



## CHAPTER AUTHORS' INCEPTION WORKSHOP REPORT

The above workshop was held on 31 October, 1 and 2 November, 2007, at the Dusit Thani Hotel, Bangkok, the full programme attached in **Annex One**. A total of 19 participants were involved, with a core group of 13, comprised of the eight chapter authors, and the facilitation and resource team. A full list of workshop participants is found in **Annex Two**.

The Chapter Authors' Inception Workshop initiated the drafting process for the Judicial Reform Handbook (the Handbook). Its aim was to support the drafting process by:

- discussing and further developing the proposed strategic outcomes of the Handbook, and the role which chapter authors will play in its development;
- finalising the structure, content, and focus of the Handbook's individual chapter topics and author contributions;
- reviewing the drafting approach to ensure that a unified methodology, focus, and approach to drafting is adopted by all chapter authors; and
- developing an authors' network, or peer group, to provide a forum for interaction, the exchange ideas, and support both during and after the drafting process.

Full details of the workshop's aim and objectives are found in **Annex Three**.

The facilitation team for the workshop was the APJRF Network Facilitator, Mr. Lorenz Metzner, the Handbook project's Technical Editor, Mr. Livingston Armytage, and UNDP Programme Specialist, Justice and Human Rights, Ms. Emilia Mugnai. Extensive technical resources and management support were provided by the United Nations Development Programme (UNDP) Regional Centre Bangkok.

The workshop's resource persons made valuable contributions with presentations as well as inputs into the facilitated discussions. Ms. Roohi Metcalfe provided a framework for discussions with a presentation on '*Judicial Reform and Gender*.' Dr. Mohan Gopal made a presentation on the '*Importance of Judicial Reforms and Constraints in Implementation of Reform Activities*.' His presentation built upon the concepts envisaged for inclusion in the initial Handbook chapter on the development and implementation of reform initiatives to ensure effective judiciaries and promote 'justice'. Dr. Gopal's extensive experience with both the supply- and demand-sides of judicial reform initiatives make him an excellent resource for the Handbook, and discussions were held with him to develop a mechanism to include his expertise in the drafting process.

Extensive facilitated discussions were undertaken during the workshop. Through these discussions, chapter authors identified a number of core concepts underpinning the Handbook and informing their involvement in its development. These core concepts are based on the philosophy articulated in the Manila Declaration and the discussions at the APJRF round table meetings.

### **Core Concepts Underpinning the Handbook:**

- Promote *standards of justice* established in international instruments.
- Contribute to developing a *shared vision* across the region.
- Empower and *enable reform actors* throughout the justice system.
- Create a *practical tool* for exchanging learning and use by each other.
- Describe our actual *experiences of common challenges*.



The workshop also developed the role of chapter authors and the content of chapters. An 'issues-based' approach was developed, with chapters focussing on selected key messages informed by the chapter authors' practical experience and the core concepts identified. This experience will be interrogated by each chapter author to evaluate the outcomes achieved. Through this process, a set of key issues, questions or tools will be developed that can inform reform activities in the region. This will result in an experience based discussion in each chapter highlighting elements that promote justice in accordance with international standards. The chapter structure, content, and sequencing developed and confirmed by the authors are attached in **Annexes Four** and **Five**.

The chapter authors were requested to complete a quantitative and qualitative evaluation of the workshop at its conclusion. The responses received, illustrate that the workshop was very successful with overall satisfaction being assessed at over 87%. The lowest ranked assessment criteria (at 75%) related to whether the *workshop's aims and objectives were clear and achieved*. In qualitative feedback received, authors expressed the view that clearer guidance on the aims of the workshop prior to arrival in Bangkok, would have been of assistance. At the completion of the workshop, however, authors noted that the workshop was of real value in clarifying the concepts, focus and content of the Handbook, and their role in its development. In support of this, mean satisfaction for the workshop was ranked at almost 82% (details of the evaluation are found in **Annex Six**.)

The Chapter Author's Inception Workshop focussed on developing a group of engaged reform actors as a core team for the development of the Judicial Reform Handbook. The workshop was the first step in the process of developing the Handbook. It was, however, more than that - it was the initiation of a process to contribute to a shared vision within the region of what judicial reform aims to achieve.



## ANNEX ONE - PROGRAMME-AT-A-GLANCE

Day One (31 <sup>st</sup> October, 2007 - Wednesday)		Responsibility
<b>8:00-8:30</b>	<b>Tea &amp; Coffee</b>	
8:30-9:00	Welcome and introduction to Chapter Authors' Inception Workshop.	Network Facilitator (NF) & Elizabeth Fong
9:00-9:45	The Judicial Reform Handbook project.	Emilia Mugnai (EM)
9:45-10:30	Drafting the Judicial Reform Handbook: Framework for the drafting process and the development of the Handbook.	NF
<b>10.30-11.00</b>	<b>Morning Break</b>	
11:00-11:45	<i>Cont...</i> Drafting the Judicial Reform Handbook.	NF
11:45-12:30	The Importance of Judicial Reforms and Constraints in Implementation of Reform Activities.	Dr. Mohan Gopal (MG)
<b>12.30-13:30</b>	<b>Lunch</b>	
13:30-15:00	<i>Facilitated discussion</i> to explore, consider and agree on the rational and goals of the Handbook.	All - facilitated by Technical Editor (TE) & NF
<b>15.00-15:15</b>	<b>Afternoon Break</b>	
15:15-17:00	<i>Facilitated discussion</i> to review, develop and settle the parameters, structure and content of the Handbook.	All - facilitated by TE & NF
17:00-17:15	Wrap-up of the day's activities.	NF
<b>19.00-</b>	<b>Dinner Reception</b>	
Day Two (1 <sup>st</sup> November, 2007 - Thursday)		Responsibility
<b>8:30-8:45</b>	<b>Tea &amp; Coffee</b>	
8:45-9:15	<i>Facilitated discussion</i> summarising the previous day's activities and to confirm the core concepts underpinning the Handbook.	TE
9:15-9:45	Gender Mainstreaming, and incorporation of gender considerations in drafting the Handbook.	Roohi Metcalfe
9:45-10:15	Thoughts to consider as moving forward with the drafting of the Handbook.	MG
<b>10.15-10.30</b>	<b>Morning Break</b>	
10:30-12:30	Knowledge Management (KM), KM Networks, and the role that chapter authors will play in the APJRF network.	EM & NF
<b>12.30-13:30</b>	<b>Lunch</b>	
13:30-15:00	<i>Facilitated discussion</i> to clarify and define the role and tasks of chapter authors in drafting the Handbook.	All - facilitated by TE & NF
<b>15.00-15:15</b>	<b>Afternoon Break</b>	
15:15-17:00	Individually or in 'chapter groups' prepare and plan the content for the chapter contribution.	All - facilitated by TE & NF
17:00-17:15	Wrap-up of the day's activities.	NF/All



<b>Day Three (2<sup>nd</sup> November, 2007 - Friday)</b>		<b>Responsibility</b>
<b>8:00-8:30</b>	<b>Tea &amp; Coffee</b>	
8:30-9:00	<i>Facilitated discussion</i> on communicating experience effectively when developing chapter contributions.	TE
9:00-10:30	Chapter author co-presentation and subsequent <i>facilitated discussion</i> on content and direction of each chapter topic.	Chapter Authors (CA)/All
<b>10.30-11.00</b>	<b>Morning Break</b>	
11:00-12:30	<i>Cont...</i> Chapter author co-presentation and subsequent <i>facilitated discussion</i> on content and direction of each chapter topic.	CA/All
<b>12.30-13:30</b>	<b>Lunch</b>	
13:30-15:00	Focus discussion between chapter authors developing content on the same chapter topic and the facilitation team.	CA, TE, NF & EM
13:30-15:00	Independent chapter development/further discussions between chapter authors developing content on the same chapter topic.	CA
<b>15.00-15:15</b>	<b>Afternoon Break</b>	
15:15-16:30	Facilitated discussion - to review and confirm workshop outcomes and next steps in the drafting the Handbook.	TE & NF
16:30-17:15	Conclusion of the workshop.	NF



## ANNEX TWO - WORKSHOP PARTICIPANTS

### A2.1 CORE FACILITATION

Name	Role
Mr. Livingston ARMYTAGE	- Technical Editor & Session Facilitator.
Mr. Lorenz METZNER	- Network Facilitator & Session Facilitator.
Ms. Emilia MUGNAI	- Programme Specialist, Justice and Human Rights, UNDP Regional Centre Bangkok, (RCB).

### A2.2 ADDITIONAL RESOURCE PERSONS

Name	Role
Dr. Mohan GOPAL	- Director, National Judicial Academy, Bhopal, India.
Ms. Roohi METCALFE	- Gender and Governance Specialist, UNDP RCB.

### A2.3 CHAPTER AUTHORS

Name	Position
Hon. Dr. Ananda BHATTARAI	- Justice Appellate Court (Nepal), National Judicial Academy, Core Faculty.
Ms. Ayesha DIAS	- Program Director, HR & International Natural Resources Industry and Corporate Social Responsibility, University of Dundee, Scotland.
Hon. Zenaida ELEPANO*	- Deputy Court Administrator and Professor, Philippines Judicial Academy.
Prof. Myrna FELICIANO	- Professor and consultant to the Supreme Court of the Philippines.
Ms. Anita JOWITT	- Lecturer, School of Law, University of the South Pacific, Vanuatu.
Mr. Hari PHUYAL	- International Commission of Jurists (Nepal)
Mr. Aria SUYUDI*	- Supreme Court of Indonesia Judicial Reform Team Member & Program Director, Center for Indonesian Legal & Policy Studies (Pusat Studi Hukum & Kebijakan Indonesia (PSHK)).
Mr. Ly TAYSENG*	- General Secretary of the Cambodia Bar Association, Royal School for Judges and Prosecutors, Faculty.

### A2.4 OTHER PARTICIPANTS

Name	Position
Ms. Radhika BEHURIA	- Programme Analyst - Gender, UNDP RCB.
Ms. Elizabeth FONG	- Regional Manager, UNDP RCB.
Ms. Marcia KRAN	- Head of Policy & Programmes, UNDP RCB.
Ms. Mary O'SHEA	- Programme Analyst - Justice and Human Rights, UNDP RCB.
Ms. Panvirush VITTAYAPRAPHAKUL	- Practice Team Assistant, UNDP RCB.

\* **Note:** The PHILIPPINE JUDICIAL ACADEMY, Hon. Sathavy Kim, and Hon. Prof. Dr. Paulus LOTULUNG respectively nominated the identified authors to represent them at the Inception Workshop.



## ANNEX THREE - AIM AND PURPOSE OF THE INCEPTION WORKSHOP

### A3.1 AIM OF THE INCEPTION WORKSHOP

The aim of the Workshop is to contribute to the successful drafting of the Judicial Reform Handbook (the Handbook), developing a set of practical tools and resources to assist APJRF member countries to implement judicial reform programs more effectively.

### A3.2 THE PURPOSE OF THE INCEPTION WORKSHOP

The three-day workshop will provide a forum in which to:

- i. Discuss and further develop the strategic outcomes of the Judicial Reform Handbook, and the role which chapter authors will play in this* - through facilitated discussions, chapter authors will explore and develop the scope of the Judicial Reform Handbook. Discussions on judicial reform needs within the broader context of the identified chapter topic areas, and how these needs can be met, will be used to clarify the:
  - focus of the Handbook as a tool to address judicial reform needs in the region;
  - audience for the Handbook to be targeted and addressed while drafting chapters; and
  - role of chapter authors, and the approach to drafting required to enable the Handbook to be a success.
- ii. Finalise the structure, content, and focus of the Handbook's individual chapter topics and author contributions* - the initial structure, content, and focus of individual chapter topics, will need to be developed and structured in the light of the discussions on the strategic outcomes and focus of the handbook. A comprehensive plan for each chapter contribution is needed to focus the chapter and ensure that the identified outcomes are achieved. This will be accomplished through a combination of:
  - facilitated discussions with chapter authors as a group;
  - small group brainstorming and presentations by chapter authors; and
  - intensive focus group activities between chapter authors drafting on the same topic and the Technical Editor and Network Facilitator.
- iii. Review the drafting approach to ensure that a unified methodology, focus, and approach to drafting is adopted by all authors* - by working through the planning, scheduling, style guide, and communications documentation, timeframes, responsibilities, and the expected quality of outputs will be clarified. This will ensure that drafting can be undertaken with a clear understanding of expectations.
- iv. Interact, exchange ideas, and develop a collegial and supportive peer group* - the workshop will provide an opportunity to develop individual networks, and explore the scope of authors' involvement in promoting and developing effective networks throughout the region, an important element of the project as a whole.



## ANNEX FOUR - FINALISED CHAPTER STRUCTURE DEVELOPED AND CONFIRMED BY THE WORKSHOP

Chapter Contribution Breakdown	Page Length / Author (unless otherwise noted)
<b>1.0 Key Messages</b>	
1.1 Issues-based Introduction to the Topic Area <sup>1</sup> _____ <i>(Note: the 'Key Messages' section is a combined section developed by chapter author(s) contributing to the one chapter topic. Section 1.0 is limited to <b>2 pages in total</b> for each chapter.)</i>	1-2 pages
<b>2.0 Description of Reform Experience (Topic)</b>	
2.1 Problems/Challenges _____	3 pages
2.2 Actions Taken _____	3 pages
2.3 Outcomes _____	2 pages
<b>3.0 Analysis/Evaluation of Experience</b>	
3.1 Analyse Successes to Implementation and Why _____	2 pages
3.2 Analyse Difficulties/Constraints to Implementation and Why _____	2 pages
3.3 Key Questions/Know-how <sup>2</sup> _____	3 pages
<b>Total Chapter Length (approx.)</b>	<b>15 pages</b>
<hr/>	
Annexes for Each Chapter Contribution	Page Length / Author (unless otherwise noted)
<b>Annex One - Country/Contextual Background</b>	
A1.1 Country Context _____	1 page
A1.2 Judiciary and the Courts _____ <i>(Note: where there are two chapter authors from the one country, this annex is a combined annex developed by both chapter authors. Annex One is limited to <b>3 pages in total</b> for each country.)</i>	2 pages
<b>Annex Two - Snapshot of the Author</b> _____	½ page
<b>Annex Three - Summary of Resources on Chapter Topic</b> <sup>3</sup> _____	no limit
<b>Annex Four - Other Supporting Documentation (if relevant)</b> _____	2 pages

<sup>1</sup> When developing the 'Issues-based Introduction', authors should at all times keep in mind the *Core Concepts* underpinning the Handbook developing during the Chapter Authors' Inception Workshop.

<sup>2</sup> The 'Key Questions/Know-how' section should be aimed at giving guidance on considerations which reform actors should keep in mind when undertaking judicial reform activities within their implementation environment.

<sup>3</sup> The 'Summary of Resources' should index all identified resources, and follow the style/format of the 'Research Resources' list provided in the Chapter Authors' Inception Workshop. A full version of all identified chapter-related resources will need to be provided in **electronic form** for inclusion on the APJRF website. Consequently, all necessary approvals to use these resources as part of the Judicial Reform Handbook and website will need to be obtained **by the chapter author**, as required.



## ANNEX FIVE - SUMMARY OF CHAPTER CONTENT DEVELOPED, CONFIRMED, AND SEQUENCED BY THE WORKSHOP

The scope and descriptions for chapter content are based on the indicative chapter scope developed early in the Judicial Reform Handbook project's implementation following the APJRF round table meeting in Kuala Lumpur. The scope for individual chapter topics was developed through a process whereby the experience of all of the chapter authors was drawn out and documented as part of the inception workshop's facilitated discussions. Subsequently, the scope of each chapter was summarised, and presented to the chapter authors for confirmation.

The development of content of individual Handbook chapter contributions will be *guided* by chapter scope as documented below. As the Handbook contributions will be based on individual authors' experience, and shaped by the review and feedback processes, not all elements of the scope/description will necessarily be addressed in each chapter contribution.

In addition, the facilitated discussions also focussed on the sequencing of the identified chapter topics within the Handbook as a whole. The sequence of chapter topics, below, reflects these discussions.

Chapter Topic	Scope/Description
<b>1. Development and Implementation of Reform Initiatives to ensure Effective Judiciaries</b>	Practical experience informing an approach to implementing Judicial Reform: <ul style="list-style-type: none"> <li>- Justice as "End-in-itself", but what is "justice"?</li> <li>- Symptoms: slowness; cost, limitations to access of the poor; KAP of judges (self-learning to professionalisation) institutional issues (failures on selection, appointment, finances, management failures.</li> <li>- Traditional sequencing vs. new sequencing (Sequencing: Indian experience (concept of justice → judicial method → role of judges (separation of powers, independence of judiciary) → capacity building → remedies/demand → Access.)</li> <li>- Judicial reform.</li> <li>- What is needed is a theoretical model of judicial reform.</li> </ul>
<b>2. Promoting Access to Justice through Judicial Reforms</b>	<ul style="list-style-type: none"> <li>- Formal/informal sector relationships.</li> <li>- Demand-driven considerations.</li> <li>- Popularising the law/awareness (media, awareness, legal literacy.)</li> <li>- Legal aid.</li> <li>- Access to justice and post-conflict environments.</li> <li>- Right to know and Freedom of Information (FOI) law reform.</li> <li>- How can/are different access to justice issues (horizontal/vertical, women, locational access) identified locally?</li> <li>- Judicial attitudes/bias as an element of access to justice - judges embedded in their social backgrounds and interests.</li> </ul>



Chapter Topic	Scope/Description
<b>3. Ethics, Integrity and Judicial Accountability</b>	<ul style="list-style-type: none"> <li>- Obligations and responsibilities of courts and judges that underpin independence.</li> <li>- Impartiality, bias, reasoning methodology.</li> <li>- Compliance.</li> <li>- Complaint handling processed and discipline.</li> <li>- Corruption.</li> <li>- Recruitment and appointment of judges - standards for this.</li> <li>- Representativeness of the judiciary/selection standards.</li> <li>- 'Walk-the-talk' on democratic values.</li> </ul>
<b>4. Case Management Reform</b>	<ul style="list-style-type: none"> <li>- Use of technology - Judicial systems management, information systems, Publication of Judgements (including on web.)</li> <li>- Concept and nature of case management and how it contributes to accessibility of justice.</li> <li>- Interdependence on other agencies - cooperation/ collaboration with other actors in the justice sector and cross-sector coordination.</li> <li>- Scheduling problems/coordinating court calendars.</li> <li>- Filtering mechanisms/approaches - ADR.</li> <li>- Streamlining enforcement.</li> </ul>
<b>5. Judicial Education and Skills Development for Judges and Court Staff</b>	<ul style="list-style-type: none"> <li>- Justice-orientated judicial education - 'how to enhance the availability of justice in society' (in distinction to Knowledge-, Attitudinal-, Practical-based [KAP] education)</li> <li>- Sustainability of education and response to needs of society - social context training/empowerment.</li> <li>- Leadership, policy and education.</li> <li>- Institutional and Methodological considerations in judicial education.</li> <li>- Demand-side considerations.</li> <li>- Building capacity and capacity building (KAP.)</li> <li>- Evaluation of education impacts.</li> <li>- Judicial education institutions as bridges between courts and society.</li> <li>- Policy development - Judicial education institutions as think-tanks.</li> </ul>



## ANNEX SIX - WORKSHOP EVALUATION (31 OCTOBER, 1 & 2 NOVEMBER, 2007)

The end-of-workshop evaluation (both qualitative and quantitative elements) was completed by all eight chapter authors. The qualitative evaluation was based on the following questions:

1. Overall, were the Aims & Objectives of the workshop **clear** and were they **achieved**?
2. Was the framework of the workshop **practical** and **useful** to you and your work?
3. Did the facilitation team supply materials, and were they **useful**?
4. Overall, did you find that the workshop facilitation was **effective** and allowed for adequate **participation, discussion, and interaction**?
5. Overall, were you **satisfied** with the workshop?

Responses received were as follows:

<b>Workshop-as-a-Whole Evaluation</b>	<b>Weighted Score</b>
1. Workshop's Aims & Objectives - Clear & Achieved	75.00%
2. Workshop - Practical & Useful	83.33%
3. Resources & Materials - Useful	79.17%
4. Effectiveness of Participation, Discussion & Interaction	83.33%
5. Overall Satisfaction with the Workshop	87.50%
<b>Workshop Mean Score:</b>	<b>81.67%</b>

In addition qualitative feedback was also sought with a number of key feedback 'themes' identified, including that:

- The workshop schedule was tight and that more time for discussion, or to digest/reflect on discussions, would have been valuable.
- The Presentation on '*The Importance of Judicial Reforms and Constraints in Implementation of Reform Activities*' was well received.
- The workshop was of real value in clarifying the concepts, focus and content of the Handbook and their role in its development.
- The facilitated/substantive discussions were of real value to the chapter authors.
- There was some difference in the views between chapter authors regarding the level of planning and structuring of the workshop. Some chapter authors felt that more flexibility might have been of value, while others felt that the structured approach to the workshop and the development of the Handbook was positive.
- The facilitation team were helpful and focussed, and that chapter authors' inputs and suggestions were encouraged and supported.