

Fifth Annual Rule of Law Summit

The fifth annual Chemonics Rule of Law Summit was designed to take place virtually over a period of four weeks between October 4-28, 2021. The two Summit themes, derived by the DG Practice in consultation with project staff from across the globe were Understanding and Operationalizing People-Centered Justice and Building Trust in the Justice Sector Through Accountability. These themes were viewed as the most timely, relevant, and responsive to project staff needs and would therefore stimulate the greatest amount of interest and exchange within Chemonics' Rule of Law Community of Practice.

Starting with the plenary and moving around the globe, participants discussed the health of democracy and how challenges to democratic governance manifests in each of the countries where they work. They explored how a people-centered approach offers new pathways for influencing the shape of change and how aligning our programs with “justice seekers” and victims of violence offers a new model for positively influencing policy change.

Keynote speaker, Tom Carothers, Acting President for Studies at the Carnegie Endowment for International Peace and a long-time observer of democracy trends, offered an analytical framework for understanding the phenomenon of democratic backsliding and advised practitioners to focus on strengthening the “guardrails of democracy” through continued institutional reform, to “push programming down” to seek opportunities to collaborate with reformers at the local level, and to adopt a partnership model rather than dictating solutions to local partners.

Similar advice was echoed by subject matter experts from the Open Government Partnership and donor presentations from the OSCE and USAID. Chemonics International practitioners shared their direct experience in at the local level, working closely with civil society champions, and listening to victims of violence and those who lack access to justice.

The DG Practice hosted three regionally focused Summit sessions. During the Latin America and the Caribbean session, project staff presented on the importance of data to PCJ and the need to be humble and accept when the data shows us that we need to change our approach. At the Europe & Eurasia and Africa Session, Chemonics staff and partners shared how they have used technology to improve access to justice during the pandemic.

SUMMIT at a GLANCE

- When: October 2021, Five days (13 hours): Opening plenary, three region-hosted days and a closing plenary.
- Who: 163 total participants from Chemonics, donor partners and ROL experts.
- Summit Themes: People-Centered Justice and Building Trust in the Justice Sector through Accountability
- Keynote Speaker: Tom Carothers – Carnegie Endowment for International Peace
- Subject Matter Experts: Adna Karamelic Oates, Open Government Partnership; Alejandro Gonzalez, World Justice Program; Samuel Muller, HiIL; Suvi Lambson, Center for Court Innovation
- USAID and OSCE participated actively in the Summit.



Colleagues from the USAID Promoting Rule of Law in Myanmar discussed the importance of conducting PEAs and network mapping and how these exercises helped the team adapt during the shifting context.

Across regions, program learning and adaptation led project managers to innovate and use technology to remove discrimination and increase responsiveness of justice sector services. Challenges remain in strategic use of data, coordinating across justice sector entities, the continuing constraints of COVID-19, and the ongoing challenges posed by democratic backsliding and outright repression.

KEY TAKEAWAYS

1. Democracy's "black" cloud is really several phenomena happening at the same time. Practitioners need to recognize the difference between an authoritarian weakening or hollowing out democratic institutions, populists capitalizing on grievances (particularly corruption and exclusion) to overwhelm checks on power, and established authoritarians getting worse.
2. A people-centered approach to justice and rule of law offers a different way of looking at the problem set, informed by the experience of the "justice seeker." This approach is informed by deep knowledge of the context, listening to users, adopting a solutions-oriented approach, and relies on data to inform and adapt programming on an iterative basis.
3. Adopting a people-centered justice (PCJ) approach does not mean abandoning reform of justice sector institutions. It calls for a change in mindset, including among justice sector operators to see both their obligation as duty bearers to deliver justice servers but also to be responsive to justice seekers.
4. Innovation and alternate approaches help reduce the burden on the formal justice system. Alternate dispute resolution, mediation and working through informal justice mechanisms have a critical role, as does the innovative use of technology as a way to eliminate discrimination and promote responsive governance.
5. Challenges remain, both internal and external. PCJ remains new and experimental. Driving this change in mindset will take time to build and capture learning, build the evidence base and learn by doing. Traditional programs, made more accessible, will not be sufficient to change the result. Externally, veto actors, many of them within the justice sector, continue to resist reform. More broadly, the ongoing impact of COVID-19, lockdowns, and crackdowns plague positive democratic reform initiatives.

People-Centered Justice: A working definition
People-centered justice is a Rule of law approach that relies on the perspectives, needs, and expectations of the justice user to improve the quality of justice and minimize barriers to accessing justice.

NEXT STEPS

- Define Chemonics' approach to PCJ and continue to capture learning, innovate, and measure success at the program-level. Develop a learning agenda. Build on the PCJ knowledge harvesting exercise – a study of how Chemonics ROL projects have begun to operationalize PCJ - and reward projects that shift their approach.
- Continue field-level experimentation of PCJ approaches, informed by surveying and listening to users of the system, including victims of GBV, conflict, and exclusion.
- Pursue thought partnership with USAID and other donors to bring ROL and PCJ experience to bear in the current policy-development phase as donors seek expert knowledge from field practitioners. Offer comments, case studies, and critiques.
- Expand Chemonics' convening authority by hosting (or co-hosting) an expert meeting on the topic of PCJ.