ENTRi
EUROPE'S NEW TRAINING INITIATIVE FOR CIVILIAN CRISIS MANAGEMENT

Course concept*
for the
SPECIALISATION COURSE ON:

INTRODUCTION TO RULE OF LAW

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INTRODUCTION

In war-torn societies and post-conflict situations, the re-establishment of the Rule of Law is a key issue for the protection of human rights and democracy. Unless all links in the legal chain, from police to courts and administration through prosecutors, are strengthened, preferably simultaneously, the Rule of Law will be absent in parts of the society.

International organisations such as the UN and the EU contribute to setting up and supporting the development of democratisation processes by focusing on the establishment of the Rule of Law.

This course aims at providing participants a comprehensive overview of the different aspects of the Rule of Law in civilian crisis management missions considering the diversity of missions' assignments. As such, it focuses on the concept of Rule of Law itself, the recent changes and the current challenges in the field, the actors involved, their respective mandates and the way they cooperate and coordinate.

Furthermore, the course addresses specific issues related to Rule of Law such as international and transitional justice, the fight against corruption or Rule of Law enforcement. This programme is also designed to introduce participants to certain tools that will be useful in the daily practice of their duties such as monitoring, mentoring and advising as well as reporting and analysing techniques.

The course therefore puts emphasis on interactivity and sharing of experience. Lectures, round tables, case studies, discussions and group work aim at creating a dynamic learning environment. Pragmatism and real-life experiences from past missions in the field lie at the heart of the approach to the training programme, allowing participants to apprehend the complexity of peace building missions and the challenges they will be facing on the ground.

I. TARGET GROUP

The course will allow to provide training for a heterogeneous group of civilian (incl. police) experts with professional experience required for deployments to international civilian crisis management type missions, with a particular focus on experts selected or pre-selected for deployment, or field mission personnel working the sector of Rule of Law and Rule of Law related matters.

II. OVERALL OBJECTIVES OF THE TRAINING

The overall objective of the Rule of Law course is to provide the participants a general theoretic framework and practical tools that will allow them to contribute to the establishment of Rule of Law and thereby to the establishment of good governance in the field. The course aims at enhancing the competences of participants heading towards duties with specific knowledge of the different mechanisms involved in a rule of law mission in the framework of an international and crisis-stricken environment.

This course will also contribute to the development of a common and shared culture among future mission members who have different cultural, professional and organizational backgrounds. Indeed, the numerous opportunities to exchange experiences and best practices during the course will support the development of a common identity and purpose for mission support.

The course is based on five main modules, which are each divided into subject areas aiming at increasing participants' knowledge on:

A.   The conceptual framework of Rule of Law and related themes in a context of crisis management missions conducted by the EU and other international organizations

B.   The roles and mandates of different actors in the field (international, regional, national and local) and the interaction between them

C.   Capacity building methods to strengthen local capacities and reinforce Rule of Law in the field

Learning objectives of each subject are marked as either being essential or desirable: the number of training subjects depends on the availability of the trainers and their specific expertise. Whereas essential learning objectives form the basis for the certification process, desirable learning objectives can also be added in order to provide participants a wider framework and specific case study examples.

The methodology is participatory and will include case studies, role plays, scenarios, group discussion or other interactive exercises as well as preparatory pre-reading. Ideally, staff from existing field missions will be available as resource persons to share their experience with the participants. Moreover, the methodology encourages the creation of new knowledge and skills through the interaction that takes place between participants with diverse experience, professional skills, and national backgrounds in order to have a comprehensive overview of the different actual interventions and responses in different post-crisis scenarios.

III. GENERAL BACKGROUND

The course seeks to provide a comprehensive overview of the different Rule of Law aspects of civilian crisis management missions and to deepen the participants' understanding of such matters and their importance in the context of war torn societies.

The underlying general background of this course is the understanding that no quick-fit or unique solution exists to improve Rule of Law as there are so many actors and components involved in the process that need to be taken into account. Rule of Law is not only about law and any impact on part of the Rule of Law chain cannot be totally successful without support to the Rule of Law chain as a whole.

Each lecture is intended to clarify a particular aspect of a Rule of Law field while acknowledging the practical interaction between them.

IV. Modules

Module I: Introduction to Rule of Law

Within this module, participants will be introduced to Rule of Law with the aim to develop their understanding of what Rule of Law is and means. In order to increase participants' awareness on the actual key concepts, strategies and initiatives in the field of Rule of Law

reform, the current trends, debates, norms and standards implemented on the field will be presented.

Subject 1: Conceptual framework, meaning of terms and concepts

- Introduction to Rule of Law (definition and universal principles) **(essential)**
- Current trends, debates, challenges in the fields of Rule of Law **(essential)**
- The various approaches to Rule of Law **(essential)**
- Genesis and definition of Rule of Law in peacekeeping missions **(essential)**
- Mandates in Rule of Law missions **(essential)**

Subject 2: Current norms and standards

- International Human Rights Law and international institutions **(essential)**
- The link between good governance and the Rule of Law **(essential)**
- Rule of Law reform on the ground and reality checks **(essential)**
- The importance of national ownership and principles for engagement **(essential)**
- Internationally recognized standards vs. applicable local law **(desirable)**

Module II: Actors and Mandates involved in the field of the Rule of Law

This module focuses on the different actors working on Rule of Law related matters at local, regional, national and international levels. It addresses issues related to the role and responsibilities of the different actors and international Rule of Law interventions. Then, the focus will be set on the framework in which the main actors have to coherently cooperate and coordinate their operations and how these actors can strategically use various policies and mechanisms to improve the Rule of Law.

Subject 1: Rule of Law reform on the ground and reality checks I

- Introduction to international and regional actors (EU, UN, OSCE…) and their mandates **(essential)**
- Regional and local actors on the ground, including the role of NGOs, introduction to alternative dispute resolution like informal and traditional justice systems **(essential)**
- Mapping of the policies and tools used by various actors working on the ground (incl. police) **(essential)**
- Challenges of re-establishing Rule of Law in post-conflict societies **(essential)**
- Awareness about the impact of weak governance on the Rule of Law reform agenda **(essential)**

Subject 2: Rule of Law reform on the ground and reality checks II

- Cooperation and coordination between international actors **(essential)**
- Rule of Law from a field perspective and challenges on the ground **(essential)**
- Cooperation with local actors and NGOs **(essential)**
- Coordination within a field mission **(desirable)**

Module III: Transitional Justice

This module addresses the different issues that can be raised in transitional justice systems including the intervention of international courts and tribunals, truth and reconciliation processes and the building up of national capacity for the processing of international crimes. This module will help participants to understand the key elements and challenges of transitional justice and the tools used to further strengthen the transitional justice approach. Then, presentations will focus on the ways to link between formal and informal justice systems to engage the delivery of justice and on techniques than can be applied for the delivery of justice and institution building.

Subject 1: Introduction to Transitional Justice

- Key mechanisms of Transitional Justice **(essential)**
- In depth: truth seeking mechanisms **(essential)**
- Gender justice component of Transitional Justice **(essential)**
- Ways to link formal and informal justice mechanisms **(essential)**
- Contribution by TJ mechanisms to strengthening of the Rule of Law at a local level **(essential)**

Subject 2: International and local criminal justice

- The core international crimes **(essential)**
- The mandates and roles of international courts and tribunals, particularly the International Criminal Court **(essential)**
- States' obligations to prosecute international crimes at national level and overview of national trials **(essential)**
- Lessons learned in terms of international, domestic and hybrid criminal justice **(essential)**

Subject 3: Capacity development for prosecution of international crimes at national level and the Rule of Law reform

- The aim of Transitional Justice **(essential)**
- Key challenges of Transitional Justice **(essential)**
- Mechanisms and skills, which need to be developed for trials at a national level **(essential)**
- Needs and mechanisms for victim and witness support and witness protection **(essential)**
- Potential spill-over effects of Transitional Justice on the Rule of Law reform **(essential)**

Module IV: Operational responses

The module intents to enable participants to use a wide set of approaches and methods to support capacity building in the field. Participants will first be introduced to core ethics principles in the framework in the field and how to address organized crime, corruption and bribery in order to strengthen Rule of Law. Moreover, this module aims at increasing participants' capacities to master the transfer of skills and knowledge through monitoring,

mentoring and advising and at developing strategic and programmatic responses through a conflict-lens.
This module should be implemented with a practical orientation and can be either provided separately, as a one-day training content, or either transversally by attaching the tool sessions to more theoretical sessions from other modules.

Subject 1: **Ethic principles and risk assessments**

- Core ethic principles **(essential)**
- Assessing risks in an international context **(essential)**

Subject 2: **Monitoring and advising on Rule of Law**

- Definition of the terms: mentoring, monitoring, advising, partnering, coaching **(essential)**
- Development of monitoring, mentoring and advising in peace operations **(essential)** Mainstreaming gender and human rights **(desirable)**
- How to master the transfer of skills and knowledge through monitoring, mentoring and advising **(desirable)**

Subject 3: **Reporting**

- Importance of reporting and knowledge management + useful tools **(essential)**
- Gathering and analyzing information for reporting **(desirable)**
- Reporting frequent difficulties related to shortcomings and elaborating strategies to address the shortcomings **(desirable)**

Subject 4: **Anti-corruption in the context of Rule of Law**

- Forms and causes of corruption **(essential)**
- International regulatory frameworks and tools in the area of anti-corruption **(essential)**
- Anti-corruption interventions in Rule of Law reform **(essential)**

Module V: Rule of Law enforcement by sectors

This module addresses key issues in different sectors to allow participants to have a comprehensive understanding of the Rule of Law field.

Subject 1: **Security Sector Reform**

- Introduction order and security (security of persons and property, absence of crime, absence of civil conflict **(essential)**
- Current challenges and developments of security sector reform **(essential)**
- The link between SSR and Rule of Law **(essential)**
- The purpose and principles of comprehensive SSR **(essential)**
- Challenges and experiences regarding SSR as it is related to Rule of Law (essential)
- Human security aspects of Rule of law **(essential)**
- The role of the police, judges, prosecutors and customs in Rule of Law reform **(essential)**
- Prison administration and penitentiary systems **(essential)**