

Report

People-centred justice for all

A route to scaling up access to justice advice and assistance in low-income countries

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Acronyms

CSO	civil society organisation
BRAC	Building Resilience Across Communities
DAC	Development Assistance Committee
DFID	UK Department for International Development
GDP	gross domestic product
Global Health Fund	Global Health Fund for AIDS, Tuberculosis and Malaria
IDLO	International Development Law Organization
LDP	The Law & Development Partnership
LEN	Legal Empowerment Network
LIC	low-income country
LMIC	lower middle-income country
MDG	Millennium Development Goal
MIC	middle-income country
OECD	Organisation for Economic Cooperation and Development
SDG	Sustainable Development Goal
UN	United Nations
UNDP	United Nations Development Programme
WJP	World Justice Project

Executive summary

This paper is for members of the international community engaged on delivering Sustainable Development Goal (SDG) 16.3's promise of equal access to justice for all. The paper focuses on low-income countries (LICs) – where the financing issues are most pressing and the need for scaling up access to people-centred justice most pressing. The paper provides contrast with, and draw lessons from, other sectors that have successfully scaled-up service provision, particularly health and education.

Access to justice remains extremely limited

SDG 16.3 calls for equal access to justice for all. There is growing evidence of the importance of access to justice, both as an end in itself and as an enabler for other SDGs. But despite this, access to justice remains extremely limited in many countries and has been made worse by Covid-19. The challenge is particularly acute in LICs, which cannot afford to give people access to even a basic system of community-based, people-centred justice to deal with their everyday justice problems.

Aid to justice has been cut

Donors have cut their justice aid by a third in the last four years. If anything, the decline in aid seems to be accelerating, with the reduction in aid in 2019 larger than in more recent years. The small proportion of aid spent on justice – 1.5% of all aid – is markedly less than the proportion of their own budgets that Development Assistance Committee (DAC) donors spend on justice in their own countries. Much of this aid is spent in middle-income countries (MICs), with justice aid in LICs (excluding the special case of Afghanistan) now totalling just \$240 million, compared to an estimated need of \$13 billion. This amounts to 38 cents per person per year in LICs, far less than is provided for education (\$4) and health (\$11).

This limited donor investment reflects scepticism about impact and rising concerns over the political risk of supporting justice institutions. This is combined with competing priorities from sectors with a proven track record of results and a global trend where domestic political considerations increasingly shape donor priorities.

There are potentially high rates of return for justice investments, especially for community-based justice providers

Yet our estimates set out in this paper – which we believe are the first that have been made – suggest that rates of return for investing in community-based, people-centred justice could be comparable to the returns achieved by investments in health and education.

Frontline providers of justice advice and assistance at the community level (often paralegals/community justice defenders) are a key component of people-centred justice. They are also affordable – accounting for just 2% of the total costs of a basic people-centred justice system – and there is emerging evidence that targeted investment towards this component could deliver extremely high rates of return.

The inability to work at scale has resulted in unaffordable unit costs to date

Severe funding constraints, especially in LICs, currently mean that providers of community-level justice advice and assistance struggle to operate at scale. Even in countries with well-developed networks, we estimate coverage is no more than 5% (compared to 50% for healthcare). This has resulted in high unit costs that are perceived to be too expensive.

But Sierra Leone shows low-cost scaling up is possible

However, our research also reveals examples of new approaches in LICs that have taken service provision to scale and that have achieved affordable unit costs. A key example is the new, mainly government-funded, Sierra Leone Legal Aid Board: this has scaled up community-based justice advice and assistance by a factor of 10 and has done so affordably, reducing unit costs by a factor of 5 compared to previous donor-supported programmes.

While our evidence base is too limited to make strong recommendations, targeted donor funding of community-based justice advice and assistance appears to offer prospects of high returns and would avoid the political risks of broader engagement in the justice sector. It would also be a relatively affordable first step towards meeting SDG 16.3 and achieving people-centred justice for all. We estimate the costs to support all LICs at \$230 million a year.

Lessons from other sectors point to the case for a targeted results-focused global fund

Learning from how other sectors have scaled up their services, and building on the *Justice for all* report's call for a new global fund for justice (Pathfinders, 2019a), we recommend channelling donor funds through a results-focused global fund. This offers the potential to catalyse new country-led approaches to scaled-up, community-based justice advice and assistance, implemented by combinations of

government institutions and civil society organisations (CSOs) that countries deem to be most appropriate and cost-effective in their particular context.

A global fund would also catalyse changes in donor approaches that other sectors such as health and education have used to support scaled-up services to target universal coverage. A key element has been the use of multilateral channels, which account for 37% of all health aid, compared to only 7% for justice. Such a 'coalition of the willing' – pooling their efforts and their funds – could kick-start a more ambitious approach to achieving SDG 16.3.

1 Introduction and context

1.1 Growing recognition of why equal access to justice for all matters

Access to justice is a core state function. It is associated with peace-building and state-building, economic growth and investment, as well as equity and social justice. Justice has been seen as the *opposite of poverty* (Stevenson, 2014), because limited access to justice disempowers individuals and communities from claiming their rights and defending themselves from injustice. In 2000, the pathbreaking report *Voices of the poor* recorded that the ability to access justice is one of the top priorities for the poorest (Naraya et al., 2000). And the provision of justice can be a key building block in reducing fragility (UN and World Bank, 2018).

The creation six years ago of Sustainable Development Goal (SDG) 16.3 – *equal access to justice for all by 2030* – marked a decisive change in the level of international attention to justice. Justice was not included as a Millennium Development Goal (MDG) in 2000. But in 2010, justice was recognised as one of the five Peacebuilding and Statebuilding Goals (PSGs) by all United Nations (UN) agencies, major donors of the Organisation for Economic Cooperation and Development (OECD) and the g7+ intergovernmental organisation of fragile states (International Dialogue on Peacebuilding and Statebuilding, 2010). This recognition helped pave the way for the creation of SDG16 in general, and 16.3 in particular with its call for equal access to justice for all. The creation of all the SDGs also revealed how justice is a key enabler for many other SDGs, including poverty (SDG1), hunger (SDG2), gender equality (SDG5), inequality (SDG10) and protecting the environment (SDG 14 and SDG 15).¹

The inclusion of justice as an SDG prompted new thinking about how to achieve scaled-up access to justice for all. This culminated in an internationally agreed policy framework for SDG 16.3, set out in the Task Force on Justice’s *Justice for all* report in 2019 (Pathfinders, 2019a), which was subsequently endorsed by a wide range of countries and international organisations in The Hague Declaration, the Buenos Aires Declaration and the g7+ Joint Action Plan (Pathfinders, 2019b; c; d).

In summary, enabling people to have access to justice is now acknowledged as being at the heart of sustainable development, vital

¹ See Steven (2016), WHO (2017) and The Elders (2019) for fuller discussion.

to addressing inequality and central to the SDG's overall vision of a world in which *the needs of the most vulnerable are met*.

1.2 Access to justice is still extremely limited and made worse by Covid-19

Despite progress at a policy level, billions of people continue to lack access to justice. The UN Commission on the Legal Empowerment of the Poor (2008: 1) revealed that 4 billion people worldwide were 'robbed of the chance to better their lives and climb out of poverty, because they are excluded from the rule of law'. The 2019 *Justice for all* report estimated that 5.1 billion people – two-thirds of the world's population – lack meaningful access to justice (Pathfinders, 2019a). Vulnerable groups including women, children, minority groups and people with disabilities find it hardest to access justice.² The need to scale up access to justice is clear and is reflected in the *Justice for all* report's call for a transformation in ambition at a global level (ibid: 2).

Meanwhile, the Covid-19 crisis has tragically reduced people's access to justice exactly as their need for it rises (Pathfinders, 2020; UN Office on Drugs and Crime and UNDP, 2020). Lockdowns have resulted in a surge of domestic violence, while the economic crisis is increasing disputes over land, employment and debt. Women are particularly at risk. The only encouragement is that, at the same time, countries have shown they are capable of rapid and radical policy responses to justice problems, including, for example, speedy reductions in prison populations and experimentation with virtual courts.

1.3 Purpose of this paper

This paper is for members of the international community who are engaging with how to deliver on SDG 16.3's promise of equal access to justice for all. The focus is on the part that development aid could play, particularly in low-income countries (LICs). The paper shares previously unpublished research: first providing a 'bird's eye' view on global aid to justice, and then exploring the situation from a 'bottom up' perspective of financing for community-based, people-centred justice – the focus of the *Justice for all* report (Pathfinders, 2019a). The paper looks particularly at the situation in LICs, as this is where the financing issues are most pressing and where the need for scaling up provision is most obvious. It contrasts with, and draws lessons from, other sectors that have successfully scaled-up service provision, particularly health and education.

Chapter two provides an overview of the emerging policy framework for SDG 16.3 and initial estimates of implementation costs. Chapters three and four then explore the status of current financing of people-centred justice services in LICs from two different perspectives. Chapter three takes a global, bird's eye view of trends and prospects for justice finance. Chapter four looks at the situation on the ground

² For more detail see, for example, UN Women et al. (2019).

and focuses on one key aspect of people-centred justice provision – community-level justice advice and assistance that empowers people to understand and use the law – discussing the financing gap and prospects for increased investment. Drawing on these bird’s eye and bottom-up views, the final chapter reflects on how to shift the dial on financing to begin to address the growing justice gap.

2 Universal access to people-centred justice

2.1 People-centred justice as a new policy framework

Building on the Commission on Legal Empowerment of the Poor (2008) and the results of a growing number of legal needs surveys,³ the 2019 *Justice for all* report (Pathfinders, 2019a: 20) provides the foundation for international agreement on the need for people-centred justice, with the explicit acknowledgment that people rather than institutions are at the heart of justice systems. The policy framework focuses on people's everyday justice problems⁴ and improving the quality of their justice journeys, which means empowering people to understand and use the law; providing justice services that are people-centred; and enabling fair outcomes and remedies. This approach is mirrored in the development of the new SDG 16.3 indicator (SDG 16.3.3) that tracks the proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism.

Prioritising 'everyday justice problems' implies prioritising basic community-level justice, sometimes described as 'primary justice'. How this precisely maps to the current system and set of institutions still needs further research and consultation. For the purposes of the initial estimates of the costs of a 'basic' justice system that we were asked to provide for the *Justice for all* report (Manuel et al., 2019), we defined basic or primary community-level justice as including: (1) community-level justice advice, assistance and empowerment that enables people to understand and use the law; (2) traditional and non-formal dispute mechanisms, the lowest tier of formal state courts and community-oriented police; and (3) organisations that provide oversight of state institutions (such as ombudsmen, the Human Rights Commission and independent police oversight authorities). This framing was designed to deliver universal basic justice that is affordable and accessible to address people's everyday justice needs. Basic justice is also key for delivering on other goals – poverty, health, inclusion and the environment. We acknowledged that this meant that aspects of standard justice service provision were not covered by the framework. Omissions include commercial

³ For example, World Justice Project (2019a; b).

⁴ The *Justice for all* report identifies the top six justice problems as being: (1) violence and crime; (2) disputes involving land, housing or neighbours; (3) family disputes; (4) money, debt and consumer issues; (5) accessing public services; and (6) employment/business disputes.

justice (apart from small claims), higher/appellate courts and context-specific needs such as transitional justice (in part because these already tend to attract separate funding).⁵

This focus on universal ‘basic’ service provision follows the example of the health and education sectors where the creation of the MDGs in 2000 centred on community- and primary-level service provision. The decision to focus efforts on basic service provision for all meant a de-prioritisation of hospitals (in favour of primary health centres) and secondary education and universities (in favour of primary schools). The focus at community level was associated with a massive scale-up in service provision in these two sectors. Since the mid-1990s, child mortality rates have halved in LICs (from 17% to 7%) (World Bank Group, n.d.); and the proportion of children not in primary school has also halved (from 46% to 20%) (Roser and Ortiz-Ospuba, 2013).

The contrast with justice is stark – two-thirds of the world’s population were estimated to lack access to justice in 2019, a billion more than the 2008 estimate (Pathfinders, 2019a; Commission on Legal Empowerment of the Poor, 2008). While the 2008 and 2019 figures used different methodologies, sadly no one is arguing that billions or even millions more people received access to justice over that period.

2.2 Costing and affordability of people-centred justice

The estimates we provided for the *Justice for all* report are of the cost of providing universal access to ‘basic’ people-centred justice services (Manuel et al., 2019). We estimated this would cost \$20 per person per year in LICs (compared with a cost for essential healthcare in such countries of \$76 per person). As salary costs rise with a country’s income, we estimated the costings for middle-income countries (MICs) at \$64 per person per year and \$230 per person per year in OECD countries. We also estimated the costs of different components of the basic justice system. For example, a national system to provide universal access to basic justice advice, assistance and empowerment is estimated to cost just 2% of the total costs of the whole basic justice system (40 cents per person in LICs and \$5 in OECD countries).

We then drew on other research (Manuel et al., 2018 and 2020) to analyse countries’ ability to pay for these services from their own resources. Our calculation assumed countries maximise their total domestic revenues (in line with estimates by the International Monetary Fund (IMF) and World Bank of what is feasible) and then allocate 4% of these revenues to the justice sector (to match what OECD countries do).

⁵ We recognise there is inevitably an inherent tension between prioritising everyday legal problems of the whole population and critical needs for particular groups, for example those suffering severe human rights abuses. Further research is needed on measuring the relative severity of legal needs.

Our analysis revealed that, for all LICs, even basic people-centred justice provision is totally unaffordable. None of these countries are able to fund even half the costs; LICs collectively face a funding gap of \$13 billion a year. And as our estimates were based on pre-Covid-19 data, the gap will be even wider as needs have increased, revenues have fallen and many LICs are also facing a deepening debt crisis. In contrast to LICs, we estimate that all upper-middle-income countries and all OECD countries can afford the full costs of basic people-centred justice provision, even post-Covid-19. For these countries, the level of funding for basic people-centred justice is not an issue of affordability, but rather a matter of political choice as to the prioritisation of their total spend on justice.

3 A birds' eye view: global finance for the justice sector in LICs

Our estimate of at least a \$13 billion funding gap to provide a basic people-centred justice service in LICs stands in stark contrast to current justice aid flows to LICs, which amount to only \$240 million a year.⁶ This underfunding is the result of long-term trends in justice aid and also its current allocation, both of which are reviewed in this chapter (Sections 3.1 and 3.2). We also consider two other issues inhibiting increased justice financing: the need for better articulation of the business case for investment (Section 3.3); and the need for changes in aid architecture (Section 3.4). The chapter ends with consideration of the prospects for increasing global aid flows to justice

3.1 Trends in donor financing of justice from the 1950s to date

Donor recognition of the broad linkages between justice and development goes back at least 50 years. The Law and Development movement in the 1950s and 1960s focused on the potential for 'law itself to be an engine for change' with a particular focus on Latin America. Subsequent legal and judicial reform efforts in the 1980s focused more on institutions – the courts, ministries of justice, bar association and law schools. The focus then shifted again in the 1990s to the 'rules of the game', with Nobel Laureate Douglass North famously arguing that poor contract enforcement was the most important reason for lack of development. Around the same time, Hernando de Soto also argued that it was lack of formal land titles that was keeping the poor trapped in poverty. In the latter part of the 1990s, the end of the Cold War prompted a massive investment in democracy and rule-of-law programmes, especially in Eastern Europe.

The OECD's Development Assistance Committee (DAC) disaggregated aid data for legal and judicial development,⁷ starting in

⁶ Latest three-year average (2017–2019); OECD DAC data for aid for legal and judicial development (purpose code 15130). Total aid by DAC donors. Figures exclude Afghanistan, which is an outlier and special case (discussed later in the paper). See <https://stats.oecd.org/Index.aspx?DataSetCode=crs1>.

⁷ Aid for legal and judicial development includes support to the judiciary, ministry of justice, police, prisons and civil society organisations (CSOs). It covers support to institutions, systems and procedures of the justice sector, both formal and informal; support to ministries of justice, the interior and home affairs; judges and courts; legal drafting services; bar and lawyers' associations; professional legal education; maintenance of law and order and

2002. This shows a rapid scaling up of funding to the sector – from \$300 million in 2002 to a peak of \$3.3 billion in 2012. It hovered around this level until 2015.⁸

Although interest and engagement in SDG 16.3 has been mounting, and justice financing needs have become clearer, donor funding started to decline from 2015 onwards. Funding is now 36% below the peak.⁹ The US, which has consistently been the largest donor by far, accounting for more than half of all justice aid, has cut its funding by 55% since its peak. The second largest justice donor, the European Union (EU), is down by only 7%. But most others have cut their funding by between 15% and 40%, with Australia cutting it by 60%. Among the top 15 donors, the only ones to increase their aid in recent years are Canada (by 15%) and France (by 45%, albeit from a low base). If anything, the decline in aid seems to be accelerating, with the reduction in 2019 being larger than in more recent years (see Table 1 below).

Table 1 Annual rates of change in total justice aid

Justice aid	2002–2012	2012–2015	2015–2018	2018–2019
Annual % change (constant prices)	29%	-6%	-4%	-9%

Source: Authors' calculations based on OECD DAC creditor reporting systems data.

Justice aid continues to be dominated by just a few donors, with the US accounting for 44% and the EU for 18%. The top five donors account for 79% of the total \$2.2 billion funding per year.

Donors attach much less priority to justice in other countries than they do in their own. The small proportion of aid spent on justice – 1.5% of all aid¹⁰ – is markedly less than the proportion that DAC donors spend on justice in their own countries. The average share of justice spending in OECD countries is 4% of their budgets.¹¹

public safety; border management; law enforcement agencies, police, prisons and their supervision; ombudsmen; alternative dispute resolution, arbitration and mediation; legal aid and counsel; traditional, indigenous and paralegal practices that fall outside the formal legal system; measures that support the improvement of legal frameworks, constitutions, laws and regulations; legislative and constitutional drafting and review; legal reform; integration of formal and informal systems of law; public legal education; dissemination of information on entitlements and remedies for injustice; and awareness campaigns. This does not include projects that are primarily aimed at supporting security-system reform or undertaken in connection with post-conflict and peace-building activities or capacity-building in border management related to migration.

⁸ All figures in constant US dollars (2018) so they take into account inflation. Figures in this section refer to aid by all official donors (mainly DAC members) unless otherwise stated.

⁹ OECD data for aid for legal and judicial development (purpose code 15130) – latest year 2019.

¹⁰ All figures OECD DAC average 2017–2019.

¹¹ OECD data on government spending – spend on public order, law and safety.

Box 1 Overview of UK justice aid

The history of UK justice aid illustrates the global trends described in this chapter, as support for the justice sector in the UK has also waxed and waned. In the 1970s the UK funded many judges; in the 1990s, the focus was more on police reform. There was then a gap for some years before a raft of pioneering access-to-justice programmes were launched in the early 2000s, for example in Sierra Leone. The UK became the fourth largest donor in 2008 and a White Paper in 2009 recommended treating justice as a basic service on a par with other basic services such as education and health (DFID, 2009).

However, particularly after the bomb attacks in London on 7 July 2005, security increasingly became the primary focus for the UK. Access to justice took second place as a new set of security and justice programmes were started. In some instances, this set up a problematic contradiction between coercive programmes focused on degrading terrorist movements and access-to-justice programmes that aimed to build trust within communities.

An additional challenge was that the rise in interest in justice in the 2000s coincided with headcount pressures and the move away from budget support in the late 2000s. This meant that much of DFID's security and justice spending was outsourced (75% compared to 10% DFID average) and was delivered through standalone projects. Implementation was undertaken by a small number of consultancy firms who tended to be more client focused than country focused and who had a small number of core staff who tended to be 'risk averse rather than innovative ... emphasising technical over political approaches' (Denney and Domingo, 2014: 2). DFID's oversight capacity was limited as advisers in country were rarely justice experts: DFID only appointed its first Rule of Law adviser in 2014 and, in contrast to health and education, DFID never had any 'justice economists'.

When the general drive in DFID to measure results started in 2010,¹² justice programmes struggled to respond, with targets based in part on the number of people being aware of a service regardless of whether that led to increased use.¹³ The chronic limits on in-house staffing are likely to have been one of the factors in the poor performance of many of its projects, highlighted in the deeply critical review by the Independent Commission for Aid Impact (2015: 1): 'the portfolio suffers from a lack of management attention, leading to unclear objectives and poor supervision of implementers'. While the review was critical of DFID's support for institutional reform ('there is

¹² For more detail on the politics around this results agenda see Valters and Whitty (2017).

¹³ The project completion report for the Sierra Leone access to security and justice project recorded that 530,000 people had received improved access to justice based on estimated listening figures to radio series and radio publicity for a new telephone advice line (which only received calls from 2,500 people) (DFID, 2018). The Independent Commission for Aid Impact (2015) review was critical of this approach to measurement.

little sign that its institutional development work is leading to wider improvements in security and justice outcomes for the poor' (ibid)), it did commend programming on community justice. This review coincided with major problems in several high-profile projects, for example in Ethiopia, and DFID's justice funding peaked in that year. While total UK aid increased by 15% over the next four years, aid to justice fell by 30%.¹⁴ The UK is now the seventh largest justice donor.

3.2 Allocation of justice aid

Aid for justice is mainly targeted to just a few countries, primarily MICs. The exception is low-income Afghanistan, which receives by far the most justice aid at one-sixth of the global total. This is two and a half times more than the next largest recipient, Mexico, and the same as the combined total for all sub-Saharan African countries. Afghanistan accounts for half of all justice aid from Canada, Japan and Germany.¹⁵

Excluding Afghanistan, 90% of justice aid is provided to MICs with only 10% of aid provided to other LICs. This compares to an average of 30% for all aid (and the 50% target that OECD, civil society and our research suggests is desirable for aid in general). Excluding Afghanistan, other LICs receive an average of just 38 cents per person a year for justice (compared to \$11 for health and \$4 for education).¹⁶

Allocation of justice aid also seems to reflect donors' own geo-political priorities, such as security and drug trafficking. Focusing on universal basic people-centred justice would imply a major shift, which would include a shift in funding towards LICs. Standard welfare economics points to the value of focusing on the poorest countries, where the value of small benefits is greatest. In addition, the lower unit costs in LICs means that more people can be reached for the same level of aid spend (Kenny, 2021). Indeed, our research shows that unit costs for basic people-centred justice are six times lower in LICs (Manuel et al., 2019), so six times more people can be supported for each dollar of aid. Because LICs are much less able to self-finance services, however, equity considerations and rights-based approaches have resulted in other sectors focusing much more on LICs than is the case for justice. For example, as LICs had the highest proportion of children not in school, the MDG target of primary education for all implied that funding should be focused there.

The exceptionally low level of donor support for justice in most LICs means that donor finance only covers 2.3% of the justice financing needs in these countries. This is not only inadequate, but also much worse than the support provided for other sectors. In fact, this 2.3%

¹⁴ All changes based on constant prices.

¹⁵ Latest (2019) figures.

¹⁶ All figures OECD DAC average 2017–2019.

coverage of financing needs is three times less than the coverage for education (7.7%) and seven times less than for health (16.4%) (see Table 2 below).

Table 2 Education, health and justice costs and their financing in LICs

	Education	Health and nutrition	Justice
Costs of basic services	70	84	20
International target for sector's % share of government revenue	18%	14%	4%
Share of government revenue (International target multiplied by maximum feasible total revenue of \$113 pp)	21	15	5
Financing gap (costs less share of govt revenue)	49	68	15
Donor finance (official development assistance (ODA) excluding humanitarian)	4	11	0.4
Donor finance as % of financing gap	7.7%	16.4%	2.3%

Note: All figures US\$ per person a year (median).

Source: Authors' estimates on costs, international targets and feasible revenue (Manuel et al., 2018, 2019 and 2020) and OECD DAC aid data (average 2016–2018 for education and health; 2017–19 for justice).

3.3 Quantifying the global investment case for funding people-centred basic justice

One reason for the overall low donor spend on justice is the current limited understanding of the returns to investment in justice, certainly compared to other sectors. Recent work has usefully described how access to basic justice is vital to the success of

health, climate change and social protection interventions. But the investment case for health and education has been supported by efforts to quantify the value of their interventions. For example, the Copenhagen Consensus project's¹⁷ review of the investment case for interventions across a range of SDGs particularly highlights interventions where there is robust evidence for benefits more than 15 times higher than costs, describing this level of return as 'phenomenal'. These interventions include immunisation (60 times), tackling tuberculosis (43) and malaria (36), and pre-school education in sub-Saharan Africa (33). As discussed in more detail in the next section, all of these interventions are attracting support from large-scale global funds.

The justice sector is now beginning to undertake this kind of quantified analysis. A World Bank report (Harley et al., 2019) cites over 40 examples of benefit–cost ratios, but also notes the need to develop more consistent methodology to enable comparisons. The literature review for Justice Taskforce (Moore and Farrow, 2019) cites 20 examples, with benefits ranging from 2 to 10 times costs. All of these studies are from OECD countries except for South Africa, where the benefits of community-based advice offices are six times their costs. There has since been one more non-OECD study in Argentina (Ministerio de Justicia y Derechos Humanos, 2020), from which we calculate the benefits of access to justice centres with multi-disciplinary teams as being 6.7 times their costs.¹⁸ One study – on community legal centres in Australia – yields benefits 18 times their costs, placing it in the Copenhagen Consensus 'phenomenal' category. A recent OECD White Paper, *Building a business case for access to justice* (OECD, 2020), produced in collaboration with the World Justice Project, cites this Australian study, as well as a UK study on a group of Citizens Advice services in England and Wales, which is estimated to provide benefits that are 33 times the costs.

The OECD White Paper also provides the first estimate of the costs generated by legal problems in a wide range of OECD and non-OECD countries (including five LICs). This has two elements: direct expenditures related to legal problems (lawyer and court fees, transport, etc.) and secondary costs (the cost of adverse consequences on people's health, income and employment situations, as reported by survey respondents). Their conservative estimate places the annual costs of legal problems in a range from 0.5% to 3% of the gross domestic product (GDP) in most countries. These estimates tend to be lower in OECD countries (given their much larger GDPs), with higher ratios mainly found in LICs. The White Paper notes that these costs are likely to be an under-estimate and 'only a fraction of the burden imposed on societies by the lack of

¹⁷ See, for example, their review of a wide range of SDG-related interventions (Copenhagen Consensus Center, 2015). While they have not quantified the returns to improving policing and reducing gender-based violence, they have assessed the returns as 'likely to be high'.

¹⁸ Our calculations are based study on access to justice centres (CAJ). Individual costs (travel etc.) and collective costs (state budget) = \$15.6 m. + \$632.7 m. = \$648.3 m.; individual benefits and collective benefits = \$3.3688 bn + \$1.0193 bn = \$4.3881 bn, implying benefits are 6.7 times costs (Ministerio de Justicia y Derechos Humanos, 2020).

access to justice' (ibid: 13). Work is underway to revise these estimates, expanding the costing in the first instance to include more than just the single largest problem in each country.¹⁹

Building on the OECD White Paper, we have made an initial attempt to estimate the benefit–cost ratio for investing in people-centred justice. The second element of the OECD's estimated costs of legal problems – the cost of secondary impacts on health and employment – are, in effect, also the estimated benefit of solving these legal problems. We have therefore compared these benefits with our estimated costs of the elements of the basic people-centred justice system that would be required to solve these problems: (1) community-based legal advice and assistance; (2) traditional/non-formal dispute resolution mechanisms and primary courts in formal state institutions; and (3) internal and external accountability (e.g. ombudsmen).²⁰ These are \$22 per person (0.06% of GDP) in OECD countries and \$1.9 per person (0.31% of GDP) in LICs. These represent 7.5% of the total basic justice costs in LICs and 9% in OECD countries. Comparing these costs with the potential value of solving legal problems implies benefits that are five times the costs in LICs and four times those in OECD countries, as Table 3 shows.

Table 3 Initial benefit–cost ratio of broad justice sector investment

	LICs	OECD countries
Benefit of solving legal problems (cost of secondary impacts on health, employment etc. in OECD White Paper)	1.5%	0.25%
Cost of providing solution (cost of legal advice and assistance, traditional/non-formal dispute resolution mechanisms and primary courts in formal state institutions; accountability institutions in ODI's SDG 16.3 costing study (Manuel et al., 2019))	0.31%	0.06%
Implied benefit: cost ratios	5 times	4 times

Note: Figures % of GDP.

Source: OECD (2020) and authors' calculations based on Manuel et al. (2019).

While the above estimated rates of return would be described by the Copenhagen Consensus as providing only a 'fair' case for broad investment in people-centred justice, we would expect the rates of

¹⁹ Pers. communication, Alejandro Ponce, Chief Research Officer, World Justice Project, 3 February 2021.

²⁰ Costs are taken from Manuel et al. (2019). As this paper noted further research is needed to cost all the institutions that collectively improve accountability of formal state institutions, including police and the courts. For the purposes of this initial analysis we have assumed one third of those costs relate to solving everyday justice problems.

return from a more focused, targeted set of investments to be significantly higher for two reasons. First, as the OECD White Paper notes, the costs of the legal problems – and hence the benefits of solving them – are likely to be underestimated. Second, experience from other sectors suggests the returns from targeted investments are 5–10 times higher than broad investments.²¹ For example, the return on investments in malaria reduction are 36:1, nine times more than the 4:1 return from a broad increase in health spending for the poorest 2.5 billion people. Similarly, returns from pre-school investment are 33:1, which is eight times more than the 4:1 returns for secondary education. While the justice sector has yet to make such quantitative assessments, the White Paper does conclude that ‘the burdens imposed by legal problems can be efficiently reduced by targeted investment in justice’ (such as legal aid) (OECD, 2020: 2).

There is encouraging analysis too in the growing number of studies of the returns from what we term ‘public justice’ interventions. These are interventions that aim to reduce or prevent justice problems from arising by changing behaviour through public messaging. This approach is well recognised in health – a recent obvious example being public messaging around Covid-19 to encourage social distancing. In justice there is promising emerging evidence of the impact of behavioural change on the levels of gender-based violence.²² Meanwhile, the latest research by the Copenhagen Consensus project in Rajasthan that drew on models used in Uganda and South Africa suggests returns on investment of 10:1 (Raghavendra et al., 2018).

In summary, while quantitative and qualitative assessments of the value of investing in justice are still in their infancy, especially in LICs,²³ emerging analysis does suggest that highly targeted interventions could yield comparable returns to those for other SDGs.

3.4 The global aid architecture

As well as the limited understanding of the investment case for people-centred justice, another striking difference between justice and other sectors that have achieved scaled-up services relates to aid delivery mechanisms.

There has been a growing recognition of the poor quality of justice programming (see, for example, ADE, 2011; Cox et al., 2012; Desai et al., 2011; Domingo and Denny, 2012; OECD, 2016). Criticisms include limited local ownership and limited engagement with scale and sustainability. Our recent review of a range of critiques (Manuel

²¹ Some broad investments, for example in ‘health systems’, are impossible to quantify directly, outside of the targeted intervention. Thus, the UK Foreign, Commonwealth and Development Office (FCDO) always references the business case for the cost effectiveness of an intervention, even if this represents a fraction of a much larger programme of unknown effectiveness.

²² See, for example www.whatworks.co.za/resources/evidence-reviews.

²³ This is why forthcoming research from the Canadian Forum on Civil Justice is of such interest. It will provide the first ever benefit–cost ratio for community-based justice in a LIC (Sierra Leone) and a lower-middle-income country (LMIC) (Kenya). See <https://fcj-fcjc.org/our-projects/community-based-justice-research-cbjr/>.

and Manuel, 2018) concludes that although individual donor-funded justice projects may have succeeded on their own terms, there are few examples of significant, positive, sustained impact.

Our analysis of donor justice programming reveals its ‘old-style’ delivery mechanisms, which constrain scaled-up service provision. The sector has been slow to learn from developments in other sectors such as health and education, which have adopted strategic, joined-up global approaches, with donors pooling their funds and then targeting them to achieve huge shifts in the number of people receiving basic services.

In contrast, donor justice funding is highly fragmented. Most justice sector funding tends to be project-based and relatively short-term,²⁴ and is contracted out to consultancy firms or other organisations. This constrains the level of ambition, and the focus tends to be on capacity-building rather than on achieving scaled-up, sustainable step changes in service provision.

Furthermore, in contrast to the health and education sectors, little justice aid is delivered through multi-donor funding mechanisms. Apart from the EU, multilateral mechanisms account for just 7% of the justice total compared to 20% in education and 37% in health.²⁵ Multi-donor funding mechanisms in the justice sector are listed and summarised in Appendix 1. The largest is the International Development Law Organization (IDLO), which raises \$50 million a year, having tripled in size in the last ten years. IDLO is an inter-governmental organisation and a channel for funds from various donors. It does not operate as a pooled fund, as each of its projects are all funded by just one donor in each case (with the US and the Netherlands accounting for three-quarters of the total).²⁶ Most projects are implemented by IDLO itself and focus on specific policy reforms, training and capacity-building initiatives. Relatively little is spent on directly addressing legal needs, with the IDLO’s latest annual report stating that only 10,000 people directly benefited from its support. Relatively little is spent in LICs; most large projects (over \$2 million) are in MICs (IDLO, 2020).

The next largest global funding mechanism in the justice sector is the United Nations Development Programme’s (UNDP) Rule of Law and Human Rights Programme, which raises \$20 million a year. As with IDLO, while UNDP benefits from multi-donor funding, much of it is earmarked for specific countries/programmes. Programming tends to

²⁴ There are, of course, some welcome exceptions we have come across, such as the Open Society Foundation funding of a coalition of non-governmental organisations (NGOs) in Sierra Leone to scale up their support, a Dutch-funded Security and Rule of Law programme by an NGO in Mali over five years and Swedish funding of the International Development Law Organization (IDLO) to support two NGOs in Uganda. It would be useful to conduct a systematic analysis of such examples, including why they happened and what they achieved.

²⁵ Education share is much lower than health – and is falling – partly because of the specific weaknesses of the Global Partnership for Education, certainly compared to the Global Fund. Multilateral figures for justice are adjusted by the authors to include spending through IDLO as OECD DAC data does not treat IDLO as a multilateral organisation. Without this adjustment, the ratio would be 5%. All health aid figures in this paper refer to OECD DAC data for aid to health total and aid for population policies/programmes and reproductive health.

²⁶ Based on our analysis of all current projects of more than \$2 million in IDLO’s 2019 annual report (IDLO, 2020).

be implemented by UNDP and in 2018 around half (43%) is spent on technical capacity-building (UNDP, 2018). Although UNDP states that 28 million have access to justice because of its work, the methodology for this estimate and its robustness are not clear.

Donor funding for IDLO and the UNDP's rule-of-law programme echoes past patterns of donor support for health and education, which focused mainly on policy reforms (such as developing better curricula) and capacity-building (such as teacher training). The shift to funding scaled-up service provision resulting in millions of people having access to health and education services involved a major change in donors' approaches to funding. This began in the 1990s with donor recognition of the need to provide core funding to address the underlying issues that were preventing scale up. In the case of health and education, an important element was providing funding for more health workers and teachers and paying them a sustainable living wage. Other innovative examples include donor funding of cash bursaries to encourage girls to attend school, to address the financial barriers preventing the poorest from accessing education. And even the Global Fund for AIDS, Tuberculosis and Malaria (the 'Global Health Fund'), which focuses on specific diseases, has also funded universal primary health insurance schemes.

The major shift of approach in the health and education sectors, with the focus on scaling up and willingness to provide core funding to address underlying constraints, was associated with new aid delivery mechanisms. Old-style projects were ill-suited to deliver the scaled-up core funding needed to shift the dial in service provision.

Since the early 2000s, scaled-up service delivery in health and education has been accelerated by the expansion of pooled funding mechanisms ('global funds'). These are now a common feature of the aid architecture in many sectors (Gartner and Kharas, 2013) – we list some of the largest ones in health, education and climate change in Appendix 2. This list is far from comprehensive, however, as we have not attempted to cover every sector or all of the latest announcements. There are now funds for a diverse range of sectors including agriculture, environment, oceans and sanitation. This analysis, together with our earlier research,²⁷ shows how global funds have supported scaled-up service delivery through several mechanisms, as discussed below:

- 1 **Ability to attract large-scale funding.** In health and education, the Global Health Fund and the Global Partnership for Education have raised \$4 billion and \$500 million a year, respectively. This contrasts with IDLO's \$50 million a year. COVAX has already raised \$11 billion for Covid-19 vaccinations.²⁸

²⁷ See, in particular, Manuel and Manuel (2018) and also Sachs and Schmidt-Traub (2017) and Schmidt-Traub (2019).

²⁸ COVAX figures as at 7 March 2021 (see www.who.int/initiatives/act-accelerator/funding-tracker).

- 2 Targeted support for a limited number of proven high-return interventions.** As discussed above, it is targeted interventions that deliver the highest returns on investment. Global funds have responded to this insight, with donors willing to pool their funding for interventions targeted at delivering specific, demonstrable results. The Global Health Fund targets three diseases; the Global Alliance for Vaccines and Immunisations (GAVI), which has raised \$2 billion a year, just targets vaccinations.²⁹ The Copenhagen Consensus analysis suggests all these targets offer ‘phenomenal’ rates of return. The Global Partnership for Education does not focus on specific interventions but is focused on basic education (80% of total funding compared to an average of 45% for bilateral donors (Akmal et al., 2021). New education funds will be even more targeted. The Education Outcome Fund will focus on just three interventions: one of these is early childhood education, which the Copenhagen Consensus project also estimates will offer ‘phenomenal’ rates of return.

One key lesson from global funds in other sectors is that while a ‘horizontal’ or systemic change is the ultimate goal, narrow ‘vertical’ interventions that are focused on specific outcomes have proven to work well to catalyse much needed initial funding and reform (Manuel and Manuel, 2018). For example, the Global Health Fund’s initial, highly issue-specific approach has been seen as critical to its ability to attract high levels of political (and public) support, and thus to crowd in very significant funds (ibid.).³⁰

- 3 Funding for results-focused national plans.** The most successful global funds take government proposals for national-scale strategies with measurable goals as their starting point for support. The Global Health Fund was particularly successful with its transparent challenge fund mechanism for fund allocation. This was based on technical analysis of national plans from a panel of experts focusing on what works (Schmidt-Traub, 2019), together with a peer review mechanism enabling countries to learn from each other.³¹ As the Global Health Fund has noted, when it started it did not know what a cost-effective malaria reduction programme looked like (ibid.). But everyone had a much better idea after reviewing proposals from 30 countries. A key moment in the Global Health Fund’s history was the decision to reject China’s first two proposed plans for tackling HIV/AIDS before an acceptable version was agreed (ibid.).

²⁹ The World Health Organization’s (WHO) COVAX facility just raises funds for Covid-19 vaccinations.

³⁰ It has taken a decade for a broader approach to health system strengthening to become a key spending area for the Global Fund. The delay in part was due to the need for the Global Health Fund to differentiate itself at the beginning, when there were already other agencies with mandates to provide broader support to systems (e.g., the World Bank and the United Nations Children’s Fund (UNICEF)).

³¹ The original process involved countries competing for funding. This was replaced over time with countries submitting to peer review in order to be able to access pre-allocated levels of country funding. See Schmidt-Traub (2019).

- 4 **Provision of core funding.** Funding national plans was linked with donor willingness to provide core funding for salaries and other recurrent costs. This involved the ability to channel funds through governments and supporting government delivery mechanisms. This was a learning process³² and required the development of tougher safeguards by the Global Health Fund. But the Global Health Fund is now able to disburse funds in most LICs, including in contexts as challenging as Afghanistan and Somalia.
- 5 **Inclusive global governance structures.** The most successful funds have governance structures that provide a voice for poorer countries as well as donors – and they involve the private sector, foundations and CSOs.

Our earlier research (Manuel and Manuel, 2018) has found that large global funds are also associated with wider benefits, including strengthened international political commitment, more effective collective donor effort, and the creation of new partnerships between national governments, civil society, the private sector and academia.

3.5 Conclusions: the prospects for increasing justice aid

This chapter has shown that donor aid to the justice sector is low and falling, and that it is targeted mainly towards Afghanistan and a few MICs. Only \$240 million a year goes to LICs.³³ Rather than a concerted effort to achieve SDG 16.3 and universal people-centred justice, aid is more aligned with donor geo-political priorities.

Justice is underfunded both in absolute and relative terms (compared to other sectors). Learning from other sectors, we argue that prospects for turning this around would be improved by: (1) strengthening the investment case for people-centred justice, and (2) improving aid delivery mechanisms. Despite some recent progress (for example the scale up of IDLO), the remit, scale and ways of working of the justice sector's aid delivery mechanisms bear little relation to the global funds. Justice aid does not target best-buy interventions for people-centred justice or support scaled-up service provision.

The prospects for increasing justice aid also need to be considered in the wider context of the stagnant levels of global aid (as a percentage of gross national income) combined with other pressing priorities for aid money, including the Covid-19 response, humanitarian appeals being at record levels and climate finance in the spotlight at COP26.³⁴ There also continues to be strong funding demands to tackle other off-track SDGs (UNDP, 2019a). The billions lacking essential healthcare is just one example; there are also other aid orphan

³² For example, two major bilateral donors to the Global Health Fund suspended their contributions in 2011 until tougher safeguarding approaches were adopted.

³³ Latest three-year average (2017–2019); OECD data for aid for legal and judicial development (purpose code 15130). Total aid by DAC donors.

³⁴ COP26 is the United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties, to be held in Glasgow, UK, in November 2021.

issues, such as eyesight and mental health, which are struggling to increase funding despite strong, demonstrated benefit–cost ratios.

Another challenge for justice is that, rather than focusing on universal people-centred justice, current aid priorities tend to be geared towards specific issues or themes – for example climate change, environmental rights, land rights, health, slavery and violence against women and girls. Many of these themes involve funding justice actors and institutions, but at the same time they reinforce a fragmented approach to supporting access to justice for all. Making the case for *access to justice for all* as a priority theme for funding may be challenging, not only because of competing international aid priorities, but also in contexts where donor countries themselves have high levels of unmet justice needs and are cutting legal aid budgets.

4 A bottom-up view: finance for community- based, people-centred justice in LICs

This chapter switches our focus from justice financing at a global level to financing issues for a key aspect of people-centred justice – namely, community-level justice advice and assistance that empowers people to understand and use the law to solve their everyday justice problems. As discussed in section 2.2, this is by far the most affordable element of people-centred justice provision, accounting for only 2% of the total estimated cost. Organisations providing such advice and assistance are often the first point of contact in people’s justice journeys. They are often staffed by paralegals³⁵ and focus on problems that could typically include disputes and conflicts involving families and land, as well as lack of access to government services. This chapter examines the potential to finance the scaling-up of these frontline services.

The chapter draws on our research on organisations that provide community-level justice advice and assistance, mainly in LICs and LMICs, which in turn draws on extensive literature on these organisations (including Canadian Forum on Civil Justice, 2018; Chapman and Leering, 2015; Denney and Laws, 2019; Global Health Fund, 2019a; b; Golub, 2014; Goodwin and Maru, 2014; IDLO, 2018; 2019; Jürgens et al., 2017; Justice for All, 2019; Kolisetty, 2014; LDP, 2015; Maru and Gauri, 2018; Maru et al., 2019; Moy et al., 2019; Open Society Foundations, 2013; Teale, 2016). We investigated and interviewed 56 such organisations (see Appendix 2 for details).³⁶ This includes deep dives in Sierra Leone and Uganda. We also analysed the Legal Empowerment Network’s (LEN) annual survey results from 400 of its members (Namati, 2019).³⁷ Our research covers examples

³⁵ Rather than fully qualified lawyers. Paralegals have some basic legal training and knowledge.

³⁶ This research was funded by a group of foundations and we are grateful to them for permission to draw on this body of work in this paper.

³⁷ The LEN survey was carried out between late November 2018 and early February 2019. Our analysis is based on anonymised data that Namati kindly provided. The network has over 2,000 members and over 400 individuals from 80 different countries responded to the survey. The number of respondents varied depending on the questions but typically included around 200–300 members. As the LEN survey is still developing, there is not yet the same level of response in each country and region, so we have only used data based on broad categories. One point worth noting is that the LEN survey has far more members from anglophone African countries than francophone.

from 19 countries from a range of regions and income levels, but we are conscious that francophone-based organisations are underrepresented, and it would be good to redress this balance in future research.

The rest of the chapter provides:

- a brief overview of the range of organisations currently providing community-level justice advice and assistance to solve people's everyday justice problems
- explores the potential for scaling up
- considers the potential for reducing unit costs
- and reviews the funding situation on the ground.

4.1 Community-based justice advice and assistance organisations in LICs and LMICs

The call for action in the *Justice for all* report identifies the wide range of partners involved in delivering SDG 16.3, including national governments, civil society, academia and the private sector (Pathfinders, 2019a). It is therefore encouraging to see examples of community-based justice advice and assistance involving all of these stakeholders.

The oldest examples of community-based justice advice and assistance in many LICs and LMICs are arrangements created and self-financed by pro-bono lawyers, often linked to university law schools (such as Kituo Cha Sheria in Kenya). We also interviewed new private sector, for-profit organisations, such as Uganda's Barefoot Law and Nigeria's Law Padi, which are using technology to provide low-cost solutions. In the last 40 years, there has also been a growth in independent CSOs with community-based paralegals/grassroots justice defenders – as the LEN list of more than 2,000 members illustrates. Governments are also increasingly recognising the merit – and popularity – of enabling their citizens to access justice advice and assistance. LMICs, including Indonesia, Ukraine and Kenya, are starting to provide state funding. And there are also examples in LICs of state provision – for example Rwanda's decentralised nation-side system of *Maisons d'Accès à la Justice*, which is seen as part of the country's post-genocide peace-building and state-building efforts; and Uganda's Justice Centres, which are legal aid clinics under the auspices of the judiciary. Legal aid boards have been set up (for example in Sierra Leone and Kenya) with the remit of providing community level advice and assistance for justice problems. The Sierra Leone Legal Aid Board launched in 2015 is now the largest legal aid organisation in the country (see Box 2).

Box 2 Creating the Sierra Leone Legal Aid Board

The 20-year-long story behind the development of the Sierra Leone Legal Aid Board provides a vivid illustration of how the provision of legal advice and assistance has developed. The Board was the first to be established in a LIC and is now the largest legal aid institution in the country, employing 60 paralegals with offices in every district. Since 2016, the Board reports handling 60,000 cases a year. It is regarded by the public as the best performing legal institution by far: 47% of the population rate its performance as excellent (with the next best institution only scoring 10%). Most of its funding is from the government.

The genesis of the Board lay in an initiative by the Open Society Foundation (OSF) in 2002 to support transitional justice in Sierra Leone. When they shared experience from Street Law and Black Sash in South Africa, this sparked the interest of local CSOs in Sierra Leone as lack of access to justice was one of the drivers of conflict there. This led to the creation of a new local CSO 'Timap' that deployed community-based paralegals. Inspired by the 2005 Commission on Legal Empowerment of the Poor, OSF scaled up its support to Timap in 2005. In 2009 OSF and DFID led a group of foundations, bilateral donors, international CSOs and multilateral institutions to support the piloting of national legal aid provision and the scaling up of Timap and other local CSOs to provide community-based paralegals. In 2010 this coalition of local CSOs were employing 76 paralegals and covering two-thirds of the districts, and by 2013 were handling 4,300 cases a year.

The success of this effort laid the foundation for the advocacy campaign to secure formal recognition of paralegals and to create the Sierra Leone Legal Aid Board. It coincided with the Sierra Leonean Attorney General being part of the process of drafting UN guidelines on Access to Legal Aid. After three years of debate, Sierra Leone's Legal Aid Act became law in 2012. This established the Board and formally recognised the role of paralegals; however, donors were reluctant to fund the Board until the government made clear its own commitment to funding. The Board was finally launched in 2015 with government funding of \$1 million a year, supplemented with another \$0.5 million from other sources, including the Global Health Fund and the Mott Foundation, but no bilateral donors.

Although the Board is now well established, it is still a work in progress. The Board has yet to determine how it will partner with CSOs to scale up further. And while it is encouraging that the government has consistently provided \$1 million a year over the last four years, it is not clear how sustainable this will be.

Source: Manuel et al. (forthcoming), based on interviews in Sierra Leone. Research for this paper was funded by the OSF.

Many of these organisations use paralegals, rather than fully qualified lawyers to provide justice services. Indeed, the policy, legislative and institutional framework is beginning to improve in some countries, with a growing acceptance of the role of paralegals (complementing fully trained lawyers) as part of the justice scene. In LICs and LMICs it seems that paralegals can be effective even with relatively limited training, with initial training as short as several weeks. This mirrors the experience in the health sector, which has increasingly recognised the value of community health workers and traditional birth attendants. While many of these paralegals work in community-based justice organisations or government justice centres, they can also be embedded in local communities and sub-national government structures such as service centres. They can include farmers, teachers, local administrators and community health workers who receive paralegal training and make use of this knowledge in their communities and day-to-day work.³⁸

The OECD White Paper (OECD, 2020) looking at the investment case for justice provides multiple examples of the impact of community-level justice advice and assistance, including:

- a meta-study of legal empowerment and literacy initiatives (such as training on access to information or advocacy support), which reveals their impact in terms of improved health, strengthened education and increased income, as well as more effective and transparent institutions (Goodwin and Maru, 2014)
- examples in Bangladesh and Sierra Leone showing that paralegals and CSOs improve the functioning of informal justice systems such as customary courts by empowering local non-elites (including women) and leveraging their knowledge of the formal law and justice system (Golub, 2014)³⁹
- a review of paralegal work in six countries (Indonesia, Kenya, Liberia, the Philippines, Sierra Leone and South Africa) which shows they can be instrumental in helping newly established rights to be implemented and enforced in democratic and post-conflict transitions. Paralegals appear to have the greatest impact in situations of power imbalance (citizens vs. the state or vs. large corporations) and of systematic biases in existing justice institutions (e.g., against women's rights) (Maru and Gauri, 2018).

Our research also reveals many examples of community-based organisations that not only provide advice and assistance, but also work to achieve legislative changes and strategic litigation. For example:

- in Liberia, Namati, in partnership with national CSO the Sustainable Development Institute, advocated a new National

³⁸ For example, see report to 1st East and Horn Africa regional paralegals conference that was funded by IDLO (IDLO, 2019) by the Awkeni Wakenya Project in Kenya (this project was funded by UNDP).

³⁹ See also emerging conclusions from research in Sierra Leone, which suggests paralegals are being perceived as more legitimate and respected than local courts (Ibrahim et al., 2020).

Land Rights Act (including providing the initial draft). The 2018 Act recognises community rights to land for the first time

- in Bangladesh, organisations worked with the *bosti bashees* who live in low-income settlements (*bosti*) in Dhaka, using strategic litigation amongst other strategies to achieve stay orders against arbitrary evictions and demolition of their settlements, thus protecting the shelter and livelihoods of thousands of individuals.

New emerging research is also revealing the impact that investment in justice advice and assistance has beyond justice outcomes, including in LICs and LMICs. For example, the Chronic Poverty Advisory Network has revealed how often basic justice problems are causing people to fall into extreme poverty (Diwakar and Shepherd, 2018). And ongoing research by the World Bank is highlighting the cost of the lack of access to justice in terms of its impact on health, housing, family and loss of income. These costs fall disproportionately on the poor (Prettitore, 2018), which is particularly evident when poverty is viewed through a multidimensional lens (World Bank, 2018). Research is also revealing the positive impact of access to justice, with a randomised control trial study in Peru finding that introducing a Women’s Justice Centre within 1 km of a school caused both an increase of 3% in the total number of children enrolled in primary schools and an improvement in test scores in reading and mathematics (Kavanaugh et al., 2018).

4.2 Potential to scale up

The growing number of legal needs surveys, with their evidence of the widespread, un-met justice problems, points to the need for scaling up justice advice and assistance. Our research highlights several examples of organisations working at national scale. For example, South Africa’s Foundation of Human Rights funds 100 community-based advice offices across the country; and Rwanda has Maisons d’Accès à la Justice in all 30 districts.

Bangladesh illustrates both what has been achieved but also how much further there is to go. Building Resilience Across Communities’ (BRAC) Human Rights and Legal Aid Services now has 400 legal advice clinics covering 90% of the country’s districts, with reportedly more clinics than police stations (The Economist, 2012). They receive 20,000 requests for support each year (BRAC, 2018a). At the same time, their website cites a recent legal needs survey in Bangladesh estimating that 31 million people a year face legal issues (BRAC, 2018b). Our own methodology, which we developed in 2015 and which fed into the *Justice for all* report,⁴⁰

⁴⁰ Our methodology was first developed in 2015 for the costing for the LDP basic legal services paper. Drawing on the limited number of legal surveys available at the time, we estimated that in a typical LIC/LMIC 30% of households had a legal need that required legal advice and assistance every three years, corresponding to 10% of households each year. On the basis of UN figures that each household comprised five people on average in such countries, this is equivalent to 2% of the total population (including children). In view of the limited number of surveys, we were deliberately conservative in our estimate of the proportion of households needing support. We hope it will be possible to update these estimates using latest legal needs surveys.

estimates the proportion of these problems needing justice advice and assistance: our estimate for Bangladesh is 3.2 million, which implies BRAC is covering less than 1% of total demand for justice advice and assistance.

We reach a similar conclusion from our research in Sierra Leone. As Box 2 notes, following a deliberate investment in scaling up, a group of CSOs were able to collectively deploy more than 70 paralegals across much of the country, with a presence in two-thirds of all districts. They handled 4,300 cases in 2013 (Maru et al., 2019). While this is an impressive achievement, our methodology suggests that justice needs would have been 138,000 a year in 2013,41 implying the CSOs were covering only 3% of estimated demand. Our preliminary analysis of the latest legal needs survey by the World Justice Project (WJP), suggests that justice needs might have been even higher and hence the coverage even less.⁴² While our analysis in Uganda is less comprehensive, scaling up our data in line with the number of members of LEN in the country suggests that the current nationwide level of support is unlikely to be more than 40,000 cases a year. One of the most well-established providers managed just 500 cases a year. As our methodology implies annual demand of 884,000 cases, our estimates equate to a coverage rate of 5%.

Our estimated coverage rates of between 1% and 5% are based on limited data. We hope these estimates will be refined as legal needs surveys are developed further. However, it is nonetheless striking that these preliminary estimates suggest coverage rates that are way below those for other sectors. In LICs, the average rate of access to essential healthcare is 50% and to primary education is 80%.

The establishment of the Sierra Leone Legal Aid Board appears to have been a potential game changer in terms of scale. The Board's annual caseload of 60,000 is 14 times the number managed by the group of CSOs in 2013 (Manuel et al., forthcoming). Based on our original methodology and the latest population figures, we estimate the Board is covering a third of the total demand. Interestingly, our estimates match the Board's own self-assessment. While Sierra Leone's Legal Aid Act envisaged paralegals in all chiefdoms, the Board notes that it has only been able to place paralegals in one-third of them (Manuel et al., forthcoming).

⁴¹ Based on a population of 6.9 million in 2013.

⁴² The latest WJP survey for Sierra Leone shows 54% of households have a legal need every two years, i.e. 27% every year. Pending further analysis by WJP and ODI, Alejandro Ponce, Chief Research Officer (pers. communication, 3 February 2021) suggested removing consumer cases (28% of the total) as this is the category of needs that is least likely to require legal advice and assistance. He also suggested removing another 30% of cases as this is the global average proportion that are assessed not to be severe (i.e., are scored by survey respondents as less than 4 on a severity scale of 1–10). Such cases are also unlikely to need legal advice and assistance. The net result of these changes is to reduce the number of households needing legal advice and assistance to 13.6% of the population and hence the proportion of the total population (including children) requiring such support to 2.7% compared to our earlier estimate of 2% (see <http://data.worldjusticeproject.org/accesstojustice/#/country/SLE>).

4.3 Potential to reduce unit costs

The ability to scale up justice advice and assistance is linked to achieving realistic unit costs (see Barendrecht, 2020). Our research in Sierra Leone and Uganda on CSOs reveals the very wide variation in the high unit costs of community-level justice, depending on the service delivery model. The average (median) cost achieved by CSOs is \$500 per client – this high cost in part reflects that fact that most organisations are trying to cover a wide range of activities, including advocacy as well as client support. A separate study on CSOs that focus more on supporting clients suggests unit costs of around \$120–\$150 per client (DFID, 2018). Such costs would rule out national scaling up.

One reason for these high unit costs is that organisations providing justice advice and assistance have never had enough funding to operate at national scale and so have not been designed to reach large numbers at a low cost. This is in part because it is only recently that legal needs surveys have enabled estimates of the scale of demand. Before this happened, neither the donors nor the organisations themselves were able to assess how many clients needed support.

Our research suggests that scaling up to a national level would enable unit costs in low-income contexts to be cut from the current estimate of \$500 to just \$20 per client,⁴³ a reduction of 25 times. This estimate is based in part on earlier research on costings (LDP, 2015),⁴⁴ which worked with Namati to review their plans in 2012 to scale up Timap in Sierra Leone to reach national coverage. More recently, two other examples from our research have confirmed that this level of costs is indeed achievable. First, our research found one innovative CSO using mobile phone technology to reach across their country, with costs as low as \$19 per client (on a client base of 17,000).⁴⁵ Secondly, as mentioned previously, the Sierra Leone Legal Aid Board has been consistently handling 60,000 cases over the last few years with average unit costs of \$22 per client. A possible reason for this low-cost model may be the Board's current focus on one type of case – child maintenance.

4.4 Financing challenges

Our research highlights the link between CSOs' high unit costs per case, and their funding pattern of fragmented, short-term financial support. This severely limits the scale of the organisations, despite the expressed desire of several CSOs that we spoke that have the ambition to scale up (for example in Kenya, Nepal and Sierra Leone).

⁴³ If you include the proportion of the population that do not need assistance each year (including the proportion of the population that are children), the cost per person is 40 cents. Confusingly, \$20 also happens to be the cost per person of the whole basic justice system, of which community-based justice advice and assistance accounts for just 2% of the total.

⁴⁴ At the time C. Manuel was the director of LDP and M. Manuel was the economist working on the research.

⁴⁵ As interviews were conducted on a confidential basis we are unable to cite the organisation or country.

In fact, our research reveals the severity of the financial challenges faced by CSOs that are providing justice advice and assistance in LICs and LMICs. Most are financially fragile and in urgent need of better and more sustained support. Even before the Covid-19 crisis, one-third reported they may not be able to operate next year due to lack of financing. Their funding comes predominantly from international donors and is mostly short-term and project-based⁴⁶ (rather than core or general-purpose funding), which makes it hard to plan for the long term. Realistic opportunities to diversify their funding sources (for example through user fees or local fundraising) are extremely limited in LICs. We came across organisations in Nepal, Sierra Leone and South Africa that have had to cut back significantly in recent years – or expect to do so imminently – as external funding falls. In our deep dives in Uganda and Sierra Leone we found long-term core funding from donors is increasingly rare, with an estimated 90% of funding being project-based. The ongoing existence of even well-established organisations, founded over 30 years ago, is due to their ability to juggle a patchwork of mainly project-based grants from philanthropic, bilateral and multilateral donors.

And while there are growing examples of CSOs providing community-level justice advice and assistance that receive funding from governments, overall this is severely constrained.⁴⁷ Over 90% of LEN members surveyed in LICs, LMICs and sub-Saharan African countries receive no government funding. All organisations we interviewed reported that they see financial independence and sustainable, long-term local funding as a key aspiration.⁴⁸ But the contributions reaped from efforts to secure sustained funding have been minimal in LICs and most of the examples of significant contributions come from upper-middle-income countries (e.g. funding from mining companies in South Africa and from Google in Argentina).

As discussed in Box 2, the Government of Sierra Leone provides two-thirds of the funding for its Legal Aid Board – consistently providing \$1 million a year over the last four years. But the potential for government to fund further expansion is severely constrained. We estimate that the Board's share of total government funding is nearly twice the share that EU countries provide from their budgets for legal aid.⁴⁹

One lesson from the history of the Board is the role of consistent external financial support before government funding starts. The

⁴⁶ We have come across some welcome exceptions, such as the already noted OSF funding of a coalition of NGOs in Sierra Leone to scale up their support, the Dutch-funded Security and Rule of Law programme in Mali and the Swedish funding of IDLO support to two NGOs in Uganda. It would be useful to conduct a systematic analysis of such examples, including why they happened and what they achieved.

⁴⁷ See Domingo and Pellini (forthcoming) for consideration of the political economy of domestic resourcing of access to civil justice.

⁴⁸ For a review of possible diversified funding models see Teale (2016).

⁴⁹ EU member states spend 47% of GDP on all government spending and 1.7% of GDP on the justice sector (<https://ec.europa.eu/eurostat/cache/infographs/cofog/>). Only 0.33% of GDP is spent on the judiciary and courts, of which 11% (i.e., 0.036% of GDP) is for legal aid according to the latest report from the European Commission for the Efficiency of Justice (CEPEJ, 2020: 42). So legal aid is 0.077% of total EU government spending. This compares with the \$1 million per year spent in Sierra Leone, which corresponds to 0.144% of the current budget.

willingness of both OSF and DFID to fund a succession of programmes over 15 years was critical to the pilot, scaling up and institutionalisation of community-based paralegals in Sierra Leone. While the success has been due to the persistence and skill of a group of committed Sierra Leoneans primarily, they drew inspiration from other countries and needed external funding to enable their work.

4.5 Conclusions: the prospects for increased funding for community-based justice advice and assistance in the poorest countries

Our research suggests that the scaling up of community-based justice advice and assistance is desired and is possible. But it requires coherent long-term, scaled-up core funding, and a move away from current fragmented, short-term funding patterns. The story of the Sierra Leone Legal Aid Board demonstrates the strategic role that a committed national government – working in partnership with donors and CSOs – can play in achieving scale-up. But the Sierra Leone experience also demonstrates the limits of a LIC government to provide the funding needed for levels of service provision comparable to that achieved in health and education. Despite the government providing more than its sustainable share of funding for the Board, only a third of demand for community-based justice advice and assistance is currently being met in the country.

5 Reflections on scaling up people-centred justice for all in low-income countries

Global recognition of the importance of access to justice has increased in the last five years, but this has yet to impact levels of donor support, especially in LICs that are least able to fund access to justice themselves. Our research reveals the scale of the justice needs, and the scale of financing challenges that LICs face, with a collective funding gap of \$13 billion to provide basic people-centred justice services.

The size of this financing gap has constrained scale-up and aspirations for universal community-level service provision. At the same time, the low and falling level of donor funding reflects donor scepticism about the efficacy of justice programming. This has combined with competing priorities from sectors with a proven track record of delivering results and from political priorities at home that are increasingly shaping donor programmes (Gulrajani and Silcock, 2020).

In this context, we suggest below a set of feasible first steps that could start to deliver targeted scaling-up of people-centred justice and that could lay the foundation for long-term and much broader re-engagement of donor support.

5.1 Catalyse scale-up with initial targeted aid for community-level justice advice and assistance

Faced with these realities, we suspect that the best first step in seeking to scale up access to people-centred justice is to focus initially on the element of basic service provision discussed in section 4 – community-level justice advice and assistance that empowers people to solve their everyday justice problems. We have four reasons for this proposal.

First, as the discussion in section 3.3 on the investment case suggests, this is the aspect of the justice sector where emerging evidence (from the OECD) suggests that targeted interventions could deliver the greatest (potentially ‘phenomenal’) returns on investment. This element is also one of the seven game-changing initiatives

identified by the Hague Institute for Innovation of Law at their 2021 'Innovating justice forum'.⁵⁰

Second, as our analysis in chapter 4 shows, there is growing evidence of the impact and potential for scaling up support, including from both government organisations (such as the paralegal work of the Sierra Leone Legal Aid Board) and innovative CSOs (such as those found to be using mobile technology).⁵¹

Third, this is a relatively affordable element. In LICs, the funding gap for community-based justice advice and assistance is \$230 million, which is just 2% of our estimated total cost of basic people-centred justice (see Section 2.2).

Finally, fourth, this is the element of people-centred justice that would be most likely to attract donor funding. This is important because the scale of the challenge of achieving widespread donor re-engagement with justice should not be underestimated, especially in countries with aid budgets under pressure, budget cuts to legal aid at home, and where there are no comparable 'magic bullets' of imported technology (such as vaccines) that attract the interest of donor-based suppliers. In this context, a focus on community-level justice advice and assistance would address one of the key drivers in the decline in donor justice funding: the level of risk related to the inherent political challenges of working in the justice sector, particularly when engaging with state institutions. Donor concerns about corruption in general, and in particular the use of justice institutions to reduce space for legitimate democratic opposition, are reasons why justice donors have withdrawn engagement and funding from governments. For example, in Uganda, donor support to the justice, law and order sector is now focused on CSOs. Supporting countries to provide justice advice and assistance to their citizens to address their everyday justice problems presents a more manageable risk, compared, for example, with engaging in police reform.

From a global political perspective, targeting justice advice and assistance sits well with the newly agreed SDG16.3.3 indicator on the number of disputes and everyday justice problems that are solved. The global adoption of this indicator reveals the growing common recognition of the importance of people-centred civil justice. It points to the value of justice advice and assistance, given the emerging evidence suggesting this is a cost-effective way to address everyday justice problems.

However, while the best first step may be to focus on community-level justice advice and assistance, this would hopefully not be the only step. Experience from the Global Health Fund is that that an initial, highly targeted approach can be the appropriate and politically savvy option to achieve initial buy-in to secure increased funding.

⁵⁰ See <https://innovatingjusticeforum.hiil.org/>.

⁵¹ As interviews were conducted on a confidential basis we are unable to cite the organisation or country.

The success of such a model then builds the foundation for funding to change and adapt over time to take on broader, more flexible and system-wide approaches.

5.2 Re-prioritise justice aid and change donor-funding approach

This paper argues that re-focusing justice aid on LICs will deliver higher returns on investment and it is also the right thing to do for equity reasons, given the relative scale of the need in LICs. Fundamentally, such re-focusing requires donors to change their priorities – including the priority attached to justice, to LICs, to people-centred basic justice and to high-return interventions.

Even if donors do not change their current levels of justice funding to LICs, but just focus their aid on community-level people-centred justice advice and assistance, this would be sufficient to enable national scale-up in all LICs. As has already been noted, justice aid to LICs is \$240 million,⁵² while the total financing gap for justice advice and assistance is \$230 million. The result of targeting current funding in this way would be 13 million people a year who directly benefit from support and have access to community-level justice advice and assistance, compared to the few hundreds of thousands who do so now. While such a scale-up would take many years to achieve, the large number of organisations on the ground already providing these services, the experience of philanthropic foundations and other funders of supporting them, and the growing number of government institutions and initiatives suggest this would be possible.

In addition to changing their priorities, donors also need to change their approach. They need to be much more willing to work with and potentially through governments and commit to providing long-term financial support for both wages and capital spending. This requires agreement on stringent financial management. However, the experience of the Global Health Fund and the Global Partnership for Education is that it is possible to work in these ways, even in highly challenging contexts, with the design of sufficiently robust structures.

5.3 Fund country-led, targeted national strategies that deliver results at scale

If donors are willing to change their priorities and approach, it would be worth LICs making the investment to develop targeted national strategies to work out how scaling up can be achieved. Just as volume guarantees have helped to scale up in the health sector,⁵³ a clear financial commitment would provide LICs with the confidence to invest in developing targeted national strategies for justice, designed from the outset to scale up access.

⁵² This figure excludes aid to Afghanistan as we consider this will remain a special case.

⁵³ See, for example, thinking behind the Gates Strategic Investment Fund (<https://ww2.gatesfoundation.org/ideas/articles/strategic-investment-fund-vidya-vasu-devan>).

Country-led and targeted national strategies have long been identified as the foundation for effective use of aid. Strategies that are genuinely developed locally and are country-led reflect the approach successfully adopted in health and education, and more recently in climate change,⁵⁴ and sit well with the increasing calls for aid in general to be localised and decolonised.⁵⁵ They also ensure that countries can choose their own path to scale-up and set out their commitments to provide funding, supplemented by donor support.

Some countries (for example Uganda, Sierra Leone and Rwanda) now have decades of experience of developing national, country-led justice strategies. A new departure would be the development of strategies that specifically target scaling up community-level justice advice and assistance – with, for the first time, a realistic prospect of their plans being underpinned by funding.

Based on the revenue capacity in LICs and the proportion of the budget that OECD countries spend on legal aid, advice and assistance, we consider it to be unreasonable to expect LICs to afford more than 13% of the costs of community-based justice advice and assistance.

The precise strategies to scale up would be highly context-specific. As the process leading to the creation of the Sierra Leone Legal Aid Board (see Box 2) illustrates, some elements may be politically contested (Domingo, 2016) and the process will need to be highly participatory.

A key issue will be consideration of the appropriate degree of state involvement in national community-level justice advice and assistance systems. There are likely to be a range of context-specific options as to how advice and assistance is delivered and how funding is channelled. For example, delivery of community-level advice and assistance could be provided by a single national CSO; or by a network of thematic and sub-national CSOs; or by a government organisation; or a combination of all three. On funding channels, the funds for CSOs could be provided directly to them or channelled through a pooled national mechanism such as a national CSO umbrella organisation (as exists in Tanzania); or a government organisation (such a Legal Aid Board that could channel funds to CSOs).

The degree of state involvement may well be a controversial issue. The role of the Sierra Leone Legal Aid Board and its interactions with CSO providers has caused some to question whether the state is undermining the role of civil society.⁵⁶ On the other hand, the Board has been able to reach many more people and has provided much more cost-effective support than CSOs were able to achieve alone. On-going ODI research is considering further the role of public

⁵⁴ For example, nationally determined contributions, national adaptation plans, etc.

⁵⁵ See the discussion in 'ODI Bites: Decolonising international development' (www.odi.org/events/17431-odi-bites-decolonising-international-development).

⁵⁶ More recently, there have been examples where CSO providers work well with the Legal Aid Board in plugging the gap where the Board cannot reach (pers. communication, Mott Foundation, February 2021).

funding in the provision of justice advice and assistance (Domingo and Pellini, forthcoming).

5.4 The case for a global justice fund to address potentially high-return investments in people-centred justice

The *Justice for all* report calls for a transformation in ambition at the global scale for the promise of SDG 16.3 to be met (Pathfinders, 2019a). This includes transformation in financing, with the report proposing a global justice fund and the aspiration that this should raise \$100 million a year. Such a fund would build on the approaches adopted by other sectors that have scaled up service provision, while it also has the potential to replace the current fragmented and piecemeal approach to funding justice and to inspire and catalyse change.

For the reasons discussed above, our proposal is that such a fund should focus, at least initially, on scaling up community-level justice advice and assistance in LICs through the provision of core funding for national strategies with this aim. Drawing on the experience in health and education, such a fund would need to develop new financial management systems to provide donors with the confidence to change their funding approach.

5.4.1 Level of funding

The \$100 million a year target proposed in the *Justice for all* report (ibid.) seems an ambitious but realistic target for a first step. It represents 5% of current spend on justice aid and 0.1% of total aid; it is 5 times smaller than the Global Partnership for Education and 40 times smaller than the Global Health Fund. This target is also twice the funding raised by IDLO and 50 times larger than two recently developed pooled funds in the justice sector – the Covid-19 Grassroots Justice Fund⁵⁷ and the Legal Empowerment Fund.⁵⁸

As we estimate the financing gap for fully scaling up universal access to community-level justice advice and assistance in LICs to be \$230 million per year, the fund would have to grow over time. But it will be many years before the fund would need to be this size: scaling up national capacity will take some years. Furthermore, not all LICs would necessarily want to submit bids, at least initially. And some countries may choose to bid for highly targeted interventions, for example focusing just on gender-based violence or on access for particularly vulnerable groups.

⁵⁷ Launched in 2020 and administered by the Fund for Global Human Rights, which supports grassroots activists and organisations. The average grant is planned to be \$10,000. See www.covidjusticefund.org/.

⁵⁸ To be launched in 2021 and also to be administered by the Fund for Global Human Rights. Current announced funding implies \$1.1 million spend over the next three years focused on grassroots organisations and historically oppressed communities. It has a longer-term target of \$10 million per year (i.e. \$100 million over 10 years). See <https://hewlett.org/grants/fund-for-global-human-rights-for-support-of-a-grassroots-legal-empowerment-grantmaking-fund/> and www.mott.org/grants/fund-for-global-human-rights-grassroots-legal-empowerment-fund-2020-07256/.

5.4.2 Results-focused funding

A key lesson from the Global Health Fund, and its ability to crowd in funding, is the importance of focusing from the start on results – and on approaches that work to achieve those results (Manuel and Manuel, 2018).

The *Justice for all* report provides the basis for making the case for increased financing, including aid, for people-centred justice (Pathfinders, 2019a). It sets out the role that access to justice plays in securing key development rights (such as land rights), addressing violence (which disproportionately affects women and the poorest) and enabling the poorest people to access public services. One way forward would be to target funding on specific outcomes around a limited number of everyday justice problems faced by people in LICs.

5.4.3 Crowding in funding from other sources

Other sectors have shown that a global fund has the potential to crowd in funding from new sources. In the case of justice, a global fund would make it easier to highlight the contribution that justice makes to other sectors, such as health, as well as to broader development objectives, such as preventing conflict and reducing economic inequality and exclusion, and ensuring all people benefit from economic growth and investment.⁵⁹ Such emphasis may enable a fund to access donor money earmarked for conflict prevention and economic growth, and even potentially funds from investors in developing countries as part of their corporate social responsibility. One option would be to encourage donors and investors to set aside a proportion (for example 1%) of their growth-focused projects and investment for funding justice advice and assistance to ensure that the poorest groups benefit from these projects, and that projects do no harm.

Focusing a global justice fund on targeted interventions to address key justice problems such as land rights and accessing government services could have the advantage of enabling access to existing funding streams from other sectors that share these objectives (including climate change funding).

5.4.4 Conclusion

A relatively modest initial investment into a global justice fund has the potential to catalyse new approaches to funding people-centred justice, resulting in scaling-up funding and services. It would involve a 'coalition of the willing', pooling their efforts and funding, initially targeted on community-level justice advice and assistance in LICs. The vision would be to kick-start a more ambitious approach to achieving SDG 16.3, drawing on donor approaches that other sectors such as health and education have used to support scaled-up services to target universal coverage.

⁵⁹ Inequality is the highest profile global development theme. The 2019 Human development report focuses on inequality of opportunity and not only inequality of income and wealth (UNDP, 2019b).

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Appendix 1 Global funds reviewed in the study

This table does not attempt to be a comprehensive listing. Many other sectors have large global funds – for example, in agriculture, food security and nutrition. Information in this table is taken from the websites of individual funds.

	Fund	Age (years)	Spend (\$ millions, pa) ^a	Host/implementer	Funding/comments
1	Global Fund to Fight AIDS, Tuberculosis and Malaria ('Global Health Fund')	15	4,000	Independent. Geneva. 60% to govts; 25% CSOs.	90% govts. 10% foundations/private sector. Headline result = 32 million lives saved.
2	Global Alliance for Vaccine Immunization (GAVI)	20	2,000	Independent. Implemented by govts with UN/ foundation/private sector support. Less than 1% CSOs.	80% govts (of which 25% through innovative financing); 20% foundations. Headline result = 13 million lives saved.
3	Amplify Change	5	15	Independent. Hosted by for-profit fund manager. Implemented by CSOs.	95% 4 govts. Focuses on sexual health and reproductive rights.
4	Global Partnership for Education	15	500	Hosted by the World Bank, which oversees delivery of 2/3 of the fund. Some funding to CSOs.	Mostly govts. Headline result = 77 million more children in primary school.
5	Education Cannot Wait	<5	100	Hosted by UNICEF. Implemented mainly by UNICEF and CSOs.	Mostly govts. Also 2 foundations. Focused on emergencies. Target \$350 million pa. 25% of funding target raised after 3 years.

6	Education Outcomes Fund	<1	–	First country pilot in 2020. To be implemented by govts and education innovators.	Early stages of fundraising. Mix of govts, foundations and corporate social responsibility. Target \$200 million pa.
7	International Financing Facility for Education	<1	–	In design phase.	Focused on LMICs. Target \$400 million pa.
8	Green Climate Fund	5	1,500	Independent. Hosted in the Republic of Korea. World Bank is trustee.	Context: govts committed in 2009 to mobilise \$100 billion pa by 2020 from 'a wide variety of sources'.
9	19+ other multinational and 7+ bilateral climate funds/initiatives	10	4,000 (minimum)	Various. Mostly funded by bilaterals.	
10	Climate and Land Use Alliance	10	50	United States. Mainly implemented by CSOs.	Collaboration of 6 foundations (no collective funding).
SDG 16-related funds					
11	UN Peacebuilding Fund	10	100	UN hosted. Mainly funds UN agencies/missions (50% to UNDP) plus some CSOs.	Mainly govts. Focused on 27 countries.
12	International Development Law Organization (IDLO)	30	50	Intergovernmental organisation. Implements/manages all projects itself. Most projects focus on policy/institutional reform and training.	Mainly govt. funded. 85% of funds restricted/earmarked. Each project funded by one donor.
13	UNDP Global Programme on Strengthening the Rule of Law and Human Rights ⁶⁰	10	20	UNDP hosted and implemented. Focus on 40 crisis-affected countries. 43% spent on technical capacity.	Mainly govts. 45% hard earmarked. Headline result = additional 28 million people had access to justice

⁶⁰ The \$5 million cited in the annual report on the website just refers to direct spending for UNDP policy development workplan out of headquarters. In addition, UNDP allocated nearly \$6 million directly to support

					(methodology for this calculation is not clear).
14	UN Democracy Fund	15	15		Mostly govts.
15	Global Fund for Women	40	10	Independent. Grassroots orgs. Average grant less than \$50,000.	Mainly individuals. Champions women's and girls' human rights.
16	Mamacash	35	14	Independent. Average grant less than \$50,000.	Govts and foundations. Champions women's and girls' human rights.
17	Fund for Global Human Rights	15	10	Independent. Community driven/ grassroots orgs. Average grant less than \$50,000.	Mainly foundations. Focused on 20 countries.
18	Freedom Fund	<5	8	Initially implemented using private sector managing agent. Now funds CSOs directly.	Foundations. Funds group of existing CSOs working on at least 1 aspect of slavery within hotspots in 3 countries.
19	Women in Informal Employment: Globalizing and Organizing (WIEGO)	20	7	Independent. Network supporting capacity- and alliance-building.	1 bilateral and 1 foundation. Focus on informal workers.
20	Global Partnership for Social Accountability	5	7	World Bank trust fund.	Mainly World Bank plus foundations.
21	Namati	5	5	Independent. Building movement of community paralegals.	Mainly foundations. Hosts Legal Empowerment Network (LEN).
22	Women Peace and Humanitarian Fund	<5	3	Hosted by UN Women. Funds CSOs.	Pooled funding mechanism. Mainly bilateral funded.

country programmes and another \$9.2 million that was disbursed in hard-earmarked funds for different countries. (pers. Communication, Christi Slatten, Project Manager, UNDP Rule of Law and Human Rights Global Programme, 27 February 2020).

23	Global Fund for Community Foundations	<5	2	Grassroots organisations.	Mainly funds foundations.
24	Global Survivors Fund	<5	–	Independent organisation, Announced 2018.	\$20 million pa target.
25	Covid-19 Grassroots Justice Fund	<1	1	Administered by Fund for Global Human Rights. Funds CSOs. Average grant \$10,000.	Launched 2020. Funded by 2 foundations and 1 bilateral.
26	Legal Empowerment Fund	<1	1	To be administered by Fund for Global Human Rights. Will fund grassroots organisations.	To be launched in 2021. \$10 million pa target. Current funding from 2 foundations. Focused on historically oppressed communities.

Note: ^apa = per annum. Spend is indicative only. When only data on deposits or pledges in funds is available, this is assumed to be spent over five years.

Source: The authors, based on information available on fund websites.

Appendix 2 Interviewees: organisations providing community-based justice advice and assistance

	Fund	Age (years)	Spend (\$ millions, pa) ^a
Sub-Saharan Africa			
1	Ghana	Advocates for Community Alternatives	Supports community-driven public interest litigation in West Africa through networking, peer-to-peer learning and advice.
2	Kenya	Akiba Mashinani Trust	Urban poor fund. Works in alliance with national and international federations of slum dwellers. Law plays key role in dealing with issues in slums – land issues and service provision. Builds consortiums to address complex issues (e.g., with law firms and universities to address problems around eviction).
3	Kenya	Kituo Cha Sheria	Oldest legal advice centre (1973). Provides advice through own offices. Also trains paralegals and supports them with ongoing advice.
4	Kenya	Legal Resources Foundation Trust	Focuses on administration of criminal justice and prisoners on remand. Represents prisoners in court. Employs paralegals and has sub-national offices.

5	Kenya	M-Sheria	Remote SMS service using pro bono lawyers.
6	Kenya	Namati	Partners with local grassroots organisations working with minority groups on legal identity, introducing them to the paralegal model and supporting them to deliver on the ground.
7	Liberia	Community Justice Advisers	Legal advice on wide range of issues including land, labour and gender-related issues.
8	Nigeria	Lawpadi	Provides free legal advice to entrepreneurs, start-ups and businesses through online platform.
9	Rwanda	Legal Aid Forum	Intermediary, membership-based network of 38 national and international CSOs, professional bodies, university legal aid clinics and faith-based initiatives that support and/or provide legal aid services to people living in Rwanda.
10	Rwanda	Maison d'accès à la justice	State-funded district-level legal centre employing lawyers.
11	Sierra Leone	Sierra Leone Legal Aid Board	Government institution employing lawyers and paralegals. Provides legal representation, advice and education. Also citizens advice. Accreditation body for CSO legal aid organisations.
12	Sierra Leone	Community Action for Human Security (CAHSec)	Ensures access to justice especially for women, children and youths in rural communities. Legal education at the community level, provides mediation and alternative dispute resolution services at its offices in two districts. Collaborates with other legal aid human rights organisations and institutions, the Family Support Unit, Sierra Leone Police and the

			Ministry of Social Welfare, Gender and Children's Affairs to pursue cases in both the customary and formal courts in its operational areas.
13	Sierra Leone	Center for Democracy and Human Rights (CDHR)	Promotes human rights education and advocacy.
14	Sierra Leone	Women Against Violence and Exploitation in Society	Advocates for women and girls' rights. Works with communities in rural areas at the grass roots level. Engages with marginalised, poor, vulnerable and excluded women/girls. Mobilises organisations and beneficiaries to end gender-based violence.
15	Sierra Leone	Rehabilitation and Development Agency Sierra Leone (RADA)	Working towards securing livelihoods of marginalised people in Sierra Leone. Supports community-driven initiatives in the areas of vocational skills training, peace education and women's empowerment.
16	Sierra Leone	Advocaid	Legal advice and assistance for female detainees.
17	Sierra Leone	Lady Ellen Women's Aid Foundation (LEWAF)	Promotes access to justice for women and children in two of the most deprived communities in the Western Area – Calaba Town and Waterloo. Works with people with albinism.
18	Sierra Leone	Centre for Accountability and the Rule of Law (CARL-SL)	Seeks to promote a just society for all persons in Sierra Leone, through monitoring institutions of accountability, outreach and advocacy for institutional transparency, capacity-building and empowerment of citizens.
19	Sierra Leone	Legal Access through Women Yearning for	Association of Sierra Leonean female lawyers who provide pro bono legal services to

		Equality Rights and Social justice (L.A.W.Y.E.R.S)	women and girls, primarily victims.
20	Sierra Leone	Namati	Works with communities on land rights and on systemic changes to law to promote community land rights.
21	Sierra Leone	Open Society Initiative, West Africa	Intermediary working with about ten legal empowerment partners including grassroots organisations (also Sierra Leone Legal Aid Board, university law clinics etc). Provides grants, information sharing and networking. Also works with government on legal aid policy.
22	Sierra Leone	Prison Watch Sierra Leone	Work for the protection of the rights of people in detention. Monitors and reports on prisons and detention conditions and provides training for detention officers and civil society members on human rights.
23	Sierra Leone	Timap (and Freetown)	Provides free justice services to people in Sierra Leone. Based on a paralegal model, providing people with access to education, mediation, negotiation, organising and advocacy.
24	South Africa	Foundation of Human Rights	Intermediary funder. Mainly funds community-based advice offices. Also lesbian, gay, bisexual and transgender (LGBT) rights and constitutional awareness.
25	South Africa	Social Change Assistance Trust (SCAT)	Intermediary funder with a small endowment that supports rural community advice offices throughout the country.
26	South Africa	ProBono.Org	Private sector lawyers who provide free legal advice and assistance to the poor, working on individual cases

			and for clients unable to pay for their own private legal representation.
27	Tanzania	Morogoro Paralegal Centre	Intermediary organisation regrating to grassroots paralegal organisations and supporting capacity development, training, networks and advocacy.
28	Uganda	Barefoot Law	Legal advice and assistance to individuals and small businesses through technology (mobile phone e.g., SMS and Interactive Voice Response platforms/online) as well as traditional methods (community focal workers).
29	Uganda	Chapter Four Uganda	Network/platform for civil liberties and public interest lawyers providing skills training, facilitating exchange opportunities and case and reference database.
30	Uganda	Federation of Women Lawyers, Uganda (FIDA-U)	Advancing law and policy reform for the protection of women including advocacy, public interest litigation, public engagement, and engagement with government on establishing/strengthening sustainable and effective legal and structural mechanisms.
31	Uganda	Human Rights Awareness and Protection Forum (HRAPF)	Focusing on human rights of marginalised persons and most at-risk populations through enhanced access to justice (legal advice clinics including mobile legal aid camps and building the capacity of paralegals and other resource persons to be work within their communities), research and advocacy, legal and human rights awareness, capacity enhancement and strategic partnerships.

32	Uganda	LANDnet	Engaging with land policy and reform at national, district and community level through observatories, research and advocacy, e.g., succession law, women's land rights, customary land rights. Also provides legal education, advice and assistance through community legal volunteers.
33	Uganda	Legal Aid Service Providers Network (LASPNET)	A platform for networking, collaboration and coordination for 47 legal aid services for delivery and access to justice for the most vulnerable and marginalised people, many of which use a paralegal model. Lobbying and advocacy on legal aid policy and regulation.
34	Uganda	Women Pro-bono Initiative	Aims to advance access to justice for girls through awareness creation, research and knowledge-sharing, legal awareness, free legal services to women and girls who are suffering stigma, abuse, sex and gender-based violence (lawyers and paralegals). Policy work and advocacy.
Asia			
35	Bangladesh	Legal Aid and Services Trust (BLAST)	Advocacy and strategic litigation. Also runs legal aid clinic in Dhaka slum area. Trust has formal connections with bar association and judiciary.
36	Bangladesh	BRAC HRLS	Peripatetic paralegals at community level. 517 clinics in 54 of 61 districts.
37	India	Nazdeek	Works with marginalised communities in India on grassroots legal education, community monitoring of service delivery, use of judicial and non-judicial remedies, and strategic research and advocacy to

			advance social and economic rights.
38	Indonesia	Indonesian Legal Aid Foundation	Provides legal advice and assistance in Jakarta and in branches throughout Indonesia, especially to victims of human rights abuses.
39	Myanmar	MyJustice	British Council-implemented, EU-funded justice programme providing grants to legal empowerment organisations.
40	Myanmar	Land Paralegals	Community-level peripatetic paralegals working on land rights.
41	Nepal	Alliance for Social Dialogue	Intermediary organisation regrating through calls for proposals. Legal empowerment for marginalised groups including women, internally displaced persons and Dalits. Strong focus on advocacy to improve the legal aid system.
42	Nepal	Legal Aid and Consultancy Centre	Provides legal aid to women and children. Trains paralegals. Also undertakes research which then drives advocacy. Strong focus on legal identity documents.
43	Philippines	Alternative Law Groups	A network coalition of about 20 legal resource CSOs. Aims to: (1) empower the poor and the marginalised to use judicial and other mechanisms for addressing their issues and concerns, and for protecting and enforcing their rights; and (2) effect justice system reforms that promote the rights and interests of the poor and marginalised.
Latin America			
44	Argentina	Asociación Civil por la Igualdad y la Justicia (ACIJ)	Focus on knowing, using and shaping the law. Strong research element.

45	Argentina	Microjustica	Advises on documentation, women/children/disability rights. Employs law students supervised by tutors. Hosted by microfinance institution.
46	Colombia	Corporación Colectivo de Abogados José Alvear Restrepo (CCAJAR)	Strategic litigation, international litigation, accountability measures, individual and group cases, support to community-based organisations.
47	Colombia	De Justicia	Research centre, focusing on building the rule of law and promoting human rights. Promotes social transformation through research, public policy, lobbying and advocacy. Takes on strategic litigation and capacity development training. Grant-making body.
48	Colombia	Comisión Colombiana de Juristas	Research, legal aid, accompanying individuals and small organisations, international litigation. Grant-making body.
49	Colombia	Corporación Creer en la Paz	Peace advocacy organisation. Focuses on legal empowerment through alternative dispute mechanisms and on community-based justice for indigenous rights. Also provides training in legal empowerment.
50	Colombia	Escuela Nacional Sindical (ENS)	Works with unions. Provides legal advice on labour issues and disputes. Also, advice on right to social mobilisation.
51	Colombia	Escuela de Justicia Comunitaria	Research and field work to enhance communities' capacities. Focus of legal empowerment is on alternative dispute mechanisms.
52	Colombia	Corporación region	Strong focus on land and property rights, especially on urban planning.

53	Colombia	Colombia Diversa	Lesbian, gay, bisexual, transexual and queer (LGBTQ) rights. Research, education and legal strategies including individual and group cases and strategic litigation. Grant-making body.
54	Mexico	Fundar	An interdisciplinary organisation that promotes the advancement of substantive democracy through applied research, critical reflection, experimentation and linkage with civil, social and governmental actors. Aims to extend and strengthen citizen participation; to call for transparency and accountability; to contribute to the rule of law; to promote substantive equality; and to guarantee human rights.
Other regions			
55	Ukraine	Legal Development Network	Network/umbrella organisation of 23 CSOs providing free legal aid. Not a grant-maker. Capacity development, professional support, advocacy and documenting change.
56	Ukraine	Community legal centres	Local government-funded legal centres – 32 across 20 regions – employing lawyers and paralegals. Provides advice on social security, property and labour rights.

Note: ^apa = per annum. Spend is indicative only. When only data on deposits or pledges in funds is available, this is assumed to be spent over five years.