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**COMMONWEALTH LEGAL EDUCATION ASSOCIATION
(CLEA) 2013 CONFERENCE**

**'LEGAL EDUCATION AND REGIONAL COOPERATION IN
THE COMMONWEALTH AND OTHER COMMON LAW
JURISDICTIONS'**

**HOSTED BY THE SCHOOL OF LAW
UNIVERSITY OF KWAZULU-NATAL (UKZN)**

PHOTO OF HOWARD COLLEGE

DATE

12-14 APRIL 2013

VENUE

HOWARD COLLEGE BUILDING, HOWARD COLLEGE CAMPUS,
UKZN

MESSAGE FROM THE PRESIDENT OF THE COMMONWEALTH LEGAL EDUCATION ASSOCIATION (CLEA)

It gives me great pleasure to welcome you all to the 2013 Commonwealth Legal Education Association (CLEA) Conference in Durban, South Africa, hosted by the School of Law, University of KwaZulu-Natal (UKZN) from 12-14 April 2013. It is a particular pleasure for me to welcome you on this occasion as Durban is my home town, and UKZN my Alma Mater and home University.

The theme of the Conference is 'Legal Education and Regional Cooperation in the Commonwealth and Other Common Law Jurisdictions', and the presenters have contributed to an interesting and varied programme. The topics to be discussed include different aspects of the globalization of legal education; legal education and regional cooperation; clinical legal education; human rights; preventing corruption and the misuse of public office and the role law teachers can play in combating it; access to justice; Islamic law in the curricula; and, two sessions on general topics.

Challenges in globalizing legal education and legal practice is coming more frequently under the spotlight, but no consensus has been reached, particularly in respect of how lawyers qualified in developing countries might have easier access to practice in the developed world. Clinical legal education in its many guises is playing an increasingly important role globally in the law curricula, and its value has been recognized by bar associations and law societies in a wide variety of jurisdictions. Global legal education is a phenomenon that has resulted in several major universities providing legal training outside their countries through correspondence, the use of the internet or the establishment of satellite campuses in other countries.

We hope that several of the papers from the Conference will be published in the *Journal of Commonwealth Law and Legal Education*, the official journal of CLEA, and others on access to justice and clinical legal education may be published, together with papers from a December Conference on the same topics held at UKZN, in a special issue of a South African journal.

I would particularly like to thank Professor John Mubangizi, Deputy Vice-Chancellor and Head of the College of Law and Management Studies, UKZN and Professor Managay Reddi, Dean of the School of Law, UKZN for agreeing to host and support the Conference when our sister universities in the Western Cape were unable to do so. I would also like to thank the members of the Organising Committee: Professor Reddi, Ms Caroline Narsiah, Ms Razia Amod, Ms Veronica Peter, Ms Hazel Langa, Ms Shellyn Nelson, and especially Ms Melanie Reddy for their assistance in organising the Conference. Our thanks are also due to Mr Njabulo Mazibuko of Students of Law for Social Justice, Mr Senzo Nzama of the Black Lawyers Association Student Organization and their members for helping out during the Conference.

Finally, I would like to thank our generous sponsors: the University of KwaZulu-Natal, Juta

and Co Ltd, LexisNexis, Oxford University Press and Street Law South Africa, who made it possible for us to make the Conference fee very affordable.

Once again gives me great pleasure to welcome you all to what I am certain will be a stimulating Conference. I urge those of you from outside South Africa not only to enjoy the Conference, but also to explore Durban and the cultural villages, beaches, mountains and game parks of the Zulu Kingdom of KwaZulu-Natal.

PROFESSOR DAVID McQUOID-MASON
President, Commonwealth Legal Education Association
Centre for Socio-Legal Studies
University of KwaZulu-Natal, Durban

12 April 2013

CONFERENCE PROGRAMME

FRIDAY 12 APRIL 2013

[16H30 Transport leaves from Blue Waters Hotel and Hostels for Howard College]

VENUE HOWARD COLLEGE BUILDING, UKZN

17H00 to 18H00

REGISTRATION

18H00-20H00

WELCOME COCKTAIL PARTY

Hosted by the School of Law, University of KwaZulu-Natal

WELCOME

Professor David McQuoid-Mason, President, CLEA, Centre for Socio-Legal Studies,
University of KwaZulu-Natal, Durban

Professor Managay Reddi, Dean of Law, University of KwaZulu-Natal

[20H00 Transport leaves from Howard College for Blue Waters Hotel and Hostels]

SATURDAY 13 APRIL 2013

[08H30 Transport leaves from Blue Waters Hotel and Hostels for Howard College]

09H00 to 09H45: Registration and Tea

VENUE HOWARD COLLEGE, BUILDING UKZN

09H45 to 11H00:

WELCOME AND OPENING ADDRESS VENUE: HC1

09H45 to 10h15:

WELCOME

Professor David McQuoid-Mason, President, CLEA, Centre for Socio-Legal Studies,
University of KwaZulu-Natal, Durban

Professor John Mubangizi, Deputy Vice-Chancellor and Head of the College of Law
and Management Studies, University of KwaZulu-Natal.

10H15 to 11H00:

OPENING ADDRESS

Justice R.M.M. Zondo, Constitutional Court of South Africa

11H00 to 11h15: MORNING TEA

11H15 to 12H30

PANEL DISCUSSION: GLOBALISATION OF LEGAL EDUCATION

Chair: Professor David McQuoid Mason, CLEA President, Centre for Socio-Legal Studies, Howard College, University of KwaZulu-Natal, Durban

Panel Members:

Professor Jenny Hamilton, Director, Undergraduate Laws Programme, University of London, United Kingdom

Professor Nick Johnson, Rector, Institute of Legal Practice and Development, Kigali, Rwanda

Professor Abdul Paliwala, University of Warwick, Coventry, United Kingdom

Professor Avrom Sherr, Director on Sabbatical, Institute of Advanced Legal Studies, University of London, United Kingdom

12H30 to 13H30 LUNCH

[VENUE: SEMINAR ROOM A - CLEA EXECUTIVE MEETING]

13H30 to 15H30

VENUE: HC 1

STREAM 1: LEGAL EDUCATION AND REGIONAL COOPERATION IN THE COMMONWEALTH AND OTHER COMMON LAW COUNTRIES

Chair: Professor Abdul Paliwala, University of Warwick, Coventry, United Kingdom

1. **Title:** *Going Mobile: Internationalisation of Staff, Students and Subject*
Presenter: Michael Bromby, Joint CLEA General Secretary, HEA Discipline Lead for Law, The Higher Education Academy, United Kingdom
2. **Title:** *Fostering a More Conducive Environment for Economic Development through Legal Education within and across Jurisdictional Borders*
Presenter: Dr The Honourable Christopher Malcolm, Attorney-General, British Virgin Islands
3. **Title:** *Revitalizing Legal Education through Legal Outreach: Need for Cooperation and Collaboration for a Promising Future*
Presenter: Professor S Sivakumar, Indian Law Institute, New Delhi, India.
4. **Title:** *Legal Education in a Virtual World – A Virtual Presentation (Online from the United Kingdom)*
Presenter: Associate Professor Clare Chambers-Jones, Bristol Law School, UWE, Bristol, United Kingdom
5. **Title:** *MOOCs: The London Experience*
Presenters: Professor Jenny Hamilton, Associate Professor Patricia McKellar and Pat Lockley, Legal Information Systems Developer, University of London, United Kingdom

15H30-15H45: TEA

15H45-17H15

VENUE: HC 1

STREAM 2: LEGAL EDUCATION IN THE COMMONWEALTH AND OTHER COMMON LAW COUNTRIES

Chair: Professor Jenny Hamilton, Director, Undergraduate Laws Programme, University of London

1. **Title:** *Breaking the Mould: Did the UK's Legal Education and Training Review go Far Enough?*
Presenters: Mr Deveral Capps, Lead Academic for the Uganda Project, Northumbria University, Newcastle-upon Tyne, and Ms Gemma Davies, Barrister, United Kingdom
2. **Title:** *Maintaining Standards in Law Schools: The Challenge Before Law Teachers*
Presenters: Rhoda Asikia Ige and Andrea Ajibade, Lecturers-in-Law, University of Lagos, Akoka Lagos Nigeria
3. **Title:** *Fact management and decision-making skills: adapting the Wigmorean chart for business law students*
Presenter: Mr Michael Connolly, Lecturer in Law, School of Law, University of Surrey, Guildford, United Kingdom
4. **Title:** *Interdisciplinary Education for Child Law Specialists: The Case for, and a Proposed Model*
Presenters: Professor F Noel Zaal, School of Law, University of KwaZulu-Natal and Professor Carmel R Matthias, Social Work, University of KwaZulu-Natal, Durban
5. **Title:** *A Time for Change? Developing Legal Education in Uganda*
Presenters: Mr Deveral Capps, Lead Academic for the Uganda Project, Northumbria University, Newcastle-upon Tyne, and Ms Gemma Davies, Barrister, United Kingdom
6. **Title:** *Restructuring Legal Education & the Pedagogical Reforms to produce Law Gladiators to face Global Competition*
Presenters: Prof. S. Sivakumar, Indian Law Institute, New Delhi, India and Dr. Seeja R. Kamalamma, Department of Law, Hamdard University, New Delhi

[17H45 Transport leaves Howard College for UShaka Marine World]

18H30 to 22H00

CONFERENCE DINNER AT MOYO'S RESTAURANT, USHAKA MARINE WORLD
Sponsored by Juta & Co Ltd, publishers

[22h15 Transport leaves UShaka Marine World for Blue Waters Hotel and Hostels]

SUNDAY 14 APRIL 2013

[08H30 Transport leaves from Blue Waters Hotel and Hostels for Howard College]

09H00 to 10H30

CONCURRENT PANELS

VENUE: HC 1

STREAM 3: CLINICAL LEGAL EDUCATION IN THE COMMONWEALTH AND OTHER COMMON LAW COUNTRIES

Chair: Professor Avrom Sherr, Director on Sabbatical, Institute of Advanced Legal Studies, University of London

1. **Title:** *Advocacy Skills as a part of Law School Curriculum: Transforming “Raw Law Graduate” to “Court Ready Practitioner”*
Presenter: Asha Gopalan Nair, Advocate, Supreme Court of India, New Delhi, India
2. **Title:** *Five Years of Clinical Legal Education in Ambrose Alli University, Ekpoma, Nigeria: Are We There Yet?*
Presenters: Professor CA Agbebaku and Mr Emmanuel Akhigbe, Faculty of Law, Alli University, Ekpoma, Nigeria
3. **Title:** *The impact of Street Law on law students as learners in the LLB course at the University of KwaZulu-Natal and as educators of law and human rights of high school children in Durban, South Africa. Some lessons from student experiences in recent years*
Presenter: Mr Lloyd Lotz, Lecturer, School of Law, University of KwaZulu-Natal, Durban
4. **Title:** *The Role of the Africa Justice Foundation in Building the Capacity of Government Lawyers to Promote Justice in Africa through Education, Skills Training and Work Placements*
Presenter: Mr Chris Lane, Africa Justice Foundation, London, United Kingdom
5. **Title:** *Assessing the importance of School clinics to realizing access to justice for the poor in Africa*
Presenter: Ebenezer Durojaye, University of the Western Cape, Cape Town, South Africa

6. **Title:** *Beyond the Dissertation to Community Projects for LLB Students: A Law Student's Report on a Community-based Project done as a Form of a Final Assessment for Completion of University Studies*

Presenter: Chiedza Simbo, Lecturer, North West University, Potchefstroom, South Africa

VENUE: HC 2

STREAM 4: HUMAN RIGHTS IN THE COMMONWEALTH AND OTHER COMMON LAW COUNTRIES

Chair: Professor Managay Reddi, Dean of Law, University of KwaZulu-Natal

1. **Title:** *Are Human Rights Enough? The CLEA Human Rights Curriculum and the Issue of Animal Welfare/Rights*

Presenters: Associate Professor Steve Pete and Ms Angela Crocker, Lecturer, School of Law, Howard College, University of KwaZulu-Natal, Durban

2. **Title:** *The State's Duty to Prosecute under the Principles of International Law and Human Rights*

Presenter: Jumoke Adegbonmire, Research Student, Kent Law School, Eliot College, University of Kent, Canterbury, United Kingdom

3. **Title:** *Looking beyond boundaries- developing a model Comparative Constitutional Law curriculum for India & South Africa*

Presenter: Ravi Prakash, Advocate, Supreme Court of India, New Delhi, India

4. **Title:** *Learning and Teaching about Realizing Human Rights: Lessons from South Africa's Constitution, Commons and Classroom*

Presenter: Mr Nathan Cooper, Lecturer, University of Lincoln, Lincoln, United Kingdom

5. **Title:** *Feminist Litigation as a Strategic Tool for Advancing Gender Justice: Teaching Gender and the Law at UKZN – A Reflective Discourse*

Presenter: Advocate Devina Perumal, Senior Lecturer, School of Law, University of KwaZulu-Natal, Durban

10H30 to 10H45 MORNING TEA

10H45-11H30

COMMONWEALTH LECTURE

Chair: Professor David McQuoid-Mason, President, CLEA, Centre for Socio-Legal Studies, University of KwaZulu-Natal, Durban

Title: *The Role of Law Teachers in Combating Corruption and the Misuse of Public Office: A Commonwealth Perspective*

Presenter: Professor Richard Nzerem , Secretary, CSAT
Commonwealth Secretariat Arbitral Tribunal, London, United Kingdom

11H30-13H15

CONCURRENT PANELS

VENUE : HC 1

STREAM 5: PREVENTING CORRUPTION AND THE MISUSE OF PUBLIC OFFICE: HOW CAN LAW TEACHERS ASSIST IN FIGHTING THE SCOURGE OF CORRUPTION IN THE COMMONWEALTH AND OTHER COMMON LAW COUNTRIES?

Chair: Professor David McQuoid-Mason, President, CLEA, Centre for Socio-Legal Studies, University of KwaZulu-Natal, Durban

1. **Title:** *Preventing Corruption and The Misuse of Public Office: How Can Law Teachers Assist in Fighting the Scourge of Corruption in the Commonwealth and other Common Law Countries?*
Presenter: Professor George Devenish, Senior Research Associate, School of Law, Howard College, University of KwaZulu-Natal, Durban
2. **Title:** *Preventing Corruption and the Misuse of Public Office: How can Law Teachers assist in Fighting the Scourge of Corruption in the Commonwealth and other Common Law Countries?*
Presenter: Dr Surender S Jaswal, Indian Law Institute, New Delhi, India
3. **Title:** *The War Against Corruption and Anti-Corruption Strategies in Nigeria: A Clinician's Perspective*
Presenter: Advocate Victoria Balogun-Fatokun, Lecturer, School of Law, University of KwaZulu-Natal, Pietermaritzburg
4. **Title:** *Preventing Corruption and Misuse of Public Office: Role of Law Teachers*
Presenter: Dr Ifidon Oyakhiromen, Dean of Law, National Open University of Nigeria, Lagos, Nigeria
5. **Title:** *Lessons from History: Why do Certain Emerging Democracies Provide Particularly Fertile Ground for the Abuse of Office by Public Officials and Other Forms of Corruption?*
Presenters: Professor Steve Pete and Mr David Hulme, Senior Lecturer, School of Law, Howard College, University of KwaZulu-Natal, Durban
6. **Title:** *The Role of Law Teachers in Preventing Corruption and Misuse of Public Office*
Presenter: Jean Chrysostome Kanamugire, Lecturer, Faculty of Law, Mafikeng Campus, North West University, Mafikeng

7. Title: *Police corruption in South Africa*

Presenter: Mr Shaka Yesufu, Department of Criminology, University of KwaZulu-Natal, Durban

VENUE: HC 2

11H30-12H15

STREAM 7: ACCESS TO JUSTICE

Chair: Professor Richard Nzerem , Director, Sir William Dale Centre for Legislative Studies, Institute of Advanced Legal Studies, London, UK

1. Title: *A Critical Analysis of Civil Legal Aid in South Africa*

Presenter: Mr Dave Holness, Director, Campus Law Clinic, Howard College, University of KwaZulu-Natal, Durban

2. Title: *Challenges in Drafting Legal Aid Legislation for Developing Countries with Limited Numbers of Lawyers and How to Meet Them*

Presenter: Professor David McQuoid-Mason, President of CLEA, Centre for Socio-Legal Studies, University of KwaZulu-Natal, Durban

12H15-13H15

STREAM 8: ISLAMIC LAW IN THE CURRICULA OF COMMONWEALTH AND OTHER COMMON LAW COUNTRY LAW SCHOOLS

Chair: Professor CA Agbebaku, Faculty of Law, Alli University, Ekpoma, Nigeria

1. Title: *Islamic Legal Education in Nigeria and Malaysia: Challenges and Prospects*

Presenter: Dr Abdulmumini Adebayo Oba, Senior Lecturer, Faculty of Law, University of Ilorin, Ilorin, Nigeria

2. Title: *Clinical Legal Education and Islamic Law in Commonwealth Jurisdictions: Prospects for Nigeria*

Presenter: Mr Abduallah Saliu Ishola, Lecturer, Department of Law, Kwara State University, Malete, Nigeria

3. Title: *Islamic Law in the curriculum of UKZN School of Law: challenges and solutions*

Presenter: Munirah Osman-Hyder, Lecturer, School of Law, University of KwaZulu-Natal, Durban

13H15 to 14H15 LUNCH

14H15 to 15h00

VENUE: HC 1

CLEA GENERAL MEETING – ALL WELCOME

Chair: Professor David McQuoid-Mason, President, CLEA

VENUE: HC 1

15H00 to 16H30

STREAM 8: GENERAL TOPICS

Chair: Associate Professor Patricia McKellar, University of London, United Kingdom

1. **Title:** *The Crime of Defamation – Is It Still Defensible in a Modern Constitutional Democracy?*
Presenter: Professor Shannon Hctor, School of Law, University of KwaZulu-Natal, Pietermaritzburg
2. **Title:** *Judicial Independence: Beyond the Horizon*
Presenter: Ms Thushara Rajasinghe, Resident Magistrate of the High Court of Fiji Islands, Suva, Fiji
3. **Title:** *Strict Liability for ‘Home-grown’ Cannabis (Dagga): Is it Constitutional?*
Presenter: Mr Dumile Baqwa, Lecturer, School of Law, University of KwaZulu-Natal, Durban
4. **Title:** *Do South Africa’s Smoking Laws go far enough to Protect the Right of Children to a Healthy Environment? A Critical Review of the Law Regulating Smoking in South Africa*
Presenter: Michael C Buthelezi, Lecturer, School of Law, University of KwaZulu-Natal, Durban

VENUE: HC 2

15H00 to 16H30

STREAM 9: GENERAL TOPICS

Chair: Dr Ifidon Oyakhiromen, Dean of Law, National Open University of Nigeria, Lagos, Nigeria

1. **Title:** *Corruption and Ethical Issues in Legal Education: The Need for a Global Watchdog*
Presenter: Mr Sunday Adabenege Ateiza, Lecturer, University of Abuja, Abuja, Nigeria
2. **Title:** *Tackling Corruption in Nigeria: Legal Education in Focus*
Presenter: Ms Francisca Anene, Lecturer, National Open University of Nigeria, Lagos, Nigeria

- 3. Title:** *Recent Developments in the South African Maintenance Laws: A Comparative Discussion through the Prism of the Australian Experience*
Presenter: Professor Marita Carnelley, School of Law, University of KwaZulu-Natal, Pietermaritzburg
- 4. Title:** *The Duty on Regional Court Magistrates to conduct Proceedings Inquisitorially when presiding over Un defended and Unopposed Divorce Matters.*
Presenter: Eben van der Merwe, Supervising Attorney, Campus Law Clinic, University of KwaZulu-Natal, Durban and Professor F Noel Zaal, School of Law, University of KwaZulu-Natal, Durban

VENUE: HC 1

16H30 to 17H00

CLOSING PLENARY

Chair: Professor David McQuoid-Mason, President, CLEA, Centre for Socio-Legal Studies, University of KwaZulu-Natal, Durban

[17H15 Transport leaves Howard College for Blue Waters Hotel and Hostels]

[CLEA8 2013 DRAFT PROGRAMME]