Rule of Law Collaborative
U.S. DEPARTMENT OF STATE (INL)
JUSTRAC Interagency Justice Sector Training Program
September 17-18, 2019

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

2000 M Street Conference Center
Capitol Conference Room (basement level)
2000 M Street NW
Washington, DC 20036

Nearest Metro Station: Farragut North, Farragut West, or Dupont Circle

Contact Information

Contact:	Kiel Downey
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Day 1: Tuesday, September 17, 2019

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, Univ. of South Carolina*

Shawna Wilson, *Executive Director, International Association of Women Judges*

An overview of the JUSTRAC Program, as well as the Rule of Law Collaborative. Discussion of 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, *Rule of Law Collaborative, Univ. 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:

- 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, 2015, pp. 1-16
- 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   **Networking Exercise**

10:30AM-10:45AM   **Break**

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10:45AM-12:15PM **SESSION 2: JUSTICE SECTOR AND RULE OF LAW RESOURCES AND TOOLKITS**

Kiel Downey, *Research Coordinator, Rule of Law Collaborative, Univ. of South Carolina*

An overview of resources and toolkits useful to USG and others working on justice sector and rule of law reform. After learning about the scope, methodology, strengths, and limitations of a variety of resources, participants will engage in a tabletop exercise that challenges them to apply a mix of resources to glean lessons about real-world conditions for rule of law.

*Suggested reading/references:

- World Justice Project, *Rule of Law Index 2019*, pp. 5-13, 159-163
- Juan C. Botero and Alejandro Ponce, "Measuring the Rule of Law," World Justice Project, 2011, pp. 1-27
- "Why, What, and How to Measure? A User's Guide to Measuring Rule of Law, Justice and Security Programmes," UNDP, 2014
- Mo Ibrahim Foundation, *2018 Ibrahim Index of African Governance: Index Report*, pp. 7-33

12:15PM-1:30PM **Lunch Break**

1:30PM-3:00PM **SESSION 3: WORKING WITHIN THE CULTURE: LESSONS FOR PRACTITIONERS**

Dr. Sudha Ratan, *Professor, Department of Social Sciences, 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 will draw 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

3:00PM-3:15PM **Break**

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

Karen Hall, *Independent Consultant & Senior Fellow, Rule of Law Collaborative, Univ. of South Carolina*

Heather Harms, *Functional Bureau Coordinator, Office of U.S. Foreign Assistance Resources (F), Department of State*

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 and sources of funding?

*Suggested reading/references:

- INL Guide to Justice Sector Assistance, Department of State, 2013
- User's Guide to Democracy, Human Rights and Governance Programming, USAID, 2019
- USAID Strategy on Democracy, Human Rights and Governance, 2013
- Guide to Rule of Law Country Analysis: The Rule of Law Strategic Framework, USAID, 2010

4:30PM-5:00PM   **Wrap-up and Feedback**

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Day 2: Wednesday, September 18, 2019

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

9:00AM-9:15AM　　　**Overview of Day 2**

9:15AM-10:45AM　　　**SESSION 5: COMBATING CORRUPTION: AN INTERAGENCY BRIEFING AND EXERCISE**

Karen Hall, *Independent Consultant*

Corruption is one of the persistent problems confronting USG personnel who work on justice sector reform and rule of law development. This session will explore the many forms that corruption can take and identify strategies for combating corruption from multiple, integrated interventions.

*Suggested reading/references:
- USAID: Analysis of USAID Anticorruption Programming Worldwide (2007-2013), July 23, 2014
- "How-to Guide for Corruption Assessment Tools (2ⁿᵈ edition)," U4 Anti-Corruption Resource Centre, 2016
- INL Guide to Anticorruption and Programming, Department of State, 2015
- Gerry Ferguson, *Global Corruption: Law, Theory & Practice*, 3rd ed. (University of Victoria, 2018), chap. 1(1)(1.1-1.5)
- Alina Mungiu-Pippidi, "Controlling Corruption through Collective Action," Journal of Democracy, vol. 24(1), 2013
- Coraline Pring and Jon Vrushi, "Tackling the Crisis of Democracy, Promoting Rule of Law and Fighting Corruption," Transparency International, 2019

10:45AM-11:00AM　　　**Break**

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11:00AM-12:30PM   **SESSION 6: JUSTICE SECTOR ASSESSMENT AND PROGRAM DESIGN**

Karen Hall, *Independent Consultant (Moderator)*

Stephen Andersson*, INL*

Greg Gisvold, *Senior Fellow, Rule of Law Collaborative, Univ. of South Carolina*

Shawna Wilson, *International Association of Women Judges*

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, Department of State, 2013
- Guide to Rule of Law Country Analysis: The Rule of Law Strategic Framework, USAID, 2010
- "Program Design and Performance Management Toolkit," U.S. Department of State, 2018
- "Program Design and Performance Management Workbook," U.S. Department of State, 2018
- "Designing a Framework for Achieving Results," World Bank, 2012
- "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
- Crime and Prevention Field Guide, USAID, 2016

12:30PM-1:45PM   **Lunch Break**

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| 1:45PM-3:00PM | **SESSION 7: MEASURING PROGRESS AND DEVELOPING RULE OF LAW INDICATORS** |

Peggy Ochandarena, *Director of University Partnerships, Chemonics*

Ms. Ochandarena will give participants an introduction to challenges and best practices in developing monitoring and evaluation techniques for justice sector and rule of law programs, as well as engage participants in practical exercises to design and refine sample indicators.

*Suggested reading/references:

- "Program Design and Performance Management Toolkit," U.S. Department of State, 2018
- "Program Design and Performance Management Workbook," U.S. Department of State, 2018
- Gender Assessment USAID/Bangladesh USAID Performance Monitoring and Evaluation Tips, 2010
- "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

| 3:00PM-3:15PM | **Break** |

| 3:15PM-4:30PM | **SESSION 8: CAPSTONE EXERCISE** |

Karen Hall, *Independent Consultant*

At the end of Day 2, program participants will have the opportunity to apply the principles, theory, and practical lessons they have learned over the course of the program. Professor Karen Hall will draw on her extensive academic expertise and experience at INL developing rule of law and criminal justice assistance programs to lead participants through the exercise and provide practical, constructive feedback.

| 4:30PM-5:00PM | **Wrap-up and Feedback** |

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*Suggested reading and reference materials are optional.