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The Rule of Law Collaborative: A Center of Practical, Interdisciplinary Research, and Engagement on Pressing Rule of Law Issues Around the World

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I. Introduction

Over the past 25 years, a number of academic institutions have developed centers aimed at addressing rule of law challenges around the world. But few have grown as quickly—or had as much of an impact—as the Rule of Law Collaborative (ROLC) at the University of South Carolina (University). Founded in 2010, ROLC is committed to the development of rule of law as a discipline, the advancement of theoretical and research-based applications in the field, and the refinement of policies relating to rule of law development. To those ends, ROLC brings a unique blend of academic and practitioner expertise.

In the years immediately following its founding, ROLC developed a diverse network of on-campus faculty engaged in work on rule of law. Today, over 60 faculty across 18 disciplines form the on-campus ROLC network. Disciplines represented include business, education, law, political science, public health, social work, and many others. The research interests represented are equally diverse, including international business, legal reform, patterns of migration, women's rights, and more. In addition to this network, ROLC has a professional staff with extensive on-the-ground experience implementing a wide variety of rule of law activities around the world in partnership with local and international non-governmental organizations (NGOs), as well as with government and multilateral donors.

To date, ROLC has delivered training courses and symposia to over 2,000 professionals and other attendees; convened over 60 seminars, colloquia, and symposia; developed over 40 rule of law

modules; and engaged representatives from more than 200 organizations around the world in its activities.

Moving forward, ROLC seeks to expand the diversity of its rule of law activities—academic and practice-oriented—both to advance a more robust understanding of the rule of law and to address real-world challenges to it. As ROLC expands its research and programmatic offerings, it remains grounded in a fundamentally interdisciplinary understanding of rule of law, a view that is discussed in more detail below. By bringing together diverse scholarly expertise on issues that impact the rule of law, along with the expertise of its professional staff and extended practitioner network worldwide, ROLC will continue to shape the rule of law field at the intersection of practice and intellectual inquiry.

II. Mission and vision

A. Understanding the rule of law

In its approach to rule of law studies and programming, ROLC views the concept of rule of law within a complex system of interconnected inputs and outputs—legal, political, economic, and social. In *Initial Reflections on an Interdisciplinary Approach to Rule of Law Studies*, my colleague and co-author, Aparna Polavarapu, and I describe this conceptualization as akin to a neural network.¹ Much as the brain sends signals to and receives signals from the peripheral nervous system throughout the body, the rule of law influences and is influenced by peripheral factors beyond formal legal institutions.² Examples of such factors include conflict, literacy rates, access to potable water, and a society's attitudes towards women, just to name a few.

Put another way, at its core, rule of law concerns the relationship between governing authority and the governed, and that relationship encompasses inputs and outputs across all domains of civic life, everything from political participation and the administration of justice to public health and artistic expression. Across all such domains, ROLC conceives of both *access* and *quality* as important

¹ Aparna Polavarapu & Joel Samuels, *Initial Reflections on an Interdisciplinary Approach to Rule of Law Studies*, 8 L. AND DEV. REV. 277 (2015).

² See *id.* at 285.

measures of the inputs in the neural network analogy, and the law provides a framework for both of those factors.

In that framework, the letter of the law is an important factor in creating space for meaningful public participation in those areas—an important indicator of the rule of law—but *de jure* guarantees are not enough in and of themselves. To illustrate with an example, in a World Resources Institute study that examined rural communities in Mongolia, Indonesia, and Thailand, Excell and Moses found that, despite the existence of laws requiring proactive disclosure of information about water quality and its impact on local communities, disclosure of that information in practice fell short of requirements in all the communities examined.³ As a result, while those communities reported problems from water pollution, local residents who attempted to advocate for water quality protections not only faced the physical risks of contaminated water supplies, but also the limitations due to the lack of basic information necessary to articulate their needs or demands effectively.⁴

To take another example, during a symposium convened by ROLC in South Africa regarding youth and the rule of law in Sub-Saharan Africa, several experts from the region stressed the effects that *perceptions* have on access to and the quality of justice for young people across the region.⁵ They noted that, even in contexts where the laws grant young people access to the justice system, many young people continue to view their countries' justice systems as mysterious, opaque, or distant.⁶ In some of these cases, factors well beyond the law or the quality of the justice system itself—such as inadequate access to public information, or a general lack of engagement between the state and its youth—can have a deterrent effect on youth who would otherwise seek to access the justice system.⁷ As symposium participants noted, improvements in areas such as education or mass communication could help alleviate this problem, and this dynamic

³ CAROLE EXCELL & ELIZABETH MOSES, THIRSTING FOR JUSTICE: TRANSPARENCY AND POOR PEOPLE'S STRUGGLE FOR CLEAN WATER IN INDONESIA, MONGOLIA, AND THAILAND, WORLD RESOURCES INST. 6 (2017).

⁴ *Id.* at 18–24.

⁵ UNIV. OF S.C. RULE OF LAW COLLABORATIVE & JUSTICE SECTOR TRAINING, RESEARCH & COORDINATION PROGRAM (JUSTRAC), YOUTH AND THE RULE OF LAW IN SUB-SAHARAN AFRICA: FINAL REPORT 4–5 (2017).

⁶ *Id.* at 4.

⁷ *See id.* at 5.

further illustrates why ROLC chooses to treat such issue areas as integral to the rule of law.⁸

Consistent with this view, ROLC understands rule of law as distinct from the “law and development” movement of the 1950s, 1960s, and 1970s. While law and development focused primarily on the effects of legal reform on economic development, rule of law concerns a broader array of human development factors, as explained above.⁹ In addition, as Polavarapu and I argue, the relationship is not a one-way street. Legal developments can influence other human development factors, and vice versa.¹⁰ For example, laws that provide greater access to education or health care for underserved or marginalized segments of a given society—say, women, youth, or indigenous peoples—may not only improve those outcomes for those people, but also reduce obstacles for them to engage in civic advocacy and thereby play a role in shaping legal protections for their rights in those areas. This is an example of precisely the kind of feedback loop that defines the neural network conception of rule of law.

When facing real-world challenges like the one described above, the complexity of these connections between law and other aspects of society can be daunting. Leading scholar Brian Tamanaha argues, for example, that the complexity of this interconnected network is an obstacle to the success of rule of law programs, which tend to be defined relatively narrowly.¹¹ In this view, those who wish to engage with one particular pathway—for example law and the economy—will be frustrated by the effects of those other pathways that lie outside the scope they have defined for themselves.¹²

In contrast to Tamanaha’s view, ROLC sees this interconnected nature as the starting point from which to begin to understand rule of law and influence meaningful change. As Polavarapu and I explain, ROLC understands the field of rule of law studies in terms of the neural net framework described above.¹³ Indeed, while the law and legal institutions are central to the rule of law, factors such as access

⁸ See *id.* at 13.

⁹ See Tom Ginsburg, *Does Law Matter for Economic Development? Evidence From East Asia*, 34 L. & SOC’Y REV. 829, 829–30 (2000).

¹⁰ Polavarapu & Samuels, *supra* note 1, at 290–91.

¹¹ Brian Z. Tamanaha, *The Primacy of Society and the Failures of Law and Development*, 44 CORNELL INT’L L. J. 209, 214, 224 (2011).

¹² *Id.* at 224.

¹³ Polavarapu & Samuels, *supra* note 1, at 277.

to education and potable water are equally important, as illustrated by the examples described above.¹⁴

Similar to the neural network analogy, some academics and practitioners understand rule of law within a “systems” framework. For example, Leroux-Martin and O’Connor argue for a “systems thinking” approach to rule of law because, among other factors, it accounts for the interconnected nature of law with a wide range of other issue areas, it acknowledges the importance of contextual factors beyond the arbitrarily defined scope of a given program or study, and it encourages reevaluation of assumptions and appropriate course correction.¹⁵

In embracing this complexity, ROLC looks beyond the state and Western tradition in its approach to understanding rule of law. While formal institutions of the state—such as legislatures and courts—are clearly important actors in the rule of law sphere, others—such as religious leaders, tribal leaders, or even vigilante groups—can be as important in some contexts. To take an example, surveys conducted in Kano State, Nigeria by Yahaya and Bello found that community members generally had higher levels of confidence in local vigilante forces than in the police, whom they viewed as ineffective and corrupt.¹⁶

Even if well-intentioned international rule-of-law efforts by Western countries raise an inherent specter of imperialism, and ROLC seeks to understand and minimize that imperialist quality through its innovative, interdisciplinary approach to rule of law studies. As Polavarapu and I argue, involving voices from a variety of academic disciplines focuses a critical lens on the colonial and imperialist dimensions of international rule of law programming.¹⁷ Scholars whose work centers on such critical analysis can complement and balance those whose work takes a more traditional, state-centered

¹⁴ *Id.* at 286.

¹⁵ PHILIPPE LEROUX-MARTIN & VIVIENNE O’CONNOR, UNITED STATES INSTIT. FOR PEACE, SYSTEMS THINKING FOR PEACEBUILDING AND RULE OF LAW: SUPPORTING COMPLEX REFORMS IN CONFLICT-AFFECTED ENVIRONMENTS (2017).

¹⁶ Jibrin Ubale Yahya & Musa Mohammed Bello, *The Impact of Vigilantism and Crime Control in Contemporary Nigeria: A Case Study of Gezawa Local Government Area, Kano State, Nigeria (2010–2015)*, 3 INT’L J. OF RECENT INNOVATIONS IN ACAD. RES. 115, 120, 136 (2019).

¹⁷ Polavarapu & Samuels, *supra* note 1, at 288.

approach. ROLC embraces this view in its events, as well. For example, in the April 2017 Bridging the Divide symposium, described above, ROLC turned the conventional model of exchange on its head by inviting policing experts from countries in the Global South—South Africa, Peru, and Kenya—to impart lessons from their own experiences to a U.S. audience, rather than asking U.S. or European experts to lecture a Global South audience.¹⁸

B. The institution

In a concrete sign of its interdisciplinary view of rule of law, ROLC reports directly to the Office of the Provost at the University. Casual observers sometimes assume that ROLC reports to the Dean of the School of Law, but this is not the case. A direct reporting line to the Office of the Provost helps ROLC ensure no primary affiliation with any particular academic unit, as well as maintain an interdisciplinary network of faculty. ROLC's affiliated faculty network currently contains over 60 members from all across the University, and it includes a small number from outside institutions. Among these experts are 23 core faculty, for whom rule of law is at the core of their teaching and research interests.

In its activities, ROLC seeks ways to support the research of its affiliated faculty, such as by including them in on-campus symposia and panel discussions, as well as by supporting individual research projects. The Justice Sector Training, Research and Coordination (JUSTRAC) program, for example, supported eight research projects¹⁹

¹⁸ Symposium, *Bridging the Divide: African-American Communities and Law Enforcement*, Univ. of S.C. Rule of Law Collaborative (2017).

¹⁹ See PAYAL SHAH, UNIV. OF S.C. RULE OF LAW COLLABORATIVE & JUSTRAC, WOMEN'S EDUCATION, EMPOWERMENT, AND HUMAN RIGHTS EDUCATION: THE MAHILA SAMAKHYA PROGRAM IN GUJARAT, INDIA (2015); APARNA POLAVARAPU, UNIV. OF S.C. RULE OF LAW COLLABORATIVE & JUSTRAC, BEYOND ACCESS: THE ADMINISTRATION OF JUSTICE FOR WOMEN IN UGANDA (2015); BENJAMIN ROTH, UNIV. OF S.C. RULE OF LAW COLLABORATIVE & JUSTRAC, PREVENTING CRIME AND PROMOTING DEVELOPMENT: THE CASE OF YOUTH OUTREACH CENTERS IN EL SALVADOR (2016); UNIV. OF S.C. RULE OF LAW COLLABORATIVE, ESTABLISHING AND MAINTAINING RIPARIAN RIGHTS IN CONSTRUCTED WETLANDS IN SOUTHERN IRAQ (2016); BREANNE LEIGH GRACE, UNIV. OF S.C. RULE OF LAW COLLABORATIVE & JUSTRAC, COMPLEX VULNERABILITY AND ACCESS TO JUSTICE FOR FORMER REFUGEE POPULATIONS: THE CASE OF THE SOMALI ZIGULA IN TANZANIA (2018); FIONA B. MANGAN, UNIV. OF S.C. RULE OF

conducted by members of ROLC's network on topics ranging from human rights education and access to justice for women to security sector reform and youth violence prevention. And while the research spanned a diverse range of topics, the academic disciplines informing the analysis were also diverse, including, for example, education, law, and sociology.

In ROLC's view, integrating a diverse array of academic methodologies into its activities helps advance a robust understanding of the rule of law by accounting for the complexity described in the preceding section. While some may equate methodological diversity with conceptual incoherence, ROLC views it as a pragmatic approach and a core strength.²⁰ Where a legal scholar may be able to identify shortcomings in the legal framework for access to justice, for example, an anthropologist may be better equipped to understand access to justice as a function of the perceptions and lived experience of a particular community. Every discipline has strengths and limitations in approaching questions of the rule of law, but ROLC seeks to create synergy through those strengths—as well as checks and balances on those limitations—by bringing a constellation of expertise together for a common purpose. Indeed, as Polavarapu and I note, given the practical role that scholarship can play in accompanying and informing programs that seek to address real-world rule of law problems, adopting a single, exclusive methodology would constrain growth.²¹ In their words, “[d]rawing from a broad range of disciplines using different methodologies, rule of law scholarship is able to offer a more accurate picture of the state of affairs in a given country or realm and hopefully, in turn, encourage the development of better policies and programs.”²²

LAW COLLABORATIVE & JUSTRAC, CONSIDERING THE ROLE OF SECURITY SECTOR REFORM AND POLICE REFORM WHEN TACKLING ORGANIZED CRIME IN POST-CONFLICT ENVIRONMENTS (2018); E. DOYLE STEVICK, UNIV. OF S.C. RULE OF LAW COLLABORATIVE & JUSTRAC, HOW CAN SCHOOLS PROMOTE RULE OF LAW NORMS IN TRANSITIONING SOCIETIES? LESSONS FROM POST-COMMUNIST EUROPE (2019); BENJAMIN ROTH, JUSTRAC, EXPLORING THE LOCAL ORGANIZATIONAL RESPONSE TO VENEZUELAN MIGRANTS IN COLOMBIA (Sept. 2019).

²⁰ Polavarapu & Samuels, *supra* note 1, at 287.

²¹ *Id.*

²² *Id.*

ROLC's mission is at once intellectual and practical, and in addition to its extensive network of faculty, ROLC also relies on the experience and expertise of its professional staff. Together, the ROLC staff have experience in government, academia, and international organizations; as grant recipients and grant administrators; and in virtually every major region of the world. Just as a multitude of academic methodologies complement and temper one another, so do the perspectives and expertise of the ROLC staff.

III. Overview of activities

A. U.S. government engagement

In its early years—between 2010 and 2014—ROLC worked with the U.S. Department of Defense (DOD) through a contract under which ROLC provided training courses and workshops for the DOD and its interagency counterparts with rule of law mandates. ROLC provided rule of law short courses throughout the contract period, as well as thematic rule of law workshops, with attendance ranging from 35–60 participants per session. ROLC used the expertise of its faculty network, as well as that of outside experts, to increase the skills and knowledge of practitioners from the DOD, as well as the Department of State, Department of Justice (Department), and the Agency for International Development (USAID). The rule of law short courses were coordinated with the periodic pre-deployment training sessions held at the Pentagon, enabling DOD attendees to benefit from the training as part of their preparation for deployment. It was during this time that ROLC began partnering and collaborating with other federal agencies to expand its engagement with the U.S. government.

Soon, ROLC's role as a leading center for U.S. government interagency rule of law training expanded significantly. In 2014, ROLC began implementing activities as part of the JUSTRAC program,²³ through a cooperative agreement with the Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL).

From 2014–2019, under the rubric of JUSTRAC, ROLC designed and delivered 19 JUSTRAC training courses and 15 JUSTRAC symposia, all designed to enhance the ability of those engaged in rule

²³ See JUSTRAC, <http://justrac.org/> (last visited Sept. 18, 2019).

of law and justice sector reform assistance to be more effective in their work. ROLC's training offerings ranged from an introductory curriculum—which introduced participants to foundational concepts in rule of law and justice sector reform—to advanced and specialized courses that delved into such topics as anti-corruption, security sector reform, and the dynamics of major families of legal systems present in countries around the world.

In addition to the training programs, during that same period, ROLC held nine thematic symposia in Washington, D.C., covering such topics as the rights of women in mixed legal systems, rule of law and the environment, and innovation in rule of law programming. ROLC also held six geographically focused symposia in countries abroad, covering Latin America, Sub-Saharan Africa, the Middle East and North Africa, and Eastern Europe and the former Soviet Union. Through these various symposia, ROLC not only exposed practitioners to diverse views on these topics, but also produced several white papers that present actionable policy recommendations generated through focused working groups comprising leading experts in the field.²⁴

In 2018, ROLC was awarded a follow-on cooperative agreement from INL, for the Justice Sector Training, Research, and Coordination Plus (JUSTRAC+) program. Through the JUSTRAC+ program, ROLC will build on past successes and continue working with the U.S. government to design and deliver knowledge and skill-building activities for interagency rule of law and justice sector reform

²⁴ UNIV. OF S.C. RULE OF LAW COLLAB. & JUSTRAC, PROMOTING THE RULE OF LAW IN THE POST-SOVIET REGION THROUGH STATE AND NON-STATE COLLABORATION: FINAL REPORT (2019); UNIV. OF S.C. RULE OF LAW COLLABORATIVE & JUSTRAC, TRANSITIONING TO THE ACCUSATORIAL MODEL: ADDRESSING CHALLENGES FOR LEGAL EDUCATION AND TRAINING IN LATIN AMERICA: FINAL REPORT (2018); UNIV. OF S.C. RULE OF LAW COLLABORATIVE & JUSTRAC, YOUTH AND THE RULE OF LAW IN SUB-SAHARAN AFRICA: FINAL REPORT (2017); UNIV. OF S.C. RULE OF LAW COLLABORATIVE & JUSTRAC, EXPLORING THE RELATIONSHIP BETWEEN THE RULE OF LAW AND VIOLENT EXTREMISM IN THE MIDDLE EAST: FINAL REPORT (2016); UNIV. OF S.C. RULE OF LAW COLLABORATIVE & JUSTRAC, ENDURING PROSPERITY AND THE RULE OF LAW FOR THE NORTHERN TRIANGLE: FINAL REPORT (2015); UNIV. OF S.C. RULE OF LAW COLLABORATIVE & JUSTRAC, A FORUM ON ELIMINATING CORRUPTION AND PROMOTING ECONOMIC DEVELOPMENT IN UKRAINE: FINAL REPORT (2015).

practitioners. Under JUSTRAC+, ROLC will further develop, refine, and expand its offerings, such as including program design workshops for small groups, in which participants are challenged with applying the principles and concepts learned to design a hypothetical rule of law program, which is evaluated and critiqued by the instructors.

In addition to these activities, ROLC has engaged the Department of State through the Combatting Corruption in Conflict Countries (C-4) initiative, which was awarded to ROLC by INL in 2018. Under the C-4 initiative, ROLC has conducted research and developed an innovative methodology to understand and challenge corrupt networks, schemes, and perpetrators in conflict and post-conflict environments.

B. International initiatives

Since its founding, ROLC has enhanced the impact of its work by increasing its footprint worldwide. In late 2017, ROLC was selected by Chemonics to partner with it on its USAID-funded New Justice project.²⁵ In partnership with Chemonics/New Justice, ROLC has led the development of a unique, high-level Rule of Law Certificate Program for Ukrainian judicial and legal practitioners.²⁶ This program is a first-of-its-kind course for justice sector professionals. The course included 40 teaching modules, over 80 hours of in-class instruction, and an out-of-class independent research project.

After conducting a needs assessment, ROLC worked with the Chemonics/New Justice team to identify a local partner university to design and deliver the program. Having selected a partner institution (Yaroslav Murdiy University in Kharkiv), ROLC worked with both Chemonics/New Justice and Yaroslav Mudriy to devise a locally relevant rule-of-law master class for judges, prosecutors, lawyers, justice sector NGO leaders, Ministry of Justice officials, and others. The purpose is to reach the present and future leaders in the judicial/legal worlds and to provide them with a private, intellectually

²⁵ UNIV. OF S.C. RULE OF LAW COLLABORATIVE 2 (2019), <http://rolcsc.org/wp-content/uploads/2019/06/ROLC-One-Page-2019.pdf>.

²⁶ *The First in the World International Certificate Program in Rule of Law was Launched to Help Improve the Administration of Justice and Protection of Human Rights in Ukraine*, USAID (Nov. 12, 2018), <https://newjustice.org.ua/en/news/first-world-international-certificate-program-rule-law-launched-help-improve-administration-justice-protection-human-rights-ukraine/>.

challenging forum to discuss and learn about important daily issues in their work and develop solutions, while offering them tools to better address those issues.

The resulting two-week Rule of Law Certificate course was developed jointly by ROLC and law faculty at Yaroslav Mudiry with input from Chemonics/New Justice. The class is capped at 30 participants and uses interactive, adult-learning teaching methods. The emphasis is on practical issues such as ethics, judicial independence, anti-corruption, human rights, criminal justice, as well as key skills, such as the “IRAC” method of legal reasoning, understanding and using precedence (for ECHR and other jurisprudence), interviewing and counseling, and negotiation/mediation. ROLC designed unique interactive methods, specially tailored for experienced judicial and legal professionals. In addition, the course incorporates a Capstone Project whereby each participant is challenged to develop and, if possible, implement a reform initiative. The ideas generated by this Capstone Project will form the basis for future rule of law interventions.

Now in its second year, the Ukraine Rule of Law Certificate course will be offered in fall 2019 to a second cohort. Based on the demand for the first iteration of the course (in which 320 applicants from across the Ukrainian landscape applied for the 30 spots) and the success of the program based on participant feedback, this course should become a fixture in the Ukrainian landscape. The course is successful in large measure, because it effectively bridges the gap between the academy and the justice system. Legal and judicial professionals are able to develop actionable reform ideas in a respectful and collaborative setting.

In future years, ROLC intends to step back to allow Yaroslav Mudiry to implement the program, creating a sustainable, locally driven program for long-term rule of law training to justice sector professionals. ROLC will remain engaged as a resource partner when needed, but the goal from the outset was to work together to develop a program that did not rely on external resources or experts to succeed in the long term. This approach is consistent with ROLC’s vision for meaningful, long-term rule of law development. In the future, ROLC hopes to work in other countries, both in the post-Soviet region and beyond to develop similar programs that meet local needs.

In addition to the innovative Ukraine Rule of Law Certificate Program, ROLC has been engaged in other major international

initiatives. In late 2018, ROLC became a partner of the Task Force on Justice,²⁷ an initiative of the Pathfinders for Peaceful, Just and Inclusive Societies. The Task Force on Justice is a group of international justice leaders and experts who work together to help achieve the Sustainable Development Goals (SDGs) and promote justice among vulnerable societies. The partners include the World Bank, UN Women, the U.N. Office on Drugs and Crime, the U.N. Development Programme, the Organisation for Economic Co-operation and Development, and the Elders, among others. The Task Force seeks to understand and address the challenges facing at-risk societies and the challenges they face in ensuring access to justice.

This partnership with the Task Force has allowed ROLC to work with governments in the implementation of effective strategies and to engage in research to collect the information and data necessary to realize the SDGs, particularly SDG 16: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”²⁸ ROLC assisted the Task Force in organizing a meeting in Freetown, Sierra Leone and in preparing the flagship report, which is aimed at informing policy and other decision-makers about new developments and effective strategies called “Justice for All.”²⁹ This report was launched at the High-Level Political Forum on Sustainable Development at the United Nations in July 2019.

With support from the Ministry of Foreign Affairs of the Government of the Netherlands, ROLC organized the June 2019 “Access to Justice for All in Conflict-Affected Countries” ministerial meeting in The Hague, Netherlands.³⁰ This was an invitation-only

²⁷ See *Task Force on Justice*, PATHFINDERS FOR PEACEFUL, JUST, AND INCLUSIVE SOCIETIES, <https://www.justice.sdg16.plus/> (last visited Sept. 18, 2019).

²⁸ U.N. Secretary-General, *Special Edition: Progress Towards the Sustainable Development Goals*, U.N. Doc. E/2019/68 (May 9, 2019).

²⁹ TASK FORCE ON JUSTICE: PATHFINDERS FOR PEACEFUL, JUST AND INCLUSIVE SOCIETIES, JUSTICE FOR ALL: THE TASK FORCE ON JUSTICE: FINAL REPORT (2019).

³⁰ See *Conference, g7+ Ministerial Meeting on Access to Justice for All in Conflict-Affected Countries*, Univ. of S.C. Rule of Law Collaborative,

event for the Ministers of Justice/Attorneys General of the countries of the g7+, a voluntary association of countries currently or previously affected by conflict that seeks to provide a collective voice to those countries in the international development sphere.³¹ The meeting was an opportunity to share experiences among g7+ member states on innovative models that have succeeded in delivering enhanced access to justice in g7+ countries and others.

Although it is unusual for a university to play such an important role on the international stage, ROLC developed the concept and organized all aspects of the event. “The Rule of Law Collaborative has become a recognized thought leader on developing and advancing solutions to complex rule of law challenges,’ explain[ed] Priscilla Schwartz, Minister of Justice of Sierra Leone, who chaired the meeting.”³² She further stated, “Indeed, the Government of Sierra Leone sees the Collaborative as an important partner not only in its own work at home but in achieving an agenda that captures the attention of countries around the world facing similar problems.”³³ The meeting employed plenary discussions aimed at identifying common challenges and opportunities, as well as interactive peer-to-peer learning sessions organized around various thematic topics.

The final outcome of the two-day meeting was a joint Action Plan agreed upon by the g7+ ministers in attendance that was presented at the High-Level Political Forum held at the United Nations in July 2019. The Action Plan recognizes the role of access to justice as a fundamental pillar for sustainable peace, stability, and development, and outlines g7+ member state commitments to take concrete steps toward achieving more inclusive and people-centered justice. It also recognizes that conflict-affected countries are best positioned to learn from one another and collectively advocate for development policies for their countries. In the coming months and years, the g7+ members

<http://rolcsc.org/activities/g7-ministerial-meeting-access-justice-conflict-affected-countries/> (last visited Sept. 18, 2019).

³¹ See *Who We Are*, G7+ SECRETARIAT, <http://g7plus.org/who-we-are/> (last visited Sept. 18, 2019).

³² *ROLC Co-hosts International Conference on Access to Justice*, OFFICE OF THE PROVOST, UNIV. OF S.C., https://www.sc.edu/about/offices_and_divisions/provost/about/news/2019/rolc_g7_accesstojustice.php (last visited Sept. 18, 2019).

³³ *Id.*

states have undertaken to pursue this action plan, and ROLC intends to do its part to ensure that the steps taken advance sustainable solutions to pressing justice needs for all citizens.

C. Leadership in global conversations

In an effort to highlight a topic of central importance to its own campus—while simultaneously connecting to the broader national and global rule of law community—in February 2018, ROLC organized a symposium on Women as Agents of Change in the Rule of Law. In partnership with the University’s Women’s and Gender Studies Program, examined the specific strategies women have employed to effect change in the rule of law.³⁴ The event welcomed a Keynote Conversation with Dr. Mamphela Ramphele, a South African anti-apartheid activist, businesswoman, medical pioneer, academic, and author, as well as panel discussions.³⁵ Panels were organized to highlight the specific strategies women have used in achieving progress in different areas: “Human Rights Education for All Women,” “Access to Justice,” “Good Governance,” and “Participation and Leadership in the Justice Sector.”³⁶ The symposium enabled women from various countries around the world to share their experiences and lessons learned, as well as form networks and lasting connections. The symposium was shared in real time on Facebook Live with participants from around the world engaging in the conversation on the roles women have played—and should be playing—as agents of change in rule of law. As with all ROLC activities, the conversation initiated through the February 2018 symposium has been sustained through ongoing engagement with both speakers and participants to encourage the ongoing exchange of ideas and experiences long after the event itself has come to a close.

ROLC has been at the center of other important conversations, as well. In 2019, ROLC launched a series of activities under the umbrella of a policing initiative. Setting itself apart from others engaged in programs focused on police-community relations, however, ROLC has drawn on its extensive international network to bring to the

³⁴ See Symposium, *Women as Agents of Change in the Rule of Law*, Univ. of S.C. Rule of Law Collaborative, <http://rolcsc.org/activities/women-agents-change-rule-law/> (last visited Sept. 18, 2019).

³⁵ *Id.*

³⁶ *Id.*

United States valuable perspectives on police-community relations from the experiences of other countries around the world.

ROLC has established the Global Initiative for Justice and Policing, a suite of projects that together provided empirically-based strategies for understanding the complexities of American policing and police-community relations. These projects inform external advocacy efforts to ensure accountability and also provide the support necessary for meaningful internal reform. Together, by taking on these three needs, the Initiative works to foster beneficial, collaborative relationships between police and the communities they serve.

The Global Initiative for Justice and Policing was launched with three innovative projects: Bridging the Divide, the Policing and Society Project, and the Sheriff Accountability Project.³⁷ This suite of projects combines academic research, community engagement, and police training in ways that will accelerate reform efforts already underway. Of equal importance, there are components aimed at empowering communities to advocate for their rights and empowering police officers to be agents of change within their own departments.

Focused on understanding local advocacy movements and helping to shape effective reform strategies, Bridging the Divide blends empirical study with a practical focus on improving advocacy at the community level. This project has promoted empirically validated strategic thinking into one of the most vital social movements of our time, allowing key leaders in the movement to develop a clearer understanding of the dynamics in their communities and others, and reflect together on the best strategies for improving police conduct in communities of color.

The Bridging the Divide Project began with a high-profile symposium at the University in 2017, which brought together academics, activists, and current and former police officials to examine the challenges facing relations between police and African-American communities, as well as explore potential solutions.³⁸ That symposium also featured experts who had dealt with tension between police and local communities in other places around

³⁷ Press Release, Univ. of S.C. Rule of Law Collaborative, Rule of Law Collaborative Receives Funding from Vital Projects Fund, Inc. to Support Sheriff Accountability Project (Aug. 24, 2018).

³⁸ Symposium, *Bridging the Divide: African-American Communities and Law Enforcement*, Univ. of S.C. Rule of Law Collaborative (2017).

the world, including South Africa, Peru, Northern Ireland, and Kenya. Following that symposium, ROLC worked closely with key civil rights leaders and law enforcement officials in five U.S. cities to seek funding to carry out applied research into the local causes of poor police-community relations, as well as the most effective efforts being undertaken to improve them. ROLC's partners in the project included the Baltimore Community Mediation Center, the Baton Rouge Dialogue on Race in Louisiana, the Charleston Area Justice Ministry, the Deaconess Foundation in Ferguson, and Restorative Justice for Oakland Youth.

The efforts of community activists are essential, but ultimately, successful efforts to reduce tension between law enforcement and the communities they protect must include reforms introduced and championed by police officers and leaders themselves to change the culture of police work. In places where these reforms are most needed, tensions between the police and the community can hamper the development of effective internal measures to reduce police violence.

In this vein, the Policing and Society Project is an effort to apply an innovative new police training methodology that fosters a deep understanding by officers of the role of law enforcement in upholding the rule of law. This project will be carried out by ROLC and The Anne Frank House in the Netherlands, which has worked extensively with Dutch police departments across the country to ensure that officers can work effectively in communities that are diversifying rapidly in an age of increased immigration. While it was developed by Anne Frank House staff, crucially, the program is centered not on trainings provided *to* police, but thoughtful exchanges *among* officers, in a safe environment of their professional peers. The Policing and Society Project aims to guide a cultural shift in the departments where it is adopted, exposing officers to situations that elicit a deeper commitment to the rule of law, and enabling them to rely on their own critical thinking skills to apply these ideals in practice.

Finally, the Sheriff Accountability Project looks at the role of sheriffs across the United States with particular focus on their unique roles, powers, and funding structures. This project is intended to offer an objective understanding of the role that sheriffs play in ensuring that the rule of law is upheld in communities across the United States.

IV. Paths forward

In the years to come, ROLC intends to support, design, and deliver research and activities that further a holistic, interdisciplinary understanding of rule of law and that contribute to the development of laws, policies, and practices that address practical rule of law challenges. Building on the success of its initiatives so far, ROLC will continue and expand its engagement with a wide variety of stakeholders, including the U.S. government practitioner community, international donors and experts, leaders in civic advocacy, and others.

Under the JUSTRAC+ program, ROLC will continue to foster a community of practitioners in agencies across the U.S. government who take an active role in developing and refining the knowledge and skills necessary to grapple with justice sector and rule of law challenges around the globe. Drawing on the extensive expertise of the ROLC staff, ROLC's extended network of experts, and its successes in designing and delivering training under the original JUSTRAC program, ROLC will develop new training modules, new pedagogical tools for a professional audience, and a tiered system of course offerings that allow participants to develop skills at the appropriate levels. ROLC will also use electronic resources, such as a redesigned program website and interactive social media tools, to enhance professional learning between in-person events.

Following the success of the g7+ ministerial meeting in June 2019, ROLC is seeking ways to work together with the g7+ countries to address challenges of access to justice, which are all the more acute in conflict-affected countries. With the successful adoption of the Action Plan at the ministerial meeting, ROLC expects to play a key role in convening follow-on discussions and activities that can increase access to justice for all in light of the unique circumstances faced by the various g7+ countries. Indeed, access to justice is a key component of the SDGs, specifically SDG 16.³⁹

Access to justice is a critical piece of ROLC's neural network view of rule of law, as it facilitates the feedback loop by which the beneficiaries of improved rule of law conditions can take an active role in championing rights protections for themselves and their community members. By focusing on the conflict-affected states that make up the

³⁹ U.N. Secretary-General, *supra* note 28.

g7+, ROLC can help to ensure that access to justice are given the priority they deserve—not only to serve citizens but to ensure long-term state stability.

With increased international engagement, such as the initiative just described, in the coming years, ROLC also plans to establish a presence in The Hague. The “International City of Peace and Justice” is a natural locus for many of ROLC’s current and future activities, and a presence in The Hague will allow ROLC to create synergy between its existing expert network and the wealth of expertise and resources that The Hague has in peace, justice, and rule of law. In The Hague, ROLC hopes to partner with other organizations to offer collaborative strategic and solutions to specific rule of law challenges, both at the national and regional levels.

While ROLC’s mission is in part practice-oriented, ROLC also seeks to create an independent space for in-depth scholarship. Closing the gap between scholarship and practice can often mean that scholars have to produce work under tight time constraints or dedicate time to addressing questions that are related to but not at the core of their research interests. ROLC plans to continue to support scholarship that is at the core of the scholars’ interests, such as article workshops and public talks. One future goal of ROLC is multi-week residencies that give scholars engaged in rule of law research the time and space necessary to delve meaningfully into the topics they are working on.⁴⁰ Indeed, ROLC already routinely hosts informal faculty workshops over lunch with visiting scholars, designed to provide those scholars with diverse feedback on their works in progress. In the future, ROLC hopes to integrate those workshops into residencies, with multiple iterations per scholar in residence, so that they can continue to refine their work and engage with a scholarly network of their peers.

In less than a decade, ROLC has grown from a staff of two implementing a single program to a full-time staff of nine with the variety of activities described above—from interagency rule of law training and community policing initiatives to securing access to justice for all in the world’s conflict-affected countries. This growth is a testament not only to the dedication and hard work of the organization’s staff, but also its mission, as informed by its interdisciplinary view of the rule of law. In the coming years, ROLC looks forward to continuing its two-track mission—marrying the

⁴⁰ Polavarapu & Samuels, *supra* note 1, at 288.

academic and the practical—while increasing the diversity of its activities and expanding the scope of its work both at home and abroad.

About the Author

Joel H. Samuels is Professor of Law and Director of the Rule of Law Collaborative at the University of South Carolina. As Director of the Rule of Law Collaborative, he oversees programming focused on rule of law development across the globe. In addition, he regularly lectures to U.S. government officials from the State Department, the U.S. Agency for International Development, the Department of Justice, and the Department of Defense on rule of law development abroad. In addition, Professor Samuels has authored articles on international boundary disputes, maritime piracy, and domestic civil procedure, and he is a lead co-author of one of the premier casebooks on international law, *Transnational Law* (West Academic Press). Professor Samuels also lectures extensively on litigation matters involving foreign parties involved in cases in U.S. courts.

Honored by the University of South Carolina School of Law student body in 2007 and 2016 as the Outstanding Faculty Member for teaching excellence, Professor Samuels received his A.B., magna cum laude, in politics from Princeton University in 1994. At Princeton, he also received certificates in Russian Studies and European Cultural Studies and was awarded the Asher Hinds Prize in European Cultural Studies, the Montgomery Raiser Prize in Russian Studies, and the Caroline Picard Prize in Politics. Professor Samuels received his J.D., cum laude, from the University of Michigan Law School in 1999, where he was a Clarence Darrow Scholar. While at Michigan, he also earned a master's degree in Russian and East European Studies.

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