



COMMONWEALTH LAW CONFERENCE 2025

The CLC Malta 2025 Programme at a Glance Commonwealth Lawyers – fit for the future!

Saturday 5 April 2025

  	<p align="center">Family Law Symposium co-hosted by the CLA Family Law Committee, IAFL and the FLBA</p> <p align="center">“Show me the Money”</p> <p align="center">Family Law, Trusts, Recognition and Enforcement</p> <p align="center">Hosted at the Vilhena and Wignacourt Suite, Hilton Conference Centre</p>		
13.00 -13.15	Welcome		
13.15- 14.15	<p>Jurisdiction in family law matters where there are financial elements abroad</p> <p>The jurisdiction of the courts in State A to deal with family law matters, where there are connections with State B, whether that is relating to people, property and/or structures in State B</p>		
14.15- 15.15	<p>Recognition (or not) of orders and agreements deriving from family law matters</p> <p>To what extent will the courts in State B recognise (or not) agreements in a family law matter, like a pre or post nup, and/or orders from family proceedings in State A, which relate to people, property or structures in State B (for example, for the recovery of trust documentation, requiring attendance as a witness, for transfer of property or injunctive orders re taking proceedings out with State A, or a pre-nup which has provision for property held in State B), to what extent would that provision be recognised in State B, what steps (if any) could be taken to recognise it, how long would that take the cost etc, and what could be done in State B (if anything) to put a spanner in the works.</p>		

15.15- 15.45	Tea / Coffee Break		
15.45 – 16.55	Asset Recovery, Enforcement and Sanctions What steps can be taken (or not) in State B to enforce agreements or orders from State A: asset recovery, tracing, enforcement and the impact of sanctions. Practical tips, timescales, costs and bear-traps.		
16.55 -17.00	Closing		
17.00 – 18.00	Drinks Reception for Family Law Symposium Delegates		
18.00 -20.00			Young Lawyers Come and say “Hi” drinks icebreakers 18.00 – 19.30 Sponsored by the British High Commission Drinks and light canapes provided Quarterdeck bar, Hilton
18.15 – 19.30		CLA Council Meeting for Council members only Pinto	
20.00		CLA Council dinner (Blue Elephant restaurant Hilton) Council members only	

Sunday 6 April 2025

8.00 – 16.30	Conference Registration and Assistance Atrium of the Hilton Conference Centre		
9.00 – 12.30		CJEI Meeting (Invitation only)	
9.15 – 11.00	Bar Leaders’ Summit (Invitation only) Pinto Suite, Conference Centre Session 1 Protection of Bar Leaders’ at Risk		Young Lawyers programme (open to all young lawyers under 40 or within 7 years of call) Verdala Suite, Conference Centre
			Introduction
			Keynote Purpose-Driven Pathways: Lessons Beyond the Textbooks for Building a Legal Career of Impact and Influence.

					Yorm Ama Abledu will blend reflections on navigating the legal profession with insights on building resilience, pursuing purpose-driven work, and making an impact in complex fields like energy and infrastructure. We hope that the session will resonate with those just starting their journey and offer some guidance in considering future paths.
					Advocacy Idioms: A collection of one-liners to make you better and stronger.
11.00 – 11.30	Tea / Coffee Break				Tea / Coffee Break
11.30 – 13.00	<p style="text-align: center;"> Bar Leaders' Summit (Invitation only) Pinto Suite, Conference Centre Session 2 The implications of AI on Commonwealth Bar Associations and Law Societies </p>				Skeleton arguments/submissions: how to be fifteen-love up (or down) before your hearing starts
					Everything you wanted to ask senior advocates and judges about advocacy but were afraid to ask... until now!
					<p style="text-align: center;">Ethics in Action</p> <p style="text-align: center;">Interactive session where a senior practitioner takes those present through a series of ethical dilemmas</p>
13.00 – 14.00	Lunch				Lunch
					Law, life and balance: thriving in a high-pressure legal world
					Speed Mentoring
15.00 – 15.30			Tea / Coffee Break for CLA members attending the General Meeting		

15.30 -16.30			General Meeting for CLA members Vilhena and Wignacourt Suite, Conference centre		
18.00 – 20.00	Welcome reception for all conference delegates in the Portomaso Suite Hilton Hotel. Those accompanying persons who have purchased an accompanying person ticket are also welcome to attend.				

Monday 7 April 2025					
8.20 – 9.30	Opening Ceremony Grandmaster Suite				
9.30 – 11.00	Plenary Panel 1 Democrats and despots - does consensus work? Grandmaster Suite <i>The Commonwealth Charter, adopted by heads of government a dozen years ago, waxes lyrical about the importance of inclusion and consensus in decision making. This plenary will look at the record of the charter from the perspective of the promotion of the rule of law and human rights – arguably the most difficult areas to achieve success (in the sense of enshrining values in domestic law) by consensus in such a diverse group of sovereign nations. Is the Charter ever likely to be effective in holding to account regimes which pay mere lip service to its aspirations? Will what the Hon Michael Kirby describes as “the Commonwealth way” ever see the appointment of a Commonwealth Human Rights Commissioner? If not, will the Commonwealth ever live up to its Charter?</i>				
11.00 -11.30	Tea / Coffee Break Spinola suite				
	Stream A Rule of Law and Human Rights Portomaso 1 Suite	Stream B The Courtroom and beyond Portomaso 2 Suite	Stream C Legal Practice Portomaso 3 Suite	Stream D Corporate and commercial Vilhena and Wignacourt Suite	Stream E General Interest Pinto Suite
11.30- 13.00	A1 An exploration of the relevance of international human rights law in national and local courts in Commonwealth countries	B1 Parliament and the Judiciary: what is the proper relationship?	C1 Balancing scales: fair & expeditious Regulation of the legal profession	D1 Combatting transnational organised crime in the Commonwealth: opportunities and challenges	E1 Transnational abandonment and compounding issues – suffer the children ?
	<i>“Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal</i>	<i>“It is the will of the people, not the law that matters, and the will of the people always tramples the law.” [Hon Speaker to Polish parliament – contemporaneous]. This alarming statement is a sort of antonym of everything that the Rule of Law is all about. In recent</i>	<i>As guardians of justice, legal professionals play a pivotal role in society, and the mechanisms governing their conduct must evolve to meet the challenges of the modern legal landscape. Join us as experts explore innovative approaches to regulation,</i>	<i>What can Commonwealth Countries Learn from the UK Modern Slavery Act?</i> <i>Cross-border financial crimes: Regulating Cryptocurrency and other Virtual Assets in Commonwealth Countries.</i>	<i>How has the law developed concerning parents from beyond the seas who are brought to a jurisdiction upon marriage and then dumped abroad by their spouses when they are no longer wanted. To what extent has the case of AM, R (On the Application</i>

	<p>dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.” - Eleanor Roosevelt. The application of international human rights law in national and local courts in domestic disputes has the potential to extend the reach of important human rights protections and promote the rule of law. Sharing experience with how and when this has been/can be done (e.g., recent UK Supreme Court case re Rwanda immigration policy), and related challenges, could serve to expand and strengthen related doctrinal development across Commonwealth countries.</p>	<p>years an increasing number of liberal constitutional democracies have faced numerous challenges to the impartiality of their courts and the independence of their adjudication. The forms of the challenges have been varied and have given rise to heightened concerns of democratic backsliding particularly when the challenge to the independence of the judiciary is initiated by the Parliament. One recent challenge in the UK was made by Lord Philips of the Supreme Court who recently stated that the very independence of the Courts was threatened by the ‘funding arrangements currently in place’ for the courts. Then to add to external influence on how the courts carry the flame to uphold the rule of we have the dual legal-political role of the Attorney General together with his or her subordinate law officers of varying seniority in a number of Commonwealth jurisdictions. Necessary machinery one might say, to enable democracy to function, they often being the first to consider and opine on the legality of a public policy initiative. These so-called Government Lawyers are sometimes referred to as the Guardians of the Rule of Law. Insofar as this pivotal arrangement is criticised as being, at best, subject to the blurring of lines, and, at the worst, abuse, we will analyse whether, on the one hand, it is, indeed, flawed and outdated or, on the other, as others would have it, that is long tested and true.</p>	<p>striking the delicate balance between accountability and efficiency. This session will examine case studies, global best practices, and forward-thinking strategies that aim to foster a legal environment where ethical standards are upheld, grievances are addressed promptly, and the pursuit of justice is swift and fair. The session will also examine the involvement of the executive government in regulation of the profession, and critically examine the effect of such involvement on the profession’s independence.</p>	<p>Combatting Financing of Terrorism and Proliferation Financing: Has FATF Enhanced Monitoring Made any Difference in Non-Compliant Countries? What is the of legal professionals in advising corporate clients of their obligations in each of these areas, and what are the risks of them not doing so?</p>	<p>Of) v Secretary of State for the Home Department [2022] EWHC 2591 (Admin) (14 October 2022) opened the way for justice. Also, to what extent has UNICEF fulfilled its remit since it was founded in 1988 in relation to the issues of child marriage, forced marriage and female genital mutilation. Within this context we will examine cases studies/factual scenarios (where in country legislation does not exist) across Commonwealth jurisdictions.</p>
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13.00 – 14.00 **Lunch Break**

Spinola suite					
13.30 -13.50	Drop in and meet the Committee session: CLA Family Law Committee Verdala suite				
13.30 -13.50	Drop in and meet the Committee session: CLA Public and Administrative Law Committee Grandmaster Suite				
14.00 – 15.30	A2 The global rule of law recession - what is the state of the Rule of Law in the Commonwealth today?	B2 Delays, excessive duration, backlogs and resources of the Judiciary	C2 Guardians of ethics: exploring anti-money laundering laws in the Commonwealth and the delicate balance with professional privilege	D2 ESG (Environmental, Social, and Governance) & corporate profitability issues across the Commonwealth	E2 Slavery and the Commonwealth – reparations for the past and recognition for the future – the law in action
	<p>No society, <i>however advanced in other respects</i>, has ever attained—let alone sustained—a perfect realization of the rule of law (World Justice Project). Nevertheless, says Jonathan Sachs, <i>true freedom requires the rule of law and justice, and a judicial system in which the rights of some are not secured by the denial of rights to others. So why, in an era of the greatest technological and scientific advance is the Rule of Law in apparent retreat. Was Pandora’s box of the Pandemic when civil liberties were, of necessity, relaxed.</i></p>	<p><i>Delays, excessive duration of cases, as well as backlogs impinge on the rule of law. This topic cannot be discussed without delving into the need for adequate resources for the judiciary.</i></p> <p><i>Is it simply a resource issue, for which executive governments must accept responsibility – or has the modern trend to judicial or quasi-judicial case management added to the complexity of litigation, and therefore caused their own delays?</i></p>	<p><i>This session will delve into the intricate relationship between anti-money laundering (AML) laws and the sacrosanct concept of professional privilege.</i></p> <p><i>How do AML laws impinge or limit professional privilege? Lawyers often walk a fine. How can courts ensure this fine line is clear and not subject to interpretation (or misinterpretation)? Our distinguished panel will navigate the nuanced challenges faced by legal professionals as they navigate AML regulations while upholding the principles of professional privilege. Through real-world case studies and interactive discussions, we will explore the delicate equilibrium required to protect both the integrity of legal practices and the global fight against illicit financial activities.</i></p>	<p><i>We will evaluate to what extent the consideration of ESG variables have become a pivotal benchmark for evaluating good corporate citizenship and performance. From human rights diversity in board composition, ESG has increasingly become the means of measuring the twenty first century company within the context of the manifold and complex challenges confronting the environment of business in the world today! Yet, it is also true that ESG is viewed by many as an obstacle to corporate profitability as a result of which many seek to negotiate their way around the behavioural thresholds established under ESG. Given that approaches and attitudes to ESG differ markedly within the commonwealth, this panel seeks to review the implications of ESG for corporate profitability and the various approaches adopted by countries and companies across the commonwealth towards ESG, such as ‘enlightened shareholder value’, directors’ environment liabilities, including under s172 of UK Companies Act, and <u>ClientEarth v Shell</u></i></p>	<p><i>Over the decades, there has been a steady call for reparations for the harms caused by the transatlantic enslavement of Africans allowed by European colonial powers. These calls have caused institutions, individuals and families to examine how they’d benefited from chattel slavery, and how they could atone.</i></p> <p><i>There is clearly a moral case for reparations. Is there a legal case? How can those in the Commonwealth affected by chattel slavery utilise the law in their quest for reparations, and what can be learnt from the experiences of claims brought outside the Commonwealth? How do we grapple with the difficult questions of defining reparations, identifying defendants, claimants and other beneficiaries, deciding on jurisdiction and courts and overcoming limitations and the defence of legality?</i></p> <p><i>Slavery in modern terms is still, of course, widespread. Commonwealth jurisdictions</i></p>

					<p><i>have had to deal with enslavement of children and other vulnerable individuals whose treatment and exploitation is perhaps more insipid because it is clandestine.</i></p> <p><i>This session will canvas these important issues and look at best practices emerging across the most affected jurisdictions.</i></p>
15.30– 16.00	Tea / Coffee Break Spinola suite				
16.00 – 17.30	A3 Sharing developing experience with the extraterritorial application of human rights laws	B3 Recent developments concerning the duty of fairness	C3 Silent Intruders: navigating the intersection of modern spyware tools and fundamental rights	D3 Corporations & employment standards in the Commonwealth	E3 Dispute resolution in family law – best practice across the Commonwealth
	<p><i>Domestic courts in some Commonwealth and non-Commonwealth countries are being called upon to consider the extraterritorial application of human rights laws, for example, in cases where corporations resident within their borders are alleged to have engaged in human rights abuses outside their borders. This developing jurisprudence has important potential to extend the reach of human rights protections and promote the Rule of Law. Sharing these experiences could serve to expand and strengthen related doctrinal development across Commonwealth countries.</i></p>	<p><i>In recent years the UK courts have significantly fleshed out the principles of common law fairness. First, the Supreme Court has identified the underlying value of fair procedures to expose its limitations. Secondly, it has focused on when the court requires substantive fairness (rather than focusing on procedural fairness). Thirdly, it has clarified when fairness requires a decision maker to allow an individual the opportunity to state his or her case.</i></p>	<p><i>As technology evolves, so does the potential impact on fundamental rights, privacy, and civil liberties. Our expert panel will explore the legal, ethical, and technological dimensions of the Pegasus revelations, shedding light on the implications for citizens, governments, and the global community. This session aims to foster a nuanced dialogue on safeguarding fundamental rights in the digital age. The confidentiality of lawyer-client communications and ensuring that what should be covered by professional secrecy and legal privilege is out of the scope of surveillance operations. The session will have particular regard to legal professional liability where their client records or sensitive materials are “hacked” and used adversely to the client’s interests.</i></p>	<p><i>"A diamond is merely a lump of coal that did well under pressure." [Henry Kissinger]. One of the serious challenges facing corporations today is the standards of employment across the various countries of their operations. From problematic human rights issues implicated in their value changes to child labour situations in their employment practices, corporations continue to grapple with developing and implementing effective employment policies and practices. This has broad implications for productivity and brand management of companies affected. This panel is structured to discuss issues affecting employment practices and standards affecting companies within the commonwealth and how these can be improved to promote the mutual benefits of companies and employees.</i></p>	<p><i>The introduction of alternative dispute resolution mechanisms in family law has proceeded to varying extents throughout the Commonwealth over the past two decades. Conciliation, mediation and arbitration, whether the mechanism of choice for separated couples, or mandated by legislation or judicial order, are features of modern family law. Experts will discuss best practice in Commonwealth jurisdictions, and whether these have been successful, or merely added to delay and trauma – particularly in cases where family violence is an aspect of the reason for relationship breakdown. What is the place of children in these processes – and can they be effectively heard?</i></p>

18.00 -19.00	<p style="text-align: center;">The Bar Council of England and Wales International Law Moot Common Law- different approaches Portomaso 1</p> <p style="text-align: center;">All delegates are invited to join the Bar Council of England and Wales for the International Law Moot - "Common Law- different approaches" An expert team of barristers from England and Wales will moot against a team of esteemed lawyers from the Commonwealth. The moot subject will be the international child abduction and will involve conflict in the application of the International Hague Convention 1980. Please join us for what is bound to be a lively event that will demonstrate the differing advocacy styles of barristers at the Bar of England and Wales and other lawyers of the Commonwealth. The moot will be followed by a reception.</p> <p style="text-align: center;">Places are limited so please click on the link to reserve your place at this complimentary event https://www.barcouncil.org.uk/training-events/calendar/international-law-moot-malta.html</p>				

Tuesday 8 April 2025					
8.30 – 10.00	<p style="text-align: center;">Plenary Panel 2 Judicial independence and parliamentary sovereignty – a colossi of roads? Grandmaster suite</p> <p><i>Three years ago The Guardian reported: ‘The Supreme Court taking positions more palatable to government as top MPs ‘attack’ judges, notes cross-party report’. One MP had suggested that the role of Lord Chancellor had become ‘a political stepping stone from which to take pot shots at the judiciary’. Is this a creeping attitude of Parliaments throughout the Commonwealth and is it a step too far beyond the Latimer House Principles?’ First law officers across the Commonwealth (including Attorneys General who are members of Parliament) are supposed to uphold the independence of the judiciary – not be the government’s chief critic of the courts. The session will examine the current state of the ancient tension between elected politicians and unelected politicians and identify jurisdictions where crises (ranging from, on the one hand, courts being denied appropriate resources to judges being dismissed, courts abolished, and worse)– through to unpopular legislation being struck down by activist judges.</i></p>				
10:00- 10:30	Tea / Coffee Break Spinola Suite				
10:30– 12.00	A4 Achieving legal certainty and justice in small states	B4 Implementation and effective enforcement of judgements	C4 Health and wellbeing in the law	D4 Cultural issues in M&A practice across collaborating firms	E4 Cross border property disputes between estranged couples – approaches across the Commonwealth

	<p><i>The overarching goal of the Commonwealth is to promote democracy, good governance, peace, human rights and the rule of law. The Commonwealth has also committed to the delivery of the United Nations 2030 Agenda for Sustainable Development and its 17 Goals. The focus of Goal 8 is “promoting inclusive and sustainable economic growth, employment and decent work for all.” This session examines the relationship between access to internationally mobile capital and the role of legal certainty and justice as interconnected elements for the achievement of Goal 8 by small Commonwealth states.</i></p> <p><i>Access to internationally mobile capital is critical for many small states striving for sustainable economic growth. The cost of such capital is dependent on a number of factors, including the presence of good governance and the rule of law as key components in the achievement of legal and commercial certainty. What steps ought small states take at a domestic level that would strengthen good governance and the rule of law in order to achieve legal and commercial certainty that would optimise justice as well as access to capital that is requisite in enabling sustainable economic growth?</i></p>	<p><i>The effective implementation and enforcement of judgements is essential for a justice system to function. Otherwise, what’s the point?</i></p> <p><i>What are the measures in place to ensure enforceability of judgements across the Commonwealth – do courts act in aid of each other?</i></p> <p><i>Do different rules apply to judgements based upon arbitration or other dispute resolution models? Are there differences in place where the judgement is declaratory, injunctive, or punitive, and what about the rights of third parties?</i></p>	<p><i>Recent research in the UK by the legal mental health charity LawCare provides robust evidence that the legal profession is stressed, tired, anxious, at high risk of burnout and that those working practices in the law that undermine mental health need to change. Other statistics have shown that 92% of millennials in the law have experienced burnout at their current job and 25% feel burned out every day. How do we spot these situations before they become critical? How do we guard against them in the first place? How do we create a workplace where, and a toolkit with which, our lawyers who are our greatest asset can thrive?</i></p> <p><i>This session will examine the various sources of difficulties throughout the profession – business pressures, judicial and case management pressures, the increasingly stressful nature of client problems and the inherent risk of vicarious trauma.</i></p> <p><i>Our expert panel will provide solutions for each of these.</i></p>	<p><i>“No man is an island, entirely of itself; every man is a piece of the continent.” — John Donne. Cross-border Mergers & Acquisitions necessarily bring law firms from two or more jurisdictions to collaborate in order to complete a deal. Experience has shown however that beyond the complex nuances of the deal itself in respect of which collaborating law firms are to engage, subtle extraneous factors. Important matters like work culture, time management, and cultural complexities play subterranean yet impactful roles that help or hurt the evolving deal completion process. This panel is designed to take a fresh look at the role of culture and similar variables in the collaborative engagement involved in the M&A deal making process and how these can be leveraged on to better ends.</i></p>	<p><i>In a constantly shrinking world, property disputes among separated couples not infrequently involve different jurisdictions. Real property, personal property, savings, pension and superannuation entitlements and choses-in-action are all subject to the laws of the jurisdiction in which they are found.</i></p> <p><i>What of the extraterritorial jurisdiction of family courts across the Commonwealth, and does this encourage forum shopping?</i></p> <p><i>How can the modern family lawyer properly and strategically navigate the litigation course ahead?</i></p>
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	Spinola Suite				
12.30 - 13.20	Lunch Session hosted by Melinda Janki “Lawyers and the fossil fuel industry – lawful but awful?” Verdala Suite				
12.30 - 13.20	CLA anti-corruption Committee session on “Managing expectations: review of anti-money laundering compliance by the legal profession” Grandmaster suite				
12.30 - 13.20	Drop in and meet the Committee session: Human Rights and Rule of Law Committee Pinto suite				
13.30 – 15.00	A5 The future rights of the child across the Commonwealth – what if a parent or a child is LGBTQI+ ?	B5 Military Justice Reform in the Commonwealth through the Commonwealth Military Justice Transformation Project	C5 Navigating sanctions (while respecting the right to a defence and access to justice)	D5 Corporations and corruption	E5 Towards a mediation profession
	<p><i>In some parts of the Commonwealth, aspects of being LGBTQI+ are not recognised in law, or are even criminal offences. The implications for children born to LGBTQI+ parents are profound. The session will canvass the rights of children who are, or are born to LGBTQI+ parents.</i></p> <p><i>Expert family and human rights lawyers have yet to agree on appropriate law reform to ensure compliance with important international covenants for those children.</i></p>	<p><i>The Commonwealth Military Justice Transformation Project, launched in 2021, has made significant strides since its introduction at the Commonwealth Lawyers Association Conference in The Bahamas. This ambitious initiative aims to revamp military justice systems across the Commonwealth to adhere to international norms and standards, including humanitarian and human rights laws. It seeks to ensure the proper administration of justice through an independent and impartial judiciary, free from external influence, while also guaranteeing due process and equal access to justice.</i></p> <p><i>We cordially invite you to attend a session delving deeper into the project, focusing on crucial aspects such as the Commonwealth Military Justice Principles, drafted by a committee of experts and currently undergoing refinement by member countries.</i></p>	<p><i>Since October 2022, lawyers cannot provide, directly or indirectly, “legal advisory services” to the Government of Russia or legal persons, entities or bodies established in Russia. But of course, restrictions apply likewise to many other groups including so called illegal immigrants, designated terrorists and their organisations, and others with whom governments have issues.</i></p> <p><i>What is included in “legal advisory services”, and what isn’t? How do we balance the right of defence and access to justice with abiding by sanctions? This session will question whether an independent legal profession can be constrained from giving advice or undertaking casework for a client who may be the subject of sanction (either individually or as a member of a class). Examples of “sanctions busting” by the profession where the restrictions are politically based will inform delegates as to the state of play.</i></p>	<p><i>Corruption is a Cancer: A cancer that eats away at a citizen’s faith in democracy, diminishes the instinct for innovation and creativity” [Jo Biden, as Vice President of the USA]. This panel touches on the delicate subject of corruption with a strategic slant. Quintessentially a third world problem, global corporations have also been found to have complicitly participated in the payment of bribery to benefit their companies or to win contracts</i></p> <p><i>The panel will be expected to review the role of corruption in the life of corporations in the commonwealth focusing especially on the role of corporate leaders and governments.</i></p>	<p><i>Should the profession of mediator be acknowledged? Mediation training is essential to acting as a mediator. Not everyone has the requisite skill set. There are some commonly accepted standards for mediation training. Should those who invest time and money in participating in training be more formally recognised? And should there be regulation of mediators to ensure standards and protection for parties? Would such recognition as a profession assist the development of mediation and give more confidence to mandating mediation before accessing court? Would a mediation profession in fact assist access to civil justice? And would a mediation profession give equal status to mediation when compared to arbitration</i></p>

		<i>Additionally, the session will explore model legislation on military justice tailored for smaller armed forces and provide insights into how specific Commonwealth member countries are approaching reform within their jurisdictions.</i>			particularly in light of the Singapore Mediation Convention?
15.00– 15.30	Tea / Coffee Break Spinola Suite				
15.30 – 17.00	A6 The Death Penalty – where does the Commonwealth stand? Developments, challenges and controversies	B6 The decriminalisation of poverty and status: a practitioners’ guide	C6 Women’s Round Table: how to thrive -not just survive- in private practice	D6 Financial innovation for economic development	E6 Climate litigation: Are adjudicating bodies up to the task?
	<i>f.</i>	<i>The Institute of Commonwealth Studies (ICwS), together with its partners, the Commonwealth Secretariat (ComSec) and the International Commission of Jurists, (ICJ), will introduce a Practitioners’ Guide (PG) for a human rights-based approach to criminal law, including to the decriminalization of poverty and status. The PG will serve as a reference and guide to justice sector actors and others – such legislatures, government officials, policy-makers, national human rights institutions, oversight bodies, victims’ groups, human rights advocates, civil society organizations and academics – offering a clear, accessible and operational legal framework and practical legal guidance for a human rights-based approach to criminal law, including on ways to further the decriminalisation of poverty and status consistent with and based on general principles of criminal law and international human rights law and standards and grounded in SDG 16 – Peace, Justice and Strong Institutions. The PG was launched at CHOGM in October 2024. https://commonwealth.sas.ac.</i>	<i>For over two decades, women have graduated from law schools in equal or higher numbers than men. In most jurisdictions, women leave private practice in far greater numbers than their male counterparts. When women remain in private practice, they consistently earn less than men. They have failed to advance as partners in large firms despite their increased numbers in the profession. Departures in these numbers from private practice deprive firms and the public from law’s ‘best and brightest. Researchers, consultants, universities and legal organizations have consistently identified the issues. But are there solutions and how can they be implemented? Leadership must come from senior men, not just from women. Both men and women will benefit from the practical solutions developed across the Commonwealth, designed to help women to advance and flourish — whether as a sole practitioner or in a small or large firm</i>	<i>This session will explore the efforts and effectiveness of contractual innovation, law reform and training to build out the financial markets and the understanding of judges about finance in developing and underserved markets. In emerging and developing markets, where economies, GDPs, exchange rates, interest rates and capital flows can be relatively more volatile than those of advanced economies, enhancing risk management techniques and enabling access to capital represent pressing needs. Somewhat ironically, financial instruments like derivatives and the deployment of fintech/legal tech from more advanced economies can be key tools to unlock financial inclusion and economic development. Central bank digital currencies and blockchain offer additional potential for serving the underbanked and could help foster the build out of local financial markets that would strengthen the resilience of the economy, support economic growth and mitigate risk from, for example, single commodity dependence.</i>	<i>As the planet warms, the potential for climate change claims is unlimited. The use of the common law to found such claims is trailing behind for now, but is soon expected to explode as cases in Australia in Pabai and New Zealand in Smith work their way through the Courts. Other common law countries are watching closely. This session will consider the critical features of these claims in terms of duties of care, causation and attribution of harm and the essential knowledge for lawyers in managing these claims in the future.</i>

		uk/news/launch-practitioners-guide-criminalisation-poverty-and-status		<i>Reporting out from a multi-year World Bank Group capacity building project, the particular role of lawyers in sharing their experience from advanced market economies can be a step in the right direction for increased access to finance and financial risk management, a deepening of local financial markets and meeting the challenges of globalisation.</i>	
17.15 – 18.15			Drinks reception for those delegates attending the Women’s Roundtable		

Wednesday 9 April 2025

	Plenary Panel 3 Watch out – Lawyers are at risk right now! Grandmaster Suite <i>From St Luke to Dick the butcher to Mark Twain, lawyers have been the subject of scorn, derision and tasteless jokes. The profession has often worn these as a badge of honour. Increasingly, however, governments who, like Shakespeare’s character, fear the profession’s role as a bulwark protecting rights, holding wrongdoers to account, ensuring society functions according to the rule of law, have either been slow to afford protection to lawyers, or, worse, have been complicit in attacks upon them. Individual lawyers, and the profession in general, have been targeted. Our panel of distinguished lawyers will examine the risks and outline the measures the organized profession and individuals should take to ensure we are fit for the future.</i>				
08.30 – 10.00					
10:00- 10:30	Tea / Coffee Break Spinola Suite				
10:30– 12.00	A7	B7	C7	D7	E7
	The role of lawyers in election oversight to ensure free and fair processes	Modern law fit for the future: the role and value of independent law reform agencies	Legal Aid and the Rule of Law: a critical intersection in access to justice	Tackling transnational corruption: from theory to practice, measuring progress made in Commonwealth countries	“I had no choice but to flee – surely I must be welcome to seek to live here?” The misuse of migration law and does the rule of law apply on the high seas?
	<i>A fair and fair election is a fundamental requirement of a properly functioning democracy. In many countries</i>	<i>"Things in life do not get done unless it is someone's job to do them", according to Lord Gardiner, the Lord Chancellor of England and Wales,</i>	<i>Access to legal aid is one of the most critical aspects to guarantee access to justice. Limited budgets for legal aid</i>	<i>Beneficial ownership transparency: exploring recent judicial decisions and how lawyers can overcome the legal and regulatory obstacles.</i>	<i>Laws intended to protect the most vulnerable, including in times of war. Adequate legal</i>

	<p>concerns are expressed about issues which it is claimed adversely affect an election. These concerns can range from nomination fees, disqualification of candidates, executive interference with Election Commissions, disenfranchisement of certain voter groups, flawed counting processes and warped tabulation of votes to produce results. In effect an election should reflect the will of the people not the will of those who wish to stay in power. If the people perceive that the election process was not free and fair, confidence in those declared elected will be affected and in fact the democratic process is undermined. Lawyers are frequently involved in legal challenges in election and constitutional courts pre, during and post-election. They submit arguments and petitions based on election legislation and on the Constitution. Sometimes election results are overturned or recounts ordered. While the role of lawyers in election litigation can assist to ensure a free and fair election process and accountability, lawyers can also have a role in election monitoring and election observation. The Commonwealth Secretariat plays an important role in election guidance, training and observation. In view of the critical importance of free and fair elections for democracy and institutions should lawyers be asked to participate more in monitoring and observing the election process? What steps can be taken to ensure swift and</p>	<p>when introducing the bill that established the law commissions in England and Wales and Scotland. Whose job is it to see that the law in any jurisdiction is in good working order and modernised? Law reform agencies play a key role in making good modern law. Fair and effective law reform underpins the rule of law and assists in supporting sustainable development. Leading law reformers from around the Commonwealth discuss examples of the role and achievements of law reform agencies; the economic benefits of law reform; modernising the law to prepare for the challenges of emerging technologies; and the relationship between law reform and legislative development.</p>	<p>and remuneration of lawyers hinder this process.</p> <p>Addressing these access to justice issues requires a comprehensive and collaborative approach involving government bodies, legal professionals, NGOs, and community organisations working together to enhance the availability and effectiveness of legal aid services in Commonwealth countries.</p> <p>This session will examine the role of government funding across Commonwealth jurisdiction, the role of the profession and professional bodies in legal aid provision, and the economic benefit of a properly funded legal aid system.</p>	<p>Reviewing the Impact of the Resolutions at the 10th UNCAC Conference of State Parties (UNCOSP 10, 2023) on Commonwealth States Anti-Corruption Legal and Regulatory Frameworks</p> <p>Enhancing the Implementation of the United Nations Convention Against Corruption (UNCAC) Provisions on Proceeds of Corruption for Sustainable Development: Case Studies and Best Practices.</p>	<p>information to ensure these laws can be properly applied.</p> <p>The session will reference the EU Charter of Fundamental Rights (Article 18); The Geneva Convention of 1951; The Temporary Protection Directive and Laws protecting unaccompanied children.</p> <p>This session will examine the misuse of migration or border protection powers by governments across the Commonwealth for political purposes, and the role of the legal profession in upholding these long-standing protections – often against the seeming will of the public.</p>
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	<i>effective redress through election challenges? And do lawyers have a role in voter education given the important rule of law implications if elections are flawed?</i>				
12.00 – 13.30	Lunch Break Spinola Suite				
12.30-13.20	Lunch Session hosted by the CLA ADR Committee Grandmaster Suite				
12.30 – 13.20	Drop in and meet the Committee session: Climate Justice Committee Pinto Suite				
12.30 – 13.20	Drop in and meet the Committee session: Legal Technology Committee Verdala Suite				
13.30 – 15.00	A8 Striking down laws that criminalise LGBT People: a success story for human rights and the Rule of Law	B8 Commonwealth children and the law – are we fit for the future?	C8 AI regulations: concept and governance	D8 A crisis of inequality: who pays the price for fossil fuels?	E8 Copyright: What is it, who owns it. We look at cases from across the Commonwealth
	<i>The Commonwealth has been disproportionately complicit in maintaining laws that criminalise adults engaged in private, consensual, same-sex intimacy, largely due to colonial-era laws. But most constitutional courts and international human rights tribunals have made it clear that these laws violate fundamental human rights law. Since 2022 alone, seven Commonwealth countries have decriminalised, and the UN Women’s Committee has held that these laws violate international treaty law. There are now only 64 criminalising countries remaining – and almost half are in the Commonwealth. This session will address how constitutional and international law have been applied in courts</i>	<i>Children's rights are not special rights but rather the fundamental rights inherent in the human dignity of all people. The UN General Assembly unanimously adopted the ‘Declaration of the Rights of the Child’ in 1959 and continues to promote public awareness of these rights by holding the ‘World Children Day’ which is held annually on the 20th November. Some 30 years later, the UN General Assembly ratified the UN Convention on the Rights of the Child (UNCRC) with outlines the fundamental rights of every child. Some of the Rights outlined in the UNCRC include: protection from violence, abuse and neglect (Art 19), health and health services (Art 24),</i>	<i>“I’m increasingly inclined to think that there should be some regulatory oversight [over AI], maybe at the national and international level, just to make sure that we don’t do something very foolish. I mean with artificial intelligence we’re summoning the demon.” —Elon Musk warned at MIT’s AeroAstro Centennial Symposium. As AI continues to develop exponentially, questions have been raised about the future risks it could pose to people’s privacy, their human rights or their safety. Experts say that regulation is an increasing imperative but governments including that of the UK are dithering on the subject. Even the Chinese are being more responsible. Have we forgotten the great SF writer Isaac Asimov’s three Laws of Robotics: “1. A robot may not injure a human being or, through inaction, allow a human being</i>	<i>The science is clear. Global warming is the direct result of carbon pollution from human activities. The richest countries in the world have fuelled their prosperity by polluting the atmosphere and ocean with carbon. But disadvantaged populations and vulnerable groups who have produced the least pollution are now disproportionately suffering the impacts of global warming. Justice raises questions about the fair distribution of the burdens and reversal of climate breakdown. How do we apply legal principles such as the polluter pays? Who should pay for the loss of human lives, deaths of livestock and wildlife, loss of crops and homes? Are legal rights to life, property,</i>	<i>“Only one thing is impossible for God: To find any sense in any copyright law on the planet” – Mark Twain. Copyright law, originating from the 1556 Charter of the Worshipful Company of Stationers, has evolved significantly in the UK and, through the 1911 Copyright Act, extended to the British Empire. As Commonwealth countries gained independence, their copyright laws diverged, creating enforcement challenges due to inconsistent laws across jurisdictions. This discussion explores whether recent legal cases across the Commonwealth offer hope for a unified framework.</i>

	<p><i>and tribunals from all Commonwealth regions, and why the trend to decriminalise must continue.</i></p>	<p><i>adequate standard of living (Art 27) and education (Art 28).^[2]</i></p> <p><i>Notwithstanding that, as of July 2022, some 196 countries,^[3] including most Commonwealth countries, had signed the UNCRC, there appear to be gaps in giving effect to these rights of the child. This observation raises the question of whether the rights of the child as outlined in the UNCRC should be incorporated into the laws of, and given effect, in all Commonwealth countries.</i></p> <p><i>Most recently, at the CHOGM in Rwanda in 2022, Commonwealth leaders signed the Kigali Declaration on Child Care and Protection. This session will look at specific instances of injustices to Commonwealth children – ranging from misunderstanding of the doctrine of doli incapax, to erratic and politically motivated changes to the age of child criminal responsibility, to child slavery and its place in the product supply chain. Presenters will assess how Commonwealth countries (where 60%^h of the world’s children and young people live) have improved their protection since Kigali. It will also canvas specific project-based solutions undertaken by Commonwealth lawyers, including the ongoing Child Bride project, and a fresh initiative, the Birth Registration Project currently in the planning stages for presentation to law ministers in 2026. This session is for all lawyers – get involved in this crucial justice area!</i></p>	<p><i>to come to harm. 2. A robot must obey the orders given to it by human beings, except where such orders would conflict with the First Law. 3. A robot must protect its own existence as long as such protection does not conflict with the First or Second Law.” Are we rushing into an unregulated future with blindfolds. We discuss.</i></p>	<p><i>family life, and a healthy environment being trumped by fossil fuel interests? Does the global south have a right to clean and safe sources of energy? Who should be responsible for removing carbon pollution and restoring the earth’s energy balance?</i></p>	<p><i>The rise of AI introduces complications, with AI capable of producing content that may infringe on existing copyrights, raising issues of authorship and enforcement. Commonwealth countries face challenges in regulating AI-generated content, text and data mining, and moral rights violations. Recent cases, like <u>Google v. Equustek</u> and <u>Thaler v. Comptroller General</u>, show courts grappling with AI’s impact, but a unified Commonwealth approach is lacking. International frameworks like the Berne Convention and TRIPS offer minimum standards, but Commonwealth countries differ on AI and copyright. Comparative systems like the EU’s Copyright Directive offer models for harmonization, but the diversity in approaches makes a pan-Commonwealth copyright law unlikely in the near term. AI-specific legal frameworks may be necessary for addressing the intersection of AI and intellectual property across the Commonwealth.</i></p>
15.00– 15.30	Tea / Coffee Break Spinola Suite				

17.30	Transport to the Gala dinner at the Sacra Infermeria Please assemble at Hilton Hotel foyer for the complimentary buses to the gala dinner. Buses will leave promptly at 17.30 and will not wait for late arrivals.
18.00- 23.00	Gala Dinner at the Sacra Infermeria Valletta Buses will return to the Hilton from 22.00 onwards every half hour for those who wish to return before the end of the dinner.

Thursday 10 April 2025

8.30 – 9.00	Bar Leaders Dialogue Grandmaster Suite				
9.00 – 10.00	Plenary Panel 4 AI and Justice – sprinting towards a vanishing finishing line Grandmaster Suite <i>Artificial intelligence is a phenomenon now recognised as at the same time providing the greatest opportunities for, and the most significant challenges to the legal profession and in facilitating business transactions, resolving disputes, and protecting good governance. In an interactive conversation, world experts will identify the key issues for academics, practising lawyers and judicial officers and discuss best practice and the future of AI in what we all do for a living.</i>				
10.00-10.30	Tea / Coffee Break Spinola Suite				
10.30 -11.00	4th Annual Soli Sorabjee Memorial Lecture Grandmaster Suite				
11.00 – 12.30	A9 Media Freedom, is there any such thing now or in the future?	B9 Has facilitative mediation lost its way?	C9 Government Lawyers: Guardians of the Rule of Law	D9 AI in the workplace	E9 The role of the Privy Council – is a home-grown final court of appeal necessary to a modern democracy?
	<i>Politicians frequently laud the fourth estate as essential to maintenance of the rule of law. In Mauritius in 2022, Commonwealth Law Ministers unanimously adopted eleven Principles on Freedom of Expression and the Role of the Media in Good Governance. How can these lofty ideals be made to work in practice, and how would</i>	<i>As more judges and retired judges and senior Counsel become involved in mediation often adopting an evaluative approach to cases has the “classic” mediation process been abandoned? An opening joint session, listening to the interests of parties, exploring options for resolution – are these approaches now overlooked in favour of</i>	<i>Lawyers employed by governments and other public sector agencies provide a typically overlooked, yet pivotal, function in any democracy. They are often the first to consider and opine on the legality of a public policy initiative, well before it is debated in the Legislative Assembly or brought to the Court’s attention through litigation. Further, as justice before the</i>	<i>AI is not going to replace managers, but managers who use AI will replace the managers who do not.” –Rob Thomas, IBM Senior Vice President. Also: “Automation is good, so long as you know exactly where to put the machine.” - Eliyahu Goldratt, Physicist & Management Consultant.</i>	<i>The session will examine competing views on the role of on the role of the Judicial Committee adjudicating outside the United Kingdom. How can this be fair and economic for the local jurisdiction? Some eminent jurists say, with force, that one of the major arguments in favour of retaining the JCPC is the ‘arm’s-</i>

	<p><i>they have made a difference to those journalists who have lost their liberty, or their lives, in the pursuit of their duty. Experts will examine case studies in the modern Commonwealth and beyond and provide insight as to what governments need to do (and how we as lawyers advising journalists about) the proposed safeguards.</i></p>	<p><i>evaluation and assessment by senior lawyers, and judges? Is a mediation by a sitting judge appropriate and is that mediation given the weight of the bench the judge brings? Should consideration be given to identifying the difference between the process of classic mediation compared with evaluation and giving non-binding opinion? In fact, with the move towards judicial Settlements do we still need Mediation in any or all its Forms? Has creeping judicial involvement taken mediation in a wrong direction – and is that to be welcomed or regretted?</i></p>	<p><i>Courts is often well beyond the means of the ordinary citizen, government lawyers are often the ONLY thing standing in the way of government policies that may be unconstitutional or otherwise illegal or unfair. Indeed, these lawyers are sometimes referred to as the Guardians of the Rule of Law. Join us as experts explore the pivotal function of lawyers employed or otherwise retained by Commonwealth governments. This session will examine how best to ensure the independence of function necessary for these lawyers to speak truth to power in the face of sometimes overwhelming pressure, without fear of retribution.</i></p>	<p><i>We look at how AI works in the workplace, the tracking of data, the rights of the employer and employee, the use of AI to measure productivity. One of the new terms of our times is Algorithmic Management which refers to the use of AI or other algorithmic tools by employers in all aspects of worker management. Yet there are still no explicit laws in the UK or the Commonwealth governing the use of AI in the workplace or the use of algorithmic tools. We discuss the resulting and inevitable conflict here with the old-fashioned idea that the old common law understanding of the relationship between employer and employee being one of personal service, which requires a degree of mutual trust and confidence between them. And where sits Social Media? As Pete Cashmore, CEO of Mashable said “Privacy is dead, and social media holds the smoking gun.” Whatever happened to the right to privacy enshrined in Article 8 of the European Convention on Human Rights. We discuss.</i></p>	<p><i>length’ quality of that very distance. Judges must be independent of political influence if the rule of law is to be upheld and how better than to be able to avoid the political fallout of a decision when one has a ‘foreign’ court, which the loser can happily blame? We discuss.</i></p>
12.30 – 13.30	Lunch Break				
13.00-13.20	Drop in and meet the Committee: CLA Corporate and Commercial Law Committee Pinto suite				
13.00-13.20	<p style="text-align: center;">Ignite session: Commonwealth Human Rights Initiative (CHRI)</p> <p style="text-align: center;"><i>Who Controls the Narrative? Implementing the Commonwealth Principles on Freedom of Expression and the Role of the Media in Good Governance</i></p> <p style="text-align: center;"><i>Join the Commonwealth Human Rights Initiative (CHRI), the Commonwealth Lawyers Association (CLA), and the Institute of Commonwealth Studies (ICwS) for a dynamic discussion on advancing Commonwealth commitments under the recently adopted Commonwealth Principles on Freedom of Expression and the Role of the Media in Good Governance (CHOGM 2024).</i></p> <p style="text-align: center;"><i>The session will also preview key findings from their forthcoming report Who Controls the Narrative? Legal Restrictions on Freedom of Expression in the Commonwealth, produced also in collaboration with the Commonwealth Journalists Association (CJA). The report serves as a critical starting point for legal reform, identifying how outdated and punitive laws continue to restrict expression, and proposing pathways for aligning national legislation with international human rights standards.</i></p>				

Speakers will offer a concise overview of the report in the context of the Principles' adoption and explore how the Commonwealth can move from commitment to implementation.

Verdala Suite

13.30 – 15.00	A10 Assessing the relationship amongst systems of Law	B10 Judicial Dissent: A Pillar of Democracy	C10 Class Actions within the Commonwealth. Safety in numbers?	D10 Data Privacy – Can we harmonise the collection and retention of Data throughout the Commonwealth?	E10 International Arbitration: promoting legitimacy and robustness in a globalised arbitration world
	<p><i>How do the Common Law, Civil Law, Indigenous Laws, Customary International Law combine or challenge in influencing the Rule of Law in Commonwealth Jurisdictions. Will a marriage under a local law which permits marriages of multiple underage girls to a single man of any age be respected in a jurisdiction where monogamy and respect of youth is protected by an age limit. Should victims of female genital mutilation committed under laws which allow such prohibited practice be entitled to redress in jurisdictions where such practices are a criminal offence.</i></p>	<p><i>Most Commonwealth Constitutions gives rise to a democratic system of government. The ultimate sovereign is the people. Therefore, the Constitution must develop as social, political, and legal circumstances change. In a democratic society, the Constitution (as a living organism) cannot be frozen in time. Constitutional development is achieved through the separation of powers which requires judicial independence. Central to this independence is the freedom to dissent. This panel will explore the role of judicial dissent and the foundational role it plays in constitutional law - specifically, the way it injects democratic values into the judiciary. A transparent interpretation of the Constitution allows the people to criticise and evaluate constitutional development.</i></p>	<p><i>In his magnum opus, 'Leviathan' published in 1651 the great Philosopher, Thomas Hobbes, wrote that civil laws are "those rules which the common-wealth hath commanded...by word, writing, or other sufficient sign of the will" that certain actions are to be done or not done. Class Actions did not exist when this a statement was made but could be described as the true face behind this great truism.</i></p> <p><i>A Class Action proceeding is traditionally adopted by large groups of individuals harmed by corruption or financial malpractice who seek to be represented by one plaintiff in their pursuit of justice. Class Action suits are beneficial as they can proceed more expeditiously and are cost-effective in cases ranging from corruption, malfeasance cases such as the Wiwa vs. Royal Dutch Shell case, in which the Ogoni people in Nigeria filed a Class Action suit against Shell for complicity in human rights abuses, or, the Enron case, which was filed by shareholders who were awarded US \$7.2 billion after the company's shares plummeted because of a series of scandals that rocked the company.</i></p> <p><i>While the Commonwealth Charter does not explicitly mention class actions, its principles of good governance and access to justice lay a strong foundation for their use. The 2019 Declaration on Access to Justice further</i></p>	<p><i>Data Protection and the use of data from the tiny islands of the South Pacific to the leviathans of the Common Law in the North, is ubiquitous. It has been labelled the 'law of everything'. The Commonwealth comprises 56 Member States of varying degrees of development but almost all of which have a legal system based on the English Common Law, with laws originally written in the English language. With few exceptions, however, they have very little in common when it comes to data protection and privacy laws. We look at the Commonwealth's Model Provisions on Data Protection (CMP) which was adopted in Mauritius in November 2021, but which appears to have very little currency. We look at the significance of this Commonwealth initiative and how it could be resurrected and adopted against the current highly variable approaches adopted, in particular, with developing versus developed jurisdictions within the Commonwealth.</i></p>	<p><i>International Arbitration is the preferred method of resolving international disputes arising out of a range of commercial and political relationships. Contrary to its reputation amongst some, international arbitration is no longer held only in old European capitals and presided over by retired white Judges. It is a global system operated all over the Commonwealth by jurists from every member state, deciding issues of great size and geopolitical importance. In this session, a panel of leading practitioners and judges will discuss threats to the legitimacy and robustness of the process, and strategies for improving the inclusivity, fairness and accessibility of international arbitration now.</i></p>

			<p><i>reinforces this, emphasizing the removal of barriers to justice and the promotion of innovative solutions. Despite their potential, class actions face significant challenges in the Commonwealth context. The diversity of legal systems and the unfamiliar territory in this area for judges pose hurdles. However, these challenges underline the need for collective effort and collaboration. The panel will delve into these challenges in the Commonwealth Countries, highlighting the potential for amending laws adopting procedural guidelines, and training judges to overcome them.</i></p>	
15.00-15.30	Tea / Coffee Break Spinola Suite			
15.30 – 16.30	Closing Ceremony Presentation of the Commonwealth Law Conference 2025 Rule of Law Award Announcement of the CLC27 destination Grandmaster Suite			

Friday 11th April 2025

10.00	Peace at the Crease Cricket match Commonwealth X1 v Malta X1 Marsa Cricket Club (transport provided)			
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