

REFORM OF LEGAL EDUCATION IN ETHIOPIA: THE ETHIOPIAN EXPERIENCE IN THE CONTEXT OF HISTORY, THE PRESENT, AND THE FUTURE

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Introduction

The objectives of this article are to: (1) provide a brief history of efforts to establish and to improve legal education in English speaking African countries; (2) assess the strengths and weaknesses of those efforts; (3) place Ethiopia's on-going and extensive efforts to strengthen its program of legal education in historical and present day context; and (4) identify areas of future collaboration between Ethiopia's legal educators and external funders, including governments, foundations, and law schools outside of Ethiopia.

I. Some Perspectives on the Goals of Collaborations In Support of Legal Education in Africa

The creation and maintenance of a strong legal profession is thought in the United States to be a key element in promoting the efficient and fair administration of justice. Law schools and bar associations in the United States stress the importance of training ethical and socially responsible lawyers. The mission statement of the Northwestern University School of Law reads as follows:

The mission of Northwestern University School of Law is to lead in advancing the understanding of law and legal institutions, in furthering justice under the rule of law, and in preparing students for productive leadership, professional success, and personal fulfillment in a complex and changing world.¹

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The motto of the American Bar Association (“ABA”) is “Defending Liberty, Pursuing Justice.”² Prominent members of the legal profession in the United States urge that American law schools should do more to train future leaders of our society.³

The recent book *Educating Lawyers*, popularly known as the “Carnegie Report on Legal Education,” notes that in the United States, professional education is:

*[I]nherently ethical education in the deep and broad sense. The distillation of the abilities and values that define a way of life is the original meaning of the term ethics. It comes from the Greek ethos, meaning ‘custom,’ which is the same meaning of the Latin mos, mores, which is the root of ‘morals.’ Both words refer to the daily habits and behaviors through which the spirit of a particular community is expressed and lived out. In this broad sense, professional education is ‘ethical’ through and through.*⁴

As a consequence of the recognition that the quality of legal education is important to the quality of justice, substantial resources, both private and public, are devoted to legal education in the United States.

The question of what the role of African law schools should be in their countries is a more complex issue, one that cannot be resolved in a sentence, a paragraph, in an article, or by outsiders. Moreover, the state of legal education varies from country to country. This article focuses on the state of legal education in sub-Saharan Africa, excluding South Africa, where legal education is relatively well-supported.

In the 1960’s and 1970’s, it was thought by many legal educators in the United States that law schools in Africa could play a key role in developing a cadre of able, ethical, and effective leaders.⁵ As a consequence beginning in the 1960’s, a great deal of time, effort, and money were spent on attempting to create African law schools in the image of Western, university-based legal education.⁶ This effort waned in the mid-1970’s as the

Faculty of the Addis Ababa University and to Ato Muradu Abdo of the Law Faculty of Addis Ababa University for their help in supplying information and materials regarding the latest developments in legal education in Ethiopia.

¹ See THE STRATEGIC PLAN FOR NORTHWESTERN UNIVERSITY SCHOOL OF LAW, 2 (2001), available at http://www.law.northwestern.edu/difference/Strategic_Plan.pdf (last visited Feb. 25, 2008).

² See American Bar Association, <http://www.abanet.org> (last visited Feb. 25, 2008).

³ See Ben W. Heineman, Jr., *Lawyers as Leaders*, 116 Yale L.J. Pocket Part 266 (2007), available at <http://yalelawjournal.org/images/pdfs/102.pdf> (“...law schools should more candidly recognize the importance of leadership and should more directly prepare and inspire lawyers to seek roles of ultimate responsibility and accountability than they do today.”) (last visited Feb. 25, 2008).

⁴ WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND, & LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* 30-31 (Jossey-Bass 2007).

⁵ See generally, JOHN S. BAINBRIDGE, *THE STUDY AND TEACHING OF LAW IN AFRICA*, (Fred B. Rothman & Co., 1972); Quintin Johnstone, *American Assistance to African Legal Education*, 46 TULANE L.R. 657 (1972).

⁶ *Id.*; see also J. Donald Kingsley, *The Ford Foundation and Education in Africa*, African Studies Bulletin, Vol. 9, No. 3 (Dec., 1966); L. Michael Hager, *Legal Development and Foreign Aid: A Liberian Experience*, 29 J. LEGAL EDUC. 482 (1978).

result of a number of factors, including political unrest in many African countries, as well as the prevalence of one-party states that were not supportive of higher education generally and legal education in particular.⁷ In addition, a debate emerged (still on-going) concerning whether the “law and development” theory that underlay the early efforts to establish Western-style law schools in Africa was responsive to the needs of Africa.⁸ The participants in the 1986 conference, “Twenty Years After: A Conference of Law Teachers Who Worked in Africa,”⁹ convened by Professor John Bainbridge, a leader in efforts to support legal education, reached no consensus regarding the future of legal education in Africa or of the role of ex-patriot participants in that future.¹⁰

⁷ See TWENTY YEARS AFTER, A CONFERENCE OF LAW TEACHERS WHO WORKED IN AFRICA (Compiled by John S. Bainbridge, 1986) [hereinafter TWENTY YEARS AFTER]. At this conference, Cliff F. Thompson, a leader in the movement to strengthen African law schools in the 1960’s and 1970’s remarked, “[w]e went to Africa in 1961, and we left our final job there in 1973. In 1983, I returned on a Fulbright grant to Sudan and Ethiopia. Political events in Sudan have washed away much of what was done, but the remnants of much able work by visitors and Sudanese remains, should the rule of law, whether Islamic or Sudanese common law, again be allowed to flower. Able faculty remain in the University of Khartoum and in government ministries, but the destruction of the legal and judicial system, which was carried on by General Numeiri even before his Islamization of the substantive law, was a serious blow to the work of two decades. Given the Marxist-Leninist regime in Ethiopia, I expected the situation there to be even worse, but was greatly surprised to find many direct ties to the early work of people who served there. In 1983, the law school was composed of those whom we had helped educate at the law school, and who had taken over as leading educators and senior government officials upon our departure.” *Id.* at 18. More recently, one scholar has noted, “[t]he 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 some of today’s legal education.” Muna Ndulo, *Legal Education in Africa in the Era of Globalization and Structural Adjustment*, 20 PENN. ST. INT’L L. REV. 487, 502 (2002).

⁸ Another participant in the TWENTY YEARS AFTER conference remarked, “I have suggested that we were all moved by the spirit of the times, a *Zeitgeist*, when we set forth to build legal education and research in Africa. The times change, and with it their prevailing spirit. The years since ... have been full of doubts and criticisms of what we tried to do. We have read and heard charges of legal imperialism and chauvinistic devotion to American law and legal education directed at efforts not only in Africa but all over the world. There was certainly naiveté and ignorance that was quickly recognized and led to the efforts to make law and development into a serious field of research. But I believe that the rise of criticism had less to do with errors and follies we may have committed than with a broad change in the *Zeitgeist*. The whole conception of development that guided us in the early years came to be seriously questioned or rejected by the turn of 1970’s. Governments were less benevolently regarded, planning was ‘in crisis’, and faith withered in the powers of foreign assistance to build national institutions. We came into a time of emphasis on equity and direct efforts to meet the basic needs of the poorest. University development was criticized as favoring national elites and foundation interests in law shifted toward legal aid to the poor and human rights.” Remarks of Francis X. Sutton, TWENTY YEARS AFTER, *supra* note 7, at 23-24.

⁹ *Id.*

¹⁰ In his remarks at the 1986 TWENTY YEARS AFTER conference, Jim Paul noted that the then Dean of the law School in Ethiopia had recently written him saying that “all who participated in the law school endeavor, ‘set a standard that we have never forgotten and that we only wish we could reproduce today,’ TWENTY YEARS AFTER, *supra* note 7, at 57. But this did not mean to Dean Paul that a new initiative should imitate the old: “...[A] more basic understanding has been occurring during recent years, and it is I think, a very important, very enduring perspective. People, including, I believe, people at the Ford Foundation... have become much more interested in ‘development’ as a process of helping the poor, not only to realize ‘basic needs’ but to realize self-reliance, dignity, and the kinds of

Since 1986, there has been no organized effort among American law teachers, in cooperation with their African colleagues, to again reassess the efforts of the 1960's and 1970's to provide assistance to legal educators in Africa, or to attempt to chart a new course that might address the concerns of the critics of the "law and development" movement. The time is now ripe for such a reassessment and for the development of new strategies for supporting legal education in Africa. We argue that this is an appropriate and, indeed, a critical time for such a reassessment, because of the importance of international human rights norms and practices in Africa, and because of the forces of globalization. New strategies must be the result of close collaboration with African law faculties, with our African colleagues in the lead.¹¹ They and we should be cognizant of the need to support the training of lawyers and of other legal professionals who can expand access to justice efficiently and economically.¹²

African law schools have the potential to produce the next generation of leaders committed to promoting human-rights through ethical and social responsibility.¹³ This critical potential remains unrealized and is in jeopardy due to a lack of resources. Despite legal educators and university administrators' best efforts in Africa, African law schools are starving.¹⁴ This means that young lawyers graduating from African law schools often lack meaningful training in key ethical, professional, commercial, and human rights-related subjects.¹⁵ These students also lack exposure to new teaching methodologies, and due to

empowerment and initiative which come when people enjoy rights. A big task of development, as conceived today, is to help self-help activities, to help people become legally empowered to shape their own futures and not be pawns for the state's or someone else's concept of 'development.'" *Id.* at 59. Another participant at in the Conference noted that future initiatives should "focus on the need for material resources to be given to the African law faculties, a fairly easy thing to do...but I am frankly somewhat skeptical about the effectiveness of the role which can be played by Americans, and by Westerners in general in the political process that is going on in Africa today. Remarks by Gary E. Davis, United Nations Development Program, *Id.* at 74.

¹¹ The ABA announced in October 2007 that its Rule of Law Program had received a \$2.5 million grant from USAID to support legal education and judicial education in Ethiopia. *New Ethiopia Program Part of Growing Work in Africa*, ABA, Oct. 10, 2007, http://www.abanet.org/rol/news/news_ethiopia_new_aba_rol_office.shtml. This program should provide new information about effective approaches to providing support for legal education in countries in which law schools lack resources.

¹² See Malawi Prison Service: Paralegal Advisory Service, *available at* <http://www.mps.gov.mw/paralegal.htm> (last visited Feb. 25, 2008).

¹³ This does not mean, however, that the provision of justice at the grassroots level can or should always be provided by formally trained lawyers and judges. Indeed, many argue that the legal profession in resource-starved countries is not particularly inclined or particularly well-suited to deliver legal services to the poor or at the community level. See, e.g., Adam Stapleton, "Introduction and Overview of Legal Aid in Africa," in *ACCESS TO JUSTICE IN AFRICA AND BEYOND, MAKING THE RULE OF LAW A REALITY*, 1-35 (Eds. Penal Reform International and the Bluhm Legal Clinic of the Northwestern University School of Law, 2007). This being said, formal justice systems require well-trained lawyers to run them and to make informed policy decisions, as well as to act as advocates and judges in human rights and commercial cases that have far reaching effects on individuals, communities, governments, and businesses.

¹⁴ Laure-Helene Piron, *Time to Learn, Time to Act in Africa*, in *PROMOTING THE RULE OF LAW ABROAD*, 275, 276-78 (Thomas Carothers ed., 2006).

¹⁵ Indeed, one commentator has noted recently that the "Red Terror" trials in Ethiopia were hampered by lack of skilled personnel in both the Special Prosecutor's Office and in Ethiopia's Public Defender's

limited access to legal information, the most recent developments in national and international law.

Although the philanthropic community once recognized that support of legal education in Africa was a critical element in the support of humane, efficient, and predictable justice systems, external donors (non-African governments and foundations) have all but abandoned their support of African legal education.¹⁶ This article argues that despite the prevailing consensus in the United States regarding the importance of educating future judges, legislators, and lawyers, the same consensus has not been evident in the external funding of justice initiatives in Africa. This situation demands change.¹⁷

Historically, the legal profession in Africa was seen primarily as an aid to the developmental efforts of the respective governments.¹⁸ Consequently, the overall objective of legal education at the inception of independence in African states was to train lawyers to serve the manpower needs of the newly formed countries.¹⁹ Over the years this objective has been maintained despite changes in the domestic and international circumstances of African countries.²⁰ As a matter of colonial policy, legal education was discouraged due to

Office. With respect to the services provided by public defenders to the defendants in the “Red Terror” trials, this commentator notes that, “[p]ublic defenders lacked formal skills to deal with the complex national and international concepts involved in the trials.” Girmachew Alemu Aneme, *Apology and Trials: The Case of the Red Terror Trials in Ethiopia*, 6 AFR. HUM. RTS. J. 64, 79 (2006).

¹⁶ See Piron, *supra* note 14, at 276-78 (demonstrating the changed focus from legal education to a more generalized attention to the concept of rule of law in donor aid to Africa); Ndulo, *supra* note 7, at 493. (“In the 1960s and 1970s American legal scholars contributed a great deal to knowledge and skills to the growth of legal education in Africa. This source of law teachers has virtually ceased because of the economic difficulties that most African countries are experiencing and the lack of international support for funding for such law teachers.”); The Partnership for Higher Education in Africa, launched in 2000 by the Carnegie Corporation, the Ford Foundation, the John D. and Catherine T. MacArthur Foundation, and the Rockefeller Foundation (which now includes the Kresge Foundation, the William and Flora Hewlett Foundation, and the Andrew Mellon Foundation) has not provided support for legal education in Africa and appears to have no plans to do so. See The Partnership for Higher Education in Africa, <http://www.foundation-partnership.org/> (last visited Feb. 25, 2008).

¹⁷ See Mark K. Dietrich and Nicolas Mansfield, *Lessons Spurned: Legal Education in the Age of Democracy Promotion 1* (East West Management Institute’s Occasional Papers Series, Spr. 2006), available at <http://www.ewmi.org/Pubs/EWMILegalEducationReform.pdf> (“ . . . the failure of reformers and donors to emphasize legal education reform in their programs constitutes a major mistake, critically undermining the effort to establish the rule of law in the developing world. The inability or unwillingness of donor organizations in the United States to tackle legal education in meaningful way also tells us something about America’s overall approach to promoting the rule of law; that we are often myopic, looking only for short-term results in an area where long-term vision and commitment is necessary, and where change is likely to be generational. As America tackles legal reform in the even more complex and daunting context of the Muslim world, this is an error that it cannot risk repeating.”) *Id.* at 2.

¹⁸ Dr. Kwame Nkrumah, Speech at the Opening of the Ghana Law School: Ghana Law in Africa, 6 J. AFR. L., 103, 107 (1962).

¹⁹ See *id.* at 107-108; see also Emmanuel Kwabena Quansah, *Educating Lawyers for Transnational Challenges: Perspectives of a Developing Country-Botswana*, 55 J. LEGAL EDUC. 528, 528-33 (2005) [hereinafter *Educating Lawyers*].

²⁰ For example, the minimum academic standards for legal education in Nigeria approved by the National University Commission states the main objective of legal training in Nigeria to be, *inter alia*,

its potential for producing political agitators.²¹ Consequently, emphasis had been placed on the training of other professionals, such as engineers, doctors and agriculturalists, to the detriment of the legal profession.²²

The need of these nascent independent countries for lawyers was relatively acute.²³ Governments, in their desire to accelerate the growth of the legal community, funded legal education in the context of the overall development of higher education.²⁴ Scholarships for legal education were awarded dependent upon the manpower needs of the country with some countries being more progressive than others.²⁵ Growing decline in the economic fortunes of African countries has forced funding for legal education to compete with other pressing national priorities, causing a considerable continental deterioration of legal education.²⁶ Accordingly, funding of universities, including law schools, has taken on an increasingly regional and international dimension.²⁷

Several international partners have been active in funding or implementing programs aimed at enhancing the transformation of the African education system, in general, and higher education, in particular.²⁸ The African Higher Education Activities in Development

“specifically aimed at producing lawyers whose level of education would equip them properly to serve as advisers to governments and their agencies, companies, business firms etc...” See M.O. Adediran, *Transnational Curriculum for Tomorrow’s Lawyers*, Written for the Association of American Law Schools conference on Educating Lawyers for Transnational Challenges at Oahu, Hawaii, U.S.A (May 26-29, 2004).

²¹ See W. A. Twining, *Legal Education within East Africa*, in Commonwealth Law Series No. 5 115, 116 (1966).

²² See *id.*; Piron, *supra* note 14. (Even in a post-colonial context, “justice programs have not benefited from the same rhetorical push that the [Millennium Development Goals] have provided for other sectors such as health or education.”); M. Ndulo *Legal Education, Internationalization and African Law School*, 2 J. OF COMMONWEALTH L. AND LEGAL EDUC., 22, 31 (2004).

²³ It has been pointed out that the situation was better in West Africa than in East Africa. See L.C.B. Gower, “The Legal Profession” in INDEPENDENT AFRICA – THE CHALLENGE TO THE LEGAL PROFESSION, 108, 116-117 (Cambridge, Harvard University Press 1967); see also Twining, *supra* note 21.

²⁴ John Seaman Bainbridge, *THE STUDY AND TEACHING OF LAW IN AFRICA*, 53, 68-69 (1972).

²⁵ See *id.* at 54-55 (detailing the different approaches taken by African nations to the issue of offering scholarships: Tanzania provided full scholarships, Malawi offered 9 out of 10 students scholarships, but Nigeria and Liberia offered none); see also Gower, *supra* note 23, at 140 (The first time the Nigerian Federal Government gave scholarships for law studies was in 1964. These were six out of the total of 606 scholarships granted to students to study various courses).

²⁶ See Akilagpa Sawyerr, *Challenges Facing African Universities: Selected Issues*, 1, 8, 36-37 (Feb. 2004) (unpublished paper, on file with the Association of African Universities (AAU)), available at <http://www.aau.org/english/documents/asa-challengesfigs.pdf> (last visited Feb. 25, 2008); see also David Court, *Financing Higher Education in Africa: Makerere, the Quiet Revolution* (The World Bank and Rockefeller Foundation, Working Paper No. 22883, 2000).

²⁷ See African Union [AU], *Record of Proceedings of the 2nd African Union Meeting of Experts*, (February 27-28, 2006), available at http://www.aau.org/au_experts/docs/after_conf/proceedings.pdf; see also AU, *Second Decade of Education for Africa (2006-2015) Plan of Action, Revised* (August 2006), available at http://www.education.nairobi-unesco.org/PDFs/Second%20Decade%20of%20Education%20in%20Africa_Plan%20of%20Action.pdf (last visited Feb. 25, 2008).

²⁸ See Joel Samoff & Bidemi Carrol, *The Promise of Partnership and Continuities of Dependence: External Support to Higher Education in Africa*, 47 AFR. STUD. REV. 67 (2004).

(AHEAD) database, developed by the Association of Commonwealth Universities (ACU), in support of the Association of African Universities (AAU), and the South African Universities' Vice-Chancellors Association (SAUVCA) ten year partnership program, has compiled data on 349 externally-funded projects in African higher education.²⁹ An analysis of the database shows that the main thematic areas that draw the highest funding are: (1) sector governance projects (by the World Bank); (2) human resource development projects (by the Canadian International Development Agency (CIDA) and the Japan International Cooperation Agency (JICA)); (3) institutional strengthening as well as HIV/AIDS projects (by Ford Foundation); and (4) quality enhancement/curriculum development, science and technology, and research collaboration (by The Norwegian Programme for Development, Research and Education (NUFU) and JICA).³⁰ In analyzing this database it becomes clear that legal education is not featured in any measure of importance.³¹

There have been several U.S. national organizations and private foundations engaged in funding higher education in Africa, but here again little funds are channeled specifically towards legal education.³² As a consequence, there is a need to push legal education to the forefront of international aid to higher education in Africa. The overarching goal of this effort is to attract the requisite funding necessary to sustain reform and modernization of legal education in Africa.

This debate raises many questions. For instance, has African legal education been ignored by western governments and foundations that favor other means of promoting the rule of law? If so, why have African law schools failed to receive the extent of funding that supports other Rule of Law initiatives? Should African legal education receive more support from external sources? Finally, what types of initiatives and collaboration should characterize on-going support for legal education in Africa? Before we suggest answers to these questions, we shall provide a brief history of external aid to legal education in Africa.

II. A Brief History of Western Partnerships with English Speaking African Law Schools

Since the mid-twentieth century there have been various modes of interactions among Western lawyers and law professors and their African counterparts. The "Law and Development" movement of the 1960's and early 1970's was an attempt by American law professors and foundations to teach and import Western legal codes, educational, and legal systems to Africa to support economic development.³³ This movement has been criticized

²⁹ JAY KUBLER, AFRICAN HIGHER EDUCATION ACTIVITIES IN DEVELOPMENT: THE AHEAD DATABASE (Association of Commonwealth Universities Sept. 2005), *available at* <http://www.acu.ac.uk/policyandresearch/publications/aheadpaper.pdf> (last visited Feb. 25, 2008).

³⁰ *Id.* at 18.

³¹ *Id.*

³² *Id.*; *see also* Samoff & Carrol, *supra* note 28.

³³ JULIO FAUNDEZ, LEGAL REFORM IN DEVELOPING AND TRANSITION COUNTRIES—MAKING HASTE SLOWLY, (Law, Social Justice and Global Development (LGD) Jan. 8, 2001), *available at* http://www2.warwick.ac.uk/fac/soc/law/elj/lgd/2000_1/faundez/ ("The role of lawyers in the process of

for its perceived insensitivity to the particular political, economic, and social needs of African communities.³⁴ During the period from 1975 to 1990, attention shifted to support of legal infrastructure, particularly the training of judges and legal officers, and attention to community-based programs, particularly those that made legal services available to the poor.³⁵ Since 1990, a new movement devoted to the support of legal system improvement,

development was a matter of great concern for the group of American law professors who in the 1960s launched the well-known, but short-lived law and development movement. In their view, legal education in developing countries was inadequate as it placed excessive emphasis on rote learning of legal rules and doctrine, a method which, apart from dull, did not enable the students properly to understand social and economic reality...As these law professors believed that lawyers had a major role to play in the development process they set out to help a select number of developing countries reform legal education. As we know, the enterprise was cut short because funds dried up and the professors became aware that it was futile to attempt to export legal liberalism." *Id.* at 8.5.; *see also* Leah Wortham, *Aiding Clinical Education Abroad: What Can be Gained and the Learning Curve on How to do so Effectively*, 12 CLINICAL L. REV. 615, 632-644 (2006) [hereinafter *Aiding Clinical Educations Abroad*].

³⁴ FAUNDEZ, *supra* note 33, at 6.2. ("In addition to the immediate political impact that any technical assistance project is bound to have, legal reform projects also generate resentment as they are often depicted as tools designed to impose alien legal regulatory schemes which undermine the indigenous legal culture."); *see also* Laura Nader, *Promise or Plunder? A Past and Future Look at Law and Development*, *Global Jurist: Frontiers* Vol. 7: Iss. 2, Art. 1. (2007), available at <http://www.bepress.com/gj/vol7/iss2/art1/>. *But see*, Hon. J. Clifford J. Wallace, *Globalization of Judicial Education*, 28 YALE J. INT'L L. 355 (2003) ("A globalized judicial education would supplement, not replace, existing local education efforts. Despite countries' differences, judicial education principles are generic, and a globalized judicial education system based on those universal principles will improve and enhance court systems, irrespective of the country's legal system, size, wealth, or age.") *Id.* at 358; *see also* Bryant G. Garth, *Building Strong and Independent Judiciaries Through The New Law and Development: Behind The Paradox of Consensus Programs And Perpetually Disappointing Results*, 52 DEPAUL L. REV. 383 (2002) ("The setting for today's law and development is quite different...the consensus is far stronger in favor of reform and the legal approaches identified with the United States, including the core idea of a strong and independent judiciary. Lawyers do not have to fight for their role this time. Economists have come to see the importance of legal institutions to the markets that they now promote [footnote omitted]." *Id.* at 385. Garth also notes that the character of proposed legal reform initiatives has a lot to do with the political and economic philosophies of the U.S. power elite: "...the process is a hegemonic one that focuses on the business of exporting and importing on debates and issues that have salience in the north (here in the United States) at a particular time and place. We export our own palace wars." *Id.* at 395-96).

³⁵ *See, e.g.*, MANY ROADS TO JUSTICE: THE LAW RELATED WORK OF FORD FOUNDATION GRANTEES AROUND THE WORLD (Mary McClymont & Stephen Golub eds. 2000) [hereinafter MANY ROADS TO JUSTICE]; Open Society Justice Initiative, *Clinical Legal Education in Africa*, available at http://www.justiceinitiative.org/activities/lcd/cle/cle_africa (last visited Feb. 25, 2008). Prof. Geraghty has participated in U.S. Dept. of State/American Bar Association programs, including a program in Ethiopia designed to provide information about clinical legal education and a State Department/ABA project designed to provide American and African children's rights advocates opportunities to learn from each other about children's rights, juvenile court, and child protection systems, and the implementation of the UN Convention on the Rights of the Child. Each of these programs involved exchanges between African and American law faculties. Professor Cynthia Bowman of the Northwestern University School of Law led a State Department funded program which was a collaboration between Northwestern Law School and the Faculty of Law at the University of Ghana, Legon. A product of this collaboration is a book on women's rights co-authored by Prof. Bowman and Prof. Akua Kuenyehia, a former Dean of the Faculty of Law, Ghana and currently a judge of the International Criminal Court at The Hague, Netherlands. The Northwestern Law School has also

dubbed “Development Law,” has emerged.³⁶ The movement is primarily supported by multilateral and bilateral institutions.³⁷ Recently, the US government has been active through the United States Agency for International Development (USAID) in supporting Rule of Law programs in Africa, with a heavy focus on the training of judges.³⁸

The ABA’s African Law Initiative Sister Law Program sought to establish a framework for cooperative relationships by achieving a number of goals.³⁹ These goals included gaining an overview of legal education in Africa and the United States, exploring areas of mutual and special interest such as educational programs, libraries, and responsibilities to the bar and the public, and developing an action plan for the future.⁴⁰ However, this program is no longer in existence.⁴¹ The ABA’s Africa-related projects are now managed by its Rule of Law Initiative.⁴² The initiative’s webpage references the ABA’s support of various projects, such as the Louis Arthur Grimes Law School in Liberia and support for the Liberian National Bar Association.⁴³ Likewise, the British Commonwealth Legal Education Association (CLEA), through its West African and Southern African chapters, has sponsored law paper competitions, moot courts, and a legal research center in Cameroon.⁴⁴

worked with Ghanaian faculty to develop a clinical program and a children’s law curriculum. Northwestern Law librarian Chris Simoni has traveled twice to Ethiopia to consult regarding law library development and to the Law Faculty at Legon, Ghana for the same purpose. Northwestern Law School has provided opportunities for our colleagues from Ghana to pursue their research in our library.

³⁶ Grady Jessup, *Symbiotic Relations: Clinical Methodology—Fostering New Paradigms in African Legal Education*, 8 CLINICAL L. REV. 377, 397 (2002) [hereinafter *Symbiotic Relations*] (citing Lan Cao, *Law and Development: A New Beginning?* 32 TEX. INT’L L.J. 545 (1977)) (“The emergence of Development Law provides a new construct following the demise of the law and development movement which was attributable to deficiencies in modernization and dependency theories of law reform. [footnote omitted]. Development Law is a fresh approach to evaluating the impact of existing national laws governing political and economic development of developing nations by adapting laws, policies or customs to meet the unique national needs without the baggage of imposed laws and norms of the modernization theory or exploitation of natural and human resources of the dependency theory.”); see also Richard Bilder & Brian Z. Tamanaha, *Law and Development, Law and Crisis in the Third World*, 89 AM. J. INT’L L. 470, 472 (Apr. 1995).

³⁷ See Thomas Carothers, *The Rule of Law Revival, in PROMOTING THE RULE OF LAW ABROAD*, 10-11 (ed. Thomas Carothers, 2006); see also, FAUNDEZ, *supra* note 33.

³⁸ See Office of Democracy and Governance Bureau for Democracy, Conflict, and Humanitarian Assistance, U. S. Agency for International Development, *Guidance for Promoting Judicial Independence and Impartiality* (rev. ed. Jan. 2002), available at http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnacm007.pdf.

³⁹ Steven Keeva, *To Africa, With Law*, 81 A.B.A. J. 89 (Feb. 1995).

⁴⁰ *Id.*

⁴¹ See M. Wolf, *Summary of Proceedings, 2, American Bar Association Section of Legal Education and Admission To The Bar, African Law Initiative Sister Law School Program* (1997).

⁴² See American Bar Association, *Promoting the Rule of Law*, <http://www.abanet.org/rol/> (last visited Feb. 25, 2008).

⁴³ See American Bar Association, *Current Events/Updates*, <http://www.abanet.org/aba-africa/eventsupdates.shtml> (last visited Feb. 25, 2008).

⁴⁴ Commonwealth Legal Education Center, *Developing the CLEA Legal Resource Centre in Cameroon*, available at <http://web.archive.org/web/20040205210350/http://www.ukcle.ac.uk/clea/newsletter/87/cameroon.html> (last visited Feb. 25, 2008); see also Commonwealth Legal Education Centre, *Developing Legal*

The World Bank has also taken the lead in promoting judicial reform with the objective of improving conditions for sustainable development.⁴⁵ World Bank programs supporting the improvement of legal infrastructures are likely to continue to take center stage with a growing recognition that such programs must walk the fine line between supporting “reform” and being sensitive to African cultural, social, and legal norms and expectations.⁴⁶ The legal and judicial sector studies that precede large scale funding of legal and judicial reform projects contribute to the overall understanding of the African justice system’s strengths and weaknesses.⁴⁷ The support for these programs will inevitably be substantial due to the comprehensiveness of World Bank-funded projects, and the perceived and actual links between a stable and predictable legal system and economic progress.

III. Observations

It is interesting to note that African legal education has been largely left out of the mix as far as large-scale funding from foreign governments, foundations, and banks are concerned.⁴⁸ Presently, Rule of Law projects say little about initiatives to support legal education in Africa.⁴⁹ In part, this lack of attention may be the result of the belief that American initiatives to support legal education in the late 1960’s and early 1970’s were a futile attempt to “export legal liberalism.”⁵⁰ However, this belief alone could not have

*Education in the Commonwealth: Some Current Issues (“Developing Legal Education”), available at <http://lfiledown.qut.edu.au/download.asp?rNum=3384545&pNum=2522503&fac=law&OLTWebSiteID=CLEA&dir=gen&CFID=579781&CFTOKEN=38933363> (last visited Feb. 25, 2008) [hereinafter *Developing Legal Education*].*

⁴⁵ See Swithin J. Munyaiwani, T. Mpoy-Kamulayi, & Paati Ofofu-Amaah, *Legal and Judicial Reforms Activities in Africa: Experience to Date and Prospects for Further Improvement* (Feb. 2003) (unpublished manuscript presented at the All Africa Conference on Law, Justice, and Development, Abuja, Nigeria, on file with authors).

⁴⁶ *Id.*

⁴⁷ Legal Vice Presidency, The World Bank, *Legal and Judicial Reform: Strategic Directions* (Jan. 2003), available at http://www-wds.worldbank.org/servlet/WDSContentServer/WDS/IB/2003/10/24/000160016_20031024092948/Rendered/PDF/269160Legal0101e0also0250780SCODE09.pdf (last visited Feb. 25, 2008) [hereinafter *Legal and Judicial Reform*]; see e.g. Linn Hammergren, The World Bank, *Diagnosing Judicial Performance: Toward a Tool to Help Guide Judicial Reform Programs* (Nov. 1999), available at <http://www1.worldbank.org/publicsector/legal/HammergrenJudicialPerf.doc> (last visited Feb. 25, 2008); see also *Order in the Jungle*, THE ECONOMIST, Mar. 13, 2008, available at http://www.economist.com/displaystory.cfm?story_id=10849115.

⁴⁸ *Legal and Judicial Reform*, *supra* note 47. (focus of “Legal Training” is not centered around the education of lawyers but is focused on development of civil society and the knowledge of the citizenry). The World Bank does acknowledge the importance of legal education but does draw attention to the need for additional or increased funding. *Id.*

⁴⁹ See e.g. FAUNDEZ, *supra* note 33, at 17. (“[T]he quality of legal education in developing countries has not significantly improved since the mid-1970’s. Although it is self-evident that a well-trained legal profession is essential for ensuring the long-term sustainability of legal reforms, the issue of legal education is notoriously absent from current debates on legal reform.”)

⁵⁰ *Id.* (citing John Henry Merryman, *Comparative Law and Social Change: On the Origins, Style, Decline & Revival of the Law and Development Movement*, 25 AM. J. COMP. L. 457 (1977); see also, Peter Sæviereid, TWENTY YEARS AFTER, *supra* note 7, at 107-08.

prevented those who wished to support legal education in Africa from continuing with programs that sought to improve the quality of Africa's legal education. There must have been other reasons why the outreach of the 1970's did not continue.

These reasons could include a lack of faith in the political environments in which many African law schools and universities operated, the notion that Westerners had "shown the way" and that it was time to let African law schools sink or swim on their own, or that African law faculties rightly wanted to Africanize their institutions to the extent that large scale foreign presence was incompatible with the goal of developing autonomous, truly African law schools.⁵¹ Indeed, the African Union's plan for higher education states that, "[i]t is the wish of the African Union that the Plan will be largely self-funded, from the internal resources of the member states. It is also expected that intra-continental support for the poorest countries by wealthier African countries will become institutionalized as regular practice."⁵²

Although support for legal reform in Africa was aggressively pursued by governments, foundations, and banks, the question remains why different means of support for African law schools were not pursued. For example, governments, foundations, and banks could have reached out to African law schools with the same sensitivity that characterized the new approaches to undertaking Rule of Law initiatives in the late 1980's and 1990's.⁵³ Significant resources could have been devoted to collaborations that would have supported curriculum design, consideration of new teaching methodologies including clinical education, and faculty development.⁵⁴ Such initiatives could arguably have made law schools at African universities more significant players in promoting the rule of law than they have been in recent years.⁵⁵ After all, many of the leaders of the judicial systems, which outsiders sought and still seek to reform, are graduates of African law schools. However, it seems that a collective decision was made that African law schools did not have as much to contribute to the promotion of the rule of law as did already existing judicial systems, provided that those systems could be reformed.⁵⁶

⁵¹ See Wortham, *supra* note 33, at 637-40 (citing Brian Z. Tamanaha, *The Lessons of Law-and-Development Studies*, 89 AM. J. INT'L. L. 470 (1995) (arguing that many of the failures of the Law and Development movement stemmed from failure to meet the specific needs of the respective African nations – whether specific to ethnic or tribal concerns or the unsettled political climate).

⁵² *Second Decade of Education for Africa (2006-2015)*, *supra* note 27, at 2.

⁵³ Richard J. Wilson, *The New Legal Education in North and South America*, 2 STAN. J. INT'L L. 375 (1989) (demonstrating the changed focus of legal education in South America in the 1980s towards increased efforts to assist the poor with knowledge of their legal rights and increased access to justice programs).

⁵⁴ See Wortham, *supra* note 33, at 640-44 (citing the examples of financial assistance to clinical education programs in Vietnam, South America, and South Africa that proved successful).

⁵⁵ One commentator has observed, "[t]he lawyers produced by the present system of legal education in Africa are trained to become legal technicians. They are encouraged to have little or no interest or comprehension of 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 business transactions, involving complexities of taxation and international finance." Ndulo, *supra* note 7, at 500.

⁵⁶ It should be noted, however, that there has been government and foundation support for a number of collaborations between American clinical faculty and African law schools. USAID and the Fulbright

If, indeed, this decision was made, we argue that it was a bad decision. African law schools and African legal systems would be relatively better off today if substantial funding had been committed with proper sensitivity to indigenous culture and values. The impact of effective legal education upon emerging African lawyers and political leaders could be substantial. Despite the energy and commitment of Africans and Americans who have continued to work to support legal education in Africa,⁵⁷ African law faculties continue to be under-funded. This reality means law teachers in Africa simply cannot afford to devote their full-time to teaching and scholarship.⁵⁸

African law faculties cannot afford to implement new teaching methodologies because they do not have access to new materials and technologies.⁵⁹ The Commonwealth Legal Education Association (CLEA) has identified the following constraints, among others, facing a number of Law Schools in the Commonwealth: (1) resource constraints; (2) staffing constraints; (3) retention of professors; (4) lack of local legal materials; (5) lack of access to electronic resources; and (6) outdated law curricula.⁶⁰ These constraints are relative and they are more acute in Commonwealth African countries than in other parts of the Commonwealth.⁶¹ In some African countries, such as Liberia, law schools do not have access to any materials because of civil strife.⁶²

Program have sent American clinical faculty to Botswana, Eritrea, Mozambique, Kenya, and Nigeria. American law schools have granted sabbaticals to faculty who have taught in South Africa. The U.S. Information Service (U.S.I.S) (now part of the U.S. Department of State International Information Programs) has funded American law school clinical faculty to teach in Ethiopia, South Africa, Malawi, and in Kenya. The Ford Foundation has funded clinical teachers in South Africa. An author of this paper, Prof. Geraghty, was one such teacher. In 1968, as part of a Ford Foundation initiative, he traveled to the Addis Ababa University School of Law under the supervision of a law professor studying the court system in Ethiopia. In 1996, he returned to that law school as part of a U.S. State Department/ABA funded program to collaborate on a clinical curriculum for that law school. Through the Northwestern University School of Law's International Team Project program, he has traveled with law students to visit Botswana, Namibia, Malawi, Tanzania, and Uganda; *See generally* Roy Stuckey, *Compilation of Clinical Law Teachers with International Teaching or Consulting Experience*, available at <http://law.sc.edu/clinic/docs/internationalsurvey2005.pdf> (last visited Feb. 25, 2008).

⁵⁷ MANY ROADS TO JUSTICE, *supra* note 35, at 3. The University of Addis Ababa School of Law, under the leadership of Acting Dean Taddese Lencho, has drafted an ambitious strategic plan for its law faculty. This plan includes upgrading law school facilities, professional development opportunities for its faculty (including access to PhD programs), and renewed emphasis on the production of scholarship. *Draft Strategic Plan*, June 2007 (on file with author). This program will be supported in part by the international law firm DLA Piper and by the Northwestern University School of Law.

⁵⁸ Professor Ndulo observes, "Few really able people want to work for long in situations that offer no rewards in either money or prestige—and such is the case with law teaching in Africa today." Ndulo, *supra* note 7, at 502.

⁵⁹ *Id.* at 492-495 (describing the general state of African legal education in former British colonies as one focusing on the learning of general holdings of British law and the marked absence of law reports detailing recent rulings in African courts as well as the dearth of practical experience); *see also* KUBLER, *supra* note 29.

⁶⁰ *See*, CLEA, *Developing Legal Education*, *supra* note 44, at 21-31; *see also* Addis Ababa University Faculty of Law, *Reform on Legal Education & Training in Ethiopia* (Draft) (on file with authors).

⁶¹ *See* CLEA, *Developing Legal Education*, *supra* note 44, at 21-31.

⁶² *U.F. Law Students Act to Replace Legal Texts Destroyed by Liberia Civil War*, Press Release, University of Florida, Levin College of Law (on file with the authors).

The time has come to design a new program of massive aid to African law schools. This program should follow an in-depth study of the needs of law schools in Africa in order to ensure the design and implementation of appropriate initiatives. However, even before such a study is undertaken, it is possible to predict some of the serious problems that such a study would identify.

IV. A Study of Legal Education in Africa: Expected Results

A. Faculty Salaries

After a study is completed we predict that a consensus will emerge, stating that one key problem is the inadequate amount of money allotted for faculty salaries. Interactions with faculty members in Ethiopia, Tanzania, Uganda, Malawi, and Ghana reveal that the average professors' salary ranges from \$400.00 to \$500.00 per month.⁶³ At the same time, members of African law faculties are highly sought after by governments, corporations, and by private law firms.⁶⁴ The consequence of this dynamic is that many law faculty members in Africa find it impossible to devote their full-time to teaching.⁶⁵ We concede that we do not know how to solve this problem other than by providing support for research and program initiatives that would augment the salaries of the African law faculty engaged in such projects. However, subsidies from outside sources that single out law professors might be politically unacceptable to African universities.⁶⁶ This is especially true due to the peculiar salary structure of faculty members at African universities. African universities pay equal salaries to professors of all disciplines, and singling out law professors for additional subsidy may lead to upheaval among staff unions in the universities.⁶⁷ However, increasing the resources available to these faculty members and generating enthusiasm about the process and importance of legal education and scholarship are both critical needs. Additionally, giving frequent opportunities to African law professors to undertake short research and teaching visits (or what has been dubbed "Cooks Tours")⁶⁸ to American law schools, for which they may be given a stipend, could also have a positive impact.

⁶³ It must be noted that the structure of academic posts in African Law Schools differ from that of American Law Schools. In Botswana, for instance, the structure starts from Lecturer to Senior Lecturer, to Associate Professor and ending with full professor. In Nigeria the structure starts with Lecturer II and goes on to Lecturer I, Senior Lecturer, Associate Professor, and Professor. Salaries attached to these academic positions vary considerably. In Ethiopia, full professors are paid about \$350 per month. Boston College Ctr for Int'l Higher Educ., Int'l Network for Higher Educ. in Africa, available at http://www.bc.edu/bc_org/avp/soe/cihe/inhea/profiles/Ethiopia.htm.

⁶⁴ See Akilagpa Sawyerr, *Challenges Facing African Universities – Selected Issues*, at 23-25, available at <http://www.aau.org/english/documents/asa-challengesfigs.pdf> (last visited January 16, 2008) (noting the general challenges of African universities of maintaining faculty because of the lure of private sector professors).

⁶⁵ See Ndulo, *supra* note 7, at 502.

⁶⁶ Professor Quansah makes this observation based on his experience in teaching at universities in Ghana, Nigeria, and Botswana.

⁶⁷ *Id.*

⁶⁸ See D. GUSTAFSON, *MANAGING ECONOMIC DEVELOPMENT IN AFRICA* 224 (Warren H. Hausmen ed., M.I.T. Press 1963).

B. Law Libraries

Funding to support law teachers in Africa in a scholarly capacity should be a high priority at African universities. Law libraries in many African law schools are in a sad state. This knowledge is borne out of experience in connection with Northwestern University School of Law's collaborations with the libraries in Ghana, Ethiopia, and Uganda.⁶⁹ In order to accomplish effective scholarship, African legal academics must often leave their countries for law schools in Europe or the US.⁷⁰ Law students in these and other African countries have little access to the most recent developments in the laws of their own country, and virtually no access to current news concerning international law and human rights.⁷¹ Creating and maintaining highly developed and innovative libraries in African law schools could make those schools models for the establishment of consensus based legal systems.

C. Teaching Methodologies

New, more interactive, teaching methodologies, particularly those based on the clinical education model, might also invigorate legal education in Africa. Initially, it would be necessary to explore the extent to which African legal educators share this view. Preliminary conclusions based upon work that Northwestern University School of Law has done in Ethiopia, Ghana, Tanzania, and Malawi suggest that interactive teaching methodologies are well-received by students.⁷² Although we must be cautious not to confuse the pervasive politeness of African law students with enthusiasm for our presentations, many African law students complain that the teaching in African law schools is too mechanical, especially in the larger classes.⁷³ Smaller classes employing a more interactive model might generate more enthusiasm for the learning process. This method of teaching requires resources, for instance more classrooms, a higher degree of support for faculty members, technological improvements for the multimedia presentations, student performances for review, and access to information on the internet.⁷⁴

⁶⁹ Information regarding these collaborations is on file with the authors.

⁷⁰ See Sawyerr, *supra* note 64, at 23-26 (since faculty salaries have dried up African professors do not have sufficient time to research and use sabbatical opportunities as both a means to engage in research and help subsidize their minimal salary); see also Ndulo, *supra* note 7, at 502 (noting the lack of resources available within Africa to law scholars as well as the lack of critical thinking about the law).

⁷¹ Ndulo, *supra* note 7, at 492-493 (describing lack of access to law reports of recently decided cases in African courts as well).

⁷² Thomas F. Geraghty, *Legal Clinics and the Better Trained Lawyer (Redux): A History of Clinical Education at Northwestern*, 100 NW. U. L. REV. 231, 240, 251 (2006) [hereinafter *Legal Clinics and the Better Trained Lawyer (Redux)*]; see also Jessup, *Symbiotic Relations*, *supra* note 36, at 379-80 (citing Michael Wolf, Summary of Proceedings, 2, American Bar Association Section of Legal Education and Admission To The Bar, African Law Initiative Sister Law School Program (1997)) ("The reports prepared by American and African law professors participating in the ABA African Law Initiative Sister Law School Program provide strong evidence that Clinical Legal Education as part of the curriculum at an African Law School is an enriching and significant component of the law school experience.").

⁷³ Ndulo, *supra* note 7, at 500-01 (noting that African law professors are essentially legal technicians and the classes are quite rigid in nature and arguing for more imaginative degree programs and critique).

⁷⁴ See, e.g., Geraghty, *Legal Clinics and the Better Trained Lawyer (Redux)*, *supra* note 72, at 249 (from the inception of clinical programs to their expansion the programs require increased funding to ensure

A clinical method of teaching could take the law student outside of the classroom and into the field. The model would involve carefully supervised student externships in government agencies, non-governmental organizations (NGO's), and human rights organizations. In these placements, students would receive first-hand experience of the shortcomings of the justice system in relation to under-served populations, as well as government and human rights organizations' responses to those needs. Law school-sponsored clinics could also be developed, allowing students and faculty to work together representing individuals and groups.⁷⁵ Such "clinics" now exist in many countries (Botswana, Ghana, Nigeria, South Africa, Sierra Leone, Uganda, Tanzania, Malawi, Kenya); however, the majority of these clinics are not formally affiliated with any law schools.⁷⁶ Predominately, the law students who work in these clinics do so without receiving academic credit.⁷⁷ In addition, student practice rules should be developed, allowing students to practice law under the supervision of clinical faculty.⁷⁸ However, this idea poses political problems, especially with local bar associations.⁷⁹

sufficient educators and resources for effective teaching).

⁷⁵ We acknowledge the political problems that would be posed to universities in some countries by the existence of such clinical programs.

⁷⁶ African legal clinics not formally associated with a law school: MBDHP's Legal Clinics Section (Burkina Faso), Centre for Practical Legal Studies (Mozambique), Legal Aid Clinic (Namibia), Legal Clinic (Butare, Rwanda), Legal Clinic (Saint Louis, Senegal), Legal Clinic (Somaliland), and Kampala Law Development Centre Legal Aid Clinic (Uganda). African legal clinics associated with law schools in Africa: Legal Aid Clinic (University of Mekelle, Ethiopia), University of Nairobi Clinical Program (Kenya), Akungba Law Clinic (Adekunle Ajasin University – Nigeria), University of Ibadan Law Clinic (Nigeria), University of Maiduguri Law Clinic (Nigeria), Abia State University Law Clinic (Nigeria), University of Uyo Campus Law Clinic (Nigeria), Rhodes University Legal Aid Clinic (Rhodesia), Human Rights Clinic Fourah Bay College (Sierra Leone), University of KwaZulu-Natal Law Clinic (Durban, South Africa), Wits Law Clinic (Johannesburg, South Africa), Community Law Centre (Mmabtho, South Africa), University of Pretoria Law Clinic (Pretoria, South Africa), and University Legal Aid Centre (Tanzania). The preceding information was provided by Ms. Mariana Berbec of the Open Society Institute and is on file with the author.

⁷⁷ In Botswana, clinical work forms part of the Clinical Legal Education courses which are compulsory for all fourth and fifth year students and for which a total of 12 credits are awarded. In South Africa, legal clinics are a well established part of the curricula of law schools, for example Universities of Natal and Witwatersrand, to name a few. See M. Wolf, *Summary of Proceedings, Workshop on Clinical Legal Education in Africa* 1, ABA SEC. ON LEGAL EDUC. AFR. LAW INITIATIVE SISTER LAW SCHOOL PROGRAM (July 8-12, 1996) at 9 (1996).

⁷⁸ The following countries lack student practice rules as confirmed with professors at African Law Schools: Nigeria (email response provided by Prof. Oke-Samuel on February 2nd, 2008, on file with authors), Zambia (email response proved by Dr. Patrick Matibini on February 6th, 2008, on file with authors), and Namibia (email response provided by Prof. Amoo on February 11th, 2008, on file with authors). While students at the Akungba Law Clinic at Adekunle Ajasin University in Nigeria can receive academic credits for clinical work, they are not allowed to practice in courts and can only observe with a supervising attorney. See email response provided by Professor Oke-Samuel, Feb. 2, 2008 (on file with authors).

⁷⁹ See email response by Professor Ndubisi, Jan. 30, 2008 (on file with authors). In Nigeria, students have "limited opportunity to observe trial advocacy under the supervision of a qualified lawyer", but only after they have completed a law degree. *Id.* But, "[e]fforts are underway by university law clinics and NGOs to persuade the Bar and judicial authorities to expand opportunities for student practice." *Id.*

A major advantage of funding programs in the “clinical legal education” category is that such programs can respond to the critique of African legal education that it has been too much taken with Western values and the domestic debate that law schools provide no practical training.⁸⁰ Additionally, the clinical method of teaching is able to counter the debate over “legal imperialism” in that, if properly managed, the clinical method will always be responsive to the “real world” of legal practice and social needs.⁸¹ This “real world” technique, whether it is brought into the classroom, into a government agency or NGO, or into a law school sponsored legal clinic, will inform and control the subject matter taught and learned.⁸² In this way the clinical method most appropriately ensures that the legal education received by law students is culturally relevant and sensitive.⁸³

There is a tendency in African law schools to use textbooks that usually reflect the state of the law in England.⁸⁴ In this realm, a program providing assistance in formulating local content material for teaching may be useful. For instance, in Botswana there is an inordinate reliance on South African and English textbooks.⁸⁵ While these textbooks tend to reflect the common law of Botswana, they do not reflect the statutory law to the same extent.⁸⁶ This is likely because the statutory laws inherited from the country’s historical political association with South Africa and England have remained substantially unchanged, while conversely there have been tremendous legislative reforms in the two countries over the years which are not reflected in the current editions of relevant textbooks.⁸⁷ Students therefore find themselves being lectured about Botswana law, and

⁸⁰ Jessup, *supra* note 36, at 387-388; *see, e.g. Vanguard, Nigeria: Critical Reform Considerations for Preparing a Well Fit Lawyer of the Future*, AFRICA NEWS, Jul. 11, 2003.

⁸¹ *See* Richard J. Wilson, *Training for Justice: The Global Reach of Clinical Legal Education*, 22 PENN. ST. INT’L L. REV. 421, 422- 24 (2004).

⁸² *Id.* at 423-24, 428.

⁸³ Wortham has put forward three requisites for support of clinics abroad. These are (1) clinic programs should be based on students’ live experience providing legal services to poor people or under-served interests, (2) law school faculty must play a significant role in the design, administration, and teaching of the program and (3) the funder should assess the competence and sincerity of those seeking to implement the program and make a subsequent assessment of the clinic’s operation. Wortham, *supra* note 33, at 655-70.

⁸⁴ “Legal education in Nigeria is modeled on that of England and Wales.” Information provided by Professor Ndubisi of the University of Ibadan, Nigeria. For more information on Nigerian Legal Education *see* <http://www.nigeria-law.org/Legal%20Practitioners%20Act.htm> and <http://www.nigeria-law.org/Legal%20Education.htm>. *See also*, Nkrumah University of Science & Technology in Ghana, www.knust.edu.gh/law/books.php (last visted Feb. 25, 2008) (In the Faculty of Law, for example, the recommended textbook for the course on Ghana Legal System is a book on the English Legal system).

⁸⁵ For instance, in Botswana there is an inordinate reliance on South African and English textbooks. (For example, in the University of Botswana in teaching Delict (Tort), reliance is placed on the South African Text book, Burchell, *Principles of Delict*. In Succession, the South African text book by Corbett, *The Law of Succession in South Africa*, is used as a basic text and the English text of *Cross on Evidence* is required reading for the law of Evidence; *see also* G. van Niekerk, *The Application of South African Law in the Courts of Botswana*, 38 COMP. INT’L L.J. S. AFR. 312 (2004).

⁸⁶ For example, the English Divorce Reform Act 1969, on which the Botswana Matrimonial Causes Act 1973 was based, has since been replaced by the Family Law Act 1996. Current English divorce textbooks, such as Cretney & Masson *Principles of Family Law*, discuss the latter Act with passing references to the former. In teaching divorce law therefore, reliance had to be placed on the repealed law of England.

⁸⁷ *Id.*; *see* Prof. Ndubisi’s comments, *supra* note 84.

then reading about a different law in the textbook. Whilst there has been a spirited attempt to produce local legal texts, publishers have not shown the required enthusiasm to publish them due to the smallness of the Botswana's education market.⁸⁸ Thus, funding to produce local legal text is of current importance.

Clinical education is faculty intensive, labor intensive, time consuming, and exhausting.⁸⁹ Only the law schools in the United States with relatively substantial resources can support large programs in clinical education. If this is so, how can we expect African law schools to make substantial investments in clinical education? One answer is to look back on the history of the establishment of clinical programs in the United States in the late 1960's and early 1970's.⁹⁰ The Ford Foundation, through a spin-off foundation called The Council on Legal Education for Professional Responsibility, urged law schools to create clinical programs and provided substantial seed money for those clinical programs it helped to develop.⁹¹ The faculty members who populated those early clinical programs were young and relatively "inexpensive" recent graduates of law schools, who were enthusiastic about the opportunities that those programs offered to teach and to provide service.⁹² Thus, the initial cost of setting up the early clinics in the United States was relatively modest. Reliance upon recent graduates was key not only to the financial viability of these early programs, but to generating enthusiasm among law students as well. These students and faculty shared common ideals and formed communities of learning, scholarship, and service.⁹³

The clinical movement in American legal education has evolved to the extent that clinical education is now evident in every law school in the country.⁹⁴ Almost every American law student is exposed to the "real world" of lawyering through clinical legal education.⁹⁵ The "inexpensive" beginnings of clinical education in the United States are evident in some African countries. In Botswana, for example, the legal clinic was conceived as part of the Department of Law in implementing its mandate to provide academic as well as practical skills training in its L.L.B. program.⁹⁶ The administrator and the teaching staff of the clinic

⁸⁸ Prof. Quansah is relating his and his colleagues' efforts at the Department of Law, University of Botswana in trying to interest local publishers to no avail in publishing manuscripts that have been prepared on various aspects of Botswana Law.

⁸⁹ See, e.g., Geraghty, *Legal Clinics and the Better Trained Lawyer (Redux)*, *supra* note 72, at 249 (noting the need for increased clinical professors and space); see also George S. Grossman, *Clinical Legal Education: History and Diagnosis*, 26 J. LEGAL EDUC. 162,182-83 (1974).

⁹⁰ See, e.g., Geraghty, *Legal Clinics and the Better Trained Lawyer (Redux)*, *supra* note 72, at 238-44.

⁹¹ See Clinical Education for the Law Student CLEPR Conference Proceedings, Buck Hill Falls, June, 1973; see also, Selected Readings in Clinical Education, Council on Legal Education for Professional Responsibility, the International Legal Center, 1973. For the most comprehensive list of readings in clinical legal education, see J.P. Ogilvy and Karen Czapansky, CLINICAL EDUCATION, AN ANNOTATED BIBLIOGRAPHY (Revised, 2005) available at <http://faculty.cua.edu/ogilvy/Biblio05clr.htm>.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ Wilson, *supra* note 82, at 421.

⁹⁵ *Id.* at 421-24.

⁹⁶ A very important part of the program at the University of Botswana is the Clinical Legal Education courses which were introduced in the 1986/87 academic year. The courses which are compulsory for all students are taken over a two-year period – the 4th and 5th years of the program. It consists of: (1) an

are part of the Department of Law.⁹⁷ Clinical responsibilities are part of the job description of Department staff, and as such there is no need to recruit staff specifically to operate and maintain the clinic.⁹⁸ The drawback of this arrangement is that the clinic does not have a separate budget from the Department of Law, and as a result it is severely handicapped in its operations.⁹⁹ There is also a marked reluctance on the part of staff to undertake clinical duties due to its inherent time-consuming nature.¹⁰⁰ In such a circumstance, funding to augment the budget of the Department, and perhaps to recruit staff specifically for the legal clinic, will help to improve and enhance the teaching of practical legal skills.

V. Ethiopia: A Case Study in National Leadership and Collaboration

A. History and Reform

Modern legal education in Ethiopia began in 1952 when law courses were taught at the University College of Addis Ababa.¹⁰¹ In 1961, Haile Selassie I University was formally established and law courses were taught there.¹⁰² In 1963 James C.N. Paul became Dean of the Law Faculty at Haile Selassie I University, bringing with him Ford Foundation support and a substantial ex-patriate faculty.¹⁰³ From the early 1960's until the early 1970's the Haile Selassie I University Law Faculty was predominately American and European. However, leaders of the Law Faculty did put in place a process to "Ethiopianize" the Law Faculty.¹⁰⁴ Foreign governments and foundations provided major support for the new law school. By the late 1970's and early 1980's the Law Faculty was staffed primarily with Ethiopian faculty and led by Ethiopian deans. During the period of the Dergue, and, indeed for some years after the overthrow of the Dergue, support for legal education in Ethiopia waned.¹⁰⁵

eight week long internship within legal establishments during the long vacation at the end of the fourth year; (2) participation in at least one moot or mock trial session each academic year; (3) attendance at clinical seminars for a minimum of two hours a week; and (4) attending to clients and files in the legal clinic on a regular basis.

⁹⁷ Quansah, *Educating Lawyers*, *supra* note 19, at 530-31.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Observation of Professor Quansah based on teaching experience in Nigeria and Botswana.

¹⁰¹ Getachew Assefa, *The Current Situation of Legal Education in Ethiopia: Problems and Proposals*, 6, Proceedings Int'l Conf, *Why A Justice Personnel Training Center for Ethiopia*, (Addis Ababa, Ethiopia, July 2003).

¹⁰² *Id.* at 8

¹⁰³ *Id.* at 9.

¹⁰⁴ See Getachew Aberra, *The Faculty of Law and the Curriculum for Legal Training*, *Wonber* No. 2 ALEMAYEHU HAILE MEMORIAL FOUNDATION, (2008).

¹⁰⁵ Dr. Aberra notes that after Emperor Haile Selassie's government was overthrown in 1974, "...all expatriate staff of the faculty had left Ethiopia. Obviously, this sudden departure of expatriate staff had its negative impact on the standard of legal education given by the Faculty... The Ford Foundation which had been a major source of financial assistance soon terminated its assistance to the Faculty. As a result, the Faculty could no longer get current law books, journals, periodicals and other reference materials. It was therefore, found very difficult to maintain the high standard of legal education that was set by Dean Paul and his colleagues during the early 1960's." *Id.* at 101.

Since 2000, the Government of Ethiopia and legal educators in Ethiopia have placed substantial emphasis on the importance of legal education.¹⁰⁶ This is evidenced by the establishment of 20 government-supported and private law schools in Ethiopia, and by an intensive effort by the Ethiopian government and law school faculty to put into place a sophisticated strategic plan, as well as a comprehensive framework for reform of legal education in Ethiopia. These efforts have involved a massive and detailed re-examination of the role of law schools in Ethiopia, an examination of the composition and qualifications of law school faculty, the creation of a standardized curriculum, and the creation of teaching materials.¹⁰⁷ This has been a thoughtful and coordinated effort on the part of the Ethiopian Government and law faculty throughout the country to make legal education more accessible and more relevant to the demands of a diverse citizenry and consumers of legal services.

The reform of legal education in Ethiopia began in 2002 when the Ethiopian Government, under the auspices of its Ministry of Capacity Building, launched the National Comprehensive Justice Reform Project.¹⁰⁸ This Project had as one of its goals the reform of legal education in Ethiopia.¹⁰⁹ One of the committees formed to design and implement this project was the “Technical Committee” which undertook a study of private and public law schools in Ethiopia, in Europe, and in the United States.¹¹⁰ The problems identified by June, 2006 report were as follows:

*The curriculums in place have failed to incorporate new demands and developments such as investment, alternative dispute resolution, and federalism. The curriculum’s failure to focus on skill oriented courses and its inclination towards theory based courses stand out as a major problem of the curriculum. There is serious shortage of human and material resources needed for achievement of goals set by the curriculum. Another downside of the curriculum is its failure to clearly indicate mechanisms for quality assurance.*¹¹¹

In an effort to address these issues, the Addis Ababa University Faculty of Law, the senior law faculty in Ethiopia developed a strategic plan.¹¹² The strategic planning document

¹⁰⁶ The importance of this initiative is underscored by the Ethiopian Government’s adoption of a Code of Conduct for Federal Court Advocates. This Code provides in part that, “Any advocate shall have the responsibility to assist the organs of the administration of justice in the effort to promote respect for the rule of law and the attainment of justice. Any advocate shall, in particular discharge his professional duty to his client, other lawyers and opposing party, the court, his profession, and the society in general honestly, faithfully, and truthfully.” Federal Negarit Gazeta, 6th Year, No. 1, 24th Sept. 1999, Council of Ministers’ Regulations, p.1156

¹⁰⁷ See, *Reform on Legal Education & Training in Ethiopia* (June 2006) (working draft, on file with Professor Thomas F. Geraghty).

¹⁰⁸ See *Reform on Legal Education & Training in Ethiopia*, *supra*, note 60, at p. 6.

¹⁰⁹ *Id.* The Project recognized that, “effective law schools . . . can contribute to the sustenance of democracy, peace, good governance and justice as well as . . . producing competent and responsible graduates that can detect and fight against unethical and corrupt practices.” *Id.* at 7.

¹¹⁰ *Id.* at 8.

¹¹¹ *Id.* at 9.

¹¹² Strategic Planning Document for the Addis Ababa University Law Faculty, provided by Acting Dean Tadesse Lencho (insert date) (on file with Thomas F. Geraghty).

adopted by the Addis Ababa University Law Faculty identifies key challenges and plans for meeting those challenges. The strategic planning document takes a hard look at legal education at Addis Ababa University. This strategic planning document merits consideration by any law school that is contemplating a strategic planning process.

In the plan's section entitled, "Internal Situation Analysis: Strengths and Weaknesses," it is noted that a strength of the Law Faculty of Addis Ababa University is "a considerable number of strong, experienced and committed academic staff."¹¹³ On the other hand, the plan identifies a weakness of the Law Faculty as being, "[t]oo few academic staff members with PhD's," and "[t]oo few academic staff members with experience in research and publications."¹¹⁴ Thus, the capacity of Ethiopian law schools to produce scholarship is a key component of Ethiopia's plan to improve the quality of its program of legal education.

The Addis Ababa University Faculty of Law's vision, as set forth in its plan, is to "become a preeminent center of legal studies dedicated to excellence in teaching, critical inquiry and public action in an academic community that cultivates vibrant discourse on the rule of law development and social justice in Ethiopia."¹¹⁵ The Addis Ababa University's Law Faculty's mission is to "[a]ctively work for the enhancement of rule of law, equality, human rights, democracy, social justice, tolerance and economic development for the peoples of Ethiopia through quality programs of teaching, research and community service."¹¹⁶ Other law schools in Ethiopia have adopted similar thoughtful, far reaching, and ambitious objectives, equally signaling the re-emergence of legal education as a priority in Ethiopia. The program of clinical instruction at the Mekelle University Law Faculty is a particularly impressive example of the re-invigoration of legal education in Ethiopia.¹¹⁷

Ethiopian legal educators are thus attempting to meet the twin challenges of making the substance of legal education relevant to the needs of Ethiopia's citizenry and developing new teaching methodologies that will improve the quality of training that its law students receive. Ethiopia has taken several impressive steps to achieve these twin goals.

Ethiopia has formulated a model curriculum that will be adopted by all Ethiopian law schools.¹¹⁸ This 5 year undergraduate curriculum is responsive to the needs of modern

¹¹³ *Id.* at 3.

¹¹⁴ *Id.*

¹¹⁵ *Id.* at 24.

¹¹⁶ *Id.*

¹¹⁷ On February 24-28, 2008, the Faculty of Law of Mekelle University sponsored a national workshop on clinical legal education. Seven public and two private Ethiopian law schools participated in this conference. A committee consisting of legal educators in Ethiopia was formed to establish a national network of Ethiopian law clinics. E-mail from Desta G/Michael Giday, Director, Mekelle University Law Faculty Legal Aid Clinic, to Prof. Thomas F. Geraghty (March 6, 2008) (on file with Prof. Thomas F. Geraghty).

¹¹⁸ E-mail from Ato Muradu Abdo, Coordinator of the Research and Publication Unit of the Addis Ababa University, Faculty of Law, to Professor Thomas F. Geraghty, (March 23, 2008) (on file with Prof. Thomas F. Geraghty). "A new curriculum has been put in place in over 20 public and private law schools in Ethiopia. The curriculum has two aspects: a core curriculum with about 40 courses (about

Ethiopia, focusing heavily upon both the history and present status of Ethiopia's legal system and upon core courses such as contracts, torts, property, criminal law and business organizations, and human rights.¹¹⁹ In addition, courses in legal skills, such as legal writing, appellate advocacy, judgment writing, and legal clinics are offered throughout the curriculum.¹²⁰ Course materials for these offerings are being prepared under the auspices of the Justice System and Legal Research Institute of Ethiopia and the Ministry of Capacity Building. These materials are comprehensive and well-organized.¹²¹ The materials are a critical contribution to modern-day legal education in Ethiopia. Prior to the creation of these materials, much of legal instruction in Ethiopia was based upon materials prepared in the late 1960's and early 1970's by expatriate faculty.

B. Significant Remaining Challenges

1. Centralization and De-Centralization

The proliferation of law schools throughout Ethiopia has the salutary effect of making legal education available to more of Ethiopia's citizens. In order to manage the expansion of legal education, the Government of Ethiopia has chosen to centralize various aspects of legal education including admissions, curriculum development, and assignment of faculty. Unlike law schools in most other countries, law schools in Ethiopia have no role in deciding who is admitted to their schools; and, prospective law students have no ability to choose which public law school they would like to attend. Although centralized decision making is necessary to manage the kind of expansion put in place by the Ethiopian Government, some might argue that elimination of competition for the best students and faculty will result in few truly exceptional law schools. On the other hand, it is difficult to see how a government-funded initiative to fund legal education throughout Ethiopia could be managed differently. Perhaps an incentive structure could be created to further curriculum reform, excellence in teaching, and scholarly productivity.

2. Selectiveness in Admitting Law Students/Increased Enrollments

It is commonly accepted that during the early years of legal education in Ethiopia, the Addis Ababa University Faculty of Law attracted the most talented graduates of Ethiopia's secondary schools. However, the capacity of the Law Faculty in Addis Ababa to enroll students was always limited. Moreover, the logistics and expense involved in training all of

120 credit hours) and an area of concentration of about 15 courses (about 40 credit hours)." *Id.* Each law school must provide the core curriculum, but can elect concentrations. *Id.*

¹¹⁹ Course Offering Breakdown (Regular LL.B. Program) Sept. 2006 (unpublished manuscript, on file with Prof. Thomas F. Geraghty).

¹²⁰ *Id.*

¹²¹ Ethiopia's Justice and Legal System Research Institute, *Materials on Introduction to Law and the Ethiopian Legal System* (Oct. 2007) (on file with Professor Thomas F. Geraghty) (These materials underscore Ethiopia's commitment to provide law students with new teaching material that is drawn from, and that is directly relevant to, Ethiopian history and experience.). *See also* a course material on Legal History and Traditions (Oct. 2007) provided by Dean Fikremarkos Merso, (unpublished manuscript, on file with Professor Thomas F. Geraghty) (extensive course work materials prepared under the auspices of the Ethiopia's Justice and Legal System Research Institute).

Ethiopia's lawyers in Addis Ababa were daunting. Inevitably, the dramatic expansion of the number of slots available in Ethiopia's law schools has resulted in a more diverse but less academically elite student body.

The decision to expand the opportunities to obtain legal education is undoubtedly in the best interests of the country. However, this decision has implications for curriculum and for instruction that are very challenging, especially in the context of undergraduate programs in law. Increased enrollments in public law schools require additional faculty and administrative resources. Larger class size means less faculty contact and individualized instruction. Thus, it becomes difficult to implement new and more interactive teaching methodologies, such as clinical legal education. The cost of duplication and distribution of materials increases with the number of students admitted. These are difficult issues, especially during a period of time in which there is a vigorous effort to expand opportunities for students and faculty.

3. Curriculum Development and Implementation

As noted above, Ethiopia has invested significant resources in developing a new curriculum supported by new teaching materials. The need for new materials was acute. Few new materials had been created since the early 1970's. The new materials reflect the realities of practice in the formal justice system and also recognize the important role of customary dispute resolution systems.

The new model curriculum will require the education and training of more law faculty. Both old and new faculty will have to become experts in areas of law not previously covered by the curriculum. In addition, implementation of more interactive teaching methodologies will also require teacher training. If clinical programs are implemented and expanded, Ethiopian law schools will be required to attract faculty who have experience in practice.¹²²

In order to address the need for new law faculty who are prepared to teach in the model curriculum, the Government of Ethiopia is expanding its ability to provide post-graduate legal education in Ethiopia to train law teachers locally and relatively inexpensively. Until recently, most Ethiopian law faculty received their graduate degrees from foreign universities. Given the expansion of legal education in Ethiopia in recent years, sending all law professors abroad for graduate legal education will become increasingly, and perhaps, impossibly expensive. Thus, new initiatives are underway to train Ethiopian law faculty in Ethiopia.¹²³

¹²² A training in new pedagogy was organized by the Justice and Legal System Research Institute in September 2007 for about 70 participants drawn from all law schools in Ethiopia.

A similar pedagogy workshop is planned to be held in July 2008.

¹²³ There are a number of new initiatives underway to support the capacity of Ethiopian law schools to provide graduate legal education. The law firm, DLA Piper, is working with the Addis Ababa University Law Faculty to provide graduate-level instruction in business-related courses. The University of Alabama, under the leadership of Professor Norman Singer and the Ethiopian Ministry of Capacity Building launched a program in March of 2008 to support post-graduate legal studies. The Dutch Government has been supporting law faculty at Jima University and at Bahir Dar University by

The ambitious plans of legal educators in Ethiopia to train future law professors to teach traditional law courses seem well on track from the standpoint of providing the substantive knowledge to teach a new and ambitious curriculum. What is not so clear is what efforts will be made to train existing and future law professors in teaching methodologies that are more interactive and problem-based. In particular, the training of clinical faculty poses significant additional challenges. No planning document reviewed by the authors of this article set forth a plan for attracting and training law teachers qualified to provide clinical instruction.

A critical pre-requisite for teaching clinical skills such as legal writing, appellate and trial advocacy, negotiation, and mediation, is experience in practice. It is not clear the extent to which Ethiopia plans to draw upon practicing lawyers to be trained as law professors. In fact, anecdotal evidence suggests that many new law faculty in Ethiopia are very recent law school graduates. Moreover, the emphasis on the production of traditional scholarship as the primary criterion for the hiring, retention, and promotion of law faculty may be inconsistent with the objective of attracting and retaining faculty qualified to teach clinical courses.

4. Research

The Journal of Ethiopian Law is one of the oldest and most respected law journals in Africa. After the founding of the modern law school in Addis Ababa in 1963, the Journal was published on a regular basis and included articles on newly enacted codes as well as on the interplay between the new codes and customary practices.¹²⁴ During and after the time of the Dergue, the Journal was published infrequently and Ethiopian law faculty found it difficult to find support for their scholarly activities.

This situation is changing thanks to the renewed efforts of Ethiopian faculty and staff. The Journal of Ethiopian Law is being published on a regular basis.¹²⁵ Moreover, Ethiopian law faculty are increasingly publishing their work in law journals abroad.¹²⁶

However, further support for research is required. While faculties need grants to foster and support their research, they also need time off from teaching that will allow them to write. In addition, they need better access to information. The latter will require a modern library

covering the cost of post-graduate legal studies. The University of Pretoria has also been instrumental in providing opportunities for Ethiopian law graduates to obtain post-graduate degrees.

¹²⁴ See for example, John H. Beckstrom, *Divorce in Urban Ethiopia Ten Years after the Civil Code*, 5Eth.J.L.2(1969) at 283-304; and Thomas F. Geraghty, *People, Practices, Attitudes and Problems in Lower Courts of Ethiopia*, 5Eth.J.L.2(1969) at 427-512.

¹²⁵ As per information received by Professor Thomas F. Geraghty from Ato Muradu Abdo, the Coordinator of the Research and Publication Unit of the Faculty of Law of Addis Ababa University, in 2007, Vol. 22 of the Journal of Ethiopian Law came out; in 2008, the Journal will have two issues, July and December issues; the July issue is going according to the schedule; it looks that the regularity of the Journal is being restored.

¹²⁶ See, e.g., Girmachew Alemu Aneme, *Apology and Trials: The Case of the Red Terror Trials in Ethiopia*, 6 AFR. HUM. RTS. J. 64, 79 (2006); Muradu Abdo, *The International Investment Regime: Towards Evolutionary Bilateral and Regional Investment Treaties?* 1MJIEL(2004) at 54-75.

and increased access to the internet. Currently, internet access is expensive and slow, complicated by frequent power outages.

5. The Role of Ethiopian Law Schools in Support of Good Governance and Social Justice

Ethiopia's very impressive strategic planning document, *Reform on Legal Education & Training in Ethiopia*, states that "law schools shall actively work for the enhancement of democracy, good governance, tolerance, equality, social justice and economic development for the people of Ethiopia through quality programs of teaching, research and public service..."¹²⁷

As in every county, this lofty goal of legal education is difficult to implement in the context of classroom instruction. Students are pre-occupied with the necessity of learning the law and becoming adept at utilizing the tools of legal analysis and practice. Faculty are dedicated to providing students with the information and training necessary for the performance of technical tasks. In countries that do not enjoy the tradition or luxury of well-established and well-funded resources and institutions to support good governance and social justice, pre- and post-graduate involvement in such activities may, as a practical reality, be quite limited.

Meeting the challenge articulated in Ethiopia's vision for reform of legal education will be difficult. If during law school students are exposed to project-based learning that is focused on good governance and social justice, then that vision could very well become a reality. Implementing "project-based learning" will necessitate additional planning and resources. In addition, it requires the support of the government for programs that may involve analysis of existing practices within Ethiopia's system of justice.¹²⁸

6. Ethiopian Law Schools and the Practicing Bar

In the various documents reviewed by the authors, and in conversations with Ethiopian law faculty and with Ethiopian lawyers, there is very little mention of collaboration between law faculties and practicing lawyers. One has the impression that it is common for graduates of Ethiopian law schools not to remain involved as alumni in the activities of the law schools they attended. It is also common for members of law faculties to have little contact with members of the practicing bar. Without continuing exchanges between law faculties and members of the practicing bar and bar associations, it will be difficult to

¹²⁷ *Reform on Legal Education & Training in Ethiopia*, *supra*, note 60, at p.53.

¹²⁸ *See, e.g.*, Work undertaken at Northwestern Law School's Center on Wrongful Convictions ("CWC"). CWC, Our Mission, <http://www.law.northwestern.edu/wrongfulconvictions/aboutus/mission.html>. Through the work of faculty and students at the CWC in the representation of the wrongfully convicted, reforms of the criminal justice system in the United States have been suggested and implemented. *See* CWC, About Us, <http://www.law.northwestern.edu/wrongfulconvictions/aboutus/>. (detailing the clinics work on offering reforms to reduce the conviction of the wrongfully convicted).

ensure that curricula and teaching methodologies are relevant. It will also be difficult to teach the many practice-oriented courses that are envisioned by Ethiopia's model legal education curriculum. Moreover, law students will be deprived of valuable information about the challenges facing the profession as well as information that will allow them to make informed career choices.

VI. Conclusions and Modest Suggestions

A. Conclusions

This article began with a description of efforts of Westerners to provide support for legal education in Africa. It then went on to describe the dynamic progress now underway in Ethiopia to improve the availability and quality of legal education.

Ethiopia has accepted the proposition that improvements in its system of legal education are critical to the overall well-being of its citizens. This is an auspicious time for legal educators in Ethiopia and for those outside of Ethiopia who seek to support Ethiopia in this ambitious undertaking. Because what is happening in Ethiopia is particularly dynamic, those involved in shaping legal education initiatives in other countries should take notice.

However, it is apparent that even with the resources now being devoted by the Ethiopian Government to legal education, resources from outside of Ethiopia will be needed to support the Government's ambitious plans. Ethiopia needs access to legal information, new materials, new teaching methodologies, and a continuing ability to draw upon the experiences of legal educators from around the world. All of this is expensive.

It is also apparent that many foreign governments, private foundations, foreign law schools, and international NGO's are available to assist in the effort to make legal education in Ethiopia more relevant, more available, and current in legal information, teaching methodology, and technical support.

B. Modest Suggestions

The progress that Ethiopia has made in legal education has been made despite the fact that there is sometimes a lack of coordination of the efforts of the Ethiopian Government and Ethiopian law faculty, and the efforts of non-Ethiopians interested in supporting legal education in Ethiopia. In fact, one of the difficulties faced by both the Ethiopian Government and non-Ethiopian supporters of legal education in Ethiopia is the lack of a centralized knowledge base regarding past and present initiatives to support legal education in Ethiopia. This means that organizations and individuals who may have resources to devote to legal education in Ethiopia often have difficulty making sure that their initiatives are not duplicative and are welcomed by Ethiopian legal educators. A central repository of information and opportunities could be of great benefit to all of those concerned about the future of legal education in Ethiopia, especially at this critical moment when there is so much interest in and support of new initiatives.

The practicing bar in Ethiopia could be a valuable resource in support of efforts to improve the quality of legal education in Ethiopia. The practicing bar should engage law faculties in discussions about the priorities to be given the various initiatives that are planned and/or on-going. Law faculties should seek out members of the practicing bar to assist with programs of legal education, particularly those courses and programs that teach lawyering skills and human rights. There is considerable evidence that leaders of the Ethiopian Lawyers Association are concerned about the development of a stable and predictable legal system staffed by well-qualified and experienced lawyers.¹²⁹ Leaders of the Ethiopian Lawyers Association have recently played constructive leadership roles in helping to resolve difficult legal, political, and human rights issues in Ethiopia.

Finally, we make a plea for more support of exchanges between law teachers in Ethiopia and law teachers from abroad. We acknowledge that there is nothing particularly new or creative about this suggestion. But it is a basic truth that we learn from each other. Such learning cannot take place without opportunities for truly collaborative and sustained interactions. It takes time, effort, and money to develop the relationships that lead to the most productive collaborations. There are many opportunities for such collaborations on behalf of legal education in Ethiopia. Given the recent expansion of legal education in Ethiopia, and the priority placed upon legal education in Ethiopia, governments, foundations, and law schools outside of Ethiopia should view support of legal education in Ethiopia as an important opportunity to make a difference.

¹²⁹ See, *e.g.*, THE ETHIOPIAN BAR REVIEW (February, 2007) (a publication of the Ethiopian Bar Association containing the articles on trademarks, arbitration, and case reports).