

MEETING OF COMMONWEALTH LAW MINISTERS

EDINBURGH, 7 – 10 JULY 2008

COMMUNIQUÉ

1. Commonwealth Law Ministers met in Edinburgh, from 7 to 10 July 2008. The Meeting was opened at a ceremony in the Scottish Parliament on 7 July 2008, at which the speakers were the Presiding Officer, Mr Alex Fergusson MSP; the Deputy First Minister of Scotland and Cabinet Minister for Health and Wellbeing, Ms. Nicola Sturgeon MSP; the Attorney-General, the Rt. Hon the Baroness Scotland of Asthal, QC; and the Commonwealth Secretary-General, H. E. Mr Kamallesh Sharma.

2. The plenary sessions of the Meeting were held at the Sheraton Hotel, Edinburgh, and chaired by the Lord Advocate, the Rt. Hon. Elish Angiolini. Ministers expressed their sincere appreciation to the United Kingdom, and the Scottish Ministers and team, for the hospitality accorded to them and for the excellent arrangements made for the Meeting by their hosts and the Commonwealth Secretariat.

SPECIAL SESSION ON THE RULE OF LAW

3. A High Level Panel, consisting of a broad cross-section of Commonwealth Law Ministers and Attorneys-General, was convened to draw on its individual and collective experience to discuss, in a Special Session, the theme of this Meeting: The Developing Role of the Justice Minister in the Light of Challenges Facing the Rule of Law in the Commonwealth.

4. The Special Session received two papers, one on enhancing and further developing Commonwealth support for the rule of law, and the other on the developing role of the Justice Minister in the light of challenges facing the rule of law in the Commonwealth. The former paper made reference to developments in the promotion of the rule of law on the international plane and underscored the need to further refine the principles underpinning the rule of law programme of the Commonwealth Secretariat, with a view to continuing to strengthen outcomes and results. In the context of the two inter-related objectives of the Commonwealth Secretariat's current strategic plan, namely the promotion of democracy and development, there was a need to prioritise the Secretariat's rule of law activities in the light of scarce resources.

5. In their deliberations, Ministers emphasised the importance of the following topics: the relationship between the rule of law and the benefits it secures to the people through good governance; enhancing the independence of the judiciary; strengthening prosecuting authorities; police and prisons reforms; strengthening the legal profession; access to justice; law reform and combating corruption.

6. Law Ministers agreed that, following appropriate consultation, an Expert Group should be constituted to consider how the Commonwealth Secretariat's assistance activities on the rule of law could continue to remain relevant, co-ordinated and effective.

7. The latter paper provided the basis for the High Level Panel deliberations, which covered many important contemporary issues relating to the diverse challenges facing the rule of law, including the central role of the Justice Minister in defending the independence of the judiciary, facilitating international cooperation in the light of differing legal regimes and governmental structures, and strengthening the interaction of Law Ministries with other stakeholders in the development and implementation of legal policy.

8. The Meeting adopted the Edinburgh Statement on Enhancing the Rule of Law in the Commonwealth (annexed) which commits Member States to enhancing the rule of law, having regard to the individual circumstances of each Member State.

ACTIVITIES OF THE COMMONWEALTH SECRETARIAT IN THE LEGAL FIELD

9. Ministers received a comprehensive report reviewing the work of the Legal and Constitutional Affairs Division and its sister divisions within the Commonwealth Secretariat over the last three years. Ministers expressed appreciation for the report and all the work done to meet requests by Member States for assistance in meeting their particular needs in the legal field.

LEGISLATIVE DRAFTING

10. Law Ministers considered the perennial problem of the shortage, recruitment and retention of legal drafters and acknowledged that it was not enough to focus on training alone. This problem required a more sustainable approach based on the adoption of different strategies under broad headings which included: institutional strengthening, recruitment and retention of drafters and capacity building.

11. Law Ministers however recognised that the implementation of these strategies depended on the legal and administrative circumstances and priorities of each Member State.

12. Law Ministers welcomed the Legislative Drafting Manual for the Africa region and the Model Legislation Guidelines for Pacific States which were placed before them, and approved them for reference, adaptation or adoption in Member States as they deemed appropriate.

JUVENILE JUSTICE

13. At their Meeting in Ghana in 2005, Law Ministers had asked the Secretariat to further examine good practice in juvenile justice and to bring forward recommendations which could be implemented in Commonwealth Member States. Pursuant to this request, Ministers received a paper outlining a basic framework for establishing and implementing a functional juvenile justice system for Commonwealth Member States. A number of countries had recently enacted, or were in the process of enacting, juvenile justice legislation, and Law Ministers exchanged information about this and other recent developments in their countries.

14. Law Ministers emphasised the need for flexibility, in light of resource and other constraints, concerning the separation of juveniles from adults in detention and reiterated that the best interests of the child shall be a primary consideration.

15. The Meeting encouraged the Commonwealth Secretariat to continue to support Member States in their obligations towards the United Nations Convention on the Rights of the Child, which all Commonwealth Member States had signed, and recommended the Basic Framework for the Implementation of a Functional Juvenile Justice System for implementation.

ADMINISTRATION OF JUSTICE

16. Ministers acknowledged that mechanisms to improve court administration, including training and innovation, played an important role in enhancing the efficiency of the justice system. Law Ministers were able to offer insights from the experience of their own countries on measures which had been taken to improve case-flow management and courtroom administration.

17. The Meeting welcomed the work already undertaken by the Commonwealth Secretariat in this area and approved the Model Court Handbook which could be adapted to meet the needs of particular legal systems, as a guide towards developing better qualified court personnel.

HARARE SCHEME

18. The Meeting reaffirmed the importance of the Harare Scheme on Mutual Assistance in Criminal Matters as a voluntary arrangement which facilitates Mutual Legal Assistance between Member States in the Commonwealth. The Meeting considered the possible amendment or replacement of the Harare Scheme on the basis of a paper prepared by the Secretariat, which outlined the relative advantages and disadvantages of a Convention and an updated Scheme.

19. While Ministers were not convinced that the Harare Scheme should be replaced by a Convention, they recognised that the Scheme would benefit from a comprehensive review in the light of developments on international cooperation. Ministers requested the Commonwealth Secretariat to undertake such a review, the outcome of which was to be presented to Senior Officials at their next meeting.

20. Law Ministers underscored the continued importance of political will on the part of Commonwealth Member States to implement the provisions of the Harare Scheme and encouraged Member States that had not yet done so to pass the necessary domestic legislation. To facilitate this implementation process, Law Ministers requested the Secretariat to provide assistance to Member States by developing model legislation on Mutual Legal Assistance.

INTERCEPTION OF COMMUNICATIONS

21. Ministers received a paper on the work of the Commonwealth Secretariat in the area of interception of communications, which provided a report on four regional meetings and one consultation held by the Secretariat in the course of 2006-2007, and from which a number of key recommendations emerged. Ministers took note of these recommendations relating to, *inter alia*, the production of general and specific guides and training. The Secretariat indicated that no further work in this area was, at present, contemplated, but any specific requests for assistance on the topic would be addressed.

STRATEGIES TO COMBAT CORRUPTION

22. Law Ministers reaffirmed their commitment to root out systemic corruption, including extortion and bribery. They expressed appreciation for the work of the Expert Working Group, which was convened in London in 2006 to draft a legislative and technical guide to the United Nations Convention Against Corruption (UNCAC), focusing on the particular needs of Commonwealth Member States.

23. The Meeting approved the legislative and technical guide on UNCAC to be made available to Commonwealth Member States for implementation in accordance with their constitutions and the fundamental principles of their legal systems. Law Ministers agreed that the Guide should be subject to periodical review to ensure that it remains current.

ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM

24. Law Ministers received a paper outlining the work of the Secretariat on anti-money laundering and countering the financing of terrorism (AML/CFT) and approved the programme of future work contained therein, which included: supporting national, regional

and sub-regional AML/CFT initiatives; assisting in the upgrading/enactment of AML/CFT laws in compliance with the 40+9 recommendations of the Financial Action Task Force; facilitating the development of and support for Financial Intelligence Units (FIUs) in Member States; and providing training in this area.

MODEL LEGISLATIVE PROVISIONS ON “WHISTLEBLOWING”

25. As part of the Commonwealth Secretariat’s work on combating corruption, a set of model legislative provisions on “whistleblowing” was prepared and presented to Law Ministers. The provisions sought to provide a framework of protection for persons who report, in good faith and on reasonable grounds, corruption and other wrongdoing. Law Ministers were informed that the Commonwealth Secretariat worked closely with a number of Commonwealth States and liaised with the United Nations Office on Drugs and Crime (UNODC) in developing these Model Legislative Provisions on “Whistleblowing”, and expressed their support for the adoption of these provisions.

INTELLECTUAL PROPERTY RIGHTS

26. In the context of developing appropriate responses to piracy and counterfeiting, Ministers considered a draft Revised Commonwealth Framework of Co-operation on the Enforcement of Intellectual Property Rights (IPRs). They also received an information paper from the World Intellectual Property Organisation.

27. Law Ministers recognised the importance of these issues and exchanged information about the experience and legislative provisions in their countries. They noted that, while the Revised Commonwealth Framework did not create any new rights or obligations, it contained some practical measures for cooperation in this area and allowed room for sufficient flexibility. Ministers agreed to adopt the Revised Commonwealth Framework.

COMMONWEALTH ACTION IN PRIVATE INTERNATIONAL LAW

28. A paper outlining Commonwealth practice in the recognition of foreign judgments was presented to Law Ministers pursuant to their request, made at their Meeting in Accra in 2005, for the Commonwealth Secretariat to review the intra-Commonwealth arrangements for the recognition and enforcement of money-judgments.

29. Ministers agreed to extend the mandate given at their Meeting in 2005 and requested the Commonwealth Secretariat to undertake further work which would explore these complex issues and take account of the work recently undertaken in Commonwealth Member States and in other international fora. The Secretariat was requested to bring forward recommendations to the next meeting of Senior Officials.

PROVISION OF LEGAL AID AND ASSISTANCE

30. Ministers recognised the importance of ensuring access to justice for all members of society and the critical role played by the provision of legal aid and assistance, including pro bono services, to those who cannot afford legal services. The enhanced provision of legal assistance was the subject of current legislation in a number of Member States.

31. The Meeting reaffirmed the key role played by Law Ministers in providing leadership and coordination in this area, as well as strengthening and encouraging Law Societies and Bar Associations to offer, on a sustainable basis, legal aid and assistance to those who require it, including pro bono services.

32. The Meeting heard of a number of other initiatives, taken by the legal profession, universities, public advocates and voluntary sector organisations in Commonwealth Member States, to encourage the provision of legal aid and assistance, and requested the Commonwealth Secretariat to engage with Law Societies and Bar Associations through the relevant authorities to build their capacity in making such services more widely available. The Law Ministers committed themselves to promote pro bono activities in their own country.

OVERCROWDING AND DETENTION IN PRISONS

33. Law Ministers received a paper examining the issues of overcrowding in prisons and the excessive use of pre-trial detention in many countries, which elaborated an integrated strategy to address these issues, taking into account the role of the prison services, the police, the courts and other stakeholders.

34. In their discussions, Law Ministers shared the experience of their own countries in tackling these issues and made reference to the increasing pressure from the public and the media for the use of pre-trial detention, longer sentences and stricter bail and parole provisions. They also noted that reforms in this area had to be considered in light of competing demands for financial resources in other areas, such as health and education.

35. Law Ministers acknowledged that the Meeting of Law Ministers and Attorneys-General of Small Commonwealth Jurisdictions, held in 2007, had given a mandate to the Commonwealth Secretariat to develop initiatives promoting alternative sentencing. Law Ministers took note of this mandate and requested the Commonwealth Secretariat to work with Commonwealth Member States to formulate a strategy towards reducing the overall number of prisoners held in detention, with due regard to legitimate concerns of victims of crime, for consideration by Senior Officials at their next meeting.

ACCESS TO FINANCE

36. The Preliminary Draft Model Law on Leasing, drafted by the International Institute for the Unification of Private Law (UNIDROIT), was brought to the attention of Law Ministers in the context of providing access to finance through leasing arrangements. Ministers agreed that leasing provided an attractive alternative to other forms of access to finance for entrepreneurs, as it allowed for more flexibility in the acquisition of equipment and other capital assets. They requested the Commonwealth Secretariat to continue collaborating with UNIDROIT in developing the Model Law and promoting it in Commonwealth Member States. This collaboration should take into account initiatives in other international fora, the existing infrastructural arrangements for micro-credit and the particular priorities and circumstances of Member States.

MODEL FISCAL RESPONSIBILITY FRAMEWORK

37. Law Ministers recognised the importance of developing a regulatory fiscal framework for effective debt management in Member States, based on transparent and robust fiscal policies. They agreed that such a framework must leave room for flexibility and take account of the particular circumstances of Member States, and developments in international fora in this area. Law Ministers recognised that they had a contribution to make to work in this area but took the view that the matter was primarily one for Commonwealth Finance Ministers.

ENGAGEMENT WITH JUSTICE AGENCIES

38. The Meeting received a paper from the Commonwealth Secretariat on engaging with justice sector agencies, including Social Welfare agencies, Police, Prosecution agencies, Judiciary and Prison authorities, in the context of strengthening criminal justice systems. Law

Ministers acknowledged the desirability of a holistic approach, which promoted co-ordination between such agencies. Ministers drew insights from the experience of their own countries, where such policies had been implemented, and recognised that such a methodology ensured the most efficient use of resources in criminal justice systems. They also heard a presentation by the Commonwealth Human Rights Initiative.

39. Law Ministers requested the Commonwealth Secretariat to work with Member States to enhance the holistic and cross-sector approach in criminal justice systems. They further requested the Secretariat to undertake a comparative study of best practices in the criminal justice systems of Member States, with an emphasis on police and prison reform, for consideration by Senior Officials at their next meeting.

REVIEW OF THE COUNTER-TERRORISM PROGRAMME

40. The Meeting expressed appreciation for the breadth of work carried out by the Commonwealth Secretariat in assisting Commonwealth Member States to implement United Nations Security Council Resolution 1373, and in organising regional Training of Trainers and Specialists (TOTS) Workshops. Law Ministers received a paper which identified a range of future activities which could be undertaken, including a further TOTS Workshop for the Pacific region and support for National Training Programmes. They encouraged the development of the work of the Commonwealth Secretariat and its collaboration with regional and international organisations. Ministers reported on the development in their countries of legislation and strategies to combat the spread of extremist ideologies, radicalisation and recruitment to terrorism.

41. Law Ministers acknowledged that the work undertaken by the Secretariat was based on the Commonwealth Plan of Action on Terrorism (CPAT), which had been recommended by the Commonwealth Committee on Counter-Terrorism (CCT), and which had last been reviewed in 2003. They recognised that since this review, a number of CPAT's objectives had been partially or fully achieved and that the global security landscape had changed significantly, notably with regard to cyber-terrorism and other developments. Moreover, a number of new initiatives had emerged in the area of counter-terrorism, including the UN Global Strategy on Counter-Terrorism, which was launched in September 2006.

42. Ministers noted that Commonwealth Heads of Government in 2007 had welcomed the offer made by Sri Lanka to host a ministerial meeting on counter-terrorism. Having recognised the need for the CCT to be reconvened with a view to updating CPAT, Law Ministers expressed their appreciation to Sri Lanka for the offer it made at this Meeting to host the CCT at a time to be agreed.

PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS

43. Law Ministers recalled that Commonwealth Heads of Government in November 2005 expressed their deep concern over the illicit production, illegal trade and uncontrolled availability of small arms and light weapons (SALW). Ministers reiterated their concern over the proliferation of such weapons, which had a direct and destabilising effect on law and order, and which undermined national, regional and global peace and security by prolonging conflicts and hindering development.

44. Law Ministers requested the Commonwealth Secretariat to continue providing assistance to Commonwealth Member States in relation to the implementation of the United Nations Programme of Action on SALW and to the ongoing Arms Trade Treaty negotiations.

HUMAN TRAFFICKING

45. The Meeting heard a presentation on legal issues relating to human trafficking, both transnational and internal, which focused on the need for effective national and international strategies to address this heinous crime. The strategies would be based on the three pillars of prevention; protection of victims; and prosecution of traffickers.

46. Law Ministers provided an account of legislation criminalising human trafficking in their countries and outlined the measures that had been taken for the recovery of the proceeds of trafficking. They underscored the key role of regional and international cooperation in this area and welcomed the fact that most Member States had become parties to the United Nations Convention against Transnational Organised Crime and its Protocols against Trafficking in Persons and Migrant Smuggling.

47. They requested the Commonwealth Secretariat to develop a Commonwealth Plan of Action to Combat Human Trafficking, for future consideration by Senior Officials, which would take into account the work of other regional and international organisations.

PROSECUTION DISCLOSURE OBLIGATIONS

48. Law Ministers received a paper on prosecution disclosure obligations which identified a range of disclosure practices in criminal proceedings in the Commonwealth and beyond. In their deliberations, Ministers provided an account of the disclosure rules in their jurisdictions and stressed the importance of striking a balance between prosecution disclosure obligations, and other critical considerations, such as witness protection, defence disclosure and the wider interests of justice. The Meeting approved the Commonwealth Secretariat's programme of work, including the undertaking of a comparative study of the approach to disclosure in criminal proceedings in Commonwealth Member States.

CIVIL SOCIETY ENGAGEMENT

49. The Meeting took note of a paper prepared by Commonwealth Civil Society Organisations with the assistance of the Commonwealth Foundation, which sets out proposals for expanding and enhancing civil society engagement with the Commonwealth Law Ministers. Ministers recognised the important contributions that CSOs can make to their work towards promoting democracy and good governance. Noting the diversity of CSOs, Law Ministers requested the Commonwealth Secretariat to prepare for the next meeting of Senior Officials proposals for modalities enabling Ministers to engage CSOs in their future meetings.

INFORMATION PAPERS

50. The Meeting had the opportunity to note a range of other issues, on the basis of information papers, which included the following topics:

a. International Humanitarian Law

The Meeting noted an information paper from the International Committee of the Red Cross which presented information as to ratification and implementation of the more important International Humanitarian Law (IHL) treaties by Commonwealth Member States and gave information about its model laws and the Second Commonwealth Red Cross and Red Crescent Conference on IHL. Information was also presented on International Disaster Response laws rules and principles.

b. Review of CARICOM Model Legislation on Gender Equality

The Gender Section of the Commonwealth Secretariat highlighted the value of model laws in influencing specific areas of gender equality. In calling attention to the review and Expert Group meeting, it was noted that Law Ministers may wish to consider further work in the areas of family maintenance, sexual harassment and sexual offences. The paper emphasised the need for clear definition of issues, accompanying model regulations and consideration of the socio-economic context. The Secretariat's work on gender culture and the law was elaborated and key points highlighted.

c. Dissemination of Legal Information: the Commonwealth Law Bulletin and Related Activities Report

The Meeting received a report on the strategy of the Commonwealth Secretariat to disseminate legal information in the Commonwealth. The report made reference to the work of the Secretariat in continuing to make the Commonwealth Law Bulletin more relevant and accessible to its readers. Ministers commended the Secretariat's activities in relation to holding a series of regional seminars on emergent international law issues, as a means to enhance the dissemination of legal information.

d. The Honourable Society of the Middle Temple

The Meeting took note of a paper presented by the Honourable Society of the Middle Temple outlining the educational and training standards, both for the legal profession and the judiciary, that the Honourable Society could provide in its contribution in sustaining the rule of law in the Commonwealth and making recommendations to strengthen and develop useful connections between the Honourable Society and the Commonwealth.

e. LexisNexis Global Initiatives in the Promotion of the Rule of Law

Law Ministers noted the work of LexisNexis towards publishing and developing primary sources of law, namely legislation and case law reports. The paper outlined the company's activities in this respect.

f. The "Venice Commission"

The Meeting took note of a paper from the "Venice Commission", which is a Council of Europe body of independent experts in constitutional matters, inviting Commonwealth Member States to participate in a Conference on Constitutional Justice to be held in January 2009.

STRATEGIES FOR FUTURE LAW MINISTERS MEETINGS

51. Ministers discussed the future direction for Commonwealth Law Ministers Meetings in the light of a strategy paper developed in response to their request, made at their Meeting in Trinidad and Tobago in 1999, that their Meetings should be clearly focused and should balance the tradition of sharing national experiences with the need to ensure time for adequate debate on emerging issues of importance.

52. Law Ministers expressed satisfaction with the format of the agenda where there is a Special Session based on a theme that is pertinent to Commonwealth Member States; a section which deals with recommendations from Senior Officials meetings; new topics, and information papers. Law Ministers emphasised the desirability for the meetings, and work

between meetings, to focus on practical outcomes such as the preparation of model laws, implementation kits and action plans.

53. In relation to the periodicity of the meetings, Law Ministers expressed their views as to whether the Meetings of Commonwealth Law Ministers should be biennial or triennial. It was noted that the momentum in legal matters is continually accelerating and it was important that Law Ministers and their Senior Officials continue to be in a position to consider such matters in a timely manner.

54. Law Ministers requested the Commonwealth Secretariat to consult internally on the periodicity of other Commonwealth ministerial meetings, including on their format and impact on human and financial resources of the Secretariat, and to bring forward the matter for consideration by Senior Officials.

HUMAN RIGHTS

55. The Meeting noted the report by the Human Rights Unit (HRU) of the Commonwealth Secretariat on its activities to support the attainment of the Commonwealth's strategic goal of strengthening democracy and respect for human rights in Commonwealth Member States. These activities included assistance in the process of ratification and implementation of major United Nations human rights conventions; strengthening National Human Rights Institutions; assisting Member States in preparing for Universal Periodic Review processes of the Human Rights Council; and training and awareness-raising activities. The Meeting reaffirmed the importance of such activities in the promotion and strengthening of human rights and encouraged the HRU to continue pursuing its work in this area.

REPORTS FROM PARTNER ORGANISATIONS

56. Ministers received written and oral reports from the Secretariat's partners in the legal field on their activities over the last three years: the Commonwealth Legal Education Association (CLEA), the Commonwealth Magistrates and Judges Association (CMJA), the Commonwealth Human Rights Initiative (CHRI), the Commonwealth Lawyers Association (CLA), the Commonwealth Parliamentary Association (CPA) and the Commonwealth Association of Law Reform Agencies (CALRAs).

57. Ministers were informed of the Commonwealth (Latimer House) Principles Colloquium, which was organised, in the ambit of this Meeting, at the Scottish Parliament, on 6 and 7 July 2008, by the CLA, CMJA, CLEA and the CPA with the support of the Commonwealth Secretariat, the Commonwealth Foundation and the host country, and which had formulated a final draft of an Edinburgh Plan of Action for the Development, Promotion and Implementation of the Principles.

ANY OTHER BUSINESS

58. The Commonwealth Secretariat noted the proposal by Kenya that the Secretariat should prepare a study on the effectiveness and independence of Commonwealth Election Observer Groups.

EDINBURGH STATEMENT ON ENHANCING THE RULE OF LAW IN THE COMMONWEALTH

The Law Ministers of the Commonwealth, at their Meeting in Edinburgh, Scotland in 2008:

RECALL:

that at Harare in 1991, the Commonwealth Heads of Government pledged to work for the protection and promotion of the fundamental values of the Commonwealth, namely democracy, democratic processes and institutions that reflect national circumstances, fundamental human rights, the Rule of Law and the independence of the judiciary, and just and honest government;

that at Abuja in 2003, the Heads of Government adopted the “The Commonwealth (Latimer House) Principles on the Accountability of and the Relationship Between the Three Branches of Government” (The Latimer House Principles), whose objectives are to provide in accordance with the laws and customs of each Commonwealth country an effective framework for the implementation by governments, parliaments and judiciaries of the Commonwealth’s fundamental values.

REITERATE:

1. that “each Commonwealth country’s Parliaments, Executives and Judiciaries are the guarantors in their respective spheres of the Rule of Law, the promotion and protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability” (Latimer House Principles). Therefore, in informing themselves of these principles, NOW STATE that in matters of good governance it is emphasised that the Rule of Law is to be looked at holistically in relation to all three Branches of Government without over-emphasising or under-emphasising any aspect thereof. In this manner the Rule of Law is enhanced and supported by effective, transparent and ethical governance through the actions of governments and their citizens and the provision of adequate and appropriate resources.
2. that the Judiciary requires adequate budgetary resources to fulfil its functions as contemplated in the Latimer House Principles.
3. that whilst upholding the independence of the Judiciary, best international and Commonwealth practices allow for appropriate mechanisms of accountability in respect of the Judiciary, including as regards issues of ethical conduct, disciplinary procedures, and the performance and effectiveness of courts.
4. that in those States in which a Minister of Justice or equivalent position has been established, such person can play a pivotal and balancing role within the Executive and Legislative structures relating to issues of the Judiciary, and when and where appropriate to represent or defend the Judiciary in the public arena from attacks on its integrity and independence.
5. that in recognising that there are different models of prosecutorial authority in the Commonwealth, agreed that the prosecutorial authority is responsible for the

institution, continuation and termination of prosecutions in accordance with the letter and spirit of the Constitution and laws under which it operates. In States where another authority is granted the power to intervene or amend the decision of the prosecutorial authorities to prosecute or not, such power should be exercised in accordance with the law.

6. that access to justice is fundamental to the Rule of Law in protecting the rights of individual citizens.
7. that there are many aspects of access to justice. These include effective and efficient justice systems that are able to deliver outcomes for those who seek access to justice, the availability of adequate legal services for citizens provided by the State, and a legal profession that is encouraged to assist in the process of providing legal services to those unable to afford them.
8. that in the promotion of the ongoing and interlinked goals of achieving democracy and development, member countries should be supported –
 - (a) in preventing or resolving conflicts, strengthening democratic practices and the Rule of Law, and achieving greater respect for human rights; and
 - (b) in the formulation and implementation of legal activities and programmes for pro-poor policies for economic growth and sustainable development.

IN CONCLUSION:

The Law Ministers recognised that these commitments must be implemented having regard to the individual circumstances of each Member State and that there is a need for the Law Ministers to meet regularly to discuss matters affecting their work, to exchange ideas and to set plans of action that will enhance the Rule of Law within the Commonwealth