

## **Welcome address for opening of 2017 International Legal Aid Group (ILAG) Conference**

**Wednesday, 14 June @ 1pm**

I take great pleasure in welcoming you all to the 2017 International Legal Aid Group conference – held for the first time in Africa! The preparations for this conference began some years ago, and I am so pleased that so many delegates could join us in Johannesburg for this event. I extend a special welcome to the Deputy Minister of Justice and Constitutional Development, Mr John Jeffery – thank you for being with us this afternoon and for the tremendous support you continue to give to Legal Aid South Africa. I am also pleased to welcome Professor Alan Paterson, the chairperson of ILAG – thank you for allowing us the honour of hosting a meeting of ILAG in our beautiful country. I am certain you will be very pleased with this decision.

**The theme for this conference – *Access to Justice for Clients?*** – is very timely. We are in a time of global flux, where spending on public services is being cut and concerns are mounting for the future of many such services. I continue to argue that access to justice remains paramount, regardless of economic circumstances. We have a duty to protect the rights of those who cannot protect their own. If not for us – the very many institutions that are represented here, and many, many others – then who?

**Legal Aid South Africa is founded on the principle of access to justice, as are the organisations represented in this room.** We have been ardent supporters of the United Principles and Guidelines for Access to Legal Aid in Criminal Justice Systems. Our organisation has played a significant role in the implementation of the UN Principles and Guidelines and our work is at the centre of the provision of technical assistance for some countries in enhancing legal aid schemes. The United Nations Principles and Guidelines were a significant and timely game changer. They reignited the global discourse regarding legal aid that was started in earnest in Lilongwe in 2004.

We in this continent remain focussed on doing what is expected of us and we had no problem to host the first International Conference on Access to Legal Aid in Criminal Justice Systems, held three years ago now, also in Johannesburg. The conference brought together over 250 participants from 67 countries to discuss the common challenges in providing access to effective legal aid services in criminal justice systems and to propose practical and achievable solutions. That conference ended on a high note with the adoption of the **Johannesburg Declaration** in which participants unanimously affirmed that “legal aid is an essential element of a fair, humane and efficient criminal justice system that is based on the rule of law and that it is the foundation for the enjoyment of other rights including the right to a fair trial and should be guaranteed by the State as set out in the UN Principles and Guidelines”.

The **Johannesburg Declaration** represents an important milestone in our collective efforts in implanting legal aid strategies and programmes to make legal assistance in criminal matters available to people who would otherwise not be able to access justice. In one of its key action points, the Johannesburg Declaration calls on all “States to include the rule of law and access to justice, including access to legal aid as a target for the post-2015 development agenda”.

At the United Nations Sustainable Development Summit held in September 2015, world leaders adopted the **2030 Agenda for Sustainable Development**, which includes a set of 17 Sustainable Development Goals to end extreme poverty and fight injustice and inequality for the next 15 years. In adopting Global Goal 16.3 which promotes respect for the rule of law and access to justice, the target set by the Johannesburg Declaration has been met. Global Goal 16.3 calls upon countries to: “Promote the rule of law at the national and international levels and ensure equal access to justice for all”.

Of course, we are now left with the most difficult task of all – ensuring we do achieve this. More importantly for us in this continent we think the SDGs present an opportune platform to also engage as a continent with our responsibilities found in the **AU Agenda 2063** especially Aspiration 3 re Access to Justice.

In reading through the programme for this conference, I note that we already have some answers at hand here – the session themes identify key avenues to pursue, which all lead back to access to justice: firstly, considering models of successful and sustainable legal aid provision; considering what legal services and assistance the indigent need; cementing access to justice through treaties and constitutions; exploring technology and self-help avenues to simplify the law for those who often least understand it; ensuring that high standards of quality are maintained while having a parallel conversation about cost and affordability, and of course, ensuring that Access to Justice is enhanced by the availability of legal aid.

Do not take these conversations lightly. **It is during such engagements that we are able to step back and really reflect on a vision for the future of Access to Justice but more specifically legal aid.** Consider, over the next few days, who we are serving and what more can be done to ensure that legal aid should continue serving the vulnerable in society. I speak with absolute certainty when I say that keeping citizens and clients central to the work we do, creates a solid foundation for confidence in the Justice system and a sustainable rule of law environment.

**We must maximise on the benefits of having legal aid institutions – cost benefit analysis reports which have shown that having** efficient legal aid provision enhances efficiency in the justice system – this in turn ensures a cost saving context for the state – prison intake and decongestion, timely and early access prevents unnecessary incarceration; prevents delays through postponements and minimizes judicial time.

In endorsing the UN Principles and Guidelines and the Sustainable Development Goals, we each have a duty to assist each other, in order to assist the vulnerable. This resonates with the theme of this conference - Clients. This impels me to talk about a disturbing development that has come to my attention. The Palestine Bar Association has introduced a ruling that it, and only it, will henceforth vet legal aid instructions and clients. It's motivation is that clients who don't require legal aid but are getting it and this takes away work from its members. This is a disturbing

development and is reflective of our context as legal aid providers – jostling for clients with lawyers, an ongoing point of tension between us. It should not be – we represent persons who have no means. The Palestinian development is a warning that we should remain vigilant as well as vigorously oppose all moves to curtail our activities.

I attended the 2<sup>nd</sup> International Conference on Access to Legal Aid in Criminal Justice Systems in Argentina last year, where I ended off my presentation by saying that I would be happy if we could affirm the Johannesburg Declaration resolutions, especially the implementation of the UN Principles and Guidelines. I also urged attendees to consider a specific resolution that calls on regional bodies to collaborate and embed the UN Principles and Guidelines in concrete implementation plans that are time-bound in terms of accountability. Today, I close with the same call for action. ILAN and ALAN. We are serious about this. The conversations that this conference will produce will create a roadmap that we can all follow to ensure access to justice for all clients. I look forward to reading the outcomes of this gathering.