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Communique of the 20th Annual Conference & General Meeting (AGCM) of the SADC Lawyers Association held in Victoria Falls, Zimbabwe, 8 -11 August 2019

1. The 20th ACGM of SADC-LA was held at Elephant Hills Resort in Victoria Falls, Zimbabwe, 8-11 August 2019. The meeting was convened under the theme, “Supporting strong institutions for equal access to justice for all.” The ACGM was attended by the following Bar leaders or their representatives

Law Society of Botswana
Ordem Dos Advogados De Angola
Law Society of South Africa
Law Society of Zimbabwe
Law Association of Zambia
Law Society of Tanganyika
Malawi Law Society
Law Society of Namibia
Ordem Dos Advogados De Mocambique
Mauritius Bar Association
Student Committee Representative

2. The AGM was chaired by SADC-LA President Mr. Maxwell Xolani Boqwana (South Africa) accompanied by the following members of Exco;

Vimbai Nyemba (Vice President - Zimbabwe)
Sashi Belinda Nchito (Exco Treasurer - Zambia)
Vincia Cloete (Exco member - Namibia)
Guilherme Fumwathu (Exco member - Angola)

3. Members of Secretariat under the Executive Secretary, Mr Stanley Nyamanhindi were in attendance as follows;

Zimasa Mtwecu (Finance Officer seconded by LSSA to SADC-LA)
Precious Konaite (Graduate Professional Intern - Finance)
Bright Gunde (Graduate Professional Intern - Programming)

Sinalo Makapela (Graduate Professional Intern - Administration)

4. The following positions were noted and adopted by the AGM;

- I. **Supporting Strong institutions of equal access to justice for all:** AGM reaffirmed the need for defined separation of powers to guarantee rule of law and human rights. Particularly a strong, independent and completely autonomous judiciary which is essential for access to justice. The legal profession was identified as the foundation of the Judiciary and traditional voice of the bench, hence the two must work hand in glove to facilitate access to justice. To this end renewed calls for strong and independent Bar Associations with neutral governing frameworks that preserve self-regulation were made. Members of the legal profession were called upon to be warriors and stalwarts of justice even in the face of threats to independence.
- II. **Regional Advocacy on the SADC Tribunal:** The AGM noted and welcomed the progress made in advancing its standing resolution for all Law Societies to challenge the decision by SADC to curtail the jurisdiction of the SADC Tribunal. It congratulated the Tanganyika Law Society and the Law Society of South Africa in succeeding in making challenges against the constitutionality of their respective Government's assent to the SADC Protocol. The outcomes were forwarded to the SADC Civic Society Forum in Tanzania Dar es Salaam. The anticipated formal noting of the withdrawal of South Africa from the SADC Protocol in terms of the pronouncement of the Pretoria High Court Decision declaring their executive's assent of the SADC protocol unconstitutional was also acknowledged.
- III. **Commercial Arbitration and Dispute Resolution Infrastructure in SADC:** AGM reached a consensus that the SADC Region should adopt modern domestic arbitration and dispute resolution frameworks. Particularly the endorsement of standard international legislation, the creation of a regional seat for commercial arbitration inclusive of dispute resolution and adoption of a database of arbitrators and mediators in the region. The AGM acknowledged that this will strengthen the dispute resolution infrastructure of the SADC region to facilitate regional economic integration. In pursuit of this goal, SADC-LA entered into a technical partnership with the Arbitration Foundation of Southern Africa for sustained capacity building and skills development.
- IV. **Women lawyers round table:** The AGM welcomed the establishment of the SADC Women Lawyers Forum together with the appointment of a regional steering committee. The committee will oversee gender streamlining and gender based programming under SADC-LA. AGM called for an end to sexual harassment and bullying that prevalently affects female lawyers with more emphasis on young female lawyers through unequal opportunities in the work place. It was resolved that the Bar Associations and the Law societies should set up structures and clear procedures to deal with the issue of sexual harassment and bullying in the profession. The AGM welcomed the establishment of gender round tables to address

gender agenda across the male and female members of the profession for holistic gender mainstreaming in the profession.

SADC-LA also resolved to partner with the Women in Law Awards South Africa initiative to introduce regional awards for female lawyers. This is part of proactive empowerment and recognition of the efforts of female lawyers on the back of targeted gender empowerment initiatives

- V. **A Male lawyers' round table reciprocated the Women Lawyers' Roundtable:** AGM welcomed the introduction of a male lawyers round table. Hitherto the gender justice message had been directed only to women in the profession, AGM noted that it is essential to address both sides to prepare them for collaboration in making gender equality a reality.
- VI. **Independence of the Regional Bar and Resource Mobilisation:** Members of the AGM resolved to commit to further advancement of financial sustainability of SADC-LA. It was reiterated that the independence of the Regional Bar Association is a precondition for the fulfilment of SADC-LA's mandate. To that end each law society pledged to finance the core activities of the society and to jointly mobilise resources to meet the goal for financial sustainability.
- VII. **Regional Solidarity on specific threats to the independence of Bar Associations:** A motion to support the safe return of Tundu Lissu to the Republic of Tanzania was passed. The lawyers in SADC will engage in regional advocacy to help guarantee his safe return. Each Law Society will second a delegate to a solidarity mission co-hosted by SADC-LA and the Tanganyika Law Society. On threats to the Bar Association and the Judiciary in General, it was resolved to mount further regional advocacy. Each Law Society is to submit a letter of concern to the Tanzanian Government. SADC-LA will write and submit a letter of concern to the UN Special Rapporteur on Judges and Lawyers.
- VIII. **Embracing artificial intelligence and technology in the legal practice:** The AGM affirmed the need to adapt technology (Tech) and artificial intelligence (AI) to enhance access to justice. Tech and AI were identified as key to the advancement of regional economic integration and cross border trade. ON the back of these the legal profession can break down geopolitical borders to facilitate better movement of legal services in the region. Access to legal representation and law based tools online could be a game changer awaiting full utilisation by the profession.
- IX. **The role of lawyers in promoting transitional justice mechanisms in the SADC region:** The AGM noted that the SADC-LA partnership with the Centre for the Study of Violence and Reconciliation (CSVR) conducted capacity building on the correct interpretation and implementation of the newly adopted transitional justice framework which was adopted by the African Union. Further capacity building and facilitation of contribution of lawyers in promoting transitional justice mechanisms was identified as a key rallying point. Such processes are key to strengthening the human rights and rule of law infrastructure of the region by facilitating resolution of disputes and fostering peace and stability in communities and nations alike.

- X. **Regional economic integration** - The AGM also affirmed that there will be a greater involvement of the legal profession in regional economic integration. An end to rhetoric was put by the establishment of a regional economic integration working committee to immediately open up borders for legal practice. The committee will report to the apex Council in advance of the AGM.
- XI. **Economic Justice - Illicit financial flows, anti-money laundering and the role of bar associations in relation to relevant regulation:** The AGM welcomed an establishment of regulatory legal frameworks that promote economic justice and increase the regional GDP. An engagement of corporate, public players and other forms of economic sabotage identified as a strategy in sustainable regulatory compliance and elimination of tax evasion are identified as a strategy to promote economic justice. This has a positive impact to the improvement of the standard of living to people who are in the region.
- XII. **Shrinking Civic space and the role of the legal profession in facilitating democratic participation:** The AGM resolved that Bar Associations at national, regional, continental and international levels collaborate in promoting civic space and enhancing recognition of fundamental freedoms of movement, association and expression. This will enable all sectors of society to hold public authority to account and ensure greater realization of civil. Political and socio-economic rights.
- XIII. **Continuous professional development:** The AGM held that in order to achieve the above mentioned goals, it is essential to strengthen the skills development program at regional level. To that end a committee for continuous professional development will be formed. Research on potential models for CPD tabled by the Law Society of South Africa to the Conference would be circulated and used as point of departure. The committee will be constituted of representatives from each bar association.
- XIV. **STRATEGIC PARTNERSHIPS:** The AGM noted that SADC-LA has engaged the SADC-secretariat for cooperation in technical legal backstopping for general advancement of prosperity in the SADC Region. The main objective of the alliance is to facilitate regional economic integration, promotion of good governance and democracy, foster peace as well as stability and security in the region.
- XV. **Venue of next next ACGM** - Finally, the AGM confirmed the country of the next SADC-LA meeting to be Angola. The Angola Bar Association duly confirmed its readiness to host. Tentative dates are 6-7 August 2020.

The AGM reaffirmed commitment of SADC-LA to its mission to promote the rule of law without fear or favor.

The SADC-LA held its Annual General Meeting on Saturday, 10 August 2019.