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ROCAP PD
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NONCAPITAL PROJECT PAPER (PROP) REVISION

ROCAP/Regional

Submission Date: May 12, 1971

Project Title: Development of Institutions of Higher Education

Project Number: 596-11-660-012.1

Revision No. 1

Activity Title: Regional Legal Textbook Project

Note: Original PROP submitted 8/14/70 under current project title

U.S. Obligation Span: FY 71 through FY 72

Physical Implementation Span: FY 71 through FY 72

Gross Life of Project Financial Requirements:

U.S. dollars\$91,367

Cooperating country contributions
(in dollar equivalent, current
exchange rate)

\$18,000

TOTAL

A. Summary Description

The purpose of this project is to assist in the improvement of legal education in Central America by the preparation of three regionally oriented legal textbooks. These books would be prepared under the auspices of the University of Costa Rica Law Faculty working with the Deans of the Law Faculties of the National Universities of the Countries of Central America.

Teaching materials, especially published works which are keyed to the state of the law in the Central American area, are clearly inadequate in terms of providing students with a comprehensive understanding of existing legal doctrines and jurisprudence. The availability of high-quality teaching material applicable to the legal systems in all Central American countries will improve the quality of legal education throughout the region.

Until recently, regional cooperation in the area of legal education has been virtually non-existent. Conditions are currently opportune for the initiation of a regional legal project designed to encourage such cooperation. The productive results of a legal textbook project in Costa Rica have demonstrated the feasibility and desirability of this type of project to the Central American national law schools.

It is proposed that this Regional Textbook Project be administered by the International Legal Center ("ILC"), 866 United Nations Plaza, New York, N.Y. as a regional adjunct to its bilateral property law project with the University of Costa Rica Faculty of Law.

If the project is undertaken, the ILC would sponsor a meeting of the Deans of the participating Central American Law Faculties who would meet in Central America to decide among themselves how best to encourage the preparation of regionally oriented textbooks based upon empirical research and to promote the publication and use of such casebooks in their respective faculties and elsewhere in Central America.

NONCAPITAL PROJECT FUNDING (OBLIGATIONS IN \$000)

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COUNTRY: ROCAP

Project Title: Regional Institutions
Project Activity: Legal Textbooks

PROP DATE: May 12, 1971
Original _____
Rev. No. 1 _____
Project No. 596-11-660-012.1 _____

Fiscal Years	Ap	L/G	Total	Cont ^{1/}	Personnel Serv.			Participants		Commodities		Other Costs	
					AID	PASA	CONT	U.S. Ag.	CONT	Dir US Ag.	CONT	Dir & US Ag.	CONT
Prior through Act. FY 70													
Oper. FY 71			91,367	91,367			63,523						27,844
Budg. FY 72													
B + 1 FY 73													
B + 2 FY 74													
B + 3 FY 75													
All Subs.													
Total Life			91,367	91,367			63,523						27,844

^{1/} Memorandum (nonadd) column

Table 1
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Exch. rate \$1 - Q1

Project No. 596-11-660-012.1

Fiscal Years	AID-Controlled Local Currency		Other Cash Contribution Cooperating Country	Other Donor Funds (\$ Equiv.)	Food for Freedom Commodities		
	U.S. owned	Country owned			Metric Tons (000)	CCC Value & Freight (\$000)	World Market Price (\$000)
Prior through Act. FY 70							
Oper FY 71			18,000*				
Budget FY 72							
B + 1 FY 73							
B + 2 FY 74							
B + 3 FY 75							
All Subs.							
Total Life			18,000				

*Contribution in kind of \$47,591 by the University of Costa Rica in support of Project 515-15-899-116 as set forth in Pro-Ag AID-CR-192 signed May 7, 1971 will be utilized in accomplishment of this project.

The ILC will assist the Project by conducting a seminar, under the auspices of the Faculty of Law of the University of Costa Rica. With the assistance of the ILC Chief of Party the Deans and the scholars selected to prepare the textbooks will outline the techniques to be followed, prepare a schedule of how the work should proceed, agree on ways and means for periodic review of the progress and quality of the work. Professors from the Universities of Costa Rica, Guatemala and Nicaragua will perform the actual work and research. The ILC shall furnish continuing monitoring and staff assistance to the scholars and the Deans.

The specific subjects on which textbooks would be prepared would be those in which integration is an important factor. The selection of subject matter would be by the Deans in consultation with the ILC. A commitment would be obtained from the participating Deans to use the texts in their respective faculties.

Three qualified professors, expert in their respective areas, would be selected by the Deans, subject to the approval of the ILC, after consultation with ROCAP, to prepare the casebooks. Books produced in this program will be available for purchase by legal practitioners, public and private institutions and law students throughout Latin America. The ILC will promote the widest possible dissemination of the books as part of its efforts to interest professional, commercial and other groups in the private sector to financially support further undertakings in the legal textbook preparation and publishing field.

B. Activity Setting

The legal education system throughout Central America is based primarily upon the use of the lecture method and 'rote' memorization. This proforma method of teaching law continues to stifle independent thinking among the law students. Teaching by the casebook method, a standard procedure in U.S. law schools, is limited because of a dearth of materials. In

addition, most of the published teaching material does not concentrate on legal analysis or research.

Except, to a limited degree in Costa Rica, the quality of legal education in the region has not advanced through the use of modern education techniques, whereas the need for well qualified lawyers in Central America has been increasing rapidly. This is especially true in regard to the legal requirements of the Central American Integration movement. The existence of a body of regional integration and cooperation law has already been precipitated by the expanded cooperation among and between private and public sector institutions in the various countries. Other legal areas which are relevant to all C.A. countries, including commercial transactions, negotiable instruments, land, law, corporate law, etc. are also becoming increasingly important.

Legal education is one of the academic areas which ROCAP is seeking to improve through its Development of Institutions of Higher Education Project. The overall goal of this project is the expansion and improvement of post-secondary institutions to meet current and future human resource needs of Central America. Past, present and future project activities stress the development of specialized regional schools and the strengthening of universities in specific disciplines.

A ROCAP-supported Costa Rican Law School project was undertaken in 1967 to upgrade legal training. The results of the project included a well-received casebook of commercial law now in classroom use, other teaching materials, and several legal studies. The project also resulted in the beginning of a modest commercial law library at the University of Costa Rica and has had a strong influence on legal research and education methods at the University. Other by-products of the project have been a noticeable change in attitudes at the University on the part of professors and students as to the role of the lawyer in society and the establishment of a focal point for more long-term strengthening of the law faculty. In addition, the worth of the Costa Rica project

was felt throughout the region. In 1969 the Law Schools agreed to use this new text as a basic teaching document in all the law faculties of the national universities. This project has thus created an atmosphere among the Deans which is more receptive to new teaching materials. It also precipitated a recognition of the need for additional quality casebooks keyed to Central American and CACM needs.

In late 1969, the Deans of the National Law Schools indicated after an informal consultative meeting that they would be interested in promoting activities in their respective law faculties similar to that being carried out at the University of Costa Rica.

During 1970 and early 1971 discussions were held with CSUCA as regards their sponsorship of this activity. The Universities of Guatemala, Nicaragua and Costa Rica were prepared to proceed, however, the Rectors of the Universities of El Salvador and Honduras were unwilling at this time to proceed under CSUCA auspices. A letter has been received from the Secretary General of CSUCA indicating that he has no objection to this Regional Project proceeding under University of Costa Rica auspices.

The Dean of the Honduras Law Faculty is interested in the work product of the project and even though the university is unwilling to commit its resources through CSUCA, is prepared to support the project in the Law Faculty and extend all assistance to it.

Therefore, it was suggested by Dean Carlos José Gutiérrez that the Deans, with or without full Salvadoran and Honduran participation could still accomplish the objectives of the program with the hope, if circumstances change, the two countries would be welcome to later join fully in the activity.

C. Strategy

The intent of this project is to facilitate cooperation among the law faculties of Central America through the establishment of a permanent consultative body of Deans, and through this medium, with the assistance of the ILC, to upgrade the quality and quantity of legal instruction materials, to publicize the needs of the legal education system, to seek public and private support within Central America and elsewhere for specific projects, to underwrite the preparation of three legal textbooks specifically designed for Central American use with special emphasis on the problems of regional integration from a legal standpoint, and to place these textbooks in use in the law faculties.

The required human resources to carry out the project are available. The Deans already meet regularly on an informal basis. The ILC is already in place in Costa Rica. Its Chief of Party is a person of established reputation and professional competence. The ILC is promoting the efforts towards an upgraded legal education system in the region. The various Deans and representatives of the ILC have approached the Ford Foundation, the local Bar Associations, and the German, French and Italian Embassies for scholarship and other assistance. There are, according to the Deans, qualified professors of law with a special interest in research who can be recruited and the Deans are prepared to commit their respective faculties to use the three casebooks in their respective institutions.

Legal teaching materials in Latin America are so sparse that any textbooks designed for Central America use will undoubtedly be of great value throughout all of Latin America. The quality of these textbooks will be assured by having the work of each writer reviewed in depth by an additional expert in the field. This expert will be drawn from a law school other than the one from which the author-professor comes.

D. Planned Targets

The basic targets of this project are as follows:

1. The establishment of a formally constituted Council of Deans. This consultative group would, among other things, consider - with the counsel and assistance of the ILC - ways and means of stimulating interest in upgrading legal education in Central America, provide the professional supervision for the preparation of three regional casebooks and seek private and public financial and other support to carry on casebook and other activities to upgrade legal education.

2. The writing, editing, publication, promotion, distribution and use of three regionally oriented legal casebooks.

3. The improvement of legal services to the people of Central America by improving the standards of legal education and training for future lawyers.

4. A clear demonstration to the users of legal services in Central America on an indigenous professional capacity to produce high quality legal textbooks oriented especially for regional use. Plans are being formulated for a systematic effort to solicit funds for the carrying on of this work. In specifics, the law faculty of the University of Costa Rica intends to seek funds from the University budget to continue this work, the Chamber of Industry and several companies have indicated an interest in contributing to the preparation of a textbook in industrial law, and both the banks and the professional bar will be solicited to support textbooks in the field of economic development and in the law as it relates to security transactions. In the Project Agreement, the Deans, with ILC cooperation, will be given the responsibility for developing in specific manner the indigenous capability to produce additional casebooks and in other ways meet the targets of this project after ROCAP funding of project ends, using professional resources financed from within Central America.

E. Course of Action

1. A Project Agreement will be negotiated with the University of Costa Rica Law Faculty. Appropriate concurrences will be obtained from the participating law faculties and details of procedure agreed.

2. Upon the signing of the Project Agreement, the University of Costa Rica will appoint a suitably qualified person as Director of the Project. The Dean of the Law Faculty of the University of Costa Rica has been tentatively selected for this position.

3. The University of Costa Rica shall enter into a contract with the ILC, to be funded by ROCAP, for the overall administration of the project.

4. The Director of the Project will contact the Deans of the Law Faculties affirming the initiation of the Project and informing the Deans of the Law Faculties of Nicaragua and Guatemala as to specific arrangements for the nomination of professors and subjects to be made.

5. The Deans will contact qualified professors and submit their names and a synopsis of the proposed projects to the Project Director. The Deans, subject to the concurrence of the ILC, will then jointly select the author and the casebook subject for each participating law school.

6. The Project Director and the ILC Chief of Party will schedule a seminar of the scholars and the Deans to decide on the procedures, etc. for proceeding with the work and for progress and quality reviews.

7. The Deans will closely monitor the progress of each professor. According to draft proposals submitted by the tentative Project Director, a work plan and work schedule will be required of each professor to assure that satisfactory

progress is being made. Unsatisfactory progress will be just cause for withholding salary. Student assistants will be assigned to each professor. Each professor is expected to complete the manuscript within a period of 12 months. The ILC will augment the salary of each professor to a level of \$12,000 per annum, with his university continuing to pay his basic salary. He will be released from his teaching responsibilities and University requirements for this period, however, will retain tenure.

8. The ILC will, with the approval of the Deans, contact legal experts to make comprehensive reviews of the completed manuscripts. Only high quality and accurate material will be accepted for publication.

9. ROCAP will finance the cost of printing materials up to \$1,000 per book. Free copies of the books will be distributed to CSUCA affiliated law schools. The remainder of the copies will be available for purchase. The ILC will promote the use of the books throughout Latin America. Tentatively the Books would be printed through the CSUCA press.

10. Besides augmenting the professors' salaries, ROCAP funds will finance the acquisition of reference materials, the costs of review of the finished manuscripts, of initial printing materials, etc. The Universities will provide the remainder of the salaries of the professors.

11. The professors selected to prepare the texts will move to San José, Costa Rica for a period of one year during which time they will work on their casebook. Office space, secretarial assistance and administrative support will be provided by the ILC in Costa Rica. Arrangements for the acquisition of research materials and research assistance shall be through the ILC.

Drafted by:

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