



JUSTRAC
JUSTICE SECTOR TRAINING, RESEARCH
& COORDINATION PROGRAM

Anti-Corruption, Security Sector Reform and the Rule of Law

Rule of Law Collaborative
U.S. DEPARTMENT OF STATE (INL)
JUSTRAC Interagency Justice Sector Advanced Training Program
June 7-8, 2017

Course Objectives

The JUSTRAC Advanced Training Course will provide in-depth instruction on rule of law program design and implementation, while focusing on key issues and trends in rule of law. The Advanced Course is designed for experienced rule of law practitioners, as well as past participants in the JUSTRAC Introductory Training Program. This course assumes an understanding of basic rule of law concepts, foreign legal systems, and the roles of various USG agencies engaged in programming in the field.

The Advanced Training Course will approach current rule of law topics with comprehensive sessions and interactive exercises. To promote the most effective pedagogy and real-world application, participants will be tasked with pre-course readings and assigned to groups for the course's interactive sessions. This event will focus on two key topics—anti-corruption and security sector reform—and their relationship with the rule of law.

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: June 7, 2017

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

9:00am-9:10am **Welcoming Remarks and Overview**

Hamid Khan, *Deputy Director, Rule of Law Collaborative, University of South Carolina*

After an overview of the JUSTRAC Program and the Rule of Law Collaborative, participants will be briefed on the format of the training program.

9:10am-10:40am **Thematic Session: Corruption and Rule of Law Programming: State-Based Solutions**

Moderator: Steven Austermiller, *Rule of Law Collaborative*

Gregory Ducot, *U.S. Department of Justice, ICITAP (AC programs in Kosovo, Ukraine and Macedonia)*

Marianne S. Toussaint, *U.S. Department of State, INL (leveraging multilateral initiatives)*

Ken Barden, *U.S. Agency for International Development (judicial integrity & accountability)*

The rule of law depends greatly on a transparent, accountable government and a justice system that prevents and combats corruption. This session will focus on state-based anti-corruption efforts and explore whether there is a common recipe for success and lessons learned, including the implications for the rule of law. Given that anti-corruption programming in several countries has had mixed results over the years, this session will consider what has worked and why. In addition, panelists will discuss the implications for rule of law efforts. The session will pay particular attention to innovative programs implemented at various levels of government, including a special focus on the justice sector. National and regional programs to be discussed may include those implemented under the auspices of international agreements (e.g., UN Convention against Corruption (UNCAC), the Inter-American Convention against Corruption, or the Antibribery Convention), as well as programs implemented through anti-corruption authorities, conflict of interest initiatives and judicial integrity and accountability programs (including special corruption courts). Local level initiatives include police reform, e-governance, business licensing procedures, and other municipal services. Panelists will discuss these linkages with justice sector reform efforts and internal governmental integrity efforts such as ethics and whistleblower laws. Panelists will also discuss efforts to build political will and strengthen capacity to implement recognized standards.



Recommended Reading:

- “Analysis of USAID Anticorruption Programming Worldwide,” USAID, July 2014
- “Combating Corruption for Development: The Rule of Law, Transparency and Accountability,” United Nations, 2002
- “2016 Corruptions Perceptions Index,” Transparency International, January 2017
- “Reducing Corruption in the Judiciary,” USAID, June 2009
- “The Role of Civil Society Organizations in Auditing and Public Finance Management,” International Budget Project, 2005

10:40am-11:00am

Break

11:00am-12:30pm

Thematic Session: Corruption and Rule of Law Programming: Non-State-Based Solutions

Moderator: Steven Austermiller, *Rule of Law Collaborative*
Giorgi Chkheidze, *USAID-PROLOG COP (Georgia, civil society and justice sector)*
Andrew Solomon, *U.S. Agency for International Development (social accountability/ integrity in justice sector through CSOs)*

This panel will continue the theme of anti-corruption solutions, with a focus on non-state actors and initiatives. Discussion will center on mechanisms for expanding transparency and citizen engagement in governing processes with an eye toward their impact on monitoring and preventing corruption. Specific topics to be addressed may include open meeting laws, the role of civil society and watchdog organizations through social accountability, the press, citizen report cards, and the promotion of professional associations, e.g., bar and business associations, with power to censure, fine, or take other actions against members for engaging in corrupt practices. Many of these efforts serve to strengthen the justice sector and governance generally. Where appropriate, panelists will discuss the latest trends, including the leveraging of technology in the fight against corruption. One panelist will present a case study on Georgia’s extraordinary anti-corruption successes over the past decade and discuss a few of its unfinished initiatives.

12:30pm-1:30pm

Lunch

1:30pm-2:30pm

Interactive Session: Incorporating Anti-Corruption in Rule of Law Programming

Facilitator: Peter J. Ainsworth, *U.S. Department of Justice, OPDAT*

After the in-depth learning session, small groups will design an anti-corruption program that adheres to the lessons learned from the morning panels. Teams will be tasked with considering both state and non-state interventions, with

special focus on the justice sector. The teams will also be provided with important information on cutting-edge AC tools, indices and resources. The challenge will be to develop creative and innovative ideas that might be sustainable and compatible with wider rule of law efforts, given the potential tension. Teams will be asked to suggest programs and identify key enablers within a comprehensive approach that will promote success. Teams will also incorporate possible uses of the provided AC resources.

2:30pm-2:45pm

Break

2:45pm-3:45pm

Continuation of interactive session

Each group will present their design approaches to the entire body of participants, followed by facilitated group discussion and critiques of each team's approach.

3:45pm-4:00pm

Wrap-up, Takeaways, Q&A and Feedback

Steven Austermiller, *Rule of Law Collaborative, University of South Carolina*



Day 2: June 8, 2017

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

9:00am-9:10am **Overview of Day 2**

Hamid Khan, *Deputy Director, Rule of Law Collaborative, University of South Carolina*

9:10am-10:40am **Understanding the Contours and the Systemic Challenges to Security Sector Reform**

Moderator: Hamid Khan, *Deputy Director, Rule of Law Collaborative*
Dr. Larry Lewis, *Former Senior Advisor, U.S. Department of State*
Dr. Nadia Gerspacher, *Director of Security Education, U.S. Institute of Peace*
Merrie A. Archer, *Bureau of Political Military Affairs, U.S. Department of State*

This session will provide participants with a clearer understanding of the security sector reform rubric. The session will begin by examining how concepts such as security, once viewed in purely state-centric terms and focused on the protection of states from military threats, have expanded to the broader issues of human security and well-being. The session will also delve into the systemic challenges within security sector reform efforts and address possible solutions toward more effective security sector reform abroad including how to effectively achieve cultural change, the promotion of accountability and inclusivity of gender-based issues.

Recommended Reading:

- “Security Sector Reform,” Department of State, Department of Defense, and USAID, February 2009
- “New Perspectives on Security Sector Reform: The Role of Local Agency and Domestic Politics,” Ursula C. Schroeder, 21 *International Peacekeeping* 2, 133-148 (2014)
- “Partnerships for Human Security in Fragile Contexts: Where Community Safety and Security Sector Reform Intersect,” Peter Homel, 70 *Australian Journal of International Affairs* 3, 311-327 (2016)

10:40am-11:00am **Break**

11:00am-12:30pm **Exploring a Comprehensive Framework to Security Sector Reform**

Moderator: Hamid Khan, *Deputy Director, Rule of Law Collaborative*
Anna Nelson, *U.S. Department of State*
David Cate, *Office of the Secretary of Defense, U.S. Department of Defense*

The recently passed 2017 National Defense Authorization Act (NDAA) has raised questions about precise policy architecture for both current and emerging security sector reform efforts abroad. Specifically, while the State Department has historically served as the lead agency for policy in this area, Congress has recently granted the Department of Defense additional authority to engage in security cooperation with foreign military forces and other security forces. This session will, therefore, examine the precise roles and responsibilities among interagency actors and prognosticate on the future role that the various departments may play in dealing with topics such as community policing, defense institution building, security sector governance, and the nexus between security and development assistance efforts.

12:30pm-1:30pm

Lunch

1:30pm-3:00pm

Thematic Session: How to Apply a Comprehensive Framework to Security Sector Reform

Moderator: Hamid Khan, *Deputy Director, Rule of Law Collaborative*
Merrie A. Archer, *Bureau of Political Military Affairs, U.S. Department of State*
David Cate, *Office of the Secretary of Defense, U.S. Department of Defense*
Julie Werbel, *U.S. Agency for International Development*

Armed with the latest interagency perspective on security sector reform, this session will examine how, over the past two decades, the U.S. Government has attempted to develop and refine a comprehensive, yet complimentary, approach to security sector reform by its defense, development, and diplomatic tools and resources. This session will also delve into how to conduct effective security sector reform with the current policy terrain in mind along with how security sector reform efforts can be more effective through the development of institutional and governance frameworks necessary to sustain them.

3:00pm-3:15pm

Break

3:15pm-4:30pm

Interactive Session: Effective Change and Security Sector Reform (SSR)

Facilitators: Dr. Larry Lewis, *Former Senior Advisor, U.S. Department of State*
Greg Gisvold, *Director, Governance and Rule of Law, Democracy International*

Every institution within a society must fit in with the particular society's values in order to be effective and tenable. This interactive session will underscore the basic requirement that effective security sector reform requires more than simply assistance and instead involves cultural changes that include understanding institutions, principles and core values. After the in-depth learning session, small groups will design security sector reform process that adheres to the lessons learned from the morning panels. Teams will be tasked

with considering the interplay of various federal agencies and their particular approach and expertise. The teams will also be provided a brief as to the particular situation affecting their country of concern. The challenge will be to develop reform efforts which are sustainable and compatible with wider rule of law efforts, given the potential tension. Teams will be asked to suggest programs and identify key enablers within a comprehensive approach that will promote success.

4:30pm-4:45pm

Wrap-up, Takeaways, Q&A and Feedback

Hamid Khan, *Deputy Director, Rule of Law Collaborative, University of South Carolina*

