

***COMMONWEALTH
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EDUCATION***

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Contents

From the General Secretary

Annual Report on CLEA Activities

CLEA Activities

CLEA South Asia Conference 2002, India

CLEA Conference 2003, Windsor, Canada

13th Commonwealth Law Conference 2003, Melbourne, Australia

Article

"What Role Should Law Students and Law Schools Play in order to Meet the Challenges of the New Millenium?" Umoh Emem Ofonime

(continued from *Commonwealth Legal Education* volume 90)

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CONTENTS

THE RULE OF RULES	1
Gary Slapper and Matthew Weait	
THE GLOBALISATION OF CHILD POLICY: A STUDY OF THE SIGNIFICANCE OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD, 1989	5
M Abdul Hannan	
LEARNING FROM STUDENTS IN THE SOUTH PACIFIC: NAMES, CUSTOMARY LAND TENURE AND STUDENT PERCEPTIONS	17
Sue Farran	
PROTECTING FUNDAMENTAL LIBERTIES: LESSONS FROM MALAYSIA	29
Abdul Aziz Bari	
INCORPORATING JUSTICE AND ETHICAL ISSUES INTO FIRST YEAR UNDERGRADUATE LAW COURSES: A SOUTH AFRICAN EXPERIENCE	35
David McQuoid-Mason	
LEGAL EDUCATION - A DISCIPLINE?	55
Lyndal Taylor	
STUDENT-CENTRED LEARNING AND CANNABIS	73
Vikki Lawlor, Jenny Wood, Hugh Brayne, Penny Booth	
ANALYSIS	91
MALICE IN ELECTORAL ABUSE, AND OTHER TORTS OF MISFEASANCE IN PUBLIC OFFICE	91
John Lloyd	
OPINION	99
SHOULD ROBERT MUGABE BE PUT ON TRIAL?	99
Peter Tatchell	
ABOUT THE COMMONWEALTH LEGAL EDUCATION ASSOCIATION	108

From John Hatchard

General Secretary

As the CLEA administrative machinery becomes ever more efficient, I am pleased to be able to include in this issue the CLEA Annual Report for 2001-2002 and a statement of our accounts. Once again, members of the Association can be extremely satisfied with developments, with perhaps the highlights being the excellent conference in Sri Lanka and the successful launch of our new periodical: *Journal of Commonwealth Law and Legal Education*.

Conferences and publications dominate CLEA activities over the coming months. We have two conferences to look forward to. The first is the CLEA Regional Conference to be held at Thiruvananthapuram, Kerala, India between 28-30 December 2002 on the theme "*Legal Education Reforms for a Transnational Practice*". The Organising Committee is headed by the immediate past President of the Association, Prof (Dr) N R Madhava Menon. Full details of the event, which also includes a parallel conference for Commonwealth law students, are provided below. The conference is part of the Association's efforts to revitalise its work in South Asia and I would encourage as many of you as possible to attend. As an added attraction, it is worth noting that the venue itself is superb. To quote from the conference brochure:

"Kerala, is one of the most sought after tourist destinations in Asia. Secluded beaches, palm fringed backwaters, mist dappled hill stations, lush tropical forests, waterfalls, exotic wildlife, monuments, art forms and festivals, adorn her with a distinctive charm. The southernmost district of the State, Thiruvananthapuram, is bounded by the wooded highlands of the Western Ghats, on the east and northeast, and the Arabian Sea on the west".

I am also delighted to announce details of the CLEA Conference on *Reparations - Theory, Practice & Legal Education*. This will be held between 12-14 June 2003 at the University of Windsor, Windsor, Ontario, Canada and is being organised by our Executive Committee member for North America, Jeff Berryman.

You will also see below that the Association is also involved with the 13th Commonwealth Law Conference.

So far as publications are concerned, you will find below details of several new books appearing in the next few months, including the new edition of the *CLEA Directory of Commonwealth Law Schools*. Some of these are in the form of e-books, so as to make them readily available to as wide an audience as possible.

I am pleased to say that once again the Association has been invited to attend the Commonwealth Law Ministers Meeting (LMM) in November. Readers may recall that the representatives of the Association also attended the 1999 in Trinidad and the 2001 Senior Officials Meeting in London.

There is no room for *The Lighter Side* in this issue but I came across the following notice addressed to students by a law professor who shall remain anonymous. I wonder how many

similar notices appear on the door of other Commonwealth legal academics: I can certainly think of plenty who would certainly not put up such a notice!

Contacting the Professor

My Law School office is located in Room 331, phone 434-984-3463. Although I have no formal office hours, I am usually here weekdays between 9:00 a.m. and 5:00 p.m. Please feel free to stop by at your convenience. I will gladly make an appointment to meet with you later if you arrive at a time when I cannot be interrupted. You may also call or speak to me after class to make an appointment. In case of weekend or after-hours emergencies, you may reach me at home, phone 434/977-0565.

*John Hatchard,
General Secretary, CLEA,
Marlborough House*

October 2002

CLEA ACTIVITIES

**Faculty of Law, University of Windsor and the
Commonwealth Legal Education Association Conference**

REPARATIONS – THEORY, PRACTICE & LEGAL EDUCATION

**Date 12th - 14th June 2003
Faculty of Law, University of Windsor
Windsor, Ontario, Canada**

Introduction and Conference Themes

Throughout the world attention has been focussed on the issue of reparations for past injustices and the role that such reparations play in reconciling various minority groups within a nation, or between nation states, towards a greater state of harmony and justice. However, the issue of reparations presents fundamental challenges for the law. What harms warrant reparations? How far back in history should one go? Do reparations require a known victim and perpetrator, or can the present economic and social conditions of a recognized group be causally linked to the activities of earlier dominant group or colonial government? Even where a past injustice has been recognized, how should reparations be effected? Should loss be compensated in money, or some other form of making restitution? Even assuming a substantive claim arises, a reparation claim may entail complex issues of proof and the taking of evidence. How can oral history be presented?

The presentation of issues surrounding reparations require properly trained individuals skilled in a variety of areas. Apart from a sound legal training in areas such as constitutional law and human rights, an advocate must possess process skills covering the gamut of alternative dispute resolution through to an understanding of commissions and international tribunals. In addition an advocate must also be comfortable with historical material, familiar with psychology to understand how past wrongs becomes part of the sociology of a society, and be an effective communicator so as to keep the myriad of people involved in a multidimensional dispute focussed.

The conference aims to address the issues outlined above. In particular, the conference will identify ways for legal education institutions to build competency to train advocates to actively participate in the area of reparations for past wrongs. An important focus will be on the creation of links and support networks between legal educators throughout the Commonwealth and to provide concrete ways to exchange and share curricula between law schools.

Organizers

The conference is being organized under the auspices of the **Faculty of Law, University of Windsor** in conjunction with the **Commonwealth Legal Education Association (CLEA)**.

The Faculty of Law, University of Windsor is at the forefront of research into access to justice, legal education, and third world legal studies. It is the home of the **Centre for Law in Aid of Development (CLAD)**, a centre devoted to studies to third world legal issues. Personnel from CLAD will be assisting in organizing the conference. The Faculty has supported the work of its internationally distinguished colleague, Professor Lakshman Marasinghe, who has hosted over twenty symposia on law in aid of development here at the University. Professor Marasinghe is part of the conference organizing committee. The Faculty publishes the **Windsor Yearbook of Access to Justice**, an international externally refereed thematic journal that is now in its 23rd year of publication. The **Yearbook** has agreed to publish the papers presented at the conference subject to its usual editorial policies. The other members of the organizing committee are Professor Jeff Berryman, an internationally published scholar in the areas of the law of remedies and current North American Director of CLEA, and Dean Bruce Elman, Dean of the Faculty and a highly regarded international scholar in human rights and constitutional law.

CLEA is uniquely positioned to organize and facilitate this conference. Established in 1971 and with links with law schools around the Commonwealth, its mandate is to “make legal education socially relevant and professionally useful, particularly through the development of law curricula and teaching methodology; for law schools to prepare themselves for the demands of the profession in the context of the information revolution and other global challenges; and to support continuing legal education and distance learning programmes.” **CLEA** is based at Marlborough House in London, England. It publishes a variety of books on law and legal education in the Commonwealth as well as the *Journal of Commonwealth Law and Legal Education* and *Commonwealth Legal Education*. It also holds regular conferences, both Commonwealth-wide and regional and organises and runs the Commonwealth Law Student Mooting competition. It also seeks to strengthen connections between Commonwealth law schools by promoting exchanges and distance learning opportunities for faculty and students.

Conference Format

The conference format will follow the ‘roundtable’ concept for which this Faculty has had notable success. Speakers will be asked to write a 10 to 20-page paper on a theme identified in the programme. Speakers have been selected to provide a particular focus to the topic. Papers will be circulated to participants before attending the roundtable. Speakers will then be asked to lead discussions. A chair will also be appointed to manage time and ensure a focus is maintained. The roundtable format is designed to maximize discussion and to facilitate active rather than passive participation.

Host-University and City

The Faculty of Law, University of Windsor was established in 1972. Approximately 450 students are enrolled at any one time in a diverse series of degree programs including its unique JD/LLB program in conjunction with the University of Detroit Mercy Law School. The Law School has two institutional themes of access to justice and Canadian/American cross board legal issues. It is also a leader in experiential learning programs being the home of two poverty law clinics, a mediation clinic and an extremely intensive compulsory legal research and writing programme.

The University of Windsor is a mid-size Canadian university with an enrolment of over 14,000 students in eight faculties (Law, Business Administration, Engineering, Arts and Social Science, Education, Human Kinetics, Nursing, and Science). The University is located in Windsor, a city of over 200,000 people. Windsor is known as the automotive capital of Canada and is the largest international trade port in Canada. It is immediately south of Detroit separated by the Detroit River. Numerous hotels and fine restaurants service the city. It has convenient air and rail services with Toronto (one hour flight, 4 hour rail journey). Windsor is also only a thirty minutes car ride from Detroit Airport, a major international hub serviced by most international and American airlines. The weather in June is mild to hot (20-27 Celsius).

Draft Programme

The programme is structured over two and half days and follows a logical progression from an initial focus on theory, to practice and through to curricula development and education.

Day One – Theory

Day One will focus upon the legitimacy, including political legitimacy and moral responsibility, of claims for reparation, and capacity for a legal response.

Issues:

- *Are states liable for the sins of their predecessors?*
- *Should a distinction be drawn between claims where both victim and oppressor are still personally amenable to some form of jurisdiction, and where the wrong is as result of some historic transgression where neither victim or oppressor are personally available?*
- *Should a distinction be made where the alleged oppressor is an individual as against a state?*
- *How are reparations to be determined (past wrong or current effects), against whom, and what form should they take?*
- *What international legal obligations lie upon states towards reparations?*
- *What is the responsibility of past colonial powers?*
- *Should the record of contemporary state practices in human rights be taken into account as possible mitigation?*
- *The use of existing legal doctrine and impediments.*

Evening: Commonwealth Law Lecture

Day Two – Practice

Day Two will focus upon specific examples or case studies drawn from around the Commonwealth that have attempted to provide a form of reparations for a specific wrong. The aim will be to evaluate the success of these attempts measured against the goals identified for the specific scheme and how that scheme fits with the theoretical underpinnings discussed in Day One.

Case Studies

Canada	-	<i>Aboriginal Healing Foundation – (residential schools)</i>
New Zealand	-	<i>Waitangi Tribunal – (Maori treaty claims)</i>
Australia	-	<i>Stolen Generation – (Aboriginal forced removal)</i>
South Africa	-	<i>Truth and Reconciliation Commission – (apartheid)</i>
United States	-	<i>Litigation</i>
Asia/Pacific	-	<i>Nauru Phosphate negotiations.</i>

Day Three – Legal Education

Day Three will deal with pedagogical issues. The study of reparations transcends many facets of law and requires an appreciation of other disciplines (e.g. political science, history, philosophy) to properly situate a legal entitlement. In addition, the advocacy of a reparations claim presents unique challenges, and may take place outside traditional legal fora. It is thus, an excellent vehicle to discuss how a law school curriculum can provide sufficient breadth and depth to enable graduates to participate meaningfully in this enterprise.

Suggested Topics

- *Teaching human rights in an hostile environment*
- *Internet courses – collaborative distance education*
- *Advocacy skills for multiparty complex litigation – Class actions – “Bernardo Children”*
- *Communicating with victims – telling their stories*
- *Creating support and resource networks between faculties (inter and intra the university)*
- *Developing a model curriculum to handle reparation issues – Participation between institutions.*

Closing – rapporteur

13th Commonwealth Law Conference

**Melbourne, Australia
13th -17th April 2003**

The CLEA will be involved in the following activities

- Organising a conference session on "Developing the Law Curriculum to Meet the Needs of the 21st Century Legal Practitioner"
- Organising the Commonwealth Law Lecture
- Organising and running the 2003 Commonwealth Moot Competition (see below)

2003 Commonwealth Law Students' Mooting Competition

This will take place during the Commonwealth Law Conference in Melbourne, Australia between 13-17 April 2003. This is an extraordinary opportunity for law students to meet their counterparts from around the Commonwealth as well as with many leading judges and practitioners.

Those law schools interested in participating should contact their local CLEA representative as soon as possible.

ARTICLE

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

Umoh Emem Ofonime¹

[continued from *Commonwealth Legal Education Vol 90*]

Curriculum Review

The curriculum of a school indicates the very product being delivered. If it is outdated then the student's training is defective. As changes occur in the world, there is also a need for law schools to expand their curricula to reflect these changes. The determination of the curricula of law schools in isolation and out of the institutional framework or socio-economic conditions would not be meaningful.² A law schools curriculum should be such that will enable the student acquire the necessary professional skills. Where it is not reflective of the demands of the society in which the student is eventually expected to play a role, then the legal education imparted is defective.

Commonwealth Law Schools have to plan for the future of their students. There is a need to expand the curricula beyond the traditional law courses, such as contract and criminal law, to accommodate emerging fields of legal interests, which in the light of the new millenium challenges ought to be included. For instance, courses such as Law of Taxation, Law of Copyright and Patents, Labour Law, International Law and Human Rights ought to be part of every law school's curricula in the Commonwealth.

Human Rights is an aspect of the law that now transcends all boundaries. There is a growing awareness by countries all over the world about their human rights obligations. There are now human rights centres in most countries to look into cases of alleged human rights abuses. There is therefore the need for all Commonwealth Law Schools to include this in their curricula, especially since students upon graduation will be going into a world full of human rights awareness, and therefore students without the basic human rights knowledge will find themselves significantly handicapped. Commonwealth Law Schools and students can exchange ideas, materials and even teachers to facilitate the teaching of the course.

A strong pointer to the importance of this course is the fact that recently, the Commonwealth Secretariat Human Rights Unit and CLEA have undertaken to develop a curriculum on human rights which will serve as a model for Commonwealth Law Schools interested in offering human rights courses. The model pays particular alternation to the protection and promotion of human rights. Taking into consideration the limited resources available to acquire relevant materials by

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

² Krishnan, above at 498

many law schools, the curriculum will be available in hard copy and electronic form, which can be accessed through the CLEA Website, www.clea.org.uk

Aside from that, Commonwealth Law Schools are in a position to create an awareness about human rights within their community. This may be done in form of enlightenment seminars and lectures. Commonwealth Law Students can organise human rights clubs and other like activities as a means of creating awareness. In those Commonwealth Law Schools where Human Rights Law is made optional, such as the Faculty of Law, University of Lagos, it ought to be made a compulsory course. Students can also be exchanged to undertake studies on the human rights situation of member Commonwealth nations.

Another course that all Commonwealth Law Schools should teach compulsorily is International Law. As earlier stated, the world is becoming a global village and the best lawyer is one whose legal knowledge is not confined to a single legal system, but one who has intimate understanding of his local laws and international law, or what Allott has described as “Socio-legal dynamics” (above at 207). Trade and other economic activities, and even political activities today transcend national borders. An act done in one place may produce consequences elsewhere, thus international law is a must today for the Commonwealth law student.

Oil and Gas Law might be taught in Commonwealth Law Schools, especially in those schools that are situated in oil producing countries or areas. Oil is an international commodity and one of the world’s biggest revenue earners. Many nations, such as Nigeria, depend on income acquire from oil for their economic sustenance. A Commonwealth Law Student should have knowledge of Oil and Gas law, which is very relevant in understanding the intricacies of oil politics. Gas is the emerging commodity of the 21st century, and emphasis is shifting a bit from oil to gas, hence the necessity for the course.

Another area for review is the making of some courses compulsory and others optional. There is need to revisit this because emerging legal fields are usually made optional even when every student ought to be well grounded in them to face new challenges. As exigencies of time require, some optional courses should be made compulsory. Often times students elect courses without being fully appraised of the relevance, or simply because it “looks” easy. By this approach students have avoided courses which are of great importance to their future roles. Apart from Commonwealth Law Schools reviewing their curricula, law students should make an effort to elect courses they know will enable them to be at par with societal demands. It must also be emphasised that law deals with society. This is one of the reasons why some Commonwealth Law Schools make social science courses compulsory.³ The reason for this is that Commonwealth Law Schools must see their roles in the light of community needs which their graduates will be required to serve. They are supposed to impart a general liberal education that will make the Commonwealth Law Student fit into his proper role in the society.

Also, this being the age of information technology, there is a need for this to be reflected in the curricula of Commonwealth Law Schools. Law students cannot afford to shun this all-important area because of its impact on all aspects of life communication and information technology have

³ In University of Lagos. the first year of legal training is spent taking courses in sociology, psychology, philosophy and political science.

brought about a lot of changes in the legal world and the trainee lawyer must be aware of this. Law Schools are well suited to provide this education. Therefore computer training should be included in the curriculum of Commonwealth Law Schools. As much as practicable, the curricula of all Commonwealth Law Schools should be harmonised. Fortunately most Commonwealth countries have a common law background. The advantage of this is that it would aid exchange of Law students and teachers. Difficulties encountered by exchange students on returning home will be minimised and the benefits of such exchange would be greater felt. This harmonisation can be done by Commonwealth law Schools working together, or in conjunction with CLEA.

In all, what is needed is a Commonwealth Law School curriculum broad enough to cover international situations, but yet still adapted to local needs. This involves a modernisation of legal education, reconstruction of curricula and their contents, transformation of technique, a greater emphasis as socio-economic relevance on career and placement opportunities for law graduates and improvement in the quality of education and of those recruited for it.⁴ Not much can be achieved in preparing Commonwealth Law Schools and students for the challenges ahead without an obvious change in the curricula of these schools.

Information Technology

This is having a profound and far-reaching effect on the society. The success of a nation now depends on how rapidly and effectively it prepares its workforce to adapt to these changes. The success of the 21st century Commonwealth Law School and Law students also depends on how they face the challenges posed by information technology. The electronic media is transforming a lot of activities and the impact of digital information and activities and the impact of digital information and communication in law-related functions are breath-takingly rapid and inexorable. Lawyers and clients nowadays communicate through computer networks, and students in these advanced countries work as a matter of course with a computer.

All Commonwealth law schools and law students must embrace these changes. Indeed it would be foolish for law schools to ignore Information and Communication Technology (ICT) in legal education because ICT can enhance educational values, but also because it is an integral part of life, learning and work experience including law, and therefore ignoring it would be ignoring an essential developmental tool for the student and the future lawyer.⁵

ICT is affecting legal education through four types of resources: hyperlinked information communication, interactive learning and simulated or active practice. Commonwealth Law Schools have a duty to introduce their students to ICT. Law students should be up to date on the current innovations, and should be able to reap the benefits accruing from ICT. Law Schools located in the developed countries of the Commonwealth are somewhat luckier. There is a higher level of technological advancement in those countries that of course will rub off on their Law Schools and students. Law Schools and students in the United Kingdom are already taking advantage of ICT. But Law Schools situated in the less developed countries of the Commonwealth are not making much progress in this area, neither are their students benefiting from it. The level of technological advancement does not make it possible for ICT to be

⁴ Krishnan, above, at 501

⁵ Abdul Paliwala "Learning in cyberspace" 1999(3) The Journal of Information law and Technology <
<http://elj.warwick.ac.uk>>

accessible to all. Thus, there is a yawning gap between these two groups of Commonwealth Law Schools and students. However, all Commonwealth Law Schools and Law Students must embrace these advancements or they run a serious risk of losing effectiveness and relevance in the 21st century.

Firstly, all Commonwealth Law Schools must be linked to the Internet. Law is a field in which currency is important, and the Internet is a fruitful source of information. Law Schools grappling with lack of books and adequate teaching materials have their problems solved through the Internet. There are lots of cases, textbooks and treatises capable of being accessed through the Internet. If the Law student cannot get access to this information personally, then the school ought to be able to do it and communicate same to the students. Before all this can be done, the Internet must be recognised as an open access publication and redistribution channel. Training seminars should be organised by Commonwealth Law Schools for their staff and students. These students and staff can also be exchanged to countries where ICT is being fully used in legal education. Every Law School in the Commonwealth should be connected to the Internet, and preferably develop its own website.⁶ Commonwealth Law Schools and its students ought to be in the forefront of those making contributions to the wealth of information already available. Commonwealth Law Schools ought to jointly establish an Internet library, which will be a data bank of information for all Commonwealth Law Schools and students. This will go a long way in fostering exchange of materials and ideas and improve research. The CLEA has recently established a website (www.clea.org.uk) and it is hoped that all Commonwealth Law Schools will soon follow suit. This is because it is imperative that they work together so as to be able, through a concerted effort, to face the challenges of the new millennium.

Today, a good number of law schools are already engaged in adding significant law content to the digital law library of the Internet, and structuring and filtering such virtual Library for a distinct, institutional, national or regional set of users. Some of those already involved include the Zambia Legal information institute (<http://lii.zamnet.zm>); the Australasian Legal information institute (www.austlii.edu.au); University of Montreal (www.droit.umontreal.ca); the collections of South African law mounted by the Wits Law School (www.law.wits.ac.za) and by the University of Cape Town Law Faculty (www.uct.ac.za). It is hoped that more Commonwealth Law Schools will soon follow this initiative.

With the introduction of ICT into Commonwealth legal education, it may now be possible for students to remain in their country and be a student in a Commonwealth Law School of another country. This will save cost and space i.e. it will be much cheaper and there will be no need to limit the number of students because of space. The Commonwealth exchanges a limited number of students annually, but with the adoption of ICT, it would be possible for more students to be “exchanged” through the Internet. This is a qualitative education being received at lesser cost.

The Open University in the UK has already launched a "virtual" law degree. It is hoped that Commonwealth Law Schools will adopt this initiative. As much as there is need for

⁶ In the course of writing this essay, the author was greatly handicapped due to the fact that most of the books available in the libraries were outdated. The internet proved a fruitful source of information from which a lot of useful materials were taken

Commonwealth Law Schools to make use of information technology, specific attention must be paid to the fact that education must be of relevance to the environment in which the student is to function. Care should also be taken so that the Commonwealth Law Schools and students do not develop an over reliance on information technology which may lead to a loss of legal skills.

Integrated Approach

There is need for a change in teaching and learning methods. Legal education should not be purely academic, there is need for a practical aspect to be incorporated. It should be pluralistic in the sense that there ought to be a pedagogic and technological mix.⁷ Academic teaching must address the direct experiences of the world and the reflection on that experience will produce the intended way of representing it.

Clinical legal education is one way of doing this. This is a programme whereby students are exposed to legal problems e.g. by working in a law firm or by students being given legal files to run. Students under the programme take cases at times for clients who cannot afford private solicitors. All this is being conducted under the supervision of the Law School. A lot more of such programmes are needed in the millennium and all Commonwealth Law Schools ought to organise such clinics. In the University of New South Wales, Australia, the Kingsford Legal Clinic is a community legal centre which assists about 3,000 people a year. Students attend the clinic to undertake Clinical Legal Experience course. This clinic aims at developing student's critical appreciation of law, enhancing their contextual understanding of it and introducing students to the importance of developing basic legal skills to a high level of proficiency including communication, interviews and drafting.⁸

It is hoped that more Commonwealth Law Schools will adopt this programme. Some Law Schools offer such opportunities during professional training, but it should be extended to the undergraduate level. Preferably Commonwealth Law students should organise such programmes for themselves where none is being offered by the school. For example the students of the Faculty of Law University for Lagos organise a legal traineeship programme (LETRAP) during the holidays for its students. Students are attached to law firms to gain practical knowledge of the workings of the law. It is hope that more work will be done in this area. The CLEA can also organise such law clinics for Commonwealth law students annually.

Publications

There is a growing need for legal publications. This is one way of impacting positively on legal development. These publications include texts, journals, case notes, book reviews, and legislative reviews. These publications are circulated within the Commonwealth countries and beyond. Most of these publications are by Law Schools. Law students ought to be encouraged to write more, this is one way of developing their legal skills. Law Student Associations should have an annual publication. These publications should be sent to other Commonwealth Law Schools. With ICT, these publications can be put on the Internet where it will be accessible to all. There is need for increased activities in this area.

⁷ Paliwala, above

⁸ The Faculty of Law, National University of Lesotho has recently implemented an internship programme for 1st year LL.B students where they are attached to various legal practitioners to expose them to the problems and practise of law in Lesotho.

Legal Services

Commonwealth Law Schools and students ought to provide legal services to members of their community. This may be by organising legal clinics, or by providing legal education on certain pressing issues. For example the human rights awareness can be created especially among the illiterate members of the society. They can also organise seminars and lectures for members of the public on current legal issues and how it will affect them. This way the entire members of the society will be aware of what is going on and will not be stagnating while the rest of the world is progressing. A nation's development is not measured by a learned few, but by assessing the totality of its people, and therefore Commonwealth Law Schools and students should carry their society along.

Conclusion

It is clear that Commonwealth Law Students and Law Schools must be adequately prepared to meet the challenges of the New Millennium. They also have a role to play in legal development. Commonwealth Law Students of today are the Commonwealth lawyers of tomorrow and must be prepared to give valuable legal services to meet the needs of a more sophisticated society. Globalisation and information technology are changing the world and our law students and schools must face these changes. This is why there is greater need for these new innovations to be inculcated in the curricula of law schools, and brought to bear on the students.

Some Commonwealth Law Schools are already doing this. For instance, Murdoch University in Australia requires most of its new students to complete Library and Information Technology Exercises (LITE), a web-based interactive package. This equips the students with necessary skills to participate fully in using the range of electronic products necessary to undertake tertiary studies and later to transfer these skills to the workplace.

In India, the establishment of the National Academy of Legal Studies and Research University (NALSAR) University of Law, Hyderabad is a new major initiative in legal education there. This university aims to impart legal education in a distinct manner and to produce graduates who are ready to take up legal challenges of the 21st century.

In adopting the roles discussed in this essay, there is a great need for Commonwealth Law Schools and students to work together. This is because a lot more can be achieved if a unified approach is adopted in facing some of these challenges. To further this cause, an Association of Commonwealth Law Schools and an Association of Commonwealth Law Students should be established. These Associations can further greater exchanges and cross-fertilisation of ideas among Commonwealth Law Schools, which is one way of facing millennium challenges. The internet and other forms of CIT should be utilised fully. Their advantages far outweigh some perceived disadvantages. Commonwealth Law Schools and students should not only benefit from the Internet but should also be adding information to its library.

As the 21st century progresses, the whole world will be watching to see how Commonwealth law schools and students play their roles. Hopefully they will not be disappointed.

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ON-LINE

Parliaments

Several Commonwealth parliaments and legislatures now have their own web sites

Australia (Commonwealth): <http://www.aph.au>

Barbados: <http://www.parliamentbarbados.com>

Canada: <http://www.parl.gc.ca>

India: <http://alfa.nic.in>

Malaysia: <http://www.parliamen.gov.my>

Namibia: <http://www.republicofnamibia.com>

New Zealand: <http://parliament.govt.nz>

Pakistan: <http://www.pak.gov.pk/govt/parment.htm>

Singapore: <http://www.gov.sg/parliament/>

South Africa: <http://www.parliament.gov.za/>

Tanzania: <http://bungetz.org>

Trinidad and Tobago: <http://www.ttparliament.org/>

United Kingdom: <http://www.parliament.uk/>

Zambia: <http://www.zamnet.zm/zamnet/grz/govstate.html>

The Commonwealth Parliamentary Association website also contains links to all known Commonwealth parliaments' official websites: <http://www.comparlhq.org.uk/>

NEWS FROM THE COMMONWEALTH

Despite the postponement of the Commonwealth Heads of Government Meeting, the Commonwealth People's Festival still went ahead in Brisbane in October 2001. The communiqué is of interest in that it highlights many of the challenges facing the Commonwealth today.

THE COMMONWEALTH PEOPLE'S COMMUNIQUE

1. Despite the postponement of the 2001 Heads of Government Meeting, the Commonwealth People's Festival has gone ahead in Brisbane. We have been celebrating the diversity of the Commonwealth through connecting our communities.
2. We come from over 50 countries, rich and poor, large and small, across the world. As grassroots activists, young people, women's groups, NGOs, interfaith groups and professional associations, we have met to discuss issues that daily affect Commonwealth citizens.
3. These issues concern poverty, conflict, people's rights, good governance, cultural diversity, education, deteriorating social and economic infrastructure, HIV/AIDS, the environment, homelessness, peace and human security.
4. We have shared our cultures, experiences and world views through workshops, meetings, exhibitions, song, art and drama.
5. While our elected representatives could not come together on our behalf, we, as Commonwealth citizens and organisations, have done so, and call on our leaders to listen to the concerns we had hoped they would articulate for us during CHOGM.

STATE OF PEOPLE IN THE COMMONWEALTH

6. As a people-centred forum, many of the discussions and activities during the People's Festival in Brisbane addressed aspects of life in the Commonwealth highlighting a wide range of concerns, challenges and priorities.
7. Most people continue to live in poverty. Globalisation benefits a few while creating or contributing to further impoverishment and marginalisation of large numbers of communities and people.
8. The Commonwealth must recognise itself as an association of developed and developing countries where poverty is a serious problem. It needs explicitly to recognise poverty as an abuse of human rights and to direct its energies and resources at eradicating poverty. It also needs to take decisive actions to free very poor, indebted countries from their debt burdens so they can use their own limited resources to address their own problems.

9. Nearly 60 per cent of people living with HIV and one half of all AIDS deaths are in the Commonwealth. At the 1999 CHOGM in Durban, Heads of Government declared HIV/AIDS a Commonwealth emergency. The Commonwealth must continue to promote a multi-sectoral approach to fighting HIV/AIDS. It should share the experiences from the many and varied approaches being carried out in all sectors of society, such as those awarded the 2001 Commonwealth Awards on HIV/AIDS. Success can be guaranteed only with support from leadership at the highest level. Women still account for only 7 per cent of parliamentarians in Commonwealth countries. Increasing women's participation in politics and decision-making is essential to achieve the fundamental principles of good governance and democracy.
10. We believe that the imagination, ideals and energies of youth are vital for the continuing development of the societies in which we live. We fully support the outcomes of the Commonwealth Youth Forum.
11. The Commonwealth must recognise and address the rights of its indigenous peoples. It is no longer acceptable to dismiss indigenous issues as the domain of nation states. The Commonwealth is lagging behind other international fora and needs to bring itself up to date on this issue.
12. There is a great digital divide in the Commonwealth. To connect communities, accelerated access to information and communication technology is needed.
13. We are deeply concerned that in the Commonwealth more than 75 million school aged children do not have access to education. Two thirds of these are girls.
14. People with disabilities contribute to the diversity of our societies. We ask Commonwealth governments to defend their rights and promote people with disabilities as respected, valued and participating members of society.

PEACE AND SECURITY

15. We believe that the Commonwealth has a unique role in building constructive cultural diversity across the world. Virtually everyone of its 54 member nations has a rich multi-cultural heritage, and every government the responsibility of fostering this diversity in the interests of global peace and stability.
16. With growing fear and uncertainty around the world, human security is a basic global need. All future development efforts must integrate a human security dimension. Mere military and police hardware is not enough to ensure human security. Connected communities, mutual trust and support among neighbours and citizen-based initiatives will ensure durable human security.
17. Peace and human security are the basis of human life and human rights. The Commonwealth must take steps to achieve these rights for all people. A consistent framework should be developed to identify and implement public policies and educational

practices that promote the value of non-violent solutions to local, regional and international conflicts and value cultural diversity. Civil society and interfaith groups should be consulted.

18. Peace cannot be measured solely by the absence of conflict. It is inter-related with the just sharing of natural resources, social and economic development and the promotion of human rights.
19. We recognise and promote the important role of cultural, artistic and spiritual activities in supporting sustainable and holistic development.

THE ROLE OF CIVIL SOCIETY

20. Civil society, including community groups, faith groups, advocates for social causes, NGOs, those working to connect communities, and professional associations demand a place at the decision-making table.
21. We continue to offer our hand in partnership to the governments of the Commonwealth to face the challenges of good governance and social and economic development.
22. We urge Heads of Government to recognise civil society as an essential manifestation of democracy and allow meaningful civil society participation at the domestic level and within the institutional mechanisms of the Commonwealth.
23. Civil society recognises the role of the media in connecting communities. The media should be encouraged to utilise the invaluable and specialised resource that civil society can provide.

CONCLUSION

24. The Commonwealth needs to reaffirm its commitment to the Harare Principles of 1991. It must put development and human rights at the centre of its priorities, policies and programmes. It must also enable people to participate in governance, and see diversity as a weapon for security rather than a cause of insecurity.
25. To remain credible, relevant and meaningful for its citizens in the 21st century, the Commonwealth's rhetoric must be translated into real action through a rights-based approach.
26. We urge governments to act on the issues raised in this communiqué immediately and on an ongoing basis.

ANNUAL REPORT ON THE ACTIVITIES OF THE ASSOCIATION

For the period 1 July 2001 - 30 June 2002

OVERVIEW

It gives me great pleasure to present the Annual Report of the Association.

This was a particularly significant year for the CLEA as it celebrated its 30th anniversary. Fittingly, on almost the exact date of its founding at Marlborough House in 1971, several members of the Association were attending the Commonwealth Senior Officials of Law Ministries Meeting at the same venue, thus emphasising our close and enduring link with the Commonwealth and Commonwealth Secretariat. The landmark was celebrated by a special 30th Anniversary section in *Commonwealth Legal Education* (vol 88) and a reception and dinner at the December CLFA conference in Colombo.

The anniversary finds the affairs of the Association in a very healthy state with activities continuing to span the Commonwealth. In the current year these included:

- Organising/co-sponsoring international conferences in Sri Lanka and the Cayman Islands
- Establishing the CLEA Sri Lanka Chapter
- Continuing the transnational crime project
- Continuing the Commonwealth-wide "Commonwealth Law Lecture Series"
- Holding the Commonwealth Law Students' Mooting Competition in Colombo, Sri Lanka
- Developing the CLEA publication programme, including the publication of our first ebook
- Launching the CLEA's own periodical *Journal of Commonwealth Law and Legal Education*
- Continuing work on the *Commonwealth Legal Education Research Centre* in Cameroon

I am also pleased to announce that Cavendish Publishing Ltd have become the official publishers of the Association. We look forward to a mutual beneficial relationship.

I would like to thank the President of the Association, David McQuoid-Mason and the members of the Executive Committee for their continued support throughout the year. I would also like to acknowledge in particular Alexis Goh, for organising the Commonwealth Law Lecture Series and Ros Macdonald, our moot co-ordinator, for her outstanding work on the organising and running of the Commonwealth Law Students' Mooting competition.

As ever, my thanks to Siew-Kee Lim for her invaluable administrative assistance. Without her the work of the Association would rapidly grind to a halt. Thanks also to Di Stafford, the Director of the Legal and Constitutional Affairs Division of the Commonwealth Secretariat and our Hon Treasurer for all the tremendous support provided to the Association. As ever, we are also indebted to the Commonwealth Foundation for its continued generous financial support for our activities.

John Hatchard

General Secretary, CLEA

EXECUTIVE COMMITTEE

There were a number of changes both to the membership of the Executive Committee and its structure agreed to by the CLEA General Meeting held in Colombo in December 2001.

South Asia

Given its size and number of universities, it was agreed to divide responsibility for the South Asia region between two EC members. It was agreed that Joe Silva be appointed Executive Committee member for South Asia (excluding India) as a direct replacement for the previous Executive Committee member. It was further agreed to seek nominations for the new position of Executive Member for South Asia (India) and that accordingly no appointment would be made at the meeting. The General Secretary was asked to seek nominations and to report back to the Executive Committee.

Australasia

The Meeting agreed to appoint Ros Macdonald as the EC member for Australasia. The outgoing EC member, Rob Fowler, was warmly thanked for his contribution to the work of the Association, and in particular for organising the 2000 CLEA conference in Adelaide.

Europe

The Meeting agreed to appoint Selina Goulbourne as the EC member for Europe. Members warmly thanked Peter Slinn, the outgoing EC member, for his enormous contribution the Association over many years. The proposal that he remain as a Vice-President was passed unanimously.

Ad hoc members

It was also agreed to invite both Alexis Goh and Jeremy Cooper to join the Executive Committee as ad hoc members with special responsibility for the Commonwealth Law Lecture Series and the CLEA web site respectively. Martin Cartwright, the outgoing ad hoc member, was particularly thanked for his work on developing the CLEA web site.

Pakistan

The Association appointed Mir Aurangzeb of University Law College, Quetta, Pakistan as the Country Representative for Pakistan. As with other country representatives, this appointment does not include membership of the Executive Committee.

CLEA CHAPTERS

The year saw some significant developments with the formation of a new Chapter in West Africa and a new Committee in the UK.

West African Chapter

In December 2000 the West African Chapter of CLEA was established. The first Executive Committee of the Chapter, elected for a four-year term, consists of:

Seth Bimpong-Buta (Ghana) *President*
Oluwatoyin Doherty (Nigeria) *Secretary*
Samgena Galega (Cameroon) *Joint Secretary*
Margaret Insaadoo (Ghana) *Treasurer*
Hon Mrs Justice Olateru-Olagbegi (Nigeria), Emmanuel Akahigbe (Nigeria), Philip Bondzi-Simpson (Ghana) *Executive Committee Members*
Three additional members, one each from Cameroon, The Gambia and Sierra Leone will be appointed in due course.

The first Commonwealth Law Lecture in the region was delivered on Commonwealth Day in Accra by Hon Mr Justice George Acquah.

CLEA UK Committee

The CLEA UK Committee started work during the year and is headed by Selina Goulbourne of Coventry University. The Committee members are as follows:

Martin Cartwright, University of Wolverhampton (in charge of the CLEA web site)
Jeremy Cooper, University of Middlesex (Commonwealth Law Lecture Series Co-ordinator)
Rosalind Malcolm, University of Surrey
Roger Burridge, UK Centre for Legal Education, University of Warwick,
Peter Slinn (CLEA EC member for Europe)

One of the first events was the holding of the UK Commonwealth Law Lecture in May 2001 which was given by Marc Galanter on the topic "The Inexorable Growth of Large Law Firms in the Common Law World".

Southern African Chapter

In July 2000, the Southern African Chapter held a well attended seminar on the Latimer House Guidelines at the Congress of the Society of Law Teachers of Southern Africa in Durban.

At the General Meeting of the Chapter, a new Executive Committee was appointed:

President: Philip Iya, University of Fort Hare
Secretary: Francois De Villiers University of the Western Cape
Treasurer: Shannon Hctor, University of Port Elizabeth
Commonwealth Law Lecture Series Co-ordinator: Clement Ngongola, University of Botswana

In Feb 2001 the Chapter organised a Commonwealth Law Lecture at the University of Botswana. This was given by Lord Rodger, Lord President of the Scottish Court of Sessions on the topic "Recent Constitutional Developments in Scotland".

CLEA Caribbean Chapter

The Chapter continued to spearhead the development of the transnational crime course. In November 2000 it hosted a training seminar in at the University of the West Indies, Barbados, with participants drawn from Barbados, Jamaica, the Bahamas and Trinidad and Tobago. It is intended

to include the subject in the curriculum of the four Caribbean law schools in their next academic year.

South Asia Chapter

Due to administrative difficulties, it was not possible to hold any regional events during the course of the year. This was disappointing but it is hoped to rectify the situation next year, particularly in that the next Commonwealth Legal Education Association conference will take place in Colombo, Sri Lanka.

ADMINISTRATION OF THE ASSOCIATION

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

FINANCIAL REPORT

Income for the year rose slightly, due largely to increased advertising. Expenditure was down significantly. This was due to the fact that the previous year had seen additional expenses resulting from the holding of the Commonwealth moot competition and the convening of two EC meetings.

The Association remains indebted to the Commonwealth Foundation for its continued financial support and to the Commonwealth Secretariat for its support in kind. The Association is also indebted to the many people who provide voluntary assistance. Without them, most of the activities would be impossible.

CLEA ACTIVITIES

The activities of the Association are based on the Plan of Action that was adopted at the last General Meeting in April 2000. This covers six themes namely:

- Developing human resources
- Developing non-human resources
- Curriculum development
- Professional training
- Strengthening links between law schools
- Strengthening clinical legal education and law clinics

The highlights of the Association's activities during the current year are provided below. Full details are set out in our regular publication *Commonwealth Legal Education*.

CONFERENCES AND MEETINGS

LEGAL EDUCATION AND THE ADMINISTRATION OF JUSTICE IN WEST AFRICA

The first West Africa CLEA conference was held from 28-30 November 2000 at the Sheraton Hotel and Towers, Abuja, Nigeria. It was organised by Oluwatoyin Doherty, the Country Representative for Nigeria, and the Association is indebted to her for the enormous effort she put in to ensure its

success. It was attended by 90 persons: 12 from the judiciary, 32 from law schools, 7 from government agencies (prisons, immigration, police and customs) and 39 private legal practitioners. Participants came from Nigeria, Ghana and Cameroon. The conference was opened by Chief Bola Ige S.A.N., Honourable Federal Attorney General and Minister of Justice. The papers from the conference have now been published. The conference also saw the launch of the CLEA West Africa Chapter.

CONFERENCE ON THE LEGAL DETERRENTS TO COUPS

This conference was held in London on 16-17 January 2001 and co-hosted by the Association together with King's College, London and the British Institute of International and Comparative Law. The conference brought together experts from many Commonwealth countries, including three states that have proved particularly prone to military intervention, Fiji, Pakistan and Nigeria. The aim was to explore from a proactive perspective the phenomenon of coups against democratically elected governments with a view to identifying legal mechanisms and strategies designed to help bring the cycle of coups to an end. Copies of the papers are available free of charge to all CLEA members

LAW AND DEVELOPMENT IN THE 21ST CENTURY: THE CHALLENGE OF GLOBALISATION

This major international conference was organised by the CLEA in association with the British Institute of International and Comparative Law and the School of Oriental and African Studies. "Hosted" by Peter Slinn, a Vice-President of the Association, the conference took place at Cumberland Lodge, Windsor Great Park, UK between 25-27 June 2001. It was a truly international gathering with participants coming from around the Commonwealth and beyond.

Issues discussed included "The Changing Nature of the Law and Development Discipline", "The Legal Challenge of Multinational Enterprise" and "Gender, Law and Development".

For the Association, a particularly important the session was on "Teaching Law and Development". This led to agreement on the need to develop a model Law and Development course for use in Commonwealth law schools.

THE LATIMER HOUSE PROCESS

Peter Slinn and the General Secretary continued to represent the Association at the regular meetings of Latimer House Group. This consists of representatives of the four sponsoring bodies, i.e. CLEA, Commonwealth Magistrates' and Judges' Association, Commonwealth Lawyers' Association and Commonwealth Parliamentary Association as well as a representative of the Commonwealth Secretariat.

Work on the development of the Monitoring Process continued during the year and a funding application prepared. As an interim measure, the Association has started to include details on Commonwealth developments relating to the Guidelines in *Commonwealth Legal Education*.

PUBLICATIONS

The publication programme is becoming an increasingly significant part of the activities of the Association.

CLEA Newsletter

Commonwealth Legal Education appeared three times during the year under the editorship of the General Secretary. Its size has increased significantly in recent years and now averages forty pages per issue. Each issue appeared on schedule and was sent to all members as well as to all known law schools and law libraries in the Commonwealth.

Commonwealth Journal of Law and Legal Education

At the CLEA conference in Adelaide in April, 2000 it was agreed that the Association should publish a journal devoted to developments in legal education in the Commonwealth. Following consultations, it was decided to launch the new journal under the title *Journal of Commonwealth Law and Legal Education*. Gary Slapper and Matthew Weait (both of the Open University, UK) are the General Editors of the new journal which will be published by Cavendish Publishing Ltd. The first issue of the new journal is planned for January 2002.

Legal Education and the Administration of Justice In West Africa

The papers from the November 2000 Commonwealth Legal Education Association conference in Abuja have been edited by John Hatchard and are now available on CDROM. This is the first electronic publication of the Association and is specifically designed to enable materials to be accessed quickly and cheaply by all law schools in the Commonwealth.

Facing Complexity: Law and Development in the 21st Century

This book, which is in preparation, is based on papers given at the June 2001 Cumberland Lodge conference together with several other contributions from other leaders in the field of Law and Development. The volume, to be published in honour of Peter Slinn, will be published by Cavendish Publishing Ltd in 2002.

CLEA Website <www.clea.org.uk>

The Association's own web site remains in development. It currently contains full information about the Association as well as copies of recent issues of *Commonwealth Legal Education* and our model Human Rights Curriculum for the Commonwealth.

CLEA Directory of Commonwealth Law Schools

The next edition of the Directory is in preparation and will appear in 2002.

OTHER ACTIVITIES

COMMONWEALTH LAW LECTURE SERIES

This year saw the start of the Commonwealth Law Lecture series. The object of the series is to provide a forum in which to create awareness of, and provoke discussion on, current legal developments in the Commonwealth or in a particular Commonwealth jurisdiction.

A key feature is that it is a **COMMONWEALTH-WIDE EVENT**. To date, lectures have been held in Australia, UK, Ghana and Botswana. Lectures will also take place in Canada, Sri Lanka, Cameroon, Singapore and South Africa and further lectures in Australia (as part of the events surrounding the Commonwealth Heads of Government Meeting) and the UK.

This is an exciting new venture for the Association and we would like to thank Alexis Goh of the University of Western Sydney for undertaking the role of "Series Co-ordinator". The lectures will be published in book form by Cavendish Publishing Ltd on behalf of the CLEA.

COMMONWEALTH LEGAL EDUCATION ASSOCIATION RESEARCH CENTRE

Work on establishing the Commonwealth Legal Education Association Research Centre at the University of Buea, Cameroon continues. The Association has already despatched books and other law materials to the Centre that have been donated by law publishers and Commonwealth law schools. Further contributions of law books and other legal materials from law schools, law publishers or individuals are most welcome. It is hoped to launch the Centre by early 2002

CURRICULUM DEVELOPMENT

Transnational crime course project

The joint project CLEA/Commonwealth Secretariat project on transnational crime gathered momentum during the year. Two training seminars were held. One in Bridgetown, Barbados in November 2000 for the Caribbean law schools and the other in Accra, Ghana in February 2001 at which representatives from law schools in Ghana, Nigeria, Cameroon and Tanzania attended. It is expected that the course on transnational crime will be introduced into the law schools within the next year.

Human rights curriculum for the Commonwealth

Work on this curriculum continued with more material being added to the web site.

COMMONWEALTH HUMAN RIGHTS INITIATIVE

The Association continues to support the work of the CHRI. During the period in question, the Association was represented on the CHRI Trustee Committee by John Hatchard and Peter Slinn.

COMMONWEALTH LAW STUDENTS ACTIVITIES

CLEA Law Students' Essay Competition

The latest essay competition was held during the course of the year with the title being: **What Role Should Commonwealth Law Students And Law Schools Play To Meet The Challenges Of The New Millennium?**

The judges decided that the two best essays from the many received were by Umoh *Emem Ofonime* of the Faculty of Law, University of Lagos and *Avanti Perera* of the Sri Lanka Law College.

Commonwealth Law Students Moot Competition

In previous years, the CLEA student moot competition has been held as part of the Commonwealth Law Conference. With the postponement of the 2001 conference until April 2003, the Executive Committee has decided to hold the competition as part of the CLEA's conference in Colombo in December 2001
