

# THE COMMONWEALTH LAWYERS' ASSOCIATION (CLA)

## *Activity Report September 2007 – March 2009*

The Commonwealth Lawyers' Association (CLA) exists to maintain and promote the rule of law throughout the Commonwealth, by ensuring that the people of the Commonwealth are served by an independent and efficient legal profession.

The CLA's objectives, as enshrined in its Constitution, are to maintain and promote the rule of law in the Commonwealth. This is achieved by:

- ensuring that the common bond of Commonwealth is preserved and fostered;
- strengthening professional links between members of the legal profession;
- maintaining the honour and integrity of the profession, and the promotion of uniformity in the standards of professional ethics; and
- encouraging improved standards of education and the promotion of exchanges of lawyers and students.

### **Projects & Activities**

#### ***Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government***

##### *The Commonwealth (Latimer House) Colloquium 6<sup>th</sup> and 7<sup>th</sup> July 2008 Edinburgh, Scotland*

1. In June 1998, a group of distinguished parliamentarians, judges, lawyers and legal academics drafted guidelines which provided an operational manual of good practice with regard to the fundamental values of the Commonwealth and the commitments contained in the Harare Commonwealth Declaration and Millbrook Commonwealth Action Programme. The guidelines were further refined and endorsed by the Commonwealth Heads of Government in November 2003 as the *Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government* (the Principles).
2. The Principles provide an effective framework for the implementation of the Commonwealth's fundamental values of democracy, good governance, human rights and the rule of law and became an integral part of these values following agreement by the Commonwealth Heads of Government at their meeting in Malta in November 2005.
3. To mark the 10<sup>th</sup> anniversary of the Latimer House Guidelines on Parliamentary Supremacy and Judicial Independence, and the 5<sup>th</sup> anniversary of their endorsement by the Commonwealth Heads of Government, the CLA, together with the Commonwealth Legal Education Association (CLEA), the Commonwealth Parliamentary Association (CPA), the Commonwealth Magistrates and Judges Association (CMJA) and the Scottish Executive organised the Commonwealth (Latimer House) Colloquium (the Colloquium) which took place on the 6<sup>th</sup> and 7<sup>th</sup> July 2008 in Edinburgh, Scotland.
4. The main objectives of the Colloquium were to review the general level of awareness regarding the Principles to date, in addition to drafting a plan of action to develop, promote and implement the Principles across the Commonwealth.
5. A total of 66 participants from 24 Commonwealth countries (and Zimbabwe), representing the executive, parliament and judicial and legal professions, participated in the Colloquium.
6. Each participant was allocated to one of three workshop groups: Workshop A - Accountability Mechanisms, Workshop B - Institutional Integrity and Autonomy and

Workshop C - Diversity, Gender Equality, Transparency and Civil Society. Each workshop group had an equal mix of representatives from each sector in order to ensure that the discussion was even, that participants were exposed to different perspectives and to encourage debate. Each workshop group had a Chair and two rapporteurs with responsibility for taking notes and reporting back to the drafting committee.

7. It was important to review the general level of awareness and implementation of the Principles in various Commonwealth countries, in addition to discussing the practical problems which arise in implementation and identifying examples of good and bad practices. This information and discussion was vital in identifying the key issues and drafting recommendations for future action, either by building on existing action points, identifying new ones or reiterating the importance of those on which little or no progress had been made to date.
8. Overall, participants felt that there was a limited awareness of the Principles outside the various sectors and that much greater emphasis on the promotion and dissemination of the Principles across the Commonwealth was required.
9. Although the Nairobi Plan of Action for Africa (NPAA) had been drafted and adopted in 2005, this was specifically directed at promotion and application of the Principles in Africa. In implementing this plan, it became apparent that it was necessary to adopt a similar plan for the wider Commonwealth. Not only would this be useful in undertaking similar work in other regions of the Commonwealth, but it would also provide an invaluable opportunity to develop the NPAA and clarify and reinforce existing commitments, in addition to introducing new ones where relevant given the passage of time and changing fortunes of Commonwealth countries.
10. The Edinburgh Plan of Action for the Commonwealth (EPOA) for the development, promotion and implementation of the Principles was drafted and adopted at the Colloquium. This action plan sets out the main objectives for awareness and implementation of the Principles, allocates responsibilities for such to the relevant sectors and partner organisations as well as including mechanisms for the regular review and assessment of progress and outcomes.
11. One of the most significant actions set out in the EPOA is the establishment of a Standing Committee (consisting of representatives of the CLA, CLEA, CMJA and CPA) for the purpose of gathering relevant information to report on the implementation of the Principles, best practice and areas of concern to the Commonwealth Ministerial Action Group (CMAG). This information will assist CMAG in their deliberations when dealing with serious or persistent violations of the Commonwealth's fundamental values, of which the Principles are an integral part.
12. The EPOA is an important rule of law initiative and one that the CLA will continue to be involved in. The Principles and EPOA have serious potential to have a major impact across the Commonwealth. The ability of citizens to hold their governments to account, in addition to an independent and efficient executive, parliament and judiciary reduces the prevalence of corruption and has a considerable impact on the overall transparency and improved governance in any country.
13. The CLA and CMJA drafted the Colloquium report which will be published and circulated in April 2009. The partner organisations have also drafted provisional terms of reference for the Standing Committee (SC), in addition to identifying potential members. It is anticipated that the SC will submit its first report to CMAG at its meeting immediately prior to the Commonwealth Heads of Government Meeting (CHOGM) in November 2009.

14. The CLA, together with the other partner organisations, has continued to meet on a regular basis in order to monitor progress and maintain the momentum following the adoption of the EPOA. This monitoring forms a fundamental part of their respective ongoing commitment towards raising awareness and facilitating implementation of the Principles across the Commonwealth.

*UK Department for International Development (DFID) - Global Governance and Transparency Fund (GTF)*

15. On 28<sup>th</sup> September 2007, the CLA, together with the CMJA, submitted a full project proposal to the Global Governance and Transparency Fund of the UK Department for International Development (DFID), for a project related to the implementation and monitoring of the Commonwealth (Latimer House) Principles across the Commonwealth.
16. The primary goal of the proposed project was to better inform the public of the building blocks of democracy and good governance in order to enable them to assess their Government's performance and hold them to account. The project sought to establish how well Commonwealth countries were exercising good governance, upholding the separation of powers and the rule of law and to develop simple indicators to assess this.
17. On 25<sup>th</sup> April 2008, DFID advised that the application had been unsuccessful.
18. The CLA is currently updating the project proposal to reflect the outcomes of the Colloquium and the EPOA. The project proposal will be re-submitted to different donors in 2009.

*Submission to Solicitors Regulation Authority (SRA) – England & Wales*

19. In April 2008, the CLA made a submission to the Solicitors Regulation Authority (SRA) Consultation in relation to proposed interim changes to the system for qualified lawyers from outside England and Wales.
20. The CLA noted that the Qualified Lawyers Transfer Regulation mechanism was important to many lawyers in the Commonwealth. It is a vital means of enabling lawyers who have already qualified in other jurisdictions to enter the profession in England and Wales without being required to 're-qualify'. Furthermore, the values instilled as a result of this experience enabled many of them to make an even greater contribution to the profession and the legal systems in their respective jurisdictions. These principles are invaluable to those lawyers who are regularly on the 'frontline' in safeguarding peoples' rights, promoting the rule of law and maintaining or raising standards of good practice.
21. On 26<sup>th</sup> June 2008, the SRA approved a revised guidance on the system of qualifications for lawyers from outside England and Wales. This had been amended in the light of responses from the consultation process and will apply to all applications for a certificate of eligibility received on or after 1st September 2008. The revised guidance clarifies the way the SRA considers experience requirements (two years of legal practice; one year of experience working within the law of England and Wales under the supervision of an experienced England and Wales qualified solicitor and one year of experience working within a legal system based on the common law in addition to experience in three different areas of law and of contentious and non-contentious work) and requests for exemption from the Qualified Lawyers Transfer Test. A full report of the revised guidance and more information are available at [www.sra.org.uk/sra/consultations/471.article](http://www.sra.org.uk/sra/consultations/471.article).

*Malaysia*

22. The CLA monitored allegations of fixing judicial appointments that had been made against a senior lawyer in Malaysia as a result of mobile phone footage purportedly recording the conversation. A Royal Commission of Inquiry was established by the Malaysian government

to inquire into the authenticity of the video clip on 17 November 2007. The CLA made arrangements to send an independent observer to attend the hearings although it subsequently became clear that this would not be possible.

23. At the same time, the CLA also contacted the Malaysian Bar Council noting that one of the CLA's objectives is to maintain and promote the rule of law in the Commonwealth by maintaining the honour and integrity of the profession. The CLA made a reference to the *United Nations Basic Principles on the Role of Lawyers* (1990) which requires that lawyers shall at all times maintain the honour and dignity of their profession and shall act freely and diligently in accordance with the law and recognised standards and ethics of the legal profession. The CLA expressed its concern that the alleged conduct of the lawyer in question was in breach of these principles.
24. In May 2008, the Royal Commission found that there was conceivably an insidious movement by the senior lawyer, with the covert assistance of his close friends, to involve themselves actively in the appointment of judges. Two former Chief Justices were singled out along with the former Prime Minister. The Royal Commission noted that they, collectively, had had the effect of seriously undermining and eroding the independence and integrity of the judiciary as a whole.
25. The President of the CLA, Ron Heinrich, met with the Malaysian Bar Council in February 2008 to discuss this and other related matters, in addition to rebuilding important links with the association. The CLA continues to monitor the situation in Malaysia and work with the Malaysian Bar Council.

## ***Pakistan***

### *Resolution on the situation in Pakistan*

26. A resolution in relation to the situation in Pakistan was adopted in September 2007, following the 15<sup>th</sup> Commonwealth Law Conference. The resolution commended the action of the legal fraternity during the recent judicial crisis, which had contributed to the reinstatement of Chief Justice Iftikhar Mohammad Chaudhary on 20 July 2007. The resolution also encouraged General Musharraf to separate the dual offices of the Chief of Army Staff and the President of Pakistan, together with ensuring that the upcoming scheduled elections were free and fair and held in accordance with the basic principles of democracy and good governance, human rights and the rule of law.

### *Liaison with the Commonwealth Secretariat and Commonwealth Ministerial Action Group (CMAG)*

27. On 3 November 2007, General Musharraf declared a State of Emergency in Pakistan, suspended the Constitution and placed independent judges, including the Chief Justice, under house arrest. Accordingly, the Commonwealth Ministerial Action Group (CMAG) met to discuss the situation and Pakistan was suspended from the Councils of the Commonwealth.
28. The CLA was particularly concerned about the situation of the Chief Justice and members of the higher judiciary in Pakistan who had effectively been unlawfully dismissed following the imposition of emergency rule and made representations accordingly. The CLA also liaised with the Political Affairs and Legal and Constitutional Affairs Divisions of the Commonwealth Secretariat and provided regular updates and information in relation to the ongoing situation in Pakistan.
29. In their statement of 12<sup>th</sup> May 2008, CMAG urged Pakistan to respect the *Commonwealth (Latimer House) Principles* in order to reinforce the independence of the judiciary and resolve current issues through parliamentary processes. CMAG agreed, however, that since its last meeting the Government of Pakistan had taken positive steps to fulfil its obligations in accordance with Commonwealth fundamental values and principles. They therefore restored Pakistan to the Councils of the Commonwealth.

30. The CLA continued to raise its concerns that the situation in relation to the Chief Justice and judges remained unresolved and has reiterated its call for their restoration on a regular basis thereafter.

*'The Fight for Justice in Pakistan – and what can you do for Pakistan?'* 6th December 2007

31. The CLA, together with the CMJA and the British Institute of International and Comparative Law (BIICL) organised a joint seminar on Pakistan at Charles Clore House, London, on 6<sup>th</sup> December 2007.
32. The moderator was Jeremy Carver CBE (Clifford Chance LLP & Transparency International) and the speakers were Ms Shazadi Beg (Barrister; Immigration Judge), Ms Michelle Bradfield (Lauterpacht Centre for International Law), Dr Phillip Tahmindjis (International Bar Association).
33. The panel outlined recent events in Pakistan since President Musharraf imposed the State of Emergency. They examined the current legal issues as well as those which were likely to pose difficulties in the near future. The fight of Pakistan's lawyers and judiciary was put in perspective and suggestions for assisting their cause were made.

*Other*

34. The CLA continues to liaise with its members in Pakistan and circulate relevant information where appropriate. The CLA is also a member of a network of interested lawyers and organisations on Pakistan which is co-ordinated by the Law Society of England & Wales.
35. The CLA remained committed to seeking the restoration of the judges and continued to support members of the legal profession in their efforts to maintain the independence of the judiciary and the rule of law in Pakistan. The CLA welcomed the recent decision, announced by the Government of Pakistan on 16<sup>th</sup> March 2009, to reinstate the Chief Justice Iftikhar Mohammad Chaudhary and other judges who had been sacked in 2007.

*Fiji*

*Resolution on the situation in Fiji*

36. A resolution on Fiji was adopted in September 2007, following the 15<sup>th</sup> Commonwealth Law Conference. The CLA expressed concern at the continued erosion of the independence of the judiciary in Fiji, in violation of the Commonwealth's emphasis on the separation of powers between the three branches of government. In addition, Fijian authorities were asked to respect the independence of the legal profession and the right of lawyers to exercise freedom of political opinion and conscience.
37. The CLA liaised with the IBA over participants, contacts and general assistance for their attempted missions to Fiji in November 2008 and February 2009 respectively. As the interim regime barred the delegation from entering Fiji, the investigation into the state of the rule of law was conducted via teleconference with a range of stakeholders based in Fiji and overseas. A report, *Dire Straits: A report on the rule of law in Fiji*, was published in March 2009 and the CLA has assisted in dissemination of the same to members and other interested parties.
38. The CLA remains committed to supporting members of the legal profession in their efforts to uphold the rule of law and independence of the judiciary in Fiji.

*Zimbabwe*

*Statement on the situation in Zimbabwe*

39. A resolution on the legal profession in Zimbabwe was adopted in September 2007, following the 15<sup>th</sup> Commonwealth Law Conference. The CLA condemned the ongoing harassment,

direct and indirect attacks on lawyers by the government of Zimbabwe. It renewed previous calls upon the government to respect the independence of the legal profession and the role of lawyers. The CLA encouraged the Law Society of Zimbabwe to continue to play an important role in promoting the rule of law. It also encouraged the Southern African Development Community (SADC) Lawyer's Association to support the Mbeki Mediation Committee and to liaise with the Law Society of Zimbabwe, along with civil society, to facilitate a mediation in Zimbabwe.

#### *Statement Arrest & Detention Eric Matinenga*

40. In June 2008, the CLA expressed concern at the arrest and detention of Mr. Eric Matinenga, an Advocate of the High Court and former President of the Administrative Court of Zimbabwe. The CLA reiterated its earlier condemnation of the ongoing harassment and attacks on lawyers by the government of Zimbabwe and renewed its commitment to provide support and work with the legal profession and Law Society in their efforts to maintain the rule of law in Zimbabwe.

#### *Commonwealth (Latimer House) Principles Colloquium*

41. The CLA assisted in securing funding to facilitate the participation of Zimbabwean lawyers at the Commonwealth (Latimer House) Principles Colloquium that was held in Edinburgh, Scotland in July 2008. The CLA also organised a number of meetings for the representatives with the relevant legal and other interested associations in the wings of the event.

#### *Royal Commonwealth Society – Commonwealth CSO Steering Committee on Zimbabwe*

42. The CLA is part of an important Commonwealth Civil Society Steering Committee of representative professional associations which meet on a regular basis to share information and undertake targeted advocacy on the current situation in Zimbabwe.

43. The other associations that are members of the group are as follows:

- Commonwealth Human Ecology Council (CHEC)
- Commonwealth Journalists Association (CJA)
- Commonwealth Youth Exchange Council (CYEC)
- Commonwealth Local Government Forum (CLGF)
- The Royal Commonwealth Society (RCS)
- Commonwealth Association (CA)

44. The steering committee has met with the Commonwealth Secretary General, the Rt. Hon. Kamallesh Sharma, to discuss the situation in Zimbabwe and encourage the Commonwealth to be more proactive. The steering committee is currently working on two projects, one an education programme (drawing on the relevant expertise of the member organisations) for Zimbabwean professionals currently in exile in order to encourage them to return home with the requisite skills for reconstruction at the appropriate time. The second is a Commonwealth Roundtable on Zimbabwe which will take place in South Africa from 26 – 28<sup>th</sup> May 2009. Participants will be drawn from key sectors of civil society and the programme will focus on 4 key areas - Governance, Society & the Citizen; Democratic Development; Social Development and Reconstruction & development.

#### *Training Workshop for Lawyers*

45. The CLA has been organising a training workshop for lawyers which will take place in May 2009. The workshop will provide practical training and expertise on issues relating to good governance, human rights and the rule of law.

#### *Kenya*

46. In January 2008, the CLA issued a statement on events in Kenya. The statement addressed the civil unrest following the election results of 27 December 2007. The CLA called on the

government of Kenya to resolve the issues relating to the disputed elections in accordance with the provisions of the Constitution of the Republic of Kenya and to bring an end to the current violence.

### *Interventions*

47. The CLA has continued to build on its earlier successful role in the landmark case of *Rasul v Bush* where, in 2004, the US Supreme Court held that habeas corpus jurisdiction extended to Guantanamo Bay.

#### *US Supreme Court – Ali Saleh Kahlah Al – Marri vs US*

48. In January 2009, the CLA and JUSTICE (the British section of the International Commission of Jurists) submitted an amicus brief to the United States Court of Appeals. The brief was submitted on behalf of the appellants, and specifically concerned the issue of executive detention without trial.
49. The authors of the brief were Ben Emmerson QC, Alex Baillin, Helen Law, Timothy Otty QC and Juan Morillo. Clifford Chance assisted in filing the brief on behalf of the CLA.
50. On 6<sup>th</sup> March 2009 the U.S. Supreme Court vacated a lower court decision giving the US President the extraordinary power to seize and indefinitely detain U.S. citizens or residents without charge or trial. The Supreme Court dismissed the case as moot.

#### *US Supreme Court – Mohamed & Ors v. Jeppesen Dataplan Inc*

51. In June 2008, the CLA and JUSTICE (the British section of the International Commission of Jurists) submitted an amicus brief to the United States Court of Appeals. The brief was submitted on behalf of the appellants, and specifically concerned the issue of restrictions on disclosure of documents and the determination of the public interest in such cases. It noted that it had been demonstrated in other Commonwealth jurisdictions that it was possible to modify judicial procedures in such a way as to safeguard national security concerns whilst still affording individuals a substantial means of procedural protection.
52. The authors of the brief were Timothy Otty QC, Tom Hickman, and Catherine Zevermore. Clifford Chance kindly assisted in filing the brief on behalf of the CLA.

#### *US Supreme Court - US v Omar Ahmed Khadr*

53. In January 2008, the CLA was a party to an amicus brief submitted to the United States Supreme Court with regard to the detention of Omar Ahmed Khadr. The amicus submitted that the detention was wrong because Omar Khadr was a child soldier and, historically, these children have been protected from imprisonment. Children have limitations on their ability to consent to recruitment and participation in armed conflict, allowing their protection. The amicus relies on the protection granted to child soldiers in the Geneva Convention.

#### *Letter Calling for Action in the case of Omar Ahmed Khadr*

54. In December 2007, the CLA together with other legal professional associations in the United Kingdom and Canada, wrote to the Prime Minister of Canada, Mr Stephen Harper, encouraging him to take urgent action in the case of Omar Khadr, a young Canadian detained without trial by the United States Military at Guantanamo Bay since 2002. The letter called on the Canadian Government to follow the precedent of other United States allies and insist on the repatriation of Omar Khadr as soon as possible.

#### *Letter Calling for Closure of the Detention Facility at Guantanamo Bay*

55. In March 2008, the President of the CLA wrote to the President of the United States calling for the closure of the detention facility at Guantanamo Bay in Cuba. The letter highlighted previous amicus briefs that the CLA had submitted to the United States Supreme Court on the issues of habeas corpus in relation to the detainees in Guantanamo Bay. The letter also

emphasised that it was long past the time that those held there should have been charged and tried before an independent tribunal respecting full fair trial rights or should have been released.

### **'Official' Commonwealth**

#### *Commonwealth Law Ministers Meeting 7<sup>th</sup> – 10<sup>th</sup> July 2008*

56. The Commonwealth Law Ministers meeting took place in Edinburgh Scotland from 7<sup>th</sup> – 10<sup>th</sup> October 2008.
57. The CLA was represented at the meeting by Colin Nicholls QC (Hon. Life President), Mohamed Husain (Vice President), and Tim Daniel (Hon Treasurer).
58. A High Level Panel, consisting of a broad cross-section of Commonwealth Law Ministers and Attorneys-General, was convened to draw on their individual and collective experience to discuss, in a dedicated session, the theme of the meeting: The Developing Role of the Justice Minister in the Light of Challenges Facing the Rule of Law in the Commonwealth.
59. Colin Nicholls QC presented a paper in the special session titled '*A Series of Recommendations incorporating Commonwealth Best Practice which Member States can use as a Tool either for Change or as Bench Marking Indicators when meeting the challenges facing the Rule of Law in the Commonwealth.*' The paper covered many important issues relating to the diverse challenges facing the rule of law, including the central role of the Justice Minister in defending the independence of the judiciary, facilitating international cooperation in the light of differing legal regimes and governmental structures, and strengthening the interaction of Law Ministries with other stakeholders in the development and implementation of legal policy.
60. Mohamed Husain presented the report on CLA activities since the last Law Ministers Meeting that was held in 2005.

#### *Other*

61. The CLA continues to work closely with the Political Affairs and Legal and Constitutional Affairs divisions of the Commonwealth Secretariat. The Secretary General attended a number of civil society consultations organised by the Commonwealth Foundation.

### **Seminars, Workshops & Meetings**

#### *Opening of the Legal Year*

62. Tim Daniel (Hon. Treasurer) and Ron Heinrich (President) represented the CLA at the official Opening of the Legal Year in England and Wales in October 2007 and 2008 respectively.

#### *Commonwealth Day Celebrations – 12<sup>th</sup> March 2008 & 9<sup>th</sup> March 2009*

63. Claire Martin (Secretary General) attended the Multi Faith Observance of Commonwealth Day at Westminster Abbey in London. The Observance was attended by HM The Queen and HRH the Duke of Edinburgh. Colin Nicholls QC represented the CLA at the evening reception hosted by the Secretary General of the Commonwealth which was held at Marlborough House, the headquarters of the Commonwealth Secretariat.

#### *The Eleventh Commonwealth Lecture – 12<sup>th</sup> March 2008*

64. Colin Nicholls QC, Tim Daniel and Claire Martin represented the CLA at the annual Commonwealth Lecture which was delivered by Dr. David Suzuki, Emeritus Professor in Sustainable Development, University of British Columbia, an award-winning scientist, environmentalist and broadcaster.

#### *Annual General Meeting Commonwealth Law Conference Foundation Limited – August 2008*

65. The CLA was represented at the Annual General Meeting of the Commonwealth Law Conference Foundation Limited that was held in Hong Kong on 15<sup>th</sup> August 2008.

### ***Commonwealth Law Conference (CLC)***

#### ***CLC 2007***

66. The best known activity of the CLA is the Commonwealth Law Conference (CLC). The 15<sup>th</sup> Commonwealth Law Conference took place in Nairobi, Kenya from 9<sup>th</sup> – 13<sup>th</sup> September 2007. The theme of the conference was ‘*Globalisation, Governance & the Law in the Commonwealth*’ and the conference was attended by 1058 delegates representing 40 Commonwealth and 10 non-Commonwealth countries.
67. The keynote speakers were Mr. Stephen Lewis, former UN Secretary General’s special envoy for HIV/AIDS in Africa (2001-2006); the Hon Martha Karua, the Minister for Justice and Constitutional Affairs, Kenya; the Rt. Hon. Lord Phillips, the Lord Chief Justice of England and Wales and Nobel Laureate Hon. Prof Wangari Maathai, Kenya.
68. The programme consisted of 5 broad streams focusing on human rights through to corporate and commercial law. There were 11 individual sessions per stream which resulted in the participation of over 135 speakers and 50 session chairs. There were a number of new innovations in the programme with the introduction of sessions focusing on practical issues such as mediation and creating, managing, marketing a law firm, in addition to debate style sessions focusing on the mobility of Commonwealth lawyers and the recognition of qualifications and training in other jurisdictions and lawyers on the frontline highlighting jurisdictions where lawyers were under threat and on the frontline of the defence of the rule of law.
69. The CLA was particularly involved in all aspects of the organisation of the conference, and worked closely with the Law Society of Kenya (LSK) and Liberty (conference organisers).
70. The CLA organised a legal writing competition in the run up to the conference. The prize of which was fully funded attendance at the CLC. The competition was widened to include young lawyers and law students and entrants were invited to submit papers of no more than 2000 words on the following topic - ‘*Assess the impact of globalisation on the legal profession in the Commonwealth*’.
71. A distinguished panel consisting of Boma Ozobia (Nigeria), Dr. Peter Slinn (England & Wales) and Sir Michael Wood KPMG (England & Wales) judged the entries. The overall winner was Sarah Pidgeon (New Zealand) and there were two runners up (Trinidad & Tobago). Sarah Pidgeon attended the conference in Nairobi and her essay was published in the December 2007 issue of *The Commonwealth Lawyer*.
72. The CLA assisted with the identification and invitation of judges for the Commonwealth Moot Competition. The CLA has also provided prizes and certificates for the participants and winners of the moot.
73. The CLA assisted with the organisation of a number of satellite events that took place in the wings of the conference. These include the following:
- Commonwealth Association of Law Reform Agencies (CALRAS)
  - Commonwealth Association of Legislative Council (CALC)
  - CLEAR Christian Lawyers for Justice (Kenya)
74. The CLA had an exhibition stand for the duration of the conference. This provided an opportunity to learn more about the ongoing work of the organisation. Free publications were disseminated including copies of *The Commonwealth Lawyer* and *Clarion*, the

Commonwealth (Latimer House) Principles and the Gender and Human Rights Toolkit. The CLA shared the stand with the CMJA and also provided space for materials from the CLEA and CALRAS.

75. In addition to the statements on Fiji, Pakistan and Zimbabwe, a number of other resolutions were adopted at the conference. These include:

- *Resolution on HIV/AIDS*: The CLA encouraged Commonwealth countries to make available access to new therapies for those afflicted with this disease and to work on prevention strategies.
- *Resolution on Religious Freedom*: The CLA expressed concern about the *Lina Joy* decision and cited the need for all Commonwealth countries to have laws which reflect the right of all citizens to manifest and practice any or no religion, as their conscious requires.
- *Resolution on the Atrocities Committed against Women in the Eastern Region of the Democratic Republic of Congo*: The CLA called for greater effort through an external presence in the Eastern Region of the DRC to eliminate sexual violence against women, together with an International Criminal Court investigation and prosecution of the offenders committing crimes against humanity.

76. The CLA has subsequently been involved in the wind up following the conference.

#### *CLC 2009*

77. The CLA has assisted with all aspects of the organisation of the 16<sup>th</sup> Commonwealth Law Conference that will be held from the 5<sup>th</sup> – 9<sup>th</sup> April 2009 at the Hong Kong Convention and Exhibition Centre.

78. The theme of the conference is the '*Dynamics of Law in a Rapidly Changing World.*' The 4 main streams of the programme include Constitutional Issues, Human Rights and the Rule of Law; Corporate/Commercial Law; Judges, the Legal Profession and the Community; and Contemporary Legal Issues.

79. The following keynote speakers will attend: Lady Justice Georgina Wood (Chief Justice - Ghana); Mr Geoffrey Robertson QC (UK) and Sir Michael Kirby (Australia).

80. As with previous conferences, the CLA has assisted in co-ordinating the satellite meetings and Commonwealth moot competition which will take place in the wings of the conference.

#### *CLC 2011*

81. The CLA has begun working on preparations for the next CLC 2011 which will take place in Hyderabad, India in April 2011. Further information is available at [www.commonwealthlaw2011.org](http://www.commonwealthlaw2011.org)

#### **25<sup>th</sup> Anniversary Conference 16<sup>th</sup> – 19<sup>th</sup> October 2008 Montego Bay, Jamaica**

82. The CLA organised a 25<sup>th</sup> Anniversary Conference which took place from the 16<sup>th</sup> – 19<sup>th</sup> October 2008 in Montego Bay, Jamaica. The event was held to celebrate the decision made at the Commonwealth Law Conference held in Hong Kong in 1983 to form the Commonwealth Lawyers Association (CLA) and the subsequent adoption of the first Constitution of the CLA in 1986.

83. The theme of the conference was '*Justice: At Home and Abroad*' and the programme was split into 3 broad streams covering The Universality of Human Rights, Globalisation and Legal Practice and Public and Corporate Good Governance. The Rt. Hon Lord Hoffmann (UK) delivered a keynote speech and Prof Ralph Carnegie (Jamaica) delivered the Kenneth

Rattray Memorial Lecture. The Prime Ministers of Jamaica and Barbados also participated in the Opening and Closing ceremonies.

84. Over 500 delegates attended the conference marking a triumphant return of the CLA to the Caribbean after so many years. The CLA was able to secure funding for two delegates from Zimbabwe to attend the event.
85. The CLA has subsequently been involved in the wind up following the conference.

### ***Regional conference 2010 Nigeria***

86. Following the success of the 25th anniversary conference in Jamaica, the CLA decided to organise a regional training conference from 8 - 11 April 2010 in Abuja, Nigeria.
87. The regional training conference will differ from the CLC in a number of ways. Firstly, it is expected that the regional training conference will primarily be attended by lawyers from the host jurisdiction and the immediate neighbouring countries. The 2-day programme will be shorter than that of a traditional CLC with a greater emphasis on issues of importance within the host country and wider region. The sessions will offer practical training which will provide and further develop the legal skills of those attending, in addition to providing the usual networking opportunities and exciting social programme.
88. Further information is available at [www.commonwealthlaw2010.org](http://www.commonwealthlaw2010.org)

### ***Membership***

89. The CLA has continued to work on improving services to its members. Major changes to the membership database have been implemented. This is in order to speed up and simplify the administration in relation to processing membership renewals and new applications, in addition to tracking financial information, issuing renewals and reminders and internal reports.
90. Work is ongoing making the requisite changes to the membership database in order to activate the online membership directory in 2009. This facility will enable members to search for other members with particular expertise in different jurisdictions. Access will be limited to members via password.

### ***Website***

91. The website has been updated on an ongoing basis and the latest information on all CLA activities is available at [www.commonwealthlawyers.com](http://www.commonwealthlawyers.com)
92. The website will continue to be improved with the inclusion of a member's only section, online member's directory, and, amongst other things, podcasts of keynote speeches and a photo gallery of previous conferences.

### ***Publications***

#### ***The Commonwealth Lawyer***

93. The Commonwealth Lawyer is produced and disseminated three times per year in April, August and December.
94. A special commemorative issue was produced in September 2008 to coincide with the 25<sup>th</sup> anniversary of the CLA. This issue included fraternal greetings from many international, Commonwealth and other associations with which the CLA has worked over the last 25 years, in addition to a concise history of the CLA and entertaining recollections from former office holders.

### *Bulletin*

95. The Secretary General has continued to edit the Bulletin which is circulated to members throughout the year. The Bulletin is aimed at updating the members about specific CLA activities.

### *Clarion*

96. A new Editorial team has been appointed and the next issue of the e-newsletter will be circulated to members in April 2009. Further issues will be published in June and October 2009. Copies of previous issues are available at [www.commonwealthlawyers.com](http://www.commonwealthlawyers.com)

### *Other*

#### *Lawyers Cricket World Cup*

97. The Lawyers Cricket World Cup took place in Hyderabad, India from 30<sup>th</sup> December 2007 to 7<sup>th</sup> January 2008. Ron Heinrich participated in the Opening Ceremony in his capacity as President of the CLA.
98. A one-day seminar on developments in public law in the various jurisdictions represented was held during the competition on 4<sup>th</sup> January 2008 at NALSAR University of Law. Ron Heinrich inaugurated the seminar.
99. The next Lawyers Cricket World Cup will take place in Cambridge from 25<sup>th</sup> July – 3<sup>rd</sup> August 2009. The CLA is working with the organisers on the business programme for the one-day seminar, which will take place half way through the tournament.
100. Further information on the event is available at [www.lawyerscricketworldcup.sports.officelive.com](http://www.lawyerscricketworldcup.sports.officelive.com)

#### *Commonwealth Human Rights Initiative (CHRI)*

101. The CLA is a Founder and Trustee of the Commonwealth Human Rights Initiative (CHRI) and is also represented on the Advisory Commission of the CHRI. The Secretary General is a member of the Executive Committee of the London office and has attended these meetings on a regular basis.

#### *Para 55*

102. The CLA is a member of the Para 55 Group in the fight against HIV/AIDS and regularly attends meetings of the group, as well as participating in their activities.

#### *Commonwealth Legal Forum*

103. The CLA initiated and established the Commonwealth Legal Forum (the Forum) in October 2006. The Forum is a group of Commonwealth legal associations (including the Legal and Constitutional Affairs Division of the Commonwealth Secretariat and the British Institute of International and Comparative Law) that meets on a quarterly basis to discuss ongoing activities and areas of mutual interest. The CLA has continued to facilitate these meetings throughout 2007 – 2009.

104. The Commonwealth will celebrate its 60<sup>th</sup> anniversary in 2009 and the CLA, together with other members of the Legal Forum, have begun preparations to mark the occasion by organising a special event titled '60 Years of Law in the Commonwealth' to be held in August/September 2009.

### *Secretariat*

#### *Honorary Life President*

105. In recognition of his contribution to the CLA over the last 21 years, Colin Nicholls QC was made Honorary Life President of the association. An award was given at the closing ceremony of the Commonwealth Law Conference in September 2007.

*Council 2007 - 2009*

106. At the General Meeting held on 9<sup>th</sup> September 2007 in Nairobi, Kenya, the following office holders and council members were elected for 2007-2009:

President:	Ron Heinrich (Australia)
Vice-President:	Mohamed Husain (South Africa)
Honorary Treasurer:	Tim Daniel (England & Wales)
Elize Angula Ndjavera (Namibia)	Boma Ozobia (Nigeria)
Dr. Lloyd Barnett (Jamaica)	Mohammad Akram Sheikh (Pakistan)
Tim Bugg (Australia)	Hugh Robertson QC (Canada)
David Greene (England & Wales)	Dato Roy Rajasingham (Malaysia)

*Strategic Plan 2007 - 2009*

107. In October 2008, a new strategic plan for 2007 – 2012 was adopted.

*Appointment of long-term Professional Conference Organiser*

108. In October 2008, Paragon were appointed as the professional conference organisers of the CLA. This was in response to recent experience which had highlighted the need for the CLA to regain overall control of the conferences and to change the way in which future conferences were organised. The appointment will enable the CLA to select the best conference venues, in addition to retaining control over key areas (such as finance and the programme) and, ultimately, continue to enhance the reputation and quality of the conference.

*Incorporation*

109. Following the resolution at the General Meeting in September 2007, an application for incorporation of the CLA as a company limited by guarantee was submitted in March 2008. The CLA is awaits the outcome of the application.

*New Office Premises*

110. The CLA moved into new premises on 1<sup>st</sup> August 2008 as follows:

Institute of Advanced Legal Studies (IALS)  
Charles Clore House  
17 Russell Square  
WC1B 5DR, London, United Kingdom

The email, telephone and fax numbers remain unchanged.

*Collaboration:*

111. The CLA has continued to work closely with and improve existing linkages with it's institutional members, the Political Affairs and Legal & Constitutional Affairs divisions of the Commonwealth Secretariat, the CLEA, CMJA, CAPSL, the Commonwealth Association of Legislative Counsel, the Commonwealth Association of Law Reform Agencies, the Commonwealth Human Rights Initiative, the British Institute of International & Comparative Law, the Bar Human Rights Committee, the East Africa Law Society, the SADC Lawyers Association, and LAWASIA.

Secretary General  
Commonwealth Lawyers Association  
25<sup>th</sup> March 2009