

# ACGM Report 2024



**SADC LAWYERS' ASSOCIATION**

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# TABLE OF ACRONYMS

ACGM	ANNUAL CONFERENCE & GENERAL MEETING
AFSA	ARBITRATION FOUNDATION OF SOUTHERN AFRICA
AG	ATTORNEY GENERAL MEETING
AJS	LEGAL ACCOUNTING & PRACTICE MANAGEMENT SOFTWARE
ALSF	AFRICAN LEGAL SUPPORT FACILITY
AU	AFRICAN UNION
BRICS	BRITAIN INDIA CHINA SOUTH AFRICA
CLA	COMMONWEALTH LAWYERS ASSOCIATION
CPD	CONTINUING PROFESSIONAL DEVELOPMENT
CSO	CIVIL SOCIETY ORGANIZATION
EAC	EAST AFRICAN COMMUNITY
EACJ	EAST AFRICAN COURT OF JUSTICE
ECF SADC	ELECTORAL COMMISSIONS FORUM OF SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
ECOWAS	ECONOMIC COMMUNITY OF WEST AFRICAN STATES
EMB	ELECTION MANAGEMENT BODY
EXCO	EXECUTIVE COMMITTEE
FDI	FOREIGN DIRECT INVESTMENT
GBV	GENDER-BASED VIOLENCE
GIZ	DEUTSCHE GESELLSCHAFT FÜR INTERNATIONALE ZUSAMMENARBEIT
HRC	HUMAN RIGHTS COMMISSIONS
HRI	HUMAN RIGHTS INSTITUTE
ICJ	INTERNATIONAL COMMISSION OF JURISTS
IACC	INTERNATIONAL ANTI CORRUPTION COURT
LIAC	LUSAKA INTERNATIONAL ARBITRATION CENTER
LSSA	LAW SOCIETY OF SOUTH AFRICA
LSZ	LAW SOCIETY OF ZIMBABWE
MOU	MEMORANDUM OF UNDERSTANDING
NEC	NEW ENGINEERING CONTRACTS

# TABLE OF ACRONYMS

NGO	NON- GOVERNMENTAL ORGANIZATION
NHRI	NATIONAL HUMAN RIGHTS INSTITUTION
OAA	ORDEM DOS ADVOGADOS DE ANGOLA (ANGOLA BAR ASSOCIATION)
OSISA	OPEN SOCIETY INSTITUTE FOR SOUTHERN AFRICA
PABASA	PAN AFRICAN BAR ASSOCIATION
PALU	PAN AFRICAN LAWYERS' UNION
SADC	SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
SADC CNGO	SADC-COUNCIL OF NON-GOVERNMENTAL ORGANISATIONS SADCLA SADC LAWYERS' ASSOCIATION
SADCLA	SADC LAWYERS' ASSOCIATION
SRHR	SEXUAL & REPRODUCTIVE HEALTH RIGHTS
UNICITRAL	UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW
VAWP	VIOLENCE AGAINST WOMEN IN POLITICS
WABA	WEST AFRICAN BAR ASSOCIATION
ZELA	ZIMBABWE ENVIRONMENTAL LAW ASSOCIATION
ZLHR	ZIMBABWE LAWYERS FOR HUMAN RIGHTS

# INTRODUCTION

The SADC Lawyers' Association (SADCLA) stands as a vital voluntary coalition composed of law societies, bar associations, and individual legal practitioners from the 15-member Southern African region. It holds the distinction of being the sole organization that effectively consolidates the legal community across this diverse sub-region. Through its collective efforts, SADCLA serves as a prominent and authoritative voice for the legal profession, advocating for shared interests and promoting collaboration among its members to enhance the rule of law throughout Southern Africa.

Central to SADCLA's governance is the General Meeting, which functions as the primary decision-making body of the Association. This meeting holds significant responsibilities, including overseeing the overall operations of SADCLA, electing key officials such as the President and Treasurer, making honorary appointments, and approving the Association's financial statements. Additionally, it determines the timing and locations for upcoming conferences. Delegates from full Member Organisations, which consist of established law societies and bar associations, possess the right to vote on various issues discussed during these meetings. In contrast, delegates from sustaining Member Organisations and individual members, while not entitled to vote, can engage actively in discussions and voice their perspectives, ensuring that a diverse array of opinions contributes to the decision-making process.

The 2024 Annual General Meeting (AGM) and Conference, held from July 28 to August 2 in Livingstone, Zambia, represented a significant milestone for the Association, drawing an impressive gathering of around 500 legal professionals. Hosted by the Law Association of Zambia, this event was notable for its hybrid format, enabling both in-person attendance and virtual participation. This innovative approach allowed for a rich exchange of ideas, featuring a wide range of international speakers who presented on pertinent legal topics. The interactive nature of the sessions fostered dynamic discussions, encouraging delegates to actively engage with panellists and each other. Attendees expressed appreciation for the collaborative atmosphere, which not only facilitated knowledge sharing but also strengthened the connections within the legal community across Southern Africa, highlighting the importance of unity and cooperation in advancing the region's legal landscape.

# EXECUTIVE SUMMARY

The 24th SADC-LA ACGM was held from July 29 to August 3, 2024, at the Avani Victoria Falls Resort in Livingstone, Zambia. This pivotal event focused on key issues impacting the legal profession and society at large, emphasizing inclusivity and gender equality, particularly in the context of combating violence against women in elections. Significant discussions centered on the convergence of technology and law, highlighting the need for innovative solutions within the legal sector. Additionally, the conference addressed the importance of fostering corporate alliances to enhance the business landscape and promote regional integration.

The impact of climate change was also a major topic, with participants deliberating on strategies for legal frameworks that effectively address environmental challenges. Other critical areas included the advancement and enforcement of laws that uphold fundamental human rights, combat corruption, ensure judicial independence, and promote good governance.

The conference featured a well-structured agenda that included a golf day, registration, forums for women and young lawyers, an official opening ceremony, various breakout sessions, and concluded with a closing session and gala dinner. Each segment provided valuable opportunities for networking, knowledge sharing, and professional development.

The report synthesizes the discussions and outcomes from the conference, providing a comprehensive overview of the key issues addressed and presenting a series of actionable recommendations to further advance the goals of the SADC Lawyers Association in these critical areas.



## ACGM KEY OUTCOMES AND RECOMMENDATIONS

**1. Comprehensive Advocacy for Women's Political Safety and Participation:** Promote the enactment of legal and policy reforms that protect women's rights in political environments, while engaging political parties to prioritize women's safety in electoral processes.

Implement training programs to equip women candidates with knowledge of their rights and available resources, and organize solidarity marches and awareness campaigns to unite communities against violence targeting women in politics.

**2. Comprehensive Legal Education Reform:** Governments and educational institutions should enhance financial accessibility and educational quality in legal training, mandate practical training before bar exams, require practical experience for young lawyers, foster mentorship opportunities through networking, and implement programs to address sexual harassment and uphold ethical standards in the legal profession.

**3. Strategic Framework for FDI in the SADC Economic Sectors:** To attract Foreign Direct Investment (FDI) in the mining sector and other economic sectors to realise regional integration and movement of goods and services, SADC should establish consistent regulations and stable legal frameworks, promote diversification of RESOURCES, and enhance investor confidence through transparent policies and favorable tax incentives.

The region must foster collaboration through informal and formal networks, share best practices, and leverage Environmental, Social, and Governance (ESG) criteria. Additionally, investments in renewable energy and improvements in transport infrastructure are essential, alongside the adoption of modern technologies to boost productivity and operational efficiency.

**4. Enhancing Arbitration Practices in SADC:** SADC countries should promote alignment with the UNCITRAL Model Law to standardize arbitration practices and advocate for legislative reforms to update national arbitration laws. Establishing high-standard arbitration centres across the region is essential, alongside investing in comprehensive training programs for arbitrators and mediators.

To attract global business, efforts should be made to increase international recognition of SADC's arbitration capabilities and address the imposition of dispute resolution clauses by international companies. Additionally, fostering regional collaboration among SADC members and securing government support, including policy directives for local arbitration in government contracts, is crucial for the sustainability of arbitration centres.

**5. Comprehensive Human Rights and Democratic Reform Framework:** SADC member states should enhance democratic participation by creating policies that protect free speech and facilitate civic education. Address the legacy of colonial violations through reparative justice and inclusive governance for marginalized communities. Combat gender-based violence with stricter laws and support systems, and ensure legal professionals are trained in human rights law.

Tackling economic disparities with equitable resource distribution and community development initiatives, while combating government corruption through independent bodies and transparency measures. Strengthen the monitoring of human rights policies with civil society involvement, promote regional cooperation to share best practices, support civil society engagement by removing restrictive laws, and increase international collaboration to uphold human rights treaties and conventions.

**6. Strategic Framework for Technology Integration in the Legal Profession:** SADC member states should promote awareness and education about the benefits of technology in law, encouraging continuous discussions. Law firms must identify key processes for technology integration and build strong relationships with technology providers for effective implementation. Develop ethical guidelines for technology use, ensuring transparency with clients regarding its application in billing and case management.

Enhance data security through robust policies and invest in secure platforms. Advocate for environmentally sustainable practices in legal operations and collaborate with regional bodies like SADC-LA to promote digital transformation and establish technology standards. Address job displacement concerns to mitigate resistance and encourage legal professionals to experiment with new technologies while sharing their experiences.



# SADC-LA REGISTRATION & GOLF TOURNAMENT

The SADC-LA Conference commenced with registration of delegates followed by a vibrant golf tournament, held at the stunning Elephant Hills Resort in Victoria Falls, Zimbabwe. This event served as a unique icebreaker for representatives from various Southern African Development Community (SADC) member states, fostering camaraderie and networking among delegates before the formal proceedings began. With the scenic backdrop of the majestic Victoria Falls, the tournament provided an excellent opportunity for participants to engage in friendly competition while enjoying the natural beauty of the region.



More than 20 delegates took part in the tournament, demonstrating not only their golfing skills but also their commitment to building connections across the region. Participants left Livingstone in the morning, excited to embrace the day's activities. The atmosphere was filled with enthusiasm and sportsmanship as delegates navigated the lush greens, sharing stories and forging new friendships. This spirited kick off highlighted the importance of collaboration and unity, setting a positive tone for the discussions and sessions that would follow during the conference.



As the tournament concluded, anticipation grew for the awards ceremony, which took place during the SADC-LA Gala Dinner on the final evening of the conference. Winners were celebrated for their outstanding performances, and the awards served as a symbol of achievement and recognition among peers. This blend of sport and diplomacy not only enriched the conference experience but also reinforced the commitment of SADC nations to work together in fostering regional development and cooperation. The golf tournament truly exemplified the spirit of collaboration that underpins the SADC-LA initiative.



## SADC WOMEN LAWYERS FORUM



The forum commenced with a warm welcome led by Martha Kashala, the Program Director. The theme for the Women Lawyers Forum was on Women Economic Empowerment : Focus on Gender Equality, Violence Against Women in Politics & Promotion of Political Participation of Women in Elections. Gratitude was expressed to key attendees.



The gathering commenced with an acknowledgment from Hon. Yvonne Dausab, the Minister of Justice in Namibia, who extended her greetings to a diverse audience. She recognized the presence of Hon. Ambassador Isabelle Lemba, the Permanent Secretary of the Ministry of Justice in Zambia, as well as the CEOs of Law Societies and Bar Leaders from across the SADC region. Minister Dausab expressed appreciation for the representatives from civil society, the SADC-LA Councillors, partners and sponsors, researchers, and the Executive Secretary of SADC-LA. She also acknowledged the Presidents of Bar Associations, colleagues, friends, and distinguished guests, setting a collaborative tone for the discussions that would follow.



## Welcome Address

Mr. Lungisani Zulu, the President of the Law Association of Zambia, delivered a compelling welcome address that highlighted the critical importance of achieving equal representation of women and men within Zambia's Council. He advocated for a balanced approach to gender equality, stressing that gender parity is essential for fostering a fair and just society. Zulu underscored the urgency of addressing violence against women in politics, framing it not merely as a political issue but as a pressing societal challenge that demands immediate attention and action. His address emphasized the importance of creating an inclusive environment where all voices—especially those of women—are heard, respected, and valued.



## Opening Remarks



Dr. Flavio Menete, the President of the SADC Lawyers Association, followed with insightful opening remarks. He focused on the indispensable role of women in advancing both gender equality and economic empowerment. Menete pointed out the persistent challenges posed by structural gender-based violence, which he described as a significant barrier to women's full participation in political life. He articulated the necessity of adopting a comprehensive approach to empower women, recognizing their vital contributions to society and governance, and called for sustained efforts to dismantle the obstacles that hinder women's engagement in political processes.

## Keynote Address

Hon. Yvonne Dausab delivered a thought-provoking keynote address that addressed several pivotal points regarding women's participation in politics. She began by emphasizing the crucial role men must play in advocating for women's inclusivity in political spaces. Dausab reflected on the Beijing Declaration, questioning whether democracy has adequately served women, and noted the slow progress in achieving gender parity in political and decision-making roles. She pointed out the vulnerability faced by women in positions of power and how political decisions, often made without female representation, profoundly affect the lives of ordinary women.

Minister Dausab highlighted that voter turnout among women remains limited, with women currently holding only 40 percent of the national assembly seats—still below the expected standards for gender equality and women's empowerment. She criticized the current power dynamics, asserting that power is not genuinely shared but is often taken away from efforts aimed at empowering women. Dausab stressed that this oversight diminishes women's rights and called for greater respect and compensation to limit discrimination and barriers to accessing decision-making positions. She urged states to commit more decisively to implementing decisions that promote equality and accountability in governance, emphasizing that transparency and action are essential. The Minister concluded by noting that achieving gender parity in parliaments may take decades, underscoring the urgent need for political will to dismantle barriers to women's participation and combat violence against women in politics.



## Further Discussions

Ambassador Isabelle Lemba took the stage to stress the empowerment of women within the legal profession, advocating for them to serve as champions of gender equality. She emphasized the necessity of rejecting stereotypes that undermine women's leadership capabilities and highlighted the importance of adhering to international standards to ensure women's inclusion in decision-making processes.



Neliswa Tjahikika, CEO of the Law Society of Namibia, reinforced the idea that forums like this are crucial for promoting women in leadership roles. She asserted that such gatherings create opportunities for meaningful dialogue and advocacy, fostering an environment conducive to change.

## Additional Perspectives

Eunice Masipa raised the alarm about the dire consequences of women's underrepresentation in government, framing it as a direct assault on democracy and access to justice. She stressed the importance of engaging men in discussions surrounding women's issues, advocating for collaborative efforts to enhance women's political participation.

Maureen Shonge called for a robust commitment to gender equality and the empowerment of women in governance. She emphasized the need to raise awareness about women's rights to political participation, framing it as an inherent right rather than a privilege. Her remarks served to challenge existing narratives and promote active participation in the ongoing fight for equality.



## Addressing Violence Against Women in Politics

The forum provided a platform for in-depth discussions on strategies to combat violence against women in politics. Key areas of focus included legal and policy reforms aimed at supporting and protecting women's rights in political contexts. Participants discussed the importance of engaging political parties to advocate for electoral reforms that prioritize women's safety and participation.

Dr. Bernadette Malunga offered valuable insights into the electoral processes, emphasizing the need to understand how social structures perpetuate violence against women, particularly highlighting the role of young men as aggressors. The forum culminated in a series of proposed solutions, which included the enactment of laws and non-legal measures designed to safeguard women in political environments. Organizing solidarity marches to raise awareness and demonstrate unity against violence targeting women was also discussed, alongside empowering women legally to ensure they are informed about their rights and the avenues available for seeking redress.

The discussions highlighted the critical need for ongoing training and knowledge-sharing initiatives to equip women candidates with the tools and resources necessary for effective participation in elections, reinforcing the commitment to fostering a more inclusive political landscape.





# SADC YOUNG LAWYERS FORUM

## THEME: FORGING FUTURES: PROMOTING INCLUSIVITY AND OPPORTUNITY FOR YOUNG LAWYERS IN THE SADC REGION

The session began with Muleba Chitupila introducing the speakers and outlining the format. Instead of formal speeches, the session was structured as a discussion. Each speaker would share insights from their respective contexts: Nakasamba Banda would offer the Zambian perspective, Zincedile Tiya would bring in the South African perspective, and Charles Mhone would provide the Malawian perspective. Following each discussion, the audience would have the opportunity to weigh in with their comments.



### TOPIC ONE: ACCESS TO THE PROFESSION

Muleba Chitupila introduced the topic of access to the legal profession, highlighting key issues such as financial barriers faced by aspiring lawyers, low pass rates in board exams across various jurisdictions, and concerns about the quality of legal education and training programmes. He then posed the following questions to the speakers:

#### Question 1: What financial barriers are most common for students pursuing an LL.B. degree in your country?

**Zincedile Tiya:** Access to the legal profession is indeed a significant challenge. Higher education is costly, and the entry requirements for an LL.B. are strict. Additionally, administrative burdens further restrict access. After completing an LL.B., candidates must undertake practical legal

training. Those who choose to start their own firm also require management training, which is often unaffordable. Candidate attorneys may earn as little as R3,500, which is insufficient to cover basic living expenses. The field of conveyancing is also heavily gatekept, with low pass rates in related exams, raising questions about the necessity of these exams.



**Charles Mhone:** In Malawi, Higher Education Grants are available but depend on meeting specific criteria. Unfortunately, these grants are not accessible to mature students, which leaves them more vulnerable to financial difficulties.

**Nakasamba Banda:** To offer an alternative perspective, it is important to recognise that law degrees are generally expensive worldwide, and many graduates accumulate significant debt. We need to consider whether we are asking for free education and whether this is a realistic expectation. In Zambia, while bursaries are available, they are essentially loans. There is a need for a level of self-reliance and independence in navigating these challenges.

**Comments from Audience Members:** An audience member concurred with Banda, highlighting the need for a balanced approach where individuals are empowered to support themselves while governments create frameworks to assist young people in enrolling in legal education. Another audience member raised concerns about the high costs of bar exams, which may deter many from entering the profession. They emphasised the need for oversight to prevent the bar from becoming profit-driven, as lawyers play a crucial role in society, particularly in protecting human rights. They expressed hope that the discussion would lead to actionable outcomes rather than remaining a mere conversation.



**Question 2: What are the current pass rates for board exams in your jurisdiction, and what factors contribute to these rates?**

**Charles Mhone:** In Malawi, pass rates for legal exams are generally strong. In fact, this high level of performance could potentially raise concerns about future oversaturation in the profession, with more legal professionals entering the market than it can sustain.

**Nakasamba Banda:** It is important to note that my perspective may reflect an alternative viewpoint rather than my personal opinion. Initially, the University of Zambia was the only institution offering recognised law degrees, and there was

little discussion about low pass rates. However, as other universities began offering law programmes, these institutions advocated for their right to prepare students for bar exams. This led to an increase in the number of candidates and sparked discussions about low pass rates. I believe these issues are linked to the quality of education and training provided. When I attended law school, the entry requirements were very stringent—you needed straight A's for admission. Even once admitted, advancing to the next year required passing all courses, which was challenging. Law school demanded resilience. However, with the emergence of new universities, there appears to be a shift towards prioritising financial capacity over academic merit. Some students even pay others to complete their assignments, which ultimately lowers the standard of education. When these students enter the workforce, they face a market with high expectations but insufficient preparation.

Complaints about gatekeeping often arise, but the core issue may be a decline in educational standards. Bar exams require practical knowledge and the ability to apply legal theory effectively. However, many students lack adequate training in this regard, leading to low pass rates. For example, in Zambia, there are many law graduates but very few law firms, and the lack of practical training contributes to the low pass rates. In South Africa, candidates undergo two years of practical training before taking their bar exams, which helps bridge the gap between theory and practice. Implementing a similar system, where compulsory practical training is required for qualification, could improve pass rates by ensuring candidates are better prepared for the profession's practical demands.

**Comments From Audience Members:** An audience member noted that bar exams may become less relevant when graduates apply their legal knowledge in other fields, such as technology. However, for those pursuing traditional legal careers, the focus should be on enhancing the quality of education and practical training to address low pass rates. The audience member highlighted that in Angola, practical training is required before entering the bar and stressed the importance of quality legal training to ensure new lawyers are well-equipped to serve the public. They emphasised the need for a holistic approach, starting with education and continuing through professional practice, to maintain high standards in the legal profession. Additionally, the audience member suggested that a system change allowing lawyers in the SADC region to appear in each other's courts could be beneficial.

## TOPIC TWO: MENTORSHIP & GUIDANCE

Muleba Chitupila introduced the topic of mentorship and guidance for junior legal professionals, highlighting concerns such as those of limited mentorship opportunities from senior lawyers, and barriers to starting new law firms. He then posed the following questions to the speakers:

**Question 1:** What obstacles do young lawyers face when attempting to start their own law firms?

**Zincedile Tiya:** Many individuals practising law in South Africa come from previously disadvantaged backgrounds and lack the funds necessary to start their own law firms. While funding is available from the government for obtaining an LL.B., securing employment immediately after graduation is crucial to support their families. Therefore, financial constraints are a significant barrier for young lawyers seeking to establish their own firms.

**Charles Mhone:** To start their own law firm in Malawi, individuals generally need to be under the supervision of a senior lawyer for at least five years after being admitted to the bar. While, in theory, the necessity of a minimum number of years of experience before starting a law firm can vary depending on individual capacity, it is generally advisable to gain this experience to be better prepared for establishing a firm.



**Muleba Chitupila:** Echoing Charles Mhone's point, Muleba noted that in Zambia, a minimum number of years of experience is required before one can start their own law firm.

**Comments From Audience Members:** An audience member from the DRC emphasised the need for young lawyers to receive training and support from senior lawyers. They explained that in the DRC, law degrees require five years to complete. After graduation, individuals can either become legal advisers, who work independently from the government, or lawyers. To become a lawyer, graduates must pass the Bar exams. If they fail the exams twice, they receive a certificate indicating they are not qualified to practise law. The audience member also highlighted the lack of government grants for students in the DRC, which creates financial challenges for aspiring lawyers. Additionally, they noted that lawyers in the DRC cannot receive government funding unless they are working pro bono.



**Question 2:** How Did You Find a Mentor? / How Would You Advise Someone to Attain a Mentor?

**Nakasamba Banda:** The most effective mentorship relationships often develop organically through natural connections. Networking is crucial in this process—meeting people, engaging in meaningful conversations, and seeking to learn from them can naturally lead to mentorship. Initiating a conversation, perhaps suggesting a coffee meeting, can evolve over time into a mentorship relationship. However, a significant barrier for women seeking mentors is the inappropriate advances they sometimes face from male mentors. This issue needs to be addressed within the legal profession to foster a healthier mentorship culture.





**Zincedile Tiya:** That's true; unfortunately, some men can be opportunistic. It is important to be mindful of the various personalities among senior lawyers. That being said, while tolerance is necessary, it is equally important to establish and reinforce professional boundaries. For instance, one might need to explicitly state, "You are my senior, and I am seeking guidance from you," to ensure that the relationship remains professional.

**Comments From Audience Members:** A member of the audience noted that in the DRC, trainers are often held accountable for the mistakes of their trainees. This highlights the importance of accountability among senior lawyers in training young professionals. Additionally, it is crucial that trainers continue to enhance their own knowledge to better educate and guide junior lawyers.

**Question 3: How can we address the issue of sexual harassment within the legal profession, and should there be a minimum wage for junior lawyers?**

**Charles Mhone:** While it is difficult to mandate a minimum wage, it is vital that senior lawyers adhere to ethical standards when setting salaries for junior lawyers. Addressing sexual harassment is essential to maintain the integrity of the profession and uphold the code of ethics.

**Zincedile Tiya:** Lawyers must ensure they refrain from any form of sexual harassment. Implementing a minimum wage is necessary, not only to cover living costs but also to allow junior lawyers to afford essential resources, such as formal attire.

**Muleba Chitupila:** Although I agree, it is important to consider whether imposing a minimum wage might lead to unintended consequences, such as firms hiring fewer trainees due to financial constraints.

**Nakasamba Banda:** To address sexual harassment effectively, it is crucial to educate young men early

about what constitutes sexual harassment, including its more subtle forms. This education will help them understand appropriate and inappropriate behaviour.

**Comments From Audience Members:** Law associations should be cautious about advocating for a minimum wage, as law firms might simply refuse to hire if pressured. It is not within the associations' scope to dictate how firms structure their payroll.

Muleba Chitupila brought the discussion to a close, expressing gratitude to the panelists for their valuable contributions and to the audience for their active participation, which enriched the diversity of the conversation. He also encouraged the young lawyers to continue their engagement after the session, fostering deeper connections and collaboration within the SADC legal community.

### **Recommendations:**

1. Financial Accessibility: Governments and financial institutions should create frameworks that help individuals manage financial challenges, such as offering loans for legal education. Policies should also be established to prevent exclusionary practices in legal education and professional certification.

2. Educational Quality: Educational institutions should enhance the quality of legal education and uphold academic integrity to address low pass rates and improve practical training.

3. Practical Training: Legal education authorities should introduce or strengthen mandatory practical training programmes before bar exams to better prepare candidates for real-world legal challenges and improve pass rates.

4. Experience Requirements: Regulatory bodies should implement mandatory periods of practical experience before allowing young lawyers to start their own law firms to ensure they gain the necessary skills and experience.

5. Mentorship Development: Individuals seeking mentors should proactively engage in networking and meaningful interactions to cultivate mentorship relationships, allowing these connections to develop organically.

6. Addressing Sexual Harassment: Legal institutions should implement educational programmes to help lawyers understand and prevent sexual harassment, and enforce ethical standards to maintain professional integrity.

## OFFICIAL CONFERENCE OPENING

The day marked the official opening of the conference, highlighted by the presence of Her Honour Mrs. WK Mutale Nalumango, the Vice President of the Republic of Zambia, who took her seat in the conference venue. The proceedings began with the singing of the national anthem of Zambia, followed by the anthem of the Southern African Development Community (SADC).



This was followed by a Welcome Address and Opening Remarks delivered by the President of the Law Society of Zambia and the President of the SADC Lawyers Association. Their speeches set a positive tone for the conference, emphasizing the importance of collaboration and shared goals within the legal community.

### Getrude Musyani – Director of Programs



The Director of Programs introduced herself as the director of programs for the day, welcome the participants to the 24th SADC Lawyers Annual General Meeting and Conference. She introduced herself as a lawyer in Zambia. She welcomed and addressed the vice president of Zambia and informed the participants that she had been running for the past 24 years. In her opening remarks, she expressed her gratitude on behalf of the membership by stating that the SADCLA President was currently running the association at present and informed the Vice President that there were about sixteen (16) bar associations at present and so there was a big diverse group of very learned lawyers united in all diversities.

After housekeeping issues on the program were addressed, she proceeded to invite the LAZ President Zulu to give his keynote address and opening remarks.



## Mr. Lungisani Zulu, LAZ President – Welcome Address



Mr. Lungisani Zulu began by stating that he would begin his address French as he did in Portuguese before, in support of the French speaking brothers and sisters from Congo DR. He stated that SADC is one people, Portuguese, French or English and encouraged solidarity.

The LAZ President stated that it was his singular honor and privilege to warmly welcome you to Livingstone, Zambia and to the SADCLA Annual Conference. He stated that it was a mouthful, combining law, tech innovations, sustainable investment, infrastructure development, mining and energy in Southern Africa and that this was deliberate, as lawyers are alive to the huge burden placed on our political leaders to find solutions for our citizens in various areas including in energy, economic development, mining, infrastructure development and technology among others. He stated that as a body of lawyers, we sympathize with you our political leaders, and are eager to lend a helping hand.

The LAZ President emphasized that is every lawyer calling to use their skills to further the growth of society and as SADCLA, its members were able, willing and capable of doing more for its respective societies and for SADC. He further stated that as members gathered, the intention was to reflect on how lawyers can make more meaningful contribution in energy, economic development, mining, infrastructure development and technology.

Since the formation in 1999, SADCLA had been involved in numerous activities at the regional and international levels to strengthen, defend and advance the Rule of Law in the SADC Region and beyond. SADCLA was eager to increase its contribution to the SADC Community in Southern Africa, and for Africa in general.

In his remarks Mr. Lungisani Zulu also stated that in climate change for example, SADCLA has set up a climate change and sustainability committee to spearhead capacity building of lawyers to support governments and the business community. He implored all lawyers, to take a lead in integrating Africa into a borderless economic bloc.

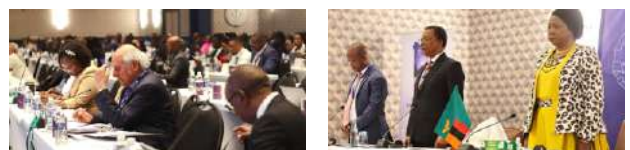
He stated that in Zambia, The Law Association of Zambia had partnered with the Zambian Business Community and professional bodies including the Zambia Chamber of Commerce and Industry, Bankers Association of Zambia, Zambia Chamber of Mines, Accountants, Engineers, the arbitration community to set up the Lusaka International Arbitration Center-LIAC. He stated that LIAC will play a pivotal role in directing commercial disputes away from the courtroom but to the boardroom through arbitration and other alternative dispute resolution mechanisms.

Mr. Zulu stated that being an international arbitration center, LIAC will cater not only for the needs of Zambia, but SADC and Africa at large. LIAC will also contribute to economic development of Southern Africa by offering credible dispute resolution mechanisms for businesses across SADC, more so that it is strategically located in Lusaka, Zambia, one of the most centrally connected cities in Southern Africa.

He congratulated the tireless efforts of the new dawn government led by his Excellency President Hakainde Hichilema in the thematic areas the conference is focusing on to reposition the country for sustainable development. The LAZ President concluded by also take note of the various interventions government is embarking on in the energy sector to address the challenge of energy deficiency occasioned by the drought situation which initiatives include promotion of net metering generation and the recently announce approval of the open access policy on electricity and energy to spur private investment in the sector.

The new dawn government's commitment to technology and mining is also noticed by the government and is therefore commendable.

He stated that as a body of lawyers, the lawyers remain committed to supporting government in its quest to uplift the welfare of our citizens and thanked the participants for their attention. He then invited the Vice President of SADCLA Mr. Flavio Menete to give his opening remarks.





## Dr. Flavio Menete, SADCLA President - Opening Remarks



Dr. Flavio Menete welcomed the participants to the Conference. He stated that SADCLA was inaugurated in 1999 in Maputo Mozambique, and as members they were due to celebrate 25 years of existence. During this time a strong history of Bar Association solidarity and collaboration to promote human rights and rule of law was forged. He expressed his pleasure to congratulate the Association on achieving its milestone.

He further stated that special plans have been put in place to ensure that the SADCLA annual conference of 2025 had adequate celebrations to commemorate 25 years of SADC-LA.

Mr. Menete expressed that it was important that SADC-LA continued to grow for the lawyers of the region as a value adding platform. The SADC-LA was established to give voice to the legal profession and create a platform for advancement of professional interests whilst helping to ensure that the constitutional democracies remained intact. The broad areas of the operation included promotion of access to justice and in this regard he expressed that SADCLA had established the

regional pro bono network to ensure affordable legal representation.



In his address to the participants, he also stated that the institutionalization of a regional seat for international commercial arbitration and advancement of regional integration in collaboration with SADC and the AU have also taken central stage. We are signing agreements of cooperation with regional multilateral organizations to cooperate in unlocking climate finance towards the readiness aspect of the response to climate change among other things.

Mr. Menete further informed the participants that SADCLA held a successful Women Lawyers Forum that facilitated critical engagements with multiple stakeholders at regional level on how to advance gender parity, end violence against women in politics and promote their participation in elections.

He stated that there was a successful Women Lawyers Forum that facilitated critical engagements with multiple stakeholders at regional level on how to advance gender parity, end violence against women in politics and promote their participation in elections. The empowerment of women lawyers and young lawyers is not just rhetoric in the SADC-LA of today but a talk that SADCLA the members have managed to walk.

In addressing the Vice President of the Republic of Zambia under the theme “Building Resilient Futures – Convergence of Law and Tech Innovations for Sustainable Investment in Infrastructure, Mining and Energy in Africa.” Mr. Menete stated that Africa is a continent endowed with vast resources but the means to convert it to a higher standard of living for our citizenship is still to deliver in full. He expressed the importance that lawyers ventilate the issues that will enable sustainable investment in Africa. The legal profession is aware that it has a critical role to play in this equation. Hence the program placed before you and the fact that not only lawyers and legal matters are the subject of our partnerships and debates, but extra-legal measures of practical relevance to the solutions we seek.

The SADCLA President expressed his sincere gratitude to the government of the Republic of Zambia for its sustained support to the legal profession in its quest to fulfil its mandate. The Permanent Secretary was there to represent the Minister of Justice on the Women Lawyers Forum and you have graced the event to especially welcome them and open the conference officially.

In his concluding remarks, the President of SADCLA stated that being Mozambican he felt at home here in Zambia. It was also stated that Mozambique would be celebrating 49 years of independence on the 25th of June. Zambia has played a very crucial role for it to become independent, supporting the struggle.

*“Africa is a continent endowed with vast resources but the means to convert it to a higher standard of living for our citizenship is still to deliver in full.”*

*~ Dr. Flavio Menete*





Official Opening Address by Her Honour Mrs WK Mutale Nalumango



At the conference, Her Honour Mutale Nalumango, the Vice President of Zambia, commenced her address with warm salutations to the distinguished attendees, which included honorable members from various states, the armed forces, and civil society. She highlighted the significance of the 16 Bar Associations in the region, stressing that fairness, equity, and justice are vital to prevent any nation from descending into a state of failure.

The Vice President reaffirmed the commitment of the Zambian President, His Excellency Hakaiinde Hichilema, to the principles of the rule of law, democracy, and good governance. She underscored the role of lawyers as torchbearers of justice, emphasizing their pivotal function in upholding and enforcing the rule of law. She articulated that the rule of law is essential for achieving socio-economic development throughout the SADC region.

Frank Tayali, the Acting Minister of Justice in Zambia, also addressed the audience, highlighting the collective responsibility of the state, lawyers, and society in upholding the rule of law without fear or favour. During the event, the Vice President was presented with a book as a gift from the SADC Lawyers Association.



The Vice President reiterated the belief of the Commander in Chief in the importance of empowering the legal community to foster a more just and equitable society. She noted that the President's administration is committed to reinforcing the rule of law, ensuring it is not only respected but actively strengthened through policies and initiatives aimed at promoting judicial independence, enhancing access to justice, and combating corruption. At the same time, the lawyers must seize the opportunities presented by our evolving legal landscape. Advances in technology, for instance, offer new ways to enhance access to justice and improve the efficiency of our legal systems. Embracing innovation will be key to your continued relevance and effectiveness.



The Vice President of Zambia was confident that the outcomes of the Conference will contribute significantly to the advancement of the legal profession in the region and beyond. Together, we can build a future where justice, equality and the rule of law prevail.



However, she cautioned that the region faces significant challenges, including corruption, political instability, and economic disparities, which threaten progress. Therefore, she urged legal professionals to confront these issues head-on in their pursuit of justice and societal betterment.



# GLOBAL LAW & BUSINESS FOCAL PANEL & PLENARY DISCUSSION

Mr. Joseph Chirwa, the Director of Programs, welcomed the panellists and participants to the session with a warm introduction. He emphasized the importance of interactive discussions, noting that they would focus on the various business challenges and opportunities that lie ahead. Chirwa set an encouraging tone for the session, inviting everyone to engage fully in the conversations and share their insights.



## ALSF Overview

The session transitioned to an overview presented by the Principal Legal Counsel and Head of Capacity Building at the African Legal Support Facility (ALSF). He provided a detailed background of the ALSF, which was established in 2008 by a treaty that now includes 60 members, comprising 53 countries and seven international organizations. He explained the governance structure, which consists of a Governing Council and a Management Board, and highlighted that the ALSF operates in four working languages: English, French, Portuguese, and Arabic.

He further discussed the key sectors in which ALSF is actively involved, including extractives, finance, energy, public-private partnerships, and natural

resources. These sectors are crucial for the development of the African continent and are central to the ALSF's mission.

## Role in Global Law and Business

The Principal Legal Counsel outlined ALSF's pivotal role in enhancing the legal landscape for global business. He detailed how the facility enhances negotiation skills for international contracts, provides legal expertise in commercial disputes, and strengthens legal frameworks to attract foreign investment. These contributions are essential for fostering a robust business environment that can compete on a global scale.

## ALSF Academy

Madam Oghor Okhai-Akhigbe introduced the ALSF Academy, which offers a comprehensive three-level training and certification program designed specifically for African lawyers and government officials. She emphasized the academy's focus on continuous learning, ensuring participants remain relevant in the ever-evolving landscape of global business.

Okhai-Akhigbe outlined the course offerings, which cover vital areas such as infrastructure, public-private partnerships, mining, oil and gas, and sovereign debt. These courses aim to equip participants with the knowledge and skills necessary to navigate complex legal frameworks.





### **Course Structure**

The ALSF Academy's course structure is organized into three levels: Introductory, Intermediate, and Advanced. Madam Okhai-Akhigbe highlighted the flexibility of the program, which offers both online and in-person learning options, including self-paced modules. Each module is designed to be engaging, featuring video lectures, handbooks, quizzes, and the opportunity for participants to receive certification upon completion. This structure not only fosters knowledge acquisition but also promotes professional growth.

### **Benefits of the Academy**

The benefits of the ALSF Academy are manifold. Participants gain critical risk awareness, which is essential for facilitating sustainable transactions. The academy also provides a competitive advantage in global markets, enabling participants to better position themselves and their organizations. Notably, the financial model is accessible, with Level 1 courses offered for free and Levels 2 and 3 priced at a modest \$25, making it an attractive option for aspiring legal professionals across the continent.

### **Future Initiatives**

Looking ahead, Madam Okhai-Akhigbe announced that starting in January 2025, ALSF will implement a trial cohort system for its Level 2 courses. This initiative aims to enhance the learning experience by fostering collaboration and networking among participants, further strengthening the ALSF Academy's role in legal education.

### **Development Bank of Namibia**

Ms. Adda Angula, the Chief Legal Counsel for the Development Bank of Namibia (DBN), took the floor to discuss her organization's critical role in supporting the infrastructure, mining, and energy sectors. She highlighted the importance of legislative measures that facilitate public-private partnerships, which are essential for driving economic development.

Angula emphasized the significance of financial inclusion, particularly in rural areas, as a means to empower communities and enhance economic opportunities. She underscored that access to finance is crucial for fostering growth and development in underserved regions.



### **Trends and Challenges**

In her remarks, Angula identified key trends and challenges facing the sectors supported by DBN. She pointed to the focus on digital transformation and green finance as pivotal elements for the future. Additionally, she highlighted the necessity of monitoring the impact of funding and ensuring compliance with environmental standards, which are increasingly becoming crucial in investment decisions.

### **Zambia's Mining Sector**

Mr. Mbalashi, the General Counsel, provided insights into Zambia's mining sector, which plays a significant role in the country's economy. He noted that mining, particularly of copper, cobalt, and zinc, substantially contributes to Zambia's GDP. Mbalasi offered an overview of the legal and regulatory framework governing the mining sector, emphasizing its complexity and the need for clarity in regulations.

## Challenges in the Sector

Mbalashi outlined several challenges facing the mining sector. Economically, he noted the volatility of commodity prices and the significant capital investment required for mining operations, along with ongoing changes in tax policy that complicate investment planning. He also addressed regulatory challenges, such as frequent changes in laws, delays in obtaining necessary permits, and rising compliance costs. Infrastructure issues, particularly the need for reliable energy and improved transport logistics, further complicate operations in the sector. Lastly, he highlighted the social challenges of building strong community relations and maintaining health and safety standards in mining operations.

## Prospects for the Future

Looking to the future, Mr. Mbalasi expressed optimism about the prospects for Zambia's mining sector, particularly due to the growing global demand for copper, cobalt, and other essential minerals. However, he called for the establishment of stable policies that would attract foreign direct investment and promote the implementation of Environmental, Social, and Governance (ESG) practices. This, he asserted, is crucial for ensuring sustainable growth and fostering a conducive environment for investment in Zambia's mining industry.



## CONCLUSION

13. All presentations emphasized the importance of collaboration, knowledge sharing, and strategic partnerships to navigate the complexities of global law and business in Africa. Participants were encouraged to engage actively and take advantage of ALSF's offerings.

## RECOMMENDATIONS:

1. DBN encourages the following:

a. Share best practices and successful compliance strategies and accelerated adoption of effective policies and technologies;

b. Consistent and harmonized regulations across

countries, reducing uncertainty for investors; and  
c. Shared legal frameworks can attract FDI by providing stable multinational legal environments.

d. The need for diversity in collaboration which involved shared learning on capacity development in the just energy transition.

e. The need for diversity of expertise to prevent an environment of uncertainty and potentially could lead to abuse and no compliance as well as limitations on potential advisors.

2. DBN is offering the following:

a. Initial informal network which would respond to immediate needs, the sharing of opinions;

b. Memorandums of Understanding which will identify and formalize productive relationships; and

c. Formal network & framework for cooperation.

3. Economic Prospects: With respect to Foreign Direct Investment (FDI) in the Mining Sector, there is a need for appropriate policies and stable regulatory frameworks to attract FDI into the mining sector of SADC.

4. With regards to diversification of minerals, SADC Region is encouraged to explore mining other minerals such as gold, manganese, iron, lithium, nickel and gemstones.

5. Regulation: Lawyers in the Region must have stable and transparent policies which will boost investor confidence.

6. The Region must also have favorable tax incentives and stable royalty regimes.

7. With respect to Environmental, Social and Governance (ESG), lawyers to leverage on ESG implementation in their respective countries to access capital.

8. The way forward in terms of infrastructure is to ensure investments in energy, including renewable energy sources, so that we can support the provision of reliable & cost-effective energy in the mining industry of the Region.

9. There needs to be improvement of transport infrastructure i.e. roads, rail & ports in transport and logistics.

10. There must be Adoption of Modern Technology, to ensure integration of advanced mining technologies, can enhance productivity and operational efficiency.



# OFFICIAL CONFERENCE OPENING

SADC-LA Council members convened for an important council meeting focused on the organization's growth, expansion, and sustainability. With 35 representatives in attendance, the meeting served as a platform to address critical issues that impact the future of the Association. Among the key topics discussed were strategies for enhancing membership engagement, exploring new initiatives, and ensuring the long-term viability of the organization. The meeting served as a platform to address critical issues that impact the future of the Association. Among the key topics discussed were strategies for enhancing membership engagement, exploring new initiatives, and ensuring the long-term viability of the organization.

A significant highlight of the meeting was the preparation for the upcoming elections for the new Executive Committee. Council members deliberated on the nomination process, the qualifications for candidates, and the roles that would need to be filled to lead the Association effectively in the coming term. This proactive approach demonstrated the Council's commitment to fostering strong leadership and accountability within the organization.



The discussions not only underscored the importance of collaborative decision-making but also highlighted the collective vision shared by council members for a robust and influential SADC-LA. As the meeting wrapped up, there was a sense of optimism about the path forward, with representatives eager to implement the ideas generated and to ensure the Association continues to thrive in its mission to serve the legal community across Southern Africa.

## **THE CONFIRMATION OF NOMINATION OF COUNCIL MEMBERS AND ELECTION OF EXECUTIVE COMMITTEE MEMBERS**

The respective bar associations confirmed their council member nominations.

Executive Committee Election Candidates & Results:  
**SADC LAWYERS ASSOCIATION NOMINATIONS FOR COUNCIL 2024-2026**

#	COUNCIL NOMINEE	LAW SOCIETY
1	Rumbidzai Matambo	President Law Society of Zimbabwe (LSZ)
2	Lison Ncube	VP LSZ
3	Tania Canguia	Treasurer General Angola Bar Association (OAA)
4	Teofilo	Councilor OAA
5	Tebogo Sethibe	Councilor of (LSB) tsethibe@sethibelegal.co.bw
6	Owen Nsala	LSB representativetsethibe@sethibelegal.co.bw
7	Lungisani Zulu	Law Association of Zambia (LAZ) President
8	Matilda Chelische Kaoma	LAZ Vice President
9	Lovisa Ihalwa	Law Society of Namibia (LSN) Rep
10	Wiseman Immanuel	LSN Rep
11	Flavio Menete	Mozambique Bar Association (OAM)
12	Orquidea Massarongo-Jona	OAM
13	Noxolo Maduba-Silevu	Law Society of South Africa
14	Zincedile Tiya	LSSA
15	Carol Tendai Makoko	Malawi Law Society (MLS)
16	Tusume James Mwabungulu	MLS
17	Advocate Lintle Thuke	Law Society of Lesotho (LSL)
18	Ithabeleng Ramoetse	LSL
19	Charity Simelane	Law Society of Swaziland (LSS)
20	Mangaliso Magagula	LSS
21	Harold Sungusia	Tanganyika Law Society (TLS)
22	Mariam Othman	TLS
23	Michel Shebele Makoba	DRC Bar Association, National President
24	Jean Paul Kitenge Kabundu	DRC, Haut Katanga Bar Association
25	---	Mauritius Bar Association
26	---	Mauritius Bar Association
27	Divino Sabino	President Seychelles Bar Association
28	---	Seychelles Bar Association
29	---	Madagascar Bar Association
30	---	Madagascar Bar Association

## SADC LAWYERS ASSOCIATION NOMINATIONS FOR EXCO



Flavio Menete (elected) – Mozambique  
**President**



Noxolo Maduba Silevu (elected) – South Africa  
**Vice President**



Tania Canguia (elected) – Angola  
**Treasurer**



Rumbidzai Matambo (elected) – Zimbabwe  
**Executive Committee Member**



Lungisani Zulu (elected) – Zambia  
**Executive Committee Member**



# INTERNATIONAL COMMERCIAL ARBITRATION & DEVELOPMENT IN THE SADC REGION

## Chair Introduction

The Chair introduced the session on International Commercial Arbitration, focusing on its development within the SADC region. Emphasizing the remarkable growth in investments in Africa, particularly Southern Africa, the Chair noted that increased business activities have led to more disputes. Given that the court system may not always be the most effective route for resolution, alternative dispute resolution (ADR) mechanisms, such as arbitration, are crucial. The session aimed to explore the advancements in the SADC region, particularly through the AFSA SADC Alliance, and review progress in countries like South Africa, Zambia, and Malawi. The Chair introduced the first speaker Mike Kuper - Chairperson - AFSA SADC Division.



## 1. Mike Kuper - Chairperson - AFSA SADC Division.

Mr. Mike Kuper began by expressing gratitude for the opportunity to address the conference. He posed a critical question about why global businesses are hesitant to resolve disputes within the SADC region, despite its growing economic

engagement with Africa. He presented two potential answers: the easy answer attributing it to bias and a lack of confidence in SADC's arbitration capabilities, and the difficult answer suggesting that businesses would be willing to resolve disputes in the region if the arbitration services were world-class.



In 2019, the SADC lawyers Association debated that question A guiding precedent was provided by South Africa's experience. For many years, South Africa's arbitration foundation handled 300 to 400 commercial cases annually, but with minimal international referrals being referred to AFSA as the lead arbitration institution of South Africa. In 2017 the government of South Africa enacted the international Arbitration Act incorporating the UNCITRAL Model Law as recommended by the United Nations into its domestic legislation, thereby elevating its arbitration framework to a world-class standard. Notably, this legislative reform was complemented by a legal profession well-versed in arbitration, a supportive judiciary, and a multidisciplinary arbitration center capable of handling diverse cases. Following the passage of the International Arbitration Act, South Africa saw a significant shift: within days, international cases that had previously eluded the country began to be referred to its arbitration foundation. On average, two international matters were being referred each month from around the globe.

The success of South Africa in attracting international arbitration cases demonstrated that the world was willing to send disputes to a SADC country, provided the arbitration services met world-class standards. This success was attributed to South Africa's supportive government, effective legislation, supportive judiciary, skilled legal profession, and a multidimensional arbitration center.



In contrast, ad hoc arbitrations, while effective, do not provide a permanent structure with a proven track record, which can make it challenging for businesses to gauge the reliability of dispute resolution in each country. To build on this precedent, the SADC Lawyers Association decided to partner with the arbitration foundation to extend these high-quality arbitration services across the SADC region.

This partnership led to extensive discussions on how to expand arbitration services throughout Southern Africa. The goal was to create an alliance of arbitration practices in the region. Each law society was given the flexibility to join the alliance based on their specific needs—whether for international, regional, or domestic arbitration services. This approach was formalized in the Alliance Charter, which outlines the structure and responsibilities of the alliance.

He highlighted the from an access point of view, the alliance was highly attractive. After AFSA became linked with the China-Africa Joint Arbitration Centre (CAJAC), it began receiving references from the global community and gained a voice in the Belt and Road Initiative between China and Africa. This association allowed AFSA to establish important relationships in China and enhance its influence.

The alliance's potential to represent not just a single country but 16 countries significantly amplified its voice in international forums, including the Belt and Road Initiative and the BRICS arrangement. This broader representation promised to enhance the alliance's impact and effectiveness. Additionally, one of the key benefits of the alliance was to provide all SADC countries with access to global opportunities and active participation in international arbitration.

The speaker highlighted that a significant milestone was achieved in April this year when 16 SADC countries signed up for the alliance, with commitments from the DRC and the Indian Ocean Islands pending. The Charter envisions a network of institutions offering standardized arbitration and mediation services in the SADC region. Each law society is tasked with establishing an arbitration administration centre, drawing from AFSA's knowledge and expertise. The arbitration centers should be nonprofit and operate under the direction of the Law Society of each country.

They need to recruit and support key stakeholders involved in dispute resolution, including professionals from business, commerce, law, and construction. These centers should be designed to foster growth in each SADC country, serving as training hubs to educate and upskill young practitioners in arbitration. Each center should establish and administer clear rules, maintaining a comprehensive record of its activities. This transparency will provide businesses with the information they need to confidently choose the center for resolving their disputes.

It was noted that the centers will require training for those who administer cases, offering an opportunity to provide comprehensive training and a proper introduction for young practitioners into arbitration. This approach will ensure a standardized system for dispute resolution across the region.

It is essential to recognize that users of these arbitration centers will include individuals and businesses with international dealings. The initiative should not be limited to Southern Africa alone; if feasible, expanding into East Africa should be pursued in an inclusive and welcoming manner. This expansion will necessitate investment in facilities and infrastructure capable of handling international arbitrations, including hybrid, personal, or remote formats. Adequate online platforms, marketing, and publications will also be required.

In conclusion Mr. Kuper emphasized that it is time for this alliance to gain international recognition and for the skills available in SADC to be acknowledged globally. As Chief Justice Raymond Zondo emphasized during Johannesburg Arbitration Week, it is time for Southern Africa to assert its rightful place in global arbitration with pride and a legitimate voice. Thank you.



## 2. Ms Nakasamba Banda

The Chair provided an update on the status of arbitration developments in Zambia, highlighting significant progress and future plans. Reflecting on Mr. Kuper's remarks, Banda emphasized that Zambia is well-prepared to offer world-class arbitration services, and that the global community is increasingly receptive to what Zambia has to offer.

Ms Banda noted that Zambia has met all the steps that ensure that it can provide a world class service to international arbitrators updating its legal framework to align with contemporary standards. Currently, Zambia law follows the model law 1985 and efforts are underway to revise it to the 2006 version. Additionally, there are plans to enact a Mediation Act. The existing legal framework supports arbitration effectively, with Zambian courts being favourable towards arbitration agreements.



Active training programs are in place for adjudicators, arbitrators, and mediators, with a recent focus on training judges to ensure a well-rounded arbitration ecosystem. An upcoming arbitration week is scheduled from February 1st to 28th, with invitations to be sent out. The Chair noted that collaboration with AFSA will be key to providing relevant training, leveraging AFSA's experience in building a world-class arbitration centre.

The speaker highlighted The Lusaka International Arbitration Centre (LIAC), officially established on April 5th and inaugurated by His Excellency the President, has received strong governmental support. Policy directives have been issued to ensure that arbitration clauses in government agreements reference LIAC. The centre anticipates a significant influx of cases and is preparing accordingly.

LIAC is supported by a diverse range of stakeholders, including the Zambia Institute of Chartered Accountants, the Zambia Chamber of Commerce, the Zambia Chamber of Mines, and the Zambia Association of Manufacturers. The centre has recently advertised for qualified personnel to join its panel of arbitrators, which will include 7 to 21 judges from around the world.

Ms Banda concluded by affirming Zambia's commitment to becoming a preferred arbitration venue, aligning with the SADC Alliance's developments and objectives.

## 3. Charles Mhone - Managing Partner, Maxson Arnold & Associates

Mr. Mhone began by focusing on developments in Malawi. He highlighted a training session on international arbitration held on January 26, 2022, led by Senior Counsel Kuper. Kuper's insights emphasized that historically, many lawyers were trained as commercial lawyers rather than arbitration specialists. This led to a common oversight: while commercial lawyers would focus on the substance of contracts, they often neglected the crucial aspect of dispute resolution clauses. This gap underscored the need for expertise in international arbitration to better advise clients.

A publication issued by the Arbitration in Africa: Practitioners Guide pointed out significant disparities within the SADC region's arbitration practices and legislation. It noted that while some SADC countries have adopted the model law, others have varying acts, which has resulted in inconsistencies compared to other jurisdictions. This highlights the need for considerable improvements in the region's arbitration framework.





Despite the growth of arbitral institutions in Africa, including the SADC region, there remains a preference for resolving disputes in Europe rather than within our own jurisdictions. Malawi, in collaboration with the SADC-LA and AFSA Division, has taken significant steps to address this issue. Key developments include:

- **Accession to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards** in June 2021.
- **Review and update of the Arbitration Act**, culminating in the passage of the International Arbitration Act, which incorporates the UNCITRAL Model Law and the UN Convention.

Additionally, Malawi has established the Malawi International Arbitration Centre, modelled after AFSA's practices and incorporating rules similar to those of the London Court of International Arbitration. This development is part of a broader effort to align with the SADC Charter and improve the region's arbitration landscape.

Mr. Mhone emphasized the importance of the SADC alliance in improving the region's arbitration practices. He highlighted that the Charter signed by several countries outlines the need to advance international arbitration standards. When negotiating contracts with parties from other jurisdictions, concerns often arise that our frameworks may not be perceived as internationally competitive. This presents an opportunity for us to enhance our arbitration systems and strengthen our bargaining power.

The financial implications of resolving disputes outside the SADC region are significant, underscoring the need for improvement within the region. Mr. Mhone called on all member states to actively participate in this process of enhancement. It is crucial to move beyond the commitments made at Johannesburg Arbitration Week and focus on advancing the arbitration landscape within the SADC region. Thank you.

#### **4. Ms Svetlana Vasileva – Secretary General- AFSA International**

Ms. Vasileva concluded the discussion by introducing AFSA International and its pivotal role in shaping arbitration across Africa, with a particular focus on South Africa and the SADC region. Noting that AFSA is a premier, independent international commercial arbitration institution known for its efficient and impartial services, catering to both local and international stakeholders. It offers a broad spectrum of arbitration services through five distinct sets of rules tailored to meet global standards and address diverse party needs. AFSA is committed to professional development, providing extensive training and resources for arbitration professionals.

It was highlighted that AFSA plays a crucial role as a centre for cross-border disputes, providing a neutral platform and accessible arbitration services across various sectors. Its global influence solidifies its position as a key player in the field, upholding fairness and impartiality. The organization's commitment to delivering reliable dispute resolution underscores its prominence in the international arbitration landscape.

Regarding the AFSA SADC alliance, Ms. Vasileva highlighted its significance in fostering cooperation and development within the SADC region. AFSA International strives for excellence and aims to elevate local arbitration capabilities to meet international standards. The alliance is instrumental in ensuring that the arbitration framework within the region is robust, with a focus on strengthening the regional network, enhancing stability, and increasing maturity. AFSA's extensive global reach and influence in adopting effective legal frameworks across Southern Africa are evident. The organization has serviced users from over 54 jurisdictions over the past decade, with 175 users from the SADC region alone.

Ms. Vasileva provided data on AFSA's caseload from 2018 to 2023, showcasing a significant increase in the number of cases, indicating growing trust and reliance on AFSA's arbitration services. The sectors with the highest case volumes include financial services, energy and resources, industrial manufacturing, commodities and trading, transactional agreements, transportation and logistics, agriculture, and mining. AFSA's track record, particularly in financial services, highlights its capability and infrastructure to handle complex disputes effectively.

One of AFSA's key benefits is its 2021 international rules, which significantly enhance the arbitration process by reducing both time and cost. These rules incorporate expedited procedures, emergency arbitration, early dismissal, consolidation, joinder, and arb-med-arb options, reflecting AFSA's commitment to an efficient and economically advantageous arbitration environment. Compared to other prominent arbitration institutions, AFSA offers faster and more cost-effective arbitration, typically concluding within 13 months and at an average cost of approximately \$41,000, which is notably lower than the LCIA and ICC. AFSA's unique offerings include a licensed platform for hybrid and remote hearings, which facilitates a smooth and comfortable arbitration experience.

Noting The proposed SADC Alliance Model Clause is fundamental in ensuring that arbitration remains an efficient, reliable, and effective means of dispute resolution, having clear arbitration clause you will have strong arbitration but also cost effective.

In closing highlighting the key take aways is that with arbitrating with AFSA include:

- global best practices services
- local expertise and diversity
- cost effectiveness
- accessibility
- tailored rules
- responsive secretariat
- enforceable award, (AFSA prides itself on a record of no rejected awards for enforceability)
- commitment to capacity building and training its partners
- promoting of African arbitration

Ms. Vasileva invited attendees to review the SADC brochure 2024, available on the SADC-LA website, for more information on AFSA International's initiatives within the SADC region. She expressed gratitude for the opportunity to speak and enthusiasm for future cooperation..

The Chair thanked Ms. Vasileva for her comprehensive overview of AFSA International and its benefits. The session was acknowledged as enriching, and the Chair opened the floor for questions.

## Recommendations

1. Promote alignment with the UNCITRAL Model Law across SADC countries to standardize arbitration practices and enhance credibility. This calls for advocacy for legislative reforms in SADC member states to adopt or update national arbitration laws in line with the UNCITRAL Model Law.
2. Support the establishment and development of arbitration centres in all SADC countries, ensuring they adhere to high international standards, and ensure alignment with the SADC Alliance Charter.
3. Capacity Building; Invest in comprehensive training programs for arbitrators, adjudicators, and mediators to ensure a well-rounded arbitration ecosystem, leveraging expertise from established institutions like AFSA, Malawi International Arbitration Centre and the Lusaka International Arbitration Centre (LIAC).
4. Increase the international recognition of SADC's arbitration capabilities to attract global business and investment.
5. Address dispute resolution clause, there is a need to tackle the challenge of international companies imposing dispute resolution clauses outside local jurisdictions the awareness raising in the different localities of alternative regional solutions.
6. Encourage the other SADC members to join the alliance to a joint regional effort,

Secure strong government backing and active involvement from key stakeholders such as the judiciary to ensure the success and sustainability of arbitration centres, as demonstrated by Zambia's approach. Advocate for government policy directives that mandate the inclusion of local arbitration centres in government contracts, similar to Zambia's policy.



# GALLERY













# GLOBAL KEYNOTE ON THE STATE OF HUMAN RIGHTS RULE OF LAW & DEMOCRACY IN SOUTHERN AFRICA

The day's discussion commenced with a comprehensive recap of the events that had taken place in the preceding days, including the lively golf day, the formal opening of the Women Lawyers Forum, and the vibrant Business Mission Exhibition. Liseli Muyenga expertly delivered this overview, highlighting key moments and insights from each event, which set a positive tone for the gathering.

Following her summary, Liseli graciously handed over the proceedings to the program directors, Nkosana Mvundlela and Valerie Kawangu. With great enthusiasm and professionalism, the program directors took the stage to acknowledge and extend warm salutations to the esteemed members present, fostering an atmosphere of respect and camaraderie. They also introduced the panelists, who were poised to share their expertise and perspectives on various relevant topics.



As moderators, Nkosana and Valerie skilfully guided the panel presentations, ensuring that each panelist had the opportunity to contribute meaningfully to the discussion. Their adept moderation facilitated a dynamic exchange of ideas, encouraging audience engagement and fostering a collaborative spirit among participants. Overall, the session promised to be an enlightening experience, rich with insights and opportunities for networking.

## **Brian Kagoro- Global Director – Open Society Foundations**

During the conference, Kagoro took the stage to address the alarming statistics surrounding the abuse of women in Southern Africa. He asserted, “The figures we see—often quoted in percentages—are not just abstract numbers; they represent the lived experiences of countless individuals, including many of you in this room.” His words resonated deeply with the attendees, highlighting the urgent need for action in response to the pervasive violence and discrimination against women.



As the discussions unfolded, Kagoro raised concerns about the role of lawyers in human rights advocacy. He noted, “While we gather here to engage in meaningful dialogue about human rights, we must acknowledge the uncomfortable truth that many of our discussions remain theoretical.” This sentiment was echoed by several participants, who expressed frustration that, despite the wealth of knowledge shared, the implementation of recommendations often fell short. “It’s disheartening to see such powerful conversations end without actionable outcomes,” he remarked.

Kagoro also pointed out the hypocrisy among legal professionals, stating, “We often use eloquent language to address critical issues during conferences, yet once the event concludes, we revert to complacency. This pattern must change.” The audience nodded in agreement, recognizing the necessity for a commitment to action beyond mere rhetoric.



He emphasized the inseparability of human rights and women's rights, stating, "We cannot separate the fight for women's rights from the broader struggle for human rights. The realization of these rights is intrinsically linked to the socio-economic development of our countries." His words prompted attendees to reflect on how addressing systemic inequalities and fostering economic empowerment is essential for sustainable development.



Furthermore, he made a powerful call to action: "Advancing women's rights is not only a moral obligation; it is crucial for the progress of our societies." His message was clear: by integrating these principles into their advocacy and legal practices, participants could contribute to meaningful change within their communities and beyond. The discussions he led left a profound impact, urging all present to transform words into action and champion the cause of human rights in tangible ways.

### **Shrinking Space for Democratic Participation in Africa**

Kagoro highlighted the concerning trend of diminishing democratic spaces across the African continent. He noted that many governments are increasingly adopting repressive measures that limit citizens' rights to free speech, assembly, and political participation. "The space for democratic dialogue is closing," he stated, emphasizing that laws and policies are often manipulated to stifle dissent and silence opposition voices. This erosion of democratic freedoms undermines civil society and hampers the ability of individuals to engage in the political process.



Kagoro pointed out that this trend poses significant challenges to the rule of law. When citizens are unable to express their views or participate in governance, it creates a disconnect between the government and the people, eroding trust in institutions. He called for a renewed commitment to uphold democratic principles, stressing that vibrant participation is essential for a healthy democracy and the protection of human rights.

### **Legacy of Colonial Violations**

Kagoro also addressed the enduring legacy of colonial violations that continue to affect many African countries even after gaining independence. He explained that the injustices and abuses experienced during colonial rule have left deep scars, leading to systemic issues that persist today. "Post-independence, many countries inherited not just borders, but also oppressive systems that continue to marginalize certain groups," he noted.

He argued that the colonial legacy manifests in various forms, including unequal access to resources, discrimination, and institutionalized violence.

These issues contribute to ongoing human rights violations and hinder the establishment of a robust rule of law. Kagoro emphasized the need for countries to confront this legacy by actively addressing past injustices and promoting inclusive governance that respects the rights of all citizens. In summary, Kagoro's insights underscore the urgent need to safeguard democratic participation and to address the historical injustices stemming from colonialism in order to build a more just and equitable society in Africa.



### **Dr Sergio Raimundo-Angola**

Dr. Sergio Raimundo addressed critical issues surrounding human rights and the rule of law in Angola and in the SADC region. His insights focused on several key areas of concern, reflecting the complex and often troubling landscape of human rights within Angola.

## 1. Human Rights Violations

Dr. Raimundo highlighted ongoing concerns regarding widespread human rights abuses in Angola. He noted the prevalence of arbitrary detention, where individuals are often imprisoned without fair trials. Additionally, he emphasized the severe restrictions on freedom of expression, which particularly impact journalists, activists, and political dissidents. “The violence against those who dare to challenge the government is a growing threat,” he stated, underscoring the urgent need for protective measures for vulnerable groups.

## 2. Judicial Independence

The discussion further explored the lack of judicial independence in Angola. Dr. Raimundo explained that political interference significantly undermines the impartiality of legal proceedings, leading to biased outcomes that favor government interests. He remarked, “This situation erodes public trust in the legal system and discourages individuals from seeking justice,” highlighting the detrimental effects of this erosion on citizens’ rights.



## 3. Corruption

Dr. Raimundo identified high levels of corruption as a major impediment to human rights enforcement in Angola. He articulated how corruption within government institutions creates a culture of impunity, allowing abuses to persist without accountability. “When citizens witness corruption going unpunished, their faith in governance diminishes, contributing to a cycle of disillusionment,” he observed, calling for reforms to address this pervasive issue.

## 4. Civil Society Restrictions

The limitations faced by non-governmental organizations (NGOs) and civil society groups were also a focal point of Dr. Raimundo’s discussion. He pointed out that these entities encounter significant restrictions that hinder their ability to advocate for human rights effectively. “Heavy regulations and harassment of activists stifle civil engagement,” he noted, emphasizing the need for a supportive environment that fosters advocacy and open discourse.

## 5. Economic Disparities

Dr. Raimundo addressed the role of economic disparities in exacerbating human rights issues, particularly for marginalized communities. He explained that many individuals lack access to essential services, such as healthcare and education, which directly impacts their quality of life. “These systemic inequalities deny basic rights and perpetuate cycles of poverty,” he stated, urging a comprehensive approach to economic development that prioritizes social equity.

## 6. Reforms and Progress

While acknowledging the calls for legal and institutional reforms, Dr. Raimundo expressed concern over the slow progress in implementing meaningful changes. He pointed out that entrenched political interests often resist reforms, leaving many human rights issues unaddressed. “Without genuine commitment to change, the potential for progress remains limited,” he remarked, emphasizing the need for sustained advocacy and pressure for reform.



## 7. International Engagement

Lastly, Dr. Raimundo stressed the importance of Angola’s engagement with international human rights bodies. He stated that adherence to international treaties is crucial for improving the human rights landscape in the country. “Collaboration with international organizations can provide accountability and support best practices,” he noted, advocating for greater alignment with global human rights standards.

In conclusion, Dr. Sergio Raimundo’s discussion highlighted the multifaceted challenges facing human rights and the rule of law in Angola. He called for concerted efforts from both national and international actors to foster positive change and ensure the protection of human rights for all citizens. The urgent need for reforms, transparency, and civil engagement remains at the forefront of the dialogue on the future of the SADC Region in realization of Human Rights, the rule of law, democracy & good governance.



## Dr Adane Gebhremeskel GIZ Botswana

Dr. Adane discussed GIZ Botswana's strategic initiatives aimed at promoting the realization of human rights within the SADC region. He highlighted the organization's multifaceted approach, which encompasses capacity building, advocacy, and support for legal frameworks, all designed to foster an environment where human rights are respected and upheld.



### Capacity Building and Advocacy

Dr. Adane emphasized the importance of capacity building in strengthening government institutions and civil society organizations. He noted that GIZ Botswana is dedicated to enhancing the skills and resources of these entities to effectively implement and monitor human rights policies. "By empowering local organizations," Dr. Adane stated, "we ensure that they can play a vital role in advocating for and protecting human rights within their communities." Additionally, GIZ engages in advocacy efforts to raise awareness of human rights issues across the region, facilitating dialogue among diverse stakeholders, including governments, civil society, and the private sector. This collaborative approach helps to create a more informed public and fosters a culture of accountability.

### Legal Frameworks and Gender Equality

Dr. Adane further discussed GIZ's commitment to supporting robust legal frameworks that protect human rights. He explained that the organization provides technical assistance to help countries align their laws with international human rights standards. "This support is essential for establishing a solid foundation for human rights protection," he remarked. Furthermore, he highlighted GIZ's focus on promoting gender equality and women's rights, recognizing that empowering women is crucial for the broader realization of human rights. By fostering regional cooperation among SADC member states, GIZ Botswana encourages collaborative solutions to shared human rights challenges, ultimately aiming to create a more just and equitable society throughout the region.



## Proposed SADC Engagement Mechanisms in Realization of Democracy, the Rule of Law and Good Governance

Dr. Adane discussed the proposed engagement mechanisms within the Southern African Development Community (SADC) aimed at promoting democracy and the realization of human rights across the region. He emphasized the importance of structured approaches, including clusters, liaison offices, and Non-State Actor (NSA) forums, in fostering collaboration and effective governance among member states.

### 1. Clusters for Enhanced Coordination

Dr. Adane highlighted the establishment of various thematic clusters by SADC to enhance coordination among member states. These clusters focus on specific areas such as political governance, social development, and economic integration. He explained, "By grouping countries with similar interests and challenges, SADC facilitates knowledge sharing and collaborative problem-solving." For instance, the political governance cluster is dedicated to promoting electoral processes, strengthening political party systems, and upholding the rule of law. This strategic grouping ensures that democratic principles are consistently prioritized and upheld throughout the region.

### 2. Liaison Offices

The role of SADC liaison offices was another key focus of Dr. Adane's presentation. He noted that these offices are essential in implementing regional policies and enhancing communication between member states and the SADC Secretariat. "Liaison offices act as bridges for cooperation on human rights and democracy initiatives," he stated. They are responsible for monitoring human rights situations, assisting in capacity-building efforts, and supporting civil society organizations. By serving as focal points for dialogue, liaison offices ensure that local voices are heard in regional decision-making processes, promoting more inclusive governance.



### **3. Non-State Actor (NSA) Forums**

Finally, Dr. Adane discussed the significance of Non-State Actor (NSA) forums as vital mechanisms for fostering dialogue and engagement on issues related to human rights and democratic governance. He explained that these forums bring together civil society organizations, community groups, and other stakeholders to discuss pressing issues and share best practices. “By providing a platform for non-state actors to contribute to policy discussions, SADC encourages grassroots participation in the democratic process,” he noted. These forums not only facilitate accountability for governments but also ensure that human rights considerations remain central to regional initiatives.

Dr. Adane’s insights into the proposed SADC engagement mechanisms underscore the organization’s commitment to promoting democracy and realizing human rights in the region. By leveraging clusters, liaison offices, and NSA forums, SADC aims to create a collaborative and inclusive environment that upholds democratic principles and protects the rights of all citizens. These mechanisms are essential for addressing regional challenges and advancing sustainable democratic governance across Southern Africa.

## **RECOMMENDATIONS (Improving the State of Human Rights and Democracy in SADC )**

### **1. Enhance Democratic Participation**

- Create policies that protect and promote the rights to free speech, assembly, and political participation.
- Facilitate civic education programs to empower citizens about their rights and responsibilities in a democracy.

### **2. Address the Legacy of Colonial Violations**

- Implement comprehensive reparative justice programs to acknowledge and rectify historical injustices.
- Promote inclusive governance that recognizes and addresses the needs of marginalized communities affected by colonialism.

### **3. Combat Abuse of Women**

- Develop and enforce stricter laws against gender-based violence and discrimination.
- Establish support systems and safe spaces for victims of violence, ensuring access to legal and psychological assistance.

### **4. Strengthen Implementation of Human Rights Recommendations**

- Ensure that legal professionals are trained in human rights law and the principles of democratic governance.
- Create accountability mechanisms for lawyers and institutions to implement recommendations from human rights bodies effectively.

### **5. Tackle Economic Disparities**

- Promote policies aimed at reducing economic inequalities through equitable distribution of resources and opportunities.
- Invest in community development programs that target marginalized groups to improve access to basic services.

### **6. Combat Corruption in Government**

- Establish independent anti-corruption bodies with the authority to investigate and prosecute corruption cases.
- Promote transparency in government operations and decision-making processes, ensuring public access to information.

### **7. Strengthen Monitoring and Evaluation of Human Rights Policies**

- Implement robust mechanisms for the continuous monitoring and evaluation of human rights policies and practices.
- Engage civil society organizations in the evaluation process to ensure diverse perspectives and accountability.

### **8. Promote Regional Cooperation**

- Foster collaboration among SADC member states to share best practices and strategies for promoting democracy and human rights.
- Encourage cross-border initiatives that address common human rights challenges, such as trafficking and migration.

### **9. Support Civil Society Engagement**

- Remove restrictive laws that limit the operation of NGOs and civil society organizations.
- Provide funding and resources for civil society initiatives focused on human rights advocacy and education.

### **10. Increase International Engagement**

- Strengthen partnerships with international human rights organizations to enhance accountability and support.
- Advocate for SADC member states to adhere to international human rights treaties and conventions.

# EMERGING TRENDS IN DEMOCRATIC ELECTIONS IN SOUTHERN AFRICA : ANALYSIS OF THE IMPACT OF RECENT ELECTIONS IN SADC

Rudorwashe Rushwaya opened the session with a brief overview of the topic, introducing each speaker in turn before their presentations. Additionally, she informed the audience that a Q&A session would take place following the presentations.

In a recent discussion on the electoral processes in Africa, various speakers shared insights and challenges faced within their jurisdictions, emphasizing the need for reform and enhanced democratic practices.



Dr. Tarisai Mutangi began by highlighting the critical issue of access to electoral information, specifically the voters' roll in Zimbabwe. She stressed that equal access to electoral information is essential for meaningful political participation, as the voters' roll guides election management and candidate strategies. However, she pointed out a recurring dispute regarding access, noting that the high costs associated with obtaining this information, such as \$187 per page for hard copies, hinder transparency and participation. Dr. Mutangi referenced guidelines from the African Commission on Human and Peoples' Rights that call for electoral management bodies to proactively share information. She posed questions for further discussion, asking how other jurisdictions manage access to the voters' roll and what measures are in place to ensure transparency.

Shifting focus to electoral dispute resolution, Dr. Mutangi expressed concern over the technicalities that often overshadow substantive justice in electoral petitions. She revealed that, over the past two decades, less than 20 out of 300 petitions in Zimbabwe were resolved on their merits due to strict procedural rules. This trend, she argued, calls for a reassessment of how electoral disputes are handled, advocating for a shift towards prioritizing substantive justice to ensure fair outcomes for all stakeholders.

The issue of enfranchisement, particularly regarding prisoners, was also addressed. Dr. Mutangi noted that while there is no formal exclusion of prisoners from voting in Zimbabwe, practical measures to facilitate their voting rights are lacking. She encouraged dialogue on strategies to ensure that marginalized populations can exercise their voting rights effectively.

The discussion then moved to the high costs of candidate nominations. Dr. Mutangi highlighted a significant increase in the nomination fee for presidential candidates, which rose from \$1,000 to \$20,000, potentially limiting participation from diverse candidates. She called for an examination of nomination costs across jurisdictions, emphasizing the need for fees to be accessible to a broader population.

Additionally, Dr. Mutangi raised concerns about the practice of amending electoral laws just before elections. She pointed out that while the constitution prohibits such changes from affecting upcoming elections, there have been instances where amendments have led to substantial impacts, particularly on underrepresented groups like women. She invited participants to reflect on the implications of such practices in their own jurisdictions.



Nkululeko Tselane, joining virtually, shifted the conversation to South Africa's recent electoral litigation. He highlighted that the 2024 elections saw a significant increase in litigation, making them the most contested in the country's history. The introduction of independent candidates added complexity to the electoral landscape, although none secured seats. Tselane noted the strain on the Electoral Court, which faced a surge in cases questioning the constitutionality of electoral laws and the independence of the Electoral Commission. He urged legal professionals to better understand electoral law to navigate these challenges effectively.

Bonolo Makgale then addressed the role of artificial intelligence (AI) in elections, discussing both its potential benefits and risks. She emphasized that while AI can enhance voter engagement and education, it also raises concerns about misinformation. Makgale called for collaborative efforts to combat disinformation and ensure equitable access to technology, stressing the importance of protecting democratic values in the face of rapid technological change.

Finally, Ericino De Salema focused on the integrity of electoral processes in Southern Africa. He noted that recent elections in countries like Zimbabwe and Mozambique have been marred by human rights violations and a lack of transparency. De Salema called for rigorous auditing of voters' rolls and greater accountability among ruling parties to uphold democratic principles. He highlighted the necessity for lawyers' associations to take an active role in advocating for electoral reforms to ensure that elections serve as genuine platforms for political expression.

In conclusion, the discussion underscored the importance of addressing these multifaceted challenges in electoral processes across Africa. Participants were encouraged to share their experiences and strategies to promote transparency, accountability, and inclusivity, paving the way for stronger democratic practices on the continent.

## **Recommendations:**

1. Measures must be implemented to ensure easy and affordable access to the voters' roll, including promoting electronic formats to reduce costs and improve access. There is also a need for the review and adjustment of the costs associated with candidate nominations to increase accessibility.

2. The process for resolving electoral disputes must be streamlined to prioritise substantive justice over technicalities. Clear guidelines for addressing petitions must be established to ensure timely and fair resolutions, and electoral court rules and legislation must be consolidated and updated to reflect current practices.

3. Strategies to enable prisoner voting must be developed, including the creation of logistical frameworks and legal provisions to support their enfranchisement in line with international standards.

4. Comprehensive training programmes to enhance legal professionals' understanding of electoral court rules and legislation must be developed, ensuring effective prosecution of cases and maintaining the credibility of the electoral process.

5. Strong security protocols for digital voting systems must be implemented to protect against cyber threats and ensure the integrity of elections.

6. There is a need for increased transparency in electoral processes and communication of the measures used to ensure fair elections, in order to build public trust and counter misinformation. Strategies to identify and counter misinformation campaigns, especially from external sources, must also be developed.

7. AI-driven tools must be employed to improve voter education and engagement, while establishing mechanisms to combat misinformation and prevent misuse. Transparency in the use of AI during elections must be mandated, including guidelines and ethical standards for AI applications.

8. Electoral management must be professionalised, and the role of independent oversight bodies must be strengthened to monitor and address issues in the electoral process and the handling of disputes.

9. Collaboration among regional legal associations must be promoted to share best practices and support electoral reforms. Joint efforts to improve electoral systems across Southern Africa and investment in legal education and advocacy to build capacity among lawyers and civil society organisations, focusing on electoral law, procedural matters, and reform strategies, are encouraged.

# NEW RULES ON NEC CONTRACTS FOR CONSTRUCTION

The session commenced with an introductory statement from the chair, Mr. Mulenga Sholomo, who underscored the significant impact of New Engineering Contracts (NEC) and Public-Private Partnership (PPP) Agreements on the economic landscape of Southern African countries. He emphasized the pressing need for collaboration between the private sector and state parties to effectively deliver on infrastructure development programs, particularly within the SADC region.



## 1. Overview of New Engineering Contracts (NEC)

The first panelist, Mrs. Thoko Praise Nyirongo, provided an insightful presentation on NEC. She defined NEC as a framework designed to manage civil engineering projects from inception to completion, aimed at preventing costly disputes. Mrs. Nyirongo explained that NEC contracts foster good project management practices and emphasize collaborative efforts between contractors and clients.

Key principles of NEC include:

- Collaborative Foresight: Anticipating problems to mitigate risks.
- Regular Program Assessments: Keeping all parties informed about liabilities and progress to avoid disputes.
- Clear Processes for Change Management: Ensuring that changes are implemented systematically, reducing potential conflicts.

She highlighted the pivotal roles of project managers and supervisors in facilitating a culture of trust and cooperation under NEC contracts. Additionally, she discussed recent amendments to NEC, including provisions for climate change, remote working adaptations, and liability adjustments, showcasing NEC's commitment to evolving with industry needs.

## 2. Case Studies of PPPs in Zambia

The second panelist, Mrs. Musata Ndlovhu, focused on regional best practices related to PPP agreements and risk management. She presented two notable case studies from Zambia, emphasizing the importance of transparency and rigorous procurement processes.

In the first case, the Ndola Dual Carriageway Project faced significant challenges, including:

- Overpricing: The project's costs raised public concerns and scrutiny.
- Lack of Transparency: Irregularities in procurement led to allegations of corruption.
- Political Risks: Changes in government affected project continuity.



Mrs. Ndlovu recommended best practices such as conducting thorough feasibility studies, ensuring competitive procurement processes, and establishing clear contractual terms to mitigate these risks.

The second case, the LAMISE Trading Speed Camera Project, similarly highlighted issues of overpricing and lack of transparency, reinforcing the need for open bidding and stakeholder engagement. She concluded that adherence to the "3Ps"—People, Process, and Performance—is crucial for successful PPP projects.



### 3. Zambian Policy Framework for PPPs

The final panelist, Mrs. Nukwase Mwanza, elaborated on Zambia's approach to PPPs. She explained that the Zambian government aims to leverage private sector investment to improve infrastructure cost-effectively. Key sectors open to PPPs include transport, housing, health, and education.

Mrs. Mwanza discussed the various risks associated with PPPs, including financial, legal, and regulatory risks. She emphasized the importance of appropriate risk allocation between public and private parties, which is critical for the success of infrastructure projects. Key recommendations included:

- **Transparent Procurement:** Implementing competitive bidding processes.
- **Thorough Risk Assessment:** Identifying and allocating risks to the party best equipped to manage them.
- **Stakeholder Engagement:** Ensuring continuous communication with all parties involved.

The session highlighted the essential role of PPPs and NEC in addressing infrastructure challenges in Zambia and the broader SADC region. Emphasizing collaboration between the public and private sectors, the presentations underscored the importance of transparency, effective risk management, and adherence to best practices in fostering successful partnerships.

By implementing these recommendations, Zambia can enhance its infrastructure development efforts, ensuring that projects deliver real value to society while mitigating risks effectively.

### RECOMMENDATIONS:

1. With respect to PPPs, there must be inclusion of a performance table that incentivises the contractor's performance of certain targets. It can reward or punish contractors if the targets are not met.

2. Inclusion of a maximal amount to prevent this sum from getting high. Other measures to be taken by the contractors are:

- Dust suppression by using water bowsers or molasses;
- Use of eco-friendly materials for road construction such as Bitumen;
- Correct disposal of construction waste and chemicals;
- Replacing trees in places where trees were cut;
- Avoidance of burning construction waste; and

- Avoidance of discharging hazardous fluids or gases into the atmosphere.

3. New Engineering Contracts (NEC's) latest set of new rules and amendments are a welcome step forward, as they demonstrate its recognition of the challenges faced by the industry in the current climate. The amendments in relation to climate change, remote working, and some of the key positions in the short form contracts are particularly useful for all those tendering for or considering entering into NEC contracts using these new forms.

4. In Zambia, the USD 1.2 billion Ndola Dual Carriageway Project was aimed to improve road connectivity between Lusaka and Ndola, a critical route for commerce and transportation. The project was awarded to China Jiangxi.

5. The best practice in this particular case study was to ensure competitive and transparent procurement through a clear, open bidding processes. These are essential to ensure fairness and attract reputable partners.

6. In addition, conducting detailed feasibility studies through financial and technical evaluations which are thorough and necessary before project initiation to ensure realistic cost estimates and benefits.

7. Another best practice is to establish clear and fair contractual terms by creating balanced contracts that clearly defined roles, responsibilities, and risk-sharing arrangements which is crucial.

8. Mitigating political risks which involved having strategies such as securing bipartisan support and including protective clauses in contracts can help to manage political risks that may arise.

9. With regard to PPP Projects, there must be open, competitive bidding processes in compliance with the Public Procurement Act and the PPP Act.

10. Conduct thorough feasibility studies that are transparent and publicly available.

11. Draft clear, balanced contracts that define roles, responsibilities, and risk-sharing arrangements.

12. Engage stakeholders and the public early and continuously through consultations and media campaigns.

# STREAMLINING TECHNOLOGY INTO THE RUNNING OF A LAW FIRM

The session was chaired by Ms. Misozi Hope Masenga from Zambia, who introduced the topic and the panelists. She emphasized the importance of integrating technology into business practices, particularly within the legal profession. Ms. Masenga noted that while technology has the potential to increase productivity and overall performance, there are significant challenges. These include the high costs associated with implementing new technologies and the reluctance of some legal professionals to move away from traditional practices. She acknowledged the panel's expertise and expressed confidence that they would provide valuable insights into this complex issue. Introducing the First Speaker Jared Poole- Head of Community South African Legal Technology who joined virtually.



## **Jared Poole - Head of Community, South African Legal Technology (Virtual)**

Mr. Jared Poole commenced his presentation by thanking attendees and discussing the integration of technology into law firm operations. He highlighted his roles at the South African Legal Technology (SALT) Network and BriefCo Consultancy, both of which promote technological adoption among legal practitioners. Mr. Poole explained that technology has streamlined traditionally cumbersome processes, such as managing litigation costs, thus improving efficiency.

He noted that many legal professionals lack reputable information on technology integration, which SALT aims to address. Importantly, he cautioned against applying technology indiscriminately across all operations, advocating

for a strategic approach that identifies specific areas where technology can add value. He described technology as the "great equalizer" that enhances competition among firms of all sizes. Mr. Poole concluded with two key takeaways: embrace innovation and focus on core areas for technology integration. He emphasized the importance of building strong relationships with technology suppliers to ease the adoption of new tools.

**2. Tshepo Mochabang - Director, AJS** Ms. Tshepo Mochabang introduced herself and expressed her appreciation for participating in the session. She discussed AJS, a leading provider of legal accounting and practice management software since 1979. With a clientele of 2,500 customers, AJS offers solutions that enhance productivity across multiple jurisdictions.

She highlighted that AJS's cloud-based system ensures secure access from any location, facilitating a hybrid work environment. The software includes legal accounting, practice management, and document assembly tools, designed to streamline operations for firms of all sizes.

Ms. Mochabang stressed the integration of practice management and accounting as vital for operational efficiency. She noted the system's user-friendly interface and robust security features, enhancing overall office efficiency. She concluded by encouraging engagement with AJS for those seeking to drive digital transformation in the legal sector.





**3. Eric Kamwi - Managing Partner, EMK Legal Practitioners (Zambia)** Mr. Eric Kamwi delivered a compelling presentation on the role of technology in legal practice. He underscored the inevitability of technological advancement and urged practitioners to embrace it to improve their operations. He discussed various benefits, including remote work capabilities, cost reduction, and enhanced service delivery through automated processes.

Kamwi recommended several technological tools, such as video conferencing, document management software, and practice management systems. He acknowledged the initial costs associated with these tools but emphasized their long-term advantages in improving client satisfaction and operational efficiency.



The Chair thanked Mr. Kamwi for his insightful presentation, which highlighted the importance of investing in technology for enhanced law firm performance.

**4. Ireen Nambule** Ms. Ireen Nambule began her presentation by aligning her views with previous speakers and referencing a statement from the Master of Laws in England about the dual challenges posed by AI and technology in law. She emphasized the need for legal practitioners to adapt to these advancements or risk obsolescence. Nambule discussed the significant benefits of technology in legal practice but highlighted the urgent need for a regulatory framework to govern its use. She cited the Universal Declaration on the Fair Use of Artificial Intelligence as a global step towards addressing ethical concerns. Transparency with clients regarding technology usage, particularly in billing, was also emphasized.

She warned against overreliance on AI in legal work and underscored the necessity for legislation to clarify liability issues arising from AI usage. Nambule concluded by calling for global efforts to regulate technology and emphasized the importance of transparency in legal practices.

**Chair Conclusion** The Chair suggested incorporating provisions for disclosure in client engagement documents, ensuring clients are informed and consent to the use of technology and AI in their legal matters. She thanked the panelists for their insightful presentations and encouraged ongoing discussions about integrating technology in the legal profession.

## Recommendations

1. Promote awareness and education- encourage continuous discussions on the importance and benefits of integrating technology in the legal profession.
2. Customize technology integration- Law firms should map out their processes to identify key areas where technology can add the most value.
3. Strengthen Relationships with Technology Providers- Build strong, trust-based relationships with technology suppliers to ensure smooth implementation and ongoing support
4. Development of legal framework and Ethical Use of Technology- Develop and adhere to ethical guidelines for the use of technology, including AI, in legal practices, SADC platform to be used to push this.
5. Ensure transparency with client- declare the use of technology in billing and case management and obtain their consent where necessary.
6. Enhance data security- through policy and legal framework, invest in secure platforms and service providers.
7. Promote Environmental sustainability- advocate for the legal profession to adopt environmentally sustainable practices using technology.
8. Collaborate with Regional Bodies: Engage with regional organizations like SADC-LA and Secretariat to promote digital transformation across the legal sector in Africa., advocating for regional collaboration in the development of technology standards and best practices for the legal profession.
9. Address job displacement caused by technology use to address resistance of use.
10. Encourage legal professionals to experiment with new technologies and share their experiences with peers.

# BUILDING BRICS & OPPORTUNITIES FOR LAWYERS IN INTERNATIONAL TRADE AGREEMENTS

Tendai Carol Makoko commenced the session with a brief overview of the topic. She introduced the first speaker and outlined that each subsequent speaker would be introduced in turn, following the conclusion of the previous presentation. Tendai Carol Makoko then informed attendees that there would also be time for a question-and-answer session at the end of the session.



Orquidea Massarongo Jona addressed the challenges of regional integration, emphasizing that language poses a significant barrier. She argued that discussions on women's issues should not be relegated solely to women, advocating for a collective approach among lawyers to address all issues. Her focus was on the challenges posed by BRICS and the new economic order, questioning whether lawyers' voices are genuinely heard in international trade arrangements. She raised concerns about the representation of African countries within BRICS, highlighting the need for inclusive dialogue. Jona stressed that lawyers should engage actively in shaping discussions rather than merely responding to decisions made by politicians. She pointed out the importance of addressing language barriers and urged legal professionals to leverage their local contexts to influence negotiations effectively, thereby ensuring that regional needs are adequately represented.

## **Joseph Chirwa**

Joseph Chirwa framed BRICS as primarily a South African issue, noting that many countries in the SADC region depend on South Africa's economy. He highlighted the complexities of differing legal systems within SADC, which impede cross-border legal practice. Chirwa emphasized the need for capacity building among lawyers to enable

effective participation in economic integration. He discussed the historical context of colonial legacies that continue to affect legal frameworks and proposed that overcoming these barriers could facilitate economic cooperation. He raised concerns about visa requirements that hinder movement between neighboring countries, calling for policies that would allow qualified lawyers to practice across borders. Chirwa concluded by urging the legal profession to advocate for meaningful integration, ensuring that lawyers benefit from economic initiatives.



## **Anthony Kasolo**

Anthony Kasolo underscored the critical need for capacity building in trade negotiations, recalling how lawyers sought training to improve their negotiation skills. He shared experiences from past negotiations, emphasizing the importance of involving legal professionals early in the process to ensure effective representation of African interests. Kasolo highlighted the challenges posed by fragmented trade policies and the necessity of unity among African nations to enhance their bargaining power. He pointed out specific barriers to trade, such as high visa costs and outdated health requirements, which obstruct movement and economic collaboration. Kasolo called for the establishment of a unified African market, proposing that a common currency could facilitate trade and reduce barriers, ultimately advocating for a more integrated approach to African economic development.

Tendai Carol Makoko again expressed her gratitude to the speakers for all the insights they shared and thanked the audience for their attendance and active participation before concluding the session.



## **Recommendations:**

1. Overcoming language barriers is crucial for effective regional integration, ensuring that legal professionals can communicate and participate across regions.
  2. Investing in training for legal professionals in negotiation techniques and global trade dynamics is essential to enhance their expertise in international trade negotiations and regional integration.
  3. Collaboration between lawyers' associations and national governments must be fostered to integrate legal perspectives into policy-making processes, ensuring inclusivity in regional and international economic discussions.
  4. Establishment of a unified legal framework within the regional community is vital for improving cross-border mobility and incorporating legal practices.
  5. Actively involving lawyers in drafting treaties and agreements is necessary, recognising their contributions to creating supportive business environments.
- Implementation of clear objectives, actionable plans, and progress reporting is necessary to demonstrate practical outcomes and advancements resulting from conference discussions.

# THE ROLE OF THE LEGAL PROFESSION IN FACILITATING READINESS ASPECT OF CLIMATE CHANGE RESPONSE IN SADC

Mr Lungisani Zulu welcomed the participants to the meeting, emphasizing that global climate change is one of the most pressing issues today. He urged a discussion on how lawyers can contribute to mitigating rising temperatures and increasing droughts that threaten human survival. Mr. Zulu posed the critical question of how legal professionals can help reduce emissions that exacerbate global warming, highlighting the responsibility and opportunity that this presents for the legal profession.



He further emphasized that addressing climate change is not only a responsibility but also an opportunity for lawyers to assess their own contributions and influence others in their professional networks. Zulu called on legal practitioners to leverage their positions to encourage businesses and governments to adopt more effective climate strategies. This issue, he argued, represents both a significant challenge and a business opportunity for lawyers.

Noting that substantial funds have been raised for climate initiatives, he pointed out that these resources are aimed at creating energy systems responsive to climate change. He encouraged lawyers to seek professional growth in this area, as it is receiving unprecedented attention and resources. The Co-Chairperson of the session, Mary Mwansa, a member of the Climate Change Task Force, was introduced, and she indicated that the discussion would focus on the role of the legal profession in enhancing readiness for climate

change responses within the SADC region.

Mr. Dad Chinthambi then commenced his presentation on the legal profession's role in climate change, particularly in the energy sector, which is both a major contributor to climate issues and severely affected by them. He underscored that the SADC community recognizes the rapid changes in climate, citing Zambia's power outages as a notable example. Chinthambi defined climate change as long-term alterations in weather patterns over at least 30 years and discussed various geographic factors that influence climate. He provided a clear definition of climate change adaptation in the SADC context, highlighting the scientific consensus on rising global temperatures. Furthermore, he discussed the concept of climate readiness, emphasizing the need for having policies, legal frameworks, and infrastructure in place to deal with climate impacts. Mr Chinthambi stressed that readiness involves both preparation and management of consequences, as well as the necessary behaviors and relationships to effectively tackle climate issues.



Addressing corporate responsibility, he noted that the traditional notion of corporate social responsibility has evolved into ESG (Environmental, Social, and Governance) compliance, which is essential for securing funding and ensuring a company's survival. He reiterated that lawyers are pivotal in fostering relationships and ensuring legal compliance regarding ESG standards, underscoring the shift from shareholder interests to ESG matters for business viability.

He also highlighted the importance of lawyers in developing new laws to support renewable energy initiatives and ensuring that legal frameworks promote energy efficiency. He emphasized the need for innovative legal solutions to facilitate clean technology projects, mentioning a battery energy storage initiative in Malawi that currently lacks regulatory guidance. He cautioned that the legal profession is lagging behind rapid technological advancements and must adapt accordingly.

Encouraging lawyers to participate in infrastructure development related to energy and transportation, he also urged involvement in advocating for the creation of carbon markets in Africa. He emphasized the need for lawyers to engage in climate negotiations, compliance efforts, and litigation opportunities, including public interest cases and pro bono services. Lastly, he discussed the importance of policy development and the advocacy role lawyers can play in setting emissions reduction targets and promoting stronger legal frameworks.

Following Mr. Chinthambi, Mehluli Batakathi presented on the intersection of human rights law and the climate emergency. He outlined the scope

of his presentation, which included exploring how human rights law responds to the climate crisis, analysing international law's role in advancing sustainable development goals, and discussing recent developments in climate litigation. Mr Batakathi introduced a conceptual framework that links human rights law with the climate emergency, characterized by rising temperatures and ecological degradation.

He explained that human rights law protects fundamental rights and freedoms vital to human dignity and highlighted how climate change affects various rights, including the right to life, food, health, and a clean environment. He underscored the emerging recognition of environmental rights within human rights discourse, citing a UN Human Rights Council resolution emphasizing the impact of environmental degradation on indigenous communities.

In conclusion, Mr Batakathi emphasized that states have a duty to mitigate climate change and protect their citizens' rights. He discussed various international treaties and agreements relevant to climate action and human rights and highlighted the challenges and opportunities in climate litigation. He urged lawyers to advocate for stronger legal frameworks, litigate climate and human rights cases, and support community-based initiatives.

These opening remarks set the stage for a vital dialogue on the role of the legal profession in addressing climate change and its intersection with human rights, underscoring the responsibility and opportunity that lie within this critical area.





## PHOTO GALLERY





# THE ROLE OF JUDGES, PROSECUTORS, AND LAWYERS IN ADVANCING REPRODUCTIVE JUSTICE IN SOUTHERN AFRICA

The discussion centred on the vital roles of judges, prosecutors, and lawyers in advancing reproductive justice in Southern Africa, highlighting the significance of these legal professionals in addressing reproductive health issues within the region. The session was chaired by Lilian Muzimo, The CEO of the Law Society of Botswana.

Judges were recognized for their critical role in interpreting and applying laws related to reproductive rights. Participants noted that judges often adjudicate cases challenging existing legal frameworks, providing a necessary check against injustices faced by individuals seeking reproductive health services. They emphasized that rulings in favor of bodily autonomy and informed consent can set important precedents that affirm the right to reproductive health.



Moreover, the discussion pointed out that judges have the potential to influence societal norms, particularly in Southern Africa, where traditional beliefs may conflict with modern human rights standards. By making rulings that favour reproductive justice, judges can create an environment where reproductive rights are acknowledged as fundamental human rights. It was suggested that judicial training on reproductive rights could enhance judges' understanding of the socio-cultural contexts surrounding these issues, leading to more informed and impactful decisions.

Prosecutors were highlighted for their significant power in shaping the landscape of reproductive justice through their discretion in prosecuting cases related to reproductive health. The discussion noted that in contexts where laws criminalize abortion or impose severe penalties,

prosecutors can opt for leniency or prioritize public health over punitive measures. Furthermore, participants emphasized the role of prosecutors in addressing violence against women, including reproductive coercion, thereby linking reproductive rights to broader issues of gender-based violence.



Participants also discussed how prosecutors can engage in public awareness campaigns, raising consciousness around reproductive justice issues within communities. Their outreach initiatives can help clarify legal processes and encourage individuals to seek help, fostering a culture of accountability regarding reproductive rights.



Lawyers were recognized as frontline defenders of reproductive justice, providing essential legal representation and advice to individuals seeking reproductive health services. The discussion highlighted that lawyers play a crucial role in challenging discriminatory laws and practices that hinder access to reproductive care. Through strategic litigation, they can address systemic barriers and advocate for changes that align with international human rights standards.

It was noted that many individuals in Southern Africa, particularly women, encounter significant obstacles in accessing reproductive health services due to socio-economic factors and stigma. Lawyers were described as vital in ensuring that individuals understand their rights and have the necessary resources to exercise them. This includes representing clients in cases of discrimination or malpractice related to reproductive health care.

Additionally, participants stressed the importance of lawyers in advocacy and policy

reform. By collaborating with civil society organizations, they can push for legislative changes that protect reproductive rights and integrate these issues into broader human rights frameworks.

Finally, lawyers were recognized for their role in public education about reproductive rights. Through workshops and information dissemination, they empower individuals with the knowledge needed to navigate legal challenges and advocate for their rights effectively.

In conclusion, the discussion underscored the interconnected roles of judges, prosecutors, and lawyers in advancing reproductive justice in Southern Africa. Collectively, these legal professionals can foster an environment where reproductive rights are upheld as fundamental human rights. Through collaboration, education, advocacy, and reform, they can significantly contribute to a more equitable society in the region.



# EMERGING TRENDS IN THE FIGHT AGAINST CORRUPTION - INNOVATING IN LAW

The session was chaired by Ms. Rumbidzai Matambo from Zimbabwe, who opened the discussion by introducing Advocate Sanan Mirzoyev, a practicing advocate in South Africa and a member of the Pan African Bar Association of South Africa (PABASA). Advocate Mirzoyev specializes in anti-corruption, public law, and human rights. Ms. Matambo noted that Advocate Mirzoyev would focus on the practical application and challenges in corruption cases, with a particular emphasis on the advantages of using beneficial ownership in data procurement.



Advocate Sanan Mirzoyev highlighted the difficulties in enforcing corruption laws,

particularly focusing on beneficial ownership transparency in procurement. He illustrated these challenges through a complex asset forfeiture case involving \$24 million in misappropriated funds. In this case, the intricate ownership structures used to siphon funds made investigations lengthy and complicated, requiring extensive forensic accounting.

Mirzoyev discussed South Africa's Prevention and Combating of Corrupt Activities Act (PCCA), which provides a legal framework for tackling corruption. However, he noted that proving how individuals benefit from corrupt activities is a significant challenge, especially when sophisticated concealment methods are employed. This emphasizes the need for innovative legal tools to enhance the effectiveness of corruption prosecutions.

He also addressed the necessity of international cooperation, particularly for cases where funds are moved across jurisdictions. Successful investigations depend on collaboration among law enforcement agencies globally, which often requires substantial resources and willingness from various jurisdictions.

Additionally, he introduced the new offense of failure to prevent corruption in South Africa's anti-corruption laws, highlighting concerns about its practical enforcement. Mirzoyev stressed the critical role of beneficial ownership transparency (BOT) in uncovering the true beneficiaries behind complex corporate structures. He shared insights from enhancing South Africa's central supply database, which aimed to identify conflicts of interest among public officials involved in state procurement.

Finally, he discussed the enactment of the General Laws Anti-Money Laundering and Combating Terrorism Financing Amendment Act, which requires companies to report their ownership transparently. This legislative change is designed to facilitate more effective prosecutions by providing law enforcement with clearer access to critical information.

## Chairperson's Remarks

Ms. Matambo opened by thanking Advocate Sanan Mirzoyev for his detailed insights into the challenges of investigating corruption, especially concerning the burden of proof, evidence gathering, and the complexities of tracing illicit funds. She emphasized the crucial role of beneficial ownership transparency in tackling these issues. Following this, she introduced the next speaker, Justice Richard J. Goldstone, a distinguished South African judge with extensive experience in international criminal law and anti-corruption efforts. Justice Goldstone would address the advocacy work surrounding the establishment of the International Anti-Corruption Court (IACC).

## Presentation by Justice Richard J. Goldstone

Justice Richard J. Goldstone began by expressing gratitude for the opportunity to speak. He emphasized the need to recognize grand corruption as a profound human rights concern, pointing out its severe implications, including human rights violations, exacerbated climate change, and a worsening global refugee crisis. He highlighted that in developing countries, the money lost to illicit financial flows exceeds foreign aid by over ten times. Quoting former United Nations High Commissioner for Human Rights, Navi Pillay, he noted that "corruption kills," emphasizing that the funds lost annually through corruption could feed the world's hungry eighty times over. Since 2013, these losses have only increased, further infringing on human rights. Goldstone also linked grand corruption to climate change, noting that kleptocrats profit from the illicit forestry trade, valued at over \$100 billion annually.



Many countries receiving significant climate-related aid are perceived as highly corrupt, raising concerns about the misappropriation of these funds intended for environmental initiatives. He argued that without effective deterrents against grand corruption, significant resources aimed at combating climate change risk being siphoned off by corrupt leaders.

Furthermore, he addressed the refugee crisis, explaining that many flee failed states governed by kleptocrats, such as Syria, Venezuela, and South Sudan. Thus, addressing the root causes of forced migration necessitates tackling grand corruption. He pointed out that grand corruption undermines sustainable development and exacerbates societal inequalities. The Pandora Papers, released by the International Consortium of Investigative Journalists (ICIJ), exposed how kleptocrats use international banking systems to conceal their ill-gotten gains, revealing the lavish lifestyles of over 330 politicians, including 35 current and former heads of state.

Justice Goldstone introduced the concept of the International Anti-Corruption Court (IACC), designed to hold kleptocrats accountable when national systems fail. While many countries have enacted anti-corruption laws as required by the United Nations Convention against Corruption (UNCAC), enforcement often falters in corrupt regimes where kleptocrats control investigatory and prosecutorial institutions.



He emphasized that kleptocrats will not allow honest investigations into their actions or those of their collaborators. The IACC is envisioned as a court of last resort, stepping in when national authorities cannot or will not prosecute grand corruption. It would have jurisdiction over crimes committed by nationals of member states and within their territories, relying on existing corruption-related laws recognized by the 185 states that have ratified UNCAC.

Goldstone acknowledged that kleptocrats may resist joining the IACC, yet they have vulnerabilities—such as laundered funds held in foreign countries. If nations housing these illicit assets were to join the IACC, the court could freeze and repatriate funds for humanitarian purposes, benefiting millions in need.

He also noted that the IACC could assist smaller states lacking the capacity to handle complex transnational cases by facilitating evidence gathering and providing legal assistance. This support could help build domestic prosecutions or address cases referred by willing states. In situations where local judicial systems are too corrupt or inadequate to handle complex cases, these states may refer their cases to the IACC. Justice Goldstone highlighted the efforts of Integrity Initiatives International (III), an NGO advocating for the IACC's establishment. The III has made significant progress in drafting a model treaty, learning from existing international criminal courts. This treaty aims to be completed by the end of the year and will undergo feedback from interested governments and civil society.

The campaign for the IACC has gained substantial support, with endorsements from over 300 prominent figures, including former leaders and Nobel laureates. Countries such as Colombia, the Netherlands, Canada, and Nigeria have expressed commitment to the initiative. In January, the European Parliament passed a resolution advocating for the court, and interest has also emerged from various regions, including significant support from African nations. Goldstone stressed the importance of securing backing from non-Western nations, especially in Africa, to ensure the IACC is not perceived as a Western institution. He concluded by urging the Southern African Development Community to support the IACC initiative, noting that the momentum generated suggests its establishment could happen sooner than anticipated. Goldstone expressed hope that the court would provide a meaningful check on corruption and thanked the audience for their attention.

### **Presentation by Dr. McDonald Lewanika**

Dr. McDonald Lewanika began his presentation by expressing gratitude for the opportunity to speak, noting his perspective as a political scientist rather than a legal expert. He emphasized the value of integrating different viewpoints into the discussion on combating corruption, particularly highlighting that innovation can extend beyond legal frameworks. He asserted that while legal frameworks are important, they are not the primary issue in addressing corruption. Many countries already have robust anti-corruption laws,

such as the SADC Protocol on Corruption and the UN Convention against Corruption (UNCAC). The real challenge lies in implementing these laws. He critiqued the tendency to shift blame within the legal system—prosecutors blaming investigators and courts blaming prosecutors—suggesting that weaknesses at various levels can undermine effective performance.

Dr. Lewanika emphasized that corruption cannot be addressed solely through legal means; societal norms, values, and the benefits derived from corruption also play crucial roles. He argued that lawyers and other leaders must address these broader issues by influencing societal attitudes and promoting ethical behavior. As revered figures, lawyers belong to a leadership class capable of persuading others. He proposed that lawyers take a leadership role in reshaping norms and values around corruption, emphasizing the need for a narrative that highlights the positive impacts of anti-corruption efforts. He discussed the importance of framing narratives around transparency, accountability, and anti-corruption. His project in Zimbabwe focuses on presenting these issues in ways that resonate with the public. Research across Africa indicates that the common approach of identifying, naming, shaming, and prosecuting corrupt individuals often fails to drive meaningful change. Instead, he suggested fostering "positive narrative building" to inspire individuals to embrace integrity.

Dr. Lewanika drew parallels between historical roles of educated classes in promoting social justice and reform, noting that lawyers have historically been instrumental in leading social change. He encouraged them to continue playing a critical role in strengthening institutions and reforming legislation. Moreover, he addressed the transnational nature of corruption and the limitations of local laws in addressing foreign entities involved in corrupt practices. He cited a recent example of a South African company engaged in illicit activities in Zimbabwe, underscoring the need for laws that address foreign companies involved in corruption.

Lastly, he emphasized the importance of beneficial ownership transparency and access to information laws in the fight against corruption. While South Africa has made strides in these areas, countries like Zimbabwe face significant challenges due to restricted access to information. Dr. Lewanika concluded by reiterating that combating corruption requires a broader perspective that includes enhancing access to information and implementing whistle-blowing protection mechanisms. He expressed gratitude to the audience for their attention.



## Recommendations

1. Call to enhance legal frameworks for Corruption cases:

- Strengthen laws and regulations to mandate the disclosure of beneficial ownership to improve the tracing of illicit funds.
- Ensure that both government and private entities are held accountable in corruption cases. Review and update local laws to enable effective prosecution of foreign companies involved in corruption.

2. Advocate for the creation of the International Anti-Corruption Court (IACC) to handle grand corruption cases that national courts are unable or unwilling to prosecute. Support efforts to draft and finalize the IACC treaty.

3. Enhance asset recovery mechanism for the return of stolen property to the public.

4. Strengthen enforcement of anti-corruption laws by ensure that existing anti-corruption laws are effectively implemented by improving capacity and reducing bureaucratic obstacles.

5. Promote International Cooperation by facilitating information sharing and collaboration between jurisdictions to address corruption cases that cross borders.

6. Leverage Digital Tools and use technology to enhance transparency in state procurement and public spending. Improve and operationalize central supply databases for better oversight.

7. Promoting Positive Narrative Building by fostering positive narratives that highlight the benefits of anti-corruption efforts and celebrate integrity. Use media and public communication strategies to reshape societal attitudes towards corruption.

8. Encourage lawyers and legal practitioners to take leadership roles in promoting ethical behaviour and societal change.

Encouraging Cultural and Societal Change and not treating corruption as a legal framework issue by advocating for a cultural shift towards patriotism and integrity. Encourage citizens to actively hold leaders accountable and foster a culture of accountability. Combing the legal frameworks with efforts to address broader societal norms and values that contribute to corruption



# INSTITUTIONALIZATION OF THE ROLE OF NON STATE ACTORS INTERFACE WITH THE SADC FOR PROMOTION OF REGIONAL INTEGRATION

The Chairperson opened the discussion by emphasizing the critical nature of the topic at hand, highlighting the perceived disconnect between state and non-state actors. This separation is often viewed as a barrier to collaboration, an issue the discussion aimed to address by exploring frameworks and opportunities for effective cooperation between the two. The Chairperson then introduced the speakers: Lieutenant General Sitali Dennis Alibuzwi, Commander of the Zambia Army; Dr. Adane Gebhremeskel from GIZ Botswana; and Mr. Stanley Nyamanhindi, CEO of SADC Lawyers Association (SADC-LA).



## **Lieutenant General Sitali Dennis Alibuzwi, Commander of the Zambia Army**

Lieutenant General Alibuzwi opened his remarks by expressing appreciation for the opportunity to address a distinguished audience from the SADC region. He emphasized the foundational authority of the defense forces, derived from the Zambian Constitution and the Defense Act. He likened the military's collaborative structure to the body of Christ, where the Army, Air Force, and Navy work cohesively toward national interests.

The Zambia Defence Force consists of three branches: the Zambia Army, the Zambia Air Force, and the Zambia National Service. The primary role of the Zambia Army is to preserve sovereignty and defend territorial integrity, while secondary roles include assisting during disasters and contributing to global peacekeeping. The Zambia Air Force is tasked with defending airspace, providing VVIP transportation, and engaging in humanitarian assistance. Meanwhile, the Zambia National Service focuses on training citizens and contributing to food security through agricultural production.

Lieutenant General Alibuzwi outlined the military's evolving roles in national development. These non-traditional roles include providing security and logistical support during elections, assisting in disaster relief efforts, and augmenting government initiatives in education and healthcare, particularly during crises like COVID-19. The military also engages in food security by participating in agricultural production, contributes to infrastructure development by constructing essential public facilities, and helps alleviate unemployment through skill training for youth. Additionally, the military takes an active role in environmental security by engaging in climate action initiatives.

He highlighted the international roles of the Zambia Defence Force, particularly its participation in peacekeeping missions and disaster assistance across the region. The emphasis on capacity building and collaboration among African nations was a key point in his remarks.

To improve the military's role in national development, he recommended several measures. First, security sector reforms should be balanced to maintain professionalism. Second, the military must remain non-partisan to focus on national defense and constitutional upholding. Third, he stressed the importance of equitable resource allocation between security and social projects, highlighting that a politicized security sector can lead to unprofessionalism and misallocation of funds, thereby hindering national development.

Lieutenant General Alibuzwi raised critical questions about the sustainability of funding the military versus addressing broader societal needs. He underscored the need to evaluate the military's role in both national development and security against these societal demands.

He also emphasized that the Defence Forces play a key role in regional integration through training exchanges and information sharing, as highlighted by President Hakainde Hichilema at the Africa Land Forces Summit. Enhanced collaboration among regional militaries is essential for achieving meaningful integration. In conclusion, he noted that as traditional military activities decline, African security forces have an opportunity to contribute to national development, emphasizing the need for adaptation to these new roles.

## **2. Dr. Adane Gebhremeskel (GIZ – Botswana)**

Dr. Adane expressed gratitude for the platform to discuss the development of the SADC Non-State Actors Mechanisms, highlighting his pleasure in meeting Lieutenant General Alibuzwi, who has experience in peacekeeping missions. He focused on the evolution of these mechanisms, the framework for their accreditation, and the significant role of civil society organizations, such as the SADC Lawyers Association (SADC-LA), in these processes.



He began by outlining the long journey, spanning over a decade, that civil society organizations undertook to establish the Non-State Actors Mechanism. Initially characterized by suspicion due to the political climate in Zimbabwe, civil society organizations often found themselves at odds with SADC member states. However, constructive engagement emerged, exemplified by memoranda of understanding signed with the SADC Secretariat by organizations like the SADC Council of NGOs and the Southern African Trade Union Coordination Council (SATUCC).

Despite these efforts, early engagements were often unsatisfactory. It wasn't until significant meetings, such as the 2008 Summit on Poverty and Sustainable Development in Mauritius, that calls for civil society involvement in SADC's policy processes gained traction. Subsequent meetings in Luanda and Maputo continued to emphasize the need for civil society participation in SADC's integration agendas.

In 2011, during a meeting in Luanda, the SADC Council made two significant decisions: to include key stakeholders in the SADC Integration Agendas through national committees and to facilitate regional consultations with these stakeholders. This paved the way for civil society's active participation in the review of the Strategic Indicative Plan for the Organ (SIPO) in 2012. The revised SIPO emphasized civil society's role in preventing and resolving conflicts, demonstrating a clear intention to include non-state actors in the policy process.

Meanwhile, civil society was proactive in advocating for a sustained format of engagement with SADC. The "SADC We Want" campaign, which included SADC-LA's participation, called for a policy framework to formalize civil society participation in SADC processes. The revised principles and guidelines governing democratic elections specifically include non-state actors in election observation missions, following extensive consultations and benchmarking studies.

Dr. Adane concluded by emphasizing the importance of ongoing engagement between SADC and non-state actors to ensure that regional integration remains people-centered. The goal is to foster collaboration between SADC and civil society to realize shared priorities, enhancing accountability and responsiveness in regional governance.



### **Dr. Adane Gebhremeskel's Presentation**

Dr. Adane Gebhremeskel from GIZ opened his remarks by expressing gratitude for the opportunity to discuss the development of the SADC Non-State Actors Mechanism. He reflected on the long journey civil society organizations, particularly the SADC Lawyers Association (SADC-LA), undertook to establish this mechanism. He emphasized that the relationship between SADC and civil society has historically been marked by suspicion, largely due to conflicting interests and political climates, particularly in Zimbabwe.

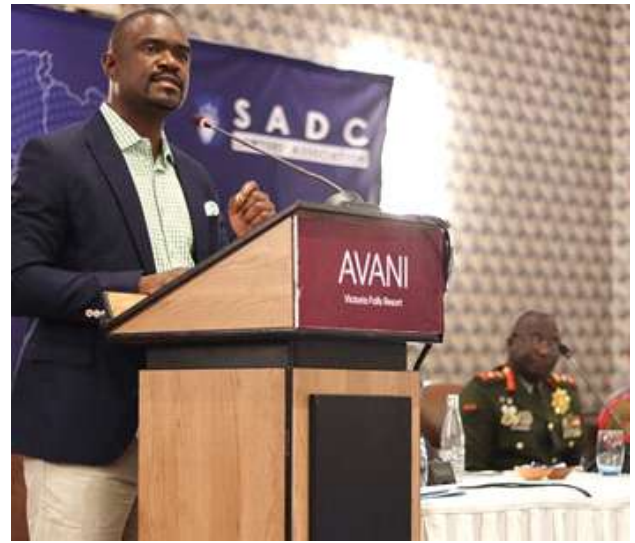


Dr. Adane outlined that accredited Non-State Actors (NSAs) must adhere to SADC's policies and guidelines, promoting SADC's interests and remaining accountable for their actions. He concluded by highlighting the potential for this policy development to transform SADC's relationship with civil society, creating a more inclusive regional integration process where citizens and their organizations can actively contribute to the common good. He expressed appreciation for reconnecting with colleagues and emphasized the professional and social value of these interactions.

### **Mr. Stanley Nyamanhindi's**

Mr. Stanley Nyamanhindi, the CEO of SADC-LA, followed Dr. Adane, expressing his gratitude to the previous speakers and the honor of having Lieutenant General Alibuzwi present. He emphasized the importance of extending interactions beyond the conference, encouraging participants to leverage the shared experiences for future benefit. Mr. Nyamanhindi focused on how existing structures and policies impact legal professionals, aiming to illustrate how these frameworks can aid in developing law firms and expanding their reach within the SADC region. He drew an analogy between the government as a client for law firms and SADC as a governing body with significant revenue potential. However, he noted a disconnect: SADC often seeks legal

services for infrastructure, investment, or decarbonization projects from external consultants rather than local firms.



To address this, he stressed the need for the legal profession to organize itself effectively and present a unified front to SADC. He noted that SADC-LA is currently drafting a framework for establishing SADC National Committees, which are crucial for setting the regional agenda. Law firms should actively engage with these committees to influence regional projects, as these committees require involvement from law societies across member states. Mr. Nyamanhindi highlighted the historical role of SADC-LA in drafting the framework for the SADC Non-State Actors Forum, which will facilitate interactions between SADC and non-state actors. He emphasized that this forum does not aim to operate independently but will work closely with the SADC Secretariat, presenting opportunities for legal expertise in various projects. He underscored the importance of accreditation for NSAs, which would enable participation in regional projects and access to institutional financing.

He also discussed SADC-LA's collaboration with the SADC Parliamentary Forum on model laws, such as those concerning gender-based violence and public finance management, noting that many audience members had participated as technical experts in these initiatives.

Addressing the current status of the SADC Tribunal, which is not fully constituted, Mr. Nyamanhindi urged legal professionals to advocate for its full realization, stressing that the Tribunal's incomplete status disrupts governance balance in the region. He highlighted the ongoing review of the Tribunal's constitution and expressed hope for an outcome that effectively promotes human rights and provides justice within the region.

In closing, he reaffirmed the importance of the normative framework guiding collaboration with SADC, referencing the SADC Treaty and the Regional Indicative Strategic Plan (RISDP). He emphasized that engaging with the legal profession is vital for SADC's integration efforts.



### **Opportunities and Engagements**

Mr Nyamanhindi pointed out various opportunities for legal professionals, including participation in electoral observer missions and SADC capacity-building initiatives. He encouraged attendees to remain engaged throughout the year, monitoring developments and sending their CVs to the SADC-LA to express their interests. This would help in capacity building and business development, fostering a mutual relationship between SADC-LA and its members.

The session concluded with a Q&A segment, followed by an awards ceremony where Lieutenant General Alibuzwi was recognized for his contributions. Both the SADC-LA President, Mr. Flavio Menete, and a representative from the Zambia Law Society expressed their gratitude, while the Lieutenant gifted tokens of appreciation in return. This underscored the commitment to fostering collaboration between state and non-state actors in the SADC region, highlighting the role of legal professionals in advancing regional integration and governance.

### **Recommendations**

1. Develop a framework that fosters regular dialogue and collaboration between state actors (e.g., defense forces) and non-state actors (e.g., NGOs, civil society) to address regional issues.
2. Expanding the Role of the Military in National Development by integrate military resources and expertise into national development plans, particularly in areas such as infrastructure development, environmental conservation, and food security. Encourage African security forces to redefine their roles post-liberation, focusing on national development, peacebuilding, and regional cooperation.
3. Security Sector Reforms and De-Politicization,

Implement balanced security sector reforms that enhance the professionalism of the defence forces while keeping them non-partisan.

4. Regional Integration through Military Collaboration, strengthen regional integration by enhancing military cooperation through reciprocal training exchange programs and improved information sharing across the SADC region.

5. Enhance the capacity of the military to participate in international peacekeeping missions and disaster assistance.

6. Finalize and operationalize the Non-State Actors Forum within SADC, ensuring its integration into the SADC institutional structure.

7. Encourage NSAs to pursue accreditation to engage in SADC processes effectively, with emphasis on their adherence to SADC policies, legal status, and thematic capacity.

8. Enhance non-state actor engagement in SADC Policy processes, Mandate that all member states actively involve in development and other key initiatives, ensuring their contributions are reflected in regional strategies.

9. Increase opportunities for civil society to participate in SADC's policy formulation and implementation, particularly through National SADC Committees.

10. Encourage legal professionals to actively engage with the SADC National Committees and SADC-LA to influence regional projects, especially those related to infrastructure, investment, and decarbonization.

11. Foster better relations between SADC, civil society, and military stakeholders through capacity-building initiatives, promoting peaceful conflict resolution and regional stability. Organize seminars and workshops involving civil, civilian, and military stakeholders as part of the revised Strategic Indicative Plan for the Organ (SIPO).

12. Organize seminars and workshops involving civil, civilian, and military stakeholders as part of the revised Strategic Indicative Plan for the Organ (SIPO).

13. Advocating for a Fully Constituted SADC Tribunal. Mobilize legal professionals and NSAs to advocate for the SADC Tribunal's operationalization, reinforcing the balance of governance and justice in the SADC region.

# FORGING CORPORATE PARTNERSHIPS IN PUBLIC DEBT MANAGEMENT

Chrispin Ngunde, The CEO of Malawi Law Society opened the session by introducing the speakers and outlining the discussion format. He explained that each speaker would deliver their remarks in sequence, which would be followed by a question-and-answer session.

Anthony Kasolo opened his remarks by referencing a profound statement made by Thomas Jefferson in 1816, where Jefferson warned against the dangers of excessive public debt. He stated that to maintain their independence, societies must choose between economy and liberty or be burdened by debt that forces them into servitude. Kasolo emphasized that Jefferson's warning resonates deeply in the context of contemporary Africa, where public debt has become a pressing concern. He drew a parallel between Jefferson's mention of basic sustenance—oatmeal and potatoes—

and the current situation in Africa, where many might refer to staples like groundnuts and cassava. He called for a critical examination of the key components necessary for a sound public debt management legal framework.



Kasolo articulated that many of the issues surrounding sovereign debt stem from weaknesses in existing legal frameworks. He specifically pointed to Zambia as a case study, where borrowing practices have been reckless, likening the government's approach to throwing confetti at a wedding. He noted the lack of stringent legal frameworks to curtail such unsustainable borrowing, highlighting that in Zambia, even state

enterprises could take on debt backed by sovereign guarantees, which places the burden on the government if they default. He also referenced Mozambique's ongoing legal troubles, where issues of opaque borrowing have led to complications involving both local and international law. Kasolo stressed the urgent need for clearly defined legal parameters regarding public debt to prevent such situations.

Moreover, he advocated for a legal mandate requiring governments to demonstrate their ability to repay debts before borrowing, citing Nigeria's Fiscal Responsibility Act as a successful model. This Act mandates that the government must justify its borrowing needs and demonstrate repayment capacity, a requirement that has reportedly influenced fiscal policies even in England. He noted that while governments in many African nations can easily pass supplementary budgets, Nigeria's more stringent borrowing requirements promote greater accountability.

Kasolo proposed the consolidation of various existing laws governing public debt into a single, comprehensive framework, which would streamline regulations and prevent arbitrary borrowing practices that could lead to economic crises. He expressed concern over the lack of legal constraints on government borrowing, citing examples of outgoing administrations in Zambia borrowing large sums from individuals, raising ethical and legal questions. He concluded by calling for a systematic approach to exclude unreliable jurisdictions from lending, emphasizing the importance of safeguarding Africa's financial sovereignty.

Following Kasolo, Oghor Okhai-Akhigbe focused on the African Legal Support Facility's (ALSF) role in implementing developmental frameworks for public debt management. He highlighted the facility's commitment to assisting African nations through strategic partnerships and capacity-building initiatives. Established in 2008 and operational since 2010, the ALSF was created to address challenges faced by heavily indebted nations, particularly those vulnerable to aggressive creditors. Okhai-Akhigbe emphasized that the ALSF collaborates with a variety of partners, including the African Development Bank, to enhance capacity and support effective public debt management.



He detailed the ALSF's holistic approach, which encompasses immediate financial pressures and long-term structural issues in debt management. By facilitating negotiations with creditors and providing advisory services, the ALSF aims to empower governments to achieve sustainable debt solutions. Okhai-Akhigbe underscored the importance of training government officials in managing public debt, sharing success stories such as Somalia's significant debt relief, which resulted in the cancellation of a large portion of its Paris Club debt.



The ALSF also produces knowledge products, including handbooks and online courses, aimed at equipping officials with best practices in debt management. Okhai-Akhigbe concluded by reiterating the critical need for collaboration among stakeholders to foster economic stability and sustainable growth in Africa.

Finally, Adda Angula discussed the Development Bank of Namibia's (DBN) distinct role in public debt management. He clarified that DBN is not a competitor to commercial banks but rather a partner in development, focusing on long-term financing for essential sectors like manufacturing, infrastructure, and energy. Angula described DBN's investment philosophy as providing "patient capital," prioritizing societal impact over immediate financial returns. He provided examples of successful projects funded by DBN, such as the refurbishment of the country's railways and the completion of a national fuel storage facility, emphasizing the importance of sustainable debt. Angula stressed that DBN's long loan terms and concessional interest rates help mitigate the risk of unsustainable debt accumulation. He highlighted the significance of collaboration with local authorities and private entities in financing infrastructure projects, illustrating the importance of development banks in managing national debt responsibly.

In conclusion, the discussions among Kasolo, Okhai-Akhigbe, and Angula underscored the urgent need for robust legal frameworks, strategic partnerships, and sustainable practices in public debt management across Africa. Their insights illuminated the complexities of sovereign finance and the necessity for collaboration among various stakeholders to achieve economic stability and growth.

### **Recommendations:**

1. **Legal Mandate for Borrowing:** Governments should be mandated to demonstrate their capacity to repay debt prior to borrowing. The borrowing parameters, including the necessary authority and legislative approval, must be clearly defined. Adoption of a statute akin to Nigeria's Fiscal Responsibility Act could be considered.

2. **Consolidation of Debt Management Laws:** Existing debt management laws should be consolidated into a single, comprehensive piece of legislation. This law should also delineate the permissible sources from which governments may borrow.

3. **Restrictions on Borrowing:** Borrowing from high-risk institutions should be subject to stringent restrictions to mitigate potential financial risks.

4. **Capacity Building:** There should be an emphasis on implementing training programs for lawyers and government officials involved in public debt management enhancing relevant skills in areas such as loan negotiation, evaluation, and interpretation.

5. **Transparency and Accountability:** Governments must ensure the public disclosure of debt information to foster transparency. Additionally, mechanisms should be established to hold governments accountable for the responsible management of public debt.

6. **Role of Local Law Firms:** Local law firms should be supported and actively involved in sovereign debt transactions. Additionally, there should be a concerted effort to promote regional collaboration among legal professionals to address capacity challenges. Collaboration between development banks, commercial banks, and government agencies should be encouraged to facilitate long-term socio-economic development. Partnerships with international organisations, such as the African Legal Support Facility (ALSF), are recommended to provide technical expertise and advisory services.

# CLOSING SESSION & ANNUAL REPORT

The SADC-LA CEO took over the podium to formally close the conference and present the annual report for the SADC Lawyers Association. The CEO emphasized the importance of keeping all members informed about the significant work accomplished by the association over the past year.

In his presentation, he highlighted key initiatives, projects, and partnerships that have advanced the goals of the SADC-LA. He underscored the collective efforts in addressing pressing legal issues and promoting collaboration across the region. The CEO then outlined several recommendations from the annual report, which included:

- **Safeguard the Rule of Law:** Champion human rights for all individuals, with a focus on people with disabilities, women, and children.
- **Collaborate with Global Organizations:** Work in tandem with groups like the Pan African Lawyers Union, Commonwealth Lawyers' Association, and the International Bar Association to further shared goals.
- **Ensure an Independent Legal Profession:** Provide the region's populace with access to a legal profession that is both independent and effective.
- **Strengthen Professional Connections:** Cultivate cooperation among legal practitioners to enhance their collective interests and maintain unity within the profession.
- **Uphold Professional Integrity:** Promote the dignity and ethics of the legal profession, ensuring consistent standards of professional conduct.
- **Enhance Legal Education Standards:** Foster improvements in legal education and facilitate the exchange of expertise through programs for attorneys and students.
- **Encourage Legal System Harmonization:** Advocate for the alignment of legal frameworks across the region.
- **Facilitate Information Sharing:** Improve the flow of professional information among Law Societies and Bar Associations regarding relevant developments in the legal field.
- **Conduct Regional Law Conferences:** Organize regular Regional Law Conferences open to all sectors of the legal community to encourage broad participation.
- **Address Requests for Support:** Respond to specific inquiries for information and assistance

from regional legal organizations as needed.

- **Assist Legal Entities:** Provide support to Law Societies, Bar Associations, and other entities focused on shared concerns.
- **Promote Human Rights and Equal Access:** Advance the interests of the legal profession and civil society to improve legal services and ensure equal access to justice for everyone.
- **Encourage Conflict Resolution:** Facilitate methods such as arbitration and alternative dispute resolution to address conflicts among nations, organizations, and individuals within the region.

## PRESIDENT VOTE OF THANKS & CLOSING REMARKS

In his closing remarks, the SADC-LA President expressed his profound gratitude to all honourable members present. He acknowledged the government of Zambia for its generous hospitality and unwavering support in hosting the conference. He also recognized the Law Association of Zambia for their diligent efforts in organizing the event, emphasizing the significance of their commitment to fostering collaboration within the legal community.

The President took a moment to extend his heartfelt appreciation to all partners and sponsors who contributed to the success of the conference, highlighting their essential role in facilitating meaningful discussions and networking opportunities. He thanked them for their commitment to the advancement of legal practices in the SADC region. Finally, he expressed his sincere gratitude to all participants for their active engagement throughout the sessions. Their contributions, insights, and enthusiasm were crucial in making the conference a valuable platform for addressing pressing issues and sharing best practices.

The President concluded by urging everyone to carry forward the knowledge and recommendations from the conference, emphasizing the collective responsibility to promote justice, inclusivity, and good governance in their respective jurisdictions. He wished all attendees safe travels home and looked forward to future collaborations.

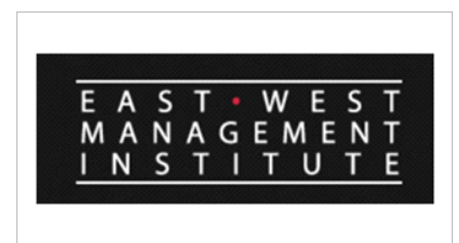
# PARTNERS AND SPONSORS

The Executive Committee & Council of the SADC-LA expressed profound gratitude to all sponsors and partners for their invaluable support that contributed to the event's success. They acknowledged the significant role each sponsor and partner played in facilitating a productive gathering and fostering meaningful discussions.

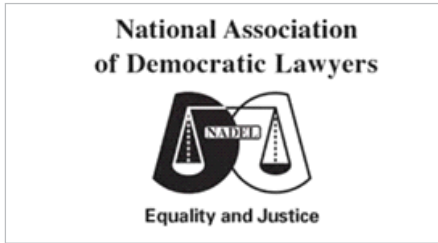
The committee recognized that the contributions and commitment of these stakeholders not only enhanced the quality of the sessions but also provided essential resources that empowered participants to engage deeply with the critical

issues addressed. As they reflected on the event's success, the organizing committee expressed optimism for future engagements and collaborations. They conveyed a strong belief that together, they could continue to drive positive change and tackle the pressing challenges facing the region.

In conclusion, they thanked all sponsors and partners once again for their support and looked forward to the opportunity to work together in the future to advance their shared vision.







<https://sadcla-agmc.africa/sponsors/>

# BOAT CRUISE GALLERY





# GALA DINNER GALLERY







