Rule of Law Fundamentals
Part 1

This agenda is subject to change

October 22 – 23, 2024

Virtual Platform: Zoom

Instructions will be provided closer to the dates of the program.

Additional information:
Greg Gisvold
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This training is open to personnel from all hiring categories, including U.S. Direct Hires, locally employed staff, PSCs, and TPCs. This training is offered at no cost. If you are a PSC/TPC, please seek approval from your supervisor before registering for the course and your contracting officer. Please contact *rolc@sc.edu* *with questions about the training or eligibility.*

Course Objectives

The Rule of Law defies easy categorization. The rule of law requires more than law and rules and the adjudication thereof; it includes a variety of public administration services, such as providing civil documents or land titles. The rule of law is foundational to the delivery of effective governance. Authoritarian regimes invoke the rule of law to justify suppressing peaceful dissent and democracies laud its value as they struggle with what it means to adhere to it. In its narrowest sense, the rule of law can be a hollow promise to provide human security at the expense of civil liberties. At its most fulsome, the rule of law represents a social compact between public officials and citizens that laws, rules, and their enforcement align with domestic, constitutional and international norms.

The rule of law is also a U.S. constitutional obligation and foreign policy imperative. For those USG staff working on programs and initiatives promoting judicial reform, combating corruption, or elevating international standards, a rich, nuanced understanding of what rule of law means is fundamental. Core skills for effective engagement on the rule of law include understanding definitions and principles related to the rule of law, recognizing how different legal traditions affect concepts of adherence, and being able to identify elements, roles, and needed capacities of rule of law institutions to uphold rule of law principles.

This two-day training course will begin with an overview of the different legal systems, how they operate, and the various justice sector actors, including civil society, that interact with each other and contribute to the rule of law. Participants will learn to identify system strengths and weaknesses that may support or undermine adherence to international rule of law standards. They will engage with the role of human rights legal instruments, how they are enforced domestically, and how international diplomacy and dialogue contribute to the rule of law. Participants will also explore how legal systems incorporate customs, practices, and social norms into informal mechanisms to pursue rule of law adherence.

Identifying the institutional actors and socio-political norms contributing to "the rule of law" is just the beginning. Participants will explore how such local systems interact and incorporate undesirable efficiencies, such as corrupt practices, that complicate institutional development efforts. Participants will learn how civil society and other non-justice actors play pivotal roles in efforts to protect and promote the rule of law. Participants will also engage with the importance of human rights and social inclusion when developing rule of law programming. Finally, participants will explore programming basics and addressing them in a rule of law project context, including what constitutes evidence of change, the role of experts, and fundamentals of program design and monitoring.

DAY ONE: RULE OF LAW: VALUES, INSTITUTIONS AND ACTORS

Morning Session, October 22, 2024

8:45AM – 9:00AM   **LOGIN AND TECHNOLOGY CHECK**
Greg Gisvold, *Senior Fellow, Rule of Law Collaborative, University of South Carolina*

Participants will be able to sign on to the platform a little early and receive help or a brief introduction to the platform to mitigate any technology issues.

9:00AM – 9:10AM   **INTRODUCTIONS AND WELCOME**
Greg Gisvold, *Senior Fellow, Rule of Law Collaborative, University of South Carolina*

This session will provide an overview of the JUSTRAC Program, the Rule of Law Collaborative, the program agenda, and ground rules and logistics.

9:10AM – 10:30AM   **RULE OF LAW DEFINITIONS, ATTRIBUTES AND RATIONALES**
Karen Hall, *Deputy Director, Rule of Law Collaborative, University of South Carolina*

In this session, participants will explore different definitions of the rule of law, focusing on the attributes of the rule of law most important to average citizens. The concept of thick and thin definitions of the rule of law will be explored, including their relationship to rule of law as a U.S. foreign policy and national security strategy. The session will provide an overview of how separation of powers underscores rule of law, and how certainty, predictability and transparency play vital roles in bolstering adherence to rule of law principles. Participants will be provided historical context so they can appreciate the advancement of rule of law values in emerging democracies.

Learning objectives

- Participants will understand different definitions of the rule of law.
- Participants will learn the underlying foundations of a justice system that promotes a healthy rule of law environment.

10:30AM – 10:45AM   **BREAK**

10:45AM – 12:00PM   **COMPARATIVE LAW AND ASPECTS OF JUSTICE SYSTEMS THAT PROMOTE RULE OF LAW**
Scott Ciment, *Senior Rule of Law Expert, Rule of Law Collaborative, University of South Carolina*

Participants will discuss comparative law, with an overview of civil and common law, religious and traditional legal systems around the world. Participants will learn how the higher legal education system differs between common and civil law and how this influences rule of law programming objectives. In addition, participants will learn how procedural justice is an effective approach to international rule of law promotion.

Learning objectives

- Participants will learn the distinctions between how common law and civil law systems provide justice services and will receive an overview of legitimacy of legal systems and procedural justice, and their critical role in improving citizens' experience with justice systems.

12:00PM – 1:00PM   **LUNCH**

Afternoon Session   **October 22, 2024**

1:00PM – 2:30PM   **RULE OF LAW: INSTITUTIONS AND ACTORS**
Abby Natividad, *Program Manager, Rule of Law Collaborative, University of South Carolina*

In this session, participants will learn the roles that different justice sector professionals play in the administration of justice, how they interact to produce justice outcomes, together with the trial processes observed in different legal traditions and systems.

Learning objectives

- Participants will understand the role that justice sector institutions and actors have in maintaining the rule of law.

2:30PM – 2:45PM   **BREAK**

2:45PM – 4:15PM **ADMINISTRATIVE JUSTICE, CIVIL SOCIETY AND THE RULE OF LAW**
Atif Choudhury, *Program Officer, Rule of Law Collaborative, University of South Carolina*

In this session, participants will see how regulatory frameworks that operate pursuant to legislative authority have a profound impact on the rule of law, the different types of regulatory schemes encountered globally, and how civil society plays an active role in policing adherence to the rule of law.

Learning objectives

- Participants will learn how sub-legislative rules, regulations and standards of operation in administrative agencies are part of the justice sector ecosystem
- Participants will understand how civil society contributes to the promotion of rule of law and combats democratic backsliding.

4:15PM – 4:30PM **OVERVIEW OF DAY 2 AND Q&A**

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DAY TWO: COMPARATIVE LEGAL TRADITIONS, INTERNATIONAL ENFORCEMENT MECHANISMS AND RULE OF LAW PROGRAMMING

Morning Session, October 23, 2024

9:00AM – 10:30AM   **Integrating International Law into Domestic Legal Frameworks, Promoting Compliance to International Rule of Law Norms and Informal Justice Systems**
Scott Ciment, *Senior Rule of Law Expert, Rule of Law Collaborative, University of South Carolina*

Participants will learn about the hierarchy of laws, how treaties and other international covenants and conventions are applied domestically, and the mechanisms to promote compliance with international legal obligations. An overview of informal justice mechanisms will also be provided.

Learning objectives

- Participants will understand how informal justice systems resolve conflict, the supremacy of laws, constitutional provisions, and regulatory frameworks, how countries integrate international law into domestic legal systems, and how United Nations mechanisms, including the Universal Periodic Review of Human Rights and the UN Guiding Principles on Business and Human Rights promote adherence to rule of law and human rights standards.

10:30AM – 10:45AM   **BREAK**

10:45AM – 12:00PM   **RULE OF LAW IN THE INTERNATIONAL CONTEXT**
Clare Holzman, *Program Manager, Rule of Law Collaborative, University of South Carolina*

In this session, the participants will hear how the rule of law requires alignment and adherence to international law, including human rights, trade, criminal and humanitarian law. The various instruments for creating international rule of law norms will be reviewed, together with an overview of the international and regional systems that operate to encourage and promote greater adherence to international rule of law standards.

Learning Objectives

- Participants will know the principle normative documents developed by the global community to create and promote rule of law standards

- Participants will learn of the international bodies of the United Nations and other inter-governmental organizations that operate to create a rule of law environment.

12:00PM – 1:00PM   LUNCH BREAK

Afternoon Session, October 23, 2024

1:00PM – 2:00PM   BASICS OF RULE OF LAW PROGRAMMING
Asma Peracha, *Program Manager, Rule of Law Collaborative, University of South Carolina*

Participants will learn how to do context mapping, identify entry points for rule of law programming, how to establish baselines, targets and indicators, the importance of data collection, and the need to include Gender Equity and Social Inclusion (GESI) analysis in program design.

Learning objectives

- Participants will learn fundamentals of rule of law program development
- Participants will understand how to incorporate gender equity and social inclusion into all aspects of program design.

2:00PM – 2:30PM   BREAK

2:30PM – 3:45PM   PROGRESS ON THE RULE OF LAW
Greg Gisvold, *Senior Fellow, Rule of Law Collaborative, University of South Carolina*

Participants will engage with the difficulty of discerning progress in reform efforts, what constitutes "evidence" and evidence-based approaches in rule of law development programming, the role of subject matter experts in programming, and survey definitions and common practices of rule of law monitoring and evaluation.

Learning objectives

- Participants will learn fundamentals of rule of law measurement and a further understanding of program design.

3:45PM – 4:15PM   KNOWLEDGE CHECK & EVALUATION SURVEY

4:15PM – 4:30PM   CLOSING