

Session 8.0

Organising Pan-Continental Legal Training – Building Connections to Share Learning

1 *Judge Sandra Oxner, President, National Judicial Institute (Canada)*

2 The Commonwealth Judicial Education Institute has the purpose of supporting and linking Commonwealth judicial education bodies and their work. We began as a committee of the Commonwealth Magistrates and Judges Association, a special committee devoted to judicial education, and then CIDA, the Canadian [International] Development Agency, offered us a million dollars. In those days, aid was tied. We could only receive that if we were a Canadian organisation so we obligingly migrated to my province of Nova Scotia and incorporated the committee as a charity under the laws of Nova Scotia, and we were able to receive the money to do some initial work in [inaudible] countries, developing judicial education bodies. Life is happenstance, isn't it. You never know what causes things, but that is how we became a Halifax-based organisation.

3 We are very poor. Our budget is \$70,000 Canadian a year. You would think it is almost impossible to run an organisation on 70,000. It *is* almost impossible. I agree with you, but we only pay for two people, our administrator and our accountant. Everyone else is a volunteer, and we have a lot of volunteer. So, we may be poor in money but we are far from poor in skills and enthusiasm and ability. We have a newsletter, that is a linkage. It is published in India. The editor is Justice Madan Lokur from the High Court of Delhi. We have several fellows in India. India has been a great support to us. Chief Justice Balakrishnan is one of our fellows. He has always seen that there are Indian educators at our programs and they have been very helpful to us. The newsletter is not only edited in India and produced in India but it is also published in India and disseminated from there.

4 The newsletter attempts to update our fellows on judicial education issues and problems and advances, but also it allows us to keep in touch with each other. We have a large section on marriages and births and a very large section, I am pleased to say, on elevations. It really does keep everyone in touch and we are delighted with the responses we receive from the fellows.

5 We have several levels of governance and they are all linkages in their own way. The first is our patrons, our Commonwealth Chief Justice patrons. They are important to us because they give us respectability. They also give us advice. We consider ourselves as servants of the Chief Justices. We never go into a country and work without either their invitation or approval. They meet with us every two years at the Commonwealth Law Conference and go over our work plan and make suggestions for additions or deletions, or tell us what we have done that they don't like, or tell us what they do like. They have been very enthusiastic supporters of the electronic network you are going to see in a few minutes.

6 We have the Executive Heads of Judicial Education bodies throughout the Commonwealth as part of our governance, and of course this is the essence of the linkage. We have a board of directors that deals with day to day things and looks after the business. Our president is the Right Honourable ex-Chief Justice in the

Caribbean, Sir Dennis Byron. He is now president of the International War Crimes Tribunal in Rwanda.

- 7 We have the very important people, our fellows. We have about 250 fellows and we are very proud of them. There are several in the room that I am going to call on in a minute. Now, how do you get to be a fellow? You have to take our course. It is a three-week course, in Halifax. We call it the Intensive Study Program for Judicial Educators. We only take fifteen people at a time and it is tough. I have heard it referred to behind my back as the 'marine boot-camp course'. Our graduates will tell you, there certainly is sleep deprivation from all the assignments that have to be done.
- 8 What happens there? It is something quite magical, and we have now done it for seventeen years. There is nothing special about the curriculum. It is an ordinary judicial education curriculum, interactive judicial education adult-learner techniques, curriculum development, faculty development, long-term planning, nothing magical about that. That is pretty standard, par for the course. What is magical is that the participants teach each other. We have only fifteen people, nominated by the Chief Justice, who guarantees they have a judicial education role in their own countries, and they are fabulous. As a result of this teaching of each other within the parameters of the set curricula we have accumulated a great deal of knowledge about the justice systems in Commonwealth countries, which is of great help to us. We know all about non-consecutive trials. We know all about the problems of being an ethical judge when you live in a country with no free Medicare, and your child is dying and there are bribes available all over. We know about the problems of trying to manage caseload by determining quotas.
- 9 Through this teaching of each other we learn so much, not only about other jurisdictions but about ourselves. This would be an entertaining anecdote to leave you with: we had discussed last year the whole issue of budgeting of judicial education. The Americans for 2,000 judges have twenty-something million, the Canadians for 2,000 judges have, I am told, about seventeen million. We discussed the pathetic sums available for judicial education in many developing countries. Everyone agreed that this was a really serious thing and judicial education was just as important as the health of babies, and robes, and everything else. We talked about the fact that when Mr Wolfensson was president of the World Bank he would not allow loans for infrastructure or education or health and they did not also take some money to use for judicial training to strengthen the judiciaries. That was fine. The next day, Justice Bwana from the Appeal Court of Tanzania, who was with us, came in and he said, 'I'd like to do my participant presentation this morning'. They all had fifteen minutes to do whatever they want. He had devised a game. It was very interesting. He made us all cabinet ministers and we had a national budget and we had it divided up, and these were all judicial educators, and not even the minister of justice allocated any money for judicial education after we had spent the entire afternoon before saying how important it was for the country to have judicial education, so we do learn a lot about ourselves. We struck a committee right then to try to help judicial educators to appreciate the significance of the work.
- 10 Well, I am almost done. I did tell you about our fellows and how important they are. They are the minds, the eyes, and the hands of the Institute. Dennis and I are simply coordinators. The Institute is not really set in Canada. That is just where the office is

but wherever our fellows are, the graduates of this magical program, that is where the Institute is.