

Who Needs a Millennium Development Goal for Justice and Safety?

Panel Discussion from Annual Indicators Conference of the Justice Systems Workshop 2012

Each year, with support from the UK Department for International Development (DFID), the Program in Criminal Justice Policy and Management convenes a workshop at Harvard on "the design and use of indicators of justice and safety in developing countries."

The workshop is part of a larger program on indicators supported by DFID and the Australian Government's Overseas Aid Program. It brings together government officials and civil society leaders from countries around the world along with experts and officials in international development agencies to discuss the role of indicators in the service of justice sector reform locally, nationally, and globally.

Overview of 2012 Workshop

Which effects of development are most important to count, and what are the effects of trying to count them? How can you promote 'ownership' of indicators by national governments without privileging the opinions of a small group of individuals? Can the indicators that count these effects capture the true "voices of the poor" or do they only record a faint echo? What might a MDG for justice and safety look like, and how would it affect the field of indicator development?

These questions and other important challenges of indicator development were the focus of five panel discussions that shaped this year's Conference on Indicators of Safety and Justice at Harvard University.

History

During the fall of 2012 challenges of indicator development were the focus of five panel discussions that shaped this conference. We also welcomed participants from Ethiopia to this annual event.

In 2011 the workshop reviewed the results of a *second round* of indicator development from teams in Jamaica, Nigeria, Sierra Leone, Papua New Guinea, and Bangladesh. In 2010 participants presented a series of prototype indicators on police effectiveness, the duration of pretrial detention, and residents' sense of safety. Panel discussions addressed the role of multi-agency indicators, indicators for customary justice systems, and the role of civil society organizations in indicator development.



Introduction

The Millennium Development Goals (MDG) focused the attention of most major international development organizations on specific targets and indicators in eight major areas of human well-being, increasing the total expenditure of aid agencies and galvanizing efforts to reduce poverty.

The results are controversial. So is the process of organizing international assistance to developing countries in this particular way.

As a high level panel prepares to deliberate and propose a framework for development after 2015, a special panel at the 5th Annual Conference on Indicators at the Harvard Kennedy School (John F. Kennedy School of Government at Harvard University) addressed two key questions about the agenda for the future:

1. *What would happen to justice and safety and many other development objectives if the UN were to adopt a MDG for justice and safety?*
2. *What do recent experiences in justice reform and indicator development tell us about the prospects of making Justice and Safety a separate goal for development?*

The idea of justice and safety as a separate goal of development is not new, but it is curious. The treatment of law as the handmaiden of economic development led to mixed results in the 1960s and 1970s, and there is considerable dissatisfaction today with the results of two decades of efforts to promote the "rule of law" as an independent component of political and economic development.

Indeed, there has been little to no movement in the measures for "rule of law" on the compound indices that many development organizations use to monitor change over time. So what realizations and new

reasoning have conspired to put justice and safety on the agenda? What kinds of reservations and recommendations might be taken into consideration?

One set of cautions comes from a desire to protect pluralism in the field of indicator development and justice reform. A new development goal for justice must “protect the multiplicity of actors in justice and safety,” said **Menberetsehai Tadesse**, the director of the Legal and Justice Systems Research Institute in Addis Ababa, and it must respect “basic differences of understandings of justice.”

Mulugeta Gebrehiwot, director of the Institute of Peace and Security Studies in Addis Ababa, wondered how an international goal and its associated targets would help communities in which there is “no demand” for some of the forms of justice and safety being promoted today.

Stéphane Jean, Acting Justice Operations Coordinator for the UN Department of Peacekeeping Operations, noted that the “sensitivity” and “contentiousness” of the process for developing indicators in any international endeavor reflects genuine differences of priorities of justice and safety, not just competition for resources. He suggested that the “parallel processes” of indicator development in the New Deal for Engagement in Fragile States, in which national governments proposed their own fragility assessments, might be one way to accommodate that diversity.

Another set of reservations about the idea of a separate goal for justice and safety stems from concerns that it might diminish efforts to improve the fairness by which *other* MDGs are pursued as well as the equity of their results. Do we actually want a “stand-alone justice indicator,” asked **Chris Nelson** from the World Bank Justice for the Poor program, “or is justice a much broader issue than that,” one which “should apply to all of the MDG’s”?

Might a separate target for justice and safety strip itself of the mobilizing power and other positive forces that come from its bundling with other development objectives, or would it in fact have more power “on its own”? Reflecting on the history of efforts to promote gender equality and maternal health, **Lucia Trimbur**, a sociologist at the John Jay College of Criminal Justice and CUNY Graduate Center, wondered whether a “pan” justice indicator

might have more value and long-term impact than a “single-issue” indicator.

In sum, participants cautioned that a new international goal in this field, no matter how carefully crafted, could *distract governments from domestic priorities* and displace support for people seeking justice on their own terms. We can all think of goals that “wouldn’t be the most important demand from people locally,” said **Christina Biebesheimer** of the World Bank, and “even how you get there would look different in different places.”

A MDG-like goal might also inadvertently *make formal systems of justice much larger*, increasing the absolute numbers of police and prisoners, much as we have seen in a wide range of less developed countries as well as a set of middle-income countries. Finally, a new international goal might *put more resources in the hands of the for-profit sector*, upsetting power in countries with already weak and unbalanced relations in civil society.

For many participants, though, worry about the possible side-effects of international development goals and targets was combined with clear ideas for how to manage them. One recommendation, for example, is to pair justice and safety as equally important and possibly inseparable objectives.

What about “eliminate conditions of extreme lethal violence in every community and establish universal access to justice,” proposed **Chris Stone**, President of the Open Society Foundation. The twinning of such objectives in a single goal might prevent governments from privileging safety over justice. Improvements in safety and justice do not always go hand in hand, after all, and, some governments in the Global North have achieved improvements in safety alongside deteriorations in justice.

A second recommendation was to measure not only the results of efforts to advance justice and safety, but also the degree of human “agency” and participation in the making of the rules by which progress is achieved. One suggestion was to build what **Stéphane Jean** termed a “menu” of indicators, which would permit national governments as well as civil society organizations to choose indicators. Mimicking the “grammar” of the MDGs, added **Chris Stone**, which include a multiplicity of targets and indicators and typically

combine a known malady with an uncertain good, might also promote this subsidiary goal.

Choice, added **Nick Menzies** of the World Bank, might facilitate greater “ownership” of indicators, moving measurement from the back office to the corner office, although, as **Juan Botero** pointed out, it might not “empower marginalized populations, who are not in the corner office.”

Finally, indicators generated at least partly by surveys of the population might amplify the “true voices of the poor,” suggested **Macha Farrant**, a security and justice advisor from DFID.

A third recommendation is about the kind of systems for learning and discovery that are needed in order to advance progress in education, health, and gender equality at the same time as justice and safety. Some of the greatest successes in the health targets for the MDGs, suggested **Faustina Perreira**, a lawyer from BRAC, have come from innovations in parallel sectors, particularly education.

Whatever goals and targets are selected for justice and safety, she said, the systems for charting change over time must understand and champion the “intersectionality” of development, helping to forge alliances between people and institutions that may not naturally collaborate.

For **Chris Nelson**, it is essential that we specify the “theory that sits behind where justice fits,” recognizing that the theories that need testing may come from unexpected sources, including discrete changes in urban planning and the often invisible operations inside informal systems of justice.

Still, are we ready for a MDG-like goal for justice and safety? Are the tools of assistance and measurement presently at our disposal likely to help achieve and record progress? Or could the strategies and programs commonly used today to reduce violence and meet the needs of justice be turned into instruments of oppression and inequality?

If the current set of ideas and instruments for promoting justice and safety are not appropriate or sufficient to the task, then development organizations and national governments must create new forms of collaboration and assistance, ensuring that global commerce in this field is not a one way exchange. This is “an opportunity that I don't think we should miss,” said **Chris Stone**. “It's much

better to have an imperfect goal in the MDG next round or imperfect sets of targets injected within all the other goals, rather than being missed out totally from the discourse,” added **Faustina Perreira**.

In short, the question now is: how can we work together to ensure that a new goal for justice and safety a) promotes fresh forms of international cooperation, b) provides assistance to governments, officials and communities that have requested help, and c) reflects the yearning for the kinds of justice and safety most pressing in the developing world?

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