



LAW

OPPORTUNITIES

COUNTRY

- Political transition
 - Military rule to civilian government under a new constitution (since 2011)
- Economic transition
 - State control (with crony capitalism) to liberal market economy
- Legal transition
 - Rule by decree to rule of law

LEGAL

- Modern legal framework built on British colonial era laws, supplemented by:
 - Post-independence parliamentary enactments (1947-1961)
 - Socialist & military era decrees (1962-2010)
 - New parliamentary era laws (post 2011)
- Judicial system weakened with limited capacity, corruption and lack of independence
- Legal profession is weak with limited exposure to modern legal practices
- Very limited legal capacity within Government

LEGISLATIVE PROCESS

- Preparation of legislation is decentralised
 - Individual ministries draft their own laws
 - No central government body with statutory drafting mandate or capacity
 - Limited coordination amongst ministries
- Parliamentary vetting procedures
 - Bill committees in both houses of parliament
 - Private input is limited
- New laws passed without regard to budgetary constraints and institutional capacity

CONDUCTING

- Identifying key policy issues
 - Formulation and publication of policy
- Consultation on draft laws
 - Public consultation process and seeking written submissions
- Building capacity within Government during law reform process
 - Understand existing practices and procedures
 - Educate government officials on reforms (by existing practices to law reform)
 - Institutional and organisational change as a result of law reform

STRENGTHENING

- Instilling basic principles
 - Everyone is subject to the law
 - Respect for individual rights and freedoms
 - Executive decisions subject to review and appeal
 - Transparency
- Strengthening legal capacity in Government
- Engaging the whole of Government on rule of law principles
- Judicial capacity building