

12th Commonwealth Law Conference

Report by Jeremy Gauntlett SC, Cape Bar, chair of the General Council of the Bar of South Africa, on the conference held in Kuala Lumpur from 13 to 16 September 1999.

At its April 1999 meeting, the National Executive resolved that the GCB should be represented at this gathering by two delegates. Nirmal Singh SC and I attended accordingly.

The conference was opened by the Prime Minister of Malaysia. This was against the backdrop of renewed tension in the legal profession and judiciary in Malaysia: the former Deputy Prime Minister is currently on trial; he appeared at his trial with plain marks of torture; more independent members of the judiciary are being dispatched to remoter areas; there is executive and legislative interfer-

ence with the profession; and freedom of expression struggles against a number of statutory and other measures, including an Internal Security Act strongly evocative of our own, and a too ready resort to summary contempt of court proceedings against journalists and lawyers alike.

In these circumstances an important focus of the conference was the enhancement of the independence of Bar associations and of the judiciary. I delivered a paper on that topic, in a session in which Bar leaders from India, Malaysia, Sri Lanka, Zimbabwe and Sierra Leone also spoke. It is clear that serious difficulties exist in respect of both in a number of countries. The result (for which we pressed) has been the setting up of new Rightswatch and Resource Committees initiatives.

The conference also gave Nirmal and me valuable opportunities to discuss issues important to the South African Bar with a wide cross-section of Commonwealth colleagues. What is striking is the sense of energy and resolve in most countries to create a more engaged role for the profession.

There were also (so far from home!) useful opportunities for informal discussion with individual BLA, Nadel and LSSA members which I hope will promote better understanding. This is especially important with the impending discussions relating to the proposed Single Legal Practitioners' legislation.

Members anxious to obtain copies of particular conference papers should contact Nirmal or me.

I shall be following up particular contacts which I hope will be useful to us. These include a promising relationship with the General Council of the Bar of England and Wales, support for an international gathering of the Independent Bar, support for the Kenyan Bar in a new constitutional crisis in that country, and a number of contacts with other bars. One aspect of concern is that the next Commonwealth Law Conference is to be held in Harare in 2001; we must balance support for beleaguered colleagues in countries like Malaysia and Zimbabwe with a need to ensure that their heads of State are not afforded a wholly inappropriate platform for international respectability. 



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