

CO-OPERATION WITH PARTNER ORGANISATIONS REPORTS FROM PARTNER ORGANISATIONS

Paper prepared for the Commonwealth Secretariat

1. The Commonwealth High Level Group, which met in Coolumb, Australia, 2-5 March 2002, called upon Commonwealth professionals to join with Commonwealth officials to help improve Commonwealth fundamental values. The Secretariat was asked to form stronger links and better two-way communication and co-ordination between officials and non-governmental organisations (NGOs) to give their activities greater impact and to produce lasting benefits. At the 2003 meeting in Abuja, Nigeria, Commonwealth Heads of Government expressed their appreciation for the positive contribution of civil society in advocacy and capacity building for democracy and sustainable development in member countries. The activities of our partner organisations in the promotion of Commonwealth fundamental values are detailed below.

COMMONWEALTH LEGAL EDUCATION ASSOCIATION (CLEA)

2. Founded in 1971 CLEA has as its broad objectives:

- fostering and promoting high standards of legal education in the Commonwealth;
- strengthening links between legal educators;
- disseminating information and literature concerning legal education and research;
- publishing and supporting the publishing of legal materials, particularly for the benefit of law schools in developing Commonwealth countries.

3. It is a Commonwealth-wide body with regional and national Chapters in South Asia, Southern Africa, West Africa, the Caribbean, India, Pakistan, Nigeria, Sri Lanka and the United Kingdom. Membership is open to individuals, law schools and other institutions concerned with legal education and research.

4. The Association has developed a six point *Programme of Action* designed to achieve sustainable improvement in legal education throughout the Commonwealth:

A. *Developing human resources*

- Training of law teachers
- Development of and support for research

B. *Developing non-human resources*

- Improving library facilities
- Developing the use of electronically produced information

C. *Curriculum Development*

- Developing new courses in areas relevant to Commonwealth countries
- Exchanging information and experiences on the development of courses incorporating a comparative legal approach

D. *Professional training*

- Strengthening links between law school and vocational training institutions
- Addressing the needs of vocational training institutions

E. *Strengthening links between Commonwealth law schools*

5. In carrying out this *Programme of Action*, the Association undertakes a wide range of activities.

PROGRAMMES 2003-5

Publications

6. The Association publishes a wide range of books and periodicals. These include three regular publications:

- *Commonwealth Legal Education*: is published three times a year and contains news and articles about law and legal education developments in the Commonwealth. It is sent free of charge to all known law school and law libraries in the Commonwealth and is also available on-line from the CLEA web site www.cleaonline.org;
- *Journal of Commonwealth Law and Legal Education*: launched in 2002 and published twice a year, this is the CLEA's own fully refereed journal;
- *Directory of Commonwealth Law Schools*: is a biennial publication that contains details of Commonwealth law schools and research institutions as well as the texts of all major Commonwealth declarations.

7. The Association also has an e-book programme. This is designed to disseminate books and other materials produced on CD-ROMS quickly and cheaply to Commonwealth law schools. There are currently two books in this series: (i) *Legal Education and the Administration of Justice in West Africa*; and (ii) *Curriculum Development for the 21st Century*.

8. The Association has also commenced a *print on demand* project. This enables it to have law books produced quickly, cheaply and in whatever numbers are required at the time. Further copies can be produced equally swiftly and cheaply. This is aimed especially at supporting small jurisdictions and/or publications on specialist subjects that might not otherwise attract the interest of other law publishers.

www.cleaonline.org

9. The new CLEA website hosted by the Queensland University of Technology, is being developed to include a wide range of legal materials and information relating to the Commonwealth.

Conferences/Seminars

10. The Association organises/co-sponsors a wide range of conferences and seminars. These cover topics such as Administrative Law and Justice; Law and Development; Human Rights and Just and Honest Government; and Reparations as well as a range of legal education issues.

11. Recognising that legal education needs and interests vary around the Commonwealth, the Association has launched a series of regional conferences/meetings designed to enable academics and practitioners from a particular region to meet regularly to discuss matters of common concern. In South Asia, for example, there are now regular regional meetings, the first two taking place in India and Pakistan.

12. Venues for recent CLEA events include: Australia, Barbados, Botswana, Fiji, Ghana, India, Kenya, Pakistan, South Africa, Sri Lanka, UK and Zambia.

COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION (CMJA)

13. The Association was founded in 1970, and its aims are:

- to promote the independence of the judiciaries in the Commonwealth;
- to advance education in the law, the administration of justice, the treatment of offenders and the prevention of crime in the Commonwealth;
- to disseminate information and literature on all matters of interest concerning the legal process within the various countries comprising the Commonwealth.

14. The CMJA is in a unique position being the only international judicial organisation bringing together judicial officers of all ranks and from all parts of the Commonwealth representing the judicial arm of government. It provides a forum for promoting the highest judicial standards at all levels.

15. The importance of an independent judiciary as an essential element for safeguarding fundamental liberties and human rights is expressed in Article 10 of the Universal Declaration of Human Rights which states:

“Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal”

PROTECTION AND PROMOTION OF JUDICIAL INDEPENDENCE

16. It is recognised that “a robust legal system is critical to development and essential to democracy¹”. Every state needs a strong, independent and impartial judiciary to sustain a robust legal system.

17. The CMJA plays a role within the international judicial community in promoting the UN Basic Principles on the Independence of the Judiciary and the international instruments that safeguard this independence.

18. The CMJA was one of the Commonwealth Associations involved in formulating the Latimer House Guidelines for the Commonwealth on Parliamentary Supremacy and the Independence of the Judiciary and in their distillation into the Commonwealth Principles (Latimer House) on the Accountability of and Relationship Between the Three Branches of Government endorsed by CHOGM in Abuja in December 2003. The CMJA has continued assiduously to promote these Principles to its membership in the Commonwealth.

19. Despite the fact that Commonwealth countries have agreed to the principles contained in the Harare Declaration and Millbrook Plan of Action and those of Latimer House, the CMJA has been increasingly called upon by members in defence of these principles in certain countries of the Commonwealth.

20. The CMJA has expressed its concern on a number of occasions to the Commonwealth Secretariat on the erosion of the independence of the judiciary in a number of jurisdictions around the Commonwealth.

¹ “Democracy and Development”, Commonwealth Secretary-General’s Report 2003.

21. It worked closely with the Legal and Constitutional Affairs Division (LCAD) on the representation from the judiciary at the Pan-African Forum on the Implementation of the Commonwealth Principles (Latimer House) on the Accountability of and Relationship Between the Three Branches of Government held in Nairobi, Kenya in April 2005.

JUDICIAL EDUCATION AND TRAINING

22. The Commonwealth, as distinct from the general community of nations across the globe, is an organisation particularly suited to mutual co-operation in the judicial sphere as virtually all its membership consists of countries sharing a basic common legal and judicial system. The role of an independent judiciary at all levels is a cornerstone of democracy, human rights and good governance. It is the right of every citizen in the Commonwealth. As such the quality of a country's judiciary is an important element not only of the fundamental well being of the people but also of the stability of the society and its economic development. The CMJA's judicial network promotes the highest standards of judicial behaviour and can provide guidance and support to those members of the judiciary who may be vulnerable.

General

23. The educational element of the CMJA's work is central to its purposes. The CMJA promotes the provision of judicial education and where this is difficult to provide, by invitation from the host judiciary, can call upon our judicial network to assist in the provision of judicial education programmes.

24. The CMJA promotes judicial training through its Director of Studies, a Circuit Judge from the UK, who is given partial release from his other judicial duties by the UK authorities to carry out this function. His responsibilities include the continued promotion and development of the CMJA's training programme, the devising and supervision of training courses for judicial officers where required, and assistance with the programming of regional seminars/conferences. He has co-ordinated the education programme for regional conferences in the Caribbean and has been a facilitator at regional conferences in the Pacific and East Africa. The CMJA is a member of the International Organisation for Judicial Training (IOJT) formed in 2003.

25. The Director of Studies was involved in a seminar on the promotion of the civil procedure rules in Lagos, Nigeria in November 2003. He was a Keynote Speaker at the East African Magistrates and Judges Association Meeting held in Mombasa, Kenya in April 2005. He also assisted in the formulation of the programme (in particular the judicial content) for the Commonwealth Law Conference being held in September 2005 in London.

26. At the invitation of the Jersey judiciary, the CMJA held a conference in Jersey in September 2004 on: "Justice at the Grassroots: Local Courts and the Delivery of Justice" which attracted 180 delegates from 23 jurisdictions of the Commonwealth. The CMJA was grateful to the Government and Judiciary of Jersey for hosting the conference.

27. In July/August 2005 at the invitation of the Ghanaian Judiciary, the CMJA held a conference in Accra on "Judicial Reform: Impact, Driving Force and the Future" which was attended by 300 delegates from 22 jurisdictions of the Commonwealth. The CMJA was extremely grateful to the Government and Judiciary of Ghana for hosting the conference which called upon the Law Ministers to support the Chief Justices of their jurisdiction in the promotion of judicial reform and judicial training.

28. The CMJA has also updated its Training Manual, *The Magistrate in the Commonwealth*, first published in 1991 which is now available on CD. The Training Manual now integrates information on ethical standards and anti-corruption measures.

29. The CMJA is currently preparing for the 14th Triennial Conference on the theme: "Protecting our People, Preserving our Environment: The Judging of Diversity, the Diversity of Judging" being held in Toronto, Canada from 10 to 15 September 2006.

Awareness and Training in Human Rights

30. The CMJA aims to provide a framework where judicial officers may discuss problems of mutual concern, and by doing so raise judicial awareness and knowledge.

HIV/AIDS Awareness

31. Many examples can be given where HIV/AIDS awareness can be of direct benefit, these include domestic violence, gender equality and the rights of people suffering from HIV/AIDS. The CMJA, together with the CLA, undertook a survey in 2001 on the impact of HIV/AIDS on human resources and human rights awareness within the Commonwealth's legal and judicial professions. As a result of this, the human rights implications of the HIV/AIDS pandemic has figured in the programmes of the CMJA.

Gender and Human Rights

32. From the beginning the Association has concerned itself with the rights of women. In 1994, the CMJA issued a Declaration on the Rights of Women. A number of colloquia on the rights of women and the girl-child have been held in conjunction with the Gender and Youth Affairs Sections of the Commonwealth Secretariat and the CMJA set up its own Gender Section.

33. At the invitation of the Gender Division of the Commonwealth Secretariat, the CMJA contributed to the Commonwealth Plan of Action on Gender and Equality adopted by the Women's Affairs Ministers Meeting in Fiji in May 2004.

34. In addition, the CMJA, together with the CLA and the LCAD of the Commonwealth Secretariat, has drafted a Gender and Human Rights Toolkit for use by paralegals, lawyers and judicial officers of the Commonwealth.

35. In May 2004, the first draft of this toolkit formed part of a Gender and Human Rights Workshop held in Fiji for participants from the Pacific islands.

Socio, economic and cultural rights

36. All Commonwealth countries are affected by economic globalisation and there is a need for more international co-operation between judiciaries to deal with the many problems that arise as a result.

37. "Human Rights, Human Needs: Seeking a Judicial Talisman" was the theme of the CMJA's 13th Triennial Conference, which was held in Malawi from 24 to 29 August 2002 and focused on the role of judicial officers in maintaining and developing a vibrant human rights environment in particular in the area of economic and social rights. At this Conference the Association also adopted a resolution on the promotion of awareness of environmental issues amongst members of the judiciary in association with the UN Environment Programme (UNEP) and has been working on promoting the soon to be published UNEP Judges Handbook.

Ethics and the fight against Corruption

Ethics

38. Since 1998 the CMJA has acted as the repository for Codes of Conduct and Ethics for judicial officers within the Commonwealth, which serve as models in the drafting of codes in jurisdictions where they do not as yet exist.

Anti-Corruption mechanisms

39. The CMJA collaborated with the LCAD of the Commonwealth Secretariat on the Anti-Corruption Colloquium held in Limassol, Cyprus in June 2002 and held a follow up session at the Jubilee Conference it held in London from 23 to 26 September 2002 on ways of combating corruption around the Commonwealth.

40. In May 2003, a Regional Colloquium, organised by the regional representatives of the CMJA was held in Pretoria, South Africa on combating corruption to further progress the Limassol Conclusions.

41. The CMJA collaborated in the organisation of the Colloquium held in St Lucia in June 2003.

42. In May 2004, the CMJA and LCAD organised a training course on integrity for legal and judicial officers and court administrators in Zanzibar.

43. In June 2004, it collaborated in the SADC region, on a Seminar on judicial integrity for judicial officers, which was held in Mauritius.

Court Administration

44. In order to assist in fulfilling the recommendations of the Limassol Conclusions (see above) the CMJA is considering setting up a Court Administration Section for those dealing with court administration on a daily basis. The CMJA is also considering running training programmes for court administrators and is co-operating with the Commonwealth Secretariat with regard to a proposal for a court administrator's code of conduct.

PARTICIPATORY ROLE OF THE CMJA IN THE IMPLEMENTATION OF COMMONWEALTH IDEALS

45. Just as the Commonwealth Parliamentary Association represents the parliaments of the Commonwealth, so the CMJA represents the third branch of power within the Commonwealth, the judiciary. However, the Commonwealth has not always considered the importance of the judiciary as leaders who are able to influence civil society.

46. The CMJA has been consulted by a number of jurisdictions on Commonwealth judicial issues: such as procedural reforms, impact of constitutional changes on judicial independence, and the impact of legislative reform on courts etc.

47. Promotion of education and training is all well and good but sometimes there are more fundamental problems such as delays in the administration of justice and a lack of basic facilities. The provision of adequate funding for the judiciary must be a very high priority in order to uphold the rule of law, ensure that good governance and democracy is sustained and to provide for the effective and efficient administration of justice.

48. The CMJA is a valuable network for its members who often face similar problems and great pressures, albeit under widely varying personal circumstances. The network is maintained and developed through our regional, triennial and other conferences and through the *Commonwealth Judicial Journal*, our regular newsletter and the promotion of e-mail and other forms of electronic communication. The CMJA also has encouraged the holding of more regional meetings on subjects of interest to particular regions.

49. The CMJA works closely with NGOs and intergovernmental organisations (IGOs) in the promotion of the fundamental values of the Commonwealth. There has been public acknowledgment that co-operation between NGOs and IGOs, as illustrated in the case of the Latimer House process (see above), is a model for future Commonwealth work.

50. The CMJA has also been called upon to assist the Commonwealth Secretariat, the United Nations and other international bodies seeking judicial officers to assist with projects and programmes in different parts of the Commonwealth.

COMMONWEALTH HUMAN RIGHTS INITIATIVE (CHRI)

51. The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international NGO mandated to work for the *practical* realisation of human rights in countries of the Commonwealth. Activities are implemented from its network of offices based in New Delhi, India; Accra, Ghana; and London, UK. As well as a broad programme to advocate human rights in the Commonwealth, CHRI focuses on two detailed areas: access to information, and access to justice. It acts as a resource for civil society and government on human rights issues, particularly of a legal nature. Legal activities since 2002 are summarised below.

ACCESS TO INFORMATION

52. This programme largely focuses on the Right to Information (RTI), an area recognised as crucial in the Commonwealth by Commonwealth Law Ministers (2002), Commonwealth Heads of Government (2003), and the Commonwealth Expert Group on Democracy and Development (2003). Highlights include:

- review of draft Government RTI Bills from Uganda, Kenya, Jersey Islands, India and an Opposition Bill from Pakistan. The Uganda Bill has since been passed;
- submissions to Parliamentary Committees reviewing draft RTI Bills in Nigeria, Uganda and India;
- review of draft civil society RTI Bills from Mozambique, Uganda, Kenya, Ghana, Fiji, and Sri Lanka;
- review of draft civil society RTI rules from India and Pakistan;
- submission to the Freedom of Information Act Review undertaken in 2004 by the Australian Labour Party (the Opposition);
- production of comparative legal analyses of all Commonwealth RTI laws and all Indian RTI laws;
- outlining and publicising key principles required for an effective Right to Information Act;
- having a Key team member in the CPA RTI Study Group which produced Best Practice RTI Principles to guide policy-makers when drafting RTI laws.

53. Related to this work are activities on constitutionalism. These include: research and hosting a forum on constitutionalism in West Africa; in India, activities aimed at raising citizens' awareness of the nation's most important law, including workshops, publications and media activities.

ACCESS TO JUSTICE

54. CHRI's Access to Justice programme has three main programmatic areas - police reforms, prisons reforms and judicial exchanges – as well as covering other important areas related to citizens' capacity to access justice. Legal activities conducted in this period include:

55. *Human Rights Acts*

- A Citizen's Handbook to India's National Human Rights Commission was published, which encapsulates the practical working of the Protection of Human Rights Act, 1993, which governs India's national and 14 state human rights commissions.
- A submission was made to the Government of Pakistan on the National Commission for Human Rights Bill, 2005, including analysis of the Bill against international standards and Commonwealth best practice.

Police Reforms

56. As law enforcement officials, the police are mandated to ensure that the rule of law is implemented fully, in letter and spirit, for all citizens. Unfortunately, this is not the case across many Commonwealth countries. CHRI conducts strategic activities to catalyse reform, including relevant legal reform. This work has focused on:

- analysis of the Police Acts of Kenya, Uganda and Tanzania as part of study on police accountability and political interference in the region;
- submissions on human rights, particularly related to policing, to the constitutional review process in Kenya in 2003;
- collation of Police Acts from all Commonwealth countries;
- analysis of international legal standards related to policing, as part of a pan-Commonwealth report on police accountability;
- publishing a book entitled "Human Rights and Policing: Landmark Supreme Court Directives and National Human Rights Commission Guidelines" which encapsulates the core of India's jurisprudence on human rights and police work;
- examining and preparing a report on Pakistan's Police Ordinance 2002;
- preparing submissions to the Indian parliamentary committee examining the Central Vigilance Commission Act 2003;
- in Chhattisgarh, a tribal state of India, conducting legal literacy programmes for the local citizen liaison groups, the police and the local government.

Judicial Exchanges

57. These Exchanges are facilitated by CHRI in collaboration with INTERIGHTS, and aim to create a space for judges to deliberate on issues that inhibit access to justice, particularly for the poor, vulnerable and marginalised. Highlights include:

- a regional South Asian Colloquium in November 2002 for 30 senior judges from superior courts of the region, as well as from Canada, South Africa and Zimbabwe;
- a Maharashtra Judicial Exchange in November 2003 for judges and jurists, as well as activists and academics; focusing on access to justice in the context of poverty and marginalisation;
- a Chennai Judicial Exchange in November 2004 for over 30 District and Sessions Judges, focusing on due process and rights of the accused and victims;
- a detailed report of the Chennai Judicial Exchange, including Indian Supreme Court decisions which support the issues advocated for during the Exchange.

58. *Security legislation*

- Hosting a seminar on anti-terror legislation in the Commonwealth.
- Critiquing the model anti-terror law drafted by the Commonwealth Secretariat, against basic human rights standards, as well as provisions of anti-terror laws in Australia, Canada and UK.

Access to Justice in Gujarat

59. This project focuses on the Indian State of Gujarat and activities included:

- documenting the investigation and trial procedure in courts related to ten cases that followed communal riots in 2002;
- creating permanent community-based legal resources by training and supporting paralegals with trial court skills.

60. Law Ministers are invited to reflect upon the work of the CRHI to date.

COMMONWEALTH LAWYERS ASSOCIATION (CLA)

GENERAL

61. 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.

62. Commonwealth countries share a substantial common ground in their legal systems, and the lawyers of these countries have much to learn from the comparative experience of their colleagues in other jurisdictions. This common ground also extends to many aspects of legal education and legal practice, and here too there is much to be shared. The profession around the Commonwealth is committed to the preservation of the highest standards of ethics and integrity, and to the furtherance of the rule of law for the benefit of society. As a pan-Commonwealth organisation, the CLA provides invaluable support in the pursuit of these ideals.

63. 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.

64. The CLA moved into its new premises at the Institute of Commonwealth Studies (ICS), 28 Russell Square, London on 7 June 2003.

65. 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.

66. 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.

67. 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 2002 – 2005

Projects

Canadian Bar Association (CBA) Survey

68. At its meeting in April in Melbourne 2003, the Council of the CLA approved a joint project proposal to survey and gather information about the institutional members of the CLA. The results of the survey would provide the CLA with a comprehensive database on the current structure and functioning of the various legal associations, recognise the needs and challenges faced by its members, their capacities and current work and identify potential for engagement in legal and judicial initiatives in both domestic and international fora.

69. The CLA assisted the CBA with this survey, both in the drafting of the initial questionnaire and the identification of legal institutions and organisations who should be included in the survey.

70. The results of the survey were published in May 2005. These have been made available to the CLA and all of the institutions that participated in the survey. The survey will be formally launched at the 14th Commonwealth Law Conference in London in September 2005. Additional copies are available on request.

Native Title to Land & Indigenous Peoples

71. The impetus for this project came from the Commonwealth Law Ministers Kingstown Declaration of 2002. An intern was recruited in September 2003 to research and produce a paper discussing various legal aspects of native title to land of indigenous peoples in 12 Commonwealth countries.

72. The paper entitled *Indigenous Land Rights in the Commonwealth – Legal Aspects* was completed and circulated in March 2004.

73. The CLA subsequently committed itself to a 6-month inception phase of the proposed joint long-term project between the CLA and the Commonwealth Policy Studies Unit (CPSU).

74. A project development officer was recruited in June 2004 to work on the project and undertook an inception study, further research and developed funding proposals in support of the project.

75. In April 2005, an application was submitted to the European Union by the CPSU for a 3-year project focusing on Indigenous Land Rights and Resource Management in the Commonwealth. The project will focus on the following countries: Bangladesh, Belize, Botswana, Cameroon, Guyana, India, Papua New Guinea, South Africa, Tanzania and Uganda.

76. The project will build the capacity of indigenous peoples' organisations and their legal representatives so that they may more effectively defend their land rights and manage their resources, thereby promoting their human rights and helping to reduce poverty and injustice for some of the most marginalised communities in the Commonwealth.

77. The project will identify, facilitate and exchange best practice in relation to indigenous peoples' land rights and resource management in the Commonwealth. It will lobby intergovernmental and non-governmental Commonwealth bodies. It will promote the training of indigenous peoples' lawyers and awareness among indigenous communities of the scope for legal redress.

78. The CLA and CLEA will effectively be subcontracted to complete various aspects of the project and the work will be carried out over the 3-year period.

79. A decision as to the outcome of the funding application is not expected until February 2006.

Gender & Human Rights Toolkit

80. The CLA assisted the CMJA with the development of a 'toolkit' for utilisation by paralegals, lawyers and the judiciary throughout the Commonwealth, in order to sensitise and raise awareness of gender issues.

81. The toolkit was 'tested' at a workshop held in Nadi, Fiji on 28 - 29 May 2004. The report of the workshop was published and distributed accordingly. Additional copies are available on request.

82. Ultimately, it is anticipated that the toolkit will be distributed across the Commonwealth and will result in improved delivery of appropriate legal services by both legal practitioners and the judiciary.

Institute of Legal Executives (ILEX) Survey

83. It was proposed that the CLA and ILEX undertake a joint survey, similar to that conducted by the CBA, to identify the different types of people offering legal services throughout the Commonwealth, as well as their qualifications, regulation and the nature of the services they provide.

84. The Executive Secretary began initial work on a project proposal and funding application. It was envisaged that the project would be of 12 months duration and would require a project officer based within the CLA on a part-time basis.

85. Unfortunately, however, to date, no further progress has been made in relation to this project.

Seminars, Workshops & Meetings

Medico - Legal Conference Kuala Lumpur, Malaysia 17 – 19 January 2003

86. The CLA in partnership with the Commonwealth Medical Association (CMA), the Commonwealth Dental Association (CDA) and the Royal Commonwealth Society (RCS) organised a medico - legal conference on '*Perspectives in tackling Medico – Legal Controversies*' which took place in Kuala Lumpur, Malaysia.

Commonwealth Heads of Government Meeting (CHOGM) Abuja, Nigeria 5 – 8 December 2003

87. The CLA was represented by the President and Executive Secretary. Activities in which the CLA participated included:

- (a) Opening Ceremony Commonwealth Heads of Government Meeting - 5 December 2003.
- (b) Tuesday 2nd December 2003 - Talk by Colin Nicholls QC, President of the CLA, and reception organised by the CLA, CMJA and CLEA and held in the Supreme Court of Nigeria. Hosted by the Honourable M L Uwais GCON, Chief Justice of Nigeria.
- (c) Thursday 4th December 2003 - Talk by Colin Nicholls QC, President of the CLA, 'Law in the Commonwealth' School of Law, Abuja.
- (d) Friday 5th December 2003 - Talk by Colin Nicholls QC, President of the CLA, 'Lawyers in the Commonwealth' Abuja Branch of the Nigerian Bar Association (NBA).
- (e) Commonwealth Peoples Forum - Civil Society Meeting on Development and Democracy - Commonwealth Foundation, 1 - 3 December 2003; Commonwealth Human Rights Forum – CHRI, 3 - 4 December 2003; Dialogue on Indigenous Rights in the Commonwealth - Commonwealth Association of Indigenous Peoples (CAIP), 5 December 2003.

88. Overall, the trip was a success. The CLA succeeded in holding joint events with the CMJA and CLEA and publicising the CLA, the Latimer House Guidelines and the CLA brief on Guantanamo Bay. The events at the Supreme Court, the Law School and the NBA increased local awareness of the CLA and its activities. It promoted a suitable environment for the CLA to get further involved in West Africa.

89. The President subsequently wrote an article on Abuja and the Latimer House Guidelines. An edited version was published in *The Times Law Supplement*, 16 December 2003. The full article was published in the 'The Commonwealth Lawyer'.

Human Rights Defenders in the Commonwealth – What Can be Done? London, UK 22 April 2004

90. The CLA and Interights held a joint event focusing on the issue of human rights defenders within the Commonwealth. It was a half-day seminar followed by a keynote address and reception and was held at the ICS.

91. Helena Kennedy QC delivered the keynote address. The Chairmen were Iain Byrne (Commonwealth Law Officer, Interights) and Colin Nicholls QC (President, CLA). Andrew Anderson (Deputy Director, Frontline), Jane Winter (Director, British Irish Rights Watch) and Irene Petras (Co-ordinator, Zimbabwe Lawyers for Human Rights) were speakers.

Gender & Human Rights Toolkit - Pacific Region –Nadi, Fiji 28 - 29 May 2004

92. The CLA in partnership with the CMJA and the LCAD of the Commonwealth Secretariat organised a 2-day workshop which was held in Nadi, Fiji on 28 - 29 May 2004. The Executive Secretary attended the workshop and was also a resource person.

93. Lawyers and judicial officers from Commonwealth countries in the Pacific took part in the workshop which focused on Gender & Human Rights and took place prior to the 7th Meeting of Commonwealth Ministers Responsible for Women's Affairs (7WAMM).

94. The focus was on the issue of women's rights and the overall aim was to develop a gender toolkit for utilisation by paralegals, lawyers and the judiciary. Recommendations were produced, identifying the role of the legal profession and the judiciary in promoting the equality of women.

95. At the end of the meeting, general recommendations were made on all of the issues that had been discussed over the two days. These were named the Tanoa Recommendations.

96. These Recommendations were publicised and also circulated to the 7WAMM that was held in Nadi, Fiji from 29 May to 3 June 2004. The CLA also held a joint briefing with the CMJA for the Ministers and was the Rapporteur for the working group on Gender, Human Rights & Law.

Open Meeting – London, UK 10th June 2004

97. The annual Open Meeting was held on Thursday 10th June 2004 at the British Institute of International and Comparative Law (BIICL). The Rt. Hon. Lord Bingham of Cornhill, Senior Law Lord, delivered an address on 'An old constitution in a new world'. The meeting was followed by a reception.

HIV/AIDS, Asylum & the Commonwealth – London, UK 20 January 2005

98. The CLA and Para. 55 Commonwealth HIV/AIDS Action Group held a joint event focusing on the issue of HIV/AIDS & Asylum in the Commonwealth. It was an evening meeting which was followed by a reception and was held at The Commonwealth Club.

99. The Chair was Stephen Knafler (Barrister, Two Garden Court Chambers) and the panel included Dr Anton Pozniak (Consultant Physician & Honorary Senior Lecturer St. Stephen's Centre, Chelsea & Westminster NHS Trust), Professor Alan Whiteside (Director Health Economics & HIV/AIDS Research Division (HEARD) University of Natal) and Dr. Mandeep Dhaliwal (Head: Care & Impact Mitigation Team, International HIV/AIDS Alliance).

Commonwealth Law Conference (CLC)

100. The best known activity of the CLA is the Commonwealth Law Conference. The Conferences began in 1955. They were organised by an informal body called the Commonwealth Legal Bureau which included a member of the Secretariat and a number of prominent Commonwealth lawyers. Later, the Secretariat ceased to play a part and delegated organisation of the Conferences to the Law Associations of the host countries.

13th Commonwealth Law Conference, 13 – 17 April 2003 Melbourne, Australia

101. This successful Conference was held in Melbourne, Australia and was attended by over 1500 delegates from across the Commonwealth. Sessions covering issues such as Human Rights and the Rule of Law, Technology and the Law and Litigation in the New Millennium were held. Satellite meetings also took place in the wings of the Conference, organised by the Commonwealth Association of Legislative Council (CALC), the Commonwealth Association of Public Sector Lawyers (CAPSL) and Commonwealth Chief Justices.

102. The CLA organised a Legal Writing Competition in the run up to the conference. The prize was complete sponsorship to attend the Commonwealth Law Conference.

14th Commonwealth Law Conference, 11- 15 September 2005, London, UK

103. The CLA has been heavily involved in all aspects of the organisation of this conference and preparations are well underway. The Conference will be the jubilee celebrating 50 years of Commonwealth Law Conferences and the first time that the Conference has been held in London since 1955. The theme for the Conference is *Developing Law & Justice*. Sessions will cover human rights, criminal law and practice and corporate and commercial law issues amongst others. Various

associations will meet in the wings of the Conference and several important publications will also be launched.

104. The CLA has organised a Legal Writing Competition in the run up to this Conference, It was open to young lawyers from across the Commonwealth and entrants were required to answer the question 'Is *International Law Really Law?*' The winner will be announced shortly and will receive full sponsorship to attend the Commonwealth Law Conference.

Other

Amicus Brief – United States Supreme Court - Guantanamo Bay Detainees

105. The CLA submitted an *Amicus* brief in the US Supreme Court Appeal relating to the Commonwealth detainees at Guantanamo Bay on 3 October 2003. *Certiorari* was granted and a further brief as to the merits was submitted on 14 January 2004. The authors of the brief were Sir Sydney Kentridge QC, Colin Nicholls QC and Timothy Otty together with the CLA's US attorneys, Shea & Gardner. The team travelled to Washington DC, in April 2004 to attend the hearing. Judgment was awarded in favour of the CLAs brief (6/3) with the judges adopting some of the Commonwealth argument in their judgment.

Intervention – A & Others vs SSD

106. The CLA has submitted a Petition for Leave to Intervene in this important case. This is a joint petition, together with the Human Rights Institute of the International Bar Association and the International Commission of Jurists.

Opinion - Malaysian Bar Council

107. The CLA assisted in the drafting of an *Opinion* for the Malaysian Bar Council in litigation relating to judicial accountability in April 2004.

Latimer House Guidelines

108. The CLA is one of four organisations that formulated the Latimer House Guidelines on Parliamentary Supremacy and Judicial Independence. The Guidelines were endorsed by Commonwealth Heads of Government at their meeting in Abuja, Nigeria in December 2003 and were renamed the '*Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government.*'

109. The CLA assisted with the publication of the Principles in April 2004 and attended the formal launch of the Principles that was held at Marlborough House on the 12 May 2004. The CLA has since disseminated copies to all of its individual and institutional members.

110. A Pan-African Forum on the Commonwealth (Latimer House) Principles was held in Nairobi, Kenya from 4 to 6 April 2005. It was organised by the LCAD of the Commonwealth Secretariat and was convened to consider ways and means of promoting and advancing the Principles following their adoption in 2003. The CLA was invited to participate and was represented by the President who delivered a paper focusing on 'The Role of an Independent Legal Profession'.

Gibraltar Human Rights Symposium, 2-3 September 2004

111. The CLA supported the Gibraltar Human Rights Symposium that was held in Gibraltar on 2-3 September 2004. The CLA was invited to participate and the President presented a paper on 'Security Laws and Human Rights – Getting the Balance Right'.

Governance Workshop for Law Societies/Bar Associations of Africa, 4- 6 May 2005

112. The Association was invited to participate in a Governance Workshop for Law Societies/Bar Associations of Africa that was held in Entebbe, Uganda from 4 to 6 May 2005. The Workshop was organised by the Canadian Bar Association (CBA) and hosted by the Uganda Law Society (ULS) and East Africa Law Society (EALS). The Executive Secretary attended the workshop and represented the CLA.

'Official' Commonwealth

113. The CLA submitted an application for re-accreditation to the Commonwealth in June 2004. This was granted on 8 December 2004.

114. The CLA attended the Commonwealth civil society consultation on Development and Democracy on 12 June 2003 and the Commonwealth civil society meeting on the Committee of the Whole on 10th November 2003.

115. The CLA attended a Consultative meeting on the Commonwealth Gender Programme and New Plan of Action on Gender & Development (2005 – 2015) on the 17 November 2003.

116. The CLA was represented at the Commonwealth Heads of Government Meeting (CHOGM) that took place in Abuja, Nigeria in December 2003 and participated in the 7WAMM that took place in Nadi, Fiji from 30 May to 2 June 2004.

117. The CLA was granted official observer status and attended the Meeting of Senior Officials of Commonwealth Law Ministries and the Meeting of Law Ministers and Attorneys General of Small Jurisdictions that took place in London, UK from 18 to 22 October 2005. A written report on CLA activities since their last meeting was submitted prior to the meeting and subsequently included in the materials distributed to delegates. The Executive Secretary also made an oral presentation highlighting the CLA's recent successes to the delegates.

118. The CLA participated in the following civil society consultations organised by the Commonwealth Foundation: 17 March 2004; 24 November 2004; and 23 May 2005. At the Consultation on the 17 March 2004, the Executive Secretary made a presentation on the CLA's attendance and experience of the CHOGM 2003.

119. The CLA was also represented at the annual Commonwealth Day celebrations.

Commonwealth Human Rights Initiative (CHRI)

120. The CLA is a Founder and Trustee of the CHRI and is also represented on the Initiative's Advisory Commission. The CLA regularly attends meetings of the Trustee and Advisory Commission, as well as providing ongoing support for programme activities.

121. The CLA has been involved in the ongoing redrafting of CHRI's Memorandum of Understanding.

122. 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 its activities.

Collaboration

123. The CLA has continued to work closely with the CMJA, the CLEA, and other Commonwealth professional associations, non-governmental and civil society organisations. The CLA has also continued to work with the LCAD of the Commonwealth Secretariat on matters of mutual interest and concern.

PUBLICATIONS

124. *The Commonwealth Lawyer*: The CLA publishes this journal three times a year. It is circulated free of charge to members. The journal is also circulated to law societies and bar associations across the Commonwealth, as well as partner organisations and other related organisations. *The Commonwealth Lawyer* provides a topical and provocative forum for discussion of issues relating to the legal profession. A wide range of Commonwealth views and developments is reflected in in-depth articles, case reports, short notes and book reviews.

125. *The Clarion*: The CLA publishes this newsletter three times a year. It is circulated free of charge to members. The newsletter is also circulated to law societies and bar associations across the Commonwealth, as well as partner organisations and other related organisations. It provides information on current legal issues of interest around the Commonwealth and the CLA's activities.

126. *Directory of Members*: The CLA publishes jointly with the LCAD of the Commonwealth Secretariat a *Directory of Members*, listing all individual and institutional members of the Association. A new edition was published before the Melbourne Conference and another will be prepared for the London Conference.

COMMONWEALTH PARLIAMENTARY ASSOCIATION (CPA)

127. The CPA is an Association of Commonwealth Parliamentarians who, irrespective of gender, race, religion or culture, are united by community of interest, respect for the rule of law and individual rights and freedoms, and by pursuit of the positive ideals of parliamentary democracy.

128. The Association's mission is to promote the advancement of parliamentary democracy by enhancing knowledge and understanding of democratic governance. It seeks to build an informed parliamentary community able to deepen the Commonwealth's democratic commitment and to further co-operation among its parliaments and legislatures. This mission is achieved through a Strategic Plan that ensures that CPA activities continue to meet the changing needs of today's parliamentarians.

129. CPA programmes provide the sole means of regular consultation among Commonwealth members, fostering co-operation and understanding and promoting the study of and respect for good parliamentary practice. This role is endorsed by Commonwealth parliaments and Heads of Government. In 2003, governments bound themselves to an additional set of Commonwealth Principles based on a CPA initiative with legal professionals to define the proper relationships between the branches of government.

130. The CPA pursues its objectives by means of:

- annual Commonwealth Parliamentary Conferences, Regional Conferences and other symposiums;
- interparliamentary visits;
- Parliamentary Seminars and Workshops;
- publications, notably *The Parliamentarian* and a newsletter on CPA activities and parliamentary and political events; and
- Parliamentary Information and Reference Centre communications.

131. Active CPA Branches now exist in 162 national, state, provincial and territorial parliaments, with a total membership of approximately 15,000 parliamentarians.

ACTIVITIES IN 2004

50th Commonwealth Parliamentary Conference, Canada

132. More than 500 members of Commonwealth parliaments and legislatures questioned intergovernmental agencies about the effects of global programmes on their societies when they met at the 50th Commonwealth Parliamentary Conference in early September in Canada.

133. The Conference, held in Ottawa, Quebec City and Toronto from 30 August to 9 September, enabled parliaments from around the Commonwealth to debate the theme “Responsibilities and Rights of People and Parliaments in a Global Community” with senior representatives of such influential international agencies as the World Bank, the International Monetary Fund (IMF), the Organization for Economic Co-operation and Development (OECD) and the Commonwealth Secretariat.

134. The Governor-General of Canada, H.E. Rt Hon. Adrienne Clarkson, opened the Conference at a ceremony in Quebec City. It was chaired by the 2004 President of the CPA, Hon. Peter Milliken, MP, Speaker of the Canadian House of Commons. The Conference was hosted by the federal, provincial and territorial branches in Canada.

135. The Conference period also included meetings of the Small Countries Conference, the Commonwealth Women Parliamentarians and the Society of Clerks-at-the-Table. The Summary Report of the plenary Conference discussions was later to be published in *The Parliamentarian* for circulation to Commonwealth Heads of Government, to Opposition Leaders and to relevant intergovernmental agencies.

136. Commonwealth Secretary-General, H.E. Rt Hon. Don McKinnon, addressed delegates on current Commonwealth issues and answered questions on Commonwealth policy. Senior Commonwealth Secretariat officials were among representatives of international agencies who participated in some of the discussions.

137. CPA Secretary-General, Hon. Denis Marshall, QSO, updated parliamentarians at the Conference on the Association’s work in promoting the development of democratic institutions and in assisting members to function more effectively in their parliaments and in the global community. He said:

“My belief is that membership of the CPA produces a significant and tangible benefit for Parliamentarians — not only in helping them to develop in a professional way, but also in contributing to the social and economic development of millions of people through greatly strengthened democracies.”

138. The main Conference in Quebec City and Toronto featured opportunities for MPs to debate issues not just with each other and with Commonwealth officials, but also with representatives from: the World Bank, the International Monetary Fund, the United Nations Educational, Scientific and Cultural Organization, the Commonwealth Foundation, the CHRI and the Caribbean Community Secretariat. They were also joined by representatives of Canada's Parliamentary Centre and the National Democratic Institute of the United States. Issues discussed included: poverty reduction; AIDS; racism; proper democratic relationships between Parliaments and the executive and judicial branches of government; free access to information; public health issues; and the effects of multinational parliaments on domestic democratic governance.

139. A Conference plenary session was devoted to a parliamentary debate on "The Commonwealth Plan of Action for Gender Equality, 2005 to 2015" and featured an examination by leading Commonwealth MPs of gender aspects of democratic representation, poverty reduction, control of AIDS and legal issues in the field of human rights.

24th Commonwealth Parliamentary Conference of Members from Small Countries, Quebec

140. The 24th meeting of the Commonwealth Parliamentary Conference of Members from Small Countries, in sessions on 31 August and 1 September in the Quebec National Assembly in Quebec City, Canada, considered the Barbados Programme of Action on the Sustainable Development of Small Developing Island States. The parliamentarians constituting the 24th meeting agreed that governments should press for specific changes to the global economic order to augment the minimal protection now afforded to the most vulnerable members of the international community. The meeting was officially opened through a videoconference link between the National Assembly and the Executive Committee meeting at Meech Lake outside Ottawa.

141. The meeting was composed of 60 parliamentarians, 20 from 12 Commonwealth nations in the Caribbean, the Pacific and Europe, and 40 from 17 subnational Commonwealth jurisdictions, all with populations of 400,000 people or fewer. Meeting sessions were chaired by delegates and some discussions included participation by representatives of the OECD, the Commonwealth Secretariat and the Caribbean Community Secretariat. Summaries of meeting sessions, prepared with the assistance of Commonwealth clerks from small jurisdictions, were later published in *The Parliamentarian* and circulated to relevant international organisations and to all Commonwealth governments and Opposition Leaders.

142. The lack of adequate representation for small countries in international agencies and fora was repeatedly raised by delegates who concluded that this was a major impediment to the voicing of their concerns in the institutions that take important decisions which have a major impact on their populations.

143. The 24th meeting concluded that the CPA and Commonwealth national and subnational governments should take urgent steps to sustain the development of all small countries, and especially small island developing states.

144. Participants called for the development of vulnerability profiles that took into consideration the particular circumstances of small states, including the fact that they were particularly vulnerable to environmental factors, such as rising sea levels, caused by conditions outside their control and to which they have not contributed. This should be specifically recognised in ratings to determine Least Developed Country (LDC) status and in other concessionary multilateral arrangements. They also encouraged the CPA, the Commonwealth and other intergovernmental organisations to work on developing a Resilience Index on a regional basis, and to use these indices in advocating the application of good governance and sound macro-economic management in small states.

145. Delegates' deep concern with respect to paragraph 35 of the World Trade Organization (WTO) Doha Declaration (which recognises the vulnerability of small economies but does not accord them exceptional treatment within the WTO) was expressed in their agreement that parliamentarians and the Commonwealth should urge the WTO to offer concessions that assist small economies to cope with the increasing liberalisation of international trade.

146. Delegates' concern over the impact of the OECD's campaign against what it describes as "harmful" tax practices led them to agree that the Commonwealth and Commonwealth parliamentarians should urge the OECD to:

- a) affirm that tax competition is not a "harmful" tax practice,
- b) press its own member states to the same degree as small states to conform to OECD standards; and
- c) encourage the international community to make human, technical and financial assistance available to help small countries meet compliance criteria and deadlines where these are lacking.

147. Representatives of small states' provincial and territorial jurisdictions expressed concern that too large a part of the proceeds from the exploitation of their natural wealth went to their metropolitan government and requested that due regard be given by those governments to the needs of the territories from which this wealth came.

148. Delegates agreed that sustainable tourism must be promoted only as part of an overall strategy for sustainable development that dealt with economic delivery, environmental preservation and social exclusion.

149. The 24th meeting concluded that the objectives of programmes such as the Barbados Programme of Action for Small Island Developing States would only be achieved if small economies had the moral, financial and technical support and the necessary investment of the larger countries within the Commonwealth and beyond to reap the benefits of sustainable tourism.

35th British Islands and Mediterranean Regional Conference, Falkland Islands

150. The Falkland Islands hosted this CPA regional conference from 16 to 20 February. At an impressive ceremony in the Council Chamber, Falklands Governor H.E. Howard Pearce gave the opening address, and then the Stanley school choir entertained participants. After a briefing by the Chief Executive of the Falkland Islands Government, delegates got down to the business of the topic of their first session.

151. At the Annual General Meeting of the region, a paper was tabled by Scotland Branch seeking discussion on ways the Branches could be more proactive in CPA activities. This was referred to Branches for discussion before next year's meeting. The Conference discussed: The Ability of Small Countries and Overseas Territories to Defend Themselves and to Safeguard their Status and Independence; Tourism; Educational Issues Relating to Small Countries; and Environment Concerns versus Commercial Development.

29th Caribbean, the Americas and Atlantic Regional Conference, Grenada

152. The CPA Grenada Branch hosted the 29th Caribbean, the Americas and the Atlantic Regional Conference in St George's from 25 to 31 July.

153. Forty delegates from 12 of 17 CPA Branches in the region participated in meetings held at the Grenada Grand Beach Conference Centre. Baroness Rosalind Howells, originally from Grenada

but now a member of the United Kingdom House of Lords, attended the conference as an observer. CPA Secretary-General Hon. Denis Marshall, QSO, joined the early stages of the Conference en route to Guyana. The Conference was officially opened by the Prime Minister of Grenada, Dr the Rt Hon. Keith Mitchell, MP.

154. Topics discussed included: the Caribbean Single Market Economy; the role of dispute resolution in easing the burden on civil courts; strengthening the family structure and promoting the rights of women and children through legislation; and new initiatives in the field of HIV/AIDS. The closing session was presented by the host country, Grenada, on "General Agreement on Trade in Services with Special Reference to Health-Related Services".

155. Each participating Branch also sent two young persons aged between 20 and 26 years for the Region's Youth Parliament, which followed the Conference. The Youth Parliament, convened at Parliament, debated a Bill on making abortion illegal and a motion on reducing poverty by enhancing education. Twenty Caribbean young people participated. Conference participants, local parliamentarians and many local students attended. The youth "Parliamentarians" debated in an orderly parliamentary manner, adapting well to parliamentary procedures.

35th African Regional Conference, Swaziland

156. King Mswati III of Swaziland told delegates at the 35th CPA African Regional Conference that his country was nearing the end of a national constitutional consultative process involving all Swazis. He said consultation was integral to the Swazi Tinkhundla system of government, which involved meetings around the country on all major issues so that the Government and Parliament could implement policies and laws that reflected the views of the people.

157. Swaziland's monarchy-led system was described to the Conference as an attempt to provide an African alternative to the Westminster model, combining the best of customary governance and community organisation with democratic processes.

158. A new constitution was being drafted and governance issues and alternatives were under consideration across the country. The draft would be revised based on the views received and presented to Parliament for debate and passage later in the year.

159. The King recalled that a similar consultative exercise had recently produced a national economic strategy for the next two decades, which focused on infrastructure development, poverty alleviation and job creation.

160. The Speaker of the Swaziland House of Assembly, Hon. Sgayoyo Magongo, MP, described the Tinkhundla system as a co-operative alternative approach to democracy. The King, his Government and Parliament worked together to ensure the will of the Swazi people was reflected in governance.

161. The Speaker of the National Assembly of Lesotho, Hon. Ntlhoi Motsamai, MP, said King Mswati's presence at the Conference opening showed that the Monarchy recognised Parliament as central to Swaziland's democracy and good governance.

162. The Conference later discussed the Tinkhundla system, a non-party form of government in which all candidates for the 55 elected House of Assembly seats stood as individuals. The King appointed 10 further Assembly Members and 20 Senators. Ten more Senators were elected by the full House of Assembly. The country was under pressure, particularly internationally, to move to a multi-party system of government and to reduce the authority of the Monarchy.

163. Dr the Hon. Prof. Lydia Makhubu, a chemistry professor and University of Swaziland Vice-Chancellor who is one of the royal appointees to the Senate, described the form of government as a community-based system for the provision of services and administration and for elections.

164. Delegates applauded the theory behind the system as an attempt to develop an African form of democratic government, although a question was raised about the system's democratic credentials.

165. Voting was by public queuing. Each chiefdom in an Inkhundla selected a candidate in "primary" elections. The primary winners in each of the 55 Tinkhundlas stood against each other for election to Parliament. The King selected his Prime Minister and Ministers from among MPs.

27th Australian and Pacific Regional Conference, Western Australia

166. The 27th Conference of the Australian and Pacific CPA regions was held in Perth, Western Australia, to mark the centenary of its Parliament Buildings and the 175th anniversary of statehood.

167. Approximately 50 members and parliamentary officials, eight of them women, from all nine Australian states and territories and most of the Branches in the Pacific Region attended the Conference, which met from 4 to 7 October in the Legislative Assembly Chamber. The Commonwealth of Australia's Parliament was unable to send a delegation as its members were in the last week of the country's general election campaign. The Conference was shortened by a day so that Australian delegates could return home for election day. Australia is one of four Commonwealth countries that have compulsory voting, Cyprus, Fiji and Nauru being the others.

168. Pacific Branches in Nauru, Solomon Islands, Tuvalu and Vanuatu were unable send participants. Observers from the Sarawak Legislature, the Parliament of the United Kingdom and the Western Cape Provincial Legislature attended the Conference.

169. The Conference was one of several special events to mark the two milestones in Western Australia's history. The Legislative Assembly and Legislative Council both held regional sittings, the former in Albany and the latter in Kalgoorlie. New parliamentary offices and a new Parliamentary Library were opened, a history of the building was published, a Student Parliament was held and an Aboriginal gallery was opened.

170. The President of Western Australia's Legislative Council, Hon. John Cowdell, MLC, chaired the Conference, while House Speaker Hon. Fred Riebeling, MLA, was chosen as Deputy Chairman. Among the many issues discussed were: Upper Chambers and the legislative and budgetary processes; changes to Samoa's standing orders; care of the mentally ill; democratising Parliaments; the Hare-Clark voting system; governance in small jurisdictions; advocacy for children and young people; the effects of Cyclone Heta on Niue; State government relations with local authorities; induction programmes for new members; and Western Australia's relations with Asia.

171. Delegates were also given a presentation on the CPA and its role in the Commonwealth and the global community. At a short meeting of women Parliamentarians, Hon. Louise Pratt, MLC, of Western Australia, a former Member of the Commonwealth Women Parliamentarians (CWP) Steering Committee, described the measures to enhance the role and status of the CWP agreed by the CPA General Assembly a month before.

1st Asian and Indian Regional Conference, Andhra Pradesh

172. The first CPA Regional Conference for the new Asian and Indian regions met in Hyderabad, India, from 17 to 22 November. The Conference was inaugurated by the Speaker of the

Lok Sabha of India, Hon. Somnath Chatterjee, MP, in the Andhra Pradesh Legislative Assembly Hall.

173. The Conference was attended by 45 delegates, 21 secretaries and seven observers from 23 of the 31 Branches in the Indian Region and six of the eight Asian Branches.

174. Andhra Pradesh Chief Minister Dr Y.S. Rajasekhara Reddy, MLA, noted at the opening ceremony that this was the first event for India as a region since it was separated from the Asian region at the 2004 CPA General Assembly.

175. Hon. K.R. Suresh Reddy, MLA, Speaker of Andhra Pradesh's Legislative Assembly, welcomed delegates and Shri K. Rosaiah, MLA, Minister of Finance and Legislative Affairs, thanked those who organised the event on the theme, 'Strengthening Democracy and Securing Development: The Role of Parliamentarians'.

176. The theme was discussed in a plenary session opened by the Deputy Speaker of the Lok Sabha, Shri Sardar Charan Singh Atwal, MP, and Mr Sardar Mohammad Yakub, MNA, Deputy Speaker of the National Assembly of Pakistan.

177. Panel sessions discussed: Eradicating Hunger and Poverty, The Role of Parliamentarians; Corruption – A Threat to Democracy; The Role of Parliaments and Parliamentarians in Enhancing Good Governance; and Towards Sustainable Development in the Regions.

178. Participants agreed that the subjects discussed in the panels should be treated as the "Hyderabad Agenda" as they have a continuing relevance for the people and parliamentarians of both regions. They should be discussed at future Conferences to monitor progress.

COMMONWEALTH WOMEN PARLIAMENTARIANS

Workshop on "Gender, Democracy and Development" and 7th Commonwealth Women's Affairs Ministers' Meeting, Fiji

179. The Workshop was organised by the CPA, with support from the Commonwealth Secretariat and the British Council. Following on from our collaborative work on gender carried out in December 2003 in Abuja, Nigeria, this Workshop was hosted by the Parliament of Fiji.

180. The Workshop brought parliamentarians together to exchange experiences and good practices in the field of women's participation in democratic decision making and peace-building and to increase understanding of gender, development and democracy within the Commonwealth framework and with particular reference to explore poverty reduction, economic empowerment, the protection of human rights and the HIV/AIDS pandemic.

181. Holding the Workshop in Fiji at the time of 7WAMM provided an opportunity to raise the profile of the activity and highlight the issue of gender within a parliamentary context. The Workshop issued a Communiqué to Commonwealth Ministers on their deliberations. It has been posted on the CPA website and circulated to all Branches.

COMMONWEALTH SEMINARS

53rd Westminster Seminar on Parliamentary Practice and Procedure, United Kingdom

182. The 53rd Westminster Seminar on Parliamentary Practice and Procedure, held annually in London since 1952, took place in London and Hereford from 2 to 13 March. The Seminar provides an opportunity for parliamentarians to examine the workings of the Westminster Parliament. The

discussions covered the following subjects: the CPA; the Political Scene at Westminster; the Parliamentary Scene at the House; the Speaker's Role in Parliament; Party Discipline in Parliament and Communication between Parties; the UK and the Commonwealth; Parliamentary Questions and Motions; the Select Committee System; Parliament, Government and the Media; Standards and Privileges; Delegates Exchange Views; the Legislative Process; and the MP and the Constituency

16th Commonwealth Parliamentary Seminar, Malaysia

183. This seminar was held in the Sheraton Imperial Hotel, Kuala Lumpur, Malaysia, from 23 to 30 May.

POST-ELECTION SEMINARS

Zanzibar

184. The Zanzibar seminar from 16 to 19 January was attended by 76 of the 79 Members of the House of Representatives.

185. Throughout the seminar, there was active engagement by the women Members and the Speaker of the House of Representatives, Hon. Pandu Amerir Kificho, MHR, shared the chair with one of the women Backbenchers. There was a high level of criticism of the Government of Zanzibar by its own Backbenchers for its failure to seriously address the need for nationalism to be moderated if sustainable development is to be achieved. The women have also formed a cross-party group to assist in their professional development and have organised information and communication technology training for themselves.

186. The final day was devoted to two sessions organised in conjunction with the Joint Presidential Supervisory Commission of the Political Accord between CCM and CUF. This proved to be most successful with both parties agreeing to further work together. Indeed, the lack of animosity between the two parliamentary groupings was most striking. There appears to have been significant progress on resolving the problems that previously existed, at least within the House of Representatives. The key outstanding issue yet to be resolved was explained as the need to ensure proper voter registration before the expected elections in October 2005.

Turks and Caicos Islands

187. The Turks and Caicos seminar took place from 26 to 28 February against the backdrop of a general election on 24 April 2003 which saw the ruling People's Democratic Party (PDM) returned for a third term, but the opposition Progressive National Party (PNP) filed election petitions against the results in two of the thirteen constituencies. On 19 June 2003, the Chief Justice declared the results in both districts void with the result that a fresh election was required in each one. This put the governing PDM in a minority in the Legislative Council. The Chief Minister, Hon. Derek Taylor, MLC, asked the Governor to dissolve the Legislative Council and to call a new general election.

188. The Governor, acting in accordance with the Constitution of the Turks and Caicos Islands, told the Leaders of both parties on 23 June 2003 that he was denying both the PDM's request for a new general election and the PNP's request for the immediate appointment of their Leader as Chief Minister, and that he would issue writs for by-elections in the two constituencies affected to be held on 7 August 2003.

189. The PNP won both seats in the by-elections giving them a majority of 8 to 5 in the Legislative Council. Five other seats are occupied by the Attorney General, Chief Secretary (both *ex*

officio) and three appointed Members (government, opposition and a representative of the Governor).

Antigua and Barbuda

190. In March 2004 the people of Antigua and Barbuda elected a new government, the first change in government for 28 years. The long-standing Leader (and sometimes only Member) of the Opposition, Hon. Baldwin Spencer, became Prime Minister. The great majority of his Government was composed of Parliamentarians elected for the first time. It was therefore timely for the CPA to reconnect with the Parliament and offer a Post-Election Seminar, which was successfully held on 13 and 14 October.

191. The Official Opening was marked by addresses from eminent local constitutional lawyer Ms Bernice Lake, QC, and from Prime Minister Spencer who announced some initiatives in his reform programme.

192. Topics discussed included: the Development of the Commonwealth and the CPA; the Fabric of Constitutional Government: An Analysis of the Constitution of Antigua and Barbuda; How a Bill becomes Law; the Role of the Presiding Officer and Other Officials; Standing Orders, Parliamentary Privilege, Members Ethics; Women in Parliament; and Accountability and Transparency.

SPECIALISED CONFERENCES, STUDY GROUPS AND SEMINARS

Commonwealth Workshop on Government and Opposition, Mozambique

193. Participants from 11 Commonwealth countries in the Southern African Development Community (SADC) — including senior parliamentarians, party managers and representatives of civil society — met in Maputo, Mozambique, from 26 to 30 January to discuss the contribution of government and opposition to the deepening of democracy. The workshop was organised by the Commonwealth Secretariat, in co-operation with the CPA, the SADC Parliamentary Forum and FECIV, a Mozambiquan non-governmental organisation.

194. Participants agreed that government and opposition need to work together as representatives of all the people. Each has a vital role to play in the democratic process. The Workshop was particularly timely in seeking to entrench the values and culture of democracy and multi-partyism. It was agreed that it is the equal responsibility of both ruling and opposition parties to advance gender equality and the role of young people. Participants recommitted themselves to the decisions contained in the SADC Declaration on Gender and Development and reconfirmed the importance of the target of at least 30 per cent representation of women in positions of power and decision making by 2005.

195. The meeting emphasised the need for the opposition:

- to be effective both in holding the executive to account and presenting a set of alternative policies;
- to be given adequate parliamentary time and the resources it needs to enable it to perform its tasks effectively; and
- to develop a consensus with government on issues of national importance and in the interests of national development.

CPA/WTO Regional Workshop for Pacific Parliamentarians, New Zealand

196. The third Regional Workshop for Parliamentarians, organised in partnership with the World Trade Organization (WTO) Secretariat, took place in Wellington, New Zealand, from 28 to 30 April. The Parliament of New Zealand hosted the event.

197. The Workshop was the third in a series which already included events in Cape Town, South Africa, and Port-of-Spain, Trinidad and Tobago in 2003. Holding the event in Wellington was timely for the CPA as it coincided with the relocation of the Regional Secretariat from Australia to New Zealand. This enabled publicity to be given to the new arrangement for the Pacific region, an announcement that was universally welcomed by participants attending the Workshop.

198. Twenty-six parliamentarians from 10 of the 12 Branches in the region sent representatives although the total number of participants, observers and resource persons involved in the event was 43. Women Members comprised 19 per cent of the participants compared to 39 per cent in Trinidad. The small number of women Members in the Pacific made this inevitable. Indeed, there is currently only one woman Member in each of the Cook Islands and Vanuatu Parliaments and they both took part in the Workshop.

Financing Politics, Curbing Corruption and Parliamentary Ethics, CPA/Wilton Park

199. This CPA Conference marks the 11th such collaboration with Wilton Park, an executive agency of the United Kingdom Foreign and Commonwealth Office.

200. Addressing the theme of “Financing Politics, Curbing Corruption and Parliamentary Ethics”, the purpose of the Conference was to bring together Members from Commonwealth jurisdictions with non-Commonwealth parliamentarians as well as academics, consultants and representatives of organisations concerned with democracy and good governance. The Conference was designed to share information on the successful strategies currently taking place within the Commonwealth and beyond to address the challenge of curbing political corruption.

201. The programme included sessions on: How is Politics Best Financed?; How does Corruption Distort Development?; How do Incumbency and Patronage influence the Political Process?; How can Politics be funded in Small States?; Political Parties and the Financing of Politics; Does the Executive overly Control how Parliament and Members are financed?; How can Parliamentary Codes and Registers of Members’ interests help?; How can Public Accounts Committees help Improve Transparency and Accountability in Politics?; How can Business Work Responsibly in Difficult Political Environments?; and How can new Governments best Curb Corruption and Build Transparency and Democracy?

202. Delegates discussed the financing of politics and the importance of the independence of parliament. During the course of discussion, the Conference made clear that in order to fight and reduce corruption, anti-corruption measures should be taken both by national and international institutions, including creating coalitions at the national level. Participants stressed that in addition to adopting anti-corruption measures, including legislation and other tools, it was absolutely crucial to enforce these anti-corruption measures with the assistance of a free media, non-governmental organisations and a strong civil society.

203. Participants heard that parliaments have varying degrees of autonomy. Most established parliaments enjoy administrative autonomy and independent internal organisation; but experience varied among participants, with some having clear independence in financial matters through statutory provisions or through long established convention, while others had varying degrees of

autonomy. A parliamentary body or committee not dominated by the executive was the most common form of budgetary authority for the parliamentary service.

Commonwealth Day — “Building a Commonwealth of Freedom”

204. Commonwealth Day was commemorated on Monday 8 March and an event was once again organised by the CPA Secretariat in London for 35 young people, most of who were between the ages of 18 and 29 and more than half of whom were women. The participants, who were drawn from 16 Branches from across the Commonwealth, joined in a programme that focused on the Commonwealth, the CPA and parliamentary democracy.

205. The day began with a tour of the UK Parliament which encouraged them to reflect on their own customs and the operation of their parliaments.

206. Following the tour, the Secretary-General spoke to them about the Commonwealth and the CPA’s role and structure and answered questions about the contributions of the Commonwealth and the CPA to parliamentary democracy and to society in general.

207. Mrs Cheryl Gillan, MP, addressed the group about her job as a Member of the House of Commons and Lord Rupert Redesdale spoke to the young people about his role in the House of Lords.

208. The participants then attended the multi-faith Commonwealth Observance at Westminster Abbey which was held in the presence of HM The Queen. A highlight this year was the presence of Archbishop Desmond Tutu from South Africa. The participants then resumed their meeting to engage in a group activity designed to improve their knowledge of the Commonwealth.

209. Some of the participants were able to attend the Commonwealth Secretary-General’s Commonwealth Day Reception held at Marlborough House. HM The Queen was Guest of Honour and the Duke of Edinburgh, the Prince of Wales and Commonwealth High Commissioners were present.

210. The CPA Secretariat this year collaborated with the Royal Commonwealth Society to give 10 participants the opportunity to join in a “Youth Commonwealth Heads of Government Meeting” which took place at the Commonwealth Secretariat the day after Commonwealth Day. This event brought together around 100 young people from London, Leicestershire and Cambridge, for a one-day simulation of the biennial Meeting. Commonwealth Secretary-General, the Rt Hon. Don McKinnon, and Mr Julian Robert Hunte of St Lucia, President of the United Nations General Assembly, spoke at the formal Opening Ceremony.

Commonwealth Day in Branches

211. The Association also encourages its Branches to celebrate Commonwealth Day and each year sees a further increase in the number of Branches organising events for young people. To encourage this process the Secretariat provides grants to Branches engaging in innovative activity for their young citizens. Awards were made in 2004 to the following 18 Branches:

Africa: Borno, Uganda, Lagos, Limpopo, Namibia, North West Province, Nigeria and Zambia.

Asia: Orissa, Nagaland, Gujarat, Chhattisgarh and Sikkim.

British Islands and Mediterranean: Wales.

Canada: Quebec.

Caribbean, Americas and the Atlantic: Dominica, Trinidad and Tobago.

Pacific: Fiji.

212. The activities organised for Commonwealth Day at the Secretariat and in Branches sought to enlist the enthusiasm of youth for the Commonwealth in the new century. This is crucially important as Commonwealth leaders recognise the vital role that young people play in fostering international understanding and commitment to the Commonwealth's fundamental values of democracy and good governance.

Cycle, Oversight and Public Accounts Committees, Trinidad and Tobago

213. The Seminar, held in Port-of-Spain from 5 to 8 July, was organised by the CPA, with support from the Canadian International Development Agency (CIDA). It formed part of the Association's work in the area of oversight of public expenditure and was the first time the CPA had collaborated with CIDA in this area of work in the Caribbean region. Twenty-three parliamentarians from 10 Caribbean Branches sent representatives.

214. The Seminar was organised to provide a better understanding of the budgetary cycle in the parliaments of the region and examine the role, status and oversight of poverty reduction policies in each country and their impact on the budgetary process. Ways to strengthen institutions of public financial accountability and the operations of Public Accounts Committees were also considered.

Freedom of Information Study Group, Ghana

215. Commonwealth parliamentarians meeting in Accra, Ghana, from 5 to 9 July made recommendations for the promotion of best and innovative practices in access to information. As well as offering a foundational set of standards to which the Commonwealth can aspire, they emphasised the need for parliaments and their members to become champions of access to information and to lead by example of their own openness.

216. Members from the Parliaments and Legislatures of British Columbia, Fiji, India, Nigeria, Scotland, South Africa and Trinidad and Tobago formed the CPA Study Group on Access to Information, which was hosted by the Parliament of Ghana. They met for a week and shared the experiences in their respective jurisdictions with regard to the promotion, adoption and implementation of freedom of information legislation and regimes.

217. Members of the Group also discussed access to information with Ghanaian legislators at various opportunities, while Ghana's Deputy Attorney-General, Hon. Gloria Akufo, chaired one of the sessions.

218. The Study Group was jointly organised by the CPA and the World Bank Institute (WBI), continuing the work of previous joint events on Parliament and the Media. During the course of the week members interacted with World Bank representatives through videoconferences and the attendance of officials based in Accra, elaborating on the activities of the World Bank to promote good governance and access to information in Africa in particular.

219. The Group was assisted by representatives from the CPA Secretariat, CHRI and Article 19. The Commonwealth Secretariat and the Parliamentary Centre (Canada) also sent observers to the meeting. Through the efforts of the Ghanaian office of CHRI, the Commonwealth parliamentarians were also able to meet representatives of local civil society and media.

220. The recommendations of the Study Group were posted on the CPA website and published in *The Parliamentarian* and in booklet form. The WBI agreed to publish a full report of the Study Group in 2005.

West Africa Parliamentary Programme

221. In early 2003, the CPA proposed a programme to strengthen legislatures in West Africa. The proposal provided for five national workshops and one regional workshop for Members of the Parliaments of the Commonwealth countries of West Africa (Cameroon, Sierra Leone, The Gambia, Ghana and Nigeria). The programme aimed to strengthen the abilities of participating parliamentarians and enable them to better promote good governance in their own countries, particularly in financial areas and in poverty reduction programmes. An accountable grant not exceeding £209,000 was agreed by the West Africa Department of the UK Department for International Development (DfID) for a programme that was to run into 2005.

The Gambia

222. **Programme:** Members' Constituency Responsibilities; The Role of Parliamentarians in Combating Corruption; Parliamentary Oversight Mechanisms and PRSP Monitoring; Engaging National Assembly Members in Formulating the PRSP; The National Assembly and the Budget Process; and The Public Accounts Committee Handling Statutory Annual Reports.

223. **Resource Team:** Hon. Benjamin Osei Kuffour, MP, Ghana; Mr Saihou Sanayang, UNDP; Mr Falu Nije, Strategy for Poverty Alleviation Co-ordination Office; Mr Jawara Gaye, Pro-Poor Action Group; Mr Niall Johnston, CPA Director of Development and Planning; and Ms Meenakshi Dhar, CPA Assistant Director of Development and Planning.

224. **Participation:** All but five Members of the Gambian Parliament were present for the entire workshop, and the absentees were all out of the country on official business at the time. The level of engagement with the subject matter was exceptionally high and there was a strong desire by Members to equip themselves for greater involvement. Overall, Members showed an enormous appetite to undertake work to improve the effectiveness of the National Assembly, especially in terms of its committees.

Nigeria

225. **Programme:** The National Assembly and the Budget Process; Assembly Oversight of the Executive; The Public Accounts Committee and the Auditor-General; The Role of Parliamentarians in Combating Corruption; Engaging National Assembly Members in Formulating the National Economic Empowerment and Development Strategy (NEEDS); Parliamentary Oversight Mechanisms and NEEDS/PRSP Monitoring; Members' Constituency Responsibilities; and Ethics and Transparency – Members and their Staff.

226. **Resource Team:** Hon. Jerry Ugokwe, MHR, Nigeria; Hon. Florence Aya, former Member, Nigeria; Hon. Ibrahim Zailani, former Member, Nigeria; Mr Rick Stapenhurst, World Bank Institute; Ms Katrina Sharkey, World Bank Poverty Reduction Group; Mr Wayne Propst, National Democratic Institute for International Affairs; Ms Christine Owre, National Democratic Institute for International Affairs; Ms Fran Farmer, National Democratic Institute for International Affairs; Mr Ladipo Adamolekun, Independent Financial Consultant; Mr Niall Johnston, CPA Director of Development and Planning; and Mr Shem Baldeosingh, CPA Assistant Director of Information Services.

227. **Participation:** A total of 32 Members of the House of Representatives and five Senators participated over the course of the workshop, including four women. The discussions were vigorous although the National Assembly was not actively involved in NEEDS monitoring.

Cameroon

228. **Programme:** The CPA and the Role of Parliament in Good Governance and Poverty Reduction; Parliament and the Budget Process; Parliamentary Oversight of the Executive; The Public Accounts Committee and the Auditor-General; The Role of Parliamentarians in Combating Corruption; Involving Parliament and Parliamentarians in Formulation and Overseeing Poverty Reduction Strategies; and Duties of and Support for Members of Parliament: Constituency Responsibilities; Ethics and Transparency; Members and their Staff; Party and National Roles; Parliamentary Support for Members.

229. **Resource Team:** Hon. Peter ala Adjetei, MP, Speaker of the Parliament of Ghana; Hon. Moses Wetangula, MP, Assistant Minister of Foreign Affairs, Kenya; Hon. Rebecca Kadaga, MP, Deputy Speaker of the Parliament, Uganda; Mr Vincent Auclair, MNA, Quebec National Assembly; Mr Andrew Imlach, CPA Director of Information Services; and Mr Nicolas Bouchet, CPA Assistant Editor.

230. **Participation:** A total of 31 Cameroonian Members participated, eight of them women and 11 from the opposition, including Chief Whip and Branch Deputy Chairman Hon. Joseph Mbah-Ndam, MP. Hon. Rose Abunaw Makia, MP, Deputy Speaker and CPA African Regional Representative, also attended throughout. All Members participated actively in each of the seven sessions.

Study Group on the Role of Parliament in Conflict-Affected Countries, Sri Lanka

231. The Study Group met in Colombo, Sri Lanka, from 25 to 29 October and was organised in collaboration with the World Bank Institute. This represented a first for both the CPA and the WBI in addressing the particular role of parliament in conflict and post-conflict situations.

232. As conflict often arises from exclusion from the policy process, and poor governance is related to poverty, it becomes evident that parliament, as a multiparty representative institution, has a key role to play in the nexus between conflict and poverty reduction. Regrettably, parliament has neither been seen hitherto as a key stakeholder in poverty reduction, nor in conflict prevention and post-conflict reconstruction. Where parliaments were a key institution in participatory governance, not only were the voices of the poor people more often heard and taken up in the development of pro-poor policies, there was also less cause for conflict.

233. The Study Group explored the issues surrounding the conflict-prevention/Poverty Reduction Strategy Programme (PRSP) nexus with reference to parliaments and examined how these issues could be incorporated by parliaments into their poverty reduction work and how parliaments themselves could play a role in helping prevent conflict.

234. Discussions were divided into the following headings: Parliaments and Conflict: An Overview; Poverty Reduction and Conflict; Participation, Representation and Reconciliation; Legislation and Oversight; Dialoguing with Civil Society and a Free Media; The Role of the Opposition; Promoting Socio-Economic Equality; Rule of Law; Decentralisation; and Regional Parliamentary Peace-Building.

ACTIVITIES IN 2005

8th North East India Regional Conference, Tripura

235. The 8th CPA Conference of India's North East Region Branches attracted 66 Members and senior officials to Agartala, the capital of the state of Tripura, in January.

236. Delegates discussed “The Role of NERCPA in Strengthening Parliamentary Democracy in Northeast India”, as well as the region’s role in the development of communication and economic backwardness.

237. The 2006 Conference will be held in Gantok, Sikkim.

36th British Islands and Mediterranean Regional Conference, Jersey

238. Key political issues facing parliamentarians in the CPA British Islands and Mediterranean Region were discussed in Jersey at the region’s 36th annual conference from 12 to 15 June. The event, which took place in the States of Jersey Chamber, was attended by all the Branches in the region, although the Welsh delegation returned to Cardiff on one day for an important Assembly vote.

239. The sessions consisted of brief initial inputs followed by small workshop groups. Substantial political issues dominated the agenda as members from this varied group of parliaments and legislatures discussed: Facing up to the Problems Caused by an Ageing Society; The Advantages and Disadvantages of Alternative Energy Sources; How the Legislature can make the Executive more Accountable; Migration Policies in Jurisdictions throughout the Region; and How to Ensure that Citizens with Special Needs are Fully Included in Society.

Commonwealth Women Parliamentarians

240. The CWP Chairperson attended her first mid-year Executive Committee meeting, following changes made to the CPA Constitution by the General Assembly at its meeting in Canada in September 2004. Hon. Lindiwe Maseko, MPL, of Gauteng attended the meeting held in Sydney, New South Wales, in April.

241. As part of the Association’s continuing efforts to enable the Commonwealth Women Parliamentarians to play an important part in CPA activities, the Chairperson’s presence at governance meetings will help to ensure that gender is further mainstreamed across the Association.

Gender Workshop, Papua New Guinea

242. The first in the CPA’s Parliamentary Gender Workshops for the Pacific Region took place in Papua New Guinea from 27 to 29 June. Approximately 40 participants gathered at Parliament House in Port Moresby to discuss issues relating to improving gender equality in numbers, in power and responsibility.

243. Organised in collaboration with UNIFEM Pacific and Hon. Dame Carol Kidu, MP, the only female Member of Parliament in Papua New Guinea, this country-focused workshop was an historic event as it was the first time that all the nominated female Members from the 20 Provincial Assemblies of PNG were brought together. Never before had the women’s political leadership in PNG had the opportunity to share ideas, discuss challenges and strategise for future action, not only amongst themselves but together with national MPs.

244. The sessions focused on the following: Gender, Equality and Good Governance; Linkages between the Beijing Platform for Action, the Commonwealth Gender Plan of Action, CEDAW and the Millennium Development Goals; Pacific Gender Plan of Action and the PNG Gender Plan of Action; Institutional Framework, Legislation and Policy Changes relating to Gender; Standing Orders of Parliament; Legislative and Policy Flow: Case Study on PNG Informal Sector Legislation; The Provincial System of Government and Promoting the Full and Equal Participation in all Areas and at all Levels of Decision-Making; Transformative Governance: Concept, Gender Budgeting,

Affirmative Action; HIV/AIDS in PNG; UNDP: Parliamentary Institutional Strengthening Programme; and Towards 2007 – How to Increase Gender Equity in the National Parliament: methods of implementing affirmative action, role of Women's NGOs, role of Political Parties and role of Government.

245. With parliamentary elections due in 2007 and the potential introduction of reserved seats for women in the National Parliament, the participants were given an unprecedented opportunity to consider, articulate and fine-tune their visions for increasing the representation of women in the National Parliament.

PARLIAMENTARY SEMINARS

Commonwealth Parliamentary Seminar, South Africa

246. The 17th Commonwealth Parliamentary Seminar was hosted in Cape Town by the Parliament of South Africa from 30 May to 3 June.

247. The programme consisted of sessions on: The Commonwealth and CPA; Oversight and Accountability; The Role of the Presiding Officer and Standing Orders; The Relationship between Parliament and the People; The Role and Responsibilities of an MP; Global Access to Information; Parliament, Gender and Human Rights; Parliamentary Ethics and Accountability; Parliamentary Committees and Committee Systems; Financial Responsibility in the Democratic Process; and The relationship between Parliament, the Executive and Public/Civil Services.

Post-Election Seminar, Pakistan

248. The CPA's first major event in Pakistan since that country's return to active CPA membership last year was a parliamentary practice seminar held from 7 to 9 February.

249. This Seminar was agreed during the visit by the Chairman of the Pakistani Senate to the CPA Secretariat last year in the period just after Pakistan's return to the Councils of the Commonwealth. Pakistan's CPA and Commonwealth governmental membership had been in suspension following the 1999 military coup.

250. The programme, agreed in advance with the Chairman and Secretary of the Senate, was comprised of sessions on: The Development of the Commonwealth and the Role of the CPA; The Role of Members and Procedures in the House; Women in Parliament; Standing Orders and Legislation; Parliamentary Committees; Financial Scrutiny of the Executive; The Role of the Opposition; Privilege, Members' Interests, Ethics and Accountability; and Parliamentary Engagement with Civil Society and the Media.

Post-Election Seminar, Malawi

251. A CPA Post-Election Seminar in Malawi in early May enabled Members of the central African country to consider parliamentary reform proposals made by an Assembly committee. A senior official of the National Assembly will be invited to attend subsequent CPA meetings, which would assist implementation of the proposals.

252. This highly successful Post-Election Seminar from 3 to 5 May was attended by nearly all of the 142 newly-elected Parliamentarians in Malawi's 193-Member National Assembly, as well as by a considerable number of the Members with more than one term's experience in Parliament. It was held at Le Meridian Capital Hotel in Lilongwe, and attendance remained at high levels throughout the seminar.

253. The programme included a discussion on the March report to the National Assembly by Members of the Business Committee entitled "Re-thinking the Strategic Plan for the Development of Parliament 2004-2008". The report contained a series of recommendations that, if adopted, would result in the Assembly becoming truly independent of the executive by taking control of its own calendar, budget and staff, as well as strengthening its powers and capacity for oversight. Although the report had been tabled in the National Assembly, the Post-Election Seminar was an opportunity for Members to give it their full attention. The report was produced with some assistance from the UK's DFID.

254. Other topics covered at the seminar were: The Development of the Commonwealth and the Role of the CPA; The Role of Members and Procedure in the House; Women in Parliament; The Role of Parliamentarians in Combating HIV/AIDS; Standing Orders and Legislation; Parliamentary Committees; Financial Scrutiny of the Executive; The Role of the Opposition' Privilege, Members' Interests, Ethics and Accountability; and Parliamentary Engagement with Civil Society and the Media.

Branch Seminar, Solomon Islands

255. A parliamentary seminar for the Members of the Solomon Islands Parliament took place from 6 to 8 April in Honiara as part of a three-year technical assistance programme being run there by the CPA and the United Nations Development Programme (UNDP).

256. A total of 41 of the country's 50 MPs attended the seminar and there was a high degree of engagement with the topics. Three Members of the Cabinet attended all sessions and a number of other Ministers attended at various points throughout the three days. The Finance Minister demonstrated a keen interest in all the topics and was very enthusiastic about participation in CPA activities.

257. The topics covered during the seminar were: The Development of the Commonwealth and the CPA; Parliaments and other Institutions of Democracy; Standing Orders and the Role of the Presiding Officer; The Electoral Process; The Role and Responsibilities of an MP; Scrutiny of the Executive; The Role of the Opposition; Right to Information; and Parliamentary Ethics and Accountability.

258. On the final afternoon of the seminar, the CPA Branch held a meeting and there was extensive and constructive discussion on the CPA-UNDP technical support programme. The Branch unanimously agreed to accept a proposed work plan.

259. The CPA is to provide resource people for an agreed joint programme of work covering a broad list of parliamentary subjects and the Association will organise a number of other events with administrative support coming from the UNDP.

260. The assistance programme seeks to reinforce the role of Parliament following ethnic tensions between factions from different islands that undermined democratic government from 1998 to 2003. A Regional Assistance Mission to the Solomon Islands, including a military intervention largely by Australia, restored order following its arrival in July 2003.

261. The CPA, the UNDP and others are now assisting the Melanesian nation to strengthen its own governmental institutions in a programme strongly supported by the Governor-General, H.E. Nathaniel Waena, a former Minister and CPA Pacific Regional Representative.

262. The core elements of the three-year programme include, among other things: professional development and capacity-building for Parliamentarians and House staff; workshops on

administration and funding of Parliament; gender awareness; post-election induction for new Members; relations between the three branches of government as a regional event in collaboration with the CMJA; and assistance with reviewing Standing Orders, library and research services, ethics and transparency rules and public information programmes and materials.

Branch Seminar, Kenya

263. The CPA Kenya Branch organised a Parliamentary Seminar on Practice and Procedure in Mombasa from 25 to 27 May. The Seminar was the second leg of an orientation seminar for Members. The first meeting took place in Nairobi in August 2003 and was attended by the CPA Secretary-General.

264. The focus of the discussions, chaired by Hon. Francis Ole Kaparo EGH, MP, Speaker of the National Assembly, centred on the Standing Orders of the National Assembly.

265. Participants agreed the lack of quorum in Parliament (including committees) was affecting the conduct of parliamentary business. There was also support for reform of the committee system. The Parliamentary Service Commission has proposed that heads of important parliamentary committees should be elected by the whole House rather than the committee in the expectation it would ensure greater independence.

266. During the seminar, there was also discussion on the number of recent ministerial appointments. The Government has 30 Ministers and 40 Assistant Ministers and President H.E. Mwai Kibaki had recently appointed some opposition Members to his Government. This had created tensions within the political system and concerns were expressed in Mombasa at the effectiveness of the whipping system in Parliament.

267. The Seminar was very well organised by the CPA Kenya Branch and there was consensus that practice and procedure seminars should be arranged in the future.

Study Group on the Role of Parliamentarians in Combating the HIV/AIDS Pandemic, India

268. A CPA Study Group on "The Role of Parliamentarians in Combating the HIV/AIDS Pandemic" made a series of recommendations to help parliaments, individual parliamentarians and the CPA Branches develop successful strategies to deal with this global epidemic that has particularly devastated the Commonwealth which has more than 60 per cent of the world's sufferers although having only 30 per cent of its population.

269. The subject has been discussed at previous CPA meetings, but the Study Group represented the Association's first in-depth study of the role of parliamentarians in combating HIV/AIDS. The Group's meeting from 31 January to 6 February was hosted in New Delhi by the CPA Indian Branch.

270. The main objective of the project was to help define ways in which Members could gain a better understanding of the issues involved and develop strategies specifically for parliamentarians to help them address the many problems created by the HIV/AIDS pandemic.

271. The Group examined the following: The Role and Responsibility of Parliamentarians: An Overview; The Global Response to HIV/AIDS; The impact of HIV/AIDS on Women and Children; International Obligations and Human Rights in addressing HIV/AIDS; The Economic Impact of HIV/AIDS; A Multi-Sectoral Approach to the Pandemic; and The Need for Political and Parliamentary Leadership.

Study Group on the Administration and Financing of Parliament, Zanzibar

272. The CPA-World Bank Institute Study Group on the Administration and Financing of Parliament, composed of 20 Members and parliamentary officials from 13 parliaments, met in Stonetown, Zanzibar, Tanzania, from 25 to 29 May to focus on the independence of parliament and the role of corporate bodies in securing that independence.

273. The Study Group was composed of a combination of parliamentarians and parliamentary staff from all CPA Regions except the British Islands and Mediterranean, whose nominee was unable to attend at the last minute. The Branches represented were: Australia, Canada, Fiji, India, Jamaica, Malawi, Malaysia, Samoa, Sri Lanka, Trinidad and Tobago, Uganda and Zambia. There were also two participants from the host Branch, the Leader of the Opposition and the Clerk of the House of Representatives. A number of observers also came from parliaments with which the Bank was working to create corporate structures and increase the level of independence from the executive.

274. The Study Group programme covered sessions on: Ensuring the Independence, Effectiveness and Accountability of Parliament – An Overview of Governance Issues; Independent Funding for Parliament and Financial Controls; The Relationship Between the Executive, the Speaker, the Corporate Body, the Clerk/Accounting Officer, and the Staff of Parliament; The Levels of Delegated Authority Granted by a Corporate Body to the Parliamentary Service and the Modus Operandi; Human Asset Management; and Accountability.

275. The Group produced a set of Key Recommendations proposing ways to release parliament from domination by the executive and to strengthen its procedures and capacities to scrutinise public policy, expenditure and implementation. They were published in the CPA newsletter *First Reading* and posted on the CPA web site. The full report was to be available for editing by late July.

West African Parliaments Programme, Sierra Leone

276. As part of the CPA West African Parliaments Programme (WAPP), Members of the Sierra Leone Parliament met from 22 to 25 February 2005 to discuss ways to strengthen their Assembly.

277. Methods to improve scrutiny of legislation and spending, the management of Parliament by its Members rather than by the executive and stronger measures to curb corruption were among the recommendations agreed by Members who attended the four days of discussion funded by the UK DFID.

278. The workshop, officially opened by Mrs Elizabeth Alpha-Lavalie, MP, Deputy Speaker of Parliament, looked at: Parliamentary Oversight: What, Why and How?; The Role of Parliamentarians in Combating Corruption; The Role of Members of Parliament in drafting and Scrutinising Legislation; Poverty Reduction Strategy Paper (PRSP) Monitoring; Parliamentary Oversight Mechanisms and PRSP Monitoring; Financial Scrutiny of the Executive: Parliament and the Public Accounts Committee; and Parliamentary Responses to Human Trafficking.

279. Almost all of the Members attended the workshop as Parliament went into a brief recess to permit attendance. Local resource people included Members of Parliament, a prominent human rights lawyer and representatives from the National Accountability Group, the Development Assistance Co-ordinating Office (DACO), the National Democratic Institute and Parnell Kerr Foster, an accountancy firm.

280. On the final day, the Members drafted an “Action Plan for the Way Forward” which, along with supporting papers, was posted on the CPA web site at www.cpahq.org.

281. This was the last country workshop in the series to strengthen the legislatures of Commonwealth West Africa.

West Africa Parliamentary Programme, Ghana

282. The CPA merged its mid-February Ghanaian WAPP workshop with one about to be run by the Parliamentary Centre Ghanaian Poverty Reduction Strategy Programme (GPRSP) funded by the Canadian International Development Agency (CIDA). The programme constructed by the Parliamentary Centre's Ghanaian office continued as planned, with the addition of a CPA topic.

283. The Parliamentary Centre's Ghanaian Parliamentary Committee Support Project goals are to strengthen accountability, transparency and participation in the country's parliamentary governance, with particular attention to achieving more effective poverty-reduction efforts by strengthening the key committees related to them.

284. The workshop was attended by about 40 MPs and 20 resource people, including committee clerks and representatives of NGOs. Most participated throughout.

285. There were presentations from MPs, NGOs and officials from Ghana's Treasury and its Audit Office and the CHRI.

286. There were presentations on the key principles of the budget process as well as discussions of details of parliamentary scrutiny processes. The workshop was helpful in that the Parliament's Standing Orders Committee was about to conduct a review to seek to improve procedures, such as empowering the Public Accounts Committee to hold hearings during the year as it identifies issues rather than waiting for the government's Audited Accounts to be completed.

"Promoting Good Governance And Development In Conflict-Affected Countries: The Role Of Parliament And Government" Wilton Park Conference 2005

287. This year's Wilton Park Conference had the theme of "Promoting Good Governance And Development In Conflict-Affected Countries: The Role Of Parliament And Government". The Conference, which took place from 6 to 10 June 2005, marked the 11th joint activity with Wilton Park, and the second to include the World Bank Institute (WBI). As part of our work in the area of promoting good governance and development in conflict-affected countries, this Conference was planned as a follow-up to the CPA/WBI Study Group for parliamentarians on the Role of Parliaments in Conflict Affected Countries, which was held in Sri Lanka in October 2004.

288. The traditional format of the Wilton Park Conference brought together our members with non-Commonwealth parliamentarians as well as academics, consultants and representatives of organisations concerned with democracy, good governance and development in conflict-affected countries. The Conference was designed to explore in greater depth how a more constructive approach to conflict management can best be practised through democratic governance. The major challenge in many conflict-affected countries is to create a more inclusive political system and it has been recognised that special attention needs to be paid to the proactive role of parliaments in accommodating social tensions and creating stability.

289. The programme consisted of sessions on: Conflict-Affected Countries: The Commonwealth Experience; To What Degree Can Governments And Parliament Contribute To Peace Building In Conflict Affected Countries?; What Role For The International Community In Conflict-Affected Countries? What Makes Peace Building Work?; Global Parliamentary Co-operation In Promoting Socio-Economic Development And Peace Building; How Can Parliament Ensure Adequate Oversight Of The Military, Police And Intelligence Services?; Concurrent Discussion Groups: Case

Studies In Building Parliamentary Democracy – Guyana, Mozambique, Serbia and Sierra Leone; Preventing Exclusion: How Can A Level Playing Field For Opposition Parties Be Ensured?; To What Extent Can Governments And Parliaments Draw Upon The Human Resources, Traditions And Political Structures Of Previous Regimes?; Ensuring The Equitable Representation Of Minorities And Women In Parliament; Concurrent Discussion Groups: How Can Federal Structures And Decentralisation Contribute To Peace Building?; How Can Public Accounts Committees Help Improve Accountability And Reduce Corruption?; Implementing And Ensuring Fair Rules Of Procedures In Parliament; How Can Trade Unions And Civil Society Best Engage With Governments And Parliaments?; How Can Parliaments In Conflict-Affected Countries Best Oversee The Executive And Prioritise Development Needs?; What Are The Prospects For Afghanistan's Parliamentary Democracy?; The Role Of Neighbouring Countries In The Development Process Of Conflict-Affected Countries; Ensuring A Balanced Framework For A Free Media Through Freedom Of Information, Privacy, Defamation And Other Legislation; How Can The Rule Of Law And Human Rights Legislation Be Best Used To Build Reconciliation?

CPA/WTO Regional Workshop for Parliamentarians, Jamaica

290. The fifth CPA/WTO Regional Workshop for Parliamentarians took place at the Pegasus Hotel in Kingston, Jamaica, from 8 to 10 June 2005. The Parliament of Jamaica hosted the event which was attended by 22 Parliamentarians from Branches in the Caribbean, the Americas and the Atlantic Region. There was also participation from the Commonwealth Secretariat, Caribbean Regional Negotiating Machinery, The World Bank and Association of Caribbean States. Dame Jennifer Smith, JP, MP, Deputy Speaker of the House of Assembly, Bermuda, represented the Executive Committee.

291. The seminar focused on the work of the WTO and aspects of the Doha Development Agenda as well as the role of parliamentarians in the rules-based international trading system. The Caribbean region has been affected by loss of trade preferences and has experienced difficulties in traditional sectors such as the banana, rice and sugar industries. However, the seminar was conducted in an informative and constructive spirit and once again there was broad support for the CPA's work to assist parliamentarians in influencing discussion and debate in the area of trade.

Parliamentary Staff Development Workshop, Malaysia

292. This workshop was held in Kuala Lumpur from 19 to 24 June and was hosted by the Malaysian federal Branch. The event was the first staff workshop since the creation of the new Indian Region and so the number of potential participants was lower than previously.

293. There were a total of 15 participants from across the two Regions, seven of whom were women. Regrettably, neither Bangladesh nor the Maldives chose to send a staff member and, of the Malaysian State Branches, only Sabah was represented. The participants came from a variety of backgrounds with the length of parliamentary service ranging from 15 years to two months.

294. Following consultation with Branches in the Region, the programme focused on the budget process. The sessions dealt with: Discussion on Regional Issues; Budget Process – Overview; Budget Process – Practical Analysis; Budget Process – Parliamentary Approval; Malaysian Budget Process; The Audit Process; The Singapore Budget Process in Parliament; and Parliamentary Research Services.

Commonwealth Day

295. To mark Commonwealth Day 2005, the CPA organised a two-day event for 22 young people from 11 CPA Branches to increase awareness of and generate enthusiasm for the Commonwealth.

296. The first day consisted of a programme on the Commonwealth and parliamentary work. On the second day, the participants joined other young people for the Royal Commonwealth Society's annual Youth Heads of Government Meeting.

297. The second day saw the Branch representatives join nearly 100 other young people from across the UK for three debates centred on education. The first debate, on the role of education in promoting freedom and democracy and in preventing terrorism, saw broad agreement that free education should be a basic global human right. The second debate on the social and economic implications of education led to agreement to cancel developing countries' debt, remove agricultural subsidies in developed nations and increase environmental protection.

298. The final debate on "The Voice of Young People" became very lively as participants argued that improving the image of MPs among young voters is one thing, but listening to their voice is another.

Commonwealth Youth Parliament, Queensland

299. The Third Commonwealth Youth Parliament voted to reduce the voting age to 16, introduce compulsory voting, invite Iraq to join the Commonwealth and make condoms freely available in schools and prisons to help combat AIDS.

300. Meeting in Brisbane, Queensland, from 19 to 23 April, over 70 delegates nominated by legislatures across the Commonwealth divided themselves into political parties and reached several conclusions as they gained practical experience in passing legislation, debating national and international issues, changing government peacefully and making and enforcing rules of conduct. Sixty per cent of delegates were from developing countries and 51 per cent of participants were women. All participants were aged between 18 and 29.

301. This was the first Commonwealth Youth Parliament held outside the UK and the first time it had taken place in a Parliament. The Acting Speaker of the Queensland Parliament, Hon. Jim Fouras, MP, served as the Speaker and the Acting Vice-Chairman of the CPA Executive Committee, Senator Jean Le Maistre of Jersey, was Deputy Speaker.

302. Participants were divided into three political parties and elected their own leaders, party names and manifestos. In a debate on poverty, they spoke as individuals rather than as party representatives. A Question Time was held, as were Adjournment Debates where participants were called without notice to speak for three minutes on an issue relating to their jurisdiction. Four Members were able to introduce Ten-Minute-Rule Bills, but six others were refused permission.

303. Speaking at the close of the Youth Parliament, CPA Secretary-General, the Hon. Denis Marshall, QSO, urged participants to become ambassadors for the Commonwealth by informing other young people about the outcomes of the Youth Parliament and by speaking about the importance of the Commonwealth and parliamentary democracy. He said the CPA remains committed to programmes to make young people aware of and promote parliamentary democracy.

304. A *Hansard* of the Youth Parliament was posted on the CPA web site together with the daily programme and the Rules Governing the Conduct of Business.

COMMONWEALTH ASSOCIATION OF PUBLIC SECTOR LAWYERS (CAPSL)

INTRODUCTION

305. The purpose of this note is to introduce to you the Association and mention two specific issues. The Association exists primarily to provide a mutual support group for lawyers employed by government legal services, national, regional or local. However, recognising that increasingly employed lawyers work with colleagues in the private sector and occasionally academia, the Association also includes them within its criteria for membership. The Association currently has 25 institutional members and 131 individual members spread across 25 jurisdictions. Its specific aims and criteria for membership are set out below.

306. The Association has its own web site at www.capsl.org and, between meetings held during each Commonwealth Law Conference, exists primarily as an e-organisation that makes the ready availability to all members of their email addresses an important issue if the Association is to achieve its principle aim.

AIMS

- To support public sector lawyers in the carrying out of their professional duties.
- To promote interest within the Commonwealth in all aspects of public sector law.
- To provide a focus and forum for the exchange of information and ideas.

MEMBERSHIP

- Any person who is qualified to be a member of the Commonwealth Lawyers Association and has a professional interest in the promotion of the aims of the Association.
- Any national, state or regional professional body (or appropriate Committee or Group thereof) that represents such persons, government legal services and the LCAD of the Commonwealth Secretariat.

THE WEB SITE

307. One of the objectives of the site, as identified at the 1999 Commonwealth Law Conference, was to be the establishment of a comprehensive database of Commonwealth Government Legal Services so as to facilitate contact between them and their respective lawyers and thereby offer opportunities for mutual support. It was felt that such a facility would be of particular benefit to the smaller jurisdictions.

308. The site therefore contains a page dedicated to this objective. It invites each such service to support the Association by contributing some very basic information about itself and becoming an institutional Member of the Association.

COMMONWEALTH LAW CONFERENCE, LONDON 2005

309. The Association will take an active role in the Commonwealth Law Conference to be held in London this September. These Conferences are the primary opportunity for the Association to demonstrate its value. At past Conferences its activities have included: an all day seminar on current legal issues of interest either immediately before or in parallel with other conference sessions; involvement in the mounting of main conference sessions; and a purely social event.

COMMONWEALTH ASSOCIATION OF LAW REFORM AGENCIES (CALRA)

310. The Commonwealth Association of Law Reform Agencies (CALRA) has recently been formed to foster and promote international co-operation on law reform.

BACKGROUND

311. A major innovation in the legal world over the last 40 years has been the establishment and development of Law Reform Agencies (LRAs). There are over 60 permanent LRAs across the world, mostly in the Commonwealth - with names such as Law Reform Commission, Law Reform Committee, Law Commission and Law Reform Institute. There is great variety between these law reform bodies, as is right and proper when one considers the great variety of countries and states that they serve. However, they can usefully learn from each others' experience.

312. Over the years, some LRAs have assisted each other from time to time, especially through the bilateral exchange of information. However, that is not always easy: they are busy, varied and often geographically distant. Their personnel tend to be with them for a fairly limited period, often without prior involvement in law reform. Inevitably, co-operation has tended to be patchy and more reactive than proactive.

313. There is scope for taking past co-operation further, using the wealth of experience that such bodies have – so as both to improve law reform itself and to reduce unnecessary duplication and effort – with the ultimate objective of improving the law and society.

SUPPORT AND STATUS

314. For many years there has been strong and widespread informal support for establishing a Commonwealth Association, to encourage, facilitate and take forward co-operative initiatives in law reform.

315. CALRA has been formally established since the last Commonwealth Law Conference. The office bearers and other members of the Executive Committee were elected by April 2004. CALRA has the strong support of the Commonwealth Secretariat. It has applied successfully for accreditation to the Commonwealth, as a civil society organisation.

316. The establishment of CALRA is timely. Many LRAs are now well established, while others are being formed or rejuvenated; many are working in an atmosphere of change – both in the law, in legal systems and in public sector management. It is also a time of particular pressure on many, and especially on their resources.

PURPOSE

317. CALRA's overall purpose is to foster international co-operation on law reform – so as to improve the law across the world. It is an association of Law Reform Agencies and others working or interested in law reform.

318. CALRA has a broad set of aims and objectives in its founding constitution (which is on its website). Possible areas for action include: mutual support and exchange of information; sharing advice about methods of law reform; exchanging information about topics for law reform; sharing information about the impact which law reform bodies can make; and innovation: exchanging information about successful ways of working.

319. CALRA will avoid duplicating work or initiatives undertaken by others.

ACTIVITIES

320. Since the first meeting of CALRA, in 2004, it has:

- organised a Commonwealth law reform conference in September 2005 on “*Law Reform: Challenges and Opportunities Today*”, in London immediately before the Commonwealth Law Conference. The Commonwealth Secretariat supports the Conference, and is represented on the platform. There is a wide spectrum of speakers from across the Commonwealth and beyond. The Law Commission for England and Wales has assisted in organising the Conference. The sessions include: Priority topics for law reform; Communicating with the public, Non-Governmental Organisations, the media and government; Challenges and opportunities of smaller Law Reform Agencies; Training for law reform;
- developed a protocol about how LRAs can best exchange law reform reports which they publish;
- established a website (www.calras.org) - with considerable assistance from the Australian Law Reform Commission. The website will be developed further but it already includes information about CALRA and its aims. Importantly, it has links to the websites of LRAs and others across the world;
- started promoting staff development, and opportunities among members for visits, secondments, exchanges and internships; CALRA could have an important role of encouragement and facilitation, to enable more such opportunities.

VALUES

321. The Commonwealth’s fundamental values relate to human rights and the rule of law, gender equality, democracy and good governance, and sustainable economic and social development. The law has a vital role to play in ensuring the practical application of these values. Law reform is a key leader and participant in that process. CALRA is committed to those values and has an important place in promoting them.

MEMBERSHIP AND ORGANISATION

322. Membership of CALRA is generally open to: institutional LRAs; individuals with a current or previous tie to an LRA; and other bodies and individuals supporting the aims of CALRA.

323. CALRA is an informal body. It has no paid staff and is run by volunteers. Its only current income is members’ fees. Annual membership fees have deliberately been kept low.

324. Within CALRAs’ first year, over half of the LRAs in the Commonwealth had already become members. CALRA currently has some 25 members, including many LRAs. Both large and small jurisdictions are well represented among the membership, as are both developed and developing countries.

325. Those elected as the first Executive Committee have a broad variety of experience:

<i>President:</i>	President of the Malawi Law Commission
<i>Vice-President:</i>	President of the Australian Law Reform Commission
<i>Treasurer:</i>	Director of the Alberta Law Reform Institute, Canada
<i>General Secretary:</i>	the former Chief Executive of the Law Commission for England/Wales
<i>Members:</i>	Chairman of the Law Reform and Development Commission of Namibia President of the New Zealand Law Commission Secretary of the Law Commission of Sri Lanka and Solicitor General of Tonga.

FURTHER INFORMATION

326. Enquiries about CALRA are very welcome. Information and membership application forms are available from CALRAs' website or from:

Michael Sayers, General Secretary: 18 Manor Way, Onslow Village, Guildford, GU2 7RN, United Kingdom

E-mail: sayers@speed-mail.co.uk

Telephone: +44 (0)1483 575366

Website: www.calras.org

**Conclusions Adopted at the International Workshop for National Human Rights
Institutions and Non-Governmental Organisations
Colombo, Sri Lanka, 22-25 November 2004**

Reaffirming the universality of fundamental rights as enshrined in the Universal Declaration on Human Rights; the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and other international treaties deriving from the provisions of the Universal Declaration of Human Rights;

Reaffirming the Kandy Programme of Action on Co-operation between National Human Rights Institutions and Non-Governmental Organisations adopted in a workshop facilitated by the Asia Pacific Forum of National Human Rights Institutions on 26-28 July 1999 in Kandy, Sri Lanka;

Recalling and reaffirming the conclusions of the workshops facilitated by the British Council on Using the United Nations Mechanisms for Protecting Human Rights (Belfast, 2002), Using Public Enquiries and Formal Hearings (Kampala, 2003), Promoting the Rights of People with Disability: Towards a New UN Convention (New Delhi, 2003), National Human Rights Institutions: Effective or Just Existing (Belfast, 2003), National Human Rights Institutions and Legislatures: Building Effective Relationships (Abuja, 2004), Building an Effective Media and Communication Programme (Accra, 2004);

Recalling the Seoul Declaration adopted by the Seventh International Conference for National Institutions for the Promotion and Protection of Human Rights, Seoul, Republic of Korea, 14 – 17 September 2004;

Acknowledging the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders) adopted by the General Assembly in its Resolution 53/144 of 9 December 1998.

Reaffirming the UN ‘Principles Relating to the Status of National Institutions’ (“Paris Principles”) as the indicator by which the effectiveness of national human rights institutions are measured;

Mindful of the fact that the Paris Principles only constitute the minimum guidelines upon which national human rights institutions should operate;

Affirming the fundamental role of individuals, non-governmental organisations and National Human Rights Institutions in contributing to the effective elimination of all forms of human rights violations;

Reaffirming the right and responsibility of individuals, non-governmental organisations and National Human Rights Institutions to promote respect for, and foster knowledge of, human rights and fundamental freedoms at the national, regional and international levels;

Reaffirming the right of everyone, individually or in association with others, to solicit, utilise and receive resources for the express purpose of promoting and protecting rights and fundamental freedoms, through peaceful means;

Recalling the report of the Advisory Council of Jurists of the Asia Pacific Forum of National Human Rights Institutions, in Kathmandu, Nepal, 16-18 February 2004, about the increasing misuse of ‘counter-terrorism’ measures to erode universally accepted human rights standards;

Reaffirming the need for all national institutions to respect and function in conformity with the Principles Relating to the Status and Effective Functioning of National Institutions for the Protection and Promotion of Human Rights ('Paris Principles') as adopted by the United Nations General Assembly in its Resolution 48/134 of 20 December 1993;

Recognising the vital facilitating role of National Human Rights Institutions between States in the regional and international arena;

The Colombo International Workshop on National Human Rights Institutions and Non-Governmental Organisations of the Commonwealth recognises the importance and value of effective collaboration between NHRIs and NGOs². In particular, the Workshop recognises that co-operation is strengthened if NHRIs and NGOs are independent and properly resourced to undertake their respective roles.

The workshop therefore recommends that:

National Human Rights Institutions (NHRIs) and Non-Governmental Organisations (NGOs)

1. Urge their respective governments towards the early formulation of national plans of action in conformity with the 1993 Vienna Declaration and Program of Action;
2. Undertake periodic peer review of NHRIs and their subsidiary bodies with respect to their adherence to the Paris Principles;
3. Prepare submissions to appropriate fora to consider the application of domestic legislation within member countries of the Commonwealth that restrict or seek to restrict the activities of human rights defenders in these countries;
4. Interact effectively prior to relevant meetings, such as the UN Commission on Human Rights (CHR) or CHOGM;
5. Participate in joint human rights platforms at Commonwealth meetings, such as the Commonwealth Human Rights Forum;
6. Facilitate the creation of a database of determinations made by NHRIs in Commonwealth member countries similar to case law digests available in the judicial sphere;
7. Request the International Co-ordinating Committee (ICC) of NHRIs to take initiatives beyond the Paris Principles through framing and adopting guidelines, which would specify NHRI spheres of competence and jurisdiction;
8. Engage in collaborative initiatives to develop best practices in the drafting of procedures to aid institutions in dealing with complaints and providing legal advice, amongst other public services;
9. Facilitate the creation of parliamentary human rights committees and where such parliamentary committees exist, to support their work;
10. Review national compliance of international treaties and conventions, including reporting obligations and implementation of the concluding observations;

² The Workshop recognises that 'NGOs' encompasses a broad range of organisations in civil society

11. Encourage information exchange and sharing of expertise between NHRIs, NGOs, governments and all intergovernmental bodies;
12. Request appropriate regional and international bodies to establish clear guidelines for domestic legislation affecting the operation of NGOs, particularly in relation to funding arrangements, ensuring such laws are not used to restrict their activities;
13. Request appropriate regional and international bodies to review penal legislation in Commonwealth countries to bring such legislation into conformity with international standards.

Governments:

1. Harmonise domestic laws impacting on human rights with international norms and standards and facilitate access to individual complaint handling mechanisms;
2. Issue standing invitations to UN Special Rapporteurs to visit their countries and respond to their communications;
3. Facilitate human rights training of government officials by NHRIs and NGOs;
4. Engage in a regular dialogue with human rights organisations, NHRIs and other human rights defenders on the design and implementation of programmes and projects initiated by the international bodies;
5. Provide space for human rights organisations and NHRIs on the platform at international fora to enable them to raise issues of concern in countries in their respective regions;
6. Co-operate fully with the Special Representative of the Secretary-General on Human Rights Defenders, including by issuing standing invitations to visit their countries and responding to her communications;
7. Empower their NHRIs by providing adequate resources from regular government budgets;
8. Effect changes in legislation to bring their NHRIs into conformity with the Paris Principles;
9. Provide legislative or constitutional framework where existing NHRIs have been set up by executive orders;
10. Consult with NHRIs and NGOs to review accession and ratification to treaties and review any derogations and reservations made to such treaties.

Commonwealth Heads of Government Meeting:

1. Facilitate access for NHRIs and NGOs to make statements at the formal meetings of CHOGM and relevant ministerial meetings on issues of concern.

British Council:

1. Continue to support and facilitate the promotion of human rights in the Commonwealth countries;
2. Create a regular space for consultation between NHRIs and NGOs in the Commonwealth.