



THE COMMONWEALTH LEGAL EDUCATION ASSOCIATION

CALL FOR PAPERS

CLEA Conference on

“DEVELOPING LEGAL EDUCATION IN THE COMMONWEALTH: CURRENT ISSUES”

at
THE KENYA SCHOOL OF LAW
NAIROBI, KENYA

30 AUGUST-1 SEPTEMBER 2007

(to be followed by an optional three day safari)

The Commonwealth Legal Education Association invites law teachers and practitioners from around the Commonwealth to participate in this exciting conference and safari programme.

THEMES OF THE CONFERENCE

The conference will comprise a series of workshops on the following themes:

1. *Developing legal education in the Commonwealth*

This will enable participants to deliver papers on a broad range of contemporary legal education issues

2. *Developing human rights teaching*

This will include further work on the development of the model CLEA Human Rights Curriculum for the Commonwealth

3. *Preventing corruption and the misuse of public office: Implications for law teachers*

This will include working on the development of a new model curriculum on this area for use in Commonwealth law schools

4. *Islamic law*

This will include further work on developing a model curriculum on Islamic Law for use in Commonwealth law schools.

COST: £160 (Developing country rate £125)

This includes:

- Conference registration fee
- Full board and accommodation at the Kenya School of Law for each day of the conference
- 2 year personal membership of the Commonwealth Legal Education Association

SAFARI: 2-5 September 2007

The Association is also offering a three day safari with accommodation priced at £100 per day per cottage that can accommodate up to 10 persons.

An accompanying guest programme will also be laid on.

For registration and other information please contact:

Gladys Boss Shollei, National Council for Law Reporting, Milimani Commercial Courts Building, P O Box 10443-00100, Nairobi, Kenya
Tel: +254 20 2719231; 2712767. Fax: +254 20 2712694
E-mail: gbossshollei@kenyalawreports.or.ke

Those wishing to present a paper should send a short abstract (which will be subject to refereeing) by 1 July 2007 as follows:

1. Developing legal education in the Commonwealth

Gladys Boss Shollei (contact details as above)

2. Developing human rights teaching

David McQuoid-Mason, University of KwaZulu-Natal, Howard College of Law, Durban 4001, South Africa
e-mail: mcquoidm@ukzn.ac.za

3. Preventing corruption and the misuse of public office: Implications for law teachers

John Hatchard, Centre for Law, The Open University, Michael Young Building, Milton Keynes, MK7 6AA, UK
e-mail: j.hatchard@open.ac.uk

4. Islamic law

Selina Goulbourne, Law Department, University of Greenwich, Maritime Greenwich Campus, 30 Park Row, London SE10 9LS, UK
e-mail: s.goulbourne@gre.ac.uk

Welcome

from John Hatchard

It is with deep regret that I have to announce the death of Toyin Doherty, the CLEA EC member for Nigeria. Toyin was a great supporter of the Association and she will be greatly missed. I am pleased to be able to include the following tribute to her from a friend and colleague.

Mrs Oluwatoyin Doherty

I interacted with Mrs. Oluwatoyin Doherty (nee Amusan) as her student at the Nigerian Law School Lagos in 1984/85. Ever since, she has guided me as her ex-student, professional colleague and friend. Born on 22nd December 1955, she obtained BA (Honours) in 1976 and MSc (Development Studies) 1977 both from the University of Bath. Thereafter, she read law at School of Oriental and African Studies (University of London) where she obtained an LL.B Degree in 1980. She attended the Bar final course at the Nigerian Law School Lagos and was called to Nigerian Bar in July 1981. She remained at the Nigerian Law School as an assistant lecturer and through diligence and resourcefulness, she rose to become senior lecturer and then Director of Criminal Litigation Department and finally Director of the Legal Drafting Department. After 25 years of meritorious service, she retired in 2005 to concentrate on private legal practice and consultancy. Until her premature death, she was one time senior special Adviser to the Federal Attorney General and National Assembly on Drafting matters.

Toyin, as she was fondly called, was an intellectual giant who has many works to celebrate her life:- Criminal Procedure in Nigeria Law & Practice, Legal Practice & Management in Nigeria and many other publications locally and internationally. She is survived by her aged parents, husband and two children. She was buried in compliance with her Islamic religious faith but she will continue to live in our hearts as a very able, friendly and amiable person.

Prof. U. Jack-Osimiri

Dean, Faculty of Law, Rivers State University of Science & Technology

The CLEA Nairobi conference

I would like to draw your attention to the next CLEA conference which will be held at the Kenya School of Law in Nairobi between 30 August and 1 September 2007. As you will see from the conference flyer, the costs have been kept as low as possible to enable as many as possible to attend. Participants will also have the option of joining in on a safari immediately after the conference: again we have been able to obtain some extremely favourable rates. We are delighted that Gladys Boss-Shollei has agreed to organise the conference on behalf of the Association. Her contact details are contained in the Call for Papers (above).

The theme of the conference is "Developing Legal Education in the Commonwealth: Current Issues". There will be four themes, three of which relate specifically to the CLEA model curriculum development project i.e. Islamic Law; Human Rights; and Corruption and the Misuse of Public Office. I hope as many as possible will participate in the workshops. Even if you are unable to attend, we would welcome your contribution electronically.

Apologies: Publishing gremlins have meant a continuing delay in the publication of the CLEA *Directory of Commonwealth Law Schools*. Hopefully the Directory will appear shortly.

John Hatchard
General Secretary, Commonwealth Legal Education Association
Marlborough House, February 2007

ANNUAL REPORT ON THE ACTIVITIES OF THE COMMONWEALTH LEGAL EDUCATION ASSOCIATION

For the period 1 July 2005 - 30 June 2006

OVERVIEW

The Association continues to undertake a very wide (and still ever expanding) range of activities that stretch around the Commonwealth. Full details of all activities are found in the various issues of *Commonwealth Legal Education* and on our website www.cleaonline.org. This activity frequently seriously stretches the administration and this remains a real cause for concern. Nevertheless, it demonstrates that the Association is making, and can continue to make, a significant contribution towards strengthening legal education in the Commonwealth.

CLEA members at the General Meeting held in September 2005 made a number of important decisions and these are noted at the appropriate places in this Report. Of particular note was the decision to amend the CLEA Constitution to hold the General Meeting every two years (in line with the Commonwealth Law Conference).

There are two areas I would particularly like to highlight. Firstly, our publication programme saw significant developments during the year. Tottel Publishing has taken over production of the Newsletter *Commonwealth Legal Education* whilst Taylor & Francis now produces the *Journal of Commonwealth Law and Legal Education* on behalf of the Association. We very much look forward to working with them. The move to Taylor & Francis came as the result of their acquisition of Cavendish Publishing and this brought to an end the close working relationship between Cavendish Publishing and the Association that went back many years. On behalf of the CLEA I would like to thank Sonny Leong, the Managing Director of Cavendish Publishing, for all his assistance to the Association.

Secondly, the curriculum development programme is expanding rapidly. Both the Model Human Rights Curriculum for the Commonwealth and the course on "International Co-operation in Criminal Matters" were finalised during the year and both can be found on the CLEA website www.cleaonline.org. The third curriculum on "Preventing Corruption and the Misuse of Public Office" is now in preparation whilst it is hoped to start work on a model Islamic Law course shortly.

I would like to thank the President of the Association, David McQuoid-Mason and the members of the Executive Committee for their continued support throughout the year. I would also like to acknowledge, in particular, Ros Macdonald, our moot co-ordinator, for her outstanding work on the organisation and running of the Commonwealth Law Moot and Dr S Sivakumar, for organising the ever-expanding CLEA work in South Asia.

As ever, the Association is indebted to Siew-Kee Lim for her administrative assistance. Without her the work of the Association would rapidly grind to a halt.

John Hatchard
General Secretary, CLEA

CLEA ACTIVITIES

PUBLICATIONS

1. *Commonwealth Legal Education*

A significant milestone was reached in February 2006 with the publication of the 100th issue of the Newsletter. This coincided with the first issue to be produced for the Association by Tottel Publishing, a relatively new UK-based law publishing house. We are grateful to them for taking over its production and look forward to a long and mutually beneficial working relationship.

Currently we produce around 900 copies and these are sent free of charge to all known Commonwealth law libraries plus CLEA members. *CLE* is also available on our web site and we also intend to distribute future issues electronically so as to reach as many law teachers as possible.

2. *Journal of Commonwealth Law and Legal Education*

Our fully refereed journal was launched in 2002 and appears twice a year. 2006 saw a major change with publication on behalf of the Association being taken over by Taylor & Francis following its acquisition of Cavendish Publishing. This has led to the journal receiving a new look and we hope that increased marketing will enable us to make further improvements. The Association is extremely grateful to Gary Slapper and Aurora Voiculescu for editing the journal.

3. *Cases and Materials Relating to Corruption*

The Association contributed cases and other materials to this Tiri publication. This is the third year of working with Tiri (and previously with Transparency International) on this project and it has led to the development of a unique collection of cases, many of them unreported or otherwise inaccessible. The series is available on the CLEA website.

Regrettably, current funding constraints means the future of the project remains uncertain and the Association will be working with Tiri in an effort to obtain further funding.

4. *Print on demand*

Print on demand enables us to produce quickly and cheaply small numbers of books for use, for example, in jurisdictions where there is a shortage of local legal materials but a limited market.

During the year, technical difficulties meant that it was not possible to commence this project but it will be launched next year with the publication of the 4th edition of the CLEA *Directory of Commonwealth Law Schools*.

CLEAONLINE

The CLEA website (www.cleasonline.org) is hosted by Queensland University of Technology. During the year, some significant improvements were made to the site and work is ongoing to create a significant legal education resource for the Commonwealth.

CONFERENCES AND MEETINGS

1. *CLEA Conference 2005*

The 2005 CLEA conference on the topic "Comparing Commonwealth Laws: Challenges for Law Teachers" was held between 9-10 September 2005 and hosted by the University of Greenwich, UK. The Conference was divided into six main

themes: (1) Common Law: Diversity in Unity (2) Comparative Commonwealth Laws: Civil Law, Roman-Dutch Law and Customary Law (3) Comparative Commonwealth and Human Rights Issues (4) Family Rights and Human Rights (5) Developing the Teaching of Islamic Law (6) Legal Education, E-Learning, Legal Services and Law Clinics.

The conference was organised by Selina Goulbourne, the CLEA EC member for Europe and the Association is indebted to her and her team for making the conference such a success.

2. South Asia Chapters

The CLEA has two Chapters in the region and both remain very active.

In August 2005 the South Asia (India) Chapter, in association with the Menon Institute of Legal Advocacy and Training, organised a human rights summer school in Thiruvananthapuram, India which was attended by participants from across India.

In October 2005, the Chapter also organised the Justice VR Krishna Iyer Essay Contest. Open to undergraduate law students, the topic was "The Role of Non-State Actors in Human Rights". Seventy-six entries were received and Ms. D. Renuka, a IVth year LLB (Hons) student from the School of Excellence, Dr. Ambedkar Law University, was adjudged the winner.

The Chapter also selected law students to attend the Dhaka Human Rights Summer School in December 2005 and the SARC Training Programme on Environmental Law in November 2005.

The CLEA (South Asia) regional conference and law student conference planned for April 2006 was postponed until July 2006.

3. Europe Chapter

As noted earlier, the Chapter hosted the CLEA conference at the University of Greenwich.

The General Secretary represented the CLEA at the Association of Law Teachers conference held at the University of East Anglia, UK in April 2005. He presented a paper on the development of the CLEA model course and curriculum on tackling corruption and the misuse of public office. The paper subsequently appeared in Volume 101 of *Commonwealth Legal Education*.

4. Southern Africa Chapter

David McQuoid-Mason represented the Association at the meeting of the Society of Law Teachers of Southern Africa.

5. Commonwealth Law Conference

The 14th Commonwealth Law Conference was held in London in September 2005. Two of our EC members, Selina Goulbourne and Peter Slinn, represented the Association at many of the preparatory meetings. At the conference itself, the Association organised a session on legal education which included presentations from David Barker (University of Technology, Sydney) and Gary Slapper (The Open University).

The Association is extremely grateful to the conference organisers for waiving the registration fees of some CLEA members. The issue of registration fees for CLEA members is an ongoing one but it is hoped to have it resolved in time for the 2007 Commonwealth Law Conference.

6. CLEA at the Meeting of Commonwealth Law Ministers and Senior Officials

Commonwealth Law Ministers and Senior Officials met in Accra, Ghana from 17-20 October 2005. As a partner organisation with the Commonwealth Secretariat, the CLEA was invited to attend and was represented by David McQuoid-Mason (the

President of the Association) and Seth Bimpong-Buta (the EC member for West Africa). The Association had particular responsibility for the agenda item on legal education in the Commonwealth and David McQuoid-Mason presented a discussion paper entitled "Developing Legal Education in the Commonwealth: Some Current Issues". This is reproduced in Volume 100 of *Commonwealth Legal Education*.

Part of the Communiqué from the Meeting reads as follows:

"Law Ministers received a thoughtful paper prepared by the Commonwealth Legal Education Association and presented to the Meeting by the CLEA's President (Professor McQuoid-Mason). They welcomed the CLEA's work on curriculum development notably in subjects such as human rights in the Commonwealth and transnational crime. Law Ministers recognised the problems of small States without a law school and also the need for specialist training in such matters as mutual legal assistance and extradition."

7. Commonwealth Human Rights Initiative

The CLEA continued to support the work of the CHRI. During the period in question, the Association was represented on the CHRI Trustee Committee by Peter Slinn who was joined by Austin Davis, one of our new EC ad hoc members.

COMMONWEALTH LAW MOOT

In September 2005, the Association organised and ran the 9th Commonwealth Law Moot as part of the Commonwealth Law Conference in London. The competition brought together teams of law students drawn from around the Commonwealth. The following regions were represented: The Caribbean, South Asia (India), South Asia (Bangladesh, Pakistan, Sri Lanka); East Africa, Southern Africa, West Africa, North America, Australasia, the South Pacific and South-East Asia. It was a particular pleasure to welcome, for the first time, a team from the University of the South Pacific

The winners of the moot and the Turnbull Shield were the Canadian team from the University of Toronto consisting of Yousuf Aftab, Mark Elton and Amy Salyzyn. The runners-up were Benedict Rodgers and Elizabeth Prochaska from City University, UK.

As ever, the CLEA is indebted to Ros Macdonald, the Commonwealth Law Moot Coordinator for undertaking the organising and running of the event. The Association is grateful to Max du Plessis and Steve Pate of the University of Kwa-Zulu-Natal for writing the moot problem.

Full details of the competition can be found on the CLEA website and in Volume 100 of *Commonwealth Legal Education*.

ACTIVITIES FOR COMMONWEALTH LAW STUDENTS

During the year the Association continued to develop its work for and with law students. The following events took place:

1. Commonwealth Law Moot

Details of this event are noted above

2. Essay competitions

Two competitions ran during the year.

- (i) Justice VR Krishna Iyer Essay Contest.
Details of this are given above
- (ii) CLEA Student Essay competition
The competition closed in December 2005. Results will be announced shortly.

CURRICULUM DEVELOPMENT PROGRAMME

Significant progress was made on this programme during the year. Offers of assistance in the further development and updating of the curricula are particularly welcome.

1. *Model human rights curriculum for the Commonwealth*

The revised CLEA Human Rights Curriculum for the Commonwealth was published on the CLEA website. The Association continues to work closely with the Human Rights Unit at the Commonwealth Secretariat on the continued development of the curriculum.

2. *Transnational crime: International cooperation in criminal matters*

This curriculum was published during the year and is available on the CLEA web site. This project is particularly timely providing, as it does, a wealth of material relating to tackling transnational crime and combating terrorism. As noted above, its development was warmly welcomed by Commonwealth Law Ministers.

3. *Tackling corruption and the misuse of public office*

This curriculum is currently being developed. The project reflects the major international and regional efforts to tackle corruption that culminated in the coming into force of the UN Convention Against Corruption in December 2005 and is designed to encourage and assist law teachers include key issues in both their teaching and research.

Details of the project can be found in Volume 101 of *Commonwealth Legal Education* and from the CLEA website.

ORGANISATION OF THE ASSOCIATION

The Executive Committee comprises representatives from the following regions: The Caribbean, Europe, South Asia (India), South Asia, East Africa, West Africa, Southern Africa, North America, Australasia. There are also a number of national representatives. It is most encouraging to report that we have a full complement of EC members.

At the CLEA General Meeting in September 2005, the following persons were elected unanimously:

- *The Caribbean:* Ronnie Boodoosingh (Hugh Wooding Law School, Trinidad & Tobago)
- *South Asia:* Mir Aurangzeb (University of Quetta, Pakistan)
- *South-East Asia:* Kumaralingam Amirthalingam (Faculty of Law, National University of Singapore)
- *Ad hoc members:* Austin Davis and David Barker, the latter to have particular responsibility for student liaison.

The following persons were re-elected unanimously:

- *Australasia:* Ros Macdonald (Queensland University of Technology)
- *Europe:* Selina Goulbourne (University of Greenwich)

Jeff Berryman and Joe Silva have retired as regional Executive Committee members. Their contribution to the work of the Association for many years is greatly appreciated.

CLEA members at the General Meeting mandated the Executive Committee to seek suitable appointments for the vacancies on the EC. As a result, two other appointments have since been made with the consent of the EC:

- *North America*: Paul Ocheje (University of Windsor, Canada)
- *East Africa*: Gladys Boss-Shollei (University of Nairobi/Kenya Law Reports)

The EC has also agreed to appoint Muna Ndulo as the third ad hoc EC member. Based at Cornell Law School in the USA, his mandate is to increase awareness of the CLEA amongst US law teachers, especially the significant number who have Commonwealth connections.

Mr W D Rodrigo, Principal of the Sri Lanka Law College was also appointed the new President of the CLEA Sri Lanka chapter.

John Hatchard remained as General Secretary of the Association with Siew Kee Lim as his administrative assistant. Both work on a wholly part-time basis.

CLEA FINANCIAL POSITION

The audited 2005-6 accounts show the financial position as follows.

Receipts and Payment Account for the year ended 30 June 2006

<u>Receipts</u>	£	£
Subscriptions and other income	3,187.35	
Interest on Bank Deposit Account	198.44	
Grant from Commonwealth Foundation	16000.00	
Project Funds	<u>5,953.00</u>	<u>25,338.79</u>
 LESS		
<u>Payments</u>		
Administration costs		7,500.00
CLEA Greenwich conference		5,996.67
Other conferences and meetings		15,424.00
Miscellaneous expenses		456.89
Audit fees 2005-6		100.00
Bank charges		199.00
Total Payments		<u>29,676.56</u>
<u>Deficit for the year:</u>		<u>-4,337.77</u>

CLEA Balance Sheet as at 30 June 2006:

<u>Assets</u>	£	£
Cash at bank – Current Account	3000.00	
- Deposit Account	<u>3,827.54</u>	<u>6,827.54</u>
 <i>Represented by</i>		
<u>Accumulated Fund</u>		
Balance B/Fwd as at 1 July 2005	11,165.31	
Add: Excess for the year	<u>4,337.77</u>	<u>6,827.54</u>

Note: The 2005-6 accounts do not reflect the payment of £8,100 payment from the Commonwealth Foundation which was delayed until the new financial year.

As the accounts show, the Association was heavily dependent upon funding from the Commonwealth Foundation. Whilst this is much appreciated, it is vital that the Association seeks project funding from a range of other sources.

What the accounts do not reveal is the considerable amount of payment “in kind” that the Association receives. This year, I should mention in particular, the contribution of the Law Society of England and Wales, the Council for Law Reporting in England and Wales and the Commonwealth Lawyers’ Association towards the running of the Commonwealth Law Moot and the provision of prizes for the mooters.

The Association is also indebted to the many people who provide voluntary assistance. Particular thanks go to Peter Slinn and Selina Goulbourne who continued to represent the Association at a number of important meetings. Without such assistance, most of the activities would have been impossible.

Membership

This remains a perennial problem. The Executive Committee has appointed Chris Gale of Bradford University as the Membership Secretary and we hope to see some positive developments in terms of membership.

Commonwealth Foundation

The Association remains indebted to the Commonwealth Foundation for its continued financial support and to the Commonwealth Secretariat for its support in kind.

John Hatchard

General Secretary, CLEA

October 2006

CURRENT CLEA ACTIVITIES

NOTICE OF CLEA GENERAL MEETING

The next General Meeting of the Commonwealth Legal Education Association will take place on 30 August 2007 at the Kenya School of Law, Nairobi, Kenya. Please send all agenda items to the CLEA General Secretary.

ISLAMIC LAW CURRICULUM DEVELOPMENT WORKSHOP

The workshop, funded by the Commonwealth Foundation, was the first in a series which will build on the experience of the CLEA in curriculum development in Human Rights, Transnational Crime: International Co-operation in Criminal matters; and Combating Corruption and Misuse of Public Office. The focus of the Islamic Law Curriculum is to provide an opportunity for scholars who have the expertise in the field and are committed to develop methodologies to encourage academics, students and practitioners to understand the jurisprudential and practical contributions of the *Sharia* to modern comparative legal debate.

Workshop Themes

The underlying theme was the conceptualisation of Islamic Law in contrast to the *Sharia* (secular or religious). A number of other themes emerged under this umbrella for example national state law or *Sharia*, the relevance of international law and the contribution of *Sharia* law concepts of social welfare, finance etc.

Theoretical approaches/ methodology

The nature of the curriculum indicated that legal pluralism and a comparative approach both in relation to the various Islamic schools and other legal systems should be adopted. This would involve an interrogation of the original texts and their applications within states or globally. This methodology would provide opportunities for academic and students operating in very different environments to develop and incorporate materials including case law which is reflective of interpretations and applications in diverse contexts.

The methodology and topics to be included would also be determined by the audience. A major consideration would be whether the curriculum could be adapted for undergraduate and postgraduate students and practitioners in the field.

Topics

The curriculum design is intended to move from the traditional focus on Family Law and Succession to an integration of constitutional, global financial, criminal and other areas. The workshop identified individuals/ groups who would be invited to contribute to the next stage of development in the following areas:

- Islamic Criminal Law and Justice
- Human Rights
- International Law
- Constitutionalism
- Social Welfare
- Commercial Law
- Environmental Protection
- Family Law (including gender and child protection)

Networking/ the next stage

A major issue raised by participants in the workshop was the difficulty of access to comparative academic and practical experience of developments in this area. We hope that future workshops, etc will open the debate and access to materials.

The next development workshop will be held at the CLEA Conference in Nairobi, Kenya from 30 August – 1 September 2007.

Contributions are welcome from individuals/ groups either through participation in the workshop or electronically.

Email: clea@commonwealth.int website: www.cleaonline.org

JOURNAL OF COMMONWEALTH LAW AND LEGAL EDUCATION

Volume 4(1) of JCCLE has been published. The articles in the new issue are as follows:

“Legal Language as a trauma of law and the road to rehabilitation” *Ros Macdonald*

“A comparative analysis of judicial performance evaluation programmes” *Stephen Colbran*

“Federalism in Nigeria: A re-appraisal” *N A Inegbedion and E Omoregie*

“Unorthodox human rights instruments: The ACP-EU development co-operation from the Lomé conventions to the Cotonou Agreement” *Aurora Voiculescu*

“Some challenges facing legal strengthening projects in small Pacific states” *Peter MacFarlane*

“In focus: Sustainable learning and development: The role of open and distance learning” *Helen Lentell*

Readers are invited to submit articles, notes and other contributions to the Journal.. These should be sent to Vanessa Skelton at v.skelton@open.ac.uk

REPORT ON THE CLEA SOUTH ASIA REGIONAL CONFERENCE 2006

The CLEA South Asia Regional Conference 2006 was held from 28th to 30th July 2006 at the Indian Law Institute, New Delhi (ILI). The theme of the Conference was “Access to Justice: A Shift from Letter of Law to Spirit of Law”. Hon’ble Justice Mr. K.G. Balakrishnan, Judge, Supreme Court of India inaugurated the conference and Prof. (Dr.) N.R. Madhava Menon, former Director, National Judicial Academy presented the conference theme. Dr. Menon called for “social context legal education” and “social context judging” to effectuate a shift towards the spirit of the law.

Professor David Mcquoid-Mason, the President of CLEA, and Mr. Rod Pryde, Director, British Council, addressed the gathering. Prof. (Dr.) K.N. Chandrasekharan Pillai, Director, ILI welcomed the gathering and Prof. (Dr.) S. Sivakumar, President, CLEA Asia-India proposed the vote of thanks.

The main conference had several sessions:

Session I was on the “Role of Alternate Dispute Resolution Mechanisms in Promoting Access to Justice” and it was chaired by Professor David Mcquoid-Mason. Professor Alan Rycroft, Professor S.S. Sharma, Mr. J.M. Swaminathan, Dr. Bharat B. Das, Dr. Bindu S. Ronald, Dr. Abdullah Al Faruque and Ms. L. Setyn expressed their views as to how ADR can be effectively utilized in promoting access to justice.

Session II was on “Legal Education for Access to Justice” which was chaired by Prof. Balraj Chauhan. The session witnessed presentations by Prof. Vedkumari, Dr. Gurjeet Singh, Mr. Mustafa Nasir, Mr. Anand Paliwal, Dr. Kurian Joseph and Prof. L.A. Grenhaum. The speakers narrated their experiences and how they are using clinical legal education as an instrument to facilitate meaningful access to justice.

Session III was on “The Role of Information and Communication Technology in Facilitating Access to Justice”. The presenters were Prof. Mallikarjan, Mr. Manish Arora, Ms. Lisa P. Lukose and Mr. George Giri. They all opined that technology has a crucial role in making access to justice faster and more effective. They felt there was a vital need to raise awareness amongst people, especially amongst the most disadvantaged of the opportunities to use technological development in accessing justice. The session was chaired by Prof. Mizanur Rahman, from the Faculty of Law, Dhaka University, Bangladesh.

Session IV was on “The Role of ADR in Promoting Access to Justice” and was chaired by Professor M.G. Cowling. Apart from the chair, Prof. Manik Chakrabarthy, Dr. Y.G. Jayakumar, Dr. Vijayakumar, Dr. Jaiprakash Gupta, Mr. Sidharth Gupta and Mr. P.K. Jayakrishnan presented their own strong views.

Session V was on “Gender Legal Education”. Professor Kamala Sankaran chaired and Professor Ved Kumari and Dr. Bindu S. Ronald spoke.

Session VI was divided into three sections. The first section was entitled “Judicial Reform and Access to Justice” and was chaired by Dr. E.M. Sudarsan Natchippan, M.P. Prof. (Dr.) N.R. Madava Menon, Professor Marius Olver, Dr. S.Surya Prakash, Adv. Vinay Kapur and Mr. Rupan Jagota shared their ideas and observations. All the speakers expressed that there is a deep-felt need for judicial reform in all aspects and spheres to make justice accessible to all; especially to the poor and marginalized sections of the society.

The second section was entitled “Role of Legal Education for Access to Justice” and was chaired by a CLEA Vice-President, Prof. H.J.F. Silva. Mr. M.R.K. Prasad, Ms. M Maitheryi, Dr. B.K. Bhatt and Mr. Ashok R. Patil gave presentations. The final session of the conference was a panel discussion wherein the need for regional co-operation in legal education was thoroughly discussed. The panel discussion was moderated by Prof. (Dr.) N.R. Madhava Menon. The panelists from all regional Commonwealth countries actively participated in the discussion. They were Prof. (Dr.) K.N.C. Pillai, Prof. Mizam Rahman, Prof. Mir Aurangzeb and Prof. J.M. Swaminathan.

Prof. (Dr.) N.R. Madava Menon delivered the conference summary, recommendations and remarks at the valedictory function. Hon’ble Justice Mr. Arijit Pasayat, Judge, Supreme Court of India, was the Chief Guest who also delivered the valedictory address. Prof. (Dr.) S. Siva Kumar proposed the vote of thanks.

The participants and the speakers were given certificates. Overall the conference was a great success wherein delegates from all regions of the Commonwealth participated.

REPORT OF THE CLEA (SOUTH ASIA) REGIONAL STUDENT CONFERENCE 2006

One unique aspect of the CLEA South Asia regional conference, 2006, was the Student Conference that ran parallel to the main conference. The Student

Conference was held in six sessions apart as well as an opening session. The theme for the conference was “Socially Committed Lawyering - Is There a Need for Re-emphasis?”

Students belonging to various law colleges from India, Sri Lanka, Bangladesh and Pakistan participated in the student conference. The opening session, held on 29th July, 2006, was presided over by Prof. H.J.F. Silva, Vice-President of the CLEA. Prof. K.N.Chandrasekharan Pillai, Director, ILI, gave the welcome address whilst Prof. N. R. Madhava Menon, former Director, National Judicial Academy, rendered the opening address and Prof. Jane Schukoske, Executive Director, USEFI, delivered the keynote address. Mr. P. Puneeth, Convener of the student conference, presented the Vote of Thanks.

Prof. Silva and Prof. Karti Govendar chaired the first academic session. In this session the theme was firmly placed in context and the tone was set for the rest of the conference. The presence of two very eminent, yet modest professors, made the students feel at ease.

Prof. Jane Schukoske chaired the second session. This session saw the students participating and arguing with greater intensity. Thanks to Prof. Schukoske, the participants got a preview of the much-touted “American way” of legal education. This session was also important as it gave an opportunity for all the students to understand the way in which the legal education machinery works in other countries. The interaction made the discussion more broad-minded and inclusive. In the third session, the students were benefited by the interaction with Prof. David McQuoid Mason, the President of the CLEA and a most unassuming teacher. This session was characterized by discussion on a variety of areas upon which the students pondered. Prof. McQuoid-Mason provided insights into every issue that was discussed. Here the discussion moved from its theoretical pedestal to a more practical level. The participants narrated their own personal efforts to promote lawyering with a social face.

The fourth session held on the morning of 30th July was chaired by Prof. Pinheiro, Principal, Salgaonkar Law College, Goa. In this session the emphasis was on technological advancements and their role in promoting access to justice. The fifth and final academic session was chaired by Prof. Mir Aurangzeb, University of Quetta, Pakistan and CLEA Executive Committee member for South Asia. The participants benefited from the insightful interventions of Farhanda Aurangzeb, herself a renowned legal academic. In the preceding sessions, the participants mulled over ways to make the profession more socially conscientious. In the final session, the discussion largely centred on moulding the outcomes of all those debates to suit the needs of the legal system of each country.

The final session was a panel discussion to talk about the need for a CLEA Law Students Forum. Prof (Dr) S. Sivakumar, Research Professor, ILI and President CLEA Asia-India chaired this session. The proposal for the forum was put forth by Prof. Sivakumar and accepted by the students after considerable deliberations. The students wanted sub-forums at university levels and a national forum for each country. Representatives were elected from each country to co-ordinate activities till the structure of the forum was finalised by the CLEA.

Secondly, Prof. Sivakumar also suggested that there could be a Year Book brought out by the students with inputs by students from various countries on some selected topic. Contributions could be made on sub-topics by representative groups of

students to be supervised by faculty members. This proposal was also formally accepted.

DEVELOPING THE CLEA CURRICULUM AND MODEL COURSE ON COMBATING TRANSNATIONAL CRIME

Background to the development of the course

The CLEA Programme of Action recognises the need to make legal education socially relevant and professionally useful and that one way of achieving this is to support the development of new law curricula. This goal is reflected in the current project which seeks to address a general concern on the part of the Association that the traditional law school curriculum is not designed to train lawyers for practice in a transnational legal world.

This origin of this project dates back several years when the original course was developed in association with the Commonwealth Secretariat, Criminal Law Unit. Reflecting the fact that it deals with a rapidly developing area, the course has been extensively revised, updated and expanded and is now available free of charge from the CLEA website www.cleonline.org.

The Introduction to the course is included below in order to highlight its scope and importance.

Introduction to the CLEA Combating Transnational Crime course

The need to combat crime with a transnational element is now a major challenge for countries worldwide. Such criminality can occur at several levels. Firstly, some crimes by their very nature often involve a transnational element, for example, drugs trafficking, trafficking of persons, environmental crime, cybercrime, trafficking in firearms, and terrorism. Secondly, some crimes, although are essentially “domestic” in nature, have a transnational element, for example, where relevant evidence is located outside of the jurisdiction. Thirdly, the laundering of the proceeds of crime will often have a transnational dimension.

The past few years have seen significant international efforts to combat crime with a transnational element. These include the work of the United Nations particularly through with the UN Convention Against Transnational Organised Crime and the UN Convention Against Corruption and the work of both the Financial Action Task Force and the Organisation for Economic Cooperation and Development. In addition, there are an impressive range of relevant regional initiatives including those from the Council of Europe, African Union, European Union and Organisation of American States. The Commonwealth also remains at the forefront in efforts to tackle transnational crime, particularly through the development of the London Scheme for Extradition within the Commonwealth and the Commonwealth Scheme on Mutual Legal Assistance.

At the heart of these initiatives is the need for states to develop effective cooperation mechanisms in order to assist each other in the investigation and prosecution of offences with a transnational element. Three scenarios illustrate the point:

- (1) Key evidence in a criminal case is located in a foreign jurisdiction;
- (2) The suspect is outside of the jurisdiction and is unwilling to return;

- (3) Proceeds from the crime are moved out of the country and laundered through the international financial system.

In essence, there is a twin approach here. One is to “get the crooks”: i.e. use the criminal law to punish the offenders. This may involve the need to make use of mutual legal assistance regimes to acquire evidence upon which to convict (as in Scenario 1) or the development of effective extradition arrangements between states in order to obtain the return of the fugitive (as in Scenario 2). The second, and arguably potentially more effective, approach is to go for “the loot”. In other words, seek to take the profit out of crime by forfeiting the proceeds of crime, no matter where in the world they are located (as in Scenario 3).

It seems that few law teachers in the Commonwealth (and beyond) include a discussion of such issues in their teaching, research and writing. There are several reasons for this situation. The main one is probably the ongoing perception that crime is a largely national issue: for in teaching criminal law, criminal justice and the law of evidence, it is often assumed that the criminal(s), the evidence and the witnesses are all in the jurisdiction where the crime took place. The reality is neatly encapsulated by Gubbay, J.A. in *S v Mharapara* [1986] LRC (Const) 235 at 237:

“Past is the era when almost invariably the preparation and completion of a crime and the presence of the criminal would coincide in one place, with that place being the one most harmed by its commission.”

Another reason is the lack of ready access to information and materials on transnational crime. Here text book writers on criminal law, criminal justice and criminal evidence do their readers an injustice by almost entirely neglecting transnational crime issues.

The result is that law students and legal practitioners are often ill-equipped to understand and deal with issues that are of the greatest contemporary and practical significance. For example, there remains concern that whilst international cooperation issues constitute a significant and a growing part of the work-load in government law offices, the often high turnover of personnel means that training law officers “on the job” is not enough. Instead, such issues must be covered as part of an undergraduate law degree or at the professional training stage.

Thus the aim must be to develop courses and programmes that are sustainable over a long period of time and which allow for the development of knowledge of transnational crime issues generally within the Commonwealth legal community.

The Course Materials

The course materials were originally prepared in association with the Commonwealth Secretariat, Criminal Law Unit, but have been updated, revised and expanded for this edition. They deal with three subject areas:

- Mutual Legal Assistance;
- Extradition; and
- Anti Money Laundering and Proceeds of Crime.

The materials are designed for use in any Commonwealth jurisdiction. The hope and expectation is that this will encourage and assist law teachers from around the Commonwealth to develop their own country-specific courses based on the materials or to include relevant material in their existing law courses. The materials can be

used at both the academic and professional legal education levels. In addition, it is hoped that it will also encourage research and writing in a fascinating area of the law.

NEWS FROM COMMONWEALTH LAW SCHOOLS

Clinical legal education: the revival of CLEO

The Clinical Legal Education Organisation (CLEO) has been revamped. Membership is open to all those interested in clinical legal education and pro bono work. For information about CLEO and membership applications contact Philip Plowden on e-mail: Philip.plowden@unn.ac.uk

Four working parties have been established

- CLEO and the advice sector (convenor: Hugh Brayne e-mail: hugh.brayne@blueyonder.co.uk)
- Criminal appeals/innocence projects working party (convenor: Michael Naughton e-mail: m.naughton@bristol.ac.uk)
- Regulatory issues working party (convenors: Sharon Farquhar and Heather Crook e-mails: s.farquhar@herts.ac.uk and h.crooks@herts.ac.uk)
- CLEO clinical standards working party (convenor: Sara Chandler e-mail: sara.chandler@lawcol.co.uk).

“Making teaching inclusive”: Developments in assisting students with disabilities

“Making teaching inclusive” is a new website from the Open University (UK) offering practical advice on how to offer effective and inclusive teaching. The site explores perceptions of disability and looks at barriers to learning and how they might be overcome. Detailed information is given on how to set about developing an inclusive teaching strategy, setting out points of consideration and “appropriate, reasonable adjustments” that might be made.

The site gives access to the Universal Design for Learning (UDL) developed by the Center for Applied Special Technology (CAST). Underpinning UDL is the principle that curricula should be made flexible in terms of learning outcomes, learning methods, materials and assessment strategies, making them accessible and appropriate to all students.

The site looks in some detail at the following areas:

- preparing to teach inclusively
- sustaining self-esteem and motivation
- barriers to learning
- specialist support staff
- assistive technologies
- learning environments
- learning materials
- academic assessment

Inclusive teaching is described as follows: *Inclusive teaching means recognising, accommodating and meeting the learning needs of all your students. It means acknowledging that your students have a range of individual learning needs and are members of diverse communities: a student with a disabling medical condition may*

also have English as an additional language and be a single parent. Inclusive teaching avoids pigeonholing students into specific groups with predictable and fixed approaches to learning.

Inclusive teaching

- takes a coherent approach which is anticipatory and proactive
- has a strategy for delivering equal opportunities and diversity policies
- involves the whole institution
- matches provision to student needs
- incorporates regular reflection, review and refinement of strategies and methods that actively involve disabled students.

Experience has demonstrated that adjustments made for disabled students can often benefit all students. Inclusive teaching is good teaching. For example, when reviewing how to describe a diagram to a blind student, it might become apparent that there is a better way to present the information for all students. In making your teaching inclusive you reassess the material you use in your teaching and the way in which it is delivered and assessed.

Providers should place learners in the best possible learning environment for their needs, whatever those needs may be. Several strategies may be required to ensure that the specific needs of an individual are met. Providers should devise a comprehensive strategy to tackle every aspect of an individual learner's need – this may become complex and is a growing challenge for providers who have to cater to an increasingly diverse population of learners.

Why does inclusive teaching matter?

- Inclusive teaching is more likely to be good teaching.
- We live in a diverse society: education should promote and facilitate this.
- More and more disabled people are entering higher education.
- Disabled students are increasingly aware of their rights and less prepared to accept inadequate provision.
- Although provision for disabled students has dramatically improved in recent years, it is still patchy, under-resourced and inconsistent.

Access to the site is free and can be found at: www.open.ac.uk/inclusiveteaching

New LLM course in Legal Education

The University of Warwick launched a new LLM degree in legal education which is the first of its kind in the UK. Full details can be found at go.warwick.ac.uk/llm

New Zealand law students launch law journal

New Zealand law students have launched the inaugural *New Zealand Law Students' Journal* (NZLSJ). The first issue contains nine articles from senior law students across the country, covering a wide range of current issues in New Zealand and international law including environmental law, the Treaty of Waitangi, tax, competition law, women's health care, restitution, the law of evidence and predictive genetic screening.

The NZLSJ chief editorial board comprises five fourth and fifth year law students from Otago University. Copies of the publication can be obtained by contacting nzlsj@otago.ac.nz

ONLINE

Further developments for NZLII

The New Zealand Legal Information Institute (NZLII) is available at www.nzlii.org. It now contains some 20 databases, some of which contain material that is not otherwise publicly available. For example, all Court of Appeal decisions not subject to suppression orders are uploaded weekly.

The data bases cover, amongst other things

- Decisions of the Supreme Court and Court of Appeal
- Selected study paper, preliminary papers and reports from 1995 from the Law Commission of New Zealand
- *Victoria University of Wellington Law Review* 1998-2005 (loaded one year after publication)
- *Waikato Law Review* 1994-2004 (loaded one year after publication)
- *Otago Law Review* 2003-2005
- *Auckland University Law Review* 2003
- Australia-New Zealand treaties

Online journey into Australian legal history

A new website chronicling the history of law and justice in Australia is available at <http://www.atmitchell.com/journeys/law/justice/justice.cfm>. Amongst the areas covered are:

- Establishing law and order
- Convict life
- The law makers
- Notorious felons. Some very colourful characters are presented here. Amongst them one Henry Louis Bertrand, known as the "Mad Dentist of Wynyard Square". Bertrand was convicted of the murder of Henry Kinder, who died on 2 October 1865, in one of Sydney's most notorious homicide cases of the time. Kinder was the husband of Bertrand's mistress, Ellen, and after several botched murder attempts Bertrand shot him. The bullet failed to kill him. Desperate to finish the job Bertrand persuaded his mistress to poison Kinder with a mixture of belladonna and milk. This attempt was successful but the coroner found that the death was by suicide. Eventually the case was reopened and Bertrand and Ellen Kinder were both charged with murder. Ellen was discharged for lack of evidence but Bertrand was convicted and served 28 years imprisonment.

It all makes for excellent reading.

Using Plain Language

The website of the Plain Language Association provides free plain-language articles, writing tutorials, web links, news, networking opportunities, and professional support. The site also offers free membership, an e-mail discussion group, connections with consultants, and details about professional plain language conferences. The site can be accessed, free of charge at www.plainlanguagenetwork.org/

Combating Torture Handbook: A Manual for Judges and Prosecutors - by Conor Foley

This manual outlines the duties and responsibilities of judges and prosecutors to prevent and investigate acts of torture, and other forms of ill-treatment, to ensure that those who perpetrate such acts are brought to justice and to provide redress for their victims. It also provides practical advice, drawn from best practice, about how torture

can be combated at a procedural level. Although primarily aimed at judges and prosecutors, it can be used as a resource by defence lawyers and others concerned with the prevention and investigation of acts of torture. A well-informed and sensitized legal profession has a vital role to play in eradicating torture and this manual is also aimed at helping its members to fulfil that professional function. It is available free of charge from

http://www.essex.ac.uk/combatingtorturehandbook/english/combating_torture.pdf

Freedom of Information around the World 2006: A Global Survey of Access to Government Records Laws

The international advocacy organisation freedominfo.org has released its report Freedom of Information Around the World 2006: A Global Survey of Access to Government Records Laws. The report provides an overview of access to information laws from 68 countries and is available free of charge from: http://www.civicus.org/new/media/global_survey2006.pdf

Commonwealth Manual on Human Rights Training for Police Training

The training of police officers enhances their knowledge of law and procedure, the limits on power and respect for the basic rights of individuals, said Commonwealth Deputy Secretary-General Florence Mugasha in a foreword to the newly produced 'Commonwealth Manual on Human Rights Training for Police'. She noted that the manner in which police and law enforcement officers carry out their duties in the community contributes towards conditions in which human and economic development can flourish. The Deputy Secretary-General added that this manual will assist police and prisons training institutions in Commonwealth countries to build knowledge and respect for human rights. Ms Rabab Fatima, Head of the Human Rights Unit of the Commonwealth Secretariat, who launched the manual on 12 June 2006 at the opening of a five-day Commonwealth Workshop on Human Rights Training for Police in Eastern Africa in Kampala, Uganda, said the manual will enable police and law enforcement trainers to build human rights standards and approaches into the existing curriculum of their training institutions. The manual includes chapters on policing and human rights in relation to counter-terrorism and human rights responsibilities of prison and penitentiary officials. The manual is available free of charge from www.thecommonwealth.org