

ago that some settlement was in sight. The Commonwealth Ministerial Committee, which had not met for several years, met in the wings of the Cyprus CHOGM. Heads of Government reaffirmed their support for the security, sovereignty and territorial integrity of Belize and urged that country and Guatemala to resume and successfully conclude their dialogue.

The Commonwealth has continued to support and work with the UN to further common interests. The Secretariat has Observer status at the General Assembly where it monitors debates, decisions and developments of interest to the Commonwealth. On 1 August 1994, the Secretary-General attended a special meeting convened by the UN Secretary-General in New York of executive heads of regional and other intergovernmental organisations on how to enhance co-operation between themselves in pursuit of international peace and security. The Commonwealth and UN already co-operate closely in a number of areas, as they did in the period of transition before the 1994 elections in South Africa.

Likewise, the Secretariat liaises and co-operates with other international organisations. The Secretary-General and other senior officers attended summit and other high-level meetings of the Movement of Non-aligned Countries, the Caribbean Community (Caricom), the Organisation of African Unity, the European Union, the Southern

African Development Community, and other bodies. A Memorandum of Understanding was finalised with the South Pacific Forum and closer working relations established with the European Commission.

Taking up the mandate from Heads of Government at the Cyprus CHOGM, an intergovernmental group was established to explore ways in which the Commonwealth could make the fullest possible contribution to the work of the international community towards establishing a global humanitarian order. The group, chaired by Mr Bryce Harland of New Zealand, met twice (in May 1994 and February 1995) and was due to meet a third time in September 1995 to finalise its report. The group has been examining the international community's responses to situations involving massive human suffering and exploring ways in which the Commonwealth could complement the work of the UN in the field of international peace and security, primarily through quiet diplomacy, peace-making and peace-building.

While it explores these global themes, the Commonwealth continues to extend special support to the small member states who make up nearly half its membership. The Secretariat continues to administer a Joint Office for Commonwealth Permanent Missions in New York, which provides office accommodation and certain common facilities to nine small Commonwealth countries to facilitate their representation at the UN.

THE RULE OF LAW

Taking the Harare Commonwealth Declaration of 1991 as its reference point, the Secretariat, with the active support of member governments, Law Ministers, Attorneys-General and Chief Justices, has sought with renewed vigour to promote the rule of law, the independence of the judiciary and just and honest government. These are best assured by processes of government which are open and accountable—from electoral systems to individual

government decision-making. Such transparency affords people protection against the possible abuse of public office.

The growing number of countries who have embraced multi-party democratic systems of government has corresponded with increasing interest in the potential role of administrative law in facilitating the development of an enduring

democratic culture and promoting good governance.

Beginning with Zambia in 1992, the Secretariat launched a programme of administrative law workshops at the centre of which is recognition that the growth of judicial review of administrative action is essential for promoting open and accountable government.

The Lusaka Statement on Government under the Law which emerged at the 1992 workshop received the unequivocal endorsement of the subsequent workshops held between 1993 and 1995 in Malawi, Seychelles, Lesotho and Botswana. These workshops were attended by senior officials and managers from the public and private sectors and one of the practical outcomes is that a manual is being developed which will assist public officers in carrying out their duties.

A parallel development has been the series of judicial colloquia aimed at promoting the domestic application of international human rights norms. The sixth, and most recent colloquium in the series, held in Bloemfontein, South Africa, in September 1993 under the joint auspices of the Secretariat and the London-based International Centre for Human Rights (Interights), has contributed to the

growing body of Commonwealth jurisprudence on the constitutional basis of human rights.

These two initiatives have, both directly and indirectly, assisted in the constitutional development of some member countries, particularly those that have recently progressed from either a one-party or military regime to a multi-party democracy.

Legislative Drafting

Assistance in legal drafting continues to be a valued Secretariat programme of activity to member countries, especially small states, where skills and experience in specialist fields are in short supply.

In the two years since mid-1993, drafters have been sent, at the request of governments and funded by the CFTC, to countries such as Kenya, Lesotho, Namibia, St Vincent and the Grenadines, and Uganda. A long-standing Commonwealth commitment to such assistance in the Caribbean has evolved into a comprehensive training programme now owned and managed by the University of the West Indies (UWI) at its Barbados campus. This course, now under the guidance and tutorship of a law professor from Ghana, is open to drafters all over the



Assistance to senior officials in Seychelles has helped strengthen the management of elections

FIGHTING INTERNATIONAL CRIME

The Commonwealth is part of the global fight against international crime. It does so to ensure that the rule of law prevails for the sake of good governance and also to combat the threat such crime holds for economic development as a whole. In recognition of this, the Commonwealth seeks to deny criminals their profits and strengthens international legal co-operation to bring offenders to book.

At the Cyprus CHOGM, Heads of Government asked that Law and Finance Ministers examine how Commonwealth countries could work collectively against such crime, in particular against money laundering. To make a profit and avoid detection, criminals often 'launder' the proceeds of the crime to make it appear that their income is derived from legitimate sources. Because money moves around the globe swiftly—electronic transfers ignore national and regional boundaries and political affiliations—an effective anti-money laundering regime needs the closest co-operation between the law enforcement and financial sectors.

Money laundering is a serious threat to economic and financial systems and therefore to development itself, including as it does a combination of tax evasion, violation of exchange and capital controls, and corruption.

Senior Finance Officials met in Colombo, Sri Lanka, in June 1995 and recommended that their Finance Ministers consider five points for action: creating effective mechanisms for tracking and reporting transactions which might relate to criminal activity; strengthening financial supervision; developing operational guidelines for the financial sector to assist in the recognition of suspicious transactions; improving public awareness and creating a broadly based 'compliance culture'; and strengthening mechanisms for international co-operation and mutual assistance.

Their report will be considered by Finance Ministers at their meeting in October 1995 where

one of the special themes will be 'Economic and Financial Implications of Money Laundering'. Following the Colombo meeting, the Secretariat has been assisting the Bank of England in organising a training course for participants from developing country central banks and supervisory authorities on combating money laundering.

Commonwealth Law Ministers have also taken action to assist countries to criminalise money laundering, and a draft Model Law for the Prohibition of Money Laundering has been produced. The number of Commonwealth countries which have enacted laws for the confiscation of the proceeds of crime and the detection of money laundering is growing.

A law on mutual assistance against international crime is also a strong weapon in a government's armoury. Where a criminal commits an offence in one country, removes the evidence to another, and places the profits in a third, the law enforcement authorities need an effective way of ensuring that all the evidence they need is brought to the court hearing the case. In other words, they need the help of the authorities of the countries to which the evidence of proceeds of crime has been removed, and an ever increasing number of member countries now have legislation dealing with mutual assistance in criminal matters.

In 1994, the Secretariat organised at Oxford, Britain, the first major transnational gathering solely for practitioners in the growing business of international co-operation to combat crime.

The Secretariat also assists police, prosecutors and courts to familiarise themselves with the workings of the laws of other countries. A database of Commonwealth laws relating to national and international crime prevention and control is now being developed. Guides to help investigators who may require access to witnesses and evidence in other countries are produced.

Commonwealth, some of whom are also funded by the CFTC, as is the law professor.

UWI will be one of the regional delivery centres for a distance training and learning programme, jointly developed by the Secretariat and the Vancouver-based Commonwealth of Learning (COL), which will be launched in September 1995 with some 50 students from all over the Commonwealth. The programme will be initially delivered through RIPA International in London, UWI for the Caribbean and the University of the South Pacific, Vanuatu.

Provision of Legal Information

The quarterly *Commonwealth Law Bulletin*, published by the Secretariat, continues to be a major source of legal information in many

jurisdictions, especially small states. It provides access to the collective Commonwealth experience by summarising legal developments throughout the Commonwealth. Many policy-makers, officials, judges and lawyers in developing countries regard it as their only up-to-date source of information on contemporary legal developments.

Protection of the Cultural Heritage

A new Scheme for the Protection of the Material Cultural Heritage, the fourth such scheme for the promotion of mutual legal co-operation within the Commonwealth, was adopted by Law Ministers at their meeting in Mauritius in November 1993. The scheme provides a framework for the return of important cultural items illegally exported from their country of origin.

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SOUTH AFRICA: A CELEBRATION OF FREEDOM

The two years since the 1993 CHOGM in Cyprus have seen momentous change in Southern Africa. South Africa's transformation into a non-racial democracy has important implications for Africa as a whole, and particularly for Southern Africa, where a peaceful solution has been found for Mozambique's long civil war and peace in Angola at last seems a real prospect. The countries in this region, the majority of which are Commonwealth members, are in the process of forging a regional community based on the twin pillars of democracy and development.

All this has great significance for the Commonwealth, whose commitment to such fundamental values was reconfirmed in the Harare Commonwealth Declaration, adopted in 1991.

The Cyprus CHOGM coincided with major breakthroughs in South Africa's multi-party negotia-

tions which had resumed at the beginning of April 1993. The parties had agreed on 27 April 1994 as the date for the first non-racial elections for a Constitutional Assembly and legislation had been enacted to establish a Transitional Executive Council (TEC) to supervise the key arms of government in the run-up to the elections. The entire process, however, remained fragile and while Heads of Government agreed at Cyprus to lift trade, investment and financial sanctions against South Africa, the arms embargo was to remain until a democratic post-apartheid government was established.

If the emergence of a united, democratic and non-racial South Africa was to be assured, the process needed to be safeguarded. Accordingly, Heads of Government agreed a number of measures. The Commonwealth Observer Mission to South Africa (COMSA), which had been in the country since