

PROPOSAL FOR A LAW PROGRAM
AMERICAN UNIVERSITY OF ARMENIA

I. PROGRAM SUMMARY

Democracy building and legal reforms in Armenia are not keeping up with the fast pace of economic reform. More is needed in creating skills, behavior and institutions in building democracy and introducing the rule of law. AUA should contribute to this added emphasis by implementing a Law Program, including a Masters Degree, continuing training for lawyers, judges and legislators in practice, and legal research and outreach. Graduates of the Masters' program would over time play a major role in strengthening democratic trends, the creation of a legal basis in civil, criminal and economic-commercial law, the establishment of an independent media, as well as providing the foundation for a robust judiciary and parliament. To this end, AUA requests a one-time AID grant, to launch the LL.M. program in FY 1996 at a cost of \$557,600 with students graduating in August 1998. If funds are available, we also request an additional \$496,400 to launch the continuing training and outreach programs targeting the bulk of lawyers and judges in practice, beginning in FY 1996 (See budget enclosed as Attachment A). After this initial funding requested, AUA and its backers intend to sustain these programs through the University's operating budget.

II. PROGRAM OVERVIEW

Armenia has embarked on a process of economic and legal reform which expanded in reach over the past four years. The process of transition is neither quick nor simple. While market reforms may be expedited with individual initiatives and the realities of basic market demands, legal reform is most dependant on institutional involvement, and the existence of lawyers trained in western legal thinking that can facilitate the understanding of western concepts and their adaptation into the Armenian legal framework at all levels. The creation of judicial systems with independent, trained judges and functioning courts as well as the existence of lawyers trained to function effectively in democratic societies are crucial for the development of the free market, investments and democracy. In a recent meeting of the AUA board of directors, the Vice President of the Republic, Mr. Gagik Harutunian, emphasized the acute need for the training of lawyers in Armenia and requested AUA's assistance in formulating a law program.

Our proposal for a law program at AUA has a three prong approach which we believe will lay a solid foundation for legal learning:

- 1) An LL.M. program focusing on international and comparative law to train a steady stream of lawyers in western legal thinking;
- 2) Training and continuing education programs for lawyers, law professors, judges and members of the legislature on issues of specific and immediate concern; and
- 3) A Law Center at AUA which will operate in conjunction with the LL.M. program and the training programs to provide an ongoing relationship with the legislature, governmental agencies, and other law schools based on legal research and outreach work.

While the LL.M. program is the backbone of our proposal and provides the formal training and preparation of a critical mass of western trained lawyers, its real effect in the country will be felt in the long run, when a sufficient number of program graduates are absorbed in various positions of impact. In order for these graduates to be effective and positive stimuli in the legal community of the country, they will need to be supported by a legislative and an institutional framework receptive to their contributions. Otherwise, their impact may be severely limited in light of existing vested interests and generational differences which will be foreseeable for quite some time between our graduates and the remaining Armenian legal community. Without establishing a support basis for these western concepts in the legal and governmental communities at large, the LL.M. graduates may not find their proper place in Armenia, looking instead to the outside world for their employment.

To bridge this gap in a practical sense and lay the general foundation in the country, we propose to begin more immediately, and continue in parallel with the LL.M. program for some time, a program for short term training and symposia through the University Extension. Such training and workshops will make available a practical and applied learning to those who will probably constitute the significant bulk of the legal community or those impacting legal reform and legal education and who may not be able or willing otherwise to attend the LL.M. program. Similarly, the establishment of a Law Center is intended to bolster the impact of the LL.M. graduates by sponsoring legal research and outreach programs which can institutionalize a stronger link with government, the drafting of legislation, other law schools and legal associations. The Law Center would build another continuing foundation between AUA and the legal community.

Finally, it is important to consider the concentration of the three suggested activities in one place, at AUA. This will provide greater coordination, flexibility in programming and allow a more economical sharing of resources.

III. PROGRAM OUTLINE

I. LL.M. in International and Comparative Law.

This program is intended for those who hold a law degree from a locally accepted institution, such as Yerevan State University. The program is based on the premise that students will have learned the basics of Armenian law during their law school education. The LL.M. program would introduce them to American and European concepts of law, civil society, business transactions and international organizations. The goal is to train these individuals to think like western lawyers and develop a working understanding of western legal concepts. Initially, such graduates will be crucial in bridging the gap between Armenian and western concepts in private business transactions, government agreements etc... The steady increase of such a group over time will undoubtedly impact the drafting and implementation of Armenian laws in areas which are wider than those initially proposed in this LL.M. program.

The program is conceived as a year and a half program over five academic quarters. Students will first be admitted to the University's Intensive English Program (IEP). Given appropriate notification to potential applicants in February and March 1996, the admission and graduation schedules will be as follows:

Admission of students into the IEP	May 1996
Completion of the IEP ⁽¹⁾	November 1996
Admission into the LL.M. Program	Fall 1996 or March 1997
First graduating class	August 1998

Based on the needs and assessments presented to us to date by various Armenian government officials and U.S. legal experts, we propose to offer courses in the LL.M. program concentrating in comparative and international law. An illustrative listing of courses is attached (See Attachment B).

While this listing indicates the types of courses which can be offered, the wealth of the program would depend on the selection which can be made available to the students so they can either develop a concentration in business transactions, or one in constitutional and criminal law courses. The exact allocation of credit hours per course, the definition of a core program vs. electives, and additional precision of course content will be developed with further consultation of legal experts and educators in this particular field prior to the implementation of the program. The program is intended to have flexibility over time, so that certain topics receive greater attention than others as the needs of the country and the

¹. Because of the difficult winter conditions, the University's normal course offerings are not available in winter. The academic year comprises the Spring, Summer and Fall quarters beginning in March and ending in November.

region evolve. It is expected that such a program in international and comparative law will attract students to AUA from the whole region. Furthermore, the addition of an LL.M. program will be a natural complement to AUA's other graduate programs opening the possibility of joint degree programs with the existing Masters Degree in Political Science and M.B.A. At this time, we are not proposing to hold evening classes or part-time teaching towards an LL.M. program. We feel that it would be best to keep things simple initially and review this possibility after the program is in place for some time.

2. Training and Continuing Education Programs.

We propose to undertake technical assistance and training workshops to selected groups of lawyers working in the government and specially, the legislature. This specific need was also articulated by the Vice President of the Republic last week. We feel that it is crucial to reach the legislature as it is the main body formulating the laws in the country. We propose to conduct four workshops during the Summer and Fall of 1996, with each workshop comprising approximately 15 to 18 contact hours over a period of two to three weeks each. The workshops are intended to focus on a particular topic or document and provide a participatory working relationship between the U.S. counterpart and the Armenian lawyers or legislators. During the course of this month, we will hold meetings with government officials to evaluate the areas which may be of immediate need and in which we feel a short term workshop can bring a tangible improvement. We will be happy to submit these topics with greater detail at such time.

To conduct these four workshops, we propose to select 40 to 50 lawyers and teach them english during the winter and spring months of 1996 so that their interaction with their U.S. counterpart can be conducted for the most part without simultaneous translation. English will be taught in groups of 15-20 students. We feel that the learning of english will be a crucial step forward for the future advancement of these lawyers and their use of a wealth of written material which can be then made accessible to them. After the english training, the group would be divided in different workshops limited to about 10 to 13 participants.

As indicated in the Program Overview above, we propose to continue such workshops in 1997 and 1998. The topics and exact participants will be defined after the first set of workshops in 1996.

3. Establishment of a Law Center.

We propose to establish a center for applied legal research and outreach in 1997, as the students are selected into the LL.M. program. The purpose of this center is to conduct legal research and foster activities in the local legal community which will help improve the overall professionalism of the field in Armenia. Some of the LL.M. graduates can initially

work in this center along with other local lawyers. By developing a close relationship with the government and the legislature, the center can conduct research and drafting analysis work on legislation and legal policy matters pertaining to Armenian law or Armenia's negotiations in international areas. Thus the LL.M. graduates working on such issues will put their training to use not only in the context of international law, but in applying some of these concepts in work done on Armenian law. The education received at AUA would provide them with the legal training necessary for them to develop further research expertise in other fields.

As its outreach work, the Center could enhance the organization of various legal professional associations such as those for business lawyers, criminal lawyers and prosecutors, trial lawyers and judges, etc... Traditionally, these specialized associations become excellent vehicles to raise discussion on issues of common concern and thus provide a means for self-education to people in practice. In addition, the sponsorship of prizes and competitions such as advocacy competitions between schools or various professional associations play an important role in the sharing of information and the general increase in the level of legal debate. In due course, such a center could play a pivotal role in promoting the organization of a national bar association free of government control and serving independent advocates and counsellors. The Center would also make a major contribution in impacting reform at the level of the local law schools.

The importance of such a center is its interaction with the local legal community and the legislative process in the country. Such continued involvement will establish a much needed bridge between the on going academic teaching in the LL.M. program and legal developments in the country. While the cross exchange will be beneficial to all, it will serve to support and expand the LL.M. program at AUA.

The combination of the three proposed activities in this Law Program over a three year period, will be crucial in solidifying the function and preeminence of law in Armenian civil society. The investment will be one not only in education, but the overall stability, democratization and the stimulation of long term investments in the country and by extension, the whole region.

Submitted by Suzy M. Antounian
October 25, 1995
Yerevan

American University of Armenia
Proposal for a Law Program
Attachment A

BUDGET

An illustrative budget is indicated below. Budget categories are meant for informational purposes.

1996:

1.	English training of LL.M. Applicants	25,000
	Planning Meeting to finalize the curriculum	12,000
	Ancillary educational expenses (GRE or LSAT examination) ⁽²⁾	3,000
	University Administration and Coordination	10,000
	Indirect Costs (36 %)	18,000
	<i>Total for the LL.M. Preparation</i>	<u>68,000</u>
2.	English for the continuing education preparation	12,500
	Four Workshops	28,000
	Travel	10,000
	Communication, copying and supplies	4,750
	Program coordination and administration	9,750
	Indirect Cost (36 %)	23,400
	<i>Total for the Continuing Education Programs</i>	<u>88,400</u>

1997:

3.	10-12 courses in the LL.M. Program	70,000
	Travel	25,000
	Program Director	40,000
	Communication, copying and supplies	10,000
	Administration, Books, Audit and Ancillary expenses	35,000
	Indirect Cost (36 %)	64,800
	<i>Total for the LL.M. Program</i>	<u>244,800</u>

². All students admitted to AUA's graduate programs take either the GRE or GMAT examinations which are administered at AUA in December. AUA is a testing center for the Educational Testing Services (ETS). We will need to determine whether LL.M. applicants will take the LSAT or the GRE as a way to evaluate their english and comprehension.

4.	<i>Continuing Education Workshops</i>	<u>88,400</u>
----	---------------------------------------	---------------

5.	<i>Initial Startup Expenses of the Law Center</i>	<u>40,800</u>
----	---	---------------

1998:

6.	8-10 courses in the LL.M. Program	70,000
	Travel	25,000
	Program Director	40,000
	Communication, copying and supplies	10,000
	Administration, Books, Audit and Ancillary expenses	35,000
	Indirect Cost (36 %)	64,800
	<i>Total for the LL.M. Program</i>	<u>244,800</u>

4.	<i>Continuing Education Workshops</i>	<u>88,400</u>
----	---------------------------------------	---------------

5.	<i>Expansion of the Law Center Programs</i>	<u>190,400</u>
----	---	----------------

	<i>TOTAL FOR THE PROPOSED ACTIVITIES 1995-1998</i>	<i>1,054,000</i>
--	---	-------------------------

American University of Armenia
Proposal for a Law Program
Attachment B

SUGGESTED CURRICULUM FOR THE LL.M. PROGRAM

Comparative Law

A comparison of the world's major legal systems - civil, common and islamic. Consideration of the history, sources of law and a review of hallmark institutions in each system, the role of lawyers, procedure and selected substantive legal issues.

Selected Topics in Civil Law

Comparative study of selected topics in Armenian law and their treatment under different civil and common law systems.

Comparative Constitutional Law

A comparison of basic constitutional concepts in Civil and Common Law jurisdictions, covering issues such as sources of state powers, limitations on the exercise of governmental power, fundamental rights and legislative enforcement of constitutional rights.

Selected topics in Criminal Law and Procedure

Comparative study of selected topics in Armenian law and their treatment under different civil and common law systems.

Introduction to the American Legal System

Examination of the law that governs the interrelations of the three branches of the federal government. Review of the federal government structure, the immunities of the members of Congress and of Executive officers, impeachment, congressional power over federal jurisdiction, executive orders and the limits of presidential "Lawmaking", presidential and legislative vetoes, executive privilege, executive and congressional oversight of policy and controls on spending.

Legal Entities

Basic survey of the various forms of doing business, such as corporations, limited liability companies, partnerships, trusts, estates and joint ventures

European Union Law

Review of the basic institutional structure and legal system of the European Union, including the powers and functions of the Council, Commission, Parliament and Court of Justice. Review of the process of rule-making through regulations, the supremacy of treaties over national law and the protection of basic rights.

Public International Law

Introductory survey of the legal system governing relations among states, international organizations, natural and juridical individuals. Analysis of the sources of international law, including the formation of customary norms and techniques of treaty interpretation; the application and enforcement of international law in domestic courts, international tribunals, organizations and diplomacy.

International Commercial Law

The study of international transactions for the purchase, sale and financing of goods, as governed by the U.N. Convention on Contracts for the International Sale of Goods and other multilateral treaties on international lease, financing, commercial paper and fund transfers.

International Arbitration: Survey of arbitration and related mechanisms of dispute resolution in the international legal system that arise out of commercial, financial and governmental transactions. Analysis of arbitration agreements, process of arbitration, enforcement of awards and principals governing disposition of claims. Review of various arbitral tribunals and their rules.

International Banking

Study of the international monetary system, including the IMF and allied institutions, international loan transactions and regulation of international financing organizations. Structure and terms of international loans and banking institutions. Comparisons of different national approaches to bank regulation, and cooperation of regulators in supervising international banking activity.

Law and International Economic Development

Review the role of private foreign investment as a vehicle for economic development in developing nations. Review of negotiations and drafting of investment agreements in economic sectors of particular importance to developing nations. Review of actual and model agreements in areas such as mining ventures, hotel services, construction management, distributorship and general services contracts.

International Organizations: Analysis of legal issues arising out of the creation and operation of organizations of nation states. Review issues of legal personality, treaty making and norm creation, privileges and immunities, membership, dispute, settlement and withdrawal. Review of the structure and functions of certain U.N. organizations, and others such as the International Bank for Reconstruction and Development, the International Monetary Fund, the General Agreement on Tariffs and Trade, the International Civil Aviation Organization and the International Labor Organization.

International Human Rights Law

Introduction to the theory and practice of international human rights law and analysis of the role it has played in recent decades in discourse on international law. Overview of basic

human rights, theoretical legal mechanisms for enforcing human rights, a review of international and regional human rights instruments and institutions, practical political realities of promoting human rights and the law of war and the Geneva Conventions.

International and Comparative Patent Law

Comparative overview of patent laws and regulations with a review of patentability requirements, infringement, remedies, patent prosecution issues and patent transactions. Review of selected treaties and topics.

International and Comparative Environmental Law

Review of the environmental laws of the U.S. and the European Community. Review differences in implementation and enforcement of environmental laws under these different jurisdictions. Comparative examination of selected issues such as regulation of nuclear energy, liability for transnational nuclear pollution, waste management regulations and other selected topics.

Negotiating Deals and Disputes

Review of basic negotiation skills and simulation exercises for practicing lawyers with a focus on reaching compromise in agreements and disputes resolution.

International Agreements and Treaties

Comparative review of selected bilateral and multilateral treaties between states such as tax treaties, extradition treaties and others, including a review of enforcement mechanisms.

Professional Responsibility and Ethics

Review of ethical problems involved in civil and criminal counseling and litigation. Comparative survey of questions of legal and judicial responsibility and ethics raised by rules of professional conduct and moral philosophy in civil and common law traditions; roles of bar associations and courts in regulating lawyer conduct.

Legal Writing

Instruction and practice in legal writing and analysis with primary emphasis on letters, memoranda and citation of international sources.