





RESEARCH ARTICLE / ARTICLE DE RECHERCHE

## People-Centered Justice in International Assistance: Rule-of-Law Path Dependencies or New Paths to Justice for All?

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### Abstract

This paper reflects on the recent, rapid rise in the use of “people-centered justice” language in global policy and international cooperation contexts. People-centered justice has provided a valuable common language to achieve policy buy-in and structure discussions on achieving justice for all, and break free from path dependencies of earlier rule of law assistance, and donor support long dominated by top-down support to courts and formal institutions of the justice system. However, recent uses of people-centered justice—without additional clarity—gloss over crucial differences in how justice challenges are framed, which could risk undermining some of its initial progress, or repeating past challenges encountered with rule of law support. Experiences of the OECD, USAID and in the United Nations systems provide contrasting examples of charting new paths, or clinging to well-worn path dependencies. We conclude with several reflections to overcome concerns with current uses.

**Keywords:** access to justice; people-centered justice; sustainable development goals; law and development; international development

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## Résumé

Cet article se penche sur l'augmentation récente et rapide de l'utilisation du langage de la « justice centrée sur les personnes » dans les contextes de la politique et de la coopération internationales. La justice centrée sur les personnes offre un langage commun précieux favorisant une plus large adhésion aux décisions politiques et permettant de structurer les discussions relatives à la réalisation d'une justice pour tous. Ce langage commun s'est aussi révélé être un outil précieux non seulement pour affranchir les politiques passées d'assistance à l'État de droit des problèmes dits de la « dépendance au sentier », mais également de l'approche dite descendante (« top-down ») du support aux institutions formelles du système de justice offert par les donateurs. Nonobstant ces transformations, les utilisations récentes de la justice centrée sur les personnes — sans autre qualificatif — omettent des différences cruciales dans la manière dont les enjeux de justice sont formulés, risquant ainsi de saper certains des progrès initiaux ou encore de répéter les problèmes du passé rencontrés dans le cadre des politiques de soutien à l'État de droit. À cet égard, les expériences de l'OCDE, de USAID et du système des Nations unies offrent des exemples contrastés de la façon dont il est possible de s'engager dans de nouvelles voies en la matière ou, inversement, de reproduire les pratiques du passé. Nous concluons avec quelques réflexions visant à répondre aux inquiétudes liées aux usages actuels du concept.

**Mots clés:** accès à la justice; justice centrée sur les personnes; objectifs de développement durable; droit et développement; développement international

The commitment under Goal 16 of the Sustainable Development Goals (SDGs) to *provide access to justice for all* has marked a watershed for international justice support as the first-ever global commitment to universal access to justice.<sup>1</sup> The inclusion of SDG16 in the 2030 Agenda, and the later addition of an indicator on civil and administrative justice, marked the successful culmination of years of advocacy by coalitions of civil society and government groups.<sup>2</sup> Its adoption in 2015 sparked a wave of efforts to better understand challenges in ensuring justice for all, including by collecting and compiling new data on people's justice problems, their impacts, and interconnectedness, and work on costing and

<sup>1</sup> *Transforming Our World: The 2030 Agenda for Sustainable Development*, UNGA, UN Doc A/RES/70/1 (2015), accessed August 22, 2023, <https://www.refworld.org/docid/57b6e3e44.html>. The Sustainable Development Goals (SDGs) are seventeen global and universal goals that were adopted by the United Nations in 2015 “as a universal call to action to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity.” Each goal covers a different interrelated social, economic, and environmental challenge, with an accompanying set of indicators and targets to measure progress, which all countries have committed to fulfil by 2030. Collectively, those efforts are referred to as the 2030 Agenda. For more details, see *What Are the Sustainable Development Goals?* United Nations Development Programme, accessed June 4, 2024, <https://www.undp.org/sustainable-development-goals>.

<sup>2</sup> On SDG indicator 16.3.3 on civil and administrative justice, see Peter Chapman and Maaïke de Langen, “SDG 16 and the 2021 Voluntary National Reviews: An Opportunity to Advance Justice for All,” IISD SDG Knowledge Hub, April 7, 2021, <https://sdg.iisd.org/commentary/guest-articles/sdg-16-and-the-2021-voluntary-national-reviews-an-opportunity-to-advance-justice-for-all/>; on the campaign for the inclusion of justice in the SDGs, see Maaïke de Langen and Karina Gerlach, “Forging the International Movement for Achieving Justice for All,” SSRN, 2020 (unpublished), <https://ssrn.com/abstract=3870816>.

financing, and on effective strategies to provide justice at scale.<sup>3</sup> These efforts were part of new and increased forms of global coordination on justice by states and multilateral and other non-governmental organizations.<sup>4</sup>

The term most closely associated with this new wave of efforts is “people-centered justice.” In a few short years, it has gone from virtually unused to ubiquitous in international policy and development discussions on justice. As a starting point, the concept of people-centered justice frames justice problems, and the solutions to address them, in terms of the experiences of the people who are facing those problems.<sup>5</sup> It is decidedly empirical and uses data and evidence-based approaches to identify what problems are most common, including the vast majority of justice problems that are unseen by the formal justice system. Implicit in this is a shift in emphasis away from institutions and institutional reforms as the starting point for defining justice problems and identifying ways to resolve them.<sup>6</sup> Conventionally, formal justice institutions—courts, judiciary, legal professionals—have been the overriding focus of national governments and international support to improve access to justice, at least in financial terms.<sup>7</sup> In the context of SDG 16.3 debates, this new framing of justice and strategies to provide it are seen as necessary to realize the aspiration of *providing access to justice for all*.

References to person-centered, client-centered, or user-centered justice began percolating in academic and policy documents as far back as 2012.<sup>8</sup>

<sup>3</sup> Task Force on Justice, *Justice for All—Final Report*, Center on International Cooperation, 2019, <https://www.justice.sdg16.plus/>; World Justice Project, *Measuring the Justice Gap: A People-Centered Assessment of Unmet Justice Needs Around the World*, 2019, accessed June 17, 2024, <https://worldjusticeproject.org/our-work/research-and-data/access-justice/measuring-justice-gap>; Marcus Manuel, Clare Manuel, and Harsh Desai, “Universal Access to Basic Justice: Costing SDG 16.3,” ODI, <https://media.odi.org/documents/12702.pdf>; OECD, *Putting People in the Centre: Equal Access to Justice Services for Economic and Social Well-Being*, 2019, <https://read.oecd.org/10.1787/597f5b7f-en?format=pdf>.

<sup>4</sup> Including the OECD Policy Roundtables on Access to Justice, embracing SDG16.3 in its “Riga Statement ‘Investing in Access to Justice for all,’” 2018, accessed June 17, 2024, <https://web.archive.oecd.org/2018-09-21/494751-equal-access-to-justice-roundtable-latvia-riga-statement.pdf>; and subsequent reports; the Justice Action Coalition, “A Multi-Stakeholder Alliance of Countries and Organizations that Is Working to Achieve Measurable Progress in Justice Outcomes for People and Communities,” undated, *Pathfinders for Peaceful Justice and Inclusive Societies*, accessed June 17, 2024, <https://www.sdg16.plus/justice-action-coalition>; and the Open Government Partnership Coalition on Justice.

<sup>5</sup> OECD, *Putting People in the Centre*; Task Force on Justice, *Justice for All*.

<sup>6</sup> *Ibid.*

<sup>7</sup> Clare Manuel and Marcus Manuel, *Justice Aid Update and Lessons from Latest Evaluations of Donor Programming 2022*, 2022, ODI, accessed June 17, 2024, [https://media.odi.org/documents/Policy\\_brief\\_Pathfinders\\_2\\_Justice\\_Update\\_-\\_FINAL\\_Q67wkay.pdf](https://media.odi.org/documents/Policy_brief_Pathfinders_2_Justice_Update_-_FINAL_Q67wkay.pdf). For some donors, such as the World Bank, the primary channel of assistance is to governments, with very little possibility to support nongovernment entities.

<sup>8</sup> See e.g. Maurits Barendrecht, Martin Gramatikov, Jin Ho Verdonschot, and Robert Porter, “Trend Report 1—Towards Basic Justice Care for Everyone: Challenges and Promising Approaches,” 2012, Hague Institute for Innovation of Law (Hiil), <https://www.hiil.org/wp-content/uploads/2018/09/Towards-basic-justice-care-for-everyone-Full-Report.pdf>, referencing the shift from physician-centered to patient-centered health care, and drawing parallels with the justice sector.

But, after the launch of two pivotal global reports in 2019,<sup>9</sup> the speed with which the use of people-centered justice has proliferated has been nothing short of remarkable. This rapid rise to fame raises the question of whether it has been accompanied by a real change in international support for justice, especially since, to date, the rise of people-centered justice language has not led to discernible shifts in funding away from the historical approaches that focus on reforming institutions. If anything, a steady decline in funding for any type of international support for justice is the more general trend.<sup>10</sup>

In this paper, as practitioners who have both promoted people-centered justice in different ways over the course of our careers, we seek to review the extent to which the rhetoric matches reality. To that end, we reviewed over fifty publications, academic articles, policy documents, political declarations, and reports that use the terminology of people-centered or person-centered justice. Those were identified through standard online and academic searches, following references to other publications and websites, and relying on our knowledge of several sources. We coded different features of people-centered justice as they emerged from a textual analysis of these sources. Roughly, we categorized uses in terms of whether they suggested: 1) a new approach, 2) rhetorical repackaging, or 3) a less coherent use of the “mot” or “jargon” du jour.

Our argument is that the rise of people-centered-justice language has indeed spurred tangible, significant changes in the understanding of what needs to be done to provide access to justice for all, in the availability of data and evidence to underpin action, and in the coherence among international actors who are working in this area—all in all, a promising maturation of the field. It is, however, too early to establish the degree to which this translates into better policies and approaches, different priorities, more effective strategies, and, ultimately, more impact in people’s daily lives. Moreover, our assessment revealed that not all those who use the concept of people-centered justice necessarily subscribe to and act on (all of) its implications.

Our discussion is structured as follows. To begin, we examine the rise, and subsequent decline, of the terminology that achieved near-consensus status prior to people-centered justice: the rule of law—which, interestingly, appears alongside access to justice for all in SDG target 16.3—and how the shift from rule of law to people-centered justice came about (Part 1). We then describe the several ways in which people-centered-justice framings mark a meaningful departure, conceptually and in policy and practice, from earlier approaches such as the rule of law (Part 2). Having outlined these features, we identify common trends through a closer look at how different organizations—governmental, multilateral, nongovernmental—currently use the terminology (Part 3). Having found a significant number of vague and ambiguous uses of people-centered justice, we conclude that people-centered justice has reached an inflection point. The concept implies an important break from past approaches. However, its

<sup>9</sup> OECD, *Equal Access to Justice for Inclusive Growth: Putting people at the Centre*, 2019, accessed June 17, 2024, <https://doi.org/10.1787/597f5b7f-en>; and Task Force on Justice, *Justice for All*.

<sup>10</sup> Stephanie Manea, Marcus Manuel, and Clare Manuel, *Justice Aid Update 2023*, 2023, ODI, [https://media.odi.org/documents/Justice\\_Aid\\_Update\\_2023.pdf](https://media.odi.org/documents/Justice_Aid_Update_2023.pdf); Manuel and Manuel, *Justice Aid Update 2022*.

aspirations to achieve significant increases in justice around the world, as SDG 16 promises, only stand a chance if translated into action.

## Part I: From Rule of Law to People-Centered Justice

Before assessing recent uses of people-centered justice, it is instructive to examine the state of international support for justice when the SDGs were agreed in 2015. At that time, a diverse range of legal and justice support activities were generally framed in terms of promoting the rule of law.<sup>11</sup> Earlier waves of law and development were categorized first in instrumental terms related to economic growth in the context of support for the developmental state and second as part of large-scale market-based or neoliberal reforms. The rise of rule-of-law language is generally associated with a subsequent third wave, which asserted law reform and support to legal institutions as legitimate ends in their own right.<sup>12</sup> The rule of law was simultaneously seen as a necessary means to underpin a newly globalized and liberalized economic order on the one hand and to sustain democratic gains in formerly communist and other totalitarian states on the other. As Trubek notes, two main camps of development policy could thus coalesce around the “common goal” of the rule of law and related objectives such as constitutional guarantees for certain rights, independent judiciary, and efficiently functioning courts providing cost-effective access to justice—with each of these camps holding different ideas about what these objectives entailed.<sup>13</sup>

In the early 21st century, the rule of law was increasingly invoked in connection with a growing number of peace-building and corresponding multilateral military operations (e.g. in Kosovo, Afghanistan, Iraq). The rule of law was framed as a necessary condition for restoring or sustaining peace, which in turn served to legitimize a series of national- and international-level interventions, such as reforms of national legal institutions; the establishment of national, hybrid, or global justice mechanisms; and the more far-reaching emerging doctrine of responsibility to protect.<sup>14</sup> The UN Secretary-General’s 2005 report *In Larger Freedom* represents a high watermark in global policy in that connection. Then UK Prime Minister David Cameron exemplified the zeal associated with the rule of law when, in an oft-cited speech, he included it in what he called the “golden thread that links freedom, good government, the rule of law, property rights and civil society—and helps create the conditions for the economic

<sup>11</sup> See e.g. *Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels*, UNGA, UN Doc 2012, A/RES/67/1 (30 November 2012).

<sup>12</sup> David Trubek and Alvaro Santos, “The Third Moment in Law and Development Theory and the Emergence of a New Critical Practice,” in *The New Law and Economic Development: A Critical Appraisal*, ed. David Trubek and Alvaro Santos (Cambridge: Cambridge University Press, 2006).

<sup>13</sup> *Ibid.*, at 85; David Kennedy, “The ‘Rule of Law,’ Political Choices and Development Common Sense,” in Trubek and Santos, *New Law and Economic Development*, 156–58.

<sup>14</sup> “In Larger Freedom: Towards Development, Security and Human Rights for All: Report of the Secretary-General,” UNGA, UN Doc A/59/2005 (21 March 2005), accessed June 17, 2024, <https://www.refworld.org/docid/4a54bbfa0.html>.

empowerment of the poor.”<sup>15</sup> In its heyday, the rule of law achieved near universal endorsement.<sup>16</sup>

Almost as quickly as it rose to fame, academic and policy-oriented critiques took aim at the rule of law’s potential value or ability to be used in development efforts. A first set of critiques targeted the indeterminacy of the rule of law as a concept, with endless debates over how to define it, including whether it can meaningfully be defined.<sup>17</sup> Those debates centered on, for instance, whether to define the rule of law in minimalist or formal terms, to enable its application universally across legal and political traditions, or to inject the definition with greater normative or political ideals of substantive justice, human rights, and dignity.<sup>18</sup> Another approach held that the rule of law is an inherently political or contested concept and thus not amenable to a single or stable definition—which, for some commentators, translated into a need for development interventions to become politically smart.<sup>19</sup> A related critique was that the rule of law was too broadly defined, regrouping all manner of justice and legal reforms and approaches without much coherence, thus masking important contradictions in conceptions or in rendering the term meaningless.<sup>20</sup>

A second set of critiques involved doubts about the causal role of the rule of law and whether it can “promote development” and various objectives, such as those described above.<sup>21</sup> This skepticism, to follow Kevin Davis and Michael Trebilcock’s categorization, ranges from milder doubts about the ability to identify and implement effective reforms to deeper skepticism about the rule of law even being amenable to reform, given its complexity, or it playing “a significant causal

<sup>15</sup> Having raised the concept initially as leader of the opposition as early as 2005, then later as prime minister in 2012; see Justin Sandefur, “The Golden Thread: Bush, Romney, and Cameron on Aid,” Center for Global Development, November 2, 2012, <https://www.cgdev.org/blog/golden-thread-bush-romney-and-cameron-aid>; and a key speech here: “David Cameron Speech on Global Poverty,” Conservative Home, 2015, accessed June 17, 2024, [https://conservativehome.blogs.com/frontpage/files/david\\_cameron\\_global\\_poverty\\_speech.pdf](https://conservativehome.blogs.com/frontpage/files/david_cameron_global_poverty_speech.pdf).

<sup>16</sup> See e.g. “Order in the Jungle,” *The Economist*, March 13, 2008, quoting Brian Tamanaha: “No other single political ideal has ever achieved global endorsement.” Also cited in Deval Desai, Rosie Wagner, and Michael Woolcock, “The Missing Middle: Reconfiguring Rule of Law Reform as if Politics and Process Mattered,” *Hague Journal on the Rule of Law* 6 (2014), 230, at 232–33.

<sup>17</sup> Michael Trebilcock, “The Rule of Law and Development: In Search of the Holy Grail,” *World Bank Legal Review* 3 (2011): 207.

<sup>18</sup> Simon Chesterman, “An International Rule of Law?” *American Journal of Comparative Law* 56 (2008): 331 advocates for a universal, formal concept; Trebilcock, “Rule of Law and Development” contrasts thick and thin definitions; see also “Order in the Jungle.”

<sup>19</sup> See Rachel Kleinfeld, “How to Advance the Rule of Law Abroad,” Carnegie Endowment for Peace, 2012, accessed June 17, 2024, <https://carnegieendowment.org/files/Kleinfeld-PO-web.pdf>. Desai, Wagner, and Woolcock, “Missing Middle,” however, question whether the rigid logic and priorities of development organizations, for easily identifiable or determinate reforms plans and outcomes, would ultimately undermine efforts to pursue such politically smart approaches.

<sup>20</sup> See Alvaro Santos, “The World Bank’s Uses of the ‘Rule of Law’ Promise in Economic Development,” in Trubek and Santos, *New Law and Economic Development*, referring to “dissensus.” For a lament by a Canadian scholar at the time, see Stephen J. Toope, “Legal and Judicial Reform through Development Assistance: Some Lessons,” *McGill Law Journal* 48 (2003): 357.

<sup>21</sup> Kevin Davis and Michael Trebilcock, “The Relationship Between Law and Development: Optimists vs Skeptics,” *American Journal of Comparative Law* 56 (2008): 895, at 896.



role in development.”<sup>22</sup> A basic problem cutting across all the skepticism is one of a lack of knowledge or evidence to back up the many bold assertions about the importance of the rule of law, how to achieve it, and its impacts.<sup>23</sup>

Finally, even as better evidence began to emerge about the link between law and legal institutions to development outcomes, serious doubts were cast on whether the rule of law can be achieved through international support.<sup>24</sup> Several large evaluations of the justice programming by multilateral and bilateral donors pointed to disappointing and limited results. The United Kingdom’s Independent Commission for Aid Impact, for example, rated UK justice programming as “amber-red” (relatively poor), finding it was neither “making enough of a difference to the lives of the poor” nor sufficiently backed by “empirical evidence and contextual analysis.”<sup>25</sup> In the academic literature, a growing recognition emerged of the need to move away from grand theories of the rule of law and its relationships with development. At the heart was a call for greater modesty, to develop “cautious, middle-level generalizations” instead,<sup>26</sup> to be better guided by context, experimentation, evidence, and local experts—rather than predefined scripts.<sup>27</sup>

By the time SDG 16.3 arrived on the global scene in 2015, there appeared to be a genuine appetite for new approaches for justice support. The waning enthusiasm for the rule of law is witnessed with its mention in the 2030 Agenda only at the target level (SDG 16.3). Access to justice for all, by contrast, stands at the center of the global Goal 16. At the risk of reading too much into this choice—or of assuming that a coherent reasoning underpinned the long and complex intergovernmental negotiations on the SDGs—it is notable that the rule of law did not even feature in earlier drafts of Goal 16 and was rather seen as an overarching concept, alongside good governance and human rights.<sup>28</sup> Until recently, intergovernmental efforts to achieve SDG 16 have mostly ignored the mention of the rule of law in target 16.3, focusing rather on access to justice for all as one of the three pillars of peaceful, just, and inclusive societies.

The developments described so far provided fertile ground for a shift from rule of law to people-centered justice. Even during the heyday of the rule of law,

<sup>22</sup> *Ibid.*, at 896–97.

<sup>23</sup> Thomas Carothers, “Promoting the Rule of Law Abroad: The Problem of Knowledge,” Carnegie Endowment for Peace, 2003, accessed October 13, 2023, <https://carnegieendowment.org/files/wp34.pdf>.

<sup>24</sup> See World Bank, *World Development Report 2017: Governance and the Law* (Washington, DC: World Bank, 2017) for a review of evidence of why law and legal institutions matter to development, and, for a recognition of the limited evidence of impact of reform efforts from external partners, see World Bank, *New Directions in Justice Reform* (Washington DC: World Bank, 2012).

<sup>25</sup> *Review of UK Development Assistance for Security and Justice*, Independent Commission for Aid Impact, 2015, 1, <https://icai.independent.gov.uk/wp-content/uploads/ICAI-Report-UK-Development-Assistance-for-Security-and-Justice.pdf>; see Manuel and Manuel, *Justice Aid Update*, on financing levels.

<sup>26</sup> Michael Trebilcock, “Between Universalism and Relativism: Reflections on the Evolution of Law and Development Studies,” *University of Toronto Law Journal* 66 (2016): 330, at 335.

<sup>27</sup> David M. Trubek, “Law and Development: Forty Years After ‘Scholars in Self-Estrangement’,” *University of Toronto Law Journal* 66 (2016): 301.

<sup>28</sup> Felix Dodds, David Donoghue, and Jimena Leiva Roesch, *Negotiating the Sustainable Development Goals: A Transformational Agenda for an Insecure World* (New York: Routledge, 2017).

precursors to people-centered justice were visible in international development, as well as in domestic policy and practice in the justice sector in countries around the world. Legal empowerment—a core component of people-centered justice—was proposed as an “alternative” to the rule of law as early as 2003.<sup>29</sup> In 2008, the Commission on Legal Empowerment of the Poor published its report emphasizing the importance of meaningful access to justice for people’s ability to exercise their labor, business, and property rights.<sup>30</sup> Domestically, radical dissatisfaction with what justice systems were delivering to people appeared in many countries, which translated into growing attention on alternative dispute resolution; mediation; legal capabilities; the search for non-court, nonlawyer, or community-based justice services; restorative justice; holistic and integrated justice approaches; and problem-solving courts, to name just a few.<sup>31</sup> Important foundations for people-centered justice were simultaneously developed in academia, including by broadening the understanding of access to justice and raising the general question of “what” it is that people need access to.<sup>32</sup> In the context of legal needs research, surveys made the conceptual shift from “legal needs” to “justiciable problems” following Hazel Genn’s groundbreaking *Paths to Justice* research.<sup>33</sup> This shift was translated by a focus in practice on justice problems as they occur in people’s lives.<sup>34</sup> New data and evidence emerged from a growing body of national legal needs surveys of various forms, which later served as the foundation for people-centered justice in global policy debates.<sup>35</sup> Lastly, the emergence of people-centered justice appears to have been aligned with a larger

<sup>29</sup> Stephen Golub, “Beyond the Rule of Law Orthodoxy: The Legal Empowerment Alternative,” Carnegie Endowment for Peace, 2013, accessed June 17, 2024, <https://carnegieendowment.org/files/wp41.pdf>.

<sup>30</sup> “Making the Law Work for Everyone, Report of the Commission on Legal Empowerment of the Poor,” UNDP, 2008, [https://unipsil.unmissions.org/sites/default/files/making\\_the\\_law\\_work\\_for\\_everyone.pdf](https://unipsil.unmissions.org/sites/default/files/making_the_law_work_for_everyone.pdf). Subsequent efforts from UNDP and the Open Society Justice Initiative, amongst others, led to the embrace of legal empowerment by a broad range of civil society organizations, including Namati, its Global Legal Empowerment Network, and the much more recently established Legal Empowerment Fund; see “The Global Legal Empowerment Initiative,” Open Society Foundations, 2012, accessed June 17, 2024, <https://www.opensocietyfoundations.org/sites/default/files/glei-description-092712.pdf>.

<sup>31</sup> See Julie Mathews and David Wiseman, “Shifting the Paradigm: Exploring Opportunities for Community Justice Help: A Review of Access to Justice Literature and Activity,” Department of Justice Canada, 2021, accessed June 17, 2024, [https://www.justice.gc.ca/eng/rp-pr/jr/ecjh-eamjc/docs/Shifting\\_Paradigm\\_Report\\_EN.pdf](https://www.justice.gc.ca/eng/rp-pr/jr/ecjh-eamjc/docs/Shifting_Paradigm_Report_EN.pdf) at sections 5.4 and 5.5 for a helpful discussion of concepts and literature.

<sup>32</sup> Rebecca L. Sandefur, “Access to What?” *Daedalus* 148 (2019): 49.

<sup>33</sup> Hazel Genn, *Paths to Justice* (Oxford: Hart Publishing, 1999).

<sup>34</sup> See Ab Currie, “You Have to Find Them First and that’s a People-Centered Process: Learning about People-Centered Justice through the Rural Mobile Law Van,” Canadian Forum for Civil Justice, 2023, accessed June 17, 2024, <https://cfcj-fcjc.org/wp-content/uploads/You-Have-to-Find-Them-First-and-Thats-a-People-Centered-Process-Ab-Currie.pdf>.

<sup>35</sup> National efforts in the wake of Genn, *Paths to Justice* converged in terms of methodology by the international standard-setting work of the OECD, as well as the development of the Justice Needs and Satisfaction Surveys by HiiL and global data collection by the World Justice Project; see e.g. *Atlas of Legal Needs Surveys*, World Justice Project, 2024, accessed June 17, 2024, <https://worldjusticeproject.org/our-work/research-and-data/atlas-legal-needs-surveys>.



shift in public administration, to focus on “direct experience of citizens with front-line public services.”<sup>36</sup>

Two connected efforts were central to the coalescence of global opinion on the need for an empirical shift in the justice sector, captured by the use of people-centered-justice language. The Organisation for Economic Co-operation and Development (OECD) was the first major organization to consistently frame its work on access to justice in terms of people-centered justice, from its 2018 *Riga Declaration* onwards.<sup>37</sup> The OECD definition refers to “a justice system that puts people at the center and has as its purpose and its design the goal of equally meeting the needs of all people of that jurisdiction, by enabling their effective participation and engagement in the process.”<sup>38</sup> The OECD has continued work to deepen the understanding of people-centered justice and the needed transformation in the justice sector, focusing on the design and delivery of people-centered justice services, an enabling governance infrastructure, empowering people, and participatory and evidence-based planning, monitoring, and evaluation.<sup>39</sup>

In 2019, the Task Force for Justice—an initiative of the Pathfinders for Peaceful, Just and Inclusive Societies (“Pathfinders”) produced its final report, *Justice for All*.<sup>40</sup> The report brings together global data on the size of the justice gap—that is, updated estimates on the total number of people who do not have meaningful access to justice—and on the most common justice problems that people face.<sup>41</sup> It presents evidence about the costs and benefits of investing in justice, as well as the need for smarter justice financing. Crucially, *Justice for All* sets out an agenda for national action to achieve equal access to justice for all and, in so doing, fundamentally reframes what access to justice means—by calling for a shift in focus from obtaining access to the formal justice system, to people’s ability to prevent and resolve their justice problems and to participate fully in their societies and economies. That shift appears across what *Justice for All* terms the justice journey, analytically composed of “empowering people and communities,” “access to people-centered justice services,” and “obtaining

<sup>36</sup> “The OECD Serving Citizens’ Framework,” in *Government at a Glance 2015*, OECD, 2015, 167, accessed June 17, 2024, [https://doi.org/10.1787/gov\\_glance-2015-55-en](https://doi.org/10.1787/gov_glance-2015-55-en), which references health care, education, transport, employment, and tax administration alongside justice services.

<sup>37</sup> See OECD, “OECD Framework and Good Practice Principles for People-Centred Justice,” 2021, Box 1.3, accessed June 17, 2024, <https://doi.org/10.1787/cdc3bde7-en>.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.* and the “OECD Recommendation of the Council on Access to Justice and People-Centred Justice Systems” (July 2023), OECD Doc. OECD/LEGAL/0498.

<sup>40</sup> The Taskforce for Justice was co-chaired by, among others, ministers of justice or foreign affairs of Argentina, Netherlands, and Sierra Leone, with around a dozen prominent global justice experts. The Pathfinders is a “multi-stakeholder partnership that brings together UN member states, international organizations, civil society, and the private sector to accelerate delivery of the Sustainable Development Goal (SDG) targets for peace, justice and inclusion,” Task Force on Justice, *Justice for All*, 2.

<sup>41</sup> *Ibid.*, at 12 estimates the justice gap in terms of the following dimensions and figures: “At least 253 million people live in extreme conditions of injustice”; “1.5 billion people cannot resolve their justice problems”; “4.5 billion people are excluded from the opportunities the law provides”; “In total, 5.1 billion people—two-thirds of the world’s population—lack meaningful access to justice.” For data, analysis, and methodology, see World Justice Project, *Measuring the Justice Gap*.

fair outcomes.”<sup>42</sup> *Justice for All*’s core message is formulated more prominently in terms of “putting people at the center of justice” but that approach and framing soon crystallized around the concept of “people-centered justice.” To illustrate, in 2021, a coalition of sixteen countries endorsed a Joint Letter to the UN Secretary-General, calling on the United Nations to embrace people-centered justice.<sup>43</sup>

## Part 2: What the Shift to People-Centered Justice Entails

Optimistically, we see several ways in which people-centered justice addresses the main critiques of the rule of law and offers a novel shift, with longer-term potential for meaningful changes in approaches. This optimism is cautious, to be sure, lest we risk repeating the history of making bold claims, à la rule-of-law “optimists,” and asserting that people-centered justice marks a clear, indisputable break before there is stronger evidence of this happening in practice. However, people-centered justice, as a concept, is a less abstract aspiration than the rule of law and therefore lends itself better to guiding action and identifying the conditions for change, driven by both context and evidence.

### People-Centered Justice Takes a Grounded, Empirical Approach

A first significant shift is that people-centered justice adopts empirical and evidence-based approaches to justice and recognizes the need for improved evidence and methodologies for data collection and analysis about the nature of justice problems and social scientific knowledge of how to best address them. The first prominent uses of people-centered justice emerged from attempts to generate better evidence on access to justice, both the scale of the justice gap—in overall terms and in terms of the relative preponderance of different justice problems—and ways to scale access, to close the gap and ensure justice for all.<sup>44</sup>

The OECD and Pathfinders’ work on people-centered justice are not the first efforts to develop evidence-based justice approaches.<sup>45</sup> With SDG 16.3, however, we have witnessed a greater commitment to evidence-based work and more evidence being generated on people’s justice journey. Efforts to demonstrate the

<sup>42</sup> The report also calls for people-centered justice data and people-centered approaches to justice reform, while highlighting their financial benefits and impacts.

<sup>43</sup> “The Joint Letter to the Secretary-General of the United Nations—Reimagining Social Contract: A Call to Put People at the Centre of Justice,” Pathfinders for Peaceful, Just and Inclusive Societies, April 14, 2021, accessed June 17, 2024, <https://s42831.pcdn.co/wp-content/uploads/sites/3/2023/09/EN-Joint-Letter-to-the-UNSG-on-Common-Agenda-2021.pdf>.

<sup>44</sup> Task Force on Justice, *Justice for All*; OECD, “Building a Business Case for Access to Justice: An OECD White Paper in Collaboration with the World Justice Project,” 2023, accessed June 17, 2024, <https://web.archive.oecd.org/2019-11-07/535987-building-a-business-case-for-access-to-justice.pdf>.

<sup>45</sup> Task Force on Justice, *Justice for All*, 30, for instance, cites a 1933 legal needs survey by the Association of American Law Schools. The World Justice Project has pioneered many of the recent people-centered justice data sets, at country and global levels, including underpinning the *Justice for All* report findings.

importance of the rule of law were often normative or more deductive in nature—inasmuch as they were geared towards validating theories or assumptions about the links between the rule of law and other development outcomes.<sup>46</sup> By contrast, people-centered justice freed up empirical efforts to understand the nature, scale, and negative consequences of justice problems in societies in a more inductive and grounded way. Stated differently, SDG 16.3's commitment to justice for all, and the SDG framework of leave no one behind, marks a fundamental shift away from idealized assertions about the rule of law and the “grand theories” that Trebilcock and Trubek finally both relinquish. Perhaps ironically, as a result of the grounded, empirical work that provided the foundation for people-centered justice, the OECD was able, in a pioneering effort, to estimate the economic impacts of unresolved justice problems on national economies at between 0.5 and 3 percent of GDP annually.<sup>47</sup>

### **People-Centered Justice Shifts Our Understanding of Justice Problems and How to Resolve Them**

Implicit in the notion of people-centered justice is that solutions to justice problems need to be shaped by the (increased understanding of) the problems and contexts in which they arise and notably how people experience them. Stated simply, the primary point of reference shifts to the achievement of fair outcomes for justice users and away “from justice systems whose reforms are primarily inspired by the needs or views of the service providers.”<sup>48</sup> The understanding of access to justice thus shifts from “access to the justice system” to “access to a fair solution or outcome.” This recognition contrasts with long-standing approaches to justice reform that tend to start from an institutional perspective or preconceived notions of an effective justice system and conditions for change. Such notions tend to be overly top-down or reflect narrowly prescribed models of change, by being centered on a few dominant institutions of the justice system, notably courts, judges, lawyers, and formal procedures. Moreover, these approaches have ignored insights from the behavioral sciences about conflict, emotions, grief, and communication, an understanding of which is critical to effective and fair problem-solving and integral to people-centered justice.

Backed by people-centered data and evidence from the social sciences, justice problems are understood as multidimensional in nature and requiring holistic or multi-sectoral solutions. People's justice problems typically cannot be separated from, and run hand-in-hand with, other justice problems or a larger set of socioeconomic challenges (e.g. health, education, housing, or livelihoods).<sup>49</sup> Conversely, the ability of justice institutions to address problems is generally

<sup>46</sup> See generally “Optimists vs Skeptics” for a canvassing of writing optimistically and deductively asserting links between market-oriented legal reforms law and growth.

<sup>47</sup> “OECD White Paper,” for which calculations were possible due to an upsurge in legal needs surveys across countries; see e.g. OECD and Open Society Justice Initiative, “Legal Needs Surveys and Access to Justice,” 2019, <https://doi.org/10.1787/g2g9a36c-en>.

<sup>48</sup> OECD, “OECD Framework.”

<sup>49</sup> OECD, *Justice for Inclusive Growth*, chapter 2 presents analysis and findings to the effect that legal problems often appear in clusters and in combination with social, health, and economic problems in people's lives.

restricted and further narrowed by procedural law. The increased availability of people-centered-justice data has provided a far broader, multidimensional understanding of justice needs—particularly for people who are living in poverty and are more vulnerable to a range of other socioeconomic problems or the result of interrelated justice problems.<sup>50</sup>

### **People-Centered Justice Is Agnostic About Where We Look for Solutions**

In shifting how justice problems are understood, people-centered justice does not assume a predefined or prescribed system or set of institutions for ensuring justice. It is agnostic, or at least not normatively predisposed, about who can provide the required justice services. Rather, the starting point is to ask the empirical question about which institutions and actors are most effective in achieving fair outcomes in a given situation.<sup>51</sup> This broadens the range of actors and institutions that are relevant, including, importantly, lawyerless justice services.<sup>52</sup> In practice, this increases the emphasis on testing problem-driven, locally defined, and inclusive approaches, to identify what works—an approach that parallels a larger move away from institutional models of governance reform in recent years.<sup>53</sup> While formal justice institutions are no longer assumed to be the only actors or even the most important actors to provide justice, this does not diminish government's responsibility for the functioning of the justice sector writ large.<sup>54</sup> Nonetheless, efforts might yet bump up resistance from the formal legal system because a full commitment to people-centered justice, if taken to its logical conclusion, would mean imagining a justice system that does not yet exist anywhere.

Current justice systems only ever deal with the tip of the iceberg in terms of people's justice problems<sup>55</sup> and are unable to provide access to justice for all.<sup>56</sup> The implication of a shift to people-centered justice is an acknowledgement that

<sup>50</sup> "Legal Needs Surveys"; Trevor Farrow et al., "Everyday Legal Problems and the Cost of Justice in Canada: Overview Report," Canadian Forum on Civil Justice, 2016, accessed June 17, 2024, <https://www.cfcj-fcj.ca/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>.

<sup>51</sup> Achieving fair outcomes includes meeting standards for human rights, offering the right remedy, collecting data on outcomes, and establishing grievance mechanisms; see Task Force on Justice, *Justice for All*, 74–75.

<sup>52</sup> Matthew Burnett and Rebecca L. Sandefur, "Designing Just Solutions at Scale: Lawyerless Legal Services and Evidence-Based Regulation," *Direito Público* 19 (2022): 102.

<sup>53</sup> Matthew Andrews, Lant Pritchett, and Michael Woolcock, "Escaping Capability Traps Through Problem Driven Iterative Adaptation (PDIA)," *World Development* 15 (2013): 234; OECD, "Towards People-Centric Public Services," 2019, accessed June 17, 2024, <https://www.oecd-ilibrary.org/sites/6c26b0ba-en/index.html?itemId=/content/component/6c26b0ba-en>. A selection of nearly fifty of examples that work from around the world was made by the Task Force on Justice; see Task Force on Justice, *Justice for All*, 4–5.

<sup>54</sup> Jérémy Boulanger-Bonnely, "Person-Centred Justice and Dispute Resolution: The Potential of Lay Courts," *CJLS* [forthcoming]

<sup>55</sup> Sandefur, "Access to What?"

<sup>56</sup> Trevor Farrow and Lesley Jacobs, *The Justice Crisis, The Cost and Value of Accessing Law* (Vancouver: UBC Press, 2020).

justice institutions and services are generally more accessible to and oriented towards dominant groups in society.<sup>57</sup> Providing equal access to justice for all requires diversified services to meet the needs of different groups, which includes gender responsiveness, nondiscrimination, accommodation of minority languages and physical or mental disabilities, and so on. By being more connected to and relevant for all groups in society, people-centered justice can be connected to notions of democratic legitimacy, fairness, and dignity.

### **People-Centered Justice Connects Domestic and International Efforts at the Global Level**

Global policy discussion and coordination have increased and improved around the concept of people-centered justice. This suggests a new professionalization of the justice field, echoing shifts in other sectors that occurred with their efforts to implement the Millenium Development Goals (e.g. to eradicate poverty, achieve primary health care or education for all).<sup>58</sup> Results include collective efforts to push thinking about what it means to ensure access to justice on a much larger, namely universal, scale, for instance, by analyzing the economic costs, benefits, and the return on investments of basic justice services.<sup>59</sup> An increased emphasis on understanding what works to deliver justice (i.e. through data-driven experimentation) is gaining force,<sup>60</sup> which is accompanied by a greater commitment to lessons sharing and developing shared frameworks or coordinated agendas for future research and evidence. This global-level lessons sharing has been true to the universal nature of the SDGs as well as a spirit of localization between national-level counterparts, in a relationship of equality, across countries and regions.<sup>61</sup> As of writing, many of those efforts are incipient and, if successful,

<sup>57</sup> Task Force on Justice, *Justice for All*; see also Genn, *Paths to Justice*.

<sup>58</sup> David Steven, "Pathfinders for Peaceful, Just and Inclusive Societies, History and Prospects," April 2018 (unpublished paper, on file with authors). The Millenium Development Goals (MDGs) were a set of eight goals that the international community committed to achieving between 2000 and 2015, and were precursors to the SDGs. In contrast to the SDGs, which are universal in scope, the MDGs applied only to lower- and middle-income countries and they did not include the broader range of development challenges such as providing justice for all (SDG 16). The MDGs are often cited for their success in galvanizing global efforts to halve extreme poverty globally by 2015. For additional details, see Sustainable Development Goals Fund, *From MDGs to SDGs*, accessed June 17, 2024, <https://www.sdgfund.org/mdgs-sdgs>.

<sup>59</sup> See e.g. Clare Manuel and Marcus Manuel, "How to Finance Universal Access to People-Centred Justice: Scaling Up Local Innovation to Leave No-One Behind," 2023, ODI, accessed June 17, 2024, [https://odi.org/documents/8751/How\\_to\\_finance\\_universal\\_access\\_to\\_people-centred\\_justice.pdf](https://odi.org/documents/8751/How_to_finance_universal_access_to_people-centred_justice.pdf); Lisa Moore and Trevor Farrow, "A Literature Review in Support of the Case for Improved Access," Canadian Forum on Civil Justice, 2019, accessed June 17, 2024, <https://cfcj-fcjc.org/wp-content/uploads/Investing-in-Justice-A-Literature-Review-in-Support-of-the-Case-for-Improved-Access-by-Lisa-Moore-and-Trevor-C-W-Farrow.pdf>.

<sup>60</sup> See e.g. Rebecca Sandefur and Thomas Clarke, "Roles Beyond Lawyers: Summary, Recommendations and Research Report of an Evaluation of the New York City Court Navigators Program and Its Three Pilot Projects," December 2016, accessed June 17, 2024, [https://www.srln.org/system/files/attachments/new\\_york\\_city\\_court\\_navigators\\_report\\_final\\_with\\_final\\_links\\_december\\_2016.pdf](https://www.srln.org/system/files/attachments/new_york_city_court_navigators_report_final_with_final_links_december_2016.pdf).

<sup>61</sup> On localization, see e.g. K. Van Brabant and S. Patel, "Localisation in Practice: Emerging Indicators and Practical Recommendations," Global Mentoring Initiative, 2018, accessed June

could generate some of the mid-level findings across contexts or justice problems (e.g. which types of supports are more cost-effective or scalable under certain similar conditions).<sup>62</sup>

Finally, people-centered justice has been effective in garnering political buy-in for improved global-level exchange and coordination—most significantly through the OECD, Pathfinders, and the Justice Action Coalition—again, premised on generating better data, lessons sharing, identifying innovative solutions, and making the case for increased investments in justice.<sup>63</sup> An interesting feature is how those collaborations bring together diverse stakeholders in new ways, such as Ministries of Justice and Foreign Affairs, with a range of multilateral and nongovernmental organizations and experts.<sup>64</sup> The power of people-centered justice to spur collaboration and generate high-level political commitment is clear. Unlike other sectors, however, there are no moves to address the aid architecture in the justice sector or any successful efforts to initiate multilateral pooled funding mechanisms.<sup>65</sup> Despite the promise, for instance, of the recent Justice Action Coalition, bilateral and multilateral donor programming that is implemented by external actors remains the norm.

### Part 3: People-Centered Justice in Practice

While a wide range of different organizations—governmental, multilateral, nongovernmental—have adopted people-centered-justice language to frame their work, there is little evidence of the degree to which their words have been translated into action. The concept implies an important break from past approaches, yet a full assessment of the impacts of people-centered justice is beyond the scope of this paper, whether in respect to donor and government practices or increases in justice for people and communities across the world. Our analysis is more limited and based on a review of publications, academic articles, policy documents, political declarations, and reports that use the terminology of people-centered or person-centered justice. This review yielded examples of 1) organizations that fully embrace the concept and align their actions with this new approach, 2) organizations that use the language of people-centered justice, but inconsistently and without embracing its underlying

17, 2024, <https://reliefweb.int/attachments/709a93ba-6a3f-342d-a5fb-a294c7ff1b9a/Localisation-In-Practice-Full-Report-v4.pdf>.

<sup>62</sup> See e.g. Marcus Manuel and Clare Manuel, “‘Small Is Beautiful, but Scale Is Necessary’: Front-Line Justice Services in Lower-Income Countries with the Potential to Scale-Up,” ODI, 2023, accessed June 17, 2024, [https://odi.org/documents/8673/Scalable\\_front\\_line\\_justice\\_services\\_policy\\_brief\\_-\\_for\\_website.pdf](https://odi.org/documents/8673/Scalable_front_line_justice_services_policy_brief_-_for_website.pdf).

<sup>63</sup> Maaïke de Langen and Mark Weston, “Making Access to Justice for All a Reality: Appraising Progress on the Promise of SDG16,” 2023 (unpublished), accessed June 17, 2024, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4569536](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4569536).

<sup>64</sup> Within countries, SDG 16.3 has spurred novel links between national and international justice assistance efforts, e.g. with the White House’s Legal Aid Interagency Roundtable and USAID contributing to the Justice Action Coalition.

<sup>65</sup> Marcus Manuel and Clare Manuel, “Achieving Equal Access to Justice for all by 2030: Lessons from Global Funds,” ODI, 2018, accessed June 17, 2024, <https://odi.org/documents/5825/12307.pdf>.



concepts or indicating a change in their practices, and 3) a significant number of people and organizations that used people-centered justice in a variety of ways, sometimes vague or ambiguous. In this section, we review these three categories, using a notable example for each.

### **New Approaches that Embrace the Concept of People-Centered Justice**

A good example for the first category of embracing people-centered justice and aligning actions is the United States Agency for International Development (USAID)'s recent, and first-ever, *Rule of Law Policy*, which casts people-centered justice as a “new paradigm for [USAID's] programming to advance the rule of law in partner countries.”<sup>66</sup> For USAID, people-centered justice includes five elements, echoing the elements that we highlighted above—namely, that programming should be data-driven, user-friendly, solution-focused, and prevention-oriented, and should provide multiple pathways for resolving problems. Further, the Policy explicitly rejects conventional (top-down) rule-of-law approaches—underscoring “an explicit change in how we think and how we work, shifting our perspective from the institutional to the individual” and away from “tinkering with institutional form or high-level processes.”<sup>67</sup> That said, it makes clear “the importance of justice institutions” to a “people-centered approach” that notably includes “formal and informal institutions” as “the primary delivery mechanisms for the promotion of justice, protection of rights.”<sup>68</sup>

To what extent the Policy will result in a more open-ended or agnostic approach to institutional form and implementation of solutions is hard to predict at this point. The five elements above augur positively, if carried out in earnest. The Policy couches USAID's work in the broader context of promoting democracy, but also explicitly makes links to other sectors, including health, education, economic growth, and the environment. Conversely, USAID's problem-solving focus is framed in direct reference to the “capability of justice providers” and “the outcome orientation of justice institutions” even when speaking of “[u]sing people-centered approaches [...] to transform how justice processes address prevalent legal problems,” which could presage an abiding commitment—or path dependency—to working within the confines of preexisting institutional forms, conventional justice actors, and programming approaches.<sup>69</sup> Time will tell. USAID's Policy is noteworthy for demonstrating how the Agency is at once seeking to transform its programming in very practical ways to be more people-centered, while keeping the connection to the longer-standing normative or political framing of the rule of law. That balancing act between old and new appears to have been driven by internal

<sup>66</sup> USAID, “USAID Rule of Law Policy,” 2023, 5, accessed June 17, 2024, [www.usaid.gov/sites/default/files/2023-04/USAID%20ROL%20Policy%20508%20230406.pdf](https://www.usaid.gov/sites/default/files/2023-04/USAID%20ROL%20Policy%20508%20230406.pdf); see e.g. USAID, “USAID Rule of Law Practitioner's Guide,” 2020, accessed June 17, 2024, <https://2017-2020.usaid.gov/sites/default/files/documents/USAID-Rule-of-Law-Practitioners-Guide-July-2020.pdf> for earlier inclusion of core ideas of people-centered justice in their country programming.

<sup>67</sup> USAID, “USAID Rule of Law Policy,” 4.

<sup>68</sup> *Ibid.*, at 18.

<sup>69</sup> *Ibid.*, at 5.

policy differences, and thus stands as a useful example of how to square the two approaches, with an evident effort in the Policy to maintain coherence between them.<sup>70</sup>

### *Repackaging Old Approaches as People-Centered Justice*

The United Nations exemplifies the second category of organizations that are using the language of people-centered justice inconsistently, without embracing its underlying concepts or changing their practices. The United Nations' early experiences suggest a complicated relationship and we distinguish between programming by UN entities and policy commitments of its political bodies and officials, notably the Secretary-General. At the programming level, there are clear differences between UN entities. UN Women was one of the first to reference people-centered justice in its policy documents, which appears to align with its longer-standing approaches to address "justice needs specific to women."<sup>71</sup> The United Nations Office on Drugs and Crime (UNODC) has increasingly adopted people-centered-justice language but appears to use it as a new label for existing approaches, without indicating a change in paradigm. Their various pronouncements on people-centered justice repeat conventional rule-of-law ideas, such as a strong focus on legal aid by lawyers—without consideration of affordability—and on reform of policies, laws, and justice institutions.<sup>72</sup>

The United Nations Development Programme (UNDP) includes "people-centered" as one of the guiding principles in the fifth iteration of its main four-year programming instrument for rule of law, Human Rights, Justice and Security—but provides little clarity on what this means.<sup>73</sup> When introduced as a guiding principle, people-centered justice is initially framed in terms of a shift in approaches or paradigms—viz "locally led, demand-driven and evidence-based interventions that support strengthening and transforming justice and security

<sup>70</sup> Anecdotal, earlier drafts of the Policy were much more steeped in people-centered justice language, but increasingly shifted back to rule-of-law language as the Policy rose in the bureaucracy.

<sup>71</sup> Citation from UN Women, "UN Women Promotes a Comprehensive and People-Centred Approach to Create an Environment where Women Can Seek Remedies without Fear of Negative Consequences," <https://asiapacific.unwomen.org/en/focus-areas/governance/womens-access-to-justice/a-comprehensive-and-people-centred-approach> (which describes their "Enhancing Access to Justice for Women in Asia and the Pacific: Bridging the Gap between Formal and Informal Systems through Women's Empowerment" project). For earlier use of people-centered justice, see UN Women et al., "Justice for Women—High-Level Group Report," 2019, accessed June 17, 2024, <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Justice-for-women-High-level-group-report-en.pdf>.

<sup>72</sup> See e.g. the speech of the director general of UNODC in June 2023: Ghada Waly, "High-Level Side-Event: Achieving People-Centered Justice: Policy Developments and Emerging Evidence to Reach Goal 16," UNODC, June 15, 2023, accessed June 17, 2024, <https://www.unodc.org/unodc/en/speeches/2023/achieving-people-centered-justice-150623.html>.

<sup>73</sup> UNDP, "Project Document—The Global Programme for Strengthening the Rule of Law, Human Rights, Justice and Security for Sustainable Peace and Development, Phase IV," 2021, accessed June 17, 2024, [https://www.undp.org/sites/g/files/zskgke326/files/2022-11/PRODOC\\_Phase%20IV\\_%20UNDP%20Global%20Programme%20on%20Rule%20of%20Law%20and%20Human%20Rights.pdf](https://www.undp.org/sites/g/files/zskgke326/files/2022-11/PRODOC_Phase%20IV_%20UNDP%20Global%20Programme%20on%20Rule%20of%20Law%20and%20Human%20Rights.pdf).

systems, services and institutions.”<sup>74</sup> However, the emphasis on justice and security systems suggests that UNDP is sticking to long-standing institutional approaches—evinced a more firmly wrought path dependency than USAID. At the very least, the document offers little sense of how UNDP will shift its programming to be more people-centered.<sup>75</sup> Again, time will have to tell.

At the political level, the United Nations has only reluctantly joined global policy debates about people-centered justice, even though the Joint Letter of the Justice Action Coalition described above explicitly called on the Secretary-General to include it in *Our Common Agenda* principles on people-centered justice and a new vision of justice in which no one is left behind. In *Our Common Agenda*, the Secretary-General acknowledged that justice is an essential dimension of the social contract and committed to developing a new vision for the rule of law.<sup>76</sup> Two major evaluations of the United Nations’ justice and rule-of-law support provided evidence for the need of a change in approaches. The first was a review of the United Nations’ rule-of-law support in peace operations based on case studies in eight different countries.<sup>77</sup> It presents a story of limited or no progress, an inability of the United Nations to respond to a lack of political will among government counterparts, limited mandates and resources, and an almost complete absence of (information on) impact. Hence, the review calls for a reconceptualization of rule of law, with a renewed social contract approach, in line with people-centered justice.<sup>78</sup> The review observes further that, despite the promotion of some people-centered approaches across the United Nations, “the bulk of the UN’s rule of law work remains largely focused on State institutions, without the key shift in thinking about institutions as working for the people.”<sup>79</sup> Similar conclusions were drawn by UNDP’s Independent Evaluation Office in a thematic evaluation of all of UNDP’s support for access to justice from 2014 to 2022.<sup>80</sup> Without going into the full

<sup>74</sup> Ibid., at 24.

<sup>75</sup> UNDP’s possible ambivalence was witnessed during recent High-Level Political Forum sessions on SDG 16.3, when UNDP officials appeared to suggest people-centered justice did not differ from existing human rights-based approaches and risked detracting from UNDP’s long-standing focus on institutions of rule of law and human rights; Pathfinders for Peaceful Justice and Inclusive Societies, “Financing People-Centered Justice: Underwriting a Systemic Shift towards Justice for All,” 2023, <https://www.sdg16hub.org/event/financing-people-centered-justice-underwriting-systemic-shift-towards-justice-all-0> (notes from the event on file with co-author).

<sup>76</sup> United Nations, “Our Common Agenda—Report of the Secretary-General,” 2021, [https://www.un.org/en/content/common-agenda-report/assets/pdf/Common\\_Agenda\\_Report\\_English.pdf](https://www.un.org/en/content/common-agenda-report/assets/pdf/Common_Agenda_Report_English.pdf).

<sup>77</sup> Adam Day and Jessica Caus, “Overarching Paper,” *Rule of Law and Sustaining Peace: Towards More Impactful, Effective Conflict Prevention* (New York: United Nations University, 2021), accessed June 17, 2024, [http://collections.unu.edu/eserv/UNU:8342/RuleofLaw\\_Overarching.pdf](http://collections.unu.edu/eserv/UNU:8342/RuleofLaw_Overarching.pdf).

<sup>78</sup> The case studies demonstrated that the rule-of-law interventions with the most impact aimed at addressing underlying inequalities.

<sup>79</sup> Ibid., at 12, also urging the UN to increase its focus on the most common justice problems that people face globally, notably, at 16, on “a range of civil issues that are of critical importance to populations but are seldom addressed by the UN.”

<sup>80</sup> UNDP Independent Evaluation Office, “Evaluation of UNDP Support of Access to Justice,” 2023, accessed June 17, 2024, <https://erc.undp.org/evaluation/documents/download/22269>, reviewing a portfolio of 423 projects.

details, the evaluation found that programming in that period—totaling \$3.2 billion of funding—failed to demonstrate impact.<sup>81</sup> The evaluation report calls on UNDP to move beyond its core mandate to support “capacity development of the State justice sector” and do more “to make those institutions more people-centered.”<sup>82</sup>

The UN Secretary-General’s long awaited *New Vision for the Rule of Law* does not appear to be attuned to the findings of these two evaluations.<sup>83</sup> Unlike USAID’s *Rule of Law Policy*, the *New Vision* does not differentiate between the rule of law and people-centered approaches—raising the question of how much “new” there is in the *New Vision*.<sup>84</sup> The use of people-centered-justice terminology is analytically inconsistent and even confusing, notably with a section heading that states, as if fact, that “the Rule of Law is people-centered.”<sup>85</sup> The accompanying section then provides its own definition of people-centeredness that appears to equate people-centered justice to a human rights approach to access to justice, adhering to an overriding focus on “rule-of-law institutions.” While a few elements of people-centered justice are mentioned—such as alternatives to incarceration, responsive justice systems, empowering people as agents of change, and the need to use research findings from diverse communities—they are scattered, not deployed in any clear conceptual way, and have a notable absence of recent evidence driving people-centered-justice approaches.

### **Vague or Ambiguous Uses of People-Centered Justice**

The third category covers a significant variety of authors and organizations that use people-centered-justice language in vague or ambiguous ways. These uses raise a concern that people-centered justice is fast becoming the latest “*mot du jour*,” which signals something virtuous but in a vague or less than coherent way. A lack of coherence, for instance, is on display in the *Joint Statement and Call to Action on the Rule of Law and People-Centered Justice* that emerged from the United States’ Summit for Democracy in 2023.<sup>86</sup> The *Joint Statement* endorses the principles of people-centered justice, but overall oscillates between those and conventional top-down rule-of-law approaches. For instance, it states that independent judiciaries uphold the rule of law and deliver people-centered justice in democracies, which data on the global justice gap demonstrate to be

<sup>81</sup> Ibid.: “the extent to which UNDP programming ultimately contributed to providing remedies and solving people’s justiciable issues is in most cases uncaptured.”

<sup>82</sup> Ibid.

<sup>83</sup> United Nations, “New Vision of the Secretary-General for the Rule of Law,” July 2023, accessed June 17, 2024, <https://www.ohchr.org/sites/default/files/2023-08/230511-new-vision-for-rule-of-law.pdf>.

<sup>84</sup> Ibid., e.g. mentioning SDG 16 once in a section on the link between the rule of law and development, and access to justice sporadically—“equal access to justice for all” once, at 2, and concerning access to justice for children, at 5.

<sup>85</sup> Ibid., at 5.

<sup>86</sup> USAID, “Summit for Democracy—Joint Statement and Call to Action on the Rule of Law and People-Centered Justice: Renewing a Core Pillar of Democracy,” March 2023, accessed June 17, 2024, <https://www.usaid.gov/sites/default/files/2023-03/Rule-of-Law-and-PCJ-March-27.pdf>.

empirically untrue. A host of issues, such as the plurality of legal systems, women's access to justice, corruption, and climate justice, are grouped somewhat indiscriminately under rule-of-law and people-centered-justice headings and no attempt is made to clarify the relationship between rule of law and people-centered justice.

Our review also revealed that people-centered justice is applied to a very broad and diverse set of issues, including, for example, court performance in Rwanda; pro bono legal services for the criminally accused in Singapore; areas such as family law, health law, restorative justice, elders in court, and behavioral health in the United States; justice-related open data in Canada; and democracy promotion and transitional justice.<sup>87</sup> This diversity speaks to the attractiveness of people-centered-justice language but begins to mirror the broad array of issues that appeared in the UN General Assembly's Declaration on the Rule of Law a little over a decade ago.<sup>88</sup> The proliferation of uses suggests that people-centered justice has tapped into a clear appetite for new approaches to guide justice support. However, the ease with which the language is deployed, without much additional evidence of a change in approaches, suggests that much work remains to be done to translate this language into practice.

## Conclusion

At the international, national, and local levels, putting people at the center of justice requires a completely different way of understanding what access to justice is about and how it can be achieved. People-centered justice is empirical, focused on solving justice problems, and agnostic in terms of the institutional setup of the justice sector. It requires sustained data collection and a willingness to be guided by evidence about what is happening in the justice sector, who is or is not providing solutions to people's problems, what outcomes are fair, and how they can be achieved. When considering efforts to achieve SDG 16.3, people-centered justice also implies a concerted effort to understand the conditions for providing meaningful access to justice on a large or universal scale.

While we have witnessed an incredible increase in the use of people-centered-justice language in a few short years, our review of experiences in turning words into action and making the required break from past approaches has been mixed. Some organizations are adapting and charting a new course. The OECD, through its *Recommendation* on people-centered justice and other technical guidance, demonstrates a commitment to embarking on a meaningful shift and USAID's new *Rule of Law Policy* serves as an example of a rigorous adoption of the underlying ideas and methods and shifting ways of work. Others, however, have not yet changed their approaches or (funding) priorities to match their rhetoric,

<sup>87</sup> Niceson Karungi, Adam Watson, and Ingo Keilitz, "Court Performance Management in Rwanda: Leading the Way to People-Centred Justice," Synergy, October 7, 2022, <https://www.synisys.com/news/court-performance-management-in-rwanda/>; Cheah Wui Ling, "Developing a People-Centered Justice in Singapore: In Support of Pro Bono and Innocence Work," *University of Cincinnati Law Review* 80 (2023): 1429.

<sup>88</sup> Belanger-Bonnely, "Person-Centred Justice" also notes flexibility of the definition.

but rather have embraced people-centered-justice language as a relabeling, without any recognition of the shortcomings of previous justice and rule-of-law approaches. Adoption of the “*mot du jour*” is clearly not enough, although, with the more surface-level, muddled uses of the term, we see growing pains more than anything else, which are perhaps natural components of the healthy maturation of the field.

As of writing, rule-of-law language is seeing a resurgence due to concerns about growing pressures on democracies around the globe. The recognition of the central importance of the rule of law to democratic societies remains clear. Our concern, however, is that international support for justice too easily reverts back to the path dependencies of conventional rule-of-law and justice approaches—despite successive critical evaluations that have demonstrated their lack of effectiveness. As a framework to guide action, the rule of law is too abstract and insufficiently grounded, whereas people-centered justice—and the features associated with it—offers a problem-solving agenda and a practical focus on real people. More pointedly, people-centered justice—with its readiness to look outside the justice system for multidisciplinary solutions and a healthy agnosticism to institutional forms—can help to reframe rule-of-law challenges and illuminate strategies for addressing them. Additionally, people-centered justice is more predisposed to setting a path for generating mid-level findings—or the “missing middle” between local-level successes and national-level or structural justice challenges—than existing rule-of-law approaches and their enduring attachment to top-down institutional approaches to reform.<sup>89</sup> What is less certain, at this point, is how and to what extent such middle-level findings might gradually improve understanding on how to address higher-order challenges that rule-of-law assistance claims to confront (albeit mostly unsuccessfully in practice).<sup>90</sup>

Less certain also is whether the framework of people-centered justice will take root more securely in the face of such global challenges. As a final thought, we are left with a concern that reflects a long-standing predilection in international development of being fast and loose in the use of the latest jargon. Here, we recall Stephen Toope’s entreaty, close to two decades ago, that “[i]f development workers are going to continue to use the shorthand of ‘rule of law,’ they should specify what they mean. More pointedly, the phrase should not be invoked to mask an absence of underlying analysis.” If people-centered justice were to go the same way as the rule of law, of standing in for “all good things” justice, the true promise of people-centered justice will fail to materialize in practice.

<sup>89</sup> For a similar reflection on the “missing middle,” see Desai, Wagner, and Woolcock, “Missing Middle.”

<sup>90</sup> For an effort to generate such middle-level findings, see e.g. Adrian Di Giovanni and Poorvi Chitalkar, “Grassroots Justice Organizations Are Deploying Research to Stem the Tide of Injustice,” Open Global Rights, November 10, 2022, accessed June 17, 2024, <https://www.openglobalrights.org/grassroots-justice-organizations-research-combatting-injustice/> describing the Grassroots Justice Network’s Legal Empowerment Learning Agenda.



Averting this fate requires neither an academic definition of the concept nor a diplomatically negotiated one, but instead an active embrace of a set of key values and principles about what a people-centered justice system should look like domestically and what international support for people-centered justice entails. There is no better time than now to bring additional probing and rigour to the use of people-centered-justice language, given the urgent challenges of justice the world over. More profoundly, a larger shared or coordinated agenda is needed to improve alignment and exchange on effective practices, strategies to achieve needed reform, and networks of practitioners. Recent initiatives such as the Justice Action Coalition and the Justice Data Observatory offer promising examples of efforts to improve and deepen coordination and learning, and to develop shared agendas for research on people-centered justice—though on these points neither of us can claim objectivity.<sup>91</sup>

As we enter the second half of the implementation period for the SDGs, the justice field, globally, can ill afford to stop short and squander the promise of people-centered justice. The use of the language of people-centered justice is evidently spreading and, with it, the understanding of its underpinnings. Ultimately, however, the impacts of people-centered justice will only materialize if it is translated into action: better data and evidence on justice problems and solutions, more and smarter financing, effective collaboration between stakeholders at all levels, and implementation at scale. Only then do we stand a chance of demonstrating significant, sustained, and measurable increases in justice for people and communities across the world, as SDG 16 promises.

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<sup>91</sup> See e.g. the American Bar Foundation's "Justice Data Observatory," supported through a partnership between Canada's International Development Research Center (IDRC), the OECD, and World Bank, which is developing "collective global research and data agenda on people-centered justice" (American Bar Foundation, "Justice Data Observatory" (undated), accessed June 17, 2024, <https://www.americanbarfoundation.org/program/justice-data-observatory/>).

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