

APPP Local Justice researchers hold high-level talks with the Ghana Judicial Service and other justice sector stakeholders:

Researchers from the Africa Power and Politics (APPP) Local Justice Stream collaborated with senior members of the Ghana Judicial Service to organise a policy workshop in Accra on 8th July 2011. The purpose of the workshop was to have detailed discussions on how APPP's research findings in Ghana could help to support the Ghana government's policy for promoting more widespread use of Alternative Dispute Resolution (ADR) by the state courts and other institutions.

The workshop, chaired by Justice (retired) V.C.R.A.C. Crabbe, was attended by senior judges and magistrates, the ADR Secretariat of the Judicial Service, the Judicial Service Legal Reforms and Projects Department, representatives of the Bar Association, Legal Aid, the Commission on Human Rights and Administrative Justice (CHRAJ) and ADR practitioners.

The APPP team presented the findings and recommendations arising from their work on the kinds of justice offered by the Magistrate's Courts, both in full court and through Court-connected ADR, the District-level mediation service of the CHRAJ, and the land dispute resolutions of the Customary Land Secretariats. The main theme was that, contrary to conventional stereotypes, the state-supported dispute resolution institutions in Ghana do offer forms of justice which are informal, accessible and responsive to popular values and expectations. The CHRAJ in particular offers accessible justice to women affected by gender-specific problems of domestic violence, abandonment, child maintenance and forced marriage. These institutions are certainly capable of using ADR as a mechanism for improving the accessibility and the speed of justice, although the neo-traditional Customary Land Secretariats were the least successful in this area. The researchers then focused on various current problems, many arising from the sheer popularity of the courts and the resultant delays and backlogs of cases, others from administrative weaknesses and shortage of resources and appropriate staffing for ADR.

The discussions, held under 'Chatham House rules' to permit a free exchange of views, covered three main areas:

- promoting Court-connected ADR in the Magistrate's Courts, and its relationship to the CHRAJ service
- the encouragement of informal and inquisitorial procedures by magistrates
- the role of lawyers, and how to improve case-management so as to reduce backlogs and the number of adjournments.

The participants responded positively to many of the policy measures discussed, particularly:

- the need to raise more income for the Court-connected ADR service so that mediators could be salaried in the same way as CHRAJ officers
- the importance of enforcement mechanisms
- measures to deal more forcibly with non-prosecution of cases, and the use of mobile phone technology to improve case management.

A full report will be made available, pending approval of the Judicial Service.

Prof Richard Crook.