

***COMMONWEALTH  
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EDUCATION***

*Newsletter of the Commonwealth Legal  
Education Association*

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## ***FROM JOHN HATCHARD GENERAL SECRETARY***

11 September 2001 saw the start of the CLEA co-sponsored symposium in the Cayman Islands entitled "Human Rights Today". Indeed the appalling events in the United States occurred during the opening ceremony itself. The reaction of participants to the events is reflected in paragraph 2 of the Preamble to the Conference Resolutions. This notes that the **"appalling acts of terrorism which have been perpetrated in the United States of America on the very day on which this Symposium commenced have resulted in barbarous acts that have outraged the conscious of all people"**.

### **"A Worthy Association"**

On 16<sup>th</sup> December 1971, at a conference in Marlborough House, a Resolution was passed formally constituting the Commonwealth Legal Education Association.

To celebrate the 30<sup>th</sup> anniversary of the founding of the Association, we are running a series of retrospectives in the next few issues of the Newsletter. To start us off, I am delighted to include a contribution entitled "A Worthy Association" by Jim Read, the CLEA Chairman between 1977 and 1983. In it he chronicles the early years of the Association. I am most grateful to him for delving into the CLEA archives and providing such a fascinating and valuable history, much of which was previously probably quite unknown to most of our membership (including myself!). From my point of view, I would like to highlight, in particular, the enormous contribution made by the first CLEA General Secretary, Tom Colchester. The fact that he produced FOUR issues of *Commonwealth Legal Education* each year is quite extraordinary.

## **CLEA Conference in Colombo, Sri Lanka: 18-20 December 2001**

*Curriculum Development For the 21<sup>st</sup> Century: With Particular Reference to Globalisation and International Human Rights*

Mindful of the ongoing international uncertainties, and the understandable concern expressed by some members about holding a conference at this time, we have kept in close touch with the local organisers. After extensive consultations, I am pleased to report that we have decided to go ahead with the conference.

The response to the Conference has been excellent and we are expecting well over 100 participants from outside the country.

For full information and on-line registration please visit the conference web site: [www.lankika.com/law](http://www.lankika.com/law)

It also means that we will be able to hold our 30<sup>th</sup> birthday celebrations in Colombo.

TO THOSE ATTENDING: Please remember to bring a copy of one or more of your publications to donate to the local law libraries

TO THOSE WHO REMAIN UNDECIDED: **IT IS STILL NOT TOO LATE TO ATTEND**

### **Commonwealth Law Students Mooting Competition**

The Commonwealth Law Students Mooting competition will be held during the CLEA Colombo conference. The problem and all other relevant information is available on the conference web site: [www.lankika.com/law](http://www.lankika.com/law)

### **Launch of the *Journal of Commonwealth Law and Legal Education* (*The Journal of the Commonwealth Legal Education Association*)**

It is with enormous pleasure that I am able to announce yet another milestone for the Association. This is the publication of our new journal, *Journal of Commonwealth Law and Legal Education*, the launch of which will take place at the CLEA Conference in Colombo. I am also delighted to inform you that the Patrons of the new Journal are The Rt Hon The Lord Woolf, Lord Chief Justice of England and Wales and The Rt Hon Baroness Boothroyd.

The Association is indebted to Gary Slapper and Matthew Wait for putting in so much time and effort into making the journal a reality and for persuading such a distinguished list of legal luminaries to act as the Honorary Editors. We are also most grateful to Cavendish Publishing Limited, and especially Sonny Leong, for their assistance in publishing the journal on our behalf. Their continued support and interest in the work of the CLEA is invaluable.

Full details of the journal are provided below.

### **Commonwealth Law Students Essay Competition**

The judges have now selected two essays as being the best of the many entries received. The authors are *Emem Ofonime Umoh* of the Faculty of Law, University of Lagos and *Avanti Perera* of the Sri Lanka Law College. We look forward to presenting the prize personally to Avanti at the Colombo conference in December. Her essay appears in this issue whilst that of Emem Umoh will be included in the next issue of the *Newsletter*.

On behalf of the Association I would like to thank all those students who participated in the competition. We expect to hold the next essay competition in 2003.

### **Commonwealth Law Lecture Series**

The lecture series continues to gain momentum. Despite the postponement of the Brisbane Commonwealth Heads of Government Meeting in October 2001, the Commonwealth Law Lecture went ahead. An excellent lecture was delivered by The Hon Justice Michael Kirby of the High Court of Australia entitled "Judicial Accountability".

We now look forward to lectures in Canada in November and Sri Lanka in December. Full details are given below.

Once again I would like to express the appreciation of the Association for the enormous support given by our Series Coordinator, Alexis Goh of the University of Western Sydney.

### ***Human Rights Today* symposium**

Whilst the events of 11 September were very much on peoples' minds, the 350 participants from around the Caribbean and beyond who attended the CLEA co-symposium entitled *Human Rights Today* were also deeply engaged in discussions on key human rights issues affected both the Cayman Islands as well as the Caribbean region itself. A full report of the event is provided below.

### **General Meeting of the CLEA**

The next General Meeting of the Commonwealth Legal Education Association will take place during the Colombo conference. The relevant Notice appears below.

### **Membership of the Executive Committee**

The effectiveness of the Association depends to an enormous extent on the contribution of members of the Executive Committee. As all EC members have found out, the appointment is not a sinecure but is a lot of hard (and unpaid--although not unappreciated) work. We have vacancies on the EC for South Asia and South East Asia that must be filled in Colombo. Also several other EC members are coming up for re-election (Australasia, Europe and West Africa). So please let me know if you are interested in joining the EC.

### **CLEA Annual Report**

Space does not permit me to include the 2000/2001 CLEA Annual Report in this issue. The Report will be made available to members at the Colombo conference and will be published in the next issue of *Commonwealth Legal Education*.

*John Hatchard*  
General Secretary, CLEA  
Marlborough House

*October 2001*

# CLEA CONFERENCE 2001: COLOMBO, SRI LANKA

*18-20 December 2001*

## **CURRICULUM DEVELOPMENT FOR THE 21<sup>ST</sup> CENTURY: WITH PARTICULAR REFERENCE TO GLOBALISATION AND INTERNATIONAL HUMAN RIGHTS**

At the Commonwealth Legal Education Association conference in Adelaide in May 2000 it was agreed that the next CLEA Conference would focus on the theme of Globalization and International Human Rights. The conference organisers, the Sri Lanka Law College, in consultation with the Executive Committee of CLEA have decided that the most important aspect of this brief is to consider how these two topics impact on law school curriculum development in Commonwealth countries. Are the demands of globalization and international human rights standards moving law schools in the direction of "borderless education"? If so how should these concepts be accommodated in law school curricula that must primarily focus on country-specific variations in law and legal practice?

The objective of the Conference is therefore to provide an opportunity to discuss theoretical and practical issues relating to the integration of globalization and international human rights issues into the law school curriculum. Such integration may be considered at both the traditional academic level of instruction and the more recent clinical law programmes.

The Conference will be informal in nature. The formal presentations will be brief and most of the work will be done in informal groups providing an opportunity for discussion and the development of concrete proposals.

### CONFERENCE TOPICS

1. *Globalization and the Law School Curriculum*: Should globalization issues be incorporated into the law school curriculum? If so, how? Should they be mainstreamed across the curricula, or should they be confined to special courses? Should they form part of compulsory or optional courses?
2. *International Human Rights and the Law School Curriculum*: Should international human rights be incorporated in the law school curriculum? If so, how? Should it be mainstreamed into constitutional law courses or should it be taught in special courses in public international law or human rights law? Should it be part of compulsory or optional courses?
3. *Incorporating Globalization and International Human Rights Law into Clinical Law Programmes*: Can this be done? If so, how? Should such programmes be compulsory or optional?
4. *"Borderless Legal Education" in the New Millennium*: Do the demands of globalization and international human rights law mean that law schools are entering an era of borderless education? If so, how should this be balanced against the need for country specific law school curricula?

5. *Developing new courses for the 21<sup>st</sup> century*: International Trade Law, International Banking and Tax Law, Environmental Law, Law and Information Technology, Ethics and Professionalism and International Property Law.

6. *New Developments in Roman-Dutch Law*

Participants are also invited to bring copies of their books, articles, offprints and other law-related materials to donate to the Sri Lanka Law College and University of Colombo law libraries.

Further details and on-line registration can be obtained from the conference web site: [www.lankika.com/law](http://www.lankika.com/law)

# 30<sup>TH</sup> ANNIVERSARY SECTION

## "A WORTHY ASSOCIATION" The Early Years of CLEA

*James S. Read*  
(CLEA Chairman 1977-83)

At its 30th Anniversary the Commonwealth Legal Education Association is now so well established and effective as an Association serving a primary constituency of law schools and law teachers that it is salutary to recall that its creation and early development reflected the initiative and contribution of a few individuals and of three in particular: Lakshman Singhvi and the late Tom Kellock, neither of whom was a law teacher, and Tom Colchester, who made the major contribution but was not even a lawyer. The Association is also deeply indebted to two institutions which nurtured and reared it: the Commonwealth Foundation, which provided the means of survival, and the Commonwealth Secretariat (ComSec), especially the Legal and Constitutional Affairs Division which, under successive Directors who served as Hon. Secretaries and Treasurers, provided not merely a home but a supportive environment and various hidden subsidies. To all these the Association of today may be duly grateful.

### *The Beginning<sup>1</sup>*

It was a practising lawyer, albeit one with unusual scholarly credentials, whose initiative prompted the inception of the Association thirty years ago. When the Fourth Commonwealth Law Conference convened in New Delhi in January 1971, it was as a response to a proposal by Dr. Lakshman Singhvi, a senior practitioner who was also Chairman of the Institute of Constitutional and Political Studies in New Delhi (and later a Special Rapporteur for the United Nations on the Independence of the Judiciary and a distinguished High Commissioner for India in the United Kingdom), that one day of the programme was devoted to a discussion of legal education. A special effort was made to attract law teachers to attend the Conference. At that meeting, on 9th January 1971, a proposal was adopted (although no formal motion was put) for "the establishment within the organisation of the Commonwealth Law Conference of a body which will promote greater and closer collaboration within fields of legal education".

The proposal, made by Professor A.R. Thompson of the University of British Columbia, then President of the Canadian Association of Law Teachers, was warmly supported by, among others, Mr. Justice Fuad, then Director of the Uganda Law Development Centre (who wanted provision to be made for the education and continuing education of judges), Professor Hyman Tarlo of Queensland University and the late Professor Philip James of Leeds University, who aptly observed that "The Commonwealth is a lot of friends who get together to differ". Professor H.W.R. Wade, QC, of Oxford University (now Sir William Wade of Cambridge University), who had chaired the meeting, was asked to set up a committee to prepare a programme and constitution for a "Commonwealth Legal Education Institute". Professor Wade appointed Dr. Singhvi, Professors Tarlo and Thomson and Dr. O.R. (now Sir Roy) Marshall (then Vice-Chancellor of the University of the West Indies) as members of this planning committee which, however, never met. (Evidently for lack of funds for travel expenses as, by way of partial

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<sup>1</sup> Relevant papers of the Commonwealth Legal Education Association are deposited in the Records of legal Education Archive (RLEA) held at the Institute of Advanced Legal Studies in the University of London, under the series reference A.CLEA. The writer gladly expresses his appreciation for the assistance provided by the Archive (which includes his own papers as a former Chairman of CLEA) in the preparation of this contribution.

explanation, it is recorded that "an important letter from Dr. Singhvi to the Commonwealth Foundation was lost in the post".)

The impetus to pursue the proposal came much later in 1971 from the Commonwealth Secretariat, where Tom Kellock, QC, the energetic first Director of the Legal Division, was prompted by Professor Tarlo, on sabbatical leave in England, to revive the project. They recognised the need to expand the committee to represent other parts of the Commonwealth, although on an informal basis to avoid the delay required for formal consultations. The Commonwealth Foundation was approached for financial assistance and invitations were sent out for a conference in London to discuss the formation of a new Association.

### *The Founding Fathers*

The Conference at which the Association was established opened at Marlborough House on the morning of Wednesday 15th December 1971.<sup>2</sup> The importance of the meeting was signified by the presence of the Commonwealth Secretary-General, Arnold Smith, who welcomed the 'delegates and representatives' and offered them the help of the Commonwealth Secretariat; he could not have realised how great that help was to be or what a vital contribution it would make to the life of the Association.

It was Roy Marshall who, thanking the Secretary-General, expressed the hope that out of the discussions would emerge "a worthy Association". Tom Kellock, who had prepared and circulated preparatory documents, was elected chairman. This was a broadly representative gathering: in addition to Marshall (West Indies), Singhvi (India) and Tarlo (Australia), there were Deans of Law Schools in Manitoba (Cliff Edwards, President of the Canadian Association of Law Teachers), Ghana (the late Austin Amissah), Makerere University, Uganda (Victor Mackinnon) and the Sub-Dean from the National University of Singapore (Mrs. S.Y.Tan); other law teachers were represented by Philip James (then President of the Society of Public Teachers of Law (SPTL)), with John Wilson, the Hon. Secretary, and John Farrar, Chairman of the SPTL Young Members' Group; Joseph Kakooza from Makerere represented the East African Law Teachers' Association. With Kellock were his young Nigerian assistant, Fred Agbeyegbe, and two other Secretariat colleagues (S.J. Coohy and P. Snelson). The Commonwealth Foundation was also represented.

The Conference readily agreed on the need to form a broadly-based association of Commonwealth "legal educationalists". Dr. Singhvi made a formative contribution: he had prepared a draft Constitution, which was unanimously accepted. An interim Executive Committee (Amissah, Edwards, James, Kellock, Marshall, Singhvi and Tarlo) was appointed to canvass support and prepare an application to the Commonwealth Foundation for assistance to facilitate a further meeting, a year or so later. This would plan future activities, including a conference on legal education in conjunction with the next Commonwealth Law Conference, then expected to be at Kampala in 1975. Those present then adopted a Resolution formally constituting themselves as the Commonwealth Legal Education Association and adopting the Constitution. The Resolution was set out in a document which was signed on 16th December 1971 by Tarlo, Amissah, Singhvi, Mackinnon, Farrar, Marshall, Edwards, Kakooza, Kellock, Tan, James and Wilson.

In further discussion it was agreed that the Legal Division of ComSec should, "if willing, serve as the Secretariat until alternative arrangements" were made. After an inconclusive discussion of

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<sup>2</sup> The record of the Conference is at A.CLEA 1/17. It includes, as a preparatory paper, Annexure 1, an account of the earlier proceedings at the Commonwealth Law Conference in New Delhi. The papers of the subsequent Committee meetings discussed below are in the same file.

possible patrons and of the modalities of applying to the Foundation for a grant, the meeting formally reconstituted itself as a meeting of the First Executive Committee of the Association.

### *A Slow Start*

At its First Meeting on 17<sup>th</sup> December 1971 the Executive Committee (Amissah, Edwards, Kellock, Singhvi and Tarlo, with Farrar, Kakooza and Tan present "by invitation") elected Singhvi as its Chairman and Kellock as Hon. Secretary and Treasurer (thereby setting a valuable precedent which has been accepted by successive Directors of the Legal Division of ComSec). Singhvi presented his proposals and asked the Committee to discuss, in particular: priorities for action, financial requirements (including subscriptions, fixed at £2 a year for individuals, £25 for law schools) and the adoption of "Byelaws". The difficulties of communication and decision-making likely to be encountered in running such an international association were sensibly anticipated: for example, it was agreed that there could be "Meetings by Circulation" and, if a Committee member failed to respond within 14 days to a communication requesting their opinion, such consent to the proposal would be presumed. Furthermore, every Committee member - and even everyone who had attended the inaugural meeting - was authorised to admit new members in their respective areas and to collect their subscriptions! A number of legal luminaries, starting with Lord Denning, were identified for targeting as potential patrons.

The Committee realistically anticipated that it would be unlikely to meet again for a year or more. January 1973 "in Barbados or London" was thought to be a possible date, but in the event eighteen months elapsed before the full Committee met for a second time on 9<sup>th</sup>-10<sup>th</sup> July 1973, in London. Tom Kellock's place as Hon. Secretary and Treasurer was now taken by Kutlu Fuad, who had succeeded him as Director of the Legal Division. By now the Association had 23 institutions and 47 individuals as paid-up members but its funds, entirely from subscriptions, were tiny. However, Dr. James Maraj, Commonwealth Assistant Secretary-General, attended to convey the concern of the Secretary-General to give whatever help he could through the Legal Division and the presence at the meeting of the Director of the Commonwealth Foundation, John Chadwick, was a harbinger of better times to come: he thought the Trustees of the Foundation might give favourable consideration to a request for modest assistance to provide the Association with secretarial support. But could the Association find a suitable person to provide such assistance effectively?

### *"Lift-off"*

Now, nearly two years after its establishment, the Association was about to achieve "lift-off". In October 1973 the Trustees of the Commonwealth Foundation did indeed make "a generous grant" of £9,250, to cover expenses to June 1976. The importance of this, dwarfing the annual subscription income of around £400, was obvious. Most significantly, it enabled the appointment of a part-time "Assistant" to the Hon. Secretary (of whom, more later).

On the other hand, the general situation in Uganda under President Idi Amin had resulted in uncertainty about the holding of the Commonwealth Law Conference in Kampala, planned for January 1975 but ultimately deferred until 1977 and transferred to Edinburgh. The Association, originally expecting to arrange conference sessions as well as committee and general meetings at the Law Conference, was in a programme limbo. The Committee decided to organise "A Workshop on the organisation, content and techniques of legal training" at Leeds in July 1975 but early in 1975 this also had to be postponed for lack of sufficient support.

However, at this point a contemporaneous transatlantic initiative provided an opportunity which the embryonic CLEA seized with enthusiasm. In 1972 the International Legal Center (ILC) in

New York, prompted by its Director of Research, Jim Paul, had invited an international group of legal scholars, who had individually contributed to legal education in Asia, Africa or Latin America, to study the problems of legal education in those regions. The thoughtful and stimulating Report of the "Committee on Legal Education in the Developing Countries" (whose sixteen members included five from Commonwealth countries) was published in 1975.<sup>3</sup> The CLEA was able to organise, with the ILC, a Joint Working Party in December 1975 at Cumberland Lodge in Windsor Great Park, to discuss the Report and further relevant aspects of legal education. The quality and atmosphere of the discussions on this occasion provided a model which was followed by subsequent seminars organised by the Association at the same venue over the following years.

However, after its meeting in 1973 nearly three years elapsed before the Executive Committee could hold its third meeting, 21<sup>st</sup> - 23<sup>rd</sup> June 1976. Membership had now grown to 35 institutions and 108 individuals. The original Committee held its fourth and last meeting at the Fifth Commonwealth Law Conference in Edinburgh on 23<sup>rd</sup>-24<sup>th</sup> July 1977. The first General Meeting of the Association, at which a new Executive Committee was elected, was held at Edinburgh on 27<sup>th</sup> July 1977, following a Seminar on Legal Education organised by the Association as part of the Conference programme. The Committee met the following day, with four of the original members (Singhvi, Edwards, James and Tarlo) and five new members (Aubrey Fraser from the Caribbean, Madan Gujadhur from Mauritius, representing Africa, Jacob Sofolahun from Nigeria, Roger Crane, immediate past President of the SPTL, and the writer).

The albeit modest growth in the activities and resources of the Association (the Commonwealth Foundation having maintained its support) led the London-based officers to recognise their need for guidance in planning future activities, within the policies set by the Committee but without expending limited resources on the costs of frequent meetings of the widely-dispersed Committee. The solution found was the appointment of the "London-based Advisory Panel". This consisted of the Chairman, the Hon. Secretary/Treasurer and the Executive Secretary, with the other British members of the Committee and teachers at law schools elsewhere in the Commonwealth, or who had experience of such teaching, but who were for the time being available in the U.K. This flexible formula produced from time to time a remarkably representative group which, meeting twice a year in London was able to give invaluable and constructive guidance to the officers in planning the programme of CLEA activities.

Again, three years were to pass before the next meetings of the Committee and the second General Meeting, at the Sixth Commonwealth Law Conference at Lagos, in August 1980. By now the Association had made sufficient impact for legal education to be promoted as the topic for one of the main sessions of the plenary Conference, although this was also due to the influence of T.O. Elias who presided over the Conference and who, of course, uniquely combined the roles of scholar and teacher with being at the same time a distinguished Attorney General and Minister of Justice of the Federation of Nigeria. The Committee was able to meet again in December 1981, during a CLEA Seminar at Cumberland Lodge, before its usual meetings at the next, Seventh, Commonwealth Law Conference at Hong Kong in September 1983.

*Tom Colchester, C.M.G.*

Committees come and go, and far-flung committees of international organisations are particularly difficult to activate. Fortunate indeed is the organisation to which an able and effective executive officer comes - and stays. When Tom Colchester was appointed in 1973 as

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<sup>3</sup> *Legal Education in a Changing World*, published in Uppsala, Sweden by the ILC and the Scandinavian Institute of African Studies, 1975.

part-time assistant "for one year" to Kutlu Fuad, the Hon. Secretary, neither of them realised that it was the beginning of a more than ten-year stint which would transform a rudimentary organisation into an influential and productive instrument of Commonwealth co-operation.

Tom (actually Trevor Charles, to everyone's surprise!) had already retired more than once. He had had a distinguished career in the Colonial Service in East Africa, although his liberal views made him a colonial officer of the rarest kind. He was a district officer in Kenya on the Ethiopian frontier and later D.C. Nairobi, Member of Legislative Council (also in Northern Rhodesia) and Cabinet Secretary, then Kenya Government Agent in London. Although not a lawyer, he was once Resident Magistrate in Zanzibar and knew the ways of lawyers, having married into a prominent Kenyan legal family. Tom was further well prepared to nurse the new-born CLEA because he had just completed ten years as Secretary to the Commonwealth Association of Architects, which, indeed, he had helped to establish; his service to that profession was recognised by his election as an Honorary Fellow of the Royal Institute of British Architects.

As Executive Secretary of CLEA 1973-84, with a Committee which met only at vast intervals (he had been in office nearly three years before he first met it), it was left to Tom alone to devise and implement initiatives to consolidate and promote the Association, with only Kutlu Fuad and his successor Jeremy Pope and their colleagues at the Legal Division of ComSec to give immediate encouragement. Hence most of the activities which gave life to CLEA in and beyond its first decade can be attributed to initiatives developed, and often originated, by Tom. Foremost among these were the *Newsletter* and the *Directory of Law Schools*, which established and maintained essential links throughout the world of Commonwealth legal education.

When Tom eventually retired, his contribution was (inadequately) summarised in *Newsletter* No. 38 (July 1984) (the first issue for which he had not been responsible):

"...armed only with a skeletal Constitution, a distant Chairman, a small internationally-dispersed Committee, a vaguely-defined remit and a `constituency' of potential members scattered in small groups at law schools throughout the Commonwealth, Tom proceeded with vision and persistent optimism to develop the sinews of co-operation in Commonwealth legal education. His super-efficient administration of the Association's routine affairs, on a shoe-string budget and from a constantly shifting seat in the rapidly-growing Legal Division of ComSec was only the foundation of his contribution ...."

*"Commonwealth Legal Education": The Newsletter*<sup>4</sup>

The most effective instrument employed to serve the purposes of the Association was the *Newsletter*. The first issue, published in November 1974, presented it as "a priority service" which Tom Colchester distributed to *all* law schools in the Commonwealth, whether or not they had signed up or subscribed as members of CLEA. It was to be a quarterly with a broad scope:

"informative rather than scholarly and covering substantial, interesting or unusual developments in legal education, academic and vocational, in particular reforms and curriculum changes in law schools, seminars and conferences of interest to members, developments in teaching methods and techniques, new research projects, vacancies in teaching posts ...."

(The first issue also notes the publication by the Legal Division of ComSec in July 1974 of the first number of the *Commonwealth Law Bulletin*.)

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<sup>4</sup> The RLEA contains a file of *Newsletters* at CLEA 1/11. However, there are some gaps: e.g. Nos 10-13 inclusive are missing. Perhaps a member has copies which could be donated?

Thereafter the *Newsletter* appeared regularly. Although Tom Colchester appealed in every issue for contributions from members and others, few arrived and he had to write most of the contents himself. Fortunately he had a voracious appetite for all the relevant literature, which he scrutinised, eagle-eyed for topical material, making the *Newsletter* an invaluable source of current information and comment, and now a unique historical record. In No. 5 (December 1975) a note on a published survey of "degree mills" suggested that the "Commonwealth School of Law" in Washington, D.C., was perhaps not what it might seem. No. 6 (March 1976) reported on the "eminently successful" CLEA/ILC Joint Seminar (already noted). No. 7 (June 1976) recorded that CLEA had assisted overseas participants to attend regional and national conferences on legal education. It also warned of current threats to the copyright in legal publications, especially textbooks, arising from student addiction to photocopying which, in West Germany, had developed into "commercialised piracy".

No. 9 (December 1976) contained a report (by Brian Harvey of Birmingham University) of the National Conference on Legal Education in Australia in August 1976, "the most ambitious ever held in the Commonwealth". No. 16 (September 1978) contained a report by the Chairman of a visit to several African law schools, including an account of a public spat between the Attorney General of Kenya and the University over the qualifications, practical experience and even the accents of law teachers!

No. 18 (April 1979) reported a Joint CLEA/Osgoode Hall Law School seminar at Toronto in November 1978 on the "Problems of Developing Local Legal Literature in Small Jurisdictions". It was also noted that at a new law school opened at the University of Moncton, New Brunswick, the common law would be taught in French.

An important later innovation in the established *Newsletter* was the publication with it of occasional *Annexes*, allowing for fuller treatment of significant reports or other documents, such as the (UK) *Report of the Royal Commission on Legal Services* 1979 (No. 21, January 1980), a research study on *Women in the Legal Profession* (No. 26, May 1981) or a summary of the Arthurs' Report on *Law and Learning* in Canada, entitled "Can law teachers be scholars?" (No. 34, July 1983).

The *Newsletter* was not entirely restricted to Commonwealth matters. In February 1981 issue No. 25 quoted a report of the "resumption" of legal education in China after a 15-year interval, "to make up a deficiency of 200,000 law-trained people"; although this was queried by R.St.J. Macdonald who had lately written a full history of legal education in China after a visit.

With his last *Newsletter* (No. 37, April 1984) Tom included an Annex: "Views on the Numbers Game from the Sidelines". Summarising recent formal enquiries in New South Wales and Ontario, he allowed himself a personal reflection:

"Ten years of reading Commonwealth law journals, periodicals and reports so as to write a Quarterly Newsletter leaves an impression that the issue on which law teachers and law practitioners most regularly and readily disagree is in the debate on the numbers required to sustain a practising profession and what degree of control, if any, is legitimate or possible over places and numbers graduating from law schools. It is not at all surprising that this should be so. Over the past 20 years the numbers of law graduates has tripled in most Commonwealth countries and quadrupled in some."

### *A Campaigning CLEA?*

Although not designed as a campaigning organisation (except for improvements in legal education), one of the issues "taken up" by CLEA was that of increases in overseas student fees imposed in some of the richer Commonwealth countries (especially the UK), which were seen to deter or even exclude students from other Commonwealth states. Of course, the UK could not indefinitely provide the main centre of legal education and qualification for so many Commonwealth students, as it had once done, particularly at the Inns of Court. And, in the post-colonial age, it was positively desirable that most law students should study and qualify on home ground, in the laws of their own jurisdictions. Nevertheless, discriminatory fees were seen by many as an objectionable and unnecessary obstruction to the opportunity for free movement of students throughout the world of Commonwealth education, particularly of legal education in a shared common law tradition.

*Newsletter* No. 8 (July 1977) contained an informative discussion of the issue. At the Association's General Meeting in Lagos in August 1980 a resolution was adopted (reported in *Newsletter* No. 24, October 1980) urging Commonwealth governments to reconsider "policies which create hardship for students from Commonwealth states, particularly the developing states [and] ... inhibit access to legal education on a Commonwealth-wide basis, which has been of as much benefit to the receiving states as to the students themselves and their countries of origin." However, there seems to be no evidence that any Commonwealth government responded to this plea!

Later (from 1988) the Association was a key player in the Commonwealth Human Rights Initiative, making a major contribution to the drafting of the CHRI Report *Putting Our World to Rights*.

### *Other Activities*

An important service to law schools by the CLEA during the early period was the compilation and circulation of the *Directory of Law Schools in the Commonwealth*. This was the outcome of strenuous efforts by Tom Colchester to identify the law schools (with their current heads and addresses) and then to extract from them the relevant information, which some were surprisingly reluctant - or at least slow - to divulge! The first *List of Commonwealth Law Schools* was circulated with *Newsletter* No. 4 in September 1975: it contained details of 185 law schools in 23 countries. The same process was repeated in order to expand and up-date the *List*, which appeared as the first *Directory of Schools of Law in the Commonwealth* in 1979, with subsequent editions following in alternate years. A similar process of painstaking enquiry resulted in the production of the informative *Directory of Postgraduate Law Programmes in the Commonwealth* in July 1983 (circulated with *Newsletter* No. 34).

Another important service to law schools has been the Law Book Programme, co-ordinated by Gordon Woodman of the University of Birmingham, to collect unwanted books, including superseded editions of textbooks, and supply them to the under-stocked libraries of law schools in other countries.

The successful Joint Seminar with the ILC at Windsor in 1975 was followed by regular short residential seminars in the same pleasant setting of Cumberland Lodge in subsequent years - by the early 1980s virtually an annual fixture. The inevitably UK-centred character of these occasions was off-set by the fact that they capitalised on the presence in the UK at any particular time of a large number of Commonwealth law teachers on sabbatical leave or pursuing postgraduate studies at various British universities, who were invited to attend. The meetings

were therefore examples of serendipity, enlivened by the adventitious "mix" of participants, in terms of their nationalities, subject interests and seniority. The comfortable accommodation and relaxed atmosphere encouraged a collegiate sharing of problems and experiences and on each occasion a distinguished senior member or even a Patron of the Association - Sir Zelman Cowen, Sir Roy Marshall - added wisdom and lustre to the gatherings.

The Association was also able to contribute to relevant activities in the wider Commonwealth legal world. For example, at the Seventh Commonwealth Law Conference in Hong Kong in 1983 CLEA gave its enthusiastic support to the inclusion in the programme of a Commonwealth Moot Court competition, partly to encourage student attendance at the Conference, and did what it could to encourage and facilitate participation by regional mooting teams. In the event nine teams entered, most regions being represented: Australia (the Queensland University team) beat New Zealand in the final, held in the historic old Supreme Court building (which later housed the legislature). In subsequent Law Conferences the Moot Court has become a regular feature of the programmes. (In Jamaica the late Lord Hailsham, then Lord Chancellor, took special pleasure in presenting the award to the UK team from the Central London Polytechnic - an institution which his grandfather had founded!)

At Hong Kong the Association also gave its strong support to the formation of the new Commonwealth Lawyers' Association. It was also able to provide a small measure of practical encouragement. It is perhaps not widely known that the original CLA tie (with its attractive combination of the Commonwealth logo and the scales of justice) was initially designed, before the Hong Kong meetings, as the CLEA tie, by its own officers, but with the expectation and understanding that, if the proposed CLA was established, the tie could be shared, the CLEA having ordered in advance rather larger stocks than its own small membership would require!

### *Conclusion*

There is little to be said in conclusion about an Association which rightly looks to the future rather than the past. It is enough to reflect that from slow and meagre beginnings, founded on no stronger foundation than the hope and enthusiasm of a handful of individuals, has grown the present mature but lively thirty-year-old CLEA. Those who were privileged to serve it in the past have no doubt that over the next thirty years it will play an ever more significant and fruitful role in serving those who educate the lawyers of the Commonwealth.

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# THE COMMONWEALTH LEGAL EDUCATION ASSOCIATION: 30 YEARS ON AND INTO THE NEW MILLENNIUM

**David McQuoid-Mason**  
**President, CLEA**

When CLEA was formed in 1971 the Commonwealth consisted of 31 countries.<sup>1</sup> The Southern African countries of Zimbabwe, South Africa, Namibia and Mozambique were still under white minority rule. The Cold War divided countries into eastern and western blocs. The ideology of socialism and communism influenced the political structures of many countries. The modern concept of globalization had not been heard of. And, the twin towers of the World Trade Center in New York had just been completed. Pocket calculators were introduced for the first time in 1971 whilst cell (mobile) phones, personal computers, the Internet and the e-mail were a distant dream.

Today in the year 2001, twenty-three more countries have joined the Commonwealth. Zimbabwe, South Africa, Namibia and Mozambique are under democratic rule. The Cold War has disappeared. The ideology of socialism and communism has departed from the political structures of many countries. Globalization is the modern buzzword. And, the twin towers of the World Trade Center in New York were destroyed in a terrorist attack on 11 September 2001. Today millions of people own pocket calculators and cell phones. Millions more have access to personal computers, the Internet and the e-mail. What has all this to do with CLEA?

Firstly the twenty-three new Commonwealth members have added at least 30 new law schools to CLEA's institutional membership. This is apart from the increasing numbers of new law schools established in the countries originally represented by CLEA. Secondly, the liberation of Southern Africa from white minority rule has opened the door for the Commonwealth law schools in the region to interact with each other in terms of students, staff and resources. Thirdly, the end of the Cold War has meant that the Commonwealth countries in the developing world are no longer drawn into the ideological battles of the former superpowers. It is now much easier for law schools to reach out towards each other and to law schools in other countries across the political divide. Fourthly, the collapse of communism and socialism in many countries has led to a resurgence of demands for democracy, human rights and accountability in governance. This has opened a window of opportunity for Commonwealth law schools to educate a new generation of lawyers who will uphold these values, particularly in the developing world. Fifthly, the challenges of globalization require Commonwealth law schools to become internationally competitive. At the same time they must produce students who can not only protect the interests of their home countries but also hold their own in the international arena. Sixthly, the destruction of the World Trade Center and its consequences has graphically illustrated how interdependent the countries of the world are in terms of economic, political and legal relationships. The events of 11 September 2001 pose a major challenge to Commonwealth and other law schools to create national and international legal mechanisms that can simultaneously deal with the threats of terrorism and the need to preserve the Commonwealth core values of democracy, human rights and accountability.

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<sup>1</sup> Australia, Barbados, Botswana, Britain, Canada, Cyprus, The Gambia, Ghana, Guyana, India, Jamaica, Kenya, Lesotho, Malawi, Malaysia, Malta, Mauritius, Nauru, New Zealand, Nigeria, Pakistan, Sierra Leone, Singapore, Sri Lanka, Swaziland, Tanzania, Tonga, Uganda, Western Samoa, Trinidad and Tobago and Zambia.

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

What do the next 30 years hold for CLEA and Commonwealth law schools? Hopefully with the increasing availability of information technology there will be many more opportunities for Commonwealth law schools to interact with each other in terms of curriculum development, research and resources. CLEA is producing a number of model curricula for Commonwealth countries such as the Human Rights curriculum, and this may lead to greater articulation and recognition of credit for courses completed at sister Commonwealth law schools. Furthermore, there may be scope for shared distance learning programmes mounted jointly by Commonwealth law schools in the same or different countries. The dramatic developments in the efficacy of information technology will make it increasingly easier for Commonwealth law schools in different countries to enter into joint research projects. Finally, as more and more law school libraries go on line, and more and more law journals and books are available electronically, it will be easier for Commonwealth law schools to obtain access to comparatively cheap resource materials and electronically to share their resources.

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

If the last 30 years have seen exciting developments in legal education at Commonwealth law schools undoubtedly the next 30 will see even more. The challenges are enormous but there is no doubt that CLEA will still exist 30 years hence and will continue to assist Commonwealth law schools to meet the challenges of the new Millennium.

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## CLEA PUBLICATIONS

### *JOURNAL OF COMMONWEALTH LAW & LEGAL EDUCATION*

The launch of the new CLEA journal will take place at the Colombo conference in December. The articles in the first issue include:

- "The Judicial Protection of Human Rights in the Commonwealth" by Lord Lester of Herne Hill
- "A Cosmopolitan Discipline? Some Implications of 'Globalisation' for Legal Education" by William Twining
- "Commonwealth Case Law and the Ad Hoc International Tribunals" by Judge Richard May
- "Is Rights Based Review Justified?" by Shivaji Felix
- "Path Dependency, Law and Development" by Patrick McAuslan

### **About the Journal**

Citizens of the commonwealth number 1.7 billion, amount to a quarter of the world's inhabitants, and live in 54 countries. Originally the term "commonwealth" meant "the body politic", and, more broadly, a nation understood as a community in which everyone had a common interest. The Commonwealth which provides the impetus for this journal is not so very different. A voluntary association of 54 independent sovereign states, the Commonwealth is – at its heart – a community whose members are enjoined, through the Harare Commonwealth Declaration of 1991, to respect and further the goals of democracy, the rule of law, social justice and good government.

There are differences in the laws and legal systems of Commonwealth countries but the similarities are more striking. It follows from this that the corpus of Commonwealth law and jurisprudence is a hugely influential set of rules, precepts and processes. The resultant scale of human conduct controlled, protected, empowered, stirred with obligations and benefited with rights is gigantic. It is our aim that this journal becomes an attractive and influential source of useful information and debate, and a crucible for the forging of new ideas, policies, principles, laws and systems that form the social governance of the commonwealth countries.

It is over thirty years ago since the American writer Herbert Marshall McLuhan first coined the expression "global village". The world today is an even more closely-knit and integrated social fabric. The publication and distribution of books has proliferated globally and the broadcast media have permeated the earth. In 1970 there was no Internet. In 1984 there were 1000 computers linked to the Internet. In 2001 there are over 150 million computers connected to the system - and many are in public libraries, schools, colleges and universities so numerous people have access to such units. It is desirable that a smaller world operating with potentially rapid decision-making processes, enjoys the fruits of deliberative discussion from lively and eclectic contributors. At the time of writing, multifarious issues of law and legal education are subject to vibrant debate in scores of countries: issues of land ownership, human rights, civil obligations, international criminal law, international trade law, public international law, issues of sex, sexuality, and of family, issues of the legal professions, the judiciary, the role of the Law School, intellectual property, communications technology, asylum, immigration and the plight of refugees. We hope that, over time, all these subjects

and many more will be explored in articles in this journal. We also hope to encourage contributions with mixed or innovative themes as we recognise that all established subjects (like the ones in the foregoing list) were once new!

Short opinion or experience-based articles are as welcome as longer more detailed contributions. Pieces of an innovative, imaginative or unconventional nature will be considered as potentially of equal worth to traditional academic articles.

We are committed to representing contributions from those in Commonwealth jurisdictions which have traditionally been under-represented in journals of legal practice and scholarship.

*To discussion without frontiers.*

*Gary Slapper and Matthew Weait  
General Editors*

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## **LEGAL EDUCATION AND THE ADMINISTRATION OF JUSTICE IN WEST AFRICA**

*(Papers from the 1<sup>st</sup> CLEA West Africa Regional Conference)*

The Association is pleased to announce the publication of the papers from the CLEA Nigeria conference in Abuja, Nigeria in November 2000 that have been edited by John Hatchard.

This excellent collection of papers have been written by academics, judges and practitioners and provide a unique insight into the challenges being faced by both legal educators and practitioners in the West African region. The papers cover the following topics:

*"Legal Education in an Age of Global Interconnectivity: whither West Africa?"* by C J Dakas, New York State University;

*"Information Strategies for Legal Education and the Administration of Justice in Nigeria"* by T O Dada, Nigerian Institute of Advanced Legal Studies

*"An Historical Overview of Legal Education in Nigeria"* by C O Okonkwo SAN, University of Nigeria

*"Legal Education in Nigeria (Past, Present and Future)"* by Hon Justice Akpabio, Presiding Judge, Court of Appeal, Enugu Division, Nigeria

*"The Objectives, Problems and Challenges of Legal Education in Ghana"* by Seth Bimpong-Buta, Director, Ghana School of Law

*"ADR in Legal Education and the Administration of Justice in West Africa"* by A A Asouzu, King's College, University of London

*"Re-training the Nigerian Lawyer for the New Millennium"* by Ernest Ojukwu, Dean, Faculty of Law, Abia State University

*"Legal Education in Nigeria: The Need for Changes to Adapt to Changing Times"* by Hon Justice O Ogundepo, Ogun State High Court

*"Lawyers, Legal Education and the Sharia Courts in Nigeria"* by A Oba, University of Ilorin

*"Rethinking Professional Legal Education in Nigeria"* by Oluwatoyin Doherty, Assistant Director, Nigerian Law School

*"Congestion of Cases in Nigerian Courts: Problems and Solutions"* by Hon Justice I Saulawa, Katsina State High Court

*"Administration of Justice: The Kaduna State Experience"* by Alhaji Sani Aminu, Attorney General, Kaduna State

*"Lubricating the Wheels of Justice in the West African Sub-region"* by Hon Justice P Onamade, Ogun State High Court

*"Towards a Fair Criminal Justice Process in Ghana"* by M Opolu-Agyemang, Ghana School of Law

The good news is that the CD is available free of charge to all paid-up Members of the CLEA (outside of Nigeria). The cost to non-members is £15.

## **DIRECTORY OF COMMONWEALTH LAW SCHOOLS**

Work on the Directory is continuing. In order to process the significant amount of new information, publication has been deferred until early 2002.

# **CLEA NEWS**

## **NOTICE OF GENERAL MEETING**

**The Commonwealth Legal Education will hold its next General Meeting at the Ceylon Continental Hotel, Colombo, Sri Lanka on Wednesday 19<sup>th</sup> December 2001**

### **Draft AGENDA**

1. Apologies for absence
2. Minutes of the last General Meeting held at the Stamford Plaza Hotel, Adelaide, Australia on 13<sup>th</sup> April 2000
3. Matters arising
4. Membership of the Executive Committee
5. Accounts, subscriptions and membership
6. Consideration of the Annual Report of the Association 2000-2001
7. Appointment of auditor
8. Any other business

#### Notes:

- Any members wishing to place additional items on the agenda should contact the General Secretary as soon as possible
- Copies of the Annual Report and accounts will be available at the Meeting

## **CLEA COMMONWEALTH LAW LECTURE SERIES**

The Commonwealth Law Lecture series continues to gain momentum. Herewith details of the latest lectures. Please support your local lecture.

On 8 October 2001, The Hon Michael Kirby, Justice of the High Court of Australia, delivered a lecture entitled "Judicial Accountability". The lecture, undertaken in association with The University of Queensland, TC Beirne School of Law and the International Law Association, attracted over 80 participants. The Vote of Thanks was moved by Professor Ratnapala from the University of Queensland.

On 16 November 2001, the first Canadian lecture in the series is taking place. The speaker is Professor Richard McClaran, Advisor to the Law Commission of Canada. His topic is "Secured Transactions and Intellectual Property in the Commonwealth and Beyond". The

local organiser is Winnie Holland (w.holland@julian.uwo.ca). There is also a great web page on the event at <http://www.ivey.ca/leverip/>

The last of the lectures in 2001 is being given by Judge Weeramantry of the International Court of Justice. This will form part of the CLEA December conference in Colombo.

Looking ahead to 2002, the Singapore Academy of Law will host a lecture to be given Dr Kevin Tan. For further information please contact [serenewee@sal.org.sg](mailto:serenewee@sal.org.sg). In addition, the University of Wolverhampton will be hosting a second UK lecture whilst a second lecture for the southern African region is planned for South Africa. A Commonwealth law lecture will also be the centrepiece for the opening of the CLEA Resources Centre in Cameroon early next year.

A REMINDER: The Commonwealth Law Lecture series will be published by Cavendish Publishing Limited on behalf of the Association next year.

### **BOOK DONATIONS**

The School of Oriental and African Studies, University of London has donated books and other legal materials to the Association. In response to a request for assistance, these have been dispatched to the University of Colombo and the CLEA Legal Resource Centre in Cameroon.

### **TRANSNATIONAL CRIME PROJECT**

This project is now rapidly gaining momentum. The course will be introduced shortly in the syllabuses of the Ghana Law School and University of Buea (Cameroon). It will also be introduced at the University of Dar es Salaam in September 2002 as well as in the law schools in the Caribbean. The Cayman Islands Law School and University of Guyana have also indicated an interest in running the course.

The course will also be discussed at the Colombo conference and it is intended to hold a further training course for law schools in east and southern Africa in early 2002.

### **CLEA PARTICIPATION AT THE MEETING OF SENIOR OFFICIALS OF COMMONWEALTH LAW MINISTRIES, 2001**

The Association has been invited to attend this meeting that is scheduled for 6-10 November at Marlborough House in London. Selena Goulbourne, Peter Slinn and John Hatchard will be attending on behalf of the Association.

Amongst the agenda items are:

- Good Governance (consideration of the Latimer House Guidelines)
- Globalisation and the Law;
- TRIPs and the Protection of Traditional Knowledge;
- Protection of Cultural Heritage;
- Rights of Victims of Crime;
- Mutual Assistance between Business Regulatory Agencies (in the context of the fight against organised crime and money laundering);
- Co-operation in Criminal Matters (possible amendments to the London Scheme on the Rendition of Fugitive Offenders and the Harare Scheme on Mutual Assistance in Criminal Matters);

- Freedom of Information model legislation;
- Developing the Commonwealth model law of evidence;
- Law and Technology (including consideration of model laws on e-commerce and computer and computer-related crime); and
- Freedom of Assembly, Association and the Right to Protest

The Commonwealth Secretary-General and several Heads of Government have recently highlighted the need for the Commonwealth to use its unique strengths to effectively contribute to the global response to terrorism. As a result, an additional item "Combatting Terrorism: Commonwealth action in support of the fight against terrorism" has been added to the agenda. The purpose is to enable officials to develop recommendations as to practical work that can be undertaken in order that the Commonwealth can effectively contribute to the global struggle against organised terror. Particular consideration will be given to measures designed to assist member countries with the implementation of UN Security Council Resolution 1373 of 28 September 2001.

Whilst the topics cover areas of considerable interest to legal educators, several sessions are of particular importance to the Association:

- The session on the Latimer House Guidelines provides the CLEA (and the other three sponsoring organisations) with an opportunity to create greater awareness of the Guidelines and to encourage their adoption by Commonwealth governments
- The sessions on mutual assistance and co-operation on criminal matters impact directly on the development of the CLEA's model transnational crime course;
- The CLEA was represented on the Committee that produced the report on the Commonwealth Model Law of Evidence.

Any members interested in obtaining more information about specific topics (and any relevant documentation) should contact the CLEA General Secretary. A full report on the Meeting will appear in the next issue of *Commonwealth Legal Education*.

## REPORT ON HUMAN RIGHTS TODAY CARIBBEAN SYMPOSIUM

*September 11-14 2001, Cayman Islands*

The Human Rights Today Caribbean Symposium was organised by the Cayman Islands Government and co-sponsored by the CLEA. The event was hosted by the Chief Justice of the Cayman Islands, Hon Justice Anthony Smellie, QC. The conference was set against the background of the UN Decade for Human Rights Education and had as its objectives

- Examining human rights standards set by global and Commonwealth organisations
- Defining standards within the cultural context of Caribbean and British Overseas Territories (OTs) and global norms
- Examining the key human rights issues facing the OTs today
- Advocating for change within the context of societal and world standards, including the establishment of national committees (where they do not already exist) to assist in the development and implementation of comprehensive, effective and sustainable national plans of action with respect to human rights education
- Encouraging the implementation of, and ways of raising public awareness in, fundamental human rights, including strengthening the capacity of the media for human rights education and encouraging national non-governmental organisations in the realisation of the goals of the UN Decade for Human Rights Education.

The Cayman Islands, one of four British Overseas Territories represented at the symposium (the others being Gibraltar, St Helena and Anguilla) is facing significant constitutional and political challenges. It is currently undergoing a constitutional review and, as Peter J Smith, the Governor of the Cayman Islands, put it at the conference:

"...for the Cayman Islands, it is providential that this symposium takes place during our review. Our national charter has never included a human rights chapter and as a result, civil liberties are an appropriate and important aspect of the review team's brief. When the former Minister for the Overseas Territories visited during summer 2000, I arranged a meeting with women leaders. During the discussion they outlined how the absence of clearly defined rights affects areas such as immigration and maintenance. They also extended the dialogue to encompass gender issues, rightfully noting that constitutional gaps in women's rights negatively affect men and children".

The symposium attracted over 350 participants. Law students from the Cayman Islands Law School, Hugh Wooding Law School (Trinidad) and the Norman Manley Law School (Jamaica) also attended. The Association is particularly grateful to Dame Elizabeth Butler-Sloss for holding a special session with the students at which freedom of information issues were discussed.

Discussions during the symposium itself also raised other key local issues, including the controversial subjects of freedom of religion, the rights of children and gay rights. Being a Caribbean-wide gathering, the symposium also held detailed discussions on a range of broader issues of concern to the region. The themes and lead speakers were as follows:

### **Protection of human rights by international and domestic law**

*The United Nations Human Rights Charter and the Decade for Human Rights Education*

Gillian Lindsay-Nanton, United Nations Development Programme

*The Importance of a Bill of Rights*

Lloyd Barnett, Senior advocate at the Jamaican and other Caribbean Bars

*The Value and Desirability of Including a Fundamental Human Rights Chapter in the Constitutions of Overseas Territories*

Susan Dickson, Foreign and Commonwealth Office (UK)

**Cultural implications of human rights legislation particularly in the Caribbean context**

Hon. Professor Rex Nettleford, OM Vice Chancellor, the University of the West Indies

**The rights of the family, women and children**

*The Rights to Family Life and the Rights of Children*

Rt. Hon Dame Elizabeth Butler-Sloss, President, Family Division, Royal Courts of Justice, UK

*Using International Human Rights Treaties to Promote the Rights of Women and Children*

Madam Justice Desiree Bernard, Chancellor of the Judiciary of Guyana

*Using the Civil Justice System to protect the Rights of Women and Children in the Commonwealth*

Lionel Swift QC, Commonwealth Lawyers' Association

*The Role of Non-governmental Organisations in Protecting the Rights of Women and Children*

Sara Collins-Francis, Attorney at Law, Cayman Islands

**Developing human rights curricula**

*Developing Human Rights Curricula for Secondary Schools*

Richard Bourne, Commonwealth Policy Studies Unit

*Human Rights Training for the Legal Profession*

John Hatchard, General Secretary, Commonwealth Legal Education Association

**The media and human rights**

*Freedom of Expression and Responsibilities in the Commonwealth*

Derek Ingram, Commonwealth Press Union

*Freedom of Information*

Fabian Picardo, Legal Practitioner, Gibraltar

**The right to life v the death penalty**

*Sentencing and Inhuman Treatment*

Sir Dennis Byron, Chief Justice, Eastern Caribbean Supreme Court

*Recent Developments in Death Penalty Litigation*

Edward Fitzgerald Q.C.

**Rights of persons in custody and right to a fair trial**

*Constitutionality of Confiscation Measures*

Samuel Bulgin, Solicitor General, Cayman Islands

*Right to a Fair Trial*

Hon Mr Justice Derek Schofield, Chief Justice of Gibraltar

*International Criminal Standards and Extradition*

Kiers Starmer, Barrister, UK

**Applications before international human rights tribunals**

*Applications to the UN Committee for Human Rights and the Inter-American Committee*

Kiers Starmer

*How the European Court of Human Rights Works*

Piers Gardner, Barrister, UK

**Human rights and business**

*Human Rights and Confidentiality Laws*

Lawrence Cohen, QC, UK

*A Comparative Study of the Laws Protecting Financial Privacy*

Ian Paget-Brown, Attorney at Law, Cayman Islands

*Human Rights and Insolvency*

Gillian Benning, Solicitor, UK

**The role of the Judiciary and the Bar in maintaining a vibrant human rights environment**

*The Role of the Judiciary in Promoting and Developing a Vibrant Human Rights Environment*

Hon Mr Justice Banda, Chief Justice of Malawi, President of the Commonwealth Magistrates' and Judges' Association

*Facing the Millenium Human Rights Challenge*

Mirugi Kariuki, Barrister, Kenya

*Supporting an Independent Judiciary and Bar*

A Hays Butler, International Commission of Jurists

**Human rights as promoted by government and its agencies**

*The Role of a Human Rights Commission: the Bermuda Experience*

Kenneth Dill, Director, Department of Human Affairs, Bermuda

*The Office of the Ombudsman and the Protection of Human Rights*

Hon Mr Justice Kerr, retired Ombudsman, Jamaica

*The Role of Government in Promoting Human Rights*

Hon Roy Bodden, Minister of Education, Human Resources and Culture, Cayman Islands

The final resolution from the Symposium neatly encapsulates the concerns of participants. In particular it seeks to ensure that the symposium was not a one-off event but the start of a series of initiatives designed to promote and develop human rights in the Caribbean and OTs.

***RESOLUTION***

We, the participants at the Human Rights Today Symposium held in the Cayman Islands from September 11-14, 2001

- (i) Reaffirming the principles of the Universal Declaration of Human Rights and in particular that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world;
- (ii) Deeply conscious that disregard for human rights as exemplified by the appalling acts of terrorism which have been perpetrated in the United States of America on the very day on which this Symposium commenced have resulted in barbarous acts that have outraged the conscious of all people;
- (iii) Recognizing that the traditions of freedom and justice in the Caribbean Region which have been created through centuries of struggle against oppression and exploitation as well as the richness of the Region's cultural and ethnic diversities provide a unique opportunity to the Region to contribute to the creation of a better world of justice, peace and better standards of life in larger freedom;
- (iv) Accepting that human rights are universal and interdependent and should not be denied to any person whether on the grounds of race, gender, age, place of birth or residence, religion, political opinion, status or otherwise;
- (v) Acknowledging that the promotion and protection of human rights are the lifeblood of every democratic society.

**BE IT RESOLVED THAT:**

- (1) It is the duty of Governments to promote and protect human rights and the rule of law;
- (2) Governments are called upon expeditiously to draw up national action plans for the promotion and protection of human rights, to include broad-based educational and public information programmes on human rights; it is the duty of Governments to conduct programmes of public education in the field of human rights and of Governments to introduce in educational institutions at the primary, secondary and tertiary levels (including law schools), schemes for the teaching of human rights;
- (3) Governments should initiate a process of continual review and reform to ensure that those territories which have no existing constitutional guarantee of human rights incorporate such provisions in their constitutions and that States which already have such guarantees make such revisions as will bring them into conformity with international human rights norms;
- (4) In conducting the processes of constitutional review and reform, Governments should procure the full participation of civil society and widespread public discussion;
- (5) Governments should conduct a thorough review of existing legislative provisions to ensure they are in harmony with constitutional and conventional human rights norms;
- (6) In the formation or reformation of Bills of Rights, savings clauses which preserve colonial or other laws which are inconsistent with the fundamental rights provisions must be excluded;
- (7) In the promotion and protection of human rights, constitutional and legislative provisions must be made to protect family life, and the rights of children, the elderly, and the disabled as members of a family and a community;
- (8) Governments have a duty to protect the security of the person and property of persons governed by them and victims who suffer injury or loss should be given appropriate compensation by the State; family members and communities are called upon to lend support to such victims;
- (9) Cultural and ethnic diversity must be treated as an impetus to respect for the human rights of all and not as an excuse for restricting the full realization of human rights by some;
- (10) The right to self-determination implies that decisions affecting the welfare of the people of any country or territory should only be made after full consultation with and approbation of the people of that country or territory;
- (11) It is the duty of Government to provide human rights education to public servants and in particular court officials, law enforcement and prison personnel, customs and immigration officers;
- (12) Regional and national non-Governmental organizations and inter-Governmental organizations concerned with men, women, children, labour, development, food, housing, health care, environmental, as well as other social justice groups, human rights advocates, religious organizations and the media shall undertake specific activities of formal and non-formal human rights education;
- (13) Governments must accept as one of their primary responsibilities the provision of adequate resources and facilities for the administration of justice, including financial and material support for the court system, legal aid and free access to the courts;
- (14) Lawyers and judges must remain sensitive to the principles of international human rights law and Courts must endeavour to apply these principles in adjudicating on questions touching on the human rights of any person;
- (15) The independence of the judiciary is of cardinal importance to democratic Government, the rule of law and the ability of the judiciary to protect and enforce human rights. Governments are therefore encouraged to ensure that the method of appointment of judicial officers and the terms and conditions of judicial service are objective and fair and

- in keeping with the *Latimer House Guidelines* adopted in 1998 and aimed at attracting to and keeping in the judiciary, the most able jurists;
- (16) Members of the legal profession, the judiciary and law enforcement officers must not be subject to political or any other intimidation or interference in the discharge of their responsibilities to protect the human rights of all citizens;
  - (17) Civil servants and others must not be subject to political or any other intimidation or interference in the discharge of their responsibilities to protect the human rights of all citizens;
  - (18) The democratic process must be strengthened by increased openness, transparency and accountability in public administration and the freedoms of information, expression and communication must be maintained and the independence of journalists protected;
  - (19) The Governments of independent States should expeditiously take appropriate steps to ratify and accede to the international and regional human rights instruments without reservations and to incorporate them into their domestic law; they should permit where available the rights of their citizens to submit petitions to the appropriate international bodies;
  - (20) It is the duty of Governments responsible for dependent territories to take appropriate steps expeditiously to extend, ratify and accede to, on behalf of the said territories, international and regional human rights instruments without reservations and commit to the right of their citizens to submit petitions to the appropriate international bodies;
  - (21) In the process of reform of the criminal law, Government shall ensure that no legislation is passed that would infringe the rights of accused persons as established by international conventions or Bills of Rights;
  - (22) Governments should be encouraged to establish effective human rights commissions and/or offices of the ombudsman;
  - (23) The important role of teachers as the persons who are primarily entrusted with the education and sensitization of our children for the appreciation of their human rights should be recognized by Governments and teachers should be provided with the necessary means and appropriate terms and conditions to allow them to discharge all their duties and to ensure that suitably qualified persons are attracted to and kept within the profession.

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## CLEA STUDENT ESSAY COMPETITION

### *WHAT ROLE SHOULD COMMONWEALTH LAW STUDENTS AND LAW SCHOOLS PLAY TO MEET THE CHALLENGES OF THE NEW MILLENIUM?*

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#### *Introduction*

If there is one certainty as to what the end of an era and the beginning of a new one will bring about, it is **change**. Whether that metamorphosis takes a positive or negative turn, only time will tell; it will perhaps take many years for us to find out the answer. The greatest challenge, though, rests itself in this moment, the dawn of a new millenium: to overcome every negative change and make the best of every positive one. One may wonder then, of the role which a lawyer is expected to play in such an environment. In this regard, an insightful observation made some years ago is equally applicable to the present moment of time:

“It is of course true that every period of history is a period of change, but it is also true that some periods witness greater changes than others. The present is one such period... Economists, statisticians, social scientists, political scientists have all been regarded as indispensable personnel in the design and promotion of change. Law has not been regarded as a developmental subject and lawyers have not been considered to have the same vital role... There is a pressing need to give to the law and the lawyers a better ranking in the search for development. “(Marshall, 1993, at 51)

Against this background, the role of a lawyer in the Commonwealth is of particular importance for several other reasons. It is not merely that the majority of Commonwealth nations are third-world nations struggling in that "search for development" but that the adversarial legal system and the concept of the modern welfare state have much bearing on this matter. Since almost every Commonwealth nation displays these two features, the education of a lawyer who is to operate under such a system carries with it special functions. Not only is the outcome of a case primarily dependent upon the performance of counsel within the adversarial judicial process, procedurally, but his/her attention should be diverted, in terms of substantive law, towards individual rights and freedoms likely to be endangered by the growing powers of state authorities within the welfare state.

It is in this context, that is with relevance to both the nature of Commonwealth legal systems in general and the impact of the larger picture of a new millenium, that law students and law schools in the Commonwealth bear a special onus to contribute to the production of lawyers equipped to meet that challenge and play the part expected of them. After all, the member countries of this prestigious body command a significant proportion of the world's population, territory and resources which are to be affected by such changes.

This paper, therefore, seeks to identify the challenges of the second millenium, their effect on the role of lawyers-to-be and how law schools and law students may confront those challenges through structural improvements, curriculum reforms and inculcation of professional ethics.

## *Globalization*

The coming together of all nations in the world as a single "global village" has been the trend for the past decade and, undoubtedly will continue in the years to follow. This process entails many and varying consequences for the legal field. If the ultimate goal is to break boundaries and barriers between sovereign states, what better place to begin than among the Commonwealth, a strong alliance of separate entities which already possesses the ground work for making closer ties?

The response of Commonwealth law schools towards the idea of globalization lies in enabling reciprocity of the law as well as that of the legal profession. Not only must the courses of law studies give added weight to issues of extradition, reciprocal sentencing, international terrorism, free trade obligations, international conflict resolution, legal matters relating to cross-border drug-trafficking, human smuggling and refugee infiltration etc, but provision must be made to make easier the task of a lawyer of one jurisdiction who wishes to practise in another. As one scholar observes "as between different jurisdictions in Australia, the academic qualifications required in one jurisdiction are regarded as sufficient in all other jurisdictions. As between Commonwealth nations, the same should be said of any law degree based on an university course of four years or more. A person admitted to practice on the basis of such academic qualification in any Commonwealth jurisdiction where the Common Law is practised should be regarded as qualified for admission to practice in any other Commonwealth jurisdiction where the Common Law is practised." (Berkeley, 1993, at 68). The writer also notes the need to extend such reciprocity as far as "commuter solicitors"<sup>5</sup> are concerned.

This being the start of the new era, it is heartening to see that certain Commonwealth law schools envisage the prospect of reciprocal legal practice in existing rules pertaining to their systems of legal education. For instance, in Sri Lanka, a graduate in arts, science, law or economics of any university in the Commonwealth recognized by the Council of Legal Education in Sri Lanka or a person who has passed the intermediate examination in arts, science, law, economics or engineering of the University of London or the first examination in arts, science, law, economics or commerce of any University of the British Commonwealth is eligible to sit for the Sri Lanka Law College entrance examination.<sup>6</sup> Among those who are exempt from the entrance examination are law graduates of a university in the United Kingdom or Canada or Australia.<sup>7</sup> Similarly, a considerable number of migrant lawyers from South Africa, the United Kingdom and Sri Lanka are enabled to practise in Victoria, Australia. (Berkeley, 1993, at 68)

Moreover, globalization also heralds the need for greater communication amongst law students in the Commonwealth and their respective institutes of learning. In that respect, the establishment of the Commonwealth Legal Education Association in as far back as 1971 and its sponsorship of the first real conference on the essentials of legal practice courses held in Birmingham in 1974 could be considered far-sighted preparation to grapple the challenges to the profession, including the current ones. The organization of regular international moot competitions and this very essay competition are valuable examples of global bonding. Much good may be done by extending this notion through a Commonwealth law student exchange programme. Perhaps the creation of a Commonwealth Law School should be a primary objective if globalization is to be taken seriously. However, the wide gap that exists between

<sup>5</sup> A term used to describe a solicitor admitted to practice and having his place of business in one jurisdiction and who from time to time goes to other jurisdictions and there performs some of the functions of a solicitor on behalf of his clients from his own jurisdiction.

<sup>6</sup> Rule 23(1) of the Council of Legal Education of Sri Lanka

<sup>7</sup> Rule 23(2) above

the three institutions which offer legal education in Sri Lanka, i.e., the University of Colombo, the Sri Lanka Law College and the Open University is one that has to be eliminated before we can speak of global communion. That is one of our special challenges.

### ***Impact of the Electronic Age***

The past century with all its advances in electronic technology has witnessed a revolution in all fields of study. The increasing growth rate of these new technologies has not left the legal profession undisturbed. Let us, therefore, examine the prospects of this feature in relation to the legal field of the new millenium.

Computerization by far has had the most amount of influence over the world's activities. Without doubt it will continue to do so. Whether in fact the law can be computer programmed is not an absurd query. Insofar as research on and information storage and retrieval of the law are concerned, the computer performs an invaluable service. This is also the point at which law schools and law students can benefit from even further developments in computer technology in the years to follow. Internet communication among law schools in the Commonwealth as well as an exclusive website which contains the most recent judicial decisions and statutory trends within the jurisdictions of member states are some of the aspects which present possible benefits.

The challenge for these law schools and law students, however, lies in moulding their outlook so as to ensure that the law will control computers and not vice versa. No piece of technical machinery, however advanced, can replace the legal thinking that ensues from the human mind. Students must regard recent legal reforms introducing computer evidence and video evidence merely as supporting or facilitating the judicial process and not as a stepping stone to technological control of the law.

On the other hand, law schools are affected by these challenges of the electronic age in that fresh legal issues have arisen as a result. For instance, storage of intellectual property and confidential property in computer software, computerized banking mechanisms and other services which are practically run by computers have opened up a whole new area for dispute and conflict, i.e., electronic fraud. This means that the present and next generations of law students must be educated on legal matters relating thereto. In other words, curriculum reforms are essential to replace the traditional 'core' subjects of law.<sup>8</sup> The nature of the consequences of this aspect of the new millenium is captured in the following comment:

“The impact of computers on legal education - what to teach and how to teach it - will be enormous. What we have to do is to give our students the type of education that will enable them to serve a society which will change more quickly and more extensively than any previous society.” (Marshall, 1993, 55)

### ***Inter-Disciplinary Approach***

It is a danger to teach or learn any subject in isolation. In no other period of history has this statement run so true than at the present one. Even the study of law, which has for the most part of it functioned as a pure discipline, now stands challenged by what is commonly referred to as the “inter-disciplinary” outlook. An inter-disciplinary approach to the acquisition of legal

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<sup>8</sup> It is noteworthy that from 2000 the Sri Lanka Law College is offering a one-year post-graduate Diploma in Intellectual Property Law.

knowledge can be viewed in two ways: a) within the study of law itself, by combining various areas of law in one course of study; and b) in broader terms, by combining legal courses with non-legal subjects.

If we consider the former aspect of inter-disciplinary law studies, the combination of different facets of law is being necessitated by the modern focus of legal practice. Thus, environmental law, intellectual property law in relation to computer technology, criminal law in its application to electronic fraud, expansion of rights to children and public interest litigation are some of the comparatively new topics of law which need to be included along with traditional core courses in law schools. This in order to ensure that the lawyers of the new millenium are prepared to grapple the legal issues of their day and age. The best method of sensitizing a law student in these issues of increasing global interest is, however, not by constructing separate courses of study on each of these subjects, but by skillfully incorporating them into the substantive law courses already being offered. In designing undergraduate courses at the Open University of Sri Lanka, this objective was prioritized as it was noted that this encouraged “the perception of a problem in a more real and meaningful content than when they are taught as separate courses on these themes (Peiris and Goonesekera, 1989)

On the other hand, introducing the inter-disciplinary approach in its conventional and broader sense involves another challenge. It entails linkage with professionals of other disciplines and making use of the input of other departments such as political science, international relations, forensic medicine, sociology, geography departments, etc. in a university. In realizing the importance of this type of interactive legal education reforms, it has been the practice of law schools in Sri Lanka to invite eminent members of other professions to deliver lectures and conduct seminars on the aforesaid areas of study. For instance, a seminar on opportunities for a legal career in the private sector which was organized by the Moot Society of the Sri Lanka Law College in 1999 had one of its guest panelists<sup>9</sup> speaking exclusively on the impact of what he called "Multi-Disciplinary Systems." Similarly, the Open University of Sri Lanka commenced working on inter-disciplinary legal education by initiatives such as introducing courses of law specially formulated for engineers in conjunction with the Engineering Faculty of the University, presenting a legal awareness programme on national radio and developing Audio and Visual Programmes with the assistance of the Asia Foundation to focus on "socio-legal issues presented through dramatizations, graphics and panel discussions that draw upon subject experts in a variety of areas”.

These are but a few of the Sri Lankan experiences in attempting to encompass the inter-disciplinary approach in law schools. All legal education institutions in the Commonwealth must, no doubt, be following such an approach by now and, if not, ought to be engaged in efforts to do so.

### ***Emphasis on Indigenous Laws***

Although the importance of globalization has been stressed in this paper, the continued relevance of local/customary laws is not to be, under any circumstances, undermined. This is where the relationship between different Commonwealth jurisdictions and legal systems become distanced.

Numerous have been the occasions on which the application of first-world legal systems has failed to deliver the goods in overcoming socio-legal problems of the third world. Up to now, law students have gulped down every decision in English and South African case law, relevant or otherwise, as part of their compulsory studies; but the trends of the new era have

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<sup>9</sup> Ranel Wijesinha, Partner, Price Waterhous Coopers, Sri Lanka

brought about a need for an attitudinal change in this regard. It is a change which roots itself in a first-world popular culture that is gradually displacing third-world traditions and the urge to prevent rich customary laws succumbing to the process. Therefore, the ideal law student should be given a well-rounded education that places equal emphasis on his/her own indigenous legal system.

Former African and Asian colonies provide the best environment for such education. It is in these parts of the world, Sri Lanka included, that areas such as laws of succession and family law offer inter-personal conflicts to challenge in turn the forces of centralization, globalization, etc. as imposed on us by the new world order. With its rich legal heritage of Roman Dutch Law, Common Law and Customary Law traditions, the Sri Lankan law student has been exposed to the type of broad education so urgently needed for the millenium. Comparative analyses with similarly situated legal systems have strengthened the developing Commonwealth nation's response to change.

A greater part of the challenge presented by the coming future involves, therefore, a capacity for resistance to wholesale or blanket globalization. Incredulous though it may sound, there can never be a *global* legal system. This is appropriately put forward within the context of Commonwealth jurisdictions by themselves in the following observations:

“The opportunities and constraints embedded in the legal systems of the various Commonwealth countries have thrown up crucial problems. The ambiguity of using the Crown legal system to challenge the Crown's own assertions was highlighted by Galarrwyu Yanupingu, Chairman of Australia's Northern Council. ‘We had to talk’, he said, ‘to a law that's got no ears... We were more studied than heard...’. It was emphasized that academic research was accountable to indigenous peoples' political, cultural and economic priorities.”<sup>10</sup>

It is the responsibility of law schools to cultivate in their students this dual respect for closer cooperation among and individual legal traditions within each Commonwealth nation.

### ***Continuing Legal Education***

As mentioned earlier, the turn of a millenium involves change. The only manner in which challenges ensuing from change may be overcome is adaptation (at least until the human species is able to control, like other things, the inevitable phenomenon that is change, or shape the law as will be addressed later). In this sense, lawyers too will have to adapt themselves to the developments that will emerge from the new millenium; and there is no better way to achieve this objective other than by continuing legal education. It is said that humans never stop learning, and members of the legal profession are no exception. That is perhaps why the famous Ormrod Report<sup>11</sup> in its recommendations on the process of education for law students recognized the basic stages of learning as follows:

- 1) Academic stage;
- 2) Professional stage comprising -
  - a) institutional training and
  - b) in-training; and
- 3) Continuing legal education/training

<sup>10</sup> Howitt R & Courtenay S.J "The Call of Ancestral Lands" *Common Path*, April 1993

<sup>11</sup> Report of the Committee on legal Education, March 1971 (cmnd 4595)

At the outset, we must realize that continuing legal education as considered here does not restrict itself to post-graduate degrees nor specialization in a chosen branch of the law. More importantly, it deals with lawyers' ability to be up to date with the latest advances of their time. Thus "continuing legal education should not be concerned with the creation of the 'specialist'... It is concerned with the maintenance of competence" (Nash, 1993, 221). A more appropriate term that may be used then is "refresher courses" for lawyers. Providing continuing education in the form of refresher courses, therefore, should be an addition to the functions of a Commonwealth law school heading into the future.

Consequently, the scope of the term "law student" too requires to be widened. Judicial officers who have enrolled as students for post-graduate degree programmes, updating courses at diploma level and ad-hoc programmes which focus on contemporary developments in the law offered by the Faculty of Law in the University of Colombo bear evidence to this. Further illustrations where continuing legal education has been given prominence within our legal education system is borne out in a report of the committee<sup>12</sup> appointed by the Minister of Justice in 1987 to review legal education. Accordingly, it was recommended that "the Council of Legal Education and the Law College should liaise with the Universities and update the legal knowledge of practitioners so as to keep them in touch with modern developments [and that] participation at seminars, etc. at regular intervals should be introduced."

Having thus observed the advantages of continuing legal education, it is a worthy question as to whether the process should be a compulsory requirement for all legal practitioners. Where Commonwealth nations are concerned, it is to be noted that developing countries would have some constraints in making such education compulsory. Therefore, a valuable suggestion that "refresher courses may be made compulsory in countries with the necessary capacity but left optional in others, subject, in the latter case, to intensification of efforts to augment peer pressure on members to attend" (Shahabuddeen, 1993, 232) is to be appreciated in confronting problems of such disadvantaged countries.

In whatever form, whether compulsory or optional, the availability at least of continuing legal education is to be regarded as a necessary measure to face the rapid transformations of year 2000 and after.

### ***Language Problem***

The establishment of a more integrated network of day-to-day activities for the millenium has further meant for the former British colonies a common avenue in terms of language. Whatever nationalists and chauvinists may say, the hard reality is that English is going to be the language of the future. Nothing further may be inferred other than the fact that a command of the English language is the key to acquiring legal knowledge. Although not relevant to Britain, Canada, New Zealand and Australia, this issue has raised a grave challenge to the law students of most other Commonwealth countries.

Where Sri Lanka is concerned, the legal profession was a product of colonialism, which suggests that, in the initial stages, it was only the locals belonging to the "elite" class who had access to this field: "as in many third world legal systems Sri Lanka legal education originated from the need to produce pleaders who could practise in the courts established in the British period of colonial rule [and was] viewed as the gateway of entry to an elite profession" (Peiris and Goonesekera, 1989). Obviously, therefore, the law students of that time came from an English educated socio-economically privileged background. Even though the 1950s when its

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<sup>12</sup> Chaired by Supreme Court Justice R.S. Wanasundera

*Swabasha* policy<sup>13</sup> opened up this area of study to the masses, benefits from such democratization have been hard to reap. Thus even today, although all three legal education institutes in Sri Lanka, i.e., the University of Colombo, the Sri Lanka Law College and the Open University conduct classes in the Sinhala and Tamil language streams, it is those students who are competent in English who have that extra edge over the rest, whether it be in the classroom or once they enter the profession. Needless to say, the bulk of the reading material is published in English, and the language of the superior courts too is this second language of the majority of our population. The ability to enjoy advantages of computer storage information, especially by access into the Internet also falls prey to the problem.

In the above circumstances, the new millenium has made harder the task of legal education, at least for developing nations. The requirement to learn Latin as well as English having been hard enough in the early days, the acquisition of English alone now poses a threat to students engaging in legal studies. Not only must they be able to grasp complex legal principles including Latin turns of phrase, but learning the “language of learning” itself is also expected of them. So how can we respond to this challenge?

Entrance requirements to the University of Colombo and the Sri Lanka Law College entail O/Level and A/Level qualifications that include a certain level of marks in the English language examinations. Moreover, once a student gains admission to the University, he/she is required to follow an English language course during the months prior to the commencement of the degree programme and, thereafter, English proficiency classes conducted simultaneously with the law syllabus. Teaching linguistic skills at the stage of adulthood, however, is not very satisfactory. Therefore, it is inevitable that, in order to produce lawyers who are confident to stand up and address the court or, for that matter, prepare pleadings, perform notarial work or conduct lectures in the English language, the system of second language education must be reformed. Such reforms will not merely accrue in favour of the legal profession, but all disciplines that are to survive the new age. It is a necessity for governments of Commonwealth nations to increase the input of funds into these institutions of higher education so that language learning facilities may be improved in time to come.

### ***Difficulties Relating to Teaching Staff***

The global economy of the new millenium certainly has one unsatisfactory effect upon legal education which is common to all law schools in the developing regions of the Commonwealth: a teacher-crisis. Inflation, the rising cost of living and a consumer-oriented society have all contributed to a marked fall in the number of quality lecturers in law. It is not surprising that the majority of newly qualified lawyers opt to find security in private law firms and the banking sector rather than be recruited as members of the teaching staff in law schools earning paltry monthly incomes based on the government salary scale. Even a risky entrance into the profession of legal practice itself is likely to yield better financial results. As a result, an illustration from the staff structure of the Sri Lanka Law College shows that the number of lecturers on the permanent staff is less than that compared with outside lecturers (most of them, officials from the Attorney-General’s Department and members of the private bar).

The problem identified above is not so much a problem of the profession as much as it is one of a social nature. However, the ultimate victims are law schools and their students. While the cream of the young lawyers will be naturally tempted into more lucrative legal fields, unless of course they embark upon an academic career based solely on a service-oriented perspective, those who are left behind or have no other choice will become the future

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<sup>13</sup> Sinhala was made the official language of Ceylon in 1956

generation of law teachers. This is, sadly, an unfortunate prospect for a field that has enjoyed a prestigious history thus far.

Among the solutions to this problem lies one from which we as an alliance can derive maximum benefit, i.e., a programme of teacher - exchange within the Commonwealth. The advantage of such a scheme will have reciprocal effect. For instance, whereas legal education in first-world countries may be sensitized in its approach to inter-personal law conflicts and customary laws of plural societies as applied in third-world nations, teachers from the latter may bring back a wealth of information on modern teaching techniques and creative-thinking in the sphere of legal education. Law schools like the University of Warwick, University of Buckingham and leading universities in Australia and even the U.S.A. have been recommended as some of institutions from which our teachers may be provided with the stimulus to choose an academic career on their own incentive. This view has been adopted on the basis that "it is important at the present stage of the development of legal education in our country to consider having an adequate number of our probationary Assistant Lecturers trained in the newer universities where the predominant trends are of a different character" (Peiris and Goonesekera, 1989). If there is a competitive basis for selecting the teachers to be part of such programmes and the Commonwealth is able to provide funding, it will contribute greatly to the success of this project.

In short, the challenge of the time is to find a solution to the deficiency of teachers (in quality and quantity) that is lasting and, incidentally, will increase the quality research output. As it is, this can only be done if we, apart from addressing our attention to the moulding process of qualified, and committed teachers of law, also allow them the benefits of an environment that is less marred by financial problems so as to be able to divert their minds to productive activities such as research and publication. Not just those law schools concerned, but the Commonwealth legal education system as a whole will be all the more enriched by such measures.

### *Academic vs. Practice*

Since we have accepted that the new millenium does present some difficult challenges, what is required by the legal profession is a concerted effort to rise above these difficulties. However, the continuous dichotomy of the *academic vs. professional* debate has hindered such an effort.

In Sri Lanka, an implied distancing that is voluntary recognized by law students exists between the academic law school (the Faculty of Law in the University of Colombo) and the professional law school (the Sri Lanka Law College). There are times when an aura of friendly rivalry shifts to serious conflicts, especially when reforms seeking to change the qualification requirements to sit examinations or enter the profession are sought to be introduced on various occasions.<sup>14</sup> The present global environment, however, does not warrant this type of petty debate. The time is ripe to shed differences and for law schools of both types to work towards the common objective of facing the future. Over twenty-five years ago, there arose some positive signs in questioning the rationale for differences between the academic and professional education spheres:

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<sup>14</sup> At present a student who has completed the LL.B degree either at the University of Colombo or the Open University cannot practise unless he/she passes the final examination at the Law College and completes the required term of apprenticeship and practical training. Graduates feel that their inability to enter the profession without passing an additional examination is unfair.

"a committee appointed at this time to rationalize the teaching of study programmes at tertiary level, noted the growing similarities, the ever present interdependence and duplication in the work done at the Law College and the University. It queried perhaps for the first time the existence of two institutions. It recommended a merger and the establishment of one law school in the country" (Peiris and Goonesekera, 1989).

Yet nothing came out of these ideas. Therefore, according to the existing system, the distinct nature of law schools in Sri Lanka has been widened by differences. No longer do they offer duplicate legal education, but present three varying types of approaches to the study of law. The University of Colombo concentrates on theory and ideology, the Law College on practical aspects of the profession, while the Open University provides for distance education. In fact, the approaches are alternatives rather than duplications. Thus, how can we merge for globalization if we cannot merge within our local context? One wonders then if the system in a country like Zimbabwe is not better where all legal education is undertaken in one law school. However, the offering of post-graduate courses by the University of Colombo to attorneys-at-law with a certain amount of experience in practice shows trends of collaboration, the kind of system which is required today.

In this respect, a comment made by Professor T Nadaraja, a Sri Lankan legal scholar and a former Dean of the Faculty of Law, University of Ceylon even before globalization had been conceptualized becomes visionary for the future of our generation:

“What this country most urgently needs more than anything else in the sphere of law is a ‘Ceylon Law Institute’ with aims similar to those of the American Law Institute, namely, to ‘promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice and to encourage and carry on scholarly and scientific legal work’”. (Nadaraja, 1984, 10)

He further states that “modern law schools must endeavour to become multi-purpose centres of legal development” (at 5). These ideas are reflected in the Ormrod Report which also recognizes the equal importance of both academic and vocational training for law students. The outlook in legal education for the second millenium may be founded upon the premise that:

"The practising lawyer, immersed in the day-to-day particulars of one of the most exacting of callings, is not in so favourable a position to take a detached view of wider horizons as the professional teacher who gives the greater portion of his [or her] working life to the advancement of legal science. But both equally are (in the language of the Roman jurist Ulpian) *'sacerdotes iuris, artis boni et acqui'*, ‘priests of the law, the art of what is good and fair’ and must work in close collaboration if they are to be of service to each other and to their mistress, the Law”.<sup>15</sup>

If the division between the academic and professional law student is broken down to produce those “priests of law” the other challenges will undoubtedly be alleviated.

### ***Curriculum and Assessment Process***

From the year 2000 onwards, any area of education cannot afford to be restricted within the four walls of the classroom. The dangers of divorcing the theory of the law from the practice of the law has been a much emphasized fact by many scholars:

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<sup>15</sup> Nadaraja, T "Objectives in Legal Education" *University of Ceylon Review*, xiv (1956)at 103

"This forensic vice which wastes court time and increases the cost of litigation."  
(Willoughby, 1993, 126)

"...English law must be learned and cannot be taught; ...the only place where it can be learned are the law courts and chambers." (Meagher, 1993, 173)

"...by accumulated experience, and concurrent lectures in skills, eventually a competent barrister will be produced. But he will never be produced if pupillage were abolished and replaced by some alleged training in a College of Law." (Meagher, 1993, 175)

A law student who desires to keep pace with the fast moving global developments must experience these changes first hand and apply new approaches designed specifically to deal with these situations as and when they take place. Such a process requires that curricula and assessment methods of law schools be amended.

Firstly, internship or apprenticeship with a lawyer or judge is an essential factor in the education of a law student. From the time British colonization ended Dutch administration in Ceylon (as Sri Lanka was then known), pupillage under the guidance of a senior practitioner was incorporated into the making of a lawyer. Indeed, it is during this crucial stage of legal education that the law student can apply rules to reality, develop analytical/critical thought, build intellectual sensitivity and perception to rights and discover a true overview of the administration of justice. It is not sufficient that the substance of the subjects taught in a law school's curriculum be comprehensive and updated by the inclusion of latest legal reforms; but the student needs to be able to apply technique to the context. Accordingly, the venue of a law school is of paramount importance. If the students have easy access to the courts they have the advantage to watch and learn.<sup>16</sup>

At a period where the law student may access every type of information through the Internet, there is at least one aspect of learning that the millenium technology has been unable to provide a substitute, i.e., the experience of *law in action*.

The challenge that is posed to Commonwealth law schools is in carrying out successfully such a programme of practical training. Under the present system at the Sri Lanka Law College, the six month period before a law student is called to the Bar is devoted to providing him/her with opportunities to participate in mock trials, moot courts, legal aid programmes, labour tribunal proceedings, court visits, seminars, the preparation of pleadings, mediation workshops, etc. along with the completion of a 6-month term of apprenticeship with a lawyer. Since most female students do not opt to practise,<sup>17</sup> providing an attractive practical programme may help change their attitude.

However, much improvement may be made to this existing foundation. The introduction of those aspects of practical training as part of the credit rating system, during rather than after the term of study in law school would achieve better results in the field of legal education. In Scotland, a re-structuring of their law school's curriculum took place with the insertion of a pre-vocation stage Diploma between the law degree and practical stage. (Commonwealth Legal Education Association, 1993, 20) Dealing with topics similar to those offered in the

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<sup>16</sup> Sri Lanka Law College is situated in Hulftsdorp, the legal capital of the country since the Dutch Court System was introduced. The law student is only minutes away from the Magistrates' Courts, District Courts, High Courts, Court of Appeal and the Supreme Court.

<sup>17</sup> Statistics of the student ratio at Sri Lanka Law College show that although the majority are female law students, the position in the profession of legal practice is otherwise.

final year at Sri Lanka Law College - accounts; conveyancing; wills; trusts; finance; taxation and investment; civil court practice; criminal court practice; professional responsibilities and either formation and management of companies or public administration - its objective is to provide a bridge between academic law classes and a law office. Practical training given to law students in Canada and New Zealand take on a more purposeful meaning in its service to the community. While the students provide advice to people with legal problems, credits towards their degree courses is the remuneration for this service. Thus, by acting as para-legals or “barefoot lawyers”<sup>18</sup> (Govind, 1993, 60) law students are the link between lawyers and the community and can derive useful practical experience.

It is also interesting to note the observations contained in a report on legal education in the U.S.A. (Commonwealth Legal Education Association, 1993, 24)<sup>19</sup> This lays down a list of “fundamental lawyers skills” as follows:

- Problem Solving
- Legal Analysis and Reasoning
- Legal Research
- Factual Investigation
- Communication
- Counselling
- Negotiation
- Litigation and Alternative Dispute-Resolution
- Organization and Management of Legal Work
- Recognizing and Resolving Ethical Dilemmas

In reforming the curriculum as suggested above, the assessment scheme of law schools must correspond to these changes. Thus, if practical training and academic knowledge is simultaneously provided, the former deserves a percentage of credit marks that are included as part of a student’s final grade. Since the current trend is continuous assessment in any case, this type of reform for the future will not involve too many complications.

### *Professional Values and Ethics*

Infra-structural adjustments may be made to suit the new millenium; curriculum reforms may be introduced to suit the new era. The only challenge to the legal field of the future which may not be so easily overcome, however, is the threat to the maintenance of professional values and ethics. Unfortunately, an increasingly materialistic future has dampened almost all hopes of preventing the fast degeneration of ethical standards. The most practical manner in which a difference may be created is by confronting the problem at its initial stages; and the initial stage of the legal profession lies within the precincts of a law school.

Emphasis on a professional excellence that includes respect for values and discipline is embedded in the history of legal education. Sir Ponnambalam Ramanathan<sup>20</sup> in a remark made in the Ceylon Legislature in 1889 referred to lawyers as “men properly qualified to practise the profession [and] men who would adorn and not disgrace it.” (Peiris and Goonesekera, 1989) A century later a Malaysian writer observed thus:

<sup>18</sup> A term specifically used in India for people who though not qualified as lawyers possess some legal knowledge so as to be able to identify legal problems within their community. In Australia, these para-legals function as a link to the Aboriginal community.

<sup>19</sup> "Legal Education and Professional Development - An Educational Continuum", *Report of the Task Force on Law Schools and the Profession: Narrowing the Gap*, Illinois: American Bar Association, 1992

<sup>20</sup> The first Ceylonese to be elected to the Legislature of Ceylon.

"For the profession to function and to serve the country as it should, we need a high standard of ability, a high standard of academic training, a high standard of professionalism and a high ethical standard. The present system is not producing a high standard in any of these areas. Perhaps the time has come, as Singapore has done, to make a proper study [of] what we are doing and what we should be doing if we want to attain these standards" (Commonwealth Legal Education Association, 1993, 34).

Therefore, Commonwealth law schools must aim at producing lawyers who reach the standards set out for their profession. Where in most countries the numbers entering the legal profession are rising rapidly,<sup>21</sup> it is admittedly difficult to entertain such expectations from law students. Competitiveness within the profession aggravated by modern day materialism has contributed to this burden faced by law schools.

Furthermore, political interference in the legal profession is a disturbing feature of this era. The Lord Chancellor's Consultation Paper in 1998 which sought to abolish the Advisory Committee on Legal Education and Conduct (ACLEC) and vest within his Office sole discretion with regard to standards of education and training for advocates was vehemently opposed on the grounds of its likely threat to the profession (Steyn, 1999, 53). In Sri Lanka too, in 1974, government control over legal education was strengthened since four members of the Council of Legal Education were to be appointed by the Minister of Justice<sup>22</sup> and the Minister was also vested with power to give directions to the Council.<sup>23</sup> In 1993, the number of members to be appointed by the Minister was increased to six.<sup>24</sup> In the light of these developments we must not forget that "respect for the law and freedom of the individual citizen depends to a large extent on the maintenance of high standards of independence and integrity by those who belong to the profession." (Amerasinghe, 1993, 4)

Nevertheless deterioration of morals which is a malady common to all society cannot be allowed to pervade the dignity of a distinguished profession such as legal practice. Justice can surely not prevail in the hands of a corrupt lawyer. A syllabus subject such as professional ethics alone will not inculcate in the law student a feeling for higher ethical standards. What is needed is a display of professionalism by those who are already in the legal profession and the strict application of disciplinary procedure in instances of violation of rules of court. Mockerjee's dicta in an Indian case<sup>25</sup> where a rule was issued against a lawyer summarizes the nature of the legal profession in its relation to maintaining standards

"The practice of the law is not a business open to all who wish to engage in it. It is a personal right or privilege limited to persons of good character with special qualifications duly ascertained and certified."

This reflects the yardstick that should be applied by Commonwealth law schools before passing out their students into the profession.

<sup>21</sup>Speaking at the opening of the Law Library at the University of Canterbury, New Zealand in 1993, Court of Appeal judge Sir Ivor Richardson described an "explosion" in the number of law students. (*LawTalk* 398).

<sup>22</sup>S.2A(1)(d) of the Council of Legal Education Ordinance, Ordinance No. 2 of 1900.

<sup>23</sup>S.7A, above

<sup>24</sup>Amendment Act No 33 of 1933, above

<sup>25</sup>*Emperor v Rajani Kanta Bose et al* (1922) 49 Calcutta 804

## *Conclusion*

In most circumstances, the law is created after the need for it has already arisen or sometimes, even passed. In accordance with the natural principles of stimulus followed by response it appears that there is no reason for any rules applicable to the making of laws to be treated any differently. However, the basic function of the law is the prevention of injustice; and unless, situations of injustice are not foreseen prior to their occurrence, the law cannot be of any avail. It will in that case become victim in the following manner:

“Laws... suffer from their incapacity to anticipate the novel or unusual circumstance. They tend to be written in response to events rather than anticipation of them. There is an inevitable time lag between the recognition of a problem and the law’s capacity to control it, so the law always runs after moral problems and, like a man chasing his coat tails can never quite catch them.” (May, Middlemiss and Watson, 1997, 331)

This observation, though, cannot be allowed to apply to the present time. Considering the pace in the changes brought on by the new millenium, to anticipate the novel is only fair by the people who have placed their utmost faith in the law. Commonwealth law schools of the new millenium, immersed in historical legal traditions on the one hand and in the process of educating a chosen few of the youth attuned to the changes of their times on the other hand, present the ideal venues to produce lawyers who do not blindly adjust to everything advocated by change, but take an active role in contributing to the shaping of the law of the future as they think best. One of the most eminent members of the legal profession in Sri Lanka, H.V. Perera, QC who is said to have displayed this latter talent is described as having "had control of first principles and only resorted to precedents to support what he thought *ought* to be the law" (Amerasinghe, 1986, 353). It is indeed law students with progressive minds of such a nature who can best determine the outcome of the millenium’s challenges.

Though a proposal at the National Conference of the Law Council in Australia in 1976 by Balmford (Harvey, 1993, 168) laid down ten comprehensive attributes of the model products of a legal education system, the moment has arrived to add an eleventh. They should:

- a) know something of the society in which they live and practise;
- b) know some law and have known more;
- c) know when and where to start looking for law;
- d) be able to express themselves logically, coherently and appropriately;
- e) be familiar with the operation of some areas of legal practice and have some expectations of the likely nature of other areas;
- f) in considering any problem be able to appreciate what is relevant;
- g) have some feeling and sensitivity for the those of the profession for its way of thinking and for its role in the society in which it operates;
- h) be able to take responsibility with an awareness of its dangers and their own limitations;
- i) be able to cope with people and situations;
- j) be able to cope with change; and
- k) be able to not merely adjust to change, but to shape the law.

The challenges of the new millenium are undeniable; the responsible role that Commonwealth law schools and law students should take in meeting those challenges is inevitable to the future of the legal profession. Only if law students fulfil their part of that responsibility can this revolution be fulfilled. Then, and only then might we be said to have lived up to the expectations of the greatest legal luminary perhaps of the first millenium:

"I am often asked: what are we coming to? With all this increase in crime and violence -vandalism and hooliganism - amongst the youth of today? I make answer: that is done by a very small minority. Young people of today are as good as ever we were, and may be better. We have done our part. They will do theirs".<sup>26</sup>

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<sup>26</sup>Denning, Rt. Hon Lord, *Leaves from My Library*, 1986

## *News from the Commonwealth and Commonwealth Law Schools*

### **CHRI's Millenium Report**

The latest publication of the Commonwealth Human Rights Initiative (CHRI) is a Report by its International Advisory Commission entitled *Human Rights and Poverty Eradication: A Talisman for the Commonwealth*. This was prepared for the, now postponed, Commonwealth Heads of Government Meeting in Brisbane. Extracts from the Report are set out below.

"The Commonwealth is truly an organization of poor people and must recognize itself as such. The first step thereafter is to state that poverty itself is an ongoing human rights violation. It must then act as a strong and unified voice for the human rights of the poor in international forums and negotiations.

In 1991 the Commonwealth Heads of Government pledged to work with "renewed vigour" toward "extending the benefits of development within a framework of respect for human rights". This statement, recognizing part of the relationship between human rights and poverty, must be translated into immediate action.

This requires a sober pledging of the institutions at the Commonwealth level, and of the governments of the Commonwealth to a thoughtful, structured and targeted plan of action to wipe out the worst instances of poverty. The Commonwealth must restructure the Secretariat and other institutions to make human rights their central concern. The commitment must be made as much by the governments of poor countries as of the rich, and governments must undertake to insert the procedures necessary for the achievement of poverty eradication into the very structures and sinews of government.

In addition, this CHOGM must at the very least:

- Establish a clear procedure for systematically monitoring the implementation of pledges made by Heads of Government and the mandates given to the Commonwealth's official bodies. It should without doubt evaluate and publicise the progress made by the Commonwealth and its member states towards achieving the target set for halving the proportion of people living in poverty by 2015;
- Urge, more vehemently than ever before, and with the explicit intention of evaluating the compliance at the next CHOGM, the ratification and incorporation into domestic law of the ICESCR, the ICCPR, CEDAW, CRC as well as the optional protocols and the ILO fundamental conventions;
- Create the post of Commonwealth High Commissioner for Human Rights, as repeatedly recommended by CHRI;
- Expand the working of the Commonwealth Ministerial Action Group (CMAG) so as fulfill its true mandate and to serve as a custodian and spokesperson for all the rights of the people of the Commonwealth and acknowledge that serious and persistent violations of social, economic and cultural rights come within its remit;
- Strengthen the capacity of the Human Rights Unit at the Commonwealth Secretariat, by increasing its resources and raising both its stature and autonomy within the Secretariat;

- Set an example by adopting a stated policy on open governance within the Commonwealth Secretariat and other organs of the Official Commonwealth that not only makes information readily available but actively disseminates it in the interests of democratic functioning; and
- Go beyond mere formal consultation with, to participation by, associations and NGOs at all levels of Commonwealth functioning. In order to underpin this, the Secretary-General must signal his clear and unequivocal support for the unofficial Commonwealth and the importance of these networks for the longevity of the Commonwealth itself.

IN CONCLUSION, CHRI believes that the Commonwealth needs human rights more than human rights needs the Commonwealth. As a grouping of several major Commonwealth bodies, CHRI declares its commitment to promote the use of human rights for the eradication of poverty. The ideological force of human rights will make globalisation work for the good of all Commonwealth citizens. CHRI therefore extends the hand of friendship and the offer of partnership to the Heads of Government and the Commonwealth Secretariat to struggle against poverty. It urges the Heads of Government that the first item on the agenda of the 2003 CHOGM should be a review and assessment of the efforts of the official and unofficial Commonwealth in using human rights to eradicate poverty."

Copies of the Report are available free of charge to CLEA members.

### **Invitation to join the Globalisation, Governance and Legal Theory Group**

A research group on Globalisation, Governance and Legal Theory (GGLT) was recently set up at Queen Mary, University of London. It was begun as an informal effort to promote discussion and dissemination of research, and innovation in and co-ordination of teaching across the School of Law in the fields of Governance (including privatisation of governance); Impact of globalisation on legal theory; Interaction between legal orders (such as national and international, public and private); Practice and theory of regulatory authorities; Rethinking the nation state; and Liberalisation of private and public sector activities.

Activities include an e-mail discussion group and regular meetings of a reading group. Readings so far discussed include excerpts from Braithwaite & Drahos "Global Financial Regulations" (Cambridge University Press, 2000); Teubner (ed) "Global Law without a State" (Dartmouth, 1997); Dezalay & Garth "Dealing in Virtue-International Commercial Arbitration and the Construction of a Transnational Legal Order" (University of Chicago Press, 1996) and Hardt & Negri "Empire" (Harvard University Press).

For further information about the GGLT, including the possibility of extending the e-mail discussion list to those outside Queen Mary, or to share information about similar research groups, please contact Amanda Perry, Department of Law, Queen Mary, Mile End Road, London E1 4NS, UK (a.j.perry@qmw.ac.uk)

### **Makerere Law students scoop top prize in mooting competition**

In September 2001, students from the Faculty of Law, Makerere University, Uganda won the All-Africa Law Schools Mooting Competition.

## **Integrated human rights teaching at Makerere University**

The Faculty of Law, Makerere University, under the Department of Human Rights and Peace Centre (HURIPEC) has started implementation of its Inter-Disciplinary Project which aims at integration of the teaching of Human Rights, Peace and Ethics in all its courses at the University. Workshops have been held with all university departments with the result that sub-committees have been formed within these departments with the mandate of developing modules for the courses.

### **New Law Journals**

#### *Guyana Law Review*

The Guyana Law Review is published biannually by the Department of Law at the University of Guyana. It has now published its second volume and amongst the articles are:

- "Jurisdictional Issues in the Adjudication of Human Rights Claims Under Commonwealth Caribbean Constitutions" by Calvin Eversley
- "Constitutional Office-Holders/Institutions and Good Governance" by R W James
- "The Caribbean Court of Justice: Challenge and Response" by Duke Pollard.

Subscription per issue is US\$25

Correspondence for contributions, subscriptions and other information should be addressed to: The General Editor, Guyana Law Review, Department of Law, University of Guyana, P O Box 101110, Georgetown, Guyana, South America.

#### *Wales Law Journal*

This new quarterly journal has been established against the background of devolution to Wales and changes in arrangements for the administration of justice. The Wales Law Journal will be of interest to legal practitioners, academics, public authorities and policy advisers. It features legal developments in Wales and elsewhere insofar as they may impact on Wales. It includes:

- regular information and commentary on subordinate legislation made and guidance issued by the National Assembly of Wales
- information and commentary on new Welsh provisions in primary legislation and their implementation
- links and comparisons with relevant European legislation and legislation in other parts of the United Kingdom
- case notes and commentaries on judicial decisions of interest to lawyers practising in Wales
- reflective articles on legal developments in Wales, the UK and a wider international context.

The Wales Law Journal is a refereed journal and has a distinguished editorial board including leading members of the judiciary and the practising profession as well as academic lawyers.

For further details and submission of contribution contact: Jane Jones, General Editor, Department of Law, University of Wales, Swansea, Wales (e-mail: jane.m.jones@swansea.ac.uk). The journal's web site is [www.waleslawjournal.org](http://www.waleslawjournal.org)

## **Cayman Islands Law Bulletin**

The Cayman Islands Law Bulletin is edited and published by the Cayman Islands Law School. It provides an information and reporting service to those who may need to be aware of developments in the law of the Cayman Islands as well as containing articles on current legal issues.

For further information contact Simon Cooper, Cayman Islands Law School, Tower Building, Grand Cayman e-mail: [Simon.Cooper@gov.ky](mailto:Simon.Cooper@gov.ky)

## **Development of new website services for the University of London LL.M programme**

All University of London LL.M exam papers from 1995 onwards are now available on <http://ials.sas.ac.uk>. No password is required.

A range of guides listing recommended textbooks, journals and websites for many LL.M subjects are also available.

## **Legal Education Research Fellowships**

The UK Centre for Legal Education invites applications for Research Fellowships of between six months to one year. Research fellows will be expected to work mainly on projects for the Centre but there will also be opportunities to pursue their own research interests in legal education. Informal inquiries can be made to Roger Burridge ([r.burridge@warwick.ac.uk](mailto:r.burridge@warwick.ac.uk)). For further details visit the website: [www.warwick.ac.uk/jobs/jobs28481.html](http://www.warwick.ac.uk/jobs/jobs28481.html)

## On Line

### *Launch of Pacific Islands Legal Information Institute*

Joining the Australasian legal Information Institute ([www.austlii.org](http://www.austlii.org)) the British and Irish Legal Information Institute ([www.balii.org](http://www.balii.org)) and the Canadian Legal Information Institute ([www.canlii.org](http://www.canlii.org)) is the *Pacific Islands Legal Information Institute* ([www.paclii.org](http://www.paclii.org)). This is a prototype system produced from data developed and published by the University of the South Pacific Law School with the assistance of AustLII.

### *Funding opportunities*

Sources of funding for students are available from the British Council:

[www.britishcouncil.org/education/funding/funding\\_index.htm](http://www.britishcouncil.org/education/funding/funding_index.htm).

A Guide to Scholarships and Fellowships is also available on: [www.britishcouncil.org/india](http://www.britishcouncil.org/india)

### *Eurofunding opportunities*

The newly launched *Eurofunding* magazine contains all the latest news and opportunities about European funding programme from the European Commission and the European Council:

[www.welcomeeurope.com/eurofunding\\_zineen.asp](http://www.welcomeeurope.com/eurofunding_zineen.asp)

### *Proceedings of the Information for Accountability Workshop*

Transparency International (Tanzania) and the International Records Management Trust, Rights and Records Institute (IRMT) held a workshop in Dar es Salaam, Tanzania in March 2000 on the issue of improving citizens' access to information held by public bodies. The English-language edition of the Proceedings of the workshop are now available on the IRMT website:

[www.irmt.org/resources/tanpro.pdf](http://www.irmt.org/resources/tanpro.pdf)

The INDIA CODE TextBase contains the full text all the Central Acts of Parliament from 1834 onwards. It also includes all the very significant footnotes in every Act as well as the Statement of Objects and Reasons. The statutes are all in up to date form. As the introduction to the web site puts it: "Compared to it, the traditional tools of the legal research appear to be of stone-age technology. The power, speed and simplicity of the India Code Act Retrieval System is stunning". <http://indiacode.nic.in/incodis/indfuss.html>

### *International Society of Family Law*

The website of the Society is [www.law2byu.edu/isfl/](http://www.law2byu.edu/isfl/)

## THE LIGHTER SIDE

### *Links between Abraham Lincoln and John F Kennedy*

Abraham Lincoln was elected to Congress in 1846  
John F Kennedy was elected to Congress in 1946  
Lincoln was elected President in 1860  
Kennedy was elected President in 1960  
Both were concerned with human rights  
Both wives lost children while living in the White House  
Both Presidents were shot on a Friday  
Both Presidents were shot in the head  
Lincoln's secretary was named Kennedy  
Kennedy's secretary was named Lincoln  
Both were succeeded by men named Johnson  
Andrew Johnson who succeeded Lincoln was born in 1808  
Lyndon Johnson who succeeded Kennedy was born in 1908  
John Wilkes Booth who assassinated Lincoln was born in 1839  
Lee Harvey Oswald was born in 1939  
Both names are composed of 15 letters  
Booth ran from the theatre and was caught in a warehouse  
Oswald ran from a warehouse and was caught in a theatre  
Booth and Oswald were assassinated before their trials  
A week before Lincoln was shot he was in Monroe, Maryland  
A week before Kennedy was shot he was in Marilyn Monroe

[From Global Village]