

## **Saving the Legal Connection of the Commonwealth of Nations**

In the 1980s, when the process of colonial independence had largely run its course, and the idea of the Privy Council had largely lost its attractiveness, there was the danger that “the law of Commonwealth countries would just go its own way, with no more than occasional, esoteric and academic interest in what was happening in courts of other Commonwealth countries.”

According to the Hon. Michael Kirby, a retired Justice of the High Court of Australia, however, this danger was averted on account of five considerations which combined to save the legal connection of the Commonwealth of Nations from totally falling apart. These five, key considerations were:

1. The common link of the English language, one of the most precious legacies of the Empire;
2. The tradition of analogous reasoning and comparativism, though which it was quickly realised that useful decisions could often be found in other English-speaking countries and in the growing number of international courts and tribunals;
3. The Commonwealth Secretariat itself responded to the needs of member States to reinforce professional links by establishing associations of judges, magistrates and lawyers;
4. The internet as a means of disseminating legal information and instantaneous reportage of court decisions provided judges and lawyers throughout the Commonwealth with a broad spectrum of legal materials;
5. New initiatives to share legal information amongst the world-wide family of independent courts and legal professionals, such as the Law Reports of the Commonwealth and the Commonwealth Law Bulletin.

Hon. Michael Kirby’s full article is available in the Commonwealth Law Bulletin, Vol. 35, No. 2 (June 2009). This Issue of the Bulletin also reproduces the substantive Editorial Review 2008 of the Law Reports of the Commonwealth, this year, celebrate their twenty-fifth year of production and, during which the 100th volume of the series will appear.

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