tial requirements, a certain knowledge of the law, both substantive and procedural: skill alone, in the form of speaking ability, articulateness, rhetoric, forensic persuasiveness and the ability to lead and cross-examine witnesses, will not suffice. Some knowledge of the law is supposed to be imparted to students during their university careers. However, the scope and depth of this university-acquired knowledge are regrettably decreasing and becoming of less and less practical use to pupils: some South African universities, for example, offer civil procedure and evidence as merely optional courses, even for an LLB degree. The result is that it is often only during their pupillage that aspirant advocates can really come to grips with the practicality of legal principles for the first time, and see them in application. Partly in an effort to bridge this gap, the NBEB a few years ago introduced a new subject into the curriculum, viz. procedure in the magistrates' courts. It was recently discontinued when the rules of the magistrates' courts were amended so as to bring them largely into line with the rules of the High Court, so that magistrates' court procedure was, in effect, covered in motion court practice and procedure and preparation for and conduct of civil trials.

Unfortunately we inhabit a world which is not perfect, and not all who aspire to the Bar are suited to the life, or are willing or able to put in the work required. Consequently some inevitably do not make the grade and fail to acquire the necessary knowledge during their pupillage. Without the requisite knowledge they are not fit to practise, and it would not be responsible for the Bar to hold them out to the public as being so. Nor is it an answer to say that if they do not know the relevant law they will be able, in practice, to go and look it up in a legal text book or on the Internet. The heart surgeon must know, without leaving the operating theatre to go and look it up, that he ought not to sever a coronary artery accidentally, and that if he should do so the consequences for his patient are likely to be adverse; the civil engineer must know, without having to go back to his office to look it up, that if he uses the wrong mixture of stone, sand and cement for the concrete in his bridge it is liable to collapse; the pilot must know, without consulting his flying manual, that if he forgets to lower his aircraft's undercarriage on final approach his landing is unlikely to be a smooth one. Apart from other considerations, the likelihood that such experts will be afforded the luxury of time or opportunity to visit a library or to go onto the Internet in the heat of a crisis is, of course, minimal.

Just so, an advocate must surely know at once, almost by instinct, and without having to consult the Rules, for example, that his client is in duty bound to discover a relevant document which is in his possession, no matter how damaging it may be to his case; and should a presiding Judge enquire from him in Court whether or not he has fulfilled the requirements for the final interdict which he seeks, he is unlikely to receive shrift which is other than short if he replies by asking for an adjournment so that he can visit the library.

Conclusion

In any civilised society the maintenance of proper standards of excellence in the professions is essential. The profession of advocacy is no exception. It is not the function of South African universities to produce graduates who are ready-made legal practitioners, nor are they able to do so as matters presently stand. Consequently the burden falls squarely on the profession itself to ensure, in the interests of the litigating public, that the required standards are met and maintained. We consider that, over the last 35 years or so that it has been in existence, the South African Bar's examination system has, by and large, been successful in maintaining those standards. Whether it will continue to be able or allowed to do so in the future remains to be seen. A

Press statement by the **GCB**

Intolerance towards gay people in Africa

The General Council of the Bar of South Africa (GCB) notes with concern recent reports of state sanctioned intolerance of gay people in Africa (including in Nigeria and Uganda) and its consequences.

In this context the South African government is reported as having responded that while South Africa acknowledges and respects everyone's rights in the country, it will not follow the UN and the US, who have criticised laws against gay people in Africa.

Our Constitution, which entrenches human dignity, the achievement of equality and the advancement of human rights and freedoms as well as non-sexism as core values, implores the government to uphold and respect such values, not only domestically, but also internationally.

The GCB decries this position. No-one should be punished or discriminated against because of their sexual orientation or association. South Africa is rightly seen as a beacon of hope for the advancement and protection of human rights around the world – including the rights of gay, lesbian, transgendered and intersex people.

The GCB calls on the government to live up to this reputation, to set the right example to its own citizens and to the rest of the world, and to condemn anti-gay legislation and practices wherever they exist. A

Ishmael Semenya SC, chairman of the GCB
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