COMMONWEALTH LEGAL EDUCATION

Newsletter of the Commonwealth Legal Education Association

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Marlborough House, London: the home of the CLEA

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From John Hatchard

General Secretary

We have had a very positive response to the launch of our new *Journal of Commonwealth Law and Legal Education*, a copy of which has been sent to all CLEA members. As you will see from the above, the second issue is now available. **The Journal belongs to all legal academics. It is fully refereed and we encourage you to contribute to its success by submitting articles and notes as well as getting your law schools to subscribe to it.**

The *CLEA Directory of Commonwealth Law Schools* is now being finalised. All law schools will shortly receive an invitation to take advertising in the new edition. This is an excellent way of publicising postgraduate courses, research centres and the like and I very much hope that as many of you as possible do so.

The activities of the Association continue unabated. The most recent include four more lectures in our Commonwealth Law Lecture Series as well as the holding of an international meeting in conjunction with the Criminal Law Unit of the Commonwealth Secretariat in Lusaka, Zambia on international co-operation to combat crime. Full details appear below

Looking ahead, the Commonwealth Law Conference will be held in Melbourne, Australia between 13-17 April 2003. The Association will be organising sessions on curriculum development at the conference. I would welcome suggestions for other sessions as well as offers of help in running them. The Association will also be organising and running the Commonwealth Law Students' Moot competition as an integral part of the Commonwealth Law Conference. As the number of teams able to participate is strictly limited, it may be necessary to hold regional moot competitions. Any law school interested in participating in the competition is invited to contact their local CLEA Executive Committee member as soon as possible. You will find their contact details towards the end of this Newsletter.

Still further ahead, the next CLEA conference will be held in Canada in late May 2003. Full details will appear in the next issue of the Newsletter.

As many of you will know, pending the start of the formal Latimer House Monitoring Process, the Association is publishing a regular section in the Newsletter designed to illustrate "good" and "bad" practice in relation to the Latimer House Guidelines. Regular readers will recall that as part of the Monitoring Process, the Association has previously noted the disturbing events in Zimbabwe and issued a strongly worded statement thereon. It is therefore of interest to note the (some would say belated) Commonwealth response to the situation in Zimbabwe that is contained in the *Marlborough House Statement On Zimbabwe*. This appears below.

In this issue I am also pleased to be able to include the first part of the joint winning entry from our Commonwealth Law Students' Essay Competition, this time from Umoh Emem Ofonime. Entitled "What Role Should Commonwealth Law Students And Law Schools Play To Meet The Challenges

Of The New Millenium?", the piece raises many issues of interest to all law teachers.

Finally, it is with great sadness that I have to report the death of professor A N (Tony) Allott in June 2002. Many of you will know of his enormous contribution to the study of law in Africa and latterly for his work with the Commonwealth Magistrates' and Judges' Association.

John Hatchard
General Secretary
Marlborough House *June 2002*

CLEA ACTIVITIES

Commonwealth Law Lecture Series

In recent months, the following lectures have taken place:

University of Singapore:
Kevin Tan "Presidentialism in the former British Colonies"

University of Wolverhampton, UK:
Clive Stafford Smith "The Death Penalty and Human Rights"

Makerere University, Uganda:
David Bakibinga "Commercial Law in a Liberalised Economy: the case of Uganda"

University of Port Elizabeth, South Africa
William Twining

Editing of the lectures in the series has now started and the book should be published towards the end of 2002. Full details will appear in the next issue of the Newsletter. The Association remains indebted to Alexis Goh for her work in overseeing the series as well as the Commonwealth Foundation for its assistance in funding the series.

CLEA publications

As announced in the last issue of the Newsletter, Cavendish Publishing Ltd are now the official publishers of the CLEA. We are pleased to announce two forthcoming publications

CLEA Directory of Commonwealth Law Schools

The 3rd edition of the Directory will available in October. This new edition has been thoroughly revised and updated. In particular, it includes a greatly expanded section on the CLEA and its activities plus a brand new section devoted to law in the Commonwealth. This includes copies of the major Commonwealth instruments and details of Commonwealth activities of particular interest to law teachers and practitioners. It also provides comprehensive information on law journals published by, and law centres affiliated to, Commonwealth law schools..

Contemplating Complexity: Law and Development in the 21st Century

This book contains the revised papers from the CLEA co-sponsored Law and Development Conference in June 2001. It is of particular significance to the Association in that it is dedicated to Peter Slinn, our long-serving Executive Committee member for Europe and Vice President.

Meeting on International Co-operation to Combat International Crime

The third in this series of meetings was held at the Zambia Institute of Advanced Legal Education, Lusaka, Zambia between 23-25 April 2002. Held in conjunction with the Criminal Law Unit of the Commonwealth Secretariat, it was attended by participants from eight African states. The meeting

was opened by the Hon George Kunda, Minister of Legal Affairs of Zambia and led by Kim Prost, Head of the Criminal Law Unit assisted by Veronic Wright (also of the Criminal Law Unit).

As with the previous meetings in Ghana and Barbados, the object was to expose participants to the developing law on Extradition, Mutual Assistance and Proceeds of Crime. This with the aim of encouraging the introduction of the topics into the law programmes of law schools and professional legal training institutions within the region.

The participants were as follows:
Kenneth Lebotse (University of Botswana), William Musyoka (University of Nairobi, Kenya), Rosario Dominigue (University of Mauritius), Taibo Mocobora and Maria da Conceicao Pacheco Faria (Eduardo Mondlane University, Mozambique), Nik Swart (Law Society of South Africa), Lillian Tibatemwa-Ekirikubinza (Makerere University, Uganda), Justice F.M. Chomba (Director, Zambia Institute of Advanced Legal Education), Winnie Sithole Mwenda (University of Zambia), Eva Mukelabai (Deputy Director, Zambia Institute of Advanced Legal Education).

It is hoped that increasing numbers of law schools around the Commonwealth will wish to introduce these topics into their own law curriculum. The CLEA model curriculum will be available shortly and the Association remains willing to provide law schools with short training programmes. By way of a taster, herewith the two problems given to the participants for analysis.

Mutual Assistance Case Study

Stage I

Police authorities in Atlantis (a common law country) have received multiple complaints from individuals throughout the country who claim to have been the victims of a telephone and mail fraud scheme.

The complaints are all similar. The victims are contacted by phone initially by representatives of a company called 'Golden Opportunities". They are advised of a unique investment opportunity in a very lucrative gold mining venture. Once the victims indicate any interest, the caller takes down particulars and offers to send a brochure describing the company and opportunity in detail. A few days later, a very impressive portfolio of documents is provided including brochures, map of the mining site, geological reports etc. A form is included which the recipients are encouraged to complete and submit along with a minimum $1000.00 payment, which is said to be "entirely refundable if your investment does not double its worth within 90 days." The offer is described as a time limited offer being made before the company offers shares on the general market.

Each of the complainants responded by filling out the form and sending the requisite funds. For the first six months each person received a monthly account statement showing an increasing balance on their investment. After six months all communication stopped completely. Telephone numbers for the company no longer worked and any mail sent was returned to the sender.

Inquiries by the police have revealed that the telephone calls and mailings originated from Bushland (a neighbouring common law state). Assume that both Atlantis and Bushland have implemented the Commonwealth Scheme on Mutual Assistance in Criminal Matters through domestic legislation.

Scenario A
You work in the Attorney General's office in Atlantis. The police come to see you for assistance in obtaining the relevant evidence from Bushland.

1. How would you initiate contact with the authorities in Bushland?
2. What type of assistance would you seek?
3. In general terms, what would the request for assistance contain?

Scenario B
You work in the Central Authority in Bushland. You receive the request from Bushland.

1. What would you look for in reviewing the request?
2. How would you go about executing the request?

Stage II

While the locations searched in Bushland were essentially abandoned, the officers found some documentation in one of the premises. Amongst the documents was a bank account statement for Golden Opportunities at the Comehide Bank in Faraway (a civil law country with strong bank secrecy laws). The account statement indicates that as of three months ago, there was US$600.00 in the account.

Assume there is a mutual legal assistance treaty in place between Bushland and Faraway which contains generally the same provisions as the Harare Scheme.

Scenario C
You work in the Attorney Generals office in Bushland. The police come to you wanting to know what can be done with respect to this bank account in Faraway.

1. What types of assistance would you seek?
2. What type of information generally would you put in the request?
3. What information would you include to overcome any problems in relation to bank secrecy?

Scenario D
You work in the Central Authority in Faraway. You receive the request from Bushland**.** The law in Faraway provides for overriding bank secrecy requirements where the information is required for a criminal proceeding.

1. What would you require in the request?
2. What steps would you take with respect to restraint of assets?

Stage III
Mr. Crook has now been charged with fraud and possession of proceeds of crime. The bank manager in Faraway, Mr. Dull, who personally opened the bank account for Mr. Crook, is not prepared to attend the trial in Bushland. His evidence is central to the possession of proceeds charges.

Scenario E
You work in the Central Authority in Bushland. The prosecutor approaches you. She needs the evidence of Mr. Dull, in an admissible form. She seeks your advice on how to go about obtaining the evidence.

1. What advice would you give her about the steps to be taken to obtain the evidence?
2. What kind of request would you make and generally what information would you include in the request?

EXTRADITION CASE STUDY

Scenario I
Several months ago, there was a bombing at the Bushland embassy in Atlantis. 15 people were killed and several others were injured. The authorities in both countries commenced an investigation. No charges have been brought in Atlantis and the investigation is ongoing.

You are working in the Central Authority in Atlantis. You receive a phone call from a high ranking police officer in Bushland who indicates that a request for the extradition of a Mr. Nasty has been sent to the State Department and should be in your office by tomorrow or the next day. Mr. Nasty has been charged under the recent Bushland anti-terrorism legislation with offences of terrorist bombing and commission of a terrorist act. The officer notes what an important case this is and intimates that one possible solution might be for some form of “informal arrangements” to be made whereby a Bushland plane would be sent to pick up the suspect, without the need for all of the usual "red tape". You tell the officer you will look at the request as soon as it arrives.

On the next day the request arrives. It is comprised of a copy of the warrant of arrest issued in Bushland, a diplomatic note and four affidavits. The diplomatic note seeks the extradition of Mr. Nasty and contains very specific identification and location information for him including a photograph and fingerprints. Mr. Nasty is a national of Atlantis.

One affidavit is by a prosecutor setting out the offences in Bushland, stating that there is no statute of limitations applicable to the offences, and outlining the penalties, which include the death penalty, for both offences.

The second affidavit is from a police officer summarizing the investigation, including the evidence of 22 witnesses who were either in or around the building on the day of the bombing. The witnesses each give particular key pieces of information that cumulatively, link Mr. Nasty to the bombing. Mr. Nasty’s picture is attached to the affidavit and at various points the officer indicates in his statement that each of the witnesses has identified that picture from a photo lineup.

The third affidavit is from a Mrs Deep who is located in a neighbouring country of Sunshine. She indicates that she is a former member of the terrorist cell that planned the embassy bombing and she describes various meetings at which she and Mr. Nasty were present when the details of the plans for the bombing were worked out. Mrs Deep gave her original statement in Swahili and it was then translated into English. The English statement is properly certified but there is no certification or authentication of the original statement nor any statement from a translator.

The final affidavit comes from a police officer who attests to the fact that after the bombing, he obtained a court order for the interception of phone calls from a phone at a suspected terrorist safe house in Bushland. On the basis of that order an interception device was installed and he was responsible to monitor the call recordings. He attaches to his affidavit transcripts of various intercepted conversations between various individuals at the safe house and Mr. Nasty. In the conversations, Mr. Nasty describes the events that took place on the day of the bombing in detail including the various things that he did that day.

Assume the following:

- Atlantis is a Commonwealth country that has implemented the London Scheme for the Rendition of Fugitive Offenders, including the discretionary provisions on refusal in the case of the death penalty. It has not adopted the protocol on the record of the case.
- Bushland is also a Commonwealth country that has implemented the London Scheme.
- The death penalty was abolished in Atlantis ten years before the bombing.
- Atlantis has no specific criminal offences of terrorist bombing or commission of a terrorist act.

Scenario II

At the same time that Bushland makes the request to Atlantis, **a second request is made** to Sunshine seeking the extradition of one Mr. Mean on a charge of gathering funds for the purpose of financing a terrorist act, namely the embassy bombing in Atlantis. The evidence indicates that Mr. Mean was an active member of the terrorist group that carried out the attack, holding a key position as a fundraiser. Mr. Mean is a national of Sunshine. The request submitted contains a copy of the warrant of arrest issued in Bushland for Mr. Mean, a statement of the law and a summary of the case. No identification evidence has been included.

Assume the following:

- Sunshine is a civil law country, which takes jurisdiction over offences committed by its nationals abroad but does not extradite them.
- Sunshine has no specific terrorist financing offences

With reference to the two scenarios outlined above:

1. Identify the various issues that arise on the facts and highlight the areas of extradition and/or general law that would be relevant to those issues.
2. Provide some possible solutions to the issues raised.
3. Assume under scenario I that all of the various issues have been resolved and you are ready to proceed with the arrest and extradition of Mr. Nasty. Describe what procedural steps you would take to bring the case before the court.

ARTICLE

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

Umoh Emem Ofonime[1]

"Law must be stable, and yet it cannot stand still," (Roscoe Pound)

Introduction

The world in which we live in is a complex whole, composed of many territorial units, each having its own political organisation, a social structure and economic problems. The law regulates every sphere of human activity, prescribing legal consequences for acts of individuals and concerning itself with social, economic and political affairs. A society where the rule of the law is not supreme cannot progress, and to further this, the legal profession must be aware of its status and duties and live up to it (Hendry).

Change is the only thing that is immutable. The dawn of the 21st century brings with it challenges which every field of human endeavour is being face with. The information super highway is turning the world into a global village, the world's maps are being with redrawn and borders are varnishing. New computer based network stretch across the continents. This is the age of global real time communication.

These changes do not change the fact that the legal profession has a great role to play in ensuring the development of laws, and an orderly and progressive society. The legal profession is also faced with its own challenges. Justice John Perry had this to say on the challenges facing the legal profession

> "... *There has never been a greater need for well-educated and well-motivated lawyers in the community. At the time when the twin forces of globalisation and information technology are creating new horizons in most field of human endeavour, they pose new challenges for the practice of the law".*[2]

The solution to the problems facing the legal profession and its ability to adapt to changes may lie in the law schools, and its students who are lawyers-in-training. It should be noted that any defect in the training of future lawyers has far-reaching effects, and the society is worse off for it. Therefore the Law Schools who are in the business of training the 21st century crop of lawyer have a role to play.

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[1] University of Lagos. This article is the joint winner of the Commonwealth Legal Education Association Law Students Essay competition.

[2] In his address to the Commonwealth Legal Education Conference 2000. CLEA Newsletter No. 84, June 2000 at 18

Legal education has been undergoing a process of continuous change, adaptation and experimentation. The rate of change inevitably varies from jurisdiction to jurisdiction, adjusting to meet the needs of the community that it serves. These changes occur because of exigencies of time.[3]

Commonwealth law schools and law students have to prepare themselves for the challenges of the new millenium. Their traditional roles and functions (which will be discussed later) have to be adapted to meet these exigencies. But these adaptations must be made, having in mind the needs of the society; for instance, the less developed countries of the Commonwealth may have needs different from that of the developed Commonwealth nations. Therefore Commonwealth Law Schools and their students in different countries may have different roles to play. The are also differences in political history to take into consideration.

This essay seeks to critically analyse the present role of Commonwealth Law Schools and students, and what roles they ought to play in facing the challenges posed by the new millenium.

Aims, Objectives and Problems

What is the main objective of a Commonwealth law school? Is it basically to train students in the workings of the law, and be involved in research, or does it go beyond that? There are various views on this.

James S. Read, a former CLEA chairman, saw the basic task of a law school as providing first class legal education and educating law students of whom at least a substantial number would go on to enter the legal profession or otherwise exercise "law roles" in society. This is a rather narrow definition of the Commonwealth law school's role. A broader view was once given by Justice Vincent C. MacDonald, who dwelt on a three-fold role for a university law school, which includes training in the principles, processes and spirit of the law, sufficient to prepare men for the competent and ethical practise of a learned profession, to teach law and its cultural values in all its relation to other branches of knowledge in such a way as to arouse philosophical and independent teaching and to teach law in an atmosphere of free inquiry and inflexible integrity.[4]

The flaw in the above views lie in the fact that they saw the role of law schools only as the training institutes for future lawyers. As will be shown later, the role of Commonwealth law schools transcends this. Law schools must turn out well-rounded lawyers, who will serve the needs of both their immediate community and the world at large. As Wright once stated, the primary aim of all legal education should be the training of individuals to make them acutely

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[3] Since 1962, Nigeria has had only Law School providing Professional Legal training for Law graduates. The school has now been decentralised, and tiere are 4 campuses: Enugu, Lagos. Abuja and Kano to enable the school provide more qualitative education, and cater for the growing population of law graduates.

[4] Annual Dinner Address, Toronto University Law School, March 4 1955, "Teaching and learning law" Canadian Bar Review 1955. Vol 23 p.*556.*

aware of the pressing problems of social adjustments calling for solution, giving them an idea of the possible solutions and an awareness of the dire peril of finding a solution.[5]

Law schools located in older and more developed Commonwealth countries are long established and usually better equipped than those law schools that are located in less developed Commonwealth nations. For example, the United Kingdom has about 82 Law Schools listed in the Directory of the Commonwealth Law Schools 1999/2000. India 67, and Canada 20. Other Commonwealth countries like Malawi, Lesotho, Mozambique, Namibia and Uganda, have only one. The law schools in the less developed countries are beset with a myriad of problems--inadequate funding, lack of qualified staff, unavailability of adequate teaching and research materials, inadequate social facilities, and so on. Others like those in Nigeria have their problems further compounded by the multiplicity of law-making organs resulting in many sources of law. These problems prevent the Law Schools from properly achieving their objectives, by not being able to produce qualitative lawyers who are well rounded and versed in local and international affairs.

What about Commonwealth law students? Their objective is to receive adequate legal education to enable them to graduate and perform certain legal roles in the society. They also aim at sharpening their intellect and developing a keen analytical mind. The object of legal education is to give them knowledge about the law and legal system, and to impart instruction in the most important branches of the law to prepare the graduate to take to the practise of law.[6] They must be an active partner in the learning process and make the best use of facilities at their disposal, especially the library. Students also make meaningful contributions through research projects and seminars.

The Commonwealth law student is also faced with certain problems. These include poverty, ill-equipped libraries with outdated materials, and lecturers not adequately trained to impart quality legal education. These problems persist more in the less developed Commonwealth countries whose economies are at an all-time low, thus affecting every sphere of life. Law schools in such countries may not be able to initiate a work-study programmeme for indigent students, or other forms or financial relief. This puts the students at a disadvantage, compared to their fellow Commonwealth students in other countries who may not face such problems and can thus concentrate fully on their studies.

Fortunately, ways and means are being devised to deal with these problems. Law schools are getting better funding and the standard of teaching staff is being raised. Scholarship, loans and grants are being given to schools, teachers, indigent and exceptionally brilliant students by the government of some of these Commonwealth countries and some other organizations interested in alleviating the problems of law schools and students. The Commonwealth for instance has been a great help through teacher and student exchanges. There is a scholarship scheme in place which law students can benefit from. The Commonwealth Legal Education Association (CLEA), which was set up in December 1971 to foster higher standards of education (among other things) is the arm of the Commonwealth that has impacted greatly on

[5] C Wright 1949-50 Journal of Legal Education 427

[6] P G Krishnan "On curriculum and its contents for legal studies", *Law and the Commonwealth* ed. L.M Singhvi, Bar Association of India, 1971.

Commonwealth law students and schools. They also have a programme for the donation of books to Commonwealth Law Schools in need.

Law schools and students in the Commonwealth have to a certain extent performed satisfactorily. But it is not yet *uhuru,* there is still a great deal to be done, especially to face the new millenium challenges. Problems or not, they have a role to play.

The Role of Commonwealth Law Schools and Law Students in the New Millennium

In his inaugural address, N.R Madhava Menon, the then President of the Commonwealth Legal Education Association, restated the need to make legal education socially relevant and professionally useful, and for law schools to prepare themselves for the demands of the profession in the context of information revolution and other global challenges. Also, David McQuoid-Mason has opined in the Foreword to the Commonwealth Legal Education Association Directory of Commonwealth Law Schools

> *"… in the coming years, law schools will continue to face the twin challenges of fiscal restraint and information overload generated by the global village. State funded university law schools in many countries find themselves under-resourced, despite the fact that they generate healthy profits for the institutions concerned. This revenue is often used to cross substitute other faculties and departments. The demand for proper law library holdings and adequate computer facilities are not treated with the same sense of urgency as requests from science faculties. As the global village shrinks and international trade expands, structural adjustment programmes will continue to threaten national economies, especially in developing countries. There will be an increasing demand on law schools to produce cadres of competent lawyers who are able to safeguard the legal and economic interest of their countries".*

The general idea being put forward by the above writer is that the coming years bring with it challenges, and the legal profession in general and legal education in particular must be prepared to take on new roles or improve old ones to meet these changes. The legal and economic interests of Commonwealth law schools are best protected by lawyers, and therefore our law schools must train lawyers suited for this purpose in the new millennium. Global changes are bringing about new fields of legal activity with added legal consequences. All over the world, organizations, interest groups, scientists are other professions are redefining their roles for the future. Our Commonwealth law schools and students cannot be left behind. Some of the ways to meet these challenges are discussed below.

Research

Every Commonwealth law school and its students ought to be involved in one form of research or the other. Here they can perform the vital function of exposing to the world the defects of the law and pointing out avenues for improvement.[7] This research could be conducted through the publishing of books, articles, reviews, organising lectures, seminars etc. The teachers in the

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[7] See generally Simbi V Mubako "Legal education--The Law School and the Development of the Law" Proceedings of the Sixth Commonwealth Law Conference, at pp.530-534.

Commonwealth law schools and even the students have the tools to conduct meaningful research, analyse the results and draw valid conclusions. The results of such research may form a blueprint through which much desired change may be brought about in the society. This is one of the major ways in which the law schools contribute to legal development. Students can contribute either by working together in groups or individually. With the innovations that characterize the new millenium, there is a lot of work to be done. The world is becoming smaller and quicker and more efficient ways of doing things are being invented. There is now e-mail, e-commerce, e-trade etc. All these may bring about new legal problems. It is up to the Commonwealth law schools and their students to analyse these innovations and postulate possible solutions to likely problems that may arise. The legal profession acts as a watchdog over all human activities and therefore must be aware of current developments.

In this area of research, there is need for Commonwealth law schools to work together. This is because such unified research can yield faster results, which may be of benefit to all the countries concerned since often times research topics are empirical in nature. The "me, myself and I" attitude is one that will not augur well for them. The Law Schools do not have to restrict themselves to their countries only. Schools should work in partnership to find solutions to pressing national and international problems. This can be funded jointly by the Commonwealth Law Schools, and CLEA. Results of such research will then be made available to every law School in the Commonwealth, which will then implement it according to its peculiar needs.[8] Again, with the internet and other forms of Communication and Information Technology (C&IT), communication between law schools for research purposes will be enhanced and there would be no need for long journeys to member nations and schools. For all we know, research results from one Commonwealth Law Schools in a developed country, may be just what the law schools located in a less developed nation needs to develop.

Commonwealth law schools and the CLEA should devote more funds to research grants. Students as part of their education should be made to undertake research in any area where the law is not settled. This should be done preferably on a comparative basis because the 21st century lawyer is not one restricted to his/her own country, but one that has knowledge of other countries and the workings of the law there.

A website can also be created for Commonwealth Law Schools where results and findings of research conducted by the law schools and students can be accessed. Ideas are exchanged much faster and more efficiently through this means.

In all, "research has come to be a necessary activity in all civilized communities today. The increasing complexity of problems facing mankind, the growth of scientific knowledge, the rapid changes faced by technological advancement confront us all, individually and collectively with choices and decisions that cannot be made intelligently unless backed by investigation and analysis of the facts involved and the alternatives that present themselves … the law is peculiarly a field in which this need for research should be recognized, for law is responsive to every human activity and embraces the whole of society".[9]

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[8] In Nigerian Law Schools, every student is expected to do a research project on any area of the law that is not settled or needs clarification in fulfilment of the requirement for the award of a Degree.
[9] Remarks by the Legal Research Committee, Canadian Bar Association Report, 1956

Law Reform

"The promotion of economic growth in the countries of Africa necessarily entails the revision of the laws of those countries, not merely as a consequence of economic change, but in some cases as a precondition for it"[10] This statement highlights one aspect of law reform, i.e. its contribution to the economic growth of a nation. One of the ways by which developing countries of the Commonwealth can achieve sustainable economic growth is by changing some of the obsolete laws, or reforming them to meet the exigencies of time. A cursory look at the developed countries today show that they try as much as possible to make their laws conform to the social, political, economic and legal realities of the time, and this they do by a continuous process of law reform.

Law reform comprehends changes in the substance, the form of the law and the institutions of the legal system.[11] In fact, there is a connection between legal education and law reform. Most Law Reform Commissions have legal scholars in the majority, who are usually drawn from law schools. This may be due to the fact that the academic lawyer is more in touch with the law and aware of the areas that requires reform. Commonwealth Law Schools can play a role in law reform. Results of research conducted by these law schools should be forwarded to Law Reform Commissions of member countries. Within the Commonwealth, law schools can send teachers who are experts in certain legal fields to serve in the Law Reform Commission of fellow Commonwealth countries. Alternatively, law schools can be contracted to undertake a research on certain areas of the law that require reform. In the United Kingdom, there is also a close working relationship between the Law Commission and Law Schools.

Apart from working in Law Reform Commissions, law schools and their students can initiate the reform of certain outdated laws or obsolete statutes that are still being relied upon. I will use Nigeria as an example. Upon being granted independence, certain British Law were saved and formed part of our substantive law and had the same force of law as our own locally enacted statutes. Some of these laws are not suitable for the peculiar needs of the country but yet are still followed, even when they have been modified and at times repealed by Britain. This is not healthy, and during class discussions, these faults are exposed and useful suggestions made.

In this new millennium, there is a great need for the law to be responsive to social, economic and legal change, the law cannot stagnate while the rest of the world moves on. Commonwealth law schools are an important tool in law reformation.

[To be concluded in the next issue of Commonwealth Legal Education]

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[10] A.N. Allott "Legal Development and Economic Growth in Africa" *Changing Law in Developing Countries* ed .J.N.D. Andersen, London, 1963, 194 at 209
[11] J H *Farrar Law Reform and the Law Commission* London, 1974, p.283

CLINICAL LEGAL EDUCATION IN BANGLADESH: ESTABLISHING A NEW PHILOSOPHY?

Mizanur Rahman[♦]

Ascertaining the Problem

Legal education, hitherto imparted in Bangladesh, has been a failure. This statement is not a foregone conclusion, but is merely a depiction of the utter poverty of legal education in the country. Any legal education/law school curriculum supposedly pursues either of the two objectives: *firstly,* produce skilled lawyers in the sense of educating students so well trained that they can easily and confidently handle the numerous laws and enactments existing in the country for resolution of the specific disputes of the clients in question; or *secondly,* train the students on such a strong footing, that they may be absorbed in the administration of the country i.e. the bureaucracy. To be more precise, any law school has to decide *a priori,* whether it intends to produce *lawyers* or *law graduates?* While to be dubbed as a *law graduate* one must be exposed to multidisciplinary learning with emphasis on law, *"lawyers"* must transcend the boundaries of pure law and excavate the arena of legal regulation of social relations in various perspectives: sociological, economic, political, ethical, ethnological etc. A "lawyer" then, is never be tired of asking the questions: Why, how and *for whom?* An ability to ask and analyse these questions demands a minimum level of confidence, erudition and analytical mind. In the absence of the last mentioned trait, i.e. analytical mind, we can still be left with *"Lawyers Specialists"* i.e. *legal "technicians"* in particular spheres of legal relations, who can instantly answer *what the law* is but never ponder over *what the law ought to be?* Have we been able to produce even such *legal technicians?* Let me quote from an author who also happens to be a law teacher:

> "Law graduates having traditional legal education through lecture method of teaching in big class rooms feel unprepared to interview and counsel clients, draft and file papers, prepare a case, conduct trials, examine witness and argue a case before the judge. They in fact do not acquire the skill to apply the knowledge of substantive laws learned in classes to the actual situations of clients. They also feel that *they have not gained the experience to understand the role of a lawyer in the society.*

But then, the question as to whether a law graduate should be trained in these skills in the law school seems to be raising a lot of debate, not only in Bangladesh but elsewhere. Not long ago a distinguished Australian Queen's Counsel argued that legal "skills" can only be picked up in practice and that the function of law schools is to teach legal doctrine. As expected, this statement prompted some sharp rejoinders from both vocational trainers and academic lawyers. Notable among them is the renowned author on legal education, Professor William Twining. In his words:

[♦] Abridged and footnotes omitted. A fuller version is available from the Public Interest Law Initiative www.pili.org

> "Clearly one function of law school is to teach legal doctrine; some of the techniques, competencies and tricks of the trade included in fashionable lists of skills do sit uncomfortably within the academy, a balance between know-how and know-what (substance) needs to be maintained in most stages of legal education and training".

Instead of looking for conflicts between the stages of *know-how* and *know-what* a successful teacher should always try to strike a balance between doctrinal education in law and vocational preparation for practice. Sharing his personal experience, Twining writes: "In my own teaching, when given the chance, I try to encourage students to learn how to do things with rules, how to do things with facts, how to do things with texts, and to do Jurisprudence, not just to learn about it."

Here I would like to expound a personal experience. In successive courses of Continuing Legal Education, popularly known as CLE Courses, conducted by the Legal Education Committee of the Bangladesh Bar Council, I used to ask the participants why they chose to be lawyers? With the exception of a negligible few who consider the profession to be financially extremely rewarding, the obvious answer was their determination to fight the inequalities inherent in our socio-economic system and that the best way of fighting them is through lawyering. Strangely enough their perception and understanding of the "inequalities" is not a product of law school training but is a result of their personal observations and experience. Should not legal education be able to help develop the intellectual ability to understand the society and the human situation in a changing social order? Such ability should include the ability to identify the trend and traditions as well as the social and economic forces which are at work and their causal relationship with the change that follows. This process of learning would enable the students to understand both the harmony as well as the eternal conflict within the society and its continuous interaction with law. This appreciation of the social role of lawyers is necessary because "a lawyer today is viewed not only as one arguing a case in the court room. He/she is also an architect of social structure, a designer of framework for collaboration and specialist in the high art of speaking to future". To quote Stone: "Legal education should provide a main channel of expression both on the side of competence and skills and on that of values".

Unfortunately, our legal education, modelled on the English pattern is based on analytical thought and tradition which considers law to be a self-contained discipline whereunder the principles of law applicable to a particular fact situation can be deducted from the statutes. Such an approach completely disregards any inquiry into the socio-economic-political consideration and conditions under which the law was passed and into the socio-economic background of the conflict situation which may be before the court for decision.

Clinical Legal Education: A Misnomer

The introduction of a clinical education programme in the law faculties at the Universities of Dhaka, Rajshahi and Chittagong and a pilot clinical programme at the City Law College in Dhaka may be thought to be a careful response to the needs of legal education, It should, however, be mentioned, that the first ever response came from the Legal Education Committee of the Bangladesh Bar Council with the launching of its CLE Courses on December 18, 1993. Six CLE Courses, each with a duration of six weeks have been completed, and the seventh course is now in progress. The programme are too young to

merit any fruitful critique. Nevertheless, it seems that they can draw and are drawing heavily from the Bar Council experience. This places all the clinical programme on identical platforms and allows me to make some general comments and observations.

One should not be taken aback to learn that the name *"clinical education"* is used to denote the clinical programmes launched in different law schools in Bangladesh is a misnomer. Clinical education is a much wider concept than it has been understood and appreciated in our law schools. Prof Madhava Menon opines that:

> "Clinical Legal Education... is directed towards developing the perceptions, the attitudes, the skills and the responsibilities which the lawyer is expected to assume when he/she completes his/her education in the Law School... *It is certainly not limited to the mere training in certain skills of* advocacy. It has wider goals in enabling the students to understand and assimilate responsibilities as a member of a public service in the administration of the law, in the reforms of the law, in the equitable distribution of the legal services in society, in the protection of individual rights and public interests and in upholding the basic elements of 'professionalism'. Clinical experience in law school, therefore, is a unique opportunity for the student to learn, under supervision, many aspects of the "hidden curriculum" essential for preparation to think and act like a lawyer."

Regrettably, though understandably, clinical education in our institutions has been, till now, basically restricted to mere training in skills of advocacy. Even this is being done not very successfully because of several well-known constraints in implementing the clinical method of instruction. One such constraint, *inter alia,* is our ignorance of what constitutes the teaching process of lawyering skills. Writes one observer: "My observation of the Clinic as it has been conducted thus far is that there is a great diversity of teaching styles, ranging from lecturing and having students parrot information to posing hypothetical and forcing students to role-play in class. Clearly, a major goal of the Clinic must be to achieve consistency in teaching so that a coherent clinical curriculum can be carried out..."

Clinical Legal Education: Basic Features

Some key features of teaching the lawyering skills are as follows:

1. Students must be confronted with problem situations of the sort that lawyers encounter in practice.

2. Such situations must be concrete, complex and unrefined.

3. Students must deal with the problem through role-play and examine them not from the standpoint of uninvolved observers but from the standpoint of lawyers with the responsibility to perform.

4. A student's performance of each activity must be subject to intensive, subjective and critical review. This review should include every step of the student's analysis, planning, discussion and every aspect of the student's in role-play, behaviour and interaction with people.

5. This critical review focuses upon the development of models of analysis for understanding past experience and for prediction and planning further conduct.

It is not difficult to understand that teachers/instructors accustomed to traditional lecture method of instruction may find it inconvenient to apply the clinical method. The problem, in my opinion, resides not so much in the incompetence of the instructors concerned as in their fear to activate the trainees/students, which they consider might shake and wither their control over students.

Reality, however, is exactly the opposite for results in the Bangladeshi law schools have been very encouraging. The students take an active part in shaping the way in which they learn, and thus learn better how to learn. They gain and demonstrate an insight and reflectiveness about the functions and the role of lawyers and about the uses and the methods of legal analysis, including both the kinds of legal analysis that law schools have traditionally taught and the kind that they have not. They come to understand more richly the varieties and difficulties of thinking like a lawyer and to fit the intellectual tools of the profession to their own resources for the task.

Is Clinical Legal Education Frill Only?

As matter of fact, many academics seen to be apathetic toward clinical education even in the sense of skills learning which they consider to be insubstantial and *"not law"*. These critics miss several important points. First, skills are complex, complicated, subtle and varied. They are not just mechanical actions to be implemented cipher-like. Their contents are multi-textured and many layered. In addition, they must be carefully selected and applied to meet the exigencies of a particular situation. Such decisions are themselves the very essence of excellent lawyering. Making choices among options requires the artful consideration of knowledge, needs, possibilities and the availability and efficacy of the means of implementation. In the opinion of Neil Gold: "The true excellent practitioner is very much like a composer scoring a symphony choosing the instruments and blend of instruments necessary to accomplish his goal. He needs not play them himself to accomplish his ends".

However, at the heart of the academic critique of clinical education in the sense of skills teaching is that this is not the role of higher education. Oddly this criticism misses completely the traditional role of higher education which is not aimed particularly at the mastery of technical detail but rather at the acquisition of such skills as logic, persuasion, criticism, extrapolation, hypothesisation, and various forms of expression be they oral, written or artistic. It would be possible to view skills technically as steps and producers to be memorized and followed. However, this is not the mission of skills training in a clinical programme. Firstly, its mission is *to* explain the relationship between technique, knowledge, professionalism and practice with a view to deriving, the general rather than the specific means to competent service. Secondly, it seeks to investigate both the meaning and practice which are manifested in both general principles and actions. Thirdly, skills teachers seek to identify the specific techniques which can be used pervasively in a variety of settings, recognising that adjustments must be made for context and the client's needs, wants and limits. Fourthly, skills teachers never accept that they have learned or mastered their diversely rooted subjects. Fifthly, skills teachers aim at excellence in client service through skilful practice. Finally, those who study and teach skills recognize that these are only one

part (albeit an important part) of the liberal and professional education of the prospective lawyer. Thus, skills training for lawyers is not equivalent to skills training elsewhere. Most lawyers work requires a range of attributes, many of which are not technical skills such as those of the fitter or the electrician, nor are they analogous.

Teaching a person to perform particular skills requires an approach which is not typical of traditional law teaching. Teaching about skills requires an approach to the learning - teaching process which recognises the multi-disciplinary nature of skills study and practice. These differences in learning and teaching methods are often new to traditional teachers who would prefer to stay within their traditional discipline and its methods.

However, skills teaching and research open a whole range of opportunities for the inquisitive scholar - teacher. The curious and the experimental will find new motivation, In teaching people to perform skills one is forced beyond didactic modes of instruction. Experimental forms of learning are necessary if new abilities to perform are to be acquired.

Some Dimensions of Clinical Legal Education

Given the above-mentioned background it seems quite reasonable to expect that clinical legal education introduced in our law schools will try to accomplish its various objectives in a pre-planned way. Even at the cost of repetition it is worthwhile to mention some broad objectives of clinical education:

a) To acquaint the students with the lawyering process and to develop advocacy skills

b) To expose students to the social reality and instil in them a sense of societal responsibility in their professional work.

c) To make them aware of the limits of legal system and appreciate alternative lawyering skills including exposition to alternative despite resolution, and

d) To develop a sense of professional ethics.

In addition lawyers also need *personal skills* attributes such as the ability to co-operate, to provide leadership and empathy and to exercise judgment. They will be called upon to work as members of teams, with other lawyers, with other professionals. They must be able to influence their clients, courts and officials. Because they are independent professionals, they will be placed in positions where they must make choices and value-judgments that are often difficult. Students must develop these skills largely on their own, but good clinical education can give both incentives and opportunities to do so.

A highly competitive atmosphere can destroy any move towards co-operation. Where clinical education requires students to work co-operatively, such as in team preparation for advocacy or interviewing or forming small syndicates with assigned tasks, there are opportunities to develop these desirable and necessary personal skills. This is very successfully practiced in the Dhaka University Law Clinic.

Our young clinical programmes have so far been concentrating on the lawyering process and skills learning. To make legal education truly meaningful in the context of our social

realities efforts must be made without further delay to accommodate the remaining objectives in the clinical curriculum. This, very likely, will necessitate the establishment of "out-reach programmes" where students will have the opportunity to interact with "live clients" burdened with "real problems". This will also allow the students to reflect on whether justice can always be done by litigation or in suitable cases by means of alternative dispute resolution. In this connection, the Chittagong University Law School should be singled out for having started its excellent "arbitration clinic". While the process should be an on-going one, measures must be taken to strengthen the pedagogical elements in every arbitration. This, as a matter of fact, should constitute the basis of philosophy of legal education. This will enable the law schools to produce graduates who are better equipped for practice and to promote a fuller appreciation for the lawyer's functions in society, what is sometimes dubbed as a "human perspective on law" and a deeper understanding of law as a social phenomenon and an intellectual discipline.

Conclusion

One of the goals of clinical education is to acquire a self-critical attitude to oneself, one's practice and learning. This attitude includes building confidence and self-knowledge, that will permit the learner to see the limits of his/her skills and knowledge, and the limitlessness of his/her potential. Clinical education is one way to promote personal and professional growth for life, for it teaches us how to learn adaptively.

Properly guided law clinics in different law schools can be the breeding ground of progressive lawyers popularly known as social engineers. And time and again it has been proved that progressive lawyers may be few in numbers and poor in material resources but because they are strongly committed, rich in ideas and effective in mobilising political support, they have had, and will continue to wield considerable influence. Should not the ultimate object of lawyers be to actively facilitate change in society and not simply interpret it?

LATIMER HOUSE MONITORING PROCESS

Commonwealth Ministerial Action Group and Zimbabwe

Since May 2000, the Commonwealth Ministerial Action Group has continued to express concern about reports of politically motivated violence and intimidation of the judiciary and the media in Zimbabwe. In March 2001, ministers decided to send a mission to consult with the government, convey its concerns, and offer assistance, but Zimbabwe refused to receive the mission.

At a meeting held in Nigeria on September 6, 2001, the Committee of Commonwealth Foreign Ministers on Zimbabwe won commitments from the government of Zimbabwe to stop further occupation of farmland, to restore the rule of law to land reform, to protect constitutionally guaranteed freedom of speech, and to act firmly against violence and intimidation. However, during a follow-up meeting in Zimbabwe, in October 2001, the group concluded that Zimbabwe had not lived up to its commitments.

On January 30, 2002, the Commonwealth Ministerial Action Group condemned recently enacted and proposed legislation in Zimbabwe that, in its view, further curbed freedom of speech, of the press, and of association. The group called upon Zimbabwe to ensure that there was an immediate end to violence and intimidation, that the police and army refrained from party political statements and activities, that all parties in the election of March 9-10, 2002, had the opportunity to campaign without fear of recrimination, and that the people of Zimbabwe were able to make an unfettered and informed choice in the elections. The group also called for the deployment of Commonwealth Observers to Zimbabwe's presidential elections, and for the full co-operation by the government with all international and domestic observers during the election period.

Commonwealth Heads of Government at their Meeting in Coolum, Australia then mandated the Commonwealth Chairpersons' Committee on Zimbabwe to determine the appropriate action in the event of an adverse report from the Commonwealth Observer Group to the March 2002 presidential election. On 19 March the Committee made the following Statement

Marlborough House Statement On Zimbabwe

1. The Commonwealth Chairpersons' Committee on Zimbabwe, consisting of the Prime Minister of Australia Rt. Hon. John Howard, the President of Nigeria. H.E Chief Olusegun Obasanjo, and the President of South Africa, HE. Mr Thabo Mbeki, met at Marlborough House, London on 19 March 2002 to discuss the situation in Zimbabwe. The Commonwealth Secretary-General, Rt. Hon. Don McKinnon, also attended the discussions,
2. The Committee recalled the mandate given to them by Commonwealth Heads of Government at. their recent meeting in Coolum, Australia, to determine appropriate Commonwealth action on Zimbabwe, in the event of an adverse report from the Commonwealth Observer Group to the Zimbabwe Presidential Election, in accordance with the Harare Commonwealth Declaration and the Millbrook Commonwealth Action Programme.
3. The Committee noted that the Commonwealth Observer Group, led by General Abdulsalami Abubakar of Nigeria, had concluded that the Presidential Election was marred by a high level of

politically motivated violence and that "the conditions in Zimbabwe did not adequately allow for a free expression of will by the electors". They deemed these conclusions, together with other aspects of the Report of the Observer Group, to be an adverse reflection on the electoral process, requiring an appropriate Commonwealth response.
4. The Committee took note of the various recommendations contained in the Commonwealth Observer Group Report. It also received a report from the Commonwealth Secretary-General on his consultations with other Commonwealth leaders.
5. The Committee expressed its determination to promote reconciliation in Zimbabwe between the main political parties. To this end the Committee strongly supported the initiatives of the President of Nigeria and the President of South Africa in encouraging a climate of reconciliation between the main political parties in Zimbabwe which they considered essential to address the issues of food shortages, economic recovery, the restoration of political stability, the rule of law and the conduct of future elections.
6. The Committee called upon the international community to respond to the desperate situation currently in Zimbabwe, especially the shortages of food.
7. The Committee noted the reference in the Commonwealth Observer Group Report to national reconciliation being a priority and that the Commonwealth should assist in this process: and requested the President of Nigeria and the President of South Africa to continue to actively promote the process of reconciliation in Zimbabwe between the main political parties and to appoint special representatives to remain engaged with all the parties concerned towards this end.
8. The Committee decided to suspend Zimbabwe from the Councils of the Commonwealth for one year with immediate effect. This issue will be revisited in twelve months time, having regard to progress in Zimbabwe based on the Commonwealth Harare Principles and reports from the Commonwealth Secretary-General.
9. The Committee mandated the Commonwealth Secretary-General to -engage with the Government of Zimbabwe to ensure that the specific recommendations from the Commonwealth Observer Group Report, notably on the management of future elections, in Zimbabwe are implemented.
10. In line with the Abuja Agreement and the Coolum Statement, the Committee stated that land is at the core of the crisis in Zimbabwe and cannot be separated from other issues of concern, and the Commonwealth will be ready to assist Zimbabwe to address the land issue and to help in its economic recovery in co-operation with other international agencies. The Committee requested the Commonwealth Secretary-General to remain actively involved with the United Nations Development Programme in promoting transparent, equitable and sustainable measures for land reform in Zimbabwe.
11. The Committee will actively promote the implementation of all the goals contained in this Statement in consultation with the Commonwealth Secretary-General and will meet at the request of the Commonwealth Chairperson-in-Office.

Marlborough House, London
19 March 2002

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The Latimer House Guidelines, Parliament and the Media

The Latimer House Guidelines pay particular attention to freedom of expression and the role of the media. One of the sponsoring organisations, the Commonwealth Parliamentary Association recently held a workshop in New Delhi at which Commonwealth parliamentarians and journalists identified for the first time ways to improve the relationship between Parliament and the media.

The following principles were agreed to at the workshop:

What the Media and Journalists Can Do

1. Gain a comprehensive knowledge of, and respect for, the role and position of Parliament and Parliamentarians.
2. Provide fair and factually accurate coverage of Parliament as the d elected voice of the people.
3. Develop more imaginative and attractive ways to enhance parliamentary coverage so that the people are encouraged to take greater interest in their society's principal democratic forum.
4. Expose the public more to the battle of ideas by providing balanced coverage of Parliament and paying attention to views expressed by opposition and all MPs.
5. Monitor more closely the activities of parliamentary committees and analyse their reports and other documents in more detail.
6. Respect the right of public figures and their families to a degree of personal privacy consistent with a responsible definition of the public need to know.
7. Ensure that parliamentary and political news coverage and analysis is clear, factual, objective and differentiated from opinion.
8. Put greater emphasis on inquiring more deeply and objectively into policy issues, focusing less on trivialities and not relying solely on press releases.
9. Assign to cover Parliament the most competent journalists available to ensure that the broad range of often complex issues in Parliament is adequately covered.
10. Avoid conducting relations with Parliaments in an adversarial manner in a way which unfairly denigrates Parliaments and their Members.
11. Provide constructive criticism and informed and fearless coverage political issues so that an increasingly aware electorate has the information it needs to participate in the democratic process.
12. Refrain from fabricating controversies and overplaying internal differences of opinion within political parties, which may often be no more than honest disagreements over policy.
13. Avoid calls for legislation or threats of legislation to control the media by maintaining high standards of coverage of Parliament, politics and society.
14. In formulating standards, consider codes already in place elsewhere in the Commonwealth; but standards set for each country must reflect local circumstances.

What Parliaments and Parliamentarians Can Do

1. Encourage Commonwealth governments to include freedom of expression in the revision of the Harare Declaration envisaged as an outcome of the 2001 Commonwealth Heads of Government Meeting.

2. Encourage Commonwealth governments to support right to information laws according to the principles recommended by Commonwealth Law Ministers in 1999.
3. Recognize the value of an independent media in contributing toward the development of a well informed society through its exposure to a wide range of well-articulated views.
4. Appreciate that the media are also responsive to the people, serving as their watchdog in reporting the actions of Parliaments and governments.
5. Develop more imaginative and attractive ways to enhance parliamentary coverage so that the people are encouraged to take greater interest in their society's principal democratic forum
6. Develop new procedures to ensure that the vital issues of the day are discussed in Parliament promptly.
7. Accept that a lack of some privacy is a necessary price which public office holders must pay if a free media is to remain a bedrock of democracy.
8. Explain policies fully to the news media but avoid manipulating the way the story is told.
9. Urge Ministers, Shadow Ministers and Members to deliver important statements and reports in, rather than outside, Parliament
10. Facilitate more coverage of Parliament by opening the proceedings of select and other committees to the media.
11. Take steps to raise the standard of parliamentary debate by: striving to elect high-calibre candidates, enhancing research support, encouraging a better awareness of what the media needs, and discouraging unruly behaviour, abusive language and personal attacks in the Chamber which inevitably lead to adverse media coverage.
12. Respect the media as a legitimate reflection of public opinion, public concerns and social problems and reactions to policies and programmes.
13. Provide more training opportunities and information for journalists on parliamentary practice and procedure.
14. Be accessible and honest in all dealings with the media rather than remaining aloof and secretive, or attempting to manipulate or overly influence media coverage.
15. Avoid conducting relations with the media in an adversarial manner or attempting to shield themselves, their parties or governments from media investigations which are in the public interest.
16. Provide the media with full access to basic information and documents produced by the parliamentary process, such as access to parliamentary libraries, the provision of on-line information and the distribution of parliamentary speeches promptly after delivery in the House.
17. Take full advantage of new information technology to provide authoritative information to the media and the public.
18. Preserve the independence of the journalist by encouraging newspapers to establish, support and respect a voluntary self-regulating body which is allowed to function effectively, and which suits local circumstances.
19. Some technical regulation of the broadcast media may still be required due to the limitation of available space in the television and radio signal spectrum; and broadcasters should be encouraged to set and respect their own independent and self-regulating codes of professional practice.
20. Public broadcasting should be allowed to be politically impartial.

21. Make reports of parliamentary proceedings in other Commonwealth jurisdictions much more accessible to Parliamentarians and the media, especially by use of new information technology.
22. Ensure diversity within media ownership to prevent private monopoly and state control.
23. Advocate measures to protect journalists and journalism during times of civil strife.

ON LINE

The World Legal Information Institute (WorldLII)
WorldLII (www.worldlii.org) is a free, independent and non-profit legal research facility developed collaboratively by a number of Legal Information Institutes and law faculties around the world. Databases accessible through WorldLII are located as follows:

- Australasian Legal Information Institute (AustLII) www.austlii.edu.au
- British and Irish Legal Information Institute (BAILII) www.bailii.org
- Canadian Legal Information Institute (CanLII) www.canlii.org
- Hong Kong Legal Information Institute (HKLII) www.hklii.org
- Pacific Islands Legal Information Institute (PacLII) www.paclii.org

WorldLII contains databases particularly from jurisdictions with a common law tradition.

The following search options are available:
WorldLII: All Databases: All case law, legislation and secondary materials from all available jurisdictions
WorldLII: All Legislation Databases: legislation from all Australian jurisdictions, Ireland, Northern Ireland, UK and Hong Kong; legislation from Canadian jurisdictions is available from CanLII
WorldLII: All National Highest Courts - including High Court of Australia; NZ Court of Appeal; Privy Council; House of Lords; Supreme Court of Ireland; the Hong Kong Court of Final Appeal; the highest Court of each of ten Pacific Island countries, the Supreme Court of Appeal of South Africa, the Constitutional Court of South Africa, Court of Appeal of England and Wales; Scottish Court of Session; Northern Ireland Court of Appeal and the Supreme Court of Canada.
WorldLII: All Superior Courts - This collection is essentially the highest court of any jurisdiction, particularly of the states, provinces and territories of any federations, plus of course all of the National Highest Courts listed above.
WorldLII: All Treaties - Australian, Hong Kong and Pacific treaties databases.
WorldLII: All Law Reform - Law reform databases from Australia, Ireland and Hong Kong.
WorldLII: All Law Journals - Ten Australian law journals.
WorldLII: All Secondary Materials Databases - This includes all Law Reform databases (Australia , Ireland and Hong Kong), all Treaties databases (Australia, Pacific Islands and Hong Kong), all Law Journals, and all other secondary materials (including Australian indigenous law databases, Hong Kong Practice Directions, human rights databases, plain English guides to law, and much more).

Encyclopaedia of Law and Economics
This provides a free full text work on a wide variety of topics with a searchable bibliographic database of some 20,000 references
http://allserve.rug.ac.be/~gdegeest

Eritrea-Ethiopia Boundary Commission
Information about the Boundary Commission and full text of decisions made by the United Nations: **www.un.org/NewLinks/eebarbitration/**

Bibliography of Women's History in Historical and Women's Studies Journals
www.iisg.nl/~womhist/vivahome.html

Papers from the 4th Annual LILI Conference are now available:
www.ukcle.ac.uk/lili2002

MISCELLANEOUS

Call for Papers

Journal of African Law: Special Issue: Africa and the WTO

The launch of the Doha round of multilateral trade negotiations at the World Trade Organisation's (WTO) ministerial meeting in Qatar has serious implications for Africa's participation in the multilateral trading system. The new round of trade talks are to focus on a wide range of issues including antidumping, dispute settlement, electronic commerce, subsidies, technology transfer, and regional trading arrangements. The outcome of the negotiations will affect considerably the future growth and development of Africa's economies. It is for this reason that the *Journal of African Law* invites papers to be considered for publication in a special issue on "Africa and the WTO" to be published in 2003.

Papers should be original and should cover any of the items being negotiated by the parties. Specifically, the *Journal* would like to receive papers that deal with the broader organisational issues such as the dispute settlement mechanism, the participation by African countries in the Committees established under the various agreements, the relationship between African regional organizations and the WTO, and the implementation of WTO obligations at the national level. Additionally, papers dealing with Africa and the agreements on antidumping, textiles and clothing, agriculture, trade and environment, services and trade-related aspects of intellectual property are also very much welcomed.

If you would like to contribute to this issue, please send your paper to The Editors, *Journal of African Law,* Department of Law, School of Oriental and African Studies, University of London, Thornhaugh Street, Russell Square, London, WC1H OXG, UK. Full instructions for contributors are available at: www.cambridge.org/journals/jal

Forthcoming conferences

"The Changing Face of International Co-operation in Criminal Matters in the 21st Century"
The 2002 Oxford Conference organised by the Commonwealth Secretariat is being held at Christ Church, Oxford, UK between 27-30 August 2002. Full details from: The Organising Committee, Criminal Law Unit, LCAD, Commonwealth Secretariat, fax: 44 207 839 3302

Africa Challenging Globalisation
The 25th Annual Conference of the African Studies Association of Australasia and the Pacific will be held at Macquarie University, Sydney, Australia between 2-5 October 2002.
Full details are available on the conference web site: www.flinders.edu.au/global/afsaap

Mediating Law: Theory, Production, Culture
29 November-1 December 2002, Melbourne, Australia
Mediating Law is a conference that promotes interdisciplinary dialogue in law, literature, culture and humanities. It is the 11th International Conference of the Law and Literature Association of Australia and hosted by the University of Melbourne Law School.

Proposals for papers and panels are invited. For full details see the conference web site: www.law.unimelb.edu.au/events/mediatinglaw

JURIX 2002: 15th Annual International Conference on Legal Knowledge and Information Systems, December 16-17 2002 at the Institute of Advanced Legal Studies, University of London. The call for papers is now at: www.csc.liv.ac.uk/~tbc/jurix_cfp.htm

The 5th Annual LILI Conference will be held on 10th January 2003 on the theme "Complexity, Creativity and the Curriculum". Papers are invited and abstracts of no more than 500 words sent to t.varnava@warwick.ac.uk. Updates and further details are available from www.ukcle.ac.uk/lili/2003.ac.uk

Commonwealth Human Rights Initiative

The address of the Commonwealth Human Rights Initiative in India is now: N8 2nd floor, Green Park, New Delhi 110016, India.

The CHRI has published the Report of its fact-finding mission to the Fiji Islands. Entitled *Fiji: A Crisis of Constitution: The Way Ahead* it provides a useful background to the constitutional problems that have blighted the country for many years. Its Conclusion has a resonance amongst many other Commonwealth countries:

> *Fiji epitomises ethno-cultural diversity, which is also one of the outstanding characteristics of the Commonwealth. For more than four generations both Indigenous and Indo-Fijians have lived together facing fortune and adversity. Almost three decades after independence Fijians came together to forge a Constitution that would satisfy the maximum possible aspirations of all communities. The 1997 Constitution was put together through a process of widespread consultation hitherto unparalleled in the history of Fiji. While there might be some dissatisfaction over the complex electoral system this is not enough reason to throw away the Constitution lock stock and barrel. Since May 2000 members of the Fiji judiciary have on more than one occasion faithfully performed their role of upholding the Constitution whenever it has been undermined and subverted by those who temporarily exercised control over state power.*
>
> *The overwhelming desire of civil society in Fiji is to find ways and means of settling long-standing disputes within the mechanisms provided for by the Constitution. The Commonwealth must support this predominant sentiment and use its good offices to find an amicable solution to the current political situation in Fiji.*

JOURNAL OF COMMONWEALTH LAW AND LEGAL EDUCATION

INVITATION TO SUBSCRIBE AND CONTRIBUTE

The second issue of the CLEA's new *Journal of Commonwealth Law and Legal Education* is now available.

Please send contributions and all other correspondence to Veronica Barnes, Editorial Manager, *Journal of Commonwealth Law and Legal Education*, OUBS, The Open University, Walton Hall, Milton Keynes MK7 6AA, UK
e-mail: v.m.barnes@open.ac.uk

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