

Rome Conference on the Rule of Law in Afghanistan  
(July 2-3, 2007)  
Panel on Higher Legal Education and Professional Training

Outcome Document

PANEL BOARD:

Co-Chair:	Dr. Mohammed Qasim Hashimzai, Deputy Minister of Justice of Afghanistan.
Co-Chair:	Professor Massimo Papa, University of Bologna.
Host Country Facilitator:	Minister Francesco Maria Greco.
Rapporteur:	William T. Loris, Director-General, International Development Law Organization.
Annex 1:	Discussion Paper.

The Panel on Higher Legal Education and Professional Training was one of five technical panels which contributed to the final outcome of the conference, drawing on both Afghan and international expertise. The panel evaluated certain aspects of the achievement, gaps and objectives in the area of higher legal education in Afghanistan and developed a comprehensive set of action points recommended for consideration by the Afghan authorities and the international community (see Annex 1) in their joint effort to create the basis for the rule of law in the country.

The panel moderator requested the participants to centre their comments and recommendations around four principal considerations:

1. Building the depth of academic expertise to drive basic legal education.
2. Strengthening the capacity building of the institutions of justice to recruit and train specialized legal professionals and technicians, introduce best practices and to provide effective specialist services required in the legal system.
3. Ensuring the further development of education and training for all justice sector actors.
4. Enabling the integration of the institutions of justice to work in collaboration and coordination with each other to guarantee the rule of law.

The panel used as a reference point the Discussion Paper prepared by IDLO and the Italian Government on the basis of consultations with relevant Afghan authorities and the donor community in Kabul. Panelists were requested to comment on the discussion paper, to suggest modifications to action point recommendations in the paper and to introduce new recommendations.

In general the panel noted that Afghanistan has made significant progress in the reestablishment of its justice institutions and the academic foundations upon which future leadership will be based. Still, the effects of decades of conflict and international isolation have not yet been overcome and there is need to redouble efforts to guarantee the availability of top professionals throughout the justice system. Yet, the panelists and observers identified many shortcomings, also highlighted in the discussion paper that indicate an urgent need for increased effort and a broadening of the scope of rule of law initiatives.

Based on the above the final action point recommendations of the panel were as follows:

## 1.1 Faculty Development

### Action Points

In order to develop the teaching capacity of the Law and Shari'a Faculties, international donor support is necessary as follows:

- Give priority to training law teachers and developing the curriculum for the undergraduate law program (LL.B.) and, as far as possible, sharing curriculum, information, expertise and other resources on a cross-faculty (law and Shari'a) and national basis.
- Include universities across the country in capacity building programs.
- Develop language programs for faculty and students so that they will be able to participate in overseas training programs, read modern law books, conduct research using international materials and network with peers outside Afghanistan.
- Develop language training in French, German, and Italian in order to provide Afghan students and scholars with access to the acquired legal patrimony of continental law.
- Develop a critical mass of well-trained teachers, through intensive long-term training available in overseas LL.Ms.
- Prepare faculty to provide instruction on key issues facing Afghanistan including: human rights, access to justice, alternative dispute resolution and the requirement of a market economy.

- Establish a Law and Shari'a Teachers Association as a forum to exchange ideas on law teaching, comparative method, available materials, and share information on overseas training and conference opportunities.
- Fund the Association to conduct annual workshops/conferences for the first few years of its operations.
- Support publication of scholarly works by Faculty members.
- Establish a curriculum and research development fund to be co-administered with the Law and Shari'a Teachers Association to send law teachers to international conferences, particularly those where counterparts from Asia participate.
- Support training opportunities in academic administration.
- Establish self-monitoring and evaluation of activities through base-line statistical data.
- In general, strategies aimed at improving the quality of faculty performance should take into account professors, students, management and physical resources.

## 1.2 Common Core Legal Education

### Action Points

International donor assistance is required to support the standardization of all legal education institutions as follows:

- Establish a national core of law courses that would be taught on a unified basis to students from both Law and Shari'a faculties (for example, Civil Procedure, Criminal Procedure).
- Adopt a national revised curriculum for Law and Shari'a faculties that eliminates duplication of materials and allows development of optional courses that are necessary for a modern market system. This is particularly important if the duration of the Stage or other post-university training is increased.
- Support efforts by Faculty of Law and Political Science to develop separate curricula for the two branches of the Faculty.

- Support exchanges between both Faculties and academic institutions and authorities in other countries with respect to the development of unified approaches to legal education.
- Develop improved teaching materials in local languages
- Provide greater physical resources to Shari'a and Law faculties with emphasis on shared use of resources, such as:
  - Forensic lab
  - Computer labs
  - Moot court room facilities
  - Law libraries
  - Translations of model teaching materials in key subjects
- Encourage cooperation with the Bar Association, once established, in the development of a bar examination.

### 1.3 Higher Legal Education Capacity

#### 1.3.1 Research:

##### Action Points

- Provide access to better in-country research facilities through print library development in select locations and the broadest possible internet access to virtual libraries and national and international legal resources.
- Support law libraries within the university sector to strengthen the research capacity of students.
- Provide training for law teachers in basic social science concepts and empirical research techniques and methodology.
- Increase support for print library books and other reference materials in national and international languages, and update texts to international standards to ensure at least minimum, uniform holdings in major universities.

#### 1.3.2 Student Body:

##### Action Points

- Establishment and support of student associations.
- Support for scholarships for study abroad programs.

- Support for specific language training, and higher studies (e.g. Masters Programs) in France, Germany, India, Italy and the USA.
- Support development of higher education programs specifically designed for Afghan students in cooperation with foreign universities.

## 2. Professional Training

### 2.1 National Legal Training Center

#### Action Points

International donor assistance is required as follows:

- Strong support for the NLTC as one of the major legal institutions of Afghanistan, capable of providing leadership, coordination, public discussion and the harmonization of legal education and training.
- Develop a role for the NLTC working with the permanent Afghan justice institutions, legal educators and the legal community and the Bar Association, once established.
- Coordinate financial assistance to the NLTC in providing operational budgetary support.
- Provide funding for the expansion of the NLTC to fulfill the agreed upon role, which might include the addition of dormitories.
- Provide distance learning tools to link the NLTC with the Provinces.
- Provide funding for the development of legal commentaries by Afghan Legal Professionals.
- Provide funding for a Publication Unit for the legal sector to print legal journals, handbooks, booklets, and legal reference materials.
- Provide assistance in establishing the NLTC Library as the national law library.
- Develop more physical space for training.

## 2.2 Continuing Legal Education

### Action Points

In addition to the previously mentioned Action Points regarding the National Legal Training Center, international donor assistance is required as follows:

- Continue and increase assistance in a coordinated manner in providing training to the Supreme Court, the Attorney General's Office, legal professionals of the Ministry of Justice and government and private lawyers and members of the Bar Association, once established.
- Provide direct financial assistance to fund equipment and supplies for duplication and materials, as well as training sessions to build the capacity within each justice institution to train its own professionals.

## 3. Suggested Partnerships:

### Action Points

- Pursue discussions with the Egyptian Ministry of Justice on exchange and technical assistance opportunities.
- Pursue discussions with French authorities on opportunities for exchange and cooperation modeled on existing French-Egyptian research programs.

## 4. Overarching Recommendations:

### Action Points:

- Support continued effort to assist Afghan legal authorities to build compatibility between Shari'a law and tradition and secular law and methods.
- Provide relevant legal materials in Pashtu.
- Target all areas of the country, including the South, in rule of law initiatives.
- Support development of practical skills training to supplement traditional theoretical learning methodologies.

- Include study of informal justice and dispute resolution systems in education and training curricula.
- Support for development of distance learning opportunities throughout the country.
- Take into consideration findings, indicators and issues highlighted by the CPHD's UNDP/Kabul University-supported Afghanistan Human Development Report for 2007.