

# **Aid to Judicial Reform: Norwegian and International Experiences**

Elin Skaar, Ingrid Samset, Siri Gloppen

R 2004: 12

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## **Executive Summary**

Creating a viable judiciary and strengthening its democratic functions have been main concerns of both national governments and donors over the last two decades. This report charts the efforts that have gone into judicial reform, both those of the international donor community and, more particularly, those of Norwegian aid agencies. A common purpose of these various efforts has been to make national legal systems function in a more efficient and fair manner. Norwegian assistance to judicial reform is of relatively new date, but of increasing magnitude and importance. The report places the Norwegian experience in a broader context by assessing how various international donors – multilateral, governmental, and non-governmental – have operated in this field. At the international level, the report identifies what parts of the judiciary have been targeted for reform and reasons why these sectors have been chosen; what channels have been used to distribute the assistance; and lessons learned so far. Experiences from Latin America and Africa are highlighted as these are considered particularly relevant for how Norway has chosen to organise its judicial reform assistance. The report subsequently assesses the history, channels, geographical orientation, types, and financial magnitude of the Norwegian aid to the justice sector. The case studies of Norwegian assistance to Guatemala and Ethiopia open up for more in-depth reflections on what works and what does not work when external donors set out to help governments reform their judiciaries.

### **Main findings:**

- Donor assistance to judicial reform in Latin America and sub-Saharan Africa differ on three main dimensions: (1) International assistance to Latin America started a decade earlier than the assistance to Africa, and has been of much greater magnitude. (2) Multinational donors and regional banks have been key funders of judicial reform in Latin America, whereas assistance to Africa has principally been channelled through governmental donors. (3) Latin American jurists have been dynamic promoters of reform in their own region, whereas judicial reform efforts in Africa seem primarily to be donor-driven.
- Norway entered the judicial reform scene only in the mid-1990s. Aid from Norad and the Norwegian Ministry of Foreign Affairs to legal and judicial development tripled between 1999 and 2003. Nevertheless, Norway remains a minor player on the judicial reform donor scene in comparative terms. In absolute terms, the share of the Norwegian foreign aid budget devoted to judicial reform is also small: only one percent in the peak year of 2003.
- The geographical focus of Norwegian judicial reform assistance has been on Africa and Europe, and its thematic focus on legal training and access to justice.
- Norwegian motivations for getting involved in judicial reform efforts can be identified at three levels. One motivation arose from a wish to advance Norway's police reform assistance, as it was realised that an effective police force requires a well-functioning judiciary as well. Another motive stemmed from Norway's development cooperation work, where a weak legal system was seen as an obstacle to increasingly important aims such as human rights, good governance, democratic accountability, and the fight against corruption. Thirdly, the wish to support judicial reform was linked to the emerging peacebuilding agenda of Norway's foreign policy, as it was realised that post-war countries need strong legal systems - both to deal with the violent past, and to prevent armed conflict from recurring.

- Two important findings may be drawn from the judicial reform experiences of Guatemala and Ethiopia: (1) The aid strategy chosen by Norway is influenced by the historical background to the Norwegian judicial reform engagement. (2) Even though there are certain advantages and disadvantages connected to using the inter-governmental, government-to-government, or non-government channels; the viability and usefulness of each channel must be considered in the given country context. What works well on one country does not necessarily work well in another.

### **Recommendations:**

Since judicial reform is a very complex area, involving a multitude of institutions and actors, it is difficult to ensure efficient and effective reform. Yet, some precautions may be taken:

- For individual judicial reform projects to be viable, attention must be paid to all stages of the reform process: (1) At the design stage, proper diagnostics, appropriate project design, getting on board relevant stakeholders, and fitting the individual project into a larger reform context are crucial. (2) At the implementation stage, success depends on proper coordination of efforts and the comprehensiveness of the reform. (3) At the evaluation stage, relevant indicators must be developed to assess the project; there must be sufficient financial resources, and one must aim for transparency when disseminating the results.
- Donor coordination is essential to successful judicial reform in order to avoid duplication of efforts, but also to make sure that all relevant part of the legal chain are targeted during reform so as to avoid unintended side effects of particular reform efforts. However, care has to be taken to ensure local ownership.
- Before getting involved in new projects, it is therefore essential that donors know what other donors in the field are doing, and that lessons – positive as well as negative – from own as well as others’ current and historical experiences are built on.

The report concludes that we need to know more about what has already been done in the area of judicial reform before we go further. To facilitate useful evaluations, it is important to improve our understanding of what judicial reform is and should be, and to develop appropriate indicators. Such indicators should cover relevant aspects of the legal process, such as access to the legal system; the responsiveness of legal institutions; the institutional capacity to transform legal claims to judgements; and the authority of legal decisions. Political will to implement judicial reform by offering political, financial and administrative support is a crucial factor. Donor initiated reform efforts without internal political backing are seldom sustainable. Evaluating performance in the field of justice requires a broad approach. Successful judicial reform requires that both short-term strategies and long-term commitments have the ‘overall reform strategy’ in mind. Comprehensiveness and coordination – in thinking as well as in action – are essential if judicial reformers are to contribute to the building of the rule of law.

## List of Abbreviations

<i>Abbreviation</i>	<i>English name</i>	<i>Name in language on which abbreviation is based</i>
ADB	Asian Development Bank	
AfDB	African Development Bank	
CEH	Historical Clarification Commission (Guatemala)	Comisión de Esclarecimiento Histórica
CIDA	Canadian International Development Agency	
CRC	(The UN) Convention of the Rights of the Child	
DAC	Development Assistance Committee (OECD)	
DFID	Department for International Development	
DNA	Norwegian Bar Association	Den norske advokatforening
DRC	Democratic Republic of Congo	
EBRD	European Bank for Reconstruction and Development	
EC	European Commission	
Emb	Norwegian Embassy	
EPRDF	Ethiopian People's Revolutionary Democratic Front	
EU	European Union	
FOKUS	Forum for Women and Development	Forum for kvinner og utviklingsspørsmål
GTZ	German Agency for Development Cooperation	Deutsche Gesellschaft für Technische Zusammenarbeit Instancia Coordinadora de la Modernización del Sector Justicia
ICMSJ	Judicial Branch Modernisation Commission (Guatemala)	
ICRC	International Committee of the Red Cross	
IDB	Inter-American Development Bank	
ILAS	Institute of Latin American Studies	
IWL	Institute for Women's Law (University of Oslo)	
JSRP	Justice Sector Reform Programme (Ethiopia)	
JURK	Legal Advice for Women	Juridisk rådgivning for kv inner
MFA	Ministry of Foreign Affairs, Norway	
MINUGUA	UN Verification Mission in Guatemala	Misión de Naciones Unidas en Guatemala
MJP	Ministry of Justice and the Police, Norway	
NCA	Norwegian Church Aid	
NCHR	Norwegian Centre for Human Rights (University of Oslo)	
NGO	Non-governmental organisation	
NOK	Norwegian kroner	
Norad	Norwegian Agency for Development Cooperation	
NORDEM	Norwegian Resource Bank for Democracy and Human Rights	
NPA	Norwegian People's Aid	
NPD	National Police Directorate	
NRC	Norwegian Refugee Council	
NRX	Norwegian Red Cross	
NUPI	Norwegian Institute of International Affairs	Norsk utenrikspolitisk institutt
OSCE	Organisation for Security and Cooperation in Europe	
PSCAP	Public Sector Capacity Building Programme (Ethiopia)	
RB	Redd Barna	
RNE	Royal Norwegian Embassy	
SADC	Southern African Development Community	
SCAC	Service de cooperation et d'action culturelle (France)	
Sida	Swedish International Development Cooperation Agency	
UN	United Nations	
UNDP	United Nations Development Programme	
UNHCHR	United Nations High Commissioner of Human Rights	
USAID	United States Agency for International Development	
USD	United States dollars	

## Introduction

Judicial reform represents a relatively new terrain for Norwegian development assistance. Few attempts have been made to chart the efforts going into this area or to systematise experiences gained in different regions and by the various agencies involved. This report aims to fill in some of this gap. By combining analytical perspectives and empirically based insights, we hope to provide tools for critical reflection and a better basis for future policymaking in the field. We do not purport to present a complete mapping of the terrain – that would require a full-scale evaluation, which is far beyond the scope of this project. However, by drawing on experiences emerging from international and Norwegian judicial reform projects and processes, as well as the growing theoretical literature in this field,<sup>1</sup> we do discern patterns with a broader significance.

The first part of the report outlines a theoretical framework for analysing judicial reform, placing it within the broader context of the justice sector, peacebuilding and democratisation efforts. To provide the empirical context for understanding the Norwegian efforts in this field, the second part of the report systematises major international developments in the area of judicial reform assistance, as well as findings from the academic literature. In part three, focus is on Norwegian aid to judicial reform within the broader justice sector. In addition to presenting the major patterns across this field – as to what is done, by whom, and where – more in depth reflections are enabled by the two case studies of Guatemala and Ethiopia.

## Part I. Understanding Judicial Reform: A Theoretical Framework

Judicial reform is a complex field involving a multitude of actors, institutions and objectives. To facilitate systematic reflection, deliberation and development of policy, we start this report by constructing a theoretical framework. First, we clarify the concept of judicial reform, indicating how it relates to other concepts such as justice reform, rule of law reform, security sector reform, reforms to advance human rights, democracy, and good governance and post-conflict reconstruction.

### 1.1 What is judicial reform?

*Judicial reform* (also termed *legal sector reform*)<sup>2</sup> refers to efforts to improve the functioning of a country's legal system, both in terms of fairness and efficiency.<sup>3</sup> The *legal system*

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<sup>1</sup> There is an emerging body of literature focussing directly on aid to judicial reform: Alford et al. (2004); Banks, Green, and United States. Supreme Court (2001); Biebesheimer and Mejía (2000); Dakolias (1996); Dakolias and Thachuk (2000); Domingo and Sieder (2001); Hambergren (1998); Linarelli and Herzog (2000); Van Puymbroeck (2001). Relevant insights can also be gleaned from the literature on democratisation and institutional change: Bratton and Van de Walle (1997), Burnell (2000); Carothers (2004); Carothers and Ottaway (2000); Gyimah-Boadi (2004); Schedler (1999); and from the literature on law and society: Buscaglia, Ratliff, and Cooter (1997); Ely (1980); Gløppen, Gargarella, and Skaar (2004); Habermas (1996); Hutchinson (1989); Rosenfeld and Arato (1998).

<sup>2</sup> The two concepts will be used interchangeably. Judicial reform is the commonly used term, and the definition varies somewhat between authors. For a clarification of how these concepts relate to Norwegian development aid, see section 3, note 45.

<sup>3</sup> *Improvement* may also be understood as a shift bringing the operation of the legal system closer to international best practice, partly defined in terms of human rights and rule of law norms. It should, however, be noted that there are few uniform standards. Developed legal systems diverge on central dimensions, and what constitutes improvement may be contested on the basis of justice and fairness (which is relative to the conception of justice

encompasses the legal framework – that is, the constitution, statutes, regulations, customary law and international legal obligations – as well as the institutions that interact to form the judicial process, giving effect to the legal norms. These include most centrally the courts, the judicial administration, public prosecutors and defenders. The term as used here also includes alternative dispute-resolution mechanisms (ADR), tribunals and ombudsman institutions – which in many cases play an important role in providing access to justice, easing the load on the ‘core’ legal institutions.

In addition, the legal system has a penumbra of institutions that are central for the operation of the legal process; providing legal education and training, legal aid, legal advice, information and rights advocacy. These may be public or non-governmental, and often a range of institutions are involved, including law schools, law societies, bar associations, legal aid NGOs, and human rights organisations.

Figure 1: Judicial Reform and the Justice Sector

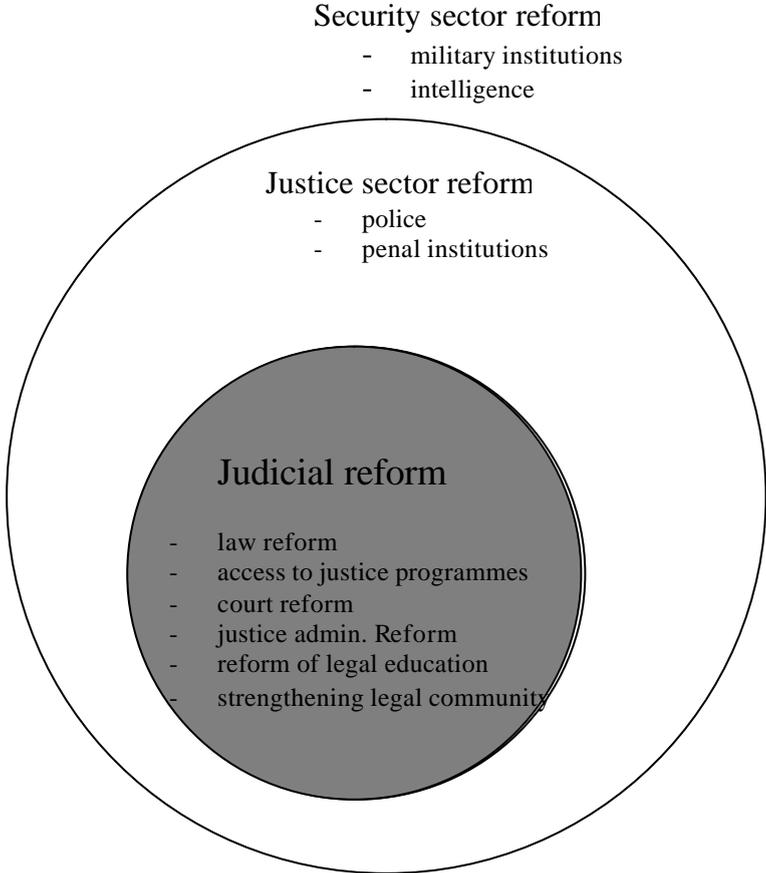


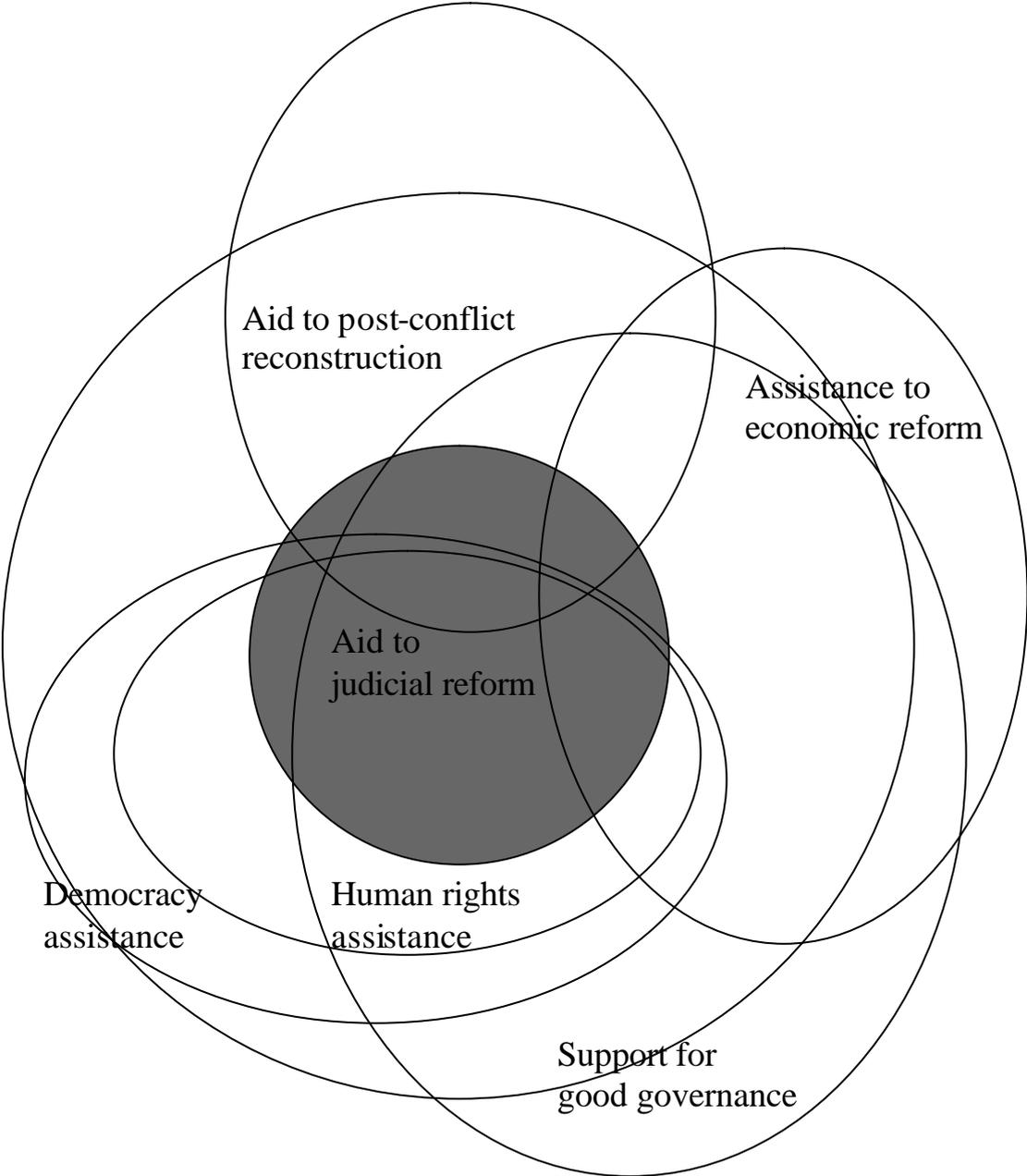
Figure 1 illustrates how judicial reform forms part of a broader category of *rule of law reform* or *justice reform*, which in addition to the institutions discussed above encompasses the police and penal institutions. This, in turn, is part of an even larger complex of *security sector reform*, including military and intelligence institutions. Many of the reforms that fall into

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in a society) as well as efficiency. We refer here to a *country's* legal system, but judicial reform may also take place at other levels, involving only a minor geographical or functional area, or at a regional or international level, involving several states.

these categories are, for purposes of development assistance also defined as support for *good governance, human rights assistance, democracy assistance, support for economic reform* and/or aid to *post-conflict reconstruction*. Figure 2 illustrates this relationship.

Figure 2: Aid to Judicial Reform as Development Assistance



To add to the complexity, aid to judicial or legal sector reform is in itself a composite category, subsuming a range of different interventions. Some interventions could fit into more than one category, but for analytical purposes it is useful to distinguish between: *law reform; court reform; reform of judicial administration; support for the legal community; reform of legal education and training; and access to justice programmes*. As we will see when we return to each of these shortly, the various forms of judicial reform are interlinked, but speak to different parts of the judicial process.

Before going into detail on specific interventions, it is useful to look at what it is that motivates judicial reform efforts, on the part of domestic reformers and international donors.

## 1.2 What motivates judicial reform?

As Figures 1 and 2 illustrate, judicial reform is a policy area that can be characterised as an intersection between several partly overlapping categories. This reflects the fact that – for domestic reformers as well as donors – judicial reforms are motivated by a host of different aims and objectives. Four predominant motivations can be identified:

- (1) *To facilitate economic development.* A key argument in the judicial reform debate is that a well-functioning legal system is a precondition for economic development.<sup>4</sup> Effective tax collection, which is crucial to a functioning economy, depends on an adequate legal framework and institutions able to secure it. Endemic corruption is a main obstacle against economic development in many societies, and the legal system is a key to corruption control. Likewise, a legal framework providing predictability and stability, security for property and contracts is assumed to be crucial to secure foreign (and local) investments. While there are doubts as to whether and under what condition this presumption holds,<sup>5</sup> it is clear that the courts' regulatory and facilitating function in the economic domain has been the main reason motivating judicial reform, and particularly the considerable involvement by the World Bank and, increasingly, the regional development banks.
- (2) *To protect human rights and provide access to justice* for all members of society. This concern lies at the heart of international legal norms and carries a strong normative force. Again, this is a universal concern, but particularly urgent in societies emerging from a repressive regime or a civil war. In a post-conflict situation this is both a question of securing rights in the present and future, and about finding ways to deal with the human rights abuses of the past.<sup>6</sup>
- (3) *To secure law and order,* ensure protection against crime and provide security for citizens. This includes protection against crimes of corruption and embezzlement. Besides being an important good in itself, this is crucial for the legitimacy of a regime and for social and political stability. Law and order requires a functioning legal system. Without this the government cannot secure the safety of its citizens and an orderly framework for social cooperation, which is the ultimate justification of the coercive authority of the state.<sup>7</sup> Functional legal institutions facilitate the exercise of political power, implementation of policy, and compliance with laws and regulations. To secure law and order is a central concern in all societies, but is particularly urgent and challenging in a post-conflict situation. From the perspective of the international community, financing of reforms to secure law and order is motivated not only by a concern for the recipient society. Organised crime and violence are important 'export industries' thriving in states where law and order is weak. In this perspective aid to

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<sup>4</sup> Proponents of the argument include Buscaglia, Ratliff, and Cooter (1997); Domingo and Sieder (2001); Dezalay and Garth (2002); Knack (2003); Munshi and Abraham (2004); Murrell (2001).

<sup>5</sup> There is little research supporting this, and some contradicting it. See Carothers (2003).

<sup>6</sup> See for example Kritz (1995); McAdams (1997); Skaar, Gloppen, and Suhrke (2005) (forthcoming); Teitel (2000).

<sup>7</sup> This is a central premise in social contract theory from Thomas Hobbes and John Locke to John Rawls. See for example Lessnoff (1990).

legal sector reform can be seen as a response to domestic problems in the donor country, conceived as effects of drug trafficking, money laundering, organised crime and, increasingly, international terrorism.

- (4) To *secure democratic accountability, good governance and the integrity of the political process*. In modern constitutional democracies power is divided between different state institutions, in order to facilitate control between them and thus prevent abuse of power. The judiciary is a main actor in this ‘internal control’ or horizontal accountability relationship within the state, tasked with keeping power-holders accountable, sanctioning actions violating laws and mandates, and thus preventing mismanagement and abuse of political power. The perceived failure of electoral institutions to secure accountable leadership (by providing vertical accountability relations between the electorate and their representatives) has left hope pinned on institutions providing horizontal checks and balances. This is an important reason why judicial reform is currently a priority in societies seeking to democratise their political system, and among donors seeking to buttress democratic reforms. Beyond contributing to the accountability of politically elected leaders, the legal system and the judiciary have important consequences for the state of governance in a society. Governance here refers to how a country's resources - public and private - are managed. It includes the capability and functioning of the public sector as well as the institutional framework for the private sector. Adequate and independent legal institutions are a key to good governance, both in order to provide a regulative framework - not only for the bureaucratic structures of the state, but also for public and private institutions at all levels - and in order to sanction violations and promote compliance.<sup>8</sup>

### 1.3 Which problems have been addressed, and how?

The nature of the problems plaguing the legal sector varies between and within countries, but there are some typical problem complexes.

A major problem in most countries is *poor accessibility*. That it is difficult for people to make use of the legal institutions to address their concerns is a complex challenge. *Barriers* preventing access to the justice system differ between as well as within societies, as do the *resources* available for overcoming these obstacles. Among the most common problems are practical barriers: such as lack of knowledge about rights, remedies and possibilities for action, physical distance from legal institutions, unaffordable court fees, bureaucratic procedures, strict criteria regarding standing, long backlogs and delays, and costly/scarcely legal assistance. In many societies, psychological and motivational barriers are even more important. Vast social distance between the judges and ordinary people, differences in language, norms and social background may prevent people from bringing cases to court. Whether these barriers are overcome depend on factors such as: legal literacy programmes and human rights education; availability of legal aid, legal advice and pro-bono litigation; and

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<sup>8</sup> There are different definitions of Good Governance. United Nation Development Programme defines Good Governance as “the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences”. (<<http://magnet.undp.org/policy/chapter1.htm>>) See also The African Development Bank web site (<<http://www.adb.org/Documents/Policies/Governance/gov200.asp?p=policies>>). Both visited 13.12.2004.

the resources in the population for associating, and for articulating and mobilising around rights claims.

When cases reach the legal system, there are often problems caused by a lack of *responsiveness and capability*. This may stem from professional incompetence or lack of legal resources, but in many cases marginalised groups are disadvantaged because the judges – and the law itself – lack sensitivity towards their problems and predicaments. Similarly, judges trained under authoritarian rule often have little knowledge of human rights and other legal norms underpinning a democratic society.

Lack of *judicial independence* and autonomy is a widespread concern. In many countries, the judiciary used to be the extended arm of the executive. Continued direct and indirect political influence over judicial decisions is a common phenomenon; jeopardising hopes that the courts will perform an effective accountability function vis-à-vis the executive. This is often combined with a lack of internal independence in the legal system, where the top judicial administration exerts strong discipline over the lower rank. Lack of independence from strong interests in society is also common. The courts lean towards the interests of the political and social elite, business etc., due to corruption, loyalty – or a mere commonality of views based on similarities in culture and social background.

In some cases the root cause of many problems seems to be *shortage of resources and/or inefficient use of the resources available*. Poor infrastructure (few and seriously dilapidated courts buildings, lack of telephones, typewriters, computers, pens and paper), shortage of trained staff, insufficient access to basic legal materials (including the laws to be upheld) represent serious obstacles to properly functioning courts. Resource problems are particularly pronounced in African countries and in the lower judiciary.

Finally, *lack of legitimacy* is often a huge problem. Poor court performance, irrelevance and perceived complicity in past repression are common complaints. Weak legitimacy stems in part from the problems discussed above: Lack of resources, incompetence and poor accessibility causes poor performance, which in turn decreases the legitimacy of the courts with ordinary people as well as with the government. Lack of social legitimacy in turn contributes to performance problems. It makes it easier for the government to starve the courts of resources, and to discipline or ignore independent-minded judges. Discrepancies between the formal legal norms of the courts and ordinary people's sense of justice also weaken of the courts' legitimacy.

These are the main problems that judicial reform efforts have been trying to overcome. Efforts have been made through various types of interventions, referred to earlier as:

- (1) Law reform,
- (2) Court reform,
- (3) Judicial administration reform,
- (4) Legal community support,
- (5) Reform of legal education and training, and
- (6) Access to justice programmes.

We will now briefly present each of the categories, starting 'from the inside out' with efforts to reform the law itself, moving on to assistance aimed at strengthening the courts that embody the laws; the administration of those courts; the community of lawyers within and

beyond the courts; the education and training of such lawyers; and finally, the general public and efforts to enhance their access to the judiciary.

1. *Law reform* focuses on the development of the legal framework in response to the needs of the particular society, and in accordance with international standards. This includes international human rights norms, as well as best practice in various areas of law, often starting with commercial law and criminal codes. Law reform influences the mandate and competence of the courts and is thus a key to judicial independence and effectiveness and the functioning of the legal system in general. Law reform (including constitutional reform) may strengthen judicial independence by expanding the courts' legal mandate, and remove ouster clauses and limitations on the jurisdiction of the courts, thus increasing the courts' potential for contributing to a well-functioning democracy. Aid to law reform includes funding for law commissions and deployment of technical legal experts to assist in drafting or for purposes of training in legislative drafting.<sup>9</sup>
2. *Court reform* is directed towards improving the courts' efficiency, capacity, integrity and responsiveness. This diverse category of reform efforts includes reform of court structures, judicial hierarchies and – often excessively bureaucratic and complicated – court procedures. This is important for access to the courts, for efficiency, professional discipline as well as for judicial independence. Court reform also includes improvements in court level administration (case flow management, circuit routines), and infrastructure (buildings, office equipment, transport etc.), which may enhance the practical functioning of the courts. It also includes competence building for judicial personnel, and improved access to jurisprudential resources (court libraries, dissemination of case law and other legal materials).
3. *Reform of judicial administration* seeks to improve the efficiency of the legal process as a whole and increase the independence and authority of the judiciary. This includes reform of the budget process. Budgetary autonomy for the judiciary and secure funding (for instance a guaranteed share of the budget, and allocation and reporting procedures de-linking the judiciary from the executive) reduces the possibilities for 'starving' and punishing the judiciary. Other measures include strengthening of public prosecutors and defenders, legal aid, and procedures for implementing judgments. Reform of the procedures for appointing judges, and of the rules regarding the length and terms of tenure, disciplining, transfer and impeachment procedures, are seen as crucial to improve judicial independence. Executive influence over the judiciary has been sought reduced by involving other bodies, such as judicial councils or judicial service commissions in appointment and disciplining of judges and administration of the courts. Fixed non-renewable terms or life tenure for judges, and public criteria for selection of candidates to judicial office, are other measures aimed at reducing politically motivated appointments. Reasonable conditions of tenure (decent remuneration and security for wages and benefits) are regarded as important to reduce the scope for corruption; while selection criteria taking account of gender, ethnic and social backgrounds might broaden the composition and hence reduce the social bias of

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<sup>9</sup> The parliamentary legislative process is a central aspect of law reform, and efforts to strengthen this may as such also be seen as part of judicial/legal sector reform. While acknowledging the interconnectedness of these processes, reasons of clarity and focus advice against including parliamentary reform as part of judicial reform. Both do, however, form part of the broader category of 'democracy assistance' (see Figure 1). And of course, the legislature may, and should, be a central agent in driving judicial reform.

the bench. The aim of these reform measures has been to strengthen the judiciary and insulate it from illegitimate influence. However, the need to guard the judges against undue influence must be balanced against the possibility for ‘guarding the guardians’ and avoid a situation where no possibility exists for checking a reactionary judiciary that systematically frustrates the policies of the elected government.

4. *Strengthening of the legal community.* A vital legal community (law societies, bar associations, advocacy groups) is important for the quality of the legal process and necessary to establish professional norms and standards, which matter for judicial accountability. Donors have supported organisational structures, professional forums, seminars and training, and the publication and distribution of law reports. Systematic reporting and distribution of significant judgments provide model legal arguments as well as incentives for professionalism within the judiciary. Establishment of professional domestic as well as regional forums fosters a competent legal profession by providing opportunities for learning and by making the reputation of courts and judges matter.
5. *Reform of legal education and training* aims to develop curricula and training methods capable of producing legal practitioners that are more professionally apt (for example in specialised areas) and/or more sensitive to the concerns and values of society, including those of marginalised social groups (this may include awareness of democratic and human rights norms, gender sensitisation, and training in equality jurisprudence). Continued training of judges and magistrates, including lay justices and assessors, may also be included here.
6. *Access to justice programmes,* finally, focus on removing barriers – legal, economic, practical and/or psychological – that prevent certain social groups from accessing the courts. Focus for these reforms have been on public legal aid as well as civil society legal advice institutions, and on legal literacy programmes increasing awareness of legal rights and how to claim them. Access to justice programmes also aim at providing lower-threshold alternatives to court action, including alternative dispute resolution (ADR), ombudsman institutions, and lay/local/traditional courts and tribunals. The courts’ responsiveness to the concerns of marginalised groups in society may – particularly in countries with plural legal norms (traditional law and ‘received’ colonial law) – be improved through initiatives to integrate and harmonise diverse legal norms. As indicated above, training also plays an important role here.

In the following, we provide an overview of international support to judicial reform to see how different international actors have attempted to contribute to improvements in the six areas of judicial reform. We first give a broad overview of the main global trends in the field assistance to judicial reform, followed by a section focusing more specifically on aid to judicial reform in Latin America and Africa – before going on to the analysis of Norwegian assistance to judicial reform in part III.

## Part II. International Aid to Judicial Reform

Large sums have been spent on strengthening legal systems through judicial reform over the last couple of decades. Assistance to the judiciary has been a major component of both multilateral and bilateral aid programmes since the beginning of the 1990s.<sup>10</sup> In fact, judicial reform is said to be ‘at the cutting edge of international efforts to promote development of a democracy abroad’<sup>11</sup> and has, for all practical purposes, become ‘big business. Who are the main actors on the scene? Why and when did they get involved? Who have they been working with? What kind of assistance have they given? And what have been the effects?’

In this part we (i) map out the broad lines of the history of international support for judicial reform; (ii) give a snapshot of judicial reform efforts in Latin America and Africa; and, (iii) draw attention to some of the lessons learned from the recent decades of judicial reform. The main point is to provide a backdrop to the ensuing discussion of Norwegian aid to judicial reform to see how this fits into a larger context, and to identify lessons from international assistance that may be relevant to Norwegian support in this area.

### 2.1 International aid to judicial reform: A brief historical account

Though judicial reform has been given increasingly more scholarly attention over the last 15 years or so, it is important to note that the issue of judicial reform itself is not new. Countries have constantly revised and adjusted their legal systems throughout history. Yet, the large-scale involvement of international organisations or bilateral donors in promoting judicial reform is a relatively recent phenomenon. The types of international, governmental, and non-governmental organisations that have engaged in judicial reform have varied across time and across regions. Time-wise, it is often convenient to divide international assistance to judicial reform into two main periods: from the 1960s to the 1970s, and from the 1990s to the present. In between was a period of almost 20 years when little judicial reform took place at all, and when international donors were virtually absent from the scene.

The United States Agency for International Development (USAID), together with the Ford Foundation and other smaller, non-governmental American donors; were among the first aid agencies that entered the judicial reform scene. They did so in the 1960s as part of the ‘law and development movement’, whose ambition was to reform laws and legal systems of countries in Asia, Africa and Latin America. The guiding assumption of the movement was that the legal system was an instrument to reform society, and the main motivation was to contribute to economic development. By educating the bench and bar in developing countries, it was argued, reform efforts would be advanced. At the turn of the 1980s, the movement focused specifically on protecting human rights in Latin America. It was in this period, however, that the movement was abandoned. Four factors help explaining its fall:

1. The *lack of a consistent theory* explaining the impact of law on development, meaning that practitioners had difficulties in prioritising reforms or predict the effects of various measures;
2. *Too little participation* by the lawyers and others in the target country who would either have to carry out the reforms or who would be affected by them;

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<sup>10</sup> See, for example, Faundez (1997).

<sup>11</sup> Carothers (2003: 5).

3. *An exclusive focus on the formal legal system* to the exclusion of customary law and the other informal ways to settle disputes and maintain justice; and, finally
4. *A lack of cultural sensitivity*, as the American legal system was exported to foreign countries without taking the local legal culture and environment into account.<sup>12</sup>

After the first wave of judicial reform in the 1960s, two decades followed when little judicial reform took place. Many countries were governed by authoritarian regimes, and the Cold War deadlock made external reform initiatives difficult to realise. At the end of the 1980s, however, a new wave of judicial reform started. The renewed interest in building and fortifying state institutions coincided with the parallel processes of political democratisation and economic liberalisation, which started in Southern Europe in the 1970s, spread to Latin America in the 1980s and further to Eastern Europe, Africa and Asia in the 1990s. A key challenge faced by new, democratically elected governments after long periods of either authoritarianism (as in much of South America, Eastern Europe, and Asia) or civil war (as in many Central American and African countries) was to re-establish the rule of law, and secure democratic stability. Both domestic governments and external donors have increasingly emphasised the rule of law as a central component of democratisation, good governance, and economic development. Moreover, since the judiciary often has been the weakest of the three branches of government in many developing countries, this institution has been given particular attention.

In this second wave of aid to judicial reform, a greater number of donors have been involved than in the first. The pioneer from the 1960s, USAID, renewed its efforts to promote and assist in judicial reform, and other agencies followed suit. The main multilateral donors are:

- the United Nations Development Programme (UNDP),
- the World Bank (WB),
- the regional development banks, including
  - the Inter-American Development Bank (IDB),
  - the Asian Development Bank (ADB),
  - the African Development Bank (AfDB), and
  - the European Bank for Reconstruction and Development (EBRD), and
- the European Union/Commission (EU/EC).

Each of these multilateral organisations has had particular motivations for getting involved in judicial reform; they have tended to cooperate with different kinds of partners; and they have supported different areas of judicial reform.<sup>13</sup>

There is also a large range of governmental organisations and NGOs involved in judicial reform. Among the most important ones we find, in addition to USAID, the UK's Department for International Development (DFID), and the German Agency for Technical Cooperation (GTZ).<sup>14</sup> The table below gives a rough overview of the donor organisations, their geographical region of operation, their type of financing schemes, and the main judicial reform areas that they have supported (following the categories of judicial reform detailed in

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<sup>12</sup> For an outline of the law and development movement see <http://www1.worldbank.org/publicsector/legal/lidmovement.htm>

<sup>13</sup> For an overview of free-standing law and justice projects of international donor institutions as of 2004, see [www1.worldbank.org/publicsector/legal/donortable.htm](http://www1.worldbank.org/publicsector/legal/donortable.htm)

<sup>14</sup> For an overview of bilateral donor agencies and NGOs involved in judicial reform agencies and their publications, see [www1.worldbank.org/publicsector/legal/otherdocs.htm](http://www1.worldbank.org/publicsector/legal/otherdocs.htm)

Part I of this report). Note that we have not detailed the financial scope of judicial reform for each donor, since this type of information simply is not available.

**Table 2.1: Major International Donors in Judicial Reform**

Donor	Region of operation					Financing scheme	Type of support
	NA & ME	LA & C	EE & CA	SA & EA	SSA		
UNDP	X	X	X	X	X	Grants	Access to justice, court reform, justice administration reform
WB	X	X	X	X	?	Loans and grants	Access to justice, court reform, justice administration reform, legal education reform, law reform (?), strengthening of legal community
IDB		X				Loans and grants	Court reform, justice administration reform, legal education reform, law reform, strengthening of legal community
ADB				X		Loans and grants	Court reform, justice administration reform, legal education reform
AfDB	X				X	Loans and grants	Court reform, justice administration reform, reform of legal education
EBRD			X			Loans	Law reform
EU/EC		X	X	X	X	Grants	Access to justice, court reform, justice administration reform, legal education reform, law reform, strengthening of legal community
USAID		X	X	X	X	Grants	Access to justice, court reform, justice administration reform, legal education reform, law reform, strengthening of legal community
DFID	X	X	X	X	X	Grants	Access to justice, court reform, justice administration reform, strengthening of legal community
GTZ		X	X	X	X	Grants	Access to justice, court reform, justice administration reform, legal education reform, law reform, strengthening of legal community

Sources: Free-Standing Law and Justice Projects of International Donor Institutions at <http://www1.worldbank.org/publicsector/legal/donortable.htm> (accessed 10.09.04). Various web sites for each of the donors listed in the table.

Notes: NA & ME: North Africa and Middle East; LA & C: Latin America and the Caribbean; EE & CA: Eastern Europe and Central Asia; SA & EA: South and East Asia; SSA: Sub-Saharan Africa.

In addition to the major donors listed in the table, there is also a plethora of other governmental and non-governmental bodies offering assistance to various types of judicial reform in different regions of the world. While it is beyond the scope of this report to provide a detailed overview of all these actors, the above introduction should offer some pointers as to where the weight in international assistance to judicial reform lies.

## 2.2 Aid to judicial reform in Latin America and sub-Saharan Africa

Below, we sketch the main efforts to promote the rule of law in Latin America and sub-Saharan Africa. We address the following questions: What has motivated judicial reform

efforts in these two regions? Who have been the principal international donors? Which problems have been addressed, and what has been achieved?

Note, however, that because Latin American experiences have been given most systematic attention in the literature<sup>15</sup> our data on this continent are more complete than those on Africa.<sup>16</sup>

### 2.2.1 *Latin America*

All Latin American countries, without exception, have undertaken partial or complete overhauls of their judicial systems over the past 15 years. Nevertheless, there is great variation in the ways in which judicial reform has been initiated, the areas to which assistance has been directed, the ways in which it has been funded and implemented.

#### **Motivations for judicial reform**

As mentioned above, assistance to Latin America in the 1960s – principally through the USAID and the Ford Foundation – was primarily motivated by the wish of the US to promote economic development in the region. The US’ geographical proximity to Latin America and its political and economic interests there largely explain why USAID was, and still is, heavily involved in judicial reform in the region.

The renewed international interest in judicial reform in the 1990s was closely linked to the process of economic liberalisation, pushed mainly by the World Bank (WB), the International Monetary Fund (IMF) and the Inter-American Development Bank (IDB). An efficient and transparent judiciary has been considered a must to enhance economic development and encourage foreign investment and trade. This helps explaining why the World Bank and the IDB have been two of the main donors involved in the reconstruction and strengthening of judicial systems all over Latin America.

The new support to judicial reform was also linked to a parallel regional trend, namely that of political liberalisation following the fall of military dictatorships in the 1980s in a number of Latin American countries. The wish to promote democracy and human rights through strengthening the rule of law after a long period of authoritarianism has been central to many of the donors involved, such as the European Commission, the UNDP, and the key state donors of Germany, Denmark, and Canada.

Linked to political liberalisation is the alarming surge in crime in the region after the end of authoritarianism, which gave urgency to criminal justice reform (and security sector reform).

Interestingly, the former colonial powers of Spain - and, in the case of Brazil, Portugal - seem not to have taken any particular interest in judicial reform in Latin America. The fact that Latin American countries have enjoyed independence for almost two centuries probably

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<sup>15</sup> Though there are relatively few comparative studies for the region as a whole, there are some useful ones: See Biebesheimer (2001a); Biebesheimer (2001b); Correa Sutil (1999); Domingo and Sieder (2001); Faundez (1997); Prillaman (2000); Sarles (2001). There are also some comparative studies focusing on a limited selection of countries: Buscaglia and Dakolias (1996); LCHR (1989); Pásara (2003); Skaar (2003). In addition, a number of case studies and evaluation reports that deal with different aspects of judicial reform have been issued in recent years.

<sup>16</sup> We have, moreover, faced the following difficulties when collecting data on Africa: the vast majority of projects are of very recent character; much of the information is thus not publicly available; and much of the information is subsumed to the categories of ‘good governance’ or ‘legal reform’. This made it hard to assess the full scope of reform efforts – both in terms of area focus, and scope of financial assistance.

accounts for why these former colonial powers have not assumed a special responsibility to assist judiciaries in Latin America. This, as we shall see, contrasts with the pattern for Africa.

### **Main problems of Latin American judiciaries**

By the end of the dictatorship periods, Latin American judiciaries were renowned for lacking independence and transparency, being biased and inefficient, and – at least in some countries – being prone to corruption. The multiple measures set in motion to strengthen Latin American judiciaries were in various ways targeted at ameliorating some of these weaknesses.

One of the main problems facing Latin American judiciaries has been a *chronic lack of judicial independence*, resulting from the historical and traditional subordination of the judicial branch to that of the executive (so-called hyper-presidentialism). This problem became exaggerated during the dictatorships that dominated much of the region in the 1970s and part of the 1980s. When the transitions to democracy took place in the 1980s and 1990s, from authoritarianism (Argentina, Brazil, Chile, Peru, Uruguay), civil wars (El Salvador, Guatemala, Nicaragua), or one-party states (Mexico, Paraguay), strengthening the rule of law in general, and increasing judicial independence in particular, was at the top of many governments' agendas.

### **Areas of support**

For Latin America as a whole, the 1990s have been characterised by multiple reform agendas. In the area of law reform, efforts have been made to change procedural laws in various areas. For instance, at least eleven countries (Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Paraguay, Venezuela) have made efforts to change their criminal procedures from inquisitorial or quasi-inquisitorial to accusatorial or more accusatorial and/or have tried to bring about profound changes in their public prosecutors office.<sup>17</sup>

Various measures to strengthen the rule of law more generally, today often immersed into so-called 'sector-wide approaches', started already at the end of the 1980s in Latin America. While only a few external actors were involved initially, 'rule of law aid' soon became a major area of reform. The rule of law aid programmes cover all the six categories of reform outlined in Part I of the report, yet the largest share of the support has gone to *law reform*. For instance, given the problem of lacking judicial independence, by 1998 at least 14 out of 18 Latin American countries had undertaken constitutional reforms to formally increase the independence of their courts.<sup>18</sup> Also *court reform* and *reform of judicial administration* were supported, as donors sought to improve the functioning of the state institutions directly involved in the making, implementation and enforcement of laws.<sup>19</sup> Another large category is efforts targeted at NGOs and professional associations that can contribute to rule of law reform; i.e. *legal community support* and *access to justice programmes*. This includes training in legal matters, support for NGOs, aid for human rights groups and legal aid clinics as well as programmes devoted to fortify bar associations. A relatively minor share has gone towards *reform of legal education and training*, particularly through establishing clinical law programmes in law schools and revising law school curricula.

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<sup>17</sup> For an overview of criminal procedure reform, see Langer (2001).

<sup>18</sup> For an analysis of the reasons leading up to formal increases in judicial independence in Latin America, see Skaar (2002).

<sup>19</sup> Prison reform and legislative strengthening also fall into this category, but fall outside the definition of judicial reform Carothers (2001).

Though many of the judicial reforms have been common to all or most Latin American countries, there are some patterns of assistance that make Central America distinct from the countries further south. Some comments on Central America are therefore in order.

### **Patterns of assistance**

In Central America,<sup>20</sup> judicial reform may be divided into two phases: the 1980s and the 1990s respectively. The first phase was initiated by USAID in the early 1980s, which worked to promote law reform, judicial independence, professionalisation and modernisation of the courts, training of judges, legal education, support to Public Ministries, access to justice, court administration, and alternative dispute resolution, to mention but a few areas.<sup>21</sup> The overall aim was to improve the system of government and to help governments address rampant human rights violations. In the second half of the 1980s, the World Bank and the IDB also got involved. They were principally motivated by the wish to create a judicial system that would resolve disputes related to the market economy, and by the need to protect property rights.

This first wave of reforms was thus centred on improving the infrastructure of the judicial system, and on training judges, prosecutors, and defence lawyers. However, little groundwork was done before the reforms were undertaken. The result was that scant attention was paid to a main problem, namely the political nature of appointment procedures of judges; reflecting the broader lack of independence. Since judges in four of the five Central American countries were appointed for short-term periods by the president of the country, and dismissed whenever there was a change of government, the technical focus on infrastructural and skills improvements did not have the intended effect.

Learning from mistakes and shortcoming of the first phase of reform in Central America, in the second phase – the 1990s – governments and donors sought to base their efforts on more careful diagnostics and more concerted strategies. There was also an extension of the areas targeted for improvement. Reform efforts were now aimed at five principal areas: (i) access to justice; (ii) professionalisation of the courts through recruitment and promotion of judicial personnel on the basis of merits; (iii) administrative reform; (iv) financial independence of the courts; and (v) the introduction of alternative dispute mechanisms. The efforts were undertaken either as isolated initiatives or in a more coordinated fashion. Nevertheless, there was frequently a discrepancy between a certain slowness of national actors and the relative efficiency and strength of their international counterparts. In several countries and projects this gap initially contributed to weaken national ownership to the reform processes. Over time, however, national ownership seems to have increased.

In the rest of Latin America, and especially in the Southern Cone (Argentina, Brazil, Chile, Uruguay), judicial reform seems to have been more driven by national actors. International organisations have been invited in to provide financial as well as technical assistance, but often after the needs have been identified by either the national government or research institutions. The main reform initiatives therefore seem to have stronger national roots than they have had in the Central American countries. For instance, the criminal procedure reforms (aimed to modernise and strengthen the courts and make them more transparent in order to attract foreign investment) have mainly been designed and driven by academics in co-operation with national politicians, with external financing from international organisations such as the World Bank, the IMF, USAID, and the Ford Foundation.

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<sup>20</sup> Much of the information on Central America is taken from Pásara (2003).

<sup>21</sup> For a good overview of USAID's support to justice reform in Latin America, see Sarles (2001).

Across the whole region, the World Bank has been a particularly important player on the judicial reform scene. Currently, the Bank is running or supporting projects or programmes in nine countries (Argentina, Bolivia, Colombia, Ecuador, El Salvador, Guatemala, Mexico, Peru, and Venezuela). Assisted initiatives span a wide range of fields, such as model court development, judicial websites, judicial conflict resolution, access to justice, modernisation of the courts, improving judicial services and infrastructure, and modernising the Supreme Courts.<sup>22</sup> It is important to note that the World Bank has, over time, supported a growing number and array of issues. While the Bank earlier seemed to back judicial reform mainly in view of enhancing economic development, it now seems that an equally important motivation is democracy building more generally.

This is in line with what seems to have developed as a regional consensus, namely that democracy stability, on the one hand, and economic and social development, on the other, tend to reinforce one another. In the wake of this realisation, there has also been a growing consensus that the justice system must become more effective in confronting crime and violence, and that it must improve access to justice for marginalised groups, and become more transparent – if democracy is to consolidate. This is reflected in the types of judicial reform projects supported by several of the major donors in the region, such as the IDB and the EU.

### **Regional learning**

Reforms have not only been promoted by international actors from outside of the Latin American region. Another typical pattern for Latin America has been the prevalence of regional learning. Many prominent Latin American legal scholars and experts have had a central role in what may be termed regional dissemination of different judicial practices. A few examples illustrate this point: Uruguayan legal experts have travelled around the continent promoting civil code reform, after its own reform in the late 1980s turned out to be a success.<sup>23</sup> Similarly, prominent Argentine legal experts have assisted criminal procedure code reforms in a number of Latin American countries. And Peru's experience with 'justices of the peace' is now being implemented in Guatemala. In sum, there has been a widespread learning (and failing) process in the region, induced by local as well as international actors.

Shifting the focus to another region of the world, donor assistance to judicial reform in sub-Saharan Africa seems to follow quite a different pattern to that of Latin America.

#### **2.2.2 Sub-Saharan Africa**

In Africa, international aid to judicial reform started later and has taken place on a much smaller scale than in Latin America. Furthermore, there are distinct patterns with respect to the motivating factors for judicial reform, the types of international donors involved, and the main foci of reform. In this section we document and explain some of these differences.

### **Motivation for judicial reform**

As the colonial powers started pulling out from Africa in the 1950s and 1960s, efforts were made to develop and strengthen local capacity to operate each country's legal system. The efforts were mainly driven by each country's former colonial power; i.e. the UK in Southern

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<sup>22</sup> For details on World Bank supported projects, see [www4.worldbank.org/legal/leglr/](http://www4.worldbank.org/legal/leglr/)

<sup>23</sup> Please note that this has not guaranteed success of the project in all countries that have adopted the Uruguayan model. For instance, in Guatemala, an evaluation of the justice sector carried out in 2003 suggests that the attempts to formulate a new civil procedure law forwarded by Uruguayan legal experts was heavily criticised and considered "unsuccessful". Email correspondence from Hilde Salvesen, the Norwegian Embassy in Guatemala, 07.12.04.

and East Africa, France in Central and West Africa, and Belgium in Central Africa. The USAID was also running some judicial reform programmes in selected countries.

This first wave of judicial reform seems to have stranded, however, as the new African states assumed one-party regimes and became puppets of one or the other superpower of the Cold War – often with violent conflict as a result.

Like for Latin America, the renewed interest in African judiciaries in the 1990s thus coincided with the end of the Cold War, when one-party states were dismantled and civil wars came to a close in a number of countries.<sup>24</sup> In line with the trend in Latin America, many donors placed assistance to the judicial sector on their aid agenda for Africa. According to one report,

'Justice, constitution and legislative assistance is a rapidly growing area of development assistance. Such forms of development assistance represent the largest increase in donor funding in the second half of the 1990s....Aid to judicial reform has aimed both at strengthening the overall ability of the justice system to provide access to justice, and to increase the capacity of the judiciary to fulfil a constraining role vis -à-vis other organs of state, and in particular the executive.'<sup>25</sup>

Though the support in monetary terms has been much smaller than that for Latin America, there is still a marked shift in the concern with the judiciary as an institution. Why? A prime motivation has been the wish to support democratisation by strengthening the rule of law and institutional development. Aid to the judicial sector frequently forms part of a larger 'good governance' agenda, which also includes strengthening other state institutions and electoral processes.

By contrast, the process of economic liberalisation seems to have been much less of a driving force for judicial reform in Africa than in Latin America. A main reason for this seems to be that Africa is less economically developed as a region, and thus less interesting for donors concerned with promoting international trade and foreign investment. The structural adjustment programmes advocated in the region by the IMF and the World Bank from the 1980s onwards have been directed at introducing basic market economy principles, yet as a general rule have not been coupled with assistance to judicial reform. Nevertheless, there has been an increasing concern with the need for a more efficient and transparent judiciary in order to speed up the process of economic development.<sup>26</sup>

### **The main donors**

The donors involved in judicial reform in Africa differ substantially from those engaged in Latin America. Since economic liberalisation has not been a principal motivating force for judicial reform in Africa, the multinational banks do not figure among the main promoters. To the extent that the World Bank has been engaged in Africa at all, it has directed its assistance

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<sup>24</sup> For a good overview of African countries' transition to democratic rule in the 1990s, see Bratton and Van de Walle (1997).

<sup>25</sup> Rakner (2002: 10-11) The Danish evaluation found that 83 per cent of grants to justice, constitution and legislation over the period from 1990 to 1998 were allocated after 1995. For the full report, see DANIDA/Ministry of Foreign Affairs, 1999.

<sup>26</sup> For instance, the World Bank and the French government have been involved in judicial reform in countries such as Côte d'Ivoire to promote market liberalism. See Berg et al. (1999).

principally to North Africa – not to sub-Saharan Africa. As of 2004, the Bank appears to have offered assistance to the judicial sector only in Mauritania, Morocco, and Ethiopia.<sup>27</sup>

It is also interesting to note that while the Inter-American Development Bank (IDB) placed judicial reform on its agenda for Latin America already in 1993, the African Development Bank (AfDB) has only recently started to be interested in judicial reform issues. The AfDB's efforts have focused on court reform, training, access to justice, transparency, and the building of legal infrastructure, e.g. the establishment of a legal database on African law.<sup>28</sup> To the extent that the AfDB has been involved, it has engaged in projects in North Africa rather than in sub-Saharan African countries. The first projects in sub-Saharan Africa appear to have been initiated only in 2003 – ten years after the IDB started its judicial reform work in Latin America.

The main international donors on the judicial reform scene in Africa may be clustered into three groups: (i) multinational organisations, such as the UNDP and the EC/EU; (ii) a battery of governmental agencies – the GTZ, DFID, USAID, the Canadian International Development Agency (CIDA), and Norad among others; and (iii) a large number of non-governmental organisations.

(i) Of the multilateral donors, the UNDP has been involved in development work and poverty reduction in many African countries for a number of years. But only relatively recently, and on a limited scale, has judicial reform become part of the UNDP's agenda for sub-Saharan Africa. UNDP assistance to the judicial sector has typically formed part of its efforts to promote democratic governance. For example, the UNDP has helped launch a judicial reform process in Equatorial Guinea, Guinea-Bissau and Ethiopia; assisted in the training of prosecutors in Mauritius,<sup>29</sup> and been involved in strengthening the administration of justice in Angola.<sup>30</sup>

The European Commission, for its part, has assisted judicial reform in sub-Saharan Africa in the areas of *law reform* (administrative and criminal codes, commercial codes and judiciary acts), *court reform*, *judicial administration reform*, *legal education*, and *access to justice* programmes (especially in North Africa), and public awareness campaigns on the rule of law and democracy. The Commission has also given support to the penal institutions.<sup>31</sup>

(ii) We mentioned earlier that former colonial powers in Africa have taken a particular interest in assisting judiciaries in their former colonies. This was true right after independence, and seems to hold true today. For instance, France has assisted judicial reform effort in former colonies in West Africa,<sup>32</sup> and British DFID is actively involved in

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<sup>27</sup> More information the World Bank's support to judicial reform in Africa is given at [www1.worldbank.org/publicsector/legal/MajorStandAloneJudicialReformProjects.doc](http://www1.worldbank.org/publicsector/legal/MajorStandAloneJudicialReformProjects.doc). Note, however, that the World Bank Development Economics Group at the end of the 1990s had ten case studies prepared for various African countries, assessing – among other things – the need for general system reform of the judiciary. For the case study of Côte d'Ivoire, see Berg et al. (1999). It is therefore not unlikely that the World Bank initiates more judicial reform projects in the near future.

<sup>28</sup> This information is drawn from [www1.worldbank.org/publicsector/legal/donortable.htm](http://www1.worldbank.org/publicsector/legal/donortable.htm). The authors have not succeeded in finding further information on the projects supported by the AfDB – most probably because they are still in the pipeline.

<sup>29</sup> See 'UNDP's Work in Africa' at [www.undp.org/dpa/publications/FFafrica090603E1.pdf](http://www.undp.org/dpa/publications/FFafrica090603E1.pdf) (accessed 13.09.04).

<sup>30</sup> See <http://mirror.undp.org/angola/governance.htm> (accessed 13.09.04).

<sup>31</sup> Information on EC assistance is taken from [www1.worldbank.org/publicsector/legal/donortable.htm](http://www1.worldbank.org/publicsector/legal/donortable.htm).

<sup>32</sup> See Berg et al. (1999).

reconstructing the judicial apparatus in Sierra Leone after the civil war and is involved in justice sector development in Malawi.

Beyond the colonial dynamic, there are also a range of bilateral donors that do not seem to be motivated by a history as colonial power. To give but some examples:

- Germany's GTZ has supported constitutional reforms (Eritrea), reform of administrative and criminal law (South Africa), reform of courts and the prosecutor's office (Zambia), and legal information campaigns and NGO networks (West Africa and Namibia).
- USAID is involved in 'democracy and governance' programmes in 26 African countries, and has focused its assistance in the field of judicial reform to support for legal advice centres.<sup>33</sup>
- Denmark's Danida has supported the justice sector since the early the 1990s in a handful of African countries, including Uganda.<sup>34</sup>
- Finally, Norwegian involvement is quite extensive too. Norad and the Norwegian Ministry of Foreign Affairs have since 1999 assisted legal and judicial development in roughly a dozen African countries, including Ethiopia (see case study), Kenya, Malawi, Mozambique, Nigeria, Rwanda, South Africa, Sudan, Tanzania, Uganda, Zambia, and Zimbabwe.<sup>35</sup>

(iii) Non-governmental organisations have also been involved in judicial reform projects, such as the International Development Law Organisation, to mention but one.<sup>36</sup>

### **Types of reform**

The above discussion suggests that judicial reform efforts in Africa have, like in Latin America, been quite diverse. In Africa, though, an overall aim has been to strengthen the rule of law, that is, to get the judiciaries to a point where they can effectively deal with dispute resolution and safeguard the rule of law without external assistance. For instance, substantial efforts have been made to strengthen judicial independence in various common law countries.<sup>37</sup> Less donor effort, however, seems to have gone into systematic law reform, for instance of criminal procedural codes. It is our impression that this difference reflects a broader divergence between judicial reform in Latin America and Africa. In the following, we give some tentative explanations why Africa appears to have come somewhat shorter on the road to a well-functioning rule of law society than has Latin America

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<sup>33</sup> See USAID report *Making Progress in Africa, 2003* at [www.usaid.gov/locations/sub-saharan\\_africa/publications/docs/makingprogress03.pdf](http://www.usaid.gov/locations/sub-saharan_africa/publications/docs/makingprogress03.pdf) (accessed 01.09.04) However, the authors have found no further supporting evidence. See also [www.usaid.gov/our\\_work/democracy\\_and\\_governance/regions/afr/angola.html](http://www.usaid.gov/our_work/democracy_and_governance/regions/afr/angola.html) (accessed 13.09.04).

<sup>34</sup> For an evaluation of Danida's assistance to the judicial sector in Africa, see DANIDA/Ministry of Foreign Affairs, 1999.

<sup>35</sup> Summary information from Table in Appendix 3.

<sup>36</sup> See <http://www.idli.org/index.htm> (accessed 01.09.04).

<sup>37</sup> See Widner (1999). Another principal area of international assistance has been to address the gross human rights violations after the end of massacres or civil wars. International assistance through the UN for setting up the war crimes tribunal in Rwanda after the 1994 genocide, and the mixed tribunal in Sierra Leone to deal with massive human rights abuses during the war there, are but two examples of where the international community has got involved because the states do not have the capacity to solve these problems on their own. Such efforts, however, fall outside our definition of aid to judicial reform, and are therefore not assessed in this report.

### **The gap between Latin America and Africa: Four tentative explanations**

First, the institutional capacities of African judiciaries have, on the whole, been even weaker than those of Latin America. The reason is historical: Latin American countries have, on the average, a formal legal history of more than 150 years since independence from Spain and Portugal. By contrast, most of Africa's states were decolonised only half a century ago, or even less. Because the judicial apparatuses in most of Africa were under colonial administration till well past the first half of the 20<sup>th</sup> century, the tradition is short for involving nationals in political or judicial affairs. This, in turn, has meant that when many African countries introduced democratic rule, either after independence or after prolonged civil war, they started pretty much from scratch in building up their judiciaries – at least in building the local judicial capacity.

Second, the lack of human as well as financial resources has been a major obstacle to creating functioning judicial systems in Africa.<sup>38</sup> To give but two brief examples: at the time of independence in Ethiopia, there were only 12 judges to serve 6 million people. Similarly, after the Portuguese pulled out of Angola in 1975, there were reportedly less than ten qualified lawyers in the entire country. Since the task at hand thus not only has been to *re-form* but partly to *form* a formal judicial system, the challenges have therefore been substantially tougher in Africa than in Latin America.<sup>39</sup>

Third, the challenges posed by traditional law and pluralist legal systems have been much greater in Africa than in Latin America (with the notable exception of Latin American countries that have a high percentage of indigenous people, such as Bolivia, Guatemala and Ecuador). Typical for African countries have been the parallel existence of a formal legal system inherited by the colonial power, and various customary law practices. The existence of several legal cultures in one country has created special challenges for donors with respect to how most efficiently to strengthen formal legal institutions.

A fourth reason why Africa has come shorter on the judicial reform path than Latin America, is that whereas Latin America has one common legal history (with the exception of Brazil) and hence rather similar formal legal systems, African countries have inherited formal legal systems from colonial regimes with different legal systems and legal practices (Great Britain, Germany, Portugal, France, Belgium etc). The combination of different formal legal systems and a plethora of customary law systems have made it more difficult for donors to go in with a holistic or 'package' approach to judicial reform in Africa. The diversity also suggests that the transfer of judicial models from one country to another, or other forms of regional learning, has a more limited potential in Africa than in Latin America.

Despite marked differences, judicial reform has been an important item on political agendas of national governments and of inter-governmental, governmental and non-governmental donors for quite some years. Vast amounts of resources have been spent in efforts to improve judiciaries – mostly in Latin America; but also in Africa. What have been the effects and lessons of these efforts?

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<sup>38</sup> For a comment on the capacities of the judicial systems in Tanzania and Zambia, see Gloppen (2004).

<sup>39</sup> It should also be noted that there is an enormous variation in institutional capacity of different African countries. On the one side of the continuum lies South Africa, whose comparatively well developed court system in recent years has issued some of the most progressive judgements in the world on issues such as housing rights and gay rights, and whose Constitutional Court has served as a role model for other African countries. On the other end of the continuum lie countries such as war-torn countries such as Sierra Leone or Angola, where national courts are barely functioning. The need for external assistance therefore varies greatly across countries.

### 2.3 What has been achieved?

As mentioned in Part I, there is widespread recognition among donors as well as national governments that if a state's legal system is weak and ineffective, reforming it is vital to achieve goals such as economic stability, good governance, respect for human rights, social justice, and human security. After nearly two decades of assistance to judicial reform, how much do we know about its effects? Have the reform efforts had the anticipated positive impact on economic and democratic development? The points highlighted below draw on scholarly accounts as well as reports from the major donors involved in the reform processes.<sup>40</sup>

The 'success' of a judicial reform project can mean two different things: either, in the narrow sense, that the project has been executed so that the various items on the reform list have been carried out according to plan and achievements have been made on quantifiable variables; or, in the broader sense, that the reform that the project seeks to promote has had the desired impact on a particular societal trend – such as a decrease in crime rates, more respect for democracy, or higher economic growth. The latter kind of 'success' is, needless to say, much harder to document and measure. The literature on (aid to) judicial reform tends to mix the two when talking about 'lessons learned'. In the following we comment broadly on both.

For the case of *Latin America*, there have been several positive achievements:<sup>41</sup> (i) the concept of judicial reform has been accepted in the region and has become public policy; (ii) resource shortages have become less acute governments have increased their budgets for the judiciary; and (iii) judicial independence has increased. As judges are now publicly selected (i.e. no longer appointed unilaterally by the President) and the nomination of Supreme Court judges has become more transparent, judicial independence has started to manifest itself in case rulings. This has been evident particularly in the prosecution of military for gross human rights violations committed during the dictatorship period in the 1970s and 1980s. Argentina and Chile are the two countries where judicial independence has manifested itself most strongly in the dealing with human rights violations, but there are signs of independent judicial action also in countries like Uruguay and Mexico.<sup>42</sup>

It is further clear that training of judges and court personnel has improved in many countries. For instance, human rights curricula have started to become part of the training of judges in Chile. In the area of law development, antiquated criminal procedural codes have been revised. Criminal prosecuting is made more transparent and efficient, partly because the role of judges has been diversified. Another positive achievement has been the successful establishment of alternative dispute resolution mechanisms in countries such as Peru and Bolivia, which have given poor and marginalised people better access to justice. Though it may be too soon to assess the full effects of such reforms, they are reported to have gone quite well.

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<sup>40</sup> The following review of successful experiences with judicial reform builds on the following sources: Biebesheimer (2001a); Biebesheimer (2001b); Correa Sutil (1999); Domingo and Sieder (2001); Faundez (1997); Sarles (2001). Buscaglia and Dakolias (1996); LCHR (1989); Pásara (2003).

<sup>41</sup> The first three points are based on an analysis by Pásara (2003). Though his analysis focuses on Central America, we consider these points to be valid for Latin America as a whole.

<sup>42</sup> For a comprehensive analysis of the effects of increased judicial independence on the prosecution of human rights violators, see Skaar (2002).

Perhaps most importantly, the judiciary as an institution has gained increased attention across the continent as a result of the extensive reform processes. This in turn has made it possible for the judiciary to carve out a more active role in the process of democratic development.

On the negative side, it is a fact that there have been many less successful projects, where objectives have *not* been met. More importantly, the legitimacy of Latin American judiciaries has in fact *decreased*, rather than increased, after the wave of judicial reform started in the early 1990s. Why is this so? One possible explanation may be that reforms that have been targeted at – and successfully improved – one part of the judicial system, may have unintended effect on different parts of the system. For instance, increasing access to justice and thus increasing the number of cases brought before the courts can slow down the average time for ruling on a case, if the capacity of the judiciary is not simultaneously increased to respond to the larger number of cases. The result, then, is that people realise, to a greater extent than they did earlier, that the judiciary is not responding adequately to their needs.<sup>43</sup> Another factor may be the unrealistically high expectations people have had to the judiciaries after reform started. Seeing the fruits of reform have taken longer than people expected; thus people are disappointed when their cases get stuck in the judicial system, or when they note that crime in their neighbourhood has increased rather than decreased – in spite of political promises of the contrary.

The same problems pertain to judiciaries and judicial reform in other parts of the world. For the *African* continent, no comprehensive surveys or analysis of assistance to judicial reform exists. Because assistance to judicial reform in Africa is a relatively new undertaking, it may be too soon to say much in terms of evaluating the effectiveness or usefulness of reform.

What is clear, though, is that the increased focus on the judiciary has had a positive effect in that this institution is taken more seriously. More judges have been trained, court administration and resource allocation to the judiciary has improved in many countries. In particular, the issue of rule of law has begun to be taken seriously by governments and judiciaries across the continent.<sup>44</sup> The fact that many donors have placed judicial reform on their agendas has resulted in international as well as national attention on domestic legal systems. This is a crucial first step in improving judiciaries in developing countries.

Nevertheless, it is hard to prove the connection between judicial reform and increased respect for human rights or improved economic development. The difficulty is to measure the combined effect of multiple reform efforts, especially its effect on complex political or economic processes. A reason why this is hard, is that a number of other variables than the potential results of judicial reform are likely to affect human rights or economic development.

What we can tentatively conclude from our brief comparative analysis of international assistance to judicial reform in Latin America and Africa, is that there is still a long way to go before reforms become effective, and courts start operating independently and efficiently in all countries. We will return to a more systematic assessment of potential obstacles to efficient or successful reform in the last part of our report. First, though, we turn our attention to Norway, and to the Norwegian aid to judicial reform – within the broader justice sector.

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<sup>43</sup> For a fuller discussion on potential negative synergy effects of reform of different components of the judicial system, see Prillaman (2000).

<sup>44</sup> For a comprehensive analysis of efforts to build the rule of law in Africa, see Widner (2001).

## Part III. Norwegian Aid to Judicial Reform

How have Norwegian agencies attempted to support the justice sector in other countries, and what lessons can be learned from their efforts?

This is the overall question of this part of the report. As opposed to the two preceding parts, we will in the following not restrict ourselves to analysing aid to the judiciary only. The reason is that the history and context of Norway's assistance in this field are closely linked to support of other parts of the justice sector; the police in particular.

To contextualise Norwegian aid to judicial reform, this part therefore first gives a bird's view of Norwegian assistance to the judiciaries, police forces, and penal bodies of other states. Secondly, we assess engagements in two particular countries where Norway's efforts have been important, namely Guatemala and Ethiopia.

Our analysis is based on data collected from November 2003 through 2004, consisting of (1) interviews with representatives of agencies involved in justice sector support,<sup>45</sup> (2) literary sources such as project outlines, strategy papers, appraisals, evaluation reports, and press articles, and (3) statistics. Excerpts of one key statistical source, reflecting the support to 'legal and judicial development' from the Norwegian Agency for Development Cooperation (Norad) and the Norwegian Ministry of Foreign Affairs (MFA) for the period 1999-2003, are given in Appendix 3.<sup>46</sup>

Yet given the considerable size of the terrain to be mapped – i.e., all significant contributions by Norwegian institutions and organisations over recent years to any institution or process linked to the justice sector, anywhere in the world – the 'map' given in the following cannot be entirely true to the terrain. Nonetheless, it is likely to give the reader a helpful guide to make sense of the multidimensional and multidirectional world of Norway's justice sector support.

### 3.1 Norwegian aid to the justice sector

In this section, we discern the patterns of Norway's assistance to the justice sector. We do so along four dimensions: agency, geography, type, and finance. We address the questions who, where, what, and how much – while also touching on how and why – of Norway's efforts. First, who are involved?

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<sup>45</sup> See Appendix 1 for the List of Informants and Appendix 2 for the Interview Guide (in Norwegian).

<sup>46</sup> 'Legal and judicial development' is a code (no. 150.30) used by the OECD Development Assistance Committee, which in 1999 was adopted by Norad as a basis for classifying Norad and MFA projects. Prior to 1999, most of the allocations that later were put into this category were classified as 'human rights assistance'. Two notes are in order with regard to this key source. First, 'legal and judicial development' is defined by the OECD (2002) as embracing 'constitutional development, legal drafting, institutional strengthening of legal and judicial systems, legal training and education, legal advice and services, crime prevention'. Compared with the definition of 'judicial reform' or 'legal sector reform' provided in Part I of this report, the definition of 'legal and judicial development' is fairly close. Second, when investigating some of the initiatives categorised as 'legal and judicial development' we found that certain projects had a very weak link, if any, with judicial reform. There is hence reason to assume that some projects have been misplaced, and that the total amount of Norwegian aid to 'legal and judicial development' therefore may be slightly different, most probably smaller, than what this source of information gives the impression of.

### 3.1.1 Agencies involved

Economic aid from Norway to other countries' justice sector involves two sets of actors: the Norwegian agencies, and their partners in the recipient countries. On the Norwegian side it is useful to distinguish between government and non-governmental actors, and among the latter between research institutes and private, not-for-profit organisations. True, both of the latter do obtain a lot of their funding from state ministries and directorates. For the NGOs, the share is as high as 80-90 percent.<sup>47</sup> Nevertheless, in practical terms the aid activities of state and non-state bodies often diverge significantly, as few policy strings have tended to be attached to funds from state to non-state bodies in Norway.

Beyond using research institutes and non-governmental organisations in Norway as a channel, the Norwegian government has also supported justice sector reform via its own institutional structures.<sup>48</sup> The economic aid originates in an 'inner triangle' consisting of:

- The Ministry of Foreign Affairs (MFA),
- The Ministry of Justice and the Police (MJP), and
- The Norwegian Agency for Development Cooperation (Norad).<sup>49</sup>

Funds from these agencies, in turn, often pass via subordinate bodies in the government structure before reaching their justice sector target in another country. Two such sub-bodies in the state system stand out, namely:

- The National Police Directorate (NPD) within police support, and of course
- In individual recipient countries, the Norwegian embassies.<sup>50</sup>

Of the non-state actors, research institutions working on justice sector reform have primarily included:

- The Norwegian Institute of International Affairs (NUPI), and
- The University of Oslo's Faculty of Law:
  - The Norwegian Centre for Human Rights (NCHR), and
  - The Institute for Women's Law (IWL).

Non-governmental organisations that have backed justice sector initiatives include all of Norway's 'big five':

- The Norwegian Church Aid (NCA),
- The Norwegian People's Aid (NPA),
- The Norwegian Red Cross (NRX),
- The Norwegian Refugee Council (NRC), and
- Redd Barna (RB).

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<sup>47</sup> Exceptions include Amnesty International, whose organisational policy is not to accept state funding.

<sup>48</sup> Institutions are listed in alphabetical order. See also our List of Abbreviations earlier in this report. As a rule we use the abbreviation of the English spelling, except in cases where the Norwegian name is commonly used also by non-Norwegian speakers (e.g. the Norwegian chapter of Save the Children, Redd Barna), and/or when the institution itself uses the Norwegian-based abbreviation in English presentations (e.g., NUPI, JURK, DNA).

<sup>49</sup> The reorganisation of the MFA and Norad in 2003-2004 will impact on the practical organisation of Norway's development cooperation, also in the justice sector. Given that data for this report was collected whilst the restructuring process still was ongoing, we mostly paint the picture of 'how it used to be'.

<sup>50</sup> When analysing embassy disbursements, in general we do not to specify whether the aid was Norad or MFA money in the text. Yet more information on Norad versus MFA financing is given in Appendix 3.

Three NGOs that are less predominant in the Norwegian context have also worked in this field:

- Amnesty International Norway (AIN),
- Legal Advice for Women (JURK), and
- The Norwegian Bar Association (DNA).

The Norwegian agencies have targeted four channels of support to channel their aid to police, judiciary, and penal systems can be identified: the inter-governmental, governmental, and non-governmental ones; as well as what can be called the ‘non-partner’ channel.<sup>51</sup>

#### A. *The Inter-Governmental Channel*<sup>52</sup>

At the inter-governmental or multilateral level,<sup>53</sup> Norwegian agents have worked through four distinct organisational structures to support the justice sector:

- The European Union (EU) – e.g. the Council of Europe;
- The Organisation for Security and Cooperation in Europe (OSCE) – for instance its Secretariat and Office for Democratic Institutions and Human Rights;
- The United Nations (UN) – e.g.:
  - the UN Secretariat,
  - the UN Development Programme (UNDP),
  - the UN High Commissioner for Human Rights (UNHCHR), and
  - the UN Centre for International Crime Prevention; and finally
- The World Bank’s International Bank for Reconstruction and Development (IBRD).

It is first and foremost Norwegian state agents that use the multilateral system. Hardly any non-state Norwegian actor features on this scene. While Norad has used the UNDP only, the MFA has supported the entire range of the above-mentioned agencies. The World Bank, however, has hardly been used as a channel at all. According to our sources it has only been used once in recent years, when the MFA channelled a loan via the IBRD to Kenya in 2003. Given the fact that the World Bank has much expertise on justice sector reform and is a close partner within Norwegian development cooperation in other areas, this is surprising.

Out of the four multilateral structures – the EU, OSCE, the UN, and the World Bank – it is the UN system that has absorbed most of Norway’s multilateral support to the justice sector. The numbers speak for themselves: From 1999 to 2003 Norad and the MFA gave a total of 400m NOK to legal and judicial development.<sup>54</sup> 124 of these 400m were channelled via the multilateral agencies and 103.5 of the 124 ‘multilateral millions’ went to the UN. In other words, more than one quarter of all Norad and MFA aid to legal and judicial development was channelled via the UN.

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<sup>51</sup> Beyond the description of these channels in the text below, we also refer the reader to Appendix 4 for a tabular overview.

<sup>52</sup> Unless otherwise specified, this section and ensuing sections draw on interview data as well as the information provided in Appendix 4.

<sup>53</sup> We distinguish between ‘inter-governmental’, ‘governmental’ and ‘non-governmental’ agencies since this distinction appears clearer to us than the oft-used distinction ‘multilateral’ versus ‘bilateral’. For reasons of simplicity though, we have chosen to equate ‘inter-governmental’ with ‘multilateral’, and ‘governmental’ with ‘bilateral’. We use these terms to identify types of aid agencies or aid channels.

<sup>54</sup> This amount corresponds to between 60 and 65m USD, depending of the rate of exchange between the Norwegian krone and the American dollar. The higher amount (65m) corresponds to the exceptionally low exchange rate at the time of writing (December 2004), i.e. some 6.2 NOK/USD, whereas the lower end of the range (60m) would correspond to an exchange rate closer to the average, i.e. 6.7 NOK/USD.

Of the funds going via the UN system, the UNDP got 92m – nearly 90 percent of Norway’s UN allocation and roughly three quarters of its total multilateral aid to the sector. Geographically, more than half of the funds channelled via the UNDP went to Guatemala alone (47m), while Mozambique and Afghanistan got 15-20m NOK each.

Lifting our perspective somewhat, we see that Norway’s use of the multilateral system to support the justice sector reflects two main, and partly separate, purposes. These are:

- (1) To support *transitions*; often expressed as large-scale, temporary missions linked to a post-war reconstruction and/or democratisation process. Cases include the Balkans, Guatemala, East Timor, and Afghanistan; and
- (2) To support *development*; i.e. the work of agencies with a more permanent presence at country level, which – often in cooperation with the country’s government – seek to promote longer-term social and economic development. Examples of countries where this rationale may have justified Norwegian use of the multilateral system include Cambodia, Zimbabwe, and Kyrgyzstan.

While Norad has supported both kinds of UN work, often via the Norwegian embassy in the country concerned; the MFA and the Ministry of Justice and the Police (MJP) have channelled their justice sector support mainly to the *transitional* type of UN work. This has gone either directly to the UN agencies, via Norway’s National Police Directorate; or via NORDEM – a pool of personnel on stand-by for such missions, administered by the Norwegian Centre for Human Rights.

Beyond funding the UN system and the Europe-based multilaterals, Norway’s transition support has also involved the contribution of personnel. This kind of aid started in response to a demand that arose in the early 1990s, and that first was met on an ad hoc basis. Eventually, however, rosters of people were established to enable a swifter and more accurate response. Within the field of justice sector reform, these rosters include:

- The above-mentioned Norwegian Resource Bank for Democracy and Human Rights (NORDEM), set up in 1993 and counting 250 experts, on e.g. electoral legislation, investigations of serious human rights violations, and legal reform (NCHR 2003); and
- The Norwegian Crisis Response Pool or ‘Styrkebrønnen’, established in 2004, administered by the MJP and having altogether 30 judges, prosecutors, prison personnel, and police lawyers to offer upon demand (MJP 2003, 2004).

Beyond these, police staff is also being provided to transitional operations – for purposes of training as well as structural reforms of the police. The Police Directorate, established in 2001, offers to have deployed at any time one percent of the Norwegian police force, which corresponds to a maximum of roughly 80 persons.

Norwegian recurrence to the UN’s *development* work to support the justice sector, on the other hand, mainly involves support from Norwegian embassies to country chapters of UN agencies – in particular the UNDP and the UNHCHR, which have supported judicial reform of various types. We will get a closer impression of the dynamics at play in this regard when looking at the case of Guatemala below.

Norway's traditional UN loyalty thus seems to have made its mark in the use of the multilateral channel. Still, other inter-governmental agencies have also been supported – primarily the Europe-oriented ones, the EU and the OSCE. With regard to Norway's support to the justice sector in Europe, most support has been channelled bilaterally.

### *B. The Government Channel*

Beyond the inter-governmental organisations, Norwegian agencies have also channelled their support to the justice sector directly to the governments of the countries concerned. Within each county, common partners when using this channel include the judiciary itself, the Ministry of Justice or its equivalent, as well as the national police and prison authorities alongside local prisons and police forces.

If Norwegian NGOs were absent from the multilateral channel, they do feature in the bilateral one. Norwegian Church Aid (NCA) has worked with state representatives of all three parts of the justice sector – police, judiciary, and prisons. Redd Barna and Norwegian People's Aid (NPA) have partnered two out of the three sections of the legal chain, while the Norwegian Red Cross, via its support to the International Committee of the Red Cross, has cooperated mostly with penal authorities.

Of the research entities, only the Norwegian Centre for Human Rights has worked with other states' judicial authorities. At the level of the Norwegian government, as could be expected Norad, MFA and MJP partner other countries' judiciaries and justice ministries, while the MJP supports prison and police authorities as well. Some MJP support goes via the National Police Directorate (NPD), and much MFA and Norad funds go via the Norwegian embassies.

What types of justice sector aid has Norway channelled via the government agencies of other states?

*Police reform.* Beyond some material assistance (NPD), the government channel has primarily been used to train police forces. The focus of the training has often been on human rights, but the purposes have been manifold, e.g. to fight trafficking (NPD), to make the police more accommodating towards women (NCA) and towards children and adolescents (Redd Barna).

*Judicial reform.* In order to assist the judiciary, the government channel has been used to support the building of new courts (Norad via Norway's embassy in Zambia), for general judicial reform (Norad via embassies in Tanzania and Uganda), for law reform and access to justice programmes (embassy in Uganda), and training of court staff (MFA, Norwegian Centre for Human Rights).

*Penal reform.* Here, the interventions channelled via government agencies have been rather diverse – including skills development of convicts (MJP), building of prisons (NPA), and last but not least, the Red Cross' work to protect prisoners of war, and as part of that, to train attendants and give material assistance to penal institutions.

Finally, where has the bilateral channel been used? As noted earlier, within Europe Norway's efforts to support the justice sector have largely been bilateral. Norwegian ministries and directorates have sought direct cooperation with corresponding bodies in the European countries, motivated by a wish to strengthen ties on the basis of an idea of common interests

within the European community.<sup>55</sup> Thus, from 2001 to 2003 there was a growing bilateral justice sector support via Norway's Action Plan for aspiring EU members. As a part of the Action Plan, police has been trained in Slovakia and the Czech Republic, and prisoners have given skills training in Latvia. Another important arena of bilateral aid has been the Balkans and, to a lesser extent, former Soviet Republics, where one in particular has sought to strengthen the police.

Beyond Europe, the Norwegian embassies involved in justice sector support have favoured a government-to-government route in Uganda, Tanzania, Zambia, and Ethiopia. Norwegian non-governmental organisations have worked with state agencies in Brazil, Mauritania, Malawi (NCA), Rwanda (NCA and NPA), and Ethiopia (Redd Barna). Others institutions have not cooperated directly with state bodies but rather seen the state's implication as a longer-term aim. This applies in particular to the NCHR's human rights training in China, Indonesia, South Africa, and Ethiopia, which has targeted research environments.

### *C. The Non-Governmental Channel*

A substantial part of Norwegian aid to justice sector reform, and to judicial reform in particular, has been channelled via non-government bodies in recipient countries. Not only have all of the efforts of the three minor Norway-based NGOs gone through this channel (the Norwegian Bar Association, Legal Advice for Women, and Amnesty International Norway), but also most of the projects of the 'big five', the two research institutes, and a significant share of Norad and MFA contributions. From 1999-2003, roughly ten percent of the funds that Norad and MFA allocated to legal and judicial development – some 40 out of a total of 400m NOK – were given directly to non-Norwegian non-state actors.

Within the heterogeneous channel dubbed 'non-governmental', it is useful to distinguish between international bodies on the one hand, and organs that are unique to one country or locality on the other. The non-governmental channel can thus be seen as a double channel made up of an 'international' and a 'local' channel of support.

Within the international part of the non-governmental channel, Norway's support has differed according to whether it is NGO or government agencies in Norway that have been involved. On the NGO side, Norway-based organisations that represent branches of international ones support their 'umbrella' in a relatively systematic way. This is the case with the Norwegian Red Cross, which funds parts of the work of the International Committee of the Red Cross; with Redd Barna supporting other (Western) countries' Save the Children offices in countries where there is no Norwegian branch; and with Amnesty International Norway channelling its support via its international secretariat to national chapters in other countries. Yet on the state side in Norway, the support to non-Norwegian, international NGOs seems to come forth in a less systematic manner, if particular projects of such NGOs fit current priorities of Norway's government. For instance, the MFA has given one-off support to organisations such as the International Police Association, the Asian Forum for Human Rights, International Alert, and *Médecins sans frontières*, while the embassy in Angola has financed training and access to justice projects of the Ireland-based international NGO Trócaire.<sup>56</sup>

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<sup>55</sup> For an elaboration see MFA (2001).

<sup>56</sup> Beyond such direct support of international NGOs, as mentioned earlier Norwegian state agencies also channel support to the international NGOs via their Norwegian chapters. For example, parts of the Norwegian Red Cross funds to the ICRC first come from the Norwegian government.

The 'local' part of the non-governmental channel is used to support entities established by residents in a country in response to local needs, independent of both state structures and international organisations. Two types of partners emerge: local universities and research institutes, and local NGOs.

Among the Norwegian agents that have used the local channel to support the justice sector, non-state bodies dominate. While Norad and the MFA have, as indicated above, supported non-state bodies directly, most Norwegian state support has gone either via embassies or indirectly via Norwegian research institutes or NGOs. Below, the approach to the non-governmental channel of the three types of Norwegian agencies – state bodies, research institutes, and NGOs – is outlined.

*State bodies.* Norwegian state bodies have supported a range of non-Norwegian non-state agencies within the justice sector. Geographically, Africa stands out. Local NGOs and research institutions have been supported significantly by the Norwegian embassies in Mozambique and Ethiopia. Further, single non-state actors that Norad has assisted from 1999-2003 include the National Constitutional Assembly in Zimbabwe (approximately two million NOK), the Legal Research Foundation in Zambia (three million NOK), and the International Law Institute in Uganda (3.5m). Beyond Africa, examples are more scattered. From 1999-2003 Norad allocated 7.3m NOK to AGHS Legal Aid in Pakistan, and 5.2m to FESPAD in El Salvador.

*Research institutes.* The research institutes active in justice sector reform have primarily used the local non-governmental channel – by partnering likeminded research institution or NGOs with a research profile. In its Training for Peace initiative,<sup>57</sup> the Norwegian Institute of International Affairs (NUPI) has thus cooperated with two South Africa-based bodies, ACCORD and the Institute for Security Studies. The partners of the Norwegian Centre for Human Rights have primarily included legal research centres – based at universities or constituting more independent NGOs. The Institute of Women's Law at the University of Oslo, finally, has partnered the University of Zimbabwe as well as a Human Rights Study Centre in Pakistan.

*NGOs.* Many Norwegian not-for-profit organisations involved in this field have chosen to partner likeminded bodies. For instance, the Norwegian Bar Association (DNA) has cooperated with bar associations in Uganda and Nepal and supported their legal aid work, while Legal Advice for Women (JURK) has partnered women's rights networks in Tanzania, Guatemala and Lithuania. But the pattern is far from uniform. As noted earlier, the Norwegian Church Aid, Norwegian People's Aid, and Redd Barna have cooperated with state agencies too, and there is variation between countries as to the extent to which these three also partner local NGOs. If they do, the NCA tends to target churches, ecumenical or inter-religious networks (e.g. in Bosnia and Rwanda), while the two others work mostly with human rights organisations (RB in Mongolia, Sri Lanka, Honduras, and Zimbabwe; the NPA in Ecuador, Rwanda and the West Balkans).

#### *D. The 'Non-Partner' Channel*

To complete the picture of what channels Norwegian agents use to promote justice sector reform, it should be noted that some agents have chosen not to partner any particular type of

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<sup>57</sup> Training for Peace started as a project and later got programme status.

organisations in the recipient country. Instead, they have primarily relied on their own capacities and resources in the field. Underlying this choice seems to be a concern that potential partners may not be ‘neutral’ in a politically sensitive context where the work requires a high degree of professionalism.

Beyond the Norwegian Red Cross and its work through the ICRC, this approach has been adopted by the Norwegian Refugee Council (NRC). This organisation’s work to give legal aid to refugees in the Balkans from the early 1990s onwards was anchored in a large presence of Norwegian staff in the field. Local partners existed, but they were not part of a distinct, local organisation but rather individuals that expatriate NRC staff identified and employed as they went along.

A note on experiences is useful here, as we conclude the partner assessment. For in using the ‘non-partner’ channel, the NRC eventually realised that it was difficult to make its projects sustainable in the long run, since their own organisation at some point would have to withdraw.<sup>58</sup> Mainly for this reason, the agency has recently sought more systematic relations of cooperation with local bar associations and similar NGOs to provide legal aid in new countries of operation. The use of the ‘non-partner’ channel, in other words, seems to require that the organisation using it has a long time horizon and is willing to accept the various costs of continuous presence of its own staff in the field.

### *3.1.2 Location, type, and size of support*

Having outlined the Norwegian agents involved, who they partner and what channels they use, we will now introduce (A) where they operate, (B) what kind of aid activities they are involved in, and (C) roughly how much they contribute.

#### *A. Location*

Have Norwegian efforts to support the justice sector been characterised by a broad geographical spread, or rather by concentration in certain countries or regions? If aid has been geographically concentrated, what areas have been targeted? To what extent do the various types of state and non-state agents from Norway choose the same countries? And why has the justice sector assistance been channelled into these particular areas?

Appendices 5 and 6 are sources of reference for the following presentation. They include a figure outlining the spread across regions of Norwegian aid, and a set of tables describing the country-level engagement of the various Norwegian agencies.

#### **The geography of Norwegian aid**

Norwegian assistance to justice sector reform is spread across a number of countries, but it is more concentrated across regions. Europe and Africa are the main continents of support. From 1999-2003, when Norad and MFA supported judicial development with 400m NOK in total, 121m was spent in Europe and 113m in Africa – while the rest of the world got the remaining 40% of the total support.

It is noteworthy that Latin America, a pioneer and partly a model for judicial reform efforts, is a continent that Norway hardly has targeted with justice sector aid. The exception is the case

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<sup>58</sup> This reflection draws on interviews with NRC staff. For an evaluation of the NRC legal aid project at the Balkans, see Kerrigan et al. (2003).

of Guatemala. Out of the 61.4m NOK that Norad and the MFA gave to judicial development in Latin America from 1999-2003, Guatemala got 47.4m, or 77 percent. Only 14m went to the seven other countries that were supported on the continent.<sup>59</sup> Out of the Norwegian NGOs involved Redd Barna has supported three Latin American countries (Honduras, Nicaragua, and Guatemala), while other NGOs (NCA, NPA, NRC, AIN, and JURK) have assisted justice sector work in single states only. South America is most neglected area, while Central America features more – mainly due to the engagement in Guatemala, which we will recur to in the case study below.

The Asian continent – the Middle East excluded – received a bit more justice sector aid than Latin America: roughly 75m NOK from Norad and MFA from 1999-2003. Yet while Norway's support to Latin America dropped in 2003, the support to Asia quadrupled – from a level of 9-10m NOK in 2001 and 2002 to 46.2m in 2003. The rise was primarily due to MFA allocations of 19m NOK to Afghanistan and 7.2m to Kyrgyzstan in 2003. Apart from these two states, however, a broad range of countries have been supported on a lower scale – including Georgia, Pakistan, Nepal, Sri Lanka, Bangladesh, Burma, Cambodia, and East Timor. Norway has relied on the multilateral channel in Afghanistan, Kyrgyzstan, Cambodia and East Timor, while the six other states have been assisted via non-governmental agencies, Norwegian and local. As for Norwegian NGOs, Redd Barna has been active in six Asian countries, the Norwegian Refugee Council in four, while Amnesty International Norway and the Norwegian Bar Association have worked in two countries each – the latter's engagement in Nepal standing out as most significant. Finally, as for Norwegian research institutions the Norwegian Centre for Human Rights has been active in China and Indonesia, and the Institute of Women's Law in Pakistan and South Asia.

In the Middle East Norwegian aid has been significant, but on the decline since 1999. Norway's justice sector support has centred on the Palestinian area, and amounted to 16.4m NOK from 1999-2003. Given that there has not been a fully-fledged 'government channel' in this case, Norway has mostly used inter- and non-governmental channels as well as some Palestinian 'parastatal' agencies to channel its support.<sup>60</sup>

The fact that only some 150m of the 400m NOK that Norway allocated to justice sector aid from 1999-2003 went to Latin America and Asia – continents that combined host the bulk of the world's population as well as some of the most telling judicial reform experiences – sheds light on two features of Norwegian aid to this area. One, in geographical terms Norwegian aid to legal and judicial development is relatively concentrated. Two, this concentration reflects a traditional geography of Norwegian aid, bluntly put as follows: an 'altruistic' focus on the economically least developed countries in Africa; combined with a more 'self-interested' focus on the economically more developed countries in Europe.

If Africa is a target continent of Norwegian justice sector aid, within Africa it is concentrated in certain areas. The Arab-speaking North and French-speaking West and Central Africa largely escape Norwegian support initiatives. In line with the history of Norwegian assistance to the continent, Norway's justice sector support – which is a relatively new sector of support in Africa – has been concentrated in Southern and East Africa. This concentration especially

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<sup>59</sup> These included, listed according to size of the 'legal and judicial reform' allocation: El Salvador, Colombia, Ecuador, Haiti (these four received one million NOK or more in the five-year period), and the Dominican Republic, Honduras, and Nicaragua (which received less than one million NOK).

<sup>60</sup> For details on Norwegian aid to rule of law projects in the Palestinian area prior to 1999 see Endresen, Schou, and Stadig (2000). As for police support in Palestine, a thorough study is given by Lia (2003).

applies to Norwegian government aid. Norad, often via the Norwegian embassies, has supported the justice sector in Angola, Mozambique, South Africa, Tanzania, Zambia, and Zimbabwe. As for the research institutes, the Norwegian Centre for Human Rights started its first country programme in South Africa, NUPI's Training for Peace initiative has covered the entire SADC region, and the Institute for Women's Law has been active in Zimbabwe, as well as in the broader Southern and East African regions.<sup>61</sup> At the NGO level, Redd Barna has given project support in Zimbabwe and Mozambique and the NCA in Malawi, while Amnesty International Norway has initiated work in South Africa and the NPA in Angola. However, most NGO support to the justice sector in sub-Saharan Africa seems to be concentrated further north, namely in Rwanda (NPA, NCA), Uganda (DNA, NRC), and Ethiopia (Redd Barna). Norwegian government assistance beyond SADC has been restricted to Uganda and Ethiopia.

In Europe, finally, Norwegian support has primarily targeted two groups of countries: those at the Balkans, and more recently, states aspiring to become members of the EU.<sup>62</sup> The latter group of countries has primarily been supported by Norwegian state agents, while the former has received support from a broader range of actors. Bosnia and Herzegovina, in particular, has received massive Norwegian justice sector aid, peaking in the second half of the 1990s. Here the MFA and the National Police Directorate, NUPI and the Norwegian Centre for Human Rights, and four of the 'big five' NGOs (excluding Redd Barna) have supported major programmes. Some of these initiatives have also applied to other Balkan states. With regard to Norway's support to new and future EU members, the four countries surrounding the Baltic Sea – Poland, and the three Baltic states – have been given special priority.

### **Why this geography?**

While Norwegian 'aid to justice' seems to follow the traditional Europe-Africa axis of Norwegian aid policies, there is a broad spread across countries. Also, clear differences can be spotted when it comes to the reasons why Norwegian agents first chose to get involved in a particular geographical area. Such differences are important to understand, since the context of Norwegian agencies' entry into a particular country is likely to contribute to shape the framework within which they later will operate in their efforts to aid the justice sector in the country concerned.

The main distinction that can be made with regard to how Norway has initiated relationships of development cooperation with particular countries, largely parallels the one we made earlier in relation to the types of UN operations that Norway supports. The UN's 'transitional' and 'development' work reflects a more fundamental distinction between different types of country situations. The distinction goes between low-income countries which, at a certain point in time, are marked either by (a) problems of development in general, social, political, and economic; or by (b) problems related to an armed conflict, whether ongoing or recently settled, or to a period of state repression.

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<sup>61</sup> The Southern African Development Community (SADC) comprises Angola, Botswana, the Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe.

<sup>62</sup> The 13 states are Bulgaria, Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, and Turkey. All but three (Bulgaria, Romania, and Turkey) became members of the Union on 1 May 2004.

This distinction serves to identify two main ways in which Norway first approached a country in which it later has come to support justice sector reform. The two ways can be labelled a ‘bottom-up’ and a ‘top-down’ approach:

*A bottom-up approach* to justice sector assistance often applies to countries marked more by general development-related problems than by war or repression, and where a long-standing presence of Norwegian non-state agencies has led to a strong Norwegian knowledge base on the country, and tight bonds with the civil society. Examples include Ethiopia, Tanzania, Uganda, and South Africa.

*A top-down approach* to justice sector aid, on the other hand, tends to apply to countries marked more by armed conflict than by general development problems, where Norway’s entry often is linked to a post-Oslo process MFA agenda of peacemaking and peacebuilding. This has tended to combine with relatively strong ties with multilateral agencies or other bilateral donors. The Balkans, Guatemala, Angola, and Afghanistan are examples of this approach.

This way of analysing Norwegian choice of justice sector support does not explain the choices made by NGOs and research institutes from Norway, but it does give an idea of the groundbreaking role that the Norwegian non-state actors can play to shape the framework of the state actors. We will return to how these dynamics have been played out in practice in our case studies of Ethiopia and Guatemala.

### *B. Type*

The justice sector is composed of the police, the judiciary, and the penal system. Why did Norway start supporting each of these three areas? What types of aid to each area have been more prevalent, where has it been given, and involving whom?<sup>63</sup> A summary of key facts of the following presentation is tabulated in Appendix 7.

#### **Support to the police**<sup>64</sup>

In a historical perspective, police support can be seen as the entry point of Norwegian assistance to the justice sector in general. Norwegian justice sector assistance is thus a fairly new phenomenon: it only started with the police assistance in the 1990s. Apart from the long-standing prison work of the International Committee of the Red Cross, supported by the Norwegian Red Cross; we found no evidence of Norway supporting other countries’ justice systems before the end of the Cold War. When engagement began, the police was the first part of the sector to be targeted. While police assistance started taking off already in the first

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<sup>63</sup> As mentioned earlier in this report, our mapping of international aid to judicial reform and of Norwegian aid to the justice sector focuses on support to structures of the conventional, ‘permanent’ justice system in single countries, and not on ‘transitional’ justice (which can be defined as mechanisms set up, at local, national, or international level, to deal with serious crimes committed during a period of war or repression, in an effort to make a transition to a more peaceful and democratic situation). Nevertheless, we do touch on aid to transitional justice efforts in certain cases, i.e. whenever these processes (1) not only have the function of dealing with a violent past, but also of contributing to restoring the rule of law and strengthening the judiciary in the country concerned in the present; and/or (2) have involved significant Norwegian support – which has been the case, for instance, with regards to Norway’s aid to the UN’s transitional operations. Note, however, that Norwegian aid to transitional justice initiatives at the international level, such as the establishments of international or mixed tribunals or courts, is excluded from our analysis.

<sup>64</sup> The assessment in this section draws principally on interview material with people who have been involved in Norwegian police support.

half of the 1990s, Norwegian aid to the judiciary only got more widespread in the second half of the decade.

Two questions thus arise. Why did Norway enter this area so late? And when it did, why did it come to support the police first, the judiciary only later?

There are two main reasons why Norway's history as a judicial reform supporter is relatively short. First, as noted in Part II of this report, most of the aid to judicial reform that was disbursed during the Cold War period was linked to economic interests of powerful states, e.g. of the USA in Latin America and former European colonial powers in Africa. Norway did not have a similar incentive as other Western countries to protect its investments abroad by supporting judicial reform. Norway had never been a colonial power, and during the Cold War period, Norwegian investments abroad were far smaller than those of other Western countries, and than they are today. Beyond certain business sectors such as shipping and fisheries, to the extent that Norway was involved in low-income countries it was primarily through its policy from the 1950s onwards of development assistance, focussing on poverty alleviation.

Second, the first, major externally-supported drive towards judicial reform took place in Latin America. This is a continent where Norwegian presence historically has been weak. So in the 1990s, when the second and major wave of judicial reform reached the shores of countries where Norway was present as a donor, Norway had little experience in the area.

As opposed the judiciary, with regard to the police there was a clearly articulated demand for support from multilateral agencies, in particular the UN. This demand arose from the fact that in the early 1990s, a number of countries were facing a transition from war or repression to a post-conflict or democratisation process, and that the UN, with the Cold War having come to an end, found itself both able and willing to assist these countries – if member states would contribute. In this early phase, however, the focus on rebuilding the police forces of transitional states was far stronger than the focus on reconstructing the judiciaries. There were, in other words, 'push factors' present with regard to police support that were hardly existent as yet for aid to judicial reform.

Norway was thus facing a demand from the UN, to which it historically had been loyal, for police personnel, mainly – a demand it found that it relatively easily could meet. But given the proliferation of international operations to assist countries in transition, the first ad hoc responses from Oslo were soon followed by the set-up of pool structures to enable a more accurate response.

Yet if an initial reason why the contribution of Norwegian police personnel came about was the decision to meet UN demands as far as possible, as Norwegian police men and women made their mark in the field a new reason emerged why police support was sustained and turned quite prominent. This was the experience that Norway fared fairly well in this area: Norwegian police forces came to be reputed for a high degree of professionalism. Since part of the honour and recognition for their satisfactory performance also reached the government level, Norway got an impetus to make police support a Norwegian 'export article' and support the broadening of Norwegian inputs, both in quantitative and qualitative terms.

Qualitatively, Norwegian personnel started going beyond their main activity of training colleagues from other countries. To take the Balkans as an example, the qualitative expansion took place at two levels:

- From training in operative tasks to training in general human rights standards;
- From training actors to reforming structures, e.g. downsizing of police forces and the establishment of new entities such as internal audits and border police.

Geographically, Norwegian police staff has since 1989 been deployed in the following areas, listed in a rough chronological order: Namibia, Western Sahara, El Salvador, Cambodia, Mozambique, the West Bank, Guatemala, Bosnia and Herzegovina, Croatia, East Timor, Kosovo, Sierra Leone, Serbia and Montenegro, Macedonia, Liberia, and Afghanistan.

While these contributions have largely been multilateral operations, more recently a bilateral channel of police support has been set up. A purpose has probably been to use the acquired police competence to forward Norway's national interests more systematically. In particular after 9/11, a new motive – beyond contributing to the multilateral system and getting recognition abroad – has gained ascendancy: the wish to combat terror and organised crime. Since effectiveness in this regard requires inter-state cooperation, the National Police Directorate has run bilateral police cooperation programmes since 2002. Support has been given to new EU members, as well as to Serbia and Montenegro. The multilateral channel has also been used for police reform in Afghanistan, Kyrgyzstan, and Bosnia and Herzegovina. It hence seems that in line with the emerging security thinking post-2001, Norway's police support has become more focused on Europe and adjacent areas.

But what explains Norway's qualitative expansion from supporting the police only to embrace the other two parts of the justice sector as well? What stands out is the combined effect of the wish to capitalise on and broaden the recognition that Norway had got for its police performance, and the realisation that further success largely hinged on the other parts of the justice sector, too, being supported. This helps explain, for instance the establishment in 2004 of the Norwegian Crisis Response Pool (or 'Styrkebrønnen'), which unlike NORDEM and the National Police Directorate's pool covers the entire justice sector.<sup>65</sup>

On the state side, Norway's police support has been dominated by the MFA, Ministry of Justice and the Police, and the NPD – Norad has hardly been involved. Several non-state Norwegian actors have, however – primarily by providing training to police officers. Police has been trained on human rights by the Norwegian Centre for Human Rights (in Indonesia), on peacekeeping operations by NUPI (in the SADC region), on children rights by Redd Barna (in Ethiopia), and on international humanitarian law by the ICRC, partly financed by the Norwegian Red Cross.<sup>66</sup> Beyond training efforts, NORDEM has provided police units abroad with investigators of human rights abuse.

### **Support to the penal system**

Compared to the police, penal institutions have figured far less prominently in Norwegian efforts to support other countries' justice sectors. At the state level, except for MFA support to build prisons in Kosovo; prison assistance has been a relatively minor part of the Action Plan for new EU members. It is the Norwegian NGOs that dominate this scene. Players

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<sup>65</sup> For an elaboration, see MJP (2003, 2004).

<sup>66</sup> For further discussions of various aspects of police reform and aid to such, see Eide and Holm (2000).

include the Norwegian Church Aid, People's Aid, and Red Cross; Legal Advice for Women (JURK), and Amnesty International Norway (AIN).

Prison support is first and foremost the arena of the Red Cross, which is reputed for its work to monitor the conditions of prisoners of war. ICRC activities in this area also include material support to prisons, lobbying for reform of penal laws, and training of prison staff. Training has also been supported by AIN (in Morocco and Thailand) while JURK has backed prisoners' rights work (in Guatemala). As opposed to the ICRC, which only deals with people jailed due to a war situation, neither JURK nor AIN has this restriction on their prison assistance.

The Norwegian People's Aid and the Norwegian Church Aid have chosen different approaches in their prison support. Both have channelled it into one and the same state: Rwanda. Due to the 1994 genocide this country has faced huge justice sector challenges, including the crowding of prisons and difficulties in reconciling former inmates with their local communities. The NPA has assisted Rwandan authorities on the first score by means of building a new prison, while the NCA has focused on the last part by helping to reintegrate released prisoners into society.

### **Support to the judiciary**

Why did Norway start supporting judicial reform? For state agencies, three motivations seem to have reinforced one another, adding up to a couple of overall dynamics.

First, among those Norwegian agencies that had been active in police support there was a realisation that the judicial chain is not stronger than its weakest link. For instance, it is not enough to improve the police if the people that police officers arrest cannot be brought through a due trial process to have their guilt or innocence proven. Such considerations gave way to an exploration of how the judiciary too could be reinforced.

Second, in Norwegian development agencies there seems to have been a growing and more general concern throughout the 1990s regarding the state of the legal systems of the countries receiving aid. Rather than stemming from experience of supporting one particular part of those systems, this concern seems to have risen in response to the general focus on good governance, democratic accountability, and the fight against corruption that gained prominence in the development community in the late 1990s. In a number of countries, problems in the judiciary were seen as obstacles that needed to be overcome if governance, accountability and transparency were to be improved.

While this second agenda institutionally has been rooted most strongly in Norad, and the first has had its strongest proponents in the Ministry of Justice and the Police and in the Police Directorate, the third Norwegian motivation for going into judicial reform has primarily been anchored in Norway's Ministry of Foreign Affairs. This motive is linked to the fact that, especially after the Oslo process to resolve the Middle East conflict in the early 1990s, post-conflict peacebuilding has become a key objective of Norwegian foreign policy. As Norway sought to play a constructive role in societies emerging from war, it soon realised that the judiciary of those societies need to be strengthened in order to deal with a violent past, and to deter crimes from being committed in the present.<sup>67</sup>

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<sup>67</sup> A recent expression of the official Norwegian line on the policy links between development cooperation and peacebuilding is given in MFA (2004).

At a more general level, these motivations – the need for judicial reform to strengthen police reform, governance, accountability, transparency; and post-war peacebuilding – coincided with two overall trends. One was the second and major wave of judicial reform and donor assistance to support it, which emerged in the 1980s and rolled on throughout the 1990s. The other was the increased focus on human rights, which has become particularly prominent after the end of the Cold War and has expressed itself in concepts and activities such as rights-based development, human rights dialogues, human rights training and human rights monitoring. While judicial reform was seen as a required task in and for itself, the expansion of the human rights discourse has provided an additional ideological rationale underpinning such reform.

Reasons why Norwegian state agencies started supporting judicial reform were, in other words, partly idiosyncratic to Norway's own experiences within assistance to the police, to development, and to post-conflict reconstruction, and partly a response to new international foci of donor and foreign policy attention.

Some of the same motivations for going into judicial reform also apply to Norwegian NGOs, although in this group motivations are more heterogeneous and difficult to map. The new wave of judicial reform efforts, the perception that such reform is needed for human rights purposes and the conflict resolution and peacebuilding agendas all seem to have motivated the NGOs as well. But beyond this is an additional view, which appears more central to the non-governmental than to the government actors, that the judiciary is an emerging site of struggle for social change. In many of the countries where Norwegian NGOs operate the image of politicians has been tarnished by corruption scandals and by a failure to stand up against external pressures from, for instance, the international financial institutions. But while many people have been disillusioned with politics, the judiciary seems to have increased in importance: judges and prosecutors have in some cases seen their recognition grow as they have been able to distance themselves from the executive.<sup>68</sup>

As indicated above, after the end of the Cold War the need for judicial reform was seen as particularly acute in states going through a transition. We earlier made a distinction between the transition and development work of multilateral bodies such as the UN. The transition category can be though broken down into two main types of processes:

- Processes of *post-conflict reconstruction* from war or genocide to relative peace, as in Afghanistan, Angola, Guatemala, Mozambique, and Rwanda, and
- Processes of *democratisation* from an undemocratic to a more participatory dispensation, as in Ethiopia, South Africa, Tanzania, Uganda, and Zambia.<sup>69</sup>

We make this distinction to shed light on the different contexts of the countries where Norway has intervened, since these contexts and, accordingly, Norway's motive for supporting judicial reform will impact on the support given, in particular on the choice of

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<sup>68</sup> For a broader discussion of these dynamics, see Gloppen, Gargarella, and Skaar (2004).

<sup>69</sup> Two notes are in order. One, in the sense that a process of democratisation is often part of a process of post-war reconstruction, the two processes may overlap. The distinction is made since those countries that 'only' go through a democratisation process face other challenges than those that also emerge from a situation of armed conflict. Two, while we earlier distinguished between 'transitions' and 'development', democratisation processes can be part of both. However, we make the distinction since those countries that emerge from a period with an authoritarian rule (transitional states) face other predicaments on their road to democracy than those with a more democratic point of departure, whose efforts to democratise will not need to focus on a general overhaul of the political system but rather of reforms of parts of it.

channel. For in the cases where Norway chooses to support judicial reform mainly to strengthen a post-war reconstruction process, evidence suggests that Norway often does so in spite of a relatively limited prior experience in the country concerned. Therefore, when initiating judicial reform assistance in such countries, Norway often chooses to rely on multilateral organisations; an approach which can be labelled ‘top-down’ since it tends to make less use of local forces than a bilateral or civil society approach. If, on the other hand, Norwegian aid judicial reform is motivated by a wish to advance a democratic transition, such support will normally materialise in countries where Norway already is present as a donor.<sup>70</sup> It will thus build on years of experience and knowledge of the country concerned; an insight which in practice tends to lead to the selection of a government-to-government and/or civil society channel of support to judicial reform; channels that reflect a more ‘bottom-up’ approach.

We will return to this discussion when assessing the cases of Guatemala and Ethiopia. First, to understand Norway’s support of judicial reform more in depth, a more systematic presentation of Norwegian aid to the judiciary will be structured along the six types of such aid that were identified in Part I, and reflected in Figure 1. These include support to law reform, courts reform, judicial administration reform, legal community support, legal education and training, and access to justice.

#### (1) Law Reform

Norwegian aid to the reform of a country’s laws and regulations has been relatively low-key. It has involved little direct support from state agencies; recent efforts by the Norwegian embassies in Mozambique and Uganda being exceptions. None of the research institutes has worked to reform other countries’ laws directly, although the Norwegian Centre for Human Rights’ work in China, and to some extent in Indonesia and South Africa, aims at reforming human rights laws in the longer term.

Norwegian NGOs have been more proactive in the field of law reform, advocating changes within its particular field of interest. Redd Barna has supported country-level studies to identify how state laws need to be adapted to comply with the 1989 Convention of the Rights of the Child, as well as subsequent advocacy for such changes to be implemented. Likewise, the NCA has proposed changes in the laws on religious freedom and on human rights. JURK has supported women’s efforts to change property laws and other customary law, while the Norwegian Red Cross has supported the ICRC’s work to integrate international humanitarian law into national legislation.

#### (2) Courts Reform

Efforts to strengthen a country’s courts and tribunals have figured more strongly in efforts by the Norwegian state agencies to reform judiciaries. Zambia is a case in point, where the Norwegian embassy has been part of a donor consortium that together has been instrumental in building a new Magistrate Courts Complex in the country’s capital. This endeavour follows previous technical assistance to the country’s courts, which primarily was disbursed as local levels.

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<sup>70</sup> In countries where Norway has not historically been involved in development cooperation, such as West African states, the advent of democratic transitions has not triggered significant Norwegian aid.

In Rwanda the Norwegian People's Aid has followed a very similar strategy, yet on a smaller scale: it has contributed material support to the courts, and supported the building of new courts. In this country both the NPA and the NCA, moreover, have supported the establishment of a new leg in the national court system, namely the local *gacaca* tribunals set up to decentralise and speed up the post-genocide trial process.

Apart from these two major organisations' efforts, court reform has been given less priority by Norwegian non-state actors.

### (3) Justice Administration Reform

A striking feature of Norwegian aid to the judiciary is the virtual absence of contributions to the reform of the administration of justice in single countries. With the exception of projects supported by the Norwegian embassy in Ethiopia, we find little evidence of Norwegian actors involved in reforming areas such as financial management and budget processes within courts, case management systems, processing, filing and dissemination of judgements, and the rules and procedures for judges' appointment, promotion, terms of tenure, and remuneration. Virtual Norwegian absence in this field stands in stark contrast to the engagement in it by major donors such as USAID and the World Bank.

### (4) Legal Community Support

Norwegian aid to the community of legal scholars in other countries has also been small, yet not insignificant. Most noteworthy here is the 15-year-old cooperation of the Norwegian Bar Association (DNA) with corresponding organisations in Nepal and Uganda, which partly has aimed at strengthening the standing and authority of the lawyers. Also, the Norwegian Refugee Council is increasingly targeting bar associations with whom they seek to cooperate to implement legal aid programmes. While the DNA's support more directly aims at legal community support, the relatively greater size of NRC support to similar associations, although not primarily aimed at strengthening the lawyers as a group, does bode for similar effects in terms of legal community boosting.

At the level of Norwegian state agencies, however, legal community aid has been largely absent. If NGOs have been supported by Norwegian ministries, directorates or embassies; bar associations, law societies and similar groups have figured less predominantly than have, for instance, human rights organisations.

### (5) Legal Education and Training

The two remaining categories of aid to judicial reform – legal education and training, and access to justice – stand out as those where Norwegian inputs have been most considerable. At least two factors explain why training and education of lawyers and legal staff have been central areas of Norwegian aid to judicial reform.<sup>71</sup>

First, within the area of training relevant experience has been accumulated by Norwegian agents. These include Norwegian police personnel, and those running the training programmes of the Norwegian Centre for Human Rights. Second, needs for legal training and

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<sup>71</sup> The training component of the 'legal training and education' category refers to the training of lawyers and/or legal staff, including judges and prosecutors. Projects involving training of people at large on their rights and on the judicial system is subsumed to the 'access to justice' category.

education have been significant in many countries, and the demand has been expressed by state and non-state actors alike. Given the relative consensus on the need for legal training,<sup>72</sup> this has been seen as a relatively ‘politically safe’ area to venture into. This concern may have been particularly important for a country like Norway, which had little experience in other areas of judicial reform assistance and therefore needed to carve out a niche in which more experiences could be accumulated.

A sizeable section of Norwegian agents have thus been involved in legal training and education projects. Bodies that have supported training of lawyers and judicial staff include, on the state side, the Norwegian embassies in Zambia, Ethiopia, Mozambique, and Angola, and on the non-state side, the NCHR (in China, Indonesia and South Africa), the NPA (the Balkans), Redd Barna (Zimbabwe), and AIN (India).

Beyond the training efforts, an education commitment has been taken up by the Institute of Women’s Law at the University of Oslo, which has developed teaching programmes in law and human rights and helped implementing them. A masters’ programme is offered at the University of Zimbabwe, serving 9 countries in southern and eastern Africa; while courses leading to diplomas and certificates in human rights have been given by the University of Peshawar in Pakistan.

#### (6) Access to Justice

Programmes classified as ‘access to justice’ typically involve legal aid, such as test case litigation, and legal awareness programmes, such as human rights training and information to people at large. Among Norwegian state agents, initiatives including these components have been supported by the Norwegian embassies in Angola, Ethiopia, Mozambique, Guatemala and South Africa. In the latter country, support has been disbursed in cooperation with the Norwegian Centre for Human Rights.

On the NGO scene the Norwegian Refugee Council is a key actor, as it since the early 1990s has offered legal advice and assistance to refugees. JURK, for their part, has provided legal aid to women and Redd Barna to children. The bar associations supported by DNA, finally, have had a more all-encompassing target group: Their legal assistance has been offered to anyone, although marginalised groups such as children, women and the poor have been given priority.

Beyond legal training and education, access to justice has thus emerged as a focal point of Norwegian aid to judicial reform. This is in spite of the fact that prior to the late 1990s Norway had accumulated little experience within this field, apart from at the NGO level of the Norwegian Bar Association (Nepal) and the Norwegian Refugee Council (the Balkans). A main reason why access to justice still became central probably parallels one of the rationales underlying support to legal training and education, namely the broad consensus on the need for such aid. Since Norway has little experience in judicial reform assistance, it was preferable to enter an area where it was unlikely that adverse government reactions would be confronted. Albeit to a slightly lesser extent than with regard to training and education,

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<sup>72</sup> This consensus has, however, been challenged in recent years in countries such as Ethiopia, where the number of different training programmes supported by various donors have grown dramatically over recent years, while it remains uncertain what effects these training programmes have had. The case study below will provide details.

providing people with access to the justice system tends to be seen as a relatively uncontroversial and commendable aim by state and non-state actors alike.<sup>73</sup>

### **Cross-cutting support**

To complete this round-up of Norwegian support to the justice sector, the initiatives that cut across several of the categories should be included. Within the judiciary, this applies to the NORDEM roster and the MFA's support to an EU initiative to strengthen cooperation between courts in Africa – both of which are likely to contribute to build several parts of the judiciary. So are, indeed, the aid given by the Norwegian embassies in Angola, Uganda, Tanzania, and Ethiopia to support overall judicial reform in those countries.

The embassy-level reform assistance, however, not only intends to benefit different sections of the judiciary, but also the different parts of the justice sector in its entirety. This also applies to other initiatives. JURK's efforts, for instance, have women's rights as their foci – which translates into engagement in the fields of law reform, training, and access to justice within the judiciary, and to prison reform beyond it. The Crisis Response Pool will benefit the entire justice sector, and this also applies, finally, to NUPI's initiatives related to reform of the security sector. In line with this conceptualisation, the justice sector can be seen as part and parcel of the larger sphere of society, which includes the armed forces, destined to promote the security of the state – as well as the human security of citizens.

### *C. Size*

Roughly how much have Norwegian agencies donated, where, and to what types of aid?

As Appendix 8 shows, the part of Norwegian aid to legal development that originates in Norad and the MFA has tripled in recent years – from 40m NOK in 1999, to nearly 120m in 2003. The growth was clearest with regard to the MFA allocation, which rose from less than 10m NOK in 1999 to more than 60m in 2003. Norad's support ranged between 30m and 60m NOK a year throughout the period. Even in the peak year of 2003, however, when total Norad and MFA aid to the area amounted to 119m NOK, the sum represented a tiny share of Norway's total development assistance, which that year amounted to 14.5 billion NOK (Norad 2004).

Importantly, however, the statistics of the 1999-2003 allocations do not capture the entire picture, as some key initiatives transcend the category of 'legal and judicial development'. Among the projects run by state agencies, this applies in particular to the 'Applicant Country project', which in a three-year period channelled more than 285m NOK to prepare 12 aspiring

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<sup>73</sup> For national authorities, however, two opposite reactions can be imagined. If offered assistance from a donor to improve the population's access to justice, they may, on the one hand, welcome the offer since such assistance will reduce the workload of their national system. On the other, they may realise that if the programmes are 'too' successful they may contribute to augment the pressure on themselves, as the programmes may make people readier to 'stand up for their rights' if the state, the prime responsible for ensuring that the rights are respected, does not take that responsibility. In the longer term therefore, the government concerned may, as a result of the external assistance, be faced with a 'tougher' population. Whether access to justice aid will be welcomed or refused thus to a large extent depends on the nature and policies of the regime, and the extent to which it is prepared to be held accountable in the longer term.

states for EU membership (MFA 2001). This represents, on average, 8m NOK to each country per year – which is a significant amount.<sup>74</sup>

Other major cross-cutting projects, not captured by the statistics given first, include the NORDEM roster which has had an annual budget of 25m NOK. Even though only a relatively minor share of this amount will have been deployed on seconding legal experts, an estimated ten per cent share would make this project relatively substantial – representing a contribution of 2-3m NOK a year. If this is the case, NORDEM's support to the justice sector would roughly correspond to that of NUPI's Training for Peace programme; where 20-30 percent of the 10m NOK annual budget is estimated to cover 'rule of law' issues. The Crisis Response Pool, on the other hand, is far smaller so far: At the MJP, only one million NOK was estimated to be needed in 2004, the first year of operation.

Beyond the projects that cut across sectors and countries, several major initiatives are concentrated at country level. This applies, for instance, to the bilateral line of police support, and to the country programmes of the Norwegian Centre for Human Rights. The China and Indonesia programmes each has a 3m NOK budget line, while the South Africa programme is three times that size – disposing of roughly 9m NOK a year.

Appendix 3 gives details on how Norwegian aid is spread across all countries of support. Yet to get a closer idea of the magnitude, it is also useful to highlight the areas that have received most of the funding. Appendices 9, 10, and 11 list the 'top ten' – i.e. the ten countries, agencies, and projects that received most money from the Norwegian state from 1999 to 2003. As noted earlier, the total amount of support during this period was 400m NOK. As the appendices show, the top ten projects only got a moderate share of this support, that is, less than one third. No single project received more than 20m NOK during the five-year period. With regard to countries and partners, however, the aid was more concentrated: on both accounts, the 'top ten' absorbed nearly two thirds of all the funding. The 'winners' were Guatemala, Zambia, and various Balkan states, and among partners, as noted earlier, the UNDP – which received far more Norwegian state money than any other agency. Of the Norwegian NGOs, only the Refugee Council, Bar Association, and People's Aid feature among the top ten. More information about the state funds channelled via Norwegian NGOs is given in Appendix 12.<sup>75</sup>

### **3.2 Case studies: Guatemala and Ethiopia**

To understand more in depth how Norway has supported judicial reform, we will now take a closer look at the cases of Guatemala and Ethiopia. We have chosen these two countries because they diverge with regard to three key aspects of justice sector reform.

The first aspect is geographic. The cases are located on continents that differ considerably when it comes to justice sector developments. In Latin America, major reform efforts have been undertaken for a comparatively long time – but beyond Guatemala, Norway has hardly

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<sup>74</sup> However, this project not only cuts across categories of the justice sector – it also goes beyond the justice sector itself. And as is the case with many of the transcending projects, it is hard to trace how much of the average eight million per country per year would have gone to the justice sector.

<sup>75</sup> Not all of the Norwegian NGO support is reflected here, since some of the organisations' funding comes from sources other than Norad or the MFA. But since statistical data from these organisations were difficult to acquire, we are not in a position to give an accurate ranking of the relative contributions of all the major organisations involved. The appendix is a good substitute, however, as it gives an idea of the parts of the organisations' input that were obtained from Norwegian state sources.

been engaged in supporting them. In Africa, it's the other way around: justice sector reform is a more recent and less widespread phenomenon, yet one in which Norway has become involved.

Secondly, the two cases diverge when it comes to the magnitude and timing of Norwegian efforts. As noted, Guatemala is the country that received most Norwegian legal development aid from 1999-2003, while Ethiopia does not even feature among the 'top ten' country recipients. And while Norwegian aid to the justice sector in Guatemala started in the mid-1990s, in Ethiopia it began half a decade later. Since the Norwegian history of aid to judicial reform in Guatemala is twice as long as the Ethiopian experience, and since aid to Guatemala has been far greater, we ask: what can Norwegian actors in Ethiopia learn from the Guatemalan experiences?

Thirdly, the cases diverge with regard to what agencies, partners and channels Norway has targeted. While judicial reform has been supported via the government and non-governmental channels in Ethiopia, in Guatemala the multilateral channel of the UN has been the prime vehicle. Moreover, in Ethiopia Norway's state support has come on top of a longer history of Norwegian presence in the country by missionaries, humanitarian and development agencies. Norway's support in Guatemala, on the other hand, was not preceded by any significant presence of Norwegian non-state groups. And finally, while the Ethiopia programme of the Norwegian government was established primarily to realise the Norad agenda of poverty alleviation; driving forces of initiating aid to Guatemala were closely intertwined with the MFA's emerging policy of post-war peacebuilding. As suggested earlier, these backgrounds are likely to have influenced the choice of channel: In Ethiopia Norway adopted a 'bottom-up' approach to justice sector assistance by backing the non-governmental and government bodies; while in Guatemala a 'top-down' approach via the UN system was adopted. How have these divergences, both in channel selection and in the history of Norway's relations with the two countries, influenced Norwegian experiences in aiding the two justice systems? What do the cases tell us about pros and cons of using the inter-governmental versus the government and non-governmental channels, and about the conditions under which different strategies will work?

### *3.2.1 Aid to judicial reform in Guatemala*

Since the mid-1990s, Guatemala has received extensive external assistance to its judicial reform efforts.<sup>76</sup> Norway's aid has principally been channelled through the UNDP, not bilaterally; and has sought to strengthen courts, court administrations, and access to justice – especially for indigenous people. In the following we (A) give an overview of the efforts to reform Guatemala's justice sector; (B) outline Norwegian assistance to the field; and (C) give a brief assessment of key aspects of Norway's support.

#### *A. Context: Justice Sector Reform Efforts in Guatemala*

In a historical perspective, external assistance to judicial reform in Guatemala has come in two main waves: the first in the late 1980s and a second from 1996 to date. In the 1980s assistance to judicial reform constituted an important part of US foreign policy towards Central America (see discussion in Part II of this report). In Guatemala, assistance in the form of monetary and technical support was channelled through the USAID-funded Harvard Law

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<sup>76</sup> For a useful bibliography on the rule of law and judicial reform in Guatemala, see <http://larcdma.sdsu.edu/humanrights/rr/Guatemala/JJR.html#GuJJRGovWebsites> (accessed 25.08.04).

School project from 1987. Harvard abandoned the project in 1990, however, due to a perceived failure by the Guatemalan government to prevent human rights abuse.<sup>77</sup> Judicial reform was then put on ice by the Guatemalan government.

The second wave of assistance to judicial reform in Guatemala has been far bigger. When UN-brokered peace accords ended the country's 36-year long civil war in 1996, judicial reform was placed high on the agenda. The justice system was at that stage ill equipped to face up to the tasks at hand, i.e. to address past human rights violations,<sup>78</sup> continuing violence and increasing crime rates; and to secure a stable legal environment to encourage investments and economic development. The justice system was also characterised by problems of exclusion, unequal access, discrimination, corruption and impunity.

The need to transform the system of justice was taken seriously by the Guatemalan government, as well as of the UN – which played a central role in the country's peace process. To quote the peace agreement of 1996:

'The Peace Accords have opened new doors and possibilities of judicial reform in Guatemala. To that end, the obligation of promoting a group of constitutional reforms, legal reforms, administrative measures and the creation of the Commission for the Strengthening of Justice has been assumed'.<sup>79</sup>

Historically speaking, the end of Guatemala's civil war coincided with the emergence of a new 'peacebuilding' agenda in the international community of states and donors; in response to opportunities opening up after the Cold War. Since the UN Secretary-General launched his 'Agenda for Peace' in 1992, there has thus been no lack of interest to respond to Guatemala's justice sector challenges.

In the second and current wave of support, three multilateral agencies – the World Bank, the Inter-American Development Bank (IDB), and the UNDP – as well as one bilateral donor, the USAID<sup>80</sup> – have thus been key supporters of the government's strategy to reform the judicial system. In support of the reform programme, in 1998 the WB approved a USD 33 million loan for a 20-year term to the Guatemalan government,<sup>81</sup> and the IDB gave a USD 25 million loan for a 30-year term.<sup>82</sup> Beyond the Banks and the UNDP, other multilateral contributors include the European Union and the UN's verification mission MINUGUA.

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<sup>77</sup> See (Salas 2001: 21, fn 19). See also USAID: *Final Report: Evaluation of Harvard Law School Program: Guatemala* (Washington, D.C.: USAID, 1994) (USAID 1994).

<sup>78</sup> An estimated 200,000 people died during the civil war (including 50,000 disappeared). For a conservative estimate, see document from Guatemala clarification commission, CEH (Comisión de Esclarecimiento Histórica), 1999.

<sup>79</sup> Final Report of the Commission of the Strengthening of Justice, 'A New Justice for Peace'.

<sup>80</sup> As of 2001, USAID was assisting Guatemala in justice and human rights programming through the following programmes: revision of legal framework and code reform (such as Constitutional reform, criminal procedures codes reform and reform of organic law); judicial independence, professionalisation and judicial councils; judiciary training (includes, but not limited to, training of judges, prosecutors and defenders); national judicial schools; establishing/strengthening the Public Ministry; NGO strengthening (for justice reform); model courts for oral trial procedures; legal assistance/access to justice; creating/assisting ombudsman office; court administration and case tracking; alternative dispute resolution; assistance to law schools and universities; police assistance; and creating/strengthening public defence (see Appendix 3.1. and Appendix 3.2 in (Sarles 2001).

<sup>81</sup> Project assistance centred on several problems: improving court functions and institutional procedures; improving citizens' access to justice; fighting corruption; restoring faith in the judicial system. See WB at [http://web.worldbank.org/WESITE/EXTERNAL/NEWS/0\\_contentMDK:20016871](http://web.worldbank.org/WESITE/EXTERNAL/NEWS/0_contentMDK:20016871). See also WB at <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P047039> (accessed 31.08.04).

<sup>82</sup> See IDB at <http://www.iadb.org/exr/PRENSA/1998/cp19198e.htm>

Apart from the inter-governmental organisations, donors offering assistance to judicial reform in Guatemala have included governments and/or NGOs from 20 countries: Austria, Australia, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Italy, Japan, Kuwait, Luxembourg, the Netherlands, Norway, Spain, Sweden, Switzerland, the United Kingdom, and the United States.<sup>83</sup> There is great variation in terms of the number of agencies involved from each country, the sectors the agencies are involved in, and the type and volume of assistance. An assessment estimates donations and loans to the country's justice sector to total over USD 188 million between 1996 and 2001, which corresponds to an annual average of USD 31.3 million.<sup>84</sup> Unfortunately, we do not have the data to estimate the total volume of or technical and financial resources that have gone into the judiciary after 2001 in Guatemala.

What is clear, though, is that given this plethora of actors and the weak capacity of the post-war Guatemalan state, it has been essential to coordinate the reform efforts. Two coordination bodies were thus established in 1997 as part of the process to implement the 1996 peace accords, namely:

(1) The Commission for the Strengthening of Justice (*Comisión de Fortalecimiento de la Justicia*, CFJ); tasked with modernising the judicial apparatus; developing recommendations for criminal reform; and implementing the new criminal procedure code; and

(2) The Judicial Branch Modernisation Commission (*Instancia Coordinadora de la Modernización del Sector Justicia*, ICMSJ),<sup>85</sup> composed of four justice sector actors:

- the Judiciary (*Ministerio de Organismo Judicial*),
- the Attorney General (*Ministerio de Gobernación*),
- the Institute for Public Defence (*Instituto de la Defensa Pública Penal*) and
- the Public Prosecutor's Office (*Ministerio Público*).<sup>86</sup>

The ICMSJ's role is to coordinate the work of these institutions; including the development of joint project plans and actions. Furthermore, it has offered programmes on e.g. the establishment of justice centres, the integration of computer systems, training, and the development of common policies with regard to crime control.<sup>87</sup> According to Guatemala expert Rachel Sieder, the ICMSJ is 'functioning unevenly'.<sup>88</sup>

### B. Norwegian Aid to Judicial Reform in Guatemala

As we have seen, Guatemala has been given top priority in Norwegian aid to judicial reform. Nevertheless, in the Guatemalan context Norway remains a relatively small donor. While the

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<sup>83</sup> The donors are listed in alphabetical order. For a more detailed overview of bilateral donors, see [http://www4.worldbank.org/legal/leglr/donor\\_bd.html](http://www4.worldbank.org/legal/leglr/donor_bd.html)

<sup>84</sup> Cited in Sieder (2004: 145).

<sup>85</sup> There are various English translations for the original Spanish *Instancia Coordinadora de la Modernización del Sector Justicia*, such as the Coordinating Instance for the Modernization of the Justice Sector.

<sup>86</sup> The English translations from the original Spanish are the authors'. For achievements of the ICMJS and multi-donor judicial reform projects underway in Guatemala, see CEJA-JSCA at [http://www.cejamericas.org/reporte/muestra\\_pais.php?idioma=ingles&pais=GUATEMAL&tipereport=REPORT\\_E0&seccion=PROYREFO](http://www.cejamericas.org/reporte/muestra_pais.php?idioma=ingles&pais=GUATEMAL&tipereport=REPORT_E0&seccion=PROYREFO) (accessed 31.08.04).

<sup>87</sup> The information and translations are adopted from a web publication by The Danish Institute for Human Rights at <http://www.humanrights.dk/departments/international/partnercountries/Guatemala/mainpartnersguat/> (accessed 15<sup>th</sup> September 2004). For a more comprehensive analysis of judicial reform efforts in Guatemala, see Svendsen (2002).

<sup>88</sup> Email correspondence from Rachel Sieder, 18.09.04.

Norwegian share of UNDP financing is relatively high, it should be borne in mind that the UNDP is only one of almost 30 international agencies involved in various aspects of reforming and strengthening the judicial sector in Guatemala.

Even though Guatemala has not had the status as a ‘priority country’ in Norwegian development cooperation policy, Norway has taken a particular interest in the Guatemalan justice sector following its active political involvement in the country’s peace process.<sup>89</sup> According to the Norwegian MFA,

‘Since the final peace agreement in Guatemala.....Norwegian development assistance for this country has been concentrated on efforts to promote democracy and human rights monitoring, police training programmes and judicial reforms.... Support for civil society, the dissemination of information on the peace accords and programmes related to the rights of indigenous peoples have had high priority’.<sup>90</sup>

Norway’s assistance to justice sector reform in Guatemala can thus be seen both as a follow-up to the peace agreement, and in a broader perspective, as part of the MFA’s emerging policy line of ‘post-war peacebuilding’. Rather than being rooted in the traditional poverty reduction focus of Norway’s development cooperation, reasons why Norway first entered into a relationship of development cooperation with Guatemala thus seem to relate more to MFA than to Norad agendas. The rapidly consolidating MFA peacebuilding strategy helps explain why Norwegian aid efforts turned rather significant over a short period of time, in a country and region where Norwegian aid historically has been small.

Since 1994-95, assistance to the justice sector has been a central part of Norwegian bilateral aid to Guatemala. A prime concern has been the protection and expansion of human rights, especially for indigenous people.<sup>91</sup> After the peace agreement and prior to 1999, Norwegian assistance to the justice sector was principally directed towards (1) MINUGUA’s police projects, (2) local human rights organisations, and (3) the Ombudsman Office. Since none of these areas fall entirely into the category of judicial reform, which is the focus of our assessment, we will not further comment on these projects here.

After 1999, however, Norway’s engagement shifted increasingly towards judicial reform, including the reform of courts and judicial administration, as well as access to justice issues – especially aimed at increasing the rights of the indigenous population. The Norwegian efforts have been concentrated in four large projects. All of the support projects have been initiated by the Norwegian embassy in Guatemala, financed by Norad, and channelled through the UNDP. The Guatemalan government, for its part, has been responsible for co-financing and executing the projects. The four projects are:

1. *Strengthening the Administration of Justice (GTM-98/006)*. The project was initiated in 1999 to improve the efficiency of the administration of justice in Guatemala through supporting the Public Prosecutor’s Office (*Ministerio Público*) and also to assist in the reorganisation of the judiciary. The total budget is 11.43 million NOK.

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<sup>89</sup> The first attempt at dialogues for peace started in 1987, but only had a breakthrough after the Oslo Peace Accords in 1990, when the government and the military opened up for an official dialogue Svendsen (2002).

<sup>90</sup> The Norwegian Ministry of Foreign Affairs: *Report on Norwegian Development Cooperation in 2000*. Available at <http://odin.dep.no/ud/engelsk/development/032111-220004/indexhov002-b-n-a.html#hov2.0.4>

<sup>91</sup> For a more thorough analysis of debates over indigenous rights and judicial reform in Guatemala, see Sieder (2002).

2. *Plan for Modernising the Judicial Branch (GTM-00/216)*. This project, which started in 2000, forms part of a larger five-year strategic plan for modernisation of the Guatemalan courts. It was initiated by the courts themselves through the Judicial Branch Modernisation Commission. A major purpose of the project has been to make court procedures more efficient, by reengineering the judicial process and simplifying judicial procedures - including developing a new procedural code. The project (for the period 2000-03) had a budget total of 12.32 million NOK.

3. *Public Prosecutor's Office Project (Ministerio Público) (GTM-99/217)*. In this project (approved by Norad in 2000, launched in March 2001, and planned to last for two and a half years), support to the Prosecutors Office was a central concern. Through the UNDP, Norway was involved in the third phase of the project. The objective has been to improve criminal prosecution, foster professional excellence in public prosecutors, and install a new organisational and operational model for public prosecutors office. The total budget for this project (for the period 2000-03) was 14.08 million NOK.

4. *Strengthening the Public Criminal Defence Institute (GTM-01/220)* (approved in 2002). In this project, three new Indigenous Legal Defence offices have been set up within the Public Criminal Defence Institute – in Sololá, Huehuetenango, and Totonicapán respectively (in addition to the seven offices that already existed). The project also promotes cooperation between indigenous law and the state by means of sensitivity training of public officials in the national justice system and training of community leaders.<sup>92</sup> The overall objective of the project is to promote and improve access to justice for indigenous groups. The budget for the period 2000-03 was 7.5 million NOK. The total budget is 8.23 million NOK.<sup>93</sup>

In addition to these Norad-supported projects, one Norwegian NGO – JURK – has also been involved in the justice sector in Guatemala. Through their local partner, Guatemalan Institute of Comparative Penal Studies, from 2002-2004 JURK participated in a research project on the arrest, custody, trial and prison conditions for women; aiming to secure women's rights in the justice system.

### C. Assessment of Experiences

#### **Has Norwegian aid been 'successful'?**

A review of available project documents suggests that the Norad-supported judicial reform projects in Guatemala have been quite successful in achieving their immediate project objectives. An evaluation report of two of the projects that have been completed (*Plan for Modernising the Judicial Branch (GTM-00/216)* and *Public Prosecutor's Office Project (Ministerio Público) (GTM-99/217)*) is, by and large, positive with respect to goal achievement, although substantial criticism is raised against the way the project had handled

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<sup>92</sup> See UNDP. GUA01/028/A/01/99. The project details are also available at UNDP's home page for Guatemala at <http://www.pnudguatemala.org/> (accessed 25.08.04). This project was a follow-up to the UNDP administrated project GUA/00/L13, financed by the Spanish government.

<sup>93</sup> In addition to these four larger projects are smaller sums of money allocated to the financing of two consultancies in 2003, and a support to the National Civilian Police Force (*Policia Nacional Civil*) of 1.5 million NOK in 2002 – a continuation of the support for MINUGUA (also channelled through the UNDP). Falling outside this analysis is also support for the National Civilian Police (GTM-03/308 PND 2003), which has an allocated budget of 12 million NOK, 3 million of which has been disbursed by the end of November 2004. The information is taken from various project documents, budgets prepared by Norad, and information from Hilde Salvesen, Norwegian Embassy in Guatemala, email correspondence of 07.12.04. See also Appendix 3, Table 1.

the planning and development of a new procedural code.<sup>94</sup> The third project, *Strengthening of the Public Criminal Defence Institute* (GUA 01/028) went through an external assessment in 2004, a few months before the project was expected to reach completion (estimated to September, 2004). The report indicates that most of the project objectives had been met in a satisfactory manner.<sup>95</sup> Anecdotal evidence suggests that the programme is advancing quite well, and that Norad most likely will roll out funding for another two or three years.<sup>96</sup>

Nevertheless, to assess whether concrete, small-scale project objectives have been met is a far more straightforward task than assessing projects in light of their overall objectives. In order to evaluate the larger impact of a particular kind of assistance it is, strictly speaking, necessary to evaluate the *joint effect* of the plethora of donor efforts. While this is a major undertaking that lies beyond the scope of this report, one step in that direction is to focus on the particular channel that Norway has chosen for its judicial reform efforts, and assess whether the use of that channel has brought Norwegian agencies closer to reaching the meta-aims. As noted, in Guatemala Norway has chosen to use the multilateral agency of the UNDP.

### **Has the UNDP been an effective channel for Norwegian aid?**

When assessing whether or not UNDP has been an ‘effective’ channel for Norwegian aid, we take into account whether the UNDP has disbursed donor resources effectively, made sure that project objectives have been met in a timely manner, and ensured the necessary co-operation with relevant donors and partners. The use of the UNDP as a channel for aid to judicial reform in Guatemala has both advantages and disadvantages to it, as demonstrated in the following seven points.

First, the UNDP is a well-established donor. Since it first established itself in Guatemala in 1974, it has supported more than 200 projects in support of political and economic development.<sup>97</sup> Out of the six current programmes of the UNDP, ‘Security and Justice’ is the one that Norwegian assistance is channelled into.<sup>98</sup> The UNDP’s long history in Guatemala suggests that the agency is familiar and well connected with the government, other local actors and with the donor community. This would in turn suggest that it is likely that the UNDP is able to implement its aid programmes relatively efficiently. Nevertheless, sources have pointed out that cooperation between the UNDP and the Guatemalan government (or executing agencies) has at times been lacking.<sup>99</sup>

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<sup>94</sup> See a report prepared by Stener Ekern (ed.), Alberto Muro Castillo and Kristin Svendsen: *Repaso de los Proyectos: Programa de apoyo al Organismo Judicial (OJ) para la agilización de procesos judiciales en áreas no penales (GUA 00/004) y Fortalecimiento del Ministerio Público (MP) (GUA 00/008)*. Final version prepared 10 June, 2003. Criticism of procedural code on p. 33.

<sup>95</sup> For instance, progress rates were reported between 30 per cent and 85 per cent, depending on the project component and on what stage the project was in. See Annual Administration Report for Project GUA/01/028 – Legal Offices for the Defence of Indigenous Human Rights, for the reporting period 1 February-31 December 2002. For details of the evaluation, see Project GUA 01/028 – *Repaso de Proyectos: Fortalecimiento al Instituto de Defensa Pública Penal*. Evaluation report prepared by Jannicke Bain, Norad, and Kristin Svendsen, Consultant, 18<sup>th</sup> May 2004.

<sup>96</sup> Email correspondence with Rachel Sieder, 18.09.04.

<sup>97</sup> See UNDP webpage for Guatemala, at <http://www.pnudguatemala.org/> (accessed 25.08.04).

<sup>98</sup> For a list of all UNDP projects in the field of Justice and democratic security, see <http://www.pnudguatemala.org/> (accessed 25.08.04). The projects which NORAD provides funding for are also listed here, with projects details.

<sup>99</sup> See report prepared by Stener Ekern (ed.), Alberto Muro Castillo and Kristin Svendsen: *Repaso de los Proyectos: Programa de apoyo al Organismo Judicial (OJ) para la agilización de procesos judiciales en áreas no penales (GUA 00/004) y Fortalecimiento del Ministerio Público (MP) (GUA 00/008)*. Final version prepared 10 June, 2003.

Second, UNDP is a co-ordinating agency for donor resources. It has coordinated monthly meetings of donors, including those that do not channel their resources through the UNDP, through the *Petit Comité de Justicia*. This committee was in the period 1997-2004 responsible for more than 50 reform initiatives with respect to the Public Prosecutor's Office, the Public Criminal Defence Institute, and the Judicial Branch more broadly. UNDP was part of 18 of these projects, of which Norad financed three. This would seem to imply that the UNDP makes a concerted effort to avoid donor duplications and overlapping efforts. Nevertheless, the *Petit Comité de Justicia* as well as the UNDP specifically has still been criticised for initiating overlapping projects, not planning well enough in advance of starting new projects, and not coordinating their efforts efficiently enough.<sup>100</sup>

Third, the UNDP has played a dual role that has complicated its work in Guatemala. On the one hand it is one of many donors; on the other hand it has had a central role to play with respect to the government due to its role in the peace process. This means that the UNDP is not necessarily as 'neutral' as one may expect.<sup>101</sup>

Fourth, the UNDP has experience with justice reform in a number of countries, and therefore should be able to draw on the lessons learned from elsewhere. But one should bear in mind that the UNDP is first and foremost a coordinating organ for various types of projects in a wide array of fields, and does not necessarily have technical expertise in the area of judicial reform assistance.<sup>102</sup>

Fifth, the UNDP tends to recruit foreign experts rather than drawing on the technical capacity within the country at stake. People working on judicial reform frequently draw attention to the importance of reformers having a profound understanding of the legal system that they are trying to change, and the society within which it is anchored. This is not always the case of experts with different legal and cultural backgrounds.

Sixth, given that it largely has been government- and donor-driven, judicial reform in Guatemala has been criticised for being a top-down rather than bottom-up process. The UNDP, along with the other large 'donors' such as the WB and the IDB,<sup>103</sup> has thus been reproached for not including civil society enough in the discussions on judicial reform.

Finally, additional evidence on the workings of the UNDP is mixed. The UNDP was recently criticised in an internal report looking at the effectiveness of its coordination of aid to the justice sector. Basically, the report notes that coordination was poor and that there was little success in terms of proven results in many of the areas funded. It is unclear to what extent this is the fault of the UNDP itself, or whether it is a result of a wider set of factors.<sup>104</sup>

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<sup>100</sup> See report prepared by Stener Ekern (ed.), Alberto Muro Castillo and Kristin Svendsen (2003). Criticism against UNDP p. 1, 21-22, 36-37.

<sup>101</sup> For instance, the salaries the UNDP has offered its staff has way surpassed that of government staff, causing breeding ground for envy. (See report prepared by Stener Ekern (ed.), Alberto Muro Castillo and Kristin Svendsen (2003)). This, it should be noted, is a problem of general character, not only typical of Guatemala.

<sup>102</sup> As of August 2004, the UNDP office in Guatemala had no legal expert, but was awaiting the arrival of a programme officer with some background in legal studies. Information from Jannicke Bain, Norad, 26.08.04.

<sup>103</sup> To the extent that the development banks give funding as loans and not as grants, it is strictly speaking misleading to call them 'donors': in these cases, they are 'lenders'.

<sup>104</sup> The report was carried out for UNDP by an external consultant from Argentina, Alberto Binder, who has been extensively involved in promoting judicial reform in the region. The report is not publicly available. Similar criticism has been raised in the project evaluation report prepared by Stener Ekern (ed.), Alberto Muro

In spite of the pros and cons outlined above, the Norwegian embassy in Guatemala reports that they are relatively satisfied with the way the UNDP has worked as a channel for Norwegian aid. Though reporting procedures have been slow, there has been improvement recently. In the opinion of the Norwegian embassy in Guatemala, the UNDP seems to be competent in the area of justice sector reform and applies a holistic approach to it, as indicated by its coordination efforts. Although the new Guatemalan government has expressed scepticism towards donor involvement in the justice sector, it has, apparently, gradually taken on a softer position. The UNDP is reported to have good relations with the relevant ministries and governmental partners.<sup>105</sup>

Since there are mixed signals as to the suitability of the UNDP as a vehicle for Norwegian aid to the judiciary in Guatemala, and since opinions on UNDP as an effective vehicle for donor coordination seem to diverge, an in-depth evaluation of the Norwegian experience with the UNDP will need to be carried out before final judgement can be passed on whether or not it is a suitable channel for Norwegian aid.

It might be useful to explore other channels. A proper assessment of the NGOs involved in judicial reform would reveal whether certain NGOs could be an alternative channel to the UNDP. A third alternative route would be for Norad to channel its aid directly to the relevant legal institutions. At the moment, Norway does not give state-to-state aid to Guatemala. However, as the political environment in Guatemala becomes increasingly stable and 'normalised', using the governmental channel for Norwegian aid to the judiciary may be explored. It should be taken into account that this would probably require substantially more administrative resources from Norad's side than using the UNDP as a channel.

### **How does formal judicial reform work in a pluralist legal setting?**

Beyond evaluating to what extent the UNDP has been an effective channel for Norwegian aid and whether or not donor coordination in Guatemala has been successful and efficient, there is the larger – practical as well as normative – question of what may be achieved by donor support to the *formal* judicial sector. In pluralist legal societies, like that of Guatemala, it is not self-evident that the most suitable way to obtaining the rule of law, democracy, respect for human rights, and a more democratic state lies necessarily, or exclusively, with a well-functioning formal legal system. It is of great importance that people's own concepts of justice are respected when introducing changes to the formal justice system.

There is evidence of strong local legal cultures in Guatemala, such as in the Maya culture, on which one could successfully draw and build when carrying out judicial reform projects. In fact, there have been concerted efforts to include the respect for customary law and indigenous rights in Guatemalan legal development.<sup>106</sup> This includes Norad's support to the IDPP's *Defensorías Indígenas* programme. Some central questions donors should ask are thus the following:

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Castillo and Kristin Svendsen: Repaso de los Proyectos: Programa de apoyo al Organismo Judicial (OJ) para la agilización de procesos judiciales en áreas no penales (GUA 00/004) y Fortalecimiento del Ministerio Público (MP) (GUA 00/008). Final version 10 June, 2003.

<sup>105</sup> Information provided by the Norwegian Embassy in Guatemala by Hilde Salvesen and Guri Rusten, email of 31.08.04.

<sup>106</sup> For a insightful account comparing these kind of initiatives in Guatemala and Mexico, see Sieder (2002).

- To what extent is it useful or beneficial to focus exclusively on formal legal structures in multiethnic and pluralist legal societies?
- Given that strengthening formal structures takes a long time, should one settle for ‘good enough’ options in the meantime? That is, should one accept limitations of the legal system that render ‘justice’ which is not up to the standards of justice required and expected in a well-developed legal system?
- What kind of justice is ‘good enough’, even where this may be in conflict with prevailing Western concepts of rule of law and justice?

A final question that needs to be taken into account for a case such as Guatemala is how judicial reform should be adapted to the various phases of post-war peacebuilding. Should donors be more conscious of sequencing their strategies in line with the characteristics of each phase? In the various phases from a fragile peace to a more stable democracy, how should they select partners and relate to the country’s government?

### **Concluding remarks**

In our opinion, it appears reasonable that Norway has engaged itself in the legal sector in Guatemala. Helping to build legal institutions and strengthen access to justice for indigenous people is an important part of the peace and democratisation process in the country. Human rights constitute a policy area in which the Norwegian government has long-standing expertise. It also seems strategically useful to use the UNDP as a channel for Norwegian assistance, for the reasons detailed above – at least until a careful assessment of alternative channels is carried out concluding that other options are more effective.

When assessing aid to the judicial sector in Guatemala, it should be bore in mind that less than a decade has passed since judicial reform in earnest was placed on the political agenda. Given the time it takes to develop new institutional practices, implement new laws, educate new judges or prosecutors, or change a legal culture, it is evident that the time span for passing any conclusive judgement on Norway’s (and, more generally, donor) involvement in the judicial reform process is too brief.

A very important part of judicial reform is continuity: Institutional reform takes time. Donor-driven projects of small donors like Norway tend to be designed for a two- or three-year period (this in contrast to the WB or IDB, which may set up reform plans lasting for 20-30 years). A couple of years are usually not sufficient to see any concrete results of the reform process, beyond having completed the stated measurable aims of the project. The long-term impact on processes, such as access to justice, is therefore extremely hard to evaluate.

### **3.2.2 Aid to judicial reform in Ethiopia**

Like Guatemala, Ethiopia has also received extensive external assistance to its judicial reform efforts since the mid-1990s. But in contrast to the Guatemalan case, Norway’s assistance to Ethiopian justice sector reform started later, has been smaller, and has been channelled via non-governmental and government bodies – not multilaterally.

In the following we (A) introduce the context of Norwegian efforts to support Ethiopia’s justice system, (B) outline the Norwegian contributions; and (C) give a brief assessment the way in which Norway has offered its judicial reform assistance in Ethiopia.

## A. Context: Justice Sector Reform Efforts in Ethiopia

### Ethiopia's justice sector<sup>107</sup>

In 1991 the Derg military junta, which had ruled Ethiopia since Emperor Haile Selassie was overthrown in 1974, was toppled by a coalition of rebel forces called the Ethiopian People's Revolutionary Democratic Front. The new EPRDF-dominated government, which subsequently won Ethiopia's 1995 and 2000 elections, launched a major restructuring of the country's centralised political system. In essence, it transformed Ethiopia into a federation of nine ethnically based regional states. The federal structure was entrenched in a new constitution adopted in 1994, which guarantees full independence of the judiciary.<sup>108</sup>

Yet in spite of the efforts to overcome the Derg heritage, post-1994 experiences suggest that it has continued to weigh rather heavily on the justice sector. Under military rule the police and prison systems became marked by brutality, while the judiciary turned into extended arm of the executive and saw an erosion of human and material resources. The justice system has since 1994 been plagued by the following problems:

- Shortage of human and material resources, and lack of institutional capacity;
- Delays and inefficiencies in law enforcement and judicial administration;
- Discrepancy between existing laws and the new constitution; and
- Obstacles in the promotion of human rights.<sup>109</sup>

Ethiopia's new court system is moulded to fit its federal structure, which has two levels: the federal level, and the regional state level. Each of the nine regions<sup>110</sup> is composed of a number of zones (or provinces), which in turn contain a range of *woredas* (districts).<sup>111</sup> At each of these administrative levels courts have been established. Within each regional state a Supreme Court thus serves the entire region; a High Court each zone; and a court of first instance each *woreda*. At the federal level there is also a Federal Supreme Court, a Federal High Court, and a Federal First Instance Court. Finally, at the bottom end a fifth judicial level can be identified: Within each *woreda* there are 'social courts'; considered to be those that most Ethiopians recur to in time of need.

Other relevant state actors within Ethiopia's justice sector include the federal Ministry of Justice and the corresponding bodies at regional level, called the Bureaux of Justice; the Federal and State Police and the Federal and State Penitentiary Administration.

While efforts to put the new justice system in place and make it function smoothly have been ongoing throughout the period since 1994, the war between Ethiopia and Eritrea from 1998 to 2000 became a detractor of focus and resources. Not only did the fighting lead to a setback in Ethiopia's democratisation process; it also fostered donor divergence and a temporary withdrawal of aid by some agencies. Two phases of the justice sector reform efforts can therefore be identified: from 1995 to 1999, and from 2000 to date.

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<sup>107</sup> Unless otherwise specified, this and ensuing sections draw on interviews with country experts.

<sup>108</sup> Since 1994, constitutions have also been enacted within each regional state. Ethiopians thus relate to two constitutions: the federal one, and the one of the region where they reside.

<sup>109</sup> On this point, see EHRCO (1996) for details.

<sup>110</sup> The terms 'region', 'state', and 'regional state' are used interchangeably.

<sup>111</sup> While this was the original structure, recent reforms have reduced the status of the zone to one of coordinating activities in the *woredas*.

### **External assistance to Ethiopia's justice sector**

External assistance to Ethiopia peaked in the early 1990s, and has since levelled off to approximately 700m USD per year. This makes Ethiopia rank as one of the top three targets of overseas development assistance in sub-Saharan Africa – only Tanzania and Mozambique receive more. For Ethiopian authorities, the massive inflow means that aid accounts for more than one third of federal and state budgets (EC 2001).

Fairly little, however, of the external support to Ethiopia has gone to the justice sector. True, three of the top five donors – which have accounted for more than 50 per cent of all development assistance to Ethiopia – have funded the justice sector. Still, the share of their aid that has gone to this sector is quite tiny. The three main donors are the World Bank, the EU, and the USA. Apart from the US, bilateral state donors of note include Canada, France, the Netherlands, Sweden, and the UK. Out of the multilaterals supporting justice reform, only the UNDP features alongside the EU and the World Bank (EC 2001).

Appendix 13 gives a tabular overview of the major donors to Ethiopia's justice sector beyond Norway; of what Ethiopian partners they have worked through; and what areas of the justice sector or judicial reform they have supported. Finally, it gives a rough indication of the average level of funding that each donor has contributed to this area. It shows that over recent years, annual commitments of France, Sweden, the USA and the UNDP to judicial reform in Ethiopia have amounted to plus/minus two million NOK. The aid of the Canadian International Development Agency (CIDA) fits an intermediary category, ranging between 5-10m NOK a year; while the EU and World Bank are estimated to have given an annual 20m NOK, roughly. In terms of type of aid; court administration is the most commonly supported area. Law reform, court reform and legal community building are assisted less. As for partners, virtually all donors support state structures, while Sweden and the EU most clearly assist civil society as well.

How does Norway's aid to judicial reform efforts in Ethiopia compare with that of the other donors? Before we assess Norway's role, we will take a brief look at how the relationship of development cooperation between Norway with Ethiopia was initiated.

### **Norwegian aid to Ethiopia**

While Norwegian presence in Ethiopia dates back more than half a century, the history of bilateral development cooperation is relatively short. Norwegian missionaries first arrived in Ethiopia in 1948,<sup>112</sup> and in the early 1970s Norwegian humanitarian agencies followed. Direct transfers from the Norwegian state to Ethiopia started in the 1980s; mainly in the form of humanitarian aid through NGOs and multilateral bodies. Only in 1994 did Norway sign an agreement with Ethiopian authorities on long-term bilateral development assistance.<sup>113</sup>

Since then, however, Norway's commitment to Ethiopia has been significant. Already in 1995 Ethiopia became one of Norad's less-than-a-dozen priority countries. This status was lost after the war with Eritrea, as a result of which Norway temporarily withdrew its support. In spite of this 'fall from grace', and of the absence of a re-negotiated agreement with Ethiopia on long-term assistance, over recent years the level of Norwegian aid has remained high and rising. From 2001 to 2003, Norad's bilateral aid grew by more than 30 percent, from 113 million to 148 million NOK. If we add the sum channelled via the multilateral system, Norway's total support to Ethiopia reached 263 million NOK in 2003. Unlike Guatemala,

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<sup>112</sup> See Tvedt (1995).

<sup>113</sup> See Ashenafi, Mariam, and Helland (2001).

Ethiopia was thus one of the top ten recipients of total Norwegian development assistance, receiving 3% of all Norwegian aid in 2002 and 2003.<sup>114</sup>

### *B. Norwegian Aid to Judicial Reform in Ethiopia*

In 2003, ‘democratic development, human rights and good governance’ as well as ‘peace, reconciliation and stability’ were considered top priorities of Norad’s development cooperation with Ethiopia. Nevertheless, these areas did not capture much of Norad’s spending in the country. ‘Good governance’ was only the third largest component of the bilateral aid package, absorbing less than 20% of the budget. In fact, almost two thirds of the finance went to health, education, economic development and trade. While political reform is a key stated aim it is, in other words, social and economic issues that are most strongly supported in practice. What reasons may explain this apparent divergence between rhetoric and reality? We identify four likely dynamics.

One, there appears to be a need in policy quarters in Oslo to project a holistic image of Norway’s foreign policy, and in this vein, to make development cooperation agendas fit overall foreign policy agendas more consistently. This need is reflected in the recent organisational transfer of most development cooperation decision-making from Norad to the MFA. It is also exemplified in a recent MFA report on how development and peacebuilding issues and policies are intertwined.<sup>115</sup> This perceived need to create a more uniform foreign policy may thus result in the declaration of priorities – as with regard to Norway’s policy in Ethiopia – that may be indicative of overall policy agendas, but that are more misleading as reflections of the content of the actual country programme.

If the gap between declared aims and actual spending partly reflects Norway’s wish to project itself as a ‘peacebuilder’, it not only carries a message to the international community. It also entails a message, which is different, to the Ethiopian government. In light of the fact that the war between Ethiopia and Eritrea triggered Norwegian sanctions against Ethiopia – Norway’s aid was withheld, and the agreement on bilateral aid and the status as priority country were left behind – the declaration of peace as an overall aim may be seen as a signal that such ‘sticks’ may still be applied if Ethiopia recurs to a military strategy.<sup>116</sup>

Third, the fact that less resources are allocated to governance purposes than one would expect from the declaration of good governance as a policy objective also needs to be understood in the Ethiopian framework of a still relatively weak state capacity, which limits the level of aid to this area that the public institutions are able to absorb. Norwegian reluctance to provide more aid to good governance purposes may thus be rooted in a concern to ‘make haste slowly’ and make sure that the state is able to make reasonable use of the governance funds before fuelling them in on a larger scale.

Finally, the apparent gap between key ends (peace, human rights, governance) and means (social and economic development projects) of Norway’s aid to Ethiopia may be rooted in the fact that the focus on political development is new, and thus is yet to bear more fruit at the

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<sup>114</sup> See MFA (2003a; 2003b) and Norad (2004).

<sup>115</sup> See MFA (2004).

<sup>116</sup> It also suggests that the projects that Norway supports may be meant to consolidate peace, even when they do not fall into the ‘peace’ or ‘governance’ category. However, this argument requires that a consistent methodology be developed and applied to ensure that the projects Norway supports are, if not peace-promoting, at least conflict-sensitive. We are not aware of such mechanisms within Norwegian assistance.

budget level. While Norway started supporting Ethiopian human rights and democracy NGOs already in 1997, it was only after the border war that the focus on governance – and on judicial reform more specifically – started to get institutionalised.

### **Channels, types, and magnitude**<sup>117</sup>

According to interviews, the main purpose of Norway's emerging engagement in Ethiopia's justice sector has been the wish to contribute to reforming the sector, mainly in view of promoting (a) respect for human rights, and (b) judicial independence.

Beyond isolated projects, such as the support to the set-up of a Special Prosecutor's Office with the assistance of the Norwegian Centre for Human Rights in 1993-94, Norway's aid to the justice sector in Ethiopia started as aid to civil society. Even if Norway had used the multilateral channel in other areas of its Ethiopia programme, it was the non-governmental agencies that it first started supporting in the 'political' field. Norwegian aid to Ethiopian NGOs grew from a scope of three organisations and 710 000 NOK in 1998, to 16 organisations and five million NOK in 2002. While it is difficult to ascertain whether one organisation's work falls within the realm of the 'justice sector' or not, of the 16 NGOs supported in 2002 at least four did so, as they ran activities to promote access to justice, law reform, and prison reform.<sup>118</sup>

Norway only started focusing on Ethiopia's justice sector more explicitly, however, after the war with Eritrea. On the basis of contacts dating back to 1998 with Ethiopian research institutions and its Ministry of Justice, from 2001 onwards Norway started cooperating more systematically with Ethiopian authorities – mainly the Ministry of Justice – on these issues.

The first project that Norway implemented with the Ministry was a relatively minor initiative, involving a Norwegian contribution of 145 000 NOK in 2002, in support of court administration and the legal community. The project enabled the production and distribution of a book outlining the code of conduct for lawyers.<sup>119</sup> As a pioneer project it is likely to have functioned as a 'test case' for the further initiatives with the Ministry – which, in turn, have been far bigger. The later Norad- and/or embassy-funded projects have primarily focused on training, more specifically, on the training of legal professionals in human rights. The Norwegian training programme has included the following initiatives:

- In 2002 and 2003: Three 'training of trainers' courses, one in Oslo and two in Ethiopia, with a total budget of 1.6m NOK; and
- From 2003 to 2006: A bigger programme of training of judges and prosecutors, as well as some police staff, implemented in cooperation with the Ministry of Justice and with Mekelle University, with a total budget of 7.7m NOK.

In terms of partners, Norway started its engagement via the non-governmental channel and continued by opening a government-to-government channel. No Norwegian support to the justice sector has been channelled through multilateral organisations such as the World Bank, EU, or UNDP.

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<sup>117</sup> Unless otherwise specified, or in addition to the specified source, this section draws on interview data – as well as the overview given in Appendix 14.

<sup>118</sup> The four organisations were: Action Professionals Association for the People (APAP), the Ethiopian Human Rights Council (EHRCO), the Ethiopian Women Lawyers' Association (EWLA), and Prison Fellowship Ethiopia (PFE).

<sup>119</sup> See Norad (2002).

Beyond the Norwegian state, one Norwegian NGO has also been involved in justice sector reform in Ethiopia, namely Redd Barna. Partly funded by Norad, Redd Barna has supported the following work:

- On law reform: studies and advice on the need for legal reform and to facilitate the integration of the 1989 Convention of the Rights of the Child in Ethiopian legislation, e.g. in family law and penal law. This has been done in cooperation with the Save the Children alliance;
- On police reform: the set-up of ‘child protection units’ in police stations, a project run in cooperation with police commissions in two localities and with the Ethiopian NGO Forum for Street Children. This project has also been supported by Save the Children Sweden; and
- On access to justice: the ‘justice juvenile reform’ project, aimed at making the justice system more accommodating to children and youth. This project has been implemented with the Federal Supreme Court and Save the Children Sweden, and also supported by the British Embassy.

In terms of types of aid, therefore, Norway has supported law reform, access to justice, prison and police reform via Ethiopian and Norwegian NGOs. The other main type of assistance has been training, channelled via Ethiopian research and state institutions.

How, finally, to assess the size of Norwegian efforts? Two initiatives rank above the others in financial terms: the aggregate NGO support (5m NOK in 2002) and the latest training project (7.7m from 2003-2006). Drawing on Appendix 14 we find that beyond these two posts, in 2002 and 2003 Norway gave almost 2.7m NOK to judicial reform projects in Ethiopia, or an average of some 1.3m per year. If we estimate that one quarter of the supported NGOs worked for judicial reform, Norwegian 2002 support amounted to some 2.5m NOK. In 2003, with the training programme starting (and for which we have no evidence of aggregate NGO support) Norwegian aid is likely to have risen to roughly 3.2m NOK. Estimating that Norway has contributed an annual three million NOK to Ethiopia’s justice sector in recent years should therefore not be too far off the point.

Of Norway’s total aid to Ethiopia, three million NOK is little. In 2003, it only made up two percent of Norway’s bilateral aid and one percent of Norway’s total aid to Ethiopia.

### **Comparison with other donors**

Compared with other bilateral donors in Ethiopia, Norway has so far played a minor role in the area of justice reform assistance. In financial terms, Norway’s contribution is close to the annual averages of the USA, France and Sweden; while Canada’s aid has been far bigger. Compared to the NOK 20m-level grants of the World Bank and the EU to judicial reform though, Norway’s contribution remains small.

While training has been core to Norwegian aid over recent years, this emphasis does not make Norway’s role particularly outstanding either. Legal and human rights training has been supported by a range of other donors as well, including the World Bank, the EU, France, the US, the British Council and the Friedrich Ebert Foundation.

Nonetheless, Norway’s approach to Ethiopia’s justice sector is special in one way: in the choice of partners. First, Norway stands out as a keen supporter of civil society, paralleling

donor approaches of the EU and Sweden. Second, and more importantly, Norway has avoided the multilateral channel. By contrast, Sida and CIDA for instance – which have, it should be said, also worked closely with Ethiopian authorities in the past – now channel large sums through the World Bank’s project in support of Ethiopia’s Justice Sector Reform Programme.<sup>120</sup> While Norway has not used the multilateral system to channel its justice sector aid, it has nevertheless coordinated its contributions with other donors such as Sweden.

### *C. Assessment of Experiences*

Given that only a few years have passed since Norway started supporting Ethiopia’s justice sector systematically, statements on experiences so far can only be tentative. Moreover, our evidence is very limited with regard to experiences made by non-Norwegian agents on Ethiopia’s judicial reform scene. Our material does, however, suggest two main lessons that can be learned at the general level.

#### **Lesson one: Efforts must be coordinated**

A consensus seems to prevail among donors, government representatives, and country experts that until recently, efforts to support the Ethiopian justice sector have been far too fragmented. In the first post-Derg, pre-war phase, there was an unprecedented and massive inflow of money as well as new foreign actors, including in the area of justice sector assistance. At the same time, Ethiopia faced probably the biggest administrative transformation project ever undertaken in the country, including the establishment of a two-tier court system with a total of five levels of courts, in a country with a grave deficit in legal competence. Combined, these trends led to a difficult balance between donor agendas and the need for Ethiopian ownership, not least given the fact that public institutions in place to absorb the flows of aid were weak at the outset.

With the advent of the Ethio-Eritrean war and the related slowing down of support programmes, scope was opened to reflect on this first phase. It is worth remembering that Norway never made this experience of the first phase within justice sector assistance. Norway thus did not ‘learn by doing’ back then that in Ethiopian justice sector aid, ‘doing it alone’ was not a particularly good idea. The World Bank on the other hand, which was central also in the first phase, is clear on the problems that arose: poor coordination and the consequent lack of effective and sustainable institution-building (WB 2004). Another result of the piecemeal approach was that the fact that Ethiopian authorities; whose new political structures were still being built, would get problems managing and providing direction to the various efforts. Combined, donor interventions in the first phase hence seem to have undermined rather than promoted local ownership.

#### **Lesson two: Efforts must be evaluated**

A second lesson emerging from the first post-Derg decade is that greater attention must be given to the experiences drawn from judicial reform support in Ethiopia so far, if current or new aid is to contribute to solve the problems that continue to plague Ethiopia’s justice sector.

In this sector, the above-mentioned plethora of criss-crossing efforts has made it quite difficult to evaluate the effects of single projects on the overall reform process. Put differently, a reason why lessons from previous projects only to a small extent seem to have

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<sup>120</sup> Many other donors are likely to follow suit. Commitments to support the Bank’s project to back the JSRP have been expressed by the EC, the African Development Bank, and the UNDP at the multilateral level, as well as the state donors of Ireland, the UK, Holland, France, Germany, Italy, and the USA World Bank (2004: 8).

been learned relates to the fact that such lessons have been difficult to draw. Even more than in a 'normal' setting of development assistance, in the post-1994 world of justice sector aid in Ethiopia it has been hard to ascertain the extent to which A – the project – led to B – the project objectives, since B might as well result from a broad range of other factors beyond the supported project.

However, methodological difficulties alone do not explain why few lessons so far seem to have been learned. It is also a matter of political priority and willingness of each donor agency. It seems to us that this political will has been weak, and that far too few efforts have been made at all to promote evaluation-based better practices. While getting an overview of evaluation and reviews has been beyond the scope of this case study, it remains noteworthy that we only found evidence among the bilateral agencies of one evaluation having been undertaken – that of the USAID.

What do these lessons imply for Norway's contribution to Ethiopia's justice sector?

### **Norway and lesson two: The need to learn from experience**

'The area has been new to the embassy and to Norad, especially the direct support to a public institution such as the Ministry of Justice. Much time and resources have been given to preparing material etc. It has also been a challenge that Ethiopia is a complex country when it comes to democratic development.'<sup>121</sup>

This statement by a representative which has been involved in Norway's efforts in Ethiopia points to a need to learn from other donors' experiences within judicial reform in the country. True, Norway did have some experience within one aspect of judicial reform, namely the area of human rights support and training. This experience had, however, mostly been accumulated outside of Ethiopia. Moreover, as noted earlier, Norway had little experience from other ways of supporting judicial reform, such as aid to law reform, court reform, court administration reform, and legal community building.

But this shortage of experience needs not be a drawback. As a newcomer, Norway has had the benefit of being in a position to learn from mistakes already made in justice sector support, and thus minimising the chances of repeating them. In Ethiopia, for instance, it has been entirely possible for Norwegian agencies going into judicial reform to learn from the experiences that other donors have made in this field. If doing so, Norway can adjust its interventions and thus increase chances that they will have the desired effects.

It seems, however, that Norwegian agencies in Ethiopia have not fully capitalised on this learning opportunity. Allow us to elaborate with reference to the now-running project to train judges and prosecutors in human rights.

As argued in the appraisal of the plans for this project,<sup>122</sup> donors – including Norway – may want to take greater care to make sure that they understand how previous efforts have worked, in order to increase the likelihood that past mistakes not be repeated – and to reassess whether the activities suggested within the project will enable the donor to reach its overall aims. As for the training project, a key overall aim is to improve the human rights situation in Ethiopia. Even though we have no evidence on the results of this project so far, in light of the fact that

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<sup>121</sup> Email correspondence from Gunnar A. Holm, MFA, 09.12.2003.

<sup>122</sup> See Ashenafi, Mariam, and Helland (2001).

the human rights situation in Ethiopia as of 2004 remains serious, there is a need to restate the following questions, as food for thought and discussion:

- On what basis can it be assumed that another training project, of which there have been many already in Ethiopia, is the most effective means to reach the end of greater respect for human rights?
- Given the fact that few training projects have been evaluated, and that even trained Ethiopian staff have reportedly continued to be responsible for flagrant human rights violations; what makes it likely that one particular project, like the one that is now running with support from Norway, will make a difference for the better with regard to the overall aim of human rights compliance?

### **Norway and lesson one: The need to rethink partners and channels**

Even if Norway has coordinated its justice sector efforts in Ethiopia with other donors, it has focused quite exclusively on the bilateral channel. Instead of pooling funds into the consortium to support Ethiopia's Justice Sector Reform Programme, for instance, Norway has consolidated its bilateral relationship with the Ministry of Justice, circling around smaller justice sector projects. This stands in stark contrast to other bilateral donors in Ethiopia, as well as to Norway's approach to judicial reform aid in Guatemala; which to a large extent have been geared towards the multilateral channel.

In parallel to the assessment of Norway's aid to Guatemala in the preceding section, we will round off this case study with a similar discussion of the channel choice in the case of Ethiopia. The question is: To what extent has the partnership with the Ministry of Justice helped Norway to get closer to its aims of supporting Ethiopia's justice sector? Two advantages and two drawbacks related to channelling aid via the justice ministry can be identified. On the positive side, by choosing to partner government structures Norway can stimulate local ownership and capacity building.

*Ownership.* Support to the government agencies in general, and the ministry responsible for justice issues in particular, is likely to foster a sense of ownership on the recipient side to the projects at stake. In a government-to-government relationship a relative balance is easier to achieve and a mutually constructive dialogue may be easier to maintain, than in the cases where a government faces a coordinated, and by implication more powerful, consortium of donor agencies. While a lack of donor coordination may complicate government ownership, an experience made in the first phase of justice sector assistance to Ethiopia; the same effect can materialise as a result of perfectly successful donor coordination. If the donors are 'too' united the balance of influence over policies may tip in favour of the donors, and thus make policies more donor- than government-driven. By engaging in a bilateral relationship of cooperation with the Ethiopian government, Norway may thus arguably be seen as fostering Ethiopian ownership, and thereby greater sustainability, of judicial reform processes.

*Capacity building.* Direct, bilateral support to government agencies also means a very concrete contribution to building capacity within the state institutions. Instead of hiring in foreign experts, or making projects depend on imported ideas and solutions, the choice of the government – and also, other non-state local bodies – as prime partners is likely to make the value of the human capital in the country grow. Given that post-Derg Ethiopia had very little such human capacity in the area of judicial reform; there is a great need for such capacity-building. The channelling of resources through local – state and non-state – agencies is most

likely to build such capacity: if channelled via multilateral agencies, a larger share of the aid will be absorbed by non-Ethiopian actors.

On the negative side, however, supporting the government can represent a missed opportunity to draw on multilateral experience, expertise, and coordination. More seriously, it may be counterproductive in view of promoting judicial independence.

*Missed opportunity.* In Ethiopia, Norway as a bilateral agency has chosen to partner the government in judicial reform, an area of assistance in which (a) donor coordination is beginning to function well, (b) other bilateral donors support major multilateral initiatives to assist public programmes, and (c) Norway has little experience at country level. Given its shortage of experience in all judicial reform areas except human rights training, Norway would have a lot to learn from cooperating more closely with the other bilateral and multilateral donors. Lessons would be learned not only by being represented in donor coordination meetings, but especially by working together on building and implementing major judicial reform projects. The fact that Ethiopia continues to be plagued by a shortage of relevant human resources suggests that the shortage of Norwegian experience is not likely to be fully compensated by the experience of its partner, the Ethiopian government. Moreover, regardless of what experience Norway's government partners may have, the experiences of other donors within judicial reform aid are probably far more relevant for Norway than the experience of the Ethiopian state. Therefore, the fact that Norway has not pooled its resources into multilateral channels represents a missed opportunity to learn and improve Norwegian interventions to aid Ethiopia. By following the bilateral route only, Norway runs a greater risk of repeating mistakes that others have made before it.

*Undermining judicial independence?* As noted earlier, in Ethiopia a key challenge for judicial reform remains undue interference by the executive branch of power into the affairs of the judiciary. Therefore, if donors choose to cooperate with state institutions in justice sector assistance it is of great importance what branch of power they partner: the executive branch, or the judiciary branch. In Ethiopia, Norway has chosen to support the former, the Ministry of Justice, and not the federal or regional courts.

The human rights training project illustrates how this choice may work against the rationale of support, namely the promotion of judicial independence. Before Norad made the decision to implement this project, Ashefani, Mariam, and Helland (2001) in their appraisal of the plans suggested that to avoid executive interference, 'the training of judges at all levels in the Ethiopian justice system should be left in charge of the courts' – and not of the Ministry of Justice. But this advice was not followed, mainly because the administrative capacity of the Supreme Court was considered too weak to coordinate the project.<sup>123</sup> As a result, the key initiative within Norway's justice sector portfolio in Ethiopia is a project in which the Ministry of Justice – the executive – is responsible for training the judiciary branch of power.<sup>124</sup> This responsibility can be abused and turned into an opportunity for the executive to

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<sup>123</sup> Also, the Supreme Court would not be in a position to train the prosecutors; that task would have to remain with the Ministry of Justice. However, a two-pronged project design could have had certain advantages. If prosecutors were trained by the Ministry and the judges by the Supreme Court, executive interference in the training of judges would have been avoided – and the apparently strongly needed human capacity in the Supreme Court would have been strengthened.

<sup>124</sup> The power of the executive over this project is attempted checked, however, by the setting up of an advisory committee including representatives of Ethiopia's courts; tasked with contributing to the development of teaching material for the training.

instil loyalty within the judiciary. It therefore risks working counter to the aim of fostering independent judicial thinking and action that would check the power of the executive.

While these are the main disadvantages of avoiding the multilateral channel of support, it is important to note that Norway not only supports the Ethiopian government, but also local research institutions and non-governmental organisations. This may to some extent run against the possibly counterproductive support to the executive branch that Norway may stimulate. However, it remains questionable whether it will help to support independent-minded research and civil society with the one hand, if the other hand supports an executive branch of state power which is not well known for tolerating independent thinking.

### **Concluding remarks**

We are of the view that the main advantages of the bilateral avenue, namely the promotion of local ownership and capacity-building, are possible to realise also via the multilateral channel. Indeed, both the World Bank and the EU have aimed at building capacity in the local systems. They have even supported the set-up of a Ministry to that effect, and contributed with their judicial reform expertise to build that capacity. It is our impression too that in spite of an increasingly well-coordinated collective of donors in Ethiopia within judicial reform, this growing uniformity has not greatly affected the sense of Ethiopian ownership. Various sources highlight that it was not primarily the donors, but rather the Ethiopian authorities that sought to get away from the fragmented and piecemeal approach of the first phase of support, and to build a comprehensive programme, rooted in the Ethiopian federation's own priorities, that most donor resources in turn could be pooled into. The multilateral way, in other words, clearly seems to meet both the ownership and capacity-building concern.

Adding to this argument is the fact that in Guatemala, where far more Norwegian funds have been channelled for a longer period, the experience of using the multilateral system appears to have been predominantly positive – even though an evaluation report gives some reasons to doubt this conclusion.

With regard to Ethiopia, we still find it commendable that a comprehensive Justice Sector Reform Programme currently is underway. Donors, including Norway, should try to support this overall programme – while balancing their donor coordination with the need to make sure that ownership rests with Ethiopian state and civil society actors. In light of the experience of too little evaluation moreover, all donors should ‘make haste slowly’ in order to ensure that their interventions are based on a sound analysis of the situation, enabling them to see more clearly how most constructively to intervene to support the justice sector. Only such an approach, in our view, is likely to enable the Ethiopian people to benefit in the long haul from the rule of law and their constitutional rights and freedoms.

### ***3.2.3 Judicial reform aid in Guatemala and Ethiopia: A comparative note***

Having reviewed Norwegian aid to judicial reform in the contexts of Guatemala and Ethiopia, we will round off with a discussion of the two sets of experiences. As noted when introducing the case studies, Norway's judicial reform assistance to Guatemala started earlier and has been far bigger in financial terms than the corresponding effort in Ethiopia. Yet, in spite of the shorter history and smaller magnitude of the latter, lessons can surely be learned from both cases.

At the general level, experiences in both countries point to the need for donor coordination. In Guatemala such coordination has functioned relatively well, partly due to its anchorage in one

particular institution. Ethiopia, by contrast, went through a chaotic first phase of support where the lesson was learned, 'by doing', that coordination is needed – primarily to foster local ownership and to avoid duplication of efforts. In particular due to the complexity of the field of judicial reform, it was seen as essential that all the stakeholders are on board a comprehensive justice sector programme that is established and managed by the government, in close cooperation with the donor community. The Ethiopian experience suggests that all major donors, including Norway, should support a sector-wide approach – while making sure that the improved donor coordination thus achieved does not undermine local ownership.

The other main common finding across the two cases is that efforts made so far need to be evaluated and understood more in depth, in order to improve the efficiency and results of future projects. Little evaluation has been done, and the repetition of certain kinds of justice reform assistance despite indications that some of the aims of that assistance remain distant, suggest that a more critical approach will be needed to the efforts made so far. Essentially, we need to understand how the interventions can become more efficient in reaching not only the immediate aims (such as reaching a certain number of people with legal aid or training), but also the overall objectives (such as the improvement of the human rights situation, or a more independent judiciary). Also, it is crucial that evaluation reports are made widely available, and acted upon.

These are, however, fairly general lessons from the two case studies. We have, though, suggested that Norway has its particular set of motivations for going into judicial reform – and that Guatemala and Ethiopia clearly exemplify two main, and different, motives. In the Guatemalan case, Norway started supporting judicial reform largely as a result of its engagement in the country's peace process; whereas in Ethiopia, judicial reform assistance was first and foremost driven by a wish to support a country in a transition from military rule to democracy. True, Ethiopia also experienced armed conflicts in the early and the late 1990s, but Norway played no major role in resolving those. Preceded by decades of Norwegian presence in the country, Norway's state engagement in Ethiopia instead started as the country began its road to democracy. The support, which soon turned significant, focused on traditional social and economic development issues. These two divergent reasons for getting involved in justice sector aid clearly gave rise to a divergent choice of channels for the judicial reform assistance. In Guatemala, where Norway had few prior links, it relied almost exclusively on the multilateral channel while in Ethiopia the bilateral channel was chosen, combined with substantial civil society support. How have these divergences, both in channel selection and in the history of Norway's relations with the two countries, influenced Norwegian experiences in aiding the two justice systems?

At this point, Norway's experience in Ethiopia appears somewhat too short to conclude on lessons learned – combined with the fact that the interventions made so far have hardly reached the stage of evaluation. However, we do suggest that the advantages of the bilateral approach – the promotion of local ownership and capacity-building – are likely to be achieved also when using the multilateral channel, which has the additional benefit that would likely be crucial for a 'newcomer' like Norway, namely the opportunity to learn from other donors' judicial reform experiences. Does this mean, however, that the use of the multilateral channel is the one and only solution? The Guatemalan experience suggests that the answer is no. Even if significant successes were achieved by using the multilateral channel there, there is evidence that major stumbling blocks prevented rule of law from taking root. For instance, the process was for long seen as too donor-driven, and evidence suggests that the court system, as

a result of the efforts, did not rise in esteem among the local population – rather, in fact, on the contrary.

Therefore, our preliminary conclusion is that there is no ‘one-size-fits-all’ solution with regard to channel selection for judicial reform assistance: Each country will have to find its own way. Donors, however, should take note of that country’s wishes – both at the level of the executive and judiciary branches of government, and at the level of local civil society bodies and research communities – and make sure that their efforts are geared towards responding to those needs in a comprehensive manner.

## **Part IV. Conclusions and Recommendations**

Aid to judicial reform has become an increasingly important component of international development assistance since the beginning of the 1990s. This growing worldwide concern with support to judiciaries as an institution begs important questions regarding the usefulness and effectiveness of channelling huge amounts of resources into judicial systems. What have we learned so far?

The main aim of this report has been to offer some reflections on the lessons learned from almost two decades of international support to judicial reform, with an eye to what Norway can learn from the experience of other donors as well as from its own experiences. In this final part of the report we point out some main obstacles to ‘successful’ judicial reform; and offer some suggestions as to where and how future efforts in donor assistance to judicial reform could be directed.

### **4.1 Findings and lessons learned**

#### *4.1.1 International experience with judicial reform*

Comparing donor assistance to judicial reform in Latin America and sub-Saharan Africa in the 1990s to the present, we noted three interesting differences.

Firstly, the most recent wave of international assistance to judicial reform started earlier in Latin America than in Africa, leaving the two regions with different experiences of judicial reform in terms of scope and experience. This, in turn, influences the potential for comparative evaluations of the two areas’ experiences.

Secondly, the profile of international actors involved in judicial reform differs in the two regions. Most importantly, the World Bank has been an important actor on the judicial reform scene in Latin America (currently involved in projects in at least nine countries) whereas it has been largely absent in African judicial reform processes (currently running projects in only two countries). In Africa, by contrast, much assistance to judicial reform has been channelled through governmental donors. In many cases, it is the former colonial powers that have been particularly involved in the countries they formally controlled. The regional banks have had very different levels of involvement. Whereas the Inter-American Development Bank has actively been pushing legal reform and offering technical assistance to a number of Latin American countries since the early 1990s, the African Development Bank has hardly set judicial reform in sub-Saharan Africa on its agenda.

Thirdly, Latin American jurists and legal scholars seem to have been much more active in promoting judicial reform in other countries in their own region than have African jurists in Africa. This may be due the fact that legal studies and the legal profession have a longer and much more institutionalised history in Latin America than in Africa.

#### *4.1.2 The Norwegian experience with aid to judicial reform*

How does Norwegian aid to judicial reform fit into this larger world context? Norway has since the mid-1990s offered assistance to judiciaries in countries across the world, but with a relatively larger concentration in parts of Africa and Europe. Norway is a relative newcomer

among donors. Though it has supported training of police<sup>125</sup> in a number of countries since the end of the Cold War, it only became engaged in judicial reform strictly speaking from the mid-1990s onwards. Interestingly, aid from Norwegian state agencies to legal and judicial development tripled between 1999 and 2003. In total over this five-year period, Norad and the Norwegian MFA disbursed 400m NOK for this purpose.

In spite of this growing Norwegian interest in promoting the rule of law through judicial reform, it is important to bear in mind that Norwegian efforts in this area remain modest. First, Norway is only one among a plethora of inter-governmental, governmental and non-governmental donors on the aid to judicial reform scene – and, in comparative terms, it is a relatively minor player. Second, the share of the Norwegian foreign aid budget devoted to judicial reform is also small. In 2003, when Norad and MFA assistance to legal and judicial development reached a peak of 120m NOK, it still made up less than one percent of the total state budget for development assistance.<sup>126</sup> When adding that Norwegian support to judicial reform has been spread across more than sixty countries, targeted a multitude of projects and gone through a number of different channels, it is self-evident that its usefulness in contributing to the larger aims of democratisation, rule of law, and respect for human rights must be seen as part of a wider context.

To get a better grasp of how Norwegian assistance to judicial reform has worked in practice, we took a closer look at the cases of Guatemala and Ethiopia. From our analysis we can draw the following lessons:

- The aid strategy adopted seems to depend on the background to the Norwegian judicial reform engagement – whether it grows from a longer-term involvement focussed on development, or is part of a peacebuilding initiative.
- Donor coordination is essential, as there may be contradictions between different reform initiatives. However, coordination should be designed in a way to enable the recipient agencies to retain ownership and enhance their own institutional capacities.
- Both inter-governmental, government-to-government, and non-governmental channels have their pros and cons. Each needs to be duly considered in every country context.
- Thorough evaluations are crucial, especially independent evaluations.

It should be noted, however, that it is difficult to evaluate overall change, as opposed to assessing the meeting of project objectives. If we are to pass judgment on the larger aims of judicial reform, there is a need to develop suitable benchmarks. Given that institutional change is a slow process, it may still be too soon to tell conclusively, as the net effects are reported as a mix of positive and negative trends for both Latin America and Africa.

## **4.2 How to ensure efficient and effective judicial reform?**

Reform efforts have not always been successful. Indeed, there is evidence – especially from Latin America – that judiciaries are less trusted and enjoy lower levels of legitimacy now than they did before the reform efforts started. Though this may have several explanations, it is clear that aid to judicial reform has not been exclusively positive. There is still plenty of room for improvement. In order to make a step further in the right direction, it is important to try to answer: What has gone wrong? Why have not the desired results always been achieved? Why

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<sup>125</sup> Police reform falls outside our narrow definition of judicial reform, but fits into the larger category of justice sector reform. See Fig. 1 and 2 in Part I.

<sup>126</sup> Norad (2004).

have not the reform efforts in many countries been more effective, and brought about more positive results sooner? Alternatively, one may ask: What has gone right? Why have some reform efforts worked well? What are the chief elements in bringing about ‘success’ in the meaning of both achieving project objectives as well as the larger, societal aims?

Let us first take a look at the individual project level. For judicial reform projects or programmes to be viable attention must be paid to all stages of the process: (A) the design stage; (B) the implementation stage; and (C) the evaluation stage.<sup>127</sup>

- (A) At the *design stage*, when a project is conceptually formed, the different parts are outlined, and goals are stated, eventual success will require that designers:
- (i) Have a proper *diagnostics* or analysis of the situation;
  - (ii) Are cautious about *importing an institutional design*. Already in the first phase of international assistance to judicial reform in the 1960s it became clear that what works in one area not necessarily works in another, but this continues to be of major concern;
  - (iii) Have on board the *relevant stakeholders* – within the judiciary, the legislature, the public, and civil society. This will make the project more likely to enjoy the legitimacy necessary for successful implementation;<sup>128</sup>
  - (iv) Design the project to make it fit the larger context of judicial and justice sector reform. Failure to know what others are doing in the field may lead to overlap, duplication of efforts, and conflicting reform agendas; and
  - (v) Avoid presenting judicial reforms as a panacea that will resolve multiple problems in one sweep, as this may create unrealistic expectations – and hence disappointment and loss of legitimacy in turn.
- (B) At the *implementation stage*, success will require that attention be paid to the following:
- (i) *Coordination*. Motives behind reforms differ, and there are *multiple agendas* among donors that risk pitting different policy objectives and domains against each other. Success of an individual project will thus be enhanced if the project implementers try to coordinate their efforts with other donors.
  - (ii) *Comprehensiveness*. Lack of coordination, coherence and transparency in the implementation of reform initiatives tends to lead to duplication of efforts, and undermines the effectiveness of judicial reform. Focusing narrowly on reforming one specific institution at a time may undermine a more holistic approach. Project implementers may therefore benefit from trying to make their project part of larger and more comprehensive judicial reform or justice sector programmes, preferably with strong local or national roots.
- (C) At the final *evaluation stage*, project success requires that attention be paid to:
- (i) *Method*: Developing and applying relevant indicators or measurements to assess the project;
  - (ii) *Finance*: Allocating sufficient resources to enable a proper evaluation;
  - (iii) *Transparency*: Making sure that the evaluation, regardless of its results, be available to stakeholders and other donors, to ensure mutual learning and trust. Here, it is important to avoid the temptation of not reporting negative findings as donors have a stake in selling the project as ‘successful’, even if it was not.

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<sup>127</sup> The following points are assembled from a wide array of sources.

<sup>128</sup> See Dakolias (2001).

From our case studies, we see that judicial reformers both in Ethiopia and Guatemala may want to use the above ‘checklist’.

In the case of Guatemala, the first wave of US-driven aid to judicial reform in the 1980s violated many of the above guiding principles: it failed to carry out proper diagnostics; it failed to involve the government sufficiently (resulting in a lack of national ownership), and it tried to import features from the American legal system without taking the local legal environment into account. Though the official explanation for stopping aid to the judicial sector was the failure of the Guatemalan government to ensure respect for human rights, it remains open how efficient or effective these reform efforts would have been, had they continued.

In the second period of aid to judicial reform – the 1990s – where the involvement of foreign donors has increased dramatically both in terms of numbers and scope – some important lessons seem to have been learned (at last partially): First, it seems like donors have become better at carrying out proper assessments of the legal situation prior to starting new projects in the sense that many more areas of justice reform have been targeted for assistance. Second, there seems to be an increased sensitivity towards local legal culture – as reflected in some of the projects that Norad has supported. Third, in spite of reported initial reluctance to engage in judicial reform, the Guatemalan government now seems to be ‘on board’ in the reform efforts, as it has tried to map out a holistic approach to judicial reform in collaboration with a number of donors. Fourth, the attempt to coordinate judicial reform through two main coordinating bodies is reassuring, though it is not clear how effective this coordination has in fact been.

In Ethiopia, by contrast, a major and comprehensive analysis of the situation in the justice sector, underlying the sector-wide approach to justice reform now undertaken, was only carried out ten years after the reform period started. For a decade, therefore, many of the attempts to reform the legal system risk having failed in part due to an inadequate understanding of the depth, character, and complexity of the challenges faced by the country’s justice sector. Further, to avoid importing foreign institutional designs was particularly important in this country, since Ethiopia in fact established its own ‘brand’ of federalism with which no foreign model made a perfect fit. But given the weak Ethiopian public capacity as the judicial reform aid period started, it is likely that some of the first failures were due to an exaggerated belief among donors that ‘their’ justice system experiences would help; and too little understanding of the need design local solutions to local problems. Third, appropriate stakeholder involvement also seems to have been lacking in many projects in the first phase of Ethiopia’s reforms; yet this lessons appears to be learned currently as both civil society and state structures are taken on board more systematically. Finally, judicial reform agents in Ethiopia, both local and international, now seem to realise that projects must be coordinated and form part of a comprehensive programme with a strong root in local state- and non-state structures. It did, however, take Ethiopia nearly ten years to learn that lesson.

With regard to the project evaluation stage, finally, both Guatemala’s and Ethiopia’s judicial reformers share a need to improve their performance. It is our impression that evaluations that have been made are few, come late, often are difficult to access for outsiders, and also appear to have weakly developed methodologies. To learn from experience, both in international and Norwegian assistance to judicial reform, our two case studies thus suggest that improving the evaluation stage of the project process will be a very useful place to start.

We do acknowledge, however, that reliable evaluations are quite difficult to conduct in this complex area. Judicial reform involves a wide range of actors, objectives, and interventions; and since a profound dualism between its focus on efficiency on the one hand and normative concerns on the other, objectives may internally contradict one another. Certain interventions lead to improvements on some dimensions and regression on others, leaving in dispute the net balance of the overall change. One example is where reform of the penal code has improved the protection of accused persons, but also reduced the conviction rate – with rising crime rates as a result.

The nature of the legal system, with its complex inter-linkages between various institutions, hence renders the effects of reforms difficult to anticipate – and assess. A judicial reform intervention will have systemic effects beyond its immediate focus, and the effect of each intervention in turn depends on a combination of factors throughout the legal system. This does not mean that it is not possible to assess achievements or plan projects in this field. But it does require a broad perspective on the chain of institutions that make up the legal system. Narrow assessments of one single aspect of the legal system is of limited value – as are limited interventions that do not take into account the broader effects on and interactions with other parts of the legal system.

In our opinion, two key steps to help donors avoid some of the pitfalls detailed above remain:

- (1) to know what others are doing in the field and improve coordination of activities; and
- (2) to learn from own as well as others' current and historical experiences.

With respect to the first point, it is evident that ensuring better donor coordination is of utmost importance – at all stages of the project. Our two case studies illustrate that this point has been taken seriously in Guatemala, but only been systematised more recently in Ethiopia.

With respect to the second point, careful and honest reporting on completed or in-progress projects is essential. If lessons are to be really learned, we need to look at both positive and negative experiences. Ideally, reporting should be carried out by external agents given the tendency of both donors and recipients to create a favourable picture of results. It is also important that findings from the evaluations be disseminated to relevant actors so that the lessons from the particular project are passed on and benefit others.

A key lesson to be drawn from this analysis is therefore that we need to know more about what has already been done in the area of judicial reform before we go further. There is already a large number of donors on the judicial reform scene, but they seem not always to be aware of the effects of their efforts in a larger context. To facilitate useful evaluations, we need to improve our understanding of what judicial reform *is* and *should be*, and to develop appropriate indicators.

### **4.3 Measuring judicial reform: The need for indicators**

There is little comparative material systematically evaluating judicial reform interventions. In order to maximise the benefit from the studies and evaluations that exist for purposes of assessment, policy planning, and further research, we need to develop indicators. Such indicators would relate to different aspects of the legal process, in particular:

- *access* to the legal system;
- the *responsiveness* of legal institutions;
- their *capability* of effectively transforming legal claims to judgements (in terms of *efficiency*, as well as *independence*); and
- the authority of legal decisions (looking at *compliance*, and *impact*).

It is, however, a major undertaking to develop indicators which in a reliable yet fairly simple way could measure improvement on these aspects. Existing work of this type is at an early stage. Though the idea of developing indicators of justice performance is not new (performance indicators are already part of larger datasets such as the Afrobarometer and Latinobarometer)<sup>129</sup>, most of the work done is restricted to the development of indicators to evaluate one individual project. Yet recently there has been an increasing interest in the donor community to develop such indicators, or measures ‘that help answer the question of how much, or whether, progress is being made toward a certain objective’.<sup>130</sup> There are now a handful of preliminary studies that may serve as points of departure for further work in this area. The aim must be to come up with general indicators that may serve cross-country study purposes, while taking into account the great variety of legal systems, laws, and practices.

Let us mention two recently published interesting studies. The European Commission for the Efficiency of Justice (CEPEJ) has developed a pilot scheme for evaluating judicial systems. This questionnaire consists of 108 guiding questions divided into ten thematic areas, focusing on structures as well as actors in the legal system, and covering the following points:<sup>131</sup>

- general information about the country where the reform has taken place,
- access to justice and to all courts (divided into questions on (a) legal aid/the cost of justice and (b) users of the courts and victims),
- the functioning of the courts and efficiency of justice,
- the use of information technology in the courts,
- fair trial,
- judges, public prosecutors, and lawyers,
- mediators and mediation proceedings,
- enforcement agents and the execution of court decisions.

The point of these questions is to paint a comprehensive picture of the entire justice system. The questions are fairly simple and will provide answers to the breadth and scope of judicial reform, rather than to its intricate details and complexity.

The most comprehensive guide to comparing and contrasting assistance to judicial reform is developed by the Vera Institute of Justice.<sup>132</sup> Though their study concentrates on one sector of judicial reform only, it develops a series of indicators to capture the different aspects and perceptions of reform efforts. The proposed indicators are divided into three categories:

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<sup>129</sup> See <http://www.afrobarometer.org> and <http://www.sscnet.ucla.edu/issr/da/index/techinfo/M8091.HTM>

<sup>130</sup> Cited in (Vera Institute of Justice 2003: 2). The World Bank organized a workshop on Justice performance indicators in March 2004. The papers presented at the workshop and the reading list for the workshop may be accessed at <http://www1.worldbank.org/publicsector/legal/evaluatinglegal.htm>. This webpage also contains important information on various performance measures

<sup>131</sup> See CEPEJ (2003).

<sup>132</sup> See its universal guide for *Measuring Progress toward Safety and Justice* Vera Institute of Justice (2003).

- *strategic indicators* for measuring safety, security, and access to justice;
- *institutional indicators* for policing, prosecution and defence, judicial performance, non-custodial sentencing, prisons, and accountability mechanisms; and
- *indicators for non-state institutions* to capture the importance and challenges of measuring outcomes in the safety and justice sector.

The central point of the study is that evaluating performance in the field of justice requires composite approaches, preferably by developing so-called baskets of indicators (3-5 selected measures) that captures some of the complexity that one tries to measure. Since any given indicator tends to be a proxy of the outcome that it measures, it should rarely be used on its own. While the Vera Institute's guide seems a useful model to follow, other models may also be envisioned. What matters is that we develop better tools for evaluating the effectiveness and impact of aid to judicial reform before we continue to channel resources into this area of development assistance.

#### 4.4 Concluding remarks

'Success can be found more in the overall reform strategy than in its content.'<sup>133</sup>

As this statement by a Latin American scholar suggests, successful judicial reform requires that both short-term strategies and long-term commitments have the 'overall reform strategy' in mind. Our report leaves no doubt that both comprehensiveness and coordination, in thinking and action, are key if judicial reformers are to contribute to building the rule of law. And as the UN Secretary General has said, the need to do so is no less urgent now than when judicial reform efforts started some decades ago:

'Today the rule of law is at risk around the world. Again and again, we see fundamental laws shamelessly disregarded. (...) We must start from the principle that no one is above the law, and no one should be denied its protection. (...) I believe we can restore and extend the rule of law throughout the world. But ultimately, that will depend on the hold that the law has on our consciences. (...) Each generation has its part to play in the age-old struggle to strengthen the rule of law for all – which alone can guarantee freedom for all. Let our generation not be found wanting.'<sup>134</sup>

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<sup>133</sup> Vargas (2000: 120) Vargas draws this lesson from an in-depth analysis of the various aspects of the judicial reform process in the Basque country and clearly shows how it may be relevant to Latin American countries. The central point, however, is generally true.

<sup>134</sup> Kofi Annan, UN Secretary General, to the UN General Assembly, 21 September 2004.

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6. Project GUA/01/028 – Legal Offices for the Defense of Indigenous Human Rights (Annual Administration Report for period 1 February-31 December 2002 from the Norwegian Embassy in Guatemala)
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<http://larcdma.sdsu.edu/humanrights/rr/Guatemala/JJR.html#GuJJRGovWebsites>

#### **CEJA-JSCA: Judicial reform projects underway**

[http://www.cejamericas.org/reporte/muestra\\_pais.php?idioma=ingles&pais=GUATEMAL&tipreport=REPORTE0&seccion=PROYREFO](http://www.cejamericas.org/reporte/muestra_pais.php?idioma=ingles&pais=GUATEMAL&tipreport=REPORTE0&seccion=PROYREFO)

#### **IADB**

<http://www.iadb.org/exr/PRENSA/1998/cp19198e.htm>

#### **ODIN**

<http://odin.dep.no/ud/engelsk/development/032111-220004/index-hov002-b-n-a.html#hov2.0.4>

#### **UNDP**

<http://www.pnudguatemala.org>

#### **The World Bank Group: Legal and judicial reform – Bilateral donors in Guatemala**

[http://www4.worldbank.org/legal/leglr/donor\\_bd.html](http://www4.worldbank.org/legal/leglr/donor_bd.html)

## Appendix 1: List of Informants

<i>Last name</i>	<i>First name</i>	<i>Institution</i>
Abdi	Ismail Noor	Norad
Andersen	Tor-Henrik	MFA
Ayalew	Fassikawit	RB
Bain	Jannicke	Norad
Barth	Magne	NRX
Beck	Marianne	JURK
Brunsell	Tom	MJP
Cappelen Endresen	Tormod	MFA
Christiansen	Knut	NCA
Eikaas	Vibeke	AIN
Ekern	Stener	NCHR
Endresen	Gunvor Alida	Emb Angola
Feo	Claudio	NPA
Frigaard	Iver	NPD
Frøholm	Anne Kjersti	MFA
Gjedrem	Elin	Norad/MFA
Gram-Johannessen	Haakon	Norad
Grøslund	Anne Margrete	RB
Hansen	Alf-Åge	Emb Ethiopia
Helland	Johan	CMI
Hellum	Anne	IWL
Hermansen	Anne Kristin	Emb Uganda
Hillestad Thune	Gro	NCHR
Holm	Gunnar	MFA
Horjen	Stein Erik	NCA
Høgdahl	Kristin	NCHR
Indreberg	Hilde	MJP
Kajoba	Samuel	Emb Uganda
Kazi	Jamshed	UNDP, Ethiopia
Knudsen	Berit	RB
Kvalsøren	Anne Heidi	Norad
Lillejordet Karlsen	Marit	Emb Zambia
Nesse	Pål	NRC
Osland	Kari M.	NUPI
Pausewang	Siegfried	CMI
Raugland	Vidar	DNA
Salvesen	Hilde	Norad
Schulerud	Ingrid	MFA
Sieder	Rachel	ILAS
Tanke Holm	Tor	NPD
Thomassen	Stine	Norad
Thorsrud Fæste	Tora	MFA
Vetlejord	Asgerd	NPA
Vikøren	Ragna	NRC
Vogt	Andreas	NUPI
Wilsgård	Sissel	MJP
Øen	Marianne	NPA
Aalborg	Eivind	NCA

## Appendix 2: Interview Guide

På oppdrag frå NORAD foretar Chr. Michelsens Institutt (CMI) no ein gjennomgang av bistand til rettssystem. I tillegg til støtte til ulike lands rettsapparat – domstolar, justisdepartement, juridiske opplæringsinstitusjonar, etc. – ser vi på støtte til fengselsvesen, politi og ikkje-statlege organisasjonar på rettsområdet. Vi samlar no inn informasjon om korleis norske aktørar tenkjer og handlar innan dette feltet, og tar derfor kontakt med deg i ...

På grunnlag av dei tiltaka for å styrke rettssystem som du har jobba med, kunne du tenkje deg å dele nokre erfaringar frå dette arbeidet?

For å kartlegge det norske terrenget, søker vi svar på følgjande spørsmål:

1. Kva for prosjekt, prosessar og/eller institusjonar innafor andre lands rettssystem støttar din avdeling/organisasjon?
2. Om lag kor stor er denne støtta, i personell- og/eller budsjettmessig forstand?
3. I kva for land gir de denne støtta, og kvifor har de vald akkurat desse landa?
4. Kor lenge har de arbeidd innan dette feltet?
5. Den gongen de byrja med å kanalisere midlar til dette arbeidet, kva var motivasjonen?
6. Kva for formål har de no med desse tiltaka?
7. Kva har vore dei viktigaste utfordringane og lærdommane så langt?

Di tilbakemelding vil hjelpe oss å plassere dykkar støtte til rettssystem i landskapet av norske aktørar og tiltak. Svar gjerne per e-post, per telefon, eller mail eit telefonnummer og tidspunkt du kan bli nådd på så kan vi ta kontakt. Om du kan vise til skriftleg materiale som gir meir informasjon om den relevante støtta vil det og vere av interesse.

På førehand mange takk!

### Appendix 3: Norwegian Aid to Legal and Judicial Development, 1999-2003

*Note.* The table is an excerpt of a larger overview, kindly forwarded by Norad, based on the OECD DAC category 'legal and judicial development' (code no. 150.30) that Norad started applying in 1999. As much of the information in this larger overview was in Norwegian, and given the amount of data at stake, we alert the reader that some of the information in this Table 1 as well remains in Norwegian language.

Year	Donor	Region	Country	Name of agreement_	Name of agreement partner
1999	NORAD	Afrika	Zimbabwe	12th Commonwealth Law Conference	The Law Society of Zimbabwe
1999	NORAD	Afrika	Zimbabwe	Civic education	National Constitutional Assembly (NCA)
1999	NORAD	Afrika	Zimbabwe	Agreement	UNDP
1999	NORAD	Afrika	Zimbabwe	Committee on Community Service	Committee on Community Service
1999	NORAD	Afrika	Zambia	Study tour Judiciary	Anderson & Anderson International
1999	NORAD	Afrika	Zambia	review of equipment	Interconsult International AS
1999	NORAD	Afrika	Zambia	Evaluation	Den Norske Advokatforening
1999	NORAD	Afrika	Zambia	wfamiliarise court magistrates	Pharmaceutical Society of Zambia
1999	NORAD	Afrika	Uganda	Implementation of Constitution	Ministry of Finance, Planning and Economic Dev (UGA)
1999	NORAD	Afrika	Uganda	Legal Aid Project	Den Norske Advokatforening
1999	NORAD	Afrika	Mosambik	Supply of equipment & stationery	The Supreme Court (MOZ)
2000	NORAD	Afrika	Zimbabwe	Civic education	National Constitutional Assembly (NCA)
2000	NORAD	Afrika	Zimbabwe	Workstudy to assist Adm of Parliam	Parliament of Zimbabwe
2000	NORAD	Afrika	Zimbabwe	Capacitybuilding in Parliament	Public Affairs & Parliament Support
2000	NORAD	Afrika	Zimbabwe	Technical support tot the Constituti	UNDP
2000	NORAD	Afrika	Zambia	Provision of Legal Aid	Law Association of Zambia
2000	NORAD	Afrika	Zambia	Planning Magistrates Courts	The Judiciary (ZAM)
2000	NORAD	Afrika	Zambia	Institutional support	The Judiciary (ZAM)
2000	NORAD	Afrika	Zambia	Evaluation	Den Norske Advokatforening
2000	NORAD	Afrika	Zambia	JUDICIARY Pre-planning	AAI
2000	NORAD	Afrika	Zambia	providing free legal aid	Legal Resource Foundation
2000	NORAD	Afrika	Uganda	Implementation of Constitution	Ministry of Finance, Planning and Economic Dev (UGA)
2000	NORAD	Afrika	Uganda	Legal Aid Project	Den Norske Advokatforening
2000	NORAD	Afrika	Uganda	Conference of Women Judges	Honourable Lady Justice Bossa
2000	NORAD	Afrika	Sør-Afrika	Gun Free South Africa, Advocacy	Kirkens Noedhjelp
2000	NORAD	Afrika	Malawi	Women & Law in Southern Africa	Women & Law in Southern Afr (WLSA)
2000	NORAD	Afrika	Malawi	Ombudsman	Office of Ombudsman
2000	NORAD	Afrika	Mosambik	Supply of equipment & stationery	The Supreme Court (MOZ)
2000	NORAD	Afrika	Mosambik	Establish Legal and Judicial Centre	UNDP
2000	NORAD	Afrika	Etiopia	Department of Justice	Agderforskning
2000	NORAD	Afrika	Etiopia	EWLA. Donor's Consortium	Ethiopian Women Lawyers Association
2000	Utenriksdep.	Afrika	Sudan	Workshop Intern Criminal Court	Misc.
2001	NORAD	Afrika	Zimbabwe	Constitutional Process	National Constitutional Assembly (NCA)
2001	NORAD	Afrika	Zimbabwe	Civic education	National Constitutional Assembly (NCA)
2001	NORAD	Afrika	Zimbabwe	AWEPA Capacitybuilding in Parliament	European Parliamentarians for S Afr
2001	NORAD	Afrika	Zimbabwe	Capacitybuilding in Parliament	Public Affairs & Parliament Support
2001	NORAD	Afrika	Zambia	Planning Magistrates Courts	The Judiciary (ZAM)
2001	NORAD	Afrika	Zambia	Institutional support	The Judiciary (ZAM)
2001	NORAD	Afrika	Zambia	providing free legal aid	Legal Resource Foundation
2001	NORAD	Afrika	Uganda	Legal Aid Project	Den Norske Advokatforening
2001	NORAD	Afrika	Uganda	Review Justice Law	Ergodialog
2001	NORAD	Afrika	Uganda	Implem. of Constitution-Addendum	Ministry of Finance, Planning and Economic Dev (UGA)
2001	NORAD	Afrika	Uganda	Dev. of Strategic Plan	Ministry of Finance, Planning and Economic Dev (UGA)
2001	NORAD	Afrika	Malawi	Women & Law in Southern Africa	Women & Law in Southern Afr (WLSA)

2001	NORAD	Afrika	Malawi	Ombudsman	Office of Ombudsman
2001	NORAD	Afrika	Mosambik	Establish Legal and Judicial Centre	UNDP
2001	Utenriksdep.	Afrika	Zimbabwe	Financing of UNDP expert	UNDP
2001	Utenriksdep.	Afrika	Etiopia	Analysis of Derg trials	Universitetet i Oslo
2002	NORAD	Afrika	Zimbabwe	Constitutional Process	National Constitutional Assembly (NCA)
2002	NORAD	Afrika	Zimbabwe	Capacitybuilding in Parliament	Public Affairs & Parliament Support
2002	NORAD	Afrika	Zambia	Magistrates Courts Complex	The Judiciary (ZAM)
2002	NORAD	Afrika	Zambia	providing free legal aid	Legal Resource Foundation
2002	NORAD	Afrika	Uganda	Legal Aid Project	Den Norske Advokatforening
2002	NORAD	Afrika	Uganda	Internat.Law Inst. (ILI) 2002-2004	International Law Institute-ILI
2002	NORAD	Afrika	Tanzania	Legal Reform - Quick Start Project	Ministry of Finance (TAN)
2002	NORAD	Afrika	Tanzania	Women Legal Aid Centre	WLAC
2002	NORAD	Afrika	Rwanda	Support to justice and human rights	Norsk folkehjelp
2002	NORAD	Afrika	Nigeria	Democracy Building Nigeria	IDEA
2002	NORAD	Afrika	Malawi	Ombudman Bridge Ph 1 to 2	Office of Ombudsman
2002	NORAD	Afrika	Malawi	Women & Law in Southern Africa	Women & Law in Southern Afr (WLSA)
2002	NORAD	Afrika	Malawi	Ombudsman	Office of Ombudsman
2002	NORAD	Afrika	Mosambik	Establish Legal and Judicial Centre	UNDP
2002	NORAD	Afrika	Mosambik	Participation in UN neg on corruptio	Min of Foreign Affairs and Dev Coop (MOZ)
2002	NORAD	Afrika	Mosambik	Participation in UN neg on corruptio	Utenriksdep
2002	NORAD	Afrika	Etiopia	Basic Education	Redd Barna
2002	NORAD	Afrika	Etiopia	Juvenile Justice Reform	Redd Barna
2002	NORAD	Afrika	Etiopia	Capacity Building Training	Prison Fellowship Ethiopia (PFE)
2002	Utenriksdep.	Afrika	Sør-Afrika	Envirolaw 2002	AMB Pretoria
2003	NORAD	Afrika	Zimbabwe	Addendum PAPST	Public Affairs & Parliament Support
2003	NORAD	Afrika	Zimbabwe	Capacitybuilding in Parliament	Public Affairs & Parliament Support
2003	NORAD	Afrika	Zambia	EQUIPMENT MAG COURT	The Judiciary (ZAM)
2003	NORAD	Afrika	Zambia	Magistrates Courts Complex	The Judiciary (ZAM)
2003	NORAD	Afrika	Uganda	Commercial Justice	Ministry of Finance, Planning and Economic Dev (UGA)
2003	NORAD	Afrika	Uganda	Legal Aid Project	Den Norske Advokatforening
2003	NORAD	Afrika	Uganda	Study, Legal Framework, Registers	Misc Consultants
2003	NORAD	Afrika	Uganda	Internat.Law Inst. (ILI) 2002-2004	International Law Institute-ILI
2003	NORAD	Afrika	Uganda	IDP return facilitation - Uganda	Det norske flyktingeraad
2003	NORAD	Afrika	Tanzania	de soto, Planning phase	Ministry of Finance (TAN)
2003	NORAD	Afrika	Tanzania	Seminar de Soto	Ministry of Finance (TAN)
2003	NORAD	Afrika	Tanzania	Workshop de Soto	Ministry of Finance (TAN)
2003	NORAD	Afrika	Tanzania	EALA/AWEPA	European Parliamentarians for S Afr
2003	NORAD	Afrika	Tanzania	Legal Reform - Quick Start Project	Ministry of Finance (TAN)
2003	NORAD	Afrika	Tanzania	Women Legal Aid Centre	WLAC
2003	NORAD	Afrika	Rwanda	Support to justice and human rights	Norsk folkehjelp
2003	NORAD	Afrika	Afrika Uspefiseret	Work to Com bat Violence - New Initia	Kirkens Noedhjelp
2003	NORAD	Afrika	Malawi	(S)Women & Law in Southern Africa	Women & Law in Southern Afr (WLSA)
2003	NORAD	Afrika	Malawi	(S)Ombudman Ph 2	Office of Ombudsman
2003	NORAD	Afrika	Mosambik	Participation Paris Declarationagain	Anti Corruption Unit
2003	NORAD	Afrika	Mosambik	Participation in UN neg on Anti Corr	Min of Foreign Affairs and Dev Coop (MOZ)
2003	NORAD	Afrika	Etiopia	Juvenile Justice Reform	Redd Barna
2003	NORAD	Afrika	Etiopia	Faculty of Law Consultant	David Mcquiod
2003	NORAD	Afrika	Etiopia	Summer Judicial Training	Mekelle University (ETH)
2003	NORAD	Afrika	Etiopia	Travel Support AAAIL	Sinidu Alemu
2003	Utenriksdep.	Afrika	Rwanda	Rwanda Law reform commission	Utenriksdep
2003	Utenriksdep.	Afrika	Kenya	Legar sector reform in Kenya	World bank (IBRD)
1999	NORAD	Asia	Pakistan	AGHS Women and children's rights	AGHS Legal Aid Cell

1999	NORAD	Asia	Nepal	Women's Legal Service/SUSS	Serv for Unprivileged Sect of Soci (SUSS)
1999	NORAD	Asia	Nepal	Legal Aid Project	Den Norske Advokatforening
1999	NORAD	Asia	Sri Lanka	9thAnticorruption Conference in Durb	Sarath Amunugama foundation
1999	NORAD	Asia	Sri Lanka	Law Library,Vavuniyapurchase of Boo	Bar Association Vavuniya
1999	NORAD	Asia	Sri Lanka	Children's Juridical Desk	Redd Barna
2000	NORAD	Asia	Pakistan	AGHS Women and children's rights	AGHS Legal Aid Cell
2000	NORAD	Asia	Nepal	Women's Legal Service/ SUSS	Serv for Unprivileged Sect of Soci (SUSS)
2000	NORAD	Asia	Nepal	Women's Legal Service/SUSS	Serv for Unprivileged Sect of Soci (SUSS)
2000	NORAD	Asia	Nepal	Legal Aid Project	Den Norske Advokatforening
2000	NORAD	Asia	Sri Lanka	Children's Juridical Desk	Redd Barna
2000	NORAD	Asia	Kambodsja	Judicial Counselling	UNDP
2000	NORAD	Asia	Bangladesh	Financial Management Review	PRIP TRUST
2000	Utenriksdep.	Asia	Øst-Timor	Legal Adviser to UN Transitional Adm	Det norske flyktingeraad
2000	Utenriksdep.	Asia	Kina	Urgent Appeals and Legal Consultatio	Asian Human Rights Commission
2001	NORAD	Asia	Pakistan	AGHS Women and children's rights	AGHS Legal Aid Cell
2001	NORAD	Asia	Nepal	Women's Legal Service/SUSS	Serv for Unprivileged Sect of Soci (SUSS)
2001	NORAD	Asia	Nepal	Legal Aid Project	Den Norske Advokatforening
2001	NORAD	Asia	Sri Lanka	Children's Juridical Desk	Redd Barna
2001	NORAD	Asia	Kambodsja	Judicial Counselling	UNDP
2001	NORAD	Asia	Kambodsja	Law Enforcement Sex Abuse 6713	Redd Barna
2001	Utenriksdep.	Asia	Asia Uspesifisert	ICRC appeal- Bangkok reg prog	Norges Roede Kors
2001	Utenriksdep.	Asia	Mongolia	Establish of lawyer union	Den Norske Advokatforening
2001	Utenriksdep.	Asia	Sri Lanka	Forum on women, law and Dev	AMB Colombo
2001	Utenriksdep.	Asia	Georgia	Return of unregistered weapons	OSCE
2001	Utenriksdep.	Asia	Burma	Visiting prison in Burma	Norges Roede Kors
2002	NORAD	Asia	Vietnam	Artikler	Stein Tonneson
2002	NORAD	Asia	Pakistan	AGHS Women and children's rights	AGHS Legal Aid Cell
2002	NORAD	Asia	Pakistan	AGHS Women and children's rights	AGHS Legal Aid Cell
2002	NORAD	Asia	Nepal	Legal Aid Project	Den Norske Advokatforening
2002	NORAD	Asia	Nepal	UN Corruption Con,Travel Grant	CIAA
2002	NORAD	Asia	Sri Lanka	Children's Desk	Redd Barna
2002	NORAD	Asia	Bangladesh	Village Court	MLAA
2002	Utenriksdep.	Asia	Øst-Timor	Ad Hoc Tribunal, East-Timor	Misc Consultants
2002	Utenriksdep.	Asia	Øst-Timor	Commission for Reception, Truth and	CFA, COMM. FOR RECEPTION, TRUTH AND RECO
2002	Utenriksdep.	Asia	Øst-Timor	Serious Crimes Unit - capacity build	UNDP
2002	Utenriksdep.	Asia	Asia Uspesifisert	Corruption in Central Asia	Wilton Park Executive Agency
2002	Utenriksdep.	Asia	Nepal	Emergency assistance, protection	Norges Roede Kors
2002	Utenriksdep.	Asia	Kirgisistan	Police assistance Progme	OSCE Office for Democratic Inst & HR
2002	Utenriksdep.	Asia	Aserbajdsjan	HR education	Det norske flyktingeraad
2003	NORAD	Asia	Øst-Timor	Parlamentarians visit	Government. of East Timor
2003	NORAD	Asia	Øst-Timor	Enhancing the justice system	UNDP
2003	NORAD	Asia	Vietnam	Legal assistance in connection with	Wikborg & Rein
2003	NORAD	Asia	Filippinene	Determination of sea liaes	Dep of Environmental and Natural Resources (PHI)
2003	NORAD	Asia	Pakistan	AGHS Women and children's rights	AGHS Legal Aid Cell
2003	NORAD	Asia	Nepal	Women's Legal Service/SUSS	Serv for Unprivileged Sect of Soci (SUSS)
2003	NORAD	Asia	Nepal	Legal Aid Project	Den Norske Advokatforening
2003	NORAD	Asia	Nepal	UN Corr Conv. 2003, Travel grant	CIAA
2003	NORAD	Asia	Nepal	UN Corr Conv. 2003, Travel grant	CIAA
2003	NORAD	Asia	Nepal	Child Friendly Legal requirement	Redd Barna
2003	NORAD	Asia	Sri Lanka	Children's Desk	Redd Barna
2003	NORAD	Asia	Bangladesh	Legal Aid and Advocasy	BLAST BGD Legal Aid and Service Trust
2003	NORAD	Asia	Bangladesh	Village Court	MLAA

2003	Utenriksdep.	Asia	Sør Asia Uspesifiser	Interpol - offices in Armenia, Georg	OIPC - INTERPOL
2003	Utenriksdep.	Asia	Asia Uspesifisert	Afghan Border Police in Kabul	BUNDESANSTALT TECHNISCHES HILFSWERK (THW)
2003	Utenriksdep.	Asia	Asia Uspesifisert	ODIHR Legalisation Alert and Assist	OSCE Office for Democratic Inst & HR
2003	Utenriksdep.	Asia	Asia Uspesifisert	OCEEA/OSCE-Booklet on Combating Corr	OSCE Office for Democratic Inst & HR
2003	Utenriksdep.	Asia	Kirgisistan	OSCE Police Assistance Programme	OSCE Office for Democratic Inst & HR
2003	Utenriksdep.	Asia	Georgia	Information, counselling, legal aid	Det norske flyktingeraad
2003	Utenriksdep.	Asia	Afghanistan	Law and Order TF Afghanistan	UNDP
2003	Utenriksdep.	Asia	Afghanistan	Voter Registration	UNDP
2003	Utenriksdep.	Asia	Afghanistan	The Constitution-Making process	UNDP
2003	Utenriksdep.	Asia	Afghanistan	Human Rights Defenders - Int. Human	Misc.
2003	Utenriksdep.	Asia	Afghanistan	Legal Reform Project	Harvard University
1999	NORAD	Europa	Makedonia(Fyrom)	Register for bygninger og annen fast	ZPP Makedonia
1999	NORAD	Europa	Makedonia(Fyrom)	Nasjonale Juridiske Registre	ZPP Makedonia
1999	Utenriksdep.	Europa	Bosnia- Herzegovina	Free legal aid	Det norske flyktingeraad
1999	Utenriksdep.	Europa	Bosnia- Herzegovina	Institute for Strengthening Democrac	Universitetet i Bergen
1999	Utenriksdep.	Europa	Albania	Albanian prosecution system	AMB Tirana
1999	Utenriksdep.	Europa	Albania	Seminar prosecutors	AMB Tirana
1999	Utenriksdep.	Europa	Albania	Course in conversation technique for	Albanian Police
1999	Utenriksdep.	Europa	Albania	Secondment lawyer	UD/OSSE-enheten
1999	Utenriksdep.	Europa	Albania	MAPE seminar	Justisdep
1999	Utenriksdep.	Europa	Albania	Secondment	Justisdep
1999	Utenriksdep.	Europa	Albania	Micellaneous	AMB Tirana
1999	Utenriksdep.	Europa	Albania	Public Prosecutor office	OSCE Secretariat presence in Alba
1999	Utenriksdep.	Europa	Albania	Exams albanian judges	OSCE Secretariat presence in Alba
1999	Utenriksdep.	Europa	Albania	Heads of Conflict Council to Albania	Justisdep
2000	Utenriksdep.	Europa	Europa Uspesifisert	Stability Pact - police meeting.	AMB Sarejevo
2000	Utenriksdep.	Europa	Kroatia	OSCE Croatia & East Slavonia	Justisdep
2000	Utenriksdep.	Europa	Kroatia	Civil Rights Project	Det norske flyktingeraad
2000	Utenriksdep.	Europa	Fed Rep Of Yugoslavi	Civil rights projects Krajlevo	Det norske flyktingeraad
2000	Utenriksdep.	Europa	Fed Rep Of Yugoslavi	Civil Rights Project	Det norske flyktingeraad
2000	Utenriksdep.	Europa	Fed Rep Of Yugoslavi	Civil Rights Project	Det norske flyktingeraad
2000	Utenriksdep.	Europa	Bosnia- Herzegovina	UN Interim Police Task Force (UNIPTF)	Justisdep
2000	Utenriksdep.	Europa	Bosnia- Herzegovina	Civil Rights Project	Det norske flyktingeraad
2000	Utenriksdep.	Europa	Bosnia- Herzegovina	Free legal aid to Bosnian refugees	Stiftelsen Bosnisk Post AS
2000	Utenriksdep.	Europa	Albania	Secondment to State Attorney's Offic	OSCE Secretariat presence in Alba
2000	Utenriksdep.	Europa	Albania	Albanian prosecution system	AMB Tirana
2001	NORAD	Europa	Makedonia(Fyrom)	Juridiske Reg Foretak Fase III	Norway Registers Development A/S (NRD)
2001	NORAD	Europa	Makedonia(Fyrom)	BL. Kr. Verdipapirsentral MAK	Norway Registers Development A/S (NRD)
2001	Utenriksdep.	Europa	Europa Uspesifisert	Small arms light weapons BICC	Bonn Int Ctr for Conversion
2001	Utenriksdep.	Europa	Europa Uspesifisert	SP WT III Wepon distruction	AMB Tirana
2001	Utenriksdep.	Europa	Europa Uspesifisert	Politcecooperation training SEE	Norwegian Foreign Policy Inst (NUPI)
2001	Utenriksdep.	Europa	Europa Uspesifisert	SP - chiefpolicemeetings	Holm, Tor Tanke
2001	Utenriksdep.	Europa	Kroatia	Legal Ass project in Dalmatia	Dalmatian Solidarity Comitee
2001	Utenriksdep.	Europa	Fed Rep Of Yugoslavi	Quick Build Prison KOS	UN Interim Adm in Kosovo (UNMIK)
2001	Utenriksdep.	Europa	Fed Rep Of Yugoslavi	Civil Rights Project	Det norske flyktingeraad
2001	Utenriksdep.	Europa	Bosnia- Herzegovina	OHR - Anti Fraud	AFD NORWEGIAN

2001	Utenriksdep.	Europa	Bosnia-Herzegovina	Impr efficiency of the courts	IJC
2001	Utenriksdep.	Europa	Albania	Sec-paymaster Haver til MAPE	Det norske flyktingeraad
2001	Utenriksdep.	Europa	Albania	General Prosecutors office-sec	Gabrielsen, Randi Lucie
2002	NORAD	Europa	Albania	Solidaritetsprosjekt	Forum for konfliktrådsledere
2002	Utenriksdep.	Europa	Tidl.Jugoslavia Uspe	Police College Refurbishment Project	International Management Group (IMG)
2002	Utenriksdep.	Europa	Tidl.Jugoslavia Uspe	Dep. of justice - missing persons	UN Interim Adm in Kosovo (UNMIK)
2002	Utenriksdep.	Europa	Tidl.Jugoslavia Uspe	Police Service Instit. capacity buil	UNDP
2002	Utenriksdep.	Europa	Tidl.Jugoslavia Uspe	School for Security Sector Refo	G17 Institute
2002	Utenriksdep.	Europa	Tidl.Jugoslavia Uspe	Pilotproject reform proc police	Politidirektoratet
2002	Utenriksdep.	Europa	Tidl.Jugoslavia Uspe	Civil Rights Proj free legal assis	Det norske flyktingeraad
2002	Utenriksdep.	Europa	Europa Uspesifisert	Sofia-conferance SEE	Resource Ctr Foundation
2002	Utenriksdep.	Europa	Europa Uspesifisert	Media legislation in SEE	Europaraadet
2002	Utenriksdep.	Europa	Europa Uspesifisert	Workshop reg policetraining	Holm, Tor Tanke
2002	Utenriksdep.	Europa	Europa Uspesifisert	Customs Border control	World Bank
2002	Utenriksdep.	Europa	Moldova	Cooperation border and customs	Forsvarsdep Forsvarets overkommando
2002	Utenriksdep.	Europa	Makedonia(Fyrom)	Lgal aid for IDPsand Refuge	Det norske flyktingeraad
2002	Utenriksdep.	Europa	Kroatia	Community reinforcement	Dalmatian Solidarity Comitee
2002	Utenriksdep.	Europa	Bosnia-Herzegovina	Secondment/salary	UN High Commissioner for Human Rights
2002	Utenriksdep.	Europa	Bosnia-Herzegovina	Salary Rakel Surlien	UN High Commissioner for Human Rights
2002	Utenriksdep.	Europa	Bosnia-Herzegovina	Rakel Surlien secondment	UN High Commissioner for Human Rights
2002	Utenriksdep.	Europa	Bosnia-Herzegovina	Court Adm and Management Reform	UN High Commissioner for Human Rights
2002	Utenriksdep.	Europa	Albania	Judicial project - Aron Pipafor	AMB Tirana
2002	Utenriksdep.	Europa	Albania	General Prosecutors office	Gabrielsen, Randi Lucie
2003	NORAD	Europa	Albania	Solidaritetsprosjekt	Forum for konfliktrådsledere
2003	Utenriksdep.	Europa	Tidl.Jugoslavia Uspe	Kosovo High Level Initiative	European Centre for Minority Issues
2003	Utenriksdep.	Europa	Tidl.Jugoslavia Uspe	UNMIK- Prolongation Office on Missin	Det norske flyktingeraad
2003	Utenriksdep.	Europa	Europa Uspesifisert	IWPR-Balkan Investigate reporting an	Institute of War and Peace Reporting
2003	Utenriksdep.	Europa	Europa Uspesifisert	From crisis to Integration?	Energy Saving Int (ENSI)
2003	Utenriksdep.	Europa	Europa Uspesifisert	ICG Balkans Program	International Crisis Group
2003	Utenriksdep.	Europa	Europa Uspesifisert	ICMP-contribution 2003	Norwegian Helsinki Committee
2003	Utenriksdep.	Europa	Europa Uspesifisert	AEPC Police Ethics & Smuggling stole	LSOP/IPO
2003	Utenriksdep.	Europa	Europa Uspesifisert	Belgrade Centre for Human Rights- Tra	Norsk folkehjelp
2003	Utenriksdep.	Europa	Europa Uspesifisert	Trafficking in light weapons and sma	LSOP/IPO
2003	Utenriksdep.	Europa	Europa Uspesifisert	Community Respones to Corruption	Senter for konfl.håndt. og fredsbygging
2003	Utenriksdep.	Europa	Makedonia(Fyrom)	Capacity building on Counter traffic	Int Org for Migration (IOM)
2003	Utenriksdep.	Europa	Makedonia(Fyrom)	Counter trafficking, prenevntion ass	Int Org for Migration (IOM)
2003	Utenriksdep.	Europa	Kroatia	HCNM JCM Legal Aid H 12 2003 East-SI	OSCE Office for Democratic Inst & HR
2003	Utenriksdep.	Europa	Kroatia	HCNM Knin Legal Aid H 11 2003 Dalma	OSCE Office for Democratic Inst & HR
2003	Utenriksdep.	Europa	Kroatia	Constitutional Court - public awarem	OSCE Office for Democratic Inst & HR
2003	Utenriksdep.	Europa	Fed Rep Of Yugoslavi	Judicial system. Public awarem cam	MINISTRY OF INT. ECONOMIC RELATIONS REP
2003	Utenriksdep.	Europa	Fed Rep Of Yugoslavi	Police College Refurbishment - addit	International Management Group (IMG)
2003	Utenriksdep.	Europa	Fed Rep Of Yugoslavi	POD Organised crime seminar	Politidirektoratet
2003	Utenriksdep.	Europa	Fed Rep Of Yugoslavi	Organised crime capacity development	OSCE Office for Democratic Inst & HR
2003	Utenriksdep.	Europa	Bosnia-Herzegovina	SIPA - Equipment for the Protection	PARLIAMENT. ASSEMBLY OF BOSNIA AND HERZ.

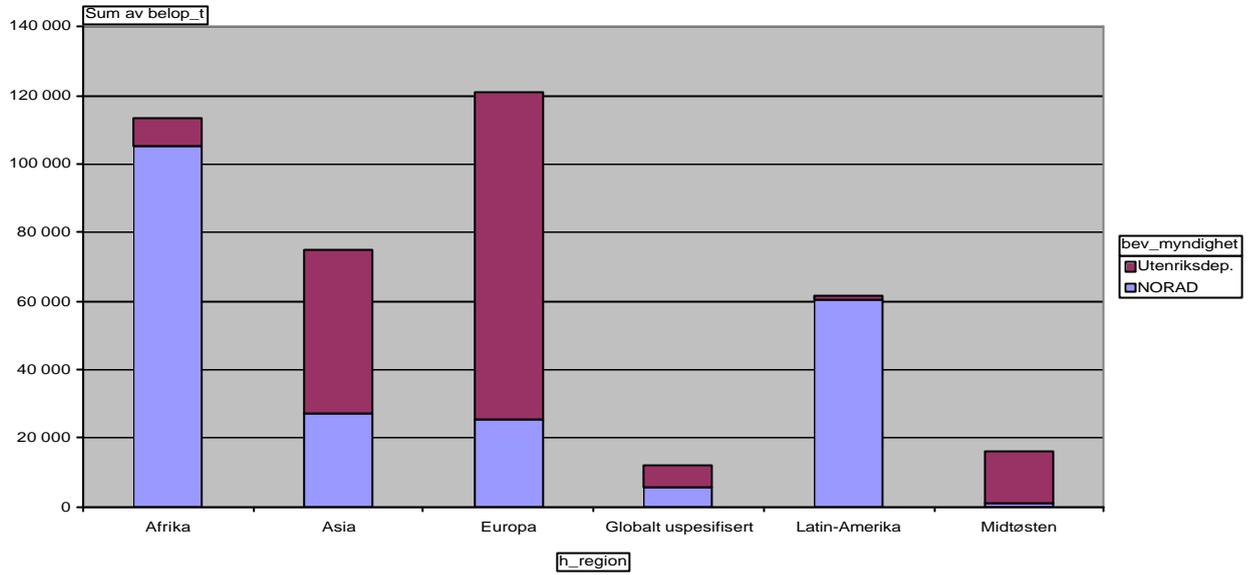
2003	Utenriksdep.	Europa	Bosnia-Herzegovina	Secondment IJC - S.M. Urke	IJC NORWEGIAN SECONDEE FUND
2003	Utenriksdep.	Europa	Bosnia-Herzegovina	Prolongation secondment IJC	IJC NORWEGIAN SECONDEE FUND
2003	Utenriksdep.	Europa	Bosnia-Herzegovina	IJC - Judicial Reform Process BHZ	Office of the High Representative
2003	Utenriksdep.	Europa	Bosnia-Herzegovina	EUPM - financial contribution	THIRD STATE EUPM CONTRIBUTIONS
2003	Utenriksdep.	Europa	Bosnia-Herzegovina	Impr efficiency of the courts	IJC
2003	Utenriksdep.	Europa	Albania	The Albanian Foundation CRRD	FOUND. FOR CONFLICT RESOL. AND RECONS.O
2000	NORAD	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	Participation in Beijing + 5	FOKUS
2000	Utenriksdep.	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	International Criminal Court	Asian Forum for Human Rights
2000	Utenriksdep.	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	Globalt uspesifisertbal Education Campaign	Coalition for an Int Criminal Court
2000	Utenriksdep.	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	Int'L Criminal Court LDCs	UN Secretariat
2001	Utenriksdep.	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	Com build in Women's Law	Norges Forskningsråd
2001	Utenriksdep.	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	UN conf on small arms - IANSA	International Alert
2002	NORAD	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	ISFL World Conference	UiO, Institutt for privatrett
2002	NORAD	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	Frame agreement CMI 2002	Chr Michelsen Institute (CMI)
2002	Utenriksdep.	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	Translator Services Judge Garzons vi	Hanne Mørk
2002	Utenriksdep.	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	Field based research	Medecins Sans Frontieres
2002	Utenriksdep.	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	Competence build. in Women's Law	Norges Forskningsråd
2002	Utenriksdep.	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	Human security network Policy, Advoc	Harvard University
2002	Utenriksdep.	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	CSR in zones of conflicts	Int Peace Research Inst PRIO
2003	NORAD	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	Sponsor attendance IAP conference	IAP
2003	NORAD	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	Forundersøkelse ILD/NRD	Norway Registers Development A/S (NRD)
2003	Utenriksdep.	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	Against corruption	UN Centre for Int Crime Prevention
2003	Utenriksdep.	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	Com build in Women's Law	Norges Forskningsråd
2003	Utenriksdep.	Globalt uspesifisert	Globalt uspesifisertbalt Uspesifisert	Cooperation between Courts	CONSEIL DE L EUROPE
1999	NORAD	Latin-Amerika	El Salvador	Strength. Rule of Law III	FESPAD
1999	NORAD	Latin-Amerika	El Salvador	Strength. Rule of Law II	FESPAD
1999	NORAD	Latin-Amerika	Honduras	Legal aid office 3901	Redd Barna
1999	NORAD	Latin-Amerika	Guatemala	Agr. UNDP Justisreform I	UNDP
1999	NORAD	Latin-Amerika	Ecuador	Constitutional indigenous rights(157	Norsk folkehjelp
1999	NORAD	Latin-Amerika	Dominikanske Rep	Land registration project	Com Presidencial para la Reforma y Mod
2000	NORAD	Latin-Amerika	El Salvador	Strength. Rule of Law III	FESPAD
2000	NORAD	Latin-Amerika	Honduras	Legal aid office 3901	Redd Barna
2000	NORAD	Latin-Amerika	Guatemala	Justice Reform	UNDP
2000	NORAD	Latin-Amerika	Guatemala	Agr. UNDP Justisreform I	UNDP

2000	NORAD	Latin-Amerika	Guatemala	Justice OJ 2000 - 2004	UNDP
2000	NORAD	Latin-Amerika	Ecuador	Constitutional indigenous rights(157	Norsk folkehjelp
2001	NORAD	Latin-Amerika	El Salvador	Strength. Rule of Law III	FESPAD
2001	NORAD	Latin-Amerika	Guatemala	Justice Reform	UNDP
2001	NORAD	Latin-Amerika	Guatemala	Justice IDPP 2002 - 2004	UNDP
2001	NORAD	Latin-Amerika	Guatemala	Justice OJ 2000 - 2004	UNDP
2001	NORAD	Latin-Amerika	Ecuador	Sudan Relief and Rehab Assoc	Norsk folkehjelp
2001	NORAD	Latin-Amerika	Ecuador	Constitutional indigenous rights(157	Norsk folkehjelp
2001	Utenriksdep.	Latin-Amerika	Haiti	Strengt - rule of law prog UN	UNDP
2002	NORAD	Latin-Amerika	El Salvador	Rule of Law IV 2002 - 2003	FESPAD
2002	NORAD	Latin-Amerika	Guatemala	Justice Reform	UNDP
2002	NORAD	Latin-Amerika	Guatemala	Justice PNC 2002	UNDP
2002	NORAD	Latin-Amerika	Guatemala	Justice IDPP 2002 - 2004	UNDP
2002	NORAD	Latin-Amerika	Guatemala	Justice OJ 2000 - 2004	UNDP
2002	NORAD	Latin-Amerika	Ecuador	Constitutional indigenous rights(157	Norsk folkehjelp
2002	Utenriksdep.	Latin-Amerika	Colombia	Legal assistance ALDHU, Filanbanco	ORANS,ELSEN AND LUPERT LLP ATTORNEYS
2003	NORAD	Latin-Amerika	El Salvador	Rule of Law IV 2002 - 2003	FESPAD
2003	NORAD	Latin-Amerika	Nicaragua	SEMINAR ON JUDICIARY SYSTEM REFORM	Misc Consultants
2003	NORAD	Latin-Amerika	Nicaragua	new Criminal Code	Dr. Sergio Cuarezma
2003	NORAD	Latin-Amerika	Guatemala	Justice Reform	UNDP
2003	NORAD	Latin-Amerika	Guatemala	Consultancy Marthe Heggstad Hotvedt	Misc Consultants
2003	NORAD	Latin-Amerika	Guatemala	Consultancy Kristin Svendsen	Misc Consultants
2003	NORAD	Latin-Amerika	Guatemala	Justice IDPP 2002 - 2004	UNDP
2003	NORAD	Latin-Amerika	Guatemala	Justice OJ 2000 - 2004	UNDP
2003	NORAD	Latin-Amerika	Guatemala	Penal justice and gender	FOKUS
2003	NORAD	Latin-Amerika	Ecuador	Constitutional indigenous rights(157	Norsk folkehjelp
2003	NORAD	Latin-Amerika	Colombia	The Colombian Law Commission	Det norske flyktingeraad
2003	NORAD	Latin-Amerika	Colombia	Capacity building local NGOs - Colom	Det norske flyktingeraad
2003	NORAD	Latin-Amerika	Mellom-Amerika Uspes	Observatory of the Democracy in Cent	Flacso
1999	NORAD	Midtøsten	Det Palestinske Omr.	Jerusalem Legal Aid Center	Kvekerhjelpen
1999	Utenriksdep.	Midtøsten	Det Palestinske Omr.	Support negotiations	Pal Negotiation Affairs Department (NAD)
2000	NORAD	Midtøsten	Det Palestinske Omr.	Forensic Laboratorium	Oslo Krim
2000	Utenriksdep.	Midtøsten	Det Palestinske Omr.	Support negotiations	Pal Negotiation Affairs Department (NAD)
2000	Utenriksdep.	Midtøsten	Jordan	Legal Studies Refugees	Ministry of Foreign Affairs (JOR)
2001	NORAD	Midtøsten	Det Palestinske Omr.	Forensic Lab., prep. training progr.	Min of Planning and Int Coop (MOPIC) (PAL)
2001	Utenriksdep.	Midtøsten	Det Palestinske Omr.	Security of legislative office	Abdel Karim Abu Taha
2002	NORAD	Midtøsten	Det Palestinske Omr.	Ombudsmann	PICCR (PAL)
2003	NORAD	Midtøsten	Det Palestinske Omr.	Ombudsmann	PICCR (PAL)
2003	Utenriksdep.	Midtøsten	Det Palestinske Omr.	HR: Support to MUSAWA	The Representative Office of Norway
2003	Utenriksdep.	Midtøsten	Det Palestinske Omr.	Juridical Assistance	Pal HR monitoring group

## Appendix 4: Norwegian Aid to the Justice Sector: Partners and Channels

Type of channel	Name of partner	Norwegian agency involved			
		State	Research	NGO	
Inter-governmental	UN (e.g. Secretariat, UNDP, UNHCR)	MFA, MJP, NPD, Norad Emb in Angola, Guatemala, Mozambique	NCHR	NCA	
	OSCE (e.g. Secretariat, Office for Democratic Institutions and Human Rights)	MFA, MJP, NPD	NCHR		
	EU (e.g. European Commission)	MFA, MJP, NPD	NCHR		
	World Bank (International Bank for Reconstruction and Development)	MFA			
Governmental	Ministry of Justice, other ministries	MFA Emb in Ethiopia, Tanzania, Uganda	NCHR	NCA, NPA	
	Judiciary	Emb in Zambia, Mozambique		RB	
	Police	MFA, MJP, NPD		NCA, NPA, RB	
	Penal institutions	MJP		NCA, NPA	
Non-governmental	Inter-national	Various, e.g. Asian Forum for Human Rights, Asian Human Rights Commission, Institute of War and Peace Reporting, International Alert, International Crisis Group, International Police Association, <i>Médécins sans frontières</i> ...	MFA		
		Trócaire	Emb in Angola		
		Amnesty International, local chapters			AIN
		International Committee of the Red Cross			NRX
		The Lutheran World Federation			NCA
		Save the Children, national chapters			RB
	National or local	NGOs	MFA, Norad Emb in Angola, Ethiopia, Mozambique	NUPI, NCHR	DNA, JURK, NCA, NPA, NRC
		Universities and research institutes	Norad Emb in Ethiopia	NUPI, NCHR, IWL	JURK, NPA, RB

## Appendix 5: Norwegian Aid to Legal and Judicial Development, 1999-2003



## Appendix 6: The Geography of Norwegian Aid to the Justice Sector

**Table a. The Geography of Norwegian Aid to the Justice Sector: Africa**

<i>Country or area</i>	<i>Norwegian agency involved</i>		
	<i>State</i>	<i>Research</i>	<i>NGO</i>
Angola	Emb in Angola		NPA
Burundi			NRC
DRC			NRC
Ethiopia	Norad, Emb in Ethiopia	NCHR	RB
Kenya	MFA		
Malawi	Norad		NCA
Mauritania			NCA
Morocco			AIN
Mozambique	Norad, Emb in Mozambique		RB
Rwanda	Norad		NPA, NCA
SADC		NUPI	
South Africa	MFA, Norad, Emb in SA	NCHR	AIN, NCA
Tanzania	Norad		JURK
Uganda	Norad, Emb in Uganda		DNA, NRC
Zambia	Emb in Zambia		DNA
Zimbabwe	Norad	IWL	RB

**Table b. The Geography of Norwegian Aid to the Justice Sector: Asia**

<i>Country or area</i>	<i>Norwegian agency involved</i>		
	<i>State</i>	<i>Research</i>	<i>NGO</i>
Afghanistan	MFA		NRC
Azerbaijan	MFA		NRC
Bangladesh	Norad		
Burma	MFA		NRX
Cambodia	Norad		RB
Caucasus	MFA, NPD		
China	MFA, NPD	NCHR	
East Timor	MFA, Norad		NRC
Georgia	MFA		NRC
India			AIN
Indonesia		NCHR	
Kirgisistan	MFA		
Laos			RB
Mongolia	MFA		DNA, RB
Nepal	MFA, Norad		DNA, NRX, RB
Pakistan	Norad	IWL	NRC
Philippines	Norad		
Sri Lanka	MFA, Norad		RB
Thailand			AIN, RB
Ukraine	MJP		

**Table c. The Geography of Norwegian Aid to the Justice Sector: Europe**

<i>Country or area</i>	<i>Norwegian agency involved</i>		
	<i>State</i>	<i>Research</i>	<i>NGO</i>
Albania	MFA, Norad		NRC
Bosnia and Herzegovina	MFA, NPD	NUPI, NCHR	NCA, NRC, RB
Bulgaria	MFA, MJP, NPD		
Croatia	MFA		NPA, NRC
Cyprus	MFA, MJP, NPD		
Czech Republic	MFA, MJP, NPD		
Estonia	MFA, MJP, NPD		
Hungary	MFA, MJP, NPD		
Kosovo		NUPI	NRC
Latvia	MFA, MJP, NPD		
Lithuania	MFA, MJP, NPD		JURK
Macedonia, Former Yugoslav Rep. of (FYROM)	MFA, Norad		NRC
Malta	MFA, MJP, NPD		
Poland	MFA, MJP, NPD		AIN
Romania	MFA, MJP, NPD		
Serbia and Montenegro (or: Federal Rep. of Yugoslavia)	MFA, NPD	NUPI	NPA, NRC, RB
Slovakia	MFA, MJP, NPD		
Slovenia	MFA, MJP, NPD		
Turkey	MFA, MJP, NPD		

**Table d. The Geography of Norwegian Aid to the Justice Sector: Latin America**

<i>Country or area</i>	<i>Norwegian agency involved</i>		
	<i>State</i>	<i>Research</i>	<i>NGO</i>
Brazil			NCA
Colombia	Norad		NRC
Ecuador	Norad		NPA
El Salvador	Norad		
Guatemala	Norad, Emb in Guatemala		JURK, RB
Haiti	MFA		
Honduras	Norad		RB
Mexico			AIN
Nicaragua			RB

**Table e. The Geography of Norwegian Aid to the Justice Sector: The Middle East**

<i>Country or area</i>	<i>Norwegian agency involved</i>		
	<i>State</i>	<i>Research</i>	<i>NGO</i>
Palestine	MFA, Norad		NRX
Jordan	MFA		

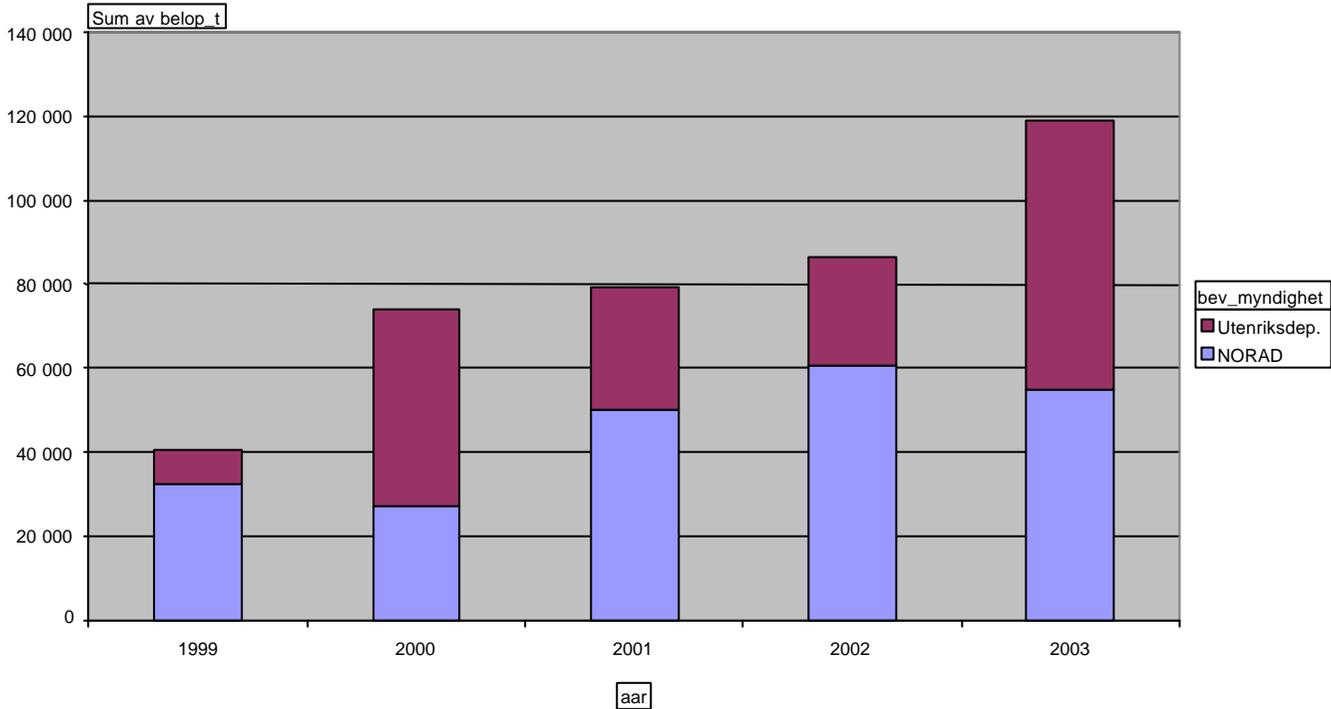
## Appendix 7: Norwegian Aid to the Justice Sector: Distribution across Types

Note: The information of the table is not exhaustive, but rather indicative of main trends.

Part of justice sector	If courts: type of judicial reform supported	Name or type of project	Norwegian agency involved		
			State	Research	NGO
Police		Education/training of police, including on human rights	MFA, NPD	NUPI, NCHR	NCA, NPA, NRX, RB
		Reconstruction and/or reform of police forces, including reduction of staff, establishment of internal audits and border police	MFA, NPD		
		Material assistance to the police	MFA, NPD		
		Improve protection of children and youth brought to the police	Norad		RB
Prisons		Visits to prisoners of war	MFA		NRX
		Human rights training of prison staff	MFA		AIN, NRX
		Ensure respect of female prisoners' rights	Norad		JURK
		Building of prisons	Norad		NPA
		Material support to prisons	MFA, MJP		NCA, NRX
		Skills development and training of prisoners	MFA, MJP		NCA
		Community reintegration of former prisoners			NCA
Courts	Law reform	Reform of customary law, including property laws			JURK
		Development of human rights legislation			NCA
		Make states ratify human rights conventions and integrate them in national legislation	MFA		NRX, RB
		Reform of laws on prison conditions	MFA		NRX
		Development and implementation of laws on religious freedom			NCA
		Develop anti-corruption laws, such as code of conduct for public servants and laws on conflict of interest, auditing, and procurement	Norad, Emb in Mozambique		
	Courts reform	Building of courts	Norad, Emb in Zambia		NPA
		Material assistance to courts	Norad, Emb in Zambia		NPA
		Establishment of Special Prosecutors' Office	MFA	NCHR	

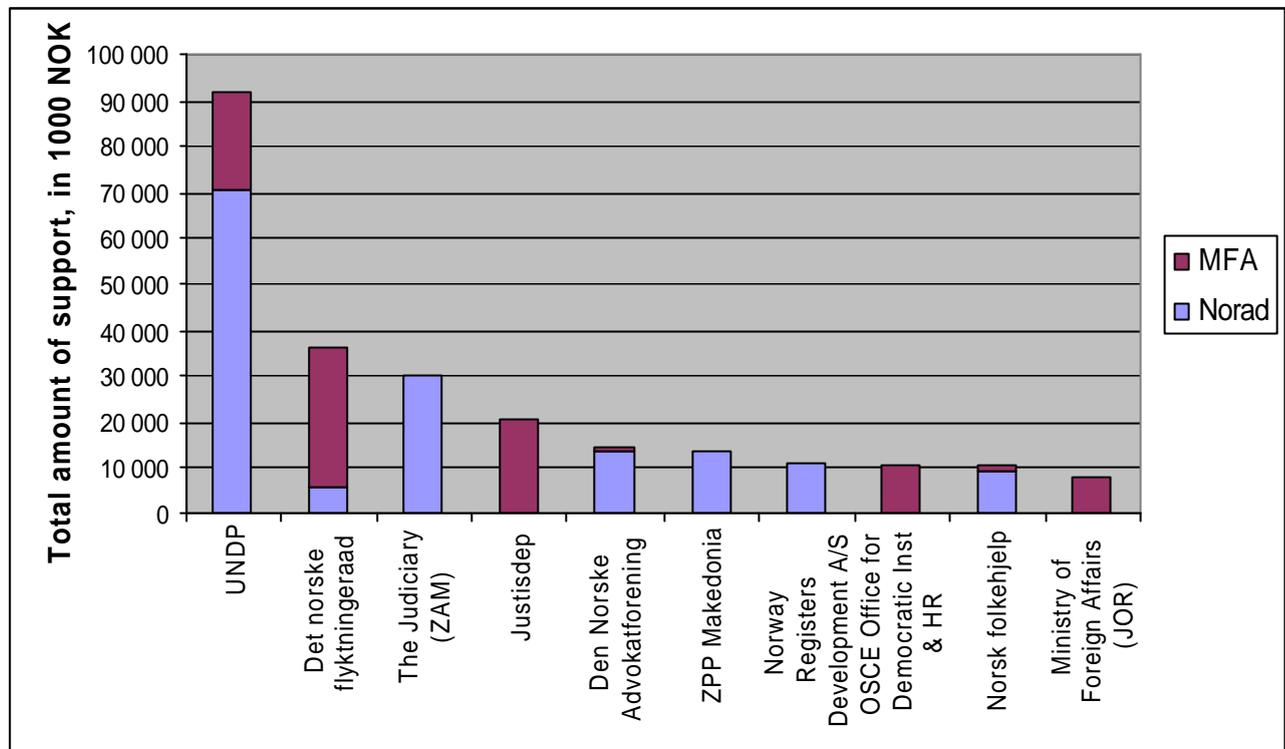
		Support to local courts	MFA		NPA, NCA
	Legal community	Project and material support to national bar associations	Norad		DNA
	Legal education/training	Education of judges and lawyers	Norad, Emb in Zambia, Ethiopia	IWL	
		(Re-)training of judges and prosecutors	MFA	NCHR	NPA
		Training of judges, including on human rights	MJP, Norad, Emb in Ethiopia	NCHR	AIN, NPA, RB
		Human rights training of university lecturers and civil servants	MFA	NCHR, IWL	
		Training of judiciary staff	Emb in Angola		NPA
	Access to justice	Strengthening contact between courts and civil society	Emb in Angola		
		Legal aid	MFA, Norad, Emb in Angola, Ethiopia, South Africa	NCHR	DNA, JURK, NPA, NRC, RB
		Legal awareness	Norad, Emb in Ethiopia		DNA
		Human rights training, information, monitoring	MFA, Norad, Emb in Angola, Ethiopia, South Africa	NCHR	AIN, JURK, NCA, NPA
		Make courts more friendly to victims of sexual abuse			RB
	Cross-cutting, courts	Foster cooperation between national courts	MFA		
		NORDEM: Roster of experts on electoral legislation, investigation of human rights violations, and legal reform	MFA	NCHR	
		General judicial reform	Norad, Emb in Uganda, Tanzania		
Cross-cutting, justice sector		“Styrkebrønnen”: Roster of judges, prosecutors, police lawyers, and prison experts	MJP		
		Security sector reform		NUPI	
		Promotion of women’s rights in justice sector			JURK
		Revision/overhaul of national justice sector	Norad, Emb in Angola, Uganda		

**Appendix 8: Norwegian Aid to Legal and Judicial Development, 1999-2003**



## Appendix 9: Top Ten Partners

### Norad and MFA Justice Sector Aid, 1999-2003: Top Ten Partners



### Norwegian Justice Sector Aid, 1999-2003: Details on the Top Ten Partners

Partner	Country	Name of project	Norw. aid	
UNDP	Afghanistan	Law and Order TF Afghanistan	10 000	
		The Constitution-Making process	3 000	
		Voter Registration	5 600	
	Afghanistan Total			18 600
	Guatemala		Agr. UNDP Justisreform I	11 427
			Justice IDPP 2002 - 2004	7 500
			Justice OJ 2000 - 2004	12 320
			Justice PNC 2002	1 500
			Justice Reform	14 080
	Guatemala Total			46 827
	Haiti		Strengt- rule of law prog UN	1 000
	Haiti Total			1 000
	Kambodsja		Judicial Counselling	4 000
	Kambodsja Total			4 000
	Mosambik		Establish Legal and Judicial Centre	14 500
	Mosambik Total			14 500
	Tidl.Jugoslavia Uspe		Police Service Instit. capacity buil	1 000
	Tidl.Jugoslavia Uspe Total			1 000
Zimbabwe		Agreement	1 521	
		Financing of UNDP expert	108	
		Technical support tot the Constituti	936	

	Zimbabwe Total		2 565
	Øst-Timor	Enhancing the justice system Serious Crimes Unit - capacity build	2 850 606
	Øst-Timor Total		3 456
UNDP Total			91 948
Det norske flyktingeraad	Albania	Sec-paymaster Haver til MAPE	352
	Albania Total		352
	Aserbajdsjan	HR education	762
	Aserbajdsjan Total		762
	Bosnia-Herzegovina	Civil Rights Project Free legal aid	2 285 2 070
	Bosnia-Herzegovina Total		4 354
	Colombia	Capacity building local NGOs - Colom The Colombian Law Commission	2 095 996
	Colombia Total		3 091
	Fed Rep Of Yugoslavi	Civil Rights Project Civil rights projects Krajlevo	13 349 1 031
	Fed Rep Of Yugoslavi Total		14 380
	Georgia	Information, counselling, legal aid	2 085
	Georgia Total		2 085
	Kroatia	Civil Rights Project	5 000
	Kroatia Total		5 000
	Makedonia(Fyrom)	Lgal aid for IDPsand Refuge	181
	Makedonia(Fyrom) Total		181
	Tidl.Jugoslavia Uspe	Civil Rights Proj free legal assis UNMIK- Prolongation Office on Missin	2 944 448
	Tidl.Jugoslavia Uspe Total		3 392
	Uganda	IDP return facilitation - Uganda	2 500
	Uganda Total		2 500
	Øst-Timor	Legal Adviser to UN Transitional Adm	146
	Øst-Timor Total		146
Det norske flyktingeraad Total			36 243
The Judiciary (ZAM)	Zambia	EQUIPMENT MAG COURT Institutional support Magistrates Courts Complex Planning Magistrates Courts	4 000 5 000 19 000 2 148
	Zambia Total		30 148
The Judiciary (ZAM) Total			30 148
Justisdep	Albania	Heads of Conflict Council to Albania MAPE seminar Secondment	800 236 0
	Albania Total		1 036
	Bosnia-Herzegovina	UN Interim Police Task Force (UNIPTF)	13 038
	Bosnia-Herzegovina Total		13 038
	Kroatia	OSCE Croatia & East Slavonia	6 577
	Kroatia Total		6 577
Justisdep Total			20 651
Den Norske Advokatforening	Mongolia	Establish of lawyer union	600
	Mongolia Total		600
	Nepal	Legal Aid Project	4 025
	Nepal Total		4 025
	Uganda	Legal Aid Project	9 567
	Uganda Total		9 567

	Zambia	Evaluation	32
	Zambia Total		32
Den Norske Advokatforening Total			14 225
ZPP Makedonia	Makedonia(Fyrom)	Nasjonale Juridiske Registre	6 597
		Register for bygninger og annen fast	7 035
	Makedonia(Fyrom) Total		13 633
ZPP Makedonia Total			13 633
Norway Registers Development A/S (NRD)	Globalt uspesifisertbalt Uspesifisert	Forundersøkelse ILD/NRD	435
		Globalt uspesifisertbalt Uspesifisert Total	
	Makedonia(Fyrom)	BL. Kr. Verdipapirsentral MAK	10 832
		Juridiske Reg Foretak Fase III	107
	Makedonia(Fyrom) Total		10 939
Norway Registers Development A/S (NRD) Total			11 374
OSCE Office for Democratic Inst & HR	Asia Uspesifisert	OCEEA/OSCE-Booklet on Combating Corr	157
		ODIHR Legislation Alert and Assist	242
	Asia Uspesifisert Total		399
	Fed Rep Of Yugoslavi	Organised crime capacity development	1 200
	Fed Rep Of Yugoslavi Total		1 200
	Kirgisistan	OSCE Police Assistance Programme	7 235
		Police assistance Progme	1 239
	Kirgisistan Total		8 474
	Kroatia	Constitutional Court - public awarem	234
		HCNM JCM Legal Aid H 12 2003 East-Sl	325
HCNM Knin Legal Aid H 11 2003 Dalma		300	
Kroatia Total		859	
OSCE Office for Democratic Inst & HR Total			10 932
Norsk folkehjelp	Ecuador	Constitutional indigenous rights(157	2 297
		Sudan Relief and Rehab Assoc	566
	Ecuador Total		2 863
	Europa Uspesifisert	Belgrade Centre for Human Rights-Tra	1 500
	Europa Uspesifisert Total		1 500
	Rwanda	Support to justice and human rights	6 496
	Rwanda Total		6 496
Norsk folkehjelp Total			10 859
Ministry of Foreign Affairs (JOR)	Jordan	Legal Studies Refugees	8 100
	Jordan Total		8 100
Ministry of Foreign Affairs (JOR) Total			8 100

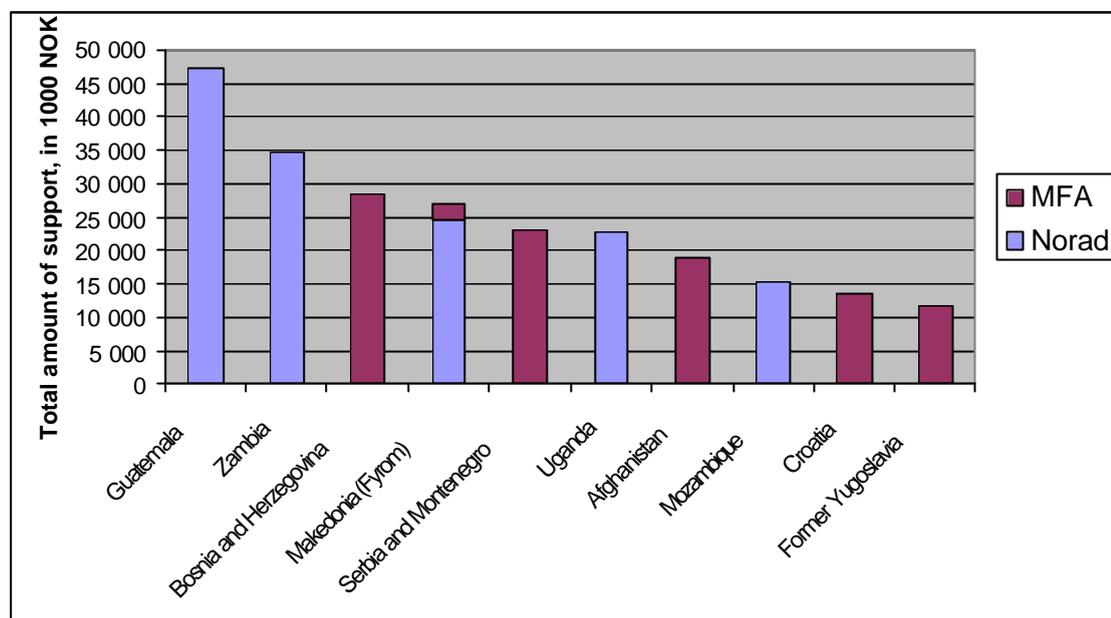
**Total, top ten partners: 248 112 NOK**

**Total, all partners: 399 395 NOK**

**Top ten's share of all partners: 62.1%**

## Appendix 10: Top Ten Countries

### Norad and MFA Justice Sector Aid, 1999-2003: Top Ten Countries



### Norwegian Justice Sector Aid, 1999-2003: Details on the Top Ten Countries

Country	Agreement partner	Name of project	Norw.aid
Guatemala	FOKUS	Penal justice and gender	480
	FOKUS Total		480
	Misc Consultants	Consultancy Kristin Svendsen	57
		Consultancy Marthe Heggstad Hotvedt	24
	Misc Consultants Total		81
	UNDP	Agr. UNDP Justisreform I	11 427
		Justice IDPP 2002 - 2004	7 500
		Justice OJ 2000 - 2004	12 320
		Justice PNC 2002	1 500
		Justice Reform	14 080
UNDP Total		46 827	
Guatemala Total			47 388
Zambia	Anderson & Anderson International	Study tour Judiciary	31
	Anderson & Anderson International Total		31
	Den Norske Advokatforening	Evaluation	32
	Den Norske Advokatforening Total		32
	Interconsult International AS	review of equipment	36
	Interconsult International AS Total		36
	Law Association of Zambia	Provision of Legal Aid	1 160
	Law Association of Zambia Total		1 160
	Legal Resource Foundation	providing free legal aid	3 000
	Legal Resource Foundation Total		3 000
	Pharmaceutical Society of Zambia	wfamiliarise court magistrats	84
Pharmaceutical Society of Zambia Total		84	

	The Judiciary (ZAM)	EQUIPMENT MAG COURT	4 000
		Institutional support	5 000
		Magistrates Courts Complex	19 000
		Planning Magistrates Courts	2 148
	The Judiciary (ZAM) Total		30 148
	AAI	JUDICIARY Pre-planning	40
	AAI Total		40
Zambia Total			34 531
Bosnia-Herzegovina	AFD NORWEGIAN	OHR - Anti Fraud	2 000
	AFD NORWEGIAN Total		2 000
	Det norske flyktingeraad	Civil Rights Project	2 285
		Free legal aid	2 070
	Det norske flyktingeraad Total		4 354
	IJC	Impr efficiency of the courts	990
	IJC Total		990
	IJC NORWEGIAN SECONDEE FUND	Prolongation secondment IJC	367
		Secondment IJC - S.M. Urke	951
	IJC NORWEGIAN SECONDEE FUND Total		1 318
	Justisdep	UN Interim Police Task Force (UNIPTF	13 038
	Justisdep Total		13 038
	Office of the High Representative	IJC - Judicial Reform Process BHZ	515
	Office of the High Representative Total		515
	PARLIAMENT. ASSEMBLY OF BOSNIA AND HERZ.	SIPA - Equipment for the Protection	1 207
	PARLIAMENT. ASSEMBLY OF BOSNIA AND HERZ. Total		1 207
	Stiftelsen Bosnisk Post AS	Free legal aid to Bosnian refugees	152
	Stiftelsen Bosnisk Post AS Total		152
	THIRD STATE EUPM CONTRIBUTIONS	EUPM - financial contribution	208
	THIRD STATE EUPM CONTRIBUTIONS Total		208
	UN High Commissioner for Human Rights	Court Adm and Management Reform	2 250
		Rakel Surlien secondment	1 021
		Salary Rakel Surlien	118
		Secondment/salary	1 014
	UN High Commissioner for Human Rights Total		4 403
	Universitetet i Bergen	Institute for Strengthening Democrac	148
	Universitetet i Bergen Total		148
Bosnia-Herzegovina Total			28 334
Makedonia(Fyrom)	Det norske flyktingeraad	Lgal aid for IDPsand Refuge	181
	Det norske flyktingeraad Total		181
	Int Org for Migration (IOM)	Capacity building on Counter traffic	1 232
		Counter trafficking, prenevntion ass	649
	Int Org for Migration (IOM) Total		1 881
	Norway Registers Development A/S (NRD)	BL. Kr. Verdipapirsentral MAK	10 832
		Juridiske Reg Foretak Fase III	107
	Norway Registers Development A/S (NRD) Total		10 939
	ZPP Makedonia	Nasjonale Juridiske Registre	6 597
		Register for bygninger og annen fast	7 035
	ZPP Makedonia Total		13 633
Makedonia(Fyrom) Total			26 633
Fed Rep Of Yugoslavi	Det norske flyktingeraad	Civil Rights Project	13 349
		Civil rights projects Krajlevo	1 031
	Det norske flyktingeraad Total		14 380
	International Management Group (IMG)	Police College Refurbishment - addit	164

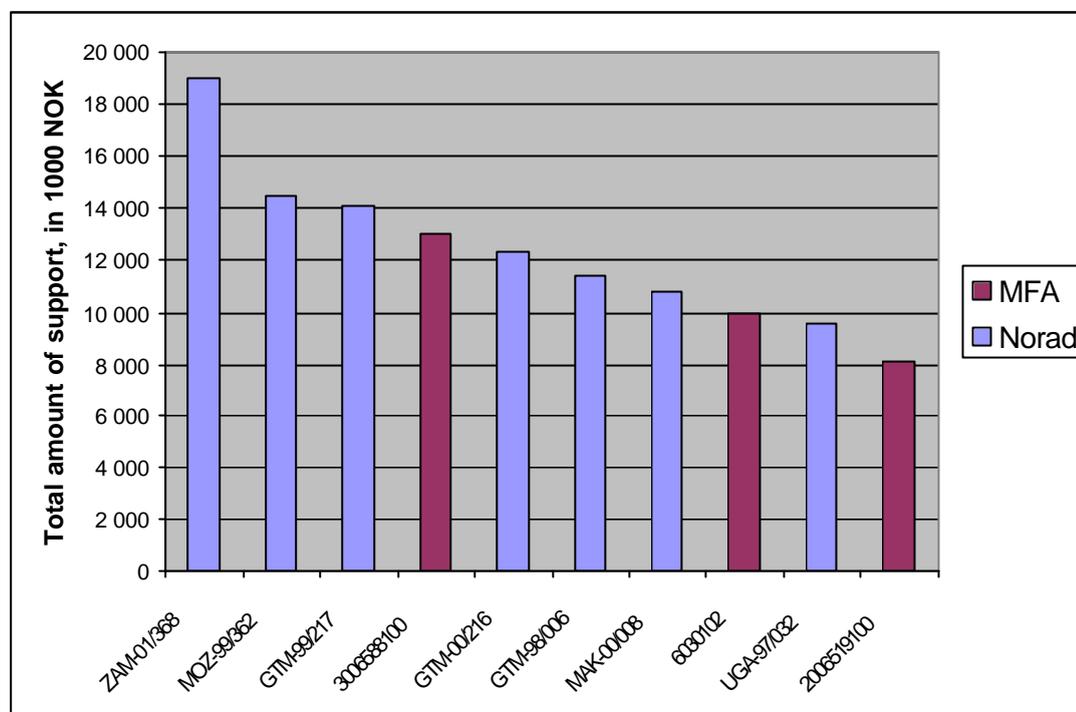
	International Management Group (IMG) Total		164
	MINISTRY OF INT. ECONOMIC RELATIONS REP	Judicial system. Public awarness cam	1 989
	MINISTRY OF INT. ECONOMIC RELATIONS REP Total		1 989
	OSCE Office for Democratic Inst & HR	Organised crime capacity development	1 200
	OSCE Office for Democratic Inst & HR Total		1 200
	Politidirektoratet	POD Organised crime seminar	156
	Politidirektoratet Total		156
	UN Interim Adm in Kosovo (UNMIK)	Quick Build Prison KOS	5 000
	UN Interim Adm in Kosovo (UNMIK) Total		5 000
Fed Rep Of Yugoslavi Total			22 889
Uganda	Den Norske Advokatforening	Legal Aid Project	9 567
	Den Norske Advokatforening Total		9 567
	Det norske flyktingeraad	IDP return facilitation - Uganda	2 500
	Det norske flyktingeraad Total		2 500
	Ergodialog	Review Justice Law	172
	Ergodialog Total		172
	Honourable Lady Justice Bossa	Conference of Women Judges	50
	Honourable Lady Justice Bossa Total		50
	International Law Institute-ILI	Internat.Law Inst. (ILI) 2002-2004	3 500
	International Law Institute-ILI Total		3 500
	Ministry of Finance, Plannging and Economic Dev (UGA)	Commercial Justice	5 000
		Dev. of Strategic Plan	500
		Implem. of Constitution-Addendum	620
		Implementation of Constitution	650
	Ministry of Finance, Plannging and Economic Dev (UGA) Total		6 770
	Misc Consultants	Study, Legal Framework, Registers	84
	Misc Consultants Total		84
Uganda Total			22 643
Afghanistan	Harvard University	Legal Reform Project	400
	Harvard University Total		400
	Misc.	Human Rights Defenders- Int. Human	0
	Misc. Total		0
	UNDP	Law and Order TF Afghanistan	10 000
		The Constitution-Making process	3 000
		Voter Registration	5 600
	UNDP Total		18 600
Afghanistan Total			19 000
Mosambik	Anti Corruption Unit	Participation Paris Declarationagain	99
	Anti Corruption Unit Total		99
	Min of Foreign Affairs and Dev Coop (MOZ)	Participation in UN neg on Anti Corr	243
		Participation in UN neg on corruptio	32
	Min of Foreign Affairs and Dev Coop (MOZ) Total		274
	The Supreme Court (MOZ)	Supply of equipment & stationery	251
	The Supreme Court (MOZ) Total		251
	UNDP	Establish Legal and Judicial Centre	14 500
	UNDP Total		14 500
	Utenriksdep	Participation in UN neg on corruptio	36
	Utenriksdep Total		36
Mosambik Total			15 161
Kroatia	Dalmatian Solidarity Comitee	Community reinforcement	500
		Legal Ass project in Dalmatia	500
	Dalmatian Solidarity Comitee Total		1 000

	Det norske flyktingeraad	Civil Rights Project	5 000
	Det norske flyktingeraad Total		5 000
	Justisdep	OSCE Croatia & East Slavonia	6 577
	Justisdep Total		6 577
	OSCE Office for Democratic Inst & HR	Constitutional Court - public awarem	234
		HCNM JCM Legal Aid H 12 2003 East-SI	325
		HCNM Knin Legal Aid H 11 2003 Dalma	300
	OSCE Office for Democratic Inst & HR Total		859
Kroatia Total			13 435
Tidl.Jugoslavia Uspe	Det norske flyktingeraad	Civil Rights Proj free legal assis	2 944
		UNMIK- Prolongation Office on Missin	448
	Det norske flyktingeraad Total		3 392
	European Centre for Minority Issues	Kosovo High Level Initiative	821
	European Centre for Minority Issues Total		821
	G17 Institute	School for Security Sector Refo	349
	G17 Institute Total		349
	International Management Group (IMG)	Police College Refurbishment Project	712
	International Management Group (IMG) Total		712
	Politidirektoratet	Pilotproject reform proc police	4 935
	Politidirektoratet Total		4 935
	UN Interim Adm in Kosovo (UNMIK)	Dep. of justice - missing persons	367
	UN Interim Adm in Kosovo (UNMIK) Total		367
	UNDP	Police Service Instit. capacity buil	1 000
	UNDP Total		1 000
	Tidl.Jugoslavia Uspe Total		

**Total, top ten countries: NOK 241 591**  
**Total, all countries: NOK 399 395**  
**Top ten's share of all countries: 60.5%**

## Appendix 11: Top Ten Projects

### Norad and MFA Justice Sector Aid, 1999-2003: Top Ten Projects



### Norwegian Justice Sector Aid, 1999-2003: Details on the Top Ten Projects

Project no.	Name of project	Partner	Country	Norw. aid
ZAM-01/368	Magistrates Courts Complex	The Judiciary (ZAM)	Zambia	19 000
		The Judiciary (ZAM) Total		19 000
	Magistrates Courts Complex Total			19 000
ZAM-01/368 Total				19 000
MOZ-99/362	Establish Legal and Judicial Centre	UNDP	Mosambik	14 500
		UNDP Total		14 500
	Establish Legal and Judicial Centre Total			14 500
MOZ-99/362 Total				14 500
GTM-99/217	Justice Reform	UNDP	Guatemala	14 080
		UNDP Total		14 080
	Justice Reform Total			14 080
GTM-99/217 Total				14 080
3006588100	UN Interim Police Task Force (UNIPTF)	Justisdep	Bosnia-Herzegovina	13 038
		Justisdep Total		13 038
	UN Interim Police Task Force (UNIPTF) Total			13 038
3006588100 Total				13 038
GTM-00/216	Justice OJ 2000 - 2004	UNDP	Guatemala	12 320
		UNDP Total		12 320
	Justice OJ 2000 - 2004 Total			12 320
GTM-00/216 Total				12 320

GTM-98/006	Agr. UNDP Justisreform I	UNDP	Guatemala	11 427
		UNDP Total		11 427
	Agr. UNDP Justisreform I Total			11 427
GTM-98/006 Total				11 427
MAK-00/008	BL. Kr. Verdipapirsentral MAK	Norway Registers Development A/S (NRD)	Makedonia(Fyrom)	10 832
		Norway Registers Development A/S (NRD) Total		10 832
	BL. Kr. Verdipapirsentral MAK Total			10 832
MAK-00/008 Total				10 832
6030102	Law and Order TF Afghanistan	UNDP	Afghanistan	10 000
		UNDP Total		10 000
	Law and Order TF Afghanistan Total			10 000
6030102 Total				10 000
UGA-97/032	Legal Aid Project	Den Norske Advokatforening	Uganda	9 567
		Den Norske Advokatforening Total		9 567
	Legal Aid Project Total			9 567
UGA-97/032 Total				9 567
2006519100	Legal Studies Refugees	Ministry of Foreign Affairs (JOR)	Jordan	8 100
		Ministry of Foreign Affairs (JOR) Total		8 100
	Legal Studies Refugees Total			8 100
2006519100 Total				8 100

**Total, top ten projects: NOK 122 865**

**Total, all projects: 399 395**

**Top ten's share of all projects: 30.8%**

**Appendix 12: Norad and MFA Justice Sector Aid via Norwegian NGOs, 1999-2003**

<i>Norwegian NGO</i>	<i>Partner</i>	<i>Name of project</i>	<i>Aid</i>
Det norske flyktingeraad	Det norske flyktingeraad	Civil Rights Proj free legal assis	2 944
		Civil Rights Project	20 634
		Civil rights projects Krajlevo	1 031
		Free legal aid	2 070
		HR education	762
		Information, counselling, legal aid	2 085
		Legal Adviser to UN Transitional Adm	146
		Lgal aid for IDPsand Refuge	181
		Sec-paymaster Haver til MAPE	352
		UNMIK- Prolongation Office on Missin	448
	Det norske flyktingeraad Total		30 652
	HURIFO	IDP return facilitation - Uganda	2 500
	HURIFO Total		2 500
PCS	Capacity building local NGOs - Colom The Colombian Law Commission	2 095	
		996	
PCS Total		3 091	
Det norske flyktingeraad Total			36 243
Den Norske Advokatforening	Den Norske Advokatforening	Establish of lawyer union	600
		Evaluation	32
	Den Norske Advokatforening Total		632
	Nepal Bar Association	Legal Aid Project	4 025
	Nepal Bar Association Total		4 025
	Uganda Law Society	Legal Aid Project	9 567
Uganda Law Society Total		9 567	
Den Norske Advokatforening Total			14 225
Norsk folkehjelp	CONAIE	Constitutional indigenous rights(157	2 297
	CONAIE Total		2 297
	Ministry of Justice (RWA)	Support to justice and human rights	6 496
	Ministry of Justice (RWA) Total		6 496
	Norsk folkehjelp	Belgrade Centre for Human Rights-Tra	1 500
	Norsk folkehjelp Total		1 500
	SRRRA	Sudan Relief and Rehab Assoc	566
SRRRA Total		566	
Norsk folkehjelp Total			10 859
Norges Roede Kors	Norges Roede Kors	Emergency assistance, protection	1 000
		ICRC appeal- Bangkok reg prog	2 080
		Visiting prison in Burma	2 700
Norges Roede Kors Total		5 780	
Norges Roede Kors Total			5 780
Redd Barna	CAP-CRON	Child Friendly Legal requirement	178
	CAP-CRON Total		178
	Federal Supreme Court (ETH)	Juvenile Justice Reform	383
	Federal Supreme Court (ETH) Total		383
	Gonder College	Basic Education	650
	Gonder College Total		650
	Lawyers for Human Rights and Dev	Children's Desk Children's Juridical Desk	557
1 285			

	Lawyers for Human Rights and Dev Total		1 842
	Ministry of the Interior	Law Enforcement Sex Abuse 6713	33
	Ministry of the Interior Total		33
	OFALAM	Legal aid office 3901	192
	OFALAM Total		192
Redd Barna Total			3 279
FOKUS	FOKUS	Participation in Beijing + 5	500
	FOKUS Total		500
	JURK - Juridisk rådgivning for kvinner	Penal justice and gender	480
	JURK - Juridisk rådgivning for kvinner Total		480
FOKUS Total			980
Kirkens Noedhjelp	Gun Free South Africa	Gun Free South Africa, Advocacy	85
	Gun Free South Africa Total		85
	Kirkens Noedhjelp	Work to Combat Violence - New Initia	146
	Kirkens Noedhjelp Total		146
Kirkens Noedhjelp Total			231
Grand Total			71 595

## Appendix 13: External Assistance to Judicial Reform in Ethiopia

Type of donor	Name of donor (if bilateral: name of country between parantheses)	Main recipient				Type of aid							Size of aid (if available), annual averages		
		State		Research inst.	NGOs	Law reform	Courts reform	Judicial adm.	Legal community	Training and education	Access to justice	Cross-cutting, judicial reform	Original currency	NOK	Period
		Executive: ministries	Judiciary: courts												
Inter-governmental	World Bank (grant only)	X				X		X		X	X	X	3.3m USD	22.7m	2003-2007
	EU	X	X	X	X			X		X			2m euro	16.7m	2004-2006
	UNDP	X	X									X	375 000 USD	2.5m	2003-2006
Governmental	USAID (USA)	X	X					X		X			300 000 USD	2.0m	2002
	CIDA (Canada)	X	X					X					0.83 CAD	4.4m	1999-2004
													1.29m USD	8.8m	2004-2008
	SCAC, French embassy (France)	X	X	X		X		X		X			200.000 euro	1.7m	2002-2004
	Sida/Swedish embassy (Sweden)	X	X		X		X	X			X	X	2m SEK	1.8m	2001
													0.286m USD	2.0m	2004-2008
	British Council (UK)	X	X					X		X			-	-	-
Friedrich Ebert Foundation (Germany)	X	X							X	X		-	-	-	

Note 1: Conversion is based on currency rates as of 14 September 2004.

Note 2: For the contribution of Norway, see separatetable.

Sources: AFE (2004a, 2004b), British Council (2004), CIDA (2004), EC (2004), EC and GDFRE (2001), Embassy of Sweden (2000), FEF (2004), Sida (2004a, 2004b), USAID (2004a, 2004b), World Bank (2004e).

## Appendix 14: Norwegian Aid to the Justice Sector in Ethiopia

Note 1: Only projects that involve a documented annual Norwegian contribution of 100 000 NOK or more are included.

Note 2: If projects implied funding from the Norwegian state, these originated in Norad, not the MFA.

Period	Ethiopian partner	Norwegian partner (if any)	Name of project	Type of project	Amount (NOK)	
					Total	Average per year
1998	3 Ethiopian NGOs	-	Strengthening civil society work on human rights and democracy	Access to justice Law reform	710 000	710 000
1999	5 Ethiopian NGOs	-	Strengthening civil society work on human rights and democracy	Access to justice Law reform	1 395 000	1 395 000
2000-2001	12 Ethiopian NGOs	-	Strengthening civil society work on human rights and democracy	Access to justice Law reform	6 000 000	3 000 000
2002	16 Ethiopian NGOs	-	Strengthening civil society work on human rights and democracy	Access to justice Law reform	5 000 000	5 000 000
2002	Ministry of Justice	-	Book on Code of Conduct	Court administration/ Legal community support	145 000	145 000
2002	Ministry of Justice	NCHR	Training of trainers: Summer course in Oslo	Legal training	1 100 000	1 100 000
2002-2003	Mekelle University	-	Training course of lower-level judges	Legal training	500 000	250 000
2002-2004	Federal Supreme Court	RB	Juvenile justice reform	Access to justice Police reform Legal training	471 000	157 000
2004-2006	Two regional police commissions, and the NGO Forum for Street Children	RB	Child protection units	Police support Training Access to justice	700 000	230 000
2003-2005	Ethiopian Human Rights Council (EHRCO)	-	Human rights monitoring	Access to justice	1 200 000	400 000
2003-2006	Ministry of Justice	NCHR	Human rights training of judges and prosecutors	Legal training	7 659 000	1 915 000

Sources (beyond interview data): Norad (2004a, 2004b, 2004c, 2004d).

# Summary

Creating a viable judiciary and strengthening its democratic functions has been a main concern of both national governments and donors over the last two decades. This report attempts to chart and systematise the efforts that have gone into the area of judicial reform. That includes various efforts at improving the functioning of a country's legal system, both in terms of fairness and efficiency. The report places Norwegian development assistance to judicial reform (which is of relatively new date, but of increasing magnitude and importance) in a broader context by systematically looking at how various donors – multinational, governmental, and non-governmental - have operated in this field. The analysis covers which sectors of the judiciary have been targeted for reform and why; what channels have been used; and what the lessons learned so far are. Experiences from Latin America and Africa are highlighted. The case studies of Norwegian assistance to Guatemala and Ethiopia open up for more in-depth reflections on what works and what does not work when external donors set out to help governments reform their judiciaries.

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