Rule of Law Collaborative

IN COLLABORATION WITH

U.S. DEPARTMENT OF STATE (INL)

JusTRAC Interagency Justice Sector Training Program

SEPTEMBER 10-11, 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

Thurgood Marshall Federal Judiciary Building
1 Columbus Circle NE
Washington, DC, 20544

Arrival

Upon entering the building, all speakers and participants must pass through a metal detector and should then proceed to the South Lobby (to the right), where they will check in. All international visitors are required to present a passport upon entering the building, and all others will be required to present a driver's license or picture identification to enter the building. The classrooms are at the right of the guard's desk and down the stairs.

Nearest Metro: Union Station

Attire: Casual civilian dress

Contact Information

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Day 1: Thursday, September 10, 2015

8:30AM-9:00AM	**REGISTRATION AND LIGHT REFRESHMENTS**

9:00AM-9:15AM   **WELCOME REMARKS**

Wanda Rubianes-Collazo, Administrative Office of the United States Courts

9:15AM-9:30AM   **OVERVIEW OF JUSTRAC AND THE TRAINING PROGRAM**

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

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.

9:30AM-10:30AM **SESSION 1: KEY JUSTICE SECTOR REFORM PRINCIPLES AND COMPETING DEFINITIONS OF THE RULE OF LAW**

Dr. Gordon 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 (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).

10:30am-10:45am **BREAK**

10:45AM-12:00PM   **SESSION 2: COMPARATIVE LEGAL SYSTEMS: CIVIL LAW IN COMPARATIVE PERSPECTIVE**

Hamid Khan, University of South Carolina

Prof. Mila Versteeg, University of Virginia School of Law

Discussion of the salient features of civil law systems and the most important differences between them 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

12:00PM-1:30PM   **LUNCH BREAK WITH SESSION 3: 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*
- Afghanistan Rule of Law Project, USAID

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* Suggested reading and reference materials are optional.

1:30PM-3:15PM   **SESSION 4: MAIN USG ACTORS: THEIR MANDATES, CAPACITIES AND APPROACHES**

Panel Participants:

Kiel Downey, Rule of Law Collaborative, University of South Carolina, Moderator

Michele Greenstein, INL, Dept. of State

Andrew Michels, USAID

George Huber, OPDAT, DOJ

Erin Schenck, Dept. of the Treasury

Wanda Rubianes-Collazo, Administrative Office of the United States Courts

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

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: 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 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:

- "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 11, 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-10:35AM   SESSION 6: JUSTICE SECTOR ASSESSMENT AND PROGRAM DESIGN

Panel Participants:

Dr. Jose Garzon, Moderator

Suren Avanesyan, USAID

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

Shibani Malhotra, INL, Dept. of State

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

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* Suggested reading and reference materials are optional.

*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.

10:35ᴀᴍ-10:55ᴀᴍ   Bʀᴇᴀᴋ

10:55ᴀᴍ-12:00ᴘᴍ   Sᴇssɪᴏɴ 7: Rule of Law Project Management, Performance Monitoring and End of Project Life Cycle

Panel Participants:

Dr. Jose Garzon, Moderator

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

Heike Gramckow, 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
- 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-1:30pm   Lᴜɴᴄʜ Bʀᴇᴀᴋ ᴀɴᴅ Sᴇssɪᴏɴ 8: Exᴇʀᴄɪsᴇ ᴏɴ Tᴜɴɪsɪᴀ

Hamid Khan, University of South Carolina

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

Suggested reading/references:

- *Tunisia fears its Arab Spring could be reversed as the new regime becomes as intolerant of dissent as its predecessor,* The Independent, September 2, 2015
- Sarah Mersch, Tunisia's Ineffective Counterterrorism Law Sada: August 6, 2015
- "Why, What, and How to Measure? A User's Guide to Measuring Rule of Law, Justice, and Security Programmes"

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

Kiel Downey, University of South Carolina

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

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: 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 & 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