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Occasional Paper Series

THE RULE OF LAW MOVEMENT, PAST AND FUTURE:
THE VIEW FROM EWMI

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The Rule of Law (ROL) movement, dormant since the short-lived Law and Development initiatives of the 1960s, found new energy and optimism in the new world order that emerged at the end of the Cold War. In the years following the fall of the Berlin Wall in 1989, the United States and other Western governments made concerted efforts to promote the ROL in the former Soviet Union and throughout the developing world in the belief that doing so would secure peace and prosperity around the globe. Over three decades later, the ROL finds itself under siege. The World Justice Project's latest Global Rule of Law Index highlights a global ROL recession that has persisted since 2016, driven by rising authoritarianism and shrinking space for civic engagement. In January 2025, the incoming Trump administration suspended all, and subsequently terminated most, ROL programming funded by the United States government (USG), mostly through the United States Agency for International Development (USAID). With populism ascendant and aid budgets dropping, the post-Cold War era of ROL promotion is at an end. The question for ROL advocates is obvious: What comes next?

In an effort to develop an answer, the East-West Management Institute (EWMI), a not-for-profit organization based in New York, has undertaken a review of the ROL programs it implemented going back to its first projects in Albania and Bulgaria in the mid-1990s through to the programs it was implementing that were terminated last year, including in Armenia, Georgia, Kyrgyzstan, Uganda, Uzbekistan, and Zimbabwe. This is what we found.

ROL Journey Part One: Institution Building

The initial phase of post-Cold War ROL promotion, encompassing most of the 1990s and continuing into the new millennium, emphasized the development of laws and justice institutions that generally mirrored those of the West. The top priorities were legislative drafting assistance,

training of justice officials, and creating or building the capacity of justice institutions (courts, bar associations, prosecutorial bodies, etc.). EWMI's work during this period reflected these priorities, and produced some lasting successes, including:

Model Courts in Albania and Bulgaria: EWMI, in the late 1990s and early 2000s, pioneered the use of model court programs to introduce new court and case management techniques. Recommendations included separating public and private areas of courthouses, relocating intake offices to ground floor locations, and placing file maintenance and archiving functions nearby to improve efficiency. EWMI also supported posting improved public signage with filing fees and court users bills of rights, and eventually installing public information kiosks. These and other innovations, such as automated case management systems, were subsequently incorporated into courts throughout the region, including by other implementing partners, resulting in a vastly improved, more efficient, and more transparent judiciaries throughout Eastern Europe.

The National Institute of Justice (NIJ) of Bulgaria: In the early 2000s, EWMI helped establish the NIJ as the leading judicial training center in Eastern Europe, with large numbers of judges, prosecutors, and staff receiving training on EU law, criminal procedure, and other vital topics. Support included administrative and curriculum guidance, bricks and mortar construction, and training of trainers.

Constitutional Court of Kosovo: From 2008 to 2012, EWMI helped the Constitutional Court of Kosovo develop from an institution existing only on paper to one of the most respected state institutions in the country, the decisions of which directly resulted in the resignation of two Presidents. EWMI assistance to the Court encompassed advising on its legislative framework and internal regulations, staffing, strategic planning, professional training, and public outreach. EWMI also developed and installed a state-of-the-art Case Data Management System to improve efficiency and reduce paperwork.

Cambodia criminal court database: EWMI introduced a criminal case database at the Phnom Penh Municipal Court in 2012 that helped to effectively eliminate excessive pretrial detention at the court, and which was ultimately introduced in all first instance courts in the country.

Case processing timeframes in Bosnia and Herzegovina (BiH): EWMI helped the High Judicial and Prosecutorial Council (HJPC) in BiH establish a new system of optimal and predictable case processing timeframes before courts and prosecutors' offices, aimed at eliminating delays, reducing backlogs, and increasing transparency. The timeframes were formally adopted by the HJPC in 2014, and more than a decade later, at least four of the 10 Federation cantons are still using them.

Judicial entrance examinations in BiH: Working closely with the HJPC, EWMI helped establish a new system of written testing and structured interviews for candidates for judicial and prosecutorial posts. Formally adopted in 2014, it is still used by the HJPC, enabling in principle an objective and transparent process of selection and appointment of judges and prosecutors.

Montenegro judicial administration and transparency: From 2010 to 2013, EWMI supported reforms to improve the efficiency, transparency, and administration of Montenegro's courts. EWMI implemented court improvement plans in the Basic Courts of Podgorica and Ulcinj and upgraded the national Judicial Information System (PRIS) into an automated case-management and statistical reporting platform that remains in use today.

Other efforts were less sustainable. A matrix of performance standards that EWMI introduced in all the prosecutors' officers in BiH did not last, nor did the EWMI-initiated Forum for Joint Policy comprised of the State Ministry of Justice and the HJPC. Despite the successes noted above, moreover, efforts to develop the HJPC into an independent, apolitical body largely failed. In North Macedonia, an online platform that judges can use to obtain ethics guidance remains available, but is underutilized. Legal ethics and advocacy skills courses that EWMI introduced at the Royal University of Law and Economics in Cambodia were not incorporated into the permanent curriculum. An interactive map directory of legal aid providers in Kyrgyzstan that EWMI piloted with the Kyrgyz Ministry of Justice is no longer maintained.

ROL Journey Part Two: In Search of Political Will

In the early 2000s, as some began to question the results of the previous decade's wave of rule of law programs, a new set of approaches emerged. Donors and ROL practitioners began to emphasize that building the ROL was a political, not a technocratic, process. Assessing "political will" in programming design, largely through conducting political economy analyses, became the centerpiece of many projects. Where such political will was found lacking, a greater emphasis was placed on the "demand side" of the justice sector by supporting CSOs to advocate for and monitor reforms, or by helping them to provide legal aid. Many large USAID-funded projects during this period, including those implemented by EWMI, continued to include both traditional institution-building approaches but also added access to justice components.

EWMI's work to strengthen free legal aid in Bosnia and Herzegovina is one example of a successful "demand-side" initiative. In 2004, when EWMI began its justice sector development work in BiH, the only public legal aid office in the country was in the small municipality of Brcko, established by the international administrators that govern the town. The rest of the country used a costly system of legal aid based on court appointments of private attorneys. EWMI undertook a cost comparison study that showed that a system of public legal aid offices would cost less and be more predictable than the status quo, and then supported local champions who worked to remove legal barriers to such offices. Today, legal aid offices continue to serve clients in the Republika Srpska and in 10 of the 12 Federation cantons, providing quality legal representation to indigent clients while saving hundreds of thousands of dollars annually compared to the previous system of relying exclusively on ex officio court-appointed lawyers.

A less successful example comes from EWMI's experiences in Liberia, where working with a local NGO and the prison authorities, it sought to address the abuse of extended pre-trial detention by automating intake procedures. Even though EWMI's approach was barebones,

after USG funding ended the initiative fell victim to the lack of local government commitment and the effort was abandoned.

Political commitment became increasingly elusive in other regions as well. EWMI efforts to increase judicial independence by strengthening judicial councils came up against significant political opposition in Serbia, and later, after Russia's full-scale invasion of Ukraine, in Georgia. There, EWMI was forced to pivot towards strengthening the independence of individual judges, including by bringing Georgian judges to the United States to be mentored by U.S. judges for two-week periods, an improvement over the usual form of short group study visits that prevailed at the time. Several U.S. judges also came to Georgia for extended periods (several months) and were embedded in Georgian courts to mentor Georgian judges. Some of EWMI's initial work with civil society in Georgia was done in collaboration with courts, including a CSO monitoring program that demonstrated that courts were favoring the state in criminal and administrative cases, leading to some (albeit temporary) changes in the way judges resolved those cases.

The deteriorating political situation in Georgia eventually forced a further shift towards working more closely with CSOs and law faculties, including increased support for strategic litigation before domestic and international courts, such as the European Court of Human Rights (ECtHR). These cases are still bearing positive fruit, as demonstrated by a recent ECtHR decision finding that the government had used excessive force against Georgian citizen protesters. EWMI also developed strong partnerships with multiple law schools around the country, introducing clinical programs, Street Law initiatives, and human rights and legal ethics "chairs" at several schools. But EWMI's work in Georgia came to a halt in 2025, not only because of the termination of USAID support, but also because the Georgian government enacted a Russian-style "foreign agents law" that essentially made grant-giving to Georgian CSOs and independent law schools impossible. Although Georgia had been the most promising of the post-Soviet independent states, it now became another casualty among the many caught up in the ROL recession.

ROL Journey Part Three: People Centered Justice (PCJ)

In the years leading up to its demise in 2025, USAID (and other donors) began to emphasize **"people-centered justice"** (PCJ). PCJ seeks to address the "justice gap" – the unmet legal needs of the people – by focusing less on the machinery of justice and more on identifying the specific legal needs of targeted populations and working to address them. USAID's adoption of a PCJ-oriented strategy marked a paradigm shift away from institution-building and from what many would argue is a core function of the rule of law, which is to restrain (or at least delineate) state power. Given the failures of America's "nation-building" efforts in Afghanistan and Iraq (N.B., efforts that EWMI did not participate in), the disappointments of the Arab Spring, as well as the emergence of populist political governments in Poland, Hungary, and Slovakia, the times seemed to demand this new paradigm. Unfortunately, although EWMI had started implementing several PCJ-oriented programs, including in Cambodia, Georgia, and the Kyrgyz Republic, the 2025 termination of these programs makes measuring their impact difficult. Some preliminary

lessons can be highlighted, however, in particular from Kyrgyzstan, where EWMI had started implementing PCJ-type initiatives starting in 2019, before PCJ was adopted as a USAID priority.

EWMI's work in the Kyrgyz Republic was structured around mobilizing citizen initiative groups (CIGs), informal groups of individuals that come together to address an issue in their community, such as a local health hazard, the need for a road, or a threat to livelihoods. EWMI began by conducting field research to identify citizen initiatives in 10 targeted regions that would benefit from (and be receptive to) technical support, which included a series of advocacy workshops to strengthen the CIGs' practical skills in advocacy, communication with stakeholders, and networking. The pilot local initiative groups achieved some modest but notable results. In Kochkor, for example, the CIG succeeded in having an unhygienic bathhouse that had been illegally built near a school removed. The initiative group achieved this by organizing meetings with stakeholders and following up with outreach to the relevant authorities. Another CIG, in Tailan, likewise engaged in outreach to the local Mayor's Office to achieve an important safety improvement, the construction of a bus stop with a pedestrian crossing. Similar scale results using similar strategies and tactics were attained in other localities. The emphasis in these efforts was to develop civic habits and skills at the community level—marshalling evidence, making demands of the authorities, and holding the authorities accountable—that foster a culture of democracy and ROL.

Also, before USAID adopted PCJ as its approach to ROL, EWMI implemented some PCJ-like initiatives under a civil society strengthening project in Cambodia. As in the Kyrgyz Republic, EWMI began by preparing citizens to take action, working through local CSO partners to provide training and convene community meetings to discuss and prioritize local needs. EWMI engaged over 50,000 citizens in these capacity-building activities over a four-year period beginning in 2018 (notwithstanding the challenges of the COVID-19 pandemic that emerged in 2020). In all, EWMI-supported Cambodian CIGs raised 949 issues with subnational authorities, calling for a range of government action, from commune services to enforcement of natural resource laws and more. Crucially, the CIGs were able to see the fruits of their efforts: the authorities responded positively to 533 citizen requests, and 48 commune councils took concrete action in response to CIG initiatives. For example, in one target area, commune councils integrated 80% of the concerns raised by villagers into commune investment plans. In addition, authorities provided ID Poor cards to families affected by COVID-19 at the request of citizens. Other CIGs achieved success in improving commune service delivery. In target areas in three provinces, nearly half of the issues raised by CIGs at the commune level were resolved favorably.

In Georgia, EWMI's focus was less on engaging CIGs directly with state authorities and more on helping them engage with CSOs (and vice versa). Again, under a civil society strengthening project, EWMI undertook a series of bus tours with CSO partners to reach remote, underrepresented, and otherwise marginalized communities. These bus tours prioritized informal interactions involving conversations on village streets and in backyards to explore the problems that concerned citizens the most, including environmental protection, registration of

land ownership, the use of timber, the social and environmental impact of large hydropower plants, migration, and underdeveloped tourism potential. EWMI also used Regional Civic Engagement Campaigns, CSO fairs, and Right to Know Campaigns to promote citizen participation in CSOs' activities.

In its final ROL program in Georgia, EWMI sought to engage the courts in PCJ initiatives, including developing court specific plans to improve communications, outreach, and responsiveness to community needs. Unfortunately, these efforts were as stymied by the political context as any other ROL efforts – demonstrating one limit to the PCJ approach. Also, although these programs resulted in some improved services to communities, and instilled in the communities as sense of citizen-activism, they did little to address traditional, core elements of the ROL: protecting human rights, developing an independent judiciary, and constraining state action.

Some Takeaways

One takeaway is that the institution-building period of ROL promotion saw some notable successes – and likely contributed to the rapid accession of the countries of Central and East Europe into the EU. ROL promoters should also recognize the impact of their work in strengthening civil society organizations in the region. CSOs have proven to be important counterweights to the ROL backsliding experienced in Hungary, Poland, and Slovakia.

The states that had made up the Soviet Union have shown themselves more resistant to ROL reform. That should not have come as surprise given the fact that those countries had only ever had limited exposure to democratic norms or to the ROL – all had been subjected to Russian imperial domination for hundreds of years before the Soviet Union came into being. As we worked in these regions, however, ROL promoters nonetheless pressed ahead with the same basic playbook: train judges, prosecutors and lawyers, and build justice sector institutions modeled on Western templates. Judicial councils, which are seen as a model for judicial self-governance in Europe, were easily captured by anti-democratic forces, as happened quickly in Russia and as EWMI experienced in Georgia. A second takeaway, then, is that international ROL promoters need to be more mindful of the long history that precedes our appearance in these countries, and that we may need, depending on the country and its history, to focus more on building the capacity of citizens to engage with governments—to build up their democratic muscles, so to speak—before engaging in traditional institution building, lest those institutions, upon state-capture, are turned into instruments of repression rather than guarantors of freedom.

An important aspect of this work may also be something that has been shortchanged here in the United States as well: an emphasis on civic education. Work in this area, however, also requires close coordination with governments and ministries of education, coordination that closed states are unlikely to engage in. In addition, although not discussed too much in the foregoing summaries, legal education should be considered a vital element of ROL programming. Although it was included in several EWMI programs, most recently in Georgia where we

helped establish clinics, moot courts, and other practical skills training programs, overall legal education has received woefully little attention from USAID and other donors. Helping future and young lawyers think critically and become problem-solvers in their communities is an essential aspect of building the democratic and ROL muscles that have never been exercised in many countries, and which may be atrophying in others.

One final note that ROL practitioners have long been aware of but bears repeating is that ROL reform is a long-term process and with often fragile results; when the work returns, no one should suffer under the misperception that results will be rapid or permanent.

Charting the Path Forward

Based on the ROL recession, the termination of most USG-funded ROL programs, and the ongoing assault on the post-Second World War rules-based order, the prospects for ROL promotion appear bleak. Looking ahead, we suggest focusing on two prongs, one very old school but informed by some of the lessons noted above, and the second is very new school and rooted in recent technological advances.

The first prong is building social capital and habits of civic engagement that are the bedrock of democracy and ROL. Based on the experiences summarized above, it should go without saying that traditions of civic engagement are not exclusive to the West, and promoting civic engagement should emphasize approaches that resonate with the local culture. For example, Botswana has an ancient tradition of communal decision-making, known as *kgotla*, through which citizens participate in monthly assemblies dedicated to collective decision-making, dispute resolution, consultation between leaders and citizens, and dissemination of public information. It pre-dates British colonial rule and was incorporated into the modern state after independence. By participating repeatedly in the *kgotla*, citizens learn how to argue publicly, how to listen to others, how rules are justified, and how leaders are held accountable. Not surprisingly, today Botswana is one of the few stable democracies in Africa. Unfortunately, there has been little if any attempt by democracy and ROL promoters to study the *kgotla* system and seek to advance its civic engagement approaches in other sub-Saharan African countries. Much could and should be done in this vein, tapping in to local traditions and seeking to expand or revitalize approaches that connect citizens with their communities and government and help them develop essential civic skills and habits.

The second area of focus should be on technology. Although AI and other technological advances pose significant challenges for democratic development, they also present new opportunities to promote the ROL through civic engagement. There are several East Asian examples where democracies are explicitly using AI and related digital tools to open up participation, gather deliberative input, and make policy-making more responsive. In Taiwan, the long-running vTaiwan [info.vtaiwan.tw] process uses the open-source deliberation tool Pol.is (which applies clustering/statistical analysis to thousands of free-text comments) to surface areas of agreement and disagreement across large, diverse publics. It has been used to

turn broad public discussion into actionable recommendations and has informed dozens of policy processes. In addition, Taiwan's Digital Minister and civic-tech leadership have run "Alignment Assemblies" and other hybrid (online and offline) consultation processes where chatbot-guided discussions, Pol.is-style analysis, and transparency practices are used to gather public views on AI governance and related laws, explicitly integrating AI tools to scale deliberation. These projects are experiments in integrating collective-intelligence tools into policy design.

In South Korea, AI chatbots and LLM pilots have been used to improve citizen engagement. Seoul's government has deployed AI-driven public chatbots (e.g., SeoulTalk) on popular messaging platforms to field citizen inquiries and is piloting LLMs to improve responsiveness and to help officials summarize public inputs and draft responses. These systems are used to make city services and citizen Q&A more accessible, increasing two-way interaction between residents and government. South Korea also has an active national-level AI/government transformation agenda that includes using AI to enable more scalable public consultation tools.

ROL promoters need to harness tools such as these as a means of not only opening up new avenues for civic engagement, but also as ways to improve access to justice and demand-driven ROL reforms. Doing so can also help develop democratic habits in our increasingly digital world. As most ROL promoters have been trained as lawyers, we tend to shy away from technological advancements, but they are happening and there is no way to stop them, so we need to engage with them in more meaningful ways if our experience is to be relevant, and if these new tools are to become ways for protecting and promoting fundamental freedoms and not just another tool of state repression.

It should also be understood that the door should not be completely closed on traditional ROL institution-building. For countries in a relatively advanced state of reform, with clear and compelling visions of what they want to achieve, institutional strengthening may well be useful. The key point is to significantly raise the bar in terms of the initiative required of countries receiving such assistance. There should be no return to the days of donors seeking local buy-in for specific approaches, or presenting countries with unprompted options for reform activities. Only unsolicited requests from countries with well-conceived ideas supported by strong local commitment should be entertained by donors.

Conclusion

A concluding thought on the links between democracy and the ROL. Although we see the ROL backsliding in many democratic states, we should see this as a function of struggles inherent in democracy itself. Democracy can produce populist demagogues, who tend to be hostile to the ROL because it limits state power and protects the rights of minorities (political, regional, ethnic, or otherwise). As a brake on the will of the majority, the ROL inevitably comes into conflict with populism. This reflects the paradox of democracy and the ROL: you cannot have the latter without the former, but democracy contains the seeds of the ROL's decay through its openness to capture by demagogues. Whatever tools ROL promoters bring to bear in this conflict,

whether through institutional strengthening, community engagement, or IT interventions, it is vital that we continue to raise our voices in support of the ROL. As more people experience the absence of the ROL, they will perhaps come to appreciate what they are losing, and we may see the pendulum swing back. In the meantime, promoters of democracy and the ROL must be prepared for whatever the future, politically and technologically, holds. Despite the ROL recession and the slashing of aid budgets, democracy and the ROL remain essential to human flourishing. Aware of our shortcomings but also of our successes, we can still make a difference, at home and abroad.