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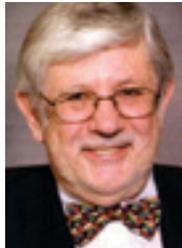
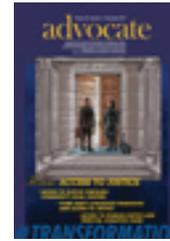
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# advocate

Iphhabhuku labameli baseMajini baseNingizimu Afrika  
Dzhenala ya dzangano la vhaadvokati vha Afrika Tshipembe  
Die Suid-Afrikaanse Baltydskrif ■ The South African Bar Journal  
Kgatisobaka ya boadvokata ya Africa-Borwa  
Jenali ya magwetha ya vavanyisi van Afrika-Dzonga



## FROM THE EDITOR

### ACCESS TO JUSTICE: WHAT THE BAR CAN DO

It's not that we have run out of covers. There are some small changes as between the cover of the April issue and this. They are significant. The April cover showed an ordinary person totally unable single-handedly to reach the handles to open the closed door of the symbolic 'Court of Justice'.

But now in this month's cover we see the same ordinary person, literally growing in confidence while being assisted by an advocate to open that door, whose handles are also somewhat more within their easy reach. This leads to the thematic statement of this month's issue: What the Bar *can* do to facilitate access to justice for the ordinary person.

In the April issue (p30) Andy Bester characterised the rendering of pro bono as an essential part of professional transformation, itself a *sine qua non* for the profession's continued prosperity (see also the General Council of the Bar new chair, Vuyani Ngalwana SC's contribution on p 3 of this issue).

Responding to Bester in the August issue (p13) Kevin Iles suggested the Bar could and should rethink its attitude toward making the practice of pro bono more identifiable and orderly.

In this issue in the article *Access to Justice through Community Legal Centres should be Bar's Project* Leks Makua proposes a reconfiguration of the current legal aid programme in a partnership with the Bar.

Also under the theme of access to justice in the April issue (p34) Tembeka Ngokaitobi had contributed an article on *The forgotten Origins of Public Interest Litigation in South Africa*.

Sarah Pudifin-Jones and Andrea Gabriel SC, in an article in this issue *Champerly to Champagne: Third Party Litigation Financing and Access to Justice*, turn to the present to welcome the increasing use of class actions in South Africa as an effective tool in providing access to justice in cases such as the current silicosis litigation.

This, among other things, gives practical content to the guarantees of rights in the Constitution (ss 34 & 38).

### WITHDRAWAL FROM ICC 'DEEPLY CONCERNING'

Sadly in contrast, however, at the time of writing the Government was about to approach Parliament to persuade its members to support Government in its determination to withdraw from the International Criminal Court and thereby deprive its citizens the right of access to international criminal justice. See the GCB's full statement on pp 10 & 11 of this issue.

### OTHER ACCESSES

The citizen's right of access to information, also promised in the Constitution and expressed in the eponymous Act, is the subject of a new book on the subject which is reviewed (on p 33) in this issue.

The topic of the third Forum article in this issue concerns access to the common law. It tells of the life and times of Norfolk, England-born Eastern Cape Judge Sir Percival Carleton Gane, well-known for his translations from Dutch to English of some the great statements of Roman-Dutch Law. He thereby bestowed easy access to these important sources of our common law on those South African lawyers who had little or no Dutch. It seems strange that it took an Englishman to do this, and one wonders whether there was perhaps some untraced family connection of the Ganes with the descendants of the Dutch water engineers who settled in Norfolk at the time of the canalisation of its rivers and the draining of the Fens.

### CITATION ERROR

We draw the attention of readers, especially law librarians, to the fact that the August 2016 issue of this journal incorrectly proclaimed itself as being number 2 of Volume 30. It was in fact number 2 of Volume 29. We apologise for the error.