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CASE STUDY

A learning network approach to the delivery of justice

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This paper explores the potential of a learning network approach to development in the justice sector and contends that such an approach matches the values and ambitions of the legal empowerment agenda. To realize this potential a lot can be learned from experiences with learning networks in other development fields. To seize lessons learned and to work towards a framework for evaluation for such projects, the paper utilizes a distinction in four key sources of tension in networks for learning: power, trust, disposition and value (Roberts 2006). In this framework lessons learned are mapped from learning networks in other development fields and own experience in the Microjustice Toolkit project. On basis of this overview, the paper identifies a set of questions that can support reflection in the design and implementation of future projects that foster the ambition to facilitate a learning network, help to avoid pitfalls and bolster success.

Introduction

The justice sector in developing countries, striving towards the realization of the rule of law and access to fair dispute resolution for all citizens, is receiving considerable investment. It has been estimated that key donors spent US$2.6 billion on legal and judicial development in 2008 (IDLO 2010, p. 11). However, a growing group of critics doubt whether this money is well spent and complain that too often there is a gap between actual project outcomes and ambitions in rule of law promotion (see Greco 2010, Pimentel 2010, Cohen *et al*. 2011). In particular, critics argue that projects fail to increase access to justice for poor people (Golub 2003, 2009, CLEP 2008, Hayat and Ahmed 2008, Barendrecht *et al*. 2012). In recent approaches to legal empowerment, there is therefore an increased emphasis on informal justice services that can make fair and effective solutions for common legal needs more accessible at the grassroots level.

In this context and to support this form of grassroots justice service provision, the microjustice toolkit project has been developed in the period 2010–2012 by researchers from the Tilburg Institute for the Interdisciplinary Studies of Civil Law and Conflict Systems (TISCO) of Tilburg University as part of the Microjustice Research program. In this project, we have gathered effective tools for dispute resolution covering aspects of mediation, negotiation, adjudication and enforcement, and developed new tools in collaboration with practitioners from several countries. In the tool development process, the emphasis has been on co-creation and collaborative learning. This paper aims to identity a framework of reference to evaluate the co-creation process and searches for questions that could support a pre-evaluation of similar project designs that include a learning approach to legal development. The aim of this paper is to contribute to systematic learning from

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small initiatives like our own, in the context of knowledge management for development in the justice sector. After a brief introduction to the context of the toolkit project, this paper will review existing literature and practitioner reports on lessons learned in projects with a co-creation and learning network component. To map the literature and our own experiences, we distinguish four key sources of tension in networks for learning, namely power, trust, disposition and value (Roberts 2006). On basis of this framework, we propose a checklist of evaluative questions that could be useful to inform project design in order to contribute to the successful implementation of co-creation and learning-orientated legal empowerment projects.

Microjustice

Microjustice is concerned with informal dispute resolution that operates alongside state judicial institutions to provide access to justice for common legal needs in developing countries. These services are provided by customary institutions and increasingly by non-governmental organizations (NGOs) and have many advantages over more formal systems for poor people. Often they provide the only accessible path to justice for poor people to address common legal needs. They are accessible, inexpensive and belong to or can relate to the tradition and culture of the community. Moreover, applied norms and the process of decision making, are understood and often believed to be fair by members of the community (Tamanaha 2011, Ubink 2011). But informal justice provision also has weaknesses. For example, the weak position of women in customary justice is often of concern from a human right perspective. Other commonly noted problems include corruption and a lack of neutrality (Kane *et al*. 2005, Stephens *et al*. 2008, Tamanaha 2011, Ubink 2011). In turn, NGO-led services often provide a just process but they sometimes face challenges when dealing with power unbalances or in enforcement of outcomes.

   To overcome these problems and to strengthen informal justice provision, several approaches have been employed. Some have promoted evaluation of customary justice services (Tamanaha 2011). Others pointed to the risks of cultural bias in evaluating outsiders' approaches and instead favour supporting customary adjudicators with training or developing structural linkages between customary justice systems and formal courts through a system of collateral review (Kane *et al*. 2005, Pimentel 2010). The approaches all seek to strike a challenging balance: '. . . to engage in a way that is locally legitimate and retains its strengths of the customary legal system, but at the same time responds to those elements that operate to limit the legal empowerment of users' (Johnstone 2010, p. 1).

   In the microjustice toolkit project, we have aimed to strike the balance by engaging practitioners from NGO led dispute resolution services from several countries in a co-creation and learning process to identify, reflect upon and try out best practices in dispute resolution. Participating partners were dispute resolution providers from Azerbaijan, Cambodia, Rwanda, Mali, Indonesia, Egypt, Thailand and The Netherlands. By asking what is going well and what is challenging in finding good solutions for common conflicts, we aimed to build on the existing strengths and work towards a set of smart practices to achieve fair and long-term sustainable solutions. In addition, we aimed to strengthen the evidence base by looking at literature on law and mediation and gathered structural feedback from beneficiaries about their experiences as users of the dispute resolution service. To share results between partners, we developed an online forum *The microjustice workplace*.[1] Finally, to complete the project and to bring all the results from various partners together, we organized a work-conference with all partners to review the toolkit content

in working groups. The final microjustice toolbox is a collection of best practices that are based on locally used work methods, academic review and practitioner and beneficiary feedback. The results can be found on *The microjustice workplace*.

A learning approach

In the project, we adopted a learning network approach because we experienced that finding substantive knowledge on dispute resolution work methods was not the main challenge. There are already many good dispute resolution handbooks and web pages with practical guidelines available. The real test was to facilitate a process that engages people to take ownership over knowledge and to participate in the development of new insights, for example how to improve enforcement, that suit their own context. In the field of justice, there is not one way of doing it 'right'. At the public level, justice is informed by various political and cultural factors and, at the practice level, by the capabilities of individual stakeholders. To strengthen justice provision mainly soft skills are needed. Practitioners need to be able to guard and enhance neutrality, repair power unbalances or to support parties in finding a solution. Most of these skills cannot be learned from books but grow from self-reflection, externalization of knowhow and internalization in practice (Nonoka 1994). Hence, to develop capabilities for justice, individually and collectively, requires a deeper level of engagement. In the context of justice and development it has been repeatedly said that learning is most effective where it results from 'internal critique, debate and engagement that respects the essential attributes of the institution rather than begins from the premise of debunking it and seeking the imposition of an externally-defined reality' (Kane *et al*. 2005, p. 22). Arguably, this is particularly true for the justice field. Learning dynamics are at the core of any political debate on substantive justice and drive the quality of justice service delivery. In the context of the latter, learning starts at the level of the individual justice service practitioners and their reflection on their work. According to Bandura, among the mechanisms of human agency none is more central or pervasive than beliefs of personal efficacy (Bandura 1982, 1986, 1997, see also Pajares, 2006). Whatever other factors serve as guides and motivators, self-efficacy beliefs are rooted in the feeling that one has the power to produce desired effects by one's actions. Bandura asserts that individuals form their self-efficacy beliefs by interpreting information primarily from four sources. Firstly, the interpreted result of one's previous performance, or mastery experience, is the most important source for information. Was my action a success or not? Secondly, people develop their opinions through observing others performing tasks, imitation. The third source is social persuasions they receive from others, and the fourth source is modelling through emotions such as anxiety, stress and arousal that they experience in relation to activities (Bandura 1997). On the basis of the interpretation of information from these sources, people generate a conception of how able they are to complete tasks. These multi-dimensional learning processes are taking place in all aspects of life. Linear information transfer plays only a very limited role. Rather, as Fox put it: 'learning is an outcome of a process of local struggle and that struggle is many-faceted involving the self acting upon itself, as well as upon others and upon the material world' (Fox 2000, p. 860). The toolkit project used the idea that individuals faced with their capabilities (through mapping current good practices and challenging issues) have the capacity to develop new ideas and change behaviour.

To describe how such learning processes are likely to occur in a collective setting in relation to a topic as complex as the delivery of justice, the idea of expansive learning provides an interesting perspective (Engestrom 2001, 2007, Engestrom and Sannino 2010).

It proposes an alternative to most classical theories of group learning that aim to describe linear processes where a learner acquires knowledge through teaching from a centre. In line with earlier ideas on social and situational learning, Engestrom's research contributes to the evidence base that this linear learning process is not the way most contemporary learning take place. There is often no teacher or intellectual elite who transfers knowledge to others. Instead, Engestrom's work (Engestrom 2001, 2007, Engestrom and Sannino 2010) indicates that learning processes can be often better be understood as dynamic collective activity systems that spring from and are driven by communities with multiple points of view and interests. These systems are non-hierarchical and multi-voiced. They are expansive because all the participants become influenced and new knowledge and learning opportunities are developed through interaction. In these systems, the history of people, ideas, objects and meanings do not merely matter because learning problems and opportunities can only be understood in their context, but diversity also drives the further expansion of the learning process. Contradictions often even become sources of change and further development (Engestrom 2007, Engestrom and Sannino 2010).

Perspectives on learning like these are widely applied in business management and development, and there is ample research on the potential for growth and innovation of learning networks in professional settings. 'Communities of ideas', 'communities of practice', 'knowledge networks', 'virtual knowledge communities' are all variants of the same idea (Wenger 1998, Cummings and van Zee 2005, Luijendijk and Mejia-Velez 2005, Johnson 2007, Pant 2009). These communities and networks have the understanding in common that sharing knowledge and co-creation to develop new ideas can support innovation. Learning networks are often promoted as a tool to drive development because they have the potential to serve as an ongoing learning venue for people who share goals, interests, problems, and approaches across national borders. Advantages are that they can facilitate the development and transfer best practices on specific topics, influence development outcomes by promoting greater and better-informed dialogue between stakeholders, stimulate innovation by linking a diverse group of practitioners from different disciplines, and promote innovative approaches to address specific development challenges (Hardon 2005, Ferguson *et al*. 2008, Oyelaran-Oyeyinka 2010).

Learning networks in practice

In promoting a better use of learning approaches in development projects focused on justice, the question arises whether the ideas on learning and learning networks for development can also provide concrete guidance for project design and implementation. A common complaint in earlier development literature has been that the overall optimism about the opportunities of online and offline learning networks for development and this has a theoretical foundation (Cummings and van Zee 2005, Luijendijk and Mejia-Velez 2005, Roberts 2006, Pant 2009, Voccia 2011). In practice, ideas seem hard to implement. Kirimi and Wakwabubi conclude in a review of the learning practices of international NGOs (iNGOs) in Kenya:

> While some iNGOs present role models in promoting participation, their contributions to the achievement of the Millennium Development Goals (MDGs) are less effective due to a lack of learning from experiences gained from implementing development interventions. Programmes will continue to be designed and will also continue interacting with new development paradigms which are largely driven by factors other than deliberate reflection on the evidence of past experience. (Kirimi and Wakwabubi 2009, p. 31)

A cause for this complaint can be that despite the high expectations of the potential role of learning networks for development, they are still a fairly new phenomenon and there has been little research done on the way they really work, their characteristics and how they are growing (Cummings and van Zee 2005, Doodenwaard 2006, Ferguson *et al*. 2008). This lack of good examples of knowledge networks has prompted some people to ask rather critical questions. Doodenwaard, for example, wonders why despite all good intentions learning often does not seem to take place (2006, p. 40) and, in a similar vein, Johnson concludes that more analysis is needed to understand 'how learning really occurs in development interventions and what kinds of conditions and processes enable it to happen' (Johnson 2007, p. 278). In the context of co creation, Scarf and Hutchinson pose the question; 'how to set up a knowledge network that moves members beyond sharing information to actually working together on solutions?' (Scarf and Hutchinson 2003, p. 3).

The lack of consolidated lessons learned is in particular noted to be remarkable in relation to the use of online forums (Thapa 2011, Voccia 2011). Information and communication technologies (ICTs) have been an important catalyst in the development of communities of practice and knowledge networks in the business environment, and there are an increasing number of online communities and networks in development. Projects with an ICT component are receiving heavy investments from donors and other development organizations in the hope that the Internet is a way to 'leapfrog' weaker countries into forward motion (Hackner 2002, p. 2). However, in reality, case studies of online knowledge networks rarely show promising results. For example, experiences in Uganda showed that partners have become more visible online, but that the use of the Internet as a knowledge sharing tool remains limited. Most partner organizations used the Internet first and foremost for marketing purposes (Doodenwaard 2006, p. 41). A study on the use of the Internet in a knowledge network in the Middle East and North Africa draws a similar modest conclusion. Communities of practice that were analysed in this project developed the websites as a knowledge repository for reports, policy notes, best practice papers and newsletters but they did not move beyond that stage (Hardon 2005, Johnson and Khalidi 2005). These findings have led Johnson (2007, p. 288) to conclude that even though communities of practice can be appropriated as a tool for promoting learning and knowledge production for development, it is important not to idealize their processes or their products. To understand the potential of learning networks, she says, more insight is needed in influencing factors. The history of social relations between actors needs to be taken into account in project design as it will inevitably influence processes and outcomes, while contestation and learning are related, and changes in perspectives, agendas and relations are part of the process (Johnson 2007, see also Mansell 2010).

In the context of justice, all these concerns seem doubly relevant. A first reason is the notoriously conservative character of the justice sector. Even in Western countries not much use is made of the opportunities of the Internet to improve service delivery. In addition, justice is generally considered to involve expert knowledge that is exclusively accessible to trained lawyers. All these factors do not make it a very likely environment to explore the potential of transnational learning networks, although there are some signs of change. Approaches to the justice sector seem to become less normative but more evidence-based and innovation-driven (Barendrecht *et al*. 2012). Research is showing that legal needs are fairly similar around the world and that there are great similarities in how people value a fair or unfair justice delivery process (Gramatikov and Verdonschot 2010). Also, there is an increasing number of successful, innovative online projects in the justice sector.[2] In this context, the approach seems to be moving away from the normative 'rule of law transplantation' policies to a capability development and learning approach to justice service

delivery. A good example of an innovative approach is the Asian Judges Network on the Environment (AJNE) that that has recently been established by the Chief Justice of the Philippines and senior judges from Bangladesh, Sri Lanka, and Thailand with support of the Asian Development Bank. In this network, judges share knowledge to increase the effectiveness and long term sustainability of solutions for environmental conflicts (ADB 2012).

Despite the concerns mentioned above, much can be gained by looking at lessons learned from other learning network projects. Besides the uncertainties mentioned above, knowledge management for development is a very vibrant field of research and practitioner reflection and there is an increasing number of successful learning networks and constructive lessons from various development domains such as healthcare, business development and water and sanitation. These include experiences on how to make good use of ICT opportunities.[3]

Lessons

To transfer this knowledge on learning networks for development to new sectors, such as the justice sector, a systematic framework that can assist early evaluation of projects and the mapping of lessons learned, would be useful. A commonly used categorization that can be helpful as a basic structure for this framework is the division in four major sources of tensions in learning networks: value, power, trust and predisposition (Roberts 2006, Pant 2009):

- 'Value' refers to the added value of the network for participants;
- 'Power' concerns the power dynamics in the network;
- 'Trust' refers to the conditions that convince people that collaboration is a worthy and safe experience, and
- 'Predisposition' involves the basic conditions that need to be fulfilled for the network as a collective and for individual participants in order to succeed.

These sources of tensions can support mapping of lessons learned and allow for a more detailed analysis of the factors that need to be taken into account in project design. In this section some lessons learned from other projects and our own toolkit project will be mapped to identify the value of this categorization and to work towards a list of meaningful evaluative questions.

Source of tension 1: value

The first tension that has emerged in literature concerns the added value of network. The underlying questions are: what is in it for the participants? This question is important. If the issues that are related to this tension are not properly addressed a project is unlikely to be a success. The following lessons learned are reported in literature.

Expressed need

Evidence has shown that communities of practice are most active and dynamic when there is an expressed need for their existence by the members themselves. The impetus to participate in the network must come from the potential members themselves, who should take responsibility for the network and enjoy partial ownership, of the process and the results (Keijzer *et al*. 2006, pp. 2–3). If this is not the case, the network will become rigid and the

active members will gradually turn into a passive audience (Cummings and van Zee 2005, p. 16; Johnson and Khalidi 2005, p. 100; Keijzer *et al*. 2006, pp. 2, 9).

Value of online fora

Appropriate content that fills the needs of the potential users is important. A review of the Grameenphone CIC, a service for the poor to increase access a range of ICT services, promotes appropriate content that is highly localized and contextual as a necessary condition. This requires that only local catalysts and activists can determine the right content (Sein *et al.* 2010, p. 18). If the forum is not aligned with the needs of partners and other users, outcomes can be different than expected. For example online forums are sometimes not used for knowledge sharing activities and collaboration between partners but only to create upward visibility towards donors (Doodenwaard 2006, Pant 2009). From a more positive it has been noted that increasing the visibility of partners on online forums can contribute to the value participation has for them (Lesser and Fountaine, cited in Hildreth and Kimble 2004).

Clearly defined domain

A second reported condition for success is the clarity of focus and planning of the network. To be effective, a network has to focus on a limited number of topics and to prioritize otherwise participants of the network tend to put their own daily institutional priorities ahead of their network obligations. Experts warn that an eagerness to learn from a potentially endless list of relevant topics often leads to fragmented and unfocused networking. If the goal of the network is clearly defined, strategic partnerships can emerge that create a real environment for co-operation (Luijendijk and Mejia-Velez 2005). Cummings and van Zee note that from the research of Pinzás and Ranaboldo, who reviewed learning networks in Latin America, it has become visible that focused networks, whether concentrating on a limited number of well-specified themes or limiting themselves to a well-defined sphere of social and political interaction, have generally achieved much more visible results, both internally and externally and have been able to obtain a higher degree of commitment from their members (Cummings and van Zee 2005, p. 17).

Relevance and vitality

Besides clear goals for a network to maintain its vitality, it also needs to keep its relevance. This is not static over time and does not imply a single shared meaning. Rather a lively debate on the pertinence of a network is important (Pinzás and Ranaboldo 2003, cited in Cummings and van Zee 2005). This need for relevance applies to all knowledge in the network, because all knowledge is socially situated and subject to ongoing negotiation. This is important to keep in mind, because it contests the priority of best practices that often pervades the discourse of knowledge and learning for development (Roberts 2006, Pant 2009).

Spaces for innovation, experimentation and learning

Pinzás and Ranaboldo point out that networking knowledge for development produces its most significant results if the network develops itself into a space for innovation, experimentation and learning. Such an approach permits partners to learn from experience, to develop the networks' own knowledge base and to transform it into original policy

proposals, without having to adhere to 'one-size-fits-all' approaches and solutions (Pinzás and Ranaboldo 2003 in Engel and van Zee 2005, p. 17). Scarf and Hutchinson note that this experimentation and learning approach is quite different from most common practices in which the main goal is to enhance the speed of knowledge flow from the places where knowledge is available and generated (researchers) to the places where this (new) knowledge will be applied (users). In an experimentation approach the focus should be on supporting people in their own process of knowledge development and sharing (Scarf and Hutchinson 2003, p. 4).

Value in the toolkit project

These lessons learned that are mapped under the tension 'Value' shed a critical light on the toolkit project. First of all, we did not discuss the need for and value of the project with partners before we started. We assumed the value and did not yet have the contacts and resources to investigate the value further. Our budget was bound to what had been defined in the project proposal as activities before the start of the project. The focus was on developing tools based on effective practices.

On a more positive note, during the project we did receive positive feedback about the value of the tool development activities from partners and several partners indicated an interest in a follow up project to develop more tools. Moreover, all partners collaborated on a voluntarily basis. We did offer some financial compensation for research, but these financial stimuli for participation were limited. In order to increase value, in an early phase of the project we left the idea of developing 'one-size-fits-all' tools, but facilitated the development of locally contextualized and valuable work methods. We can admit that at times we were aware of the risk that partners wouldn't deliver the outputs we had in mind. We discussed the option to 'buy' more participation if needed to make sure we would achieve the projects results within the set timeline. This risk did not become reality, yet it was not excluded by the project design.

Furthermore, the partners also reflected positively on the process of knowledge sharing on the work conference. They indicated to value the face-to-face interaction with the other partners. In the follow up process to work towards a next project proposal, we tried to overcome this shortage and organized a process that allowed partners to articulate the value for them and shape the project proposal.

In relation to the online platform that we set up, the tension of value gives rise to concerns. Again we didn't ask any partners what value an online forum would have for them. Perhaps as a result, *The microjustice workplace* did not get many visits or participation. Very few people made posts and we noted that people also did not seem to use it as a knowledge resource.

As lessons learned in relation to the above points, we would recommend that:

(1) The value of the project for partners needs to be investigated, discussed and defined by partners in the earliest possible stage of the project.
(2) Designing projects without a good understanding of the value of the project for partners can lead to pressure to buy participation in order to achieve the project's outputs within the set timeframe.
(3) An online platform is unlikely to be successful if there is no good understanding of the way that people are likely to use such a platform. This requires investigative research and collaboration in design.

Source of tension 2: power

The second source of tensions is power. In literature, the following contributions can be found to the analysis of power in the context of knowledge networks.

Power and participation

Power disparities are a well-known risk factor for learning (Mansell 2010). In an analysis of the reasons why it is difficult to move parties towards collaborative knowledge production in development, power disparity is named as a possible the root cause of the problem. The unequal power relations between Southern and Northern institutions may lead to a one-way relationship of the North 'teaching' the South – rather than facilitating the access and impact of Southern voices in policy processes (Drew cited in Scarf and Hutchinson 2003, p. 3). This is also true in the context of learning networks, because most of them are initiated through the efforts of one or two lead organisations, usually based in the West. Fakuda-Parr, Lopes and Malik suggest that to be an empowering tool for development knowledge networks have to be open, participatory and demand-driven (Fakuda-Parr *et al.* 2002, Ferguson *et al*. 2008, Mansell 2010). In a similar vein, Scarf and Hutchinson (2003) argue that empowerment is achieved by people developing their own solutions, rather than having them imposed or imported from the outside. To capture the differences between current approaches and participatory approaches to development they propose the table set out as Table 1.

To make participation have an impact, Beardon and Newman (2009) found in research of participatory work methods of several NGOs that it requires staff to know not only how to listen to voices on the ground, but also how to analyse and react to these. The investigated NGOs indicated that it requires investment in training and support, prioritization, and reward in order for it to happen systematically (Beardon and Newman 2009).

Power and ICT

The issue of power is also very apparent In relation to ICT and online networks. A lack of participation of partners from developing countries in the design of forums has a negative impact on the power neutrality of these media. For example, Scarf and Hutchinson refer to Song who in the early days of the Internet already argued that without fundamental buy-in from the participants, electronic networks were doomed to fail (Song 1990, cited in Scarf and Hutchinson 2003). This did not change over time. To make best use of the opportunities

Table 1.   Contrasting approaches to knowledge network design for development: a participatory design approach.

	Current approach	Participatory design approach
Participants in design process	International donors; lead organisation(s); global IT team	Network members, including managers and users; decentralised IT teams, including human factors experts
Resulting knowledge framework	Diffusion of knowledge from more developed to less developed countries	Legitimisation and cultivation of a diversity of knowledge, particularly local knowledge
Resulting communication infrastructure	ICT-focused; assumes a homogeneous environment	Broad mix of tools, including online and offline options; assumes a diverse environment

Source: Scarf and Hutchinson (2003, p. 4).

of the Internet, Margeet van Doodenwaard concludes on basis of her experiences that 'in knowledge sharing programs, listening to what the partner organization has to share about best practices in terms of knowledge sharing activities on the grassroots level is a first requirement' (2006, p. 45). The partner organization has a wealth of know-how on the practical problems and cultural, social political subtleties which determine knowledge sharing strategies. Very often, organizations themselves have good ideas about how the Internet can be used as a knowledge sharing tool, often embedded in a mixture of other (digital) media (Doodenwaard 2006, p. 45). Also, for example the reviewers of the Grameenphone service, as noted above, strongly emphasis a leading role for local experts in service and content design (Sein *et al.* 2008, pp. 17–18). In addition, Powell *et al.* (2011, p. 32) conclude in a recent analysis of Web 3.0 that the sector needs to ensure that either Web 3.0 can be adapted to support local information environments or that at least information work at this level gets equal investment and is not left behind. Also, in this context Mansell gives a good overview over power disparities and their impact on the role of ICT development and draws a conclusion in favour of an emergent perspective on the dynamics of development. This holds that locally situated knowledge and experiences need to drive ICT development processes and that an open attitude is needed towards unpredictable outcomes (Mansell 2010, p. 27).

Power in the toolkit project

In relation to power as a source of tension, the toolkit development process was a two sided experience. One the one hand the project originated from the Law School of Tilburg University that had full budgetary control and sole responsibility towards the donor. Also, the outcomes were defined in a project proposal before any interaction with stakeholders had taken place. On the other hand, partners had a large freedom to define their own activities. We invited partners to submit their project proposals and refrained from trying to steer the local process. Each partner had the opportunity to create its own value within the shared context. As a result, the tool development process in the Burmese refugee camp in Thailand took a very different course than the process in Azerbaijan. Also partners were free to propose ideas and co-steer the process of collaboration. We are still unsure about the potential of this network to become self-driven. It may be that the duration of the project, two years, was too short to develop a self-steering mechanism. This is likely to depend on the value of the network for participants and also on the way accountability structures are organized. Budgetary control and accountability towards to the donor influence the power dynamic. More participation in the basic choices in the project design would be most effective if it would also include participation in budgetary decisions and not one party would be responsible for the delivery of end results.

In relation to the website participation has been a concern. As noted above, we did not involve other stakeholders in the development process of the online forum and in that sense promoting a participatory approach is easier said than done. Within budget and time constraints, it is practically very complicated to work in collaboration on website design. Perhaps on basis of the first prototype and in collaboration with partners, the expressed desire for 'localized' websites (whether by country, sub- or supra-country region) can be developed.

In relation to power, key lessons learned comprise:

(1) A participatory approach needs to be part of the development process of, and foreseen in, the project proposal and budget design. If the budget is assigned to the delivery of predefined outputs, it is not possible to realize full participation.

(2) An online forum that has been developed without participation can be seen as a first draft prototype that requires further development and amendments in collaboration with local partners.

(3) Localized 'satellite' websites with mirrored content may be an appropriate way to manage language and cultural disparities, while retaining the trans-national collaborative environment.

Source of tension 3: trust

The third reported source of tensions is trust. In knowledge sharing and in particular also in online networks, trust is widely seen as the important enabler of knowledge management processes and as a condition for knowledge sharing (Usoro *et al.* 2007). Trust is a broad concept and in the literature it has been broken down in various elements. Usoro *et al.* (2007) analyse trust in three levels: competence trust, integrity and benevolence. They define competence trust as the trust that exists when an individual believes that another party has knowledge and expertise in relation to a specific domain (Usoro *et al.* 2007). Benevolence refers to a sense of community, feeling accepted and goodwill towards sharing. Third, integrity implies the importance of shared values, honesty and the need to follow through. Of these three elements, integrity has the most impact on the willingness to share knowledge in a network (Usoro *et al*. 2007, see also Nooteboom 1996). The categorization on basis of competence trust, integrity and benevolence can be used to map some lessons learned in the context of knowledge management for development.

Competence trust

Competence trust in knowledge networks concerns the trust in the quality of the content and people who are involved in the network. It also concerns the quality of network management, such as effective planning, effective moderation or facilitation and applied methodologies in the development of smart strategic alliances (Keijzer *et al*. 2006). The right balance between formal institutionalization and an open networking character is important to support this trust (Taschereau and Bolger 2006).

Benevolence

Benevolence is about the sense of community in the network. An atmosphere of openness is an important factor (Cummings and van Zee 2005, p. 16, Hildreth *et al.* 2000). To build this trust, face-to-face relationships have proven to be of crucial importance (Hildreth *et al.* 2000, p. 37). Therefore it helps when a network is founded on an already existing community of practitioners (Luijendijk and Mejia-Velez 2005).

Integrity

Integrity is about values and the belief that values are shared by the network partners. It is shaped by the way power is distributed and the commitments and behaviours of partners in the network. To build this trust, a non-directive management style and respect for the business needs of the partners are important behaviours (Roberts 2006, Luijendijk and Mejia-Velez 2005). Hidden agendas, a lack of participation and transparence undermine this trust (Usoro *et al*. 2007).

Trust in the toolkit project

In the toolkit project, we noted that trust increased over time between the partners in the project, and was supported by face to face contact. Yet, we encountered some inner tension between competence trust, benevolence and integrity. On the one hand, we wanted to create value for others with our academic knowledge about dispute resolution methods. On the other hand, we did not want to send knowledge from the centre to the rest of the network. Instead, we wanted tools to be articulated by the local practitioners, share unfinished drafts and engage others in the co-design process. This dilemma relates to both the topic of power and value. The risk of emphasizing competence trust is that it results in sending information from a centre to participants out of fear of appearing not knowledgeable. Perhaps the background of this uncertainty was that we had little understanding of the value of the project for partners. Articulating expectations, needs and wishes and engaging dialogue with potential partners in the early phase of project design, is probably the most promising way to prevent such tensions to impact on the project's success.

Our lessons learned are:

(1) There can be tensions between factors of trust, power and value that require refection and dialogue on expectations.
(2) Trust can be developed in the absence of one-way information provision through using engagement strategies that support partner activities, and provide information only when and if it is requested.
(3) Building trust takes time and getting used to each other. Face to face interaction remains an important factor in the development of trust.

Source of tension 4: disposition

The fourth source of tensions concerns the disposition of the network and the practical conditions that are needed for successfully implementation. Basic requirements for a network to flourish are the availability of the resources, such as skills, time and money and access to ICT resources. Also the openness of the network to new information has an impact on its sustainability.

Skills, access and time/money

A presupposition of networking is that participants have the capacities to contribute skills, access and time/money. Keijzer *et al*. note that especially in those cases where a network is supported by external parties, the time frames and resources are often insufficient to allow this transition to happen (Johnson and Khalidi 2005, p. 100, Keijzer *et al*. 2006, p. 5). Other risk factors are time pressure and work culture of partner organizations. Some organizations work on many priorities at the same time. Or, when projects have little or no in-built space for reflection and learning, participants cannot be expected to engage effectively in a learning network (Cummings and van Zee 2005, p. 16).

ICT resources

A lack of resources is also an issue in relation to ICT. Experiences in Africa and Nepal with attempts to establish online forums showed that a lack of infrastructure, means, capacity or facilities are common obstacles for exploiting the benefits of the Internet (Doodenwaard

2006, Thapa 2011). However, it may also be that technology will not play a large role in learning activities. Sometimes such technology may facilitate informal interactions but it is not yet the main basis for community participation. (Johnson and Khalidi 2005, p. 101).

Linkages to other initiatives and openness of the network

Last, the relation between the network and its environment is important that the network is linked to a wider context form which it can absorb new information and perspectives. A network requires an open attitude to information and people from what happens outside the network (Cummings and van Zee 2005, p. 17) Also, healthy competition with other networks may also help a network to grow, and will inevitably strengthen its members' abilities to contribute and compete (Keijzer *et al*. 2006, p. 4).

Disposition in the toolkit

Due to its short duration and the relatively small ambition and scale of the project, the toolkit project has little to add to these lessons learned. Perhaps our key lesson learned has been that all these practical factors indeed do influence the project and its results. The disposition of the project has been impaired by shortages of funding and time. Also we experienced that the project faced significant competition from projects that were promoted by other donor partners of the NGOs we worked with. In addition, circumstances, such as the revolution in Egypt, impacted on level of engagement and participation. In relation to ICT, we found that language problems should not be underestimated. Our forum was in English, but many of our partners did not have a very good command of this language.

Our lessons learned are:

(1) Time and money matter. Ambitions of what can be achieved in the short term should not be too high. To foster a learning network structural long-term support is needed for sustainability.
(2) Local aspects need to be taken into account, in particular to develop a successful online forum.

A framework for evaluation

This overview of lessons learned in knowledge management and learning network approaches for development seems to provide useful guidelines for reflection on the toolkit project. On basis of the findings, questions with an open character can be formulated that may be useful to take into account in the design of new learning based project in the justice sector. None of these questions require yes or no answers, but they can guide reflection and dialogue on strategic choices. Meaningful evaluative questions are summarized in Table 2.

Conclusion

A learning approach matches the ambitions and values of the Legal Empowerment Agenda. To make this learning possible the justice sector can benefit from lessons learned with learning network approaches in other policy domains. The sources of tensions value, power trust, and disposition that have been explored in this paper provide a useful categorization to map lessons learned from experiences with learning networks for development and

Table 2. Evaluative questions in relation to value, power, trust and disposition.

Value	• What need do the partners express for the project? • Are the domain and goals of the network clearly defined? • What desired value of the communication tools and ICT solutions do partners express? • How does the network facilitate diversity in approaches, experimentation, change in direction and debates on pertinence?
Power	• How is active participation ensured in all aspects the project? • How are roles related to the management of the network shared among partners? • Is the budget controlled in a participatory manner? • Is participation ensured in relation to communication tools and ICT?
Trust	• How is the quality of content and people in the network supported? • Is there a sphere of openness and opportunities for face to face interaction in the network? • Are values and expectations expressed and shared? • How are internally competing factors of trust, value and participation addressed and resolved?
Disposition	• Do the participants have the opportunity to contribute in terms of time and money? • How is the financial sustainability of the network ensured? • How are local conditions for communication tools and ICT taken into account the project? • In what way are linkages of the network to outside information and people ensured?

to guide evaluative questioning. On basis of lessons learned from literature and our own experiences, we have identified meaningful questions that can be used in the preparations of project design and ex ante and ex post evaluation of projects in the justice sector with a learning strategy like the microjustice toolkit project. This type of knowledge is likely to have pertinence for future rule of law and legal empowerment projects.

Notes

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