United Nations

Primer for

Justice Components in Multidimensional Peace Operations: Strengthening the Rule of Law

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CONTENTS

FOREWORD

ACKNOWLEDGEMENTS

INTRODUCTION ........................................................................................................................................ 1

I. PREPARING FOR DEPLOYMENT ........................................................................................................... 3
   A. Common Challenges ....................................................................................................................... 3
   B. Resources for Preparation ............................................................................................................ 5
   C. Principles for Engagement ........................................................................................................... 5
      1. Core Principles for Peace Operations ....................................................................................... 5
      2. Principles for Rule of Law Reform ......................................................................................... 6

II. BUILDING RELATIONSHIPS AND LINKAGES ................................................................................. 7
   A. National Authorities and Civil Society ....................................................................................... 7
      1. Quickly Retain National Professional Officers ........................................................................ 7
      2. Nurture Contacts with National Authorities ........................................................................... 8
      3. Support National Professional Organizations and Civil Society Organizations .................. 8
   B. UN Partnerships .......................................................................................................................... 9
      1. Actively Involve the Senior Mission Management .................................................................... 9
      2. Work with Related Sections of the Mission ............................................................................. 10
      3. Develop Partnerships within the UN Country Team ............................................................... 12
   C. International Donors and Technical Assistance Providers ....................................................... 14
   D. Public Engagement, Information and Outreach .......................................................................... 15
   E. UN Headquarters ........................................................................................................................ 16

III. CENTRAL FUNCTIONS, APPROACHES AND TECHNIQUES .......................................................... 17
   A. Work-plan Development and Reporting .................................................................................... 17
   B. Identification, Collection and Organization of the Applicable Law .......................................... 19
   C. Mapping and Assessment of the Judicial and Legal System ...................................................... 19
   D. Providing Advice, Analysis and External Reporting ................................................................. 21
   E. Strategic Planning for Reform in the Legal and Judicial Sectors .............................................. 22
   F. Accessing Funds .......................................................................................................................... 23

IV. FOCAL AREAS AND ACTIVITIES FOR TECHNICAL ASSISTANCE ................................................. 25
   A. Increasing the Immediate Effectiveness of the Criminal Justice System .................................... 26
   B. Strengthening the National Legal Framework ............................................................................ 29
   C. Providing and Reforming Legal Education and Training ............................................................. 30
   D. Reinforcing Judicial Independence ............................................................................................. 32
   E. Promoting Judicial and Prosecutorial Professionalism, Accountability and Transparency .... 33
   F. Improving Court Administration and Management ................................................................. 35
   G. Developing Basic Judicial Infrastructure ..................................................................................... 36
   H. Bolstering the Integrity of the Legal Profession ......................................................................... 38
   I. Increasing Access to Justice — Developing Legal Aid, Indigent Services and Civil Legal Education ......................................................................................................................... 39
   J. Promoting Gender Justice and Victim’s Rights .......................................................................... 41

ANNEX A Resources for Preparation

ANNEX B International Treaty, Non-Treaty and Model Standards and Principles Related to the Rule of Law
FOREWORD

Strengthening domestic judicial and legal systems in host countries of peace operations is a core aspect of the United Nations’ (UN) efforts to maintain international peace and security. Peace operations in places as diverse as Afghanistan, Bosnia-Herzegovina, Cambodia, Haiti, Kosovo, Liberia and Timor-Leste have illustrated that strengthening judicial and legal systems is a necessary ingredient of implementing peace agreements and of maintaining the peace. Providing citizens with legal means to address their disputes and with fair and effective judicial systems in which to try those accused of criminal offenses is core to the maintenance of a secure and stable environment in the immediate aftermath of conflict.

Despite the importance of this aspect of peacekeeping, justice components of UN peace operations have long operated without significant operational guidance. This Primer is the first step to help address this gap, and provide justice section staff members of all levels with concrete advice on how to go about their work.

While each mission operates under unique circumstances and with differing mandates, the United Nations Department of Peacekeeping Operations (DPKO) offers this Primer as a quick reference guide for use prior to, and during, deployment in the field. This Primer includes guidance on how to: prepare for deployment (Part I); build key relationships and linkages (Part II); address functions central to all operations (Part III); and approach key focal areas for technical assistance (Part IV).

This Primer is a first step in the development of a body of guidance materials designed to assist UN personnel working on judicial and legal systems issues in the context of peace operations. The Department of Peacekeeping Operations anticipates the development of other guidance materials, including in the areas such as training, mentoring, advising, monitoring, and reporting.

I wish to express my deepest gratitude to those who have contributed to this initiative.

Jean-Marie Guéhenno
United Nations Under-Secretary-General for Peacekeeping
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PRIMER FOR

JUSTICE COMPONENTS IN
MULTIDIMENSIONAL PEACE OPERATIONS:
STRENGTHENING THE RULE OF LAW

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INTRODUCTION

Multidimensional UN peacekeeping operations assist efforts to preserve and consolidate peace in the post-conflict period by helping to rebuild basic foundations of a secure, functioning state. To this end, UN peace operations undertake a broad range of tasks, mandated by the UN Security Council, to support the implementation of an agreed peace process. These include:

i) Helping the parties maintain stability and order;
ii) Helping the state re-establish its authority and secure its monopoly over the legitimate use of force;
iii) Supporting the early re-establishment of effective police, judicial and corrections structures to uphold the Rule of Law (ROL);\(^1\)
iv) Supporting the emergence of legitimate political institutions and participatory processes to manage conflict without recourse to violence; and
v) Building and sustaining a national, regional and international political consensus in support of the peace process.

All justice sections share the common mission of supporting the achievement of these objectives. As stated above, the fundamental objective of justice sections, and their “justice” or “rule of law” staff, is the early re-establishment or strengthening of the judicial and legal system, so as to uphold the rule of law. Justice sections will also focus on legal system issues that are highlighted in peace agreements, that are core to the conflict, or that otherwise are essential for the successful implementation of the peace process.

The specific work of your justice section will be based on: the mandate provided to your mission by the Security Council; the Concept of Operations (or mission planning report) developed by DPKO through an interagency planning process; and relevant reports of the Secretary-General. Most importantly, your section will work to support national counterparts in the implementation of reform strategies and objectives that are locally owned. Nonetheless, all justice sections have three primary functions:

**Analysis, Convening and Planning:** The justice section should serve as a centre of advice, information and analysis on rule of law issues. In this regard, one of its core tasks is to provide mission leadership with rapid legal analysis of rule of law issues that arise in the domestic context (such as the arrest of opposition leaders, the removal of supreme court judges, disputes over sensitive legislation, the implementation of rule of law-related aspects of a peace agreement, or other politically sensitive issues). The justice section should also play a central role in convening the UN system, national actors and the international community to holistically address justice sector needs. The section will also engage with, and support, national counterparts in strategic planning for legal and institutional reform.

\(^1\) The “rule of law” is described broadly as “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.” Report of the Secretary-General, Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, 23 August 2004, S/2004/616, p. 4, para. 6.

\(^2\) For ease of reference, we will use the term “judicial officer” to refer to the staff members who are working on judicial and legal system reform in UN peace operations, and we will use the term “justice section” to refer to the mission component that is engaged in this work. The actual terminology varies across missions.
**Technical Assistance:** The bulk of the work of your justice section will be in the form of technical assistance to national counterparts for strengthening the court system, particularly in the area of criminal justice. In addition to criminal law issues, key civil law areas—such as land and property rights, or citizenship and national identification—will also need to be addressed where they are closely linked to implementation of a peace agreement, to causes of insecurity, or to the underlying conflict. Justice sections will help provide training, offer specialized advisory or mentoring services, or systematically monitor the legal system in order to provide national and international counterparts with practical recommendations as to improvements needed in the system. Justice sections will also play a central role in constitutional and legislative reform, including through approaches that stress citizen participation.

**Support to Other Mission Components:** Justice sections should also contribute to and support the work of many other mission components with the goal of achieving the mission’s overall objective— the maintenance of peace and security. For example, justice sections are well placed to support the emergence of legitimate political institutions and participatory processes, through support to the mission’s elections component. A justice section might help re-establish state authority over the use of force, through work with the mission’s DDR (disarmament, demobilization and reintegration) component. Justice sections can provide legal analysis and advice, training on criminal procedure, and legislative drafting assistance to the mission’s police component.

As the office in Headquarters charged with overseeing work to strengthen or reform judicial, legal and prisons systems, DPKO’s Criminal Law and Judicial Advisory Unit (CLJAU) can provide specific guidance on the implementation of your mandate, and can also assist as you prepare for deployment to the field. Throughout the life of the operation, the CLJAU will serve as your main point of contact in Headquarters on substantive rule of law matters.
I. PREPARING FOR DEPLOYMENT

To be effective, the judicial officer must arrive in the mission with an inquiring frame of mind and energetically seek out knowledge of the local situation. Multicultural communication skills, the ability to listen, flexibility, creativity, and a cooperative spirit are as important as technical legal skills. At the same time, the judicial officer cannot be a passive observer, but must be a proactive leader capable of learning the local legal environment while planning, organizing, and executing targeted tasks and activities with little or no administrative support. The variety of challenges, opportunities and frustrations that new judicial officers can expect to face could easily paralyze even the most seasoned professional if they are not prepared to embrace the post-conflict circumstances and plot a course of action for change within its constraints.

A key to effective engagement in the rule of law sector, therefore, is thorough preparation. This preparation has several aspects: developing an awareness of the post-conflict setting, enhancing your appreciation of the history, culture and language of the host-country, digesting available background materials, grounding your work in international principles that are fundamental to post-conflict rule of law work, and developing a flexible, creative and pro-active philosophy and approach— all before you deploy to the mission area.

A. Common Challenges

The post-conflict environment is typically defined by disorder and the breakdown of the formal legal system, and each post-conflict situation is different. Thus, judicial officers cannot expect to employ many of the legal tools, materials and approaches that their training or prior international experience has prepared them to rely on. Rather, the judicial officer must be prepared to work within a wholly foreign legal environment to assist local counterparts in the creation and rehabilitation of institutions that are appropriate for the war-torn conditions and limited resources. In this setting, a rule of law expert’s effectiveness depends principally upon her or his ability to rapidly integrate into a diverse range of legal, cultural, educational, and professional conditions.

The following summarizes circumstances that you are likely to encounter in the rule of law sector in a post-conflict setting:

**Loss of Material, Institutional and Human Capacity:** The physical infrastructure may be extensively damaged. Courts, police stations, prisons, and other public institutions may have been looted and/or destroyed. Accordingly, key legal records and materials are commonly damaged or missing. Institutional capacity that previously existed may have been seriously compromised or destroyed, and there may be few educated lawyers. Educated personnel may have fled, and legal education may have been stalled during years of conflict. Even if a substantial human resource base remains after the conflict, there may be few incentives to engage in public sector work, and the judicial profession might be perceived to be dominated by members of an oppressive group.

**Lack of an Adequate Legal Framework:** Every country has a legal history and tradition, but in many cases the core legal framework may contain fundamental gaps and may be partly inconsistent with international standards. After years of conflict, there could be confusion about which laws are applicable and misconceptions of what the law provides. Some of the legal provisions in peace agreements, executive decrees, old statutes, interim constitutions, international instruments, customary laws, religious laws, and the like may be overlapping, or even contradictory. A major challenge can be to identify the applicable law, and to achieve agreement on the applicable provisions among legal professionals, opposing parts of the society or former warring fractions. In addition, confusion may exist as to the state’s obligations under international law—for ensuring the full
panoply of human rights protections including compliance with international humanitarian law
during the emergence from a state of emergency and/ or conflict.

**Insecure Environment:** Residual fighting may continue after the general cessation of hostilities,
with continuing political power struggles and spoiler activity leading to ongoing violence and
criminality. Organized crime and illicit war economies may have flourished during the conflict, with
persistent and sophisticated criminal networks operating within and outside the country. Local
capacity to enforce public order will likely be insufficient to provide for a secure environment. At
the same time, military or security forces may be exercising police-type functions without any judicial
or civilian oversight.

**Human Rights Violations and a Culture of Impunity:** International human rights and
humanitarian law violations may have been committed on a massive scale during the conflict, with
ongoing violations persisting even after a peace agreement is signed. Entire segments of the
population may have been displaced, leading to unresolved property disputes. Social fragmentation
and the trauma of mass violations can have particular gender, linguistic, ethnic, natural resource,
geographic or class dimensions that impede the reintegration of groups into a cohesive whole.
Victims will expect recognition, reparations, truth and accountability, and a sustainable peace will
often require that violators be held accountable. At the same time, identifying and holding
perpetrators of past violations to account can be a delicate and complex endeavour, particularly
where alleged perpetrators remain in positions of power. Often, all sides to the conflict may be
responsible for the violations, and may therefore block the reform of criminal justice structures.

**Threats to Judicial Independence and Impartiality:** A culture of undue interference in pending
cases—by the executive branch, other powerful social actors or organized crime—is typical for
societies emerging from conflict and authoritarian regimes. Low and unpaid wages raise the danger
of corruption and bribery. If ethnic or political group domination has been part of the conflict,
corresponding bias and revenge are likely in the post-conflict judicial systems. In many post-conflict
societies, gender bias and a corresponding lack of equal access to justice is pervasive. The absence
of an independent judiciary, however, as well as unsatisfactory disciplinary procedures and a lack of
protection for whistle blowers, often hinder the removal of unprofessional personnel.

**Distrust in Existing Structures and Root Causes of Conflict:** Confidence in the legal and
judicial structures is a precondition for their functionality. Such confidence is unlikely in an
atmosphere of impunity, corruption and nepotism. Moreover, law-making, judicial, and law-
enforcement bodies may have perpetrated human rights violations, and the failures of the justice
system may have been a root cause of the conflict. As noted, the judiciary may be perceived to be
dominated by members of an oppressive group. In these circumstances, the legitimacy of existing
legal structures will be seriously affected, and profound distrust can be prevalent in major parts of the
society. This often leads to a culture of reliance on physical violence or other coercive means to
pursue one’s interests rather than on legal mechanisms for dispute resolution. Traditional or
customary forms of dispute resolution may be common, relatively effective, and preferred by
communities, but their relationship with the formal justice system may be unclear, and they might
not operate in a way that is consistent with applicable international standards.

**Lack of Rule of Law Culture:** The rule of law presupposes a basic culture of legal accountability
and faith in state institutions. Parts of the society in a post-conflict environment may have limited
experience with the underlying concepts of democracy and human rights. A whole generation might
be born and raised in an environment of violence and may have little experience with formal non-
vioent mechanisms for resolving disputes. Moreover, there may well be cultural or social factors
that impede the establishment of pluralistic democratic institutions that protect human rights. Local
counterparts also may have strategic interests opposed to the establishment of independent rule of
law institutions, and a lack of political will for reform can be prevalent.
B. Resources for Preparation

Once you deploy, there will probably not be enough time to review all the necessary background material. Moreover, with technological and communications difficulties, many documents may be difficult or impossible to access from the field. Pre-deployment preparation is, therefore, essential.

We recommend that you study relevant Security Council resolutions and reports of the Secretary-General regarding the mission, its mandate and tasks. You should refresh your knowledge of the international human rights standards that are core to your work. You will also need to review reports regarding the legal and judicial system, the human rights situation, and other rule of law institutions in the country.

Another important aspect of this preparation is to learn as much as possible about the country’s history, culture and tradition. This should include learning some basic expressions in the local languages. Once you have digested the pertinent documents, we encourage you to speak with several people who have previously worked in the country to which you are being deployed.

Annex A provides a list of these basic documents and links to web pages where most can be found. If you are unable to obtain these materials from the internet, the DPKO Criminal Law and Judicial Advisory Unit (CLJAU) in New York can assist in providing you with a country-specific resource package prior to your deployment.

C. Principles for Engagement

Before deployment, judicial officers will need to be fully aware of the rules, regulations, codes of conduct and other policies that they are to abide by. This includes the fundamental principles laid out in the Charter of the United Nations, and the core values and competencies expected of all UN personnel.

1. Core Principles for Peace Operations

Contemporary multidimensional UN peacekeeping operations are guided by five fundamental principles. They are summarized here:

- **Consent** of the main parties is an essential pre-condition to peacekeeping and must be managed continually. Consent is dynamic and operates at different levels. Absence of consent from smaller, spoiler elements should be met robustly.

- **Impartiality** means that the Mission’s mandate must be applied without favour or prejudice to any party. Impartiality is not to be confused with neutrality or inactivity. Where one party to a peace agreement is clearly in violation of its terms, this should not be ignored.

- **Minimum Use of Force.** UN peacekeepers are entitled to defend themselves and their mandate. They may also use force to preserve the peace process and protect civilians. The use of force should always be restrained, calibrated and precise.

- **National Ownership.** Multi-dimensional peacekeeping operations are designed to help post-conflict states strengthen and exercise their full sovereignty. Missions must seek to promote national ownership of their key activities, in accordance with international norms.

- **Credibility.** The early establishment of a mission’s credibility is vital. A UN peace operation deployed in a volatile environment is likely to be tested for weakness. To be credible, a mission must be professional and maintain a confident posture.
2. Principles for Rule of Law Reform

In addition to the core principles of peacekeeping outlined above, several specific principles guide rule of law interventions in the peacekeeping context. These, too, should be fully followed and respected by all judicial officers.

**Respect for National Ownership and Leadership:** Legal reforms will only take hold if they are: (1) driven by national counterparts; and (2) sensitive to the culture and legal tradition of the host country. Peacekeeping staff should strive to support national authorities, including the judiciary, to lead reform efforts, and should engage national partners (e.g., legal professionals, civil society) in all reform activities. Where proactive national partners are scarce, the mission will need to help support and develop national reform constituencies. Simply put, the goal of all UN personnel working in the rule of law area should be to reinforce the capacities of, and not replace, local actors.

**Human Rights-based Approach:** The human rights approach to rule of law work involves ensuring that human rights standards underpin all analysis, assessment and programming. Activities should promote enhanced compliance with these standards by authorities (duty-bearers), and greater access to effective remedies by victims (rights-holders). It also requires that judicial officers, the section and the mission as a whole respect the principle of the independence of the judiciary and the operational independence of prosecutors and law enforcement officials, and not take or support actions that impede or interfere with the development of such independence.

**Gender Equality:** All rule of law work should take into account the different experiences, needs and priorities of women, men, girls and boys, including the disparate impact of conflict on women and girls. Rule of law programmes should target the removal of discriminatory laws, policies and practices which prevent women and girls from enjoying their full and equal rights in society and promote the use of specific measures to assist women and girls to overcome the effects of prior discrimination.

**Managing Expectations:** The host-country population will likely have extremely high—and often unrealistic—expectations about the assistance a peace operation can provide. It is not uncommon for counterparts to believe that a large operation would have resources to rebuild courts, prisons, roads, factories and to bring economic prosperity to the region. Also be aware that many national counterparts will become weary of assessments, particularly when the assessments do not seem to lead to quick results. In light of scarce resources, it is important to avoid making predictions or promises about future assistance until it is definite. Instead, be open about resource constraints and about types of assistance that peace operations cannot provide. It will also be important to focus on joint objectives and the national commitment required to attain these. Moreover, you may wish to encourage other potential assistance providers to draw upon prior needs assessments, and target needs that have already been identified, rather than undertaking new assessments.

**Participatory Approaches:** Those who need and use the legal system are the ones with the most to win or lose from its fairness and effectiveness. The approach to rule of law work in the post-conflict environment should enhance participation by all stakeholders—in particular civil society, marginalized groups and the population at large. Participatory methods and techniques should be incorporated into all mission activities, and outreach and public information efforts should form part of the foundation of the operation’s rule of law strategy.

**Partnerships and Sustainability:** The peace operation will have a relatively short life span and will not be able to address the host-country’s rule of law needs on its own. Successful rule of law initiatives require the support and active engagement of the entire mission, developmental partners, bi-lateral donors and international assistance providers, along with a panoply of national actors.
mission should actively encourage and engage these rule of law partners in a way that promotes
coherecy of programming, develops shared objectives, and lays a foundation for sustainable and
long-term development.

II. BUILDING RELATIONSHIPS AND LINKAGES

The most important determinant for success is the ability to establish strong relationships with both
national and international counterparts. These relationships will enable you to: identify and support
national reform leaders, develop broad-based reform constituencies, focus international attention on
the needs of the legal and judicial sector, and draw upon expertise and resources that are not
otherwise available to the justice section. Building these relationships is one of the first things the
justice section should begin to do upon establishment of the mission, and maintaining these
relationships is an on-going job throughout the life of the operation. The core strategic linkages that
you will need to build and maintain are set out below.

A. National Authorities and Civil Society

Providing advice and support to national authorities and other stakeholders is a primary objective of
a justice section. The most significant counterpart of the peacekeeping operation will be the national
authorities of the host country, including lawyers, prosecutors and the judiciary. To be effective in
approaching these partnerships, you will need a firm understanding of the political and social
backgrounds of these counterparts. National staff, as well as international staff with in-depth
knowledge of the country, can be key to developing these linkages and to understanding the local
situation.

1. Quickly Retain National Professional Officers

One of the most important things you can do upon establishing a new mission will be to hire local
lawyers to join your justice team. Any delay in filling positions will compromise capacity and
effectiveness. All justice sections should, therefore, make the filling of National Professional Officer
posts (NPOs) and other national staff positions a top priority.

Hiring national staff is particularly important because these individuals will be the eyes and ears through which international staff
will interact with local counterparts. They serve as legal, cultural and
linguistic advisors and teachers. When hiring national staff, it is
essential to consider cultural, gender and linguistic diversity.

Commonly, post-conflict environments present a situation where the
more educated and professionally accomplished local professionals are members of previously
dominant groups, which may have been associated with the underlying cause(s) of the conflict.
Every effort must be made to ensure that NPOs and other national staff can be impartial and are
able to interact with all sides of the conflict effectively. Applicants, therefore, should be scrutinized
from linguistic, familial and political perspectives beyond merely their paper credentials.

At the same time, justice sections need to be aware of some of the potential drawbacks of hiring
national professionals. Because legal professionals are often scarce in post-conflict contexts, luring
them away from public service for better paying international work can drain resources from the
host-country’s legal system and be resented by national authorities. As a result, hiring national staff
should be undertaken sensitively and with due regard for any disproportionate impact it could have.
2. **Nurture Contacts with National Authorities**

Developing and nurturing contacts within the Judiciary, the Ministry of Justice (and in some cases the Ministry of Defence on military justice issues), offices of the President or Prime Minister, and the Prosecutorial authority should be commenced at the earliest possible stage. Where there is a Parliament, whether interim or not, certain committees or law-makers may also have particular importance with respect to justice. In addition, you should seek out and engage human rights authorities, e.g., ministries, commissions and/or ombudsperson institutions. While the nature of informal, traditional or customary mechanisms for dispute resolution will vary depending on the host-country context, there will usually be national authorities or leaders of traditional, cultural and/or religious groups that have a role in these mechanisms. It is equally important to develop contacts with such national actors and gain a full understanding of the interaction and relationship between traditional mechanisms and the formal justice system.

Developing and nurturing these relationships will often involve informal contact through coffees, teas, or other social engagements, and judicial officers should arrive prepared to pursue these contacts in accordance with the local customs. It is important to develop broad-based relationships with national counterparts, as those in power can change quickly. Moreover, by seeking to have everyday interactions with citizens you will be able to gain insight into the prevailing views about the justice sector.

**Co-location:** Where the section’s mandate and resources allow, an effective tool for supporting national authorities is to co-locate advisors in the key institutions of justice. This can be done at the highest levels (within the Ministry of Justice, President’s Office, Prime Minister’s Office or High Court) or within the courts and prosecutors offices. Co-location yields immediate benefits in that it provides an inside view of the challenges and concerns of the government leaders and their institutions. As a relationship of mutual trust develops, it also provides an avenue for suggesting and explaining needed reforms.

To maximize this relationship of trust, it is key to engage national counterparts in the selection process for potential advisors—so that there is no impression that the advisor was imposed upon the institution.

**Offer of Co-located Expertise:** It is crucial that an offer to co-locate an advisor be conveyed in a manner that emphasizes his/her advisory role and avoids calling into question the skills or motivation of the institutional leadership. Providing the institution with input into the job descriptions and selection of advisors increases the chances of success. It is also essential that the skills, experience and personal approach of the potential international advisors be strong enough so as to add significant value to the host-country institution.

Co-location, however, can pose risks—such as substituting international for national capacity; being drawn into internal power struggles; or “client capture” whereby the international advisor’s personal relationships cloud his/her professional judgment. These risks, however, attach to a lesser extent to almost all forms of government engagement, and with proper management, must be methodically and carefully minimized.

3. **Support National Professional Organizations and Civil Society Organizations**

Beyond the authorities, the justice section must engage in a broad outreach effort to identify the range of civil society actors and constituencies with a stake in the ROL institutions and procedures. These organizations and actors are usually found in professional legal associations, law faculties or other legal education institutions, non-governmental legal organizations, women’s and human rights organizations, or commissions or other bodies. Specifically, the justice section will need to identify
and help nurture reform-minded national constituencies and actors. These national counterparts can be central partners in implementing ROL programmes.

Non-governmental organizations (NGOs) have an integral role to play, as a crucial supplement to government efforts and an important partner in implementation of reforms. With an established presence in the local community, NGOs can often help identify and target segments of society in particular need of assistance or protection and provide a channel for communication between the local community and the mission. Over the longer term, they also serve an important monitoring and advocacy function that can spur continued reform and rebuilding.

**Methodology for Civil Society Engagement on Reform:** One key to sustainable reform is for the host-country to engage civil society in developing components of a judicial and legal system reform agenda. While there are many ways in which this can be accomplished, a typical approach is to develop a structured dialogue that contains at least four components: 1) Issue Identification: Bringing civil society together to brainstorm on the most important issues and establish priorities; 2) Consultations: Taking the priority issues identified and organizing forums to discuss details of their content; 3) Development of Proposed Reforms: Convening those with the greatest interest in, and knowledge of, the particular issues to develop reform proposals; and 4) Presentation of Proposals in a Public Forum: Convening a meeting between civil society and government officials to engage in an open discussion and debate about the suggested reforms.

**B. UN Partnerships**

One of the first tasks of the justice section should be to consult various components of the mission, and other UN system partners outside the mission, to identify potential partners and develop a consensus around a common political strategy for strengthening the justice system. Where needed, the justice section should take the lead in promoting processes for interaction with other UN agencies and mission sections to ensure collaboration, as opposed to competition, on ROL approaches, projects and activities.

1. **Actively Involve the Senior Mission Management**

Rule of law work is often more political than it is technical. Thus, the importance of incorporating rule of law concerns into the analysis of the conflict, political strategy development and political dialogue cannot be overstated. Developing momentum for change in a situation where neglect or manipulation of the judicial and legal systems is entrenched requires robust and continuous political engagement. If rule of law issues are not on the table of the international and national policy-makers, technical programmes and interventions will likely have minimal effect.

The senior leadership of the peacekeeping operation—including the Special Representative of the Secretary-General (SRSG) and the Deputy Special Representatives of the Secretary-General (DSRSGs)—are well-placed to keep rule of law issues on the agenda of international community and local government leaders. But to do so, they will need your input. The justice section’s responsibility, therefore, is to advise senior leadership on the strategic, technical and political ramifications of rule of law issues which are key to the success of the peace operation. This will include the preparation of legal analysis papers of sensitive ROL issues as they arise.

The SRSG, DSRSGs and the political affairs section of the mission are charged with keeping abreast of an often volatile and evolving political situation in the country and in light of the situation,
developing strategically-oriented approaches to fulfil the mission’s overall mandate. Senior leaders have the difficult role of weighing interests and concerns in the complex post-conflict environment that can be, or appear to be, in tension, while also striving to reach a delicate balance between short and long-term requirements for success. As a result, senior leadership may make political decisions that may not appear to be in the interests of the justice system. Consistent interaction with senior leaders on justice issues, however, can make them more predisposed to taking such considerations into account.

Particularly in the initial stages of a mission, the justice and rule of law analysis of the conflict and post-conflict situation should help shape the political strategy of the mission. Once established, the justice section’s activities can support the achievement of that strategy. An entry point into this can be for the justice section to quickly identify cross-cutting ROL issues that relate to the strategic objectives of the mission and place these issues on the radar-screen of senior management. Cross-cutting issues are those in which the judicial and legal systems ramifications are important—such as with elections, DDR, and public security—but are not the sole concern. In some cases, these may also include economic governance and natural resource management. While such issues may not at first appear to be the most urgent ROL needs, they can highlight the importance of justice issues and open a channel for more focused legal and judicial reform discussions.

2. Work with Related Sections of the Mission

Your efforts to help national counterparts strengthen their legal and judicial systems is but one part of the peace operation’s overall effort to bring about sustainable peace and security. The work of the justice section, therefore, should be closely linked with efforts of other mission components to promote and protect human rights, reform law enforcement agencies, strengthen the corrections system, promote gender equality, prepare for elections, and disarm, demobilize and reintegrate former combatants. Take advantage of these linkages, and pursue joint approaches where possible. Providing support to these other sections, including through analysis and advice on rule of law issues, is one of your core tasks. This is one of the most significant contributions your section can make to the fulfilment of the mission’s overall mandate. After all, a successful relationship and a shared vision among all these actors are integral to the mission’s success.

The key components that you should work with include:

- Corrections
- DDR/SSR
- Elections
- Gender
- Human Rights/Protection
- Political Affairs/Civil Affairs
- UNPOL

In some instances, a lack of clarity as to the division of labour within the mission could arise. Thus, it is important to be clear about the role of your justice section and the role of other components. This division of labour is often outlined in reports of the Secretary-General, planning documents prepared by Headquarters, and mandate implementation plans prepared by the mission. These Headquarters planning documents can be particularly important for resolving any issues regarding the division of labour, because they are most often developed through interagency planning processes that include DPKO, UNDP, OHCHR and other partners within the UN system. (Security Council resolutions authorizing your mission define in general terms the tasks expected of the mission, but often do not indicate which component of the mission is responsible for each activity).
The Secretary-General’s Decision on the Rule of Law (Decision No. 2006/47 of 24 November 2006) outlines a division of labour within the UN system in various categories of rule of law activity—the decisions can be helpful in clarifying the division of labour within the UN system and within the mission. For example, OHCHR has been given the overall lead for transitional justice and monitoring. OLA has the lead on international rule of law and the development of international and hybrid tribunals. DPKO has the lead on police and law enforcement, and on prisons system reform. In the context of DPKO led peace operations, DPKO also has the lead on strengthening legal and judicial institutions. UNDP will lead, in the peacekeeping context, on court administration and on civil (as opposed to criminal) law. Importantly, the Secretary-General has decided upon an integrated approach to this work. “DPKO led missions should have integrated legal and judicial reform programmes and units operating within the peace operation under a single head. UNDP... will second staff to the integrated units to help ensure a long term development perspective from the outset” (Id. at Annex II, footnote 3). The SG Decisions apply automatically to new missions; arrangements in existing missions are subject to review on a case-by-case basis.

When necessary, you should work with senior mission leadership to resolve potential overlaps. Consult the CLJAU at Headquarters regarding duplication with other sections and how such issues have been dealt with in other missions. Finally, if colleagues from more than one mission component feel strongly about working on a particular issue, consider joining together in a collegial effort. Share draft work-plans and draft reports for input. Such joint approaches increase the likelihood of success.

The Role of the Justice Section: As mentioned in the introduction to this Primer, the role of the justice section is to facilitate the early re-establishment or strengthening of the judicial and legal system, so as to uphold the rule of law. Justice sections will also focus on legal system issues that are highlighted in peace agreements, core to the conflict, or otherwise essential for the successful implementation of the peace process. In doing this work, justice sections will also engage in and facilitate training and capacity-building of legal professionals and court staff. Justice sections will help strengthen or develop the institutional capacities of courts, prosecutors offices, the defence bar, ministries of justice, judicial or prosecutorial councils, and legal professional organizations. In many instances, justice sections will serve the role of mentoring or advising national counterparts in the performance of their duties and support constitutional and legislative development. In some instances, where missions are so mandated by the Security Council, justice sections will place international judges, prosecutors, defence counsel and ministry of justice officials into executive functions within the domestic legal system.

Legal System Monitoring: Too often our knowledge about a justice system is based on anecdotal evidence, rather than direct observation of the day-to-day work of the system. Understanding in concrete terms the strengths and weaknesses in the administration of justice through observation of judicial processes is vital to an effective judicial reform programme. Thus, a legal system monitoring programme which provides specific recommendations on how to address systemic weaknesses can be an essential underpinning of the justice section’s work. Additional information on legal system monitoring programmes is provided in Part IV.A. of this Primer.

Given the Secretary-General’s Decision on Rule of Law, OHCHR has the overall lead on legal system monitoring within the UN system (see SG Decision No. 2006/47 of 24 December 2006). Thus, in new peace operations, the legal system monitoring task will most often be assigned to the mission’s human rights section, providing distance between the monitoring and institution-building functions. In some earlier peace operations, justice sections have been specifically staffed and mandated to operate a legal system monitoring programme. In others, the human rights section and justice section have joined forces to operate a legal system monitoring programme. In still other situations, a lack of resources, a weak mandate, a lack of political commitment, or poor planning may have left this vital ingredient of judicial reform outside the mission’s planned activities. Where no
legal system monitoring programme is being operated, the justice section and the human rights component should work closely together to try to establish such a function within the mission. Doing so may require the expansion of the mission’s mandate or the allocation of additional resources.

The Human Rights Component: Human rights components of peace operations monitor and report on the human rights situation in the country and engage in building national human rights capacity. These components operate under the direction of the SRSG/DSRSG, but receive substantive guidance and support from OHCHR. Colleagues from the human rights section will take the lead in mainstreaming human rights throughout all the mission’s activities, and in providing human rights training to national counterparts. These sections can also analyze legislation for compliance with human rights standards. Human rights sections take the lead on most “transitional justice” issues, such as reconciliation (including truth and reconciliation commissions), human rights commissions, reparations, and in advocating for the development of ad hoc internationalized judicial tribunals to address past human rights abuses. While human rights sections will play a useful role in vetting officials for past violations, justice section staff will often engage in the vetting of legal, judicial and prosecutorial staff for professional competency.

The justice section should work closely with the human rights component on strategies and policies in areas of common concern to ensure that respective activities support, rather than contradict, each other. Where separate protection-related mission sections exist (e.g., child protection), the justice section will share similar areas of concern and potential for mutual support and cooperation.

The Legal Affairs Section: Legal affairs sections of missions serve as in-house legal counsel to the missions. These components address issues regarding the legal status of the UN operation, privileges and immunities, contracts, boards of inquiry, and the other core legal business of the mission. For the most part, legal affairs sections do not assist the host-countries of peace operations in strengthening their domestic rule of law institutions.

3. Develop Partnerships within the UN Country Team

Establishing the rule of law requires institutional stability and long-term development strategies. Linking with other UN system partners—many of whom have been present in the country before the conflict and will stay well beyond the tenure of the peace operation—helps integrate a long-term perspective into justice reform work and can be vital to the success of the UN’s rule of law initiatives.

Be cognizant that some UN partners may have been involved in justice sector reform activities in the host country long before the deployment of your mission. These partners may be fearful of being dwarfed by a large peacekeeping operation, so it is important to show how the justice section’s efforts can facilitate and bolster the overall developmental objectives of the UN. In most settings, it will be important for the UN to continue ROL reform efforts long after the peace operation has departed. A healthy relationship with other UN partners is therefore essential.

One of your key interfaces will be the UN Country Team and the various UN partners that are represented on it. The UN Country Team is composed of the heads of all UN system departments, agencies, funds and programmes that are present in the particular country. The UNDP Resident Representative serves as Resident Coordinator (RC) of the UN Country Team and as Humanitarian Coordinator (HC) within the UN system. When a peace operation is deployed to a country, in order to integrate the UN system into a coherent whole, one of the operation’s two DSRSG’s usually also serves as HC/RC. This mission official effectively wears four hats— as DSRG of the mission, as HC and RC of the UN Country Team, and as UNDP’s Resident Representative. The justice section
should link directly with working-level UN system colleagues, while keeping senior mission leadership aware of major developments.

A number of UN departments, agencies, funds and programmes have direct or indirect interest in the judicial and legal systems area. Their perspectives and specific areas of interest will vary, generally as follows:

- **UNDP**: Governance and development
- **UNHCR, UN Habitat, FAO**: Property, Land and Housing
- **UNICEF, OSRS/G/CAAC and UNODC**: Child protection and juvenile justice
- **UNIFEM and UNFPA**: Gender justice
- **UNODC**: Transnational crime, organized crime, corruption, drug control, trafficking

The UN system is at its best when the comparative advantages of each UN entity are brought together to unified fashion to pursue the common objective of strengthening the rule of law in the post-conflict setting. The UN system is perhaps at its worst when each of these UN entities and the UN peace operation appear to pursue justice reform work in a competing and uncoordinated fashion. Host-country authorities can quickly develop expertise in playing one UN entity off another.

**“One UN Approach”:** Where more than one UN entity intends to engage in justice reform activities in the mission area, you should strongly advocate for the development of a single joint component. Under a “One UN Approach” all UN system partners with available resources and expertise join together into a single judicial and legal system reform programme operating under the authority of the peace operation. The head of the justice section would be selected with input from all UN partners that join the initiative. This joint programme would be led by the integrated peace operation, but would be designed to continue under the direct authority of the UN Country Team after departure of the peace operation. This arrangement can: draw upon the respective strengths of all UN system entities; include a long-term development perspective in the work; present a united voice to national counterparts; avoid conflicting or competing programmes; and ensure continuity of the programme after the peace operation completes its work. This approach has been endorsed by the Secretary-General (see Decision No. 2006/47 on the Rule of Law, 24 November 2006).

To be successful, such a joint approach will need to give sufficient visibility to the participating UN agencies, so that they can attract donor funding for their efforts. (Donors are more likely to fund a well-conceived integrated programme than disparate or seemingly competing activities.) In addition, negotiating through the different administrative rules and requirements of the different UN entities will require some flexibility and creativity. But in the end, the effort will be worth it.

As with the integrated peace operation itself, such a joint judicial and legal reform programme should be considered a joint UN effort. It is best not to speak of this as a “DPKO programme” and not even of a joint programme operating within a “DPKO mission.” Under the integrated mission concept, peace operations are supported by the entire UN system.

**Collaboration and Coordination:** If full integration proves impossible, make sure that the justice section’s work is well coordinated with, and complementary of, the rule of law work of other UN system entities. Sharing draft work plans, engaging in some joint projects, and developing an inter-agency coordination working group that meets regularly can help avoid potential overlaps, gaps and tensions in project implementation.
Types of Institutionalized Linkages

While ad hoc collaboration is useful, institutionalized approaches lower the transactions costs involved in maintaining relationships. Institutionalization of linkages through coordination mechanisms, procedures or protocols, and joint activities and programming contribute to making the mission greater than the sum of its parts. The assumptions behind the formation of specific institutionalized linkages, however, should be revisited throughout the course of the operation.

Policy and Strategic-level Coordination Mechanisms: These ensure a regular forum for information sharing and for discussion on developments and policy issues. They should facilitate joint problem-solving and the development of mission-wide strategy and policy with respect to rule of law. One example drawn from best practices is for the DSRSG to chair a ROL task force or working group to coordinate strategies for human rights and rule of law within the mission. With the UN Country Team, an effective approach is for the justice section to convene regular meetings with UN system partners to discuss common issues of concern, policy and strategic considerations.

Procedures and Protocols: To facilitate strategic-level coordination, it is often important to write down your working procedures and protocols, rather than leaving the mechanics of coordination to chance. Written procedures can mandate the sharing of draft work-plans, reports and other materials, and can provide for consultation on and joint drafting of written documentation (e.g., inputs to Secretary-General reports, speeches, code cables, reports, talking points, and position/policy papers). Written procedures or protocols can help standardize the handling issues of regular concern—such as the treatment of victims and witnesses, criminal or human rights investigations, transportation of judicial and legal actors, and media relations and public reporting on the justice sector.

Joint Activities and Programming: Consider joint activities, such as shared training activities, conferences, workshops, monitoring, site visits or assessments. On a programmatic level, this would require: jointly designing programme documents and work-plans, working together to mobilize donor funds, pooling resources, developing agreed structures for management, and joining together to implement programmes. Within the UN system, consider developing a single joint UN system programme for judicial and legal system reform in which all interested UN system partners participate.

C. International Donors and Technical Assistance Providers

Another initial justice section task is to assess the range and interests of the international donor community and technical assistance providers in the ROL field. A wealth of information is now available on the internet, and you should quickly consult the websites of key donors and assistance providers to determine what resources may have been committed. At the very early stages, you should meet and canvass all the major donors to determine who could serve as ROL partners in-country. In addition, a variety of other bi-lateral actors, multilateral organizations, and private foundations may be active or interested.

Donor Coordination: The justice section must approach coordination with the understanding that donors work according to their own schedules and agendas. Where donor-driven activities and programmes have not been coordinated, the impact of assistance has usually been at best neutral and, at worst, counter-productive. The key to successful coordination is to see the justice section’s role in coordination as providing a useful service to donors and technical assistance providers. Work together to develop terms of reference for participation in the coordination body and assure participants that coordination is not a means of control. Usually, the more formal and official the mechanisms for coordination—e.g., task forces, committees, consultative groups—the better.
In the ideal situation, the government, including the judiciary, takes the lead in coordinating donor activity— with the UN peace operation’s justice section providing direct assistance to the host-government in this regard. In cases where this is not feasible, the justice section of the mission, or a key donor, may take the primary facilitating role for coordination, either jointly with the government or alone. This reflects the emphasis of the justice section on encouraging coherency of programming and support to the government, rather than on competing for programmatic donor funding.

In order to be effective, coordination must move beyond mere information sharing to a process of shared strategic planning. As such, it is often important to keep coordination mechanisms at an effective size for this purpose. To feed into and complement targeted policy-level discussions, planning/coordination mechanisms can develop technical sub-working groups.

In addition, there is usually a need for a separate international community and donor coordination mechanism, (e.g., core or friends groups), in which major differences of policy and approach between donors themselves can be addressed and effectively resolved to promote a more coherent approach. Chairing of this process by senior officials of the UN peace operation can assist in situations where there are a number of major donors and stakeholders with clearly disparate or incompatible approaches.

D. Public Engagement, Information and Outreach

The public of the host-country constitute the most significant “demand side” of the rule of law equation. These are the users of the judicial system and those that have the most to gain from access to impartial and effective justice and a state based on the rule of law. In situations where there are transitional or newly-elected governments, the inclusion of the public in the consideration of reforms ensures an otherwise unattainable legitimacy and credibility of the processes and results.

Public education serves a variety of purposes. Providing information on the capabilities and limitations of the justice system can help to manage expectations. Similarly, educating citizens on the status of reform can facilitate the integration of societal views in the rebuilding process. Information on alternative processes and how to access them can reduce frustration and promote more efficient interaction between citizens and justice sector institutions. Finally, over the long-term, educating citizens on their legal rights and responsibilities in a democratic society can foster demand for continued reform and a culture of human rights and legal accountability.

The justice section has a particularly important role vis-à-vis public information and outreach on rule of law issues, and the peace operation usually has either an explicit or implicit mandate to provide the public and the national and international media with information. Consequently, the public information office (PIO) of the mission should be able to assist the justice section in the development of a strategy which fits into the mission’s broader PIO strategy. Such a strategy should be multi-faceted and well coordinated, with objectives which include: 1) promotion of a culture of rule of law and a constituency for change in the independent media and the public; 2) public awareness of basic legal information and rights; 3) information about the activities of the government, the judiciary, the justice section and other stakeholders in reforms; and 4) ways for the public to participate in identifying needed legal and constitutional reforms and other reform priorities. While the PIO can facilitate the dissemination of information, the justice section will need to develop the substantive content of the messaging.
Key tools to meet these objectives include:

**Media Campaigns:** National media campaigns through radio and television have been highly effective. Video-taped and live drama can be used as entertaining, educational forums; these programmes provide people with a way to see, through the situations and characters depicted, how the laws fit into their own daily lives. In addition, using print media, with the widespread dissemination of flyers, posters, leaflets, stickers, and newsletters, is important. It is useful to disseminate both general information about laws and rights, and specific information relevant to particular groups.

**Townhall Meetings:** In many situations, the use of television and radio is not widespread, and high levels of illiteracy can limit the effectiveness of print media campaigns. Townhall style community meetings can be useful, as can workshops and seminars on key legal issues. When workshops include participation by policymakers, public administrators, community leaders, or politicians, these forums can also promote discussion of problems, expression of opinions, and interaction between citizens and government officials.

**Public Opinion Surveys:** While reform of rule of law institutions may pose a threat to entrenched power structures and elite groups, reform can often be a priority for the public. Public opinion surveys help draw attention to the demand for a fair and effective justice system. These surveys can be an important tool for gauging the public perception of rule of law institutions, for understanding the prevalence of informal dispute resolution mechanisms, and for collecting data on how the society prioritizes judicial and legal system reform.

### E. UN Headquarters

At Headquarters, the Security Council develops and refines mission mandates; DPKO and other UN system partners plan, guide and support peace operations; and UN budgetary bodies debate and approve mission budgets. The Criminal Law and Judicial Advisory Unit (CLJAU), sitting within the Peacekeeping Best Practices Section of DPKO, is the office responsible within Headquarters for judicial reform, legal reform and prisons/corrections system reform issues within peace operations. In many ways, the CLJAU is accountable for the success of mission justice and prisons components. The CLJAU can be an important source of guidance and support to your mission, and can serve as your advocate at Headquarters with other DPKO offices, UN agencies, external organizations, and Member States.

The CLJAU and justice sections should be in regular contact, and the justice section should consider the CLJAU as the first place to seek support. Accurate information about the status of your mission work (including resource needs) must be regularly provided to the CLJAU through reports and personal interaction. Armed with this essential information, CLJAU can engage within DPKO and with Member States to seek support and visibility for your justice initiatives.

**The Rule of Law Community of Practice Network:** The CLJAU facilitates an electronic Rule of Law Network, or community of practice, to provide members working on rule of law-related issues
in UN peace operations with information and expertise. The Network serves to link members with colleagues in their own missions, across other missions, and at Headquarters. Membership includes experts in human rights, prisons systems, police, gender justice, transitional justice, and judicial and legal reform. The Network provides a vehicle through which its members may submit a query to the other members through a network facilitator located in the CLJAU. When responses are received, the facilitator combines the responses into a single consolidated reply and provides it to the full network membership. Past queries and consolidated replies are maintained in a searchable database. The Network also contains a searchable electronic library with a significant collection of rule of law guidance materials and reports. The Network also includes: web links and job sections; e-mails on news, employment vacancies and training opportunities; and a monthly newsletter discussing the Network, recent events, conferences, and activities related to the rule of law. Once a judicial officer is deployed, he or she should immediately subscribe to this Network by sending an email to dpko-ruleoflawnetwork@un.org. We encourage all rule of law staff to participate in the Network and make use of this resource as a way to draw upon the wealth of rule of law experience that exists within the UN.

The Rule of Law Focal Point Network: The CLJAU also convenes meetings of the UN Rule of Law Focal Point Network, a physical network of Headquarters-based representatives from UN system departments, agencies, funds and programmes that support rule of law aspects of peace operations. This group was established by the UN’s Executive Committee on Peace and Security to “provide on-going and direct support to the CLJAU in the broader effort to sustain an integrated approach and comprehensive strategy for dealing with rule of law issues in peace operations.” The Rule of Law Focal Point Network meets on an as needed basis in New York.

III. CENTRAL FUNCTIONS, APPROACHES AND TECHNIQUES

This section highlights activities that should be central to virtually all missions, no matter what their particular mandate. By undertaking these activities, you will be able to position your section as a centre of advice, information and analysis on rule of law issues. This will assist in making your section a leader in legal and judicial reform, and will equip you to: develop national and international partners, garner resources, and carry out your activities as part of a coordinated multilateral justice strategy.

These central tasks for all justice sections are:

- Work-plan Development and Reporting
- Identification, Collection and Organization of the Applicable Law
- Mapping and Assessment of the Judicial and Legal Systems
- Providing Advice, Analysis and External Reporting
- Strategic Planning for Reform
- Accessing Funds

A. Work-plan Development and Reporting

The obvious needs in all peacekeeping environments yield hundreds of potential ROL priorities. When missions are planned, DPKO and interagency partners participate in mission planning and assessment activities that usually lead to a “Concept of Operations” or “Mission Planning Assessment” defining the roles and functions of the justice section. While your programmes and activities could change over time, this planning document—read in the context of the relevant Secretary-General reports and Security Council resolutions—provides a framework for your
activities. Within this framework, the key to success of the justice section will be to target a set of strategic objectives, concrete priorities, and discrete tasks that are achievable under the conditions. These should be reflected in the development and implementation of a section work-plan.

Work-plans should provide a road-map for how the justice section will achieve its strategic vision in line with the overall political strategy of the mission. To do this, the justice section will need to determine its priorities and identify a corresponding series of achievable outputs based on a needs analysis. Targeted successes will illustrate the seriousness and competency of your section and can create momentum toward achieving larger goals. Structuring your work requires balancing longer-term, low-visibility actions with more visible and immediate results in critical areas. In the complex environment of a peace operation, it is better to undertake fewer, more strategic tasks in an effective and professional manner, than to spread yourself too thin.

The work-plan should reflect all of the roles and functions of the justice section. Activities such as conducting thematic assessments and publishing reports, developing coordination mechanisms, supporting strategic reform planning, in addition to implementing technical assistance activities, all require a resource management calculus. A vital part of developing a strategic work-plan will be ensuring that the objectives and tasks set are realistic based on the available personnel resources. In addition, where the work-plan includes initiatives with significant financial implications, these initiatives will need to be reflected in the overall results-based budget of the mission or in the plan for gaining donor funding. The work-plan should also reflect the activities needed to cultivate partnerships and engage other actors in addressing gaps which your section cannot fill.

The work-plan should also serve to strategically sequence technical assistance activities. Effective sequencing will require the identification of an entry point and appropriately targeted programming. For instance, to highlight the reform of legislation without more as a work-plan goal is probably misguided, as the reform of laws alone does not result in meaningful progress without steps to promote implementation. Thus, all legislative reform initiatives should be supported by programming targeted to support implementation of the new law—such as assistance in changing administrative structures, developing relevant forms and regulations, providing training on the new legislation, developing new institutions, and establishing monitoring mechanisms. A more appropriate work-plan target would link legislative reform with the necessary steps for implementation. Similarly, ad hoc training in the absence of effective laws, management and oversight often adds little value. Also keep in mind that the appropriate entry point for programming will vary, depending on the stage of development of a reform effort.

**Work-plan Development:** Developing work-plans can either be an empty form-filling exercise or an effective management tool, depending upon how it is employed. Best practice is to develop the work-plan collaboratively with the participation of all justice section staff so that everyone is encouraged to contribute insights and invest in a common programming vision. Commonly, a collaborative work-plan is developed off-site in a relaxed “retreat” setting, where participants are encouraged to express themselves freely. Breaks and other activities should be interspersed to provide opportunities to converse and build a rapport amongst all members of the team.

**Work-plan Reporting:** Work-plans must have indicators or benchmarks by which the justice section and Headquarters can track progress. The justice section must then write thorough,
systematic and regular reports tracking implementation of the work-plan to allow the section to identify needed adjustments in its strategic approach, and notify colleagues and Headquarters personnel of additional political, technical and resources support that will be necessary to effectively achieve the objectives of the section. Effective reporting should describe key developments in the section’s approach and the local rule of law conditions, while avoiding the recitation of facts that are unnecessary to illustrate the core issues involved. These justice section reports should usually be prepared monthly, and should be disseminated within the mission and to DPKO/CLJAU.

B. **Identification, Collection and Organization of the Applicable Law**

Directly after arrival, the justice section must quickly develop a library of local legal materials. Initial efforts should focus on obtaining a set of core documents including: the constitution, criminal code, criminal procedure code, civil code, civil procedure code, administrative law, citizenship law, property law, as well as any laws on the organization of courts, ombudsmen, human rights commissions, private bar, prosecutors, police, and prisons.

In many, if not all, cases, legal publishing houses will have ceased to function, no index or catalogue of laws and their amendments will have been produced for years, and many key controlling pieces of law will be in the form of ministerial regulations or presidential decrees. These will be difficult to locate, and linguistic challenges will likely complicate matters further. To assemble such a set of laws and any associated sub-legal acts or judicial decisions, judicial officers should seek out a range of local legal professionals to buy, copy, or scan whatever is available. In addition, justice sections could seek to obtain laws from government libraries and academic institutions outside the host-country.

**Maintenance and Sharing of Legal Information:** All legal information should be maintained and organized in hardcopy and electronic format in an established, communal location within the section and be made easily available to all sections of the peace operation. A shared drive or mission intranet/website can provide a platform for this. The maintenance and sharing of legal information should be clearly defined as central duty of all justice section members, and all should be discouraged from maintaining “private” resource libraries that are not available to the whole section. The justice section should also make sure that the training section of the mission has access to the fundamental national laws that all mission personnel should be aware of and offer to assist in developing a basic induction module on the national legal context for staff.

**Translation:** Where legal documents are not available in one of the official UN languages employed in the mission, a systematic programme of translating the key provisions into the mission language should commence immediately. Given that there may be no bilingual legal dictionary, this process will require the justice section to begin developing a list of translated words to ensure consistency and efficiency in future translations. Furthermore, judicial officers should not expect to find affordable, qualified, readily available legal translators or interpreters. In fact, one of the most important and challenging aspects of running a rule of law programme is retaining and training a team of qualified, impartial and ethnically diverse translators and interpreters. Once NPOs and interpreters are hired, they should carry a substantial part of this burden, but it may well be necessary to develop other translation resources, such as law students serving as part-time staff.

C. **Mapping and Assessment of the Judicial and Legal System**

Data on the ROL infrastructure and capacity should be gathered on an ongoing basis, systematically catalogued and analyzed. This information can be divided into two general categories: data on local conditions, and information on donor activities. Both types of information are essential for a justice section if it is to serve as coordinator, advocate, and expert on ROL issues during the peacekeeping period.
In the peacekeeping environment, justice sections will need to incorporate ongoing mapping and assessment in key strategic and thematic areas. The purposes of justice mapping and assessment is to: 1) ensure the mission has an in-depth understanding of the needs and deficiencies in the system so that it can target effective strategy development and interventions; and 2) provide information to national authorities, stakeholders, donors and technical assistance providers on the situation in order to minimize, to the degree possible, the need for multiple and costly assessments.

As with the legal framework, there will be many challenges to mapping and assessment, and any exercise should, as a starting point, draw on existing information. There should be no expectation that reliable data will be found in a central government repository. To the extent the government has any information or statistics at all, they will be scattered amongst various institutions and may contradict one another. Where available, this data should be collected and verified to assemble an accurate picture of the status quo. In addition, there may be reports, documents or assessments made by international governmental and non-governmental organizations, but these will often not rise to the level of a current situation analysis of the legal, technical and structural problems in the justice sector. Another challenge may be resources and security conditions. Where the justice section does not have personnel deployed throughout the country, this exercise might be conducted with an intensive set of site visits. Moreover, because several different partners may be interested in conducting assessment activities in the post-conflict period, consider joining together to undertake a comprehensive assessment of rule of law institutions. This will help reduce your national counterparts’ assessment fatigue.

**Mapping:** Although mapping and assessment are really part and parcel of the same exercise, mapping can be described as identifying and cataloguing the picture of the institutions, their capacity, authority, governance, and material and human resources. All judicial and legal systems are different, and the range of institutions, actors and factors involved varies widely. (The OHCHR guidance tool on “Mapping the Justice Sector” is available at http://www.ohchr.org/english/about/publications/docs/ruleoflaw-Mapping_en.pdf. The generic points of inquiry to be examined are:

<table>
<thead>
<tr>
<th>Institutions (formal and informal):</th>
<th>Judicial (civilian and military), non-judicial dispute resolution, executive, legislative, civil society, legal education, and legal profession.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governance/ Oversight:</td>
<td>Statutes, by-laws, lines of authority, office procedure, ethical codes, etc.</td>
</tr>
<tr>
<td>Personnel/ Staff:</td>
<td>Number, training, experience, compensation, diversity, etc.</td>
</tr>
<tr>
<td>Buildings:</td>
<td>Number, location, structural condition, security, etc.</td>
</tr>
<tr>
<td>Infrastructure:</td>
<td>Furniture, utilities, office equipment, materials, legal texts, etc.</td>
</tr>
<tr>
<td>Budgetary:</td>
<td>Annual budgets or allotments, financial and accounting procedures, etc.</td>
</tr>
<tr>
<td>Contact Info:</td>
<td>Names, postal addresses, telephone and fax numbers, e-mail addresses, etc.</td>
</tr>
</tbody>
</table>

**Assessment:** Assessment involves an analysis of all the information collected by the justice section to identify strengths and weaknesses in the legal and judicial systems. A baseline assessment should analyze the following: 1) Institutional Components, including human capacity, judicial administration, and material resources/infrastructure and how they are functioning in practice; 2) Legislative and Regulatory Framework, commencing with the constitution and basic substantive and procedural law and concluding with basic rules and informal structures that influence the actual operation of the justice system—in particular those relating to judicial independence, oversight and discipline; and 3) Political Factors Influencing the Legal and Judicial System, identifying pressure groups, public perceptions, and vulnerable groups as well as the manner in which...
the failures of the legal and justice sectors contributed to the conflict. The assessment should include an evaluation of these items against applicable international standards and against the country’s own domestic legislation.

**Validation:** The preliminary results of the mapping and assessment exercise should be tested or validated before finalization. Validation can be carried out in a number of ways, including through review by an expert panel, discussion in a public forum, and verification of any numerical or statistical data. The validation exercise will help ensure the accuracy and objectivity of the analysis.

**Dissemination:** Efforts to map and assess the justice sector are useful only if the results are widely disseminated and discussed. The justice section of the peacekeeping operation has a responsibility to share its information—including within the integrated mission, to national authorities and stakeholders, to donors and technical assistance providers, and with CLJAU/DPKO. Particularly sensitive information can be dealt with internally.

**D. Providing Advice, Analysis and External Reporting**

In societies emerging from conflict, tensions between opposition groups can begin to play out in the legal arena. For example, legal disputes might arise regarding the interpretation of the constitution, the removal of a political figure's parliamentary immunity, the revision of a law governing citizenship, or the arrest of political opposition leaders. Thus, while tensions remain, the battles may begin to be played out in democratic institutions, rather than through outright violence. One of the most important roles of the justice section will be to provide crisp, clear legal analysis and advice to senior mission leadership when these sensitive rule of law issues arise.

Beyond the peacekeeping operation itself, it is also essential that national authorities, donors, technical assistance providers and the public have access to information about the progress and challenges in reforming the legal and judicial systems and the concerns or positions of the peace operation. The following types of documents are the tools for justice sections to disseminate their assessment and analysis:

**Legal and Policy Position Papers:** The types of issues that arise can range from the dramatic, such as the unconstitutional dismissal of judges, to the more mundane, such as analysis of new legislation required under a peace agreement. When areas of concern are identified, the justice section should assemble a team to investigate and analyze the situation, recording the legal analysis and any recommendation(s) for action in a brief legal memorandum. These should be organized in a standard format (e.g., Facts; Law; Analysis; Conclusion and Recommendations) and should be brief and clear so as to be easily accessible by laypersons. Once completed, these papers will serve as a basis upon which to brief the relevant actors, in particular the SRSG, and to organize a coordinated response. In certain cases, these position papers will be for internal purposes only, but whenever possible the justice section should translate and disseminate its analysis.

**Thematic Assessment Reports:** The most common form of external reports are those that address a particular theme within the legal and judicial systems (e.g., pre-trial detention, the tenure of judges, judicial accountability). These reports should be based on the justice section’s on-going assessment activities. Writing a compact report for publication that demonstrates the impact of programming or the urgency of a particular situation is admittedly a difficult task. Its importance, however, should not be underestimated. A sharp monitoring programme that produces concise reports is essential for convincing the international community— with its decision-makers dispersed throughout the world—that they should devote their time, attention, and resources to a particular situation. Moreover, it can motivate national authorities to address challenges and issues of concern.
E. Strategic Planning for Reform in the Legal and Judicial Sectors

One of the most important roles of the justice section is to encourage and support the government and judiciary to develop a justice reform plan. The essence of strategic planning is a coherent approach to achievement of common objectives. The stability of ROL interventions in a post-conflict environment will ultimately depend upon disparate groups uniting around shared goals which support the identification of programming, its sequencing, and clear lines of national responsibility and donor support.

Ideally, a strategic planning framework would be developed by the national authorities, with the input of the public, and with the assistance of the international community as needed. Where this has not taken place, donors have tended instead to provide assistance in areas of interest to them, and the ad hoc nature of these efforts has resulted in a failure to address the larger issues. In addition, ad hoc donor-driven initiatives undercut the development of political will for reform, if national authorities feel beholden to, and stifled by, a multiplicity of donor agendas. At the donor community level, there must be an ongoing commitment to strategic planning that includes a monitoring component to continuously assess government compliance with rule of law goals and the absorptive capacity of local institutions.

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<tr>
<th>Elements of National Strategic Planning Processes</th>
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<tr>
<td>1. <strong>Common assessment</strong>, assumptions and agreement on the priorities and challenges</td>
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<td>2. <strong>Establishment of</strong> coordination and planning <strong>mechanism</strong> (reform commission, committees, working groups, etc.) involving <strong>key stakeholders</strong> (government, judiciary, civil society, donors)</td>
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<tr>
<td>3. <strong>Drafting a strategic plan</strong> with core components: objectives, prioritization, programmes/activities, responsible authorities or organizations, financial implications, indicators and other monitoring and evaluation criteria, and realistic timeframes</td>
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<td>4. <strong>Publication of the draft</strong> and public information campaigns</td>
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<td>5. <strong>Consultation</strong> through surveys and participatory forum(s) for public engagement and feedback</td>
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<td>6. <strong>Review and incorporation</strong> of views and opinions expressed in the consultation phase</td>
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<tr>
<td>7. <strong>Formal approval and commitment</strong> to the plan and its implementation by the responsible authorities (prime minister, cabinet, supreme court etc.)</td>
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In most post-conflict situations, the UN mission will need to initiate with national authorities an emphasis on strategic planning and coordination. Often this role is specifically mentioned in mission mandates. This work includes urging the national authorities to undertake a transparent, open and participatory reform planning process in which civil society has a substantial, formal role. It requires the justice section to play a catalyzing, bridging and facilitation role, while also recognizing there may be limits to what strategic planning can be done in the transitional phase. National authorities—particularly in cases of transitional governments—may have reasons for avoiding reform planning and may engage in insincere efforts. Where transitional governments lack the political will and space needed for comprehensive strategic planning, the justice section should, at a minimum, develop its own strategic plan with input from key counterparts, including within the judiciary, civil society, and donor community. Such plans should be shared widely with all stakeholders.

**Strategic Planning Considerations and Processes:** As mentioned, the planning process should be as transparent and participatory as possible. The basis of planning will be the baseline assessment and all other available information. The planning process should address institutional, legal framework, and political components of the judicial and legal systems. In the post-conflict environment, the focus of the strategy should be on the actors, institutions, and rules most likely to
have the greatest impact on the system as a whole—change multipliers. A core issue in the strategic planning process will be the analysis of the relative attention paid to justice considerations in the national budget and the incorporation of progress indicators for national justice budgets into the planning. In addition, consideration of donor goals, sustainability, and compatibility with international standards must be incorporated.

Reform Commissions: The establishment of an ad hoc justice reform commission might be provided for in a peace agreement, or may be deemed useful or necessary in the particular circumstances. In any event, the establishment of such commissions requires consideration of the impact on the permanent institutions of justice. In this regard, the mandate should be clear and focused on strategic decision-making, rather than on operational implementation of most reform initiatives, except where judicial vetting, appointment and discipline processes are a key aspect of the reform process. Selection of commissioners should be transparent, seeking to represent and engage civil society, and the results should address the concerns of the stakeholders in justice. To be effective, commissions require investment in administrative staff and facilities, good public relations capacity and modern management skills. Political will and support from key national and international stakeholders are essential components for success.

Sustainability and National Capacity Building: The development of a national assessment and strategic planning capacity is necessary for sustainable ROL programming, but may often not be possible in the immediate post-conflict period. Synchronizing international support to national leadership with local capacity-building will typically be as difficult as it is necessary. The co-location of an international technical planning advisor within the Ministry of Justice is an approach often used, and training in planning processes is often necessary to support the building of national capacity in strategic planning. Monitoring and evaluation units that are protected from improper external influences are important tools for ensuring implementation of strategic plans, and the international community should lead by example with an eye towards transitioning to full local ownership.

Integration into the National Development Strategy or Other Reform Packages: Too frequently in post-conflict countries, goals in various thematic areas are dealt with in isolation and do not find their way into a comprehensive national agenda. Pending a larger coherent national strategy, the justice section should be prepared to promote inclusion of ROL items into the fragmented components of sectoral strategies wherever possible. A particularly opportune entry point for this approach is to emphasize the linkages between ROL reforms and the capacity of other programs to meet anti-corruption and public integrity goals.

Where comprehensive and realistic national development strategic planning is possible, the justice section should promote the inclusion and prioritization of ROL activities. While historically, economic development has been the focus of national development strategies, the trend towards incorporating ROL into the overall development strategy, including by the World Bank, is positive. However, old habits die hard, and it is still common to find ROL relegated to a subordinate position in a country’s national development strategy leading to under-funding of ROL initiatives.

F. Accessing Funds

There are always fewer resources available than can meet the demands of the post-conflict environment, including the needs of the domestic judicial and legal system. Peace operations operate on “assessed budgets”—funded through assessments of Member States according to a set formula. Peacekeeping budgets cover the costs of mission personnel and the basic support for those personnel, but have typically not included programmatic funds. Thus, you will have funds for your own equipment, travel and technology—but you will not likely have funds allocated to address needs in the host-country’s legal and judicial system. Raising and accessing funds for programmatic
activities will, therefore, be one of your greatest challenges. Below are four different focus areas for your fundraising efforts.

**Mission Budget:** We recommend that you seek to include in your mission’s budget some modest amounts of programmatic funding—such as for training, national consultants, international consultants, or material equipment for offices where mission staff and local counterparts are collocated. When particular funding needs arise during the course of the budget year that are not specifically provided for, speak with your finance section and/or Chief Administrative Officer to determine what funds can be drawn upon for your programmes. Make sure they are aware of the particular needs of the justice area when they make decisions regarding the allocation and use of funds.

**Quick Impact Project Funds:** Most peacekeeping operations have a very small allocation for Quick Impact Projects (QIPs). These funds are meant to address urgent needs, through projects which are relatively easy to implement and which produce rapid and visible results. These QIPs projects should help establish the conditions for further development (e.g., by rehabilitating the essential infrastructure, fostering basic institutions, or kick-starting processes which outlast the initial funding). QIPs projects are subject to a per project maximum, usually around $50,000, with the average project costing $15,000. These projects are intended to be short-term in nature, and generally must be completed within six months. To access these funds, the justice officer should refer to the finance section and/or the civil affairs section and the mission’s QIPs committee.

While these funds can have only limited and short-term impact, they can be important for the justice section, particularly in the initial phases, to demonstrate that it can rapidly deliver visible results. A good record with such small projects may be also useful in mobilizing later donor funding.

**Mission Trust Funds:** Most missions have their own trust funds, and the justice section should take immediate steps to become aware of the nature and availability of such funds. In the initial stages of the mission, it is important that judicial officers seek to influence the establishment of the fund and ensure that justice issues are provided for. To do this, you should approach either the finance section or a special trust fund unit in your mission. Accessing these funds will require project proposals containing a plan of action and a budget.

**Other Donor Funding:** Most importantly, early on you will need to develop a strategy for directly accessing potential donors. These funding proposals should be developed with national partners, and will often need to follow the format and content requirements of the particular donor. Attention should be given to the justification for each proposal in terms of the maintenance of peace and security, establishment of the rule of law and implementation of security sector reform, these being linkages which have greater potential to engage donor interest. One option would be for funds you obtain through such outreach to be channelled through a mission trust fund. Another option would be for the donor to provide the funding to a host-country counterpart organization that is a partner in the funding proposal.

Because the preparation of project proposals is time-consuming, one good practice is to prepare short concept notes, or preliminary proposals, briefly describing the project parameters and funding requirements. These concept notes can be shared with potential donors to ascertain their interest before a full project proposal is elaborated. They can also be shared with CLJAU staff members, who are in frequent contact with a range of UN Member States and other potential donors. The justice section should contact the CLJAU in the planning phase of a project for ideas, assistance and guidance. One of many potential sources of funding to keep in mind is the United Nations Democracy Fund (UNDEF) ([www.un.org/democracyfund](http://www.un.org/democracyfund)).
While donor funding for specific projects may be necessary, particularly in the early phases of a peace operation, the ultimate goal of the justice section will be to promote multi-year and sustainable donor funding for justice reform in the host-country.

IV. FOCAL AREAS AND ACTIVITIES FOR TECHNICAL ASSISTANCE

In addition to the tasks above that are central to virtually all justice sections, your section will engage in specific technical assistance activities targeted at the re-establishment of the judicial system. These activities will vary with the mandate of your mission and circumstances of the host-country. In large part, the determination as to which activities to prioritize will depend upon the engagement of national counterparts and their priorities. Ultimately, these priorities should be set out in a national reform strategy that is developed with significant input from a broad array of national stakeholders.

In addition, when reviewing this section of the Primer, it is important to keep in mind that the justice section cannot cover all areas alone. Many activities will be undertaken by other international partners. As discussed in Part III, the justice section should play a brokering role to facilitate the engagement of other international assistance providers in areas of strategic need.

This section provides an overview of the potential areas of programming in the peacekeeping context.

<table>
<thead>
<tr>
<th>POTENTIAL FOCAL AREAS</th>
</tr>
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<tbody>
<tr>
<td>A. Increasing the Immediate Effectiveness of the Criminal Justice System</td>
</tr>
<tr>
<td>B. Supplementing and Reforming the National Legal Framework</td>
</tr>
<tr>
<td>C. Providing and Reforming Legal Education and Training</td>
</tr>
<tr>
<td>D. Introducing or Strengthening Judicial Independence</td>
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<tr>
<td>E. Promoting Judicial and Prosecutorial Professionalism, Accountability, and Transparency</td>
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<tr>
<td>F. Improving Court Administration and Management</td>
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<tr>
<td>G. Developing Basic Judicial Infrastructure</td>
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<tr>
<td>H. Bolstering the Integrity of the Legal Profession</td>
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<tr>
<td>I. Increasing Access to Justice, Developing Legal Aid and Indigent Services and Civic Legal Education</td>
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<tr>
<td>J. Promoting Gender Justice and Victim’s Rights</td>
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Even a large justice section would only be able to address a few of the potential programmes on this menu. The priorities of the justice section will be to address immediate concerns and gaps that result from the conflict and that have an impact on peace and security. This could include particular justice and legal sector issues that are highlighted in the peace agreement—such as constitutional reform, development of specific legislation, strengthening the independence of the judiciary, issues of national identification and citizenship, addressing land claims of returning populations, re-establishing judicial structures in areas affected by the conflict, or vetting and appointing judges and prosecutors. Because the areas of need are many, it is useful to discuss priorities with CLJAU colleagues in Headquarters so as to reach common understanding on initiatives that the UN membership is likely to see as important.

One core area is to support the strengthening of an effective and fair court system, particularly in the area of criminal justice. This can be done through advising, training, mentoring, monitoring,
assessment, thematic reporting, and strategic planning. The particular approach used to achieve these goals, however, will depend on the issues facing the justice system in each particular setting.

Below is a brief description of each of these potential areas of programming, with a listing of tools and activities that have been employed in other contexts. The items mentioned represent an illustrative, as opposed to exhaustive, set of options, and are not necessarily presented in order of significance.

A. Increasing the Immediate Effectiveness of the Criminal Justice System

The most immediate challenge facing a post-conflict justice system is often the prevalence of criminal conduct, which jeopardizes the security of the population and undermines the environment needed for reconstruction and rehabilitation. Where “spoiler” activity, organized crime or serious criminal conduct are widespread, the criminal justice system must be well-equipped to investigate and adjudicate cases in a fair and impartial manner. In post-conflict contexts, however, the gap between the demand on the system and its capacity is typically vast, and almost all post-conflict judicial systems face an extensive backlog. Where the gap is not filled, impunity reigns.

A legacy of impunity can be a root cause of the conflict, and on-going impunity for the most serious crimes (i.e., war crimes, crimes against humanity and genocide) sends the signal that justice is of a secondary concern. Where domestic justice systems are not equipped to deal with serious cases, thought could be given to the development of international or hybrid judicial mechanisms (with international judges, prosecutors, and defence counsel). In considering such mechanisms, it is important to work with the human rights component of the mission, given their central role in advocating for accountability and an end to impunity. Moreover, international or hybrid judicial mechanisms must be integrated into broader national justice sector reforms. They should also leave behind a legacy in terms of capacity and institution building, which goes well beyond the prosecution of a small number of cases or the material benefit of new courtrooms and prisons.

Damaged working relations among the key powers within the criminal justice system (e.g., the police, the prosecutorial authority, judges and defence lawyers) are common in a post-conflict setting. Continuing dysfunction, heightened pressure on justice actors, and frustration from unfulfilled expectations can feed scapegoating and antagonism, resulting in key national actors spending more time complaining than finding solutions.

Immediate and interim measures are often needed to kick-start the criminal justice system, and address impunity and the backlog of criminal cases. When short-term emergency measures are used, they should be developed and implemented in a way that lays the foundation for longer-term reform—e.g., ad hoc case management committees designed to address the problem of prolonged pre-trial detention should operate in a way that is consistent with the criminal procedure code and that strengthens, rather than undermines, the respective rule of law institutions.

Activities and Tools

Court-specific Coordination and Support Mechanisms: An immediate measure to address the breakdown of relationships among criminal justice actors is to establish working-level coordination mechanisms in specific courts. These could take the form of working groups or task forces, bringing together the key national actors on a regular and sustained basis to discuss issues of concern and identify potential solutions. To be

In Guatemala, Justice Center Coordinating Sections were established as forums for promoting coordination among inter-institutional justice actors. This resulted in unprecedented levels of inter-institutional
effective, these mechanisms need support and facilitation, which can be provided by the justice section of the peace operation.

**Pre-trial Detention/Case Management Committees:** Where case backlog leads to prison overcrowding or illegal detentions, a working-level committee could be assembled to review the appropriateness of pre-trial detentions and make recommendations for action either to the court or to the administration, depending on the remedy required in the case. Such committees should meet frequently and have transparent rules that govern the review of cases. They may require a legislative basis, and in all instances should operate in a way that is consistent with criminal procedure provisions. The justice section may assist in organizing committees and could even actively participate (along with corrections section staff) in considering cases.

**Emergency Mobile Courts:** In a post-conflict environment, the difficulty of dispensing justice countrywide can be acute. As a result, the court system may only function in some parts of the country. Under these circumstances, mobile justice facilities that bring judges, prosecutors, defence counsel and any necessary court administrative staff (including translators) to areas in which the justice system has ceased to function, can help address criminal cases. Particularly important in this regard is the prompt and periodic review of pre-trial detention. In addition to legal professionals and administrative staff, mobile courts should have a public information capacity. The peace operation can be instrumental in establishing mobile courts and providing technical advice (or even international justice actors where mandated to do so), as well as providing transport, logistics and security. While mobile courts may be needed in the emergency phase to deal with the most acute needs, they can also provide a long term solution to some endemic access to justice challenges.

**Legal System Monitoring:** In the early phases of a peace operation, robust, systemic monitoring of the justice system can shed light on core obstacles. A key purpose of such a monitoring programme is to identify and assess the impact of case management practices and procedures, human and material resources, personnel conduct and the relationship among the institutions of justice on the functioning of the system. Such a programme will pay particular attention to the host country’s compliance with Article 14 of the ICCPR, other relevant international standards, and national law. Legal system monitoring should lead to public thematic reports that not only identify problems, but also highlight strengths in the justice system and provide practical recommendations on how to address the problems.

To do this, monitors need access to court files, which indicate police, prosecutor and judicial action or inaction within or outside procedural prescriptions and time lines. Even where such access is implicit in a mission’s mandate, the mission might consider negotiating for access with local authorities and reflecting the agreement in a memorandum of understanding or exchange of letters. In other instances, gaining access to court files may be based on developing a relationship of trust with court officials, the prosecutor, or defence counsel. In still other settings, access may be limited to those documents that under applicable procedures are part of the public record.

Legal system monitoring, which involves undertaking systemic analysis of the system (not just monitoring of individual cases for human rights compliance), is a central aspect of promoting any judicial reform strategy. Information and recommendations developed through such a programme should feed your training approaches, legal reform and other initiatives. The reports of the legal system monitoring programme—designed as constructive tools to help national actors improve the system—should generally be translated and distributed to interested legal professionals within the host country, as well as to interested international actors. Finally, a core function of the programme...
should be to strengthen the capacity of national actors and NGOs to fulfil this independent monitoring and reporting role.

In missions developed after the release of the Secretary-General’s Decision on the Rule of Law (Decision No. 2006.47 of 24 November 2006), the human rights component should take the lead on legal system monitoring. (These decisions provide, among other things, that OHCHR has the overall lead within the UN system on monitoring.) In older missions, or where agreement has been reached, this legal system monitoring function might be undertaken by the justice section, the human rights section, or it may be a joint initiative of the two. (The OHCHR guidance tool on “Monitoring Legal Systems” provides a methodology for establishing a monitoring programme and is available at http://www.ohchr.org/ english/about/publications/docs/ruleoflaw-Monitoring_en.pdf). Amnesty International’s Fair Trial Manual provides an explanation of the human rights standards related to monitoring (available at: http://www.amnesty.org).

Harmonization of Judicial Sector Policies and Procedures (e.g., Judicial, Police and Prisons):
Experience has shown that criminal investigative procedures (particularly where legal reform has reallocated authorities and responsibilities) are generally a key starting point in any harmonization process. An examination of the interaction among the relevant institutions can reveal the need for reforms including: standardization of systems for collecting and storing evidence, standardization of forms for transfer of evidence and detainees, and protocols among agencies for serving warrants and executing judicial decisions. The justice section should work in collaboration with the police component and the corrections component to address these interface areas. Where the operation’s military or police components are fulfilling interim policing or other “executive” roles, these reforms will involve both national and international actors.

Hybrid or Special Courts:
These courts usually involve mixed international and national justice actors trying international and/or national crimes that occurred in the host-country. The models of hybrid courts have varied. In Kosovo and Timor-Leste, for example, staff of the UN peace operation served as judges and prosecutors. Such mechanisms are created for a variety of reasons depending on the context, but primarily because of a lack of capacity and/or independence and impartiality of the national justice system. These mechanisms also promote justice and accountability in line with international standards. Attention to accountability for the most serious crimes in the post-conflict context can require peace operations to have a multi-faceted and substantial role in all aspects of these mechanisms. Moreover, such mechanisms should be designed not only to try cases, but also to help develop and strengthen the capacity of national actors and institutions. The OHCHR guidance tool “Prosecution Initiatives” provides guidance on the prosecution of serious crimes and is available at http://www.ohchr.org/english/about/publications/docs/ruleoflaw-Prosecutions_en.pdf.

The conceptualization, planning and establishment of such mechanisms is a complex endeavour that must involve adequate resources and capacity, political commitment to accountability, and the meaningful participation and protection of victims and witnesses. Advocacy for the establishment of such mechanisms will most often be undertaken by human rights components of missions, in conjunction with OHCHR colleagues in Geneva. Development of the international legal foundation for such tribunals will be led by the Office of Legal Affairs in Headquarters. Political negotiations regarding the tribunals may be led by the mission’s political affairs officers or the Department of Political Affairs in New York. Nonetheless, justice sections of peace operations will often have a primary role in the capacity building of national counterparts working in hybrid tribunals and may have a role in selecting and support the national judges, prosecutors, defence counsel and other staff working in these institutions.

In Côte d’Ivoire, the UN mission developed an agreed upon procedure for coordinating criminal casework in the demilitarized “zone of confidence”.

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B. Strengthening the National Legal Framework

Restoration of ROL presupposes that a body of acceptable, applicable law can be identified, and that this body of law can be supplemented or amended as necessary to provide a legal framework that is credible, legitimate and based on ROL principles. Often, previous codes may have been imposed on an unwilling population, or the existing law may be unclear, outdated or incompatible with international standards. Determining applicable law is not solely a legal interpretation exercise, but must include extensive consultation with local actors. Legislation is not simply an output, but an ongoing process that requires the appropriate balance between international expertise and local legal traditions, values and culture, and the participation of the community.

Legislative work can also present challenges in coordinating well-intentioned efforts across all institutions of the justice sector and within the international community. One of the frequent unintended consequences of the rapid infusion of international technical support in post-conflict countries is the promulgation of overlapping or conflicting statutes, policies and procedures. While such problems can be mitigated by improved planning and better donor coordination, attention to the harmonization of policies and procedures among justice sector institutions will likely be necessary. Over time, changes in policies and codes will be initiated within various government institutions, and there must be a governmental facility for coordinating these developments so that the initiatives of various government actors are brought within a coherent structure that is supportive of common goals. National inter-agency harmonization committees can facilitate the development of standardized laws, policies, procedures and forms, and avoid wasteful internal government conflict.

Activities and Tools

Assembly and Distribution of Legislation: Judges, prosecutors and lawyers are often forced to go without the basic legal texts required to do their jobs effectively. Peace operations are often best placed in the immediate post-conflict phase to use mission resources to compile and widely disseminate key laws. Ultimately, a national administrative structure or secretariat responsible for collating and distributing laws will need to be formed, and resources will need to be devoted to assembling, disseminating and regularly updating an index of the existing law so that legal professionals can keep abreast of developments.

Collection and Analysis of Existing Legal Framework: Once collected, the body of law should be reviewed to determine if existing laws, jurisprudence and legal practices may have been used as tools of repression and whether they comply with international standards. A comprehensive review of all existing legislation can be an inordinately large task, so there is a need to prioritize the laws which are used most regularly and have the greatest significance and impact in the post-conflict environment.

Development of Interim Legal Measures with Local Input: In most cases, legal reform will be an exercise in filling critical gaps or correcting severe deficiencies in existing legislation through the promulgation of special and organic laws. Interim measures should focus on establishing representative judicial bodies, addressing past biases or inadequacies, and establishing basic functional operations of the justice sector. Broad local input is necessary and should be encouraged. Where the criminal legal framework has gaps or is partly in violation of international human rights and criminal justice standards, the “Model Codes for Post-Conflict Criminal Justice” (a criminal code, a procedure code, a detention act, and a law enforcement powers act) can be valuable tools for targeted legal reform efforts (available at http://www.usip.org/ruleoflaw/projects/codes.html).
Assistance in Drafting a New, Permanent Legal Framework (e.g., Constitution, Criminal Codes): Where the national authorities or peace agreements prioritize comprehensive redrafting of legal frameworks, judicial officers should be prepared to provide comparative models, identify relevant national constituencies for input, and facilitate rigorous dialogue and debate about the selection of the appropriate standards for local conditions and traditions. For such extensive and time-intensive undertakings, there is often the need to establish Law Reform or Constitutional Commissions which require an organic framework and substantial infrastructure, public relations and personnel capacity and technical support to function effectively. Support to a credible and meaningful constitutional reform or drafting process will require the attention of the peace operation as a whole and substantial personnel and financial resources. The ABA/CEELI ICCPR Assessment Tool is a tool to help identify strengths and shortcomings in a country's fulfilment of its commitments under the International Covenant on Civil and Political Rights (the index, as applied in several countries, is available at http://www.abanet.org/ceeli/publications/iccpr_index.pdf).

Establishment of Capacity for Technical Drafting and Management of the Legislative Process: Even if there is a predominance of international influence in the legislative process during the emergency post-conflict phase, the long-term objective is to promote the development and refinement of national technical legal drafting capacity. This includes all aspects of the process: drafting texts; soliciting and compiling internal government remarks on drafts; holding public hearings and soliciting and compiling citizen input on legislative matters; enacting legislation; amending legislation; developing indexes to track changes; and regularly disseminating the laws throughout the country. Programmes in this area could support the executive (usually the Ministry of Justice), parliament, civil society, the judiciary or an appropriate combination.

C. Providing and Reforming Legal Education and Training

National legal personnel must be adequately trained in current law, professional skills and ethical standards to participate effectively in the implementation of laws and resist improper external influences. Experience in post-conflict countries has shown that judges and lawyers frequently have inadequate or, in some cases, no formal legal training. In many cases, conflict or government oppression has limited the development of legal knowledge and tools.

Assessment of the training and competency of judicial staff in post-conflict contexts consistently shows a need for both basic and in-service training programs not only for judges, but prosecutors, investigators, defence counsel, legal assistants and other legal support staff. Even where formal training exists, it is frequently theory-based and lacking in practice-oriented training modules. Strengthening legal training capacity includes a broad spectrum of training-related issues including establishment of basic and in-service training requirements for legal personnel, drafting training curricula, providing specialized training programs for judicial and prosecutorial personnel, training legal assistants and other legal support staff, training public defenders, assisting law schools, and training relevant civil society organizations.

Universities cannot be relied upon, for a variety of reasons, to address all post-conflict training needs. First, there may not be sufficient capacity even to meet the basic needs of entering students. Second, most universities will have limited or no experience with continuing legal education, which will be essential to keep the existing cadre of legal professionals up to date on the new legislation that inevitably floods the post-conflict context. Third, in many post-conflict countries, traditional training for lawyers has consisted of memorization of statutes and legal principles, with little attention to actual application of the law. Finally, in many settings educational institutions, including law schools

In Rwanda, a legal training centre was established with a mandate to engage in continuing legal education. This residential training centre has proven instrumental in keeping legal professionals abreast of new developments.
and magistrates schools, are found to operate with bias, corruption and favouritism in terms of the selection and grading of students.

Before beginning any assistance programme to a legal educational institution, you will want to make sure that the package of assistance contemplated includes specific measures to introduce fair and impartial selection and grading practices. Otherwise, international support to a blatantly corrupt or biased institution can be futile or even undermine the overall reform effort.

Beyond formal training programmes, mentoring can be a way of reenergizing the judicial process and providing on-the-job training of judicial personnel. The mentoring can be done by international jurists, but, where a pool of national judges can be tapped, it can be more palatable and effective to use nationals. What is essential is that the mentoring programme is introduced in a way that establishes local stakeholder buy-in. The analysis of how to generate such buy-in is a crucial part of the initial assessment, and strategies for generating buy-in must be monitored closely and amended as needed to ensure effectiveness of the programme.

**Activities and Tools**

**Emergency Legal Training:** Interactive training courses can focus on specific, practical topics, such as due process, case flow and basic procedures. Both local legislation and the countries’ international treaty obligations should be emphasized. The target audience should include judges, lawyers, court personnel, police and prison staff, as well as representatives of civil society. Introduction of interactive training modules, moot court exercises and other pro-active teaching methods are necessary to build the skills attorneys require to defend the interests of their clients in a dynamic justice system.

**Judicial and Prosecutorial Mentoring:** As a supplement to formal judicial and prosecutorial training, judicial mentoring can be an effective professional development tool, particularly for newly-appointed or returning members of the judiciary. Justice sections should develop mentoring programmes in a manner that ensures full integration into the framework governing judicial and prosecutor qualification, and the staffing of mentor positions must be tailored carefully to local conditions.

**Strengthening University Legal Education:** Modern legal education curricula can be developed to prepare new legal professionals for work in a state based on the rule of law. Administrative reforms can be introduced to reduce corruption and nepotism in the entrance and grading functions. But again, if legal educational institutions are known for bias and corruption, reflexive support for them can send the wrong message and be counterproductive.

**Development of Continuing Education Programs and Magistrates Schools:** Training capacity can be expanded to provide for more formal continuing legal education—preferably through the establishment of dedicated structures. The training curricula can be focused on the new concepts being introduced to ensure that education on rule of law and respect for human rights reach all justice sector personnel, as well as the private bar and civil society. A useful training manual on Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors, and Lawyers can be found at https://webmcdev.odd1.fsu.edu/human-rights/.

In East Timor, the mentoring programme was of limited success in part because most of the mentors could not speak official Timorese languages and had no experience in the national legal system. This led to difficulties in advising local judges and prosecutors. Also, there was not sufficient buy-in for the programme from national judicial staff.
Promotion of Technical Writing on Key ROL Topics: In most countries, training and professional development relies on the existence of relevant materials in the local languages. Post-conflict countries experiencing rapid legal change rarely have existing capacity to meet this need, and programming can be developed to engage local professionals on the rapid development of these essential materials. Programmes by peace operations to develop legal commentary and training materials which pair national legal professionals with internationals should be implemented where feasible.

D. Reinforcing Judicial Independence

The use of judicial processes for political purposes and executive interference in judicial decision-making can be common in post-conflict societies. In states based on the rule of law, the judiciary functions as an oversight mechanism of executive and legislative power. The judicial system is often the sole recourse for holding public employees and those in power accountable for criminal conduct, including crimes related to corruption, misuse of public funds, fraud and other malfeasance. Given the historic dominance of the executive in many, if not most, conflict situations, the judiciary may not have experience as an impartial guarantor of legal rights.

The judiciary’s control over its own administrative and budgeting functions is increasingly being viewed as a key step towards eliminating, or at least mitigating, executive branch influence over the judiciary. Similarly, assigning primary responsibility for the discipline of judicial authorities to judicial bodies, as opposed to legislative or executive institutions, is important to secure independence.

Judicial independence is not only secured through legislative guarantees and the appointment of a qualified cadre of judges, but also through judicial and court practices. Regulations and procedures for handling court functions will be necessary to develop concrete lines of authority and establish efficient operations. The goal of judicial independence is to ensure impartial decision-making in the judiciary, while taking into account the complex relationship between the state, judicial institutions and society. Thought should be given to basic elements, such as case assignment, to provide safeguards that limit potential external influences and promote independence. Some of these regulations and procedures will address actors outside of the judicial and prosecutorial realms (e.g., police) who play a key role in the judicial processing of cases.

Activities and Tools

Strengthening Legal Guarantees of Judicial Independence: Constitutional protections must be made clear, and these must be translated into effective operational protections through appropriate legislative and regulatory implementation. Significant international advice and consultations should be available, but local experts must also be involved to the greatest extent possible. The ABA/CEELI Judicial Reform Index has been used in several countries to assess factors that are crucial for judicial independence and to identify specific blockages. (Copies of the JRI, as applied in individual countries, are available at [http://www.abanet.org/ceeli/publications/jri/home.html](http://www.abanet.org/ceeli/publications/jri/home.html)).

Formalizing and Supporting Judicial Capacity to Address Separation of Powers Issues: In all cases where judicial review is provided for, whether by a constitutional court or otherwise, significant assistance should be devoted to assisting the appropriate judicial bodies. Failure to support a structured legal process for the resolution of disputes concerning the powers of government can seriously compromise promotion of the rule of law. To introduce the safeguards necessary for the judiciary to assume that role will likely require much more than simply reform of the laws themselves. Some justice section resources may have to be employed to train and equip constitutional review organ(s) with the understanding and facilities needed to effectively exercise their role as a guardian of the separation of powers.
Reviewing and Strengthening Institutional Control over Administration and Budgeting:
While some judiciaries are dependent on the executive for administrative and budget functions (generally the Ministry of Justice), judiciaries that control their own administration and budget are less subject to executive pressure. Strategies to promote judicial independence may include a process of institutional reform in which significant aspects of administrative and budget control are transferred from the executive to the judiciary.

Improving Conditions of Service: While salaries and conditions of service for judicial personnel present a cross-cutting administrative and budgetary concern, there can be severe consequences for judicial independence if there is insufficient budgetary support for the judiciary. If a judge cannot make a living wage, it is not surprising to find some judges taking improper payments. The justice section should support—through good offices and technical assistance—the development and approval of government budgets that provide the judiciary with sufficient resources within the local context. In some post-conflict circumstances, international donor resources may be used to supplement salaries, and in such cases, there may be strong justifications for these resources to be used for judges. Of course, the judiciary should expect that receiving salary supplements requires heightened responsibility and should be linked to the effective functioning of credible discipline and accountability mechanisms.

E. Promoting Judicial and Prosecutorial Professionalism, Accountability and Transparency
To begin rebuilding confidence in the justice system, it is necessary to jump-start basic judicial functioning while ensuring transparency and accountability, both in personnel and procedures. Transparency and accountability are central to a favourable public perception of the judiciary and can help limit the potential for corruption and improper external influence. If successful, transparency should result in information about judicial conduct and operations reaching a large, public audience. Accountability and transparency require clear standards of appropriate conduct, which typically includes a code of ethics, financial policies and internal disciplinary mechanisms that may be initiated from within or outside the judiciary. While anti-corruption strategies are much broader than the judicial sector, a special emphasis on the court system is necessary because the judiciary plays a central role in adjudicating criminal accountability for corruption. Broad anti-corruptions approaches can be found in the UNODC Anti-Corruption Toolkit (available from UNODC at http://www.unodc.org/pdf/crime/corruption/toolkit/corruption_un_anti_corruption_toolkit_sep04.pdf).

One step that might be necessary for ensuring a system of accountability for judges and prosecutors and the credibility and legitimacy of justice actors is establishing transparent procedures for removing those involved in past human rights violations and selecting a core group of fair-minded professionals noted for their integrity and capacity. Care must be exercised in the vetting process, however, to ensure that it does not become a mechanism for venting frustration at the prior state of affairs or exacting personal revenge. Moreover, provisions regarding judicial tenure, discipline and removal should be observed, with some vetting processes requiring a special legislative basis.

There are various external mechanisms for judicial and prosecutorial oversight and governance, but the importance of a commitment to internal regulation cannot be overstated, and the judicial and prosecutorial professions should take significant ownership.
for the disciplinary mechanism itself. At the same time, internal regulation does not mean that there cannot be external participation, and any serious system should permit citizen complaints.

The formulation or resurrection of an inclusive professional association can be an important tool to help develop a true sense of self-governance and regulation. Judicial associations are important both for technical and practical issues. For instance, in terms of the former, judicial associations commonly initiate publications that provide a forum for judges and lawyers to develop technical scholarship. Regarding the latter, judicial associations can speak out on the dangers of low salaries and lack of security, and the vulnerabilities that judges face towards corrupting influences.

**Activities and Tools**

**Establishment or Resurrection of a Representative Judicial Association:** Legal professional associations have a key role to play in terms of provide professional self-regulation and development. Supporting their basic infrastructure needs is important, but need not be intricate or expensive. While there may be a need for more than one judicial association (e.g., a national association of all judges, regional associations and an association of female judges), there should ideally be some entity that is representative of all segments of the judicial profession.

**Development of Basic Standards of Proper Judicial and Prosecutorial Conduct:** A code of conduct for the judiciary and for prosecutors should be a first priority, and it should be supported, if not created, by the judiciary and the prosecutorial authority. Relevant international standards such as the Bangalore Principles (http://www.unodc.org/pdf/corruption/bangalore_e.pdf) and others listed in Annex B provide useful guidance to judges regardless of their legal traditions.

**Vetting Justice Sector Personnel and Use of Interim Staff:** Vetting is usually a one-time process and should be conducted through an independent review body operating in accordance with due process and the maximum level of transparency appropriate for the task. This body should serve as a platform to establish an ongoing capacity to review allegations of misconduct and to undertake evaluations of justice sector personnel. Where disciplinary measures are warranted, measures ranging from warnings to dismissals should be applied. In cases where widespread inappropriate behaviour has been identified, it may be necessary to supplement existing personnel with interim local and international staff. A useful guide from OHCHR on “Vetting: An Operational Framework” can be found at http://www.ohchr.org/english/about/publications/docs/ ruleoflaw-Vetting_en.pdf.

**Installation of a Judicial and Prosecutorial Discipline System with Due Process and Public Participation:** Proper standards of judicial and prosecutorial conduct are not effective if there is no mechanism for their enforcement. Disciplinary mechanisms should be instituted at the very earliest stages, and these mechanisms should incorporate opportunities for public involvement and should include safeguards to protect judges and prosecutors against politically motivated accusations. In addition to mechanisms to address specific allegations of abuse, it is important to establish controls that check routine operations for compliance with applicable standards. These functions may be addressed through a variety of institutional structures—e.g., the ombudsman, a high judicial and prosecutorial council, the inspector general, or the auditor general—and they may review a wide variety of issues from the personal assets of judges to human resource management.

**Revision of Judicial Selection and Appointment Process:** Judges should be selected and appointed upon the basis of professional qualifications. Utilizing merit-based selection and merit-based career paths can reassure the local population that the judiciary is not simply a tool of elite powers. There are at least three guiding principles that should be considered in the reform of the selection and appointment process: 1) transparency and independence; 2) participation and representation of society in the selecting body; and 3) a resulting cadre of judicial personnel that represents the diversity of the country.
Publication of a Collection of Major Judicial Decisions: In both civil and common law systems, the reasoning and proper application of law is of broad relevance to the legal profession and society as a whole. Judges and courts must demonstrate their competence on an ongoing basis, and one of the best methods for accomplishing this goal is to display their work for general public scrutiny, and more importantly for scrutiny by the legal community—local and international. Establishing or reinstituting the practice of publishing major judicial decisions can help in this regard. A justice section might, therefore, help find funding and technical expertise to re-start a government publications office, or could support the lawyers or judges association to begin a programme of collecting and publishing judicial decisions.

F. Improving Court Administration and Management

Issues of court administration and management are frequently overlooked. Where programmes do exist, they have tended to focus on case management (e.g., forms, case registration, processing and tracking; supervisory review procedures; automation of records; and court statistics). Equal attention is needed on personnel policies, financial reporting, financial management and budgeting.

While these issues may seem more routine than other reform areas, they often require more intricate programming. To track case files, maintain court calendars and dockets, provide security, and guarantee public access to justice requires policies and procedures, as well as adequate staff and training. Underpaid and under-trained court clerks and administrative personnel not only add to the inefficiency of court processes, but may also be susceptible to corruption—resulting in “lost” files, delays in hearings, delayed paperwork, failure to execute judgments, and the like. In recognition of the importance of the administrative functions in courts, a specific Administrative Office is established in some court systems. Regardless, courts will need assistance in strengthening administrative policies and procedures, and there will be a need to train court clerks, paralegals, bailiffs and other support personnel.

Where infrastructure permits, automation of court records and processes can significantly increase case processing efficiency, even while longer-term reform and streamlining of the processes is ongoing. Having legal materials, case information, previous decisions and other materials stored online and available to judicial personnel can also improve the quality of judicial decisions. These automated solutions will also strengthen court statistical and analysis functions that will allow for more efficient assignment of workload and support budget and staffing decisions.

Activities and Tools

Inventory and Analysis of Pending Cases: An assessment of the existing caseload and its potential for growth is an important preliminary step. Depending on the status of existing documentation, triage programmes may be necessary to reconstruct cases or to complete a comprehensive case review to determine status and weed out moot cases.

Analysis of Budget and Staffing Needs to Address Caseloads: Once there is a comprehensive understanding of the current and potential caseload and its geographic distribution, an analysis of the financial and human resources needed to handle this caseload can be completed. This analysis requires specific expertise and substantial familiarity with the national government budget allocated for the ministry of justice, the judiciary, the prosecutorial authority and any social or legal services. Where budgetary allocations are insufficient, immediate action by the justice section and senior mission leadership in advocating for appropriate budgetary allocations to justice may be warranted.

Installation of a Structure for Tracking Caseloads and Resource Needs: To ensure that changing needs can be incorporated into judicial management, it is crucial that a workable system of
capturing key information is put in place early on. Comprehensive assessments are costly and time consuming, and the administrative structure must be able to collect information and assess basic needs on an ongoing basis.

**Development of Court Policies and Procedures to Provide Transparency and Accountability:**
Court administration and financial management should set an example within the public sector, because the judiciary will ultimately sit in judgment on the proper application of administrative and financial laws. To accomplish this goal, information concerning court operations should be made public as much as possible—consistent with standards of confidentiality—and there should be a built-in internal audit function that issues public reports.

**Increasing the Use of Paralegals:** A lack of trained legal professionals is very common in post-conflict countries (for example, there were roughly 100 attorneys in all of Rwanda after the conflict). Programs to increase the use and role of paralegals (e.g., to serve as clerks or judicial assistants) can increase efficiency of the courts and increase citizen access to justice. At the same time, creating these specialized positions reduces pressure to rapidly qualify people as lawyers or judges without the requisite education as sometimes occurs in the post-conflict setting.

**Training Court Administration Professionals:** In the post-conflict setting, it is particularly important that judicial training be made available to court administration staff as well, regardless of whether they are lawyers. With significant changes in court administration and financial management, it is crucial that appropriate training be provided to those professionals actually charged with the bulk of day-to-day operations.

**Development of an Appropriate Court Technology Plan:** While post-conflict countries may face resource and other constraints limiting the use of modern office technology, a technology assessment is nevertheless necessary once the environment stabilizes. Resurrection of outdated manual systems when there is an appropriate modern technological solution wastes valuable resources and compromises efficiency. Once the appropriate technological options are identified, support for pilot projects and basic implementation can be sought from donors.

**G. Developing Basic Judicial Infrastructure**

Court construction and refurbishment are resource-intensive projects which are most appropriately undertaken by development organizations. However, while justice can be administered under a tree in some cases, in many post-conflict programmes it is likely that some form of court rehabilitation for the formal institutions will be necessary.

In Liberia, the court infrastructure was heavily damaged, and QIPs funding was used to undertake basic court rehabilitation and refurbishment projects, such as fixing walls, buying chairs and tables, and providing a generator.

In the post-conflict environment, the importance of court and witness security should not be underestimated. Antiquated court facilities frequently have limited equipment to detect weapons; courts may or may not have their own security forces; court design frequently does not allow for barriers between defendants and judges or segregated waiting rooms for litigating parties, victims or witnesses; separate and protected entries for judicial personnel may not exist; witness protection programs generally do not exist or are inadequate. These issues are central to protecting judicial personnel, victims and witnesses in the frequently heated post-conflict justice environment.

Beyond the classic concerns of buildings and security, there is also the more detailed and intricate issue of what sort of materials and equipment are necessary to manage and secure the court documentation that is essential for competent judicial administration. Rehabilitation of old technology and methods is a common reflexive response, but it may not always be the most effective
use of resources. For instance, old case dossiers may not be designed to capture adequate information to secure due process. While an automated system may be inappropriate due to electrical infrastructure limitations, this does not mean that an existing paper system cannot be modified to meet current standards of judicial management and prepare a path for future automation.

In post-conflict settings, assistance to criminal courts generally receives high priority. However, non-criminal matters usually make up the bulk of the case-load, and civil courts have jurisdiction over real property and national identification issues, which can have a major impact on reconstruction, reconciliation and establishing a durable peace. Family courts may also be critical where abuse of children and women is one lasting effect of the conflict. Commercial courts will be needed to ensure that new economic legislation is properly applied in order to attract and sustain investment—often a key ingredient of lasting stability. Thus, while peacekeeping operations will primarily focus on the criminal justice system, it is important for national actors and the international community to consider the entire swath of judicial infrastructure.

### Activities and Tools

**Basic Court Refurbishment (Quick-Start Package):** On the basis of a comprehensive assessment, a package of basic equipment and supplies, including such items as generators where necessary, should be provided early on, drawing upon the peace operation's QIPs funding if possible. Because QIPs and other mission funding will not likely be sufficient to meet even the most basic needs, the justice section should also quickly access donors and relevant trust funds. Since the judicial system is the face of rule of law for many citizens, visible attention to this component is important and can signal the peace operation's emphasis on, and commitment to, the judicial sector.

**Basic Rehabilitation Projects:** Where court houses or prosecutors offices are in need of targeted rehabilitation—such as fixing leaking roofs, broken doors or rebuilding internal walls—such small projects can more easily be the subject of peace operation QIPs funding. Justice sections can also work with military components to determine whether the military can provide any quick rehabilitation assistance.

**Expanding the Use of Technology and Modernization of Equipment:** While post-conflict countries may not be able to incorporate all aspects of modern technology (e.g., web-based data systems), to the extent feasible, appropriate new technology should be introduced to increase court efficiency, transparency and speed. As noted in the previous segment, provision of technology should be part of an overall court technology plan.

**Improvement of Court and Witness Security:** Many institutional and structural components are required to ensure court and witness security, and these should be examined and planned for as essential infrastructure needs within the host-country's budget. Given the complexities involved in providing court and witness security, including full scale protection programmes, this task will likely involve extensive donor resources and government coordination. However, interim measures and relatively resource neutral interventions—such as establishing court security liaison officers and clear practices on where victims and witnesses await proceedings and sit in court—can be very useful. And in many instances mission police components or military contingents will be able to provide some form of security to judicial institutions and individuals.
H. Bolstering the Integrity of the Legal Profession

Post-conflict assistance commonly focuses on the restoration of public institutions, such as courts, ministries and legislatures. In a democratic justice system based on the rule of law, however, the private legal profession plays an equally important role. Without sufficient numbers of adequately trained private legal professionals, defendants will not receive the representation that they require, and civil society will have no legal advocates to push for reform.

An important institutional structure is that of the independent professional association, through which lawyers can address legal issues of mutual concern, promulgate professional standards and police their profession. Ideally, this structure would be sophisticated enough to provide lawyers with continuing legal education so that they may keep abreast of new developments in the law.

Professional standards and accountability for compliance with those standards is perhaps the most significant challenge for the post-conflict legal profession. With a damaged court structure, few resources and uncertain caseloads, there is clearly a need for the profession to place a priority on restoring orderly trials with adequate representation. However, a code of conduct, or ethics, should provide clear guidance on the proper practice of law, and a rigorous system of discipline should monitor and enforce compliance with these standards. This commitment to self-regulation is essential if lawyers are going to be able to build up a sense of esteem and respect for their professionalism in the public at large.

Additionally, the legal profession can garner public respect by serving as a champion of common causes and human rights. Public interest litigation and advocacy is an indicator of a vibrant and diverse legal profession. Members of the legal profession should be encouraged to work with civil society to place the law in action for the benefit of individuals. In the post-conflict context, law should be seen as a tool for social change, rather than a control mechanism of the power elites, and the legal profession must be prepared to play a lead role in demonstrating this grassroots approach.

Activities and Tools

Organizational and Financial Support for Independent Professional Associations: Viable professional associations are important for the development and management of the private legal sector. Caution should be taken, however, to avoid simply reinstating prior legal elites who may have contributed to the conflict. Transparent standards of governance and management should be a prerequisite of substantial, ongoing support.

Working Groups on Professional Standards for Admission to the Practice of Law: Post-conflict countries commonly have a history of excluding groups from the legal profession. Respected legal professionals—including relevant internationals—can, and should, play an important role in the review, debate and reform of professional certification standards. A central goal of these reforms should be to ensure that access to the legal profession is non-discriminatory, providing opportunities for all parties to the conflict to participate. The ABA/CEELI Legal Profession Reform Index has been used in several countries to identify weaknesses in the legal profession and target reform efforts (available at http://www.abanet.org/ceeli/publications/jri/home.html).

Elaboration of Professional Codes of Conduct and their Enforcement: With a stable professional association structure in place, association initiatives should be sponsored to develop a full complement of professional guidance. Provision should be made for internal self-regulation, as well as external mechanisms.
Development of Legal Discipline System with Basic Due Process and Public Participation:
Proper standards of lawyer conduct are not effective if there is no mechanism for their enforcement. Disciplinary mechanisms should be instituted at the very earliest stages, and these mechanisms should incorporate opportunities for public involvement and safeguards for lawyers against politically motivated accusations.

Strengthening the Bar Exam Process to Incorporate Protections (e.g., Anonymous Grading— to counter Racism, Nepotism and Other Forms of Improper Influence): In many post-conflict countries, the bar exam was subject to corruption and invidious discrimination. The process itself should be refined to ensure that it sets an example for the rule of law, as opposed to reinstallation of past elites.

I. Increasing Access to Justice— Developing Legal Aid, Indigent Services and Civil Legal Education

The concept of access to justice implies not only physical access, but also confidence that the justice system can and will provide resolution that is timely, fair and impartial. Access to justice requires that the justice system be available, accessible, affordable, and culturally appropriate for all parts of the population. There are, however, a variety of obstacles to effective use of the judicial system, including financial, cultural, gender-based, linguistic, geographical, logistical, or educational factors. Marginalized groups—including women, refugees, internally displaced persons, minorities and children—often face multiple obstacles to accessing justice, particularly in the post-conflict context. Additionally, the use of the justice system as a tool of repression or a more benign ineffectiveness due to years of atrophy can justifiably erode public confidence in the courts as a viable recourse for grievances.

A citizen’s ability to understand and exercise his/her legal rights depends in many cases upon access to a lawyer, and in a post-conflict environment, a very small segment of the population possesses the resources to retain counsel. To ensure that all residents have a meaningful opportunity to enforce their legal rights, it is imperative that this fundamental due process right be protected. Such protection need not always be the sole financial responsibility of the state, for pro bono options represent a powerful alternative resource. Regardless, the bottom line is that citizens who cannot afford an attorney are in need of assistance to defend themselves, file cases, speak before the court, handle appeals, and negotiate settlements.

In a post-conflict situation, the gap between the demand for justice and the state’s capacity to address it through judicial mechanisms must be addressed. In the emergency phase, the goal of access to justice activities should be to avoid renewed violence and establish a framework for citizens, particularly disenfranchised groups, to have a voice. Over the longer-term, these activities should promote a culture of legal accountability through the establishment of permanent processes and mechanisms that are accessible and understandable. Ultimately, rebuilding efforts should transform the justice system into a tool for empowering formerly marginalized segments of society, thus negating the need to resort to violence. For a comprehensive view of an access to justice approach and further principles and techniques, see the UNDP Access to Justice Practice Note, available at http://www.undp.org/governance/docs/Justice_PN_EN.pdf.

In Kosovo, the UN deployed international judges and prosecutors, but paid little attention to support the defense bar. OSCE/UNMIK later established an NGO resource centre specifically for defense lawyers.

In all countries, the formal legal process has its limitations, and the establishment or strengthening of appropriate settlement procedures that bypass litigation is a common and effective way to facilitate the peaceful resolution of disputes. In the post-conflict environment, such alternative dispute
resolution mechanisms can vet and often resolve cases without calling upon the resources of an overburdened or fledgling court system. In addition, these mechanisms facilitate the development of non-violent problem-solving skills at the grassroots level. However, where customary and traditional justice systems exist, but do not reflect UN human rights principles in fundamental respects, programmes should be considered to engage, develop and link them into the overall system of justice.

Activities and Tools

**Strengthening Defence Capacity:** Defence attorneys play a larger role in the justice system than merely representing the interests of their clients. They can mitigate abuse of power, force police to improve their investigative procedures, and otherwise ensure that due process standards are observed. It is, for this reason, essential to target defence counsel for training programs on the interim legal framework and fair trial standards during the emergency phase. It is also important to provide defence counsel with adequate access to resources for preparing their cases.

**Establishment of Mechanism(s) for Legal Assistance:** A public defenders program and other state-sponsored legal assistance mechanisms are integral to the state’s responsibility to ensure meaningful legal representation. Lack of access to counsel endangers public confidence in the system. In programme design, the feasibility of promoting and providing technical assistance to the establishment of a formal public defenders programme should be considered. A state-sponsored legal aid system, however, may be outside the financial means of a post-conflict country in the short-term. A premium should therefore be placed on creative alternatives. The method appropriate to a specific context will depend in part on the legislative framework governing criminal and civil procedure and the practice of law. Some examples, however, include access to pro bono attorneys through the bar association or other NGOs, law students through clinical programs, or training and establishment of paralegal services.

**Identification of Critical Points Where the Population Needs Access to Courts and Dispute Resolution Mechanisms:** Given the financial and human resource constraints that will be present in the post-conflict phase, the types of legal disputes which have the greatest effect on post-conflict security should be identified. In post-conflict situations, these often include criminal law, land and property restitution, citizenship, or natural resource usage.

**Creation or Strengthening of Alternative Dispute Resolution Mechanisms:** These mechanisms can be formally linked to the judicial system (court-annexed) or independent of the courts. Examples include mediation, negotiation, conciliation centres, or property/housing commissions. In the tense aftermath of a violent conflict, the goal is to restore the public’s ability to envision the peaceful resolution of disputes, and to begin to bring communities together to meet their common needs.

**Support for Traditional Justice Practices:** In many post-conflict countries, traditional dispute resolution mechanisms may still function. Moreover, these bodies may have a pre-established social legitimacy and be more widely trusted than formal justice institutions. These mechanisms, however, are usually only appropriate for low level criminal conduct and may not comply with human rights principles, particularly in regard to women’s rights or due process. With sufficient adaptation, traditional forums could provide a viable complement to, although not a replacement for, the court system.
Establishing Court Service Centres and Help Desks: Public access to judicial and legal information creates opportunities for greater citizen involvement in the formal dispute resolution process. Court service centres, staffed by paralegals where appropriate, can provide walk-up legal advice, assistance in filing complaints or legal instruments, and information on legal rights and court processes, demystifying the formal system. This type of commitment to public service will serve to build respect and esteem for the judiciary as a profession.

Development of Public Information Capacity: A democratic system of governance committed to respect for human rights and the rule of law has an inherent duty to serve the needs of all segments of the public. Distribution of information about reform of the legal and judicial system is an important first step towards meeting this need. Adequate information implies both a capacity to deliver information to the public as well as an understanding of how best to package it for mass consumption. Beyond information about reforms, efforts should be made to broaden the scope of the information shared and identify permanent mechanisms for educating the public. The peace operation can support court spokespersons, the bar, judges associations, and justice-related NGOs in conducting public education campaigns on pertinent legal issues.

Civic Education Programs in Schools: Efforts at public education should also begin to expand their target audience. School programs can be a low resource means of providing relevant information both to children, and to adults via their children. These programs also help to build understanding of, and respect for, human rights among the country’s future leaders. With initial training, law students, paralegals or NGO groups can conduct education campaigns in local schools.

J. Promoting Gender Justice and Victim’s Rights

It is the obligation of peace operations to mainstream gender considerations into their programmes and activities. In fact, Security-Council resolution 1325 (2000) places an obligation on all actors involved in the implementation of peace agreements to take “measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary” (para. 8(c)).

Conflict has a disparate impact on women and girls due to the discriminatory social and cultural roles frequently assigned to women. This can be especially true in the judicial and legal systems arena, where women’s access to justice is often severely limited by discrimination and inequality in law and in justice practices.

While a gender perspective should be incorporated into all areas of programming, particular gender justice programmes can be developed that are targeted to meet the specific needs of women and girls. Gender justice activities fall into three broad categories: 1) targeted outreach to and inclusion of women’s voices and concerns in all reform initiatives; 2) directing capacity-building, legal reform and technical assistance projects to address the particular needs and circumstances of women and girls; and 3) increasing the representation and capacity of female professionals in all aspects of the administration of justice. A useful reference in this area is Chapter 19 of the “Gender Resource Package for Peacekeeping Operations” published by the DPKO Best Practices Section (available on-line at http://www.peacekeepingbestpractices.unlb.org/pbpui/library/GRP%20Full%20Version.pdf).
Under UN principles, victims of crime and abuse of power are entitled to information concerning the legal proceedings and their rights throughout the process. They also have a right to representation and reparation for the harm they have suffered through services and compensation. Victims require a broad range of services, including those related to shelter, social, economic, health, legal and psychological assistance. While such rights may be particularly important for marginalized groups, they constitute state obligations to all victims. With large numbers of victims of human rights violations, the responsibility of the state to provide reparations can present significant challenges. In the peacekeeping environment, it is critical that there is an on-going recognition of the states’ responsibilities and discourse on ways to meet them.

Activities and Tools

Women’s Professional Associations and Non-governmental Organizations: Conflict often creates upheaval in women’s traditional roles and responsibilities in society, and the proliferation of organizations dedicated to addressing the particular experiences and needs of women is a common trend in the post-conflict environment. In the judicial and legal systems area, women’s legal NGOs providing legal advice and representation to women are often established. So too are victim’s organizations and professional organizations, such as women’s judges associations. These groups tend to be the most dedicated advocates for reforming the judicial and legal systems. The inclusion of the voices and perspectives of women’s organizations can be achieved through the establishment of special working groups, sub-committees, task forces and other mechanisms for consultation and participation. These associations can also be some of the most active change agents in the area of judicial and legal system reform.

Law Reform in Areas of Particular Importance for Women and Girls: Discriminatory or archaic legislation in the areas of gender-based violence, the family, and property, commonly disproportionately impacts women and girls. A residual effect of conflict is often an increase in gender-based violence, particularly in the domestic sphere, as well as a proliferation of women-headed households. Where they exist, laws prohibiting rape, including within marriage, are often outdated and unresponsive to victim’s rights. Few, if any, legal protections are in place for women suffering from domestic violence or trafficking. Similarly, property and inheritance rights of women and girls are often restricted and fail to ensure women’s and their families’ equal entitlements. If national counterparts determine to target such laws for reform, the justice section can provide technical expertise, comparative examples from other systems, and can help to facilitate public participation in the process.

Use of Gender Balance Guarantees: Women are often under-represented within the justice institutions, as judges, prosecutors and lawyers, as well as in the executive branch and the parliament. Guarantees of preferential consideration—such as specific outreach to female professionals and targeted recruitment, or formal reservations and quotas—are tools which can be put in place to ensure an increase in the number of female professionals in the administration of justice.

Gender Awareness and Capacity-Building of Justice Actors: Prosecutorial, court and judicial practices often result in de facto discrimination against women, even where equal rights and equality before the law is guaranteed de jure. This can be manifested in failures to prosecute criminal conduct against women, such as rape and domestic violence, or in robust prosecution of female defendants for crimes related to the transgression of traditional gender roles, such as in cases of prostitution. Judicial inquisitions and court-room practices may subject women and girls to inappropriate
questioning and re-victimization. Specialized training courses can improve the treatment of women and girls by the justice system. Such courses raise the awareness of justice actors, both male and female, to the rights and needs of women and girls—and, at the same time, provide them with practical skills on how to be gender-sensitive in investigations, interviewing, court questioning, and victim and witness assistance.

**Victim’s Services Referral Networks:** Where victim’s services exist in the post-conflict setting, they are often undertaken by NGOs, particularly those established for women and girls. The state usually has institutions responsible for providing and ensuring services, particularly related to child protection and family upheaval, but the services and resources available may be few. At the same time, the nature, location and type of NGO services usually develop in an ad hoc manner, leaving substantial gaps and creating inefficiencies. An important initial step in this environment can be to assist in the identification of available state and non-state services and link these in a referral network, so that victims can access shelter, health, psycho-social and legal assistance whenever possible. Ideally, state institutions have a role in facilitating and supporting such networks, while also developing the services they are obligated to provide.
Annex A

Resources for Preparation

Mission Specific Resources

It is crucial to thoroughly study the applicable peace agreements and the relevant UN documents, such as Security Council resolutions and reports of the Secretary-General, to gain a firm understanding of the mandate and the local conditions in your mission area. The UN documents related to each mission can be found at the respective mission homepages at http://www.un.org/Depts/dpko/dpko/index.asp or at http://www.un.org/documents/. For those already in the UN system these documents can also be found on the DPKO Intranet site at http://intranet.dpko.un.org/dpko/pages/home.aspx. A comprehensive collection of peace agreements and other peacemaker tools can be found on the UN’s Peacemaker Database at http://peacemaker.unlb.org/index1.php.

UN Rule of Law Resources and Basic Texts

The Secretary-General’s report on the “Rule of Law and Transitional Justice in Conflict and Post-conflict Societies” (S/2004/616 of 23 August 2006) highlights some of the organizations’ key lessons learned, principles and approaches in the rule of law area.

The Final Report of the ECPS Task Force (15 August 2002; approved by the ECPS on 30 September 2002), charts out a course for interagency support for rule of law components of UN peace operations.

The lessons-learned study on “Legal and Judicial Rule of Law Work in Multi-Dimensional Peacekeeping Operations” (March 2006) organized by the CLJAU provides valuable lessons learned from the experience of justice sections in recent UN peacekeeping operations.

The “Handbook on Multidimensional Peacekeeping Operations” (December 2003) provides an introduction to the various components of a mission and their responsibilities.

These documents, and more, can be found on the website of DPKO’s Peacekeeping Best Practices Section (http://www.un.org/Depts/dpko/lessons/).

Several other departments and agencies have prepared useful rule of law tools, manuals, guidelines, training materials and reports. These can be accessed on their websites:

- OHCHR: http://www.ohchr.org/english/about/publications/
- UNHCR: http://www.unhcr.org/cgi-bin/texis/vtx/publ

International Norms and Standards

The review of international criminal justice and human rights standards, model codes of conduct for the judiciary, and the relevant international and regional treaties should be part of pre-deployment preparation. The jurisprudence of the human rights treaty bodies (e.g., Human Rights Committee) and special mechanisms (e.g., Special Rapporteurs, Independent Experts) can be useful for both
understanding the interpretation of international law and the particular human rights situation in the host-country. These can be found at: http://www.unhchr.ch/tbs/doc.nsf.

Documents from Outside the UN System

Entities external to the UN system have prepared a host of tools and background materials in the rule of law area. General rule of law materials can be found, for example, on the websites of the World Bank (http://www.worldbank.org/reference/) and the United States Agency for Development (USAID): http://www.usaid.gov/our_work/democracy_and_governance/rol.html.

Annex B

**International Treaty, Non-Treaty and Model Standards and Principles Related to the Rule of Law**

**International Standards and Principles**

**Integrity and Independence of the Judicial Professions**

- United Nations Basic Principles on Independence of the Judiciary (General Assembly 1985)
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, General Assembly 1985)
- Guidelines on the Role of Prosecutors (OHCHR 1990)
- Basic Principles on the Role of the Lawyers (OHCHR 1990)
- Bangalore Principles of Judicial Conduct (Judicial Group on Strengthening Judicial Integrity 2002)
- Beijing Statement of Principles on Judicial Independence (LawAsia 1997)
- Beirut Declaration - Recommendations by the First Arab Conference on Justice (Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP); Center for the Independence of Judges and Lawyers (CIJL))
- Caracas Declaration (Iberoamerican Summit of Presidents of Supreme Courts and Tribunals of Justice 1999)
- Consolidated Summary of the OSCE Human Dimension Implementation Meeting in Warsaw 6-7 October 2003 - Working Sessions 6 and 7 Rule of Law (OSCE 2003)
- Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (OSCE 1990)
- Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (OSCE 1991)
- European Charter on the Statute for Judges (Council of Europe 1998)
- IBA Minimum Standards of Judicial Independence (International Bar Association 1982)
- Judges' Charter (European Association of Judges 1997)
- Opinion No. 2 on the Funding and Management of Courts with Reference to the Efficiency of the Judiciary and to Article 6 of the European Convention on Human Rights (Consultative Council of European Judges 2001)
- The Universal Charter of the Judge (International Association of Judges 1997)
- ABA Model Code of Judicial Conduct (American Bar Association 1990)
**Imprisonment and Detention**

Basic Principles for the Treatment of Prisoners (General Assembly 1990)

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly 1988)

Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly 1982)

Standard Minimum Rules for the Treatment of Prisoners (ECOSOC 1957)

United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly 1990)

European Prison Rules (Council of Europe 1987)

**Rights of Victims and Protection**

Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of Human rights Law and Serious Violations of International Humanitarian Law (General Assembly 2005)

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly 1985)

Declaration on Race and Racial Prejudice (General Conference of the United Nations Educational, Scientific and Cultural Organization 1978)

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly 1981)

Declaration on the Elimination of Violence against Women (General Assembly 1993)

Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly 1975)

Declaration on the Protection of All Persons from Enforced Disappearance (General Assembly 1992)

Declaration on the Protection of Women and Children in Emergency and Armed Conflict (General Assembly 1974)

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (General Assembly 1999)

Guidelines for Action on Children in the Criminal Justice System (ECOSOC 1997)

Guiding Principles on Internal Displacement (Special Representative of the Secretary-General on Internally Displaced Persons 1998)

Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly 2000)


Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty (ECOSOC 1984)


OSCE Human Dimension Commitments (OSCE-ODIHR 2001)

**Crime Prevention and Law Enforcement**


Code of Conduct for Law Enforcement Officials (OHCHR 1979)

Recommended Principles and Guidelines on Human Rights and Human Trafficking (ECOSOC 2002)

Vienna Declaration on Crime and Justice (General Assembly 2000)

**International Treaties**

**Human Rights**
Universal Declaration of Human Rights
International Covenant on Civil and Political Rights
International Covenant on Economic, Social and Cultural Rights
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Convention on the Elimination of All Forms of Discrimination against Women
International Convention on the Elimination of All Forms of Racial Discrimination
Convention on the Rights of the Child
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment
European Convention for the Protection of Human Rights and Fundamental Freedoms
European Convention for the Protection of National Minorities
European Social Charter
Inter-American Convention to Prevent and Punish Torture
African Charter on Humans and People’s Rights
African Charter on the Rights and Welfare of the Child
American Convention on Human Rights

**Organized Crime and Corruption**
12 Universal Conventions and Protocols against Terrorism which Have Been Developed under the Auspices of the United Nations and its Specialized Agencies
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
United Nations Convention against Corruption
United Nations Convention against Transnational Organized Crime

**Refugee Law**
Convention on the Reduction of Statelessness
Convention Relating to the Status of Refugees
Convention Relating to the Status of Stateless Persons
Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live
Protocol relating to the Status of Refugees

**War Crimes, Crimes Against Humanity and Genocide/ International Humanitarian Law**
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
Convention on the Prevention and Punishment of the Crime of Genocide
First Geneva Convention “for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field”
Fourth Geneva Convention "relative to the Protection of Civilian Persons in Time of War"
Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity
Protocol I Additional to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts
Protocol II Additional to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts
Protocol III Additional to the Geneva Conventions relating to the Adoption of an Additional Distinctive Emblem
Rome Statute of the International Criminal Court
Second Geneva Convention "for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea"
Statute of the International Tribunal for Rwanda
Statute of the International Tribunal for the Former Yugoslavia
Third Geneva Convention "relative to the Treatment of Prisoners of War"