

RULE OF LAW FOR DEVELOPMENT PROGRAM (PROLAW)

Master of Laws (LLM) and Master of Jurisprudence (MJ) in Rule of Law for Development

COURSE DESCRIPTIONS 2023-24

Legal Systems & Methods (MJ course)

This course aims at providing those PROLAW students with first degrees in other than law with a framework for understanding the central features, branches, functions and notions of law and the evolution of legal systems and their influence on systems of governance. After a general introduction on legal methods and the sources of law in the main legal traditions, the course will examine the interaction between norms, policies, and societal values in different branches of the law. Students will learn key law-related skills such as legal reasoning, analysis, planning, and problem solving and how law influences advising, negotiating and mediation.

History, Theory and Practice of Law for Development

This course provides an overview of the main intellectual foundations supporting the view that law and development are linked. While this connection may appear obvious, the course seeks to show that the relationship may not be as straightforward as first impressions might lead one to believe. Indeed, proponents of the presumed relation between law and development must confront two important distinctions well known to social scientists: causation versus correlation. Evidence that societies, which have achieved high levels of development, typically have good legal systems is incontrovertible. What is less clear is how they got where they are and in what sequence. Put differently, do good laws and institutions generate good development outcomes or does development lead to good laws and institutions? The course applies interdisciplinary and comparative research in history, economics, sociology, political science, regulatory theory, and philosophy to questions of law and the development of legal institutions and does not assume any prior knowledge in any field outside of law.

Research and Writing on the Rule of Law

This course is designed to assist lawyers and other professionals working with the law in developing the techniques of researching and writing in relation to rule of law development. The primary objective of this course is to enable students to apply research skills, which will be instrumental for conducting in-depth studies on rule of law development topics for major papers during the PROLAW Program and for the final capstone project. With a focus on development issues, substantial emphasis is given to socio-legal and empirical legal research methodologies. A secondary objective is that students will acquire writing skills that can be used in various practice settings involving legal and policy analysis, policymaking, and implementation of rule of law development research studies. Students will also gain expertise on how to research and analyze issues from other disciplines that contribute to the processes and dynamics of legal and institutional reform. This knowledge is foundational for developing theories of change and is critical to formulating strategies, plans, and analyses of rule of law advocacy and reform programs.

Principles of International Economic Law

The course provides a survey of international trade law and addresses the impact of law, legal frameworks, and institutions (LFIs) on economic development. International trade plays a key role in national economies, and this course provides an analysis of the legal frameworks for international trade. LFIs also have significant impacts on development, particularly economic development. Recognizing this importance, the post-2015 development initiatives by the United Nations (the Sustainable Development Goals) include the rule of law as a development target. The course analyzes the impact of LFIs. The course covers pertinent issues of international trade law and practice, including the principles of international trade law, tariffs and subsidies, trade remedies, regional trade agreements, and investment. The course also explores the theories and practices pertaining to law and economic development. In particular, the course explains how law affects economic development generally and how LFIs influence economic development in specific key areas relevant to economic development, such as property rights (including intellectual property rights), legal framework for political governance, regulatory framework for business transactions, and state industrial promotion.

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Comparative and Ethical Lawyering for the Rule of Law

This course will develop the students' knowledge and skills required to provide advice and assistance in a country with a culture and a legal tradition different from the culture and legal system in which they received their education. The course will examine and compare the main elements of particular relevance to rule of law assistance work in major world legal traditions: common law, civil law, Islamic law, customary law, and mixed legal traditions. It will also explore how the force of their normativity is effectively applied and how institutional frameworks deal with overlaps. Finally, the course will encourage students to consider the ethical dimension of cross-systems rule of law advising.

International Development Architecture

This course covers the rule of law and governance dimensions to international development assistance. It examines both the institutional frameworks and legal mechanisms by which international development assistance is distributed for rule of law and state-building activities and the legal and regulatory structures that apply to development assistance. The course begins by considering the reasons that donors provide aid generally and for rule of law, followed by the examination of the normative frameworks and standards that shape the manner in which aid is distributed, institutions and actors, mechanisms by which aid is programmed and actual use of aid by recipients. The overall approach begins at the global level and follows the chain of development aid through its various elements down to the national level. A key theme of the course is that the approach to international development assistance is broadening. Historically, financing for development was understood primarily in terms of public sector resources. As a result of a confluence of factors, development institutions have been seeking to gather resources from the private sector to supplement official development aid.

Theory and Practice of Assessments in Rule of Law Advising

This course will provide students with the knowledge and skills required to undertake assessments, the crucial lynchpin which supports the design of specific policies, legal and regulatory reforms, and administrative actions. The course demonstrates how developing a clear understanding of problems facing a society is fundamental to good governance and the rule of law. The course assumes that such understanding can be facilitated through professionally prepared assessments which identify the root causes of problems facing a country in a given area and put forward options for remedial action. Students will learn how to use the rich body of documented experience and guidance available on structuring and preparing assessments by learning how to plan and carry out assessments linked, for instance, to justice sector reform, access to justice, the improvement of the legal framework for investment and sustainable business and the control of human trafficking.

Design of Rule of Law Programs and Proposal Preparation

This course will build the understanding and skills of students in project design and the preparation of written proposals related to rule of law assistance, which can be carried out either in the context of an internationally financed assistance arrangement or as a nationally driven and self-financed initiative. Building on the needs assessments PROLAW course, the course will position project design as it fits into the overall project lifecycle, as well as its relationship with results-based management. The course will allow the student to understand the theory behind and the methods for conducting problem, stakeholder, and risk analyses, designing a logical intervention including project objectives, outcomes, outputs and activities, setting a budget, performance indicators, and means of measuring project progress, and applying theory of change and other logical framework tools. In the second half of the course students will use their newly acquired knowledge and skills to use by preparing a full written project proposal. The course will examine donor thinking behind requirements and how to respond to them, examine current thinking concerning the

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effectiveness of the project approach to rule of law reform and consider the meaning of innovation, such as problem-driven iterative approaches.

Rule of Law Project Management, Monitoring and Evaluation

This course will analyze the main principles, tasks and tools commonly used to manage a rule of law project, particularly in comparison to other types of project management. Topics will include the control of the timing of various steps in implementation (start up, work planning, activities, monitoring and evaluation, reporting, and close out), human resource management, stakeholder management, procurement, inventory, and budgeting. The course will also address common challenges including managing a project with weak design or insufficient budget, managing conflicts, dealing with emergencies and mid-course corrections, and the key requirements for successful project management – teamwork, accountability, leadership, substantive knowledge and skills, and cultural literacy. Students will have an opportunity to apply their knowledge and skills by working through a model project in teams and producing a sample deliverable “on time, on budget, and according to specifications.”

Rule of Law in Conflict Prevention and Peacebuilding

This course explores the relationship between rule of law, conflict prevention, mitigation, and peacebuilding for development. Drawing from ongoing case studies and international practice, the course examines the drivers of conflict, the dynamics and changes in the social fabric during conflict and how rule of law addresses those challenges. The focus is on justice as foundational to establishing the security and institutional legitimacy necessary for human development. The course will examine how unaccountable and ineffective law enforcement and governance institutions contribute to conflict. Given an understanding of the context, course discussions will seek to identify practical modalities for strengthening rule of law and justice reform, including transitional justice. Course materials include case studies, evidence-based analyses, and commentary. Students will be called upon to apply the course learning to a specific conflict affected context. Drawing on other courses in the program such as assessment, program design, implementation and oversight, students will identify opportunities for rule of law engagement in conflict contexts and propose relevant strategies and adaptive programming.

Rule of Law Capstone Project

The Rule of Law Capstone Project is the culmination of the student’s academic and personal experiences in the PROLAW program. In carrying out the Capstone Project, students will have the opportunity to consolidate everything they have learned in the PROLAW curriculum and reinforce their practical experience in applying this knowledge and skills through a final multi-faceted exercise. The final outcome of this course will enable each student to demonstrate in relation to a specific real-world law and governance reform process that he or she is capable of using what was learned in PROLAW to produce useful and professional documentation and communicate this content to clients and stakeholders effectively. Capstone projects can take a variety of approaches. In some cases, students may develop or have a preexisting relationship with an external organization, which provides an opportunity for students to work on their particular topics. Students may alternatively decide to conduct research and determine the need and feasibility of a possible initiative to address the problem they identify. Likewise, students can also choose to develop a project to implement an existing agenda or initiative at the national or international levels.