

Bijlage 3. Engelstalige executive summary

Strengthening conflict resolution capabilities

1. Problem analysis and solution

Unresolved conflicts and overburdened systems. The Netherlands' conflict prevention and resolution systems need radical reform to unblock the next leaps in economic and social development. The major transitions that are required to achieve sustainable development and economic growth are blocked by over-complicated procedures for agreeing on how scarce land should be used responsibly. Individuals and small businesses alike experience millions of conflicts annually, sometimes of an existential nature. Everyone needs fair, effective and responsive pathways to resolution. Existing institutional justice services are overburdened; despite best efforts with existing tools they are losing pace with the evolving underlying needs of individuals, families, businesses, communities and government agencies. Innovative individual conflict professionals (judges, lawyers, social workers, therapists, mediators etc) are experimenting with promising new approaches. These rarely have the opportunity to pursue scale, because the sector lacks well-organised and sufficiently funded R&D.

We need an **evidence-based, people-centred approach to the delivery of justice**. Following in the footsteps of the healthcare sector, the consortium will develop, implement and iteratively improve effective pathways for conflict resolution. Our mission: 80% of all pressing conflicts are resolved by agreement or adjudication within one year, with all parties experiencing the outcome as procedurally and substantially just. Current rate: 32% (down from 45% in 2009).

Evidence-based reform needs R&D investment. Our analysis shows that effective conflict resolution is not part of the current mission of justice institutions in the Netherlands. Improvements are often pushed through as ad hoc initiatives of politicians or practitioners. Ministries, courts and other institutions do not host substantial R&D units. Private companies are passively prevented from investing in justice tech or conflict resolution pathways, because there are no regulatory approval or budgetary support systems for their innovations.

Efficient procedures are a public good. Conflict professionals are increasingly frustrated by inefficient procedures. They are increasingly open to rethinking the status quo: co-creating evidence-based practices based on 'what works' in the field. Institutions are increasingly open to collaborative development of more effective pathways; their main concerns are financial sustainability and integration.

The Netherlands can lead on a global challenge. The emerging consensus is that SDG reform should be people-centred and evidence-based. OECD, Open Government Partnership, Pathfinders for Justice, The Elders, EU and USAID are leading these efforts. Application of this approach to SDG 16 is supported by an increasing number of governments forming the Justice Action Coalition. IDLO and UNDP, the leading international legal development cooperation organisations, have developed people-centred rule of law strategies.

2. Activity plan and results

Primary activities and outputs:

1. Evidence-based pathways. Seven R&D centres will each specialise in a type of conflict affecting the Dutch economy and society. Applying methods from the health sector, they will iteratively develop evidence-based pathways and guidelines. Implementation plans will be co-created and promoted in coalition with practitioners and institutions.

2. Organisational and financial models. Proven, scalable and financially sustainable service delivery models provide a strong business case for investment. The evidence base will allow us to strike a balance between delivering an efficient service and actively accommodating the differing (emotional, logistical, psychological) needs of justice users.

3. Monitoring and methods. Structured and rigorous R&D is new for the justice sector. Investment is therefore required to develop methods and skills for measuring ROI and translating learnings into methodological improvements. An extensive MEL framework is available with this

proposal, including annual large-scale surveys of justice needs. Conflict resolution metrics and the resulting impact on peoples' lives are additional important sources of data.

4. Models for regulation and budgeting. These investments cannot operationalise in isolation: implementation of improved pathways requires an enabling environment. An international Justice Sector Regulation Centre will develop models for regulation and budgeting, ensuring that effective innovations can get approval and can gradually become part of funding mechanisms.

5. Dissemination and movement. Building on the networks and expertise available in The Hague, the international city of peace and justice, the results of the programme will be shared in a targeted and strategic way with capable relevant institutions and professionals. Coalition partners will focus on strategic communication targeted at key decision makers and the general public, including by delivering training programmes. Ultimately, the results will speak for themselves, becoming part of The Hague's marketing: the city famous for strengthening the bond between international justice and access to justice for its citizens.

The programme has five phases:

1. Pre-programming phase: the proposition and the plans of the centres, become known and funded. Over 6-12 months the centres are resourced (human, physical, technical and skills to manage a major R&D effort).

2. First development phase: Over 18 months minimum viable products for each of the main results are developed and delivered.

3-5. Iterative phases: over three years the minimum viable products are iterated and delivered three additional times. In parallel, the centres will move towards an exploitation phase where results will be implemented and R&D efforts will become sustainable.

Results:

The eventual GDP impact of the increasing resolution rates for those conflicts most impacting individuals and small businesses has been estimated at €1.3 billion per year, consisting mainly of increases in productivity. Additionally, major social effects on health, security, equal opportunities and participation can be expected. Our monitoring efforts will help to ensure that, for the first time, the many benefits of timely, fair and effective conflict resolution mechanisms with access to justice for all will be quantified.

3. Participants in the consortium

In the consortium we bring together 15 research units that have a decades-long track record of reporting on improvements of conflict resolution systems. All are very motivated to make the move towards sustained R&D and valorisation of their expertise. Leading international researchers will be participating in the Justice Sector Regulation Centre, which will be supported with input from and active participation by major international organisations active in the justice sector (OECD, World Justice Project, Dutch Ministry of Foreign Affairs etc). The City of The Hague will develop a city-wide programme on people-centred justice, where different units will work on improving conflict resolution pathways for citizens and businesses. Programme management, R&D methods and coordination are provided by the Hague Institute for Innovation of Law (HiiL), with input from three universities already investigating the performance of institutions for conflict resolution. HiiL is an established partner for innovation programmes on access to justice. HiiL has worked for 15+ years with major rule of law donors and justice sector institutions in Africa, the MENA region, North America and Western Europe. Based on Justice Needs and Satisfaction surveys, HiiL investigates which types of processes, agreements and decisions are most likely to prevent or resolve justice problems. Moreover, HiiL has developed standardised tools and reports to support scalable evidence-based resolutions and the prevention of justice problems.

Cooperation agreement: The cooperation agreement is based on principles of distributed governance; each participant is responsible for their own results, with programme management coordinators participating in governance activities and vice versa. Programme management will focus on building capabilities during the first three phases (programmeline 3) and gradually shift towards external engagement (programmeline 5). Formally, programme management will report to HiiL's executive board, with an advisory board consisting of high-level leaders from the justice system as a source of advice, networks and reconciling interests where needed.

4. Budget

The budget for this proposal is €112 million. 45% will be invested in conflict resolution pathways (programme line 1), 16% in organisational models (2), 6% in monitoring and methods (3), 8% in

regulatory and budgetary models (4), 15% in dissemination and movement (5) and 10% in programme management including facilitation of method development.

The proposal is expected to trigger revenue streams for future R&D activities. We have carefully established that co-financing from participants cannot be expected, because each of them lacks funds that can be freely allocated beyond existing obligations. All have ongoing small-scale R&D activities that support the mission. Other stakeholders in the conflict resolution sector also lack R&D funds - for different reasons that are explained at length in the proposal.

Financial risk will be managed by go/no go decisions in the unlikely event that milestones cannot be achieved. The phasing with 4 iterations of the main results, starting with minimum viable product, is another way to manage financial risk.