

Richard Nzerem

Richard Nzerem is the Director of the Legal and Constitutional Affairs Division of the Commonwealth Secretariat in London. He spoke to Peter Gray about the work of his division.

The Commonwealth Secretariat was founded in 1966 to act as a civil service for the Commonwealth, dealing with all aspects of government activity. It promotes fundamental political values, such as good governance, sustainable economic and social development and consensus-building on economic and political issues, and is mainly funded by compulsory contributions from member governments.

Despite some opposition from those who thought governments were already adequately advised through their own advisers, the Legal Division was set up in 1969. It was later renamed the Legal and Constitutional Affairs Division, and is one of 12 divisions that make up the Secretariat.

THE COMMONWEALTH LAW BULLETIN

The Legal and Constitutional Affairs Division was created in order to keep Commonwealth member states informed of each others' legal developments and law reform proposals, a function achieved through the bi-annual *Commonwealth Law Bulletin*. Sir William Dale (Director of the Centre for Legislative Studies at the IALS) was one of the initiators of the *Commonwealth Law Bulletin*, advising the first director, Tom Kellock, to launch it. Mr Nzerem explained:

'It is easier for Namibia, for instance, to get information from us about what is happening in Zimbabwe next door to them, than to write directly to Zimbabwe.'

Lawyers may also meet and debate issues at the Commonwealth Law Conference, which takes place every three years (the next one is being held in Kuala Lumpur, Malaysia, in 1999).

SPECIFIC REQUESTS FOR HELP

Sometimes countries may have a specific request for information. Mr Nzerem highlighted a recent call from

Botswana stating that:

'Legislative drafting is an area which has caused a great deal of problems for Commonwealth countries. They [the government of Botswana] want to know how other legislative drafting establishments organise themselves and what their terms and conditions of service are. I understand that they are in the process of reviewing their terms and conditions, because it's a fairly common thing that the draftsmen don't stay at all, especially after they have been trained.'

Although much has been spent by the Commonwealth Fund for Technical Co-operation (one of the funds supported by member governments on a voluntary basis) on training legislative draftsmen, they often do not stay after completing their courses, usually because they are offered a better deal elsewhere.

TRAINING PROGRAMMES AND WORKSHOPS

A number of training programmes and workshops are organised, such as the recent one in India attended by Mr Nzerem. This workshop concentrated on access to justice, particularly to disadvantaged sections of the community, with participants including government officials, community workers, legal practitioners and judges. The main hindrance to access to justice appeared to be the expense and procedures of the system but 'there are a whole host of reasons why justice is either delayed or denied', confirmed Mr Nzerem.

Another such scheme is a series of workshops based on the latest WTO (World Trade Organisation) agreements. Mr Nzerem pointed out that the agreements replacing the Uruguay Round are complex and important and that countries need to become aware of how the system works. Many countries, particularly the smaller ones, do not otherwise have the capacity to implement the agreements, so the workshops are designed to show them the procedure for


implementation, and to advise them on how the agreements work.

SPECIALIST UNITS

The division has two specialist units, one dealing with human rights and the other with commercial crime. In order to avoid duplicity with the functions of the United Nations, the mandate of the Human Rights Unit is solely limited to the promotion of human rights. The unit organises workshops to educate people about their rights and obligations under the applicable Convention on Human Rights. The commercial crime unit deals with drug trafficking, money laundering and other commercial crimes, publishing a newsletter for government officials, and liaising with Interpol and the Financial Action Taskforce – a multi-state organisation aimed at protecting members' economies from the effects of money laundering.

INTERNAL AFFAIRS

Another function of the division is to provide legal advice to other divisions and their employees on matters as diverse as contracts with member governments and internal employment affairs. As an international organisation, the Secretariat is not subject to the jurisdiction of the Courts of England and Wales and, consequently, they have their own tribunal to deal with internal disputes, one member of which is appointed by the individual litigant.

Outside the Secretariat, the Legal and Constitutional Affairs Division does not represent individuals or governments; as employed lawyers, the members of the division do not have rights of audience, and their mandate does not cover this. 

Peter Gray
Information Officer, IALS