

Editorial

Those who remember the student movement of the late 1960ies and the early 1970ies in Germany are still aware of the critical attitude and mistrust of many of the post-war generation against state authority, representatives of the system of justice and, in particular, the police. The protests were a reaction to the misuse of state power during the Nazi regime and in the aversion against Prussian traditions of uncritical discipline and outworn values of patriotism and unquestioning obedience.

Today, though still being critical, we are willing to admit that the broad range of individual liberties would not be possible without a sound legal basis and trust in the legal system based on principles such as accountability and equality before the law. We have learned that a government bound to the rule of law is a precondition for the establishment of basic liberties and human rights. This holds particularly true during conflict situations in fragile states when strengthening the capacities of the Ministry of the Interior can be an important intervention towards the creation of such a government.

The first article of this newsletter explains the meaning of rule of law and demonstrates the importance of related interventions for the establishment of sustainable reforms. The best practices from four GFA project case studies illustrated in the second article point out that writing better laws is not enough if law enforcement is weak because of fragile capacities and institutions.



Klaus Altemeier
Managing Director
GFA Consulting Group

The Rule of Law in Development Cooperation

Well-functioning law, justice and security institutions and a government bound by the rule of law are important to political, economic and social development and the protection of human rights. During the last decade, international development cooperation has therefore turned increasing attention to reforms intended to improve the rule of law as well as security and justice systems.

Rule of law is a governance principle. There is no single agreed upon definition. The United Nations Secretary General defines the rule of law 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. The European Union (EU) values the rule of law and its dimensions regarding the accountability to the law, respect for fundamental rights, and an effective judicial system and implementation of laws. At the same time, an independent judiciary, access to justice and information, and absence of corruption are crucial rule of law elements.

Rule of law assistance does not only have a technical dimension but also has to take political and strategic considerations into account. National stakeholders – social, economic and political leaders in particular – need to recognize the value of the law. A rule of law program cannot be successful in the long run if imposed from the outside. Hence, rule of law development requires the full participation and ownership of national officials, legal and rule of law experts, traditional leaders, different interest groups and civil society. Public awareness and civil education initiatives are as important as advising national ministries and experts on re-drafting laws or training justice officials.

Rule of law reform

A rule of law reform program should start from a systematic examination of the current state of affairs, an analysis of the needs, capabilities and engagement of national expertise wherever possible. It is important to take the specific context of each country into account, especially the nature and the conditions of the existing legal system and its underlying culture, traditions and institutions. Rule of law initiatives can play a major role in countries emerging from a conflict or human



Rule of Law (continued from page 1)



Legal empowerment

rights abuses. Sensitivity to the conflict and its aftermath is indispensable.

Rule of law reform activities can tackle different elements of a country's system, from fundamental constitutional rights or the legal framework in civil, public and penal law to the institutions of justice, governance, security and human rights to law enforcement and penitentiaries. The electoral system and parliament, juvenile and informal justice and conflict resolution mechanisms are of equal importance. Moreover, the absence of corruption, access to justice and legal aid as well as civil society or accountability mechanisms are key factors in mentioned reform programs.

Rule of law comprises the regulation of the economic system. Reforming the legal framework of commerce is a driver for economic development. A straightforward legal framework for business and a predictable judiciary and enforcement system increase business players' trust and leads to economic growth. Related laws touch upon insolvency, property and intellectual property, investment, competition, trade and customs. Even though reforming the legal framework of commerce is a means of economic development, laws may indirectly conflict with other development goals. For example, while a strong copyright law secures authors' and publishers' economic interests and encourages pub-

lication, this may be at odds with socio-political goals such as easy access to education material by students, schools and universities. The challenge is to achieve a balance in case of a conflict of interests.

There is a growing demand for measuring the impacts of rule of law development by means of suitable monitoring systems. This is not an easy task. The United Nations Rule of Law Indicators monitor changes in the performance of criminal justice institutions in conflict and post-conflict situations. The World Justice

Project Rule of Law Index is a quantitative bottom-up assessment tool designed to offer a detailed and comprehensive picture of the extent to which countries adhere to the rule of law in practice. The Hague Institute for the Internationalisation of Law is currently trying to develop a prototype of a European Union Index of Justice that builds on the rule of law and bottom-up justice.

GFA services

In recent years, GFA Consulting Group has advised numerous national, regional and local governments on the application of sound rule of law principles. GFA teams of experts have worked with a wide range of key institutions in the justice, security and governance sector and with civil society actors.

Based on its long-standing management and project implementation experience, GFA has been putting innovative rule of law concepts into practice. Selected projects implemented in Latin America, Africa and the Middle East highlight these approaches, and are presented on the subsequent page.

*Contact Karin Müller,
karin.mueller@gfa-group.de,
Frieder Mecklenburg,
frieder.mecklenburg@gfa-group.de*



Police delegation from Iraq on a study visit at GFA Headquarters in Germany

Best Practices in Rule of Law Projects

Legal Reforms and Strengthening Capacities in Administrative Procedures in Peru, GIZ 2013 – 2014

The project's objective is to contribute to improved legal and institutional conditions for sub-national governments and social programs in order to deliver public services adapted to citizens' needs. So far, the public administration at sub-national levels struggles with applying procedures according to legal standards and does not meet citizens' satisfaction. As a result of this problem, there are numerous complaints and court procedures which are a challenge to handle for the administration. GFA experts contribute to the GIZ Good Governance and State Reform in Peru Program in three inter-related fields. They deliver technical assistance to three commissions adjusting legal norms at the Ministry of Justice for a legal reform; they provide support to develop and implement a training system regarding the application of administrative procedures directed at staff of sub-national tiers and they support awareness raising and information to citizens with regard to the principles of judicial procedures and their rights and duties related to public administration. GFA's team comprises five long-term experts. Their focus is on the implementation of certified, decentralized modes of delivery through distance or blended learning for the training of staff delivering public services.

Capacity Development for the African Commission on Human and Peoples' Rights in The Gambia, GIZ 2013

The African Commission on Human and Peoples' Rights (ACHPR) in The Gambia is tasked with promoting and protecting human rights throughout the African continent and is considering individual complaints of violations of the African Charter on Human and Peoples' Rights. Numerous individuals and NGOs file complaints about alleged human rights violations but the ACHPR does not have the capacity to deal with large numbers. This situation led to a significant backlog of cases pending before the ACHPR. The Commission is committed to address

the problem but needs technical support for the Secretariat in order to clear the backlog. GIZ supports ACHPR in this respect. The project aims at increasing the capacities of the ACHPR Secretariat which provides technical, logistical and administrative support to the Commission. The GFA team employs three African legal experts with practical experience in the African human rights system as well as short-term experts providing advisory services on organizational development and on legal human rights issues. The backlog of cases will be reduced and suitable cases will be identified and prepared for referral to the African Court on Human and Peoples' Rights in Arusha, Tanzania.

Support to the Iraqi Ministry of Interior Higher Institute for Security and Administrative Development, EU 2012 – 2014

In Iraq, the EU supports the development of sustainable management and administrative capacities at the Ministry of Interior and its Higher Institute for Security and Administrative Development (HI). The project aims at modernizing the police force in Iraq through training and administration reform so that it fully understands and respects human rights and the rule of law. Rather than providing direct training of the police force, the project focuses on enhancing the Institute's internal capacities which is meant to provide vocational training along the whole police career path. GFA experts assist the Institute in providing higher level training. The subject matters specifically encompass management and leadership, operational planning, policing skills and law. Human resources management and administrative science are on the agenda as well. One important element of the project is the facilitation of an academic exchange between the German Police University and the Iraqi HI. In this context, two study visits already took place to provide Iraqi participants with an overview of the education system for senior police officers in Germany. The HI intends to have its Masters program fully accredited. The German Police University adopted a similar



Justice Palais in Saida, Lebanon

approach – from an academy to a university – and supports the Institute in its endeavor.

Rule of Law and Fight against Crime in Lebanon, EU 2012 – 2014

In Lebanon, GFA assists the Internal Security Forces (ISF) and the General Prosecutor to enhance security and fight crime in order to strengthen the rule of law. The objective of the project is to improve the capability and legitimacy of state institutions and security forces. The project contributes to EU efforts to make the country's law enforcement institutions accountable to and trusted by the public. It particularly focuses on three aspects of the rule of law. GFA experts foster the institutional development of the policing function by means of adequate internal strategic planning, organizational development and change management processes, procedures and tools. Moreover, ISF's law enforcement capacity in traffic management and road safety is strengthened. Finally, GFA also assists the coordination among security agencies and the judiciary in the fight against crime. Improving the investigation and prosecution of crimes are crucial factors in ensuring the respect of human rights and basic liberties.

Contact Karin Müller, karin.mueller@gfa-group.de, Katja Trappe-Willms, katja.trappe-willms@gfa-group.de, Harald Landauer, harald.landauer@gfa.group.de

GFA Chairs Development Policy Task Force of Federation of German Industry

Christoph Schaefer-Kehnert, Managing Director of GFA Consulting Group, took over the chair of the Development Policy Task Force of the Federation of German Industry (BDI) on 17 April, 2013. He is also member of VBI, the German Association of Consulting Engineers and has been a long time member of the task force. The BDI Development Policy Task Force exists since 2006. Members of the task force exchange information with representatives of ministries and other institutions on a bi-annual basis. During the meeting on 17 April, Ms Ursula Müller of the German Ministry for Economic Cooperation and Development (BMZ) discussed with the task force the challenges and opportunities of a stronger involvement of the private sector in BMZ's bilateral regional and sector cooperation. Topics such as Corporate Social Responsibility (CSR) or sustainability prove to be links that can trigger triple-win situations for people, the economy and development cooperation.

heiko.weissleder@gfa-group.de

German Ambassador and BMZ Visit Food Security Project in Yemen

On the occasion of the first BMZ visit after the Yemen crisis in 2011, Holger Green, German Ambassador to Yemen, and Dagmar Lohan, BMZ Desk Officer for Yemen, visited the GFA office of the Food Security Project in Hodeidah. A field visit to one of the project sites of the emergency Cash for Work Project was the highlight of the mission. The cash for work approach was introduced to the project in a political crisis situa-

tion which aggravated food security in poor Governorates of Yemen even further. The goal was to hand over cash directly to poor people by providing employment opportunities in remote and particularly food insecure areas of Hodeidah Governorate. The work projects were selected to create priority community assets such as access roads, irrigation canals or village protection and sand dune stabilization structures. All projects were implemented by community-elected social development committees. GFA's local technical assistance team provided technical, managerial and administrative support. A first set of projects was successfully concluded by the end of 2012, while a second array will be continued until the end of 2013.

catrin.schreiber@gfa-group.de

Hand-washing Campaign in Kenya

GFA experts supported the Water Services Trust Fund in developing an awareness raising concept on proper hand-washing practices as part of the GIZ reform program for the water sector in Kenya. The concept is based on research results showing that hand-washing can drastically reduce the two major leading causes of childhood mortality: diarrhea and acute respiratory infections. Hence, school children are a major target group for changing behavioral patterns. School children were involved to prepare posters and comic strips that show importance of proper hand washing practice. The posters use a 'by the children for the children' approach based on cartoons inspired by students' drawings at Ramadhan Primary School in Isiolo, a town in the Eastern Province. Another school will be visited to consolidate the children's ideas. The ideas

generated will be used to develop posters, comic strips and a video clip illustrating proper hand-washing practices. Water service providers will distribute these media to all the schools in the country.

katrin.bruebach@gfa-group.de

Climate Change Adaptation Program on Deutsche Welle TV

Since 2008, the Ministry of Environment and Natural Resources in the Dominican Republic has been conducting a program on sustainable management of water and forest resources that is co-financed by KfW. GFA assists the program by advising the Vice Ministry of Forest Resources. On 12 February, 2013 the Deutsche Welle TV program "Global Ideas" presented a documentary on this initiative for its English, Spanish and German speaking viewers worldwide. Innovative mechanisms in combination with incentives and compensations that lead to changes in land use practices have proven best practices for the small stakeholder communities in remote areas. Alongside other efforts, the results and change processes triggered by the project have encouraged the Dominican Government to define ambitious goals in its national climate change strategy: the reduction of carbon dioxide emissions by 25 percent by 2030. For the last decade, the Dominican Republic has retarded deforestation processes on a national scope, and in some cases – as in parts of the PROMAREN influence zones – has inverted this trend. The country now receives additional funding through the German Ministry of Environment in order to implement its aims.

rainer.schwark@gfa-group.de

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