

DRAFT REPORT

INTERNATIONAL ASSOCIATION OF LAW SCHOOLS

PROPERTY LAW STUDY GROUP – Moderated by Dr. Anthony C.K. Kakooza

- **Sarah Mugalu (Uganda), Danilo Concepcion (Philippines), William S. Hein (U.S) and F. Juah Lawson (Liberia) did not attend the first meeting.**
- **Professor Young to Chair the second meeting in my place (Saturday).**

1. Knowledge

The core elements that are essential for students in enabling them have a substantive appreciation of the field of Property law are the following:

- a) The origins, evolution and significance of present day real, moveable and intellectual property systems in different jurisdictions.
- b) An understanding of the legal matters pertaining to property within the context of transactions that people get involved in on a regular basis.
- c) Evaluating issues such as Wills and Intestacy in property ownership and other regulatory issues such as insolvency

2. Skills.

At the end of the course, students are expected to have attained the following skills:

- a) An understanding of the concept of Property and the various interests that fall therein.
- b) An appreciation of the present day upheavals over Property both within and outside of the judicial system, that is, between different classes of people – be it government versus ethnic sentiments – or different individuals conflicting over property.
- c) The ability to exercise a choice over judicial or statutory vis-à-vis customary approaches to resolving property disputes.
- d) An understanding of finance, insurance and tax issues related to property Management.
- e) Ultimately, the development of a sound intellectual basis for demonstrating an understanding of property conveyance and how transactions, interests and disputes can be handled with properties falling in different jurisdictions.
- f) The ability to deal in property matters ranging from aspects related to the acquisition of property in good faith or otherwise; use of property as collateral; temporary and

permanent transfer of property interests (e.g., assignments, leases, licenses, conveyances and tenancies), fraud over property transactions; and, public use of property (e.g., easements, compulsory licenses).

3. Values

- a) Students should consider incorporating the following values into an overall ethical legal education in Property law:
 - i) An appreciation the existence of different interests in the same piece of property and the need to take such interests into consideration from a historical perspective when involved in the resolution of property disputes.
 - ii) The need to create a balance between traditional means of resolving property disputes through litigation and the relevance of alternative means of dispute resolution, inclusive of customary means of resolving disputes.
 - iii) Exploring the relevance of Cultural leaders or Community elders in the resolution of property disputes.
 - iv) The relevance of openness and transparency in the communication of specific interests in the negotiation of property matters.
 - v) Transparent process in claiming access to property release schemes, e.g. privatization, restitution and the Government Land Fund.
 - vi) Claims for compensation in instances involving expropriation or Government acquisition of property for developmental purposes, e.g. State use and compulsory licenses.
 - vii) The removal of gender discrimination: This includes an appreciation of the context of property law in terms of socio-economic impacts of property including race, gender and power in property ownership.
- b) The Values specific to this field that can be used to illustrate and reinforce an ethical legal education include the following:
 - i) Offering free legal assistance or legal aid to vulnerable persons unfairly deprived of their property. .
 - ii) Advising property holders on effective ways in which they can secure and protect their interests in property against loss or deprivation based on lack of due diligence

in their protective measures or innocently engaging in property transactions with fraudulent personalities.

- iii) Effective measures to consider in the protection of property against environmental degradation, while utilizing it for socio-economic development.
 - iv) Balancing out the needs and interests of different stakeholders in the utilization of property for effective development.
- What other competencies are required to Master the subject? Competencies are 'knowledge, skills and values' and these have been covered above. Otherwise, it is essential to also be knowledgeable about the following:
- Wills and Intestacy
 - Taxation
 - Insolvency law
- Pedagogical strategy?
- This depends on the number of students. We recommend evidence –based pedagogical strategies depending on your class size and access to technology. What works in some jurisdictions is experiential or problem based learning.
- What evaluative approaches work?
- Moot courts
 - Formative (e.g, quick quizzes or self-assessments) and summative approaches (feed-back from assessors).
- It should be noted that General Property law is not taught in most law jurisdictions. There is a split between Real Property law and Intellectual Property law. This has to be given consideration in the course outlines.

Dear Anthony:

I hope you had a smooth flight back home to Uganda. I hope everyone had safe travels back home.

Here below is the draft report from our second session. Michael and Nima should check that it meets their recollection of our discussion. Please let me know if you have any questions.

Property Small Group Session
October 29, 2016

Attending:

Nima Dorji
Michal Radvan
Laura W. Young

Discussion Focus:

- 1) What is your ideal Property Law curriculum:
 - a) For undergraduates? The ideal curriculum would include an overview and theoretical introduction to the principle forms of property:
 - 1) Real Property,
 - 2) Personal and Moveable Property,
 - 3) Intangible Property, such as Intellectual Property, and real estate related easements,
 - 4) Stock market securities,
 - 5) Voluntary transfers, such as sales contracts, Wills, Trusts, and mortgages,
 - 6) Involuntary transfers such as Intestacy, Implications of bankruptcy
 - b) For graduates? The ideal curriculum would include a professional and practical focus on the handling of transactions and Litigation for the principle forms of property. Such focus should include:
 - 1) Structuring property transactions, including Tax implications,
 - 2) Registration of transactions,
 - 3) Perfecting security interests, if applicable,
 - 4) Litigation related skills, such as research, argumentation, and briefing techniques for Litigation over property,
- 3) Review and Final suggested curriculum and knowledge, skills and values template. Completed on 10/28.
- 4) Agreement on Doctrinal Package. Agreed on 10/28.

-Laura W. Young