

EDITORIAL

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*Cherie Booth & Helen Xanthaki**

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The seventh Sir William Dale Annual Issue of the European Journal of Law Reform is a joint effort of the co-editors to showcase the good work produced as a result of the framework of sustainable development aid offered by the Rwanda Africa Justice Foundation.

With membership of the Commonwealth in 2009, Rwanda stood on the verge of a unique transition from a civil law jurisdiction to a common law jurisdiction. The change of legal ethos, further complicated by a change to the working language of the government from French to English, has created enormous challenges for legislative drafters, far beyond those which are inherent in the efforts of all drafters to produce good legislation. In the midst of an ever louder debate on what constitutes legislative quality and how this can be achieved, Rwanda is not passive. The debate is lively, and very topical, in view of the transition to common law. It also clearly reflects the friction between traditionalists who are promoting drafting training on the job, and reformers who advocate structured academic and professional preparation for the drafting profession.

The lack of local capacity is one of the few points of agreement, and it's led to a request for international assistance, which we welcome. The question is – what form should this assistance take? Perhaps the easiest route is simply to impose foreign know-how, but attempting the “nationalisation” of a pure transplant presents real difficulties, and would, we believe, guarantee ineffectiveness at least in the long run. There is an alternative approach which is difficult but sustainable – the formation of partnerships between foreign training centres and Rwandan institutions, to enable cross-fertilisation in the form of provision of awareness training, combined with naturalisation from the Rwandan side.

This is the route promoted by the Africa Justice Foundation, and practiced for many years now by the Sir William Dale Centre for Legislative Studies at the University of London.

The Africa Justice Foundation's mission is to work in close partnership with African Governments, in-country partners and legal experts to build legal capacity and to enable the sustainable development of robust and stable legal systems across Africa. The Foundation – founded by Cherie Booth QC, Suella Fernandes

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and Philip Riches in 2010, is proud of the work it has done in Rwanda, and what has been achieved already.

To date its scholarship programme has enabled twenty-five government lawyers to complete postgraduate study of legislative drafting in the UK or the USA, and this has been complemented with in-country capacity-building projects. In recent years, lawyers from the UK have also delivered professional skills training to undergraduate law students at the National University of Rwanda (NUR). This training focused on legal drafting, advocacy, negotiation, mediation, interviewing, and advising. The feedback from both staff and students at NUR was that the practical demonstrations in particular, were 'of great interest and use'. AJF lawyers have also interned at the Institute of Legal Professional Development (ILPD), and given practical demonstrations on advocacy in English courts. Building on these foundations, AJF offered targeted support to the Legal Aid Clinic (LAC) attached to the NUR Law Faculty, developing capacity in case reporting and alternative dispute resolution/mediation. As the LAC provides legal advice to over one-hundred new clients per week in a country where there is no provision for legal aid, this support was able to have a significant impact on improving access to justice in Rwanda.

In order to assess the full effectiveness of this work, AJF funded an independent evaluation, conducted by Catherine Hinwood, a government lawyer with the UK Ministry of Justice. The results were promising, and the report noted that 'the AJF has built good foundations in Rwanda to help support the development of a more robust justice system'.

As part of this work, the Foundation, together with the Sir William Dale Centre, opened a dialogue of cooperation with no less than seventeen Rwandan drafters from a number of Ministries. They had a dual task: to learn from the programmes of the Centre, and to apply that understanding in Rwanda both where necessary and in the most effective manner.

The results are already tangible, and these are what we showcase in this issue of the EJLR. The Foundation-Centre partnership can serve as an excellent example of drafting training, where the partnership and know-how continue to bear fruit even after participants have left the programme.

We welcome this Sir William Dale Annual Issue as an opportunity to promote better awareness – particularly in the international community – of the many advances undertaken in Rwanda. Furthermore, we hope this Issue will help persuade the international community of the need for them to consider using organisations such as the Africa Justice Foundation for facilitating and supporting the creation of local drafting capacity, as the best means of transplanting know-how that is adapted to the specific national intricacies of the receiving countries.

We are proud of the results achieved. And, having read the work produced, even more proud of the amazing work of our Rwandan drafters whose zeal to serve both the discipline and their country continues to inspire us both.