

***COMMONWEALTH
LEGAL
EDUCATION***

*Newsletter of the Commonwealth Legal Education
Association*

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The Commonwealth Legal Education Association

The CLEA was formed in December 1971. Its objects are to foster high standards of legal education and research in Commonwealth countries; to build up contracts between interested individuals and organisations, and to disseminate information and literature concerning legal education and research. Membership is open to individuals, schools of law and other institutions concerned with legal education and research.

The Association is headed by a President, currently in South Africa, Vice-Presidents in Jamaica, Sri Lanka and United Kingdom, a General-Secretary and an Executive Committee drawn from all the Commonwealth Regions.

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Subscription renewals and requests for publications may be addressed to the Association.

FROM JOHN HATCHARD GENERAL SECRETARY

Since 1998, the Latimer House Guidelines have played a significant role in the life of the Association. I can therefore report with considerable satisfaction that at their December 2003 Meeting in Abuja, Nigeria, Commonwealth Heads of Government endorsed the *Commonwealth Principles On the Accountability of and the Relationship between the Three Branches of Government* that are based on the Guidelines. A background note and the final text of the Principles are included below. CLEA members will also receive a booklet later this year that contains the revised Latimer House Guidelines and the Commonwealth Principles.

The Association can be rightly proud of the role it played in the process which is a fine example of productive collaboration between the Commonwealth Secretariat and the CLEA, Commonwealth Magistrates and Judges' Association, Commonwealth Lawyers' Association and the Commonwealth Parliamentary Association. On behalf of the CLEA, I would like to thank in particular Peter Slinn, our Vice-President, for his immense contribution towards the successful conclusion of the whole process.

One other important CLEA initiative at the Abuja CHOGM was a major lecture at the Nigerian Law School given by Colin Nicholls, the President of the Commonwealth Lawyers' Association. This was superbly organised by Toyin Doherty our CLEA representative for Nigeria.

This issue also contains the *Aso Rock Commonwealth Declaration on Development and Democracy: Partnership for Peace and Prosperity* and the *Aso Rock Statement on Multilateral Trade* which were agreed to by Commonwealth Heads of Government at their 2003 Meeting. Of particular interest is the affirmation in paragraph 13 of the Commonwealth Declaration that reflects very strongly the views and goals of the CLEA:

"Education, whether formal or informal, is central to development in any society and is of the highest priority to the Commonwealth. In an increasingly divided and insecure world, education must play a crucial role for people, both young and old, for them to optimise their opportunities and to bridge divides."

Turning now to the affairs of the Association. I would like to welcome Betty Mould-Iddrisu who has joined the Commonwealth Secretariat as Director of the Legal and Constitutional Affairs Division and as thus the CLEA's new *ex officio* Hon Treasurer. She has an academic background having taught on the Faculty of Law, University of Ghana for some years, so she already has some practical experience about the challenges facing Commonwealth law schools. A short bio-pic appears below.

Looking to two future events. The 14th Commonwealth Law Conference will take place in London between 12-15 September 2005. The Association is already actively involved in the event with both the General Secretary and a Vice-President sitting on the Organising Committee. We have also nominated several CLEA members for the all-important Papers Committee. More details below. The Association will also be organising and running the Commonwealth Law Moot. Any law

schools that are interested in participating (and are members of the Association) should contact me as soon as possible.

I am delighted to announce that the next CLEA regional conference in South Asia will take place at Quetta, Pakistan between 1-3 May 2003. Full details below.

This issue of *Commonwealth Legal Education* also marks an important milestone in that it is the first to be distributed electronically. We hope that this will ensure a much wider readership and that it will further highlight the work of the Association.

Ending on a personal note.

In view of the following e-mail that I received recently, I must point out that the lecture took place between 17.00-19.00 on a Friday in a hot and airless room filled to capacity.

Dear Professor Hatchard

I attend your class at SOAS. I am sorry for my deed in your lecture, that is, taking a nap. I think you noticed because I seated myself in front of you.

I will not offer an excuse except to say that one of my lecturers asked me to do some extra work and I was too tired to concentrate in any of my other classes. It was totally regrettable for me.

I will never do that again.

Respectfully yours

To date, the student has seemingly kept her word, although she now sits behind a couple of large male students towards the back of the class!

*John Hatchard
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February 2004

CLEA NEWS

CLEA Regional Conference, Quetta, Pakistan,

The Second CLEA regional conference for South Asia will take place in Quetta, Pakistan from 1-3 May 2004. This follows on from the highly successful First CLEA regional conference in India in 2002, Once again, legal education issues of importance to the region will be discussed and it is hoped that as many legal academics as possible will take the opportunity of attending.

The conference is being organised by Professor Mir Aurangzeb who can be contacted as follows: Professor Mir Aurangzeb, Univeresity Law College, Quetta, P O Box 75, Quetta, Balochistan 87300, Pakistan. E-mail: miraurangzeb@yahoo.com

New CLEA Hon Treasurer

Betty Mould-Iddrisu is the new Hon Treasurer of the Association..

From 1978 Betty worked at Ghana's Ministry of Justice, where she was mainly attached to the Industrial Property Law Division responsible for trademark and patent registration. She was appointed Ghana's Copyright Administrator in 1990 and headed the administration of copyright in Ghana until 1997. She also had oversight responsibility for the collective administration of authors' rights. In this capacity in 1996, she was elected as the chairperson for the CISAC African Committee and was the spokesperson for Africa at various international fora in respect of African collective administration.

Thereafter, as Chief State Attorney, she headed the International Law Division of the Ministry where she handled Ghana's international legal obligations and external contractual relations until February 2003. She was responsible for initiating national policy and law reform on cutting edge issues in international law such as Terrorism, International Criminal Justice, Intellectual Property Rights, International Trade, International Humanitarian Law and Trafficking in Persons. Her duties also included advising and co-ordinating Government policy on all legal issues relating to human rights, both nationally and internationally.

In 1989 Betty also established the teaching of Intellectual Property Law at the Faculty of Law, University of Ghana and taught Industrial Property Law on a part-time basis there between 1990 and 2000. From 1985 until the present time, she has acted in various capacities as resource person, organiser, chairperson and guest speaker at numerous international, regional and national seminars and workshops on Intellectual Property Rights, Culture, Heritage & Traditional Knowledge.

From 1990 till present she has served as a consultant & resource person in various capacities to the World Intellectual Property Organization, the World Bank and the UN Training Centre. She has published several articles on intellectual property, international human rights, trade and gender.

She was appointed the Director of the Legal and Constitutional Affairs Division of the Commonwealth Secretariat in November 2003.

Journal of Commonwealth Law and Legal Education

The next issue of the CLEA's own fully-refereed journal is now in preparation. Readers are invited to submit articles (up to 7000 words) or shorter "opinion" pieces of up to a maximum of 3000 words.

Contributions can be e-mailed to Emma Bland (e.bland@open.ac.uk) or sent to: The Joint Editors, JCCLE, Law Programme, The Open University, Walton Hall, Milton Keynes MK7 6AA, UK.

Details of the current issue appear at the end of the Newsletter.

Commonwealth Heads of Government Meeting (CHOGM), Abuja, December 2003

Toyin Doherty, the CLEA representative for Nigeria, led the CLEA delegation to CHOGM. Regrettably, the accreditation process was less than satisfactory and this caused members of the delegation considerable problems. We have made our views known to the Commonwealth Secretariat and trust that administrative arrangements will be improved at the next Heads of Government Meeting in Malta.

On a brighter note, Toyin organised a CLEA meeting at the Nigerian Law School at which Colin Nicholls QC, the President of the Commonwealth Lawyers' Association, addressed a large group of students. He was extremely enthusiastic about the event and the warm reception he received from his audience. He later estimated that they numbered well over a thousand (although eminent practitioners have been known to exaggerate their cases from time to time). The Association is extremely grateful to Toyin for the considerable time and effort she put in to organising the event.

Commonwealth Foundation Policy towards the Commonwealth Associations

The relationship between the CLEA (and many other Commonwealth Associations (CAs)) and the Commonwealth Foundation (CF) is an important one. For many years the CF has been our main source of funding and we have enjoyed an excellent relationship with it. Recently, there has been considerable concern expressed from many CAs (including our own) over proposed changes to CF funding arrangements.

In 2003 the CF commissioned Stephen Matlin to prepare a Study on CF policy towards CAs. The CLEA made a lengthy submission on the matter and later the General Secretary and other CLEA members met with Professor Matlin. Following the publication of the Report, the CLEA made a detailed response to what we see as a helpful and constructive document. Further discussion will now take place with the CF and feedback on this will be carried in the next issue of the Newsletter.

CLEA members can obtain a copy of the Report and the CLEA submission from the General Secretary.

Human Rights Commissioner for the Commonwealth

In October 2003, the General Secretary attended a one-day conference organised by the Commonwealth Policy Studies Unit to discuss the possibility of establishing a Commonwealth human rights commissioner based within the Commonwealth Secretariat. The meeting was attended by representatives from a variety of Commonwealth Associations as well as officials from the Australian, Canadian and Nigerian High Commissions. The General Secretary contributed a paper entitled "Commonwealth human rights commissions and an enhanced human rights mechanism for the Commonwealth".

Anti-Corruption cases and materials project

During 2003, the Association was involved in a project under the auspices of Transparency International to produce a quarterly publication entitled *Cases and Materials Relating to Corruption*. The objective was to provide judges, legal practitioners and law enforcement agencies with access to the emerging Commonwealth jurisprudence concerning tackling corruption. This was in recognition of the fact that in recent years, many Commonwealth countries have enacted wide-ranging anti-corruption laws that have introduced new offences and provided significant new powers for the investigation and prosecution of corruption cases, especially through the establishment of anti-corruption commissions. As its contribution to the project, CLEA supplied a number of recent cases and other materials for inclusion in the publication.

A second volume is now planned, this time under the auspices of TIRI (the Governance-Access-Learning Network). As before, the Association has agreed to provide cases and materials for inclusion and any contributions should be sent to the CLEA General Secretary.

Establishing a new law library in Malawi

The Association has been asked by the Anti-Corruption Commission in Malawi to assist it in establishing a small law library/legal resource centre. This will provide a comprehensive set of materials relevant to the work of the Bureau and other agencies working in the criminal justice system. It is also envisaged that the library/centre will also become a centre of excellence for the development of research and training in the investigation and prosecution of corruption cases in the region.

The library/centre will contain relevant laws and related materials from around the Commonwealth focusing particularly on the following areas: Criminal Law; Criminal Procedure; Evidence; Criminal Justice; Mutual Assistance; Extradition; Tracing, freezing and forfeiture of assets.

It is anticipated that Westlaw and/or LexisNexis will be available. However, any suggestions as to books, law reports, articles, journals and other materials that might usefully be included in the new library/centre are most welcome. Please send them to the General Secretary.

Commonwealth Law Conference 2005

The 14th Commonwealth Law Conference will take place in London between 12 and 15 September 2005. As mentioned in the last Newsletter:

I think it fair to say that the Association has voiced its concern over certain aspects of past conferences. Most notably the extremely high registration fees that effectively preclude a significant proportion of the Commonwealth legal fraternity (and particularly law teachers) from attending. Also the programme and keynote speakers have not always reflected the needs and concerns of developing countries and small states. I am pleased to say that the Association is working very closely with the Commonwealth Lawyers' Association on the 14th version of the Conference and hopefully will be able to make a significant contribution towards making it a truly Commonwealth event that enables law teachers from all parts of the Commonwealth to participate fully.

The Association is closely involved in the conference organisation. John Hatchard, the General Secretary, and Peter Slinn, a CLEA Vice-President, are members of the Organising Committee. We also have several CLEA nominees on the Papers Committee including Selina Goulbourne, the UK CLEA Executive Committee member and Gary Slapper, the Joint editor of the *Journal of Commonwealth Law and Legal Education*.

We would welcome any suggestions for topics for inclusion in the conference. We are also examining the possibility of holding our own conference immediately prior to the Commonwealth Law Conference and providing an attractive package that will allow participants to attend both events.

As ever, the Association will be organising and running the Commonwealth Moot Competition. More details of this will appear in the next issue of *Commonwealth Legal Education*.

FROM LATIMER HOUSE TO ABUJA

In June 1998 a Joint Colloquium entitled *Parliamentary Supremacy and Judicial Independence: Towards a Commonwealth Model* was held at Latimer House in the UK. The Colloquium was sponsored by the Commonwealth Legal Education Association, Commonwealth Lawyers' Association, Commonwealth Magistrates' and Judges' Association and the Commonwealth Parliamentary Association (the Latimer House Group). Over 60 participants attended, representing 20 Commonwealth countries and three overseas territories and it was the first Commonwealth gathering to bring together senior, parliamentarians, including those holding ministerial office, senior judges, legal practitioners and legal academics.

The object was to promote a dialogue between those at the cutting edge of good governance issues with the specific aim of drafting guidelines as to best practice with regard to relations between the executive, parliament and the judiciary in the context of the Harare Commonwealth Declaration and the Millbrook Commonwealth Action Programme on the Harare Declaration.

The *Latimer House Guidelines for the Commonwealth* were the product of the Colloquium. In addition, a book of the papers delivered at the meeting entitled *Parliamentary Supremacy and Judicial Independence: A Commonwealth Approach* and edited by John Hatchard and Peter Slinn was published the following year. Copies of both publications were sent to all CLEA members.

The Guidelines were approved by CLEA members at their 1998 meeting in Ocho Rios and were discussed at later CLEA meetings held at meetings in Malaysia, South Africa, Sri Lanka and the United Kingdom.

The intention of the organisers was for Commonwealth Law Ministers to approve the Guidelines and for them then to be endorsed by Commonwealth Heads of Government. In May 1999 the Guidelines were submitted for consideration by Commonwealth Law Ministers at their Meeting in Trinidad. They welcomed the initiative and "took note" of the recommendations and asked that senior officials of law ministries should consider the Guidelines at their next meeting and then report back.

At their Meeting in London in 2001, Senior Officials noted that the principles of good governance and judicial independence had been clearly endorsed by Commonwealth Heads of Government, and welcomed the general thrust of the declaration of those principles in the Guidelines. On the issues of judicial appointment mechanisms and the control of funds voted for judicial purposes, Senior Officials agreed that the Guidelines needed revision. A revised text should stress the importance of ensuring that any appointment mechanism should be widely accepted as guaranteeing the quality of those selected, and that the resources provided for the judiciary should be adequate and protected from misuse. With such revisions the Guidelines could be laid before Commonwealth Law Ministers for endorsement. Amendments were then made to the Guidelines designed to address the concerns of Senior Officials.

At their November 2002 Meeting in St Vincent and the Grenadines, Commonwealth Law Ministers fully endorsed the importance of the issues addressed in the Guidelines. They hoped that it would be possible for Commonwealth Heads of Government to agree a statement of

principles which could assist reflection on those issues. They judged, however, that the text before them required further work before it could be submitted to the Commonwealth Heads of Government. The Meeting invited the Commonwealth Secretary-General to convene a small group of Law Ministers to work with the Commonwealth Secretariat to review and develop principles based on the Latimer House Guidelines. The resulting text received from the ministerial group was then to be circulated to Law Ministers for approval before being submitted to Commonwealth Heads of Government.

In May 2003 the group, representing India, Kenya, Singapore, South Africa and the United Kingdom met in London. The resultant text known as the *Commonwealth Principles on the Accountability of and the Relationship between the Three Branches of Government* was approved by Law Ministers and then referred to CHOGM. At their December 2003 Meeting in Abuja, Nigeria, Commonwealth Heads of Government:

"...endorsed the recommendations of their Law Ministers on the *Commonwealth Principles on the accountability of and relationship between the three branches of Government*. They acknowledged that judicial independence and delivery of efficient justice services were important for maintaining the balance of power between the Executive, Legislature and Judiciary".

This endorsement represents a major achievement for the CLEA and our partner Commonwealth Associations. It is also satisfying to find that the contribution of the four Associations is duly recognised in the Commonwealth Principles themselves. As the later press briefing put out by the Commonwealth Associations put it:

"It was with obvious relish that the Secretary General, in announcing the adoption of the Principles on television, acknowledged the efforts of the Commonwealth parliamentary, judicial and legal associations",

It is intended to publish the revised Latimer House Guidelines and the Commonwealth Principles in a booklet later this year. This will be available free of charge to all CLEA members.

The Latimer House Group and representatives of the Commonwealth Secretariat are now discussing ways to develop the initiative based on the Commonwealth Principles. The Association would welcome any suggestions from members as to areas that might be considered.

COMMONWEALTH PRINCIPLES ON THE ACCOUNTABILITY OF AND THE RELATIONSHIP BETWEEN THE THREE BRANCHES OF GOVERNMENT

Commonwealth Heads of Government warmly welcome the contribution made by the Commonwealth Parliamentary Association and the legal profession of the Commonwealth represented by the Commonwealth Magistrates and Judges Association, the Commonwealth Lawyers Association and the Commonwealth Legal Education Association to further the Commonwealth Harare Principles.

They acknowledge the value of the work of these Associations to develop the Latimer House Guidelines and resolve, in the spirit of those Guidelines, to adopt the **COMMONWEALTH PRINCIPLES ON THE ACCOUNTABILITY OF AND THE RELATIONSHIP BETWEEN THE THREE BRANCHES OF GOVERNMENT**.

Objective

The objective of these Principles is to provide, in accordance with the laws and customs of each Commonwealth country, an effective framework for the implementation by governments, parliaments and judiciaries of the Commonwealth's fundamental values.

I The Three Branches of Government

Each Commonwealth country's Parliaments, Executives and Judiciaries are the guarantors in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability.

II Parliament and the Judiciary

- (a) Relations between parliament and the judiciary should be governed by respect for parliament's primary responsibility for law making on the one hand and for the judiciary's responsibility for the interpretation and application of the law on the other hand.
- (b) Judiciaries and parliaments should fulfill their respective but critical roles in the promotion of the rule of law in a complementary and constructive manner.

III Independence of Parliamentarians

- (a) Parliamentarians must be able to carry out their legislative and constitutional functions in accordance with the Constitution, free from unlawful interference.
- (b) Criminal and defamation laws should not be used to restrict legitimate criticism of Parliament; the offence of contempt of parliament should be narrowly drawn and reporting of the

proceedings of parliament should not be unduly restricted by narrow application of the defence of qualified privilege.

IV Independence of the Judiciary

An independent, impartial, honest and competent judiciary is integral to upholding the rule of law, engendering public confidence and dispensing justice. The function of the judiciary is to interpret and apply national constitutions and legislation, consistent with international human rights conventions and international law, to the extent permitted by the domestic law of each Commonwealth country.

To secure these aims:

- (a) Judicial appointments should be made on the basis of clearly defined criteria and by a publicly declared process. The process should ensure: -
 - equality of opportunity for all who are eligible for judicial office;
 - appointment on merit; and
 - that appropriate consideration is given to the need for the progressive attainment of gender equity and the removal of other historic factors of discrimination;
- (b) Arrangements for appropriate security of tenure and protection of levels of remuneration must be in place;
- (c) Adequate resources should be provided for the judicial system to operate effectively without any undue constraints which may hamper the independence sought;
- (d) Interaction, if any, between the executive and the judiciary should not compromise judicial independence.

Judges should be subject to suspension or removal only for reasons of incapacity or misbehaviour that clearly renders them unfit to discharge their duties.

Court proceedings should, unless the law or overriding public interest otherwise dictates, be open to the public. Superior Court decisions should be published and accessible to the public and be given in a timely manner.

An independent, effective and competent legal profession is fundamental to the upholding of the rule of law and the independence of the judiciary.

V Public Office Holders

- (a) Merit and proven integrity, should be the criteria of eligibility for appointment to public office;
- (b) Subject to (a), measures may be taken, where possible and appropriate, to ensure that the holders of all public offices generally reflect the composition of the community in terms of gender, ethnicity, social and religious groups and regional balance.

VI Ethical Governance

Ministers, Members of Parliament, Judicial officers and public office holders in each jurisdiction should respectively develop, adopt and periodically review appropriate guidelines for ethical conduct. These should address the issue of conflict of interest, whether actual or perceived, with a view to enhancing transparency, accountability and public confidence.

VII Accountability Mechanisms

(a) Executive Accountability to Parliament

Parliaments and governments should maintain high standards of accountability, transparency and responsibility in the conduct of all public business.

Parliamentary procedures should provide adequate mechanisms to enforce the accountability of the executive to Parliament.

(b) Judicial Accountability

Judges are accountable to the Constitution and to the law which they must apply honestly, independently and with integrity. The principles of judicial accountability and independence underpin public confidence in the judicial system and the importance of the judiciary as one of the three pillars upon which a responsible government relies.

In addition to providing proper procedures for the removal of judges on grounds of incapacity or misbehaviour that are required to support the principle of independence of the judiciary, any disciplinary procedures should be fairly and objectively administered. Disciplinary proceedings which might lead to the removal of a judicial officer should include appropriate safeguards to ensure fairness.

The criminal law and contempt proceedings should not be used to restrict legitimate criticism of the performance of judicial functions.

(c) Judicial review

Best democratic principles require that the actions of governments are open to scrutiny by the courts, to ensure that decisions taken comply with the Constitution, with relevant statutes and other law, including the law relating to the principles of natural justice.

VIII The law making process

In order to enhance the effectiveness of law making as an essential element of the good governance agenda:

- There should be adequate parliamentary examination of proposed legislation;
- Where appropriate, opportunity should be given for public input into the legislative process;

- Parliaments should, where relevant, be given the opportunity to consider international instruments or regional conventions agreed to by governments.

IX Oversight of Government

The promotion of zero-tolerance for corruption is vital to good governance. A transparent and accountable government, together with freedom of expression, encourages the full participation of its citizens in the democratic process.

Steps which may be taken to encourage public sector accountability include:

- (a) The establishment of scrutiny bodies and mechanisms to oversee Government, enhances public confidence in the integrity and acceptability of government's activities. Independent bodies such as Public Accounts Committees, Ombudsmen, Human Rights Commissions, Auditors-General, Anti-corruption commissions, Information Commissioners and similar oversight institutions can play a key role in enhancing public awareness of good governance and rule of law issues. Governments are encouraged to establish or enhance appropriate oversight bodies in accordance with national circumstances,
- (b) Government's transparency and accountability is promoted by an independent and vibrant media which is responsible, objective and impartial and which is protected by law in its freedom to report and comment upon public affairs.

X Civil Society

Parliaments and governments should recognise the role that civil society plays in the implementation of the Commonwealth's fundamental values and should strive for a constructive relationship with civil society to ensure that there is broader opportunity for lawful participation in the democratic process.

November 11, 2003

Aso Rock Commonwealth Declaration on *Development and Democracy: Partnership for Peace and Prosperity*

1. We, the Heads of Government of the Commonwealth of Nations, meeting at Abuja, Nigeria from 5 to 8 December 2003, commit ourselves to strengthen development and democracy, through partnership for peace and prosperity. Building on the landmark Declarations in Singapore, Harare and Fancourt, we are committed to democracy, good governance, human rights, gender equality and a more equitable sharing of the benefits of globalisation.
2. We recognise that the Governments of the Commonwealth are partners sharing a fundamental responsibility for the development, security and well-being of their people. We acknowledge their central role in guaranteeing stability, good economic management and governance in promoting sustainable growth and development.
3. We welcome the Report of the Commonwealth Expert Group on Development and Democracy which was constituted following the 2002 Coolum CHOGM. We have noted its key recommendations for Commonwealth actions, focusing on how democracies can best be supported in combating poverty.
4. We believe that efforts aimed at eradicating poverty and improving governance are essential for greater international equity and global peace and security. We recognise that the Millennium Development Goals (MDGs) have mobilised governments, international institutions and civil society to reduce poverty with renewed vigour and commitment.
5. We recognise that globalisation has significant potential benefits for all. However, the world is characterised by uneven development, and we therefore stress that globalisation must provide real opportunities for developing countries to transform their economies and societies through diversification for the benefit of their people. It is the strategic goal of the Commonwealth to help their pre-industrial members to transition into skilled working- and middle-class societies, recognising that their domestic policies must be conducive to such transitions.
6. We further recognise that while development and democracy are goals each in its own right, they must be mutually reinforcing, with a clear 'democratic dividend', in terms of delivering tangible benefits to people. We are convinced that broad-based prosperity creates the stability conducive to the promotion of democracy; and that strong democratic institutions better promote development.
7. Accordingly, we commit ourselves to make democracy work better for pro-poor development by implementing sustainable development programmes and enhancing democratic institutions and processes in all human endeavours. We recognise that building democracy is a constantly evolving process. It must also be uncomplicated and take into account national circumstances. Among the objectives we seek to promote are the following:
 - (i) a participatory democracy characterised by free and fair elections and representative legislatures
 - (ii) an independent judiciary

- (iii) a well-trained public service
- (iv) a transparent and accountable public accounts system
- (v) machinery to protect human rights
- (vi) the right to information
- (vii) active participation of civil society, including women and youth
- (viii) substantially increased and more effective financial resources
- (ix) adherence to the internationally agreed targets of 0.7 percent of GNP for development assistance
- (x) financing and realisation of the Millennium Development Goals (MDGs)
- (xi) increased democracy at the global level, including enhanced participation and transparency in international institutions

Promoting Free and Fair Trade

8. We fully commit ourselves to an effective, equitable, rules-based multilateral trading system, developed under the auspices of the WTO, to support pro-poor development and democracy. To this end, we have issued a separate Statement on Multilateral Trade, which is annexed to this Declaration.

Poverty Eradication and the Millennium Development Goals

9. We reiterate our collective commitment and determination to attain the Millennium Development Goals (MDGs), especially in regard to health and education. We welcome the efforts of the Commonwealth to attain the MDGs, in particular for poverty eradication, through technical assistance programmes in developing member countries. We affirm our enthusiasm and resolve to increase aid levels to support the MDGs. We welcome the initiative of the United Kingdom for an International Finance Facility (IFF), and call upon other developed countries to consider this and similar options to alleviate poverty in developing countries. We commit ourselves to support appropriate private sector initiatives to promote foreign direct investment and capital flows to developing member countries.

Role of Women

10. We recognise the critical role which women play in development and resolve to ensure that development processes empower women to play that full role.

Action Against Corruption and Recovery of Assets

11. We recognise that corruption erodes economic development and corporate governance. We welcome the successful conclusion of the United Nations Convention Against Corruption and urge the early signature, ratification and implementation of the Convention by member states. We pledge maximum cooperation and assistance amongst our governments to recover assets of illicit origin and repatriate them to their countries of origin. This will make more resources available for development purposes. To this end, we request the Secretary-General to establish a Commonwealth Working Group to help advance effective action in this area.

Debt Management

12. We recognise that the debt burden constitutes a major obstacle to allocating resources to key socio-economic sectors in developing member countries. We also acknowledge the need for a deeper, broader and more flexible approach to debt relief and debt cancellation for developing

member countries, to achieve long-term debt sustainability and release resources, particularly for health and education. We welcome the advisory and consensus-building work of the Commonwealth Highly Indebted Poor Countries (HIPC) Ministerial Forum (CHMF) and encourage its efforts to achieve HIPC's sustainable exit from debt. We support the provision of additional resources through topping-up at the completion point under HIPC and a more comprehensive approach to address unsustainable debt.

Financing for Development

13. We believe the Commonwealth should lead the international community in ensuring that the official development assistance (ODA) target is achieved. Recognising that poor member countries urgently need increased resources for pro-poor development, we call on the international community to respond positively through the following measures:
- (i) improve aid effectiveness through reductions in tied aid, increased direct budgetary support and implementation of the Rome Declaration on Harmonisation;
 - (ii) support social safety nets to reduce the impact of poverty on the most vulnerable groups and to mitigate the transition costs of reforms designed to enhance the efficiency and competitiveness of economies;
 - (iii) strengthen the capacity of the international financial architecture to assist poor countries to address the impact of exogenous shocks such as a sharp deterioration in their terms of trade and natural disasters;
 - (iv) encourage the private sector to play a major role in the promotion of trade and investment; and
 - (v) encourage greater participation of poor and vulnerable groups in the preparation of poverty reduction strategy papers for the IMF, World Bank and wider donor community.

Commonwealth Fund for Technical Cooperation

14. We note the commendable assistance provided by the CFTC to the development efforts of our member countries and commit ourselves to continued support for the Fund. We agree that the resources available to the Fund should be enhanced and on no account be permitted to decline below their current levels in real terms.

Health

15. We are committed to combating HIV/AIDS, Malaria, Tuberculosis and other infectious diseases which remain a threat to sustainable development. We recognise that diseases such as HIV/AIDS, Malaria and Tuberculosis are not only health problems but are also development issues. The high incidence of such diseases can also reverse the development process. We continue to believe that strong political leadership and education remain crucial components of the multi-sectoral response to combating HIV/AIDS. The threat from HIV/AIDS is especially great in sub-Saharan Africa, which has two-thirds of the world's 40 million persons living with HIV/AIDS, and in the Caribbean. We call for reforms at the national level to create effective health delivery systems, as well as adequate external support to achieve this. We welcome the recent WTO agreement on affordable drugs and call for its interpretation and implementation in a manner that makes appropriate drugs available at low cost to poor countries.

Education

16. We affirm that education, whether formal or informal, is central to development in any society and is of the highest priority to the Commonwealth. In an increasingly divided and insecure world, education must play a crucial role for people, both young and old, for them to optimise their opportunities and to bridge divides.
17. We commend all efforts by Commonwealth organisations and agencies to develop greater education resources and to create an enabling environment to foster an enterprise culture. We encourage all governments, noting the value of distance education and the benefits of technology, to draw upon best practices throughout the Commonwealth and welcome the increased support for education in the Commonwealth through the new Centre for Commonwealth Education at Cambridge University.

Youth

18. We recognise that more than fifty percent of the population of the Commonwealth is below thirty years of age. All Commonwealth efforts to achieve the MDGs must reflect this demographic reality by including young people in development and democracy. Combating Illicit Trafficking in Human Beings.
19. We recognise the growing problem of human trafficking, especially in women and children. We are committed to combating this scourge through international cooperation and we call on member countries which have not yet done so to ratify the UN Convention Against Transnational Organised Crime and Protocols.

Partnership for Peace and Prosperity

20. We strongly reaffirm our commitment to multilateralism, international cooperation, partnership, and productive working relationships between government and civil society organisations. We also reaffirm our commitment to enhance global democracy, by ensuring that international institutions reflect the voice of their developing country members and are themselves models of good practice in democratic accountability, participation and transparency. We recognise that the Commonwealth as an association has distinctive strengths and comparative advantages that could be effectively utilised for the mutual benefit of member states. We therefore urge greater partnership within our community.
21. Furthermore we urge all countries to implement their commitments under the Monterrey Consensus and the Plan of Implementation of the World Summit on Sustainable Development.
22. We commend the African Union for taking the bold step to address development and good governance through the New Partnership for Africa's Development (NEPAD). In this regard, we support the Commonwealth Secretariat's activities in developing a comprehensive programme of assistance to support the efforts of Commonwealth countries in Africa.
23. We recognise that conflict and instability erode the prospects of development. We are therefore committed to help mobilise international support and resources for conflict prevention, resolution and management. We also commit ourselves to efforts to curb illicit trade in small

arms and light weapons and to support prompt response in providing international assistance to conflict areas.

Conclusion

24. We urge the Commonwealth Secretary-General to direct resources to support the priorities identified in this Declaration. We also urge relevant Commonwealth Ministerial Meetings to give additional momentum to these priorities, and request the Secretary-General to provide a report on progress made to the next Commonwealth Heads of Government Meeting. Aso Rock Abuja

*Aso Rock, Abuja
7/8 December 2003*

Aso Rock Statement on Multilateral Trade

1. We, the Heads of Government of the Commonwealth, representing countries at all levels of development, reaffirm our commitment to a transparent, rules-based multilateral trading system. We recognise that such a system is in the interests of all countries, especially poor and vulnerable ones. We firmly believe that all countries have a right to full development. We are convinced that increasing trading opportunities is the most potent weapon to combat poverty. A multilateral trading system that is more responsive to the needs of developing countries is particularly important for the Commonwealth, a third of whose nearly 2 billion people live on less than a dollar a day and nearly two-thirds on less than 2 dollars a day. We, in the Commonwealth, therefore, attach the highest priority to delivering the Doha Development Agenda.
2. We regret the breakdown of negotiations in Cancún. We support immediate re-engagement by all concerned and urge that all show the flexibility and political courage necessary to deliver a balanced Round.
3. Positive outcomes are essential in the areas of agriculture, non-agricultural market access, services, implementation issues and special and differential treatment. On agriculture, we call for the early phasing out of all forms of export subsidies, substantial reductions in trade-distorting domestic support and significant improvements in market access. In the area of industrial products, tariff escalation and tariff peaks must be addressed, as they are a major impediment to development. Finally special and differential treatment must be made precise, effective and operational in all WTO agreements.
4. The time that remains for a successful conclusion of the Round is now very short. We are, therefore, despatching a Ministerial mission to key capitals to call on major players and to urge them to negotiate positively and flexibly to re-invigorate the Doha Round and to move expeditiously to a final agreement.
5. We stress that multilateral trade liberalisation can offer significant benefits for all. We also recognise that poor and vulnerable countries should undertake trade liberalisation in ways that minimise transition costs and any negative impact on the poor. We recognise the special

difficulties of developing economies, particularly of vulnerable small states that have lost trade preferences, and call for concerted action to assist them diversify their economies.

6. We call upon the Commonwealth Secretariat to strengthen its technical capacity-building programmes for developing Commonwealth countries to negotiate and implement their obligations within the WTO system, and of Commonwealth ACP countries in their negotiations with the EU on Economic Partnership Agreements, in ways consistent with their development interests. Where there is significant Commonwealth consensus on particular trade issues, we pledge to bring the full weight of the association to bear on them.

Aso Rock, Abuja,

7/8 December 2003

Commonwealth Heads of Government also adopted the following Statement on Zimbabwe

Commonwealth Heads of Government statement on Zimbabwe of 7 December 2003

Commonwealth Heads of Government discussed the situation in Zimbabwe. They agreed to establish a Committee consisting of the Heads of Government of Australia, Canada, India, Jamaica, Mozambique and South Africa to examine the issue of Zimbabwe and make recommendations to leaders at their retreat on the way forward. It was agreed that the Prime Minister of Jamaica would be the Chairman of the Committee.

In discussing the issue the Committee was guided by the following considerations:

- The commitment of all Commonwealth countries to adhere to the Principles embodied in the Harare Declaration and the need to address the issues raised in the Marlborough House Statement of 19 March 2002.
- The earnest desire to facilitate the early return of Zimbabwe to the Councils of the Commonwealth.
- The determination to promote national reconciliation in Zimbabwe.
- Deep concern for the people of Zimbabwe and the desire to assist towards a return to normalcy and economic prosperity.

The Committee also welcomed the tireless efforts of President Obasanjo, President Mbeki, President Chissano and others to encourage and assist the process of national reconciliation and urged them not to relent.

It re-affirmed the importance of supporting and consolidating democracy, ensuring peace and harmony, and promoting development and growth in Zimbabwe.

Heads of Government endorsed the Committee's recommendations and decided as follows:

- Heads of Government affirmed the Commonwealth's commitment to encourage and assist the process of national reconciliation.

- Heads of Government mandated the Chairperson-in-Office, assisted by the Commonwealth Secretary-General, to engage with the parties concerned to encourage and facilitate continued progress and the return of Zimbabwe to the Councils of the Commonwealth and, in this regard, express support for the intention of the Chairperson-in-Office to visit Zimbabwe at an early opportunity.
- At an appropriate time when the Chairperson-in-Office believed sufficient progress had been made, he would consult the Committee.
- Provided there were consensus in the Committee that sufficient progress had been made on the issues of concern, the Chairperson-in-Office would consult with Commonwealth leaders on the return of Zimbabwe to the Councils of the Commonwealth

[Editor' note: Following this announcement, Zimbabwe withdrew from the Commonwealth]

Pakistan and the Commonwealth

The suspension of Pakistan from the Councils of the Commonwealth was also considered by Commonwealth Heads of Government in Abuja. In their Communiqué they stated as follows:

Heads of Government welcomed the continuing progress in the development and growth of democratic institutions in Pakistan, as evident by the election of the National Assembly, the Senate and Provincial Assemblies, and the formation of democratic governments at the national and provincial levels. They also welcomed the positive measures taken for women's representation in Parliament, the representation of minorities and the determination to enhance public accountability and to end corruption. They noted that the outstanding issues in the Legal Framework Orders (LFOs) were an obstacle to Pakistan's full return to democracy.

Heads of Government hoped that the negotiations between the Government and the political parties on the outstanding issues in the LFOs would be concluded successfully in the spirit of Commonwealth parliamentary practice and process and a comprehensive package would be passed in Parliament in accordance with the Constitution, thus leading to the full restoration of democracy and enabling the lifting of Pakistan's suspension from the Councils of the Commonwealth. They requested the Secretary-General to continue to monitor developments and provide technical assistance, as might be required, to strengthen democratic institutions.

NEWS FROM COMMONWEALTH LAW SCHOOLS

First International Conference on the Application of the Death Penalty in Commonwealth Africa

This conference, organised by the British Institute of International and Comparative Law, will take place between 10-12 May 2004 in either Uganda, Tanzania or Kenya.

The conference has the following sub-themes:

- The impact of the death penalty in Africa
- The death penalty in Africa: Country reports
- International comparative perspectives on the application of the death penalty
- Skills development for dealing with capital cases.

Those interested in participating should contact Philip Iya (p.iya@biicl.org) or fax 44 207 862 5152.

Legal Informatics and Communications Technologies Studies LIACTES Project Report by Abdul Paliwala (UK Centre for Legal Education, University of Warwick)

The main objective of this project has been the development of harmonisation in the teaching of Law and Informatics. This has been carried out through a number of activities including:

1. Student Exchange Programs
2. Staff Exchange Programs
3. Development of Websites
4. Meetings of Project Partners
5. Workshops and Conferences on Substantive and Pedagogical Issues
6. Dissemination activities including publication of information about the project and publication of pedagogical and substantive papers.
7. Sustainable further development through encouraging partner institutions and wider development projects.

In my view a key part of the project has been the development of student and staff exchanges. The student exchanges have been agreed on the basis of bilateral agreements between LIACTES partner institutions and have involved measures for waiving of fees and allocation of credits during the period of LIACTES organised studies. LIACTES students have informed me of the value of both the student and staff exchanges. In particular, students who have moved to a different member institutions have found the exposure to a different European legal and pedagogical context of great value. As one student informed me, it changed his entire perspective on Data Protection law from a national one to a European one. Staff visits are particularly valuable as they expose a larger number of students to the perspective of a subject expert. Most significantly, through comparative consideration of the issues by the member of staff concerned, they assist in the Europeanisation of legal education.

Another valuable product of the project has been the development of common information

and linked course websites. In particular, the main LIACTES website at Zaragoza provides information for prospective students on the availability of programmes. However, it also performs an additional function of promoting browsing of websites of project partners. Unfortunately, as significant amount of course material is provided on intranets, this is not always a generally accessible resource. In my view, future development of websites should consider the development of links to common materials.

Project Partner meetings have been a very significant aspect of the bonding required for a varied expert community. The meetings have always been combined with discussion of substantive legal and pedagogical issues. In my view this has been a very successful aspect of the project as the combination has resulted in technical project development issues being considered in a scientific context. A key example has been the focus during this year on E-Government. A number of meetings have considered the pedagogical and substantive aspects of F-Government. This has resulted in further planning by project partners of how to incorporate this critical issue within LIACTES and LEFIS.

A key part of the development of LIACTES has been collaboration with other groups in workshops and conferences dealing with LIACTES topics. To give an example I was involved with, the participation of LIACTES members and the presentation of the LIACTES project at the 6th International Conference on Substantive Technology in Legal Education and Practice assisted in the dissemination of the LIACTES ideal but also assisted in the development of pedagogical ideas for project partners. The same can be said of recent F-Government meetings.

The project partners have been effective in disseminating information on the project as well as on substantive and pedagogical issues in conferences, workshops and publications. Thus, substantive and pedagogical papers from conferences have been published on websites, in books and in journals, including the e-journal Journal of Information, Law and Technology (JILT). The resources thus developed have already become significant teaching material for LIACTES and are assisting in inchoate harmonisation of ICT law education.

There are a number of key aspects to dissemination and further development of the LIACTES (now LEFtS) network. The project partners have been very effective in disseminating information on the need to develop a learning network. This has been done through the device of involving non-partners in a wider contact group, making the project meetings open and through various dissemination activities via the web, academic contacts and conference and paper presentations. The result is an impressive growth of the network, which promises under the LEFIS project to be a true Europe wide network of a large number of Law Schools teaching 'the relevant programmes.

The continuation of LIACTES as the LEFIS Erasmus thematic network is an objective indication of the success and sustainability of the project. In addition, the LIACTES/LEFIS community continues to flourish through further associated projects involving Latin American and East European networks. In my view, this vitality is essential to the development of harmonisation of legal education about information society in both the European and global contexts.

For further information contact:

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Tel: 02476 523090; Fax: 02476 524105; e-mail: a.paliwala@warwick.ac.uk

Call for Papers

The Editorial Board of the Queensland University of Technology Law & Justice Journal (QUTLJJ) is inviting readers to submit contributions to the journal.

The QUTLJJ is a scholarly refereed journal that is published bi-annually both on-line and in hard copy. It contains sections on law, justice studies, student contributions and book reviews. Current issues are available on-line at www.law.qut.edu.au/ljj/.

The Journal encourages contributions from academic staff, practitioners, legal scholars, justice professionals and students (both undergraduate and postgraduate) on a range of topical issues relevant to both the law and justice fields.

For further information consult the Journal's web site www.law.qut.edu.au/ljj or contact the Journal's Business Manager: c.kutschkin@qut.edu.au

Canterbury Law Review

Canterbury University has published a second student faculty edition of the *Canterbury Law Review*. The first edition of outstanding research papers written by Canterbury law undergraduates was published in October 2002. Two articles from the first issue have been judicially cited by the New Zealand Court of Appeal and the High Court.

Environmental law mooting success for Victoria University students

In October 2003, Victoria University law students Emily Dowding-Smith and William Potter took second place in the 8th Annual International Environmental Moot Court Competition at Stetson University College of Law, Florida.

The Retired Academics Database

The Association of Commonwealth Universities has launched a project entitled the Retired Academics Database (RAD). RAD uses retired academics and university administrators to fill vacancies at developing countries universities for periods ranging from 3 months to two years. Remuneration typically includes local salary and return airfare.

Academics or administrative staff can fill in the online registration form on the RAD web site. They will need to provide basic information about their teaching/administrative background together with an up to date CV.

Full information is available from: www.acu.ac.uk/adverts/rad

IALS Fellowships 2004-5

The Institute of Advanced Legal Studies, London, is inviting applications for the following fellowships for the period 1 October 2004 - 15 September 2005:

1. Visiting Fellowship and Inns of Court Fellowship
2. Visiting fellowship in Law Librarianship
3. Sir William Dale Visiting Fellowship in Legislative Drafting.

Further details are available from: The Administrative Secretary, Institute of Advanced legal Studies, 17 Russell Square, London WC1B 5DR, UK.

Tel: 44 207 862 5883; Fax 44 207 862 5850

e-mail: David.Phillips@sas.ac.uk

Young Scholars Law Abstracts

The Social Science Research Network has established a Legal Scholarship Network journal devoted to showcasing the work of scholars who have been teaching for seven years or less. It provides a forum for posting both completed work and work in progress on any subject relating to the law. The journal provides new law teachers with an avenue for locating peers working in the same substantive area of scholarship.

To subscribe to the Young Scholars Law Abstracts, go to <http://hq.ssrn.com> where you will find a short registration process. For further information, contact Tara_Behnke@ssrn.com

ON-LINE

Royal African Society

The new web site of the Society (www.royalafricansociety.org) has annotated links to selected web sites for African legal studies (select "Africa on the Web")

Social Policy Virtual Library

The International Social and Public Policy Information Gateway to online resources relating social policy is available at www.britac.ac.uk.portal/resource.asp?ResourceID=437

It carries a wide range of information on politics, elections, socio-economic development and social protection.

Directory of Search Engines

A Directory of 100s of search engines arranged by country or category is available at www.searchengines.ultimate-resources.com/

UK National Archives

Details of recently released government documents, including Security Service (MI5) files from the 1930's to the 1950's are available on www.pro.uk/releases/nov2003

Legal Abbreviations

The Cardiff Index to Legal Abbreviations is a new, free, web-based service produced by Cardiff University. It allows users to search for the meaning of over 7000 abbreviations for approximately 4000 English language legal publications from the Commonwealth. US and international and comparative law titles will be added in due course: www.legalabbrevs.cardiff.ac.uk

"Free access to law via the Internet as a condition of the rule of law in Asian societies"

This paper written by Graham Greenleaf, Philip Chung and Andrew Mowbray provides a useful overview of the development of Legal Information Institutes and, in particular, the Hong Kong Legal Information Institute (HKLII). It is freely available on: www2.austlii.edu.au

The Law Society of England and Wales Research Publications

Executive summaries for research publications and fact sheets on the profession are available at www.research.lawsociety.org.uk

Journal of South Pacific Law

The latest edition of the Journal is accessible through the journal section of the University of the South Pacific, School of Law web site <http://law.vanuatu.usp.ac.fj>, then click on Current Issue

Commonwealth Human Rights Case Law Database

This database provides summaries of recent human rights decisions from national courts in Commonwealth jurisdictions free of charge: www.interights.org

COMMONWEALTH HUMAN RIGHTS INITIATIVE

The 2003 CHRI Report is entitled *Open Sesame: Looking for the Right to Information in the Commonwealth*. It argues that the "Commonwealth must promote the right to information as a core activity providing technical expertise to governments to help establish appropriate mechanisms which reflect the principles and practice of the right to information".

The full Report can be downloaded from the CHRI web site: www.humanrightsinitiative.org

The **Concluding Recommendations** of the Report are as follows:

Four common problems impede development and democracy in the Commonwealth: the inequality of power between government and citizen; the consequent lack of accountability and near impunity of politicians and public officials; corruption; and exclusion of the public from participating in decisions that affect their lives. Open governance and assured access to information offer the key to address these complex issues.

In this interconnected, speeding information age, the combination of technology and easy availability of know-how, coupled with guaranteed access to information, offers unprecedented opportunities for the radical overhaul of governance. Information must be harnessed to create short cuts to development and democracy. It must be shared equitably and managed to the best advantage of all members of society. The means are available, but sadly the will is often not. It is an indictment on the performance of the Commonwealth that so many member states continue to fail to live up to the democratic ideals that are reflected in the commitment to the right to information.

Good governance and democracy are the cornerstones of national and international politics. Autocrats that operate government like a closed shop will not long remain unchallenged. Zimbabwe and Pakistan are examples of the international community's unwillingness to tolerate governments that are not open to their people. Commitments to open government must be taken seriously by members of the Commonwealth if they want to be taken seriously themselves. Putting in place people-friendly access regimes sends a strong message of commitment to democracy and development to the global community. It is long overdue for all Commonwealth countries to dispense with secrecy and information-hoarding and reap the benefits of openness. Doing so might dismay autocrats, but it will be welcomed by democrats committed to building a more dynamic and prosperous society.

CHRI recommends

The Commonwealth must:

+ Call on member countries to introduce liberal access to information legislation.

CHOGM should declare that the right to access information is *central* to democracy and development and should obligate themselves to adopting laws that are in conformity with international best practice by the next CHOGM at the latest. The minimum standards for such laws are listed below.

[Editor's note: see article 7 of the Aso Rock Commonwealth Declaration above.]

+ Assist member countries to put in place effective access to information regimes.

Containing vibrant civil society organisations and some states with exemplary laws, the Commonwealth is well placed to assist members to design and implement effective regimes. For example, the Commonwealth Secretariat can facilitate cooperation with other member states and provide financial and intellectual resources to support the development of access regimes; its Human Rights Unit can provide training to government officials; and the Commonwealth Foundation can encourage public participation in the law-making process and build civil society capacity.

+ Be a role model of open governance.

Each of the agencies of the Official Commonwealth must put in place a clear policy on disclosure, have mechanisms that facilitate openness and must proactively disseminate information about their governance structure, norms and functioning. To implement previous commitments to partnerships between the official and unofficial Commonwealth, the Commonwealth must open up its ministerial meetings and CHOGMs, which currently remain so stubbornly inaccessible.

+ Introduce a reporting mechanism to monitor Commonwealth commitments.

Declarations of support and intent are not enough and a clear procedure for systematically monitoring the implementation of pledges is essential for accountability. The Commonwealth should require its member countries to report to each CHOGM on their implementation of Commonwealth commitments, including those on access to information regimes.

Member countries must:

+ Introduce liberal access to information laws by no later than CHOGM 2005.

These must include the minimum requirements listed below. As with all legislation, the law-making process must be open and individuals and civil society groups must be encouraged to participate to the fullest.

+ Ensure that access to information is effectively implemented.

This requires recognition of the fact that structural and attitudinal obstacles exist, and the will to overcome them.

+ Report to each CHOGM on implementation of past Commonwealth commitments.

This includes reporting on progress towards realising the right to access information, as well as other key commitments.

+ Cooperate with the Commonwealth's efforts to assist members to operationalise open governance.

+ Demonstrate their commitment to open governance by disseminating information about the structure, norms and functioning of public bodies.

This requires proactive publication of information about, for example, the basic activities of government departments, their rules of operation and procedure, their decision-making criteria, performance indicators, points of public access and financial information including expenditure.

Civil society must:

+ Create public awareness of the value of a guaranteed right to information; act as a bridge between marginalised people and governments to ensure people's information needs are known; and engage with government towards creating the legal regime that best serves the people's interests.

+ Monitor the use and implementation of access to information laws.

This includes testing and extending the limits of accessibility; reporting upon the extent of secrecy, the availability of information and the need for further reform; and reminding governments of their obligation to ensure access to information.

Minimum Standards for Maximum Disclosure

Access to information legislation must:

+ Begin with a clear statement that establishes the rule of maximum disclosure and a strong presumption in favour of access;

+ Contain definitions of information and bodies covered that are wide and inclusive, and include private corporations and non-governmental organisations where their activities affect people's rights;

+ Strictly limit and narrowly define any restrictions on access to information. Any body denying access must provide reasons and prove that disclosure would cause serious harm and that denial is in the public interest;

+ Override inconsistent and restrictive provisions in existing laws;

+ Require governments to create and maintain records management systems that meet public needs;

+ Include clear and uncomplicated procedures that ensure quick responses at affordable fees;

+ Create powerful independent bodies that are mandated to review any refusal to disclose information, compel release and monitor and promote implementation;

+ Impose penalties and sanctions on those who willfully obstruct access to information;

+ Provide protection for individuals who, in good faith, provide information that reveals wrongdoing or mismanagement;

+ Contain an obligation to routinely and proactively disseminate updates about structure, norms and functioning of public bodies including the documents they hold, their finances, activities and any opportunities for consultation;

+ Contain provisions obligating the government to actively undertake training for government officials and public education about the right to access information.

CLEA PUBLICATIONS NOW AVAILABLE

Journal of Commonwealth Law and Legal Education the official journal of the ***Commonwealth Legal Education Association***

Now in its second year, this fully refereed Journal contains a variety of articles, comment and debate. *Published twice a year, the journal is free of charge to CLEA institutional members.*

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Directory of Commonwealth Law Schools 2003-2004

The Directory contains an individual entry for over 500 Commonwealth law schools, including full contact details, courses offered, law journals published and research centres. The Directory also contains full details of the activities of the CLEA together with a major section devoted to law in the Commonwealth. This includes copies of the major Commonwealth instruments and Commonwealth activities of particular interest to law teachers and practitioners. The final section lists research centres and law journals by area of interest.

289 pages, December 2002, £45 paperback from the CLEA (free to CLEA institutional members)

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Edited by John Hatchard and Amanda Perry

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288 pages, March 2003, £45 paperback from the CLEA (free to CLEA institutional members)

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