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EDITORIAL

This Newsletter comes to you after a successful and joyful Commonwealth Games held over eleven days in Glasgow (United Kingdom) in July and August 2014. This issue of the Newsletter is divided into three sections, beginning with ‘CLEA’, followed by reports and publicity pieces grouped under ‘The Commonwealth’ and concluding with ‘Legal Education’.

CLEA

At the start of this section are country and region reports from representatives and officers of CLEA in Nigeria, Southern Africa and Canada. They bring news of challenges to and developments in legal education in their respective jurisdictions.

After these reports, Joe Silva and Meera Furtado provide the details for the 5th Commonwealth Law Students Essay Competition, which has a closing date of 31st October 2014. There are cash prizes for the winners of first, second and third places and the essay topic requires students to consider the Commonwealth (Latimer House) Principles on the Three Branches of Government 2003 and safeguarding democracy and the rule of law in Commonwealth Countries.

The next CLEA Conference takes place at Glasgow Caledonian University in Glasgow, United Kingdom, from 9 -10 April 2015 and a publicity piece about this includes a call for papers. The first call for abstracts and expressions of interest will close on 30 September 2014, and further calls for papers may be made in late 2014 and in early 2015. The conference will have a number of strands, including: ‘Revisiting the Curriculum: Is creativity restricted or even required?’; ‘Embedding and recognising access, equality and diversity’; and ‘Cooperation v Competition: Globalisation v Localisation’. Delegates are also invited to submit abstracts on other topics of interest to the legal education community in the Commonwealth and Common law jurisdictions.

The Commonwealth

Patricia McKellar provides a helpful introduction to the Communiqué from the Meeting of Commonwealth Law Ministers and Senior Officials, Gaborone, Botswana, 5 - 8 May 2014. Patricia outlines why the Commonwealth Law Ministers Meeting is unique in world terms and describes its aims and the opportunities it creates. Patricia also highlights those areas where CLEA has interest and involvement and identifies paragraphs in the Communiqué which would of particular interest to CLEA members.
Keren Bright reports on the conference **Legal and Judicial Legacies of Empire**, which was held at the University of London on 17 June 2014. The speakers were of the highest calibre from across the Commonwealth and included former Attorneys General, Chief Justices and other senior members of the judiciary, professors and barristers. The conference covered topics such as the legacy of English law and other legal systems in the former Empire and after independence; the evolution of the courts; the negative legacy of old laws; human rights and the new Common Law of the Commonwealth.

There then follows a publicity piece for the Commonwealth Lawyers Association 19th biennial **Commonwealth Law Conference** which will be held in Glasgow, United Kingdom, from 12 – 16 April 2015. Taking place at the same time as the Commonwealth Law Conference is the **14th Commonwealth Moot**, which will also be held in Glasgow from 12 April 2015. The closing date for the registration of the mooting teams is 15th December 2014. If any person or organisation is interested in sponsoring the teams from developing countries, they should contact cleamoot@hotmail.co.uk.

**Legal Education**

Clare Chambers-Jones in her article **Virtual Worlds and Legal Education** outlines the educational potential and benefits of virtual worlds such as *Second Life*. Her article includes a number of screen shots which amply illustrate the points she makes. Clare has used *Second Life* for tutorials, debates, role plays, simulations, moots in a virtual courtroom, and for meetings with students.

I hope you enjoy this issue of the CLEA Newsletter and if you would like to contribute an article to a future issue, please contact me: Keren.Bright@open.ac.uk

*Keren Bright*

*The Open University Law School*

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The University of Ebonyi (Abakaliki State, Nigeria) hosted the 47th Annual Nigeria Law Teachers Conference (NALT) from 4 – 11 June 2014. The theme of the conference was ‘Nigeria at 100 years: Reviewing the Past, Projecting the Future’. The recurrence of strikes in universities across the country over several decades was the subject of some of the papers presented at NALT and discussions continued over the course of the week. The Academic Staff Union of Universities (ASUU) has battled with the government for several decades in an effort to arrest the decay and neglect suffered by government-owned universities. Unfortunately, the most recent effort of ASUU involved a six month strike that saw the closure of all government-owned universities across Nigeria from June 2013 to January 2014. Although lecturers returned to work in January, universities continue to suffer neglect and staff endure poor working conditions. However, university communities continue to thrive at a local level, arrange conferences and exchange ideas on how to improve the quality of legal education locally, without being left behind by the international community. It is to be hoped that following the NALT conference, our tomorrow will be better than our yesteryears.

Andrea Ajibade
Lecturer in Law
University of Lagos
Nigeria

The University of the Witwatersrand in Johannesburg hosted the 2014 Society of Law Teachers of Southern Africa (SLTSA) Conference from 13 -15 January 2014. The papers at the conference were presented mainly by South African academics, but some were also presented by participants from other Commonwealth countries such as Malaysia, Uganda, Botswana and Lesotho, as well as Zimbabwe and the United States of America. Foreign academics are always welcome to participate in SLTSA conferences.
SLTSA conferences enable academics to interact with colleagues who are specialists in similar fields as most of the sessions are subject specific, which often leads to lively debates. The conferences also provide an opportunity for young first time presenters to cut their teeth, and Oxford University Press awards a First Presenter’s Prize. The conferences are also generously sponsored by Juta & Co. Ltd and LexisNexis, both of which additionally hosted evening social events.

During this years’ conference, the subject sessions on the first day covered administrative law, international trade law, human rights, labour law, international law, constitutional law, clinical legal education and legal history. The next day dealt with constitutional law, legal education, civil procedure, social security, jurisprudence, evidence, environmental law and property law. The final day’s sessions involved family law, civil procedure, company law, intellectual property law, the law of obligations, tax law and insolvency law. The conference ended with the traditional Gala Dinner hosted by Juta & Co. Ltd.

Professor David McQuoid-Mason  
Centre for Socio-Legal Studies  
University of KwaZulu-Natal  
Durban  
South Africa

CANADA

Interesting things are happening in legal education in Canada. One of the toughest problems which the Law Society of Upper Canada (LSUC) (i.e. the Bar of Ontario) has attempted to grapple with lately is the articling crisis.

The dwindling number of articling positions for law graduates who intend to become practitioners had posed a serious challenge to the legal profession in Canada, as in many other common law jurisdictions with an articling component to the bar admission process. Until recently, waivers and shortened articles were the means by which the LSUC attempted to meet the challenge, but it was clear that these were only stop-gap measures. A more structured and inclusive approach was required. After a three-year Pathways Pilot Project, the LSUC has announced new and innovative paths to lawyer licensing, designed to respond proactively to the changing legal landscape and remove barriers to licensing created by the shortage of articling placements. The new licensing program comprises a
Law Practice Program (LPP) and an enhanced Articling Program. Candidates for lawyer licensing may now choose to either article or complete the LPP. Both paths provide experiential skills-based training to ensure the required competencies for entry-level practice are met. Ryerson University in Toronto will provide the LPP in English, and the University of Ottawa will deliver the French LPP. The LPP and articling pathways will be evaluated over a three-year period to determine how they achieve the required entry-level competencies.

In addition to these two options, the LSUC has also approved a third option for fulfilling the experiential training component of its licensing requirements: the Integrated Practice Curriculum. This is offered by Lakehead University as part of its law degree program. Lakehead University’s unique law degree program is the first of its kind in Canada, and it is beginning to attract the attention of several other law schools. Other provincial Bars in Canada are also taking a closer look at the LPP. Although the articling crunch has not quite hit other provinces as hard as it has Ontario, the approach to defusing it which Ontario has adopted would appear to provide a potentially useful template for other jurisdictions.

Professor Paul D Ocheje
Faculty of Law
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Canada
CLEA Commonwealth Law Students Essay Competition 2014

The CLEA is pleased to announce the fifth Commonwealth Law Students Essay Competition. On this occasion, the essay title is as follows:

“Can the Commonwealth (Latimer House) Principles on the Three Branches of Government 2003 serve as an effective framework for safeguarding democracy and the rule of law in Commonwealth Countries?”

Critically discuss to what extent the above statement is true.

£1000 of cash prizes in total will be awarded and divided between the winners of first, second and third places. The winning entry will be published in the Newsletter of the Commonwealth Legal Education Association and may also be published in the Journal of Commonwealth Law and Legal Education.

The competition is open to any students studying towards an undergraduate degree in law at a university, college or equivalent institution in a Commonwealth country. Students of both full-time and part-time law degree programmes are eligible. All entries must address the essay title of this year’s competition and not exceed 2,500 words (excluding footnotes and bibliography).

All entries should be sent by email to the following email address on or before the 31st of October 2014: clea.essaycompetition@gmail.com. The closing date and detailed rules applicable to the essay competition will be posted on CLEA website: http://www.clea-web.com/

Further details are available from:
Essay Co-ordinators:clea.essaycompetition@gmail.com.
The Commonwealth Legal Education Association invites law teachers and practitioners from around the Commonwealth and other Common law jurisdictions to submit abstracts of papers (of not more than 500 words) for this forthcoming conference. The first call for abstracts and expressions of interest will close on 30 September 2014, and further calls for papers will be made in late 2014 and in early 2015, subject to the availability of spaces within the conference programme. Acceptances will be intimated within three weeks of receipt.

The Conference Dinner will include traditional Scottish Ceilidh Dancing and a post-conference tour to Loch Lomond and the Auchantoshan Distillery will take place after the conference has closed.
Conference Themes

Commonwealth countries share certain common legal traditions, but how far do the similarities extend to cross-border education and professional mobility. Transnational issues facing legal education within the Commonwealth include aspects of co-operation and competition between law schools, regulation of and access to the legal profession and disruption arising from changing pressures placed on teaching institutions. Will the traditional notion of universities become obsolete in the 21st Century and how will law schools in the Commonwealth deal with change?

The conference will comprise a series of strands which will include, but are not restricted to, the following themes:

1. *Revisiting the Curriculum. Is creativity restricted or even required?*
   This will enable participants to share their experiences in, or future hopes for, developing the curriculum and designing creative practice in legal education and pedagogy in the Commonwealth and other Common law countries. Aspects to consider may be to what extent should law students be exposed to the law of jurisdictions other than their own and to disciplines other than law.

2. *Embedding and recognising access, equality and diversity.*
   This is a general topic that will enable participants to discuss a broad range of contemporary legal education issues relating to access to justice and human rights in the Commonwealth and other Common law countries.

3. *Cooperation v Competition: Globalisation v Localisation*
   In light of recent pressures to open up legal professional services to global competition, how do we tailor legal education to meet these requirements? Papers might reflect on the approach taken by law schools and institutions within the Commonwealth and how transnational relationships develop and progress in both Commonwealth and other Common law country law schools.

Delegates are also invited to submit abstracts on other topics of interest to the legal education community in the Commonwealth and Common law jurisdictions.

Please send your abstract of 500 words to [EasyChair](http://example.com) indicating which authors will attend to deliver the paper at the conference. You can access EasyChair via this web page: [www.clea-web.com/events-conferences/glasgow-2015/2015-call](http://www.clea-web.com/events-conferences/glasgow-2015/2015-call)
**Poster Competition:** There will be a poster competition and delegates are invited to submit entries for this event. More details are on the CLEA website: www.clea-web.com

The conference will be preceded by a Commonwealth Lecture on Wednesday 8th April 2015, immediately prior to the conference registration and welcome reception.

**Conference Registration Fees:** Developing Countries £75 GBP; Developed Countries £250 GBP

A variety of accommodation options are available and recommended conference hotels will be listed on the Glasgow 2015 conference page (www.clea-web.com/events-conferences/glasgow-2015/2015-call/).

The conference organiser is Michael Bromby and he can be contacted at m.bromby@gcu.ac.uk.
The Commonwealth Law Ministers and Senior Officials met in May 2014 in Gaborone in Botswana. The Commonwealth Law Ministers Meeting (CLMM) is unique in the legal calendar. It is the only high-level event to bring together law ministers and Attorneys General from both developing and developed countries from every continent in the world. The aim of the CLMM is to facilitate information sharing, best practice and collaboration among countries who share a common legal tradition. The event provides an opportunity to discuss important law and justice issues affecting Commonwealth citizens, and to continue regional and international advocacy on issues of common concern.

The meeting was chaired by the Honourable Dikgakgamatso Ndelu Seretse, Minister of Defence, Justice and Security of Botswana. The theme for the meeting this year was: ‘Consolidating the rule of law and human rights in the Commonwealth’. The new Director of the Legal and Constitutional Affairs Division at the Commonwealth Secretariat, Ms Katalaina Sapolu, also attended the meeting. The meeting discussed among other things consolidating the rule of law and human rights, enhancing international civil legal cooperation, legislative drafting and international criminal Justice.

The Cybercrime recommendations, which have been supported by CLEA, were adopted by ministers during the meeting. (http://thecommonwealth.org/media/news/law-ministers-adopt-cybercrime-recommendations-botswana-meeting) CLEA has also been involved in the Latimer House Working Group and report. During the meeting Ministers agreed to mandate the Secretariat to prepare a paper on the implementation of the Latimer House Principles in the Commonwealth for consideration at the next Law Ministers’ Meeting. The Secretariat was asked to consult widely with member countries and with the Latimer House Working Group during the preparation of this report.

CLEA have an opportunity to present an Activity Report to the CLMM, but it is not always possible to do this in person. The report, which was submitted in February of this year, was presented for us by the representative for the Commonwealth Association for Law Reform Agencies, Michael Sayer. More information on the meeting can be found here http://thecommonwealth.org/media/event/commonwealth-law-ministers-meeting-2014
We have reproduced the Final Communiqué following the CLMM in this newsletter to give a full flavour of what was discussed during the meeting. Paragraphs of the Communiqué of particular relevance to the CLEA are: (2) dealing with the Latimer House submission; (14-16) dealing with the modalities of civil society engagement; and (29) dealing with the reports of the partner organisations. The CLEA will be playing a full part in consultations with the Secretariat in the preparation of the report on the implementation of the Latimer House Principles.

*Patricia McKellar*

*Associate Director*

*University of London Undergraduate Laws Programme*

*London, UK*

**Meeting of Commonwealth Law Ministers and Senior Officials**

**Gaborone, Botswana: 5 - 8 May 2014**

**FINAL COMMUNIQUÉ**

1. Commonwealth Law Ministers met in Gaborone, Botswana from 5 to 8 May 2014. The meeting was attended by Law Ministers and Attorneys General from 28 countries. An opening ceremony was addressed by His Honour the Vice-President of the Republic of Botswana, Dr Ponatshego Kedikilwe, and by the Commonwealth Secretary-General, H E Kamalesh Sharma. In opening the business meetings, the Secretary-General acknowledged the great contribution made by Botswana not only to this Meeting but to advancing the values of the Commonwealth. The Meeting elected the Hon. Dikgakgamatso Ndelu Seretse, Minister of Defence, Justice and Security of Botswana as the Chairperson.

**AGENDA**

2. As a paper by the Latimer House Working Group was not presented by Senior Officials to Ministers, due to the fact that Senior Officials could not reach a consensus on the paper, it was agreed that, rather than as a separate agenda item, Ministers could raise the Commonwealth (Latimer House) Principles in their discussions throughout the agenda wherever relevant. Ministers later, during the presentation of the report by the Commonwealth Magistrates’ and Judges’ Association (CMJA), agreed to mandate the Secretariat to prepare a paper on the implementation of the Latimer House Principles in the
Commonwealth for consideration at the next Law Ministers’ Meeting. In preparing the paper, the Secretariat should consult widely with member countries and with the Latimer House Working Group.

LEGAL WORK OF THE SECRETARIAT
3. The Meeting received a report on the work undertaken by the Secretariat on the rule of law since the last Meeting of Law Ministers in 2011. The Meeting welcomed Ms Katalaina Sapolu, who joined the Secretariat as Director of the Legal and Constitutional Affairs Division in December 2013. The report mentioned the adoption of the new Strategic Plan for 2013/14 - 2016/17, which aims at focusing the Secretariat’s activities in order to reflect its comparative advantages and resources and to ensure more sustainable impacts. The structural changes taking place across the Secretariat, as well as their impact on the Legal and Constitutional Affairs Division, were explained to Ministers. From 1 July 2014, when the new structure becomes effective, the Division will be called the Rule of Law Division. The Division continued to deliver programmes of a high standard in a wide range of areas. The report was adopted.

CONSOLIDATING THE RULE OF LAW AND HUMAN RIGHTS IN THE COMMONWEALTH
4. Ministers received papers addressing the theme chosen for their Meeting, ‘Consolidating the Rule of Law and Human Rights within the Commonwealth’.

Historical Overview of Human Rights in the Commonwealth
5. This paper covered selected aspects of the history, successes and challenges in regard to human rights in the Commonwealth. It underscored the increased focus given to human rights by the Commonwealth Charter, CHOGM Communiqués and the new Strategic Plan of the Secretariat. The paper presented successes, challenges and gaps in the ratification of the nine core international human rights treaties, engagement with the United Nations Universal Periodical Review (UPR) mechanism and the establishment and strengthening of national human rights institutions compliant with the Paris Principles. Ministers were encouraged to utilise the services of the human rights experts and office space available at the Commonwealth Small States Office in Geneva, especially small states who would otherwise not have a presence in Geneva. They were also encouraged to engage with the Secretariat in regard to their technical assistance requirements to prepare for the UPR and to implement accepted UPR recommendations and the establishment and strengthening of national human rights institutions compliant with the Paris Principles. They expressed support for the Secretariat’s work in the field of human rights and endorsed the paper.
Judicial Independence and Economic Development

6. Ministers received a paper by the former Chief Justice of Botswana, the Hon. Julian Mukwesu Nganunu, which explored the relationship between the independence of the judiciary as being essential to upholding the rule of law, and economic development. It identified the components of judicial independence and the impact that independent and effective courts can have in ensuring an enabling environment for economic development. In that context, it emphasised the use of the judicial review mechanism and the role of the courts in ensuring equality and combating corruption. Ministers shared information about recent developments in their countries, including improved appointment procedures and the establishment of specialised commercial courts. Ministers acknowledged the importance of an independent judiciary. They also stressed the need for increased judicial accountability in order to ensure judicial integrity, competence and efficiency. Ministers requested the Secretariat to carry out further work on the link between the rule of law, the independence of the judiciary and sustainable economic development. They also supported the Secretariat’s role in strengthening judicial systems and the independence, competence and integrity of the judiciary.

The Rule of Law and the Post-2015 Development Agenda

7. The Meeting recalled that, at the Commonwealth Heads of Government Meeting held in November 2013 in Colombo, Sri Lanka, Commonwealth Heads of Government endorsed the intergovernmental process to be launched at the 69th Session of the United Nations General Assembly to develop and agree on a Post-2015 Development Agenda. Commonwealth Heads of Government also decided to constitute an open-ended High-Level Working Group to identify shared Commonwealth perspectives and recommendations through a Commonwealth Statement on the Post-2015 Development Agenda. The paper presented to Ministers reviewed the global discussions around the Post-2015 Development Agenda and outlined the various facets of the rule of law under the Commonwealth Charter and how they relate to development. Ministers agreed that there is a link between the rule of law and sustainable development, which ought to be strengthened, and that the rule of law should be integrated into the Post-2015 Development Agenda. Ministers mandated the Secretariat to prepare on their behalf a paper setting out a draft contribution to the Commonwealth Statement on the Post-2015 Development Agenda and to circulate it within two weeks of this meeting for their consideration and comments.
ENHANCING INTERNATIONAL CIVIL LEGAL COOPERATION IN THE COMMONWEALTH

8. Ministers recalled their 2011 meeting at which they requested the Secretariat to develop a proposed scheme on international civil cooperation. Further to that mandate, a paper analysing the possibility of establishing such a scheme was presented to Senior Officials at their meeting in September 2013. Ministers received a revised paper and decided that work should not be undertaken to develop a Commonwealth scheme, as most of the matters that might be covered under the scheme were already the subject of the existing Hague Conventions on Service Abroad, on Taking Evidence Abroad and on the Abolition of Legalisation. Ministers agreed to the following recommendations:
(a) that Commonwealth member states which were not already parties to the Hague Conventions on Service Abroad, on Taking Evidence Abroad and on the Abolition of Legalisation, be invited to consider taking steps to have possible accession to those Conventions;
(b) that their governments consider ensuring that their national law makes adequate provision for taking evidence in response to requests from other states (whether under the Hague Convention on Taking Evidence Abroad or in response to requests outwith that Convention) including, as appropriate, the use of audiovisual technology;
(c) that their governments consider ensuring that their courts have the power in appropriate cases to make interim orders in support of proceedings elsewhere;
(d) that their governments consider including in their national law provisions on obtaining copies of entries and decisions, security for costs and safe conduct, similar to those in the Hague Convention on International Access to Justice but applied with respect to other Commonwealth states.

DRAFT MODEL LAW ON RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS IN THE COMMONWEALTH

9. Ministers considered a draft Model Law on the Recognition and Enforcement of Foreign Judgments. At their meeting in 2005, Ministers had asked the Secretariat to review the intra-Commonwealth arrangements for the recognition and enforcement of foreign judgments. Since then, the Secretariat has undertaken work in pursuance of that mandate, including the drafting of a model law as requested by Senior Officials at their 2010 meeting. The draft model law draws on the work of the Hague Conference on Private International Law and of law reform agencies in a number of Commonwealth countries. It proposes changes to the current intra-Commonwealth arrangements and could be used by governments as a basis for reform of their legislation in this area. Ministers noted that further discussion was necessary on some provisions of the draft model law. They mandated the Secretariat to
take appropriate steps to produce a final draft of the Model Law for consideration at the
next meeting of Senior Officials and to consider other ways in which member states
might improve the means of recognition and enforcement of judgments of other
Commonwealth Member States, including the suitability of the Hague Convention on
Choice of Court Agreements.

ADDRESSING VIOLENCE AGAINST WOMEN IN THE COMMONWEALTH
10. Ministers received a paper on addressing violence against women in the
Commonwealth, which contained a series of detailed recommendations for their
consideration, on, *inter alia*, the content of national legislation, the need for a national
strategy for the prevention, prosecution and punishment of violence against women, and
relevant training for police, prosecutors and judges. Ministers shared information on the
progress made in their jurisdictions in developing national legislation and establishing
institutions to address the problem of violence against women. They also highlighted the
challenges experienced in enforcing some provisions of their national laws. They recognised
that law reform was not sufficient in itself to address violence against women and that a
holistic, multisectoral and comprehensive national strategy was essential. In that regard,
attention must be given to the importance of national and regional particularities and various
historical, cultural and religious backgrounds and taking into account the fundamental values
expressed in the Commonwealth Charter.

11. Ministers expressed their support for gender mainstreaming of the law and the need for
closer co-operation between Law Ministries, the judiciary, national women’s machineries and
other agencies. They welcomed the integrated approach adopted within the Secretariat to
address issues of violence against women. Ministers accepted the recommendations in the
paper and mandated the Secretariat to continue to support member countries in
implementing the recommendations within the context of its ongoing technical assistance
and capacity-building programmes.

INTERNATIONAL JUDICIAL DEVELOPMENT ASSISTANCE
12. At their 2011 Meeting, Ministers mandated the Secretariat to establish a clearing house
to facilitate international judicial development assistance. They received a paper which
contained proposals for the establishment of the clearing house and the framework within
which it might operate. The paper emphasised that the clearing house would contain details
of judicial education programmes designed to benefit judicial officers at all levels. There
would be an emphasis on the needs of small jurisdictions. The aim of the clearing house
would be to coordinate information on existing judicial development assistance programmes
and requests for assistance from Commonwealth countries. The success of the clearing house would depend upon governments publicising the existence of the clearing house amongst their judiciaries and their making good use of it. Ministers reiterated that such a project would be of great assistance to member countries. They agreed to approve the establishment by the Secretariat of the clearing house on the terms proposed in the paper for a trial period of three years, after which an evaluation would be conducted.

**LEGISLATIVE DRAFTING: A COMMONWEALTH LEGISLATIVE DRAFTING HANDBOOK**

13. At their Edinburgh Meeting in 2008, Ministers had recommended the development of legislative drafting and style manuals and guidelines on the legislation process. A draft Commonwealth Legislative Drafting Handbook, building on regional documents produced for the African and Pacific regions, was presented to Ministers. Ministers welcomed the production of a Handbook as a valuable resource in legislative drafting across the Commonwealth and as a guide in encouraging member countries to devise their own local legislative drafting manuals, guidelines or handbooks. Ministers acknowledged that the Handbook was still in a draft form and that consultations with relevant stakeholders, including the Commonwealth Association of Legislative Counsel, would be carried out. The problem of retention of legislative drafters was also highlighted. Ministers –

(a) endorsed the idea of having a Commonwealth Legislative Drafting Handbook and mandated the Secretariat to continue with its finalisation;

(b) approved that consultations with relevant stakeholders be carried out on the Handbook, that the Handbook be reviewed in the light of comments received and that the revised Handbook be considered by Senior Officials at their next meeting;

(c) resolved that local legislative drafting manuals, guidelines or handbooks reflecting their own particular local processes and in-house styles will be devised as soon as possible for use in drafting offices in their respective countries, where these do not already exist.

**MODALITIES FOR CIVIL SOCIETY ENGAGEMENT WITH COMMONWEALTH LAW MINISTERS**

14. At the 2011 Meeting in Sydney, Australia, Ministers received a paper which outlined proposals for Civil Society engagement with Law Ministers. No consensus was reached at the 2011 Meeting. In 2012, Senior Officials reached agreement on the principles to be recommended to Ministers and a paper setting out those principles was considered by Senior Officials at their Meeting in 2013. A revised paper, incorporating the amendments suggested by Senior Officials at their meeting on 5 May 2014, was presented to Ministers and adopted.
15. Ministers acknowledged that civil society could have a valuable role in an open and transparent democratic process and, as recognised in the Commonwealth (Latimer House) Principles, a role in the implementation of the Commonwealth’s fundamental values. They welcomed the fact that steps were being taken to strengthen the current Commonwealth process for accrediting CSOs. Ministers noted that it was critical that CSOs were transparent as to their sources of funding and influential stakeholders.

16. Ministers agreed on modalities that would govern their own future practice in their engagement with civil society. Under these modalities, the partner organisations of the Secretariat would be able to provide input to the agendas for the Senior Officials’ and Law Ministers’ Meetings. They could also submit substantive papers on issues to be discussed where invited and appropriate. They would continue to be accredited as observers for the duration of the relevant meeting. They would be permitted to submit a written report and would be allowed to make an oral presentation on their activities in the intervening period as a substantive part of the meeting. Accredited CSOs wishing to attend the Law Ministers’ Meeting in respect of a particular item would have to apply to the Secretariat for special permission to do so, giving reasons for their application. The Secretariat, in consultation with Senior Officials, might then invite them to attend the meeting. Accredited CSOs wishing to make written submissions to Law Ministers would similarly apply to the Secretariat, and the Secretariat, in consultation with Senior Officials, might circulate those submissions. Where the Law Ministers’ Meeting was of the view that it would assist its deliberations, it could (a) on its own motion; or (b) upon application by any person or organisation to the Commonwealth Secretariat and with the recommendation of Senior Officials, allow any person or organisation to place written submissions before it and/or make a short intervention at its meeting.

INTERNATIONAL CO-OPERATION IN CRIMINAL MATTERS

17. The Secretariat had pursuant to a mandate given by Law Ministers in 2011: (a) developed model legislation to assist member countries on domesticating, if they so wish, provisions of the revised Scheme relating to Mutual Assistance in Criminal Matters within the Commonwealth (the Harare Scheme); (b) developed and delivered capacity-building initiatives, in particular on the interception of telecommunications and asset recovery; and (c) formulated a five-point action plan to reinvigorate the Commonwealth Network of Contact Persons (CNCP). The Meeting took note of the Secretariat’s report on the delivery of the 2011 mandate. They commended and approved the Secretariat’s proposed strategy on international cooperation with its focus on small and more vulnerable member states. Ministers recognised the Commonwealth’s long-standing record as well as its comparative
advantage in this area. They expressed their appreciation for the assistance given by the Commonwealth Secretariat as they discussed the needs, challenges and expectations in matters of international co-operation.

18. Ministers endorsed the Commonwealth Model Legislation on Mutual Legal Assistance. It was also emphasised that the Model Legislation, like the Harare Scheme itself, was not mandatory and its existence did not in itself provide a legal basis for requesting assistance. Commonwealth countries are at liberty to adopt, modify or disregard any provisions which are incompatible with the domestic policies and laws of member countries. In addition, some parts of the Model Legislation were specifically designated as optional, in particular the provisions relating to the interception of telecommunications and asset recovery. Ministers noted that other parts are either not included in or diverge from the Harare Scheme. These should be clearly identified in notes or guides to the Model Legislation. Ministers also sought clarification in the Model Legislation that the application of the Model Legislation to civil procedures should be related to an underlying criminal matter. This should be clearly identified in an explanatory note to the Model Legislation. Ministers also approved the dissemination of the Commonwealth Manual on international cooperation in criminal matters as well as the Secretariat's proposed programme of work and the five-point action plan on CNCP.

**CYBERCRIME**

19. Pursuant to a mandate given at the 2011 Meeting of Law Ministers, the Secretariat established a Commonwealth Working Group of Experts on Cybercrime. Ministers received the report of the Working Group which presents the findings of experts and detailed, in relation to cybercrime: its magnitude, current trends, the practical implications of cybercrime, the Commonwealth Cybercrime Initiative (CCI) and the way forward. It was stressed that cybercrime was a global matter and any weak link provided opportunities for criminals. Prevention was of crucial importance. The effort to combat cybercrime required collaboration with a wide range of national, regional and international organisations, and with the private sector and civil society. This would maximise the effectiveness of technical assistance, for which there was a great need, and avoid duplication. Ministers endorsed the recommendations of the report, which included that: (a) every Commonwealth jurisdiction should have up-to-date and comprehensive legal framework; (b) should be encouraged to bring their laws into line with the Commonwealth Model Law on Computer and Computer-Related Crime and the revised Harare Scheme; and (c) to accede, where practicable, to the Council of Europe Convention on Cybercrime (the Budapest Convention) and/or consider becoming Party to other regional or international cybercrime conventions and participating in
other initiatives to ensure co-ordinated action against cybercrime. This would be subject to the availability of funds. The Meeting noted that the CCI governance structure had been strengthened. It endorsed the CCI methodology and agreed that Member States should support it and engage with it.

20. Ministers recognised that the Commonwealth was leading the way in developing mechanisms to combat cybercrime. They approved the report of the Working Group and the Secretariat’s programme of work in tackling cybercrime.

STRATEGY TO COMBAT CORRUPTION AND RELATED ECONOMIC AND FINANCIAL CRIMES
21. Ministers had adopted in 2005 in Accra the Commonwealth strategy against corruption at their Meeting and had re-affirmed it in 2008 in Edinburgh. The Meeting welcomed a report of the work of the Secretariat in implementing the strategy. Ministers acknowledged the threat that corruption posed to democracy and expressed their concern at the role of foreign entities in corrupt practices and tax evasion. They shared information on positive developments in their countries, including the implementation of the United Nations Convention against Corruption (UNCAC). The Meeting endorsed the Secretariat’s programme of continuing work to: (a) develop and deliver technical assistance and capacity building, in a sustainable manner, to member countries, in particular small and vulnerable jurisdictions, in collaboration with other international and regional organisations with similar mandates; (b) provide, on request, and in collaboration with relevant agencies, mentoring and placements to assist member countries in the implementation of best practice; and (c) conduct needs assessments as necessary to facilitate requests for assistance. Ministers stressed that this programme should be complementary to and not duplicate programmes undertaken by other organisations.

VICTIMS OF CRIME IN THE CRIMINAL JUSTICE PROCESS
22. Ministers received a report on the work of the Secretariat in fulfilment of the mandate given by Ministers in 2011 in respect of good practice in the support and protection of victims/witnesses. Although the mandate was now complete, Ministers reported developments in their jurisdictions and agreed that the issue continued to be important. The Meeting approved action by the Secretariat to continue to promote best practice in witness and victim assistance and protection measures in ongoing technical assistance and capacity-building programmes, where it is relevant and needed. Ministers accepted the recommendations in the report and invited member countries which had yet to do so to take
action, within their resources, in terms of national policies and practice, legislation and capacity building to provide assistance, support and protection of victims and witnesses.

**PROSECUTION DISCLOSURE OBLIGATIONS**

23. At their 2011 meeting, Ministers mandated the Secretariat to continue dissemination of the model legislation and guidance on prosecution disclosure obligations in facilitating capacity building and technical assistance over the following 12 to 18 months. The Meeting noted that prosecution disclosure practice was evolving with fresh statutory provisions or rules of court in some countries. The application of the model legislation and guidance needed to take account of new developments and local circumstances, and issues had arisen where very large databases contained data that had to be disclosed. Ministers received a report on work undertaken by the Secretariat and noted that this mandate had been completed, but agreed that the Secretariat should continue to promote best disclosure practice in ongoing technical assistance and capacity-building programmes, where it is relevant and needed. The Meeting invited member countries that had, as yet, not addressed this issue, to draw on the model disclosure legislation and guidelines as necessary and appropriate.

**THE COUNTER-TERRORISM PROGRAMME**

24. Ministers received a report on the work undertaken by the Secretariat in respect of counter-terrorism, which followed the Commonwealth Plan of Action on Terrorism (CPAT). The Meeting accepted its recommendations that the Secretariat continue to base any counter-terrorism work on the revised CPAT, and that such work be carried out only in instances where the Commonwealth had a comparative advantage and in close collaboration with relevant national, regional and international agencies. Ministers invited the Secretariat to facilitate targeted technical assistance and capacity building in response to regional needs and requests from member countries, in the Secretariat’s interconnecting rule of law and justice mandates and programmes.
INTERNATIONAL CRIMINAL JUSTICE AND INTERNATIONAL HUMANITARIAN LAW

25. Ministers recalled the mandate given to the Secretariat at their 2011 Meeting to develop and implement programmes in member states to promote the revised Commonwealth Model Law to Implement the Rome Statute, which was adopted at that meeting. The Meeting received and approved a report containing recommendations that the Secretariat continue its work in disseminating information and providing assistance upon request in this area. Ministers approved the Secretariat’s proposed future work, including activities to develop the knowledge and skills of young lawyers in international criminal justice, and the use of online facilities such as Commonwealth Connects to create networks.

INTERNATIONAL CHILD ABDUCTION

26. Ministers received a paper updating them on the Hague Conventions on child abduction and child protection, including initiatives such as the International Hague Network of Judges and the Malta Process. The Malta Process aims at addressing the differences between Islamic legal systems and other legal systems. Ministers were also presented with the accompanying report on action taken by the Secretariat. The report proposed future action by the Secretariat in collaboration with other relevant organisations in order to increase participation of Commonwealth judges in the International Hague Network of Judges and the proposed network of judges of Commonwealth and common law jurisdictions. The report also proposed that the Secretariat provide assistance upon request to countries regarding accession to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction. Ministers agreed to the recommendations and mandated the Secretariat to undertake the proposed programme of work.

INFORMATION PAPERS


REPORTS RECEIVED

28. Ministers received and took note of a number of reports. These were reports:

(a) on the activities of the Gender Section of the Social Transformation Programmes Division of the Secretariat;
(b) on the activities of the Human Rights Unit of the Secretariat. Ministers expressed gratitude for the assistance provided by the Human Rights Unit and shared examples of human rights institutions in place in their jurisdictions;
(c) on the activities of the Secretariat in the field of maritime boundaries, oceans governance and the extractive industries;
(d) on the work of the International Committee of the Red Cross on the promotion and implementation of international humanitarian law;

REPORTS FROM PARTNER ORGANISATIONS
29. Ministers received and noted reports from the Secretariat’s partner organisations:
(a) the Commonwealth Association of Law Reform Agencies (CALRAs);
(b) the Commonwealth Magistrates’ and Judges’ Association (CMJA);
(c) the Commonwealth Lawyers Association (CLA);
(d) the Commonwealth Judicial Education Institute (CJEI);
(e) the Commonwealth Association of Legislative Counsel (CALC);
(f) the Commonwealth Legal Education Association (CLEA).
Conference Report: Legal and Judicial Legacies of Empire

This conference was held at the University of London on Tuesday 17 June 2014 and covered topics such as the legacy of English law and other legal systems in the former Empire and after independence; the evolution of Courts; the negative legacy of old laws; human rights and the new Common Law of the Commonwealth. The conference was the sixth in a series on topics relating to the period of British colonial rule and its consequences for most of today’s Commonwealth countries since their independence.

The conference was arranged by the Institute of Commonwealth Studies (ICwS), University of London, together with the Institute of Advanced Legal Studies (IALS), the Commonwealth Magistrates’ and Judges’ Association (CMJA), the Commonwealth Legal Education Association (CLEA), and the Overseas Service Pensioners’ Association (OSPA). Those speaking at the conference and those participating in it, came from many countries across the Commonwealth.

One representative of CLEA was a panellist at this conference, Professor John Hatchard (Vice-President of CLEA), and two representatives chaired sessions, Dr Peter Slinn (Vice-President of CLEA) and Patricia McKellar (Joint General Secretary of CLEA).

The conference began with a keynote speech from The Rt Hon The Lord Judge, PC, QC (former Lord Chief Justice of England and Wales) on the subject of the Magna Carta and its echoes in other constitutional documents in England, the United States, Commonwealth countries and internationally. Lord Judge read out clauses 39 and 40 of the Magna Carta.

(39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.

(40) To no one will we sell, to no one deny or delay right or justice.

Magna Carta or the 'Great Charter' has been the source of inspiration for many legal ideas. What was unique about Magna Carta was the affirmation of an enforcement system which could be enforced on earth rather than in heaven: the king did not rule by divine right and he made himself subject to a series of legal obligations and provisions. The barons were
entitled to notify the king of a transgression which, during the period of the transgression, also entitled them to waive their obligations of fealty (a promise of faithfulness or allegiance) and obedience to the king. This waiver did not, however, legitimise the abdication or assassination of the king. Lord Judge traced the inheritance of Magna Carta in England and Wales to the Petition of Right (1628) and the Bill of Rights (1688).

Lord Judge also noted the echoes of Magna Carta, the Petition of Right and the Bill of Rights in the American Bill of Rights (1781), the Universal declaration of Human Rights (1948), the European Convention of Human Rights (1950) and in constitutional documents in countries across the Commonwealth. Indeed, Eleanor Roosevelt referred to the Universal declaration of Human Rights as the 'International Magna Carta'.

**Session 1: The application of English law and other legal systems in the Empire and after Independence.**

**The Hon Mahapela Lehohla, OMMOM** (former Chief Justice of Lesotho) spoke of the DNA of the Common Law and noted the contribution of the Westminster parliamentary model, the jury system (which has Germanic roots), the law of evidence, the doctrine of binding precedent, shipping law and commercial law - alongside the operation of the customary law of indigenous peoples of sub-Saharan countries and Roman-Dutch law.

**Professor John Hatchard** (University of Buckingham and the Open University, Vice-President of CLEA) made a strong plea for the review and reform of the rules of evidence. He gave an example from Lesotho. In 2008 two public officials were accused of bribery and evidence against them was contained in the records provided by a German construction company. The law on hearsay evidence was pivotal in this case. The trial judge ruled that the records were inadmissible, by reference to the law of England and Wales which was applied in Lesotho before independence in 1966. Professor Hatchard argued that outdated rules of evidence lead to a reduction of confidence in the criminal justice system. In this particular case, the decision of the trial judge was overturned on appeal under an exception to the hearsay rule dating back to 1844 (*Blake and Tye*). However, states need to be persuaded to update their laws to deal with technological advances and changing circumstances. Model provisions relating to the updating of laws on the admissibility of business documents have been drafted by a Commonwealth Expert Working Group on Evidence.
Dr Haji Mohd Na‘im Mokhtar (Syariah High Court judge, Malaysia) spoke of the influence of English law on, and interaction with, the Syariah law of Malaysia. Civil courts in Malaysia post Independence apply English law, with the exception of family law matters falling within the jurisdiction of the Syariah courts. Dr Mokhtar explained that Syariah courts use the vocabulary of English law, such as discovery, and use certain rules of evidence, procedures and remedies. He gave the remedy of an injunction as an example and noted that English law principles in this area are not incompatible with Syariah law.

Michael Thomas, CMG, QC (Attorney-General, Hong Kong 1983-88) began his presentation by making clear that the courts of the Hong Kong Special Administrative Region are required to administer justice in the same way as before, when Hong Kong was a crown colony. The burden of proof and rules of evidence still apply. A new third tier court, the Court of Final Appeal, was created in Hong Kong to replace the appellate jurisdiction of the Judicial Committee of the Privy Council and judges from other jurisdictions, such as the UK and Australia, have terms of office there. The constitution bars the courts from jurisdiction over matters of foreign affairs. Hong Kong’s Court of Final Appeal takes into account precedent from all other Commonwealth jurisdictions and this has enriched the Common Law. Michael Thomas concluded his presentation by saying that the flexibility of the Common Law has enabled the judiciary to rise to the challenge of the new order.

Session 2: The Evolution of Courts

The Hon Madame Justice Désirée Bernard, OR, CCH (former Chief Justice of Guyana; former Judge of Caribbean Court of Justice) stated that whilst the English court system has been a unifying force, it was transported to all the Caribbean territories with little regard for local conditions and circumstances. The Caribbean territories established their own courts of appeal at Independence, but retained the Judicial Committee of the Privy Council as the final court of appeal. In 2001, the Caribbean Court of Justice was established to replace the appellate jurisdiction of the Privy Council. A referendum is needed in each of the twelve signatory states of the Caribbean to bring this into effect and to date, only Guyana, Belize and Barbados send their cases to the Caribbean Court of Justice. Guyana has incorporated some elements of Roman-Dutch law into its legal system and the courts of the Caribbean have departed from existing precedent to take account of existing conditions. However, many Caribbean countries follow verbatim the wording of English statutes when enacting their own statutes. So in conclusion, the legacy has evolved, but evolved unevenly.

Judge Timothy Workman, CBE (former Senior District Judge for England & Wales) gave a
short history of magistrates, or justices of the peace, in England from their initial statutory footing in the Justices of the Peace Act 1361, to the appointment of JPs in various colonies. He took as his examples colonies which became the United States and Australia. However, in jurisdictions other than England and Wales (which has around 25,000 JPs), there has been a move away from unpaid, volunteer JPs to a professional, salaried judiciary, because of difficulties such as corruption.

Session Three: The Dark Side of the Moon; the Legacy of old Laws

Professor Paul McHugh (Professor of Law and Legal History; Fellow of Sidney Sussex College, Cambridge) is an expert in aboriginal land rights and restorative justice in New Zealand, Australia and Canada. He gave a powerful presentation about aboriginal title and the injustice wrought by the Common Law, by providing a comparative analysis of the historical situation in these three countries. In essence, there has been conflict between tribal rights, that is, the rights of a group, as against the rights of the individual as enshrined by the Common Law. He expounded upon the difficulties caused by judge-made principles of crown responsibility before the courts concerning aboriginal land rights. Professor McHugh concluded by saying that some aboriginal peoples have broken free from the legacy, whilst some have found dealing with the concept of ‘corporatism’ difficult.

Téa Braun (Legal Director, Human Dignity Trust) discussed the legacy of sexual offences and male and female inequality. She contrasted the gender neutral rape and sexual offence laws of the French Penal Code 1810, with the non-gender neutral sexual offence laws and penalties exported across the Commonwealth. Téa Braun gave as examples:

- the criminalising of homosexuality
- the penalties for those guilty of raping a male victim being less than for those guilty of raping a female victim; and
- the principle that there can be no rape within marriage (Sir Matthew Hale CJ stated what he believed to be a common law principle in his ‘History of the Pleas of the Crown’ published in 1736: "But the husband cannot be guilty of rape committed by himself upon his lawful wife, for by their matrimonial consent and contract the wife hath given up herself in this kind unto her husband, which she cannot retract." This principle was overturned in R v R [1992] 1 A.C. 599, House of Lords.)

These principles were taken across the Commonwealth and many Commonwealth countries retain them today. Throughout the world post Independence, there has been a gradual deconstruction of British colonial law and non-gender neutral offences and penalties.

Professor William Twining FBA, QC (Emeritus Quain Professor of Jurisprudence, UCL) began by saying that Common Law discourse struck him as being rather parochial. He spoke of four figures in his book *Human Rights: Southern Voices*, who have been activists as well as scholars: Frances Deng (southern Sudan), Abdullah An Na’im (northern Sudan), Yash Ghai (Kenya) and Upendra Baxi (India). He considers one of the legacies of Empire to be the attitudes and careers of people who had a largely English-style education before Independence and important roles in academic and public life after Independence. All four figures he identifies have engaged with the discourse of human rights, but in different ways and with different conclusions.

Joe Middleton (Barrister, Doughty Street Chambers) described the cases in which he and others have been involved concerning challenges to the mandatory death penalty. He considered the legal legacy in terms of elements of the European Convention on Human Rights. It is a human right not to experience inhumane and degrading treatment - such as being held on death row in appalling conditions for many years. Challenges can also be framed in terms of what is constitutional: unconstitutional legislation can be struck down. The separation of powers is not respected where there is a mandatory death penalty - as the executive is determining the penalty. Challenges to the mandatory death penalty have failed in Malaysia, Singapore and Ghana, but have been successful in Kenya.

James Guthrie, QC (Barrister, 3 Hare Court Chambers) examined the criminal offence of 'Scandalising the court', which has its roots in eighteenth century Common Law. James Guthrie gave examples from several jurisdictions of uncomplimentary remarks made in open court about the presiding judge. For the offence to have been committed, there must be a likelihood of the administration of justice being affected. There must be a risk that the course of justice may be influenced, which could have serious consequences. This does involve consideration of the human right to freedom of expression and whether it is unconstitutional to breach the guarantee of free speech. This offence was recently abolished in England and Wales, but it remains a criminal offence in many Commonwealth countries.

Soli Sorabjee AM (former Attorney-General of India), who chaired this session, observed that lawyers in London are being instructed to appear in other jurisdictions and that there was a legacy of cross-fertilisation of advocacy and precedent between Commonwealth jurisdictions.
Ms Katalaina Sapolu (the new Director of the Legal and Constitutional Affairs Division at the Commonwealth Secretariat), provided the concluding remarks at the end of the conference.

Keren Bright
The Open University Law School
Milton Keynes, MK7 6AA
The United Kingdom
The Commonwealth Law Conference 2015, Glasgow, United Kingdom

If you are planning on coming to the CLEA conference in Glasgow, you may also be interested in attending this conference too. This is the Commonwealth Lawyers Association (CLA) 19th biennial Commonwealth Law Conference (CLC) and it will be held from 12 – 16 April 2015. The scope of the conference is described below and further details are available via the CLA website: www.commonwealthlawyers.com.

“In the 800th anniversary year of the Magna Carta, a symbol of the Rule of Law across the Commonwealth, the 19th Commonwealth Law Conference will examine the role of the legal profession in delivering economic and social sustainability.

Robust economies depend on the existence of clear, modern and effective laws that govern societies, commerce and the management of resources. A strong, independent judiciary and legal profession are critical to impartially enforce those laws while ethical corporate behaviour and business practice can improve the lives of others in our local and global communities. This global conference will consider and debate the tension between corporate responsibility and legal risk management approaches; the public policy role of lawyers and the business case for corporate responsibility.” (www.clc2015.co.uk)
14th Commonwealth Moot – Glasgow, United Kingdom

A Commonwealth Moot Competition will be held in Glasgow, UK from 12th April 2015. The Commonwealth Moot is an initiative of the Commonwealth Legal Education Association (CLEA) and the Commonwealth Lawyers Association (CLA). It is an ‘invitation-only’ Moot, being limited to representative teams from regions of the Commonwealth only. The regions for this purpose are North America, the United Kingdom, the Caribbean, South Asia (India), South Asia (Bangladesh, Pakistan and Sri Lanka), South East Asia (Malaysia, Singapore and Hong Kong), Western Africa, Eastern Africa, Southern Africa, Australasia (Australia and New Zealand send separate teams), and the South Pacific. CLEA is looking for sponsorship for teams from developing countries to meet their travel and accommodation expenses.

A significant feature of the Commonwealth Moot has been the willingness of members of the Commonwealth Lawyers Association and the related organisations who attend the Commonwealth Law Conference, to volunteer their valuable time to judge the moots of the competition. This willingness shown by the senior members of the Commonwealth Bar and the Judiciary sets the Commonwealth Moot apart from other moots. There are very few international mooting competitions in which the bench judging the finals include Chief Justices from countries, provinces and states across the Commonwealth.

The teams that represent the regions are nominated by the CLEA representatives, who base their nominations on the results of the continental, regional or national moot competitions involving Commonwealth countries in their regions.

<table>
<thead>
<tr>
<th>Region</th>
<th>The continental, regional or national moot competitions</th>
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<tbody>
<tr>
<td>Australia and New Zealand</td>
<td>The highest placed teams from each country in the Australian Law Students’ Association Moot</td>
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<tr>
<td>South Pacific</td>
<td>The highest placed team from either University of PNG or University of the South Pacific in the Pan-Pacific Moot</td>
</tr>
<tr>
<td>West Africa, Southern Africa and East Africa</td>
<td>The highest placed Commonwealth member country team from each of these regions as decided by the All Africa Human Rights Moot Court Competition</td>
</tr>
<tr>
<td>Canada</td>
<td>The winner of the Gale Cup Moot</td>
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<tr>
<td>United Kingdom (Europe)</td>
<td>The winner of the English Speaking Union’s National Mooting Competition</td>
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<tr>
<td>The Caribbean</td>
<td>A composite team from the representative law schools</td>
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<td>South Asia (India)</td>
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</table>
The winners of the national competition conducted by the CLEA Indian Chapter

South Asia (Pakistan, Sri Lanka and Bangladesh) The winners of the regional competition conducted by the Regional Chapter

South East Asia (Malaysia, Hong Kong and Singapore) A team nominated by the regional representative following regional competition

The teams compete for the ‘Commonwealth Shield’ and previous winners of the shield are set out below.

<table>
<thead>
<tr>
<th>Year</th>
<th>Place of Moot</th>
<th>Winning Team</th>
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<tbody>
<tr>
<td>1983</td>
<td>Hong Kong</td>
<td>Australia</td>
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<tr>
<td>1986</td>
<td>Jamaica</td>
<td>United Kingdom</td>
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<tr>
<td>1990</td>
<td>New Zealand</td>
<td>United Kingdom</td>
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<td>1993</td>
<td>Cyprus</td>
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<td>1996</td>
<td>Canada</td>
<td>Australia</td>
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<td>1999</td>
<td>Malaysia</td>
<td>South Africa</td>
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<td>2001</td>
<td>Sri Lanka</td>
<td>United Kingdom</td>
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<tr>
<td>2005</td>
<td>United Kingdom</td>
<td>Canada</td>
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<tr>
<td>2007</td>
<td>Kenya</td>
<td>Australia</td>
</tr>
<tr>
<td>2009</td>
<td>Hong Kong</td>
<td>South Africa</td>
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<tr>
<td>2011</td>
<td>India</td>
<td>Sri Lanka</td>
</tr>
<tr>
<td>2013</td>
<td>South Africa</td>
<td>United Kingdom</td>
</tr>
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The closing date for the registrations to be received by the Commonwealth Moot Coordinator is 15th December 2014. All the teams who have been nominated by the regional representatives are requested to send in their registrations by this date to this address: cleamoot@hotmail.co.uk

If any person or organisation is interested in sponsoring the teams from developing countries, they should contact the same email address.
Virtual Worlds and Legal Education

What are virtual worlds?
A virtual world, in the context of social networking, refers to an online-simulated environment where a community of users can interact with each other and the 'world' around them. Virtual worlds have been created for the purposes of gaming, business and leisure and they can also be utilised for education. They are extremely effective in simulating scenarios that may need recording, or are too expensive or too dangerous to carry out in real life.

In virtual worlds such as *Second Life*, people take the form of avatars. An avatar is a graphical representation which is often created by its user. Users' avatars normally interact with other users' avatars in a 3D graphical environment and they are able to communicate by typing in an on-screen dialogue box, by speaking into a microphone, or by gestures and body language.

Users are often able to build and create features in the virtual world. For example, the University of the West of England (UWE, Bristol, United Kingdom) has created an island in *Second Life* called the 'E-Learning at UWE island'/ "Innovation Island"). This island contains buildings and other structures - both realistic and fantastical.
Here are some pictures of UWE’s Innovation Island:

Why are virtual worlds important in education?
I came across virtual worlds as part of my research into virtual economies. I had no idea of how useful they could be for education until I enrolled on an MA Education in Virtual Worlds offered by the University of the West of England. The journey has been fantastic. The course is taught in the virtual world with fellow classmates coming from countries such as New Zealand, USA and Greece. The level of immersion is amazing. You feel as if you are there in the virtual world with your classmates. Learning takes place in a much more active and in-depth way. By actively undertaking tasks within the virtual world, you are able to learn and
understand. The course is supported by blackboard (a virtual learning environment) and electronic resources as well as by excellent tutors. I am now incorporating virtual world teaching practices in my own courses on the LLB and LLM.
The benefits of using virtual worlds

- They give teachers the opportunity to have a greater level of student participation.
- They have the capability to adapt and grow to different user needs.
- They can be a good source of user feedback: the typical paper-based resources have limitations that virtual worlds can overcome.
- They allow users with specific needs and requirements to be able to access and use the same learning materials from home as they would be receiving if they were attending in person.
• They can help users to keep up to date with relevant information while also feeling involved.
• They are a more user-friendly environment which allows students a greater level of involvement and creativity.
• They allow the curriculum to come alive as participants actively engage with the environment.
• They can allow for cross-university delivery.

How can we encompass virtual worlds in our legal curriculum?
As described above, I am now using the virtual world as a means of teaching my LLB and LLM students on courses in commercial law and international banking and finance. I am using the virtual world to carry out debates, role plays, simulations and moots. I am also using the virtual world as a tool for carrying out PhD meetings with students. The reception from students has been enthusiastic and they engage extremely well with the media. Teaching and learning is synchronous (i.e. in real time) as well as asynchronous and the virtual world allows the tutor and student a closer working relationship which fosters the development of deeper learning.

How can I create an account in Second Life and find out more?
Creating an account in Second Life is free and easy. Simply go to www.secondlife.com and create an account. For more information, please visit the University of the West of England Innovation Island on Second Life and this web page: www.uwe.ac.uk/elearning/socialnetworking/secondLife

Alternatively, please contact Clare for more information:

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Clare.chambers@uwe.ac.uk, @DocChambers
The International Law Book Facility provides good quality second hand legal textbooks to not-for-profit organisations in need of legal research resources across the globe. The way that the ILBF works is simple. We encourage donations of useful second hand books from the UK legal community. Prospective recipient organisations submit a comprehensive application form, outlining their user demographic and the potential uses for law books, which is assessed by the ILBF Operating Committee. At the ILBF’s storage facility, volunteers unpack and sort book donations, determining which are most suitable for particular recipients. The selected books are then packed into boxes and sent to the recipient organisation in question.

Since 2005 the ILBF has sent more than 20,000 books to not-for-profit organisations across Africa, Asia, South America, the Caribbean and Europe. Recent recipients have included the Legal Resources Foundation (Zimbabwe), Justice for Children (Uganda), the Nigerian Law School, the Guyana Association of Women Lawyers and the Law Association of Zambia.

We have recently received a large number of book donations and we are actively seeking recipients for these books. If your not-for-profit organisation would like to receive legal textbooks then please submit an application form through our website: www.ilbf.org.uk
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 in South Asia, Southern Africa, West Africa, the Caribbean and the U.K. 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; for law schools to prepare themselves for the demands of the profession in the context of the information revolution and other global challenges; and to support continuing legal education and distance learning programmes.

Programmes:

Publications and Research:
- Commonwealth Legal Education Newsletter is published online three times a year and contains news, views and articles about law and legal education developments in the Commonwealth. www.clea-web.com/publications
- Directory of Commonwealth Law Schools (published periodically).
- A variety of books on law and legal education in the Commonwealth.
- The Association’s web site (www.clea-web.com) contains a wealth of information about the Association and it’s activities.

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, U.K., Jamaica, Sri Lanka and Malaysia. We organise a biennial CLEA Conference alongside the Commonwealth Lawyers Conference which attracts a large number of Commonwealth legal educators.

Commonwealth Law Lecture Series
This is a unique series of lectures that take place on a Commonwealth-wide basis and are given by leading legal academics and judges. The lectures are published on the website.

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. The following are topics which have been covered. Further details are on the website.
- Human Rights for the Commonwealth
- Transnational crime/ Anti-terrorism law
- Environmental Justice (in preparation)
- International Trade Law (in preparation)

Strengthening law schools
- 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 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 Law Students’ Mooting Competition. This is held biennially with the support of the CLA and CMJA.
- Commonwealth Students’ Essay Competition. This is held biennially.
- The Commonwealth Law Student Association. This was formed after the Durban 2013 Conference and will work alongside the CLEA.

Website: [www.clea-web.com](http://www.clea-web.com)
Email: clea@commonwealth.int
Benefits of CLEA Membership

The Commonwealth Legal Education Association fosters and promotes high standards of legal education in the Commonwealth. Membership is open to individuals, schools of law and other institutions concerned with legal education and research. The Association is a Commonwealth-wide body with regional Chapters in South Asia, India, Southern Africa, West Africa, East Africa, Australasia and the Caribbean together with several national chapters and committees. Its affairs are managed by an Executive Committee representing all parts of the Commonwealth whilst the Secretary-General is responsible for the day to day running of the Association.

The Association has an online open access peer reviewed journal and newsletter as well as learning and teaching resources which can be adapted for use in law teaching. We run a very successful Biennial Conference which links with the Commonwealth Lawyers Association (CLA) Conference. We are responsible for the Commonwealth Moot, a prestigious competition for law students, with regional heats and a final which takes place at the CLA conference and is decided by Judges from the Commonwealth. We also provide a focal point for a network work of law teachers throughout the Commonwealth who have a shared interest in the teaching of law.

Please visit our web site at http://www.clea-web.com/ for more information.

MEMBERSHIP APPLICATION FORM

Please indicate which membership you are applying for:

Individual membership (one year) (£50; US$80)

Institutional membership (one year) (£150; US$240) - (all members of a department will be members)

Title: .................. First name: .................................. Surname: ................................................

Institution: ........................................................................................................................................

Address: ...........................................................................................................................................

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Country: ..........................................................

e-mail: .................................................................Fax: .................................................................

For Bank transfer: HSBC Bank plc, Pall Mall, London SW1
A/c Name: Commonwealth Legal Education Association
A/c: 01007130 Sort Code: 40-05-20 IBA: GB10MIDL40052001007130

Cheques payable to CLEA and return the completed form and cheque to:
CLEA, c/o Legal and Constitutional Affairs Division, Commonwealth Secretariat, Marlborough House, Pall Mall, London SW1Y 5HX, United Kingdom. Tel: +44 (0)20 7747 6415 Fax: +44 (0)20 7004 3649
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