**Welcome remarks by Justice Kollapen, the Chair of CALRAS on the occasion of the CALRAS Conference held in Goa India on the 4 March 2023**

At the outset let me offer my apologies at not being able to attend this important conference. We are currently in term and getting away from the busy Constitutional Court of South Africa is indeed difficult - I am however with you in spirit. I am particularly disappointed that it was not possible to travel to India given my historical connections to that amazing country. My ancestors were brought to South Africa in the 1860s as indentured labourers and upon the expiration of their contracts elected to remain and make South Africa their home.

The work and activities of CALRAS were dealt a serious body blow with the restrictions brought about by the COVID-19 pandemic and while working remotely held benefits for some, it created formidable challenges for others. If I recall our last opportunity to meet was in Livingstone, Zambia in 2019.

I do hope that we can, going forward, collectively ensure that CALRAS can continue to play the role contemplated for it when it was first formed. In my mind principal amongst those objectives was the idea that we could share best practice with regard to law reform and consider approaches to new challenges in law reform brought about by the rapid changes in technology, medicine, science and the environment.

Ours is a rapidly changing world and in this the year we celebrate the 75th Anniversary of the Universal Declaration of Human Rights, our world is still characterized by massive inequalities, enduring injustice and growing human insecurity. Democratic societies founded on the Rule of Law and a commitment to peaceful change face the significant challenge of how the law can be deployed in the pursuit of social justice. This is not a revolutionary proposition but rather one that flows from the increasingly accepted contention that democracies come to be judged by the dividends they are able to deliver in improving the lives of people.

This creates both the opportunity and the challenge for meaningful and effective law reform and law reform agencies across the world grapple with this daily. At the level of opportunity law reform agencies are seen as the focal point of law reform and properly resourced with sufficient levels of organizational and operational independence can lead the law reform debate.

Of course the issue of independence is not an easy one and even as we accept that there is no such thing as absolute independence, having the necessary independence to undertake and propose effective law reform without executive or legislative interference or indeed interference from civil society is important both for the law reform proposals that is produced as well as the legitimacy of the law reform agency.

A further challenge is the perennial problem is that of time. Effective law reform is deliberative, consultative and intensely researched and this of necessity takes time. On the other hand, the legitimate demands of society may see time as being of the essence. There is a clear need to find a suitable via media between these equally valid considerations if law reform agencies are to continue remaining relevant.

An additional challenge is that law reform agencies are often caught between proposing law reform that may represent best practice but may be difficult to implement either on account of capacity constraints or financial constraints. Again, finding the right balance between what is ideal and what is achievable is important and in SA we have in the work of the Law Reform Commission introduced a requirement that all proposed legislation be evaluated independently from a costs and implementablity perspective. We have found this to be extremely useful.

Finally, we marvel at the incredible strides made in technology, genetics, access to information and connectivity. They have reconfigured how we live and work and how we construct relationships and families. Our notions of creation, of birth and of death have all been subject to change. These changes have evoked strong and robust moral, ethical and legal debate and for us in the law reform community. It has created the challenge of how the law responds to those changes that many see as inevitable.

All of these represent weighty but insurmountable challenges which we are required to meet and our experience will also enable us to meet them effectively. However, working together as members of CALRAS there is much we can share and learn from each other with regard to many of these matters. I appeal to you to consider practical ways in which we can foster greater co-operation in the CALRAS family, sharing our experiences, our successes, our challenges and our setbacks.

I conclude by wishing you well on the rest of your deliberations.

**Justice Jody Kollapen**

**Constitutional Court**

**South Africa**

**27 February 2023**