Commonwealth Legal Education

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Contents

EDITORIAL

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CLEA UK Management Committee

This issue of the CLEA Newsletter particularly focuses upon this year's **Commonwealth Legal Education Association (CLEA) conference** and the **Commonwealth Moot** which were both held in South Africa.

The **2013 CLEA Conference** was entitled "Legal Education and Regional Cooperation in the Commonwealth and other Common Law Jurisdictions" and was held in Durban, South Africa at the University of Kwazulu-Natal. This issue contains reports on the conference by CLEA's President, Professor David McQoid-Mason, and by conference participants Professor Nick Johnson and university lecturer Divino Sabino. It is evident that delegates found the conference immensely valuable, thought provoking and stimulating. We also include the full text of the keynote paper presented at the conference on 'The Role of Law Teachers in Combating Corruption and the Misuse of Public Office: A Commonwealth Perspective' by Professor Richard Nzerem, Director of the Legislative Drafting Centre, Institute for Advanced Legal Studies, London. In his address, Professor Richard Nzerem gives law teachers a call to arms:

'Just like the familiar battle slogan "say no to drugs", the law teacher should be courageous and activist enough to "say no to corruption" and show leadership to his or her students, the law teachers, judges and business barons of the future, by not participating in activities that corrupt the law. That way, the law teacher will be seen to be standing together with the judiciary as the true guardians of the law that holds together the fabric of society.'

Following the CLEA conference reports is a signpost to the next **CLEA Conference** in **2015**, which is being held in Glasgow, Scotland.

Dr Joe Silva reports on the highly successful thirteenth **Commonwealth Moot** which was held in Cape Town, South Africa, in April 2013, under the auspices of the 18th Commonwealth Law Conference (CLC). His report concludes with high praise for the standard of legal research and advocacy exhibited by the competing mooting teams:

'… the greatest bouquet goes to all the participant teams without exception, for their competitive spirit, grit and determination, their many hours of preparation and practice, but mostly for their fantastic performances which were highly memorable.'

The fourteenth Commonwealth Moot will be held in Glasgow, Scotland in April 2015.

The regional focus in this edition of the CLEA newsletter is upon **Sri Lanka**, more particularly the crisis in Sri Lanka concerning the independence of the judiciary and human rights abuses. This section contains powerful advocacy by a Vice President of CLEA, Peter Slinn and a joint Resolution of the Commonwealth Lawyers Association (CLA), the Commonwealth Legal Education Association (CLEA), and the Commonwealth Magistrates' and Judges' Association (CMJA) on the rule of law and judicial independence in Sri Lanka. Concluding this section is a wider piece by Peter Slinn - 'Is your Latimer House in Order? The Role of the Latimer House Working Group' – which was first presented

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as a paper to the CMJA Conference in Jersey in September 2013. This piece places the crisis in Sri Lanka within the wider context of the Latimer House Principles and the role of the Latimer House Working Group in promulgating these. The Working Group comprises representatives of the four sponsoring organizations (CLA, CLEA, CMJA and the Commonwealth Parliamentary Association), together with the Legal and Constitutional Affairs Division of the Commonwealth Secretariat.

Following the focus on Sri Lanka, we have information and reports from three of the Commonwealth Regional Chapters: **India**, **South Africa** and **Australia**. The **India** Chapter is newly constituted and experiencing a period of resurgence. Its members have plans for a number of innovative activities over the course of the next year, which include a seminar in Delhi on the topic of Professional Social Responsibility, a CLEA Study Tour Programme for young Indian law teachers and lawyers and the production of a new Journal on Pedagogy and Legal Research.

In **CLEA People** you will find an obituary for the distinguished lawyer and human rights activist **Jeremy Pope**, NZOM (New Zealand Order of Merit for services to international affairs). He was the Honorary Treasurer for CLEA for many years.

Finally, this Newsletter can only be as good as the contributions made to it, so please feel encouraged to send ideas, news items, opinion pieces and articles to the Editor, Keren Bright, at Keren.Bright@open.ac.uk

THE APRIL 2013 COMMONWEALTH LEGAL EDUCATION ASSOCIATION CONFERENCE

Post conference summary report
Professor David McQuoid-Mason
President, CLEA

CLEA held its 2013 Conference on '*Legal Education and Regional Cooperation in the Commonwealth and other Common law Jurisdictions*' at the School of Law, University of Kwazulu-Natal, Durban from 13 to 14 April 2013.

The Conference was preceded by a three day Safari for 27 delegates and some of their families at the world famous Imfolozi Game Reserve, where the white rhinoceros was saved from extinction.

The Conference covered the following themes: (a) Legal education and regional cooperation in the Commonwealth and other Common Law countries; (b) Legal education (including clinical legal education) in the Commonwealth and other Common Law countries; (c) Encouraging Human Rights teaching in the Commonwealth and other common law countries; (d) How can law teachers assist in fighting the scourge of corruption in the Commonwealth and other Common Law countries? (e) Islamic law in the curricula of Commonwealth and other Common Law country law schools; and (f) General topics dealing with legal education.

The Opening Address at the Conference was given by Mr Justice Ray Zondo of the Constitutional Court of South Africa, who related the influence of Commonwealth Jurisprudence on the development of the law in South Africa – particularly labour law. This was followed by a plenary panel discussion organised by the University of London on legal education, regulation and regional co-operation in the Commonwealth.

Delegates attended from ten Commonwealth countries: Australia, the British Virgin Islands, Fiji, Ghana, India, Nigeria, Rwanda, Sri Lanka, the United Kingdom and South Africa. Over forty papers were presented covering topics on the themes, such as legal education and development; technology enhanced learning and legal education; the reform of legal education in the UK and Uganda; interdisciplinary legal education; clinical legal education; human rights education; corruption; access to justice; Islamic legal education; and some general topics involving judicial independence, family law, tort law and criminal law.

A highlight of the Conference was the Commonwealth Lecture on 'The Role of Law Teachers in Combating Corruption and the Misuse of Public Office: A Commonwealth Perspective' by Professor Richard Nzerem, Secretary, Commonwealth Secretariat Arbitral Tribunal, London. The text of this lecture is set out below.

The cultural highlight of the Conference was the dinner at Moyo's Restaurant at UShaka Marine World in Durban, where delegates experienced face painting, traditional Zulu dancing and a Zulu beer drinking ceremony coordinated by the President of CLEA.

The organisers of the Conference were able to keep the registration fee at a very reasonable rate (GBP50 for developed countries and GBP25 for developing countries) because of the generous sponsorship provided by the School of Law, University of KwaZulu-Natal, Juta and Co Ltd, LexisNexis and Street Law South Africa.

CLEA would like to thank the local organising committee at UKZN for all their hard work. We are particularly grateful to Professor John Mubangizi, Deputy Vice-Chancellor and Head of the College of Law and Management Studies, UKZN, and Professor Managay Reddi, Dean of the School of Law, UKZN, for agreeing to host and support the conference when UKZN's sister universities in the Western Cape were unable to do so.

The Role of Law Teachers in Combating Corruption and the Misuse of Public Office:

A Commonwealth Perspective

The Keynote paper presented at the 2013 CLEA Conference

Professor Richard Nzerem
Director of the Legislative Drafting Centre, Institute for Advanced Legal Studies, London.[2]

There can be no doubt that corruption, in its many manifestations, is now universally acknowledged to be a virus that afflicts the global society. If there was any doubt about this, it is unlikely that the subject would attract as much attention as it does in the international community. Among many countries, whether rich or poor, developed or developing, it has become the practice for the executive authorities of the state to proclaim their dedication to fighting corruption as an article of faith. This is especially so among countries that claim to possess or aspire to be recognised as possessing good governance credentials. Are such proclamations alone enough or are they merely self-serving proclamations? Are individual countries and the international community doing enough to address the virus of corruption effectively? More specifically, does the academic lawyer owe a special duty to his or her charges and to society generally to lead the campaign against what is acknowledged essentially as a 'social virus'?

In this lecture, I put forward the view that the law teacher does indeed have, and can play, a serious role in this regard. What is more, it is an especially important role. I argue that the position of a law

[2] Richard is the Director of the Sir William Dale Centre for Legislative Studies at the Institute of Advanced Legal Studies (IALS) at the University of London. His research interests cover: International Relations, Local Government, Political Institutions, Constitutional Law, Administrative Law and Legislative Drafting. In relation to electoral aspects of constitutional law, Richard has observed twelve presidential and parliamentary elections under the auspices of the Commonwealth.

teacher is essentially a public office and I therefore do not treat the two as separate and distinct one from the other. As a professional group, law teachers have benefited from the shared Commonwealth legal traditions that we all hold dearly and they owe a special duty to society to contribute both individually and collectively to the maintenance of those traditions.

[A minute's silence was observed in memory of Mr. Jeremy Pope OM (NZ), former Director of the Legal and Constitutional Affairs Division of the Commonwealth Secretariat, who passed away in August 2012. Mr. Pope was a prime mover in the establishment of the CLEA. There is an obituary for Mr. Jeremy Pope later in this newsletter.]

General Introduction

In the communique issued at the end of their meeting held in Abuja, Nigeria in 2003 the Commonwealth Heads of Government included a statement in which they said:

"We recognise that corruption erodes economic development and corporate governance, welcome the successful conclusion of the United Nations Convention Against Corruption and urge the early signature, ratification and implementation of the Convention by member states. We pledge maximum co-operation and assistance amongst our governments to recover assets of illicit origin and repatriate them to their countries of origin. This will make sure resources are available for development purposes. To this end, we request the Secretary General to establish a Commonwealth working group to help advance effective action in this area."

This statement generally referred to in the annals of Commonwealth declarations as "The Aso Rock Commonwealth Declaration on Development and Democracy", appeared appropriately under the general heading "Action against corruption and recovery of assets."

It would be wrong, however, to conclude that 2003 was the first time that Commonwealth governments, either individually or collectively as an organisation, have taken notice of corruption as an issue of concern to them.

The enduring legal heritage and traditions which all Commonwealth countries share are generally acknowledged to have served the countries well over the years. These traditions owe their origins largely to the common law and operation of the equally enduring principle of the rule of law. On the other hand much, but by no means all, of the criminal law of most Commonwealth countries derive from statute which is territorial, as distinct from the common law which is not. Nevertheless, it is no surprise that, given their close historical association, many Commonwealth countries have borrowed from each other in framing their criminal law. Their criminal laws each contain provisions that criminalise patterns of behaviour which may loosely be described as "fraudulent" behaviour but which share characteristics that do not much differ from corrupt behaviour.

Corruption is not a recent phenomenon. To illustrate this, during the height of British colonial power, a penal code containing provisions to address the problems of nepotism and the use of political office for personal enrichment and which was based on UK law, principally The Prevention of Corruption Acts 1889-1916, was introduced in each colonial territory. In Nigeria, for example, a Criminal Code was introduced in the then Protectorate of Northern Nigeria in 1904 by proclamation. That Code which contained provisions criminalising bribery was later extended in 1916 to the whole of Nigeria after the unification of the Northern and Southern Protectorates in 1914. Other anti-bribery/corruption Acts, more recently The Corrupt Practice and Other Related Offences Act 2000 (ICPC Act), have been enacted in Nigeria to address the scourge of bribery and corruption. In the UK, the Law Commission in its 1998 Consultation Report No. 248 entitled "Legislating the Criminal Code:

Corruption", the Law Commission set out its proposals for reforming the law relating to bribery and it is on this report that the UK Bribery Act 2010 is based. In that report the Commission had proposed a definition of corruption in terms which did not distinguish it from bribery.

Fast forward to the late 20th century and to the present. It is not without significance in our recent political experience for a new government, as soon as it takes office to declare that it will fight corruption vigorously. For example, in March 2013, on being installed as President of China, Xi Jinping solemnly declared that he would "resolutely reject formalism, bureaucraticism, hedonism and extravagance, and resolutely fight against corruption." For good measure his comrade Li Kequiang, the Premier, added reassuringly that "budgets for overseas trips, hotel stays, office buildings and official cars will be cut. The cuts will allow schemes aimed at helping the poor to continue despite (China's) low growth." These pledges are reported to have come apparently amid rising public anger over corruption and China's yawning wealth gap.

It should not come as a surprise that corruption can be found even in the most unlikely and hallowed of places. As if not to miss out on the act, Pope Francis 1, soon after his inauguration, found it necessary to hint at the existence of corruption at the Vatican, the holiest of places. He is reported to have said that he will keep faith with the poor by adopting a straightforward and spontaneous style during his papacy and to forsake formalism.

Evidence has come to light, some of it probably anecdotal, to suggest that corruption is also alive and well in academia. There have been allegations of corruption in the hiring of staff and in the operation of the admissions policy, as well as nepotism and favouritism in other areas, including in the award of degrees.

The nature of corruption

One thing that it would probably be true to say is that there is no universally accepted definition of corruption. There are as many definitions of corruption as there are attempts to define it. However, all of the definitions seem to agree on a number of general statements that it would be difficult to contradict. They all agree that corruption has many manifestations. In each of these manifestations, it is always a two-way transaction with a supply and demand side. It is not peculiar to one particular type of government, nor does it discriminate with regard to the level of economic or social development of the country concerned. Worryingly, globalisation seems to have made the menace more intractable.

A particular characteristic of corruption is that it has the ability to mutate. This makes it necessary to enlarge and revise previous definitions in order to keep pace with new situations that arise as the scope and range of its operation widens. Viewed in that light, at least for present purposes, I have chosen to define corruption simply as "the abuse of office for private gain". For reasons that hopefully will become clear, this definition does not distinguish between public and private office, nor does it distinguish between corruption motivated by personal gain and corruption motivated by political gain. Similarly, it does not distinguish between individual corruption and institutional corruption. This is not to suggest that it serves no purpose to distinguish between the various manifestations of corruption. On the contrary it is necessary to distinguish and isolate them in order to begin to be able to deal with them effectively.

The laws of practically every country that prides itself in being civilised frowns on and, in many cases, criminalises much of what is recognised as corrupt. Yet there is undeniable evidence of perverse behaviour everywhere one cares to look. This is the case with arbitrary decision-making, a form of corruption usually involving the improper exercise of power for private gain. The question therefore

is, why, even in our globalised and technologically advanced new world, are we still confronted by this legal conundrum that seems to defy every attempt to conquer it? Baroness Wooton of Abinger in "Crime and the Criminal Law", the title of her Hamlyn Lecture in 1963, offered a view of the nature of crime in general by likening it to the disease of cancer, the nature of which, she said, is not understood and the treatment of which can therefore only be palliative rather than curative. It would not be hyperbolic to describe corruption as a particularly virulent and aggressive form of cancer.

The good news, however, is that because corruption has now been acknowledged to be global in its scope and in its impact, correspondingly it is also now acknowledged that there cannot be any effective action against it without a clear sense of both national and international ownership of anti-corruption strategies. Therefore, a new culture which is intolerant of corruption must evolve both nationally and internationally. It is appropriately called "zero tolerance"

The manifestations of corruption

The true significance of corruption and its impact can, perhaps, best be understood when seen against the background of its commonest forms. These common forms manifest themselves, among others but principally, in any of the following forms:

(i) bribery – receiving value in exchange for exercising official discretion in favour of the payer of the value

(ii) embezzlement – pure and simple stealing, often of funds entrusted to the embezzler

(iii) speculation – using entrusted property, again often money to purchase goods or services for resale at a profit with a view to keeping the profit and returning the entrusted property or its value

(iv) nepotism and improper use of patronage – using official position or power to favour family and friends

Against this background, an approach that emphasises the dichotomy between the public and private aspects of corruption becomes difficult to justify or sustain. Most manifestations of corruption tend to target certain areas of business opportunity in search of a fertile ground in which to grow and flourish. Commonest among these areas are:

- procurement and tendering services
- revenue (and customs) collection
- government enterprise
- positions of conflict of interest

It should not require a highly speculative mind to conjecture that a private sector office holder is probably as likely to succumb to the temptation to embezzle or to accept a bribe as a public sector office holder.

The causes of and explanations for corruption

There is often a systemic pattern that underpins corrupt behaviour. While corruption clearly has many causes, it is strongly inter-related to poor governance. Poor governance is a direct result of the failure to observe the basic principles of the rule of law. Put simply, the rule of law is government in accordance with the law. Where the law rules, decisions are made with due regard to the precepts

of the law rather than arbitrarily in accordance with the whims and caprices of the decision maker who is not accountable to anyone. Arbitrary decision making without accountability or transparency leads to poor governance. Poorly executed economic policy as a result of complete disregard of established procedures creates opportunities for corruption in public administration. This inevitably results in a decline in the probity of public servants, often made worse by inadequate legislative oversight by government. All of these factors contribute to an environment favourable to the growth of corruption. In extreme cases it could result in the worst case scenario of an entrenched culture of corruption. A culture of corruption fosters an attitude of mind that says "if everyone is doing it, why not me"? This leads almost invariably to the belief that nothing can be done about it and so a common reaction is, why try to stop it?

A systemic pattern of corruption erodes the authority and effectiveness of public institutions. It is a prime cause of weakness in governance and sustains rent-seeking vested interests, in the sense of promoting unethical and unfair practices which, in turn, act as a barrier to reform. These are sworn enemies of accountability and transparency.

The diversity in the nature of corruption, especially in societies where it is pervasive has enabled it to seriously distort government development programmes and undermine the effectiveness of public institutions and any attempts to address it. Because it can occur at all levels, from pay-offs at the highest levels, to petty corruption in the form of bribes to local official for the delivery of services, it is often able to evade regulatory procedures. The perpetrator can operate with impunity and is able to siphon off the dividend from corruption to foreign bank accounts, although occasionally some of the proceeds are recycled in the local economy. Viewed against this broad canvas, it is no surprise that corruption always involves social and economic costs. The most damaging consequence is that it not only erodes the credibility of public institutions and engenders public cynicism. Just as damaging, or even more so, is the destructive effect that it has on economic development.

Objective and subjective explanations for corruption

There are both subjective and objective explanations for corruption. As regards the subjective explanations, it could not be said that self- interest is the single most important cause of corruption. If that were the case, it is likely that the law which criminalises corruption would, alone, provide an effective remedy. Sadly, the law by itself alone has proved inadequate to deal effectively with it.

The unfortunate reality is that corruption nearly always operates in the dark, not unlike certain other kinds of crime such as drug trafficking. Such crimes are often regarded as victimless. The parties to such kinds of crime benefit from them but there are no perceived or specific victims willing to report the crime to the police. The police therefore have to rely on informers to report the corrupt practice to them, sometimes in return for perverse incentives such as immunity from prosecution and large financial rewards, as well as protection from retaliation by their partners in crime. The environment of corruption will often operate to frustrate effective implementation of anti-corruption laws, even sometimes where conviction for corruption attracts the death penalty.

As for the objective explanations, there is ample evidence to support the view that the ineffectiveness of the criminal justice system sometimes arises from the institutional limits of the system itself. As good as any example of such limits is the fact that, except in civil law jurisdictions, courts cannot initiate investigations themselves. The police are similarly handicapped as often they have limited skills and resources. It would therefore not be overstating the case to suggest that sometimes corruption stems not only from individuals but also from weak institutions. Sometimes the law itself can be a cause. A law, rule or code, whether in the public or private sector, which gives exclusive or wide discretionary powers is an open invitation to act without fear of being called to

account. The opportunity for corruption is increased when an official has unaccountable power. Unaccountable broad discretion undoubtedly creates the basis for arbitrary decision-making and action.

Civil society and the private sector

The idea of good governance does not, and should not, stop at the threshold of the public sector. It extends beyond government. Although an anti-corruption strategy usually focuses primarily on preventing the use of public office for private gain, the support of civil society, more popularly known as non-governmental organisations (NGOs), is vital for a meaningful pursuit of an anti-corruption agenda and for effectively addressing the dangers posed by unethical, even if not strictly illegal, practices. Corrupt behaviour (for example by a corporate buying agent) can be as destructive of the performance of businesses, or for that matter of NGOs, as it is of the performance of government per se. Civil Society forms part of the general society and contributes to the gross national product. In the context of the war against corruption, it sends the wrong message to society at large and it therefore makes little sense to continue to treat corrupt behaviour in the public and private sectors differently, even if one were to accept that the consequences of corruption are greater in the public sector than they are in the private sector.

The costs of corruption and poor governance

There can be little doubt that corruption and poor governance are major constraints on economic development. Among the most ruinous of their effects on society are:

- bribery increases the costs of government development programmes and generates projects of little or doubtful economic merit;
- resources are diverted from their intended purposes, which distorts the formulation of public policy;
- using bribery to obtain public services undermines established allocation of priorities often benefiting the few at the expense of the many;
- perceptions of high levels of corruption and rent-seeking act as strong disincentive to genuine foreign investors, while attracting dubious enterprises;
- corruption undermines revenue collection capacity, contributing to fiscal weaknesses;
- bribery can subvert essential public regulatory systems;
- widespread corruption brings government into disrepute and encourages cynicism about politics and public policy.

I believe it would be true to say that all of these costs and their effects apply to the University and the Law School. The University, or the Law School, is the law teacher's constituency, regardless of whether that constituency is classified as falling within the public sector or the private sector.

The battle lines and responses

The significance of corruption and the realisation of its impact on the global society, albeit at a comparatively late stage, have coincided with globalisation driven mostly by the growth in the power of multi-nationals. Lately, the emergence and campaign activities of the global community, notably the UN; other international organisations – national and regional; not-for-profit national and international organisations, have contributed hugely in highlighting the dangers posed to good governance by corruption. Because corruption has become global in its scope and impact, it has come to be seen as posing an increasing threat, not just to individual states, but to the global society.

Enter the Commonwealth Secretariat established in 1964 by Commonwealth governments as the visible symbol of the Commonwealth of Nations to co-ordinate their agreed common interests.

In keeping with its mandate under the Agreed Memorandum on the Commonwealth Secretariat, the Commonwealth Secretariat has developed a catalytic method of work in addressing the needs of Commonwealth governments in many areas of activity. This has often meant working in areas where it feels that it has a comparative advantage compared to other organisations, rather than spreading its limited resources too thinly by pursuing too ambitious programmes. Through mainly the Commonwealth Fund for Technical Co-operation (CFTC), its technical assistance arm and particularly the Legal, the Economic Affairs and the Governance and Institutional Development Divisions, the Commonwealth Secretariat has taken initiatives to assist Commonwealth governments in their efforts to fight corruption.

However, while acknowledging that corruption is a global problem, the Commonwealth Secretariat has also recognised that action to combat it has to be taken at the national level.

Commonwealth initiatives

During the early 1980's the Legal Division of the Commonwealth Secretariat initiated schemes to assist Commonwealth governments in addressing specifically the growing twin menaces of drug trafficking and money laundering, two criminal activities known to be closely related to corruption in their destructive impact on society and arguably the two major concerns of the international community during most of the closing quarter of the 20th century. Specifically, the Legal Division pioneered the adoption by Commonwealth Law Ministers of a Commonwealth scheme for mutual legal co-operation in criminal matters. On the basis of this scheme, Commonwealth governments agreed to introduce national legislation to combat commercial crime and where appropriate to confiscate and repatriate to the countries of origin any assets in their jurisdiction found to have been derived from such crime.

For his part, pursuant to his general mandate under the Agreed Memorandum on the Commonwealth Secretariat, the Commonwealth Secretary General in 1998 established an expert group on good governance. The working group's terms of reference included, among other things, making recommendations for the elimination of corruption in economic management. In carrying out their work, the expert group reviewed the various existing and proposed conventions on corruption to which Commonwealth countries may become party and discussed the possible ways in which the Commonwealth could adopt its own instrument on the subject. The existing conventions that they reviewed were:

(i) the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions;

(ii) the Council of Europe Criminal Law Convention on Corruption; and

(iii) the Inter-American Convention against Corruption.

The group presented its report to the Commonwealth finance ministers meeting held in the Cayman Islands in September 1999. In the report they considered, among other things, the nature, causes, [and] the cost of corruption and the possible responses that could be adopted to address it. Their recommendations included an enhanced role for the Commonwealth Secretariat in combating corruption and a proposal that it could promote, in consultation with other interested parties, an initiative to launch under the auspices of the United Nations a "global compact" against corruption.

It was to provide additional impetus to the "work in progress" already being done by the Commonwealth Secretariat that Commonwealth Heads of Government adopted the "Aso Rock Commonwealth Declaration on Development and Democracy" which I have already referred to.

Following the mandate of the Aso Rock Declaration, the Commonwealth Secretary General has convened a series of expert group meetings between 2004 and 2005. The outcome of the meetings was a draft Commonwealth Legislative and Technical Guide which now forms part of the Commonwealth's strategies against corruption.[1]

The objective of the Commonwealth Guide is to assist Commonwealth states to ratify and implement the United Nations Convention Against Corruption (UNCAC), as urged by Commonwealth Heads of Government in the Aso Rock Declaration of 2003.

The Commonwealth Guide provides a comprehensive commentary on the requirements of the UNCAC Articles including, among others, requirements concerning:

- (Establishment of) Preventive Anti-Corruption body/bodies
- Public Office Requirements
- Codes of conduct for Party Officials
- Public Procurement and the Management of Public Finances
- Measures Relating to the Judiciary and Prosecution Service
- Private Sector
- Measures to Prevent Money Laundering
- Bribery of National Public Officials
- Freezing, Seizure and Confiscation
- Co-operation Between National Authorities and the Private Sector, and importantly
- Embezzlement
- Trading in influence (which is a more subtle form of bribery involving the misuse of the influence of office)
- Illicit enrichment
- Bribery in the Private Sector
- Embezzlement in the Private in the Private Sector
- Laundering of proceeds of crime
- Liability of legal persons (i.e. corporations)

Although there are a number of anti-corruption international conventions now in force, including the African Union Convention in Preventing and Combating Corruption 2003/2006, and some of which predate the UN Convention, naturally because of its global application and its comprehensiveness, the UN Convention takes precedence over all the other conventions.

It could thus, perhaps justifiably, be said that these developments constitute a major contribution by the Commonwealth towards the realisation of the global compact against corruption recommended as far back as 1999 by the Commonwealth expert group on good governance.

Other initiatives

Civil Society

Last, but not least, no chronicling of the campaign against corruption would be complete without a mention of the contribution of civil society. It would be appropriate to make special mention of the

work done and is still being done by Transparency International (TI). TI is justifiably widely credited with raising the profile of the war against corruption and placing it firmly on the international agenda as a global concern before the campaign against corruption became a business. Before TI, corruption was a taboo topic. There was no global convention aimed at curbing corruption. Many corporations regularly wrote off bribes paid by them as business expenses. TI is, of course, well known as the author and publisher of the "Corruption Perception Index" (CPI), first published in 1995. Since then, each year the CPI scores each country on how corrupt its public sector is perceived in terms of the cost of doing business in that country. That way the index sends a powerful message on the level of corruption in each country. As a result, governments are being forced to take notice and to act. In 1999, TI started publishing the companion "Bribe Payers' Index" – the supply side, which names and shames countries in the order in which they are shown to encourage corruption by paying bribes in order to win business. TI has more than one hundred chapters spread around the globe. It also publishes a quarterly newsletter. The newsletter regularly publishes articles which illustrate the validity of the proposition that corruption knows no boundaries as to where or how it operates. One such article contained an extract from the Financial Times of London and provides some evidence of the fertility of the procurement business as a favourite hunting ground of corruption. It spoke about large-scale bribery in defence deals in the United States. The article was quoting from a report presented in evidence before a House Committee and which said:

"About half of the corruption complaints the US Commerce Department receives concern international defence procurement …..Though specific examples contained in the confidential annex have not been published, many cases are likely to concern signatories of last year's anti-bribery convention of the OECD, given the dominance of industrialised countries in the international defence industry. The report said in the year to April, there were allegations of foreign bribery in 55 countries valued at US$37bn. These allegations were described by David Aaron, Under-Secretary of Commerce of the United States, as being just the tip of the iceberg."[2]

The role of the law teacher

One may ask, perhaps legitimately, what has all this got to do with the humble law teacher?

The answer is not difficult to discern. It is that if the "rule of law" means anything, it is that a democratic society must be subject to and be governed by a structure of law, with proper procedures and independent judges before who even a government must be answerable. The rule of law is the only restraint upon the tendency of power, especially absolute power, to corrupt and debase its holder. In other words, the rule of law is the anchor on which society is based and it is part of the responsibility of the law teacher to teach it and to uphold it.

The history of society is littered with proof that whenever individuals, political parties or countries become powerful there is a temptation to refuse to subordinate that power to wider and higher law. The concept of the rule of law started its life in England with Chief Justice Lord Coke insisting that even the King, the sovereign lord, is subject to the law. Other countries which have adopted a common law system absorbed this concept. By the 20th century the concept that those who govern should not be outside the law's disciplines had become accepted as the central pillar of a democracy.

It is clear, however, that the law cannot remain the same in a world that is in continuous flux. More than ever before, the law has become an instrument of change. It has to evolve to meet the challenges of new times. The question we must therefore ask is what are the underlying principles, the non-negotiables, that we, as law teachers, must always bear in mind in all that we do with the office that we hold.

The law is the business of the law teacher. Academic lawyers and professional lawyers in full or part-time law practice who teach undergraduate law students and graduates preparing for professional law practice have a special responsibility. Some graduates of universities and law schools eventually become judges. Some become captains of industry. In some countries, some universities and law schools that produce the lawyers and leaders in every field are funded almost entirely by the state. It would therefore not be too tenuous to suggest that a law teacher of such an institution would fall cleanly within the public sector. It is therefore my view that such an employee holds a public office. Be that as it may, I make the case that nothing should turn on whether the university is publicly or privately owned or funded. Nor, in my view, should anything turn on how the position of a law teacher is classified. More importantly, I make the case that a particularly heavy burden falls on the law teacher because of the law's special nature as the glue that binds together the fabric of society. On that basis, a law teacher responsible for admissions who, for private gain, sells a place in the institution to a prospective student, often to the detriment of a better qualified applicant, or awards an undeserved class of degree betrays the trust to uphold the integrity and supremacy of the rule of law.

Times there may have been when it was considered unethical or even dangerous to be an informer but times have changed. A desperate situation has arisen that requires a desperate solution. Mere protestations to fight corruption or even conventions and national legislation may no longer be sufficient. They should not be allowed to become mere rhetoric. The law teacher who is aware of corruption in his or her department should not stand idly by and do nothing. Nor should he or she be heard to say "if everyone is doing it, why not me? There is nothing that can be done about it." If a culture of corruption has taken root, it will not go away by ignoring it. For a law teacher to be heard to say that corruption is an acceptable way of doing business and a way of life that cannot be changed would be a betrayal of the ethics that underpins the rule of law. It would be a profoundly destructive and false acknowledgment of the lack of human capacity for change.

Activism and whistle-blowing have become not only acceptable but respectable as well. Judicial activism by individual example, sometimes disapproved of by some as ill-judged, has in some jurisdictions brought relief in circumstances where relief seemed impossible. So has whistle-blowing. Activism and whistle-blowing can both be deployed effectively to advance good governance which should never be negotiable or negotiated away. Just like the familiar battle slogan "say no to drugs", the law teacher should be courageous and activist enough to "say no to corruption" and show leadership to his or her students, the law teachers, judges and business barons of the future, by not participating in activities that corrupt the law. That way the law teacher will be seen to be standing together with the judiciary as the true guardians of the law that holds together the fabric of society.

Reports from CLEA Conference 2013 Participants

A personal view and reflection from Professor Nick Johnson Rector, Institute of Legal Practice and Development, Rwanda

Rwanda is one of the most isolated parts of the Commonwealth, still largely Francophone and Civilian, and attendance at the CLEA conference was a welcome stimulus to thinking and catching up on developments.

These thoughts on the conference are personal, though I hope they will help to inform future events. My enduring memory of the conference is how the issues of transcendence, both of national boundaries and jurisdictions, were placed in a

variety of perspectives. The keynote speech by Justice Zondo traced the debt which the Constitutional Court of South Africa owed to precedents from other parts of the Commonwealth. The Constitutional Court of South Africa is, in most people's view, the most important court for human rights development in the world. The rest of us should be learning from it rather than complacently acknowledging the part other jurisdictions have played. For me, translated from the UK to Rwanda, I am acutely conscious that the old white Commonwealth still tends to see itself as the framework for the Common Law and that CLEA is a real opportunity to showcase the newer members. My theme was that the North should listen to the South, and I repeat that theme here.

I found the sessions on regional cooperation - which focussed particularly on developments in the virtual world - especially useful. I would highlight the paper on MOOCs (Massive Open Online Courses[3]) as particularly important for Rwanda and other similar jurisdictions. The other area was on developments in legal education, including a preliminary discussion of the English Legal Education and Training Review.[4] Many African countries are still at the beginning of the journey of legal education. I have recently been assisting South Sudan with their curriculum and it is important to map the essentials of legal education. The answers for developing countries do not lie in imitating the curriculum of others; they lie in a careful plan for the development of the legal profession and the needs of the people for justice. Legal education has to be the main vehicle to achieve this. If this sounds like unashamed vocationalism, I make no apology.

There were some stimulating sessions on human rights, notably those from Professor Steve Pete and Jumoke Adegbonmire. The animal rights presentation was fascinating and provoked a strong reaction from Zulu academics in the audience.

With David McQuoid-Mason as the host, clinical legal education was bound to be central. Another new perspective from my African experience has been the realisation that clinical legal education is not just a pedagogy but, in many countries, a vital part of the legal aid and assistance system. Whilst I did not attend that stream, I would have liked to explore the possible conflicts and competing priorities between the social and educational interests involved.
The final sessions I attended comprised a series of papers on the prevention of corruption and misuse of public office. Most were black letter law expositions of the corruption laws in their own countries. Some recognition of the social context or effectiveness of these laws would have been useful. I found myself thinking of the late, great Stan Cohen's description (after Gabriel Garcia Marquez) of "magic legalism" which goes something like this: a journalist approaches the Minister of Justice in a developing country with first hand and incontrovertible evidence of corruption in the government. The Minister replies, "This country has signed all the international conventions on the prevention of corruption. It has strong national laws against corruption. All ministers have pledged to fight corruption. Therefore what you have seen cannot be corruption."

I have two suggestions for future conferences. Firstly, Rwanda is by no means the only Commonwealth country to have a hybrid legal system and hybridity, particularly between the Common Law and Civil Law, is an inherently interesting and important issue. Also, most Common lawyers (including until recently myself) are hugely ignorant of the Civilian tradition and have only the most superficial understanding of it. Secondly, I thought that there needs to be a raised awareness of the socio-legal tradition in future papers and we should be developing that tradition within the Commonwealth.

[3] MOOCs make learning materials available to everyone over the internet free of charge. See http://en.wikipedia.org/wiki/Massive_open_online_course
[4] http://letr.org.uk/

May I thank David McQuoid Mason and CLEA, The University of KwaZulu-Natal and the conference organisers for their hard work in creating a memorable and important conference.

A personal view and reflection from Divino Sabino, Lecturer, University of Seychelles

Introduction

The theme of the CLEA 2013 Conference was "Legal Education and Regional Cooperation in the Commonwealth and other Common Law Jurisdictions". Numerous speakers, academics, practitioners and a conjunction of both, elaborated upon the set theme. In this report, I will write about my impressions and thoughts on the lectures that were given and on certain underlying issues brought to the fore.

Pre Conference Workshop: Street Law

Street Law, as I understood it, is a method of engaging law students to teach law to laymen, usually a specific class of members of the public, with the aim that such an exercise would allow the student to better understand the legal topic or subject. In the process, it enables the student to improve their communication and presentation skills, whilst educating the public about the law. The workshop introduced the 'Learning Pyramid' to its participants, whereby research has shown that in general, students remember only 5% of what they hear from lectures, 10% from reading, 50% from discussions in small groups, but 90% when they have to teach a particular subject. By getting law students engaged in Street Law, Educators strive to ensure that their law students understand their topics better, can present such topics to the general public and in the process fulfil a public service by educating the community at large about the law, usually with regard to their legal rights and obligations. The practice of Street Law impressed me so much that when I returned to the Seychelles, where the University of Seychelles is in the process of developing a new vocational course for aspiring Attorneys-at-Law, I raised the issue with the Head of the Law School, who also chairs the committee that is developing the new vocational course. It would raise the knowledge base and competence of our future lawyers if Street Law was incorporated in the course, and it would also help sensitize the general Seychellois public about the law, their rights and their obligations.

The Conference Papers

The CLEA Conference proper started with a panel discussion chaired by Professor David McQuoid-Mason of the University of KwaZulu-Natal on the topic of "Globalisation of Legal Education". The panel of five included three current or former University of Warwick academics (Professors Abdul Paliwala, Nick Johnson & Avrom Sherr), which was a curious thing as that is my alma mater. During the breaks I would later learn of the strong links between the University of Warwick and legal education in Africa. The panel spoke about the increasing similarities between various jurisdictions through the adoption of similar laws.

Although that premise is probably true with regards to laws pertaining to commercial, corporate and criminal matters, each country will always have its peculiarities and unique legal developments so that it would be difficult for there ever to be a complete harmonization of all laws between jurisdictions. But a comment made in passing by Professor Nick Johnson that South Africa and Pakistan are probably the hot seat of constitutional case law developments, interested me greatly. Seeing that I am also a practitioner, this 'off-the-cuff' comment from Professor Johnson may see more South African and Pakistani constitutional case law being used as persuasive authorities more often in the Seychelles courts.

The Honourable Attorney General of the British Virgin Islands, Dr Christopher Malcolm, gave a talk about "Fostering a More Economic Conducive Environment for Economic Development through Legal Education within and across Jurisdictional Borders". He spoke about legal education and stated that there should be formal education on due diligence - an idea with which I concur. The due diligence work of some lawyers is woeful. This may be attributable to a lawyer's lack of thoroughness, but may also be attributable to there being no formal education about due diligence. It could save lawyers professional embarrassment, their clients from loss and unnecessary expense if vocational training courses included an element on the underlying principles and practice of due diligence.

There was the Commonwealth Lecture on the role of Law Teachers in combating corruption and the misuse of public office and this was supported by a plethora of lectures from numerous academics about how corruption can be fought by teachers. Although the ideas presented were noble, I did not find any persuasive, except for the role of the individual, rather than a teacher, in sensitizing the public, both local and international, about corrupt practices. The public glare seems to me to be the great nemesis of corruption.

Professor Shannon Hoctor gave a talk on the Crime of Defamation and whether it is still defensible in a modern constitutional democracy. He began on the premise that it was surely not defensible, but this premise became less clear cut the more he considered it, especially with regards to the defamation of a country's head of state. Should freedom of expression be tempered with a certain sense of respect for one's head of state, so that, at the very least, one's head of state is not mired in endless litigation instead of running the country as they should properly be doing?

Then there was the talk by Mr Dumille Baqwa about strict liability for the offence of home-grown cannabis. He argued that such an offence should be unconstitutional given that a home owner may be convicted of drug trafficking offences and face imprisonment when innocent explanations exist. He cited South African constitutional case law that furthered the principle that it would be a breach of one's constitutional right to freedom and security if one could be sentenced to imprisonment for a strict liability offence. I found these principles espoused by the case law he mentioned interesting.

Law Students Association

The CLEA conference also coincided in time and venue with a Commonwealth Law Students Conference, which led to the creation of the Commonwealth Students Association. I have been in touch with the executive officers of the fledgling organization and we hope to introduce the law students of the University of Seychelles to this organization.

Conclusion

Overall, I found a number of topics truly interesting and eye-opening – and many of my fellow participants felt the same. The conference took us on a journey of teaching methods and curriculum development; it explored the role of teachers in society; and it also addressed certain developing areas of the law. There was also the opportunity to mix with a number of lecturers, students and practitioners and the contacts made could be the foundation of future cooperative projects between the individuals and also between particular educational and non-educational institutions. In a nutshell, the CLEA conference was a worthwhile experience.

The one thing that I was a bit disappointed about was that, at least in my opinion, the number of participants, in particular in terms of numbers and also of universities and institutions represented, appeared on the low side. For example, I note the absence of any participants from Mauritius, Singapore, Malaysia and Hong Kong. I can only speculate as to why there were no participants from

these countries, but perhaps greater effort should be put into galvanizing law educators from these countries to attend the next CLEA Conference in Glasgow in 2015.

THE 2015 COMMONWEALTH LEGAL EDUCATION ASSOCIATION CONFERENCE in GLASGOW, SCOTLAND

CLEA are pleased to announce that their 2015 conference will take place in Glasgow, Scotland in April 2015.

CLEA have traditionally held their conference in the same city or the same region as the Commonwealth Lawyers Association's conference. The 19th Commonwealth Law Conference will be hosted by the Law Society of Scotland and the Glasgow City Marketing Bureau in the Scottish Exhibition and Conference Centre from 12 to 16 April 2015.

Further details on the dates and conference themes for the CLEA conference will be publicised closer to the time. Dates are likely to be from 10 to 12 April 2015 at Glasgow Caledonian University.

THE 13th COMMONWEALTH MOOT, CAPE TOWN, SOUTH AFRICA, APRIL 2013

Dr H. Joe Silva
Commonwealth Moot Coordinator
Vice President CLEA

The 13th Commonwealth Moot was held in the picturesque port city of Cape Town, South Africa, in the shadow of the world famous Table Mountain, from the 15th to 18th April, 2013. In keeping with the traditions and rules of the competition, the national and regional competitions were held in the preceding months in the member countries of the Commonwealth.

The teams that qualified for the 2013 Moot were:

Australia and New Zealand
University of Adelaide, Australia. The highest placed teams in the Australian Law Students' Association Moot.

Southern Africa and
University of Namibia

Eastern Africa
Catholic University of Eastern Africa, Kenya. Being the highest placed Commonwealth member country in the respective region as decided by the All Africa Human Rights Moot Court Competition.

Western Africa
University of Lagos, Nigeria

United Kingdom
Oxford Brookes University. The winners of the English Speaking Union's National Mooting Competition.

North America (Canada)
Osgoode Hall, York University, Ontario. The winner of the Gale Cup Moot.

South Asia (India)
National Law University, Jodhpur. The winners of the national competition conducted by the CLEA Indian Chapter.

South Asia (Bangladesh, Pakistan & Sri Lanka)
Sri Lanka Law College. The winner of the regional competition.

One of the main challenges faced by the teams this year was the non-availability of the grant that had hitherto been given by the Commonwealth Foundation to cushion the travel costs of the Moot's participating teams. Fortunately, the Chartered Institute of Legal Executives, (CILEX), came to the rescue, through the efforts of Ms. Dianne Burleigh, by providing a modest grant to be disbursed among the deserving teams. Ultimately most of the teams did participate, except for the teams from Nigeria and the South Pacific. The Nigerian team encountered problems in obtaining visas to South Africa and the team from Fiji were unable to raise sufficient funds in addition to the contribution made available by CILEX.

The Mooting competition was based on a hypothetical problem, which was drafted by Dr. Umut Turksen[5], on a topic related to issues concerning nuclear weapons and international law. The problem to be debated was displayed on the websites of both the CLA and CLEA.

The arrangements made by the Law Society of South Africa and Local Organizing Committee in Cape Town were comparatively the best so far. The Mooters were provided with accommodation in the luxurious Southern Sun Waterfront Hotel, and the Competition was held in the adjoining Southern Sun The Cullinan Hotel. The hospitality extended to the teams and organisers was warm, courteous and lavish and I am sure that the Mooters returned home with fond memories of their hosts in South Africa. It was also an excellent opportunity for the students to interact, exchange ideas and forge friendships with fellow participants from various parts of the Commonwealth.

A briefing session was conducted on evening of the 14th to familiarise the Mooters with the rules and procedures of the competition and to give invitations to attend the opening ceremony of the Commonwealth Law Conference in the Cape Town International Conference Centre (CTICC).
The General rounds of the competition commenced in the afternoon of the 15th and continued throughout the following day. At the end of the general round, in which all the teams competed twice as applicant and respondent, India, Canada, Australia and the UK were declared as eligible to participate in the semi finals. Ms. Lara Kinkartz of Canada was declared the best Mooter of the general round. In the semi finals, the Australian and the UK teams emerged as winners to take part in the finals.

[5] University of the West of England, UK

The finals of the competition, which turned out to be a close match between the Australian and the UK teams, was judged by the Chief Justices of Trinidad and Tobago, Falklands and New Zealand, namely Sir Ivor Archie, Sir Christopher Gardner and Dame Sian Elias respectively. The UK team comprising Mathew Sellwood and Daniele Selmi of Oxford Brookes University, were declared the winners of the competition and Daniele was adjudged the best mooter of the final round. The Commonwealth Moot Shield was awarded to the UK team at the grand closing ceremony of the CLA Conference.

The competitions in the general, semi finals and the final rounds were keenly contested, displaying a very high standard of advocacy, research and quick and convincing responses to questions from the bench. The judges had to devote much time to their deliberations in deciding the outcome of the matches. The moot judges commented that the standard of advocacy of the mooters was far superior to some of the counsel who appeared before them in their courts.

We place on record our appreciation and thanks to the judges; namely Sir Christopher Gardner who served as a judge on all three rounds of the moot; Sir Robert Woods, who served on the general round and the semi finals; Sir Ivor Archie on semi finals and final rounds; Justice Sophia Wambura (Tanzania) on the semi finals; and Ms. Dianne Burleigh, Dr. Umut Turksen, Dr. Reeza Hameed, Ms. Patricia McKellar and Mr. Michael Bromby, who served on the benches of the general round. Prof. Nazeem Goolam stepped in to act as time keeper for the Mooting competition, helping us to run the matches as scheduled.

The success of this competition was also due to the invaluable assistance of many organisations and individuals. Among them were the Law Society of South Africa and the Local Organising Committee comprising, among others, Meetali Jain, Tony Pillay and Barbara Whittle, who provided the necessary facilities for the moot and free accommodation and meals for all the mooters. In addition, we are indebted to Ms Katherine Eden-Haig and the staff at CLA office, London, for logistical support and CILEX for providing the funds for travel for the teams that needed assistance. Additionally, Professors David Mcquoid-Mason, Peter Slinn and Nazeem Goolam and Mrs Goolam and the efficient and obliging staff of Southern Sun The Cullinan who assisted in numerous other ways. We are also grateful to Mr. Kevin Cassidy of Butterworth's LexisNexis who offered the winners vouchers for the purchase of books and a free subscription for a year to LexisNexis, also to Strive Masiyiwa and Corbitek for various prizes to the mooters, the University of London for the drinks served after the Moot Competition, and the Executive Committee members of CLEA for their time, devotion and constant support before, during and after the event.

Finally, the greatest bouquet goes to all the participant teams without exception, for their competitive spirit, grit and determination, their many hours of preparation and practice, but mostly for their fantastic performances which were highly memorable.

The Final Results of the Competition are as follows :

Winning team – United Kingdom: Mathew Sellwood and Daniele Selmi
Runner up Winning Team – Australia: Rebecca Ann McEwen and Lloyd Wicks
Best Mooter, Final Round: Daniele Selmi, United Kingdom
Best Mooter, General Round: Lara Kinkartz, Canada

You will find **photographs** of the moot on the **CLEA website**: www.clea-web.com/events-conferences/durban2013/2013-moot/

THE 14th COMMONWEALTH MOOT, GLASGOW, SCOTLAND, 2015

The 14th Commonwealth Moot will be held in conjunction with the 19th Commonwealth Law Conference in Glasgow in April 2015.

The Commonwealth Moot is an initiative of the Commonwealth Legal Education Association (CLEA) and the Commonwealth Lawyers Association (CLA). It is an 'invitation-only' Moot, being limited to representative teams from regions of the Commonwealth. The regions for this purpose are: North America, United Kingdom, the Caribbean, South Asia (India), South Asia (Bangladesh, Pakistan, and Sri Lanka), South East Asia, Western Africa , Eastern Africa, Southern Africa, Australasia (Australia and New Zealand send separate teams), and the South Pacific.

FOCUS ON THE CRISIS IN SRI LANKA

COMMONWEALTH LAW CONFERENCE ADDRESSES CRISIS IN SRI LANKA[6]

Peter Slinn
Vice-President, CLEA

The independence of the judiciary and the independence of the legal profession are enshrined in the Commonwealth Latimer House Principles on the relationship between the three branches of government, principles to which the Commonwealth Lawyers Association and its partner organisations exist to uphold and defend. Both these principles have been imperilled by the current crisis in Sri Lanka. Chief Justice Bandaranayake (the first woman to be appointed to that office) has been removed at the whim of the executive by a deeply flawed process of impeachment. Members of the legal profession who have sought to defend human rights and uphold the rule of law have been subject to a systematic campaign of harassment. Despite findings by the highest courts in Sri Lanka nullifying the impeachment process, the President purported to dismiss Chief Justice Banadaranayake and replace her with a former Attorney General, Mohan Peiris. According to a recent report commissioned by the Human Rights Institute of the International Bar Association, Peiris's tenure as Attorney General was characterised by failure to investigate and prosecute cases involving involving threats, attacks, arsons, disappearances and murders suffered by journalists, human rights activists and lawyers, even including a serious assault on a judge who was serving as Secretary of the Judicial Service Commission.

The Commonwealth Law Conference provided delegates with a unique insight into this crisis. In a plenary session chaired by Lord Lester of Herne Hill QC, the newly elected President of the Bar Association of Sri Lanka, Upul Jayasuriya, addressed the conference on the current situation and its implications for the rule of law in his country. Mr Jayasuriya has himself experienced death threats. Undeterred, in his recent speech on assuming the Presidency at the Annual Convocation of the Bar Association (an occasion to which Dr Bandaranayake but not de facto Chief Justice Peiris was invited), Mr Jayasuriya emphasised the deep bond between the independence of the legal

[6] First published on the Commonwealth Lawyers Association Conference website

profession and the independence of the judiciary. He pledged the Bar Association under his Presidency to resist gross interference with the judiciary and to defend the independence and integrity of his profession against threats emanating from the executive. Delegates therefore will hear from a brave lawyer in the front line of defence of the rule of law and the principles for which we all stand.

The manifest threats to the rule of law in Sri Lanka must be seen in the context of the future of the Commonwealth as a whole. Sri Lanka was one of the founders of the modern Commonwealth as one of the eight subscribers to the Declaration of London in 1949. Sri Lanka is due to host the next Commonwealth Heads of Government Meeting later this year. In the light of the discussions at the Conference, the CLEA, together with the CMJA and CLA drafted and adopted the statement [below] which was endorsed by the Conference as a whole. This demonstrates the CLEA's active role, together with its partners, in seeking to defend the rule of law in the Commonwealth.

Commonwealth Lawyers Association (CLA)
Commonwealth Legal Education Association (CLEA)
Commonwealth Magistrates' and Judges' Association (CMJA)

RESOLUTION ON THE RULE OF LAW AND JUDICIAL INDEPENDENCE IN SRI LANKA

REFERRING to the Statements we have previously issued expressing our grave concern about the flawed impeachment process by which Chief Justice Bandaranayake was removed from the office of Chief Justice in defiance of the judgements of the highest courts in Sri Lanka.

REFERRING also to the statements of concern issued by the UN Special Rapporteur on the Independence of Judges and Lawyers.

RECALLING the Commonwealth (Latimer House) Principles on the proper relationship between the Executive, the Legislature and the Judiciary; the Commonwealth Declarations of Principles and Values as recently embodied in the Commonwealth Charter; Sri Lanka's commitment, as a Member of the Commonwealth, to these values.

NOTING that Membership of the Commonwealth is seen as a badge of respectability but that badge is being tarnished by repressive actions in Sri Lanka:

- the continued erosion of the independence of the judiciary through the impeachment of the Chief Justice and the subsequent relocation of magistrates and judges in Sri Lanka;
- the Executive's failure to abide by court orders; and
- the gross and persistent harassment of members of the legal profession and others who are seeking to defend these values in Sri Lanka.

THE CLA, CLEA AND CMJA, representing three branches of the profession, assembled at the 18th Commonwealth Law Conference, in Cape Town, South Africa:

1. Call upon the Members of the Commonwealth, through the Commonwealth Ministerial Action Group to place Sri Lanka on the agenda of its next meeting on 26 April 2013 and suspend it from the

Councils of the Commonwealth for serious and persistent violations of the Commonwealth fundamental values. This suspension would not preclude the people of Sri Lanka from participating in non-governmental Commonwealth activities; and

2. Exhort Members of the Commonwealth to reconsider the holding of the next Heads of Government Meeting in Sri Lanka as to do so will:

a) tarnish the reputation of the Commonwealth especially given that the Sri Lankan Head of State will thereby assume the role of Chair - in - Office;
b) call into grave question the value, credibility and future of the Commonwealth; c) be seen as condoning the action of governments who violate its principles and by its silence will undermine the moral authority it purports to have in protecting and promoting fundamental values of the rule of law and human rights

Notwithstanding this resolution, the CLA, CLEA and CMJA affirm their support to those seeking to uphold the rule of law in Sri Lanka.

Commonwealth Lawyers Association (CLA)
Commonwealth Legal Education Association (CLEA)
Commonwealth Magistrates' and Judges' Association (CMJA)

17 April 2013

Is your Latimer House in Order? The Role of the Latimer House Working Group (LHWG)

Peter Slinn
Vice-President, CLEA

Paper presented to the CMJA Conference' Jersey, 23 September 2013

It is a great privilege to be invited to address again a CMJA conference on the subject of the Latimer House process, having done so in Toronto in 2006 and Cape Town in 2008. As Sir Philip Bailhache remarked when he addressed you in Kuala Lumpur in 2011, the subject has become a hardy perennial amongst topics discussed at CMJA Conferences. The December 2011 [edition] of the Commonwealth Judicial Journal contains Sir Philip's Kuala Lumpur address on the implementation of the Latimer House Principles (LHP) and an article by The Hon Chief Justice Lehohla of Lesotho on the subject of threats to judicial independence. Of course I cannot match the experience and wisdom of such distinguished judges on this subject, but I can offer some observations as one who has been involved closely with Latimer House from the beginning and who was a founding member of the LHWG, which is made up of representatives of the four sponsoring organizations (Commonwealth Lawyers Association, Commonwealth Legal Education Association, the CMJA and the Commonwealth Parliamentary Association, together with the Legal and Constitutional Affairs Division of the Commonwealth Secretariat).

This year marks the 15th anniversary of the original Latimer House colloquium and the 10th anniversary of the adoption of the LHP at the Abuja CHOGM. As the theme of this distinguished gathering implies, the time has come for some stocktaking and a frank examination of the progress or lack of it in the implementation of the principles over the last decade.

I must first deal with a situation which many consider marks a crisis in the existence of the modern Commonwealth and which goes to the heart of the Latimer House principles in the attempt which they represent to regulate proper relations between the three branches of government. As you will all be aware, the CHOGM is scheduled to take place in November of this year in Sri Lanka. You will also be aware of the controversial removal from office of the Chief Justice of Sri Lanka, Dr Shirani Bandaranyake. I am aware of the presence in this audience of distinguished judges from Sri Lanka. I do not wish to embarrass them but rather to support the independence of the Sri Lanka judiciary and indeed throughout the Commonwealth. Many of you will be aware of the *Resolution on the Rule of Law and Judicial Independence in Sri Lanka* adopted by the CLA CMJA and CLEA at the Commonwealth Law Conference in Cape Town in April, 2013.

In the light of the circumstances of the removal of the Chief Justice and other threats to the rule of law manifest in Sri Lanka, the Resolution called for a reconsideration of the location of the CHOGM in Sri Lanka. The Canadian Prime Minister has declined to attend, but most Commonwealth Governments appear to share the stance of the UK government that it is better to attend, make clear to the host government concern on rule of law issues and urge the Sri Lanka government to uphold Commonwealth values. You may feel that this has now become a political issue from which as judges you should stand aloof. However, the conduct of the government of Sri Lanka, as one of the founding members of the modern Commonwealth as a subscriber to the Declaration of London in 1949, threatens one of the fundamental principles of Latimer House, the independence of the judiciary. The importance of this bedrock of the rule of law has been affirmed in a number of declarations to which all Commonwealth governments have subscribed and which is the subject of frequent affirmation in the judgments of superior courts throughout the Commonwealth.

Judicial pronouncements are legion. Just to quote two recent examples: Dormah J observed recently in the Seychelles Court of Appeal (*Ponoo v AG* 2012) :

> *'The most important aspect of the separation of powers is the absolute independence of the judiciary.'*

Again Moseneke DCJ in the Constitutional Court of South Africa (the *Justice Alliance* Case):

> *'The principles of the rule of law, the separation of powers and judicial independence, underscored by international law, are indispensable cornerstones of our constitutional democracy.'*

It was re-assuring that the importance of the LHP in this context was emphasized by Justice Rohini Marasinghe in her address on her elevation to the Supreme Court Bench of Sri Lanka on 15 May 2013 in the presence of the person purportedly appointed to succeed Chief Justice Bandaranyake. Taking her theme as judicial independence, she noted that the LHP were vital to the maintenance of the rule of law and went on to emphasise the importance of judicial review of executive action. She criticized the appointment to the Supreme Court of officers of the Attorney General's Department over career judges who had worked their way up the judicial ladder. She went on to cite the LHP on the relationship between the judiciary and the executive and the need to evoke a sense of respect on the part of the executive for the judiciary.

The Sri Lanka government claims that the removal of Dr Bandaranyake was done in accordance with the Constitution, which leaves the removal process in the hands of parliament. However, the opinion of the late, lamented Pius Langa, the former Chief Justice of South Africa, presents a different

picture. In what I believe to be the accurate text of an opinion delivered at the request of the Secretary General of the Commonwealth, he concluded:

> *'I view the decision of the Government to ignore the rulings of the Supreme Court as unconstitutional and sowing the seeds of anarchy. This conduct is a direct violation of the Rule of Law and contravenes the Commonwealth Values and Principles as agreed by member states. It is also a serious violation of the doctrine of separation of powers enshrined in the constitution of Sri Lanka.*
>
> *It follows that all subsequent actions by Parliament and the President – the impeachment of the Chief Justice and her removal - were unconstitutional and unlawful. It follows that the purported appointment of a new Chief Justice was also unconstitutional and unlawful since the incumbent Chief Justice had not been validly removed.'*

I am of course aware that the issue is still subject to appellate proceedings in Sri Lanka, but the government appears to maintain the view that the question of the removal and replacement is not a matter for the courts. In the course of his opinion, Judge Langa referred expressly to the LHP as requiring member states to uphold the rule of law by protecting judicial independence and maintaining mutual respect and co-operation between the legislature and the judiciary,

I must say that as one of the original promoters of the LHP, it gives me great satisfaction to hear them quoted as an authority by such senior Commonwealth judges**.**

Sadly, the example of Sri Lanka is not alone. In recent years, there have been too many examples of the harassment of judges or their removal and replacement by processes of questionable legality. The articles by Sir Philip Bailhache and CJ Lehohla give examples of these. You are about to hear the testimony of the Chief Justice of Papua New Guinea. So the question arises, how are we to put our Latimer Houses in order? What is to be done to procure respect for the Principles and in particular the safeguarding of the independence of the judiciary?

At the political and institutional level of the Commonwealth, it is hard to be optimistic. The proposal for an independent oversight body, the Commissioner for the Rule of Law, proposed by the Eminent Persons Group appointed by Heads of Government, has been kicked into very long grass. The much vaunted Commonwealth Charter, signed with due ceremony by Queen Elizabeth as Head of the Commonwealth, is essentially an aspirational document. It restates the fundamental principles but provides for no mechanisms for ensuring compliance. The Commonwealth Ministerial Action Group (CMAG) continues to interpret its remit narrowly. Significant indeed was the reaction of Senior Officials of Commonwealth Law Ministers (SOLM) to a report laid before them by LHWG which drew attention to specific concerns regarding particular Commonwealth countries. SOLM declined to forward the report to ministers but instead referred it for 'correction' by governments. The reception accorded to your Secretary General when she presented the report reflected the nervousness of governments when exposed to the concerns voiced by members of the partner organizations. Officials took the strongest exception to what they interpreted as criticisms of governments by 'civil society'. The conclusion must be that the 'club of governments' seems to cherish their sovereign right to disregard the principles of Commonwealth membership when their interests dictate.

Some of you may recall that in my address to the Cape Town Conference in 2008 I referred to the recently adopted Edinburgh Plan of Action (EPoA) for the implementation of the LHP. Subsequently Senior Officials of Law Ministers declined to endorse the EPoA for consideration by Law Ministers, so ownership of this document remains exclusively with the partner organizations (CLA, CLEA, CMJA

and CPA). This means that the mandate of the partner organizations contained in the EPoA to establish a standing committee to gather reports on the implementation of LHP for The Commonwealth Ministerial Action Group was not endorsed, nor the idea that governments should report on implementation to CHOGM. A similar fate befell the proposed mandate of the Commonwealth Secretariat to provide regular reports to law ministers and senior officials.

So, in the face of official obstruction, what can we, the lawyers of the Commonwealth, whether practitioners, judges or academicians, do to keep our Latimer Houses in order? I wish to emphasise three steps that we can take:

(1) Our Associations through the LHWG can continue to monitor examples of good and bad practice and to report them to senior officials, law ministers, the Secretary General, CMAG and other appropriate quarters. We can give appropriate publicity to examples of failure of compliance through our own independent channels as we have done in the case of Sri Lanka. In this sense the LHWG performs the function of the Standing Committee referred to in the EPoA. (We are of course aware that it is particularly important that good practice as well as poor practice is acknowledged. One may have some sympathy for governments who feel that their attempts to respect the rule of law are not always sufficiently acknowledged.)

(2) We can promote legislative and other measures to enshrine the principles securely in the domestic law of Commonwealth states. A good example of this is the 'model clause' drafted by a joint committee of CLA, CLEA and CMJA and just approved by your Council on judicial appointments commissions (JAC). This seeks to plug a number of loopholes in the appointment process, for example by requiring the JAC to meet to fill vacancies within a specified time frame. The model clause also provides for the membership of the JAC: a controversial issue particularly regarding the balance between judicial and lay members. Our model provides for five [members of the] judiciary including magistrates, two practising lawyers, a teacher of law and five lay members. You will note that we exclude express provision for politicians. The ambitious goal might be to draft a series of model clauses dealing with all aspects of the functioning of the judiciary in conformity with LHP, in particular to deal with discipline and removal from office – you will recall the government argument in the Sri Lanka case that the constitution leaves the removal of judges to a political process.

(3) We can provide adequate training on the principles for the judiciary and members of other institutions of government. The Latimer House Toolkit, which we are designing on behalf of the Commonwealth Secretariat, provides a framework for training programmes for all the relevant stakeholders. The Toolkit provides a step by step analysis of each of the Principles, with exercises to illustrate their application. Mutual understanding of the problems of other branches of government is important. It is no good for judges, for example, to demand large increases in remuneration if the government's treasury is empty!

In conclusion, I must emphasise that lawyers of every description must take personal responsibility for upholding the LHP. I refer as I did in my address to CLC Cape Town to the words of Sir Shridath Ramphal to the Hong Kong CLC 30 years ago. We must be more than 'Keeper of the Seals'. Despite the frustrations of dealing with governments' reluctance to put their Latimer Houses in order, it is comforting that the LHP have become enshrined in the jurisprudence of the Commonwealth, as is shown by numerous references to them by our judges speaking both judicially and extra-judicially. In that we are entitled to take some pride.

Peter Slinn
23 September, 2013

CLEA: INDIA

Newly constituted CLEA Asia - India Chapter

Executive Committee Members:
Prof. (Dr.) A. Lakshminath, Vice Chancellor, Chanakya National Law University, north Gandhi Maidan, Patna-800 001
Prof. B. C. Nirmal, Dean, School of Law, Bhanaras Hindu University, Varanasi
Prof. Satish Sastri , Dean, Faculty of Law, Modi Institute of Technology, Lakshmangarh, Rajasthan
Prof. (Dr.) Gurjeet Singh, Vice Chancellor, NEJOTI Building, B. K. Kakati Road, Bholanath Mandir By-lane, Near State Bank of India (South Guwahati Branch) Ulubari, Guwahati,
Prof. (Dr.) Gangotri Chakraborty, Dean, North Bengal University, WB.
Prof. (Dr.) V. Nagraj ,Vice Chancellor, National Law University, Orissa, Bhubaneswar, Orissa.
Mr. Rakesh Munjal , Vice President, SAARC Law/Sr. Advocate, Supreme Court of India, New Delhi
Prof. (Dr.) S. Sivakumar , Indian Law Institute (Deemed University), Bhagwandas Road, New Delhi-110 001, India.
Dr. Lisa P. Lukose , University School of Law and Legal Studies, GGS Indraprastha University, Sector - 16C Dwarka; Delhi
Mr. Gigimon V.S., National Law School of India University, Bangalore

Office bearers:
President: Prof. (Dr.) S. Sivakumar
Secretary: Mr. Vikkram Arya
Joint Secretary: Mr. Kumar T. M.
Treasurer: Ms. Bindu K. Nair

Research Team Co-ordinators:
Mr. Abishek Kr Pandey, Advocate, Supreme Court of India, New Delhi
Mr. Ravi Prakash, Advocate, Supreme Court of India, New Delhi

Student Advisors:
Dr. S. S. Jaswal, Indian Law Institute (Deemed University), Bhagwandas Road, New Delhi

Student Co-ordinator:
Ms. Meera Mathew

CLEA Asia - India Chapter Recent Activities:
A Summer School on 'The Human Right of Freedom of Expression' was organised in June, 2013 for the young law students, teachers and lawyers at Thiruvananthapuram. The School aimed to deepen the understanding of Freedom of Expression as a fundamental human right and to analyze the violations of Freedom of Expression in the national and international circle. As an outcome of the summer school, a Human Rights network will be created.

The CLEA has initiated a continuing research project on 'Legal Research Methodology' which began in September 2013. Prof. (Dr.) S. Sivakumar and Dr. Lisa P. Lukose are the Project Director and the Project Coordinator respectively. This project is of two year duration and encompasses: (i) continuous research on the Emerging Trends of Legal Research Methodology, (ii) conducting at least four Seminar-cum-Workshops in association with various Universities and (iii) to author a model book on *Legal Research Methods and Writing*

CLEA Asia - India Chapter Future Activities:

Seminar in Delhi: The India Chapter has decided to organise a seminar in Delhi towards the end of 2013 on the topic of Professional Social Responsibility.

CLEA Study Tour Programme: The India Chapter has resolved to organise a CLEA Study Tour Programme in May 2014 for young Indian law teachers and lawyers so that they can experience legal institutions and legal systems in another Commonwealth country.

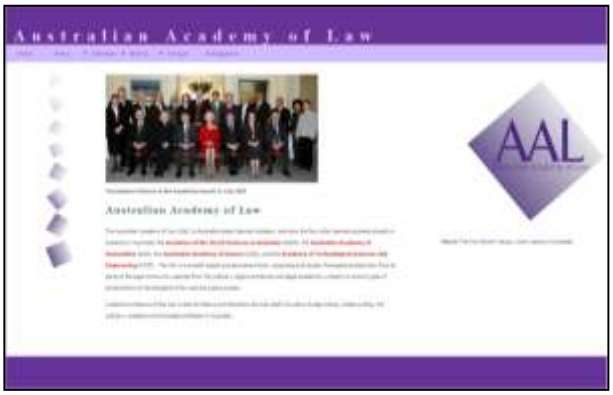
Journal on Pedagogy and Legal Research: The India Chapter will publish a quarterly/bi-annually a Journal on Pedagogy and Legal Research.

Commonwealth Law Lecture Series: It was also decided to organise two series of lectures focussing on Commonwealth Law, preferably by notable legal scholars and luminaries such as Prof. Madhava Menon and Mr. K. K. Venugoplal.

CLEA: AUSTRALIA

Emeritus Professor David Barker AM
Australian CLEA Representative

This has been an active year for legal education in Australia. The main activities and events within Australian legal education are chronicled in the Editorial of the Legal Education Digest published on a tri-annual basis for all members of the Australasian Law Teachers Association (ALTA) - its membership drawn from law academics from both Australia and New Zealand. The current ALTA Chairperson is Professor Roman Tomasic of the University of South Australia. One of the main activities of ALTA is its Annual Conference which was held at the University of Sydney in August 2012 and at the Australian National University in September/October 2013. Each conference attracted approximately 110 conference papers presented at both plenary and interest group seminars. Apart from the Lexis Nexis Awards for the best Conference Papers, at least another 25 papers are published in the Journal of the Australasian Law Teachers Association (JALTA), a national referred journal. Apart from JALTA, ALTA is also responsible for the publication of the Legal Education Review – another refereed legal academic journal published annually, and of course the Legal Education Digest. One of the



highlights in 2013 for ALTA has been the presentation of Life Memberships to both Her Excellency Quentin Bryce AC, the Governor-General – a former law academic – and the Hon. Chief Justice Robert French AC of the High Court of Australia.

Of increasing influence within Australia is the Australian Academy of Law, originally founded in 2008 with 35 Foundation Fellows and now having an invited membership in excess of 200 Fellows (FAAL). With a membership drawn from the Judiciary, Legal Practitioners and Law Academics, the Academy is now enthusiastically led by the Hon. Kevin Lindgren AM, a former Professor of Law at the University of Newcastle (NSW) and Federal Court Judge. The major event of the Academy is the Annual Patron's Lecture which was last year given by its Patron, the Hon. Chief Justice Robert French AC, and this year will be given by the former Chief Justice of the New South Wales Supreme Court, the Hon. James Spigelman AC. Apart from this occasion the Academy sponsors major legal presentations, lectures and seminars in all Australian States and Territories during the year, the most recent being held in the Banco Court of the Supreme Court of Queensland in September 2013 and which attracted an audience of 180.

No report of Australian legal education could close without mention of the activities of the Australian Law Students Association (ALSA) - approximately 28,000 members - who in 2013 held their Annual Conference in July at Perth, Western Australia. Their President, Corinne O'Sullivan has been particularly prominent this year for the leadership she gave to the establishing of the Commonwealth Law Students Association in April at Durban and her election as Foundation President of this new Commonwealth Law Students Organisation. Corinne has been succeeded as ALSA President for 2013/2014 by Charlotte Thomas of Adelaide University.

CLEA: SOUTH AFRICA

The Oliver Schreiner School of Law of the University of the Witwatersrand is proud to host the Southern African Law Teachers' Association Conference from 13 to 16 January 2014 in Johannesburg, South Africa. The conference will include sessions on all major legal disciplines.

The conference always offers its delegates a good mix of work and play. This year will be no exception. The cocktail reception hosted by the Wits School of Law, as well as two evening functions sponsored and organised by LexisNexis and Juta respectively, will give you plenty of opportunity to meet and mingle with your colleagues.

enquiries.sltsa@wits.ac.za
For more about the Wits School of Law, please visit: www.wits.ac.za/academic/clm/10950/law.html

CLEA People

Obituary for Jeremy Pope, NZOM (1938 – 2012)[7]

Jeremy Pope was a highly distinguished New Zealand lawyer and human rights activist whose contribution was recognised in 2007 when he was awarded the New Zealand Order of Merit for services to international affairs. He was immensely dedicated, energetic and highly influential and his contributions were many and various. For instance, for many years he was editor of the *New Zealand Law Journal* and the *Commonwealth Law Bulletin;* together with his wife Diana he wrote guide books for visitors about New Zealand; and in his later years he served as a Commissioner on the New Zealand Human Rights Commission. But he will be best remembered for his work at the Commonwealth Secretariat and as co-founder of 'Transparency International', which aims to identify, reduce and prevent corruption.

Jeremy Pope qualified as a barrister and solicitor in New Zealand and was in practice there for ten years. He also qualified to practise as a barrister at the Bar of England & Wales. From 1976 to 1993 he was first Assistant Director and then Director of the Commonwealth Secretariat's Legal Division. He worked very closely with Sir Shridath Ramphal, the then Secretary-General of the Commonwealth Secretariat, and together they increased the scope, influence and activism of the Secretariat. For example, they played a part in establishing the 'Mission of the Group of Eminent Persons', which was sent to South Africa in 1986 and which marked a step along the road to the ending of Apartheid. They also established a Human Rights Unit at the Secretariat, which worked with INTERIGHTS, (the International Centre for the Legal Protection of Human Rights). Jeremy Pope was immensely encouraging of the Commonwealth professional associations of practising lawyers, the judiciary and legal educators (the CLA, the CLEA and the CMJA) and indeed he served as the Honorary Treasurer of CLEA for many years.

On leaving the Commonwealth Secretariat in 1993, Jeremy Pope co-founded 'Transparency International' with Peter Eigen, a former director at the World Bank. Jeremy Pope:

'… played a key role in the creation of the Corruption Perceptions Index (CPI) which identifies best and worst practice relating to corruption internationally and ranks countries accordingly.
The CPI has become a standard source of reference for politicians and commentators around the world. He was also instrumental in producing Transparency International's manual on preventing corruption, entitled 'Confronting Corruption: The Elements of a National Integrity System', which has been translated into more than 20 languages, and continues to be a fundamental building block in the fight against corruption worldwide.'[8]

[7] A longer and more detailed obituary was published in 'The Times', London, www.thetimes.co.ukltto/opinion/obituaries/article3670922.ece 30/0112013. This is the prime source of information for this Newsletter's obituary.

[8] www.thetimes.co.ukltto/opinion/obituaries/article3670922.ece 30/0112013

The International Law Book Facility

The International Law Book Facility provides good quality second hand legal textbooks to not-for-profit organisations in need of legal research resources across the globe. The way that the ILBF works is simple. We encourage donations of useful second hand books from the UK legal community. Prospective recipient organisations submit a comprehensive application form, outlining their user demographic and the potential uses for law books, which is assessed by the ILBF Operating Committee. At the ILBF's storage facility, volunteers unpack and sort book donations, determining which are most suitable for particular recipients. The selected books are then packed into boxes and sent to the recipient organisation in question.

Since 2005 the ILBF has sent more than 20,000 books to not-for-profit organisations across Africa, Asia, South America, the Caribbean and Europe. Recent recipients have included the Legal Resources Foundation (Zimbabwe), Justice for Children (Uganda), the Nigerian Law School, the Guyana Association of Women Lawyers and the Law Association of Zambia.

We have recently received a large number of book donations and we are actively seeking recipients for these books. If your not-for-profit organisation would like to receive legal textbooks then please submit an application form through our website: www.ilbf.org.uk

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 in South Asia, Southern Africa, West Africa, the Caribbean and the U.K. 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; for law schools to prepare themselves for the demands of the profession in the context of the information revolution and other global challenges; and to support continuing legal education and distance learning programmes.

Programmes:

Publications and Research:

- *Commonwealth Legal Education Newsletter* is published online three times a year and contains news, views and articles about law and legal education developments in the Commonwealth. www.clea-web.com/publications
- *Journal of Commonwealth Law and Legal Education* (published online twice per year). www.clea-web.com/publications *Directory of Commonwealth Law Schools* (published periodically).
- A variety of books on law and legal education in the Commonwealth.
- The Association's web site (www.clea-web.com) contains a wealth of information about the Association and it's activities.

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, U.K., Jamaica, Sri Lanka and Malaysia. We organise a biennial CLEA Conference alongside the Commonwealth Lawyers Conference which attracts a large number of Commonwealth legal educators.

Commonwealth Law Lecture Series

This is a unique series of lectures that take place on a Commonwealth-wide basis and are given by leading legal academics and judges. The lectures are published on the website.

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. The following are topics which have been covered. Further details are on the website.

- Human Rights for the Commonwealth
- Transnational crime/ Anti-terrorism law
- Environmental Justice (in preparation)
- International Trade Law (in preparation)

Strengthening law schools

- 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 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 Law Students' Mooting Competition. This is held biennially with the support of the CLA and CMJA.
- Commonwealth Students' Essay Competition. This is held biennially.
- The Commonwealth Law Student Association. This was formed after the Durban 2013 Conference and will work alongside the CLEA.

Website: www.clea-web.com
Email: clea@commonwealth.int

Benefits of CLEA Membership

The Commonwealth Legal Education Association fosters and promotes high standards of legal education in the Commonwealth. Membership is open to individuals, schools of law and other institutions concerned with legal education and research. The Association is a Commonwealth-wide body with regional Chapters in South Asia, India, Southern Africa, West Africa, East Africa, Australasia and the Caribbean together with several national chapters and committees. Its affairs are managed by an Executive Committee representing all parts of the Commonwealth whilst the Secretary-General is responsible for the day to day running of the Association.

The Association has an online open access peer reviewed journal and newsletter as well as learning and teaching resources which can be adapted for use in law teaching. We run a very successful Biennial Conference which links with the Commonwealth Lawyers Association (CLA) Conference. We are responsible for the Commonwealth Moot, a prestigious competition for law students, with regional heats and a final which takes place at the CLA conference and is decided by Judges from the Commonwealth. We also provide a focal point for a network work of law teachers throughout the Commonwealth who have a shared interest in the teaching of law.

Please visit our web site at http://www.clea-web.com/ for more information.

MEMBERSHIP APPLICATION FORM

Please indicate which membership you are applying for:

Individual membership (one year) (£50; US$80)

Institutional membership (one year) (£150; US$240) - (all members of a department will be members)

Title: ..... First name: ..... Surname: .....

Institution: .....

Address: .....

.....

Country: .....

e-mail: .....Fax : .....

For Bank transfer: HSBC Bank plc, Pall Mall, London SW1
A/c Name: Commonwealth Legal Education Association
A/c: 01007130 Sort Code: 40-05-20 IBA: GB10MIDL40052001007130

Cheques payable to CLEA and return the completed form and cheque to:
CLEA, c/o Legal and Constitutional Affairs Division, Commonwealth Secretariat, Marlborough House, Pall Mall, London SW1Y 5HX, United Kingdom. Tel: +44 (0)20 7747 6415 Fax: +44 (0)20 7004 3649
Please email clea@commonwealth.int for all enquires about membership.