

Report on the St. Petersburg International Legal Forum 2018

Dates: 15 -18 May 2018

The St Petersburg International Legal Forum, which was founded in 2011 is a unique annual international conference and organised under the support of the Ministry of Justice and the President of the Russian Federation. It brings together leading minds of the international legal community to discuss a broad range of urgent contemporary legal questions. Detailed information on its activities may be accessed at its website, <https://splegalforum.com>

South Africa was represented at this year's forum by Justices Zondi and Tshiqi and President Maya. The Forum was attended by approximately 4502 delegates from 90 countries including 95 official delegations headed by Ministers and Deputy Ministers of Justice, Presidents of Supreme and Constitutional courts and Chairmen of international organizations, the organised Legal Profession, Academics, Economists and Religious leaders. There were representatives from the judiciary from other countries in Africa and we met and liaised briefly with representatives from Sudan, Zambia, and Zimbabwe. The judiciary in Egypt, Algeria, Morocco, and Mauritius was also represented.

The first day was dedicated to a Conference of the Constitutional Court of the Russian Federation. We could not attend the conference because participation was by invitation only and the South African delegation was not invited. We were however delighted to attend the awarding ceremony of the Laureate of the 2018 St. Petersburg International Legal Forum Private Law Prize, which took place in the evening. This highly competitive global academic prize is aimed at recognising the highest academic class of the winner, while its financial component is intended to help with the implementation of research ideas of international importance. A list of leading law schools and R&D research centres had been drawn up and deans of legal faculties on five continents had received invitations to nominate academic works. We were ecstatic to learn that three South African Universities: University of Pretoria, University of Cape Town and Wits University were nominated, but a bit disappointed that they were not shortlisted. In our discussions with some of our African counterparts we thought that this is an initiative which Africa could copy for its universities to give all our students a fair chance to compete intellectually.

The main Forum, which started on 16 May was hosted at the General Staff Building of the State Hermitage Museum. There were approximately 90 simultaneous sessions covering different areas of the Law: International Law, Rule of Law, Competition Law, Corporate Law, Intellectual Property Law, Sports Law, Law of Insolvency, and Criminal Law. The golden thread running through most of the presentations related to digitisation of court services. There were specific high level discussion sessions concerning the following, which we identified as relevant

sessions to our jurisdiction and accordingly attended: Criminal Law in relation to Economic offences; Debates on relations between States, Society and Religious organisations; New trends in Housing Development, Financing and Mortgage Lending; Patent expertise from Monopoly to Competition; State and Business Partnership or Opposition? Criminal Law Aspects; Alternative Dispute Resolution and Digital Justice, Bankruptcy as the problem of Creditors.

President Maya was invited as a panellist on a seven member panel during a Law of Insolvency session on 'Trends in the development of legal regulation of bankruptcy'. The main focus of her paper was cross-border insolvency.

There was a cultural programme which culminated in a gala dinner on 18 May.

Apart from the formal programme we had the opportunity to visit various historical sites both in St Petersburg and Moscow. A representative from the South African Embassy, Mr Henry Shorth, welcomed us on arrival in St Petersburg, chaperoned us during our tour of Moscow and saw us off upon our departure back home.

In Moscow, he took us to the Novodevichy Cemetery or Heroes Garden of Remembrance where the remains of many famous Russian and international figures, including South Africans, are buried. There, we laid wreaths on the graves of South African heroes, Mr J B Marks, Mr Moses Kotane and "the Unknown Soldier". We also visited the Kremlin aka the Red Square where we watched the change of guard ceremony and thereafter visited Lenin's tomb. Interestingly, we were informed that President Putin, based on ideological grounds, has motivated for Lenin's burial which has sparked a heated debate in the country. We expressed our own different ideas about whether revered leaders ought to be embalmed and kept in state indefinitely or buried. The highlight but sad event of the day was a visit to the Novodevichye, Cathedral of Christ where President Maya suggested that we should join our colleagues back home in spirit and pray in remembrance of our brother Bosielo whose funeral was being held on that day. The visit and photographs taken during the tour are documented in the South African Embassy website.

Conclusion

The Forum was informative and beneficial. The discussions during the session on the relationship between states, society and religious organisations resonated with our own situation. One of the interesting debates took place in the session on the challenges found in the relationship between the State, Religion, and Society. Several religious leaders addressed the challenges posed in the global sphere by the unfettered exercise of the right to freedom of religion in the context of terrorism and other forms of criminality. They highlighted the fact that religion is sometimes abused in the sense that certain cults masquerade as religious groups and commit crimes against humanity under the guise that they are following biblical

teachings. We shared the tragic details of the recent Ngcobo, Eastern Cape Seven Angels Church massacre as just one tragic incident where society had foreseen and warned the government about but could not be prevented because of the cult members' right to freedom of religion. Reference was also made to the Muslim fringe terrorist groups and their terrorist activities and all the panellists agreed that in certain instances a breach of Constitutional rights may be justified if the objective is to protect public interest. The general consensus was that this is an international complex problem but that the most effective approach to deal with this kind of abuse has been to prioritise public interests against individual interests.

The sessions on Criminal Law in relation to economic offences, Relationship between criminal justice responses to terrorism and international law, Alternative Dispute Resolution and Digital Justice, Bankruptcy as the problem of Creditors were also highly beneficial. The Chief Justice of Russia also addressed the Forum. The theme of his paper was fairness, rationality and reasonableness. He expressed the view that fairness results from rational and logical reasoning. His paper was however dedicated to relations between Russia, Britain and United States of America. He lamented the fact that based on recent developments fairness as a standard to assess the conduct of a state was no longer used. Instead there is a growing trend these days to act on the basis of suspicion created by the mass media through falsification of information to influence public opinion.

The general observation was that the focus of the discussions was Europe although there are many areas of commonality with other jurisdictions, including South Africa. The language mostly used was Russian, with English and Russian translations. We wondered whether Africa as a region would not benefit from having its own Continental Legal Forum that focuses on issues peculiar to the African region.