

LAWS6928-54  
LAW JUSTICE  
& DEVELOPMENT  
Semester Two, 2011

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Postgraduate Unit of Study Outline



THE UNIVERSITY OF  
**SYDNEY**

SYDNEY LAW SCHOOL

<http://sydney.edu.au/law>

## Lecturer – contact details

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### *Preferred method of communication*

Please feel free to contact me before/after classes or by email or phone.

With regards to correspondence with academic staff, students should remember to sign their name and provide their student identification number, especially when sending emails. N.B. Email communication should be via your Sydney University email account.

## Overview

This unit of study provides an introduction and critical overview to law justice and development, sometimes called 'the rule of law' or 'legal and judicial reform' in international aid. Law justice development has grown substantially over the past 50 years and is now a billion dollar global enterprise. Despite this growth, there is a mounting chorus of disappointment in the literature over its performance. This unit focuses on judicial reform, to ask the question: is it failing and, if so, what can be done to improve it? It analyses the global reform experience over the past half-century. In particular, it interrogates the nature and justification(s) of reform 'theory', studies the empirical evidence of various approaches, and examines the conceptual/practical challenges of evaluating development endeavour, using case studies from the Asia/Pacific region.

## Objectives

The aim of this unit is to encourage students to become informed and to think critically about development as a multi-disciplinary endeavour, involving law and justice, economics, and political science among other disciplines. Students enrolling in this course will develop an evidence-based understanding of the role and effects of law and justice reform in broader development strategies.

Specifically, the objectives of this unit are:

- To examine the history and global performance of law justice and development including recent initiatives
- To develop a detailed understanding of theoretical justifications for law justice and development;
- To critically consider the empirical evidence of global practice
- To evaluate the effectiveness of law justice and development with a view to exploring alternative theoretical and practical approaches.

Students enrolling in this unit will develop three main skills:

1. Skills of analysis and reasoning, including the capacity to engage in a critical analysis of the rationale for law justice and development, key policy arguments in the development discourse, and their underpinning theoretical and disciplinary justifications.
2. Skills of developmental problem solving: the ability to analyse complex fact situations involving issues of law justice and development, to identify those issues, and to apply relevant principles and logic to justice-related problems.
3. Skills of research and writing: the ability to use research methods to write in a clear and logical manner, using plain and concise language, on complex issues of law justice and development.

## Reading materials

### *Required reading*

See detailed reading guide, below – some materials will be copied to CD.

Armytage, L 2011, *Reforming Justice: a journey to fairness in Asia*, Cambridge University Press (in press) – electronic manuscript to be supplied;

## Lecture times

Days	Time
Oct 4, 5 & 7, 8	9 am – 5 pm

**Note:** For up to date information regarding class time and venues, visit the following link:  
<http://sydney.edu.au/law/cstudent/coursework/units.shtml>

## LAW JUSTICE & DEVELOPMENT DETAILED LECTURE SCHEDULE

### DAY 1 TUES. 4 OCT. (x6)

#### LAW JUSTICE & DEVELOPMENT

*What is law justice and development - synthesis of the discourse*

- 1 **9.00-11.00: Development and the rule of law**  
History and context  
Law and development, Washington Consensus and the rule of law  
Exemplars: approaches of World Bank, USAID, other donors  
Objectives, justifications and models
- 2 **11.30-12.30, 1.30-2.30: Reforms, critique and reinvention**  
Nature of reforms – the ‘standard package’  
Critiques of performance  
Reinvention – political economy, empowerment, security, others
- 3 **2.45-3.45: Human rights issues; towards convergence?**  
**Prof. David Kinley**
- 4 **3.45-4.45: Student exercise.**

### DAY2 WED. 5 OCT. (x6)

- 5 **9.00-11.00: Theories of reform**  
Philosophies: from Aristotle to North and Sen  
Liberalism, institutionalism and humanism
- 6 **11.30-12.30, 1.30-2.30: Empirical evidence**  
Economic justification and the historical determinants of growth  
Justice and development – transplantation and legal origins  
Are institutions trumps?
- 7 **2.45-3.45: Student exercise**
- 8 **3.45-4.45: AusAID approach – Daniel Rowland**  
Australia’s approach to legal and judicial reform.

### Day 3 FRI . 7 OCT. (x6)

#### EVALUATING PERFORMANCE

*Issues of effectiveness - does it work?*

- 9 **9.00-10.30: Development evaluation**  
From Paris to Accra: improving development effectiveness  
Millennium Development Goals, and managing for development results  
Arenas for debate
- 10 **11.00-12.30: Evaluating judicial reform**  
Measuring performance, indicators, quantity or quality?  
Evaluation gaps: synthesis and meta-evaluations of practice  
An alternative approach
- 11 **1.30-2.30: Frameworks of measurement**
- 12 **2.45-3.45: AusAID’s experience in PNG**
- 13 **3.45-4.45: Student exercise.**

**DAY 4 SAT. 8 OCT. (x6)**

**CASE STUDIES OF PRACTICE & INNOVATION**

*Lessons being learned - where to from here?*

- 14     **9.00-10.00: ADB's experience**  
Policy framework; evolving justifications for reform  
Evaluation of experience
  
- 15     **10.30-11.30: Asian Pacific experience**  
Challenges across the region  
Evaluation of experience
  
- 16     **11.30-12.30: World Bank's J4P approach – Matthew Zurstrassen**  
Case study of the Indonesian experience
  
- 17     **1.30-2.30: Justice and conflict – Dr Douglas Porter**  
World Development Report 2011
  
- 18     **2.45-3.45: Student exercise**
  
- 19     **3.45-4.45: Conclusions, review and wrap-up.**

## Assessment

### *Assessment regime*

Assessment task	Due date	% of final mark	Assessment details/additional instructions
Class Participation	In class	10%	
Essay 1		40%	
Essay 2		40%	
Class Presentation	In class	10%	

### *Penalties*

- The late submission of a piece of assessment, which has not been granted an extension, will attract a penalty of 10% of the total marks allocated to the piece of assessment per calendar day or part thereof.
- A piece of assessment which exceeds the prescribed word limit will attract a penalty of 10% of the total marks allocated to the piece of assessment for every 100 words, or part thereof, over the limit.

### *Attendance requirement*

**Postgraduate students must attend at least 70% of classes in order to satisfy class attendance requirements. Participation in all scheduled sessions of an intensive unit is essential.** Exemption may only be considered by the Unit Coordinator/Lecturer upon satisfactory evidence of compelling grounds i.e. sudden illness or serious misadventure which occur during an intensive unit. **Students with an unsatisfactory attendance record may be refused permission to undertake assessment tasks in the unit, and must therefore discontinue the unit.**

### *Assignment submission guidelines*

You are required to submit your assignment in electronic form and an **identical hard copy**. **Both the online and hardcopy assessments must be submitted by the submission deadline.**

#### **Electronic copy**

All assignments must be submitted online via the Assignment Drop-box in the relevant eLearning site for your subject. Instructions on how to submit your assessment online are available on each eLearning site. The time and date of submission as recorded on the eLearning site will be taken as the **official (final) record of submission**. Please allow plenty of time to upload your assignment.

If you experience difficulties submitting your assignment electronically, please contact the eLearning Administrator on 02 9351 0328 **prior to the submission deadline or your paper may be marked as late and marking penalties applied.**

### Printed copy

The hard copy should be submitted at the Information Desk, Level 3, New Law School Building, Camperdown Campus **or** at the counter on Level 12 of the Old Law School Building, Phillip St. Both are open 9am to 5pm Monday-Friday (excluding public holidays).

An Assignment Coversheet **must be submitted** with the hardcopy version ONLY. (By submitting via the eLearning site you have agreed to the conditions set out in the Assignment Dropbox.) Assignment Coversheets are available online: <http://sydney.edu.au/law/cstudent/coursework/forms.shtml>. Forms can also be obtained from the Student Information Desk: Level 3, New Law School Building. The Law School reserves the right not to mark assignments that do not have coversheets attached with all fields completed.

### *Instructions for written work*

- Essays should be typed, double-spaced, and should contain appropriate referencing and a bibliography.
- With regards to referencing, students should use the Australian Guide to Legal Citation (AGLC): <http://mulr.law.unimelb.edu.au/go/aglc>
- Where material used in assignments has been obtained from the internet, appropriate references must be provided. Internet material should be cited by providing the address of the site accessed and the date on which it was accessed.
- Students must retain a copy of their essays and assignments.

### *Assignment deadline extensions ("Simple Extensions")*

- Requests for a short extension (14 days or less) must be communicated in writing directly to your lecturer in advance of the due date (preferably well before the due date!), including compelling reasons why the extension is necessary. A medical certificate or Professional Practitioner Certificate, Statutory Declaration form or other supporting documentation may be requested by the Lecturer. These extensions of time will be granted only in special circumstances, and are considered "Simple Extensions" as defined by Part 5 (Special Consideration Due to Serious Illness, Injury and Misadventure) of the Academic Board Resolutions: *Assessment and Examination of Coursework*.
- Requests for longer extensions must be made by a formal application for Special Consideration. See the section below.
- Students should be warned that late submissions may result in late issue of results, even if the extension has been approved.

### *Applications for special consideration*

Formal applications for special consideration may be made to request a replacement assessment or an extension longer than the Simple Extension period

Applications should be submitted as soon as practicable. Complete applications, along with all supporting documents, must be submitted to the Postgraduate Team **within 5 working days** from the end of the period for which consideration is sought. Law-specific special consideration forms are available from the website or the student information desk. See <http://sydney.edu.au/law/cstudent/coursework/exams.shtml#misadventure>

For more information see Part 5 of *Assessment and Examination of Coursework* ([http://sydney.edu.au/ab/policies/Assess\\_Exam\\_Coursework.pdf](http://sydney.edu.au/ab/policies/Assess_Exam_Coursework.pdf))

### *Academic Dishonesty and Plagiarism*

University practice on plagiarism and academic honesty is governed by the Academic Board Policy: *Academic Dishonesty and Plagiarism*. Students are expected to familiarise themselves with this policy, which contains the University's principles of academic honesty as well as definition of plagiarism and information about other forms of academic dishonesty. The policy can be accessed at [http://www.usyd.edu.au/ab/policies/Academic\\_Honesty\\_Cwk.pdf](http://www.usyd.edu.au/ab/policies/Academic_Honesty_Cwk.pdf).

The policy requires students to submit a signed statement of compliance for all work submitted for assessment. Therefore, **all students must submit their essay with the Assignment Coversheet** (see <http://sydney.edu.au/law/cstudent/coursework/forms.shtml>) and must give the Declaration on Plagiarism set out on the Assignment Coversheet.

Students who are suspected to have engaged in academic dishonesty will be reported to the Dean's nominee for academic dishonesty and plagiarism and will be required to attend a formal meeting to discuss the possible outcomes. A record is kept in relation to each instance. Serious cases and repeat cases will be referred to the University Registrar and could result in exclusion from the University.

Information on honest academic practices and avoiding plagiarism can be found at: **WriteSite** (<http://writesite.elearn.usyd.edu.au/>):

to assist with writing skills, quoting, paraphrasing and referencing.

**iResearch** ([http://sydney.edu.au/library/skills/Error!\\_Hyperlink\\_reference\\_not\\_valid.](http://sydney.edu.au/library/skills/Error!_Hyperlink_reference_not_valid.)): short learning tools for referencing and avoiding plagiarism.

**The Learning Centre** ([http://sydney.edu.au/stuserv/learning\\_centre/index.shtml](http://sydney.edu.au/stuserv/learning_centre/index.shtml)):

workshops and resources on a variety of research and writing skills such as study skills, academic reading and writing, oral communication skills and postgraduate writing and research skills.

**Help Manual**

[http://sydney.edu.au/law/cstudent/coursework/docs\\_pdfs/helpmanualstyleguide.pdf](http://sydney.edu.au/law/cstudent/coursework/docs_pdfs/helpmanualstyleguide.pdf)

contains information about making an academic argument (p11), referencing (p12) and plagiarism (p17).

**All Your Own Work** [http://sydney.edu.au/student\\_affairs/plagiarism\\_index.shtml](http://sydney.edu.au/student_affairs/plagiarism_index.shtml) A guide to avoiding plagiarism, cheating and copying.

Students should note that plagiarism, academic dishonesty, and other forms of academic misconduct (including misstatement of word count or submitting a hard copy which is not identical to the electronic version of an assessment) **can have serious consequences on admission to practice.**

## Assessment grading guidelines

These guidelines are designed to provide students with an understanding of the standards applied when grading assessments. Students should note that the type of assessment will affect the relevance of each factor. For example, the amount and type of research required will vary between a research essay, which will require independent research beyond the prescribed materials, and a problem question which may only require appropriate analysis of the prescribed materials.

These standards may be applied in conjunction with specific marking criteria.

### Fail (Below 50%)

Work may fail for any or all of the following reasons:

- Does not answer the question.
- Contains significant or numerous errors.
- Few or no identifiable arguments.
- Content that is inappropriate or irrelevant.
- Plagiarism, inappropriate use of other student work, including 'recycling' all or a significant part of a paper which has already been given credit in another course.
- Lack of research or analysis.
- Difficult or impossible to understand through poor grammar, expression or structure.
- Overall, does not demonstrate the minimum level of competence in the assessment.



**Pass (50-64%)**

Work receiving a pass grade will generally exhibit the following characteristics:

- Identifies the key issues, but does not follow through with a reasoned argument.
- Contains some significant errors.
- Displays satisfactory engagement with the key issues.
- Offers descriptive summary of material relevant to the question.
- Superficial use of material, and may display a tendency to paraphrase.
- Demonstrates little evidence of in-depth research or analysis.
- Adequate expression.
- Overall, demonstrates the minimum level of competence in the assessment and satisfies the requirements to proceed to higher-level studies in the degree or subject area.

**Credit (65-74%)**

Work receiving a credit grade will generally exhibit the following characteristics:

- Covers main issues fairly well in answering the question.
- Contains no significant errors
- Demonstrates an attempted critical approach to the issues.
- Demonstrates reasonably sound research and analysis in addressing the key issues.
- Has a clear structure and reasonably clear expression.

**Distinction (75-84%)**

Work receiving a distinction grade will generally exhibit the following characteristics:

- Completely answers the question.
- Achieves a critical and evaluative approach to the issues.
- Content and structure is well organised in support of the argument.
- Demonstrates extensive research and analysis to support a well-documented argument.
- Generally well expressed and free from errors.
- Has a clear structure and is well articulated.

**High Distinction (85% +)**

Work receiving a high distinction grade will generally exhibit the following characteristics:

- Completely answers the question.
- Contains striking originality of approach or analysis.
- Demonstrates exhaustive or innovative research (where independent research required).
- Exceptionally well written, structured and expressed.
- Is otherwise exceptional in some way.

## *Collecting Your Assignments*

The Faculty maintains a list of assignments available for collection:

[http://sydney.edu.au/law/cstudent/coursework/returned\\_assignments.shtml](http://sydney.edu.au/law/cstudent/coursework/returned_assignments.shtml)

## *Withdrawal from units of study*

Students should be aware of the important differences between a withdrawal (W), a discontinued - not to count as failure (DNF) and an absent fail (AF).

For more information please go to the following link:

<http://sydney.edu.au/law/cstudent/coursework/dates.shtml> or contact:  
[Law.postgraduate@sydney.edu.au](mailto:Law.postgraduate@sydney.edu.au)

## LAW JUSTICE & DEVELOPMENT DETAILED OUTLINE & READING GUIDE

### DAY 1 TUES. 4 OCT.

#### 1 9.00-11.00: Development and the rule of law

Minimum reading:

- Carothers, T 2006, *Promoting the Rule of Law Abroad: In Search of Knowledge*, Carnegie Endowment for International Peace, Washington D.C; chapters 1, 2, 3 and 13 (Carothers T, Kleinfeld R).
- Trubek, D & Santos, A (eds) 2006, *The New Law and Economic Development: A critical appraisal*, Cambridge University Press, New York; chapter 1 and 3 (Trubek D).

Recommended reading:

- IDLO, 2010, *Legal and Judicial Development Assistance: Global Report*, Rome.
- Jensen, E & Heller T (eds) 2003, *Beyond Common Knowledge: Empirical Approaches to the Rule of Law*, Stanford University Press, California; chapters 9 and 11 (Hammergren L, Heller, T).
- World Bank, *World Development Report 2011: Conflict, Security and Development*; Overview pp 1-44. <http://wdr2011.worldbank.org/fulltext>

#### 2 11.30-12.30, 1.30-2.30: Reforms, critique and reinvention

Minimum reading:

- Carothers, T (ed), *Promoting the Rule of Law Aboard*, Carnegie Endowment for International Peace, Washington D.C.; chapters 5 and 7 (Golub, S).
- Hammergren, L 2000, 'Fifteen Years of Judicial Reform in LA: Where we are and why we haven't made more progress,' USAID/G/DG Global Center for Democracy and Governance. <http://www.pogar.org/publications/judiciary/linn2/latin.pdf>
- Jensen, E & Heller T (eds) 2003, *Beyond Common Knowledge: Empirical Approaches to the Rule of Law*, Stanford University Press, California; chapter 10 (Jensen E).
- Messick, R 1999, 'Judicial Reform and Economic Development: a survey of the issues,' *The World Bank Research Observer*, vol. 14, no. 1, pp. 117-136.
- Unsworth, S 2009, 'What's Politics Got to do with It? Why donors find it so hard to come to terms with politics, and why this matters,' *Journal of International Development*, vol. 21, iss. 6, pp. 883-894.

Recommended reading:

- Davis, K & Trebilcock, M 2001, 'Legal Reforms and Development,' *Third World Quarterly*, vol. 22, no. 1, pp. 21-36.
- Hammergren L, *Envisioning Reform: improving judicial performance in Latin America*, Pennsylvania State University Press, 2007.
- Leftwich A 1994, 'Governance, the State and the Politics of Development,' *Development and Change*, vol. 25, pp. 363-386.
- Leftwich, A 2007, 'The Political Approach to Institutional Formation, Maintenance and Change,' discussion paper no. 14, IPPG, University of Manchester
- North, D, Wallis, J, Webb, S & Weingast, B 2007, 'Limited Access Orders in the Developing World: A New Approach to the Problems of Development', working paper no. 4359, Independent Evaluation Group, World Bank.
- Peerenboom, R 2009, 'The Future of Rule of Law: Challenges and Prospects for the Field', *Hague Journal on the Rule of Law*, vol. 1, pp. 5-14.
- Tamanaha, B & Bilder, R 1995, 'The Lessons of Law-and-Development Studies,' *American Journal of International Law*, vol. 89, pp. 470-486.
- Trubek, D & Santos, A (eds) 2006, *The New Law and Economic Development: A critical appraisal*, Cambridge University Press, New York; chapter 6 (Rittich K).
- Weingast, B 1993, 'Constitutions as Governance Structures: the political foundations of secure markets,' *Journal of Institutional and Theoretical Economics* vol. 149, no. 1, pp. 286-311.

#### 3 2.45-3.45: Human rights issues; towards convergence?

Minimum reading:

- Alston, P 2005, 'Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen Through the Lens of the Millennium Development Goals', *Human Rights Quarterly* vol. 27, 755–829.
- Decker, K, McInerney-Lankford, S & Sage, C n.d, 'Human Rights and Equitable Development: "Ideals", issues and implications', working paper, World Bank, Washington D.C, 17. <[http://siteresources.worldbank.org/INTWDR2006/Resources/477383-1118673432908/Human\\_Rights\\_and\\_Equitable\\_Development\\_Ideals\\_Issues\\_and\\_Implications.pdf](http://siteresources.worldbank.org/INTWDR2006/Resources/477383-1118673432908/Human_Rights_and_Equitable_Development_Ideals_Issues_and_Implications.pdf)>
- Kinley, D 2006, Human Rights and the World Bank: Practice, Politics and Law, in Sage, C & Woolcock, M (eds) *World Bank Legal Review: Law, Equity and Development*, World Bank, Washington D.C., pp. 353-383.
- Darrow, M & Tomas A 2005, 'Power, Capture, and Conflict: A Call for Human Rights Accountability in Development Cooperation,' *Human Rights Quarterly*, vol. 27, pp. 471–538.

Recommended reading:

- Core UN treaties, including: Universal Declaration of Human Rights (UDHR); International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); International Convention on the Elimination of Racial Discrimination (ICERD); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention on the Rights of the Child (CRC), plus optional protocols; <http://www2.ohchr.org/english/law/index.htm#core> .

4 3.45-4.45: Student exercise

- To be supplied after commencement.

DAY2 WED. 5 OCT.

5 9.00-11.00: Theories of reform

Minimum reading:

- North, D 1990, *Institutions, Institutional Change, and Economic Performance*, Cambridge University Press, Cambridge; Chapters 1, 2, 7 and 12.
- North, D 1991, 'Institutions,' *The Journal of Economic Perspectives*, vol. 5, no. 1, pp. 97-112.
- Rawls, J 1985, 'Justice as Fairness: Political not Metaphysical', *Philosophy and Public Affairs*, vol. 14, no. 3., pp. 223-251.
- Sen, A 1999, *Development as Freedom*, Random House, New York; Introduction, and Chapters 1, 2, 3 and 12.

Recommended reading:

- Aristotle, *Nicomachean Ethics*, Thomson, J (trans), 1955 (Revised 2004), Penguin, London, Book V.
- Bentham, J 1789, *An Introduction to the Principles of Morals and Legislation*, Burns, J & Hart, HLA (eds) 1970, Athlone, London.
- Harvey D (n.d.), *Neoliberalism and the Restoration of Class Power*, <<http://www.princeton.edu/~sf/workshops/neoliberalism/classrestore.pdf>>
- Harvey, D 2005, *Neoliberalism: A brief history*, Oxford University Press, Oxford; Chapter 1 and 6.
- Locke, J 1690 'The Second Treatise of Government' in Peardon T (ed) 1952, 'The Second Treatise of Government', Liberal Arts Press, New York.
- Mill JS, 1859, *On Liberty*, Shields C (ed) 1956, Library of Liberal Arts, New York.
- Montesquieu C, Baron de Secondat, 1748 *The Spirit of the Laws*, Cohler A, Miller B & Stone H (eds), 1989, Cambridge University Press.
- Rousseau, JJ 1762, *The Social Contract & Discourses* (Cole G trans, rev ed, 1973) Dent, London.
- Sen, A 2009, *The Idea of Justice*, Penguin, London; Chapters 17 and 18.
- Smith A 1776, *An Inquiry into the Wealth of Nations*, Cannan E (ed; 5<sup>th</sup> ed.) Methuen & Co, London, Vol. 1.

## 6 11.30-12.30, 1.30-2.30: Empirical evidence

Minimum reading:

- Armytage, L 2011, *Reforming Justice: a journey to fairness in Asia*, Cambridge University Press (in press); Chapter 5.
- Chang, H 2003, 'Kicking Away the Ladder: Infant industry promotion in historical perspective', *Oxford Development Studies*, Vol. 31, 1, 21-32.
- Collier, P 2008, *The Bottom Billion*, Oxford University Press; Chapters 1 and 7.
- Easterly, W 2006, *The White Man's Burden*, Penguin, New York; Chapters 1 and 11.
- Polanyi, K 2001, *The Great Transformation: The Political and Economic Origins of Our Time*, 2<sup>nd</sup> edn, Beacon, Boston; Foreword (Stiglitz), and Chapter 1.
- Rajan, R 2004, 'Assume Anarchy? Why an Orthodox Economic Model might not be the Best Guide for Policy', *Finance and Development*, September, pp. 56-57, <<http://www.imf.org/external/pubs/ft/fandd/2004/09/pdf/straight.pdf>> .
- Rodrik, D 2004, 'Getting Institutions Right', *DICE Report*, Harvard, pp. 10-16, <<http://www.ifo.de/pls/questci/download/CESifo%20DICE%20Report%202004/CESifo%20DICE%20Report%202/2004/dicereport204-forum2.pdf>> .
- World Bank 2005, *World Development Report 2006: Equity and Development*, World Bank, Washington D.C., <<http://go.worldbank.org/LOTTGBE910>>; Chapters 4 and 8.

Recommended reading:

- Acemoglu, D, Johnson, S & Robinson, J 2001, 'The Colonial Origins of Comparative Development: An Empirical Investigation', *American Economic Review*, vol. 91, no. 5, pp. 1369-1401.
- Arndt, C & Oman, C 2006, *Use and Abuse of Governance Indicators*, OECD Development Centre, Paris; Chapter 4, in particular, 49-58.
- Berkowitz, D, Pistor K & Richard, J 2003, 'The Transplant Effect', *American Journal of Comparative Law*, vol. 51, pp. 163-190.
- Burnside, C & Dollar D 2000 'Aid, Policies, and Growth,' *The American Economic Review*, vol. 90, No.4, 847-868.
- Djankov, S, La Porta, R, Lopez-de-Silanes, F, & Shleifer A 2003, 'Courts', *Quarterly Journal of Economics*, vol. 118, no. 2, pp. 453-517.
- Djankov, S, La Porta, R, Lopez-de-Silanes, F, & Shleifer, A 2002, *Appropriate Institutions*, World Bank, Washington D.C.
- Dollar, D & Kraay, A 2000, *Growth Is Good for the Poor*, World Bank, Washington D.C., 27;<[http://siteresources.worldbank.org/DEC/Resources/22015\\_Growth\\_is\\_Good\\_for\\_Poor.pdf](http://siteresources.worldbank.org/DEC/Resources/22015_Growth_is_Good_for_Poor.pdf)>
- Easterly, W 2001, *The Elusive quest for Growth: Economists' Adventures and Misadventures in the Tropics*, MIT Press, Cambridge, Massachusetts; Prologue and Chapter 14.
- Feld, L & Voigt, S 2003, 'Economic Growth and Judicial Independence: Cross Country Evidence Using a New Set of Indicators', *European Journal of Political Economy*, vol. 19, pp. 497-527.
- Kaufmann, D & Kraay, A 2002, *Growth without Governance*, World Bank, Washington, D.C. <http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/growthgov.pdf>
- La Porta, R, Lopez-de-Silanes, F, Pop-Eleches, C, Shleifer, A 2004, 'Judicial Checks and Balances', *Journal of Political Economy*, vol. 112, no. 2, pp. 445-470.
- La Porta, R, Lopez-de-Silanes, F, Shleifer, A & Vishny, R, 1998, 'Law and Finance', *The Journal of Political Economy*, vol. 106, no.6, pp. 1113-1155.
- Mauro, P 1995, 'Corruption and Growth,' *Quarterly Journal of Economics*, vol. 110, no. 3, pp. 681-712.
- Sachs, J 2005, *The End of Poverty*, Penguin, New York; Chapters 13, 14 and 16.
- Stiglitz, J 2002, *Globalization and its Discontents*, Penguin, London; Chapters 1 and 9.
- Stiglitz, J 2006, *Making Globalisation Work*, Norton, New York.
- Thomas M 2009, 'What Do the Worldwide Governance Indicators Measure?' *European Journal of Development Research*, <[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1007527](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1007527)>

## 7 2.45-3.45: Student exercise

- To be supplied after commencement.

## 8 3.45-4.45: AusAID approach

Minimum reading:

- AusAID, 2006, *Australian Aid: Promoting Growth and Stability – a White Paper on the Australian Government's Overseas Aid Program*, AusAID, Canberra.  
<http://www.aisaid.gov.au/publications/pdf/whitepaper.pdf>
- AusAID, 2007, *Governance*, <<http://www.aisaid.gov.au/keyaid/gover.cfm>> .
- AusAID, 2007, *Annual Review of Development Effectiveness: Key Findings*, Canberra.
- AusAID, 2008, *Tracking Development and Governance in the Pacific*
- AusAID, 2010, *Australian Framework for Law and Justice Engagement in the Pacific*
- AusAID, 2010, *ODE Law and Justice Evaluation Concept Note*
- AusAID, 2010, *Law & Justice Evaluation: Issues Paper*, Canberra,  
<http://www.ode.aisaid.gov.au/publications/pdf/law-justice-concept-note.pdf> .

Recommended reading:

- AusAID Budget Papers 2011-2012
- AusAID, 2011, *Statistical Summary 2008-9: Australia's International Development Cooperation*, Canberra.  
[http://www.aisaid.gov.au/publications/pubout.cfm?ID=9266\\_4050\\_7172\\_5723\\_8240](http://www.aisaid.gov.au/publications/pubout.cfm?ID=9266_4050_7172_5723_8240) .

## Day 3 FRI. 7 OCT.

### 9 9.00-10.30: Development evaluation

Minimum reading:

- Armytage, L, 2011, "Evaluating Aid: an adolescent discipline", *Evaluation*, 2011, 17.3, 1-16 (in press).
- Banerjee, A 2007, *Making Aid Work*, MIT Press, Cambridge, Massachusetts. Extract at <<http://iis-db.stanford.edu/evnts/4741/MakingAidWork.pdf>>
- Gasper, D 2000, 'Evaluating the Logical Framework Approach: Towards learning orientated development evaluation' *Public Administration and Development*, vol. 20 17-28.
- Guba E & Lincoln Y, 'Guidelines and Checklist for Constructivist Evaluation,' *Evaluation Checklist Project*, University West Michigan,  
[http://www.wmich.edu/evalctr/archive\\_checklists/constructivisteval.pdf](http://www.wmich.edu/evalctr/archive_checklists/constructivisteval.pdf)
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- OECD- DAC, 2010, *Quality Standards for Development Evaluation*, OECD, Paris,  
<http://www.oecd.org/dataoecd/55/0/44798177.pdf> ;
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- OECD, 2010, *Evaluation in Development Agencies*, Paris
- OECD, *DAC Criteria for Evaluating Development Assistance* <[http://www.oecd.org/document/22/0,2340,en\\_2649\\_34435\\_2086550\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/22/0,2340,en_2649_34435_2086550_1_1_1_1,00.html)> .
- *Paris Declaration on Aid Effectiveness: Ownership, Harmonisation, Alignment, Results and Mutual Accountability*, 2005, <<http://www.oecd.org/dataoecd/11/41/34428351.pdf>> .
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- *United Nations Millennium Declaration*, GA Res 55/2, UN GAOR, 55<sup>th</sup> Sess, Supp no. 49, U.N. Doc. A/55/49 (2000) <<http://www.un.org/millennium/declaration/ares552e.htm>> .

Recommended reading:

- Baker J 2000, *Evaluating the Impact of Development Projects on Poverty: a Handbook for Practitioners*, World Bank, Washington D.C., 12, <<http://go.worldbank.org/8E2ZTGB010>> .
- Binnendijk, A 2000, *Results-based Management in Development Cooperation Agencies: a Review of Experience*, OECD-DAC, Paris.
- Cracknell, B 2000, *Evaluating Development Aid: Issues, Problems and Solutions*, Sage, London

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- Guba, E & Lincoln, Y 1989, *Fourth Generation Evaluation*, Sage, California.
- Leeuw, F & Furubo, J 2008, 'Evaluation Systems: What Are They and Why Study Them?' *Evaluation*, vol. 14, no. 2, pp. 157 – 169.
- MacKay, K 2002, 'The World Banks ECB Experience' *New Directions for Evaluation*, no. 93, Spring, pp. 81-99.
- OECD-DAC 1991, *Principles for Evaluation of Development Assistance*, OECD, Paris.
- OECD 2002, *Glossary of Key Terms in Evaluation and Results-based Monitoring*, OECD, DAC, Paris.
- Patton M 2002, *Qualitative Research and Evaluation Methods*, 3<sup>rd</sup> edn, Sage, Thousand Oaks California.
- Perrin, B 1998, 'Effective Use and Misuse of Performance Measures', *American Journal of Evaluation* vol. 19, no. 3, 367-379.
- Van Thiel, S & Leeuw, F 2002, 'The Performance Paradox in the Public Sector' *Public Performance & Management Review* vol. 25, no. 3, 267-281.
- White, H 2005, 'Challenges in Evaluating Development Effectiveness', IDS Working Paper no. 242, Institute of Development Studies, Brighton.
- World Bank 1998, *Assessing Aid: What Works, What Doesn't, and Why*, Oxford University Press, New York.

## 10 11.00-12.30: Evaluating judicial reform

Minimum reading:

- Armytage, L 2011, *Reforming Justice: a journey to fairness in Asia*, Cambridge University Press (in press); Chapter 7.
- Blair, H & Hansen, G 1994, *Weighing in on the Scales of Justice: Strategic Approaches for Donor-Supported Rule of Law Programs*, USAID Program and Operations Assessment Report No. 7, USAID, Washington D.C.
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- McMahon E 2001, 'Assessing USAID's Assistance for Democratic Development: Is it Quantity versus Quality?' *Evaluation* vol. 7, no. 4, pp.453-467.
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- Trubek, D, 2003, 'The "Rule of Law" in Development Assistance: Past, Present, and Future', paper, <http://www.law.wisc.edu/facstaff/trubek/RuleofLaw.pdf> .

Recommended reading:

- Dakolias, M 2005, 'Methods for Monitoring and Evaluating the Rule of Law', *Applying the "Sectoral Approach" to the Legal and Judicial Domain: CILC's 20<sup>th</sup> Anniversary Conference*, Centre for International Legal Cooperation, Leiden, pp. 9-26.
- Dakolias, M, 1999, 'Court Performance Around the World: A Comparative Perspective', *Yale Human Rights & Development Law Journal*, vol. 2, pp. 87-142.



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- Harvard Kennedy School, 2008, *Indicators of Safety and Justice: Their Design, Implementation and Use in Developing Countries*, summary of workshop, 13-15 March, [www.hks.harvard.edu/...justice/justice\\_indicators\\_workshop\\_2008.pdf](http://www.hks.harvard.edu/...justice/justice_indicators_workshop_2008.pdf)
- Landman, T & Hausermann, J 2003, *Map-making and analysis of the main international initiatives on developing indicators on democracy and good governance*, Final Report, University of Essex Human Rights Centre.
- Reiling, D, Hammergren, L & Di Giovanni, A 2007, *Justice Sector Assessments - A Handbook*, World Bank, Washington D.C.
- UN 2008, *Report on Indicators for Promoting and Monitoring the Implementation of Human Rights*, UN Doc HRI/MC/2008/3; <http://www2.ohchr.org/english/issues/indicators/index.htm>.
- UNDP 2004, *Governance Indicators: A Users Guide*, United Nations Development Programme Bureau for Development Policy, New York.
- United States General Accounting Office (GAO) 2001, 'Former Soviet Union: U.S. Rule of Law Assistance Has Had Limited Impact', Report to Congressional Requesters, GAO, Washington D.C.

## 11 1.30-2.30: Frameworks of measurement

Minimum reading:

- Agrast M, Botero J & Ponce A, 2010, *Rule of Law Index*, The World Justice Project - [www.worldjusticeproject.org](http://www.worldjusticeproject.org).
- American Bar Association, *The Judicial Reform Index 2009*, <[http://www.abanet.org/rol/publications/judicial\\_reform\\_index.shtml](http://www.abanet.org/rol/publications/judicial_reform_index.shtml)> .
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- Henderson, K & Autheman, V 2003, 'A Model Framework for a State of the Judiciary Report for the Americas: Lessons Learned and Monitoring and Reporting Strategies to Promote the Implementation of the Next Generation of Reforms', [http://www.ifes.org/files/rule-of-law/Toolkit/Transparency\\_Checklist\\_EN.pdf](http://www.ifes.org/files/rule-of-law/Toolkit/Transparency_Checklist_EN.pdf)
- National Center for State Courts 2005, *Courtools, Trial Court Performance Measures*, National Center for State Courts, Williamsburg.
- National Center for State Courts 2008, *International Framework for Court Excellence*, National Center for State Courts, Williamsburg.
- Productivity Commission 2008, *Report on Government Services*, 2011, Canberra, Justice Preface, C.1 and C.2, respectively, <http://www.pc.gov.au/gsp/> .
- *RechtspraakQ, A Quality System for the Courts*, 2004, <<http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/rechtspraakcompletereport.doc>> .

Recommended reading:

- Armytage, L 2011, *Reforming Justice: a journey to fairness in Asia*, Cambridge University Press (in press); Annex A.
- Albers, P 2003, *Evaluating Judicial Systems: A balance between variety and generalisation*, CEPEJ, Strasbourg.
- Blank J and others, 2004, *Benchmarking in an International Perspective - An International Comparison of the Mechanisms and Performance of the Judiciary System*, Rotterdam; <<http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/Benchmarking.pdf>> .
- Blankenburg, E n.d, *Indicators of growth of the systems of justice in Western Europe of the 1990s: The legal profession, courts, litigation and budgets*, Amsterdam, <<http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/comparativeData.pdf>> .
- Freedom House 2011, *Freedom in the World*, <<http://www.freedomhouse.org/template.cfm?page=15>> .
- Global Integrity 2010, *Global Integrity Index*, <http://commons.globalintegrity.org/2010/01/freedom-in-world-2010.html> .

- Hyden, G & Court, J 2002, 'Governance and Development: World Governance Survey', discussion paper no. 1, United Nations University.
- Hyden, G, Court, J & Mease, K 2004, *Making Sense of Governance: Empirical Evidence from Sixteen Developing Countries*, Lynne Rienner, Boulder, 191; [http://www.odi.org.uk/wga\\_governance/Index.htm](http://www.odi.org.uk/wga_governance/Index.htm)
- Transparency International 2007, *Global Corruption Report: Corruption in Judicial Systems*, Cambridge University Press, Cambridge.
- Transparency International, *Combating Corruption in Judicial Systems: Advocacy Toolkit*, Transparency International, Berlin, <[www.transparency.org/content/download/27437/413264/file/Judiciary\\_Advocacy\\_ToolKit.pdf](http://www.transparency.org/content/download/27437/413264/file/Judiciary_Advocacy_ToolKit.pdf)>
- Vera Institute of Justice 2003, *Measuring Progress toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector*, Vera Institute of Justice, New York.
- World Bank 2009, *World Development Indicators 2009*, World Bank, Washington D.C.
- World Bank 2011, *Doing Business* <<http://www.doingbusiness.org/Downloads/>>
- *World Development Indicators 2009*, <<http://go.worldbank.org/U0FSM7AQ40>> .

12 **2.45-3.45: AusAID's experience in PNG**

Minimum reading:

- Armytage L, 2010, "[Judicial reform in Asia: case study of AusAID's experience in Papua New Guinea: 2003-2007](#)", *Journal of Development Effectiveness*, Vol. 2, No. 4, December, 442-467.
- Armytage, L 2008, "[Legal and judicial reform performance monitoring: the PNG approach](#)", *European Journal of Development Research* (EJDR) 20.1, 141-157.
- *The National Law & Justice Policy and Plan of Action 2000*, Government of Papua New Guinea Law and Justice Sector <<http://www.lawandjustice.gov.pg/www/html/50-overview.asp>>

Recommended reading: TBA.

13 **3.45-4.45: Student exercise**

- To be supplied after commencement.

**DAY 4 SAT. 8 OCT. (x6)**

14 **9.00-10.00: ADB's experience across Asia**

Minimum reading:

- Armytage L, 2011, "Judicial reform in Asia: case study of ADB's experience: 1990-2007", *Hague Journal on the Rule of Law*, 3.1, 70-105. (link to be supplied)

Recommended reading: TBA.

15 **10.30-11.30: Asian Pacific experience**

Minimum reading:

- Armytage, L 2009, 'Introduction', in Armytage L & Metzner L (eds), *Searching for Success in Judicial Reform: Voices from the Asia Pacific Experience*, Oxford University Press, New Delhi, pp. 3 – 42.

Recommended reading: TBA.

16 **11.30-12.30: World Bank's J4P approach**

Minimum reading:

- Sage, C, Menzies, N, & Woolcock, M 2009, *Taking the Rules of the Game Seriously: Mainstreaming Justice in Development*, Justice & Development Working Paper Series 51845, World Bank, DC. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1710096](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1710096)

Recommended reading: TBA.

17 **1.30-2.30: Justice and conflict**

Minimum reading:



- World Bank, *World Development Report 2011: Conflict, Security and Development*; Overview pp 1-44. <http://wdr2011.worldbank.org/fulltext>

Recommended reading: TBA.

- 18 2.45-3.45: Student exercise
- To be supplied after commencement.
- 19 3.45-4.45: Conclusions, review and wrap-up.

\* \* \*

## University eLearning System (Blackboard)

An eLearning site is developed for each unit of study. Material on these sites is supplemental and supportive to your face-to-face studies and includes: Unit of study outlines, class handouts, PowerPoint slides, notices, and links to policies and student resources. Students are strongly advised to check eLearning sites regularly as some important notices and assessment details (including results) may be posted there. ELearning sites are available on the first day of classes for semester-length units of study.

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For more information please contact your eLearning Administrator via email at [law.elearning@sydney.edu.au](mailto:law.elearning@sydney.edu.au) or visit: <http://sydney.edu.au/elearning/student/index.shtml>

## Sydney Law School Coursework Student Website

<http://sydney.edu.au/law/cstudent/coursework/>

## Sydney Law School Handbook

<http://sydney.edu.au/handbooks/law/>

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A copy of the University's Student Code of Conduct is available at: [http://sydney.edu.au/ab/policies/Student\\_code\\_conduct.pdf](http://sydney.edu.au/ab/policies/Student_code_conduct.pdf)

## Policy on harassment and discrimination

These policies and procedures can be found at the Staff and Student Equal Opportunity Unit's page on the university's website: [http://sydney.edu.au/eoo/harass\\_discrim/index.shtml](http://sydney.edu.au/eoo/harass_discrim/index.shtml)

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invigilation of the exams and will notify the student in writing of the arrangements prior to the exam.

Telephone: 02 8627 8433

Fax: 02 8627 8482

E-mail: [disability.services@sydney.edu.au](mailto:disability.services@sydney.edu.au)

Web: <http://sydney.edu.au/stuserv/disability/>

Address: Level 5, Jane Foss Russell Building G02, City Road, Darlington Campus.

## Counselling and Psychological Services (CAPS)

Telephone: 02 8627 8433

Fax: 02 8627 8482

E-mail: [counselling.service@sydney.edu.au](mailto:counselling.service@sydney.edu.au)

Web: <http://sydney.edu.au/stuserv/counselling/>

Address: Level 5, Jane Foss Russell Building G02, City Road, Camperdown Campus.

International Students Support unit (ISSU): Contact: 8627 8437, ISSU Office, Level 5, Jane Foss Russell Building G02.

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For students who feel they may benefit from assistance with academic reading and writing strategies, study skills, time-management skills and/or improving their oral communication:

Address: Level 7, Education Building, Main Campus.

Web: [http://sydney.edu.au/stuserv/learning\\_centre/index.shtml](http://sydney.edu.au/stuserv/learning_centre/index.shtml)

Telephone: 9351 3853

Email: [learning\\_centre@sydney.edu.au](mailto:learning_centre@sydney.edu.au)

## Law School General enquiries

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Fax: 02 9351 0200

E-mail: [law.info@sydney.edu.au](mailto:law.info@sydney.edu.au)

Web: <http://sydney.edu.au/law/>

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## Feedback

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