



**UNIVERSITY OF VICTORIA
FACULTY OF LAW**

Law 364: Law, Governance and Development

COURSE GUIDE, SPRING TERM 2010

Professor Andrew Harding, harding@uvic.ca, Room 229

Course description:

The post-World War Two period has been the era of development, from the Marshall Plan to the economic rise of the 'BRIC' countries (Brazil, Russia, India, China). For most of this period has been the belief of governments and international organisations that law and governance play and must play an enormously important part in development and in democratic progress. Despite doubts as to the effectiveness of law for development, and persistent failures in governance, our notion of development has expanded to embrace human rights and social ordering in addition to economic growth, and law and governance as still seen as crucial to the attainment of development. There has been dramatic progress in democratic and legal reform in recent years in all 'developing' or 'emerging' regions of the world, and even in several 'post-conflict' societies. The spread of general principles of human rights and constitutional, representative government based on the rule of law and the principles of good governance seems both possible and urgently necessary. But how are these ideas to be defined in the context of developing states, and precisely why and how are they to be implemented? In what ways and with what goals should developing states reform their legal systems? Can they adopt legal techniques that are commonly used in the so-called 'developed' states?

These issues constitute the core content of discussion concerning the 'law and development' movement. This course discusses and critiques on a broad comparative canvas the nature, fate and prospects of law reform and rule-of-law/ good governance implementation in developing countries - the enactment of laws and creation of judicial and other institutions designed to create economic growth and environmental sustainability, improve governance, implement human rights, create access to justice, and resolve political conflicts.

Requirements: Students will have taken Law 100 Constitutional Law.

Assessment: A take home examination will be set. (Exam distribution: Tuesday April 19, 2:00 p.m. Exam Due: Wednesday April 20, 2:00 p.m.). Students will have the option of submitting coursework worth 40% of their grades. A further option is to submit a research essay worth 100% of the grade.