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JUSTICE SECTOR TRAINING, RESEARCH
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Rule of Law Systems: Country Analysis

February 26-27, 2020

Organized by:

Rule of Law Collaborative at the
University of South Carolina

Presented by:

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Location

American Bar Association Rule of Law Initiative
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Rule of Law Collaborative U.S. DEPARTMENT OF STATE (INL) JUSTRAC+ Rule of Law Systems: Country Analysis Workshop

Course Description:

U.S. Foreign Assistance aims to provide partner nations with help as they develop functional and fair justice systems that serve all citizens. U.S. government professionals engaged in rule of law reform work design interventions that target areas of greatest need and potential for change. Making decisions about which interventions to pursue should be grounded in a strong understanding of the rule of law system at work in the partner nation. The sheer complexity of justice systems can impair understanding of the relevant problems and, in turn, lead to ineffective program design and potentially compromised relationships with partners. A thorough understanding of the context in which U.S. Government professionals are assigned to work is the crucial foundation to effective program design, strong implementation, and concrete improvements in justice systems. Program officers need to understand the context they are called to work in, and this workshop will help them understand that context.

This two-day workshop will involve a limited number of participants drawn from across the U.S. interagency. Participants will learn how to map, analyze, and understand key features of a country's justice system—including legal frameworks, institutions, and formal and informal actors—as a way to better identify context-specific interventions and opportunities. Participants will hone critical thinking skills and explore the breadth and depth of holistic justice systems. They will do so by representing one country that they currently work with during the interactive sessions. As such, participants should come prepared to discuss the justice system of that country. (See “Note on Preparation” below.) By working on practical problems in a country they are familiar with, participants will be better able to apply the concepts learned in class. Topics of discussion will include assessments, justice system mapping, comparative legal analysis, legal frameworks, institutional analysis, “lifetime of learning” training plans, citizen involvement in justice systems, and understanding and working with civil society. Participants will engage in modeling, group discussions and activities, mock project design, and role play to gain a deeper understanding of the context in which they work.

Note on Preparation: Each participant should come prepared to map and assess one specific country during classroom work and practical exercises. This country should be one that they currently work with. If a participant’s current portfolio does not include specific countries, participants should choose one for which they have a strong interest. Participants will identify this country during registration for the workshop, and are expected to do research in advance of the workshop so they are prepared to discuss this country’s legal system. In addition to the literature the participant works with on a daily basis, they should perform a cursory review—before the beginning of class—of the information on their country in the Globalex database: <https://www.nyulawglobal.org/globalex/>.

Day 1: Wednesday, February 26, 2020

8:00AM-8:30AM BREAKFAST AND REGISTRATION

8:30AM-10:00AM SESSION 1: ASSESSMENTS—KNOWN AND UNKNOWN

This opening session will provide an overview of the current landscape of rule of law assessments, will cover the steps to conducting a rule of law assessment, and will explore ways in which they can be helpful to rule of law program officers. At the same time, participants will explore the limitations of current literature. Participants will engage in an exercise to practice skills they have learned in this session.

Learning Outcomes: At the end of this session, participants will:

- **Be able to follow the steps necessary to conduct a rule of law assessment.**
- **Understand the limitations of assessments.**

10:00AM-10:15AM BREAK

10:15AM-11:45AM

SESSION 2: THINKING HOLISTICALLY

This session will introduce a holistic justice system model that will be referred to throughout the rest of the workshop. Participants will learn how to map processes, institutions, and groups of people within a justice system and explore the relationships between them. Particular attention will be paid to the interconnected nature of a justice system.

Learning Outcomes: At the end of the session, students will:

- **Be able to create a context map of a common law rule of law system including institutions, officials, processes, citizens, and civil society.**
- **Understand how each individual element functions as part of the larger system.**

11:45AM-12:30PM

LUNCH BREAK AND NETWORKING

12:30PM-2:15PM

SESSION 3: INTRODUCTION TO THE DIFFERENCES BETWEEN CIVIL LAW AND COMMON LAW

This session will provide information to participants on common variations between justice system traditions, and what these variations say about common patterns of function and core values. Participants will apply the system mapping skills they learned in the morning sessions to a practical learning activity centered around civil and common law legal systems.

Learning Outcomes: At the end of the session, participants will:

- **Understand basic differences between civil law and common law systems.**
- **Be able to create a context map of a civil law rule of law system including institutions, officials, processes, citizens, and civil society.**

2:15PM-2:30PM

BREAK

2:30 PM-3:30PM

COUNTRY MAP CREATION ACTIVITY

Using exemplars presented during sessions 2 and 3, students will be given time to create a country context map for the country they represent, and to present it to a partner for feedback.

3:30pm-5:00pm

DAY 1 CULMINATING PRACTICAL EXERCISE

To help them better understand the complications of institutional reform, participants will participate in a mock diplomatic meeting. Participants will be given case study materials and free time to prepare before they represent the U.S. Government in a meeting with a “visiting dignitary.” Students will reflect on the lessons from this experience in a session on the morning of Day 2.

Day 2: Thursday, February 27, 2020

8:00AM-8:30AM **BREAKFAST AND NETWORKING**

8:30AM-9:45AM **SESSION 4: UNDERSTANDING INSTITUTIONS**

In this session, participants will learn how to map justice institutions, identify processes that need to be functional and healthy in order for institutional goals to be met, and also learn about formal and informal relationships that make up institutions.

Learning Outcomes: At the end of this session, students will:

- **Understand the difference between formal institutional structure and informal power structure.**
- **Be able to create an institutional map.**

9:45AM -10:00AM **BREAK**

10:00AM-11:00AM **SESSION 5: LEGAL FRAMEWORK ANALYSIS**

In this session, participants will learn the basics of how laws make up a legal framework. They will learn about different types of laws, and different philosophies of legal drafting that can have significant outcomes in rule of law systems. Participants will learn how legal frameworks interact with the rest of the justice system in strengthening the rule of law, and will identify the role of stakeholders in the legal drafting and promulgation process. A practical exercise during this session will allow students to explore how laws affect justice institutions and the people who work in them.

Learning Outcomes: At the end of the session, participants will:

- **Understand the importance of well-drafted, system-appropriate laws drafted by experts and stakeholders.**
- **Be able to map the drafting and promulgation process of new legislation.**

11:00AM-11:15AM **BREAK**

11:15AM-12:30PM **SESSION 6: JUSTICE SYSTEM OFFICIALS: A LIFETIME OF LEARNING**

In this session, participants will explore and map the comprehensive education paths that justice system officials may take to prepare them for their careers, as well as provide them with continuing education. They will

explore the pros and cons of different educational paths, and think critically about common problems in rule of law programs focused on training.

Learning Outcomes: At the end of this session, participants will:

- **Be able to map a legal education path and identify potential gaps in that path.**
- **Understand the benefits and drawbacks of donor-funded continuing legal education or continuing professional education courses.**

12:30PM-1:15PM LUNCH BREAK AND NETWORKING

1:15PM-2:00PM LIFETIME OF LEARNING MAPPING ACTIVITY

2:00PM-3:15PM SESSION 7: CITIZENS AND THE RULE OF LAW

This session will focus on the role of the citizen in rule of law systems. Participants will explore the ways in which citizens conceive of their role in terms of participation and oversight, and will also examine ways in which citizen participation in rule of law systems can be transformative. This session will explore existing or possible tools for better understanding citizen perception and buy-in.

Learning outcomes: At the end of this session, participants will:

- **Understand the potential role of citizen participation in rule of law reform.**
- **Be familiar with theories and tools that focus on citizen participation in justice reform.**

3:15PM-3:30PM BREAK

3:30PM-4:45PM

SESSION 8: A TAXONOMY OF CIVIL SOCIETY

Through an interactive exercise, participants will identify and categorize civil society organizations, exploring the relationships that they have with both citizens and government. In this exercise, students will apply the knowledge and skills they learned in previous sessions to gain a greater understanding of the role that civil society plays in rule of law systems and the potential they have to make significant improvements in those systems.

Learning Outcomes: At the end of this session, participants will:

- **Be able to map civil society organizations in their country of focus using the taxonomy created during the session.**
- **Understand the balancing role that civil society plays in both reform efforts and healthy rule of law systems.**

4:45PM-5:00PM

WRAP-UP AND FEEDBACK