OPENING CEREMONY ALRAESA CONFERENCE

WELCOME REMARKS

**Mr. Raouf Gulbul, Chairperson, LRC Mauritius**

Hon. Mr. Ravi Yerrigadoo, the Attorney-General of Mauritius,

Chairperson, ALRAESA,

Chairpersons & Delegates from ALRAESA Member States,

Representative from Commonwealth Secretariat,

DPP of Mauritius, Mr. Satyajit Boolell, SC,

Chair of Mauritius Bar Council, Mr. Tsang Man Kin,

Deputy Solicitor General, Mr. Rajesh Ramloll, SC,

Deputy DPP, Mr. Rashid Ahmine,

Deputy Master & Registrar, Mr. Patrick Kam Sing,

Members LRC Mauritius,

CEO & Staff of LRC Mauritius,

Ladies and Gentlemen,

All protocols observed.

There is much honour and pride on the part of LRC Mauritius to host its first international conference, the ALRAESA (Association of law Reform Agencies of Eastern and Southern Africa) Conference on “Role of Law Reform in Development”

It gives me great pleasure to welcome all of you, on behalf of LRC Mauritius, to this Conference.

I express a warm welcome to Foreign Delegates coming from 10 countries in the region:

20 representatives from law reform agencies & AGOs

2 from Kenya, 2 from Lesotho, 2 from Malawi, 2 from Namibia, 2 from Uganda, 2 from South Africa, 3 from Swaziland, 2 from Zanzibar {Tanzania}, 2 from Zimbabwe; and 1 from Botswana.

A warm welcome also to the representative from the Commonwealth Secretariat, Law and Development Section, at a time when the Commonwealth Secretariat together with CALRAs [Commonwealth Association of Law Reform Agencies] is preparing a Practical Guide on Law Reform.

A Law Commission, as an independent and specialist law reform agency, should be able to take an inclusive, objective and professional approach to reform of the laws that govern society.

It is particularly suited to topics where independent, non-partisan investigation would assist in establishing the credibility of law reform proposals, or where collaboration or consultation with a wide range of stakeholders is needed.

Projects undertaken by a Law Commission are usually substantial, possibly involving new concepts or fundamental review, which government agencies are sometimes unable to undertake because of time constraints and the electoral cycle.

This Conference will hopefully be beneficial to all participants and help further ALRAESA’s purpose of promoting the exchange and sharing of ideas on:

(i) best practices in law reform and law development; and

(ii) development of legislation within countries of member agencies in accordance with the principles of human rights, good governance and rule of law.

The objectives of ALRAESA are, *inter alia*,

* to assist in strengthening existing Law Reform Agencies in the Region;
* to harmonize methodologies of operation for member agencies;
* to establish effective methods of cooperating with legal or any other education institutions that can contribute to the law reform process

To that end, the first two Conference sessions are devoted respectively to the “Value & Usefulness of Law Reform Agencies to Legal Policy Development” and “Challenges of Law Reform in Small States.”

Law Reform Agencies have an important role to play in Legal Policy Development. Law reformers have, over the years, developed a methodology for every aspect of their work, from choosing projects to methods of consultation, and from legal research to dealing with policy makers for implementation of their recommendations.

Small states have particular problems that are not faced by larger states, even though they have similar needs to larger states. The problems particularly relate to a lack of both human and financial resources. The need for effective law reform processes is as necessary in small states as in large states. Strategies therefore need to be developed which will enable important law reform work to be undertaken.

A session is also devoted to “Constitutional Reform” as one of the ALRAESA’s objectives is to contribute to protection and promotion of human rights, the rule of law, constitutionalism and good governance. There is an emerging trend of requiring Law Commissions to review the workings of the Constitution, which is the supreme law of the land.

Since one of the objectives of ALRAESA is to contribute to the realization of gender equality in all processes and to promote legislation that secures gender equality, a session is devoted to “Reform related to Gender-based Violence.”

The other sessions are devoted aspects of the law, which law reform agencies, have time and again been called upon to review:

1. Business and Consumer Law Reform;
2. Reform of Law of Evidence.

It is an undisputed fact that a country’s economic performance is intrinsically linked to the ease with which business is conducted. Consumers must also be able to transact in confidence.

The fairness and efficacy of Common Law rules of evidence, inherited during British colonial times, have been called in question across the Commonwealth and in Common Law Jurisdictions.

Should the rule against hearsay be relaxed? Should the common law exceptions against hearsay be preserved? What weight to attach to expert evidence? Should past convictions be adduced? What kind of confessions should be excluded? These are just some of the questions which should be tackled when contemplating the reform of the law of evidence in our legislation.

I wish this Conference will help further regional co-operation in the reform and development of the law, and foster co-operation among the Agencies.

I hope you enjoy the rest of today’s program and that this Conference will prove most useful to you for your work as a law reformer.