



**USAID**  
FROM THE AMERICAN PEOPLE

# LESSONS IN LOCALLY LED DEVELOPMENT: USAID/DRG's SHIFTING APPROACH



## RULE OF LAW

USAID's Bureau for Democracy, Human Rights, and Governance's (USAID/DRG) long-term emphasis on locally led development has allowed staff from across its subsectors to learn a number of lessons on how to more effectively operationalize this practice over the years. Indeed, the nature of the work undertaken by the DRG Bureau makes locally led development inextricably linked to much of its programming. Using a "then versus now" format, this document profiles some of the changes implemented by USAID/DRG's Rule of Law subsector in response to these lessons. It should be noted that neither the "then" nor the "now" categories highlighted in this document refer to a fixed time frame. Rather, these labels are intended to simply reflect staff perceptions of how things have changed over time. Moreover, the "now" category should not be viewed as being set in stone, keeping in mind that improving development programming is an ongoing process. Additional documents from this series profiling other USAID/DRG subsectors can be found [here](#).

# RULE OF LAW'S SHIFTING APPROACH TO PROGRAM DESIGN

## SHIFTING TOWARD A PEOPLE-CENTERED JUSTICE APPROACH



### THEN

An approach to program design that **pursued the rule of law through institutional reform** and sought greater public legitimacy of legal processes through **written decisions and the availability of laws.**

VS



### NOW

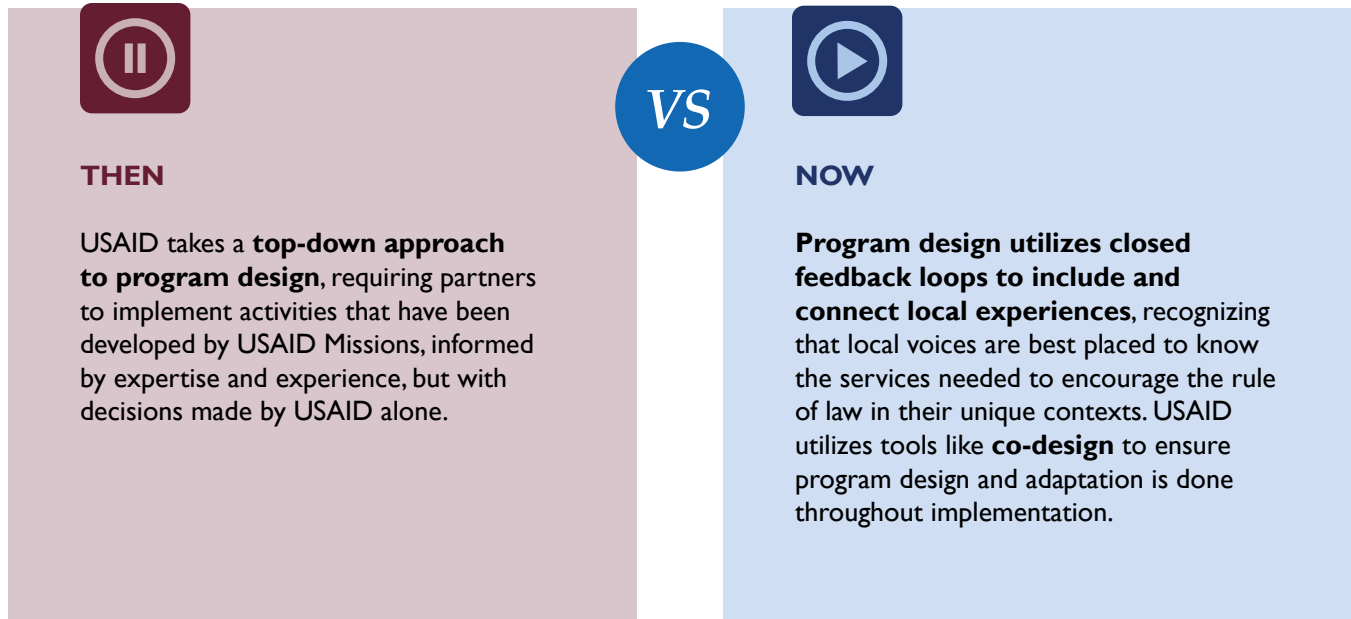
An approach to program design that recognizes that rule of law programming is effective when it is closely tied to its perceived **ability to solve the problems of the individual and focuses on justice service delivery.** This creates public legitimacy.




**Lesson learned:** programming aimed to ensure rule of law justice is shared, seen, and experienced by individuals and designed to focus on providing justice for all will ensure that it is more accessible, user-friendly, and sustainable. It will also facilitate USAID's ability to problem-solve widespread and systemic abuses of law, human rights, and corruption more effectively.

Over the years, USAID/DRG's Rule of Law subsector has shifted its approach to program design from one that primarily sought to strengthen rule of law institutions through the passage of laws, to one that puts greater emphasis on making specific and contextual justice services accessible to all members of society in need. In 2023, USAID introduced a new [Rule of Law Policy](#), underpinned by a people-centered justice approach to program design. This approach prioritizes the individual affected by an institution or law, rather than the institution or law itself. In this way, the approach aims to develop or enact changes in policies, institutions, processes, and practices that conform to the needs of individuals and their human rights within particular contexts, rather than assume a law or policy will address the needs of an entire population. **Justice services are thus uniquely tailored, and able to directly respond to existing needs.** This shift is evidenced by [USAID's Justice for All \(J4A\)](#) program in Ukraine under which legal clinics and legal community advice centers adapted to meet changing demands in the wake of the Russian aggression. Those that once provided property and restraining order services among other forms of assistance are now moving to war crimes documentation and services to displaced populations.

Importantly, the DRG Bureau has also sought to better consider the needs of often marginalized populations, including through an increasingly nuanced understanding of the gender implications associated with the rule of law. Program design has evolved in this way, utilizing the knowledge and experiences of both men and women to address the specific needs of both when implementing rule of law systems, and recognizing how a failure to understand the gender landscape impedes justice.



 **Lesson learned:** *in contrast to a top-down approach, approaches to design that utilize closed feedback loops facilitate increased partner engagement and trust in the justice systems the program is attempting to strengthen.*

Utilizing strong and **inclusive feedback mechanisms that allow for local voices to be heard, acknowledged, analyzed, and responded to** ensures that USAID Missions no longer operate on islands of practice. Further, both Missions and implementers are now utilizing closed feedback loops to gain valuable insights into local priorities and experiences at every stage of the design process, therefore being able to understand prior program implementation issues and create a sustainable and effective path forward. Stronger emphasis is therefore being placed on co-design processes in which feedback is built into the program and/or activity design process, and local partners can be core stakeholders in the learning process, being given the chance to validate Mission ideas and objectives. This is especially important for rule of law activities and services, as an inherent lack of trust is present in public programs, institutions, and individuals. **Feedback enables trust to be built through specific, visible, and accountable reforms.**

Closed feedback loops are baked in throughout [USAID's Justice Activity](#) in Kosovo, implemented by Chemonics. In addition to conducting a series of nationwide surveys to solicit feedback from over 5,500 court users and the public with the aim of improving judicial services, introducing user-friendly solutions, and fostering higher satisfaction and trust in the judicial system, in October 2022, the project

organized the first annual Kosovo Justice Innovation Summit. The Summit brought together more than 100 citizens, members of civil society, businesses, international donors, and justice system actors aiming to inspire greater innovation in the justice sector and to help put people and their needs at the center of justice solutions. The Summit also served as the foundation for the launch of the Justice Innovation Network, designed to engage all citizens that use the justice system in finding new, more effective, and easier ways to solve justice problems.

## KEY DEFINITIONS

**Co-design** is a collaborative approach to problem-solving and innovation that involves bringing together different stakeholders to work together to design solutions. This can be done through workshops, design sprints, and other participatory methods. The goal of co-design is to develop solutions that are more likely to be successful, as they will have been developed with the input of the people who will be using them.



### THEN

Missions designed programs with a **cause-and-effect approach, assuming specific improvements will generate desired results.** System-level thinking was very limited, with local actors only consulted during the implementation stage of program development.



### NOW

USAID's rule of law approach has placed an **emphasis on local systems and solutions**, whereby USAID's Missions work alongside trusted local partners to ensure rule of law programming prioritizes local solutions to local problems. Expanded methodological approaches and integrated delivery methods are also utilized to improve system-level engagement.



**Lesson learned:** *program design is more effective when the wider rule of law system is taken into consideration. Sustainable programming is only possible when it occurs within existing systems. These systems must be adequately analyzed and engaged to help uncover hidden social and political dynamics and provide a clearer picture of the key stakeholders and their incentives, supporting greater ownership and better attainment of results.*

USAID/DRG's local partner-centric approach to development in the rule of law space is part of a wider **shift toward the adoption of a systems approach**, which emphasizes solutions that consider the interconnectedness of all the elements in a system. Through the adoption of a systems approach, USAID recognizes the variation of justice systems and practices that can exist within a particular

state, and relies on local partners to provide real-time guidance on how to most effectively solve existing legal problems, taking into account their local costs and associated risks. A systems approach therefore also seeks to further strengthen existing informal and customary local justice systems while simultaneously tackling state-sponsored practices by unlocking existing monopolies on justice delivery models and services, creating consistent barriers to access for everyday citizens.

The Carter Center's [Access to Justice](#) program, funded by USAID and other donors, demonstrates this shift. The project is designed to enhance the quality and accessibility of justice and prevent violence by adopting a range of solutions that engage a variety of local stakeholders. Specific activities undertaken by the project include strengthening the administration of justice, developing civic education and community justice services, training community leaders, and engaging in policy dialogue and reform. Examples of initiatives supported by the program include the establishment of a Sexual and Gender-Based Violent Crimes Unit within the Ministry of Justice; the strengthening of law education, including through the establishment and running of the James A.A. Pierce Judicial Institute for training magistrates and judges and through the development of a Liberia Law Fellowship Program in partnership with the Transitional Law Institute of Washington and Lee University School of Law; and the training of community justice advisors who provide civic education, voluntary mediation, and case-specific information to community members.

To support programming that better incorporates a systems approach, **methodologies such as a Political Economy Analysis (PEA) and USAID's Collaborating, Learning, and Adapting (CLA) framework are increasingly utilized** to understand relevant history, conflict, and culture that may affect rule of law programming in a specific context. Local actors are relied on to provide an analysis that is factual, and data-driven. Specifically, PEA is used to understand opportunities and constraints to programming that may have political consequences. Integrated delivery methods such as inclusive justice practices are then able to be properly and effectively designed.

## KEY DEFINITIONS

**PEAs** are a “structured approach to examining power dynamics and economic and social forces” that make up the systems where USAID works. In doing so, they help identify sustainable, locally generated solutions.<sup>1</sup>

**CLA** is a set of systematic and intentional practices that help improve development effectiveness. Strategic collaboration, continuous learning, and adaptive management link together all components of the Program Cycle. Integrating CLA into USAID's work helps to ensure that its programs are coordinated with others, grounded in a strong evidence base, and iteratively adapted to remain relevant throughout implementation. For more information visit the [Learning Lab website](#).

---

<sup>1</sup> U.S. Agency for International Development (USAID). 2018. “USAID's Policy, Program, and Learning Framework for Sustainable Development (PEAF).” Accessed September 26, 2023. <https://www.usaid.gov/sites/default/files/2022-05/PEA2018.pdf>.

## A GREATER FOCUS ON OVERSIGHT AND ACCOUNTABILITY



### THEN

USAID prioritizes rule of law programming that **pursues greater judicial independence through institutional reform alone**. Improving the ethical codes of conduct and obligations of these institutions is believed to improve overall public legitimacy of the judiciary.

VS



### NOW

USAID also recognizes the importance of **proper oversight mechanisms that strengthen public transparency** and recognizes that ethical codes alone are insufficient to increase legitimacy in overarching system corruption and misbehavior.

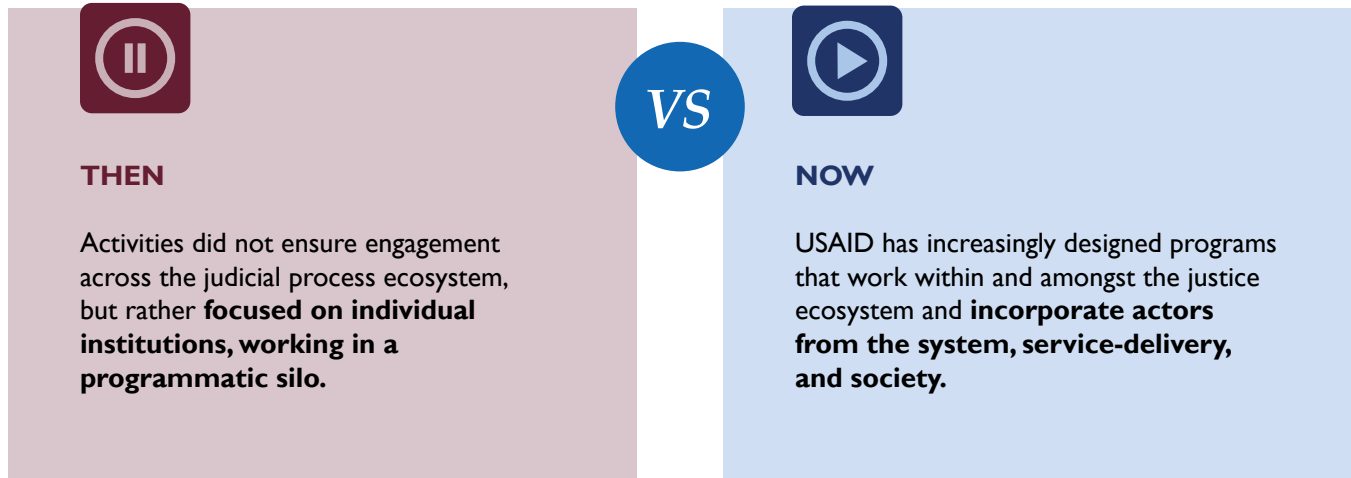



**Lesson learned:** *ensuring proper oversight and transparency efforts in addition to independence is paramount in bolstering a justice system that is legitimate and trusted, and most importantly, is impartial and accessible to the public. When citizens understand rule of law programming and believe they have agency in its delivery, true democratic participation and evolution is possible.*

While USAID/DRG continues to consider judicial independence programming as vital and necessary, it has increasingly prioritized oversight and accountability mechanisms in rule of law programming with the aim of reducing opportunities for corruption and enhancing the efficiency of judicial systems. **By not only increasing USAID's ability to oversee programming, but training the local judiciary to build their oversight capacity, corruption and elitism can be caught before it permeates all levels of the judicial process.** Incorporating oversight tools is beginning to extend beyond government and rule of law institutions and into civil society to constrain corrupt abuse of power, temper the use of excessive force, encourage professionalism, improve governance, and strengthen the protection of marginalized populations. This thus creates legitimate and sustainable practices and supports effective service delivery to citizens. This shift is reflective of the growing level of emphasis the DRG Bureau has placed on a people-centered approach to justice. Indeed, while improving the ethical codes of conduct and obligations of government institutions helps make for a more just political system, oversight tools allow individuals to engage with said system, helping shape their perceptions of its legitimacy.

USAID/DRG's increasing emphasis on oversight was evident in its rule of law programming in Jordan, as well as the West Bank and Gaza, in the form of technical assistance that strengthened judicial effectiveness and oversight by creating and strengthening existing high judicial councils. This was important, as the judicial systems in both countries were nepotistic and ran on the provision of favors. By embedding advisors who assisted with the planning and conduct of judicial inspections, the court systems were able to become more transparent and professional, as they were increasingly run

on merit. In the West Bank and Gaza, USAID also established and trained judicial personnel on the MIZAN Court Automation System, which optimized court management and provided real-time case information to courts across the country. This system created a platform to collect judicial data that therefore allowed for easier oversight of the courts by the High Judicial Council in the country.<sup>1</sup>



 **Lesson learned:** *knowledge sharing and best practices across the entire justice system allows for increased problem-solving capabilities of justice providers and creates a coordinated and effective system of checks and balances.*

In recent years, USAID has shifted its focus from designing programs that prioritize individual institutions, to ones that have **expanded across the spectrum of judicial institutions, services, and non-governmental actors**, thus achieving improved and sustained rule of law. By developing programming that targets and consults all facets of society, USAID is able to create a community of knowledge and more efficiently connect local partners to those with rule of law and justice-related experience and expertise. In encouraging dialogue between justice providers and communities, it becomes easier for local partners to continue rule of law programming after USAID has left a country or target area. In line with the **Open Government Partnership and the Open Government Plan 4.0**, USAID has sought to combat corruption, increase transparency, and introduce “open justice” activities through collaboration among executive and legislative authorities, security networks, civil society, human rights defenders, judiciaries, and legal professionals.

USAID Ghana’s **Justice Sector Support (JSS) Activity’s** engagement with multiple levels of the justice ecosystem was central in helping the program strengthen the accountability of key justice system institutions (JSIs). For example, it worked with individuals and civil society organizations to increase monitoring and oversight of criminal cases and to advocate for improved justice service delivery. It also worked with mass media to improve institutional accountability and transparency on justice service delivery by airing programming that highlighted and examined the work of the justice institutions, as

<sup>1</sup> Marilyn Zelin, Chantal Agarwal, Aimee Rose, Victoria Ayer, Achieng Akumu, Catherine Caligan, and Bailey Fohr. USAID RULE OF LAW ACHIEVEMENTS REVIEW, 2005-2020 ASIA REGIONAL SUMMARY. Social Impact, Inc., August 2022.



well as the challenges and infractions in the justice service delivery system. Additionally, it engaged civil society organizations and such JSIs as the Ghana Police Service, the Ghana Prisons Service, the Office of the Attorney-General, the Economic and Organized Crime Office (EOCO), the Legal Aid Commission (LAC), and the Judicial Service to enhance coordination and communication between each institution.

# RULE OF LAW'S SHIFTING APPROACH TO IMPLEMENTATION

## A SHIFT TOWARD INCREASING ENGAGEMENT WITH CIVIL SOCIETY



### THEN

**USAID's approach to program implementation involves limited engagement with civil society** organizations and actors, hindering locally led development practices.

VS



### NOW

USAID works with civil society as key providers of programming, seeking their support on service-delivery, advocacy, oversight, and data collection. **Civil society organizations are now becoming core stakeholders in program implementation**, often consulted as experts.



**Lesson learned:** in line with USAID's locally-centered approach to program implementation, the DRG Bureau is working toward utilizing approaches that better capture the voices of civil society. Programs that recognize a resilient civil society to be intrinsically representative of a well-functioning democracy and judicial system support more sustainable change than ones focused on narrowly advancing specific USAID development priorities by supporting rule of law instrumentally.

Over the years, USAID/DRG's Rule of Law subsector has shifted its approach to program implementation from **one where specific facets of civil society**, such as non-governmental service providers, quasi-regulatory associations of legal professionals, or advocacy organizations, **are minimally engaged, to one where they increasingly play a leadership role.**



This change has meant completely reimagining the overall role civil society organizations can play in rule of law programs. Specifically, whereas previously rule of law subsector programming primarily sought support from civil society actors on pre-planned initiatives, such as advising on policy change and improving legal literacy, the primary objective now tends to focus on strengthening the resilience and robustness of civil society actors and **providing space for them to play a crucial role in collecting data, solving people’s legal problems, and continuously monitoring and reporting on corruption, human rights abuses, and crime.** This shift recognizes that a thriving civil society is more indicative of a just and equitable system and has the power to more sustainably advance change than a stand-alone institutional reform, ethics rule, or policy amendment. It is also grounded on the premise that individuals and communities are best placed to know what their needs are.

## SHIFTING TOWARD A GREATER EMPHASIS ON PUBLIC PERCEPTION IN PROGRAMMING DECISIONS



### THEN

Rule of law programming heavily relies on the **need to uphold or integrate human rights laws into justice institutions.** Human rights are viewed as the key to institutional reform, without extensive consideration for other rule of law programming.

VS



### NOW

USAID has expanded their understanding of the rule of law, recognizing that **human rights is only one facet of a larger justice ecosystem focused on solving people’s everyday legal problems and satisfying their justice needs.**

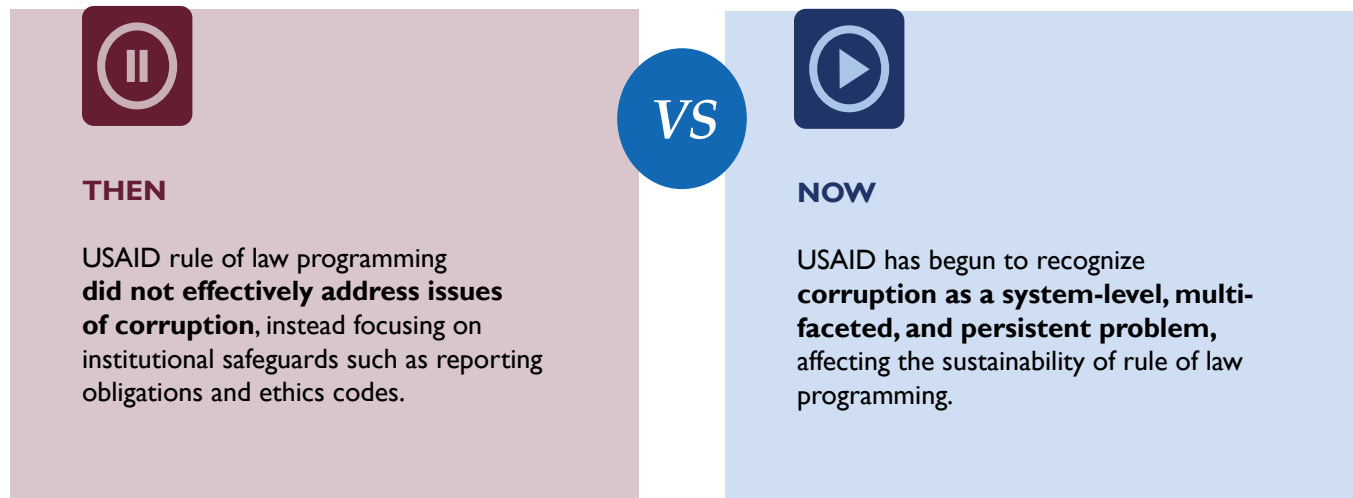



**Lesson learned:** *to strengthen the overall resilience and robustness of rule of law programming, a more diverse understanding of the underlying factors affecting the rule of law is necessary. Institutional reform through the introduction of human rights policy or practice cannot be prioritized over activities that may prevent crime and corruption, solve people’s every day legal problems, or introduce advocacy campaigns and legal tools to protect civil society and everyday citizens from human rights abuses.*

In 2023, alongside the [Rule of Law Policy](#), USAID **formally adopted a definition of the rule of law:** “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.”<sup>1</sup> In this definition, human rights continue to act as an organizing principle for rule of law assistance.

1. United Nations. The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General. New York, NY: 2004.

However, it importantly does not define the **rule of law as synonymous with human rights law, but instead understands that rule of law programming, in its various forms, will further international human rights values, with support from a range of disciplines.** This broadened understanding of rule of law assistance leaves more room to build around existing local agendas. Instead of a one-size-fits-all approach, USAID utilizes rigorous data and local partners to consider how specific rule of law challenges fit within the specific development context of a country to create multi-disciplinary, iterative, and data-driven programs. Rule of law programming is no longer just for lawyers.



 **Lesson learned:** by addressing the root causes of corruption, the USAID/DRG Bureau can administer programming that recognizes the dynamic interplay between the perception of injustice and corruption, and the actual lived experiences of these issues by local stakeholders. Programming is therefore more specifically targeted, impactful, and long-lasting.

USAID has increasingly prioritized anti-corruption efforts in rule of law program implementation across the world. By allowing for **responsive and flexible programming that addresses corruption at its source, USAID is able to solve legal problems, prevent human rights abuses, encourage democratic practices, and safeguard U.S. investments around the world.** Such programming involves fostering local partnerships of the non-profit, civil society, private, and public sectors and strengthening existing safeguards to ensure programming is delivered to those in need, and not inadvertently diverted by corrupt actors. Rule of law programming that recognizes the effect of corruption works to ensure that public social goods are accessible to all members of a population, and not only elite or ruling parties. Rule of law programming that seeks to implement anti-corruption tools and increase the local capacity to address corruption in their own environments can also be utilized by USAID more broadly, as corruption spans widely across sectors.

Such programs as the [Empowering Anti-Corruption Change Agents Program](#), the [Countering Transnational Corruption Grand Challenge](#), the [Global Accountability Program](#), and the [Anti-Corruption Response Fund](#) all seek to work with local stakeholders to develop innovative and contextual ways to implement anti-corruption efforts in their own backyard. The [Rule of Law IDEAS Lab](#) was also created to help implement these programs, based on a process of knowledge-sharing, data collection, and consistently relevant experimentation.



## PROJECT SPOTLIGHT: SUPPORTING CIVIL SOCIETY TO LEAD ON TACKLING CORRUPTION

The USAID-funded [Transparent, Effective and Accountable Municipalities \(TEAM\)](#) Activity was designed to support the Government of Kosovo in strengthening systems and limiting opportunities for fraud, waste, or abuse in public procurement. Central to these efforts was TEAM's work to build the capacity of civil society organizations to exercise citizen oversight of municipal procurement in a watchdog role and to provide checks and balances by exposing corrupt practices and working with citizens and local governments as partners in the process of procurement modernization. Through hands-on workshops and mentorship opportunities, coupled with the establishment of an open procurement platform to enable citizens, media, and interested parties to access information on awarded contracts by public institutions, TEAM helped increase the intensity and quality of corruption tracking and exposure by civil society.

# RULE OF LAW'S SHIFTING APPROACH TO MONITORING AND EVALUATION

## GREATER INTEGRATION OF COLLABORATION, LEARNING, AND ADAPTING (CLA) IN MONITORING AND EVALUATION PRACTICES



### THEN

**Limited use of iterative programming and experiential learning models** to evolve existing practices and tailor ideas for future programs from effective, evidence-based successes.

VS



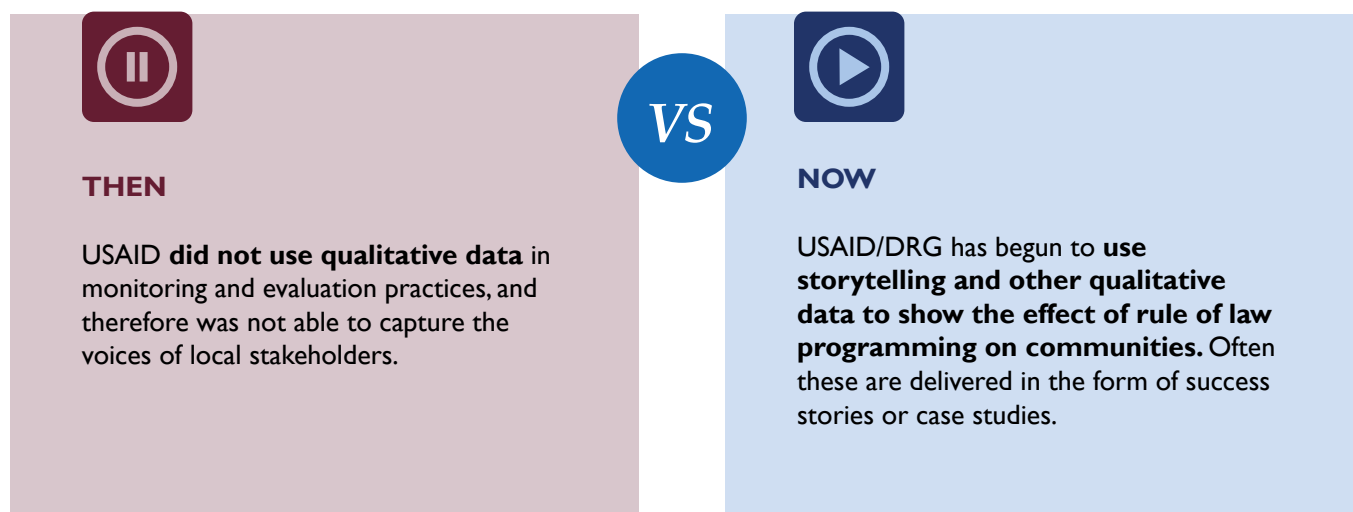
### NOW


**USAID prioritizes knowledge and evidence by using data and lessons learned** to create more effective and reliable rule of law programming.



**Lesson learned:** by creating and utilizing an evidence base of rule of law programming, USAID can ensure programming is adaptive, iterative, and better solves contextual problems based on measurable results and experiential learning.

USAID/DRG's approach to monitoring and evaluation has shifted to mirror the Bureau's efforts to emphasize data-driven and iterative project design and implementation processes. **Cross-program learning, adaptation, and outcome harvesting is practiced in understanding** problems, highlighting successes and failures of existing programming, and incorporating lessons learned into rule of law activities. The first ever rule of law [Evidence Gap Map](#) was created to provide data on over 700 rule of law programs, covering varying geographic areas and topics. This study analyzed to what extent rule of law programming was effective in ensuring judicial laws, institutions, processes, and practices were responsive to the needs of all populations within a society. The Evidence Gap Map provided a visual representation of USAID rule of law successes, program overlaps, unintended outcomes, gaps in understanding, and necessary next steps for future growth. This product, as well as continued iterative practices and tools, will inform **measurable and data-driven decision-making** in the rule of law subsector.



 **Lesson learned:** *qualitative data is an important tool when attempting to facilitate a bottom-up and localized approach to monitoring and evaluation.*

Rule of law programming has recently **incorporated qualitative data into their monitoring and evaluation practices as a way to give local partners the opportunity to share their insights and reflections into all aspects of program design, implementation, and analysis**. Gaining local perspectives is imperative to understand if the program addressed the justice needs of local communities. Utilizing tools such as surveys and key informant interviews to gather data is also helpful when navigating local social mores and practices, and how they interact with international human rights standards. In the Dominican Republic, [USAID's Criminal Justice Strengthened System Project \(CJSSP\)](#) was designed to improve the quality and effectiveness of prosecutions and increase access to justice for vulnerable people. The project continuously looked to and relied on evidenced-based programming, including via well-documented best practices in justice reform or via practical lessons learned from the lived experiences of the project and its partners and counterparts. In doing so, CJSSP aimed to better grasp root causes of performance gaps and iteratively seek meaningful solutions.