Rule of Law Collaborative

U.S. DEPARTMENT OF STATE (INL)

JUSTRAC Interagency Justice Sector Advanced Training Program

Convened in conjunction with the USAID DRG Annual Conference

June 23-24, 2016

NOTE: PROGRAM IS SUBJECT TO CHANGE

Course Objectives

The JUSTRAC Interagency Justice Sector Advanced Training Program 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 Program 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 Program will approach current rule of law topics with deep-dive sessions and interactive exercises. To promote the most effective pedagogy and real-world application, participants will be tasked with pre-course readings and will be assigned in groups to a particular country, which will serve as their template for the course's interactive sessions.

Location

FHI 360
1825 Connecticut Avenue NW
Washington, DC 20009

Closest Metro: Dupont Circle

Contact Information

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Day 1: Thursday, June 23, 2016

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

9:00am-9:10am **Welcoming Remarks, U.S. Agency for International Development**

Bruce Kay*, Governance and Rule of Law Team Lead, DRG Center, U.S. Agency for International Development*

9:10am-9:20am **Overview of JUSTRAC and the Advanced Training Program**

Joel Samuels*, Director, Rule of Law Collaborative, University of South Carolina*

After an overview of the JUSTRAC Program, as well as the Rule of Law Collaborative, participants will be briefed on the format of the two-day training and will have an opportunity to introduce themselves.

9:15am-10:35am **Overcoming the Sustainability Challenge**

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

Suren Avanesyan, *Senior Advisor, U.S. Agency for International Development*

Lelia Mooney, *Director, International Network to Promote the Rule of Law, U.S. Institute of Peace*

Ena Dion*, Program Officer, Rule of Law, Justice and Security, U.S. Institute of Peace*

This session will focus on familiarizing participants with all of the contours of the challenge inherent in building sustainable rule of law programs. This challenge is manifested in growing expectations that rule of law programs be more effective in the short term while the impacts they generate must also last over time. Moreover, it is likely this challenge will only grow as the rule of law field's emphasis on accountability and measuring project impacts increases. The goal of this session, therefore, is to offer an overview of the rule of law landscape and evaluate, through various case studies, the criteria for a successful, sustainable rule of law project. The session will explore each stage of a project's evolution, as well as concrete steps that can be taken to achieve success, e.g., USAID's approach to local solutions, by considering the impact of project activities beyond their immediate, measurable impacts. Finally, the session will consider both the positive and negative effects a project might have on an entire justice system, such as balancing increased demand of justice institutions with providing enough supply in terms of effective capacity to serve the needs of justice institutions.

10:35am-10:45am **Break**

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10:45am-12:15pm   <u>Thematic Session</u>: **Building in Sustainability at Every Stage of a Project Life Cycle**

Moderator: Steven Austermiller, *Program Officer, Rule of Law Collaborative, University of South Carolina*

Ena Dion, *Program Officer, Rule of Law, Justice and Security, U.S. Institute of Peace*

Lelia Mooney, *Director, International Network to Promote the Rule of Law, U.S. Institute of Peace*

> <u>Required Reading:</u>
>
> *Designing a Framework for Achieving Results: A How to Guide* (2012), The World Bank
>
> *USAID Program Cycle Overview (December 2011)*
>
> *Technical Note: Developing Results Frameworks* (July 2013)
>
> *In Development Work, Plan for Sailboats, Not Trains* (December 2015), Rachel Kleinfeld, Stanford Social Innovation Review

This session will examine how to maximize sustainability at every stage of a project cycle: (i) assessment phase, (ii) project design, (iii) implementation, and (iv) project monitoring and evaluation. This analysis will draw on relevant case studies from countries where rule of law engagements have lasted ten or more years and are both geographically and economically diverse. Included in the discussion will be counterexamples of practices that practitioners have identified as hindering or undermining project sustainability.

12:15pm-1:15pm   **Lunch**

This is an opportunity to engage in an informal lunch discussion about sustainability challenges to rule of law programming.

1:15pm-2:15pm   **Plenary Session: Strengthening Access to Justice**

Andrew Solomon, *Senior Rule of Law Advisor, DRG Center, U.S. Agency for International Development*

Lunchtime speaker Andrew Solomon will engage participants in a discussion about strengthening access to justice in rule of law programming, with a brief overview of how rule of law and access to justice are dealt with by Sustainable Development Goal 16, "Peace, justice and strong institutions."

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2:15pm-4:15pm   <u>Interactive Session</u>**: Learning to Do More With Less**

                              Facilitators:

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

                                   Lelia Mooney, *Director, International Network to Promote the Rule of Law, U.S. Institute of Peace*

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

This session will task participants with considering how to meet the sustainability challenge, particularly during the implementation phase of a project cycle, by remembering that nearly every rule of law project will eventually face a drop-off in donor support, financial or otherwise (such as political changes or tandem efforts to build capacity). The question participants will be asked in this interactive session is how to reconcile a decline in resources with the goal of sustaining a project's operations and effect. Participants, with their respective country teams, will propose solutions to the entire body of participants, followed by group discussion and critiques of each team's approach.

4:15pm-4:30pm   **Discussion, Takeaways and Feedback**

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

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Day 2: Friday, June 24, 2016

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

9:00am-9:15am   **Overview of Day 2**

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

9:15am-10:30am   **Exploring the Nature of U.S. Foreign Policy Directives and the Impacts upon Rule of Law Programming**

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

Erik Pacific*, Democracy and Governance Office Director, U.S. Agency for International Development-Mali*

Kathleen Kuehnast, *Senior Gender Advisor, U.S. Institute of Peace*

Michele Greenstein*, Deputy Director of the Office of Criminal Justice Assistance and Partnership, Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State*

This session will offer participants an understanding of various U.S. foreign policy objectives. Presidents and executive agencies have developed and used various types of presidential or executive directives to influence foreign policy. The best-known directives are executive orders and presidential proclamations, but many other documents have a similar function and effect. Policy directives in rule of law programming can include globally focused policies, such as gender inclusion, but can also include regionally focused policies, such as the *U.S. Strategy for Sub-Saharan Africa.* This session will address how foreign policy directives influence rule of law programming with particular attention paid to some of the more notable policies affecting rule of law, such as U.S. policy regarding security sector assistance, ("PPD 23") women, peace and security, and examining linkages between rule of law and civil society.

10:30am-10:45am   **Break**

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10:45am-12:15pm   <u>Thematic Session</u>: **Exploring Atrocity Prevention Policy in Rule of Law Programming**

Moderator: Steven Austermiller*, Program Officer, Rule of Law Collaborative, University of South Carolina*

Pamela Fierst, *Office of the Undersecretary for Civilian Security, Democracy, and Human Rights, U.S. Department of State*

Tyler Thompson, *Atrocity Prevention Fellow, USAID Center of Excellence on Democracy, Human Rights and Governance*

Ari S. Bassin*, Senior Policy Advisor, Office of Global Criminal Justice, U.S. Department of State*

<u>Required Reading</u>

Executive Order—Comprehensive Approach to Atrocity Prevention and Response (May 18, 2016)

Factsheet: A Comprehensive Strategy and New Tools to Prevent and Respond to Atrocities (April 2012)

Toolkit: Preventing Atrocities: Five Key Primers (September 2014)

Field Guide: Helping to Prevent Mass Atrocities, USAID (April 2015)

A quick gaze upon the current conflict landscape, whether it is the atrocities taking place in Syria, Central African Republic or South Sudan, reveals that the conflict can be traced to critical gaps in the institutions guaranteeing equality before the law, as well as access to justice by vulnerable populations. From the lack of prioritization in protecting Iraq's Sunni minority to the power struggle at the highest levels of leadership in CAR, it is evident that the rule of law is a keystone ingredient in lessening the likelihood of atrocities. This session, therefore, is aimed at familiarizing participants with the contours, as well as the rule of law policy implications, of the *Presidential Study Directive on Mass Atrocity Prevention*, or PSD-10. Specifically, participants will be tasked with exploring how rule of law programming can serve as a preventative and deterrent mechanism for genocide and mass atrocities. In particular, participants will focus on how rule of law programming and capable governance serve as an important bulwark against various atrocities and how an effective justice sector can serve as a source for early warning, not to mention as a means for minimizing impunity, which can have important effects on deterrence and atrocity prevention.

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12:15pm-1:15pm   **Lunch Presentation and Discussion**

"United States Law and Policy on Transitional Justice: Principles, Politics, and Pragmatics"

Zachary D. Kaufman, J.D., Ph.D., *Harvard University John F. Kennedy School of Government*

Dr. Kaufman, through his meticulous research, asserts the United States has led in the creation of some crucial international criminal tribunals for prudential reasons and essential insights in preventing mass atrocity.

1:15pm-3:15pm   <u>Interactive Session</u>: **Incorporating Atrocity Prevention Policy in Rule of Law Programming**

Facilitators:

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

Ari S. Bassin*, Senior Policy Advisor, Office of Global Criminal Justice, U.S. Department of State*

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

Tyler Thompson, *Atrocity Prevention Fellow, USAID Center of Excellence on Democracy, Human Rights and Governance*

After the in-depth learning session, participants will join their country teams to design a rule of law program for their assigned country that takes into account the constraints and obligations of *PSD-10*. Country teams will then be asked to present their design approaches to the entire body of participants, followed by group discussion and critiques of each team's approach.

3:15pm-3:30pm   **Discussion and Takeaways**

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

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