

## LEGAL EDUCATION IN BOTSWANA

### LESOTHO AND SWAZILAND

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#### I. HISTORY

Until the creation of the National University of Lesotho by legislation on October 20, 1975, law students from Botswana, Lesotho and Swaziland studied for their LL.B degrees at the University of Botswana, Lesotho and Swaziland (U.B.L.S). The University of B.L.S, which was constituted by royal Charter in 1964, was successor to Pius XII University College, a centre for higher learning founded in 1945 in the Roma Valley of Lesotho by the Catholic Hierarchy of Southern Africa and entrusted in 1950 to the Congregation of Missionary Oblates of Mary Immaculate. At Pius XII College, students had been prepared for degrees and diplomas of the University of South Africa.

The LL.B and diploma in law programs of U.B.L.S. were initiated in 1965, a few students entering the LL.B course with advanced standing on the basis of work done in a previous B.A. (Law) curriculum. The University's first degrees and diplomas were conferred in 1967. In 1971 the teaching for Part One of some degrees was started in at Kwaluseni in Swaziland for students from Botswana and Swaziland. The U.B.L.S. Law program is now being offered at Kwaluseni for students from Botswana and Swaziland, and at the National University of Lesotho in Roma, for students from Lesotho.

By virtue of the Act establishing the National University of Lesotho, the Curricula of the U.B.L.S. applies to the N.U.L. until new programs and courses are designed and approved. A new Law Degree program (described below) has now been approved (subject to continuing refinement) by the Council of the N.U.L., but it is yet to be implemented. In the meantime, students pursuing legal studies in Botswana, Lesotho and Swaziland are doing courses under the U.B.L.S. Law Programs.

#### II. PROGRAMS OFFERED

- A. A 5-year LL.B degree program which is divided into three parts. Part One consists of the first and second years of study, Part Two of the third and fourth years of study, and Part Three of the fifth year. Parts One and Three were offered at the Roma Campus of the U.B.L.S. (since the break-up of the U.B.L.S. and the creation of

N.U.L. they are offered at Roma for Lesotho students, and in Swaziland for Botswana and Swaziland students). Part Two was and still is being offered at the University of Edinburgh by a special arrangement dating back some ten years.

- B. A correspondence Course Certificate in Law which must be completed over a period of three years.

### III. ADMISSION REQUIREMENTS

- A. Cambridge Overseas School Certificate in the First or Second Division with a credit in English Language or a general Certificate of Education with passed examinations at the Ordinary Level in at least four subjects including English Language.

- B. Certificate in Law Program

The Junior Certificate or its equivalent.

### IV. COURSE REQUIREMENTS

- A. LL.B. Program

#### Part I - Year I

Introduction to Law, general principles of Contract,

Delict

Criminal Law

English I

Government and Administration I (or) Economics I

#### Part I - Year II

Customary Law (Half course)

Persons and Succession

Constitutional and Administrative Law

Economics II (or) Government II (or) Administration II

Social Anthropology/Sociology (Half course)

Part II - Years III and IV (Offered at the University  
Edinburgh)

Students transferred to Edinburgh are required to take

Jurisprudence and at least six and not more than seven and a half course from the following list:

Not more than four courses may be taken in the first year. A student may, for special reasons, be permitted to substitute a law course not listed or an honours law course. Such a substitution requires the approval of the Head of the Department of Law at U.B.L.S.

Scottish Legal System ( Half course)

Scots Law I

Constitutional Law

Civil Law

Public International Law

Scots Law II

Criminal Law

Mercantile Law

Taxation

Comparative Constitutional Law

International Law & Organizations

Criminology

French Private Law

Aspects of English Law

Forensic Medicine (Half course)

Accountancy (Half course)

International Private Law

Part III - Year V

Civil and Criminal Procedure

Evidence

Property

Current Legal Problems

Moot Court

B. Certificate in Law Program (External, by Correspondence)

Elements of Private Law

Criminal Law

Mercantile Law

Constitutional Law (Half course)

Procedure (Half course)

Evidence (Half course)

Customary Law (Half course)

V. ADMISSION TO THE BAR

Possession of the U.B.L.S. LL.B degree (awarded after successful completion of the five-year course study outlined above) satisfies the academic and professional requirements for enrollment as an Advocate under the Legal Practitioners Acts of Botswana, Lesotho, and Swaziland.

VI. NATIONAL UNIVERSITY OF LESOTHO  
DEPARTMENT OF LAW NEW DEGREE STRUCTURE

It is proposed that NUL adopt a structure whereby a student first completes a four-year B.A. degree and then, having included a sufficient number of law courses in the B.A., completes the LL.B. degree in a further two years.

A. Common First Year

The proposed First Year Course to be given in the second semester 1976/77 in two lectures and one discussion group weekly (three units).

L 101-3 The Nature of Law and Its Role in Society.

The universality and omnipresence of Law. The Law as an instrument of social engineering. The techniques of legal reasoning and analysis. The nature of Law. Custom and Law.

A brief review of the substantive field of Law e.g. Contract Delict, Persons, Criminal Law, Constitutional Law, prescribing and enabling Laws. An outline of the judicial system of Lesotho, the received Law and the resultant dualism of legal system in Africa. Traditional Land Tenure. The legal profession and the role of lawyers in society.

B. Degree Structure - B.A. Programme

The Department proposes to offer the following courses to B.A. students.

<u>Year</u>	<u>Title</u>	<u>Course Value in Units</u>
II	Contract (including Sale)	4
	Criminal Law	8
	Constitutional Law	4
	Administrative Law	4
	Delict	8
III & IV	Mercantile Law	4
	Public International Law	4
	Current Legal Problems	4
	Taxation	4
	Labour Law	4
	Roman Law	8

LL.B Program

Students already in possession of a first degree in any discipline either from this University (excluding those following our B.A./LL.B Programme) or any other University shall complete the LL.B in not less than three years.

<u>Year</u>	<u>Title</u>	<u>Course Value in Units</u>
I	Criminal Law	8
	Constitutional Law	4
	Roman Law	8
	Delict	8
	Mercantile Law	8
II	(also Year IV of B.A./LL.B Programme)	
	Persons	4

<u>Year</u>	<u>Title</u>	<u>Course Value in Units</u>
II	Succession	4
	Jurisprudence (including Comparative Law)	8
	Private International Law (including Internal Conflicts)	8
	Moot Court	4
	Public International Law	4
	Administrative Law	4
	International Organisation	4

Need not be taken by B.A.-LL.B students if already taken during B.A.

III (also Year V of B.A./LL.B Programme)

Evidence	8
Criminal Procedure	8
Civil Procedure	8
Moot Court	4
Property	8

Customary Law integrated with all relevant subjects.

Compulsory Courses - All courses offered in the LL.B Programme are compulsory for students following the B.A./LL.B Programme.

Prerequisites Prerequisite for Mercantile Law would be Contract. Prerequisite for International Organisations would be Public International Law.

Recommended Courses

Accounting students would be encouraged to take Mercantile Law and Taxation.

Government/Administration students would be encouraged to take Constitutional Law, Administrative Law, Current Legal Problems and Public International Law.

Economics students would be encouraged to take Taxation, Mercantile Law, Labour Law, Current Legal Problems and Public International Law.

Sociology students would be encouraged to take Criminal Law.

### Regulation

B.A. (Law) students may transfer to the proposed B.A./LL.B Programme with exemptions from the B.A. degree and courses taken in Part I of the old LL.B.

### Students Numbers

On the basis of the Lesotho Government's projections of public service needs for LL.B graduates, the Planning Unit projects enrollments for the next few years of about 9 Basotho students per year for the present LL.B or the proposed B.A./LL.B Programme.

### Three Year Programme for Attorneys/Magistrates

In addition to the B.A./LL.B programme, the Law Department proposes to introduce a non-degree programme qualifying for admission as an Attorney (plus articles) the position of First Class Magistrate and similar judicial positions.

Entry requirement is the same as for degree programmes.

<u>Year</u>	<u>Course</u>	<u>Units</u>
I	English	8
	Criminal Law	8
	Contract	4
	Constitutional Law	4
	Administrative Law	4
	Moot Court	4
II	Persons and Succession	8
	Delict	8
	Private International Law	8

<u>Year</u>	<u>Course</u>	<u>Units</u>
II	Mercantile Law	4
	Moot Court	4
III	Property	8
	Evidence	8
	Criminal/Civil Procedure	8
	Accounting	8
	Moot Court	4

### Regulation

No transfer from this programme to the degree programme will be allowed.

### Student Numbers

It is envisaged that at least six students per year will enroll for the programme for Attorneys/Magistrates.

### CERTIFICATE PROGRAMMES

Various programmes of instruction and weekend teaching will shortly be introduced to provide for the needs of various categories of legal personnel, e.g., Customary Court Presidents, Public Prosecutors, Prison Officials and the Police, to replace the discontinued Certificate in Law programme.

Discussions with the Ministry of Justice are continuing.

### Student Numbers

It is contemplated that at least 30 part-time students will enroll per year for these courses.