



UNITED STATES INSTITUTE OF PEACE

RULE OF LAW PRACTITIONERS COURSE

May 9- May 13, 2011

Washington, DC

Background

In conflict and post-conflict states, the re-establishment of the rule of law is regarded as a first-order priority in preventing future conflict and in ensuring sustainable peace and security. It is also seen as a key element in ensuring access to justice for the population, promoting economic and political development, ensuring human security, eradicating poverty and promoting human rights. Currently, there is a broad range of individuals and organizations - international and national, governmental and non-governmental, military and civilian – engaged in rule of law promotion around the world. Experience has shown that this can be a challenging and complex task for which most practitioners receive little, if any, training. To work effectively, practitioners require a broad array of legal and non-legal knowledge and skills.

Course Objectives

The *USIP Rule of Law Practitioners Course* seeks to provide an opportunity for practitioners to develop their general rule of law knowledge and skills. Drawing upon on-the-ground experience, lessons learned and best practice examples, the course offers a comprehensive introduction to the rule of law from theory to practical application. This course goes beyond the traditional parameters of rule of law training, which is often solely focused on law and legal solutions, and draws upon a multitude of complementary fields of practice to offer examples of creative approaches to promoting the rule of law. The course is tailored to rule of law professionals, whether they come from a legal, development, military, government, NGO, international organization, private sector or academic background; those who are new to this field of practice or more seasoned practitioners.

By the end of this course, participants will be able to:

- Define the “rule of law” as a concept and as a practical end-state for post-conflict states;
- Understand the historical origins of rule of law assistance and identify the various actors engaged in the rule of law field;
- Conduct a rule of law mapping and assessment of a post-conflict state;
- Design context-appropriate projects that promote the rule of law in a post-conflict

- state;
- Understand and apply over-arching rule of law “principles of engagement”;
 - Develop an effective system for monitoring and evaluating rule of law projects; and
 - Build upon existing core competencies (e.g. inter-personal skills) that are essential for rule of law promotion.

Delivery Methodology

The course will be delivered through a variety of methodologies that seek to maximize the learning experience. With an emphasis on “problem-based learning” or “learning by doing”, presentations will be supplemented by simulation exercises, group work/discussion, role-playing, DVD/multi-media presentations, and so forth. Primarily, the training course seeks to cultivate an environment in which participants can learn from each other through the sharing of knowledge, experiences and solutions.

The Training Team

The training course will be facilitated and delivered by individuals with strong backgrounds in rule of law promotion, both from an academic and practical perspective. Case studies and examples will be drawn from a variety of states where rule of law promotion has been ongoing, including Iraq, Liberia, Timor Leste, Kosovo, Haiti, Cambodia, Afghanistan, Kenya, Uganda and Bangladesh.

Course Requirements

Participants enrolled in this course will find that it is intensive in nature given the breadth of materials being covered. Participants are expected to attend every session, and engage in discussions. Participants will be asked to summarize and comment on particular readings. In addition, participants will be asked to:

- Actively participate in all group discussions, exercises, and case studies; and
- Actively participate in the final simulation at the end of the course

Timing

This course is taught as an intensive 5 day course from May 9 to May 13, 2011, inclusive.

Contact Information

Course Facilitator: Vivienne O’Connor
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Course Coordinator: Amanda Fogle-Donmoyer
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AGENDA

DAY 1

Monday, May 9, 2011

Theme: “Assessing the Context”

8:45 am – 9:00 am	Registration
9:00 am – 9:45 am	Welcome and Overview Session <ul style="list-style-type: none">• Opening Remarks• Brief introduction to USIP• Course objectives and outline• Ground Rules
9:45 am – 10:45 am	Introduction <ul style="list-style-type: none">• Introduction of participants and resource persons• Ice-breaker exercise
10:45 am – 11:00 am	Break
11:00 am – 12:00 pm	SESSION 1: RULE OF LAW: ITS HISTORY AND ITS COMMUNITY OF PRACTICE <i>Resource Person: Martin Schonteich</i> <ul style="list-style-type: none">• When did rule of law promotion begin?• How has it evolved over the years?• What institutions and actors are engaged in rule of law promotion in post-conflict states?
12:00 pm – 1:00 pm	Lunch
1:00 pm – 2:30 pm	SESSION 2: INTRODUCTION TO RULE OF LAW <i>Resource Person: Vivienne O’Connor</i>

- What does the “rule of law” as a concept mean?
- How does it relate to other concepts like justice, security sector reform, human rights, democracy, etc?
- How can “rule of law” be operationalized?

2:30 pm – 3:30 pm

SESSION 3: MAPPING THE JUSTICE SYSTEM AND THE LEGAL FRAMEWORK

Resource Person: Vivienne O’Connor

- What are the components of a justice system?
- What is the applicable legal framework – domestic and international?

3:30 pm – 3:45 pm

Recap Main Themes of the Day

DAY 2

Tuesday, May 10, 2011

Theme: “Assessing the Context”

9:00 am – 9:15 am

Overview of Day 2

9:15 am – 10:45 am

SESSION 4: CUSTOMARY JUSTICE SYSTEMS

Resource Person: Vivienne O’Connor

- Legal Pluralism as a framework for understanding post-conflict justice systems
- What is the nature of customary justice systems?
- What are some of their features?
- What are their strengths and weaknesses?

10:45 am – 11:00 am

Break

11:00 am – 12:30 pm

SESSION 5: COMMON LAW AND CIVIL LAW SYSTEMS

Resource Person: Vivienne O’Connor

- What do we mean by “common law” and the “civil law”?
- Comparison of their court structures; sources of law; legal education; legal actors; and case procedures

12:30 pm – 1:30 pm

Lunch

1:30 pm – 3:00 pm

SESSION 6: JUSTICE SYSTEMS: ISLAMIC LEGAL

SYSTEMS

Resource Person: Professor Niaz Shah

- What is Islamic Law?
- Sources, methods and principles of Islamic Law
- Aspects of Islamic family law and criminal justice
- Application of Islamic law in certain Muslim states

3:00 pm – 3:15 pm

Break

3:15 pm – 4:45 pm

**SESSION 7: RULE OF LAW ASSESSMENTS:
PRACTICAL EXERCISE**

DAY 3

Wednesday, May 11, 2011

Theme: “Designing and Implementing Rule of Law Projects”

9:00 am – 9:15 am

Overview of Day 3

9:15 am – 10:45 am

**SESSION 8: RULE OF LAW PRINCIPLES OF
ENGAGEMENT**

Resource Person: Vivienne O’Connor

- Key principles that overarch the work of the rule of law community based on international best practice
- How to operationalize these key principles

10:45 am – 11:00 am

Break

11:00 am – 12:00 pm

SESSION 9: DESIGNING RULE OF LAW PROJECTS

Resource Person: Vivienne O’Connor

- How to approach project-design: Problem-based approach versus institution-based approach?
- Demand versus supply-driven programs?
- Best practices and lessons learned

12:00 pm – 1:00 pm

**SESSION 10: REFORMING COURTS, JUDICIARY AND
THE JUDICIAL PROCESS**

Resource Person: David Marshall

- Why pursue judicial reform?
- What can be done in the immediate aftermath of conflict to improve courts, judiciary and the judicial process?

- 1:00 pm – 2:00 pm **Lunch**
- 2:00 pm – 3:00 pm **SESSION 11: POLICE REFORM**
Resource Person: Bill O’Neill
- How to address challenges with the police system in post-conflict states?
 - How can we prioritize assistance?
 - Best practice and lessons learned
- 3:00 pm – 3:15 pm **Break**
- 3:15 pm – 4:15 pm **SESSION 12: PRISON REFORM**
Resource Person: Bill O’Neill
- How to address challenges with the prison system in post-conflict states?
 - How can we prioritize assistance?
 - Best practice and lessons learned

DAY 4

Thursday, May 12, 2011

Theme: “Designing and Implementing Rule of Law Projects”

- 9:00 am – 9:15 am **Overview of Day 4**
- 9:15 am – 10:15 am **SESSION 13: LAW REFORM**
Resource Person: Vivienne O’Connor
- Assessing the applicable law in a post-conflict state
 - Lessons learned, tools and best practices in law reform
- 10:15 am – 11.15 am **SESSION 14: WORKING WITH CUSTOMARY JUSTICE SYSTEMS**
Resource Person: Scott Worden
- 11:15 am – 11:30 am **Break**
- 11:30 am – 1:00 pm **SESSION 15: WORKING WITH CIVIL SOCIETY**
Resource Person: Vivienne O’Connor
- How to work with civil society to promote the rule of law
 - Examples, lessons learned and best practices
- 1:00 pm- 2:00 pm **Lunch**

2:00 pm – 4:00 pm

**SESSION 16: RULE OF LAW PROJECT DESIGN:
PRACTICAL EXERCISE**

DAY 5

Friday, May 13, 2011

Theme: Monitoring and Evaluation & “Rule of Law ‘Soft Skills’”

9:00 am – 9:15 am

Overview of Day 5

9:15 am – 10:15 am

**SESSION 17: RULE OF LAW: MONITORING AND
EVALUATION**

Resource Person: Sean Lees

- What is “monitoring” versus “evaluation”?
- Why are monitoring and evaluation important?
- Methodologies for monitoring and evaluation
- Challenges/lessons learned

10:15 am – 11:30 am

SESSION 18: RULE OF LAW “SOFT SKILLS”

Resource Person: George White

- What are “soft skills” and why are they important?
- Assessing and building upon your own soft skills

11:30 am – 11:45 am

Break

11:45 am – 12:30 pm

**SESSION 18 (CONTINUED): RULE OF LAW “SOFT
SKILLS”**

Resource Person: George White

- Building upon your soft skills

12:30 pm – 1:30 pm

Lunch

1:30 pm – 3:30 pm

**SESSION 19: RULE OF LAW CAPSTONE SIMULATION
EXERCISE**

3:30 pm – 5:00 pm

Debrief, Evaluation and Closing of Course