases can contaminate other aspects of justice aid aimed at general systemic design and institutional strengthening, and donors may end up working at cross purposes around these sensitive issues. It is also questionable whether these programs, which are essentially aimed at law enforcement, are undertaken from the same development policy perspective as general justice initiatives. This conceptual doubt also affects the calculation of how much donors spend on justice development aid.

5.2 Role of policy in shaping strategy and implementation

Do changes in policies and direction of donor institutions matter in regard to where and how an institution chooses to work? How do donors develop their portfolios of projects geographically and thematically? Is their strategy influenced by other factors beyond policies at the head office? Are projects based on donors' own technical expertise or on the skills or lack of skills found in the recipient country? How does political pressure from recipient governments or from within donor institutions themselves affect choices about projects and their implementation? Donors interviewed for this report were able to provide answers to some of these questions.

Some interviewees pointed to a frequent disconnect between a donor's policies and the actual projects that are ultimately implemented. In countries where the donor and the recipient country's politicians, lawyers, and civil society all shared similar goals for a project, it was more likely that the end result would reflect the donor's original intent. However, in countries where politicians and lawyers did not share the policy directives of the donor institution, projects often turn out quite different from the ones initially proposed. Project negotiation, the concerns of national counterparts, and the political situation all influence project design, as well as implementation and outcomes.

While there has been some reflection on what a country's "comprehensive criminal justice strategy" might look like, and some attempts to implement such a strategy, donors have offered no coherent guidelines around which to orient the design of such an ideal strategy. While any model would have to take into account the need to resist a "one size fits all" approach, experience indicates some focus areas that such a strategy might include:

- Crime prevention and education.
- Pre-trial services, with the aim of increasing the rational use of pretrial release.

- Prompt access to competent legal aid for indigent persons.
- Policing that balances respect for human rights of victims and suspects with the need to protect the public's safety and security.
- Impartial, fair, independent, and effective judiciary.
- Prosecutorial policy, training, and support.
- Legislative reform (and, when necessary, constitutional reform).
- Sentencing reform to include community service and other alternatives to incarceration.
- Victim empowerment and support.
- Juvenile justice strategy that relies on restorative justice.
- Strategy to address violence against women.
- Systematic and regular involvement and interaction with health, welfare, and social services role players, as well as close communication with finance ministries to ensure effective implementation.
- Development of a human rights policy that includes oversight of justice systems.
- Informal or non-state justice systems.
- Strategies to promote civil society's capacity to engage with justice institutions;
- Access to information on the operation of the justice system, as a component of institutional strengthening of the justice system (i.e., information on cases, statistical information on the system's operation, etc.).

This report did not identify any donor currently adopting a program approach containing all these elements. However, a justice development portfolio can result from a combination of donor efforts. The justice development sector is too broad for individual donors, particularly bilateral donors, to address every component. Some portfolios, however, are more multifaceted than others, and each will reflect donors' varying rationales for involvement in this area of activity.

6. Countries and Regions Receiving Aid

Donors decide to support projects in specific countries and regions based upon their own policies and objectives, the political mandate of the donor country (for bilateral donors), and internal policies (for private foundations). When specifically asked why donors chose a certain geographic region, some said that this was mandated by policy. Others simply did not know. Some believed that an emphasis on certain key countries could lead to spin-off effects in neighbouring countries. Other countries were the focus of justice reform because they had recently experienced a conflict and were considered ripe for change.

Donors often target specific countries independently of coordination with other donors, especially when they follow existing trends in funding, such as South Africa or Cambodia in the 1990s, or Afghanistan and Liberia in the mid-2000s. Such trends often accompany important shifts in the national context of the recipient countries. These shifts may result from especially dynamic electoral processes or fundamental political changes that represent an opportunity for development.

However, sometimes the outcomes of donor activity do not achieve the hoped-for results, particularly in problematic transitional societies. As a consequence of such unsuccessful or problematic programs, countries in need of similar types of support could be neglected. In other cases, countries that share borders do not benefit from the flow of donor support to their more fortunate neighbors. This “donor orphan syndrome,” which focuses multiple donors in one country or area while a neighboring country suffers a dearth of justice-related projects, was a widely-acknowledged phenomenon in our interviews.

At bilateral agencies, donor decisions about where to direct funding are sometimes determined by the donor country’s political climate. For example, one major bilateral donor is currently reducing the number of countries it supports from 25 to ten or fifteen as a matter of national policy. Another donor intends to leave one region to prioritize another, based on internal policy considerations. A senior officer explained, “While donor staff can influence which countries are selected, ultimately it is a political decision.” Another bilateral donor that grants significant funds for justice development is devoting most of its resources to a country with which it has recently been engaged in a conflict situation. Another consideration is geographical proximity. Some bilateral donors tend to support countries in the same region in which they are located, as in the case of AusAID’s support for justice reform projects in the Oceania region. While USAID provides support to recipients around the world, the Latin American region has consistently and historically received aid from this source.

Based on telephone interviews we determined that countries garnering much of the donor support in justice today include Colombia, Chile, Nigeria, Sierra Leone, Malawi, Uganda, Mozambique, Afghanistan, and Russia. However, this list is not static and can change with a shift in government control, aid policy, or other factors in either the grantee country or the donor country.

Private foundations, which have limited resources and staffing, often choose to support a specific region. For example, the MacArthur Foundation supports justice reform in three countries (Mexico, Nigeria, and Russia) and then identifies themes within each country. Recognizing that its investment is small compared to the resources available to governments in countries like Nigeria, MacArthur also seeks ways to leverage other donor support for like-minded projects. The Asia Foundation has offices in Indonesia and the United States, but limits its support to countries in Asia, allowing for more focused giving.

Decisions about where to fund are further influenced by changes in political leadership in recipient countries. When changes occur at the national level, donors report that this sometimes causes projects to falter and forces them to reassess their plans for continued giving and support.

Donors interviewed said they did not leave countries because they were too “crowded” with other donors. The perspective on how long a donor should stay in a recipient country is a matter of dispute. Donors generally agreed that “it is our responsibility to say that

change does not happen overnight” and that donors should not leave a country too soon, before a foundation for change has been laid. Avoiding the “exit nightmare,” as one donor in East Africa termed it, is critical. In addition, donors do not always coordinate their exits from countries and, experience shows, will sometimes leave at roughly the same time. This can cause problems when national counterparts engaging with these programs are suddenly left without resources before sustainable, and hopefully national, support has been achieved. Sometimes the exit is due to the end of a funding cycle, or new and competing priorities arise. Donors may also suspend or end programs after determining that they cannot achieve the proposed goal in the existing context.

Based on a review of OECD database information, online research, and interviews, it appears that a relatively small number of bilateral and multilateral donors, financial institutions, and private foundations are working on criminal justice reform in a small number of countries around the world. This smaller number of actors and arenas presents the opportunity for better communication and collaboration among donors within countries and region-wide.

7. Modes and Channels of Assistance

Guidelines for international assistance are also provided by policy statements at the international level. At the time of writing, the Paris Declaration has been agreed to by 22 donors and 57 partner country governments. The Declaration “marks a significant set of donor commitments to improve the effectiveness of aid for the stated purposes of accelerating the achievement of the 2015 Millennium Development Goals and reducing poverty and inequality.”⁴³

The Paris Declaration acknowledges the primary importance of “country ownership,” with effective developing country leadership over their development policies. Developing country partners agree to develop effective national development strategies to which donors will respond. To achieve these overarching goals, the Declaration sets some specific objectives, with measurable indicators, including greater alignment with country strategies, improved harmonization of donor procedures, and a commitment to mutual accountability for development results.⁴⁴

The aspirations of the Paris Declaration are already being manifested in practice. In Uganda, by agreement, the national government is responsible for deciding how to spend all donor funds allocated towards justice reform, while donors take a secondary role. In Rwanda, a similar government-led justice sector fund is being coordinated, and in Vietnam and Kenya, the international community has supported programs that promote national leadership with regard to the implementation of donor assistance.⁴⁵ However,

⁴³ See “The Reality of Aid: Key Messages on The Paris Declaration,” *Reality Check*, available on the website of The Reality of Aid, http://www.realityofaid.org/rchecknews.php?table=rc_jan07&id=1.

⁴⁴ *Ibid.*

⁴⁵ See note above for a definition of the sector-wide approach, which places responsibility for implementation on national leadership. This is a more “demand driven” approach to development aid, though it may tend to focus on state rather than civil society institutions. The “demand driven” approach

reliance on this trend means that, in countries where there is no “demand” from government for criminal justice reform, it may not occur. Donors interviewed agreed that governments should take the lead, but that “we have to encourage them to take control in many fragile states.” In some countries, like Eastern DRC and Angola, “justice reform is not yet realistic” because government are not interested. In Angola, only a handful of lawyers are qualified to undertake any type of reform. In Rwanda, donors pointed out that it was not possible to start justice reform immediately after the genocide, as attention was focused on dealing with the 130,000 detainees and genocide cases in court. “Donors have to create capacity and stimulate demand,” said one donor in East Africa. However, in the case of Rwanda, the international community did support the *gacaca* courts, a non-state informal justice system separate from but coordinated with the state system to resolve less serious crimes carried out during the 1994 genocide.

The trend toward fostering national leadership and a demand driven approach in decision-making on how to employ donor resources raises questions for some donors about who is “on the ground” and the weight that should be assigned to different constituencies, including civil society, government, and the business sector. What projects donors decide to support in countries that rely on this national leadership model may depend upon whom they consult. In some countries, what the government wants from the justice system differs from what ordinary citizens expect. In Uganda, one bilateral donor admitted that the involvement of NGOs and private foundations in the decision-making process regarding which projects to fund was minimal, although NGOs were invited to justice sector meetings. In this respect, justice development work continued to be state-centered. Even with government leadership on funding, donors might consider continuing, independently, to support the strengthening of civil society around justice reform. If carefully designed, such programs would not undermine state actors working within the scope of their authority.

Many donors seem to be shifting towards a “demand driven” approach to criminal justice reform. For example, interviews determined that DFID, CIDA, AusAID, DANIDA, and the World Bank are all engaged in efforts to learn more about what “those on the ground” would like them to support. At a meeting of rule of law providers coordinated by the U.N. Rule of Law Unit in late 2007, attendees reiterated that donors should “listen to what the people want.” This approach runs counter to the idea that justice reform should be driven by state institutions, with the NGO role limited to monitoring and evaluation. The demand driven approach suggests that the traditional model of state justice as a provider of services is not sufficient. Justice reform must involve the public and be based on an understanding of the demand for justice services, rather than merely projecting needs based on existing justice system statistics that may not reflect the actual demand for services of this type. This approach also offers the opportunity for civil society to participate more closely in the formulation of justice policy.

If donors are increasingly looking to support “demand driven” projects, what types of projects top the list? Just as “hot” countries may be identified in terms of donor support,

also refers to support for civil society efforts to articulate demands on state institutions in ways that can make those institutions more dynamic and responsive to the public.

“hot” trends exist among justice reform projects. Because donor staff members working on criminal justice are often lawyers, they tend to focus on the formal justice system, including the courts, prosecution services, and police. Specifically, donors continue to place particular emphasis on working with the judiciary, even though it constitutes only one part of the justice system. Donors have also focused on case management and court administration activities directed at improving the system’s efficiency. Ultimately, this focus on the courts has diverted attention from what happens before cases reach the courts.⁴⁶

In Africa, where at least 80% of disputes are resolved by non-state structures, such as the intervention of chiefs, few donors pay serious attention to this phenomenon.⁴⁷ At a meeting of donors and NGOs in Uganda at which consultations for this report were conducted, both groups urged a closer look at the traditional “justice” systems to which most Ugandans turn for resolutions of minor land disputes. Given the dearth of lawyers in some countries, making access to the formal state system doubly onerous, a focus on informal or non-state options for the resolution of conflicts constitutes a possible alternative for satisfying demand. This alternative also conforms to the “demand driven” approach to providing justice services, which takes into account the collective rights of indigenous peoples to resolve conflicts in their communities. For non-indigenous local populations it provides a form of local control over conflict resolution.

NGOs interviewed for this report observed that donors tend to support urban-based projects, with some exceptions, while most justice problems arise in villages and rural areas. “[S]mall community organizations don’t attract funding,” an NGO explained. A member of an NGO from Kenya commented, “We in Africa feel we know the priorities that are oppressing our people, but donors have their own priorities and... try to push you into them.” However, donors and NGOs agreed that communities do not immediately raise justice and human rights concerns when asked to list their major problems. Citizens of poor countries or fragile states tend to identify water, employment, education, and housing-related issues first, and bring up justice-related issues only as an afterthought. Nevertheless, the demand that government comply with its responsibility to ensure provision of basic services is itself an implicit demand for justice. An NGO from East Africa suggested that “[A]dvocacy for justice reform should be directed not only at government but also at the community. We need to sensitize the community. If they are fully aware, they will pressure government... Of course, the major problem is that many communities have a poor attitude towards criminal offenders and lack a voice.”

Ford Foundation projects aim to ensure access to justice for the poor and marginalized are of primary importance. A Ford Foundation program office in Latin America stated, “Ford pushes for reform from below to ensure a broader space for the needs of the most vulnerable.” In Bangladesh, the Asia Foundation is placing greater emphasis on informal sector support of NGOs to build legal literacy and support for alternative dispute

⁴⁶ A report by the Ford Foundation on its work over the last forty years supports this finding. See McClymont and Golub, *op cit*.

⁴⁷ Laure-Hélène Piron, *Donor Assistance to Justice Sector Reform in Africa: Living Up to the New Agenda?*, Justice Initiatives, Open Society Justice Initiative, (February 2005), pp 4-11.

resolution, after recognizing that donor organizations “did not have much traction working on formal judicial sector reform.” Support for alternative justice⁴⁸ is a burgeoning field. However, justice experts are only beginning to explore support for non-state or informal conflict resolution mechanisms.

At a meeting with NGOs and donors organized by the Justice Initiative in Uganda, NGOs urged donors to take a long-term approach to justice reform projects. One NGO pointed out that “[d]onors want to fund things that are seen immediately, but legal aid work is often invisible.” Another NGO asked whether it would be possible “to get long-term commitments (3-5 years) from donors instead of a year or less?” Many NGOs contacted for the writing of this report expressed frustration with donors for following trends in justice reform, instead of staying the course and helping build capacity and institutions. However, other NGOs argued that, when communication functioned well between donors and grantees, better decisions were made about what projects to fund and how best to support justice reform generally. A Ford Foundation officer with years of experience in criminal justice reform reported observing the positive results of collaboration between private foundations and bilateral donors in China and Nigeria.

Specific areas that appear under-funded include pretrial detention, legal aid, restorative justice, juvenile justice, and crime prevention. Although a number of donors include juvenile justice in their list of priorities, both UNICEF and Human Rights Watch’s Children’s Rights Division reported that this area is under-funded, as most support is directed toward the formal justice system, while the vast majority of children in conflict with the law never reach the courts. The same is true of projects to prevent and reduce violence against women. Most spending is directed towards women’s interaction with the formal state justice system, although many such cases never go to court. However, in recent years the gender focus has been formulated more explicitly, and a number of donors (such as the European Commission) require the inclusion of gender perspectives in programs. Portfolios of programs have also been fashioned around gender and rights. This is true of both major banks and bilateral donors. Thus even when programs include a focus on reduction of youth violence, violence against women, and corruption, among other justice-related topics, it is difficult to determine, based on existing systematization efforts, which of these programs also have a justice-related focus.

Particularly noteworthy is the outcome of this study’s effort to determine which donors support pretrial detention and legal aid programs. All donors interviewed were asked specifically whether they supported these areas or knew of existing, past, or proposed projects. Most were not engaged in such projects, although all considered them important to justice reform, broadly understood. A few donors, such as the Ford Foundation, the Open Society Institute, DFID, the Asia Foundation, OHCHR, and UNDP, were engaged in significant work in this area. However, it does not appear to have been coordinated internationally or regionally.

⁴⁸ This may include restorative justice, mediation, arbitration, indigenous legal systems, and similar alternative processes.

It is much easier to determine where private foundations direct resources for specific projects, due to their limited resources and smaller staff. Additionally, private foundations appear to have a keener understanding of their own policies and goals, as well as a closer relationship to civil society in some instances. One foundation officer explained that “we have been doing global international human rights work and access to justice work for over 30 years, so we know the work.” A handful of private donors and organizations have directed their attention towards pretrial detention, including the Open Society Institute, the Open Society Justice Initiative, and Penal Reform International. However, most private donors replied that they had no projects in this area. The same was true of support for systematic reform of legal aid for criminal cases. Private foundations such as the Ford and Tinker Foundations, as well as the Asia Foundation, all support community-based legal services, including paralegals. In an example of a bilateral agency using the expertise of a private foundation, DFID recently asked the Asia Foundation to complete a report on community legal services and access to justice in Asia, including a geographic mapping of community legal services, in order to determine where people were being served. The study found overlaps in some areas and gaps in others; it also found that donor coordination functioned relatively well.

8. Donor Expenditures

Donors provide assistance to the criminal justice sector in a wide variety of ways,⁴⁹ including:

- grants;
- loans;
- technical assistance in planning, policy, management, and substantive skills;
- training and capacity building;
- conferences and publications;
- fellowships and scholarships;
- equipment and infrastructure development; and
- SWAps.

The choice of modality depends on the type of donor (banks versus bilateral or multilateral development aid) and their policies and strategies for implementation. The amount of oversight and follow-up depends on both donor resources and implementation strategies. Bilateral donors will most likely have embassies or consulates in recipient countries, but will not necessarily have sector specific personnel to follow up on project implementation. They may also have offices of their foreign aid cooperation agencies in the recipient country. Private foundations tend to dedicate resources to substantive engagement with the projects they sponsor, and also dedicate significant time to follow-up. Choices about which modalities to engage—they are not mutually exclusive—also depend on the context of the recipient country, including other donor activity.

⁴⁹ The IDLO database identifies the following types of activities related to justice development: advocacy, conferences, NGO/civil society strengthening, public education campaigns, public interest litigation, publications, technical assistance-institutional reform, technical assistance-law revision, and training.

Our research was unable to identify the types of support each individual donor provides. Most donors interviewed either provided aid directly to governments or NGOs, or provided loans to governments. This gap in knowledge can, we hope, be filled as justice development aid is further systematized. The OECD CRS database is working to identify the channels through which aid is made available to recipient countries. It includes the following categories: Public sector (donor government/extending agency, recipient government); NGOs and civil society (NGOs in donor, recipient, third country; international NGOs); Public Private Partnerships (PPP); multilateral organizations (U.N., World Bank/IMF/Regional Banks); and Other.⁵⁰

While no single reference point exists to determine the amount of donor spending dedicated to criminal justice reform worldwide, the OECD database provides arguably the most comprehensive source of information in this regard. Spending falling under ‘Legal and Judicial Development’ was \$127.9 million USD in 2002, representing \$121 million in bilateral and \$6.9 million in multilateral aid.⁵¹ For 2006, the total was \$589 million, representing \$475 million in bilateral and \$114 million in multilateral aid.⁵² See Table 1 below for a regional breakdown in donor spending in 2002 and 2006.

The amount for Legal and Judicial Development thus grew fivefold over this five-year period. However, in 2004, aid under this rubric totaled \$702.1 million dollars—greater than the 2006 total. This spike in aid may be ascribed to heightened interest in this area of development, or perhaps to contextual factors, such as the injection of large initial amounts of aid into programs in their early stages. Changes in situation leading to special interest in this category of aid may also have led to infusions of aid into one or more countries. It is clear, in any case, that aid in this category has been growing. It may therefore be concluded that this area of development has become established, despite remaining questions concerning how best to implement it and what it should entail. These hypotheses, generated by observations of existing data, could be tested by a more detailed study of particular countries and aid trends, which would provide more substantive and contextual information.⁵³

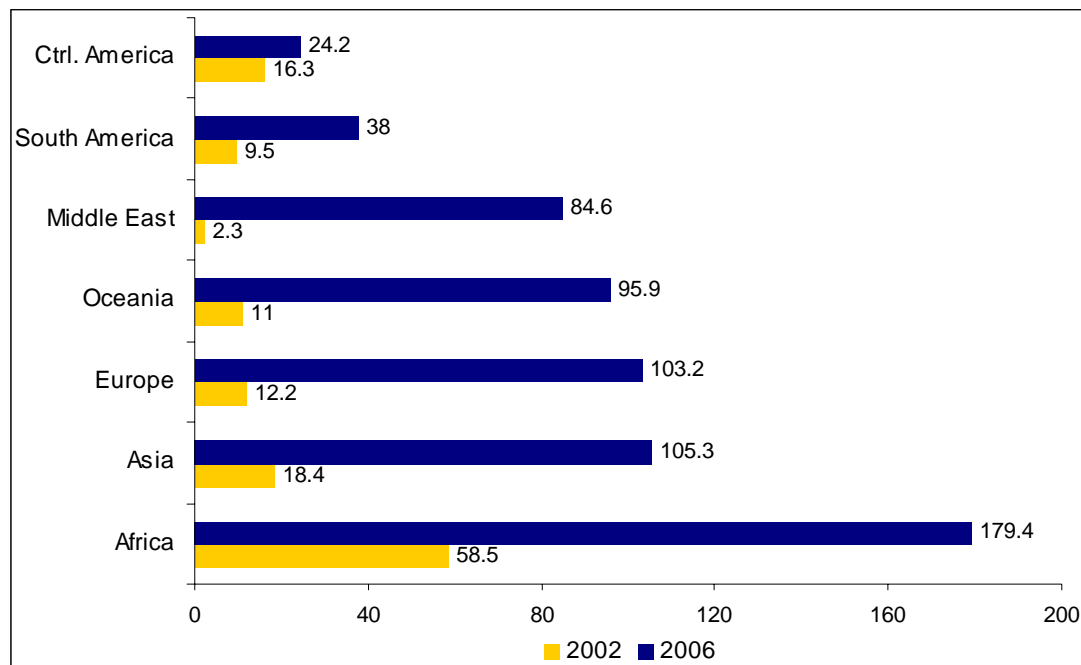
⁵⁰ *Reporting Directives for the Creditor Reporting System*, OECD Development Assistance Directorate, September 4, 2007, available at: <http://www.oecd.org/dataoecd/16/53/1948102.pdf>.

⁵¹ OECD database disbursement information by year is only statistically reliable from 2002 onwards. However, there seem to be some notable omissions even after 2002. For example, disbursements by the Inter-American Development Bank and International Development Assistance (emanating from the World Bank, for \$25 million) for ongoing justice-related loan programs known to have existed in Guatemala at least from 2002 to 2004 are not reflected in this category in the database. Nor do they appear to be registered in other OECD database purpose code categories related to justice development.

⁵² These amounts were calculated based on registered aid in the OECD database for the purpose code 15130 for all nine regions defined by the database. See Annexure A for a discussion of the purpose codes.

⁵³ The OECD CRS database contains project titles and short and long project descriptions. However, the quality of the long descriptions varies, as does the language in which the project descriptions appear. An attempt at conducting a word search to identify justice-related projects under the different purpose codes analyzed was unsuccessful due to these barriers to systematization. Indeed, a breakdown of projects under the governance code, conducted by the DAC Secretariat, revealed that 51% of the projects could not be categorized, because the project descriptions did not provide sufficient information.

Table 1: ‘Legal and Judicial’ aid, 2002 and 2006, by region (USD millions)



Source: OECD CRS database

For the human rights category, bilateral aid nearly doubled⁵⁴ during the same period (2002-2006), while the amount of multilateral aid increased almost nine-fold.⁵⁵ However, aid in human rights continues to be overwhelmingly bilateral, as in the case of legal and judicial development aid. These OECD statistics do not yet include aid for justice reform by private donors.

Some donors claimed familiarity with the OECD statistics and with spending by other bilateral and multilateral donors. Some understood how much they spent on justice reform, but for others the lines between categories were blurred. More often than not, criminal justice reform falls between programmatic areas. For example, at CIDA criminal justice reform could be supported under the categories rule of law, freedom and democracy, and accountable public institutions, or across all three. In DFID’s report on aid spending, the word justice does not even appear. Spending details are broken down into broad categories such as “social,” “governance,” “health,” “economic,” and “education.”⁵⁶ Given that DFID clearly engages in justice development aid, this demonstrates the difficulty of tracing information on amounts and projects. Systematization efforts for different purposes yield different details. All this exacerbates accounting problems in a field that is already problematic, given the challenges to coherently defining the scope of justice sector development.

⁵⁴ From \$236,637,571 in 2002 to \$482,125,770 in 2006.

⁵⁵ From \$16,588,572 in 2002 to \$145,824,545 in 2006.

⁵⁶ *Statistics on International Development 2001/02–2005/06*, DFID, available at: <http://www.dfid.gov.uk/pubs/files/sid2006/sid06-full.pdf>.

Not surprisingly, staff at head offices in some bilateral organizations reported that they did not know the number of criminal justice reform projects their organization supported, or the amount of funding dedicated to this work. A number of organizations, including the Swiss and Canadian aid entities, are currently undertaking mapping exercises to determine where they have dedicated resources. It is likely other bilateral aid agencies are doing the same, but it is difficult to identify these exercises, as they generally constitute internal documents.

9. Donor Collaboration

Some donors work relatively regularly, either on a specific issue, such as police reform, or in a country, such as Nigeria, and are therefore aware of the policies of their fellow donors. In most cases, however, donors were unfamiliar with one another's policies, even when they knew about individual projects or were familiar with the countries in which other donors worked.

Both a need and an opportunity exist for better communication and coordination among donors working on criminal justice reform. Conversations with donors around the world indicate an interest in the creation of a network of donors that would meet regularly to share information. Some donors proposed an interactive, user-friendly electronic mechanism for knowledge management and sharing. All donors interviewed either themselves proposed creation of additional avenues for collaboration, or agreed to the suggestion when it was made. All agreed that, while their own institutions' agendas kept them extremely busy, information sharing and collaboration were key to the success of their individual efforts.

The review of donor spending on criminal justice reform has led to four possible options for collaboration among and between donors, though there may be others:

- policy coordination among donors;
- country level coordination among donors;
- regional collaboration on lesson learning and information sharing; and
- lessons learned and information sharing across agencies.

9.1 Policy coordination among donors

Members of donor organizations maintained that they would welcome efforts to bring key donors together to discuss policies and strategize about effective mechanisms to ensure a comprehensive criminal justice strategy. Despite hectic travel schedules and times zones, all were willing to meet to discuss ways of working together.

Policy coordination in this field should not focus primarily on justifications for justice development, but rather on establishing a coherent, functional definition of the field and on methodologies for the design, implementation, and evaluation of projects. Additionally, joint indicators should be developed that are sufficiently flexible to

incorporate varied experiences.⁵⁷ These basic tools would help donors to better orient their projects towards fostering collaboration in the field. There is general agreement on the need for donors to collaborate under the Paris Declaration, but this must be developed further. It would be wise to generate indicators not tied to specific project evaluations. In this way, information could be collected on the progress of justice development that would serve all donors and recipient countries, without compromising the internal dynamics, including fiscal requirements, of different aid institutions and organizations.

Such efforts would go far toward sustaining a level of policy coordination based on empirical information and including the flexibility needed to incorporate new lessons learned over time. The process of developing indicators will also help generate shared definitions and expectations, thus facilitating information sharing on aid activity in this area.

9.2 Country level coordination between donors

Donors in a number of countries are moving towards sector-wide approaches (SWAPs), sometimes funded by “basket funds,” due to the complexity of working with the wide array of institutions that make up the justice system. While this approach varies between countries and donors, it aims to foster the kind of national leadership to which the Paris Declaration refers, so that donor countries can align their aid programs with the priorities of recipient countries and better harmonize aid efforts. In Vietnam, according to an interviewee, the Swiss are participating in a “process of shifting from a scattered bilateral project to a kind of program approach supported by several donors.” In East Africa, a widely disparate range of views can be found on the value of coordinated funding. Such approaches to criminal justice have been tried in Kenya, Uganda, Tanzania, and most recently, Rwanda. Their success is currently being assessed.

In Uganda, a country-wide sectoral approach by donors toward sharing information and working together more effectively has made positive strides. The Justice, Law, and Order Sector (JLOS) was created in 1999 to provide donor assistance in a manner that respects national leadership. Donors contribute to a national budget or fund only projects that fall within the national strategy. They contribute to the pool of funds allocated for the justice sector, but make no direct decisions about how these funds are utilized. The government leads the process, with donors involved only as technical advisors. The government must decide how to allocate its limited resources among eleven different institutions devoted to justice, including police, courts, the judiciary, and prisons, among others. Regular meetings of donors help ensure coordination, although not all donors participate in the JLOS. NGOs continue to receive funds directly from donor agencies as well. Donors confirmed that this approach also ensured better sequencing of projects and guaranteed a “chain-link” approach, in which support reaches various links in the development chain.

⁵⁷ Efforts directed specifically at donor coordination and information sharing are limited. Examples include *Indicators of Safety and Justice: Their Design, Implementation and Use in Developing Countries, Summary of a Workshop Held at Harvard University, March 13-15, 2008*, available at http://www.hks.harvard.edu/criminaljustice/publications/justice_indicators_workshop_2008.pdf; *Towards a New Consensus on Access to Justice, Summary Brussels Workshop, 29-30 April 2008*; and *Study for the Support to the Justice Sector in ACP Countries: Review of Past Experiences and Guidelines for Future Interventions*, European Union Programme ACP Countries (HTSPE Limited, 2008).

A similar sector-wide collaborative process was implemented in Kenya. The Governance, Justice, Law and Order Sector (GJLOS) Reform Programme, according to one person interviewed, “puts all the money in the hands of the Justice Ministry.” The Ministry became the donor to NGOs, eliminating most direct funding of these organizations by donor agencies. “All worked well until government started backsliding on reform,” according to one donor. As a result, NGO funding shrank, and the NGO voice was diminished. NGOs in Tanzania told a similar story, arguing that the basket fund was not a good idea; if one donor disagreed or disliked the project, the idea could be thrown out. In Tanzania, a legal aid NGO represented a client who had robbed an embassy staff member. When the NGO asked for a grant from the fund, the embassy blocked the funding. A representative of this NGO explained, “If I fail with the basket fund, that is it for funding for me. I cannot go to different donors with the same proposal.”

However, in Uganda, one NGO providing paralegal services to prisoners maintained that the Legal Aid Basket Fund had been particularly useful. Funded by Norway, Denmark, Sweden, and the Netherlands, the fund provides a “lot of contact with donors who sit on the committees.” The NGO representative told the interviewers that this reduced bottlenecks and misunderstandings with donors and ensured better collaboration among NGOs and between NGOs and donors.

A sector-wide collaborative process is currently being evaluated in Vietnam. Like Uganda, Vietnam has a centralized government. Donors commented that this increases the likelihood of success for a sector-wide collaborative approach. By contrast, in a federal republic with decentralization as a concomitant of federalism, in which states are responsible for the majority of criminal cases, a sector-wide model may be more difficult to implement. “The states just don’t listen to the national office,” according to an NGO staff member working in Mexico. However, another donor representative who favors the sector-wide approach suggested that states might indeed be more responsive and cooperative in situations where a federal government receives the funds and is responsible for distributing them. A sector-wide approach might also be successful in a federal system if implemented directly in coordination with the states.

Donors also asserted that donor coordination under a SWAp model resolves some of the challenges faced by NGOs and governments when donor staff rotates frequently. It allows greater continuity in programming, funding, and follow-up. However, one donor argued that the success of a SWAp remains “personality dependent” and relied both on the quality of donor coordinator and the disposition, leadership qualities, and political will of government personnel who implement the funded activities. For example, in one East African country, when a basket fund was created,⁵⁸ the national government official responsible for prisons was highly responsive and motivated and brought about reform in the prison system. However, the national leadership for the police sector was not equally motivated, so that no real change occurred in that area. Clearly, complex interactions are involved, and multiple factors play out during the life of a project. However, leadership

⁵⁸ Basket funds do not necessarily include the same level of policy coordination and follow-up that defines the sector-wide approach.

skills and political will on the part of both donor and recipient are important components of project success.

The sector-wide approach seems to deal more effectively with challenges raised when donors support a single sub-sector within the criminal justice system. However, this approach has its disadvantages. As a senior officer of an international bank explained, “If only the courts or only the police are improved, the result is likely to be a counterproductive imbalance, which in the end may encourage new vices on the part of the reformed entity.” Similarly, a staff member of a private foundation pointed out, “If you work on one area in isolation to others, it is just a drop in the ocean.” For example, when donors pursue juvenile justice “because it is less controversial, things like penal reform get the short stick.” So while donors agreed that it is “important to work with all players in the criminal [justice] chain,” most recognize that they are unable to take this approach on their own. As a consequence, donors are advised to adopt the “chain-link” sequencing approach, supporting sub-sectors in an organized and thoughtful manner.

9.3 Regional collaboration on lessons learned and information sharing

Donors seem ready to grapple with the challenges presented by collaboration and information sharing between countries and regions. While there have been some efforts to systematize lessons learned, challenges of communication and coordination remain, presented by differences in language, culture, legal tradition, and level of economic development. These challenges are of particular concern to justice reform efforts, given the “tremendous particularity of legal systems” and the complex manner in which law functions in different societies.

Only a few years ago, little or no data could be found measuring the success of justice development. A recent push by some donors and NGOs to create common “justice indicators” to be applied across systems and countries is an important first step toward improved communication. The World Bank’s Worldwide Governance Indicators project gathers data on more than 60 indicators, including crime levels, quality of police, and judicial independence. The U.N. ROLIX project has as its goal the creation of common indicators on policing practices and institutional development. While performance measurements have always existed for individual components of any justice system (arrest rates for police and conviction rates for prosecutors are two of the most commonly used), more integral indicators that seek to measure the operation of the justice system as a whole are relatively new.

Some donors have already found ways to collaborate within specific regions. Ford Foundation program officers working in Latin America all reported that they made an active effort to meet regularly to debate and discuss their various reform efforts and find ways to learn from each other. Ford, with the assistance of the Vera Institute of Justice, also found ways of bringing together program officers working on policing to build a common body of knowledge. The Tinker Foundation and the Open Society Institute are currently planning a meeting of Latin American donors to discuss citizen security and policing in late 2008, in hopes of coordinating donor policies and practices.

Another issue on lessons learned concerns the commitment under the Paris Declaration to foster national leadership in countries receiving aid. NGOs and donors in both East Africa and Latin America agree that “little home grown information” is available, as much of the research on lessons learned comes from outside of these regions. As one donor urged, “We need to promote local research and home grown jurisprudence.” This area of activity can also be understood as one of the lessons learned on policy development and methodology for justice development.

9.4 Lessons learned and information sharing across agencies

Some donor institutions are making strides in sharing lessons learned within their own organizations. As mentioned earlier, the Ford Foundation report on forty years of justice related work is an invaluable tool for its program officers.⁵⁹ Other donor institutions are conducting their own internal audits of justice reform work to identify what works and what does not, sometimes on an agency-wide basis, and sometimes based only on work in a particular country.

However, project evaluations should not be confused with lessons learned studies. Each of these modalities has different goals and purposes. Moreover, agencies are often reluctant to share evaluation reports outside their institutions, and even at times internally. On the other hand, they may be open to joining a lessons learned exercise from which all donors can benefit, as well as national institutions and NGOs in recipient countries or at the international level. The challenge is to achieve a level of information-sharing that permits the critical examination of empirical and experiential information about projects in the field.

Lessons learned exercises may be easier to share when they are undertaken jointly by a number of donors. However, the ability to process this information in a meaningful way may rely on developing special rules for such exercises, so that donors feel comfortable sharing what might be categorized as sensitive information.

Once reflective reports are generated internally, more effective ways must be developed to share these lessons learned within the organizations, and then with other donors. In particular, there are significant advantages to building relationships between major bilateral organizations and financial institutions and the group of private foundations supporting justice reform. Both private foundation program officers and officers at an international bank working in Latin America reported that “banks and major bilateral agencies were providing such massive support in comparison with foundations that it was not easy to build bridges with these efforts.” The bank officers acknowledged that the major bilateral and multilateral agencies were not always aware of the work of private foundations. In fact, however, a few major foundations, including Ford and MacArthur, generate a wide array of literature about their work in the justice field and could play a valuable role in shaping justice reform globally. This seems to be an area in which improved coordination would be useful, at least at the headquarters level. In contrast to some academic institutions that engage in justice studies, these foundations possess a wealth of field experience.

⁵⁹ McClymont and Golub, *op cit*.

Some models of information-sharing and collaboration in the donor community already exist. A few major donors, such as the World Bank, DFID, and USAID, have developed their websites to include information and links to other donors engaged in similar work. The former head of the OECD Development Assistance Committee called the World Bank Legal Institutions Thematic Group “the single best source of information for those working on law and justice reform.”⁶⁰ Another example is the Criminal Justice Assessment Toolkit, created by the United Nations.⁶¹ This is a standardized and cross-referenced set of tools designed to enable U.N. officers, government officials engaged in criminal justice reform, and others to conduct comprehensive assessments of criminal justice systems; identify areas of technical assistance; assist agencies in the design of interventions that integrate United Nations standards and norms on crime prevention and criminal justice; and assist in training on these issues. The Toolkit is a practical guide intended for use by those working in justice development to orient activities directed at strengthening national criminal justice systems.

Almost all donors agree that some form of central data collection point or database of donors and projects in the justice reform field would be helpful, “even if only the names of donors and contact details” were available.⁶² Identifying the policies and objectives of donors, not to mention the activities they support in various countries, can be both unwieldy and time consuming, though the IDLO’s Rule of Law Database has made significant strides in systematizing justice-related projects by country. The challenge, however, remains with regard to the distinct definitions of justice development proposed by different donors.

Other more rudimentary efforts to obtain relevant information yielded no significant results. Many agencies do not list projects on their websites beyond those funded in the most recent cycle. To address this challenge, some organizations are attempting to find ways to share a variety of information. The University of Leiden is working on a website on justice and on ways to “integrate law into development issues.” It is based in the Hague to take advantage of the proximity of international legal bodies such as the International Criminal Court. In 2007, the University held a workshop that brought together groups engaged in justice reform to discuss ways to make better use of the internet and other information-sharing tools. Some sites, such as www.jurispedia.com, operate on the model of Wikipedia. Material entered is not screened; anyone is allowed, democratically, to share information on justice reform. A similar effort is represented by the IGLOO website, promoted by CIDA and the University of Waterloo.⁶³

Whether any of these efforts at systematizing experiences in justice development can serve as a foundation for increased collaboration and communication among donors

⁶⁰ For a broader discussion of systematization efforts on the extent and content of justice development aid, see database Annexure C.

⁶¹ Published by the United Nations Office on Drugs and Crime and available at: http://www.unodc.org/documents/justice-and-prison-reform/cjat_eng/CJAT_Toolkit_full_version.pdf.

⁶² See Annexure B for a preliminary attempt to satisfy this demand.

⁶³ Accessible at www.igloo.org. The content of this website is discussed in more detail in database Annexure A below.

working on criminal justice is an important question. The challenge is to identify specific goals of coordination that go beyond information sharing. Some possible concrete objectives could include agreement on modes, frequency, and content of communication among donors working in a single country; developing a shared vision on appropriate implementation methodologies (i.e., SWAp, direct aid to government agencies, engaging civil society, and/or other modalities, depending on recipient country circumstances); and oversight and evaluation of overall progress in the justice sector in a particular country in which donors are working together. However, for any of these exercises to be successful, donors must, agree, as a matter of policy, on the defining characteristics of this area of work. This exercise may, for example, ultimately help to clarify, in a more concrete manner, the nexus between justice development and democracy, governance, and human rights.

It is in any case clear that, in addition to developing a more formal network of donors and NGOs engaged in justice reform, groups involved in this area must define the skill sets required to engage in these activities, train substantive experts for work in the field, and conduct independent analyses of justice sector development that go beyond project evaluations to a more empirical understanding of how the systems work. Better partnerships to increase available expertise will also aid coordination efforts. A private foundation working in Asia argued in an interview that “a lot more could be done,” especially to build “empirical connections between criminal justice reform and poverty reduction.” In order to take this bold step, however, donor institutions must dedicate resources specifically to developing this body of knowledge, expertise, and information.

10. Recommendations

To develop a more systematic approach to the area of justice development and to address its shortcomings, it needs to be better defined and its goals and expectations placed in perspective. Policy goals and activities should be distinguished from modes of aid delivery, and methodologies must be perfected. The following recommendations seek to identify some actions that can be taken in the short-term to enhance the level of donor coordination and effectiveness in promoting justice development.

More effective policy coordination among donors

Coordination should occur between headquarters and regional/country levels within donor institutions, and at the headquarters policy-making level. Donors operating in a country or region that are engaged in justice-related reform should formalize their coordination around a shared vision. Coordination will involve establishing a functional definition of justice sector development, particularly in terms of the role that justice systems play in a country’s social, political, and economic development. These discussions should be aided by empirical information, analytical studies, and frank exchanges about lessons learned.

More regular communication and coordination between donors at headquarters and at the regional and country level are necessary to help streamline policies and provide follow-up on practice in the field. In this regard, donors must ensure that their policy and

program personnel have the requisite knowledge and skill sets for this area of activity. This may mean creating interdisciplinary teams and providing training so that they can work together effectively. In addition, this regular communication should build on lessons learned exercises, to which personnel should be dedicated, in coordination with academic institutions, other donors, and those engaged in lessons learned studies.

To ensure the success of these activities, donor institutions must explicitly identify personnel responsible for coordination at the policy, programming, implementation, and evaluation stages of project development. This personnel should possess the ability to share relevant information with other donors, based on criteria determined by the donor institution. Finally, donors should consider which aspects of their coordination work at the country, regional, or international levels should involve the participation of recipient countries and NGOs, in order to establish donor collaboration in promoting national policy leadership in the recipient countries, as mandated by the Paris Declaration.

Create common indicators and central repositories for data

The work on indicators can only begin once the field is effectively defined, even if some terms of the definition are broad. Indicators should relate to the goals and functions of justice systems. Discussions within this framework necessarily lead to policy debates, and they can help clarify relationships between the different rationales for justice development put forth by donors. Furthermore, these shared terms of reference will allow donor institutions to share information more effectively, and thus reconcile the relationships between different stated policy goals for justice development.

Information sharing on programming and activities should be carried out with the goal of developing more substantial lessons learned and collecting best practices in this area of development. These types of substantive linkages will provide a more coherent context for understanding donor efforts in a particular region or country. Instead of lists of programs and areas of focus and activities, donors will gain a more holistic vision of the levels of engagement of donor programs in the various regions and countries.

This information sharing should be coordinated by a secretariat with the time and specific mandate to organize and generate information relating to ongoing activities, indicators, and lessons learned. This would serve as an addition to existing efforts at systematization, all of which represent a first level of information on which subsequent efforts can be built. The secretariat should be capable of providing training to those working in justice projects in the field, in order to complete the cycle of planning, practice, and reflection.

Encourage transparency in sharing “lessons learned” reports

It is important that donors provide avenues for regular exchange of reports generated by their activities. However, this information is sometimes difficult to gather, because reporting is not necessarily designed to support donor coordination. In order to avoid multiple reporting demands, donors should be clear on the value-added of each systematization exercise. Other dynamics that can aid in information sharing include linking experts on implementation on the ground with those working in different regions through visits, meetings, and blogs. The information garnered from these exchanges

should lead to more formalized activities that feed into policy development, program design, and the creation and application of indicators. This cycle of information processing should result in more immediate feedback to actors in the field, with an eye towards the more immediate timelines involved in project implementation.

Develop common elements of a comprehensive criminal justice strategy

Donors should determine the ideal common elements of a comprehensive justice strategy, taking into account the varying country contexts. They should develop strategies for sequencing activities in the field in a way that creates the greatest potential for forward movement. When developing these strategies, donors should take into account the complex nature of justice development, which requires the participation of various state institutions and social sectors. Finally, donors should develop strategic alliances with other donors at regional and country levels, based on a shared vision of justice development among bilateral, multilateral, and private donors, international financial institutions, and the United Nations.

Glossary of Acronyms and Abbreviations

AiDA	Accessible Information on Development Activities
AusAID	Australian Agency for International Development
CIDA	Canadian International Development Agency
CRS	Credit Reporting System
DANIDA	Danish International Development Corporation
EC	European Commission
EU	European Union
FINNIDA	Finnish Ministry of Foreign Affairs – Development Cooperation
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit (German Agency for Technical Cooperation)
IDLO	International Development Law Organization
IMF	International Monetary Fund
J4P	Justice for the Poor
NGO	Non-Governmental Organization
NORAD	Norwegian Agency for Development Cooperation
ODA	Official Development Assistance
OECD	Organization for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSI	Open Society Institute
SDC	Swiss Agency for Development and Cooperation
SIDA	Swedish International Development Cooperation Agency
SWAp	Sector-Wide Approach
DFID	Department for International Development

UN	United Nations
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development

Annexure A

Donor activity in the justice sector: A review systematization efforts

Introduction

There are various on-line sources to help analyze donor investment in justice development aid, although only some permit a quantitative or broad spectrum analysis. Moreover, the perspectives for the systematization of information are different; each source has its own categories and defined information sets. Some of these categories are conceptual and others identify activities rather than overall concepts or areas of work. Some—but not all—of the sources allow analysis by activity and area parameters. All of them have some level of geographic categories. Only some allow for effective word searches. These sources tend to focus on the substance of justice development, although the OECD database provides data on the financial aspects of development aid. In sum, the parameters that each source prioritizes determines the scope of the available information. This Annexure reviews the most comprehensive web-based sources of systematized information on justice development aid.

Sources of systematized information on donor activity

The following five four sources of systematized information on donor activity in justice sector development are briefly described in this Annexure:

- World Bank directory on law and development;
- International Development Law Organization: Rule of Law Assistance Directory;
- OECD Credit Reporting System database on aid activities;
- AiDA: a directory of development aid assistance; and
- IGLOO: a web-based knowledge exchange.

These are not the only efforts directed at systematizing information on justice sector development. There are many associations, think-tanks, academic centers, and other entities that study and publish on this area of development. In addition, donors engage in planning and evaluation exercises on an ongoing basis; these seek to extract lessons learned, but often end up serving, primarily, as mechanisms for supervising project implementation. By contrast, the sources discussed in this document are specifically designed to facilitate learning about past and existing project efforts, with an eye to obtaining a system-wide picture of cooperation in this field.

World Bank directory on law and development

The World Bank sponsors a website or directory that represents the efforts at information gathering and distribution by the Bank's Thematic Group on Law and Development.⁶⁴

⁶⁴<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTICE/0,,menuPK:445640~pagePK:149018~piPK:149093~theSitePK:445634,00.html>.

The directory contains substantive information on justice reform efforts and analytical papers that are the product of donor, project, academic, and think-tank activity. It also provides a list of websites that link to entities which engage in justice work in all categories of cooperation, and includes references to specialized sub-contractors, academics, and NGOs involved in this type of work, in addition to donors. Information about funding amounts pertains to World Bank projects only. The directory also facilitates exchanges among practitioners to share experiences and ideas on substantive aspects of justice development work and experiences in the field.

Keeping with the Thematic Group's goal to "share legal knowledge for development", the directory includes a number of sub-categories on different aspects of law and development.⁶⁵ The 'Law and Justice Institutions' sub-category, seeks to "provide information on law and justice reform around the globe." The directory contains some regional resources on World Bank justice reform projects in Eastern Europe but these have not been updated since 2006.

The directory explores five categories related to justice development: Rule of Law and Development, Legal Reform, Justice Reform, Entry Points for Law and Justice Reform (i.e., strategies), and Performance Evaluation. Each of these topics has a definitional statement and a link to related bibliographical resources on justice reform and related justice development activities. The overall directory provides an annotated bibliography that permits a search from among a pre-determined list of key words, by country and/or region, and methodology (e.g., survey, analysis, etc.).⁶⁶ It contains 800 entries and can be downloaded.

Finally, the directory contains a category for project activities, including a rubric for World Bank projects and country specific project documents. It also includes other donors' activities, a section on evaluations, and a list of technical assistance providers. The number of evaluations is short (35-30 entries), and includes materials on Ford Foundation activities, and documents on lessons learned by USAID and the World Bank. These are not individual project evaluations, but look at lessons learned across multiple projects. although some look directly at a particular experience, like judicial reform in Venezuela for instance.

International Development Law Organization: Rule of Law Assistance Directory

The Rule of Law Assistance Directory is hosted by the International Development Law Organization (IDLO), an intergovernmental organization.⁶⁷ The directory was launched

⁶⁵ Banking Law, Environmental and Natural Resources Law, Indigenous Peoples, Insolvency and Creditor Rights, Intellectual Property Rights, International Law, Internet and Communications Technology Law, Involuntary Resettlement, Justice for the Poor, Land Law, Law and Justice Institutions, Privatization and the Law, and Public Health and HIV/AIDS.

⁶⁶ A keyword search for the term "justice" did not yield any results. "Legal aid" is included as a search term, as is "donor coordination". Some of the keywords refer to justice sector actors, like USAID and the United Nations. A search for all publications relating to Latin America with the keywords "United Nations" yielded only one entry.

⁶⁷ According to the IDLO website, "The Directory is the first publicly available global inventory of development assistance activities to further legal and related institutional reform. [It]...is designed to be far

in 2007. Submissions to the directory are reviewed by database staff to ensure they comply with minimum requirements in terms of specificity and relevance. While donors are invited to upload project evaluations this had not happened at the time of writing. The directory contains information on justice projects categorized by country and donor beginning in 2004.

The directory is a useful resource for obtaining an overview of recent and ongoing projects in a particular country or on the activities of a particular donor.⁶⁸ Project descriptions tend to be very general however. The directory can be searched by actor, country / region, project type⁶⁹, and year. The “actor” category includes private, NGO, and recipient country government implementers.

The directory is focused on projects initiated and implemented at the national level, and how activities (conceived and funded through national bilateral and multilateral aid assistance and regional and international organizations) are both implemented within, and eventually influence, these national systems.

OECD Credit Reporting System database on aid activities⁷⁰

Arguably the most complete source for information on financial investments in justice related work is the OECD Credit Reporting System (CRS) database.⁷¹ The OECD reports on aid given by the 22 members of the Development Assistance Committee (DAC) and other bilateral and multilateral entities. Information contained in the database is limited to Official Development Assistance (ODA) only.⁷² Core funding for multilateral institutions, such as United Nations agencies, are not included as development aid, to avoid double counting. While data collection on private funding flows began on a

more than a database. Its purpose is to also serve as a tool to facilitate the exchange of information, generate debate and discussion, inform constituencies engaged in efforts to reform law and legal institutions, and promote harmonization of development strategies.” Regarding data collection, the IDLO states that, “All data has been gathered through web research, access to academic databases, scientific publications, and extensive use of surveys and interviews with relevant actors.” See, www.idlo.int.

⁶⁸ The directory has a pull-down list of organizations, both public, private, and non-governmental. The directory provides space for publicizing conferences and related activities in non-recipient countries.

⁶⁹ The pull-down menu for project type provides the following sub-categories: advocacy, conferences, NGO/civil society strengthening, public education campaigns, public interest litigation, publications, technical assistance-institutional reform, technical assistance-law revision and training.

⁷⁰ OECD Development Assistance Committee (DAC) database on aid activity: Credit Reporting System (CRS) online, http://www.oecd.org/document/0/0,2340,en_2649_34447_37679488_1_1_1_1,00.html.

⁷¹ The OECD database has been in existence since 1967 under co-sponsorship from the World Bank. However, statistically solid and comparable data is available only for more recent years. For instance, the category of disbursements by donor, by year, and by purpose code is only complete since the beginning of 2002. Previously, the database primarily reflected funds that had been committed, but not necessarily disbursed. In addition, some purpose codes, such as Security Management and Reform, were introduced as recently as 2005. The statistics contained in the OECD database are compiled according to internationally agreed definitions and classifications, based on discussions with the countries and institutions that contribute information to the database. Data quality control is carried out by the DAC Secretariat.

⁷² CONVERGED REPORTING IN CRS/DAC. GUIDELINES FOR REPORTING IN CRS, DAC Working Party on Statistics, 26 January 2007 (hereafter, CRS Reporting Guidelines). All of the purpose code scope definitions that follow can be found in this document, Annex 7 list of CRS purpose codes. The most recent guidance on reporting is a September 2007 document, REPORTING DIRECTIVES FOR THE CREDITOR REPORTING SYSTEMDCD/DAC(2007)39/FINAL.

voluntary basis in 2005, this information has not yet been incorporated into the online database; there are plans to do so, however.⁷³

The database is organized by donor type, recipient country, purpose codes (see discussion of ‘purpose codes’ below), year, and more recently type of aid flow (loans, debt forgiveness, donations, etc.). There is also information on the channels of aid, (i.e., who the aid is channeled to for implementation, such as governments, NGOs, multilateral or private organizations), but this data cannot be disaggregated and is incomplete.

The coding on aid committed and aid disbursed represents another variable whose systematization needs to be considered when determining amounts of aid over time. Disbursements are further subdivided between constant or current amounts in U.S. dollars. The constant amounts are adjusted for inflation, the current amounts are not. The challenges to interpreting and analyzing the information with regard to aid in justice sector activities are developed below.

An attempt was made to search project titles and project descriptions by keyword. The results of such a search were disappointing, principally due to two circumstances. First, project descriptions were not uniform as to language. Some of the entries were in French, English, German, and Spanish. Second, the “long” descriptions of projects sometimes consisted of only one sentence. A breakdown exercise conducted by the DAC Secretariat found that 51% of the project descriptions were so incomplete that the projects could not be attributed to the breakdown categories.

Moreover, the search function identified words that contained some of the same letters as the search term. When the word “trial” was used as a search term, it selected a word such as “industrial”. The more detailed data contained in the database on projects can be accessed only by reading individual project descriptions which contain sufficient information.

OECD database “purpose codes” / categories relevant to this report, according to which the database is organized follow immediately below. See Tables 1 and 2 further below for a breakdown of donor spending on these categories in 2002 and 2006.

a) *Government and Civil Society* (overall rubric). Given the rationales expressed by donors for providing aid in the field of justice, the sub-topics that may include aid relating to justice development in this category are:

15130 Legal and Judicial Development⁷⁴

15150 Strengthening Civil Society⁷⁵

15162 Human Rights⁷⁶

⁷³ Telephonic interview with DAC Secretariat staff, July 10, 2008.

⁷⁴ This includes: “Constitutional development; legal drafting; institutional strengthening of legal and judicial systems; legal training and education; legal advice and services; crime prevention”.

⁷⁵ This includes: “Community participation and development; co-operatives; grassroots organisations; development of other participatory planning and decision making procedures and institutions”.

15163 Free flow of Information⁷⁷
15164 Gender and Equality⁷⁸

b) *Conflict Prevention and Resolution, Peace and Security*, under which the following relevant sub-topics fall:

15210 Security System Management and Reform⁷⁹
15220 Civilian Peace-building, conflict prevention and resolution⁸⁰
15230 Post conflict Peace-building (United Nations)⁸¹

c) *Other Social Infrastructure and Services* is the third general category that covers a possibly relevant rubric:

16063 Narcotics Control.⁸²

⁷⁶ This includes: “Monitoring of human rights performance; support for national and regional human rights bodies; protection of ethnic, religious, and cultural minorities [other than in connection with UN peace building (15230)].”

⁷⁷ Some of the types of aid activity that may be related to justice in this category are, for instance, projects that train journalists on how to report on the justice system or provide for exchanges between justice sector actors and the media, and projects to promote public access to information on court cases.

⁷⁸ This includes: “Support for institutions and organisations (governmental and non-governmental) working for gender equality and women’s empowerment.” Projects in this category may be conceived as non-discrimination or access to public services.

⁷⁹ This includes: “Technical co-operation provided to parliament, government ministries, law enforcement agencies, and the judiciary to assist review and reform of the security system to improve democratic governance and civilian control; technical co-operation provided to government to improve civilian oversight and democratic control of budgeting, management, accountability, and auditing of security expenditure, including military budgets, as part of a public expenditure management program; assistance to civil society to enhance its competence and capacity to scrutinize the security system so that it is managed in accordance with democratic norms and principles of accountability, transparency and good governance.” Typically, this sector refers to institutional development. Projects that support improving criminal investigations or coordination between prosecutors and police, and sometimes ones that promote human rights protection in the security forces may fall under this category or in the legal and judicial development and human rights categories, respectively. However, police reform in this category is clearly conceived as part of a larger demilitarization and democratization process, and as such is often conceived as separate from legal and judicial development.

⁸⁰ This includes: “Support for civilian activities related to peace building, conflict prevention, and resolution, including capacity building, monitoring, dialogue and information exchange.” These activities are related to post-conflict settings, but may have a strong justice-sector component.

⁸¹ This includes: “Participation in the post-conflict peace-building phase of United Nations peace operations (activities such as human rights and elections monitoring, rehabilitation of demobilized soldiers, rehabilitation of basic national infrastructure, monitoring or retraining of civil administrators and police forces, training in customs and border control procedures, advice or training in fiscal or macroeconomic stabilization policy, repatriation and demobilization of armed factions, and disposal of their weapons; support for landmine removal).” This rubric does not appear to have a relationship with justice projects, except to the extent that there is investment in the police forces. However, it appears to be temporally related to the immediate tasks of post-conflict and conceptually can be seen as being separate from justice work. However, often the modality of project implementation results in second generation projects that will be related to justice in the sense that this paper is trying to appreciate.

⁸² This includes: “In-country and customs controls including training of the police; educational programmes and awareness campaigns to restrict narcotics traffic and in-country distribution.” Counter-narcotics rationales are a related objective to justice system development. However, these projects may be so discrete

AiDA: a directory of development aid assistance⁸³

The AiDA (Accessible information on Development Activities) directory is jointly managed by the Development Gateway Foundation⁸⁴, the World Bank, OECD-DAC, and UNDP. The directory is promoted as the largest online directory of official development aid activities, offering “a quick overview of who is doing what in international development, where they are doing it, and with what funds. Information is provided by donors.”⁸⁵ The directory contains relatively broad categories which, unlike the OECD CRS database cannot be disaggregated (e.g., education, health, government administration).

The AiDA directory contains information from the CRS database and other sources, including the World Bank and the MacArthur Foundation. The AiDA directory is huge (330,000 live projects and 290,000 archived ones). The information is organized in a way that permits word searches to identify projects. The directory records include the funder, key project title terms, amounts in USD or other currencies, and project start and end years.

IGLOO: a web-based knowledge exchange

The IGLOO website is interactive. Users of the website can form project teams, and initiate and participate in discussion forums, on-line communities, and blogs. Within IGLOO, “practitioners are free to focus on establishing key partnerships and the project itself, rather than the infrastructure required to support the project.”⁸⁶ Resources include information on success stories, overviews, and governmental policy papers. The website has a large number of “content partners”, including think-tanks, academic studies centers, NGOs, and government cooperation institutions. Content partners are entities that participate in online communications through the site.

The overall perspective with which the site approaches justice-related development is “governance”; justice or law reform is not explicitly covered. There is more of a focus on international law, than domestic legal systems, except in the development context where there is a category on development and human rights. Under the rubric of “global issues” the site has sections on economics, human rights and development, environment, institutions and law, health, and peace and security. The categorizations are broad and the site is suited to orient users on the available literature and to identify relevant actors, issues and approaches.

The site contains a library of almost 25,000 documents at the time of writing which are searchable by keyword. Users can locate reports and academic studies on a particular area

and particular in their focus that they fall determinedly outside of justice aid as this report is conceiving that category.

⁸³ This directory is organized by the Development Gateway Foundation in cooperation with the OECD, the World Bank, and the United Nations Development Program (UNDP).

⁸⁴ An international NGO that provides web-based platforms to make aid and development efforts more effective around the world. See, <http://www.dgfoundation.org/>.

⁸⁵ See, <http://aida.developmentgateway.org/>.

⁸⁶ See, <http://www.igloo.org/>.

of work; a search using the terms “rule of law” or “criminal justice” yields significant results (respectively, 13,167 and 7,368).

Enhancing understanding of donor activity in the justice field

The different systematization efforts are helpful for better understanding the scope and modalities of donor work in the field of both criminal and civil justice. An analysis of the sources of information reflect some overall contextual categories or variables that affect justice sector development.⁸⁷ Namely, whether states are deemed “fragile” (and whether they have peace-building missions) or transitional; the level political will to engage in justice work; the extent to which countries prioritize work in the justice sector; and the availability of local human resources to work in the justice sector.

The donor community should cultivate the necessary expertise in its own ranks to engage more effectively in this complex and contextually determined area of work. This often requires knowledge and interactions with other related areas of development. For example, justice activities may overlap with work on marginalized or vulnerable groups, particularly with regard to indigenous and non-state justice mechanisms.

Another area of overlap, is with the development of public institutions and governance schemes that involve professionalization programs, and other modernization efforts that affect justice sector management and oversight. Justice also transects anti-corruption programs and the promotion of public policy development, typically affecting work with justice ministries or the professionalization of justice sector actors. In sum, justice activity is scattered across institutions, overlaps with different areas of public policy, and affects human rights. As a consequence, the definition of what is, or is not justice activity fluctuates. This fluctuation is reflected in the systematization efforts documenting existing efforts in this field, and makes all the more evident the need to develop shared definitions about the scope of justice development work and modalities of implementation among donors. In order to do this, there must be clarity on the role justice systems play in building and maintaining democratic and just societies respectful of human rights.

In the case of the OECD database, the definition of the justice sector is either broad or more restricted, depending on the scope of the purpose codes used in a search query. The same can be said of the World Bank directory on law and development. The IDLO’s directory includes in its definition of rule of law assistance activities such as judicial reform, governance and capacity building, strengthening human rights and constitutional law, and strengthening economic law and civil society. These categories reflect a focus directly on justice institutions and institutional reform. Missing, or only implicit in these categories is the access to justice focus, which arguably is encompassed under human rights. Another area, alternative dispute resolution or restorative justice is also lacking and is arguably included the categories of judicial reform or human rights. Notably absent is a direct reference to informal or non-state justice systems.

⁸⁷ Justice, rather than rule of law, is the all encompassing concept for this area of work, because it implies not only the application of the law, but values related to a concept of a legal system that is just.

Clearly, efforts at defining the scope of aid for justice development are ongoing. This is reflected in donor policy statements about the focus of their activities and existing donor coordination. For instance, the World Bank purports not to work on criminal justice directly. Yet in the field it is clear that other donors rely on the work of the World Bank that strengthens the judiciary, improves judicial administration, and supports alternative dispute resolution, when developing criminal justice projects.

The following discussion on policy coordination examines the rationales the donor community has progressively developed to justify activities in this sector, and traces the expanding definition of justice sector work that has provoked a re-examination of the role of justice systems in promoting development.

Table 1: Government and Civil Society, bi- and multi-lateral aid by recipient region, 2002 and 2006

Region	Donor	Legal & Judicial Development		Strengthening Civil Society		Human Rights		Free Flow of Information		Gender & Equality	
		2002	2006	2002	2006	2002	2006	2002	2006	2002	2006
Africa - North of Sahara	Bilateral	0.3	9.4	5.2	21.3	0.5	3.5	0.1	0.5	2.0	9.8
	Multilateral	..	32.2	0.0	2.1	0.6	4.6	..	0.3	0.1	2.0
Africa - South of Sahara	Bilateral	52.0	107.9	100.0	256.3	52.4	85.2	10.0	26.3	10.4	14.4
	Multilateral	6.2	29.9	8.9	28.3	7.8	25.2	0.0	1.9	1.0	3.1
North & Central America	Bilateral	15.3	11.7	33.9	88.7	15.0	35.9	5.6	1.5	7.1	14.6
	Multilateral	1.0	12.5	0.2	4.4	1.8	6.3	..	0.4	..	3.1
South America	Bilateral	9.5	37.4	27.1	97.2	20.3	28.7	0.6	3.0	7.3	14.1
	Multilateral	..	0.6	0.1	30.0	1.7	12.7	..	0.5	..	0.7
Middle East	Bilateral	2.3	81.3	16.3	54.5	8.1	80.2	0.6	11.6	1.7	3.9
	Multilateral	..	3.3	0.3	14.7	0.5	5.4	..	0.4	0.3	1.4
South & Central Asia	Bilateral	10.4	36.3	73.5	195.5	18.1	50.5	2.1	10.5	8.8	9.2
	Multilateral	..	5.1	2.6	2.8	1.2	25.4	..	0.4	2.1	0.2
Far East Asia	Bilateral	8.0	52.7	21.5	89.5	26.8	28.2	2.5	13.0	2.6	5.6
	Multilateral	..	11.2	0.0	1.2	2.2	4.5	..	0.7	0.6	..
Europe	Bilateral	12.2	42.0	51.6	146.4	34.5	49.6	7.8	24.6	3.5	1.5
	Multilateral	..	61.2	0.0	6.7	0.4	28.0	..	3.5	..	0.0
Oceania	Bilateral	11.0	95.9	3.4	22.2	9.0	0.7	0.2	2.1	0.3	0.4
	Multilateral	0.0	0.0	0.2	1.6	0.1	1.3	..	..	0.0	..
TOTAL		127.9	589.0	339.8	1,040.1	199.9	467.9	29.4	100.3	45.7	72.3

Source: OECD CRS database

Table 2: Conflict Prevention & Resolution, Peace & Security, and other Social infrastructure & Services, bi- and multi-lateral aid by recipient region, 2002 and 2006

Region	Donor	Security Systems Mgt & Reform		Civilian Peace-Bldg, Conflict Prev. & Resolution		Post-Conflict Peace Bldg; U.N.		Narcotics Control	
		2002	2006	2002	2006	2002	2006	2002	2006
Africa - North of Sahara	Bilateral	..	..	..	0.35	1.19	0.29	0.15	0.69
	Multilateral	..	..	..	..	..	..	..	..
Africa - South of Sahara	Bilateral	..	20.12	..	156.92	96.27	47.45	4.34	1.49
	Multilateral	..	7.53	..	15.04	17.45	..	0.00	..
North & Central America	Bilateral	..	1.90	..	17.38	1.72	13.69	43.07	81.44
	Multilateral	..	..	..	..	..	..	0.17	0.83
South America	Bilateral	..	2.28	..	30.27	9.21	2.13	385.38	821.65
	Multilateral	..	..	..	..	..	..	..	..
Middle East	Bilateral	..	114.15	..	139.12	2.82	16.71	0.22	3.29
	Multilateral	..	..	..	..	..	..	..	0.09
South & Central Asia	Bilateral	..	63.47	..	391.30	36.34	29.59	27.65	112.43
	Multilateral	..	..	..	4.01	..	..	..	5.94
Far East Asia	Bilateral	..	10.76	..	30.63	106.00	30.27	17.06	19.34
	Multilateral	..	..	..	0.91	..	..	..	0.05
Europe	Bilateral	..	14.76	..	53.08	79.53	48.78	0.02	0.86
	Multilateral	..	..	..	..	..	6.32	..	..
Oceania	Bilateral	..	1.31	..	0.18	3.43	0.38	0.08	..
	Multilateral	..	..	..	..	..	..	..	..
TOTAL			236.27		839.18	353.96	195.61	478.16	1,048.12

Source: OECD CRS database

Annexure B

Compendium of international justice sector donors and lenders

Background

This annexure is a compendium of basic information on international foundations (private donors), bilateral and multilateral donors, international financial institutions (lenders), and agencies within the United Nations system, supporting justice related work internationally. The information contained in this compendium was sourced exclusively from the websites of each below-listed organization. The collected information was summarized and arranged into four categories: (i) background information, including institutional contact details, policy objectives, programmatic work related to justice, implementation modes, and examples of specific programs or interventions; (ii) partner organizations; (iii) regions or countries in which the organization is active; and (iv) links to and/or titles of relevant reports.

This compendium does not provide a definitive description of the listed organizations and their activities. There are at least three reasons for this. First, the compilers of the compendium did not evaluate or interpret the information obtained from the websites of the respective organizations. In many instances information was lifted directly from the websites and reproduced below. In some cases the compendium will consequently understate the real level of activity and scope of engagement of an organization if its website does not reflect its full palette of activities. Second, for reasons of space, the compilers of the compendium were compelled to select examples of programs every organization supports. Third, to provide consistency across entries, the compendium provides information based on the aforementioned four categories. These categories often do not correspond with those the listed organizations use in the structure of their websites.

The compendium is a work-in-progress and readers are encouraged to inform the Open Society Justice Initiative about any errors and/or omissions (both in respect of the information contained under each organization's entry, and organizations which may have been omitted).⁸⁸ While the information contained herein was found on each listed organization's website, the responsibility for any errors lies with the authors exclusively and should not be attributed to the U.K. Department for International Development (DFID) or the Open Society Justice Initiative.

– July 2008

⁸⁸ E-mail comments to info@justiceinitiative.org with "NCJR: Donor Compendium" in the subject line.

INTERNATIONAL FOUNDATIONS	BILATERAL ORGANIZATIONS	MULTILATERAL ORGANIZATIONS	INTERNATIONAL FINANCIAL INSTITUTIONS	UNITED NATIONS
Asia Foundation	Australia: Australian Agency for International Development (AusAID)	Council of the European Union	African Development Bank	Joint United Nations Programme on HIV/AIDS (UNAIDS)
Atlantic Philanthropies	Belgium: Belgian Technical Cooperation (BTC)	European Commission, EuropeAid Cooperation Office	Asian Development Bank	United Nations Children's Fund (UNICEF)
Avina Foundation	Belgium: Foreign Trade and Development Cooperation	International Development Law Organization	Inter-American Development Bank (IDB)	United Nations Development Programme (UNDP)
Bertram Pohl Foundation	Canada: Canadian International Development Agency (CIDA)	Organization for Economic Cooperation and Development (OECD)	World Bank, The	United Nations Development Fund for Women (UNIFEM)
Ford Foundation	Denmark: Danish Development Corporation (DANIDA)			United Nations Office on Drugs and Crime (UNODC)
Friedrich Ebert Foundation	Finland: Department for International Development Cooperation (Finnida)			United Nations Office of the High Commissioner for Human Rights (OHCHR)
Friedrich Naumann Foundation	France: French Ministry of Foreign Affairs			United Nations Rule of Law Unit
Fund for Global Human Rights	Germany: Gesellschaft für Technische Zusammenarbeit (GTZ)			
Helvetas: Swiss Association for International Cooperation	Germany: Federal Ministry for Economic Cooperation and Development (BMZ)			

(cntd) INTERNATIONAL FOUNDATIONS	(cntd) BILATERAL AGENCIES			
Hewlett Foundation	Ireland: Irish Aid			
John Merck Fund, The	Japan: Ministry of Foreign Affairs			
Konrad Adenauer Foundation	Japan: Japan International Cooperation Agency (JICA)			
John D. and Catherine T. MacArthur Foundation	Luxembourg: Agency for Development Cooperation (Lux-Development)			
Oak Foundation	Netherlands: Ministry of Foreign Affairs, Development Cooperation			
Open Society Institute	New Zealand: New Zealand Agency for International Development (NZAid)			
Overbrook Foundation	Norway: Norwegian Agency for Development Cooperation (NORAD)			
Oxfam International	Sweden: Swedish International Development Cooperation Agency (SIDA)			
Sigrid-Rausing Trust	Switzerland: Swiss Agency for Development and Cooperation (SDC)			
Tinker Foundation	United Kingdom: Department for International Development (DFID)			
Wallace Global Fund for Justice	United States: United States Agency for International Development (USAID)			

International Foundations

Asia Foundation

A. Background Information

PO Box 193223

San Francisco, CA 94119-3223 USA

Tel: (415) 982-4640

Fax: (415) 392-8863

info@asiafound.org

www.asiafoundation.org

1. Policy Objectives:

The Asia Foundation works to promote participatory, accountable, and transparent governance and strengthen the rule of law.

2. Programmatic Areas of Work Related to Justice:

The Asia Foundation's two main areas of work are Legal Reform and Human Rights.

3. Modes of Implementation:

The Foundation provides grant funding and technical assistance. The Foundation has on staff experienced professionals with formal training in the law and practical experience in legal education, social science research, professional practice, and human rights advocacy.

4. Examples of Specific Programs:

Since December 2000, the Asia Foundation has implemented the Access to Justice Program, the leading judicial reform program in Pakistan, under a technical assistance grant from the Asian Development Bank. The program aims to safeguard legal rights by improving institutional efficiency; reducing the time and costs involved in resolving disputes; promoting consistency, predictability, and equality in the application of the law; and ensuring the transparency and accountability of the justice system through reformed incentive structures and reporting requirements. The Foundation's three-pronged strategy strengthens the capacity of public institutions, promotes increased access to information, and helps to build constituencies for legal reform and counter-corruption initiatives.

In Indonesia, the Asia Foundation launched a comprehensive legal reform program in 2000. As the lead sponsor of judicial reform efforts, the Foundation has supported a governance audit of the Supreme Court; introduced pilot mechanisms for court-administered mediation; provided key technical assistance in the drafting of a milestone regulation on class action litigation; and facilitated dialogue between the Supreme Court and counterpart institutions in other Asian countries.

In Afghanistan, the Asia Foundation worked closely with Afghanistan's Commission for Reform of Justice and the Judiciary to develop a comprehensive master plan to identify and prioritize key legal issues and processes in support of legal reform. The Foundation has provided several advisors to the Commission, including a Senior Legal Advisor to

support the Commission on issues related to law reform. The Foundation also supports the creation of mobile training units to train public prosecutors across Afghanistan.

B. Partners

Working with governments, citizen groups, and local and international non-governmental organizations, The Asia Foundation promotes increased understanding and protection of human rights.

C. Regions

The Foundation works through a network of 17 offices across the Asia region.

D. Relevant Reports

Annual Report 2007: <http://asiafoundation.org/publications/pdf/252>

Atlantic Philanthropies

A. Background Information

The Atlantic Philanthropies (USA) Inc.

125 Park Avenue, 21st floor

New York, NY 10017-5581, USA

Tel: 1 212-916-7300

Fax: 1 212-922-0360

USA@atlanticphilanthropies.org

www.Atlanticphilanthropies.org

1. Policy Objectives:

Atlantic is dedicated to bringing about lasting changes in the lives of disadvantaged and vulnerable people. Although Atlantic has distinct program objectives for each targeted region, general aims include:

- addressing the legacies of violent conflict that prevent movement toward reconciliation, stability and the protection of human rights; and
- ensuring access to justice and public services to enable disadvantaged and vulnerable people to access the rights, justice and services they are entitled to under the law.

2. Programmatic Work Related to Justice:

Reconciliation & Human Rights.

3. Modes of Implementation:

Over the course of more than two decades, the Atlantic Philanthropies have awarded approximately 4,240 grants totaling \$3.8 billion through the third quarter of 2006. Atlantic intends to award approximately \$350 million per year through 2016, when it plans to complete active grant making.

4. Examples of Specific Programs:

Coalition to Reform Indigent Criminal Defense in Texas (USA): This grant from Atlantic is facilitating the implementation of the first phase of a six-year coalition effort to reform indigent-defense services across Texas. Participants in the reform coalition include the Texas Defender Service, the Fair Defense Project, the Texas Innocence Network, StandDown Texas and the American Bar Association’s Death Penalty Representation Project. Over the course of this six-year effort, the coalition members will concentrate on the following five primary activities:

- Case assistance and impact litigation
- Research and monitoring
- Coalition-building and strengthening grassroots organizations
- Communications
- Administrative and legislative reform campaigns

The grant made resources available to coalition partners to develop a local base of sustainable support, both intellectually and financially, for criminal justice reform efforts in the state.

Developing and Advocating Fresh Thinking and Policies on Crime: Atlantic awarded £275,000 to the Centre for Crime and Justice Studies in the UK to develop fresh thinking and policies on crime.

B. Partners

Atlantic partners with governments, NGOs, universities and other civil society groups.

C. Regions

Atlantic works in seven countries within these regions: Asia (1), Oceania (1), North America (1), Europe (2), Africa (1), and in the Caribbean (1).

D. Relevant Reports

Atlantic Reports: http://atlanticphilanthropies.org/news/atlantic_reports

Avina Foundation

A. Background Information

PO Box 0832-0390
Panama City, Panama
Tel: 507 208 9430
Email via website contact form
www.avina.net

1. Policy Objectives:

The Avina Foundation is dedicated to sustainable development in Latin America. It pursues this mission by fostering and nurturing a network of social entrepreneur; “Leader-Partners” that share its objectives.

2. Programmatic Areas of Work Related to Justice:

Avina focuses on four areas, among these is Democratic Governance and the Rule of Law.

3. Modes of Implementation:

Avina offers its partners access to a variety of services that vary according to their needs and the type of initiative:

- Leadership and Organizational Development
- Project Development and Management
- Planning and Strategic Thinking
- Regional and Inter-Regional Bridge-Building
- Networking and Inter-sectoral Alliances
- Strategic Exchange and Knowledge-Sharing
- Financial Support for Initiatives and Opportunities

4. Examples of Specific Programs:

Women and Access to Justice: In 2006 Avina funded Themis Legal Counseling and Gender Studies, a law firm that devotes its efforts to increasing women's access to justice through projects that underscore their rights and by providing legal defense in rights violations cases.

B. Partners

Among Avina's partners are civil society and private sector leaders.

C. Regions

Latin America is the main focus of Avina.

D. Relevant Reports

Annual Report 2007:

<http://www.avina.net/web/siteavina.nsf/0/A8914301CD1F21750325745D005BB7E1?opendocument&sistema=1&plantilla=2&Idioma=eng&cate=¿Quiénes%20somos%20y%20qué%20hacemos?&>

Bertram Pohl Foundation

A. Background Information

B.P. 79 L-6905

Niederanven, Luxemburg

Tel: 352 (0)26 94 80 50

Fax: 352 (0)26 94 80 99

info@bp-foundation.org

<http://www.bp-foundation.org/en/>

1. Policy Objectives

BPF works to guarantee all citizens the right to competent legal representation through their support for International Bridges of Justice (IBJ), a non-profit organization.

2. Programmatic Work Related to Justice:

BPF supports the work of IBJ, in these two overarching goals:

- To institutionalize defender practices worldwide through the formation of strategic and mutually supportive partnerships with state institutions, professional communities and organizations, as well as civil society.
- To build a worldwide movement of grassroots defenders, who are closely connected to and supported by the wider international legal community, and are empowered to act as “change makers” to bring about justice in their own societies.

3. Modes of Implementation:

BPF provides financial support to IBJ.

4. Examples of Specific Programs:

With the help of the Bertram Pohl Foundation, IBJ was able to provide public defenders for 146 people in Cambodia. IBJ complemented these efforts through ‘Advisement of Rights Campaigns’ where IBJ helped people understand their legal rights through radio broadcasts and face-to-face workshops. Lastly, IBJ created the foundation for a larger criminal justice movement via a national survey documenting which areas lacked access to legal aid and what the most pressing needs were among organizations providing criminal justice services.

B. Partners

BPF partners with IBJ.

C. Regions

Through IBJ Bertram Pohl works in Africa and Asia.

D. Relevant Reports

Annual Report 2006: http://ibj.org/uploads/ibj_activity_2006.pdf

Ford Foundation

A. Background Information

320 East 43rd Street
New York, New York 10017, USA
Tel: 1 212-573-5000
Fax: 1 212-351-3677

office-of-communications@fordfound.org

www.fordfound.org

1. Policy Objectives:

The Ford Foundation goals for more than half a century have been to:

- Strengthen democratic values
- Reduce poverty and injustice

- Promote international cooperation
- Advance human achievement

2. Programmatic Work Related to Justice:

The Foundation has a Criminal Justice program. Additionally, within the field of Peace and Social Justice, the Foundation has two units: Governance and Civil Society, and Human Rights.

3. Modes of Implementation:

The Foundation works mainly by making grants or loans (called Program Related Investments or PRI's) that build knowledge and strengthen organizations and networks.

4. Examples of Specific Programs:

The Ford Foundation provided assistance to the Indian Law Resource Center which helps mobilize indigenous people in the U.S. around rulings from international organizations that call for a higher standard of accountability to get around restrictive U.S. legal precedent.

The partnership between the Ford Foundation and law-related groups in South Africa has been the most sustained – and, at its height, the largest – undertaking of Foundation law programming outside the United States. During the apartheid era, South African grantees mounted successful court challenges that persuaded judges to overturn key provisions of apartheid on the grounds of regulatory improprieties. University-based institutes aided the anti-apartheid struggle through activities that included undertaking legal research, working with the labor movement, and organizing seminars that familiarized judges with human rights perspectives. With the transition to democracy, many new and continuing grantees have focused on social and economic rights, including land issues and the status of women. The Foundation has further sought to help increase access to the legal system by supporting university legal aid clinics.

B. Partners

The Foundation has formed partnerships with organizations in Jerusalem, Sofia, and Bulgaria whose work coincides with the Ford Foundation's priorities.

C. Regions

Worldwide with 12 offices in Africa, Asia, Latin America, and Russia.

D. Relevant Reports

Case studies of the Foundation's human rights programs in the United States:

http://www.fordfound.org/pdfs/impact/close_to_home.pdf

An account of the Foundation's law work:

http://www.fordfound.org/pdfs/impact/many_roads.pdf

Friedrich Ebert Foundation (Stiftung)

A. Background Information

Hiroshimastraße 17
D-10785 Berlin, Germany
Tel: 49(0)30/2 69 35-924
Fax: 49(0)30/2 69 35-951
presse.berlin@fes.de
www.fes.de

1. Policy Objectives:

The Foundation serves the following aims:

- furthering political and social education of individuals from all walks of life in the spirit of democracy and pluralism;
- facilitating access to university education and research for gifted young people by providing scholarships; and
- contributing to international understanding and cooperation.

2. Programmatic Areas of Work Related to Justice:

Among other activities the Foundation engages in programs that:

- support the democratization of the state and society and strengthen civil society; and
- gain recognition for human rights.

3. Modes of Implementation:

The Foundation engages in research, consulting, convening, and funding activities.

4. Examples of Specific Programs:

None Found.

B. Partners

Partners come from politics, business, associations, trade unions, academia, and from the communication sector and cultural institutions.

C. Regions

The Foundation maintains its own representations in 70 countries of Africa, Asia, the Middle East, and Latin America.

D. Relevant Reports

Publications about the Foundation's involvement in achieving greater social democracy:

<http://www.fes.de/publications.html>

Friedrich Naumann Foundation (Stiftung)

A. Background Information

Friedrich Naumann Foundation for Freedom

Karl-Marx-Strasse 2
14482, Potsdam, Germany
Tel: 49 331 / 7019-0
Fax: 49 331 / 7019-188
info@freiheit.org
www.fnst-freiheit.org

1. Policy Objectives:

The Friedrich Naumann Foundation promotes individual freedom and liberal values.

2. Programmatic Areas of Work Related to Justice:

None Found.

3. Modes of Implementation:

The Foundation's activities in the field of civic education consist of seminars, conferences and publications aimed at promoting liberal values and principles. The international political dialogue program provides a discussion forum for a range of liberal issues. The Foundation's counseling programs focus on candidates for political office and liberal political parties.

4. Examples of Specific Programs:

The Ateneo Human Rights Centre (AHRC) in the Philippines protects and promotes human rights through education and law school curriculum development, providing legal assistance, advocating law and policy reform, research and publication. The Foundation partners with the AHRC on its internship programs on alternative lawyering. It co-sponsors the AHRC's women rights awareness campaign and its annual forum on the human rights situation in the Philippines.

B. Partners

The Foundation enjoys close links with Germany's Free Democratic Party (FDP) and Liberal International.

C. Regions

The Foundation works in Latin and North America, Central and Eastern Europe, the Mediterranean, Africa, and South and East Asia.

D. Relevant Reports

Annual Report 2007:

[Friedrich-Naumann-Stiftung für die Freiheit - Economic Freedom of the World – Annual Report 2007](#)

Fund for Global Human Rights

A. Background Information

1666 Connecticut Avenue NW, Suite 410
Washington, D.C. 20009, USA

Tel: 1 (202) 347-7488

Fax: 1 (202) 347-7487

info@globalhumanrights.org

<http://www.globalhumanrights.org/>

1. Policy Objectives:

The Fund for Global Human Rights' mission is founded on the belief that securing basic freedoms worldwide requires effective, frontline organizations challenging abuse wherever it occurs. Thus Fund seeks to ensure a strong, effective human rights community worldwide.

2. Programmatic Areas of Work Related to Justice:

All.

3. Modes of Implementation:

Grants are awarded through a competitive and transparent grants process in areas strategically chosen to maximize the impact of funders' dollars and the advancement of human rights.

4. Examples of Specific Programs:

In India, the Centre for Enquiry into Health and Allied Themes (CEHAT) received \$25,000 for a project to improve the treatment of sexual assault victims and increase the chances of their attackers being brought to justice by promoting the use of a new sexual assault evidence kit and standard protocol for the collection of medical evidence and treatment of rape victims. In Pakistan, the Noor Education Trust (NET), received \$15,000 for general support of this organization, whose activities include providing desperately-needed legal aid, safe shelter and psycho-social services to women experiencing violence in the North West Frontier Province. In Mexico, indigenous people in the rural, southern part of the country are exposing ongoing human rights abuses by military and police forces with grants from the Fund.

B. Partners

The Fund was founded to support human rights organizations and movements around the world.

C. Regions

The Fund works with grantees worldwide.

D. Relevant Reports

None Found.

Helvetas

A. Background Information

Weinbergstrasse 22a

P. O. Box, 8021 Zurich, Switzerland

Tel: 41 (0) 44 368 65 00
Fax: 41 (0) 44 368 65 80
info@helvetas.org
www.helvetas.ch

1. Policy Objectives:

Helvetas' vision is of a society which ensures the basic needs of all people are met and that they can live a life in dignity and peace; which guarantees all people the right of self-determination and allows them to participate in shaping their social and political environment; which manages its natural resources in a sustainable manner; and which is based on organizations and institutions adhering to the principles of accountability, transparency, quality and efficiency.

2. Programmatic Areas of Work Related to Justice:

Helvetas seeks to create an economic, social, and political system that enables people to work towards Helvetas' defined targets. Also important are the promotion of democratic structures, opportunities for participation, and joint responsibility as citizens.

3. Modes of Implementation:

Promotion of Good Governance principles in the state as well as civil society and private sector with special focus on effective, efficient and accountable resource management, participatory and transparent decision-making, as well as access to and free flow of accurate information is key. Support to decentralization and democratization efforts, with special focus on establishing processes and mechanisms for popular participation in the development area along with assistance in developing the civil society and private sector and in facilitating collaboration and/or coordination between the government, civil society, private sector, and communities is another focus. Other measures supported by Helvetas include activities in the advisory area (legal advice concerning land security, self-determination rights for indigenous peoples, human rights, freedom of the media, etc.), and legal work and the creation of networks.

4. Examples of Specific Programs:

In Vietnam, the Helvetas program, Enhance Local Government Capacity, provides training to public servants and promoting grassroots democracy for effective decentralization support to a commune for installing participatory, efficient and accountable decentralized structure.

B. Partners

Helvetas is a denominationally and politically independent association, supported by approximately 43,000 members, 40,000 sponsors and 15 regional groups.

C. Regions

The overseas programs are implemented by about 450 local and 50 Swiss staff members in 20 partner countries, primarily in Africa, Asia, and Latin America.

D. Relevant Reports

An overview of Helvetas work abroad:

http://www.helvetas.ch/global/pdf/about_us/Helvetas_auf_einen_Blick/2007_Helvetas_e.pdf

Strategy 2003-2007:

http://www.helvetas.ch/global/pdf/english/Professional_competences/Working_Area_Strategies/CS_S_Strategy-en_Homepage.pdf

Hewlett Foundation

A. Background Information

The William and Flora Hewlett Foundation
2121 Sand Hill Road
Menlo Park, CA 94025, USA
Tel: (650) 234-4500
Fax: (650) 234-4501
Email via website contact form
www.hewlett.org

1. Policy Objectives:

The Foundation is concerned primarily with solving social and environmental problems.

2. Programmatic Areas of Work Related to Justice:

None Found.

3. Modes of Implementation:

Grantmaking.

4. Examples of Specific Programs:

None Found.

B. Partners

Grantee institutions – NGOs nonprofit organizations and, in some cases, government entities – are essential partners in achieving the Foundation’s mission.

C. Regions

Worldwide.

D. Relevant Reports

2005 annual report (last one available on-line):

<http://www.hewlett.org/AboutUs/AnnualReports/2005annualreport.htm>

John Merck Fund, The

A. Background Information

47 Winter Street 7th Floor
Boston, MA 02108, USA

Tel: 617.556.4120
Fax: 617.556.4130
info@jmfund.org
www.jmfund.org

1. Policy Objectives:

The Fund's seeks to act as a catalyst, supporting organizations that can effect constructive and measurable change in its priority areas. In 2006, the Fund awarded 252 grants totaling some \$14 million.

2. Programmatic Areas of Work Related to Justice:

One of the Fund's five priority areas is International Human Rights, focusing on the defense and promotion of human rights in Latin America.

3. Modes of Implementation:

Grantmaking.

4. Examples of Specific Programs::

In Chile and Argentina, the Fund supports precedent-setting litigation; promotion of the rule of law; creative solutions to citizens' security and police reform; and policy work on economic, social, and cultural rights.

B. Partners

The Fund assists one or two leading organizations with large grants in each of its focus countries.

C. Regions

Approximately 70 percent of the International Human Rights' program budget goes to human rights organizations based in six countries in the Latin American region: Argentina, Colombia, Chile, Mexico, Peru, and Venezuela. The remaining 30 percent of program resources supports activities of key US human rights organizations that focus on Latin America.

D. Relevant Reports

None Found.

Konrad Adenauer Foundation

A. Background Information
Konrad-Adenauer-Stiftung
e.V Klingelhöferstraße 23
10785, Berlin, Germany
Tel.: 49 30 26996-0
zentrale-berlin@kas.de
<http://www.kas.de/>

1. Policy Objectives:

The Konrad Adenauer Foundation (KAS) is a German foundation associated with that country's Christian Democratic Union. The Foundation is active nationally and internationally through political education for peace, freedom and justice.

1. Programmatic Areas of Work Related to Justice:

The Foundation is involved in the indirect promotion of human rights and attempts on various instruments standard-setting processes to initiate and influence the judiciary.

3. Modes of Implementation:

KAS funds policy research, in the mould of a think tank, but the larger part of its sponsorship is research in the social sciences not directly connected to framing policy. KAS also provides convening opportunities.

4. Examples of Specific Programs:

The International Summer School Sarajevo 2008 aims at familiarizing graduate and doctoral law students with the meaning, fundamental structures, and implications of the "rule of law", as well as with their practical implications.

B. Partners

Each section and office of KAS partners with local civil society. For example, the Rule of Law Program South-East Europe works together with the Bulgarian Lawyers for Human Rights Foundation, Center for Advanced Legal Studies in Serbia, Center for Democracy and Human Rights CEDEM in Montenegro, National Institute of Magistracy in Romania, Judges Association in Serbia, and the European Magistrates for Justice and Liberty.

C. Regions

KAS has extensive representation in the Middle East, Europe, Africa, Asia, and the Americas.

D. Relevant Reports

Conditions of Police Cells in Namibia:

http://www.kas.de/wf/doc/kas_14189-544-2-30.pdf

Rights of Suspects/Accused and their Defense in Criminal Proceedings in South East Europe:

http://www.kas.de/proj/home/pub/103/2/year-2008/dokument_id-12959/index.html

John D. and Catherine T. MacArthur Foundation

A. Background Information

140 S. Dearborn Street
Chicago, IL 60603-5285, USA
Tel: 312-917-0303

www.macfound.org

1. Policy Objectives:

The MacArthur Foundation supports creative people and effective institutions committed to building a more just, verdant, and peaceful world. The Foundation seeks to defend human rights, advance global conservation and security, make cities better places, and understand how technology is affecting children and society.

2. Programmatic Areas of Work Related to Justice:

The Foundation has a department on human rights and international justice and another on U.S. juvenile justice.

3. Modes of Implementation:

International grantmaking.

4. Examples of Specific Programs:

In Nigeria, Mexico, and Russia, the cross-cutting theme has been police reform and developing systems of accountability, including both internal mechanisms and outside surveillance and oversight by NGOs and others. More recently, in Nigeria, MacArthur has devoted resources to the public prosecution to improve the management of cases. Part of this effort has been to reduce the time that accused persons spend in detention.

B. Partners

The Foundation partners with civil society in all its focus countries, and collaborates with organizations in the public and private sector to achieve its goals.

C. Regions

The Foundation funds work in about 60 countries, with special emphasis on four important countries: India, Mexico, Nigeria, and Russia.

D. Relevant Reports

Advancing Human Rights and International Justice 2008:

<http://www.macfound.org/site/apps/nlnet/content2.aspx?c=lkLXJ8MQKrH&b=1135955&ct=5132631>

Oak Foundation

A. Background Information

International Human Rights Programme

22 Upper Brook Street

London, W1K 7PZ, UK

Tel: 44 (0) 20 7518 8452

www.oakfnd.org

1. Policy Objectives:

The Oak Foundation commits its resources to address issues of global social and environmental concern, particularly those that have a major impact on the lives of the disadvantaged.

2. Programmatic Areas of Work Related to Justice:

The Foundation's International Human Rights Programme has three areas of focus:

1. Right to liberty and security of the person: This includes pretrial detention issues, right to due process and legal counsel, and the presumption of innocence.
2. Freedom from torture: This includes ensuring human dignity and rehabilitation back into society for torture victims and holding perpetrators accountable.
3. Right to Asylum: This includes the mandatory detention of those seeking asylum and has a special focus on the rights of children.

3. Modes of Implementation:

Grantmaking.

4. Examples of Specific Programs:

Oak has funded Connectas, to support strategic litigation in Brazil to ensure both legal accountability and redress for egregious abuses, especially those committed by police and security agents in detention facilities and against minors; and to promote a pro-bono network of local lawyers to pursue these same cases and advance a broader human rights agenda.

B. Partners

Oak's partnerships include organizations in the public and private sector.

C. Regions

The Foundation works in Europe and America, as well as countries in Asia, Africa and other regions, according to need. The human rights division has limited its work to: (1) countries where they have prior experience and (2) the Death Penalty Project, which is based in London, and focuses on death penalty cases in the Caribbean and a few African countries.

D. Relevant Reports

Grant Summary of 2007: <http://www.oakfnd.org/activities/2007/>

Open Society Institute

A. Background Information

400 West 59th Street
New York, NY 10019, USA
Tel: 1-212-548-0600

www.soros.org

1. Policy Objectives:

The Open Society Institute (OSI), a private operating and grantmaking foundation, aims to shape public policy to promote democratic governance, human rights, and economic, legal, and social reform.

2. Programmatic Areas of Work Related to Justice:

As an organization with a strong rule of law focus, OSI's work in justice permeates all of its geographic and substantive work areas. One example includes the Law and Health Initiative under the Public Health Program which seeks to put health on the human rights agenda, and supports litigation of health related issues. Many of OSI's national and regional foundations also provide grants to promote civil society activities in the criminal justice reform field.

The Open Society Justice Initiative (www.justiceinitiative.org), an operational program of the OSI, pursues law reform activities grounded in the protection of human rights, and contributes to the development of legal capacity for open societies worldwide. The Justice Initiative combines litigation, legal advocacy, technical assistance, and the dissemination of knowledge to secure advances in the following priority areas: national criminal justice, international justice, freedom of information and expression, equality and citizenship, and anti-corruption.

3. Modes of Implementation:

OSI's initiatives provide grants to partner organizations in civil society. The Open Society Justice Initiative engages in litigation, public education, advocacy and program development including piloting.

4. Examples of Specific Programs:

Open Society Justice Initiative, among other activities, helps develop alternatives to pretrial detention and access to competent legal representation for indigent criminal defendants. In Lithuania, the Legal Aid program helped to open the Šiauliai Public Defender Office in April 2000. The office was the first in Eastern Europe or the former Soviet Union dedicated exclusively to providing legal defense from arrest through trial and appellate review in criminal cases in which the defendant is entitled to the appointment of a lawyer under national law.

The legal capacity development program of the Justice Initiative promotes skills and opportunities for human rights advocacy among young lawyers and seeks to develop a culture of public service in the legal profession through clinic-based training programs and human rights fellowships.

B. Partners

OSI partners with civil society organizations worldwide. The Justice Initiative plans and undertakes projects in consultation with local OSI foundations and related entities. As an operational program, the Justice Initiative partners with other institutions in all aspects of project development, including conceptualization, design, execution, and evaluation.

C. Regions

The Soros foundations network encompasses more than 60 countries. The Justice Initiative is international in scope, excluding the United States. Most of its projects are in Africa, and Eastern Europe, but projects also exist in Latin America and Southeast Asia.

D. Relevant Reports

Link to multiple publications including: “*I can stop and search whoever I want*”, a report on ethnic profiling by police in Europe. The Pretrial Detention Issue of *Justice Initiatives*, a collection of case studies examining the costs and implications of pretrial detention as well as accounts of reforms, and the Legal Aid Issue of *Justice Initiatives*, a look at legal aid reform from different perspectives: <http://www.justiceinitiative.org/publications>

2006 Activities: <http://www.soros.org/initiatives/osji/about/2006>

Overbrook Foundation

A. Background Information

122 East 42nd Street, Suite 2500

New York, NY 10168, USA

Tel: 1 212 661 8710

Fax: 1 212 661 8664

Email via website

www.overbrook.org

1. Policy Objectives:

The Foundation strives to improve the lives of people by supporting projects that protect human and civil rights, advance the self-sufficiency and wellbeing of individuals and their communities, and conserve the natural environment.

2. Programmatic Areas of Work Related to Justice:

The Foundation's Human Rights Program investigates and seeks to support human rights activism of smaller human rights organizations where activists are at particular risk, both domestically and globally (e.g., environmental activists, journalists, union organizers, whistleblowers); supports major human rights organizations (domestic and global) who are core providers and, to the extent possible and appropriate, links them to smaller groups.

3. Modes of Implementation:

The Foundation is a grantmaking institution.

4. Examples of Specific Programs:

The Foundation has funded Connectas in Brazil to enhance protection of human rights for vulnerable groups in the country. Similarly funding was provided to the human rights fellows program at the University of Chile.

B. Partners

The Foundation's grantees include a wide range of international and local organizations.

C. Regions

The Foundation supports projects both domestically (in the US) and internationally, with a particular international focus on Latin America and South Africa.

D. Relevant Reports

None Found.

Oxfam International

A. Background Information

[Oxfam International Secretariat](#)

Suite 20, 266 Banbury Road

Oxford, OX2 7DL, UK

Tel: 44 1865 339 100

Fax: 44 1865 339 101

information@oxfaminternational.org

www.oxfam.org

1. Policy Objectives:

Oxfam International's mission is to promote a just world without poverty, and its goal is to enable people to exercise their rights and manage their own lives.

2. Programmatic Areas of Work Related to Justice:

Gender Justice, Indigenous and minority rights, and Peace and Security.

3. Modes of Implementation:

Oxfam engages in research advocacy and funding.

4. Examples of Specific Programs:

None Found.

B. Partners

Oxfam works in partnership with varied organizations worldwide to achieve their plans.

C. Regions

Worldwide - Oxfam works in more than 100 countries.

D. Relevant Reports

Oxfam International's Strategic Plan for 2007–2012:

<http://www.oxfam.org/en/about/accountability/strategic-plan>

Sigrid Rausing Trust

A. Background Information

Eardley House, 4 Uxbridge Street

London, W8 7SY, UK

Tel: 44 207 908 9870

Fax: 44 207 908 9879

Info@srtrust.org

www.sigrid-rausing-trust.org

1. Policy Objectives:

The Sigrid Rausing Trust takes as its guiding framework the Universal Declaration of Human Rights adopted by the United Nations in 1948.

2. Programmatic Areas of Work Related to Justice:

The five funding categories of the Trust are all human rights orientated, and aim to form a coherent framework for its work: Human Rights, Women's Rights, Minority Rights, Environmental Justice, and Social and Economic Rights. Most of the work of the Trust is in the field of international human rights.

3. Modes of Implementation:

The Trust is a grantmaking institution that has given away more than £85 million in grants.

4. Examples of Specific Programs:

The trust recently funded Anti-Slavery International in London, UK in the amount of £125,000 to sub-grant to organizations working for the abolition of slavery and human trafficking.

B. Partners

The Trust has long-term partnerships with the organizations it supports.

C. Regions

None Found.

D. Relevant Reports

None Found.

Tinker Foundation, Inc.

A. Background Information

55 East 59th Street

New York, NY 10022, USA

Tel: 1 212-421-6858

Fax: 1 212-223-3326

<http://foundationcenter.org/grantmaker/tinker/>

1. Policy Objectives:

The Tinker Foundations funds projects that have a strong public policy component, offer innovative solutions to problems facing their priority regions, and incorporate new

mechanisms for addressing their priority programmatic areas.

2. Programmatic Areas of Work Related to Justice:

Programmatically, Tinker funds projects addressing governance issues. While in the 1990s Tinker focused on law and economics, in the last ten years, Tinker has focused on judicial reform broadly and more specifically on access to justice issues. The grants tend to be for civil justice issues, as opposed to criminal justice reform.

3. Modes of Implementation:

Tinker provides institutional and research grants.

4. Examples of Specific Programs:

Tinker has supported a project by the Instituto Defensa Legal (IDL) in Peru encouraging the use of justices of the peace.

B. Partners

Donor organizations Tinker collaborates with in Latin America include Bread for the World and the Quakers.

C. Regions

Tinker's overall focus is on Latin America; the Spanish- and Portuguese-speaking countries of the Western Hemisphere.

D. Relevant Reports

Annual Report available by request by emailing tinker@tinker.org.

Wallace Global Fund for Justice

A. Background Information

1990 M Street, NW, Suite 250

Washington, DC 20036, USA

Tel: 1 (202) 452-1530

Fax: 1 (202) 452-0922

www.wgf.org

1. Policy Objectives:

The Wallace Global Fund's mission is to promote an informed and engaged citizenry, to fight injustice, and to protect the diversity of nature and the natural systems upon which all life depends. WGF aims for the following objectives with all its projects:

- Effective protection of the environment and natural resources and their capacity to provide for human needs.
- Progressive public policies that protect civil liberties, and guard against corporate abuses.
- Sustainable levels of human populations.

- Equal justice.

2. Programmatic Areas of Work Related to Justice:

Program focus areas include: Women’s Human Rights, Justice, and Civic Engagement.

3. Modes of Implementation:

Strategic grantmaking and dissemination of information.

4. Examples of Specific Programs:

- Advancement Project – The Justice program of the Fund provided \$70,000 for general support for their efforts to restore the voting rights of ex-felons and for other progressive justice initiatives.
- Center for Constitutional Rights (CCR) – The Justice program of the Fund provided \$50,000 for the Guantanamo Global Justice Initiative, where CCR recruits, coordinates and trains 250 volunteer attorneys from around the country to provide legal help to Guantanamo detainees and those captured elsewhere in the name of the war on terror.
- Alliance for Justice – The Civic Engagement program of the Fund provided \$50,000 for their Judicial Selection Project, which does research, public education, and grassroots organizing for a coalition of 60 major progressive organizations with an interest in federal judicial selection.

B. Partners

None Found.

C. Regions

The Justice Program focuses on human rights abuses within the US criminal justice system, all other programs consider proposals globally.

D. Relevant Reports

None Found.

Bilateral Organizations: By Country

Australia

Australian Agency for International Development (AusAID)

A. Background Information

GPO Box 887
Canberra ACT 2601, Australia
Tel: 61 2 6206 4000
Fax: 61 2 6206 4880
infoausaid@ausaid.gov.au
www.ausaid.gov.au

1. Policy Objectives:

To assist developing countries reduce poverty and achieve sustainable development, in line with Australia's national interest.

2. Programmatic Areas of Work Related to Justice:

Australian assistance for improved governance addresses five areas:

- Improving economic and financial management.
- Promoting public sector reforms.
- Strengthening law and justice.
- Development of civil society.
- Strengthening democratic institutions and processes.

3. Modes of Implementation:

AusAID provides training, technical assistance, and funding for technical cooperation.

4. Examples of Specific Programs:

AusAID supports programs aimed at building the capacity and effectiveness of police, prosecutors, legislative drafters, judges, court officers, and lawyers. This includes legal reform programs in Indonesia, Vanuatu, Tonga, Samoa, Cambodia, Timor-Leste, Solomon Islands and PNG; a community justice program in Fiji; strengthening police forces in the Solomon Islands, Vanuatu, Samoa and Tonga by building organizational capacity and introducing community policing approaches; and cooperating with other donors and Pacific institutions to develop police forces, courts, legal institutions and corrections systems.

B. Partners

Multilateral organizations like the United Nations or World Bank extend the reach of Australia's aid program as their large size enables them to undertake projects on a larger scale. Working with the United Nations and its humanitarian agencies, Australia ensures targeted programs are put in place for emergency assistance and long-term development. NGOs like Australian Red Cross and World Vision are an essential part of the Australian aid program.

C. Regions

Australia's aid program focuses on the Asia Pacific region but provides selective assistance to Africa and the Middle East.

D. Relevant Reports

Australian aid: Approaches to supporting governance (2006) provides examples of AusAID's approach to reducing poverty by improving the quality of governance in developing countries.

Belgium

I. Belgian Technical Cooperation (BTC)

A. Background Information

Rue Haute 147

1000, Brussels, Belgium

Tel: 32 (0)2 505 37 00

Fax: 32 (0)2 502 98 62

info@btcctb.org

www.btcctb.org

1. Policy Objectives:

BTC, a Belgian development cooperation agency and public service provider, works on behalf of the Federal Public Service of Foreign Affairs, Foreign Trade and Development Cooperation (see below). BTC supports developing countries in their fight against poverty and provides services that contribute to sustainable human development.

2. Programmatic Areas of Work Related to Justice:

BTC considers democratic governance a key to development.

3. Modes of Implementation:

BTC performs capacity assessments, provides technical assistance, and funding support.

4. Examples of Specific Programs:

In a bid to shore up the rule of law state and the justice system in Rwanda, BTC has pledged to establish and support key players in the sector: the magistracy, the Ministry of Justice, the Public Prosecutor's office and the National Service for Gacaca Courts.

B. Partners

BTC undertakes assignments, amongst others, for or through joint financing with: the European Union, the World Bank, Directorate-General International Cooperation (Netherlands), and the Department for International Development (DFID).

C. Regions

BTC manages more than 200 programs in 30 countries in Africa, Asia and Latin America.

D. Relevant Reports

Outlines Belgium's commitment to Good Governance:

[Democratic governance: a means of fighting poverty](#)

II. Foreign Trade and Development Cooperation

A. Background Information

Karmelietenstraat 15

1000 Brussels, Belgium

Tel: 32 02 501 8111

Email via Contact form on website:

www.diplobel.fgov.be

1. Policy Objectives:

To defend Belgian interests abroad, promote the advent of a more stable, fairer and more prosperous world, and combat global poverty. Foreign Trade and Development Cooperation (FTDC) is part of Belgium's federal Ministry of Foreign Affairs.

2. Programmatic Areas of Work Related to Justice:

Four areas that seek consistency of action and policy on a bilateral and international level:

- Well-being and prosperity: to propagate and promote fundamental values such as human dignity, democracy and respect for human rights.
- Peace and security: to contribute to peace and stability in the world.
- A fair world order based on solidarity: reinforcing the multilateral system and the international legal order.
- A good neighborhood policy: strengthen Belgium's ties with its neighbors.

3. Modes of Implementation:

FTDC is mainly involved with the negotiation and conclusion of international treaties and agreements and providing assistance to Belgian nationals abroad.

4. Examples of Specific Programs:

FTDC contains many departments related to promoting a diplomatic dialogue between Belgium and the rest of the world. Two new policy units were recently implemented. The Peace Building Department is focused on funding conflict prevent and peace seeking projects to build and reinforce the rule of law. The Department's recently implemented projects are geographically focused on the Great Lakes region, the Balkans, the Middle East, Nepal and Sudan. The International Public Law Directorate aims to disseminate information about how Belgium is applying international customary law and the international treaties it has signed.

B. Partners

FTDC works with Belgian embassies and multilateral international organizations like the UN to help realize common goals of providing aid and information to Belgian citizens as well as promoting the rule of law.

C. Regions

Worldwide.

D. Relevant Reports

Official Amount of Development Assistance:

<http://www.dgdc.be/en/statistics/index.html>

“Improvement of the Effectiveness of Belgian Bilateral Aid”:

http://www.dgdc.be/documents/en/policy_documents/plan_harmonisation_alignment_aid.pdf

Activity Report 2007:

<http://www.diplomatie.be/en/pdf/Activity%20report/2007/Activity%20Report%202007.pdf>

Canada

Canadian International Development Agency (CIDA)

A. Background Information

200 Promenade du Portage
Gatineau, Quebec K1A 0G4, Canada

Tel: 1 819-997-5006

Fax: 1 819-953-6088

info@acdi-cida.gc.ca

www.acdi-cida.gc.ca

1. Policy Objectives:

To reduce poverty, promote human rights, and support sustainable development. CIDA’s priorities are poverty reduction, democratic governance, private sector development, health, education, gender equality, and environmental sustainability. CIDA is Canada’s lead agency for developmental assistance.

2. Programmatic Areas of Work Related to Justice:

CIDA’s goal in this area is to ensure that just laws and effective legal, judicial, and enforcement institutions contribute to greater security of the individual, to economic development, to environmental protection, and to social justice. Assistance encompasses support for legal/judicial reform with a focus on institutions, including strengthening the judiciary, bar associations, and legal aid systems.

3. Modes of Implementation:

CIDA offers judicial assistance to enhance the capacity of the International Development Law Organization (IDLO) to effectively engage in post-conflict programming to improve

the judicial sector of post-conflict countries and contribute to the rule of law and lasting peace. The IDLO selects three to four countries per year and focuses on research and the creation of action plans for these countries. Project activities include:

- Carrying out fact-finding missions in the selected countries and drafting reports to provide a detailed analysis of the countries' situation.
- Organizing conferences on specific judicial topics regarding a selected country, on the basis of the documentation gathered and its network of stakeholders.
- Issuing quarterly country reports on each selected conflict or post-conflict country and publishing a yearly bulletin on each selected country. This bulletin provides an analysis of the efforts made or recommended by IDLO in the judicial sector.

4. Examples of Specific Programs:

Recent programs include: Improvements of Justice Systems in Latin America, Strengthening the Rule of Law in Kosovo, Project State of Rights in Haiti, and Ensuring the Rights of the Accused in Chile.

B. Partners

Via its multilateral programs, CIDA funds various United Nations agencies. Through its geographic programs, CIDA funds programs and projects in several countries. CIDA also directly supports governments of developing countries. Through its Canadian Partnership programs, CIDA supports organizations in Canada's voluntary and private sectors which work in partnership with organizations in developing countries.

C. Regions

The project for Judicial Assistance in Post-Conflict Areas funds programs in Africa, Asia, and the Americas.

D. Relevant Reports

<http://www.acdi-cida.gc.ca/CIDAWEB/acdicida.nsf/En/JUD-125142733-QTS>

Denmark

Danish Development Corporation (DANIDA)

A. Background Information

Royal Danish Ministry of Foreign Affairs

Asiatisk Plads 2

DK 1448 Copenhagen K, Denmark

Tel: 45 33 92 00 00

Fax: 45 32 54 05 33

um@um.dk

www.DANIDA.dk

1. Policy Objectives:

To work for Denmark's interests and values in relation to the surrounding world in a manner that furthers the freedom and security of Danes, with development and economic growth for all.

2. Programmatic Areas of Work Related to Justice:

One of the DANIDA's five target areas is: Human rights, democratization and good governance.

3. Modes of Implementation:

Technical assistance and funding support.

4. Examples of Specific Programs:

DANIDA hosts the DEVFORUM on "Good Governance", to share and develop knowledge on good practices for development cooperation. This includes: public sector reform, decentralization, anti-corruption, access to justice, human rights, and democratization and media.

A program to support the justice sector in Mozambique from the 1st October 2002 – 1st October 2005, with a 57.5 million DKK budget (with 8.1 million DKK for Civil Society Component). The immediate objectives were:

- To develop a justice sector policy framework that enhances access to justice for the population in general and for the most vulnerable groups in particular.
- To strengthen the judiciary and the prosecution and their service delivery capacity regarding access to justice in selected fields.
- To strengthen selected civil society organizations' advocacy and legal aid capacity and to strengthen traditional structures' ability to exchange information and to articulate better with the formal system in a manner that improves access to justice.

B. Partners

None Found.

C. Regions

Focus on Africa and Asia.

D. Relevant Reports

Annual Report 2005:

http://www.um.dk/en/menu/DevelopmentPolicy/DanishDevelopmentPolicy/AnnualReport/?wbc_purpose=height

DEVFORUM:

http://www.DANIDAdevforum.um.dk/en/menu/Topics/GoodGovernance/?wbc_purpose=Ba&WBCMODE=PresentatUnpubl

Finland

Department for International Development Cooperation (Finnida)

A. Background Information

Ministry for Foreign Affairs

P.O. Box 176 00161

Helsinki, Finland

Tel: 358-9-160 05

Fax: 358-9-629 840

kirjaamo.um@formin.fi

www.global.finland.fi

1. Public Objectives:

Finland endeavors to exert an effective impact on decisions influencing international relations and, in cooperation with others, to promote human welfare and prevent the eruption of crises. Finland also tries to contribute to the strengthening of international institutions' operational capacity and their regional and global cooperation.

2. Programmatic Areas of Work Related to Justice:

Since 2004, Finland has participated in the activities of the Covenant working group, the task of which has been to consider options to be included in the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Finland participated actively in the drafting of the Declaration on the Rights of Indigenous Peoples. The new Human Rights Council of the United Nations adopted the Declaration in its first session in June 2006.

3. Modes of Implementation:

- Monitoring of the national implementation of human rights treaties: examining periodic reports submitted by states and in some cases investigating complaints
- Periodic reporting and participation of NGOs in reporting: the Finnish government encourages NGOs to actively participate in the human rights reporting to the international organizations and also to “shadow report” or send parallel reports to the human rights treaty monitoring bodies.
- Investigation of the periodic reports: a committee or other treaty monitoring body examines reports.
- Implementation of the Treaty Monitoring Body's recommendations: the recommendations are translated into the national languages of Finland and are disseminated widely among local and state authorities as well as NGOs, and published on the Internet.

4. Examples of Specific Programs:

The ministerial working group on better regulation strengthens the definition of legislative policy and the steering of law drafting at government level and thus to improve the quality of legislative processes. The ministerial working group prepares a

government legislative plan in accordance with the government program and is responsible for its implementation.

B. Partners

Finland's eight long-term partner countries are Ethiopia, Kenya, Mozambique, Nepal, Nicaragua, Tanzania, Vietnam and Zambia. Partner countries recovering from violent crises are Afghanistan, Bosnia and Herzegovina, Kosovo, Sudan and the Palestinian Territories. Finland provides cooperation of limited duration in countries which need special international support, for instance because of natural disasters or social upheaval.

C. Regions

In its long-term partner countries Finland is committed to far-reaching, result-oriented cooperation based on the countries' own needs, on their strong national leadership and on their development plans, complementing support from other donors according to its own priorities.

D. Relevant Reports

Finland's Official Development Assistance in Statistics 2006:

<http://formin.finland.fi/public/default.aspx?nodeid=15460&contentlan=2&culture=en-US>

France

French Ministry of Foreign Affairs

A. Background Information

37, Quai d'Orsay

F - 75351 PARIS

Tel: 33 1 43 17 53 53

Email via contact form on website

<http://www.diplomatie.gouv.fr/en/>

1. Policy Objectives:

Upholding basic freedoms - human rights, freedom of expression and thought, freedom to form unions and assemble, and the existence of a rule of law, meaning a regime where the law is upheld and public authority is also subject to it.

2. Programmatic Areas of Work Related to Justice:

Cooperation to promote the rule of law is a central aspect of France's to international solidarity and official development assistance. France works on justice under the headings of: Democracy / Human Rights, Governance, International Justice, and NGOs.

3. Modes of Implementation:

The Ministry of Foreign Affairs allocates to institutional cooperation programs significant funds toward justice, law enforcement, human rights, local and urban

development and administrative engineering. The action of French cooperation takes on the form of:

- Assistance in reform and renovation of the law.
- Training for personnel in the justice system so they may fulfill their responsibilities while drawing upon democratic principles, in partnership with European institutions.
- Support for modernizing legal jurisdictions and general organization by providing legal or technical documentation, organizing regional seminars, and building up multidisciplinary expert networks.
- Support and promotion for the charter and bylaws of the magistrates guaranteeing independence for all judges.
- Backing for the incorporation of international agreements against organized crime and corruption into national law.

4. Examples of Specific Programs:

The Ministry supports regional organizations such as OHADA (the Organisation for the Harmonisation of Business Law in Africa), which promotes economic and commercial law, with the objective of contributing to greater security for investments and economic development. Other examples of programs include the contribution of legal expertise at the Hanoi House of Law in Vietnam, and strengthening the rule of law in Afghanistan.

B. Partners

The Ministry works in concert with the French government ministries or departments in charge of Justice, Homeland Security, Public Works, Transportation and Housing, as well as the Ministry in charge of Civil Service Affairs and State Reform. As well as NGOs, such as the Fédération Internationale des Droits de l'Homme (FIDH), Avocats Sans Frontières (ASF), as well as trade unions, with a view to strengthening social dialogue; multilateral organizations such as the United Nations High Commissioner for Human Rights, the International Labor Organisation (ILO), the United Nations Development Programme (UNDP), the Council of Europe, and the United Nations Centre for Crime Prevention and Criminal Justice.

C. Regions

A priority basis for the 55 developing countries which make up the Priority Solidarity Zone (PSZ), for Central and Eastern European countries in transition, and for the emerging countries of Asia and Latin America.

D. Relevant Reports

Information about the Ministry's justice efforts:

[Contributing to legal expertise and the dissemination of law: the Hanoi House of Law \(Maison du Droit\)](#)

Germany

I. **Deutsche Gesellschaft für Technische Zusammenarbeit / German Agency for Technical Cooperation (GTZ)**

A. **Background Information**

Dag-Hammarskjöld-Weg 1-5

65760 Eschborn, Germany

Tel: 49 6196 79-0

Fax: 49 6196 79-1115

info@gtz.de

www.gtz.de

1. **Policy Objectives:**

As an international cooperation enterprise for sustainable development with worldwide operations, the federally owned GTZ supports the German government in achieving its development-policy objectives. It provides viable solutions for political, economic, ecological and social development in a globalized world. GTZ's corporate objective is to improve people's living conditions on a sustainable basis. The German Federal Ministry for Economic Cooperation and Development (BMZ) is its major client (see below). GTZ employs some 10,000 staff in more than 120 countries of Africa, Asia, Latin America, the Eastern European countries in transition and the Newly Independent States (NIS).

2. **Programmatic Areas of Work Related to Justice:**

GTZ has developmental projects under way on several continents, including Europe, Asia, Latin America and Africa. Africa remains a prime focus. GTZ operates in several countries in Sub-Saharan Africa. It provides advisory services and support to national governments and to the secretariats of super-regional organizations.

3. **Modes of Implementation:**

GTZ supports regional governance reform processes through the following approaches:

- strengthening the institutional capacities of regional players: these are supported through capacity development to improve their ability to work and thus their effectiveness;
- strengthening the economic competence of the Regional Economic Communities to improve economic integration; and
- supporting regional good governance initiatives as a catalyst for national governance reform processes.

Promoting good governance is a central feature of German Development Cooperation, and hence an important activity area for GTZ. GTZ's work in the field of good governance covers the promotion of democracy and the rule of law.

4. **Examples of Specific Programs::**

GTZ's technical cooperation advice focuses on:

- Strengthening the rule of law and government accountability and promoting legal security, with services being performed within the framework of the Good

Governance Program.

- Institutional Strengthening of Tax Administration or Good Financial Governance.
- Implementation of decentralization policy through capacity building in local authorities, guided by the framework of the Local Governance and Poverty Reduction Support Program.

B. Partners

GTZ operates on behalf of other German ministries, the governments of other countries and international clients, such as the European Commission, the United Nations and the World Bank, as well as on behalf of private enterprises. To improve networking and the efficiency of cooperation at a European level, the GTZ joined other European partners to form EUNIDA, the European Network of Implementing Development Agencies.

C. Regions

GTZ is active worldwide in over 120 countries in Africa, Asia, Latin America, the transition countries in Eastern Europe and the former Soviet Union.

D. Relevant Reports

GTZ Publications on Democracy and Rule of Law:

<http://www2.gtz.de/publikationen/isissearch/publikationen/Search.aspx?Topic=Democracy%20and%20the%20rule%20of%20law&language=en>

II. German Federal Ministry for Economic Cooperation and Development (BMZ)

A. Background Information

Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung
Stresemannstr. 94
10963 Berlin Germany
Tel: 49 / (0)2 28 / 99 535 0
Fax: 49 / (0)2 28 / 99 535 35 00
info@bmz.bund.de
www.bmz.de

1. Policy Objectives:

There are four guiding principles of German development policy. Germany wants to help to:

- reduce poverty worldwide;
- protect the natural environment;
- build peace and realize democracy; and
- promote equitable forms of globalization.

2. Programmatic Areas of Work Related to Justice:

The rule of law and especially legal certainty are prerequisites for positive economic activity and for citizens' personal development on the basis of self-determination. The

rule of law also enhances the capacities and self-help capabilities of the poorer population in particular.

The German government therefore assists its partner countries to implement legal and judicial reform. This includes the provision of advice on the drafting of legislation, the delivery of training for judges, prosecutors and defense counsel and other judicial personnel, and legal advice for the general public. In particular, targeted support is provided for marginalized groups; this includes promoting the rights of indigenous communities. German development cooperation also supports regional and global reform initiatives, such as the establishment of an African Court on Human Rights.

3. Modes of Implementation:

Germany will spend on development cooperation annually a sum equivalent to 0.51% of GNI from 2010 onwards, and a sum equivalent to 0.7% GNI from 2015 onwards, as provided for in the European Union's step-by-step plan to raise ODA.

4. Examples of Specific Programs:

None Found.

B. Partners

Partner countries include 18 transition states, but Germany also continues to work with states not officially classed as partner countries by means of its contributions to the development policy of the European Union and multilateral organizations.

C. Regions

Since it is in Africa that the greatest efforts are required to achieve the Millennium Development Goals, Germany's engagement in Africa is particularly strong. As of 1998, German development cooperation concentrates on 60 states.

D. Relevant Reports

Activities and Instruments that display Germany's commitment to Good Governance: <http://www.bmz.de/en/issues/HumanRights/demokratie/goodGovernance/arbeitsfelder.html> and <http://www.bmz.de/en/service/infothek/fach/spezial/spezial064pdf.pdf>

Ireland

Irish Aid

A. Background Information

Department of Foreign Affairs

Bishops Square

Redmond Hill, Dublin 2

Tel: 353 1 408 2000

Fax: 353 1 408 2880

irishaid@dfa.ie

www.dci.gov.ie

1. Policy Objectives:

The Irish Aid program has as its priority the reduction of poverty, inequality and exclusion in developing countries. Their development cooperation policy and program reflect a longstanding commitment to human rights and fairness in international relations.

2. Programmatic Areas of Work Related to Justice:

One of the core principles of Irish Aid's program is that improving governance, reducing corruption and building democracy and accountability must be integral parts its work. Good governance has a major impact on poverty reduction. Without good governance, development cannot be sustained. It influences the environment for economic growth, the way that resources are allocated and distributed, and how effectively essential services are delivered.

3. Modes of Implementation:

Irish Aid provides funding support.

4. Examples of Specific Programs:

Irish Aid has supported the Ugandan government in its efforts to improve the legal and judicial system. A major focus is on improving access to justice, as well as tackling the court case backlog and prison congestion. Irish Aid gave over €2.8 million in funding to the justice, law and order sector in 2007. In recent years, spending has increased considerably on governance projects. This has included specific funding in program countries as well as funding multilateral organizations such as the African Capacity Building Foundation (ACBF).

B. Partners

Irish Aid works in close partnership with recipient countries, with other donors and multilateral organizations and with non-governmental organizations and missionaries. Coordination with international organizations such as the World Bank, IMF and the UN is important to Irish Aid as a means of enhancing the value of the program. The EU is a critical partner for Irish Aid in maximizing the effectiveness of its development assistance.

C. Regions

Since its inception in 1974, Irish Aid has had a strong geographic focus on Sub-Saharan Africa. Approximately 80% of Ireland's Overseas Development Aid goes to Africa. A second region (with only two countries) is Asia, and there are assorted programs in the Western Balkans, Eastern Europe and the Middle East.

D. Relevant Reports

Access to Justice for All in Uganda details the role Irish Aid has played in the implementation of justice reform in Uganda:

http://www.dci.gov.ie/Uploads/Uganda_Justice.pdf

Japan

I. Ministry of Foreign Affairs: Official Development Assistance

A. Background Information

Kasumigaseki 2-2-1

Chiyoda-ku, Tokyo

100-8919 Japan

Tel: 81 (0) 3-3580-3311

info@mofa.go.jp

www.mofa.go.jp/policy/oda

Currently, the various components of Japan's Official Development Assistance (ODA) such as grant aid, loans, and technical cooperation are administered by different implementing bodies; including the Japan International Cooperation Agency (JICA).

II. Japan International Cooperation Agency (JICA)

A. Background Information

6th–13th floors, Shinjuku Maynds Tower

2-1-1 Yoyogi

Shibuya-ku, Tokyo

151-8558 Japan

Tel: 81-3-5352-5311/5312/5313/5314

info@jica.go.jp

www.jica.go.jp

1. Policy Objectives:

The Japan International Cooperation Agency (JICA) is an implementation agency for technical cooperation of Japan's official development assistance. JICA offers technical assistance, focusing on institution building, organization strengthening, and human resources development to enable developing countries to pursue their own sustainable socioeconomic development.

2. Programmatic Areas of Work Related to Justice:

The intent of JICA's governance assistance is to enable the stable development of partner countries so they become capable of investing, allocating, and managing their resources efficiently and in ways that reflect the will of the people and of using the country's resources efficiently.

3. Modes of Implementation:

JICA provides assistance geared mainly toward building systems and organizations and developing human resources through technical assistance.

4. Examples of Specific Programs:

JICA is implementing cooperation that contributes to the stability of multi-ethnic societies, while studying effective measures for the pursuit of ethnic reconciliation. The Ministerial Conference on Peace Consolidation and Economic Development of the

Western Balkans was held in Tokyo in April 2004. Based on the proceedings of this conference, JICA assists countries in the western Balkans with a focus on the growth of the private sector, and support for the expansion of employment through development of small and medium-sized enterprises and the tourism sector.

B. Partners

As part of recent restructuring, JICA is also merging with that part of the Japan Bank for International Cooperation (JBIC), which currently extends ODA loans to developing countries. When the merger is completed in fiscal 2008, it will create one of the world's largest bilateral development agencies with an annual budget of approximately \$8.5 billion. In future programs, greater involvement on the part of Japan's local governments, NGOs, universities, and ordinary citizens is planned.

C. Regions

JICA currently maintains offices in about 100 countries worldwide and is expanding activities in over 160 countries. Regions include Southeast Asia, East Asia, Central Asia and the Caucasus, Middle East, Africa, Latin America, and Eastern Europe and the Balkans.

D. Relevant Reports

JICA Annual Report 2007: details issues and activities undertaken by JICA internationally.

www.jica.go.jp/english/resources/publications/annual/2007/

Luxembourg

Luxembourg Agency for Development Cooperation

A. Background Information

Lux-Development S.A. B.P.

2273 L-1022 Luxembourg

Tel: (352) 29 58 58 1

Fax: (352) 29 58 58 200

askld@lux-development.lu

www.lux-development.lu

1. Policy Objectives:

Lux-Development, the Luxembourg Agency for Development Cooperation provides services to the Luxembourg government and other donors to formulate and implement development cooperation projects with respective partners in developing countries.

2. Programmatic Areas of Work Related to Justice:

The agency works exclusively on intergovernmental projects. Annual disbursements on Lux- Development projects exceeded 60 million EUR in 2006.

3. Modes of Implementation:

Luxembourg's increasing provision of official development assistance over the last few years has led to a significant rise in the funds available to Lux-Development. In 2006, the number of regional office staff and technical assistance in the field reached 135, managing more than 110 projects in 18 countries in Africa, Latin America, Asia, and the Balkans.

4. Examples of Specific Programs:

For each partner country, the governments of Luxembourg and the respective partner country have adopted an Indicative Cooperation Programme (ICP). The ICP constitutes a multi-annual program that defines the main areas of cooperation (sectors, geographic areas, terms and conditions of intervention) and the multi-annual budget set aside for the program. It translates the long-term commitment that binds the Luxembourg cooperation effort to these countries.

B. Partners

Lux-Development is a private limited company whose shareholders are the Luxembourg government (99%) and Société Nationale des Crédits à l'Investissement (1%). The Agency's board is composed of representatives from the Luxembourg government, professional associations, unions, the federation of Development NGOs, two private individuals, as well as Lux-Development's managing director.

C. Regions

Lux-Development implements projects in 18 countries on four continents. The regions are: the Balkans, South America, Asia, and Africa.

D. Relevant Reports

Annual Report 2007:

<http://www.lux-development.lu/news.lasso?lang=uk&nw= 08 005>

Netherlands

Ministry of Development Cooperation (part of Ministry of Foreign Affairs)

A. Background Information

Postal Address: PO Box 20061,
2500 EB The Hague, The Netherlands

Tel: 31 70 348 6486

Fax: 31 70 348 4848

Email via contact form on website

www.minbuza.nl

1. Policy Objectives:

Promoting the international legal order and building a safe, stable and prosperous world. To eliminate conflict, poverty and injustice.

2. Programmatic Areas of Work Related to Justice:

The Ministry of Foreign Affairs works in the following areas related to justice:

- To strengthen the international legal order and respect for human rights.
- To promote security and stability, effective humanitarian assistance, and good governance.
- To promote human and social development.

3. Modes of Implementation:

The Netherlands spends four billion Euros a year on tackling global poverty. Every year, the Netherlands allocates 0.8% of its GNP to poverty reduction.

4. Examples of Specific Programs:

The Ugandan authorities, in close collaboration with development partners, have drawn up a Justice, Law and Order Sector Reform Programme, a significant innovation for developing countries as the first attempt to a coordinated sector-wide reform policy. The representative of the Netherlands embassy is currently the chair of the donor group in the Justice, Law and Order Sector in Uganda.

B. Partners

Around the world, the Ministry has more than 150 embassies, consulates-general, consulates and permanent missions to international organizations, also known as 'missions'. The Netherlands also has 16 multilateral missions or permanent representations to international organizations like the European Union, NATO, and the United Nations.

C. Regions

The Netherlands has structural, bilateral development relationships with 36 countries. The Netherlands has projects in Eastern Europe, Asia, Latin America and Africa.

D. Relevant Reports

'Rule of Law, Good Governance & Development Cooperation in Turbulent Times' (2007):

http://www.minbuza.nl/en/news/speeches_and_articles,2007/09/-Rule-of-Law--Good-Governance-and-Development-Coop.html

New Zealand

New Zealand Agency for International Development (NZAid)

A. Background Information

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Wellington, New Zealand
Tel: 64 4 439 8200
Fax: 64 4 439 8515
enquiries@nzaid.govt.nz
www.nzaid.govt.nz

1. Policy Objectives:

Since the agency's formation, eliminating poverty has been central to NZAid's mission, with a regional focus on the Pacific.

2. Programmatic Areas of Work Related to Justice:

Human Rights: The integration of human rights and development in all NZAid's programs, processes and practices. This is being guided by a recent Human Rights Policy Implementation Plan of Action. This is a five year plan that sets out a process and timeframe to assist the agency with integrating human rights into all aspects of its operations.

Leadership and Governance: NZAID's programs aim to strengthen governance at regional, national and local levels, including the relationships between state actors and wider society.

Peace Building and Conflict Prevention: NZAID's long-term development commitment seeks to prevent conflict by helping its partners build structural stability in their societies. It does this through: *preventing conflict* by promoting good governance and respect for human rights, improving basic social services and promoting economic development; and *supporting communities*.

3. Modes of Implementation:

NZAID provides funding to support to a wide range of NGO programs as well as technical assistance.

4. Examples of Specific Programs:

- The Regional Rights Resource Team (RRRT): Since 2002, NZAID has provided project funding to RRRT, a regional organization based in Suva, Fiji. RRRT provides training and advocacy in human rights to promote social justice and reduce poverty in the Pacific. RRRT has established national partners in seven of the eight focus countries. These partners host Legal Rights Training Officers (LRTOs) funded, trained and mentored by RRRT. LRTOs conduct community-level workshops, undertake public awareness programs and play an active role in local and national policy dialogue. They also provide counseling, advisory, referral and information services on human and legal rights.
- Pacific Islands Chiefs of Police Secretariat: NZAID provides core funding for the Secretariat of the Pacific Islands Chiefs of Police – the key regional body for the policing profession in the Pacific, comprising Police Commissioners from 21 Pacific Islands. The Secretariat's role is to support its members through the provision and coordination of training and capacity building programs, policy advice and development, advocacy and networking functions. Key projects for the Secretariat have included the development of a Code of Conduct and Professional Integrity Standards for all police agencies, development of the Women's Advisory Network and development of an HIV/AIDS awareness program for police, in partnership with UNAIDS.

B. Partners

NZAID works with numerous NGO partners at the country level.

C. Regions

More than half of New Zealand's total aid goes to the Pacific Region including Papa New Guinea, NZAID also works in Asia, Africa, and Latin America.

D. Relevant Reports

Annual Report 2006-2007:

<http://www.nzaid.govt.nz/library/publications/annual-review.html>

Norway

I. Norwegian Agency for Development Cooperation (NORAD)

A. Background Information

Postboks 8034 Dep

0030 Oslo

Tel: 22 24 20 30

Fax: 22 24 20 31

postmottak@norad.no

www.norad.no

1. Policy Objectives:

NORAD is a directorate under the Norwegian Ministry of Foreign Affairs (MFA). The purpose of Norwegian development cooperation is to contribute towards lasting improvements in economic, social and political conditions for the populations of developing countries, with particular emphasis on ensuring that development aid benefits the poorest people.

2. Programmatic Areas of Work Related to Justice:

The five main goals of Norwegian development cooperation include: 1) to contribute towards promoting peace, democracy and human rights, and 2) to contribute towards promoting equal rights and opportunities for women and men in all areas of society.

3. Modes of Implementation:

NORAD offers concrete technical advice and funding support.

4. Examples of Specific Programs:

'Oil for Development' emphasizes issues of good governance, accountability, transparency and anti-corruption. Measures taken run across all the three integrated themes of the program; resource management, revenue management and environmental management. Another project supports the Office of the Ombudsman, a constitutional body, established by the 1994 Constitution of Malawi. It became "operational" in 1996, and may investigate "cases where it is alleged that any person has suffered injustice, and it does not appear that there is any remedy reasonably available by way of proceeding in the court or by way of appeal from a court or where there is no other practicable remedy".

B. Partners

In 2006, Norway had seven main partner countries and 18 other partner countries. NORAD provides technical advice on anti-corruption activities in Norwegian development cooperation. NORAD also makes an active contribution to technical discussions, nationally and internationally. NORAD's Department of Peace, Gender and Democracy is responsible for providing advice on anti-corruption activities.

C. Regions

Previously NORAD administrated long-term government-to-government development cooperation to 20 countries in Africa, Asia and Central America. NORAD also channels a substantial portion of Norwegian development funds through Norwegian partners in 80 other developing countries in Africa, Asia, South and Central America, and Europe.

D. Relevant Reports

An appraisal of the project undertaken by The Malawian Office of the Ombudsman, which details Norway's role:

http://www.norad.no/default.asp?MARK_SEARCH=YES&SEARCH_ID=s1&V_ITEM_ID=7710

II. Ministry of Foreign Affairs: International Development Program

A. Background Information

7. juni-plassen/ Victoria Terrasse

PB 8114 Dep.

N-0032 Oslo

Tel: 22 24 36 00

Fax: 22 24 95 80/81

post@mfa.no

www.mfa.no/ud

1. Policy Objectives:

The Ministry of Foreign Affairs has eight departments. The main purpose of the Ministry of Justice and the Police is to provide for the maintenance and development of the basic guarantees of the rule of law. An overriding objective is to ensure the security of society and of individual citizens.

2. Programmatic Areas of Work Related to Justice:

Priority areas of the Ministry of Justice include:

- reducing crime;
- security and the rule of law;
- promoting openness and democracy; and
- executing the tasks of the Criminal Justice System and providing service to the public.

3. Modes of Implementation:

The Ministry of Justice provides funding support.

4. Examples of Specific Programs:

None Found.

B. Partners

Norway has adopted an integrated approach, and their projects include key players from business, government, academia, trade-unions and NGOs.

C. Regions

None Found.

D. Relevant Reports

Annual Report on Norwegian Bilateral Development Cooperation 2006:

http://www.regjeringen.no/en/dep/ud/Documents/Reports-programmes-of-action-and-plans/Reports/2007/annual_report2006.html?id=480829

Sweden

Swedish International Development Cooperation Agency (SIDA)

A. Background Information

Valhallavägen 199

105 25 Stockholm

Tel: 46 8 698 50 00

Fax: 46 8 20 88 64

sida@sida.se

www.sida.se

1. Policy Objectives:

The overall goal of Swedish development cooperation is the combating of poverty. By reducing injustices and poverty throughout the world, better opportunities are created for development, peace and security.

2. Programmatic Areas of Work Related to Justice:

SIDA's strategy for regional development cooperation include conflict prevention and conflict management. The Division for Democratic Governance is responsible for the operative area democratic governance, which includes issues concerning democracy, human rights, popular participation, good governance and the principles of the rule of law.

3. Modes of Implementation:

SIDA provides funding and technical assistance support.

4. Examples of Specific Programs:

SIDA has since 1996 worked closely with the ICJ-S (Swedish Section of the International Commission of Jurists) to support a number of organizations in South Africa in the fields of human rights and legal advice/training.

B. Partners

There are a number of NGOs that work together in regional networks. Examples of networks that receive Swedish support are CODESRIA (see above), the Media Institute of Southern Africa (MISA), and the African Medical Research Foundation (AMREF). It also coordinates collaboration with UNFPA, UNICEF, WHO, UNESCO, UNAIDS, UNDCP and UNHCR.

C. Regions

Sweden is working with approximately 120 countries in Africa, Asia, Latin America, & Europe.

D. Relevant Reports

In depth look at SIDA's work in Africa:

http://www.sida.se/sida/jsp/sida.jsp?d=101&language=en_US
[04/28 Swedish Support to the Access to Justice Project in South Africa \(En, PDF 331kB\)](#)

Switzerland

I. Swiss Agency for Development and Cooperation (SDC)

A. Background Information

Freiburgstrasse 130

3003 Berne

Tel: 41 31 322 34 75

Fax: 41 31 324 16 94

info@deza.admin.ch

<http://www.sdc.admin.ch/>

1. Policy Objectives:

Switzerland has declared its support for the MDGs and has committed itself to work towards the achievement of the goals. In particular, this commitment requires development policy to honor international obligations in the Swiss political arena.

2. Programmatic Areas of Work Related to Justice:

Since 1997 the SDC has been following a concept designed to promote the rule of law in development cooperation. In its cooperation with the East, it has a legal mandate to foster human rights, the rule of law, and the transition to a market economy, with such priorities as supporting reforms in justice, police and penal systems. In the global South, the SDC supports the rule of law, justice, and human rights in the scope of its governance programs. Examples include cooperation with ombudsman institutions in Peru and

Bolivia, the support of programs on juvenile penal systems in South Africa, Lebanon and Pakistan, or the support of legal aid services in Vietnam and Kyrgyzstan.

3. Modes of Implementation:

SDC provides funding and technical assistance support.

4. Examples of Specific Programs:

None Found.

B. Partners

The SDC cooperates closely with multilateral organizations such as the UN High Commissioner on Human Rights (UNHCHR) or the UN High Commissioner for Refugees (UNHCR), concentrating on the empowerment of the poor, as well as the promotion of equal participation of women and men. The SDC implements numerous such projects within governance programs in the majority of its priority countries.

C. Regions

SDC maintains a presence in Africa, Eastern Europe, the Middle East, and Latin America.

D. Relevant Reports

Memorandum of Switzerland 2004: Evaluating SDC activities involving SDC for 2004.

http://www.deza.admin.ch/ressources/resource_en_156882.pdf

United Kingdom

Department for International Development (DFID)

A. Background Information

1 Palace Street
London SW1E 5HE, UK
Tel: 44 (0)20 7023 0000
Fax: 44 (0)20 7023 0019

enquiry@dfid.gov.uk

www.dfid.gov.uk

1. Policy Objectives:

DFID manages Britain's aid to poor countries and works to get rid of extreme poverty. Development at DFID means to bring people out of poverty and so reduce how much their country relies on overseas aid. Many different things can contribute to development which reduces poverty, such as settling conflicts, increasing trade, tackling climate change, securing more and better aid, and improving health and education.

2. Programmatic Areas of Work Related to Justice

Conflict, Humanitarian & Security Department (CHASE).

3. Modes of Implementation:

DFID provides funding and technical assistance.

4. Examples of Specific Programs:

The Law and Social Change project, investigates how the poor perceive and use law in rural areas of Brazil and the Philippines to make rights-based claims, resolve disputes, and challenge violations of civil liberties. DFID plans to develop a rights-based approach to development and to enhance citizen safety, security and access to justice, are based on the idea that law can be a force for progressive social change.

DFID, working with the Government of Malawi, established the Malawi Safety Security and Access to Justice (MaSSAJ) project in 2000. The MaSSAJ program worked with the police, the prison service and the judiciary as well as the informal sector.

B. Partners

In addition to its work as a bilateral donor to individual countries, 38% of total DFID development assistance funding goes through multilateral agencies. DFID collaborates with international institutions such as the World Bank, the United Nations, and the World Trade Organization, and developed country groupings such as the European Union (EU). Primary justice is delivered through a variety of institutions and groups, including traditional, religious and community leaders, NGOs and faith-based organizations.

C. Regions

DFID works extensively in Africa and Asia.

D. Relevant Reports

Information about the DFID's commitments in Brazil and the Philippines :

Lead Institute: [Institute of Development Studies, University of Sussex \(IDS\)](#)

DFID's significant role in promoting social change in Malawi: [The MaSSAJ programme](#)

United States of America

The U.S. Agency for International Development (USAID)

A. Background Information

Ronald Reagan Building, 1300 Pennsylvania Avenue, NW

Washington, D.C. 20523, USA

Tel: 1 202-712-0000

Contact via form on website

www.usaid.gov

1. Policy Objectives:

USAID is an independent federal government agency that receives overall foreign policy guidance from the Secretary of State. The work supports long-term and equitable economic growth and advances U.S. foreign policy objectives by supporting:

- economic growth, agriculture and trade;

- global health; and
- democracy, conflict prevention and humanitarian assistance.

2. Programmatic Areas of Work Related to Justice:

The Agency focuses its efforts to promote democracy and good governance on four distinct, but related, goals:

- Strengthening the Rule of Law and Respect for Human Rights.
- Promoting More Genuine and Competitive Elections and Political Processes.
- Increased Development of a Politically Active Civil Society.
- More Transparent and Accountable Governance.

3. Modes of Implementation:

Democracy and governance programs provide technical assistance and other support to strengthen capacity of reform-minded governments, non-governmental actors, and/or citizens in order to develop and support democratic states and institutions that are responsive and accountable to citizens. Democracy programs promote the rule of law and human rights, transparent and fair elections coupled with a competitive political process, a free and independent media, stronger civil society and greater citizen participation in government, and governance structures that are efficient, responsive and accountable.

4. Examples of Specific Programs:

The Strategic and Operational Research Agenda (SORA) is a comprehensive long-term effort being undertaken by the Bureau for Democracy, Conflict and Humanitarian Assistance, Office of Democracy and Governance (DCHA/DG) to measure the impact and effectiveness of USAID democracy and governance assistance programs. SORA provides the information needed by policy makers and practitioners to make the best possible investments in supporting democratic development and good governance.

B. Partners

USAID works in close partnership with private voluntary organizations, indigenous organizations, universities, American businesses, international agencies, other governments, and other U.S. government agencies. USAID has working relationships with more than 3,500 American companies and over 300 U.S.-based private voluntary organizations.

C. Regions

USAID provides assistance in five regions of the world: Sub-Saharan Africa; Asia; Latin America and the Caribbean; Europe and Eurasia; and the Middle East region.

D. Relevant Reports

A Guide to USAID activities updated June 2008:

http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/Activities_DG6_08_508c.pdf

Multilateral Organizations

Council of the European Union

A. Background Information

The General Secretariat of the Council of the European Union

175, Rue de la Loi

B-1048 Brussels

Tel: (32-2) 281 6111

Fax: 32 (0) 2 281 6609

webmaster@consilium.europa.eu

<http://consilium.europa.eu/>

1. Policy Objectives:

The European Council brings together the heads of state or government of the European Union and the president of the Commission. It defines the general political guidelines of the European Union.

2. Programmatic Areas of Work Related to Justice:

Common Foreign and Security Policy (CFSP).

3. Modes of Implementation:

The Council provides expertise, and engages in political dialogue. The acts of the Council can take the form of regulations, directives, decisions, common actions or common positions, recommendations or opinions. The Council can also adopt conclusions, declarations or resolutions.

4. Examples of Specific Programs:

EUPOL RD Congo assists in the overall coordination of the national Security Sector Reform (SSR) that encompasses the Police, Justice and Defense pillars.

B. Partners

The EU is negotiating Economic Partnership Agreements (EPAs) with the ACP (African, Caribbean and Pacific) partner countries in order to use trade to promote development.

C. Regions

Worldwide - ECHO, the European Council's Directorate General for Humanitarian Aid, has funded humanitarian assistance programs in over 85 countries. 18 of the 23 countries identified by the European Commission as the most vulnerable for 2007 are in Sub-Saharan Africa.

D. Relevant Reports

Annual report from the Council to the European Parliament on the main aspects and basic choices of the CFSP 2007: http://consilium.europa.eu/uedocs/cmsUpload/EN_PESC.pdf

European Commission, EuropeAid Cooperation Office

A. Background Information

Rue Van Maerlant 18
B 1040 – Brussels
Tel: 00800 6 7 8 9 10 11
Email via contact form on website
www.ec.europa.eu

1. Policy Objectives:

The mission of the European Commission is to promote the general interest of the European Union.

2. Programmatic Areas of Work Related to Justice:

The EU provides assistance to partner countries through programs on:

- Governance: In 2004 and 2005, the Commission committed a total amount of nearly €3 billion to support good governance in partner countries.
- Justice: The Commission has been involved in supporting the development of effective justice systems across the world, investing a total amount of around €443 million from 2004 to 2006.
- Public administration and services: From 2004 to 2006, the EC invested €31 million in programs promoting public administration reform and decentralization in more than 40 countries.

3. Modes of Implementation:

The Commission employs three main instruments to promote the democratization process in partner countries: political dialogue, mainstreaming of democratic values, and dedicated financial and technical assistance programs.

4. Examples of Specific Programs:

The European Commission's Daphne Programme (2000-2003) was set up to support action to combat violence against children, young people and women through an annual budget appropriation of 5 million Euros. As part of its pilot projects Daphne has created a network to campaign against slavery in Europe, assisted victims of domestic violence and positioned school mediators as a tool for non-violent dispute resolution.

B. Partners

The Commission promotes a multi-actor approach (the public and private sectors, and other non-state actors) to supply-side corruption. It also supports national and international demand-side initiatives to encourage change, such as further transparency and integrity, and the mainstreaming of good governance in all policy sectors.

C. Regions

Worldwide.

D. Relevant Reports

The 2006 Communication on Governance in the European Consensus on Development: highlights the political, economic, social, cultural and environmental dimensions of governance. It also emphasizes that EU support to governance must be tailored to the specific situation of each country, in particular fragile states.

International Development Law Organization (IDLO)

A. Background Information

Viale Vaticano
106 00165 Rome, Italy
Tel: 39 06 40403200
Fax: 39 06 4040323

ido@idlo.int

<http://www.idlo.int/English/External/IdloHome.asp>

1. Policy Objectives:

Since its establishment in 1983, the purposes of the IDLO have been:

- To encourage and facilitate the improvement and use of legal resources in the development process.
- To contribute to the establishment and progressive development and application of good governance and the rule of law in developing countries and countries in economic transition.
- To assist developing countries and countries in economic transition to improve their negotiating capabilities in the fields of development cooperation, foreign investment, international trade and other international business transactions.
- To promote sustainable development through improvement and maintenance of the legal and judicial systems of the developing countries and countries in economic transition.

2. Programmatic Areas of Work Related to Justice:

Rule of law.

3. Modes of Implementation:

IDLO fulfils its mandate by providing training, technical assistance, research and publication to governments, NGOs, local communities and professional associations in developing countries, countries in economic transition, and countries emerging from armed conflict.

4. Examples of Specific Programs:

In February 2006, IDLO began a project on “Strengthening the Rule of Law in South Sudan”, funded by the Canadian Department of Foreign Affairs and International Trade (DFAIT). The aim of the project is to strengthen the rule of law in South Sudan by enhancing the competence of the judiciary, prosecutors, legal counsel, legal advisors and the duty counsel to the Ministry of Legal Affairs – thereby encouraging greater

fairness, transparency and efficiency in the justice system and the sustainability of best practice.

B. Partners

IDLO has worked with over 14,000 legal professionals from 175 countries and has established 41 Alumni Associations around the world, which carry out at the national level what IDLO does internationally.

C. Regions

IDLO is active in the Americas, Asia, Africa, the Arab states and Europe.

D. Relevant Reports

Annual Report of Activities in 2007:

www.idlo.int/DOCNews/ReportAssemblyMeeting2007.pdf

Organization for Economic Cooperation and Development (OECD)

A. Background Information

OECD 2, rue André Pascal
F-75775 Paris Cedex 16, France
Tel: 33 1.45.24.82.00
Fax: 33 1.45.24.85.00
oeccdirect@oecd.org
www.oecd.org

1. Policy Objectives:

The OECD brings together the governments of countries committed to democracy and the market economy from around the world to:

- Support sustainable economic growth
- Boost employment
- Raise living standards
- Maintain financial stability
- Assist other countries' economic development
- Contribute to growth in world trade

2. Programmatic Work Related to Justice:

OECD's justice work falls under the areas of: governance, and society.

3. Modes of Implementation:

The OECD provides research and convening services.

4. Examples of Specific Projects

In 1992 the OECD and the Phare Programme of the European Commission launched Sigma to support five central and eastern European countries in their public

administration reform efforts. Sigma support includes: assessing reform progress and identifying priorities; assisting in the process of institution-building and setting up legal frameworks; and facilitating assistance from the EU and other donors by helping to design projects and implement action plans. Sigma supports the reform efforts of its partner countries in nine priority areas, including Legal Framework, Civil Service and Justice.

B. Partners

The OECD has 30 member countries but also works with other countries that are not members. The OECD maintains close relationships with civil society and parliamentarians in member countries, notably through its close and long-standing links with the Council of Europe and its Parliamentary Assembly, and with the Economic Committee of the NATO Parliamentary Assembly. The OECD has official relations with other International organizations and bodies, and United Nations bodies.

C. Regions

Worldwide.

D. Relevant Reports

OECD Annual Report 2008: <http://www.oecd.org/dataoecd/39/19/40556222.pdf>

International Financial Institutions

African Development Bank

A. Background Information

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01 BP 1387 Abidjan 01
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afdb@afdb.org
www.afdb.org

1. Policy Objectives:

The African Development Bank (ADB) is dedicated to combating poverty and improving living conditions across the African continent. The ADB is also engaged in mobilizing resources for the economic and social progress of its Regional Member Countries. The Bank's mission is to promote economic and social development.

2. Programmatic Work Related to Justice:

The ADB recognizes that good governance depends on an equitable and efficient judicial system that meets the needs of the population as well as those of business people who want to operate in regional member countries (RMC). This explains why in adopting its good governance policy and as a corollary of its new Vision for the economic development of the continent, the Bank Group has underscored the need to reform legal and judicial systems which constitute an indispensable part of the actions that are likely to reduce poverty and stimulate regional economic integration among RMCs.

3. Modes of Implementation:

The bank achieves its mission through loans, equity investments and technical assistance.

4. Examples of Specific Programs:

In Angola the ADB funded a project to support the socio-economic re-integration of vulnerable populations. The sector goal of this project is to help improve the living conditions of the vulnerable populations that have been affected by conflict.

B. Partners

The ADB has shareholders in 53 African countries and 24 non-African countries from the Americas, Asia, and Europe. The bank has a division with the mandate to promote and coordinate non-statutory cooperation relations and strategic partnerships with bilateral aid agencies, multilateral development institutions, African organizations and institutions, and other aid agencies.

C. Regions

Africa.

D. Relevant Reports

The Bank Group Annual Report 2007:

http://www.afdb.org/portal/page?_pageid=473,968735&_dad=portal&_schema=PORTAL

Asian Development Bank

A. Background Information

P.O. Box 789
0980 Manila, Philippines
Tel: 632 632 4444
Fax: 632 636 2444
Email via website contact form
www.adb.org

1. Policy Objectives:

ADB is dedicated to poverty reduction in Asia and the Pacific.

2. Programmatic Areas of Work Related to Justice:

In its Legal and Justice Reform area, ADB focuses on:

- capacity building and institutional enhancement of the legal and judicial systems;
- development of the legal framework for private sector development;
- development of the legal framework for government regulation of the private sector, with particular attention to financial and capital markets; and
- revisions in the rule-making processes within government and regulatory agencies to ensure participation, transparency and accountability.

3. Modes of Implementation:

ADB contributes low interest loans, guarantees, grants, private sector investments, and knowledge and advice to help build infrastructure and improve essential services such as health and education to boost quality of life. Although most lending is in the public sector – and to governments - ADB also provides direct assistance to private enterprises of developing countries through equity investments, and loans.

4. Examples of Specific Projects

The Access to Justice Program (AJP), funded in 2001 in the amount of \$350 million, is the first phase of ADB's long-term assistance to Pakistan for judicial reform. During its first phase, the AJP aims to:

- integrate access to justice into the broader development debate in the country;
- support a coherent policy and legal framework for sustainable judicial and police reforms; and
- initiate activities to address some of the most pressing issues in the sector.

B. Partners

The ADB has 67 members, of which 48 are from within the Asia and Pacific region.

C. Regions

Asia.

D. Relevant Reports

ADB Workshop in Bangladesh, 2006: *Strengthening the Criminal Justice System*:

<http://www.adb.org/Documents/Books/Strengthening-Criminal-Justice-system/default.asp>

Inter-American Development Bank

A. Background Information

IDB Headquarters

1300 New York Avenue, N.W.

Washington, D.C. 20577, USA

Tel: (202) 623-1000

pic@iadb.org

www.iadb.org

1. Policy Objectives:

The Inter-American Development Bank (IDB) is the main source of multilateral financing for economic, social, and institutional development in Latin America and the Caribbean. Its mission is to contribute to the acceleration of the process of economic and social development of the regional developing member countries, individually and collectively.

2. Programmatic Areas of Work Related to Justice:

Under the topic of Government and Public Institutions the IDB has two sub-programs: Judicial Administration and Reform, and Legislative and Legal Reform. Under its Social Inclusion and Equality topic it has a subprogram on Human Rights.

3. Modes of Implementation:

IDB provides loans and grants.

4. Examples of Specific Programs:

Recently the IDB authorized a \$30 million loan to Guatemala. The loan proceeds are meant to finance the construction of up to 13 integrated justice centers with 24-hour courts in the most densely populated and crime-ridden departments of Guatemala. Investments will also be made to build regional public defenders' offices and to remodel justice of the peace offices, police stations and prosecutors' offices. To improve interagency coordination and transparency, the program will also support efforts to harmonize the systems criminal justice institutions employ to share, process and analyze information. Additionally, the program is meant to improve the agencies' ability to conduct scientific criminal investigations.

B. Partners

The IDB is owned by its 47 member countries. Public entities eligible to borrow from the Bank include national, provincial, state and municipal governments, and autonomous public institutions. Civil society organizations and private companies are also eligible.

C. Regions

IDB works with its member countries in the Latin American and Caribbean region.

D. Relevant Reports

Annual Report 2007:

<http://www.iadb.org/exr/ar2007/TableOfContents.cfm?language=English>

World Bank, The

A. Background Information

World Bank Community Foundation Initiative

The World Bank 1818 H Street NW

Washington, DC 20433 USA

Tel: (202) 473-1000

Fax: (202) 477-6391

Email via website

<http://www.worldbank.org/>

1. Policy Objectives:

The World Bank seeks to reduce poverty through sustained development.

2. Programmatic Areas of Work Related to Justice:

The World Bank includes a sector on Law & Justice and Public Administration which represents 22% of its spending. Under the Law and Development topic it includes Justice for the Poor (J4P).

3. Modes of Implementation:

The World Bank is a vital source of financial and technical assistance to developing countries around the world. It provides low-interest loans, interest-free credit and grants to developing countries for education, health, infrastructure, communications and many other purposes.

4. Examples of Specific Programs:

The National Strategy for Access to Justice in Indonesia provides a framework for strengthening access to justice in that country. The strategy details how to: (i) build stronger justice institutions; (ii) reduce poverty and empower communities to take control of their own lives; and in turn, (iii) enhance national security.

B. Partners

The World Bank is like a cooperative, where its 185 member countries are shareholders. The shareholders are represented by a Board of Governors, who are the ultimate policy makers at the World Bank. The five largest shareholders, France, Germany, Japan, the United Kingdom and the United States appoint an executive director, while other member countries are represented by 19 executive directors.

C. Regions

Worldwide.

D. Relevant Reports

More information on Justice for the Poor:

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTICE/EXTJUSFORPOOR/0,,menuPK:3282947~pagePK:149018~piPK:149093~theSitePK:3282787,00.html>

United Nations

Joint United Nations Programme on HIV/AIDS (UNAIDS)

A. Background Information

UNAIDS Secretariat
20, Avenue Appia CH-1211
Geneva 27
Switzerland
Tel: 41.22.791.3666
Fax: 41.22.791.4187
rtdata@unaids.org
www.unaids.org

1. Policy Objectives:

UNAIDS works to help enable States to meet their human rights obligations, and to empower individuals and communities to claim their rights in the context of the HIV epidemic.

2. Programmatic Work Related to Justice:

UNAIDS works on many areas of law critical to an effective response: public health law, anti-discrimination and equality of women, domestic relations and prevention of sexual violence, intellectual property, social security, laws governing drug use, sex work, prisons. UNAIDS supports countries to:

- audit their laws to see how they impact on the response;
- reform their laws to make them supportive of an effective response;
- include “know your rights campaigns” and HIV legal support in national AIDS responses; and
- strengthen laws against discrimination against people living with HIV and violence against women.

3. Modes of Implementation:

UNAIDS provides technical and advisory assistance.

4. Examples of Specific Programs:

None Found.

B. Partners

Cosponsors include UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, ILO, UNESCO, WHO, and the World Bank.

C. Regions

UNAIDS works in more than 80 countries.

D. Relevant Reports

UNAIDS Annual Report 2006:

<http://search.unaids.org/Results.aspx?q=annual+report&x=15&y=11&o=html&d=en&l=en&s=false>

United Nations Children’s Fund (UNICEF)

A. Background Information

Palais des Nations
1211 Genève 10
Switzerland
Tel: 41 22 909 5111
Fax: 41 22 909 5929
Geneva@unicef.org
www.unicef.org

1. Policy Objectives:

To protect children from violence, exploitation and abuse, and preserve their rights to survival, growth and development.

2. Programmatic Areas of Work Related to Justice:

UNICEF supports the development and implementation of a legal framework that ensures the protection of children's rights. As a key part of building a protective environment, UNICEF works with governments to ensure that this legal framework is upheld and made a reality for children.

3. Modes of Implementation:

UNICEF provides funding and technical assistance.

4. Examples of Specific Programs:

To assist in improving legal protection for children, especially children in conflict with the law, UNICEF has been involved in countries like Cambodia since 2000 in the area of juvenile justice, working on a number of projects. One of UNICEF’s main activities in the field is to provide support to the Bar Association of the Kingdom of Cambodia to provide proper legal protection for children in conflict with the law. Key activities that are part of such projects include: on-the-job training for the team lawyers, legal representation of children in conflict with the law and child victims, and sensitization of law professionals and other actors in child justice.

B. Partners

UNICEF works in partnership with governments, NGOs, and the private sector.

C. Regions

UNICEF is active in 190 countries.

D. Relevant Reports

Justice for Children: Detention as a Last Resort, Innovative Initiatives in the East Asia and Pacific Region

[\[PDF\]http://www.unicef.org/protection/files/Justice for Children Detention.pdf](http://www.unicef.org/protection/files/Justice_for_Children_Detention.pdf)

United Nations Development Programme (UNDP)

A. Background Information

Headquarters
One United Nations Plaza
New York, NY 10017 USA
Tel: 1 (212) 906-5000
Fax: 1 (212) 906-5364
Submit general inquiries from website
www.undp.org

1. Policy Objectives:

UNDP is the UN's global development network, an organization advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. UNDP helps developing countries attract and use aid effectively.

2. Programmatic Work Related to Justice:

Two of UNDP's five focus areas are Democratic Governance and Crisis Prevention and Recovery. Under the Democratic Governance focus area there is a program called Justice and Human Rights. Based on the number of countries requesting UNDP support in this field, democratic policy reform has emerged as a major focus of UNDP interventions in democratic governance. The comparative strength of UNDP in this area derives from the convening role and neutrality of the organization and a strong tradition of active support, backed up by a dynamic community of practice.

3. Modes of Implementation:

UNDP's core services to support national processes of democratic transitions, focus on: (1) Policy advice and technical support; (2) Strengthening capacity of institutions and individuals; (3) Advocacy, communications, and public information; (4) Promoting and brokering dialogue; and (5) Knowledge networking and sharing of good practices.

4. Examples of Specific Programs:

In Sierra Leone, Brazil, Peru and Guatemala UNDP enhanced the accessibility of traditional adjudication systems by establishing Centers for Administration of Justice. In Sierra Leone, UNDP supported the decentralized reconstruction of the basic echelons of the courts. In China, UNDP has supported strengthening the public defense system.

B. Partners

UNDP's work in democratic governance is reinforced by its network of over 166 offices, along with its global partnerships with varied institutions.

C. Regions

UNDP operates extensively in Latin America, the Middle Eastern region, Asia and Africa.

D. Relevant Reports

Access to Justice practice note:

http://www.undp.org/governance/docs/Justice_PN_En.pdf

Human Rights in UNDP practice note:

http://www.undp.org/governance/docs/HRPN_English.pdf

Poverty Reduction and Human Rights practice note:

[http://www.undp.org/governance/docs/HRPN_\(poverty\)En.pdf](http://www.undp.org/governance/docs/HRPN_(poverty)En.pdf)

United Nations Development Fund for Women (UNIFEM)

A. Background Information

UNIFEM Headquarters

304 East 45th Street

15th Floor

New York, NY 10017, USA

Tel: 1 212-906-6400

Fax: 1 212-906-6705

Website: <http://www.unifem.org/>

1. Policy Objectives:

UNIFEM seeks to foster women's empowerment and gender equality, placing the advancement of women's human rights at the centre of its efforts.

2. Programmatic Work in Areas Related to Justice:

UNIFEM focuses on four strategic areas, two of which are involved with justice: ending violence against women, and achieving gender equality in democratic governance.

3. Modes of Implementation:

UNIFEM provides financial and technical assistance to innovative programs.

4. Examples of Specific Programs:

In Somaliland, after UNIFEM distributed advocacy materials and held an intensive three-month judiciary training session, the House of Traditional Leaders countered traditional practice by condemning forced marriages for rape victims. A Trust Fund initiative in Uganda has worked with the police to set up special units for investigating cases of violence, coordinating with civic leaders and sensitizing communities. Regionally, Trust Fund support to FEMNET has led to the creation of a men's network to combat violence against women and promote gender equality.

B. Partners

UNIFEM works in collaboration with OHCHR, UNICEF and Defense for Children International.

C. Regions

UNIFEM has 15 regional offices and two country program offices.

D. Relevant Reports

Gender Sensitive Police Reform in Post Conflict Societies:

http://www.unifem.org/resources/item_detail.php?ProductID=105

UNIFEM highlights for 2007:

http://www.unifem.org/resources/item_detail.php?ProductID=114

United Nations Office on Drugs and Crime (UNODC)

A. Background Information

Vienna International Centre

P.O. Box 500

Room E1404

A-1400 Vienna, Austria

Tel: 43(1) 26060-5504

Fax: 43(1) 26060-5866

alternativedevelopment@unodc.org

www.unodc.org

1. Policy Objectives:

The United Nations Office on Drugs and Crime (UNODC) is mandated to assist Member States in their struggle against illicit drugs, crime and terrorism.

2. Programmatic Work in Areas Related to Justice:

The Criminal Justice Reform Unit (CJRU) is part of the UNODC Rule of Law Section in the Division for Operations' Human Security Branch. The Unit contributes towards the mandate of UNODC by assisting developing countries, countries emerging from conflict, and countries with economies in transition in building the capacity of their justice systems to operate more effectively within the framework of the rule of law and with particular attention to vulnerable groups.

The CJRU oversees project development and provides substantive support for project implementation in the general area of justice reform, including:

- juvenile justice;
- penal reform;
- restorative justice;
- alternatives to imprisonment;
- victim support; and
- monitoring and civilian oversight of criminal justice performance.

3. Modes of Implementation:

Project activities include a wide number of interventions such as:

- training and skills transfer;
- the provision of advice;
- law reform;
- the provision of grants to NGOs; and
- the development of normative guides, manuals and reports on best practice and training.

4. Examples of Specific Programs:

UNODC's Criminal Justice Assessment Toolkit is a standardized and cross-referenced set of tools designed to enable UN agencies, government officials engaged in criminal justice reform, as well as other organizations and individuals to conduct comprehensive assessments of criminal justice systems; to identify areas of technical assistance; to assist agencies in the design of interventions that integrate UN standards and norms on crime prevention and criminal justice; and to assist in training on these issues.

B. Partners

UNODC works in collaboration with other UN agencies, governments, and NGOs.

C. Regions

UNODC operates in more than 150 countries around the world through its network of field, project and liaison offices.

D. Relevant Reports

Annual Report 2007: <http://www.unodc.org/unodc/en/about-unodc/annual-report.html>

United Nations Office of the High Commission for Human Rights (OHCHR)

A. Background Information

Office of the High Commissioner for Human Rights

Palais Wilson

52 rue des Pâquis

CH-1201 Geneva, Switzerland

Tel: 41 22 917 90 00

InfoDesk@ohchr.org

www.ohchr.org

1. Policy Objectives:

The Office of the United Nations High Commissioner for Human Rights (OHCHR) represents the world's commitment to universal ideals of human dignity. OHCHR has a mandate from the international community to promote and protect all human rights. The High Commissioner heads OHCHR and spearheads the UN's human rights efforts. OHCHR offers leadership, works objectively, educates and takes action to empower individuals and assist States in upholding human rights.

2. Programmatic Work in Areas Related to Justice:

None Found.

3. Modes of Implementation:

OHCHR supports the work of the United Nations human rights mechanisms, such as the Human Rights Council and the core treaty bodies set up for monitoring State Parties' compliance with international human rights treaties, promote the right to development, coordinate UN human rights education and public information activities, and strengthens human rights across the UN system.

4. Examples of Specific Programs:

As at December 2007, OHCHR supported the 17 human rights components of Peace Missions in Afghanistan, Burundi, the Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia/Eritrea, Georgia/Abkhazia, Guinea Bissau, Haiti, Iraq, Liberia, Sierra Leone, Somalia, Sudan, Tajikistan, Timor-Leste, and the UN Office for West Africa (Senegal).

B. Partners

OHCHR is funded from the UN's regular budget and from voluntary contributions from Member States, intergovernmental organizations, foundations and individuals.

C. Regions

Worldwide.

D. Relevant Reports

Annual Report 2007:

http://www.ohchr.org/Documents/Press/OHCHR_Report_07_Full.pdf

UN Rule of Law Unit

A. Background Information

United Nations

New York, New York 10017, USA

Contact via website form

www.un.org

1. Policy Objectives:

The Office of the Rule of Law and Security Institutions is responsible for five areas: the Police Division; the Criminal Law and Judicial Advisory Section; the Disarmament, Demobilization and Reintegration Section; the Security Sector Reform Section; and the Mine Action Service. All these functions are at the core of UN efforts to support the sustainable reform of security in post-conflict countries. The Office collaborates and enhances partnerships with all relevant non-UN actors, including regional organizations and bilateral donors, and serves as a global focal point for rule of law issues.

2. Programmatic Work Related to Justice:

None Found.

3. Modes of Implementation:

None Found.

4. Examples of Specific Programs:

None Found.

B. Partners

Branches of the UN that relate to international law work, and regional organizations in the private and civil sectors.

C. Regions

Worldwide.

D. Relevant Reports

None Found.