Nation Building in Africa and the Role of the Judiciary*

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I. INTRODUCTION

The spirit of the Francis X. Riley lecture series is to deepen the strong commitment of the Law School and its student body to public service and to rededicate themselves to professionalism. I am also aware that your Law School prides itself on the diversity of its faculty and student body. Today, I throw in an international dimension to diversity by my presence here and by the nature of the subject I will be discussing. I also intend to show how legal professionalism may impose a duty on the judiciary, a branch of the profession, to contribute to the building of long-term institutions of stability in political environments that are fragile and potentially suicidal.

I have chosen to address the issues of civil wars, of failures of nation-building, and of conflict-resolution in Africa, because these interconnected themes continue to give Africa its greatest headache and constitute an underlying cause of the continent's fragility and endemic poverty. This is the continent where one encounters the ugly faces of underdevelopment: poverty, disease, and illiteracy.

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And I will base my remarks on the experiences of the three West African countries that have encountered this tragedy in the most painful manner over the past three decades, namely, Liberia, Sierra Leone, and Ivory Coast, (better known by its official French name, La Cote d'Ivoire). The history of the civil wars in these countries, and their aftermaths, has been well documented and publicized in the international media; and so I will spare you the boredom of listening to a rehash of the chronological details.

By way of background to how deeply some of us feel about these events, I should state that my generation of Africans was born into the post-World War II nationalist struggle for the emancipation from colonial domination of indigenous peoples all over the world, beginning from the non-violent struggle of the people of India to free themselves from British colonialism, and later spreading to Africa and the Caribbean. The struggle began to bear fruit in the late 1940s and the 1950s, and reached its apogee in the 1960s when most of colonial Africa and Asia attained independence. My native state of Ghana, then known by its colonial name the Gold Coast, became the first black country to achieve independence from colonialism in 1957, and committed itself to the struggle of other African countries for their own independence.

I had just started high school when Ghana became an independent state. We regarded ourselves as the lucky children of independence, full of pride, hope and high ambitions and aspirations, not simply as individuals, but as part of our young nation and the other African nations that were soon to follow Ghana's path to independence. These nations included Sierra Leone and Ivory Coast. Liberia was somewhat in a category of its own. It had never really been a colony; it had been established in 1847 by freed black American slaves seeking to return to Africa, to be back with their ancestral brothers and sisters. It had started its life more or less as an independent state.

For us, the children of African independence, what happened in these three countries, and what has generally happened in Africa as a whole since independence, has become a matter of utter disappointment and disillusionment. The euphoria of independence, the ideals of nationhood, the promise of economic development and the opportunity to escape from an environment of squalor, poverty and disease—all that seemed to be dissipating before our very eyes. What went wrong? We will have to await a definitive response from our historians sometime in the future.

However, it seems obvious to me that a large part of the problem stems from our inability to remember our historical circumstances, and our unwillingness to keep faith with some of the basic assumptions upon which our fledgling nations were established.

II. THE STRUCTURE OF AFRICAN STATES, CIVIL WARS, AND ELEMENTS OF NATION-BUILDING

In a very real sense, the present states of Africa were creatures of the Imperial Masters. The peoples of Africa are, of course, very ancient communities. They existed and blossomed into their own civilizations and empires long before British, French, and Portuguese colonialism reached their shores. But they were largely communities of distinct ethnic and linguistic groupings, sometimes with very little in common except their African-ness as a racial group inhabiting a particular continent. It was the colonialists that sought to create nation-states out of these communities; and the Imperial Conference of Berlin in 1885 put the seal on the creation of these artificial nation-states by recognizing the respective colonial boundaries of the European colonial powers over their African possessions. Thus, Ivory Coast became one country consisting of several ethnic groups: the Sanwi, Nzima, Baoule, Bete, Bondougou, etc. Similarly, Sierra Leone became one country made up of the descendants of freed slaves, native ethnic groups such as the Mende, Timne, and Mandingo, as well as settlers from other West African communities.

In nearly every case, the colonial boundaries had been drawn so mechanically that portions of the same ethnic group became part of the neighboring countries, under different colonial administrations, educational systems, and European languages. Not only had distinct ethnic groups been forced together into one nation-state, but they also had been forcibly separated from their kith and kin, who were now part of different nation-states. This was a perfect recipe for civil wars.

Indeed, some of the earlier post-independent Africa's civil wars and large-scale civil unrest took the form of secession or irredentism, by which a section of one ethnic group trapped in one state sought to break away from that state to join the other section in a neighboring state. It was a most dangerous situation that potentially affected every sub-Saharan African country.

The solution arrived at by the then African Regional Organization—the Organization of African Unity (OAU)—was to resolve to freeze all inherited colonial boundaries. Internationally recognized national boundaries were to be those that were in place at the time of independence; and such boundaries could only be changed through negotiations between the affected countries.

But this solution, sensible and realistic as it stood at the time, threw up the first political challenge for post-independence Africa: the building of effective nation-states out of disparate groupings divided not simply by ethnicity but often by religion and ancient animosities and distrust. The incidence of civil wars in West Africa, as in other parts of Africa, is, in part, a function of the failure of nation-building: national leaders and leaders of

dominant ethnic and religious communities riding roughshod over the interests and sensibilities of minority groups within the nation, or leaders of such minority communities failing to acknowledge the legitimate authority of the majority as expressed through genuine decision-making processes and principles such as universal adult suffrage and free and fair elections.

However, ethnicity and religion, by themselves, cannot provide a total explanation for the relative failure of nation-building that has led to our recent terrible civil wars in Africa. Indeed, in the case of Liberia, the origins of the conflict in 1980 in the form of Sergeant Samuel Doe's military coup might be seen as an attempt by the indigenous African ethnic groups to reject the historically perceived dominance of the privileged minority African-American settlers. Thus, unless we view the latter group as the functional equivalent of an ethnic community in Liberia, the genesis of that conflict would probably have to be analyzed more in terms of a class conflict, or urban/rural strife, or the rebellion against an overlordship of a more resourceful and educated settler community.

There are two other, perhaps more immediate, causes of failure of nation-building leading to the recent civil wars and social strife in West Africa: political opportunism coupled with the temptation to abuse the democratic political process, and the phenomenon of military coups. Some might view coups d'etat as the *consequences* rather than the *causes* of the failure in nation-building; but I am prepared to argue that it is more often a major cause of the failure of nation-building in Africa.

As regards the abuse of the political process, we often encounter political leaders in Africa who feel they must win political elections at all cost, by means fair or foul; that the competitive politics of a multi-party democracy are not to be taken seriously; or that the rules of fairness and transparency are applicable only when they find themselves in opposition. Thus when in government, they would go out of their way to prevent credible opponents from challenging them at the polls, through physical threats or dubious constitutional machinations. Alternatively, when they are in opposition, these leaders might appeal to the basest of sentiments in the community, including tribal and religious fanaticism, which unsettle the foundation blocks of nation-building. What is worse, they might even encourage military officers to stage a coup against the government, in the hope of sharing power with the new military regime or at least gaining an advantage in the next round of national elections.

Military coups, in my view, have been among the greatest causes of political instability and have been the mainstay of civil wars in West Africa. When soldiers started to seize power in that region in the mid-1960s, their apologists spun theories to the effect that coups were the effective antidote to dictatorship and corruption, and that soldiers as a highly mobilized group in society would gainfully replace the endemic inefficiency of civilian administrations. It did not take long for these apologists to be put to shame.

Military regimes could not be anything but a dictatorship in uniform; military leaders and their hangers-on turned out to be even more corrupt and acquisitive than their civilian counterparts; and, to their eternal shame, some of them carried out the most unspeakable forms of murder, torture, and general brutality to an extent that the African continent had never contemplated. The depth of hatred and resentment generated by such atrocities, and the quest for revenge, meant that coups would breed more coups, and that the likelihood of civil wars would increase, especially if people perceived that the victims of particular coups were largely from particular ethnic or religious communities.

The knowledge that political power could be attained from the barrel of the gun rather than through the more arduous process of competitive politics encouraged younger power-hungry military adventurers to attempt more military coups. The material wealth and opulent life-style of successful coup makers did not go unnoticed in the community, prompting some to follow that path to wealth while the larger society developed even higher levels of resentment, disrespect for officialdom, and readiness to welcome the next group of coup makers.

No, military coups never led to the promises of liberation, redemption, and social justice with which they were ushered into West African politics and political vocabulary. While isolated instances of military coups might have been justified initially, what followed in their wake tended to be worse than the ills they sought to cure. And they have contributed to the problem of nation-building in Africa.

What lessons can Africa draw from the tragedies of Liberia, Sierra Leone, and Ivory Coast? What can be done to prevent or at least diffuse the occurrence of such political disasters and human suffering? We can only throw up some ideas for consideration. There are short-term approaches and long-term solutions.

In the long run, the movement toward genuine national integration must continue at an even faster pace. We must all understand that by a very well-established fact of colonial history, no African nation belongs to any particular ethnic group, no matter how large, or educated, or resourceful they are, or how historically important they might have been. Serious efforts at national integration must be made; even the smallest minority groups must be made to feel that they are part of the new nation. The sharing of power in a manner appropriate to the circumstances of the nation concerned must be accepted as a working constitutional and administrative principle. In many cases, this might involve some degree of decentralization, depending on the size of the country and its demographics.

The minority population must also accept the fact that they have a responsibility to ensure the success of these new nations of ours; they must not rush to seek secession just because things are not going their way. The majority will necessarily retain certain advantages even under the most pro-

gressive constitutional structures; what is critical is that such majority advantages do not lead to majoritarianism: the tendency to use the majority vote to quell the fundamental individual and group rights of the minorities within their respective countries.

Successful nation-building should aim not simply at ethnic integration, but also at fairness in the creation of opportunities and the distribution of wealth among various sections of the community, geographical areas, and segments of its demographic composition. The rural/urban divide must be bridged and we must understand that class selfishness will eventually turn out to be self-defeating, as civil wars hit and sweep away the fortunes of the haves and bring them to the level of the have-nots.

In the short run, we must concentrate on ways and mechanisms for resolving conflicts when they do erupt, for there is the immediate need to save human lives and to alleviate human suffering for those who survive. It becomes critical to establish a secure environment to provide relief to displaced persons and refugees, and medicine for the sick and wounded. Therefore, we need to revisit the importance of regional powers and international organizations in the settlement of internal conflicts, and understand how the United Nations Charter provides for their use in a manner consistent with the overall peaceful purposes of the UN and the respect for national sovereignty consistent with its commitment to the protection of human rights.

In this connection, Articles 39, 52, and 53 of the United Nations Charter become critically important.[1] It is my prediction that the future of peacekeeping and humanitarian intervention will devolve increasingly on regional groupings such as ECOWAS/ECOMOG, which has done, and continues to do, a wonderful job in West Africa.

III. THE SPECIFIC ROLE OF THE JUDICIARY

It seems clear from the experiences of Sierra Leone, Liberia, Cote d'Ivoire, and other African countries, that without a national political consensus, the quest for political stability becomes highly unlikely. Political stability within a liberal democratic tradition will tend to involve the acceptance of constitutionalism and the deepening of human rights traditions. This is where the role of the legal profession in general, and the judiciary in particular, comes in.

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1. U.N. Charter art. 39, 52 and 53. Article 39 deals with the UN enforcement measures following a declaration of a threat to international peace and security; and Articles 52 and 53 outline the role of regional security organizations such as ECOWAS/ECOMOG in West Africa, NATO, and the Organization of American States (OAS) in such enforcement measures within their respective corners of the world.

A. ASSISTING IN THE DEVELOPMENT OF CONSTITUTIONALISM

The presence of a constitution, in itself, is insufficient for the type of consensus nation-building we have in mind; for a constitutional structure can take an authoritarian or liberal democratic path. Constitutionalism stands for a rejection of authoritarianism and the enthronement of the rule of law. As a noted Ghanaian legal scholar has noted, "constitutionalism reflects a normative commitment to certain values, among them accountability (transparency), justice, due process of law, the rule of law, and the notion of checks and balances."[2]

But even liberal democracy cannot survive or thrive without effective authority, and the exercise of effective authority is not authoritarianism. Thus, the judiciary has a role in the establishment of law and order, i.e. of effective authority; but it also has an equally important role in good governance, which is the mainstay of liberal democracy.

Some of the major facets of good governance identified by an eminent Ghanaian scholar and traditional leader[3] include the following:

- The capacity of the government to guarantee minimum security for its population and to enforce law and order.

- Strict adherence to the principle of accountability by a government that is free of corruption and dedicated to the public interest.

- The availability of mechanisms for ensuring effective participation by citizens and various groups in the political process and for securing the consent of the citizenry for their governance. This implies dedication to a free, fair and transparent electoral process.

- The capacity to meet the socioeconomic demands and aspirations of its citizens by generating resources and delivering essential services to them.

- Efficient management of the economy on a fair and equitable basis, with due regard to the diverse interests in a pluralistic society.

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2. H. Kwasi Prempeh, lecture delivered at Ghana-CDD: Ghana at Fifty: Assessing Progress Towards Constitutionalism (March 2007).

3. Nana Dr. S.K.B. Asante, paper presented at the first ECOWAS Chief Justices' Conference, Accra, Ghana: The Role of the Judiciary in Nation-Building (November 2005).

- A strong, efficient and honest administration of justice by a judiciary of the highest integrity.

As regards the maintenance of minimum security for the community, it must be noted that the judiciary is an organ of the state and a creature of the constitution, and must therefore strive for viability of the state as a whole. This is, of course, not the same as securing the viability or the perpetuation of a particular government or political party in power.

The judiciary must also develop sensitivity to social context issues. In this connection, the judiciary and jurists in general ought to assist in securing access to justice by ordinary folk: the underprivileged and the vulnerable. Part of this effort involves popularizing the knowledge of legal rights, be they under the constitution, statutory law, common law or customary law. Access to justice involves not only physically increasing the avenues for dispute resolution, but also in structuring the appropriate fora and introducing simpler and more congenial rules of procedure

B. BUILDING A FIRM AND JUST ADJUDICATORY SYSTEM AND DEVELOPING CONSTITUTIONAL LAW THROUGH APPROPRIATE INTERPRETIVE RULES

The building of a firm and just adjudicatory system must be a major concern of the judiciary. It must start by subjecting itself to transparency and public accountability, including accountability to the representatives of the people for the use of public funds. And in the exercise of their adjudicatory role, judges must strive at balancing the public interest and the rights of the individual. It is in this sense that the judiciary is sometimes called upon to act like statesmen and women. The concept of the judicial balancing of competing interests was advocated long ago in jurisprudential literature by Roscoe Pound in his well-known jurisprudence of interests, in which he recognized three types of interests competing for acceptance and recognition in the legal system: individual interests, public interests and social interests.

However, in our view, he concentrated disproportionately on private interest balancing, probably as a reflection of the socioeconomic system in which he grew up and lived. For our part, public interest viewed from the standpoint of social justice is critical, for a hungry and homeless mass of people in any population cannot be relied upon as a partner in the building of liberal democracy if they do not perceive any meaningful hope for improvement in their living conditions.

The judiciary must insist on its constitutional guarantee of independence from the executive and the legislature, for the likelihood of a judiciary effectively carrying out its function of fair and impartial adjudication is

extremely low without this independence and the people's confidence in its existence. The judiciary must jealously maintain its independence.

Basic tenets of judicial independence would include the following:

> 1. The clear and unequivocal rejection of interference from the executive or the legislature in carrying out its adjudicatory role. This does not eschew the sort of cooperation necessary for sustaining constitutionalism or for ensuring the success of the democratic experiment.
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> 2. Enjoying institutional financial independence, i.e. avoidance by the legislature and the executive of the use of the power of the purse to exert undue pressure on the judiciary.
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> 3. Making decisions free from bias in the sense of favoritism for one party, inducements and improper influences, freedom from threats and pressures, and the rejection, as far as is humanly possible, of their acquired professional and class bias.
>
> 4. The insistence on judicial adherence to very high standards of personal and professional integrity, embodied in self-regulatory codes of ethics and in public law.

Disputes relating to the electoral process should be dealt with expeditiously and fairly to avoid the alternative of mass demonstrations to protest election results. This could lead to violence and instability.

The Supreme Court, empowered to interpret the Constitution, must do so in a spirit that maintains the core values of the Constitution and, at the same time, treat it as a living document capable of addressing contemporary trends and developments, especially in the enforcement of human rights. I am happy to report that the Ghana Supreme Court has, in a number of recent decisions, emphasized the need to move beyond the literal approach to interpretation and even beyond strict constructionism. It has embraced the more expansive and more dynamic style of constitutional interpretation often referred to as the purposive or teleological approach to interpretation.

In a recent case, I delivered the unanimous judgment of the Supreme Court,[4] in the course of which I addressed our approach to interpretation in these words:

4. Omaboe III and Others v. Att'y Gen. & Lands Comm'n, SCGLR 579 (2005-06).

> We need to clarify and emphasize the interconnectedness of the various techniques of interpretation. They are not necessarily pitted against one another. In constitutional interpretation, it is not a matter of making an a priori selection of one technique of interpretation to the utter exclusion of the others, but of reading the text and appraising the context to decide which of the plausible techniques of interpretation would be more appropriate under the circumstances. A classic example of the intertwined nature of the plain-meaning, contextual, and purposive (or "teleological") techniques of interpretation is to be found in Article 31(1) of the 1969 Vienna Convention On the Law of Treaties . . . which provides that "[a] treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose."[5] It is basically a matter of deciding on the relative weight which must be given to the text, context, and the declared or apparent purposes of the provision, all in an effort to determine the intent of the makers of the document in question (be they the legislature, a constituent assembly, or an international negotiating conference, etc.) . . . .
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> It seems fair to start from the proposition that if the words of the provision to be interpreted are clear, we must follow them . . . . However, a commitment to use the plain meaning rule as a starting point does not take us very far; for it is also said that if the words admit of two or more plausible interpretations, then they are not clear. Since there are so many such situations with any given document, the plain meaning rule in practice suffers the same fate as the monarch to whom full homage is paid moments before he falls victim to a palace coup.
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> Now, where the words in a document are unclear, a number of possibilities open up for those called upon to interpret and apply the legal provision. One is that if a literal approach would lead to an absurdity, repugnance, or logical inconsistency, then one would have to avoid it and adopt another interpretation because it is presumed that the mak-

5. Vienna Convention on the Law of Treaties, art. 31, Jan. 27, 1980, 1155 U.N.T.S. 331.

ers of the document did not intend to create an absurdity or inconsistency. Logical consistency covers not simply internal consistency (i.e. consistency between the various parts of the very document being interpreted), but also consistency with other rules of the legal system within which one is operating.

However, the application of the rule against absurdity and logical inconsistency (the so-called common law "golden rule of interpretation") may itself be inadequate from a policy standpoint, and we might then be called upon to embark on a more conscious search for the intent of the legislature or of the others who enacted the document we seek to interpret. If the document is relatively recent, it is feasible to search for the legislative intent in the specific sense of the understanding which the lawmakers themselves had when they actually met to discuss and finalize the document, by looking for example at memoranda of constitutional proposals, debates, and other preparatory works (the so-called "travaux preparatoires" in the language of treaty interpretation) . . . .

. . . But the search for the original intent, sometimes called the "historic intent" or "subjective purpose" test or the "mischief rule," may prove illusory or serve a very limited purpose if the document is quite old, or dramatically different social conditions and concepts of justice have emerged over the decades or centuries. This is where the technique known as purposive interpretation or the "objective purpose" test assumes its full-blown grandeur. For what is needed at that point is a rule that emboldens us to apply the public document in question to meet new needs and conditions, that is, in situations not contemplated or even incapable of being contemplated by the makers at the particular historic moment when they adopted the document, so as to realize the fundamental or core values of the legal system as a living, dynamic system . . . . It is the purposive approach to interpretation that enables us to adapt especially old documents to serve a contemporary purpose . . . .

I repeated the same sentiments in a majority decision I wrote in a subsequent case.[6]

C. ROLE OF THE JUDICIARY IN TRUTH AND RECONCILIATION COMMISSIONS

Over the past fifteen years, African countries have participated in the technique of post-conflict peace-building through the mechanism known as truth and reconciliation commissions. Generally, a call for reconciliation follows severe tensions that deeply affect the population; and these tensions are typified by atrocities and other forms of human rights violations.

The degree of atrocities perpetrated often goes beyond the elimination of lives. It stretches even more painfully to the sadistic and atavistic practice of forcing individuals to live for the rest of their lives with physical evidence of the damage done to their bodily integrity through maiming. It happened to some extent in Ghana and it was dramatized to an incredibly brutal extent in Sierra Leone with the practice of limb amputation.

The much publicized South African Truth and Reconciliation Commission set the tone in Africa for this approach to confronting past systematic human rights abuses. The Commission was set up in 1995 by the South African parliament to investigate human rights violations during the apartheid era between 1960 and 1994.

Generally, truth commissions are bodies established to investigate and report on human rights abuses over a certain period of time in a particular country or in relation to a particular conflict. Truth commissions allow victims, their relatives and perpetrators to give evidence of human rights abuses, providing an official forum for their accounts. In most instances, truth commissions are also required by their mandate to provide recommendations on steps to prevent a recurrence of such abuses. Truth and Reconciliation Commissions exist for a designated period of time, have a specific mandate, and exhibit a variety of organizational arrangements.[7] Ultimately, the goals of such commissions are to render an account of past abuses of authority, to promote national reconciliation, and to bolster a new political order or legitimize new policies.

A close study of Truth and Reconciliation Commissions that have been established around the globe over the past thirty years reflect the variety and differing conceptions and objectives underlying these organs, as

6. *Ex parte* Electoral Comm'n (Mettle Nunoo and Others, Interested Parties), 514 (2005-06).

7. *See* Monica Patterson, *Reconciliation as a Continuing and Differentiated Process*, 9 J. INT'L INST. (Winter 2002), *available at* http://hdl.handle.net/2027/spo.4750978.0009.205 (discussing the TRC as an international model for confronting human rights abuses, and the commission's strengths and weaknesses in meeting its goals).

well as those aspects of human rights violations that were felt to be most acute in the society or country in question.

In South Africa, the emphasis was on the grant of amnesty on the one hand, and, on the other hand, on the power of prosecution lodged in the bosom of the Commission. Chaired by the celebrated Anglican Archbishop Desmond Tutu, the Commission established, among others, an amnesty committee to receive applications from perpetrators of such violations. A reparation and rehabilitation committee was also established to recommend appropriate forms of compensation for human rights victims.

Sierra Leone's Commission was a direct by-product of the civil war situation. It brought to the forefront the problem of impunity as a possible consequence of participation in the work of the Commission. A peace agreement between the government of Sierra Leone and the rebel Revolutionary United Front called for the establishment of a Truth and Reconciliation Commission within 90 days after the signing of the agreement on July 7, 1999. The President and Parliament later enacted the commission in 2000.

It [the commission] was mandated to produce a report on human rights violations since the beginning of the conflict in 1991 and to issue recommendations to facilitate reconciliation and prevent a repetition of past violations. The commission was to address the thorny problem of impunity and provide a forum for both victims and perpetrators of past abuses. Broad amnesty provisions in the agreement laid the basis for a grant of pardon and immunity from prosecution to combatants and collaborators for abuses committed during the armed conflict.

In Ghana, we have had our own experience with reconciliation commissions. In December 2001, the Parliament of Ghana passed Act 611 establishing the National Reconciliation Commission to investigate allegations of human rights abuses during specified times of perceived instability and unconstitutional rule. The law entered into force on January 11, 2002. The mandate of the Commission, as set forth in Act 611, was to seek and promote national reconciliation among Ghanaians by establishing an accurate and complete historical record of human rights violations and abuses related to the killing, abduction, disappearance, detention, torture, ill-treatment, and seizure of property within the period of March 6, 1957 to January 6, 1993. The Commission was also charged with making recommendations for redress of human rights abuses and for institutional reforms to prevent such occurrences in the future.

The role played by judges and other lawyers in truth and reconciliation commissions has been quite evident. In contrast with South Africa, the Commission in Ghana was chaired by a retired Supreme Court justice, and had quite a number of persons with legal background on the panel as well as the staff. The skills of the judge as an independent-minded decision-

maker, mediator, and legal expert make him or her a strong competitor for such national assignments.

IV. CONCLUSION

Thus, in the conscious effort at assisting in constitutional development and enforcement of human rights, in the day-to-day judicial function of settling disputes between persons, and in peace-building through post-conflict institutions such as reconciliation commissions, the judiciary has a critical role in the nurturing of good governance. But how prepared are we to carry out such a responsibility?

Mr. Chairman, in this regard, please permit me to make some brief remarks on the thrust of legal education and the nature of the legal profession.

The sort of responsibility I have outlined for the judiciary in Africa—namely, a role in the nurturing of good governance and the maintenance of stability—is not exactly something that one directly acquires in law school or in the humdrum daily activities of law practice. But I believe the law school experience should be broad enough to at least sensitize would-be lawyers to the public interest and, hence, to public interest law, and to introduce them through appropriate courses and seminars to the sources and causes of social conflicts and the various modes for their resolution.

Seventy-four years ago, Dean Roscoe Pound, in an address to the American Bar Association delivered at Grand Rapids, Michigan, expressed his thoughts on what constitutes a good legal education.[8] He made the epigrammatic statement that "it is the work of legal education to raise up lawyers who know the law,"[9] and quickly followed up with the explanation that knowledge of the law meant not only the aggregate of laws or legal precepts, or the judicial process, but also of "the legal order, that is, the regime of ordering human activities and relations through systematic application of the force of politically organized society, or through social pressure in such a society backed by such force. We use the term 'law' in this sense when we speak of 'respect for the law' or of the 'end of law.'"[10]

Let me suggest, by way of conclusion, that approaches to the resolution of civil wars and the lack of grassroots access to justice, and the role of the judiciary in all this, calls for the knowledge of law, politics, and sociology as an intertwined set of disciplines. This is perhaps even more critical than a mere knowledge of legal doctrine or technical law.

Thank you for your attention.

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8. Roscoe Pound, *What Is a Good Legal Education?*, 19 A.B.A. J. 627 (1933).
9. *Id.* at 629.
10. *Id.*