

## CONTINUING EDUCATION

### Retraining needs for government lawyers in Asian transition economy countries

G Blanchi

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During the past 10 years a number of Asian countries, particularly in South-East Asia, have undergone radical changes to their economic policies. Such reforms have called for radical modifications in the legal and regulatory framework. This complete overhaul of the legal system represents immense challenges, including the drafting of entire bodies of new legislation in a very limited period of time. The transition from a centrally-planned to a market-driven economy requires changing the whole structure of property law. Private profit becomes not only legal but actually encouraged.

While the repercussions of this transition are not limited to the legal infrastructure, the consequences for the legal profession are immense. In several centrally-planned economy countries, law schools were closed for extended periods and as a result generations of civil servants were educated without exposure to traditional legal theory.

The government and the business community in transition economies need both a comprehensive legal infrastructure and legal competence in the public sector. The combination of lack of comprehensive legislation to regulate business transactions in a market-driven economy and lack of lawyers equipped to provide legal advice to the economic operators constitute the major obstacles to an expeditious transition. Future civil servants need a legal education where the curriculum incorporates the concepts of the legal framework

of a free market economy. Until these future cadres are fully educated, those who are now in charge must be retrained.

The magnitude of the problem is commensurate with the size of the country and the challenges it faces. While the need for major retraining of government lawyers is prevalent in all developing and transition economies, training programs must be specifically designed to take into account the individual requirements of the country concerned.

Skills integration is an important area to consider. Integrating skills training into law school curricula is no easy task, partly because of the novelty it represents. However, as law students are taught a number of new subjects, they will accommodate these new methods. This aspect of the retraining undertaking is further complicated because these skills pertain not only to new methods but also to the new roles, roles which government lawyers were not asked to play before.

Any such retraining must redefine the role of government lawyers in fostering the Rule of Law. What may seem easy to comprehend for lawyers who have received an education where these legal concepts are the core of all legal analysis is thoroughly complex for persons to whom the law was only an accessory to government edicts and planning objectives. Trainers must therefore integrate fact analysis skills and show the interaction between the facts and the text of the law. Similarly, continuing legal education in transition economies must include litigation and advocacy skills.

In addition to the challenge of designing curricula which need to be country and audience specific, there is the hurdle of adapting subjects and

methods to take account of both the historical and cultural background of these countries as well as their current situation. Preference must be given to the establishment of effective continuing legal education programs using modern participatory training techniques — to introduce 'learning by doing' through practical exercises which are seen as more effective than listening and studying. However, such methods demand that a dialogue be established between the trainer and the trainees.

The use of such training methods is further complicated by the cultural background of the trainees. Cultural considerations bear particular relevance in the region because modern participatory training methodology requires a change of attitude and behaviour which for some may be drastic. When planning and designing training, one must first be prepared to assimilate the trainees' behavioural patterns and customs.

The challenge of providing most-needed skills training and substantive law retraining to the large numbers of government lawyers and judiciary required by the developing and transition economy countries of Asia is a daunting task — a task which, combining their resources, the development agencies, the training institutions and the training consultants of the region are, however, well-equipped to tackle successfully, provided that important caveats are taken into account. Substantive law retraining is the most visible aspect of the retraining requirements but skills training is equally important and to ignore this component would jeopardise the results of all retraining efforts.