

The first seven articles are based on papers delivered at an International Conference on Legal Aid held in Port Elizabeth, South Africa, from 6-8 April 2005. An overview by the Conference Convenor follows.

All these papers were peer-reviewed and accordingly conform with the accreditation requirements of *Obiter*.

The financial assistance of the sponsors of the Conference is gratefully acknowledged.

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Editor

<p style="text-align: center;"><b>INTERNATIONAL CONFERENCE ON LEGAL AID</b> <b>6-8 April 2005</b></p>
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An International Conference on Legal Aid was held in Port Elizabeth, South Africa, from 6-8 April 2005. The conference was jointly presented by the Nelson Mandela Metropolitan University, the South African Legal Aid Board and the Association of University Legal Aid Institutions.

The main sponsors were:

- 1 The South African Legal Aid Board
- 2 The Swedish Section of the International Commission of Jurists
- 3 The Nelson Mandela Metropolitan Municipality
- 4 Cacadu District Municipality

The conference focused on legal aid in developing countries, as many have been dismantling, reforming and restructuring their legal systems for a number of years and, more often than not, the theme of access to justice is propagated, but effectively the notion often goes unnoticed in the transformation of these jurisdictions.

The need for such a conference was also based on the fact that legal aid in most developing countries operates in environments that are different from those in developed countries. Aspects impacting upon the decision-making process include: HIV/AIDS, poverty, unemployment, lack of access to social security, colonisation, a high crime rate, the high number of offenders appearing in court without any form of defence, other national priorities laying claim to government funding, *etcetera*. Legal aid service deliverers seek to respond to this environment through strategic emphasis on sustainability, effectiveness and accountability.

The conference was also premised on the fact that, although the focus of studies on legal aid has mostly been on developed countries, there is a growing awareness of the importance of legal aid as a right and the concomitant duty of states to ensure that every individual enjoys his or her rights. Its significance as an indispensable institution for the furtherance of democracy and access to justice in its broader perspective is also enjoying ever-increasing recognition. The growth in awareness and recognition is supported by evidence of rising legal aid activism in developing countries and the development of innovative, applicable solutions for problems peculiar to those environments.

The purpose of the conference was to foster the development of an emerging coalition of stakeholders from the legal aid environment in developing countries and to afford them the opportunity to exchange knowledge and experiences that may be mutually beneficial. Through analysis and discussion informed by good practices, the conference also considered how legal aid services could improve the “legal isolation” in which the poor find themselves.

Seventeen countries were represented at the conference and the keynote addresses were delivered by Judge Mlambo, Chairperson of the SA Legal Aid Board and Judge of the Supreme Court of Appeal, and Judge Yacoob of the Constitutional Court of South Africa.

One of the planned outcomes of the conference was the establishment of a Southern Africa Legal Aid Association (SASLA). The conference noted:

- The comments and pleas made by delegates from outside Southern Africa that it should be endeavoured to establish a body promoting legal aid on the African continent as a whole;
- That such a body should actively engage people occupying seats of power and other role-players – inside and outside government – as far as is possible in advocacy work;
- That a follow-up conference should be held elsewhere on the continent;
- That we should join forces with the Legal Aid Board SA to argue for the acceptance in principle of the funding of civil cases going beyond the existing funding framework;
- That *Paths to Justice* surveys conducted elsewhere in the world provide useful pointers but there is a need for a similar survey in the African continent; and
- That Southern Africa was not well-represented at the conference.

The conference resolved that it will not proceed with the formation of SASLA but that a representative Legal Aid Task Team, made up of Professor Hennie Van As (NMMU and convenor), Professor David McQuoid-Mason (UKZN), Peter Hundermark (LAB), Schalk Meyer (AULAI and UNW) and Mandla Skhosana (LRC) be formed.

Its mandate will be:

- To collate the proceedings and recommendations of ICLA 2005 and design a road map on legal aid in Southern Africa and Africa.
- To determine whether it is feasible to form SASLA and, if the answer is in the affirmative, take such measures as are necessary to accomplish the goal; linking up with SADCLA through Vincent Saldanha, its President, through the offices of the Honourable Judge Dunstan Mlambo in order to reach out to lawyers in SADC countries; and link up with the 54 member Commonwealth Legal Education Association through the offices of Prof McQuoid-Mason, its President.

Finally, the Conference resolved to encourage ongoing communication and interaction by and between delegates and, in that regard, a delegate contact list was compiled by the convenor and sent to each delegate.