Rule of Law Collaborative

IN COLLABORATION WITH

U.S. DEPARTMENT OF STATE (INL)

JusTRAC Interagency Justice Sector Training Program

MARCH 5-6, 2015, WASHINGTON, DC

Course Objectives

The goals of this training program are to: (1) improve the skills and knowledge of individuals funding, designing, managing and/or implementing justice sector programs in post-conflict and transitional states; (2) increase opportunities for coordination and collaboration among USG donors, implementers, nongovernmental organizations, academic institutions, international organizations, foreign governments and multilateral institutions; (3) strengthen justice sector programing so as to have real impacts on host countries' ability to reform their legal systems; and (4) provide stakeholders the opportunity to share their experiences and lessons regarding justice sector programming.

Location

United States Institute of Peace
2301 Constitution Ave., NW
Washington, DC 20037
Enter on 1st floor. The registration table is located in the atrium.

Arrival & Attire

Nearest Metro: Foggy Bottom / ID Required / Casual Civilian Dress

Contact Information

Course Coordinator:	Dr. Gordon B. Smith
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Contact during program:	803-465-0555

Day 1: Thursday, March 5, 2015

8:30ᴀᴍ-9:00ᴀᴍ   **Registration**

9:00ᴀᴍ-9:15ᴀᴍ   **Welcome Remarks**

9:15ᴀᴍ-9:30ᴀᴍ   **Oᴠᴇʀᴠɪᴇᴡ ᴏꜰ Jᴜꜱᴛʀᴀᴄ ᴀɴᴅ ᴛʜᴇ ᴛʀᴀɪɴɪɴɢ Pʀᴏɢʀᴀᴍ**

Jenny Willier Murphy, Senior Justice Advisor, INL, Dept. of State

Joel Samuels, Director, Rule of Law Collaborative,
University of South Carolina

An overview of the JusTRAC Program as well as the Rule of Law Collaborative. Discussion of three takeaways from the course. Participants introduce themselves.

9:30ᴀᴍ-10:30ᴀᴍ   **Sᴇꜱꜱɪᴏɴ 1: Kᴇʏ Jᴜꜱᴛɪᴄᴇ Sᴇᴄᴛᴏʀ Rᴇꜰᴏʀᴍ Pʀɪɴᴄɪᴘʟᴇꜱ ᴀɴᴅ Cᴏᴍᴘᴇᴛɪɴɢ Dᴇꜰɪɴɪᴛɪᴏɴꜱ ᴏꜰ ᴛʜᴇ Rᴜʟᴇ ᴏꜰ Lᴀᴡ**

Dr. Gordon B. Smith, University of South Carolina

A discussion of why justice reform matters and the need for multiple approaches to achieving positive outcomes. We will explore competing definitions of rule of law and how these principles are operationalized in programs.

*Suggested reading/references (available on ROLC/JusTRAC websites):

- *Rule of Law Handbook*, The JAG Legal Center & School, U.S. Army, 2014, pp. 1-10.
- Rachel Kleinfeld Belton, "Competing Definitions of the Rule of Law: Implications for Practitioners", Carnegie Endowment, 2005.
- Brian Tamanaha, On the Rule of Law (Cambridge, 2004).

10:30am-10:45am   **Break**

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* Suggested reading and reference materials are optional.

10:45AM-12:15PM   SESSION 2: COMPARATIVE LEGAL SYSTEMS: COMMON LAW, CIVIL LAW, RELIGIOUS LAW, CUSTOMARY LAW AND MIXED LEGAL SYSTEMS

Panel Participants:

Hamid Khan, University of South Carolina

Jenny Willier Murphy, INL, Dept. of State

Aparna Polavarapu, University of South Carolina

Discussion of the five main types of legal systems we encounter in the field and the most important differences among them. What are the "blind spots" that Americans typically have when understanding legal systems in other cultures? What are some of the counterpart host country justice sector institutions with whom we normally work? What are some of the other major international organizations active in this arena? What opportunities and challenges do they present?

*Suggested reading/references:

- USIP/INPROL: Common Law/Civil Law Traditions.
- USIP/INROL: Islamic Law Guide
- UN Women, UNICEF and UNDP: Informal Justice Systems, Charting a Course for Human Rights Based Engagement.

12:15pm-1:15pm   **Lunch Break**

1:15PM-1:45PM   SESSION 3: SOUTH SUDAN EXERCISE

Joel Samuels, University of South Carolina

Exercise focusing on lessons learned from the morning sessions through the prism of post-independence South Sudan.

1:45PM-3:15PM   **SESSION 4: MAIN USG ACTORS: THEIR MANDATES, CAPACITIES AND APPROACHES**

Panel Participants:

Dr. Gordon Smith, University of South Carolina, Moderator

Bob Gifford, Director, INL/CAP, Dept. of State

Andrew Solomon, DCHA, USAID

George Huber, OPDAT, DOJ

Col. Jane Ellen Bagwell, COCOM, DOD

What USG agencies are the key players in justice sector/rule of law programming? What are their respective bureaucratic cultures, staffing, funding, and other resources?

SESSION 4A: Funding Sources within the USG

Brendan Garvin, F-Bureau, Dept. of State

An overview on the sources of USG funding and avenues for project support.

*Suggested reading/references:

- INL Guide to Justice Sector Assistance, Department of State, 2013.
- User's Guide to Democracy, Human Rights and Governance Programming, USAID, 2014.
- Interagency Security Sector Assessment Framework Guidance for the U.S. Government, USAID, 2010.
- USAID Strategy on Democracy, Human Rights and Governance, 2013.
- Guide to Rule of Law Country Analysis: The Rule of Law Strategic Framework, USAID, 2010.

3:15PM-3:30PM   **BREAK**

3:30PM-5:00PM **SESSION 5: JUSTICE SECTOR/RULE OF LAW BREAKOUT SESSIONS WITH WRAP-UP OF DAY 1**

Participants will be assigned to one of two breakout sessions: (1) COMBATTING CORRUPTION and (2) MIXED LEGAL SYSTEMS AND PROTECTING GENDER RIGHTS.

1. **COMBATING CORRUPTION: AN INTERAGENCY BRIEFING AND EXERCISE**

   Dr. Gordon Smith, Univ. of South Carolina

   Corruption is one of the persistent problems confronting USG personnel who work on justice sector reform and ROL development. This session explores the many forms that corruption can take and identifies strategies for combating corruption from multiple, integrated interventions.

   *Suggested reading/references:

   - World Economic Forum G20 Working Group on Improving Transparency and Eliminating Corruption.
   - "Raising the Bar: Good Anti-Corruption Practices in Defense Companies," Transparency International Report, June 2013.
   - USAID: Analysis of USAID Anticorruption Programming Worldwide (2007-2013), July 23, 2014.

2. **MIXED LEGAL SYSTEMS AND PROTECTING WOMEN'S RIGHTS: BRIEFING AND EXERCISE**

   Professors Aparna Polavarapu and Payal Shah, University of South Carolina

   Both customary law and statutory law present opportunities and obstacles for women seeking to exercise their rights. Mixed legal systems in which the two function simultaneously add a layer of complexity, as both customary and statutory law operate in very different ways, and in very different socio-cultural contexts. In this session, the group will discuss strategies for advocating for women's rights within such a mixed legal system. The session will include discussion of the advantages and disadvantages of past government and NGO programs.

   *Suggested reading/references:

   - INL Guide to Gender in the Criminal Justice System, INL/Dept. of State, 2013.
   - Institute for Inclusive Security and DCAF, A Women's Guide to Security Sector Reform.

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* Suggested reading and reference materials are optional.

Day 2: Friday, March 6, 2015

9:00AM-9:05AM   **Overview to Day 2**

Joel Samuels, University of South Carolina

9:05AM-10:15AM   SESSION 6: JUSTICE SECTOR ASSESSMENT AND PROGRAM DESIGN

Panel Participants:

Jose Garzon, Moderator

Djordje Djordjevic, Rule of Law, Justice and Security Team, UNDP

Shibani Malhotra, INL, Dept. of State

Julie Werbel, Senior Security Sector Reform Advisor, USAID

Presenters will discuss how to plan, design and implement justice sector/ROL programs, citing specific examples, challenges encountered, and interagency dynamics.

*Suggested reading/references:

The two primary frameworks used in interagency ROL assessments have been the INL Justice Guide and USAID's ROL Strategic Framework. UNDP and the World Bank also provide guidance on how to conduct a justice sector assessment.

- *Designing a Framework for Achieving Results*, World Bank, 2012.
- *Developing Results Frameworks,* USAID, 2013.
- "Sector Planning for Police, Justice and Corrections in Post-Crisis and Transition Situations," UNDP.

10:15AM-10:30AM   **Break**

10:30AM-12:00PM   SESSION 7: **Panel: Rule of Law Project Management, Performance Monitoring and End of Project Life Cycle**

Panel Participants:

Jose Garzon, Moderator

Mark Giroux, Director, INL/PA&E, Department of State

Paul Vaky, OPDAT Regional Director for Central and Eastern Europe

Heike Gramckow, Governance Global Practice, World Bank

Presenters will discuss the practical aspects of managing justice sector/ROL programs, including monitoring and evaluation techniques.

*Suggested reading/references:

- Gender Assessment USAID/Bangladesh
- USAID Performance Monitoring and Evaluation Tips
- INL Best Practices Project Management Quick Reference (PDF)
- INL Best Practices Performance Measurement Quick Reference (PDF)
- The United Nations Rule of Law Indicators.
- "Why, What, and How to Measure? A User's Guide to Measuring Rule of Law, Justice and Security Programmes"

12:00pm-1:00pm   **Lunch Break**

1:00pm-1:30pm   **Session 8: Exercise on Tunisia**

Hamid Khan, University of South Carolina

Exercise focusing on lessons learned from the morning sessions through the prism of post-election Tunisia.

1:30PM-2:45PM   SESSION 9: JUSTICE SECTOR AND RULE OF LAW RESOURCES AND TOOLKITS

Dr. Gordon Smith, University of South Carolina

Hamid Khan, University of South Carolina

An overview of resources and toolkits useful to USG and others working on justice sector and rule of law reforms.

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* Suggested reading and reference materials are optional.

*Suggested reading/references:

- *Rule of Law Index, 2014.*
- The United Nations Rule of Law Indicators.
- "Why, What, and How to Measure? A User's Guide to Measuring Rule of Law, Justice and Security Programmes"

2:45pm-3:00pm	**Break**

3:00PM-4:30PM **SESSION 10: WORKING WITHIN THE CULTURE: LESSONS FOR PRACTITIONERS**

Dr. Sudha Ratan, Georgia Regents University

How can a justice sector practitioner working in an unfamiliar cultural setting best come to understand and appreciate customary justice systems? Dr. Ratan draws on her extensive experience of Pashtunwali in Pakistan and Afghanistan to illustrate the importance of working within the culture.

*Suggested reading/references:

- My Cousin's Enemy is My Friend: A Study of Pashtun "Tribes" in Afghanistan.
- "The Clash of Two Goods: State and Non-state Dispute Resolution in Afghanistan" In *Customary Justice and the Rule of Law in War-Torn Societies.*
- Tribal Law of Pashtunwali and Women's Legislative Authority.
- Afghanistan Rule of Law Project, USAID.

4:30PM-5:00PM **Wrap-up and Feedback**

Professor Joel Samuels, University of South Carolina

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* Suggested reading and reference materials are optional.