

**AIRGRAM**

**DEPARTMENT OF STATE**

*Proj. 5960012.7  
PN*

UNCLASSIFIED  
CLASSIFICATION

For each address check one ACTION

5960012 (7)

TO - AID/WASHINGTON CAPTO A- 196 X  
PD-ATB-472-D1

1970 AUG 13 PM 3 08

10 p.

DATE SENT

August 11, 1970

AID  
C & A - BR

FROM - FOCAP/Guatemala

SUBJECT - Non Capital Project Paper (PROP)

REFERENCE -

*Proj. no. 596-11-660-012.7*

CAPTO A is a PROP for the proposed regional legal textbook project.

Prompt review and approval of this PROP would be especially appreciated. The reason is that the University Rectors and CSUCA will meet in late September. If FOCAP has PROP approval by mid-September, the Rectors will be able to approve the Project Agreement at their meeting. CSUCA will be able to sign it thereafter, and the project can begin promptly. Failure to get the Rectors' approval of this meeting would mean the loss of a full semester and the dissipation of the momentum now built up for this project.

DAVIS

DISTRIBUTION  
ACTION  
*LA*  
INFO.

*RRP  
is  
OA  
ACONT  
(TRD)  
GC*

OTHER AGENCY

*not  
NSEC  
STARRS  
HARRIS*

PAGE 1 OF 1 PAGES

DRAFTED BY RLA:Kknowles:lr	OFFICE LEGAL	PHONE NO. 7-45	DATE 8/14/70	APPROVED BY DIR:OLSause
-------------------------------	-----------------	-------------------	-----------------	----------------------------

AID AND OTHER CLEARANCES

APO:GWein (in draft)  
AAPO:Mingle (in draft)

ADDP:FRStarrs  
HR:AJRavelli (in draft)

UNCLASSIFIED  
CLASSIFICATION

Project Title: Development of Institutions of Higher Education

Sub-project Title: CSUCA Regional Institutions

Project Number: 596-11-660-012.7

Activity Title: Legal Textbooks

Submission Date:

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

Physical Implementation Span: FY 71 through FY 73

Gross life-of-project financial requirements:

U.S. dollars.....	\$ 100,500.00
U.S. owned local currency.....	
Cooperating country cash contribution..... (in \$ equivalent, current exch. rate)	40,000.00
	<hr/>
Total	\$ 140,500.00

### A. Summary Description

The purpose of this project is to assist in the improvement of legal education in the region by providing several legal textbooks or casebooks to be used in Central American law schools. 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 legal project which will encourage such cooperation. The productive results of a ROCAP legal textbook project in Costa Rica has demonstrated the feasibility and desirability of this type of project to the Central American national law schools. Consequently, CSUCA (Superior Council of Central American Universities) and the national law school Deans have requested and pledged their support to this legal textbook project. If the project is undertaken, legal casebooks or textbooks will be prepared by five qualified professors in various fields of law. The respective national law school Deans will nominate professors and subjects for the proposed textbooks. Meeting in joint session with CSUCA representatives, the Deans will make final selection of the authors and subject matter for the books. They will also agree to use the books in their respective schools. The subjects of the proposed books will be pertinent to on-going programs or courses in each of the [national law schools.] Books produced through this project will be available for purchase by public and private institutions and law students in Latin America.

NONCAPITAL PROJECT FUNDING (OBLIGATIONS IN \$000)

9

**Table 1**  
**Page 1 of 2**  
**COUNTRY: ROCAP**

**Project Title: CSUCA Regional Institutions.**  
**Project Activity: Legal Textbooks**

PROP DATE: \_\_\_\_\_  
 Original       X        
 Rev. No. \_\_\_\_\_  
 Project No. 596-11-660-0121

UNCLASSIFIED  
  
ROCAP/Guatemala CAPTO A 196

Fiscal Years	Ap	L/G	Total	Cont <sup>1/</sup>	Personnel Serv.			Participants		Commodities		Ot. Costs	
					AID	PASA	CONT	U.S. Agencies	CONT Dir US Ag.	CONT Dir US Ag.	CO		
Prior through Act. FY 70			-										
Oper. FY 71			85.5										85.5
Budg. FY 72			15										15
B + 1 FY 73			-										-
B + 2 FY 74			-										-
B + 3 FY 75			-										-
All Subs.			-										-
<b>Total Life</b>			<b>100.5</b>										<b>100.5</b>

<sup>1/</sup> Memorandum (nonadd) column

Table 1  
Page 2 of 2

Exchg. rate \$1 - Q1

Project No. 596-11-660-

012.7

4

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 <u>70</u>			-				
Oper FY <u>71</u>			20				
Budget FY <u>72</u>			20				
B + 1 FY <u>73</u>			-				
B + 2 FY <u>74</u>			-				
B + 3 FY <u>75</u>			-				
All Subs.			-				
Total Life			40				

UNCLASSIFIED

ROCAP/Guatemala CAPTO A 196

## 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.

While the quality of legal education in the region has not advanced through the use of modern educational techniques, 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 large body of regional integration and cooperation law has already been precipitated by the expanded cooperation among and between private and public sector institutions. In part, the future development of the CACM and its supporting institutions will depend on the availability of qualified lawyers in this field. Other legal areas which are relevant to all C.A. countries, including commercial transactions, negotiable instruments, land, law, etc., are also becoming more 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 the CA/P region. Past, present and future project activities stress the development of specialized regional schools and the strengthening of universities in specific disciplines. CSUCA and FUPAC (Central American Federation of Private Universities) are sponsoring activities in this field.

CSUCA was established to improve public higher education in all academic areas. CSUCA's Integration Plan, which outlines its operational goals, stresses the interchange of professorial resources as an important objective. Until now, CSUCA has been

unable to sponsor activities in accordance with this goal. Another CSUCA goal is the development of mutual interdependency among the various public institutions of higher learning. The General Secretary of CSUCA is currently in the process of amending the Integration Plan to include a section on CSUCA's desire to motivate Central American professors to jointly or individually prepare teaching materials pertinent to regional affairs. Since CSUCA recently opened a University Press, it is in a good position to sponsor activities of this nature. The CSUCA press is printing University textbooks, reference works and information books. Thus, the legal textbook project is a natural one for CSUCA to sponsor and otherwise support.

A ~~UNESCO~~-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, <sup>the</sup> 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 that they would like to administer a project in each of the national law schools similar to that of Costa Rica's. In addition the very capable Dean of the Costa Rica Law School, Carlos Jose Gutierrez, has indicated his willingness to serve as Director for such a regional textbook project. The sponsoring of this regional project, therefore, appears to be an excellent way

to follow up on the gains of the previous project and at the same time partially fill the existing need for useable teaching materials in the law schools.

This legal project is of interest to other Central American and international law related institutions. Private law schools throughout the region need additional quality teaching materials. The International Legal Center in New York feels that it may be possible to develop similar projects or utilize the new teaching materials elsewhere in Latin America.

### C. Strategy

The intent of this project is to upgrade the quality and quantity of legal teaching materials. CSUCA has already expressed its interest in coordinating the project; the Costa Rican law school Dean has consented to direct the project; and the receipt of formal approval for the project by the five law school Deans is expected in the near future.

The required human resources to carry out the project are available. The law school Deans have indicated that qualified professors interested in research and writing can be recruited. The responsibility for effective implementation of the project will rest with a project Director, tentatively the Dean of the Costa Rican Law School. The Deans of the national law schools have consented to individually nominate and collectively approve the professors and the disciplines of law to be studied. Subjects relevant to Central American legal doctrine and jurisprudence are to receive priority. A special effort will be made to involve one of the professors in a study of regional integration law.

CSUCA does not have the authority to plan the curriculum for the national universities and their respective law schools. Therefore, it is essential to assure that the law schools will accept and use the teaching materials emanating from the project. This project assures such success in several interrelated ways. First, as previously mentioned the Deans of the law schools will give their collective approval for the professors and textbook subjects before the project is financed. This includes a prior

commitment that they will use the published materials. A second way will be to assure development of materials that are pertinent and of high quality. Legal teaching materials in Central America are so sparse that any new textbooks decided upon by the law school Deans will undoubtedly be of great value. The quality of these textbooks will be assured by having the work of each professor 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. Finally, since CSUCA will be printing the textbooks at its new University Press facility, it will seek to insure that the books are both of high quality and that they are used throughout the region.

#### D. Planned Targets

The basic objective of this project is to provide several high quality legal textbooks or casebooks for use in the region's national and private law schools by the end of FY 1973. This includes the writing, publishing and distribution of up to five legal textbooks or casebooks. Given the current status of published legal teaching materials in Central America at this time, the completion and dissemination of even one of these textbooks is felt to be sufficient justification for the project. In addition, the project should create a mechanism under CSUCA auspices through which additional legal materials, or other teaching materials pertinent to Central America, can be obtained. The long range goal is the upgrading of legal education standards and the improvement of legal services to the region and its people.

#### E. Course of Action

1. Upon signing a project agreement with FOCAP, CSUCA will appoint a suitably qualified person as Director of the project.

2. The Director will, as CSUCA's representative, contact each of the national law school Deans, affirming the initiation of the project and giving explicit instructions on how the professors and subjects are to be nominated.

3. The individual Deans will contact qualified professors and submit their names and a synopsis of the proposed projects to the Project Director. The Deans will then jointly select the author and the textbook subject for each law school.

4. CSUCA will contract a U.S. legal expert competent in the area of Central American law to orient the author-professors on the procedures and techniques to be followed in preparing the textbooks. Preferably, this expert will have had previous legal consultant experience in Central America. The services of this consultant will be needed for about two weeks.

5. The Project Director and the law school 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 18 months. ROCAP will provide 80% of the salary for each professor, with his university providing the remainder. He will be released from his teaching responsibilities and University requirements for this period.

6. The Project Director will, with the approval of the respective law school Deans, contract legal experts to make comprehensive reviews of the completed manuscripts. Only high quality and accurate material will be accepted for publication by the Project Director and CSUCA.

7. CSUCA's University Press will print about 3,000 copies of each completed textbook. ROCAP will finance the cost of printing materials up to \$3,000 per book. Free copies of the books will be distributed to CSUCA and FUPAC affiliated law schools. The remainder of the copies will be available for purchase.

8. Besides most of the professors' salaries, ROCAP funds will finance the acquisition of reference materials, the costs of review of the finished manuscripts, <sup>of initial</sup> printing materials, etc. The Universities will provide the remainder of the salaries of the professors and most back-up assistance. CSUCA will provide printing facilities and certain administrative support for the Project.