

More information

Index

ABA. See American Bar Association (ABA) Commander's Emergency Response Program, Abbott, Kenneth, 76 Coordination of Police and Prosecutor Abkhazia, recognition of statehood and, 52 Access to courts, minimum standard of justice Training Initiative, 226 and, 63–64 deficiencies in, 226 Acholi people, 283, 298 incentives, use of, 225-226 institutions, legitimacy of, 229-230 Ad Hoc Committee on the Elaboration of the Convention against Transnational Interagency Planning and Implementation Organized Crime (UN), 161 Team, 226 Afghanistan Inter-Agency Support Group to the Bagram, 228 Department of Human Rights and Gender of the Police Academy, 226 civil-military cooperation in rule of law promotion in (See Afghanistan-civil-military International Security Assistance Force, 222, cooperation in rule of law promotion in) EUPOL AFGHANISTAN, 139-140, 215, 226 Military Criminal Procedure Code, 224 Independent Human Rights Commission, 229, military intervention, legitimacy of, 227-228 military intervention in, in practice, 216-218 Provincial Justice Conferences, 224 222 National Army, 224 Provincial Justice Coordinators, 226 National Justice Program, 223 public support for, 228-229 National Police, 224 sources of legitimacy, 227 African, Caribbean and Pacific Group of States, Northern Alliance, 222 postconflict administration in, 57 144-145 Security Council Resolutions regarding, 222 African Development Bank UN Assistance Mission to Afghanistan generally, 50 (UNAMA), 216, 217, 222-223, 224, 226 emulation mechanism and, 81-82 UN peacekeeping operations in, 216 African Union (AU) Afghanistan-civil-military cooperation in rule of human trafficking and, 174 law promotion in regional integration and, 57 generally, 206-208, 212, 222, 231-232 Sudan, peace-keeping operations in, 216 coercive measures, avoidance of, 225 suspension of members, 59 Ahtisaari, Martti, 265 Combined Joint Interagency-Task Force 435, Aliens, minimum standard of justice and injuries Combined Security Transition to, 60-63 Command-Afghanistan, 224 Al Qaeda, 319



978-1-107-02471-7 - Rule of Law Dynamics: In an Era of International and Transnational Governance Edited by Michael Zürn, André Nollkaemper and Randy Peerenboom Index

Index

More information

366

Alternative dispute resolution, 196	Bonn Agreement, 223
American Bar Association (ABA)	Bosnia and Herzegovina
generally, 151	civil-military cooperation in rule of law
Judicial Reform Index, 269, 311–312	promotion in, 206, 210
knowledge and beliefs, diffusion of, 143	Implementation Force (IFOR), 213
Kosovo and, 272	NGOs in, 147, 149
Legal Education Reform Index, 311–312	OSCE and, 147
Legal Profession Reform Index, 311–312	postconflict administration in, 146
Prosecutorial Reform Index, 311–312	UN Mission in Bosnia and Herzegovina,
Rule of Law Initiative, 140	146–147
American Convention on Human Rights, 64–65,	Bosnian War, 212
138	Brazil, judicial independence in, 194
Amnesty International, 83, 137–138, 151, 152	Brookings Institution, 137
Amos, James F., 211	Brunsson, Niels, 93
Argentina	
9	Bulgaria, conditionality and, 144
human trafficking and, 161	Burma, human trafficking and, 166
World Bank rule of law promotion in, 183	Bush, George W., 125, 168
Articles on State Responsibility, 62	C II: C If B + (
Asian Development Bank, 50	Calliess, Gralf Peter, 96
Association of Southeast Asian Nations (ASEAN)	Calvo Clause, 61
human trafficking and, 174	Cambodia
regional integration and, 57	NGOs in, 149
AU. See African Union (AU)	UN transitional administration in, 146
Aust, Helmut Philipp, 10, 68	Canada
Australia, civil-military cooperation in rule of law	Canadian International Development Agency
promotion by, 208	202
Austria	human trafficking and, 162
EU membership and, 58	ICC legislation in, 288
human trafficking and, 161	Iraq War and, 218
Authority of law principle of rule of law, 75	Capacity
	hierarchical diffusion of, 146–147
Bangladesh Garments Manufacturers and	nonhierarchical diffusion of, 138–141
Exporters Association, 94	Carnegie Endowment for International Peace,
Barry, Dean, 94	142, 151
Beijing Consensus, 312–313	Carothers, Thomas, 74, 111–112, 114, 142, 148, 184,
Belarus, Council of Europe membership and,	203, 282–283, 309
58	Carruthers, Bruce, 3, 240, 245
Beliefs	CEDAW (Convention on the Elimination of All
hierarchical diffusion of, 146–147	Forms of Discrimination against Women),
nonhierarchical diffusion of, 141–144	
Berlusconi, Silvio, 38	² 44- ² 45 Central African Republic, Uganda and,
Bertelsmann Transformation Index	
	283
generally, 32–33	Centre for OSCE Research, 255
concept, 33–34	Channell, Wade, 275
reliability, 34	China
scope, 33 trends, 34–37	civil–military cooperation in rule of law promotion by, 208
validity, 34 World Covernance Indicators compared, 20	cognitive legitimacy of rule of law in, 246
World Governance Indicators compared, 30	human trafficking and, 162
Bicchi, Federica, 116	institutional structures in, 239
"Big Mac Index," 189	New Institutional Economics and, 248–249
Bill and Melinda Gates Foundation, 145–146	normative legitimacy of rule of law in, 246
Blair, Tony, 126, 127	pragmatic legitimacy of rule of law in, 244
Bolivia, indigenous peoples in, 194	rise of, 312



More information

Index 367

shaping of legitimacy of rule of law in,	resources, 127–128, 129
248	socialization, 122–123
CIMIC. See Civil-military cooperation in rule of	strategies, 122–127
law promotion	target regions, 129–130
Civil–military cooperation in rule of law	"thin" versus "thick" definitions, 113–114
promotion	top-down versus bottom-up channels, 123
generally, 14–15, 206–208, 231–232, 307, 308	variations in, 131–132
in Afghanistan (See Afghanistan-civil-military	Competition mechanism, 83–84, 88
cooperation in rule of law promotion in)	Conditionality
counterinsurgency, 207, 210, 214–215	comparative analysis of rule of law promotion
historical background, 208–212	122–123, 124
in Iraq (See Iraq-civil-military cooperation in	NGOs/IOs and, 144–146
rule of law promotion in)	Congo (Democratic Republic)
legitimacy of, 226–230	Security Council Resolutions regarding,
narrow notion of rule of law, 230–231	54-55
in practice, 216–218	Uganda and, 283
Coalition for the International Criminal Court,	Constitutionalization
287–288	diffusion of rule of law and, 316–317
Codes of conduct, 94–95	as source of legitimacy of international
Coercion mechanism	organizations, 76–77
generally, 82–83	of transnational rulemaking, 98–100
hypotheses regarding, 86–88	Convention against Transnational Organized
in industrialized countries, 87	Crime (UNCTOC), 159, 161, 171–172
by nonstate actors, 86, 87	Convention for the Suppression of the Traffic ir
"shaming and blaming," 83, 87	Persons and of the Exploitation of the
by societal actors, 82–83	Prostitution of Others, 158
soft coercion, 83, 87	Convention for the Suppression of the Traffic ir
by states, 87–88	Women and Children, 158
Cognitive legitimacy of rule of law, 246–247	Convention on International Sale of Goods,
Colombia	266
human trafficking and, 166	Convention on the Elimination of All Forms of
judicial independence in, 194, 196	Discrimination against Women (CEDAW)
USAID rule of law promotion in, 196	244-245
Comparative analysis of rule of law promotion.	Conversion of rule of law
See also specific country or region	generally, 3–4, 6–7
generally, 11–12, 111–113	causes of changes in, 319–322
budgets, 127–129	cultural constraints on, 320–321
commonalities in, 130–131	defined, 4
components of rule of law, 113–117	in developing countries (See Developing
concepts of rule of law, 113–117	countries, rule of law conversion in)
conditionality, 122–123, 124	developments in, 318–319
desirability of rule of law, 111–112	economic development and, 318
diverging attitudes, 116	fragmentation and, 322
expenses, 127–129	future research implications, 322–323
externalization of domestic solutions, 115-116	interaction with promotion, 2–3
functional and organizational lines, 114–115	interest-based constraints on, 319–320
imposition, 122–124	lack of local ownership and, 321–322
institutional context, 117–122	legitimacy concerns, 318–319
instruments, 122–127	normative conflicts and, 320–321
intergovernmental versus transnational	poor record of rule of law promotion and, 319
channels, 123	top-down reform, emphasis on, 320
limits on consensus in favor of rule of law, 112	Copenhagen criteria, 139, 144
methodological problems, 112	Corruption Perceptions Index, 137
organizations, 117–122	Cosmopolitan constitutionalism, 77

More information

368 Index

Costa Rica
human trafficking and, 162
World Bank rule of law promotion in, 202
Cotonou Agreement for Development
Cooperation, 50, 145
Cotterrell, Roger, 234
Council of Europe
accession of new members, 58
capacity, diffusion of, 138, 140
Directorate of Co-operation, 140
Directorate of Standard Setting, 141
European Commission for the Efficiency of
Justice, 140
human trafficking and, 174
knowledge and beliefs, diffusion of, 143
Kosovo and, 258
regional integration and, 57 Venice Commission, 141–142
Counterinsurgency, 207, 210, 214–215
Court for Arbitration for Sport, 96
Cox proportional hazard model, 170
Crime. See Human trafficking, criminalization of
Crime Prevention and Criminal Justice Program
(UN), 161
Croatia, World Bank rule of law promotion in,
197
Dahl, Robert, 31
Daniels, Ronald, 319
Dayton Agreement, 213
Declarations on rule of law and good governance,
49–51 Delegation element of legalization, 76
Democracy Barometer
generally, 37–38
aggregation rules, 41–42
concept, 38–40
equality before law, 40-41
Freedom House Index compared, 38
gap between rule of law and democracy, 42
quality of judicial system, 40, 41
reliability, 41
scope, 40
trends, 42
validity, 40-41
Department of Peacekeeping Operations (UN),
141, 216, 258
Destefano, Anthony, 169
Developing countries, rule of law conversion in
generally, 15, 233 cognitive legitimacy of, 246–247
construction of research program, 249

```
interaction between forms of legitimacy, 247
  lack of coordination in, 234
  legitimacy, research in, 250-251
  legitimacy of, 243-248
  measurement of success or failure, 234
  nonstate actors, focus on, 240-241
  normative legitimacy of, 244-246
  pragmatic legitimacy of, 244
  reasons for failures, 234-237
  recipients' perspective, 240-241
  regulatory capacity for rule of law reform,
    237-238
  research agenda, 248–251
  shaping of legitimacy at societal level, 247-248
  social constructivism and, 243-244
  stages of economic development and, 237-238
   systems theory and, 242-243
  translation concept and, 241-242
Development Programme (UN), 138, 222-223,
    272, 322
Diffusion of rule of law
  generally, 7-8
  behavioral patterns, 3
  causes of changes in, 315-316
  coercion mechanism, 82-83, 86-88
  competition mechanism, 83-84, 88
  constitutionalization and, 316-317
  defined, 4
  demand for consistency and, 314-315
  developments in, 314-315
  dynamics compared, 7
  emulation mechanism, 81-82, 86
  future research implications, 316-318
  globalization and, 314
  incorporation of rule of law into international
    law (See Incorporation of rule of law into
     international law)
  individual rights protection and, 81
  internal organization of states and, 314
  at international level, 3
  international organizations and, 314, 315
  learning mechanism, 81, 86
  legal pluralism and, 317
  legitimacy of international organizations (See
     Legitimacy-international organizations)
  limited degree of, 315
  strategies, 3
Doyle, Aaron, 94
DPKO. See Department of Peacekeeping
    Operations (UN)
Dryzek, John, 76-77
Dunn, Frederick Sherwood, 61, 62
Duyvesteyn, Isabelle, 227
Dynamics of rule of law
  generally, 305-306, 323
```

dialogical development, research in, 248-249

institutional structures and, 238-240

decentering and, 240-241



978-1-107-02471-7 - Rule of Law Dynamics: In an Era of International and Transnational Governance Edited by Michael Zürn, André Nollkaemper and Randy Peerenboom

More information

Index 369

conversion (See Conversion of rule of law) diffusion (See Diffusion of rule of law) evolution of, 4 interaction of promotion and conversion, 2-3 law, perspective of, 3 as ongoing process, 16-17 processes of, 4-5 promotion (See Promotion of rule of law) social sciences, perspective of, 3

East and Southeast Asia, rule of law promotion in middle-income countries, 198

East Asian Model, 312-313

Eastern Europe and Central Asia

rule of law promotion in middle-income countries, 182-183, 185, 188, 189, 195, 197,

as target region for rule of law promotion, 129,

Eastern Slavonia, UN transitional administration in, 146, 149

East Timor

attacks on UN peacekeepers in, 319 civil-military cooperation in rule of law promotion in, 206, 207 institutional structures in, 239-240

NGOs in, 149

postconflict administration in, 56-57

UN transitional administration in, 146, 147, 149,

World Bank and, 150

ECHR. See European Court of Human Rights (ECHR)

ECJ. See European Court of Justice (ECJ)

Economic Community of West African States (ECOWAS)

declarations on rule of law and good

governance, 50, 51

First Liberian War and, 212

suspension of members, 59

Ecuador, indigenous peoples in, 194

Embedded democracy, 33

Emulation mechanism, 81-82, 86

Ericson, Richard V., 94

Ethiopia

judicial independence in, 194

World Bank rule of law promotion in, 202

EU. See European Union (EU)

European Agency for Reconstruction, 265

European Commission, 276

European Community, Guidelines on the Recognition of New States in Eastern

Europe, 51

European Convention on Human Rights, 64, 138

European Court of Human Rights (ECHR)

generally, 64, 65, 138

competition mechanism and, 84

Kosovo and, 276

European Court of Justice (ECJ)

generally, 138

coercion mechanism and, 82

competition mechanism and, 84

European Union (EU)

generally, 3

accession of new members, 57-58

capacity, diffusion of, 138

civil-military cooperation, 14

civil-military cooperation in rule of law

promotion by, 215

Common Foreign and Security Policy, 118-119

Common Security and Defence Policy, 139

conditionality and, 151

Cotonou Agreement for Development

Cooperation, 50

Development Directorate-General, 119

Enlargement Directorate-General, 119

EuropeAid, 119

European Instrument for Democracy and

Human Rights, 114, 125–126

European Neighbourhood Policy, 139, 145

External Relations Directorate-General, 119

human trafficking and, 178

Institute for Security Studies, 141

instruments and strategies for rule of law

promotion, 125-126

Justice, Freedom, and Security

Directorate-General, 119

middle-income countries, rule of law

promotion in, 198

Multilateral Relations and Human Rights

Directorate-General, 119

multiple rule of law promotion strategies, 151

organizations involved in rule of law

promotion, 118-119

PHARE Program, 139

regional integration and, 57

Security Sector Reform, 215

sovereignty and, 69

Stabilization and Association Process, 265

suspension of members, 58

Treaty of, 258

Field Manual Counterinsurgency (FM3-24), 211, 214-215, 220

Field Manual Joint Operations (FM3-0), 211, 220

Forest Stewardship Council, 241

Four headlamps model, 90-92

Fourth Geneva Convention, 219, 227-228

Fox Quesada, Vicente, 74

978-1-107-02471-7 - Rule of Law Dynamics: In an Era of International and Transnational Governance Edited by Michael Zürn, André Nollkaemper and Randy Peerenboom Index

More information

370 Index

France	Constitutional Court, 82
Caisse Française de Développement, 119–120	Federal Foreign Office, 212
civil-military cooperation in rule of law	Federal Ministry for Economic Cooperation
promotion by, 208	and Development (BMZ), 114, 120, 121, 126,
Declaration of the Rights of Man and of the	128, 212
Citizen, 67	Free Democratic Party, 120
democratic governance in, 114	Friedrich Naumann Foundation, 120
Democratic Governance Mission, 119–120, 122	German Foundation for International Legal
Directorate-General for Global Affairs,	Cooperation, 120
Development, and Partnerships, 119–120	Gesellschaft für Internationale
French Development Agency, 119–120	Zusammenarbeit (GIZ), 222-223, 226
Global Economy and Development Strategies	Gesellschaft für Technische Zusammenarbeit
Directorate, 119–120	(GTZ), 115, 120, 121, 126
instruments and strategies for rule of law	instruments and strategies for rule of law
promotion, 126	promotion, 126
Iraq War and, 218	Iraq War and, 218
Ministry of Foreign and European Affairs,	Konrad Adenauer Foundation, 120
119–120	military courts during occupation of, 209
Ministry of Justice, 119–120	Ministry of Justice, 116
organizations involved in rule of law	organizations involved in rule of law
promotion, 119–120	promotion, 120–121
Sub-Directorate for Governance, 119-120	Weimar Republic, 209
Freedom House, 137, 151	Gillespie, John, 15
Freedom House Index	Global Administrative Law Project, 102–103
generally, 9, 22–23	Globalization, 314
aggregation rules, 24	Good governance, declarations on rule of law
concept, 23	and, 49–51
Democracy Barometer compared, 38	Goodman, Ryan, 168
reliability, 24	Greece, Council of Europe membership and,
scope, 23	58
trends, 25–26	Grimm, Dieter, 77, 91, 98–99
validity, 23–24	Guantánamo Bay, 228
World Governance Indicators compared, 30	Guatemala, World Bank rule of law promotion
Freedom in the World, 137	in, 188
Freeman, Alwyn, 62	Guidelines on the Recognition of New States in
Colonton Monocon	Eastern Europe, 51
Galanter, Marc, 235	Guinea, African Union membership and, 59
García Amador, F.V., 62	Gulf War, 212
Gemkow, Tim, 10–11	Habarmas Jürgan 106 248
General Agreement on Tariffs and Trade, 66	Habermas, Jürgen, 106, 248
Geneva Conventions, 219, 227–228, 288, 291	Hague Regulations of 1907, 228 Haiti
Georgetown University, International Law Initiative, 141	human trafficking and, 167
Georgia	Security Council Resolutions regarding, 54
EUJUST THEMIS, 139–140, 259	Halliday, Terence, 3, 240, 245
EU Monitoring Mission, 114–115	Hallström, Christina Tamm, 101
Rose Revolution, 115	Hammergren, Linn, 14, 237, 307, 310
rule of law promotion in, 115	Havocscope.com, 155
Germany	HCR. See Human Rights Committee (UN)
Afghanistan, civil–military cooperation in rule	Heupel, Monika, 12–13, 81
of law promotion in, 226	Honduras
Bundeswehr, 212	indigenous peoples in, 194
	5 FF , •7 - 7

OAS membership and, 59

Huber, Daniela, 124

HRC. See Human Rights Committee (UN)

Christian Democratic Union, 120

promotion by, 207, 208

civil-military cooperation in rule of law



More information

Index 371

Hu Jintao, 74	generally, 10, 48–49, 67
Human Rights Committee (UN)	declarations on rule of law and good
assessments by, 138	governance, 49–51
coercion mechanism and, 83	fundamental change not observed, 48
on good governance, 50	incremental change observed, 48
Kosovo and, 263, 264	minimum standard of justice (See Minimum
minimum standards in human rights law,	standard of justice, rule of law as)
63–64	postconflict administration, 56-57
policy-making authority, 71	recognition of statehood, 51-53
Human Rights Council (UN), 138	regional integration, 57-59
Human rights law, minimum standard of justice	Security Council Resolutions, 53-55
in, 63–65	India
Human Rights Watch, 83, 137-138, 151	human trafficking and, 162
Human trafficking, criminalization of	normative legitimacy of rule of law in,
generally, 13–14, 153–154, 177–180	² 45
adherence to rule of law and, 170–171	Indigenous peoples, 194
commonalities regarding, 162–163	Individual rights protection
context, 154–158	coercion mechanism, 82-83, 86-88
controversies regarding, 162	competition mechanism, 83-84, 88
Cox proportional hazard model, use of,	diffusion of rule of law and, 81
170	direct authority of international organizations
defined, 159	and, 85–86
destination versus nondestination countries,	emulation mechanism, 81–82, 86
173	industrialized countries, coercion in, 87
development level, effect of, 173–174	learning mechanism, 81, 86
divisions regarding, 160	mechanisms for, 79–81, 84–85
findings regarding, 170–175	nonstate actors, coercion by, 86, 87
hegemonic pressure regarding, 167–170, 172	as principle of rule of law, 75
historical background, 154–158	"shaming and blaming," 83, 87
human rights enforcement and, 174	societal actors, coercion by, 82–83
Human Trafficking Protocol, ratification of,	soft coercion, 83, 87
169, 171–172, 175–176, 177, 179	states, coercion by, 87–88
international cooperation, 158–160	Indonesia
media exposure of, 173	human trafficking and, 159
negative externalities and, 166–167, 172–173	IMF assistance to, 245, 247
neighboring jurisdictions and, 172–173,	normative legitimacy of rule of law in, 245
178	Institut des Droit International, 60–61
norm diffusion, 164–170	Inter-American Court of Human Rights, 64–65,
norm origination, 160–163, 164	138
spillover effects, 172–173, 178	Inter-American Democratic Charter, 59
table, 165	Inter-American Development Bank
Tier 2 Watch List, 168–169	generally, 50
trade and, 172	emulation mechanism and, 81–82
treaty ratification compared, 179	middle-income countries, rule of law
Human Trafficking Protocol	promotion in, 188, 198, 202
generally, 161	International Agreement for the Suppression of
ratification of, 169, 171–172, 175–176, 177, 179	White Slave Trade, 158
Hussein, Saddam, 219	International Atomic Energy Agency, 70
Hutter, Bridget, 94	International Bank for Reconstruction and
ICC. See International Criminal Court (ICC)	Development, 139 International Bill of Human Rights, 316
ICCPR. See International Count (ICC)	9 /
	International Centre for Not-for-Profit Law, 147
Political Rights (ICCPR) IMF. See International Monetary Fund (IMF)	International Commission of Jurists, 142 International Commission on Intervention and
11111 . Dec international intolletary Fully (11111)	incinational Commission on Intervention and

Incorporation of rule of law into international law

State Sovereignty, 54

More information

372 Index

International Committee of the Red Cross and cooperation in rule of law promotion Red Crescent, 213 International Conference on the Great Lakes Coalition Provisional Authority, 218, 219–220 Region, 57 International Covenant on Civil and Political EUJUST LEX, 139-140, 215, 259 Iraqi Bar Association, 220-221 military intervention in, 212, 311 Rights (ICCPR), 63-64, 138, 228, 291 International Criminal Court (ICC) normative legitimacy of rule of law in, 245-246 generally, 3 Penal Code of 1969, 219 defining rule of law in, 280-281 Iraq-civil-military cooperation in rule of law domestic level, rule of law promotion at, 281 promotion in generally, 206–208, 210–211, 231–232 human trafficking and, 168 internationalized rule of law in, 281 coercive nature of, 220 international level, rule of law promotion at, criminal law, focus on, 220-221 incoherence of, 219-220 methods of rule of law promotion, 282-283 legitimacy of, 218-219, 221 support for, 116 in practice, 216-218 Uganda, rule of law promotion in (See Security Resolutions regarding, 218 Uganda-rule of law promotion in) Israel, human trafficking and, 169 International Criminal Tribunal for Rwanda, 285, Italy civil-military cooperation in rule of law International Criminal Tribunal for the Former promotion by, 207, 208 Yugoslavia, 319 human trafficking and, 161 International Crisis Group, 253, 266, 271 Italian Justice Project, 217, 222-223, 224 International Development Law Organization, Jacobson, Bengt, 93 International Labour Organization, Tripartite Japan Declaration of Principles Concerning developing countries, rule of law promotion in, Multinational Enterprises, 94 International Law Commission military courts during occupation of, 209 Articles on State Responsibility, 62 Jasmine Revolutions, 307 individual rights and, 80 Jenkins, Rhys, 95 International Legal Assistance Consortium, Jiang Zemin, 74 Jinks, Derek, 168 International Monetary Fund (IMF) Juba Agreement on Accountability and the Indonesia and, 245, 247 Annexure, 296 pressure for adoption of legislation, 289-290 Judicial independence, 194 sovereignty and, 69 International organizations Kant, Immanuel, 106 diffusion of rule of law and, 314, 315 Kara, Siddharth, 159, 166 legitimacy of (See Legitimacy-international Kaufmann, Daniel, 27-29 organizations) Keenan, Patrick, 167 promotion of rule of law (See Kenya Flower Council, 94 Nongovernmental/international Keohane, Robert, 76 Kerwer, Dieter, 93 organizations, rule of law promotion through) Kilcullen, David J., 211, 215, 217 International Peace Institute, 142, 151 Kingsbury, Benedict, 103 International Standards Organization, 241 Kleinfeld, Rachel, 106

Knowledge

Koh, Harold, 8

Kohl, Helmut, 126

hierarchical diffusion of, 146-147

lack of knowledge, challenges regarding,

nonhierarchical diffusion of, 141–144

Iran, influence in Iraq, 221

attacks on UN peacekeepers in, 319

civil-military cooperation in rule of law

promotion in (See Iraq-civil-military

Abu Ghraib, 228

Baath Party, 219

Iraq



More information

Index 373

Kony, Joseph, 283, 284–285, 294, 296, 298, 301–302	institutional reform and, 261 international control versus local ownership in,
Kosovo	271–276
Advisory Judicial Commission, 267, 268 Comprehensive Proposal for the Kosovo Status Settlement, 265	international institutions and, 269–271 internationalization of rule of law and, 271 international model of rule of law, 276–277
Constitutional Framework for Provisional Self-Governance in Kosovo, 264–265, 272, 276	judicial accountability and, 268 judicial professionalism and, 268 judicial structures and, 266–267
Constitution of 2008, 265	justice sector, focus on, 271–272
EULEX, 114–115, 147, 215, 252, 253, 256, 259,	legal reform and, 261
264, 267, 271–272, 275, 277	military intervention and, 311
Housing and Property Claims Commission,	normative legitimacy of rule of law, 245–246
269–270	OSCE and, 147, 259–260, 272, 273, 276
Housing and Property Directorate, 269–270,	outside of justice sector, 273
276	Kraay, Aart, 27
Human Rights Advisory Council, 276	Krisch, Nico, 77, 103
Human Rights Advisory Panel, 270–271	Kwoyelo, Thomas, 299–302
Independent Judicial and Prosecutorial	Kwoycio, Thomas, 299–302
Commission, 268–269	Latin America and Caribbean
Judicial Council, 253, 268	middle-income countries, rule of law
Kosovo Force (KFOR), 266, 273	promotion in, 182, 183, 185, 188, 189, 195, 197,
Kosovo Liberation Army, 267	198, 202–205
Kosovo Property Claims Commission, 270	as target region for rule of law promotion, 129,
Ombudsperson, 262, 263, 267, 270–271,	130
273–274, 275–276, 277	USAID rule of law promotion in, 184
postconflict administration, 56–57	Lauth, Hans-Joachim, 104
promotion of rule of law in (See Kosovo–rule of	Law and Development, 234–235
law promotion in)	League of Nations, 158
Provisional Institutions of Self-Government,	Learning mechanism, 81, 86
264–265, 272, 275	Legal certainty and predictability principle of rule
recognition of statehood and, 52-53	of law, 75
Security Council Resolutions regarding,	Legal Empowerment of the Poor Initiative (UN),
255–257, 265	204
Special Representative of the Secretary-General	Legal equality principle of rule of law, 75
(SRSG), 261–263, 265, 266–267, 268, 271, 272	Legalization, 76
Standards for Kosovo, 265	Legal pluralism, 77, 317
Transitional Council, 256	Legitimacy-international organizations
UN Mission in Kosovo (UNMIK), 146, 147, 150,	generally, 10–11, 68–70, 88–89
252, 255–257, 258, 261–264, 267, 268, 269,	compliance and, 79
270–271, 272, 273, 275, 277	consent principle, 70-71
Kosovo-rule of law promotion in	constitutionalization as source of, 76-77
generally, 16, 252–254, 276–277	delegation of policy-making authority as
applicable law, 261–264	undermining consent principle, 70–71
assessment and monitoring reports, 272	descriptive aspect, 72-73
attributes of rule of law, 254–255	domestic sources of, 73-74
challenges to, 255	expansion of policy-making authority, 71–72
civil-military cooperation in, 206, 207, 210	individual rights protection and (See individual
criminal law, focus on, 275, 277	rights protection)
devolution of power and, 272	legalization as source of, 76
EU and, 258–259	majoritarianism as undermining consent
hybrid institutions and, 269–271	principle, 71
incorporation of international law standards	necessity of, 73
into domestic law, 264–266	normative aspect, 72–73



More information

374 Index

Legitimacy–international organizations (cont.)	
objections to, 78–79	
political authority and, 72	
rule of law as source of, 74–76, 77–78	
sovereignty and, 70	
Legitimacy–rule of law conversion in developing	M
countries	M
	M
generally, 243–248	101
cognitive legitimacy, 246–247	3.4
interaction between forms of legitimacy, 247	M
normative legitimacy, 244–246	M
pragmatic legitimacy, 244	
research in, 250–251	M
shaping of legitimacy at societal level, 247–248	
Legrand, Pierre, 234	
Lex informatica, 96	
Lex mercatoria, 96	M
Lex sportiva, 96	
Liberia	
civil-military cooperation in rule of law	
promotion in, 206	
First Liberian War, 212	
Lloyd, Paulette, 13–14	
Lomé IV Convention, 144–145	
Lubanga, Thomas, 302	
Maastricht Treaty, 144	
Macedonia, EUPOL PROXIMA/FYROM,	
139–140	
Madagascar, African Union membership and,	
59	
Magen, Amichai, 111	
Malaysia	
institutional structures in, 239–240	
New Institutional Economics and, 248–249	
Management information systems, 200–201	
March, James, 246	
Marxism-Leninism, 246	
Mastruzzi, Massimo, 27	
McChrystal, Stanley, 211	
McKinley, William, 208	
Measurement of rule of law quality	
generally, 9–10, 21	
Bertelsmann Transformation Index (See	
Bertelsmann Transformation Index)	
Democracy Barometer (See Democracy	
Barometer)	
evaluation methodology, 21	
Freedom House Index (See Freedom House	
Index)	
measurement of democracy quality compared,	
46-47	
stagnation trend toward 47	

```
theories of rule of law, effect of, 21-22
World Governance Indicators (See World
  Governance Indicators)
World Justice Project Index (See World Justice
  Project Index)
erkel, Wolfgang, 9–10, 234, 314
erry, Sally Ēngle, 242, 243, 244, 245
exico, World Bank rule of law promotion in,
  188
ichael, Lothar, 98
ICs. See Middle-income countries, rule of law
  promotion in
iddle East and North Africa
Jasmine Revolutions, 307
as target region for rule of law promotion,
iddle-income countries, rule of law promotion
generally, 14, 181, 307, 308–309
ability of donors to provide, 199-202
alternative dispute resolution, 196
automation, 196
benefits of treating as separate category, 190-191
defining middle-income countries, 189-190
demographics, 189-190
developmental challenges, 191–192
early stages, 182-184
East and Southeast Asia, 198
Eastern Europe and Central Asia, 182-183, 185,
  188, 189, 195, 197, 202-205
ethnic divisions and, 195
evolution of, 187-189
high-end MICs, 201
historical background, 181–182
impact of, 195-199
Implementation Completion Report, 186-187
indigenous peoples and, 194
judicial independence and, 194
judicial training, 196
justice reform template, 184, 187
Latin America and Caribbean, 182, 183, 185,
  188, 189, 195, 197, 198, 202–205
low-end MICs, 200
management information systems, 200-201
Middle East and North Africa, 198
modernization of legal frameworks, 195
needs of, 199-202
OHADA, 183
operational issues, 192-193, 194
political issues, 193
prejudicial reform, 182-184
public dissatisfaction with, 196-197
religious divisions and, 195
second-tier MICs, 200
```

table, 43



More information

Index 375

shortcomings of, 199-200 statistics, 189-190 sub-Saharan Africa, 183, 195, 198 tailoring of programs, 187-189 third-tier MICs, 200–201 Milosevic, Slobodan, 262, 267 Minimum standard of justice, rule of law as generally, 48, 59-60 access to courts and, 63-65 converging standard, 65-66 in human rights law, 63-65 injuries to aliens and, 60-63 treaties and, 63 Moldova, human trafficking and, 159, 166 Moravcsik, Andrew, 76 Morlino, Leonardo, 111 Munck, Gerardo, 33 Museveni, Yoweri, 283, 298, 299 Myanmar, human trafficking and, 166 Naples Political Declaration and Global Action Plan against Organized Transnational Crime, 161 Napoleonic Civil Code, 111 NATO. See North Atlantic Treaty Organization Netherlands, human trafficking and, 160, 162 New Institutional Economics, 235, 238-239, 248-249 New York University Law School, 102 New Zealand, ICC legislation in, 288 NGOs. See Nongovernmental/international organizations, rule of law promotion through Niger, ECOWAS membership and, 59 Nike, 95 Nollkaemper, André, 281 Nolte, Georg, 10, 68 Nongovernmental/international organizations, rule of law promotion through generally, 3, 12-13, 133-134, 150-152 assumptions regarding, 135, 136 beliefs, hierarchical diffusion of, 146-147 beliefs, nonhierarchical diffusion of, 141-144 capacity, hierarchical diffusion of, 146-147 capacity, nonhierarchical diffusion of, 138-141 challenges facing, 134, 147-150 commonalities in approaches, 136-144 conditionality, 144-146

lack of knowledge, challenges regarding, 148 observation of standards, challenges regarding, participation and empowerment of local actors, challenges regarding, 149 prerequisites for, 136 strategies in, 135-136 Normative legitimacy of rule of law, 244-246 North, Douglass, 184, 200, 238, 239 North American Free Trade Agreement (NAFTA), 63 North Atlantic Treaty Organization (NATO) Allied Joint Publication 9, 213 civil-military cooperation in rule of law promotion by, 14, 207, 213-215 counterinsurgency, 214-215 Kosovo Force (KFOR), 266, 273 Provincial Reconstruction Teams, 214, 224 Nouwen, Sarah, 16 OAS. See Organization of American States (OAS) Obama, Barack, 125 Obligation element of legalization, 76 OECD. See Organization for Economic Cooperation and Development (OECD) Oeter, Stefan, 97 Office of the High Commissioner for Human Rights (UN), 138 Office of the High Commissioner for Refugees (UN), 213, 222-223 Office on Drugs and Crime (UN), 138-139, 161, 222-223 Olsen, Johan, 246 Open Society Institute and Soros Foundation Network generally, 151 Human Rights and Governance Grants Program, 140-141 Open Society Justice Initiative, 140-141 Organization for Economic Cooperation and Development (OECD) generally, 9 Guidelines for Multinational Enterprises, 94 Organization for Security and Cooperation in Europe (OSCE) Bosnia and Herzegovina and, 147 capacity, diffusion of, 138, 140 Democratization Department, 140 Human Dimension Commitments, 260 knowledge and beliefs, diffusion of, 143 Kosovo, rule of law promotion in, 147, 259-260, 272, 273, 276 Legislationline, 142

differences in approaches, 144-147

division of labor between, 133-134

knowledge, hierarchical diffusion of, 146-147

knowledge, nonhierarchical diffusion of,

exposure, 137-138

141-144

More information

Index 376

Organization for Security and Cooperation (cont.) Office for Democratic Institutions and Human Rights, 140 Remedies Catalogue, 266 Rule of Law Unit, 140 Strategic Police Matters Unit, 142 Organization of American States (OAS) declarations on rule of law and good governance, 50, 51 human trafficking and, 174 regional integration and, 57 suspension of members, 59 Organization of the Islamic Conference, human trafficking and, 174 OSCE. See Organization for Security and Cooperation in Europe (OSCE)

Pakistan, human trafficking and, 162 Panama, human trafficking and, 162 Paraguay, indigenous peoples in, 194 Paris Declaration on Aid Effectiveness, 264 Parliamentary Assembly of the Council of Europe, 58 Path dependency, 200 Peacekeeping Resource Hub (UN), 13, 141

Peeremboom, Randall, 237 Peru, judicial independence in, 194

Petraeus, David H., 211

human trafficking and, 159, 162 normative legitimacy of rule of law in, 246 Postconflict administration, 56-57

Poulantzas, Nicos, 240

Pragmatic legitimacy of rule of law, 244 Precision element of legalization, 76

Principles of rule of law

generally, 75

as second-order principles, 104-106 table, 105

Promoting the Rule of Law Abroad: In Search of Knowledge (Carnegie Endowment), 142

Promotion of rule of law. See also specific country

generally, 5-6

awareness of resistance to, 308

causes of changes in, 308-311

challenges of, 2

civil-military cooperation in (See

Civil-military cooperation in rule of law promotion)

coercive nature of, 311

comparative analysis of (See Comparative

analysis of rule of law promotion)

conditionality in, 311

defined, 4

developments in, 306-308

evolution of, 1-2 failures of, 306-307

future research implications, 311-313

indices of, 311–312

interaction with conversion, 2-3

at international level, 307-308

in Kosovo (See Kosovo-rule of law promotion

lack of knowledge and, 309-310

lack of legitimacy and, 310-311

in middle-income countries (See

Middle-income countries, rule of law

promotion in)

multiplicity of conceptions, 309

by NGOs/IOs (See

Nongovernmental/international organizations, rule of law promotion through)

nonjudicial institutions and, 313

"one-size-fits-all" solutions, 307

sequence of reforms, 312-313

in Uganda (See Uganda-rule of law promotion

United States, downgrading in, 307

Protocols on Trafficking in Persons and Smuggling of Migrants, 159

Prugh, George S., 209-210, 211-212

Puerto Rico, human trafficking and, 167

Putin, Vladimir, 74

Recognition of statehood, 51-53

Regional integration, 57-59

Regulatory governance. See also Transnational

rulemaking

transnational governance as, 92–93

by transnational law, 95-96

Regulatory pluralism, 241

Report on Sustainable Development (UN),

Research Institute for Social Development (UN),

94-95

Röder, Tilmann, 14–15, 245–246

Rodrik, Dani, 239

Romania, conditionality and, 144

Rome Statute. See International Criminal Court

Rome Statute Review Conference, 289, 301

Root, Elihu, 60, 62

Rose Revolution, 115

Rousseau, Jean-Jacques, 106

Royal Dutch Shell, 94

Rulemaking. See Transnational rulemaking

Rule of Law Coordination and Resource Group (UN), 139

Rule of Law Document Repository (UN), 13, 141



978-1-107-02471-7 - Rule of Law Dynamics: In an Era of International and Transnational Governance Edited by Michael Zürn, André Nollkaemper and Randy Peerenboom Index

More information

Index 377

	7,,
Rule of Law Handbook: A Practitioner's Guide for	civil-military cooperation in rule of law
Judge Advocates, 211, 220, 226	promotion in, 206, 210
Russia	Security Council Resolutions regarding, 53–54,
civil-military cooperation in rule of law	258
promotion by, 208	United States military intervention in, 210, 319
Council of Europe membership and, 58	South Africa, ICC legislation in, 288
human trafficking and, 166	South Varian Development Community, 65
Iraq War and, 218	South Korea, human trafficking and, 169
World Bank rule of law promotion in, 187, 188	South Ossetia, recognition of statehood and, 52
Rwanda	South Sudan, Uganda and, 283
attacks on UN peacekeepers in, 319 International Criminal Tribunal for Rwanda,	Sovereignty, 70
	Soviet Union, civil–military cooperation in rule of
285, 319 judicial independence in, 194	law promotion by, 208. See also Russia
judiciai independence in, 194	Spain, human trafficking and, 166
Cantos Alama are are	Spanish-American War, 208
Santos, Alvaro, 235, 237 Sartori, Giovanni, 21	Special Court for Sierra Leone, 285, 302, 319
Saudi Arabia	Standard setting, 93–94 Stanford School of social agical institutionalism. 8
	Stanford School of sociological institutionalism, 8 Stanford University, 246
human trafficking and, 169	
Iraq, influence in, 221	Stewart, Brandon M., 13–14 Stewart, Richard, 103
Scelle, Georges, 281 Schepel, Harm, 97–98, 100–101	Sub-Saharan Africa
	middle-income countries, rule of law
Schimmelfennig, Frank, 11–12, 84, 218, 310 Schröder, Gerhard, 126	
Schumpeter, Joseph, 31	promotion in, 183, 195, 198 as target region for rule of law promotion, 129
Schuppert, Gunnar Folke, 11, 315	Suchman, Mark, 243, 244
Security Council (UN)	Sudan
Afghanistan War and, 222	Uganda and, 283
coercion mechanism and, 83	UN peacekeeping operations in, 216
individuals, sanctions against, 82	Sultani, Musa, 229, 232
Iraq War and, 218	Summers, Robert S., 104
Kosovo, Resolutions regarding, 255–257, 265	Sweden, human trafficking and, 160
learning mechanism and, 81	Systems theory, 242–243
policy-making authority, 71	· · · · · · · · · · · · · · · · · · ·
Resolutions generally, 53–55	Tamanaha, Brian, 74, 106
on rule of law promotion, 68	Taylor, Charles, 302
Somalia, Resolutions regarding, 258	Taylor, Veronica, 148
Sehring, Jennifer, 104	Tetra lemma of global law, 96
"Shaming and blaming," 83, 87	Teubner, Gunther, 242
Shelton, Henry, 210	Thailand, normative legitimacy of rule of law in,
Shinwari, Fazl Hadi, 225	245
Sierra Leone	Theories of rule of law
civil-military cooperation in rule of law	generally, 1
promotion in, 206	measurement of rule of law quality, effect on,
Special Court for Sierra Leone, 285, 302, 319	21–22
Truth and Reconciliation Commission,	table, 22
319	"Thin" versus "thick" definitions of rule of law,
Simmons, Beth, 13–14, 83	113–114
Simpson, Gerry, 61	Third Committee (UN). See Human trafficking,
Slaughter, Anne-Marie, 76	criminalization of
Social constructivism, 243–244	Tietje, Christian, 97
Social Science Research Centre Berlin, 90–91	Timor-Leste. See East Timor
Soft coercion, 83, 87	Trade, human trafficking and, 172
Somalia	Trafficking, human. See Human trafficking,
attacks on UN peacekeepers in, 319	criminalization of

of

More information

Index 378 Transitional justice, 297 Justice Law and Order Sector, 283, 285, 286, Translation, 6-7 287, 289, 292, 293-295, 296, 302 Translation concept, 241-242 Law Reform Commission, 295 Transnational crime. See Human trafficking, Legal and Parliamentary Affairs Committee, criminalization of Transnational governance Lord's Resistance Army, 283, 284-285, 292, 293, four headlamps model, 90-92 294-296, 297-298, 299-301 as new mode of governance, 91-92 Ministry of Defence, 294 as regulatory governance, 92-93 Ministry of Justice, 288 Transnational law, 95-96 National Human Rights Commission, 302 Transnational rulemaking Office of the Defence Counsel, 285 generally, 11, 90 Office of the Director of Public Prosecutions, binding versus nonbinding norms, 97 293-294, 295, 300 characteristics of, 96-97 Office of the Prosecutor, 285, 288, 289, 292, codes of conduct as, 94-95 297-298, 303 constitutionalization of, 98-100 Penal Code, 288 Police Force, 293-294 deterritorialization of, 97 general rule of law principles to specific promotion of rule of law in (See Uganda-rule requirements, 107 of law promotion in) identifying new modes of governance, 90-91 Special Division of the High Court, 284-286, informality of, 97 287, 290, 292–293, 295, 300, 301, 302–303 lawmaking versus, 97-98 Ugandan People's Defence Forces, rule of law as normative framework for, 297-298 104-106 War Crimes Court, 284-286 rules for, 100-101 War Crimes Division, 284–286 second-order principles and, 104-106 Uganda-rule of law promotion in standard setting as, 93-94 generally, 16, 278–280, 303–304 accountability to law and, 296-297 top-down versus bottom-up, 97 attention to international standards, 286-287 transnational governance by as new mode of governance, 91-92 balance of powers and, 288-290 transnational law, regulatory governance by, distraction from structural rule of law problems and, 302-303 95-96 Transparency International, 137, 151 entrenching inequality before law and, Treaty of Nice, 58 297-298 Treaty of the European Union, 258 historical background, 283 Trebilcock, Michael, 319 legality and, 290-292 TRIPS Agreement, 66 nonretroactivity and, 290-292 Trubek, David, 235, 237 participation in decision making and, Turkey, human trafficking and, 166 298-299 Twining, William, 5, 7 references to international standards, 293 separation of powers and, 288-290, 298-299 Udall, Lori, 83 supremacy of law and, 293-296 Uganda uncertainty in legal process and, 299-302 Acholi people, 283, 298 unfairness and, 299-302 Amnesty Act 2000, 294, 295, 299–300, 302 Ukraine, human trafficking and, 166 Amnesty Commission, 294, 300, 301 UNCTOC. See Convention against Anti-Corruption Court, 302-303 Transnational Organized Crime Attorney General, 298-299 (UNCTOC) Commercial Court, 285 UNDP. See Development Programme (UN) Constitutional Court, 291, 299 UNHCR. See Human Rights Committee (UN) Final Peace Agreement, 283, 285, 296, 301-302 United Kingdom Geneva Conventions Act 1964, 291 Afghanistan, civil-military cooperation in rule ICC Act 2010, 284, 287–291, 292, 295, 301, 303 of law promotion in, 226 impunity in, 287-288, 302-303 British Council, 121



978-1-107-02471-7 - Rule of Law Dynamics: In an Era of International and Transnational Governance Edited by Michael Zürn, André Nollkaemper and Randy Peerenboom

More information

Index 379

British Institute of Comparative and International Law, 121

civil–military cooperation in rule of law promotion by, 208

Department for International Development, 121, 126, 128

Ethical Trade Initiative Base Code, 94

Foreign and Commonwealth Office, 114, 121

Global Opportunities Fund, 121

Human Rights, Democracy, and Governance Group, 114, 121

instruments and strategies for rule of law promotion, 126

Ministry of Justice, 121

organizations involved in rule of law promotion, 121

Strategic Programme Fund for Human Rights and Democracy, 121

United Nations

Ad Hoc Committee on the Elaboration of the Convention against Transnational Organized Crime, 161

Charter, 99, 143

civil-military cooperation in rule of law promotion by, 216

constitutionalization in, 99

Convention against Transnational Organized Crime (UNCTOC), 159, 161, 171–172

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 158

Convention for the Suppression of the Traffic in Women and Children, 158

Convention on International Sale of Goods,

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 244–245

Crime Prevention and Criminal Justice Program, 161

Department of Peacekeeping Operations (DPKO), 141, 216, 258

Development Programme (UNDP), 138, 222–223, 272, 322

Human Rights Committee (See Human Rights Committee (UN))

Human Rights Council, 138

Legal Empowerment of the Poor Initiative, 204 Office of the High Commissioner for Human Rights, 138

Office of the High Commissioner for Refugees, 213, 222–223

Office on Drugs and Crime, 138–139, 161, 222–223

Peacekeeping Resource Hub, 13, 141 Protocols on Trafficking in Persons and Smuggling of Migrants, 159

Report on Sustainable Development, 50 Research Institute for Social Development, 94–95

Rule of Law Coordination and Resource Group, 139

Rule of Law Document Repository, 13, 141 Security Council (See Security Council (UN))

Third Committee (See Human trafficking, criminalization of)

World Summit Outcome Document, 51, 54–55 United States, 128

Agency for International Development (USAID), 114, 115, 118, 124–125, 127–128, 184, 196, 198, 202, 203, 222–223, 272

American Bar Association (See American Bar Association (ABA))

Bureau for Democracy, Conflict and Humanitarian Assistance, 118

Bureau of Democracy, Human Rights and Labor, 118

Bureau of International Narcotics and Law Enforcement Affairs, 221

civil–military cooperation in rule of law promotion by, 206, 207, 208 Defense Department, 118, 217, 218

Government Accountability Office, 114, 117, 156–158, 169

human trafficking and, 161, 162, 167, 168–169, 178, 180

Human Trafficking Protocol and, 175

Information Agency (USIA), 118 instruments and strategies for rule of law promotion, 124–125

International Criminal Investigative Training Assistance Program, 118

Judge Advocate General, 211

Justice Department, 118, 217

Millennium Challenge Account, 124–125 Millennium Challenge Corporation, 124–125

Office of Democracy and Governance, 114, 118

Office of Overseas Prosecutorial Development,

Assistance, and Training, 118 organizations involved in rule of law promotion, 117–118

promotion of rule of law, downgrading of,

Rule of Law Division, 118

State Department, 118, 168–169, 217, 221

Trafficking in Persons Reports, 169

Universal Declaration of Human Rights, 23 Upham, Frank, 242



978-1-107-02471-7 - Rule of Law Dynamics: In an Era of International and Transnational Governance Edited by Michael Zürn, André Nollkaemper and Randy Peerenboom Index

Index

More information

380

Venezuela promotion in (See Middle-income countries, indigenous peoples in, 194 rule of law promotion in) World Bank rule of law promotion in, 185, 188 multiple rule of law promotion strategies, Verkuillen, Jay, 33 sovereignty and, 69, 70 Vietnam World Governance Indicators (See World cognitive legitimacy of rule of law in, 246, 247 dialogical forums in, 250 Governance Indicators) Ministry of Justice, 250 World Governance Indicators Project, National Assembly, 250 UN Development Programme in, 250 World Governance Indicators Vietnam War, 209–210, 211–212 generally, 26–27, 137 Bertelsmann Transformation Index compared, Wahid, Abdurrahman, 74 30 Washington Consensus, 184, 235, 312–313 concept, 27 Watson, Alan, 234 Freedom House Index compared, 30 Weber, Max, 235 gap between rule of law and democracy, Wennerström, Erik, 218 31-32 Westphalian sovereignty, 70 reliability, 27-28 "White slavery." See Human trafficking, scope, 27 criminalization of trends, 28-30 Williamson, John, 235 validity, 27 World Justice Project Index, 311–312 World Bank aggregation rules, 45–46 generally, 3 concept, 43-45 Afghanistan, civil-military cooperation in rule of law promotion in, 217, 222-223 reliability, 45, 46 Articles of Agreement, 181, 184 scope, 45 capacity, diffusion of, 138, 139 validity, 46 coercion mechanism and, 82, 83 World Summit Outcome Document (UN), 51, conditionality and, 145, 151 Country Policy and Institutional Assessments, World Trade Organisation (WTO) constitutionalization in, 99 "Doing Business" Program, 183, 185-186, 188 dispute settlement mechanism, 66 East Timor and, 150 General Agreement on Tariffs and Trade emulation mechanism and, 81-82 (GATT), 66 on failure of rule of law conversion in rulemaking, 11 developing countries, 235 sovereignty and, 69 Implementation Completion Report, 186-187 TRIPS Agreement, 66 Independent Evaluation Group, 186-187 Wrange, Pal, 291 Inspection Panel, 81-82, 150, 152 WTO. See World Trade Organization (WTO) International Bank for Reconstruction and Development, 139 Zajac-Sannerholm, Richard, 16 International Development Association, 145 Zangl, Bernhard, 99 knowledge and beliefs, diffusion of, 141, 143 Zelaya Rosales, José Manuel, 59 middle-income countries, rule of law Zürn, Michael, 10–11, 81