

Policy brief

Justice aid update and lessons from latest evaluations of donor programming

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June 2022



Taking people-centred justice to scale: investing in what works to deliver SDG 16.3 in lower-income countries

Key messages

Despite the growing global movement on people-centred justice approaches, latest aid figures confirm that justice is a low priority for donors, accounting for just 1.4% of their aid. This is in marked contrast to the priority they attach to justice in their own countries, which accounts for 4% of their budgets.

Donor justice programmes continue to be largely focused on top-down institutional reform and capacity development of core justice institutions largely delivered by consulting firms or international non-governmental organisation (NGOs).

Programmes have succeeded in their own terms, but examples of significant, positive sustained impacts are rare. Donor programming with improved access to justice as its aim has failed to deliver scaled-

up people-centred justice services. At the same time, justice programming aimed at improving compliance with rule of law and human rights norms and values has had limited impact.

This paper makes the case for donors to change both *what* they fund and *how* they fund justice.

There is now growing evidence of the cost-effectiveness of approaches focused on scaled-up local service delivery that start with and address people's justice needs. Immediate benefits can be achieved, even without improvements in the wider normative rule-of-law context.

As in education and health, a shift towards a service delivery approach is likely to require a move away from contracting out the delivery of justice aid to consulting firms or international NGOs towards direct funding of service provision, including through results-based pooled funding mechanisms.



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How to cite: Manuel, C. and Manuel, M. (2022) *Justice aid update and lessons from latest evaluations of donor programming*. ODI Policy Brief. London: ODI (<https://odi.org/en/about/our-work/taking-people-centred-justice-to-scale-investing-in-what-works-to-deliver-sdg-163-in-lower-income-countries/>).

Acknowledgements

The authors thank Pathfinders and the Ministry of Foreign Affairs of the Kingdom of the Netherlands government for funding this paper. Thanks also go to the Charles Stewart Mott Foundation for funding the authors' work on analysis of donor justice and new analysis on scaling up.

Thanks go to Darshni Nagaria for research assistance on our aid data analysis.

We are also very grateful to peer reviewers Maaïke de Langen, Adrian Di Giovanni, Pilar Domingo and Swati Mehta and for their comments and insights, which have enriched the paper.

The views presented in this discussion paper are those of the authors alone and do not necessarily represent the views of ODI or our partners.

About this publication

This is the second in a series of papers on 'Taking people-centred justice to scale: investing in what works to deliver SDG 16.3 in lower-income countries' (<https://odi.org/en/about/our-work/taking-people-centred-justice-to-scale-investing-in-what-works-to-deliver-sdg-163-in-lower-income-countries/>). The research project focuses on practical, cost-effective and realistic ways to deliver sustainable justice services at scale and offers lessons both for lower-income countries and donor programming. The project runs until September 2023.

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1 Introduction

This paper is the second ODI/Pathfinders Policy Brief on ‘Taking people-centred justice to scale: investing in what works to deliver SDG 16.3 in lower-income countries’. The series’ aim is to examine practical ways to deliver scaled-up, sustainable, people-centred justice in lower-income countries.

This paper looks at the role of donors in achieving this objective. It first presents the latest data on justice aid, highlighting trends in the *quantity* of aid going to justice overall, and in particular to lower-income countries that are least able to afford scaled-up people-centred justice without external assistance. The paper then looks at the *quality* of donor programming. It considers lessons and recommendations from the latest major and/or thematic reviews of donor justice/rule-of-law programmes, with a particular focus on the two most recently released: (1) an evaluation of the United Nations’ rule-of-law work between 2015 and 2019 (Day and Caus, 2021); and (2) an evaluation of the European Union’s support for rule of law in the Western Balkans over a similar but slightly longer period, 2014–2020 (European Court of Auditors, 2022).

The broad context for this series of papers is a growing global movement on people-centred justice. Key moments include: the 2008 Commission on Legal Empowerment of the Poor; the 2019 *Justice for All* report; and more recently the UN Secretary-General’s ‘Our Common Agenda’ report, with renewed commitments from the Justice Action Coalition (a multi-stakeholder platform bringing together countries and organisations) to promote people-centred justice (see Commission on Legal Empowerment of the Poor, 2008; Chapman and Leering, 2015; Denney and Laws, 2019; The Elders, 2019; Moore and Farrow, 2019; Pathfinders, 2019a; b; Task Force on Justice, 2019; OECD, 2020; Hague Institute for Innovation of Law, 2021; UN, 2021; and most recently Open Government Partnership, 2022; Pathfinders 2022a; b; c; World Justice Project, 2022).

The specific context for this paper is previous ODI research on donor financing for access to justice/SDG 16.3 (Denney and Domingo, 2014; Manuel and Manuel, 2018; 2021; 2022; Manuel et al., 2019), which shows that:

- Providing basic, people-centred justice services in low-income countries is relatively low cost – estimated at \$20 per person per year (compared with \$76 for essential universal health services and \$41 for universal primary and secondary education services).

- Despite the low cost, low-income countries can only afford less than half the costs of this, even if they maximised their tax take and allocated the same percentage to justice services as Organisation for Economic Co-operation and Development (OECD) countries do.
- Targeting investment on particular aspects of people-centred justice in low-income countries has the potential to offer rates of return comparable to returns achieved by targeted investments in health and education services, including:
 - Front-line community-based paralegals offering justice advice, assistance and dispute resolution services to communities – estimated to cost \$230 million a year for all low-income countries.
 - Criminal justice paralegals who have proved effective in reducing the proportion of unsentenced prisoners – estimated to cost \$9 million a year for all low-income countries.

Section 2 of this paper provides an update on global aid allocations to justice since ODI's first analysis identified a significant fall in support since 2012 (Manuel and Manuel, 2018). Section 3 then turns to the UN and EU evaluations and provides an overview of their findings and recommendations. Section 4 applies lessons from these and other evaluations to future programming, with Section 5 setting out conclusions and recommendations for donors.

Overall, the paper makes the case for donors to change both *what* they fund and *how* they fund justice. It recommends a move from a normative rule-of-law approach and a focus on top-down institutional reform at the centre towards a much stronger focus on funding the expansion of justice services to prevent and resolve people's justice problems at the local level. It suggests that such a shift is in line with the people-centred ambition of SDG 16.3 and has the potential to deliver sustainable scaled-up justice services to millions of people in lower-income countries. It would respond to lessons from past donor justice programming, and also to what is evident from other sectors (such as health and education) that have successfully funded sustainable scaled-up services that have impacted the lives of millions of people.

2 Updated trends in justice aid

2.1 Overall trends in justice aid

Despite the international community's agreement in 2015 that justice should be a Sustainable Development Goal, previous ODI research highlighted a marked fall in donor aid to justice (Manuel and Manuel, 2018; 2021). This research drew on the OECD definition of justice aid: all aid for legal and judicial development (LJD). This includes¹ support to a wide range of justice institutions, such as the courts and the police, and includes aid given to governments and civil society. The OECD's definition also covers aid from bilateral and multilateral donors and includes aid given as a grant or as a concessional loan. Finally, the OECD's definition also includes funding from all institutions in a donor country that provide aid. In the USA this includes funding from the United States Agency for International Development (USAID) and the US Department of State's Bureau of International Narcotics and Law Enforcement Affairs.

The latest aid data published by the OECD Development Assistance Committee (DAC) to 2020 shows that the decline in LJD aid has levelled off in recent years (see Figure 1). However, disbursements of LJD aid have still fallen by 32% in real terms since the peak in 2011–2013.

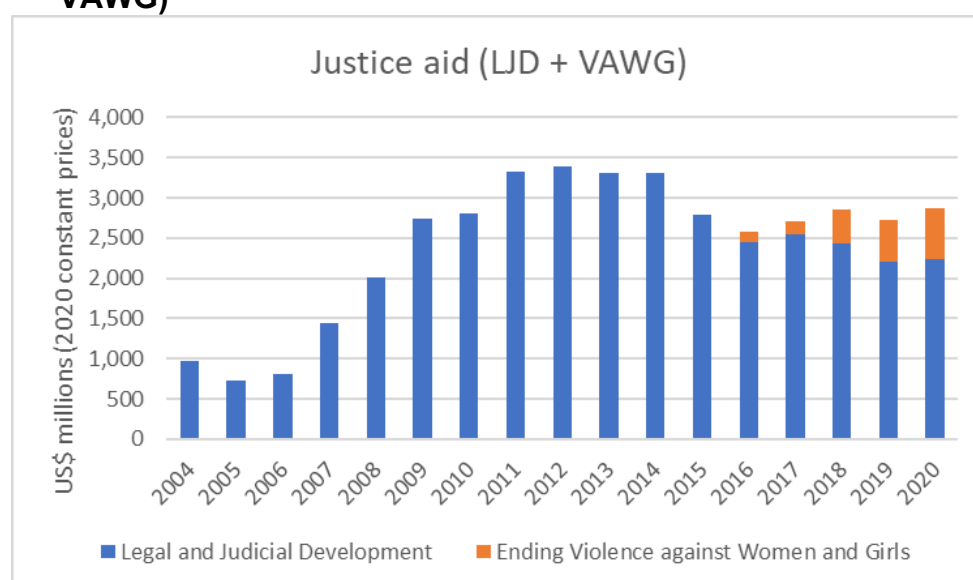
A recent development has been the OECD DAC's creation of a separate category for aid to ending violence against women and girls (VAWG).² This category was first introduced in 2016 and initially was

¹ All donors report their aid to the OECD. All their aid is divided up and each element is matched to just one primary purpose code. Aid for 'legal and judicial development' is reported under code 15130. This 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 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; awareness campaigns. (Not for activities that are aimed primarily at supporting security system reform or undertaken in connection with post-conflict and peace building activities. Use code 15130 for capacity-building in border management related to migration.)

² OECD DAC Creditor Reporting System code 15180. Covers support to programmes designed to prevent and eliminate all forms of violence against women and girls/gender-based violence. This encompasses a broad range of forms of physical, sexual and psychological violence including but not limited to: intimate partner violence (domestic violence); sexual violence; female genital mutilation/cutting; child, early and

a much smaller amount than aid for LJD. However, as Figure 1 shows, this element grew significantly between 2016 and 2020. Some of the activities funded in this category relate to community-based behavioural change programmes, which are highly effective, but may be considered to be outside the scope of justice programmes. On the basis that a similar analysis of health aid would include spending on public health programmes for analytical purposes it seems appropriate to combine spending from both LJD and VAWG. Therefore, in this paper we focus on the combined LJD and VAWG total, which we refer to as ‘justice aid’. Of this combined total, where further disaggregation is reported, 73% went on average to governments and 9% to civil society organisations in 2018–2020. The rest was channelled to a mixture of recipients that the OECD describes as ‘multilateral organisations, research institutes and private institutions’.

Figure 1 Justice aid disbursements (combined LJD and VAWG)



Source: OECD DAC data

Total justice aid disbursements in 2018–2020 were 16% below their peak in 2011–2013. As total aid has increased over the period, justice’s share of total aid has fallen even more from a peak of 2.22% in 2011–2013 to 1.37% in 2018–2020, a fall of 38%. As donor forward-looking commitments in 2020 were 1% lower than disbursements, future justice aid levels are expected to remain below past peak levels and justice’s share of total aid is likely to fall further. If, as seems likely, current trends continue, there will therefore still be

forced marriage; acid throwing; honour killings; and trafficking of women and girls. Prevention activities may include efforts to empower women and girls; change attitudes, norms and behaviour; adopt and enact legal reforms; and strengthen implementation of laws and policies on ending violence against women and girls, including through strengthening institutional capacity. Interventions to respond to violence against women and girls/gender-based violence may include expanding access to services including legal assistance, psychosocial counselling and health care; training personnel to respond more effectively to the needs of survivors; and ensuring investigation, prosecution and punishment of perpetrators of violence.

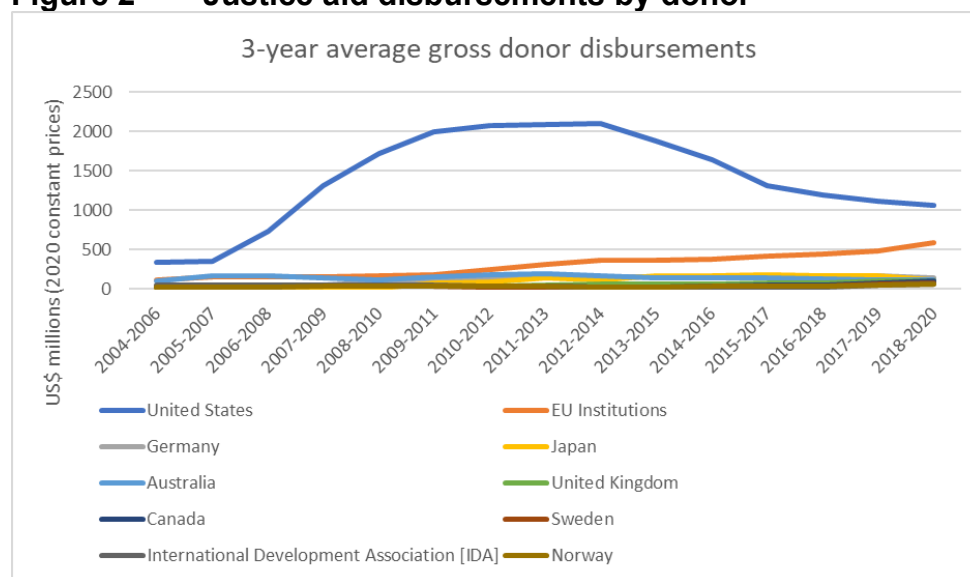
an extraordinary difference between the proportion of the budget that OECD countries spend on justice in their own countries (4%) and the proportion of their aid they provide for justice in other countries (1.4%).

2.2 Top 10 justice donors

The USA continues to be the largest individual donor, contributing 38% of total justice aid, followed by the EU institutions (21%) and Germany (5%).³ Based on analysis of the 2020 forward-looking commitments, four of the top 10 donors look set to increase their support: the USA, Australia, the World Bank and Norway. Three donors look set to decrease their justice aid: Japan, the UK and Sweden. Further details can be found in Table 1 in Annex A.

Figure 2 shows the longer-term pattern in donor disbursements. This illustrates how disbursements from the USA ballooned towards the end of the 2000s before gradually falling. The USA has always been the largest donor with their aid peaking at \$2.1 billion a year between 2012 and 2014. Disbursements from EU institutions started rising more rapidly from 2012 to 2014.

Figure 2 Justice aid disbursements by donor



Source: OECD DAC data

2.3 Top 10 justice recipients

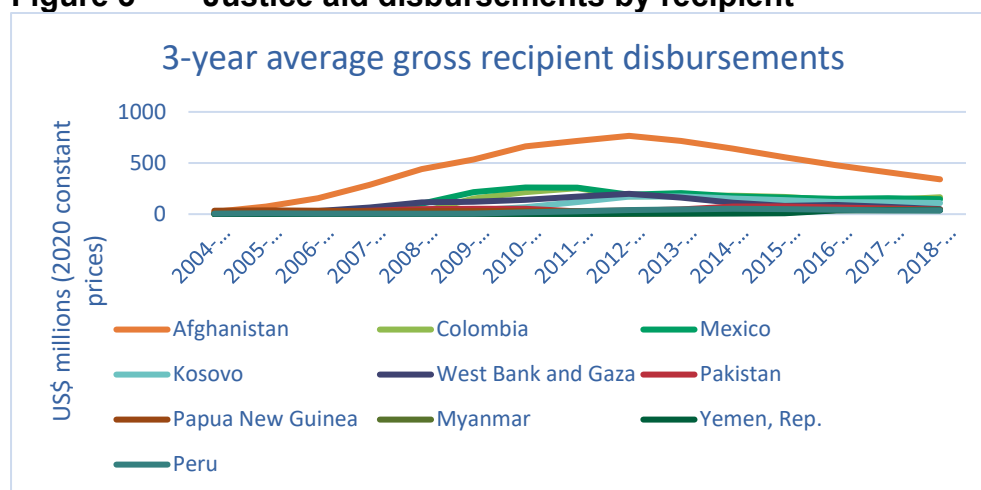
Afghanistan remains the largest recipient of disbursements for both LJD and VAWG, receiving 12% of the total justice aid (see Table 2 in Annex A), followed by Colombia at 6% and Mexico at 5%. However, justice aid for Afghanistan has been falling recently, and given the latest developments in the country it is likely to be zero in 2022. Among the current top 10 recipients, Colombia, Papua New Guinea

³ The USA, Germany and the EU are also the three largest aid donors across all sectors. But US and EU shares of justice aid are much larger than their shares of total aid (38% vs 23% and 21% vs 11%). Germany's share of justice aid is much lower (5%) than its share of total aid (11%).

and Peru are expected to see an increase in their disbursements. If the current pattern of commitments continues, Ethiopia and Armenia may become new members of the top 10 list. Table 2 in Annex A provides further detail.

Figure 3 shows the longer-term pattern in aid recipients. Afghanistan overtook Papua New Guinea as the largest recipient of disbursements in 2005–2007. Disbursements to Afghanistan increased until they peaked in 2012–2014.

Figure 3 Justice aid disbursements by recipient



Source: OECD DAC data

One striking and consistent aid pattern is that middle-income countries continue to receive most of the justice aid. The only two low-income countries in the top 10 recipients are Afghanistan and Yemen, and aid to both is falling. Based on the 2020 forward-looking commitments, the imbalance of justice aid in favour of middle-income countries is likely to become even more marked, including because of the targeting of some justice aid to the war on drugs.

Despite the fact that low-income countries are least able to afford to provide even basic justice services, a typical low-income country received just 1.5% of the estimated cost of delivering a basic justice service – on average (median) \$0.30 per person per year compared with the estimated \$20 per person per year required (Manuel et al., 2019).

2.4 Summary

Despite a growing global movement on people-centred justice and the [Justice Action Coalition](#)'s commitment to promote people-centred justice, justice continues to be a low-priority sector for donors. The most appropriate measure of justice aid is now the combination of aid for LJD and aid for tackling VAWG. But even this combined total amounts to just 1.4% of total aid for all sectors. This low share is markedly less than the average 4% budget share that OECD countries spend on justice in their own countries. The low priority

attached to justice aid is not expected to change. While it is encouraging that the absolute amount of justice aid appears to be no longer declining, justice's share of total aid is still falling.

What aid is provided for justice is mainly to middle-income countries. And the latest data suggests that low-income countries will receive an even smaller share of justice aid in 2022. Afghanistan has been by far the largest recipient of justice aid, but current developments have resulted in a cessation of all long-term development aid to the country.

Low-income countries typically only receive 30 US cents of justice aid per person per year, just 1.5% of the estimated costs of providing universal access to basic justice services.

3 Learning from the latest evaluations of donor programming

3.1 Introduction

This section focuses on the latest evidence on the quality of donor programming. Over the past 20 years, donors have reviewed, assessed and drawn lessons from their justice programming. This includes the EU (EC, 2011), the World Bank (Desai et al., 2011), Australia (Cox et al., 2012), the UK (ICAI, 2015) and the OECD's review of a range of donor programmes (OECD, 2016), as well as other reports and academic research (see, e.g., International Council on Human Rights Policy, 2000; Carothers, 2003; Channell, 2005; Denney and Domingo, 2014).

These reports highlight the tendency of donor justice programmes to focus on institutional reform and capacity development at the centre. In many cases the programming objective is ambitious – to move countries towards normative rule of law and democratic values and institutions, such as an independent, non-corrupt judiciary. Sometimes the objective is more focused on policy reforms designed to improve access to justice services at the local level, with the belief that reform and improved capacity at the centre will trickle down to improved service delivery to communities. There are also examples of donors supporting small-scale community-focused programmes implemented by NGOs, whose high unit costs have mistakenly led to the conclusion that such services are unaffordable at a national scale. Other programmes have supported legal education/awareness whose impact has been limited due to the absence of opportunities to access affordable justice services.

While some reviews are more hard-hitting than others, all highlight major concerns about the limited impact of donor justice programmes – either to achieve improvements in the rule of law or to deliver improved justice services on the ground. A 2011 EU evaluation looks at €1 billion of justice and security sector reform programming in a range of countries between 2001 and 2009.⁴ In terms of impact, it concludes that the EU's focus on building the capacity of state

⁴ Madagascar, Rwanda, Algeria, Armenia, South Africa, Georgia, Guatemala, Afghanistan, Indonesia, Chad, Honduras, Liberia, Cambodia, Guinea-Bissau, Colombia.

institutions had delivered limited impact on people's access to justice. It criticises failures both to anchor activities on partner government plans to improve service delivery, and to address constraints to service delivery from the perspective of the intended beneficiaries (EC, 2011).

A 2015 OECD report reviews a range of donor programmes in Burundi, Guatemala, Timor-Leste and Sierra Leone.⁵ Its focus is on how to do institutional reform better. Noting the 'sensitive and politically charged' nature of the justice sector (OECD, 2016: 9), it advocates for a more politically informed approach supported by adaptive programming: 'Managing change in the security and justice sector is politically sensitive and incredibly complex: it interferes with the foundations of power, is politically contested at both ends of the development partnership, and potentially challenges the interests of established social and political groupings in partner countries' (OECD, 2016: 4). The report appears to assume that donors will continue to design justice programmes aimed at institutional reform and concludes that even with more adaptive, politically informed approaches, donor-supported programmes are likely to achieve only incremental change.

This policy brief looks at two latest major justice evaluations – of the UN's and EU's work. Despite their different country contexts, the reports reach very similar conclusions and make some similar recommendations. In line with previous assessments, they express serious concerns about the limited impact of justice programmes and about programming approaches. While both reports are for particular audiences and contexts, they contain findings and recommendations that have the potential to inform future justice programming more broadly than their particular geographical focus.

Both the UN and the EU explicitly frame their evaluations in relation to progress towards normative rule-of-law values. The UN's rule-of-law work is framed in relation to the UN Security Council's definition of the rule of law as the 'principle of governance in which all persons and institutions – including the State itself – are accountable to laws that are publicly available, equally enforced, and independently adjudicated in line with international human rights norms and standards' (UN Security Council, 2004). EU support for the rule of law is framed around six normative principles recognised by the European Court of Justice and the European Court of Human Rights: (1) transparent, accountable, democratic and pluralistic law-making process; (2) legal certainty; (3) prohibition of arbitrariness of the executive powers through effective judicial review; (4) independent and impartial courts; (5) separation of powers; and (6) non-

⁵ DFID in Sierra Leone; Dutch MFA and Belgian Development Agency in Burundi; AusAID, UNMIT and UNDP in Timor-Leste; EU and USAID in Guatemala.

discrimination and equality before the law (European Court of Auditors, 2022).

USAID is the largest donor to justice, and the policy brief also incorporates lessons from a series of 12 evaluations of USAID's justice programmes across nine countries between 2008 and 2021.⁶ Of these, seven⁷ had a strong focus on institutional building and reform of national institutions through capacity development, with support also being provided to civil society in some cases. Aims included improving judicial independence and accountability (for example Afghanistan and Ukraine) or more modestly to improve legal education (Indonesia). Five programmes (in Afghanistan, Bangladesh, Haiti, Uganda and Ukraine⁸) had a stronger focus on access to justice on the ground, including training traditional justice providers, improving legal aid and awareness raising. Four programmes included some direct funding to legal aid/paralegal providers, mainly through small grants.⁹

A brief overview of first the UN report and then the EU report is set out below, before drawing out key messages.

3.1.1 Evaluation of UN rule-of-law programming across eight countries, 2015-2019

Rule of law and sustaining peace: towards more impactful, effective conflict prevention (Day and Caus, 2021).

This evaluation looks at the UN's¹⁰ rule-of-law work in Afghanistan, Bangladesh, Bosnia and Herzegovina (BiH), Central African Republic (CAR), Colombia, Democratic Republic of Congo (DRC), Lebanon and Mali. It considers the extent to which the UN's rule-of-law work has contributed to conflict prevention.

The contexts for achieving the UN's rule-of-law norms (set out above) in the evaluation countries are complex and challenging. The four low-income countries – Afghanistan, CAR, DRC and Mali – are among the world's poorest, most conflict-prone and fragile settings with weak governance and rule-of-law capabilities. Where the formal system operates, corruption and judicial independence are key

⁶ See bibliography for list of USAID evaluations considered.

⁷ Afghanistan Assistance for the Development of Afghan Legal Access and Transparency 2016–2021; Burma Promoting the Rule of Law Project 2012–2017; Cambodia Program on Rights and Justice 2008–2011; Indonesia Educating and Equipping Tomorrow's Justice Reformers Program (E2J) 2011–2014; Kosovo Justice System Strengthening Program 2015–2019; Serbia Judicial Reform and Government Accountability Program 2011–2016; and Ukraine New Justice 2016–2021.

⁸ Afghanistan Rule of Law Stabilization-Informal Component Program 2012–2014; Bangladesh Justice for All 2012–2018; Uganda Supporting Access to Justice, Fostering Peace and Equity 2012–2017; Haiti PROJUSTICE 2009–2016; and Ukraine Access to Justice and Legal Empowerment Project 2010–2014

⁹ Cambodia Program on Rights and Justice 2008–2011; Burma Promoting Rule of Law Project 2012–2017; Haiti PROJUSTICE 2009–2016; and Uganda Supporting Access to Justice, Fostering Peace and Equity 2012–2017.

¹⁰ Across all UN agencies including in-country peacekeeping and stabilisation missions, UNDP and other UN agencies including UN Office on Drugs and Crime; the Office of the High Commissioner for Human Rights; UN Peacebuilding Fund; and UN Women

challenges. State authority and formal justice are largely absent outside major urban areas.

Of the remaining countries, Bangladesh, Colombia and Lebanon, although middle income, are weak states that are prone to polarised political conflict, with poor rule of law and governance indicators, corruption and limited trust in state institutions. Colombia's peace process has established a transitional justice system. Finally, BiH, which is included in the EU evaluation as well as the UN one, suffers from major ethnic and political divisions with fragile peace. Rule-of-law challenges include weaknesses in the independence of the judiciary and police performance, with low levels of trust in state institutions.

Within these difficult contexts, the approach is to support (and in some cases restore) the basic functions of justice institutions, and to build institutional capacity. Examples include strengthening legal frameworks (such as penal codes) in line with international norms, bolstering legal aid and providing training for police, prosecutors and judiciary. While there were variations in emphasis between countries (e.g. in Bangladesh a focus on refugee camps and host communities), overall, across all countries the aim can be summarised as developing effective, transparent and inclusive rule-of-law institutions and thus contributing to long-term stability by reducing the risks of violent conflict and addressing its root causes.

3.1.2 Evaluation of EU rule-of-law programming in the Western Balkans 2014-2020

EU support for the rule of law in the Western Balkans: despite efforts, fundamental problems persist (European Court of Auditors, 2022).

This evaluation covers the six Western Balkan countries outside the EU – Albania, BiH, Kosovo, Montenegro, North Macedonia and Serbia – where EU efforts to improve the rule of law have been ongoing for the last 20 years, with EU accession operating as both a carrot and a stick. Rule-of-law challenges include authoritarian governments limiting the operations of the press and civil society, corruption, organised crime and weak administrative capacity. The independence of the justice system, including police, prosecutions and the judiciary, is a key issue, with weak legislative frameworks and political and executive interference in and undermining of the process.

Within this context, EU support for rule of law is framed around the six normative principles recognised by the European Court of Justice and the European Court of Human Rights set out above. EU assistance supports core state institutions and to some extent civil society. The focus of the evaluation was on the extent to which EU programming had resulted in improvements in rule of law in the region.

3.2 Themes and lessons

3.2.1 Programmes have succeeded in their own terms but have had limited impact

The UN and EU evaluations continue the trend of previous major/thematic evaluations of donor justice programming over the past 20 years in concluding that, while individual justice projects may have succeeded on their own terms, donor programming has had limited success in supporting scaled-up and sustained improvements in either countries progressing towards achieving the rule-of-law norms espoused by the UN and the EU (such as judicial independence or separation of powers), or in people's ability to access justice services to prevent or address their justice problems

The EU evaluation concludes that after more than 20 years of political and financial efforts in the Western Balkans, there has been limited progress in the rule-of-law situation in the region, and questions the sustainability of gains achieved due to poor ownership and associated lack of budget (European Court of Auditors, 2022). The UN evaluation reaches similar conclusions, noting that in some cases (for example DRC), UN operations had maintained transformational rule of law mandates for decades without seeing meaningful change (Day and Caus, 2021).

These conclusions are reflected in evaluations of USAID's programmes, which aimed to achieve improvements in justice systems and the rule of law, questioning the sustainability of gains made and the depth of their local ownership. For example, in Cambodia, the programme is assessed as being on track to achieve its objectives, but the evaluation concluded that these achievements would not impact on the overall programme goal of justice reform (USAID, 2011: ii). In Kosovo, gains in judicial governance were considered to be unsustainable without clearer ownership (USAID, 2018a: 3); and in Ukraine it was concluded that, '[d]espite hard work and significant success, the actual impact on long-term judicial reform is often unclear because of lack of political will and political fluidity' (USAID, 2020: 20).

Gains tended to be made where ambition was more limited with ring-fenced, technical activities with local ownership. Examples include improving the efficiency of the judiciary, such as through case backlog projects; the UN's support to e-justice and virtual courts in Bangladesh; targeted behavioural change, such as the UN in DRC tackling security services human rights abuses, and in Lebanon supporting community policing skills; infrastructure projects such as a prison and court room rehabilitation; and drafting legislation (although enforcement and impact were less clear). Similarly, US programming reveals many success stories in terms of technical improvements. But, as USAID's Afghanistan evaluation noted, even technical gains can be threatened by lack of long-term ownership and resources (USAID, 2020).

3.2.2 Programmes have been large scale, ambitious and wide ranging but lack strategic focus

The UN and EU evaluations reveal programming with wide ranges of ambitious objectives to transform countries' rule of law and governance systems. The UN evaluation is critical of the lack of a clear 'end state' and strategy for achieving it, and the EU evaluation recommends setting strategic targets and impact indicators.

Ambitious programming reach has involved engaging with a very wide range of state and non-state actors at national and local levels, with multiple objectives. Unlike justice sector-wide approaches (SWAps) initially developed in Uganda and Rwanda in the early 2000s, as well as SWAps in other sectors (such as education and health), the current 'big tent' justice approach has not resulted in national-level planning and prioritisation of activities across the sector to enable an expansion of access to basic services. Instead, as the UN evaluation points out, rule-of-law work is 'expected to deliver everything, from national level transformations of governance, to highly localized capacity shortfalls' (Day and Caus, 2021: 21).

USAID's evaluation of its justice work in Cambodia noted an approach of 'strategic incrementalism', where technical changes contributed to more strategic and longer-term goals, but noted the challenge of keeping sight of the longer-term strategic objectives (USAID, 2011: 9).

The EU and UN evaluations both highlight the urgent need for improved strategic planning coupled with data on impact – both for accountability and to inform ongoing programming. The UN evaluation criticised 'decades of work aimed at incremental change without a clear sense of the overall objectives or the [desired] "end state"' (Day and Caus, 2021: 21) as well as the lack of information and data about impact or meaningful change on the ground.

3.2.3 Transformation towards normative rule-of-law standards is a long-term, political endeavour

EU and UN programming aimed to achieve effective, transparent and inclusive rule-of-law institutions through capacity-building, advisory support and infrastructure. But institutional reform proved elusive in every country context considered by the evaluations. The EU evaluation concluded that EU support had little overall impact on fundamental rule-of-law reforms in Western Balkan countries due to insufficient domestic political will or ownership of the reforms to drive them forward (European Court of Auditors, 2022). And the UN evaluation recommended that rule-of-law work should be seen as 'fundamentally a political endeavour' rather than a technical one (Day and Caus, 2021: 2).

Complex political dynamics encountered in the evaluation countries included powerful political and economic elites, a strong entanglement of public and private interests, and poorly functioning

and corrupt institutions captured by the elite, in some cases linked with organised crime.

The UN and EU evaluations both recognise that as multi/supranational players they create their own dynamic in reform processes, in some cases inhibiting reform and in others aiding it. For example, the UN evaluation noted that in Colombia and Bangladesh, UN programming is seen as intrusive and unwelcome in promoting a Western agenda (Day and Caus, 2021). In other contexts, such as Afghanistan and BiH, the UN is seen as a relatively unbiased actor in the context of low trust in state institutions (Day and Caus, 2021). As well as the EU's role in promoting EU values in the Western Balkans, the 2011 evaluation of the EU's other justice programming noted the European Commission's (EC) convening power and ability to harness support for reform (EC, 2011).

The UN evaluation in particular picks up on the reality that progress towards rule-of-law standards aligned with UN principles is going to be long term, maybe taking many decades to achieve. The 2011 *World Development Report* on conflict, security and development similarly noted that even the fastest-transforming countries have taken between 15 and 30 years to raise their institutional performance from that of a fragile state (World Bank, 2011). The UN evaluation criticises short-term programming, with UN rule-of-law programmes 'typically conceived of in two-to-four-year periods' (Day and Caus, 2021: 7).

3.2.4 Local, people-centred access to justice programming has tended to be more successful

One positive conclusion is that the UN and EU evaluations suggest that it is possible to achieve gains in justice service delivery at the community level, even when there are adverse overall rule-of-law conditions at the centre. For example, the UN Mali case study notes that despite deep distrust in the formal state and in the independence of the judiciary, there had been successful interventions at the local level through direct engagement with local state actors, civil society and traditional dispute resolution mechanisms (Day and Caus, 2021: 221–222). US programming in Afghanistan (USAID, 2014b), Bangladesh (USAID, 2018b) and Uganda (USAID, 2018c) has mirrored this experience.

An independent 2015 evaluation of UK support to justice programming similarly concluded that while ambitious institutional reform and capacity-building programmes had limited impact, programming on community justice and for women and girls was seen as more promising (ICAI, 2015). This finding is supported by evidence from Sierra Leone and Malawi (Manuel and Manuel, 2021) and Bangladesh (USAID, 2022). ODI's ongoing research will explore this issue in more detail.

Following its systematic review of the evidence, the Task Force on Justice concluded in the *Justice for All* report that the best way to achieve access to justice for all is by abandoning top-down, state-centric, rule-of-law approaches and to put people and preventing and resolving their justice problems at the centre of justice (Task Force on Justice, 2019).

3.3 Evaluation recommendations

The UN and EU thematic reviews highlight programming that aimed to achieve ambitious normative rule-of-law standards, and improved service delivery on the ground, through institutional reform at the centre. Despite the wide range of contexts covered, both evaluations reach similar conclusions: impact has been limited. The evaluations' recommended responses assume no change in the basic approach to justice programming, but suggest changes in programming focus and management.

The EU evaluation recommends an intensification of support for civil society and the media to publicise and support the EU's democratic principles, coupled with reinforced use of conditionality, and also improved project monitoring and reporting. The need to improve the EU's analysis of country contexts was also noted.

The UN evaluation's recommendations have a much stronger emphasis on deeper contextual analysis, including mapping sources of power and drivers of change, and embedding rule of law in broader UN political strategies for particular countries, leading to 'bespoke theories of change' coupled with robust impact evaluation (Day and Caus, 2021: 5). As well as improved analysis and monitoring, the UN evaluation also stresses the need for more dynamic, adaptive and iterative programming, including flexible funding mechanisms, with associated investment in UN capacities to work in more politically informed, learning and iterative ways. Similar recommendations were made in the EU's evaluation of its justice programming outside the Western Balkans (EC, 2011).

As well as improved programme management, the UN evaluation also suggests a shift in rule-of-law programming focus, with a stronger emphasis on inclusion and access to justice. Picking up on the UN/World Bank *Pathways for Peace* report (United Nations/World Bank 2018), the evaluation notes that exclusion from power, opportunity, services and security is a key driver of conflict. It recommends that programming should address this, including through a stronger focus on access to justice, noting that the 2020 UN Special Committee on Peacekeeping Operations recommended that access to justice should form a central part of the UN's rule-of-law work (UN Nations Special Committee on Peacekeeping Operations, 2020). Such an approach suggests a stronger focus on:

- *Justice at the local level.* The UN evaluation noted that while progress at the national level may have stalled, locally orientated

approaches can have direct benefits for people. For example, in Lebanon, UN support for the municipal police helped to reduce local risks of violence and escalation. Providing access to justice locally can also keep the momentum for reform going. The UN evaluation notes that in the absence of support for local implementation, '[national] plans tend to gather dust on shelves'. (Day and Caus, 2021: 197). Other examples cited include Bangladesh, where an inhospitable reform environment at the centre has led the UN to work with union councils (the smallest unit of local government in Bangladesh) to strengthen local dispute resolution mechanisms and community policing, including in refugee and host communities (Day and Caus, 2021).

- *Non-state actors.* The UN evaluation noted with approval support for non-state justice institutions, including civil society and customary and informal justice. This has worked well in a range of contexts, including northern Mali, where formal justice institutions are non-existent, and also in Colombia with its strong civil society justice actors (Day and Caus, 2021).
- *Civil law and dispute resolution.* The UN evaluation notes that support was frequently focused on the criminal justice system, but that civil rights, especially land tenure, is often a major driver of conflict. The evaluation cited with approval UN support for local, frequently informal, dispute or conflict resolution/mediation of land disputes including in Afghanistan, Colombia and DRC (Day and Caus, 2021).
- *Users and their needs.* The UN evaluation noted a range of initiatives that, rather than starting with attempting to reform institutions, instead focused on users of the justice system, their needs and enabling them access justice services. Initiatives included providing legal aid, legal education and victim support. For example (although now superseded by events), in Afghanistan, UN support to legal aid and access to justice resulted in a slight decrease in sexual and gender-based violence. In BiH, UN support for free legal assistance has helped hundreds of thousands of people access justice, as well as raising awareness about transitional justice and war crimes (Day and Caus, 2021).

4 A better way forward: applying evaluation lessons to future programming

4.1 Introduction

Key lessons from the evaluations considered in this policy brief:

- Achieving progress towards high-level rule-of-law norms, such as judicial independence and human rights standards, is a difficult, long-term and highly political endeavour.
- However, it is possible to improve justice service delivery to prevent and resolve people's justice problems, despite poor overall compliance with internationally agreed rule-of-law standards.
- Top-down institutional reform and capacity development of core justice institutions are insufficient to deliver improved access to justice for communities. In lower-income countries the absence of formal justice institutions across most of the country is a key limiting factor.
- Direct donor support for engagement at the community level can improve access to justice for large numbers of people.

The UN and EU programmes evaluated explicitly aimed to achieve progress towards high-level international rule-of-law standards. These programmes focused on top-down institutional reform and capacity development of core justice institutions. The lesson from broader donor justice programming over the past 20 years is that programmes which focused explicitly on improving people's access to justice, and which also adopted similar top-down approaches, also failed to achieve their aims (Manuel and Manuel, 2018). Again, the focus was on top-down institutional reform and capacity-building, with a tendency to replicate foreign notions and institutions. The implicit assumption was that institutional reform would 'trickle down' to improve service delivery for communities. It is now clear that this assumption does not hold. Institutional reform in general is exceptionally challenging and successful examples are rare (Pritchett et al., 2010). Institutional reform in justice is particularly hard to

achieve as justice is a much more politically sensitive area than many other sectors, with the benefits to the elites directly at stake. For example, the recent USAID assessment of rule of law and the justice sector in Bangladesh (USAID, 2022) provides a powerful analysis of the political challenges involved there.

What is much less clear from the research is whether there is a ‘trickle-up’ effect, with investments in people-centred and community-based approaches then leading to improved trust in the state and broader improvements in rule of law and state accountability. Building services that empower people and deliver justice and fair outcomes could enable communities to advocate for larger-scale or systemic respect for rights, and empower people to challenge the elite or at least change the parameters for the elite bargains that are acceptable (current evidence is summarised in OECD, 2020; Weston, 2022). This is an active area of research funded by the International Development Research Centre, which is looking at the evidence on how legal empowerment strategies can contribute to transforming the structural causes of inequality and exclusion.¹¹ Experience to date (e.g. Bangladesh and Kenya) suggests that even when public interest litigation has proved successful in reducing exclusion for specific groups, it is not clear whether this has had a wider impact on the overall rule-of-law context.

This section considers how to apply these lessons and emerging evidence to future donor programming. This is done in light of the latest thinking on people-centred justice and the ODI research on SDG 16.3 summarised in Section 1.

4.2 Community-level access to justice: the need for scaling up and sustainability

Donor community-level initiatives demonstrate that it is possible to make gains at the local level even in a challenging and dysfunctional overall institutional environment. But there are very few examples of programming undertaken with a view to delivering sustainable, affordable and scaled-up justice services to communities. Instead, donor programmes that work on access to justice at the community level typically focus on training/capacity-building and short-term small grants for legal aid providers (see, e.g., USAID programmes in Cambodia (USAID, 2011), Burma (USAID, 2017a) and Uganda (USAID, 2018c)). Programme evaluations cite evidence that support has resulted in thousands of people being given help with their legal problems, but there is no consideration of whether the unit costs are affordable, or of the scalability or sustainability of these services.

Ongoing ODI research in this series¹² is drawing out examples of sustainable, scaled-up, people-centred justice services in low-income

¹¹ www.idrc.ca/en/call-proposals-closing-justice-gap.

¹² <https://odi.org/en/about/our-work/taking-people-centred-justice-to-scale-investing-in-what-works-to-deliver-sdg-163-in-lower-income-countries/>.

countries. Initial findings point to promising approaches which demonstrate the potential to make significant, scaled-up gains in people-centred justice service provision: (1) targeted community-based approaches and (2) criminal justice paralegals and legal aid. Both focus on the provision of free legal advice and assistance. This approach is not presented as a panacea, but it does potentially provide a starting point for consideration of a new, people-centred approach. This ODI research will continue to interact with research by the Hague Institute for Innovation of Law on potential game changers for improving access to justice.¹³

4.2.1 Targeted community-based justice services

Sierra Leone is a rare example of a low-income government funding scaled-up community-based legal advice and assistance. The Legal Aid Board, initially supported by the UK but now taken over by the government of Sierra Leone, is providing cost-effective, scaled-up, community-based justice advice, support and mediation services through a network of community-based paralegals at a cost of \$22 per case (Manuel and Manuel, 2021). This impact has been achieved despite continuing challenges in the broader rule-of-law context in Sierra Leone, as evidenced by its ranking near the bottom of the World Justice Project's 2021 Rule of Law Index at 108 out of 139 countries (Manuel et al., forthcoming). Subsequent research on community-based paralegals in Sierra Leone has also highlighted the benefits and impact of such support (Conteh et al., 2022).

Two other examples are from Kenya, where Korea International Cooperation Agency is funding Namati's network of paralegals to support marginalised communities to access identity documents. Up to 10.8 million people will potentially benefit (the populations of the targeted districts) (Namati, 2022). Another promising study in Kenya suggests the potential to go to scale. Using a randomised control trial, it demonstrates that providing free legal advice and support for land disputes, again at low cost, delivers benefits that are seven times the cost (Aberra and Chemin, 2018). (A ratio over 5 is regarded as good, and anything over 15 would be regarded as exceptional value.)¹⁴

There have also been positive developments over the past 10 years on how best to reduce VAWG).¹⁵ The evidence is that it is much more cost effective to address community behavioural change than to continue to fund police training, family support units or legal awareness. One example is a benefit to cost ratio of 10:1 in Rajasthan (Raghavendra et al., 2018).

¹³ www.hiil.org/projects/working-groups-on-gamechangers.

¹⁴ See Manuel and Manuel (2021) for a more detailed discussion.

¹⁵ See also the What Works to Prevent Violence Against Women and Girls Global Programme: www.whatworks.co.za.

4.2.2 Criminal justice paralegals and legal aid

In Uganda and Malawi, scaled-up and criminal justice paralegals, with affordable unit costs, have supported significant reductions in pre-trial detention rates (Manuel and Manuel, 2022). Similarly, a USAID-funded initiative in Haiti, which provided free legal assistance to detainees, delivered benefits that are five times (and potentially as much as 10 times) the costs¹⁶ (USAID, 2017b).

4.3 Community-level access to justice: the need for a service delivery approach

Political will, or at least political space, is needed to deliver scaled-up improvements in the kinds of people-centred justice services described in Section 4.2. But funding is also key. Even if low-income countries maximised their tax take, and assigned the same percentage of it to justice as OECD countries do, they could not afford to pay even half the costs of basic, people-centred justice services (Manuel et al., 2019). If such countries are to provide access to justice for the majority of their populations, they will need donors to co-finance their efforts for at least the next 10 years.

Encouragingly, ODI research (summarised in Section 1) points to both the relatively low cost of scaled-up basic justice services in low-income countries, and to the potential for targeted investments to give justice donors the same kinds of returns on their investment as they see in health, education and social protection. Donors could learn from what they have done in other sectors, where they have successfully adopted scaled-up, people-centred service delivery approaches (see Manuel and Manuel, 2018). For example, donor funding of community health care workers may hold useful lessons for funding community paralegals. Key aspects of donor approaches in other service delivery sectors include:

- funding country-led strategies for improving service delivery
- long-term affordability of services, with strategies for improved services developed in the lights of available resources, and affordable unit costs
- a strong focus on scaled-up results, based on internationally agreed targets (for the justice sector, focusing on some or all of the SDG targets¹⁷ seems an appropriate first step)
- robust reporting and lesson-learning based on data and evidence collection focused people's experience of service delivery

¹⁶ Authors' calculation based on figures in the USAID (2017) report.

¹⁷ SDG targets: '16.3.1 Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms; 16.3.2 Unsensitized detainees as a proportion of overall prison population; 16.3.3 Proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism, by type of mechanism'.

- strong donor coordination, including through pooled funding mechanisms.

The focus on institutional reform and capacity development programming largely delivered by consulting firms or international NGOs (Denney and Domingo, 2014) has not been conducive to taking justice service delivery to scale. Instead, it tends to deliver isolated results that are not sustainable or scalable. It stands in contrast to the direct co-funding of primary health care workers and teachers, and other community services that donors have been prepared to undertake in the health and education sectors, which have resulted in expanded service delivery and improved outcomes for millions of people. Pathfinders for Justice have suggested that what is needed to deliver justice for all is a transformation in ambition (Task Force on Justice, 2019). Learning from the health and education sectors, it is suggested that what is also needed is a changed approach to donor funding and programming.

As with health and education, where donors have supported service provision at the community/primary level, a politically savvy approach is needed to achieve results. Principles of accountability, transparency and reliability are relevant for service delivery generally, and for access to justice. ODI research has explored the political dynamics around state funding of Sierra Leone's Legal Aid Board and the provision of scaled-up community paralegals (Manuel et al., forthcoming), as well as around reducing the prison remand population (Domingo and Denney, 2013).

As with health and education, a focus on service delivery to communities is likely to involve institutional reform. In Sierra Leone it involved the creation of a new central government agency, the Legal Aid Board (Manuel et al., forthcoming). But ambitious institutional reform aimed at normative standards is not the starting point, nor is a top-down approach based on external notions of what institutions should look like. Instead, the starting point needs to be people, communities and their justice needs and problems (Task Force on Justice, 2019). A people-centred approach should guide institutional reform and service delivery, growing institutions organically in close connection with the local social/political environment. Rather than being based on external notions of access to justice, people-centred solutions tend to emerge and evolve indigenously (Conteh et al., 2022). As recommended by the Pathways for Peace report, they in effect make people partners in the designing and delivery of public services (United Nations/World Bank, 2018).

People-centred service delivery implies finding out more about what people's actual justice problems are (including through legal needs surveys and other tools) and then developing cost-effective solutions to address them (de Langen and Muller, 2022).

There are lessons to be learned from past experience. In 2009, the UK committed to treating security and justice as a basic service, 'on a

par with health or education’ (DfID, 2009). But unlike health and education aid, where the UK and other donors have been willing to fund scaled-up, people-centred services at the community level, justice programming instead continued to be mainly limited to institutional reform and capacity development at the centre, which then failed to ‘trickle down’ to deliver improved service delivery for people. The result was a failure to implement the policy commitment and transform their investments into improved justice services for communities (ICAI, 2015).

4.4 Need for long-termism, modesty and gradualism to achieve improvements in normative rule-of-law standards

The scaled-up service delivery approach described in Section 4.3 has the potential to provide access to justice to millions of people on the ground. In contrast, evaluation lessons point to a very different approach for rule-of-law programming aimed at supporting countries to move towards international rule-of-law norms and more open, democratic societies. The UN, EC and USAID findings on rule-of-law reform mirror findings in other sectors on institutional reform aimed at improving governance standards. While some measurable progress can be achieved, this is often at a superficial level with little progress on key fundamental changes. Pritchett et al. (2010) was one of the first papers to highlight the specific problem of persistent implementation failure in governance and institutional reform, which in turn prompted new approaches such as Problem Driven Iterative Adaptation and a much stronger focus on political economy analysis.

As the UN evaluation states, rule-of-law reform is ‘fundamentally a political endeavour’ (Day and Caus, 2021: 2). The failure of donors either to understand this dynamic or to engage properly with it is seen as a key reason why justice programming has been considered to be deeply problematic, and to have had limited impact. This kind of programming is likely to involve generational change. Not only the timescale but also the skills required and the relationship between donors and partner governments will be very different to a service delivery approach.

Recent broader research on institutional reform in fragile contexts reflects on the role of external actors to support reform. It suggests that despite significant challenges, there is potential for external actors to support progress towards more open and inclusive societies (Heaven et al., 2022). The research emphasises that institutional reform is challenging and complex work. It needs to be undertaken in light of nuanced understandings of a range of interrelated factors. These include the particular dynamics of elite bargains (e.g. how broad or narrow they are and the relationship between political and business actors); the political, economic and social incentives of elites and their susceptibility to external pressures; and the formal and informal rules of the game that underpin the distribution of power

and resources. The research is clear that external actors need to have modesty and gradualism as they seek to support reform processes. Interventions need to be carefully timed and balanced and may involve trade-offs. Progress is likely to take place in marginal steps and be slow, gradual and non-linear.

4.5 Improved access to justice may contribute to broader, long-term objectives

Giving people access to justice and dispute resolution services is an important end in itself and can be delivered despite lack of progress with broader rule-of-law developments. The 2000 Voices of the Poor international survey ranked justice and security among the top concerns of poor people (Naraya et al., 2000). And SDG 16.3 now commits the international community to *ensure equal access to justice for all*.

But providing scaled-up, sustainable, people-centred access to justice at the community level has the potential to provide broader benefits to economies, societies and the social contract (Weston, 2022). For example, the estimated costs of legal problems for the individuals facing them range from 0.1% of gross domestic product (GDP) in Indonesia to 3.2% of GDP in Lebanon (OECD, 2020). Given this scale of costs, finding cost-effective approaches for resolving legal problems would have substantial benefits. Better access to justice can have a direct impact on conflict prevention and reduction by addressing drivers of conflict and inequalities, such as land tenure. There is some evidence that improved access to justice impacts on the social contract more generally (see OECD, 2020; Weston, 2022). It has been argued that '[a] well-functioning justice system – in the broadest sense of the term – can provide some degree of fairness, especially in times of crisis ... It strengthens trust in institutions and between people' (de Langen and Muller, 2022). The UN evaluation provided several examples of this, including in Lebanon and Mali (Day and Caus, 2021). In addition, improved community-level service delivery may feed into and influence elite incentives for deeper rule-of-law/institutional reform (Heaven et al., 2022), including by empowering people to challenge the elite. However, as discussed in Section 4.1, the evidence of a link between improved service delivery and improved high-level rule-of-law norms and accountability and trust in the state is unclear and is the subject of ongoing research.

Rule-of-law programming that aims to support gradual and long-term changes in high-level rule-of-law norms needs to be more modest in its ambition. On the other hand, and in contrast, people-centred access to justice programming has the potential to be *more* ambitious as it supports scaled-up access to justice by directly funding service provision. While long-term institutional reforms are likely to take decades, short-term impact in the lived realities of people can be achieved by investing in policies and interventions which work to

reduce the justice gap. And by scaling access to people-centred community-level justice there is potential to begin answering larger questions about building trust in institutions and strengthening the social contract.

It would be useful to consider the practical outworking of the relationship between these two contrasting programming approaches with their interlinked objectives.

5 Conclusions and recommendations for donors

5.1 Conclusions

Over the past 20 years, donor justice programming has continued to try to achieve justice by implementing top-down rule-of-law reforms. But a series of evaluations and reviews point to the conclusion that this does not work. At the same time, a consistent picture is building of what does work: local-level delivery of justice services, with people-centred approaches, involving a range of government and non-government actors.

The result is that donor justice programming is currently not in a good place. Aid to justice continues to fall. This may be linked to changed donor political priorities, but it is likely that the sector's ongoing inability to demonstrate that it can deliver results at scale and provide a good return on donor investment is also to blame.

A series of evaluations and reviews over the past 20 years, including two recent ones for the EU and UN respectively, have highlighted deficiencies in donor-programming approaches, and the failure of donor investment to translate into either improvements in normative rule-of-law standards or improved access to justice for people on the ground in any significant or scaled-up way.

Despite this, donor programming has delivered some results at the community level. While the prevailing programming approach (delivery mainly via international consulting firms and international NGOs) means that gains tend to be isolated and not sustainable or scalable, they do demonstrate that (as with other service sectors, such as health and education) it is possible to improve service delivery at the community level, even in overall environments that are hostile to rule-of-law and democratic governance norms. Further, emerging lessons from ODI research are that targeted investments in community-level people-centred justice services can be taken to scale on an affordable and sustainable basis.

5.2 Recommendations for donors

- Donor should refocus their justice programming towards a people-centred community-level service delivery approach, as they have done for funding health and education.
- People-centred community-level service delivery programming should be more ambitious, and ideally undertaken through a coordinated, consolidated, international approach. As with other service delivery sectors, a pooled or virtual fund would be one possible solution (see Manuel and Manuel, 2018; 2021; 2022 for discussion of possible options).
 - Donors should move away from fragmented delivery via international consultancies and international NGOs. The implicit assumption in evaluation recommendations is that rule-of-law programmes will continue to be designed and run by external experts, who need to better understand the context and implement programmes more adaptively. However, learning from other sectors, a people-centred service delivery approach would instead involve donors providing funding to national actors (government/non-government) willing and able to lead on delivering scaled-up improved justice services to communities.
 - Such programming should be laser focused on results for people and achieving fair outcomes with improved monitoring and data collection, and reporting against some or all of the SDG 16.3 indicators to grasp the real impact on people's lives.
- A new approach is also needed for donor rule-of-law programmes which aim to improve governance and normative rule-of-law standards in line with democratic values. These programmes are likely to require generational, non-linear change and a highly nuanced, political approach to achieve what are likely to be modest results. External actors would need to develop more modest theories of change, which are more in keeping with context-specific political and institutional realities and capabilities and grounded in national agendas. Careful consideration needs to be given to context-specific delivery mechanisms able to support this kind of incremental change.

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Annex A

Table 1 Top 10 justice aid donors

Top 10 donors	Average spend on LJD and VAWG combined, 2018–2020 (US\$ million, 2020 constant prices)	Comment on expected trend (comparisons of commitment vs disbursements refer to 2020 data unless otherwise stated)
United States	1,057	Average expected to increase significantly. Commitments are 35% higher than disbursements.
EU institutions	583	No clear trend. There is a 47% increase in disbursement between 2019 and 2020 but likely to be reversed as commitments are 56% lower than disbursements.
Germany	137	No clear trend. There is 45% decrease in disbursements between 2019 and 2020 but expected to be reversed in 2021 as commitments are 41% higher than disbursements.
Japan	116	Average expected to fall further. There was a 52% decrease in disbursements between 2019 and 2020 and commitments are 21% lower than disbursements.
Australia	109	Average expected to increase significantly. Commitments are 39% higher than disbursements.
United Kingdom	97	Average expected to fall significantly. There is a 31% decrease in disbursements between 2019 and 2020 and commitments are 36% lower than disbursements.
Canada	95	No clear trend. While there were large increases in disbursements between 2018

		and 2020, commitments are 59% lower than disbursements.
Sweden	72	Average expected to fall significantly. Commitments are 46% lower than disbursements.
World Bank (International Development Association) ¹⁸	65	Average expected to increase significantly, driven by funding for VAWG. VAWG commitments are 28% higher than disbursements.
Norway	61	Average expected to increase significantly. Commitments are 81% higher than disbursements, driven by an increase in commitments for VAWG.

Table 2 Top 10 justice aid recipients

Top 10 aid recipients	Average combined disbursements for LJD and VAWG, 2018–2020 (US\$ million, 2020 constant prices)	Comment on expected trend (comparisons of commitment vs disbursements refer to 2020 data unless otherwise stated)
Afghanistan	340	Average expected to fall significantly. 27% decrease since 2019, driven by a large fall in LJD disbursements (falling by a third since 2018). Commitments are 33% lower than disbursements.
Colombia	165	Average expected to rise significantly. 29% increase in 2020 relative to 2019 driven by LJD disbursements. Commitments are 40% higher than disbursements.
Mexico	145	No clear trend. Large drop in LJD spending in 2019 compared to 2018, stable in 2020.
Kosovo	108	No clear trend.
West Bank and Gaza	50	Average expected to fall significantly. Large drop in LJD spending in 2019 compared to 2018,

¹⁸ Funding from the other main World Bank source – the International Bank for Reconstruction and Development – is non-concessional, so it is not included in OECD DAC aid data.

		stable in 2020. Commitments are 55% lower than disbursements.
Pakistan	44	Average expected to fall. 25% fall in 2020.
Papua New Guinea	43	Average expected to rise. While there was a 30% fall in 2020 commitments are 100% higher than disbursements.
Myanmar	42	Average expected to fall significantly. There was a 37% fall in 2020, a large drop in LJD spending in 2019 compared to 2018.
Yemen, Rep.	37	Average expected to fall. Large drop in LJD spending in 2019 compared to 2018. Commitments are 18% lower than disbursements.
Peru	36	Average expected to rise significantly. Commitments are 68% higher than disbursements.