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REPORT ON

FOREIGN SUMMER PROGRAM

for

HOWARD UNIVERSITY
SCHOOL OF LAW

AT

CAPE TOWN, SOUTH AFRICA

June 21-26, 2001

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**Site Evaluation Report on
Howard University
School of Law
Foreign Summer Program
Cape Town, South Africa**

I. History and Introduction

The site evaluation of the Howard University School of Law Summer Abroad Program in Cape Town, South Africa, took place on June 21–June 26, 2001. This year's program ran from June 15, 2001 to July 25, 2001. This site visit was a re-evaluation of an existing program. Initial ABA approval for the program's first year of operations was granted on November 16, 1994. Faculty approval of the program's academic content occurred unanimously on October 5, 1995. The first site visit took place on July 7–11, 1996. The curriculum committee and faculty continue to review course syllabi and materials used in the courses.

Howard University, a predominantly Black university, has a long and distinguished history in the civil rights movement. Establishment of a summer program by the law school in post-apartheid South Africa is a logical outgrowth of this special interest. Cape Town is the legislative capital of South Africa and one of the most beautiful cities in the world. It is located on the southern tip of Africa with the Atlantic Ocean to the west and the Indian Ocean to the east. The program is held at the University of the Western Cape (UWC), which has its own law school.

During the visit, the site evaluator attended full sessions of the three different classes being offered; toured the various classroom, office, and housing facilities; met with the program director, on-site administrator, support personnel, and full-time faculty; examined course materials, background information, and documentation provided to potential applicants, applicants, and admitted students; participated in four field trips; and chatted extensively with students in the program. On the day before my departure I had a breakfast meeting with Dean Alice Bullock of Howard University School of Law, who had arrived for her own visit the previous evening. Everyone associated with the program was cordial and candid. I am extremely grateful for their many acts of kindness during my stay in Cape Town.

II. Administration

The on-site director of the program, as has been the case since its inception, is Professor Ziyad Motala of Howard University School of Law. Professor Motala has his LL.B. from the University of Natal School of Law and an LL.M. and S.J.D. from Northwestern. An Indian native from Durban, South Africa, and fluent in both English and Afrikaans, Professor Motala

has numerous contacts with influential leaders in the region, has published extensively on the laws of several South African countries, and has consulted and advised the South African government. Through these contacts and his own heritage, he has established relationships and developed knowledge that are extremely valuable to the overall success of the program. This is the only program with which he is associated.

Professor Motala receives extraordinary assistance and support from personnel at the University of the Western Cape, the host site of the program. He is provided with an office in the Faculty of Law building that is equipped with a telephone, fax, computer, e-mail, and printer. A UWC law faculty member serves as sponsoring school coordinator, handles externships, the booking of classes, numerous other administrative details, and occasionally guest lectures. Student assistance is also provided.

The arrangement between Howard University and the University of the Western Cape is an exceptional one. Officials at the host site view the presence of American faculty and students at their school to be beneficial to their institution. The institutional support and classroom facilities are provided at no charge. In addition, the law school annually hosts an elaborate reception and dinner for the students and faculty from Howard, which also includes numerous guests from UWC. The site evaluator attended this function.

III. Faculty

Four full-time faculty members taught in this year's program, three of whom were observed by the site evaluator. These three are all gifted teachers and extremely well credentialed.

The faculty consisted of Professor Motala of Howard University School of Law, Professor Adrien K. Wing of the University of Iowa College of Law, Judge Zak Yacoob of the Constitutional Court of South Africa, and Professor Christi Cunningham of Howard University. Like Professor Motala, Professor Wing has taught in the program since it began. She is an extremely enjoyable and engaging educator and a prolific scholar. She has done consulting with the government of South Africa and has developed numerous valuable contacts as a result.

No words can truly describe Judge Yacoob. He is a member of the 11-person Constitutional Court of South Africa. Blind since he was 16 months of age, he is a remarkable person and an awe-inspiring teacher. Adored by the students, none would think of coming to his class unprepared. He presses them extremely hard and has very high expectations for their performance. As one student commented, "I am truly blessed to be able to say I had him as a teacher."

Professor Cunningham, who is co-teaching the comparative human rights course with Professor Wing, was not scheduled to arrive until after the site evaluator had departed. Advocate Rieke Wandrag, head of the Department of Mercantile Law at UWC, handles most of the administrative details associated with the program. There were also occasional guest lectures by

dignitaries, including one by former Ambassador of South Africa to the United States Franklin Sohn that this site evaluator had the pleasure of attending. All those teaching and lecturing in the program were fluent in English. The overall quality of the instruction was rigorous and excellent.

IV. Educational Program

The law faculty at Howard University regularly monitors the curriculum, and ordinarily one Howard faculty member teaches in the program each summer in addition to Professor Motala. Instruction is highly demanding, and if one complaint was heard from the students, it was that there was too much work and that expectations for preparation were too high.

On the day after arrival (Saturday), students were given a 3/4-day tour of Cape Town. A guest lecture on the South African legal system, a class meeting, and an evening opening reception and dinner occurred on the following Monday. The academic program consists of three two-credit courses: International Business Transactions (Motala); Comparative Constitutional Law (Jacobs); and Contemporary Developments: International Human Rights (Wing and Cunningham). Professor Wing entitles her portion of the course "Critical Approaches to Human Rights;" Professor Cunningham names hers "Comparative Human Rights."

As is obvious, all three courses have a comparative or international perspective. The comparative constitutional law course examines the framing and interpretation of the new South African Constitution in relation to constitutions of other nations; the human rights course enables students to examine how human rights are permeating the culture of the new South Africa and explores the relation of international human rights in South Africa and other societies with an authoritarian past; and the international business transactions course focuses on the rules and regulations that govern South Africa and its new economic partners as the nation emerges from years of economic deprivation.

The program director is scrupulous in assuring that the program more than complies with the 700 minute minimum for each semester hour of credit. Each two-credit course consists of 14 class meetings, two hours per meeting, totaling 1540 minutes, plus an additional 180 minutes for the final exam. Classes begin at 8:30 a.m. and conclude at 12:40 p.m. Ordinarily exams are graded P/F, but letter or numerical grades will be supplied if required by the student's home institution. The site evaluator confirmed that the program complied with Criterion III.A.2 and Criterion III.B by an independent calculation of instructional meeting times.

Eighteen of the students in the program were participating in externship placements arranged by Advocate Wandrag. As a general rule, these students were working in law offices or in law-related organizations in the afternoons two to three times per week. Externship students with whom the site evaluator visited found these placements to be valuable. No credit is awarded for these placements.

Several field trips took place over the duration of the program, three of which the site evaluator attended. On June 21, a member of the National Council of Provinces hosted the students at the South African Parliament. By sheer good fortune, it happened to be a day President Mbeki was addressing Parliament on the budget for South Africa. The program director hastily reorganized the day's events to enable students to observe his address. On Saturday, June 23, the students were treated to a day-long excursion to Cape Point on the tip of South Africa that included several delightful scenic stops along the way. On the afternoon of June 26, the class toured a local township, also referred to as an informal settlement or squatters' colony. This helped expose the students to the enormity of the poverty problem that exists in the country. A visit to the Magistrate's Court to sit in on proceedings was scheduled for later in the course. No academic credit nor class minute hours are included in these extra-curricular activities.

According to Dean Bullock, having faculty from Howard teach in the program enhanced their institution, rather than detracting from it in any way.

V. Course Materials/Library Access

Each of the three full-time faculty members prepared extensive self-contained course materials, which collectively totaled over 1,300 pages. These materials were thoughtfully developed and organized, duplicated and bound by the staff at UWC for convenience of usage, and provided to the students upon their arrival in Cape Town. These materials were appropriate for the courses, consisting of selections of statutes, cases, law review articles, book chapters, and popular press literature. On occasion additional handouts were supplied in class. Students had access to the UWC Library, although it was not necessary.

VI. Physical Facilities and Housing

The classroom facilities were excellent. The room was tiered, well lit, and air conditioned. It had the capacity to seat over 100, thus students had ample room for course materials, laptops, and note taking. It contained a white board, an overhead projector, and had the capabilities for a Power Point presentation.

Student housing is provided at The Oceana, self-catering apartments located in Camps Bay, approximately 17 miles from the University of the Western Cape. Students are housed in two- and three-bedroom units. They can select their apartment mate or have one assigned. The air-conditioned units are fully furnished and come with blankets, linen, cutlery, and dishes. The setting could not be more beautiful, with Table Mountain and the Twelve Apostles as a backdrop and with gorgeous views of the Atlantic Ocean and one of Cape Town's most beautiful beaches in the foreground. On the day the site evaluator toured the apartments a whale was seen from one of the apartment balconies frolicking in the ocean.

The program director had acquired an extra apartment unit and had the bedding removed and study furniture brought in. The room was open 24/7 for use as a study area, in the event students needed quiet time. Students were absolutely delighted with their accommodations. As one commented, "I never lived this well in the states—not even at home. They even wash my dishes." This is the first time that The Oceana has been used for student housing, a change from a downtown Cape Town location in prior years. The director said these units were slightly more expensive than before, but that the accommodations were better. Faculty housing continues to be provided in apartments within the city of Cape Town, about 10 miles from the UWC campus.

Initially, the site evaluator had concerns about the distance the students had to travel daily to attend classes. This proved unfounded. An air-conditioned bus arrived each day like clock work at 7:30 a.m., the students piled in, and had a comfortable ride to campus. Return transportation was equally efficient, as was transportation for extra-curricular activities.

VII. Students

The program is open to all law students from an ABA-accredited school or foreign equivalent who have completed one year of full- or part-time law study and who present a letter from their law school certifying they are currently in good standing.

While maximum enrollment in the program is capped at 50, over the last several years the program has had an average attendance in the mid-30s. This year's program had 36 American law students, representing 21 different institutions. Eight were from Howard. In addition, 23 students from the University of the Western Cape attended classes. They seemed to enjoy the change from their more traditional lecture style at the UWC to the typical Socratic method of the American faculty. This cross fertilization of students from two different continents did much to enrich the class discussions and expand even further the diversity of the program. It was a nice mix of students.

Students had the option of taking two or three courses. Most selected three. There is no price difference for two or three classes.

Class attendance is mandatory and each professor circulated a sign-in sheet. If more than two absences occur, the student is not allowed to take the final exam. Students always arrived on time since they were all bussed to the site together. They seemed remarkably well prepared for their courses and participated actively in class discussions, perhaps a tribute to the quality of the instruction they were receiving and the respect they had for their professors.

The site evaluator had many opportunities to interact informally with the students. They were uniform in their praise of the program. They liked the course content, faculty, diversity of the student body, the field trip experiences, and the cultural experiences of Cape Town. Their overall assessment of the program could best be characterized as "glowing." Students did occasionally grumble about the extent of the readings and the professors' expectations for preparation. One student commented that she "was perhaps naive about how hard she would

have to work” but quickly added that she “would not change a thing. It is the experience of a lifetime.”

An especially thoughtful feature of the program’s schedule is a planned break during which classes do not meet. Spread over five days, including a weekend, this break enables students to sightsee or just relax. Another nice touch was color photos, nine to a page, showing the students and their names and institution. This was given to each student upon arrival in Cape Town.

VIII. Financial Resources

The tuition for the program is \$3,390 per student, plus a \$50 application fee. This amount is charged regardless of whether the student takes two or three courses. Tuition includes the cost of the books and class materials, housing, tours, and internal transportation. Additional expenses are estimated at \$1,250 for airfare, \$500 for meals, and \$300 for miscellaneous expenses. Each Howard University student is awarded a \$1,000 scholarship in the form of a tuition reduction.

For each year that the program has been in operation, the budget has been built on an expected enrollment of 26, and in each year since the first year more students than projected have enrolled. During the 2000 summer program, total revenue was \$105,600 and expenditures were \$81,369, producing a surplus of \$27,281.

For the current 2001 program, total revenue is projected at \$94,920 (it will be substantially more since enrollment exceeds 26). Expenses are estimated at \$85,200. This leaves an estimated a surplus of \$11,720, but which will ultimately prove larger. The program has turned a profit in each of its six years of operation. Certainly the program did not detrimentally affect operations at Howard.

The host institution, the University of the Western Cape, does not charge Howard for its involvement in the program. The Dean of the Faculty of Law at UWC stated that he and his faculty are delighted to be associated with Howard. They view the program to be mutually beneficial.

IX. Cancellation and Disclosure Requirements

Howard’s written disclosures relating to program cancellation were extremely clear and consistent with the requirements of Criterion VI.A and VI.B.1-2. The site evaluator also examined the various materials supplied to the students and determined that they met the 16 categories of information required by Criteria VII.A. The information was extremely well prepared, clear, and thorough. Students were provided with the U.S. State Department Consular Information sheet as required by Criterion VI.C.1.a.

X. Summary

The site evaluator was extremely impressed with Howard University School of Law's South Africa Foreign Summer Program. Course content was strong, with an international and comparative law focus that examines the socioeconomic environment of South Africa. Academic rigor was maintained at all times by an excellent cadre of faculty members and extra-curricular activities were outstanding. All administrative aspects of the program were first-rate. Accommodations were exceptional. There is no question that the students in the program had a rewarding academic and cultural experience.