



Panel Discussion

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SUBJECT: Annual Indicators Conference of the Justice Systems Workshop

What does a “bottom-up” approach to indicators really mean?

One theme debated at the Harvard Conference on Indicators in Justice and Safety in October 2012 was about the precise meaning and value of a “bottom up” approach to indicators in development. While most participants praised the idea of such an approach, the same term connoted different groups, individuals, and interests at the “bottom” of development. Also, the reasons for the attraction to a “bottom-up” approach ranged from beliefs about the greater impact of indicators developed in a participatory manner, to their local sustainability over time, and even the authenticity of the voice represented by indicators that are constructed from the bottom-up.

So, who specifically composes the “bottom,” and what is the relationship between global or even national indicators and the “bottom”? Is it about whose interests will be sought for the design and development of an indicator? Is it about participation in the implementation of the indicator? Or is this approach used to set the priorities from which indicators will be designed?

The Virtues of a Bottom-Up Approach

A wide range of perceived benefits of a “bottom-up” approach to indicator development emerged in the discussion of the prospects of an MDG-like goal for justice and safety. All universal indicators have the potential to create tension as well as competition between national governments with varying levels of capacity and interest in making progress toward global goals. **Stéphane Jean**, Acting Justice Operations Coordinator for the UN Department of Peacekeeping Operations, suggested that participation by national governments in the selection of these measures, and perhaps “parallel processes” of indicator development, might help manage these tensions and even foster greater cooperation between states with the greatest problems of conflict, violence, and impunity. The “platform” created in the course of negotiating the New Deal for Fragile States, said Jean, might help achieve these goals, and possibly exemplify a more “bottom-up” approach to international indicators.

Another benefit of a “bottom-up” approach is that greater participation by national governments in the processes of development is itself a value of development. Acknowledging the desire to enhance universally accepted values through the use of global indicators, **Menberetsehai Tadesse**, Director of the Legal and Justice Systems Research Institute in Addis Ababa, emphasized the importance of having countries participate in the shaping of indicators that are going to apply to them: “Global development of indicators is of course one possibility, but the societies, the countries that eventually implement those indicators must also be given the opportunity to participate in their development to address diversity at the same time”.

Several participants said that a stronger national participation in the articulation of indicators would likely bring them superior *sustainability*. **Chris Stone**, President of the Open Society Foundations, said that wooing support inside a recipient country for a project designed elsewhere was not “bottom-up.” Praising national ownership of the goals, he said, is not the same as “trying to produce national ownership for broader goals.” Several participants illustrated this idea by sharing their own experiences.

Giving a practical account of the development of an indicator in policing in Jamaica, **Norman Heywood**, Director of the Research Planning and Legal Services Branch of the Jamaican Constabulary Force, explained how important it was to “appreciate the environment in which the indicator will be introduced” and to “understand the culture of the organization” in order for indicators “to drive radical changes in how things are done.” **Olayinka Creighton-Randall**, Coordinator at the Justice Sector Coordination Office in Sierra Leone, explained that an indicator to measure the time elapsed between different stages of an investigation in sexual and gender-based violence against girls might seem small, but its effect might be immediate. Global indicators that fail to operate in the rhythms and time frames for justice provision will not stick, even if local agencies embrace the commitments behind them.

Yet another advantage of a bottom-up approach is that the resulting indicators are likely to *foment new capacities* inside the country, particularly with respect to data collection and analysis. Even though indicators developed by national governments might initially be more expensive and time-consuming than those developed by international stakeholders, explained **Akingbolahan Adeniran**, Special Assistant to the Attorney General of Lagos State, because of the current distribution of technical expertise around the world, “it’s going to be cheaper in the long term. [...] Because if you do take into account some of their concerns, you have the buy-in, you have sustainability and I think you’ll be able to make better use of the indicators.”

Bottom-up or Elite-Driven?

Several participants wondered whether greater participation by national governments in the design or choice of indicators means the process is really “bottom-up.” What if the governments themselves do not faithfully represent the interests of the people most in

need of justice and safety? Even if greater participation by national governments helps to move indicator development from the “back office to the corner office,” wondered **Juan Carlos Botero**, Rule of Law Index Director at The World Justice Project, do the people in “corner offices” know and capture all of the different voices and interests in a country?

Stéphane Jean warned that a wide-range of interests might not be taken into account if only one player or one agency in the justice and safety sector is actively participating. The potential irrelevance of such indicators to other players and institutions might limit their traction in government, and also compromise the benefits of a bottom-up approach to the political sustainability of indicators over time. How does one promote pan-government participation in the selection of what should be measured without miring the process in eternal deliberation?

Another participant pointed out the dangers of ignoring the “plurality of actors in the justice sector” in the design of indicators: **Menberetsehai Tadesse**, Director of the Justice Systems and Legal Research Institute in Addis Ababa, said that “traditional institutions” handle a significant share of criminal cases in some regions but not others. An indicator that only measures the value of formal systems of justice would have little resonance in these regions, and possibly demean the significance of their efforts. **Chris Stone** recommended closer appreciation of the relative distances between national governments, international organizations, and whatever “bottom” is being discussed. “It would be wonderful if the big debate in justice indicators was between the corner office and the street,” he said, “but that’s actually not where the debate is. It’s between the corner office and Washington, D.C., Brussels, and a bunch of other places, and the corner office is lot closer to the street than Brussels.”

Mulugeta Gebrehiwot, Director of the Institute of Peace and Security Studies in Addis Ababa, shared this concern, warning against initiatives that lack genuine support among not only the leadership of the country but also the people. A major disarmament project led by international organizations failed due to the “absence of demand on the ground.” International indicators and indexes crafted that match foreign priorities but not people’s needs, he said, are unlikely to create any sense of national ownership for the issues they measure.

Agency and Accuracy in Representing the Voices of the Poor

Several participants insisted that the poor and most marginalized populations of a country that rarely have an active voice in government decision-making must be the main component of the “bottom” in any bottom-up approach to indicators. “No matter what, we’ll have to take a bottom-up approach,” said **Faustina Pereira**, Director of Human Rights and Legal Aid Services Programme at BRAC, “and bring forward, bring upwards not just the voices of those for whom we put all of this effort in, who I call the subjects of development, but also their agency.” How to do so is never actually clear, she

acknowledged, but “there has to be a way to capture that agency, however nebulous it may seem at the moment.”

Capturing the agency and true voices of the poor without ventriloquism is never easy, though. **Faustina Pereira** emphasized that people’s subjective sense of security or sense of agency or empowerment are more difficult to gauge than “objective” problems like the number of people who live with less than a dollar a day. **Menberetsehai Tadesse** wondered “how to listen to the public”, which seems particularly relevant in situations where media not only distort opinions and beliefs, but actively shape them.

One potential solution to the problems of agency and accuracy that was proposed is to use “focus groups” as a means of original interest articulation, not just feedback on ideas already proposed. Focus groups as well as deliberative polls can be an effective way to engage people in a more substantive manner, especially where traditional justice institutions are dominant forms of dispute resolution and yet rarely reached by administrative data and conventional research methods. After all, said **Faustina Pereira**, we need to measure “justice *of* the poor,” not solely “justice *for* the poor.”

Another idea was that surveys can be an effective way to capture information that focuses on the people and their perceptions of justice and safety. **Jim Parsons**, Research Director of the International Program at Vera Institute of Justice, noted that “the value of public surveys [is to] be able to account for the experiences of justice from the perspective of people who are most affected.” None of the current MDGs are meant to be measured through the use of surveys, limiting their ability to capture the voices of the people.

In short, surveys and focus groups that capture the voices of the poor may be more than just more accurate tools of measurement and better ways of achieving the same development objectives. They can also be used to help people’s voices and opinions set the priorities of the justice system, and to facilitate broader participation in the manufacturing of decisions that set the priorities for indicator development.