

# THE COMMONWEALTH LAWYERS ASSOCIATION (CLA)

*Activity Report July 2005 – June 2006*

## **GENERAL**

1. 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.
2. 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.
3. The CLA is based at the Institute of Commonwealth Studies (ICS), 28 Russell Square, London, WC1B 5DS.
4. The secretariat, *inter alia*, provides administrative services to members, represents the CLA externally, develops projects, services the CLA's elected Council and promotes and supports the organisation of the Commonwealth Law Conference.
5. The President and Council are elected by the Association at its General Meeting held at the Commonwealth Law Conference and they hold office until the next Conference. CLA Council Members attend an annual meeting in London. There is an Executive Committee which meets quarterly in London.
6. As a professional association/non-profit organisation, the CLA is primarily reliant upon membership subscriptions for funding in order to maintain its office and conduct its project work. There are three types of membership available – individual, institutional and corporate. Most of the national law societies and bar associations throughout the Commonwealth are institutional members of the CLA.

## **ACTIVITIES OF THE CLA 2005 - 2006**

### **Projects:**

7. *Canadian Bar Association (CBA) Survey*  
The results of a survey of the institutional members of the CLA were published in May 2005. The survey was conducted by the Canadian Bar Association (CBA) with the aim of gathering information about the institutional members of the CLA in order to enable the CLA to be better informed, and better placed, to develop appropriate programs for support and collaboration amongst its members.
8. The survey was formally launched at the 13<sup>th</sup> Commonwealth Law Conference in London in September 2005. The report is available to download from the CLA website – [www.commonwealthlawyers.com](http://www.commonwealthlawyers.com)

9. The CLA has subsequently studied the report and utilised the key findings both to inform and supplement the ongoing restructuring of the membership and project work development.
10. *Commonwealth (Latimer House) Principles*  
Following the Pan African Forum on the Commonwealth (Latimer House) Principles that was held in Kenya in April 2005, a Plan of Action for the promotion and implementation of the Principles was drafted. This was subsequently adopted in December 2005 and the CLA, together with the Legal and Constitutional Affairs Division of the Commonwealth Secretariat and four other Commonwealth legal and parliamentary associations, is developing a project to promote the Principles amongst the profession and feed into the next Commonwealth law Conference, the theme of which deals with governance and the law.
11. The Commonwealth Heads of Government further endorsed the Principles at their meeting in Valletta, Malta in November 2005. Specific mention of the Principles was made in the Final Communique.
12. *Institute of Legal Executives (ILEX) Survey on Legal Services in the Commonwealth*  
The joint CLA and ILEX survey on legal services in the Commonwealth is a joint project that was initially proposed in 2003. The project aims to identify the main providers of legal services throughout the Commonwealth. This will include investigation into the education, training and qualifications of those providers as well as the regulatory structures governing those providers.
13. It is envisaged that it will be a twelve - month project and will require a project officer on a part time basis. A more detailed proposal is currently being developed by the CLA and ILEX.
14. *Commonwealth Policy Studies Unit (CPSU) Investment Treaties Project*  
This a proposed three-year project in which the CPSU intends to study the relevant experiences of Commonwealth Governments and private sector investors into Commonwealth countries, and to make recommendations for the future. The CLA has been approached to assist and facilitate the establishment of a semi-permanent international advisory group, most of whose members will be lawyers, to advise Governments, investors, inter-governmental organisations and NGOs on issues arising in this field.

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

15. *Launch of Alternate Dispute Resolution Centre – Commonwealth Telecommunications Organisation (CTO) – 8<sup>th</sup> December 2005*  
The CLA met with the Commonwealth Telecommunications Organisation (CTO) during the inception phase of the project in April 2005 and provided input into the project proposal. The CLA subsequently assisted with publicity and was represented at the launch on 8<sup>th</sup> December 2005.
16. *Commonwealth Professional Fellows – Law Society of England & Wales - 21<sup>st</sup> February 2006*  
The CLA met with representatives from the law societies and bar associations of Nigeria, Uganda, Tanganyika and Swaziland on 21<sup>st</sup> February 2006. This was part of a project run by the Law Society of England & Wales and provided the CLA with an opportunity to showcase the association and also to establish contact with individuals within the respective law societies and bar associations.
17. *The Ninth Commonwealth Lecture – 2<sup>nd</sup> March 2006*  
The CLA was invited to attend the annual Commonwealth lecture which was delivered by the former President of the World Bank, James Wolfensohn. The lecture was on the theme 'The Future Role of the Commonwealth: A Bridge Between an Emerging Three-Speed World' and was followed by a reception.

18. *Commonwealth Day Celebrations – 13<sup>th</sup> March 2006*

The CLA was invited to participate in the Multi Faith Observance of Commonwealth Day at Westminster Abbey in London. The Observance was attended by HRH the Prince of Wales and HRH the Duchess of Cornwall; the Prime Minister of Malta, Hon Dr Lawrence Gonzi, who is currently Chairperson of the Commonwealth; Baroness Amos, Leader of the House of Lords in the United Kingdom; and Commonwealth Deputy Secretary-General, Winston Cox. The CLA also attended an evening reception hosted by Commonwealth Deputy Secretary-General Winston Cox at Marlborough House, the Commonwealth Secretariat's London headquarters.

19. *Symposium on Good Governance – Association of Commonwealth Studies – 3<sup>rd</sup> May 2006*

The CLA participated in a consultative meeting to provide input into a future 2-day conference focusing on Governance in the Commonwealth. The conference will be organised by the Association of Commonwealth Studies (ACS) and is scheduled to take place in Africa in June 2007. Potential links with the CLC 2007 were highlighted and the CLA will continue to liaise with the organisers.

***Commonwealth Law Conference (CLC):***

20. The best known activity of the CLA is the Commonwealth Law Conference (CLC). The 14<sup>th</sup> Commonwealth Law Conference took place in London from 11<sup>th</sup> – 15<sup>th</sup> September 2005. The jubilee conference celebrated 50 years of Commonwealth Law Conferences, the first of which was held in 1955. The theme of the conference was *Developing Law & Justice* and delegates from forty-three Commonwealth countries, and nine non-Commonwealth countries, attended the event.

*CLC 2005*

21. The CLA was heavily involved in all aspects of the organisation of the conference. The Secretary General was Secretary to the Organising Committee and also worked closely with the conference organisers, Law Society Commercial Services and the papers and programme committee.
22. The CLA organised a legal writing competition in the run up to the conference. The prize was fully funded attendance at the CLC. Young lawyers were invited to submit papers of no more than 2000 words on the following topic - 'Is International Law really Law?' A distinguished panel consisting of the Hon. Kenneth Keith (New Zealand), Dr. Peter Slinn (England & Wales) and Sir Michael Wood KPMG (England & Wales) judged the entries. The overall winner was Janet MacNeil (Canada) and the runner up was Alice Yap (Australia).
23. The CLA assisted with the organisation of the Commonwealth Moot Competition. This involved identifying and inviting delegates to judge the moots, printing of materials, providing book tokens for various prizes and generating publicity of the competition both in the run up to, and throughout, the conference.
24. The CLA assisted with the organisation of a number of satellite events that took place in the wings of the conference. These included the following:

Commonwealth Association of Law Reform Agencies (CALRAS)  
Interights – Disability in the Context of Equal Rights  
Commonwealth Legal Information Institute (CommonLII) – Launch &  
Demonstration  
Commonwealth Bar Leaders

25. The CLA manned an exhibition stand for the duration of the conference. This enabled delegates to join and/or renew their CLA membership, as well as providing 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 also provided a space for the Commonwealth Legal Information Institute (CommonLII) to demonstrate the search engine and enable delegates to test it.

26. It was anticipated that a selection of the papers from the conference would be published in a special publication to mark the conference jubilee. Unfortunately, this was not possible. The papers will be published online on the CLA website in June 2006 and subsequently made available via password to members of the CLA.

#### *CLC 2007*

27. The CLA has provided extensive assistance to the organising committee for the CLC 2007. Representatives of the CLA have visited and met with various members of the conference committees when they have been present in Nairobi or London. Copies of the London conference report have been made available and a small London based Papers sub – committee will shortly be established to assist with the development of the programme.

#### ***Other:***

28. *Intervention – House of Lords - A & Others v Secretary of State for the Home Department*  
The CLA, together with the Human Rights Institute of the International Bar Association and the International Commission of Jurists, was granted Leave to Intervene in the case of *A & Others v Secretary of State for the Home Department* in the House of Lords from the 17<sup>th</sup> – 20<sup>th</sup> October 2005. The CLA delivered its oral argument before 7 law lords on Tuesday 18<sup>th</sup> October 2005. The case concerned the use of evidence obtained by means of torture in relation to terrorism offences. A judgement in favour of the intervention was delivered in December 2005.
29. *Statement in the case of Van Nguyen*  
The CLA issued a statement, urging the Government of Singapore not to carry out the sentence of death imposed on *Van Nguyen*. The CLA also raised the issue with the Secretary General of the Commonwealth prior to his departure for the Commonwealth Heads of Government Meeting due to take place in Valletta, Malta in November 2005.
30. *Statement on Travel Ban on Critics of the Zimbabwe Government*  
The CLA issued a Statement expressing concern at the travel ban imposed upon critics of the Zimbabwe Government in December 2005. This was a joint statement with the General Council of the Bar of England & Wales, the General Council of the Bar of South Africa and the Bar Human Rights Committee of England & Wales.
31. *Statement on the Independence of the Judiciary and Rule of Law in Uganda*  
The CLA, together with the Bar Human Rights Committee of England & Wales, the City of Westminster and Holborn Law Society, the General Council of the Bar of England & Wales, Members of the Huddersfield Law Society Twinning Committee (twinned with Uganda Law Society) Anne Pendlebury, John Royle, Nigel Priestly, the Human Rights Institute of the International Bar Association, the Law Society of England & Wales and the South London Law Society, issued a Statement expressing concern about recent events impacting upon the independence of the Judiciary and rule of law in Uganda in December 2005.
32. *Letter to the Attorney General Re: Detention of Activists in Zimbabwe*  
The President of the CLA wrote to the Attorney General of Zimbabwe in February 2006 expressing concern about reports of the prolonged detention of women activists from Women of Zimbabwe Arise (WOZA) who were arrested during peaceful protests on 14 February 2006. He called for their immediate release and urged the Government of Zimbabwe to conform to the provisions of the 1998 UN Declaration on Human Rights Defenders.

33. *Intervention – US Supreme Court - Salim Ahmed Hamdan v Donald H Rumsfeld et al*  
Together with the Bar Human Rights Committee of England & Wales, the CLA submitted an Amicus brief in the US Supreme Court Appeal in *Salim Ahmed Hamdan v Donald H Rumsfeld et al* relating to issues of habeas corpus on 6<sup>th</sup> January 2006. The Appeal was heard in March and judgement is expected in late June 2006.
34. Copies of all briefs, interventions and statements issued by the CLA can be downloaded from [www.commonwealthlawyers.com](http://www.commonwealthlawyers.com)
35. *'Official' Commonwealth*  
The CLA attended the Civil Society Preparatory Meeting on the Committee of the Whole and Dialogue with Senior Officials on 30<sup>th</sup> September 2005.
36. The CLA was granted official observer status and attended the Law Ministers Meeting in Accra, Ghana from 17 – 20<sup>th</sup> October 2005.
37. The CLA was represented at the Opening Ceremony and the Secretary General's Reception that was held at the Commonwealth Heads of Government Meeting (CHOGM) that took place in Valletta, Malta in November 2005.
38. The CLA was represented at the civil society consultation organised by the Commonwealth Foundation on 10<sup>th</sup> May 2006.
39. *Commonwealth Human Rights Initiative (CHRI)*  
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 CLA regularly attends meetings of the Trustee and Advisory Commission, as well as providing ongoing support for programme activities.
40. The CLA continued to assist with the redrafting of CHRI's Memorandum of Understanding and the overall restructuring of the organisation.
41. *Para 55*  
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.
42. *Collaboration*  
The CLA continued to work closely with the Commonwealth Magistrates and Judges Association (CMJA), the Commonwealth Legal Education Association (CLEA), and other Commonwealth professional associations, non - governmental and civil society organisations. The CLA has also continued to work with the Legal and Constitutional Division of the Commonwealth Secretariat (LCAD) on matters of mutual interest and concern.

### **Membership:**

43. The CLA has been heavily involved in the implementation of the changes to the membership structure and fees that were approved by the General Meeting in September 2005.
44. The corporate membership scheme was launched in February 2006 and the CLA is currently developing a campaign strategy for implementation at the start of the next subscription period on the 1<sup>st</sup> April 2006.
45. The CLA studied the CBA report on institutional membership and is utilising the key findings both to inform and supplement the ongoing restructuring of the membership and project work development.

***Public Policy***

46. The CLA has drafted a public policy in order to provide some guidance in dealing with requests to intervene, issue statements and/or make representations in relation to particular legal issues of concern around the Commonwealth.

***Website:***

47. The CLA continued to develop the website and has made copies of all briefs, interventions and statements available to download.
48. Links to corporate and institutional members have also been uploaded and there are regular updates as to meetings, events and conferences of interest to CLA members.
49. A facility to enable individuals willing to assist the CLA as interns has been built into the site.
50. The papers presented at previous Commonwealth Law Conferences are available to download by CLA members.

***Publications:***

51. *The Commonwealth Lawyer*

The CLA publishes a journal three times a year that is circulated free of charge to members. The journal is also circulated to the law societies and bar associations across the Commonwealth, as well as partner organisations and other related organisations.

52. The CLA has drafted a marketing strategy to increase both the circulation and advertising of the journal.

53. *The Clarion*

The CLA publishes a newsletter three times a year that is circulated free of charge to members. The newsletter provides information on current legal issues of interest around the Commonwealth and is available to download from the website.

54. *Publicity Brochure*

The CLA produced a publicity brochure for dissemination at events and meetings, together with membership application forms as part of the corporate membership drive.

Claire Martin  
Secretary General  
June 2006