Distance learning certificate course: legislative drafting for democratic social change

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Boston University
November 9, 2000

Asim Acikel
Economic and Environmental Officer
OSCE
67 Tole Bi Street
Almaty, 480091
Republic of Kazakhstan

Dear Asim Acikel:

We take pleasure in announcing Boston University School of Law's new Distance Learning Certificate Course in Legislative Drafting for Democratic Social Change, available for the first time on the Internet, February through May, 2001.

The Course aims to provide a relatively low-cost, high-quality opportunity for government officials, legislators and non-government organization personnel to strengthen their capacity to prepare laws that foster both good governance and effective development.

The Course will not only teach the formal drafting techniques legislative drafters require. It will also enable those engaged in the law-making process to learn the legislative theory and methodology required to translate the often relatively vague propositions of ‘policy’ into detailed prescriptions for effectively implemented laws that resonate with the principles of good governance. As its basic text, the Course will rely on LEGISLATIVE DRAFTING FOR DEMOCRATIC SOCIAL CHANGE: A MANUAL FOR DRAFTERS, co-authored by Ann Seidman, Robert B. Seidman, and Nalin Abeyesekere (Kluwer Law International, 2000).
We have attached a brief course description. You will find a far more detailed description of the course at our website, which we cordially invite you to visit when it is posted on 20th October, 2000.

www.bu.edu/law/lawdrafting/

If you have any further questions about the course, the requirements for admission, or possibilities for obtaining financial assistance for potential participants, please contact us by e-mail: <rseidman@bu.edu> or <aseidman@bu.edu>.

Very truly yours,

[Signatures]

Professor Ann Seidman and Professor Robert B. Seidman,
Co-directors, Program for Legislative Drafting for Democratic Social Change.
a four month certificate course for professionals around the world who design and draft legislation aimed at inducing development, transition and good governance.

learn:

* theory and methodology to how to translate policies into detailed, implementable legislative provisions to meet the your country’s specific needs;

* the details of legislative drafting techniques required to ensure the laws’ effective implementation.

the need

striving to enhance the quality of life for their people, governments the world around seek to restructure the inherited institutions that perpetuate poverty and poor governance. For that, they need to write new laws and create a legal framework that will facilitate democracy and development.

too often, that effort has only marginally succeeded. Everywhere, people say “we have good laws, but they are badly implemented.”

no treasure chest comes stuffed with ‘model’ laws that a government can successfully copy. Unique, time- and place-specific historical and cultural circumstances influence behaviors in the face of a law. Laws copied from another country or another time rarely induce their desired new behaviors. Lawmakers must design and adopt laws crafted to their country specific circumstances.
In every country, a variety of officials participate in the bill-creating process. To write effective laws, they must translate the usually relatively vague policies of political leaders into the precise, carefully crafted provisions of laws and regulations. Effective laws require details that take into account local circumstances, and employ unambiguous, precise, understandable and usable language. Only laws so designed and crafted can bring about the institutional changes required for successful development, transition and good governance.

Too often, people accept the myth that policymakers make policy, leaving to drafters the merely technical task of chaining words together. In reality, the detailed provisions that officials and drafters design and write into a bill shape the behaviors that determine the bill's policy outcomes; the devil lies in those details. This course aims at enhancing the capacity of its participants to produce laws and regulations that work.

PARTICIPANTS

The course primarily aims at:

- civil servants, with or without formal legal training, involved in designing legislation;
- members of Parliaments and their staffs, who assess bills, debate them and sometimes initiate them;
- university teachers who plan to prepare themselves to teach drafting;
- members of non-government organizations who assess legislation and would like to initiate bills; and
- professional legislative drafters on the central, provincial and local, levels.

To facilitate individualized instruction, the course admits no more than 40 participants.
Effectively to transform the inherited institutions that block good governance and development, a drafter requires three tools. The course participants learn --

* A **legislative theory** to guide translating the usually general propositions of government policy into the detailed prescriptions of the law required to foster behaviors required for good governance and development;

* A **problem-solving methodology** that, based on available information, enables drafters to structure their analysis of the country-specific causes of the relevant actors' problematic behaviors to design legislation that, by altering or eliminating those causes, induces more desirable behaviors; and

* **Legislative drafting techniques** which ensure that drafters write their bills' detailed provisions precisely, unambiguously and understandably, so that the law's addressees can understand and behave in ways likely to resolve the social problem addressed.

**LEARNING BY DOING**

No more than one can learn to ride a bicycle without actually *doing* it can one learn to draft without actually drafting. In this course, a participant --


listens to two one-hour lectures a week on legislative theory, methodology and techniques, accompanied by a study guide;

drafts a priority bill designed to help resolve a defined social problem in their participant's own country, and writes an accompanying research report that uses facts and logic to demonstrate that in the country's unique circumstances, the new law will likely produce the desired new behaviors;

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1 Nalin Abeyesekere is The Legal Draftsman of Sri Lanka.
via e-mail, works individually with a trained editor to draft and redraft the bill and research report in light of the editor's detailed comments and suggestions;

participates in course discussions on the course electronic bulletin board; and

improves writing and drafting capacity by editing other participants' bills and research reports and, on a small-group electronic bulletin board, by discussing them with group members and their respective editors.

FACULTY

The Co-Directors of the Boston University School of Law's Program on Legislative Drafting for Democratic Social Change, Robert B. Seidman, Professor Emeritus and Ann Seidman, Adjunct Professor, also direct the Distance Course. They present two one-hour lectures per week relating to legislative theory, methodology and techniques, and participate in the course and group bulletin boards.

The Seidmans began the study of law and development in 1962 while teaching and conducting research at the university of Ghana. Since then, they have taught, studied and consulted for 12 years in Africa and one year in China. Since 1992, they have served as chief technical advisors for UNDP legislative drafting programs in China, Sri Lanka, Bhutan, and Nepal. They have also conducted workshops as part of US aid-financed projects to strengthen the capacity of drafters to draft effectively implemented legislation, and, in Mozambique, South Africa and Indonesia, of legislators to assess and when necessary to initiate legislation. They have authored, co-authored, and co-edited many books, including The State and Law in the Development Process: Problem-Solving and Institutional Change in the Third World (Macmillan, 1994), Making Development Work: Legislative Reform for Institutional Transformation and Good Governance (with Thomas Walde; London: Kluwer, 1999); and (with Nalin Abeysekere), the Manual for this course.

Each course participant works individually with an editor. Using e-mail, the editor helps the individual participant to understand and utilize legislative theory, methodology and techniques in preparing the bill and research report. Also by e-mail, the editor reviews, edits, and discusses with the participant his or her bill and report. **All editors have a legal qualification, including a year and a half training in legislative drafting; most now work as legislative drafters.**

PREREQUISITES
A participant in the course must have a working knowledge of English, the language of the course, access to a computer connected to the Internet, and at least minimal computer skills. The participant must also have either a University degree or considerable drafting experience. A degree in law or a legal qualification, however, is not required.

CERTIFICATION

Upon successfully completing the course, a participant will receive a Certificate of Legislative Drafting.

COSTS

The tuition fee for the course is $2000. Would-be participants may wish to request their country’s offices of the United Nations Development Programme, the United States AID, Ford Foundation or other bilateral or multilateral donor agencies for financial assistance.

TECHNICAL ASSISTANCE

Course participants need access to a computer to maintain e-mail contact with their editors and other participants throughout the world. For technical assistance, participants may contact the World Bank audio-visual centers (in Africa, in Ghana, Ethiopia, Uganda, and Tanzania); the former United States Information Services (USIS) offices at the United States Embassy; and national university computer centers.

FURTHER INFORMATION

For further information, visit our website: <www.bu.edu/law/lawdrafting>

APPLICATION FORM

Applicants should fill out and send in this form, either by e-mail to aseidman@bu.edu or rseidman@bu.edu. or letter to

Professor Ann Seidman and Professor Robert B. Seidman
Co-Directors, Program on Legislative
Since the availability of trained editors will limit the numbers of persons admitted to the course, please submit your application as soon as possible. Admission does not require formal training in law.

APPLICATION FORM

Name .................................. Date of birth .................................. Male ...... Female ......

Home Address: ........................................................................................................................... .
(Number & Street) (City) (Zip code) (Country)

Phone number .................................. Fax number ..................................

Your e-mail address ..................................

What kind of work do you do ..................................

Reasons for your interest in this course: ........................................................................ .

Your employer .................................. Your employer's address: ..................................
(Number & Street) (City) (Zip code) (Country)

Your employer's phone number ........ Fax number ..................................

Your educational qualifications: ......................................................................................... .
Degree ................................ Institution ..............................................
BA MA PhD Other

Do you have regular access to a computer for e-mail and the Internet? ..................................

Would you prefer to receive the lectures and study guide (check one):
_____ directly on the website (Note: you may hear the lecture sessions and view the study guide, including pictures, directly from the website. Or (if your modem proves too slow in showing the pictures) you may use the browser to hear the lecture sessions and view the study guide without the pictures. Or you may download both (including the pictures) to your computer so you may listen and view them together at your leisure without the internet connection);
_____ on a CD Rom disk;
_____ on a tape for an ordinary tape recorder, accompanied by a hard copy of the study guide.