

ADB's Technical Assistance for Justice Reform

This special evaluation study is the first on ADB's assistance for justice reform in its developing member countries (DMCs), and is intended to highlight to ADB's Board and Management the usefulness of ADB's continuing support for justice reform in implementing Strategy 2020. The study focuses on justice reform technical assistance (TA), with the objective of evaluating their performance and informing future operations in this area.

Justice reform is a small but important part of ADB's operations in law and policy reform. ADB's justice reform assistance has mainly been through TAs and more recently, also in the form of loans or part of a loan to a few DMCs such as Bangladesh, Pakistan, and the Philippines. Between 1991-2008, ADB undertook 44 justice reform technical assistance (TAs). Of these, 22 have had their completion reports circulated, and were thus assessed and rated following the four evaluation criteria of relevance, effectiveness, efficiency, and sustainability.



The TAs selected for the evaluation study were in the areas of finance, administration, and governance of the executive and judicial agencies in the justice sector; supported judicial independence and accountability, and capacity development for judicial officers and executive justice agents; and helped with improving the performance of agencies responsible for delivering justice services, protecting rights and obligations, and enforcing the rule of law predictably, affordably, and accountably. Other TAs aimed to improve the ability of people and their representatives to demand better delivery of justice services and focused on dissemination of legal information, legal literacy, empowerment, and social accountability. There were also regional TAs that looked at conceptual or normative aspects of some of these areas, including the process of justice reform.

Key Findings

- At the DMC level, ADB TAs for justice reform have helped increase awareness of the need to improve legal empowerment and access to justice, strengthen judicial independence, accountability, and administration and undertake capacity building for justice sector agencies.
- Within ADB, justice reform lacked strategic recognition as a development issue and there was no systematic approach to justice reform or operational plan.
- Some TAs were innovative and successful in bringing out new ideas for justice reform in DMCs.
- Some of the justice reform TAs were perceived by DMCs as supply-driven.
- The quality at entry of justice reform TAs and their amenability to evaluation were in many cases weak.
- Most of the TAs assessed by the study required more time to complete than was originally allotted, and they also had administrative inefficiencies, thus raising administration costs and delaying benefits to the intended beneficiaries.
- Justice reform TAs compete poorly with other economic, sector, and thematic work for resources and priority setting at ADB.

QUICK LINKS

Special Evaluation Study on ADB's Technical Assistance for Justice Reform in Developing Member Countries

www.adb.org/Documents/SES/REG/SES-REG-2009-06/default.asp

ADB Strategy 2020

www.adb.org/Strategy2020/

ADB Management Response

www.adb.org/Documents/SES/REG/SES-REG-2009-06/SES-REG-2009-06-justice-reform-mr.pdf

Chair's Summary of the Development Effectiveness Committee (DEC)

www.adb.org/Documents/SES/REG/SES-REG-2009-06/SES-REG-2009-06-decsum.pdf

Lessons

- Strong participation and ownership by DMC governments in TA formulation and implementation contribute to the success of the TA in achieving its objectives.
- Justice reform TAs, when they are linked to a country strategy, can provide a systematic and long-term engagement in justice reforms.
- Justice reform is an important subset of law and policy reform supporting good governance in DMCs, but requires greater attention to play a more important role in inclusive development.
- A clearer definition of ADB's justice reform strategy and operational responsibilities would be useful for more efficient justice reform operations.
- Addressing the low priority for justice reform will need a demonstration of tangible development impacts that can be evaluated.
- Justice reform TAs must be designed such that results are relevant and measurable, causal links between points in the TA design are explained with clear logic, and provision is made for the gathering of data during execution so results may be documented. Staff members working on TAs need to improve their design skills with a view to ensuring that TAs are more amenable to evaluation.
- Departments and divisions with justice reform TAs need to commit sufficient staff time to allow for staff engagement in the substance of the reform work, not just the administration of TA implementation.

Overall Assessment

Overall, the evaluation rated ADB's justice reform TAs as *successful*, but with some areas for improvement, for being *relevant, effective, less efficient, and likely sustainable*. Notwithstanding that good governance is increasingly important for ADB to achieve greater development effectiveness and that justice reform is an important part of it, ADB's assistance to this area remains small. This may be attributed to:

- crowding out by other priorities in ADB's strategic agenda,
- lack of clearly defined organizational responsibilities for justice reform operations,
- lack of critical mass of dedicated specialized skills needed to scale-up justice reform, and
- reluctance of DMCs to borrow for justice reforms.

Feedback

ADB Management Response welcomed the study. Management noted that the scope of the study is quite limited, as it only covers TA and only the justice sector, thereby leaving the wider area of legal and regulatory reform aside. However, in spite of the modest scope of the study, it is useful in that it highlights a specialized area of work that has been given limited attention. The study has taken a broad view of the concept of justice, not limiting it to the formal justice sector, but also covering empowerment of those who are not served by the institutions that are supposed to deliver justice. Management agrees with the finding that many justice reform TAs had weak design and monitoring frameworks, making the impact of the TAs difficult to monitor and evaluate.

The Chair's Summary of the Development Effectiveness Committee (DEC) Discussion underscored the importance of good governance as a driver of change, and justice reform as an integral part of the move towards good governance. DEC members acknowledged the difficulties in defining a results framework for evaluating the success of justice reform TAs and noted that the design and monitoring framework for such TAs required improvement. DEC emphasized the importance of ownership and partnership with ADB's developing member countries in justice reforms.

Recommendations

- *Since the justice reform loans are not yet evaluated, it would be useful for Management to study the outcomes of the loan assistance, and, based thereon, take an informed view in the broader strategic context whether or not justice reform assistance should continue as before or be proactively scaled up.*
- *Management may continue providing TA in response to demand and where opportunities arise for further justice reforms, which would contribute to assisting DMC governments in their pursuit of empowering their people, strengthening their institutions for more efficient delivery of justice services, and eventually improving inclusiveness in their development operations.*
- *To make the assistance more effective and efficient, responsibilities need to be clearly defined, resources provided, and quality at entry improved.*

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