


However, it needs to be emphasised that the timeous submission of reports on proposed legislation is essential if the committee is to perform a useful function. Members are generally requested to furnish

their draft reports to the chair within two weeks of referral. Unfortunately, due no doubt to busy schedules, these deadlines are not infrequently exceeded, sometimes resulting in lost opportunities to submit

comments to the relevant portfolio committees. In his recent annual report to the Cape Bar, the chair thus urged members, whose assistance is sought, to be disciplined in attending promptly to this work. 

## Human Rights Committee

Brian Spilg SC, Johannesburg Bar

**D**uring the year under review, the committee increased to nine member: Brahm du Plessis, Gcina Malindi, Terri-Lee Dix, Shirley Rose, Thabiso Machaba, Mohale Lebea, Shereen Said, Nadine Fourie and Brian Spilg SC. It is gratifying that all the new members are young counsel.

Two in-depth analyses were undertaken in respect of issues on the African Continent. In September 2003, a report on the death by stoning issue and its breach of African Charter provisions (the Amina Lawal case) was widely disseminated and an abridged version was published in the local media. In May 2004, we issued a statement dealing with various human rights aspects relating to the 70 alleged mercenaries, and, in

particular, the human rights violations that would occur if they were extradited to Equatorial Guinea. The report engendered considerable interest in both the local and foreign media.


Perhaps as a result of this coverage, the committee has received requests from outside South Africa for our support or comment on perceived human rights violations, usually in respect of political prisoners.

Unfortunately our local initiatives remain embryonic. We met with the Wits Law Clinic/Treatment Action Campaign in March 2004. We believe that we can assist in providing HIV/AIDS-affected people with information setting out their rights not only with regard to treatment, but also generally. Although the lobby

group was interested in our proposal, nothing has yet materialised. It appears that we should explore other ways of bringing our ideas to fruition.

We would like to implement other local initiatives in respect of child exploitation/abuse, the position of farm labourers and requiring informal settlements to meet minimum basic health/safety requirements, with identifiable people being held accountable.

The committee continues to liaise with concerned human rights groups in the Southern African region, and particularly in Zimbabwe and Botswana. We remain on the mailing lists of organisations such as the IBA, Commonwealth Lawyers Association and Amnesty International.

Whilst the committee has expanded, it remains effectively Gauteng based. Unfortunately, there has been very little feedback from any of the constituent Bars which, we understood, would be appointing liaison officers. 

## 2004 Young Leaders Seminar

Owen Rogers SC, Cape Bar

**L**ast year the GCB decided to convene a so-called 'Young Leaders Seminar', a forum where future Bar leaders could meet to discuss issues confronting our profession. Historically there has been a tendency for a relatively small group of leaders to carry the burden of representing the Bar on vitally important matters. The GCB felt it was desirable to broaden the base of members who are familiar with the issues of the day and thus capable of assisting the Bar as the need arises.

The first seminar was held last year in Gauteng and was viewed by all concerned as a great success. The GCB asked the Cape Bar to host the second seminar. This took place at the Stellenbosch Lodge in the Western Cape on 16-17 July 2004. Twenty-seven delegates from the various Bars attended, comprising in the main senior juniors and a few silks. Also present were several GCB and constituent Bar leaders to introduce topics and chair discussions (Van der Linde SC, Arendse SC, Gauntlett SC, Ford SC and Rogers

SC). In advance of the seminar each delegate was sent a file of preparatory reading material. Proceedings started on the Friday evening with a discussion on transformation chaired by Arendse SC. The focus of attention was the question of co-governance of the Bar, an issue which, at the time of writing, remains highly topical, with AFT having proposed amendments to the constitutional co-governance arrangements prevailing both at the Johannesburg Bar and the GCB. The ensuing debate was sufficiently lively and protracted to cause a postponement (*sine die*) of the other matter on the evening's roll, namely the institution of silk.

The sessions on Saturday morning were devoted to a consideration of various aspects of our profession which have attracted the attention of the competition authorities. This topic was given prominence on the programme in view of the fact that the GCB had at about the same time been required to make a detailed submission to the Competition Commission in response to certain views expressed by

the Minister of Justice. Van der Linde SC gave an historical overview of the GCB's dispute with the competition authorities, leading to a general discussion of the importance of preserving the Bar's status as a referral profession. Ford SC then introduced a miscellany of topics covering the prohibition on partnerships, appearances with non-members, and the housing rules prevailing at the various constituent Bars. Andrea Gabriel, of the Durban Bar, led a discussion on the blacklisting system and the question of fee guidelines. After lunch Gauntlett SC conducted the closing session, where the issue for discussion was the regulation of the legal profession with particular reference to the Legal Practice Bill.

From the reaction of a number of delegates it was clear that the seminar was a sobering eye-opener. Many of our members simply do not realise the challenges which the Bar will have to overcome if it is to survive as an independent self-regulated referral profession. There was a uniform conviction that the Bar is worth fighting for – not for selfish reasons relating to money-earning, but because of the vital role which an independent referral Bar can and must play in the proper administration of justice in our new democracy. 