BACKGROUND

It is now widely accepted that justice institutions are crucial for good governance and sustainable development, as underlined by the World Development Report 2006. Justice institutions play a key role in the distribution of power and rights. They also underpin the forms and functions of other institutions that deliver public services and regulate access to resources. Clear, equitable rules and processes can facilitate effective and peaceful transitional change, and can create the enabling conditions for a functioning social and economic net by challenging inequitable practices.

OVERVIEW

Justice for the Poor (J4P) is an attempt by the World Bank to grapple with some of the theoretical and practical challenges of promoting justice sector reform in a number of countries in Africa (Kenya and Sierra Leone) and East Asia (Indonesia and Cambodia). J4P reflects an understanding of the need for demand-oriented, community-driven approaches to justice and governance reform, which value the perspectives of the users, particularly the poor and marginalized such as women, youth and ethnic minorities.

J4P recognises that a large percentage of the community live under non-state or customary justice systems that are complex, numerous, and idiosyncratic. Such rules systems are deeply constituent elements of cultural norms and social structures, and, being unwritten, are extremely difficult for outsiders (national or international) to fully comprehend. Concepts of justice are closely intertwined with, and are embedded in, the social, economic, and political structures of a given society. Any attempt at pro-poor justice reform, therefore, needs to commence with a detailed understanding of these structures and processes (both formal and informal) whereby the poor achieve or are denied justice. Further, J4P does not focus on trying to externally engineer greater “compatibility” between state and non-state systems, but rather on creating new mediating institutions wherein actors from both realms can meet—following simple, transparent, mutually agreed-upon, legitimate, and accountable rules—to craft new arrangements that both sides can own and enforce. That is, J4P focuses more on the process of reform than on a premeditated end-state.

They can contribute to meaningful participation, transparency and accountability, and strengthen the links between human rights and development. Yet, there is still limited understanding of how equitable justice systems emerge, and thus how they can be supported or promoted. While recent experience in promoting legal and judicial reform has generated some partial successes and lessons learnt, there is a growing understanding of the limitations of existing approaches.

J4P also reflects an understanding that law and justice cut across all sections of socio-political and economic life, and that the ‘rules of the game’ in any given context have a direct impact on the effectiveness of different development interventions. Further, given that reform processes are often about ‘changing the rules’ or the distribution of resources, they are also inherently conflict ridden. Experience suggests that where development initiatives have built-in mechanisms for managing disputes, they can improve the effectiveness of projects and reduce the likelihood of conflict arising. Such mechanisms address the legal or justice-related elements of the development process by providing outlets for and tools to communities to resolve disputes which impact on access to resources and, by extension, standard of living. J4P therefore operates alongside or within broader development interventions to make development processes themselves more equitable and inclusive, and to provide tools for the management of conflict associated with such processes.

The J4P program is being implemented as a collaborative effort between the Legal Vice Presidency, Development Research Group, Social Development, and Public Sector Governance in the World Bank. Creating a joint agenda enhances the range of expertise that can be brought to the program, and enables a cross-disciplinary and cross-sectoral approach to justice reform.
AIMS & OBJECTIVES

J4P’s aims are:

- To address the immediate justice-related needs of the poor (recognising that the development of more equitable formal legal systems may be a multi-generational endeavour).
- To enhance the effectiveness of other development efforts by supporting them to address the justice and conflict management related aspects of their work.
- In the long-term, to bring about incremental systemic change to justice sector institutions and systems of governance by supporting demand side pressures for reform.

To fulfil the above aims, J4P has the following objectives:

- Build a solid, empirically founded knowledge base of the dynamics of local decision making and dispute resolution processes and inequality traps.
- Enhance the capacity at the local level to conduct policy research and undertake evidence based policy reform.
- Support existing, locally-driven initiatives; help design, implement and evaluate innovative pro-poor justice initiatives (piloting); and include activities as part of broader programs (mainstreaming).
- Enhance local ownership and citizen engagement in the reform process.
- Contribute to global dialogue on pro-poor justice issues.

APPROACH

To achieve the above aims and objectives, the J4P approach:

- Focuses on the viewpoint of the user of the justice system, particularly the poor and marginalised.
- Is built on detailed understanding of social and cultural realities at the local level.
- Recognizes the importance of demand in the development of equitable justice systems and the process of institutional reform.
- Sees justice as a cross-sectoral concern.

J4P combines principles that are programmatic (moving beyond project-specific work, allowing for cross-comparison and mainstreaming into justice initiatives), empirical (basing programs on on-going research and engaging with theories of social change), and conflict-sensitive (understanding development as inherently contested and often about redistribution of power or resources). The approach is premised on progressive engagement and long-term commitment to achieving the aims and objectives.

PROGRAM TRAJECTORY

The J4P trajectory has three broad phases as shown in the below diagram:
The J4P program adopts an integrated approach to understanding the development process. The phases vary for each country program, but can also overlap. For example, the Indonesia program is currently in preparations for scaling up and the Cambodia program has undertaken a range of research over the past 2 years and is currently focussing on mainstreaming by informing the design of broader sectoral programming. At the same time, the newer Africa programs have recently completed a first phase of intensive research, and are moving towards new directions for research and operationalization of project findings.

Research, Analysis & Dialogue

Adopting a ‘research, analysis and dialogue first’ approach, J4P employs integrated mixed method designs, drawing on both qualitative and quantitative data, to develop an in-depth empirically-based understanding of how power is exercised through different decision-making and dispute resolution processes. During this phase, intensive field-based research identifies openings for reform and explores means by which poor people can defend their interests through formal and informal justice systems. Analytical reports are produced and research findings are used to inform and develop operational activities and provide baseline data for ongoing monitoring and evaluation.

Research is undertaken in partnership with local researcher organisations, or teams of local researchers, in order to enhance local abilities to promote empirically-based reform. Findings are also used to help identify the range of stakeholders with incentives and disincentives for reform, including potential local partners and champions. Dialogue is started with these stakeholders and space is created for communities to be engaged in different visions of reform and processes of social change.

Experimentation

Based on the initial analytical findings, the J4P country programs develop operational models specific to their country contexts. The models, along with the research and analytical findings, are then trialled through operational pilots to test their efficacy in assisting poor people to achieve successful resolution of problems through and informal legal systems. The pilots are also conducted with a view to scrutinising components for future scaling up.

Scale-Up & Mainstream

Following pilots, successful elements are scaled up either through expanded operations or the inclusion in national policy.

J4P also uses research and analysis to inform the design of broader sectoral or governance programs. Rather than focusing on stand-alone judicial reform projects, J4P promotes initiatives that are appended on to (and/or incorporated into) more traditional development projects. The J4P approach seeks to use the powerful incentives associated with accessing material resources for roads, schools, and other key development priorities as a basis for establishing new precedents and procedures for decision making and priority setting. In this way, J4P operations draw the link between legal empowerment and poverty reduction, for instance, by equipping farmers with tools to understand and assert their land rights; labourers their legally entitled benefits and conditions; and women their rights to inheritance and property or divorce.

ONGOING ACTIVITIES

Dialogue

Inherent in the J4P approach is the promotion of equitable spaces for dialogue and negotiation to take place so grievances and conflicts can be aired and managed; facilitating equitable multi-stakeholder participation and managing conflicts arising out of processes of change are fundamental aspects of the program itself. Starting before the establishment of a J4P country program, covering the period of program design and continuing through operations, dialogue with partner governments, non-government organisations, citizens generally and donors forms the basis of J4P engagement. The success of the ongoing program is to a large extent dependent on the ongoing involvement of all key stakeholders.

Capacity Building

A country’s ability to undertake empirically based policy reform is directly impacted by local understandings of the policy process and the local capacity to conduct rigorous policy-oriented research and analysis. The J4P research and operational activities understand this ongoing need and the primary importance of local organisations in being engaged in implementing policy reform and generating support for social change. Local organisations need the capacity to research and
contextualise research findings to properly own the development process. Through partnership with these organisations, J4P invests significantly in developing the skills and capacity of both the institutions and their staff through direct training and, more importantly, by facilitating horizontal peer learning between J4P implementing partners on the ground.

**Effective Monitoring & Evaluation**

J4P understands that monitoring and evaluation is central to building an empirical knowledge base of the dynamics of law reform and the effects of different interventions on processes of social change. While there is now a general consensus that justice and governance reforms are crucial for stable and equitable development, there is little documented evidence regarding whether and how different development interventions achieve their purported aims. This is particularly the case for access to justice and ‘demand-driven’ initiatives. J4P will continue to aim to address this gap.

**Partnerships & Knowledge Sharing**

J4P develops key partnerships with government and with non-government and donor organisations, in the design and implementation of both its research and operational work. It also creates spaces for direct citizen engagement. Such collaboration and knowledge sharing is an essential step towards ensuring the legitimacy, relevance, and effective management and implementation of justice reform and legal empowerment programs. To facilitate these partnerships, J4P holds global, regional and country specific learning and knowledge sharing events aimed at enhancing public participation in broader policy debates, encouraging collaboration across institutions, and developing a community of practice in local level justice reform. Such events range from project specific initiatives, such as the local level Multi-Stakeholder Forums established as part of a pilot program in Indonesia to international e-forums involving people from a wide range of organisations and interests. J4P also establishes strategic partnerships with key local organisations (such as the Centre for Advanced Study in Cambodia and the Legal Resource Foundation in Kenya) and with other donors (such as UNDP in Indonesia) and international institutions (such as the working relationships currently established with Leiden University in the Netherlands and Manchester University, UK).

---

**Further Information**

Visit our website:

Join our mailing list:

**Questions?**

E-mail: j4p@worldbank.org

---
