



AUCA LAW DEPARTMENT

Departmental Development Plan for 2009-2010 academic year

This Department Development Plan has been prepared upon the request of AFP CAM for continuing support by AFP of the American University - Central Asia's International and Business Law Department.

Content of the DDP:

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I. DESCRIPTION OF THE CURRICULUM AND CHANGE OF THE DEPARTMENT'S NAME

Change of the Department's name: In March 2008 the Law Department applied for a new license from the Ministry of Education of the Kyrgyz Republic to operate its activities as the Department of International and Business Law. Such decision was taken in order to avoid complying with state standards on higher legal education. The state standards contain mostly required and highly theoretical courses, leaving no space and no opportunity to introduce new required courses, skill-based courses or elective courses. Taking into consideration that the whole educational process at the AUCA is based on the concept of liberal arts and academic freedom, where students have both required and number of elective courses, for the Law Department it was difficult and almost impossible to follow state standards on higher legal education.

The Department was formed in 1999 and since then introduced a number of changes into its curriculum with the aim of improvement and pursuit of best practices of legal education. These reforms led to further deviation from state standards. In 2006 when the government of Kyrgyzstan decided to close down number of law departments around the country, AUCA Law Department for the first time experienced serious problems with the Ministry of Education. The reason was non-compliance with state standards. Although, the Department upheld its right to continue to carry out its activities, the tensions always remained. In 2008 the Department decided to end these tensions and debates about non-compliance by changing its name from the "Law" Department into "International and Business Law" Department. Such idea occurred after observing other AUCA departments. It turned out to be that those departments which did not have to comply with state standards did so because there are no state standards exist to follow (e.g. International and Comparative Politics vs. Political Science, Mass Communications v. Journalism, Business Administration v. Management etc).

The name International and Business Law was chosen because the Department offers more elective courses in these areas. Otherwise, the curriculum remains the same, the change of the name is more formal rather than substantial. Despite the fact that the Department is called "International and Business Law" 35% of its required courses are skill based courses (e.g. legal writing, legal clinic, legal skills etc), 30% are in the area of public law (e.g. theory of law,

constitutional law, public international law etc), 25% are in the area of civil law (e.g. contracts, torts, business entities etc), 10% of courses do not fit into neither categories (labor law, civil procedure, natural resources law etc).

In summary, the curriculum of the Department does not concentrate on strictly business related courses, but rather is designed in order to equip students with all necessary knowledge and skills to become competent lawyers who are committed to promote rule of law, market economy and human rights in Central Asia.

Human Rights component of the curriculum: One of the major goals of the Department is to educate new generation of lawyers who are not only competent lawyers, but also individuals committed to promote rule of law and human rights. In order to accomplish this goal the Department introduced number of required and elective courses in this area. In particular, courses on criminal law, constitutional law, criminal and civil procedures, civil law, natural resource law, labor law teach students to various concepts of human rights and mechanisms of their protection. The whole purpose of criminal and civil procedures is to ensure that state authorities do not abuse their powers and are put into certain limits by law. Students are taught in these courses how to challenge acts of state authorities and learn about ways to seek redress for human rights violations at the national level. International Public Law I and II teach students to some specific issues related to protection of human rights such as refugee law, basic principles of international human rights law, international criminal law etc. In Legal Clinic I and II students have opportunity to apply their knowledge and protect human rights in practice with real people. The mission of the Legal Clinic program is to help the vulnerable part of society, which in practice means helping pensioners, children, people with low income and individuals who are enthusiastic about environment and human rights. People turn to Legal Clinic to seek for help to protect their rights. Many cases involve taking actions against unlawful measures of state authorities.

In addition to these courses, the Department offers number of elective courses that directly relate to the issue of human rights protection: international human rights law, international humanitarian law, criminal justice system etc. The Department plans to further improve in this area by redesigning its internship program to be more human rights oriented.

II. REPORT FOR 2008-2009 ACADEMIC YEAR

Review and improvement of the Curriculum was stated as a goal in initial DDP. The Department carried out activities in implementing these objectives, including conducting a series of departmental meetings and developing certain documents on the following issues:

Internship program. Throughout the academic year 2009-2010, International and Business Law Department redesigned its internship program with the goal of enhancing the effectiveness of the program on the whole. There was a need to evaluate the quality of the internship, to better track the hours that students spends at an internship, assess the students' performance on the job and ensure the accountability of interns. In order to achieve these goals, the Department plans to revised its existing rules on internship and developed practical mechanisms that would ensure that students learn and acquire really valuable experience during their internship. In this regard, the Department closely cooperated with its AFP International Scholar, Leah Wortham. Together with her, we redeveloped internship policy, student evaluation criteria and other forms and documentations relating to internship. Among other things, the Department added a human rights focus to the internship program. We assemblede a package of international human rights standards related to the administration of justice, or otherwise to things that students might encounter in normal placements. Students will be asked to observe the applications of these standards to what they saw in placements and reflect them in the final reports, and, in the fall, there would be one large class of all returning students with some general discussion of student feedback on their observations.

III. OBJECTIVES AND PLANNED ACTIVITIES FOR 2009-2010 ACADEMIC YEAR

For the next 2010-2011 academic year, the Department plans to work on the following issues:

Organization of a Conference. The Department plans to organize a conference on “Contemporary Issues of Human Rights in International Law” in March 2011. The participants of the conference will be the faculty members, practicing lawyers and the law students. On the conference, AFP Research Fellows and other members of the faculty will present for the discussion their ongoing research papers related to this topic.

Professional development activity. Individual research plans of Returning Scholars:

1. Ainura Abdyrakunova will be continuing her research within the framework of her PhD project. Her research topic is “Legal challenges of trade in services through electronic networks”. For the purpose of accelerating progress of her project, she plans to conduct a research visit to the library of CEU or other university in Europe during summer 2010, and will be regularly discussing her progress and challenges of her project with her AFP RS colleagues and supervisor.

IV. ROLE OF INTERNATIONAL NON-RESIDENT SCHOLAR IN THE DEVELOPMENT OF THE DEPARTMENT

The Department has chosen Professor Leah Wortham from Catholic University of America, the Columbus School of Law as its non-resident International Scholar. Leah Wortham is an expert in clinical education, curriculum development and organizing internship/externship programs. Leah Wortham is well familiar both with American and European systems of legal education.

We plan Leah Wortham to undertake the following activities during the 2009-2010 academic year:

- a) Advise the Department on improvement of Legal Clinic program, in particular, work with Legal Clinic Director and clinical professors on designing a new model of Clinical program (The Department plans to have specialized Clinic rather than general one). It is also planned that Leah will provide feedback and comments on new syllabus, provide with possible teaching materials and conduct workshops/trainings on teaching methods in clinical setting.
- b) Advise the Department on re-designing and improvement of internship program. In particular, help faculty members to better define goals and objectives of internship program; develop a plan or a model of internship program that will best suit to achieve the objectives; help to develop mechanisms to evaluate the quality of internship and students' performance. In addition we expect Leah to help design internship program with human rights focus.
- c) Work further with returning scholars on their progress with dissertation works.
- d) Provide feedback on Department' new entrance exam questions, whether they are suitable to select best candidates who are ready to undertake legal studies.
- e) Provide feedback on Department's new format of conducting state exams; work with individual faculty members on developing hypothetical situations and questions for state exam, where students are required to demonstrate not only their knowledge of law, but also their analytical and problem solving skills.
- f) Provide feedback and comment to new syllabus on Legal Research Methods course, which will be developed and taught by new returning scholar Joldoshbaev Ruslan.
- g) Visit faculty members' courses and reflect on their teaching methods.
- h) Revise rules and procedures on peer-review, provide comments and participate in this process.

V. LOCAL CAPACITY BUILDING

1. Ainura Abdyrakunova attended a regional conference on innovative teaching methods on April 30 -May 1 in Yerevan, Armenia.
2. Ainura Abdyrakunova attended CEU Summer University on “teaching law, ethics and human rights” in July 2009
3. Ainura Abdyrakunova attended a round-table on “Problems of ownership rights to real estate and ways of their solution” organized by Kyrgyz State Law Academy in March, 2010.

VI. SUGGESTED LIST OF RETURNING SCHOLARS FOR 2009-2010 ACADEMIC YEAR

1. Kamila Mateeva, LL.M from Indiana University School of Law at Indianapolis, USA
2. Nurzat Myrsalieva, LL.M from Indiana University School of Law at Indianapolis, USA
3. Ainura Abyrakunova, LL.M from World Trade Institute, Bern, Switzerland
4. Joldoshbaev Ruslan, MA in Criminal Justice from University of Louisville, Kentucky, USA
5. Razbaeva Meerim, LL.M from Edinburgh University, UK