

Introduction

Expanding Access to Justice (EAJ) is a five-year program funded by the United States Agency for International Development (USAID) through the Freedom House-led Human Rights Support Mechanism (HRSM) and implemented by Pact and the American Bar Association Rule of Law Initiative (ABA ROLI) aimed at contributing to **lasting improvements to access to justice and effective mechanisms to address grievances**. The program is specifically directed at achieving three interlocking objectives:

1. Improving the public's access to legal information through research, analysis, outreach, and policy interventions
2. Increasing the quality and reach of legal aid services and justice
3. Increased capacity and sustainability of legal aid organizations (LAOs)

EAJ began with an intensive five-month inception phase (August 2018-January 2019) used by Pact and ABA ROLI to develop the foundational relationships and contextual understanding needed to begin implementation within a dynamic and challenging operating environment. This inception phase was built around a series of structured and informal engagements with diverse actors connected directly and indirectly to the justice sector in Somalia and Somaliland. It also included multiple formative research assignments used by the program to establish a working understanding of key stakeholders, justice-related issues and opportunities, and contextual dynamics.

The inception phase included a **baseline Applied Political Economy Analysis (APEA)**, which was used to broadly investigate underlying incentives and disincentives that shape the degree to which key actors support or oppose the goal and objectives of EAJ. As an *applied* analysis, the APEA aimed at informing early-stage program decisions related to partnership, stakeholder engagement, and activity design. The baseline study was used to kickstart an ongoing APEA process that enables continuous assessment of contextual dynamics and shifting incentive structures. The baseline APEA was also one component of a larger set of analytical exercises aimed at understanding distinct facets of the operating environment. This included a **Rapid Mapping of the Justice Sector**, which described the role and conditions of key government and non-governmental justice actors. It also included the **Gender Equality and Social Inclusion (GESI) Strategy**, which provided a robust analysis of the ways in which gender and social norms circumscribes how Somali individuals and groups engage with the country's pluralistic legal system. Furthermore, during the beginning of the implementation stage, EAJ will use ABA ROLI's **Access to Justice Assessment Tool (AJAT)** to understand how Somalis' navigate (or fail to navigate) the country's plural justice pathways.

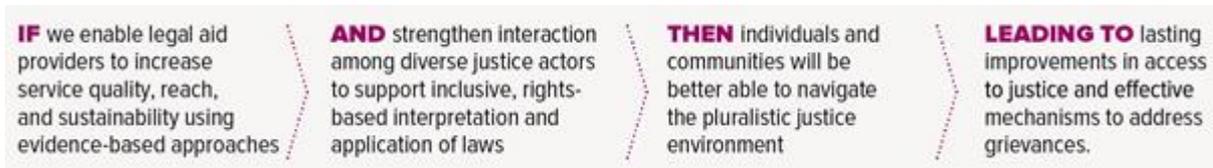
In order to understand the potential for long-term, sustainable expansion of justice in Somalia, the baseline APEA focused on identifying the extent to which there exist influential *constituencies* for public policies and investments aimed at improving the quality and reach of justice services, as well as on constituencies that have an interest in spoiling such improvements. The decision to focus on "constituency" within the APEA stemmed from a belief that durable improvements in access to justice require local ownership of reforms and associated institutions, which will only be achieved if there are constituent groups that are willing to press for progressive reform and action and have influence over public decisionmakers, as those likely to spoil the process are excluded.

The baseline APEA showed that access to justice initiatives have tended to be understood as a donor-funded priority, with limited levels of local ownership evident over legal aid and related justice reforms, which are seen as benefiting marginalized groups as opposed to elite constituencies with access power. At the same time, the study found that there exist a range of formal and informal constituencies who have potential interest in improving justice access. At a macro level, therefore, the baseline study will inform EAJ's approach to convening key stakeholders or constituencies as it seeks to advance institutional reform related to legal aid and access to justice more broadly.

The baseline APEA also revealed the limits of a high-level study focused broadly on the issue of access to justice. While providing a useful perspective, the baseline study did not provide the detailed, regional/sub-regional-focused analysis of political economy factors that will be essential as EAJ is implemented. However, the experience of conducting the baseline APEA also provided key lessons around how the project can best conduct applied analysis over the remainder of the project. Thus, the value of the baseline was less in the product it generated than in the process it initiated. Importantly, the study provides a framework, constituency-based lens, and network of mobilized regional researchers that the program can use to conduct more granular, ongoing APEA as EAJ moves into its implementation phase.

Research Design and Methodology

The EAJ program is built around a theory of change that proposes that **improved service quality and reach of legal aid** combined with **strengthened interaction of justice actors** can support Somalis to **better navigate their complex, pluralistic justice system**, thereby leading to **lasting improvements in access to justice**:



This theory of change places a heavy emphasis on equipping legal actors, including LAOs, with better tools in the form of individual and institutional capacity and evidenced-based research as a means of improving justice sector outcomes. This development hypothesis, therefore, implies that there is sufficient interest among key stakeholders to put those tools to use, including beyond the life of the EAJ program.

The EAJ team decided to use the baseline APEA to test the proposition that there exists requisite interest among key groups to drive and sustain efforts to extend legal assistance and more broadly expand justice access. The research team explicitly sought to map key constituencies that hold influence over decisionmakers within the justice sector and describe the extent to which they tacitly or actively support or counter efforts to improve access to justice services. Specifically, the research was organized around the following primary research question: **What constituencies matter to decision-makers in a way that incentivize them to expand access to justice?**

While focusing broadly on the question of support to access to justice writ large, the research team explicitly investigated levels of support for justice services related to sexual and gender-based violence (SGBV) and, to a lesser extent, family law and land. The research focused disproportionately on the degree to which key constituencies support the expansion of formal justice services. However, the constituency-lens used for this research could be applied to examine specific questions related to support for reforms of the customary and/or religious justice systems that may improve access and representation.

The baseline APEA was led by an expert consultant responsible for the research design, data analysis, and documentation of findings. A team of 4 regionally-based researchers were responsible for data collection and initial analysis across five regions of Somalia, including: Mogadishu/Benadir, Puntland, Jubaland, South West State and Somaliland. Regional researchers carried out a multistage research process, including:

- Identification of LAOs in each of the five regions, including identification of organizations with limited-to-no dependence on foreign assistance
- Initial two-day scoping, including interviews with LAOs and other actors to identify 15 constituencies in each region perceived to have the most influence on the justice sector
- Seven-day data collection period focused on consultations with respondents from identified constituencies

The program selected researchers who were deeply embedded within local communities. While they were provided with guiding research questions aimed at uncovering the nature of key constituent groups' influence and interest in access to justice, they were directed to conduct interviews in a conversational manner. This was found to increase stakeholders' comfort with the interviews. In total, regional researchers conducted 127 key informant interviews, covering a range of stakeholder groups including: legal experts, police and law enforcement, LAOs, traditional authorities, *shari'ah*/Islamic law authorities, political and economic elites, and local academics and experts. The research was further complimented by a review of existing literature on the political economy in Somalia.

The EAJ team made a deliberate effort to not only develop a research team for the purpose of the baseline study, but to develop a network of researchers that it can use on a scheduled or demand-driven basis in order to conduct *everyday* APEA and carry out defined, issue-specific research and analysis. The team included experienced researchers who are intimately networked within their regions and are now sensitized to the program's APEA approach and able to apply a constituency-focused lens to its analysis moving forward.