



Rule of Law Collaborative

IN COLLABORATION WITH

U.S. DEPARTMENT OF STATE (INL)

JusTRAC Interagency Justice Sector Training Program

NOVEMBER 19-20, 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 programming 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

American Bar Association Rule of Law Initiative
1050 Connecticut Avenue, NW, Suite 570
Washington DC 20036, USA

Nearest Metro: Farragut North

Contact Information

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Day 1: Thursday, November 19, 2015

8:30AM-9:00AM Registration and Light Refreshments

9:00AM-9:15AM Welcoming Remarks, Overview of JusTRAC and the Training Program

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.

9:15AM-10:15AM SESSION 1: KEY JUSTICE SECTOR REFORM PRINCIPLES AND COMPETING DEFINITIONS OF THE RULE OF LAW

Hamid Khan, Deputy Director, Rule of Law Collaborative, 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 (click to access):**

- *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)

10:15AM-10:30AM Break

10:30AM-11:45AM

SESSION 2: JUSTICE SECTOR AND RULE OF LAW RESOURCES AND TOOLKITS

Kiel Downey, Research Coordinator, Rule of Law Collaborative, University of South Carolina

Simon Conté, Director, Research and Assessments, American Bar Association Rule of Law Initiative

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

***Suggested reading/references:**

- World Justice Project, *Rule of Law Index 2015*
- “The United Nations Rule of Law Indicators: Implementation Guide and Project Tools,” United Nations, 2011
- “Why, What, and How to Measure? A User’s Guide to Measuring Rule of Law, Justice and Security Programmes,” UNDP, 2014

11:45AM-1:15PM

LUNCH BREAK WITH SESSION 3: WORKING WITHIN THE CULTURE: LESSONS FOR PRACTITIONERS

Dr. Sudha Ratan, Augusta 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*
- Afghanistan Rule of Law Project, USAID

1:15PM-3:15PM

SESSION 4: MAIN USG ACTORS: THEIR MANDATES, CAPACITIES AND APPROACHES

Kiel Downey, University of South Carolina, Moderator

Michele Greenstein, INL, Dept. of State

Andrew Solomon, USAID

James Filpi, DOC

What USG Executive Branch 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

Keely Flatow, 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: COMBATING CORRUPTION: AN INTERAGENCY BRIEFING AND EXERCISE

Joel Samuels, University of South Carolina

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

***Suggested reading/references:**

- “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

Day 2: Friday, November, 20, 2015

8:30AM-9:00AM

Registration and Light Refreshments

9:00AM-9:05AM

Overview to Day 2

Hamid Khan, University of South Carolina

9:05AM-10:25AM

SESSION 6: JUSTICE SECTOR ASSESSMENT AND PROGRAM DESIGN

Panel Participants:

Jose Garzon, Moderator

Suren Avanesyan, USAID

Amy Chang Lee, OPDAT, DOJ

Shibani Malhotra, INL, Dept. of State

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

***Suggested reading/references:**

The two primary frameworks used in interagency rule of law 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.

- "INL Guide to Justice Sector Assistance," INL/Dept. of State, 2013
- "Guide to Rule of Law Country Analysis: The Rule of Law Strategic Framework," USAID, 2010
- "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

10:25AM-10:40AM

BREAK

10:40AM-12:00PM

SESSION 7: RULE OF LAW PROJECT MANAGEMENT, PERFORMANCE MONITORING AND END OF PROJECT LIFE CYCLE

Panel Participants:

Jose Garzon, Moderator

Aaron Edwards, Branch Chief, INL/PA&E, Dept. of State

Catherine Newcombe, OPDAT, DOJ

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

Presenters will discuss the practical aspects of managing justice sector/rule of law 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
- INL Best Practices Performance Measurement Quick Reference
- "The United Nations Rule of Law Indicators: Implementation Guide and Project Tools," United Nations, 2011
- "Why, What, and How to Measure? A User's Guide to Measuring Rule of Law, Justice and Security Programmes," UNDP, 2014

12:00PM-1:30PM

LUNCH BREAK AND SESSION 8: EXERCISE ON SOUTH SUDAN

Joel Samuels, University of South Carolina

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

***Suggested reading/references:**

- “South Sudan Transition Strategy 2011-13,” USAID, June 2011
- Fact sheet: “South Sudan – Crisis,” USAID, October 2015
- Report of the Secretary-General on South Sudan, March 2014
- Stephanie L. Schmidt, “Emerging Rule of Law Priorities for a Post-Conflict South Sudan,” Yale Journal of International Affairs, June 2015

1:30PM-2:45PM

SESSION 9: COMPARATIVE LEGAL SYSTEMS: CIVIL LAW IN COMPARATIVE PERSPECTIVE

Prof. Mila Versteeg, University of Virginia School of Law

Discussion of the salient features of civil law systems and the most important differences between civil and common law systems. 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
- John Merryman and Rogelio Pérez-Perdomo, *The Civil Law Tradition*, 3rd ed. (Stanford University Press, 2007), chap. I-VII

2:45PM-3:00PM

BREAK

3:00PM-4:30PM

SESSION 10: VIOLENT EXTREMISM, CONFLICT, AND RULE OF LAW

Hamid Khan, University of South Carolina

Striking a balance between maintaining the rule of law and countering violent extremism has become particularly delicate. This session will examine the root causes of failures in rule of law and potential reforms that can be taken to counter violent extremism without exacting a high toll on the rule of law.

***Suggested reading/references:**

- Andrew F. March and Mara Revkin, *Caliphate of Law: ISIS' Ground Rules*, Foreign Affairs, April 15, 2015
- Charles C. Caris and Samuel Reynolds, *Middle East Security Report 22: ISIS Governance in Syria*, Institute for the Study of War, July 2014

4:30PM-5:00PM

Wrap-up and Feedback

Joel Samuels, University of South Carolina