

March 1976

by Jonathan Silverston
Yale Law SchoolAID Transitional GrantReport for 1974-75

This report covers the first year of activity at Yale Law School under a two-year transitional grant from the Agency for International Development. The present grant was designed to permit the Law School to capitalize on the experience gained through the initial five-year Law and Modernization grant, and on the library resources, teaching expertise and contacts in the third world that had been built up during that period. The emphasis during the two-year transitional period is on graduate fellowships for lawyers from developing countries, and also includes a development colloquium series, closer relationships with law schools and scholars in third world countries, and seminars on development issues in those countries conducted by Yale Law School faculty members. The underlying premise of the program is that lawyers trained to view the law as an instrument of social change can have an important effect on the development process and can address directly such vital areas as land reform, economic development, education, health and international trade.

Administration -- During 1974-75 the program was supervised by a faculty committee chaired by Professor Quintin Johnstone, and included Messrs. Leon Lipson, Michael Reisman, Jerrold Guben and Dean John Roberts. Mr. Guben acted as Executive Director of the program. His duties included invitations to guest speakers in the colloquium series and individual supervision of research projects on development issues by graduate fellows. Mr. Guben's training as a social scientist and a lawyer greatly aided the development of interdisciplinary perspectives among the third world students

and his course in comparative legal systems became the focus of intellectual activity for them. Mr. Guben also assisted in the process of recruiting third world graduate students for 1975-76 and in exploring possibilities abroad of development seminars. Professor Johnstone acted as academic advisor to third world students, helping them to select course and research work and providing general guidance.

Curriculum — The present grant emphasizes the training of key actors in the development process not only in development and law-and-society courses, but also in areas of the law that are more traditional, including corporations, labor law, urban problems, financial institutions, foreign trade, criminal law and judicial administration. Graduate students sponsored by the AID grant funds have taken a wide variety of programs at Yale, and in many cases have also engaged in important research on the problems of their home countries. Courses focusing more particularly on problems of developing societies included the following in 1974-75 (see attached descriptions): Development Planning and Social Change, Comparative Legal Systems, and International Investment Workshop. A summary of the programs of these students appears below.

In addition to the formal courses taken by each graduate student, Professor Johnstone conducted a special colloquium series for students from developing countries, faculty members from the Law School and elsewhere in the University, and American law students. These evening sessions presented an opportunity for students from diverse backgrounds to exchange ideas on various problems of social and economic development. Guests from the Agency for International Development and from the legal profession spoke at each meeting. Typical of the sessions held during the year were those on inter-

national public interest law firms, population control in developing societies, and the drought in the Sahel region.

Graduate Fellows -- Because of the timing of the application and approval process for the transitional grant to Yale Law School, time was short in the spring of 1974, and we were unable extensively to recruit graduate students for the 1974-75 academic year in expectation of the AID funds. The June 1974 approval of the transitional grant did, however, allow us to admit a few additional students, and a small number already admitted from developing countries were supported from grant funds. Students supported during 1974-75, and their course and research interests, are as follows:

Kwame Frimpong	-- Student at Univ. of Ghana (comparative African law, research in development of family law in Ghana)
Hagos Haile	-- Prof. of criminal law, National Univ., Addis Ababa, Ethiopia (comparative legal systems, criminal law, role of the legal profession)
Abdalla Mohamed	-- Former judge, teacher at Univ. of Khartoum, Sudan (economic development, corporation law in Africa)
John Mugambwa	-- Prof. at Makerere Univ., Uganda (consumer protection in developing

Sergio Silva

-- Assistant prof., Catholic Univ. of Rio de Janeiro, Brazil (sociology of law, research methods, comparative criminal law)

During the academic year just completed, the faculty committee administering the AID grant devoted a great deal of time to recruiting an outstanding group of graduate students for 1975-76. This effort was successful, as outlined below; for the present academic year we have one of the largest and best groups of students from developing countries that we have had at Yale in many years (see attached list).

Development Seminars -- Yale's 1974 proposal suggested that efforts be made to explore the feasibility of seminars on development topics, either in the United States or abroad. During the 1974-75 academic year, a number of approaches were explored, including mini-conferences in Africa by Yale Law School faculty, co-sponsorship with the International Legal Center of a conference in Africa, and other possibilities. One result of these discussions was a two-week workshop at Yale held in June 1975 on sociolegal research in Africa. This session was co-sponsored with the International Legal Center, and was run principally by Professor Richard Abel of the UCLA Law School, who had previously worked with the Law and Modernization program at Yale. Attached is a report of the conference, indicating the participants and the subjects covered. It is interesting to note that many of the faculty participants are young teachers who received training in the Law and Modernization program, reflecting the success of that program in expanding the amount of teaching and research on law and development in American law schools. Included as speakers and faculty members were Stephen Huber of Houston Law School, Robert Pozen of Georgetown and Peter Winship of Southern Methodist, all of whom were trained under AID-Yale funds. A number of present and former Yale graduate

students from Africa also participated as students.

Research -- A number of students being supported by AID funds during the 1974-75 academic year were engaged in relevant research, usually in pursuit of the J.S.D. degree and in preparation for teaching. The subjects of that research are as follows:

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|------------------------------|--|
| Frimpong, Kwame | -- A study of the development of the criminal law in Ghana through three periods -- the indiginous era, the colonial period, and the period after independence. |
| Haile, Hagos | -- Examination and analysis of the pretrial provisions of the Criminal Procedure Code of 1961. |
| Mohamed, Abdalla | -- An analysis of contemporary Sudanese company law, with particular attention to devices to encourage indiginous entrepreneurs to incorporate their businesses. |
| Nanyenya, Peter | -- A study of how the legal process facilitates the transfer of science and technology from developed to developing societies, particularly in the management and exploitation of human and natural resources. |
| Rwelanira, Medard | -- A survey of recent developments in the Tanzanian legal profession. |
| Salman, Salman, M.A. | -- A comprehensive look at judicial administration in the Sudan in the context of other dispute settlement institutions. |
| Selassie, Girma Wolde | -- An exploration of administrative obstacles to development in Ethiopia; how old institutions, particularly legal ones, should be modernized and new ones instituted. |

it, funds from the Yale Law School Overseas Research Fund, established with Yale funds as part of the original Law and Modernisation program (and thus an integral part of it) supported trips abroad by two faculty members.

In May 1975 Professor Michael Reisman visited a number of Latin American countries, conferring with law school deans, teachers, and government officials about development issues and legal education. He was also able to interview a number of potential candidates for the Yale graduate program, providing the committee with invaluable information for the screening process. Professor Reisman spent particularly productive periods at PUC Rio, where a number of graduates of the Yale program are teaching and writing, at PUC Sao Paulo and at the four major law schools in Chile. During his stay in Chile he was also able to work with a Yale J.S.D. student who is engaged in dissertation field work. In all of the countries visited we feel that stronger links have been forged which will result in further exchanges of faculty members from the local law schools and Yale.

Professor Quintin Johnstone, on leave during 1975-76, visited a number of law schools in Asia on his way to Australia, interviewing young faculty members interested in the Yale program and renewing contacts with Yale graduates now in leadership positions. These contacts too will result in a strong flow of graduate students for future years.

Library -- The transitional grant made possible continuing acquisitions by the library of foreign materials related to development and comparative law. The report of the Foreign Law Librarian, outlining these acquisitions, is attached.

Budget -- Dean Wellington's letter to Mr. Jonathan Silverstone dated September 5, 1975, contained a summary of the two-year budget, along with a request to expend unspent funds over a third year, 1976-77. A more detailed accounting of expenditures for the 1974-75 year, to which this report is primarily addressed, is attached.

1975-76 Program -- As noted above, strenuous recruiting efforts during the last academic year have produced a large increase in the number of graduate students from underdeveloped countries -- from eleven in 1974-75 to twenty-two in 1975-76. The supervisory and administrative functions have been taken over by Professor Robert Stevens, assisted by Dean John Roberts. The full effect of the transitional grant is now being felt. Its impact on the Law School is important in a number of additional respects, aside from the addition of foreign lawyers and their research projects:

1. Using funds from the transitional grant, the Law School has obtained the services of Professor James C.N. Paul of Rutgers Law School to teach a seminar on African Legal Development in the spring term. Professor Paul is one of the leading American teachers in this area, and has been a consultant to the International Legal Center. His seminar will provide an excellent opportunity for foreign graduate students and J.D. candidates interested in development issues to work together. A description of the seminar is attached. Other 1974-75 curricular offerings are also being continued. Professor Reisman's development seminar has become more explicitly interdisciplinary, including graduate students from other departments and schools of the University. It also became the vehicle for extensive student research and writing on economic and social development problems.

2. Again as a direct result of the transitional grant, the Law School

has arranged for Professor S.K. Date-Bah of the Law Faculty, University of Ghana, to join the Yale faculty as a Visiting Professor during the spring term. Professor Date-Bah, who did his graduate work at Yale earlier in his teaching career, will teach with Professor Paul and work with African graduate students on their research projects. We have high hopes for this relatively unusual experiment -- an American expert and an African law teacher co-teaching a seminar.

3. An excellent result of the current transitional grant has been the opportunity to expand the traditional group of graduate students from underdeveloped countries. While the vast majority of recent students from these countries have been law teachers and public servants (the two groups often intermingle), the Graduate Committee decided during the past academic year to experiment with a small number of judges in the graduate program. Professor Quintin Johnstone, chairman of the Graduate Committee and of the Law and Development grant for 1974-75, contacted teachers and others in a number of countries to explore the possibilities of bringing judges to Yale for further training in both substantive law and judicial administration. In many underdeveloped countries judicial administration is in the process of change, and plays an important part in the development process. Because of close ties to the Sudan built up over the years of the Law and Modernization program, that country was selected to begin the experiment. Two outstanding young members of the judiciary were selected to join the graduate program during 1975-76, where they will emphasize judicial administration studies. They will be in a position to improve the conditions of both civil and criminal courts upon their return, and it is our hope to continue to accept a small number of non-teacher judges in the next few years.

4. The Law School is continuing to explore the possibilities of members of its faculty conducting development seminars abroad during the 1975-76 academic year. As outlined in a letter from 1975-76 chairman Robert Stevens to Mr. Silverstone dated January 12, 1976, Professor Geoffrey Hazard visited the Sudan for ten days during January, meeting with members of the judiciary, government leaders, and law teachers. Professor Hazard delivered a series of lectures and participated in discussions on a variety of issues of interest to the Sudanese, including the role of customary law in the modernization process, court modernization, and the role of the legal profession and legal education in the process of social and economic change. This trip was supported by the Overseas Research Fund, and we will continue to explore the possibilities of similar visits to other countries in Africa and South America.

5. The Law School is continuing to search for ways to broaden the training of third world scholars and teachers in this country, particularly as it involves research methodology. With the support of grant funds, the School is sponsoring a seminar on African development problems and legal issues facing African nations at Yale in March. Students and faculty members from Harvard, Boston University, Columbia, and Temple law schools will take part, and will have an opportunity to informally exchange views on their current research projects and criticize each others work.

Long-term Support -- The transitional grant from AID has enabled the Law School to continue the research and training function for underdeveloped countries that was begun during the Law and Modernization program from 1970 to 1975, and to explore some additional fruitful avenues. As noted in Dean Wellington's letter of September 5, 1975 to Mr. Silverstone, the peculiar problems of timing of the transitional grant, which were unavoidable, have made

it impossible to expend the funds at the rate planned for the first year, and a request has been made to extend the total grant period from two to three years (or until June 30, 1976). At the same time, the Law School is energetically searching for support for its program from other sources. It is actively soliciting major gifts for support of foreign lawyers as a part of a major capital campaign now underway. A group of prominent Yale graduates in India has launched a project to raise funds in that country to support graduate students who wish to come to Yale Law School. Though no major gifts earmarked for fellowships have been received, several institutional and individual donors have expressed an interest. Substantial additions to our general fellowship funds have already been made and more are anticipated; more funds can thus be freed for foreign graduate students even without specific earmarking. The campaign is now in full swing, and will be completed in mid-1977. It is our hope that we will be able to continue the curricular offerings in the future, in addition to library acquisitions and graduate fellowships, so that Yale can continue to be a place where outstanding lawyers from the third world can broaden their capabilities and contribute more importantly to the development process.

Harry H. Wellington
Dean

Financial Report 7/1/74 - 6/30/75

<u>Student Fellowships</u>		18,804.32
<u>Faculty Salaries</u>		
Q. Johnstone	3,000.00	
W. Reisman	6,219.96	
J. Guben	<u>6,000.00</u>	
Total Faculty Salaries		15,219.96
<u>Clerical and Technical Salaries</u>		
R. Groover (Library)	6,480.00	
R. Kurzbauer (Library)	<u>500.00</u>	
Total Cler. and Tech. Salaries		6,980.00
<u>Fringe Benefits</u>		4,487.40
<u>Research (Students)</u>		
R. Caplan	120.00	
A. Mulvey	<u>400.00</u>	
Total Research		520.00
<u>Colloquium Expenses</u>		
Travel	656.26	
Entertainment	<u>51.17</u>	
		707.43
<u>Miscellaneous Expenses</u>		
Copying and Printing	819.90	
Telephone	388.98	
Supplies	<u>160.00</u>	
		1,368.88
<u>Library Acquisitions</u>		<u>10,165.12</u>
	Total Expenses 74-75	\$58,253.11
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6/30/74 Balance	6,367.63	
7/8/74 Additional Award	<u>240,600.00</u>	
	246,967.63	
Expenses 74-75	<u>58,253.11</u>	
Balance as of 6/30/75	\$188,714.52	

Emily Collins
8/11/75

GRADUATE STUDENTS SUPPORTED BY AID

1975-76

Isaak Ismail Dore - Zambia

Philip A. Banks - Liberia

Andrew M. Singela - Zambia

Khiddu-Makubuya - Uganda

Peter Nyot Kok - Sudan

El Fadil Nayil Hassan - Sudan

Peter T. Nanyenya - Uganda

Kwame Frimpong - Ghana

Salman M.A. Salman - Sudan

Abdalla Idris Mohamed - Sudan

Tesfatsion Medhanie - Ethiopia

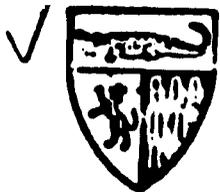
Young Moo Shin - Korea

Das Yun Cho - Korea

Malee Pruekpongswalee - Thailand

Mira Ahuja - India

Durga Prasad - India



16 July 1975

CARL F. LAMERS
POBESON LAW LIBRARIAN

REPORT ON THE AID FUND
FOR THE BUDGET YEAR 1974-1975

For the budget year 1974-1975, an amount of \$10,000.00 was apportioned for library acquisitions out of the AID fund. An amount of \$9,926.31 was expended for purchases in the areas authorized.

The amount of \$10,000 represented a substantial reduction as compared to the \$30,000 which was made available in each of the two preceding years. It was therefore necessary to stop acquisitions altogether in certain areas and to reduce them in others. Thus, for instance, no retrospective materials were bought, except for a few replacements for books that were requested by faculty or students after they were found to be missing from the shelves. The greatest reduction was made in Asian materials; Latin America came next. Non-legal materials -- e.g. titles dealing with anthropology, economics, political science, sociology, etc.-- also decreased greatly, although a number of purchases could still be made in the area of social and economic development.

Proportionately, acquisitions in African materials increased to more than half of the total amount, while in the preceding year they amounted to less than one-third (\$5,107.50 out of

\$10,000 in 1974-75 and \$8,169.35 out of \$30,000 in 1973-74). Africa is, even more than before, the area of greatest interest to faculty and students alike. The number of students from African countries was by far the largest in comparison to those from other areas, while the number from Latin America decreased again. Unfortunately, price rises occurred in Africa no less than elsewhere, and especially the amounts placed in deposit accounts increased substantially.

While in the preceding year Latin America accounted for the largest share of the expenditures (\$9,536.80 out of \$30,000), the amount was only \$1,504.73 in the 1974-75 budget year. Proportionately, the number of titles declined even more, namely from 2430 in 1973-74 to only 132 in 1974-75. There are, apart from the much smaller amount spent, two other reasons for this low number. First, many older books and back files of periodicals could be acquired at very low prices last year. Second, prices in Latin America have increased more than anywhere else, sometimes to absurd levels. Thus, the Revista dos tribunais (São Paulo) increased from \$40 to \$200 a year. (It will have to be canceled despite its importance.) The fact that so few titles for Latin America could be acquired is cause for concern, because the output is increasing despite the price rises; and after it appeared that the library would be able to regain the place it had in this area before 1960, it is now obvious that this will not be possible and there will again be a decline.

Because so many materials from the countries with which the AID fund is concerned arrive in unbound form, the amount which had to be spent on binding was fairly large: \$1,613.90. It must

be said that this included binding expenses for materials which were acquired in the preceding budget year; but this is an item that naturally carries over from year to year.

The amount which was spent on materials dealing with economic and social development was \$688.84. Quite a large part of this went for one item, namely the upkeep service for the loose-leaf set Investing, licensing, and trading conditions abroad, published by the Business International Corporation (\$367.00).

The following appendix shows the details of expenditures for the various areas. They have been broken down into books and continuations. No breakdown by languages was made this time, because materials dealing with Latin America were practically all in Spanish or Portuguese, while almost all the other titles were in English.

Carl F. Lamers

Foreign Law Librarian

AID EXPENDITURES

1974-1975

AFRICA

Books	\$ 596.19	51 titles
Continuations	\$ 961.31	41 titles
Deposit accounts	\$3,550.00	
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Total	\$5,107.50	

ASIA

Books	\$ 341.18	16 titles
Continuations	\$ 274.67	10 titles
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Total	\$ 615.85	

LATIN AMERICA

Books	\$ 943.70	109 titles
Continuations	\$ 561.03	23 titles
	<hr/>	
Total	\$1,504.73	

MIDDLE EAST

Books	\$ 96.47	9 titles
Continuations	--	
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Total	\$ 96.47	

ECONOMIC AND SOCIAL DEVELOPMENT

Books	\$ 223.76	16 titles
Continuations	\$ 465.08	4 titles
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Total	\$ 688.84	

MISCELLANEOUS

Books	\$ 228.17	11 titles
Continuations	\$ 70.85	8 titles

Total \$ 299.02

BINDING

\$1,613.90

GRAND TOTAL

\$9.926.31

1974-75 Courses

COMPARATIVE LEGAL SYSTEMS. 3 units. An examination of the ideological and structural components of a variety of historical and contemporary legal systems. Material for the course will be drawn from sociology, anthropology, jurisprudence, and history. The systems to be considered will include, among others, the Anglo-American common law, socialist systems, and selected systems in the third world. J. T. Guben.

†**DEVELOPMENT PLANNING AND SOCIAL CHANGE. 2 units.** From the transnational perspective, programs for the increased production and wider distribution of values are readily seen to be global in impact and, of late, in planning and implementation. This seminar will develop a model of global social change and, in particular, identify the functional grid of international and national agencies and groups which may or do play important development roles. With this background, the seminar will consider in depth, in several sectors, the goals, trends, conditions, projections, and preferred alternative strategies of community development and world social change. Mimeographed materials and selected readings. Examination or paper option. Seminar papers may be submitted in partial satisfaction of the supervised analytic writing requirement. W. M. Reisman.

†**INTERNATIONAL INVESTMENT WORKSHOP. 2 units.** Paper or examination. Papers may be submitted in partial satisfaction of the supervised analytic writing requirement. W. M. Reisman.

Special Development Seminar

1975-76

†AFRICAN LEGAL DEVELOPMENT: SELECTED PROBLEMS. 3 units. This seminar may be perceived as an admixture of "comparative law," "law and society," "law and development," and some "African studies." It will examine some of the social contexts, development problems, ideologies, and other factors influencing legal development in anglophonic African countries and, hopefully, stimulate thought on some general propositions about law and social change. During the first half we will take up some broad subjects such as: general perspectives on the study of law in Africa—and the study of "law and development"; legal, political, and economic systems in Africa circa 1960; law and political development (e.g., the influence of constitutions, ideologies, public administration); law and economic development (e.g., the influence of planning, foreign investment, state participation in the economy, public corporations); law and rural development (e.g., concepts of rural development, the influence of traditional cultures and customs, land tenure); problems in "redesigning" legal systems in the 1970s (e.g., the character and role of the legal profession; possibilities of "delegalizing" parts of the legal system); African legal experience and general legal theory. In the second half participants will present reports (based on research for papers) on particular topics falling within the above, or related, areas. Subject to approval participants may choose both countries and issues for these individual projects. Hopefully, the seminar will be a workshop in which we are able to develop some new ideas about legal development in changing societies. This seminar will be limited in size. A paper will be required which may be submitted in partial satisfaction of the supervised analytic writing requirement. J. C. N. Paul and S. K. Date-Bah.

**REPORT ON THE WORKSHOP ON SOCIOLEGAL RESEARCH
IN AFRICA, HELD AT YALE LAW SCHOOL, JUNE 21-JULY 2, 1975**

**TO: James C. N. Paul)
John Howard) International Legal Center**

Robert C. Berry--National Science Foundation

Robert B. Stevens--Yale Law School

The Participants

FROM: Richard L. Abel

Date: August 12, 1975

Background. This is the third in a series of workshops organized by the ILC to increase the familiarity of legal scholars from the developing countries with social science materials and methods relevant to the problems of law and development. The objectives and initial design of the workshop were set forth in the application for funding of April 1975, the letter of invitation to applicants (April 25, 1975), and the schedule. The schedule was altered and expanded slightly to allow for additional speakers and presentations by participants (see Appendix A). In addition, there were some changes in the participants (see Appendix B). The topics and readings are set forth in Appendix C.

Participants. With the exception of two American law teachers with strong interests in Africa, and an American graduate student, the participants were all African lawyers who had completed one or more years of graduate training in American law schools, and who, by and large, had teaching positions with African law faculties, or expected to teach in the future. Most of them were in the midst of a major research project--usually a J.S.D. thesis for an American law school. The speakers included law teachers from the U.S., Canada, and Kenya, social scientists, and an employee of the World Bank.

Facilities. The workshop was held at the Yale Law School, and the participants accommodated in dormitories, with meals at Commons. The speakers were accommodated at a nearby hotel. These arrangements seemed adequate. New Haven provides enough variety for a short stay without too many distractions. The only significant drawback was the dispersion of participants and speakers at three locations, which slightly inhibited interchange in the evenings. However, most members of the workshop ate most of their meals together.

Evaluation. An evaluation session was held at the end of the workshop, which almost all of the participants attended. It ranged over a wide number of topics and expressed what I believe to be the candid views of the participants. I will try to report those comments as fully as I can, augmenting them where appropriate by my own views, and others I heard during the workshop.

1. Speakers. There was general enthusiasm for the extensive use of a large number of speakers. This contrasted favorably with the Nairobi workshop, where it was thought that some of the sessions began to be repetitious. The disadvantage of using speakers, of course, is less control over the material and style of presentation. But given the extremely diverse interests of the participants, diversity is probably an advantage. I should have done more to acquaint the speakers with what I expected them to do. Without intending invidious comparisons, I would like to mention some of the sessions which received particular praise. The presentations by Okoth-Ogendo and Menezes--which turned into a friendly debate between long-term controversialists--was stimulating; and the debate format, if it does not become acrimonious, is an excellent teaching device. Burns' autobiography of his research experience in Indonesia raised many fundamental methodological issues which surmounted the social and cultural differences between the Far East and Africa. Robert Pozen's critique of the literature on public corporations was extremely successful in conveying methodological and theoretical issues in a concrete format. Many participants only commented that it left him too little time to present his own research. Bob Seidman was stimulating and controversial as always. His model for raising general questions about law and development was generally felt to be helpful. Mensah-Brown's research on international and inter-ethnic marriages in Africa demonstrated what a lawyer could do in the way of sociolegal research. And Peter Hall's study of the primary court magistrates in Kenya showed the relevance and utility of social scientists' research to lawyers. Finally, Amos Odenyo's ongoing study of the legal profession in Kenya indicated the centrality of legal profession studies to larger issues of law and development, stratification, differential access, etc.

2. Methodology. There was a split of opinion on whether more formal attention should have been paid to methodology. My own belief is that methodological issues only become interesting and salient in the course of research. Abstract generalities about research method tend to fall on deaf ears. My own preference would be to have resource personnel available to participants who are actively designing or conducting research. At the same time, the limited presentation of research method in the course of reporting recent research results was interesting, and helped to encourage the participants to believe that they could undertake similar goals.

3. Subject-matter. My choice of subjects was governed by the availability of speakers, published sociolegal research, my own competence, and relevance to larger issues of development. There was no single theme, and a great deal of diversity. This was generally applauded, since it matched the diversity of participant interest, and helped to maintain attention.

4. Ideology and Politics. Most of the participants were aware of the predominance of these issues in Nairobi. As a consequence, there was conscious avoidance of ideological debate. Most people felt that this was a good thing--that ideology could not usefully be debated, and led to personal attacks and antagonism. At the same time, there

was considerable frustration at the omission of larger issues, a recognition that political problems do not go away when they are ignored, that discussion of law may be irrelevant in a military regime, that micro-studies become trivial if not placed in a macro-perspective. The problem was one of structuring discussion of ideological issues so that it would not: 1) monopolize the workshop; or 2) polarize the participants. I believe that in the future one or more sessions ought to be devoted to political analysis; and that a more fruitful format for ideological debate might be to divide the participants into relatively homogeneous ideological groupings to develop a platform or plan on major issues for presentation to the whole group.

5. Readings. Good, but much too long. Nobody read everything, but most participants read all of the topics of particular interest to them. One suggestion would be to reduce the required reading to 20-30 pp. per day, but append additional readings for those especially interested in the topic, or to be taken away and read after the workshop. The readings were insufficiently tied to the presentations by speakers. A better format would have been a short reading with direct relevance to the speaker, to be discussed in a morning session--led by a student participant--as the background for the afternoon speaker. Readings also ought to be circulated as early as possible--the two weeks allowed were insufficient, and there was little time to read while the workshop progressed.

6. Scheduling. It is impossible to fit into the schedules of all possible participants. The time chosen--several weeks after the end of term--was accepted as the best compromise, although some felt too depleted by a year of graduate work to invest all their energies in the workshop. Most felt that the eleven days were too much, and that impetus was lost after the intervening weekend. My own feeling is that there should have been a longer break--two full days, with planned relaxation--which would have done more to restore energies. There was some complaint at the outset about meeting both morning and afternoon. But in the end, we did so on most days, trying, however, to break earlier.

7. Research reports by participants. Although there was considerable reluctance by most participants to make a presentation, and though few turned in a research design in advance, and although there was some diminution of attendance at the presentations, most participants thought that this was one of the most important facets of the workshop. They felt that everyone should be required to make a report, and that papers should be prepared and distributed in advance. They felt that they learned a great deal from listening to each other, and that they were more willing to receive criticism from their colleagues than they would be from a teacher. If attitudes did not change on the spot, they were likely to do so later. The problem, of course, is how to encourage participants to prepare their research reports. It may be that peer pressure during the workshop is the best incentive.

8. Geographical focus. There was a strong bias toward Kenya in particular, and East Africa generally, largely a result of my own experience, which affected the choice of readings and speakers. In the future, greater geographical diversity ought to be sought.

9. Western and socialist models of development. Again, there was an unfortunate bias toward the former. Conscious effort ought to be made to present competing models of development—perhaps through debates between economists, or political theorists.

10. American situs. The primary advantages are convenience, relative cheapness, and the opportunity for lawyers from many parts of Africa to meet together. If regional workshops continue to occur in East, West, or Central Africa, it will also be desirable to hold pan-African meetings of this sort in an American (or European?) city.

Appendix A

SCHEDULE

- Sunday, June 22:** Introduction: models for sociological research (Abel)
- Monday, June 23:** Law and urban problems--housing in Nairobi (Menezes)
Agricultural land use planning in Kenya (Okoth-Ogendo)
- Tuesday, June 24:** Commercial relationships in the rubber trade in Indonesia (Burns)
State regulation of the economy in Ethiopia (Winship)
- Wednesday, June 25:** Public corporations and legal transfers (Pozen)
- Thursday, June 24:** Development administration (Seidman)
Transfer of technology (Nanyenya)
- Friday, June 27:** International marriages in Africa (Mensah-Brown)
Family law reform in Tanzania (Muganda)
Reform of inheritance law in Ghana (Adinkrah)
- Saturday, June 28:** Primary courts in Kenya (Hall)
- Monday, June 30:** Criminology (Abel)
Pre-trial procedures in Ethiopia (Hagos)
Sentencing in Ghana and Nigeria (Adu-Sarkodie)
- Tuesday, July 1:** Legal profession in Kenya (Odenyo)
Nigerian legal culture (Oyebode)
Litigation in Kenya courts (Abel)
- Wednesday, July 2:** Trade unions in Ghana (Adu)
Company law in Sudan (Mohammed)
Business organizations in Ethiopia (Winship)
Legal Development in East Africa (Mubirumusoke)
Control of land and natural resources in Zambia (Mubako)
Evaluation (Girma)

Appendix B

PARTICIPANTS

- Abel, Richard L. Professor of Law, UCLA. Fieldwork on the judicial system of Kenya.
- Adinkrah, Kofi Oti. LL.B., LL.M., Ghana; LL.M., Univ. of Calif. Berkeley.
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- Adu-Sarkodie, Brigid Akua. LL.B., Ghana; LL.M., Temple.
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- Hagos Haile. LL.B., Haile Sellassie I Univ.; LL.M., Yale.
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- Nanyenya, Peter. LL.B., Makerere; LL.M., Yale.
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Appendix B
(cont.)

Paul, James C.N. International Legal Center; Professor of Law, Rutgers. Formerly of Haile Sellassie I Univ.

Pozen, Robert. Assistant Professor of Law, N.Y.U. Research on public corporations in Ghana.

Seidman, Robert. Professor of Law, Boston Univ. Formerly of the faculties of law of Ghana, Lagos, Dar es Salaam, and Zambia.

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Winship, Peter. Assistant Professor of Law, Southern Methodist University. Formerly of the faculty of law, Haile Sellassie I Univ.

Appendix C

TOPICS AND READINGS

1. Introduction - what is sociolegal research, and why is it important in Africa?

Readings: David Trubek and Marc Galanter, "Scholars in Self Estrangement: some reflections on the crisis in law and development studies in the United States," (1974) Wisconsin L. Rev. 1062, 1070-1102.

Research Advisory Committee on Law and Development of the International Legal Center. Law and Development: the future of law and development research (1974).

Richard Abel, "Law Books and Books About Law" 26 Stanford L. Rev. 175-228 (1973).

2. Land law

Readings: (A) Land reform and rural development

Colin Leys, Underdevelopment in Kenya: the political economy of neo-colonialism. 1964-71 (1975), chap. 3: "Continuity and Change in Agriculture." 54 pp.

Robert Meagher, Case Studies on Law and Development: Ethiopia: Land Tenancy (1973), selections include: FAO Research in Contemporary Changes in Agrarian Structure (1972); FAO Report to the Government of Ethiopia on Land Tenure and Landlord-Tenant Relationships (1969); J.C.D. Lawrence and H.S. Mann, "FAO Land Policy Project"; Dept. of Land Tenure, Ethiopia, "A Preliminary Study of Landlord-Tenant Relationships in Ada Wereda" (1970). 62 pp.

(B) Land law and urban housing

J. Thacker. Housing.

F. Temple and B. Waters. The Activities of the Informal Building Sector.

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3. Contract law and commercial relationships

Readings: Stewart Macaulay. "Non-Contractual Relations in Business: a preliminary study," (1963). 14 pp.

Y.P. Ghai, "Customary Contracts and Transactions in Kenya" (1969). 11 pp.

Peter Marris and Anthony Somerset, African Businessmen: a study of entrepreneurship and development in Kenya (1971). Chaps. 1, 5, 6, 7, 8 and Appendix 2. 120 pp.

Colin Leys. Underdevelopment in Kenya: the political economy of neo-colonialism, 1964-71 (1974). Chap. 5: African Capitalism. 20 pp.

4. State Enterprise Through Public Corporations

Readings: (A) Case study of public corporations

E.A. Botchway, "Operational Autonomy and Public Accountability in Statutory Corporations: a case study of Ghana's development experience and a blueprint for reform," 3 Ga. J. Int'l & Comp. L. 55-96 (1973).

(B) Public corporations as legal transfers

Robert Pozen, The British Public Corporation in Ghana: legal transfers to the third world. (J.S.D. dissertation, Yale Law School, 1973). pp. 1-11.

Robert A. Seidman, "Law and Stagnation in Africa," 5 Zambia L.J. 39-66 (1973).

Appendix C
(cont.)

5. Development Administration

Readings: David Trubek, "Toward a Social Theory of Law: an Essay on the Study of Law and Development," 82 Yale L.J. 1, 24-40 (1972).

John Okumu, "The Socio-Political Setting," in Goran Hyden, Robert Jackson and John Okumu, Development Administration: The Kenyan Experience (1970), chap. 2.

Henry Bienen, "The Economic Environment," in Id., chap. 3.

Robert Jackson, "Planning, Politics and Administration," in Id., chap. 9.

Frank Holmquist, "Implementing Rural Development Projects," in Id., chap. 10.

Robert Seidman, "Law, State Control of the Economy and the Development of a Bureaucratic Bourgeoisie in Anglophonic Sub-Saharan Africa (1975).

6. Personal law - the impact of laws relating to marriage, divorce, legitimacy, and inheritance

Readings: Max Rheinstein, Marriage Stability, Divorce, and the Law (1972), chap. 12: "Does Divorce Breed Breakdown?" 32 pp.

Anon., "The Internalization of Social Legislation in a Developing Country" (1974). 50 pp. (Ivory Coast).

P.W. Jones-Quartey, "The Maintenance of Children Act and Akan and Ewe Notions of Paternal Responsibility" (n.d., circa 1970). 15 pp. (Ghana).

Barbara Harrell-Bond, "The Influence of Legislative Change on Behavior: a case study" (1974). 18 pp. (Sierra Leone).

7. The Judicial System - primary courts and the problem of access

Reading: Frederic DuBow, "Justice for the People: Law and Politics in the Lower Courts of Tanzania" (1972). Chaps. 3, 4, 6, 7, and Appendix B. 175 pp.

Appendix C
(cont.)

8. Criminology and Criminal law

Reading: Marshall B. Clinard and Daniel J. Abbott.
Crime in Developing Countries: a comparative
perspective (1973). Chaps. 1, 2, and 9.
105 pp.

9. The Legal Profession

Readings: Robin Luckham. Report to the ILC: The Ghana
Legal Profession, the history of a research
project (December 1974). 33 pp.

Amos Odenyo. The Emergent African Lawyer:
Legal Profession and the Social Structure in
Kenya. An Interim Report. (September 1974).
30 pp.

Jill Cottrell. The Role of the Legal Profession
in Nigeria. 34 pp.

Appendix D

ADDRESSES OF PARTICIPANTS

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March 5, 1976

HARRY H. WELLINGTON
DEAN

Mr. Jonathan Silverstone
Chief, Civil Participation Division
PPC/PDA
Agency for International Development
Washington, D. C. 20523

Dear Jonathan:

I enclose the Annual Report for 1974-75, covering the first year of the two-year transitional grant from the Agency. I hope that it (along with the additional material in this letter, material that Michael Reisman will send you, and the views you have earlier received from him, Robert Stevens and John Roberts) persuades you that we merit formal consideration for a no-cost extension of the grant into 1976-77.

In your most recent letter, you asked me to provide more detail concerning the need for the third year stretch-out. That need revolves mainly around the graduate fellows themselves, since we propose to spend very little of what remains on faculty salaries and administration. We have now admitted only five graduate students from developing countries for the 1976-77 year. The Graduate Committee feels that it cannot provide fellowships for more than one or two more without the additional AID funds. Four or five more excellent candidates are waiting in the wings. Perhaps more important, a number of excellent students recruited this year for the LL.M. program have expressed a desire to stay on at Yale for further J.S.D. study. In many ways, the second year is the most important in terms of research product, and we would like to keep many of these students. If, as it now appears, ten apply to remain here, we would be able to take no more than four without a continuation of AID funds. With those funds we could take at least eight. Many have not formed a clear idea at this point in the year of the subjects of their dissertation research, but a sampling of the projects already planned gives you an idea of their relevance to AID's aims:

- Sinjela (Zambia) -- The role of quasi-government corporations (e.g. TVA) in economic development.
- Hassan (Sudan) -- The effects of international product cartels on economic development.
- Shin (Korea) -- Modernization of Korean securities law and its effect on economic stability and growth.

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Kok (Sudan)

--The encouragement and control of foreign investment in Africa.

Furthermore, Hastings Okoth-Ogendo of the University of Nairobi's Institute of Development Studies, wants to return to work on his dissertation, begun here, on land reform in Kenya. As it stands now, we can't help him.

I also want to add some specifics regarding the number of leading foreign lawyers interested in development issues that have been greatly influenced by the program. Foremost on the list is Francis Deng, now Sudanese Ambassador and soon to return home to become the second ranking member of the foreign office. Francis was a Law and Modernization Fellow and has returned to Yale from time to time to speak and work with students. He has, I think, a good appreciation of the work we have been doing over the years. Dr. Samuel Asante, though he pre-dates the program, has a good appreciation of the influence Yale has had on African legal education and on training for leadership roles in development. Asante himself is a good example, having been Dean of the Law School in Ghana and now Solicitor General. Another prominent lawyer-educator is Dean Mutungi at Nairobi, whose graduate work was supported by grant funds. In fact, most of the good African law schools have young faculty members from the Yale program who are teaching interdisciplinary subjects -- Ameh at Ahmadu Bello in Nigeria, Howrojee and Rwelamira at Dar es Salaam, Okoth-Ogendo at Nairobi, Nahum, Hagos, and Girma in Ethiopia. In South America the program has had significant effects on development studies in both Brazil and Chile. Mike Reisman, who knows the region well, feels that we have contributed significantly to the work going on at PUC-Rio -- Nestieri, the former Dean, was a Law and Modernization Fellow, and four of his younger faculty members were trained here in the last few years. In Chile, Fuenzalida, Nun, Luhrs, and Yrarrazaval, at their respective schools, are all at the forefront of economic and trade development work in the country. These people continue to demonstrate the validity of the premise we operate under, that law teachers trained in the Yale approach can and do produce teaching and scholarship which affects the development process.

Let me add a further word on the matter of our developing institutional relationships. Our work with the Sudan is an excellent example of what can happen under a program such as that supported over the years by AID. As you may know, Yale Law School graduates occupy numerous positions of importance in the country, including the vice presidency and two positions on the Supreme Court. Francis Deng, as I noted above, is close to our work here. Last year one of the Sudanese Supreme Court justices visited the Law School. In addition, we have developed an excellent working relationship with the Law School at Khartoum, having earlier trained several of their young faculty members, and most recently supported the work of Salman Salman and Abdalla Mohamed, two of the most creative and promising members of the Sudanese legal profession. Abdalla is now engaged in field work in the Sudan, supported by the Overseas Research Fund, on modernization of corporation law as a means of encouraging economic development. As you

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know, Geoffrey Hazard recently spent ten days in the Sudan talking with a variety of government leaders, judges, and academics about development problems. In addition, Ambassador Deng helped arrange an extended visit to Yale this year by the Minister of Education, Mr. Khalid. He spent a good deal of time with us at the Law School, but also conferred with people at the Medical School and other departments of the University. His particular aim was to consider the problems of the expansion of the Sudanese University system, and its role in the country's development. Subsequently, I was invited to travel to the Sudan to confer with other educational officials, but found it impossible to go. Professor Reisman has also been invited, and is planning to go this month. The point is that a very fruitful exchange relationship has grown up, including the training by us of Sudanese judges and teachers, and advice by us concerning problems facing the Sudanese legal profession and people.

In sum, the support given by AID has been important to Yale, and it has had an impact of which we are proud. I believe that you are entitled to take a great deal of pleasure from these results. They have been made possible by the AID grant and your remarkable efforts.

I pledge to you that we intend to continue this work, next year and in the years to come. We are committed to raising funds to carry out that aim. Next year, however, presents real financial problems for us, and the extension of funds for a third year would very much ease the transition.

sincerely,

A handwritten signature in black ink, appearing to be 'H. H.', written in a cursive style.

HHW/ebm
Enclosure