

Helpdesk Research Report: SWAps and Justice

Date: 13th April, 2007

Query: What are best practice and lessons learned in SWAps, particularly relating to the justice sector?

Enquirer: DFID Afghanistan

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1. Overview

There is a good range of material on lessons learned from SWAps, primarily from the health and education sectors. Most of the resources mention the need for country ownership of the SWAP, gender mainstreaming and long-term support that is tailored to the country context. Other repeated advice is to 'go slowly', focus on capacity building and to involve the Ministry of Finance from the beginning.

Two of the resources below discuss the difficulty of introducing SWAps in a post-conflict environment like Afghanistan. They argue that there are not yet examples of SWAps operating successfully in post-conflict environments.

Section 2 presents general documents on best practice in SWAps, most dating from around 2000 or 2001 (as there were not many more recent documents). Section 3 details specific resources on lessons learned in justice SWAps. The most publicised justice SWAps are JLOS in Uganda and GJLOS in Kenya.

2. Lessons learned in SWAps

General resources on SWAps

- Foster, M., 2000, 'New Approaches to Development Co-operation: What Can we Learn from Experience with Implementing Sector-Wide Approaches?', Working Paper 140, ODI: http://www.odi.org.uk/publications/working_papers/wp140.pdf

This paper is highly relevant to your query. Chapter 7 is of particular interest as it focuses on 'Dealing with Difficult Environments in Sector Programmes', although it concludes "overall, the lesson from the experience of trying to operate sector programmes in hostile environments is not a positive one" (p.35). The author comments that 'most SWAps are operating in environments with uncertain macro stability, corruption, incentive problems, weak policy and poor implementation capacity'. Key recommendations for designing SWAps in difficult contexts are to emphasise country ownership and a shared vision, gain a contextual understanding and support the budget process, even where it is weak.

- HLSP Institute, 2005, 'Sector-Wide Approaches: A Resource Document for UNFPA Staff, HLSP Institute: http://www.unfpa.org/upload/lib_pub_file/626_filename_swap-

[unfpa-resource-2005%20.pdf](#)

This document provides a general introduction to SWAps from a donor perspective. Page 11 has a particularly useful section entitled 'Summary: Lessons of Good Practice in Establishing Sector Approaches'.

- Foster, M and Mackintosh-Walker, S., 2001, 'Sector Wide Programmes and Poverty Reduction', Working Paper 157, CAPE, ODI:
http://www.odi.org.uk/publications/working_papers/wp157.pdf

This paper specifically explores SWAps as a poverty reduction tool, and emphasises the need to design SWAps with access for the poor as a central concern, or the poor tend to remain excluded.

- Brown, A. et al, 2002, 'The Status of Sector Wide Approaches', Working paper 142, CAPE, ODI: http://www.odi.org.uk/publications/working_papers/wp142.pdf

This is a lengthy overview of the literature on SWAps with specific chapters on ownership, partnership, participation, capacity building, and M&E, amongst others.

Gender

Gender can easily be overlooked in the design and implementation of SWAps. The resources below address how to ensure that gender is mainstreamed across a SWAp.

- OECD, 2002, 'Gender Equality in SWAps: A Reference Guide', OECD:
<http://www.oecd.org/dataoecd/24/17/1956174.pdf>

This best practice guide gives details on how to mainstream gender across SWAps, for example through organisational structure, gender-sensitive M&E and donor co-ordination for gender mainstreaming.

- Sibbons et al, 2000, 'Mainstreaming Gender Through SWAps in Education: Synthesis Report', report to DFID, ODI and Cambridge Education Consultants: summary and full document available at <http://www.gsdrc.org/go/display/document/legacyid/1189>

This document does focus more on education SWAps, but has a section on 'Lessons Learned and Challenges for the Practice of SWAps in Education' which starts on page 11, and has some transferable lessons.

Health & Education

- Foster, M., 1999, 'Lessons of Experience from Sector-Wide Approaches in Health', Overseas Development Institute:
http://www.odi.org.uk/pppg/cape/publications/mf_sector_wide_health_lessons.pdf

This 16 page paper mainly outlines generic guidance for the design and implementation of a SWAp.

- Institute for Health Sector Development, 2003, 'Sector Wide Approaches in Education', Institute for Health Sector Development: access summary and full text at <http://www.gsdrc.org/go/display/document/legacyid/1128>

This article focuses on Education SWAps but contains generic advice and lessons learned. See particularly page 11 onwards which details a table of 'key issues, lessons and challenges'.

- DFID, 1999, 'Sector Wide Approaches to Education: A Strategic Analysis', paper no. 32: <http://www.dfid.gov.uk/pubs/files/secappedpaper32.pdf>

The most relevant section of the paper is 'SWAps to Education: Lessons Learned' which gives generic, rather than education specific lessons learned.

3. Justice SWAps

- Stone, C. et al, 2005, 'Supporting Security, Justice and Development: Lessons for a New Era', report to DFID, Vera Institute of Justice: summary available at <http://www.gsdrc.org/go/display&type=Document&id=1363> , full text at <http://www.gsdrc.org/docs/open/CON24.pdf>

This report surveys DFID's SSR and SSAJ sector-wide work in Jamaica, Malawi, Nigeria, India, Nepal, Afghanistan and Sierra Leone. Section 2 specifically considers the difficulties of sector-wide SSAJ work in post-conflict environments such as Afghanistan, and argues that "the principal lesson is that holistic sector-wide approaches to SSR and SSAJ programmes in these conflict and post-conflict contexts have not yet proved possible". It identifies 3 main obstacles to post-conflict justice related SWAps:

- Funding is usually too short-term
- Civilian leaders are preoccupied with ending the active conflict
- Common shortage of expertise in holistic SSAJ approaches

Afghanistan is discussed on page 18, and page 22 onwards discusses 'Lessons Learned from Police and Justice Reform in Conflict and Post-Conflict Environments'.

Uganda: Justice, Law and Order Sector (JLOS www.jlos.go.ug)

- Sserumaga, A., 2003, 'Sector Wide Approaches in the Administration of Justice and promoting the Rule of Law: The Uganda Experience', presented at the Seminar on the Rule of Law European Initiative for Democracy and Human Rights', July 3rd and 4th, Brussels: <http://www.gsdrc.org/docs/open/SSAJ107.pdf>

Chapter 5 of this document is entitled 'Lessons Learned' and goes into considerable depth, using the example of the Ugandan JLOS SWAp. Chapter 6 is also relevant as it outlines 'Things to Consider' in the design of a justice SWAp.

- Asimwe, A. et al, 2004, 'Justice, Law and Order Sector Strategic Investment Plan, Mid-Term Evaluation 2001/02 – 2005/06', International Human Rights Network: Volume One available at: http://www.ihrnetwork.org/files/Uganda_JLOS_MTE_Vol_One.pdf and Volume Two available at: http://www.ihrnetwork.org/files/Uganda_JLOS_Mid_Term_Vol_Two.pdf

This lengthy evaluation assesses JLOS's management structure, performance, local level effectiveness and support, inter-sectoral policies and working relationships, and contribution to the PEAP (see Volume One). Volume Two may be particularly useful to you as it details a thorough checklist used for the evaluation: 'A checklist for JLOS planning and evaluation'.

- Edroma, E., 2005, 'Sector Wide Approach in Justice, Law and Order: The Uganda Experience', presentation to the ALRAESA Annual Conference on Fusion of Legal Systems and Concepts in Africa, September 4th – 7th, 2005: http://www.doj.gov.za/alraesa/conferences/papers/ent_s2_edroma.pdf

This speech details the historical context, origin, structures and programmes of JLOS. The most relevant section is the 'Overview of JLOS Achievements and Challenges' which is overwhelmingly positive about the approach, arguing that it has led to improved quality of, efficiency and effectiveness of, and access to justice.

The British Council ran a conference in 2006 (November 21-22, Nairobi) on 'Justice Sector Reform in Sub-Saharan Africa: Strategic Frameworks and Practical Lessons'. One theme of the conference was justice SWAps and the following presentations are available online:

- Manuel, C. and Serumaga, A., 2006, 'A Sector Wide Approach – What Does it Mean and How Does it Work?': http://www.britishcouncil.org/justice_conference_-

- [theme_2_background_paper.doc](#)
- Odoki, B., 2006, 'The Development of the Ugandan Justice, Law and Order Sector-Wide Approach':
http://www.britishcouncil.org/implementing_a_swap_uganda_benjamin_odoki.doc

This short presentation is also very positive in assessing the impact of JLOS.

Kenya: The Governance, Justice, Law and Order Sector Reform Programme (GJLOS)

- GoK, 2007, 'Mid Term Review of GJLOS Reform Programme: Consultants Final Report', Government of Kenya:
http://www.gjlos.go.ke/Completed_Final_Report%20%20MTR_GJLOS_07.pdf

This review is generally positive, stating that GJLOS has improved efficiency in the justice sector through improved service delivery and improved quality of work. However, there are weaknesses, specifically poor analysis of beneficiaries, overambitious workplans and overly centralised structures. The review also concludes that whilst GJLOS shows some elements of a SWAp, it cannot be classed as a fully fledged SWAp.

The following paper on the Kenyan Justice SWAp is also available from the British Council conference website mentioned above:

- Angote, D., 2006, 'Implementing a SWAp – the Example of Kenya':
http://www.britishcouncil.org/implementing_a_swap_kenya.pdf

More information on the Kenyan Justice SWAp, GJLOS, may be available from their website: www.gjlos.go.ke. Unfortunately the site was experiencing technical difficulties for the majority of the time available to complete this query response.

Authors and contributors

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The following were also contacted although a response was not received before the query deadline: Karen Kenny (International Human Rights Network), Donal Cronin (Department of Foreign Affairs, Uganda).

Websites visited

Amnesty International, CIDA, Eldis, GJLOS, Google, GSDRC, Human Rights Watch, IRIN, JLOS, Ingenta Journals, Open Society Institute, Overseas Development Institute (ODI), Oxfam, Vera Institute for Justice, World Bank.

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