

was livened up by exceptional musical performances from instrumentalists and choristers, all of whom are members of the Inner Temple.

## Sunday 1 July

### Training and quality assessment

The morning session commenced with the topic 'Advocacy training: what the young Bar needs,' which was addressed by David Nicholls, chair of the Young Barristers' Committee of the Bar of England and Wales, Phil Greenwood QC, a very experienced advocacy trainer from Sydney, Australia, and Edwin Glasgow QC of Gray's Inn, an old friend of the South African advocacy training programme.

The second morning session dealt with the topic 'Quality Assessment: how it will work and what will be expected of advocates,' and was addressed by the Baroness Deech of Cumnor, the chair of the Bar Standards Board in England and Wales, Sam Stein QC, a member of the Bar Standards Board, and Max Hill QC, chairman of the Criminal Bar Association. It was apparent that there were significant tensions regarding proposals for a quality assessment procedure. Interesting advice from Baroness Deech flowed from her experience as chair of the Bar Standards Board: 'If you are considering introducing a super-regulator to the legal profession, don't.'

The proposed Legal Practice Council fits the mould of what she described as a super-regulator exactly. It is significant that she, as an academic outsider who was not in practice when appointed chair of the Bar Standards Board, has come to the insight that regulation of the referral Bar should not be in the hands of outsiders. This session was followed by a church service

at the Temple Church, which would have been recognised by Dan Brown fans, whereafter drinks were enjoyed before lunch in the Master of the Temple's Garden.

### Bars under threat

The special session of the conference dealing with Bars under threat was held immediately after lunch, and addressed by Paul O'Higgins SC of the Irish Bar, Tino Bere from Zimbabwe and me. A call for a statement on the situation in the various threatened jurisdictions came from the floor of the conference, and Stephen Hockman QC gave an undertaking that the council of ICAB would address this issue.

The afternoon session continued with a session on the future of advocacy, addressed variously by Sir Stephen Sedley, former Lord Justice of Appeal, Russell Coleman SC from Hong Kong, and Miriam Dean QC, the leader of the New Zealand Bar. Although there are challenges to the referral profession across the world, there was an encouraging commitment to the principle of efficient litigation service.

The final address of conference was delivered by the Lord Clarke of Stone-cum-Ebony, the Treasurer of the Middle Temple, who shared the sentiments of all in an address on why the Bar matters and will go on mattering. In essence, we have a duty to ensure that our profession endures and continues to serve the rule of law, delivers excellent litigation services, and protects the independence of the judiciary and our profession.

Those who attended the conference will have been enriched by the experience, while the continuing contact with Bar leadership across the world remains invaluable. Start saving for Auckland in April 2014! 

## GCB press release

### Bloodshed at Marikana

The GCB notes with considerable disquiet the latest incident of violence and bloodshed at Marikana, and expresses its condolences and sympathies to all the bereaved, injured and affected.

The events at Marikana a few days ago, where 34 miners' lives were lost in a hail of gunfire, is disturbing and raise grave questions about the circumstances under which this occurred and the compliance by members of the police services with their constitutional obligations. Two core values in our democratic order include the right to life and the right to human dignity. The rights which the Constitution guarantees apply to everyone, friend or foe alike, and to which the Constitution commits all State machinery, including the police, protecting and promoting these rights. The duty to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold the law, is also placed squarely on the police under the Constitution.

Judging by media statements at the weekend, some 400 rounds of ammunition were fired by the police during this incident. Spokespeople for the police have claimed

that they acted in self-defence. These contentions should urgently be tested. The decision by the State President to establish a commission of inquiry into the events at Marikana is welcomed. Commissions of inquiry are useful to investigate and establish facts and to advise on any corrective action which might be taken to avert similar events in the future. However, they operate within constraints. A commission of inquiry will not, for example, be able to pronounce on the guilt or otherwise of those implicated in the deaths and injuries suffered by the victims at Marikana. Only the courts can do that.

The rule of law, which is also a foundational value of our Constitution, requires that a speedy investigation be conducted into the deaths and injuries at Marikana and that if, as present evidence suggests may well have been the case, individuals and/or institutions are criminally responsible for the events which occurred, they be prosecuted without delay. 

**IAM Semanya SC, chairman of the GCB**

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