

COMMONWEALTH LEGAL EDUCATION

“Human Rights Today”:

The Gibraltar Human
Rights Symposium

In Brief

**Without walls:
The advent of global
law and education**
Gary Slapper

**Annual Report of the
Commonwealth Legal
Education Association**

CLEA News

**News from Commonwealth
law schools**

**News from
the Commonwealth**

The **CLEA** fosters and promotes high standards of legal education in the Commonwealth.

Founded in 1971, it is a Commonwealth-wide body with regional Chapters in South Asia, Southern Africa, West Africa, the Caribbean and the UK.

www.clea.org.uk

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Welcome

From John Hatchard

General Secretary

The CLEA co-sponsored Gibraltar Human Rights Symposium brought together a wide array of distinguished judges, lawyers and academics from around the Commonwealth. It is thus fitting that the main item in this edition of *CLE* focuses on the symposium. With one of the themes being the Family and the Law, and with much focus being placed on the rights of children, it was particularly poignant to witness the terrible events in Beslan that overshadowed the discussions and this concern was reflected in the Concluding Statement.

This issue also contains the CLEA Annual Report for 2003-4. You will see that this records the continued vibrancy of the Association. I also think that there is room for cautious optimism over addressing the Association's constant financial and resource constraints.

On the financial side, we have been able to attract some project funding. Together with our membership income and continued support from the Commonwealth Foundation, this provides a basis for the Association to continue to expand its many and varied activities. The support being provided by both Cavendish Publishing Ltd and Thomson: Sweet & Maxwell through the production of the *Journal of Commonwealth Law and Legal Education* and *Commonwealth Legal Education* respectively is also contributing significantly to our improving situation.

We are also enjoying additional assistance with the running of the Association. Thanks to Joe Silva, Siva Sivakumar and Mir Aurangzeb, the two South Asia CLEA Chapters are now flourishing. I am also delighted to welcome Ronnie Boodoosingh to the CLEA Executive Committee as an ad hoc member. Ronnie is at the Hugh Wooding Law School in Trinidad and will be responsible for developing a CLEA human rights programme in the Caribbean. In addition, Jo Ford has now kindly agreed to take over as CLEA Co-ordinator of Publications.

His particular responsibility will be to develop our electronic and print on demand capacity. Jo is currently based in London after being on the law faculties at the University of Sydney and Australian National University.

Regular readers will know of the seemingly never-ending saga about the revamping of the CLEA web site. Good news at last! We are just about ready to go on-line with the new address of www.cleonline.org. Please try it out and let us know what sort of materials you would like us to put on it.

The next issue of our own *Journal of Commonwealth Law and Legal Education* will appear in November. Details of the issue are included below as well as the thought-provoking Editorial by Gary Slapper. Please support your journal by contributing articles and comments. The journal is also one of the many attractions on offer the CLEA members, details of which are included at the end of this issue.

I would also like to remind you of the ongoing CLEA Law Students' Essay competition. Details below.

CLEA Conference 2005 "*Comparing Commonwealth Laws: Challenges for Law Teachers*" An early reminder for you concerning the CLEA conference next year.

This will take place from 9-10 September 2005 at the University of Greenwich, UK. The conference organiser is **Selina Goulbourne**, s.goulbourne@gre.ac.uk

Other dates for your diary

I can now provide a list of dates and venues for other confirmed CLEA organised/sponsored events in 2005.

20-22 March 2005:

University of Cape Town:
Workshop on "Administrative Justice in the Commonwealth: Constructive Comparisons"

9-11 April 2005:

Jaipur, India 3rd *CLEA South Asia Regional Conference*

13-16 April 2005:

Jaipur, India 2nd *CLEA South Asia Law Students' Conference and Regional Law Moot*

15-19 September 2005:

Commonwealth Moot Competition, London

17-20 October 2005 Accra:

Ghana Commonwealth Africa Law Teachers Conference

Further information is provided below together with contact details.

Assistance to the Cayman Islands Law School urgently needed

The Cayman Islands Law School was badly damaged when Hurricane Ivan struck Grand Cayman last month. The law school library was hard hit with much of the stock damaged beyond repair. **ANY ASSISTANCE THAT OTHER COMMONWEALTH LAW SCHOOLS CAN OFFER TO HELP REBUILD THE COLLECTION WILL BE GREATLY APPRECIATED.**

Please contact **Debra Morris** at the Cayman Islands Law School: debramorris99@yahoo.com

John Hatchard
October 2004

“Human Rights Today”: The Gibraltar Human Rights Symposium

2–3 September 2004

Most people remember where they were on September 11 2001. For a number of the participants at the Gibraltar Human Rights Symposium, on that date they were in the Cayman Islands attending the first of the “Human Rights Today” symposia (for details of the symposium itself, see volume 88 *Commonwealth Legal Education*). Sadly, the Gibraltar symposium witnessed another atrocity, this time the appalling carnage in Beslan. This was particularly poignant in that one of the themes of the meeting was the “Family and the Law” with much focus being placed on the rights of children.

The event brought together more than 200 judges, legal practitioners and law teachers from 24 Commonwealth countries and was facilitated by the Gibraltar Judiciary and supported by the Gibraltar Government, Gibraltar Bar Council, CLEA, CLA and CMJA. Five members of the CLEA Executive Committee members were able to attend.

The Welcome address was given by The Chief Justice of Gibraltar, Mr Justice Schofield whilst the official opening was performed by the Chief Minister of Gibraltar, Hon Peter Caruana.

The symposium comprised six main themes:

- Constitutional and human rights
- Fair Trial
- The Family and the Law
- Promotion of Human Rights
- Human Rights and the Fight against International Crime
- Human Rights and Business

A list of speakers and topics appears below.

The Association was delighted to co-sponsor the event for three main reasons. Firstly, this was the first time such an event had been held in Gibraltar. Secondly, many of the topics linked closely with CLEA activities and interests. Thirdly, such meetings allow members of the legal profession from around the Commonwealth to meet and exchange ideas and views.

This note on the symposium focuses on those areas that are particularly relevant to CLEA activities. Copies of the individual papers are not yet available but will be published as an edited collection early in 2005.

Promotion of human rights and good governance

The opening address was given by Michael Beloff who chronicled the development of international human rights law. Amongst other things he highlighted the “internationalisation of jurisprudence” where “the decisions of courts in other countries which have had to grapple with the same problems are anxiously scrutinised, even if with acknowledgement of the different institutional basis”. This theme was taken up in the paper by Justice Michael Kirby entitled “The Coming Tide of International Human Rights Law”. Here he highlighted the Commonwealth-wide shift in judicial attitudes towards favouring the use of international human rights jurisprudence but noted that until recently the High Court of Australia (despite his best efforts) and the United States Supreme Court have “steadfastly resisted” this movement.

Even here, a major change has occurred for, as he pointed out, within the past two years the Supreme Court of the United States in decisions such *Atkins v Virginia* 70 USLW 4585 and *Lawrence v Texas* 539 US 558 “appears to be joining the courts of the rest of the world leaving Australian courts on their own in this respect”.

Much of the impetus for the shift in judicial attitudes stems from the 1988 Bangalore Principles, paragraph 9 of which states:

“ It is essential to redress a situation where, by reason of traditional legal training which has tended to

ignore the international dimension, judges and practising lawyers are often unaware of the remarkable and comprehensive developments of statements of international human rights norms. For the practical implementation of these views it is desirable to make provision for appropriate courses ...; provision in libraries of relevant materials; ... better dissemination to judges, lawyers and law enforcement officials; and meetings for exchanges of relevant information and experience”.

The CLEA has always supported the Bangalore Principles and continues to encourage law teachers around the Commonwealth to make use of both international human rights jurisprudence and comparative Commonwealth jurisprudence in their teaching and research. The US developments can only go to strengthen this approach.

From a CLEA perspective, two papers from the session on fair trial merit particular attention. The first one was by Sir David Simmons, the Chief Justice of Barbados and entitled “Aspects of Judicial Independence and Accountability”. This examined, amongst other things, challenges facing judiciaries in small jurisdictions and referred on several occasions to the Latimer House Guidelines and the debate that they have engendered. For example, the author agreed with the Guidelines on the need to develop a culture of judicial education but disagreed with them on the thorny issue of whether judiciaries should be responsible exclusively for their budgets, a point endorsed in Part II of the Guidelines.

With the Association having been commissioned by the Commonwealth Secretariat to produce a major report on Access to Justice in the Commonwealth, the paper by David McQuoid-Mason, the CLEA President on “Legal Aid in Small and Developing Jurisdictions: Some Lessons from South Africa” was particularly timely. One striking aspect of the paper was its highlighting of the contribution that law students/graduates and university law clinics are playing and can play in promoting access to justice throughout the Commonwealth. As McQuoid-Mason concludes: →

- Comparatively sophisticated legal aid systems, with a modest *per capita* expenditure on legal aid by the State, can be developed using variations on the public defender office such as employing law graduates in State-funded law clinics and rural law firms
- Given the shortage of legal aid lawyers and financial resources in developing countries, law students should be seen as a potentially valuable and inexpensive resource available to assist national legal aid schemes
- Where it is feasible, national legal aid bodies should enter into co-operation agreements with university law clinics and independent providers of legal services, such as non-governmental public interest law firms
- Where appropriate, national legal aid bodies should enter into co-operation agreements with university law clinics, non-governmental public interest law firms and private law firms to provide support for para-legal offices.

On the promotion of human rights, Peter Slinn, a CLEA Vice-President, provided a lively analysis of the role of the Commonwealth and Commonwealth Associations in the promotion of human rights whilst Richard Bourne considered the development of human rights learning in secondary schools. Peter Slinn's paper included reference to the recently endorsed *Commonwealth Principles on the Accountability of and Relationship between the Three Branches of Government* which build on the Harare Commonwealth Principles and promise to support and strengthen good governance in the Commonwealth. The CLEA plans to be closely involved in this effort.

The Family and the Law

On the topic "The Family and the Law", the paper by Dame Elizabeth Butler-Sloss entitled "The Changing Face of Family Law" demonstrated the challenges that lawyers around the Commonwealth are now facing in dealing with this dynamic area. One particular area of concern and interest is "the international way of family life" for, as

Dame Elizabeth put it:

"Relationships are formed between spouses or partners from different countries or who may settle away from the home country. The birth of children and the breakdown of the relationship may pose considerable problems for the family, almost unheard of 50 years ago".

Amongst other matters, this raised the issue of child abduction, a topic that was also the subject of a separate paper by Nicholas Criteli who provided a useful analysis of the Hague Convention on the Civil Aspects of International Child Abduction.

Other issues raised in Dame Elizabeth's paper focused on advances in medical science ("the world of test tube babies and babies who do not need an identifiable father, of surrogate mothers and a range of opportunities for adults to have children in circumstances unheard of even 20 years ago") and the New Family ("the increasing acceptance and State recognition of the non-traditional family").

The rapid development of such issues presents a challenge for law teachers to keep abreast of such legal developments from around the Commonwealth (and beyond). It highlights the need for the dissemination of such information to be undertaken as widely as possible, particularly to the many small or developing countries where access to such information is limited. This is another area in which the CLEA can make a meaningful contribution, not least through the development of a model curriculum on family law and the use of the *Journal of Commonwealth Law and Legal Education* and the *CLE* to disseminate information and ideas.

Human Rights and the Fight Against International Crime

This was particularly topical. Here several papers dealt specifically with issues covered by the Association's "Transnational Crime" model syllabus. Ricky Rhoda, the Attorney General for Gibraltar, in his paper "Transborder Cooperation in the Fight Against Crime and Terrorism: Economic Perspectives" looked at the measures in place to facilitate international cooperation: regulatory

measures, mutual legal assistance, extradition and anti-money laundering legislation. He then examined aspects of the US Patriot Act of 2001 and the greatly expanded powers it provides the US in the field of cross-border crime, particularly its extra-territorial provisions. He then posed a question that is a concern of many:

"Is it right to identify [the extra-territorial provisions] as transborder cooperation measures or are they, as some critics would say, a form of financial imperialism imposed by Washington on other jurisdictions?"

He concluded:

"Even as a prosecutor, I recognise that the times we live in can give rise to knee-jerk reactions and the handing over to authorities of intrusive powers which they are unlikely to be willing to hand back voluntarily. Thus, there have to be mechanisms to monitor the necessity for the authorities to retain some of these powers. A forum such as this plays a very useful role in keeping this issue in the public eye".

Another key element of tackling transnational crime focuses on the freezing and forfeiture of assets. This was examined by Justice Anthony Smellie, Chief Justice of the Cayman Islands in his paper "Prosecutorial Challenges in Freezing and Forfeiting Proceeds of Transnational Crime and the Use of International Asset Sharing to Promote International Cooperation: The Need for Global Standards". The paper dealt with the challenges facing states to make proceeds of crime provisions effective whilst at the same time taking into account fair trial issues. One area of concern here is the reversal of proof in forfeiture cases. As Justice Smellie notes:

"One can well accept however, that provisions which purport to place the burden of proof of innocence – even if only on the balance of probabilities – upon a defendant in a criminal trial might well be unconstitutional and in breach of fundamental human rights."

In his paper "Security Laws and Human Rights: Getting the Balance Right", Colin Nicholls QC, President of the Commonwealth Lawyers' Association, took up this theme. He took as his starting point the words of Kofi

Annan, the UN Secretary-General that States

"must also take the greatest care to ensure that counter-terrorism does not, any more than sovereignty, become an all-embracing concept that is used to cloak, or justify, violations of human rights".

The paper particularly focused on the rights of those detained without trial in the UK under anti-terror legislation as well as the issue of the denial of the right of *habeas corpus* to detainees held at the Guantanamo Bay Naval Base. This latter issue was of particular significance in that the Commonwealth Lawyers' Association had submitted an *amicus* brief to the US Supreme Court on the historical reach of the writ in the cases in which the right of access to *habeas corpus* for the Guantanamo Bay detainees was argued. As we now know, the US Supreme Court upheld the right in *Rasul v Bush* 72 USLW 4596 (2004) and *Hamdi v Donald Rumsfeld* 72 USLW 4607 (2004).

Overview

Overall, the symposium provided scope for an in-depth discussion on some of the most sensitive and difficult human rights issues facing Commonwealth states today. At its conclusion, symposium participants resolved that all fundamental rights should be subject to strict observance and universal respect in conformity with international human rights standards.

The following were the suggestions for ensuring that a culture of respect for rights is prevalent, namely:

- the establishment of human rights curricula in education at all levels;
- the promotion through public education of the principles of human rights; and
- the development of training programmes for law enforcement and other public officials in the culture of respect for the human rights of every citizen and particularly within the family, whether in the context of domestic violence or the rights of children.

Given its work on the Commonwealth human rights curriculum, in particular, the CLEA is ideally placed to assist in developing these areas. →

Gibraltar Human Rights Symposium Programme

Constitutional and Human Rights

An Overview of Human Rights Today

Hon Michael Beloff QC, President, Trinity College, Oxford

Judicial Action:

The Role of the Judiciary in Protecting Human Rights

Hon Mr Justice Kirby, High Court of Australia

Judicial Activism in Promoting the Human Rights of Women

Hon Madam Justice Desiree Bernard, Chancellor of the Judiciary, Guyana

Remedies: Righting Breaches of Fundamental Rights

Richard Gordon QC, Brick Court Chambers, London

Fair Trial

Independence of the Judiciary:

Accountability and Confidence

Building

Hon Sir David Simmons, Chief Justice, Barbados

The Right to a Fair Trial

before International Tribunals

Desmond de Silva QC, Deputy Chief Prosecutor, Sierra Leone War Crimes Tribunal

Legal Aid in Small and Developing Jurisdictions

Professor David McQuoid-Mason, President, Commonwealth Legal Education Association

Righting Miscarriages of Justice: Methods of Reviewing Decisions in the Light of New Evidence

Dr Lloyd Barnett, Chair, Jamaica Council for Human Rights

Righting Miscarriages of Justice:

The Fight Against Corruption in the Judiciary

Hon Mr Justice Brobbey, Chief Justice, The Gambia

The Family and the Law

The Changing Face of Family Law

The Rt Hon. Dame Elizabeth Butler-Sloss, DBE President, Family Division of the High Court of England and Wales

Combating Domestic Violence

The Hon. Lady Justice Angawa, High Court of Kenya

Child Abduction

Nicholas Critelli, President, Bar Council of Iowa, USA

The Promotion of Human Rights

The Role of Government in

Promoting Human Rights

Hon. Martha Karua, Minister for Water Resources, Republic of Kenya

The Role of the Commonwealth in Promoting Human Rights

Dr Peter Slinn, Vice-President, Commonwealth Legal Education Association

Developing Human Right Curricula for Schools in the Commonwealth

Mr Richard Bourne, Director, Commonwealth Policy Studies Unit

Human Rights and the Fight against International Crime

Security Laws and Human Rights:

Getting the Balance Right

Colin Nicholls QC, President, Commonwealth Lawyers' Association

Trans-border Co-operation and Economic Crimes

Hon. Ricky Rhoda QC, Attorney-General, Gibraltar

Transnational Crime: The Need for Global Standards

Hon Mr Justice Smellie, Chief Justice, Cayman Islands

Human Rights and Business

Human Rights and Commerce

Lawrence Cohen QC, 24 Old Buildings, Lincoln's Inn, London

The Impact of Corporates on Human Rights in the Third World

Shakaib Quereshi, Clifford Chance, London

Data Protection

Keith Azopardi, Attias and Levy, Gibraltar

Privacy, Confidentiality and Privilege

Chief Wole Olanipekun, President, Nigerian Bar Association

The edited collection of the symposium papers will be published early in the New Year.

Concluding Statement from Gibraltar Symposium Human Rights Today

2-3 September 2004

Over 200 participants from 25 countries met in Gibraltar from 2-3 September 2004 for a symposium on "Human Rights Today".

This was an opportune time for the holding of such a symposium which coincided with the Tercentenary celebrations of Gibraltar.

This was a follow-up to a similar Symposium held in the Cayman Islands in September 2001.

The Symposium dealt with a range of topical human rights issues including

- human rights education in schools
- constitutional promotion and protection of human rights
- independence, corruption and accountability of the judiciary
- right to a fair trial, including before international tribunals
- tackling miscarriages of justice
- childrens' rights, which were particularly apposite given the ongoing events in Russia
- domestic violence
- privacy, confidentiality and privilege
- right of peoples to self determination
- security and trans-border co-operation.

The Symposium also dealt with the difficult balancing act between security from terrorism and personal freedom.

At its conclusion, Symposium participants resolved that all fundamental rights should be subject to strict observance and universal respect in conformity with international human rights standards.

The following were the suggestions for ensuring that a culture of respect for rights is prevalent, namely:

- the establishment of human rights curricula in education at all levels;
- the promotion though public education of the principles of human rights; and
- the development of training programmes for law enforcement and other public officials in the culture of respect for the human rights of every citizen and particularly within the family, whether in the context of domestic violence or the rights of children. ●

Without walls: The advent of global law and education

Gary Slapper

Editorial to Vol 3(1)

Journal of Commonwealth Law and Legal Education

Nearly one third of the world's countries are in the Commonwealth. Such an extensive federation of nations and cultures can exercise a powerful influence on global issues.

Such influence is enhanced as human life becomes less parochial. The telephone, radio, and television helped to make the world a smaller, more intimately and instantly interconnected place. Issues that were "human" or "global" and that transcended national boundaries could be much more readily debated in a universal way than before these technological developments. The public sphere expanded. The jet aeroplane shrunk the world into a territory in which a person could get to anywhere within 24 hours. The internet and email have rapidly accelerated this phenomenon. Access to the new technologies was, as is, restricted to a very small minority of the world's population but, even so, the pervasion of ideas such as those of democracy and the rule of law has been considerable.

The recent developments of trials conducted by international courts, and of high quality transnational distance learning are good illustrations of the ways in which the world is becoming more integrated. Such integration does not necessitate an homogenisation of the world's variegated cultures but it can and has improved the way that people across the world share and

develop best practice in law and in teaching and learning. Consider the cases of the International Criminal Tribunal for the former Yugoslavia (ICTY), and of the Commonwealth of Learning.

It was with very great sadness that we learnt of the recent death of Sir Richard May, who as presiding judge in the trial of Slobodan Milosevic, became one of the most famous judges in the world. Judge May was an Honorary Editor of the *Journal of Commonwealth Law and Legal Education*, and an inspiration to those who worked with him. Until not long before his death on 1st July, 2004, Judge May presided in the Hague in the trial of the ex-President of Yugoslavia, who, in 2002 became the first former head of state to go on trial before an international court. This court, under Judge May's auspices, and of his Chairmanship of the tribunal's Rules Committee, was responsible for producing a great deal of precedent for international criminal justice.

The notion that there is a code of basic civilised conduct among nations, whose violation constitutes a crime against humanity, and whose commission will be followed

by legal action, is of great importance. There might, of course, be occasions on which violating culprits and nations are *not* brought to book, but that is no more invalidating of the general project of international law than is the intermittent evasion of prosecution for civilian murder of guilty individuals in all jurisdictions to the law against that crime.

Ultimately, all justice systems hinge on their criminal codes because that is the portion of the law underpinning the legal system and enforcing its edicts. Behind every *private law* court order is the force of a *criminal* sanction for disobedience of the order. Testimony in all civil, family, and private law matters is upheld by criminal laws against contempt of court, perjury, and perverting the course of public justice. Legal theory and practice from the Commonwealth has significantly influenced the development of international justice. Indeed, as Judge May argued in an article for this journal in 2001:

"The contribution of Commonwealth law to the jurisprudence of the international criminal tribunals has been substantial. The operation of the tribunals has been notably influenced by concepts underpinning the legal system itself. These include principles of judicial impartiality, the doctrine of stare decisis, and substantive legal precepts like the criminal defence of diminished responsibility. Additionally, each judge brings to the tribunal experience of his or her own nation's jurisprudence." (May, 2001: 69)

At the time of writing, the trial of Slobodan Milosevic is suspended, following health problems of the defendant. If this trial does not run to a full conclusion and verdict it will, for very many people, be a matter of great regret. Even so, the fact that a similar legal apparatus was used to try alleged war criminals from the former Yugoslavia, has been used in Rwanda, and (see the article by Frances Gibb in this issue) and is being used in Sierra Leone is a testament to the recent substantial growth of what can be seen as an international justice system. Another example of law being asserted by a court as prohibiting particular political acts can be drawn from the decision, in July 2004, of the International Court of Justice that the 450-

mile wall built by Israel through Palestinian communities is unlawful. The rulings of the World Court, of which there have been 79 since its establishment at the end of the Second World War, are not binding but the court has called for the UN Security Council to consider "further action" to halt construction of the wall. Delivering the judgment of the court, Judge Shi Jiuyong of China said:

"Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory..."

Another major decision of the Court was delivered in 1971 when it ruled that the occupation of Namibia by South Africa was illegal. This ruling led to the introduction of economic sanctions against Pretoria. The Court rejected South Africa's argument that the court did not have jurisdiction.

Turning from international justice to international education, similar developments are evident. The growth of education without walls is illustrated by the success of the Commonwealth of Learning (COL). The Commonwealth of Learning is an intergovernmental organisation created by Commonwealth Heads of Government to encourage the development and sharing of open learning/distance education knowledge, resources and technologies. COL is helping developing nations improve access to quality education and training.

With its headquarters in Vancouver, Canada, COL is the only official Commonwealth agency located outside Britain and is the world's only intergovernmental organisation solely concerned with the promotion and development of distance education and open learning. COL is helping to increase the capacities of developing nations to meet the demands for improved access to quality education and training.

In part due to the efforts of COL and its Commonwealth-wide network over the past ten years, distance education is now a part of the mainstream of education and training. It enables students to learn at the location, time and pace of their choice, for less money and with improved results.➔

COL's goals include maximising the transfer of information, ideas, innovations and resources to support this rapid evolution of distance education. Commonwealth Governments financially support COL on a voluntary basis. Major contributors have included Australia, Britain, British Columbia, Brunei, Canada, India, New Zealand and Nigeria.

Taking over as President of COL in 2004, Sir John Daniel, a former Vice-Chancellor of the world's first Open University (in the United Kingdom), changed the mission statement of the organisation from "building capacity in open and distance learning" to "open and distance learning for development". Sir John said the average person has no idea what "capacity-building" means, and it also sounded as though open and distance learning is the end rather than the means.¹

Sir John also observed that while India may need help to deal with illiteracy problems, it is a world leader in open and distance learning. He believes India will be of critical importance in supporting south-south cooperation:

"We've been taking courses from India and using them in Africa on the theory that the chances are they're better fitted to the African environment than what might come out of Britain or Canada, plus they're a lot cheaper," he said.

Open and distance learning schemes have so far achieved their greatest successes in higher education, but Sir John sees them as crucial in training the number of teachers needed to achieve education for all. He said:

"I feel very strongly that distance learning is a different approach rather than a different technology. You don't need to have any flashing lights or screens. It's very easy for developing countries to get hypnotised by what they read of broadband technologies and the internet, to believe that they are going to be left behind and that they can't really do anything unless they have all this fancy stuff. A very important role of ours is to show that this is nonsense, and they can actually be perfectly effective if they use the infrastructures and capabilities they have intelligently,

*rather than wait for Bill Gates to come along and equip them with computers wall to wall."*²

In a feature in *The Times* on January 9th, 1971, Michael Young, a founder of The Open University said:

"Tomorrow morning, anyone in Britain who wants to turn on a television set will be able to attend the first lecture of the first university in the world without walls."

We have come a long way since then. And, as the world becomes an even more integrated community, the pathways ahead are progressively encouraging. ●

1. See "New head will extend learning body's reach" Olga Wojtas, *Times Higher Education Supplement*, 25 June, 2004

2. *ibid*

References

May, R (2001) Commonwealth Law and the ad hoc International Tribunals, *Journal of Commonwealth Law and Legal Education*, Vol. 1, No. 1, December 2001.

Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, *International Court of Justice*, 2003-4, General List, No. 131 to be found at:

<http://www.icj-cij.org/icjwww/idocket/imwp/imwpframe.htm>

The website of the Commonwealth of Learning is <http://www.col.org>

Annual Report of the Commonwealth Legal Education Association

For the period 1 July 2003 – 30 June 2004

Overview

It gives me great pleasure to present the Annual Report of the Association for the year 1 July 2003–30 June 2004.

The year was another very active one with events spanning the Commonwealth. Full details of all activities are found in *Commonwealth Legal Education* but there are a few developments I would like to highlight here.

The CLEA South Asia regional meeting in Quetta, Pakistan was something of a landmark in that it was the first time for some years that the Association held a meeting in the country. Thanks to Joe Silva, Siva Sivakumar and Mir Aurangzeb, the two South Asian CLEA Chapters are now flourishing and their vibrancy underlines the importance of our ongoing commitment to supporting and developing our regional activities.

The endorsement by Commonwealth Heads of Government in December 2003 of the *Commonwealth Principles on the Accountability of and the Relationship between the Three Branches of Government* was the culmination of a process started in 1998 with the Latimer House Guidelines. Together with our partner associations, the CLEA can be justifiably proud of its contribution towards the enhancing of the Harare Commonwealth Principles.

In June, *Commonwealth Legal Education* underwent its most significant change for many years. After more than thirty years and 95 issues later, production was transferred from the Commonwealth Secretariat to Thomson; Sweet and Maxwell, the international law publishers. The Association is indebted to the Commonwealth Secretariat for its support and our close links remain firmly intact. However, our new partnership with Thomson offers us a range of new and exciting opportunities to access a wider audience and develop our membership base.

Funding remained a problem throughout the year and was not helped by a delay in receipt of part of our annual grant from the Commonwealth Foundation into the next financial year. However, we were able to obtain some project funding which, whilst not available until the next financial year, will go some way to stabilising our position. The support provided by both Cavendish Publishing Ltd and Thomson: Sweet & Maxwell through the production of the *Journal of Commonwealth Law and Legal Education* and *Commonwealth Legal Education* respectively also contributed significantly to our work.

Finally I would like to thank the President of the Association, David McQuoid-Mason and the other members of the Executive Committee for their continued support throughout the year. David, in particular, has been →

a source of great strength and encouragement during the year. Special thanks also to Peter Slinn, one of our Vice-Presidents, for his invaluable support, advice and assistance.

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

John Hatchard
General Secretary, CLEA
August 2004

CLEA Activities

The activities of the Association are based on the Plan of Action that 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 *Commonwealth Legal Education*.

Conferences and Meetings

3rd CLEA South Asia regional conference

The third CLEA South Asia regional conference took place in Quetta, Pakistan between 1-3 May 2004 on the theme "Legal Education in Developing and Under-Developed Countries to Meet the Challenges of the 21st Century". This was the first time for many years that the CLEA had been able to organise an event in Pakistan, and we are indebted to Professors Mir Aurangzeb and Farkanda Aurangzeb and their team for the excellent organisation of the conference. As David McQuoid-Mason records in his personal view of the conference (in vol 96 of *Commonwealth Legal Education*)

"On behalf of CLEA and all the delegates I would like to extend our heartfelt thanks for the hard work and care that went into the organisation of the Conference. The organisers did their city and country proud, and we will all carry fond memories of the friendliness and hospitality of the people of Quetta for many years".

The one disappointment was that several members of the CLEA Executive Committee were unable to attend owing to security constraints whilst it also proved impossible to obtain visas in time for the many participants from India who wished to make the trip.

CLEA at CHOGM

Toyin Doherty, the CLEA representative for Nigeria, led the CLEA delegation to the Commonwealth Heads of Government Meeting (CHOGM) which was held in Abuja in December 2003. She also 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. The Association is extremely grateful to Toyin for her assistance.

CLEA co-sponsors Kenyan lecture on judicial independence

In February 2004, the CLEA co-sponsored a lecture entitled "Independence of the Judiciary: Intellectual Corruption and the Culture of Fear" given by Mr Justice Schofield, the Chief Justice of Gibraltar, to an audience of judges, magistrates, lawyers and law students in Nairobi, Kenya. The Association was able to sponsor 18 law students and 2 law lecturers from the University of Nairobi and the Kenya School of Law.

Endorsement and Launch of the Commonwealth Principles

Since 1998 the *Latimer House Guidelines for the Commonwealth* (LHG) have played a large part in the activities on the Association. The intention was for Commonwealth Law Ministers to approve the Guidelines and for them then to go to Commonwealth Heads of Government for endorsement. In November 2002, Commonwealth Law Ministers invited the Commonwealth Secretary-General to convene a small group of Law Ministers to work with the Commonwealth Secretariat to develop principles based on the LHG.

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 the Abuja CHOGM. I am pleased to report that 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.

The full text of the Principles appeared in volumes 95 and 96 of *CLE*. The book containing the revised LHG and the Commonwealth Principles was launched at a reception held at Marlborough House in May 2004. Copies will be sent to all CLEA members.

Commonwealth Law Conference

CLEA representatives are on both the Organising Committee and Papers Committee for the 2005 Commonwealth Law Conference.

Publications

The publication programme remains a key part of the work of the Association.

Books and journals

Commonwealth Principles on the Accountability of and the Relationship between the Three Branches of Government

Published on behalf of the CLEA, CMJA, CLA, CPA, this booklet contains the text both of the Commonwealth Principles and the Latimer House Guidelines.

Commonwealth Legal Education

This appeared three times during the year under the editorship of the General Secretary. Each issue appeared

on schedule and went to CLEA members as well as to all known law schools and law libraries in the Commonwealth.

The major change during the year was the change of publisher of *Commonwealth Legal Education* from the Commonwealth Secretariat to Thomsons: Sweet & Maxwell. The Association is indebted to the Commonwealth Secretariat for its support of *CLE* for so many years and would like to thank in particular Greg Covington for his invaluable work on the production side.

Commonwealth Journal of Law and Legal Education

This was the third year of publication of the Association's journal. Gary Slapper and Matthew Weait of the Open University remained as the Joint Editors. Vol 2(2) appeared during the year and was sent to all CLEA members.

CLEA Web Site

One disappointment during the year was the failure to relaunch the CLEA website. This has proved a far more daunting task than we ever imagined. I am pleased to report that thanks to the efforts of Ros Macdonald, the Queensland University of Technology has kindly agreed to host the site.

It is hoped that the new improved web site will be fully operational during the next few months.

Commonwealth Law Students Activities

CLEA Law Students' Essay competition

The Third CLEA Law Students' Essay competition was launched in June.

The topic is:

"Over the coming years, the Commonwealth Legal Education Association will be assisting Commonwealth law schools to develop their law curriculum. In the light of your knowledge of the current law school curriculum, what specific proposals for its reform and improvement would you advocate to better equip law students to meet contemporary challenges? Your proposals can refer to either academic or professional/vocational training." →

CLEA co-sponsors Kenyan lecture on judicial independence

As noted above, the Association sponsored a number of law students from the University of Nairobi and the Kenya School of Law to attend the lecture given by Mr Justice Schofield, the Chief Justice of Gibraltar, on the independence of the judiciary.

Curriculum Development Programme

Transnational crime course project

Work is ongoing to assist law schools include aspects of the course into their programmes. Once the revamped CLEA web site is in operation, the course will be made available electronically.

Human rights curriculum for the Commonwealth

A grant from the Human Rights Unit of the Commonwealth Secretariat enabled the Association to start work on updating and extensively revising the curriculum. The Association is particularly grateful to Jo Ford and Max du Plessis for undertaking the work.

Commonwealth Human Rights Initiative

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

Membership of the CLEA Executive Committee

There were two changes to the membership of the Executive Committee during the year. Jeremy Cooper stood down as an ad hoc member due to other commitments. On behalf of the Association, I would like to thank him for his contribution to the Association, especially in his work on the development of the web site.

In November 2003, the Association also welcomed Betty Mould-Iddrisu as Hon Treasurer following her appointment as Director of the Legal and Constitutional Affairs Division of the Commonwealth Secretariat.

As at 30 June 2003, the Executive Committee is as follows:

Australasia Ros Macdonald
(Queensland University of Technology)

The Caribbean Keith Sobion
(Norman Manley Law School, Jamaica)

East and Central Africa Lillian Tibatemwa-Ekirikubinza
(Makerere University)

Europe Selina Goulbourne
(University of Greenwich)

North America Jeff Berryman (University of Windsor)

South Asia Joe Silva (Sri Lanka Law College)

South Asia (India) Siva Sivakumar
(Kerala Law Academy)

Southern Africa David McQuoid-Mason
(University of KwaZulu-Natal)

West Africa Seth Bimpong-Buta
(Ghana Law School)

Ad hoc member Alexis Goh
(University of Western Sydney)

Hon Treasurer Betty Mould-Iddrisu

Vice President Peter Slinn

CLEA executive committee and general meetings

There was no meeting of the CLEA Executive Committee during the year. However, members were consulted regularly on issues arising.

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

Funding remained a problem throughout the year and was not helped by a delay in receipt of part of our annual grant from the Commonwealth Foundation into the next financial year. However, we were able to obtain some project funding which, whilst not available until the next financial year, will go some way to stabilising our position.

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

Commonwealth Law Students

Essay Competition

The CLEA is pleased to announce the holding of the Third Commonwealth Law Students Essay Competition. On this occasion, the topic is as follows:

“Over the coming years, the Commonwealth Legal Education Association will be assisting Commonwealth law schools to develop the law curriculum. In the light of your knowledge of the current law school curriculum, what specific proposals for its reform and improvement would you advocate to better equip law students to meet contemporary challenges? Your proposals can refer to either academic or professional/vocational training.”

The judges will be particularly looking for:

- Originality of ideas
- Feasibility of outcomes
- Depth of research and analysis

The use of comparative Commonwealth materials will also be an advantage.

Prizes are as follows:

1st Prize: **£750**; 2nd Prize: **£200**; 3rd Prize: **£50**

Further details are available from:

Dr Joe Silva, Sri Lanka Law College, 244 Hulftsdorp Street, Colombo 12, Sri Lanka Fax: (94) 1 436040, e-mail: locwal@slt.lk

CLEA South Asia Law Students' Conference and Regional Law Moot

13–16 April, Jaipur, India

See details above

CLEA conference 9–10 September 2005, University of Greenwich

“Comparing Commonwealth Laws: Challenges for Law Teachers”

Essay competition rules

1. Entries must not exceed 7,500 words. Entries must be in typed or printed form.
2. The competition is open to any of the following students at a Faculty/School of Law or equivalent institution in a Commonwealth country: (i) those undertaking a first degree in law (or a programme that includes a significant number of law courses/modules); or (ii) those undertaking a taught LL.M or equivalent.
3. Students of both full-time and part-time degree programmes are eligible.
4. Closing date: 1 June 2005.
5. All entries must be in English. The essay must be properly presented, with footnotes and references in one of the accepted styles for legal essays and a bibliography.
6. There is no entry form: however each entry must be accompanied by a declaration by the entrant that the essay represents his/her own unaided work. It must also be accompanied by a supporting statement by a teacher or administrator of the law school of which an entrant is a student, to the effect that he or she satisfies the criteria for entry. The statement must be stamped with the institution's stamp.
7. The decision of the judges is final and no correspondence will be entered into.
8. The Association reserves the right to decline to award any or all prizes in the event of a failure of entries to reach an appropriate standard.

Law students are also very welcome to attend this conference and will have the opportunity to present papers and participate fully in the meeting.

For details, contact the conference organiser, Selina Goulbourne s.goulbourne@gre.ac.uk

Commonwealth Law Moot

The next mooting competition will take place in London between 12–16 September 2004.

Contact the CLEA Moot Co-ordinator, Ros Macdonald of the Queensland University of Technology for details (r.macdonald@qut.edu.au)

New CLEA Executive Committee member appointed

Ronnie Boodoosingh from the Hugh Wooding Law School, Trinidad, has been appointed an ad hoc member of the Executive Committee. His main remit will be to develop CLEA programmes in the Caribbean.

Print on demand

In recognition of the significant work needed to ensure the success of the print on demand programme, the CLEA intends to appoint Jo Ford as Coordinator of Publications. Jo is currently based in London after being on the law faculties at the University of Sydney and Australian National University.

Developments in the Access to Justice project

The first phase in the Access to Justice project being undertaken on behalf of the Commonwealth Secretariat has been completed. A discussion paper entitled "Access to Justice in the Commonwealth: Some Current Trends" was prepared for the Meeting of Senior Officials of Commonwealth Law Ministries whilst a detailed Report was submitted to the Commonwealth Secretariat in October 2005.

The Report will be published later this year by the Commonwealth Secretariat and will form the basis for Commonwealth work in this vital area. The Association will continue to work closely with the ComSec in this regard.

The CLEA is particularly grateful to Seth Bimpong-Buta and David McQuoid-Mason for their assistance in the preparation of the report

CLEA at Meeting of Senior Officials of Commonwealth Law Ministries (SOLM)

The CLEA has been granted observer status at the SOLM. This important event is essentially a preparatory meeting for the Meeting of Commonwealth Law Ministers which will take place in Accra, Ghana in October 2005. A full report of the meeting will appear in the next issue of *CLE*.

Forthcoming CLEA organised/sponsored events

Workshops on "Teaching human rights – in the schools, for the public, at law schools and to the practising legal profession in continuing legal education"

Auckland, New Zealand, 26 October 2004

Co-organised with the Human Rights Institute, this is a day-long series of workshops and seminars being held as part of the annual IBA conference. It is designed to provide examples of good practice in the organisation and delivery of human rights instruction to school children, the general public, law students and to the practising profession in continuing legal education.

The workshops will deal with the following issues:

1. *Teaching human rights in schools and to the Public.*
2. *Teaching human rights in law schools:* this will focus particularly on the new CLEA human rights curriculum
3. *Teaching human rights to the legal profession.*

Workshop on "Administrative Justice in the Commonwealth: Constructive Comparisons" University of Cape Town, South Africa, 20-22 March 2005

The area of administrative justice in South African law has undergone huge changes over the past decade. There has been a substantial comparative influence during the process of law reform, chiefly from other countries in the Commonwealth, with which South Africa shares a common legal ancestry. The Faculty of Law at UCT has played a leading role in this process of reform, hosting three significant events the products of which have fed directly into the law-reform initiative. These were, firstly, the Breakwater Conference of February 1993 (the proceedings of which were published as the 1993 volume of *Acta Juridica*). This was followed by a workshop on "Administrative Justice in Southern Africa" held in March 1996 the proceedings of which were published later that year under the workshop title, edited by Hugh Corder and

Tiyanjana Maluwa. Thirdly, a workshop on "Realising Administrative Justice", held in February 2001, the proceedings of which were published in 2002 under the same title, edited by Hugh Corder and Linda van de Vijver.

Over the past three years, considerable interest has been generated on the subject of comparative administrative law within the Commonwealth, drawing in leading academic administrative lawyers from Canada, Australia, the UK, New Zealand and South Africa. With the exceptional growth of executive power in government over the last fifty years, national systems of law and regulation have responded in varied ways, and there is much that can be learned from each other, given the opportunity for contact and the pooling of resources.

The CLEA is thus co-sponsoring a seminar/workshop to be held at the Faculty of Law, University of Cape Town, from 20 to 22 March 2005, with the theme; "Administrative Justice in the Commonwealth: Constructive Comparisons". Participants will come from around the Commonwealth. The areas of focus will be: definitions of administrative action/decision; the distinction between review and appeal; grounds for review; justifications for judicial review of administrative action; procedural aspects of review (standing, remedies, etc). The event will also provide an ideal opportunity to share ideas and experiences on teaching and research in administrative law. The papers will be published in a volume of *Acta Juridica*, as well as possibly a separate book.

The number of participants is strictly limited. Any CLEA members interested in attending should contact Linda van de Vijver, Faculty of Law, University of Cape Town (e-mail: vdvijver@law.uct.ac.za).

CLEA South Asia Regional Conference 9-11 April 2005, Jaipur, India

Following the highly successful CLEA regional conferences in Kerala (December 2002) and Quetta (May 2004), the 3rd in the series will be held in Jaipur. Whilst it is hoped that as many law academics from the region will be able to attend, the meeting is also open to others from outside the region.

Further details can be obtained from Siva Sivakumar

(e-mail: sivku98@hotmail.com) or Joe Silva (e-mail: locwal@slt.lk)

CLEA South Asia Law Students' Conference and Regional Law Moot 13-16 April, Jaipur, India

A conference especially for law students was held in Kerala in December 2002. This was very well received and the Association is pleased to announce another such conference to be held in Jaipur, India. This event is open to law students from around the Commonwealth, and it is hoped that a significant number will be able to join their counterparts from the South Asia region.

In addition, the Regional Law Moot will be held. The winners will proceed to the Commonwealth Law Moot in London in September 2005.

Full details can be obtained from Siva Sivakumar (e-mail: sivku98@hotmail.com) or Joe Silva (e-mail: locwal@slt.lk)

CLEA conference 9-10 September 2005, University of Greenwich "Comparing Commonwealth Laws: Challenges for Law Teachers"

For details, contact the conference organiser, Selina Goulbourne s.goulbourne@gre.ac.uk

Commonwealth Law Moot Competition 11-15 September 2005, London

For details, contact the CLEA moot co-ordinator Ros Macdonald, Queensland University of Technology (r.macdonald@qut.edu.au)

Commonwealth Africa Law Teachers Conference, Accra, Ghana, 17-19 October 2005

This conference will be run in conjunction with the Commonwealth Law Ministers Meeting.

Further details will be available early next year.

"CLEA in Malta"

The Association is planning a seminar in association with the University of Malta Law Faculty to coincide with the Commonwealth Heads of Government Meeting November 2005

Full details will be available early next year.

News from Commonwealth law schools

Launch of the University of Botswana Law Journal (UBLJ) and a Call for Papers.

The Department of Law, University of Botswana has launched the *University of Botswana Law Journal*. This is a peer refereed journal that will provide a forum for scholars and practitioners to reflect on diverse legal issues of national, regional and international significance. The Journal will be published twice a year, in June and December.

Articles, Comments and Notes and Book Reviews are welcome. Articles should not exceed 12,000 words. Submissions of less than 3,000 words may be considered for the Comments and Notes section. *Submissions are now invited for the first issue due to appear in June 2005.*

Correspondence and submission of articles and other contributions, as well as guidelines on the preparation of submissions should be addressed to:

Prof. Charles M. Fombad
Editor-in-Chief, University of Botswana Law Journal
Department of Law
University of Botswana
Private Bag UB 00705
Gaborone,
Botswana

Electronic submissions should be sent to:
Fombadc@mopipi.ub.bw or *ubljl@mopipi.ub.bw*

All business correspondences, including orders and remittances relating to subscription as well as advertising should be addressed to the Editor-in-Chief.

Editor-in-chief: Prof. C. M. Fombad
Patron: The Hon. Justice Nganunu, Chief Justice of Botswana.

Advisory Board:
Prof. A. McCall Smith, Edinburgh Law School,
Justice A. Molokomme, High Court of Botswana.
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Prof. M. Reisman, Yale Law School

Prof. B. Otlhogile, Vice Chancellor, University of Botswana

Dr. C. Forsyth, Faculty of Law, University of Cambridge
Prof. Simon Roberts, Department of Law, London School of Economics

Launch of the University of New England Law Journal.

The University of New England Law Journal was established in 2004 as a legal periodical publishing scholarly articles, case notes and book reviews of interest to practitioners, academic lawyers and students of law. The journal is generalist in outlook and publishes on a wide variety of doctrinal, socio-legal, historical and theoretical perspectives of the law from both Australian and international authors.

The University of New England Law Journal welcomes both solicited and unsolicited contributions for the articles, case notes, and book review sections of the journal. Manuscript articles should normally be no more than 8000 words in length (including references) and case notes and book reviews should be no longer than 3500 words. Articles should also contain a short abstract of between 50-100 words.

Manuscript submissions may be submitted by post to the Editor, University of New England Law Journal, School of Law, University of New England, Armidale, NSW, Australia, 2351, or by email (*unelj@une.edu.au*). The preferred format is Word, and submissions should be double-spaced with a font of at least 12 points. Facsimiled manuscripts are not acceptable.

General enquiries should be made in writing to the Editor at the above addresses.

The journal is published twice a year, in June and December, in both printed and electronic form (<http://tlc.une.edu.au/lawjournal/>).

Articles in Volume 1 include:

Stephen Colbran, 'Collaborative Supervision of Legal Doctoral Theses Through E-learning'

Kathleen Conroy, 'Riding on a Geep's Back: Preparing Australian Patent Law for a Domestic Industry Sourced in the Transgenic Animal'

David Hamer, 'Probabilistic Standards of Proof, Their Complements, and the Errors that are Expected to Flow From Them'

James McConvill and Mirko Bagaric, 'Ambiguities and Inconsistencies in Relation to the Obligation of Proxies under Corporations Law: A Model for Reform'

Victoria University hosts Asia Pacific workshop on PiCT

The Project on International Courts and Tribunals (PiCT) recently hosted its first Asia Pacific workshop at the Victoria University's law school in New Zealand.

PiCT's goal is to give meaning to the development of international tribunals by providing a research base and offering practical training to countries that might not otherwise be well placed to benefit from these initiatives. Says Campbell McLachlan, a law professor at Victoria University.

"I have been involved in a research project on the practice and procedure of international courts with Philippe Sands, the co--chair of PiCT. Also, Director of the Institute of Policy Studies Andrew Ladley, who has worked as a legal adviser with several international missions (most recently East Timor in 2000), and I am in regular contact with Cesare Romano, PiCT's Assistant Director.

"So an Asia Pacific workshop that looked at options for resolving disputes in this region was a good opportunity to focus on the very real issues that exist here.

"With a large number of small, less developed states and no regional courts or tribunals to speak of, introducing practitioners to the work of international courts is a big issue and we felt there was a real opportunity to share experiences with international litigation. This workshop was not just about 'western' experts lecturing but about countries in the region sharing their stories.

"And that is how it worked out. Bill Mansfield led a discussion on the southern blue fin tuna dispute between Australia, New Zealand and Japan; Sir Geoffrey Palmer talked about the Rainbow Warrior

affair; Andrew Ladley spoke on the broader aspects of conflict resolution in Bougainville, including the Sandline affair; and Penelope Ridings of the Ministry of Foreign Affairs & Trade, talked about successful dispute resolution at the WTO to secure access for New Zealand exports.

"The participants reflected a wide range of real life experiences in litigation around the region. Two judges from the Special Crimes Panel in East Timor – Maria Gusmao Pereira and Phillip Rapoza – were able to compare notes with Todd Cleaver who had investigated allegations of international crimes at the International Criminal Tribunal for the former Yugoslavia.

"Some of the participants are actively engaged in legal aid work and human rights litigation in Cambodia, Indonesia, Malaysia, Thailand and Vanuatu.

"My consultations in Geneva at the office of the High Commissioner for Human Rights suggest that the UN would warmly welcome greater regional cooperation on these issues.

"Senior government lawyers from a number of countries in the region – Malaysia (which has been involved in a lot of international litigation in recent years, including maritime delimitation issues around the Strait of Malacca and foreign investment disputes), Fiji, the Cook Islands, Samoa – were in attendance.

"At the law school, we see this as a seed project for a broader initiative that will make Victoria a forum for regional research and debate on issues relating to international governance, law and trade. Its success is, we hope, a good portent for the future".

(LawTalk 16 August 2004)

University of Ado-Ekiti, Nigeria

Ondo State University has changed its name to the University of Ado-Ekiti. Contact details remain the same.

Online

This section seeks to provide readers with a wide range of (hopefully) interesting, useful and free access web sites both for purposes of research and teaching. Please send contributions to this section to the General Secretary

Academic Index

A metasearch engine which searches academic reference and resource sites selected by librarians, educators and educational and library consortia

www.academicindex.net/

Association of African Women Scholars

The Association promotes scholarship on African women in African studies.

www.iupui.edu/~aaws

Children of Conflict

A BBC World Service project designed to explore the effects of the UN Convention on the Rights of the Child.

www.bbc.co.uk/worldservice/people/features/childrensrights/childrenofconflict/

Directory of Open Access Journals

This is a searchable directory of nearly 800 full text peer-reviewed journals which are freely available online.

www.doaj.org

ELSA Selected Papers on European Law

This is a full text online journal made freely available by the European Law Students' Association (ELSA). It focuses on private and public European law articles written by law students and academics.

www.elsa.org/publications/papers.asp

Feminist Africa

This contains online articles and publications related to gender research on Africa.

www.feministafrica.org

Harvard Journal of Law and Technology (JOLT)

This is a free on-line journal published twice yearly by students at Harvard Law School covering the legal aspects of the internet, e-commerce, intellectual property and telecommunications. Full text articles available in PDF format from 1988 onwards.

<http://jolt.law.harvard.edu/>

International Institute for Sustainable Development

This carries information on past and forthcoming international meetings relating to environment and development policy.

www.iisd.ca

Journal of Transnational Law and Policy (JTLPL)

Free online access to the journal from the Florida State University College of Law. Full text documents are available in PDF format from Spring 2000 onwards.

www.law.fsu.edu/journals/transnational/index.php

Refugees, Survivors of Torture and Related Trauma

The Boston Center for Refugee Health and Human Rights provides links to world-wide centres dealing with refugees and survivors of torture.

<http://dcc2.bumc.bu.edu/refugees/crstrt.htm>

UNHCR statistics

UNHCR statistical reports on asylum-seekers and refugees are available from

www.unhcr.ch/cgi-bin/texis/vtx/statistics

World Bank Law Library

Comprehensive links to international legal materials and World Bank documents. This includes links to international organisations, country information and treaties. Note: not all the resources linked to are available free of charge.

www4.worldbank.org/legal/lawlibrary.html

Yale Human Rights and Development Law Journal

Free online access to articles from 1998 onwards

www.yale.edu/yhrdlj/index_enhanced.htm

Journal of Commonwealth Law and Legal Education

The official journal of the
Commonwealth Legal Education Association
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About the Commonwealth Legal Education Association

To submit articles to the JCLLE, e-mail Gary Slapper g.j.slapper@open.ac.uk

Forthcoming conferences

Learning Initiative in Law conference

7 January 2005, University of Warwick

Full details from www.ukcle.ac.uk/lili

Canada-UK Perspectives on Public International Law

17 June 2005, Canada House, London

The British Association for Canadian Studies (Legal Studies Group) is holding its annual conference in 17 June 2005. The theme of the conference is "Canada-UK Perspectives on Public International Law" and the keynote speaker is Stephen Toope, Professor of Law at McGill University and President of the Trudeau Foundation.

Proposals for papers in all areas of public international law are welcome, with possible topics including divergence over the war in Iraq, differences in refugee determination and the domestic reception of international law.

Please direct queries and abstracts by 31 January 2005 to Christopher Waters,
School of Law, University of Reading:
e-mail: c.p.m.waters@rdg.ac.uk

What works with women offenders: A cross-national dialogue about what are effective responses to female offenders.

20-22 June 2005

This conference is sponsored by Monash University, Melbourne, Australia and will be held in Italy at the Monash University Centre in Prato, just outside Florence. The conference organisers are very keen to hear about Australian and other national experiences in the area of women and offenders.

A website with full details is to be found at: www.med.monash.edu.au/socialwork/

"Enhancing the Student Experience" Association of Law Teachers 40th Annual Conference

The conference will take place at the John McIntyre Centre, University of Edinburgh between 20-22 April 2005.

Proposals for papers should be sent to Michael Jefferson by e-mail: M.Jefferson@sheffield.ac.uk or by post to the Faculty of Law, University of Sheffield, Crooksmoor Building, Conduit Road, Sheffield S10 1FL, UK.

News from the Commonwealth

New Gender Equality Plan of Action launched

The Commonwealth Plan of Action for Gender Equality 2005-2015, the result of 18 months of consultation with CSOs and government, was adopted at the Commonwealth Women's Affairs Meeting in Fiji Islands in May. Over 80 CSOs attended the special CSO meeting organised by the Commonwealth Foundation and National Council of Women of Fiji. For the first time, a large group of 50 CSOs was accredited to the Ministerial Meeting. The Action Plan is available on www.thecommonwealth.org. The Secretariat's Gender Section and Commonwealth governments are now seeking civil society partners to assist them to implement the Plan. For further information about partnerships, contact your country's women's affairs machinery or the Gender Section at m.roberts@commonwealth.int

Commonwealth assistance to human rights defenders

The Human Rights Unit has been holding a series of regional meetings of human rights defenders to identify ways in which their work can be enhanced. The meetings have involved governments, national human rights institutions and CSOs. Recommendations from the meetings will form part of the future work programme of the Unit. Contact j.matiya@commonwealth.int

Youth Empowerment

A group of Commonwealth civil society organisations and the Commonwealth Youth Affairs Unit have been working hard over the past year to develop guidelines for mainstreaming youth and youth concerns into Commonwealth civil society organisations and their programmes. The Guidelines will be available soon and it is hoped that all Commonwealth organisations will find them useful. Contact: c.desaldanha@commonwealth.int

Launch of "Citizens and Governance" tool kit

The Commonwealth Foundation has launched its Citizens and Governance Tool Kit, a CD-rom and booklet containing a wealth of information and case studies on innovative ways of involving citizens in decisions affecting their lives. A training manual will be published to accompany the CD-rom and training for trainers workshops are planned. Copies of the Tool Kit are available from the Commonwealth Secretariat's

Publications Section, the Publications Catalogue for which is on the website. For information about the citizens and governance programme, contact a.firmin@commonwealth.int

Civil Society Consultations on HIPC

As part of its work in facilitating civil society input to Commonwealth ministerial meetings, the Commonwealth Foundation will convene a consultation in Malawi in December to prepare civil society contributions to the March 2005 Commonwealth HIPC Ministerial Forum. Participants from civil society organisations in the 10 Commonwealth HIPC countries will prepare consensual positions on HIPC and the IMF's debt sustainability framework for the ministerial meeting and explore possibilities for networking and joint advocacy. Contact n.brown@commonwealth.int

Commonwealth Day 2005

Commonwealth Day will be celebrated on Monday, 14 March 2005. It is always celebrated on the second Monday of March, one of the few days in which all pupils of the Commonwealth are in school. The theme for the 2005 Commonwealth Day is 'Education: Creating opportunities, realising potential'. The Commonwealth Secretariat will be providing special posters on the theme. Organisations making plans for Commonwealth Day are encouraged to inform the Royal Commonwealth Society who will provide a web link between their organisation and the official Commonwealth Day site at www.commonwealthday.com. Members of all Commonwealth civil society organisations are encouraged to make presentations about their work with the Commonwealth in local schools and at special events on that day.

New contact details for Commonwealth Magistrates' and Judges' Association

The new e-mail address for CMJA is: info@cmja.org

The new fax number is +44 (0)207 976 2394

About the Commonwealth Legal Education Association

The CLEA fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK.

Membership is open to individuals, schools of law and other institutions concerned with legal education and research.

The Association's Programme of Action is based on the need to make legal education socially relevant and professionally useful, particularly through:

- the development of law curricula and teaching methodology;
- assisting law schools to prepare themselves for the demands of the profession in the context of the information revolution and other global challenges; and
- supporting continuing legal education and distance learning programmes.

Publications and research

- The Journal of Commonwealth Law and Legal Education is published twice a year and contains news and views about law and legal education developments in the Commonwealth.
- The Directory of Commonwealth Law Schools is published biennially.
- A variety of books on law and legal education in the Commonwealth is also published.

The Association's website provides access to a wide range of Commonwealth legal materials, model curricula and some publications.

Conferences

The Association organises regular international and regional conferences and seminars. Recently, it has organised/co-sponsored conferences on topics such as law and development, human rights and just and honest government, as well as on legal education. Venues have included Australia, Nigeria, Cayman Islands, UK, Jamaica, Sri Lanka and Malaysia.

Commonwealth Law Lecture Series

This is a unique series that takes place on a Commonwealth-wide basis. Lectures are given by leading legal academics and judges. The collected lectures will be published later in 2004.

Curriculum development

The Association is committed to developing new curricula that reflect both the importance of Commonwealth jurisprudence and the need for law schools in the Commonwealth (and beyond) to equip their students to meet the demands of the 21st century lawyer. Subjects include:

- human rights for the Commonwealth;
- transnational crime/anti-terrorism law;
- environmental justice (in preparation);
- international trade law (in preparation).

Strengthening law schools

- Providing training and materials for the teaching of a transnational crime course.
- Assisting in the distribution of law books to Commonwealth law schools.
- Establishing the Commonwealth Legal Education Research Centre in Cameroon.

Strengthening the Harare Commonwealth Principles

The Association works with the Commonwealth and three other Commonwealth professional organisations: the Commonwealth Magistrates' and Judges Association, the Commonwealth Lawyers' Association and the Commonwealth Parliamentary Association, on the development of the Latimer House Guidelines for the Commonwealth.

The Association supports the work of the Commonwealth Human Rights Initiative.

Activities for law students

The Commonwealth Moot Competition is held biennially, with the last three competitions being held in Sri Lanka, Malaysia and Canada.

The Commonwealth Students' Essay Competition is also held biennially

For further information on the work of the Association and details of membership,

please contact: The General Secretary
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Pall Mall, London SW1Y 5HX, UK.

Tel: +44 (0)20 7747 6415 Fax: +44 (0)20 7747 6406
e-mail: clea@commonwealth.int

**Membership
application
see reverse >>**

Membership

Benefits of Membership

The benefits of a one-year institutional subscription include:

- Copy of the CLEA's Directory of Commonwealth Law Schools 2003-4
- Copy of the CLEA's Journal Commonwealth Law and Legal Education
- Copy of the CLEA's Newsletter Commonwealth Legal Education
- Copy of Parliamentary Supremacy and Judicial Independence: A commonwealth Model
- Priority booking for all CLEA events

The benefits of three-year institutional subscription include:

- Those for a one year subscription plus
- Significant discount of membership rate
- Copy of Law and Development: Facing Complexity in the 21st Century, edited by John Hatchard and Amanda Perry-Kessaris
- Significant discount on all CLEA publications

:: Membership application form

Please tick ✓

Individual membership (one year) (US\$80; £50) Individual membership (three years) (US\$190; £120)

Institutional membership (one year) (US\$240; £150) Institutional membership (three years) (US\$600; £400)

Title: _____ First name: _____ Surname: _____

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Tel: +44 (0)20 7747 6415 Fax: +44 (0)20 7747 6406 e-mail clea@commonwealth.int

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:: Essay Competition

The CLEA is pleased to announce the holding of the Third Commonwealth Law Students Essay Competition.

On this occasion, the topic is as follows:

“Over the coming years, the Commonwealth Legal Education Association will be assisting Commonwealth law schools to develop the law curriculum. In the light of your knowledge of the current law school curriculum, what specific proposals for its reform and improvement would you advocate to better equip law students to meet contemporary challenges? Your proposals can refer to either academic or professional/vocational training.”

Prizes are as follows:

1st: £750

2nd: £200

3rd: £50

The judges will be particularly looking for:

- > Originality of ideas
- > Feasibility of outcomes
- > Depth of research and analysis

The use of comparative Commonwealth materials will also be an advantage.

Further details are available from:

Dr Joe Silva Sri Lanka Law College, 244 Hulftsdorp Street, Colombo 12, Sri Lanka
Fax: (94) 1 436040, e-mail: locwal@slt.lk