



Conflict | Law | Peace
Innovations for Rule of Law Promotion and Transitional

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**Refugees, Journalists and Pupils: Upscaling Knowledge Transfer in Rule of Law
Promotion**

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I. Introduction

Among other goals, rule of law promotion aims to establish a legal structure that can be used to regulate everyday life. To achieve this, not only a functioning justice system and administration are necessary but also an informed population. People must be able to make use of their rights not only for their own sake but also because they can play a vital role in monitoring the legal institutions.

Hence, instead of exclusively focusing on the state and its organs, civil society and its diverse sub-segments should be considered direct partners and beneficiaries particularly when it comes to access to justice. Not only can many societal groups be instrumental for spreading knowledge; society at large should be recognised as the primary recipient of information about rights and institutions.

This impulse paper draws on practical examples and theoretical considerations in order to assess the potential of working with civil society, as well as the hurdles and risks of collaborating with some particular groups.

II. Conceptual approach

Knowledge transfer is generally understood to be the process from the knowledge source to the knowledge recipient via an intermediary. By attributing this to the present topic, three main categories can be distinguished: knowledge holders are educated sources with information to share, knowledge brokers reach specialised or broad audiences and can disseminate information, while recipients of knowledge are the addressees of the knowledge brokers, i.e. the final target group. These three groups cannot always be clearly distinguished from one another, as knowledge holders are often also knowledge brokers and the latter may be, at the same time, recipients. Usually, however, one role prevails.

When applying this concept to rule of law promotion, the roles of the involved groups and the differentiation between them must be taken into account. Therefore, before designing a project, social patterns and dynamics should be well understood. This can be achieved by conducting contextual analyses that also give insight into what is needed and how it can be achieved in the most effective and efficient manner, including through which partners from civil society.

III. Knowledge holders

Local knowledge holders have accumulated well-founded knowledge in a certain area, such as the domestic law of their country, which they can apply or pass on. They are indispensable for almost any rule of law project. Important advantages include their presence on the ground, which enables them to permanently update their knowledge, as well as language skills and knowledge of legal traditions and peculiarities.

For these reasons, many rule of law organisations include academic legal experts in their teams. Among these, university professors the latter are also knowledge brokers as they teach students, which means that they bring in useful teaching skills. However, working with them can cause serious damage. Particularly in post-conflict scenarios where domestic legal expertise is a scarce resource and where a new generation of jurists needs to be thoroughly educated, university professors are tempted to improve their low salaries with the high remunerations offered by rule of law organisations and accept side-jobs that they cannot carry out without neglecting their teaching obligations. The high level of donor-funded salaries also negatively impacts the job market for law professionals; many of the best go straight from university to international rule of law organisations and are thus not available for important functions in the state or civil society. Organisations that are not only interested in implementing their own projects but in building the rule of law must take this in consideration when they endeavour to include knowledge holders in their teams. Therefore, in conflict and post-conflict situations, it may be worthwhile looking for knowledge holders elsewhere. Many may have fled to more peaceful parts of their own country where they temporarily reside as IDPs, while others may have fled to neighbouring countries. Spreading job offers in these communities and convincing qualified law professionals to return and work in projects may be difficult but worth trying.

Others may even have migrated to donor countries. In Germany, for instance, refugee communities from Syria, Iraq, Afghanistan and other countries include hundreds of law professionals – a treasure of

knowledge that has not been much used. They could be an important resource in activities that aim to rebuild domestic legal systems. There are, however, hurdles on the way to this end: knowledge holders among refugees must be identified, they need work permits, they might need additional language skills, and they must be interested in this type of work. Some might even, for various reasons, prefer not to deal with matters related to their countries of origin.

A distinctive group of knowledge holders are second-generation migrants who may have been born in their families' countries of origin, but grown up in their new home countries. Differently from older generation migrants they will not bring in specialised legal knowledge from their countries of origin but valuable combinations of language skills, understandings of traditions, and state-of-the-art expertise that enable them to bridge between both worlds. In addition, most of them are politically or societally less entangled in the past than the first-generation refugees. Therefore, the second generation seem to be in a position to encounter their families' countries of origin with less bias.

IV. Knowledge brokers

The role of knowledge brokers is linking knowledge holders and recipients by spreading information. Often, they enjoy high standing and carry weight in their communities. They usually know their own customs and traditions better than others, while their communities listen to them and follow their advice. In rule of law promotion, they can play an important, constructive role in raising the mutual understanding between the state and society.

Journalists can be key actors in disseminating the idea of the rule of law and protecting human rights and democratic institutions. Several organisations have therefore developed programs that aim to expand the knowledge of journalists who work in fragile countries. Examples of these initiatives are the UNDP's Good Governance in Southern Madagascar project that coaches local journalists, and an EU project in Afghanistan where 150 editors and journalists were trained in investigative journalism. As a result, six 'human rights watchdog desks' were established and more than 90 in-depth radio reports and print articles on women and human rights were published. Schoolteachers also reach a large audience. The German Foreign Office funded a project where Afghan schoolteachers were trained and equipped with teaching materials and thus enabled to inform children about the state and their rights, hoping that also parents would get access to this knowledge at home. Similarly, UNODC/UNESCO's Education for Justice (E4J) initiative seeks to prevent crime and promote a culture of lawfulness. To achieve this, online tools and academic resources for teachers, parents, students and education policymakers are provided free of charge. According to the feedback of teachers, this project has led to a massive initiative from students wanting to promote change on drug issues, requesting information and even engaging civically. This type of cooperation could also be used to deradicalise youth or prevent radicalisation. Another example of disseminators of knowledge is religious authorities. A project implemented by the Max Planck Foundation aimed to promote the compatibility of Islamic law and modern statehood by equipping members of religious establishment with basic knowledge of law. The *ulama*, whose views are influential in Pakistani society, were hoped to engage in socio-legal debates within the country in an informed manner. The project seemed to have an even stronger impact than expected: some participants explained that they had changed their misinformed views of rights and institutions, while others continued their studies of rule of law issues independently after the end of the project. Similar collaboration with religious authorities seems feasible in societies adhering to other beliefs.

Finally, traditional authorities such as elders or chiefs can also act as knowledge brokers, as they are more relevant for the organisation of everyday life than state institutions in many societies, especially in rural areas. Oftentimes they already act as intermediaries and development agents at the interface between the population and third parties, such as state institutions, armed opposition groups, development agencies, or investors. Projects such as the World Bank's *Promoting Partnerships with Traditional Authorities Project* in Ghana, which has contributed to implementing the country's Poverty Reduction Strategy, could set an example for how to promote the rule of law in a Southern country by partnering with traditional authorities.

Besides journalists, teachers, religious and traditional authorities, one could think of many other disseminators who could be instrumental in fostering the rule of law. Before partnering with any of them, it is important to assess whether they generally support the idea of the rule of law and human rights; if not, sincere dialogue should be considered before entering into actual collaboration. Moreover, any kind of knowledge brokers only reach some segments of society; for instance, many traditional and religious authorities are less, or even not at all, accessible for women. Complementary channels to raise the awareness of all members of society are therefore recommendable.

V. Recipients of knowledge

SDG 16, which aims to 'promote the rule of law at the national and international levels and ensure equal access to justice for all', can be best achieved if societies are broadly included in rule of law promotion. Awareness programs, examples of which have been mentioned above, are important tools. They are also effective tools, as citizens who know their rights as well as the responsibilities of state institutions to support their legitimate claims are the strongest pressure group against dysfunctional or corrupt institutions and office holders. Moreover, recipients of knowledge – even pupils – can become disseminators themselves and inform others, such as family members. It should be noted, though, that information about the rule of law, human rights and democracy is not generally accepted and that members of groups that oppose these ideas might turn against others who support them.

Awareness campaigns, no matter if they are aimed to societies at large or only segments, should ensure that minorities and persons with disabilities are included. They will only be effective if carried out in the language and through the media used by the desired target group; this can be teaching materials, radio, TV and other journalistic products, social media and other media. Involving the target group in designing the designing a campaign can reduce the risk of failure.

A general challenge that this approach implies is that evaluating awareness campaigns is particularly difficult, as the effects of the dissemination of rule of law information might be visible and measurable only after many years.

VI. Conclusions

As stated in the rule of law strategy of the German government, ‘promoting the rule of law requires a targeted commitment that involves state and non-state actors’. In this regard, civil society actors, such as those mentioned above, should be paid more attention in the future. It seems that important groups of knowledge holders have been overlooked in the past, such as jurists among IDPs and refugees. Knowledge brokers are particularly important not only because they disseminate information within their communities but also because they can be powerful watchdogs controlling state institutions. Their prominence and reputation can enable them to act as critical counterpart and to insist on an accountable and functioning state system even where inner-state checks and balances do not produce these effects.

The work with civil society actors seems to be very fruitful and should be applied more often in the promotion of the rule of law. Building on the concept of knowledge transfer and an understanding of local characteristics, such projects can have far-reaching success.

VII. Contributors

This paper is based on a talk among experts who convened at the German Federal Foreign Office on the 9th December 2019 for an open exchange of ideas. On behalf of RSF Hub, Tilmann J. Röder (moderation) and Anna Maissen participated. RSF Hub is grateful to all scholars and practitioners who contributed to this paper:

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About RSF Hub

RSF Hub is a project-based think tank funded by the German Federal Foreign Office fostering knowledge transfer between politics, academia and field practice in the area of rule of law promotion and related topics such as transitional justice. RSF Hub organises, in collaboration with various partners, expert talks and round tables. Team members teach at universities and train ministry staff, speak at events, contribute to blogs and publish academically. For more information on the Hub’s activities see <http://www.fu-berlin.de/rsf-hub>.

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