

COURSE FOR GOVERNMENT LEGAL ADVISERS

A memorandum by the Commonwealth Secretariat and a paper by Sir William Dale, Director of Studies, formerly Legal Adviser, Commonwealth Office, and General Counsel, UNWRA

From the time of its inception in 1969, the Legal Division of the Commonwealth Secretariat has enjoyed the closest co-operation with the Director of Studies of the United Kingdom Government Legal Officers' Course (as it used to be called) and it has been customary for the Director of the Legal Division to serve as a member of the Course Advisory Board. The present Director was one of the moving spirits behind the inauguration of the Commonwealth Law Bulletin.

2. The course is funded by the Overseas Development Administration of the United Kingdom Government through the British Council for the benefit largely of Government Legal Officers from developing Commonwealth countries.

3. The subjects covered at the course include a number of areas in which the Commonwealth Secretariat shares a mutuality of interest, and it has been the practice for the course participants to spend some time in the course of their studies with the Director and professional staff of the Legal Division. In this way, too, the Legal Division is able to strengthen its unique network of contacts so essential for its work, both within and outside the Commonwealth.

4. Ministers may wish to consider the desirability of encouraging the use of this excellent training facility to sharpen the professional skills of their legal staff.

Legal Division
Commonwealth Secretariat

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A paper prepared by Sir William Dale, Director of Studies

This Course is held annually, from the end of February to mid-June, at the Institute of Advanced Legal Studies, University of London. It offers to Law Ministers the opportunity of procuring for members of their staffs the special training government lawyers require. Established in 1964, the course has been attended by over 400 legal officers, many later becoming Minister of Justice, Attorney-General, Chief Justice, member of the International Law Commission.

2. The subjects covered are:

(i) Public International Law

Some 70 hours of lectures and discussion are given to the many branches of this subject, including training in the drafting of a treaty. The treaty is then considered at a week's Model International Conference at the Foreign and Commonwealth Office. Visits are made to the International Court of Justice at The Hague, and to the Hague Convention on Private International law, where lectures and discussions take place.

(ii) Legislative Drafting

Tuition is given, and several exercises set, each followed by a critical examination and discussion of the drafts. About forty-four hours are thus occupied.

(iii) Other subjects of Public Law

These include International Trade and Economic Law, International Civil Processes, International Crime, Negotiation of International Agreements and Arbitration Clauses, the International Covenants on Human Rights, Criminal Prosecutions, Administrative Law, Computers and the Law, and the English Law Officers and their work.

Course participants also attend the two-day Commonwealth Law Students Conference arranged annually by the British Institute of International and Comparative Law on a topic of current interest e.g. in 1984 on Development of Energy Sources: The Legal Framework (in London); in 1985 on Treaty Law and Developing States (at Christ's College, Cambridge), in 1986 on The Law of the Sea and Developing States (at St Edmund Hall, Oxford).

Teaching

3. Strong emphasis is put on the practical side of a government lawyer's work. The lecturers are experts in their subjects and for the most part professors at the universities with practices in the international law field, or government legal advisers. The Director of Studies is Sir William Dale, who was himself Legal Adviser to the Commonwealth Office and later General Counsel to UNWRA, and has since done original work in the field of legislative drafting. There is an excellent library at the Institute, and participants are encouraged to do their own research there.

Management and Finance

4. The course is under the general management of the Institute, advised by a board presided over by the Legal Adviser to the Foreign and Commonwealth Office. The Overseas Development Administration provides financial support for the course, which counts as 'developmental' for aid purposes, by payment of the fees of applicants nominated and accepted for awards under the Technical Co-operation Training Programme. This fee, which covers tuition, residence, expenses of visits, a daily allowance and a book allowance, amounts at present to about £7,600. The residential arrangements and care of the participants are in the hands of the British Council.

Application for a training award

5. An applicant must possess a professional qualification, and intend to follow a career in the service of his Government. Application for a training award should be made by the Law Minister, or other appropriate Head of Department, to the department of government responsible for allocating available United Kingdom aid funds. The process of settling the aid programme begins early in the year. To help the department plan the use of funds, and to secure the best chance of obtaining an award, early application should therefore be made, by February if possible, one year before the course aimed for. Final application for a place is made by the government on Form A2, obtainable from the local representative of the British Council, or where there is none, from the British Diplomatic post.

Applications in respect of candidates to be financed from sources other than the British aid programme should be made direct to the Director of Studies at the Institute of Advanced Legal Studies, 17 Russell Square, London WC1B 5DR.

New Developments

6. The syllabus of the course is not static, and is revised every year to take account of new developments. For example, International Development Agreements and Arbitration, and Computers and the Law, are at present requiring and receiving particular attention. Course participants also attend conferences on current topics, for example in 1985 the meeting of government representatives at The Hague to revise the Convention on the Taking of Evidence Abroad and in 1986 the two-day conference between French and British drafting experts to discuss the drafting of statutes.

7. The Director of Studies is always glad to hear from Law Ministers with any suggestions they may have for improving the usefulness of the course.