

Afghan Legal Educators Project (2005-2011)

Project Summary

The *Afghan Legal Educators Project* aims to strengthen legal institutions in Afghanistan by offering education opportunities to law professors and professionals who will become legal educators in future. The project targets major university law schools in Afghanistan, currently the law and politics and the Shari'a faculties of Kabul, Balkh, Herat, Nangahar and Al-Biruni universities. We design and deliver customized study programs covering English; modern civil, criminal and commercial law; comparative customary law and comparative Shari'a. Participant study takes place in Afghanistan and at the University of Washington in Seattle.

Since 2005 more than 40 Afghan legal educators and Deans have participated in the project, including nine women. Four of the participants to date have either completed or substantially completed the Asian and Comparative LL.M. degree at the University of Washington, and another six to eight will be LL.M. candidates in 2009-10.

The project is located within the Asian Law Center at the University of Washington and is staffed by Project Director Professor Veronica Taylor, Project Manager Professor Jon Eddy, Project Finance and Logistics Manager Alice Stokke and country expert Professor Clark Lombardi.

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Executive Summary

The United States Department of State-INL justice program in Afghanistan sets three broad goals:

- Develop institutional capacity in the justice sector;
- Foster a functioning criminal justice system with the capacity to fairly and transparently investigate crimes; and
- Professionalize justice sector personnel

The U.S.-Afghan law school program was created as a critical dimension to INL's justice reform efforts. The initial call for proposals in 2004 required implementing U.S. law school to perform the following tasks:

- Create a meaningful partnership between a U.S. law school and Kabul University Law School (KULS);



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- Educate a U.S. audience on challenges facing Afghanistan’s justice system and legal institutions, including law schools and universities;
- Create a cadre of highly trained and justice sector personnel with the tools to teach a new generation of Afghan lawyers and meaningfully participate in Afghan justice sector reconstruction;
- Foster the development of a fair and transparent justice system and democratic state in Afghanistan by exposing and justice sector personnel to U.S. legal and governmental institutions.

The University of Washington School of Law and the State Department entered into a Cooperative Agreement (S-INLEC-05-CA-0004) for a U.S.-Afghan LL.M./Certificate Program for on December 15, 2004.

Project Outcomes 2004-2008

- All stakeholders in the Afghan Legal Educators Program (Department of State-INL, University of Washington, Kabul University Faculties of Political Science and Law and Shari’a; other partner university faculties in Afghanistan and Program participants) rate the 2004-08 Afghan Legal Educators Program as substantively exceeding its original goals.
- In Afghanistan, the Afghan Legal Educators Program is widely regarded by local partners and by other donor teams as one of the most respected and effective in rule of law assistance.
- The Afghan Legal Educators program achieved regional balance in its participation and partnerships, fostered cooperation between faculties of Law and Political Science and Shari’a (Islamic Law) in Kabul and other regions, and made progress in strengthening the position of women within legal education.
- One veteran Rule of Law advisor formerly based in Kabul suggests: “This has got to be one of the most valuable programs that USG is funding.”¹
- Although not required by the project design, Afghan Legal Educators Project Director Taylor and Project Manager Eddy have been able to coordinate closely in Afghanistan with other donors and implementers in the field of legal education, particularly USAID-Checchi Afghan Role of Law Project (ARoLP) and the International Development Law Organization (IDLO) Kabul.

¹ Inge Frykland, Former Rule of Law advisor, USAID Kabul. Personal communication, 2007



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- During 2004-2008, under the Afghan Legal Educators Program, **22 Afghan professors completed customized programs in advanced study of law in the United States ;**
- **Four Afghan Legal Educators participants substantively completed LL.M. programs, and three of the four graduated with LL.M.s** from the University of Washington. Of these, two participants from the Kabul Law Faculty and one from the Balkh Shari'a faculty completed the degree before returning to Afghanistan. Another faculty member from Balkh Law Faculty made substantial progress towards completing course work for an LL.M. and may have an opportunity to complete the degree requirements during the 2008-10 extension of the project.
- The Afghan Legal Educators Program **partnered with ten faculties at five universities (Kabul, Balkh, Herat, Al Biruni and Nangahar) in Afghanistan**, exceeding the original program requirement to forge a strong institutional link solely with the Faculty of Law and Political Science at Kabul University.
- **Eight Deans of Law and Shari'a faculties visited the University of Washington Law School (Kabul, Balkh, Herat and Nangahar)** and participated in a program on legal education tailored to their needs.
- **Two women professors participated in the first cohort of participants** who studied in the United States and a cohort of women faculty and recent graduates has been identified for participation in the project extension 2008-10. **Eight women law professors** are participating in the 2008-10 extension of the project. As with other rule of law projects in Afghanistan, women participants face challenges in being available and able to participate in overseas study opportunities.
- Post-program tracking of participants shows the direct effects of the program: **Two former participants were promoted to Acting Dean and Associate Dean of their faculties** upon their return to Afghanistan.
- **Nine (9) former participants have become legal trainers in other donor-assisted Rule of Law programs;** all former participants have revised their teaching content and methodologies.
- Participants in the Afghan Legal Educators Program were exposed to advanced legal training in both U.S. law and in customary legal systems. Participants visited the **Swinomish and Tulalip Tribal Courts** in Washington State and joined an extended field



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trip to the Navajo Nation, the most developed of the Native American legal systems within the United States.

- The Afghan Legal Educators Program linked participants with other legal scholars and law school administrators in the U.S. through conferences and networking opportunities at the **Association of American Law Schools, Seattle University, Harvard University, Washington and Lee University, and University of South Carolina.**
- The Afghan Legal Educators Program linked participants with their peer faculty and law school administrators in other Islamic legal systems, including **University of Indonesia and Islamic University of Malaysia.**

Introduction and major themes

From the outset, the program has sought to make all activities consistent with a few key themes: regional balance, promotion of co-operation between law and Shari'a faculties, and improvements in the position of women in the country and in legal education.

A. Regional balance

As originally conceived, the program focused on the Kabul University Faculty of Law and Political Science and Faculty of Islamic Law, with the hope that it would be possible in the final year to extend its reach to other universities. By the end of the grant period, the program was working with ten faculties at five universities. The program developed particularly effective relationships not only in Kabul, but also with the Law Faculty in Mazar-e-sharif (Balkh University), and both the Law and *Shari'a* faculties in Herat. Faculty members from these three universities participated extensively in the ESL and legal education activities conducted in the United States during 2006-2007, activities which are described below.

Three candidates successfully completed LL.M. programs of study, two from the Kabul Law Faculty, and one from the Balkh Shari'a faculty. Another faculty member from Balkh Law Faculty has made substantial progress towards completing course work for an LL.M.

Progress in recruiting LL.M.-ready faculty at other institutions was slowed down because of the low English level (even after intensive study) of existing faculty members. Notwithstanding this, many other faculty members were able to undertake significant customized study programs in the U.S. as part of Afghan Legal Educators, including important exposure to new teaching methods and materials.



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Due to the work that the program has done throughout Afghanistan (and the positive reputation the program has earned), it is now well-positioned to identify future candidates and to work with the faculties in developing further training. There are a significant number of such recent graduates who have significantly stronger English language ability than their professors, and who, being younger, acquire languages faster. Some of these graduates meet the requirements for hire as a university professor, and these graduates might be added to the faculties in the future.

B. Co-operation between law and Shari'a faculties

Because of the limited resources available in Afghanistan, as well as the potential for underlying tensions, the program strives to promote “unified” thinking among professors in the law and Shari'a faculties, and seeks to increase mutual understanding and realistic appreciation of each other's relative strengths and weaknesses. Obviously, this is not a goal that can be attained immediately. However, the program has been able to achieve some quite notable successes that can form the basis for further future development, particularly in Balkh and Herat, where individual participants in the program have begun substantive collaboration of curriculum and teaching across faculty lines upon their return to Afghanistan.

C. Improvement in the position of women in the country and in the legal profession

The position of women within Afghanistan and within the country's educational establishment and legal profession is sensitive and complex. Addressing concerns requires an approach that is both tactful and persistent.

Two women professors were included within the initial participant group that traveled to the United States. However, for many reasons, Afghan women participants face much greater challenges than men in making what is already a difficult cultural adjustment. These include pressures from their families and peers in Afghanistan, pressures from male participants present in the United States, interaction with Afghan-Americans who hold a variety of views about Afghan culture. The participants also experience competitive pressures within their own narrow peer group. For this reason we have added a women's cohort to the project design for 2009.



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Study programs for candidates in the US

A. Principal courses of study and results obtained

During 2005-08, a total of 22 Afghan professors were brought to the United States for various courses of study. A summary of the 22 participants appears below:

Table 1

Participant	Academic Post	Summer Institute	Completed Study
SUCCESSFUL DEGREE COMPLETION			
Naseh	Kabul Law	Completed	Awarded LL.M.
Mutasem	Kabul Law (Associate Dean)	Completed	Awarded LL.M.
Hamed	Balkh Shari'a	Completed	Awarded LL.M.
PROGRESS TOWARDS POSSIBLE FUTURE DEGREE			
Rahimi	Balkh Law	Completed	Completed 60% of LL.M.
Sorush	Herat Law (Acting Dean)	Completed	Returned to Seattle in the 2008 cohort
Salim	Kabul Shari'a	Completed	Returned to Seattle in the 2008 cohort
JUNIOR FACULTY			
Saeed	Kabul Shari'a	Completed	Completed Visiting Scholar Program
Aian	Kabul Law	Completed	Completed Visiting Scholar Program
Aryapur	Herat Law	Completed	Completed Visiting Scholar Program
Yama	Balkh Law (Dean)	Completed	Completed Visiting Scholar Program
Hakimi	Kabul Law	Completed	Completed Visiting Scholar Program
Azimi	Balkh Law	Completed	Returned to Afghanistan to pursue public office
JUNIOR FACULTY			
Nukhba	Kabul Shari'a	Completed	Completed Visiting Scholar Program
Nael	Kabul Shari'a	Completed	Completed Visiting Scholar

Nazir	Kabul Shari'a	Completed	Completed Visiting Scholar
Hashimi	Kabul Shari'a	Completed	Completed Visiting Scholar Program
Noori	Kabul Law	Completed	Completed Visiting Scholar
SENIOR FACULTY			
Wasel	Kabul Law (Dean)	Completed	Completed basic ESL; Completed Visiting Scholar Program
Noorzaie	Kabul Shari'a	Completed	Completed basic ESL; Completed Visiting Scholar Program
Stanekzai	Kabul Law	Completed	Completed basic ESL; Completed Visiting Scholar Program
Hafiz	Kabul Shari'a	Completed	Basic academic ESL Completed Visiting Scholar Program
Yousufzai	Kabul Law	Completed	Basic academic ESL Completed Visiting Scholar Program

In addition to these 22 degree and certificate candidates, the eight (8) deans of the Law and Shari'a Faculties at the four major national universities (Kabul, Nangahar, Balkh and Herat) all participated in a three-week study tour of the United States, jointly-arranged with USAID. The tour included visits to a number of law schools and legal institutions, exposure to clinical education and other teaching methodologies; and a one-week session hosted at the University of Washington focused specifically on issues of leadership, curriculum, scholarship and institution-building.

B. Other extra-curricular training and extension activities

In addition to formal instruction, all participants present completed additional informal training activities during their stays in the U.S. as set out below (names of relevant participants are shown in parenthesis; activities are in chronological order):

- (i) **Auditing law courses:** All participants audited at least one Law School course in addition to their ESL instruction. Most participants audited *Contemporary Muslim Legal Systems*, a J.D. course designed for the project by Professor Clark Lombardi with a focus on Afghanistan. Other participants audited *Legal Problems of Economic Development* and a *Comparative Law Seminar*;
- (ii) **Court Visits:** All participants observed proceedings in Superior, Federal and the Washington Supreme Court and met with judges on several occasions;



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- (iii) **Oral presentations** on various topics in Afghan Law in the course *Contemporary Muslim Legal Systems* were made by six of the more advanced participants (Naseh, Hakimi, Rahimi, Mutasem, Hamed, Hashimi);
- (iv) **English practice** with J.D. student volunteer language partners (all participants);
- (v) **Attending Conference** "*Religion and Democratic Culture: The Problems of Violence and the Possibilities of Peace*," UW Department of Comparative Religion and Jackson School of International Studies (Hamed, Hakimi, Nael, Nazir);
- (vi) **Oral presentations** to the Law School community at a welcome lunch for participants and Law School staff to coincide with the end of Ramadan (all participants);
- (vii) **Attending UW Law Faculty meetings** on curriculum planning (Naseh);
- (viii) **Traveling to the Swinomish Tribal Court** to meet and discuss with the Chief Judge and Swinomish tribal representatives how tribal disputes are handled and how the tribe has organized its tribal justice within the U.S. formal legal system (all participants);
- (ix) **Visits to local places of worship** including Christian churches and synagogues (Hafiz, Nazir, Nael, Salim, Hamed, Soroush, Aryapur);
- (x) **Meeting with Comparative Religion Faculty:** Several Shari'a faculty were hosted for a lunch and an extended discussion by the faculty of the UW Comparative Religion Department (Hafiz, Salim, Nukhba, Nazir, Nael);
- (xi) **Organized social gatherings with other legal professionals:** The participants hosted an Eid-il-Fitr dinner for their ESL instructors, professors and volunteer supporters; the UW Project team organized parties for Halloween and coordinated hosting for Thanksgiving and Christmas celebrations (all participants);
- (xii) **Participation in University of South Carolina Law School Conference:** Nael and Hakimi both delivered papers at a conference hosted by the University of South Carolina Law School in February 2007;
- (xiii) **Participation in the University of Indonesia/University of Washington Conference at UW Law School:** A number of the professors attended portions of this conference that included presentations regarding the role of Islamic Law and customary law in the Indonesian legal system, and more generally developments in both the Indonesian legal system and Indonesian legal education in early 2007 (all participants);
- (xiv) **Visit to Tulalip Tribal Court:** Wasel, Hakimi and Mutasem joined the UWLS Tribal Law Clinic in a visit to observe and meet with staff of the Tulalip Tribal Court.



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- (xv) **Visit to Washington Women’s Correctional Center:** Wasel, Noorzae and Mutasem toured this local correctional facility to observe conditions in U.S. detention facilities.
- (xvi) **Visit to Washington D.C. Q1 2007:** Four participants traveled to Washington, D.C. to speak at a State Department-INL sponsored roundtable attended by senior government officials with responsibilities for Afghanistan (Wasel, Rahimi, Naseh, Hamed);
- (xvii) **Visit to the Navajo Nation:** Mutasem and Hakimi accompanied members of the Tribal Law Clinic to a week-long visit to the Navajo Nation in the Southwest. In the course of this visit, the participants met with tribal elders and the Chief Justice, had numerous opportunities to discuss the culture and history of the Navajo Nation and its place within the American legal system. The participant also attended cultural events and visit sacred areas normally closed to non-members of the Navajo tribe;
- (xviii) **Attendance at Harvard University conference on Islamic Finance:** Naseh and Hamed attended a conference hosted at Harvard University to discuss modern issues in Islamic Finance;
- (xix) **Attendance at jointly-hosted Harvard/Washington-Lee University conference on gender issues in Muslim countries:** (Sara Ayoubi, a Dari-speaking LL.M. student, and Hamed);
- (xx) **Visit by Balkh Provincial Governor Atta:** In September 2007 Governor Atta visited UWLS and met with the participants and program staff;
- (xxi) **Meeting with leaders of the Dine Policy Institute:** Rahimi, Naseh, Hamed and Mutasem met with former Navajo Nation Chief Justice Robert Yazzie and Moroni Benally, leaders at the Dine Policy Institute at UWLS for two days of discussion concerning customary law;
- (xxii) **Attendance at Navajo Nation Government Reform Conference:** Hamed and Rahimi were invited to attend this conference as guests of the Dine Policy Institute;
- (xxiii) **Attendance at the American Association of Law Schools Conference:** Naseh, Hamed, Rahimi and Mutasem represented Afghanistan at the pre-eminent Law School faculty conference in New York, focusing on “Reassessing Our Roles as Scholars and Educators in Light of Change,” attending relevant substantive sessions, networking with U.S. and international academics, and obtaining complimentary copies of current legal textbooks to bring to their faculties in Afghanistan;

- (xxiv) **Presentations to the University Community:** The four professors enrolled in the LL.M. program made formal presentations to the University Community on topics relating to the Afghan legal system and legal reform (see Appendix II).

C. Program Evaluation

At the conclusion of the major ESL instructional component for the program, we carried out the following forms of program self-evaluation while the majority of program participants were still in the United States:

- (a) *Video-taped interviews with participants for feedback on the ESL Program* (November 2007). Senior UW ESL instructors interviewed the participants individually about their experiences in the ESL program and suggestions for improvements in future. The tapes also serve as a contemporaneous record of the level of the participants' spoken English at the end of the program. We are currently viewing and transcribing parts of these interviews.
- (b) *Feedback meeting with ESL instruction team.* We have met with the UW ESL instructional team to gauge their responses to the program and to communicate our views about program design and delivery elements.
- (c) *Focus group meeting with participants.* Team member Sara Ayoubi met with all participants and led a focus group session in Dari and English based on the first part of a structured questionnaire that we typically administer to each LL.M. cohort.
- (d) *Individual interviews with participants.* All returning and remaining participants met individually with Professors Taylor and Eddy and with Alice Stokke to reflect on their own program, make requests for adjustment, and plot a course of continued study, either in Afghanistan or in the U.S. in 2007.
- (e) *Advice to incoming participants.* The participants who remained for LL.M. study each provided a ten minute videotape in Dari offering advice to future participants about the demands of the program and life in the U.S. These were converted to a DVD that was shipped to Afghanistan to be shown to future participants.

The focus group responses were overwhelmingly positive, and yielded several practical suggestions for improving the project.

Impact in Afghanistan

A partial listing of specific activities undertaken by returnees appears in Appendix IV. Several important aggregate impacts are important to note.

A. Impacts at the Kabul Law Faculty

At the outset of the program, the attitude of the Kabul Law Faculty could best be described as cautious and wary. In the course of the program, the Dean of the Faculty made two visits to the United States, including two months of sponsored English language instruction. Two members of the faculty attained their LL.M. degrees. Three other faculty members undertook extended-stay individualized programs, resulting in a total of six Kabul law participants.

The net impact of these efforts is apparent in several ways. First, we had the full support of the Dean of the Kabul Law Faculty for this program, and more broadly we secured a relational basis for advancing reform in the Afghan legal education system. This is a development of fundamental importance, because the Dean, as the senior legal education administrator in Afghanistan, and head of the most prestigious faculty, is positioned to provide either great assistance or support, or introduce substantial roadblocks. Secondly, the return of a number of professors who have been exposed to modern legal education outside Afghanistan is starting to build momentum and provide support for various structural changes that must take place in the area of curriculum, instructional methods, and teaching materials. This cohort of returned professors figures prominently in activities by other donors and implementers in rule of law programs in Afghanistan. Third, the returned professors have provided a model for students and other professors who now start to see a path of professional development based on acquisition of English language skills and advanced legal training.

B. Impact at the Kabul Shari'a Faculty

Article 3 of the present Afghan Constitution provides that no law “contrary to the precepts of Islam” shall be effective. As the foremost articulator of Islamic legal values in Afghanistan, the Kabul Shari'a Faculty plays a pivotal role in efforts to modernize the legal system.

Historically, the Kabul Shari'a Faculty is no friend to fundamentalism, having suffered considerably at the hands of the Taliban regime. However, it does have some strongly conservative elements. More importantly, only in recent years have its most progressive faculty members gained the knowledge and resources to shift the orientation of the Shari'a Faculty.



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Under its new Dean Mohammad Gran, the core group of younger Shari'a Faculty who received training in the program has received encouragement, and the school has embraced a number of innovative approaches. It now participates fully in USAID-sponsored English language programs, which is rapidly increasing the number of Shari'a trained personnel that are able to interact with the international community, to take advantage of training programs outside Afghanistan, and to access sources other than Dari, Pashto and Arabic sources (only the latter existing in any great depth or breadth). The creation of the IDLO-funded library in the Shari'a Faculty in 2008, which includes comparative Shari'a materials should also significantly support this.

The faculty is working to implement programs of court observation, clinical education, moot courts, and a variety of instructional methods that were previously absent. The younger faculty also represent a subtle shift from a faculty largely focused on reverence for the past towards a more forward-looking, problem-solving faculty seeking development policies consistent with Afghan societal values.

C. Impact on provincial faculties

At both Herat and Balkh universities, the program has also had substantial impacts. As noted, the Deans of both the law and Shari'a faculties from these two universities have visited the United States under a jointly-sponsored study tour supported by our program and USAID. The Dean of the Law Faculty also returned to the United States under the Afghan Legal Educators Program to undertake a 3-month individualized program of study included ESL and additional exposure to the U.S. law school environment and teaching methods.

At Balkh University, one professor from the Shari'a faculty has received his LL.M., and a second professor from the Law faculty has done substantial course work towards his LL.M. Additional professors from the Law faculty will study in the U.S. in coming months. In Kabul, those professors who participated in the legal educators program have taken a very active role in enhancing their teaching strategies and stimulating interest since their return. Each has adopted new teaching methods, and Professor Hamed of the Shari'a faculty has completed a problem-based set of teaching materials for the important course of Family Law. Each is also active in assisting in English language instruction, improving the general language ability and specifically legal vocabulary of both students and professors. Again, this has an important downstream effect in creating a pool of talent able in the near future to undertake and profit from advanced training outside Afghanistan.

In Herat, two professors from the Law faculty undertook extended programs of individualized study, including advanced ESL and audit of several law courses. Upon his return, Soroush Faridon became Acting Dean of the Law faculty, and has continued to serve in that role for two years. Under his leadership, the Herat Law Faculty has worked closely with Dean Abdul Raof



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Sageb of the Shari'a faculty. The Shari'a faculty has undertaken a number of rather bold innovations, including required English and computer training, and the interaction of the two faculties provides a model from which other Afghan universities may gain useful experience.

It should additionally be noted that the program has established good relations with the Chancellors of both Herat and Balkh universities, as well as with the Governor of Balkh province (in part through the efforts of Azimi, another returned participant of the program, who serves as an influential advisor to the Governor).

Lessons learned

Three lessons in particular stand out from experiences gained from the initial program: the absolute requirement of strong English language ability; the difficulty of integrating women into the program; and the need for constant monitoring and flexibility.

A. Importance of English language facility

The fundamental lesson learned during 2005-08 is that the high level command of academic and legal English required for graduate program success is missing in Afghanistan. Established faculty members in Afghanistan lack the foundational level of English needed for study abroad and moving them to even the minimal level needed is extremely expensive. This results from a confluence of factors:

- existing faculty members are typically more than 30 years of age, often closer to 40, and no longer have the language acquisition facility of younger persons;
- instruction in country is subject to limited instructional resources, and multiple demands on the candidates' time, in addition to taking place in a native Dari/Pashto environment that undercuts, rather than reinforces, foreign language acquisition;
- instruction delivered outside Afghanistan is very expensive due to housing and travel costs, as well as living stipends and a high general price level;
- language programs undertaken outside Afghanistan pose a dilemma of either placing candidates in isolated situations (particularly difficult for older candidates who have wives and family and have not previously been outside Afghanistan), or placing them in group situations where they "cluster" and fall back on native languages of Dari or Pashto.

Opportunities for English language acquisition in Afghanistan, particularly in Kabul, have increased during the 2004-2008 period of the program. In particular, the Afghan Legal Educators Program has been able to partner effectively with USAID-Checchi (ARoLP)'s provision of intensive Legal English training delivered during the Afghan universities' Winter Break.



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Project Manager Jon Eddy participated in the 2008 program as an instructor and both Project Director Taylor and Project Manager Eddy consulted extensively with ARoLP managers and instructors about the overlapping pool of candidates and their performance in class and in ESL testing. However, even with these improvements, this fundamental problem will remain present in terms of existing Afghan faculty.

It is evident that it would be more cost effective to train young graduates with good academic credentials who have the possibility of being taken onto faculties following their graduate training.

B. Difficulty of integrating women into the program

It has been an objective of the program from the outset to ensure that women were afforded opportunities for advancement in the program. Two women did in fact travel to the United States as part of the initial cohort of participants. Attempts have also been made to extend outreach beyond these two candidates, and develop additional candidates for future training.

However, the significant obstacles to progress in this direction must be recognized. First, since women have been educationally disadvantaged in Afghanistan, the number of candidates available is small, and the English language level of those candidates who do exist tends to be toward the lower end of the spectrum. Second, even when candidates approach the level where they can be included in the program, there are major cultural barriers that must be overcome.

In our view, it remains extremely important that efforts be made to draw additional women into the program. It is possible that the strategy of inviting younger graduates into the program may also be useful in this regard. But it is likely that if women are to be successfully included, additional levels of support and resources per candidate will be necessary.

C. Need for constant monitoring and flexibility

A strength of the program was relatively tight monitoring by our implementation team and a flexible and cooperative approach adopted by INL. Throughout the program, new opportunities as well as new obstacles were encountered. It was necessary to make frequent programmatic adjustments and often corresponding adjustments to budget allocation as well.

Some candidates who appeared to be extremely promising at the outset failed to perform because of personal considerations; other candidates who entered the program with far less developed skills were able through talent and serious application to excel.



Without the ability to make many mid-course corrections and adapt to new information and newly-developing trends, the program would have been much less successful, and, therefore, future success will require at least the same degree of monitoring and adaptability.

Looking forward

The three-year extension of the program approved for 2008-10 will seek to build successfully upon the achievements and lessons of the initial program:

1. The three goals identified at the outset of this report will be maintained.

In terms of regional balance, special effort needs to be made to reach farther in the direction of Nangahar University. This continues to be hampered by the deteriorating security situation in Jalalabad. However, every effort should be made to include at least one participant from Nangahar in U.S.-based activities prior to conclusion of the program. If possible, some participation by Al-Biruni University (Kapisa Province) should also be achieved.

In terms of balance between Law and Shari'a faculties, it is likely that candidates from the Law faculties will predominate, particularly as regards LL.M. candidates. However, as noted above, the - at least tacit - approval of Shari'a faculties is essential to further improvements of the Afghan legal system. It is therefore important that, on an opportunistic basis, candidates from Shari'a faculties be included. At the present time, the most realistic sources of Shari'a candidates remain Kabul and Herat, where leadership within the faculties is favorably inclined towards the program and its goals.

In terms of inclusion of women in the program, we will create a Women's Cohort that would undertake a shorter stay in the United States. The goals of this program element would be two-fold: 1) to improve capacity of the participants and move them closer to the levels necessary for full participation in a graduate program; and 2) as a confidence-building measure, to break down cultural barriers to extended travel to the U.S.

2. Our second three-year program will also seek to build on successful elements of the initial program.

The highly-successful interaction with Native American tribal courts will be continued, as this provided the Afghans with valuable insights into difficulties of reconciling divergent legal systems and traditions. Budget permitting, the highly-successful trips to the Annual Meeting of the Association of American Law Schools and to Washington, D.C. to meet with State Department officials and visit important federal government institutions should also be maintained.



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3. In the second three-year program, if security permits, more time on the ground in Afghanistan should be devoted to working to support the activities of returning participants.

Efforts should be made to work closely with former participants on issues of curricular reform and preparation of teaching materials, and support for in-country research by the returnees.

Based on the successes of the original Afghan Legal Educators program, the extension period 2008-10 has every chance of providing a strong boost to the work of the original program participants. The extension promises to increase the momentum for reform of Afghanistan's legal educational system – and by extension, the formation of its legal professionals.



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