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# IAD ALUMNI UPDATE

## **Zandile Mbuya, MPS, 2000, International Development/Zimbabwe**

IAD facilitated my post-graduate studies at Cornell University, and this has had a profound impact in my life. Through the initiative of the Institute, I was able to connect with like-minded individuals who are concerned about the condition of Africans and the African continent. The development, or lack thereof, of Africa was at the fore of many IAD seminars. It was during these seminars that I was able to interact with intellectuals and experts, all with remarkable views regarding charting the way forward. Topical issues surrounding underdevelopment and poverty came to life in a new light for me. I was both enlightened and challenged to think/talk about problems and possible solutions. The seminars created for me networks that I continue to treasure to this day. Today, I am back in Zimbabwe living the reality of the IAD seminar discussions, realizing that we (Africa) still have a long way to go. The task at hand is immense, and the challenges are many and complex. However, I am better equipped to contribute towards the development of Africa, thanks in part to the opportunities provided by the IAD.

## **Wakhile Mkhonza, MPA, 2010, CIPA/Swaziland**

Since my 2010 graduation from the Cornell Institute for Public Affairs, I have been based in Pretoria, South Africa, where I am employed by the Economic Development Department of the South African government as a Deputy Director for Economic Planning. Most recently I have been working as part of the technical task team to the Presidential Infrastructure Coordination Commission (PICC) to package a new, twenty-year, \$500 billion infrastructure plan for South Africa. Cornell was a wonderful experience for me, and as each day passes I am even more grateful for the opportunity IAD gave me to pursue my academic and professional interests.



## **Adjii Bousso Dieng, MPS, 2012, Applied Statistics/Gambia**

After graduating from Cornell I joined the Chief Risk Officer Group/Market and Counter-party Risk Department of the World Bank Group as a Junior Professional Associate. Prior to that, I spent one semester at the International Finance Corporation as an intern within the Doing Business Team in the Global Indicators and Analysis Department. The flexibility of the MPS in Applied Statistics program and the quantitative skills I acquired at Cornell were instrumental in making me a competitive candidate in the job market. IAD played an important role in my academic success. Thanks to the IAD tuition fellowship I could afford to put all my focus on succeeding academically rather than worrying about how to fund my studies. The IAD special topic weekly seminars about development issues in Africa made me more aware of the struggles Africa faces both socially and politically.



## **T. Negbalee Warner, LLM, 2002, Law/Liberia**

The fellowship from IAD made all the difference in my life. It is to Institute's credit that I completed the LLM program and got admitted to the New York Bar. I am now contributing to my country and the global community. I am currently a Professor of Law at the Louis Arthur Grimes School of Law in Liberia and formerly head of the Secretariat of the Liberian Extractive Industries Transparency Initiative (LEITI), which seeks to promote transparency in the oil, mining, and logging sector of Liberia.

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## UPCOMING CONFERENCES

### **Center for the Study of African Economies 2015: Economic Development in Africa**

St Catherine's College, Oxford  
22-24 March 2015  
<http://www.csae.ox.ac.uk/conferences/2015-EdiA/>

### **2015 Africa Conference: Development, Urban Space, and Human Rights in Africa**

The University of Texas at Austin:  
April 3-5, 2015  
Austin, Texas  
<http://www.codesria.org/spip.php?article2033>

### **Collective Mobilisations in Africa: Contestation, Resistance, Revolt** ECAS 2015

6th European Conference on African Studies  
Paris, 8-10 July 2015  
<http://www.ecas2015.fr/theme/>

### **Global Health and Innovation**

March 28-29, 2015  
Yale University, New Haven  
<http://www.uniteforsight.org/conference/>

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## TRAVEL GRANTS

### **Mario Einaudi Research Travel Award**

The Mario Einaudi Center and its associated Programs sponsor the International Research Travel Grants. These grants provide travel support for Cornell University graduate students conducting short-term research and/or field work in countries outside the United States. They also provide travel support for professional students engaged in various academic experiences in the international arena.

**Eligibility:** Applicants must be enrolled in an approved PhD or Masters degree program at Cornell University, or be enrolled in one of the professional schools. Groups are not eligible to apply as grants are awarded on an individual basis.

The deadline for submission is **February 2, 2015**. [https://einaudi.cornell.edu/travel\\_grants](https://einaudi.cornell.edu/travel_grants)

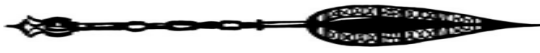
### **Michael C. Latham Conference Travel Award**

Michael C. Latham, M.D., served as professor emeritus and graduate school professor of nutritional sciences at Cornell University; as director of Cornell's Program in International Nutrition for 25 years; and as a long-standing member of the Institute for African Development Advisory Board.

The Institute for African Development Michael C. Latham Travel Award provides Cornell graduate students enrolled in a development-related field with travel support for conferences within the continental United States. Masters' and Ph.D. students enrolled at Cornell who have been invited to present papers at professional conferences may apply for grants to help cover expenses related to conference participation (travel, lodging, conference fees, etc.). Topics should be relevant to African development. The award has a rolling deadline.

*IAD Fellows over the years*





tions are commonly limited to the top five hundred companies. These multinational companies not only sell abroad, but also manufacture and incorporate subsidiaries all over the world. With all this globalization, both business and personal disputes become international. For example, a bankruptcy matter may involve more than one country. The lawyer needs to know the conditions under which the person administering a foreign insolvency proceeding has access to the courts of a state other than his or her own. The lawyer also needs to know how to recognize the conditions of a foreign insolvency proceeding and what sort of rules apply when insolvency proceedings take place concurrently in different states.<sup>39</sup> Parties in a sales contract may, for instance, live in different states and their countries may be party to the United Nations Convention on the International Sale of Goods, which might lead to the application of the convention to disputes arising out of the sales transaction.<sup>40</sup> Where jurisdictions are party to the United Nations Convention on the Limitation Period in the International Sale of Goods, a question of the time within which a party under a sales contract for the international sale of goods must commence legal proceedings against the other party to assert a claim arising from a sales contract or relating to its breach, termination or validity may implicate international law.<sup>41</sup>

Several recent changes are making governments even more concerned with international issues.<sup>42</sup> First, the growth in international trade, travel, and communication forces government to be concerned with protecting its citizens abroad, both bodily and financially;<sup>43</sup> consequently an increase in the scope and nature of domestic regulation on international interaction with others has occurred. Second, problems of the modern world are increasingly seen as trans-boundary in nature, especially pollution and global warming, which refuse to stay within national boundaries.<sup>44</sup> The result has been an explosion in the number of treaties dealing with

trans-boundary issues.<sup>45</sup> Additionally, international organizations, both governmental and non-governmental, have grown. The process of international law has expanded with the proliferation of phenomena such as international tribunals,<sup>46</sup> the International Criminal Court,<sup>47</sup> bilateral investment treaties,<sup>48</sup> environmental norms,<sup>49</sup> and human rights treaties.<sup>50</sup> All these arrangements impact domestic issues.

#### **IV. THE CHALLENGE OF DEVELOPMENT AND LEGAL EDUCATION**

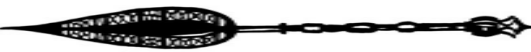
As noted earlier, in response to the challenges of globalization, law schools in developed countries have introduced various international courses.<sup>51</sup> Further, many law schools publish international law journals, summer abroad programs are growing, and most campuses have international student organizations.<sup>52</sup> But the vast majority of students graduating from law schools continue to have little or no exposure to international law.<sup>53</sup> In the U.S., part of the problem is the attitude of students, as many regard international law as either "not law" or as some type of foreign law. But student response is not the same in African countries. It can be argued that because of the origins and nature of the African legal systems, African law schools do not resist learning foreign legal systems. The schools often teach the law of the former colonial master and frequently examine cases from the United States, Europe and other African countries.<sup>54</sup>

The problem for African universities is not resistance to incorporating foreign legal systems into their curriculum but rather that African countries lack the resources and means to carry out the necessary reforms. The prevailing economic conditions and the shortage of resources in almost all African countries hamper Africa's attempt to meet globalization challenges.<sup>55</sup> Although worldwide globalization has helped to increase economic growth and wealth, the increase has not occurred on all continents nor in all countries. In the least developed countries and on the African continent in particular, a worsening of existing imbalances has impeded development

and aggravated poverty. The impact of these changes was highlighted in Africa by economic and social changes specific to the continent from the mid-1970s to the 1990s. These include the virtual collapse of many national economies after international trade terms became unfavorable to economies dependent on the production and export of primary products; civil wars; and more recently, the scourge of the HIV/AIDS pandemic.<sup>56</sup> One consequence of the economic upheaval is that most countries have drastically cut per capita expenditure on education in real terms. This in turn has affected funding for universities<sup>57</sup> and legal education, especially with regard to the development of suitable curriculum and the maintenance of quality. As a result, African legal education has not made the strides it should have to adjust to the needs of the twenty-first century and meet the challenges of globalization. One consequence is that globalization of legal education is unlikely to be truly inclusive.<sup>58</sup> Unless measures are taken to enable poor countries to participate in the process of internationalizing legal education, globalization is bound to marginalize poor countries.<sup>59</sup> The already wide gap in the quality of legal education obtaining between the U.S. and the developed world on the one hand, and developing countries on the other, is likely to widen further.

African law schools need to be able to produce lawyers who can meet the demands of international practice and be able to represent African countries in complex commercial transactions. For example, African countries receive certain large investments in natural resources or large infrastructure projects only if their governments agree to a wide range of contractual commitments with foreign investors. Naturally, both the investor and the state in question seek to obtain the best possible terms over the long time-span of the life of such investments. The negotiation of these commitments is often difficult for African countries, which typically lack the financial and human resources to negotiate effectively. Faced with a highly competent and experienced legal team on the investor side, African nations may





respond by delaying the negotiations or cancelling the investment contract when the full meaning and effect of its provisions becomes clear. Either way, the investment is destabilized and is of less value to both parties.<sup>60</sup>

## V. LEGAL EDUCATION IN AFRICA: COLONIAL HERITAGE AND POST-INDEPENDENCE ARRANGEMENTS

### A. Colonial Heritage

The most striking feature of legal education in African countries before independence was the absence of national education facilities.<sup>61</sup> In the former British colonies the only way to train as a lawyer was to journey to London, join an Inn of Court, and acquire English professional qualifications. There was very little thought and virtually no action upon establishing local training facilities for legal education. As a matter of policy, legal education was discouraged.<sup>62</sup> Few Africans were able to obtain private funds to enable them to travel abroad, and very few government scholarships were awarded for the study of law. A number of reasons were advanced for this state of affairs. Generally, the training of engineers, doctors, and agriculturalists was perceived as more critical to economic development than the training of lawyers. Nonetheless, in cases such as Zambia, for example, emphasis on these other fields was not apparent either. By 1964, at the end of British rule, Zambia

had a mere one hundred university graduates, of whom only two were medical doctors and one was an engineer; the rest were graduates in the field of education. A more likely reason for the evident disfavoring of legal education was that the British, fearing that trained lawyers would turn into agitators for political independence upon their return to the colonies, considered it politically unwise to train African lawyers.

In the colonial enterprise, lawyers were assigned a relatively minor role. The organization of the legal system during the colonial period kept the judiciary, as well as the Bar, away from regular official contact with the African population except in the case of serious criminal offenses.<sup>63</sup> Although customary courts served as the exclusive venue for the resolution of legal disputes between native Africans,<sup>64</sup> lawyers had no role in these courts.<sup>65</sup> At independence, the government reformed the dual court system and introduced a single judicial hierarchy. All people became subject to the same jurisdiction of the same courts.<sup>66</sup> Furthermore, the legal profession was fused in every territory; as a result, every qualified lawyer could practice as both a barrister and solicitor, and almost all did. Under the colonial system, although a call to the English Bar was normally considered sufficient for admission to practice in most African nations, the legal education provided by the Inns of

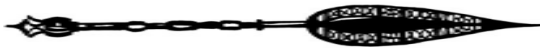
Court was not in itself adequate training for the practice of law in Africa.<sup>67</sup> First, while the Inns of Court training could help an advocate gain proficiency, the same training was not designed to prepare a lawyer for the type of work and the practice of law in the fused bar situation prevalent in the colonies. The Bar training might be described as adequate in a country with a strong Bar; however, students from countries with a weak Bar, as is the case with most African countries, have little prospect for further training in practice. As a result, English training alone left African law graduates inadequately prepared. It also paid no attention to the problems of practicing in an underdeveloped nation with multiple law systems.

In the context of former British colonies, the 1961 Report of the Committee on Legal Education for Students from Africa first drew attention to the need for local education.<sup>68</sup> Chaired by Lord Denning, the Committee recommended that in the future, African countries should not admit lawyers to local practice merely on the basis of British qualification, but should require additional practical training in local law and procedure. The Committee further recommended the establishment of local training facilities.<sup>69</sup>

### B. Post-independence arrangements in education

In most African countries post-independence legal education is divided into two segments: three years for a law degree in the university, and a professional year spent at a college of law.<sup>70</sup> The first year of law school is composed of five compulsory courses: legal process, law of contract, torts, criminal law, and constitutional law. The second year typically offers land law, commercial law, family law, evidence, and administrative law as compulsory classes. The third and final year offers jurisprudence and company law; in addition, the student is required to select three courses from among the following: international law, labor law, international trade, and criminology.<sup>71</sup> Almost all African law schools require third-year students to submit a satisfactory piece of written work on some legal aspect prepared under the supervision





of a member of the teaching faculty. Students in their second year participate in a moot court program based on appellate briefs and arguments.

What is lacking in this program of study is an intentional and systematic study of legal writing. Employers grumble incessantly about the poor writing abilities of law graduates. It is time to take pains to see that all students are well taught by competent, properly-trained instructors. In American law schools, legal writing is taught as a full-time course by law teachers specially qualified to teach legal writing. There are practical reasons for this approach. Regular law faculty have no professional interest in teaching composition courses. It is hardly surprising that regular faculty shun this kind of teaching. They are not hired to wrestle with such problems; their professional success depends on publishing and their pedagogical interests do not lie in teaching writing but in teaching law. The study of writing requires persistent contact between teacher and students. It requires assigning, reading, and commenting on many papers not simply to justify a grade but to offer guidance and suggestions for improvement. It requires spending a great deal of time with individual students, helping them not only to improve particular papers but also to understand fundamental principles of effective writing that will enable them to continue learning throughout their lives.

The basic approach to legal education in most former British colonies is English. The teaching methods are weighted heavily toward the English approach, with, however, more emphasis on formalism than in England.<sup>72</sup> Students are taught to memorize large numbers of rules organized into categorical systems (requisites for contract and rules about breach, for example). They learn issue-spotting and to identify the ways in which the rules are ambiguous, conflicting, or inadequate and incomplete when applied to particular factual situations. Students do not usually learn case analysis, as the basic tools for instruction are textbooks rather than casebooks or law reports; instead, students learn general broad holdings of cases. They generally do not learn policy arguments. Most of

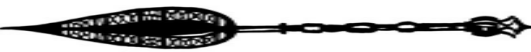
the rules come directly from English textbooks; it is easier to learn British rules than local rules in the African context because, despite over fifty years of independence, the difficulties of working with local materials are formidable. Until recently, law reports containing cases decided by the African courts were often not available.<sup>73</sup> There are very few books and other local published materials; where they do exist, they are often out of print or very difficult to obtain.<sup>74</sup> In addition, teaching loads are heavy, and preparation is consequently inadequate as lecturers frequently lack the necessary orientation. The curriculum design and objectives, including pedagogy left with developing nations following independence, are almost a mirror image of British common law or European civil law systems, which were developed in an entirely different socio-economic/cultural context and have long since been reformed in their countries of origin.<sup>75</sup> This continues to be the case despite the changes that have been implemented in law school curriculum in the countries of former colonial powers.

The heavy “rule focus” of African legal education is troubling. As Whitehead warned, “[w]hatever be the detail with which you cram your student, the chance of his or her meeting in life exactly that detail is almost infinitesimal and if he or she does meet it, he or she will probably have forgotten what you taught him or her about it.”<sup>76</sup> Whitehead goes on to say: “The really useful training yields a comprehension of a few general principles with a thorough grounding in the way they apply to a variety of concrete details.”<sup>77</sup> Today Africa needs legal training using local, international, and comparative materials to the extent possible, with emphasis on developing the ability to think clearly and critically rather than the memorization of rules of law. The need for legal education that stresses thinking as opposed to rote learning is even more necessary in Africa than in the United States or England.<sup>78</sup> While law graduates in the United States or other parts of the developed world are often, upon entry into the profession, under the guidance of more experienced lawyers working in well-resourced law firms

where they are gradually given increased responsibility as they become ready for it, the recent African graduate (in spite of the well-intentioned segment of practical training offered upon completion of law studies) has little or no opportunity for further education or refinement of legal skills after completion of formal training. Further, African societies are in the midst of radical social and economic change on all fronts. This situation makes it more likely that the “right answer” is no longer right or relevant because the society in which the rule is to be applied has changed in the interim.<sup>79</sup> In light of such rapidly changing conditions, legal training will not produce lawyers with skills adequate to meet the challenges of development and globalization unless African materials as well as international and comparative law materials are used and teaching methods are changed to emphasize creative thinking instead of rule learning.

The second segment of legal education in Africa—the professional year spent at a College of Law—was originally intended to provide the kind of practical training that would prepare students for the actual practice of law, and this additional training is in fact required before the holder of a law degree can actually practice. Typically, a college of law provides one year of post-graduate study for individuals wishing to enter the profession.<sup>80</sup> A Council of Legal Education, chaired by the Chief Justice of the country, oversees the College of Law, which requires full-time attendance. As originally envisioned, the method of instruction was to be as practical as possible with few formal lectures,<sup>81</sup> creating the atmosphere of a practitioner’s office. Using a graded series of exercises in each subject, the students were to receive practical experience over a far wider field than that covered by most articulated clerks.

Unfortunately, many colleges of law have not realized their objectives. As there is usually a shortage of full-time qualified practitioners on the staff, the plan to teach skills through a graded series of exercises is usually not fully implemented. Further, this segment of the training focuses exclusively on



the needs of domestic legal practice, completely ignoring international and comparative law. The colleges of law have become poor versions of university law schools, with students attending lectures and courses increasingly taught as academic subjects. The only practical experience students receive is through work at the various law firms to which they are attached. The problem with this arrangement is that students' acquisition of practical skills depends on the enthusiasm and commitment of the supervisor within the assigned firm or government department. The average African law firm is small and often poorly organized. Generally, experienced lawyers are too busy to assist in the development and training of young lawyers. Moreover, in some cases, apprenticeship to members of the existing Bar may only perpetuate the relatively low standards of the old.

The colleges of law could become more effective by introducing clinical legal education as part of their program and establishing legal clinics with experienced full-time instructors. In such clinics law graduates could be taught practical subjects while handling actual legal problems and appearing in court under the watchful eye of the instructor. These programs should include a focus on international legal problems. Students should appear in court with attorneys from the college-of-law clinic. The object would be to train students not by telling

or showing them what to do but by having them do the work themselves under supervision and subject to correction. As the Ormrod Committee Report stressed, it must always be remembered that this stage of training has two main objectives: first, to enable students to adapt the legal knowledge and intellectual skills acquired in the academic stage to the problems that arise in legal practice; and second, to lay the foundation for the continuing development of professional skills and techniques throughout the student's career—including those skills that are required to practice law in an interdependent world.<sup>82</sup> It follows that the amount of substantive law to be studied during this stage of legal training should be kept to a minimum, and the temptation to require candidates to cover additional law subjects should be resisted.<sup>83</sup> This segment of legal training should, however, include curriculum that introduces students to international legal practice. This could be accomplished by including courses on international litigation as well as clinics that deal with international legal issues.

#### **VI. LEGAL EDUCATION REFORMS AND AFRICA'S CAPACITY TO MEET THE CHALLENGES**

There has always been recognition that a lawyer must maintain and develop his or her professional skills to meet the environment he or she is

practicing in. This is especially important in the current era of information explosion. As noted earlier, law schools in the developed world have, in part, responded to globalization trends with the development and encouragement of international exchange programs. In these programs, schools invite foreign law faculty as visiting teachers and sometimes establish more permanent relationships between law faculties. Unfortunately, Africa is unlikely to fare well in exchange programs. Many factors militate against exchange programs between African law schools and schools of developed countries. As a result of economic instability, disease, violence and lack of infrastructure, many perceive Africa as an expensive and unsafe place to study. Students face the problem that credits from African law schools will not transfer to home institutions.

Another major challenge facing African countries is establishing viable continuing legal education programs. In the absence of such programs, lawyers are left with self-study—reading books, articles, and current decisions—to keep abreast of new developments in legal thought. It is widely acknowledged that this kind of self-education is not sufficient to keep a person up-to-date and competent as the interactive elements so crucial to training—for example, the Socratic method of questions and answers, valuable discussions, and the

*Muna Ndulo and Steve Kayizzi (AfD); seminar students*





impact of a knowledgeable speaker on a topic—are missing. As the Organization of Commonwealth Caribbean Bar Associations Regional Seminar observed, “the legal profession individually and collectively has an obligation to meet the current needs and modern challenges by fostering schemes which provide a well-ordered system of continuing legal education.”<sup>84</sup>

In developed countries, continuing legal education comprises training in various areas of the law (including new areas) as well as procedure and practice. It is available to lawyers after admission to practice and should encompass judges as well as lawyers in practice. The approaches, methods, formats, and scope of continuing legal education programs vary throughout the world. They range from informal seminars and in-house programs and conferences to structured programs with detailed curriculum and courses leading to specialization. The main providers of continuing legal education include national, state, territorial and regional professional associations, universities, law schools, government agencies, and private interest groups. In Africa, Law Societies and Bar Associations bear the greater part of the responsibility for providing continuous legal education. Far too often, this imposes a burden on “volunteers” who are busy practitioners giving what precious time they can to organize, conduct, and encourage the process. African universities need to play a greater role in this field and should be in the forefront of advancing continuing legal education. Universities and law schools are established for this very purpose—to teach, train, and disseminate knowledge. Unfortunately, African law schools are so severely constrained by budgetary cuts that very few are able to cope with finding increased funding for legal education.<sup>85</sup>

Technological change also brings an important new dimension to both the teaching and practice of law. In the past, legal education was really about preparing people for the legal profession and, consequently, the mission of law teaching was certain. Today, however, law graduates enter all kinds of professions.

It has become less obvious what needs to be taught in legal education—and how it should be taught. Unfortunately, imaginative courses are assumed to be more expensive or just more awkward for already hard-working educators bowing under the pressure of larger student numbers, less student certainty over careers, and relatively poor salaries for academic staff. Nonetheless, as Martin has observed: “the pace and contours of change vary from place to place, but nearly everywhere the impact of digital information and communication on law-related functions seems both breathtakingly rapid and inexorable.”<sup>86</sup> This is particularly important for African law schools, which do not possess the financial, logistic, or linguistic resources to collect materials from all over the world.<sup>87</sup> Collecting official gazettes, laws, and case reports from many jurisdictions puts enormous demands on space and financial resources. The problem in Africa is not so much the absence of foreign materials but an absence of legal materials in general. In desperation, many libraries fill their shelves with donated used books. However, this mode of staffing a library is not systematic, leads to many gaps, and cannot therefore be a basis on which to build a library that will support lawyer training programs adequate to meet the challenges brought about by globalization and the internationalization of law.<sup>88</sup> The real solution is to build and use resources available online.<sup>89</sup>

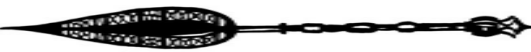
The opportunities of technology appear limitless. Properly utilized, information technology can be an enormous benefit in both the teaching and practice of law. Large numbers of students can read case law and other legal materials more efficiently online than by queuing up for access to a limited number of books in the library. Databases are being constructed to collect legal materials that were previously hard to find and extremely costly to acquire and thus often not available to most libraries in Africa. The problem in Africa, however, is the limited ability of universities to acquire the computers, software and staff necessary to make these resources available to students. In addition, in order for Africa to take full advantage of the technologi-

cal advances, it is necessary to develop indigenous capacity in this field.<sup>90</sup> Only then can African law schools gain access to the legal information that is available. Technology also offers the possibility that global scholarly exchanges may occur with relative ease. It can thus be stated that *funding* is the only limitation that cannot be overcome by innovative programs and changes in attitude.

The development challenges in Africa are such that Africa needs well-trained lawyers who understand both domestic and international practice. The traditional system of legal education in Africa produces lawyers trained to become legal technicians. They are encouraged to have little or no interest or comprehension of the policy issues inherent in the law. They are generally reluctant to criticize current law. Even as technicians they have limits, for few are competent to represent national and commercial interests in international transactions involving complexities of taxation and international finance. Africa needs lawyers with the technical competence to do a first-class job in negotiating a contract, understanding international banking, and drafting papers for international loan transactions or large infrastructure contracts. At present, most African governments turn to outside lawyers for complex international transactions. The legal problems of financing huge enterprises are far more complex than the legal problems of borrowing from banks or traditional private sources. Good legislative drafters and good lawyers properly trained in international concessions agreements can move the wheels of progress, while narrow, pedantic, unimaginative, and ill-trained lawyers hinder much-needed development.

Courageous and imaginative lawyers can help achieve political stability in a multi-cultural society by helping design viable political institutions.<sup>91</sup> International and comparative lawyers can likewise assist the country in moving toward both regional cooperation and cooperation on the wider international scene. As such, lawyers in developing countries face challenging tasks not present in the more economically ad-





vanced nations.<sup>92</sup> African lawyers are expected to relate legal institutions, as well as social and political institutions, to the general and specific premises of expansion and development. To do this, a lawyer needs a broadly based education to enable adaptation to new and different situations as his or her career develops, an adequate knowledge of the more important branches of the law in both its principles and its international dimensions, and the ability to handle facts both analytically and synthetically. He or she needs the capacity to work not only with clients but also with experts in different disciplines. He or she must likewise acquire a critical approach to existing law, an appreciation of its social consequences, and an interest in, and positive attitude toward, appropriate development and change.

How, then, can the quality of lawyers be improved to cope with these challenges? Universities and law schools need more imaginative degree programs. For example, more international and comparative law courses and research-oriented courses can enable graduates to conduct independent research on the tasks they face in practice and to write meaningful and informative papers for use by those charged with decision-making. African law schools must seek to teach not only law as it is, but also its development and its international context. The foundation year should include a course that exposes students to ideas and concepts in international law as well as comparative law. The objective should be to expose students to other legal systems in the world and to international legal norms. Schools should also have a place for perspective courses such as the sociology of law, and law and society. Clinical legal education as part of the curriculum at African law schools could provide an enriching and significant component of the law school experience.<sup>93</sup> As Jessup observes, clinical programs need both a general clinic and a development clinic to deal with the twin problems of representing the poor in courts and also with training the lawyer to participate more effectively in the development process.<sup>94</sup> To this should be added human rights clinics dealing

with both domestic and international human rights law to expose students to international litigation and practice.

Though it is not difficult to restructure or modernize the curriculum, serious obstacles stand in the way of such changes. The most intractable problems relate more to implementation than to planning curriculum. Schools can achieve very little through better selection and organization of courses if the methodology continues to be inadequate, if the library is insufficient and research is non-existent. The downturn in the continent's economic fortunes has taken a heavy toll on African universities and their law schools. Recruitment, and particularly retention, of able African law teachers by impoverished universities has become increasingly difficult, and that problem has affected the quality of legal education.<sup>95</sup> Overall, the present university system is quite rigid. African universities are often autocratic, over-centralized, and run by administrations insensitive to the changing needs of various academic disciplines. Law schools lack the autonomy and law teachers the flexibility to expand course offerings with imaginative courses. They will have to fight for more power and autonomy.

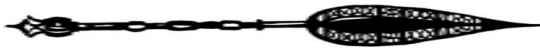
In the final analysis, effective law teaching can develop only with the development of research capacities in African law schools. For example, there is a need to modernize laws to meet the needs of the twenty-first century. In order to enrich the teaching of law in relevant fields, law professors should study the policies and operations of the many new agencies and dispute settlement mechanisms that have been created in the international field so that they can include that knowledge in their courses. This has to be done in the context of African conditions. In addition, the examination of local conditions will enable lawyers to move away, as Gower observed, from the belief that "English law is the embodiment of everything that is excellent even when applied to totally different social and economic conditions."<sup>96</sup> What scholars discover in their research will thrust them into African reality and make them aware of the way the law they have learned is op-

erating. One cannot overemphasize the important role that African law schools can play in general research and legal research in particular. As Sidney Hook observed, "A university should serve society without being subservient to society, but it is not its function to remake society by reform, revolution or counter-revolution. Its task is to become a center of intellectual adventures and discovery, a birthplace of fresh insight and vision, an arena where fundamental ideas are pronounced, challenged, and clarified and where students of a subject are prepared by competent teachers to become its masters."<sup>97</sup> Through teaching and scholarship, every African law school faculty member should strive to make his or her law school such a center and should also undertake the more specific task of showing how fresh insight and vision can be translated into practical measures that bring about development, lessening of suffering among a great many people, and the democratization of the otherwise underdeveloped and autocratic nations of Africa. Too few African legal scholars are engaged in law and development research, and among those very few can escape the criticism Riesman raised with respect to legal research in America: "[T]oo few professors are critical scholars, most of them are doing the housekeeping of the law, trying to keep track of decisions and make sense of them."<sup>98</sup> More serious research in Africa is also hampered by limited libraries, lack of publishing facilities, and inadequate secretarial and office support services.

## VII. CONCLUSION

Given the economic picture painted above, the inescapable conclusion is that African law schools are falling further behind those of the developed world in their attempts to restructure their curriculum and meet the challenges of globalization.<sup>99</sup> African law schools lack the resources necessary to implement much-needed changes in their curriculum to meet the needs of a globalized legal practice. American University's Washington College of Law and other schools have adopted a useful qualitative, process-oriented approach





which sets out the programs necessary to transform domestically oriented legal training into training that is interconnected with the world.<sup>100</sup> They suggest the following measures: (a) creating links between the study of domestic law and international law; (b) studying different legal systems; (c) including cultural and gender issues in the academic agenda; (d) including the perspectives of other academic disciplines in the study of law and (e) promoting social change and international awareness through purpose-oriented programs outside the curriculum.<sup>101</sup> I would add creating an awareness of the legislative and norm-creating role of international organizations and an awareness of development and poverty issues in the world.

Finally, African law schools have to address two problems if they are to have the capacity to effectively internationalize their curriculums: first, the availability of teaching materials, and second, retention of highly trained law teachers. African law schools are in great need of teaching materials which not only provide analytical treatment of traditional law subjects but also introduce students to various topics of international and comparative law. The paucity of materials could be alleviated by the use of electronic information; as observed earlier, connecting African law schools to the internet would give schools access to a wide selection of materials that would otherwise be unattainable. This is particularly important in view of the school's critical shortage of resources to develop their own materials. The problem of retaining highly trained law teachers is also critical as many schools currently experience high turnover of teachers. Bright young people with good commercial prospects are unlikely to remain in teaching unless they have a high perception of their worth through their work and from the way they are perceived by others. Few really able people want to work for long in situations that offer limited rewards in either money or prestige—and such is the case with law teaching in Africa today. The problems encountered in maintaining continuity and retaining experienced law teachers in turn hinders the faculty's efforts to give

the law school a sense of direction and purpose. On the other hand, a driving core of key faculty initiators working to formulate a meaningful educational response to social and economic challenges and change could inspire a generation of law teachers with a new sense of purpose and worth, giving rise to law schools that are effective, international and yet uniquely African.

#### *About the Author*

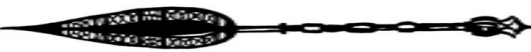
**Muna Ndulo** (LLB, Zambia; LLM, Harvard; D.Phil., Oxford), is Professor of Law at Cornell University Law School and Director of Cornell's Institute for African Development.

#### *Notes*

1. L.C.B. Gower, *Independent Africa: The Challenge to the Legal Profession*, 1967, 102.
2. Elaine McArdle, *A Curriculum of New Realities*, *Harvard Law Bulletin*, Winter 2008, p. 18. The article explains Harvard Law School's new curriculum.
3. Thus for example the University of Cape Town Law School declares: "The LLB degree aims to provide students with a sound knowledge of the general principles of the South African legal system, and an ability to use legal materials effectively. Graduates should be able critically to assess, interpret and apply the law and have the historical, comparative and jurisprudential background that is essential for a thorough and critical understanding of law and legal institutions." University of Cape Town, South Africa, [www.UCT.ac.za/law](http://www.UCT.ac.za/law).
4. Elaine McArdle, *Harvard Law School Bulletin*, Winter 2008, p. 19.
5. As the *NAFTA Law and Business Rev. of the Americas*, Winter special tribute observes, "Dramatic changes in global relations have borne out the foresight of the late SMU School of Law Dean Robert G. Storey and the late Professor A. J. Thomas, Jr. 50 years ago: we live in a world that requires a radically different vision of legal education, in which one of the Law School's objectives should be the promotion of greater contact and understanding of the many legal cultures that make up our global community." 4-WTRNAFTA : *Law and Business Review of the Americas*. 23.
6. John Edward Sexton, *The Global Law School Program at New York University*, 46 *J. Legal Education*. 329, 331 (1996). New York Law School (NYU) has done more in

internationalizing its law program than perhaps any law school in the world. In 1964 New York University announced the creation of the world's first global law school program. Supported by half of an anticipated \$75 million endowment, it intends to bring between 18–20 foreign law professors (most to teach for a full or half semester), ten foreign graduate students, and ten visiting foreign scholars (professors, judges, and government officials) to NYU to interact and collaborate with resident professors and students. Part of the funds will also be used to generate innovations in the curriculum and to hold conferences that reflect the impact of an emerging global economy. In 1997, NYU School of law had almost 225 foreign students representing 50 countries enrolled out of a total of 1500 students. At this level of commitment, as foreign and American faculty and students spend time together, they will both learn about the international legal order in a more denationalized manner as well as gain new perspectives on American law. See David Clark, *Transnational Legal Practice: The Need For Global Law Schools*, 46 *Am. J. Comp. L.* 261 (1988).

7. See John A. Barrett, Jr. "International Legal Education in U.S. Law Schools: Plenty of Offerings, But Too Few Students," 31 *International Law*. 845, 848–50 (1997).
8. The United Nations Commission on International Trade Law has for instance elaborated several conventions, e.g. United Nations Convention on Contracts for the International Sale of Goods, Vienna, 1980; UNCITRAL Arbitration Rules, Convention on the Settlement of Investment Disputes Between States and Nationals of Other States elaborated under the auspices of the World Bank.
9. See Barrett, *supra* note at 848.
10. For a discussion of the impact of internationalization of domestic law, see generally Dr. Charlotte Ku & Christopher J. Brogen, "American Lawyers and International Competence," 18 *Dick. J. Int'l L.* 493, 505–11 (2000)
11. Agreement Between the World Intellectual Property Organization and the World Trade Organization (1995) and Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) (1994).
12. Southern African Development Community Treaty (1992). For example the Southern African Development Community envisages the setting up of dispute resolution mechanisms. Article 32, Treaty of the Southern African Development Community, 1992.



13. Justice John Perry, Challenges of the New Millennium, address to the Commonwealth Legal Education Conference 2000, CLEA, Newsletter No. 84 June 2000, at 18. See also Charlotte Ku & Christopher J. Borgen, "American Lawyers And International Competence," 18 *Dick. J. Int'l L.* 493 (2002).

14. Akilappa Sawyer, Challenges Facing African Universities, 1 (unpublished).

15. See Adelle Blackett, "Globalization and its Ambiguities: Implications for Law School Curricular Reform," 37 *Colum. J. Transnat'l L.* 57, 58-59 (1998).

16. W. Twining, supra. Note at 14.

17. Mary Kay Anne, "Teaching and Scholarship in a World without Borders," *Ass'n Am. L. Sch. Q. Pub.* (Ass'n Am. L. Sch.), (2001).

18. See Mary C. Daly, "The Ethical Implications for the Globalization of the Legal Profession: A Challenge to the Teaching of Professional Responsibility in the Twenty-First Century," 21 *Fordham Int'l L. J.* 1239 (1998)

19. Id.

20. See Mary C. Daly, "The Ethical Implications Of The Globalization of the Legal Profession: A Challenge to the Teaching of Professional Responsibility in the Twenty-First Century," 21 *Fordham Int'l J.* 1239 (1998).

21. Mary Kay Anne, "Teaching and Scholarship in a World without Borders," *Ass'n Am. L. Sch. Q. Pub.* (Ass'n Am. L. Sch.), Nov. 2001.

22. Adelle Blackett, "Globalization and its Ambiguities: Implications for Law School Curricular Reform," 37, *Columbia Journal of Transnational Law*, 57 (1998).

23. See Barrett, Supra Note At 849

24. Gloria M. Sanchez, "A Paradigm Shift in Legal Education: Preparing Law Students for The Twenty-First Century: Teaching Foreign Law, Culture, and Legal Language of the Major U.S. American Trading Partners," 34 *San Diego L.Rev.* 635, 637

25. Ken Meyers, "World Gets Smaller as Number of International Programs Grows," *The National Law Journal*, Vol. 18, No. 15, 1995. Meyers observes that twenty years ago, there were only a handful of foreign legal study programs, mostly in England and big cities elsewhere in Europe. Id. Now, more than 100 schools offer opportunities to spend a summer or a semester in such diverse locales as Malta, South Africa, Australia and Israel. Id.

26. Elaine McArdle, "A Curriculum of New Realities," *Harvard Law Bulletin*, Winter 2008, p. 21.

27. *Cornell Law School 2002-03 Catalog*, 20.

28. The New England Law School in the

United States gave faculty members small stipends as initiatives with which to create global materials for incorporation into their courses. See Tonim Fine, note.

29. See David S. Clark, "Transnational Legal Practice: the Need for Global Law Schools," 46 *Am. J. Comp. L.* 261, 268-74 (1998).

30. Besides working on international issues in a lawyer's home country, an American lawyer, for example, with a degree from a global law school could practice in a foreign office of a U.S. firm or the U.S. branch office of a foreign firm. See Clark, supra note at 273-74. Further, companies with a foreign presence also need lawyers with knowledge of international law. Id.

31. "[K]nowledge of one's cultural assumptions is crucial because choices are drawn from cultural contexts with which the individual may or may not be familiar...Culture and law, as cultural institutions, are objective (social) and subjective (interpretative) experiences which require reflection and awareness by the practitioner." Gloria M. Sanchez, "A Paradigm Shift in Legal Education: Preparing Law Students for the Twenty-First Century: Teaching Foreign Law, Culture, and Legal Language of the Major U.S. American Trading Partners," 34 *San Diego L. Rev.* 635, 652-53 (1997).

32. See Sanchez, supra note, at 637

33. Adelle Blakett 37 *Colum. J. Transnational Law*, 5. Adelle Blakett suggests that law schools need not aim at producing lawyers who know all the law, but rather students who can think critically, analyze complex materials efficiently, articulate their opinions cogently and persuasively, write forcefully, and represent their clients with integrity. These lawyers should be able to develop the skills not only to learn the law, but to recognize that they can influence and are influencing its constant—and according to globalization, rapid, but certainly not linear—development. at 69. See also Max Gluckman, *The Judicial Process among the Barotse Of Nothern Rhodesia* (Zambia), 1973. (Discussing judicial concepts among the Barotse.)

34. Twining observes that we know that the word "lawyer" is both vague and ambiguous; for example, is it confined to private practitioners of law in active practice? Does it include judges, law teachers, legally qualified people employed in the public service or in the private sector in legal roles? Or does it cover any law-trained person? Similar considerations apply to terms like "law student," profession, "legal services," "legal work." William Twining, "A Cosmopolitan Discipline? Some

Implications of 'Globalization' for Legal Education," *Journal of Commonwealth Law and Legal Education*, Vol. 1. No. 1, December 2001, 19.

35. See Barrett, supra note at 845.

36. John Barrett, "International Legal Education in U.S. Law Schools: Plenty Offerings but too Few Students," 31 *Int'l Law* 855.

37. Id.

38. Joseph Weiler, speaking about the Global Law program at New York University Law School observed: I take globalization as a given and I believe that it has had, and will continue to have many beneficial and negative effects on rich societies and poor. Global Law, *The Newsletter of the Hauser Global Law School Prohrtam at New York University School Of Law*, No. 10; 3 (2002).

39. The United Nations Commission on International Trade Law (UNCITRAL) has developed a Model Law on cross border insolvency. See *UNCITRAL Model Law on Cross-Border Insolvency* (1997).

40. United Nations Convention on the International Sale of Goods, Vienna, 1980. Article 1 provides that "The Convention applies to contracts of sale of goods between parties whose places of business are in different States: (a) when states are contracting state; or (b) when the rules of private international law lead to the application of the law of a contracting state."

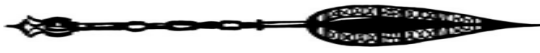
41. United Nations Convention on the Limitation Period in the International Sale of Goods., New York, 1974. The convention in article 1 provides that it shall determine when contradicting claims of a buyer and seller arising from a contract of international sale of goods or relating to its breach, termination or invalidity can no longer be exercised by reason of the expiration of a period of termination. Id. It sets out a uniform period. Article 3 states that the Convention applies (a) if at the time of the conclusion of the contract, the places of business of the parties to a contract of international sale of goods are in contracting states or (b) if the rules of private international law make the law of the contracting state applicable to the contract of sale. Id.

42. See Blackett, supra note at 62-66

43. Id.

44. See id at 62-63 (noting the failure "of any individual state to regulate antitrust, environmental and labor policies effectively in light of the globalization of trade and finance").

45. Multilateral Investment Guarantee Agency (MIGA), 1988; United Nations Convention on International Bills of



Exchange and International Promissory Notes, 1988.

46. International Convention for the Settlement of Investment disputes (ICSID) established the center for settlement of investment disputes. It provides facilities for conciliation and arbitration of investment disputes between contracting states and nationals of other contracting states in accordance with the provisions of the convention. *Id.* The convention has been acceded to by a majority of the states in the world. *Id.*

47. International Criminal Court Statute, adopted in 1998.

48. Paul E. Comeaux & N. Stephen Kinsella, *Protecting Foreign Investment under International Law: Legal Aspects of Political Risk*, 1996, 101.

49. For example: Declaration of the United Nations Conference on the Human Environment, U.N. Doc. A/Conf. 48/14 (Stockholm 1972), 11 I.L.M. 1416 (1972) Convention on International Liability for Damage Caused by Space Objects, 24 U.S.T. 2389, T.I.A.S. No. 7762, 10 I.L.M. 965 (1971).

50. For example: Convention on the Elimination of Discrimination of All Forms of Discrimination against Women, G. A. RES 180 (XXXIV 1979), 19 I.L.M. 33 (1980). (Adopted by the General Assembly of the United Nations on December 18, 1979, entered into force on September 3, 1981). International Covenant on Civil and Political Rights, 999 U.N.T.S. 171, 6 I.L.M. 386 (1967). Adopted by the General Assembly of the United Nations on December 6, 1966 (G.A. Res. 2200, 21 GAOR, Supp. 16, U.N. Doc. A/6316, at 52); (entered into force on March 23, 1976). International Covenant on Economic, Social and Cultural Rights, 993 U.N.T.S. 3, 6 I.L.M. 360 (1967). Adopted by the General Assembly of the United Nations on December 16, 1966 (Annex to G.A. Res. 2200, 21 GAOR, Supp. 16, U.N. Doc. A/6316, at 490) entered into force on January 3, 1976).

51. See David S. Clark, *Transnational Legal Practice: the Need for Global Law Schools*, 46 *Am. J. Comp. L.* 261 (1998).

52. *Id.*

53. See John A. Barret, Jr. "International Legal Education in U.S. Law Schools: Plenty of Offerings But too Few Students," 31 *International Law*, 845. This has led some schools to move toward the inclusion of international, comparative, and foreign components into the first year core curricular courses. See Seton as reported in Toni M. Fine, *supra*. See also Charlotte Ku & Christopher J. Borgen, "American Lawyers and International Competence," 18 *Dick. J.*

*Int'l.* 493–503 (2000).

54. See *Kachasu v. Attorney General*, High Court, 1967. The case is reproduced in Muna Ndulo & Kaye Turner, *Civil Liberties In Zambia*, 1984. The case dealt with the question of freedom of religion. In the judgment, the court cites several American cases, e.g. *Minersville School District v. Gobitis*, (1940), 310, U.S. 586; *Zaviall v. Masse*, (1944), 112 Colorado 183 and *Sheldon v. Fannin*, (1963) 221 F. Supp. 766.

55. Mohamed Daouas, *Africa Faces Challenges of Globalization*, Fin. & Dev., Dec. 2001 (observing that "on one hand, globalization holds out to participants the promise of growth in trade and international investment, on the other hand, it heightens the risks of instability").

56. Declaration of Commitment on HIV/AIDS, United Nations General Assembly Special Session on HIV/AIDS, 25–27 June 2001, 1: Chinua Akukwe, HIV/AIDS in Africa: An Integrated Regional Approach, *African Notes*, Institute for African Development, Cornell University, (2001).

57. The average annual growth rate of public expenditure on education between 1870–1980 was 4.4% but between 1980–1983, the average annual growth rate was 9.2%. Capital expenditure suffered the most as the average annual growth rate was -20% between 1980–1983. Within higher education, public recurrent expenditure per tertiary student fell from \$6,461 in 1975 to \$2,365 in 1983. This decline in public expenditure was more pronounced in the Francophone countries. See Joel Samoff and Bidemi Carrol, "The Promise of Partnership and Continuities of Dependence: External Support to Higher Education in Africa," paper given at 45<sup>th</sup> Annual Meeting of the Association of African Universities, Washington, 5–8 December, 2002 (on file), 11–12.

58. See Samoff & Carrol, *supra* note at 29–32 [I]t is important to note the persisting dominant role of the most affluent countries, especially the United States, in higher education, including the volume of higher education and research...control over the most influential publication modes, and dissemination of prevailing ideas about research and education."

59. Andrien Wing has discussed the role of culture, race, gender, and language in the globalization of legal education. She has raised concerns as to how the world will ensure that the globalization movement is truly inclusive. See Toni M. Fine, Symposium On Working Together: Developing Cooperation in International Legal Education: Introduction and

Overview—Working Together: Developing Cooperation In International Legal Education, 20 *Penn. St. Int'l Rev.*

60. Muna Ndulo, "The Case for Renegotiation," *Zambia Analysis*, Issue No. 05, 2008, p. 6

61. Uche J. Osimiri observes that between 1886 and 1962 all Nigerian lawyers were trained in Britain as the country lacked facilities to qualify locally. See Uche J. Osimiri, "Legal Education In Nigeria," *Institute Of Advanced Legal Studies (University Of London) Bulletin*, 7 (1992)

62. William L. Twining, "Legal Education within East Africa," *British Inst. Int'l & Comp. L.*, 5 (1966).

63. See Francis O. Spalding, Earl L. Hoover & John C. Piper, "One Nation, One Judiciary: The Lower Courts Of Zambia," *Zambia Law Journal*, Vol. 1 & 2, 43 (1970).

64. The colonial enterprise comprised two court systems in African countries: common law courts were generally reserved for legal matters involving White colonialists, and local customary courts were limited to legal disputes between Black African natives.

65. See Twining, *supra* note 62.

66. See Francis O. Spalding, Earl L. Hoover, & John C. Piper, "One Zambia, One Judiciary: The Lower Courts Of Zambia," *Zambia Law Journal*, Vol. 2; No. 1 & 2, 69 (1970). Lawyers are still forbidden to appear in local courts. See *Local Courts Act*, ch. 54, §15 (Zambia).

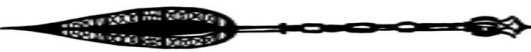
67. *Report on Legal Education for Students from Africa*, 1961, Cmnd. 1255, at para. 27 [hereinafter *Report on Students from Africa*]. See also R.Y. Hedger, *Legal Education in West Africa*, 6 J.S.P.T.L. 7 (1961).

68. See *Report on Students from Africa*, *supra* note 67.

69. For an account of the early days at Dar-es-Salaam Law School, see Twining, *supra* note at 122.

70. *Commonwealth Legal Education Association, Directory Of Commonwealth Law Schools*, 1996. The book gives a summary of law school programs in the British Commonwealth which include a large number of African countries.

71. The curriculum in most African Law Schools tends to be the same. The curriculum in Nigerian law schools are harmonized by the National Union of Universities and the Council of Legal Education. There are thirteen core subjects: Legal Method, Constitutional Law, Law of Contract, Criminal law, Company Law, Commercial Law, Equity and Trusts, Evidence, Jurisprudence, Land Law, Nigerian Legal System, Tort and a



compulsory research project. Typically there are a number of optional courses in Administrative Law, Tax Law, Labor Law, International Law, Conflict of Laws, Family Law, Criminology, Banking and Insurance. See Uche J. Osimiri, "Legal Education in Nigeria," *Institute of Advanced Legal Studies* (University of London) *Bulletine*, 8, (January 1992).

72. Stephen K. Huber, "Legal Education in Anglo-Phonic Africa: With Particular Attention to a Case Book and the Criminal Law," 1969 *Wis. L. Rev.* 1188.

73. Wiliam L. Church, "The Common Law and Zambia," *Zambia Law Journal*, Vol. 6, 42 (1974).

74. See Blackett, *supra* note at 62–66.

75. See Grady Jessup, *Symbiotic Relations: Clinical Methodology-Fostering New Paradigms in African Legal Education*, 8 *Clinical L. Rev.* 377 (2002).

76. F.E. Whitehead, *The Aim of Education And Other Essays* 4 (1959).

77. Huber, *supra* note 72, at 1190.

78. *Id.*

79. *Id.*

80. The Law Practice Institute was established July 5, 1968. See Order s. 269/68 (1968).

81. L. Practice Inst. *Law Practice Institute Handbook* (1971).

82. *Report of the Committee on Legal Education*, 1971, Cmnd. 4595, at 57.

83. *Id.*

84. See Nancy Anderson, "Continuing Legal Education in the New Millennium," *Commonwealth L. Educ.*, Commonwealth L. Educ. Ass'n (2000).

85. Further, declining trade terms also increase the burden on resources. Joel Samoff & Bidemi Carrol, "The Promise of Partnership and Continuities of Dependence: External Support to Higher Education in Africa," 45<sup>th</sup> Annual Meeting

of the African Studies Association, 41 (2002).

86. Peter Martin, *Reducing the Cost and Improving the Quality of Course Materials Through Technology*, *Africa Notes* (Institute for African Development), May 1999.

87. Andrew Grossman, *Towards Cooperation in Access to Foreign Primary Law*, 30 *Int'l. J. Legal Info.* 1, 1–2 (2002).

88. See Mirela Rznovishi, *Building an Electronic Law Library in a Foreign Country*, 24 *Int'l. J. Legal Info.* 161, 161–62 ("In the global legal environment, having a good foreign law collection is no longer just a privilege of prestige "star libraries." If a library does not own foreign law books of primary sources, it can acquire comparable legal information in an electronic format, complementing it in time with paper commentaries, monographs, and dissertations.")

89. See generally, Mirela Roznovschi, "Building An Electronic Law Library In A Foreign Country," 24 *Int'l. J. Legal Info.* 161 (1996).

90. Some international organizations have specific projects to develop databases on African legal material, available online and on CD-ROM. Specifically, the African regional bank, the African Development Bank (ADB) and the International Bank for Reconstruction and Development collect legal material primarily concerning economic, commercial, administrative and financial matters; also see the Organization of African Unity; Food and Agricultural Organization; International Labor Organization; International Organization for Migration; and the Organization for Economic Cooperation and Development. Andrew Grossman, "Towards Cooperation in Access to Foreign Primary Law," 30 *Int'l. J. Legal Info.* 1, 31–32 (2002).

91. See Carrington, *supra* note at 59–60 "[T]he success or failure of recent political,

economic, and legal reforms undertaken by the nation is heavily dependent upon the lawyers produced by the law department." Further, without lawyers in the "judiciary, legislature, executive, and private senators, the promise of a new emerging democracy may never be realized."

92. See L.C.B. Gower, *Foreword to Robert B. Seidman, Source Book Of The Criminal Law Of Africa*, vi (1966).

93. See generally Jessup, *supra* note.

94. Gandy Jessup makes an excellent study of clinical education in Africa, identifying the problems and possible approaches to clinical education in African law schools. Gandy Jessup, *Symbiotic Relations: Clinical Methodology—Fostering New Paradigms in African Legal Education*, 8 *Clinical. Rev.* 377.

95. See Samoff & Carrol, *supra* note at 30–31; Carrington, *supra* note at 62–63 (finding that though faculty salaries are the largest expense at the University of Malawi, their pay is below the salary of a new law graduate).

96. Gower, *supra* note 92, at vi.

97. Sidney Hook, *Education and the Taming of Power* 254, 255 (1973).

98. David Riesman, *The Law School: Critical Scholarship vs. Professional Education*, 32 *J.L. EDUC.* 110, 115 (1982).

99. See Mutharika, *supra* note at 1719. "Because of marginalization, Africa has generally been a recipient of, rather than a contributor to, the development of international law, which will likely continue as long as the African states remain internally weak."

100. Louis F. Del. Duca, *Symposium on Emerging World Wide Strategies in International Legal Education: Introduction and Overview*, 18 *Dick. J. Int'l L.*, 493 (2000).

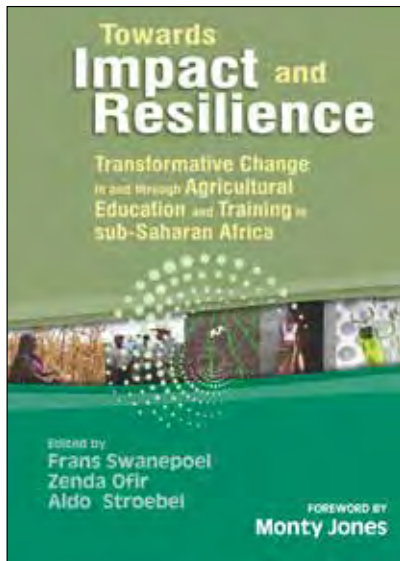
101. *Id.*

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## *Towards Impact and Resilience: Transformative Change in and through Agricultural Education and Training in sub-Saharan Africa*

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The book provides a call to action on AET, pulling together state-of-the-art knowledge from within and outside sub-Saharan Africa, and advancing “out of the box” thinking about the principles, values and character of AET for development. The book is written for academic professionals, industry experts, government officials, international decision-makers, and other scholars interested in advancing AET in sub-Saharan Africa.

*Frans Swanepoel*, Centre for Research on Evaluation, Science and Technology (CREST), and the African Doctoral Academy (ADA), Stellenbosch University; *Zenda Ofir*, International Evaluator, Switzerland; Fellow, Stellenbosch Institute for Advanced Study (STIAS); *Aldo Stroebel*, Senior Research Fellow, Centre for Sustainable Agriculture, Rural Development and Extension, University of the Free State; Executive Director, International Relations and Cooperation, National Research Foundation (NRF), South Africa.

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This book is an anthology of essays contributing new scholarship to the contemporary aid discourse. It provides an interdisciplinary investigation of the role of aid in African development, compiling the work of historians, political scientists, legal scholars, and economists to examine where aid has failed and to offer new perspectives on how aid can be made more effective.

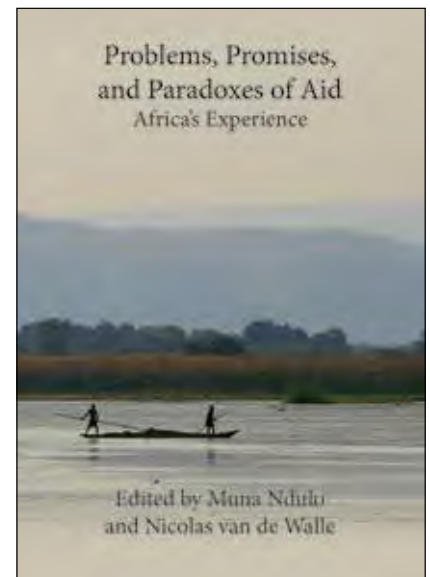
Questions regarding the effectiveness of aid are addressed using specific case studies. The question of ownership is examined in the context of two debates: 1) to what extent should aid be designed by the recipient country itself? and 2) should aid focus on “need” or “performance”? That is, should donors direct aid to the poorest countries, regardless of their policies and governance, or should aid “reward” countries for doing the right thing? The future of aid is also addressed: should aid continue to be a part of the development agenda for countries in sub-Saharan Africa? If so, how much and what type of aid is needed, and how it can be made most effective?

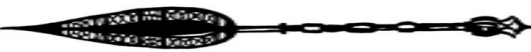
The major criticism against aid is that it cripples the recipient country's economic growth by turning it into a passive receiver; in addition, it has been noted that aid is mostly supply-driven, depending upon donors rather than actual needs of recipients. For this reason, aid may not meet the goals for which it was intended.

To meet the needs of the communities they want to help, donors should work through consultation and a measure of recipient ownership. Donors need to understand context, to protect human rights, and to be guided by principles of social and environmental justice. Other suggested strategies for making aid more effective include peer review, self-assessment, empowering women, encouraging accountability, investing in agriculture, helping smallholder subsistence farmers, introducing ethical and professional standards for civil service, and raising the competence of civil servants.

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# THROUGH THE YEARS











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