



AMERICAN BAR ASSOCIATION

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**Statement by Stephen N. Zack
President, American Bar Association
to the Subcommittee on State, Foreign Operations and Related Programs
Committee on Appropriations
U.S. House of Representatives
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Chairwoman Granger, Ranking Member Lowey and Members of the Subcommittee:

My name is Stephen Zack and I am pleased to submit this statement to the Subcommittee in my capacity as President of the American Bar Association. We appreciate this opportunity to discuss the importance of fiscal year 2012 funding for rule of law assistance.

Establishing governments, legal structures and institutions based on the rule of law are necessary prerequisites to creating durable democratic societies and successful market-based economies. As we know, democratic regimes are also less likely to engage in terrorist activity and spawn costly and tragic regional conflict. In addition, U.S. and other business interests are hesitant to invest resources in countries that lack sufficient commercial legal protections and independent courts to fairly resolve commercial disputes. Therefore, programs to promote the rule of law internationally are a valuable and cost effective investment of U.S. dollars that enhance both the national security and economic prosperity of our nation. They are also consonant with our values as a nation.

The ABA works to promote the rule of law internationally through a variety of mechanisms, including by providing legal technical assistance to nations around the world through the ABA Rule of Law Initiative (ABA ROLI). ABA ROLI recently celebrated 20 years of promoting the rule of law in over 75 countries worldwide. Founded shortly after the fall of the Berlin Wall, its early efforts focused on assisting Eastern European countries draft constitutions and laws. The program also helped embolden judges, prosecutors, lawyers and legal educators to take the lead in establishing – or in some cases re-establishing – the rule of law after decades of communism and repression.

ABA ROLI has dramatically expanded in size and reach since its inception in 1990. Today, with nearly 700 staff, *pro bono* volunteers and other personnel in offices in roughly 40 countries in every region of the world, ABA ROLI is strengthening the rule of law and promoting good governance in countries closely allied with the U.S., such as Jordan, Liberia, Mexico and the Philippines, as well as countries in which our relations are more complex, such as China, Ethiopia, Russia and Turkmenistan. Through these programs, the ABA has a framework in place to respond to requests for assistance from every region of the world and can provide expertise in virtually every area of law, including but not limited to such areas as criminal law reform, judicial reform, prosecutorial and defense bar reform, women's rights, commercial law development and access to justice.

The following is a summary of some of the international legal technical assistance programs implemented by ABA ROLI:

- ***Africa:*** ABA ROLI has played a central role in rebuilding Liberia's legal system after years of conflict, including assistance in opening Liberia's first-ever judicial training center and helping to repair its nearly destroyed law school, which now has instituted an innovative curriculum. In Burundi, ABA ROLI implemented a successful program to help reintegrate former child soldiers into society, while in war-torn eastern Democratic Republic of Congo, ABA ROLI's rape prosecution efforts have helped combat impunity and enhanced access to justice for survivors of the country's rape crisis. In Nigeria, ABA ROLI was instrumental in helping the Nigerian government obtain a Tier 1 rating on the State Department's Trafficking in Persons Report, one of only two African countries to receive this favorable rating.
- ***Asia:*** ABA ROLI has worked to improve women's access to justice, increase citizens' basic legal knowledge and advocate for enhanced legal protections for domestic violence survivors in Bangladesh. In the Philippines, ABA ROLI assisted in improving court efficiency through a first-ever small claims court program that the government recently expanded nationwide. In Cambodia, ABA ROLI has helped law schools adopt modern teaching methodologies and materials that focus on enhancing students' analytical reasoning capabilities and practical lawyering skills. Regionally, ABA ROLI has worked with prominent civil society representatives from all ten member countries of the

Association of Southeast Asian Nations (ASEAN) in exploring opportunities for civil society engagement with the Intergovernmental Commission on Human Rights.

- ***Central Asia:*** In the lead-up to last year's constitutional referendum and parliamentary elections in Kyrgyzstan, ABA ROLI prepared the country's legal community to govern disputes and uphold voters' rights. In Tajikistan, ABA ROLI has launched an unprecedented country-wide training effort on the new criminal procedure code, reaching prosecutors, law enforcement and defense attorneys. In Turkmenistan, ABA ROLI is promoting rural women's economic empowerment through legal education.
- ***Europe and Eurasia:*** In addition to its ongoing work assisting to combat corruption and expand access to justice in Russia, ABA ROLI played a central role in reintroducing the first jury trials in that country since Tsarist times. ABA ROLI is also working in partnership with the government of Ukraine to combat cyber-crime and child trafficking. In Georgia, ABA ROLI is playing an instrumental role in supporting the implementation of the new criminal procedure code by preparing defense attorneys to work under an adversarial system of justice. In Azerbaijan, ABA ROLI is undertaking a program to educate bloggers and independent journalists about their rights, and we are also building the capacity of civil society to provide legal services to underserved populations, including through a women's bar association that it helped establish.
- ***Latin America and the Caribbean:*** ABA ROLI has provided critical assistance to Ecuador and Panama as these countries transition from an inquisitorial system of criminal justice to an accusatorial system. In Mexico, ABA ROLI is working closely with bar associations and law schools to support their transition to the new legal system. We are also working with judges, prosecutors and police in Belize and Guatemala to develop more efficient procedures for processing criminal cases. And our newest program in the region will provide training to the criminal justice sector in Haiti, as it recovers from last year's devastating earthquake.
- ***Middle East and North Africa (MENA):*** ABA ROLI is working to help the Tunisian Bar Association and other local entities as Tunisia pursues a legal democratic transition.

Additionally, ABA ROLI continues its work to help hundreds of young Egyptian lawyers build skills in practicing law and becoming engaged members of the legal profession. ABA ROLI has also been actively engaged in advancing women's legal rights in Jordan, Algeria, Morocco and Bahrain through an innovative regional initiative, where ABA ROLI has partnered with the national judicial institutes in each of these countries to develop e-learning courses for judges on family and personal status law and on international human rights law. At the regional level, ABA ROLI helped to establish the Arab Council for Judicial and Legal Studies, an NGO that works across 14 countries in the MENA region to promote legal development, a rule of law culture and access to justice.

While U.S. funding for rule of law programs such as these is essential, it must be utilized in partnership with local leaders in an accountable, capacity-building and sustainable manner. In terms of modes of delivery, we urge the Subcommittee to recognize the benefits of and prioritize assistance delivered through non-profit groups such as non-governmental organizations and private and voluntary organizations. Non-profit organizations such as the ABA are more likely to develop long-term relationships that build capacity and allow for sustainable assistance efforts. In addition, NGOs are more likely to leverage U.S. assistance dollars through the contributions of volunteers and additional sources of funding. In the case of the ABA, well over \$200 million in *pro bono* assistance has been provided by American and overseas lawyers working directly under its aegis. Independent U.S.-based NGOs are best positioned to work as true partners with local leaders to make sure the outcomes are owned locally but are operated under the oversight of experienced and technically sound NGOs that also serve as fiduciaries of American taxpayer dollars.

The U.S. plays a unique leadership role in promoting economic development, respect for human rights and the rule of law around the world. Targeted foreign assistance to establish and enhance strong legal systems and institutions grounded in the rule of law is a critical component of U.S. assistance in the developing world, post-conflict countries and countries in transition. Further, this assistance is vital in ensuring the protection and promotion of U.S. national security and economic interests. We are cognizant of the tremendous budgetary challenges facing our nation and understand that difficult decisions must be made in allocating funding. However, if the U.S. fails to invest adequate resources in this area, countries that do not share our

commitment to democratic values and free markets will continue to languish and serve as destabilizing forces, to the detriment of U.S. national interests. Rule of law programs such as those we have described here are a highly cost-effective mechanism through which to advance both the interests of the citizens of the participating countries and U.S. foreign and development policy. For these reasons, we urge the Subcommittee to maintain the overall amount of funding available for agencies and programs that support rule of law activities such as those implemented by ABA ROLI and that the Subcommittee continue to support funding for the ABA's technical legal assistance programs through cooperative agreements.

Thank you for this opportunity to share our views.