

## **JLOS WEB NEWS EXCLUSIVE**

### **INTERVIEW WITH JUSTICE MOGOMOTSI MOLAHLEHI AT THE NATIONAL LEGAL AID CONFERENCE, SPEKE RESORT MUNYONYO OCTOBER 28, 2011**

The Justice, Law and Order Sector in partnership with Justice Centers Uganda held the 1st National Legal Conference at Speke Resort Munyonyo on October 27-28, 2011. JLOS WEB NEWS (JWN) had a chat with **JUSTICE EDWIN MOGOMOTSI MOLAHLEHI** - Deputy Chair of Legal Aid Board South Africa who was a conference guest speaker on the subject 'Implementing the Constitutional Right to Legal Aid - The South African Experience'. Justice Molahlehi spoke to JWN's [Edgar Kuhimbisa](#) and [Diana Natukunda](#) in this exclusive interview.



*L-R: Justice Molahlehi speaking to Edgar Kuhimbisa during the Interview (Source: JWN)*

**JWN:** We are on the sidelines of the Legal Aid Conference at Munyonyo hosted by the Justice Law and Order Sector in conjunction and in partnership with the Justice Centers Uganda. We have had a great day of discussion today on this particular subject of legal aid and right now we have a very important personality, a visitor the Justice Law and order sector, Justice Mogomotsi Molahlehi - Judge of the Labor Court and Deputy Chairperson of Legal Aid Board South Africa. We are very happy to have you here your Lordship.

**Judge Molahlehi:** Thank you sir. Thank you very much.

**JWN:** You have been very successful in South Africa as far as legal aid is concerned. Briefly tell us: What has been your story?

**Judge Molahlehi:** Okay, well just to correct the name, we used to be called Legal Aid Board. We have since as part of our strategic plan and branding the organization changed our name to Legal Aid Board South Africa. As I mentioned in my presentation early on, the Legal Aid Board South Africa derives its mandate from the Legal Aid Act of 1969 now if you look at that Act, it was passed during the apartheid era. So with the introduction of the new constitution in 1996, we faced some challenges in terms of how we were going to implement that particular act in terms of changing the mindset because it was founded on a different basis by those who conceived legal aid. But we have successfully turned around the tide in terms of the strategies and the plans we have put in place to ensure that ordinary people in the country that qualify for legal aid in terms of the constitution do have access to the courts. The Board consists of a number of stakeholders that are dedicated and committed to the very concept of access to justice and I need to mention that in terms of the operations thereof, our success can only be attributed to the most efficient and dedicated administrative staff led by Mrs. Vidhu Vedalankar.

**JWN:** What are those key challenges you have experienced in your journey to having a highly regarded and widely successful Legal Aid Program in South Africa?

**Judge Molahlehi:** Well, the first challenge as I said is that we initially operated on an Act which was conceived on the basis of what was slightly different to what the constitution wanted. The challenge at the time when the board was transformed was the fact that legal aid was initially seen as a kind of a welfare,, discretionary service that the government could provide and was really based on racial objectives. But the other challenge is that as the new government came into office, the people who were sitting in that board were unrepresentative of the population. The understanding of what access to justice really is was totally different and accountability, governance requirements were not in place.

The administration was in total chaos and that is why government and the stakeholders took a decision to transform the legal aid board. The board put in place a succession plan which saw Judge (Dunstan) Mlambo taking over the Chairmanship and showing continuity in terms of the ideas, in terms of understanding the culture and in terms of understanding the problems previously experienced and ensuring that the previous mistakes were not repeated.

South Africa is a very dynamic society where people understand their rights and where the democratic principles are becoming so entrenched that in everything that you do you have got to make sure that you are accountable and I think that is where the success of our Legal Aid Board comes from. Accountability is core to the operations, to the policy formulations and to the strategic development of the direction the organization is taking. And if I may also emphasize, in terms of succession planning we are not only looking at the Board alone, we actually are looking at the organization overall that includes succession planning in terms of administration and in terms of staff.

One of the other strength that we derived from the transformation process was to place a significant value on the staff of the organization. They are the most important capital asset we have in the organization so that is why we are able to deliver our work under tremendous pressure. Today, we heard some of the presenters talking about the pressures your staff have and it is not really different in South Africa. Our staff work long hours, they have to walk from

one place to another and they have to prepare, consult - all those things done by one person at times and ensuring that the machinery of the organization functions.

**JWN:** I get the impression that we have a lot of stories that are common to both our societies. Uganda is in the process of drafting a Legal Aid Policy, what can we learn from you?

**Judge Molahlehi:** Okay, well as I said in the morning (during the Legal Aid Conference opening Session), the material conditions of the two countries may in certain respects be different. We developed our experience and implemented ideas based on the oppressive system that we previously had - guided now by the new constitution that dictates and directs us towards ensuring democratic processes and values are respected. I think if I am to share with you something that I think you may learn from us is once your policy has been developed I would assume that it would have to become a White Paper, lead to legislation and then becomes an Act. The Act is produced and the Act requires you to put in place an entity maybe similar to ours or slightly different to ours. The one key aspect is making sure that when you appoint people to the (Legal Aid) Board, you appoint people that are not only credible but highly ethical and committed to the work that they will be doing.

**JWN:** How have you been able to change the attitude of advocates towards legal service aid provision since it's done on pro-bono basis?

**Judge Molahlehi:** I think those in leadership have to lead by example. The starting point is the chairperson of the organization. He has got to prove him or herself to be committed to the work. The administrative head who is also the CEO must also be exemplary such that people can see that they are working as a team in terms of the work that they are doing. You have got to have a very strong management team united in one purpose and no other purpose but that of accepting that your staff is your most important capital and therefore according them all the logistical support they need.

**JWN:** We all know that information drives everything we have around us. As we offer services to the public we need information; we need to let people know what they are really entitled to and how this system works. What do you think is the role of public information campaigns and information dissemination as far as legal aid service provision is concerned?

**Judge Molahlehi:** We have had ten years of a clean record in terms of reporting to parliament, reporting to the South African public and we are generally accepted as the leader in public service provision and by all stakeholders at higher levels. The one important aspect is reaching the very clients that you are providing services to. The question of information is very critical. It has clearly emerged from the conference that we need to have in place a clear strategy in terms of how we are going to share information with an ordinary person on the ground to appreciate and understand that a legal aid provider lawyer is a professional lawyer like any other lawyer and will provide quality service to them. If I may share with you, recently we ran an advert on television to try and raise awareness about some of the services that we provide to the people particularly the Toll free call centre that we have developed where the public can interface with our staff on the subject of legal aid. It is proving to be a very effective communication tool.

**JWN:** What do you think about the 'Bringing Justice Home' documentary that was premiered today?

**Judge Molahlehi:** The film is really a powerful experience. It seems to call upon the audience take down those stories and reflect on the role of Legal Aid for example with many of the cases being solved out of court through Alternative Dispute Resolution (ADR) thanks to the great skills of the Justice Centers Legal professionals. I watched them involved in mediation, negotiation and to a very large extent counseling clients about their rights and getting the two families or the groupings that were fighting to then accept that there is a need for mutual coexistence and that the rule of law is an important instrument for resolving disputes.

**JWN:** It has been a pleasure having you here Judge Molahlehi and we look forward to having a more fruitful time with you during the coming days of the conference.

**Judge Molahlehi:** Thank you. Thank you very much.

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[\\*\\*See the Interview Pictorial below](#)

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## IN PICTURES

