
**Rule of Law Technical Assistance in Haiti:
Lessons Learned**

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I. Introduction

Strengthening the rule of law in Haiti poses a major challenge to both the Haitian Government and several donors. For the Government the challenge is to ensure that the opportunity presented by the return to constitutional order in 1994 is used to construct new and reformed rule-of-law institutions against a background of decades of repression and systematic human rights violations. For donors, the challenge since 1994 has been how to advance a reform process in a political environment not conducive to change and characterized by protracted political crisis and paralysis.

II. Background

The current situation in Haiti continues to be one of continued economic, political, and security crises. Numerous foreign assistance projects have been discontinued or suspended as a result, and the country has fallen even farther behind its neighbors in its economic and social development. Social indicators show that the poor in Haiti are increasingly vulnerable. Haiti has a history of inequality between a privileged minority and the poor majority. The country also faces social divisiveness based on color, gender, age, language, and religion.

Haiti is the poorest country in the Western hemisphere. It ranked 150 of 174 countries in the UNDP Human Development Report, Human Development Index. Only 3% of the population is covered by social safety nets and half the population is illiterate. Infant mortality is high (13% for children under 5). The country is almost totally deforested and is prone to natural disasters. Ninety-six percent of domestic energy needs are met by wood and charcoal.

In the last 30 years the primary sector of the economy, agriculture, has shrunk steadily from 42% to 32% of GDP. Migration to urban areas grows proportionately as agricultural employment and production deteriorate. Even though modern sectors of the economy are growing rapidly, such as the construction industry, they cannot absorb the increase in available workers. The informal economy has continued to grow as well, now employing 51% of the total work force and 92% of the non-agricultural workforce, but with no opportunity for absorption into the formal economy. About two-thirds of the population lives below the poverty line, and most of them are far below the line.

Following the reestablishment of constitutional order in 1994, the Government of Haiti was soon paralyzed by the absence of a Prime Minister between 1997 and 1999. The previous regime sustained itself by violent means administered by the army. The recently elected political authorities are greatly handicapped both by the absence or incapacity of national institutions, the persistence of colonial structures, and a general bureaucratic inertia and lack of qualified personnel that inhibits the deep transformation needed to create modern state institutions.

The transition to the currently more promising political and social environment is due in large measure to the Democratic Movement (circa 1986), which inspired an impressive growth of community organizations. Hundreds of associations exist around the metropolitan region and thousands of peasant (local community) organizations exist across the country. This is as much a sign of the weakness of the political structures as of the empowerment typical of democracies.

Another important transition step was the dissolution of the army in 1994, along with the creation of a national police force in 1995 (authorized by legislation in 1994). The army embodied the power of the former dictatorial state as well as the history of coups d'état, including that of 1991. The police force still must work to overcome the legacy of its reputation as an instrument of oppression.

In recent weeks, Haiti has entered a new period of political crisis, deadlock, and instability. The irregularities of the last elections have further polarized political life in the country, with the opposition (Convergence Democratic Party) declaring an “alternative” President. The increase of inflammatory political rhetoric from both official sources as well as the opposition, the recent politically motivated acts of violence, and the continuing lack of political will and absence of national dialogue and mechanisms for consensus building are all signs that there could be a further breakdown of law and order, increased insecurity, and destabilizing violence. There is every indication also that these trends may presage a return to authoritarian rule, given the long history of political violence, and in the absence of functioning national institutions and mechanisms for the peaceful management and resolution of conflict--including rule of law institutions and commensurate frameworks. This new and rapid escalation of violence is alarming and calls for all international actors to develop a coherent conflict-prevention strategy based on a combination of activities and interventions in the political, human rights, and development arenas.

III. The Justice System

Several needs assessments and diagnostic studies have been produced in recent years covering the Haitian justice sector. Among them are those produced by USAID, the International Civil Mission in Haiti (MICIVIH), and its successor mission, the International Civilian Support Mission (MICAH), the Independent Expert of the UN Commission on Human Rights, the European Union, and the United Nations Development Programme.

In addition, two Haitian commissions have produced reports that identified key weaknesses of the justice system. The National Commission on Truth and Justice published a report in 1995 outlining recommendations for the reform of justice institutions. And the Preparatory Commission for the Reform of Law and Justice (1997-99) also produced a policy document, which analyzed the functioning of the justice system, and proposed a strategic plan and action program of short-term measures.

The Government and Parliament also adopted a law on May 8, 1998 (published in the official Journal on August 17, 1998) on the reform of the justice system. The Government's plan of action of May 1999 and the Ministry of Justice and Public Security plan of May/June 1999 also outlines short- and medium-term measures for strengthening the institutional capacities of the Ministry of Justice and the administration of justice. The newly appointed Minister of Justice also has just elaborated a new plan of action to reform the justice system

All these diagnostic reports and evaluations adequately cover the weaknesses of the justice sector in general. Weaknesses identified can be summarized as follows: a lack of access to justice; inefficacy of the system; endemic corruption; lack of independence of the judiciary; interference by political authorities; and an urgent need to train justice personnel. These reports also outline other serious problems of the justice system. These include: outdated legal codes; cumbersome judicial proceedings; inadequate infrastructure; shortage of personnel and equipment; poor investigative capacities; chronic absenteeism; resignations, dismissals and delays in appointing replacements; inadequate or non-existent judicial inquiries; non procedural time limits; and arbitrary sentences.

A clear indicator of the institutional weakness of the justice system is that in 1999 the prison population included 3,665 detainees, 80% of whom were in pre-trial detention, and nearly a third of them held for more than a year. Moreover, a large number of detainees were arrested for relatively minor offenses but have been awaiting trial for over three years.

The independence of the judiciary is underscored in the Constitution under article 60. However, the Executive Branch, through the Ministry of Justice, continues to control the judiciary, including its budget, appointments, training, evaluation, and removal of judges. In the French system, the *Conseil Supérieur de la Magistrature* plays a key role in the selection, discipline, and removal of judges, thus shielding the judiciary from direct executive action. In Haiti, however, although a similar institution exists, its capacity is weak, and it has only limited power to remove judges. Judges are underpaid and have no opportunities for professional development; in fact, the police are better paid than judges. Most judges themselves lack legal texts as they are simply not available. More than half the judges of the peace have no law degree. And there is no Haitian literature on jurisprudence. Often judges and prosecutors are unaware that a law has been repealed, key laws adopted, or a treaty ratified. The Government, for its part, has not supported efforts to investigate and prosecute major crimes, such as drug trafficking and politically-motivated killings, and impunity remains endemic. It is also noteworthy that the justice sector lacks oversight capacity and continues to limit access to justice for the majority of the population. Reasons include the lack of a public defender's office, no systematic provision of legal assistance, and business is conducted using French written procedures, which is incomprehensible to the majority of the population, who are illiterate and speak only Creole.

There is clearly no major progress in the reform of the legal codes, judicial organization, or processes. The Government however took some positive steps in this direction when it enacted judicial reform legislation in 1998 to increase judicial salaries and expand the use of Creole in judicial proceedings. But these measures did *not* address the main structural weaknesses of the system. The creation of a new police force did raise high expectations for justice given the previous fear and mistrust with which the population viewed the military. However, limited training and oversight as well as political appointments and promotions created new conditions ripe for police abuse and corruption.

A recent U.S. General Accounting Office (GAO) report on Haiti states that despite considerable U.S. financial assistance, the police force is still weak, and the judicial sector still reveals serious deficiencies. With regard to the police, it blames the Haitian Government (i) for not filling key leadership positions, such as the Inspector General, (ii) not providing the human and physical resources needed to develop an effective police force, (iii) not vigorously supporting police investigations of serious crimes, and (iv) not keeping the police force out of politics.

With regard to the judicial sector, the report also blames the Haitian Government (i) for not following through on implementing broad reforms, (ii) not assuming responsibility for many of the improvements made possible by U.S. assistance, and (iii) not providing the human and physical resources needed to operate effectively.

IV. International assistance

The main partners providing assistance to the Haitian justice system were USAID (the largest program), the United Nations, and the French and Canadian Governments.

Assistance was provided through USAID, and two departments of the Department of Justice: the International Criminal Investigative and Training Assistance Program and the Office of Overseas Prosecutorial Development, Assistance, and Training (under the Administration of Justice Program). Activities were directed at reforming the judicial sector and the police force and totaled about US\$97 million.

Judicial sector assistance initially consisted of support for improved training of magistrates and prosecutors, principally by establishing and operating a school for magistrates, improving the management practices of judicial institutions, and improving public access to justice services. Specific programs included case-tracking and court management, legal assistance and mentoring, and judicial mentoring.

Assistance for the Haitian National Police (HNP) focused on recruiting, training, organizing, equipping and logistical support for a basic police force, including special units. The program also provided funds for the construction of a police academy and donation of equipment. In addition, support was given for a police coast guard unit, an

anti-narcotics unit, and for police and customs officers working on anti-smuggling efforts.

The activities by USAID to address these areas included institution-building efforts such as:

- Establishment of a judicial mentoring program;
- Introduction of case-tracking, record-keeping, and other administrative procedures for courts and prosecutors' offices;
- Implementation of training programs for justices of the peace and court clerks;
- Drafting of legislation, internal regulations, and reporting forms pertaining to the judicial inspection function, para-legal services, and courts management procedures;
- Initiation of a pilot clinical program for law students, assistance in the development of para-legal training programs, and participation in internship training at the Judicial Training School;
- Construction of additional office space in the Ministry of Justice and renovation of the Port-au-Prince courthouse and the Judicial Training School; and
- Distribution of office supplies and furnishings.

Further efforts also included projects to make the justice system more accessible through, for example:

- Establishment of a free legal aid program;
- Review of 26,000 pending cases for possible adjudication;
- Conducting legal education sessions; and
- Development of legal education training programs and manuals for legal professionals and law students.

Other activities were also included, such as:

- Collaboration with the Ministry of Justice to manage pre-trial detention in the penitentiary system (Office of Pre-Trial Detention at the National Penitentiary);
- Assistance for the creation of a prisoner recordkeeping system at the National Penitentiary;
- Preparation of standard "rules of practice" for courts;
- Conducting of national court survey;
- Creation of a network of legal providers; and
- Development of action plans and initiation of discussions with the Ministry of Justice on judicial salaries, budgeting systems, and supervision functions.

UN assistance was pursued through the two field operations, International Police Support Mission (MIPONUH) and MICIVIH, and the last UN mission, MICAH, as well as UNDP.

MIPONUH's mandate was to help the Haitian Government improve the professional competencies of the police across the spectrum of police duties. The principal method

employed was that of *accompaniment*, by which CIVPOL officers were stationed with the Haitian National Police (HNP) in regional stations and at central offices.

MICIVIH's mission role originally was as a human rights observer; however, following the restoration of constitutional order, these concerns diminished, and the mandate was broadened to include the promotion of human rights and institutional development, particularly in the justice system, including mediation and training judges. Its work also included support to the Office of Protection of the Citizen.

UNDP support complemented both of the UN missions. Its primary focus was institutional development of the police and the penitentiary administration. Assistance to the latter covered three areas: (i) technical assistance to strengthen internal organization and regulations; (ii) training personnel; and (iii) construction or renovation of infrastructure. The adoption of internal regulations for penitentiaries occurred in May 1999. Assistance to the HNP, in addition to institutional strengthening activities, similar to those of the penitentiary administration, also included supporting HNP officials so they could attend seminars and take study trips. UNDP has now assumed the principal role in supporting the justice system after the termination of MICAHA and the freeze on USAID activities.

France and Canada, among other activities, also have provided assistance for the development of the HNP. There also have been no less than six UN peace missions with various objectives since 1994, including assistance to military personnel, civilian police, human rights monitors, and legal advisors. The cost of these operations (including the U.S.-led "Operation Uphold Democracy" in 1994, according to some estimates, is as high as US\$2 billion. The last UN mission, MICAHA, lasted 11 months, from March 2000 to February 2001. Its mandate was to provide technical assistance and capacity building in the justice, human rights and police areas. Electoral assistance also was provided and managed separately by UNDP. MICAHA was created by a General Assembly Resolution and was not a Security Council mandated mission. The Security Council had indicated that no new operations beyond MIPONUH would be considered. Although this mission focussed on technical assistance, it was led by the Department of Political Affairs in the UN, not the UN development arm. MICAHA's budget was approximately US\$27 million. It consisted of 70 Advisors (26 for Human Rights, 20 for Justice including Prisons, and 24 for the Police). It was supported by a management team of 7 and a logistics support team of 30 international and 100 local staff. MICAHA's deployment was slow and problematic. Six months into this 11-month mission, only 60% of advisors had been fielded, and many were reportedly unsuitable for the assignment. By the time this deployment was complete, preparations had already begun to close down the mission.

In a report to the General Assembly, the UN Secretary General justified the termination of this mission as follows:

In this climate of political turmoil and instability, and with national counterparts often lacking or distracted by political concerns, it will be necessary to devise new forms of technical assistance that might better allow the United Nations system to continue

supporting the Haitian people. It is my view, therefore, in the light of the conditions in Haiti that a renewal of the mandate of MICAHA is not advisable, and it is with regret that I recommend that the Mission be terminated when its mandate draws to an end on 6 February 2001. In preparation, discussions have already commenced among UNDP, MICAHA and the Friends of the Secretary-General for Haiti, in consultation with other members of the United Nations system, with the aim of designing a programme of assistance to the Haitian people that is commensurate with the country's political realities and absorption capacity.

UNDP has provided some rule of law assistance since 1995. Three projects have achieved some important results particularly in the correctional area: (i) support to the institutional development of the Haitian National Police (launched in 1997), (ii) support to the reform of the penitentiary sector (launched in 1995), and (iii) support to the justice reform process (launched in 1999).

The *police project* focused on: strengthening the command structure; institutional and organizational development of key directorates (including the General Inspectorate, a key internal oversight and control body); on-the-job training for upper and middle management; drafting internal rules, regulations and procedures; rehabilitation/equipping of over 15 police stations and substations; and provision of transportation and communication equipment.

The *prisons project* was probably the most successful. It led to establishing, for the first time in Haiti, registration procedures and the creation of individual files for each prisoner throughout the country; organization of a new prison service; admission and discharge procedures; creation and support to a training center for prison personnel; development of training programs and teaching modules; on the job training; an emergency rehabilitation program for Haiti's 19 prisons; and major reconstruction work in the national prison.

In the *justice sector*, UNDP already has carried out: a review of the draft organic law of the Ministry of Justice; a compilation of all laws, decrees, and treaties in force; research on customary law, in cooperation with the State University; a review of the status of the civil registry issue; refinement of the Development Plan; and assistance in drafting a new law for the Office of Ombudsman. The combined budgets of these three projects totaled approximately US\$11 million.

In anticipation of the closure of MICAHA, and as a follow-up to the UN Secretary General decision, in November 2000 the UNDP office in Haiti convened a joint review and lessons learned meeting to help identify next steps for justice sector support. This meeting involved UNDP and MICAHA technical advisors as well as the key donors and led to the formulation of a new program: "Consolidation of the rule of law in Haiti in the context of the post-MICAHA transition phase." This program also reflects consultations with the Haitian authorities and was envisaged to last two years. The program focussed on the following:

- Strengthening national capacities in the justice sector;

- Support for a participatory justice reform process;
- Support to improve access to justice;
- Support to consolidate the institutional development of key public security institutions; and
- Strengthening national capacities for human rights monitoring and promotion.

The donors insisted that a list of conditions be met by the Government before funding for this program could be secured. The key conditions were as follows:

- *Justice*: adoption of the Ministry of Justice “Organic Law,” creation of a Judicial Inspection Unit within the Ministry, and setting up an institutional and participatory mechanism within the framework of the justice reform process;
- *Police*: monitoring the politicization of the Haiti National Police, continuation of key bilateral support to HNP, and adoption by Parliament of a “professional statute” standard for police officers;
- *Prisons*: monitoring of appointments within the Department of Prisons, implementation of the new organizational structure, and implementation of the recommendations of the 1997 audit; and
- *Human rights*: adoption of the Ombudsman Law and a significant increase in the budget of the Office of Ombudsman.

To date, there has been no official response from the Government of Haiti to these conditions, and signals remain mixed. On the negative side, recent senior appointments in the security area have created doubts among the donor community about the government’s intentions; on the other hand, recent actions by the new Minister of Justice to set the course for reform have been well received. The result is that this program lacks funding, as donors continue to be reluctant to support rule of law capacity-building—with the exception of human rights and NGO strengthening. It is unlikely that this program will be implemented under current circumstances. In a nutshell, rule of law technical assistance in Haiti is now suspended. The only ongoing activities are those initiated by UNDP, and these cannot continue in the absence of donor support.

V. Lessons learned

There is nearly unanimous agreement among the international community that development assistance in the rule of law sector since 1994 has failed to produce tangible results. A number of lessons can be drawn from this experience, as summarized below:

- *Donor coordination has been problematic. Mechanisms for such coordination were not established in a timely manner.* By the time attempts were made to bring some coherence to donor support programs, the assistance provided was already fragmented and lacked coherence.

- *The relatively large number of programs initiated in 1994-95 by the various donors involved little consultation among the key donors, which led to duplication of efforts rather than complementarity and consistency.*
- *Donor assistance lacked a thorough diagnostic of the justice sector.* Although the UN mission in Haiti had produced a good analysis of the sector in 1993, donor assistance did not build on this effort. Most programs designed during this period were not based on a detailed and realistic assessment and analysis. In fact, the thematic specialists who designed most programs had very little country expertise.
- *Most projects and programs seem to have been donor driven.* Ownership was not ensured. In some cases, resistance by Haitian jurists to donor proposals was simply interpreted as resistance to change. There is no evidence of any participatory approach by donors in this sector.
- *Civil society organizations, as a result, had little or no input in the design and implementation of the major donor assistance programs in this field.* This contributed further to the general sense of skepticism about these initiatives and did not help in gaining public support for the reform process.
- *Donor support did not address the existence of a dual society.* Haitian society is clearly divided into two parallel systems. One is urban, with a hierarchical social structure, regulated by Napoleonic law, mainly Catholic and with French as the official language. The other is rural, comprising the vast majority of the population, with a segmented social structure, and an “autonomous” economy based on the extended family. Creole is the popular language and voodoo is the common religion. This cultural divide coincides with a clear economic division. According to the World Bank, two-thirds of the population is rural of which 80% live in extreme poverty. And 4% of the population owns 66% of the country’s resources.
- *Customary legal norms in Haiti have been overlooked.* These customary norms reflect social norms and beliefs and influence formal law practiced by the justices of the peace, who in fact deal with more than 80% of cases in the country. No efforts were made by the major donors to understand these informal norms and procedures with a view to codifying them, to the extent possible, for incorporation into the existing formal legal system. Expectations are that a recent initiative by UNDP, in cooperation with the University of Haiti, will contribute to filling this gap.
- *The focus of donor assistance was too technical, generally assuming that an improved court administration coupled with effective training of justice personnel would improve the system.* Very little thought and effort was centered on building a constituency that demands change and a grassroots commitment to the pursuit of legal reforms. Experience has shown that in cases of shaky or weak political commitment to reform, the best strategy is to support civil society and “pockets” of reform within the government, which subsequently will demand and pursue an agenda for reforms.

- *Donor and UN missions' support to the Office of the Ombudsman (Protecteur des Citoyens) was well justified and useful.* This office, which was created by decree, was formed around the model of the Ombudsman's Office in Quebec, Canada. It is also firmly anchored in the traditional Scandinavian model, which focuses primarily on issues of improper administration or fairness in public administration. UN missions have provided some legal advice in developing new legislation that broadened the mandate and functions of this office. However, the *draft legislation still falls short of the Paris Principles, which constitute the UN "standards" for an effective mandate, structure, and functioning of such institutions.* For example, the draft does not provide a mandate that covers the whole range of human rights, and provides a structure that revolves around the personality of the Ombudsman. Instead, it should create a national institution with a pluralistic structure that is representative of society as a whole, which is what UN "standards" recommend.
- *Reinforcing of the police was done without considering law enforcement as part of the system of administration of justice.* The general problem of public security tends to be reduced to a question of police alone, shunting many problems unnecessarily into the penal system, and establishing a very narrow conception of the institution of the police.
- *Support to the establishment of a new police force should have been designed in the context of a comprehensive rule of law and security sector reform strategy.* It should have first invested in developing a public policy debate on defining national security and its requirement in Haiti, the threats to security, the link between security, development and poverty, the mechanisms for civilian democratic oversight, and the appropriate level of expenditure and size of the new police force.
- *The renewal of a strict hierarchy in the police is problematic, in that it recreates the structure of the Duvalier period, and may lead to a renewal of traditional distrust for state institutions among the population.* Assistance to develop the new police was marked by conflicting advice reflecting the different approaches of the key donors: for example, the French technical advisors were from the Gendarmerie, which is a paramilitary organization, while the American advisors often promoted an ambiguous concept of "community policing."
- *The need for haste in establishing a police force, which was encouraged by the international community, meant that there was no time to invite civil society to participate in the process, nor any meaningful communication with the population at an early stage of the process.* In general, reform or, in fact, creation of the police force in Haiti, should not be carried out in isolation, but rather be seen as part of a general strategy for the transformation of the justice system.
- Successive UN missions focussed on *human rights monitoring* by deploying human rights field monitors across the country. Positive effects of monitoring include obtaining an accurate picture of the situation and the possibility to accurately identifying problem areas in the justice system. However, this *strategy had negative effects also: human rights become the responsibility of international actors rather than national*

institutions and organizations; the standard set by international actors in human rights monitoring was impossible to live up to because of the unusually wide authority and access they have, in contrast to any typical state or local NGO actor. In addition, easy access to the public presents a risk of weakening local institutions. The sizable resources spent on human rights monitoring could have been better used to strengthen local actors to identify both problem areas and legal remedies.

- *Combining monitoring and technical assistance by the same UN actors proved to be problematic.* National authorities basically became reluctant to cooperate with the UN missions (in technical assistance activities), knowing that the information provided could be used against them. In fact, the model developed by the UN in Haiti--amalgamating technical assistance with monitoring--was later tried by the UN High Commissioner for Human Rights in Rwanda and other countries, and led to the same failure. *The key lesson is that human rights monitoring by the UN could be desirable and useful under certain conditions, such as when it was introduced in Haiti during the last military regime, or when both parties in conflict decide themselves, in the context of a peace agreement, to invite the UN to verify the human rights provisions of the accords.* On the other hand, long-term and extended UN human rights field monitoring the way it was conducted in Haiti for seven years was not cost effective; in fact, it was carried out at the expense of building national human rights capacities in either the government or civil society.

- *Setting up a UN mission (MICAH) with a short-term technical assistance mandate during an election year did not achieve significant results and only added to the ongoing duplication of efforts and short-term initiatives, with no proper follow up.* Assistance to the justice sector requires a development perspective and a long-term commitment. It is ironic that this technical assistance mission was conceived and directed by a UN department (Political Affairs) that was neither operationally oriented nor part of the development arm of the UN.

- *Rule of law technical assistance in Haiti was implemented without taking strongly into consideration the key factor that contributed to the deepening of the ongoing political crisis: the lack of institutional capacity, tradition, mechanisms and procedures for the peaceful management and resolution of conflict.* Development assistance should consider revising its approach and programming to integrate a strong conflict prevention and resolution perspective in its ongoing and planned development cooperation activities. Rule of law technical assistance activities, in a crisis context such as this, needs to ensure that there is program coherence and complementarity relative to other political, human rights, and diplomatic preventive and conflict resolution measures being promoted by the international community and especially by a new coalition of Haitian civil society organizations.

- *Strengthening the rule of law, security sector reform, and the promotion of a culture of national dialog, human rights and constitutionalism should be conceived through a "conflict prevention lens."* It should be considered as the central element in any sound conflict preventive strategy for Haiti. This is key to any effective development strategy in a country that lacks an enabling environment for development. This approach

should recognize that rule of law development assistance by itself cannot prevent violent conflict. Related activities have the potential to impact both positively or negatively the current crisis and the prospects for a peaceful and constructive resolution of the ongoing conflict.

- It is against this background that *a new approach to the rule of law technical assistance in Haiti should ensure a shift from a legalistic approach to one that is much more multidisciplinary, with an emphasis on human rights and the full integration of a conflict resolution perspective.* The practical program implications of this approach will imply a shift from segmented, disconnected, and separate interventions in the police, justice, and prisons sectors to a comprehensive and integrated rule of law strategy. Rule of law is about ensuring that the government is representative of all segments of society, complies with the law and upholds the constitution. It implies that the legal framework will be consistent with international norms and standards, with an accountable executive, and clear separation of powers, an independent judiciary, fair and effective administration of justice, a civilian and democratically controlled security force, public procedures in the adoption of legislation, effective oversight mechanisms and means of redress available to all citizens, and a culture of rights and constitutionalism.

- This approach implies *a shift from an overemphasis on international human rights monitoring to one that (i) mainstreams human rights and gender issues in all development activities, (ii) gives a stronger and explicit human rights focus to all rule of law activities, and (iii) builds national capacity for human rights promotion and protection, including the capacity of civil society to participate in the process.*

- This implies *a shift from an approach that “shields” its programming from the conflict and political crisis issues to “protect the integrity of its programs” to one that mainstreams consensus-building and conflict resolution in all rule of law technical assistance activities, and explicitly designs rule of law interventions with conflict prevention objectives.*

- Finally, this approach will also imply *a shift from rule of law assistance as provision of legal technical expertise to public authorities to an approach that places at the center of its strategy the promotion of effective and meaningful civil society participation along with development of a wide constituency that supports and monitors the reform process.*