

# JuREX

## Justice Reform Exchange

World Bank Law and Justice Institutions website: <http://www.worldbank.org/lji>

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### News

## Law, Justice and Development Week 2011

The recent Law, Justice and Development Week on November 14 to 17 featured over 40 distinct events and presentations, ranging from high profile keynote speakers to basic skills training sessions; all connected in some way with the range of policy and operational activities and interests of the World Bank's Legal Vice Presidency. The full range of sessions and related papers is featured at the World Bank's public website (See it at this [link.](#))

Topics of particular relevance to the theme of justice sector institutional development programming were:

- *Rule of Law, Governance and Development - Perspectives from MENA* (Nov 14 at 10:45am - Preston Auditorium)
- *World Development Report 2011 - Promoting Legitimate and Effective Justice and Security Institutions in Fragile and Conflict-Affected States* (Nov 14 at 2pm - Preston Auditorium)
- *New Directions in Criminal Justice at the World Bank* (Nov 15 at 9:30am - MC2-800)
- *Fostering Learning and Innovation - Women's Access to Justice and the World Development Report 2012 on Gender Equality and Development* (Nov 15 at 11:15am - MC13-121)
- *Law and Development in China - Opportunities and Challenges* (Nov 16 at 9:30am - Preston Auditorium)
- *Legal Harmonization as a Tool for Regional Integration - The OHADA Experience* (Nov 16 at 9:30am - MC13-121)
- *International White Collar Crime and Corruption - One of the Key Challenges for Development in the 21st Century* (Nov 17 at 9:30am - Eugene Black Auditorium)
- *Alternative Responses to Crime and Crime Prevention* (Nov 17 at 11am - Eugene Black Auditorium)



General Counsel Kalidou Gadio, African Development Bank, with General Counsel & Senior Vice President Anne-Marie Leroy, World Bank

Selected video records and associated PowerPoint materials relating to each session are soon expected to be available on our public website.



New Directions in Criminal Justice:  
Dr. Heike Gramckow, Elizabeth Howe & Faye Ehrenstamm



Rule of Law in the MENA region



Women's Access to Justice – Rea Abada Chiongson, Christina Biebesheimer & Mary Hallward-Driemeier





## Discussion on Women’s Access to Land



Nicholas Menzies, Eileen Alma, Josephine Ahikire and Victoria Stanley

On November 17th, 2011, the World Bank’s Justice for the Poor (J4P) Program hosted a discussion on the International Development Research Centre’s new book *Women and Land: Securing Rights for Better Lives* with co-author Eileen Alma, discussant Josephine Ahikire and World Bank land specialist Victoria Stanley. In an effort to improve understanding of how women’s access may be enhanced, the book explores International Development Research Centre research in 14 countries on the experiences of women in access to land. The research identifies the limitations on relying purely on legislative solutions, noting that adequate education, monitoring, and enforcement mechanisms

are essential in realizing and sustaining reforms. The research also concludes that women seldom have simple choices between making use of either customary or statutory land tenure systems – instead their options are determined by how customary and statutory systems interact in particular contexts.



The report’s findings generally support the J4P Program’s East Asia and Pacific Regional Gender Thematic Area, which aims to explore how equitable and durable dealings in land and natural resources can be made in the context of collective and customary ownership. The project currently works in Papua New Guinea, Timor-Leste, Solomon Islands, and Vanuatu; and is aimed generally at developing an empirical base in each country for policy reforms and in support of World Bank programs, the overall aim of which is to foster land ownership and usage rights that are more equitable for women.



The book is available via the IDR Centre at website: [www.idrc.ca](http://www.idrc.ca)

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## German Minister of Justice Visits the Legal Vice Presidency



Federal Justice Minister, Sabine Leutheusser-Schnarrenberger

On November 3, 2011, the German Federal Minister of Justice, Sabine Leutheusser-Schnarrenberger and her delegation, visited the World Bank’s headquarters and met with representatives of the Legal Vice Presidency’s management, the Justice Reform Practice Group (LEGJR) and others working on justice reform, governance and anti-corruption projects across the Bank. The first visit to the Legal Vice Presidency by a minister of justice from a G8 nation, Ms Leutheusser-Schnarrenberger’s delegation included eight other officials from the ministry and the German embassy. She was formally welcomed by Deputy General Counsel Hassane Cisse who, with assistance from Christina Biebesheimer (Chief Counsel, LEGJR) and Dr. Heike Gramckow (Senior Counsel, LEGJR), provided a series of presentations about the Bank’s work in justice sector development.



An overview of the Bank’s approach to justice, good governance and anti-corruption programming was given by Christina Biebesheimer in which she highlighted the Bank’s historical emphasis on supporting judicial institutions, the more recent broadening of focus to including justice ministries, and the likelihood of increased attention in future to criminal justice procedural reform. This was followed by staff presentations, each from different regions and areas of interest, i.e. from Sahr Kpundeh (Regional Vice Presidency Africa/Governance and Anti-Corruption), Fabian Seiderer (Regional Vice Presidency MENA/Access to Information), Rick Messick (Integrity Vice Presidency/Misconduct), Jens Kristensen (Regional Vice Presidency Europe & Central Asia/EU accession process), Steven Charles Burgess (Regional Vice Presidency East Asia & Pacific/Anti-Corruption, Citizen’s Rights) and Joscelyn O’Reil Truitt (Regional Vice Presidency Latin America & Caribbean/Crime, Violence, Citizen’s Security).

The minister expressed her appreciation of the quality of the presentations and of the World Bank’s efforts in justice sector development generally. She emphasized that stronger cooperation is needed between all stakeholder and donors concerned with justice sector development. In her closing remarks she observed that “Lots of transformation processes can be seen around the world and better coordination is needed, particularly at a time when there are only limited resources available.” The visit concluded with agreement on the usefulness of the discussions; and the value of continuing discussions with a view to possible future collaborations between the Bank and the ministry.



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## Sydney Symposium on Justice, Conflict and Development

The World Bank’s Justice for the Poor (J4P) Program funded a one day symposium on September 15, 2011 in Sydney, Australia, to explore the links between justice, conflict and development and the implications for donor support to justice reform.

The symposium, hosted by the University of Sydney, brought together practitioners, policymakers and academics for a discussion of how issues of justice, conflict and development play out in the Pacific region and fragile and conflict-affected settings elsewhere. The seminar was formally opened by Anne-Marie Leroy, Senior Vice President and General Counsel of the World Bank, and Gillian Triggs, Dean of University of Sydney Law School, with remarks from World Development Report (WDR) 2011 co-director Nigel Roberts, Paul Collier from Oxford University, and Shantayanan Deverajan of the World Bank. Presentations were made by Matt Allen of the Australian National University, Erik Jensen from Stanford University, Christine Charles from the University of Queensland, along with other academic participants and practitioners from the World Bank, the Australian Agency for International Development (AusAID) and elsewhere.



Professor Paul Collier

The WDR 2011 argues that perceptions of injustice, exclusion and inequality are often common threads in a range of stresses that drive conflict. Legitimate and effective justice institutions are essential in managing disputes arising from these stresses and in ways that restore public confidence and allow for long-term social transformations. The WDR 2011 calls for justice strategies that: (1) are grounded in understandings of the socio-political context—promoting “best-fit” rather than “best practice” solutions emerging from local demand, experimentation and adaptation; (2) focus on the social and economic dimensions of justice, not merely on the justice sector; and (3) promote early credible signals of change to foster confidence in



citizen-state relations, while committing to long term engagements.

The symposium highlighted three arenas in which effective and legitimate justice institutions may prevent injustice, grievance and exclusion from spiraling into violence:

- Access to justice – by working with the range of state and non-state institutions to promote accessible and socially relevant dispute resolution;
- Service delivery – by promoting accountable and equitable service delivery and by providing avenues of redress for grievances;
- Land and natural resource governance – by managing social contests around the conversion of land and natural resources into capital and the distribution of benefits.

Discussion of these themes drew on the experiences of the Justice for the Poor Program in Solomon Islands, Vanuatu, Timor-Leste, Papua New Guinea, Indonesia and Cambodia, as well as in Sierra Leone and Nigeria. The day closed with a discussion between AusAID and the Justice for the Poor Program on strategies for evaluating and supporting development effectiveness. Copies of PowerPoint presentations and a video interview with Professor Paul Collier are available online via the Justice for the Poor website at: [www.worldbank.org/justiceforthe poor](http://www.worldbank.org/justiceforthe poor)



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## Promoting Justice Excellence in Colombia

On October 31, 2011, the “*Corporación Excelencia en la Justicia* (the Council for Excellence in Justice - CEJ) celebrated its 15<sup>th</sup> anniversary in Bogotá with a conference focusing on challenges for Colombia in joining the Organization for Economic Cooperation and Development (OECD).



A Colombian non-governmental organization focusing on the promotion of justice excellence, the CEJ invited three World Bank public sector management global experts to speak at the conference about justice development in the context of OECD membership - David F. Varela (Latin America), Klaus Decker (Europe and Central Asia), and Theo David Thomas (East Asia Pacific). Their presentations drew on World Bank research, particularly on the recently published working paper report, *Improving the Performance of Justice Institutions: Recent Experience from Selected OECD Countries Relevant for Latin America*, 2011, by Decker, Mohlen and Varela (see a full copy via this [link](#)).

Drawing largely from the Bank’s research, Mr Varela suggested that many lessons learned by France, Germany, the Netherlands, Spain, the US and the UK would be applicable to Latin American upper middle income countries that want to move into a second generation of justice reforms and have already reached a solid level of institutional development, as is the case of Colombia. He emphasized in particular that, at a time when the growth of crime and violence poses significant challenges for some countries in Latin America, their adoption of performance-based reforms could not be more timely for some criminal justice institutions that want to show results to their respective populations. He also offered a summation of the steps taken by OECD countries that have successfully implemented performance-based reforms, i.e. (i) identify the real causes of poor performance; (ii) identify the impediments for reforms, particularly political impediments that may be posed by vested interests; (iii) select a strategic mix of broader lessons learned and country-specific knowledge, recognizing country



differences. (iv) develop a functional approach to the sector, especially targeting specific functions or services instead of trying to cover the whole sector or individual institutions; (v) select tangible and measurable results or goals that ought to be relatively simple to measure until institutions are ready for the more complex measurements; (vi) privilege cost-effectiveness, aimed at generating the greatest value from services at the lowest cost for the public budget and for the users; (vii) develop robust monitoring and evaluation mechanisms closely linked to the budget cycle; and (viii) ensure coordination with reforms in other sectors that may take advantage of potential synergies.

Mr. Decker pointed out in his presentation that, while the traditions and institutional cultures of public sector institutions, including justice sector institutions, tend to be different from management practices in the private sector, public sector reforms in OECD countries have increasingly incorporated quality management and measurement practices inspired by private sector practices. In some of those countries, justice institutions have successfully embraced this trend. “At first, they have focused on the basics by defining products of the justice system and undertaking workload measurements to lay the foundations for improved and more transparent costing and budgeting”, he said. “This led to a strong focus on efficiency aspects and productivity. Some countries adjusted their judicial governance system to give more autonomy to the judiciary for their management, while holding the judiciary accountable for its performance. Aspects of quality of judicial services were more difficult to capture than more easily quantifiable efficiency aspects. User surveys were initiated to establish internal and external feedback loops to capture the quality dimension of services. Some judiciaries established benchmarking practices and quality circles to learn from those who perform better than others. Yet others set quality norms, setting time aside for quality enhancement measures such as peer review and co-reading. Over time, these developments have led to the establishment of comprehensive quality management systems with quality measurement areas, indicators and quality norms captured in balanced scorecards and inspired, for example, by the quality model of the European Foundation for Quality Management.” Mr. Decker pointed out that the more successful reforms were carried out with strong judicial leadership. Instead of blindly accepting or rejecting private sector approaches, they adjusted them to the needs of justice sector institutions and made sure they were compatible with the requirements of judicial independence.

Mr. Thomas offered guidance in his presentation on how results-based reforms might be structured, again based on successes in other OECD countries. He suggested that the key ingredients to successful reform ordinarily entail leadership, collaboration between several agencies, knowledge about what works in terms of service delivery, effective performance management, and good data. He described four success factors for these kinds of reforms: (i) a limited number of explicit priorities to be pursued; (ii) light and nimble data collection and reporting systems that are not expensive or onerous to maintain; (iii) systematic and regular monitoring of performance; and (iv) some value to add by removing obstacles, resolving coordination problems or by offering sound advice to enable performance improvement.

Information on the event, the presentations given and the CEJ organization is available on its website in Spanish: <http://www.cej.org.co/eventos/foro-cej-15-anos>





## New Website for Anti-Corruption Authorities

Anti-Corruption Day 2011 in December was marked with the launching of the Anti-Corruption Authorities new website, <http://www.acauthorities.org>. This portal, the development of which was sponsored by the World Bank via its Public Sector Governance (PSG) unit, is open to practitioners, civil society, academics and international organizations. It allows users to articulate new ideas, collaborate with other practitioners, and collectively address common challenges. The web portal provides information on over 60 ACAs across the world and has a number of useful tools: (i) the *cross country analysis section*, for example, allows users to explore and export the survey data collected through interviews of ACAs staff; (ii) the *publication and case study sections* provide relevant publications and articles; and (iii) the *news and event sections* aim to keep users up-to-date. PSG is actively seeking information from World Bank staff and others about past and on-going initiatives, news and events relevant anti-corruption programming. Suggestions can be emailed to [acauthorities@worldbank.org](mailto:acauthorities@worldbank.org).



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## Upcoming Brown Bag Lunch Seminars – First Quarter 2012

Several brown bag lunch seminars on law and justice themes are under planning for the first quarter of 2012. Currently planned events are as follows (confirmed details will be notified closer to the final dates of each event):

- January: *Alternative Dispute Resolution in India* – tentatively on Wednesday, January 18, 2012
- February: *Public/Private Partnerships in the Construction and Management of Prisons* – tentatively on Wednesday, February 22, 2012.
- March: *New Approaches to Criminal Justice Programming* – tentatively on Wednesday, March 21, 2012.



For further information, or if you wish to suggest a BBL topic relevant to law and justice development, contact Barry Walsh, email: [bwalsh@worldbank.org](mailto:bwalsh@worldbank.org)

## Publications

### Case Processing in European Superior and Appellate Courts



The European Commission for the Efficiency of Justice (CEPEJ) has released a report entitled *Study on Council of Europe Member States Appeal and Supreme Courts' Lengths of Proceedings* by Marco Velicogna (IRSIG-CNR 06-06-2011). This report looks in depth at the duration of proceedings and time taken to process pending cases in second instance (appeal) courts and highest instance (supreme) courts on the basis of the information gathered in the course of the 2008-2010 evaluation of judicial systems carried out by CEPEJ. Covering up to 40 different European judicial systems, the report provides detailed comparisons of the European systems, chiefly by reference to clearance rates and disposition times. The report is downloadable from the CEPEJ website at this [link](#).



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## Two New Working Paper Titles – Mongolia, OHADA



Two new papers were published via the Law and Justice Institutions Working Paper Series in November 2011 via the Law and Justice Thematic Group website at: [www.worldbank.org/lji](http://www.worldbank.org/lji)

**Paper 16/2011:** [\*Justice Sector Reform in Mongolia: Looking Back, Looking Forward\*](#) by Dr. Heike Gramckow and Frances Allen.

The justice sector in Mongolia has changed significantly in the 20 years since the country became a democracy. From the very beginning, the World Bank and other international partners have provided significant assistance to reform processes, particularly in areas concerned with the development of an independent judiciary. Mongolia's reform efforts have been generally successful. During the early and economically difficult times since democracy was established, reform activities naturally focused on legal reforms, including the creation of a legislative framework for democratic institutions, the transition to a market economy, and needed changes in the relationship between the state and the people. This was followed at the end of the millennium by concerted efforts to reform justice institutions and to improve human capacities for supporting, implementing and sustaining reforms. Mongolia was the first developing nation to pursue comprehensive and inclusive strategic planning for its justice sector. Its strategic plan has provided a roadmap for reforms over many years and withstood leadership changes in both the government and in the key justice agencies. Much has been achieved, considering the challenges that have been overcome in terms of justice system infrastructure, human capacities and changes in attitudes, all with only very limited budget resources. At the same time, reform gaps exist and public trust in the justice sector is lacking. Critics continue to point to weak and uneven decision making capacities of prosecutors and judges, despite more than a decade of intensive donor support for their training. This paper reviews some of the underlying issues affecting justice reforms in Mongolia; and points to areas that require attention to overcome the current shortcomings and challenges. The authors are each staff of the World Bank.



**Paper 17/2011:** [\*Can OHADA Increase Legal Certainty in Africa?\*](#) by Renaud Beauchard and Mahutodji Jimmy Vital Kodo.

This paper describes the origins, structure, and practical impact of the Organization for the Harmonization of Business Law in Africa (OHADA). It analyzes the institutional framework created via the OHADA Treaty and the legal, jurisprudential, and functional challenges that OHADA Member States are still grappling with. Details of the nine substantive laws that have so far been ratified as uniform acts by means of the treaty have also been provided. The authors conclude that in making OHADA law effective, Member States face continuing and substantial resource deficits, institutional deficiencies, language ambiguities, and intransigent official attitudes toward the need for appropriate mechanisms for the pursuance and enforcement of OHADA laws and processes.

This paper was released on the eve of the Legal Vice Presidency's Law, Justice and Development Week conference, which included a session on OHADA and a presentation by one of the paper's authors, Renaud Beauchard.



## Links to prior papers

Links to papers 14 and 15 of 2011 in the Justice and Development Working Papers series, referred to in the September 2011 edition of Jurex, are now available online via the World Bank's website. The links are:

**Paper 14/2011:** [Justice Development Programming in Fragile and Conflict-Affected Areas: Perspectives of Two Leaders in Justice Administration](#) by Abdul Salam Azimi and Christiana Tah

**Paper 15/2011:** [Preventing Corruption in Prosecution Offices: Understanding and Managing for Integrity](#) by Dr. Heike Gramckow

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**The objectives of this newsletter** are to provide information about justice reform activities across various World Bank units; to support communication and coordination about justice reform within the World Bank; to enhance knowledge exchange and learning across the World Bank; to provide information about related activities and knowledge development in related sectors; and to provide information about justice reform activities and knowledge development outside the World Bank.

**Next edition:** for March, 2012 – please submit contributions by our first draft deadline on February 22, 2012. Email contributions may be sent to: [bwalsh@worldbank.org](mailto:bwalsh@worldbank.org)

Law and Justice Institutions: <http://www.worldbank.org/lji>