



JUSTRAC

JUSTICE SECTOR TRAINING, RESEARCH
& COORDINATION PROGRAM

Rule of Law Collaborative
U.S. DEPARTMENT OF STATE (INL)
JUSTRAC Interagency Justice Sector Training Program
September 8-9, 2016

NOTE: PROGRAM IS SUBJECT TO CHANGE

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

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UNIVERSITY OF
SOUTH CAROLINA
Rule of Law Collaborative



Day 1: Thursday, September 8, 2016

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

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

Hamid Khan, Deputy 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, 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 principles are operationalized in programs.

***Suggested reading/references (click to access):**

- Dr. Vivienne O'Connor, "Defining the Rule of Law and Related Concepts," USIP/INPROL, 2015
- *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-12:00PM **SESSION 2: 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*,

- 12:00PM-1:15PM

 - Afghanistan Rule of Law Project, USAID

LUNCH BREAK
- 1:15PM-2:15PM

SESSION 3: MAIN USG ACTORS: THEIR MANDATES, CAPACITIES AND APPROACHES

Steven Austermiller, University of South Carolina

George Huber, DOJ

What USG Executive Branch agencies are the key players in justice sector/rule of law programming? What are their areas of expertise and experience? What are their priorities?
- 2:15PM-3:15PM

SESSION 3A: 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, 2015
 - 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 4: COMBATING CORRUPTION: AN INTERAGENCY BRIEFING AND EXERCISE

Dr. Gordon Smith, 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, September 9, 2016

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 5: JUSTICE SECTOR ASSESSMENT AND PROGRAM DESIGN**

Panel Participants:

Dr. Jose Garzon, Moderator

Suren Avanesyan, USAID

Jenny Murphy, INL, Dept. of State

Helen Olafsdottir, UNDP

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
- "Strengthening the Rule of Law in Crisis-Affected and Fragile Situations," UNDP, 2012
- "Guidance Note on Assessing the Rule of Law Using Institutional and Context Analysis," UNDP, 2014

10:25AM-10:40AM **BREAK**

10:40AM-12:00PM

SESSION 6: RULE OF LAW PROJECT MANAGEMENT, PERFORMANCE MONITORING AND END OF PROJECT LIFE CYCLE

Panel Participants:

Dr. Jose Garzon, Moderator

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

Helen Olafsdottir, 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, 2010
- 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-1:15PM

LUNCH BREAK

1:15PM-2:45PM

SESSION 7: 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:**

- Dr. Vivienne O’Connor, “Practitioner’s Guide: Common Law and Civil Law Traditions,” USIP/INPROL, 2012
- 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 8: 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

Hamid Khan, University of South Carolina