

THE FUTURE OF LAW



MBA CONFERENCE
2023

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MBA : A year in review



CONFERENCE **AGENDA**

08:00 – 09:00

Registration

09:00 – 09:30

Welcome address

Speaker 1: Priscilla Balgobin-Bhojru, Chairperson of the Mauritius Bar Association

Speaker 2: Luvishka Seejore-Bilto, Director of the Institute for Judicial and Legal Studies

Opening address

Speaker: • Hon Obeegadoo – Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism

09:30 – 09:45

Tea Break

09:45 – 11:00

Panel 1 (Civil Law) – Civil Law, A Glimpse Into the Future

Session moderator: Varuna R. Bunwaree

Panellists: • Alain Choo Choy KC

• Urmila Boolell SC

• Barbara Mills KC

• Alexis Merle

11:00 – 12:30

Keynote speech

Speaker: Professor Richard Susskind OBE

12:30 – 14:00

Lunch

14:00 – 14:30

Address

Speaker: Nick Vineall KC, Chair of the Bar Council of England and Wales

14:30 – 15:45

Panel 2 (International Law) – Towards a World Without Judicial Boundaries

Session moderator: Natasha Behary Paray

Panellists: • Rajesh Sharma Ramlooll SC

• Pramila Patten

• Remi Reichhold

• Myriam Khairallah

15:45 – 16:00

Tea break

16:00 – 17:15

Panel 3 (Criminal Law) – Future-Proofing Criminal Trials: What Lies Ahead?

Session moderator: Nataraj Muneesamy

Panellists: • Gavin Glover SC

• Rashid Ahmine

• Libby McAvoy

• Bora Erden

17:15 – 17:30

Closing remarks

As from 18:00

Cocktail & Gala dinner

OUR ORGANISING COMMITTEE :

Carolyn Desvaux de Marigny, Priscilla Balgobin-Bhojru, Natasha Behary Paray, Roobesh S. Ramanjooloo, Bishan Ramdenee, Nikhil Boolell, Navina Parsuramen, Jean-Michel Ah Sen, Nataraj Muneesamy, Varuna R. Bunwaree, Kevina Narrainen, Antish Lutcheegadoo.



THE FUTURE OF LAW

MESSAGE



**PRISCILLA
BALGOBIN-BHOYRUL**

*Chairperson
Mauritius Bar Association*

The Mauritius Bar Association is tasked with the important responsibility of safeguarding and promoting the interests of the Mauritian Bar and its members, improving the administration of justice, and promoting and supporting law reform. It is in this spirit that the Bar Council has held several thought-provoking events during the year and has engaged with stakeholders and decision makers to discuss key issues related to Law and Order and the good administration of justice.

As a natural flow to the events previously organised, a conference became an inevitable way to end the year, the more so that 5 years have now passed by since a conference of this magnitude was held for our members.

A growing number of barristers are being called to the Bar each year and inevitably, the subject of conversation of the profession revolves around the future of these lawyers, the future of the profession, the future of the court system and the rule of law in the future. We have a collective responsibility as a profession to pause and reflect on these issues, which is why our conference bears the theme of ‘The Future of law.’

During the conference, we will listen to eminent speakers sharing their views, not only on artificial intelligence (AI) but also on the reforms needed to our laws and the projected evolution of the court system. We will also reflect on the criminal justice system and how technology and innovation will transform the criminal law landscape. The conference would not be complete

if we did not also direct our mind to how international law can increasingly impact us domestically.

Zack Kass, the former OpenAI Head of Go to Market, recently stated at the International Bar Association Conference that, “society is on the verge of the most profound human revolution in history”. Professor Richard Susskind, author of ‘Tomorrow’s lawyers’ predicted ten years ago that the practice of law is very likely to change more in the next two decades than it has in the last 200 years. As AI becomes increasingly real and relevant, to the point of making many of us uncomfortable, business leaders are persistently affirming that AI will be replacing professions. With such sweeping change in all sceneries being predicted and some of them quite considerable, and already sitting with us, we cannot merely dismiss them as being mere fantasies or science fiction. Trends are changing; new opportunities and challenges are surfacing. Knowledge is becoming more and more specific; Jack of all trades belong to the past; specialists are increasingly in demand.

This conference should hopefully help us assess our real appetite for change and ability to adapt to the transformation which the evolution in technology will impose on us.

Our greatest wish is that these conversations started today eventually lead to positive changes in legal practice and benefit the legal profession and those it serves.

The Future is ...now!

MESSAGE

**THE HONOURABLE CHIEF JUSTICE
MRS REHANA BIBI MUNGLY-GULBUL**



The advent of new technology provides exciting opportunities for improving timely access to justice. The initiative of the Mauritius Bar Association to organise a conference on “The Future of Law” comes at an opportune moment; the legal and judicial landscape is facing a paradigm shift as a result of new economic, social and technological challenges. The conference offers an opportunity for the legal profession to reflect on technological advances, including the topical issue of the potential impact of artificial intelligence on the practice of law in our jurisdiction. The theme of International Law promises to enrich our understanding of domestic law by considering the possible incorporation of applicable international legal and human rights norms. I wish the conference plenty of success.

MESSAGE



MR JUSTICE JOSEPH GÉRARD
ANGOH

*Chairperson of the Institute
for Judicial & Legal Studies*

As Chairperson of the Institute for Judicial and Legal Studies, I am very appreciative that the IJLS is collaborating with the Mauritius Bar Association in the elaboration of this Conference. The IJLS privileges its long standing and privileged relationship with the MBA and its members. This event will bring together a vibrant and intense exchange of views and knowledge on the Future of Law.

The IJLS has as its core mission training and the fostering of legal education, and is deeply committed towards the overall enhancement of the legal profession. As John F Kennedy said "Change is the law of

life. And those who look only to the past or present are certain to miss the future." The legal profession should always be interested and concerned with developments in the legal landscape, and this is why the IJLS values forums like this Conference.

The advent of AI has closed many doors on the traditional methods of the legal profession, and it is up to the profession to make the best use of the new doors which are opening. The IJLS acts as a think tank for the legal profession, and I am confident that this Conference will lay the foundation stone of a new mindset for our lawyers.

Mr Justice Joseph Gérard Angoh, a former Judge of the Supreme Court of Mauritius is the Chairperson of the Board of the Institute for Judicial and Legal Studies. He read Law and Economics at the University of Bournemouth, England. He was called to the Bar of England from the Honourable Society of Middle Temple's Inn of Court in 1979. He joined the Judiciary in 1983 and has been a Magistrate of the District, Intermediate and Industrial Court, Principal State Counsel, Master and Registrar and Director of Public Prosecutions. He has lectured Labour and Environmental Law at the university of Mauritius to LLB students. He is frequently called upon to chair disciplinary hearings and arbitrations. He has also acted as examiner in various law subjects for the Council for Vocational Legal Education and chaired the Board of Examiners for Notaries. Justice Angoh is presently the Chairperson of the Review Panel established under the Financial Intelligence and Anti-Money Laundering Act.

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DENTONS

THE FUTURE OF LAW: NAVIGATING THE CONVERGENCE OF FINANCE, PROPERTY, AND DIGITAL INNOVATIONS

Fueled by new technologies, the legal field is undergoing a significant transformation with the rapid evolution of FinTech (financial technology), PropTech (property technology), digital currencies and artificial intelligence. In a quest to redefine economic transactions, the legal framework surrounding these areas has undergone notable reconstruction. Although this must have presented a colossal challenge for policymakers, legal practitioners have certainly had the opportunity to be at the forefront of innovation.

FINTECH AND PROPTech

The fusion of FinTech and PropTech is significantly impacting financial aspects of real estate operations. Developments in peer-to-peer lending, crowdfunding, and blockchain technology have initiated a slow but present digital transformation in the Mauritian real estate market. By offering alternatives to traditional constraints such as intermediaries, banking institutions, and administrative complexities, such technologies offer efficient and rapid transaction processes to keep abreast of the business world. However, no development is without its own strain of intricacies; there is also an emergence of unique regulatory challenges that the Mauritian legal framework currently faces and struggles to address. Legal professionals must navigate uncharted territory, maintaining a precarious balance in ensuring the security of these transactions and facilitating groundbreaking progress.

CENTRAL BANK DIGITAL CURRENCY

The intention of the Bank of Mauritius to pilot the Digital Rupee in Mauritius, under the Central Bank Digital Currency (CBDC) model, marks a significant modernization of the monetary system. The upcoming system plans for constant accessibility and parity with physical notes and coins, ensuring inter alia stability in its value. However, as promising as it may seem, this digital advancement necessitates significant adaptation to existing legislation and the introduction of new laws to address issues related to taxation, regulatory compliance, and the security of digital transactions. The success of CBDC in Mauritius would be therefore mainly dictated by measures in its implementation, risk management

systems and perception by the public. It would be interesting for financial and banking lawyers to study the juxtaposition of the traditional physical fiat payment model and the new CBDC.

ARTIFICIAL INTELLIGENCE

Artificial intelligence (AI) is currently another widely debated topic amidst legal professionals. There is no doubt that AI is closely tied to the future of law, yet there is hesitation in embracing AI. Legal professionals will often encounter AI in two situations: one, where they need to advise clients in respect of legal implications surrounding AI systems and two, where they may be faced with a possibility to implement AI in their own practice. The key to positively adopting AI is to understand its application, implication and challenges. It should still however be highlighted that being receptive to understanding AI does not automatically mean that one should implement AI; it is vital that lawyers still exercise their right to make an informed decision to contribute to a balanced legal field.

THE FUTURE OF LAW IN A NUTSHELL

As the world moves forward, the legal profession will have no choice but to inevitably play a crucial role in the future of law. At Dentons, being part of a global law firm, with a passion for innovation and with the tagline of 'the law firm of the future, now', we benefit from learning from colleagues who are operating in innovative jurisdictions.

The future of law is characterized by adaptability and responsiveness. A legal system that fails to respond by providing an adequate legal framework is doomed to be relegated to the role of a spectator of progress and it should go without saying that lawyers remain pivotal in the pursuit of an innovative legal future.

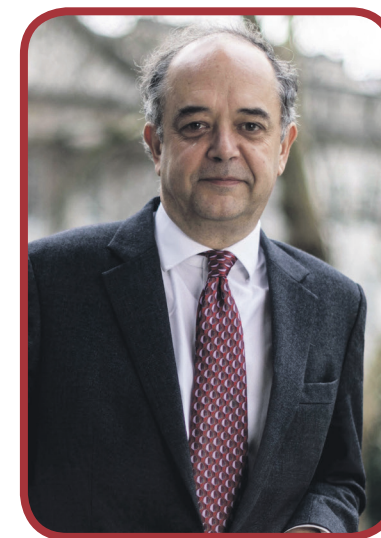
LYLAH JOORAWON

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Port Louis 11328, Mauritius
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GLOBAL LEGAL VISIONARIES:

NICK VINEALL KC AND PROFESSOR RICHARD SUSSKIND OBE

The Mauritius Bar Association is proud to have secured two renowned international legal personalities, namely Nick Vineall KC, Chair of the Bar Council of England and Wales and Professor Richard Susskind OBE who is the world's most cited author on the future of legal services.



NICK VINEALL KC,
Chair of the Bar Council of England and Wales

Nick Vineall KC practises from 4 Pump Court in commercial, construction and financial services law, in both litigation and in international arbitration. Until taking up his post as Chair of the Bar Nick was Joint Head of Chambers at 4 Pump Court and sat as a Deputy High Court Judge in the Kings Bench Division including the TCC and Commercial Court. He chaired the Bar Council Education & Training Committee until 2021 and chaired the Regulatory Review Working Group in 2022. Nick is a Bencher of Middle Temple. In 1994 he was Chair of the Young Bar. Chair of the Bar Nick Vineall KC recently delivered a wide-ranging speech on 'The Bar of 2043' exploring what the profile of the Bar will look like in 20 years' time and the factors that could change what practice at the Bar will look like: artificial intelligence (AI), mandatory use of alternative dispute resolution, remote hearings, hybrid working, and changing business models for chambers. He also argued for a change in the timing of Call.



**PROFESSOR
RICHARD SUSSKIND OBE**

Professor Richard Susskind OBE is the world's most cited author on the future of legal services. He is President of the Society for Computers and Law and, since 1998, has been Technology Adviser to the Lord Chief Justice of England and Wales. His main area of expertise is the future of professional service and, in particular, the way that AI and other technologies are changing the work of lawyers. He advises leading professional firms, in house legal departments, and governments and judiciaries around the world. In the 1980s, he wrote his doctorate on AI and the law at Balliol College, Oxford. Richard's work has been translated into 18 languages and he has been invited to speak in over 60 countries. He has written ten books, including *The Future of Law* (1996), *Tomorrow's Lawyers* (2013, 2017, 2023), *The Future of the Professions* (with D Susskind, 2015, 2022), and *Online Courts and the Future of Justice* (2019, 2021). He has also contributed more than 150 columns to *The Times*. In 2000, he was appointed an Officer of the Order of the British Empire by Her Majesty the Queen. In 2022, it was announced that His Majesty the King had approved Richard's appointment as an Honorary King's Counsel.

MESSAGE FROM **BEYOND THE BORDERS**



HONORABLE CARLO D. VILLARAMA

*Presiding Judge of the Regional Trial Court,
Quezon City, Republic of the Philippines*

To my fellow legal professionals, may I first congratulate the Mauritius Bar Association and its distinguished Council for holding its first post-pandemic conference for the legal profession on November 24, 2023 with the theme - Future of Law.

The selected theme is timely, relevant, and alluring. An apt theme for the post-pandemic legal landscape we all face.

It is timely as technology is most of the time developing faster than procedural and substantive laws which gives the incorrect appearance that the legal profession is being left behind.

It is relevant as it appears that the future of law which we've all envisioned way back during our law studies has suddenly arrived. That future which we all looked forward to is actually here.

It is likewise alluring as this theme undeniably has its pitfalls especially when technology and the anonymity of technology are used for unlawful and improper conduct. Despite its attractive uses, one must likewise be aware of its

potential harm.

With the cooperation and genuine desire of the Members of the Mauritius Bar Association for a technologically driven future of the legal profession, I am confident that the legal profession will not be left behind. Instead, it will be at the forefront to lead all of us to a newer and brighter future.

The Philippine Supreme Court led by the Honorable Chief Justice Alexander G. Gesmundo has began pilot testing of AI tools for courts in the Philippines. A welcome and much anticipated step to usher in this new era of the future of the legal profession.

With cooperation from our respective jurisdictions, lessons learned and best practices can be shared for further development of technology for the benefit of the legal profession in general, as well as for each legal professional in particular. With this, I am truly optimistic.

Wishing you a fruitful, meaningful, and productive Conference. My respectful regards again to the Mauritius Bar Association and its Honorable Council.

MESSAGE FROM **BEYOND THE BORDERS**



NATHAN COOPER

*Associate Professor
Te Piringa Faculty of Law
University of Waikato, Hamilton, New Zealand*

It is a privilege to contribute in a small way to this year's MBA Conference panel on International Law. As an academic lawyer and legal educator, I'm particularly interested in exploring law's new horizons, an interest which aligns with our conference theme, 'The Future of Law'.

In the coming years the challenges facing societies will continue to be considerable. Regional realignments and geopolitical shifts, driven in large part by climate change, will have implications in every sector of society, including close to home. Already, huge creativity is being deployed in engineering, architecture, industry, finance, food production, security, transport and many other areas of activity, to meet the present and coming climate-driven challenges of our heating planet. As lawyers, we need to be equally creative, flexible, and bravely imaginative. To the general public, law may not spring to mind as a creative endeavour, but that is exactly what it is and what it must be. Indeed, we are called to be 'legal imagineers' in each of our contexts.

Legal researchers must continue to push boundaries, not shying away from awkward questions, and continue to remind us that law is a social construct, which can be deconstructed and reconstructed to better serve social values and priorities. Recent adoption of the human right to a healthy environment, extension of legal personality to non-human entities including rivers, mountains and wilderness, and a complex variety of rights off/for nature discourses, all illustrate the considerable potential for law to be used in innovative ways and to powerful effect.

Legal practitioners must search out new and creative arguments to help reframe questions of obligations, rights, responsibilities, and remedies. In the field of climate change litigation, we can already see such brave imagination at work,

as old principles are repurposed, limitations on standing and legal personality are extended and developed, established distinctions between public/private, international/domestic, and present and future obligations all become more fluid. Also, it is apposite to emphasise the considerable ethical agency that lawyers have and to reconsider how professional obligations may better support an ethically responsible stance towards environmental harms.

Law students are at the forefront of this legal reimaginary enterprise, as they prepare to become the lawyers of an unpredictable future. So, legal education must quickly respond, providing opportunities and support for students to become confident and conversant with the science and policy around social and ecological exigencies, so that students and early-career practitioners can successfully navigate a legal landscape more interconnected, complex and ecologically-sensitive than ever before. We no longer have the luxury of teaching and learning environmental law as an optional extra. Rather, embedding climate change into all areas of law, including those traditionally seen as 'core' is urgently required. Inevitably this will generate thorny questions (can as yet unborn generations have human rights?; how can commercial contracts fairly apportion weather-event risks?; how might causation apply to harm from GHG emissions? Etc.). Law Schools needs to support 'integrative thinking' to help students better integrate the human laws they learn about with Earth's 'laws', systems, capacities, and boundaries.

Amid our quotidian busyness and routine, this year's conference encourages us to keep reimagining law's scope and potential, so that the future of law is the brightest and most inclusive it can be.

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09:45 – 11:00

PANEL 1

CIVIL LAW A GLIMPSE INTO THE FUTURE

This Panel will delve into the necessary reforms of substantive and procedural laws and the foreseen evolution of the court system. As we step into a new era, where the world is a global village and we seek inspiration from our innovative neighbours, the legal landscape is undergoing a profound shift, driven by economical, geographical and technological advancements as well as changing societal needs. This session will provide a unique opportunity to explore how these changes are shaping the future of civil law practitioners.

SESSION MODERATOR: **VARUNA R. BUNWAREE**

PANELLISTS:



ALAIN CHOO CHOY KC

Alain Choo Choy KC's practice covers the full range of company and commercial litigation, arbitration and advisory work. He has a particular interest in cases involving banking and financial services, civil fraud, jurisdiction, and conflict of laws disputes. Alain has experience at all levels of the High Court, including the appellate courts. In addition, he has appeared before the House of Lords (now the Supreme Court), the Office of the Rail Regulator, the Technology and Construction Court, the Grand Court of the Cayman Islands, the BVI Commercial Court and Court of Appeal, the Mauritius Supreme Court and in various commercial arbitrations governed under a variety of rules, both in England and abroad (in particular, Paris, Hong Kong & Singapore).

URMILA BOOLELL SC

Urmila Boolell S.C. is the founder and the Head of her Chambers. She is Lead Counsel in an array of complex matters. Junior Counsel in her Chambers are entrusted as part of a tightly knit working culture which involves servicing Instructing Attorneys to the highest level. Urmila's expertise of over 30 years in advocacy, is a testament of an ethos of tradition which is replicated throughout Chambers; that of delivering excellence to lay clients.



BARBARA MILLS KC

Joint Head of Chambers of 4PB, the leading Family Law barristers Chambers in the UK, Barbara Mills is a specialist family practitioner with an emphasis in Children cases. She is regularly instructed by Local Authorities and Guardians in complex care proceedings. In addition, she has extensive experience advising and acting for parties in private law proceedings often with an international element in the High Court. Barbara is an experienced family mediator, collaboratively trained counsel and offers Early Neutral Evaluation (private judging).

ALEXIS MERLE

Alexis Merle is a practising Barrister-at-Law. He is a member of the Honourable Society of Gray's Inn and was called to the Bar of England & Wales as well as to the Bar of Mauritius. He is also a Member of the Chartered Institute of Arbitrators (CI Arb). Since he qualified in January 2020, he started his own private practice, namely Merle Practice. Alexis Merle has served as the Registrar of the Mediation and Arbitration Center (Mauritius) Ltd ('MARC') since September 2021. He plays a pivotal role in ensuring the centre maintains state-of-the-art case management procedures and is also entrusted with the task of promoting and advancing the practice of mediation and arbitration on domestic, regional, and international levels.



THE FUTURE OF LAW



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14:30 – 15:45

PANEL 2

TOWARDS A WORLD WITHOUT JUDICIAL BOUNDARIES

Globalisation has bridged the distances between territories, both in terms of physical accessibility and virtual connectivity. This panel will discuss the evolutions and modern trends in different areas of international law and their relevance to Mauritius, including international human rights law, environmental law and maritime law. The aim is to encourage domestic law practitioners to consider the potential international law implications of cases before our domestic courts.

SESSION MODERATOR: **NATASHA BEHARY PARAY**

PANELLISTS:



RAJESHSHARMA RAMLOOLL SC

Rajeshsharma Ramlooll SC is the Solicitor-General at the Attorney-General's Office and the current President of the International Fiscal Association (IFA), Mauritius Branch. He is also a member of the General Council of IFA (Netherlands) and a Fellow of the Hon. Society of Advanced Legal Studies (London). He regularly advises the Government on legal aspects of financial matters and sits as the Vice Chair of the Financial Services Commission, and as an assessor of the OECD Global Forum, he has carried out tax transparency assessments in many countries on behalf of the Global Forum. Mr. Ramlooll took silk in 2016 and is Senior Counsel.

PRAMILA PATTEN

Under-Secretary-General Pramila Patten was appointed as the United Nations Special Representative of the Secretary-General on Sexual Violence in Conflict on 12 April 2017.

Prior to this appointment and since 2003, Ms. Patten served as a member of the Committee on the Elimination of all Forms of Discrimination against Women (CEDAW). She was the Chairperson of the Working Group on General Recommendation No. 30 on "Women in Conflict Prevention, Conflict and Post-Conflict situations". She has been a member of several High-Level Panels and Projects, including the High-Level Advisory Group for the Global Study on the Implementation of UN Security Council resolution 1325 (2000) on Women, Peace and Security, and the Advisory Panel for the African Women's Rights Observatory (AWRO) within the United Nations Economic Commission for Africa (ECA). She previously was a Commissioner of the International Commission of Inquiry into the massacre in Guinea Conakry on 28 September 2009. A national of Mauritius, she has been a practicing lawyer since 1982 and a member of the Honourable Society of Gray's Inn.



REMI REICHHOLD, International Human Rights Barrister

Remi Reichhold, International Human Rights Barrister specialising in public law and public international law, acting for and advising national governments, public bodies and police forces who has represented the Government of Mauritius in relation to the Chagos Islands. Remi Reichhold appeared with Professor Philippe Sands KC before a Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) on behalf of Mauritius in the Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives).

MYRIAM KHAIRALLAH, Counter Terrorism / Threat Assessment Expert United Nations Security Council

Myriam Khairallah currently serves as a Counter Terrorism / Threat Assessment Expert of the ISIL (Daesh)/Al-Qaeda/Taliban Monitoring Team at the United Nations in charge of the MENA region and the Arabian Peninsula as well as assisting in the terrorism financing and Foreign Terrorist Fighters (FTF) threat component. Until August 2021, she was a Senior Financial Analyst- Head of Section at the Special Investigation Commission for Fighting Money Laundering and Terrorism Financing (Lebanon's FIU). In this capacity, she has contributed in the implementation of actions taken by the Lebanese National Committee for suppressing terrorism financing. Ms. Khairallah holds a Master of Business Administration from the Lebanese American University. She is also CAMS certified and a Global Sanctions Specialist as licensed by the Association of Certified Anti-Money Laundering Specialists and holds an Executive Certificate in Public Leadership from Harvard Kennedy School of Government.



AI in the Courtroom - “a square peg in a round hole” ?

Co-authored by Satyajit Boolell SC & Nikhil Boolell

Earlier this year, in the case of Santander UK PLC v Carlin and Anor, His Lordship Simpson sitting in the Chancery Division of the High Court, was called upon to determine long rearguard action to home repossession proceedings for non-payment of mortgage. The action was brought upon by Santander bank against one Mr Thomas Anthony Carlin, a serving police officer of the PSNI. Mr Carlin opted to represent himself in this legal battle, as Litigant in Person.

A riveting point of the said dispute arose when Mr Calin, during an earlier stage of the repossession proceedings, was handed down an adverse ruling by Lord Justice Gillen sitting as the presiding judge. In courtroom protest, Mr Calin raised from his seat and approached the bench brandishing his PSNI warrant card. He thereupon threatened to arrest Justice Gillen. Incidentally, the Attorney General successfully prosecuted and secured a 3 month conviction against Mr Calin for contempt of court. The genesis of our interest though lies elsewhere - in the Court's appreciation (or not), on part of the evidence put forth by Mr Calin. The Judge had this to say:

His final submissions before me also refer to answers provided to a series of questions put by him to ChatGPT, criticising counsel, solicitors, and judges, and he prays in aid these answers in support of this case since they have been provided by AI which “does not have personal opinions, beliefs or feelings.” Sadly, ChatGPT seemed unable to recognise or correct the misuse by Mr Carlin in one of this questions of the phrase “cast dispersions” rather than “cast aspersions.”

The debate about the intrusion of artificial intelligence (AI) in the courtroom, and indeed in the legal world, is a very live one. That AI is here to stay and thrive, is beyond dispute. However, at the very root of traditional dispensation of justice is the sensorial element - the trial hearing, the demeanour of a witness, the appreciation of and weight of oral and visual evidence and the live exchanges between Bench and Bar. As

generative AI is set to encroach on this norm and redefine global trends in the legal process, law practitioners are bound to reinvent themselves, and find ways to become more relevant in their mastery of technology. The scene is set: If in Mauritius our caselaw research is principally geared on captive keywords from the Supreme Court govmu.org website, the wider accessibility of legal AI interface such as CoCounsel, Westlaw Edge or Lexis + sparks an ethical conundrum in the manner we are to dispense our duty as barristers. Will AI predict the outcome of a case or the sentence?

There is now a new fine line between assisting the Court and misleading it.

In a world dominated with a surfeit of touch button available information, the new challenge will be to streamline information for relevance. This is already being done for legal research but if AI is to take over, it will become urgent to expressly stipulate guidelines for practitioners on how generative AI should be used in assisting the court and avoiding miscarriages of justice.

About the authors:



Satyajit Boolell SC
Chairman Temple Group
& Senior Counsel



Nikhil Boolell
Barrister at Law



Address

Temple Court
2, Labourdonnais Street,
Port Louis, Mauritius 11413

Contact us

+230 212 9810
templegroup Holdings@templegroup.mu
www.templegroup.mu

16:00 – 17:15

PANEL 3

FUTURE-PROOFING CRIMINAL TRIALS: WHAT LIES AHEAD?

The future of criminal law is a constantly evolving landscape that is shaped by technology, ethics, and social dynamics. We will explore the challenges and opportunities that lie ahead, from the rise of cybercrime to innovative sentencing approaches. The transformation of how investigations and legal processes will henceforth be carried out is also a significant factor that will shape the future of criminal law. This discussion will also explore how technology and ethics intersect to redefine justice.

SESSION MODERATOR: **NATARAJ MUNEESEAMY**

PANELLISTS:



GAVIN GLOVER SC

Gavin Glover SC started practising law in Mauritius in 1985 and took silk in June 2010. As Head of Chambers and as one of the top litigators of the island, he has appeared in a number of high-profile matters and has a wide-ranging practice which spans from civil / commercial matters, to insurance, public procurement and criminal law. He is an active member of the Mauritius Bar Association and an accredited arbitrator of the MCCI Arbitration and Mediation Center.

RASHID AHMINE

Rashid Ahmine is the current Director of Public Prosecutions since December 2022 and member of the International Association of Prosecutors and Association of Certified Fraud Examiner. He was awarded the Prosecutor of the Year Award 2012 by the IAP for outstanding performance in the fight against crimes both domestically and internationally and in 2015 received another award from ARINSA (the Asset Recovery Inter-Agency Network Southern Africa) for his significant contribution in the field of asset recovery both in Mauritius and in the Region. Mr Ahmine has been a consultant of the UNODC on the implementation of an asset recovery network in Western Africa which is currently known as ARINWA (Asset Recovery Inter-Agency Network for West Africa).



LIBBY MCAVOY

Libby McAvoy, currently a Legal Advisor at Mnemonic since September 2020, graduated with a Doctor of Law – JD in 2020 from the Columbia Law School. Previously, she served as an Immigration Paralegal/Legal Assistant at Costa & Riccio, LLP (2015-2017). Following this, she held the position of Senior Fellow for Humanity in Action (May-July 2017) and worked as a researcher at the Columbia Law School Human Rights Clinic on the project ‘War Crimes in the Central African Republic’ (2018-2020). From 2018 to 2021, Libby served as a Video as Evidence Legal Fellow at WITNESS.

BORA ERDEN

Bora Erden, currently a Graphics Multimedia Editor at The New York Times since October 2023, earned a Bachelor of Science with honors (B.S.H.) in Cognitive Science from Stanford University in 2017, followed by a Master of Science (M.S.) in Computer Science in 2018. Bora began their career as a Research Assistant at Newsome Lab, Stanford School of Medicine, contributing from 2015 to 2018, and later at Sustainlab, Stanford University, from March to June 2018. Transitioning into the professional realm, Bora served as a Senior Researcher and Technical Lead at SITU from 2020 to September 2023.



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TESTIMONIALS

COLLECTIVE PERSPECTIVES ON SHAPING THE FUTURE OF LAW

This series encapsulates a collaborative effort within the legal community, where contributors from diverse backgrounds and expertise have come together to share their insights and analyses on the evolving landscape of law.

November 2057... This sounds a long way away.... What is for sure is that I will not be around anymore.... But beware I may come haunting you all from wherever I may be....

From here we are trying to address an issue that will happen then, which is: will the practice of the Law continue on the same terms and conditions as it currently is?

I am of the view that the substantive law will be based on the same philosophy that it has known so far with the caveat that it will need to evolve to suit the continuing change in the social, economic, environmental and political norms.

To my mind what will inevitably and drastically change will be the work environment. By then the male component of the profession will be reduced to a minimum, given the current trend. This will be in stark contrast with the prevailing situation in November 1989, when there was only 6 women practising at the independent bar.

Modern technologies will make further inroad in the manner in which trial and hearings are conducted. Covid -19 has



from Rodrigues). By 2057, such hearings are likely to be the norm. Albeit my reservations regarding whether this practice is indeed environment-friendly, the use of paper will be considerably reduced as the electronic filing of pleadings and communication between members of the legal profession shall not be limited to commercial matters. Witnesses will be called to give evidence virtually. In 1989, photocopying was a luxury, the Supreme Court Library did not even have a photocopying machine such that pupils were tasked to write down the outcome of the research conducted at the request of their pupil master and to carry to court the bounded copies of the cyclostyled copies of the Supreme Court judgments!

I must confess that I will not miss the practice of the law in this manner as I am a firm believer that the good and efficient practice of the law depends on the human touch, be it to bring comfort to our client, to confront the opponent and the witnesses or to maintain confidence in a reliable and sound justice system.

NARGHIS BUNDHUN SC
November 2023

been instrumental in favouring client conferencing via electronic platforms and remote hearings (which have so far been limited to hearings of chambers cases and hearing of undefended divorce petition



I had a DREAM that:

... My country would become one where the Rule of Law would be exemplary, fully respected and applied by one and all.

... My country and all its institutions would respect and worship our Constitution and the true spirit of the Constitution.

... My country would be one where human rights would be esteemed by all those in positions of authority.

... My country would have inhabitants who fully understand, not only their rights, but also their duties to each other and society.

... My country would have modern and updated laws which would be available and accessible through innovative channels to all citizens and stakeholders.

... My country would have a legal profession, where counsel would be proud of respecting the oath and affirmation of allegiance they took when being called to the Bar.

MARC HEIN SC,
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TESTIMONIALS

ZEESHAN RAJANI

The portrait of counsel entering the Supreme Court with big files in his hands or with boxes of files being carried for him may not be an unfamiliar scene. Now just imagine counsel having to attend the judge in chambers at 9.30 am, a case coming for merits at 10.30 am, and another one coming for arguments before the Master at 1.30 pm? He would most likely need a mini armada of helpers to assist in carrying the files!

But is this the future of the law? In the digital age that we live in, I expect more use of information technology and I imagine the above scenario as follows: That counsel connects by way of video conference to provide submissions in his case before the judge in chambers at 9.30 am, that he enters the Supreme Court with his laptop or tablet in his hands (which contains all his files and briefs in soft) as regards the case coming for merits at 10.30 am, and that he sends his written submissions or replies to queries from court by email in advance of his case coming for arguments before the Master at 1.30 pm.

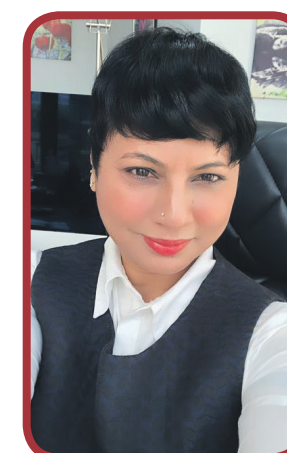


MANIN UTCHANAH

Artificial intelligence (AI) stands as a pivotal force in transforming legal service delivery not only in Mauritius but worldwide. AI's potential to analyse vast legal datasets will enable unprecedented access to case law and predictive insights, significantly reducing research time and improving accuracy. With tools like automated document analysis and intelligent legal assistants, practitioners will be able to offer more cost-effective, efficient services, democratising legal assistance for wider segments of society. AI's predictive algorithms are evolving to forecast litigation outcomes, assisting in more strategic decision-making. Additionally, smart contracts on blockchain networks promise to revolutionise transactional law, offering secure, automated enforcement of contracts. As AI integrates into the Mauritian legal sector, continuous learning and adaptation of law practitioners are paramount. By embracing these advancements, the legal profession in Mauritius will not only enhance the quality and accessibility of its services but will also maintain its competitive edge in the international legal arena.

BHAVNA BHAGWAN

"We all know that technology is evolving at a fast pace and the practice of law will reflect this. From the perspective of a criminal law practitioner, I think the future of law will be in the emerging areas of practice such as cybercrime. Already we can see that there are complex forms of cybercrime. The law will have to anticipate and cater for these evolving crimes to ensure justice is done. Law professionals would also need to adapt such that tomorrow's lawyers is more technology savvy."



DRUDEISHA CAULLYCHURN-MADHUP

In this transformative digital and AI-driven age, the legal profession has no choice but to adapt and understanding technology is paramount. The key to shaping "the future of law" lies in the seamless integration of approaches, strategies, tools, professional practices and the regulatory framework itself, with technology. Law students and young lawyers should lead the way as torchbearers into this new era and expand their skills beyond traditional legal boundaries. Legal tech is the harbinger of the future where legal, technological, and process expertise come together to address business challenges. By embracing concepts like "privacy by design" and "data protection impact assessments," a comprehensive and forward-looking information privacy framework can be developed, extending beyond individual privacy rights. Through such a nuanced intervention, the legal system can proactively guide and coordinate the various components and stakeholders within an integrated governance structure to ensure transparency, accountability, and legitimacy, which are essential components for the healthy flourishing of democratic governance.

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TESTIMONIALS

EMILIE DOGER DE SPÉVILLE

Asking the question to ChatGPT is likely to be the reflex of many lawyers in the near future... Research databases, contract analysis software and smart contracts are likely to be daily tools used by lawyers to face the ever-increasing exigencies of clients and stringent time constraints. Nevertheless, I am of the opinion that given the widespread availabilities of these tools, a truly good lawyer will distinguish himself by possessing not only a critical mindset and the capacity to thoroughly and accurately dissect intricate legal matters but also the interpersonal skills necessary for nurturing and maintaining strong client relationships based on trust and confidence.



ERIC RIBOT JR

Are we living in the past when we should be leaving the past? I have been practising in the courts of Mauritius for nearly 18 years and I have observed commendable advancements (the new building of the Supreme Court and the e-filing system being prime examples) and troubling stagnation (such as the lack of digitisation in our litigation system and the unfortunate state of our district courts). My hopes for the future of law in Mauritius hinges on a well-structured plan for innovation. We need a comprehensive 5 year transformation and modernisation plan! Reflecting on the United Kingdom's £700 million investment in its judicial system decided in 2015, it is evident that Mauritius also needs funding to propel our legal system into what should be its promising digital era. This involves both financial support and a comprehensive roadmap for strategic development. In an era where artificial intelligence is a reality, it is imperative that the Mauritius Judicial System benefits from both structural and technological advancements so as to embrace the future. Our legal system must be given the resources and guidance for leaving the past or it will run the risk of living in the past.

SHALINEE DREPAUL HALKHOREE

We are living in a VUCA (Vulnerable, Uncertain, Complex, Ambiguous) world where the only constant is change. The world we live in is technology driven and with it the needs of society is changing. Artificial intelligence will revolution legal research, contract review and drafting, by making it more efficient and accurate. Given the far-reaching nature of AI, one will need to understand the ethical implications of AI and data privacy which will necessitate robust regulatory frameworks. Blockchain technology will enhance smart contracts and dispute resolution will increasingly be done on platforms rather than in courtrooms. Additionally, a lot of emphasis will be laid on ESG issues requiring legal expertise. The legal profession will need to adapt to these changes. As the philosopher Alvin Toffler said "the illiterate of the 21st century will not be those who cannot read and write, but those who cannot learn, unlearn, and relearn."



ROBERT FERRAT

Les relations juridiques ne cessent de se complexifier, les avocats ont leurs meilleures années devant eux. Mais quels avocats ? C'est évident, ce seront ceux qui auront la maîtrise des outils technologiques, pour communiquer (c'est déjà le cas de nous tous) et pour analyser et rédiger plus vite. L'utilisation de l'intelligence artificielle sera aussi fulgurante que l'a été l'adoption du courriel pour remplacer la télécopie ou encore, dans le métier d'avocat d'affaires, l'adoption des Virtual Data Rooms en remplaçant des audits physiques dans les contrées lointaines. Nos clients estimeront que notre métier est devenu plus facile, donc que nos services devraient être moins rémunérés. Nous travaillerons hélas encore beaucoup plus, mais avec un nouvel outil qui nous fera améliorer notre « productivité ». La qualité qui restera essentielle sera alors la qualité humaine de communication, avec les clients, et avec les plus jeunes confrères et concurrents, pour les faire aimer nos métiers passionnants.

TESTIMONIALS

YAHIA NAZROO

Out of the several changes which could better shape the future of the legal profession in Mauritius, I have chosen to mention the following two:

1. With the advent of Artificial Intelligence (AI), there is a gradual build up towards an inevitable partnership between people and AI which will result in enormous opportunities to improve efficiency and manage complex work-flows and thousands of

documents more easily. Lawyers are definitely better equipped to deliver the legal and commercial demands of their clients within shorter time lapse. It is therefore imperative that this is followed up with an equal revamping of the legal process at every level and within all the institutions which are part of such process; and

2. The creation of a Court of Appeal is a necessity. The

Supreme Court ought to be divided into two: a Court of Appeal and a High Court. This will enable the judges exercising the appeal jurisdiction to focus on the development of the law and reduce the burden on judges whose workload consist of trial cases and appeal cases. The new Court of Appeal should consist of the Chief Justice, who will continue to be the Head of the Judiciary, the President of the Supreme Court and



the Court of Appeal section of that Court. The other judges should be the Senior Puisne Judge and the three most senior judges of the present Supreme Court.



ODILE OMBRASINE

Firstly, the increased use of software in commercial activities and employment situations may raise some arguably novel questions, e.g.:

- will part of the selection exercise be conducted by some form of programming? If so, how far can aggrieved persons validly access to or scrutinize the codes and programming to assess any possible bias or error, if any?
- is a statutory approach required with new legal instruments or will some existing principles be validly applied and/or extended.

Then, the MV Wakashio incident has given rise to some civil cases. Many principles set out in international conventions and their implementation may be canvassed and it will be of interest to witness how the Supreme Court will address these.

Although technology may be increasingly used for research and assessment, i.e. automatic, preprogrammed or checklist processing, there may be a counter trend for access to a lawyer who will be able to listen, weigh and assess. I believe this human interaction may become more sought after by a client.

ZAHRAA AUCHOYBUR

The integration of AI into legal domains raises concerns about the potential automation of many traditional legal tasks and roles. AI's proficiency in law review, contract drafting and analysis, and predictive analytics, could gradually erode routine but important legal functions, thereby altering the landscape of legal practice and transforming the roles of lawyers.

This evolution prompts a renaissance of the corporate lawyer profession, presenting an opportunity for us to redefine our roles as strategists, visionaries, and consultants rather than mere executors of tasks. It challenges us to enhance our expertise and cultivate a dynamic skill set extending well beyond the traditional legal purview.

For example, acquiring competencies in financial analysis, understanding fiscal implications and their integration into legal strategies, an adept grasp of economic principles, market trends, and how these impact legal frameworks, are becoming a key aspect of our evolving role.

By embracing this wider array of competencies, by leveraging AI's capabilities to elevate our expertise and offer nuanced and value-driven counsel, corporate lawyers can position themselves as invaluable contributors to a project's success, navigating the intersection of law and business with a holistic, humane and multifaceted approach.



MANNISH AJODAH

Part of the future is already behind us. We are presently living in a segment of yesterday's to be future. Those who are in their 40s or less young have seen the legal industry change drastically, and at an ever-increasing pace. A lot is discussed about Tech in general and AI in particular.

Generation gaps are shorter. Tech lifespans shorter still. Harnessing the opportunities which the present state of Tech and AI presently provides can be learnt. But what is more fundamental is to nurture

openness and readiness to the yet to be upheavals which are sure to materialize, in forms or demats yet unknown, displacing what we know or predicted.

The current state of Tech and AI will sooner or later be a thing of the past. The law will from time to time be adapted or changed by the legislator to meet future realities brought by the digital revolution. The question is how lawyers ought to be prepared to meet the macro challenges of the future.

THE FUTURE OF LAW



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A LAWYER FOR THE AGES – TIMELESS SKILLS WHICH MAY NOT BE SUPPLANTED BY AI

Change, they say, is the only constant. During my (few!) years at the Mauritian Bar, I have witnessed the profession going through several transformations. What was inconceivable merely years ago has now become entrenched in our daily realities. The COVID-19 pandemic has catalysed our reliance (dependence?) on gadgets and software, potentially propelling us further along on the timeline to Homo Deus. As society transforms, so should law and legal practice. There is no denying that our profession is going to evolve with technological advances; generative artificial intelligence (AI) may no doubt become an indispensable tool in your daily lives (whether it does in mine is a debate I will leave for an in-person discussion).

The question we have to ask ourselves is whether, in this maelstrom of (r)evolution, there are some aspects of our profession which will (or which should) remain unchanged. I would like to think that this is the case. In fact, this may be my most earnest wish for my profession. The core of what will/should remain unchanged is the skills which are/should be inherent to our role as Counsel. I shall consider two such skills.

The first such attribute which comes to mind is a corollary to the overriding duty that we owe to the Court, namely critical thinking, nuanced judgment and attention to details. There was a time when legal research involved going to the library of the Supreme Court, ruffling through the index drawer to find the location of a book or encyclopedia, and extracting the said book or encyclopedia to read through pages in the hope to find one line which may support a legal argument we wished to make. The process would take half a day when we were lucky. For some time now, legal research is being conducted through search engines, in legal databases, which still necessitate some reading and collating of different sources, made easier when you use CTRL + F (for those of my generation, this is the "commonly known" search function). I am told ChatGPT now takes care of regrouping these different sources to give you one comprehensive answer.

Access to information has thus streamlined the process, making legal research less time consuming. However, with this, comes the temptation to use shortcuts, jump on search terms and take sentences and paragraphs out of context. A recent incident in the United States where a lawyer relied on ChatGPT to do legal research, resulting in him citing cases which do not exist, amply exemplifies the pitfalls of overreliance on technology and comes as an early warning bell. In such times, critical thinking, nuanced judgment and attention to details are more important



than ever as they constitute necessary attributes to ensure that we do not mislead the court on applicable legal principles. It is important for us to bear in mind at all times that AI can generate an answer. It will be up to us to ensure that this answer is indeed the correct, reliable answer which we are comfortable to present to the Bench.

The second skill which comes to mind is emotional intelligence (EI), and more specifically empathy. Dispute resolution lawyers, by the inherent nature of their work, face different sets of people: Judges/Magistrates, court officers, fellow barrister, clients, witnesses, and the opposing parties. Examination-in-Chief requires a different approach to cross-examination and each examination in turn has to be modulated to the witnesses' reaction. A barrister is thus required to adapt his examination style on his feet. Interacting with different personalities necessitates EI which AI may not yet be fully equipped with. Maybe it will in a far down the line, but for the foreseeable future, the human touch will still be relevant in the exercise of our "trade" (term not intended to be relied upon by local authorities to levy the contentious fees.)

The continued relevance of the human input to the exercise of our profession is suggestive that technology, including AI, are tools that will increasingly facilitate our work, but AI is unlikely to replace us altogether.

P. MAXIME SAUZIER SC

Head of Dispute Resolution - ENS Africa (Mauritius)





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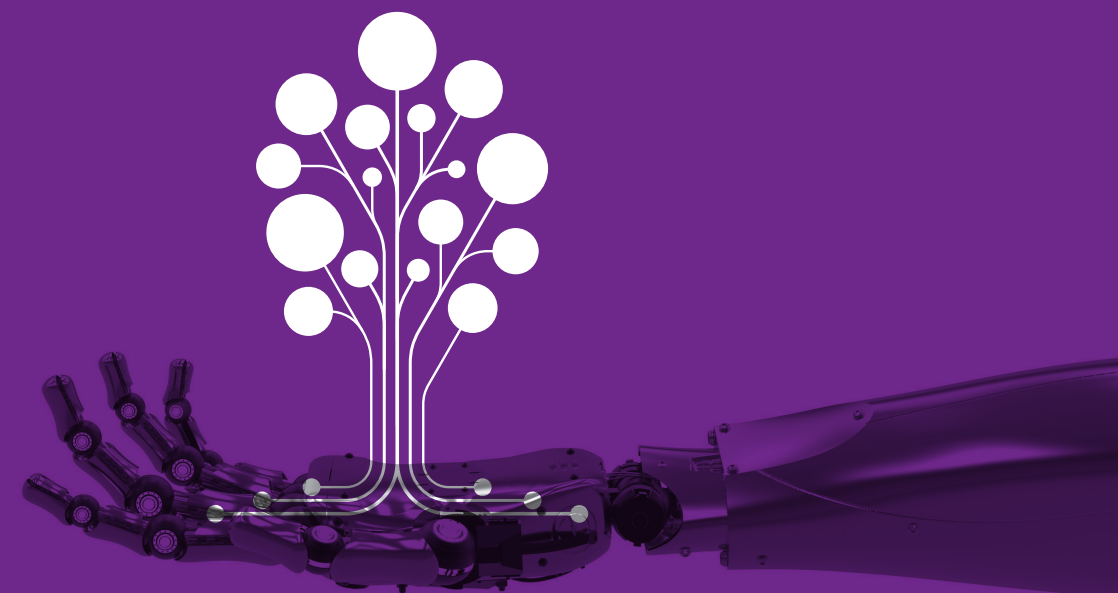


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Nitish Hurnaum

Partner – Mauritius office

T: +230 211 0550 M: +230 5256 2688
nitishhurnaum@
eversheds-sutherland.mu



Yannick Fok

Partner – Mauritius office

T: +230 211 0550 M: +230 5258 8398
yannickfok@
eversheds-sutherland.mu



Michael Hough

Partner – Mauritius office

T: +230 211 0550 M: +230 5726 3941
michaelhough@
eversheds-sutherland.mu



Jean-François Boisvenu

Partner – Mauritius office

T: +230 211 0550 M: +230 5423 6725
jfbaisvenu@
eversheds-sutherland.mu

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A CASE FOR JUDICIAL ACTIVISM AS A COMPONENT OF THE FUTURE OF LAW



Yahia Nazroo

"I set aside the application for an interim order with costs"; this is often the unfortunate result for an applicant who has sought an urgent ex parte remedy before a Judge sitting at Chambers. This article considers whether such an unsuccessful applicant who feels aggrieved by such a decision of the JiC is entitled to an urgent remedy without it having to resort to a lengthy appeal. We argue that an affirmative answer is possible through judicial activism, a tool which is set to become an important component of the future of law.

OPTION 1: AN APPEAL

An aggrieved applicant no doubt has a right of appeal to the appellate jurisdiction of the Supreme Court under section 69 of the Courts Act 1945. The scope of this right was considered by the Judicial Committee of the Privy Council (JCPC) in the case of *Cono Cono and Co. Ltd v Veerasamy & Ors* 2017 UKPC 11 as being limited to situations where the JiC is exercising his original jurisdiction. A right of appeal may also lie to the Court of Civil Appeal under section 3 Court of Civil Appeal Act 1963 (CCAA) in certain circumstances, with leave of the court in specific situations.

An appeal is, however, a lengthy process which is often not compatible with the urgency underlying an ex parte application. The issue then is whether there is an alternative available under our laws.



Dylan Mannikum

OPTION 2: A SIMILAR PURPOSE APPLICATION?

Section 6 CCAA which provides that:

"Where an ex parte application has been refused by the judge, an application for a similar purpose may be made to the Court of Civil Appeal ex parte within 10 days from the date of the refusal or within such enlarged time as the judge or the Court of Civil Appeal may allow."

has recently found favour with aggrieved applicants. The question that arises is, can section 6 CCAA be relied upon for all types of ex parte applications (which have been refused /set aside by a JiC)?

Although section 6 CCAA refers to "the judge", there is no pronouncement on which judge is referred to in that section. The construction of section 6 was made a live issue in *New Goodwill Co. Ltd vs Tan Yan* 1977 MR 186, but no specific pronouncement was made on it. Subsequently, in *Bissessur v Irrigation Authority* 1993 SCJ 170, the Court of Civil Appeal observed that: "under section 6 of the Court of Civil Appeal Act, the Court of Civil Appeal may only entertain an ex parte application where such an application has been refused by the Supreme Court consisting of a Judge sitting alone."

A string of subsequent authorities confirmed that the Court of Civil Appeal has the power to entertain similar purpose applications under

section 6 CCAA where a JiC has set aside an ex parte application.

In 2010, in the case of *Joseph MBOKOTWANA v The Commissioner of Prisons* 2010 SCJ 310, an important limitation was introduced to the scope of a similar purpose application under section 6 CCAA when it was held that an application under section 6 ought to be limited to situations where leave had been refused by the Judge sitting alone in the exercise in Court of his original civil jurisdiction under section 3(2) CCAA in relation to (a) an order as to costs only; (b) an order made by consent of the parties; or (c) an interlocutory judgment or order. The Court nevertheless (likely because of the exceptional circumstances of that case) determined the application, setting it aside with costs.

Section 6 CCAA has been invoked to make similar purpose applications against decisions refusing (i) to grant injunctive relief; (ii) leave for attachment proceedings; (iii) Mareva injunction. All these cases show a willingness of the Court of Civil Appeal to entertain the similar purpose application and to review the merits thereof, resulting in the interim order being granted in two recent cases, namely *Gokhool v DBM* and *Stanford Asset Holding Ltd v Keystone Properties Ltd*.

WHAT IS A SECTION 6 SIMILAR PURPOSE APPLICATION?

The approach adopted by the Court of Civil Appeal suggests that an application under section 6 of the CCAA is akin to a review of the decision of the JiC taken on an ex parte application. That review would yield one of two outcomes:

- (i) a confirmation of the decision of the JiC setting aside the first ex parte application by the setting aside of the section 6 application; or
- (ii) the issue of the urgent remedies prayed for in the first application with an order directing the JiC to consider whether to discharge the interim order or make an interlocutory order after having heard the parties on the merits of the application.

Does the section 6 application amount to an attempt to circumvent the appeal mechanism under section 69 of the Courts Act 1945 or section 3 CCAA (whichever is applicable)?

On the one hand, the attempt to limit the scope of section 6 CCAA as favoured in the case of *MBOKOTWANA* (Supra) can be justified by the rationale of avoiding the Court of Civil Appeal being inundated with similar purpose applications for anything, including for example, the refusal of JiC to grant an ex parte application for a provisional custody.

On the other hand, a second school of thought favours the approach adopted in *Gokool* (Supra). The argument in favour of this approach is that there must be a mechanism available to aggrieved

parties where the situation calls for the urgent intervention of the Court to protect their rights after a JiC has 'wrongly' set aside an ex parte application which ought to have been granted/successful. That argument is buttressed by the fact that the Court of Civil Appeal is not sitting on appeal of the decision of the JiC but merely 'reviews' that decision 'in the interest of justice'. The wider considerations of justice therefore underlie the second school of thought.

A THIRD OPTION?

What then can an aggrieved party do to obtain a rapid remedy against the decision of the JiC rejecting his application? The aggrieved party must necessarily appeal the decision of the JiC on an ex parte application under sections 69 and 76A Courts Act 1945 and make a motion to the Chief Justice for that appeal to be scheduled for an extremely urgent hearing. While this approach may be interesting in theory, the reality is likely to be that a respondent may raise an object, resulting in further litigation, more legal costs and a ding-dong battle with no immediate resolution, thus defeating the purpose of an urgent hearing of the appeal. Rushing to a section 6 CCAA similar purpose application may result in a challenge that the scope of section 6 does not cater for the Court of Civil Appeal to revisit (or review) the decision of the JiC on an ex parte application.

In our rapidly changing world the task of judicial renovation has necessarily increased. In other words, the courts are called upon to engage in the process of adjusting the law and legal process to evolving conditions. In so doing they create a new system which will presumably be more adapted to the principles of social welfare than the one it displaces.

With increasingly more ex parte applications being set aside rather than summons being issued, there was an urgent need for an urgent recourse to be obtained by those whose applications had merits. The recent judicial activism in matters dealing with section 6 CCAA seems to suggest that the Court of Civil Appeal has created sufficiently robust precedents to ensure that justice prevails for deserving applicants.

The law must adjust itself in a changing environment and in the end, is it not the duty of the courts to keep the law up to date by a continual restatement.

The Future of law is thus, at least in part, judicial activism.

YAHIA NAZROO

Partner and Head of Dispute Resolution
Appleby

DYLAN MANNIKUM

Associate, Dispute Resolution
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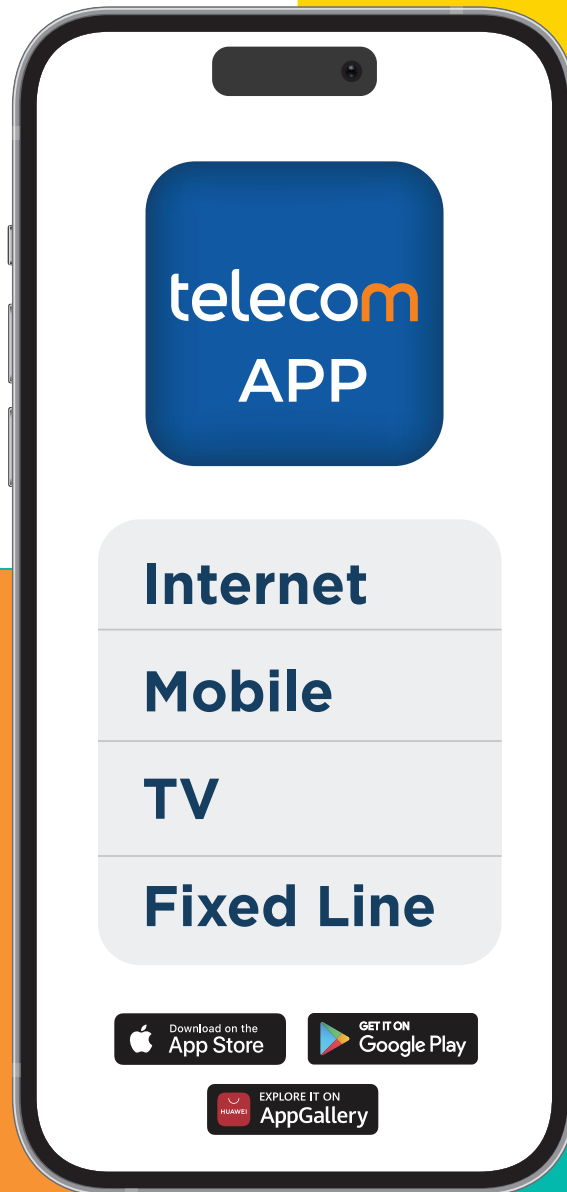


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MAURITIUS BAR ASSOCIATION

The Mauritius Bar Association is a professional body corporate formed under the Mauritius Bar Association Act 1957 pooling together around 1000 barristers (private practice, in-house and State Counsel) in Mauritius. It sits on the 4th floor Court View Building Pope Hennessy Street in the Capital City of Port-Louis. The seat of the MBA represents a convivial and welcoming meeting place cum library where barristers, both junior and senior, unwind and exchange ideas about the legal profession at large in a spirit of comradeship. The statutory objectives of the Mauritius Bar Association are, amongst others, to safeguard, maintain and promote the interests of the Mauritius Bar, to uphold the honour, dignity, reputation, and independence of the profession, to further the interests of its members in connection with the practice of their profession, to improve the administration of justice in Mauritius, to promote and support law reform and to maintain the observance of professional conduct and etiquette.

The aims of the MBA are:

- to safeguard, maintain and promote the interests of the Mauritius Bar;
- to uphold the honour, dignity, reputation and independence of the members;
- to further the interests of members in connection with the practice of their profession;
- to encourage the study of jurisprudence and legal education;
- to improve the administration of justice in Mauritius;
- to promote and support law reform;
- to maintain the observance of professional conduct and etiquette;
- to further good relations between (a) the branches of the legal profession; (b) the Mauritius Bar and members of the public and (c) the Mauritius Bar and members of the legal profession in other countries;
- to safeguard the right of access to the courts of Mauritius for members of the public and their representation by counsel before such courts and other tribunals;
- to consider affiliation to any similar association or society in the United Kingdom and the delegation of representatives of the Association thereto; and
- to consider any action to be taken against any barrister for breach of professional conduct and etiquette and its notification to the Attorney-General.

BAR COUNCIL ELECTED MEMBERS 2023

Chairperson: **Priscilla Balgobin-Bhoyrul**
Secretary: **Bishan Ramdenee**
Treasurer: **Aguelele Virginie Carolyn Desvaux De Marigny**
Member: **Harry Bansropun**
Member: **Roobesh Ramanjooloo**
Member: **Natasha Behary Paray**
Member: **Nikhil Boolell**
Co-Opted Member : **Navina Parsuramen**
Co-Opted Member : **Jean Michel Ah Sen**
Co-Opted Member : **Yatin Varma**

CONTACT DETAILS:

Mauritius Bar Association
(+230) 213 9130
mba@mba.intnet.mu
4th floor, Court View Building,
Pope Hennessy Street, Port-Louis – Mauritius
www.mauritiusbassociation.com

2023 **IN REVIEW**

ADVOCACY

February & March 2023 :
**TALKS ON CRIMINAL ADVOCACY
& GENDER EQUALITY**



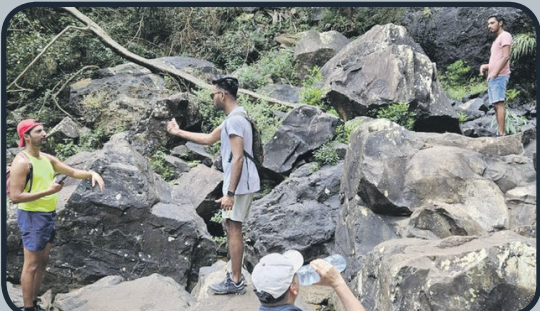
SPORTS

July 2023 :
**FOOTBALL TOURNAMENT
AT THE RACING CLUB**



2023 **IN REVIEW**

October 2023 :
MARE AUX JONCS TRAIL



SOCIAL June 2023 : **BLOOD DONATION AT THE MBA**



WORK-LIFE BALANCE July 2023 : **HAPPY HOUR AT HENNESSY PARK WITH TMLS**





OUR VISION

To be the premier provider of audit, tax, and financial advisory services, recognised for our commitment to excellence, integrity, and innovation, while fostering lasting client relationships and contributing to the success of businesses worldwide.



OUR MISSION

To empower businesses and individuals to navigate the complexities of finance with confidence. We achieve this by delivering comprehensive and innovative solutions, guided by the highest standards of professionalism, accuracy, and ethical conduct.



OUR VALUES

We uphold the highest standards of integrity in all our dealings. We are committed to honesty, transparency, and ethical conduct, fostering trust and confidence among our clients, employees, and stakeholders.



OUR SERVICES

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- Statutory Audit
- Tax Planning
- Filing of Tax / Annual Returns
- Compliance Management
- Advisory & Consultancy Services

To Domestic Companies:

- Preparation of Business Plan
- Financials Structure Set-up
- Preparation of application for Loans / Financing
- Book keeping & Accounting Work
- Debtors Management & Follow-up
- Company Administration
- Audit Assurance
- Preparation & Filing of Tax / APS / VAT Returns
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- Corporate Governance and Risk Management
- Due Diligence Exercise

Contact us

Hillgate Place,

8 Nahaboo Solim Street, Port Louis

T : + 230 213 28 88

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