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EDITORIAL

by the Editor of the Newsletter¹

A celebration of past, present and future

A very warm welcome to this special 40th Anniversary edition of the CLEA Newsletter! As this Newsletter celebrates 40 years since the founding of the Commonwealth Legal Education Association, you will find it is longer in length than usual. It is also reflective and retrospective in terms of scanning in broad terms the changes in the political, technical and legal landscape during this period – with special reference to legal education.

Rule of law; international human rights instruments; expansion of legal education

In this newsletter, as well as reflecting upon the past, you will find continuing themes, principally: extending the rule of law; adherence to international human rights instruments; and the expansion of legal education. The report regarding the 2011 CLEA Conference in Bangalore tells us about a closing address by the Governor of the Karnataka, His Excellency Dr HR Bhadwaj. He reminded the audience that if judges and lawyers are to uphold the rule of law, they should be properly trained and completely independent. Another report in this newsletter tells us about the ‘Human Rights Capacity Building Project’ in British Overseas Territories in the Caribbean, Pacific and South Atlantic. The Project aimed to provide government institutions and civil society with the wherewithal to enhance how they deal with human rights issues in their territories.

New beginnings

This newsletter is also about new beginnings. You will see that there is a focus upon the latest entrant to the Commonwealth: Rwanda. Rwanda joined the Commonwealth in 2009 and did so without historical links to the UK, following the same path taken earlier by Mozambique. Two articles in this Newsletter outline the challenges Rwanda faces in terms of its legal landscape and the enormous resolve and progress made by its people since the devastating genocide in 1994. So a journey from human rights abuses to the extension of the rule of law via legal education.

¹ Keren Bright, Director of the Law Programme, Solicitor & Senior Lecturer, The Open University Law School, Walton Hall, Milton Keynes, MK7 6AA, England. The Open University Law School has the largest taught undergraduate law degree in the UK by a considerable margin. Over 6,000 students study law courses with the Law School each year and it leads the higher education sector in the UK in part-time distance learning in Law. Further information about The Open University Law School can be found at www.open.ac.uk/business-school/law. Members of the Open University Law School peer review and edit the *Journal of Commonwealth Law and Legal Education*. Please see: www.open.ac.uk/business-school/law/journal-commonwealth-law-and-legal-education.

CLEA Biennial Conference 2013

Finally, let's look forward to the next CLEA Biennial Conference, which will be held in **Cape Town, South Africa** in **2013**, and joining together with as many CLEA members as possible.

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FEATURES

THE COMMONWEALTH LEGAL EDUCATION ASSOCIATION (CLEA): 40 YEARS ON

Professor David McQuoid-Mason, President CLEA²

When the CLEA was formed 40 years ago in 1971, the Commonwealth consisted of 31 countries.³ The Southern African countries of Zimbabwe, South Africa, Namibia and Mozambique were still under white minority rule. The Cold War divided countries into eastern and western blocs. The ideology of socialism and communism influenced the political structures of many countries. The modern concept of globalization had not been heard of. And, the twin towers of the World Trade Centre in New York had just been completed. Pocket calculators were introduced for the first time in 1971. Fax machines, cell phones, personal computers, i-pods and i-pads, emails, Kindle books, the Internet, Google, Skype, Facebook, Twitter and the like were a distant dream.

By 2011, 40 years later, another 21 countries had joined and remained in the Commonwealth.⁴ In Southern Africa, Zimbabwe, South Africa, Namibia and Mozambique are no longer under racist minority rule. The Cold War has disappeared and the Arab Spring is emerging. The ideology of socialism and communism has departed from the political structures of many countries. Globalization is the modern buzzword. The twin towers of the World Trade Centre in New York were destroyed in the terrorist attack on 11 September 2001 and that has changed the face of safety and security in democratic countries. Today millions of people own cell phones, i-pods and i-pads. Millions more have access to personal computers, the e-mail and a deluge of electronic information, as well as opportunities to indulge in global socializing on the Internet.

Situational analysis

What are the consequences of the above for the CLEA? First, the 21 new Commonwealth members have added at least 61 new law schools to the CLEA's institutional membership. This is apart from the increasing numbers of new law schools established in the countries originally represented by the CLEA. Secondly, the liberation of Southern Africa from white minority rule has opened the door for the Commonwealth law schools in the region to interact with each other in terms of students, staff and resources. Thirdly, the end of the

² Centre for Socio-Legal Studies, University of KwaZulu-Natal, Durban, South Africa.

³ Australia, Barbados, Botswana, Canada, Cyprus, The Gambia, Ghana, Guyana, India, Jamaica, Kenya, Lesotho, Malawi, Malaysia, Malta, Mauritius, Nauru, New Zealand, Nigeria, Pakistan, Sierra Leone, Singapore, Sri Lanka, Swaziland, Tanzania, Tonga, United Kingdom, Uganda, Western Samoa, Trinidad and Tobago and Zambia.

⁴ For instance, Antigua and Barbuda, The Bahamas, Bangladesh, Belize, Brunei Darussalam, Cameroon, Dominica, Grenada, Kiribati, Maldives, Mozambique, Namibia, Papua New Guinea, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Seychelles, Solomon Islands, South Africa, Tuvalu and Vanuatu. Fiji and Zimbabwe have been suspended from the Commonwealth and Zimbabwe has since withdrawn its membership.

Cold War has meant that the Commonwealth countries in the developing world are no longer drawn into the ideological battles of the former superpowers. It is now much easier for law schools to reach out towards each other and to law schools in other countries across the political divide. Fourthly, the collapse of communism and socialism in many countries has led to a resurgence of demands for democracy, human rights and accountability in governance. This has opened a window of opportunity for Commonwealth law schools to educate a new generation of lawyers who will uphold these values, particularly in the developing world. Fifthly, the challenges of globalization require Commonwealth law schools to become internationally competitive. At the same time they must produce students who can not only protect the interests of their home countries but also hold their own in the international arena. Sixthly and finally, the destruction of the World Trade Centre and its consequences has graphically illustrated how interdependent the countries of the world are in terms of economic, political and legal relationships. The events of 11 September 2001 have posed a major challenge to Commonwealth and other law schools to create national and international legal mechanisms that can simultaneously deal with the threats of terrorism and the need to preserve the Commonwealth core values of democracy, human rights and accountability.

Technological changes

How do the technological changes since 1971 impact on Commonwealth law schools? Certainly personal computers have made life a lot easier for calculating examination marks. There are few university teachers who do not use them for this menial but important task. They are also used for a host of other purposes such as preparing budgets and compiling statistics for applied legal research and the like. The cell phone is often regarded as a bane rather than a benefit by law teachers. This is particularly so when the phones are used by students in the classroom. However, a new generation of cell phones allows them to operate like personal computers. This is happening with 'tablet computers' such as i-pads. Very few law schools in today's world can function without the use of personal computers – even in developing countries. E-mail enables us to keep in touch with colleagues throughout the world, especially in those countries where the use of the telephone and fax machine is not always reliable. The Internet has provided us with free telephone calls (eg Skype) and previously undreamt of access to information. It is virtually impossible for modern legal academics to do credible research without it. The result of the technological revolution is that it is increasingly possible to place large volumes of legal literature on compact disks. It is also possible to provide students with access to materials on the Internet, rather than spending large amounts of money on books for law libraries. In a modest way the CLEA attempts to facilitate access to information technology for those Commonwealth law schools that lack these resources. To this end the CLEA website is being developed to assist Commonwealth law schools with access to information about law curricula, legal education initiatives, academic research and the Commonwealth Law Reports.

The next 40 years

What do the next 40 years hold for the CLEA and Commonwealth law schools? Hopefully with the increasing availability of information technology and social networking there will be many more opportunities for Commonwealth law schools to interact with each other in terms of curriculum development, research and resources. The CLEA is producing a number of model curricula for Commonwealth countries such as the Human Rights and Transnational Crimes curricula. These and the development of other model curricular may lead to greater articulation and recognition of credit for courses completed at sister

Commonwealth law schools in the same way that the Bologna Process applies to European countries. There may also be scope for shared distance learning programmes mounted jointly by Commonwealth law schools in the same or different countries. The dramatic developments in the efficacy of information technology will make it increasingly easier for Commonwealth law schools in different countries to enter into joint research projects. Finally, as more and more law school libraries go online, and more and more law journals and books are available electronically, it will be easier for Commonwealth law schools to obtain access to comparatively cheap resource materials and electronically to share their resources. The CLEA's *Journal of Commonwealth Law and Legal Education* will soon be available online, as is this CLEA *Newsletter*.

New initiatives to develop global universities and virtual law schools will continue to occur. However, as long as legal disputes in the courts are resolved through questioning and argument by lawyers and due deliberation by judicial officers, rather than through data processing by computers, there will always be scope for traditional law schools that provide students with 'flesh and blood' legal education and training. It is for this reason that the CLEA has in recent years been encouraging Commonwealth law schools to include clinical legal teaching techniques in their education programmes.

If the last 40 years have seen exciting developments in legal education at Commonwealth law schools, undoubtedly the next 40 will see even more. The challenges are enormous but there is no doubt that the CLEA will still exist 40 years hence and will continue to assist Commonwealth law schools to meet the challenges of the 21st century.❖

FOCUS ON RWANDA

RWANDA: LEGAL EDUCATION FOR JUSTICE

Katherine Cook⁵ and Lesley-Anne Long⁶

Introduction

Weak justice systems in many African countries limit the rights of individuals and restrict growth of business.⁷ Without a justice system that supports and encourages fair and transparent access to the law, the most vulnerable people are excluded from seeking redress, recompense or resolution to issues affecting them and their families – access to legal information, advice and equitable justice are critical ingredients in the confrontation of systemic poverty.⁸ International businesses will not invest in a country where the rule of law is seen as inadequate. Without business investment, people are denied access to opportunities of employment and progress.

Without justice people cannot be settled to go about their business and live well with their neighbours, so we should not just leave justice to those who can afford it; we should ensure that everyone – rich and poor, old and young – can get justice when they need it.

Professor Deputy Chief Justice of the Rwandan Supreme Court Sam Rugege, 2008.

In this article we consider the importance of effective education and training for developing robust legal systems, and examine this through the lens of legal capacity building efforts in Rwanda. Drawing on our experience of the last three years⁹ working with the National University of Rwanda's Law Faculty, the University's Legal Aid Clinic and the Institute of Legal Professional Development, and a recent interview with the Co-ordinator of the Legal Aid Forum in Kigali, we describe briefly the current education and training approach in Rwanda that underpins legal capacity building, and how emerging Rwandan legislation plans for development of the legal profession. We consider ways in which legal education and professional skills training could be strengthened and finally, we outline the role of the Africa Justice Foundation, a charity set up by barristers and solicitors in the UK, which is working with African governments and the international business community to support the development of a robust justice system, via education and training in Rwanda, and in Africa more widely.

Rwandan context

The Republic of Rwanda is a small country which supports the densest population in continental Africa: 11.3 million people, three quarters of whom live below the international poverty line of US\$1.25 a day. The country formerly held close ties to France, which were

⁵ Barrister, 1 Hare Court, and the Africa Justice Foundation.

⁶ Lawyer & Academic, the Africa Justice Foundation, and The Open University.

⁷ *Still our Common Interest*, Commission for Africa Report 2010.

⁸ *Access To Justice For All: Access to Justice and Legal Aid in Africa*, Conference Report, 2008.

⁹ First as part of the Umubano programme and now under the auspices of the Africa Justice Foundation.

severed after the shattering 1994 Rwandan genocide.¹⁰ In what has been described as ‘quite possibly the most efficient genocide in history’¹¹ nearly one million people in Rwanda were killed over the course of 100 days in an attempt by the Hutu majority to wipe out the Tutsi minority.¹² The Rwandan government has subsequently imposed the principle of ‘One Rwanda’: a country working together towards a stable and economically prosperous future without ethnic divisions. Our own experiences and the views expressed by several well-informed local sources suggest, however, that ethnic tensions do continue to exist amongst the ordinary population. Poverty means that people are unable to relocate away from areas where they were either perpetrators or victims during the genocide. If Rwandan citizens are to move on from the genocide and cyclical revenge killings, it is imperative that they have access to justice and moreover that they perceive justice to be done. This article outlines how legal education is providing an important framework aimed at strengthening the justice system and improving the rule of law at the level of community and family life and creating a fertile environment for business.

The progress Rwanda has made over the last 17 years has been regarded by most observers in the international community as nothing short of remarkable. Although there are also accounts calling attention to a bleaker view,¹³ President Kagame is regularly lauded for driving a strong, unified nation. In 2009 he received a Clinton Global Citizen award which recognised his leadership in the creation of visionary policies and innovative national programmes to support the development of a new Rwanda.¹⁴ On 28 November 2009, Rwanda was admitted to the Commonwealth, becoming the 54th nation to join the post-colonial group and the second nation (along with Mozambique) to do so without any formal historical ties to Great Britain. Rwanda’s membership into the Commonwealth marked the ‘recognition of the tremendous progress [the] country has made over the last 15 years’ (Louise Mushikiwabo,¹⁵ 2009 *New York Times* 28 November). Rwanda has also declared English an official language, and the government plans to abandon the pure Civil Law system, moving instead towards one based in part on Common Law.

Developments in Rwanda’s legal system and legal training post-genocide

The development of the mainstream justice system and the training of professionals are seen as critical for ensuring long-term stability in Rwanda. At the end of the genocide in 1994, Rwanda’s system of administration of justice had practically ceased to exist. Most judges, prosecutors, and police had either died during the genocide or fled the country in its aftermath. The infrastructure of judicial institutions lay in ruins. All court equipment had been either damaged or looted.

Since 1994 the government has made the establishment of an independent, impartial and effective judicial system a key priority and introduced far-reaching reforms which give independence to the judiciary. The executive relinquished its role in the running of the

¹⁰ The new Rwandan government accused France of providing weapons and training to the Hutu militias responsible for the 100-day massacres (*The Guardian*, 29 July 2009). Relations deteriorated further after a French judge accused President Paul Kagame of downing the plane carrying Juvénal Habyarimana, the former president, and thereby igniting the genocide.

¹¹ Sommers, 2006.

¹² The estimates vary between 500,000 and more than one million, but the commonly used figure is 800,000.

¹³ Rentyjens, F (2010, forthcoming).

¹⁴ Clinton Foundation, 2009,

http://www.clintonglobalinitiative.org/ourmeetings/2009/meeting_annual_GCAwards.asp?Section=OurMeetings&PageTitle=Global%20Citizen%20Awards accessed on 31.07.11.

¹⁵ Rwanda government spokesperson.

judiciary for the very first time in the history of the country, handing over the task to an independent council composed exclusively of judges which is entrusted with the responsibility to appoint, discipline and remove from office members of the judiciary. The government passed a law which established the Rwanda Bar Association and, as a result, the Bar is now making a vital contribution to the development of the legal system. Significantly, the Law Reform Commission was also set up and instructed to give top priority to legislation to reform the judicial system. The recommendations of the Law Reform Commission were largely adopted by the government and have been implemented by the new constitution¹⁶ and ensuing legislation. This cocktail of reforms has made the judicial system more efficient and sensitive to the protection of the rights and interests of the population.

Furthermore, in recognition of the fact that many key justice sector positions had previously been staffed by unqualified people, a complete overhaul of judiciary and prosecutorial staff was completed in 2004 and the Institute of Legal Practice and Development (ILPD) was opened to train a backlog of judges and practitioners in 2008.¹⁷

It is against these achievements in providing a justice framework that the current developments in legal education and professional skills training fall to be considered.

The National University of Rwanda

A lawyer's training in Rwanda begins with an undergraduate degree in law. The National University of Rwanda (NUR) is one of 18 public universities¹⁸ and is based in Butare. It possesses the only state funded legal faculty in the country. The LLB is delivered over four years, and is largely theoretical training, with some exposure to practical skills in year three, when students spend around five weeks working part time at the University's Legal Aid Clinic. There are around 400 students on the LLB; class sizes are large, there is limited access to the internet and although there is a library, it is poorly stocked with law books.¹⁹

The National University of Rwanda Legal Aid Clinic

The National University of Rwanda Legal Aid Clinic provides free legal advice to Rwandan citizens and more than 100 new clients a week come (often from many miles away and walking for many hours to reach the clinic) to seek legal advice from the law faculty staff and students. The Legal Aid Clinic offers a range of services (including helping to settle disputes via mediation) and addresses issues such as witness intimidation, assault, land disputes (often stemming from the Tutsi exodus in 1959), succession disputes and personal injury claims. It also deals with human rights and HIV issues. The work that the Clinic carries out also complements the recent central government plans to open legal aid centres in regional hubs. These facilities, once established, will be staffed by civil servants providing free advice to local citizens.

The Clinic therefore provides a vital service to Rwandans who seek justice and accountability after the genocide. At present it deals with cases from the start, right up to the preparation of skeleton arguments for court hearings. Anecdotally, we learned from the law faculty staff that the local judiciary are now as a matter of course adjourning hearings and referring litigants in person to the Legal Aid Clinic, such is the strength of its reputation.

¹⁶ The Rwandan Constitution was adopted by Rwandan Citizens in the Referendum of 26 May 2003.

¹⁷ USAID estimated in 2009 that it would take almost eight years to complete the training courses for existing professionals.

¹⁸ Plans are underway to consolidate into one public university with dispersed campuses.

¹⁹ Recent donations have been made by Oxford University Press and 1 Hare Court, Temple, London.

In addition to helping members of the public who cannot afford lawyers, the Clinic provides students with excellent vocational training in mediation, advice, conference skills and interviewing. Providing them with training in advocacy is a long-term aim.

The Institute of Legal Practice and Development

Officially opened in May 2008, one of the main objectives of the Institute of Legal Practice and Development (ILDP) is to strengthen the justice sector through high quality, practical, legal training and research and development of the law. On its website (www.ilpd.ac.rw) it states its mission as contributing to the development of justice in Rwanda and the region more widely, through offering initial training to law graduates, judges, prosecutors, bailiffs, notaries and so on, to bring their quality up to international standards. ILDP offers two diplomas: *Legal Practice*, and *Legislative Drafting*; it provides continuing legal education in *Human Rights & Juvenile Justice*, *Commercial Law*, *Economic Crimes* and *Case Management and Judicial Ethics*. It is currently training existing members of the judiciary and lawyers already in practice. For registered students there is an e-learning system under construction that will provide online materials. The Institute is planning to create a distance learning programme²⁰ which will help significantly to extend its reach, in particular in relation to CPD, and open up opportunities for lawyers and judges who are constrained by busy practices or who live too far away from Nyanza (where the ILPD is based) to be easily able to attend the Institute for training. The article following this deals with the Institute of Legal Practice and Development in more detail.

The Legal Aid Forum

The Legal Aid Forum ('the Forum') opened in October 2006, with the aim of improving legal aid delivery services in Rwanda, in particular to ensure that indigent and vulnerable groups have equitable access to justice.²¹ A key aspect of the Forum's work is to provide education and training to its members, via access to comprehensive learning and training schemes, legal aid practical skills and access to technical advice in the development of legal aid programmes. Its five year strategic plan (2011-2015) highlights additional education and training initiatives.²² Essentially, the Forum aims to become a knowledge centre for reference information on access to justice and legal aid and to provide continuous 'self-training'.

As part of this strategy, the Forum has developed a paralegal practice manual²³ covering a wide range of professional skills topics and information management. Paralegals can play a vital and catalytic role for the poor (particularly the rural poor), assisting them to engage with the legal environment and empowering them to understand and assert their rights. The practice manual, which is available in Kinyarwanda, French and English, is a valuable educational resource, with examples and case studies based on real life experiences and references to Rwandan legislation. Its copyright renders it effectively open source content; as such it could therefore provide a useful template, if funding could be secured, to contextualise it for other countries in the region.

²⁰ Discussions are underway with The Open University, UK.

²¹ The Forum has 34 member organisations comprising 22 local NGOs/Trade Unions, 6 international NGOs, 2 professional bodies and 4 Universities' legal aid clinics (including the NUR's Legal Aid Clinic).

²² (i) develop continuing legal education; (ii) organise experts visits on access to justice and legal aid issues, and (iii) organise training of member organisations on strategic planning, financial management and institutional development.

²³ This was written following extensive consultation over 18 months, with financial support from The Danish Institute for Human Rights, the Embassy of the Kingdom of the Netherlands in Rwanda and DANIDA.

The work of the Africa Justice Foundation

Through its network of law firms, universities, legal charities, NGOs and the corporate sector, Africa Justice Foundation (AJF) acts as a facilitator and connector for African organisations involved in the delivery of justice with relevant UK organisations and individuals. AJF brings together African professionals from law, business and education and provides effective links between these professionals and those in the UK to ensure that UK support is co-ordinated and precisely targeted, in line with African countries' strategic objectives for the justice sector. Funding and promoting legal professional and academic training, community justice projects and governmental capacity building across the African continent are key areas of AJF activity.

AJF's work in the area of training and education for lawyers, judges and undergraduates has two aspects. The first is on-the-ground training in Africa, teaching professional legal skills at NUR, providing assistance to the Ministry of Justice in Rwanda, delivering seminars on legal practice, helping to establish an Arbitration Centre in Kigali and training members of the Kigali Bar Association in skills such as advocacy and negotiation. The second is a UK scholarships scheme for government lawyers in Africa to study at post-graduate level for up to one year at leading UK Universities.

In 2010, five government lawyers from Rwanda completed Masters training at UK universities before returning to their countries with the legal skills to incorporate clear, modern and internationally recognised legal principles into their business laws. In 2011, 17 more government lawyers from Rwanda, Ghana, Sierra Leone, Nigeria and Ethiopia will be studying in the UK, in areas such as commercial law and legislative drafting. By providing a blend of both in-country legal education and support, with opportunities to study for post graduate courses otherwise not available to government lawyers in our partner countries in Africa, AJF therefore aims to make a practical and sustainable contribution to capacity building for justice systems in Africa.

Future development of legal education and training

The Dean of the National University of Rwanda's Law Faculty is an energetic and thoughtful academic, with a vision to secure the best possible legal knowledge and skills training for his students. Plans are underway to integrate additional professional skills training in years three and four, including via students' exposure to clients not only through the Legal Aid Clinic, but also through business and other commercial legal environments. Current Africa Justice Foundation support for professional skills training will be enhanced through our collaboration with National University of Rwanda's Law Faculty to create a bank of professional skills training resources that are contextualised and therefore relevant to Rwandan law students and law graduates. Joint writing workshops are planned to take place in 2012 to develop the training materials, with Africa Justice Foundation also providing some support to the faculty to deliver such skills training effectively. The materials will all be open source and could be adapted for use in other law schools in Africa. We have also been asked to help create multimedia teaching resources that students will be able to use (for example on DVD) to develop their understanding of professional skills for practice.

The potential of distance learning to extend the Law Faculty's reach and respond to the need to widen access to higher education is also being explored; in addition, distance learning has been identified as a critical tool in the Institute of Legal Practice and Development's strategic plans, since it can offer significantly improved opportunities for continuing professional

development for lawyers and judges constrained by time and geography from attending courses delivered in classroom or residential settings.

More ambitiously, the Africa Justice Foundation team is working with the Dean and his faculty to explore the potential of harnessing opportunities provided via web-based activity, such as student discussion forums, expert e-lectures and webinars, and e-learning. Whilst existing connectivity and limited access to the internet represent challenges to a more interactive online learning environment today, we are helping National University of Rwanda to plan for future technological capability, which in Rwanda is poised to increase hugely over the next few years.²⁴ The Africa Justice Foundation project team is therefore contributing legal practice expertise, a strong understanding of pedagogy and experience in developing both distance learning and multimedia teaching materials to support the Law Faculty's strategic vision.

Conclusion

In 1994 Rwanda was left without judges, lawyers or the infrastructure of justice. In just 17 years the government has created a functioning appellate court system and passed progressive legislation relating to the administration of justice. Such an achievement in a relatively short space of time should be commended. The government is now fully committed to filling these organs of justice with well trained judges, lawyers and paralegals. This is no small task. As we have outlined in this article, exciting and important changes in professional legal education in Rwanda are afoot at the National University of Rwanda, the Institute of Legal Practice and Development and the Ministry of Justice. Supported by the Legal Aid Forum and AJF, we anticipate that the developments in legal skills training as set out above will increase legal capacity within Rwanda and assist its continuing economic growth and the democratic process within the country. ❖

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²⁴ BBC World Service, March 2010, 13:05.

RWANDA'S JOURNEY IN LEGAL EDUCATION

Nick Johnson²⁵

After the genocide in 1994, there were just a handful of lawyers and judges left alive in Rwanda. The revival of the profession came initially from the returning diaspora but there was no organised system of training, though some training was done by *Advocats Sans Frontières*. Enormous challenges to justice and reconciliation were faced with the detention of 200,000 suspected genocidaires. Traditional village courts, the *Gacacas*, were skilfully adapted to deal with them. *Gacaca* means, literally, 'the lawn' with proceedings being held outside with a quorum of 100. The judges or *ingangamugaro* were trained lay persons elected locally from those who stood aside from the genocide. Most Rwandans will have spent one day a week in *Gacacas* for the last seven years, such is the scale of the genocide and the need for reconciliation. The *Gacaca* programme was largely completed in December 2010.

The Institute of Legal Practice and Development (ILPD) was founded in 2008 in Nyanza with a remit to run a Diploma in Legal Practice (DLP), undertake Continuing Legal Education (CLE) and conduct research. Besides these specific objectives, ILPD has the word *Ihuriro* picked out in plants outside its gleaming new building. The word means 'meeting place' and symbolises its centrality to the Institutions of Justice in Rwanda.

There were very few people locally who were capable of undertaking the training and the first Rector, Vastina Nyanze, and Vice Rector, Roelof Havemann, had no choice but to use external Faculty drawn from all over the world. The challenges were huge, not least because of Rwanda's ambition and steely determination to modernise. Changing from Francophone to Anglophone, joining the East African Economic Community as well as the Commonwealth and embracing elements of common law in a traditionally civil law system, were just some of the challenges ILPD faced and continues to face.

I took over as Rector in July 2011 and at the time of writing have been in post exactly a month. I have excellent new buildings built with the assistance of the Belgian government and equipped largely by the USAid Justice Strengthening Project. I have a first class, new management team and a new Board of Directors. There is, however, much to do.

First, the Diploma in Legal Practice. The six month course plus three month internship course were designed for new graduates going into the profession, either as judges, prosecutors or lawyers. However, the pressing need was to deal with the backlog of untrained professionals and virtually the whole of every intake has been of experienced but untrained lawyers from each sector. The course does not build on their experience, which causes some resentment. My solution (which I am currently trying to sell to the stakeholders) is to create a new, fast track work-based learning mode for the experienced lawyers. The fast track DLP would enable the practitioners to stay at work during the course, albeit with a reduced workload. That would leave the Nyanza campus largely for new graduates, which was what it was originally intended for.

²⁵ Nick Johnson, Rector, The Institute of Legal Practice and Development, Nyanza, Rwanda, Email nckjj@aol.com.

Next, the staffing. ILPD has continued to operate with external Faculty despite having recruited some internal teaching staff who were in the main young and inexperienced. I am creating teams of internal and external Faculty with good practitioners acting as consultants to work on each module of the DLP.

The curriculum itself needs reform. A Dutch review of the course in 2010 recommended much greater use of interactive teaching methods which is music to my ears. However, it's not that easy. I was determined to do some teaching on the course (which seemed to surprise everyone) and did my first three hour session this week. The current intake on the course is regarded as one of the best, with about 60 per cent having good enough English to understand and participate (in early intakes on admission the figure has been as low as 10 per cent). Students have intensive English classes from 7.00 am – 9.00 am before classes proper from 9.00 am – 5.00 pm. My French is not great and translating as I went along, trying to involve all the students, fielding questions in two languages, was a valuable new experience for me. Although the students are bright and have good experience, most have what I call a 'civilian consciousness'. They tend to see the black letter law *as* the practice rather than engaging naturally in debate over application.

I could go on. Professor Nick Huls, the new Vice Rector, has ambitious plans for research and I have big ideas for CLE. My career has had many interesting periods but the last month has been the most exciting time I've ever had and utterly absorbing. If you're ever in Rwanda please come and visit. ❖

TECHNOLOGICAL REVOLUTION IN LEGAL EDUCATION

Dr Clare Chambers²⁶

In this special edition celebrating the 40th Birthday of the CLEA, I shall briefly examine the technological revolution in legal education and consider how as legal educators we can use technology to our best advantage. The use of technology has always fascinated me and to bring it into my teaching and indeed research has been a joy. Technology enables us to reach many goals that would otherwise be unmet. For example, the use of e-mail has allowed real time communication with international colleagues. From e-mail we have seen the use of IM (instant messaging) being developed which really does allow you to have a typed conversation in real time. Other such facilitators of communication are Skype, where we can video conference for free to anywhere in the world at a click of a button. All of these I have mentioned are useful to us in communication. The question is, therefore, how has technology helped us in legal education. The answer to this is so long that I will instead concentrate on some of the most recent tools available that can be used in legal education. Before that though let us briefly remind ourselves of what has happened over the last 40 years in advances in technology.

1. Creation of the floppy disc/USB drive
2. E-mail
3. Mobile phone (indeed cordless phones)/smartphones
4. Laptops
5. Keyboards /Mouse
6. Internet
7. Wireless networks
8. Local Data storage
9. E-libraries and e-books

All of these innovations are providing us as legal educators with the opportunity to create dynamic ways of teaching law.

There are several ways in which technology is enabling me to create a more diverse and innovative law curriculum for my students. Below I provide a couple of examples of how I use technology within my teaching.

Twitter

Twitter is a microblogging website (twitter.com) where users can upload small posts known as 'tweets'. Other people can follow your tweets and be updated as to your thinking. You may have noticed that on many news websites and information websites there is a 'tweet' button on the left hand side at the top of the page. If you click on this link, it will connect to your own personal twitter account and this will be displayed as a tweet on your Twitter homepage. Many organisations now have a Twitter page which records and reports sound bites of information to followers. Twitter is most commonly known for its use among celebrities, but Twitter has useful and effective pedagogical features. In my Law School, in the commercial law and banking & finance modules, both tutors, myself and Dr Nic Ryder,

²⁶ Senior Law Lecturer University of the West of England, England, Clare_chambers@uwe.ac.uk.

inform our students as to legal and regulatory updates on a daily basis through the use of Twitter. Our students can follow their accounts and see in only 140 characters what is new in the commercial world. Our Commercial Law Research Unit also has a twitter page. Within the CLRU, work by unit members will be showcased, along with CLRU conferences and lecture series. If you want to follow us then please visit: twitter.com and then once registered, in the search box put our twitter address: @DrNicRyder @DocChambers and @CLRU.

Online learning

Online learning or learning via a Virtual Learning Environment (VLE) is an effective way of delivering courses, part of courses to both your own university students but also to international students who are studying abroad. VLE is a system designed to support teaching and learning. Many of us now use Blackboard as a platform for communicating with our students as to announcements and course materials. Within blackboard is the facility to create a whole course which can be delivered on-line, ie no face to face (f2f) contact. The VLE has many aspects which can be used. For example within the VLE you can create a blog. A blog is a larger version of twitter, where you can write more in the dialogue box. For example, you could post a seminar question in a blog for, say, week 6 of your course and ask the students 'to post' (ie blog their answers to it) and for them to comment on each other's work. This is an effective way of learning asynchronously (ie students learning in their own time). The role of the teacher here is to be an e-tutor and monitor and control the learning of the students during their course. Rather than being timetabled for a lecture and a seminar per week, the tutor and the student will have a timetabled slot in which each are expected to log on and be present within the VLE. This is synchronous learning. The VLE can create a virtual classroom and there are devices such as Wimba Pronto where f2f interactions and verbal discussions can take place through video conferences. Similarly, within this programme students can work at the same time on a document they are preparing. All of this can be done outside the classroom. There are many advantages to this.

Benefits as a student:

- Immediacy of learning
- Self-managed learning
- Ability to be anonymous
- Be more confident than in a classroom
- Permanent record of discussion
- Able to ask questions easily
- Access to tutor
- Flexibility

Benefits as a tutor:

- You can teach anywhere and at any time.
- You can distribute a lot of materials for the students that is not constrained by time or money.
- You can be more creative with your teaching.
- You give each element of your work a lot more thought than if you were just doing your normal routine. It is easy to get lost in what you normally do, rather than to reflect and alter your teaching
- You can reach all of your students
- You can be more adaptable for disabled students

It is sometimes a daunting task undertaking a new method of teaching and the technology can pose issues of confidence for some. However, I have just been on an e-learning course and after four weeks I am more than happy to adapt my teaching practice. The technology, once you have had a play with it and worked it out (which is simple), opens up a whole new avenue of teaching. Throughout my course I developed a guide of best practice for e-tutors. This is certainly not a definitive list, but those principles which stood out as being important to me during the course. ❖

1. **Keep the atmosphere bright and friendly** – monitor the posts of students and drip feed information into the discussions so that the students are discovering information for themselves. Ensure good ‘icebreakers’ are present.
2. **Outline the guidelines** and the parameters up front – ensure all students know what is expected of you and them throughout the course. Create these alongside students’ contributions; if they create their rules they will be more likely to follow them.
3. **Be clear** – ensure all tasks are clearly outlined. The tasks should themselves be clear as to what you expect, how to undertake the task and when it should be due. Be clear on learning outcomes.
4. **Keep it simple** – do not overcomplicate what you expect from the student or yourself. Keep materials simple.
5. **Be concise** – keep posts short and visually attractive.
6. **Do not give too many tasks** – ensure that what you expect the students to do is reasonable given their other learning commitments.
7. **Be fair** – ensure there is a level playing field among all students. When replying to a post, do not make ‘off the cuff’ comments which could cause offence. Do not side with one student over another student. Comment offline if there is inappropriate posting.
8. **Always do what you say you will do** – if you say you are going to be online at a certain time, be there. Similarly, inform students of your availability. Be flexible in the delivery of learning and teaching on both sides.

CLEA NEWS

CLEA BIENNIAL CONFERENCE BANGALORE, INDIA 2011

Professor David McQuoid-Mason²⁷

The 2011 Biennial CLEA Conference was hosted in Bangalore, India, by the National Law School of India University, from 29-30 January 2011. This was the first time in 18 years that the CLEA Biennial Conference has returned to Bangalore and the National Law School. The theme of the Conference was 'More Meaningful Legal Education in the 21st Century: Stepping Out of the Ivory Tower' and attracted more than 150 participants from 15 Commonwealth countries. The Conference was attended by academics, judges, advocates and law students from across India and beyond.

Professor (Dr) R Venkata Rao, Vice Chancellor of the National Law School and Chairman of the Organizing Committee, and Professor David McQuoid-Mason, President of the CLEA, welcomed the delegates to the Conference. The Conference was then inaugurated by the Union Minister of Law and Justice, the Honourable Dr M Veerappa Moily, and the Patron-in-Chief of the Conference, former judge of the Supreme Court, the Honourable Justice Dr Arijit Pasayat. The Minister mentioned that the national law school model was so successful that 14 new national law schools would be established, together with five legal research and training institutes, across India during the next three and a half years. The Honourable Mr Justice RV Raveendran, judge of the Supreme Court, delivered the Presidential Address, while the Honourable Mr Justice HL Dattu, also of the Supreme Court, delivered the Keynote Address.

The Conference focused on a wide variety of themes linked to legal education and social justice. Some 79 papers were presented at sessions covering (a) strengthening legal education to promote the social justice challenges of the 21st century; (b) legal education reforms: experiences and challenges; (c) promoting partnerships of law educators and professionals; (d) the role of law schools; (e) legal education: challenges from ethical, cultural and human rights perspectives; (f) imparting lawyering skills: curriculum reform and faculty orientation; (g) legal education and regulatory authorities: issues and concerns; (h) legal literacy in Commonwealth countries; (i) legal education: global developments from a Commonwealth perspective; (j) legal education and the influence of inter-disciplinary experiences from Commonwealth countries; (k) legal education, innovative courses and inspiring teaching methods; (l) globalization of legal education; (m) professional legal education and public legal education; (n) legal education: influenced by technology and impacted by clinical approaches; and (o) legal education: challenges of the 21st century. The papers presented during the Conference were widely discussed and debated. Sixty-nine of the papers were published in the Conference Materials that were presented to all registered delegates during the Conference – a first for a CLEA Conference for many years!

²⁷ President, CLEA, University of KwaZulu-Natal, Durban, South Africa.

During the Conference the CLEA (Asia-India) Chapter announced that it had taken steps to establish the Institute for Justice Education and Research (IJER) under the Chairmanship of Dr Justice Arijit. The IJER intends to focus on continuing education for judges, law teachers and professional advocates and to facilitate exposure to experiences in other legal systems. The CLEA (Asia-India) Chapter also intends to develop model curricula for Social Justice, Trial Advocacy and Pedagogic Skills, and to launch an *Indian Journal of Indian Legal Education and Pedagogy*.

At the end of the Conference Professor (Dr) NR Madhava Menon, Founder Director of the National Law School of India University and immediate past President of the CLEA, presented a number of recommendations. He suggested that, amongst other things, the CLEA should develop a model curriculum for the mainstreaming of social justice into the law curriculum, and that a research project should be undertaken to investigate the jurisprudence of indigenous cultural practices in the Commonwealth. The Conference ended with a Valedictory Address by the Governor of the Karnataka, His Excellency Dr HR Bhadwaj, who reminded the audience that it was necessary for lawyers and judges to be properly trained and completely independent if they were to uphold the rule of law.

The Conference ran very smoothly and every need of the delegates was well catered for. The participants greatly appreciated the warm hospitality extended to them by the National Law School University, and thoroughly enjoyed seeing the classical dance programme arranged during the Conference.

The CLEA Steering Committee, Executive Committee and CLEA as a whole, are deeply grateful to Professor (Dr) R Venkat Rao, and the members of his team on the Organizing Committee, for the very efficient and effective manner in which they organized the 2011 Conference.

The **2013 CLEA Biennial Conference** will be held in **Cape Town, South Africa**, when we look forward to welcoming our Indian and other Commonwealth colleagues to our shores for an equally successful Conference. ❖

The Closing Ceremony in Bangalore:

Professor Menon is seated on the left-hand side of the picture.



**COMMONWEALTH LEGAL EDUCATION ASSOCIATION (CLEA)
GENERAL MEETING HELD IN BANGALORE
AT THE LEELA PALACE KEMPINSKI HOTEL
30 JANUARY 2011**

MINUTES

1. PRESENT

David McQuoid-Mason, Madhava Menon, Siva Sivakumar, Managay Reddi, Patricia McNeil, Marita Carnelley; and about 75 delegates, the vast majority of whom were not members – see para 4 below.

2. APOLOGIES

Selina Goulbourne, General Secretary (visa problem); Joe Silva, Vice President (visa problem); Peter Slinn, Vice President (timing problem); John Hatchard, Vice President (timing and teaching problem); David Barker, Australasian EC Member (teaching problem).

3. MINUTES OF PREVIOUS MEETING

3.1 The Minutes of the previous meeting were not circulated.

3.2 Apart from David McQuoid-Mason, Siva Sivakumar and three other delegates, nobody else had attended the Hong Kong General Meeting.

3.3 As most of the delegates were not members of the CLEA (see para 4 below) it was agreed that the Previous Meeting's Minutes should be approved by the Executive Committee as most of its members had attended the Hong Kong Meeting.

4. MEMBERSHIP

4.1 Not all delegates were automatically enrolled as members of CLEA because the Conference fee did not include a membership fee.

4.2 Siva Sivakumar explained the procedure for people who wished to join the South Asia and Indian Chapter of CLEA.

4.3 The Southern African delegates at the Meeting suggested that David McQuoid-Mason be reappointed to the Executive Committee to represent Southern Africa.

5. ACTIVITIES

5.1 PUBLICATIONS

5.1.1 CLEA NEWSLETTER

5.1.1.1 David McQuoid-Mason mentioned that the General Secretary was always looking for material to include in the *CLEA Newsletter* and that it could be used to advertise forthcoming events such as conferences in the different regions of the Commonwealth.

5.1.1.2 The *CLEA Newsletter* was sent electronically to the regional Executive Committee Members for onward distribution to the Deans of the different law schools in the region.

5.1.1.3 The CLEA Newsletter can be accessed via the CLEA website: www.clea-web.com.

5.1.2 JOURNAL OF COMMONWEALTH LAW AND LEGAL EDUCATION

5.1.2.1 David McQuoid-Mason mentioned that the *Journal of Commonwealth Law and Legal Education* was edited by members of staff of the Open University in the United Kingdom.

5.1.2.2 Contributions to the *Journal* could be sent via the CLEA website.

5.1.3 The editors of the *Journal* had requested the Conference organizers to identify papers that may be worthy of publication in the Journal.

5.1.3.1 The possibility of the Journal being published electronically is being investigated.

5.1.4 COMMONWEALTH LAW SCHOOL DIRECTORY

5.1.4.1 David McQuoid-Mason mentioned that CLEA publishes the *Commonwealth Law Directory* which is due for publication again.

5.2 COMMONWEALTH MOOT COMPETITION

5.2.1 The Commonwealth Moot Competition was being held in Hyderabad concurrently with the Commonwealth Lawyers Conference.

5.2.2 The Moot Competition was being coordinated by Joe Silva with assistance from Peter Slinn and Nazeem Goolam.

5.3 CLEA WEBSITE & BLOGSITE:

5.3.1.1 David McQuoid-Mason mentioned that the CLEA can be contacted at www.clea-web.com and by email at clea@commonwealth.int.

5.4 BRITISH OVERSEAS TERRITORY HUMAN RIGHTS AWARENESS PROGRAMME

5.4.1 David McQuoid-Mason reported that the CLEA Southern Africa Chapter together with Street Law South Africa have been responsible on behalf of CLEA and the Commonwealth Human Rights Initiative for training public officials and civil society representatives in the British Overseas Territories on aspects of human rights.

5.4.2 The programme covers the following British Overseas Territories: Pitcairn Island, Ascension Island, the Falkland Islands, St Helena, Anguilla, the British Virgin Islands, the Cayman Islands, Montserrat and the Turks and Cocos Islands.

5.5 ZIMBABWE LEGAL RECONSTRUCTION PROGRAMME

David McQuoid-Mason reported that Peter Slinn together with the Southern Africa Chapter of CLEA was coordinating a potential legal reconstruction programme to be conducted in partnership with the University of Zimbabwe should the political climate in Zimbabwe change.

5.6 COMMONWEALTH LECTURE SERIES

5.6.1 David McQuoid-Mason mentioned that it had been suggested that the Commonwealth Lecture Series should be revived, whereby Commonwealth Lectures by leading legal jurists and practitioners were delivered in different parts of the Commonwealth.

5.6.2 Siva Sivakumar stated that the South Asia– India Chapter was keen to revive the series.

5.7 COMMONWEALTH ESSAY COMPETITION

5.7.1 David McQuoid-Mason mentioned that in the past the Commonwealth Essay Competition for law students used to be held to coincide with the Commonwealth Lawyers Conference.

5.7.2 Siva Sivakumar said the South Asia and Indian Chapter of CLEA would like to revive the Essay Competition.

5.8 CLEA CURRICULUM DEVELOPMENT PROGRAMME

David McQuoid-Mason mentioned that the CLEA had been responsible for developing model Commonwealth Curricula on Human Rights, Transnational Crime and Islamic Law.

6. CLEA REGIONAL ACTIVITIES

6.1 South East Asia and Indian Chapter: Siva Sivakumar reported that the Chapter was conducting, or was willing to conduct, the following activities:

- 6.1.1 Co-operating with the annual Human Rights Summer School in Bangladesh.
- 6.1.2 Arranging the Judges and Academics Colloquium with the CLEA Southern Africa Chapter.
- 6.1.3 Establishing the Institute for Justice Education Research.
- 6.1.4 Developing curricula for Social Justice, Trial Advocacy and Pedagogic Skills.
- 6.1.5 Launching an *Indian Journal of Indian Legal Education and Pedagogy*.
- 6.1.6 Hosting the Commonwealth Essay Competition.
- 6.1.7 Hosting the Commonwealth Lecture Series.

6.2 CLEA Southern Africa Chapter: David McQuoid-Mason reported that the Chapter was conducting, or was willing to conduct, the following activities:

- 6.2.1 In collaboration with Street Law South Africa, conducting the training for the BOT Human Rights Awareness Project.
- 6.2.2 Arranging the Judges and Academics Colloquium with the CLEA South Asia-Indian Chapter.
- 6.2.3 In collaboration with Street Law South Africa, providing at least one Street Law trainer a year to participate in the annual Human Rights Summer School in Bangladesh.
- 6.2.4 Standing by to assist with the Zimbabwe Legal Education Reform Project.

6.3 CLEA United Kingdom Chapter: David McQuoid-Mason reported that the Chapter was conducting the following activities:

- 6.3.1 In collaboration with the Open University producing the *Journal of Commonwealth Law and Legal Education*.
- 6.3.2 Through the General Secretary producing the *Commonwealth Legal Education Newsletter*.
- 6.3.3 Producing occasional updates of the *Directory of Commonwealth Law Schools*.
- 6.3.4 Liaising with relevant Commonwealth sister organizations such as the Commonwealth Parliamentary Association, the Commonwealth Judges and Magistrates' Association, the Commonwealth Lawyers Association, the Commonwealth Human Rights Initiative etc.

6.4 Australia-South Pacific: David McQuoid-Mason reported that David Barker, the EC member for Australia-South Pacific was keen to assist with the establishment of a Student Chapter of CLEA (see below para 9).

7. FINANCE

- 7.1 CLEA appears to be in a healthy financial situation reflecting a balance of Pounds Sterling 20 531.19 as at 30 June 2010 – although some expenses regarding the Moot Competition have still to be incurred.
- 7.2 David McQuoid-Mason mentioned that if the Conference organizers wished to request a contribution towards the Conference costs they should send a detailed statement to the General Secretary.
- 7.3 David McQuoid-Mason pointed out that he could not guarantee that any contributions would be paid by the CLEA because the decision would have to be made by the Executive Committee and not himself.

8. BANGALORE CLEA CONFERENCE

- 8.1 David McQuoid-Mason thanked Professor (Dr) R Venkata Rao, the Vice-Chancellor, and his team at the National Law School of India University Bangalore, for the effective and efficient manner in which they had arranged and conducted the Conference.

- 8.2 The Conference had attracted a large number of delegates from all over India together with delegates from South Africa (8), the United Kingdom (1), Kenya (1), Ghana (1), Bangladesh (1) and Pakistan (1).
- 8.3 The Conference was divided into 12 sessions during which 90 papers were delivered.
- 8.4 The National Law School was also congratulated for having produced a book of the Conference papers for distribution to all delegates on the first day of the Conference – something that had not happened before at a CLEA Conference for many years.
- 8.5 David McQuoid-Mason mentioned that the next CLEA and Commonwealth Law Conference would be held in Cape Town in 2013.

9. COMMONWEALTH LAW STUDENTS ASSOCIATION

- 9.1 David McQuoid-Mason reported that David Barker of the Australasia-South Pacific region had raised the question of establishing a Commonwealth Law Students Association (CLSA) under the auspices of CLEA and had suggested that a CLEA/CLSA Steering Committee be established.
- 9.2 David Barker had also suggested that that the President of the Australian Law Students Association or nominee be appointed as a member of the CLEA/CLSA Steering Committee.
- 9.3 David McQuoid-Mason mentioned that the Executive Committee meeting had recommended that a CLEA/CLSA Steering Committee be established with David Barker as Convenor and Siva Sivakuma, David McQuoid-Mason and the President of the Australian Law Students Association or nominee as members – but that this decision would have to be ratified by the full Executive.
- 9.4 David McQuoid-Mason mentioned that he had already spoken informally to the President of Students for Law and Social Justice (SLSJ) in South Africa and that she was interested in discussing the concept with her colleagues with a view to joining a CLSA.
- 9.5 Siva Sivakumar mentioned that CLEA South East Asia and Indian Chapter was including law students in its activities and could identify student bodies to join the proposed CLSA.

10. ASSISTANCE FOR GENERAL SECRETARY

- 10.1 David McQuoid-Mason reported that a Management Committee had been established under the chairmanship of Peter Slinn to assist the General Secretary who was spending a great deal of her time co-ordinating the British Overseas Territory Human Rights Awareness project.
- 10.2 The Executive Committee Meeting – the Minutes of which need to be confirmed by a quorum of EC members – had recommended that the Committee be called the Management Steering Committee.

11. ANY OTHER BUSINESS

The following matters were referred to the Executive Committee for consideration and further action:

- 11.1 Madhava Menon proposed that CLEA should undertake a Special Project on Indigenous Legal Knowledge and Values in Law and Jurisprudence – the Project could be sponsored by the South East Asia and Indian and Southern Africa CLEA Chapters under the leadership of himself and Managay Reddi.
- 11.2 Shobharam Sharma proposed that:
 - The accommodation of registration fees for foreign delegates attending CLEA Conferences should be waived.
 - The Hong Kong Conference papers should be distributed in publication form. ❖

REPORT FROM CLEA SOUTHERN AFRICA CHAPTER

Involvement in the Human Rights Capacity Building in British Overseas Territories Project

Professor David McQuoid-Mason and Lindi Coetzee

The CLEA Southern Africa Chapter, using the good offices of Street Law South Africa, participated in the training in some of the British overseas territories in the Human Rights Capacity Building Project. The Project was being carried out by the Commonwealth Foundation and its Project partners, CLEA and the Commonwealth Human Rights Initiative. The Project aims to strengthen government institutions and civil society to advance human rights in the British Overseas Territories.

The Human Rights Capacity Building Project involved the British Overseas Territories in the Caribbean, Pacific and South Atlantic. The Project's overall goal is to provide government institutions and civil society with the knowledge and tools to enhance the way in which they address human rights issues in their territories. The Project activities focus on providing training through interactive workshops. The training has provided general human rights training to different groups ranging from local government representatives and public officials such as the prosecuting authorities and the police, to non-governmental organizations, faith-based groups, media personnel, school teachers and school children. It also provided policy development training for public office bearers and officials.

Street Law South Africa instructors have presented human rights awareness training on the islands of Pitcairn (Lindi Coetzee), St Helena (Lloyd Lotz, Desia Colgan and Lindi Coetzee), Ascension (Lindi Coetzee), the Falkland Islands (David McQuoid-Mason and Lindi Coetzee), Monserrat (Desia Colgan), British Virgin Islands (Lindi Coetzee), Anguilla (David Holness), Antigua (David Holness) Turks and Caicos Islands (Lindi Coetzee). The trainers had to familiarize themselves with the provisions of the Bills of Rights in the Constitutions for each of the islands. The training sessions discussed the application of the international human rights instruments that the United Kingdom has extended to the different overseas territories, in the context of the social, economic and political conditions prevailing in the respective territories.

Selina Goulbourne, the immediate past General Secretary of CLEA has been intimately connected with the implementation of the Project and is to be congratulated and thanked for all her hard work on behalf of the CLEA. Likewise, Lindi Coetzee, National Street Law Coordinator for Street Law South Africa is also to be thanked for anchoring the South African side of the Project by ensuring that instructors are available. ❖

RECENT DEVELOPMENTS IN AUSTRALIAN LEGAL EDUCATION

Emeritus Professor David Barker AM²⁸

Even the disinterested observer of Australian legal education would be drawn to the conclusion that recent events in Australasia are evidence that currently it is vibrant and producing encouraging results for law students, the legal profession and for the general legal community.

An excellent illustration of such activity has been the successful organization of the recent 2011 (3 to 6 July) Australasian Law Teachers' Association (ALTA) Brisbane Conference hosted by the Queensland University of Technology (QUT) Law Faculty. In this respect it should be noted that ALTA both represents and promotes the interest of law academics and the furtherance of legal education in Australia, New Zealand and the South Pacific. Prior to the Conference there were meetings of the Council of Australian Law Deans (CALD), the *Legal Education Review* (LER) Editorial Committee and for the first time, an Australian Academy of Law Roundtable Symposium on the topic: 'Trends in Legal Education for Practice: Competing Tensions'. This was chaired by the Hon Justice John H Byrne RFD, with Professor Michael Coper, Dean of the ANU College of Law, Noela L'Estrange, Chief Executive Officer, Queensland Law Society and Rachael Field, Senior Lecturer, Faculty of Law, QUT, as the principal speakers. It was also a special occasion for the editors and authors of *Excellence and Innovation in Legal Education*, (published by LexisNexis Butterworths), launched at the Conference by the Hon Chief Justice Robert French AC of the High Court of Australia, who was also the Conference's opening plenary speaker.

ALTA has in excess of 1,000 members and is not only responsible for the annual conference, which this year had approximately 185 delegates including more than 110 presenters of plenary and interest group papers and posters, but also for publishing and supplying its members with four ALTA publications electronically (also available in hard copy), as a part of their subscription. These are: the *Legal Education Review*, the *Journal of the Australasian Law Teachers Association*, the *Legal Education Digest* as well as the *ALTA Newsletter*. It also produces the *ALTA Law Research Series* which includes full text documents submitted by its members. The material is housed on the Austlii website with the text being fully searchable using Austlii's powerful search engines. The current chairperson of the ALTA General Executive, Professor Rosalind Mason, Head of School, Faculty of Law, QUT, was re-elected at the AGM for a further one-year term.

Professor Jill McKeough, Dean of the Faculty of Law, University of Technology, Sydney took over from Professor Bill Ford, the former Dean of the Faculty of Law, University of Western Australia, on the first of January of this year as the Chair of CALD. Since the 'Coogee Sands' Resolution in 2008, CALD has been active in developing an accepted set of voluntary national standards for all 34 faculties and schools of law in Australia whilst also, in co-operation with the Australian Learning and Teaching Council, producing a set of six Threshold Learning Outcomes (TLOs). It is the intention that these TLOs covering knowledge, ethics and professional responsibility, thinking skills, research skills, communication & collaboration and self-management, be incorporated in LLB degree programs with the expectation that their implementation will enable law schools to demonstrate appropriate learning outcomes at the requisite qualification level.

²⁸ Ad hoc Member, Commonwealth Legal Education Executive Committee.

Incorporated with charitable status in 2008, the Australian Academy of Law (AAL) was the outcome of a recommendation made in Chapter 2 of the *Australian Law Reform Commission's Report No 89, Managing Justice: A Review of the Federal Civil Justice System* published in 2000. The Academy had been officially launched at Government House, Brisbane on the 17 July 2007 and was originally composed of 36 Foundation Fellows, including Her Excellency Professor Quentin Bryce, AC, the Governor General of Australia, then the Governor of Queensland. The current Patron of the Academy is the Hon Chief Justice Robert French AC of the High Court of Australia, also a Foundation Fellow.

The Academy is now established with its administrative office based at the College of Law, Australian National University, and under the aegis of its President, the Hon Robert Nicholson AO, is active in conducting symposia on various aspects of the civil justice system, including legal education, the most recent of which, already mentioned earlier in this report, took place during the Brisbane 2011 ALTA Conference. These are encouraging signs that the Academy, which draws its now expanded elected membership of approximately one hundred from the Judiciary, the legal profession and law academics, will attain the expectations of its stated object to 'Advance the discipline of law'.

Finally, to complete this review of organisations and institutions involved in the development of Australian legal education, it is appropriate to mention the establishment of the Law Council Education Committee in 2007. This was the result of a collaborative outcome of the Law Council Convention which took place in Sydney earlier in 2007. In negotiations between the Law Council of Australia, CALD, ALTA, the Australian Law Students Association (ALSA) and other legal representative bodies, it was agreed that it would be helpful if there was a unifying committee to represent professional legal associations and law education associations which could discuss and represent common interests relating to legal education. Apart from the associations involved in the negotiations, there are also representatives on the Committee from the Australasian Professional Legal Education Council (APLEC) and Australian Young Lawyers, with a representative from the Federal Attorney General's Department having observer status.

Whilst it is difficult to judge the long term effect of the decisions of the Committee there is little doubt that already it has been able to have an influence on decision making by major funding and accrediting authorities. This has occurred both at Federal and State level, relating to the cost of law degrees for students, the funding of law degrees for law school, and recently the re-visiting of the evaluation of practical legal training. ❖

If you would like the focus to be on your CLEA region in the next edition of this Newsletter, please contact the Editor, Keren Bright, k.e.bright@open.ac.uk

12TH COMMONWEALTH MOOT 2011 HYDERABAD, INDIA

Dr H Joe Silva²⁹

The 12th Commonwealth Moot was held in the historic and enchanting city of Hyderabad, India, from 5 to 9 February 2011, in conjunction with the 17th Commonwealth Law Conference (CLC).

In accordance with the Moot Rules, the following nine teams nominated by the respective CLEA regions took part in the competition:

- Australia: **Macquarie Law School**, the highest placed team in the Australasian Law Students Association Moot.
- West Africa: Nigeria, **University of Lagos**; Southern Africa: **Rhodes University**; and East Africa: **Uganda Christian University** being the highest placed Commonwealth member country team in each of these regions as decided by the All Africa Human Rights Moot.
- Canada: **Osgoode Hall Law School**, Ontario – the winner of the Gale Moot.
- Caribbean: Trinidad and Tobago, **Hugh Wooding Law School**, nominated by the Regional Representative.
- South Asia: India, **National University of Juridical Sciences**, the winner of the national competition conducted by the CLEA Indian Chapter.
- South Asia: Bangladesh, Pakistan and Sri Lanka, **University of Dhaka**, Bangladesh and **Sri Lanka Law College**, Colombo, Sri Lanka, nominated by the Regional Representative.



The teams with the judges

The Moot problem was based on a public International law topic set by the Moot Coordinator, and the teams were required to send in their outline arguments and supporting authorities well in advance of the competition. Once in Hyderabad, all the nine teams had to compete in the general round, both as the Appellant and the Respondent. Based on the results of the general round, Canada, India, West Africa and Sri Lanka were selected for the semi-finals. In keeping with the tradition of the CLA Conferences, the senior members of the Commonwealth Lawyers Association and the members of the judiciary who came to the Commonwealth Law Conference in Hyderabad gave up their valuable time to judge the moots for the competition. The panel for the general round comprised Hons George Kegoro

²⁹ Commonwealth Moot Coordinator, Vice President, CLEA.

(Kenya), William Rodgers (Canada), Dennis Byron (Eastern Caribbean) Joseph Daudi (Tanzania) Christopher Gardner QC (Falkland Islands), James Dingemans QC (UK) Ms Dianne Burleigh (UK)and Prakash Moosai (Trinidad & Tobago).

The semi-finals, which saw a very keen and close contest among equally strong teams, ended with West Africa and Sri Lanka emerging as the Finalists. The judges for this round consisted of Hon Christopher Gardner, Chief Justice Falkland Islands, Hon Ivor Archie Chief Justice, Trinidad & Tobago, and Ms. Dianne Burleigh (UK)

The Final Round between West Africa and Sri Lanka was one of the most interesting and exciting competitions, giving the judges a demanding time in deciding on the winners. After long deliberation, the judges pronounced Sri Lanka as the winner of the Commonwealth Moot Competition 2011, entitling them to the Commonwealth Mooting Shield (earlier known as the Turnbull Shield). The panel for the Finals comprised Hon. Christopher Gardner, Chief Justice, Falkland Islands, Hon. Andrew Tipping, Judge, Supreme Court, New Zealand, and Madam Datuk Zainun binti Ali, Judge, Court of Appeal, Malaysia.

The Final Results of the Competition are as follows:

Winning team: Sri Lanka



The winning team: Ajanthan Sivathas, Ms Dhananga Pathirana and Poornima Wijemanne



Sri Lanka Team with Mr M Hussain, President, CLA and Dr Joe Silva

Runner up Winning Team: West Africa (Nigeria)

Ms Oni Olaoluwa

Oladimeji Ojo

Best Mooter, Final Round:

Oladimeji Ojo (West Africa - Nigeria)

Best Mooter, General Round:

Ms Payoshi Roy (India)

Runners up, Best Mooter, General Round

1. Ms. Nayantara Ranganathan (India)
2. Brent Kettles (Canada)

The success of this competition is due to the invaluable assistance of many organisations and persons, but especially the Hon Christopher Gardiner, Chief Justice, Falkland Islands and all the other judges who served on the panels, Mr Santhan Krishnan of CLA India and his organising committee, who provided the necessary facilities for the Moot and free accommodation and meals for all the mooters. Ms Katherine Eden-Haig and staff at CLA office, London, for logistical support and the Commonwealth Foundation for providing the funds for travel for the teams that needed assistance. Additionally, Professors Peter Slinn and Nazeem Goolam assisted in numerous ways. Dr Ros Macdonald, the previous Commonwealth Moot Coordinator, and Dr Karen Brewer, Secretary General of the Commonwealth Magistrates' and Judges Association, gave guidance and advice. We are also grateful to Mr Kevin Cassidy of Butterworth's LexisNexis who made a donation of £1,000 to be distributed among the winners in the various categories and a free subscription for a year for LexisNexis to the winning team. And finally, thanks should go to the Executive Committee members of CLEA for their time and efforts.

The greatest accolade goes to all the participant teams without exception, for their competitive spirit, grit and determination, their many unseen hours of preparation and practice and their fantastic performance, which we have seen and will not forget for some years to come. The next competition will take place to accompany the Commonwealth Law Conference to be held in Cape Town, South Africa, in April 2013. ❖

REPORT ON THE SYDNEY MEETING OF COMMONWEALTH LAW MINISTERS JULY 2011

Unfortunately, the CLEA was unable, for resource reasons, to be represented in person at the meeting of Commonwealth Law Ministers held in Sydney, Australia, in July 2011. However, the CLEA tabled its usual activity report for the attention of Ministers. Law Ministers also considered the report of an Expert Group on Rule of Law issues to which the CLEA, as part of the Latimer House working Group (LHWG), had made a joint submission.

The CLEA shares the concern of its partner organisations (Commonwealth Lawyers Association and Commonwealth Magistrates and Judges Association) that little progress has been made in the effective implementation of the Commonwealth's fundamental values of which the Latimer House Principles (with the evolution of which the CLEA has been closely involved since their inception in 1998) form an integral part. Law Ministers merely agreed to continue to support the Principles, without giving consideration to the detailed recommendations made by the LHWG for effective implementation. The CLEA, together with its partner organisations, has submitted a confidential briefing to the Secretary General of the Commonwealth on the implementation of the Latimer House Principles, drawing attention to good and bad practice around the Commonwealth. Senior Officials of Law Ministers will meet again in London in June, 2012, and it is hoped that the CLEA and its partner organisations will have the opportunity to make further representations on these issues. ❖

About the Commonwealth Legal Education Association

The CLEA fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK.

Membership is open to individuals, schools of law and other institutions concerned with legal education and research.

The Association's Programme of Action is based on the need to make legal education socially relevant and professionally useful, particularly through:

- the development of law curricula and teaching methodology;
- assisting law schools to prepare themselves for the demands of the profession in the context of the information revolution and other global challenges; and
- supporting continuing legal education and distance learning programmes.

Publications and research

- Journal of Commonwealth Law and Legal Education is published twice a year and contains news and views about law and legal education developments in the Commonwealth.
- A variety of books on law and legal education in the Commonwealth is also published.

The Association's website provides access to a wide range of Commonwealth legal materials,

model curricula and some publications.

Conferences

The Association organises regular international and regional conferences and seminars. Recently, it has organised/co-sponsored conferences on topics such as law and development, human rights and just and honest government, as well as on legal education. Venues have included Australia, Nigeria, Cayman Islands, UK, Jamaica, Sri Lanka, Malaysia, South Africa, Canada, Kenya and Hong Kong.

Commonwealth Law Lecture Series

This is a unique series that takes place on a Commonwealth-wide basis. Lectures are given by leading legal academics and judges.

Curriculum development

The Association is committed to developing new curricula that reflect both the importance of Commonwealth jurisprudence and the need for law schools in the Commonwealth (and beyond) to equip their students to meet the demands of the 21st century lawyer. Subjects include:

- human rights for the Commonwealth;
- transnational crime/anti-terrorism law;
- environmental justice (in preparation);
- international trade law (in preparation).

Strengthening law schools

- Providing training and materials for

the teaching of a transnational crime course.

- Assisting in the distribution of law books to Commonwealth law schools.
- Establishing the Commonwealth Legal Education Research Centre in Cameroon.

Strengthening the Harare Commonwealth Principles

The Association works with the Commonwealth and three other Commonwealth professional organisations: the Commonwealth Magistrates' and Judges' Association, the Commonwealth Lawyers' Association and the Commonwealth Parliamentary Association, on the development of the Latimer House Guidelines for the Commonwealth. The Association supports the work of the Commonwealth Human Rights Initiative.

Activities for law students

The Commonwealth Moot Competition is held biennially, with the last three competitions being held in United Kingdom, Kenya and Hong Kong. The Commonwealth Students' Essay Competition is also held biennially

For further information on the work of the Association and details of membership, please contact:

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Benefits of CLEA Membership

The benefits of a one-year institutional subscription include:

- Copy of the CLEA's *Journal of Commonwealth Law and Legal Education*
- Copy of the CLEA's Newsletter, *Commonwealth Legal Education*
- Priority booking for all CLEA events

The benefits of a three-year institutional subscription include:

- Those for a one-year subscription plus.
- Significant discount of membership rate.
- Significant discount on all CLEA publications.

MEMBERSHIP APPLICATION FORM

Please tick

- Individual membership (one year) (US\$80; £50)
- Individual membership (three years) (US\$190; £120)
- Institutional membership (one year) (US\$240; £150)
- Institutional membership (three years) (US\$600; £400)

Please print

Title: First name: Surname:

Institution:

Address:
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Country:.....

e-mail: Fax:

Signature: Date:

Please make cheques payable to CLEA and return the completed form and cheque to:
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