



Legal Education in East Africa & Sustainable Development

**7th Annual Ethics Conference
Strathmore University
29th October 2010**



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Context

- **Many Law Schools in Kenya & the region**
 - 4 Public Universities
 - 4 Private Universities
 - Many others proposed
- **Demand for legal education high**
- **Only 1 University has a graduate programme**
- **Dearth of legal academics**
 - Part-timing the norm
 - Dearth of legal research & writing
 - No mentoring of upcoming academics
 - No trans-generational succession plans

Context (2)

- **Education as a business**
 - Proliferation of Law Schools in context of marketised/commercialised education (Mamdani's *Scholars in the Market Place*)
 - Ideology of law schools clouded by bottom line concerns
 - Difficult to distinguish law programmes of different universities
- **Establishment of a Law School at Strathmore**
- **Concerns:**
 - What value will we add?



Context (3)

- **How do we respond to national, sub-regional, regional & international needs?**
- **How do we ingrain sustainability in legal education?**
- **What is the role of legal education in sustainable development?**
- **What role can SLS play in reform agenda in new constitution dispensation?**
- **How can we imbue ethical principles in a context where practice of law is synonymous with ‘get rich quick’?**
- **How do we build and secure public interest lawyering?**



Why Legal Education?

- **Lawyers perform many tasks relevant to development upon graduation**
 - Judges, parliamentarians, policymakers & other opinion leaders
- **Importance of guiding & forming students in integrity, coherence and accountability**
- **Incorporation of human & moral training for the maintenance of the common good**
- **Contribution to bringing about justice in society and between individuals**

Why Legal Education? (2)

- Calvin Woodward asserts that
 - ‘Law schools must rid themselves of the vestiges of mysticism that...held lay men in awe of law and legality; and ***students must be trained to regard themselves as agents of Justice*** ... More important, they must be shown precisely what this responsibility entails.’
- Transformational learning
 - Law curricula must embrace sustainability issues in substance & methodology
 - Emphasis on ethics as part of formation
 - Courses on sustainable development
 - Values that promote sustainability



Hallmarks of Sustainability

- **Different aspects of development**
 - Economic
 - Social
 - Cultural
 - Political
 - Ecological/sustainability
- **Brundtland Commission (1987) report**
 - Integrated environment & devevelopment issues
 - SD as one “ that meets the needs of present generations without compromising the ability of future generations to meet their own needs”

Law & Development

- **Development - call to continuing improvement at personal & institutional level**
 - *Promote values of social justice, community service & continuous improvement in the practice of law*
- **Armatya Sen's Development as freedom**
 - **Removal of sources of 'unfreedom'**
 - **Law as one way to 'free'**
 - **Inclusion; equality; equity (inter- & intra-generational); participation; accountability; transparency**
 - **Discourse of rights – Civ. & pol.; Socio-economic**



Law & Development (2)

- **Law schools need clear educational goals & share them with students**
- **Shift from content-focused to outcomes-focused programmes**
- **Develop competence – ability to resolve legal problems effectively & responsibly**
- **Help to develop attributes of effective, responsible lawyers**
 - **Self-reflection; life-long learning skills; intellectual & analytical skills; core knowledge & understanding of law; professionalism**



Some Values For Sustainable Legal Education & Legal Practice

- **Truth, justice, fairness, honour**
- **Diligence & punctuality**
- **Respect for RoL to protect rights & prevent arbitrariness & acquisition of unbridled power**
- **Integrity – being your word – Vs lying, deception, manipulation**
- **Trustworthiness – affects public respect for lawyers**
- **Courtesy & respect towards others**
- **Professional self-development**



Some Values For Sustainable Legal Education & Legal Practice (2)

- **Handle cases professionally**
 - High quality work at fair cost
 - Independence of judgment
- **Manage law practice effectively & efficiently**
- **Nurturing quality of life**
 - Law students enter Law school healthier & happier than other students but leave in much worse shape!
 - Unbridled competition; depression; not service oriented; superficial goals & values



Big Picture for SLS

- **Vision of SU to become a leading outcome driven entrepreneurial university in the region**
 - Translating our excellence into a major contribution to culture, economic well-being, and quality of life
- **Mission: Advancement of education through teaching, scholarship and service to society**



Big Picture for SLS (2)

- **Providing an all round quality education in an atmosphere of freedom and responsibility**
- **Creating a culture of continuous improvement**
- **Fostering high moral standards**
- **Developing a spirit of service and respect for others.**



SLS Goals

- **Promote values of social justice, community service & continuous improvement in the practice of law**
- **Imbue students with an understanding of the r/ship between law, ethics and justice and the centrality of the RoL in a democratic state**
- **Equip lawyers to serve competently in industry, the academy, govt, civil society & international organisations**



SLS Learning Outcomes

- **Interpretative & assessment skills**
- **Ability to:**
 - **Relate theory and practice**
 - **Work independently and with others**
 - **Solve academic, professional and ethical problems**
- **Aptitude for lifelong learning**



The Panel

- **Reflections from different perspectives**
- **Different generations of legal scholars & practitioners**
 - **Deans of Law Schools**
 - **Public officers**
 - **Upcoming academics**

Panel Modus Operandi

- **1. Prof. Yash Pal Ghai**
Reflections on the Role of law in Development: A life time of teaching law
- **2. Prof. Joe Oloka Onyango**
Role of legal scholars outside of the classroom
- **3. Dr. Migai Akech**
Law Matters: Formal and Informal institutions in sustaining development

Panel Modus Operandi (2)

- **4. Prof. Al Gaskins**

*Ethical and public spirited lawyering:
Creating a culture of service through law
teaching*

- **5. Amb. Amina Mohammed**

*The interplay and cooperation between
private & public sector: University and
government policy making*

- **6. Elizabeth Gachenga**

*Customary law and sustainable
development*