**Keynote Address – “Law Reform and Development”**

**Hon. Mr. Ravi YERRIGADOO, Attorney-General of the Republic of Mauritius**

Thank you Mr. Domingue, our Chief Executive of the LRC. The Chair of the Association of the Law Reform Agencies of Eastern and Southern Africa, Mrs. Nsanze. The Chair of the Mauritius Law Reform Commission. Honorable Director of Public Prosecution. Honorable Deputy-Director of Public Prosecution. Honorable Deputy Solicitor-General. Chairperson of the Mauritius Bar Council. All the Board Members of the Mauritius Law Reform Commission. Distinguished delegates. And we have delegate also from the Commonwealth Secretariat. We have our friend from the LRC but also from the University of Mauritius. Ladies and Gentlemen, dear friends, a very good morning to you all.

It gives me as well great pleasure and privilege to address you this morning on the opening ceremony of the Conference. On behalf of the Government of the Republic of Mauritius, allow me to extend, once again, a warm welcome to you all to our beautiful island. I always say that having Conference in such resort enables us to focus more on our decisive items we have on the agenda. I’m sure you would agree it is a very conducive environment for very fruitful deliberations.

You know, law reform and development is an area of great importance and considerable challenge to us all. In our respective jurisdictions, Ministers of Justice and Attorney-Generals often benefit from the work you would have done, the careful thought you would have given to numerous areas of law in defining policy. More often than not, the enactment of legislation in our respective parliaments is not as the French would say “*le fruit du hasard*”. In fact, careful thought is always being given in areas as delicate as criminal law. I’m so happy we have both the DPP and the Deputy DPP here. Careful thought is given on a constant basis because our law practitioners are in court every day and they grapple with changes in the system and they offer their valuable contribution. In fact, you would have seen in the Mauritius LRC the numerous papers, discussion papers, addressing issues such as evidential issues, and issues which affect children, with the moving needs of our society. We are, amongst many other things grateful because such conference enables us all to grapple, to discuss, to exchange, because we all share common goals and common objectives when we want to move ahead in our system. So it is always a challenge to every government in every jurisdiction to ensure that a country’s legislation reflects the values and diversity of society and also of the region. We are always driven by this will to develop this meaningful strategy of law reform, to ensure that our laws and statute books are not cocooned in the past and cut off from social and economic realities. The law reform is not just an end in itself, it’s not just an academic exercise, far from that, because conferences like the one you’re having right now will enable sharing of experiences in issues which may seem simple or volatile to some of you but which may be of great importance to others.

Ladies and gentlemen, we are here committed to develop and its important because law reform agencies, law reform commissions, have to be given the necessary resources to enable thinking process to take place. Discussion papers have to be shared amongst ourselves and the independence of thought and clarity of discussions often help us all. We are committed here in Mauritius to support the activities of the LRC and to grapple with it and to give it the means to ensure independence yet embark on law reform projects which are of real importance, and to give serious considerations to them all.

In fact, in Mauritius, since 2006, there have been a revamp, a rethink of the Law Reform Commission, and just after that, it embarked on a comprehensive review of Mauritian law, and then on a regular basis submit to the Attorney-General a significant amount of reports and papers on various aspects of law, as I said, amongst the most important pillars are strengthening the rule of law of course, consolidating good governance and democracy and reinforcing human rights protection system which is so dear to us all. Improving the judicial system, the operation of the legal profession, and the provisions of legal services generally, modernizing the civil justice system. We often say that sometimes I quote that “our courts are cloaked” and case management and mediation and ADR are now tools which enable us to modernize the justice system. But we’ve got to see it putting in practice. Similarly, as I was saying, modernizing our criminal justice system and in Mauritius we’re embarking together with the office of the DPP in an ambitious project relating to the Police and Criminal Evidence Bill, and we’re moving ahead on that. But there are so many issues, especially when you’re being for the past decades involved in a system where the mindset would be quite difficult to change, and no matter how much you’d be giving training to all the stakeholders in the criminal justice system, you would still have to grapple with the intricacies in the opening days and weeks of the new system.

But a lot of thought is being given to that, for instance, criminal investigations procedures, the law on bail, the rules as far as disclosure is concerned, rules as to costs, you know, everyone says ok, we all like to go to court, but you know, when the rules committee sits and says, hey, we have to rid out frivolous cases and concentrate on serious cases, so we’ve got to review costs. Of course, being the Bar Council or the Law Society would say: hang on, there’s access to justice. And there’s a lot of issues to grapple with, so it’s not an easy thing dealing with effective handling of cases. And last but not least, ensuring mechanism to effectively rid out miscarriages of justice. So it’s all very interesting and challenging and the composition of the Mauritius Law Reform Commission ensures that there is a diverse representation from the judiciary, from all actors involved in order to bring forward this thinking. So, you also would know that we enjoy in our civil law system in Mauritius what is known as a hybrid system. We have our own *Code civil mauricien* and with changing environment, the Chairperson of the Mauritius Law Reform Commission was just talking about business facilitation, Mauritius is very much upward looking to having a strategy of bringing in foreign investment into Mauritius. But also we have key African strategies. So with all these issues, we have to reconcile with the law of the land, and more often than not, recently, we just had a budget, which is always an exercise, that, with the Finance Bill later on, you can enunciate and elaborate new policies to enhance business facilitation investment, but there is a very big area, where for instance the Law Reform Commission has given careful thought, together with different stakeholders, under the law dealing with persons, with their rights, with laws of succession, with matrimonial regimes, we draw from French laws as far as contract, tort and everything else is concerned, and we deal with that with what we would call as *sûretés*, the charges and credit transactions in this ever evolving world. Now we’re also dealing intensively with an e-world, with electronic transactions, with all sorts of things. So, all goodies for you all in our conference to grapple with.

But it is not sufficient to come up with brilliant ideas. We must be committed at all levels from policy makers to implementing recommendations as well. So, there have been in the years a significant proportion of final recommendations of the Law Reform Commission which have been implemented. For instance, in 2007, there were recommendations on opening Mauritius to international law firms, and the setting up of law firms. For instance, there were recommendations dealing with relationship of children with their grandparents and other persons under the Civil Code Mauricien. There were also recommendations on the law of divorce, recommendations on bail and related issues as far back as 2009. Recommendations and observations of the Commission in Report on prevention of vexations litigations in 2010. And opinion papers on what could be appeal by vexatious litigants. With new transactions dealing with an intense credit work, leasing and all, we’ve had recommendations on what we call *crédit-bail* and *location-financière*, which is basically what you would buy on credit, domestic appliances, it’s very regular on our continent. And all these observations have been partly or fully taken on board.

Reform is an ongoing process and we must always have an open mind to this. And we in Mauritius believe fully that cooperation, collaboration and proper communication are the key to efficient reforms. And for this ladies and gentlemen, as I was saying, we need people like you who can take necessary approach in that conference to bring it to different shores, so that we can share and implement different issues in our law reform machinery.

Now, in any democracy, there is a five-year cycle for any government, but law reform must come, must stay, the whole purpose of giving thought to it is essential in feeding the process of reforming and keeping legislation up to date in order to address changing needs in our different societies.

Ladies and gentlemen, cooperation among agencies is vital to make better access to justice a reality. We must work together to achieve the desired results. We must learn from our own experiences, mistakes, successes, of each and every one in order to achieve this in this global world we live in.

So, allow me to wish you all fruitful deliberation here today, I have no doubt looking at the program and the different resource persons who will be intervening in various capacities that you will indeed have fruitful deliberations. I wish you well and have a lovely conference. Thank you so much.