

**REGIONAL MASTER'S PROGRAMMES IN AFRICA:  
CASE STUDIES AND ANALYSIS**

by

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***ABSTRACT***

*This paper explores the feasibility, role and practical implications of presenting regional residential masters programmes in Africa. The paper does so by focusing on three Master's programmes based in Africa, which attract students from across the African continent – one in human rights law, one in the law of trade and investment and one in the economics of trade and investment. All three programmes are presented by networks of excellence linking African universities, in some cases also involving outside partners. The essential features of these programmes are described, as well as some of the lessons learned from the introduction of these programmes. It is concluded that such programmes have a significant role to play in Africa, also beyond the fields of human rights and trade.*

**INTRODUCTION**

Increasingly, advanced studies in the world have an international character. As one manifestation of this trend, top students and lecturers cross national borders to participate as residential students in cutting-edge post-graduate courses. The reasons why this is the case seem to include a greater awareness of considerations such as the following:

- In a globalised world, outstanding graduates have an even greater interest than before to gain an education in their chosen fields at an internationally recognised centre of excellence. Many of the challenges they will be facing in their professional lives are recognised as global challenges, which require tapping into broader networks and knowledge bases. Participating in specialised, residential courses enables the students to engage in person with their peers and with the leading experts in the field in question. A specialised system of brand loyalty has developed, in terms of which the areas of expertise of particular institutions are well known.
- Not only students are more mobile today – lecturers also travel more easily and specialists from around the world can be attracted to teach parts of courses in more or less any part of the globe. This means that a virtual centre of excellence can be created around a relatively small core of permanent staff, with a migrating group of temporary lecturers, attracting students from an entire region or even world-wide.
- Universities have an obvious interest in attracting top students and lecturers from across the world to study and teach at their institutions, and can do so more easily than before.
- Where resources is an issue, teaching a group of top students who are gathered in one country is much more cost-efficient and effective than trying to reach each one of these students in their home countries. Moreover, given the scarcity of resources, it makes sense to establish a limited number of centres of true excellence in a few countries rather than to have an equally thin layer of capacity throughout a region.
- Post-graduate students are in a better position to undertake such studies than undergraduates. They have a foundation in their field of study and as a result can move on to specialised training and engage in

discussions. Based on their undergraduate performance, students with a clear aptitude in the field in question can be selected.

International post-graduate studies have a strong logic for outstanding students from developing countries, where opportunities for advanced studies are traditionally scarce. Hence a steadily increasing stream of African scholars going to attend residential courses at prestigious overseas universities has been a feature of post-graduate education in Africa over many decades.

While following this route is understandable from the perspective of the individual student, and many have benefited from such exposure and some have indeed ploughed what they had gained back into their own societies, there is a clear downside as well. For many the journey abroad becomes a one-way trip, and Africa loses its best and brightest. Moreover, if the top students from a particular region attend advanced programmes outside the continent, it means that such programmes, with all their spin-offs for the institutions where they are based in terms of their impact on the ongoing research and teaching at these institutions, will not be developed on the continent itself. It becomes a vicious circle – because of the shortage of advanced programmes in developing countries, many students go overseas, and because the students go overseas, advanced programmes struggle to develop in poorer countries.

It is in this context that efforts to establish advanced international post-graduate programmes, based exclusively or partly in Africa itself, make much sense. If truly world-class programmes are presented in Africa, the need for talented young students from the continent to study abroad will be reduced, and long-term capacity will be built at institutions in Africa. The creation of such programmes can stem, and conceivably even help to reverse, the brain-drain, when those in the diaspora return to participate in these programmes and pour their energies and talents into developing cutting-edge programmes and institutions on the continent.

In order to pool resources, and to ensure a truly continental reach, much is gained when these programmes are presented jointly by centres of excellence across the continent – forming what may be referred to here as African networks of excellence.

In turn, the development of such networks of excellence in Africa provides the ideal vehicle for closer collaboration between African universities and networks outside Africa, which contributes to the greater integration of Africa into the world community.

In this paper three examples of post-graduate programmes, based in Africa, will be discussed. In what follows, a description of these programmes – in human rights law, in the law of trade and investment and in the economics of trade and investment respectively – will first be provided, after which some of the “lessons learnt” from the introduction of these programmes will be analysed.

## **PROFILE OF THE PROGRAMMES**

The programmes under discussion are –

- (1) a Master’s programme in human rights law (LLM in Human Rights and Democratisation in Africa), and
- (2) two Master’s programmes in trade and investment in Africa: the first a legal programme (LLM in Trade and Investment Law in Africa) and the second an economics programme (MCom in Economics of Trade and Investment).

These programmes are co-ordinated by the Centre for Human Rights of the Faculty of Law, University of Pretoria.<sup>1</sup> Initial support was provided by the Association of African Universities.

The Human Rights programme was recently recognised by the United Nations when it won the prestigious UNESCO Prize for Human Rights Education for 2006 for the Centre for Human Rights, University of Pretoria.

The Human Rights Master's programme is a joint venture between the University of Pretoria and a number of African partners, based in the various sub-regions of Africa. The two Trade and Investment Master's programmes are joint ventures between the University of Pretoria and other African and overseas universities.

The Human Rights Master's programme had its first intake in 2000, and by the end of 2006, 197 students from 31 countries had graduated from this programme. The Trade and Investment Master's programmes, in their current form, had their first intake in 2003, and by the end of 2006, 123 students from 20 African countries had graduated from these programmes.

These programmes function essentially in the same way: The best students who apply from across the continent are admitted to the programmes, which are joint projects of universities based in Africa, in some instances also including overseas partners. All three programmes focus on their subject matter (human rights law and the legal and economic aspects of trade and investment) from a specifically African perspective. They aim at reaching the young professionals who will be leading the continent in these areas in the future.

While on the programme, which is full-time, the students are taught by leading experts in the field, from Africa and abroad, and given exposure to

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<sup>1</sup> More information on these programmes is available on [www.chr.up.ac.za](http://www.chr.up.ac.za)

the practical implementation of what they learn. Students spend the first semester in South Africa, and at least part of the second semester at a university in another country (in another country in Africa, in the case of the Human Rights programme, and in Africa or abroad in the case of the Trade and Investment programmes). After graduation, some students are selected for internships, mostly at international organizations.

All three programmes have a broader impact on the field they cover than mere participation in the courses themselves: They are also the hubs around which continental simulation exercises in human rights and trade (called "Moots") have developed, and the driving force behind journals and other publications in the field of human rights and trade and investment. The *alumni* of these programmes form part of an expanding and active network of specialists in their respective fields across Africa.

In what follows, the key features of the different programmes will be described, after which possible lessons to be learnt from these programmes will be analysed.

### ***Master's Programme in Human Rights Law***

#### **History**

The LLM (Human Rights and Democratisation in Africa) programme was initiated in 2000. There are four similar regional human rights programmes in the world today: the European programme (based in Venice, established in 1997);<sup>2</sup> the African programme (based in Pretoria, established in 2000, currently under discussion), the programme for Eastern Europe (based in Sarajevo, established in 2000);<sup>3</sup> and the Mediterranean countries (based in Malta, established in 2000).<sup>4</sup>

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<sup>2</sup> See [www.emahumanrights.org](http://www.emahumanrights.org)

<sup>3</sup> See [www.eurobalk.net](http://www.eurobalk.net)

<sup>4</sup> See [www.um.edu.mt/hrd](http://www.um.edu.mt/hrd)

The African Human Rights Master's programme is co-ordinated by the Centre for Human Rights, University of Pretoria. The other partners are:

- University of the Western Cape (a partner since 2000), representing Southern Africa;<sup>5</sup>
- Makerere University, Uganda (since 2000), representing East Africa;<sup>6</sup>
- University of Ghana (since 2000), representing West Africa;<sup>7</sup>
- Catholic University of Central Africa, Cameroon (since 2002), representing Central and Francophone Africa;<sup>8</sup>
- American University in Cairo, Egypt (since 2003), representing North Africa;<sup>9</sup>
- Universidade Eduardo Mondlane, Mozambique (since 2004), representing Lusophone Africa.<sup>10</sup>
- Addis Ababa University, Ethiopia (since 2006), representing the diplomatic capital of Africa and the seat of the African Union.<sup>11</sup>

### **Selection of students**

Thirty law graduates, most of them with experience in human rights or a related field, are admitted to the programme each year.<sup>12</sup> Only students from African countries are eligible (although extending the programme to accept students from outside Africa is under consideration). An undergraduate law degree is required.

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<sup>5</sup> See [www.uwc.ac.za](http://www.uwc.ac.za)

<sup>6</sup> See [www.makerere.ac.ug](http://www.makerere.ac.ug)

<sup>7</sup> See [www.ug.edu.gh](http://www.ug.edu.gh)

<sup>8</sup> See [www.fiuc.org/asunicam/ucac.html](http://www.fiuc.org/asunicam/ucac.html)

<sup>9</sup> See [www.aucegypt.edu](http://www.aucegypt.edu)

<sup>10</sup> See [www.uem.mz](http://www.uem.mz)

<sup>11</sup> See [www.aau.edu.et](http://www.aau.edu.et)

<sup>12</sup> Students are required to submit the following documents upon application: a two-page curriculum vitae; detailed academic record; certified copies of degree certificates; two academic and/or professional letters of recommendation/support; a note on the student's financial position indicating whether or not he or she needs financial assistance and if so, why; a one-page covering letter stating why the student would like to do the course; a recent colour passport-size photograph. The closing date for applications is normally 31 August of each year. Successful candidates are informed by the end of October that they have been admitted and that classes start in January of the next year.

The programme is advertised through posters and brochures, which are sent out to law faculties in Africa, the embassies of all African countries in Pretoria and South African embassies in other African countries. The programme is also promoted through advertisements in newspapers and journals and it was featured on the BBC World Service. Increasingly the most effective method of reaching new applicants for the programme is proving to be through word of mouth. The website plays an important role in the dissemination of information on the programme.

The programme is also advertised and potential students are interviewed at the annual African Human Rights Moot Court Competition, organised by the Centre for Human Rights. The majority of law faculties on the continent participate in this simulation of a human rights court case every year, by sending two students and the faculty member who teaches human rights law.<sup>13</sup>

The number of applications per year has grown from around 100 for the 2000 intake to more than 350 in 2006. Some self-selection is achieved by stating in the marketing material that this is an advanced course which is aimed at top students.

Almost all the students receive comprehensive study grants from the Centre for Human Rights, although as from the 2005 intake students have been required to find their own funding to travel to and from South Africa.

Academic performance, relevant experience and the letters of motivation by the candidates and support by the referees are given decisive weight in the selection process. In addition to that, a balance is sought in terms of gender

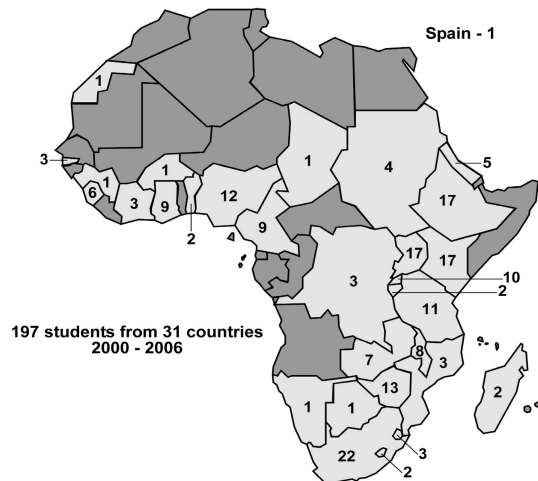
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<sup>13</sup> See [www.chr.up.ac.za](http://www.chr.up.ac.za)



and regional representivity, and between graduates who are fresh from the university and those with some practical experience.<sup>14</sup>

Successful candidates are informed by the end of October that they have been admitted and that classes start in January of the next year.



The gender profile has been as follows: 46% women; 54% men.

### **Operation and structure of the programme**

The LLM (Human Rights and Democratisation in Africa) programme is a one-year, full-time course, running from January to December of each year.

#### First semester

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<sup>14</sup> Selection is done through an elaborate process, involving the following people: First, all the written applications are screened by the Programme Manager. The aim here is to shortlist the top 100 to 120 applications by carefully looking at the above criteria. The shortlisted candidates are then evaluated by the Assistant Director of the Centre for Human Rights, who in turn selects the top 80 applications, which are then evaluated by the Academic Co-ordinator of the programme, who selects the top 20 to 30 candidates. These candidates have to be approved by the Director of the Centre for Human Rights. In cases of uncertainty, some candidates are requested to write an evaluation test. As from the 2005 intake, all the referees whose names were submitted by the final 30 applicants were contacted. In a total of 42 cases in which the panel was undecided, students were required to participate in a written evaluation test by e-mail. Where there is uncertainty about the language proficiency of an otherwise promising candidate (for example where he or she did their undergraduate studies in a language other than English), person to person (for example at the Moot) or telephone interviews are held.

All 30 students spend the first semester as a group at the University of Pretoria. They have to arrive in Pretoria in early January to attend a short course on international law which the Centre for Human Rights presents for senior civil servants from African countries.<sup>15</sup> After completion of this short course, the Master's programme starts formally at the end of January. The students then spend the semester in Pretoria following a rigorous lecture programme. This is comprised of 20 hours of lectures on human rights law, two hours of political science, and four hours studying French or Portuguese (or English, in the case of francophone students) per week.<sup>16</sup>

It is clear from the above that the course itself is to some extent multidisciplinary, through the inclusion of political science and French in the curriculum, although only lawyers are admitted as students.

There are three human rights professors at the Centre for Human Rights who teach in the programme. Other lecturers in the Faculty of Law also conduct some lectures. Visiting lecturers come from the rest of South Africa, other parts of Africa (including the partner institutions) and the world at large. They are academics as well as practitioners who are regarded as experts in their fields. Some of the visiting lecturers also teach in the undergraduate courses in the Faculty of Law while they are in Pretoria.

The lecturers are assisted by tutors who guide workshops and assist with research and writing assignments.<sup>17</sup> During the first semester students, in

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<sup>15</sup> See [www.chr.up.ac.za/centre\\_projects/ggp/ggp.html](http://www.chr.up.ac.za/centre_projects/ggp/ggp.html)

<sup>16</sup> The following modules are presented during the first semester: Module 1: Methodology of human rights research, education and advocacy; Module 2: Democratisation in Africa; Module 3: International and comparative human rights; Module 4: Human rights in Africa; Module 5: Introduction to the South African legal system and Bill of Rights; Module 6: Human rights in the field (field trip).

<sup>17</sup> There are currently six tutors on a permanent basis at the Centre for Human Rights: four (African) are graduates of the course from previous years; one (Swedish) is a graduate of the European Human Rights Master's programme; and one (South Korean) is a graduate of the London School of Economics. They are all currently doctoral students at the Centre.

small groups, are expected to have some lunches with lecturers to facilitate informal contact.

Students participate in study visits or excursions. Each year this includes a visit or visits to the South African Constitutional Court, where students hear a human rights case being argued. They write a hypothetical judgment and interact with judges of the Court.

The entire class plus staff members undertake a one to two week field trip during the April holidays.<sup>18</sup> So far this has been to Rwanda every year, where students visit and interact with staff at the office of the Prosecutor of the ICTR, the Commission for National Unity and Reconciliation, the National Human Rights Commission, the Ministry of Justice, the Supreme Court and traditional Gacaca courts. Students also visit genocide sites, rehabilitation camps and prisons. Since then the field trip has taken some students to Sierra Leone, in addition to those who go to Rwanda, and in 2006 the first group went to Somaliland.

During the first semester, students are divided into clinical groups of two or three students each.<sup>19</sup> Each year students participate in the so-called 'Robben Island Dissertation Exercise'. The class, staff and invited experts spend a weekend on the island, or during recent years at other suitable venues where the students present and defend their dissertation proposals. Representatives of the partner universities are present, and use the opportunity to meet with the students who will spend the second semester with them. In addition, high

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<sup>18</sup> See Module 6, note 8 above.

<sup>19</sup> The focus is on issues such as: election monitoring (the students in these groups have monitored elections in Zimbabwe (2000), Madagascar (2002) and Malawi (2004)); communications to the African Commission (the class of 2002 brought the first individual complaint against South Africa to the African Commission); developing a CD-Rom on Human Rights in Africa (an educational tool which is updated every year by the new clinical group); an advocacy unit; the African Human Rights Law Reports and African Human Rights Reader (students assist with these publications); Rules of Procedure of the African Court on Human and Peoples' Rights.

profile international human rights lawyers are invited to attend and participate in the discussions on the island.<sup>20</sup>

Second semester

From August to December the students are placed, in groups of between two and six, at all the partner universities. Here they engage in the following academic work:

- attend human rights law lectures in the form of special seminars or by participating in the regular human rights courses of the partner institution;
- write dissertations under supervision of the host lecturers;
- serve attachments at human rights institutions;
- continue their French, Portuguese or English classes;
- attend human rights meetings (e.g. a session of the African Commission on Human and Peoples' Rights).

The students return to Pretoria every year for a special graduation ceremony held on 10 December (International Human Rights Day), when they are addressed by an eminent international human rights personality. The following prizes are awarded: the Nelson Mandela Prize, for the student who obtained the best average percentage in the course; the Kéba M'Baye Prize, for the student who obtained the highest percentage for his or her dissertation; and the *Ubuntu* Prize, for the student on the course who best embodied the values and spirit of *ubuntu* (or 'humanity') during the course. After graduation they return to their home countries.

### **Internships**

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<sup>20</sup> These have in the past included the legal counsel of the OAU/AU, a retired judge of the South African Constitutional Court, etc.

Some of the best students from every graduating class are selected for three to twelve-month internships with human rights organisations in Africa and abroad after completion of their studies.<sup>21</sup> In most cases they receive financial assistance from the Centre for Human Rights.

### **Doctoral programme**

One or two students per year who intend to follow an academic career are selected to stay behind at the University of Pretoria for two to three years to complete their doctoral studies in the field of human rights. As indicated earlier, they also serve as tutors to the new incoming Master's students.<sup>22</sup>

### **Alumni**

The Centre stays in touch with all the *alumni* on the programme, and in many instances the students also stay in touch with each other. This is done mostly via the internet and e-mail.

Former students on the programme (2000-2006) are currently employed as follows:

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<sup>21</sup> Students have been placed at the following organisations: International Criminal Tribunal for the former Yugoslavia, The Hague, Netherlands (two); African Commission on Human and Peoples' Rights, Banjul, The Gambia (four); European Court of Human Rights, Strasbourg, France (one); South African Parliament, Cape Town, South Africa (two); International Criminal Tribunal for Rwanda, Arusha, Tanzania (three); Organisation of African Unity/African Union, Addis Ababa, Ethiopia (two); International Criminal Court, The Hague, Netherlands (two); Gender Studies and Human Rights Documentation Centre, Accra, Ghana (one); South African Human Rights Commission, Johannesburg, South Africa (two); Foundation for Community Development, Maputo, Mozambique (one); Lawyers for Human Rights, Pretoria, South Africa (one); International Committee of the Red Cross, Pretoria, South Africa (one);

Office of the UN High Commissioner for Human Rights, Geneva, Switzerland (two); Constitutional Court of South Africa, Johannesburg (one); CIVICUS – World Alliance for Citizen Participation, Johannesburg (one). Each host institution signs an agreement with the Centre setting out the broad nature of the tasks to be performed by the intern, the supervision provided, etc.

<sup>22</sup> During 2003, the practice of requiring doctoral students to attend a regular seminar developed. This was not pursued during 2004, but it was resumed in 2005.

- academia 25%
- international organizations 17%
- government 20%
- NGOs 15%
- legal practice 15%
- other 8%

The Centre is in touch with most of the former graduates. There were 21 students not based in Africa at the beginning of 2006. Some of these students are doing further studies abroad, and others are working at international organizations such as the World Bank and the International Criminal Tribunal for the former Yugoslavia. It seems clear, as a result, that the programme does not add to the brain drain.

*Alumni* are kept informed of developments at the Centre and opportunities in the field of human rights via regular electronic newsletters and e-mails from the Centre for Human Rights. *Alumni* are given preference in terms of admission to the Centre's short courses on issues concerning good governance and human rights, as a way of ensuring continued further education.<sup>23</sup>

### **Management structure**

Overall management of the programme

The co-operation between the Centre for Human Rights and the partners is regulated by Memoranda of Understanding signed by the Centre and each partner. The people in charge of the programme at the different partner

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<sup>23</sup> In many instances employers, the organisers of conferences and those who wish to advertise editorial opportunities in the field of human rights, contact the Centre to assist with the dissemination of their advertisements to the *alumni* of the programme. At the 2004 African Human Rights Moot Court Competition in Dar es Salaam, Tanzania, six of the faculty representatives of participating universities who brought their students to the Moot were former LLM students.

faculties as a collective constitute a Board of Directors who meet in April (during the Robben Island Dissertation Exercise) and in December (during graduation in Pretoria) to discuss and determine the basic nature of the programme.<sup>24</sup> Every year they select a chairperson who chairs the sessions of the Board of Directors and remains the main contact person for the Centre throughout the year.

## **Evaluation of the programme**

### Evaluation by students

Students evaluate the lecturers on a regular basis, and they also evaluate the programme.

### External evaluation

The programme in Pretoria was evaluated in 2004 (together with the Mediterranean Master's in Malta) by an external evaluator on behalf of the European Union.<sup>25</sup>

Also during 2004, the Raoul Wallenberg Institute sponsored a visit by two evaluators to all the partners, one on general co-operation and academic issues and the other on administrative and financial controls.<sup>26</sup>

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<sup>24</sup> The management of the programme at the Centre for Human Rights is conducted in the following way: The LLM programme is one of several programmes which reside under the Assistant Director of the Centre for Human Rights (an alumnus of an earlier Master's programme of the Centre). The programme has a Programme Manager (an alumnus who is also registered for a doctorate), assisted by two (undergraduate) student assistants. The curriculum and choice of lecturers is managed by an Academic Co-ordinator, who is a professor in the Faculty of Law. The finances are managed by the Assistant Financial Manager of the Centre, while the Office Manager of the Centre, among her other tasks, co-ordinates reporting to donors. The Centre's Liaison Officer takes care of public relations for the programme. As was mentioned above, six tutors also assist with the programme. The Director of the Centre is actively involved in a supervisory capacity. The management of the programme at the partner institutions is taken care of by a National Programme Director, who in some instances shares the administrative burden with others.

<sup>25</sup> The report is available on:

[http://europa.eu.int/comm/europeaid/projects/eidhr/pdf/evaluations-hr-masters\\_en.pdf](http://europa.eu.int/comm/europeaid/projects/eidhr/pdf/evaluations-hr-masters_en.pdf)

### **Spin-offs of the programme/Other related projects**

The Master's programme has directly or indirectly spawned and strengthened a number of other continental human rights initiatives based at the Centre:<sup>27</sup>

- The *African Human Rights Law Journal*, published since 2001, is a bi-annual academic publication edited with the assistance of the LLM students and tutors. So far 26 articles by *alumni* of the Master's programme have been published in the *Journal*.
- The reference work *Human Rights Law in Africa* (1 700 pages in two volumes) is published in English and French by the Centre with the assistance of country correspondents across Africa, many of whom are LLM graduates. In the 2004 volume, eight of the country reports were written by graduates of the programme.
- The *African Human Rights Law Reports* is published by the Centre. It covers decisions of the African Commission on Human and Peoples' Rights as well as domestic decisions and is published in English and French. LLM students and tutors are involved through a clinical group in preparing the publication, and former students serve as correspondents who help to identify suitable cases.
- The *Law of Africa Collection* is a collection of the primary sources on all the legal systems of Africa at the University of Pretoria.<sup>28</sup> This material is collected, among others, with the assistance of the LLM students and alumni.

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<sup>26</sup> Their report is available on [www.chr.up.ac.za](http://www.chr.up.ac.za)

<sup>27</sup> Described in full on [www.chr.up.ac.za](http://www.chr.up.ac.za)

<sup>28</sup> See [www.up.ac.za/academic/law/index.htm](http://www.up.ac.za/academic/law/index.htm)



Former LLM students also participate in Centre research projects, such as a recent study into the law and policy regarding HIV/AIDS in SADC countries.

### **Costs and funding**

The main current sponsors of the programme are:

- the European Union
- Raoul Wallenberg Institute in Sweden
- Royal Netherlands government
- Deutscher Akademischer Austausch Dienst (DAAD)

The average direct student cost (accommodation, stipend, tuition, travelling, field trips, medical cover, books) per student per year is R150 000. If one adds to student costs all the other costs, such as the salaries of staff, library costs at all the partners, internships, the *Journal*, etc, the cost per student is approximately R200 000 per year.

### ***Master's programmes in Trade and Investment***

#### **History**

As mentioned earlier, there are two Trade and Investment Master's programmes co-ordinated by the University of Pretoria:

- a Master's in Trade and Investment Law in Africa ("Trade and Investment LLM");
- a Master's in Trade and Investment Economics ("Trade and Investment MCom").

The Trade and Investment programmes are based on the model established and used by the Master's degree in Human Rights, described above.

Both Trade and Investment programmes are joint projects of the Faculty of Law of the University of Pretoria, the University of Pretoria's Department of Economics, and the University of the Western Cape's Faculty of Law and Department of Economics.<sup>29</sup>

The Trade and Investment LLM component of the project further partners with:

- University of Amsterdam, The Netherlands (since 2003);<sup>30</sup>
- Washington College of Law, American University, Washington DC, USA (since 2003);<sup>31</sup>
- Makerere University, Uganda (since 2003);<sup>32</sup> and
- University of Nairobi, Kenya (since 2004).<sup>33</sup>

The Trade and Investment MCom component partners with the African Economic Consortium in Kenya.<sup>34</sup>

### **Selection of students**

Applications are invited from across the African region from both recent graduates and working professionals. Applicants must be in possession of an undergraduate degree in law for selection to the Trade and Investment LLM programme, and an Honours degree in economics, or a related field, for admission to the Trade and Investment MCom programme. Students must also be fluent in English. The programme is not limited to only Africans. Students from other continents are also encouraged to apply and participate in the course. However, non-African students are not eligible for scholarships.

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<sup>29</sup> See [www.uwc.ac.za](http://www.uwc.ac.za)

<sup>30</sup> See [www.jur.uva.nl/als](http://www.jur.uva.nl/als)

<sup>31</sup> See [www.wcl.american.edu](http://www.wcl.american.edu)

<sup>32</sup> See [www.makerere.ac.ug](http://www.makerere.ac.ug)

<sup>33</sup> See [www.uonbi.ac.ke](http://www.uonbi.ac.ke)

<sup>34</sup> See [www.aercafrica.org](http://www.aercafrica.org)

The programme is advertised by way of a brochure, which is sent out to all law and economics faculties on the continent, as well as to all African embassies in Pretoria. Brochures are also sent out to the various government departments, including trade ministries in most African countries and other related local and international organisations.<sup>35</sup> On average 200 applications are received for each intake.

#### Trade and Investment LLM

Students are required to submit the same documents upon application as applicants to the Human Rights LLM are required to do.<sup>36</sup>

Selection hinges upon an applicant's academic strength above all else.<sup>37</sup> Other factors considered in selection are:

- gender representivity (at least 50% of the students should be female);
- country representivity.

#### Trade and Investment MCom

The selection criteria for the Trade MCom are the same as those used for the Trade LLM.<sup>38</sup>

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<sup>35</sup> The Human Rights and Trade and Investment programmes often use the same distribution channels to promote their programmes.

<sup>36</sup> See footnote 5 above. The closing date for applications is 31 January every year, and students are informed of the outcome of their applications by the end of March each year.

<sup>37</sup> The team involved in selections includes the Administrative Co-ordinator of the programme, the Trade LLM Academic Co-ordinator and the Director of the Centre for Human Rights.

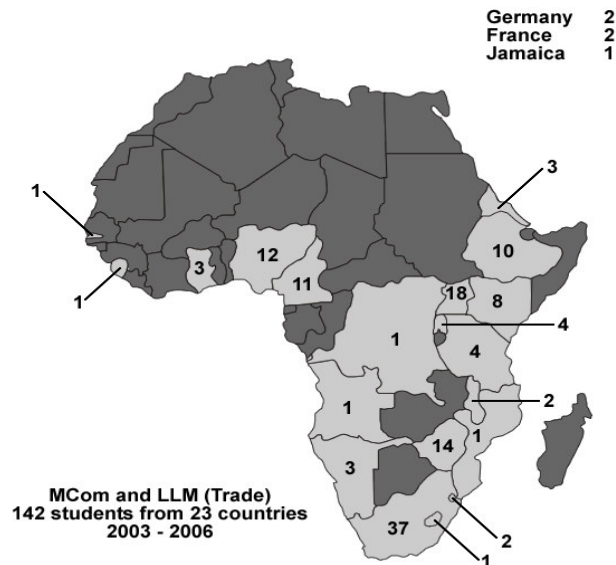
<sup>38</sup> See [www.up.ac.za/academic/ems/economics/eng](http://www.up.ac.za/academic/ems/economics/eng). The documents required are: a two-page curriculum vitae; a 300-word exposition of the student's eligibility for the MCom, and an outline of planned research; graduate record examination transcript or equivalent; certified copies of degree certificates; two academic and/or professional letters of recommendation/support; a submission of the student's financial position and motivation letter if the student wishes to be considered for a scholarship; a recent colour passport-size photograph. Application can also be done online at [www.up.ac.za/prospective/eng/application/html](http://www.up.ac.za/prospective/eng/application/html). The closing date for applications is 31 October each year, and students are informed of the outcome of their applications before the end of December each year. Selection is done by the academic co-ordinators of the MCom programme. The documents that need to be submitted for application to the Trade MCom must comply with the University of Pretoria MCom degree in Economics/Econometrics procedures.

## Profile of students

The profile of the students, who have been admitted to the programme so far, in terms of country of origin, has been as follows:

Trade LLM: 83 students from 17 African and 3 other countries  
MCom in Trade: 59 students from 12 African countries  
TOTAL: 142 students from 20 African and 3 other countries

The gender profile has been as follows: 41% women and 59% men.



## Operation and structure of the programmes

Trade and Investment LLM

The Trade LLM is a full-time one-year course that runs from July of one year to June the next.

First semester

Up to 20 students are selected to the programme each year. They spend their first semester (July to December) at either the University of the Western Cape or the University of Pretoria (the first semester alternates between these two universities each year). The South African component covers a variety of issues relating to international trade and investment, including an introduction to basic principles of international economics. The students have 20 hours of lectures and/or seminars a week, four days of five hours each, with time for assignments built into the programme.

The course includes 14 modules that are offered in consecutive blocks over a six-month period.<sup>39</sup>

Lectures are presented by faculty from both the University of Pretoria and the University of the Western Cape. Experts from other local and international universities are also sourced to present lectures. Representatives from the WTO and WIPO each spend a week with the students, and local law firms and trade organisations are invited to share their experiences with the students.

#### Second semester

The second six months of the course is spent at one of the overseas partner universities; either at the University of Amsterdam, or at the Washington College of Law, American University in Washington DC. This provides students

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<sup>39</sup> The modules are: Module 1: Introduction: to legal research and writing (including general aspects of project management); to computer skills; and to basic communication; Module 2: Accounting and International Development Economics; Module 3: Introduction to International Law; Module 4: Global Economic Institutes: overview of institutions and changing functions. Role of UNCTAD, African Development Bank, IMF etc. Module 5: Regulation of International Trade: WTO - general introduction; Module 6: International Intellectual Property Law and Transfers of Technology: TRIPS, WIPO, WTO etc.; Module 7: Forms of International Business; Module 8: Regulation of Foreign Investment in Africa; Module 9: Dispute Settlement in International Business Transactions; Module 10: International Business and Environmental and Social Considerations: environment, ethics, human rights etc.; Module 11: Introduction to European Union Law; Module 12: Introduction to African Economic Relations: GSP, AGOA, WTO, etc; African Regional and Sub-Regional Organisations: PTA, SADC, etc.; Module 13: Implementation of International Economic Agreements into Domestic Law in Africa; Module 14: Negotiations and the Role of the Lawyer in International Economic Transactions.

with the opportunity to specialise, and it is during this time that they write their dissertations under the supervision of a staff member from the Faculty of Law at the relevant overseas university.

Students who do not wish, or are not able, to travel overseas for the second semester, complete longer dissertations in order to fulfil the requirements of the Master's degree.

At the University of Amsterdam, students take some of the courses that form part of the LLM programme in International and European Trade Law offered by the university during its spring semester.<sup>40</sup>

Whilst in Europe, students also have the opportunity to participate in a week-long study trip involving visits to, and attending lectures at, institutions such as UNCTAD, WIPO and the WTO. Students have also in the past attended a seminar in Brussels on 'Regional Integration and Trade' organised by the EU-ACP specifically for the students.

Students at Washington College of Law participate in a selection of the courses offered there.<sup>41</sup>

Students graduate in September each year and receive their degrees from the University at which they registered initially (i.e. Pretoria or Western Cape).

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<sup>40</sup> These courses include: the Law of the WTO (Advanced Course); International Law in the WTO and EC; European Union Trade Policy; Developing/Transition Countries, WTO and EU; International Trade, Investment and Competition; Advanced Dispute Resolution in International Economic Law.

<sup>41</sup> Legal Aspects of Foreign Direct Investment; International Business Transactions; International Financial Institutions; International Financial Law and Development Finance; International and Comparative Trademark Law; International and Comparative Copyright Law; International Business and Human Rights; Environmental Issues in International Business Transactions; International Trade Law; Advanced Issues in International Trade; Trade and Development; Trade and Environment; Settlement of International Trade Disputes.

## Trade and Investment MCom

This Masters' degree is offered by the Department of Economics at the University of Pretoria, in collaboration with the University of the Western Cape's Department of Economics and the University of Pretoria's Department of Agricultural Economics, Extension and Rural Development.

The MCom in Trade is a full-time, 14-month programme, which starts in January each year. It is offered at both the University of Pretoria and the University of the Western Cape, rotating annually between the two institutions.

### First semester

The degree contains a substantial amount of coursework and also requires a dissertation in the field of trade and investment, which comprises 50% of the degree. The programme begins with an intensive orientation programme, which provides students with a comprehensive background in quantitative methods, analysis and presentation of data, research tools and other skills. The first semester course work takes place in South Africa at the host university for that year. The course work is interdisciplinary and has an applied focus.<sup>42</sup>

### Second semester

For a period of seven weeks during the second semester, students visit the African Economic Research Consortium (AERC) in Kenya, and complete two courses there: Corporate Finance and Investment and International Economics.

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<sup>42</sup> There are eight requisite courses and they are: Applied Research Workshop; International Finance/Corporate Finance and Investment; Applied Agricultural Economic Analysis; International Legal Transactions; Micro-economics; Macro-economics; International Trade/International Economics; Economic Development.

The students spend the rest of the second semester working on, and completing their dissertation.

### **Internships**

Internships are secured for most students on the LLM and MCom trade programmes after completion of their degrees.<sup>43</sup>

### **Doctoral programme**

There is no doctoral programme offered on the Trade programme at present, but it is envisaged that one will be instituted in the near future. The alumni base is still relatively small, and contact with students is predominantly maintained by way of e-mail, electronic newsletters and the internet.

### **Management structure**

The overall management of the programme resides at the Centre for Human Rights under the leadership of the Director of the Centre. An associate professor at the Faculty of Law at the University of Pretoria is responsible for the academic component of the Trade LLM. A Programme Manager, based at the Centre for Human Rights, administers the programme as a whole. There

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<sup>43</sup> Graduates from the two programmes have been placed at the following organisations to date: International Trade Centre, Geneva, Switzerland (one); South Centre, Geneva, Switzerland (one); Ethiopian Mission, Brussels, Belgium (one); UNDP, Addis Ababa, Ethiopia (one); Webber Wentzel Bouwens (law firm), Johannesburg, South Africa (one); Embassy of the Republic of The Gambia & Mission to the European Communities, Brussels, Belgium (one); Kenya Mission to the WTO, Geneva, Switzerland (one); Wesgro (Investment Promotion Agency), Cape Town, South Africa (one); National Treasury, Public Finance Department, Maseru, Lesotho (one); University of Maastricht, Faculty of Law, The Netherlands (one); The Lagos Chamber of Commerce and Industry, Nigeria (one); Rwanda Mission to Geneva (one); Ministry of Trade and Industry, Sierra Leone (one); National Treasury (Tax Policy), Pretoria, South Africa (one); TRALAC (Trade Law Centre for Southern Africa), Stellenbosch, South Africa (two); DRC Mission, Geneva (one); Ugandan Permanent Mission to the WTO, UN and other international organisations, Geneva (one); Uganda Mission, Brussels (one); International Trade Policy Institute, Pretoria (one); WTO, Intellectual Property Division, Geneva (one); SAIIA (South African Institute of International Affairs), Johannesburg (one); Ministry of Industry & International Trade, Harare, Zimbabwe (two).



is also a Project Co-ordinator at the Faculty of Law at the University of the Western Cape, and at the Departments of Economics at each university. The Programme Manager and a Finance Officer administer the finances under the guidance of the Financial Manager of the Centre for Human Rights.

### **Evaluation of the programme**

#### Evaluation by students

Students are required to complete evaluation questionnaires at regular intervals during the course of their studies, and immediately thereafter. Reports are also required from them after completion of their internships.

#### External evaluation

The Centre for Research on Science and Technology, University of Stellenbosch, is currently conducting an evaluation and review of the Trade programme for the Carnegie Foundation, the main donor.

### **Spin-offs of the programme / Other related projects**

The Trade programme has given rise to various other projects. They are:

- The Annual African Trade Moot

The First Annual African Trade Moot focusing on trade negotiations took place in Cape Town from 25 to 29 October 2004. The first Moot focused on trade negotiations, but the event will alternate each year between a trade negotiations and a dispute settlement focus. During 2004 and 2005, the aim of the event was to "train the trainer" so that sufficient capacity could be established for law and economics students from different African universities

to participate in the event in future, and to compete in a formal Trade Moot Court Competition from 2006 onwards.

The Third Annual African Trade Moot competition was presented in Pretoria with universities from all over Africa participating. The competition is a unique opportunity for students from English speaking African countries to engage in topical trade issues related to international trade law as argued before the WTO Trade Dispute Settlement Body. Students and faculty representatives representing 5 law faculties from 5 countries across Africa assembled in Pretoria, South Africa, for the 3rd competition which was organized by the Centre for Human Rights of the University of Pretoria.

- African Trade Review

A new component of the project that will be launched in 2007 is the *Africa International Trade Review*. This will be the first international legal and/or economics journal dedicated to international trade issues as they relate to Africa. The *Africa International Trade Review* will be a bi-annual journal to be published jointly by the University of Pretoria and the University of the Western Cape, as well as the Plato Institute, a non-profit think-tank based in Nairobi, Kenya, Makerere University in Uganda and the University of Nairobi in Kenya.

### **Costs and funding**

The main sponsors of the project to date have been:

- The Carnegie Corporation of New York;
- The European Union/African Caribbean and Pacific Group of States;
- World Bank;
- AUSAID.

The World Trade Organisation (WTO) and the World Intellectual Property Organisation (WIPO) support the LLM programme by providing lecturers to the programme and covering their costs. In addition, a number of lawyers from prominent commercial law firms and other institutions in South Africa (such as the South African Reserve Bank and universities) lecture in the programme without charging any fees.

The Rockefeller Foundation provided significant support to the Moot.

The average direct student cost (accommodation, stipend, tuition, travelling, field trips, medical cover, books, lecture venue) per student per year is R140 000. The total cost per student including the average direct student cost and costs such as staff salaries, library costs, trade moot, internships, administration etc. is approximately R200 000 per year.

## **ANALYSIS**

Programmes such as the ones described above offer huge rewards, but also pose many challenges. The "lessons learnt" from the programmes which will now be discussed may or may not be applicable to other programmes depending on the subject matter, the regions covered, the kinds of networks involved, etc.

### **Problems and challenges**

- Presenting such programmes is a massive undertaking, logistically and otherwise. The demands are relentless and ongoing in terms of inviting, hosting and transporting visiting lecturers, making reading material available to the students, taking care of travelling and accommodation arrangements, advertising the programme, selecting new students, fundraising and reporting to donors, contact with and quality control

across the partners, etc. Without a dedicated and sufficiently large team of capable administrative support staff it cannot be done.

- Donor funding can be fickle and even when it is secured, actual payment is sometimes delayed for incomprehensible reasons. This can cause major disruptions in programmes which can do long-term damage to their reputations. The year to year funding cycles followed by some donors can pose significant problems – one has hardly welcomed the students of a particular year before funding needs to be raised for the next year. Long-term planning can become very difficult (e.g. admitting students well in advance to the course) and staff do not have job security, resulting in a loss of continuity and institutional memory. This needs to be anticipated and managed carefully.
- Visas and work permits for students and lecturers often pose almost insurmountable problems.
- African universities use a myriad of systems to assess performance in undergraduate courses. Without some understanding of how this works, informed evaluations of students' applications cannot be made.
- The language proficiency of students who did their undergraduate studies in languages other than English is difficult to assess, except through interviews (e.g. at occasions such as the Moot Courts described above) and telephonic interviews. With the Human Rights Master's programme, a pre-admission written test via e-mail has had some success. Where available, TOEFL and British Council tests can be used.
- The sustainability of these programmes remains an ongoing challenge. In the end, however, donors cannot be expected to make huge sums of money available on a continuous basis, and those presenting these programmes cannot sustain endless fundraising drives. While start-up

funding will be required, and in most cases some funding will be required throughout to make the programmes truly special, programmes can be made more sustainable through a number of mechanisms, including the following:

- Students who have been admitted to the programme should be required to pay at least for some of their expenses, e.g. by fundraising for themselves in their home countries. (This they can do more easily if the items not covered by their bursaries are the kinds of items which donors in their home countries are more likely to cover, e.g. transport costs to the site of the programme, rather than their living and incidental expenses. Also, earlier rather than later admission gives students time to obtain local funds, especially if they are given letters to use when they approach donors.)
  - Partner faculties should be encouraged, when new appointments are made, to use their regular budgets to appoint people (e.g. lecturers, student assistants, etc) who can teach in and assist with the programme. This also helps to avoid the “flying professor” syndrome, where students feel all their lecturers fly in and out and there is no continuity.
  - In many instances, existing opportunities in the university environment can be used to the benefit of the programme. For example, post-doctoral bursaries and staff exchange programmes, etc, which may be run by the Association of African Universities, the Commonwealth or others that are open to any discipline could be used to support the lecturers and students on the programmes.
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- Universities often do not understand the unique demands of such programmes. Because they do not fit into standard university categories, university administrators who are keen on the one hand to claim credit

for such programmes are often reluctant to give such programmes the support they need.

### **Critical success factors**

It is submitted that the following are among the conditions for success for programmes such as the ones described above:

- The kind of international post-graduate course described above should be presented by a network of excellence in a symbiotic relationship, with the programme strengthening the network and the other way around. Some visiting professors should be used, but there must be a certain core of expertise in the area under consideration at the partner institutions.

(For example, the Human Rights Master's programme has linked law faculties on the African continent which mostly have established human rights programmes, human rights centres and their own law journals. In the case of the Trade and Investment Master's programmes, very few institutions with advanced capacity in that particular field could be identified on the continent, and overseas partners as a result were also included, at least for the initial stages.)

- Ensuring the necessary capacity at partner institutions is an essential part of a successful network. In the Human Rights Master's programme, money is allocated to enhance the libraries of partners; staff members from the partner institutions are given special preference in terms of attending the short courses presented by the Centre for Human Rights; opportunities for doctoral studies for staff members of partner institutions are negotiated, etc. Since the students spend a semester at the partners, it is worthwhile investing in capacity at these institutions.

- Proper and comprehensive memoranda of understanding between partners should be in place from the start of the programme, and be reviewed as time goes by. The partners must have a clear and comprehensive picture of their role and responsibilities. The MOU should be signed on a level higher than the dean of the faculty in question, in order to make higher recourse possible should there be problems with the particular faculty. The form and timing of reporting required should be spelt out clearly in the MOU.
- The most important assessment of the students on the course is not done during examinations or tests or when the dissertations are marked, but when the initial decision is taken whether a particular student should be admitted to the programme or not. In the end the question whether programmes such as the ones described above are worthwhile depends on whether the students who will benefit most from such exposure are reached. Wide advertisement of the programme should take place to secure a large pool of applicants, from which the best students can be selected. Adequate time and effort should be devoted to the selection process.
- Programmes such as the ones described above are unlikely to flourish without the support (or at least not active opposition) of the key decision makers at the universities involved – e.g. the dean in question and the Vice-Chancellor. Their support is necessary when they meet with donors who ask them what the priorities of the university are; when the payment of donor funding is delayed, when MOUs need to be signed, etc. Hostile or intransigent university bureaucrats can ruin a programme. At the same time there is an onus on those who run these programmes to “sell” them not only to the outside world, but to make sure their own management and bureaucracies know what they are engaged in and have reason to have confidence in the programmes.

- Constant evaluation, assessment and adjustment of the programme must be done, by students, lecturers and external evaluators.
- An active and close network of *alumni* is an essential ingredient of a successful programme. It is through such networks that former students are best able to assert themselves professionally. Through e-mail or a website, *alumni* can e.g. be informed about employment and other opportunities in their field, ensuring a high profile for *alumni* who in turn are the best ambassadors for the programme. The *alumni* can play a pivotal role in identifying future students and encouraging them to apply. Ultimately the programme will be judged by the quality of the work of the *alumni*.
- Consistency and continuity in terms of the quality of the programmes over the years are essential. A programme which runs successfully for a number of years can lose its reputation when one intake is neglected or proper reporting to donors is not done – for example when a single lecturer is in charge but is on sabbatical and adequate substitution is not arranged.
- Financial control is essential. These programmes often involve huge sums of money, allocated for specific line items within certain periods, and the potential for problems on this front is immense. Hiring reliable and professional financial personnel is essential, and a good investment.
- Public relations are important. This includes coverage of the programmes in the media, through brochures which do justice to the programme, and liaison with professional bodies in the field covered.
- Donor relations are equally important. Reports (both narrative and financial) should be completed and submitted on time if one is interested in continuing support. Donors should be invited to key



events, such as opening/closing ceremonies and graduation. Much goodwill can be generated by inviting donors to have lunch with students on campus.

- Each programme has to find its own balance between a more focused approach and having a broad impact. For example, while the other three regional human rights programmes in the world (the European, the Mediterranean and Eastern European programmes mentioned above) are all multidisciplinary in their intake, the African Human Rights Master's programme is open only to lawyers. The argument so far (which is controversial) of those who run the African Human Rights programme is that it is difficult to have a measurable impact on a continent as diverse as Africa if it is spread across all disciplines. However, this may not be applicable in respect of other disciplines.

## **CONCLUSION**

Education and research in Africa stand to benefit greatly from collaborative post-graduate residential programmes, linking the universities of the continent with each other, as well as with universities and networks outside the continent. Doing this today is easier than before, and the advantages are clear.

Much is to be gained, in developing new programmes, from learning from each other. This is a new phenomenon on the African continent, and those who develop new programmes would be well advised to visit, examine and learn from the successes and mistakes of established programmes.

There are some pitfalls which need to be kept in mind, but if this is done, the development of more such programmes, in different fields of study, can be of tremendous advantage to the continent.