



GLOBAL FORUM ON LAW, JUSTICE AND DEVELOPMENT

GENERATING INNOVATIVE LEGAL SOLUTIONS TO DEVELOPMENT
CHALLENGES



CONCEPT NOTE | January 30, 2012

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Rationale

There is substantial global consensus, backed by robust empirical evidence, that “strong legal and judicial institutions are an important cornerstone of sustainable economic and social development.”¹ The acknowledged importance of law in development, however, has never been accompanied by sustained international collaboration of the type and magnitude needed to fully leverage the immense potential contribution of this agenda to development. There are, scattered across the globe, centers of legal excellence whose advances, while significant, are not sufficiently and readily available to law and development scholars, experts and practitioners. Those most in need are unable to access easily the rich array of existing international research, policy and practice products.

The purpose of the Global Forum on Law, Justice and Development (GFLJD) is to address such constraints – by providing a mechanism for continual and efficient knowledge exchange and co-generation among all stakeholders all over the world, supported by an advanced technological platform.

Current technological advances provide for new and more efficient tools and opportunities to connect experts and stakeholders around the world. They make it easier to identify and co-generate relevant knowledge products and solutions and to make them available, as public goods, to the global community. The World Bank’s Legal Vice-Presidency (LEGVP) believes that the need for a permanent legal forum can be met by harnessing new technologies to create a common, permanent, global and comprehensive ICT web-based platform, while continuing to reach out to people who have no internet access. The development, implementation and administration of the permanent legal forum will both draw on the Bank’s vast repository of law and development knowledge, and leverage its global convening power to attract contributions from different development leaders, judiciaries, practitioners, and institutions, as well as academia and civil society organizations.

*....effective rule of law,
including respect for property
rights and access to justice,
remains fundamental for
sustainable development*

*Robert Zoellick
November 3rd, 2010*



Objectives

¹ “Successful industrial upgrading in an economy also requires new types of financial, legal, and other “soft” (or intangible) and “hard” (or tangible) infrastructure to facilitate production and market transactions and allow the economy to reach its production possibility frontier.” The Growth Report and New Structural Economics, by Justin Yifu Lin and Célestin Monga- The World Bank, June 2010.

The GFLJD aims at facilitating the identification, discussion, production and/or sharing of innovative and customized legal and institutional tools to address global, regional or national development challenges. It seeks to: (1) promote a better understanding of the role of law and justice in the development process, through structured South-South and North-South dialogues amongst relevant stakeholders and a research agenda that will facilitate and support the co-generation of knowledge; (2) strengthen and better integrate legal and judicial institutions in the development process, through the carrying out of relevant capacity building initiatives; and (3) provide access to an open repository of knowledge. The GFLJD will set measurable, sustainable goals for itself in these areas, and evaluate its progress.

Structure and Focus

The GFLJD consists of two mutually-complementary pillars: (1) a permanent forum; and (2) an ICT web-based platform designed and administered by an institution with high reputation, technical expertise and resources². It builds on existing informal networks and partnerships in specific thematic areas, strengthened and formalized through Letters of Endorsement.

The GFLJD focuses on three broad groups involved in the legal dimensions of international development: (1) a core group comprising World Bank Group units; (2) a group comprising International Financial Institutions (IFIs) and other international and regional organizations; and (3) a group comprising national stakeholders, such as governments, judiciaries, academia, think-tanks, Bar Associations and civil society organizations.



Indonesia - Legal awareness campaign

Permanent Forum

The GFLJD's permanent forum pillar is designed to capture, co-generate, exchange and disseminate innovative legal solutions for development. It is intended to be both a South-South and North-South collaboration mechanism. It will adopt an "Open Data, Open Knowledge, Open Solutions" philosophy, leveraging the work and expertise of the World Bank and other partners in respect of the legal dimensions of development challenges and will be governed, inter alia, in accordance with the following basic principles:



Timor-Leste: Disputed land rice field

: The activities of the GFLJD will be multidisciplinary in nature, addressing economic, legal and technical dimensions of targeted issues. Depending on the nature of the topic and the expressed needs of stakeholders, activities will focus as appropriate on

² The Burton Blatt Institute (BBI) at Syracuse University (SU) has agreed to assume this responsibility.

global, regional and country-specific legal, developmental, and institutional issues.

Process: The identification as well as prioritization of themes and issues will be ensured through a participatory process involving broad and regular consultation with partners and client countries. Co-generation of knowledge and legal outputs/solutions will be based on a collaborative process among partners, in accordance with jointly devised and internationally accepted methodologies.



Securing custom land interview

Knowledge Production: The GFLJD will facilitate the co-generation of innovative legal outputs/solutions to development issues through studies and research (including action research³), production of guidelines, good practices, models or standards, and through the implementation of a variety of capacity building programs.

Knowledge Dissemination: Knowledge disseminated by the GFLJD will be freely accessible via an Open Access Publishing modality, with authorship duly attributed. All information will be shared online - free to access (at no cost) and free to use (no restrictions on re-use other than attribution). The available information will also be made available in alternative formats, for users that have low or no access to internet.

Expected Outcomes: The GFLJD's outcomes/outputs will take the form of: (i) enhanced, innovative and customized legal solutions for law and development challenges; (ii) better integration of law and justice considerations in the process of development and the design of development interventions; (iii) increased sharing of legal solutions among development practitioners around the world, and (iv) enhanced collaboration among academic and research institutions. Outcomes will be measurable against clearly defined aims.

Organization: The forum will be organized thematically. Partners will form and lead clusters based on their expertise, comparative strengths and areas of focus. Each thematic group will establish its own agenda, group composition and operating guidelines.

Instruments: Each cluster of partners will collaborate via Communities of Practice (CoP), through blogs, discussion forums, multi-media collaborative problem-solving, and professional networking. A sub-platform, with smart-web enabled tools for knowledge creation and exchange, will



Indonesia - Rights awareness campaign

³ Action research, in this context, is deemed to refer to systematic form of inquiry that is collective, collaborative, self-reflective, critical and undertaken by the participants of the inquiry (McCutcheon, G. & Jung, B., 1990).

also be used.

Indicative List of Topics: The identification and prioritization of topics will be demand-driven, and agreed through consultation among partners with special attention to developing countries' needs. The topics for research and activities implementation, to be agreed on by partners, will be structured and included in an annual work plan. Annex 1 lists the potential topics to be covered, which has been established following a series of preliminary consultations among partners. The list is only indicative since the final decision will be made by the partners.



Kenya - Pro-bono legal advice

Long-term Sustainability & Partners' Contributions: The sustainability of the GFLJD will be ensured through a combination of (1) "in-kind contributions" from intellectual partners; and (2) "financial contributions" from financial partners, sponsors and supporters. In order to facilitate the participation of financial partners from developing countries, the minimal threshold for financial contribution has been set at US\$250,000. The GFLJD is expected to further leverage, through the establishment of a Multidonor Trust Fund (MDTF), about \$50 million over a period of ten years, of which about \$20 million to finance pilot projects in developing countries.⁴

The commitment/pledge to in-kind contributions by intellectual partners will facilitate the planning of the agenda (designed through a broad consultation process). The in-kind contribution may be in the form of:

- Sharing knowledge by contributing to the information communication technology platform with a variety of existing knowledge products (e.g. studies, databases, training material);
- Mobilizing the intellectual partners' own staff in pursuit of the objectives of the partnership, and paying for related out-of-pocket expenses;
- Promoting expert meetings, workshops, and/or open training to jointly build technical capacity and strengthen the understanding of global, regional and country legal issues;
- Providing physical space and other facilities for workshops, conferences or training seminars;
- Providing translations of relevant documents in different local languages for wider dissemination.;
- Providing updates in specific areas of national legislation, case law and practice;
- Engaging and funding studies/research and publications;
- Increasing cooperation on global, regional and country issues, in concert with other



Indonesia - Community meeting

⁴ To be carried out by eligible institutions in accordance with guidelines and criteria agreed by the partners.

interested parties, by developing a shared understanding of key legal development challenges and promoting complementarities and knowledge products;

- Providing support to relevant stakeholders; and
- Providing such other contributions as may be agreed from time to time.

The resources provided by financial partners, sponsors and other supporters are aimed at ensuring the long-term sustainability of the GFLJD, and may be channeled through the dedicated Multidonor Trust Fund ⁵.

Activities

The GFLJD, through Thematic Working Groups of partners, will focus on the following activities:

- Original research through legal and policy analysis
- Precedents and guidance
 - Sample agreements, clauses
 - Operational manuals
 - Guidance notes, toolkits, good practices notes, checklists,
- Data collection
 - Reference material
 - Studies and literature
 - Collection of laws, commentaries, comparisons, jurisprudence
 - Collection/drafting of policies
 - Institutional analysis
- Contacts
 - Experts, peer reviewers
- Training material & capacity building
- Other activities to be decided by the Steering Committee and Thematic Working Groups.



Indonesia – Awareness raising on women rights and marriage certificates

ICT Knowledge Platform

The GFLJD will be supported by a robust, dynamic, and interactive Information and Communication Technology (ICT) and cloud computing-based platform, which will: (i) facilitate internal and external communication, host relevant knowledge (databases, research, documents, etc.) and provide easy and free access to knowledge products relevant to policy makers, development practitioners and the general public⁶; and (ii) ensure synchronous and asynchronous interaction, top-down and bottom-up mechanisms of knowledge sharing and distribution, and built-in flexibility and accessibility to adapt to multiple user agents.

⁵ Details on the MDTF to be decided with financial partners.

⁶ The GFLJD will not rely on the internet-based knowledge platform alone to spread awareness and provide tools. Many people do not have internet access. The GFLJD will endeavor to reach these people through alternative means.

Relying on the use of the state-of-the-art software and hardware, the open knowledge exchange platform will, among other functions, offer the following:

Repository: The platform will host an open, comprehensive, and searchable repository and database, capable of storing multimedia formats. The repository will combine bottom-up (knowledge pull)⁷ and top-down (knowledge push)⁸ approaches to knowledge sharing.⁹

User Reviews and Grading of Evidence and Knowledge: The GFLJD platform will be regularly updated to incorporate reviews of knowledge products by allowing users to rate knowledge products on multiple scales, using the crowd-sourcing of consumer reviews to provide information on the usability, efficacy, impact, and effectiveness of shared knowledge products. Users can also view these crowd-sourced reviews by filtering on the basis of category of reviewer (e.g. IFI staff, government officials, judicial professionals, legal practitioners, other development professionals or civil society organizations). This will help promote the user-focused and bottom-up implementation of the GFLJD, enabling practitioners, policymakers and other institutions to implement new interventions, strategies, and practices based on the best available information. The GFLJD platform will also support continual and rigorous monitoring and evaluation (through experts and user evaluations) conducted by external experts. The smart web-enabled cloud computing tools of the GFLJD platform will further facilitate support to collaborative knowledge and document creation, management, and sharing efforts within multiple communities of practice (CoP) formulated by the GFLJD management. The CoP space provided in the platform will operate as a separate fully-functioning sub-platform with links to other CoPs.

Education and Training Opportunities: With in-built webinars, video-conferencing, and other real-time asynchronous educational technology features, the GFLJD platform will serve as a “LJD University” for legal students and professionals worldwide. The LJD University will offer multiple levels of continuing education courses, trainings, and lectures and seminars in real-time and through archived materials for individuals with diverse ICT infrastructural resources. The LJD University will also support mentoring of law students and early career legal practitioners by using tested strategies such as videos to share best practices stories and challenges, live video support for mentor-mentee pairs, and other formats for interactions.



[Africa – Access to land](#)

⁷ **Knowledge Pull** is knowledge that flows from the selection activity to other knowledge manipulation activities and is essentially triggered by an individual's 'Knowledge Seek' Request.

⁸ **Knowledge Push** is knowledge flow that gets triggered automatically without an explicit request from any knowledge seeker.

⁹ Knowledge push will include sharing existing LEGVP knowledge products as well as ongoing dissemination of selected publications and resources from relevant international law, policy and practice sources. Knowledge pull will include users sharing their informational sources, experiences, and anecdotes to impact and inform other knowledge creators.

Collaboration and Interaction Among Members: In addition to CoPs, the GFLJD platform will provide multiple tools for users and members to network and deliberate on issues including blogs, discussion forums, professional networking tools, video sharing, and access to internal as well as external social media sites.

In collaboration with the World Bank, Syracuse University will lead an interdisciplinary team of experts to advance the conceptualization, infrastructural design, execution and ongoing support for the open knowledge exchange platform. Experts in the fields of computer science, information technology, law and policy, legal capacity, universal design, virtual collaborations, and cyber-infrastructure will work together in establishing and maintaining the platform. The system infrastructure will be enhanced by intuitive design, and universal accessibility, regardless of user technology (mobile or PC), media inputs, software or assistive technology. In accordance with the accessibility principles established by the Convention on the Rights of Persons with Disabilities (CRPD) the platform will also be accessible for people with disabilities and.¹⁰ While the platform architecture and features will be primarily internet and cloud based, users without internet access will also have options for offline support. As a founding partner of the GFLJD, Syracuse University will provide regular graduate and undergraduate students assistantships and internships to maintain the GFLJD database as well as work on tasks and activities for the benefit of all GFLJD partners.

Partners Benefits

As GFLJD connects pockets of more readily shared knowledge, partners participating in the knowledge sharing, research, or dissemination components of GFLJD will benefit from *Cross Global Knowledge Translation*, i.e. they will have continuous opportunity to contribute to, and play a key role in the sharing of knowledge and evaluation of shared program outcomes. Furthermore, the GFLJD and its knowledge exchange platform benefits will include, among others, the following:

- Access to a broad network of formal and informal partnerships (World Bank Group, other IFIs and international organizations at global and regional levels, judiciaries, academia, think-tanks, private sector [through Bar Associations] and CSOs).



Cambodia – Arbitration Council

¹⁰ Materials will be provided in multiple alternative formats to ensure accessibility for people with disabilities and disadvantaged populations with limited access to resources; this implies that all platform content will be designed to be compatible with different hardware, software, diversity of locations, educational and literacy levels, as well as physical (vision, hearing, dexterity etc.) and cognitive abilities. GFLJD's hosted content will be provided in alternative formats (text, audio, video) and available on multiple media including print, large print, and CDs/DVDs for individuals without regular internet access. Web site postings will meet Section 508 standards for accessibility for people with disabilities and follow the W3C web accessibility guidelines. All audio and video content will be suitably captioned. Web casts will feature real-time captioning.

- A wealth of knowledge contained within the database compiled using *knowledge push* strategies. These involve disseminating knowledge products developed and identified by the platform founding partners, as well as bottom-up and *knowledge pull* approaches to encourage the active participation of knowledge users in sharing their knowledge and experiences and identifying key materials pertinent to the field).
- Enhanced ability to communicate (users are able to access, conduct, learn, and share within culturally and linguistically different frameworks).
- An open system to facilitate reviews and grading of knowledge products (users themselves will obtain aggregated ratings for usability, efficacy, impact, and effectiveness of shared knowledge products).
- Continual educational courses for professionals and students (based on current and state-of-the-art knowledge).
- Database search tools providing users with relevant and methodologically rigorous information (this results in enhanced benefits to users across research, policy and practice fields).
- Robust international collaborations and exchanges through platform social tools and programs, enhancement of cross-cultural and cross-national awareness as well as the cultural and linguistic competence of users.
- Researchers and practitioners from every region of the world to be able to learn from the experience and research of international colleagues.
- Menus of alternative solutions that will provide the user with a tool for making informed decisions

Interim Governance

During the first year, governance will be entrusted to a **Steering Committee (SC)**, composed of all founding partners.

The SC will be assisted by a small Secretariat provided by the World Bank Legal Vice-Presidency and will benefit from guidance by an Advisory Committee. The Steering Committee will be replaced by the Executive Committee, to be established at the end of the first year.

During the first year, the Secretariat will assist the SC to finalize key documents including the concept note, governance structure, promote the initiative and collect statements of interest, adopt the Constituent Document (Charter).

The **Advisory Committee (AC)**: The first year the AC will be composed of a WB-Group advisory body, which shall be responsible for providing advice to the Steering Committee on new/emerging global, regional or country issues. The AC will comprise representatives of World Bank Legal Vice-Presidency, Networks, Regions, IFC and MIGA.

Permanent Partnership Governance Structure

Executive Committee (EC): The EC shall be chaired by the World Bank Legal-Vice Presidency, the EC shall be the decision-making body, and shall be composed of representatives of both financial and intellectual partners based on the following criteria: (i) one representative for each financial

partner who has contributed over \$250,000; and (ii) two representatives for each thematic working group (one of which from the South). The EC will meet at least once a year and shall be responsible for deciding topics/activities for inclusion in the work plan, providing implementation oversight and establishing guidelines for the programming cycle and reporting methods.

Advisory Committee (AC): The AC is an advisory body, which shall be responsible for providing advice to the Executive Committee on new/emerging global, regional or country issues. The WBGAC shall comprise representatives of World Bank Networks and Regions, and some intellectual and financial partners invited to participate.

MDTF Trustee: As a Trustee of the MDTF (to be established), the Bank (through the Legal Vice-Presidency) will be responsible for financial allocations to the work programs and providing technical oversight pertaining to the MDTF.

Secretariat: The activities funded through the MDTF will be managed by a Secretariat . The Secretariat will carry out this function under the general supervision of the EC. It will, *inter alia*, be responsible for approving sub-grants (e.g. for pilot projects), conducting procurement, hiring of staff required for GFLJD implementation, and coordinating monitoring and evaluation of activities.

Thematic Working Groups (TWGs): For each topic, a specific working group of partners will be formed by the EC on the basis of the respective specializations of partners. Each thematic working group will design and implement its activities with the logistic/administrative support from the Secretariat and budget allocation with sub-grants from the MDTF.

Partners General Assembly (PGA): A PGA, an annual meeting of representatives from all partners, will discuss all relevant partnership matters, and make recommendation for consideration by the EC.

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Indicative List of Topics

Annex 1

The following are, among other, potential topics for intervention, based on preliminary consultations among partners:

Global new/emerging issues

- Climate change, development agenda and international law
- International legal system: rebuilding the international legal architecture
- Financial sector regulation in Middle Income Countries after the crisis
- Measuring the rule of law: how to develop useful and impartial indicators of Justice, rule of law and governance in development
- Regulatory frameworks for payment of environmental services
- Dealing with fraud and corruption in international development projects
- Responding to the global financial crisis through domestic and international legal and regulatory reform
- Intellectual property & development
- Law of land and involuntary resettlement
- Ocean law: protection and sustainable use of oceans
- Criminal justice and development
- Gender and development
- Public private partnership: contracts, laws and regulations

Regional/Country Issues

- Asia: (e.g. development, rule of law in Asia: case study on China)
- Africa: Frontier legal development issues in middle-income and low-income countries, as well as in fragile states
- Europe: Challenges in law and development in transition economies (e.g. Business environment and criminal justice reform in some Eastern and Central Asia countries)
- Latin America and Caribbean (LAC): (e.g. Crime, violence and development in LAC, case studies from Mexico/Colombia)
- Dealing with the emergence of the new State (e.g. South Sudan) and the failed State (e.g. Somalia)
- Insolvency and creditor/debtor regimes
- Governance and Anti-Corruption (GAC)

Institutional Issues

- Accountability and legitimacy in governance and operations of IFIs
- International responses to emergencies and crises: legal and policy instruments of IFIs (lessons from Haiti, Afghanistan, Iraq)
- Rebuilding legal and justice institutions in fragile and conflict affected states: methodologies and best practices
- Access to information: openness and accountability
- Criminal justice performance
- Methods and tools for quality impact evaluation in Justice sector
- Natural resources management and dispute resolution
- Social and environmental safeguards in IFIs and domestic law

- Rule of law, ethics and corporate governance in international finance: modernizing the governance of IFIs

User Interface and Architecture of ICT Platform

