

Introduction

The 3 I's Initiative will be launched at the 2018 Bar Conference to be held at the Sugar Beach Resort & Spa between the 21st and the 23rd November, 2018.

I have endeavored to summarise the rationale and aim of the initiative after a brief presentation of the Mauritius Bar Association (the "Association") and its governing body, the Bar Council.

The Mauritius Bar Association and the Bar Council

The Association was established as a body corporate by the Mauritius Bar Association Act, Act 37 of 1957 (the "Act"); Section 2(2) of the Act provides that, "every barrister shall be a member of the Association"

The objects of the Association include "*the safeguard, maintenance and promotion of the interests of the Mauritius Bar*" and "*the upholding of the honour, dignity, reputation and independence of the members*". In pursuance of its objects the Association is empowered to "*consider all matters generally affecting the Mauritius Bar and its members and take measures as it thinks fit in relation thereto and, in particular, concerning [...] the improvement of the administration of justice in Mauritius [...] the maintenance and observance of professional conduct and etiquette [...] any action to be taken against any barrister for breach of professional conduct and etiquette and its notification to the Attorney-General.*"

The Bar Council is established under Section 5(1) of the Act for, amongst others, the purpose of "*exercising any of the powers conferred on the Association under this Act*"; As per that section, the Council shall "*consist of the Attorney-General and 5 other members elected by the Association, 2 of whom shall be barristers of at least 10 years standing*". The Chairman is elected from among members of the Council and is the *ex officio* President of the Association.

The Act not only provides that it is for the Council to exercise the powers conferred on the Association, but is also confers certain powers directly on the Council itself, including the power to make rules generally for the purposes of the Act and to investigate any report made to it regarding an alleged breach of etiquette by a barrister.

For funding, the Association relies solely on the subscription fees of some 780 members as today law officers¹, who are also members of the Association, do not pay subscription fees.

The 3 I's Initiative of the Bar Council – Integrity, Independence & Innovation

The genesis of the rationale for the 3 I's Initiative is aptly described in the following judicial enunciation: "*In our country, which has no army, the stability of the Government does not depend upon force, but upon the consensus of the people. And that consensus itself derives from*

¹ Barristers employed at the Attorney General Office and the Office of the Director of Public Prosecutions

*confidence in the rule of law. The rule of law is the citadel which guards the people against despotism. It is equally the citadel which guards Government against anarchy.*²

As Mauritius celebrates the 50th anniversary of its independence, it is worth remembering that true democracy, which necessarily implies an independent judiciary, has become a luxury that few countries, especially those as small as Mauritius, can afford. Since independence, our economy has been heavily reliant on its attractiveness to foreign investors and one of the determining factors in gaining the confidence of those investors, individual or institutional, has been the existence of an independent judiciary within an effective legal system.

It is the humble view of the Bar Council that the legal community is facing its greatest challenge, that of maintaining public confidence in the rule of law. Genuine reciprocal respect between the legal profession and the judiciary is not only a philosophical question about some higher duty to uphold the rule of law; it is a matter of a national interest.

In the wake of the report of the Commission on Drug Trafficking, the Attorney General publicly stated that the Act was an obsolete piece of legislation. He undoubtedly wanted to convey the idea, shared by many, including the Bar Council, that it is high time for a holistic review of the laws regulating the practice of law. The 3 I's Initiative is about the Bar Council campaigning for the setting up of an independent regulatory body responsible for setting the education and training requirements for each of the three branches of the legal profession, reviewing the standards of conduct for law practitioners and enforcing those standards.

The Act is however not defunct; at the heart of the 3 I's Initiative lies (i) the conviction that barristers have a role to play in framing the right attitude for economic success and nation building by promoting a culture of integrity; (ii) the realisation that the privilege of the right of audience, of speaking on behalf of others, requires nothing less than absolute integrity in all circumstances; and (iii) the commitment of the Bar Council to the ruthless pursuit of integrity amongst its members.

The 2018 Bar Conference

The Association, with the support of the Supreme Court and the Institute for Judicial and Legal Studies, will be hosting a 3-day conference to officially launch the 3I's initiative:

Day 1 - Afternoon protocol followed by a networking cocktail.

Day 2 - Whole day session with workshops having as leading theme the 3 pillars of the Initiative followed by a gala dinner. These workshops are intended to run concurrently, such that breakout sessions would be required.

Day 3 - Special event for the young barristers (of less than 10 years call).

² MAHBOOB v GOVERNMENT OF MAURITIUS 1982 MR 135

The main speaker for the Integrity pillar will be Mr Paul Ozin QC, member of 23 Essex Chambers, a substantial set with a national and international footprint, specialising in criminal, regulatory and commercial law. He leads the Regulatory and Disciplinary team.

Until taking Silk in 2016, Mr Paul Ozin QC, was Standing Counsel to the Department of Business Enterprise & Regulatory Reform, latterly the Department of Business, Energy & Industrial Strategy. He continues to be instructed by the Department and the Insolvency Service. In Legal 500 UK Bar, he is ranked in the categories of: (1) Business and regulatory crime (including global investigations); (2) Fraud: Crime; and (3) Professional discipline and regulatory law.

The main speaker for the Innovation pillar will be Mr Mark Attwood, Award-winning Entrepreneur and Digital Marketing Expert; His most notable business success was creating the world's first online skip hire service which evolved into a national tool and equipment hire business called PAL Hire.

The main speakers will be interacting with a string of high calibre panellists, including members of the Judiciary and prominent members of the profession.

As you will see from the annexed documents, the 31's Initiative conference **is aimed to be the event of the year for the Legal Profession** and it will bring together members of the Judiciary, the Magistracy, Notaries, Attorneys and Business professionals as we have also received the support of Business Mauritius on our initiative. Additionally the Institute of Judicial and Legal Studies have also confirmed its support for the event.

We have coverage of the event across all the media platforms including social media.

There is no better platform to touch the legal profession as a whole and we invite you to consider participating in this conference **through one of our sponsorship packages** and/or **by placing one of your adverts in the Conference magazine** and/or **endorse the initiative by spreading the word on the conference and encouraging your team to participate/register.**

For more information about the initiative, the conference or sponsorship packages, feel free to contact one of the following:

- Joanne Tour (Sparks – Event Organiser): info@sparks-events.com
- Michael Li (Sparks – Event Organiser): michael.li@designlounge ltd.com
- Varuna R Bunwaree Goburdhun (Treasurer Bar Council):
varuna@bunwareechambers.com
- Yahia Nazroo (Secretary Bar Council): ynazroo@applebyglobal.com
- Me at herveduval@ahnee-duval.com

Yours sincerely,

Hervé Duval SC Chairman