



REPORT AND EVALUATION OF THE COMMONWEALTH LAW MOOT

The 9th Commonwealth Law Moot took place in London between 12-16 September 2005. This Report provides a background to the activity and an evaluation of the 2005 competition.

(a) History of Commonwealth Law Moot

The Commonwealth Legal Education Association organised the first Commonwealth Law Moot at the 1983 Commonwealth Law Conference (CLC) in Hong Kong. Since then it has organised the event at successive Commonwealth Law Conferences in Ocho Rios, Jamaica (1986), Auckland, New Zealand (1990), Nicosia, Cyprus (1993), Vancouver, Canada (1996), Kuala Lumpur, Malaysia (1999), Melbourne, Australia (2003) and London, UK (2005). It also organised the competition at the 2001 CLEA conference in Colombo, Sri Lanka.

Moot participants are undergraduate students drawn from law schools that are representative of each region of the Commonwealth. For the purposes of the competition, the designated regions are –

- Europe
- North America
- West Africa
- East and Central Africa
- Southern Africa
- The Caribbean
- South Asia (India)
- South Asia (Sri Lanka, Bangladesh and Pakistan)
- Australasia (Australia and New Zealand)
- South Pacific
- South East Asia (Malaysia and Singapore)

The competition was originally held every three years but as from 1999, and in line with timing of the Commonwealth Law Conference, it is now a biennial event.

(b) The Commonwealth Law Moot and the Commonwealth Legal Education Association (CLEA)

Since its inception, the CLEA has been responsible for organising and running the Commonwealth Law Moot. Having Executive Committee members located in all the Commonwealth regions has greatly facilitated this activity. To enhance the administration of the competition, in 2000 the Association

appointed Ros Macdonald of the Queensland University of Technology as the Commonwealth Moot Co-ordinator.

(c) Rationale and objectives of moot

Whilst there are a number of international and regional mooting competitions, such as Jessup International Law Moot Competition and the All-Africa Human Rights Moot Competition, the Commonwealth Law Moot has a number of particular characteristics that combine to make it unique:

- It is a truly international competition bringing together law students from around the Commonwealth
- It involves law students from some of the largest as well as some of the smallest states in the world
- All proceedings are in English
- Participants come from a (largely) common law background who are required to moot on topical legal issues facing Commonwealth countries
- Cases are heard before senior judges from around the Commonwealth
- The competition is an integral and well-publicised part of a major international law conference
- Mooters are able to participate in the CLC, free of charge
- The competition attracts especial interest in that the moot problem deals with issues of contemporary Commonwealth-wide importance and interest
- The competition highlights the significance of comparative and shared Commonwealth jurisprudence

From its inception, the Moot has been seen as a way of bringing together talented young law students from Commonwealth countries so that through friendship and learning they are able to be bridge-builders between their diverse nations for the benefit of themselves and the “legal” Commonwealth.

The objectives of the Moot are therefore to –

- bring students together as regional ambassadors to develop friendly relations between and understanding of the diverse cultures of the Commonwealth
- give the students an opportunity to compete in a moot competition that requires them to demonstrate a high level of knowledge and advocacy skills

- give the students training in advocacy and written communication through formative and summative feedback about their written outlines of argument and their advocacy skills
- develop the students' confidence to appear before senior members of the Commonwealth judiciary and to present a logical and persuasive case
- provide students with access to senior members of the bar and the judiciary from throughout the Commonwealth
- create a Commonwealth Moot alumni that can assist in building up advocacy skills for law students and further promote Commonwealth goodwill and understanding

(d) Operation of the Moot

(i) Regional representation

Regional representation provides the greatest opportunity for the diverse countries of the Commonwealth to participate.

Teams are chosen in a variety of ways.

- *Europe*: Traditionally this is the winning team from the English Speaking Union--Essex Court Chambers National Mooting Competition.
- *Canada*: Winners of the Gale Cup. The Gale Cup regularly draws teams from over sixteen law schools in Canada and is presided over by judges from the Supreme Court of Canada as well as other judges from the provincial appellate courts.
- *West, East and Southern Africa*: These regions are represented by the highest placed teams from each region in the All-Africa Human Rights Competition Moot
- *The Caribbean*: The law schools in the Caribbean select a combined team to represent the region
- *South Asia (India) and South Asia (Bangladesh, Pakistan and Sri Lanka)*: A CLEA regional moot competition is held to choose the two teams to represent them in the Commonwealth Moot. The last competition was held in India in April 2005.
- *Australasia*: Australia is represented by the winners of the Australian Law Students Association National Mooting Competition. In 2005 a team from New Zealand also competed.

- *South Pacific*: The Queensland University of Technology organises and runs a competition in which it competes against teams from the University of Waikato, the University of Papua New Guinea (UPNG) and the University of the South Pacific (USP). The CLEA has decided that the highest placed team from the South Pacific, i.e. UPNG or USP, should compete in the Commonwealth Law Moot.
- *South East Asia*: The team is determined by the law schools in the region.

The list of teams for the 2005 Commonwealth Law Moot is provided below.

(ii) Procedure

The Moot is run according to rules developed over a number of years and adapted to make use of the latest technology. As far as possible, information for competitors is disseminated using the internet and email. This is the most efficient way to run the moot in its preliminary stages and, assuming that internet access is available to all the students, is the cheapest way to communicate for all concerned.

(iii) Practice

The Moot is run as an adjunct to the Commonwealth Law Conference. The reason for doing this is largely so that the moot organisers can tap into the very large and experienced pool of senior judges who attend the CLC and use them as judges for the moot itself. The excellent outcome achieved by the competition in London was due in a significant way to the enthusiasm of the judges who participated. Distinguished judges and legal practitioners from around the Commonwealth gave up some of their time while attending the CLC to judge the moots that were held at the Law Society of England and Wales.

Moot participants were also able to participate in the conference events free of charge and this undoubtedly enhanced their whole experience.

(iv) Travel costs

Teams from North America, Australasia, South-East Asia and Europe are expected to fund their own travel. In practice, the team from the Caribbean is also locally funded. Teams from the other Commonwealth regions can apply to the CLEA for assistance with their travel expenses. The Association asks teams to make every effort to obtain local funding and this has proved effective in some cases. For example, the West African team was able to obtain some local funding to fund their trip to the Commonwealth Law Moot in Melbourne. The CLEA is unable to bear the travel costs alone and has received assistance from the Commonwealth Foundation for a number of years, for which it is extremely grateful. Without this, the competition would be unable to continue in its present form.

(v) Accommodation costs

The host Organising Committee of the CLC is expected to fund the accommodation and sustenance of all the teams during the competition. For a

variety of reasons, this proved problematic in the case of the London competition. However, hopefully this was a one-off problem and CLC organisers in Kenya (the venue for the 2007 competition) are well aware of the need to cover these costs.

(vi) Prizes

The winners of the competition receive the Turnbull Shield. All mooters receive a certificate and books donated by the CLEA and law publishers.

In the case of the London competition, the Incorporated Council of Law Reporting for England and Wales also provided each moot participant with a free twelve month subscription to the Weekly Law Reports: a donation worth hundreds of pounds.

Evaluation

The Commonwealth Law Moot is now widely regarded as one of the major competitions of its kind in the world, not least because of its unique characteristics noted earlier.

The Association obtains feedback from both the competitors and also the judges. In respect of both the 2003 and 2005 competitions, particular points made by the mooters included:

- a great opportunity to meet with other law students from around the Commonwealth
- the thrill (and dread) of appearing before senior members of the judiciary
- the considerable legal experience gained from participating in the competition, both from fellow mooters and from the judges
- unique access to judges
- participation in the CLC
- being able to meet senior judges and legal practitioners from around the Commonwealth in an informal environment
- a recognition of the importance and scope of comparative Commonwealth jurisprudence. This point was also made by a number of the team coaches

So far as the judges were concerned, typical views were that they:

- welcomed the opportunity to work with and encourage law students
- recognised the importance and topicality of the issues discussed in the moot problem
- recognised the importance of comparative Commonwealth jurisprudence in addressing cutting edge issues.

Overall, the CLEA believes that the Commonwealth Law Moot is a major contribution to its work with law students. The need to inculcate law students

with an awareness of their Commonwealth legal heritage and a recognition of its importance in practice cannot be underestimated.

Teams for the 2005 Commonwealth Moot Competition

Team 1. New Zealand - University of Canterbury
<ol style="list-style-type: none">1. Colin Fife (M)2. James Shaer (M)3. Janna McGuigan (F)4. Dr Chris Gallavin -coach
Team 2. South Asia (India) - West Bengal National University of Juridical Sciences, Kolkata,
<ol style="list-style-type: none">1. Shashwat Tewary (F)2. Suhrith Parthasarathy (M)3. Dr S Sivakumar - coach
Team 3. Australia - University of Melbourne
<ol style="list-style-type: none">1. Angus Christophersen (M)2. Cameron Nolan (M)3. Associate Professor Ian Malkin - coach
Team 4. East Africa - University of Nairobi, Kenya
<ol style="list-style-type: none">1. Noella Lubano (F)2. Augustus Onyango (M)3. Wanjiku Ndiho (F)4. Mrs Gladys Boss Shollei – coach
Team 5. North America: University of Toronto - Canada
<ol style="list-style-type: none">1. Mark RG Elton (M)2. Amy Salyzyn (F)3. Yousef Aftab (M)4. Ms Sidney A McLean -coach
Team 6. South Asia (Sri Lanka, Pakistan, Bangladesh) Sri Lanka Law College
<ol style="list-style-type: none">1. Ruwanthika Gunaratne (F)2. Manohara Jayasinghe (M)

3. Neshan	Gunasekera	(M)
Team 7. Caribbean		
<ol style="list-style-type: none"> 1. Shawn Fulchan (M) 2. Lorna Longley (F) 3. Petronilla Basdeo (F) 4. Clive Guy coach 		
Team 8. UK –City University London		
<ol style="list-style-type: none"> 1. Benedict Rodgers (M) 2. Elizabeth Prochaska (F) 		
Team 9. South East Asia - The University of Malaya Malaysia		
<ol style="list-style-type: none"> 1. Neoh Hor Kee (M) 2. Petrina Tan Tjin Yi (F) 3. Ng Yew Huoi (F) 4. Mr Johan S Sabarudin (coach) 		
Team 10. West Africa - Ahmadu Bello University Nigeria		
<ol style="list-style-type: none"> 1. Mohammed Abdul (M) 2. Matthew Burkaa Ginar (M) 3. Ruth Ibrahim (F) 4. Dr Mohammed Tawfiq Ladan (coach) 		
Team 11. South Pacific - University of the South Pacific Vanuatu		
<ol style="list-style-type: none"> 1. 1. Anthony Brown (M) 2. Ma Laisani Tabuakoro (F) 3. Associate Professor Peter MacFarlane (coach) 		
Team 12. South Africa – University of Pretoria		
<ol style="list-style-type: none"> 1. Linda Ramadi (F) 2. Jonathan Swanepoel (M) 3. Professor Jolandi le Roux (coach) (F) 		

John Hatchard
General Secretary
CLEA
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