Q9 (1.5.1): Thematic area capability

Thematic area 4: Justice Sector Reform and Rule of Law

Justice and the Rule of Law can be seen as the glue that binds societies together: it underpins security and stability and defines the relationship between the individual and the state. It is a prerequisite for growth and development. The British Council's work in Justice and Rule of Law builds on 25 years' experience on the ground in a range of dynamic and often fragile and conflict affected countries. We work to make justice accessible to everyone in society, particularly the poor and marginalised, through legislative and policy reform, legal aid, mediation, paralegal services, cross-sector co-ordination and collaboration with civil society organisations. We help societies address and resolve conflict by strengthening existing mechanisms, encouraging dialogue as a means of community cohesion and supporting the voice of women, girls and vulnerable groups in building peace. We help societies strengthen the rule of law and its institutions, including the police, courts and prisons.

At the heart of our approach is an emphasis on building trust and legitimacy, empowering local citizens, building capacity of the formal justice sector and fostering dialogue across and between communities, state agencies and civil society. We are committed to long-term, sustained engagement, recognising that effective reform takes time and is inter-dependent with progress in other areas such as strengthened inclusion and accountability, effective peace-building, reconciliation and inclusive political settlements, conflict sensitivity and prevention, stabilisation and resilience, addressing gender inequality and equal service access and rights for marginalised or disadvantaged groups and State–Civil Society relations. In addition and where positive impact for citizens is realised through programme delivery - there are often very significant opportunities to use effective **strategic communications** approaches to disseminate such positive results to a larger, yet targeted audience, countering damaging, destabilising narratives that are often deliberately propagated to feed on injustice and lack of equity.

In many fragile countries, people often seek justice through informal means. Our teams work hard to understand complex local environments and ensure our interventions are inclusive and locally led, reflecting the need to strengthen both formal systems while working with and alongside more traditional, informal justice routes. We recognise that the majority of the population in FCAS rely on informal justice systems as formal systems either don't exist or are unable to function in geographically remote areas. We are able to work sensitively within both spaces and build enabling environments for change for each and between both justice sectors because of our credibility and trust which comes from: (i) our long term presence and on-the-ground engagement with state and civil society on justice – resulting in extensive networks and enduring relationships in-country (ii) our genuine interest and successful track record of delivery of both very large (£20m+) programming and on-going smaller scale self-funded activities that show our interest and commitment goes beyond individual contract wins (ii) our perceived neutrality and ability to act as an honest broker for state, civil society and informal/community justice actors, successfully bringing them together in safe spaces and in spite of often quite opposing views and perspectives. These factors mean that British Council offers a unique platform in FCAS from which to support and launch HMG delivery in this area

To illustrate our experience of working in informal and formal systems and how long term engagement has helped us adapt programming to a fast changing environment, we provide examples from Nigeria. Since 2002 the British Council has been managing and implementing Justice, Security and Conflict programmes to the value of more than £180 million.

The Justice for All Programme (J4A) in Nigeria **(DFID £51m 2011-2017)** introduced models of best practice in a number of areas – Model Police stations; Magistrate's Courts; Sexual Assault Referral Centres; and Justice Sector Reform Teams - which were replicated, disseminated and sustained by the Nigerian government and other successor donor funded programmes. Through the Vice President's Rule of Law office a justice sector reform team has taken up J4A interventions in policing, anti-corruption, prison de-congestion and responses to sexual and gender-based violence. The programme contributed to a wide ranging legislative change including the Violence Against Persons Prohibition Bill (VAPP) into law in 2015 and the administration of Criminal Justice Act (ACJ).

J4A supported system reform in policing and justice systems as follows:

• The introduction of community-based policing through the development of "modern police stations" (MPS). Strategic and management systems for the Nigerian Police Force (NPF) senior command were introduced to assist internal and external accountability and oversight. New working arrangements between the NPF and Voluntary Policing Structures along with community accountability forums have increased confidence in and support for police services.

• Justice: working on improving lower courts through performance management and inspection, complaint and case management systems; modernizing the role of traditional leaders in the provision of traditional justice through dispute resolution training and understanding of human rights, particularly of women and children; resulting in better treatment of court users and improved public perception of the courts

• Anti-Corruption: improving strategic planning and capacity of anti-corruption agencies through new operational units; training 1000 investigators and prosecutors to produce better prosecutions; and improving the preventive capacity of anti-corruption agencies.

Working with counterparts often proved to be fraught with difficulty as staff members in institutions are often prone to random and arbitrary transfer. Changes of government also resulted in new stakeholders to endorse programme activities. J4A addressed this complexity through **regular political economy analyses** and a proactive engagement strategy working across multiple institutions simultaneously. This maintained project relations with senior administrators and law makers – ensuring key political figures were fully informed and engaged while pragmatically maintaining links with the technocrats for continuity and sustainability. Without our successful pro-active, political economy driven and above all pragmatic approach, embedding sustainable change through policy and practice, as demonstrated above would have not been possible.

CONFLICT STABILITY AND SECURITY FUND (CSSF) FRAMEWORK

In parallel The Nigeria Stability and Reconciliation Programme (NSRP) (DFID, £30m, 2012-2017) contributed significantly to supporting conflict resolution mechanisms and building state and non-state accountability mechanisms at federal, state and community levels. Through research, technical assistance, capacity building and information sharing initiatives, NSRP contributed to 43 policy changes linked with stability and reconciliation in Nigeria. These include key national peace and security policy initiatives such as the National Security Strategy (NSS) and the National Counter-Terrorism Strategy, as well as the National Action Plan and Framework on Countering Violence Extremism (NAP-CVE). A major achievement was support to the second National Action Plan (NAP) on Women, Peace and Security (UNSCR 1325), presented at the UN Commission on the Status of Women, New York and launched in Nigeria by the Minister of Women's Affairs and Social Affairs. Nigeria has been globally recognised as one of the few countries that has developed a second NAP. At Federal level, NSRP has helped the shift from territoriality and lack of consultation among government agencies that characterised decision making on security issues, towards greater inclusion and collaboration with civil society. At state level, State Conflict Management Alliances mobilised by NSRP, have shadowed the functions of State Security Councils, identifying and addressing conflict drivers in a more inclusive manner. This has strengthened coordination between security forces, state level government departments and civil society, resulting in better access to information for the former and more effective peace outcomes. At local level the programme supported traditional and religious leaders, peace activists and local government to undertake conflict analysis, implement conflict reduction initiatives and improve early warning systems.

Through engagement with Government and use of our PAGODA status with EU we have developed innovative new programmes that have embedded the learning and impact from these two projects. This gives a value for money benefit for the UK tax payer related to legacy and impact from investment as well as benefits to the UK's strategic objectives for Nigeria which will continue to be driven by UK learning and practice informing investments from other international donors. The Nigerian Policing project (CSSF £8.4m 2017-2020 in consortium with Coffey International) seeks to further extend community-based policing and the development of police accountability. The Rule of Law and Anti-Corruption programme (EU €24 million 2017-2021) aims to enhance good governance by contributing to strengthening the rule of law, curbing corruption and reducing impunity. The programme advances the timely, effective and transparent dispensation of criminal justice, strengthens access to justice of women, children and persons with disabilities at federal and state levels, and strengthens the fight against corruption. It has initiated work on child safeguarding legislation through the Child Rights Act. The Managing Conflict in Nigeria (EU €21 million 2017-2021, PAGODA) aims to strengthen community level conflict management mechanisms, enhancing reconciliation and stability within communities; in particular those affected by displacement, supporting the involvement of women in peace-building and address the impact of violence on women and girls.

Other examples of our innovation and adaption beyond Nigeria include Myanmar, Western Balkans and South Sudan.

The Pyoe Pin project in Myanmar (DFID 1 and 2 £123 million, 2007–2017, Pyoe Pin 3 £4 million, 2017-ongoing). Following political economy analysis the programme identified that conflict-affected communities faced challenges in navigating between security and justice systems of ethnic armed organizations (EAOs) and government systems. This challenge was developed by British Council into the MyJustice programme (EU€20 million, 2015-2019). MyJustice supports initiatives to better understand and integrate the justice needs of conflict affected communities with the parallel mechanisms administered by EAOs and those of state systems, seeking potential convergence between these systems and improve the effectiveness and legitimacy of both. The programme is innovating with a software development social enterprise to produce a mobile phone application connecting people to a wide range of justice service providers through a multi-layered directory function, including civil society organisations, paralegals, lawyers and government agencies.

The Western Balkans Extremism Research and Policy Analysis Forum (ERPAF) (CSSF funded £600k 2017-2019) is a research diplomacy project which aims to deepen understanding of the nature and size of extremist threats emanating from the region. The programme shares UK expertise in CVE policy and research with policy makers in each of the six Western Balkan countries (Albania, BiH, Kosovo, Macedonia, Montenegro and Serbia). The primary research has sought to identify drivers of radicalisation and violent extremism, as well as review state responses and strategies designed to address the issue of Islamist radicalisation. Our methodology has included direct engagement and collaboration with key stakeholders in each country, including working with security and justice actors and wider government stakeholders involved with managing the existing threat. For example, the ERPAF research findings will inform policy responses to the phenomenon of returning foreign fighters and the risks that could be posed in prisons, the inherent difficulties with their reintegration into communities, as well helping address the evolving problems that have been identified through this research, including challenges facing the return and subsequent reintegration of non-combatants, such as women and children.

Rapidly changing environments require regular conflict analysis and systematic adaptation of programmes, built into Theory of Change and logframes. A realistic view is needed on what can be sustained at programme end. An example of this is our work in South Sudan. In 2015 we began work on an Access to Justice programme (DFID £8.5m 2015) which aimed to support and strengthen local and national justice systems, enabling them to be more equitable and responsive to the needs of the South Sudanese people. With the outbreak of violence in 2016 and ensuing conflict, it was inappropriate for HMG to continue engagement with the formal sector, and the programme was cancelled. However we were able to continue working with the informal sector through our Access to Justice programme (EU, €5.7m, 2015-2018). A comprehensive national political and conflict analysis completed before the new conflict was rapidly followed by an updated justice system needs assessment. This resulted in a programme of activities adapted to address highly localised issues and targeted on the customary justice sector. Even in such a volatile environment we maintain relations with the formal sector, engaging with government administrators to secure approvals for programme activities.

Thematic area 7: State-Civil Society engagement

Civil society plays an important role in the social, economic and democratic development of countries by giving voice to those who are disadvantaged (including women, children, youth, minorities and people with disabilities), influencing policy, holding governments to account for their decisions, developing innovative approaches to social issues and delivering services to support stronger societies. A stronger civil society, coupled with an appropriate enabling environment supports improved governance, democracy and societies that meet the needs of people more effectively, and equitably, thereby **reducing grievance and the potential for conflict**. However, **civil society also needs to be equipped with the appropriate capacities and skills** – including: leadership; contextual analysis capacity; negotiation and communication skills; political maturity; and preparedness for constructive engagement with government. This is especially important in fragile contexts where the institution of civil society may be nascent, or forged from resistance or recent violent or political conflict. The British Council's **enduring presence**, **long term relationships premised on trust**, and **extensive networks** which are built on mutuality rather than a patron-client basis, particularly in conflict affected and fragile environments, offers a unique platform from which to support HMG deliver in this theme.

Our long term presence in politically fluid countries pays dividends in many ways, enabling us to target resources and strategies appropriately for maximum impact and value for money. By moving quickly, and responding flexibly, and providing targeted **capacity development support to nascent civil society actors**, the British Council has made a substantial contribution to **strengthening engagement between the state and civil society** in countries as diverse as Ethiopia, Sudan, Zimbabwe and Palestine:

- In **Ethiopia** under the **Civil Society Support Programme (CSSP) (Phase 1: €37m, 50% DFID funding, 2011-2017 and Phase 2:17m 2018-2021)** the British Council's deep in country relationships enabled us to constructively engage civil society and local government to work in unexpected and collaborative 'spaces' such as prisoners' rights and the rights of girls (e.g. to education), despite the Charities and Societies Law that prevents 'rights work' with civil society. Emphasising 'hard to reach' groups, CSSP supported over 600 individual CSOs across Ethiopia's regions, strengthening hundreds of nascent organisations' organisational and engagement capacities. By observing and understanding the everyday political economy and when political 'space' may be changing, as *appears* to be the case in Ethiopia now, we are able to respond appropriately to emerging issues and trends, as CSSP highlights.

- In **Sudan,** our *Kulana Liltanmia* **('Together for Development') programme (KLP) (£9.5m, DFID)** focuses on facilitating and improving state-civil society engagement, to strengthen governance for improved local service delivery. KLP has designed and delivered **highly bespoke capacity support for Sudanese civil society partners**, including close accompaniment into a delivery phase. All programme work is informed by **detailed contextual analysis** where daily insight from all partners and team members is analysed and **used to inform all programme choices and priorities**. Whilst the **context for civil society remains highly challenging in Sudan**, this approach, through the **building of trusted relationships to use local stakeholder engagement to genuinely guide project focus and action**, has enabled the programme to find and navigate **innovative ways of delivering** in a very challenging context. DFID's endorsement of our approach is demonstrated by their asking KLP to conduct similar contextual analysis work across their wider DFID Sudan portfolio.

- The **Supporting Stability and Promoting Democracy ("*Tajaawob*")** project in **Palestine (DFID, £2.5m; 2013-2016)** supported civil society to engage better with authorities, working in seven marginalised communities across the West Bank and Gaza. A **Political and Social Exclusion Analysis** was conducted (with particular focus on poverty and vulnerability), exploring the political, economic and social dynamics affecting state-civil society relations in the Palestinian Territories. This led to the delivery of over 20 local initiatives through which civil society engaged with decision makers and held them to account for their use of funds, and provision of services. *Tajaawob* additionally used the media to amplify the voice of community groups through radio, TV and social media.

- Following the change of government in **Zimbabwe,** the **British Council designed and rapidly established an innovative policy research mechanism** in an effort to better understand and disseminate the real meaning of the changes taking place in the country. **The Zimbabwe Response Mechanism** (ZRM) set out to **develop an understanding of the potential for citizen agency to support inclusive peaceful change**; and to find ways to add that citizen voice to the prevailing high-level discourse. ZRM deployed teams of researchers to surface views on three areas drawn from the new government's statements about its new priorities. The **result** was three short papers: **governance and change**; **inclusive growth**; and **safety and access to justice**. These papers have been shared with government and donors alike, and focus on the prospects for state and citizens alike to collaborate together to first identify shared problems; and then to develop shared solutions to them.

In conflict affected countries, where environments are fluid, unpredictable, and where trust deficits may be significant, establishing which actors (state and non-state alike) are credible and legitimate, what their incentives are, and how they access, trade and discharge power is critical for effective programme delivery. In such environments, where 'space' for civil society may be significantly hampered (either legislatively or by other covert methods) the **British Council uses its long-standing trust** and **innovative approaches** to facilitate **effective engagement between civil society and the state.** This contributes to **improved development outcomes** and strengthened **social cohesion.** A key approach employed by British Council and its many partners is 'to *think and work politically*', which has three key elements:

- a **strong understanding of conflict dynamics and political economy** – the incentives, interests and institutions that inform peoples' behaviour, including a gendered understanding

- **politically smart facilitation** – that brings **inclusive coalitions** together to create change, by responding to the incentives and interests of different stakeholders

- being **flexible**, recognising that **fragile environments** require **frequent recalibration** of strategy and tactics.

CONFLICT STABILITY AND SECURITY FUND (CSSF) FRAMEWORK

In **Myanmar**, for example, we have utilised **ground-breaking** and **innovative approaches for over a decade to deliver the award winning** "**Pyoe Pin**" programme **(Pyoe Pin 1 and 2 (£23 million, 2007–2017) and Pyoe Pin 3 (£4 million, 2017-ongoing)** which has tracked the political and conflict contexts of Myanmar through a period of major institutional change. Working politically, Pyoe Pin has contributed to **reducing conflict and increasing stability** by **building inclusive coalitions** comprising **legitimate civil society actors**, many of them relatively nascent ones, government, private sector, communities and in some cases ethnic armed organisations, with the following results:

- the **development and passing of legislation** that provided for community/government co-management of inland fisheries, which **significantly increased trust** between the various parties

- **support to the peace dialogue** by bringing together ethnic armed organisations, civil society and government around the issue of mother tongue language

- building **dialogue among different ethnic armed organisations**, including supporters and those in opposition to the National Ceasefire Agreement

- contributing to an emergent rules-based **rule of law system** by supporting the development of a **Legal Aid Bill.**

Similarly, our work in **Nigeria** over many years has also contributed significantly to supporting social cohesion in communities as well as supporting law and order, and strengthening local conflict resolution institutions. Our approach focuses on 'working with the grain' of existing conflict management institutions and ensuring multi-stakeholder participation in the design and oversight of inclusive mechanisms to manage conflict that has the potential to descent into violence. The **Nigeria Security and Reconciliation Programme (NSRP)** (**DFID, £33m, 2012-2017**) significantly strengthened capacities of state and non-state actors involved in peacebuilding through research, technical assistance, capacity building and information sharing initiatives. NSRP contributed to more inclusive participation of civil society actors in conflict prevention and management mechanisms at federal, state and local levels. For example, NSRP:

- **Supported traditional and religious leaders**, **peace activists and local government** to undertake conflict analysis, implement conflict reduction initiatives and improve early warning.

- Supported the emergence of indigenous community-based conflict management systems in 3 States in Plateau Region to address issues of land and resource conflict which frequently spiral into violence. Working with multiple actors, including women's groups, local administrations, police, and justice services, inclusive conflict management mechanisms paved the way to mitigate over 40 potentially deadly conflicts in the region.

- Trained over 400 security spokespersons and media practitioners on media relations and over 900 journalists on conflict sensitive communications.

This work is now being taken forward under the follow-on EU-funded **Managing Conflict in Nigeria Programme (EUTF, €21m, 2017-2021)** (also managed by British Council) which focusses on the role and involvement of women in peacebuilding and capacity strengthening of multi-actor community-based conflict management institutions.

Our work in Pakistan and Bangladesh provides further examples of our innovative and constructive approach to building enduring state-civil society relations across disciplines, including democratisation, peacebuilding and resilience:

- In **Pakistan** our highly acclaimed *Active Citizens* programme received a grant of £1.2 million from the **Conflict Pool Fund** to **support mainstream moderate voices**; create a **counter-narrative to radicalization**; effectively address grievances of disempowered youth in communities; and **empower individuals vulnerable to radicalisation** by providing opportunities to engage positively in community development in provinces of South Punjab, Baluchistan, Khyber Pakhtunkhua, Federal and Tribal Administered areas (FATA) and Karachi. Building on the success of Active Citizens in Pakistan we have also delivered '**Promoting Democratic Inclusion and Governance through Youth'** (in partnership with US State Department), which focuses on accountable and transparent governance. The project **develops the knowledge and skills of young people** to work with local government bodies to assess whether they are fulfilling their commitments and **responding to citizens' needs**.

- In **Bangladesh, PROKAS** (**Promoting Knowledge for Accountable Systems**, **DFID, £8.9m, 2015-2019)** harnesses the **collective capacity** of the **Government of Bangladesh, civil society and the private sector** to initiate systemic governance changes that improve the lives of Bangladeshis. The project works flexibly with partners across a range of sectors in which there is a realistic chance of political traction to support reform. In this way, we are able to convene actors around highly disputed themes such as climate governance and **safe and fair migration,** which have the potential for turning to conflict if inclusive solutions are not forthcoming. The programme works discretely with multiple partners to **produce research**, **policy dialogues and briefs** and a **stream of media content**. A parallel programme **Platforms for Dialogue (P4D, EU, Euro 13m, 2017-2020)** *supports the Cabinet Division of the Government of Bangladesh to **improve government responsiveness** and accountability at both the **local and national levels**, fostering a **more collaborative relationship between government and civil society**. The programme builds CSO and local government **capacities for collaboration** through the formation of multi-action partnerships across 21 Districts in Bangladesh.*

Key strengths of our innovative approaches outlined above are that the **results are owned and driven by local actors**, leading to **greater sustainability** and the potential for greater long-term impact. Using **our established knowledge, networks and trust** projects are able to **start quickly** and by operating with high levels of local political awareness, are able to **adapt and/or increase in scope or ambition** in response to emerging and changing contexts – a key success factor for projects particularly those operating in FCAS environments.