Contents

Foreword ......................................................................................................................... iii
Preface and Acknowledgements .................................................................................. v
About the Editor .......................................................................................................... vii
About the Contributors .............................................................................................. ix
List of Acronyms ......................................................................................................... xiii

Chapter 1
A Practitioner’s Guide to Rule of Law Promotion: An Introduction ...................... 1
Lelia Mooney
   Evolving Definitions ........................................................................................... 4
   Evolving Approaches in the Field ...................................................................... 6
   The Content and Structure of This Book .......................................................... 8
   Part I: A Mandate to Promote the Rule of Law .............................................. 9
   Part II: The Rule of Law, International Law, and Economic Development ...... 11
   Part III: Fostering the Rule of Law in Conflict and Post-Conflict Settings ..... 14
   Part IV: Designing Rule of Law Missions ......................................................... 16
   Twelve Key Lessons ......................................................................................... 19

PART I
A Mandate to Promote the Rule of Law ............................................................... 25

Chapter 2
The Rule of Law Movement ...................................................................................... 27
Martin Schönteich
   Introduction ....................................................................................................... 27
   Law and Development ...................................................................................... 29
   Administration of Justice .................................................................................. 32
   The Post-Cold War Era ................................................................................... 34
   Conclusion ....................................................................................................... 45
Chapter 3
Promoting the Rule of Law with a Global Mandate ................................. 47
*Patricia O’Brien*
  Introduction .................................................................................................. 47
  The Rule of Law and the Charter of the United Nations ......................... 48
  The Role of United Nations Bodies in Strengthening the Rule of Law ....... 48
  The United Nations Integrated Approach to Rule of Law Activities .......... 51
  United Nations Rule of Law Assistance Activities .................................. 52
  The Rule of Law and an Age of Accountability ......................................... 56
  Conclusion .................................................................................................. 65

PART II
Rule of Law, International Law, and Economic Development ................. 67
Chapter 4
Creating a Global Community of Rule of Law Practitioners in the Service of
Development .................................................................................................. 69
*Hassane Cissé*
  Synergies between Rule of Law and Development .................................. 70
  The Importance of Communities of Practice .......................................... 77
  An Effort to Create a Global Community of Rule of Law Practitioners:
    The Global Forum on Law, Justice and Development (GFLJD) .......... 80
  Conclusion .................................................................................................. 83

Chapter 5
How Private International Law Fosters the Rule of Law ............................ 85
*David P. Stewart*
  Introduction .................................................................................................. 85
  What Is Private International Law? ............................................................. 86
  How Does Private International Law Contribute to the Rule of Law? ....... 88
  How Does Private International Law’s Promotion of Economic
    Development Help Foster the Rule of Law? ........................................... 94
  Conclusion .................................................................................................. 96

Chapter 6
The Role of UNCITRAL in Fostering the Rule of Law ............................... 99
*Samira Musayeva and Renaud Sorieul*
  Introduction .................................................................................................. 99
  Promoting the Rule of Law at the National and International Levels ...... 100
  Opportunities for Strategic Engagement .................................................. 107
  Conclusion .................................................................................................. 108
PART III
Fostering the Rule of Law in Conflict and Post-Conflict Settings .......... 111

Chapter 7
Keeping It Real ................................................................. 113
Colette Rausch
Introduction ........................................................................... 113
Recognize the Scale of Both the Devastation and the Challenges ....... 114
Get Rid of Your False Assumptions ......................................... 116
Appreciate that Rule of Law Is Everyone's Responsibility .......... 117
Recognize the Challenges of Top-Down Reform ...................... 119
Work from the Bottom Up ....................................................... 119
Case Study: Justice and Security Dialogue (JSD) in Nepal ............ 121
Listen to the Voices of the People ............................................. 124
Conclusion: Understand Your Role as an Outsider ..................... 126

Chapter 8
The Gender Dimensions of Rule of Law Reform ....................... 129
Fionnuala Ni Aolain
Introduction ........................................................................... 129
Rule of Law, Not of Men? ........................................................ 131
Minimal Import versus Maximal Potential ................................. 132
Gender and Rule of Law Flashpoints ........................................ 136
Laws and Legislation ................................................................ 137
Institutional Reform .............................................................. 137
Good Governance and the Rule of Law ...................................... 138
The Rule of Law and “Deal-Making” ........................................ 139
Conclusion ............................................................................ 141

Chapter 9
The U.S. Military's Role in Rule of Law Development .................. 143
Thomas B. Nachbar
Introduction ........................................................................... 143
Conceptualizing the Military's Role in Rule of Law Development .... 145
The Military's Role in Rule of Law in Practice ............................... 151
Implications of a Dynamic Understanding of the U.S. Military's Role in Rule of Law Development ............................................. 154
Conclusion ............................................................................ 160
PART IV
Designing Rule of Law Missions ................................................................. 161
Chapter 10
Justice by the Numbers .............................................................................. 163
Juan Botero, Joel Martinez, and Alejandro Ponce
Introduction ................................................................................................. 163
Why Are Indicators Useful to Advance the Rule of Law? ......................... 164
How to Use Indicators to Advance the Rule of Law .................................. 168
Conclusion ................................................................................................. 176
Chapter 11
Making Justice Systems Work for Women .................................................. 179
Laura Turquet and Ginette Azcona
Introduction ................................................................................................. 179
Taking Stock of the Progress, Gaps, and Challenges ................................. 181
Practical Approaches to Making Justice Systems Work for Women .......... 185
Conclusion ................................................................................................. 189
Chapter 12
Measuring the Impact of Rule of Law Programming in the Field ............... 191
Richard H. Langan II
Introduction ................................................................................................. 191
UN Rule of Law Architecture and UNDP Rule of Law Programming ....... 192
Conducting a Typical UNDP Outcome Evaluation: Some Practical
Considerations and Notes from the Field .................................................. 197
Conclusion ................................................................................................. 207
Chapter 13
One Size Does Not Fit All: Issues in Criminal Justice Reform Efforts ........... 209
Shawna J. Wilson
Introduction ................................................................................................. 209
Rationales for Criminal Justice Reform ..................................................... 210
General Guiding Themes and Approaches for Criminal Justice Reform
Efforts ......................................................................................................... 212
Specific Issues and Approaches Regarding Criminal Justice Reform Efforts
in Different Legal Systems ......................................................................... 215
Putting Words into Action: Bureau of International Narcotics and
Law Enforcement Affairs (INL) ............................................................... 219
Conclusion ................................................................................................. 221
## Contents

### Appendix A
- General Assembly High-Level Meeting and Declaration on the Rule of Law...
  - Summary .......................................................... 223
  - The 1993 Vienna World Conference on Human Rights ................. 223
  - The Millennium Summit ............................................. 224
  - The 2005 World Summit ............................................. 224
  - Lead-up to the High-Level Meeting ..................................... 225
  - The 2012 Report of the Secretary-General “Delivering Justice:
    A Programme of Action to Strengthen the Rule of Law at the National
    and International Levels” ............................................. 225
  - The 2012 High-Level Meeting on the Rule of Law and the Declaration... 226
  - Way Forward .......................................................... 227

### Appendix B
- Becoming a Rule of Law Practitioner ............................................. 235
  - Introduction .................................................................. 235
  - The Rule of Law When Job Seeking .................................... 235
  - Not All Rule of Law Jobs Require Law Degrees ...................... 236
  - How to Start: Get Involved ............................................. 237
  - Volunteer Opportunities ................................................ 237
  - Career Opportunities ..................................................... 238
  - Job Search Strategy: Know Your Market ............................... 239
  - Conclusion ................................................................... 242

### Appendix C
- The American Bar Association and the Rule of Law: An Invitation to
  Participate in Our Work ................................................... 245
  - ABA Commitment to the Rule of Law ................................. 246
  - ABA Opportunities in the Rule of Law ................................. 246
  - R.S.V.P. ........................................................................ 250

### Notes ........................................................................ 251

### Index ........................................................................ 283